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HOUSE OF REPRESENTATIVES—Wednesday, March 7, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 7, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

PAIN AT THE PUMP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Mr. Speaker, we've all had to dig a little deeper in our pocketbooks when visiting the gas station lately. Gas has now reached \$4 a gallon in my district. Combined with the stubbornly high unemployment rate in Michigan, I know my constituents are hurting. However, the pain at the pump has sparked more conversations than ever about domestic energy development. Even the harshest of critics are starting to realize that American oil, American gas, and American coal are viable solutions to our energy crisis, with countless numbers of benefits.

The time is ripe for our country to embark on a new chapter in energy production, American energy, an overhaul of this, if you will. Right now we're faced with an abundance of expansion possibilities all there for the taking. New developments in science and technology make this possible. You've probably heard of at least a few terms like "fracking," "3D mapping," and "horizontal drilling." These new practices allow producers to easily extract natural gas, coal, and oil from the ground, all while doing it cheaper, safer, and with less disruption to the landscape above. So why has this administration, contrary to their rhetoric, chosen to obstruct progress, energy independence, and security for our Nation?

House Republicans remain committed to addressing this abundance of energy production and development. That's why we're trying to open up new areas for exploration and development. American energy production is good for the economy because it creates American jobs; it's good for the deficit because of new American royalties; and it's good for our manufacturing because it brings American energy costs down.

If President Obama had chosen to acknowledge this reality 3 years ago, we'd already be seeing more American jobs and cheaper energy. Instead, he has chosen to do little, sometimes even standing in the way of potential growth by letting Big Government be the arbiter of job creation. For proof, just look at the Solyndra fiasco, the rejected Keystone pipeline project, or mounting job-killing EPA regulations.

The private sector, not government, is and will always remain the real job creator for our country. If producers are given more liberty to pursue these techniques, it could put America in a position to become one of the largest energy producers in the world. And why not? We're America. And that would mean more money, more jobs, greater security, and you can bet, lower energy prices.

NATIONAL SCHOOL LUNCH WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, everywhere you go in America, education is a hot-button issue. Everyone has opinions about what should be emphasized, changed, adjusted, where we should spend more, where we should spend it differently. This is a reflection that Americans know what goes on in our schools is very important. That's where we're building America's future for our communities, our economy, for our families.

This deep commitment to our children should extend to one area in schools where we should be building a future that is focusing on the health of these children: physical fitness, their health habits, and importantly, their diet.

When it comes to the health of our children, our legacy is unfortunate. Too many come from families that are food insecure. One-half of American children will, at some point in their life, be on food stamps. Sixty-three percent of American teachers report that each month they buy food for children in their classroom. Over 20 percent of American households are just plain hungry.

Sadly, in my State, those percentages are even worse. Many children who aren't hungry per se, are hungry for the right foods. They consume far too many empty calories. Pizza, soda, and baked goods are the top three sources of calories for our children. Since 1980, childhood obesity has doubled, so that today one in three children is overweight or obese.

One of the most direct ways to attack the problem is in our schools, where over 31 million children receive over five billion meals every year for free and reduced lunches. Actually, they are not just fed lunches anymore. They are increasingly getting school breakfasts and now school dinners. For far too many low-income children, this is frankly the only place that they're going to get the food they need.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We have to attack this problem because food in school is too often high in starch and does not feature fresh fruits and vegetables. Indeed, 40 percent of American children do not get fresh fruits and vegetables every day in school.

Congress held up funding for the new nutritional guidelines. It's time for us to get our act together here in Congress. I would suggest that we might honor this National School Lunch Week and build upon the Hunger-Free Kids Act that we had last Congress. Don't we think we can do more than adding 6 cents per meal to the reimbursement rate? Can't we allocate more than \$40 million for mandatory farm-to-school funding to help promote the use of local fresh fruits and vegetables? Isn't it time to establish stronger national nutritional standards for all foods provided throughout the school day? Maybe even the House would reconsider and pass my amendment to declare that pizza is no longer a vegetable for school-lunch purposes.

We know what to do. I see it in my community in Abernathy School, as well as more than 40 other schools that are providing education and nutrition and gardening, as well as the math, reading, and science skills, that help kids grow, prepare, and learn to appreciate healthy food. This is healthy not just for the kids, but for the local economy; not only strengthening local farms and ranches, it creates more than 1½ other jobs off the farm. There are now over 9,000 school programs nationally that are dealing with providing this vital connection between food, nutrition, and how kids learn.

I think that it is time for us in Congress to stop being AWOL, to step forward, be more deeply involved, resist the special interests, and make kids' nutrition a priority.

I think our generation ought to be thinking about what we're feeding kids now, when you think about what kids might be feeding us later.

□ 1010

HONORING OUR TROOPS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, about 3 years ago I initiated a House resolution, and I was joined by many of my colleagues on the Democratic side as well as my friends on the Republican side. The resolution called on the Speaker of the House one time a month, at that time, Ms. PELOSI, that she would stand at the Speaker's stand and ask the Members of Congress to remember our troops in Afghanistan and Iraq. I want to give her credit and thanks that she did it for the whole time that she was Speaker of the House.

After my party, the Republican Party became the majority, I wrote Speaker BOEHNER and asked him if he would continue that moment of remembrance of all of our troops in Afghanistan and Iraq, their families, and those who gave their life and those who were wounded.

I regret that I must say the last time we did this was December 16 of 2011. I intend to prepare a letter to Mr. BOEHNER and ask him, himself, not one time do I remember, maybe one time that he was in the Speaker's chair and he said the words of I thank you, those who have served and those who have given so much.

I don't know if it is just because the war is not on the front page, but last week two Army captains from Fort Bragg, North Carolina, who were trying to train the Afghans, were shot point-blank in their forehead and killed. We have lost 40 Americans who have been in Afghanistan trying to train Afghans to be police and soldiers; 40 have been killed by the trainees. And when you factor in the coalition troops trying to train the Afghans, 70 have been killed, including the 40 Americans.

We need to continue this process of remembering those who have given so much to our country because too many times we get so wrapped up with major issues like the debt, the deficit and jobs, and so many important things, but there is nothing more important than those young men and women over there in Afghanistan who are giving their limbs and their life.

I went to Walter Reed about 3 weeks ago and saw three Marines from my district, Camp Lejeune Marine Base. All three have lost both legs.

So I hope when we get back from the next break next week, again I intend to hand deliver a letter to the Speaker of the House, as I did a year ago, and I want the Speaker, himself, to stand at the Speaker's stand and read the words thanking our men and women in uniform for their service to our Nation and remembering the families who have given a child dying for freedom. I intend to follow through on this, and I hope friends on both sides of the aisle will join me in asking the Speaker to continue this recognition of those who have given so much.

With that, I will ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform; God, in His loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate that we will do what is right in the eyes of God for His people here in the United States of America. I will ask God to please bless the President of the United States that he will do what is right in the eyes of God for God's people here in the United States. And three times I will ask, God,

please, God, please, God, please continue to bless America.

SUDAN PEACE, SECURITY AND ACCOUNTABILITY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, just yesterday the former top U.N. humanitarian official in Sudan, Mukesh Kapila, issued a warning to the world. He said that the Government of Sudan's military is carrying out crimes against humanity in the country's southern Nuba Mountains in the Sudanese state of South Kordofan. He said that these acts remind him of Darfur. Kapila said he saw military planes striking villagers, the destruction of food stocks, and literally a scorched-earth policy. He said the attacks reminded him of what he witnessed in Sudan's Darfur region in 2003 and 2004 when the predominantly Arab government in Khartoum targeted black tribes. Kapila served as the U.N.'s top humanitarian official in Sudan at the time. He said that the world must act now to prevent another Darfur-type situation in the Nuba Mountains.

The people of South Kordofan and Blue Nile, two states inside Sudan along its southern border, are facing a hunger crisis. They haven't been able to plant because the government of President Bashir is bombing them in their fields. Sudan has refused to let humanitarian aid into the region. The United States, the United Nations, and other governments have condemned these attacks against civilians.

My good friend and colleague, Congressman FRANK WOLF, traveled to this border region at the end of February. He interviewed refugees, recorded their stories of terror: bombing from the sky and soldiers burning villages and shooting defenseless civilians; mothers fleeing for their lives with their children, abandoning their homes. I urge my colleagues to go to the Web site of the Tom Lantos Human Rights Commission and watch the video he has posted there. That's at www.tlhr.house.gov.

We need to speak out, Mr. Speaker. We need to let our government and the world know that people care and that we demand protection for these people from Khartoum's murderous policies.

This is why I and my colleagues, Congressmen FRANK WOLF and MIKE CAPUANO, are introducing today the Sudan Peace, Security and Accountability Act. This bill calls for a comprehensive approach towards Sudan to address and end the massive human rights violations that are taking place across that country. No longer should we allow President Bashir to blackmail the international community by threatening humanitarian workers in Darfur

if the world tries to reach the desperate people in the Nuba Mountains with food and relief supplies.

We need a comprehensive strategy and comprehensive sanctions against Khartoum if the violations continue. We need to let other countries know that if they welcome and provide comfort to President Bashir and members of his government who have been indicted for crimes against humanity, including genocide, that they, too, will face sanctions.

We need to provide the Obama administration with all the tools and all the authority it needs to seek a comprehensive peace in Sudan, end human rights violations, and bring those guilty of crimes against humanity to justice.

For decades the powers that be in Khartoum have toyed with the international community, while its own people paid the price over and over again. It has to stop, Mr. Speaker. It simply has to stop.

Let me end, Mr. Speaker, with a few other remarks.

No one can come to the House floor today and speak about Sudan and protecting the people of Sudan from their murderous government without paying tribute to our dear colleague, Donald Payne.

Congressman Payne passed away yesterday from cancer. He would have been an original cosponsor of the bill I'm introducing today. No one fought harder for human rights in Sudan. He was among the very first to call attention to the genocide taking place in Darfur. He traveled there, often alone, with just one or two aides, to talk to refugees inside Darfur and in camps along the border and to stand witness to their suffering. He was tireless in his commitment to the people of Africa and their well-being.

We all looked to him for leadership, for advice, and for help. He extended this same commitment to the people of African descent in our own hemisphere. I personally know how much he did to promote the rights of Afro-Colombians and to protect their leaders and communities. We will miss him and we will miss his leadership.

Mr. Speaker, he believed that human rights ought to matter. And he believed, as we all should believe, that if the United States of America stands for anything, it ought to stand out loud and foursquare for human rights.

PROTECT TRICARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I'm extremely disappointed by the President's fiscal year 2013 budget proposal, which would dramatically increase health care costs for our Nation's vet-

erans and military personnel. While I applaud the Pentagon's willingness to make tough choices, these changes are simply unacceptable.

The President's plan would hike annual TRICARE premiums by up to 78 percent in the first year alone. Every 5 years, beneficiaries would face premium hikes ranging from 94 percent to 345 percent—345 percent, Mr. Speaker. This means that a retired Army soldier with a family could see his annual premiums jump from \$460 to \$2,048. This is disgraceful.

It's wrong to impose crippling rate increases on our Nation's heroes while leaving benefits for unionized civilian defense workers untouched. It is wrong to surreptitiously dismantle TRICARE in an effort to funnel beneficiaries into ObamaCare's subsidized health care exchanges. It is wrong, and it is shameful.

Mr. Speaker, I wear a pin every day that says I support veterans. Every American should be supporting veterans. It is the reason we are here and allowed to speak freely and the reason Americans are able to speak and go about their business every day doing what they do because of the sacrifices that have been made by those who have served.

In every generation, the men and women of America's Armed Forces have answered the call to service. They have sacrificed greatly, and they deserve better than this.

□ 1020

RUSH LIMBAUGH'S "APOLOGY"

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Here's how sorry Rush Limbaugh is for his attacks on a law school student who dared to give her opinion about access to contraception coverage. He's so sorry that a full transcript of his tirade, including the words he "apologized" for, was available yesterday under the heading "Most Popular" on the home page of his Web site.

He's so sorry that the verbatim document of his March 1 rant, in which he repeated his name-calling of Sandra Fluke and mocked Democrats for criticizing him, is right on his Web site today under the title "Left freaks out over Fluke remarks." Also on Limbaugh's "Most Popular" list today is "Democrats Are Desperate: Obama Calls Sandra Fluke, the 30-Year-Old Victim." I don't mean was on his Web site, before he decided to apologize; I mean it's there today. Just click on the link.

And this Monday, Limbaugh talked at length about the discoveries his staff had made about Ms. Fluke. Apparently, in Rush Limbaugh's world, part of apologizing is researching and criti-

cizing the person you're apologizing to. I want to give you a sample of Limbaugh and his crack research team's eye-opening discoveries:

Here's Limbaugh, verbatim, on March 5:

This woman, well, we've looked her up. I mean she's a full-fledged activist for women's causes. And she has been to Berkeley, she's traveled all over the place. Cornell, she graduated from the women's studies courses there. She's a full-fledged feminist activist.

America, I join you in being shocked at the discovery of these facts. Sandra Fluke has traveled all over the place. She's even taken women's studies courses at Cornell. Women's studies? No wonder she gives her opinion in public and thinks that women should have some say over their health and reproductive choices. I mean, what would you expect from somebody who went to Cornell?

There's more. You see, I did my own research, Limbaugh. It shows that Toni Morrison, Ruth Bader Ginsburg and Mae Jemison all went to Cornell, too. And what do these three troublemakers have in common? It's obvious. They're women, women who somewhere in their lives, most likely at Cornell, the same place that brainwashed Sandra Fluke, got the idea that they could accomplish anything they wanted to and speak about it in public and have their opinions respected.

Morrison—Nobel Prize. Ginsburg—the Supreme Court of the United States of America. Mae Jemison even got that great crazy idea she could be the first black woman in space. Shocking.

Mr. Speaker, here are the facts. A glance at Rush Limbaugh's Web site makes it obvious that he continues to spew nonsense and that he's not the least bit sorry for what he said. It makes plain that he deeply resents women who speak their mind. Those who do are "full-fledged feminist activists" who deserve only his scorn.

There are, however, some things to visit Mr. Limbaugh's Web site for. If you want a bumper sticker calling Obama, the President of the United States, a socialist, or a T-shirt promoting Rush Limbaugh for the Nobel Peace Prize, then his Web site is the place for you. But if you want a sincere apology from a man who is sorry that he called a decent young woman a "slut," you're looking in the wrong place.

Now, the truth is that what a radio talk show host thinks about Sandra Fluke really doesn't matter, except for one important point: the Republican Party respects and fears Rush Limbaugh. The three leading Republican contenders for President of the United States won't take him on. Three men who are so tough that they compete daily with each other to say the most disparaging things about President Barack Obama, three tough

talkers who promise to keep us safe from terrorists, these tough guys are struck speechless and cowardly by a man sitting behind a microphone in his mansion out in Palm Beach, Florida.

When a talk show host calls a decent American woman a slut and a prostitute, that's sad and wrong. But when Mitt Romney, the Republican Party's frontrunner for President, is asked about it and all he can say is "it's not the language I would have used," then it's a leadership crisis. I guess Mitt Romney would have said she was a "lady of the night." What he should have said was, "Rush Limbaugh, you're dead wrong. Stop it."

It's time for all Americans to say enough is enough. And it's time for anyone who wants to be a leader—even Republicans who are terrified of Rush Limbaugh—to stand up for treating every woman with decency and respect.

COMMEMORATING MR. LOUIS MICHOT, JR.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. LANDRY) for 5 minutes.

Mr. LANDRY. Mr. Speaker, it is with great sadness that I rise today as Louisiana mourns the loss of another member of the Greatest Generation. Yesterday evening, Mr. Louis Michot, Jr., passed away, and he passed away at the ripe old age of 89. As I visited with his son this morning on the telephone, he had a nice remark of saying, you know, my dad would constantly say that if he knew he was going to live that long, he would have taken better care of himself. Imagine that.

Mr. Michot was born in 1922 in south central Louisiana. At the age of 24, he bravely served our country during World War II in the Marine Corps. After serving his country, he came back and began living the American Dream. He became an entrepreneur. He started his own businesses. In 1958, he bought a restaurant franchise which he expanded all across south Louisiana. He ventured into other businesses, from cattle ranching to real estate to oil and gas.

Later, in 1960, Mr. Michot sought to serve his community and his State. He was elected to the State House of Representatives, where he served for 4 years before making a run for Governor. He reentered the political arena in 1968, when he won a seat on the Louisiana State Board of Education, and went on to serve the State as the State superintendent from 1972 to 1976.

Outside the political sphere, Mr. Michot was an admirable community leader, a faithful husband, a loyal friend, and a proud father of 10 beautiful children. He passed on his belief of civic responsibility and serving his community to his children; three of them served in public office, one continuing to serve as a district judge, an-

other as a State senator, and another on the parish council. He was a long-time member of the Lafayette Chamber of Commerce, and he received the esteemed Lafayette Civic Cup for his many community service efforts in 1994.

As Mr. Michot is laid to rest, it is my hope that we reflect upon his life and learn from the shining examples of selfless service and civic duty that he set forth. Though I'm sure he will be missed by many, I'm confident that his legacy of hard work and determination will live on for many generations through his children and their children.

RECOGNIZING THE COURAGE OF CONGRESSMAN JOHN LEWIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BARROW) for 5 minutes.

Mr. BARROW. Mr. Speaker, I rise today on the 47th anniversary of Bloody Sunday to recognize the courage of our colleague, Congressman JOHN LEWIS, and the many forgotten heroes of the civil rights movement.

Nearly 50 years ago in Selma, Alabama, some 600 demonstrators marched for equal voting rights for African Americans. They got only as far as the Edmund Pettus Bridge, where State and local lawmen attacked them with clubs and tear gas and drove them back into Selma. Journalists captured the brutality of these attacks, sparking the public outrage that eventually led to the passage of the Voting Rights Act of 1965.

This Sunday, Congressman LEWIS returned to that very bridge that changed history. Again, he was met by a large group of police—but this time they served as his congressional escort.

Mr. Speaker, we've come a long way in the last 50 years, but we still have a long way to go in order to ensure equality and justice for all, and I ask that my colleagues join with me in that work.

□ 1030

JOBS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CANSECO) for 5 minutes.

Mr. CANSECO. Mr. Speaker, when it comes to our economy, one thing is abundantly clear: President Obama's policies have failed.

We are experiencing the worst stretch of unemployment since the Great Depression, despite a trillion-dollar stimulus plan that the Obama administration said would hold unemployment below 8 percent and despite record low interest rates.

The unemployment rate has remained above 8 percent for 36 straight months, and the Congressional Budget

Office estimates that the jobless rate will remain above 8 percent through 2014. Almost 13 million Americans are out of work, and the share of unemployed people looking for work for more than 6 months, or the long-term unemployment, topped 40 percent in December 2009 for the first time since 1948 and has remained above that level ever since.

Because his policies have failed, President Obama has turned to the politics of envy and division. The only solutions he can come up with involve more spending, more taxes, and more government. These are the policies that failed in the first place.

House Republicans have a plan for America's job creators. It's time for the President and Democrats in the Senate to stop blocking our jobs bills.

This week, the House will consider the JOBS Act, a legislative package designed to jump-start our economy and restore opportunities for America's primary job creators. These are our small businesses, the start-ups, and the entrepreneurs.

In his State of the Union Address, President Obama asked Congress to send him a bill that helps small businesses and entrepreneurs succeed, and the JOBS Act does exactly that.

CUTS TO AIR NATIONAL GUARD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Vermont (Mr. WELCH) for 5 minutes.

Mr. WELCH. Mr. Speaker, I rise today to discuss the proposed fiscal year 2013 cuts to the Air National Guard.

Let me preface my remarks by acknowledging that this country does have a serious debt problem that requires that everybody tighten their belt. It requires, in my view, that we have more revenues so that we can have a sustainable budget where everybody does their share, from taxpayers to every Department in the government. The Air Force has to be included.

But under the Budget Control Act, the proposal that the Air Force has made to address the cuts that would be required there is to single out and focus its knife on the Air National Guard. Now, that would affect 5,100 guardsmen who would lose their position. It would also demobilize scores of aircraft.

Now, as I mentioned, the Air Guard is not by any means entitled to be exempt from the challenge of coming in compliance with the Budget Control Act. Here's the issue: when any Agency—whether it's the Air Force, the Army, whether it is the Department of Education—makes its recommendations to comply with the Budget Control Act, it should be doing so on the basis of what makes most sense to strengthen that Agency, not to weaken it.

The studies that have been done with respect to the Air Force demonstrate that the Air Guard is extraordinarily cost effective. The Air Guard is getting the job done for less money than any other part of that Guard. Obviously, the full Air Force is extremely important. But why in the world would you focus on the Guard when the Guard is doing the job in a highly professional and successful way—widely acknowledged by all studies that have been done—and is doing it for less money?

So, number one, when studies have shown that guardsmen and reservists cost far less than Active Duty members and you're trying to meet budget constraints, don't demobilize the efficient and effective.

Number two, as our force shrinks as a whole, the Air Guard is key to the military term called "reversibility," that is, they can serve as a critical operational and strategic reserve should a larger force be needed in the future to meet unforeseen circumstances. That is an essential requirement of military readiness.

Third, the Air Guard can deliver—the Air Guard has delivered. Their record in Afghanistan and Iraq has proven that the force can mobilize quickly and accomplish the mission with great professionalism.

Mr. Speaker, I don't doubt that these are very difficult and challenging choices for the Air Force command to make, and cutting the defense budget always involves very difficult choices. But these cuts that focus as significantly as they do on the Air Guard, which has proven to be efficient and effective, in my view are unwise.

I look forward to working with the House Armed Services Committee and the Defense Appropriations Subcommittee to address my concerns.

JOBS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. HUIZENGA) for 5 minutes.

Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate the opportunity to address the House and to address the Nation today.

As a small business owner, I know the importance of fostering and creating an environment that promotes job creation, economic security and opportunity, and allows especially small businesses to grow.

I also know that Americans and Michiganders and those in the Second District in my home State of Michigan and across the country are looking for real solutions that will grow jobs now. That's why I support the JOBS Act. It will jump-start our economy and restore opportunities for America's primary job creators: our small businesses, start-ups, and entrepreneurs.

Now, I've been around long enough in my first year here, Mr. Speaker, to un-

fortunately see that sometimes you have to repackage ideas and put a different colored bow on it for people to accept it because what we're going to be passing has been passed. I sit on the Financial Services Committee. We've passed a number of these bills—and all of these bills, I believe. That's part of the America's Job Creators Plan that the House Republicans have put forward. But what we're doing today is we are going to be putting this JOBS Act; it's compromised of six bills that have been approved by the committee. Very quickly, those six bills are:

One, Reopening the American Capital Markets to Emerging Growth Companies Act. What that's going to do is it's going to allow temporary relief from some of the onerous SEC, or Securities and Exchange Commission, regulations that are on those small businesses.

Number two, the Access to Capital for Job Creators Act is going to allow small companies to raise capital by, again, removing some of those regulatory bans that are in there and that say that a small business can't use advertisements to go try to get and attract investors. Well, in an age of Internet and those kinds of things, that has a huge impact. It also brings along a concept that's been out there called crowdfunding.

That's the third bill, Entrepreneur Access to Credit Act. It is also going to ease the requirements that allow things like crowdfunding, people being able to go and spread this out on Facebook and Twitter and Internet and to their friends, to pull in those small-dollar investors that are going to be able to give them the capital that they need to launch that innovative idea.

Well, the fourth is the Small Company Capital Formation Act. It allows small businesses to go public by elevating the threshold that companies are exempt from \$5 million to \$50 million. That is going to be able to really, truly impact those small entrepreneurs and small business owners who are looking to take their business to the next step.

The fifth one is the Private Company Flexibility and Growth Act. That's expected to give small companies more room to grow before having to go public. Currently, there's a regulation that says you can have no more than 500 investors in your small company. This doubles that. This says you can have up to 1,000. We believe that that is also going to be able to allow those small businesses who are in transition, who are in that acquisition mode, who are in that growth mode, to be able to go up there and be successful.

Finally, number six, the Capital Expansion Act would increase the number of shareholders allowed to invest in a community bank from 500 to 2,000. Why would we include this part? Well, community banks really are the backbone of many of those small investors.

They're the ones that they go to church with and shop at the grocery store with. They know their businesses. They may know that it's been a long-term relationship with that local community bank. By being able to expand the footprint of those community banks, we're going to be able to expand their lending power as well to those small businesses.

Well, it's interesting that here we actually have a bipartisan package of bills. This isn't just something that's the Republicans' ideas. In fact, in the Financial Services Committee, we had this as bipartisan votes. And really, it truly is going to help create a healthier environment for small businesses to hire and expand.

□ 1040

In fact, President Obama's administration released what's called a Statement of Administration Policy yesterday supporting this very act. We welcome his support and recognition of this bill's innovative solutions to ensure that small businesses can access capital needed to expand, hire, and invest. And again, that's because you, the American people, we here in the House of Representatives are looking for those real honest solutions.

Well, it's far time that we get government out of the way of small businesses as well, the engine of our economy. We need to focus on the real economy, and our priority has to be that focus.

According to the Kauffman Foundation, start-up companies created nearly 40 million jobs, 40 million jobs since 1980, and the Small Business Administration shows small businesses generate over 60 percent of all the new jobs created here in the U.S. Sixty percent of all those jobs that we are hoping to have in this country are created by these small businesses.

In fact, even the World Bank has a report. It's called "Doing Business," and it showed that the United States has fallen to 13th for the "ease of starting a business."

So with that, Mr. Speaker, I appreciate this as a key to lasting, honest economic recovery. And we need—America needs—these real jobs, real solutions, and real results right now.

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise again this morning to highlight the epidemic of rape and sexual assault in the military. I'm here to decry a code of dishonor that protects rapists and punishes victims. I'm here to call out an entrenched chain of command that squashes reports of sexual assault because they bring unwanted attention to the unit.

I stand here today, as I have 15 previous times, to tell the story of a U.S. servicemember who was raped by a fellow servicemember and then robbed of justice by an unfair system that puts too much power in the hands of a single commander.

The current system of injustice is shamefully unfair. The story I'm about to tell is of Airman First Class Jessica Nicole Hines of the United States Air Force, whose attempt for justice was snatched away by a single commander who was only on the job for 4 days and reversed a decision to move forward with a court-martial.

The Department of Defense estimates that more than 19,000 servicemembers were raped or sexually assaulted in 2010, yet only 13 percent of them actually reported the rape; and of those 13 percent, only 8 percent of the perpetrators were prosecuted and an even smaller number were convicted.

Airman First Class Jessica Nicole Hines, a former member of the Air Force, was raped in 2009 by a coworker who broke into her room through the bathroom at approximately 3:00 a.m. She sought medical care and bravely reported the rape. Friends of the rapist began harassing her, but Airman Hines was not intimidated. She rightly pursued the matter through the military's justice system, and the rapist was scheduled to stand trial in his court-martial.

But the airman who raped Airman Hines was never prosecuted. His new commander intervened and halted the court-martial. The new commander had only been on the job for 4 days and had no legal training, but still he dismissed the prosecution and the man who raped Airman Hines never was brought to justice. Only 4 days on the job, and the new commander intervened in the judicial proceedings.

So what happened next? Well, the rapist was given the award for Airman of the Quarter, and Airman Hines, who was then transferred to another base, now suffers from severe panic attacks and anxiety.

Who can blame a victim for not wanting to report a rape or other humiliating assault? The current process for adjudicating sexual assault and rape in the military is shockingly unjust and is more likely to punish a victim than a perpetrator.

Airman Hines was the victim of a violent crime. In response, she did everything right. But one commander's decision stood in the way of a fair proceeding against the perpetrator.

In the current military chain of command, commanders can issue virtually any punishment or, in this case, the rapist was not punished at all because the command has complete authority and discretion over how a degrading and violent assault under their command is handled.

Command discretion empowers the commander to decide if a case goes for-

ward to court-martial. The same commander is empowered to determine which JAG officer will serve as prosecutor, which will serve as defense counsel, who oversees the investigation, and even serve as convening authority and, in nonjudicial cases, determine disciplinary action. All these functions are given to the discretion of one person. Simply put, command discretion sets up a dynamic fraught with conflict of interest and potential abuse of power.

This chain of command must be disrupted. We can no longer accept that victims of rape and abuse are beholden to the judgment of a single superior. Instead, victims should have the benefit of impartiality by objective experts, which is what my bill, H.R. 3435, the STOP Act does.

The STOP Act would take the prosecution, reporting, oversight, investigation, and victim care of sexual assaults out of the hands of the normal chain of command and place the jurisdiction in the hands of an impartial office staffed by experts, both military and civilian, but retain it in the military.

Now you've heard the story of Airman Hines. I will continue to tell stories like hers until this broken system is fixed. I promise to continue to speak out for those who have been victims of sexual assault or rape in the military.

I urge you to write me at stopmilitaryrape@mail.house.gov.

NOMINATIONS FOR THE UNITED STATES SERVICE ACADEMIES FROM PENNSYLVANIA'S SEVENTH DISTRICT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MEEHAN) for 5 minutes.

Mr. MEEHAN. Mr. Speaker, let me take a moment to associate myself with the remarks of the gentlelady from California and commend her for her efforts in this point to identify the steps that can be taken to alleviate the issue of unaddressed rapes in the military. As a former prosecutor, I commend that effort and urge my colleagues, in a bipartisan fashion, to pay attention to this issue and hope that we might be able to find common ground to alleviate this injustice.

Mr. Speaker, I rise today to honor 36 remarkable young people in my own district. The following students from Pennsylvania's Seventh Congressional District will receive my nomination for the United States Service Academies.

Nominated to the United States Military are: Domenic Luciani from Monsignor Bonner High School, Nicholas Gustaitis from B. Reed Henderson High School, Andrew Helbling from La Salle College High School, Evan Harkins from West Chester Bayard Rustin High School, Kunal Jha from Delaware

County Christian High School, Daniel McCormick from The Episcopal Academy, Ryan Fulmer from Devon Preparatory School, Dean Feinman from Haverford High School, and Isacc Wagner graduating from the Pennsylvania Homeschoolers Accreditation Agency.

Nominated to the United States Naval Academy are: Maxwell Wiechec from West Chester East High School, Sean Ridinger from Marple Newtown High School, Timothy Bell from Archbishop John Carroll High School, Micheal Cerrato from Methacton Senior High School, Fletcher Criswell from Spring-Ford Senior High School, Micheal Dartnell from Monsignor Bonner High School, Thomas Dolan from Ridley High School, Andrew Driban from Garnet Valley High School, Peter Guo from Conestoga High School, Joseph Horn from Roman Catholic High School, William Kacergis from The Episcopal Academy, Alexander La Bruno from St. Joseph's Preparatory School, Brian Landi from Marple Newtown High School, Luke Lawrence from West Chester East High School, Michael McKernan from Penncrest High School, Eric Milkowski from Monsignor Bonner High School, Jackson Pierucci from Malvern Preparatory School, Thomas Shiiba from Strath Haven High School, Joseph Sincavage from St. Joseph's Preparatory School, and Eric Csop from Strath Haven High School has been nominated to both the Naval Academy and the Air Force Academy.

Nominated to the United States Air Force Academy are: Caitlin Sullivan from Radnor Senior High School, Rebecca Bates from Villa Maria Academy, Kevin Brewer from Monsignor Bonner High School, Meghan Callahan from Cardinal O'Hara High School, and Kyle Schwirian from Spring-Ford High School.

And lastly, to the United States Merchant Marine Academy are: Kelly Choi from Garnet Valley High School and Peter Heinbockel from Strath Haven High School.

Mr. Speaker, it's my privilege to nominate these fine young men and women to our United States Service Academies, some of the finest institutions in the world. These exceptional students have demonstrated themselves to be the best of the best. I invite the people of southeastern Pennsylvania to join me in honoring them for their willingness to serve our country, and I wish each and every one of them all of the best in their bright futures ahead.

□ 1050

WE NEED A GREATER COMMITMENT TO PEACE AND SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today marks exactly 125 months to the day that we've been at war with Afghanistan. That's 125 months that we have been sending brave young men and women to be maimed and killed in a conflict that is not advancing our values but actually degrading them.

I've never believed more fervently that this war is a national security disaster, as well as a national tragedy and a moral catastrophe.

What we need, Mr. Speaker, is a greater commitment to peace and security. What we need is a more generous humanitarian spirit. What we need is diplomacy and international dialogue, cooperation, and conflict resolution. What we need is to cherish human life and human dignity here in the United States and on every corner of the globe.

Yesterday, we lost one of this body's fierce champions for these values, our colleague, Donald Payne. He was a peacemaker, a man of conscience, an ambassador of decency and compassion. He would not tolerate genocide and despair. He didn't turn a blind eye to human suffering, and he didn't care if it was happening in Newark or Nigeria. He went to some of the most dangerous places on Earth to make lives and conditions better. He was a voice for the otherwise voiceless. He used his power to advocate for people who were otherwise powerless.

In the mid-nineties, I observed Representative Payne at a hearing with the Bush State Department. He was arguing, he was pleading with the State Department to designate the Darfur genocide. He actually had tears in his eyes and tears in his voice, and this is a man known for being very mild mannered.

His compelling arguments and his compassion and passion actually made it possible to convince the world to condemn the Sudan/Darfur government's role in planning and executing the militia's campaign to kill. His leadership had an indelible impact on African nations.

Congressman Payne shared my belief that the wars we've been fighting for the last decade are dreadful mistakes. He was one of those who stood with us in 2005, when the war in Iraq was still popular, to say no, this is wrong, we have to bring our troops home. But he also understood that it wasn't just about ending war, Mr. Speaker. It was about also leaving something else behind: hope, opportunity, democracy, and human rights.

He knew that the key to ending violence, terrorism, and instability was to build up human capital, to fight hunger and disease, to defend and advance women's rights, to build strong schools, and provide decent health care worldwide.

We've lost Donald Payne. But in his honor, let's not lose sight of the ideals

he made his life's work. Let's not lose sight of the goals he fought for so tenaciously.

Because of Donald Payne's example, I will fight forever for peace and for stability worldwide, and believe me, the beginning of this effort will be to bring our troops home from Afghanistan.

VOICE OF TEXAS—BILL BAGI: CROSBY, TEXAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, like many Members of Congress, I receive thousands of emails from my neighbors each month about the issues that are important to them. Since I work for them and I'm their advocate, it is important that I bring their words directly to the House floor and let other Members hear what I call the pulse of Texans.

Bill Bagi, from Crosby, Texas, recently wrote me about the deteriorating condition of our southern border with Mexico. Here's what he has to say:

I own and operate a heavy, specialized trucking company and transport specialized freight around the USA and Canada. One-fourth of my freight ends up in the south Texas towns of McAllen, Pharr, and Brownsville, and other towns.

Over the last 10 years, I have watched the border in south Texas deteriorate with not only undocumented crossing, but much worse—the cartels. I know from many of my business customers along the U.S. border that this cartel issue is becoming a very serious issue. Many speak of a blood bath to come on the Rio Grande River.

I urge you to ask the Congress and our President to not stop the deployment of people on the southern border, but to increase them tenfold to protect our U.S. citizens living in America.

This is much more serious than the media and the government want to admit.

Does the U.S. government want a blood bath to take place before they protect our U.S. southern home front? We must stop the infusion of these cartels at the Rio Grande, or they will infest the whole United States, as the Chicago cartel did back in the mob days.

Families are not arming themselves for fun in south Texas. They are preparing for the worst to come. Many believe the U.S. government will not be there when the time comes and we need them. If we don't stop them in south Texas, than Houston and Dallas will be infested with cartel influence.

I have great concerns that they are already operating in the Highlands/Baytown area of southeast Texas.

Thanks for your past support and future drive to protect U.S. citizens.

Mr. Speaker, Mr. Bagi tells us that he's scared to even go to the south Texas border region. He is a businessman, and he sees firsthand, as the citizens who live on the border do, the problem with the drug cartels.

He is not alone. Mexico is quickly becoming, in my opinion, a failed state. Texas towns are in danger because the Federal Government just does not ade-

quately defend the homeland. Bureaucrats in Washington should listen to the people who actually live and work on the southern border.

Unlike what our government wants us to believe, the drug cartels do not stop at the Mexican-Texas border. Even just last week, our border patrol came under gunfire on the border in Texas from the Mexican side of the border. Mr. Speaker, we send troops to foreign nations to protect their borders. Why don't we protect our own?

Local sheriffs and the border patrol do the best they can with what they have, but it's just not enough. It's really past time for the Federal Government to step up and make Mr. Bagi and all Americans feel safe again. After all, the Constitution actually requires the Federal Government to protect the homeland.

And that's just the way it is.

WHERE ARE THE JOBS?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, this week is yet another week in which the House of Representatives has done virtually nothing. We heard my colleagues say they're repackaging some bills, putting a new bow around it, and they're going to pass it out of here. It's a press release for the week that they go home.

After 14 months of running the House, Republicans haven't passed a real jobs bill. I'll give a great example.

Economists and business people know that the biggest growth markets for American companies are exports. When we support U.S. exports, we are supporting American economics. But to support, we need the Export-Import Bank.

The Ex-Im Bank is a wonder. It provides extremely low-risk loans for businesses for exports, small business, medium-size, and big. The U.S. Export-Import Bank does not cost the American taxpayers one penny. It actually makes money, and it helps American businesses and workers sell hundreds of billions of dollars of American goods.

In short, the Ex-Im Bank does just what we need to be doing: compete in the world economy with every tool we have.

Study after study, year after year says that American export efforts need a huge overhaul.

The President is doing all he can. He stood in this well and talked about it and has put forward proposals. But with simple legislation like the extension of the Export-Import Bank, we could do very much more. The Export-Import Bank is the center of our export strategy.

□ 1100

Now, how does it work?

General Electric was recently bidding on a \$500 million rail project to supply 150 diesel-electric locomotives to Pakistan. Pakistani officials told GE they preferred the GE locomotives and were willing to pay a premium for their high quality and dependability.

There was a complication in that the bid from the Chinese locomotive manufacturer included a financing package with longer terms and drastically reduced fees that GE could not match on its own with private sector financing. The Export-Import Bank stepped in with a financing package that matched the Chinese financing package and enabled Pakistan to make its decision on a true apples-to-apples comparison of American and Chinese goods.

We can win that one. We can win it always when we have a level playing field. That's what the Export-Import Bank does. It helps us compete.

It's not just big businesses—GE, Boeing. It is also that every office in the Congress receives a letter once a month from the Export-Import Bank, telling us of the companies that got that service in our districts. Nucor Steel, Brooks Rand Labs, NOVA Fisheries, American Wine Trade, Coastal Environmental Systems, International Lubricants, which are all in my district, receive the support of the Export-Import Bank. Without it, they could not have done business on their own.

Now, in the past year, not only have we supported \$34 billion worth of exports and 227,000 jobs in 3,300 companies in this country, but the U.S. Treasury has gotten back \$3.4 billion in fees from the loans they make.

So where are we?

Fifty countries in the world do this. China is using every tool available to it, including this one; but the House Republicans sit over there with their heads stuck in the sand, and we're about a month away from it expiring. We should increase the amount of money we allow the Export-Import Bank to use. Remember, the Export-Import Bank makes money on extremely low-risk loans to support tens of thousands of jobs in the United States. Why aren't we working on this kind of jobs legislation? Well, it's because the President asked for it. They are so determined, Mr. Speaker, to prevent the President from being re-elected that they won't do what's good for American business and what's good for American workers.

This is not partisan. These small companies are all over our districts. They want to make loans. They want to make sales overseas. They need the help of this bank, and the Republican leadership sits—I don't know where they are. They're somewhere in a dark room. Somebody should turn on the light and tell them there is some stuff to be done and to get out here and pass a real bill, not this jobs cockamamie

thing we're going to do in a few days about repackaging stuff we've already passed.

WOMEN'S ACCESS TO HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. This is a month that we note as celebrating women and women's history as a major component of the wonderful history of the greatest Nation in the world. How proud we are of a Nation that supports people's rights no matter your walk of life or religious background or ethnic background; and how proud we are now in 2012 to note that there are men and women on the front lines, on the battlefields defending America's freedom.

So I rise today to continue my advocacy for women's rights. I note that I have been a proponent of women's rights from the earliest part of my career as a lawyer, as a civic participant, as a civilian in my hometown of Houston, as a mother, certainly as a wife, and as a public servant now as a Member of the United States Congress.

I am delighted to acknowledge the Congressional Women's Caucus and to note that the mission of the Women's Caucus is to improve the lives of women and their families. Since 1977, the caucus has focused on issues that are pertinent to women—from fair credit to child support, equitable pay, retirement income, preventing domestic violence at home and internationally, and of course preventing sexual assault.

So I rise today with a degree of consternation and a resounding stand against the siege and onslaught of women's access to health care. Let me be very clear: women's access to health care is not a battle about a woman's choice or the utilization of contraceptives or family planning. It is, simply, women's access to health care. The issue of birth control is an issue of women's health care. Let me give you a recent study's commentary by the National Women's Law Center:

It found that 25-year-old women have been charged up to 84 percent more than their male contemporaries for individual health plans that specifically exclude maternity coverage. Let me be very clear: 84 percent higher than a male's plan to allow a woman to have access to health care. Therein lies the purpose of the Affordable Care Act—not individual mandates but to be able to even the playing field for women's health care. Therefore, let me indicate that using or not using birth control or family planning is an individual matter, but you cannot obtain those without a prescription. It should be a decision between a woman, her conscience, her doctor, and certainly her faith. So I wish to address the recent tenor of the debate on birth control.

A young law student, Sandra Fluke, came before this body, before the Members of Congress, and testified regarding coverage for family planning and contraceptives. She was then publicly derailed as being a slut and a prostitute. I would hope the days of derogatory terms to silence women's opinions are over forever, particularly when they speak about truth. She recounted the story of a young friend who lost an ovary.

Let me repeat: she, Ms. Fluke, recounted a story of a young friend who lost an ovary due to polycystic ovarian fibroids, which can be managed by contraceptives through prescription. Unfortunately, that young woman could not afford contraceptives and had to endure terrible pain. As a result of asking for help to address female law students' health concerns, Ms. Fluke, in coming to this body as an American citizen, as is her right to petition and speak to the Members of Congress, was called a slut and a prostitute by an entertainment talk-show host.

Calling women these sorts of names is no more than vile, underhanded and a way of defeating one's right to speak. I don't deny the right of entertainers and talk-show entertainers and flamboyant conversationalists to speak all day, but there has to be a defining moment of dignity and respect to anyone's disagreement. So I hope more and more advertisers will recognize that a woman's power is greater than the individual entertainer's power. Drop off of that show. Drop off one by one, day by day. Leave them to the old-fashioned medicine of the 1800s—the pills that will cure all. Let the old doc medicine be their advertisers. That's about the level that they should be at.

Women's health is so very important; and at some point, reproductive health is very much a part of it. Polycystic ovarian syndrome is helped by contraceptives. Mr. Speaker, all of these—endometriosis, the lack of menstrual periods, menstrual cramps, premenstrual syndrome—are helped by treatment and access to women's health.

Let me finally say in conclusion that when you cut Medicaid, you cut poor women's access to health care. I will stand and fight for women's access to health care and their own decisions because it is part of the American way. So let us stand together, united as a Nation, being fair and open to all opinions, but never denying a woman, along with every other American, access to health care.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 9 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

Lord, You have promised to be with all people wherever they are, whatever their need. We reach out in prayer for the homeless, the poor, those anxious about the future, those who are ill, or those to whom freedom has been denied.

Bless the Members of this people's House. Inspire them as representatives of the American people to labor for justice and righteousness in our Nation and our world, mindful of Your concern for those most in need.

For all the riches of our human experience, O Lord, we give You thanks. Make us aware of our responsibilities as stewards of Your divine gifts and empower us with Your grace to faithfully and earnestly use our talents in ways that bring understanding to our communities and our Nation and peace to every soul.

May all we do be done for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. THOMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. THOMPSON of Pennsylvania led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1886. An act to prevent trafficking in counterfeit drugs.

The message also announced, that pursuant to the provisions of S. Con. Res. 35 (One Hundred Twelfth Congress), the Chair, on behalf of the Vice

President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies:

The Senator from Nevada (Mr. REID); The Senator from New York (Mr. SCHUMER); and

The Senator from Tennessee (Mr. ALEXANDER).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

PORTS CAUCUS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, last week, Congresswoman JANICE HAHN (CA) and I hosted the inaugural event for the bipartisan congressional PORTS Caucus.

The PORTS Caucus currently includes a bipartisan group of 42 Members of Congress, representing 19 States and two territories.

I represent several ports in southeast Texas, and I am pleased that our Nation's ports now have a voice in Congress. Ms. HAHN represents ports on the west coast.

Ports are critical to our national security and our economic security. They are America's link to the rest of the world, whether it's the food we eat, the car we drive, the light bulb we use in our homes, or the clothes we wear. Every American household is impacted by some activity at our ports.

The PORTS Caucus will raise awareness and educate others about the major issues important to American ports.

I look forward to working with Congresswoman HAHN, and I want to thank her for thinking of this idea; I look forward to working with other Members of Congress to ensure economic growth in America.

And that's just the way it is.

GIRL SCOUTS OF RHODE ISLAND

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to honor Girl Scouts of Rhode Island, a program that strives to help young girls become model citizens.

In honor of the 100th anniversary of the Girl Scouts of America, as well as National Women's History Month, I'm pleased to recognize the contributions that the Girl Scouts have made in Rhode Island where it has reached 9,400 girls through its 770 troops in the past year.

More than just going door to door selling Thin Mints and Tagalongs to their friends and neighbors, the Girl

Scouts of Rhode Island provide young women and girls across our State with the opportunity to take part in a group that builds girls of honor, confidence, courage, and character who make the world a better place and giving them a foundation for success later in life.

The Girl Scouts of Rhode Island should take great pride in the work they do every day.

I congratulate the Girl Scouts of Rhode Island on their incredible work.

CBO PROJECTS HIGH UNEMPLOYMENT UNTIL 2014

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last month the Congressional Budget Office released a report which stated that our Nation's unemployment rate is not expected to dip below 8 percent until 2014, which reveals the President's policies have failed and destroyed jobs. America is experiencing the longest stretch of high unemployment since the Great Depression. The study also concluded that if every American searching for employment were counted, sadly our unemployment rate would be around 15 percent.

When the President lobbied for his economic plan, he promised that our unemployment rate would not exceed 8 percent. Instead, February marks the 36th month where the unemployment rate has been above 8 percent. This is a tragedy for American families.

House Republicans are focused on putting American families back to work. I urge the President and the liberal-controlled Senate to take immediate action of the dozens of job-creation bills that have passed the House with bipartisan support.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

TEXAS INDEPENDENCE DAY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, last Friday, March 2, 2012, marked Texas Independence Day.

It was 176 years ago that the Texas Declaration of Independence was ratified by the convention of 1836 at Washington-on-the-Brazos, Texas.

A military dictatorship took over Mexico, abolishing the Mexican Constitution. The dictatorship refused to provide trial by jury, freedom of religion, public education for its citizens, and allowed the confiscation of firearms. The last one being the most intolerable, particularly among Texans.

Failure to provide these basic rights violated the sacred contract between a

government and its people. Texas did what we still do today, stood up for our rights. In response, the Mexican Army marched to Texas, waging a war on the land and the people, enforcing the decrees of the military dictatorship through brute force and without any democratic legitimacy.

As future Texas President and Governor Sam Houston, along with other delegates, signed the Texas Declaration of Independence, General Santa Anna's army besieged the independence forces at the Alamo in San Antonio.

Yesterday, March 6, 176 years ago, 4 days after the signing, the Alamo fell with Lieutenant Colonel William Barrett Travis, former Tennessee Congressman David Crockett, and approximately 200 other Texas defenders.

In a dramatic turnaround, Texans achieved their independence several weeks later on April 21, 1836. Roughly 900 members of the Texas Army overpowered a larger Mexican force. I'm proud to represent the San Jacinto Battlefield and State Park.

God bless Texas and God bless America.

THE JOBS ACT

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, today we're considering a bipartisan legislative package called the JOBS Act, Jumpstart Our Business Startups. This is what our constituents want us to do, and they want to see us get it done.

The JOBS Act is a legislative package designed to move our economy and restore opportunities for America's primary job creators, our small businesses, start-ups, and entrepreneurs. These measures create capital formation, will spur the growth of start-ups and small businesses, and pave the way for more small-scale businesses to go public and create more jobs.

As I said, this has broad bipartisan support. Of the six bills, only 32 Members voted "no" on all six of these bills as they moved through the House and the committee.

In his State of the Union, the President asked us to send him a bill that helps small businesses and entrepreneurs, and that's exactly what the JOBS Act does. We're presented with an opportunity to act in a truly bipartisan fashion that will promote job growth across our Nation. So we should join together, I believe, as Republicans and Democrats, House and Senate, to give the President the piece of legislation so he can sign it into law.

CASSIUS S. WILLIAMS

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Today, I rise to congratulate Cassius S. Williams, a dear friend, who is the recipient of North Carolina State University's Watauga Medal Award.

Each year, NC State honors alumni for outstanding contributions to the university by bestowing on them the Watauga Medal Award.

Recipients of this historic award understand the enormous value of education, and their commitment to that idea has generated immeasurable prosperity for communities across America.

Watauga Medal Award recipients are candles in the dark, men and women of great purpose who have injected their talents into the lifeblood of North Carolina State University.

Mr. Speaker, this week Cassius S. Williams of Greenville, North Carolina, joined the ranks of great servants as its newest honoree. Without a doubt, his work will continue to foster a better education for our children that will create a brighter future for North Carolina.

The House of Representatives appreciates Cassius Williams.

□ 1210

MORE IMPORTANT THAN EVER TO STAND BY ISRAEL

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, yesterday I had the opportunity to meet with many of my constituents who were here to advocate for continued support for Israel. I had the opportunity to listen to Prime Minister Netanyahu's remarks on the importance of the American-Israeli alliance and friendship. I'm here to tell them today that I could not agree more, and that at no time has the bond between our countries been more important.

In an increasingly uncertain and unstable region in the world, Israel has proven time and again to be a steadfast friend. In a region governed at best by fledgling democracies with uncertain futures and at worst by brutal authoritarian dictatorships, Israel is a champion of democracy and freedom.

But today Israel is surrounded by increasingly unstable neighbors. Just over the horizon, they're faced with an Iranian regime that threatens them with annihilation.

In these circumstances, we must do what is right and stand with our friends and allies, the Israeli people. I've been proud to do so in this Chamber, and I will continue to do so in the weeks and months ahead.

CREATE JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, 56 percent of Americans think that creating new jobs should be Congress' number 1 priority, but since taking control of the House, the Republicans have yet to pass one single jobs bill.

Republicans have been more interested in obstructing than finding solutions. They said "no" to the American Jobs Act. Then they introduced a transportation bill that would cut 550,000 jobs. Now with gas prices on the rise, they refuse to roll up their sleeves and get to work.

We should be voting today on legislation to cut billions in tax breaks for big oil companies, crack down on speculators who are inflating prices at the pump, and invest in new sources such as solar energy and new energy. But instead, we have more of the same partisan gridlock from the Party of No.

Our constituents deserve more. America deserves more. Let's get to work now. Lower the gas prices and create jobs.

HIGH ENERGY PRICES

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, today I rise to call attention to the millions of families and small business owners across America who are feeling the impact of high energy prices.

According to AAA, the national average of a gallon of gasoline currently stands at \$3.77, with no sign of relief in the near future. Couple this with higher utility rates, and Americans are struggling under the weight of ever-increasing energy costs. Yet Washington continues to attempt to pile more regulations and higher taxes on energy producers in this country.

Let's be clear: higher energy taxes, more utility mandates, and bigger regulatory burdens drive up the cost of energy production. Washington will not lower energy costs for Americans by placing further roadblocks in the way of energy production in this country.

As workers sit idly waiting to construct the Keystone pipeline and utility and energy producers work to remove government burdens and barriers, the American people are losing. It's time we get the Federal Government out of the way and work together towards bipartisan solutions that get America producing domestic sources of energy in all forms.

Let's lower energy costs for all Americans, and let's get our economy growing again.

GAS PRICES

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, have you been to the gas station recently and been

shocked? Gas is above \$4 a gallon, in many parts of the country, and climbing. That's 29 cents more than only a month ago. Families everywhere are feeling the pinch.

But why?

It doesn't make sense. Supply is up. We've quadrupled U.S. drilling rigs over the past 3 years. Oil production is at its highest in a decade. Last year, the import of oil fell to its lowest level in 16 years.

The answer is Wall Street speculators who buy oil and hoard it. They take it off the market and lower supply until the price goes way up. Then they sell it and make a killing off the American people. That's not fair.

We can't drill our way out of this problem. We must end Wall Street speculation, end subsidies for the oil companies, and end the political rhetoric. Let's have real solutions to the problems.

AFTER-BIRTH ABORTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on February 23, the Journal of Medical Ethics published an article, entitled, "After-birth abortion: why should the baby live?"

The authors argue that an infant child can be killed since they do not have the same moral status as a "person." They go even further to say that adoption is not always in the best interest of an unwanted child.

The furor over this article has been immense. Unfortunately, the editors defend publishing this article on the basis that there should be reasoned engagement on the subject.

This article may have the form of scholarly argument, but its substance is madness. The authors maintain that a baby can only be granted personhood through the recognition of other human beings. They fundamentally reject something that we all hold dear: that all men are endowed by their Creator with the right to life.

A healthy amount of anger over this article is not only natural but also right. It is shocking and sad to see such destructive arguments given credence in a premier medical journal.

WHERE ARE THE JOBS?

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, this is supposed to be the people's House, but for 428 days of Republican leadership, the American people have been stuck on the outside looking in. House Tea Party Republicans have locked millions of Americans out of

this economy and thrown away the key.

Republicans have gambled on tax cuts for millionaires, oil companies, and special interests and fought to lay off droves of teachers, cops, and firefighters, all in an effort to see President Obama and our recovery fail.

Now, after 2 years of private sector job growth under President Obama, Republicans claim that they now have a jobs plan. Well, I'm going to tell you, rooting against the President, hoping that he will fail, is not a jobs plan. That's called sabotage.

Republicans have defaulted on their promises to the American people that they would work to create jobs. Instead, they have started a war against women's health.

How much longer will Americans with no jobs, no hope, and no money have to wait before the Republicans pass a jobs bill?

THE BENEFITS OF CONTRACEPTION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, at a speak-out on women's right to birth control, I solicited comments from the huge audience that attended, and here are a few.

Reverend Luke Pepper writes:

As a Christian and as a minister, I believe that it is important and necessary that we promote the quality of health care and livelihood of the families in this country. Providing access and availability of quality contraception to women is the right and moral thing to do.

A young anonymous woman wrote:

I'm a virgin. I take birth control because I have polycystic ovary syndrome, and it will reduce my risk of uterine cancer.

Diane writes:

My oldest son is on the autism spectrum. Nearly 6 years after he was born, my husband and I judged our family ready to support and nurture a second child. If, through the lack of access to birth control, we had been forced to risk an unplanned pregnancy before we were ready, we would not have had the resources—financial or emotional—to give our older son the care and support he needed that enabled him to become the fine young man he is. Nor would we have been able to devote full care and attention to his beloved young brother.

TRIBUTE TO JAN DOMENE

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to pay tribute to a true champion for education, Jan Harp Domene, who passed away this past Monday.

Jan was a fervent advocate for children. She was serving our community

for more than 35 years with the Parent Teacher Association, and she eventually became the head of the PTA in 2007, the National PTA.

During her time with the PTA, Jan facilitated collaborative partnerships with many education, health, safety, and child advocacy groups to benefit children and provide valuable resources to PTA members. As President, she raised the level of parent involvement nationwide by increasing PTA membership and also by accessing very diverse communities.

Jan Harp Domene was the product of public schools in Orange County, and she knew firsthand the intricate needs of our community and children. After serving as the national president of the PTA, she returned to Anaheim and became a trustee on our Anaheim Union High School board.

She was a role model. She actually was a family friend. I remember, as a young child, my mother would get calls from Jan if I was out of line.

Both locally and nationally, we are better off because of Jan, and I am honored, and I hope that my colleagues will honor her, also.

□ 1220

THE ROAD TO ECONOMIC PROSPERITY AND ENERGY INDEPENDENCE

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, we need a multiyear, adequately funded transportation authorization before it expires at the end of this month.

There is no question but gas prices are too high, but when the speculation subsides and when the world's oil price starts to decline, the price at the pump won't go down proportionately because it will be seized by the big oil companies as an opportunity to further pad their profits. That's when we need to implement a substantially but gradually funded Federal gas tax. That's what we need to fund our Nation's infrastructure that has deteriorated for the last 20 years while the gas tax has not been increased.

That's what we need to do, Mr. Speaker, because the fact is that the big oil companies have been taking us for a ride on a pothole-filled highway. It's time to get into an energy-efficient vehicle and on the road to economic prosperity and energy independence.

SUPPORT THE DISCLOSE ACT

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. I would like to thank my colleague, Congressman TED POE, for giving a shout-out to the PORTS Caucus, showing this country that we can

work together on issues that matter to the people of America.

Mr. Speaker, yesterday was Super Tuesday, but this year's campaign has been anything but super. Thanks to the Supreme Court's misguided decision in the Citizens United case, a handful of Super PACs, funded by billionaires and special interest groups, have dominated this year's elections. But it doesn't have to be this way. Four years ago, the Republican nominee for President, JOHN MCCAIN, was a leading voice in reforming how we pay for campaigns. In this body, Republican Chris Shays fought to clean up elections.

That's why I've come to the floor today, to ask my Republican friends to join with me and with people like JOHN MCCAIN and Chris Shays in supporting the DISCLOSE Act, a law that would shine a very bright light on these Super PACs. This law would let us know who is paying for these ads, and it would require these invisible power brokers to appear in their ads just like the candidates do. If we came together to change this, it really would be super.

NATIONAL TEACH AG DAY

(Mr. CHANDLER asked and was given permission to address the House for 1 minute.)

Mr. CHANDLER. I rise today to honor the third annual celebration of National Teach Ag Day, on March 15, which is a day designed to raise awareness of the need for more agriculture teachers. It encourages people to consider a career as an agriculture teacher, and it celebrates the positive contributions these teachers make in their schools and communities.

Every day, agriculture teachers help students develop the skills necessary to become leaders and contributing members of society. These educators teach by doing, not just by telling. And by sharing their passion with young people, they prepare students for successful careers, whether they choose to go into the field of agriculture or not. There are currently over 10,000 agriculture teachers serving almost 1 million students in all 50 States and in Puerto Rico, but it is estimated that there will be hundreds of unfilled positions across the United States this year.

National Teach Ag Day is a nationwide effort to bring attention to the need for more agriculture educators in the U.S. and to raise awareness of the valuable role these teachers fill in our schools and communities.

GAS PRICES

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Alabama. I want to talk today about gas prices.

I represent a poor, rural congressional district where, unlike in the big cities, you have to have an automobile to get around. In the 10 years I've been in Congress, I have not had any issue that has upset my constituents more, including the wars, than the gas prices we had 3 years ago. Yet here we are back in the same situation, with the prices of \$105 for a barrel and \$3.75 for a gallon of gas, and nothing has been done over the last 3 years by this administration to deal with this issue. More recently, the Keystone pipeline, which would have helped bring a lot more oil into the marketplace by bringing it down from Canada to our refineries on the coast, has been denied by the President.

He needs to be doing some things to help us. He says that people say, Drill, drill, drill, and that that won't solve our problem. Well, the fact is it might have if we'd started 3 years ago when we had the last burst of high gas prices. He's right, it won't help deal with the current problem, but this is going to continue to be a perpetual problem if he doesn't make some changes. He needs to authorize the drilling in the Outer Continental Shelf and in ANWR, and he needs to pass the Keystone pipeline.

GAS PRICES ARE RISING

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Gas prices are rising. We'll see an average, some predict, of \$5 per gallon by this summer. Some places are already there.

Voices are rising, asking us, What are we doing to bring gas prices down?

Mr. Speaker, we can agree that we must go beyond short-term fixes and that we must cure ourselves of this Nation's petroleum addiction. Yes, it is an addiction.

Our constituents are asking, What's causing it? What's causing these gas prices?

We know, when Iran threatens to close the Strait of Hormuz, prices soar. This is because one-fifth of the world's oil supply goes through those straits.

Mr. Speaker, America's vision of our energy future must go beyond the next gas pump. We must look at the fundamentals of a new policy. Yes, diplomacy is part of that, but more importantly, it's us. We must join hands to self-sufficiency and truly be committed to renewable resources. The President proudly pointed out to the marines and Navy in the State of the Union: 50 percent sustainability. Let's adopt that policy.

WE MUST PUT FREEDOM AND HUMAN RIGHTS FIRST

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to speak on an international issue that merits our attention here in Congress. This month, hundreds of thousands of concerned citizens, 140,000 and counting, have signed a petition to the White House. The petition calls on the administration to stop expanding trade with Vietnam at the expense of human rights.

I know it's hard for all of us here in this Chamber to imagine, but in Vietnam, the mere act of composing songs can be sufficient grounds for the Communist government to put someone in jail. In fact, that's exactly what happened to Viet Khang, a Vietnamese citizen who was arrested and who is currently being detained for merely composing and singing two protest songs about his own country. This arrest and many others in recent years are issues that have to be at the forefront of our trade negotiations with the Vietnamese Government.

I urge my colleagues to join me in urging the President to put freedom and human rights first.

COMMENDING PRESIDENT BARACK OBAMA'S COMMITMENT TO AMERICAN ENERGY

(Mr. FALCOMA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALCOMA. Mr. Speaker, President Obama recently announced \$30 million in new funding as part of his energy research strategy to reduce our reliance on foreign oil and to provide Americans with new choices for vehicles that do not rely on gasoline. This crucial investment in advanced energy research will promote American innovation to diversify our Nation's energy resources and create new jobs.

Under President Obama's leadership, America is now producing more oil than at any time in the last 8 years, and our dependence on foreign oil is at a 16-year low. Over the last 3 years, the Obama administration has approved dozens of new pipelines and has opened millions of acres for oil and gas exploration. The Obama administration has also implemented the toughest fuel economy standards in history, which will cut oil consumption by 12 billion barrels and save American families \$1.7 trillion over the next 10 years.

Mr. Speaker, I commend President Obama for taking these important steps to promote and to enhance our Nation's energy needs.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 3606, JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112-17 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, today I rise in support of this rule and obviously the underlying bill. House Resolution 572 provides a structured rule for H.R. 3606, that Jumpstart Our Business Startups, or what we also call the JOBS Act. The bill was introduced on December 8, 2011, by my friend, a bright young man who is one of the brand-new leaders of our conference, a freshman, the gentleman from Tennessee, STEPHEN FINCHER, and was ordered reported by Chairman BACHUS and the Committee on Financial Services on February 16, 2012, by a near-unanimous vote of 54-1.

Members on both sides of the aisle have had an opportunity and will have opportunities to submit perfecting ideas. Thank goodness the Rules Committee allows this sort of thing to happen now that Republicans are in charge. The structured rule before us allows for 17 amendments, Mr. Speaker: 13 from Democrats, 3 from Republicans, and one which is a bipartisan amendment, meaning that Republican and Democrat Members of this House have a chance to work together on legislation for jobs for our country.

The chairman of the Rules Committee, DAVID DREIER, has once again allowed the House to work its will through this important legislation by allowing us to have a rule not only where Members of Congress can come and share their ideas with the Rules Committee but, once again, have them made in order so they can come down on the floor, express their ideas, work with colleagues to perfect the legislation and then to vote for the bill, because they were a part of it. Those are ideas that I think are good for this body. DAVID DREIER, as chairman of the committee, deeply believes this is the way the floor should operate.

Today, we're going to consider a package of commonsense job-creating bills that stand out for a unique reason, and that unique reason is the President of the United States now supports what we're doing, also. Unfortunately, Senate Democrats have yet to give their blessing on this bill and the package that's included. So we're just going to have to do the best we can and then hope for the best. Maybe the Senate will decide they want to take action on bills that will not only better enable our country to have jobs and job creation, but also a chance to work for the best interests of the American people.

House Republicans are on the floor again today, as we have been doing now for a year and a few months, to persistently make the case about job creation, why jobs are important to our country, why the Congress should be all about trying to work with the free enterprise system, work with Members of Congress who see the big need for jobs, not only at home, but all across

this country in every single State so that we can have job creation as a major goal of what this Congress and hopefully the President would be for. Over 30 bills that we've already passed through this body over the last year and a couple months await consideration by Senate Democrats. That means that this body, just like the bills we are going to handle today, we have been on the floor for a year talking about jobs, job creation, the way we can aid and abet the free enterprise system, investors, and opportunities back home. Those bills are waiting over in the Senate, and today we're simply going to add to that.

The big difference is the President has now said, You guys have got a good idea. The day the President agrees with House Republicans and House Democrats is a great day for our country. So, the good news out of Washington today is STEPHEN FINCHER had a good idea the President agrees with, and we're going to do something about that.

Our economy has a credit problem, too, Mr. Speaker, not just a jobs problem. Companies are unable to receive the credit they need to grow their businesses, and as banks and other traditional credit providers face stricter Federal restrictions by the Obama administration, it decreases the ability for lending to take place, and companies that need lending and cash and capital available to them are looking for innovative funding mechanisms that will provide the liquidity necessary so they can keep their businesses current, so they can expand their business, so they can meet the needs of the marketplace. This administration continues to promote policies that slow economic growth and make it more difficult for businesses and, in particular, small business, to obtain capital and have a source of funding. Republicans believe that we must create an environment that changes that, that encourages investment in small business. Small business, as we know, is really the engine of our economy and really the national job creator. The underlying bill does just that.

The JOBS Act consists of numerous pro-growth provisions, and I would like to talk about those because it's important for us to remind our colleagues that a pro-growth bill or a pro-growth environment that our free enterprise system would be involved in encourages not just the creation of capital, but also the ability of that formation of capital to make jobs in America to come about as a result of that.

□ 1240

This bill from Congressman FINCHER creates a new category of what's called emerging growth companies that will reduce costs for small companies to go public. Great idea.

There is legislation from our majority whip, KEVIN MCCARTHY from California, that will allow small businesses

to advertise for the purpose of soliciting capital from potential investors. In other words, this was not allowed by law. Small companies that have great ideas need the opportunity to advertise in the marketplace and have people see that there are good ideas. KEVIN MCCARTHY is right.

A bill from Congressman MCHENRY from North Carolina would allow what is called crowdfunding for initial public offerings under \$1 million. In other words, it opens up the ability to gather more capital to come in. And Congressman MCHENRY is right, we need to utilize market-based solutions, and we need to make it legal.

There are two bills from Congressman SCHWEIKERT from Arizona: one that would allow more businesses to go public, gathering investment and growth, and a second bill which raises the threshold number of shareholders required from mandatory Securities and Exchange Commission registration for all companies.

And finally, there is a bill by Congressman QUAYLE from Arizona which increases the threshold number of shareholders permitted to invest in community banks; in other words, bringing more investors to an important part of our economy, and that is called community banks, banks that exist for the purpose of trying to make our communities, local communities, stronger and better.

The banks and small businesses of the district which I represent, the 32nd Congressional District of Texas, which is primarily Dallas, Richardson, Addison, and Irving, Texas, consistently describe to me about how they have an inability to raise capital investment, not due to a lack of willing investors, but as a result of burdensome regulations that are placed on them by the Federal Government. Oftentimes we discuss the need for the SEC limit on individual investors, and we know that it restricts their ability to raise funds through community participation in local business creation. I am proud to tell them now that, as a result of this bill today and the legislation included, help is on the way.

These important changes not only provide businesses with the necessary ability to expand, but also they provide individuals with new mechanisms to invest and grow with their own personal assets in companies that they know best.

The rules adjusted in the underlying bill have proven restrictive to economic growth, so we've got to adjust these problems in the marketplace and come up with new and creative ideas. We must push these constructive proposals without political delay. This is why Members of this body, including, I believe, the gentleman from Colorado (Mr. POLIS), support this bill. The reason why we can work together is to make sure we push constructive ideas that are good for people back home.

Mr. Speaker, our Nation is still in crisis. We do not have enough jobs. We are in a dwindling marketplace because of the excessive number of rules and regulations that have been passed by prior Congresses. With unemployment persistently over 8 percent, we cannot continue the failed policies of government spending, rules, and regulations, and the inability to pass laws that help job creation to overcome these problems. The underlying bill will do exactly that. It will help foster not only an environment, but provide the underpinning through law that will allow the private sector to more fully participate.

The future success of our economy rests in the hands of small, private business, not the Federal Government. What we are doing today is unleashing their potential so that they can focus on the things that they do best. This is part of having a Republican majority: pro business, pro economic development for jobs, the formation of capital, and the ability for American entrepreneurship to flourish. The result is going to be an economic environment that promotes growth and generates more revenue for the Federal Government.

I am delighted not only to be on the floor once again talking about economic growth, but once again trying to act as a soundpiece for the American people who are asking the United States Congress to please understand the plight that we are in, to please help work on what will help the free enterprise system job creation.

So today as we are on the floor, we offer a hearty reminder to the American people that there are people who get what this is about. That's partially why this Republican majority has been and will continue to be successful. We will push for reform, a pro-growth environment, and the opportunity to help people back home, instead of with a handout, to give them the ability to do things on their own.

I urge my colleagues to vote for this fair rule, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this bill, Mr. Speaker. I would like to thank my colleagues on both sides of the aisle who have worked long and hard on a number of these bills.

In my remarks today, Mr. Speaker, I want to talk about the good, the bad, and the ugly: the good that these bills can do to free up our capital markets, but the bad and the ugly of issues that are more substantial to job creation and the fiscal integrity of our country, which this Congress continues to ignore.

First, to respond to my colleague from Texas who several times blamed one particular party in the Senate for advancing these bills, I would just like

to remind my colleague that many of these bills are sponsored by Democrats in the Senate. It's not Democrats or Republicans in the Senate; it is the Senate that needs to pass this. And as we know, the Senate requires 60 votes. So I would hope that the gentleman from Texas would amend his future remarks and call upon the Senate to pass the JOBS Act rather than just the Democrats in the Senate, of course recognizing that Republican votes are needed to reach the necessary 60 votes to advance any legislation.

Mr. SESSIONS. Will the gentleman yield?

Mr. POLIS. I am happy to yield.

Will the gentleman amend his remarks?

Mr. SESSIONS. I remind the gentleman that the Republican minority leader, Mr. MCCONNELL, has been asking for some 30 jobs bills to at least go through committee or to be on the floor, and I do not think that a jobs bill would be a problem for a Republican to object to.

So I would once again advise the gentleman that I think my statement was correct. The Senate minority leader has asked for every single one of these 30 bills that have been passed by the House to be debated and voted on, and Republicans have pledged their support of all 30.

Mr. POLIS. Reclaiming my time, again, just as many of them are sponsored by Democrats as by Republicans. It will take votes from both sides to get to 60 votes. I think they can do that. And many of these bills before the House have had 400 votes, 90 percent of this body. Hopefully, they will command similarly large supermajorities in the Senate, comprised of both Democrats, many of whom sponsored these bills, and Republicans, who may be opposed to certain elements but hopefully, in the name of moving the country forward, will pass this JOBS Act.

Here's what this bill will do.

First of all, it's not a JOBS Act, per se. The JOBS name is an acronym. It actually is called Jumpstart Our Business Startups Act, or JOBSA, but I guess JOBS sounds better. But what it really affects is capital markets. It is really a capital market bill. It is a good bill. It has several components that have already passed the House. My colleague from Texas outlined several of them. I want to explain why they are so important.

First and foremost, it makes it easier for many small companies to go public. It rolls back some of the Sarbanes-Oxley regulations that were put in place in 2002 for small and medium-cap companies. Again, when you're looking at the compliance cost of Sarbanes-Oxley, they don't scale with the business. So it's de minimis for a \$10 billion business, but it's substantial and, in fact, a deterrent to accessing the capital markets for a \$100 million or a \$300

million business. So this, in fact, rolls them back in a very thoughtful way.

And I would further call for reexamination, of course, of the requirements for businesses of all sizes, but this will allow many small and mid-cap businesses to access the public capital markets.

□ 1250

In addition, it allows people to invest in start-ups, a concept that's called crowdfunding, which is very exciting. Of course, heretofore, essentially, investing in start-ups has been restricted to what are called accredited investors. Now, an accredited investor is not just some investor that goes through some process of getting accredited; it's basically somebody who's wealthy. They have to be worth several million dollars; and then, all of a sudden, they're accredited.

Now, we all know that some wealthy people are poor investors and some are good investors. One's wealth has nothing to do with how accredited or how good an investor one is. And families who are worth \$100,000 or families that are worth \$300,000 are perfectly within their rights under current law to go to Las Vegas or Atlantic City and bet their entire lifesavings on one roll of the dice; and yet they're not allowed, under current law, to invest in start-ups.

So, we, with this bill, would allow families of all means to invest in start-up companies, some of which will work out and some of which will not. American families will enter this being aware of the risks. But, again, it is their money, they earned it, they've paid taxes on it, and they should be able to invest it and/or gamble it as they see fit.

Another thing we do under this bill is increase the number of shareholders that is required for mandatory registration with the SCC from 500 to 1,000. This is very important because many companies use stock options, which is a good practice. It gets the employees to own part of the company, to own part of the fruits of their labor, and to have some of the upside on the equity. But companies have effectively been limited on this because once they have 500 shareholders, they're forced to file as public. So we're allowing them to stay private longer, as the need fits them, and not have to scale back on their option policy with their employees. Inevitably, some of those options get exercised, and employees become outright owners over time. This would prevent them from being forced into a backdoor IPO.

In addition, we, again, allow community banks to raise additional capital. We remove some of the requirements around that. Community banks are important lenders in our community; and that's an important step, as well, towards allowing capital to flow more freely.

So, in sum, the several bills, most of which have already passed this House, that we are packaging in the JOBS Act, this act that we're doing here today, are good bills that will free up the capital markets. And, yes, in the medium and long term, there will likely be some jobs created, because where will that capital go? It will flow to businesses that will encourage job growth. This is not something that happens overnight, but this is something that happens as a fruit of the investment. Some of these start-ups that are funded through crowdfunding might, in fact, be employers of 1,000 people in 5 years or 10 years. And that's what's so exciting about the potential of these mechanisms to create value in the economy.

But what are we not doing? And what would be a real jobs bill? In my opinion, there's really several things that are holding back our private sector recovery. First and foremost is our budget deficit and the questions about the fiscal integrity of this country. This Congress continues to avoid taking action on a default scenario under which debt as a percentage of GDP would rise from about 70 percent where it is now to about 200 percent of our GDP by 2040, a far worse situation than many of the fiscally beleaguered nations in Europe that are currently undertaking bailouts.

This is widely known on both sides of the aisle, and, in fact, the solution is widely known, as well. There are several that have been presented. There's a bipartisan group that emerged from the Senate, including Democrats and Republicans, that proposed a plan to reduce the deficit as a percentage of GDP down to 1.9 percent by 2021. There's been a similar effort on behalf of the Bowles-Simpson Commission, again, to rein in fiscal spending so that debt as a percentage of GDP would be 35 percent instead of 200 percent by 2040.

This Congress has not advanced either and, in fact, quite to the contrary, has passed an operational budget that only serves to continue these deficits through the next 10 years. Again, giving fiscal certainty around the integrity of our Nation would do a lot more to free up capital and improve the flow of capital and credit markets and create jobs than these relatively minor, but still important, bills that we're considering here today.

The other reform that would create a lot more jobs in this bill, and I think would better be called a Jobs Act, if they could come up with a fancy acronym for it, is business tax reform.

I'd like to submit to the RECORD a recent report from the White House and the Department of the Treasury on a framework for business tax reform.

INTRODUCTION

America's system of business taxation is in need of reform. The United States has a rel-

atively narrow corporate tax base compared to other countries—a tax base reduced by loopholes, tax expenditures, and tax planning. This is combined with a statutory corporate tax rate that will soon be the highest among advanced countries. As a result of this combination of a relatively narrow tax base and a high statutory tax rate, the U.S. tax system is uncompetitive and inefficient. The system distorts choices such as where to produce, what to invest in, how to finance a business, and what business form to use. And it does too little to encourage job creation and investment in the United States while allowing firms to benefit from incentives to locate production and shift profits overseas. The system is also too complicated—especially for America's small businesses.

For these reasons, the President is committed to reform that will support the competitiveness of American businesses—large and small—and increase incentives to invest and hire in the United States by lowering rates, cutting tax expenditures, and reducing complexity; while being fiscally responsible.

This report presents the President's Framework for business tax reform. In laying out this Framework, the President recognizes that tax reform will take time, require work on a bipartisan basis, and benefit from additional feedback from stakeholders and experts. To start that process, this report outlines what the President believes should be five key elements of business tax reform.

PRESIDENT OBAMA'S FIVE ELEMENTS OF BUSINESS TAX REFORM

I. Eliminate dozens of tax loopholes and subsidies, broaden the base and cut the corporate tax rate to spur growth in America: The Framework would eliminate dozens of different tax expenditures and fundamentally reform the business tax base to reduce distortions that hurt productivity and growth. It would reinvest these savings to lower the corporate tax rate to 28 percent, putting the United States in line with major competitor countries and encouraging greater investment in America.

II. Strengthen American manufacturing and innovation: The Framework would refocus the manufacturing deduction and use the savings to reduce the effective rate on manufacturing to no more than 25 percent, while encouraging greater research and development and the production of clean energy.

III. Strengthen the international tax system, including establishing a new minimum tax on foreign earnings, to encourage domestic investment: Our tax system should not give companies an incentive to locate production overseas or engage in accounting games to shift profits abroad, eroding the U.S. tax base. Introducing a minimum tax on foreign earnings would help address these problems and discourage a global race to the bottom in tax rates.

IV. Simplify and cut taxes for America's small businesses: Tax reform should make tax filing simpler for small businesses and entrepreneurs so that they can focus on growing their businesses rather than filling out tax returns.

V. Restore fiscal responsibility and not add a dime to the deficit: Business tax reform should be fully paid for and lead to greater fiscal responsibility than our current business tax system by either eliminating or making permanent and fully paying for temporary tax provisions now in the tax code.

The President has proposed eliminating loopholes and special interest

tax deductions in our corporate Tax Code to lower the rate to 25 to 28 percent from 35 percent. American corporations are currently among the highest taxed in the world. Most of our peer countries tax their corporations in the 20 to 25 percent range, and capital can flow across borders, operations of companies in a global economy can flow across borders. Why would a for-profit company with a fiduciary responsibility to its shareholders choose to domicile in an area where they have to pay a 35-percent tax rate when they can pay a 20- or 25-percent tax rate and also exist in an environment that ensures the surety of law?

What the President's tax reform proposal will do—and many of us on both sides of the aisle have been calling for similar reforms over the last several years—is, again, on a revenue-neutral basis remove many of the special interest tax considerations that were put there by lobbyists in our Tax Code and bring down the overall rate to 25 to 28 percent so that companies can reinvest in their growth. It tends to be the more profitable companies, the companies that are therefore paying corporate tax, that are the highest growth companies.

So it directly affects job creation to say that profitable American companies should be paying 25 to 28 percent instead of 35 percent, discouraging them from outsourcing jobs, discouraging them from domiciling overseas, and also discouraging the improper allocation of capital through special interest tax breaks in our Tax Code that give money arbitrarily to everybody from wooden arrow manufacturers to the oil and gas industry simply because some central planner in Washington determined that that's where capital should go.

So, again, if we really want a jobs act, let's solve the deficit, let's reform our uncompetitive business Tax Code, as the President has indicated; but, yes, let's also move forward with these bills to free up capital flow for startups that will hopefully lead to the next great American companies.

But by no means should somehow this Congress think that just because there's some letters that stand for the word "jobs" that somehow the jobs issue is solved or addressed by allowing companies to stay private with 1,000 instead of 500 shareholders, allowing a few small and mid-cap companies in the margins to go public because of relaxed Sarbanes-Oxley requirements. These are great things.

Let's pass this bill. I'm confident it will pass overwhelmingly. Let's call upon the Senate to pass it. But let's not pretend that this is some kind of jobs bill for our country or that this, in any way, shape, or form restores the fiscal integrity of our Nation.

Mr. Speaker, I rise in support of the rule and the underlying bill, the Jumpstart Our Business

Startups Act, which consists of six separate pieces of legislation: the Access to Capital for Job Creators Act, the Entrepreneur Access to Capital Act, the Small Company Capital Formation Act, the Private Company Flexibility and Growth Act, the Capital Expansion Act and the Reopening American Capital Markets to Emerging Growth Companies Act.

This package will further American job creation and economic growth by improving small businesses and startups' access to capital. At the same time that this bill eases restrictions on capital formation to help our struggling economy and enhance our nation's global competitiveness, this bill also maintains necessary protections for investors. This is exactly the approach long advocated for by President Obama in his American Jobs Act and in the Startup America Legislative Agenda. And just yesterday, the President announced his support for the underlying package. I am pleased that the House leadership has brought this bill to the floor and urge my colleagues to vote in favor of this bipartisan package.

While I strongly support the passage of the underlying legislation, make no mistake that the package of bills before us today cannot be called a comprehensive "jobs" bill no matter how you dress it up. Of the six bills we are considering today, four of these bills have already been overwhelmingly approved by this body only months ago. And one of these bills looks remarkably similar to a bill sponsored by my good friend and Democrat from Connecticut, Mr. HIMES, which passed the House 420–2 last November. The meat of both the bill before us and Mr. HIMES' bill are identical. The only difference between the two pieces of legislation is that the bill before us does not require an SEC study of certain public reporting requirements.

Indeed even the legislation's name is a misnomer. The acronym for the Jumpstart Our Business Startups Act is not J-O-Bs. A more appropriate name for this jobs package would be a suspension sandwich.

While this bill lacks the spark to turn around our troubled economy, it will help raise needed capital to small businesses and startups. According to the Kauffman Foundation, since 1980, startup firms less than five years old have created almost 40 million new jobs—the majority of the new jobs created in this country. Research shows that 90 percent of this job growth occurs after companies go public. Unfortunately, over the last decade, startups companies are taking more time than ever before to go public because of certain administrative and compliance regulations currently in place. The bills included in the underlying package would put in place reforms that would address some of the challenges startups face today.

Part of this legislative package includes the Entrepreneur Access to Capital Act introduced by Representative MCHENRY. This bill permits "crowdfunding" which enables individuals investing up to \$10,000 in small businesses over the internet to pool their funding without requiring the business to register first with the SEC. By loosening the current SEC restrictions on crowd funding, this legislation would help empower entrepreneurs and start ups to pursue their innovative ideas.

The Small Company Capital Formation Act of 2011 would make it easier for small and

medium-sized companies to raise more funds through SEC's streamlined security offering process, instead of the more complicated and costly full registration requirements that larger issuances have to use. This bill, sponsored by Rep. SCHWEIKERT, strikes the right balance between allowing these companies to access capital and maintaining sufficient investor protections.

The underlying bill also includes the Access to Capital for Job Creators Act sponsored by Representative MCCARTHY. This bill would remove the SEC ban that prevents small privately held companies from using advertisements to solicit investments for private offerings as long as the securities are ultimately sold only to "accredited investors," or sophisticated investors who don't require the SEC's protection.

In addition, the package before us contains the Private Company Flexibility and Growth Act. This bill, introduced by Rep. SCHWEIKERT, would raise the requirement for mandatory registration with the SEC for privately held companies from 500 shareholders to 1,000, expanding companies' ability to access capital and provide companies with flexibility in attracting and maintaining employees.

The measure also consists of the Capital Expansion Act, a bill introduced less than two weeks ago by Rep. QUAYLE, whose language is nearly-identical to a bill sponsored by Rep. HIMES and passed by this House under suspension last November. Rep. QUAYLE's bill—which was never marked up—would increase the number of shareholders that a community bank can have before it must register with the SEC.

The only truly new bill before us is the Reopening American Capital Markets to Emerging Growth Companies Act introduced by Reps. FINCHER and CARNEY, which I am proud to cosponsor. This bill will help lower the costs for certain small and medium-sized companies, called "emerging growth companies," to access the public markets. The cost of "emerging growth companies" to go public would be reduced by phasing in some regulatory procedures including prohibitions on initial public offering (IPO) communications and independent audits of internal controls over financial reporting. Importantly, these provisions would incentivize IPOs while ensuring that as they expand they come into compliance with these regulations.

Collectively this package is a good first start towards rebuilding our economy in the medium and long term—but not right now. Even after these bills are enacted, the SEC must issue new regulations, accredited investors must start buying these private securities and then startups and small businesses must do something constructive with that capital before any jobs are ever created. Realistically, this bill could take years to produce meaningful results.

CLOSE

Mr. Speaker the underlying package will undoubtedly have a positive impact on our economy and create a more accessible capital market for the benefit of small businesses and investors. The legislation we are considering today will encourage more entrepreneurs to grow businesses and allow more start-ups to go public and hire more American workers.

But simply labeling it a comprehensive jobs bill does not make it so.

Let's not pull the wool over the American peoples' eyes and make-believe that we are passing real jobs-stimulating legislation today. Our number one priority should remain sincere job growth—not just reconsidering bills previously debated and adopted by this House.

To get serious about growing our economy we should be working together to pass the President's American Jobs Act which consists of common sense proposals that have been supported by both parties, such as modernizing our public schools and investing in our nation's infrastructure.

Instead of spending time on stale bills, we should be debating real tax reform legislation. President Obama has put forth a solid business tax reform plan that would stimulate job creation and investment in the United States. The Administration's tax plan would reduce the corporate rate to ensure American companies remain competitive, eliminate overseas deductions and other tax expenditures and simplify the tax code. Obama's plan would also strengthen American manufacturing and innovation, double the deduction entrepreneurs can deduct for start-up costs and cut certain taxes for small businesses to help them expand and hire. President Obama's proposal would generate American jobs without adding to our deficit and demands serious consideration by this body.

We can also boost our economy by addressing our debt challenges. We should be considering and enacting a bold and balanced deficit reduction plan that puts all options on the table. An outline to achieve comprehensive deficit reduction already exists in the Bowles-Simpson plan. I urge the Republican Majority to work with Democrats in the House to find a deficit reduction agreement that can be brought to this floor for a vote.

For more immediate job creation we need look no further than the federal highway authorization which is fast approaching down the track at the end of this month. We desperately need a new federal transportation bill to put Americans back to work, repair our crumbling roads and bridges and improve our mass transit systems. Yet Republicans have struggled for weeks to bring a transportation bill before this House.

I urge my colleagues on the other side of the aisle to work quickly to bring a bipartisan transportation bill to the floor to assist with our economic recovery in the very near future.

Passing the underlying bill will put us on the path towards a fruitful economy. I encourage Republicans to continue further down this path and bring to the floor the job-creating legislation that the American people want and deserve.

I strongly support the underlying bill and encourage its passage.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members not to traffic the well while another Member is under recognition.

Mr. SESSIONS. Mr. Speaker, I applaud the gentleman, my friend, Mr. POLIS, for not only coming to our defense and aid in this but also aiming

for things that people all across this country need, and it's called action by Congress for jobs.

Mr. Speaker, at this time, I'd like to yield 4 minutes to the young gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Mr. Speaker, I thank my colleague from Texas for yielding and keeping the main theme the main theme—jobs and the economy. As an original cosponsor to H.R. 3606, the Jumpstart Our Business Startups Act, I rise in support of this rule.

Since last year, the gentleman from Delaware and I, along with many members of the Financial Services Committee, have worked in a bipartisan manner to develop legislation that would enhance job creation and expand access to capital for America's job creators.

Title I of this bill's legislation I introduced with Congressman CARNEY, the Reopening American Capital Markets to Emerging Growth Companies Act, which will help more small and mid-size companies go public.

During the last 15 years, fewer and fewer start-up companies have pursued initial public offerings because of burdensome costs created by a series of one-size-fits-all laws and regulations. According to testimony from IPO Task Force Chair Kate Mitchell, from 1990 to 1996, there were 1,272 U.S. venture-backed companies that went public on U.S. exchanges during that 6-year time frame.

□ 1300

However, in 6 years, from 2004 to 2010, there were just 324 offerings.

Even the President's Jobs Council, in its 2011 end-of-year report, cited that the United States ranks 12th now in ease of access to venture capital behind Israel, Hong Kong, Norway, and Singapore, among others. The bottom line is that fewer and fewer companies are choosing to go public, and those that do are not necessarily going public on exchanges in the United States.

H.R. 3606 would reduce the costs of going public for small and medium-sized companies by phasing in certain regulatory requirements. Reducing these burdensome regulations will help small companies raise capital, grow their business, and create private jobs for Americans.

I have reviewed the amendments made in order by the Rules Committee to H.R. 3606, and I will be supporting some and opposing others. Also, the gentleman from Delaware and I will be offering a manager's amendment which will make some technical improvements to the bill.

I look forward to a lively debate here in this Chamber, and I support the rule to consider this bill.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a perfectly nice bill, but things are sometimes judged in comparison. It is being hailed as a bigger bill than it is, but that's what happens when you grade on a curve as we grade on a curve.

One of the great philosophers of the 20th century was a man named Henny Youngman. One of his philosophical bits of wisdom was expressed in the question and answer:

How's your wife?

Compared to what?

Well, compared to the output of this House so far, this is a very, very, very major bill. Compared to our economy in general, it's a good bill, but of no immediate significance in terms of jobs, and useful for the future. But as I said, I think it's important just getting pumped up a little bit so we can avoid here, as a collective body, the charge that we haven't done anything.

I do have one criticism of the rule, and I had expressed this hope yesterday and I was frustrated. A number of amendments were made in order, and I appreciate that, but every single amendment is to be debated for only 10 minutes. That's unworthy of a deliberative body. There are important questions here that are involved in these issues. And if you think these bills are important, then the amendments to them are important.

Now, that's within the context of support. In most cases, we are talking about people who support the concept but have some differences about what should be there. But to say that every amendment gets debated for only 10 minutes, 5 minutes on each side, is to denigrate the deliberative function to a point which is of great concern to me. It is not as if we've been so busy that we couldn't carve out time for 20 minutes or even a half hour of debate. So I regret the dumbing down of the House, which is represented by saying that no issue will be debated for more than 10 minutes.

Then I only have one other question of a procedural sort as the ranking member of the Financial Services Committee. Most of these bills have been through the committee. There were six bills; four have even passed the House. Two bills, I was told, were from the committee. But one of the bills, H.R. 4088, it's got a new sponsor, the gentleman from Arizona (Mr. QUAYLE), and we've never seen that in our committee. I've checked. That bill was introduced February 24 or something. It's never had a hearing. It's never been through committee. So why are we getting a bill on the floor now that has never been seen in our committee?

I would yield to the gentleman from the Rules Committee.

Mr. SESSIONS. Well, I'm not seeking recognition, but I would say that the gentleman from Arizona has a good bill, and I encourage you to read it.

Mr. FRANK of Massachusetts. Well, I have read the bill. But to be told that we're going to, in a party that says they're devoted to regular order, bring out a bill—H.R. 4088 has had no committee consideration whatsoever; the other bills have, the other five. But it's never been brought up in a hearing; it's never been in subcommittee; it's never been in committee. The notion that it's a good bill and therefore should be immune from any committee process is very discouraging.

This is a bill that's only been in existence for a couple of weeks. The gentleman says, well, it's a good bill; read it. Well, then I guess we don't need committees. We don't need to do anything. If it's a good bill, you read it. But the process is supposed to be one where these things go through some vetting. So I am disappointed that we have a rule that brings a bill to the floor that has literally had no committee consideration whatsoever—brand-new bill, apparently, because it's got a brand-new sponsor. We've seen nothing like this. There have been some other bills that we've had, but I've seen no bill from the gentleman from Arizona (Mr. QUAYLE). I've seen no bill like H.R. 4088 that hasn't had a hearing, that hasn't been to committee.

At the same time, the Rules Committee thinks that we can take all these interesting questions—should there or shouldn't there be an examination, say, on pay? Is the billion number right?—and debate them all in only 10 minutes, 5 minutes on each side. That hardly serves the deliberative process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. FRANK of Massachusetts. I'd say that some Members think the bills may have more impact than I do. I hope I'm wrong and they have it. But if you really believe the bills are this important, why then is the debate only for 10 minutes on every single amendment, on the size, on the reporting requirements?

We have amendments that have been requested by the North American Securities Administrators, the State regulators; 5 minutes on the side. That is hardly a mark of people who take the deliberative process in the U.S. House of Representatives very seriously.

I thank the gentleman from Colorado.

Mr. SESSIONS. Mr. Speaker, just so you know, the gentleman is correct, and I appreciate his viewpoint of this.

This is a copy of Mr. QUAYLE's bill right here. It's about one-third of a page long. It's a good idea that says we're going to increase the number of people who can invest in a community bank. I hope that should not require us to have to go back and do too much thinking about how great this would

be. We're trying to perfect, instead of by just having an amendment, to allow all Members to take part in these things with their good ideas.

So I do take that what the gentleman said is correct, but good ideas are part of this bill. That should be what we're about here on the floor, just as an amendment that may not have gone through.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SESSIONS. I wish I could. I'm out of time. I've got a whole bunch of speakers. But I appreciate the gentleman. He'll have plenty of time.

At this time, Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I want to thank my colleague, Mr. SESSIONS, for his leadership on the Rules Committee and otherwise in this House. I also want to commend Mr. FINCHER from Tennessee for offering this legislation. It's a very important bill.

Mr. Speaker, I rise today to support and speak in favor of the JOBS Act. What this legislation does is address a key concern that I hear from my constituents in western North Carolina.

We know that entrepreneurship here in the United States is at a 17-year low. We also realize that the rest of the world has caught up to us in terms of their capital markets and business formation. We also know that small businesses create the majority of new jobs in the United States. So it's very important for us, in light of the new regulatory changes that have happened in the last couple of years here in Washington—the advent of Dodd-Frank that increases the cost of lending and makes it less available for small businesses, the CARD Act that makes credit cards less available to the average person who tries to start their business, like my father did, on his credit card. We also realize that the regulatory changes, the more, higher red tape that we have here in Washington makes it more expensive to do business here in the United States.

These are major concerns. These are major concerns for my constituents in western North Carolina.

I want to commend Mr. FINCHER for offering the JOBS Act. We've got some very important pieces of information and policy changes in this bill.

If you look at the 1990s, we had 530 IPOs, on average, every year. We had fewer than 65 in the year 2009. We realize that going public is not the avenue for every business, though the dream of many small business folks. So an important component of the JOBS Act is a piece of legislation we passed that I authored here in the House, with the help of my colleague from New York (Mrs. MALONEY), the crowdfunding act, which allows small businesses to access the capital markets to sell equity, rather than ask for debt, sell equity in their great start-up or new idea.

Crowdfunding takes the best of microfinance and crowdsourcing and uses the power of the Internet for small businesses to have offerings in their company. Now, it could be used for a tech company, certainly, to raise up to \$2 million, but it could be used for a coffee shop in Hickory or in Asheville in western North Carolina to raise \$50,000 and sell equity in their business.

These regulatory changes are very important. We have regulations and laws on the books—the 1933 Securities Act, the 1934 Securities and Exchange Act—that really were the reaction to the problems and challenges of their day.

□ 1310

They put in restrictions in terms of advertising about your security. Well, that was a problem when the telephone was the new technology of the day. But we have the power of the Internet, and people are more informed today than they were 100 years ago about investing. So we're changing these regulatory structures so that small businesses can get the capital they need to grow and expand. That's what this is all about.

It doesn't fix every problem that we face today, but this is a bipartisan bill. It's a good idea. The President has spoken in favor of many of the components of this legislation, and we hope, not to simply pass it out of the House on a bipartisan basis, but to ensure that we pass it through the Senate and the President signs it.

These are good ideas that can have an impact and help us grow and create jobs. It helps entrepreneurs. It helps small businesses. Those folks are the lifeblood of economic growth, and that's what we need to be focused on.

I urge the adoption of the rule, and ask my colleagues to vote for passage.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mrs. MALONEY), an author of key provisions of this bill.

Mrs. MALONEY. I thank the gentleman for yielding, and for his leadership on the Rules Committee.

I rise in support of this rule and the underlying bill. It's a package of bills designed to encourage the growth of smaller companies and start-ups, and it contains six separate bills, four of which have already passed this body by overwhelming majorities.

I share the concerns of the ranking member, Mr. FRANK, that these 17 amendments that were put in place, adequate time has not been given to fully debate them.

I do want to take issue with my good friend from North Carolina in his criticism of the CARD Act, saying that it has made it harder for Americans to receive cards. This bill that passed this body overwhelmingly, with Democratic leadership, I was proud to be the lead sponsor on it, working with all of my

colleagues on the Democratic side. And what it did is it stopped unfair deceptive practices.

Money magazine called this bill the best friend a credit card holder ever had, and The Pugh Foundation came out with a report earlier this year saying that this Democratic bill alone saved consumers in our country \$10 billion in 1 year. I would say that's an advantage for consumers, an excellent goal that was championed by our President and by the Democratic leadership.

I would like to take issue with this comprehensive jobs agenda. I do support it, but I think that we should be working on major job-creating opportunities, such as the transportation bill and the President's Jobs Act, and these two bills would create half a million jobs. Here we are repackaging a group of old bills that we've passed before, and it does not constitute a comprehensive jobs bill.

As I said, four of the six bills have already passed the House with major support on both sides of the aisle. And I'm disturbed that one bill was taken from my Democratic colleague, JIM HIMES.

I would like to quote The Washington Post. The Washington Post said:

The JOBS Act is not new legislation but is instead a grab bag of items that have already passed at the committee level or on the House floor by wide bipartisan votes.

These previously-passed bills make some useful yet modest steps forward, but they are no substitute for a major job-creating highway bill or passage of the full American Jobs Act. These bills make modest changes for start-up companies, making it easier for them to raise capital through the Internet and the solicitation of accredited investors, and loosening certain filing and regulatory requirements for start-ups and small banks.

I would say the prime goal of the Democratic leadership is to reignite the American Dream by building the pillars of success for small businesses, our entrepreneurs, and by making our economy stronger. These bills before us do help in many ways, although they are not a comprehensive jobs package. It rightly gives smaller companies and start-ups greater flexibility to grow and flourish.

I urge the adoption of the rule and the underlying bills. I do want to mention the Entrepreneur Access to Capital Act, which creates a new exemption from registration for crowdfunding securities. It permits a company to raise up to \$2 million a year, with investors permitted to invest the lesser of \$10,000 or 10 percent of their income annually in such companies.

I was pleased to work with my colleague, Mr. MCHENRY, on this bill. It has a number of others that would reduce the cost of going public, and would aid in the capital formation for job creation in our country.

I do want to note that the President of the United States, his administration, is supporting these bills, and I urge passage of them.

Mr. SESSIONS. Mr. Speaker, the gentlewoman from New York makes a good point about the President's jobs bill, except it picks winners and losers, and has hundreds of billions of dollars of tax increases that will continue to kill the free enterprise system, along with the other administrative things that this President is doing to the free enterprise system. So this body will not, will not pass hundreds of billions of dollars of tax increases and then say we're trying to help people doing that.

The President, I'm sure, is entitled to his own beliefs. We're going to do the things which work, that empower the free enterprise system.

Speaking of working and empowering the free enterprise system, I yield 4 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), who has brought great ideas to this bill and they are included in this.

Mr. SCHWEIKERT. First, I want to thank my good friend from Texas. I appreciate him yielding me 4 minutes.

Mr. Speaker, I rise in support of the rule and also the underlying bill, and I may have somewhat of a unique perspective here. Being on the Financial Services Committee, we actually started building and moving these bills and working on them, I think, as early as a year ago, last March. So almost everything that's in here has been well vetted, well understood, even down to the amendments and the concepts and the discussion from the last year.

And why is it important, doing this JOBS Act and bringing it together, in many ways, as a single piece of legislation? Because conceptually, they all link together. It is about capital formation. It is about those small-growth companies that create the next wave of employment.

Let's face it, this truly is about jobs. It is about economic growth. The creativity we need in our economy that creates that next generation of excitement and employment comes from the types of business that need access to capital, and these are the very ones that this bill moves forward.

There's also another point that I hope sort of moves universally from right to left here. I'm one of the believers that capital formation is going to look very different in the future. You know, the old days of you go find an angel investor, and then you go find VC capital, and then you go public, are going to look different. Some of this is because of Dodd-Frank. Some of this is because of what's happened in the regulatory environment.

And the beauty of this legislation is going to provide opportunity and options, particularly for those growing employers, those small companies that want to grow, want to employ in my home district in Arizona.

Mr. POLIS. Mr. Speaker, if we defeat the previous question, we'll offer an amendment to the rule to provide that, immediately after the House adopts this rule, it will bring up Mr. BISHOP's bill, H.R. 1748, the Taxpayer and Gas Price Relief Act and that would simply do it, in addition to this bill, with broad bipartisan support. I know there is also broad bipartisan concern about gas prices, a very substantial issue that many on my side of the aisle, Mr. BISHOP included, would like to do something about so that American consumers have more of their money to take home.

So to talk about his proposal, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

□ 1320

Mr. BISHOP of New York. Mr. Speaker, I thank my friend from Colorado for yielding.

I rise in opposition to the rule and in support of moving the previous question. This motion would amend the bill with strong provisions to stop price gouging at the gas pumps and remove unwarranted tax subsidies from the Big Five oil companies.

We're long overdue for a serious debate about gas prices. Scoring political points on this issue serves no one and doesn't solve the problem.

Here are the facts: domestic production is at an 8-year high; imports of oil are at a 17-year low; there are more oil and gas rigs drilling in the United States today than in the rest of the world combined. Let me say that again: there are more oil and gas rigs drilling in the United States today than in the rest of the world combined. The number of oil rigs in operation right now has quadrupled since President Bush left office. Last year, the U.S. became a net exporter of oil for the first time in 62 years. Clearly, rising gas prices do not result from a U.S. supply-driven problem, and this administration cannot be blamed for doing enough to encourage and to facilitate drilling. Nor is rising gas prices a U.S. demand-driven problem. Demand is down by 6½ percent in just 1 year and 17 percent since 2008. There are several factors that contribute to rising gas prices, but U.S. supply and U.S. demand are not among them.

Gas prices in the eastern part of my district are up over 60 cents in a matter of weeks. Rampant speculation accounts for most of that, with over 60 percent of the market controlled by speculators. The speculators' overriding goal is profit-taking, which our legislation targets. Nothing is wrong with profits. They made our Nation strong, but profits should not be pursued at the expense of middle class families, nor at the expense of our fragile economic recovery. This legislation makes sure it doesn't by cutting out speculators. It strengthens penalties

for manipulating the market, which forces up gas prices and leads to price gouging. The legislation also cuts out subsidies for Big Oil, and we should reinvest those dollars in a long-term strategy focused on clean and renewable sources.

Mr. Speaker, our debate should focus on a green-energy policy free of market speculation and subsidies our Nation can't afford. We must tackle this problem rather than use it to point fingers and to try to score political points.

Thus I urge my colleagues to vote "no" on the previous question and vote "no" on the rule.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Indiana (Mr. PENCE), a man who I believe is one of the clearest thinkers in this Congress. He is a person who studies well, applies logic, and comes out with a deduction for making things better for people who are not in this town, but rather people who are the real part of America.

Mr. PENCE. I thank the gentleman for yielding, for his leadership, and for his gracious esteem.

I rise in support of H. Res. 572, the rule supporting the JOBS Act and underlying bill.

Mr. Speaker, everywhere I go across the Hoosier State, I hear job creators struggling in this economy, talking to me about the obstacles to growth, the obstacles to getting this economy moving again for their business. And again and again, I hear about the weight of Federal red tape that stands in the way of capital formation, business expansion, and jobs.

Just today I was talking to a manufacturer in the State of Indiana who said to me, MIKE, the environment in Indiana is very positive. Our problem is Washington, D.C.

And I was able to report to him that in a bipartisan manner today, the Congress was going to take a small, but significant, step in lifting a regulatory burden on capital formation. And that Hoosier, like I hope all Americans looking in today, was encouraged.

The JOBS Act will actually facilitate capital formation, business expansion, and growth by lifting the burden from job creators in a number of ways. It exempts emerging growth companies from certain SEC regulations; it raises offering thresholds for SEC registration; it exempts securities issued through innovative crowdfunding sources from SEC regulation. All of those in plain English mean that we are going to change the regulatory environment to help start-ups and small businesses access public markets.

I've always believed throughout more than a decade of working on this floor that politics is the art of the possible, and today we will not do everything those of us on this side of the aisle believe that we should do to jump-start

this economy. But we will do what we can do in a bipartisan fashion in passing this rule and moving the bipartisan Jumpstart Our Business Startups, or JOBS, Act, H.R. 3606.

On behalf of the hardworking taxpayers in Indiana, on behalf of that job creator I talked to this morning, I urge my colleagues to come together today to join us in supporting the JOBS Act. Let's give entrepreneurs and investors all across this country the incentive and the regulatory relief they need to get this economy back on track.

Mr. POLIS. I would like to inquire if the gentleman from Texas has any remaining speakers.

Mr. SESSIONS. I thank the gentleman for asking.

We did have one person who we believe is attempting to get here, to run here; but I would at this time tell you he is not here. So I would encourage the gentleman to go ahead and close as he would choose, and I would then do the same.

Mr. POLIS. Thank you.

I will certainly extend the courtesy to the gentleman. If the gentleman in his closing wants to yield some time to his speaker, I will not object to that.

Mr. SESSIONS. I appreciate that. Thank you very much.

Mr. POLIS. I yield myself the balance of my time.

Mr. Speaker, this bill here today is a good bill, an important bill. It's not a job solution for our country. It's not a jobs bill. In fact, I think the frustration of some is that to a certain extent it represents the spinning of the wheels that has typified this Congress in that most of these bills have actually already passed this House. That being said, if packaging them together and passing them again and trying to put pressure on the Senate to pass it is a constructive step towards making them law, then let's do it. I think a strong bipartisan vote of support will help do that. President Obama said he will sign this bill.

I call upon my colleagues of both sides of the aisle to support these bills. These bills help free up our capital markets in positive and constructive ways by allowing small investors the same opportunities as large investors, allowing companies a little bit more flexibility on remaining private over who their investors are, allowing small and mid-cap companies easier access to public marketplaces. This in turn makes it easier for venture capitalists and angel funders to invest in start-up companies, knowing that there's a better prospect of an exit should they succeed at smaller mid-cap stages.

We all know there's a number of contributing factors to the decrease in public offerings that have occurred over the last 10 years, a trend that I think is beginning to reverse. One of those aspects—certainly not the only aspect—is the excess regulation that

we abolish through this act. Other things include simply the appetite of the capital markets for public offerings at any given time and other legal and administrative risks that are not dealt with in this bill that perhaps call for additional legislation.

This is not by any stretch of the imagination a recovery or a jobs bill, but these are very constructive steps that, again, cycling our wheels, yes, we've already passed. We are passing two new ones as well. Let's package them together; let's put pressure on the Senate to send them to President Obama's desk where he has said he will sign these bills.

But let us not, in our effort to continue to push these important pieces of legislation for capital formation, forget that our country faces even more important critical risks before us. We need to get serious about growing our economy, and we need to work hard in a bipartisan basis to implement real tax reform legislation, tax reform that would create a more competitive Tax Code, allowing companies to reinvest in their growth rather than taking their money in an arbitrary way or encouraging them to distort the economic reality and the allocation of resources by having certain tax preferences for industries that may be in or out of favor of government officials. Let's allow companies to invest in their own growth and encourage private sector job creation and have real corporate tax reform as the President has proposed and the chair of the Ways and Means Committee, Chairman CAMP, has proposed and many on both sides of the aisle have proposed.

I call upon our House to move forward a bill that will fundamentally make American businesses more competitive and that, Mr. Speaker, we can call a jobs act.

What else can we call a jobs act? We can call a jobs act doing something about our national deficit, the fact that the current fiscal integrity of our Nation is at stake if we do not take action. Over the next 10 to 15 years, yes, our Nation faces an immense financial crisis.

□ 1330

We need a balanced approach, a big, bold and balanced approach, as has been outlined by both the Gang of Six and the Bowles-Simpson Commission. There are a number of people on both sides of the aisle who have been calling for real deficit reduction, and yet this House has not reduced the deficit and has continued to pass and operate, in fact, under a budget that simply continues these record deficits for the next 10 years.

Providing that certainty around the fiscal integrity of our country—to allow for long-term borrowing, to ensure that businesses have access to capital and predictability over time—

will, again, do more to create jobs and grow our economy than will freeing up the capital markets around a few key areas that these bills accomplish.

So, yes, these bills are an important step in the right direction, including the only one truly new bill before us—the others have already been passed by this House. This is a good package, a good package which is a first start to rebuilding our economy. But even after they're enacted, there is nothing that instantaneously happens. They have to be implemented, and credited investors have to start buying private securities and start-ups. It will be several years before this can translate into actual job growth, which it will, and produce meaningful results. Again, corporate tax reform and showing some interest among this body in actually balancing our budget deficit would send an indication now to the marketplace that would immediately lead to job growth.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question into the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. McCLINTOCK). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I urge my colleagues to vote "no" and to defeat the previous question.

These are important bills, and I strongly support the underlying bill. I encourage its passage, and again encourage my colleagues to be fully aware that, by passing this bill, we are not creating a single job. Yes, by pressuring the Senate and by getting the bill to Obama's desk, it can eventually lead to the enhancement of our capital markets and some job creation, but this doesn't get us off the hook.

Passing this bill and not balancing the budget deficit, as this Congress is currently doing, as well as passing this bill and not reforming our Tax Code by making it more in line with the international standard, is not a recipe for American competitiveness or jobs. In fact, this bill alone, if it means the absence of balancing our budget and the absence of making our Tax Code competitive, is just an anti-jobs bill. You can't bail out a sinking ship. This country needs fundamental change. We need to balance our budget deficit. We need corporate tax reform. We need individual tax reform.

I call upon my colleagues on both sides of the aisle to take those items up. Yes, it is a small positive measure to help free up capital flow, particularly for start-ups and small- and mid-cap companies. Let's pass this jobs bill now. I encourage my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Mr. Speaker, to hear the gentleman's strong voice, not only as an entrepreneur before he came to Congress, but in Mr. POLIS' dustup as he speaks in the Rules Committee in which he talks about America wanting to have a bright future, he is the father of a new young son, and he looks forward to the day that his son will have a bright future in this country. I appreciate his words today. He is also correct that we do not create jobs in this town, as it is the free enterprise system that does that. Yet with that comes an equal recognition that this town gets in the way of jobs and job creation.

Our taxes are preparing to be raised. The President, the Democratic Party are all about raising taxes on entrepreneurs, and people who get up and go to work every day, and small business, and taking away a Tax Code that benefits women, in particular married women, with the marriage penalty, as well as job creation through incentives that might deal with depreciation. All of these things are part of a pro-growth jobs package, and unfortunately, this House is not together on that. This House is having to, as the gentleman Mr. PENCE said, make incremental progress as we move forward.

Mr. Speaker, this body is big enough to be able to recognize that this country is in trouble. I don't care if you live in Orlando, Florida, or in Pensacola, Florida, or whether you live in Dallas, Texas, or whether you live in California. The needs of this great Nation are about job creation and about ensuring in a competitive marketplace that we keep jobs, that we have ample credit that's available, that we have new ideas like we're handling today in this bill, but that we also go to some old ideas, one of which is, when you tax companies or when you tax something, you get less of it.

What the President of the United States and the Democratic Party want to do is to tax America—the free enterprise system—to pick winners and losers and then try to call that "new revenue" to this country when, in fact, all it does is offset it with higher unemployment.

We need a pro-growth economy. We need a pro-growth agenda from the United States Congress. It's not just the House but the Senate, also. We need the President of the United States to understand that his temptation to talk about economic growth should be about job creation, not just about picking winners and losers. We need someone who will bring this country together, not attack our free enterprise system, not stand up in front of people and say that we can work together but then not actually become responsible enough to become engaged in legislation that will pass so that we can make this country stronger.

The Republican Party is here today, leading this bill on the floor. We've got

a rule which allows for 17 amendments—13 from Democrats, 3 from Republicans, 1 bipartisan. Once again, our Speaker, JOHN BOEHNER, and the gentleman from California, DAVID DREIER, who is the chairman of the Rules Committee, are intensely interested in having this House work in a bipartisan fashion, but making progress for the American people. The American people expect us and want us to do better. Today is a chance to work together, pass a bill, put it across the aisle to the Senate, and ask them to please join us in making life better for Americans.

Mr. Speaker, I hope all of my colleagues support this rule. It's a great rule. It does the right thing. The underlying legislation is wonderful, and I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 572 OFFERED BY
MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1748) to provide consumers relief from high gas prices, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority members of the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4105. An act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT AND RURAL JOBS ACT OF 2011

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 570 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2842.

□ 1337

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, with Mr. MCCLINTOCK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, March 6, 2012, amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentleman from Minnesota (Mr. ELLISON) had been disposed of.

AMENDMENT NO. 1 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 11, as follows:

[Roll No. 98]

AYES—168

Ackerman	Frank (MA)	Murphy (CT)
Altmire	Fudge	Nadler
Andrews	Garamendi	Napolitano
Baca	Gonzalez	Neal
Baldwin	Green, Al	Oliver
Bass (CA)	Green, Gene	Pallone
Becerra	Grijalva	Pascarell
Berkley	Gutierrez	Pastor (AZ)
Berman	Hahn	Perlmutter
Bishop (NY)	Hanabusa	Peters
Blumenauer	Heinrich	Pingree (ME)
Bonamici	Higgins	Price (NC)
Brady (PA)	Himes	Quigley
Braley (IA)	Hinchee	Rahall
Brown (FL)	Hirono	Reyes
Butterfield	Hochul	Richardson
Capps	Holden	Richmond
Capuano	Holt	Rothman (NJ)
Carnahan	Honda	Roybal-Allard
Carney	Hoyer	Ruppersberger
Carson (IN)	Israel	Rush
Castor (FL)	Jackson (IL)	Ryan (OH)
Chandler	Jackson Lee	Sanchez, Linda
Chu	(TX)	T.
Ciilline	Johnson (GA)	Sanchez, Loretta
Clarke (MI)	Johnson, E. B.	Sarbanes
Clarke (NY)	Kaptur	Schakowsky
Clay	Keating	Schiff
Cleaver	Kildee	Schrader
Clyburn	Kind	Schwartz
Cohen	Kissell	Scott (VA)
Connolly (VA)	Kucinich	Scott, David
Conyers	Langevin	Serrano
Cooper	Larsen (WA)	Sewell
Costello	Larson (CT)	Sherman
Courtney	Lee (CA)	Sires
Critz	Levin	Slaughter
Crowley	Lewis (GA)	Smith (WA)
Cuellar	Lipinski	Speier
Cummings	Lofgren, Zoe	Stark
Davis (CA)	Lowe	Sutton
Davis (IL)	Lujan	Thompson (CA)
DeFazio	Lynch	Tierney
DeGette	Maloney	Tonko
DeLauro	Markey	Towns
Deutch	Matsui	Tsongas
Dicks	McCarthy (NY)	Van Hollen
Dingell	McCollum	Velázquez
Doggett	McDermott	Walz (MN)
Doyle	McGovern	Wasserman
Edwards	McIntyre	Schultz
Ellison	McNerney	Waters
Engel	Meeks	Waxman
Eshoo	Michaud	Welch
Farr	Miller (NC)	Wilson (FL)
Fattah	Miller, George	Woolsey
Filner	Moran	Yarmuth

NOES—253

Adams	Buerkle	Duncan (TN)
Aderholt	Burgess	Ellmers
Akin	Burton (IN)	Emerson
Alexander	Calvert	Farenthold
Amash	Camp	Fincher
Amodel	Campbell	Fitzpatrick
Austria	Canseco	Flake
Bachmann	Cantor	Fleischmann
Bachus	Capito	Fleming
Barletta	Cardoza	Flores
Barrow	Carter	Forbes
Bartlett	Cassidy	Fortenberry
Barton (TX)	Chabot	Fox
Bass (NH)	Chaffetz	Franks (AZ)
Benish	Coble	Frelinghuysen
Berg	Coffman (CO)	Galleghy
Biggart	Cole	Gardner
Billray	Conaway	Garrett
Billirakis	Costa	Gerlach
Bishop (GA)	Cravaack	Gibbs
Bishop (UT)	Crawford	Gibson
Black	Crenshaw	Gingrey (GA)
Blackburn	Culberson	Gohmert
Bonner	Davis (KY)	Goodlatte
Bono Mack	Denham	Gosar
Boren	Dent	Gowdy
Boswell	DesJarlais	Granger
Boustany	Diaz-Balart	Graves (GA)
Brady (TX)	Dold	Graves (MO)
Brooks	Donnelly (IN)	Griffin (AR)
Broun (GA)	Dreier	Griffith (VA)
Buchanan	Duffy	Grimm
Bushon	Duncan (SC)	Guinta

Guthrie	McCarthy (CA)	Rooney
Hall	McCaul	Ros-Lehtinen
Hanna	McClintock	Roskam
Harper	McCotter	Ross (AR)
Harris	McHenry	Ross (FL)
Hartzler	McKeon	Royce
Hastings (FL)	McKinley	Runyan
Hastings (WA)	McMorris	Ryan (WI)
Hayworth	Rodgers	Scalise
Heck	Meehan	Schilling
Hensarling	Mica	Schock
Herger	Miller (FL)	Schweikert
Herrera Beutler	Miller (MI)	Scott (SC)
Huelskamp	Miller, Gary	Scott, Austin
Huizenga (MI)	Mulvaney	Sensenbrenner
Hultgren	Murphy (PA)	Sessions
Hunter	Myrick	Shimkus
Hurt	Neugebauer	Shuster
Issa	Noem	Simpson
Jenkins	Nugent	Smith (NE)
Johnson (IL)	Nunes	Smith (NJ)
Johnson (OH)	Nunnelee	Smith (TX)
Johnson, Sam	Olson	Southerland
Jones	Owens	Stearns
Jordan	Palazzo	Stivers
Kelly	Paulsen	Stutzman
King (IA)	Pearce	Sullivan
King (NY)	Pence	Terry
Kingston	Peterson	Thompson (MS)
Kinzinger (IL)	Petri	Thompson (PA)
Kline	Pitts	Thornberry
Lamborn	Platts	Tiberi
Lance	Poe (TX)	Tipton
Landry	Polis	Turner (NY)
Lankford	Pompeo	Turner (OH)
Latham	Posey	Upton
LaTourette	Price (GA)	Walberg
Latta	Quayle	Walden
Lewis (CA)	Reed	Walsh (IL)
LoBiondo	Rehberg	Webster
Loeback	Reichert	West
Long	Renacci	Westmoreland
Lucas	Ribble	Whitfield
Luetkemeyer	Rigell	Wilson (SC)
Lummis	Rivera	Wittman
Lungren, Daniel	Robby	Wolf
E.	Roe (TN)	Womack
Mack	Rogers (AL)	Woodall
Manzullo	Rogers (KY)	Yoder
Marchant	Rogers (MI)	Young (AK)
Marino	Rohrabacher	Young (FL)
Matheson	Rokita	Young (IN)

NOT VOTING—11

Hinojosa	Paul	Shuler
Inlee	Pelosi	Visclosky
Labrador	Rangel	Watt
Moore	Schmidt	

□ 1405

Messrs. ROKITA, LUETKEMEYER, and GARY G. MILLER of California changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. POE of Texas). The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOLD) having assumed the chair, Mr. POE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, and, pursuant to House Resolution 570, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. GARAMENDI. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GARAMENDI. In its present form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Garamendi moves to recommit the bill H.R. 2842 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. 3. MAKE IT IN AMERICA.

Any lease of power privilege offered pursuant to this Act or the amendments made by this Act shall require that all materials used for conduit hydropower generation be manufactured in the United States.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, my colleagues, those of you that are addicted to late-night C-SPAN, you may have noticed this placard which we've used for the last year. If you're not addicted to late-night C-SPAN, then let me inform you what this is all about.

This is about rebuilding the American manufacturing sector. Mr. Speaker, if America is going to make it, then we must, once again, Make It In America.

And this is about government policy. This is about the policies that you and I have the opportunity to make here in America so that this great Nation can, once again, become the great manufacturing center of the world.

Is there any one of us in this room that wants to concede American manufacturing to China or to any other place in the world? Is there one of us in this room that's willing to give up the opportunity for this Nation to, once again, be the pride of this world when it comes to making things?

Gentlemen and ladies, it's all about policy. It's about the policy that we write here in the Halls of Congress. It's about how we structure our tax policy, how we structure our employment policy and our educational policy. It's about the laws that we make.

□ 1410

And don't think this is industrial policy that's new. It's not. George Washington turned to his Secretary of Treasury and told Mr. Hamilton, I want an industrial policy for America. And Hamilton came back with eight specific things that needed to be done at the very birth of this Nation to build the American manufacturing sector. And from that start, we grew. So, George Washington set out an industrial policy, put in place laws to build the start of the great American manufacturing renaissance. But let's look what happened.

This chart is not a happy chart. This chart is about the decline. Beginning in the seventies, we began to see the decline of American manufacturing as policies that were written by this House, by the Senate, signed by Presidents, Democrat and Republican, changed the groundwork upon which our manufacturing sector could be built. And so we began the decline.

Twenty-five years ago, 20 million Americans were in the manufacturing sector. Twenty-five years ago, the American middle class was strong and vibrant and growing, prosperous, able to own a home, able to take care of their family, go on vacation, buy boats, fish—whatever—25 years ago. Today, just over 11 million Americans are in the manufacturing sector. If you were to chart where the middle class is in America, it follows almost exactly this same curve downward.

We have an opportunity today to do one small thing, one small thing: to put in place a policy that will once again lead us back to making it in America, back to rebuilding our manufacturing sector. We can do it here with this amendment that I proposed. It's not going to solve all the problems, and it's not going to employ millions. But if you happen to live in New Mexico, you may want to know that the Elephant Butte Irrigation District has a small hydro facility and able to build in America a hydro facility. They cobbled it together on their own.

If you happen to be from Washington, specifically Deming, Washington, you may know that Canyon Hydro builds small hydro projects and programs and materials. If you happen to be from Alameda, California—listen up my 52 other Californians—Natal Energy builds small hydros. And if you're from Ohio—much discussed these last couple days—Springfield, James Leffel and Company builds small hydros.

We can make it in America. This amendment simply says that any company that applies for one of these small hydro projects must use American-made equipment. This is how we rebuild the American manufacturing sector, piece by piece, law by law—laws like this that require in the public works that we buy America, that we build America, and that we return the

great American middle class back to where it should be, at the top of the heap, not at the bottom and not declining.

So, gentlemen and ladies, it's up to us. This is our policy opportunity, in one small way, in one small hydro project to simply say: do it, but use American-made equipment.

We can, once again, make it in America. And Americans can make it when we have policies in place.

Mr. Speaker, I ask for an "aye" vote on this important, small, critical amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I first want to note that the author of the motion to recommit voted for the bill out of committee without this amendment. So there certainly is some basis of support for this bill. But I find it very, very ironic that we continue to have what I consider impediments to job creation in this country made by the other side, because the other side has generally—not everybody, to the credit of some of those that understand energy creation—but generally they oppose all American energy.

Look at the vote on developing the resources in the Outer Continental Shelf. Look at the vote on developing resources in Alaska. Look at the vote on developing resources in the intermountain West. They have always been generally opposed to it on that side of the aisle. So now we have here in front of us a bill that would create American energy, and they want to put another qualification on it.

Now, the gentleman—as a matter of fact, in the debate he did somewhat mischaracterize because the amendment says "materials." We don't mind, for example—one example, all of the rare Earth we need for high technology, we have to import it. And yet he would have us do it here when we don't even have a source for those materials. That's what this bill says.

So, finally, Mr. Speaker, let me just tell you what this bill does.

Mr. GARAMENDI. Will the gentleman yield?

Mr. HASTINGS of Washington. I will not yield. The gentleman had 5 minutes to make his case.

Let me just tell you what this bill does. This bill creates American jobs with American energy at no cost to the taxpayer. What else do you need to say? Vote against the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GARAMENDI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered; ordering the previous question on House Resolution 572; and adoption of House Resolution 572, if ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 237, not voting 13, as follows:

[Roll No. 99]

AYES—182

Ackerman	Filner	Moran
Altmire	Frank (MA)	Murphy (CT)
Andrews	Fudge	Nadler
Baca	Garamendi	Napolitano
Baldwin	Gonzalez	Neal
Barrow	Green, Al	Oliver
Bass (CA)	Green, Gene	Pallone
Becerra	Grijalva	Pascarell
Berkley	Gutierrez	Pastor (AZ)
Berman	Hahn	Pelosi
Bishop (GA)	Hanabusa	Perlmutter
Bishop (NY)	Hastings (FL)	Peters
Blumenauer	Heinrich	Pingree (ME)
Bonamici	Higgins	Price (NC)
Boren	Himes	Quigley
Boswell	Hinche	Rahall
Brady (PA)	Hirono	Reyes
Braley (IA)	Hochul	Richardson
Brown (FL)	Holden	Richmond
Butterfield	Holt	Ross (AR)
Capps	Honda	Rothman (NJ)
Capuano	Hoyer	Roybal-Allard
Cardoza	Inslee	Ruppersberger
Carnahan	Israel	Rush
Carney	Jackson (IL)	Ryan (OH)
Carson (IN)	Jackson Lee	Sánchez, Linda
Castor (FL)	(TX)	T.
Chandler	Johnson (GA)	Sanchez, Loretta
Chu	Johnson, E. B.	Sarbanes
Cicilline	Jones	Schakowsky
Clarke (MI)	Kaptur	Schiff
Clarke (NY)	Keating	Schrader
Clay	Kildee	Schwartz
Cleaver	Kind	Scott (VA)
Clyburn	Kissell	Scott, David
Cohen	Kucinich	Serrano
Connolly (VA)	Langevin	Sewell
Conyers	Larsen (WA)	Sherman
Cooper	Larson (CT)	Sires
Costa	Lee (CA)	Slaughter
Costello	Levin	Smith (WA)
Courtney	Lewis (GA)	Speier
Critz	Lipinski	Stark
Crowley	Loebback	Sutton
Cuellar	Lofgren, Zoe	Thompson (CA)
Cummings	Lowe	Thompson (MS)
Davis (CA)	Luján	Tierney
Davis (IL)	Lynch	Tonko
DeFazio	Maloney	Towns
DeGette	Markey	Tsongas
DeLauro	Matheson	Van Hollen
Deutch	Matsui	Velázquez
Dingell	McCarthy (NY)	Walz (MN)
Doggett	McCollum	Wasserman
Donnelly (IN)	McDermott	Schultz
Doyle	McGovern	Waters
Edwards	McIntyre	Waxman
Ellison	McNerney	Welch
Engel	Meeks	Wilson (FL)
Eshoo	Michaud	Woolsey
Farr	Miller (NC)	Yarmuth
Fattah	Miller, George	

Adams	Gingrey (GA)	Nunes
Aderholt	Gohmert	Nunnelee
Akin	Goodlatte	Olson
Alexander	Gosar	Owens
Amash	Gowdy	Palazzo
Amodei	Granger	Paulsen
Austria	Graves (GA)	Pearce
Bachmann	Graves (MO)	Pence
Bachus	Griffin (AR)	Petri
Barletta	Griffith (VA)	Pitts
Bartlett	Grimm	Platts
Barton (TX)	Guinta	Poe (TX)
Bass (NH)	Guthrie	Polis
Benishek	Hall	Pompeo
Berg	Hanna	Posey
Biggart	Harper	Price (GA)
Billbray	Harris	Quayle
Bilirakis	Hartzler	Reed
Bishop (UT)	Hastings (WA)	Rehberg
Black	Hayworth	Reichert
Blackburn	Heck	Renacci
Bonner	Hensarling	Ribble
Bono Mack	Herger	Rigell
Boustany	Herrera Beutler	Rivera
Brady (TX)	Huelskamp	Roby
Brooks	Huizenga (MI)	Roe (TN)
Broun (GA)	Hultgren	Rogers (AL)
Buchanan	Hunter	Rogers (KY)
Bucshon	Hurt	Rogers (MI)
Buerkle	Issa	Rohrabacher
Burgess	Jenkins	Rokita
Burton (IN)	Johnson (IL)	Rooney
Calvert	Johnson (OH)	Ros-Lehtinen
Camp	Johnson, Sam	Roskam
Campbell	Jordan	Ross (FL)
Canseco	Kelly	Royce
Cantor	King (IA)	Runyan
Capito	King (NY)	Ryan (WI)
Carter	Kingston	Scalise
Cassidy	Kinzinger (IL)	Schilling
Chabot	Kline	Schock
Chaffetz	Lamborn	Schweikert
Coble	Lance	Scott (SC)
Coffman (CO)	Landry	Scott, Austin
Cole	Lankford	Sensenbrenner
Conaway	Latham	Sessions
Cravaack	LaTourette	Shimkus
Crawford	Latta	Shuster
Crenshaw	Lewis (CA)	Simpson
Culberson	LoBiondo	Smith (NE)
Davis (KY)	Long	Smith (NJ)
Denham	Lucas	Smith (TX)
Dent	Luetkemeyer	Southerland
DesJarlais	Lummis	Stearns
Diaz-Balart	Lungren, Daniel	Stivers
Dold	E.	Stutzman
Dreier	Mack	Sullivan
Duffy	Manzullo	Terry
Duncan (SC)	Marchant	Thompson (PA)
Duncan (TN)	Marino	Thornberry
Ellmers	McCarthy (CA)	Tiberi
Emerson	McCaul	Tipton
Farenthold	McClintock	Turner (NY)
Fincher	McCotter	Turner (OH)
Fitzpatrick	McHenry	Upton
Flake	McKeon	Walden
Fleischmann	McKinley	Walsh (IL)
Fleming	McMorris	Webster
Flores	Rodgers	West
Forbes	Meehan	Westmoreland
Fortenberry	Mica	Whitfield
Fox	Miller (FL)	Wilson (SC)
Franks (AZ)	Miller (MI)	Wittman
Frelinghuysen	Miller, Gary	Wolf
Gallegly	Mulvaney	Womack
Gardner	Murphy (PA)	Yoder
Garrett	Myrick	Young (AK)
Gerlach	Neugebauer	Young (FL)
Gibbs	Noem	Young (IN)
Gibson	Nugent	

NOT VOTING—13

Dicks	Peterson	Walberg
Hinojosa	Rangel	Watt
Labrador	Schmidt	Woodall
Moore	Shuler	
Paul	Visclosky	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1434

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 154, not voting 13, as follows:

[Roll No. 100]

YEAS—265

Adams	Donnelly (IN)	Kingston
Aderholt	Dreier	Kinzinger (IL)
Akin	Duffy	Kissell
Alexander	Duncan (SC)	Kline
Amash	Duncan (TN)	Lamborn
Amodel	Ellmers	Lance
Austria	Emerson	Landry
Baca	Farenthold	Lankford
Bachmann	Farr	Latham
Bachus	Fincher	LaTourette
Barletta	Fitzpatrick	Latta
Barrow	Flake	Lewis (CA)
Bartlett	Fleischmann	LoBiondo
Barton (TX)	Fleming	Loeb
Bass (NH)	Flores	Long
Benish	Forbes	Lucas
Berg	Fortenberry	Luetkemeyer
Berkley	Fox	Lujan
Bigert	Franks (AZ)	Lummis
Bilbray	Frelinghuysen	Lungren, Daniel
Bilirakis	Gallegly	E.
Bishop (GA)	Garamendi	Mack
Bishop (UT)	Gardner	Manzullo
Black	Garrett	Marchant
Blackburn	Gerlach	Marino
Bonner	Gibbs	Matheson
Bono Mack	Gibson	McCarthy (CA)
Boren	Gingrey (GA)	McCauley
Boswell	Gohmert	McClintock
Boustany	Goodlatte	McCotter
Brady (TX)	Gosar	McHenry
Brooks	Gowdy	McIntyre
Broun (GA)	Granger	McKeon
Buchanan	Graves (GA)	McKinley
Bucshon	Graves (MO)	McMorris
Buerkle	Griffin (AR)	Rodgers
Burgess	Griffith (VA)	Meehan
Burton (IN)	Grimm	Mica
Calvert	Guinta	Miller (FL)
Camp	Guthrie	Miller (MI)
Campbell	Hall	Miller, Gary
Canseco	Hanna	Mulvaney
Cantor	Harper	Murphy (PA)
Capito	Harris	Myrick
Cardoza	Hartzler	Neugebauer
Carney	Hastings (WA)	Noem
Carter	Hayworth	Nugent
Cassidy	Heck	Nunes
Chabot	Hensarling	Nunnelee
Chaffetz	Herger	Olson
Coble	Herrera Beutler	Owens
Coffman (CO)	Himes	Palazzo
Cole	Huelskamp	Paulsen
Conaway	Huizenga (MI)	Pearce
Costa	Hultgren	Pence
Costello	Hunter	Perlmutter
Courtney	Hurt	Peterson
Cravaack	Issa	Petri
Crawford	Jenkins	Pitts
Crenshaw	Johnson (IL)	Platts
Cuellar	Johnson (OH)	Poe (TX)
Culberson	Johnson, Sam	Polis
Denham	Jones	Pompeo
Dent	Jordan	Possey
DesJarlais	Kelly	Price (GA)
Diaz-Balart	King (IA)	Quayle
Dold	King (NY)	Reed

Rehberg	Schilling	Tiberi
Reichert	Schock	Tipton
Renacci	Schrader	Turner (NY)
Ribble	Schweikert	Turner (OH)
Rigell	Scott (SC)	Upton
Rivera	Scott, Austin	Walberg
Roby	Sensenbrenner	Walden
Roe (TN)	Sessions	Walsh (IL)
Rogers (AL)	Shimkus	Webster
Rogers (KY)	Shuster	Welch
Rogers (MI)	Simpson	West
Rohrabacher	Smith (NE)	Westmoreland
Rokita	Smith (NJ)	Whitfield
Rooney	Smith (TX)	Wilson (SC)
Ros-Lehtinen	Southerland	Wittman
Roskam	Stearns	Wolf
Ross (AR)	Stivers	Womack
Ross (FL)	Stutzman	Woodall
Royce	Sullivan	Yoder
Runyan	Terry	Young (AK)
Ryan (WI)	Thompson (PA)	Young (FL)
Scalise	Thornberry	Young (IN)

NAYS—154

Ackerman	Grijalva	Pallone
Altmire	Gutierrez	Pascarella
Andrews	Hahn	Pastor (AZ)
Baldwin	Hanabusa	Pelosi
Bass (CA)	Hastings (FL)	Peters
Becerra	Heinrich	Pingree (ME)
Berman	Higgins	Price (NC)
Bishop (NY)	Hinchey	Quigley
Blumenauer	Hirono	Rahall
Bonamici	Hochul	Reyes
Brady (PA)	Holden	Richardson
Braley (IA)	Holt	Richmond
Brown (FL)	Honda	Rothman (NJ)
Butterfield	Hoyer	Roybal-Allard
Capps	Inslee	Ruppersberger
Capuano	Israel	Rush
Carnahan	Jackson (IL)	Ryan (OH)
Carson (IN)	Jackson Lee	Sanchez, Linda
Castor (FL)	(TX)	T.
Chandler	Johnson, E. B.	Sanchez, Loretta
Chu	Kaptur	Sarbanes
Cicilline	Keating	Schakowsky
Clarke (MI)	Kildee	Schiff
Clarke (NY)	Kind	Schwartz
Clay	Kucinich	Scott (VA)
Cleaver	Langevin	Scott, David
Clyburn	Larsen (WA)	Serrano
Cohen	Larson (CT)	Sewell
Connolly (VA)	Lee (CA)	Sherman
Conyers	Levin	Sires
Cooper	Lewis (GA)	Slaughter
Critz	Lipinski	Smith (WA)
Crowley	Loftgren, Zoe	Speier
Davis (CA)	Lowe	Stark
Davis (IL)	Lynch	Sutton
DeFazio	Maloney	Thompson (CA)
DeGette	Markey	Thompson (MS)
DeLauro	Matsui	Tierney
Deutch	McCarthy (NY)	Tonko
Dicks	McCollum	Towns
Dingell	McDermott	Tsongas
Doggett	McGovern	Van Hollen
Doyle	McNerney	Velázquez
Edwards	Meeks	Walz (MN)
Ellison	Michaud	Wasserman
Engel	Miller (NC)	Schultz
Eshoo	Miller, George	Waters
Fattah	Moran	Waxman
Filner	Murphy (CT)	Wilson (FL)
Frank (MA)	Nadler	Woolsey
Fudge	Napolitano	Yarmuth
Gonzalez	Neal	
Green, Al	Olver	

NOT VOTING—13

Cummings	Labrador	Shuler
Davis (KY)	Moore	Visclosky
Green, Gene	Paul	Watt
Hinojosa	Rangel	
Johnson (GA)	Schmidt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1443

Ms. FOXX and Mr. CARNEY changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JUMPSTART OUR BUSINESS STARTUPS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 572) providing for consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 177, not voting 11, as follows:

[Roll No. 101]

YEAS—244

Adams	Dold	Johnson (IL)
Aderholt	Dreier	Johnson (OH)
Akin	Duffy	Johnson, Sam
Alexander	Duncan (SC)	Jordan
Amash	Duncan (TN)	Kelly
Amodel	Ellmers	Kind
Austria	Emerson	King (IA)
Bachmann	Farenthold	King (NY)
Bachus	Fincher	Kingston
Barletta	Fitzpatrick	Kinzinger (IL)
Bartlett	Flake	Kline
Barton (TX)	Fleischmann	Lamborn
Bass (NH)	Fleming	Lance
Benish	Flores	Landry
Berg	Forbes	Lankford
Bigert	Fortenberry	Latham
Bilbray	Fox	LaTourette
Bilirakis	Franks (AZ)	Latta
Bishop (UT)	Frelinghuysen	Lewis (CA)
Black	Gallegly	LoBiondo
Blackburn	Gardner	Long
Bonner	Garrett	Lucas
Bono Mack	Gerlach	Luetkemeyer
Boren	Gibbs	Lummis
Boustany	Gibson	Lungren, Daniel
Brady (TX)	Gingrey (GA)	E.
Brooks	Gohmert	Mack
Broun (GA)	Goodlatte	Manzullo
Buchanan	Gosar	Marchant
Bucshon	Gowdy	Marino
Buerkle	Granger	Matheson
Burgess	Graves (GA)	McCarthy (CA)
Burton (IN)	Graves (MO)	McCauley
Calvert	Green, Gene	McClintock
Camp	Griffin (AR)	McCotter
Campbell	Griffith (VA)	McHenry
Canseco	Grimm	McKeon
Cantor	Guinta	McKinley
Capito	Guthrie	McMorris
Carter	Hall	Rodgers
Cassidy	Hanna	Meehan
Chabot	Harper	Mica
Chaffetz	Harris	Miller (FL)
Coble	Hartzler	Miller (MI)
Coffman (CO)	Hastings (WA)	Miller, Gary
Cole	Hayworth	Mulvaney
Conaway	Heck	Murphy (PA)
Costa	Hensarling	Myrick
Cravaack	Herger	Neugebauer
Crawford	Herrera Beutler	Noem
Crenshaw	Hochul	Nugent
Cuellar	Huelskamp	Nunes
Culberson	Huizenga (MI)	Nunnelee
Denham	Hultgren	Olson
Dent	Hunter	Palazzo
DesJarlais	Issa	Paulsen
Diaz-Balart	Jenkins	Pearce

Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney

Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman

Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay
Cleave
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hirono
Holden
Holt
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)

Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—11

Davis (KY)
Hinojosa
Hurt
Labrador

Moore
Paul
Rangel
Schmidt

Shuler
Visclosky
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1450

So the previous question was ordered. The result of the vote was announced as above recorded.

(By unanimous consent, Mr. MEEHAN was allowed to speak out of order.)

CONGRESSIONAL HOCKEY CAUCUS

Mr. MEEHAN. Mr. Speaker, it is my great pleasure to stand with my colleagues, ERIK PAULSEN, MIKE QUIGLEY, LARRY BUCSHON, and BRIAN HIGGINS, in a true bipartisan fashion to deliver the exciting news to the entire House that this team, skating together as part of the Congressional Hockey Caucus after a 2-year absence, on Sunday at the Verizon Center won back the important cup in a victory of 5-3 over the Lobbyists.

It's tough enough staying together, but QUIGLEY is awfully chippy and we have to watch his back. There's absolutely no question about that.

Mr. Speaker, this is a great game for the spirit of the conference, but in all honesty, the true value of this game is it is a charity. With the great cooperation and support of the National Hockey League, the Washington Capitals and owner Ted Leonsis, we were able to raise in excess of \$160,000; and those dollars first will be dedicated to support a program that the National Hockey League has, which is, Hockey is for Everyone, and that is to bring the game of hockey to inner-city youth who would otherwise not have an opportunity.

More significantly, Mr. Speaker, in cooperation with the National Hockey League, and for the first time, there has been a commitment that has been made. Part of these proceeds will be matched with commitments that will, with Gary Bettman, the commissioner of the National Hockey League, support scholarships now for the Thurgood Marshall Scholarship Fund, to the college fund. They will help support 4-year scholarships to one of the 47 public Historically Black Colleges and Universities for an inner-city youth. We are excited and grateful to be a part of it. I yield to my friend, the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, I want to thank the lobbyists for the day, Nick Lewis who helped organize this. The game did get a little chippy, that's true, but it has no connection with the 20-point lobbying reform measure that we're putting out tomorrow.

I also want to thank the staff who helped carry this older team of guys, our captain, Tim Regan right over here, for helping us win the game and bring back the cup and beat back the evil horde.

Thanks, everyone.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 166, not voting 14, as follows:

[Roll No. 102]

AYES—252

Adams
Aderholt
Akin
Alexander
Amash
Amodel
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggart
Billbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foss

Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant

Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Shimkus	Thompson (PA)	Westmoreland
Shuster	Thornberry	Whitfield
Simpson	Tiberi	Wilson (SC)
Smith (NE)	Tipton	Wittman
Smith (NJ)	Turner (NY)	Wolf
Smith (TX)	Turner (OH)	Womack
Southerland	Upton	Woodall
Stearns	Walberg	Yoder
Stivers	Walden	Young (AK)
Stutzman	Walsh (IL)	Young (FL)
Sullivan	Webster	Young (IN)
Terry	West	

NOES—166

Ackerman	Eshoo	Napolitano
Altmire	Farr	Neal
Andrews	Fattah	Olver
Baca	Filner	Owens
Baldwin	Frank (MA)	Pallone
Barrow	Fudge	Pascarell
Bass (CA)	Garamendi	Pastor (AZ)
Becerra	Gonzalez	Pelosi
Berkley	Green, Al	Perlmutter
Berman	Green, Gene	Peters
Bishop (GA)	Grijalva	Pingree (ME)
Bishop (NY)	Gutierrez	Polis
Blumenauer	Hahn	Price (NC)
Bonamici	Hanabusa	Rahall
Boswell	Hastings (FL)	Reyes
Brady (PA)	Heinrich	Richmond
Braley (IA)	Higgins	Rothman (NJ)
Brown (FL)	Hinchey	Roybal-Allard
Butterfield	Hirono	Ruppersberger
Capps	Holden	Rush
Capuano	Holt	Ryan (OH)
Cardoza	Honda	Sánchez, Linda
Carnahan	Hoyer	T.
Carson (IN)	Inlee	Sanchez, Loretta
Castor (FL)	Israel	Sarbanes
Chandler	Jackson (IL)	Schakowsky
Chu	Jackson Lee	Schiff
Cicilline	(TX)	Schwartz
Clarke (MI)	Johnson (GA)	Scott (VA)
Clarke (NY)	Johnson, E. B.	Scott, David
Clay	Kaptur	Serrano
Cleaver	Keating	Sewell
Clyburn	Kildee	Sherman
Cohen	Kucinich	Sires
Connolly (VA)	Langevin	Slaughter
Conyers	Larsen (WA)	Smith (WA)
Cooper	Larson (CT)	Speier
Costa	Lee (CA)	Stark
Costello	Levin	Sutton
Courtney	Lewis (GA)	Thompson (CA)
Critz	Loebsock	Thompson (MS)
Crowley	Lofgren, Zoe	Tierney
Cuellar	Lowey	Tonko
Cummings	Lujan	Towns
Davis (CA)	Lynch	Tsongas
Davis (IL)	Maloney	Van Hollen
DeFazio	Markey	Walz (MN)
DeGette	Matsui	Wasserman
DeLauro	McCarthy (NY)	Schultz
Deutch	McCollum	Waters
Dicks	McGovern	Waxman
Dingell	McNerney	Welch
Doggett	Meeks	Wilson (FL)
Doyle	Miller (NC)	Woolsey
Edwards	Miller, George	Yarmuth
Ellison	Moran	
Engel	Nadler	

NOT VOTING—14

Brady (TX)	Moore	Shuler
Capito	Paul	Velázquez
Hinojosa	Rangel	Visclosky
Labrador	Runyan	Watt
McDermott	Schmidt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1501

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H.R. 3606 and to insert extraneous materials therein.

The SPEAKER pro tempore (Mr. LANDRY). Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3606.

□ 1501

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, with Mr. DOLD in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in strong support of the JOBS Act and urge my House colleagues to approve this bill with an overwhelming bipartisan support.

This is a legislative package that we believe will help jump-start our economy by creating new growth opportunities for America's small businesses, for start-up companies, and for entrepreneurs.

As chairman of the Financial Services Committee, I'm happy to report to the House that the JOBS Act is comprised of six bills that originated in our committee and were approved by the committee. I'm also proud that these six bills received overwhelming, strong bipartisan support in our committee. It shows that Republicans and Democrats can come together, find common ground and work together to help America's small businesses. In fact, after being approved by the Financial Services Committee, several of these bills moved to the House floor and gained almost unanimous approval by the House and are now in the Senate.

Not only do these measures have support from Republicans and Democrats, but we received a letter from the President this morning dated March 6 endorsing this legislation, strongly endorsing it. So it not only has the support of Republicans, Democrats, but also the President and the leadership.

A consistent observation that I've heard and many others have heard from our business community is that

the Federal Government is making it hard for them to expand and hire new workers with all of its new regulations, mandates and spending, as well as those not-so-new regulations.

We've not recovered from this recession as quickly as we have from past recessions, and the reason is that we have not gotten the job growth that we had hoped, and the job growth we have gotten has been from large corporations. The difference in this recovery and the last one is not large companies not hiring—they are. It's small companies not hiring.

Now, there are two reasons that small companies are not hiring, and these are small companies that generate traditionally 65-70 percent of the new jobs. The first is regulation and the second is capital. It's harder for these companies to get traditional bank financing. We all know that. We've talked to bankers. We've talked to small businesses. Because they can't always get bank financing, they must turn to investors and to the capital market. These bipartisan measures will make it easier for them to do that. They'll increase capital formation which spurs the growth in start-up companies, creates jobs, and encourages companies, small companies, to add jobs and to invest.

We know that, as I've said, small businesses are the generators of our economy. In fact, large corporations, 70-80 percent of their business is from small businesses.

That's why we, as Congress, hearing from our constituents, must cut the red tape that prevents our small businesses and entrepreneurs, the same people that created Google, that created Apple, that created a lot of our biotech companies, they were small businesses but now they are the growth businesses. They are creating the most jobs. This legislation will give them the freedom to access capital, to hire workers, and to grow jobs.

I want to talk about just one of these bills, and that is the bill that came out of our committee with strong bipartisan support; and I want to commend three gentlemen, the gentleman from Tennessee (Mr. FINCHER), the gentleman from Delaware (Mr. CARNEY) and Mr. HIMES, who crafted it. It allows the IPO market, which has been in a funk, to come back and create small companies and allow them to capitalize.

I reserve the balance of my time.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3606—JUMPSTART OUR BUSINESS STARTUPS ACT

(Rep. Fincher, R Tennessee, and 53 cosponsors, March 6, 2012)

The Administration supports House passage of the Rules Committee Print of H.R. 3606. Helping startups and small businesses succeed and create jobs is fundamental to having an economy built to last. The President outlined a number of ways to help small

businesses grow and become more competitive in his September 8, 2011, address to a Joint Session of Congress on jobs and the economy, as well as in the Startup America Legislative Agenda he sent to the Congress last month. In both the speech and the agenda, the President called for cutting the red tape that prevents many rapidly growing startup companies from raising needed capital. The President is encouraged to see that there is common ground between his approach and some of the proposals in H.R. 3606. The Administration looks forward to continuing to work with the House and the Senate to craft legislation that facilitates capital formation and job growth for small businesses and provides appropriate investor protections.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), a Member not on the committee but one of those most active for pushing for one of the bills here.

Ms. ESHOO. Mr. Chairman, I thank the ranking member, Mr. FRANK. I'm pleased to rise in support of H.R. 1070, which is a provision, actually a bill, that is contained in the underlying legislation which we're going to be voting on today.

I want to pay tribute to Mr. FRANK because he recognized the worth of the idea of expanding on Regulation A which was part of the Securities Act of 1933. He was more than interested in the idea. He said come and testify on it, which I did in December of 2010. So I was proud to do that. Both sides of the aisle at that hearing became heavily engaged in it. They were really fascinated by what it was and what it could do relative to capital formation.

So now this bipartisan bill, which passed the House in November of this last year 421-1, is now in this bill. It increases the offering limit from \$5 million to \$50 million under the SEC Regulation A, which, as I think I said, was enacted during the Great Depression to facilitate the flow of capital to small businesses. Look at the genius of FDR. A reformed Regulation A is important for small businesses and start-ups not only in my Silicon Valley district but across the country. This is especially true in high-tech, sustainable energy and the life sciences fields where research and development start-up costs routinely exceed \$5 million. And in 2010, only seven companies actually took advantage of it.

So I'm very pleased that this is part of this overall legislation. I salute the ranking member, Mr. FRANK, for recognizing it, for supporting it early on, and for getting the ball rolling at his committee with a Member who is not a member of his committee; and I think the country is going to win with this provision, and I'm proud to support it.

Mr. HENSARLING. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is clear that jobs and the economy are issue number one for our constituents. Many of them don't see the recovery. Even though

professional economists may see it, it is clearly the slowest and weakest recovery in the postwar era. We still have now 3 full years of 8-plus percent unemployment, half of our population now being classified as either low income or in poverty. Again, our constituents are demanding jobs.

Public policy makes a difference. Republicans have many disagreements with our President over public policy. We disagree with the \$11 trillion of additional debt that he has put into his budget. We disagree with the \$1.9 trillion in new job-killing tax increases he wants to impose, much of it on small businesses. We disagree—we believe the Keystone pipeline, with its 20,000 shovel-ready jobs, should be approved. We believe these policies harm job growth and the economy.

□ 1510

But, Mr. Chairman, we have a rare occasion today, and that is there is something that we do agree on. We have found an opportunity to work on a bipartisan basis, on common ground, with the President of the United States. The President said:

It is time to cut away the redtape that prevents too many rapidly growing start-up companies from raising capital and going public.

House Republicans agree, and thus we are happy to bring to the floor, on a bipartisan basis, the JOBS Act.

The President has issued his Statement of Administration Policy endorsing this legislation. Again, a rare occurrence, and I believe it's something that our constituents would like to see us do. They want to see us stand on principle, but they also want to see us compromise on policies to advance those principles. And so this is a bill that will give these emerging growth companies—again, perhaps the future Googles, perhaps the future Apples, the future Home Depots and the future Starbucks—that opportunity to begin to access equity capital where the hurdles, the redtape, and the cost burdens have been too high.

We know that, of many of the root causes of the economic debacle we had, clearly this was an economy that was overleveraged. So we in the Congress need to do whatever we can to enable the start-up companies, the job engines of America, to be able to access the equity markets, not just the debt markets. So this is a bill most of which has been previously approved by large majorities either in the Financial Services Committee or on the floor.

I want to thank the gentleman from Tennessee (Mr. FINCHER) for his leadership, Chairman BACHUS, Leader CANTOR, and the ranking member, Mr. FRANK from Massachusetts. The American people want to see jobs, hope, and opportunity. So let's pass the JOBS Act, and let's pass it now.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first, I yield myself 1 minute to say that I regret that my friend from Texas felt the need to absolve himself from the charge of excessive bipartisanship by engaging in a partisan diatribe that was factually shaky. It is true that this recovery from the recession has been slower than any previous one, but that's because the economy Barack Obama inherited from George Bush was the weakest since the Great Depression. Yes, it was a deeper economic downfall under George Bush than we've had in 8 years, and that's why the recovery was slower. But it's also the case, if you look at the chart recently presented to us by a Bush appointee, Ben Bernanke, the chairman of the Federal Reserve, it would show that in the beginning of 2006, there was a very steep drop in jobs, a month-by-month increase to the hundreds and hundreds of thousands of jobs lost in the last couple of years in the Bush administration, and then less than 2 months after Barack Obama took office, and we were able to begin some policies to stimulate the economy, an equally sharp rise. So we haven't come as far back as we'd like to, but that's because we were so deeply in the hole when we started.

Now I yield 2 minutes to one of the Members who has been a major shaper of this bill, the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I rise today to encourage all my colleagues, Democrats and Republicans, to support this important piece of legislation to create jobs.

In December, Representative FINCHER and I introduced H.R. 3606, the Reopening American Capital Markets to Emerging Growth Companies Act of 2011. Today, our legislation is the vehicle for a package of bills to help small businesses access capital and grow.

I'd also like to recognize Mr. FINCHER and his staff, Jim Hall and Erin Bays, for their bipartisan work on this bill. I would also like to thank Ranking Member FRANK and Representative WATERS for their assistance and leadership throughout this process.

The original bill, H.R. 3606, which is contained in the bill today before us, will create jobs in part by making it easier for emerging growth companies to undertake IPOs and go public. On average, research tells us that 92 percent of a company's growth, job growth, occurs after they go public. But in recent years, the number of companies going public has fallen off dramatically.

This legislation takes a common-sense approach to reduce the cost of going public for these so-called "on ramp" status companies by phasing in, not exempting, by phasing in certain costly regulatory requirements. Our bill creates a new category of issuers called "emerging growth companies."

They have annual revenues of less than \$1 billion and, following the initial public offering, less than \$700 million in publicly traded shares. Exemptions for these on-ramp status companies would either end after 5 years or when the company reaches \$1 billion in revenue or \$700 million in public float.

The legislation will also make it easier for potential investors to get access to research and company information in advance of an IPO, and this is an issue around which there's been quite a bit of discussion in committee. This is critical, though, for small and medium-sized companies trying to raise capital that have less visibility in the marketplace.

Last month, these provisions were passed out of the Financial Services Committee with a bipartisan vote of 54-1. We've worked hard to craft legislation that could garner support from Democrats and Republicans and that can pass both the House and the Senate. And as you heard earlier, it's supported by the administration. In fact, many of the ideas in this bill were generated out of a process started by the Treasury Department itself.

Making it easier for small and medium-sized companies to grow is an effective way to create jobs and improve the economy, and we all know how important that is to the constituents that we serve. This legislation will encourage more entrepreneurs to start businesses and allow more start-ups to become public companies and grow and create jobs.

Please join me in supporting H.R. 3606.

Mr. HENSARLING. Mr. Chairman, I now would like to yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 3606, the Jumpstart Our Business Startups Act. This bill will do just that, jump-start our small businesses by removing costly, outdated compliance requirements so businesses and community banks can grow, invest, and hire again. I want to thank Chairman BACHUS for including my legislation, H.R. 4088, the Capital Expansion Act, in the JOBS Act.

Our economy is being held back by onerous and outdated regulations that keep small community banks from expanding. By making it easier for banks to raise capital and invest in our Nation's small businesses, our entire economy benefits. This legislation is essential to small businesses and will allow them greater access to necessary capital. Community banks make up 11 percent of the banking industry's assets in America, but they provide 40 percent of all loans to small businesses.

Currently, community banks with 500 or more shareholders must register with the SEC, and in so doing, submit

to the costly compliance requirements. The 500 shareholder threshold hasn't been updated since 1964. This bill would raise the threshold and lower compliance costs for our community banks.

Under this act, a bank would be able to expand to 2,000 shareholders before having to register with the SEC. This will lower compliance costs for the average community bank by \$250,000 annually. That \$250,000 can be lent to small businesses or used to expand its operations.

I've been concerned about these issues addressed by this act since I came to Congress, and it is gratifying to see these solutions being put forward. I'm particularly grateful for Mr. FINCHER for his leadership on H.R. 3606, which addresses the high cost of compliance with section 404 of Sarbanes-Oxley. As I've been meeting with small businesses within my district, I've been engaged in trying to roll back the costly regulations on our start-ups imposed by Sarbanes-Oxley.

I urge my colleagues to support the JOBS Act.

Mr. FRANK of Massachusetts. Madam Chair, I yield myself such time as I may consume.

I now have an answer to a question. There was a bill in this package, H.R. 4088, that had never had a hearing, it had never been to our committee, everything else had been through the process, and I asked the gentleman from Texas (Mr. SESSIONS) about it. He represented the Rules Committee, and he told me it was a good bill, and therefore, there was no need for it to go to a hearing or through subcommittee or committee. That struck me as rather odd. I've never heard that before, particularly from a party that says they wanted to bring us regular order.

□ 1520

But now that the gentleman from Arizona has spoken, let me make a confession, Madam Chair. I was being a little disingenuous. Now, let me alert people to the rules who may be new to the place. You may not accuse anyone else of being disingenuous under the House rules, but you can cop to it.

I knew what H.R. 4088 was, and we just heard it. We heard the gentleman from Arizona—surprisingly, to me—talk about his legislation. His legislation is the bill I was referring to. It was introduced on February 24, I believe, of this year. It had no hearing. It had no subcommittee markup. But it sounded very familiar as he described it, because that's not just a bill. It's a shape-shifter. It used to be the Himes-Schweikert bill.

So let me be clear: yes, we did consider this in subcommittee and in committee. It was voted on and debated. But it wasn't the Quayle bill then. There was no Quayle bill then. This bill had been the product of bipartisan col-

laboration between two of our Members: the gentleman from Connecticut (Mr. HIMES), the gentleman from Arizona (Mr. SCHWEIKERT). It had a great deal of appeal, particularly for the bank community.

So what happened?

Apparently, the Republican leadership decided it was Christmas in March, so they stole the bill from Mr. SCHWEIKERT and Mr. HIMES and made a present of it to the gentleman from Arizona (Mr. QUAYLE). And Mr. QUAYLE, I must say, someone told him, Always be grateful, never look a gift bill in the mouth; because when they took the bill from the two men who had created it and took it away from them so that the gentleman from Arizona could get the credit for the bill—in which he had done no work—he seemed perfectly happy with it.

Now, I want to say, Madam Chairman, I've been here for 31½ years. I'm about to be not here anymore, but I do want to say—and I have thought very much about what I am about to say—that's shameful, shameful on the part of the Republican leadership that engaged in this cheap maneuver, shameful on the part of a Member who would be the beneficiary of it. I am deeply disappointed.

Yeah, it's a good bill. It was a good bill when it was the Himes-Schweikert bill. It was a good bill when it went through the hearing in the subcommittee. And for two Members who worked hard on this to then have it taken away and credit given to someone who had nothing to do with it previously is a bad idea.

Then, for the gentleman from Texas (Mr. SESSIONS), on behalf of the Rules Committee, he did not want to admit this theft, so, instead, he announced a new principle—and I hope we can now be clear that's not going to be a precedent—namely, that if it's a good bill and a short bill, it doesn't have to go through a hearing; it doesn't have to go through subcommittee; it doesn't have to go through committee. That was the defense the gentleman from Texas made because he was, to his credit, embarrassed to acknowledge the truth.

But having understood that that was the truth, I do want to make it clear: it would have been better if he had not pretended, as it seems to me he did, that this was such a wonderful bill it didn't need to go through the procedure but, rather, had admitted that it was a bill that had gone through the procedure but had been kidnapped along the way and brought here under another Member.

As I said, I am very disappointed in a leadership that would do this and in a Member who would accept credit for a bill with which he had so little to do with.

I reserve the balance of my time.

Mr. HENSARLING. Madam Chairman, I yield myself 10 seconds to say

that the American people care about jobs and economic growth, not a John Grisham novel of intrigue. Either the gentleman, the ranking member, likes the policy—in which case, he can vote for it. If he doesn't like the policy, he can vote against it. The President of the United States apparently supports it.

At this time, I yield 3 minutes to the gentleman from Tennessee (Mr. FINCHER), the author of the JOBS Act.

Mr. FINCHER. I thank the gentleman for yielding.

I want to thank my colleague, Mr. CARNEY, for his hard work and his staff for helping work on something good for the country, for the private sector, getting people back to work. That's what we were sent here to do.

I'm pleased to be the lead sponsor on H.R. 3606, the Jumpstart Our Business Startups Act.

Today, according to the Bureau of Labor Statistics, the unemployment rate is currently 8.3 percent. However, in December of last year, all but one of the counties I represent had a higher unemployment rate than the national average of 8.5 percent. At the top of the list was Obion County, with an unemployment rate of 15.3 percent, and Crockett County, where I live, 10.5 percent.

It is no secret that our Nation has seen a decline in small business start-ups over the last few years, which means less jobs created for American workers. I think we all can agree that small businesses and entrepreneurs are the backbone of our Nation and our economy.

The heartbeat of America is in the heartland of America, not here in Washington. The best thing our government can do right now to get our economy moving in the right direction is to help create an environment where new ideas and start-up companies have a chance to grow and succeed. The provisions in the JOBS Act will put the focus on the private sector, capitalism, and the free market, providing the jump-start our Nation's entrepreneurs need.

Title I of this bill is legislation that I introduced with Congressman CARNEY, the Reopening American Capital Markets to Emerging Growth Companies Act, which would help more small and mid-size companies go public. During the last 15 years, fewer and fewer start-up companies have pursued initial public offerings because of burdensome costs created by a series of one-size-fits-all laws and regulations. These changes have driven up costs and uncertainty for young companies looking to go public. Not going public deprives companies of the needed capital to expand their businesses, develop innovative products, and hire more American workers.

Title I would create a new category of issuers called emerging growth com-

panies that have less than \$1 billion in annual revenues when they register with the SEC and less than \$700 million in public float after the IPO.

Emerging growth companies will have as many as 5 years, depending on size, to transition to full compliance with a variety of regulations that are expensive and burdensome. This on-ramp status will allow small and mid-size companies the opportunity to save on expensive compliance costs and create the cash needed to successfully grow their business and create American jobs. It will also make it easier for potential investors to get access to research and company information in advance of an IPO in order to make informed decisions about investing. This is critical for small and medium-sized companies trying to raise capital that have less visibility in the marketplace.

Our bill had tremendous bipartisan support when passed by the Financial Services Committee 2 weeks ago. It's my hope that we can continue to work together as we move this package of bills forward.

Madam Chairman, the JOBS Act will provide companies some valuable tools they need to grow and create jobs. I urge my colleagues to support this bill.

Mr. FRANK of Massachusetts. Madam Chair, preliminarily, I yield myself 15 seconds to say the gentleman from Texas said the American people don't care about this intrigue. Then the question is: Why do they involve in it? Why do they engage in it? Why didn't they just leave the bill with the sponsors? So apparently they cared enough to play that double-game.

I now yield 3 minutes to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman.

I rise to support H.R. 3606, which would help start-ups and small businesses succeed and create jobs during this economic recovery.

I want to really congratulate and thank the ranking member for his leadership, along with the administration, during the worst recession after the Great Depression.

Christina Romer testified before this Congress that the economic shocks to our economy were three times greater than the Great Depression. We were shedding over 700,000 jobs a month when the President assumed office.

In a report by Chairman Bernanke, he showed a chart where we are digging our way out under his leadership. We have gained 3.7 million private sector jobs. This is an important step forward.

The financial reform bill that Ranking Member BARNEY FRANK—we're going to miss you, BARNEY. You did a great job, and we all owe you a debt of gratitude for your leadership during this time.

But what we need now is a real jobs bill, not just a tweaking around the

corners with a few words and a few changes in the securities law. What we should be debating today, which would have a huge impact on jobs, is the transportation bill or the President's American Jobs Act, which would create more than a half million jobs and move us forward.

This particular bill, the package is important, but it is not a comprehensive jobs bill or agenda which we need. There are some modest steps forward, but they are no substitute for a major job-creating highway bill or a passage of a full American Jobs Act.

These bills make only very modest changes for start-up companies, making it easier for them to raise capital through the Internet and the solicitation of accredited investors, and loosening certain filing and regulatory requirements for start-ups and small banks.

□ 1530

I support it, but it does not really do a great deal to create more jobs, which we need.

I must say that I have cosponsored parts of it, and all four of them have already passed this body overwhelmingly with over 300 votes. And I'd like to note that the administration supports the passage of this act, as Congress clearly has already done.

I do want to join the chairman in speaking in support of my colleagues, Mr. HIMES and Mr. SCHWEIKERT, on the committee. They championed the provision of the bill that raises the shareholder threshold for having to register with the SEC, and this title passed this body on its own already by a 420-2 margin. That's quite an achievement for them.

But by putting another person's name on it, we have a clear example of the majority more interested in scoring points than in working in a bipartisan way for job development. I will place in the RECORD further comments on these bills and their importance and my work with Mr. MCHENRY on crowdfunding.

SUMMARY OF HR 3606, JUMPSTART OUR BUSINESS STARTUPS ACT

TITLE I "REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES ACT OF 2011" (HR 3606, CARNEY-FINCHER)

HR 3606 creates an expanded on-ramp for newly public companies by exempting a new category "emerging growth companies" (companies with less than \$1 billion in revenues or \$700 million in public float) for up to five years from a variety of securities law requirements, including: say-on-pay votes; certain executive compensation reporting; requirements to provide 3-years of audited financials (would only need 2 years worth), SOx section 404(b) auditing of internal controls over financial reporting; and any future auditor rotation or other auditor requirements. HR 3606 also eases restrictions on communications and research related to an IPO. HR 3606 passed the Financial Services Committee by a vote of 54-1 on 2/16/12, has not previously come to the floor action.

TITLE II, "ACCESS TO CAPITAL FOR JOB CREATORS ACT" (HR 2940, MCCARTHY OF CA)

HR 2940 amends section 4(2) of the Securities Act of 1933 to permit use of public solicitation in connection with private securities offerings, provided that the issuer or underwriter verifies that all purchasers of the securities are accredited investors. In addition, the SEC would have to share offering materials and documentation with the states. HR 2940 passed the House 413-11 on 11/3/11.

TITLE III "ENTREPRENEUR ACCESS TO CAPITAL ACT" (HR 2930 MCHENRY)

HR 2930 creates a new exemption from registration under the Securities Act of 1933 for "crowdfunding" securities. HR 2930 permits a company to raise up to \$2 million a year, with investors permitted to invest the lesser of \$10,000 or 10% of his or her income annually in such companies. HR 2930 pre-empts the state regulators' registration authority for the exempt securities, but websites and issuers must register with and provide notice to the SEC, which would be shared with the states. HR 2930 passed House 407-17 on 11/3/11.

TITLE IV, THE "SMALL COMPANY CAPITAL FORMATION ACT OF 2011" (HR 1070, SCHWEIKERT)

HR 1070 requires the Securities and Exchange Commission (SEC) to create a new and larger exemption, effectively raising the limit from \$5 million to \$50 million for its Regulation A ("Reg A") security offerings and permitting a more streamlined approach for smaller issuers. The current limit is \$5 million, but the mechanism is little used due to the small size of issuances permitted. The bill would permit SEC to impose conditions on issuance under the rule, and would require periodic review of the limit. HR 1070 passed House 421-1 on 11/2/11.

TITLE V, "PRIVATE COMPANY FLEXIBILITY AND GROWTH ACT" (HR 2167, SCHWEIKERT)

HR 2167 allows companies to remain private longer, with no SEC filings, by raising the minimum shareholder threshold triggering public reporting for all companies from 500 to 1000 shareholders, and by excluding employees from the definition of a shareholder. HR 2167 passed the Financial Services Committee on voice vote 10/26/11, but has not previously come to the floor.

TITLE VI, "CAPITAL EXPANSION" (HR 4088, QUAYLE)

HR 4088 is identical to House-passed HR 1965 (Himes) except that HR 4088 removes a cost-benefit analysis study on raising the shareholder threshold for all companies (see Title V). HR 4088 allows banks and bank holding companies to remain private longer by raising the threshold triggering public reporting from 500 shareholders to 2000 shareholders. The bill also eases restrictions for discontinuing public reporting by increasing the minimum threshold from 300 shareholders to 1200 shareholders. The employee exclusion discussed in Title V also applies to banks and bank holding companies. HR 4088 has not been considered in the Financial Services Committee. However, HR 1965 passed the House 420-2 on 11/2/11.

Mr. HENSARLING. I yield myself 10 seconds just to say that President Reagan once said there's no limit to what the American people can achieve if they don't mind who gets the credit. We seem to hear the ranking member say, if I and my friends can't take credit, we're going to pick up our toys and go home. All of us can take credit if we will support the JOBS Act.

I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the chair

of the Housing and Insurance Subcommittee.

Mrs. BIGGERT. I thank the gentleman for yielding me the time.

Madam Chair, when it comes to promoting economic growth, no government program is as effective as the old-fashioned drive and ingenuity of the hardworking American people. But to harness that power and the jobs that come with it, we need to clear a path for the start-ups and fledgling businesses that bring new goods and ideas into the marketplace. That's the purpose of the JOBS Act.

This jobs package includes several bills that I've had the opportunity to work on closely with my colleagues on the House Financial Services Committee. All together, it includes six bipartisan proposals that the committee has reviewed to streamline or eliminate the regulatory and legal barriers that prevent emerging businesses from reaching out to investors, accessing capital, and selling shares to the public market.

This legislation will make it possible for promising businesses to go public and access financial opportunities that currently are limited to large corporations, and it eliminates needless costs and delays imposed by the SEC and other regulators.

These ideas are not political. These ideas are not partisan. They come from the small business community in districts like mine, where I meet regularly with local employees who tell me that accessing capital is the hardest part of enduring the recession. Many of these changes have bipartisan backing and have been endorsed by members of the President's Council on Jobs and Economic Competitiveness.

Madam Chair, I urge my colleagues to support this important jobs package and unite behind good ideas that will free American businesses to do what they do best.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 30 seconds.

* * *

Mr. HENSARLING. Madam Chair, I ask that the gentleman's words be taken down.

The Acting CHAIR (Ms. FOXX). The gentleman from Massachusetts will please take a seat.

The Clerk will report the words.

The Clerk read as follows:

Mr. FRANK of Massachusetts. I have never seen truth stood on its head more rapidly than by my colleague from Texas. This notion that who cares about the credit—if that were honestly what the Republican leadership believed, why did they take the credit from Mr. SCHWEIKERT and Mr. HIMES and give it to Mr. QUAYLE? It is they who decided that substance was less important. For the gentleman from Texas, having been part of the leadership that engaged in that shameful maneuver, to now accuse us of being excessively concerned with credit is the most hypocritical and dishonest statement I have heard uttered in this House.

The Acting CHAIR. The Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HURT) having assumed the chair, Ms. FOXX, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee had under consideration the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, when certain words used in debate were objected to and, on request, were taken down and read at the Clerk's desk, and she herewith reported the same to the House.

The SPEAKER pro tempore. The Clerk will report the words objected to.

The Clerk read as follows:

Mr. FRANK of Massachusetts. I have never seen truth stood on its head more rapidly than by my colleague from Texas. This notion that who cares about the credit—if that were honestly what the Republican leadership believed, why did they take the credit from Mr. SCHWEIKERT and Mr. HIMES and give it to Mr. QUAYLE? It is they who decided that substance was less important. For the gentleman from Texas, having been part of the leadership that engaged in that shameful maneuver, to now accuse us of being excessively concerned with credit is the most hypocritical and dishonest statement I have heard uttered in this House.

The SPEAKER pro tempore. The Chair finds that the remarks constitute a personality directed toward an identifiable Member.

Without objection, the offending words are stricken from the RECORD.

There was no objection.

The SPEAKER pro tempore. The Committee will resume its sitting.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, with Ms. FOXX (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, 31½ minutes remained in general debate.

The gentleman from Texas (Mr. HENSARLING) has 15½ minutes remaining, and the gentlewoman from California (Ms. WATERS) has 16 minutes remaining.

Ms. WATERS. I yield myself 4 minutes.

Madam Chair, I rise today in support of H.R. 3606, the Jumpstart Our Business Startups Act.

Before I begin my remarks, I would like to thank Chairman BACHUS, Chairman GARRETT and, certainly, Ranking Member FRANK for their assistance and support on this bill. We were able to work in a bipartisan manner on this bill in our committee, passing many of

the provisions in the bill with strong bipartisan majorities.

H.R. 3606 is an omnibus package of small business capital formation bills, some of which we already passed through the House back in November. I was pleased to work with Representative MCCARTHY on a provision now included in the bill to amend securities law in order to remove the prohibition on general solicitation, or general advertising, for the Office of Securities made under rule 506 of regulation D if those securities are only sold to accredited investors.

Last year, I worked with Representative MCHENRY to add critical investor protection provisions to this crowdfunding bill, which previously passed the House and is now included in this package. I was also pleased to support the provision from Representative SCHWEIKERT to allow companies to raise more funds through the Regulation A process and another provision to raise minimum shareholder thresholds at which companies must register their securities with the SEC.

On the title of this bill, which deals with the emerging growth companies, the IPOs, I support the goal of this legislation, and I hope that many of the amendments offered today on this title are accepted, including my own, which is dealing with the provision of research. Again, I am supportive of this legislation, but I think that more investor protection provisions are needed.

Why did we work together to get this legislation passed?

We worked from both sides of the aisle because we are all concerned about job creation and access to capital. We have gone through a recession in this country, starting with the loans that were made in the subprime market in 2003 to 2007. We almost reached a depression, and we destroyed the housing industry in this country. So we are all working to try and not only get the housing industry revitalized, but we are also working to make sure that our small businesses have access to capital and, thus, job creation.

I am very pleased that we were able to work together on this legislation despite the fact that what Mr. FRANK brought to our attention today is the kind of effort that could interfere with attempts to have bipartisanship on some of these legislative attempts that we have made. What Congressman FRANK brought to our attention was that title VI of the bill, a provision that was drafted by Representative HIMES, with the support of Republicans, seems to have been bare minimally reworked and rebranded as a Representative Quayle bill.

While I support the provision, I think that taking Mr. HIMES' work product undermines the spirit of bipartisanship and the cooperation that was otherwise demonstrated by this bill.

□ 1600

Do I like every one of these bills 100 percent? No, I don't. I have some concerns and I have some questions. I even have some uncertainty when we talk about crowdfunding. I want to make sure that we're protecting the investors. I want to make sure that the proper research is isolated from the underwriters who have connections to those people that they're writing the bills for.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. WATERS. I yield myself an additional 30 seconds.

To sum up this bill, it will make it just a bit easier for some companies to raise funds in our capital markets, enabling them to grow their businesses. But make no mistake, I believe that this Congress still needs to do more on jobs. In addition to these legislative changes that enable capital formation, we need to keep teachers, police officers, and firefighters on the job; extend unemployment insurance for laid-off workers; and revitalize neighborhoods devastated by foreclosures.

A truly comprehensive approach is needed to get Americans working again, and I hope my colleagues are willing to work with me on these issues.

I reserve the balance of my time.

Mr. HENSARLING. I yield myself 10 seconds just to say the gentlelady alluded to the gentleman from Massachusetts for bringing something to our attention. What he brought to our attention is that he violated House rules and is prohibited from speaking the rest of the day when the rest of the Chamber wishes to promote jobs for the American people.

At this time, I am happy to yield 2 minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I want to thank my good friend from Texas for yielding me the time.

As a small-business owner, I understand firsthand what small businesses are facing today when they try to meet a payroll or a budget, try to expand their business, or try to hire an extra worker.

My small business employs just about 100 people. For me, that's 100 families. It's a responsibility that I take very seriously.

All across our country, we've got 29 million small businesses throughout our Nation. We should be doing everything we can, everything within our power to create an environment that enables those small businesses to hire one more worker. That's why I'm pleased today to stand up and voice my support for this bipartisan JOBS Act on the floor today.

Many of the bills in this package passed the House with over 400 votes each. Today, we hear a lot about gridlock; we hear a lot about partisanship.

These are bipartisan bills. What we had are 400 bills, 400 votes here in the United States Congress that were sent over to the United States Senate without action, and I'm glad that we're able to package them today to have another crack at that.

These measures were introduced by Republicans and Democrats and are aimed at allowing small businesses to gain access to capital. This is exactly the type of legislation that the United States Senate should be passing and that the President should sign into law.

This week we're sending another message to the United States Senate, and we urge them to take action on these important matters.

These are bipartisan bills. Our small businesses and hardworking families don't have the luxury of waiting for gridlock in Washington to end, specifically in the United States Senate. We sent 30 jobs bills from this body over to the United States Senate without any action. So it's time that I ask that the Senate join the House and work together with us on the issues that I think we can all agree on in empowering our small-business owners and job creators.

I believe that bipartisanship is extremely important; and when we find common ground, we must act. That's why it's critical that we empower our job creators and small-business owners to spur our economy and get America back to work.

The JOBS Act is an example of how we can put people before politics and progress before partisanship, which is why I am delighted to be able to support this bill and thank my colleagues, Mr. CARNEY, and my friend, Mr. FINCHER.

Ms. WATERS. Madam Chair, I yield 3 minutes to the minority whip, the gentleman from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank the gentlelady for yielding, and I rise in strong support of these six pieces of legislation which have been put together and called a jobs bill.

I think they have a positive effect on economic growth in our country. I think they are good bills. I particularly support the Himes bill, currently called the Quayle bill; but I'm pleased to support it by whoever's name it might have on it.

Four out of the six components of this legislation have been previously passed overwhelmingly. This is a recycle, but doing a good thing twice is not bad. So I'm going to vote for it, and I'm going to be enthusiastic about voting for it. As a matter of fact, I suggested a number of these ideas on our side of the aisle.

This bill makes it easier for small businesses to go public and raise the capital they need to expand and hire new workers by reducing regulatory

burdens. It also raises the SEC registration thresholds for community banks, which will free up bank capital for lending to small businesses and individuals. That's an important step we ought to be taking.

A number of my Democratic colleagues worked hard on these provisions, including, as I said earlier, Representative JAMES HIMES of Connecticut, who introduced one of these bills months and months and months ago, and it passed 420-2 in this body. He has been a leader on this issue of small business access to capital, and I congratulate him for his efforts.

I'm glad the Republican leadership is bringing this bill to the floor, and I hope it signals a new willingness to work with us to create jobs.

This bill is called a JOBS bill. Catchy title. I sort of refer to it as the "just old bills" bill, but they are good bills. As I said, we're doing a good thing twice in hoping the Senate will pass it; and I hope the Senate does pass all of these bills and this bill as a package.

But make no mistake about it, Madam Chair—and America should make no doubt about it—this is not the jobs bill America needs, one with tweaking around the edges and pretending that we've put something together that's going to create a significant number of jobs. This will help and in the longer term it will create jobs. I'm for it. I think it's a positive step forward. But make no mistake about it, this is not the jobs bill that the President asked for. This is not the jobs bill that America needs. This is not the jobs bill that millions who are unemployed and can't find employment are crying out for in America.

America needs a comprehensive jobs plan to help get the millions who have lost jobs and are still looking for work. This bill alone simply is not enough. We must do more. And I will tell my friend—and he is my friend—from Texas, I'm prepared to work with him on a real jobs bill. This is a real jobs bill, but you and I both know it's a small-bore jobs bill. That doesn't make it bad. It doesn't mean that we shouldn't pass it. I thank you for bringing it to the floor. But let us not delude America or deceive ourselves that this is the jobs bill that we need to be passing.

Mr. HENSARLING. I yield myself 10 seconds simply to respond to my friend that we have tried the President's jobs bill, the stimulus, the health care package, Dodd-Frank; and yet we still have the highest duration of 8 percent-plus unemployment since the Great Depression. Here's at least a bipartisan bill we can work on, and I look forward to that today.

At this point, I will yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT), the chairman of the Capital Markets Subcommittee.

Mr. GARRETT. I thank the Chair and I thank the gentleman from Texas as well.

I also rise to express support for the JOBS Act today.

I strongly believe that the JOBS Act will ease the burden of capital formation on the entrepreneurial growth companies that have traditionally served as the U.S. economy's primary job creators and provide a larger pool of investors with access to information and investment options on these companies that currently doesn't exist.

With venture capital fundraising basically stagnant and the IPO market largely closed off, innovative start-up companies who can't have access to the capital market they need have been forced literally to delay research on promising medical and scientific and technological breakthroughs, and that has hurt our economy and our global competitiveness because emerging companies need capital. Developing medical cures to help people live longer and healthier and more productive lives needs capital; developing technology to improve the speed of communication needs capital; and developing alternative energy technologies to reduce our dependence on foreign sources requires capital.

With the passage of this bill, we will provide those companies with the innovation and creativity needed in the marketplace which is essential to keeping American companies competitive with a cost-effective means to access that capital and keep this country at the forefront of medical, scientific, and technological breakthroughs.

□ 1610

Economic growth occurs when companies go public. Just recently I met with the New Jersey Technology Council, and they stressed the importance of removing the regulatory burdens of bringing companies they invest in to market. And the JOBS bill does that. It restores that innovation for early-stage investors to provide the capital that America's entrepreneurs need.

So we do this by chipping away at the albatross of regulations that have strangled and held back the IPO market since the passage of the Sarbanes-Oxley law. This bill provides America's entrepreneurs with access to the capital that they need to basically go after and seek their dreams. It provides the venture capital investors with the exit strategy they need to help make their dreams a reality and create a welcoming environment.

With that, I believe the JOBS Act is a commonsense bill, and I will support the legislation before us.

Ms. WATERS. Madam Chair, I yield 1 minute to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

I actually rise with some significant concerns about the IPO on-ramp provi-

sions of this bill. I'm concerned because there already is exempted from the Sarbanes-Oxley compliance requirements about 60 percent of the IPOs that we see, and this would extend the period in which companies have the requirement of complying with Sarbanes-Oxley to 5 years for companies that exceed that \$75 million and go up to \$1 billion in revenues. My concern about that is that's a period of time in which a lot of mischief can be done when it comes to financial fraud, and I think it exposes investors to significant potential damage.

My hope would have been that this could have been remedied along the way. Because of my concerns about it, I'm going to be compelled to vote against the bill because I think it really has the effect of gutting significant investor protections.

Ms. WATERS. Madam Chair, I yield 3 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Madam Chair, I rise today very excited about what we are about to do on this floor. As has been said over the course of many hours, we are about to pass legislation that will be good for the core strength of this country, for our entrepreneurs, for our small banks that we trust to provide credit in our communities. This is a good bill.

I'm sorry it has been marred by a couple of things that have been the topic of much discussion today. I'm sorry that the Republican majority has used this debate as an opportunity to promote the canard—not my word, Bruce Bartlett's word, which I think means "baloney"—that the main problem with our economy today is regulation. Bruce Bartlett, conservative economist and former adviser to President Reagan said:

In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out.

We have an obligation to make sure that our regulation is good, that it keeps us safe, that it keeps our air clean, that it keeps our banks alive without quashing the entrepreneurship and economic vitality. We should do that every day.

But what we have heard, the ideology, this notion that regulation is the problem in our economy is just what Bruce Bartlett called it, a canard.

And I'm sorry that this bill has been spoiled by the antics of the Republican majority. I'm thrilled that this bill includes H.R. 1965.

At the end of the day—I mentioned Reagan—Reagan said you'd get a lot done in Washington, DC, if you didn't care who gets the credit. There may be only one way to spell "potato," but there are a lot of ways to skin a cat. And if we're going to skin this cat this way, I'm okay with that, because small

banks need the flexibility to go public when they should go public; because we should, for those companies that want to go public, provide them with some relief from the regulations that might be more appropriate for larger companies. All of these things, though we have passed many of these measures on the floor, are important.

And so, marred though it has been by the antics of the Republican majority, this is fundamentally a bipartisan, good bill, and it is a rare step forward for this House of Representatives, something that I think will cause every American to say they can get something done. And for that I'm grateful and urge the passage of this bill.

Mr. HENSARLING. Madam Chair, I now yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. Madam Chair, I thank the gentleman for yielding.

Madam Chair, I rise today in support of the bipartisan JOBS Act, and I thank Chairman BACHUS for his leadership in putting the Financial Services Committee at the forefront of the effort to advance job-creating policies in this House.

After recently touring Virginia's Fifth District, I am freshly reminded that Federal Government overregulation continues to stand in the way of the lifeblood of our economy, our small family businesses, our Main Street banks, and our family farms.

Across the Fifth District, I regularly hear stories of how unnecessary regulations have served as a barrier to existing family business owners who wish to hire and expand their companies and as a barrier to aspiring Fifth District entrepreneurs who are discouraged from investing in new start-ups.

Our committee has worked to offer solutions that would give citizens across this country the ability to harness the American Dream by starting a new business, working to make that business successful, and working to create the jobs Americans desperately need.

The JOBS Act represents a legislative package that has support from Members of Congress on both sides of the aisle and from the President. This legislation collectively reduces burdens that prevent small businesses from accessing the capital necessary to hire and expand, and it encourages our entrepreneurs to get their start-ups off the ground. This legislation represents an opportunity for Congress and the President to work together to advance legislation for the good of the American people.

Small family businesses and family farms are the backbone of our economy in central and southside Virginia; and as we work to grow our economy and spur job creation, it is critical that we adopt legislation like the JOBS Act to make it easier for them to succeed, not

harder. We must act now to put the American people back to work and sustain the American Dream for our children and our grandchildren.

I urge my colleagues to support this legislation.

Ms. WATERS. Madam Chair, I yield myself 2 minutes.

To the Members of this House and to those who are listening to this debate, you've heard this described as a jobs bill. In my earlier remarks, I, too, described this as a jobs bill. You've heard us talk about job creation, access to capital, ways by which we can support small businesses in general but IPOs in particular. You heard us talk about crowdfunding and creative means by which we can help to invigorate this economy. And so certainly this is a jobs bill. But then you heard some reference to the President's jobs bill by our minority whip, Mr. STENY HOYER, who talked about a comprehensive approach.

Make no mistake, this jobs bill is important, and I certainly hope that it will help to stimulate the economy in ways that all of us thought that it could. However, when you take a look at this compared to the President's comprehensive legislation, then you understand what Mr. STENY HOYER was talking about.

Mr. STENY HOYER was talking about the President's comprehensive jobs bill that would do some very important things. It talked about job sharing. It will make sure that our teachers and our firefighters are kept on the job. It talks about school construction. It talks about aid to community college and comprehensive efforts to provide tax credits for small businesses.

So, you see, we would like everybody to understand that we're not abandoning a comprehensive effort to do real job creation and access to capital and support for small businesses. We're trying to take every opportunity, every step, as it has been mentioned time and time again.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. WATERS. I yield myself 1 minute.

Continuing the comparison between the two efforts, as has been said over and over again today, we certainly have joined in a bipartisan fashion to move this bill. Even though I am not sure and some of our Members are not sure that everything that's in all of these bills is what we absolutely understand and we're willing to say we know that it will help, it will help to deal with this economy in ways that we want it to, but we are willing to take a chance. We're willing to try.

Now, when you compare this with the President's comprehensive jobs bill, then you can see this is only one effort; and in comparison, it's a small effort in comparison to what the President has proposed. And so, let us not forget, we

still have work to do. We still have to be concerned about the unacceptably high unemployment rate. As we speak today, the unemployment rate is still in excess of 8 percent.

The Acting CHAIR. The time of the gentlewoman has again expired.

Ms. WATERS. I yield myself the balance of my time.

Madam Chair, I would like for us all to recognize that we are taking a step that we are constantly accused of not being able to do, and that is move something in a bipartisan fashion.

I'm appreciative for my colleagues on the opposite side of the aisle who have been so cooperative, and I'm appreciative for the leadership that has been provided on this side of the aisle. But we still must remember that unemployment is unacceptably high. We must remember that we must have a comprehensive approach. We must remember that the President has presented us with a comprehensive, realistic approach by which we can stimulate this economy, create jobs, support education and our schools, and help the unemployed in ways that they are desperately waiting for.

With that, Madam Chair, I yield back the balance of my time.

□ 1620

Mr. HENSARLING. Madam Chairman, at this time, I am happy to yield 2 minutes to the vice chairman of the Capital Markets Subcommittee, one of the prime authors of this bill, the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. To my good friend from Texas, thank you. I actually feel somewhat blessed being able to stand here today. I am blessed because I have multiple pieces of legislation that are rolled into this jobs bill as well as multiple amendments. So, first, let me make sure that I have said my proper thank yous. I also want to make sure that the chairman of the Financial Services Committee, SPENCER BACHUS, has my appreciation for allowing me to work on these over the last year. But I also need to reach across the aisle to Mr. HIMES and many of the others who made me defend some of the ideas, who argued with me and helped me make these better pieces of legislation through the last year as we vetted the process.

I wanted to touch on two of the pieces of legislation that are in here and help folks understand why these are actually really important to capital formation for small businesses. The first one we refer to is H.R. 1070, the Small Capital Formation Act. Many people will refer to it as Regulation A—Reg A. Well, in today's world, if you wanted to go public in this streamlined, simplified process, you could only go public with a capitalization of \$5 million. Well, no one is going to the stock market for \$5 million.

This will raise it to 50. Why is 50 so important? Fifty is the minimum threshold to be traded on the big exchanges, on the public exchanges. This allows an organization to find a path, a less expensive path, to become publicly traded and be publicly traded on those exchanges, where it can be viewed and vetted and hopefully grow and grow jobs.

The second bill I have in here that I'm very proud of is one that—we realized capital formation is changing in the world. And for many, many, many, many years, if you were an organization and you got the 500 shareholders, you had to stop, because at 501 you had to go to the SEC and do a public filing. Well, what if you were a high-tech company or a biotech company and you were giving shares, bits of ownership of the company, to your employees?

The Acting CHAIR. The time of the gentleman has expired.

Mr. HENSARLING. Madam Chair, I yield the gentleman an additional 1 minute.

Mr. SCHWEIKERT. This will give those employees an exemption, so a company that's growing, that's actually in some ways, to use a term that's often used around here, "spreading the wealth" inside that organization and encouraging folks to vest their time and their talents in what are often speculative ventures as the company is growing—this lifts that cap, but it also raises it to 1,000 shareholders. There may be an amendment to come that raises that up to 2,000, and that is something I will support.

That last thing here is, in committee we also heard discussion last year of why should community banks, why should we raise their shareholder limit to 2,000? We actually had some community banks come to us and say, look, we've been around here many, many, many, many years. We have legacy stockholders in the company. We're at that 500 share, but because of our long history, we can no longer raise the capital, the equity capital that's necessary. And that's why that concept is so important, raising that to 2,000 shareholders.

Mr. HENSARLING. I yield myself as much time as I may consume.

Madam Chair, again, jobs and growing the economy is what our constituents care about. Again, we are unfortunately and regrettably in the midst of the slowest and weakest recovery in the postwar era. And, in fact, many of my constituents, they don't feel the recovery. They don't see it. They still know many of their friends, neighbors, and family members remain unemployed. That's why the number one priority of House Republicans has been to grow this economy and create more jobs. That is why House Republicans have a plan for America's job creators.

Now, Madam Chair, it's very difficult, very difficult, to find common

ground in this institution, as we all know. Regrettably, the vast majority of these bills are stacked up like cordwood in the United States Senate. They won't take them up. We've tried many of the President's ideas. For 2 years we tried every single one of his ideas. We tried the stimulus program, which helped stimulate the national debt to the level it is today. We tried the President's health care plan that we were told would help grow jobs and the economy. Dodd-Frank, our financial institutions—the big get bigger, the small get smaller, and the taxpayer gets poorer.

We disagreed with those policies, and so we have tried to find common ground. We heard the distinguished minority whip lament that the bill didn't do more. This is the common ground we can find with our friends on the other side of the aisle. It's important. It's not as important as repealing the President's health care program, which is absolutely strangling our small businesses. It's not as important as turning back so much of the red tape that impacts every single small business in America by enacting the REINS Act to ensure that Congress, not the unelected bureaucracy, controls whether or not we impose job-killing regulations on our small business enterprises. But it's still an important bill nonetheless. It's a bill that will allow these emerging growth companies, again, perhaps the Googles of tomorrow and the Apples of tomorrow, to be able to access vital equity capital. And so it's an important piece of legislation. I wish it did more.

I wish my friends from the other side of the aisle would acknowledge that we have tried many of their partisan ideas, and they haven't worked. But here's at least a bipartisan idea where we have worked with the President. We have his support right here—right here—Madam Chair, where the President of the United States supports this legislation. So I'm happy that at least one portion of the House Republican plan for America's job creators stands a very good chance of being turned into law and that the American people will see that we continue to work to find that common ground.

So I'm happy, again, to be able to encourage my colleagues to support this today. I look forward to the day that the President can sign this into law.

At this time, Madam Chair, I would like to yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Madam Chairman, I want to thank my colleague, Mr. HENSARLING, for his leadership on the Financial Services Committee, and I want to thank my colleague, Mr. FINCHER, for offering the legislation before us today.

The American people understand that entrepreneurship is at a record

low, that it's actually at a 17-year low in the United States. We know that small businesses create the majority of new jobs in our country and have done so for generations. We also know that we have record unemployment. We've had 8 percent unemployment for a record 36 months at that very high level. It's not acceptable. We have to do something.

Now, we cannot fix everything in one piece of legislation. This idea that you can have just simply a large bill that fixes all the problems in the world simply is not in accordance with American history or what the American people want and desire.

But we also know, and the American people understand, especially small business folks and entrepreneurs understand, that red tape gets in the way of job creation. We saw with the Dodd-Frank Act that it restricts lending and makes it more costly to get lending. If you talk to small business folks, their one biggest complaint is a restriction on access to capital. That's on the debt side.

We also see that we have regulations and laws written in 1933 and 1934 in an era when the telephone was the new technology of the day.

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We need to update those regulations. That is at the heart of what this JOBS Act does. It doesn't simply say about debt fundraising; it says on the equity side that you can go around the red tape and actually allow the average, everyday investor access to the capital markets and the new, great ideas of the future.

This is what the legislation is about. I urge my colleagues to vote for it, and I ask my colleagues to move forward on this, especially in the Senate.

Mr. HENSARLING. Mr. Chairman, might I inquire how much time I have remaining?

The Acting CHAIR (Mr. YODER). The gentleman from Texas has exactly 1 minute remaining.

Mr. HENSARLING. In that case, Mr. Chairman, I'm happy to yield exactly that 1 minute to the prime author of the JOBS Act, the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I want to thank the gentleman from Texas for yielding.

I stand today heartbroken that something that we've meant for good here—myself and my colleague, Mr. CARNEY—a JOBS Act would be tied up in some heated rhetoric.

I want to urge my colleagues on the other side of the aisle that jobs aren't Democrat or Republican; they're American. People are begging for Congress to get out of the way and let the private sector get back in the business of creating jobs. That's what we're doing with this jobs bill that we're pushing through.

So hopefully, hopefully, we can get beyond some feelings—hurt feelings

maybe—and let's focus back on the reason why we were sent up here, and that's to put the people back in power and not Washington.

Mr. FITZPATRICK. Mr. Chair, I rise today in support of the JOBS Act. This bill is a package designed to jumpstart our economy and restore opportunities for our small-business job creators.

It represents a combination of several job creation measures aimed at increasing capital formation, spurring the growth of startups and small businesses, and paving the way for more small-scale businesses to go public and create more jobs.

The JOBS Act will provide certainty to small business owners and entrepreneurs in terms of access to capital and the federal regulatory environment. Because without access to capital, businesses cannot expand, and without regulatory certainty, capital disappears.

Dr. Tim Block is the President of the Pennsylvania Biotechnology Center in my home of Bucks County. He had this to say when I shared the JOBS Act with him this afternoon: "We appreciate the support for nurturing entrepreneurial development and investment. Innovation is going to drive the future of the economy in southeast Pennsylvania and around the United States. Capital is the lifeblood that sustains these dynamic entrepreneurs who are harnessing innovation to create new companies and new jobs."

Mr. Chair, it is risk-takers like Tim and the companies he works with that hold the keys to a lasting recovery and a strong American economy if we only give them the tools they need.

Most of this Act enjoys overwhelming bipartisan support in the House, as well as from the President and successful entrepreneurs such as Steve Case, of the President's Council on Jobs and Economic Competitiveness.

In addition to parts of this bill, I have joined my colleagues in the House since last January in sending over 30 pro-growth jobs bills to the Senate for their consideration and they have piled up there like cordwood. If we are going to jumpstart a real and lasting economic recovery, I am urging the Senate to immediately take up and pass the JOBS Act, which I expect to receive widespread support tomorrow, as well as the other measures that have passed the House with bipartisan support.

Mr. DINGELL. Mr. Chair, I rise in opposition to H.R. 3606, the JOBS Act. This unfortunate amalgam of bad ideas is being sold to us as an easy way to create jobs and help small businesses. I fully support both causes, but passing H.R. 3606 is not the way to see them to fruition.

The JOBS Act takes as its premise the tired rhetoric that deregulation naturally will lead to business growth and job creation. The bill contains four others, H.R. 1070, H.R. 1965, H.R. 2930, and H.R. 2940, which the House passed in November of last year. I am the only Member of this body to have voted against all four, and my conviction in their potential to facilitate investor fraud and abuse remains strong. Simply put, increasing the amount of capital a company may raise and the number of shareholders it may have before registering with the Securities Exchange Commission (SEC), carving out registration re-

quirements for crowdfunding in the Securities Act, and removing the long-standing prohibition on public solicitation in the sale of unregistered stock offerings will create more risk than reward. Mark my words: Investors will be swindled, and great sums of money will be lost, all because of the dubious assumption that deregulation stimulates economic growth.

As if this were not bad enough, H.R. 3606 goes one step further to allow all but the very largest new companies up to five years to raise money from the public without having to assess the adequacy of their own internal controls. The Sarbanes-Oxley Act requires this for good reason: to protect investors, promote higher-quality financial reporting, and thereby create lower costs of capital for companies.

We have just survived the greatest shock to the Nation's financial services sector since the Great Depression. Regulation subsequent to 1929 created decades of stability and prosperity. The gradual erosion of the laws and regulations put in place in the aftermath of the Great Depression ultimately caused the crash in 2008, which cost this country millions of jobs and wiped out trillions of dollars in our constituents' collective net worth. Now is not the time to deregulate.

If my colleagues wish to create jobs, I suggest we consider investing in improving our country's crumbling infrastructure, supporting research and development with grants and low-interest loans, and assuring our citizens have the education they need to compete in the future. Exposing American investors to all manner of fraud and rascality will create misery instead of jobs.

Vote down H.R. 3606.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, the House today will vote on the final passage of H.R. 3606, the Jumpstart Our Business Startups (JOBS) Act. While there is no doubt that this Congress must work to create jobs and support small businesses, we must ensure that any attempts to do so are targeted in a manner that directly benefits the American people, and prevents the outsourcing of jobs.

With unemployment just above eight percent, it will take a coordinated effort at all levels of government to create jobs and rein in the high unemployment rate. Addressing the estimated 2.9 million jobs that were eliminated from the U.S. economy and added overseas by multinational corporations should be a critical component of any piece of legislation that leaves this chamber.

Creating and retaining jobs in the United States has always been a top priority of mine, and I will only support legislation that keeps the American people at the center of its focus. In Texas, I've brought critical infrastructure investments to Dallas that have not only strengthened our roads and bridges, but more importantly brought skilled and hardworking Americans back into the labor force. Ultimately, my concern for the well-being of the American people will remain at the core of any considerations I make.

The Democratic Members of Congress have demonstrated their unwavering commitment to creating jobs at home and protecting the middle class. I am encouraged to finally see that my Republican colleagues are beginning to understand the merits of this commitment, and

have refocused their efforts on these critical issues. The JOBS Act is just one step we can take to bolster our economy, and I hope to see increased efforts to address the persistent outsourcing of American jobs emerge from this legislation.

Mr. CONAWAY. Mr. Chair, I rise today to express my support for the efforts my colleagues have made this week to improve the regulatory environment for growing small businesses across our nation. This is important work that should continue without delay.

As we move forward though, there is a policy I am opposed to in the underlying bill that I hope can be addressed either in the Senate or in Conference. Specifically, I am concerned that in this legislation, Congress sets a perilous precedent by establishing an accounting standard through legislation. While I am not opposed to this bill today, in part because I appreciate the work that has already been done to address this issue, there is still more to do to fully correct the problem I see.

As a CPA and the former Chairman of the National Association of State Boards of Accountancy, I am concerned about the encroachment this bill makes on the independence of the Financial Accounting Standards Board or FASB. FASB is an independent, private sector organization which establishes the standards of financial accounting that govern the preparation of financial reports by non-governmental entities.

The law has long recognized the need for an independent body, unencumbered by political or business affiliations, to arbitrate the complex accounting questions that arise in our modern economy. FASB functions as a rule maker that sits above the fray, so that public companies, investors, analysts, and government officials can all rely on the integrity and accuracy of financial statements. FASB's independence from businesses and governments alike is central to their ability to balance the competing interests of all stakeholders and generate standards that everyone can have confidence in.

Today's bill, H.R. 3606, takes a dangerous step away from this autonomy and towards a FASB that is held captive by the political and parochial interests of Congress. This legislation will interpose the views of Congress between FASB and the individuals and companies who rely on FASB's independence and judgment.

While I am strongly in favor of lifting regulatory burdens on our nations businesses, small and large alike, Congress should not direct when particular accounting standards are applicable to emerging growth companies. Replacing the careful, inclusive, and deliberative judgments of FASB with the inexperienced opinions of Congress could result in a standard that does not meet the competing needs of all market participants. Investors and analysts rely on the information in financial reports to fairly evaluate the firms they seek to invest in; FASB is the appropriate body to balance their need for information against the concerns of small business owners with the cost of complying with reporting requirements.

I am encouraged that the Chairman, Ranking Member, and sponsor of this legislation have already met with representatives from accounting profession and made good faith efforts to address my concerns. However, there

is still work to be done to improve this bill. I hope that as similar legislation is considered in the Senate and if the two houses meet in a conference committee, my colleagues will take a close look at the consequences of this policy and take another step back from this slippery slope.

While many might argue that Congress ought to be able to set accounting standards, accountants are universally opposed to this idea. For those of us who spend our lives dealing with Congress's handiwork in the tax code, we see a grim glimpse of the future if Congress were to stand in for the independent accounting standards bodies. As I often tell my constituents, if you like the tax code, you will love financial statements when Congress writes the accounting rules.

The value of good and effective accounting standards cannot be overstated; they are the yardstick of the marketplace. Good standards are essential to a well functioning economy because they provide a consistent framework for the meaningful evaluation of widely disparate entities. Without them, it is impossible to hold an accurate understanding of the financial position of a firm, an industry, or the wider economy.

Almost 80 years ago, Congress had the wisdom to establish an independent body to develop those standards so that accounting was never influenced by politics. Today, as more Americans than ever are active participants in financial markets, the need for a trusted, independent arbiter of public accounting standards has never been more important.

I look forward to working with my colleagues to improve this legislation and to further strengthen the independent process for writing financial accounting standards in the future.

Ms. BONAMICI. Mr. Chair, I rise to support H.R. 3606, the Jumpstart Our Business Startups (JOBS) Act, but in lending my support, I must insist that we do more to protect consumers and investors than this bill currently provides.

Small businesses are the backbone of Oregon's economy and many have been devastated by the recent recession. This Congress must take swift action to ensure that they have access to capital and can invest in job creation. This bill recognizes that a one-size-fits-all approach to regulation can stifle small business growth. The JOBS Act will ease the cost and complexity of some securities regulations, and open greater access to capital so that startups and emerging companies can thrive. This bill is a good, but small, step in the right direction.

More work must be done to accelerate hiring, and more work, still, must be done with this bill to improve consumer and investor protections. A number of my colleagues offered amendments with this goal in mind. I supported those amendments, and I am disappointed that they were not accepted. By ensuring that we are expanding flexibility for the smallest startups where it is most needed, and establishing and encouraging standards for transparency and disclosure, we can both help small businesses grow while also protecting consumers and investors. These are achievable goals, and I remain committed to working with my colleagues in the House and the Senate on these issues as this bill moves forward.

Strong consumer and investor protections strengthen our economy by building confidence in the market. Our work to stand up for consumers and reenergize the economy cannot and must not stop here.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112-17 is adopted and the bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 3606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jumpstart Our Business Startups Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES

Sec. 101. Definitions.

Sec. 102. Disclosure obligations.

Sec. 103. Internal controls audit.

Sec. 104. Auditing standards.

Sec. 105. Availability of information about emerging growth companies.

Sec. 106. Other matters.

Sec. 107. Opt-in right for emerging growth companies.

Sec. 108. Review of Regulation S-K.

TITLE II—ACCESS TO CAPITAL FOR JOB CREATORS

Sec. 201. Modification of exemption.

TITLE III—ENTREPRENEUR ACCESS TO CAPITAL

Sec. 301. Crowdfunding exemption.

Sec. 302. Exclusion of crowdfunding investors from shareholder cap.

Sec. 303. Preemption of State law.

TITLE IV—SMALL COMPANY CAPITAL FORMATION

Sec. 401. Authority to exempt certain securities.

Sec. 402. Study on the impact of State Blue Sky laws on Regulation A offerings.

TITLE V—PRIVATE COMPANY FLEXIBILITY AND GROWTH

Sec. 501. Threshold for registration.

Sec. 502. Employees.

Sec. 503. Commission rulemaking.

TITLE VI—CAPITAL EXPANSION

Sec. 601. Shareholder threshold for registration.

Sec. 602. Rulemaking.

TITLE I—REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES

SEC. 101. DEFINITIONS.

(a) SECURITIES ACT OF 1933.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended by adding at the end the following:

“(19) The term ‘emerging growth company’ means an issuer that had total annual gross revenues of less than \$1,000,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of \$1,000,000,000 or more;

“(B) the last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under this title; or

“(C) the date on which such issuer is deemed to be a ‘large accelerated filer’, as defined in section 240.12b-2 of title 17, Code of Federal Regulations, or any successor thereto.”.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) by redesignating paragraph (77), as added by section 941(a) of the Investor Protection and Securities Reform Act of 2010 (Public Law 111-203, 124 Stat. 1890), as paragraph (79); and

(2) by adding at the end the following:

“(80) The term ‘emerging growth company’ means an issuer that had total annual gross revenues of less than \$1,000,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of \$1,000,000,000 or more;

“(B) the last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933; or

“(C) the date on which such issuer is deemed to be a ‘large accelerated filer’, as defined in section 240.12b-2 of title 17, Code of Federal Regulations, or any successor thereto.”.

(c) OTHER DEFINITIONS.—As used in this title, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the Securities and Exchange Commission.

(2) INITIAL PUBLIC OFFERING DATE.—The term “initial public offering date” means the date of the first sale of common equity securities of an issuer pursuant to an effective registration statement under the Securities Act of 1933.

(d) EFFECTIVE DATE.—Notwithstanding section 2(a)(19) of the Securities Act of 1933 and section 3(a)(80) of the Securities Exchange Act of 1934, an issuer shall not be an emerging growth company for purposes of such Acts if the first sale of common equity securities of such issuer pursuant to an effective registration statement under the Securities Act of 1933 occurred on or before December 8, 2011.

SEC. 102. DISCLOSURE OBLIGATIONS.

(a) EXECUTIVE COMPENSATION.—

(1) EXEMPTION.—Section 14A(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78n-1(e)) is amended—

(A) by striking “The Commission may” and inserting the following:

“(1) IN GENERAL.—The Commission may”;

(B) by striking “an issuer” and inserting “any other issuer”;

(C) by adding at the end the following:

“(2) TREATMENT OF EMERGING GROWTH COMPANIES.—

“(A) IN GENERAL.—An emerging growth company shall be exempt from the requirements of subsections (a) and (b).

“(B) COMPLIANCE AFTER TERMINATION OF EMERGING GROWTH COMPANY TREATMENT.—An

issuer that was an emerging growth company but is no longer an emerging growth company shall include the first separate resolution described under subsection (a)(1) not later than the end of—

“(i) in the case of an issuer that was an emerging growth company for less than 2 years after the date of first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933, the 3-year period beginning on such date; and

“(ii) in the case of any other issuer, the 1-year period beginning on the date the issuer is no longer an emerging growth company.”.

(2) **PROXIES.**—Section 14(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(i)) is amended by inserting “, for any issuer other than an emerging growth company,” after “including”.

(3) **COMPENSATION DISCLOSURES.**—Section 953(b)(1) of the Investor Protection and Securities Reform Act of 2010 (Public Law 111–203; 124 Stat. 1904) is amended by inserting “, other than an emerging growth company, as that term is defined in section 3(a) of the Securities Exchange Act of 1934,” after “require each issuer”.

(b) **FINANCIAL DISCLOSURES AND ACCOUNTING PRONOUNCEMENTS.**—

(1) **SECURITIES ACT OF 1933.**—Section 7(a) of the Securities Act of 1933 (15 U.S.C. 77g(a)) is amended—

(A) by striking “(a) The registration” and inserting the following:

“(a) **INFORMATION REQUIRED IN REGISTRATION STATEMENT.**—

“(1) **IN GENERAL.**—The registration”; and

(B) by adding at the end the following:

“(2) **TREATMENT OF EMERGING GROWTH COMPANIES.**—An emerging growth company—

“(A) need not present more than 2 years of audited financial statements in order for the registration statement of such emerging growth company with respect to an initial public offering of its common equity securities to be effective, and in any other registration statement to be filed with the Commission, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations, for any period prior to the earliest audited period presented in connection with its initial public offering; and

“(B) may not be required to comply with any new or revised financial accounting standard until such date that a company that is not an issuer (as defined under section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is required to comply with such new or revised accounting standard, if such standard applies to companies that are not issuers.”.

(2) **SECURITIES EXCHANGE ACT OF 1934.**—Section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)) is amended by adding at the end the following: “In any registration statement, periodic report, or other reports to be filed with the Commission, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations, for any period prior to the earliest audited period presented in connection with its first registration statement that became effective under this Act or the Securities Act of 1933 and, with respect to any such statement or reports, an emerging growth company may not be required to comply with any new or revised financial accounting standard until such date that a company that is not an issuer (as defined under section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is required to comply with such new or revised accounting standard, if such standard applies to companies that are not issuers.”.

(c) **OTHER DISCLOSURES.**—An emerging growth company may comply with section 229.303(a) of title 17, Code of Federal Regulations, or any successor thereto, by providing information required by such section with respect to the financial statements of the emerging growth company for each period presented pursuant to section 7(a) of the Securities Act of 1933 (15 U.S.C. 77g(a)). An emerging growth company may comply with section 229.402 of title 17, Code of Federal Regulations, or any successor thereto, by disclosing the same information as any issuer with a market value of outstanding voting and nonvoting common equity held by non-affiliates of less than \$75,000,000.

SEC. 103. INTERNAL CONTROLS AUDIT.

Section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)) is amended by inserting “, other than an issuer that is an emerging growth company (as defined in section 3 of the Securities Exchange Act of 1934),” before “shall attest to”.

SEC. 104. AUDITING STANDARDS.

Section 103(a)(3) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7213(a)(3)) is amended by adding at the end the following:

“(C) **TRANSITION PERIOD FOR EMERGING GROWTH COMPANIES.**—Any rules of the Board requiring mandatory audit firm rotation or a supplement to the auditor’s report in which the auditor would be required to provide additional information about the audit and the financial statements of the issuer (auditor discussion and analysis) shall not apply to an audit of an emerging growth company, as defined in section 3 of the Securities Exchange Act of 1934. Any additional rules adopted by the Board after the date of enactment of this subparagraph shall not apply to an audit of any emerging growth company, unless the Commission determines that the application of such additional requirements is necessary or appropriate in the public interest, after considering the protection of investors and whether the action will promote efficiency, competition, and capital formation.”.

SEC. 105. AVAILABILITY OF INFORMATION ABOUT EMERGING GROWTH COMPANIES.

(a) **PROVISION OF RESEARCH.**—Section 2(a)(3) of the Securities Act of 1933 (15 U.S.C. 77b(a)(3)) is amended by adding at the end the following: “The publication or distribution by a broker or dealer of a research report about an emerging growth company that is the subject of a proposed public offering of the common equity securities of such emerging growth company pursuant to a registration statement that the issuer proposes to file, or has filed, or that is effective shall be deemed for purposes of paragraph (10) of this subsection and section 5(c) not to constitute an offer for sale or offer to sell a security, even if the broker or dealer is participating or will participate in the registered offering of the securities of the issuer. As used in this paragraph, the term ‘research report’ means a written, electronic, or oral communication that includes information, opinions, or recommendations with respect to securities of an issuer or an analysis of a security or an issuer, whether or not it provides information reasonably sufficient upon which to base an investment decision.”.

(b) **SECURITIES ANALYST COMMUNICATIONS.**—Section 15D of the Securities Exchange Act of 1934 (15 U.S.C. 78o–6) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) **LIMITATION.**—Notwithstanding subsection (a) or any other provision of law, neither the Commission nor any national securities association registered under section 15A may adopt or maintain any rule or regulation in connection with an initial public offering of the common equity of an emerging growth company—

“(1) restricting, based on functional role, which associated persons of a broker, dealer, or member of a national securities association, may arrange for communications between a securities analyst and a potential investor; or

“(2) restricting a securities analyst from participating in any communications with the management of an emerging growth company that is also attended by any other associated person of a broker, dealer, or member of a national securities association whose functional role is other than as a securities analyst.”.

(c) **EXPANDING PERMISSIBLE COMMUNICATIONS.**—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) **LIMITATION.**—Notwithstanding any other provision of this section, an emerging growth company or any person authorized to act on behalf of an emerging growth company may engage in oral or written communications with potential investors that are qualified institutional buyers or institutions that are accredited investors, as such terms are respectively defined in section 230.144A and section 230.501(a) of title 17, Code of Federal Regulations, or any successor thereto, to determine whether such investors might have an interest in a contemplated securities offering, either prior to or following the date of filing of a registration statement with respect to such securities with the Commission, subject to the requirement of subsection (b)(2).”.

(d) **POST OFFERING COMMUNICATIONS.**—Neither the Commission nor any national securities association registered under section 15A of the Securities Exchange Act of 1934 may adopt or maintain any rule or regulation prohibiting any broker, dealer, or member of a national securities association from publishing or distributing any research report or making a public appearance, with respect to the securities of an emerging growth company, either—

(1) within any prescribed period of time following the initial public offering date of the emerging growth company; or

(2) within any prescribed period of time prior to the expiration date of any agreement between the broker, dealer, or member of a national securities association and the emerging growth company or its shareholders that restricts or prohibits the sale of securities held by the emerging growth company or its shareholders after the initial public offering date.

SEC. 106. OTHER MATTERS.

(a) **DRAFT REGISTRATION STATEMENTS.**—Section 6 of the Securities Act of 1933 (15 U.S.C. 77f) is amended by adding at the end the following:

“(e) **EMERGING GROWTH COMPANIES.**—

“(1) **IN GENERAL.**—Any emerging growth company, prior to its initial public offering date, may confidentially submit to the Commission a draft registration statement, for confidential nonpublic review by the staff of the Commission prior to public filing, provided that the initial confidential submission and all amendments thereto shall be publicly filed with the Commission not later than 21 days before the date on which the issuer conducts a road show, as such term is defined in section 230.433(h)(4) of title 17, Code of Federal Regulations, or any successor thereto.

“(2) **CONFIDENTIALITY.**—Notwithstanding any other provision of this title, the Commission shall not be compelled to disclose any information provided to or obtained by the Commission pursuant to this subsection. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. Information described in or obtained pursuant to this

subsection shall be deemed to constitute confidential information for purposes of section 24(b)(2) of the Securities Exchange Act of 1934.”.

(b) **TICK SIZE.**—Section 11A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(c)) is amended by adding at the end the following new paragraph:

“(6) **TICK SIZE.**—

“(A) **STUDY AND REPORT.**—The Commission shall conduct a study examining the transition to trading and quoting securities in one penny increments, also known as decimalization. The study shall examine the impact that decimalization has had on the number of initial public offerings since its implementation relative to the period before its implementation. The study shall also examine the impact that this change has had on liquidity for small and middle capitalization company securities and whether there is sufficient economic incentive to support trading operations in these securities in penny increments. Not later than 90 days after the date of enactment of this paragraph, the Commission shall submit to Congress a report on the findings of the study.

“(B) **DESIGNATION.**—If the Commission determines that the securities of emerging growth companies should be quoted and traded using a minimum increment of greater than \$0.01, the Commission may, by rule not later than 180 days after the date of enactment of this paragraph, designate a minimum increment for the securities of emerging growth companies that is greater than \$0.01 but less than \$0.10 for use in all quoting and trading of securities in any exchange or other execution venue.”.

SEC. 107. OPT-IN RIGHT FOR EMERGING GROWTH COMPANIES.

(a) **IN GENERAL.**—With respect to an exemption provided to emerging growth companies under this title, or an amendment made by this title, an emerging growth company may choose to forgo such exemption and instead comply with the requirements that apply to an issuer that is not an emerging growth company.

(b) **SPECIAL RULE.**—Notwithstanding subsection (a), with respect to the extension of time to comply with new or revised financial accounting standards provided under section 7(a)(2)(B) of the Securities Act of 1933 and section 13(a) of the Securities Exchange Act of 1934, as added by section 102(b), if an emerging growth company chooses to comply with such standards to the same extent that a non-emerging growth company is required to comply with such standards, the emerging growth company—

(1) must make such choice at the time the company is first required to file a registration statement, periodic report, or other report with the Commission under section 13 of the Securities Exchange Act of 1934 and notify the Securities and Exchange Commission of such choice;

(2) may not select some standards to comply with in such manner and not others, but must comply with all such standards to the same extent that a non-emerging growth company is required to comply with such standards; and

(3) must continue to comply with such standards to the same extent that a non-emerging growth company is required to comply with such standards for as long as the company remains an emerging growth company.

SEC. 108. REVIEW OF REGULATION S-K.

(a) **REVIEW.**—The Securities and Exchange Commission shall conduct a review of its Regulation S-K (17 C.F.R. 229.10 et seq.) to—

(1) comprehensively analyze the current registration requirements of such regulation; and

(2) determine how such requirements can be updated to modernize and simplify the registration process and reduce the costs and other burdens associated with these requirements for issuers who are emerging growth companies.

(b) **REPORT.**—Not later the 180 days after the date of enactment of this title, the Commission

shall transmit to Congress a report of the review conducted under subsection (a). The report shall include the specific recommendations of the Commission on how to streamline the registration process in order to make it more efficient and less burdensome for the Commission and for prospective issuers who are emerging growth companies.

TITLE II—ACCESS TO CAPITAL FOR JOB CREATORS

SEC. 201. MODIFICATION OF EXEMPTION.

(a) **REMOVAL OF RESTRICTION.**—Section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)) is amended by adding before the period the following: “, whether or not such transactions involve general solicitation or general advertising”.

(b) **MODIFICATION OF RULES.**—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise its rules issued in section 230.506 of title 17, Code of Federal Regulations, to provide that the prohibition against general solicitation or general advertising contained in section 230.502(c) of such title shall not apply to offers and sales of securities made pursuant to section 230.506, provided that all purchasers of the securities are accredited investors. Such rules shall require the issuer to take reasonable steps to verify that purchasers of the securities are accredited investors, using such methods as determined by the Commission.

TITLE III—ENTREPRENEUR ACCESS TO CAPITAL

SEC. 301. CROWDFUNDING EXEMPTION.

(a) **SECURITIES ACT OF 1933.**—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) (as amended by section 201) is further amended by adding at the end the following:

“(6) transactions involving the offer or sale of securities by an issuer, provided that—

“(A) the aggregate amount sold within the previous 12-month period in reliance upon this exemption is—

“(i) \$1,000,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, or less; or

“(ii) if the issuer provides potential investors with audited financial statements, \$2,000,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, or less;

“(B) the aggregate amount sold to any investor in reliance on this exemption within the previous 12-month period does not exceed the lesser of—

“(i) \$10,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics; and

“(ii) 10 percent of such investor’s annual income;

“(C) in the case of a transaction involving an intermediary between the issuer and the investor, such intermediary complies with the requirements under section 4A(a); and

“(D) in the case of a transaction not involving an intermediary between the issuer and the investor, the issuer complies with the requirements under section 4A(b).”.

(b) **REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.**—The Securities Act of 1933 is amended by inserting after section 4 the following:

“SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

“(a) **REQUIREMENTS ON INTERMEDIARIES.**—For purposes of section 4(6), a person acting as an intermediary in a transaction involving the offer

or sale of securities shall comply with the requirements of this subsection if the intermediary—

“(1) warns investors, including on the intermediary’s website used for the offer and sale of such securities, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;

“(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);

“(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;

“(4) provides the Commission with the intermediary’s physical address, website address, and the names of the intermediary and employees of the intermediary, and keep such information up-to-date;

“(5) provides the Commission with continuous investor-level access to the intermediary’s website;

“(6) requires each potential investor to answer questions demonstrating—

“(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

“(B) an understanding of the risk of illiquidity; and

“(C) such other areas as the Commission may determine appropriate by rule or regulation;

“(7) requires the issuer to state a target offering amount and a deadline to reach the target offering amount and ensure the third party custodian described under paragraph (10) withholds offering proceeds until aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;

“(8) carries out a background check on the issuer’s principals;

“(9) provides the Commission and potential investors with notice of the offering, not later than the first day securities are offered to potential investors, including—

“(A) the issuer’s name, legal status, physical address, and website address;

“(B) the names of the issuer’s principals;

“(C) the stated purpose and intended use of the proceeds of the offering sought by the issuer; and

“(D) the target offering amount and the deadline to reach the target offering amount;

“(10) outsources cash-management functions to a qualified third party custodian, such as a broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an insured depository institution;

“(11) maintains such books and records as the Commission determines appropriate;

“(12) makes available on the intermediary’s website a method of communication that permits the issuer and investors to communicate with one another;

“(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and

“(14) does not offer investment advice.

“(b) **REQUIREMENTS ON ISSUERS IF NO INTERMEDIARY.**—For purposes of section 4(6), an issuer who offers or sells securities without an intermediary shall comply with the requirements of this subsection if the issuer—

“(1) warns investors, including on the issuer’s website, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;

“(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);

“(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;

“(4) provides the Commission with the issuer’s physical address, website address, and the names of the principals and employees of the issuers, and keeps such information up-to-date;

“(5) provides the Commission with continuous investor-level access to the issuer’s website;

“(6) requires each potential investor to answer questions demonstrating—

“(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

“(B) an understanding of the risk of illiquidity; and

“(C) such other areas as the Commission may determine appropriate by rule or regulation;

“(7) states a target offering amount and ensures that the third party custodian described under paragraph (9) withholds offering proceeds until the aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;

“(8) provides the Commission with notice of the offering, not later than the first day securities are offered to potential investors, including—

“(A) the stated purpose and intended use of the proceeds of the offering sought by the issuer; and

“(B) the target offering amount and the deadline to reach the target offering amount;

“(9) outsources cash-management functions to a qualified third party custodian, such as a broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an insured depository institution;

“(10) maintains such books and records as the Commission determines appropriate;

“(11) makes available on the issuer’s website a method of communication that permits the issuer and investors to communicate with one another;

“(12) does not offer investment advice;

“(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and

“(14) discloses to potential investors, on the issuer’s website, that the issuer has an interest in the issuance.

“(c) VERIFICATION OF INCOME.—For purposes of section 4(6), an issuer or intermediary may rely on certifications as to annual income provided by the person to whom the securities are sold to verify the investor’s income.

“(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make the notices described under subsections (a)(9), (a)(13), (b)(8), and (b)(13) and the information described under subsections (a)(4) and (b)(4) available to the States.

“(e) RESTRICTION ON SALES.—With respect to a transaction involving the issuance of securities described under section 4(6), a purchaser may not transfer such securities during the 1-year period beginning on the date of purchase, unless such securities are sold to—

“(1) the issuer of such securities; or

“(2) an accredited investor.

“(f) CONSTRUCTION.—

“(1) NO REGISTRATION AS BROKER.—With respect to a transaction described under section 4(6) involving an intermediary, such intermediary shall not be required to register as a broker under section 15(a)(1) of the Securities Exchange Act of 1934 solely by reason of participation in such transaction.

“(2) NO PRECLUSION OF OTHER CAPITAL RAISING.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).”.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue

such rules as may be necessary to carry out section 4A of the Securities Act of 1933. In issuing such rules, the Commission shall consider the costs and benefits of the action.

(d) DISQUALIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission shall by rule or regulation establish disqualification provisions under which an issuer shall not be eligible to utilize the exemption under section 4(6) of the Securities Act of 1933 based on the disciplinary history of the issuer or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles. The Commission shall also establish disqualification provisions under which an intermediary shall not be eligible to act as an intermediary in connection with an offering utilizing the exemption under section 4(6) of the Securities Act of 1933 based on the disciplinary history of the intermediary or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles. Such provisions shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

SEC. 302. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended—

(1) by striking “(5) For the purposes” and inserting:

“(5) DEFINITIONS.—

“(A) IN GENERAL.—For the purposes”; and

(2) by adding at the end the following:

“(B) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—For purposes of this subsection, securities held by persons who purchase such securities in transactions described under section 4(6) of the Securities Act of 1933 shall not be deemed to be ‘held of record’.”.

SEC. 303. PREEMPTION OF STATE LAW.

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”.

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, intermediary, or any other person or entity using the exemption from registration provided by section 4(6) of such Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF INTERMEDIARIES, ISSUERS, AND CUSTODIANS.—Section 18(c)(1) of the Securities Act of 1933 is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions, with respect to—

“(A) fraud or deceit;

“(B) unlawful conduct by a broker or dealer; and

“(C) with respect to a transaction described under section 4(6), unlawful conduct by an intermediary, issuer, or custodian.”.

TITLE IV—SMALL COMPANY CAPITAL FORMATION

SEC. 401. AUTHORITY TO EXEMPT CERTAIN SECURITIES.

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking “(b) The Commission” and inserting the following:

“(b) ADDITIONAL EXEMPTIONS.—

“(1) SMALL ISSUES EXEMPTIVE AUTHORITY.—The Commission”; and

(2) by adding at the end the following:

“(2) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

“(A) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed \$50,000,000.

“(B) The securities may be offered and sold publicly.

“(C) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

“(D) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

“(E) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

“(F) The Commission shall require the issuer to file audited financial statements with the Commission annually.

“(G) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

“(i) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements, a description of the issuer’s business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

“(ii) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

“(3) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

“(4) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

“(5) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such

amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount.”.

(b) **TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.**—Section 18(b)(4) of the Securities Act of 1933 (as amended by section 303) (15 U.S.C. 77r(b)(4)) is further amended by inserting after subparagraph (C) (as added by such section) the following:

“(D) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

“(i) offered or sold on a national securities exchange; or

“(ii) offered or sold to a qualified purchaser, as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale;”.

(c) **CONFORMING AMENDMENT.**—Section 4(5) of the Securities Act of 1933 is amended by striking “section 3(b)” and inserting “section 3(b)(1)”.

SEC. 402. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.

The Comptroller General shall conduct a study on the impact of State laws regulating securities offerings, or “Blue Sky laws”, on offerings made under Regulation A (17 C.F.R. 230.251 et seq.). The Comptroller General shall transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the date of enactment of this Act.

TITLE V—PRIVATE COMPANY FLEXIBILITY AND GROWTH

SEC. 501. THRESHOLD FOR REGISTRATION.

Section 12(g)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)(A)) is amended to read as follows:

“(A) within 120 days after the last day of its first fiscal year ended on which the issuer has total assets exceeding \$10,000,000 and a class of equity security (other than an exempted security) held of record by 1,000 persons, and”.

SEC. 502. EMPLOYEES.

Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended by adding at the end the following: “For purposes of determining whether an issuer is required to register a security with the Commission pursuant to paragraph (1), the definition of ‘held of record’ shall not include securities held by persons who received the securities pursuant to an employee compensation plan in transactions exempted from the registration requirements of section 5 of the Securities Act of 1933.”.

SEC. 503. COMMISSION RULEMAKING.

The Securities and Exchange Commission shall revise the definition of “held of record” pursuant to section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) to implement the amendment made by section 502. The Commission shall also adopt safe harbor provisions that issuers can follow when determining whether holders of their securities are accredited investors or that holders of their securities received the securities pursuant to an employee compensation plan in transactions that were exempt from the registration requirements of section 5 of the Securities Act of 1933.

TITLE VI—CAPITAL EXPANSION

SEC. 601. SHAREHOLDER THRESHOLD FOR REGISTRATION.

(a) **AMENDMENTS TO SECTION 12 OF THE SECURITIES EXCHANGE ACT OF 1934.**—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is further amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

“(B) in the case of an issuer that is a bank or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding \$10,000,000 and a class of equity security (other than an exempted security) held of record by 2,000 or more persons;”;

(2) in paragraph (4), by striking “three hundred” and inserting “300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200 persons”.

(b) **AMENDMENTS TO SECTION 15 OF THE SECURITIES EXCHANGE ACT OF 1934.**—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking “three hundred” and inserting “300 persons, or, in the case of bank or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200 persons”.

SEC. 602. RULEMAKING.

Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall issue final regulations to implement this title and the amendments made by this title.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 112-409. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FINCHER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-409.

Mr. FINCHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, after “(80)” insert the following: “EMERGING GROWTH COMPANY.”.

Page 9, line 3, strike “7201(a))” and insert “7201(a))”.

Page 37, line 3, strike “is amended” and insert the following: “, as amended by section 302, is amended in subparagraph (A)”.

Page 37, beginning on line 18, strike “holders of their securities are accredited investors or that”.

Page 38, line 16, strike “, as such term is defined in section 3(a)(6),”.

Page 38, line 18, strike “section (2)” and insert “section 2”.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Tennessee (Mr. FINCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. FINCHER. Mr. Chairman, I rise today, along with the gentleman from

Delaware (Mr. CARNEY), to offer a technical amendment to H.R. 3606.

The amendment now pending would simply provide technical corrections to the underlying bill. Both Members and committee staff have heard from various groups and stakeholders affected by this bill. The amendment is a reflection of the technical advice given to us by these groups. I strongly believe that these technical changes improve the bill and would ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment; although I’m not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HENSARLING. I want to commend, again, the gentleman from Tennessee and the gentleman from Delaware for this amendment that I believe helps improve the underlying amendment with some technical corrections. I would urge all Members to adopt it.

Mr. Chairman, I yield back the balance of my time.

Mr. FINCHER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. I thank the gentleman. Being new at this, I think I was supposed to grab that time in opposition, but I don’t oppose this amendment. So I stumbled there for a minute.

I rise in support of the technical amendment that is under consideration at this time and also say that, in the work through the committee, we also had a technical amendment that was adopted by the committee that addressed a number of the concerns that were raised by Ranking Member FRANK and by my good friend from Ohio (Mr. RENACCI) consistent with this amendment that’s under consideration right now.

This is the spirit in which we’ve worked this bill, tried to address concerns that were raised both by interested parties as well as by individual Members. So I rise in support of the amendment.

Mr. FINCHER. Mr. Chairman, with that, I yield back the balance of my time.

The Acting CHAIR (Mr. BISHOP of Utah). The question is on the amendment offered by the gentleman from Tennessee (Mr. FINCHER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCINTYRE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-409.

Mr. MCINTYRE. Mr. Chairman, I rise today in support of my amendment to Jumpstart Our Business Startups Act and would like to speak on the same.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 11, insert after “\$1,000,000,000” the following: “(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)”.

Page 2, line 18, insert after “\$1,000,000,000” the following: “(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)”.

Page 3, line 20, insert after “\$1,000,000,000” the following: “(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)”.

Page 4, line 3, insert after “\$1,000,000,000” the following: “(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from North Carolina (Mr. MCINTYRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCINTYRE. Mr. Chairman, this important amendment addresses the emerging growth company definition for inflation, resulting in providing more flexibility for businesses.

The emerging growth company definition would ensure that our small businesses and start-ups thrive in our Nation's challenging economy and continue to create jobs that are so important to our citizens.

Similar to other parts of the bill, the amount related to regulation flexibility will be adjusted for inflation to take into account increased costs that small companies are currently facing. This will allow for more businesses to be able to enjoy the regulation flexibility and help them start up and grow.

Mr. Chairman, our economy continues to struggle, and many Americans are struggling with dwindling family finances while too many are facing joblessness. And no one knows better than our true job creators across the Nation need to be able to have relief from burdensome regulations. The small businesses and companies that are being hit hard by these regulations need relief. It is imperative that we all work together to reduce regulations, to get rid of these onerous regulations on our small businesses and help them continue to create jobs and persevere.

My amendment, which the Congressional Budget Office has scored as having no cost to the Federal Government, reflects the needs and priorities of those small businesses and entrepreneurs across the Nation. By passing it today, we can truly make a dif-

ference for American families and businesses. Let's work together to rebuild our economy and put Americans back to work.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. I ask unanimous consent, Mr. Chairman, to claim the time in opposition, although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HENSARLING. Mr. Chairman, I would like to encourage the House to support the amendment from the gentleman from North Carolina. I believe it to be very straightforward, very simple, very common sense to ensure that there is an inflation adjustment that is applied to the underlying bill.

□ 1640

I think that it's helpful. I urge, again, all Members to adopt it.

I reserve the balance of my time.

Mr. MCINTYRE. I yield back the balance of my time.

Mr. HENSARLING. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCINTYRE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-409.

Mr. HIMES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 11, strike “\$1,000,000,000” and insert “\$750,000,000”.

Page 2, line 18, strike “\$1,000,000,000” and insert “\$750,000,000”.

Page 2, line 18, add “or” at the end.

Page 3, line 5, strike “; or” and insert a period.

Page 3, strike lines 6 through 9.

Page 3, line 20, strike “\$1,000,000,000” and insert “\$750,000,000”.

Page 4, line 3, strike “\$1,000,000,000” and insert “\$750,000,000”.

Page 4, line 3, add “or” at the end.

Page 4, line 8, strike “; or” and insert a period.

Page 4, strike lines 9 through 12.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, my amendment is very simple. This bill that we are discussing today creates what we have come to describe as the IPO on-ramp, which, for emerging growth companies, would lift

some of the more burdensome requirements that are perhaps more appropriate for larger, more established companies.

Now, the question naturally arises, how should we define an emerging growth company? Currently, the bill specifies that a company with revenues at or in excess of \$1 billion would not qualify, meaning revenues less than that, and you could qualify to be an emerging growth company.

My amendment, Mr. Chairman, and my belief is that this is far too expansive a definition of emerging growth companies. It's not just my belief. We heard in the hearing which we held on this bill from Mr. LeBlanc that something more like \$250 million to \$500 million in revenues would be appropriate. I offered in committee the notion similar to this amendment that we make the cap \$750 million in revenues.

The Council of Institutional Investors has sent a letter to our leadership expressing the same concern about the billion dollar revenue number. And I would just read from that letter and quote:

We note that some of the most knowledgeable and active advocates for small business capital formation have in the past agreed that a company with more than \$250 million of public float generally has the resources and infrastructure to comply with existing U.S. security regulations.

It's hard to know—a billion dollars in revenue is an abstraction. Let me give you an example.

I have a list of the IPOs that have occurred in the last couple of years. Currently, what I think of as a fine company, Spirit Airlines, with some \$800 million in revenues, would qualify as an emerging growth company. They went public in May of 2011.

Spirit Airlines is an established airline with 2,400 employees. They clearly are a company that has the capability to comply with the full array of protections that are there for investors and others. And I would note that the letter that I read from, of course, is from the association that is there to advocate on behalf of our investors.

So, Mr. Chairman, my amendment is common sense. It's supported by the hearing that we had. It's supported by the Council of Institutional Investors. It is common sense, dare I use that phrase, and, therefore, would urge adoption so that we get this definition right.

It's a great bill. It is good that we are making it easier for small and emerging companies to go public and to not bear the full burden of the protections that are out there, but we should get this definition right. We should make sure that this is a benefit that accrues to truly small entrepreneurial emerging companies.

And therefore, I think \$750 million in revenue is a more appropriate benchmark and, therefore, I propose this amendment.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield myself as much time as I may consume.

Mr. Chairman, again, the people of America care about jobs, they care about economic growth. Although we've had some recent improvement in our monthly unemployment figures, when we add in those who are working part-time who would prefer to be working full-time, and when we add in those who, frankly, have just given up and left the labor force, we know that the true unemployment rate in America is closer to 15.3 percent.

We know that the job engine of America is small business. And every big business had to start out as a small business.

I respect the gentleman's contribution to the bill. And this is about line drawing. I understand that. I respect his opinion. I know the professional background from which he has come. But I feel like his amendment would take this bill in the complete opposite direction of where we need to take this policy for emerging growth companies.

He used the example of Spirit Airlines. I don't have the figure at my fingertips, but I believe their market cap was in excess of what is provided for in the underlying bill, so I believe, again, they would not have qualified for the exemption in the first place.

But we want to provide this on-ramp for emerging growth companies, so, again, we can find tomorrow's Google, we can find tomorrow's Apple. And yes, this is drawing some lines in the sand, but it's clearly not a line that seems to be of great concern to the President.

We all know that the White House issues the Statement of Administration Policy, and when they have concerns about provisions in a piece of legislation, they have never been shy or reticent to share that with us. As I read the Statement of Administration Policy, the President doesn't seem to have a problem with where that line has been drawn.

I would also point out that the companion legislation on the Senate side, S. 1933, introduced by Senator SCHUMER of New York, Democrat, also has a gross revenue test of \$1 billion. And so it appears that the President supports this. Senator SCHUMER supports this. This is bipartisan support for this \$1 billion figure. I think at this particular time in our Nation's history the American people demand we err on the side of creating jobs and economic growth.

So, again, I respect the gentleman for his amendment, but I would urge that it be rejected.

I reserve the balance of my time.

Mr. HIMES. Mr. Chair, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I thank the gentleman for yielding.

I believe the gentleman from Connecticut has made the salient points, but I do want to point out that this "radical" amendment, under current law, and current regulation, approximately 60 percent of all businesses are already exempt. They're exempted pursuant to a law that we passed in 2003, Sarbanes-Oxley, which was a bipartisan bill. Sarbanes, Oxley. Bipartisan.

All this "radical" amendment does is simply say that we're going up from 60 percent to allow 80 percent of the businesses to be exempted from these provisions. Now, I don't think that's radical by any definition. I think that's reasonable. The truth is I have some hesitations even at these numbers, but I do believe that it's worth trying because it's worth taking a shot to see if some relief will help.

At the same time, it is not a wise provision to take a complete step backwards and say to investors that you're going to go in blind, you're going to be exempted from audits. This bill doesn't do that. I don't think that's the intent.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HIMES. I yield an additional 30 seconds to the gentleman from Massachusetts.

Mr. CAPUANO. I don't think that's the intent. I actually think this bill has an underlying good purpose, and I'd like to be able to support it. But I think that the bill goes too far, particularly in this provision.

By going from 60 percent to 80 percent in one fell swoop, I think the risks are too high, having gone through the problems of the early 2000s, the problems of 2008, and the potential problems that are lurking there every single day.

A little extra transparency on behalf of investors is not a bad thing when we're only talking a handful of the largest corporations in the country.

□ 1650

Mr. HENSARLING. I continue to reserve the balance of my time.

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining. The gentleman from Connecticut's time has expired.

Mr. HENSARLING. If the time of the gentleman from Connecticut has expired, in that case, Mr. Chairman, I will yield the remainder of the time to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I want to be clear: This bill is about new companies, not existing companies, but about new companies that are wanting to go public.

The \$1 billion revenue and \$700 million in public float thresholds for emerging growth companies in the underlying bill were recommended by the nonpartisan IPO task force comprised

of industry experts, such as venture capitalists, public investors, entrepreneurs, investment bankers, accountants, professors, securities attorneys, and the exchanges.

If we strike the public float requirements, we break this provision's ties to an already defined SEC threshold. Seven hundred million in public float is the threshold for a company to be considered "a large accelerated" filer under SEC rules. This number is used by the SEC to define a mature company, meaning that the company will be able to handle complying with a variety of SEC regulations on day one of its IPO.

The \$1 billion threshold in the bill serves as a backstop to the SEC's definition of an accelerated filer.

In addition, lowering the revenue thresholds would increase IPO costs for more companies and make the IPO path less attractive than merger and acquisition transactions. More mergers and less IPOs would mean less job creation here at home as a result of innovative companies being absorbed by larger purchasers, including non-U.S. companies.

Therefore, I appreciate the gentleman's position and understand his wanting to go in this direction, but we cannot support this amendment.

The Acting CHAIR. The gentleman from Texas has 15 seconds remaining.

Mr. HENSARLING. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HIMES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-409.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 5, strike "or".

Page 3, after line 5, insert the following:

"(C) the date on which such issuer has, during the previous 3-year period, issued more than \$1,000,000,000 in non-convertible debt; or".

Page 3, line 6, strike "(C)" and insert "(D)".

Page 4, line 8, strike "or".

Page 4, after line 8, insert the following:

"(C) the date on which such issuer has, during the previous 3-year period, issued more than \$1,000,000,000 in non-convertible debt; or".

Page 4, line 9, strike “(C)” and insert “(D)”.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Let me acknowledge, first of all, the combined efforts that have generated this approach to putting Americans back to work. Let me acknowledge the manager that is on the floor, Congresswoman WATERS, for her enormous leadership on many of these issues, as well as the ranking member of the full committee; Mr. FRANK, who certainly has served and exercised his willingness to deal with questions of these markets; and, of course, my friend from Texas who is managing this and is, again, I hope working with us in a bipartisan way on some very serious matters.

Again, let me emphasize that the most effective way to reduce our deficit is to put Americans back to work. My amendment in this legislation deals with acknowledging that the emerging companies under this legislation—provides for 5 years from the date of the EGC's initial public offering; 2, the date an EGC has \$1 billion in annual growth; and then the date the EGC becomes “a large accelerated filer,” which is defined by the Securities and Exchange; a number of provisions to, in essence, help small businesses. This is an important principle. But my amendment adds a requirement that a company would not be considered an emerging growth company, an EGC, if it has issued more than \$1 billion in nonconvertible debt over the prior 3 years.

Let me suggest that we are doing better than many of us might think. Many aspects of this bill, for example, will help community banks, which will help other small businesses. But if we look to the economy as we speak, the private sector unemployment has grown for 23 straight months, the economy has grown for 10 straight quarters, overall business investment is going up, corporate profits are up, as are investments in equipment and software, and exports have been a source of growth.

But emerging growth of small businesses needs the extra push, because when you think of the backbone of America, you think of small businesses. As a matter of fact, it is not uncommon for a company to be financed with debt as opposed to equity, and that while \$1 billion is not what it used to be, it is still a pretty substantial sum of money.

So what I am saying is I want to help small businesses, but I also want to ensure that we do not expand this legislation where it is not actually helping those smaller emergent growth compa-

nies that truly are in need. For years, both Wall Street and big banks lacked the requisite government and oversight accountability, and I believe that it is important to ensure continued oversight but continued help for these particular companies.

With that, I'd ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. HENSARLING. I claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I'm not, frankly, certain I'm in opposition to the gentlelady's amendment, and I appreciate her bringing it to the floor.

If she would yield for a question, I'm just trying to understand the purpose of her amendment, and what is the deficiency in the underlying bill that she seeks to address with this amendment would be that question.

I would be happy to yield to the gentlelady.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Mr. HENSARLING. I'm inquiring as to the perceived deficiency in the underlying bill that you seek to address with your amendment, and I would be happy to yield to my friend from Texas.

Ms. JACKSON LEE of Texas. I like the concept of emerging growth, and I think the concept is to build these businesses up, to give them greater opportunities. What I am suggesting is that, the amendment suggests that if you have issued more than a billion dollars, you have grown sufficiently to have an additional standard or a different standard. This particular amendment suggests that we have a framework for emerging growth.

Mr. HENSARLING. I have one other question for the gentlelady.

On the 3-year period, I'm just curious as to the thought or purpose behind that particular selection of a 3-year period.

I'd be once again be happy to yield to my friend, the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I'd tell my good friend, it is not 3 years.

I thought that was an appropriate framework for a billion dollars. If you spread it out over a period of time, that's \$300 million to \$400 million a year.

Let me just say that I think the concept is so important, to my friend from Texas, that a friendly modification would be welcomed in the timeframe. But I think the billion dollars is an appropriate standard, if you will, for trying to ensure that we really do boost and give latitude to emerging growth companies.

Mr. HENSARLING. I thank the gentlelady for her responses.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Let me just conclude my remarks, and if I

might, let me yield to the gentleman, because I did not hear him clearly. Let me yield to the gentleman from Texas.

I'd like to raise the question, I did not hear your support or opposition to this initiative.

Mr. HENSARLING. Is the gentlelady yielding?

Ms. JACKSON LEE of Texas. I'm hoping for a good bipartisan effort here, but I am yielding to the gentleman.

Mr. HENSARLING. Yes, the gentlelady was very perceptive in her hearing. I was contemplating the answers that the gentlelady gave. At this time, I do not intend to oppose the amendment.

Ms. JACKSON LEE of Texas. The gentleman is very kind.

So let me just say, as my leader on the floor was trying to get an inquiry about it—and you always take a gift quickly and you say “thank you”—I think that this will add to the confidence of this legislation.

And as I indicated, though this is not specifically to this point, I want to make sure that we're helping community banks provide more lending and access to small businesses. I want to make sure that we, under the definition of this bill, help emerging growth companies, as well, be stronger and, as well, to be part of the creation of jobs putting Americans back to work.

With that, I ask my colleagues to support the Jackson Lee amendment.

Mr. Chair, I rise today to offer my amendment No. 4 to H.R. 3606 “The Reopening American Capital Markets to Emerging Growth Companies Act of 2011.” My amendment would create a five-year “on-ramp” for smaller companies to comply with certain provisions of Sarbanes-Oxley and Dodd-Frank.

In the bill, Emerging Growth Companies are exempted from certain regulatory requirements until the earliest of three dates: (1) five years from the date of the EGC's initial public offering; (2) the date an EGC has \$1 billion in annual gross revenue; or (3) the date an EGC becomes a “large accelerated filer, which is defined by the Securities and Exchange Commission (SEC) as a company that has a worldwide public float of \$700 million or more.

H.R. 3606 thus provides temporary regulatory relief to small companies, which encourages them to go public, yet ensures their eventual compliance with regulatory requirements as they grow larger.

I agree in principle that it is important to modernize and improve the ability of a company to raise capital in today's environment, but I am concerned H.R. 3606 goes beyond what is necessary at the expense of protecting the investor.

My amendment adds a requirement that a company would NOT be considered an “emerging growth company” (EGC) if it has issued more than \$1 billion in non-convertible debt over the prior three years.

As a matter of fact, it is not uncommon for a company to be financed with debt as opposed to equity, and that while \$1 billion dollars is not what it used to be—it is still a pretty substantial sum of money. Frankly, Mr.

Chair, a company that size needs to have some oversight to protect the public.

For years, both Wall Street and big banks lacked the requisite government oversight and accountability. Relying on Wall Street and big banks to police themselves resulted in the worst financial crisis since the Great Depression, the loss of 8 million jobs, failed businesses, a drop in housing prices, and wiped out personal savings.

We must restore responsibility and accountability in our financial system to give Americans confidence that there is a system in place that works for and protects them. We must create a sound foundation to grow the economy and create jobs.

To wit—this debt financing might be tax deductible, whereas the equity financing typically is not—which gives debt financing a distinct advantage.

H.R. 3606 encourages emerging growth companies (EGCs) to access the public capital markets by temporarily exempting EGCs from some registration procedures, prohibitions on initial public offering (IPO) communications, and independent audits of internal controls over financial reporting, among other exemptions.

I encourage my colleagues to vote for this amendment to H.R. 3606 that adds a requirement that a company not be considered to be as an “emerging growth company,” if it has issued more than \$1 billion in non-convertible debt over the prior three years.

Mr. Chair, let's continue to protect the investing public.

I yield back the balance of my time.
Mr. HENSARLING. I yield back the balance of my time.

□ 1700

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ELLISON

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-409.

Mr. ELLISON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, strike line 7 and all that follows through page 6, line 13 (and redesignate succeeding paragraphs accordingly).

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chair, this amendment is very simple. We brought this up in committee. I would like the whole body to be able to get a chance to have their say on Say on Pay. Say on Pay is a good, commonsense thing that empowers investors. It allows shareholders and companies to be able to say, Do I believe that the CEO pay in this company is too high?

Companies are not exercising the right to approve or to have a non-binding vote on pay. As a matter of fact, Nabors Industries announced that its former CEO agreed to waive a \$100 million termination payment, and that was regarded as a rare win for shareholders. In light of this, I would like to submit for the RECORD and for the purpose of this debate, an article entitled, “A Rare Win for Say on Pay.”

Now, this is a bill that I would like to support. I think it's a good idea. The fact of the matter is—Mr. Chair, you would be shocked to know—that we actually, I think, passed this bill out of our committee without any dissenting votes.

The issue remains that there are a lot of advantages to this bill. It relieves the emerging growth companies of the pretty hefty burden of complying with 404(b) of Sarbanes-Oxley. It allows them to escape the obligation of providing 3 years of audited financial statements. Although I think they're good for our system with regard to controls, these things are costly and do take a toll.

Do you know what, Mr. Chair? Say on Pay is not costly, and it's not burdensome. It empowers investors and makes them more engaged and gives them greater reason to be plugged into what the company is doing.

I have a letter from the Council of Institutional Investors that I would also like to submit for the RECORD. They are concerned about this section that would waive Say on Pay because it would effectively limit the shareholders' ability to voice their concerns about executive compensation packages.

[From Real-Time Advice, Feb. 6, 2012]

A RARE WIN FOR SAY ON PAY

(By Sarah Morgan)

NABORS INDUSTRIES' (NBR) announcement that its former CEO agreed to waive a \$100 million termination payment was a rare win for shareholders, who experts say often gripe about excessive compensation but rarely act.

Under pressure from shareholders, who voted against Nabors' pay packages and directors in a recent proxy voting, the oil drilling company said this morning that former CEO Eugene Isenberg will waive the huge payout. Instead, his estate will receive a payment of \$6.6 million plus interest upon his death. “Isenberg has more than enough money. So having him defer this \$100 million is a good thing for shareholders,” says Stephen Ellis, a Morningstar equity analyst.

In recent years, compensation has become a lightning rod for criticism from investor advocates, who say poorly designed pay policies often give executives the wrong incentives. Instead, shareholders want to see management paid for performance, says Jesse Fried, a professor of law at Harvard University. Nabors' \$100 million payment was a perfect example of “pay for failure,” he says. “There's a lot of things that are wrong with pay practices in the United States, but this was particularly egregious, so it's not surprising it drew shareholder anger,” he says.

This case also proves that shareholder outrage has an impact: Boards pay attention,

and companies do change their policies, Fried says. “Pressure matters, and investors shouldn't feel shy about applying it,” he says.

Thanks to the Dodd-Frank financial reform bill, and to the recession, investors are now paying more attention than ever to compensation issues, says Michael Littenberg, a partner at Schulte Roth & Zabel LLP who focuses on corporate governance issues. The Dodd-Frank bill required annual (though non-binding) say on pay votes, and companies do take those votes very seriously, because a few companies whose pay policies haven't passed muster have been sued by shareholders, Littenberg says.

But investors aren't taking as much advantage of this new power as some had hoped (or feared). Last year (the first with the new say on pay rule in place), shareholders voted down pay policies at only 36 companies in the Russell 3000, or 1.6%, although roughly another 350 companies saw their policies pass with low enough votes that they'd be considered at risk for a “no” vote in the future, Littenberg says.

Nabors is one of the few companies that has suffered a “no” vote on its pay practices, according to Governance Metrics International, an independent research firm. “We have long rated Nabors poorly, because of concerns over poor compensation practices,” including “a bonus formula rarely seen in modern practice with no measure against a peer group,” says Greg Ruel, a research associate with GMI.

Many companies that see “no” votes or worryingly low “yes” votes do make some changes, but they don't always change the actual pay policy, Littenberg says. Some companies might try to better explain how pay is determined, or simply sit down with institutional shareholders to figure out what's most important to investors, he says. Of course, individual shareholders aren't privy to those conversations.

All observers agree that Isenberg had long enjoyed an unusually lavish compensation package. He was “extraordinarily well paid,” in part because of an unusual compensation plan that was put in place back in 1987, when he took on the CEO role to lead the company out of bankruptcy, Ellis says. His contract with the company entitled him to a cash bonus of 10% of any amount of the company's cash flow that exceeded 10% of average shareholder equity. This arrangement made his pay work more like a hedge fund manager's than like a typical CEO's, Morningstar's Ellis says.

Since the current CEO, Tony Petrello, took over, the company has taken some other steps that show it's responding to widespread shareholder anger over pay practices, Ellis says. They're now going to allow their board of directors to be elected by a majority instead of a plurality, making it easier for shareholders to vote out directors they're not happy with, and hold annual “say-on-pay” votes. However, Petrello is still being paid in a similar hedge-fund-like fashion, getting a percentage of cash flow above a certain benchmark, and while the recent shareholder-friendly moves are good signs, it would certainly be better for investors if the company got rid of this unusual pay policy, Ellis says.

A spokesman for the company said that Isenberg, who holds more than 8 million shares of Nabors, decided that waiving the payment was best for his fellow shareholders, and that the company views the decision as “positive,” but declined to comment on whether any other changes would be made to pay policies in the future.

COUNCIL OF INSTITUTIONAL
INVESTORS,
March 7, 2012.

Hon. JOHN BOEHNER,
*Speaker, House of Representatives, Washington,
DC.*

Hon. NANCY PELOSI Minority Leader, House
of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY
LEADER PELOSI: As a nonprofit, nonpartisan
association of public, corporate and union
pension plans, and other employee benefit
funds, foundations and endowments with
combined assets that exceed \$3 trillion, the
Council of Institutional Investors (Council)
is committed to protecting the retirement
savings of millions of American workers.
With that commitment in mind, and in an-
ticipation of the upcoming vote on the
"Jumpstart Our Business Startups (JOBS)
Act," we would like to share with you some
of our deep concerns about Title I of the pro-
posed legislation.

Our questions and concerns about Title I
are grounded in the Council's membership
approved corporate governance best prac-
tices. Those policies explicitly reflect our
members' view that all companies, including
"companies in the process of going public
should practice good corporate governance."
Thus, we respectfully request that you con-
sider changes to, or removal of, the following
provisions of Title I:

DEFINITIONS

We question the appropriateness of the
qualities defining the term "emerging
growth company" (EGC) as set forth in Sec.
101(a) and 101(b).

As you are aware, under Sec. 101(a) and
101(b), a company would qualify for special
status for up to five years, so long as it has
less than \$1 billion in annual revenues and
not more than \$700 million in public float
following its initial public offering (IPO).
The Council is concerned that those thresh-
olds may be too high in establishing an ap-
propriate balance between facilitating cap-
ital formation and protecting investors.

For example, we note that some of the
most knowledgeable and active advocates for
small business capital formation have in the
past agreed that a company with more than
\$250 million of public float generally has the
resources and infrastructure to comply with
existing U.S. securities regulations. We,
therefore, urge you to reevaluate the basis
for the proposed thresholds defining an EGC.

DISCLOSURE OBLIGATIONS

We have concerns about Sec. 102(a)(1) be-
cause it would effectively limit shareowners'
ability to voice their concerns about execu-
tive compensation practices.

More specifically, Sec. 102(a)(1) would re-
voke the right of shareowners, as owners of
an EGC, to express their opinion collectively
on the appropriateness of executive pay
packages and severance agreements.

The Council's longstanding policy on advi-
sory shareowner votes on executive com-
pensation calls on all companies to "provide
annually for advisory shareowner votes on
the compensation of senior executives." The
Investors Working Group echoed the Coun-
cil's position in its July 2009 report entitled
U.S. Financial Regulatory Reform: The In-
vestors' Perspective.

Advisory shareowner votes on executive
compensation and golden parachutes effi-
ciently and effectively encourage dialogue
between boards and shareowners about pay
concerns and support a culture of perform-
ance, transparency and accountability in ex-

ecutive compensation. Moreover, compensa-
tion committees looking to actively rein in
executive compensation can utilize the re-
sults of advisory shareowner votes to defend
against excessively demanding officers or
compensation consultants.

The 2011 proxy season has demonstrated
the benefits of nonbinding shareowner votes
on pay. As described in Say on Pay: Identifying
Investors Concerns:

Compensation committees and boards have
become much more thoughtful about their
executive pay programs and pay decisions.
Companies and boards in particular are ar-
ticulating the rationale for these decisions
much better than in the past. Some of the
most egregious practices have already waned
considerably, and may even disappear en-
tirely.

As the U.S. House of Representatives deliber-
ates the appropriateness of
disenfranchising certain shareowners from
the right to express their views on a com-
pany's executive compensation package, we
respectfully request that the following fac-
tors be considered:

1. Companies are not required to change
their executive compensation programs in
response to the outcome of a say on pay or
golden parachutes vote. Securities and Ex-
change Commission (SEC) rules simply re-
quire that companies discuss how the vote
results affected their executive compensa-
tion decisions.

2. The SEC approved a two-year deferral
for the say on pay rule for smaller U.S. com-
panies. As a result, companies with less than
\$75 million in market capitalization do not
have to comply with the rule until 2013, thus
the rule's impact on IPO activity is presum-
ably unknown. We, therefore, question
whether there is a basis for the claim by
some that advisory votes on pay and golden
parachutes are an impediment to capital
formation or job creation.

We also have concerns about Sec. 102(a)(2)
because it would potentially reduce the abili-
ty of investors to evaluate the appropriate-
ness of executive compensation.

More specifically, Sec. 102(a)(2) would ex-
empt an EGC from Sec. 14(i) of the Securities
Exchange Act of 1934, which would require a
company to include in its proxy statement
information that shows the relationship be-
tween executive compensation actually paid
and the financial performance of the issuer.

We note that the SEC has yet to issue pro-
posed rules relating to the disclosure of pay
versus performance required by Sec. 14(i). As
a result, no public companies are currently
required to provide the disclosure. We, there-
fore, again question whether a disclosure
that has not yet even been proposed for pub-
lic comment is impeding capital formation
or job creation.

Our membership approved policies empha-
size that executive compensation is one of
the most critical and visible aspects of a
company's governance. Executive pay deci-
sions are one of the most direct ways for
shareowners to assess the performance of the
board and the compensation committee.

The Council endorses reasonable, appro-
priately structured pay-for-performance pro-
grams that reward executives for sustain-
able, superior performance over the long-
term. It is the job of the board of directors
and the compensation committee to ensure
that executive compensation programs are
effective, reasonable and rational with re-
spect to critical factors such as company
performance.

Transparency of executive compensation is
a primary concern of Council members. All

aspects of executive compensation, including
all information necessary for shareowners to
understand how and how much executives
are paid should be clearly, comprehensively
and promptly disclosed in plain English in
the annual proxy statement.

Transparency of executive pay enables
shareowners to evaluate the performance of
the compensation committee and the board
in setting executive pay, to assess pay-for-
performance links and to optimize their role
in overseeing executive compensation
through such means as proxy voting. It is,
after all, shareowners, not executives, whose
money is at risk.

ACCOUNTING AND AUDITING STANDARDS

We have concerns about Sec. 102(b)(2) and
Sec. 104 because those provisions would ef-
fectively impair the independence of private
sector accounting and auditing standard set-
ting, respectively.

More specifically, Sec. 102(b)(2) would pro-
hibit the independent private sector Finan-
cial Accounting Standards Board from exer-
cising their own expert judgment, after a
thorough public due process in which the
views of investors and other interested par-
ties are solicited and carefully considered, in
determining the appropriate effective date
for new or revised accounting standards ap-
plicable to EGCs.

Similarly, Sec. 104 would prohibit the inde-
pendent private sector Public Company Ac-
counting Oversight Board from exercising
their own expert judgment, after a thorough
public due process in which the view of in-
vestors and other interested parties are so-
licited and carefully considered, in deter-
mining improvements to certain standards
applicable to the audits of EGCs.

The Council's membership "has consist-
ently supported the view that the responsi-
bility to promulgate accounting and audit-
ing standards should reside with independent
private sector organizations." Thus, the
Council opposes legislative provisions like
Sec. 102(b)(2) and Sec. 104 that override or
unduly interfere with the technical decisions
and judgments (including the timing of the
implementation of standards) of private sec-
tor standard setters.

A 2010 joint letter by the Council, the
American Institute of Certified Public Ac-
countants, the Center for Audit Quality, the
CFA Institute, the Financial Executives
International, the Investment Company In-
stitute, and the U.S. Chamber of Commerce
explains, in part, the basis for the Council's
strong support for the independence of pri-
vate sector standard setters:

We believe that interim and annual au-
dited financial statements provide investors
and companies with information that is vital
to making investment and business deci-
sions. The accounting standards underlying
such financial statements derive their legiti-
macy from the confidence that they are es-
tablished, interpreted and, when necessary,
modified based on independent, objective
considerations that focus on the needs and
demands of investors—the primary users of
financial statements. We believe that in
order for investors, businesses and other
users to maintain this confidence, the pro-
cess by which accounting standards are devel-
oped must be free—both in fact and appear-
ance—of outside influences that inappropri-
ately benefit any particular participant or
group of participants in the financial report-
ing system to the detriment of investors,
business and the capital markets. We believe
political influences that dictate one par-
ticular outcome for an accounting standard
without the benefit of public due process

that considers the views of investors and other stakeholders would have adverse impacts on investor confidence and the quality of financial reporting, which are of critical importance to the successful operation of the U.S. capital markets.

INTERNAL CONTROLS AUDIT

We have concerns about Sec. 103 because that provision would, in our view, unwisely expand the existing exemption for most public companies from the requirement to have effective internal controls.

More specifically, Sec. 103 would exempt an EGC from the requirements of Section 404(b) of the Sarbanes-Oxley Act of 2002 (SOX). That section requires an independent audit of a company's assessment of its internal controls as a component of its financial statement audit.

The Council has long been a proponent of Section 404 of SOX. We believe that effective internal controls are critical to ensuring investors receive reliable financial information from public companies.

We note that Section 989G(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) already exempts most public companies, including all smaller companies, from the requirements of Section 404(b). We also note that Section 989G(b) of Dodd-Frank required the SEC to conduct a study on "how the Commission could reduce the burden of complying with section 404(b) . . . while maintaining investor protections"

The SEC study, issued April 2011, revealed that (1) there is strong evidence that the provisions of Section 404(b) "improves the reliability of internal control disclosures and financial reporting overall and is useful to investors," and (2) that the "evidence does not suggest that granting an exemption [from Section 404(b)] . . . would, by itself, encourage companies in the United States or abroad to list their IPOs in the United States." Finally, and importantly, the study recommends explicitly against—what Sec. 103 attempts to achieve—a further expansion of the Section 404(b) exemption.

AVAILABILITY OF INFORMATION ABOUT EMERGING GROWTH COMPANIES

Finally, we have concerns about Sec. 105 because it appears to potentially create conflicts of interest for financial analysts.

More specifically, we agree with the U.S. Chamber of Commerce that the provisions of Sec. 105 as drafted "may be a blurring of boundaries that could create potential conflicts of interests between the research and investment components of broker-dealers." The Council membership supports the provisions of Section 501 of SOX and the Global Research Analyst Settlement. Those provisions bolstered the transparency, independence, oversight and accountability of research analysts.

While the Council welcomes further examination of issues, including potential new rules, relating to research analysts as gatekeepers, it generally does not support legislative provisions like Sec. 105 that would appear to weaken the aforementioned investor protections.

The Council respectfully requests that you carefully consider our questions and concerns about the provisions of the JOBS Act. If you should have any questions or require any additional information about the Council or the contents of this letter, please feel free to contact me at 202.261.7081 or Jeff@cii.org, or Senior Analyst Laurel Leitner at 202.658.9431 or Laurel@cii.org.

Sincerely,

JEFF MAHONEY,
General Counsel.

With that, Mr. Chair, as I have with me today Members who want to offer some remarks in support, I will inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. ELLISON. I reserve the balance of my time.

Mr. HENSARLING. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, again, when we add in those who want full-time work and yet have part-time work, those who have given up and have left the labor force, those who have been unemployed for weeks and months on end, we know that the true unemployment rate in America is, regrettably, close to 15.3 percent.

Jobs is the number one concern, jobs and the economic growth of the American people, and it has to be our number one concern as well. And as ever well-intentioned as the gentleman from Minnesota's amendment is, it is not one particular regulatory burden; it is the cumulative impact of them all that is inhibiting job growth in America today.

Anytime I talk to small business people in the Fifth District of Texas, which I have the honor and privilege of representing, and whether I'm talking to small business people or, frankly, to Fortune 50 CEOs, this is what they tell me: it is the government red tape. Now, it doesn't mean all regulation is bad, but we have to look at the cumulative impact, particularly in the midst of what our constituents view as a crisis.

John Mackey, cofounder and CEO of Whole Foods Market:

In some cases, regulations have gone too far, and it really makes it difficult for small businesses. There's too much bureaucracy and red tape. Taxes on businesses are very high. So we're not creating the enabling conditions that allow businesses to get started.

Again, on a bipartisan piece of legislation that is supported by the President of the United States, most of the provisions have been overwhelmingly supported either on the House floor or in the Financial Services Committee. Regrettably, the gentleman from Minnesota's amendment takes a huge step backwards and makes it more difficult for these emerging growth companies to get started.

Now, I understand his particular concern on Say on Pay, but I would note that emerging growth companies still have to disclose their executive compensation arrangements to shareholders in their SEC filings in the same way that the SEC requires for smaller reporting companies. How many votes do you want to compel shareholders to take, particularly on emerging growth companies?

We could require votes on patent filings. We could require votes on the retention of the accounting firm. Maybe

we could require it on the acquisition of real estate. Perhaps shareholders should be compelled to vote to ratify any particular union contract. Maybe we should compel a vote on the IT system. We could go to the ridiculous. Maybe we have to have shareholder votes to choose between Coke and Pepsi in the break room, or as to whether or not the coffee is organically grown or not organically grown. What is the company logo?

At some point, it begs the question: Are we here to stand up for shareholder value or for somebody's subjective, personal values, which I respect, but which, again, can harm emerging growth companies as they're trying to grow jobs and the economy.

I reserve the balance of my time.

Mr. ELLISON. I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding.

This argument makes no sense to me. If we are interested in creating jobs, how does it hurt jobs by simply allowing the people who actually own the company, the shareholders, the ability to have a nonbinding vote on the pay of their CEO? By the way, if they choose to pay the CEO a gazillion dollars, that's fine. It's their money. They can do what they want with it. If, however, they choose to cut the CEO's salary, maybe they could use some of that money to actually create more jobs.

This amendment doesn't affect the creation of one job. It simply recognizes the fact that shareholders own the company. They should be able to decide how to spend their money. Some people have not liked this provision since it was adopted. This is simply an opportunity to take a bite out of something they've never liked. It has no effect whatsoever on the creation of a job. And I would dare say to empower the shareholders might actually free up some corporate money in order to hire one or two more people.

Mr. HENSARLING. Mr. Chairman, how much time remains on both sides, please?

The Acting CHAIR. Both sides have 1½ minutes remaining.

Mr. HENSARLING. I continue to reserve the balance of my time.

Mr. ELLISON. I yield 1 minute to the gentleman from Massachusetts, Mr. STEPHEN LYNCH.

Mr. LYNCH. I want to thank the gentleman for yielding.

The gentleman from Minnesota has a very good amendment here. Here is what we're talking about.

This would strengthen title I by keeping in place the requirement that all public companies, including emerging growth companies, hold a nonbinding shareholder vote on executive compensation and golden parachutes once every 3 years. One vote. They're having a meeting anyway. These are

the companies that we know the least about. We support the underlying bill, but we think that requiring a non-binding vote once every 3 years is good for the shareholders.

The question is: Will this inhibit the operation of these emerging growth companies? No, it will not.

I think the gentleman from Minnesota has a great amendment here. These are the companies we know the least about. They have the shortest track records. These shareholders and investors are taking a leap of faith, and this would allow them to have a vote on the CEO salaries and also on the golden parachutes, so I ask Members to support the amendment.

Mr. HENSARLING. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. FINCHER).

□ 1710

Mr. FINCHER. I thank the gentleman from Texas for yielding.

The SEC already provides smaller reporting companies with an additional year to comply with executive-compensation disclosure and say-on-pay vote compliance.

This bill would simply extend the extension to emerging growth companies during the on-ramp period. They would still disclose compensation arrangements to shareholders in the same way that the SEC requires for smaller reporting companies, we think, forcing shareholder votes on internal issues such as compensation levels, risk, undermining the emerging growth companies' ability to exercise independent judgment on behalf of all the corporation's shareholders. The bottom line here is that we must spare emerging growth companies from the costly litigation that could result if an emerging growth company's board of directors reject or refuse to abide by the results of the shareholder vote.

I would just remind all of my colleagues the President is supporting this jobs bill. We think this is something that will really, really put Americans back to work.

The Acting CHAIR. The gentleman from Minnesota has 30 seconds remaining, and the gentleman from Texas has 15 seconds remaining.

Mr. ELLISON. Mr. Speaker, we are talking about a vote once a year, probably at the annual meeting, probably take a sum total of a few seconds; and my friends on the other side of the aisle don't want to at least agree to this small thing that empowers investors and shareholders and puts them in the position to be good stewards of the company that they own.

Now, you would think that we could come together on something like this; but when you want to stand up for the highest, most grotesque and egregious executive pay imaginable, then, of course, you're going to say no. In 2010,

median pay for CEOs and large corporations was \$11 million. It's time to get some say on pay.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, every single regulation imposes some type of financial burden on a company that cannot be used to create a job.

If this was a concern, why don't we find it listed in the Statement of Administration Policy. It's not a concern of the President. Let's work together and pass this bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-409.

Ms. WATERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 11, line 12, strike "paragraph (10) of this subsection and".

Page 11, line 16, insert after the period the following: "Any such research report published or distributed by a broker or dealer that is participating or will participate in the registered offering of the securities of the issuer shall be filed with the Commission by the later of the date of the filing of such registration statement or the date such report is first published or distributed. Such research report shall be deemed a prospectus under paragraph (10)."

Page 13, line 18, after the first period insert the following: "Any written communication (as such term is defined in section 203.405 of title 17, Code of Federal Regulations) provided to potential investors in accordance with this subsection shall be filed with the Commission by the later of the date of the filing of such registration statement or the date the written communication is first engaged in. Such written communication shall be deemed a prospectus under section 2(a)(10)."

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. I offer my amendment today in the spirit of improving the underlying bill in the area of investor protection with regard to the provisions of research provisions in title I.

First, my amendment attempts to mitigate against potentially damaging conflicts of interest between the people

who will profit from an emerging growth company's IPO and the people who write research about such IPOs. This amendment provides that if a broker or a dealer is underwriting an IPO and also providing research to the public about that IPO, those research reports need to be filed with the SEC and underwriters need to be held to stricter liability for their comments.

Second, this amendment provides that if emerging growth companies are communicating orally or in writing with potential investors before or following an offering, they need to file those communications with the SEC.

During the dot-com boom of the 2000s, it was uncovered that certain research analysts were recommending companies to the investing public because their firms had an economic interest in the firm's IPO, or wanting to get other businesses from the company.

Meanwhile, those same analysts were telling their colleagues in internal emails that the company's IPOs were junk. Essentially, these analysts misled the investing public and didn't disclose their economic interest in hyping the company.

Through a global settlement and related rules coming from the scandal, we cracked down on some of these conflicts of interest. My amendment, rather than letting these conflicts be restored, would require that if underwriters are also issuing reports about a company's IPOs, they need to file those with the SEC. Filing of materials subjects underwriters to more robust liability.

Secondly, the filing of a pre- or post-offering communication with the SEC under this amendment will also hold companies to a higher level of legal liability, ensuring their communications accurately portrayed the nature of the offering. It also allows the SEC and the public to make sure that companies aren't inappropriately hyping their offering to investors.

Today we received communications, both from the Chamber of Commerce and from the Council of Institutional Investors. The Council of Institutional Investors simply said, "The Council membership supports the provisions of section 501 of Sarbanes-Oxley and the Global Research Analyst Settlement. Those provisions bolstered the transparency, independence, oversight, and accountability of research analysts," and similar comments from the Chamber of Commerce.

I would urge support for my amendment and for the underlying bill. We must help our small businesses to access our capital markets, but we must also mitigate against conflicts of interest that would mislead investors. I believe my amendment strikes the right balance.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, we've had a vigorous debate over some amendments that were accepted, others that we thought were unwise. Frankly, this one, Mr. Chairman, we believe would simply gut the entire bill. You know, Mr. Chairman, you cannot sue your way into job growth. You are not going to be able to sue your way into economic growth.

This amendment takes us a huge, huge step in the opposite direction. The practical impact of the amendment from the gentlelady from California is to essentially squash any of the reporting that would take place on these emerging growth companies for imposing the prospectus level of liability imputed to the communications of the research reports.

I mean, in order to get onto this IPO on-ramp in order for the small growth companies to access our equity market, there has to be the research which is published. Without it, without it, the accredited investors will probably never know of the existence of the companies in the first place. I would point out that many of the concerns should have already been addressed.

Number one, all these emerging growth companies are still liable for the Global Research Analyst Settlement of 2003, which established a comprehensive set of rules that sever the link between investment banking and research activities, section 501 of Sarbanes-Oxley, which requires the research analysts and broker-dealers to disclose all potential conflicts of interest, Regulation AC, stock exchange-listing standards, FINRA codes of conduct, and the list goes on and on and on.

And so again, Mr. Chairman, to add yet another level of liability, one that we are told would simply have an incredibly dampening impact on the existence of these research reports, for all intents and purposes this would simply gut the bill. I suppose it would be an early evening in the House if we accepted it, but everything that Members of both sides of the aisle have worked for would be for naught.

Again, if this was a concern of the administration, why wasn't it listed in their Statement of Administration Policy where they always list their concern?

□ 1720

The President would like to see this passed. We would like to see it passed. There is bipartisan support in the Senate.

I would urge a strong rejection of this amendment, and I reserve the balance of my time.

Ms. WATERS. May I inquire as to how much time I have left.

The Acting CHAIR. The gentlewoman from California has 1½ minutes remaining.

Ms. WATERS. I yield the balance of my time to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I want to thank the gentlewoman for yielding.

I don't know if I am going to use the whole thing, but this must be Bizarro Congress because I'm about to agree with the Chamber of Commerce. I've been listening to my colleagues on the other side claiming that they're with the President on this one. Something must be wrong.

The Chamber of Commerce has raised the exact same issues that we're raising with this amendment. This amendment doesn't kill this bill. It simply says if you're going to give information to a handful of people, you have to file with the SEC and you have to stand by that information as being legitimate and honest information. That's really all it says. It says it in technical terms, but that's all it says.

By the way, I guess I need to be clear. We don't necessarily agree with everything the chamber says, even on this amendment. They just raise the same issue. And I would like to be clear that no one has since stated it, but even the President himself would like to see some amendments to this bill. I presume some of them will be passed in the Senate; and hopefully when they are, people like me will be a lot more supportive when it comes back.

I just thought it was important to point out I'm not with the chamber very often. When I am, I think that's worthy of note.

Mr. HENSARLING. Mr. Chair, I continue to reserve the balance of my time.

The Acting CHAIR. The gentlewoman from California has 15 seconds remaining.

Ms. WATERS. Mr. Chairman, I join with Mr. CAPUANO in saying that we don't normally agree with the Chamber of Commerce. As a matter of fact, this may be the first time that I've agreed with the Chamber of Commerce. But you have also the Council of Institutional Investors that is warning us about this research problem that we have unless we clear it up.

Mr. HENSARLING. May I inquire of the Chair how much time I have remaining.

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. HENSARLING. In that case, I will yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. I thank the gentleman from Texas.

First off, I actually think I have the letter here from the Chamber of Commerce, and I'm trying to find what has been discussed here. I thought I saw something come across where after 3 years they were willing to look at it. That would be an interesting one to find.

This is a classic case of an amendment that I believe the law of unin-

tended consequences is potentially just devastating. How many times around here—particularly in the Financial Services Committee—do we have the discussion of what's the best regulator? It's information and yet you're running an amendment here that basically will destroy information because of the liability. That liability will make it so you're not going to do the research, you're not going to cover the stock. If you read the amendment, I fear it may be too broad. Does it cover someone that does a detailed investment newsletter? What level does it ultimately cover?

Mr. Chairman, I believe the law of unintended consequences here is very dangerous.

Mr. HENSARLING. I yield the balance of my time to the gentleman from New Jersey (Mr. GARRETT), the chairman of the Capital Markets Subcommittee.

Mr. GARRETT. I thank the chairman.

As we indicate, the President supports the underlying legislation and the gentleman indicated that he may be looking for some amendments to the bill, but I would assume quite candidly he would not be looking for this amendment.

As the gentleman from Arizona aptly points out, what we're trying to do is to facilitate the expansion and growth by the small companies. How do we do that? As the gentleman from Arizona says rightfully so, by the expansion of information. This information can and should get out there; but at the end of the day, we want to make sure that the liability that is imposed on the dissemination of information is not so grave and dangerous to it that you would basically supplement with an overarching desire to destroy that overall purpose of the legislation. You do that unfortunately with this amendment.

Why so? At the end of the day, you will get the same protections that you're looking for here, I think, in the sense that there will be strict liability imposed. Where? On the prospectus. So if you are the investor in this instance and you're trying to decide whether you're going to go and invest in this new company or not, the information that you'll be looking for will be where? In the prospectus. And the strict liability standard will be imposed at that period of time.

You do not want to impose that liability as you lead up to the situation with the other information that is going out by outside research analysts. With that, I will respectfully oppose the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-409.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, line 10, strike "or institutions that are accredited investors".

Page 13, line 11, strike "terms are respectively" and insert "term is".

Page 13, line 12, strike "and section 230.501(a)".

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the chairman very much.

I started my earlier discussion with a previous amendment by suggesting that our underlying premise or the goal should be to reduce the deficit and to put America back to work. This concept of emerging growth opportunities or emerging growth companies is, in fact, I believe, a viable step of doing so.

I do want to remind my colleagues again that overall business investment is growing, corporate profits are up, as are investments in equipment and software. Exports have been a source of strength. We're working very hard to ensure that we reinvigorate manufacturing. We want to make it in America. We want to bring companies back home, and certainly we want to encourage investment. Private sector employment has grown for 23 months, and the economy has grown for 10 straight quarters.

My amendment is to discuss the fine distinctions between those who are very sophisticated and those who are not. My amendment narrows the permissible exemption to allow oral or written communications with potential investors who are qualified institutional investors, but it omits accredited investors from this exemption in the name of investor protection. That is simply to say that we know that the accredited investors are less, if you will, able with the information that they have to compete with what we have classified as qualified institutional investors.

The idea of this amendment is to ensure that an accredited investor would not be considered a qualified investor

and therefore be taken advantage of. Under the bill, the commonly known test-the-waters provision would amend the Securities Act of 1933 to expand the range of permissible prefiling communication to sophisticated institutional investors to allow emerging growth companies to determine whether qualified institutional or accredited investors might have an interest in a contemplated securities offering.

Mine is an amendment simply being concerned about the accredited investors and whether or not there is the equal playing field alongside of the qualified institutional investors, which you would expect would have far more sophistication in making determinations about investments. It is simply an effort to provide extra protection for those who will now be out in the marketplace under these emerging growth concepts.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. HENSARLING. I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield 1½ minutes to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the gentleman for yielding.

Mr. Chair, I rise in opposition to the gentlelady's amendment.

Again, our goal here today is to help America's start-up companies grow, raise capital, create jobs. The amendment offered by the gentlelady from Texas would limit opportunities for emerging growth companies to expand business by cutting them off from experienced investors.

Part of generating a successful IPO is having the ability to test the waters through pre-IPO meetings with institutional qualified investors. These are the investors you want to talk to and receive feedback from before launching an IPO to ensure success. If a company learned that there is a good chance it will have a successful IPO, it would be less likely to choose a merger and acquisition path, which often results in losing jobs, and continue to grow organically and create jobs. So it doesn't make sense to me to cut these investors off from emerging growth companies.

I understand there may be some concerns with investor protections. But in this bill, emerging growth companies are only allowed to test the waters with highly sophisticated investors so existing investor protections are not weakened. Therefore, I cannot support this amendment.

□ 1730

Ms. JACKSON LEE of Texas. Mr. Chairman, who has the right to close?

The Acting CHAIR. The gentleman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, let me just maintain that this is a simple premise of protecting the less sophisticated investor, and I have no desire to not see jobs being created or the opportunity for emerging growth entities to have access to opportunities for investment. It is quite clear that qualified institutional investors are far more sophisticated than the accredited investors' status, and so I can't get clearer than that, trying to make sure that we protect those.

And as we noted for the Democrats who served on the Financial Services Committee, they made certain statements, if you would, to ensure that we have the greatest amount of protection for those who we want to see having greater opportunities.

So with that, Mr. Chairman, I happily yield back my time and ask my colleagues to support this very simple amendment that seeks to protect accredited investors.

Mr. Chair, I rise today to offer my amendment #7 to H.R. 3606 "The Reopening American Capital Markets to Emerging Growth Companies Act of 2011." This amendment strikes language in the bill that allows an emerging growth company or its underwriter to communicate with "institutions that are accredited investors."

H.R. 3606 would exempt certain regulatory requirements until the earliest of three dates: (1) five years from the date of the EGC's initial public offering; (2) the date an EGC has \$1 billion in annual gross revenue; or (3) the date an EGC becomes a "large accelerated filer, which is defined by the Securities and Exchange Commission (SEC) as a company that has a worldwide public float of \$700 million or more.

The bill thus provides temporary regulatory relief to small companies, which encourages them to go public, yet ensures their eventual compliance with regulatory requirements as they grow larger.

My amendment narrows the permissible exemption to allow oral or written communications with potential investors who are "qualified institutional investors," but omits "accredited investors from this exemption, in the name of investor protection."

For example, this amendment would ensure that an accredited investor would not be considered a qualified institutional investor and therefore would not be able to engage in certain types of investments.

Under the bill, the commonly known "test the waters provision," would amend the Securities Act of 1933 to expand the range of permissible pre-filing communications to sophisticated institutional investors to allow Emerging Growth Companies (EGCs) to determine whether qualified institutional or accredited investors might have an interest in a contemplated securities offering.

I believe that while many Accredited Investors are sophisticated and prosperous, and meet the brokerage firm requirements for alternative investments.

My amendment is merely a continuation of the investor protection theme of Dodd-Frank.

Specifically, investors that lack the necessary capital to absorb the losses that can arise when investing in an Emerging Growth Company.

Moreover, I would note that many qualified institutional investors have a minimum of \$1 billion to invest, which simply may not be the case with accredited investors. My sentiments are similar to those expressed by my Democratic colleagues on the Financial Services Committee: that they and Republicans share the desire to create an accessible, robust and efficient capital market for the benefit of small businesses and investors, alike.

I too, expect that as H.R. 3606 moves forward, further refinements will be adopted to ensure that investor protections are not sacrificed.

Again, as my Democratic colleagues on the Financial Services Committee stated:

H.R. 3606 encourages emerging growth companies (EGCs) to access the public capital markets by temporarily exempting EGCs from some registration procedures, prohibitions on initial public offering (IPO) communications, and independent audits of internal controls over financial reporting, among other exemptions.

Democrats agree in principle that it is important to modernize and improve the ability of a company to raise capital in today's environment, but are concerned H.R. 3606 goes beyond what is necessary at the expense of protecting the investor.

I encourage my colleagues to vote for this consumer and investor-friendly amendment.

Mr. HENSARLING. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey, the chairman of the Capital Markets Subcommittee, Mr. GARRETT.

Mr. GARRETT. So the premise of the legislation is what? As we said before, to try to encourage the smaller growth companies to be able to development their businesses and go on and to eventually to go public. In light of the last conversation we had on the last amendment, we said how do we facilitate doing that? We do that by exchanging information out to the public to be able to share information from research analysts and the like.

Eventually, as was pointed out in the last amendment, we said that eventually at the end of the day you'd get to a prospectus where strict liability would incur and so that the investor would have the adequate information to do so, and they would also have the liability protection afforded to them that you would have with a prospective. All well and good.

Now we come to this amendment, and I have to scratch my head to understand exactly what the proponent of the legislation is trying to do here. Her last comment was that we want to protect who? Well, the less sophisticated investor. Okay, well, let's take a look at that. What are we dealing with here? What we're dealing with here would strike the language that would allow an emerging growth company to underwrite and communicate—

The Acting CHAIR. The time of the gentleman has expired.

Mr. HENSARLING. I yield the gentleman 30 additional seconds.

Mr. GARRETT. To deal with institutions that are accredited investors. Who is it that sets the standards for accredited investors? The SEC. So if your concern is that the level of accredited investors is not sophisticated enough to deal with the purchase of these investments, then your complaint is not with this underlying legislation. Your concern should be directed to who? The entity that sets the standards for that—the SEC.

This legislation basically says that these people who should be involved here are accredited, set by the SEC. They, therefore, by definition are sophisticated investors. That is why we oppose the amendment.

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. HENSARLING. At this time, I will yield 1½ minutes to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chairman, this is also one of those—my understanding is the way the amendment is drafted is this would basically say that an emerging growth company could not, would be prohibited from communicating with accredited investors. Okay. Do we all know, I think, the current definition of accredited investor is \$1 million net worth not counting your residence, \$200,000 income for, I think, 3 years running. And now we're telling an emerging growth company that that is the population that you're not allowed to talk to?

I appreciate investor protection and protecting the little guy; but at some point when someone is holding \$1 million in equity outside their house and they've demonstrated they have \$200,000 a year income, I actually think those are the very people I want to be having communications with a growth company, that give-and-take, that information flow. And that's why actually this is a bad amendment, and we need to stand up and oppose it.

Mr. HENSARLING. I yield myself the balance of the time.

I would just say to my friend, the gentlelady from Texas will have to settle for batting .500, as I supported her earlier amendment, but I have to rise in opposition to this one. The very purpose of an accredited investor is to identify the class of individuals who have greater capacity to handle risk, do not require the enhanced protections. Her amendment would unnecessarily restrict capital formation and consequently job growth. I urge its rejection, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was rejected.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-409.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 15, line 16, strike the quotation mark and final period and after such line insert the following:

(3) ADDITIONAL FILING FEE.—In order to discourage frivolous filings with the Commission, the Commission shall establish a fee that shall apply to any draft registration statement submitted to the Commission for confidential nonpublic review pursuant to paragraph (1).

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Let me say to my good friend from Texas, I'm going to look forward to working with him on the previous amendment that simply was misconstrued, and we certainly want to respect those who have a million dollars outside their window, but we also want to ensure that we have protection for those less sophisticated investors.

The amendment that I have before me, likewise, has an intent to allow the SEC not to be plagued by frivolous filings. But I want to work with the committee going forward, and so I will not pursue this amendment. And, Mr. Chairman, I'm going to ask unanimous consent to withdraw this amendment No. 8 at this time.

I will conclude by saying I like batting .500, and I will continue to work with this committee on these important issues.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-409.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 109. STUDY ON THE EFFECTS OF MARKET SPECULATION ON EMERGING GROWTH COMPANIES.

(a) STUDY.—The Securities and Exchange Commission, in consultation with the Commodity Futures Trading Commission, shall carry out an ongoing study on the ability of emerging growth companies to raise capital

utilizing the exemptions provided under this title and the amendments made by this title, in light of—

(1) financial market speculation on domestic oil and gasoline prices; and

(2) business cost increases caused by such speculation.

(b) **REPORT.**—Not later than the end of the 60-year period beginning on the date of the enactment of this Act, and annually thereafter, the Securities and Exchange Commission shall issue a report to the Congress containing all findings and determinations made in carrying out the study required under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, this important amendment will help small and emerging growth businesses address a significant cost they incur—the rising price of gasoline. According to the National Federation of Independent Businesses, 10 percent of businesses say energy costs are their single largest cost, and 25 percent cite it as the second or third largest.

Although some argue for increased domestic drilling, at best it will take 5 years before new supplies are brought to market and have any effect on the current price of gasoline. Meanwhile, oil companies are producing more oil in America right now than at any point in the last 8 years; but since they're also exporting more oil, consumers aren't realizing the benefits of that production. Approving the Keystone XL pipeline, as some have proposed, actually would make gas prices even worse. The oil company TransCanada said in its pipeline application that Keystone will raise American oil prices by \$3 a barrel. The price of a gallon of gasoline has risen 30 cents per gallon in the last month, and we need to drive down prices, not allow them to increase.

There are a number of factors involved in the rapidly increasing price of gasoline; however, one of the significant causes is the proliferation of financial market speculation on oil and gas products. During the last gas price spike, Goldman Sachs estimated that speculation added \$27 to the price of a barrel of oil. Just last week, oil State Senator TOM COBURN of Oklahoma told the House Oversight and Government Reform Committee, on which I sit, the speculation is adding 13 to 15 percent to the price of a barrel of oil right now. And citing Goldman Sachs data, a recent Forbes news report said that excessive speculation leads to a 56-cent premium per gallon at the pump.

□ 1740

We cannot have financial institutions bidding up the price of oil solely to further line their own pockets and needlessly drive up cost to consumers. Do-

mestic demand for oil is at its lowest point in the last 15 years, but the price of gasoline is hitting new highs.

The Commodity Futures Trading Commission is working to address oil and gas speculation, but they need to be more aggressive. I joined 44 Members of this House and 23 Senators in sending a letter to the CFTC to exercise its full authority to eliminate excessive speculation, as directed under the recently passed Dodd-Frank Act. This amendment will provide valuable information on how such speculation affects the ability of emerging growth companies to raise capital.

Access to capital remains a challenge for most entrepreneurs, and uncertain and often rising energy costs represent a potential impediment for start-up companies trying to convince prospective investors that they have in fact a competitive business model.

My simple amendment requires the Securities and Exchange Commission, in consultation with the CFTC, to study the effects of oil and gas speculation in financial markets on the ability of emerging growth companies to access capital. This will enable the CFTC to better address such speculation and to better protect the ability of American entrepreneurs to raise the capital necessary to innovate and succeed in the competitive global market.

I urge my colleagues to join me in the simple effort to study the excessive speculation and hopefully reduce energy costs for American innovators and consumers.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I have some good news for the gentleman from Virginia. The very issue that he cares to study has already been studied. In January of 2011, Democrat CFTC Commissioner Michael Dunn said:

To date, CFTC staff has been unable to find any reliable economic analysis to support either the contention that excessive speculation is affecting the markets we regulate or that position limits will prevent excessive speculation. With such a lack of concrete economic evidence, my fear is that, at best, position limits are a cure for a disease that does not exist or at worst a placebo for one that does.

A similar study has been conducted by the Federal Trade Commission.

Mr. Chairman, if we're going to be in the business of conducting studies, perhaps we should study why this administration has had over 3 years to study the Keystone pipeline and still refuses to allow more energy to come to America for Americans. Now, apparently, in a reversal, the President has decided that if the energy can hitchhike from Canada successfully to the Red River, the northern border of Texas, he'll allow it to get to the refineries on the gulf coast. Otherwise, no energy.

Shouldn't, on the road to American energy independence, we ought to at least go through the road of North American energy independence? These are 20,000 shovel-ready jobs—and I know the administration gets confused at what is a shovel-ready job—but 20,000 shovel-ready jobs, and yet it's rejected by this administration. Why? Well, because this is an administration that has essentially declared war on carbon-based industry, thus is trying to increase prices of energy for small businesses, for struggling American families, for hardworking taxpayers. Please don't take my word for it; take the word of the Secretary of Energy, Steven Chu: "Somehow we have to figure out how to boost the price of gasoline to the levels of Europe."

Well, again, I've got good news for the administration: they're doing a wonderful job. They have us on the road to increasing energy levels to the price of Europe, and the consequent unemployment that goes with it, and the consequence of having the fewest business start-ups in almost two complete decades. So, the matter that the gentleman cares to study has already been studied. It has already been studied.

I also recall a time when these people were called investors, and we actually welcomed them into the market. I suspect that it is fear of this administration's energy policies that is causing these prices to skyrocket even further. As bad as they are today, people know they're going to be even worse.

So I would urge a rejection of this amendment that takes this bill in the complete opposite direction that it needs to be going.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. I would inquire of the Chair how much time is left on our side.

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. CONNOLLY of Virginia. Well, I'm saddened, but of course not surprised, that my friend on the other side would not want a simple amendment to study the effect of oil speculation on the price of oil because it doesn't fit the political narrative. So while we're trying to have a very narrow narrative that somehow it's the responsibility of a particular administration in terms of the rise in the price of oil, I think the American consumer and American innovators and American start-up companies and entrepreneurs are actually entitled to know what percentage of the increase in a barrel of oil and at the pump is in fact due to oil speculators and financial institutions that the other side of this House wants to protect.

With respect to the Keystone pipeline—with all due respect to my colleague—it's 5,000 jobs, not 20,000 shovel-ready jobs. The Washington Post did an exhaustive study of the number of jobs that would be created, and they were

all temporary. At most, 50 to 60 permanent jobs would be created.

The other thing my friends on the other side of the aisle don't want to talk about about Keystone is that almost all of that oil is going to go to Port Arthur, Texas, for export, not for domestic consumption. If my friends on the other side of the aisle want to contend otherwise, then let's support an amendment right here and now that says that pipeline can be produced and built so long as all of that oil is for domestic consumption.

With that, I yield back the balance of my time, Mr. Chairman.

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining.

Mr. HENSARLING. In that case, I yield 1 minute to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the gentleman from Texas.

It seems like the gentleman's amendment is trying to confuse the recent sharp rise in gas prices with the purpose of this bill, which is to provide emerging growth companies with a temporary break from costly compliance burdens.

It's true that gas prices have been going up, but emerging growth companies are not to blame. I introduced this bill, along with my colleague, Mr. CARNEY, to encourage small business to go public, to have access to more capital, and create more jobs. Job creation is the purpose of this bill, not gas prices.

Rising gas prices is a critical issue, and we would be glad to have the debate some other day. But today we're talking about job creation in the private sector. This is a very important piece of legislation that the President supports. So let's give the power back to the people.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

Regrettably, the ranking member is not here because he chose to violate House rules, and his speaking privileges were denied for the rest of the day. But during our committee markup, he said:

First of all, studies are not done for free by the SEC. Given the current decision to restrict SEC funding, I will be much more careful about burdening them with studies which will inevitably come at the expense of more important duties.

One more reason to oppose the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. MCCARTHY OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-409.

Mr. MCCARTHY of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, beginning on line 6, strike "(a) REMOVAL OF RESTRICTION.—" and all that follows through line 11 and insert the following:

(a) MODIFICATION OF RULES.—

(1) Not later than 90

Page 19, line 23, insert after the period the following: "Section 230.506 of title 17, Code of Federal Regulations, as revised pursuant to this section, shall continue to be treated as a regulation issued under section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2))."

Page 19, after line 23, insert the following:

(2) Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall revise subsection (d)(1) of section 230.144A of title 17, Code of Federal Regulations, to provide that securities sold under such revised exemption may be offered to persons other than qualified institutional buyers, including by means of general solicitation or general advertising, provided that securities are sold only to persons that the seller and any person acting on behalf of the seller reasonably believe is a qualified institutional buyer.

(c) CONSISTENCY IN INTERPRETATION.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) by striking "The provisions of section 5" and inserting "(a) The provisions of section 5"; and

(2) by adding at the end the following:

"(b) Offers and sales exempt under section 230.506 of title 17, Code of Federal Regulations (as revised pursuant to section 201 of the Jumpstart Our Business Startups Act) shall not be deemed public offerings under the Federal securities laws as a result of general advertising or general solicitation."

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from California (Mr. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCCARTHY of California. Mr. Chairman, this amendment is designed to make several small changes to make sure the regulation D, rule 506 provision in this bill meets its original intent.

In consultation with the Securities and Exchange Commission and our friends on the other side of the aisle, we identified several areas where the language in the bill could have had some unintended consequences that may have limited the effectiveness of the provision or expanded its reach beyond what we originally intended.

□ 1750

This amendment does three things:

Clarifies that general advertising provision should only apply to Regulation D, rule 506 of the securities offerings;

Protects investors by allowing for general advertising in the secondary sale of these securities, so long as only qualified institutional buyers purchase the securities;

Provides consistency in the interpretation for regulators that general advertising should not cause these private offerings to be considered public offerings.

Our goal with this amendment is to ensure that more small businesses have the opportunity to find the investors they need while preserving investor protections.

Mr. Chairman, as many people know on this floor, I created my first business at age 20. I was fortunate enough to be successful enough to pay my way through college.

Mr. Chairman, if I look today, I don't know if I could start that same small business. Entrance to market is great, access to capital. What our goal to do it in this bill and amendment is to expand that. And as we measure across America, the greatest growth we have is small business.

Mr. Chairman, I was reading the other day, if you looked at the challenge that we have, this current administration and their policies hampering our ability to grow, you look back to the end of the last recession, 2001, you look at the beginning of this recession in 2007, a lot of people in America say that was a time of growth in America, from 2001 to 2007.

Well, if you ever measured who created those jobs, small businesses. Companies under 500 employees added 7 million jobs, and 70 percent of those new 7 million jobs came from companies 5 years old or younger.

But, Mr. Chairman, under this new administration, we're at an all-time low of new start-ups. So we're hopeful, with this new legislation, that that will all change, that the future will be brighter, small businesses will continue to grow, and we'll put America back on the right path.

I reserve the balance of my time.

Mr. CARNEY. I rise to claim time in opposition, though I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Delaware is recognized for 5 minutes.

There was no objection.

Mr. CARNEY. Mr. Chairman, I'd like to first thank the gentleman from California for his amendment and for working with the minority party and the ranking member on the provisions of the amendment. I understand there's support for the amendment on this side of the aisle as well.

I would like to take a minute, if I could, or a couple of minutes, to talk about the Waters amendment, which

was discussed a few minutes ago, just to clarify a few points, if I may. Congresswoman WATERS, in committee, raised the concerns about the way information was used during the dot-com boom in the early 2000s, and there were obviously some problems with that.

But I think the RECORD needs to be clear that under our bill, all analyst research for emerging growth companies will remain subject to certain provisions. They will be subject to the Global Research Analyst Settlement, which was a court settlement that resulted from the problems in the early 2000s. This settlement established a comprehensive set of rules that severed the link between investment banking and research activities at large banks.

They will be subject to section 501 of Sarbanes-Oxley, which requires research analysts and broker dealers to disclose all potential conflicts of interest in research reports; they will be subject to Regulation AC, which requires research analysts to personally certify that the views expressed in research reports accurately reflect the research analysts' personal views about the securities, and to disclose whether research analysts were compensated in connection with specific recommendations; and, they would still be subject to stock exchange listing standards.

The point is that the protections against these conflicts that the gentleman from California is concerned about are preserved under our bill, and we would argue that the amendment is not necessary. In fact, what the amendment would do is it would take away what we think is an advantage to our legislation, which is research that would be available on small emerging growth companies which are not covered currently by certain of these regulations.

So I'd like to just ask my colleagues on both sides of the aisle—obviously, the amendment failed on a voice vote, and I would ask, as the amendment goes to a recorded vote, that my colleagues keep in mind that these protections still exist for investors.

With that, I yield back the balance of my time.

Mr. MCCARTHY of California. Mr. Chairman, I urge adoption of the amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCARTHY).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-409 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. HIMES of Connecticut.

Amendment No. 5 by Mr. ELLISON of Minnesota.

Amendment No. 6 by Ms. WATERS of California.

Amendment No. 9 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. HIMES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. HIMES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 245, not voting 23, as follows:

[Roll No. 103]

AYES—164

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran

Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Perlmutter
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Wilson (FL)
Yarmuth

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buchosh
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Crowley
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxo
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Bachus
Braley (IA)
Burton (IN)
Carnahan
Cohen
Davis (IL)
Filner
Hinojosa

NOES—245

Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
LoBiondo
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—23

Kelly
Labrador
Markey
Moore
Paul
Pelosi
Rangel
Roskam
Schmidt
Schrader
Schwartz
Sewell
Tiberi
Visclosky
Woolsey

□ 1822

Messrs. POLIS, BUCSHON, GUINTA and ROKITA changed their vote from “aye” to “no.”

Messrs. HINCHEY and GUTIERREZ changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 103, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Mr. BRALEY of Iowa. Mr. Chair, during rollcall vote number 103 on Himes amdt. H.R. 3606, I was unavoidably detained. Had I been present, I would have voted “aye.”

Stated against:

Mr. KELLY. Mr. Chair, on rollcall No. 103, my voting card would not register. Had I been able to vote, I would have voted “no.”

AMENDMENT NO. 5 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 244, not voting 19, as follows:

[Roll No. 104]

AYES—169

Ackerman	Crowley	Holden
Altmire	Cuellar	Holt
Andrews	Cummings	Honda
Baca	Davis (CA)	Hoyer
Baldwin	DeFazio	Inslee
Barrow	DeGette	Israel
Bass (CA)	DeLauro	Jackson (IL)
Becerra	Deutch	Jackson Lee
Berkley	Dicks	(TX)
Berman	Dingell	Johnson (GA)
Bishop (GA)	Doggett	Johnson, E. B.
Bishop (NY)	Donnelly (IN)	Jones
Blumenauer	Doyle	Kaptur
Bonamici	Duncan (TN)	Keating
Boswell	Edwards	Kildee
Brady (PA)	Ellison	Kissell
Braley (IA)	Engel	Kucinich
Brown (FL)	Eshoo	Langevin
Butterfield	Farr	Larsen (WA)
Capps	Fattah	Larson (CT)
Capuano	Frank (MA)	Lee (CA)
Carnahan	Fudge	Levin
Carson (IN)	Garamendi	Lewis (GA)
Castor (FL)	Gonzalez	Lipinski
Chandler	Green, Al	Loebsack
Chu	Green, Gene	Lofgren, Zoe
Cicilline	Grijalva	Lowe
Clarke (MI)	Hahn	Luján
Clarke (NY)	Hanabusa	Lynch
Clay	Hanna	Maloney
Cleaver	Hastings (FL)	Markley
Clyburn	Heinrich	Matheson
Conyers	Higgins	Matsui
Costello	Hinchee	McCarthy (NY)
Courtney	Hirono	McCollum
Critz	Hochul	McDermott

McGovern	Quigley	Speier
McIntyre	Rahall	Stark
McNerney	Reyes	Sutton
Meeks	Richardson	Thompson (CA)
Michaud	Richmond	Thompson (MS)
Miller (NC)	Rothman (NJ)	Tierney
Miller, George	Roybal-Allard	Tonko
Moran	Ruppersberger	Towns
Murphy (CT)	Ryan (OH)	Tsongas
Nadler	Sánchez, Linda T.	Van Hollen
Napolitano	Sanchez, Loretta	Velázquez
Neal	Sarbanes	Walz (MN)
Oliver	Schakowsky	Wasserman
Pallone	Schiff	Schultz
Pascarell	Scott (VA)	Waters
Pastor (AZ)	Scott, David	Watt
Perlmutter	Serrano	Waxman
Peters	Sewell	Welch
Peterson	Sherman	Wilson (FL)
Pingree (ME)	Sires	Yarmuth
Polis	Slaughter	
Price (NC)		

NOES—244

Adams	Fleming	Manzullo
Aderholt	Flores	Marchant
Akin	Forbes	Marino
Alexander	Fortenberry	McCarthy (CA)
Amash	Fox	McCaul
Amodel	Franks (AZ)	McClintock
Austria	Frelinghuysen	McCotter
Bachmann	Gallagher	McHenry
Bachus	Gardner	McKeon
Barletta	Garrett	McKinley
Bartlett	Gerlach	McMorris
Barton (TX)	Gibbs	Rodgers
Bass (NH)	Gibson	Meehan
Benishek	Gingrey (GA)	Mica
Berg	Gohmert	Miller (FL)
Biggart	Goodlatte	Miller (MI)
Bilbray	Gosar	Miller, Gary
Bilirakis	Gowdy	Mulvaney
Bishop (UT)	Granger	Murphy (PA)
Black	Graves (GA)	Myrick
Blackburn	Graves (MO)	Neugebauer
Bonner	Griffin (AR)	Noem
Bono Mack	Griffith (VA)	Nugent
Boren	Grimm	Nunes
Boustany	Guin	Nunnelee
Brady (TX)	Guthrie	Olson
Brooks	Hall	Owens
Broun (GA)	Harper	Palazzo
Buchanan	Harris	Paulsen
Bucshon	Hartzler	Pearce
Buerkle	Hastings (WA)	Pence
Burgess	Hayworth	Petri
Burton (IN)	Heck	Pitts
Calvert	Hensarling	Platts
Camp	Herger	Poe (TX)
Campbell	Herrera Beutler	Pompeo
Canseco	Himes	Posey
Cantor	Huelskamp	Price (GA)
Capito	Huizenga (MI)	Quayle
Cardoza	Hultgren	Reed
Carney	Hunter	Rehberg
Carter	Hurt	Reichert
Cassidy	Issa	Renacci
Chabot	Jenkins	Ribble
Chaffetz	Johnson (IL)	Rigell
Coble	Johnson (OH)	Rivera
Coffman (CO)	Johnson, Sam	Roby
Cole	Jordan	Roe (TN)
Conaway	Kelly	Rogers (AL)
Connolly (VA)	Kind	Rogers (KY)
Cooper	King (IA)	Rogers (MI)
Costa	King (NY)	Rohrabacher
Cravack	Kingston	Rokita
Crawford	Kinzing	Rooney
Crenshaw	Kline	Ros-Lehtinen
Culberson	Lamborn	Roskam
Dance	Lance	Ross (AR)
Dent	Landry	Ross (FL)
DesJarlais	Lankford	Royce
Diaz-Balart	Latham	Runyan
Dold	LaTourette	Ryan (WI)
Dreier	Latta	Scalise
Duffy	Lewis (CA)	Schilling
Duncan (SC)	LoBiondo	Schweikert
Elmors	Long	Scott (SC)
Emerson	Lucas	Scott, Austin
Farenthold	Luetkemeyer	Sensenbrenner
Fincher	Lummis	Sessions
Fitzpatrick	Lungren, Daniel E.	Shimkus
Flake	Mack	Shuler
Fleischmann		Simpson

Smith (NE)	Thornberry	Westmoreland
Smith (NJ)	Tiberi	Whitfield
Smith (TX)	Tipton	Wilson (SC)
Smith (WA)	Turner (NY)	Wittman
Southerland	Turner (OH)	Wolf
Stearns	Upton	Womack
Stivers	Walberg	Woodall
Stutzman	Walden	Yoder
Sullivan	Walsh (IL)	Young (AK)
Terry	Webster	Young (FL)
Thompson (PA)	West	Young (IN)

NOT VOTING—19

Cohen	Moore	Schrader
Davis (IL)	Paul	Schwartz
Denham	Pelosi	Shuster
Filner	Rangel	Visclosky
Gutierrez	Rush	Woolsey
Hinojosa	Schmidt	
Labrador	Schock	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1826

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 104, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Ms. SCHWARTZ. Mr. Chair, during rollcall vote number 103 and 104 on Himes and Ellison amendments, I was unavoidably detained. Had I been present, I would have voted “aye.”

AMENDMENT NO. 6 OFFERED BY MS. WATERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 105]

AYES—161

Ackerman	Castor (FL)	Dingell
Andrews	Chandler	Doggett
Baca	Chu	Donnelly (IN)
Baldwin	Cicilline	Doyle
Bass (CA)	Clarke (MI)	Edwards
Becerra	Clarke (NY)	Ellison
Berkley	Clay	Engel
Berman	Cleaver	Eshoo
Bishop (GA)	Clyburn	Farr
Bishop (NY)	Cohen	Fattah
Blumenauer	Conyers	Frank (MA)
Bonamici	Costello	Fudge
Boswell	Courtney	Gonzalez
Brady (PA)	Critz	Green, Al
Braley (IA)	Cummings	Green, Gene
Brown (FL)	Davis (CA)	Grijalva
Butterfield	DeFazio	Gutierrez
Capps	DeGette	Hahn
Capuano	DeLauro	Hanabusa
Carnahan	Deutch	Hastings (FL)
Carson (IN)	Dicks	Heinrich

Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeback
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui

McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland

Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland

Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeback
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui

Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Neal
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth
Young (FL)

NOT VOTING—12

Kissell
Labrador
Moore
Viscosky
Woolsey
Davis (IL)
Denham
Filner
Hinojosa

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1833

Mr. CROWLEY changed his vote from
“aye” to “no.”

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 105, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “aye.”

AMENDMENT NO. 9 OFFERED BY MR. CONNOLLY
OF VIRGINIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Virginia (Mr. CON-
NOLLY) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 185, noes 236,
not voting 11, as follows:

[Roll No. 106]

AYES—185

NOES—259

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Crowley
Cuellar

Culberson
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter

Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourrette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee

Ackerman

Altmire

Andrews

Baca

Baldwin

Barrow

Bass (CA)

Bezerra

Berkley

Berman

Bishop (GA)

Bishop (NY)

Blumenauer

Bonamici

Boswell

Brady (PA)

Braley (IA)

Brown (FL)

Burgess

Butterfield

Capps

Capuano

Carnahan

Carson (IN)

Castor (FL)

Chandler

Chu

Cicilline

Clarke (MI)

Clarke (NY)

NOES—236

Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs

Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline

Lamborn	Nunes	Scott (SC)
Lance	Nunnelee	Scott, Austin
Landry	Olson	Sessions
Lankford	Palazzo	Shimkus
Latham	Pearce	Shuler
LaTourette	Pence	Shuster
Latta	Peterson	Simpson
Lewis (CA)	Petri	Smith (NE)
LoBiondo	Pitts	Smith (NJ)
Long	Poe (TX)	Smith (TX)
Lucas	Pompeo	Southerland
Luetkemeyer	Posey	Stearns
Lummis	Price (GA)	Stivers
Lungren, Daniel E.	Quayle	Stutzman
Mack	Reed	Sullivan
Manzullo	Rehberg	Terry
Marchant	Reichert	Thompson (PA)
Marino	Renacci	Thornberry
Matheson	Ribble	Tiberi
McCarthy (CA)	Rigell	Tipton
McCaul	Rivera	Turner (NY)
McClintock	Robby	Turner (OH)
McCotter	Roe (TN)	Upton
McHenry	Rogers (AL)	Walberg
McKeon	Rogers (KY)	Walden
McKinley	Rogers (MI)	Walsh (IL)
McMorris	Rohrabacher	Webster
Rodgers	Rokita	West
Meehan	Rooney	Westmoreland
Mica	Ros-Lehtinen	Whitfield
Miller (FL)	Roskam	Wilson (SC)
Miller (MI)	Ross (AR)	Wittman
Miller, Gary	Ross (FL)	Wolf
Mulvaney	Royce	Womack
Murphy (PA)	Runyan	Woodall
Myrick	Ryan (WI)	Yoder
Neugebauer	Scalise	Young (AK)
Noem	Schilling	Young (IN)
Nugent	Schock	
	Schweikert	

NOT VOTING—11

Davis (IL)	Labrador	Schmidt
Denham	Moore	Visclosky
Filner	Paul	Woolsey
Hinojosa	Rangel	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1837

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 106, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mr. HENSARLING. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLEISCHMANN) having assumed the chair, Mr. BISHOP of Utah, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, had come to no resolution thereon.

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1840

(Mr. GRIFFIN of Arkansas asked and was given permission to address the House for 1 minute.)

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in honor of Arkansas Children's Hospital, which is celebrating 100 years of service to Arkansas' children and families. Since it was founded in 1912 as an orphanage, Children's has grown to become one of the largest pediatric hospitals in the Nation. Children's is the only Level 1 pediatric trauma center in Arkansas, and they provide care to all 75 counties. For the past 3 years, it has been included in Fortune's 100 Best Companies to Work For.

Medical breakthroughs, intense treatments, unique surgical procedures, and forward thinking have led to Children's international reputation. This is due to Children's more than 4,000 employees.

I congratulate Arkansas Children's Hospital on their contribution to the health and well-being of our children and families, and to Arkansas' economy.

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, as we do here in Congress every time that gas prices rise, Members from both sides of the aisle are quick to blame each other. The reasons we find ourselves with high gas prices today aren't simple, and we should be wary of anyone who's offering an overly simple, one-stop solution to this crisis. We can take some steps to try to calm these prices today, but the real fixes are going to take years—and a willingness to lower the partisan rhetoric around this issue is going to be part of the equation.

One thing we can do now in the short term is to make sure that our commodities markets are functioning rationally. That means empowering Federal regulators to ensure that oil prices can't be driven simply by financial speculation. We need the Commodities Futures Trading Commission to enforce strong trading limits to police speculation in energy markets, and we here in Congress have to give them the resources they need to do that. The problem we face today isn't one of supply and demand. Demand is at its lowest in 17 years. Supply is at its highest in 3 years. This is a question of making sure that speculation isn't running the price up too fast and too quickly. It's

our job to put some speed bumps along the road.

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, as of today, the price for a gallon of regular gasoline in my hometown of Jonesboro, Arkansas, is \$3.55. Just a year ago, that same gallon of regular gasoline would have cost \$2.96. We've all heard the news reports that gas could hit a record of \$5 a gallon this summer. The rising cost of gas not only affects my constituents at the pump, it will also drive up the cost of good and services.

Congress can lower gas prices. We can require approval of the Keystone XL pipeline within 30 days. President Obama's rejection of the Keystone project will hit working families at the pump this summer. The American West is primed for oil shale development to provide oil and natural gas. The U.S. Geological Survey estimates we have the equivalent of more than 1.5 trillion barrels of oil in Colorado, Utah, and Wyoming. That's enough to provide the United States with energy for 200 years.

The Obama administration recently announced plans to restrict offshore drilling. After the BP oil spill, strict regulations were put in place to allow for safe, responsible drilling. Now we need the Obama administration to lift the ban on drilling.

We are blessed to live in a land with abundant natural resources. We need a Federal Government that will get out of the way so that we can develop those resources. Not only will these projects help American families meet our energy needs, they will also help create thousands of jobs in the process.

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor the achievements of Captain Robert C. Grant, who has dedicated his life to serving our Nation and protecting the residents of south Florida. Captain Grant is retiring after a distinguished career with the United States Coast Guard Reserve, where he served as the deputy chief of staff of the Seventh Coast Guard District.

His selfless work has included providing support to Operation Desert Shield and Desert Storm, assisting in relief efforts after the devastating 2010 earthquake in Haiti, and building strong bonds between the Coast Guard and the Cuban and Haitian communities of south Florida through dedicated public outreach.

In his capacity as a congressional liaison, he was instrumental in this body's work on combating maritime smuggling and other threats. He has received numerous military awards and unit citations, and is capping a career that has also included service in the United States Air Force Reserve and the United States Treasury Department.

On a personal note, I can't thank Captain Grant enough for his friendship over the years. I know I speak for my staff as well as the greater south Florida community when I say, Captain Grant, we are all so proud of your career and your accomplishments, and you will be sorely missed. Thank you for your service.

INCOME TAX REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURGESS. Mr. Speaker, here we are 5 weeks from the time that we all have to file our income taxes—April 17 this year. It's 99 years since this House enacted the progressive income tax that we now all know by its familiar names that we all use for it. I thought it might be appropriate to spend some time this evening talking about our Tax Code and talking about what might be possible in fundamental reform of the Tax Code.

I have long been a proponent of what is known as a flat tax. I think that is something that is worthy of this House taking up and debating. There is legislation that has been introduced, H.R. 1040 for people who are keeping score at home, and I think this would be a rational approach for people who want to be treated fairly by the Tax Code—our President does talk about fairness in the Tax Code—and for people who are wanting to get out of the tyranny of having to live with a shoe box full of receipts every spring, because I know this weekend when I go home, I'm going to be spending some time with that shoe box of receipts.

The flat tax is an idea that was promulgated by my predecessor here in this House, the former majority leader, Dick Armey. He wrote a book about the flat tax in 1995. I've read it, I embraced it, and I thought it was some of the smartest economic policy I had ever read because I had just lived through what I described as the Clinton paradox.

In 1993, President Bill Clinton, in his first year of office, earned almost an identical amount of money that I earned in my medical practice back in Texas. Now, when the taxes were filed and the reports were given on how much Mr. Clinton had paid that year, he returned about 20 percent of his in-

come in the taxes that he paid. We had earned an identical amount. When I did the same calculation on myself, it was 32 percent. Why should two people who had an identical earning level pay vastly different amounts on their income tax?

The fundamental unfairness of the system as it existed—better accountant, just simply differences in math, why should it account for that type of discrepancy?

So this is a concept that I came to Congress and wanted to push. I have been anxious for this Congress to enter into the debate on fundamental tax reform. I am somewhat encouraged during the Presidential debates that we've heard over the past several months that Presidential candidates have been talking about fundamental tax reform, and the President himself has mentioned creating increased fairness in the Tax Code.

□ 1850

I'm all for that. I think that this is one way that this House could entertain at least having the debate and perhaps provide a way forward for a more sensible structuring of the payment of income taxes in this country.

I'm so very happy tonight to be joined by another Member. ALLEN WEST of Florida has agreed to speak with us during this hour and share with us his thoughts on fundamental tax reform.

I yield to the gentleman from Florida (Mr. WEST).

Mr. WEST. Well, thank you, my dear colleague, Dr. BURGESS of Texas, for allowing me to be here and talk about the reform of our Tax Code.

When you sit back and you look at the progressive Tax Code system that we have here in the United States of America, we hear a lot of talk today about fairness and fair share and economic equality and shared sacrifice. But one of the things we have to come to understand is, when you look at the top 1 percent of wage earners in the United States of America, they're paying close to 40 percent of the Federal income taxes. When you consider the top 5 percent of wage earners in the United States of America, they're paying close to 58 percent of those Federal income taxes. The top 25 percent of wage earners in the United States of America pay 86 percent of the Federal income taxes.

But of course now we're coming to understand that you have a large percentage of Americans—some say it's between 47 to 49 percent—that are paying absolutely nothing in Federal income taxes. It kind of reminds me, my dear colleague, of that movie, "Ben-Hur," when Judah Ben-Hur was sent off to be on the Roman galleys. Of course the commander came down and he said very simply, "Row well and live, 41." Of course we remember that beating.

Well, what happens on that Roman galley if only 25 percent is rowing? That's the situation that we have here in the United States of America. We will never get to ramming speed. We will never fully recover this economy so that we can have the capital that is necessary out there, so that Americans can be able to pay for these exorbitant gas prices, so that small business owners can expand their business.

So I think that now is the time to do exactly what you are talking about: Look at fundamental Tax Code reform so that we can eliminate things such as the death tax; we can eliminate things such as the dividends tax, which a lot of the seniors that I represent down in south Florida and pre-seniors, they depend upon those dividends. Why are we having these exorbitant taxes upon tax?

So I think that this is a great opportunity to have this conversation. I am so honored that you allowed me to stand here and spend some time with you this evening.

Mr. BURGESS. Well, very good. I hope the gentleman will stick around. I've got a few points I want to make, but at any point you feel like you want to expand upon something, please feel free to join back in.

We often hear the saying that there's nothing in this world that's certain except death and taxes; they're both unavoidable. I will tell you, as a practicing physician for 25 years back in Texas, sometimes death seems a little less complicated than our Tax Code.

But again, I draw your attention to H.R. 1040. This is an optional flat tax bill that I have introduced this year—and really for several Congresses now. It does have a number of cosponsors. We are yet to get to ramming speed, as the gentleman pointed out, but I think with the additional emphasis that has been placed on fundamental tax reform by the Simpson-Bowles Commission, by the Republican Presidential debates, I think this is a debate in which the American people are anxious to participate.

Here's an interesting quote, and it's so interesting that I had a poster made of it. The tax system is so complicated that even IRS Commissioner Doug Shulman has said, "I find the Tax Code complex, so I use a preparer." Wow, the very guy who's in charge of the whole shindig cannot do his own taxes, so he has to hire it out.

So if this learned individual, who is the IRS Commissioner, cannot figure out how to do his own income taxes without a preparer, how in the world is the average Joe supposed to be able to figure this out? I ask that question because I've used this quote for a couple of years. Then last weekend, in The Dallas Morning News, I was struck by this quote, an article where just a regular small business woman was interviewed about how she could possibly

file her income taxes, which she didn't understand. She told The Dallas Morning News reporter:

I don't care what the IRS says, it's complicated. It's much more confusing than I understand. We don't know what we're going to do.

Now, I don't know what this says to you, but it certainly says to me: Time for a change.

I yield to the gentleman.

Mr. WEST. You bring up a great point, Representative BURGESS. When you look at the fact that we have a Tax Code that is some 67,000 pages—as a matter of fact, the American people know that even some of our colleagues up here on Capitol Hill in this very body, the House of Representatives, have had some issues with the Tax Code, also to include our own Secretary of the Treasury has seemingly had some issues with the Tax Code and the confusing nature of which it exists. So, you're right, I think it's an absolutely important time that we go back and we examine this Tax Code, maybe move away from this progressive Tax Code system and simplify it for the American people.

As you know, if we can bring those rates down, if we can lower the deductions, if we can get rid of a lot of the loopholes on the personal income tax side and also the corporate tax side, think about what we can do for generating economic growth here in America.

Mr. BURGESS. I think the result would be absolutely outstanding. One of my wishes is that I live long enough to see that glorious day when the chains are taken off the American economy, the chains imposed by the Tax Code.

I actually wasn't going to bring up some of our esteemed heads of Federal agencies, even the esteemed heads of congressional committees last year charged with writing the laws that govern what other Americans are having to pay in their taxes. These individuals simply could not comply because it was too complicated. The very individual who was in charge of the committee with writing the tax laws found himself afoul of those same laws. The very head of the U.S. Department of the Treasury found himself afoul of some of the Tax Code because, again, he alleged the complexity in the system.

So the Tax Code has grown by so much since it was introduced some 99 years ago. When it was first created that infamous year, the Tax Code comprised a total of 400 pages. As the gentleman from Florida just mentioned, it has grown to almost 70,000 pages.

Remember, one of the fundamental tenets of the American legal system, including the tax system, is that "ignorance of the law is no excuse." Therefore, theoretically, every single American who is merely trying to com-

ply with the law and get their taxes filed by April 17 this year is required to be familiar with 70,000 pages of tax rules.

Now, I don't do my own taxes. I don't trust myself to do my own taxes. I know I'm not smart enough. With four college degrees, I couldn't possibly handle this. But I doubt that even the tax attorney that I employ at great expense is familiar with all 70,000 pages, let alone the single mom back in Dallas, Texas, that I referenced.

The complexity of the Tax Code is a consequence of countless deductions and exemptions aimed at steering a social agenda. That might surprise some people. The Tax Code is used to steer a social agenda. But it's supposed to be a Tax Code.

So what does that mean?

It means that the special interests are running rampant in the Code. Any time Congress wants to punish or reward—we call it incent behavior—we add either a credit or a tax to the IRS code. An example of this would be the, say, 23 new taxes that were included in the Affordable Care Act.

Let me pause for just a minute. I get a lot of criticism from people who say: You're a doctor. You should have been for health care reform. But the bill that was signed by the President 2 years ago this March was not a health care bill; it was a tax bill.

Now, how do I know that?

I know that because, of course, the House passed its own bill on health reform, but when the Senate passed a bill on health reform, it wasn't the bill the House had worked on. It was not H.R. 3200. H.R. 3200 passed in this house November 9, 2009, and it immediately went to the dustbin of history. The bill that ultimately became the Affordable Care Act was called H.R. 3590, and it passed the Senate famously on Christmas Eve.

Oh, wait a minute. It was the Senate. Why was it a House bill number? Interestingly, H.R. 3590 started life as a housing bill, a bill to deal with veterans housing. It passed this House in July of 2009. I think I voted against it. I honestly don't remember. But H.R. 3590 had not one word about health care; it had not one word about taxes.

□ 1900

It goes over to the Senate, sits in the hopper, gets picked up by the Senate majority leader when he needed a vehicle to put a health care bill through the House. But he knew that it was fundamentally a tax bill and not a health care bill, so it had to originate in the House of Representatives.

So here's a convenient bill number, H.R. 3590. Amend it, strip all the housing language out of it, and then you start putting the health care language in it. That's how we get a health care bill that is really a tax bill passed initially by the Senate and then subse-

quently ratified by the House in March of 2010.

It was a dreadful process; and for anyone who remembers those days, it was certainly some pretty dark dealing from the bottom of the deck, and that's why the health care bill has been so unpopular. It was unpopular when it passed, and it stays unpopular to this day. And I hope that we are going to be able to get something done about it, if not this year, then next.

But back to the Tax Code. Twenty-three new taxes in the Affordable Care Act because, again, Congress wants to punish their enemies or reward their friends.

Well, how do you figure special interests like ethanol and the special treatment they get in the Tax Code?

The results of these actions is a compilation of laws fraught with opportunities for, yes, avoiding taxes, but also perhaps just simply making a mistake or not understanding all of the loopholes. And all of this, then, comes down to the expense of fellow Americans.

Now, everyone's familiar with the problems of the Tax Code. We all criticize it. It's almost like an American pastime to do that. But here are some interesting facts that further demonstrate why we need fundamental tax reform.

Mr. WEST. And if I can, my colleague.

Mr. BURGESS. I yield to the gentleman from Florida.

Mr. WEST. I'd like to talk about one of the things you just mentioned, how we are using the Tax Code as a weapon for behavior modification. You just brought up exactly one of the things we have to be very concerned about is all of the new taxes that will kick in in the Patient Protection and Affordable Care Act from January 2013 out to January of 2018. One of those taxes even includes a real estate transaction tax.

Now, why would we tax people for going out and selling homes and purchasing homes?

Those are the types of hidden things that you find in that bill, and that's why we need to come back and simplify this Tax Code so that we don't have politicians using it for a certain ideological agenda.

But there's another unintended consequence that I see occurring down in our district because of this very complicated Tax Code. Now, you have many different shady typed of operators out there that are talking about how they will help prepare that Tax Code.

You know, when you drive by and you see the person spinning the arrow, or dressed up like the Liberty Bell, or something of that nature. And now we're finding that many of these places are rampant with tax fraud, that people are not getting their tax returns back.

Now think about, just as you have recommended, a simplified Tax Code. Think about what is happening with tax fraud that is targeting our seniors so that now you have people that are going trying to file their tax form and they are finding out that someone has already done it under their presumed identity. If we could simplify this, a lot of those unintended consequences would not be happening.

Mr. BURGESS. That's absolutely correct.

Here's a few fun facts that I've compiled over the years on the income tax code. Each year, America spends 6.1 billion hours preparing their tax form. It turns out that's 254 million days. Who knew?

The cost of compliance for Federal taxpayers filling out their returns and related chores was \$163 billion in 2008. That's 11 percent of all income tax receipts. Think about that just for a moment. We could have an 11 percent increase in revenue to the Federal Treasury if these costs were not incurred.

The Tax Code has grown so long that it's become challenging even to figure out how long it is. A search of the Tax Code in 2010 turned up 3.8 million words. A 2001 study published by the Joint Commission on Taxation put the number at 1.3 million words. A 2005 report put the number of words had almost tripled since 1975. Such is the pace, the rate, at which new regulations are being added.

A study done in 1998, when the forms were even less complicated, was surveyed by 46 tax experts. They kind of ran some hypothetical numbers on a hypothetical earning, and each expert came up with 46 different answers from 46 tax experts when determining tax liability. The calculations ranged from a low of \$34,000 to a high of \$68,000. The one who directed the test even stated that his computation is not the only possible correct answer. And yet we are asking our fellow Americans, our fellow citizens, to make this same type of leap of faith every year when they fill out these forms.

They don't want to be non-tax compliant. They don't want to be perhaps afoul of the law. But the problem is it is so complicated that they literally have no choice.

Mr. WEST. One of the pieces of legislation that we are currently considering is how do we spur on capital for our small businesses. Now, think about what you are recommending, Dr. BURGESS, where you look at the personal income tax rate. And right now we have this progressive Tax Code system. What if we were to flat tax that out? One single rate?

Think what that would do for small businesses who operate from that personal income tax rate, subchapter S and LLCs. Think about the fact of how they go from being at the top end, maybe 35, 38 percent of that bracket.

Now we bring it down a little bit lower, like you suggest in 1040.

What happens with that capital now we've put back in their pockets? What can they do with those small businesses? What can they do with providing the right types of benefits for their employees? What can they do to expand that business?

That's why what you're bringing up is one of the critical things we have to look at if we are truly going to turn around the economic situation here in America.

Mr. BURGESS. Well, they might spend it on goods and services produced by other Americans, which would help their businesses; or they might reinvest it in their own business and perhaps hire a new person, even with the threat of the health care act hanging over their heads.

The Tax Foundation estimated in 2007 that the average person spends 79 days working to pay their Federal taxes, another 41 days for their State and local taxes. To pay the Federal taxes is more than people pay in health care, housing, and transportation.

You can kind of see the return on investment for those other areas, but I'm not quite sure that people see the return on investment as they're forced to pay their Federal income taxes. We all complain about paying taxes; but the fact is, if the system was fair and simple, it would be easier to take.

Now, Americans don't mind paying for roads. They don't mind paying for a strong defense or for health care. But if the family who lives next door is paying a smaller share of the tax burden than you, living right next door, are forced to pay at a higher rate just because they have a better accountant, that simply doesn't make sense to people.

The Declaration of Independence states that all men are created equal, and I believe that should apply to our Tax Code.

Time is precious. All of us don't have enough time to do all of the things that are in our daily living. We've got to earn a living, raise our family, discipline our kids, spend time with friends.

And then the dollars-and-cents side of the equation, where time is money, valuable resources are squandered navigating the tax laws instead of growing the economy and instead of creating jobs.

Taken together, this is a strong prescription for real change in our Tax Code. And the good news is we know it works. We've seen it before. We caught a glimpse of it in 1986 when Ronald Reagan cut the Code in half. As a result of that reform, the economy grew, revenues increased, jobs were created.

I can't think of a better prescription for our economy than replicating the reform of the Tax Code on an even greater scale.

So what to do? To me, the prescription is very simple. Flatten the tax, broaden the base, shift the burden away from families and small businesses. Simplify the Tax Code and make it easier for businesses and families to use.

Now, even the National Taxpayer Advocate, Nina Olson, repeatedly states simplification of the Tax Code as one of her recommendations to her annual report to Congress. In 2009 she was quoted as saying, the complexity of the Code leads to perverse results. On one hand, taxpayers who honestly seek to comply with the law can make inadvertent errors, causing them to either overpay their tax, or to become the subject of an IRS enforcement action for mistaken payments of tax. On the other hand, sophisticated taxpayers often find loopholes that enable them to reduce or eliminate their tax liability.

Now, look, this is the National Taxpayer Advocate, and she thinks it's best for our constituents if we simplify the system. So it makes sense for Members of Congress to take up that sentiment and work toward that goal.

Mr. WEST, I can assure you your constituents and my constituents already know that.

Mr. WEST. You're absolutely right. Our constituents back in south Florida—and of course we get a lot of email from all across the country, and, hopefully, we'll get some of that email tomorrow after this Special Order—but they understand a single flat rate.

All flat tax proposals have a single rate, and usually that single rate is less than 20 percent. That low flat rate solves the problem of a high marginal tax rate by reducing those penalties against productive behavior such as work and risk-taking and entrepreneurship.

□ 1910

Also, you eliminate a lot of those special preferences because flat tax proposals would eliminate provisions of the Tax Code that bestow preferential tax treatment on certain behaviors and activities. Guess what? It reduces that influence of lobbyists up here that you already talked about.

When you get rid of deductions or lower those deductions, credits, exemptions, and other loopholes, that also helps to solve the problems of complexity, allowing taxpayers to file their tax returns on that one simple form. That's why H.R. 1040 is a great step forward.

Mr. BURGESS. Just a few years ago, a group called American Solutions conducted a nationwide poll on different topics relating to the Tax Code and on taxes and jobs. They crossed gender, ethnicity, economic, and party lines and discovered the following interesting facts about America:

The majority of people in America, 69 percent to 27, think the American tax system is unfair;

A majority believe that the death tax should be abolished, 65 percent;

A majority favor tax incentives for companies who keep their headquarters in the United States of America, 70 to 26;

Taxpayers should be given the option of a single income tax rate of 17 percent;

Taxpayers would still have the option of filing their taxes in the current system if they chose to do so. That was a 61 percent favorable;

The option of a single-rate system should give taxpayers the convenience of filing their taxes on a single sheet of paper. Guess what. That one was 82 percent of our constituents believe, our fellow Americans, believe they should be able to file their Federal income taxes on a single sheet of paper.

America has spoken. The evidence is clear, and we need real change in our tax system. The encouraging news is that we do have a practical and effective blueprint for making this change across the board. The blueprint, of course, is the flat tax.

In 1981, Robert Hall proposed a new and radically simple structure that would transform the Internal Revenue Service and our economy by creating a single rate of taxation for all Americans. Today, several States with their State income taxes have implemented single-rate tax structures for their State income taxes. From Utah to Massachusetts, citizens are seeing the benefit. In Colorado, a single tax rate generated so much income that the revenue—that lawmakers were actually able to reduce rates. In Indiana, the economy boomed after a single rate went into effect in 2003, and the following 3 years the corporate tax receipts rose by 250 percent.

Here in Congress, there is no shortage of champions who've worked on the problem. I've been involved in this for a number of years, but prior to my coming here, Congressman DAVID DREIER of California, the chairman of the Rules Committee, has spent a number of years working on this concept. PAUL RYAN, our budget chairman, PAUL RYAN of Wisconsin, chairman of the Budget Committee, has worked on this problem for a long time. MIKE PENCE of Indiana, who was our conference chair last term, of course my friend ALLEN WEST of Florida, all working to establish a simple tax rate structure for our country.

Other Members are working on this in the Senate as well. And let's be honest: This is a time where Congress is not held in high regard, and this would be a tremendous deliverable for the House and the Senate to work together on simplifying the Tax Code and actually returning not just dollars to the American people, but giving them back their time that we rob from them every year when we enforce compliance with the Tax Code.

Not everyone may agree on precisely where the flat tax rate should be. Seventeen percent, no deductions, is something that's been talked about for some time. I think that is certainly a system that is worthy of study. But if someone else wants to talk about a system with two or three rates or if they want to maintain deductions, we should be able to have that debate. We should have it civilly. It shouldn't be something that we clobber each other over the head about.

But every American should bear this burden equally at the lowest rate possible, and everyone should be able to do their taxes without the help of a professional. People should be confident that when you earn the same income as the person across the street, you pay the same income taxes at the end of that year.

Just by way of comparison, according to the Internal Revenue Service, there are 1.2 million tax professionals preparing taxes during the tax season, which is roughly equal to the population of the State of Hawaii.

There are 950,000 doctors in the United States. Now, as a physician, I think this number is off; it's askew. Healers should not be outnumbered by tax preparers. It makes no sense. More people should go into medicine and less into tax preparation, and it will provide them the simplicity in the Tax Code. Perhaps that can happen.

But let's also be honest. The accountants who do your taxes would much rather be talking to you about your long-term life planning, your planning for your retirement, your planning for covering expenses if you become disabled; they would much rather talk to you about life planning than they would talk to you about how they disrupt your life with the Tax Code.

I yield to the gentleman from Florida.

Mr. WEST. Thank you once again, dear colleague. You bring up a great point when you talk about your after years, your retirement years.

But I think another thing we need to be considering is: How do we spur on investment in the United States of America? How can we spur on innovation and ingenuity? When you look at the flat tax, then you can get rid of double taxation of savings and investment, because flat tax proposals would eliminate the Tax Code bias against capital formation by ending the double taxation of income that is saved and invested.

This means that we get rid of the death tax. We can get rid of capital gains tax. Definitely, we can reduce it. Most importantly, we get rid of the double tax on dividends.

By taxing income only one time, a flat tax is far easier to enforce and more conducive to the one thing that we need in the United States of America right now: job creation and capital

formation. It's all about having the right type of tax policies that emanate out of this body, the House of Representatives, and that's why we have to get behind your proposal.

Mr. BURGESS. According to H&R Block, which is one of the major preparers of income taxes in this country, now 60 percent of Americans use some type of preparer for their income tax return, and quite likely that number is going to increase. In 1960, less than a fifth of taxpayers used tax preparers. In 2011, H&R Block garnered \$3 billion in tax preparation revenue, up from \$1.5 billion, so they doubled in the previous 10 years.

I've got nothing against this company. I think they do a good job. I've got nothing against my own accountant. But it's an indictment of our system when a tax preparer has seen their revenues increase so much, and it really is a shame.

The United States Congress has it within their power to change this, to transform this, and they simply will not do it, and instead they continue to create a system that is so complicated that more than half of the public feel the need to pay someone else just what they owe at the end of the year to Uncle Sam.

I will tell you, it just simply does not have to be this complicated. Let me show you what is possible if we were to transform the system into a simple, single-rate tax.

Here is the form. This is not the long form. It's not the short form. It is simply the tax form. Maybe someone at home should time me. But here you go:

Write in your name, a little bit of identification data, your income, a line for personal exemptions, calculate your deductions from your personal exemptions, your taxable income, and calculate your tax by multiplying by a flat rate, subtract the taxes already withheld, and you're done.

So what did that take? Thirty seconds, a minute if you write slow?

This is not a complicated formula. This is not a complicated scheme, and most people would be able to do this themselves without a lot of outside work or outside preparation. So no more tax preparation bills, no more tax attorney bills. Gone are the hours of stressful research trying to figure out things like how your marital status will affect your return or how many children affect your return. No more headaches in trying to determine where the estimated tax payments go. No more Congress picking one group over another just because they've got a clever lobbyist to advocate on their behalf. Instead, we just deliver a simple system to the American people.

Now, as you have said, a single-rate structure would eliminate the taxes on capital gains, taxes on dividends, taxes on savings. Those things should only be taxed one time. Personal savings would increase.

□ 1920

I will never forget the time during the prior recession in this country—the savings and loan debacle, the meltdown. I was in solo practice in Texas, and I got worried at one point that I was not going to be able to meet my obligations. As we emerged from that and as cash flow picked up a little bit, I thought, you know, I am going to keep money in certificates of deposit, enough to cover 3 months of operating expenses so that I'll never again have to worry about the dire wolf being at the door. So I did that, and I kept that money there for a couple of years.

What I found out by doing that maneuver is that when that money eventually returned to the partnership and was distributed to the partners, we had paid corporate taxes on it at 38 percent, and then we had paid personal income taxes at 39.6 percent because we were all doing pretty well by that time. Needless to say, my partners were not amused by the fact that I had conjured up a scheme that I had thought would save us from ruin but that, in fact, exposed us to double taxation under the IRS code.

Mr. WEST. You're absolutely right.

When you think about last year, our GDP growth over the four quarters of about .4 percent, 1.0 percent, 1.3 percent, and the revised number in the last quarter of 3 percent, that's why, once again, economists will tell you that the two principal arguments for a flat tax are growth and fairness, which you just brought out.

They are attracted to this idea because the current tax system, with exorbitantly high rates and discriminatory taxation on savings and investment, reduces growth; it destroys jobs and it lowers incomes. A flat tax would not eliminate the damaging impact of taxes altogether; but by dramatically lowering rates and by ending the Tax Code's bias against savings and investment, it would boost our economy's performance, especially when we compare it to the present Tax Code.

I think, Dr. BURGESS, my dear colleague, if you look at where flat taxes have been instituted, you've seen GDP growth in those countries. So what holds us back from doing something that is just common sense?

Mr. BURGESS. The country of Estonia was a case in point a few years ago when they reported on their experience with the flat tax.

I think this is a good system, but do you know what? I am willing to admit to you that I do not know the best for every family in America. Some people would criticize this system by saying, Well, wait a minute. I need that income tax deduction for my home mortgage. I need that income tax deduction for charitable donations. That may be right; but I do know this, that you should have the option of saying, I accept a single flat-rate tax, and I am

going to give up those other deductions.

It should be your option. It should not be the United States Congress that is dictating to each and every American what they shall and shall not do. If you have constructed your life by living around the IRS code, then you should be able to continue doing that. If that is the reason by which you've made economic decisions in your life, you should be able to live by those decisions. Congress should not be disruptive in this process.

I, personally, would give up all of the itemized deductions that I keep in order to get rid of having to keep up with those itemized deductions. Would I still give money to charity? Absolutely. Would I still turn stuff over to the Salvation Army and to Goodwill? Absolutely. It's no fun keeping up with those things and then having to report them to my accountant, and I always worry that I've left something off and that I'm not getting all that's owed to me off of my income tax return.

I would so much rather have a system that was simple and with which, within a few hours every spring, I could be done. The United States gets its money. I get the satisfaction of knowing I've done it correctly, that I'm not going to jail for some perceived misconstruction on the Tax Code, and that no others have gotten a better deal than I have because they were more clever about how they declared those charitable deductions, for example.

Let me give you an example of the mortgage tax deduction, because I do have a lot of friends who are in the real estate business, and they're concerned about losing that home mortgage deduction. It's one of the bedrocks on which the economy has been built over the years:

If you have invested in a starter castle in California and if your house payments are largely of interest and not much of principal, you probably don't want to do this because that number is likely very high; but if you live in Fort Worth or San Antonio, Texas, where the average home mortgage is much, much smaller, if you do the numbers, if you run the numbers, you'll find that the amount of money you actually get to keep from that mortgage income tax deduction is actually fairly modest.

I would give that up in a heartbeat to be out from under the tyranny of the shoebox full of receipts, but I fully understand how some families have made the decision. A home is a pretty important investment. After all, I get to write off the cost of the mortgage home deduction, so I will make this investment in this size of a home. It would be wrong for the United States Congress to say, as of next year, you don't get to do that anymore. The real estate market has already suffered, and it would suffer worse if Congress were to make a sudden decision like that.

So make it optional. You can either stay in the Code and keep doing what you've been doing, or you can evolve and come into the promised land of a flat tax and give up that shoebox full of receipts. The important thing here is it's your choice; it's your option.

Now, I will say that once you opt into the flat tax, you can't go back and forth into the Code and out of the Code depending upon what kind of year you have and what kind of investments you make. Once you make the decision to go into the flat tax, there you'll stay. I fully believe that, even though some people might not do as well under a flat tax system, because it is so much simpler and because it returns time to their lives, they will opt for this; and as a consequence, we will see the number of people participating in the IRS Code dwindle down to an ever-smaller number until, one day, it just vanishes under its own weight and the country is completely freed from the tyranny of the IRS Code.

Mr. WEST. You're absolutely right.

I think the most important thing we have to come to understand is that this time belongs to the American people. The money, the resources, belongs to the American people. Let's give them the option to do what is best for them in their lives—the option of going to a flat tax or staying in the current progressive Tax Code system with the options of the mortgage interest tax deduction, the child tax credit, charitable contributions, as we reduce those deductions.

But let's start treating the American people as adults. The key thing that has to accompany this is we have to reduce the size and scope of government as well because, as we start to focus more so on Main Street, as we start to focus more so on the hardworking American taxpayers and what's best for them, then we can have that investment at their level. We can have the growth at their level.

One of the things that really does trouble me is that when you drive around Washington, DC, you see a lot of construction cranes. Business is good up here, which means that there are fewer pockets of the hardworking American workers, that there are fewer pockets of the small business owners; and this is the means by which we unlock that entrepreneurial spirit that will grow this economy.

So that's why I hope that, in this Congress, which is one of the reasons I came here, we do those big reforms that show the American people that we're serious about turning this economy around and that we're serious about creating the right type of policies that set the conditions for job creation.

Mr. BURGESS. Our time here has almost concluded.

The gentleman is exactly right. All of the improvements in the Tax Code

really become meaningless if we don't reduce the size and scope and the footprint of the Federal Government. You're right about the cranes that are all over town. But after those buildings are built, let's be honest in that the money invested in the Federal Government doesn't really produce all that much, does it? We don't make things here during the day other than laws and regulations that interfere with other people's lives. We need to have this government smaller and more manageable.

We talk a lot about transparency, and I think transparency is good. The problem is you have something that is so complex, like the IRS Code, that even though you may have the ability to look inside it, you won't know what you're finding when you get there. If you have a system that's as simple as this, people are able to know what their government is costing them and what they are getting from that bond with the government.

If they didn't like that equation, they could change. They could change their Members of Congress; they could change their Senators; they could change their President. That's the beauty of living in the representational Republic that we all know and love here in the United States of America, and it is the thing that, arguably, has made us great—government with the consent of the governed. Wouldn't it be great if that governed knew just exactly what it was costing them, and then perhaps they could find out where those dollars were going.

I mentioned earlier that Budget Committee Chairman PAUL RYAN has called for broadening the base and lowering the rates. Obviously, I want to work together with him. Ways and Means Chairman DAVID CAMP has promoted the simplification of the Tax Code. The President, himself, through the Bowles-Simpson Commission, talked about it. Whatever the tax proposals are that we look to in the future, we need to remember that a flat-tax system could be less costly, saving the taxpayer over \$160 billion a year, reducing tax compliance costs by over 90 percent, with a resulting increase in personal savings.

Here you go. How about a debt-free stimulus package, a gift to the American people, that could have an immediate effect on the American economy. American Solutions looked into this question in 2009: 80 percent of Americans favor an optional one-page tax form with a single rate. Who could complain about making something easier? And we've got 70,000 pages of the Tax Code and more on the way this December when we get through with the so-called "lame duck session." I don't know about you, Mr. WEST, but it scares me half to death to think about what's coming at the end of this year. The current process comes at a cost

that's way too high for the American people and that costs way too much time.

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Mr. WEST. Thank you so much to my colleague from Texas, Dr. BURGESS, and I think the seminal argument is this: We're talking about economic freedom for the American people, as opposed to economic dependency upon government. This incredible, exorbitant system that we have, it is complex to the point where it is causing more pain for the American people and causing them to have the freedom that they deserve.

Mr. BURGESS. Mr. Speaker, of course, I know I must direct my comments to you. April 17 is coming up. It's rapidly approaching. I know people are focusing and will begin to focus more and more on this issue for what remains of the month of March and the first couple of weeks of April, because they'll be having to arrange their own taxes, deal with their own shoe boxes full of receipts.

This is the time to make the point that it is time to return time and money to the American people. Let's get behind the flat tax.

I yield back the balance of my time.

SPEAK OUT FOR WOMEN ACROSS AMERICA

The SPEAKER pro tempore (Mr. FLORES). Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. QUIGLEY. Mr. Speaker, it's an honor to be here tonight to speak out for women across America who rely on contraception for their health and well-being. I want to emphasize the word "health" because at its heart that's what this debate is all about.

There has been a great deal of discussion about religion in this debate, but we want to use tonight to remind policymakers and Americans everywhere what's really at stake when we talk about contraception, and that's the health and well-being of millions of women and their families.

Ninety-nine percent of sexually active women have used contraception, including 98 percent of sexually active Catholic women. More than half of women between the ages of 18 and 34 have struggled to afford contraception. It's also important to recognize 28 States already require contraception coverage, and 57 percent of Catholic voters support the new policy requiring contraception coverage.

But today we want to move beyond statistics and tell human stories, the stories of women all across America who rely on contraception for a variety of vital health needs. Tonight I just want to share one of many stories I

have received from women in my district. The story I want to share is from a young woman in my district in Chicago named Annalisa. Annalisa was so moved by the story of the young woman from Georgetown who was denied contraception to treat her ovarian cyst, she wrote me this letter:

I would like to applaud your decision to walk out of the one-sided talk about birth control coverage. I have a similar story to that of the rejected witness' friend.

I had my right ovary removed shortly after I turned 18 due to a large cyst that not only threatened my fertility, but I was told if it grew any larger it could burst and also threaten my life. My left ovary also had multiple smaller cysts, but they were able to be removed while leaving the ovary intact.

My doctor said I was one of the youngest with such a problem, and the cyst was so large it was sent to be researched. Before I was even sexually active I was prescribed birth control pills to preserve my remaining ovary and to take my fertility beyond the age of 18.

It saddens me to no end that some people don't understand the many uses and life-saving abilities of birth control. I hope to be a mother someday, a darned good one, and I thank you for standing up for women like me.

Well, I want to thank Annalisa for her bravery and sharing her story with me and allowing me to share it tonight. But Annalisa is not alone. Her story is the story of thousands of women around the country whose health relies on contraception. We will hear more stories like Annalisa's tonight.

But I hope that the next time we engage in a debate about restricting access to contraception, we remember Annalisa and women like her, and we remember that for thousands of women, contraception is not a question of religion but a question of life and death.

In addition to non-contraception health benefits, the contraception benefits of birth control cannot be understated. The simple fact is millions of women use birth control to delay or avoid pregnancy.

According to the American College of Obstetricians and Gynecologists:

A full array of family planning services is vital for women's health, especially for the two-thirds of American women of reproductive age who wish to avoid or postpone pregnancy.

Nearly half of all pregnancies in the U.S. are unintended, and unintended pregnancies can have serious health consequences for women. For example, for some women with serious medical conditions such as heart disease, diabetes, and high blood pressure, a pregnancy could be life threatening.

Children born from unintended pregnancies are also at greater risk of poor birth outcomes such as congenital defects, low birth weight, and prematurity. According to the National Commission to Prevent Infant Mortality, 10 percent of infant deaths could

be prevented if all pregnancies were planned.

I want to share another story of a young woman named Katy from my home State of Illinois. Katy, like millions of women across the country, currently relies on contraception because she is pursuing her career and wants to do so without getting pregnant. Here's what Katy wrote:

Birth control is important to me personally because I am a 23-year-old medical student who would be distraught if I became pregnant. Don't get me wrong, I love children and dream of the day that I can become a mother. That time isn't when I have \$81,000 in medical school debt after just 2 years of medical school. That time isn't when I study for most hours of the day. That time isn't when I have no job, and my only source of 'income' is the overpayment checks I receive for my financial aid.

Birth control is important to me because I can't be a mother right now but want to have the option in the future. Birth control gives me the option to retain a somewhat normal intimate life with my partner of 8 years while still protecting my dreams of a future in medicine. That future would be extremely hard to obtain with an infant to care for.

Contraception has transformed our society by allowing women like Katy to take their own health and their own future into their own hands. Women have the power to decide when and how many children to have, which has allowed them to pursue successful careers and enter the workforce like never before.

But in the end, this is not about work versus home life. This is about empowering women to decide for themselves. Birth control lets women choose their own life paths, and that's why it is vital that we protect it.

I also want to remind opponents of contraception coverage that contraception prevents abortion. Nearly half—49 percent—of pregnancies in the U.S. are unintended, and 42 percent of unintended pregnancies end in abortion. Although abortion and contraception are one degree removed, it is easy to see that increased use of contraception will reduce unintended pregnancies and, therefore, reduce abortion rates.

The data shore this up as well. According to a study published in the American Journal of Public Health, the recent decline in pregnancy rates amongst American teens "appears to be following the patterns observed in other developed countries, where improved contraception use has been the primary determinant of declining rates."

Teen pregnancy is at a 30-year low, due in large part to increased contraception use. Another recent study found that California's family-planning program averted nearly 300,000 unintended pregnancies, 100,000 abortions and 38,000 miscarriages.

Finally, a Guttmacher Institute study of nationwide family planning programs found similar reports. According to Guttmacher:

Publicly funded contraceptive services and supplies help women in the U.S. avoid nearly 2 million unintended pregnancies each year.

In the absence of such services—from family planning centers and from doctors serving Medicaid patients, estimated U.S. levels of unintended pregnancy, abortion and unintended birth would be nearly two-thirds higher among women overall, and nearly twice as high among poor women.

There can be no denying that contraception prevents abortion. This means abortion opponents should be bolstering contraception programs, not banning them.

We should be able to find common ground on the issue of contraception—a basic health service already utilized by the vast majority of American women.

I hope we can work together to expand important investments in family planning such as title X and Medicaid.

And I hope we can move forward with the important new rule requiring coverage of contraception, to empower women, improve health, save lives, and reduce abortions.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today after 4 p.m. and the balance of the week.

Ms. MOORE (at the request of Ms. PELOSI) for today and the balance of the week on account of a family medical emergency.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1886. An act to prevent trafficking in counterfeit drugs, to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4105. An act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

ADJOURNMENT

Mr. QUIGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 8, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Pesticide Tolerances [EPA-HQ-OPP-2011-0578; FRL-9336-7] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5197. A letter from the Secretary, Department of Defense, transmitting Report to Congress on the Review of Laws, Policies and Regulations Restricting the Service of Female Members in the U.S. Armed Forces; to the Committee on Armed Services.

5198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a letter regarding special account funds; to the Committee on Energy and Commerce.

5199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0761; FRL-9501-6] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations for the 2010 Primary Nitrogen Dioxide (NO₂) National Ambient Air Quality Standards [EPA-HQ-OAR-2011-0572; FRL-9624-3] (RIN: 2060-AR06) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5201. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; Maryland; Preconstruction Permitting Requirements for Electric Generating Stations in Maryland [EPA-R03-OAR-2011-0623; FRL-9628-7] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5202. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama, Georgia, and Tennessee: Chattanooga; Particulate Matter 2002 Base year Emissions Inventory [EPA-R04-OAR-2011-0084-201167(a); 9628-2] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5203. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Florida; Control of Large Municipal Waste Combustor (LMWC) Emissions From Existing Facilities; Correction [EPA-R04-OAR-2010-0392(a); FRL-9628-6] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5204. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval and Promulgation of Air Quality Implementation Plans;

Montana; Revisions to the Administrative Rules of Montana — Air Quality, Subchapter 7, Exclusion for De Minimis Changes [EPA-R08-OAR-2011-0100; FRL-9495-9] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5205. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Modification of Significant New Uses of Tris Carbamoyl Triazine [EPA-HQ-OPPT-2011-0108; FRL-9330-6] (RIN: 2070-AB27) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5206. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, California Air Resources Board — Consumer Products [EPA-R09-OAR-2011-0800; FRL-9609-7] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5207. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

5208. A letter from the Corps of Engineers, Secretary, Mississippi River Commission, Department of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2011, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5209. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-313, "Streetscape Reconstruction Temporary Act of 2012"; to the Committee on Oversight and Government Reform.

5210. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-314, "Medical Marijuana Cultivation Center and Dispensary Locations Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

5211. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-315, "Historic Property Improvement Notification Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

5212. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-318, "Board of Ethics and Government Accountability Establishments and Comprehensive Ethics Reform Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

5213. A letter from the HR Specialist, Office of Navajo and Hopi Indian Relocation, transmitting first annual report on the category rating system as required by 5 U.S.C., Section 3319(d); to the Committee on Oversight and Government Reform.

5214. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highways and safety construction programs for Fiscal Year 2010 as of September 30, 2010; to the Committee on Transportation and Infrastructure.

5215. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0717; Directorate Identifier 2010-NM-108-AD; Amendment 39-16869; AD 2011-24-05] (RIN: 2120-AA64) received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5216. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SOUTHERLAND:

H.R. 4150. A bill to remove from the John H. Chafee Coastal Barrier Resources System the areas included in Indian Peninsula Unit FL-92 and Cape San Blas Unit P-30 in Florida; to the Committee on Natural Resources.

By Mr. SOUTHERLAND:

H.R. 4151. A bill to provide for the conveyance of a small parcel of Bureau of Prisons land in Leon County, Florida; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Mr. MORAN, Ms. NORTON, Mr. LYNCH, and Mr. CONNOLLY of Virginia):

H.R. 4152. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act" to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Oversight and Government Reform.

By Mr. GOODLATTE (for himself and Mr. HOLDEN):

H.R. 4153. A bill to support efforts to reduce pollution of the Chesapeake Bay watershed, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. COLE, Ms. McCOLLUM, Mr. INSLEE, and Mr. KILDEE):

H.R. 4154. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM (for himself and Mr. WALZ of Minnesota):

H.R. 4155. A bill to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses; to the Committee on Oversight and Government Reform.

By Mr. MARKEY (for himself, Mr. MARINO, and Mr. STEARNS):

H.R. 4156. A bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the ability of the Food and Drug Administration to seek advice from external experts regarding rare diseases, the burden of rare diseases, and the unmet medical needs of individuals with rare diseases; to the Committee on Energy and Commerce.

By Mr. LATHAM (for himself and Mr. BOREN):

H.R. 4157. A bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor; to the Committee on Education and the Workforce.

By Mr. HALL (for himself, Ms. EDDIE

BERNICE JOHNSON of Texas, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. LUCAS, Mr. ROHRBACHER, Mr. COSTELLO, Ms. FUDGE, Mr. ADERHOLT, Mr. PALAZZO, Mr. BROOKS, Mr. OLSON, Mr. HULTGREN, Mr. BENISHEK, Mr. LIPINSKI, Mrs. ADAMS, Mr. POSEY, Mr. RIGELL, and Mr. CLARKE of Michigan):

H.R. 4158. A bill to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions; to the Committee on Science, Space, and Technology.

By Mr. DEFazio:

H.R. 4159. A bill to increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants; to the Committee on the Judiciary.

By Mr. ROKITA (for himself, Mr. HUELSKAMP, Mr. BROUN of Georgia, and Mr. JORDAN):

H.R. 4160. A bill to amend the Social Security Act to replace the Medicaid program and the Children's Health Insurance program with a block grant to the States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 4161. A bill to amend title 39, United States Code, to provide that the United States Postal Service may not close or consolidate any postal facility located in a ZIP code with a high rate of population growth, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. MILLER of Michigan:

H.R. 4162. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a Great Lakes basin initiative for agricultural nonpoint source pollution prevention; to the Committee on Agriculture.

By Mr. GARY G. MILLER of California (for himself and Mr. SHERMAN):

H.R. 4163. A bill to amend certain provisions of the Truth in Lending Act related to the compensation of mortgage originators,

and for other purposes; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself and Mr. LOESACK):

H.R. 4164. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

By Mr. JONES:

H. Con. Res. 107. Concurrent resolution expressing the sense of Congress that the use of offensive military force by a President without prior and clear authorization of an Act of Congress constitutes an impeachable high crime and misdemeanor under Article II, section 4 of the Constitution; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Ms. DELAURO, Ms. FUDGE, and Ms. WOOLSEY):

H. Res. 574. A resolution expressing support for designation of the week of March 12, 2012, through March 16, 2012, as National Young Audiences Week; to the Committee on Education and the Workforce.

By Mr. JONES:

H. Res. 575. A resolution amending the Rules of the House of Representatives to observe a moment of silence in the House on the first legislative day of each month for those killed or wounded in the United States engagement in Afghanistan; to the Committee on Rules.

By Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. ELLISON, Mr. WOLF, Mr. MORAN, and Mr. PITTS):

H. Res. 576. A resolution expressing the sense of the House of Representatives that the Government of the People's Republic of China has violated internationally recognized human rights by implementing severe restrictions on the rights of Uyghurs to freely associate and engage in religious and political speech, subjecting detained Uyghurs to torture and forced confessions, carrying out extrajudicial killings against Uyghur dissidents, and pressuring other governments to unlawfully return Uyghurs to China, where they face mistreatment and persecution; to the Committee on Foreign Affairs.

By Mr. UPTON:

H. Res. 577. A resolution recognizing the service of the Gold Star Dads of America, a nonprofit organization consisting of the fathers of members of the Armed Forces who make the ultimate sacrifice in defense of the United States; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII,

181. The SPEAKER presented a memorial of the House of Representatives of the State of South Carolina, relative to a Concurrent Resolution memorializing the Congress to designate in South Carolina the Southern Campaign of the Revolution as a National Heritage Area; to the Committee on Natural Resources.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub-

mitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SOUTHERLAND:

H.R. 4150.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

(The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.)

By Mr. SOUTHERLAND:

H.R. 4151.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

(The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.)

By Mr. CUMMINGS:

H.R. 4152.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

By Mr. GOODLATTE:

H.R. 4153.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States. This clause allows Congress to regulate interstate commerce. In this case, this legislation is necessary to reduce burdens on interstate commerce.

By Mr. BOREN:

H.R. 4154.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. DENHAM:

H.R. 4155.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. MARKEY:

H.R. 4156.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. LATHAM:

H.R. 4157.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1; and Article I, Section 8 of the United States Constitution.

By Mr. HALL:

H.R. 4158.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. DEFAZIO:

H.R. 4159.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, Clause 4. The Congress shall have Power * * * To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Mr. ROKITA:

H.R. 4160.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 [the Spending Clause] of the United States Constitution states that 'The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States.' This bill restores the proper balance of power between the federal and state governments as intended under the 10th Amendment to the Constitution by devolving the responsibility of providing health care assistance for low income citizens to the states. It reinforces the founding constitutional principle that state governments are properly situated with attending to their citizens' health, safety, and general welfare."

By Mr. GRIJALVA:

H.R. 4161.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§ 1 and 8.

By Mrs. MILLER of Michigan:

H.R. 4162.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. GARY G. MILLER of California:

H.R. 4163.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. YOUNG of Alaska:

H.R. 4164.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. CAPPS.

H.R. 104: Mr. LATTA and Ms. WASSERMAN SCHULTZ.

H.R. 324: Mr. GUTIERREZ and Mr. PLATTS.

H.R. 327: Mr. GUTIERREZ.

H.R. 329: Mr. BOREN.

H.R. 374: Mr. ROONEY.

H.R. 625: Mr. MCCAUL.

H.R. 683: Mr. SCOTT of Virginia.

H.R. 718: Mr. INSLEE, Mr. BISHOP of New York, and Mr. CRITZ.

H.R. 719: Mr. CHABOT, Mr. CARNEY, Mr. ROSS of Florida, Mr. BISHOP of Utah, Mr. MATHESON, Mr. PETERS, Mr. TURNER of New York, Mr. THOMPSON of Pennsylvania, Ms. EDWARDS, Mrs. CHRISTENSEN, Mr. NEAL, Mr. WOMACK, Ms. BONAMICI, Mr. COURTNEY, Mr. GRAVES of Missouri, Mr. PETRI, Mr. REYES, Mr. GERLACH, Mr. SIREN, Mr. PENCE, Mr. REED, Mr. KIND, Mr. JACKSON of Illinois, Mr. YOUNG of Florida, Mr. YOUNG of Indiana, Ms. WASSERMAN SCHULTZ, Mr. LATTA, Mrs. BLACKBURN, Mr. BASS of New Hampshire, and Mr. AMODEI.

H.R. 733: Ms. HAYWORTH.

H.R. 780: Mr. TONKO.

H.R. 807: Mr. HONDA.

H.R. 854: Ms. HAYWORTH and Ms. SPEIER.

H.R. 860: Mr. DAVIS of Kentucky.

H.R. 870: Mr. FATTAH, Mr. McDERMOTT, and Mr. HOLT.

H.R. 885: Mr. HINOJOSA.

- H.R. 891: Mr. SHIMKUS.
H.R. 931: Mr. AUSTIN SCOTT of Georgia, Mr. PALAZZO, Mr. UPTON, and Mr. GOWDY.
H.R. 941: Mr. MORAN, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Ms. NORTON, Mr. BARTLETT, Mr. MCGOVERN, Mr. FITZPATRICK, and Mr. RAHALL.
H.R. 964: Mr. MICHAUD.
H.R. 1041: Mr. McCOTTER.
H.R. 1112: Mr. LATTA.
H.R. 1179: Mr. BARROW.
H.R. 1193: Mr. COURTNEY.
H.R. 1208: Mr. CONNOLLY of Virginia.
H.R. 1236: Mr. AMODEI.
H.R. 1330: Mr. GRIJALVA.
H.R. 1340: Mr. ROHRABACHER and Mr. NUNNELEE.
H.R. 1360: Mr. COURTNEY, Mr. MCGOVERN, and Mr. PETERS.
H.R. 1370: Mr. HECK.
H.R. 1410: Mr. CONNOLLY of Virginia, Mr. SHERMAN, and Mr. BURTON of Indiana.
H.R. 1589: Mr. RANGEL.
H.R. 1612: Mr. CHANDLER and Ms. SPEIER.
H.R. 1639: Mr. GRIMM, Mr. LUETKEMEYER, and Mr. FARENTHOLD.
H.R. 1842: Mr. OLVER.
H.R. 1867: Mr. HULTGREN.
H.R. 1895: Ms. SPEIER.
H.R. 1955: Ms. ZOE LOFGREN of California.
H.R. 1960: Mr. KING of Iowa.
H.R. 2086: Mr. GUTIERREZ and Mr. PASCRELL.
H.R. 2102: Ms. ESHOO.
H.R. 2104: Mr. GUTIERREZ.
H.R. 2106: Mr. BERMAN and Mr. SMITH of New Jersey.
H.R. 2123: Mr. CRITZ.
H.R. 2124: Mr. GUTHRIE.
H.R. 2168: Mr. GRIJALVA.
H.R. 2195: Mr. LOEBSACK.
H.R. 2222: Mr. VISCLOSKEY.
H.R. 2239: Ms. MOORE and Ms. HAYWORTH.
H.R. 2245: Mr. BUCSHON.
H.R. 2325: Mr. BRADY of Pennsylvania.
H.R. 2418: Mr. LATTA.
H.R. 2429: Mr. LATHAM.
H.R. 2485: Mr. TONKO.
H.R. 2543: Mr. PRICE of North Carolina.
H.R. 2595: Mr. ROSS of Arkansas.
H.R. 2600: Mr. ANDREWS and Mr. CRITZ.
H.R. 2649: Mr. BACA, Mr. CULBERSON, and Mr. QUIGLEY.
H.R. 2688: Ms. SCHAKOWSKY.
H.R. 2696: Mr. WITTMAN.
H.R. 2697: Mr. SCHWEIKERT and Mr. CARNAHAN.
H.R. 2828: Mr. RAHALL.
H.R. 2978: Mr. HERGER, Mr. WOMACK, and Mr. ROONEY.
H.R. 3032: Mr. McCOTTER.
H.R. 3039: Mr. QUIGLEY.
H.R. 3059: Mrs. ADAMS.
H.R. 3086: Ms. PINGREE of Maine, Mr. MICHAUD, and Mr. COBLE.
H.R. 3145: Ms. EDWARDS.
H.R. 3167: Mr. FITZPATRICK and Mr. PLATTS.
H.R. 3187: Mrs. DAVIS of California, Mrs. BLACKBURN, Mr. BISHOP of Georgia, and Mr. THOMPSON of Pennsylvania.
H.R. 3264: Mr. RIBBLE and Mr. BURTON of Indiana.
H.R. 3339: Mr. TURNER of Ohio.
H.R. 3364: Mr. ROSS of Florida.
H.R. 3399: Mr. SCHRADER, Mr. BARROW, Mr. MICHAUD, Mr. CARDOZA, and Ms. LORETTA SANCHEZ of California.
H.R. 3418: Ms. LEE of California.
H.R. 3497: Mr. ROSKAM.
H.R. 3589: Mr. WOLF.
H.R. 3591: Mr. BLUMENAUER.
H.R. 3616: Mr. KLINE.
H.R. 3618: Mr. STARK.
H.R. 3635: Mr. OLVER and Mr. LEWIS of Georgia.
H.R. 3646: Mr. GRIJALVA.
H.R. 3681: Mr. CARNEY.
H.R. 3684: Ms. HAYWORTH.
H.R. 3783: Mr. SMITH of New Jersey.
H.R. 3803: Mr. GIBBS, Mr. BILIRAKIS, Mr. POSEY, Mr. SHIMKUS, Mrs. McMORRIS RODGERS, Mrs. NOEM, Mr. MARINO, and Mr. UPTON.
H.R. 3808: Mr. POE of Texas.
H.R. 3839: Ms. BORDALLO, Ms. HAHN, Mr. OWENS, Mr. ROONEY, and Mr. BURTON of Indiana.
H.R. 3855: Mr. SMITH of Washington.
H.R. 3894: Mr. QUIGLEY, Ms. LEE of California, Mr. LIPINSKI, and Mr. RANGEL.
H.R. 3895: Mr. AMODEI, Mr. RANGEL, and Mr. RUNYAN.
H.R. 3980: Mr. TIPTON and Mrs. ELLMERS.
H.R. 3981: Mr. MILLER of Florida.
H.R. 3982: Mr. JONES.
H.R. 3985: Mr. HANNA and Mr. WEST.
H.R. 3993: Mr. MILLER of Florida.
H.R. 4018: Mr. POE of Texas.
H.R. 4032: Mr. RANGEL, Mr. ELLISON, and Mr. DENT.
H.R. 4036: Mr. LATOURETTE.
H.R. 4038: Ms. BROWN of Florida.
H.R. 4040: Mrs. BIGGERT, Mr. BUCSHON, Mr. BUTTERFIELD, Mrs. CAPITO, Mr. CLEAVER, Ms. DEGETTE, Mr. GIBSON, Mr. AL GREEN of Texas, Mr. GRIMM, Mr. HASTINGS of Washington, Ms. HAYWORTH, Mr. HENSARLING, Mr. HIGGINS, Mr. HIMES, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MATHESON, Mr. MCHENRY, Mr. MICHAUD, Mr. NEUGEBAUER, Mr. PAULSEN, Mr. PENCE, Mr. PETERS, Mr. PLATTS, Mr. POSEY, Mr. RENACCI, Ms. ROS-LEHTINEN, Mr. ROSS of Florida, Mr. SCALISE, Mr. DAVID SCOTT of Georgia, Mr. THOMPSON of California, Mr. WAXMAN, and Mr. WEBSTER.
H.R. 4063: Ms. MCCOLLUM.
H.R. 4070: Mr. NUGENT, Mr. McCOTTER, and Mrs. BLACK.
H.R. 4077: Mr. POE of Texas.
H.R. 4080: Mr. MEEKS.
H.R. 4084: Mr. HONDA.
H.R. 4095: Mrs. BONO MACK, Mr. WHITFIELD, Mr. LANCE, Mrs. MYRICK, Mr. GRIFFITH of Virginia, Mr. KINZINGER of Illinois, and Mr. GINGREY of Georgia.
H.R. 4110: Mr. LONG.
H.R. 4126: Ms. LEE of California, Ms. BROWN of Florida, Ms. CLARKE of New York, and Mr. PETERS.
H.R. 4128: Mr. NUNNELEE.
H.R. 4133: Mr. COOPER, Mr. LANCE, Mr. GALLEGLY, Mr. BACA, Mr. BACHUS, Mr. HOLDEN, Mr. GOWDY, Mr. MCHENRY, Mr. NUGENT, Mr. SCHOCK, Mr. LOBIONDO, Mr. DOLD, Mr. LAMBORN, Mr. RIVERA, Mr. MATHESON, Mr. RANGEL, Mr. ACKERMAN, Ms. BERKLEY, Mr. BOREN, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. COSTA, Mr. DEUTCH, Ms. DEGETTE, Mr. GENE GREEN of Texas, Mr. HIGGINS, Mr. KEATING, Mr. KISSELL, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. MALONEY, Mr. NEAL, Ms. NORTON, Mr. PIERLUISI, Mr. POLIS, Mr. REYES, Mr. RYAN of Ohio, Mr. ROTHMAN of New Jersey, Mr. SARBANES, and Mr. TOWNS.
H.R. 4134: Mr. CROWLEY.
H.J. Res. 45: Mr. JONES.
H.J. Res. 103: Mrs. ADAMS, Mr. UPTON, and Mrs. NOEM.
H. Con. Res. 87: Ms. NORTON, Mr. JOHNSON of Ohio, Mr. NUGENT, and Mr. NEAL.
H. Res. 25: Mr. MCKEON, Mr. ROGERS of Michigan, and Ms. LINDA T. SANCHEZ of California.
H. Res. 271: Mr. CHABOT.
H. Res. 503: Mr. BILIRAKIS and Mr. AUSTIN SCOTT of Georgia.
H. Res. 560: Mr. BOSWELL, Mr. LEVIN, Mr. GRIJALVA, Mr. LANGEVIN, Ms. NORTON, Ms. MOORE, Mrs. MALONEY, Mr. CONYERS, Mr. GUTIERREZ, Mr. NEAL, and Mr. LEWIS of Georgia.
H. Res. 568: Mr. HARRIS, Mr. BISHOP of Utah, Mr. DIAZ-BALART, Mr. MATHESON, Ms. FOXX, Mr. KLINE, Mr. BRADY of Texas, Mr. SENSENBRENNER, Mr. ROE of Tennessee, Mr. KING of Iowa, Mr. UPTON, Mr. ROHRABACHER, Mr. KING of New York, Mr. CALVERT, Mr. RYAN of Ohio, Mr. CARDOZA, Mr. KILDEE, Ms. HAYWORTH, Mr. BOREN, Mr. LAMBORN, Mrs. LUMMIS, Mr. RANGEL, Ms. BASS of California, Mr. GOODLATTE, Mr. HERGER, and Mr. CRAWFORD.

PETITIONS, ETC.

Under clause 3 of rule XII,

37. The SPEAKER presented a petition of City of Fort Myers, Florida, relative to Resolution No. 2012-2 urging the Congress to support funding of the Community Development Block Grant Program; which was referred to the Committee on Financial Services.

SENATE—Wednesday, March 7, 2012

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, God, omnipotent, You are above all nations. Take our lives and use them for Your purposes. Cleanse our hearts, forgive our sins, and amend our ways as Your transforming grace changes our lives.

Today, make our Senators true servants of Your will. In these challenging times, give them the wisdom to labor for justice, to love mercy, and to walk humbly with You. Keep their minds and spirits steady as they strive to do Your will.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will

be in morning business for 1 hour. Republicans will be in control of the first half, Democrats the final half. Following morning business, the Senate will resume consideration of the surface transportation act.

ORDER OF PROCEDURE

I ask unanimous consent that there be a recess at 5 p.m. and that be extended until 6:30 p.m. to accommodate Senators on the briefing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, we are having a briefing this evening at the request of Senator MIKULSKI, who is a long-term member of the Intelligence Committee, to have an actual demonstration of why we need to pass the cybersecurity bill. All Senators should be there, and that is why we asked for the recess.

BLOODY SUNDAY

Mr. REID. Madam President, 47 years ago today a group of 600 freedom-loving men and women set out on a march from Selma, AL, to Montgomery, AL. The purpose of the march was to call for an end to discrimination and violence against African Americans. Among those peaceful protesters was a young man by the name of JOHN LEWIS, now Congressman JOHN LEWIS. His life has been one of truly a great civil rights leader, outstanding legislator, and a patriot beyond excellence.

Only 6 blocks from the church where the march began, they were met at Edmund Pettus Bridge by police dogs, firehoses, and clubs. The terrible violence that day, known as Bloody Sunday, was broadcast across the country.

March 1965 marked a turning point in the civil rights movement, as Americans cried out against the injustice and bloodshed they saw on television. Later that month about 25,000 courageous souls finally completed that 12-mile march from Selma to Montgomery that started on Bloody Sunday, and 6 months later President Lyndon Johnson signed the Voting Rights Act of 1965.

A year ago I was privileged to lock arms with Congressman JOHN LEWIS and Congressman Jim Claiborne, two men whom I admire deeply, as we reenacted the march across the Edmund Pettus Bridge. It was really a humbling experience as JOHN LEWIS, with throngs of people—but we were together—explained to me what he remembered from that day:

As we were starting up the bridge there was a drug store that doesn't exist anymore,

but a lot of whites were gathered there. They were, of course, up to mischief.

JOHN LEWIS had on his back a backpack—they were not very common in those days—he had a backpack on his back. He thought perhaps he would be arrested, as he had been many times, and he would have something to read while he was in jail. He had a book and an apple in that backpack, but, of course, he was beaten very badly, and no one will ever know what happened to the backpack and the apple and the book.

It was really a humbling experience—I repeat, one I will never forget. On this day, I think we should all pause to think that, while we have come a long way, we have a long way to go to make sure we have civil rights for everyone in America.

THE HIGHWAY BILL

Madam President, we were disappointed, as I indicated yesterday, at not being able to invoke cloture on this highway bill. I was satisfied yesterday that the Speaker of the House indicated that he thought the best thing to do, at least as I read the reports, would be to take the Senate version of a bill, if we can figure out a way to pass one, and then they would use that—he would bring it to the floor for a vote. I hope that is the case. The press doesn't always get things right, but I hope in this case they did.

Senator MCCONNELL's staff and my staff are exchanging paper as we speak. I hope we can work our way through this bill. I think it is unfortunate that we are going to have to have votes on a number of amendments that have nothing to do with this underlying piece of legislation.

This is one thing the American people really do not like. At our townhall meetings, our visitations with people throughout our States, I have come to the realization that they hate what they call riders—things that have nothing to do with bills. The Senate rules allow them in most instances, so if it takes this to get this bill done, then we will have to move forward in that way. I hope we can do that. As I said, we are going to exchange paper, and I hope both sides will react positively. I am confident we will over here, and I hope we can work something out.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GAS PRICES

Mr. McCONNELL. Madam President, last week I came to the Senate floor to speak out on an issue that is on the minds of a lot of Americans these days: the rising cost of gas at the pump and how the administration's policies are actually making matters worse.

The President may try to take credit for production gains that are entirely the work of others, but more to the point is the fact that production is up on private lands and down on Federal lands. The property the President and the Interior Secretary actually manage is the property upon which production is down.

In fact, when it comes to the rising cost of gas at the pump, it is my view that the administration's policies are actually designed to a purpose: to bring about higher gas prices. That is a view which should not be the least bit controversial given the fact that the President's own Energy Secretary has suggested on a couple of occasions now that his goal certainly is not to drive gas prices down.

For the President's part, he often says that Americans should judge him not only by his words but on his deeds. So when it comes to gas prices, I have pointed out that the President continues to limit offshore areas to energy production and is granting fewer leases on public land for oil drilling, has encouraged countries such as Brazil to move forward with their own offshore drilling projects, continues to impose burdensome regulations on the domestic energy sector that will further drive up the cost of gasoline for the consumer, has repeatedly proposed raising taxes on the energy sector, which we all know would only drive gas prices even higher, and, finally, has flatly rejected the Keystone XL Pipeline.

All of these help drive up the cost of gas and increase our dependence on foreign oil. So the President simply cannot claim to have a comprehensive approach to energy because he doesn't—he simply doesn't—and anytime he says he does, the American people should remember one word: Keystone.

Another thing they might want to do is play a clip of the press conference the President held just yesterday. Asked about whether he actually wants gas prices to go up, the President's facetious attempt to deflect the question only served to confirm the premise. But it was the President's admission that rising gas prices hurt the economy that really betrayed the administration's attempt to have it both ways on this issue, because if higher gas prices hurt the economy, then why in the world is the administration calling for higher taxes on energy manufacturers? We know these taxes would drive up the price at the pump and send jobs overseas. The Congressional Research

Service said that. If the President wants to drive prices down, he should stop calling for these increases in taxes.

Look, if the President wants Americans to think he is serious about lower gas prices, he has to do more than simply say—and this is what he said yesterday—"No President would want higher gas prices in an election year." "No President would want higher gas prices in an election year." What about other years? Would they want them in other years? It is only in election years that it is a problem? He has to get serious about changing his policies, and he might want to consider an Energy Secretary who is more committed to helping the American people than in helping the administration's buddies in the solar panel business—and that brings me to a larger point.

The President likes to talk a lot about fairness. We have heard a lot about fairness, but when it comes to rising gas prices, the American people don't think it is particularly fair that at a time when they are struggling to fill the tank, their own tax dollars are being used to subsidize failing solar companies of the President's choosing, not to mention the bonuses executives at these companies keep getting. I think most Americans are tired of reading about all the goodies this administration's allies are getting on their dime even as the President goes around lecturing everybody about fairness.

I will tell you what is not fair. What is not fair is that it costs about \$40 more to fill a 20-gallon tank with gasoline than it did when this President took office. That is not fair. Yet this administration continues to pursue policies that would make it even worse.

Earlier this year the White House launched a campaign in support of the payroll tax holiday, asking Americans what \$40 a month would mean to them. Yet, now, when it comes to gas prices, they are doubling down on policies that are taking away that \$40 a month given by the payroll tax holiday to fill the gas tank. Once again, they are trying to have it both ways, and, frankly, the American people have had it.

TRIBUTE TO JOHN RABUN

Mr. McCONNELL. Madam President, I would like to pay tribute today to a friend of many decades, a Kentuckian who is a hero to many and a personal hero of mine for his work on behalf of children that has had a national impact. In his 28 years of service with the National Center for Missing and Exploited Children, John Rabun has saved literally thousands of lives and averted tragedy for thousands of families.

As the very first employee of the national center since its creation back in 1984, he has been the heart and the soul of that organization. His dedication

and passion for the issue will continue to shape the national center long after he leaves it. Frankly, for John, saving children was not just a job, it was his mission. That is why it is such a blow that after 28 years of service, John Rabun will retire from his work at the National Center for Missing and Exploited Children this Friday, March 9. I cannot say enough how much this man will be missed.

John and I have a history that stretches back almost four decades, dating to his time as a social worker in Jefferson County, KY. Of course, Jefferson County contains the city of Louisville, my hometown, and in the late 1970s and early 1980s, I served as the judge-executive for Jefferson County. What that is, I say to the Presiding Officer from New York, is like the county executive for the county. It was in this capacity that I got to know John Rabun.

John earned his bachelor's degree from Mercer University in Macon, GA, and his master of science in social work from the University of Louisville. As a social worker, John managed the company's group home for kids and was one of the first in town to identify the growing crisis of child abduction and sexual exploitation. Working in those foster homes, John saw the problem firsthand and saw what local police and social services were not seeing. He saw that information between social service workers and law enforcement was not being shared as it should have been. He realized a lot more could be done.

So John, along with a friend and fellow social worker, Kerry Rice, approached Ernie Allen, who at the time was the director of the Louisville-Jefferson County Crime Commission. Ernie is now known as the director and CEO of the National Center for Missing and Exploited Children, which he helped build alongside John. But way back then, the issue of missing and exploited children had yet to receive the national focus it deserved.

It was John who proposed to Ernie that the county create a special unit bridging the traditional barriers between social services and law enforcement to try to combat this serious problem. They came to me—as the CEO of the county—with this idea, and together we created what I believe to be the first police-social services team in the Nation dedicated to working child abduction and sexual exploitation cases. Eventually, we created Jefferson County's first exploited and missing child unit, with John as its manager. Under John's leadership, almost immediately the unit began to solve cases, rescue victims, and put some very good news on the front pages.

John became famous nationwide as a leading expert on missing and exploited child cases. In 1980, the U.S. Department of Justice asked me to send

John and Ernie to Atlanta to consult on a grisly child murder case. John is now so recognized as a leader in this field that he has provided expert testimony to Congress seven times on child abduction cases and has instructed for the FBI Law Enforcement Satellite Training Network. John has provided consultation at nearly 1,000 hospitals and for over 62,000 personnel in America, Canada, and the United Kingdom on the abduction of newborns in hospitals. He is the author of the book "For Healthcare Professionals: Guidelines on Prevention of and Response to Infant Abductions." Thanks in large measure to his efforts, what was once a recurring problem is now all but eliminated.

John has been recognized by the FBI as 1 of only 27 investigators nationwide with the highest expertise in the investigation of cases concerning missing and exploited children. He has appeared on television shows such as "20/20," "Primetime," "Good Morning America," "Larry King Live," and, of course, "America's Most Wanted" with his friend and my friend, John Walsh.

In 1984, John signed the lease for office space for the National Center for Missing and Exploited Children right here in Washington. He began working as that organization's executive vice president and chief operating officer. It is a post he has held ever since. As the National Center's executive vice president and COO, John manages a staff of 350 and a budget of \$42 million a year. He is the hub of the wheel for all inter-agency communication between the center, the Justice Department, the State Department, the Secret Service, the FBI, the Department of Homeland Security, as well as State governments.

When I say John Rabun has a great passion and drive on this issue that has animated his entire career, I mean it. He is absolutely dedicated to rescuing children who would otherwise fall through the cracks.

Back when he was running the Jefferson County Crime Unit, John led the effort to successfully identify and prosecute the pastor of a major local church for sexually abusing over one dozen children in his congregation. After this pastor's conviction, the judge shockingly sentenced him merely to probation with a community service requirement. John leapt from the prosecutor's table and cried: "Your Honor, will you at least stipulate that this community service not be with children?" The judge held John in contempt of court. Luckily, the prosecutor quickly scurried John out through a side door before he could be taken into custody and after a few days the heat died down. But this story goes to illustrate how John will stop at literally nothing to see justice is done for those who are weakest among us, our children.

John's lifetime of service to children has directly led to the rescue of over 80,000 kids. Let me share with my colleagues just one success story. About 1 year ago, a Los Angeles police detective contacted the National Center for Missing and Exploited Children for information on a 10-year-old boy who had been missing for many years. In 2004, the child's parents separated, and although the mother received custody, her son was abducted from their home. A search began for the boy and his father, which continued for 7 years. Law enforcement had no leads on the child's whereabouts, suspecting the father may have abducted him back to his native country of Guatemala. Upon receiving the call from that Los Angeles detective, the National Center's case management team began coordinating the center's resources with the child's mother and detectives in the Los Angeles Police Department. A missing child poster was created and disseminated around California, and detectives were provided with detailed public database searches throughout the National Center's case analysis division.

Just a little over 1 month ago, the center received a lead from a school official who believed he had recognized the boy as a fifth grader at a Los Angeles elementary school. This official had searched the center's Web site, saw the missing child's poster, and contacted the center's 24-hour hot line. The center passed this lead along to police, and I am pleased to say that on January 31 of this year, 8 years after his abduction, this boy was reunited with his mother, and his father was arrested.

Imagine that mother's relief and then multiply that feeling by literally thousands. Only then can we begin to appreciate the immense service John Rabun has done for his country. So that is why we are all going to miss John so much. No one can say he could have done more; however, neither could anyone say his retirement is not extremely well deserved. I am sure he is looking forward to being able to spend more time with his lovely wife Betsy, a retired schoolteacher, and their two children and five grandchildren.

A national movement on behalf of America's most precious resource, our children, was launched because one social worker in Louisville, KY, saw that too many children were at risk and not enough was being done. If every family impacted by the National Center for Missing and Exploited Children's work could thank John Rabun personally, it might take another 28 years, and he would never get to retire. But on behalf of a grateful and safer America, I hope the recognition of this Senate and the thanks and friendship of this Senator will suffice instead. So thank you very much, John Rabun.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee.

SURFACE TRANSPORTATION ACT

Mr. CORKER. Madam President, I rise to speak regarding the highway bill. We each come into work daily with different thoughts. I come in today very hopeful. The fact is we have a bipartisan bill that hopefully will actually have the finance component of it on the floor soon. We have had it worked through the various committees of the Senate—the Banking Committee, the Commerce Committee, the EPW Committee. I think what this body is waiting for right now is the Finance Committee package, and I know they are continuing to work on that package. The reason I come down here, in a very hopeful way, is I think all of us support the highway bill. We want to see a bill such as this passed. But I think we also want to see it passed in an appropriate way, and some of the earlier renditions that have come out of the Finance Committee, unfortunately, have not paid for this bill. It is my sense that maybe what is happening right now is that there is some work being done to try to make that not the case.

I know the Senator from New York is familiar with the health care debate we had years ago, and one of the issues many of the folks on this side of the aisle were concerned about—and I think many folks on the other side of the aisle were concerned about—was some of the gimmickry used to pay for it. We had 6 years' worth of spending and 10 years' worth of revenues. Obviously, people around the country—rightfully so—were concerned about that. What we have at present with this highway bill is something that is even worse than that. We have 2 years' worth of spending and 10 years' worth of revenues to pay for it. Everybody in this body knows there is no family in New York and no family in Tennessee who could possibly survive under that scenario.

I had an op-ed published this morning in the Washington Post talking about the fact that we have had so many bipartisan efforts here to try to deal with

deficit reduction. We had the Bowles-Simpson report that came out; we had 64 Senators—32 on each side of the aisle—who wrote a letter to the President to encourage him to embrace deficit reduction and progrowth tax reform. We had another group of colleagues who became involved in something called Go BIG, and the whole focus was to deal with the fiscal issues of this country.

I come in somewhat hopeful this morning, but what I fear is happening is because this highway bill is so popular that Members on both sides of the aisle are willing to kick the can down the road in an area where we could—in a bipartisan way—address deficit reduction and get the highway bill on a spend-as-you-go basis, meaning that we pay for it as we go—instead of doing that, because this is an election year and this is a popular bill, both parties—instead of leading on deficit reduction—are going to cave in and basically kick the can down the road because this is “a popular bill.” To me, that is not what the American people sent us to do.

So we have this opportunity to pay for it. I don't know whether we are going to get where we need to go. As a matter of fact, even though I am hopeful we are going to make progress on this issue, I don't think we are going to quite get there. I sense in this body a desire to kick the can down the road, to turn our head, to not live up to our responsibilities as it relates to this bill.

So I am going to offer two amendments. One amendment would say: Look, we have a highway trust fund. We have had the transfer of \$34 billion or \$35 billion into it from the general fund since 2008. We have a trust fund. We ought to either spend the money that comes into it accordingly and reduce the amount of spending on highways or what we should do is lower discretionary spending somewhere else.

Again, we have not seen the final bill because another negotiation is taking place. It appears to me, in order to live up to our responsibilities to the American people, that what we would have to do is cut about \$11 billion or \$12 billion out of the discretionary caps we agreed to as part of the Budget Control Act to make this appropriate. I will offer an amendment once we see what the final package is that does just that.

In other words, if we all think highways and transit bills are important—and by the way, I do. I used to be the mayor of a city. I know that infrastructure is very important to our economic growth in this country. But if we believe spending on highways and transit is important and it is a priority, then what we need to do is lower discretionary caps and lower spending in another area. For us to do anything short of that would be making a mockery of the American people and cer-

tainly making a mockery of the arrangement that was created through the Budget Control Act. So I am certainly hopeful this amendment will pass if we continue on this course. I can't imagine that in a bipartisan way both sides would show the irresponsibility that has led to today anyway. I am still hopeful that by the time we pass this highway bill, we will have come together and acted responsibly and actually paid for this. But I think the American people understand that passing a bill that spends money over 2 years and tries to recoup it over a 10-year period is a highway to insolvency.

So I am committed more than ever to us living up to our responsibilities to the American people. I believe there is something brewing in this body that says we have to live up to these responsibilities. I think the best place for us to start is on this highway bill.

I will close with this. I know the Senator from Utah wishes to speak for a few moments also. A lot of people are saying: Senator CORKER, this is such a small amount of money; and, gosh, this is such a popular bill—everybody likes it. Can't we just turn our heads on this issue and kick the can down the road and do something we know fiscally is totally irresponsible because all of us like highways?

My response is, look, if we cannot deal with the highway bill that, by the way, is just simple math—this isn't something such as Medicare reform or something else where we have all kinds of moving parts that are very difficult to deal with—the highway bill is just simple math. If we don't have the ability in this body to deal with just addition and subtraction, there is no way the American people are going to trust us with things such as Medicare reform and Social Security reform and making sure those programs are solvent down the road for seniors who depend upon them.

So what I would say to this body is we have a great opportunity this week and next week to show the American people we are serious about getting this country on a solid footing. There is no better place to do that than on a popular bill. In other words, if we have to make priorities, if we have to make choices, if we have to cut spending in other places to make 2 years' worth of payouts equal 2 years worth of income, there is no place better to do it than on the highway bill. I urge this body to stand tall, to meet its responsibilities, and only pass this bill if it is paid for over the same amount of time that it is extended. So that means all the money that goes out is paid for over the next 2 years. I will be offering amendments to do that if the Finance Committee does not in and of itself.

I thank my colleagues for listening, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

GAS PRICES

Mr. LEE. Madam President, the American people need help because they are suffering at the gas pump. With the national average price for gasoline up at around \$3.75 per gallon, representing an increase of about 40 cents from a year ago and about 20 cents from just 1 month ago, citizens are suffering and they need relief.

It is important to point out in this context that when President Obama took office, gas prices were at about \$1.85 per gallon. Now that they are up to about \$3.75 per gallon we can see a steady increase. Over this 38-month period of time of his Presidency so far, gasoline prices have risen an average of about 5 cents per gallon per month. This is staggering when we think about the fact that if he is reelected—if he serves out the rest of this term and if he is reelected—that is a total of an additional 58 months. With that increase, gas prices will be up at around \$6.60 per gallon.

This is a lot of money. It is staggering. It affects everything we do—from the miles we drive to the products we buy at the grocery store. Everything gets more expensive when the fuel we use to transport ourselves and our products becomes more expensive.

Now, to some extent, one could suggest this was not only foreseeable, but it was actually foreseen. To some, it was considered a desired outcome. Let's consider, for example, that in 2008, Dr. Steven Chu, who now serves as President Obama's Energy Secretary, said:

Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

Well, Mr. Chu, it looks as though we are headed in that direction, and if we continue to follow this administration's energy policies, we may get there.

As a member of the Senate's Energy and Natural Resources Committee, I was somewhat surprised when a suggestion was made just a few days ago that there are some who believe there is no relationship between U.S. production of petroleum and the price of gasoline in the United States. That simply is not true, and it cannot be true. With oil being the input ingredient into gasoline, it is the precursor for gasoline. Anytime we do anything that cuts off or restricts or limits the supply, that is necessarily going to have an impact on the price, and it does.

The fact that it is indisputable that there are other factors which also influence the price of gasoline makes it no less true that we have to produce petroleum at home in addition to buying it from other places. In order to keep gasoline prices at reasonable levels, we have to produce more.

There are some things we can do in order to help improve that trend. For example, we could open ANWR for

drilling. We could open our country's vast Federal public lands to development of oil shale. It is a little known fact that in three Rocky Mountain States, a small segment of Rocky Mountain States—Utah, Colorado, and Wyoming—we have an estimated 1.2 trillion barrels of proven recoverable oil reserves locked up in oil shale. Now, 1.2 trillion barrels is a lot of oil. That is comparable to the combined petroleum reserves of the top 10 petroleum-producing countries of the world combined—just in one segment of three Rocky Mountain States.

Yet we are not producing it commercially, in part to a very significant degree because that oil shale—especially in my State, the State of Utah—is overwhelmingly on Federal public land, and it is almost impossible to get to it, to produce it commercially on federally owned public land. We need to change that.

We need to create a sensible environmental review process for oil and gas production generally. We need to improve the permitting process for offshore development in the Gulf of Mexico and in other areas. We need to allow the States to regulate hydraulic fracturing without the fear of suffocating and duplicative Federal regulations. We need to keep all the Federal lands in the West open to all kinds of energy development. And, of course, we need the President to approve the Keystone XL Pipeline. This will contribute substantially to America's energy security and will provide an estimated 20,000 shovel-ready jobs right off the bat.

There are things we can do to help Americans with this difficult problem—one that will affect almost every aspect of the day-to-day lives of Americans. We need government to get out of the way. We need the government to become part of what the President laudably outlined as an all-of-the-above strategy in his State of the Union Address just recently. We need to get there. We cannot afford gas at \$6.60 per gallon, which is exactly where we are headed if we continue to do things as this administration has done, which has led to an increase in the price of gasoline at a staggering rate of 5 cents per gallon every single month.

RAILROAD ANTITRUST

Mr. LEE. Madam President.

I stand in this moment in opposition to the railroad antitrust amendment offered by my distinguished colleague, Senator KOHL, and I urge my fellow Senators to do likewise.

As the Antitrust Modernization Commission noted in 2007, free market competition is the fundamental economic policy of the United States. In advancing this overarching policy goal, we should be wary of particularized exemptions from our Nation's antitrust

laws. I know Senator KOHL shares my view in that regard.

When properly applied, antitrust laws function to help ensure that market forces promote robust competition, spur innovation, and result in the greatest possible benefit to the American consumer. In many respects, Federal and State agencies enforce antitrust laws in order to forestall the need for burdensome and long-lasting government regulation.

If competition thrives and market forces operate properly, there is no need for extensive government intrusion or interference. Likewise, when the antitrust laws do apply, comprehensive economic regulations should not dictate how an industry operates. It, therefore, makes little sense to impose upon a heavily regulated industry an additional layer of government oversight and enforcement through the application of antitrust laws while at the same time leaving in place a comprehensive regime of government oversight through economic regulation. Piling layer upon layer of government interference will not advance the cause of free market competition, innovation, and consumer welfare.

I am concerned that such layering of government regulation is effectively what the Kohl amendment does. I worry that in extending the reach of antitrust laws to the freight rail industry, the amendment does not remove any authority or jurisdiction of the Surface Transportation Board, the regulatory agency currently overseeing the rail industry. As a result, the amendment simply imposes additional government supervision over the rail industry with attendant increased regulatory burdens and costs as well as inevitable conflicts and uncertainties resulting from a second layer of government oversight over the same activities.

Given the highly regulated nature of the freight rail industry, application of antitrust laws would likely require courts to wade into the complex realm of rate setting and other highly technical matters—a task for which judges are particularly ill-equipped. In addition to this fundamental unease over multiplying government regulatory burdens, I am also very concerned with a number of the amendment's provisions that seem to reach beyond simply eliminating antitrust exceptions for the rail industry.

First, I worry that section 4 of the amendment limits what is known as the doctrine of "primary jurisdiction" in those antitrust cases that involve railroads. Under this longstanding doctrine, which was established in 1907, a court will normally defer to an expert agency when that agency has jurisdiction over the subject matter of a legal dispute. This doctrine allows courts to balance regulatory requirements with

other legal requirements for regulated industries. The primary jurisdiction doctrine is not an antitrust exemption and discouraging the use of this would be a legal and judicial change that reaches far beyond the antitrust laws and its implications.

I would also note that section 4 would give trial lawyers the power to disregard agency action, but only with respect to the railroads. As a result, railroads would be singled out for special treatment, leaving the doctrine of primary jurisdiction available to the courts in cases involving electrical utilities and other regulated industries. I am unaware of any compelling justification for this disparity.

My second concern relates to section 7(a) of the amendment which not only repeals antitrust immunity for rail rate bureaus but also repeals procedural protections that facilitate lawful rail transportation services. Because of their route structures, railroads are often not individually capable of providing rail transportation services to all locations that a customer may request or that regulations may require. As a result, approximately 40 percent of all rail travel is jointly handled by more than one railroad.

While the railroads must work together to provide through service on some routes in order to meet their regulatory obligations and to meet their customers' transportation needs, the railroads compete with one another for freight movements on routes not involved with through service, and they are fully subject to the antitrust laws.

Current law provides that proof of an antitrust violation may not be inferred from discussions among two or more rail carriers relating to interline movements and rates. In the conference report for the Staggers Rail Act of 1980, Congress explained the need for these evidentiary protections as follows:

Because of the requirement that carriers concur in changes to joint rates, carriers must talk to competitors about interline movements in which they interchange.

That requirement could falsely lead to conclusions about rate agreements that were lawfully discussed. To prevent such a conclusion, the Conference substitute provides procedural protections about lawful discussions and resulting rates.

These evidentiary protections are not antitrust exemptions. They are designed to avoid prejudicial inferences from discussions the railroads must have in order to implement joint arrangements. I am unaware of any compelling reason to alter Congress's considered judgment in establishing these procedural protections. Were these protections to be discarded, railroads would be exposed potentially to legal liability for interline discussions, and they may choose simply not to participate, and rail customers would be faced with the burden of having to deal separately with each railroad in a given route in order to work out commercial and service details.

Third, and perhaps most critically, I am concerned that section 8 of the amendment would effectively lead to retroactive application of antitrust laws, allowing a government agency or private plaintiff to bring a case attacking past railroad activities that were expressly immunized from the antitrust laws in that respect.

Section 8(b) would allow antitrust lawsuits for ongoing railroad activity that was previously immunized from the railroad antitrust laws. This would leave open the possibility that conduct in accordance with railroad merger and line sale transactions previously approved by the Interstate Commerce Commission or the Surface Transportation Board as in the public interest, immunized by statute from antitrust laws, and implemented by the railroads, consistent with the agency's approval, could now be challenged as unlawful.

Were this to become law, the impact on the railroad network and its ability to plan and invest to meet our Nation's growing transportation needs would be adversely affected in a significant way.

In summary, if this amendment eliminated regulatory intervention in the marketplace for rail transportation and left the rail industry subject solely to the antitrust laws, I could, perhaps, endorse that effort. However, that is not the case. This amendment increases rather than improves government oversight of the rail industry's activities and, in my view, is inconsistent with the overarching goal of seeking greater competition in the transportation marketplace unfettered by intrusive government regulation.

In addition, the amendment goes beyond simply eliminating antitrust exemptions and instead changes longstanding policies and judicial doctrine that are not antitrust law tenets.

Last year, when the Judiciary Committee favorably reported S. 49, which is the text of Senator KOHL's current amendment, I made clear that my support was contingent upon resolving these and other concerns prior to floor consideration. Regrettably, such a resolution did not occur, and I must now oppose the amendment and ask my colleagues in the Senate to do likewise.

Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

ENERGY

Mr. BINGAMAN. Madam President, I wish to speak for a few minutes about gasoline prices, which my colleague from Utah talked about a few minutes ago, also about domestic oil and gas production, and also about access to federally owned oil and gas resources. These are issues that have been raised by numerous Senators on this Transportation bill. They are issues of critical importance to our country's econ-

omy, to national security, and to resource management. I have been increasingly concerned that the issues we are debating and the facts that are being put out there are often not the true facts. There is widespread misunderstanding of what needs to be done to deal with this set of issues, in my opinion.

Let me start with the issue that is most important to most Americans; that is, the price of gasoline at the pump—the price of oil and then, of course, the price of gasoline. We need to understand clearly what is causing these prices, and we need to be direct with our constituents about what is causing these prices.

Let me state as clearly as I can what I believe is really without dispute among experts; that is, we do not face cycles of high gasoline prices in the United States because of a lack of domestic production, and we do not face these cycles of high gasoline prices because of the lack of access to Federal resources or because of some environmental regulation that is getting in the way of us obtaining cheap gasoline. As was made clear in a hearing we had in the Senate Energy Committee in January, the prices we are paying for oil and the products refined from oil, such as gasoline, are set on the world market. They are relatively insensitive to what happens here in the United States with regard to production. Instead, the world price of oil and our gasoline prices are affected more by events beyond our control, such as instability in Libya last year or instability in Iran and concerns about oil supply from Iran this year.

First, I have two charts that I think make this point very clearly. I believe this first chart I have in the Chamber is very instructive. This is entitled "Weekly Retail Price for Premium Unleaded Gasoline, Including Taxes Paid." There are two lines on the chart. The top line contains the weekly retail prices in Belgium, France, Germany, Italy, the Netherlands, and the United Kingdom. You can see how that has fluctuated. This is through January of last year. The comparable prices paid in the United States are reflected in this bottom line. And, of course, the lower prices are because we pay much less in taxes than do these other countries.

So it is a useful chart that I think makes a couple of important points. The first point it makes is that the price patterns are remarkably similar in all countries; that is, the prices for gasoline in all of these countries reflect the world price of oil. Second, while the patterns are similar, the U.S. price is significantly lower because of the lower taxes we pay in this country.

The second chart I have in the Chamber shows U.S. domestic oil production and U.S. gasoline prices between 1990 and 2011. Here, the red line is the

change in domestic production year over year. The blue line is gasoline prices. What is striking about the chart is the lack of relationship between the two lines. Even with U.S. production increasing, as it was at some points, oil prices also were increasing and gasoline prices were increasing.

So while domestic oil production plays an important role in the energy security and the economy of our country, its contribution to the world oil balance is not sufficient to bring global oil prices down. For this reason, increased domestic production unfortunately will not bring down gasoline prices in our country.

We also need to understand the status of domestic production. Here again, the facts are often misunderstood. For example, we have heard the claim that the United States and the Obama administration have turned away from producing the domestic oil and gas resources we possess. The facts are very much to the contrary.

At the hearing we had in January in the Energy Committee, James Burkhard, a managing director of IHS Cambridge Energy Research Associates, described our situation in this country as the "great revival" of U.S. oil production. He provided this next graph, which clearly demonstrates what we are experiencing in the United States. This graph shows the net change in production of petroleum liquids in the United States and in other major oil-producing countries between 2008 and 2011. The U.S. increase is shown by this very large column here on the left. We can see that our increase in production is far greater than that of any other country in the world. The United States is now the third largest oil producer in the world, after Russia and Saudi Arabia.

Another chart on domestic production is also instructive. This chart shows total U.S. oil production between 2000 and 2011. It clearly demonstrates that current increases in oil production are reversing several years of decline in that production. We have not had to change any environmental laws or limit protections that apply to public lands in order to get these increases.

This next chart shows the percentage of our liquid fuel consumption that is imported, including the projections the Energy Information Administration has made out to 2020. The trend is very encouraging. In 2005 we imported almost 60 percent of the oil we consumed. Now we import about 49 percent of the oil we consume. The Energy Information Administration projects that these imports will continue to decline to around 38 percent by 2020. This is an enormous improvement that we would not have thought possible even a few years ago.

Now, let me say a few words about natural gas because that is also something which greatly affects utility bills in this country and, of course, is very important to our economy.

The good news continues as we look at natural gas. This graph shows U.S. natural gas production between 2000 and 2011. As we can see, there has been a dramatic increase in recent years. As we have heard from the International Energy Agency, headquartered in Paris, U.S. gas production grew by more than 7 percent in 2011. Our natural gas reserves are such that the United States is expected to become an overall net exporter of natural gas in the next decade. And natural gas inventories are now at record highs—20 percent above their level at the same time last year. In fact, there is so much natural gas being produced, frankly, some producers are shutting-in production. They are waiting and hoping that prices improve before they actually sell the natural gas they are able to produce today.

This next chart contains production data for the world's largest natural gas producers for the years 2008 through 2010. There are three bars here. The green bar is 2010 production, the most recent data available. This chart shows that in 2009, the United States surpassed Russia and became literally the world's leader in natural gas production. The green bar shows that trend continued in 2010.

So, unlike oil, the price of natural gas is not set on the world market. For natural gas, our enormous domestic resources and increased production have a significant effect on the price American consumers have to pay on their utility bills especially. Natural gas prices are near historic lows, and this is important to consumers who depend on this fuel for electricity, for heating. It is good for manufacturers who depend on natural gas. It is good for our economy overall.

Further evidence of our extremely robust domestic oil and gas production is the fact that the number of oil and gas drilling rigs active in the United States exceeds that of most of the rest of the world. As of last week, there were 1,981 rigs actively exploring for or developing oil and natural gas in the United States. The best comparable figure we have for rigs operating internationally is 1,871. This does not include Russia. It does not include China. It is probably safe to say, though, that more oil and gas drilling is occurring here in the United States than in any other country in the world.

Despite our relatively modest resource base for conventional petroleum, the industry in the United States has led the world in developing state-of-the-art technology for oil and gas exploration and production, tapping both conventional formations and unconventional resources, such as shale and tight sands.

To use a boxing metaphor, we are “punching above our weight” in oil and gas production, thanks to the technology lead our companies have developed, and it is a success story our country should celebrate. Even in light of this good news on domestic production, we hear claims that the Obama administration has withheld access to the oil and gas that is available on Federal lands and the Outer Continental Shelf. So we in Congress are urged to mandate that virtually all federally owned oil and gas resources be leased for development more quickly without regard to any impact that might have on other resources or economic interests, without any scientific analysis that is currently required.

Again, however, the facts tell us a different story. Secretary Salazar testified before our Energy Committee on February 28 that oil production from the Outer Continental Shelf has increased by 30 percent since 2008. It is now at 589 million barrels—in 2010. Annual oil production onshore on Federal lands increased by over 8 million barrels between 2008 and 2011. It is now over 111 million barrels of production.

Industry has been given access to millions of acres, much of which they either have not leased—not chosen to lease—or they have not put into production. In 2009, 53 million acres of the resource-rich central and western Gulf of Mexico were offered for lease. Industry chose to lease only 2.7 million out of that 53 million acres. In 2010, 37 million acres of the gulf were offered. Only 2.4 million acres were actually leased in that year.

In June of 2012, 3 months from now, the administration will offer another 38 million acres in the central Gulf of Mexico for lease. The Interior Department estimates that these areas could produce 1 billion barrels of oil and 4 trillion cubic feet of natural gas. The administration has recently proposed a leasing plan for 2012 through 2017 that would make at least 75 percent of the undiscovered, technically recoverable oil and gas resources on the Outer Continental Shelf available for lease.

So even when the industry leases these resources, it often does not move to produce oil or gas from these areas they have leased. Onshore, out of 38 million acres currently under lease, the industry has about 12 million acres actually producing. Offshore, there are a total of 35 million acres under lease. Six million acres of that is actually in production.

As of September 2011, industry held over 7,000 permits to drill onshore that were not being used. I have heard it stated that only 2 percent of the acres in the Outer Continental Shelf are currently leased and that this is evidence of lack of access to the resources. In my view, this is a misleading way to think about the current situation.

Just as oil is not found uniformly everywhere on land but instead is con-

centrated where the geology is favorable, the same is true offshore. The total acreage on the Outer Continental Shelf is huge. It is 1.7 billion acres. Much of it does not have oil and gas reserves that can be tapped economically.

Oil and gas occurs in the greatest quantities in only a few areas, such as the central and western Gulf of Mexico. It is those productive regions in which the industry expresses interest and which are the primary areas where leasing is occurring that the Obama administration plan would cover.

The total 1.7 billion acres is not a useful metric without consideration of which of those acres actually have significant oil and gas resources that are economically recoverable. Much more relevant is the amount of the resources that are being made available. As I pointed out, Secretary Salazar has testified that the proposed 5-year oil and gas leasing plan they have put forward would make more than 75 percent of the Outer Continental Shelf resources available for development.

The bottom line is, an increased amount of Federal acres and resources onshore and offshore are being made available to industry. Production on federally owned resources continues to increase. The increase in this production can be even greater if industry would lease and explore and produce on a greater percentage of the lands that are offered to them for lease, the lands that are believed to have some of the highest oil and gas resource potential.

Before I close, let me return for a moment to the issue of gasoline prices. It is clear we are increasing our domestic production significantly but that gasoline prices continue to rise. So we need to look for other solutions. This does not mean we are powerless to help reduce the price of gasoline. We know what we need to do.

If we want to reduce our vulnerability to world oil prices and to volatility of world oil prices, the most important measure we can take is to find ways to use less oil. One of our colleagues gave a good speech a few years ago in which he advocated that we produce more and use less. We are doing a pretty good job of producing more, and we need to do a better job of using less. We can do much better in this “use less” part of the equation without affecting the quality of life in this country. We can do that by being more efficient in our use of fuel, by diversifying our sources of transportation fuel away from oil.

We have taken some first steps along this path, notably in the Energy Independence and Security Act of 2007. It passed the Senate with a strong bipartisan vote. That law required us to make our vehicles more efficient and to shift toward relying more on renewable fuel, and it is working. Demand is down. Biofuel use is up. Consumers save money on fuel for their vehicles.

Our percentage of imported oil has dropped by over 10 percent.

How do we continue on this path forward toward reducing oil use and dependence? I think there are three areas we can focus on. First, we need to enable further expansion of our renewable fuel industry, which is currently facing infrastructure and financing constraints. Second, we need to move forward the timeline for market penetration of electric vehicles. Finally, we need to make sure we use natural gas vehicles in as many applications as make sense based on that technology. Every barrel of oil that we are able to displace in the transportation sector and that we therefore do not need to consume makes our economy stronger.

Obviously, it also helps our personal pocketbooks. It makes us less available to the volatility of the current marketplace. This is not to say we should not keep drilling and that the Obama administration should not continue to move forward with its plans to bring even more supplies into the market. We lead the world in innovative exploration and production technology. It is helpful to our economy and our national security to increase domestic supply, and that is exactly what is happening.

But in the many debates we will have in the future over issues related to gasoline prices, we need to recognize the key issue very clearly is not lack of access to federally owned oil and gas resources. Our public lands contain many resources and uses that Americans value. We do not need to sacrifice science or balance the protection of these other resources and economic interests in order to have robust domestic production.

The long-term solution to the challenge of high and volatile oil prices is to continue to reduce our dependence on oil. This is a strategic vision that President George W. Bush, who had previously worked in the oil industry, clearly articulated in his State of the Union speech in 2006. We subsequently proved in Congress in 2007, the year after that State of the Union speech, that we have the ability to make significant changes in our energy consumption and that it is possible to mobilize a bipartisan consensus to do that. The bipartisan path the Senate embraced in 2007 is still the right approach today.

As part of whatever approach we take to energy and transportation in the weeks and months ahead, we need to be honest with our constituents about what works, and we need to keep moving in the direction that we began moving in with that 2007 bill. We need to allow the facts and not the myths to be our best guide.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

SURFACE TRANSPORTATION ACT

Mr. MERKLEY. Madam President, I rise to address the surface transportation bill that is on the floor. It has been a mark of the challenges this body faces in deliberation that we have now been on this bill for 3 weeks, and we have not had a debate over transportation amendments. But hope does spring eternal.

In that spirit, I wished to come to the floor and share some thinking about the amendments that we should be debating and should be approving in this process. Certainly, the underlying Transportation bill is a great step toward our No. 1 goal of passing legislation that would create jobs, put people back to work in the hardest hit sectors of our economy.

Building and repairing our transportation infrastructure will create or save 2 million jobs nationwide, good-paying jobs that would provide a huge boost to our struggling construction industry, the families, to the workers, and to our economy. This infrastructure we would be building is a downpayment for the success of our future economy.

China is spending 10 percent of its GDP on infrastructure. They are preparing for a stronger economy in the future. Europe is spending 5 percent of their GDP, but in America we are spending only 2 percent. Indeed, it was not but a few months ago that our colleagues on the House side of Capitol Hill said we should cut transportation spending by 30 to 35 percent, which would devastate the infrastructure efforts that are underway, even within the existing 2 percent, the small amount we are spending.

Is it any wonder our communities are struggling to repair the bridges and roads we have, let alone to solve the challenges, the bottlenecks in the transportation lines that need to be addressed for the future. We have made a good start in committee on this bill, despite the paralysis on the floor of the Senate. We had elements of this bill go through four different committees and incorporate good ideas from both sides of the aisle in each of those committees and come to the floor in a bipartisan fashion.

I wish to share a couple other thoughts to build on this groundwork that came out of our committees, commonsense fixes, cutting redtape, and closing loopholes. The first amendment, No. 1653, is one I am sponsoring with my colleagues Senator TOOMEY and Senator BLUNT. Right now, farmers are exempt from certain Federal regulations when they transport their products in farm vehicles, as long as they are transporting these products inside their own State. But should they venture across State lines, even by just a short distance, then the Federal regulations are triggered. So we have farmers who are simply trying to get their

products to market, to the local grain elevator, if you will, and they have to cross a State border and suddenly their challenge becomes very complex indeed.

For instance, Oregon farmers who live just across the border from Idaho, in these cases, the best market might be the nearest processing facility just across the State line. These farmers are exactly the same as their counterparts elsewhere, except for one small fact, the processing facility is across the border. This arbitrary distinction can mean major differences in how these farmers and ranchers have to do business in the form of additional burdensome regulations, regulations such as vehicle inspections for every trip the vehicle makes, even if the farm vehicle is simply driving from the field to the barn or having to adhere to reporting requirements for things like hours of service rules, even though the farmer is just driving an hour down the road; or obtaining medical certifications meant for commercial truck drivers.

This amendment would simply make life a little easier and more logical for these farmers by exempting them from these regulations designed for interstate transport, not designed to intervene or interfere when a farmer is attempting to take his product to market. We have put limits on mileage and limits on purpose to make sure it serves the intended function—to get rid of that arbitrary boundary that creates a regulatory nightmare.

A second amendment is related to freight. The underlying bill has a freight program to improve the performance of the national freight network. That is a proposal that will help make desperately needed improvements. There are a few technical improvements that would further improve the bill; that is, to recognize that funding should be used in the most efficient and effective way to ensure that high-value goods are being moved quickly to market.

We often think of freight in terms of volume or tonnage. But when we start looking at the high-tech sector, we can have enormously high-value content such as that produced by the microchip industry in Oregon and the roads necessary to make sure that high-value freight gets to market, which drives a tremendous number of jobs. It is just as important to address as are the routes that involve high tonnage and volume.

Let's turn to a third issue, which is "Buy American." I salute my colleagues, SHERROD BROWN and BERNIE SANDERS, for working on these issues. We already recognize the principle that if we are paying to complete a public infrastructure project in America, it only makes sense for American businesses and workers to do as much of the work as possible.

Unfortunately, there are several loopholes that have undermined this

basic premise in recent years. My amendment No. 1599 is an amendment that addresses one of these loopholes.

This summer, construction of a rail bridge in Alaska to a military base will be undertaken by a Chinese company because the Federal Rail Administration, unlike the Federal Transit and Federal Highway Administration, doesn't have the "Buy American" provision. An American company was ready to build this bridge, but because of this loophole the contract went to a Chinese company using Chinese steel. Isn't it frustrating that the infrastructure to provide access to a military base involves jobs and the steel going across the Pacific Ocean?

Then I wanted to note that a related amendment led by Senator SHERROD BROWN, No. 1807, addresses another "Buy American" challenge. States have been using a project segmentation loophole to avoid putting Americans to work, to avoid the "Buy American" seal.

The Bay Bridge in California put in 12 separate projects so that Federal funds would only apply to a couple of those pieces. This allows the bulk of the bridge to be built—you guessed it—with Chinese steel, by Chinese workers. My amendment is modeled after a Republican amendment in the House Transportation bill, by Representative CRAVAACK of Minnesota, to close this loophole and ensure that the spirit of the law is upheld. These provisions were incorporated into the amendment led by Senator SHERROD BROWN.

I urge my colleagues to support these amendments to make these common-sense fixes to our transportation program. We must have debate on the amendments on the Senate floor. This room should not be empty. The conversation should not be quiet because transportation is at the heart of our economy.

We have a construction industry that is flat on its back. We have interest rates that are low. We have infrastructure that needs to be built. This is a win-win for our future economy and our current workers and our current economy.

Let's get to work. I ask my colleagues to continuously object to amendments being debated—for those listening in, the Senate has had a rule that any Senator can block an amendment. We have to get 100 percent of the Senators to agree to bring an amendment to the floor. The social contract that allows this to happen on a regular and orderly fashion in the past has been broken. So while families across this country look to us to put a transportation plan into place for our future economy and to put America back to work now, we are sitting here fiddling. Let's end the fiddling and do our work so America can do its work of rebuilding our highway infrastructure.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TO APPLY THE COUNTERVAILING DUTY PROVISIONS OF THE TARIFF ACT OF 1930 TO NONMARKET ECONOMY COUNTRIES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate having received H.R. 4105, the text of which is identical to S. 2153, the Senate proceeds to the consideration of H.R. 4105, the bill is considered read a third time and passed, and the motion to reconsider is considered made and laid upon the table.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1761, of a perfecting nature.

Reid amendment No. 1762 (to amendment No. 1761), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works with instructions, Reid amendment No. 1763, to change the enactment date.

Reid amendment No. 1764 (to (the instructions) amendment No. 1763), of a perfecting nature.

Reid amendment No. 1765 (to amendment No. 1764), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I thought I would use this opportunity to inform our colleagues and anyone following this transportation debate as to where we are.

Yesterday, we had an opportunity to stop the filibuster and get right to our bill and get it done and protect 1.8 million jobs and create another 1 million. We didn't do that—pretty much on a party line vote. The filibuster continues.

The hopeful sign we had was right before the vote when the Republican leader said he was open to reaching an

agreement. I was hopeful that agreement would not contain extraneous votes. I don't think that is going to happen. I think we are going to face extraneous votes—to repeal Clean Air Act rules, to open our States to drilling that rely on fishing and tourism and recreation when we know the oil companies have millions of acres they can drill on without going to these areas that are so essential to our economic future just as they are to our environmental future. It looks as though we are going to face that and a vote probably on the Keystone XL Pipeline.

Again, I am very sad we could not come together when we have a bill that got an 85-to-11 vote to proceed to it. We still have to face a filibuster and still we had to lose two votes to cut off debate. But the Senate, being the Senate, this is it.

So now we have to vote. The two leaders can agree. I hope they can work together to achieve an agreement whereby we would have votes on these extraneous matters, and, hopefully, we would not have a prolonged debate on them because this is a highway bill. Thousands and thousands of businesses are waiting for us to act. By March 31, if we don't act, everything stops. In your State and mine all these highway projects will shut down with no Federal contribution at all, which is most of them.

I am hopeful. I cannot report to the Senate that we have an agreement now, but I hope we will have one at some point today. Once we do have that, we have a path forward; and if we work together in goodwill, we can get this done.

Frankly, I don't think we have a choice but to get it done. Everything, as I said, expires March 31. Here it is March 7 and we have a few days left before this whole thing blows up, and we will have no highway bill and people will be laid off.

In this economic time, that is the last result we need. We need to fix our highways, bridges, and roads.

Madam President, the occupant of the chair is a proud member of the Environment and Public Works Committee. She has worked hard to get us to this day. I know she has worked hard to bring this debate to a close and get a path forward. We can all hope that happens today.

I will be back on the floor with Senator INHOFE. I am hopeful the two of us can lead us through this bill and get this bill done. Then I think we can have the House follow our example of Democrats and Republicans working together. If they start that over there, they will have the bill quicker than they think, and we can finally put this behind us and send a message that we are functioning.

This concept of a Federal highway system was brought to us by a Republican President, Dwight Eisenhower.

He understood logistics better than most. He knew we could not have a thriving economy if we could not move goods and people. So I am hopeful. I will be back on the Senate floor when we have an agreement and we can move forward.

I will yield the floor, as I know the Senator from Vermont is here. I always look forward to his comments.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

CITIZENS UNITED

Mr. SANDERS. Madam President, over 2 years ago, the Supreme Court rendered what I consider to be one of the worst decisions in the history of the United States Supreme Court, and that is regarding the case of Citizens United. In that case, the Supreme Court, by a 5-to-4 decision, determined that corporations are people, and they have first amendment rights to spend as much money as they want on elections. I think when that decision first came about a lot of people in this country didn't pay attention to it. They looked at it as an abstract legal decision, not terribly important.

Well, today the American people understand the disastrous impact that decision has had because what they are seeing right now on their television screens all across this country is a handful of billionaires and large corporations spending huge amounts of money on the political process, and the American people are asking themselves: Is this really what people fought and died for when they put their lives on the line to defend American democracy? Is American democracy evolving into a situation where a small number of billionaires can put hundreds of millions of dollars into the political process in this State and that State, in Presidential elections, and then elect the people who will govern this country?

I believe very strongly the American people do not think that is appropriate, and I am very happy to say that yesterday, on Town Meeting Day in the State of Vermont—I think my small State has begun the process to overturn this disastrous Citizens United decision. We had 55 towns at town meetings demand the Congress move forward to overturn Citizens United and restore American democracy to the concept of one person, one vote.

What we do on Town Meeting Day in Vermont, all over our State, is people come together and argue about the school budget. They argue about the town budget. They debate the issues, and then they vote. What people in Vermont are saying is they do not want to see our democracy devolve into a situation where corporations are determining who will govern our Nation.

So I am very proud that in the State of Vermont just yesterday 55 separate towns voted to urge the Congress to move forward on a constitutional

amendment to overturn Citizens United. I hope we will heed what the towns in Vermont are saying. I hope other towns and cities in States all over the country will move forward in that direction. I hope the day will come—sooner rather than later—where the Congress will entertain a constitutional amendment and bring it back to the States.

Madam President, at this difficult moment in American democracy, it is imperative that we stand and reclaim our democracy and say to the millionaires and billionaires and the large corporations: Sorry, this country belongs to all of us. This democracy belongs to all of us and not just to you.

Madam President, I ask unanimous consent to have printed in the RECORD the names of the 55 towns that passed resolutions yesterday to overturn Citizens United.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Bolton, Brandon, Brattleboro, Bristol, Burlington, Calais, Charlotte, Chester, Chittenden, Craftsbury, East Montpelier, Fayston, Fletcher, Greensboro, Granville, Hardwick, Hartland, Hinesburg, Jericho, Marlboro, Marshfield, Monkton, Moretown, Montpelier, Newfane, Peru, Plainfield, Randolph, Richmond, Ripton, Roxbury, Rochester, Rutland City, Rutland Town, Sharon, Shelburne, South Burlington, Thetford Center, Tunbridge, Underhill, Waitsfield, Walden, Waltham, Warren, West Haven, Williamstown, Williston, Windsor, Winooski, Woodbury, Woodstock, Worcester,

I am proud to sponsor a constitutional amendment which would overturn Citizens United and return the power to regulate elections to Congress and the states. In the coming weeks and months I hope to see more towns, cities, counties, and states pass similar resolutions.

Mr. SANDERS. Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise to speak about an issue of great importance to millions of my constituents in New York, our Nation's transportation system, particularly public transit. This is the very lifeline that millions rely on to get to and from work, to bring their paychecks home every single day to their families at night. Various proposals that have been put forth throughout the course of the debate in both the House and the Senate would actually slash funding for mass transit. The proposal advanced by the House Republicans last

month to eliminate the mass transit account of the highway funds was a stunning misunderstanding of our Nation's transit needs. Cutting off public transit from its traditional funding source without providing viable alternatives is irresponsible. In fact, former Congressman and now Transportation Secretary Ray LaHood called the House bill "the worst transportation bill" he had ever seen.

Let me state some clear facts. New York's Metropolitan Transit Authority is the Nation's largest public transportation system, operating over 8,000 rail and subway cars and nearly 6,000 buses. On an average weekday, nearly 8.5 million Americans ride these trains, subways, and buses operated by the MTA to commute to work or to visit the city, which generates enormous economic revenue, not just for New York but for our country. Moving these riders into cars flies in the face of any sound environmental public policy and furthers our dependence on Middle Eastern oil.

Increasing costs for our Nation's transit riders should be rejected out of hand by the Senate. I will continue to work with my colleagues to ensure that we do what is responsible and that we maintain transit funding to encourage the use of mass transit and reduce our dependence on foreign oil. I understand we have many very difficult decisions to make as we debate this bill, but I think stopping New York's transit system in its tracks is simply not a credible solution.

I also have a few amendments for this bill. Each of them is equally important and they address different issues. The first one I wish to address affects me as a mom of two young boys who I know will want to be driving at 16. Kids all across America cannot wait for that day when they get their driver's license. But there are terrible statistics about teen deaths. In fact, one statistic showed 11 teens die every single day because of car accidents. I know every family in America has been affected by those horrible high school tragedies, of kids dying in a car accident on their way home from the big game, on their way from the prom, every scenario we can imagine.

We have to give our teens better tools, better training, so when they get to become full-time drivers and have all the various permissions allowed, they are ready for that. We can imagine the scenarios in our own minds as parents, I know. Think about texting and driving. One cannot imagine how deadly distracted driving is in our country. Imagine the young driver who does not have a lot of judgment. Imagine the young driver who has five other kids in the car and they are coming back from the big game and they are all excited and they are all listening to the music and it is nighttime. Those are risky situations where we know if

we give those drivers more training before they are in those risky situations, they will be able to handle them better.

Experts agree the graduated driver's license, basically gradually phasing teens into the driving experience with different responsibilities and different permissions as they get older, is the way to begin to address some of these risks. It has been a proven effective method in many States that have already instituted graduated driver's licenses. So I think we need to have a national priority, a priority that says they must as a State put in some basic training requirements, some measure of graduated driver's license, to ensure when these kids get on the road they have the skills and tools they need to keep themselves safe, their passengers safe, and the other drivers on the road are safe as well.

As parents, as people who set public policy for our Nation, we should be making the safety and well-being and the lives of at least those 11 teens every day who die a priority, and this is a proven way to do it and we can do it.

The second amendment basically increases economic opportunity. New York is unusual in that we are a border State. We share a border with Canada. There is so much opportunity for cross-border transactions and cross-border commerce. This change is very simple. It gives authority to our States to invest in critical border crossings, such as freight and passenger rail systems. By providing this very simple change, States such as New York, California, Vermont, and Texas will be able to choose to enhance these crossings and increase many more economic engines to address our tough economy.

The last amendment, equally important, is about jobs. How do we create the economic engine to get America working again? One way is to increase our pipeline, actually do better training for jobs that are available. One of the ways we can do that is this pilot program, already proven effective elsewhere, the Construction Careers Demonstration Project, amendment No. 1648. Basically, it is a proven common-sense strategy for at-risk workers to give them an opportunity to be trained in the building and construction trades so they find employment, they provide for their families, and we reduce unemployment. It is a very simple change. It is just a pilot program.

I urge my colleagues to support these three amendments and focus on how we can pass a good, useful, beneficial transportation bill which will get our economy moving.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. Mr. President, I ask to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JUDGE JIMMIE EDWARDS

Mrs. McCASKILL. Mr. President, I rise today to speak about a new and successful program for at-risk youth in St. Louis—the Innovative Concept Academy—and about its founder, my friend, Judge Jimmie Edwards. Before I talk about the school and the incredible work Judge Edwards has done in the St. Louis community, I wish to spend a moment talking about his childhood roots.

Judge Edwards grew up on the north side of St. Louis in the shadows of the city's Pruitt-Igoe housing project. The residents of this housing project faced many challenges, including drug and gang activity, violence, and sometimes acute poverty. But through discipline, hard work, and determination, Judge Edwards rose above these circumstances. He earned his bachelor's and law degrees from St. Louis University before being appointed to the State bench in 1992, and for 4 years he has served as the chief judge of the St. Louis Family Court's Juvenile Division.

During his service on the bench, Judge Edwards became increasingly concerned about the number of young repeat offenders coming into his courtroom time and time again, only to be sent back to the same troubled environment that negatively influenced their behavior in the first place. From his own experience, he knew that offering these kids the opportunity for a proper education and for mentoring was absolutely critical to breaking the cycle.

In 2009 Judge Edwards, together with the St. Louis public school district, the Family Court Juvenile Division, and the nonprofit organization MERS/Goodwill Industries, founded Innovative Concept Academy, a unique educational opportunity for juveniles who had already been expelled from the city's public schools and who were on parole. These young people, whom many would have given up on, found a formidable advocate in Judge Edwards and the academy. From the beginning, Innovative Concept Academy has been devoted to helping at-risk youth achieve success through education, rehabilitation, and mentorship. Its mission—to enrich the learning environment for some of our most troubled kids—has resulted in second chances for these young men and women to dramatically improve their lives.

At the start, Judge Edwards planned on providing educational and men-

toring services to 30 students who had been suspended or expelled due to Missouri's Safe Schools Act. When he asked the St. Louis public schools for a building to use for the program for 30 students, they asked him if he wouldn't mind taking on the responsibility of 200 more. This was a challenge he accepted with his usual enthusiasm and can-do attitude.

During the first year of its existence, the academy saw 246 students move through its doors. Today the academy teaches at-risk youth between ages 10 and 18 and has an enrollment of over 375. Some of these students are visiting our Nation's Capital this week with Judge Edwards, his wife Stacy, his daughter Ashley, and his son John, along with chaperones. Here today along with Judge Edwards and his family and chaperones are students Angel Tharpe, Deyon Smith, Tyrell Williams, and Nadia Jones. These are young men and women who have turned their lives around with the help of Judge Edwards and the academy and who serve as an inspiration to others in the community and, frankly, an inspiration to me. I am so proud of what they have been able to accomplish.

The Innovative Concept Academy provides these students and many like them with so many important services—a quality education in a safe environment; one-on-one mentoring with school staff, counselors, deputy junior officers, and police; an array of extracurricular and afterschool activities, many of which are often new experiences for these students, including golf, chess, dance, classical music, and creative writing; uniforms, meals, and so many other necessities are also provided; and with tough love and important lessons about discipline, respect, anger management, goal setting, and follow-through.

All of this allows the students to meet their full potential, and St. Louis has seen positive results already. The academy has an attendance rate of over 90 percent. Let me repeat that. The academy has an amazing attendance rate of over 90 percent, and we are seeing significant improvement in these young people's grades. And the students are responding positively. For example, at the end of the first semester at the academy, the suspensions of 40 of the students ended and the students were supposed to return to their home school. Almost every student asked if they could stay at the academy because they know the academy is a special place where they can improve their lives.

The innovative program has garnered national attention. Judge Edwards has appeared as a guest on a number of major network shows and most recently was honored by People Magazine as one of its 2011 Heroes of the Year. But, for him, it is not about the magazines or the interviews; for him, it is still about the kids.

I am proud that Judge Edwards hails from my home State of Missouri and from my hometown of St. Louis. His compassion for those whom society may have given up on and his common-sense and innovative approach to solving the problems facing some of our young men and women are inspirational. He is compelled by his duty to serve and uplift the next generation no matter what the circumstances. He said it best when he observed that "if the community, and that includes judges, does not take it upon itself to educate the children, then our community and what we stand for will be no more." This notion that we all succeed when we work together with a common cause and unified purpose is central to our American identity.

I ask my distinguished colleagues to join me in congratulating the Innovative Concept Academy and Judge Jimmie Edwards. The success of the academy and Judge Edwards' dedication and service to the St. Louis community should be an inspiration for everybody serving in this Chamber. If we could have a little bit of Judge Jimmie Edwards' attitude about working together, not worrying about taking the credit, and a can-do attitude, it is amazing what we could accomplish on behalf of the American people.

Mr. President, I yield the floor for my distinguished colleague, the Senator from Missouri, Mr. BLUNT.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I thank my colleague for all the comments she has made about Judge Edwards, his family, and the school. This is truly a remarkable story. I know both of our staffs have been telling us for some time now of incident after incident of young people's lives that are being changed by this school, by a judge who decided he needed to get outside the courtroom to make a difference in the lives of kids.

In fact, *People* magazine calls this the "School of Last Resort." It is a chance, it is an opportunity of which many are taking advantage.

Judge Ohmer, presiding judge of the circuit where Judge Edwards works, put out the following statement. He said:

The editors of *PEOPLE* magazine have selected St. Louis Juvenile Court Judge Jimmie Edwards as one of the publication's 'Heroes of the Year' for 2011. Judge Edwards was profiled in a recent issue of the magazine and the announcement was made in the November 7, 2011 issue.

Quoted in this comment from his colleague, the magazine said:

"We chose men and women who reached across boundaries to help strangers or

worked within their communities to deepen bonds. From Logan, Utah . . . to Judge Jimmie Edwards of St. Louis who started a school for wayward teens, the 2011 winners never let daunting odds stand in their way," said Managing Editor [of *People* magazine] Larry Hackett.

In 2009, after watching a string of teen offenders come through his courtroom, Judge Edwards decided to take action. Along with 45 community partners, he took over an abandoned school that he and I were talking about earlier today and opened the Innovative Concept Academy. Providing strict discipline, counseling, and programs such as, as my colleague mentioned, music, chess, and creative writing, the center literally has changed life after life of young person after young person, giving them the opportunity to graduate from high school and lead successful lives after they had been expelled from high school at an earlier time.

These winners each received an award of \$10,000 that they were able to use for their favorite causes, and certainly Judge Edwards has this cause and others.

Quoting Judge Edwards:

I am thrilled that our school has received this recognition but also amazed at the other individuals across America profiled by the magazine.

Judge Edwards is married to Stacy, and Stacy is here today in Washington with two of their three children—Amy, Ashley, and John.

His colleagues at the circuit court admire what he has done. The families involved, the teachers involved, the community partners involved admire what has happened here. MERS Goodwill, the St. Louis public schools, according to the judge himself, court employees, all the teachers and staff and volunteers at the school have made a difference in the Innovative Concept Academy.

Judge Edwards said:

By supporting our school St. Louis is refusing to give up on troubled juveniles and, in turn, the students are proving that hope for a better life is a universal dream.

What a great story this is. His colleagues see him as a hero among us. *People* magazine has talked about this. I notice and like in the *People* magazine article what they refer to as Judge Jimmie's rules. Here are three of Judge Jimmie's rules.

One headline is, "No Saggy Pants."

Like mumbling, bad grammar and rudeness, droopy pants are big no-nos [at this school]. "Kids need to understand what it means to be civilized," says Edwards.

Another rule: "No Loitering."

Edwards wears his kids out with after-school activities. "I expect them to be so tired that they can't do anything but go [home and go] to sleep, get back up and start [the day] all over again."

Then maybe the best rule of all: "No Quitting."

"As long as you're trying," says Edwards, "you're succeeding."

This is being proven time after time, day after day: One person can make a difference, and the way this one judge has made a difference is inspiring a lot of other people to come together and make that difference, and then inspiring these kids and others who care about them to decide that this is the school of last resort, but the school of last resort can produce lots of great results, and we are seeing that happen. I am proud this is going on in our State and hope that Judge Edwards's example becomes an example for community after community around this country.

I yield back the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak as if in morning business and engage in a colloquy with my colleagues for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I do week after week, as a physician who has practiced medicine in Wyoming for almost one-quarter of a century to give a doctor's second opinion about the health care law, a law that I believe is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and terrible for taxpayers.

March 23 of this year, a little over 2 weeks from now, will mark the second anniversary of the President's health care law being signed. Two years ago at this time, Democrats in Congress said the Americans would learn to love this law. As a matter of fact, on March 28, 2010, the senior Senator from New York Mr. SCHUMER said: As people learn what's exactly in the bill, 6 months from now by election time—the election of 2010, remember—this is going to be a plus. Because the parade of horrors, particularly the worries that the average middle-income person has that this is going to affect them negatively, those will have vanished and they will see it will affect them positively in many ways.

Here we are 2 years later. We know that is definitely not the case. The health care law is more unpopular today than it was when it was passed and NANCY PELOSI famously said: First, you have to pass it before you get to find out what is in it. The more the American people have learned about the President's new law, the less they like it. Maybe that is why the White House and Democrats in Congress are

hoping this 2-year anniversary of the health care law passes quietly and without great fanfare, while Republicans believe the American people deserve to know exactly how this law is going to impact them as well as the health care they receive.

So in the lead-up to the second anniversary of the law, I am going to talk about specific ways the law has actually made it worse for the American people—something I believed from the beginning would happen and now, 2 years later, we are seeing is specifically the case: It has hurt jobs, it has driven up costs, it has given Washington more control over Americans' health care, and I believe it has weakened Medicare.

Today, Senator CORNYN and I are going to focus on how the law threatens Medicare and specifically our seniors trying to get a doctor, our seniors trying to get health care, and how this new Washington board, called the Independent Payment Advisory Board, has had that impact. It is an unaccountable board. It is a group of unelected bureaucrats who will decide how to fund the care that is covered by Medicare.

So I come to the floor with my colleague Senator CORNYN. He has been traveling around the State of Texas as I have been traveling around the State of Wyoming talking with seniors, visiting with them, asking about their needs. They have great concerns about what is happening with this health care law, to the point that this week the House of Representatives is actually working in a bipartisan way to repeal this Board, these unelected, Washington-appointed bureaucrats. To me, it is the commission that is going to ration seniors' care and make it harder for our seniors to see a health care provider and get the care they need.

I know Senator CORNYN is leading the effort in the Senate to work with the House in an effort to repeal this payment board. I know Senator CORNYN is doing this in an effort to protect our seniors, to make sure our seniors get the care they need. So I would ask that the Senator possibly share with me and others the concerns he has and the concerns he has heard and ways he is hoping to address them.

Mr. CORNYN. Mr. President, I am happy to respond to my colleague from Wyoming Senator BARRASSO, who has been not only a Senator but a medical doctor and who has been on the receiving end of government policy, that while it may be well intended, backfires, particularly this bipartisan support now we have seen in the House of Representatives Energy and Commerce Committee yesterday, where they voted to repeal this Independent Payment Advisory Board—Independent Payment Advisory Board, IPAB—not IPOD, IPAB.

The reason this is so important, and I would like to ask my colleague, from

his long experience as a medical practitioner, the purpose of this 15-member, unelected, unaccountable bureaucracy to actually set prices for health care, what happens if, to the exclusion of all other health care reform, the IPAB or the Federal Government generally cuts reimbursement to providers? It would seem to me we get a phenomenon that we get the illusion of coverage, but we have no real access to health care.

The experience we have had in Texas is, for example, Medicaid and the President's health care bill puts a whole lot of people into Medicaid, but only about one-third of Medicaid patients can find a doctor who will see a new Medicaid patient in the Dallas-Fort Worth area, one of the most populous parts of our State. I know, particularly in many rural areas—and I know Wyoming has a big rural population as well—many times it is hard for seniors to find a doctor who will see a new Medicare patient, again, because reimbursement rates are so low.

So I would like to ask the Senator from Wyoming what his experience has been in that area.

Mr. BARRASSO. My experience is exactly what the Senator describes. He said the words "the illusion of coverage." When the President talked about the health care law, so often he wasn't actually talking about care; he was using the word "coverage," and he was trying to use those words interchangeably. But coverage is not care, because someone having a card doesn't mean they can actually see a doctor. We see that with Medicaid now, with its low levels of reimbursement. With seniors already having trouble getting in to see a physician, this has a significant impact when a board, an independent payment advisory board—15 unelected bureaucrats—decides they are going to decide how much to pay for a doctor's visit, how much they are going to pay a hospital for a bypass surgery or a hip replacement, which is an area of my specialty. That hospital has to decide if they are going to provide that service. That doctor gets to decide whether they are going to see that patient.

In rural communities, if the reimbursement is so low—and I have heard this from hospital administrators in Wyoming. If the reimbursement level is so low for a procedure that is primarily, if not exclusively, done on people of Medicare age—and we can think of those things that are more likely to happen with someone over the age of 65—the hospital may ultimately decide they cannot continue to afford to provide those services and keep the doors open to a hospital. So seniors in that community will then be denied access to the care in their own community because the hospital will no longer do or provide that service, whether it is bypass heart surgery, whether it is total joint replacement. That senior then

has to travel greater distances to try to find someplace to do that. The hospital may look at reimbursement for a procedure or different kinds of technology and say: The reimbursement is so low we are not going to upgrade our x-ray equipment or our MRI machine. Again, that community would suffer.

Even during the debate of the health care law, we heard in many rural communities that 1 in 10 hospitals was likely to actually be so financially stressed by the health care law that they may end up having to close their doors over the next 10 years. I am hearing that in Wyoming. But it is because of this Board that the President wants to be the one to essentially, it looks to me, do the rationing of care.

Mr. CORNYN. Mr. President, I ask the Senator from Wyoming, it seems to me that what the intent is behind this Independent Payment Advisory Board and the President's health care law, sometimes called the Patient Protection and Affordable Care Act—I think it needs to be named "Unaffordable Care Act" for reasons we can go into later.

But the purpose behind it we can all understand; that is, to try to contain health care costs and spending by the Federal Government because, of course, health care inflation is going up much faster than regular inflation of the Consumer Price Index.

It strikes me that, as in a lot of the policy debates we have in Washington and Congress, we all agree we need to do something to contain costs, but we disagree about the means to achieve that affordability that we all know we need and to contain the inflation of health care costs. I would like to ask my colleague, rather than have Congress outsource its responsibility in this area to an unelected, unaccountable group of 15 bureaucrats, from which there is no appeal and which would have the consequence, as he said, of limiting people's access—because if all they are going to do is cut provider payments to hospitals and doctors, then fewer and fewer doctors and hospitals are going to be able to see those patients. Does he see an alternative that would perhaps help contain costs more by using transparency, patient choice, and good old-fashioned American competition? I am thinking, in particular, about the rare success we have had in the health care area containing costs in the Medicare Part D Program, to me, perhaps a model even where seniors have a choice between competing health care plans and where they get their prescription drugs. But because of the choices they have and the natural competition that occurs, we get market forces disciplining costs. Indeed, it is a very popular program, but the projected costs for Medicare Part D have come in at about 40 percent less than what was originally projected. It strikes me that is one of

the missing elements with outsourcing of this responsibility to this unelected, unaccountable group of bureaucrats, where the only thing they try to do is cut provider payments.

Does the Senator see any alternative along the lines of Medicare Part D or otherwise?

Mr. BARRASSO. I think the two key words I heard the Senator from Texas say are "choice" and "competition" because those things put the patient at the center. It is patient-centered care, not government-centered care, not insurance company-centered care but patient-centered care. It is something we have been talking about for years on the Senate floor, at least on this side of the aisle, to put the patient at the center to give them the choice, as well as have the availability of the competition.

The concern I have—and I was at a statewide meeting in Wyoming with a number of our veterans and their families and I asked the simple question: How many believe, under the health care law as passed, that they are actually going to ultimately end up paying more for their health care? Every hand went up, every hand. Over 100 people there in Casper and over 100 hands went up. They all believe they are going to end up paying more under the President's health care plan than they would have had it not been passed. That is what we are seeing from a lot of the research as well, the admittance that the costs are going up even faster under the health care law than if it hadn't been passed.

Then we ask the critical question the Senator from Texas has referred to about the availability of care, the quality of care. If we asked the question: How many believe the availability of their care and the quality of their care under the President's new health care law will go down, again, every hand in the room went up.

These are all people who believe this health care law, crammed through Congress, crammed down the throats of the American public at a time when they were shouting: No, we don't want this—the American people believe it made it worse and that they are going to end up paying more and getting less for something they didn't ask for at all.

The American public did have concerns from the beginning, which is what generated the whole discussion about health care and reform. What patients are looking for is the care they need, from the doctor they want, at a cost they can afford. Under the President's health care law, they are losing all three.

Mr. CORNYN. Mr. President, I thank the Senator from Wyoming for his response. I think that shows there is an alternative to this outsourcing of our responsibilities to try to make care more affordable to this group of unelected, unaccountable bureaucrats

and cutting provider payments, which actually limits access to health care.

But I tell my colleague from Wyoming, I had an experience a couple years ago visiting with some folks at Whole Foods, the grocery chain that is headquartered in Austin, TX, where I live. John Mackey, the CEO, is very proud of this. They vote each year on their health care plan. What they have chosen—the employees choose year after year—is a high-deductible insurance coverage for catastrophic losses, but then to cover the rest of their care it is a health savings plan that actually Whole Foods makes contributions into, which is owned by the worker and could then be used to pay for their health care for their regular sort of routine needs.

I remember sitting at the table with a number of the workers and talking about why they like this alternative so much, and it is clear: Because it gave them the choices we all would want for ourselves and our families in terms of the doctor we want and the kinds of treatment we want, and it provided incentives because people were spending not the government's money, some sort of a credit card they would never see the bill for, but they were spending their own money in their health savings account; thus, realigning incentives for not only providers but also for consumers in a way that creates more transparency, more choices, and the kind of market discipline to hold down the costs.

I ask my colleague, my impression is, while there was great division in Congress over the passage of the Patient Protection and Affordable Care Act, what some people call ObamaCare—60 Democrats voted for it, 40 Republicans voted against it in the Senate—that on this issue, on the IPAB, Independent Payment Advisory Board, there actually is bipartisan support, particularly in the House Energy and Commerce Committee, to take out that particular provision because people now, on further examination, have seen how it could actually backfire in limiting people's access to health care.

I would ask my colleague, does he see a way for us, on a bipartisan basis, to narrowly address that provision while we continue to wait on the Supreme Court of the United States to rule on the constitutionality of the individual mandate? We don't know how things, such as the State-based insurance exchanges, will operate and the subsidies and whether those are going to be affordable. But on the narrow issue of repealing the Independent Payment Advisory Board, does he see the possibility for bipartisan support for that?

Mr. BARRASSO. I believe there is going to be bipartisan support. We see bipartisan support in the House. I would like to see bipartisan support in the Senate. When you look at what fundamentally this board does, they

make recommendations, and it is practically impossible for the recommendations not to automatically become law. We were elected to make laws, not having independent parties make the laws. American patients are going to be forced to accept whatever this unelected board's recommendations are. It is very hard for Congress to override. I expect, in a bipartisan way, people would say: Let's completely eliminate this board, which I know the Senator's legislation is designed to do.

If American patients, people all across the country, suffer from the recommendations of the board, the way the law is written, they cannot challenge this unelected board in court. Americans have a right to challenge things but not this unelected board, as was written into the health care law.

Those are the sorts of issues I hear about when people say: What if I can't get a doctor? What if I can't get the care I need because of the decisions made by the board?

This fundamentally gets to the issue of the whole health care law, which took \$500 billion from our seniors on Medicare not to save and strengthen Medicare but to start a whole new government program for someone else. This board, which I think we should eliminate and which I think is going to be hurtful for our seniors, is the group responsible for making the sorts of very challenging cuts from our seniors on Medicare—again, not to help save Medicare but to start a program for someone else, which is why this program is even more unpopular today than it was the day it was passed.

I do believe we have a bipartisan reason to eliminate this, and that is why I am supporting this legislation.

Mr. CORNYN. I would like to ask my colleague one final question. Whenever we talk about reforming, saving, and securing Medicare so we can keep the promise we made to seniors that when people reach the appropriate age, they can actually qualify for this benefit and it actually will be there for them—and people do, in fact, pay into this fund, and they expect to get their money's worth back—sometimes the charge is made that various reform proposals will destroy Medicare as we know it.

I would like to ask the Senator from Wyoming, a medical doctor by profession, whether Medicare as we know it, as currently constructed under the President's health care bill, with this IPAB provision in place—does it have any chance of survival as it currently operates now with this new board of unelected, unaccountable bureaucrats setting prices and limiting access? Because doctors and hospitals simply cannot afford to provide the service at that cost. Doesn't that have the potential to radically transform Medicare as people have come to know it?

Mr. BARRASSO. My view is that people will still get a Medicare card in the

mail, but whether there will be doctors or hospitals or nurse-practitioners or others who will accept that card is the bigger concern. Because of what this board may do and is likely to do under the demands of the health care law, those on Medicare today and those coming onto Medicare may have a harder and harder time finding a doctor and a hospital to care for them.

Let's face it, today about 10,000 baby boomers will turn 65. Yesterday about 10,000 baby boomers turned 65. Tomorrow about 10,000 baby boomers will turn 65. We need to make sure Medicare is there and secure for the current generation as well as the next generation and generations to come.

My concern is that this board, which I know my colleague is trying to repeal and which I am trying to repeal, is going to make it that much harder for our seniors to receive the care they need from a doctor they want at a cost they can afford.

Mr. CORNYN. Mr. President, as we approach the 2-year anniversary of the Patient Protection and Affordable Care Act—otherwise known as ObamaCare—there are a lot of things you are going to hear from across the street at the Supreme Court of the United States on the constitutional challenge to this individual mandate, which is a very important constitutional question for the Supreme Court to decide—whether there is any limit to the power of the Federal Government when it comes to forcing you to buy a product approved by the government and penalizing you if you do not do it, whether that is within the constitutional power of the Congress under the commerce clause. Then there are other important questions about the workability of the law, the affordability of the law.

I think today we can just see if we could work together in a bipartisan way to repeal the IPAB requirement. Senator REID is the only one, as the majority leader, who can bring it to the floor, but hopefully, in light of the bipartisan support this has on the House side, he will see fit to do that. I certainly encourage him. I know Senator BARRASSO will encourage him to do that. I hope we can do this and help ensure that people, when they qualify for Medicare, do not just get a card but actually have a good chance—I should say better than a good chance—they will be able to find a doctor who will treat them for the price the government is willing to pay.

Mr. BARRASSO. I thank the Senator for the efforts on his part to repeal this terrible idea that was a fundamental part of the President's proposal. It is one reason I think the health care law is even more unpopular today than the day it was passed and signed into law almost 2 years ago.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Wisconsin. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

HONORING OUR ARMED FORCES

WISCONSIN CASUALTIES

Mr. JOHNSON of Wisconsin. Mr. President, I come to the floor today to pay tribute to America's sons and daughters who have fallen in the line of duty—citizens of this great Nation who gave their lives to preserve the liberties upon which America was founded, the finest among us who, because they cherished peace, risked their lives by becoming warriors on our behalf.

What could be more sacrificial than the lives our service men and women choose to lead? They love America, so they spend long years separated from their loved ones, deployed in faraway lands. They revere freedom, so they sacrifice their own so that we may be free. They defend our right to live as individuals by yielding their own individuality in that noble cause. They value life, yet bravely ready themselves to lay down their own in humble service to their comrades-in-arms, their families, and their Nation.

For more than 234 years, our service men and women have served as guardians of our freedom. The cost of that vigilance has been high. Since the Revolutionary War, more than 42 million men and women have served in our military and more than 1 million of those selfless heroes have given their lives. Wisconsin has borne its share of that great sacrifice. Since statehood, 27,000 of Wisconsin's sons and daughters have died in military service. Since September 11, 2001, we have lost 143 brave souls with ties to Wisconsin. Since I took office last January, 13 more have perished. Statistics cannot possibly convey the weight of these losses. After all, statistics are merely numbers that could never fully communicate the qualities of these fine men and women whose promising lives were cut far too short. Statistics say nothing of their unfulfilled hopes and dreams. So instead of numbers such as 1 million, 27,000, 143, or even 13, I would like to ask everyone to think for a moment about a much smaller but still staggering number, the number 1.

Each of these men and women was a loved one cherished by family and friends. Each was a loss to their community and to this great Nation. Each paid a price that we must never forget. We must also remember the sacrifice made was not theirs alone. Every family member and friend left behind expe-

riences profound loss, sadness, and grief. The tragedy multiplies; it is not contained. For those left behind, the pain may slowly subside, but the wound will never heal.

Two weeks ago I had the privilege of bearing witness to the sacrifice of one of Wisconsin's fallen heroes and the courage of those he left behind. On February 22, a grateful Nation laid 1LT David Johnson of Mayville, WI, to his final rest at Arlington National Cemetery. I was honored to join David's loving and proud parents Laura and Andrew, his sister Emily, and his brothers Matthew and Michael as they said their final goodbyes. Out of sheer coincidence Michael was already scheduled to intern in my office this week and is with us today. It is fitting that we acknowledge his loss and sacrifice.

The Johnson family loved their brother and son. They loved him dearly and our hearts go out to them. I pray that they find God's peace and comfort today and in the tough times ahead as they deal with this overwhelming and tragic loss.

Lieutenant Johnson was only 24 years old when he died of injuries suffered after encountering an improvised explosion device on January 25 while leading his men in Kandahar Province, Afghanistan.

In addition to Lieutenant Johnson, today I would also like to pay tribute to the other Wisconsin heroes who gallantly gave their lives since I took office last January.

Since then Wisconsin has lost SSgt Jordan Bear, U.S. Army. Staff Sergeant Bear, age 25, of Elton, WI, died March 1, 2012, in Kandahar Province, Afghanistan; SSgt Joseph J. Altmann, U.S. Army. Staff Sergeant Altmann, age 27, of Marshfield, WI, died December 25, 2011, in Kunar Province, Afghanistan; SPC Jakob J. Roelli, U.S. Army. Specialist Roelli, age 24, of Darlington, WI, died September 21, 2011, in Kandahar Province, Afghanistan; SGT Garrick L. Eppinger Jr., U.S. Army Reserve. Sergeant Eppinger, age 25, of Appleton, WI, died September 17, 2011, in Parwan Province, Afghanistan; SGT Chester D. Stoda, U.S. Army. Sergeant Stoda, age 32, of Black River Falls, WI, died September 2, 2011, while on recreational leave from duties in support of the war in Afghanistan; CPL Michael C. Nolen, U.S. Marines. Corporal Nolen, age 22, of Spring Valley, WI, died June 27, 2011, in Helmand Province, Afghanistan; SPC Tyler R. Kreinz, U.S. Army. Specialist Kreinz, age 21, of Beloit, WI, died June 18, 2011, in Uruzgan Province, Afghanistan; Private Ryan J. Larson, U.S. Army. Private Larson, age 19, of Friendship, WI, died June 15, 2011, in Kandahar Province, Afghanistan; SGT Matthew D. Hermanson, U.S. Army. Sergeant Hermanson, age 22, of Appleton, WI, died April 28, 2011, in Wardak Province, Afghanistan; SPC Paul J. Atim, U.S.

Army. Specialist Atim, age 27, of Green Bay, WI, died April 16, 2011, in Nimroz Province, Afghanistan; CPL Justin D. Ross, U.S. Army. Corporal Ross, age 22, of Green Bay, WI, died March 26, 2011, in Helmand Province, Afghanistan; Finally, 1LT Darren M. Hidalgo, U.S. Army. First Lieutenant Hidalgo, age 24, of Waukesha, WI, died February 20, 2011, in Kandahar Province, Afghanistan.

May God bless and comfort their loved ones with peace. May he watch over those who have answered the call and are serving today and those who will serve in the future. May God bless America.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk called the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING DOUG AND SAMANTHA LEVINSON

Mr. NELSON of Florida. Mr. President, this Friday will mark 5 years since FBI agent Bob Levinson disappeared while on a business trip as a retired FBI agent. He was on a business trip to Kish Island in the Persian Gulf. It is a part of Iran. That is 5 long years that his wife Christine has been without a husband and 5 long years that her seven children have been without their father.

Over those 5 years I have spoken so many times about Bob—a retired FBI agent and a resident of south Florida—from the floor of the Senate and so many other venues. Just yesterday I met with his wife Christine after she joined FBI Director Robert Mueller and Deputy Director Sean Joyce in announcing a \$1 million reward for information leading to Bob's safe return. So in southwest Asia billboards will soon start to appear announcing that \$1 million reward, and it is in southwest Asia that we know Bob is being held.

Today I wish to talk about his children because tomorrow in Miami the Society of Former Special Agents of the FBI will honor Bob's two youngest children—his son Doug and his daughter Samantha, both of whom, along with their other siblings, have persevered through this very difficult time.

Doug was in the seventh grade when Bob disappeared. This year he will graduate from high school, on his way to college. He has excelled academically and athletically and has grown to almost his father's height. Bob will be shocked at how tall Doug is, but he will be even more proud of all that his son has accomplished.

Samantha, Bob's daughter, was in high school when Bob disappeared. In just a few weeks she will graduate from college. Samantha has been a resident

adviser and a proud member of her sorority. She interned at Disney where she hopes to work after graduation. Again, when her father returns, he will be so proud.

To honor Bob's children, and standing in solidarity with one of their own, the Society of Former Special Agents of the FBI will award to Doug and Samantha scholarships to assist with the cost of college. I thank that society and those agents who have protected us so much over the years. I thank them for their service and for their kindness. I congratulate Doug and Samantha for all they have accomplished under such very difficult circumstances.

To Christine Levinson, this heroic woman who has stood so strong in the midst of great adversity for 5 years—I say to Christine and her children that this government will not rest, none of us will rest until we have brought Bob home. I look forward, as do so many, to that day of celebrating with them and celebrating with all of Bob's friends and his former colleagues.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. ENZI. Mr. President, first, I want to say how important roads and bridges are. We are on the highway bill, and that is one of the main advantages the United States has had—having excellent transportation. Of course, that is particularly important in my own State because we want people to be able to get to the first national park, which is Yellowstone National Park, and another gorgeous park, the Grand Teton National Park, and a place called Fossil Butte National Monument, where people can actually fish for 60 million-year-old fish. We have a spot in the middle of the State where people can help dig up dinosaur bones—and if you dig one out by yourself, you get it named after you—or the first national monument, Devils Tower, which is up in the northeast corner. And, of course, we are a corridor between those Western States too. So we know how important roads and bridges are. We need to do that, and we need to do it now, but we should do it the right way.

So I want to refer to an amendment I have filed, No. 1645. My amendment is very simple and straightforward. It would allow the gas tax to be adjusted with inflation—not with the price of gas, with inflation. This is not a new idea, and it certainly is not a very popular discussion point, but this is the debate the Senate needs to have.

The long-term viability of the highway trust fund is incredibly important

to our States. The underlying proposal the Senate is debating would pay for transportation and infrastructure projects and programs for the next 2 years, but it does not address the future of these programs, nor do the financing proposals fit within the timeframe of the bill. I have serious objections to paying for 2 years of spending with 10 years of revenue.

Let me stop on that issue for a moment. We are spending money in 2 years that it will take us 10 years to generate. How can we tell the American people we are serious about the deficit and serious about spending when we allow money to be spent five times as fast as it comes in?

If the Senate wants to keep the highway programs viable through a trust fund instead of subjected to the general fund, which any accountant or banker would say is bankrupt, we need to either cut spending or generate more revenue. Those are the two choices.

A lot of work has gone into the bill before the Senate. Four committees have worked on it. Four committees have filed amendments that have been included in the version we are seeing. I appreciate that many of my colleagues are trying to reduce the mandates on the States as well as consolidate and eliminate programs. That is good. Those are steps we need to take. Even with some serious streamlining, however, the highway trust fund will not have the revenues needed to meet the current obligations of the fund. We can certainly give States more flexibility in how they prioritize the Federal funds they receive.

We should not and cannot ignore that with this bill we are just buying time. Buying time is something the Federal Government has been doing for decades, and that has gotten us into this serious financial mess. We are buying time with borrowed money. The borrowing is pretty dubious, and some of it is from countries we would rather not be borrowing from.

I want to share some charts with you. You may only be able to discern what I say, and what I say is what appears in the Senate RECORD, not the charts.

These have a lot of numbers on them. I am an accountant, so I get excited over numbers. Too many numbers, but it still makes the point. What we have is the highway trust fund balances, starting in 1993, which was the last time we passed the gas tax. That was 18.3 cents. This column shows the total revenue received. For the most part they have been going up, which means more gas has been bought.

But here are the expenditures, and you will see what effect that has had on the closing balance in the trust fund. We have had quite a few years when there was some money in there—right after 1993 when the gas tax more closely matched the cost of construction, and as we get out here in 2001, we

can see that it drops significantly and keeps dropping. At balance, at the end of 2012, it is going to be \$11.4 billion. Of course, we are spending more than that just in this one bill.

So next year it will be a minus \$2.8 billion and \$18.7 billion, and then \$34.7 billion. Those are deficits I am talking about, deficits in the trust fund, which means in those years we are going to have to get the money from somewhere else. It winds up in 2016 at being a \$50.7 billion deficit to the trust fund. That is what we are doing generally with all of our accounting, but it shows up here in something that I do not think anybody in America denies is absolutely necessary. We have to have roads and bridges.

So if my amendment were enacted, what kind of an adjustment to the tax rate would we see? If this amendment had been enacted last year, in 2011, this January—the tax does not go into effect until the year after the inflation is measured. This January the tax would have increased by one-half of one penny—one-half of one penny. The price of a gallon fluctuates more than that on a daily basis. In fact, I was watching on television the other night, and the lady was showing the high price of gas, and she showed a sign out in front of the pumps. Just as she was about to leave, she said: Wait a minute. While I have been talking, the price has gone up 20 cents.

So we are seeing some huge changes there, but not with the gas tax. If we had enacted the indexing in 1993, the last time Congress adjusted the gas tax, there would have been an increase of 11 cents in the gasoline tax over 19 years. Excluding the one-tenth of 1 cent that is added to the base tax rate for the leaking underground storage tanks, the rate would adjust from 18.3 cents a gallon in 1993 to 29½ cents per gallon today.

That is what this chart shows. It shows the amount of inflation there was each of those years, so the amounts the gas tax would have gone up in each of those years to provide a fund that would actually help us with building the roads and bridges, and it would be at 29.5 cents per gallon today.

In that same timeframe gasoline prices have risen from \$1 per gallon to \$3.50 per gallon or more. It was \$4 in the example I was giving off the television. If we had enacted indexing in 2005 under the last highway bill, there would have been only a 3½-cents-per-gallon adjustment. I estimate there would have been increased revenue in the highway trust fund by over \$18 billion from the gas tax alone.

So this is the chart that shows what would have happened if we had indexed it in 2005, what the CPI index would have been and what the adjustment would have been. So that would have been a change of 3.5 cents per gallon, hardly noticeable in the price of gas we

have today. But the trust fund would have had \$18 billion, which we need to be able to spend. Very important.

In 1993 the gas tax of 18.3 cents was included in the \$1 of gas, and there was also State taxes included in the \$1 gasoline price, 18 cents out of a dollar. Now the 18 cents is part of \$4 a gallon.

Don't you think construction costs have increased based on the cost of a gallon of gas alone? Remember, the gas tax is what paid for roads and bridges but cannot anymore, causing us to use very bad financing methods—stealing from pension funds with no way to pay it back, using 10 years' of projected revenue to pay for 2 years' of construction.

What do we do for the money in 2 years? Roads and bridges will always need construction. Our economy runs on construction. The construction industry has mixed feelings about my proposed amendment. They are for it as long as it does not bring the bill down. My intent is not to bring the bill down but, rather, to make it a viable bill. Of course, my amendment will not make it a viable bill all by itself. The Bowles-Simpson Commission deficit report said we needed to increase the gas tax by 5 cents a year for 3 years to have a viable fund.

Here are the quotes from that deficit commission. The President appointed the deficit commission. They looked at everything, and on highways and bridges alone, this is what they came up with: 15-cent-per-gallon increase in the gas tax over a 3-year period; limit spending to match the revenues the trust fund collects. That is what we are failing to do with this current bill.

Once fully implemented, a 15-cent increase would generate an additional \$24 to \$27 billion per year for the highway trust fund. Each 1-cent increase would generate about \$1.6 to \$1.8 billion per year. That is from that deficit commission that was trying to figure out how to get ourselves out of the hole we are in right now. This is what they came up with just for the highway fund.

So with my amendment, it indexes with inflation. It does not start until next year. It is just a way to test the waters to see if there is enough courage in this body to take a very minimal step. My amendment does not solve the shortfall of the highway trust fund, nor would it fully pay for this legislation. It is just a small step in the right direction. It is a step in getting the highway trust fund back to what it was created to be, a dedicated pot of money to pay for the roads, funded by those who use the roads.

We need to take this step and a lot of other steps if we are going to fix our money problems and fund programs as intended. The National Commission on Fiscal Responsibility and Reform—that is that Simpson-Bowles Commission—supported a 15-cent increase in the gas tax to be gradually adjusted over a 3-

year period. Once fully implemented, a 15-cent increase, as I said, would provide \$24 to \$27 billion per year. That is what we need for roads and bridges.

The Commission also recommended that Congress enact a limitation so that the spending could not go beyond revenues. That seems like a fairly commonsense approach. Spend only what we generate. We could use that around here. Of course, that principle is something we need to enact in the overall budgeting in Washington.

Let's be clear. The tax rate and gas prices are two very separate issues. Folks might think that as the price of fuel goes up, so does the Federal gas tax. That is not true. Whether the price of gas is \$1 per gallon or \$4 per gallon, the Federal tax remains the same. Again, the fund collected 18.3 cents from every dollar of gas in 1993. Construction costs have increased, and now we only collect the same 18.3 cents for a \$4 gallon of gas. If we were being successful with some alternate means of transportation, the amount of gas would go down as people used those other ones, but it is not.

I am sensitive to the fact that the gas prices are high right now. I am always looking for ideas on how we can work to bring those prices down. With the distances we have to travel in Wyoming alone, high fuel prices have a disproportionate effect on the residents of my State.

The President said there is not a silver bullet to bring the prices down. That is certainly true if we look at his administration's policies, having done everything possible to increase the price of fuel. While there might not be a silver bullet, there are a number of actions that will make a real difference.

One reason gas prices are high is that the supply is limited, and tensions in the Middle East have further strained that supply and encouraged speculators.

To fix the supply problem, we should be producing American energy wherever it is possible. Instead of blocking production the President should be encouraging us to develop American energy in Alaska and off the Outer Continental Shelf and on Federal land. Yes, production is up, but it is not from Federal lands. That is shut down. It is coming from private land where a permit does not take a lifetime of investment and delay. Federal lands are down 12 percent in production. We should be enacting policies that encourage energy production on public lands in Wyoming and other Western States rather than relying on oil from the Middle East and Venezuela.

President Obama should approve the Keystone XL Pipeline so we can get as much supply as possible from friendly nations such as Canada before they feel forced to sell it all to China, who is buying up energy worldwide. China understands that in 20 years the country

with the energy will have the power. I am not talking about electrical power; I am talking about world power.

Gas prices are high because of the regulatory uncertainty created by the administration's relentless pursuit of policies that are designed to make energy more expensive under the guise of halting climate change. Rather than arguing over new taxes for the oil and gas industry, we should be working to rein in the Environmental Protection Agency to stop those regulations that make it impossible for businesses to plan.

We have a permitting problem. When I hear the lecture about the number of acres leased for exploration but not being drilled, I get angry. I am usually not angry. Leased parcels include land that has no oil. When you buy a lease, you buy a package, and then you drill where the oil or gas is within that package. Also, there are millions of acres ready to be drilled, but the leaseholder cannot get the bureaucrats to turn loose the permits.

Of course, Energy Secretary Chu recently confirmed that his energy policy is to create conservation by having our gas prices reach the same level as Europe. Well, unless we do something with the gas tax at his desired \$7 a gallon, we will still only get 18.3 cents a gallon for the critical highway fund.

If we were really trying to match cost to construct with revenue, the radical suggestion would be for the gas user fee—and it is a user fee. If you do not drive on the roads, you do not need to buy the gas. You do not need to pay the tax. So it is a user fee. But it would be a percentage of the cost of a gallon of gas if we were really being radical.

But be clear, we are not doing that. We are probably not doing any of this. We need to do everything we can to lower gas prices. I am working to do just that. In fact, we are debating some of these issues on this legislation because the majority refuses to debate them using regular order. However, the issue of gas prices is entirely separate from the issue of determining how we should pay for highways.

We have set up a trust fund that is supposed to take care of road and bridge needs. I might mention that changing the formula to miles driven would just be to increase the gas user fee while hiding the increase. That is not the way to do it. We should be honest about whatever kind of an increase we are putting on this user fee. That is the wrong way to do it. If we do not add more revenue to the trust fund, we should cut our spending to the amount of money we have in the trust fund. That is, again, what the Simpson-Bowles report said.

I know there a lot of sensitivities in talking about the rate of gas tax or any other tax. There is no doubt that individuals and businesses are still stressed in this economy and are strug-

gling to make ends meet. People in rural States such as Wyoming have few options. They have to drive long distances for many of their needs. Several of my colleagues have said to me: This just is not the time to be talking about the gas tax.

I must ask: When will the time be right? Members of Congress do not want to tackle this topic when the economy is strong nor do they want to tackle the topic when we have economic challenges. When revenues to the highway trust fund were meeting the needs of the highway program, no one wanted to consider that there might be a time when the revenue could not keep up with the needs to maintain our highway system.

We are pennies away from insolvency of the highway trust fund. When is the right time to talk about the revenue stream for the highway trust fund? We need to start today. My amendment is a small step to address the long-term viability of the highway trust fund. It is a small step to get us moving toward living within our means and maintaining our roads with the money we have not the money we wish we had.

I probably cannot get a vote on this minimal increase, but it does test the water. I would be happy to revise my amendment to any reasonable level that Senators would support. We cannot continue to kick this conversation down the road for another 2 years. We cannot lie to our constituents about the state of the highway trust fund. We should not steal from other trust funds, and we should not do unapproved long-term financing for short-term projects. We have a mechanism to pay for the road programs, a dedicated funding stream paid for by those who use the roads.

I hope my colleagues will take a hard look at my amendment, take a look at the plan under Simpson-Bowles, and study the numerous ideas out there. Let's have a real debate on how to preserve this dedicated funding for our roads.

In Wyoming, we have an optional sales tax for projects by communities and counties. The construction project is stated, and the people get to vote for this increase in their taxes. As long as the money is used to pay for the promised projects, the voters continue to approve additional projects with additional taxes. It has happened for 30 years in Wyoming. People will allow focused taxes for what they know they need if they believe that is what it will be spent for. And I say they know the needs for roads and bridges.

When is it the wrong time to do the right thing? I believe most everyone in this Chamber knows this is the right thing. Most of our constituents will see it that way too. A vocal few won't, but the reason congressional approval is at a record low is because so many live in fear of taking the votes that will fix

the problems. We have a chance to change that with this amendment. I hope my colleagues will take a serious look at it and fund the highway fund the way it was intended.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BENEFITS OF FREE ENTERPRISE

Mr. KYL. Mr. President, last week I came to the floor to talk about how free enterprise helps people achieve earned success and thus helps them pursue true happiness. Today I want to talk about another moral benefit of free enterprise—its effectiveness in reducing poverty and promoting economic mobility.

This is an important conversation to have since President Obama has made income and class inequality the centerpiece of his reelection campaign. For example, in his Osawatimie, KS, speech last year, he said:

This is a make-or-break moment for the middle class and all those who are fighting to get into the middle class. I believe that this country succeeds when everyone gets a fair shot, when everyone does their fair share, and when everyone plays by the same rules.

He followed up with similar themes in the 2012 State of the Union speech, saying that he believes in "an America where hard work paid off, responsibility was rewarded, and anyone could make it if they tried—no matter who you were, where you came from, or how you started out."

Of course, these are quintessential American values in no dispute. But the President's soaring rhetoric is at odds with his main policy, which is to achieve greater economic equality not by equal opportunity but through forced redistribution of wealth. For example, the President has proposed a litany of tax increases, such as the so-called Buffet rule, higher marginal income tax rates, and higher taxes on investment. New taxes don't lift anybody, but they do tear some people down.

The President also proposes more government spending to redistribute the new tax dollars collected. Redistributionist programs have a role, of course, as government safety nets. They help, for example, people who are ill temporarily, down on their luck, or not able-bodied. But, unfortunately, they do not cure poverty. If they did, poverty would no longer exist in America.

The only permanent cure for poverty and the only system capable of producing massive increases in economic

mobility is free enterprise. Senator MARK RUBIO put it well when he said that “the free enterprise system has lifted more people out of poverty than all the government anti-poverty programs combined.” As we will see in a moment, economic data confirms this is true.

As Arthur Brooks and Peter Wehner wrote in their book called “Wealth and Justice: The Morality of Democratic Capitalism,” before the rise of free enterprise; that is, for most of human history, life was “bleak, cruel and short.” Life expectancy was low, infant mortality was high, disease was rampant, and food was scarce. Education was only for the wealthy. Indeed, the wealthy were the only people who lived in relative comfort.

But the emergence of free enterprise roughly two centuries ago helped to change all that. As the free enterprise system took root, particularly in Western Europe, protectionist measures eased, trade increased, and businesses accumulated capital to grow and create new jobs. People pursued their self-interests free of state coercion or corruption, and the economic benefits flowed to every strata of society. As Brooks and Wehner note, “Markets, precisely because they are wealth generating, also end up being wealth distributing.”

By every universal measure, life has improved dramatically in free market societies. Literacy, basic living standards, and life expectancy have increased, while disease and starvation have plummeted. Child labor has been eradicated. As free enterprise has spread during the last two centuries, the world’s average per capita income has skyrocketed by about 10 times. These are major moral achievements. Yes, some people are richer than others, and that is true in all nations whether characterized as market economies or not. But where it exists, free enterprise has helped make the poor make tremendous gains, and they continue to climb. In the modern era of globalization, we have seen this on an unprecedented scale. Since 1970, as economic freedom has grown in developing countries such as China and India, the number of people living on \$1 a day has plunged by 80 percent, according to a recent study.

What about President Obama’s arguments that free enterprise has harmed middle-class prosperity? Over the past quarter century, economic studies have shown otherwise. Indeed, as Hoover Institution fellow Henry Nau pointed out in a recent Wall Street Journal article, middle-income earners have become richer and many have leaped into the upper-middle class. Between 1980 and 2007, a period Nau calls “the Great Expansion,” the United States grew by more than 3 percent per year and created more than 50 million new jobs, “massively expanding a middle class of workers,” in Nau’s words.

Nau continues:

Per capita income increased by 65 percent, and household income went up substantially in all income categories. . . . In the past three decades, households making more than \$105,000 in inflation-adjusted dollars doubled to 24 percent from 11 percent.

These are remarkable increases in wealth. What policies produced this expansion? Again quoting Nau:

Precisely the free-market policies of deregulation and lower marginal income-tax rates that [President] Obama decries.

If the President wants to increase class mobility and prosperity and build on the successes of the “Great Expansion,” then he must turn away from the statist policies that have dominated his 3 years in office. As Brooks and Wehner write:

The answer is not less capitalism, it is better capitalists.

And I would add, that includes the President and his advisers.

Most fundamentally, our policies must reward hard work and merit for the simple reason that people are more successful and industrious when they get to keep more of the fruits of their labor.

That is what we call earned success. Their prosperity flows to others when they open businesses, create jobs and new products, compete for workers, raise wages, and invest their profits, which can then be lent to other entrepreneurs. But when market forces are restricted—when taxes are too high and regulations are too stifling—entrepreneurship loses its appeal. If people think outcomes are predetermined by the government, they don’t have incentives to compete.

A 2005 study by economists Alberto Alesina and George-Marios Angeletos underscores the point. They found that beliefs about meritocratic rewards are self-fulfilling. They concluded that if a society thinks people have a right to enjoy the fruits of their effort, it will choose low taxes and have lower tolerance for redistribution. Effort will be high in these places. Conversely, they found that if citizens believe the system is rigged and that luck and connections, not merit, are the key determinants of success, then they will demand forced wealth redistribution and effort will be lower in these places.

Simply put, if people think the system is inherently unfair, it will wind up that way. That is precisely what has happened in countries such as Spain and Greece, where outcomes are divorced from effort, and, to a large measure, bureaucrats and special interests dictate who gets economic rewards.

Since everyone does better when effort is rewarded, then protecting merit-based success is a moral issue. Indeed, the first American immigrants left countries with too little opportunity for advancement to come here and earn rewards based on merit and be the mas-

ters of their own destiny. Polls have shown that, over the years, Americans have not grown tired of the merit-based system but instinctively support it. U2 singer Bono colorfully explained why individual determinism in America is so great:

In America, the guy looks up at the mansion on the hill and says, “One day, if I really work hard, I am going to live in the mansion on the hill.” In Dublin, they look at the mansion on the hill and say, “One day I’m going to get that [guy].”

Free markets breed a culture of aspiration and mobility, in which people reject the politics of envy and instead focus on their own advancement and their own success. If our goal is to foster such a positive culture of achievement, then we must eschew class warfare in favor of the free-market policies that have done so much to boost prosperity both at home and abroad.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I wish to speak on the amendment I have offered with my friend, Senator CASEY from Pennsylvania, on the highway bill, amendment No. 1540.

In my State, and I think in the whole country, the question we hear over and over again is: Where are the private sector jobs? What can we do to get the economy back on track?

There are very few places the Federal Government can create private sector jobs. One of the few places we can do that is in public works, such as the highway bill, where most of the work to build a new bridge or a new highway is done by competitive bid and by private sector employers and private sector employees. While we probably take a different approach to how we get there, I think all of us understand it is critical we work together to find common ground to create jobs and to create economic growth.

This infrastructure bill could be—and I hope it turns out to be—a good start. There is no doubt that infrastructure is the foundation of our economy. Quality transportation is vital to connect people and communities, to connect people to the places they work, to connect the products they make to the places they need to go. That doesn’t happen without a good infrastructure program and one that maintains and expands as needs to be the infrastructure that we have. I am very hopeful this bill can provide that additional element to getting our economy back on track.

At the heart of the problem for small towns and for local governments in so many States, and particularly in Missouri, is the bridge system that is not

part of the Federal structure. It is the so-called off-system bridge network, where local communities are responsible for bridges.

Missouri has perhaps more bridges than any other State. I was in one of our counties just recently where the county itself—and we have 115 counties. So unlike some of the Western States, the counties aren't huge. They are designed to be compact, and people could get across them in the 1820s and 1830s in 1 day, before automobiles. So we have lots of counties, and 1 of them has 148 bridges. Our smallest county by population, with only 4,000 people, has 100 bridges. So every 40 people in that county are essentially responsible for maintaining a bridge, and bridges are expensive. That off-system bridge network carries schoolbuses, emergency vehicles, lots of agricultural products, families going about their daily routine. Without those bridges, that local infrastructure doesn't work.

What we are suggesting and calling for in this amendment is simply to continue the current policy. I am not talking about any new money for bridges. We are not talking about any new program for bridges. But the bill itself doesn't continue the 15 percent of the bridge funds that has been allocated for some time now to local government. This would continue to have that same 15 percent going to local governments.

There are almost 600,000 bridges in the country—more than 590,000, and 50 percent of those are considered off-system, and approximately 28 percent of that 50 percent are currently considered deficient. Thirty-two percent of the bridges in Missouri in the off-bridge system are considered deficient. They either aren't adequate for the traffic they now carry or are in need of repairs. One out of three bridges in our State needs an investment.

The new penalty section of the underlying bill that would replace the current off-system bridge program makes that program even more uncertain at times when communities and job creators need it the most. Without our amendment, States would only have to sustain the previous number of deficient bridges every other year in order to avoid investing in their off-system bridges. It is a formula that doesn't work. It might work in big communities that have lots of miles that they maintain, but I doubt that. I think this makes an inconsistent investment in bridges all over the country.

Our amendment ensures that counties are not left bearing the full responsibility of these off-system bridges. If they are left bearing that full responsibility, many of these bridges will not be fixed. This has been a major source of funding for counties working on bridges. This amendment would give States and counties the proper tools and resources and the assurance of a

steady flow of funding in order to invest in the Nation's bridges.

Additionally, the amendment establishes a procedure where the Transportation Secretary can rescind this requirement if State and local officials determine they have inadequate needs to justify these expenditures. In other words, if they can't justify spending the money in their State, then the Federal Government clearly doesn't have to allocate that 15 percent to local communities and to States for the off-system program.

When I listen to community leaders, and certainly when I listen to county commissioners, this is a topic that comes up in most of our counties with great concern. The counties where it doesn't come up wouldn't have to apply for the money. That 15 percent, allocated appropriately, will make a big difference.

Community leaders and job creators are looking for things that allow them to prepare for a more certain future. They need the ability to look beyond 6 months or 1 year to plan and anticipate how they are going to repair bridges, which bridges they are going to look at this year, which bridges they will then put off until next year. But right now, they would have no way of knowing whether there would be any Federal assistance to these communities. We need to be sure we provide this certainty for off-system bridges if we are going to promote job creation and economic development. We have to work together in the Nation's Capital to make smart investments in our Nation's transportation system if we are going to provide communities and job creators with greater certainty to prepare for the future.

I wish to thank Senator CASEY for his hard work on this issue. I am glad to join him on this amendment. It is critical to the State of Missouri and many other States. The National Association of Counties, the National League of Cities, the National Conference of Mayors, the National Association of County Engineers, the American Public Works Association, the National Association of Regional Councils, and the National Association of Development Officials are all in support of this amendment. I hope we have it included in the amendments we get to vote on, and I urge my colleagues to join in this bipartisan effort to create more certainty for local governments.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIND TURBINE SUBSIDIES

Mr. ALEXANDER. Madam President, today in the Wall Street Journal there coincidentally was an editorial on the subject about which I speak, and this was entitled "Republicans Blow With the Wind. Another industry wants to keep its tax subsidies." It is about the possibility that the Senate will be asked—maybe as early as the next few days during the debate on the Transportation bill—to extend yet 1 more year the Federal taxpayers' subsidy for large wind turbines.

I would like to take a few minutes to say why I don't believe we should do that, and I ask unanimous consent that following my remarks the Wall Street Journal editorial be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Madam President, I believe it is time for Congress to stop the Big Wind gravy train. Subsidies for developers of huge wind turbines will cost taxpayers \$14 billion over 5 years, between 2009 and 2013, according to the Joint Tax Committee and the Treasury Department. This is more than the special tax breaks for Big Oil, which Congress should also end. \$6 billion of these Big Wind subsidies will come from the production tax credit for renewable energy, which Congress temporarily enacted in 1992. The prospect for the expiration of this tax break at the end of this year has filled the Capitol with lobbyists hired by investors wealthy enough to profit from the tax breaks. President Obama even wants to make these tax credits permanent. According to the Wall Street Journal, this is a "make or break moment" for wind power companies.

There are three reasons the Big Wind subsidies should go the way of the \$5 billion annual ethanol subsidy, which Congress allowed to expire last year. First, we cannot afford it. The Federal Government borrows 40 cents of every dollar it spends. It cannot justify such a subsidy, especially for what the Nobel Prize-winning U.S. Energy Secretary calls a "mature technology."

Second, wind turbines produce a relatively puny amount of expensive, unreliable electricity. Wind produces 2.3 percent of our electricity, less than 8 percent of our pollution-free electricity. One alternative is natural gas, which is abundant, cheap, and very clean. Another alternative is nuclear. Reactors power our Navy and produce 70 percent of our pollution-free electricity. Using windmills to power a country that uses one-fourth of all of the world's electricity would be the energy equivalent of going to war in sailboats.

Finally, these massive turbines too often destroy the environment in the name of saving the environment. When wind advocate T. Boone Pickens was asked whether he would put turbines on his Texas ranch, Mr. Pickens answered: No, they're ugly.

A new documentary movie, "Windfall," chronicles upstate New York residents debating whether to build giant turbines in their town. A New York Times review of this film reported this:

Turbines are huge: Some are 40 stories tall, with 130-foot blades weighing seven tons and spinning at 150 miles per hour. They can fall over or send parts flying; struck by lightning, say, they can catch fire. Their 24/7 rotation emits nerve-racking low frequencies (like a pulsing disco) amplified by rain and moisture, and can generate a disorienting strobe effect in sunlight. Giant flickering shadows can tarnish a sunset's glow on a landscape.

Let's consider the three arguments one by one. First, the money. For all we hear about Big Oil, you may be surprised to learn that special tax breaks for Big Wind are greater. During the 5 years from 2009 to 2013, Federal subsidies for Big Wind equal \$14 billion. I am only counting the production tax credit and the cash grants that the 2009 stimulus law offered to wind developers in lieu of the tax credit. An analysis of that stimulus cash grant program by Greenwire found that 64 percent of the 50 highest dollar grants awarded—or about \$2.7 billion—went to projects that had begun construction before the stimulus measures started.

Steve Ellis, the vice president of Taxpayers for Common Sense, told Greenwire:

It's essentially funding economic activity that already would have occurred. So it's just a pure subsidy.

According to President Obama's new budget, Big Oil receives multiple tax subsidies. Doing away with them would save about \$4.7 billion a year in fiscal year 2013 or about \$22 billion over 5 years it says. So far it sounds like Big Oil with \$22 billion, is bigger in subsidies than Big Wind with \$14 billion. But here is the catch: Many of the subsidies that the President is attacking oil companies for receiving are regular tax provisions that are the same or similar to those other industries receive. For example, Xerox, Microsoft, and Caterpillar all benefit from tax provisions like the manufacturing tax credit, amortization or depreciation of used equipment that the President is counting as Big Oil subsidies.

Of course, wind energy companies also benefit from many similar tax provisions. But the production tax credit that benefits wind is in addition to the regular Tax Code provisions that benefit many companies. So the only way to make a fair comparison is to look only at subsidies that mostly benefit only oil or only wind, and by that measure wind gets more breaks than oil.

The Heritage Foundation has done an analysis showing that if Big Oil received the same type of production tax credit as Big Wind, then the taxpayer would be paying Big Oil about \$50 per barrel of oil when adjusted for today's prices. According to a 2008 Energy Information Administration report, Big Wind received an \$18.82 federal subsidy per megawatt hour, 25 times as much as per megawatt hour as subsidies for all other forms of electricity production combined.

The production tax credit became law in 1992. Its goal was to jump-start renewable energy production. While it is advertised as a tax credit for renewable energy, according to the Joint Committee on Taxation, 75 percent of the credit goes to wind developers. Here is how it works: For every kilowatt hour of electricity produced from wind, turbine owners receive 2.2 cents in a tax credit. For example, if a Texas utility buys electricity from a wind developer at 6 cents a kilowatt hour, the Federal taxpayer will pay the developer another 2.2 cents per kilowatt hour. This 2.2-cent subsidy continues for the first 10 years that the turbine is in service. This 2.2-cent credit is worth 3.4 cents per kilowatt hour in cash savings on the tax return of a wealthy investor. Wind developers often sell their tax credits to Wall Street banks or big corporations or other investors who have large incomes. They create what is called a tax equity deal in order to lower or even eliminate taxes. This is the scheme our President, who is championing economic fairness, would like to make permanent.

Energy expert Daniel Yergin, the Pulitzer prize winner, says the price of oil during 2011, when adjusted for inflation, is higher than at any time since 1860. It therefore makes no sense whatsoever to give special tax breaks to Big Oil. Neither does it make sense to extend special tax breaks to Big Wind, a mature technology. For every \$3 saved by eliminating these wasteful subsidies, I would spend \$2 to reduce the Federal debt and \$1 to double research for new forms of cheap, clean energy for our country.

The second problem with electricity produced from wind is there is not much of it, and since the wind blows when it wants to, and for the most part, it cannot be stored, it is not reliable. For this reason the claims in newspapers about how much electricity wind produces are misleading because of the difference between the capacity of an energy plant and its actual production.

Daniel Yergin says the U.S. installed capacity for wind power grew at an average annual rate of 40 percent between 2005 and 2009. In terms of absolute capacity, Yergin writes in his book *The Quest*, that growth in capacity was the equivalent to adding 25 new nuclear plants. But Yergin writes: In terms of

actual generation of electricity, it was more like adding nine reactors. This is because nuclear plants operate 90 percent of the time while wind turbines operate about one-third of the time.

As an example, the Tennessee Valley Authority constructed a 29-megawatt wind farm at Buffalo Mountain at a cost of \$60 million. It is the only wind farm in the Southeast.

We read in the papers about a 29-megawatt wind farm, but that is not its real output. In practice, Buffalo Mountain has only generated electricity 19 percent of the time, since the wind doesn't blow very much in the Southeast. So this wind farm, sounding like a 29-megawatt power plant, only generates 6 megawatts. TVA considers Buffalo Mountain to be a failed experiment. In fact, looking for wind power in the Southeast is a little like looking for hydropower in the desert.

So one problem with this Big Wind subsidy is that it has encouraged developers to build wind projects in places where the wind doesn't blow or the wind doesn't blow.

Finally, there is the question of whether in the name of saving the environment wind turbines are destroying the environment. These are not your grandma's windmills. They are taller than the Statue of Liberty, their blades are as long as a football field, and their blinking lights can be seen for 20 miles. Not everyone agrees with T. Boone Pickens that they are ugly but, when these towers move from television advertisements into your neighborhood, you might agree with Mr. Pickens. Energy sprawl is the term conservation groups use to describe the march of 45-story wind turbines onto the landscape of "America the Beautiful."

If the United States generated 20 percent of our electricity from wind, as some have suggested, that would cover an area the size of West Virginia with 186,000 wind turbines. It would also be necessary to build 12,000 new miles of transmission lines.

The late Ted Kennedy and his successor Senator SCOTT BROWN have both complained about how a wind farm the size of Manhattan Island will clutter the ocean landscape around Nantucket Island.

Robert Bryce told the Wall Street Journal that the noise of turbines, the "infra sound" issue, is the most problematic for the wind industry. "They want to dismiss it out of hand, but the low frequency noise is very disturbing," he explains. "I interviewed people all over, and they all complained with identical words and descriptions about the problems they were feeling from the noise."

Theodore Roosevelt was our greatest conservation President, and his greatest passion was for birds. Birds must think wind turbines are Cuisinarts in the sky.

Last month, two golden eagles were found dead at California's Pine Tree wind farm, bringing the total count of dead golden eagles at that wind farm to eight carcasses. And the Los Angeles Times reports that the U.S. Fish and Wildlife Service "has determined that the six golden eagles found dead earlier at the 2-year-old wind farm in Kern County were struck by blades from some of the 90 turbines spread across the 8,000 acres at the site." That puts the death rate per turbine at the Pine Tree wind farm at three times higher than at California's Altamont Pass Wind Resource Area, which has 5,000 turbines that kill 67 golden eagles each year.

Apparently eagle killing has gotten so commonplace that the U.S. Department of the Interior will grant wind developers hunting licenses for eagles. In Goodhue County, MN, a company wants to build 48 turbines on 50 square miles of land, and to do that it has applied for an "eagle take" permit which will allow it to kill a certain number of eagles before facing penalties.

I have figured out how such a hunting license squares with federal laws that will put you in prison or fine you if you kill migratory birds or eagles. Nor have I figured out how it squares with the Fish and Wildlife Service fining Exxon \$600,000 in 2009 when oil development harmed protected birds. Do not the same laws protecting birds apply to both Big Wind and Big Oil?

Surely, there are appropriate places for wind power in a country that needs clean electricity and that has learned the value of a diverse set of energy sources. But if reliable, cheap, and clean electricity without energy sprawl is our goal, then four nuclear reactors—each occupying 1 square mile—would equal the production of a row of 50-story wind turbines strung along the entire 2,178-mile length of the Appalachian Trail from Georgia to Maine.

According to Benjamin Zycher at the American Enterprise Institute, a 1,000-megawatt natural gas powerplant would take up about 15 acres while a comparable wind farm would take up 48,000 to 60,000 acres. And, of course, even if someone built all of those turbines, you would still need the nuclear or gas plants for when the wind doesn't blow.

Our energy policy should be, first, double the \$5 billion Federal energy budget for research on new forms of cheap, clean, reliable energy. I am talking about such research for the 500-mile battery for electric cars, for commercial uses of carbon captured from coal plants, solar power installed at less than \$1 a watt, or even offshore wind turbines.

Second, we should strictly limit and support a handful of jumpstart research and development projects to take new technologies from their research and development phase to the

commercial phase. I am thinking here of projects like ARPA-E, modeled after the Defense Department's DARPA, that led to the internet, stealth, and other remarkable technologies. Or the 5-year program for small modular nuclear reactors.

Third, we should end wasteful, long-term, special tax breaks such as those for Big Oil and Big Wind. The savings from ending those subsidies should be used to double clean energy research and to reduce our Federal debt.

For a strong country, we need large amounts of cheap, reliable, clean energy, and we need a balanced budget. This is an energy policy that could help us do both.

EXHIBIT 1

REPUBLICANS BLOW WITH THE WIND ANOTHER INDUSTRY WANTS TO KEEP ITS TAXPAYER SUBSIDIES

Congress finally ended decades of tax credits for ethanol in December, a small triumph for taxpayers. Now comes another test as the wind-power industry lobbies for a \$7 billion renewal of its production tax credit.

The renewable energy tax credit—mostly for wind and solar power—started in 1992 as a "temporary" benefit for an infant industry. Twenty years later, the industry wants another four years on the dole, and Senator Jeff Bingaman of New Mexico has introduced a national renewable-energy mandate so consumers will be required to buy wind and solar power no matter how high the cost.

The truth is that those giant wind turbines from Maine to California won't turn without burning through billions upon billions of taxpayer dollars. In 2010 the industry received some \$5 billion in subsidies for nearly every stage of wind production.

The "1603 grant program" pays up to 30% of the construction costs for renewable energy plants (a subsidy that ended last year but which President Obama calls for reviving in his budget). Billions in Department of Energy grants and loan guarantees also finance the operating costs of these facilities. Wind producers then get the 2.2% tax credit for every kilowatt of electricity generated.

Because wind-powered electricity is so expensive, more than half of the 50 states have passed renewable energy mandates that require utilities to purchase wind and solar power—a de facto tax on utility bills. And don't forget subsidies to build transmission lines to deliver wind power to the electric grid.

What have taxpayers received for this multibillion-dollar "investment"? The latest Department of Energy figures indicate that wind and solar power accounted for a mere 1.5% of U.S. energy production in 2010. DOE estimates that by 2035 wind will provide a still trivial 3.9% of U.S. electricity.

Even that may be too optimistic because of the natural gas boom that has produced a happy supply shock and cut prices by more than half. Most economic models forecasting that renewable energy will become price competitive are based on predictions of natural gas prices at well above \$6 per million cubic feet, more than twice the current cost.

The most dishonest claim is that wind and solar deserve to be wards of the state because the oil and gas industry has also received federal support. That's the \$4 billion a year in tax breaks for oil and gas (which all manufacturers receive), but the oil and gas industry still pays tens of billions in federal taxes every year.

Wind and solar companies are net tax beneficiaries. Taxpayers would save billions of dollars if wind and solar produced no energy at all. A July 2011 Energy Department study found that oil, natural gas and coal received an average of 64 cents of subsidy per megawatt hour in 2010. Wind power received nearly 100 times more, or \$56.29 per megawatt hour.

Most Congressional Democrats will back anything with the green label. But Republican support for big wind is a pure corporate welfare play that violates free-market principles. Last week six Republican Senators—John Boozman of Arkansas, Scott Brown of Massachusetts, Charles Grassley of Iowa, John Hoeven of North Dakota, Jerry Moran of Kansas and John Thune of South Dakota—signed a letter urging their colleagues to extend the production tax credit.

"It is clear that the wind industry currently requires tax incentives" and that continuing that federal aid can help the industry "move towards a market-based system," said the letter. What's the "market-based" timetable—100 years? In the House 18 Republicans have joined the 70 Member wind pork caucus. Someone should remind them that in 2008 and 2010 the wind lobby gave 71% of its PAC money to Democrats.

Here's a better idea. Kill all energy subsidies—renewable and nonrenewable, starting with the wind tax credit, and use the savings to shave two or three percentage points off America's corporate income tax. Kansas Congressman Mike Pompeo has a bill to do so. This would do more to create jobs than attempting to pick energy winners and losers. Mandating that American families and businesses use expensive electricity doesn't create jobs. It destroys them.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6:30 p.m.

Thereupon, the Senate, at 5:03 p.m., recessed until 6:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNET).

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—Continued

Mr. TOOMEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPITAL FORMATION

Mr. TOOMEY. Mr. President, it is probably clear to all of us that the American people have a very high level of frustration with the lack of productivity of this Congress. The fact is, when we go home to our respective States, I am sure we are all hearing what I heard last week as I traveled across Pennsylvania. People ask me: Why can't you guys work together? Why can't you get something done? Why does it seem there is so much partisan bickering that you can't come together even on simple things that could help grow this economy, help make progress in these very difficult times?

Well, on this front I think we have some good news, and I am delighted to talk about this tonight. I hope this early sign of good news reaches fruition and we actually have a meaningful accomplishment soon in this body as well as the other body.

Specifically, I am referring to the work that has been coming together of late on a series of capital formation bills that will help small and growing companies raise the capital they need to expand, to hire new workers, to help improve our economy and give us a healthier economy with the job growth we badly need.

In particular, I want to thank House majority leader ERIC CANTOR. Congressman CANTOR took the step of pulling together a series of separate bills and putting them together in a package—a capital formation package. There is very broad support for this package in the House. I think under his leadership it is very likely to pass the House and will present a tremendous opportunity for us because there is broad bipartisan support for these commonsense reforms that will help companies raise capital and grow.

The bipartisan support includes the President of the United States. Much to his credit, the President—I believe just yesterday—issued a formal Statement of Administrative Policy indicating his full support for the passage of the measure that Leader CANTOR is proposing in the House. Many of these proposals come from the work that the President initiated. Some of them are included in the startup America jobs plan that the President proposed. Some of them were recommended by commissions that the President assembled. The President spoke about the need for enhancing small- and medium-sized companies' access to capital in his State of the Union Address. So I think the President has been very clear and very strong in his support as the House Republican leadership has been.

In this body I think the leadership on both sides of the aisle has indicated support. The majority leader and the minority leader have both indicated their support for moving in this direction. The chairman and the ranking member of the Banking Committee have expressed a desire to move forward with the capital formation package, and there is wide support among outside groups. In fact, there is very broad support and very little opposition. The support includes support of entrepreneurs, whether they be from convenience stores, financial services firms, or high-tech firms.

In Pennsylvania, the life science companies feel very strongly about this because for them access to capital is a huge challenge. It is the absolutely essential precondition for their growth, and they are not alone. Manufacturers generally, supermarkets, all kinds of trade associations, the support for these kinds of capital foundation bills is very broad.

I want to touch specifically on three of the bills that I have been working on for quite some time now, and I am very hopeful and optimistic. First of all, these three bills are among six bills. The House companion version of these bills is in the package that Leader CANTOR has proposed, and I believe there is broad support in this body for these bills as well.

The first I want to refer to is a bill that I have introduced with Senator TESTER. It is S. 1544, and it is called the Small Company Capital Formation Act. It is more commonly known as the reg A bill. What it does is lift the current ceiling on the amount of money that a business can raise under the regulation provision of the securities law. That is a provision that allows a small company to issue a modest amount of debt or equity without being subject to the full range of very costly regulations. The limit has been at \$5 million for many years, and the bill that Senator TESTER and I have proposed would raise that limit to \$50 million. It has not been updated in almost two decades, and there is no question that raising the ceiling would allow a lot of companies that need to raise substantially more than \$5 million the ability to do so and to thereby grow.

This is something the President has supported as well, and it passed the House by a pretty stunning margin of 421 to 1. It was not very controversial. I don't think it is controversial here, so I am glad this bill is included in this package in the House.

The second bill I would like to mention is S. 1824, the Toomey-Carper bill. It has to do with the limit on the number of shareholders a closely held company can have without triggering the full SEC compliance. Currently, that limit is at 500 shareholders. If you reach 500 or go above 500, then you are treated as a public company such as

ExxonMobile for reporting purposes. That might have been appropriate many years ago, but in the modern era where communication is so much easier, access to information is so much greater and so much faster, the necessary information for shareholders can be distributed more broadly, more quickly, more easily, it is high time we raised that limit from 500 to 2,000 as this bill would do.

I appreciate Senator CARPER's support for this legislation.

This is a bill that has a companion measure in the House that was raised at the House Financial Services Committee. They voted on it. They voted by voice vote and approved it. By voice vote that means, generally speaking, there is no opposition and nobody bothered with the rollcall vote because everybody supported it. That is a big, broad committee that represents virtually every constituency in the House of Representatives, and it was passed by a voice vote. This has very strong and broad support.

The third bill I want to mention is S. 1933, the Schumer-Toomey bill. The technical name is Reopening American Capital Markets to Emerging Growth Companies Act. We call this more colloquially the on-ramp bill. The reason we call it that is because we think of it as an on-ramp to becoming a publicly traded company, a path to launching an IPO that will facilitate this.

There has been a big reduction in the number of IPOs that occur in the United States. The IPO, initial public offering, is the process by which a private company becomes a public company. It can be a very substantial opportunity to raise capital. As I mentioned earlier, when companies raise capital, they put that money to work by expanding and hiring new workers. An IPO is a hugely important step in a company's progress and almost invariably follows a substantial increase in hiring, and that is why this is so important.

One of the reasons companies are slower to go public now than they were in the past is because we in Congress created a much more expensive set of regulations when a company does go public. Part of that is the Sarbanes-Oxley bill, and certain features within Sarbanes-Oxley are enormously complex and expensive to comply with.

Our bill says if you are a relatively small company—specifically, less than \$1 billion in revenues or less than \$700 million in public float, the amount of stock that is traded, then you can do an IPO without having to comply with all of the Sarbanes-Oxley regulations immediately. Over time you will have to comply if you exceed those thresholds that I mentioned, or within 5 years. In any case, you have to comply as everybody else does, but at least you have the opportunity to grow and the ability to afford the expense that is associated with it.

A companion measure to this bill—an identical version in the House was considered by the House Financial Services Committee, and that passed just a week ago. It passed the Financial Services Committee by a vote of 54 to 1. This is not very controversial. This has very broad bipartisan support, and this is the kind of legislation that is going to help businesses grow. I cannot stress enough the link between raising capital and growing one's company and hiring new workers. Capital and jobs are completely linked. What these bills will do, together with the other bills that make the broader package, is they will encourage a wealthier economy, stronger job growth, and more people working.

Let me stress one other aspect about this that I think is important to note. This came out at a hearing we had earlier this week on this very topic; that is, for many small companies, young companies, growing companies, there are a number of steps along the way to becoming a larger and more successful company, employing more people.

There are a number of steps along the way in raising capital that can start with an angel investor, followed by venture capital, followed by private equity, followed by maybe a securities issuance, followed by an IPO. This sequence of capital-raising is very important. If you facilitate any one step along the way, as these bills would, the experts who came and testified before our committee confirmed that by facilitating one step along the way, you facilitate the capital-raising at the earlier steps because what happens is the investors are more confident they will have the opportunity to liquidate their investment at a later stage if they see that the regulations have been made more amenable to that liquidation further down the road. So even if a company is not yet necessarily poised, for instance, to do the IPO, the fact that the IPO is easier to achieve when that company gets there increases their chance of raising money now through other vehicles, through other sources, and therefore increases their ability to grow.

I am very enthusiastic, as my colleagues can tell, about this legislation—certainly the three bills I have been working on and the other bills as well, which are a perfect complement to this and really constitute a portfolio of bills that will facilitate portfolio-raising across the board.

I thank my Democratic cosponsors of these particular bills, including Senators TESTER, CARPER, and SCHUMER, for working with me. I also wish to commend Leader MCCONNELL for his leadership and Senator REID for his, as well as Ranking Member SHELBY and Chairman JOHNSON. I think what our constituents have been telling us for a long time is they want to see us working together and doing what is right

for our country, for our economy, for job growth. This is a wonderful opportunity to do that.

I think it is quite likely that a package of these bills is going to pass the House very soon. I hope some comparable measure will pass in the Senate. The President has already indicated he supports it and wants to sign it. I don't think we should waste any time at all in passing the legislation that will be good for small and medium-sized businesses and good for their ability to grow and hire more workers.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, first of all, I don't think apologies are in order. We have been doing the best we can for several days now. We have a typical agreement, not one that either side jumps for joy about. In the near future, we are going to be able to finish this important piece of legislation.

Mr. President, I ask unanimous consent that the motion to recommit be withdrawn; that the pending second-degree amendment be withdrawn; that the Reid of Nevada amendment No. 1761 be agreed to; that the bill, as amended, be considered original text for the purposes of further amendment; that the following amendments be the only first-degree amendments remaining in order to S. 1813:

Vitter No. 1535; Baucus or designee relative to rural schools; Collins No. 1660; Coburn No. 1738; Nelson of Florida, Shelby, Landrieu No. 1822, with a modification in order if agreed to by Senators Nelson of Florida, Shelby, Landrieu, and Baucus; Wyden No. 1817; Hoeven No. 1537; Levin No. 1818; McConnell or designee with a side-by-side to Stabenow No. 1812; Stabenow No. 1812; Demint No. 1589; Menendez-Burr No. 1782; DeMint No. 1756; Bingaman No. 1759; Coats No. 1517; Brown of Ohio No. 1819; Blunt No. 1540; Merkley No. 1653; Portman No. 1736; Klobuchar No. 1617; Corker No. 1785, with a modification; Shaheen No. 1678; Portman No. 1742; Corker No. 1810; Carper No. 1670; Hutchison No. 1568; McCain No. 1669, modified with changes at the desk; Alexander No. 1779; Boxer No. 1816; and Paul No. 1556; that on Thursday, March 8, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to votes in relation to the amendments in the order listed; that the following amendments be subject to a 60-vote affirmative

threshold: Vitter No. 1535; Baucus or designee relative to rural schools; Collins No. 1660; Coburn No. 1738; Nelson of Florida-Shelby-Landrieu No. 1822; Wyden No. 1817; Hoeven No. 1537; McConnell or designee side-by-side to Stabenow No. 1812; Stabenow No. 1812; DeMint No. 1589; Menendez-Burr No. 1782; that there be no other amendments in order to the bill or the amendments listed other than the managers' package and there be no points of order or motions in order to any of these amendments other than budget points of order and the applicable motions to waive; that it be in order for a managers' package to be considered and, if approved by the managers and the two leaders, the managers' package be agreed to; further, the bill, as amended, then be read the third time and the Senate proceed to a vote on passage of the bill, as amended, and if the bill is passed, it be held at the desk; finally, that when the Senate receives the House companion to S. 1813, as determined by the two leaders, it be in order for the majority leader to proceed to its immediate consideration, strike all after the enacting clause and insert the text of S. 1813, as passed by the Senate, in lieu thereof; that the House bill, as amended, be read the third time, a statutory pay-go statement be read, if needed, and the bill, as amended, be passed, the motions to reconsider be considered made and laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FREDERICK COUNTY, MD CHAMBER OF COMMERCE

• Mr. CARDIN. Mr. President, I wish to recognize the 100th anniversary of the Frederick County Chamber of Commerce, the first chartered chamber in the United States. When the United States Chamber of Commerce was formed at a conference held by President Taft in April 1912, four delegates from the Maryland's Frederick County Board of Trade were in attendance. Inspired by the conference, the Frederick

County Board of Trade applied for membership to the newly formed chamber the very next day.

The newly renamed Frederick County Chamber of Commerce committed itself to serving the business interests of Frederick County. During the ravages of the Great Depression, the chamber was a beacon of hope, advocating for Federal work programs and organizing the Community Chest, now known as the United Way of Frederick County.

Over the past 100 years, the Frederick County Chamber of Commerce has successfully promoted economic vitality in Frederick, and has been a crucial partner to countless local businesses and organizations. The Frederick Arts Council and the Tourism Council of Frederick County were both chamber initiatives that grew into independently successful organizations. The Chamber has also been a leader in promoting women and minority-owned businesses. In 1969, the chamber worked with the NAACP to form the People's Opportunity and Information Center, and in 1997 they welcomed their first female president.

Today, the Frederick County Chamber of Commerce works with nearly 1,000 member businesses to expand Frederick County's economy and improve the quality of life for Frederick County residents. By bringing business leaders together to tackle challenges and proactively plan for the future, the Frederick County Chamber of Commerce has strengthened the community and the region.

I ask my colleagues to join me in congratulating the Frederick County Chamber of Commerce on 100 years of leadership and advocacy on behalf of the businesses and citizens of Frederick County.●

REMEMBERING MINNESOTA SENATOR GARY KUBLY

● Mr. FRANKEN. Mr. President, I would like to take a few minutes to remember the life of Minnesota Senator Gary Kubly, who died on Friday, March 2, after a battle with Lou Gehrig's disease.

Gary was a model Midwestern politician—one who worked hard, but quietly, on behalf of his constituents. He was a strong voice for the rural communities that he served, communities whose struggles continue to mount and are shared across this country. He cared deeply about issues from agriculture and rural development to education and the environment.

In 2010, Gary was diagnosed with amyotrophic lateral sclerosis, more commonly known as Lou Gehrig's disease. As a Lutheran pastor, Gary met his diagnosis with strong faith and determination. He chose to continue his work in public service, always putting his constituents first.

Gary wasn't the stereotypical politician whom many disparage so often in today's discourse. He kept his head down and just worked for the people who elected him, reaching across ideological boundaries to do his job. In his 16 years in the Minnesota House and Senate, he didn't seek out the lime-light. He simply served as a voice for rural Minnesota, and he was remarkably effective.

We in this body have a lot to learn from Gary's style of legislating. Minnesota benefited greatly from his work, and we have lost a hard-working public servant and friend.

I would like to conclude with a prayer that Gary read at a Minnesota Farmers Union convention in 2010, which I think is a perfect reflection of his values:

Creator God, Redeemer Son and Indwelling Spirit, we thank You for bringing us together this weekend. Be with us as we attempt to move our industry forward in ways that benefit the people of our State and Nation.

Help us to see that the decisions we make in caring for the land, marketing local foods, sustaining our resources for all of these things are part and parcel of our call as Your people to care for our neighbor.

Help us to embrace once again the values of community that allow us to see our neighbors in the same light that You see them for You have created all of us in equal standing before You.

Move us from our tendency to isolate ourselves from one another to seeing our neighbors as benefactors along with us of Your love and grace.

Bless us now as we received these gifts of nourishment from Your hand that we might be sustained in our call to care for our neighbor coupled with our own call to farm the land You have given into our keeping.

In Your strong name, Amen.●

TRIBUTE TO ASSISTANT POLICE CHIEF MARCY KORGENSKI

● Mr. LEE. Mr. President, today I wish to recognize the career of Assistant Police Chief Marcy Korgenski, who is retiring after 30 years with the Ogden Police Department and was the first female to hold the position in Ogden's history.

A graduate of both Weber State University and the FBI National Academy, Chief Korgenski first joined Ogden's police force in 1982 as a patrol officer. She helped to found the department's gang unit in 1991, and, rising through the ranks, she became a sergeant in 1995 and a lieutenant in 1999. In 2010, Korgenski was promoted to assistant police chief, a position she had earned with hard work throughout her career.

As assistant chief, Korgenski has been in charge of the department's Investigation Division, training and

records operations, and selective enforcement. She has also directed officers assigned to the Weber-Morgan Narcotics Strike Force, established and managed the Ogden Police Apprentice Program, and joined prosecutors in establishing a special investigator for Hispanic victims of domestic violence. Using her experience to teach others, Korgenski trained members of the Volunteers in Policing program in techniques to assist local police in keeping residents safe.

In 2011, Korgenski was awarded the Ogden/Weber Chamber Women in Business Committee's ATHENA award, which recognizes individuals who demonstrate excellence, initiative, and creativity in their profession. When interviewed about the award, Korgenski said that she encourages women to "dream the impossible dream."

Korgenski has also received her department's Distinguished Service Award, the Mattie Harris Spirit of the American Woman Award, and the Rotary Club's Outstanding Selfless Dedication and Public Service Award.

Beyond her professional accomplishments, Korgenski is very active in her community. She is involved with the Ogden Area Youth Alliance, the American Cancer Society Relay for Life, the Special Olympics of Utah, and the Domestic Violence Coalition for Weber County. She also serves on the Swanson Foundation Advisory Board, the Ogden Noon Exchange Club Executive Board, Weber State's Child and Family Services Advisory Board, and the GOAL Foundation, and is a trustee for Youth Impact, a nonprofit organization dedicated to helping at-risk youths. Her decision to retire was made in part to devote even more time to her volunteering efforts.

I join Ogden Mayor Mike Caldwell in saying that Marcy Korgenski's service to the public will be missed. Her career is a testament to the accomplishments of hardworking women everywhere, and I congratulate her on her many achievements and 30 years of excellence in her field.●

RECOGNIZING BAXTER BREWING COMPANY

● Ms. SNOWE. Mr. President, throughout the 112th Congress, I have consistently inspired my colleagues to remember the value of our Nation's small businesses. These enterprising firms are the key to job creation. Nowhere is this more prevalent than in my home State of Maine, whose entrepreneurial spirit has remained vibrant as businesses continue to make headlines. Today I wish to recognize and commend Baxter Brewing Company, whose owner and founder, Luke Livingston, was recently named one of Forbes Magazine's 30 under 30 in the food and wine category.

A native of Auburn, ME, Luke began brewing while still in college at Clark

University in Worcester, MA. Following college, although he was successfully employed, Luke's passion continued to remain in brewing. At 24, he decided it was time to take the leap, and quit his day job to develop a business plan for Baxter Brewing Company. In seeking to create a well-crafted business plan—particularly in such a tumultuous economy—Luke turned to counselors within the Maine Small Business Development Center, who provided him critical guidance that was instrumental in achieving his goal.

Now at age 27, Luke's dream has become a reality, as his business has quickly risen to the ranks of top micro-breweries. Baxter Brewing Company, began selling its product in January of 2011, and is located in a portion of newly renovated space at the Bates Mill Complex, a historic former textile mill in downtown Lewiston. Currently, the company offers three varieties of beer including a Stowaway India Pale Ale, IPA, Pamola Xtra Pale Ale, and its newest addition, the Amber Road. Unlike most craft beer producers, Luke sells his micro-brew in cans rather than glass bottles. By using cans, Baxter is able to utilize recycled materials while reducing shipping costs and providing fresher beer to their customers at the same time.

Recently, celebrating Baxter's first year anniversary, Luke's gamble has certainly paid off with expanding sales markets and multiple accolades for the young brewery. In the first year, the company sold slightly over 5,000 barrels of beer, making it one of 2011's most successful first year craft breweries. Accordingly, in addition to Luke's personal recognition by *Forbes*, Baxter Brewing is also being recognized by *BevNet Magazine*, an elite beverage trade magazine, as the New Brewery of the Year.

As Baxter Brewing Company continues to expand further into Massachusetts and New Hampshire, this small business offers incredible insight into how young entrepreneurs can triumph in today's economy. Luke's ambition and zealous commitment to his craft have provided a remarkable pathway to success. I am proud to extend my congratulations to Luke and everyone at Baxter Brewing for their richly deserved honors, and offer my best wishes for their future endeavors.●

MESSAGES FROM THE HOUSE

At 10:49 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4105. An act to apply the counter-vailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

ENROLLED BILL SIGNED

At 6:47 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4105. An act to apply the counter-vailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

MEASURES DISCHARGED

The following bill was discharged from the Committee on Finance, and referred as follows:

S. 2152. A bill to promote United States policy objectives in Syria, including the departure from power of President Bashar Assad and his family, the effective transition to a democratic, free, and secure country, and the promotion of a prosperous future in Syria; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2173. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 7, 2012, she had presented to the President of the United States the following enrolled bill:

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5223. A communication from the Secretary of the Department of Agriculture, transmitting pursuant to law, the 2011 Packers and Stockyards Program Annual Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5224. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department of Defense taking essential steps to award multiyear contracts for nine ARLEIGH BURKE Class Guided Missile Destroyers in fiscal years 2013 through 2017, in the second quarter of fiscal year 2013; to the Committee on Armed Services.

EC-5225. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report on operations of the National Defense Stockpile (NDS) for fis-

cal year 2011; to the Committee on Armed Services.

EC-5226. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0017—2012-0027); to the Committee on Foreign Relations.

EC-5227. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-5228. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC-5229. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services" (RIN1904-AC16) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Energy and Natural Resources.

EC-5230. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the North Slope Science Initiative; to the Committee on Energy and Natural Resources.

EC-5231. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Removal of Oman from the Restricted Destinations List" ((RIN3150-AJ06) (NRC-2011-0264)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Environment and Public Works.

EC-5232. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program" (FRL No. 9642-3) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Environment and Public Works.

EC-5233. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2012 Trade Policy Agenda and 2011 Annual Report of the President of the United States on the Trade Agreements Program; to the Committee on Finance.

EC-5234. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Price Inflation Adjustments for Passenger Automobiles First Placed in Service or Leased in 2012" (Rev. Proc. 2012-23) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Finance.

EC-5235. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Performance Report of the Department of Education for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-5236. A communication from the Assistant General Counsel for Regulatory Services,

Office of Special Education and Rehabilitation Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Project—Center on Knowledge Translation for Disability and Rehabilitation Research" (CFDA No. 84.133A-13) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5237. A communication from the Acting Director, Office of Management and Budget, Executive Office the President, transmitting, proposed legislation entitled "Reforming and Consolidating Government Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5238. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-57, Introduction" (FAC 2005-57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-5239. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2012-004, United States-Korea Free Trade Agreement" (FAC 2005-57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-5240. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2005-57, Small Entity Compliance Guide" (FAC 2005-57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-5241. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-318 "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-5242. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-313 "Streetscape Reconstruction Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5243. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2010 Report to Congress on Funding Needs For Contract Support Cost of Self-Determination Awards"; to the Committee on Indian Affairs.

EC-5244. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances; Extension of Temporary Placement of Five Synthetic Cannabinoids Into Schedule I of the Controlled Substances Act" (Docket No. DEA 345) received in the Office of the President of

the Senate on February 29, 2012; to the Committee on the Judiciary.

EC-5245. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Drug and Drug-Related Supply Promotion by Pharmaceutical Company Representatives at VA Facilities" (RIN2900-AN42) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Veterans' Affairs.

EC-5246. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Exempting In-home Video Telehealth from Copayments" (RIN2900-AO26) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Veterans' Affairs.

EC-5247. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5248. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Compulsory Reporting Points; Alaska" (RIN2120-AA66) (Docket No. FAA 2010-1398) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5249. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Areas R-3704A and R-3704B; Fort Knox, KY" (RIN2120-AA66) (Docket No. FAA-2011-1274) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5250. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class C Airspace; Springfield, MO; Lincoln, NE; Grand Rapids, MI" (RIN2120-AA66) (Docket No. FAA-2011-1406) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5251. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Altus AFB, OK" (RIN2120-AA66) (Docket No. FAA-2011-0630) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5252. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jackson, MI" (RIN2120-AA66) (Docket No. FAA-2011-1143) received during adjournment of the Senate in the Office of the Presi-

dent of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5253. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Saginaw, MI" (RIN2120-AA66) (Docket No. FAA-2011-1144) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5254. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Iverness, FL" (RIN2120-AA66) (Docket No. FAA-2011-0540) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5255. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Rugby, ND" (RIN2120-AA66) (Docket No. FAA-2011-0433) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5256. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Portsmouth, OH" (RIN2120-AA66) (Docket No. FAA-2011-0850) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5257. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Greenfield, IA" (RIN2120-AA66) (Docket No. FAA-2011-0846) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5258. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Galbraith Lake, AK" (RIN2120-AA66) (Docket No. FAA-2011-0865) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5259. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Rockingham, NC" (RIN2120-AA66) (Docket No. FAA-2011-1146) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5260. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Amendment of Class E Airspace; Kwigillingok, AK" (RIN2120-AA66) (Docket No. FAA-2011-0881) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-66. A concurrent resolution adopted by the Senate of the State of North Dakota respectfully applies for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4007

A concurrent resolution providing for the application for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

WHEREAS, Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution of the United States upon application of two-thirds of the legislatures of the several states—an amendments convention; and

WHEREAS, the North Dakota Legislative Assembly favors the proposal and ratification of an amendment to the Constitution of the United States that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; Now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives Concurring Therein: That the Sixty-second Legislative Assembly of the state of North Dakota respectfully applies for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it further

Resolved, that the amendments convention contemplated by this application must be focused entirely upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it further

Resolved, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention; and be it further

Resolved, that the Secretary of State forward copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the North Dakota Congressional Delegation, and to the presiding officers of each house of the several state legislatures, requesting their co-

operation in applying for the amendments convention limited to the subject matter contemplated by this application.

POM-67. A resolution adopted by the Legislature of Rockland County, New York, requesting that the United States Congress pass bill H.R. 1084 and S. 587—The Fracturing Responsibility and Awareness of Chemicals (FRAC) Act; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. WICKER, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. COCHRAN, Mr. INHOFE, Ms. LANDRIEU, Mr. TESTER, Mr. CRAPO, Mr. RISCH, Mr. MORAN, Mr. UDALL of New Mexico, and Mr. BAUCUS):

S. 2166. A bill to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MERKLEY:

S. 2167. A bill to increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. DURBIN, and Mr. HARKIN):

S. 2168. A bill to amend the National Labor Relations Act to modify the definition of supervisor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 2169. A bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. LEE):

S. 2170. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act" to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR (for himself and Mr. BLUNT):

S. 2171. A bill to enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. BENNET, Mrs. SHAHEEN, Ms. MIKULSKI, and Ms. MURKOWSKI):

S. 2172. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. HATCH, Mr. LEE, Mr.

PAUL, Mr. TOOMEY, Mr. VITTER, and Mr. RISCH):

S. 2173. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. CARDIN, Mr. LEVIN, and Mr. COONS):

S. Res. 390. A resolution honoring the life and legacy of the Honorable Donald M. Payne; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1425

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1425, a bill to amend the National Labor Relations Act to ensure fairness in election procedures with respect to collective bargaining representatives.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1544

At the request of Mr. TESTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1598

At the request of Mr. MANCHIN, his name was added as a cosponsor of S. 1598, a bill to amend the Commodity Exchange Act to prevent excessive speculation in commodity markets and excessive speculative position limits on energy contracts, and for other purposes.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1770, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1970

At the request of Mr. MERKLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1970, a bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

S. 2090

At the request of Mr. AKAKA, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2090, a bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2125

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2125, a bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to

modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care.

S. 2128

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2128, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to clarify that all veterans programs are exempt from sequestration, and for other purposes.

S. 2142

At the request of Mr. CASEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2142, a bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

S. 2150

At the request of Ms. SNOWE, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNES), the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2150, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 385

At the request of Mr. VITTER, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Carolina (Mr. BURR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. Res. 385, a resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy.

S. RES. 386

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 386, a resolution calling for free and fair elections in Iran, and for other purposes.

AMENDMENT NO. 1739

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 1739 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and

highway safety construction programs, and for other purposes.

AMENDMENT NO. 1769

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1769 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1789

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1789 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1804

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 1804 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 2169. A bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prisons Accountability Act of 2012".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Director of the Bureau of Prisons leads a law enforcement component of the Department of Justice with a budget that exceeds \$6,500,000,000 for fiscal year 2012.

(2) With the exception of the Federal Bureau of Investigation, the Bureau of Prisons has the largest operating budget of any unit within the Department of Justice.

(3) The Director of the Bureau of Prisons oversees and is responsible for the welfare of more than 216,000 Federal inmates in 117 facilities.

(4) The Director of the Bureau of Prisons supervises more than 37,000 employees, many of whom operate in hazardous environments that involve regular interaction with violent offenders.

(5) The Director of the Bureau of Prisons also serves as the chief operating officer for Federal Prisons Industries, a wholly owned government enterprise of 98 prison factories that directly competes against the private

sector, including small businesses, for Government contracts.

(6) Within the Department of Justice, in addition to those officials who oversee litigating components, the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, the Director of the Community Relations Service, the Director of the Federal Bureau of Investigation, the Director of the National Institute of Justice, the Director of the Office for Victims of Crime, the Director of the Office on Violence Against Women, the Administrator of the Drug Enforcement Administration, the Deputy Administrator of the Drug Enforcement Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the United States Marshals Service, 94 United States Marshals, the Inspector General of the Department of Justice, and the Special Counsel for Immigration Related Unfair Employment Practices, are all appointed by the President by and with the advice and consent of the Senate.

(7) Despite the significant budget of the Bureau of Prisons and the vast number of people under the responsibility of the Director of the Bureau of Prisons, the Director is not appointed by and with the advice and consent of the Senate.

SEC. 3. DIRECTOR OF THE BUREAU OF PRISONS.

(a) IN GENERAL.—Section 4041 of title 18, United States Code, is amended by striking “appointed by and serving directly under the Attorney General.” and inserting the following: “who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall serve directly under the Attorney General.”.

(b) INCUMBENT.—Notwithstanding the amendment made by subsection (a), the individual serving as the Director of the Bureau of Prisons on the date of enactment of this Act may serve as the Director of the Bureau of Prisons until the date that is 3 months after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the ability of the President to appoint the individual serving as the Director of the Bureau of Prisons on the date of enactment of this Act to the position of the Director of the Bureau of Prisons in accordance with section 4041 of title 18, United States Code, as amended by subsection (a).

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. LEE):

S. 2170. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Hatch Act Modernization Act of 2012. I am pleased that Senators LIEBERMAN, LEVIN, and LEE have joined as cosponsors.

The Hatch Act restricts political activity of Federal employees, District of Co-

lumbia employees, and certain other state and local employees. Originally enacted in 1939, the Hatch Act has not been amended since 1993.

The Hatch Act plays two very important roles. First, it ensures that the government works for American citizens regardless of the political party controlling the White House or Congress. Second, the Hatch Act protects Federal employees in the workplace. Specifically, the Hatch Act restricts Federal employees’ partisan political action in order to protect them for being coerced to participate in political activities in the workplace. This is essential to the merit-based system that currently exists.

In 2007, I chaired a hearing of the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, which examined whether enhancements or clarifications to the Hatch Act were necessary. Since that time, I have considered what changes to the law would be appropriate, while being mindful that the Hatch Act represents a careful balance intended to shield employees from pressure to use federal time and money for partisan gain, while also protecting employees’ personal freedoms of choice and expression.

The legislation I am introducing today makes common sense changes to the Hatch Act. First, it would grant State and local employees the freedom to run for partisan elective office. Under current law, state and local employees are permitted to run for non-partisan elective office, but are prohibited from running for partisan elective office. This can lead to confusing and inconsistent rules in different locations, depending on whether a particular elective office is categorized as partisan or non-partisan. This change will also save the government money, as the Office of Special Counsel would not be required to spend valuable time and resources investigating the hundreds of complaints it receives each year on this issue.

The legislation would also modify the Hatch Act’s draconian penalty provisions. The Hatch Act currently provides for a presumed penalty of termination for any violation of the law, regardless of its severity. Under the law, it is possible that a federal employee could lose his or her job for inadvertently sending an email at work containing improper political content or hanging a picture on his or her wall during a campaign season. My bill would amend these provisions of the Hatch Act to allow the Merit Systems Protection Board, which adjudicates Hatch Act complaints in the federal government, to impose a range of penalties, from termination to a reprimand, depending on the nature of the offense involved.

Finally, the legislation would ensure that employees of the District of Co-

lumbia are subject to the same restrictions on political activity that currently apply to all other state and local employees. Under present law, District of Columbia employees are subject to the Hatch Act provisions that apply to federal employees, rather than those that apply to employees of States and localities.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hatch Act Modernization Act of 2012”.

SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

(a) IN GENERAL.—Section 1502(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding “or” after the semicolon;

(2) in paragraph (2), by striking “purposes; or” and inserting “purposes.”; and

(3) by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REFERENCE TO STATE AND LOCAL OFFICIALS.—Section 1502 of title 5, United States Code, is amended by striking subsection (c).

(2) NONPARTISAN CANDIDACIES.—

(A) IN GENERAL.—Section 1503 of title 5, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 5, United States Code, is amended by striking the item relating to section 1503.

SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.

(a) STATE OR LOCAL AGENCY.—Section 1501(2) of title 5, United States Code, is amended by inserting “, or the District of Columbia, or an agency or department thereof” before the semicolon.

(b) STATE OR LOCAL OFFICER OR EMPLOYEE.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

“(i) a State or political subdivision thereof;

“(ii) the District of Columbia; or

“(iii) a recognized religious, philanthropic, or cultural organization.”.

(c) MERIT SYSTEMS PROTECTION BOARD ORDERS.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting “(or in the case of the District of Columbia, in the District of Columbia)” after “the same State”.

(d) PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE.—Section 7322(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by adding “or” at the end;

(2) in subparagraph (B), by striking “or” at the end;

(3) by striking subparagraph (C); and

(4) by striking "services;" and inserting "services or an individual employed or holding office in the government of the District of Columbia;"

SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

“§ 7326. Penalties

“An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000.”

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) APPLICABILITY RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) EXCEPTION.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

(B) the employee alleged to have committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.

By Ms. SNOWE (for herself, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. BENNET, Mrs. SHAHEEN, Ms. MIKULSKI, and Ms. MURKOWSKI):

S. 2172. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, at the onset of Women's History Month, along with my colleagues Senators GILLIBRAND, LANDRIEU, BENNET, SHAHEEN, MIKULSKI, and MURKOWSKI to introduce the Fairness in Women-Owned Small Business Contracting Act. The purpose of the bill is to remove inequities that exist in the women-owned small business contracting program, when compared to other socio-economic programs.

As former Chair and now Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have long championed women entrepreneurship and have urged both past and present Administrations to implement the woman-owned small business, WOSB, Federal contracting program, which was enacted into law 10 years ago. On March 4, 2010, the Small Business Administration, SBA, finally proposed a workable rule to implement the women's procurement program. I am pleased to report that today there is a functional WOSB contracting pro-

gram, however, the program lacks the critical elements that the SBA's 8(a), historically underutilized business zones, and the service-disabled veteran-owned government contracting programs include.

To remedy this, our bipartisan bill will help provide tools women need to compete fairly in the Federal contracting arena by allowing for receipt of non-competitive contracts, when circumstances allow. Moreover, the legislation would eliminate a restriction on the dollar amount of a contract that a WOSB can compete for, thus putting them on a level playing field with the other socio-economic contracting programs.

Women-owned small businesses have yet to receive their fair share of the Federal marketplace. In fact, our government has never achieved its goal of five percent of contracts going to WOSBs, achieving only 4.04 percent in fiscal year 2010. Our bill would greatly assist Federal agencies in achieving the small business goaling requirement for WOSBs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness in Women-Owned Small Business Contracting Act of 2012".

SEC. 2. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "who are economically disadvantaged";

(B) in subparagraph (C), by striking "paragraph (3)" and inserting "paragraph (4)";

(C) by striking subparagraph (D); and

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(2) by adding at the end the following:

“(7) SOLE SOURCE CONTRACTS.—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A).”

SEC. 3. STUDY AND REPORT ON REPRESENTATION OF WOMEN.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

“(1) STUDY.—The Administrator shall periodically conduct a study to identify any United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

“(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and

every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 390—HONORING THE LIFE AND LEGACY OF THE HONORABLE DONALD M. PAYNE

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. CARDIN, Mr. LEVIN, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Whereas the Honorable Donald M. Payne was born in Newark, New Jersey on July 16, 1934, graduated from Barringer High School in Newark and Seton Hall University in South Orange, New Jersey, and pursued graduate studies at Springfield College in Massachusetts;

Whereas the Honorable Donald M. Payne was an educator in the Newark and Passaic, New Jersey public schools and was an executive at Prudential Financial and at Urban Data Systems Inc;

Whereas the Honorable Donald M. Payne became the first African American national president of the YMCA in 1970 and served as Chairman of the World Refugee and Rehabilitation Committee of the YMCA from 1973 to 1981;

Whereas the Honorable Donald M. Payne served 3 terms on the Essex County Board of Chosen Freeholders and 3 terms on the Newark Municipal Council;

Whereas, in 1988, the Honorable Donald M. Payne became the first African American elected to the United States House of Representatives from the State of New Jersey;

Whereas the people of New Jersey overwhelmingly reelected the Honorable Donald M. Payne 11 times, most recently in 2010, when the Honorable Donald M. Payne was elected to represent the Tenth Congressional District of New Jersey for a 12th term;

Whereas the Honorable Donald M. Payne was a tireless advocate for his constituents, bringing significant economic development to Essex, Hudson, and Union Counties in New Jersey;

Whereas, as a senior member of the Committee on Education and the Workforce of the House of Representatives, the Honorable Donald M. Payne was a leading advocate for public schools, college affordability, and workplace protections;

Whereas, as a senior member of the Committee on Foreign Affairs of the House of Representatives, the Chairman and Ranking Member of the Subcommittee on Africa, Global Health, and Human Rights, and a member of the Subcommittee on the Western Hemisphere, the Honorable Donald M. Payne led efforts to restore democracy and human rights around the world, including in Northern Ireland and Sudan;

Whereas the Honorable Donald M. Payne was a leader in the field of global health, co-founding the Malaria Caucus, and helping to secure passage of a bill authorizing \$50,000,000 for the prevention and treatment of HIV/AIDS, tuberculosis, and malaria;

Whereas the Honorable Donald M. Payne served as Chairman of the Congressional Black Caucus Foundation and previously as Chairman of the Congressional Black Caucus;

Whereas, in March 2012, the United States Agency for International Development launched the Donald M. Payne Fellowship Program to attract outstanding young people to careers in international development;

Whereas the Honorable Donald M. Payne served on the boards of directors of the National Endowment for Democracy, TransAfrica, the Discovery Channel Global Education Partnership, the Congressional Award Foundation, the Boys and Girls Clubs of Newark, the Newark Day Center, and the Newark YMCA;

Whereas the Honorable Donald M. Payne was the recipient of numerous honors and awards, including honorary doctorates from multiple universities;

Whereas the Honorable Donald M. Payne passed away on March 6, 2012, and is survived by 3 children, 4 grandchildren, and 1 great-grandchild; and

Whereas the Honorable Donald M. Payne's long history of service will have an enduring impact on people in New Jersey, across the United States, and around the world: Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sorrow at the death of the Honorable Donald M. Payne, United States Representative for the Tenth Congressional District of New Jersey;

(2) conveys the condolences of the Senate to the family of the Honorable Donald M. Payne; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the House of Representatives and the family of the Honorable Donald M. Payne.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1809. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1810. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1811. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1812. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1813. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1814. Mr. MERKLEY (for himself, Mr. TOOMEY, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1815. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1816. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1817. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1818. Mr. LEVIN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1819. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1820. Mr. WYDEN (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1821. Mr. CARDIN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1822. Mr. NELSON of Florida (for himself, Mr. SHELBY, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1823. Mr. REID (for Mr. HARKIN (for himself, Mr. BURR, Mr. ENZI, Mr. CASEY, Mr. LIEBERMAN, and Ms. COLLINS)) proposed an amendment to the bill S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

TEXT OF AMENDMENTS

SA 1809. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—BANKRUPTCY VENUE REFORM SEC. 501. SHORT TITLE.

This title may be cited as the “Chapter 11 Bankruptcy Venue Reform Act of 2012”.

SEC. 502. AMENDMENTS.

Section 1408 of title 28, United States Code, is amended—

(1) by inserting “(a)” before “Except”;

(2) by inserting “and subsection (b) of this section” after “this title”; and

(3) by adding at the end the following:

“(b) A case under chapter 11 of title 11 in which the person that is the subject of the case is a corporation may be commenced only in the district court for the district—

“(1) in which the principal place of business in the United States, or principal assets in the United States, of such corporation have been located for 1 year immediately preceding such commencement, or for a longer portion of such 1-year period than the principal place of business in the United States, or principal assets in the United States, of such corporation were located in any other district; or

“(2) in which there is pending a case under chapter 11 of title 11 concerning an affiliate of such corporation, if the affiliate in such pending case directly or indirectly owns, controls, or holds with power to vote more than 50 percent of the outstanding voting securities of such corporation.”.

SEC. 503. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of enactment of this Act.

SA 1810. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. ____ . LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary determines for any fiscal year that the estimated governmental receipts required to carry out transportation programs and projects under this Act and amendments made by this Act (as projected by the Secretary of the Treasury) does not produce a positive balance in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

SA 1811. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ____ . APPROVAL OF THE AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF PALAU.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010.

(2) COMPACT OF FREE ASSOCIATION.—The term “Compact of Free Association” means the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note; Public Law 99-658).

(b) RESULTS OF COMPACT REVIEW.—

(1) IN GENERAL.—Title I of Public Law 99-658 (48 U.S.C. 1931 et seq.) is amended by adding at the end the following:

“SEC. 105. RESULTS OF COMPACT REVIEW.

“(a) IN GENERAL.—The Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010 (referred to in this section as the ‘Agreement’), in connection with section 432 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note; Public Law 99-658) (referred to in this section as the ‘Compact of Free Association’), are approved—

“(1) except for the extension of Article X of the Agreement Regarding Federal Programs and Services, and Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association; and

“(2) subject to the provisions of this section.

“(b) WITHHOLDING OF FUNDS.—If the Agreement becomes effective during fiscal year

2012, and if during the period beginning on September 30, 2011, and ending on the effective date of the Agreement, the Republic of Palau withdraws an amount greater than \$5,000,000 from the trust fund established under section 211(f) of the Compact of Free Association, amounts payable under sections 1, 2(a), 3, and 4(a) of the Agreement shall be withheld from the Republic of Palau until the date on which the Republic of Palau reimburses the trust fund for the amount withdrawn that exceeds \$5,000,000.

“(c) FUNDING FOR CERTAIN PROVISIONS UNDER SECTION 105 OF COMPACT OF FREE ASSOCIATION.—On the date of enactment of this section, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior such sums as are necessary for the Secretary of the Interior to implement sections 1, 2(a), 3, 4(a), and 5 of the Agreement, which sums shall remain available until expended without any further appropriation.

“(d) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to the Secretary of the Interior to subsidize postal services provided by the United States Postal Service to the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia \$1,500,000 for each of fiscal years 2012 through 2024, to remain available until expended; and

“(2) to the head of each Federal entity described in paragraphs (1), (3), and (4) of section 221(a) of the Compact of Free Association (including the successor of each Federal entity) to carry out the responsibilities of the Federal entity under section 221(a) of the Compact of Free Association such sums as are necessary, to remain available until expended.”.

(2) OFFSET.—Section 3 of the Act of June 30, 1954 (68 Stat. 330, 82 Stat. 1213, chapter 423), is repealed.

(c) PAYMENT SCHEDULE; WITHHOLDING OF FUNDS; FUNDING.—

(1) INFRASTRUCTURE MAINTENANCE FUND.—Subsection (a) of section 2 of the Agreement shall be construed as though the subsection reads as follows:

“(a) The Government of the United States shall provide a grant of \$2,000,000 for fiscal year 2012, a grant of \$4,000,000 for fiscal year 2013, and a grant of \$2,000,000 annually from the beginning of fiscal year 2014 through fiscal year 2024 to create a trust fund (the ‘Infrastructure Maintenance Fund’) to be used for the routine and periodic maintenance of major capital improvement projects financed by funds provided by the United States. The Government of the Republic of Palau will match the contributions made by the United States by making contributions of \$150,000 to the Infrastructure Maintenance Fund on a quarterly basis for fiscal year 2012, by making contributions of \$300,000 to the Infrastructure Maintenance Fund on a quarterly basis for fiscal year 2013, and contributions of \$150,000 to the Infrastructure Maintenance Fund on a quarterly basis from the beginning of fiscal year 2014 through fiscal year 2024. Implementation of this subsection shall be carried out in accordance with the provisions of Appendix A to this Agreement.”.

(2) FISCAL CONSOLIDATION FUND.—Section 3 of the Agreement shall be construed as though the section reads as follows:

“SEC. 3. FISCAL CONSOLIDATION FUND.

“In addition to \$411,000 already provided in 2012, the Government of the United States shall provide the Government of Palau \$4,589,000 in fiscal year 2012 and \$5,000,000 in fiscal year 2013 for deposit in an interest

bearing account to be used to reduce government payment arrears of Palau. Implementation of this section shall be carried out in accordance with the provisions of Appendix B to this Agreement.”.

(3) DIRECT ECONOMIC ASSISTANCE.—Subsections (a) and (b) of section 4 of the Agreement shall be construed as though the subsections read as follows:

“(a) In addition to the economic assistance of \$13,147,000 provided to the Government of Palau by the Government of the United States in each of fiscal years 2010, 2011, and 2012, and unless otherwise specified in this Agreement or in an Appendix to this Agreement, the Government of the United States shall provide the Government of Palau \$81,750,000 in economic assistance as follows: \$12,500,000 in fiscal year 2013; \$12,000,000 in fiscal year 2014; \$11,500,000 in fiscal year 2015; \$10,000,000 in fiscal year 2016; \$8,500,000 in fiscal year 2017; \$7,250,000 in fiscal year 2018; \$6,000,000 in fiscal year 2019; \$5,000,000 in fiscal year 2020; \$4,000,000 in fiscal year 2021; \$3,000,000 in fiscal year 2022; and \$2,000,000 in fiscal year 2023. Of the \$13,147,000 in economic assistance already provided to the Government of Palau in 2012, \$12,706,000 is for economic assistance while the remaining \$411,000 is for the Fiscal Consolidation Fund. The funds provided in any fiscal year under this subsection for economic assistance shall be provided in 4 quarterly payments (30 percent in the first quarter, 30 percent in the second quarter, 20 percent in the third quarter, and 20 percent in the fourth quarter) unless otherwise specified in this Agreement or in an Appendix to this Agreement.

“(b) Notwithstanding the provisions of Compact section 211(f) and the Agreement Between the Government of the United States and the Government of Palau Regarding Economic Assistance Concluded Pursuant to Section 211(f) of the Compact of Free Association, with respect to fiscal year 2011 the Government of Palau did not exceed a \$5,000,000 distribution from the Section 211(f) Fund and, with respect to fiscal years 2012 through fiscal year 2023 and except as otherwise agreed by the Government of the United States and the Government of Palau, the Government of Palau agrees not to exceed the following distributions from the Section 211(f) Fund: \$5,000,000 annually beginning in fiscal year 2012 through fiscal year 2013; \$5,250,000 in fiscal year 2014; \$5,500,000 in fiscal year 2015; \$6,750,000 in fiscal year 2016; \$8,000,000 in fiscal year 2017; \$9,000,000 in fiscal year 2018; \$10,000,000 in fiscal year 2019; \$10,500,000 in fiscal year 2020; \$11,000,000 in fiscal year 2021; \$12,000,000 in fiscal year 2022; and \$13,000,000 in fiscal year 2023.”.

(4) INFRASTRUCTURE PROJECTS.—Section 5 of the Agreement shall be construed as though the section reads as follows:

“SEC. 5. INFRASTRUCTURE PROJECTS.

“The Government of the United States shall provide grants totaling \$40,000,000 to the Government of Palau as follows: \$8,000,000 annually in fiscal years 2012 through fiscal year 2014; \$6,000,000 in fiscal year 2015; and \$5,000,000 annually in fiscal years 2016 and 2017; towards 1 or more mutually agreed infrastructure projects in accordance with the provisions of Appendix C to this Agreement.”.

(d) CONTINUING PROGRAMS AND LAWS.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

(e) PASSPORT REQUIREMENT.—Section 141 of Article IV of Title One of the Compact of Free Association shall be construed and applied as if it read as follows:

“SEC. 141. PASSPORT REQUIREMENT.

“(a) Any person in the following categories may be admitted to, lawfully engage in occupations, and establish residence as a non-immigrant in the United States and its territories and possessions without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5) or (a)(7)(B)(i)(II)), provided that the passport presented to satisfy section 212(a)(7)(B)(i)(I) of such Act is a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability—

“(1) a person who, on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands, as defined in title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of Palau;

“(2) a person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau; or

“(3) a naturalized citizen of Palau, who has been an actual resident of Palau for not less than five years after attaining such naturalization and who holds a certificate of actual residence.

“(b) Such persons shall be considered to have the permission of the Secretary of Homeland Security of the United States to accept employment in the United States.

“(c) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for—

“(1) in statutes or regulations of the United States; or

“(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

“(d) Section 141(a) does not confer on a citizen of Palau the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States.”.

SA 1812. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division D, insert the following:

SEC. ____ . EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.

(a) IN GENERAL.—Paragraph (2) of section 25C(g) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. ____ . EXTENSION OF CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Subsection (f) of section 30 of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after December 31, 2011.

SEC. ____ . EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION.—Paragraph (2) of section 30C(g) of the Internal Revenue Code of 1986 is

amended by striking “December 31, 2011.” and inserting “December 31, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. ____ . EXTENSION OF CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) **IN GENERAL.**—Subparagraph (H) of section 40(b)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

“(H) **APPLICATION OF PARAGRAPH.**—

“(i) **IN GENERAL.**—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2014.

“(ii) **NO CARRYOVER TO CERTAIN YEARS AFTER EXPIRATION.**—If this paragraph ceases to apply for any period by reason of clause (i), rules similar to the rules of subsection (e)(2) shall apply.”.

(b) **CONFORMING AMENDMENT.**—

(1) **IN GENERAL.**—Paragraph (2) of section 40(e) of the Internal Revenue Code of 1986 is amended by striking “or subsection (b)(6)(H)”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect as if included in section 15321(b) of the Heartland, Habitat, and Horticulture Act of 2008.

SEC. ____ . ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF THE CELLULOSIC BIOFUEL PRODUCER CREDIT, ETC.

(a) **IN GENERAL.**—Subclause (I) of section 40(b)(6)(E)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) is derived by, or from, qualified feedstocks, and”.

(b) **QUALIFIED FEEDSTOCK; SPECIAL RULES FOR ALGAE.**—Paragraph (6) of section 40(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (F), (G), and (H), as amended by this Act, as subparagraphs (H), (I), and (J), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

“(F) **QUALIFIED FEEDSTOCK.**—For purposes of this paragraph, the term ‘qualified feedstock’ means—

“(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

“(ii) any cultivated algae, cyanobacteria, or lemnas.

“(G) **SPECIAL RULES FOR ALGAE.**—In the case of fuel which is derived by, or from, feedstock described in subparagraph (F)(ii) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II) and the refined fuel is not excluded under subparagraph (E)(iii)—

“(i) such sale shall be treated as described in subparagraph (C)(i),

“(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) and as not being excluded under subparagraph (E)(iii) in the hands of such taxpayer, and

“(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) shall not be taken into account under subparagraph (C) with respect to the taxpayer or any other person.”.

(c) **ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT PROPERTY.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 168(l)(2) of the Internal Revenue Code of 1986 is amended by striking “solely to produce cellulosic biofuel” and inserting “solely to produce second generation biofuel (as defined in section 40(b)(6)(E))”.

(2) **CONFORMING AMENDMENTS.**—Subsection (l) of section 168 of such Code is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”.

(B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(C) by striking “CELLULOSIC” in the heading of such subsection and inserting “SECOND GENERATION”, and

(D) by striking “CELLULOSIC” in the heading of paragraph (2) and inserting “SECOND GENERATION”.

(d) **CONFORMING AMENDMENTS.**—

(1) Section 40 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”.

(B) by striking “CELLULOSIC” in the headings of subsections (b)(6), (b)(6)(E), and (d)(3)(D) and inserting “SECOND GENERATION”, and

(C) by striking “CELLULOSIC” in the headings of subsections (b)(6)(C), (b)(6)(D), (b)(6)(H), (d)(6), and (e)(3) and inserting “SECOND GENERATION”.

(2) Clause (ii) of section 40(b)(6)(E) of such Code is amended by striking “Such term shall not” and inserting “The term ‘second generation biofuel’ shall not”.

(3) Paragraph (1) of section 4101(a) of such Code is amended by striking “cellulosic biofuel” and inserting “second generation biofuel”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

(2) **APPLICATION TO BONUS DEPRECIATION.**—The amendments made by subsection (c) shall apply to property placed in service after the date of the enactment of this Act.

SEC. ____ . EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) **CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.**—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) **EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.**—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(2) Subparagraph (B) of section 6427(e)(6) of such Code is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SEC. ____ . EXTENSION OF PRODUCTION CREDIT FOR REFINED COAL.

(a) **IN GENERAL.**—Subparagraph (B) of section 45(d)(8) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to facilities placed in service after December 31, 2011.

SEC. ____ . EXTENSION OF PRODUCTION CREDIT.

(a) **IN GENERAL.**—Section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2014” each place it appears in paragraphs (2), (3), (4), (6), (7), (9), and (11) and inserting “January 1, 2015”.

(b) **WIND FACILITIES.**—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(c) **INCREASED CREDIT AMOUNT FOR INDIAN COAL FACILITIES PLACED IN SERVICE BEFORE 2009.**—Subparagraph (A) of section 45(e)(10) of the Internal Revenue Code of 1986 is amended by striking “7-year period” each place it appears and inserting “8-year period”.

(d) **CONFORMING AMENDMENTS.**—Subsection (e) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) by striking “January 1, 2013” in paragraph (1) and inserting “January 1, 2014”, and

(2) by striking “January 1, 2014” in paragraph (2) and inserting “January 1, 2015”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to facilities placed in service after December 31, 2012.

(2) **INDIAN COAL.**—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. ____ . EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) **IN GENERAL.**—Subsection (g) of section 45L of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2011.

SEC. ____ . EXTENSION OF CREDIT FOR ENERGY-EFFICIENT APPLIANCES.

(a) **IN GENERAL.**—Section 45M(b) of the Internal Revenue Code of 1986 is amended by striking “2011” each place it appears other than in the provisions specified in subsection (b), and inserting “2011 or 2012”.

(b) **PROVISIONS SPECIFIED.**—The provisions of section 45M(b) of the Internal Revenue Code of 1986 specified in this subsection are subparagraph (C) of paragraph (1) and subparagraph (E) of paragraph (2).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to appliances produced after December 31, 2011.

SEC. ____ . EXTENSION OF ELECTION OF INVESTMENT TAX CREDIT IN LIEU OF PRODUCTION CREDIT.

(a) **IN GENERAL.**—Clause (ii) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking “or 2013” and inserting “2013, or 2014”.

(b) **WIND FACILITIES.**—Clause (i) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking “Any qualified facility” and all that follows and inserting “Any facility which is—

“(I) a qualified facility (within the meaning of section 45) described in paragraph (1) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, 2012, or 2013, or

“(II) a qualifying offshore wind facility, if such facility is placed in service in 2012, 2013, or 2014.”.

(c) **QUALIFYING OFFSHORE WIND FACILITY.**—Paragraph (5) of section 48(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) **QUALIFYING OFFSHORE WIND FACILITY.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘qualifying offshore wind facility’ means an offshore facility using wind to produce electricity.

“(ii) **OFFSHORE FACILITY.**—The term ‘offshore facility’ means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of the United States, and the Outer Continental Shelf of the United States. For purposes of the preceding sentence, the term ‘United States’ has the meaning given in section 638(1).”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to facilities placed in service after December 31, 2011.

SEC. ____ . EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 48C(d)(1) of the Internal Revenue Code of 1986 is amended by striking “\$2,300,000,000” and inserting “\$4,600,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. ____ . EXTENSION OF SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) **IN GENERAL.**—Subparagraph (D) of section 168(l)(2) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(b) **CONFORMING AMENDMENT.**—Paragraph (4) of section 168(l) of the Internal Revenue Code of 1986, as redesignated by this Act, is amended—

(1) by striking “and” at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C), and

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) by substituting ‘January 1, 2014’ for ‘January 1, 2013’ in clause (i) thereof, and”.

SEC. ____ . EXTENSION OF SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) **IN GENERAL.**—Clause (ii) of section 613A(c)(6)(H) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. ____ . EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) **IN GENERAL.**—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SEC. ____ . EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) **IN GENERAL.**—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009, as amended by section 707 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended—

(1) by striking “or 2011” in paragraph (1) and inserting “2011, or 2012”, and

(2) in paragraph (2)—

(A) by striking “after 2011” and inserting “after 2012”, and

(B) by striking “or 2011” and inserting “2011, or 2012”.

(b) **CONFORMING AMENDMENT.**—Subsection (j) of section 1603 of division B of such Act, as so amended, is amended by striking “2012” and inserting “2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2011.

SA 1813. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. ____ . KEYSTONE XL PIPELINE.

(a) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Except as otherwise specifically provided in this section, nothing in this section affects any applicable Federal requirements in connection with the Keystone XL pipeline (including facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana).

(2) **EXPEDITIOUS ANALYSES AND PERMIT DECISIONS.**—In evaluating any new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in paragraph (1) or in carrying out the activities described in this section, the President or a designee of the President shall—

(A) act as expeditiously as practicable and, to the maximum extent practicable and consistent with current law, use existing analyses relating to those pipeline and facilities, including the environmental impact statement issued by the Department of State regarding the Keystone XL pipeline on August 26, 2011; and

(B) issue a decision on any permit application not later than 90 days after the date on which all analyses and other actions required by current law and applicable Executive Orders are completed.

(b) **PROHIBITION ON EXPORTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), no crude oil transported by the Keystone XL pipeline or facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(2) **WAIVERS.**—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) national security; or

(ii) a natural or manmade disaster; or

(B) makes an express finding that the exports described in paragraph (1)—

(i) will not diminish the total quantity or quality of petroleum available in the United States; and

(ii) are in the national interest of the United States.

(c) **USE OF UNITED STATES IRON, STEEL, AND MANUFACTURED GOODS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) through (4), the construction, connection, operation, or maintenance of the Keystone XL pipeline and facilities described in subsection (a)(1) shall not be permitted unless all of the iron, steel, and manufactured goods used for the pipeline and facilities are produced in the United States.

(2) **NONAPPLICATION.**—Paragraph (1) shall not apply if the President or a delegate finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) iron, steel, and the applicable manufactured goods are not produced in the United States in sufficient and reasonably available quantities with a satisfactory quality; or

(C) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall pipeline and facilities by more than 25 percent.

(3) **RATIONALE.**—If the President or a delegate determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the President or delegate shall publish in the Federal Register a detailed written justification for the waiver.

(4) **INTERNATIONAL AGREEMENTS.**—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

SA 1814. Mr. MERKLEY (for himself, Mr. TOOMEY, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. ____ . EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN FARM VEHICLES.

(a) **FEDERAL REQUIREMENTS.**—A covered farm vehicle, including the individual operating that vehicle, shall be exempt from the following:

(1) Any requirement relating to commercial driver's licenses established under chapter 313 of title 49, United States Code.

(2) Any requirement relating to medical certificates established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 313 of title 49, United States Code.

(3) Any requirement relating to hours of service established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(4) Any requirement relating to vehicle inspection, repair, and maintenance established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(b) **STATE REQUIREMENTS.**—

(1) **IN GENERAL.**—Federal transportation funding to a State may not be terminated, limited, or otherwise interfered with as a result of the State exempting a covered farm vehicle, including the individual operating that vehicle, from any State requirement relating to the operation of that vehicle.

(2) **EXCEPTION.**—Paragraph (1) does not apply with respect to a covered farm vehicle transporting hazardous materials that require a placard.

(3) **STATE REQUIREMENTS.**—Notwithstanding section (a) or any other provision of law, a State may enact and enforce safety requirements related to covered farm vehicles.

(c) **COVERED FARM VEHICLE DEFINED.**—

(1) **IN GENERAL.**—In this section, the term “covered farm vehicle” means a motor vehicle (including an articulated motor vehicle)—

(A) that—

(i) is traveling in the State in which the vehicle is registered or another State;

(ii) is operated by—

(I) a farm owner or operator;

(II) a ranch owner or operator; or

(III) an employee or family member of an individual specified in subclause (I) or (II);

(iii) is transporting to or from a farm or ranch—

(I) agricultural commodities;

(II) livestock; or

(III) machinery or supplies;

(iv) except as provided in paragraph (2), is not used in the operations of a for-hire motor carrier; and

(v) is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and

(B) that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is—

(i) 26,001 pounds or less; or
 (ii) greater than 26,001 pounds and traveling within the State or within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

(2) **INCLUSION.**—In this section, the term “covered farm vehicle” includes a motor vehicle that meets the requirements of paragraph (1) (other than paragraph (1)(A)(iv)) and is—

(A) operated pursuant to a crop share farm lease agreement;

(B) owned by a tenant with respect to that agreement; and

(C) transporting the landlord’s portion of the crops under that agreement.

SA 1815. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1314, after the matter following line 18, insert the following:

SEC. 330. BUY AMERICA WAIVER REQUIREMENTS.

(a) **NOTICE AND COMMENT OPPORTUNITIES.**—

(1) **IN GENERAL.**—If the Secretary receives a request for a waiver under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

(2) **NOTICE REQUIREMENTS.**—Each notice provided under paragraph (1)—

(A) shall include the information available to the Secretary concerning the request, including the requestor’s justification for such request; and

(B) shall be provided electronically, including on the official public Internet website of the Department.

(3) **PUBLICATION OF DETAILED JUSTIFICATION.**—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in paragraph (1), the Secretary shall publish in the Federal Register, a detailed justification for the waiver that—

(A) addresses the public comments received under paragraph (1); and

(B) is published before the waiver takes effect.

(b) **CONSISTENCY WITH INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

(c) **REVIEW OF NATIONWIDE WAIVERS.**—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in paragraph (1) to determine whether continuing such waiver is necessary.

(d) **BUY AMERICA REPORTING.**—Section 308 of title 49, United States Code, is amended by inserting after subsection (c) the following:

“(d) Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

“(1) specifies each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority

granted under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, during the preceding calendar year;

“(2) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under paragraph (1); and

“(3) summarizes the monetary value of contracts awarded pursuant to each such waiver.”.

SA 1816. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. 15. SENSE OF SENATE CONCERNING EXPEDITIOUS COMPLETION OF ENVIRONMENTAL REVIEWS, APPROVALS, LICENSING, AND PERMIT REQUIREMENTS.

It is the sense of the Senate that Federal agencies should—

(1) ensure that all applicable environmental reviews, approvals, licensing, and permit requirements under Federal law are completed on an expeditious basis following any disaster or emergency declared under Federal law, including—

(A) a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(B) an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) use the shortest existing applicable process under Federal law to complete each review, approval, licensing, and permit requirement described in paragraph (1) following a disaster or emergency described in that paragraph.

SA 1817. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. . KEYSTONE XL PIPELINE.

(a) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Except as otherwise specifically provided in this section, nothing in this section affects any applicable Federal requirements in connection with the Keystone XL pipeline (including facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana).

(2) **EXPEDITIOUS ANALYSES AND PERMIT DECISIONS.**—In evaluating any new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in paragraph (1) or in carrying out the activities described in this section, the President or a designee of the President shall—

(A) act as expeditiously as practicable and, to the maximum extent practicable and consistent with current law, use existing analyses relating to those pipeline and facilities,

including the environmental impact statement issued by the Department of State regarding the Keystone XL pipeline on August 26, 2011; and

(B) issue a decision on any permit application not later than 90 days after the date on which all analyses and other actions required by current law and applicable Executive Orders are completed.

(b) **PROHIBITION ON EXPORTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), no crude oil produced in Canada and transported by the Keystone XL pipeline or facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(2) **WAIVERS.**—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) national security; or

(ii) a natural or manmade disaster; or

(B) makes an express finding that the exports described in paragraph (1)—

(i) will not diminish the total quantity or quality of petroleum available in the United States; and

(ii) are in the national interest of the United States.

(c) **USE OF UNITED STATES IRON, STEEL, AND MANUFACTURED GOODS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) through (4), the construction, connection, operation, or maintenance of the Keystone XL pipeline and facilities described in subsection (a)(1) shall not be permitted unless all of the iron, steel, and manufactured goods used for the pipeline and facilities are produced in the United States.

(2) **NONAPPLICATION.**—Paragraph (1) shall not apply if the President or a delegate finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) iron, steel, and the applicable manufactured goods are not produced in the United States in sufficient and reasonably available quantities with a satisfactory quality; or

(C) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall pipeline and facilities by more than 25 percent.

(3) **RATIONALE.**—If the President or a delegate determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the President or delegate shall publish in the Federal Register a detailed written justification for the waiver.

(4) **INTERNATIONAL AGREEMENTS.**—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

SA 1818. Mr. LEVIN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE . STOP TAX HAVEN ABUSE

SEC. . AUTHORIZING SPECIAL MEASURES AGAINST FOREIGN JURISDICTIONS, FINANCIAL INSTITUTIONS, AND OTHERS THAT SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or significantly impede United States tax enforcement”;

(2) in subsection (a), by striking the subsection heading and inserting the following:

“(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.—”;

(3) in subsection (c)—

(A) by striking the subsection heading and inserting the following:

“(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE SIGNIFICANTLY IMPEDING UNITED STATES TAX ENFORCEMENT.—”; and

(B) by inserting at the end of paragraph (2) thereof the following new subparagraph:

“(C) OTHER CONSIDERATIONS.—The fact that a jurisdiction or financial institution is cooperating with the United States on implementing the requirements specified in chapter 4 of the Internal Revenue Code of 1986 may be favorably considered in evaluating whether such jurisdiction or financial institution is significantly impeding United States tax enforcement.”;

(4) in subsection (a)(1), by inserting “or is significantly impeding United States tax enforcement” after “primary money laundering concern”;

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting “in matters involving money laundering,” before “shall consult”;

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and”;

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting “or to be significantly impeding United States tax enforcement” after “primary money laundering concern” each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

“(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be significantly impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

“(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

“(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.”; and

(8) in subsection (c)(1), by inserting “or is significantly impeding United States tax enforcement” after “primary money laundering concern”;

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking “bank secrecy or special regulatory advantages” and inserting “bank, tax, corporate, trust, or financial secrecy or regulatory advantages”;

(B) in clause (iii), by striking “supervisory and counter-money” and inserting “supervisory, international tax enforcement, and counter-money”;

(C) in clause (v), by striking “banking or secrecy” and inserting “banking, tax, or secrecy”;

(D) in clause (vi), by inserting “, tax treaty, or tax information exchange agreement” after “treaty”;

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting “or tax evasion” after “money laundering”;

(B) in clause (iii), by inserting “, tax evasion,” after “money laundering”;

(11) in subsection (d), by inserting “involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement” after “such action”.

SA 1819. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 490, between lines 3 and 4, insert the following:

SEC. 1528. BUY AMERICA PROVISIONS.

Section 313 of title 23, United States Code, is amended by adding at the end the following:

“(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title.”.

On page 900, between lines 9 and 10, insert the following:

“(10) APPLICATION TO TRANSIT PROGRAMS.—The requirements under this subsection shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42

U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.

On page 904, between lines 6 and 7, insert the following:

On page 1314, after the matter following line 18, insert the following:

SEC. 330. BUY AMERICA WAIVER REQUIREMENTS.

(a) NOTICE AND COMMENT OPPORTUNITIES.—

(1) IN GENERAL.—If the Secretary receives a request for a waiver under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

(2) NOTICE REQUIREMENTS.—Each notice provided under paragraph (1)—

(A) shall include the information available to the Secretary concerning the request, including the requestor’s justification for such request; and

(B) shall be provided electronically, including on the official public Internet website of the Department.

(3) PUBLICATION OF DETAILED JUSTIFICATION.—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in paragraph (1), the Secretary shall publish, in the Federal Register, a detailed justification for the waiver that—

(A) addresses the public comments received under paragraph (1); and

(B) is published before the waiver takes effect.

(b) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

(c) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in paragraph (1) to determine whether continuing such waiver is necessary.

(d) BUY AMERICA REPORTING.—Section 308 of title 49, United States Code, is amended by inserting after subsection (c) the following:

“(d) Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

“(1) specifies each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, during the preceding calendar year;

“(2) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under paragraph (1); and

“(3) summarizes the monetary value of contracts awarded pursuant to each such waiver.”.

On page 1449, between lines 11 and 12, insert the following:

SEC. 36210. AMTRAK.

Section 24305(f) of title 49, United States Code, is amended by adding at the end the following:

“(5) The requirements under this subsection shall apply to all contracts eligible

for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.”.

SA 1820. Mr. WYDEN (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CREDIT TO HOLDERS OF TRIP BONDS.

(a) **SHORT TITLE.**—This section may be cited as the “Transportation and Regional Infrastructure Project Bonds Act of 2012” or “TRIP Bonds Act”.

(b) **IN GENERAL.**—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 54G. TRIP BONDS.

“(a) **TRIP BOND.**—For purposes of this subpart, the term ‘TRIP bond’ means any bond issued as part of an issue if—

“(1) 100 percent of the available project proceeds of such issue are to be used for expenditures incurred after the date of the enactment of this section for 1 or more qualified projects pursuant to an allocation of such proceeds to such project or projects by a State infrastructure bank,

“(2) the bond is issued by a State infrastructure bank and is in registered form (within the meaning of section 149(a)),

“(3) the State infrastructure bank designates such bond for purposes of this section,

“(4) the term of each bond which is part of such issue does not exceed 30 years,

“(5) the issue meets the requirements of subsection (e),

“(6) the State infrastructure bank certifies that the State meets the State contribution requirement of subsection (h) with respect to such project, as in effect on the date of issuance, and

“(7) the State infrastructure bank certifies the State meets the requirement described in subsection (i).

“(b) **QUALIFIED PROJECT.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified project’ means the capital improvements to any transportation infrastructure project of any governmental unit or other person, including roads, bridges, rail and transit systems, ports, and inland waterways proposed and approved by a State infrastructure bank, but does not include costs of operations or maintenance with respect to such project.

“(2) **CERTAIN PROJECTS.**—Such term also includes any flood damage risk reduction project with a completed Report of the Chief of Engineers, with the proceeds of issued bonds available for a State to provide to the United States Army Corps of Engineers (under section 5 of the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes,’ approved June 22, 1936 (33 U.S.C. 701h)) funds in excess of any required non-Federal cost share for such project.

“(c) **APPLICABLE CREDIT RATE.**—In lieu of section 54A(b)(3), for purposes of section 54A(b)(2), the applicable credit rate with respect to an issue under this section is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

“(d) **LIMITATION ON AMOUNT OF BONDS DESIGNATED.**—

“(1) **IN GENERAL.**—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any State infrastructure bank shall not exceed the TRIP bond limitation amount allocated to such bank under paragraph (3).

“(2) **NATIONAL LIMITATION AMOUNT.**—There is a TRIP bond limitation amount for each calendar year. Such limitation amount is—

“(A) \$2,000,000,000 for 2013,

“(B) \$3,000,000,000 for 2014,

“(C) \$5,000,000,000 for 2015, and

“(D) except as provided in paragraph (4), zero thereafter.

“(3) **ALLOCATIONS TO STATES.**—The TRIP bond limitation amount for each calendar year shall be allocated by the Secretary among the States such that each State is allocated 2 percent of such amount.

“(4) **CARRYOVER OF UNUSED ISSUANCE LIMITATION.**—If for any calendar year the TRIP bond limitation amount under paragraph (2) exceeds the amount of TRIP bonds issued during such year, such excess shall be carried forward to 1 or more succeeding calendar years as an addition to the TRIP bond limitation amount under paragraph (2) for such succeeding calendar year and until used by issuance of TRIP bonds.

“(e) **SPECIAL RULES RELATING TO EXPENDITURES.**—

“(1) **IN GENERAL.**—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the State infrastructure bank reasonably expects—

“(A) at least 100 percent of the available project proceeds of such issue are to be spent for 1 or more qualified projects within the 5-year expenditure period beginning on such date,

“(B) to incur a binding commitment with a third party within the 12-month period beginning on such date—

“(i) to spend at least 10 percent of the proceeds of such issue, or

“(ii) to commence construction with respect to any qualified project or combination of qualified projects the costs of which account for at least 10 percent of the proceeds of such issue, and

“(C) to proceed with due diligence to complete such projects and to spend the proceeds of such issue.

“(2) **RULES REGARDING CONTINUING COMPLIANCE AFTER 5-YEAR DETERMINATION.**—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year expenditure period beginning on the date of issuance, the State infrastructure bank shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(f) **RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.**—If any bond which when issued purported to be a TRIP bond ceases to be such a bond, the State infrastructure bank shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

“(1) the aggregate of the credits allowable under section 54A with respect to such bond (determined without regard to section 54A(c)) for taxable years ending during the calendar year in which such cessation occurs and each succeeding calendar year ending with the calendar year in which such bond is redeemed by the bank, and

“(2) interest at the underpayment rate under section 6621 on the amount determined under paragraph (1) for each calendar year for the period beginning on the first day of such calendar year.

“(g) **TRIP BONDS TRUST ACCOUNTS.**—

“(1) **IN GENERAL.**—The following amounts shall be held in a TRIP Bonds Trust Account by each State infrastructure bank:

“(A) The proceeds from the sale of all bonds issued by such bank under this section.

“(B) The investment earnings on proceeds from the sale of such bonds.

“(C) 2 percent of the amount described in paragraph (2).

“(D) The amounts described in subsection (h).

“(E) Any earnings on any amounts described in subparagraph (A), (B), (C), or (D).

“(2) **APPROPRIATION OF REVENUES.**—There is hereby transferred to each TRIP Bonds Trust Account an amount equal to 2 percent of the lesser of—

“(A) the revenues resulting from the imposition of fees pursuant to section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) for fiscal years beginning after September 30, 2021, or

“(B) \$10,000,000,000.

“(3) **USE OF FUNDS.**—Amounts in each TRIP Bonds Trust Account may be used only to pay costs of qualified projects and redeem TRIP bonds, except that amounts withdrawn from the TRIP Bonds Trust Account to pay costs of qualified projects may not exceed the proceeds from the sale of TRIP bonds described in subsection (a)(1).

“(4) **USE OF REMAINING FUNDS IN TRIP BONDS TRUST ACCOUNT.**—Upon the redemption of all TRIP bonds issued by the State infrastructure bank under this section, any remaining amounts in the TRIP Bonds Trust Account held by such bank shall be available to pay the costs of any qualified project in such State.

“(5) **APPLICABILITY OF FEDERAL LAW.**—The requirements of any Federal law, including titles 23, 40, and 49 of the United States Code, which would otherwise apply to projects to which the United States is a party or to funds made available under such law and projects assisted with those funds shall apply to—

“(A) funds made available under each TRIP Bonds Trust Account for similar qualified projects, other than contributions required under subsection (h), and

“(B) similar qualified projects assisted through the use of such funds.

“(6) **INVESTMENT.**—Subject to subsections (e) and (f), it shall be the duty of the State infrastructure bank to invest in investment grade obligations such portion of the TRIP Bonds Trust Account held by such Bank as is not, in the judgment of such bank, required to meet current withdrawals. To the maximum extent practicable, investments should be made in securities that support infrastructure investment at the State and local level.

“(h) **STATE CONTRIBUTION REQUIREMENTS.**—

“(1) **IN GENERAL.**—For purposes of subsection (a)(6), the State contribution requirement of this subsection is met with respect to any qualified project if the State infrastructure bank has received for deposit

into the TRIP Bonds Trust Account held by such bank from 1 or more States, not later than the date of issuance of the bond, the first of 10 equal annual installments constituting one-tenth of the contributions of not less than 20 percent (or such smaller percentage for such State as determined under section 120(b) of title 23, United States Code) of the cost of the qualified project.

“(2) STATE CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

“(3) REQUIREMENTS IN LIEU OF ANY OTHER MATCHING CONTRIBUTION REQUIREMENTS.—For purposes of subsection (g)(5), the State contribution requirement of this subsection shall be in lieu of any other State matching contribution requirement under any other Federal law.

“(i) UTILIZATION OF UPDATED CONSTRUCTION TECHNOLOGY FOR QUALIFIED PROJECTS.—For purposes of subsection (a)(7), the requirement of this subsection is met if the appropriate State agency relating to the qualified project is utilizing updated construction technologies.

“(j) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) STATE INFRASTRUCTURE BANK.—

“(A) IN GENERAL.—The term ‘State infrastructure bank’ means a State infrastructure bank established under section 610 of title 23, United States Code, and includes a joint venture among 2 or more State infrastructure banks. Such term also includes, during the period beginning on the date of the enactment of this section and ending on the last day of the first Federal fiscal year that begins after such date of enactment, with respect to any State that has not established a State infrastructure bank prior to such date of enactment, the State Department of Transportation of such State.

“(B) SPECIAL AUTHORITY.—Notwithstanding any other provision of law, a State infrastructure bank shall be authorized to perform any of the functions necessary to carry out the purposes of this section, including the making of direct grants to qualified projects from available project proceeds of TRIP bonds issued by such bank.

“(2) CREDITS MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit or bond allowed by this section through sale and repurchase agreements.

“(3) PROHIBITION ON USE OF HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, no funds derived from the Highway Trust Fund established under section 9503 shall be used to pay for credits under this section.”

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking “or” at the end of subparagraph (D),

(B) by inserting “or” at the end of subparagraph (E),

(C) by inserting after subparagraph (E) the following new subparagraph:

“(F) a TRIP bond,” and

(D) by inserting “(paragraphs (3), (4), and (6), in the case of a TRIP bond)” after “and (6)”.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking “and” at the end of clause (iv), by striking the period at the end of clause (v) and inserting “, and”, and by adding at the end the following new clause:

“(vi) in the case of a TRIP bond, a purpose specified in section 54G(a)(1).”

(d) CLERICAL AMENDMENT.—The table of sections for subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 54G. TRIP bonds.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2012.

(f) EXTENSION OF CUSTOMS USER FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

“(E)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 1, 2021, and ending on October 1, 2023.

“(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 1, 2021, and ending on October 1, 2023.”

(g) REDUCTION IN NATIONAL LIMITATION ON AMOUNT OF QUALIFIED ENERGY CONSERVATION BONDS DESIGNATED.—Subsection (d) of section 54D of the Internal Revenue Code of 1986 is amended by striking “\$3,200,000,000” and inserting “\$1,200,000,000”.

SA 1821. Mr. CARDIN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division D, insert the following:

SEC. . . . MODIFICATION AND EXTENSION OF ALTERNATIVE FUEL CREDIT.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) of the Internal Revenue Code of 1986 is amended by inserting “, and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas” after “hydrogen”.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) of the Internal Revenue Code of 1986 is amended by inserting “, and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas” after “hydrogen”.

(c) PAYMENTS RELATING TO ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.—Paragraph (6) of section 6427(e) of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (C)—

(A) by striking “subparagraph (D)” in subparagraph (C) and inserting “subparagraphs (D) and (E)”, and

(B) by striking “and” at the end thereof,

(2) by striking the period at the end of subparagraph (D) and inserting “, and”, and

(3) by adding at the end the following:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving liquefied petroleum gas sold or used after December 31, 2016.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to liquefied petroleum gas sold or used after the date of the enactment of this Act.

SEC. . . . EXTENSION AND MODIFICATION OF NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) of the Internal Revenue Code of 1986 is amended by inserting “(December 31, 2016, in

the case of a vehicle powered by liquefied petroleum gas)” before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. . . . EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Subsection (g) of section 30C of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

“(2) in the case of property relating to liquefied petroleum gas, after December 31, 2016, and”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 1822. Mr. NELSON of Florida (for himself, Mr. SHELBY, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

Subtitle F—Gulf Coast Restoration

SEC. 1601. SHORT TITLE.

This subtitle may be cited as the “Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012”.

SEC. 1602. GULF COAST RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the “Gulf Coast Restoration Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as are deposited in the Trust Fund under this subtitle or any other provision of law.

(b) TRANSFERS.—The Secretary of the Treasury shall deposit in the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid by responsible parties after the date of enactment of this Act in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon pursuant to a court order, negotiated settlement, or other instrument in accordance with section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(c) EXPENDITURES.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall—

(1) be available for expenditure, without further appropriation, solely for the purpose and eligible activities of this subtitle; and

(2) remain available until expended, without fiscal year limitation.

(d) INVESTMENT.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subtitle and the amendments made by this subtitle.

(e) ADMINISTRATION.—Not later than 180 days after the date of enactment of this Act, after providing notice and an opportunity for public comment, the Secretary of the Treasury, in consultation with the Secretary of

the Interior and the Secretary of Commerce, shall establish such procedures as the Secretary determines to be necessary to deposit amounts in, and expend amounts from, the Trust Fund pursuant to this subtitle, including—

(1) procedures to assess whether the programs and activities carried out under this subtitle and the amendments made by this subtitle achieve compliance with applicable requirements, including procedures by which the Secretary of the Treasury may determine whether an expenditure by a Gulf Coast State or coastal political subdivision (as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)) pursuant to such a program or activity achieves compliance;

(2) auditing requirements to ensure that amounts in the Trust Fund are expended as intended; and

(3) procedures for identification and allocation of funds available to the Secretary under other provisions of law that may be necessary to pay the administrative expenses directly attributable to the management of the Trust Fund.

SEC. 1603. GULF COAST NATURAL RESOURCES RESTORATION AND ECONOMIC RECOVERY.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)—

(A) in paragraph (25)(B), by striking “and” at the end;

(B) in paragraph (26)(D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(27) the term ‘Chairperson’ means the Chairperson of the Council;

“(28) the term ‘coastal political subdivision’ means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico;

“(29) the term ‘Comprehensive Plan’ means the comprehensive plan developed by the Council pursuant to subsection (t);

“(30) the term ‘Council’ means the Gulf Coast Ecosystem Restoration Council established pursuant to subsection (t);

“(31) the term ‘Deepwater Horizon oil spill’ means the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment;

“(32) the term ‘Gulf Coast ecosystem’ means—

“(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), except that, in this section, the term ‘coastal zones’ includes land within the coastal zones that is held in trust by, or the use of which is by law subject solely to the discretion of, the Federal Government or officers or agents of the Federal Government) that border the Gulf of Mexico;

“(B) any adjacent land, water, and watersheds, that are within 25 miles of the coastal zones described in subparagraph (A) of the Gulf Coast States; and

“(C) all Federal waters in the Gulf of Mexico;

“(33) the term ‘Gulf Coast State’ means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas; and

“(34) the term ‘Trust Fund’ means the Gulf Coast Restoration Trust Fund established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportu-

nities, and Revived Economies of the Gulf Coast States Act of 2012.”;

(2) in subsection (s), by inserting “except as provided in subsection (t)” before the period at the end; and

(3) by adding at the end the following:

“(t) GULF COAST RESTORATION AND RECOVERY.—

“(1) STATE ALLOCATION AND EXPENDITURES.—

“(A) IN GENERAL.—Of the total amounts made available in any fiscal year from the Trust Fund, 35 percent shall be available, in accordance with the requirements of this section, to the Gulf Coast States in equal shares for expenditure for ecological and economic restoration of the Gulf Coast ecosystem in accordance with this subsection.

“(B) USE OF FUNDS.—

“(i) ELIGIBLE ACTIVITIES.—Amounts provided to the Gulf States under this subsection may only be used to carry out 1 or more of the following activities:

“(I) Coastal restoration projects and activities, including conservation and coastal land acquisition.

“(II) Mitigation of damage to, and restoration of, fish, wildlife, or natural resources.

“(III) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.

“(IV) Programs to promote tourism in a Gulf Coast State, including recreational fishing.

“(V) Programs to promote the consumption of seafood produced from the Gulf Coast ecosystem.

“(VI) Programs to promote education regarding the natural resources of the Gulf Coast ecosystem.

“(VII) Planning assistance.

“(VIII) Workforce development and job creation.

“(IX) Improvements to or upon State parks located in coastal areas affected by the Deepwater Horizon oil spill.

“(X) Mitigation of the ecological and economic impact of outer Continental Shelf activities and the impacts of the Deepwater Horizon oil spill or promotion of the long-term ecological or economic recovery of the Gulf Coast ecosystem through the funding of infrastructure projects.

“(XI) Coastal flood protection and infrastructure directly affected by coastal wetland losses, beach erosion, or the impacts of the Deepwater Horizon oil spill.

“(XII) Administrative costs of complying with this subsection.

“(i) LIMITATION.—

“(I) IN GENERAL.—Of the amounts received by a Gulf State under this subsection not more than 3 percent may be used for administrative costs eligible under clause (i)(XII).

“(II) PROHIBITION ON USE FOR IMPORTED SEAFOOD.—None of the funds made available under this subsection shall be used for any program to support or promote imported seafood or any seafood product that is not harvested from the Gulf Coast ecosystem.

“(C) COASTAL POLITICAL SUBDIVISIONS.—

“(i) IN GENERAL.—In the case of a State where the coastal zone includes the entire State—

“(I) 75 percent of funding shall be provided to the 8 disproportionately affected counties impacted by the Deepwater Horizon Oil Spill; and

“(II) 25 percent shall be provided to nondisproportionately impacted counties within the State.

“(ii) FLORIDA.—

“(I) DISPROPORTIONALLY AFFECTED COUNTIES.—Of the total amounts made available

to counties in the State of Florida under clause (i)(I)—

“(aa) 10 percent shall be distributed equally among the 8 disproportionately affected counties; and

“(bb) 90 percent shall be distributed to the 8 disproportionately affected counties in accordance with the following weighted formula:

“(AA) 30 percent based on the weighted average of the county shoreline oiled.

“(BB) 30 percent based on the weighted average of the county per capita sales tax collections estimated for the fiscal year ending September 30, 2012.

“(CC) 20 percent based on the weighted average of the population of the county.

“(DD) 20 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

“(II) NONDISPROPORTIONATELY IMPACTED COUNTIES.—The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(II) shall be distributed according to the following weighted formula:

“(aa) 34 percent based on the weighted average of the population of the county.

“(bb) 33 percent based on the weighted average of the county per capita sales tax collections estimated for the fiscal year ending September 30, 2012.

“(cc) 33 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

“(iii) LOUISIANA.—Of the total amounts made available to the State of Louisiana under this paragraph:

“(I) 70 percent shall be provided directly to the State in accordance with this subsection.

“(II) 30 percent shall be provided directly to parishes in the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the State of Louisiana according to the following weighted formula:

“(aa) 40 percent based on the weighted average of miles of the parish shoreline oiled.

“(bb) 40 percent based on the weighted average of the population of the parish.

“(cc) 20 percent based on the weighted average of the land mass of the parish.

“(iv) CONDITIONS.—

“(I) LAND USE PLAN.—As a condition of receiving amounts allocated under clause (iii), the chief executive of the eligible parish shall certify to the Governor of the State that the parish has completed a comprehensive land use plan.

“(II) OTHER CONDITIONS.—A coastal political subdivision receiving funding under this subsection shall meet all of the conditions in subparagraph (D).

“(D) CONDITIONS.—As a condition of receiving amounts from the Trust Fund, a Gulf Coast State, including the entities described in subparagraph (E), or a coastal political subdivision shall—

“(i) agree to meet such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund will be used in accordance with this subsection;

“(ii) certify in such form and in such manner as the Secretary of the Treasury determines necessary that the project or program for which the Gulf Coast State or coastal political subdivision is requesting amounts—

“(I) is designed to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, or economy of the Gulf Coast;

“(II) carries out 1 or more of the activities described in subparagraph (B)(i);

“(III) was selected based on meaningful input from the public, including broad-based participation from individuals, businesses, and nonprofit organizations; and

“(IV) in the case of a natural resource protection or restoration project, is based on the best available science;

“(iii) certify that the project or program and the awarding of a contract for the expenditure of amounts received under this subsection are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including all applicable competitive bidding and audit requirements; and

“(iv) develop and submit a multiyear implementation plan for use of those funds.

“(E) APPROVAL BY STATE ENTITY, TASK FORCE, OR AGENCY.—The following Gulf Coast State entities, task forces, or agencies shall carry out the duties of a Gulf Coast State pursuant to this paragraph:

“(i) ALABAMA.—

“(I) IN GENERAL.—In the State of Alabama, the Alabama Gulf Coast Recovery Council, which shall be comprised of only the following:

“(aa) The Governor of Alabama, who shall also serve as Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council.

“(bb) The Director of the Alabama State Port Authority, who shall also serve as Vice Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council in the absence of the Chairperson.

“(cc) The Chairman of the Baldwin County Commission.

“(dd) The President of the Mobile County Commission.

“(ee) The Mayor of the city of Bayou La Batre.

“(ff) The Mayor of the town of Dauphin Island.

“(gg) The Mayor of the city of Fairhope.

“(hh) The Mayor of the city of Gulf Shores.

“(ii) The Mayor of the city of Mobile.

“(jj) The Mayor of the city of Orange Beach.

“(II) VOTE.—Each member of the Alabama Gulf Coast Recovery Council shall be entitled to 1 vote.

“(III) MAJORITY VOTE.—All decisions of the Alabama Gulf Coast Recovery Council shall be made by majority vote.

“(i) LOUISIANA.—In the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana.

“(iii) MISSISSIPPI.—In the State of Mississippi, the Mississippi Department of Environmental Quality.

“(F) COMPLIANCE WITH ELIGIBLE ACTIVITIES.—If the Secretary of the Treasury determines that an expenditure by a Gulf Coast State or coastal political subdivision of amounts made available under this subsection does not meet 1 of the activities described in subparagraph (B)(i), the Secretary shall make no additional amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until such time as an amount equal to the amount expended for the unauthorized use—

“(i) has been deposited by the Gulf Coast State or coastal political subdivision in the Trust Fund; or

“(ii) has been authorized by the Secretary of the Treasury for expenditure by the Gulf

Coast State or coastal political subdivision for a project or program that meets the requirements of this subsection.

“(G) COMPLIANCE WITH CONDITIONS.—If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this subsection, including the conditions of subparagraph (D), where applicable, the Secretary of the Treasury shall make no amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until all conditions of this subsection are met.

“(H) PUBLIC INPUT.—In meeting any condition of this subsection, a Gulf Coast State may use an appropriate procedure for public consultation in that Gulf Coast State, including consulting with 1 or more established task forces or other entities, to develop recommendations for proposed projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

“(I) PREVIOUSLY APPROVED PROJECTS AND PROGRAMS.—A Gulf Coast State or coastal political subdivision shall be considered to have met the conditions of subparagraph (D) for a specific project or program if, before the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012—

“(i) the Gulf Coast State or coastal political subdivision has established conditions for carrying out projects and programs that are substantively the same as the conditions described in subparagraph (D); and

“(ii) the applicable project or program carries out 1 or more of the activities described in subparagraph (B)(ii).

“(J) CONSULTATION WITH COUNCIL.—In carrying out this subsection, each Gulf Coast State shall seek the input of the Chairperson of the Council to identify large-scale projects that may be jointly supported by that Gulf Coast State and by the Council pursuant to the Comprehensive Plan with amounts provided under this subsection.

“(K) NON-FEDERAL MATCHING FUNDS.—

“(i) IN GENERAL.—A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available to that Gulf Coast State from the Trust Fund to satisfy the non-Federal share of the cost of any project or program authorized by Federal law that meets the eligible use requirements under subparagraph (B)(i).

“(ii) EFFECT ON OTHER FUNDS.—The use of funds made available from the Trust Fund to satisfy the non-Federal share of the cost of a project or program that meets the requirements of clause (i) shall not affect the priority in which other Federal funds are allocated or awarded.

“(L) LOCAL PREFERENCE.—In awarding contracts to carry out a project or program under this subsection, a Gulf Coast State or coastal political subdivision may give a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in, a Gulf Coast State.

“(M) UNUSED FUNDS.—Any Funds not identified in an implementation plan by a State or coastal political subdivision in accordance with subparagraph (D)(iv) shall remain in the Trust Fund until such time as the State or coastal political subdivision to which the funds have been allocated develops and submits a plan identifying uses for those funds in accordance with subparagraph (D)(iv).

“(N) JUDICIAL REVIEW.—If the Secretary of the Treasury determines that a Gulf Coast

State or coastal political subdivision does not meet the requirements of this subsection, including the conditions of subparagraph (D), the Gulf Coast State or coastal political subdivision may obtain expedited judicial review within 90 days of that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking such review.

“(2) COUNCIL ESTABLISHMENT AND ALLOCATION.—

“(A) IN GENERAL.—Of the total amount made available in any fiscal year from the Trust Fund, 60 percent shall be disbursed to the Council to carry out the Comprehensive Plan.

“(B) COUNCIL EXPENDITURES.—

“(i) IN GENERAL.—In accordance with this paragraph, the Council shall expend funds made available from the Trust Fund to undertake projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

“(ii) ALLOCATION AND EXPENDITURE PROCEDURES.—The Secretary of the Treasury shall develop such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund to the Council to implement the Comprehensive Plan will be used in accordance with this paragraph.

“(iii) ADMINISTRATIVE EXPENSES.—Of the amounts received by the Council under this subsection, not more than 3 percent may be used for administrative expenses, including staff.

“(C) GULF COAST ECOSYSTEM RESTORATION COUNCIL.—

“(i) ESTABLISHMENT.—There is established as an independent entity in the Federal Government a council to be known as the ‘Gulf Coast Ecosystem Restoration Council’.

“(ii) MEMBERSHIP.—The Council shall consist of the following members, or in the case of a Federal agency, a designee at the level of the Assistant Secretary or the equivalent:

“(I) The Chair of the Council on Environmental Quality.

“(II) The Secretary of the Interior.

“(III) The Secretary of the Army.

“(IV) The Secretary of Commerce.

“(V) The Administrator of the Environmental Protection Agency.

“(VI) The Secretary of Agriculture.

“(VII) The head of the department in which the Coast Guard is operating.

“(VIII) The Governor of the State of Alabama.

“(IX) The Governor of the State of Florida.

“(X) The Governor of the State of Louisiana.

“(XI) The Governor of the State of Mississippi.

“(XII) The Governor of the State of Texas.

“(iii) ALTERNATE.—A Governor appointed to the Council by the President may designate an alternate to represent the Governor on the Council and vote on behalf of the Governor.

“(iv) CHAIRPERSON.—From among the Federal agency members of the Council, the representatives of States on the Council shall select, and the President shall appoint, 1 Federal member to serve as Chairperson of the Council.

“(v) PRESIDENTIAL APPOINTMENT.—All Council members shall be appointed by the President.

“(vi) COUNCIL ACTIONS.—

“(I) IN GENERAL.—Subject to subclause (IV), significant actions by the Council shall

require the affirmative vote of the Federal Chairperson and a majority of the State members to be effective.

“(II) INCLUSIONS.—Significant actions include but are not limited to—

“(aa) approval of a Comprehensive Plan and future revisions to a Comprehensive Plan;

“(bb) approval of State plans pursuant to paragraph (3)(B)(iv); and

“(cc) approval of reports to Congress pursuant to clause (vii)(X).

“(III) QUORUM.—A quorum of State members shall be required to be present for the Council to take any significant action.

“(IV) AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.—For approval of State plans pursuant to paragraph (3)(B)(iv), the certification by a State member of the Council that the plan satisfies all requirements of clauses (i) and (ii) of paragraphs (3)(B), when joined by an affirmative vote of the Federal Chairperson of the Council, is deemed to satisfy the requirements for affirmative votes under subclause (I).

“(V) PUBLIC TRANSPARENCY.—Appropriate actions of the Council, including votes on significant actions and associated deliberations, shall be made available to the public.

“(vii) DUTIES OF COUNCIL.—The Council shall—

“(I) develop the Comprehensive Plan, and future revisions to the Comprehensive Plan;

“(II) identify as soon as practicable the projects that—

“(aa) have been authorized prior to the date of enactment of this subsection but not yet commenced; and

“(bb) if implemented quickly, would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, and coastal wetlands of the Gulf Coast ecosystem;

“(III) coordinate the development of consistent policies, strategies, plans, and activities by Federal agencies, State and local governments, and private sector entities for addressing the restoration and protection of the Gulf Coast ecosystem;

“(IV) establish such other advisory committee or committees as may be necessary to assist the Council, including a scientific advisory committee and a committee to advise the Council on public policy issues;

“(V) coordinate scientific and other research associated with restoration of the Gulf Coast ecosystem, including research, observation, and monitoring carried out pursuant to section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

“(VI) seek to ensure that all policies, strategies, plans, and activities for addressing the restoration of the Gulf Coast ecosystem are based on the best available physical, ecological, and economic data;

“(VII) make recommendations to address the particular needs of especially economically and socially vulnerable populations;

“(VIII) develop standard terms to include in contracts for projects and programs awarded pursuant to the Comprehensive Plan that provide a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in, a Gulf Coast State;

“(IX) prepare an integrated financial plan and recommendations for coordinated budget requests for the amounts proposed to be expended by the Federal agencies represented on the Council for projects and programs in the Gulf Coast States;

“(X) submit to Congress an annual report that—

“(aa) summarizes the policies, strategies, plans, and activities for addressing the restoration and protection of the Gulf Coast ecosystem;

“(bb) describes the projects and programs being implemented to restore and protect the Gulf Coast ecosystem; and

“(cc) makes such recommendations to Congress for modifications of existing laws as the Council determines necessary to implement the Comprehensive Plan; and

“(XI) submit to Congress a final report on the date on which all funds made available to the Council are expended.

“(viii) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Council, or any other advisory committee established under this subsection, shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

“(D) COMPREHENSIVE PLAN.—

“(i) PROPOSED PLAN.—

“(I) IN GENERAL.—Not later than 180 days after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, the Chairperson, on behalf of the Council, shall publish a proposed plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

“(II) CONTENTS.—The proposed plan described in subclause (I) shall include and incorporate the findings and information prepared by the President’s Gulf Coast Restoration Task Force.

“(ii) PUBLICATION.—

“(I) INITIAL PLAN.—Not later than 1 year after date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 and after notice and opportunity for public comment, the Chairperson, on behalf of the Council and after approval by the Council, shall publish in the Federal Register the initial Comprehensive Plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

“(II) COOPERATION WITH GULF COAST RESTORATION TASK FORCE.—The Council shall develop the initial Comprehensive Plan in close coordination with the President’s Gulf Coast Restoration Task Force.

“(III) CONSIDERATIONS.—In developing the initial Comprehensive Plan and subsequent updates, the Council shall consider all relevant findings, reports, or research prepared or funded by a center of excellence or the Gulf Fisheries and Ecosystem Endowment established pursuant to the Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program under section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

“(IV) CONTENTS.—The initial Comprehensive Plan shall include—

“(aa) such provisions as are necessary to fully incorporate in the Comprehensive Plan the strategy, projects, and programs recommended by the President’s Gulf Coast Restoration Task Force;

“(bb) a list of any project or program authorized prior to the date of enactment of this subsection but not yet commenced, the completion of which would further the purposes and goals of this subsection and of the

Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

“(cc) a description of the manner in which amounts from the Trust Fund projected to be made available to the Council for the succeeding 10 years will be allocated; and

“(dd) subject to available funding in accordance with clause (iii), a prioritized list of specific projects and programs to be funded and carried out during the 3-year period immediately following the date of publication of the initial Comprehensive Plan, including a table that illustrates the distribution of projects and programs by Gulf Coast State.

“(V) PLAN UPDATES.—The Council shall update—

“(aa) the Comprehensive Plan every 5 years in a manner comparable to the manner established in this subsection for each 5-year period for which amounts are expected to be made available to the Gulf Coast States from the Trust Fund; and

“(bb) the 3-year list of projects and programs described in subclause (IV)(dd) annually.

“(iii) RESTORATION PRIORITIES.—Except for projects and programs described in subclause (IV)(bb), in selecting projects and programs to include on the 3-year list described in subclause (IV)(dd), based on the best available science, the Council shall give highest priority to projects that address 1 or more of the following criteria:

“(I) Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem, without regard to geographic location.

“(II) Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

“(III) Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

“(IV) Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the Deepwater Horizon oil spill.

“(E) IMPLEMENTATION.—

“(i) IN GENERAL.—The Council, acting through the member agencies and Gulf Coast States, shall expend funds made available from the Trust Fund to carry out projects and programs adopted in the Comprehensive Plan.

“(ii) ADMINISTRATIVE RESPONSIBILITY.—

“(I) IN GENERAL.—Primary authority and responsibility for each project and program included in the Comprehensive Plan shall be assigned by the Council to a Gulf Coast State represented on the Council or a Federal agency.

“(II) TRANSFER OF AMOUNTS.—Amounts necessary to carry out each project or program included in the Comprehensive Plan shall be transferred by the Secretary of the Treasury from the Trust Fund to that Federal agency or Gulf Coast State as the project or program is implemented, subject to such conditions as the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, established pursuant to section 1602

of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

“(iii) COST SHARING.—

“(I) IN GENERAL.—A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available to that Gulf Coast State or coastal political subdivision from the Trust Fund to satisfy the non-Federal share of the cost of carrying a project or program that—

“(aa) is authorized by other Federal law; and

“(bb) meets the criteria of subparagraph (D).

“(II) INCLUSION IN COMPREHENSIVE PLAN.—A project or program described in subclause (I) that meets the criteria for inclusion in the Comprehensive Plan described in subparagraph (D) shall be selected and adopted by the Council as part of the Comprehensive Plan in the manner described in subparagraph (D).

“(F) COORDINATION.—The Council and the Federal members of the Council may develop Memorandums of Understanding establishing integrated funding and implementation plans among the member agencies and authorities.

“(G) TERMINATION.—The Council shall terminate on the date on which the report described in subparagraph (C)(vii)(XI) is submitted to Congress.

“(3) OIL SPILL RESTORATION IMPACT ALLOCATION.—

“(A) IN GENERAL.—Except as provided in paragraph (4), of the total amount made available to the Council under paragraph (2) in any fiscal year from the Trust Fund, 50 percent shall be disbursed by the Council as follows:

“(i) FORMULA.—Subject to subparagraph (B), for each Gulf Coast State, the amount disbursed under this paragraph shall be based on a formula established by the Council by regulation that is based on a weighted average of the following criteria:

“(I) 40 percent based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling as of April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

“(II) 40 percent based on the inverse proportion of the average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State.

“(III) 20 percent based on the average population in the 2010 decennial census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State.

“(ii) MINIMUM ALLOCATION.—The amount disbursed to a Gulf Coast State for each fiscal year under clause (i) shall be at least 5 percent of the total amounts made available under this paragraph.

“(B) APPROVAL OF PROJECTS AND PROGRAMS.—

“(i) IN GENERAL.—The Council shall disburse amounts to the respective Gulf Coast States in accordance with the formula developed under subparagraph (A) for projects, programs, and activities that will improve the ecosystems or economy of the Gulf Coast, subject to the condition that each Gulf Coast State submits a plan for the expenditure of amounts disbursed under this paragraph which meet the following criteria:

“(I) All projects, programs, and activities included in that plan are eligible activities pursuant to paragraph (1)(B)(i).

“(II) The projects, programs, and activities included in that plan contribute to the over-

all economic and ecological recovery of the Gulf Coast.

“(III) The plan takes into consideration the Comprehensive Plan and is consistent with its goals and objectives, as described in paragraph (2)(B)(i).

“(ii) FUNDING.—

“(I) IN GENERAL.—Except as provided in subclause (II), the plan described in clause (i) may use not more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (X) and (XI) of paragraph (1)(B)(i).

“(II) EXCEPTION.—The plan described in clause (i) may propose to use more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (X) and (XI) of paragraph (1)(B)(i) if the plan certifies that—

“(aa) ecosystem restoration needs in the State will be addressed by the projects in the proposed plan; and

“(bb) additional investment in infrastructure is required to mitigate the impacts of the Deepwater Horizon Oil Spill to the ecosystem or economy.

“(iii) DEVELOPMENT.—The plan described in clause (i) shall be developed by—

“(I) in the State of Alabama, the Alabama Gulf Coast Recovery Council established under paragraph (1)(E)(i);

“(II) in the State of Florida, a consortium of local political subdivisions that includes at least 1 representative of each disproportionately affected county;

“(III) in the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana;

“(IV) in the State of Mississippi, the Office of the Governor or an appointee of the Office of the Governor; and

“(V) in the State of Texas, the Office of the Governor or an appointee of the Office of the Governor.

“(iv) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under clause (i), the Council shall approve or disapprove the plan based on the conditions of clause (i).

“(C) DISAPPROVAL.—If the Council disapproves a plan pursuant to subparagraph (B)(iv), the Council shall—

“(i) provide the reasons for disapproval in writing; and

“(ii) consult with the State to address any identified deficiencies with the State plan.

“(D) FAILURE TO SUBMIT ADEQUATE PLAN.—If a State fails to submit an adequate plan under this subsection, any funds made available under this subsection shall remain in the Trust Fund until such date as a plan is submitted and approved pursuant to this subsection.

“(E) JUDICIAL REVIEW.—If the Council fails to approve or take action within 60 days on a plan described in subparagraph (B)(iv), the State may obtain expedited judicial review within 90 days of that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking such review.

“(4) AUTHORIZATION OF INTEREST TRANSFERS.—

“(A) IN GENERAL.—Of the total amount made available in any fiscal year from the Trust Fund, an amount equal to the interest earned by the Trust Fund and proceeds from investments made by the Trust Fund in the preceding fiscal year—

“(i) 50 percent shall be transferred to the National Endowment for Oceans in subparagraph (B); and

“(ii) 50 percent shall be transferred to the Gulf of Mexico Research Endowment in subparagraph (C).

“(B) NATIONAL ENDOWMENT FOR THE OCEANS.—

“(i) ESTABLISHMENT.—

“(I) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ‘National Endowment for the Oceans’, consisting of such amounts as may be appropriated or credited to the National Endowment for the Oceans.

“(II) INVESTMENT.—Amounts in the National Endowment for the Oceans shall be invested in accordance with section 9602 of the Internal Revenue Code of 1986, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subparagraph.

“(ii) TRUSTEE.—The trustee for the National Endowment for the Oceans shall be the Secretary of Commerce.

“(iii) ALLOCATION OF FUNDS.—

“(I) IN GENERAL.—Each fiscal year, the Secretary shall allocate, at a minimum, an amount equal to the interest earned by the National Endowment for the Oceans in the preceding fiscal year, and may distribute an amount equal to up to 10 percent of the total amounts in the National Endowment for the Oceans—

“(aa) to allocate funding to coastal states (as defined in section 304 of the Marine Resources and Engineering Development Act of 1966 (16 U.S.C. 1453)) and affected Indian tribes;

“(bb) to make grants to regional ocean and coastal planning bodies; and

“(cc) to develop and implement a National Grant Program for Oceans and Coastal Waters.

“(II) PROGRAM ADJUSTMENTS.—Each fiscal year where the amount described in subparagraph (A)(i) does not exceed \$100,000,000, the Secretary may elect to fund only the grant program established in subclause (I)(cc).

“(iv) ELIGIBLE ACTIVITIES.—Funds deposited in the National Endowment for the Oceans may be allocated by the Secretary only to fund grants for programs and activities intended to restore, protect, maintain, or understand living marine resources and their habitats and resources in ocean and coastal waters (as defined in section 304 of the Marine Resources and Engineering Development Act of 1966 (16 U.S.C. 1453)), including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies, that are consistent with Federal environmental laws and that avoid environmental degradation.

“(v) APPLICATION.—To be eligible to receive a grant under clause (iii)(I), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

“(vi) FUNDING FOR COASTAL STATES.—The Secretary shall allocate funding among States as follows:

“(I) 50 percent of the funds shall be allocated equally among coastal States.

“(II) 25 percent of the funds shall be allocated based on tidal shoreline miles.

“(III) 25 percent of the funds shall be allocated based on the coastal population density of a coastal State.

“(IV) No State shall be allocated more than 10 percent of the total amount of funds available for allocation among coastal States for any fiscal year.

“(V) No territory shall be allocated more than 1 percent of the total amount of funds available for allocation among coastal States for any fiscal year.

“(C) GULF OF MEXICO RESEARCH ENDOWMENT.—

“(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ‘Gulf of Mexico Research Endowment’, to be administered by the Secretary of Commerce, solely for use in providing long-term funding in accordance with section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

“(ii) INVESTMENT.—Amounts in the Gulf of Mexico Research Endowment shall be invested in accordance with section 9602 of the Internal Revenue Code of 1986, and, after adjustment for inflation so as to maintain the value of the principal, any interest on, and proceeds from, any such investment shall be available for expenditure and shall be allocated in equal portions to the Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program and Fisheries Endowment established in section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.”.

SEC. 1604. GULF COAST ECOSYSTEM RESTORATION SCIENCE, OBSERVATION, MONITORING, AND TECHNOLOGY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) FISHERIES AND ECOSYSTEM ENDOWMENT.—The term “Fisheries and Ecosystem Endowment” means the endowment established by subsection (d).

(3) PROGRAM.—The term “Program” means the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program established by subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—There is established within the National Oceanic and Atmospheric Administration a program to be known as the “Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program”, to be carried out by the Administrator.

(c) CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—In carrying out the Program, the Administrator, in consultation with other Federal agencies with expertise in the discipline of a center of excellence, shall make grants in accordance with paragraph (2) to establish and operate 5 centers of excellence, 1 of which shall be located in each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(2) GRANTS.—

(A) IN GENERAL.—The Administrator shall use the amounts made available to carry out this section to award competitive grants to nongovernmental entities and consortia in the Gulf Coast region (including public and private institutions of higher education) for the establishment of centers of excellence as described in paragraph (1).

(B) APPLICATION.—To be eligible to receive a grant under this paragraph, an entity or consortium described in subparagraph (A) shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines to be appropriate.

(C) PRIORITY.—In awarding grants under this paragraph, the Administrator shall give priority to entities and consortia that demonstrate the ability to establish the broadest cross-section of participants with interest and expertise in any discipline described in paragraph (3) on which the proposal of the center of excellence will be focused.

(3) DISCIPLINES.—Each center of excellence shall focus on science, technology, and monitoring in at least 1 of the following disciplines:

(A) Coastal and deltaic sustainability, restoration and protection; including solutions and technology that allow citizens to live safely and sustainably in a coastal delta.

(B) Coastal fisheries and wildlife ecosystem research and monitoring.

(C) Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources.

(D) Sustainable and resilient growth, economic and commercial development in the Gulf Coast.

(E) Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.

(4) COORDINATION WITH OTHER PROGRAMS.—The Administrator shall develop a plan for the coordination of projects and activities between the Program and other existing Federal and State science and technology programs in the States of Alabama, Florida, Louisiana, Mississippi, and Texas, as well as between the centers of excellence.

(d) ESTABLISHMENT OF FISHERIES AND ECOSYSTEM ENDOWMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Council shall establish a fishery and ecosystem endowment to ensure, to the maximum extent practicable, the long-term sustainability of the ecosystem, fish stocks, fish habitat and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.

(2) EXPENDITURE OF FUNDS.—For each fiscal year, amounts made available to carry out this subsection may be expended for, with respect to the Gulf of Mexico—

(A) marine and estuarine research;

(B) marine and estuarine ecosystem monitoring and ocean observation;

(C) data collection and stock assessments;

(D) pilot programs for—

(i) fishery independent data; and

(ii) reduction of exploitation of spawning aggregations; and

(E) cooperative research.

(3) ADMINISTRATION AND IMPLEMENTATION.—The Fisheries and Ecosystem Endowment shall be administered by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the United States Fish and Wildlife Service, with guidance provided by the Regional Gulf of Mexico Fishery Management Council.

(4) SPECIES INCLUDED.—The Fisheries and Ecosystem Endowment will include all marine, estuarine, aquaculture, and fish and wildlife species in State and Federal waters of the Gulf of Mexico.

(5) RESEARCH PRIORITIES.—In distributing funding under this subsection, priority shall be given to integrated, long-term projects that—

(A) build on, or are coordinated with, related research activities; and

(B) address current or anticipated marine ecosystem, fishery, or wildlife management information needs.

(6) DUPLICATION AND COORDINATION.—In carrying out this subsection, the Administrator shall seek to avoid duplication of other research and monitoring activities and coordinate with existing research and monitoring programs, including the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.).

(e) FUNDING.—

(1) IN GENERAL.—Except as provided in subsection (b)(4) of section 311 of the Federal

Water Pollution Control Act (33 U.S.C. 1321), of the total amount made available for each fiscal year for the Gulf Coast Restoration Trust Fund established under section 1602, 5 percent shall be allocated in equal portions to the Program and Fisheries and Ecosystem Endowment established by this section.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts received by the National Oceanic and Atmospheric Administration to carry out this section, not more than 3 percent may be used for administrative expenses.

SEC. 1605. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle or any amendment made by this subtitle—

(1) supersedes or otherwise affects any provision of Federal law, including, in particular, laws providing recovery for injury to natural resources under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) and laws for the protection of public health and the environment; or

(2) applies to any fine collected under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for any incident other than the Deepwater Horizon oil spill.

(b) USE OF FUNDS.—Funds made available under this subtitle may be used only for eligible activities specifically authorized by this subtitle.

Subtitle G—Land and Water Conservation Fund

SEC. 1701. LAND AND WATER CONSERVATION FUND.

(a) AUTHORIZATION.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) is amended—

(1) in the matter preceding subsection (a), by striking “September 30, 2015” and inserting “September 30, 2022”; and

(2) in subsection (c)(1), by striking “through September 30, 2015” and inserting “September 30, 2022”.

(b) FUNDING.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended to read as follows: “SEC. 3. AVAILABILITY OF FUNDS.

“(a) FUNDING.—

“(1) FISCAL YEARS 2013 AND 2014.—For each of fiscal years 2013 and 2014—

“(A) \$700,000,000 of amounts covered into the fund under section 2 shall be available for expenditure, without further appropriation or fiscal year limitation, to carry out the purposes of this Act; and

“(B) the remainder of amounts covered into the fund shall be available subject to appropriations, which may be made without fiscal year limitation.

“(2) FISCAL YEARS 2015 THROUGH 2022.—For each of fiscal years 2015 through 2022, amounts covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act subject to appropriations, which may be made without fiscal year limitation.

“(b) USES.—Amounts made available for obligation or expenditure from the fund may be obligated or expended only as provided in this Act.

“(c) WILLING SELLERS.—In using amounts made available under subsection (a)(1)(A), the Secretary shall only acquire land or interests in land by purchase, exchange, or donation from a willing seller.

“(d) ADDITIONAL AMOUNTS.—Amounts made available under subsection (a)(1)(A) shall be in addition to amounts made available to the fund under section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

“(e) ALLOCATION AUTHORITY.—Appropriation Acts may provide for the allocation of

amounts covered into the fund under section 2.”.

(c) **ALLOCATION OF FUNDS.**—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-7) is amended—

(1) in the first sentence, by inserting “or expenditures” after “appropriations”;

(2) in the second sentence—

(A) by inserting “or expenditures” after “appropriations”; and

(B) by inserting before the period at the end the following: “, including the amounts to be allocated from the fund for Federal and State purposes”; and

(3) by striking “Those appropriations from” and all that follows through the end of the section.

(d) **CONFORMING AMENDMENTS.**—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting “or expended” after “appropriated”;

(2) in paragraph (1)—

(A) by inserting “or expenditures” after “appropriations”; and

(B) by striking “; and” and inserting a period; and

(3) in the first sentence of paragraph (2), by inserting “or expenditure” after “appropriation”.

(e) **PUBLIC ACCESS.**—Section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “or expended” after “appropriated”; and

(B) in paragraph (3), by inserting “or expenditures” after “such appropriations”;

(2) in subsection (b)—

(A) in the first sentence, by inserting “or expenditures” after “Appropriations”; and

(B) in the proviso, by inserting “or expenditures” after “appropriations”;

(3) in the first sentence of subsection (c)(1)—

(A) by inserting “or expended” after “appropriated”; and

(B) by inserting “or expenditures” after “appropriations”; and

(4) by adding at the end the following:

“(d) **PUBLIC ACCESS.**—Not less than 1.5 percent of the annual authorized funding amount shall be made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, and other recreational purposes.”.

Subtitle H—Offsets

SEC. 1801. DELAY IN APPLICATION OF WORLD-WIDE INTEREST.

(a) **IN GENERAL.**—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2020” and inserting “December 31, 2021.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1802.

SA 1823. Mr. REID (for Mr. HARKIN (for himself, Mr. BURR, Mr. ENZI, Mr. CASEY, Mr. LIEBERMAN, and Ms. COLLINS)) proposed an amendment to the bill S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act; as follows:

On page 80, line 18, insert “medical and public health” before “needs of children”.

On page 80, lines 19 and 20, strike “, including public health emergencies”.

On page 82, between lines 5 and 6, insert the following:

“(G) the Administrator of the Federal Emergency Management Agency.”.

On page 82, line 6, strike “(G) at least two” and insert “(H) at least two non-Federal”.

On page 82, line 9, strike “(H)” and insert “(I)”.

On page 82, line 13, strike “(I)” and insert “(J)”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on March 7, 2012, at 9:30 a.m. in room SH 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 7, 2012, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 7, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Priorities, Plans, and Progress of the Nation’s Space Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 7, 2012, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The President’s 2012 Trade Agenda.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 7, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Examining Lending Discrimination Practices and Foreclosure Abuses.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session on March 7, 2012, in room SD-50 of the Dirksen Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on March 7, 2012, at 2 p.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled “Opportunities for Savings: Removing Obstacles for Small Business.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 7, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “The President’s Fiscal Year 2013 Budget Proposals for the Coast Guard and the National Oceanic and Atmospheric Administration.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on March 7, 2012, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Hannah Breul, who is a detailee from the Department of Energy working on the staff of the Committee on Energy and Natural Resources this year, be granted floor privileges during today’s session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I ask unanimous consent that Michael Johnson from my office be granted the privilege of the floor during today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that James Ward from my office be granted floor privileges for the duration of today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, B.J. Westlund, be granted privileges of the floor for the balance of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT REAUTHORIZATION OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 263.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1855) to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Pandemic and All-Hazards Preparedness Act Reauthorization of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

Sec. 101. National Health Security Strategy.

Sec. 102. Assistant Secretary for Preparedness and Response.

Sec. 103. National Advisory Committee on Children and Disasters.

Sec. 104. Modernization of the National Disaster Medical System.

Sec. 105. Continuing the role of the Department of Veterans Affairs.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

Sec. 201. Improving State and local public health security.

Sec. 202. Hospital preparedness and medical surge capacity.

Sec. 203. Enhancing situational awareness and biosurveillance.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

Sec. 301. Special protocol assessment.

Sec. 302. Authorization of medical products for use in emergencies.

Sec. 303. Definitions.

Sec. 304. Enhancing medical countermeasure activities.

Sec. 305. Regulatory management plans.

Sec. 306. Report.

Sec. 307. Pediatric medical countermeasures.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

Sec. 401. BioShield.

Sec. 402. Biomedical Advanced Research and Development Authority.

Sec. 403. Strategic National Stockpile.

Sec. 404. National Biodefense Science Board.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.

(a) **IN GENERAL.**—Section 2802 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)(1), by striking “2009” and inserting “2014”; and

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “facilities), and trauma care” and inserting “facilities and which may include dental health facilities), and trauma care, critical care,”; and

(II) by inserting “(including related availability, accessibility, and coordination)” after “public health emergencies”;

(ii) in subparagraph (A), by inserting “and trauma” after “medical”;

(iii) in subparagraph (D), by inserting “(which may include such dental health assets)” after “medical assets”;

(iv) by adding at the end the following:

“(F) Optimizing a coordinated and flexible approach to the medical surge capacity of hospitals, other healthcare facilities, and trauma care (which may include trauma centers) and emergency medical systems.”;

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting “, including the unique needs and considerations of individuals with disabilities,” after “medical needs of at-risk individuals”; and

(ii) in subparagraph (B), by inserting “the” before “purpose of this section”; and

(C) by adding at the end the following:

“(7) **COUNTERMEASURES.**—

“(A) Promoting strategic initiatives to advance countermeasures to diagnose, mitigate, prevent, or treat harm from any biological agent or toxin, chemical, radiological, or nuclear agent or agents, whether naturally occurring, unintentional, or deliberate.

“(B) For purposes of this paragraph the term ‘countermeasures’ has the same meaning as the terms ‘qualified countermeasures’ under section 319F–1, ‘qualified pandemic and epidemic products’ under section 319F–3, and ‘security countermeasures’ under section 319F–2.

“(8) **MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCY.**—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—

“(A) optimizing alignment and integration of medical and public health preparedness and response planning and capabilities with and into routine daily activities; and

“(B) promoting familiarity with local medical and public health systems.”.

(b) **AT-RISK INDIVIDUALS.**—Section 2814 of the Public Health Service Act (42 U.S.C. 300hh–16) is amended—

(1) by striking paragraphs (5), (7), and (8);

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) by inserting before paragraph (2) (as so redesignated), the following:

“(1) monitor emerging issues and concerns as they relate to medical and public health preparedness and response for at-risk individuals in the event of a public health emergency declared by the Secretary under section 319;”;

(4) in paragraph (2) (as so redesignated), by striking “National Preparedness goal” and in-

serting “preparedness goals, as described in section 2802(b),”; and

(5) by inserting after paragraph (6), the following:

“(7) disseminate and, as appropriate, update novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies in as timely a manner as is practicable, including from the time a public health threat is identified; and

“(8) ensure that public health and medical information distributed by the Department of Health and Human Services during a public health emergency is delivered in a manner that takes into account the range of communication needs of the intended recipients, including at-risk individuals.”.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) is amended—

(1) in subsection (b)(4), by adding at the end the following:

“(D) **POLICY COORDINATION AND STRATEGIC DIRECTION.**—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan, before, during, and following public health emergencies.”;

(2) by striking subsection (c) and inserting the following:

“(c) **FUNCTIONS.**—The Assistant Secretary for Preparedness and Response shall—

“(1) have authority over and responsibility for—

“(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

“(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;

“(C) the Medical Reserve Corps pursuant to section 2813;

“(D) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I; and

“(E) administering grants and related authorities related to trauma care under parts A through C of title XII, such authority to be transferred by the Secretary from the Administrator of the Health Resources and Services Administration to such Assistant Secretary;

“(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

“(A) the Public Health Emergency Preparedness Cooperative Agreement Program pursuant to section 319C–1;

“(B) the Strategic National Stockpile; and

“(C) the Cities Readiness Initiative;

“(3) align and coordinate medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this Act, to the extent possible, including program requirements, timelines, and measurable goals, and in coordination with the Secretary of Homeland Security, to—

“(A) optimize and streamline medical and public health preparedness capabilities and the ability of local communities to respond to public health emergencies;

“(B) minimize duplication of efforts with regard to medical and public health preparedness and response programs; and

“(C) gather and disseminate best practices among grant and cooperative agreement recipients, as appropriate;

“(4) carry out drills and operational exercises, in coordination with the Department of Homeland Security, the Department of Defense, the

Department of Veterans Affairs, and other applicable Federal departments and agencies, as necessary and appropriate, to identify, inform, and address gaps in and policies related to all-hazards medical and public health preparedness, including exercises based on—

“(A) identified threats for which countermeasures are available and for which no countermeasures are available; and

“(B) unknown threats for which no countermeasures are available; and

“(5) assume other duties as determined appropriate by the Secretary.”; and

(3) by adding at the end the following:

“(d) **NATIONAL SECURITY PRIORITY.**—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall on a periodic basis conduct meetings, as applicable and appropriate, with the Assistant to the President for National Security Affairs to provide an update on, and discuss, medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including progress on the development, approval, clearance, and licensure of medical countermeasures.

“(e) **PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this subsection, and every other year thereafter, the Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration, shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. Such strategy and plan shall be known as the ‘Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan’.

“(2) **REQUIREMENTS.**—The plan under paragraph (1) shall—

“(A) consider and reflect the full spectrum of medical countermeasure-related activities, including research, advanced research, development, procurement, stockpiling, deployment, and distribution;

“(B) identify and prioritize near-term, mid-term, and long-term priority qualified and security countermeasure (as defined in sections 319F–1 and 319F–2) needs and goals of the Federal Government according to chemical, biological, radiological, and nuclear threat or threats;

“(C) identify projected timelines, anticipated funding allocations, benchmarks, and milestones for each medical countermeasure priority under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile;

“(D) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

“(E) report on advanced research and development awards and the date of the issuance of contract awards, including awards made through the special reserve fund (as defined in section 319F–2(c)(10));

“(F) identify progress made in meeting the goals, benchmarks, and milestones identified under subparagraph (C) in plans submitted subsequent to the initial plan;

“(G) identify the progress made in meeting the medical countermeasure priorities for at-risk individuals, (as defined in 2802(b)(4)(B)), as applicable under subparagraph (B), including with regard to the projected needs for related stock-

piling and replenishment of the Strategic National Stockpile; and

“(H) be made publicly available.

“(3) **GAO REPORT.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date on which a Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection is issued by the Secretary, the Government Accountability Office shall conduct an independent evaluation and submit to the appropriate committees of Congress a report concerning such strategy and implementation plan.

“(B) **CONTENT.**—The report described in subparagraph (A) shall review and assess—

“(i) the near-term, mid-term, and long-term medical countermeasure needs and identified priorities of the Federal Government pursuant to subparagraphs (A) and (B) of paragraph (2);

“(ii) the activities of the Department of Health and Human Services with respect to advanced research and development pursuant to section 319L; and

“(iii) the progress made toward meeting the goals, benchmarks, and milestones identified in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection.

“(f) **INTERNAL MULTIYEAR PLANNING PROCESS.**—The Secretary shall develop, and update on an annual basis, a coordinated 5-year budget plan based on the medical countermeasure priorities and goals described in subsection (e). Each such plan shall—

“(1) include consideration of the entire medical countermeasures enterprise, including—

“(A) basic research, advanced research and development;

“(B) approval, clearance, licensure, and authorized uses of products; and

“(C) procurement, stockpiling, maintenance, and replenishment of all products in the Strategic National Stockpile;

“(2) include measurable outputs and outcomes to allow for the tracking of the progress made toward identified goals;

“(3) identify medical countermeasure lifecycle costs to inform planning, budgeting, and anticipated needs within the continuum of the medical countermeasure enterprise consistent with section 319F–2; and

“(4) be made available to the appropriate committees of Congress upon request.

“(g) **INTERAGENCY COORDINATION PLAN.**—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services is coordinating with the Department of Defense regarding countermeasure activities to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

“(1) the research, advanced research, development, procurement, stockpiling, and distribution of countermeasures to meet identified needs; and

“(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

“(h) **PROTECTION OF NATIONAL SECURITY.**—In carrying out subsections (e), (f), and (g), the Secretary shall ensure that information and items that could compromise national security are not disclosed.”.

SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811 the end the following:

“SEC. 2811A. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

“(a) **ESTABLISHMENT.**—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the ‘National Advisory Committee on Children and Disasters’ (referred to in this section as the ‘Advisory Committee’).

“(b) **DUTIES.**—The Advisory Committee shall—

“(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

“(2) evaluate and provide input with respect to the needs of children as they relate to preparation for, response to, and recovery from all-hazards, including public health emergencies; and

“(3) provide advice and consultation to States and territories with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

“(c) **ADDITIONAL DUTIES.**—The Advisory Committee may provide advice and recommendations to the Secretary with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

“(d) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with such other Secretaries as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

“(2) **REQUIRED MEMBERS.**—The Secretary, in consultation with such other Secretaries as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

“(A) the Assistant Secretary for Preparedness and Response;

“(B) the Director of the Biomedical Advanced Research and Development Authority;

“(C) the Director of the Centers for Disease Control and Prevention;

“(D) the Commissioner of Food and Drugs;

“(E) the Director of the National Institutes of Health;

“(F) the Assistant Secretary of the Administration for Children and Families;

“(G) at least two health care professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

“(H) at least two representatives from State, local, territories, or tribal agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

“(I) representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

“(e) **MEETINGS.**—The Advisory Committee shall meet not less than biannually.

“(f) **SUNSET.**—The Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011.”.

SEC. 104. MODERNIZATION OF THE NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), in clause (i) by inserting “, including at-risk individuals as applicable” after “victims of a public health emergency”;

(B) by redesignating subparagraph (C) as subparagraph (E); and

(C) by inserting after subparagraph (B), the following:

“(C) CONSIDERATIONS FOR AT-RISK POPULATIONS.—The Secretary shall take steps to ensure that an appropriate specialized and focused range of public health and medical capabilities are represented in the National Disaster Medical System, which take into account the needs of at-risk individuals, in the event of a public health emergency.”.

“(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or through contracts that provide for payment in advance or by way of reimbursement.”; and

(2) in subsection (g), by striking “such sums as may be necessary for each of the fiscal years 2007 through 2011” and inserting “\$56,000,000 for each of fiscal years 2012 through 2016”.

SEC. 105. CONTINUING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 8117(g) of title 38, United States Code, is amended by striking “such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011” and inserting “\$156,500,000 for each of fiscal years 2012 through 2016 to carry out this section”.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

(a) COOPERATIVE AGREEMENTS.—Section 319C-1 of the Public Health Service Act (42 U.S.C. 247d-3a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking clauses (i) and (ii) and inserting the following:

“(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802, including with respect to chemical, biological, radiological, or nuclear threats, whether naturally occurring, unintentional, or deliberate;

“(ii) a description of the activities such entity will carry out with respect to pandemic influenza, as a component of the activities carried out under clause (i), and consistent with the requirements of paragraphs (2) and (5) of subsection (g);”;

(ii) in clause (iv), by striking “and” at the end; and

(iii) by adding at the end the following:

“(vi) a description of how, as appropriate, the entity may partner with relevant public and private stakeholders in public health emergency preparedness and response;

“(vii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency preparedness, including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (as defined in section 658D of the Child Care and Development Block Grant Act); and

“(viii) in the case of entities that operate on the United States-Mexico border or the United States-Canada border, a description of the activities such entity will carry out under the agreement that are specific to the border area including disease detection, identification, and investigation, and preparedness and response activities related to emerging diseases and infectious disease outbreaks whether naturally-occurring or due to bioterrorism, consistent with the requirements of this section.”; and

(B) in subparagraph (C), by inserting “, including addressing the needs of at-risk individuals,” after “capabilities of such entity”;

(2) in subsection (g)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) include outcome goals representing operational achievements of the National Preparedness Goals developed under section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats; and”;

and

(B) in paragraph (2)(A), by adding at the end the following: “The Secretary shall periodically update, as necessary and appropriate, such pandemic influenza plan criteria and shall require the integration of such criteria into the benchmarks and standards described in paragraph (1).”;

(3) in subsection (i)—

(A) in paragraph (1)(A)—

(i) by striking “\$824,000,000 for fiscal year 2007” and inserting “\$632,900,000 for fiscal year 2012”; and

(ii) by striking “such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$632,900,000 for each of fiscal years 2013 through 2016”; and

(B) by adding at the end the following:

“(7) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

“(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

“(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as described in subsection (g).”;

(4) in subsection (j), by striking paragraph (3).

(b) VACCINE TRACKING AND DISTRIBUTION.—Section 319A(e) of the Public Health Service Act (42 U.S.C. 247d-1(e)) is amended by striking “such sums for each of fiscal years 2007 through 2011” and inserting “\$30,800,000 for each of fiscal years 2012 through 2016”.

(c) GAO REPORT.—Section 319C-1 of the Public Health Service Act (42 U.S.C. 247d-3a) is amended by adding at the end the following:

“(1) GAO REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011, the Government Accountability Office shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, concerning Federal programs at the Department of Health and Human Services that support medical and public health preparedness and response programs at the State and local levels.

“(2) CONTENT.—The report described in paragraph (1) shall review and assess—

“(A) the extent to which grant and cooperative agreement requirements and goals have been met by recipients;

“(B) the extent to which such grants and cooperative agreements have supported medical and public health preparedness and response goals pursuant to section 2802(b), as appropriate and applicable;

“(C) whether recipients or the Department of Health and Human Services have identified any factors that may impede a recipient’s ability to achieve programmatic goals and requirements; and

“(D) instances in which funds may not have been used appropriately, in accordance with grant and cooperative agreement requirements, and actions taken to address inappropriate expenditures.”.

SEC. 202. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d-6(a)(5)(B)) is amended by striking “public health or medical” and inserting “public health, medical, or dental”.

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d-7b(k)) is amended by striking “\$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011” and inserting “\$5,900,000 for each of fiscal years 2012 through 2016”.

(2) VOLUNTEERS.—Section 2813 of the Public Health Service Act (42 U.S.C. 300hh-15) is amended—

(A) in subsection (d)(2), by adding at the end the following: “Such training exercises shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency.”; and

(B) in subsection (i), by striking “\$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$11,900,000 for each of fiscal years 2012 through 2016”.

(c) PARTNERSHIPS FOR STATE AND REGIONAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C-2 of the Public Health Service Act (42 U.S.C. 247d-3b) is amended—

(1) in subsection (b)(1)(A)(ii), by striking “centers, primary” and inserting “centers, community health centers, primary”;

(2) by striking subsection (c) and inserting the following:

“(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats.”;

(3) by striking subsection (g) and inserting the following:

“(g) COORDINATION.—

“(1) LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the local Cities Readiness Initiative, and local emergency plans.

“(2) NATIONAL COLLABORATION.—Partnerships consisting of one or more eligible entities under this section may, to the extent practicable, collaborate with other partnerships consisting of one or more eligible entities under this section for purposes of national coordination and collaboration with respect to activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).”;

(4) in subsection (j)—

(A) in paragraph (1), by striking “\$474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$378,000,000 for each of fiscal years 2012 through 2016”; and

(B) by adding at the end the following:

“(4) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

“(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

“(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (i).”.

SEC. 203. ENHANCING SITUATIONAL AWARENESS AND BIOSURVEILLANCE.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting “poison control centers,” after “hospitals,”;

(B) in paragraph (2), by inserting before the period the following: “, allowing for coordination to maximize all-hazards medical and public health preparedness and response and to minimize duplication of effort”; and

(C) in paragraph (3), by inserting before the period the following: “and update such standards as necessary”;

(2) in subsection (d)—

(A) in the subsection heading, by striking “PUBLIC HEALTH SITUATIONAL AWARENESS” and inserting “MODERNIZING PUBLIC HEALTH SITUATIONAL AWARENESS AND BIOSURVEILLANCE”;

(B) in paragraph (1)—

(i) by striking “Pandemic and All-Hazards Preparedness Act” and inserting “Pandemic and All-Hazards Preparedness Act Reauthorization of 2011”; and

(ii) by inserting “, novel emerging threats,” after “disease outbreaks”;

(C) by striking paragraph (2) and inserting the following:

“(2) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011, the Secretary shall submit to the appropriate committees of Congress, a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measurable steps the Secretary will carry out to—

“(A) develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3); and

“(B) modernize and enhance biosurveillance activities.”;

(D) in paragraph (3)(D), by inserting “community health centers, health centers” after “poison control,”;

(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

“(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the National Coordinator for Health Information Technology, through a joint public and private sector process;”;

(F) by adding at the end the following:

“(6) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section consistent with section 319M, the National Biodefense Science Board shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance biosurveillance activities pursuant to the efforts of the Department of Health and Human Services to ensure comprehensive, real-time all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

“(A) identify the steps necessary to achieve a national biosurveillance system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between and among Federal, State, and local government public health authorities and clinical health care providers;

“(B) identify any duplicative surveillance programs under the authority of the Secretary, or changes that are necessary to existing programs, in order to enhance and modernize such activities, minimize duplication, strengthen and streamline such activities under the authority of the Secretary, and achieve real-time and appropriate data that relate to disease activity, both human and zoonotic; and

“(C) coordinate with applicable existing advisory committees of the Director of the Centers for Disease Control and Prevention, including such advisory committees consisting of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.”;

(3) in subsection (e)(5), by striking “4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act” and inserting “3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011”;

(4) in subsection (g), by striking “such sums as may be necessary in each of fiscal years 2007 through 2011” and inserting “\$160,121,000 for each of fiscal years 2012 through 2016”; and

(5) by adding at the end the following:

“(h) DEFINITION.—For purposes of this section the term ‘biosurveillance’ means the process of gathering near real-time, biological data that relates to disease activity and threats to human or zoonotic health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events, and overall situational awareness of disease activity.”.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

SEC. 301. SPECIAL PROTOCOL ASSESSMENT.

Section 505(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking “size of clinical trials intended” and all that follows through “. The sponsor or applicant” and inserting the following: “size—

“(i)(I) of clinical trials intended to form the primary basis of an effectiveness claim; or

“(II) in the case where human efficacy studies are not ethical or feasible, of animal and any associated clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or

“(ii) with respect to an application for approval of a biological product under section 351(k) of the Public Health Service Act, of any necessary clinical study or studies. The sponsor or applicant”.

SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

(a) IN GENERAL.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “sections 505, 510(k), and 515 of this Act” and inserting “any provision of this Act”;

(B) in paragraph (2)(A), by striking “under a provision of law referred to in such paragraph” and inserting “under a provision of law in section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act”; and

(C) in paragraph (3), by striking “a provision of law referred to in such paragraph” and inserting “a provision of law referred to in paragraph (2)(A)”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “EMERGENCY” and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “may declare an emergency” and in-

serting “may make a declaration that the circumstances exist”;

(ii) in subparagraph (A), by striking “specified”;

(iii) in subparagraph (B)—

(I) by striking “specified”; and

(II) by striking “; or” and inserting a semicolon;

(iv) by amending subparagraph (C) to read as follows:

“(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or”; and

(v) by adding at the end the following:

“(D) the identification of a material threat pursuant to section 319F–2 of the Public Health Service Act sufficient to affect national security or the health and security of United States citizens living abroad.”;

(C) in paragraph (2)(A)—

(i) by amending clause (ii) to read as follows:

“(ii) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist.”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(D) in paragraph (4), by striking “advance notice of termination, and renewal under this subsection.” and inserting “, and advance notice of termination under this subsection. The Secretary shall make any renewal under this subsection available on the Internet Web site of the Food and Drug Administration.”;

(E) by adding at the end the following:

“(5) EXPLANATION BY SECRETARY.—If an authorization under this section with respect to an unapproved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product, an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product, including specific actions to be taken by the Secretary and the sponsor to overcome such obstacles.”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “the Assistant Secretary for Preparedness and Response,” after “consultation with”;

(ii) by striking “Health and” and inserting “Health, and”; and

(iii) by striking “circumstances of the emergency involved” and inserting “applicable circumstances described in subsection (b)(1)”;

(B) in paragraph (1), by striking “specified” and inserting “referred to”; and

(C) in paragraph (2)(B), by inserting “, taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable” after “risks of the product”;

(4) in subsection (d)(3), by inserting “, to the extent practicable given the circumstances of the emergency,” after “including”;

(5) in subsection (e)—

(A) in paragraph (1)(A), by striking “circumstances of the emergency” and inserting “applicable circumstances described in subsection (b)(1)”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “manufacturer of the product” and inserting “person”;

(II) by striking “circumstances of the emergency” and inserting “applicable circumstances described in subsection (b)(1)”;

(III) by inserting at the end before the period “or in paragraph (1)(B)”;

(ii) in subparagraph (B)(i), by inserting before the period at the end “, except as provided in section 564A with respect to authorized changes to the product expiration date”;

(iii) by amending subparagraph (C) to read as follows:

“(C) In establishing conditions under this paragraph with respect to the distribution and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when done solely for the approved use.”; and

(C) by amending paragraph (3) to read as follows:

“(C) GOOD MANUFACTURING PRACTICE; PRESCRIPTION.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—

“(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

“(B) requirements established under section 503(b); and

“(C) requirements established under section 520(e).”;

(6) in subsection (g)—

(A) in the subsection heading, by inserting “REVIEW AND” before “REVOCATION”;

(B) in paragraph (1), by inserting after the period at the end the following: “As part of such review, the Secretary shall regularly review the progress made with respect to the approval, licensure, or clearance of—

“(A) an unapproved product for which an authorization was issued under this section; or

“(B) an unapproved use of an approved product for which an authorization was issued under this section.”; and

(C) by amending paragraph (2) to read as follows:

“(2) REVISION AND REVOCATION.—The Secretary may revise or revoke an authorization under this section if—

“(A) the circumstances described under subsection (b)(1) no longer exist;

“(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or

“(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.”;

(7) in subsection (h)(1), by adding after the period at the end the following: “The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.”; and

(8) by adding at the end of subsection (j) the following:

“(4) Nothing in this section shall be construed as authorizing a delay in the review or other consideration by the Food and Drug Administration of any application pending before the Administration for a countermeasure or product referred to in subsection (a).”.

(b) EMERGENCY USE OF MEDICAL PRODUCTS.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 564 the following:

“SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PRODUCT.—The term ‘eligible product’ means a product that—

“(A) is approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act;

“(B)(i) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents, including a product intended to be used to prevent or treat pandemic influenza; or

“(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and

“(C) is intended for use during the circumstances under which—

“(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

“(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.

“(2) PRODUCT.—The term ‘product’ means a drug, device, or biological product.

“(b) EXTENSION OF EXPIRATION DATE.—

“(1) AUTHORITY TO EXTEND EXPIRATION DATE.—The Secretary may extend the expiration date of an eligible product in accordance with this subsection.

“(2) EXPIRATION DATE.—For purposes of this subsection, the term ‘expiration date’ means the date established through appropriate stability testing required by the regulations issued by the Secretary to ensure that the product meets applicable standards of identity, strength, quality, and purity at the time of use.

“(3) EFFECT OF EXTENSION.—Notwithstanding any other provision of this Act or the Public Health Service Act, if the expiration date of an eligible product is extended in accordance with this section, the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer and within the duration of such extension shall not be deemed to render the product—

“(A) an unapproved product; or

“(B) adulterated or misbranded under this Act.

“(4) DETERMINATIONS BY SECRETARY.—Before extending the expiration date of an eligible product under this subsection, the Secretary shall determine—

“(A) that extension of the expiration date will help protect public health;

“(B) that any extension of expiration is supported by scientific evaluation that is conducted or accepted by the Secretary;

“(C) what changes to the product labeling, if any, are required or permitted, including whether and how any additional labeling communicating the extension of the expiration date may alter or obscure the labeling provided by the manufacturer; and

“(D) that any other conditions that the Secretary deems appropriate have been met.

“(5) SCOPE OF EXTENSION.—With respect to each extension of an expiration date granted under this subsection, the Secretary shall determine—

“(A) the batch, lot, or unit to which such extension shall apply;

“(B) the duration of such extension; and

“(C) any conditions to effectuate such extension that are necessary and appropriate to protect public health or safety.

“(c) CURRENT GOOD MANUFACTURING PRACTICE.—

“(1) IN GENERAL.—The Secretary may, when the circumstances of a domestic, military, or

public health emergency or material threat described in subsection (a)(1)(C) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

“(2) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

“(d) EMERGENCY USE INSTRUCTIONS.—

“(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product’s approved, licensed, or cleared conditions of use.

“(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the issuance of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions—

“(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C)(i); or

“(B) by a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, in preparation for an emergency response.”.

(c) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505 1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), is amended—

(1) in subsection (f), by striking paragraph (7); and

(2) by adding at the end the following:

“(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, the circumstances under which—

“(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

“(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.”.

(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by subsection (b), the following:

“SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.

“‘It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as

defined in section 564(a)(4)) intended for emergency use, if that product—

“(1) is intended to be held and not used; and

“(2) is held and not used, unless and until that product—

“(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;

“(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or

“(C) is authorized for use under section 564.”.

SEC. 303. DEFINITIONS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4) is amended by striking “The Secretary, in consultation” and inserting the following:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘countermeasure’ means a qualified countermeasure, a security countermeasure, and a qualified pandemic or epidemic product;

“(2) the term ‘qualified countermeasure’ has the meaning given such term in section 319F-1 of the Public Health Service Act;

“(3) the term ‘security countermeasure’ has the meaning given such term in section 319F-2 of such Act; and

“(4) the term ‘qualified pandemic or epidemic product’ means a product that meets the definition given such term in section 319F-3 of the Public Health Service Act and—

“(A) that has been identified by the Department of Health and Human Services or the Department of Defense as receiving funding directly related to addressing chemical, biological, radiological or nuclear threats, including pandemic influenza; or

“(B) is included under this paragraph pursuant to a determination by the Secretary.

“(b) GENERAL DUTIES.—The Secretary, in consultation”.

SEC. 304. ENHANCING MEDICAL COUNTERMEASURE ACTIVITIES.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4), as amended by section 303, is further amended—

(1) in the section heading, by striking “technical assistance” and inserting “countermeasure development, review, and technical assistance”;

(2) in subsection (b), by striking the subsection heading and all that follows through “shall establish” and inserting the following:

“(b) GENERAL DUTIES.—In order to accelerate the development, stockpiling, approval, licensure, and clearance of qualified countermeasures, security countermeasures, and qualified pandemic or epidemic products, the Secretary, in consultation with the Assistant Secretary for Preparedness and Response, shall—

“(1) ensure the appropriate involvement of Food and Drug Administration personnel in interagency activities related to countermeasure advanced research and development, consistent with sections 319F, 319F-1, 319F-2, 319F-3, and 319L of the Public Health Service Act;

“(2) ensure the appropriate involvement and consultation of Food and Drug Administration personnel in any flexible manufacturing activities carried out under section 319L of the Public Health Service Act, including with respect to meeting regulatory requirements set forth in this Act;

“(3) promote countermeasure expertise within the Food and Drug Administration by—

“(A) ensuring that Food and Drug Administration personnel involved in reviewing countermeasures for approval, licensure, or clearance are informed by the Assistant Secretary for Preparedness and Response on the material threat assessment conducted under section 319F-2 of the Public Health Service Act for the agent or agents for which the countermeasure under review is intended;

“(B) training Food and Drug Administration personnel regarding review of countermeasures for approval, licensure, or clearance;

“(C) holding public meetings at least twice annually to encourage the exchange of scientific ideas; and

“(D) establishing protocols to ensure that countermeasure reviewers have sufficient training or experience with countermeasures;

“(4) maintain teams, composed of Food and Drug Administration personnel with expertise on countermeasures, including specific countermeasures, populations with special clinical needs (including children and pregnant women that may use countermeasures, as applicable and appropriate), classes or groups of countermeasures, or other countermeasure-related technologies and capabilities, that shall—

“(A) consult with countermeasure experts, including countermeasure sponsors and applicants, to identify and help resolve scientific issues related to the approval, licensure, or clearance of countermeasures, through workshops or public meetings;

“(B) improve and advance the science relating to the development of new tools, standards, and approaches to assessing and evaluating countermeasures—

“(i) in order to inform the process for countermeasure approval, clearance, and licensure; and

“(ii) with respect to the development of countermeasures for populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate; and

“(5) establish”; and

(3) by adding at the end the following:

“(c) DEVELOPMENT AND ANIMAL MODELING PROCEDURES.—

“(1) AVAILABILITY OF ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development, stockpiling, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure by which a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug application or investigational device exemption, may request and receive—

“(A) a meeting to discuss proposed animal model development activities; and

“(B) a meeting prior to initiating pivotal animal studies.

“(2) PEDIATRIC MODELS.—To facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

“(d) REVIEW AND APPROVAL OF COUNTERMEASURES.—

“(1) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F-2 of the Public Health Service Act for which the countermeasure under review is intended.

“(2) REVIEW EXPERTISE.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).”.

SEC. 305. REGULATORY MANAGEMENT PLANS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4), as amended

by section 304, is further amended by adding at the end the following:

“(e) REGULATORY MANAGEMENT PLAN.—

“(1) DEFINITION.—In this subsection, the term ‘eligible countermeasure’ means—

“(A) a security countermeasure with respect to which the Secretary has entered into a procurement contract under section 319F-2(c) of the Public Health Service Act; or

“(B) a countermeasure with respect to which the Biomedical Advanced Research and Development Authority has provided funding under section 319L of the Public Health Service Act for advanced research and development.

“(2) REGULATORY MANAGEMENT PLAN PROCESSES.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority, shall establish a formal process for obtaining scientific feedback and interactions regarding the development and regulatory review of eligible countermeasures by facilitating the development of written regulatory management plans in accordance with this subsection.

“(3) SUBMISSION OF REQUEST AND PROPOSED PLAN BY SPONSOR OR APPLICANT.—

“(A) IN GENERAL.—A sponsor or applicant of an eligible countermeasure may initiate the process described under paragraph (2) upon submission of written request to the Secretary. Such request shall include a proposed regulatory management plan.

“(B) TIMING OF SUBMISSION.—A sponsor or applicant may submit a written request under subparagraph (A) after the eligible countermeasure has an investigational new drug or investigational device exemption in effect.

“(C) RESPONSE BY SECRETARY.—The Secretary shall direct the Food and Drug Administration, upon submission of a written request by a sponsor or applicant under subparagraph (A), to work with the sponsor or applicant to agree on a regulatory management plan within a reasonable time not to exceed 90 days. If the Secretary determines that no plan can be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.

“(4) PLAN.—The content of a regulatory management plan agreed to by the Secretary and a sponsor or applicant shall include—

“(A) an agreement between the Secretary and the sponsor or applicant regarding developmental milestones that will trigger responses by the Secretary as described in subparagraph (B);

“(B) performance targets and goals for timely and appropriate responses by the Secretary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions by the Secretary, and other activities carried out as part of the development and review process; and

“(C) an agreement on how the plan shall be modified, if needed.

“(5) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—

“(A) feedback from the Secretary regarding the data required to support the approval, clearance, or licensure of the eligible countermeasure involved;

“(B) feedback from the Secretary regarding the data necessary to inform any authorization under section 564;

“(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including to the Strategic National Stockpile;

“(D) feedback from the Secretary regarding the data necessary to support the submission of protocols for review under section 505(b)(5)(B);

“(E) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of the eligible countermeasure, and plans for conducting the necessary scientific research;

“(F) identification of the population for which the countermeasure sponsor or applicant seeks approval, licensure, or clearance, and the population for which desired labeling would not be appropriate, if known; and

“(G) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulation, and administration with respect to the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.

“(6) **PRIORITIZATION.**—If the Commissioner of Food and Drugs determines that resources are not available to establish regulatory management plans under this section for all eligible countermeasures for which a request is submitted under paragraph (3)(A), the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commissioner of Food and Drugs, shall prioritize which eligible countermeasures may receive regulatory managements plans, and in doing so shall give priority to eligible countermeasures that are security countermeasures.”.

SEC. 306. REPORT.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4), as amended by section 305, is further amended by adding at the end the following:

“(f) **ANNUAL REPORT.**—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that details the countermeasure development and review activities of the Food and Drug Administration, including—

“(1) with respect to the development of new tools, standards, and approaches to assess and evaluate countermeasures—

“(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and

“(B) the identification of scientific gaps that impede the development or approval, licensure, or clearance of countermeasures for populations with special clinical needs, including children and pregnant women, and the progress made on resolving these challenges;

“(2) with respect to countermeasures for which a regulatory management plan has been agreed upon under subsection (e), the extent to which the performance targets and goals set forth in subsection (e)(4)(B) and the regulatory management plan has been met, including, for each such countermeasure—

“(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;

“(B) whether the Secretary adhered to the timely and appropriate response times set forth in such plan; and

“(C) explanations for any failure to meet such performance targets and goals;

“(3) the number of regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the number of, type of, and any progress made as a result of consultations carried out under subsection (b)(4)(A);

“(4) an estimate of resources obligated to countermeasure development and regulatory as-

essment, including Center specific objectives and accomplishments;

“(5) the number of countermeasure applications submitted, the number of countermeasures approved, licensed, or cleared, the status of remaining submitted applications, and the number of each type of authorization issued pursuant to section 564; and

“(6) the number of written requests for a regulatory management plan submitted under subsection (e)(3)(A), the number of regulatory management plans developed, and the number of such plans developed for security countermeasures.”.

SEC. 307. PEDIATRIC MEDICAL COUNTERMEASURES.

(a) **PEDIATRIC STUDIES OF DRUGS.**—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (d), by adding at the end the following:

“(5) **CONSULTATION.**—With respect to a drug that is a qualified countermeasure (as defined in section 319F-1 of the Public Health Service Act), a security countermeasure (as defined in section 319F-2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F-3 of the Public Health Service Act), the Secretary shall solicit input from the Assistant Secretary for Preparedness and Response regarding the need for and, from the Director of the Biomedical Advanced Research and Development Authority regarding the conduct of, pediatric studies under this section.”; and

(2) in subsection (n)(1), by adding at the end the following:

“(C) For a drug that is a qualified countermeasure (as defined in section 319F-1 of the Public Health Service Act), a security countermeasure (as defined in section 319F-2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F-3 of such Act), in addition to any action with respect to such drug under subparagraph (A) or (B), the Secretary shall notify the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority of all pediatric studies in the written request issued by the Commissioner of Food and Drugs.”.

(b) **ADDITION TO PRIORITY LIST CONSIDERATIONS.**—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) **CONSIDERATION OF AVAILABLE INFORMATION.**—In developing and prioritizing the list under paragraph (1), the Secretary—

“(A) shall consider—

“(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

“(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

“(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

“(B) may consider the availability of qualified countermeasures (as defined in section 319F-1), security countermeasures (as defined in section 319F-2), and qualified pandemic or epidemic products (as defined in section 319F-3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response, consistent with the purposes of this section.”; and

(2) in subsection (b), by striking “subsection (a)” and inserting “paragraphs (1) and (2)(A) of subsection (a)”.

(c) **ADVICE AND RECOMMENDATIONS OF THE PEDIATRIC ADVISORY COMMITTEE REGARDING COUNTERMEASURES FOR PEDIATRIC POPULATIONS.**—Subsection (b)(2) of section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subparagraph (C), by striking the period and inserting “; and”; and

(2) by adding at the end the following:

“(D) the development of countermeasures (as defined in section 565(a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations.”.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

SEC. 401. BIOSHIELD.

(a) **REAUTHORIZATION OF THE SPECIAL RESERVE FUND.**—Section 319F-2(c) of the Public Health Service Act (42 U.S.C. 247d-6b(c)) is amended by adding at the end the following:

“(11) **REAUTHORIZATION OF THE SPECIAL RESERVE FUND.**—In addition to amounts otherwise appropriated, there are authorized to be appropriated for the special reserve fund, \$2,800,000,000 for the fiscal years 2014 through 2018.

“(12) **REPORT.**—Not later than 30 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than \$1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing the amount of such funds available for procurement and the impact such reduction in funding will have—

“(A) in meeting the security countermeasure needs identified under this section; and

“(B) on the biennial Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 2811(d)).”.

(b) **PROCUREMENT OF COUNTERMEASURES.**—Section 319F-2(c) of the Public Health Service Act (42 U.S.C. 247d-6b(c)) is amended—

(1) in paragraph (1)(B)(i)(III)(bb), by striking “eight years” and inserting “10 years”;

(2) in paragraph (5)(B)(ii), by striking “eight years” and inserting “10 years”;

(3) in paragraph (7)(C)—

(A) in clause (i)(I), by inserting “including advanced research and development,” after “as may reasonably be required,”;

(B) in clause (ii)—

(i) in subclause (III), by striking “eight years” and inserting “10 years”; and

(ii) by striking subclause (IX) and inserting the following:

“(IX) **CONTRACT TERMS.**—The Secretary, in any contract for procurement under this section—

“(aa) may specify—

“(AA) the dosing and administration requirements for the countermeasure to be developed and procured;

“(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and

“(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

“(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).”; and

(C) by adding at the end the following:

“(viii) **FLEXIBILITY.**—In carrying out this section, the Secretary may, consistent with the applicable provisions of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including

with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable, and allocable direct cost of the contract involved.”;

(4) in paragraph (9)(B), by inserting before the period the following: “, except that this subparagraph shall not be construed to prohibit the use of such amounts as otherwise authorized in this title”; and

(5) in paragraph (10), by adding at the end the following:

“(C) **ADVANCED RESEARCH AND DEVELOPMENT.**—For purposes of this paragraph, the term ‘advanced research and development’ shall have the meaning given such term in section 319L(a).”.

SEC. 402. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

(a) **DUTIES.**—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amended—

(1) in subparagraph (B)(iii), by inserting “(which may include advanced research and development for purposes of fulfilling requirements under the Federal Food, Drug, and Cosmetic Act or section 351 of this Act)” after “development”; and

(2) in subparagraph (D)(iii), by striking “and vaccine manufacturing technologies” and inserting “vaccine manufacturing technologies, dose sparing technologies, efficacy increasing technologies, and platform technologies”.

(b) **STRATEGIC PUBLIC-PRIVATE PARTNERSHIP.**—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amended by adding at the end the following:

“(E) **STRATEGIC INVESTOR.**—

“(i) **IN GENERAL.**—To support the purposes described in paragraph (2), the Secretary, acting through the Director of BARDA, may enter into an agreement (including through the use of grants, contracts, cooperative agreements, or other transactions as described in paragraph (5)) with an independent, non-profit entity to—

“(I) foster and accelerate the development and innovation of medical countermeasures and technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products, including strategic investment through the use of venture capital practices and methods;

“(II) promote the development of new and promising technologies that address urgent medical countermeasure needs, as identified by the Secretary;

“(III) address unmet public health needs that are directly related to medical countermeasure requirements, such as novel antimicrobials for multidrug resistant organisms and multiuse platform technologies for diagnostics, prophylaxis, vaccines, and therapeutics; and

“(IV) provide expert consultation and advice to foster viable medical countermeasure innovators, including helping qualified countermeasure innovators navigate unique industry challenges with respect to developing chemical, biological, radiological, and nuclear countermeasure products.

“(ii) **ELIGIBILITY.**—

“(I) **IN GENERAL.**—To be eligible to enter into an agreement under clause (i) an entity shall—

“(aa) be an independent, non-profit entity not otherwise affiliated with the Department of Health and Human Services;

“(bb) have a demonstrated record of being able to create linkages between innovators and investors and leverage such partnerships and resources for the purpose of addressing identified strategic needs of the Federal Government;

“(cc) have experience in promoting novel technology innovation;

“(dd) be problem driven and solution focused based on the needs, requirements, and problems identified by the Secretary under clause (iv);

“(ee) demonstrate the ability, or the potential ability, to promote the development of medical countermeasure products; and

“(ff) demonstrate expertise, or the capacity to develop or acquire expertise, related to technical and regulatory considerations with respect to medical countermeasures.

“(II) **PARTNERING EXPERIENCE.**—In selecting an entity with which to enter into an agreement under clause (i), the Secretary shall place a high value on the demonstrated experience of the entity in partnering with the Federal Government to meet identified strategic needs.

“(iii) **NOT AGENCY.**—An entity that enters into an agreement under clause (i) shall not be deemed to be a Federal agency for any purpose, including for any purpose under title 5, United States Code.

“(iv) **DIRECTION.**—Pursuant to an agreement entered into under this subparagraph, the Secretary, acting through the Director of BARDA, shall provide direction to the entity that enters into an agreement under clause (i). As part of this agreement the Director of BARDA shall—

“(I) communicate the medical countermeasure needs, requirements, and problems to be addressed by the entity under the agreement;

“(II) develop a description of work to be performed by the entity under the agreement;

“(III) provide technical feedback and appropriate oversight over work carried out by the entity under the agreement, including subsequent development and partnerships consistent with the needs and requirements set forth in this subparagraph;

“(IV) ensure fair consideration of products developed under the agreement in order to maintain competition to the maximum practical extent, as applicable and appropriate under applicable provisions of this section; and

“(V) ensure, as a condition of the agreement—

“(aa) a comprehensive set of policies that demonstrate a commitment to transparency and accountability;

“(bb) protection against conflicts of interest through a comprehensive set of policies that address potential conflicts of interest, ethics, disclosure, and reporting requirements;

“(cc) that the entity provides monthly accounting on the use of funds provided under such agreement; and

“(dd) that the entity provides on a quarterly basis, reports regarding the progress made toward meeting the identified needs set forth in the agreement.

“(v) **SUPPLEMENT NOT SUPPLANT.**—Activities carried out under this subparagraph shall supplement, and not supplant, other activities carried out under this section.

“(vi) **NO ESTABLISHMENT OF ENTITY.**—To prevent unnecessary duplication and target resources effectively, nothing in this subparagraph shall be construed to authorize the Secretary to establish within the Department of Health and Human Services a strategic investor entity.

“(vii) **TRANSPARENCY AND OVERSIGHT.**—Upon request, the Secretary shall provide to Congress the information provided to the Secretary under clause (iv)(V)(dd).

“(viii) **INDEPENDENT EVALUATION.**—Not later than 4 years after the date of enactment of this subparagraph, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subparagraph. Such report shall include recommendations with respect to any agreement or activities carried out pursuant to this subparagraph.

“(ix) **SUNSET.**—This subparagraph shall have no force or effect after September 30, 2016.”.

(c) **TRANSACTION AUTHORITIES.**—Section 319L(c)(5) of the Public Health Service Act (42

U.S.C. 247d–7e(c)(5)) is amended by adding at the end the following:

“(G) **GOVERNMENT PURPOSE.**—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.”.

(d) **FUND.**—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d–7e(d)(2)) is amended to read as follows:

“(2) **FUNDING.**—To carry out the purposes of this section, there is authorized to be appropriated to the Fund \$415,000,000 for each of fiscal years 2012 through 2016, such amounts to remain available until expended.”.

(e) **CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.**—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d–7e(e)(1)(C)) is amended by striking “7 years” and inserting “10 years”.

(f) **EXTENSION OF LIMITED ANTITRUST EXEMPTION.**—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–6a note) is amended by striking “6-year” and inserting “10-year”.

(g) **INDEPENDENT EVALUATION.**—Section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended by adding at the end the following:

“(f) **INDEPENDENT EVALUATION.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this subsection, the Government Accountability Office shall conduct an independent evaluation of the activities carried out to facilitate flexible manufacturing capacity pursuant to this section.

“(2) **REPORT.**—Not later than 1 year after the date of enactment of this subsection, the Government Accountability Office shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

“(A) the extent to which flexible manufacturing capacity under this section is dedicated to chemical, biological, radiological, and nuclear threats;

“(B) the activities supported by flexible manufacturing initiatives; and

“(C) the ability of flexible manufacturing activities carried out under this section to—

“(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and

“(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological and nuclear agents.”.

(h) **DEFINITIONS.**—

(1) **QUALIFIED COUNTERMEASURE.**—Section 319F–1(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking “to—” and inserting “—”;

(B) in clause (i)—

(i) by striking “diagnose” and inserting “to diagnose”; and

(ii) by striking “; or” and inserting a semicolon;

(C) in clause (ii)—

(i) by striking “diagnose” and inserting “to diagnose”; and

(ii) by striking the period at the end and inserting “; or”;

(D) by adding at the end the following:

“(iii) is a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).”.

(2) **QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.**—Section 319F–3(i)(7)(A) of the Public

Health Service Act (42 U.S.C. 247d6(i)(7)(A)) is amended—

(A) in clause (i)(II), by striking “; or” and inserting “;”;

(B) in clause (ii), by striking “; and” and inserting “; or”; and

(C) by adding at the end the following:

“(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii); and”.

(3) **TECHNICAL AMENDMENTS.**—Section 319F–3(i) of the Public Health Service Act (42 U.S.C. 247d–6d(i)) is amended—

(A) in paragraph (1)(C), by inserting “, 564A, or 564B” after “564”; and

(B) in paragraph (7)(B)(iii), by inserting “, 564A, or 564B” after “564”.

SEC. 403. STRATEGIC NATIONAL STOCKPILE.

(a) **IN GENERAL.**—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “consistent with section 2811” before “by the Secretary to be appropriate”; and

(ii) by inserting before the period at the end the following: “and shall submit such review annually to the appropriate Congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security”; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(ii) by inserting after subparagraph (D), the following:

“(E) identify and address the potential depletion and ensure appropriate replenishment of medical countermeasures, including those currently in the stockpile;”; and

(2) in subsection (f)(1), by striking “\$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006” and inserting “\$522,486,000 for each of fiscal years 2012 through 2016”.

(b) **REPORT ON POTASSIUM IODIDE.**—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate Committees of Congress a report regarding the stockpiling of potassium iodide. Such report shall include—

(1) an assessment of the availability of potassium iodide at Federal, State, and local levels; and

(2) a description of the extent to which such activities and policies provide public health protection in the event of a nuclear incident, whether unintentional or deliberate, including an act of terrorism.

SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.

Section 319M(a) of the Public Health Service Act (42 U.S.C. 247d–f(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)—

(i) in the matter preceding clause (i), by striking “five” and inserting “six”; and

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

“(iii) one such member shall be an individual with pediatric subject matter expertise; and

“(iv) one such member shall be a State, tribal, territorial, or local public health official.”; and

(B) by adding at the end the following flush sentence:

“Nothing in this paragraph shall preclude a member of the Board from satisfying two or more of the requirements described in subparagraph (D).”; and

(2) in paragraph (5)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.”; and

(3) in paragraph (8), by adding at the end the following: “Such chairperson shall serve as the deciding vote in the event that a deciding vote is necessary with respect to voting by members of the Board.”.

Mr. REID. Mr. President, I ask unanimous consent that the Harkin amendment, which is at desk, be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read the third time and passed, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1823) was agreed to, as follows:

(Purpose: To make certain technical corrections)

On page 80, line 18, insert “medical and public health” before “needs of children”.

On page 80, lines 19 and 20, strike “, including public health emergencies”.

On page 82, between lines 5 and 6, insert the following:

“(G) the Administrator of the Federal Emergency Management Agency;”.

On page 82, line 6, strike “(G) at least two” and insert “(H) at least two non-Federal”.

On page 82, line 9, strike “(H)” and insert “(I)”.

On page 82, line 13, strike “(I)” and insert “(J)”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1855), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Pandemic and All-Hazards Preparedness Act Reauthorization of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

Sec. 101. National Health Security Strategy.

Sec. 102. Assistant Secretary for Preparedness and Response.

Sec. 103. National Advisory Committee on Children and Disasters.

Sec. 104. Modernization of the National Disaster Medical System.

Sec. 105. Continuing the role of the Department of Veterans Affairs.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

Sec. 201. Improving State and local public health security.

Sec. 202. Hospital preparedness and medical surge capacity.

Sec. 203. Enhancing situational awareness and biosurveillance.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

Sec. 301. Special protocol assessment.

Sec. 302. Authorization of medical products for use in emergencies.

Sec. 303. Definitions.

Sec. 304. Enhancing medical countermeasure activities.

Sec. 305. Regulatory management plans.

Sec. 306. Report.

Sec. 307. Pediatric medical countermeasures.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

Sec. 401. BioShield.

Sec. 402. Biomedical Advanced Research and Development Authority.

Sec. 403. Strategic National Stockpile.

Sec. 404. National Biodefense Science Board.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.

(a) **IN GENERAL.**—Section 2802 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)(1), by striking “2009” and inserting “2014”; and

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “facilities), and trauma care” and inserting “facilities and which may include dental health facilities), and trauma care, critical care,”; and

(II) by inserting “(including related availability, accessibility, and coordination)” after “public health emergencies”; and

(ii) in subparagraph (A), by inserting “and trauma” after “medical”; and

(iii) in subparagraph (D), by inserting “(which may include such dental health assets)” after “medical assets”; and

(iv) by adding at the end the following:

“(F) Optimizing a coordinated and flexible approach to the medical surge capacity of hospitals, other healthcare facilities, and trauma care (which may include trauma centers) and emergency medical systems.”;

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting “, including the unique needs and considerations of individuals with disabilities,” after “medical needs of at-risk individuals”; and

(ii) in subparagraph (B), by inserting “the” before “purpose of this section”; and

(C) by adding at the end the following:

“(7) COUNTERMEASURES.—

“(A) Promoting strategic initiatives to advance countermeasures to diagnose, mitigate, prevent, or treat harm from any biological agent or toxin, chemical, radiological, or nuclear agent or agents, whether naturally occurring, unintentional, or deliberate.

“(B) For purposes of this paragraph the term ‘countermeasures’ has the same meaning as the terms ‘qualified countermeasures’ under section 319F–1, ‘qualified pandemic and epidemic products’ under section 319F–3, and ‘security countermeasures’ under section 319F–2.

“(8) MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCY.—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and

be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—

“(A) optimizing alignment and integration of medical and public health preparedness and response planning and capabilities with and into routine daily activities; and

“(B) promoting familiarity with local medical and public health systems.”.

(b) AT-RISK INDIVIDUALS.—Section 2814 of the Public Health Service Act (42 U.S.C. 300hh-16) is amended—

(1) by striking paragraphs (5), (7), and (8);

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) by inserting before paragraph (2) (as so redesignated), the following:

“(1) monitor emerging issues and concerns as they relate to medical and public health preparedness and response for at-risk individuals in the event of a public health emergency declared by the Secretary under section 319J.”;

(4) in paragraph (2) (as so redesignated), by striking “National Preparedness goal” and inserting “preparedness goals, as described in section 2802(b).”;

(5) by inserting after paragraph (6), the following:

“(7) disseminate and, as appropriate, update novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies in as timely a manner as is practicable, including from the time a public health threat is identified; and

“(8) ensure that public health and medical information distributed by the Department of Health and Human Services during a public health emergency is delivered in a manner that takes into account the range of communication needs of the intended recipients, including at-risk individuals.”.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

Section 2811 of the Public Health Service Act (42 U.S.C. 300hh-10) is amended—

(1) in subsection (b)(4), by adding at the end the following:

“(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan, before, during, and following public health emergencies.”;

(2) by striking subsection (c) and inserting the following:

“(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

“(1) have authority over and responsibility for—

“(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

“(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2;

“(C) the Medical Reserve Corps pursuant to section 2813;

“(D) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I; and

“(E) administering grants and related authorities related to trauma care under parts A through C of title XII, such authority to be transferred by the Secretary from the Administrator of the Health Resources and

Services Administration to such Assistant Secretary;

“(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

“(A) the Public Health Emergency Preparedness Cooperative Agreement Program pursuant to section 319C-1;

“(B) the Strategic National Stockpile; and

“(C) the Cities Readiness Initiative;

“(3) align and coordinate medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this Act, to the extent possible, including program requirements, timelines, and measurable goals, and in coordination with the Secretary of Homeland Security, to—

“(A) optimize and streamline medical and public health preparedness capabilities and the ability of local communities to respond to public health emergencies;

“(B) minimize duplication of efforts with regard to medical and public health preparedness and response programs; and

“(C) gather and disseminate best practices among grant and cooperative agreement recipients, as appropriate;

“(4) carry out drills and operational exercises, in coordination with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies, as necessary and appropriate, to identify, inform, and address gaps in and policies related to all-hazards medical and public health preparedness, including exercises based on—

“(A) identified threats for which countermeasures are available and for which no countermeasures are available; and

“(B) unknown threats for which no countermeasures are available; and

“(5) assume other duties as determined appropriate by the Secretary.”;

(3) by adding at the end the following:

“(d) NATIONAL SECURITY PRIORITY.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall on a periodic basis conduct meetings, as applicable and appropriate, with the Assistant to the President for National Security Affairs to provide an update on, and discuss, medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including progress on the development, approval, clearance, and licensure of medical countermeasures.

“(e) PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every other year thereafter, the Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration, shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. Such strategy and plan shall be known as the ‘Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan’.

“(2) REQUIREMENTS.—The plan under paragraph (1) shall—

“(A) consider and reflect the full spectrum of medical countermeasure-related activities, including research, advanced research, development, procurement, stockpiling, deployment, and distribution;

“(B) identify and prioritize near-term, mid-term, and long-term priority qualified and security countermeasure (as defined in sections 319F-1 and 319F-2) needs and goals of the Federal Government according to chemical, biological, radiological, and nuclear threat or threats;

“(C) identify projected timelines, anticipated funding allocations, benchmarks, and milestones for each medical countermeasure priority under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile;

“(D) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

“(E) report on advanced research and development awards and the date of the issuance of contract awards, including awards made through the special reserve fund (as defined in section 319F-2(c)(10));

“(F) identify progress made in meeting the goals, benchmarks, and milestones identified under subparagraph (C) in plans submitted subsequent to the initial plan;

“(G) identify the progress made in meeting the medical countermeasure priorities for at-risk individuals, (as defined in 2802(b)(4)(B)), as applicable under subparagraph (B), including with regard to the projected needs for related stockpiling and replenishment of the Strategic National Stockpile; and

“(H) be made publicly available.

“(3) GAO REPORT.—

“(A) IN GENERAL.—Not later than 1 year after the date on which a Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection is issued by the Secretary, the Government Accountability Office shall conduct an independent evaluation and submit to the appropriate committees of Congress a report concerning such strategy and implementation plan.

“(B) CONTENT.—The report described in subparagraph (A) shall review and assess—

“(i) the near-term, mid-term, and long-term medical countermeasure needs and identified priorities of the Federal Government pursuant to subparagraphs (A) and (B) of paragraph (2);

“(ii) the activities of the Department of Health and Human Services with respect to advanced research and development pursuant to section 319L; and

“(iii) the progress made toward meeting the goals, benchmarks, and milestones identified in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection.

“(f) INTERNAL MULTIYEAR PLANNING PROCESS.—The Secretary shall develop, and update on an annual basis, a coordinated 5-year budget plan based on the medical countermeasure priorities and goals described in subsection (e). Each such plan shall—

“(1) include consideration of the entire medical countermeasures enterprise, including—

“(A) basic research, advanced research and development;

“(B) approval, clearance, licensure, and authorized uses of products; and

“(C) procurement, stockpiling, maintenance, and replenishment of all products in the Strategic National Stockpile;

“(2) include measurable outputs and outcomes to allow for the tracking of the progress made toward identified goals;

“(3) identify medical countermeasure life-cycle costs to inform planning, budgeting, and anticipated needs within the continuum of the medical countermeasure enterprise consistent with section 319F-2; and

“(4) be made available to the appropriate committees of Congress upon request.

“(g) INTERAGENCY COORDINATION PLAN.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services is coordinating with the Department of Defense regarding countermeasure activities to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

“(1) the research, advanced research, development, procurement, stockpiling, and distribution of countermeasures to meet identified needs; and

“(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

“(h) PROTECTION OF NATIONAL SECURITY.—In carrying out subsections (e), (f), and (g), the Secretary shall ensure that information and items that could compromise national security are not disclosed.”

SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811 the following:

“SEC. 281A. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

“(a) ESTABLISHMENT.—The Secretary, in consultation with such other Secretaries of Homeland Security, shall establish an advisory committee to be known as the ‘National Advisory Committee on Children and Disasters’ (referred to in this section as the ‘Advisory Committee’).

“(b) DUTIES.—The Advisory Committee shall—

“(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

“(2) evaluate and provide input with respect to the medical and public health needs of children as they relate to preparation for, response to, and recovery from all-hazards; and

“(3) provide advice and consultation to States and territories with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

“(c) ADDITIONAL DUTIES.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Secretary, in consultation with such other Secretaries as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

“(2) REQUIRED MEMBERS.—The Secretary, in consultation with such other Secretaries as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

“(A) the Assistant Secretary for Preparedness and Response;

“(B) the Director of the Biomedical Advanced Research and Development Authority;

“(C) the Director of the Centers for Disease Control and Prevention;

“(D) the Commissioner of Food and Drugs;

“(E) the Director of the National Institutes of Health;

“(F) the Assistant Secretary of the Administration for Children and Families;

“(G) the Administrator of the Federal Emergency Management Agency;

“(H) at least two non-Federal health care professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

“(I) at least two representatives from State, local, territories, or tribal agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

“(J) representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

“(e) MEETINGS.—The Advisory Committee shall meet not less than biannually.

“(f) SUNSET.—The Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011.”

SEC. 104. MODERNIZATION OF THE NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), in clause (i) by inserting “, including at-risk individuals as applicable” after “victims of a public health emergency”;

(B) by redesignating subparagraph (C) as subparagraph (E); and

(C) by inserting after subparagraph (B), the following:

“(C) CONSIDERATIONS FOR AT-RISK POPULATIONS.—The Secretary shall take steps to ensure that an appropriate specialized and focused range of public health and medical capabilities are represented in the National Disaster Medical System, which take into account the needs of at-risk individuals, in the event of a public health emergency.”

“(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or through contracts that provide for payment in advance or by way of reimbursement.”; and

(2) in subsection (g), by striking “such sums as may be necessary for each of the fiscal years 2007 through 2011” and inserting “\$56,000,000 for each of fiscal years 2012 through 2016”.

SEC. 105. CONTINUING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 8117(g) of title 38, United States Code, is amended by striking “such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011” and inserting “\$156,500,000 for each of fiscal years 2012 through 2016 to carry out this section”.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

(a) COOPERATIVE AGREEMENTS.—Section 319C-1 of the Public Health Service Act (42 U.S.C. 247d-3a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking clauses (i) and (ii) and inserting the following:

“(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802, including with respect to chemical, biological, radiological, or nuclear threats, whether naturally occurring, unintentional, or deliberate;

“(ii) a description of the activities such entity will carry out with respect to pandemic influenza, as a component of the activities carried out under clause (i), and consistent with the requirements of paragraphs (2) and (5) of subsection (g);”;

(ii) in clause (iv), by striking “and” at the end; and

(iii) by adding at the end the following:

“(vi) a description of how, as appropriate, the entity may partner with relevant public and private stakeholders in public health emergency preparedness and response;

“(vii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency preparedness, including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (as defined in section 658D of the Child Care and Development Block Grant Act); and

“(viii) in the case of entities that operate on the United States-Mexico border or the United States-Canada border, a description of the activities such entity will carry out under the agreement that are specific to the border area including disease detection, identification, and investigation, and preparedness and response activities related to emerging diseases and infectious disease outbreaks whether naturally-occurring or due to bioterrorism, consistent with the requirements of this section;”;

(B) in subparagraph (C), by inserting “, including addressing the needs of at-risk individuals,” after “capabilities of such entity”;

(2) in subsection (g)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) include outcome goals representing operational achievements of the National Preparedness Goals developed under section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats; and”;

(B) in paragraph (2)(A), by adding at the end the following: “The Secretary shall periodically update, as necessary and appropriate, such pandemic influenza plan criteria and shall require the integration of such criteria into the benchmarks and standards described in paragraph (1).”;

(3) in subsection (i)—

(A) in paragraph (1)(A)—

(i) by striking “\$824,000,000 for fiscal year 2007” and inserting “\$632,900,000 for fiscal year 2012”; and

(ii) by striking “such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$632,900,000 for each of fiscal years 2013 through 2016”; and

(B) by adding at the end the following:

“(7) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

“(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

“(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as described in subsection (g).”; and

(4) in subsection (j), by striking paragraph (3).

(b) VACCINE TRACKING AND DISTRIBUTION.—Section 319A(e) of the Public Health Service Act (42 U.S.C. 247d-1(e)) is amended by striking “such sums for each of fiscal years 2007 through 2011” and inserting “\$30,800,000 for each of fiscal years 2012 through 2016”.

(c) GAO REPORT.—Section 319C-1 of the Public Health Service Act (42 U.S.C. 247d-3a) is amended by adding at the end the following:

“(1) GAO REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011, the Government Accountability Office shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, concerning Federal programs at the Department of Health and Human Services that support medical and public health preparedness and response programs at the State and local levels.

“(2) CONTENT.—The report described in paragraph (1) shall review and assess—

“(A) the extent to which grant and cooperative agreement requirements and goals have been met by recipients;

“(B) the extent to which such grants and cooperative agreements have supported medical and public health preparedness and response goals pursuant to section 2802(b), as appropriate and applicable;

“(C) whether recipients or the Department of Health and Human Services have identified any factors that may impede a recipient's ability to achieve programmatic goals and requirements; and

“(D) instances in which funds may not have been used appropriately, in accordance with grant and cooperative agreement requirements, and actions taken to address inappropriate expenditures.”.

SEC. 202. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d-6(a)(5)(B)) is amended by striking “public health or medical” and inserting “public health, medical, or dental”.

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d-7b(k)) is amended by striking “\$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011” and inserting “\$5,900,000 for each of fiscal years 2012 through 2016”.

(2) VOLUNTEERS.—Section 2813 of the Public Health Service Act (42 U.S.C. 300hh-15) is amended—

(A) in subsection (d)(2), by adding at the end the following: “Such training exercises

shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency.”; and

(B) in subsection (i), by striking “\$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$11,900,000 for each of fiscal years 2012 through 2016”.

(c) PARTNERSHIPS FOR STATE AND REGIONAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C-2 of the Public Health Service Act (42 U.S.C. 247d-3b) is amended—

(1) in subsection (b)(1)(A)(ii), by striking “centers, primary” and inserting “centers, community health centers, primary”;

(2) by striking subsection (c) and inserting the following:

“(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats.”;

(3) by striking subsection (g) and inserting the following:

“(g) COORDINATION.—

“(1) LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the local Cities Readiness Initiative, and local emergency plans.

“(2) NATIONAL COLLABORATION.—Partnerships consisting of one or more eligible entities under this section may, to the extent practicable, collaborate with other partnerships consisting of one or more eligible entities under this section for purposes of national coordination and collaboration with respect to activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).”; and

(4) in subsection (j)—

(A) in paragraph (1), by striking “\$474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$378,000,000 for each of fiscal years 2012 through 2016”; and

(B) by adding at the end the following:

“(4) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

“(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

“(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (i).”.

SEC. 203. ENHANCING SITUATIONAL AWARENESS AND BIOSURVEILLANCE.

Section 319D of the Public Health Service Act (42 U.S.C. 247d-4) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting “poison control centers,” after “hospitals.”;

(B) in paragraph (2), by inserting before the period the following: “, allowing for coordination to maximize all-hazards medical and public health preparedness and response and to minimize duplication of effort”; and

(C) in paragraph (3), by inserting before the period the following: “and update such standards as necessary”;

(2) in subsection (d)—

(A) in the subsection heading, by striking “PUBLIC HEALTH SITUATIONAL AWARENESS” and inserting “MODERNIZING PUBLIC HEALTH SITUATIONAL AWARENESS AND BIOSURVEILLANCE”;

(B) in paragraph (1)—

(i) by striking “Pandemic and All-Hazards Preparedness Act” and inserting “Pandemic and All-Hazards Preparedness Act Reauthorization of 2011”; and

(ii) by inserting “, novel emerging threats,” after “disease outbreaks”;

(C) by striking paragraph (2) and inserting the following:

“(2) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011, the Secretary shall submit to the appropriate committees of Congress, a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measurable steps the Secretary will carry out to—

“(A) develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3); and

“(B) modernize and enhance biosurveillance activities.”;

(D) in paragraph (3)(D), by inserting “community health centers, health centers” after “poison control.”;

(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

“(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the National Coordinator for Health Information Technology, through a joint public and private sector process.”; and

(F) by adding at the end the following:

“(6) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section consistent with section 319M, the National Biodefense Science Board shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance biosurveillance activities pursuant to the efforts of the Department of Health and Human Services to ensure comprehensive, real-time all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

“(A) identify the steps necessary to achieve a national biosurveillance system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between and among Federal, State, and local government public health authorities and clinical health care providers;

“(B) identify any duplicative surveillance programs under the authority of the Secretary, or changes that are necessary to existing programs, in order to enhance and modernize such activities, minimize duplication, strengthen and streamline such activities under the authority of the Secretary, and achieve real-time and appropriate data that relate to disease activity, both human and zoonotic; and

“(C) coordinate with applicable existing advisory committees of the Director of the Centers for Disease Control and Prevention, including such advisory committees consisting of representatives from State, local, and tribal public health authorities and appropriate public and private sector health

care entities and academic institutions, in order to provide guidance on public health surveillance activities.”;

(3) in subsection (e)(5), by striking “4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act” and inserting “3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011”;

(4) in subsection (g), by striking “such sums as may be necessary in each of fiscal years 2007 through 2011” and inserting “\$160,121,000 for each of fiscal years 2012 through 2016”; and

(5) by adding at the end the following:

“(h) DEFINITION.—For purposes of this section the term ‘biosurveillance’ means the process of gathering near real-time, biological data that relates to disease activity and threats to human or zoonotic health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events, and overall situational awareness of disease activity.”.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

SEC. 301. SPECIAL PROTOCOL ASSESSMENT.

Section 505(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking “size of clinical trials intended” and all that follows through “. The sponsor or applicant” and inserting the following: “size—

“(i)(I) of clinical trials intended to form the primary basis of an effectiveness claim; or

“(II) in the case where human efficacy studies are not ethical or feasible, of animal and any associated clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or

“(ii) with respect to an application for approval of a biological product under section 351(k) of the Public Health Service Act, of any necessary clinical study or studies. The sponsor or applicant”.

SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

(a) IN GENERAL.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “sections 505, 510(k), and 515 of this Act” and inserting “any provision of this Act”;

(B) in paragraph (2)(A), by striking “under a provision of law referred to in such paragraph” and inserting “under a provision of law in section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act”; and

(C) in paragraph (3), by striking “a provision of law referred to in such paragraph” and inserting “a provision of law referred to in paragraph (2)(A)”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “EMERGENCY” and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “may declare an emergency” and inserting “may make a declaration that the circumstances exist”;

(ii) in subparagraph (A), by striking “specified”;

(iii) in subparagraph (B)—

(I) by striking “specified”; and

(II) by striking “; or” and inserting a semicolon;

(iv) by amending subparagraph (C) to read as follows:

“(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or”;

(v) by adding at the end the following:

“(D) the identification of a material threat pursuant to section 319F-2 of the Public Health Service Act sufficient to affect national security or the health and security of United States citizens living abroad.”;

(C) in paragraph (2)(A)—

(i) by amending clause (ii) to read as follows:

“(ii) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist.”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(D) in paragraph (4), by striking “advance notice of termination, and renewal under this subsection.” and inserting “, and advance notice of termination under this subsection. The Secretary shall make any renewal under this subsection available on the Internet Web site of the Food and Drug Administration.”; and

(E) by adding at the end the following:

“(5) EXPLANATION BY SECRETARY.—If an authorization under this section with respect to an unapproved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product, an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product, including specific actions to be taken by the Secretary and the sponsor to overcome such obstacles.”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “the Assistant Secretary for Preparedness and Response,” after “consultation with”;

(ii) by striking “Health and” and inserting “Health, and”; and

(iii) by striking “circumstances of the emergency involved” and inserting “applicable circumstances described in subsection (b)(1)”;

(B) in paragraph (1), by striking “specified” and inserting “referred to”; and

(C) in paragraph (2)(B), by inserting “, taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable” after “risks of the product”;

(4) in subsection (d)(3), by inserting “, to the extent practicable given the circumstances of the emergency,” after “including”;

(5) in subsection (e)—

(A) in paragraph (1)(A), by striking “circumstances of the emergency” and inserting “applicable circumstances described in subsection (b)(1)”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “manufacturer of the product” and inserting “person”;

(II) by striking “circumstances of the emergency” and inserting “applicable circumstances described in subsection (b)(1)”;

(III) by inserting at the end before the period “or in paragraph (1)(B)”;

(ii) in subparagraph (B)(i), by inserting before the period at the end “, except as pro-

vided in section 564A with respect to authorized changes to the product expiration date”;

and

(iii) by amending subparagraph (C) to read as follows:

“(C) In establishing conditions under this paragraph with respect to the distribution and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when done solely for the approved use.”; and

(C) by amending paragraph (3) to read as follows:

“(3) GOOD MANUFACTURING PRACTICE; PRESCRIPTION.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—

“(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

“(B) requirements established under section 503(b); and

“(C) requirements established under section 520(e).”;

(6) in subsection (g)—

(A) in the subsection heading, by inserting “REVIEW AND” before “REVOCATION”;

(B) in paragraph (1), by inserting after the period at the end the following: “As part of such review, the Secretary shall regularly review the progress made with respect to the approval, licensure, or clearance of—

“(A) an unapproved product for which an authorization was issued under this section; or

“(B) an unapproved use of an approved product for which an authorization was issued under this section.”; and

(C) by amending paragraph (2) to read as follows:

“(2) REVISION AND REVOCATION.—The Secretary may revise or revoke an authorization under this section if—

“(A) the circumstances described under subsection (b)(1) no longer exist;

“(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or

“(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.”;

(7) in subsection (h)(1), by adding after the period at the end the following: “The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.”; and

(8) by adding at the end of subsection (j) the following:

“(4) Nothing in this section shall be construed as authorizing a delay in the review or other consideration by the Food and Drug Administration of any application pending before the Administration for a countermeasure or product referred to in subsection (a).”.

(b) EMERGENCY USE OF MEDICAL PRODUCTS.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 564 the following:

“SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PRODUCT.—The term ‘eligible product’ means a product that—

“(A) is approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act;

“(B)(i) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents, including a product intended to be used to prevent or treat pandemic influenza; or

“(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and

“(C) is intended for use during the circumstances under which—

“(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

“(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.

“(2) PRODUCT.—The term ‘product’ means a drug, device, or biological product.

“(b) EXTENSION OF EXPIRATION DATE.—

“(1) AUTHORITY TO EXTEND EXPIRATION DATE.—The Secretary may extend the expiration date of an eligible product in accordance with this subsection.

“(2) EXPIRATION DATE.—For purposes of this subsection, the term ‘expiration date’ means the date established through appropriate stability testing required by the regulations issued by the Secretary to ensure that the product meets applicable standards of identity, strength, quality, and purity at the time of use.

“(3) EFFECT OF EXTENSION.—Notwithstanding any other provision of this Act or the Public Health Service Act, if the expiration date of an eligible product is extended in accordance with this section, the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer and within the duration of such extension shall not be deemed to render the product—

“(A) an unapproved product; or

“(B) adulterated or misbranded under this Act.

“(4) DETERMINATIONS BY SECRETARY.—Before extending the expiration date of an eligible product under this subsection, the Secretary shall determine—

“(A) that extension of the expiration date will help protect public health;

“(B) that any extension of expiration is supported by scientific evaluation that is conducted or accepted by the Secretary;

“(C) what changes to the product labeling, if any, are required or permitted, including whether and how any additional labeling communicating the extension of the expiration date may alter or obscure the labeling provided by the manufacturer; and

“(D) that any other conditions that the Secretary deems appropriate have been met.

“(5) SCOPE OF EXTENSION.—With respect to each extension of an expiration date granted under this subsection, the Secretary shall determine—

“(A) the batch, lot, or unit to which such extension shall apply;

“(B) the duration of such extension; and

“(C) any conditions to effectuate such extension that are necessary and appropriate to protect public health or safety.

“(c) CURRENT GOOD MANUFACTURING PRACTICE.—

“(1) IN GENERAL.—The Secretary may, when the circumstances of a domestic, military, or public health emergency or material threat described in subsection (a)(1)(C) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

“(2) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

“(d) EMERGENCY USE INSTRUCTIONS.—

“(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product’s approved, licensed, or cleared conditions of use.

“(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the issuance of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions—

“(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C)(i); or

“(B) by a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, in preparation for an emergency response.”.

(c) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), is amended—

(1) in subsection (f), by striking paragraph (7); and

(2) by adding at the end the following:

“(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, the circumstances under which—

“(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

“(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.”.

(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by subsection (b), the following:

“SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.

“‘It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—

“(1) is intended to be held and not used; and

“(2) is held and not used, unless and until that product—

“(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;

“(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or

“(C) is authorized for use under section 564.”.

SEC. 303. DEFINITIONS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) is amended by striking “The Secretary, in consultation” and inserting the following:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘countermeasure’ means a qualified countermeasure, a security countermeasure, and a qualified pandemic or epidemic product;

“(2) the term ‘qualified countermeasure’ has the meaning given such term in section 319F–1 of the Public Health Service Act;

“(3) the term ‘security countermeasure’ has the meaning given such term in section 319F–2 of such Act; and

“(4) the term ‘qualified pandemic or epidemic product’ means a product that meets the definition given such term in section 319F–3 of the Public Health Service Act and—

“(A) that has been identified by the Department of Health and Human Services or the Department of Defense as receiving funding directly related to addressing chemical, biological, radiological or nuclear threats, including pandemic influenza; or

“(B) is included under this paragraph pursuant to a determination by the Secretary.

“(b) GENERAL DUTIES.—The Secretary, in consultation”.

SEC. 304. ENHANCING MEDICAL COUNTERMEASURE ACTIVITIES.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 303, is further amended—

(1) in the section heading, by striking “TECHNICAL ASSISTANCE” and inserting “COUNTERMEASURE DEVELOPMENT, REVIEW, AND TECHNICAL ASSISTANCE”;

(2) in subsection (b), by striking the subsection heading and all that follows through “shall establish” and inserting the following:

“(b) GENERAL DUTIES.—In order to accelerate the development, stockpiling, approval, licensure, and clearance of qualified countermeasures, security countermeasures, and qualified pandemic or epidemic products, the Secretary, in consultation with the Assistant Secretary for Preparedness and Response, shall—

“(1) ensure the appropriate involvement of Food and Drug Administration personnel in interagency activities related to countermeasure advanced research and development, consistent with sections 319F, 319F–1, 319F–2, 319F–3, and 319L of the Public Health Service Act;

“(2) ensure the appropriate involvement and consultation of Food and Drug Administration personnel in any flexible manufacturing activities carried out under section

319L of the Public Health Service Act, including with respect to meeting regulatory requirements set forth in this Act;

“(3) promote countermeasure expertise within the Food and Drug Administration by—

“(A) ensuring that Food and Drug Administration personnel involved in reviewing countermeasures for approval, licensure, or clearance are informed by the Assistant Secretary for Preparedness and Response on the material threat assessment conducted under section 319F-2 of the Public Health Service Act for the agent or agents for which the countermeasure under review is intended;

“(B) training Food and Drug Administration personnel regarding review of countermeasures for approval, licensure, or clearance;

“(C) holding public meetings at least twice annually to encourage the exchange of scientific ideas; and

“(D) establishing protocols to ensure that countermeasure reviewers have sufficient training or experience with countermeasures;

“(4) maintain teams, composed of Food and Drug Administration personnel with expertise on countermeasures, including specific countermeasures, populations with special clinical needs (including children and pregnant women that may use countermeasures, as applicable and appropriate), classes or groups of countermeasures, or other countermeasure-related technologies and capabilities, that shall—

“(A) consult with countermeasure experts, including countermeasure sponsors and applicants, to identify and help resolve scientific issues related to the approval, licensure, or clearance of countermeasures, through workshops or public meetings;

“(B) improve and advance the science relating to the development of new tools, standards, and approaches to assessing and evaluating countermeasures—

“(i) in order to inform the process for countermeasure approval, clearance, and licensure; and

“(ii) with respect to the development of countermeasures for populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate; and

“(5) establish”; and

(3) by adding at the end the following:

“(c) DEVELOPMENT AND ANIMAL MODELING PROCEDURES.—

“(1) AVAILABILITY OF ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development, stockpiling, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure by which a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug application or investigational device exemption, may request and receive—

“(A) a meeting to discuss proposed animal model development activities; and

“(B) a meeting prior to initiating pivotal animal studies.

“(2) PEDIATRIC MODELS.—To facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

“(d) REVIEW AND APPROVAL OF COUNTERMEASURES.—

“(1) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F-2 of the Public Health Service Act for which the countermeasure under review is intended.

“(2) REVIEW EXPERTISE.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).”

SEC. 305. REGULATORY MANAGEMENT PLANS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4), as amended by section 304, is further amended by adding at the end the following:

“(e) REGULATORY MANAGEMENT PLAN.—

“(1) DEFINITION.—In this subsection, the term ‘eligible countermeasure’ means—

“(A) a security countermeasure with respect to which the Secretary has entered into a procurement contract under section 319F-2(c) of the Public Health Service Act; or

“(B) a countermeasure with respect to which the Biomedical Advanced Research and Development Authority has provided funding under section 319L of the Public Health Service Act for advanced research and development.

“(2) REGULATORY MANAGEMENT PLAN PROCESS.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority, shall establish a formal process for obtaining scientific feedback and interactions regarding the development and regulatory review of eligible countermeasures by facilitating the development of written regulatory management plans in accordance with this subsection.

“(3) SUBMISSION OF REQUEST AND PROPOSED PLAN BY SPONSOR OR APPLICANT.—

“(A) IN GENERAL.—A sponsor or applicant of an eligible countermeasure may initiate the process described under paragraph (2) upon submission of written request to the Secretary. Such request shall include a proposed regulatory management plan.

“(B) TIMING OF SUBMISSION.—A sponsor or applicant may submit a written request under subparagraph (A) after the eligible countermeasure has an investigational new drug or investigational device exemption in effect.

“(C) RESPONSE BY SECRETARY.—The Secretary shall direct the Food and Drug Administration, upon submission of a written request by a sponsor or applicant under subparagraph (A), to work with the sponsor or applicant to agree on a regulatory management plan within a reasonable time not to exceed 90 days. If the Secretary determines that no plan can be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.

“(4) PLAN.—The content of a regulatory management plan agreed to by the Secretary and a sponsor or applicant shall include—

“(A) an agreement between the Secretary and the sponsor or applicant regarding developmental milestones that will trigger responses by the Secretary as described in subparagraph (B);

“(B) performance targets and goals for timely and appropriate responses by the Sec-

retary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions by the Secretary, and other activities carried out as part of the development and review process; and

“(C) an agreement on how the plan shall be modified, if needed.

“(5) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—

“(A) feedback from the Secretary regarding the data required to support the approval, clearance, or licensure of the eligible countermeasure involved;

“(B) feedback from the Secretary regarding the data necessary to inform any authorization under section 564;

“(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including to the Strategic National Stockpile;

“(D) feedback from the Secretary regarding the data necessary to support the submission of protocols for review under section 505(b)(5)(B);

“(E) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of the eligible countermeasure, and plans for conducting the necessary scientific research;

“(F) identification of the population for which the countermeasure sponsor or applicant seeks approval, licensure, or clearance, and the population for which desired labeling would not be appropriate, if known; and

“(G) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulation, and administration with respect to the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.

“(6) PRIORITIZATION.—If the Commissioner of Food and Drugs determines that resources are not available to establish regulatory management plans under this section for all eligible countermeasures for which a request is submitted under paragraph (3)(A), the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commissioner of Food and Drugs, shall prioritize which eligible countermeasures may receive regulatory management plans, and in doing so shall give priority to eligible countermeasures that are security countermeasures.”

SEC. 306. REPORT.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4), as amended by section 305, is further amended by adding at the end the following:

“(f) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that details the countermeasure development and review activities of the Food and Drug Administration, including—

“(1) with respect to the development of new tools, standards, and approaches to assess and evaluate countermeasures—

“(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and

“(B) the identification of scientific gaps that impede the development or approval, licensure, or clearance of countermeasures for populations with special clinical needs, including children and pregnant women, and the progress made on resolving these challenges;

“(2) with respect to countermeasures for which a regulatory management plan has been agreed upon under subsection (e), the extent to which the performance targets and goals set forth in subsection (e)(4)(B) and the regulatory management plan has been met, including, for each such countermeasure—

“(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;

“(B) whether the Secretary adhered to the timely and appropriate response times set forth in such plan; and

“(C) explanations for any failure to meet such performance targets and goals;

“(3) the number of regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the number of, type of, and any progress made as a result of consultations carried out under subsection (b)(4)(A);

“(4) an estimate of resources obligated to countermeasure development and regulatory assessment, including Center specific objectives and accomplishments;

“(5) the number of countermeasure applications submitted, the number of countermeasures approved, licensed, or cleared, the status of remaining submitted applications, and the number of each type of authorization issued pursuant to section 564; and

“(6) the number of written requests for a regulatory management plan submitted under subsection (e)(3)(A), the number of regulatory management plans developed, and the number of such plans developed for security countermeasures.”.

SEC. 307. PEDIATRIC MEDICAL COUNTERMEASURES.

(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (d), by adding at the end the following:

“(5) CONSULTATION.—With respect to a drug that is a qualified countermeasure (as defined in section 319F-1 of the Public Health Service Act), a security countermeasure (as defined in section 319F-2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F-3 of the Public Health Service Act), the Secretary shall solicit input from the Assistant Secretary for Preparedness and Response regarding the need for and, from the Director of the Biomedical Advanced Research and Development Authority regarding the conduct of, pediatric studies under this section.”; and

(2) in subsection (n)(1), by adding at the end the following:

“(C) For a drug that is a qualified countermeasure (as defined in section 319F-1 of the Public Health Service Act), a security countermeasure (as defined in section 319F-2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F-3 of such Act), in addition to any action with respect to such drug under subparagraph (A) or (B), the Secretary shall notify the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority of all pediatric studies in the written request issued by the Commissioner of Food and Drugs.”.

(b) ADDITION TO PRIORITY LIST CONSIDERATIONS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

“(A) shall consider—

“(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

“(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

“(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

“(B) may consider the availability of qualified countermeasures (as defined in section 319F-1), security countermeasures (as defined in section 319F-2), and qualified pandemic or epidemic products (as defined in section 319F-3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response, consistent with the purposes of this section.”; and

(2) in subsection (b), by striking “subsection (a)” and inserting “paragraphs (1) and (2)(A) of subsection (a)”.

(c) ADVICE AND RECOMMENDATIONS OF THE PEDIATRIC ADVISORY COMMITTEE REGARDING COUNTERMEASURES FOR PEDIATRIC POPULATIONS.—Subsection (b)(2) of section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subparagraph (C), by striking the period and inserting “; and”; and

(2) by adding at the end the following:

“(D) the development of countermeasures (as defined in section 565(a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations.”.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

SEC. 401. BIOSHIELD.

(a) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F-2(c) of the Public Health Service Act (42 U.S.C. 247d-6b(c)) is amended by adding at the end the following:

“(11) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—In addition to amounts otherwise appropriated, there are authorized to be appropriated for the special reserve fund, \$2,800,000,000 for the fiscal years 2014 through 2018.

“(12) REPORT.—Not later than 30 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than \$1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing the amount of such funds available for procurement and the impact such reduction in funding will have—

“(A) in meeting the security countermeasure needs identified under this section; and

“(B) on the biennial Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 2811(d)).”.

(b) PROCUREMENT OF COUNTERMEASURES.—Section 319F-2(c) of the Public Health Service Act (42 U.S.C. 247d-6b(c)) is amended—

(1) in paragraph (1)(B)(i)(III)(bb), by striking “eight years” and inserting “10 years”;

(2) in paragraph (5)(B)(ii), by striking “eight years” and inserting “10 years”;

(3) in paragraph (7)(C)—

(A) in clause (i)(I), by inserting “including advanced research and development,” after “as may reasonably be required,”;

(B) in clause (ii)—

(i) in subclause (III), by striking “eight years” and inserting “10 years”; and

(ii) by striking subclause (IX) and inserting the following:

“(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section—

“(aa) may specify—

“(AA) the dosing and administration requirements for the countermeasure to be developed and procured;

“(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and

“(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

“(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).”; and

(C) by adding at the end the following:

“(viii) FLEXIBILITY.—In carrying out this section, the Secretary may, consistent with the applicable provisions of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable, and allocable direct cost of the contract involved.”;

(4) in paragraph (9)(B), by inserting before the period the following: “, except that this subparagraph shall not be construed to prohibit the use of such amounts as otherwise authorized in this title”; and

(5) in paragraph (10), by adding at the end the following:

“(C) ADVANCED RESEARCH AND DEVELOPMENT.—For purposes of this paragraph, the term ‘advanced research and development’ shall have the meaning given such term in section 319L(a).”.

SEC. 402. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

(a) DUTIES.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(4)) is amended—

(1) in subparagraph (B)(iii), by inserting “(which may include advanced research and development for purposes of fulfilling requirements under the Federal Food, Drug, and Cosmetic Act or section 351 of this Act)” after “development”; and

(2) in subparagraph (D)(iii), by striking “and vaccine manufacturing technologies” and inserting “vaccine manufacturing technologies, dose sparing technologies, efficacy increasing technologies, and platform technologies”.

(b) STRATEGIC PUBLIC-PRIVATE PARTNERSHIP.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(4)) is amended by adding at the end the following:

“(E) STRATEGIC INVESTOR.—

“(i) IN GENERAL.—To support the purposes described in paragraph (2), the Secretary, acting through the Director of BARDA, may enter into an agreement (including through the use of grants, contracts, cooperative agreements, or other transactions as described in paragraph (5)) with an independent, non-profit entity to—

“(I) foster and accelerate the development and innovation of medical countermeasures and technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products, including strategic investment through the use of venture capital practices and methods;

“(II) promote the development of new and promising technologies that address urgent medical countermeasure needs, as identified by the Secretary;

“(III) address unmet public health needs that are directly related to medical countermeasure requirements, such as novel antimicrobials for multidrug resistant organisms and multiuse platform technologies for diagnostics, prophylaxis, vaccines, and therapeutics; and

“(IV) provide expert consultation and advice to foster viable medical countermeasure innovators, including helping qualified countermeasure innovators navigate unique industry challenges with respect to developing chemical, biological, radiological, and nuclear countermeasure products.

“(ii) ELIGIBILITY.—

“(I) IN GENERAL.—To be eligible to enter into an agreement under clause (i) an entity shall—

“(aa) be an independent, non-profit entity not otherwise affiliated with the Department of Health and Human Services;

“(bb) have a demonstrated record of being able to create linkages between innovators and investors and leverage such partnerships and resources for the purpose of addressing identified strategic needs of the Federal Government;

“(cc) have experience in promoting novel technology innovation;

“(dd) be problem driven and solution focused based on the needs, requirements, and problems identified by the Secretary under clause (iv);

“(ee) demonstrate the ability, or the potential ability, to promote the development of medical countermeasure products; and

“(ff) demonstrate expertise, or the capacity to develop or acquire expertise, related to technical and regulatory considerations with respect to medical countermeasures.

“(II) PARTNERING EXPERIENCE.—In selecting an entity with which to enter into an agreement under clause (i), the Secretary shall place a high value on the demonstrated experience of the entity in partnering with the Federal Government to meet identified strategic needs.

“(iii) NOT AGENCY.—An entity that enters into an agreement under clause (i) shall not be deemed to be a Federal agency for any purpose, including for any purpose under title 5, United States Code.

“(iv) DIRECTION.—Pursuant to an agreement entered into under this subparagraph, the Secretary, acting through the Director of BARDA, shall provide direction to the entity that enters into an agreement under clause (i). As part of this agreement the Director of BARDA shall—

“(I) communicate the medical countermeasure needs, requirements, and problems to be addressed by the entity under the agreement;

“(II) develop a description of work to be performed by the entity under the agreement;

“(III) provide technical feedback and appropriate oversight over work carried out by the entity under the agreement, including subsequent development and partnerships consistent with the needs and requirements set forth in this subparagraph;

“(IV) ensure fair consideration of products developed under the agreement in order to maintain competition to the maximum practical extent, as applicable and appropriate under applicable provisions of this section; and

“(V) ensure, as a condition of the agreement—

“(aa) a comprehensive set of policies that demonstrate a commitment to transparency and accountability;

“(bb) protection against conflicts of interest through a comprehensive set of policies that address potential conflicts of interest, ethics, disclosure, and reporting requirements;

“(cc) that the entity provides monthly accounting on the use of funds provided under such agreement; and

“(dd) that the entity provides on a quarterly basis, reports regarding the progress made toward meeting the identified needs set forth in the agreement.

“(v) SUPPLEMENT NOT SUPPLANT.—Activities carried out under this subparagraph shall supplement, and not supplant, other activities carried out under this section.

“(vi) NO ESTABLISHMENT OF ENTITY.—To prevent unnecessary duplication and target resources effectively, nothing in this subparagraph shall be construed to authorize the Secretary to establish within the Department of Health and Human Services a strategic investor entity.

“(vii) TRANSPARENCY AND OVERSIGHT.—Upon request, the Secretary shall provide to Congress the information provided to the Secretary under clause (iv)(V)(dd).

“(viii) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of this subparagraph, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subparagraph. Such report shall include recommendations with respect to any agreement or activities carried out pursuant to this subparagraph.

“(ix) SUNSET.—This subparagraph shall have no force or effect after September 30, 2016.”

(c) TRANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(5)) is amended by adding at the end the following:

“(G) GOVERNMENT PURPOSE.—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.”

(d) FUND.—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d-7e(d)(2)) is amended to read as follows:

“(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund \$415,000,000 for each of fiscal years 2012 through 2016, such amounts to remain available until expended.”

(e) CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d-7e(e)(1)(C)) is amended by striking “7 years” and inserting “10 years”.

(f) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d-6a note) is amended by striking “6-year” and inserting “10-year”.

(g) INDEPENDENT EVALUATION.—Section 319L of the Public Health Service Act (42

U.S.C. 247d-7e) is amended by adding at the end the following:

“(f) INDEPENDENT EVALUATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Government Accountability Office shall conduct an independent evaluation of the activities carried out to facilitate flexible manufacturing capacity pursuant to this section.

“(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Government Accountability Office shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

“(A) the extent to which flexible manufacturing capacity under this section is dedicated to chemical, biological, radiological, and nuclear threats;

“(B) the activities supported by flexible manufacturing initiatives; and

“(C) the ability of flexible manufacturing activities carried out under this section to—

“(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and

“(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological and nuclear agents.”

(h) DEFINITIONS.—

(1) QUALIFIED COUNTERMEASURE.—Section 319F-1(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d-6a(a)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking “to—” and inserting “—”;

(B) in clause (i)—

(i) by striking “diagnose” and inserting “to diagnose”; and

(ii) by striking “; or” and inserting a semicolon;

(C) in clause (ii)—

(i) by striking “diagnose” and inserting “to diagnose”; and

(ii) by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(iii) is a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).”

(2) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F-3(i)(7)(A) of the Public Health Service Act (42 U.S.C. 247d-6d(i)(7)(A)) is amended—

(A) in clause (i)(II), by striking “; or” and inserting “;”;

(B) in clause (ii), by striking “; and” and inserting “; or”; and

(C) by adding at the end the following:

“(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii); and”

(3) TECHNICAL AMENDMENTS.—Section 319F-3(i) of the Public Health Service Act (42 U.S.C. 247d-6d(i)) is amended—

(A) in paragraph (1)(C), by inserting “, 564A, or 564B” after “564”; and

(B) in paragraph (7)(B)(iii), by inserting “, 564A, or 564B” after “564”.

SEC. 403. STRATEGIC NATIONAL STOCKPILE.

(a) IN GENERAL.—Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “consistent with section 2811” before “by the Secretary to be appropriate”; and

(ii) by inserting before the period at the end the following: “and shall submit such review annually to the appropriate Congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security”; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(ii) by inserting after subparagraph (D), the following:

“(E) identify and address the potential depletion and ensure appropriate replenishment of medical countermeasures, including those currently in the stockpile;”; and

(2) in subsection (f)(1), by striking “\$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006” and inserting “\$522,486,000 for each of fiscal years 2012 through 2016”.

(b) **REPORT ON POTASSIUM IODIDE.**—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate Committees of Congress a report regarding the stockpiling of potassium iodide. Such report shall include—

(1) an assessment of the availability of potassium iodide at Federal, State, and local levels; and

(2) a description of the extent to which such activities and policies provide public health protection in the event of a nuclear incident, whether unintentional or deliberate, including an act of terrorism.

SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.

Section 319M(a) of the Public Health Service Act (42 U.S.C. 247d–f(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)—

(i) in the matter preceding clause (i), by striking “five” and inserting “six”; and

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

“(iii) one such member shall be an individual with pediatric subject matter expertise; and

“(iv) one such member shall be a State, tribal, territorial, or local public health official.”; and

(B) by adding at the end the following flush sentence:

“Nothing in this paragraph shall preclude a member of the Board from satisfying two or more of the requirements described in subparagraph (D).”; and

(2) in paragraph (5)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.”; and

(3) in paragraph (8), by adding at the end the following: “Such chairperson shall serve as the deciding vote in the event that a deciding vote is necessary with respect to voting by members of the Board.”.

HONORING THE LIFE AND LEGACY OF THE HONORABLE DONALD M. PAYNE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 390.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 390) honoring the life and legacy of the Honorable Donald M. Payne.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 390

Whereas the Honorable Donald M. Payne was born in Newark, New Jersey on July 16, 1934, graduated from Barringer High School in Newark and Seton Hall University in South Orange, New Jersey, and pursued graduate studies at Springfield College in Massachusetts;

Whereas the Honorable Donald M. Payne was an educator in the Newark and Passaic, New Jersey public schools and was an executive at Prudential Financial and at Urban Data Systems Inc;

Whereas the Honorable Donald M. Payne became the first African American national president of the YMCA in 1970 and served as Chairman of the World Refugee and Rehabilitation Committee of the YMCA from 1973 to 1981;

Whereas the Honorable Donald M. Payne served 3 terms on the Essex County Board of Chosen Freeholders and 3 terms on the Newark Municipal Council;

Whereas, in 1988, the Honorable Donald M. Payne became the first African American elected to the United States House of Representatives from the State of New Jersey;

Whereas the people of New Jersey overwhelmingly reelected the Honorable Donald M. Payne 11 times, most recently in 2010, when the Honorable Donald M. Payne was elected to represent the Tenth Congressional District of New Jersey for a 12th term;

Whereas the Honorable Donald M. Payne was a tireless advocate for his constituents, bringing significant economic development to Essex, Hudson, and Union Counties in New Jersey;

Whereas, as a senior member of the Committee on Education and the Workforce of the House of Representatives, the Honorable Donald M. Payne was a leading advocate for public schools, college affordability, and workplace protections;

Whereas, as a senior member of the Committee on Foreign Affairs of the House of Representatives, the Chairman and Ranking Member of the Subcommittee on Africa, Global Health, and Human Rights, and a member of the Subcommittee on the West-

ern Hemisphere, the Honorable Donald M. Payne led efforts to restore democracy and human rights around the world, including in Northern Ireland and Sudan;

Whereas the Honorable Donald M. Payne was a leader in the field of global health, co-founding the Malaria Caucus, and helping to secure passage of a bill authorizing \$50,000,000 for the prevention and treatment of HIV/AIDS, tuberculosis, and malaria;

Whereas the Honorable Donald M. Payne served as Chairman of the Congressional Black Caucus Foundation and previously as Chairman of the Congressional Black Caucus;

Whereas, in March 2012, the United States Agency for International Development launched the Donald M. Payne Fellowship Program to attract outstanding young people to careers in international development;

Whereas the Honorable Donald M. Payne served on the boards of directors of the National Endowment for Democracy, TransAfrica, the Discovery Channel Global Education Partnership, the Congressional Award Foundation, the Boys and Girls Clubs of Newark, the Newark Day Center, and the Newark YMCA;

Whereas the Honorable Donald M. Payne was the recipient of numerous honors and awards, including honorary doctorates from multiple universities;

Whereas the Honorable Donald M. Payne passed away on March 6, 2012, and is survived by 3 children, 4 grandchildren, and 1 great-grandchild; and

Whereas the Honorable Donald M. Payne's long history of service will have an enduring impact on people in New Jersey, across the United States, and around the world: Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sorrow at the death of the Honorable Donald M. Payne, United States Representative for the Tenth Congressional District of New Jersey;

(2) conveys the condolences of the Senate to the family of the Honorable Donald M. Payne; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the House of Representatives and the family of the Honorable Donald M. Payne.

DISCHARGE AND REFERRAL

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2152, the Syria Democracy Transition Act of 2012, and the bill be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2173

Mr. REID. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2173) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

Mr. REID. I ask for a second reading in order to place the bill on the calendar under rule XIV but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, March 7, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 8, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourn until Thursday, March 8, 2012, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and the majority will control the first half and the Republicans the final half; that following morning business, the Senate will resume consideration of S. 1813, the surface transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, so everyone understands, we have reached agreement to complete action on the surface transportation bill. Under the order we just entered, we can finish this tomorrow. It is a huge job. We have 30 amendments we have to dispose of, so there is no question that Senators should expect a number of votes tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 10:28 p.m., adjourned until Thursday, March 8, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO MIKE GLOVER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize the career of one of the preeminent voices of Iowa journalism. Mike Glover, whose byline has accompanied countless Associated Press reports from the Iowa Capitol for three decades, announced this week that he's retiring in May.

Mr. Glover's work has appeared on the front pages of newspapers across Iowa and throughout the country, offering concise and timely news and analysis on some of the biggest political stories of our time. He's covered nearly every major presidential contender to pass through Iowa before the state's first-in-the-nation caucuses. And while the Iowa General Assembly is in session, his presence in the halls of the Statehouse in Des Moines seems nearly ubiquitous as he tracks down the news of the day.

Mr. Glover began his career working for newspapers in Fort Dodge, Iowa, and Bloomington, Illinois, before he started at the Associated Press, where he would spend the next 32 years. He currently lives in Windsor Heights with his wife, Betty, who serves on the Windsor Heights City Council. Throughout Iowa's political and journalistic circles, he's earned a reputation for doggedly pursuing the truth and reporting the facts in a no-nonsense fashion.

To my great pleasure—and occasionally to my consternation—Mr. Glover has put me in the crosshairs of his tough-but-fair questioning on numerous occasions during my appearances on Iowa Press, a weekly news and current events program on Iowa Public Television. I know Mr. Glover to be a consummate professional and a true newsman in every sense of the word.

Mr. Speaker, in an increasingly chaotic and fractured media environment, Mr. Glover's career is a shining example of the importance of objective and factual reporting, something I know every Member of this Chamber respects and appreciates. Please join me in congratulating Mike Glover on his illustrious career and wishing him a happy retirement.

ST. GEORGE'S CARPATHO-RUSSIAN
ORTHODOX GREEK CATHOLIC
CHURCH

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BARLETTA. Mr. Speaker, I rise to congratulate the parishioners of St. George's Carpatho-Russian Orthodox Greek Catholic

Church in Taylor, Pennsylvania, who are celebrating the church's 75th anniversary.

In 1937, immigrants from Eastern Europe would labor for long hours in the coal mines of Northeastern Pennsylvania, then report to the site of a future church. There, they would help excavate and construct the building. Many parishioners generously mortgaged their homes to provide collateral for the project. On October 3, 1937, the cornerstone was dedicated, and St. George's Carpatho-Russian Orthodox Greek Church began its mission of glorifying God.

In 1954, a tragic gas explosion destroyed the church hall and tested the parish's resiliency. Officers and trustees immediately established plans to rebuild, and two months later, St. George's Social Club rooms were completely rebuilt and reopened. Members of the congregation would be challenged again in 1975, as a mine subsidence threatened the church and forced the congregation to move. Four years later, St. George's found its permanent home on Keyser Avenue near Scranton. This modern church complex, which can hold 350 of the faithful, is among the most beautiful in Northeastern Pennsylvania.

Today, the dedicated parishioners of St. George's continue the virtuous work started by their forbears 75 years ago. This generation's goal is to continue the work done by past generations. The present church is the result of faithfulness to the teachings, customs, and traditions of immigrants from Eastern Europe. With the guidance of their present pastor, Father Mark Leasure, the church welcomes all families as they seek to explore the rich Christian faith.

Mr. Speaker, I offer my most sincere congratulations and deepest respect to the parishioners of St. George's Carpatho-Russian Orthodox Greek Catholic Church of Taylor, Pennsylvania, and I wish them many years of successful, faithful future service.

TRIBUTE TO BEXTON PLACE AND
THE RETIREMENT HOUSING
FOUNDATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Bexton Place Apartments in my district in San Antonio. Bexton Place is a member of the Retirement Housing Foundation, and they will join in celebrating the foundation's fifty years of service to the community on March 13, 2012.

The Retirement Housing Foundation is a non-profit organization of 159 communities in 24 States, Washington, D.C., Puerto Rico, and the U.S. Virgin Islands, providing housing and services to more than 17,000 older adults,

low-income families, and persons with disabilities.

Throughout the past fifty years the foundation has fostered an environment in which team members work to make life better for thousands of San Antonians. This pinnacle achievement speaks to both the past laurels and future service of Bexton Place. Bexton Place strives to provide all persons with quality, affordable housing so that San Antonio families do not have to sacrifice paying the rent for other basic necessities.

The noble mission of the Retirement Housing Foundation is as important today as it was fifty years ago. Its impact on our communities cannot be overstated. I would again ask you to congratulate Bexton Place and the Retirement Housing Foundation on their fifty years of ensuring that low-income families and individuals have access to quality housing.

RECOGNIZING STEVEN O'CONNOR

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to recognize Steven O'Connor of Milford, New Hampshire, a remarkable young man who, in June of 2010, demonstrated immense bravery and courage in order to save his younger sister's life.

Steven, who was a Webelo Cub Scout at the time, had just recently learned how to swim when he was celebrating Father's Day at his grandparents' house with his family. Mackenzie O'Connor, Steven's younger sister, had slipped underwater and was struggling to stay afloat when Steven leaped into action. Before any of the adults had time to react to Mackenzie's struggles, Steven had jumped into the pool and pulled his younger sister to safety.

Steven's selfless and heroic actions are commendable, and I am incredibly impressed by this young man's quick thinking and fearless instincts. Steven will be awarded with the Boy Scouts of America's Meritorious Action Award this Saturday in Hollis, New Hampshire, an award that is truly well-deserved.

Steven's parents, grandparents, sister, and extended family, as well as his friends and teachers, must be extremely proud of his bravery, and I join the people of Milford, and indeed the entire Granite State, in congratulating Steven on a job well done. I wish him all the best in his future endeavors, particularly as he seeks to become an Eagle Scout.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PENSACOLA CHRISTIAN COLLEGE
COMMUNITY HONORS RETIRING
PRESIDENT DR. ARLIN HORTON

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize the exemplary career of a great leader, scholar and Pensacola Christian College's Founder and President, Dr. Arlin Horton. After 38 years of exceptional leadership at Pensacola Christian College and nearly 60 years at Pensacola C Academy, we celebrate Dr. Horton's retirement and reflect back on a career of distinguished accomplishments.

As the Founder of my alma mater, Pensacola Christian College, Dr. Horton created one of the finest institutions of higher learning in America—and a ministry serving God's work with leadership, responsibility and faith. After he and his wife Beka graduated from college in 1951, they came to Pensacola to start this ministry. And their success was extraordinary.

In 1954, they opened the doors to Pensacola Christian School—which began with only 35 students—and since 1970, over 2,000 students from kindergarten through twelfth grade have received an education at Pensacola Christian School. With over 93,000 Christian school principals and teachers attending clinics in Pensacola, the work President Horton and his wife began paved the way for generations of students, teachers, and leaders.

Years later, Dr. Horton's influence expanded from the Christian School to a broad network of Christian radio stations all across the country. He also began publishing unique curriculums for Christian Schools, which revolutionized Christian education in America. Today, over 10,000 Christian schools and daycares use their books.

Most notably thought, in 1974, Dr. Horton founded Pensacola Christian College, from which I was honored to receive my Bachelor's Degree in 1990. Beginning with only 100 students in the fall of 1974, Pensacola Christian College now recognizes over 16,600 alumni all over the world. To say that his influence was incalculable is an understatement.

So today I join Dr. Arlin and Beka Horton in celebrating a long life of dedication to education, devotion to Christ, and commitment to making a difference in the lives of others. While Dr. Horton's retirement is sad for the PCC community, we will all—PCC students and alumni alike—continue to carry his legacy with us forever. He taught us: "To God be the Glory!"—and this we will most certainly remember.

CONGRATULATING THE DILLARD
HIGH SCHOOL GIRLS' BASKET-
BALL TEAM ON THEIR THIRD
CONSECUTIVE STATE TITLE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to congratulate the Lady Panthers

girls' basketball team of Dillard High School in Fort Lauderdale, Florida on their recent state championship. Once again, under the inspiring leadership of Coach Marcia Pinder, the women's varsity basketball team won the Class 5A state title. The game was hard fought on both sides but even under intense pressure, the women of Dillard High persevered to defeat St. Johns Bartram Trail. With staunch defense and discipline, this team made history by clinching their third consecutive state title and seventh title overall.

Capping off a 26–4 season, the title recently secured by the Dillard team is truly special. This third consecutive state title is a record for Dillard High, and makes their winning streak the second longest in Broward history and one title away from tying the County record of four consecutive titles. Furthermore, with their seventh state championship overall, the Lady Panthers hold the record for the most titles held by any girls' basketball program in Broward County, and makes them the second most winningest team in the State. Furthermore, they are just one championship behind the current record holders Jacksonville Ribault.

It should also be noted that all seven championships have come under the leadership of Coach Marcia Pinder, whose 804–175 record makes her the all-time winningest basketball coach overall in Florida's history. Following this recent championship, Coach Pinder was named the 2012 Russell Athletic/Women's Basketball Coaches Association (WBCA) National High School Coach of the Year. She will be honored at the 2012 WBCA High School All-American Game that is played in conjunction with the NCAA Women's Final Four in Denver, Colorado on March 31, 2012.

I would like to take the time to honor each player and coach who, along with Coach Pinder, made this record-setting win possible. The Championship Lady Panthers are: LaQuacious Adams, Alliyah Anderson, Shatoria Baker, Demetria Brown, Jo' Coretah Clayton, Brianna Green, Amber Hanna, Dominique Harris, Kareese Johnson, Jessica Jones, Macy Keen, Courtney Parson, Tiara Walker, and Kayla Wright. The Lady Panthers and Coach Pinder and their championship season were also supported by assistant coaches: George Adams, Brandon Adams, Tonia Adams, Tania Miller, Evelyn Powers, Enewetok Ramsey, and Chanell Washington. I would also like to recognize Dillard High Principal Casandra D. Robinson and Athletic Director Tracie Latimer, without whom the girls' basketball program would not be given the support it rightly deserves.

Mr. Speaker, I am extremely proud of the Lady Panthers, Coach Pinder, and all of their supporters who every year continue to push the bounds for what is possible within their sport. I am truly honored to represent such gracious sportswomen, and look forward to next season where I hope to see the Lady Panthers tie both the Broward County's record for most consecutive championships and Florida's record for most titles overall.

MR. FRED DESANTO

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor Mr. Fred DeSanto, who will be recognized as the 2011 recipient of the Joseph F. Saporito Lifetime of Service Award presented by the Pittston Dispatch in Pittston, Pennsylvania. Mr. DeSanto's selfless dedication to the service of others makes him the ideal recipient of an award that highlights the legacy of a truly great individual, Joseph F. Saporito.

Mr. DeSanto has dedicated countless hours over four decades to Little League Baseball, providing our youth with a healthy, safe, and enjoyable summer pastime. Mr. DeSanto built the Pittston Township Little League from the ground up, beginning his decades of service at the age of 24.

Mr. DeSanto, along with 12 to 15 other men, formed the league in 1975 with a vision and passion for service; without one cent of grant money. Each year, he and other volunteers signed for a \$15,000 bank loan to improve the league. Additionally, 11 years after its founding, the Pittston Township Little League was selected to host Pennsylvania's all-star tournament.

In 1995, District 31 recognized Mr. DeSanto's hard work by naming him District 31 Administrator. Under his leadership, District 31 established stronger rules and regulations that enhanced the safety of our youth. Furthermore, Mr. DeSanto advocated for background checks for league volunteers, and he created a GPS program so 9–1–1 centers had the exact latitude and longitude of all 131 fields within the district.

Mr. Speaker, by founding the Pittston Township Little League, Fred DeSanto created and worked to improve a place of fun, health, and camaraderie for the youth in Pennsylvania's 11th District. Mr. DeSanto is to be commended for his 37 years of service to our community.

THE RETIREMENT OF SHERIFF
FRANK CANTEY

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BOREN. Mr. Speaker, I rise today to speak in honor of my dear friend Frank Cantey, who after 11 years of service will be retiring from his role as Sheriff of Mayes County, Oklahoma.

Frank has been in law enforcement since 1973, when he started taking criminal justice classes while working at the Contra Costa County Campus Police Department in California. In 1979, he moved to Oklahoma and has since served on the force in both Delaware and Mayes Counties.

After retiring from the Police Department, Cantey was elected Sheriff of Mayes County and took office in 2001. He has served Oklahoma honorably and kept Mayes County safe

over the past 11 years. As a member of the Executive Board of the Oklahoma Sheriff's Association, Frank has worked to support public safety through training, education and the promotion of positive interaction among all criminal justice agencies across the state.

I had the honor of getting to know Cantey during my first election, and I enjoy seeing him perform in his famous band, the Law Dawgs.

Frank has always been dedicated to his wife, Linda, and their two sons Jason and Jeff. It is because of this commitment that he has chosen to retire. I wish Frank the best of luck in his endeavors, and thank him for his tireless commitment to Oklahoma.

TRIBUTE TO CHIEF PETTY
OFFICER FERNANDO JORGE, USCG

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Chief Petty Officer Fernando Jorge, age 39, of Buena Park, California and to honor his service to our country.

CPO Jorge was one of four U.S. Coast Guard crewmen aboard a MH-65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

CPO Jorge, a 20-year Coast Guard veteran and rescue swimmer, was stationed at the Aviation Training Center in Mobile, Alabama at the time of the accident.

A devoted professional who dedicated his life to saving others, CPO Jorge was accustomed to the challenges of the sea. According to the Mobile Press-Register, CPO Jorge was featured on the History Channel's "Extreme Search and Rescue" program in 2004.

CPO Jorge and his fellow crewmen of CG-6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our Nation's coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of CPO Jorge as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn,

Eternal Father, Lord of hosts,
Watch o'er the men who guard our coasts.
Protect them from the raging seas
And give them light and life and peace.
Grant them from Thy great throne above
The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful Nation, I offer condolences to CPO Jorge's family and many friends. You are each in our thoughts and prayers.

TRIBUTE TO RANDY AND SHARI
PULMAN OF SAN ANTONIO, TEXAS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Randy and Shari Pulman of San Antonio on being honored at the 2012 Congregation Agudas Achim's Annual Gala and Honors Evening.

Over the years, they have been shining examples for our community and have left an indelible mark on the well-being and development of countless San Antonians. Shari and Randy have set a high standard of leadership through their dedication to Agudas Achim Congregation and the entire community of San Antonio.

Since 1995, Mr. Pulman has served on the Agudas Achim's Board of Trustees, most recently serving as Vice President-Finance Administration and as Treasurer of Agudas Achim's Endowment Fund Board of Directors. Mr. Pulman's civic engagement is not limited to the Agudas Achim congregation, but includes various leadership roles at Camp Young Judea, the Golden Manor Foundation, and Israel Bonds. Mrs. Pulman's active leadership within the community is evident through her involvement as Vice President of Golden Manor Jewish Senior Services, President of the Campus Board of Directors of the Harry and Jeanette Weinberg Campus of the San Antonio Jewish Community, and President of the Barshop JCC. Mrs. Pulman was also recognized with the Jewish Federation of San Antonio's Sylvia F. and Harry Sugarman Young Leadership Award in 1998 for her efforts on their Board of Directors. Additionally, Shari and Randy Pulman both hold leadership positions within the American Israel Public Affairs Committee (AIPAC).

During the course of just a few years, their tireless support of Israel and the work they have done for Congregation Agudas Achim have been an inspiration to all those around them and a model for generations to follow. I would again ask you to congratulate Shari and Randy Pulman on being honored at the 2012 Congregation Agudas Achim's Annual Gala and Honors evening.

HONORING THE PEOPLE OF INDIANA
IN THE AFTERMATH OF
DEADLY TORNADOES

HON. TODD C. YOUNG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. YOUNG of Indiana. Mr. Speaker, I rise today because I've never been prouder to call southern Indiana home.

Late Friday afternoon in our part of America, a disaster brought neighbors together, turned strangers into friends, and reminded us all of what it means to be part of a community.

Over the course of several hours, fierce winds, softball-sized hail, and deadly tornadoes descended upon southern Indiana com-

munities, leaving behind a 50-mile path of destruction from New Pekin to Chelsea and beyond.

Our people are still assessing the costs, but we know this much: at least 13 Hoosiers have died; scores have lost their homes and businesses; and citizens across the region have suffered untold damage to their personal and public property.

As hard as it is to imagine, the tragedy might have been worse were it not for the bravery, and resilience, of rank-and-file Hoosiers.

Our firemen, policemen, EMTs, and local officials deserve our thanks. Those who serve in Indiana's National Guard, our State Police, and our Department of Homeland Security stepped up, too. From the initial response through the ongoing efforts today, their service has been exemplary.

But it has been concerned citizens—so-called ordinary Americans—who have restored a measure of stability to a region pummeled by forces beyond our control.

There was the bus driver in Henryville who, in the nick of time, rushed dozens of children back to school to protect them from the approaching twister.

There were the EMTs off Interstate 65 who saw a woman thrown from her car, and saved her from being pummeled by hail by dragging a large metal sign across the road and holding it over her. They likely saved her life.

There is Stephanie Decker, a Marysville mother who lost parts of both legs but courageously saved the lives of her two children by covering them with her body as a tornado crushed their home on top of them. We are pulling for you and your family, Stephanie.

There were parents and friends and even strangers across southern Indiana who, as danger approached, took a moment to extend a hand to others, and said, "Come inside, we'll make room."

After the storms left their mark, Hoosiers immediately turned to accounting for loved ones and comforting neighbors.

The damage was, and is, severe. One tornado—by some accounts a half-mile wide—carved a clear path through southern Indiana, ripping trees out of the earth, hurling automobiles and combines long distances, severing power lines, and decimating countless homes and businesses.

Here again, Hoosiers did not sit around and wait for others to help us out. We got to work.

Over the weekend, I spent time surveying the damage and meeting with those who lost the most. Everywhere I visited, I met citizens wearing boots and work gloves who were busily beginning to sort through piles of rubble. I met others who had fired up their chainsaws and were clearing debris from roadways. I saw clusters of cars and pick-up trucks parked outside homes that were hit hardest.

In the aftermath of such a tragedy, one would be forgiven for asking, "Why me?" But I never heard it.

Instead, time and again I heard Hoosiers sympathize with those who lost more than they. And more than one person told me that, in the end, stuff isn't all that important—it's people that are important. And I heard sincere, caring people ask their neighbors, "How can I help?"

At one stop, I met a young couple from Jeffersonville—only 15 miles away—who offered me a drink of water. Their city didn't suffer much damage, so they loaded up their cars with bottled water and granola bars, looking for others who needed a hand.

In Henryville, a pizza shop was mostly destroyed, except for the freezer. The couple who owned it, rather than worrying about the loss of their business, asked officials how they could donate food from the freezer to those who needed it most.

In Marysville, the local Christian Church remains intact, but little else. Pastor Bob Priest told me their decades-old building is no longer structurally sound, but the congregation has never been stronger. As congregants were busy making repairs, I noticed the stained glass window above the church doorway was undamaged. It reads, "In Memory of the Willing Workers."

The local Red Cross chapter opened an overnight shelter, but in the first weekend no one checked in: Instead, friends shared their homes; churches opened their doors . . . everyone, it seems, could count on someone.

For those of us who have seen the scale and scope of destruction up close, we know the path back will not be easy. But we will fix all that Mother Nature broke.

Government at all levels will, and must, be there to help—from local authorities, to the State of Indiana, to our congressional offices. My staff and I, in particular, are eager to connect our constituents to whatever federal services, and funds, might help them get their lives back on track.

But make no mistake: it will be the people of Indiana—the people of tight-knit communities like Henryville, Marysville, Chelsea, and New Pekin—who will rebuild broken lives.

During these tough times, Hoosiers are reminding us what it means to be a community of citizens—One Nation, Under God, indivisible, come what may. That sense of community has always bound Americans in tough times, and it will get us through this tragedy as well.

This thought especially struck home with me as I visited Henryville High School. The roof of the gymnasium was torn off, some of the walls had collapsed, and the bleachers were demolished. But hanging in the rafters, waving in the breeze, still hung the American flag unscathed.

May God be with those Americans who are putting their lives back together. We are praying for you, and here for you.

HONORING THE LIFE AND SERVICE OF SGT. JUSTIN AVERY EVERETT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. COSTA. Mr. Speaker, it is with a heavy heart that I rise today with my colleagues, Mr. NUNES and Mr. DENHAM, to honor the life of United States Marine Sgt. Justin Avery Everett. Sergeant Everett passed away Wednesday, February 22, 2012 in a tragic helicopter accident during a night training exercise near

Marine Corps Air Station in Yuma, Arizona. He was 33 years old. Sergeant Everett's patriotism, bravery, and selfless service to his country will ensure that his legacy lives on for years to come.

A proud son of California's San Joaquin Valley, Sergeant Everett was born in Chowchilla, California to James and Patsy Everett. Sergeant Everett grew up in Fresno, California with his siblings: James, Jason and Jeremy. He graduated from Reedley High School in 1996 where he won numerous wrestling medals. After high school Sergeant Everett served as a youth group leader at the Church of God Prophecy in Fresno. His commitment to service was evident as a young man. He exemplified a selfless, noble nature and a commitment to a cause greater than his own.

Following the terrorist attacks of September 11th, Sergeant Everett joined the United States Marine Corps in 2002. During his 10 year service, he was deployed on two tours of duty in Iraq. He served as a Pilot and a Crew Chief with the 3rd Marine Aircraft Wing aboard a UH-1Y Huey. At the time of his death, Sergeant Everett was preparing for a deployment to Afghanistan in July 2012.

In addition to his legacy as a U.S. Marine, Sergeant Everett will be remembered as a loving son, brother, husband, father, and friend. He is survived by his parents and his brothers, who are also helicopter pilots. Shortly before his death, Sergeant Everett and his wife, Holly, celebrated their 11th wedding anniversary. The couple have two children, a 5-year-old daughter and a 2-year-old son.

Mr. Speaker, we offer our most heartfelt sympathy and sincere condolences to Sergeant Everett's loved ones. I ask my colleagues to join Mr. NUNES, Mr. DENHAM, and me in honoring his courageous and heroic service in the United States Marine Corps. His dedication to preserving freedom and democracy will be remembered for generations to come.

TESTIMONY FROM BRIAN AHO, PASSENGER ABOARD THE "COSTA CONCORDIA" CRUISE LINER

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. HOLDEN. Mr. Speaker, I rise today to enter sworn testimony into the RECORD from Brian Aho, whose family was among the thousands who experienced the panic and confusion during the evacuation of the *Costa Concordia* class cruise ship on January 13, 2012. Mr. Aho and his family have taken multiple cruise vacations and are familiar with many of the safety procedures that are necessary aboard these large ships. Mr. Aho details the failure of safety measures aboard the *Costa Concordia*, the lack of guidance from the ship's crew, and the absence of accountability demonstrated by the ship's captain. This testimony will hopefully lead to new rules and safety guidelines that can help prevent future catastrophes.

DEAR MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE: Thank you for inviting me to

testify today. My name is Brian Aho. My wife, Joan Fleser, my daughter, Alana, and I set sail from the Port of Rome (Civitavecchia) on January 13, 2012, aboard the *Concordia* cruise liner operated by Costa Crociere and its parent company, Carnival Corporation.

Though we have been on many cruise vacations with several cruise lines, this was our first European cruise and our first time sailing with Costa. We chose this particular ship and itinerary for our 20th anniversary cruise because of the opportunity to visit many ports in several countries.

As experienced cruise passengers, we have fallen into a particular embarkation pattern. Once aboard we locate our stateroom, unpack our luggage (if available) and take a walking tour of the ship. We investigate the theater, the pools, the dining-room to which we have been assigned and the safety features. We made note that our stateroom was on Deck #2 forward, our dining room was on Deck #3 aft, and lifeboat access was on Deck #4.

After our investigation, we went back to our stateroom to prepare for a late-seating (9 p.m.) dinner. Once seated—while our appetizers were being served—the ship began to shudder. The rhythmic vibration quickly became worse and, after a tremendous groan and crash, the ship began to list severely. People were falling, glasses and plates were sliding off the tables and smashing, and people were screaming. The panic got worse when the lights failed.

My family formed a three-link chain and we worked our way through the fallen debris toward an outboard gangway leading up to Deck #4 and the lifeboats. The central (Main) entrance to the dining room was blocked with panicking passengers and crew. The only crew member offering guidance was a woman in a showgirl-style gown near the gangway who was showing the passengers the way to the lifeboats.

Once on Deck #4, people were panicking and fighting over lifejackets. Once I found and delivered one to my wife, another woman damaged it while tearing it out of her arms. The announcements indicated that it was an electrical problem with the generators and everything was under control. Evidence indicates that some passengers were instructed by crew to return to their cabins. As these announcements were made, the ship was listing more and sinking deeper. Immediately after a similar announcement, we heard the abandon ship signal (six short signals and one long signal). Few people knew what it meant as there was no verbal abandon ship announcement.

When a crewmember finally appeared, the panicking passengers pushed their way toward the boat. My wife had to grab my daughter and pull her into the boat as a cowardly man tried to push her out of the way. Once the boat was filled, the crewman had trouble reading and releasing the boat. After much hammering noise, the boat swung away from the *Concordia*. We were showered with white paint chips as if this boat had not been released since the gear had been painted over. After being lowered, the crew had difficulty disconnecting the boat from the davits. Once disconnected, it was clear that the crew did not know how to pilot the lifeboat effectively. It kept colliding with other boats and, eventually, the pier.

There were NO Costa representatives—neither officers nor crew—on the pier to provide guidance to the passengers. The only help we received was from the residents of the island.

As experienced cruise vacation passengers, we have recognized significant problems that, in our opinion, made a terrible situation even worse:

There were no safety drills or instructions distributed to passengers before sailing out into the open Mediterranean Sea.

The public address announcements provided false information.

The manning and deployment of the lifeboats was delayed though the ship was in imminent danger.

The crew was unable to instruct passengers during an emergency.

The crew was unable to launch and operate the lifeboats effectively.

According to reports, the captain and senior staff abandoned the ship with passengers still aboard the capsizing vessel. There was no one aboard to coordinate the evacuation.

This accident was not caused solely by the actions of a single individual. It has been alleged that Costa and its parent corporation, Carnival, allowed Captain Schettino to divert from the assigned course on previous voyages. Clearly, this course deviation was not due to climatic or safety concerns. It is our opinion that—with today's technology—central management of the cruise line must have been able to locate the position of—and track the progress of—a massive liner like the Concordia. Either they were aware of its deviation from the pre-determined course and sanctioned it, or they were ill-equipped to manage the operation of this and perhaps other vessels.

The courts will determine who or what organization is to blame for the tragic loss of life in January of 2012 off the coast of Tuscany.

INTRODUCTION OF THE CHESAPEAKE BAY PROGRAM REAUTHORIZATION AND IMPROVEMENT ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Chesapeake Bay Program Reauthorization and Improvement Act with my colleague TIM HOLDEN from Pennsylvania.

The Chesapeake Bay, the largest estuary in the U.S., is an incredibly complex ecosystem that includes important habitats and is a cherished part of our American heritage. The Bay Watershed includes all types of land uses, from intensely urban areas, spread out suburban development and diverse agricultural practices.

I have worked hard during past negotiations on the Farm Bill to ensure that critical resources are in place to help restore the Bay. While the goal from all involved is the same, restoring the health and vitality of the Bay, the path to that health and vitality is being strongly debated. It is a clear choice, overregulation and intrusion into the lives and livelihoods of those who choose to make the Bay watershed their home, or commonsense incentive-based efforts that help restore and protect our natural resources.

Unfortunately, proposals like the Presidential Executive Order and the Environmental Protection Agency's Total Maximum Daily Load, TMDL, forces more mandates and over-

zealous regulations on all of those who live, work, and farm in the Chesapeake Bay Watershed. The EPA's TMDL is a power grab that sets strict limits on the amount of nutrients discharged into the Chesapeake Bay and each of its tributaries by different types of sources. These limits will dramatically restrict land usages for everyone who lives and works in the Watershed. Although the Clean Water Act requires the EPA to establish a TMDL, the power is currently reserved to the states to determine how to improve water quality, including determining nutrient reduction allocations among different types of point and non-point sources. In the proposed TMDL, the EPA has exceeded its authority in the Clean Water Act by setting specific nutrient reduction allocations by sector, a power currently reserved to the states.

Beyond the fact that the EPA lacks the authority in the Clean Water Act to take the majority of the actions that it is taking, I have serious concerns about this approach to Bay restoration. EPA has increased its federal actions in the Watershed while relying on modeling data that does not adequately include nutrient reductions that have been made in the Watershed to guide its decisions. This raises serious concerns about the ability of the agency to measure and assess restoration efforts. Further, it is clear by reports of the communities and industries affected, that these new regulations will be devastating during our current economic downturn. This will result in many billions of dollars in economic losses to states, cities and towns, farms and other businesses large and small.

This strategy limits economic growth and unfairly over regulates our local economies. Mr. HOLDEN and I recognized that we must form a proposal that does not pit the health of the bay against the strength and vitality of our local communities and that is why we rise today to introduce the Chesapeake Bay Program Reauthorization and Improvement Act

Instead of overregulation and intrusion into the lives and livelihoods of those who choose to make the Bay Watershed their home, our legislation allows states and communities more flexibility in meeting water quality goals so that we can help restore and protect our natural resources. Our bill sets up new programs to give farmers, homebuilders, and localities new ways to meet their water quality goals. This includes preserving current intrastate nutrient trading programs that many Bay states already have in place, while also creating a voluntary interstate nutrient trading program. Additionally, this bill creates a voluntary assurance framework for farmers. The program will deem farmers to be fully in compliance with their water quality requirements as long as they have undertaken appropriate conservation activities to comply with state and federal water quality standards.

Our bill makes sure that the agencies are using common sense when regulating water quality goals for localities. Our legislation requires the regulators to take into account the availability, cost, effectiveness, and appropriateness of practices, techniques, or methods in meeting water quality goals. This will ensure that localities are not being mandated to achieve a reduction in nutrient levels by a prescribed date, when no technology exists to achieve that reduction within that timeline.

Additionally, the bill contains language that reaffirms and preserves the rights of the states to write their own water quality plans. This role has been traditionally reserved to the states but that is being threatened by the Obama Administration's policies. The Obama Administration is seeking to expand their regulatory authority by seizing authority granted to the states and converting the Bay Cleanup efforts to a process that is a top down approach with mandatory regulations. I believe that each state knows best how to manage their water quality goals; not the bureaucrats at the EPA. This legislation would restore the original intent of the Clean Water Act and reaffirm the role of the States to write their own water quality plans.

While our bill does a lot to improve water quality, we also call for more oversight over the Chesapeake Bay Program. For over 3 decades Congress has been working to preserve and protect the Chesapeake Bay. Despite the efforts of the federal, state, and local governments the health of the bay is still in peril. The participants in restoring the Bay include 10 federal agencies, six states and the District of Columbia, over one thousand localities and multiple nongovernmental organizations. This legislation would fully implement two cutting-edge management techniques, crosscut budgeting and adaptive management, to enhance coordination, flexibility and efficiency of restoration efforts. Neither technique is currently required or fully utilized in the Bay restoration efforts, where results have lagged far behind the billions of dollars spent. Further, this bill calls for a review of the EPA's Bay model. We often hear complaints from those who make good faith efforts to restore the Bay that their efforts are not being recognized by EPA's Bay model. EPA's model does not account for any voluntary measures being undertaken on farms to control nitrogen and phosphorous nor does it even account for some of the nitrogen and phosphorous reductions that are being achieved through government programs like USDA's Environmental Quality Incentives Program. Effectively, EPA is ignoring nutrient reductions that have already been achieved. Our legislation requires that an independent evaluator assess and make recommendations to alter EPA's Bay model, so that we can develop a model that will capture all of the nutrient reductions that are happening in the Bay.

Mr. Speaker, the people who call the Bay Watershed home are the ones who are the most concerned about protecting and restoring the Chesapeake Bay. Unfortunately, too often these hardworking individuals are cast as villains and placed in a position where restoring the Bay is pitted against the economic livelihoods of their communities. We can restore the Bay while also maintaining the economic livelihood of these communities. The Chesapeake Bay Program Reauthorization and Improvement Act is the way we can do both. I look forward to working with my colleagues in the Congress, so that we can pass this important legislation and work to restore the Chesapeake Bay.

TRIBUTE TO LT. CMDR. DALE T.
TAYLOR, USCG

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Lt. Cmdr. Dale T. Taylor, age 36, and to honor his heroic and tireless service to our country.

Lt. Cmdr. Taylor was one of four U.S. Coast Guard crewmen aboard a MH-65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

Lt. Cmdr. Taylor, a rescue pilot and father of two young sons, was stationed at the Aviation Training Center in Mobile, Alabama. He and his family are active members of Cottage Hill Baptist Church, where he served as a deacon.

An accomplished pilot who was devoted to saving lives, Lt. Cmdr. Taylor received the Coast Guard Medal in 2003 for heroism while heading a rescue mission near Key West, Florida. According to the award citation quoted by the Mobile Press-Register, Lt. Cmdr. Taylor braved rough seas to rescue a victim. "Despite jeopardizing his own safety, Lieutenant Taylor grabbed the victim and with all his remaining strength swam to the basket and lifted the exhausted survivor to safety shortly before the survivor would have surely succumbed to the seas."

Lt. Cmdr. Taylor and his fellow crewmen of CG-535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation's coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of Lt. Cmdr. Taylor as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn,

Eternal Father, Lord of hosts,
Watch o'er the men who guard our coasts.
Protect them from the raging seas
And give them light and life and peace.
Grant them from Thy great throne above
The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful nation, I offer condolences to Lt. Cmdr. Taylor's wife, Teresa, and their sons, Evan and Emmett, as well as other family and many friends. You are each in our thoughts and prayers.

TRIBUTE TO OAK KNOLL VILLA
AND THE RETIREMENT HOUSING
FOUNDATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Oak Knoll Villa Apartments in my district in San Antonio.

Oak Knoll Villa is a member of the Retirement Housing Foundation, and they will join in celebrating the foundation's 50 years of service to the community on March 13, 2012.

The Retirement Housing Foundation is a non-profit organization of 159 communities in 24 states, Washington, DC, Puerto Rico and the U.S. Virgin Islands, providing housing and services to more than 17,000 older adults, low income families, and persons with disabilities.

Throughout the past 50 years the foundation has fostered an environment in which team members work to make life better for thousands of San Antonians. This pinnacle achievement speaks to both the past laurels and future service of Oak Knoll Villa. Oak Knoll Villa strives to provide all persons with quality, affordable housing so that San Antonio families do not have to sacrifice paying the rent for other basic necessities.

The noble mission of the Retirement Housing Foundation is as important today as it was 50 years ago. Its impact on our communities cannot be understated. I would again ask you to congratulate Oak Knoll Villa and the Retirement Housing Foundation on their 50 years of fostering and ensuring that low-income families and individuals.

HONORING REGIS HIGH SCHOOL
REACH PROGRAM'S 10 YEAR AN-
NIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mrs. MALONEY. Mr. Speaker, I rise today in honor of the 10 year anniversary of the Recruiting Excellence in Academics for Catholic High Schools, or the REACH program, an innovative program devised and operated by Regis High School in my district for low income middle school students to prepare them for acceptance into the elite private, Catholic and public high schools in New York City.

Regis High School was founded in 1914 as a 100 percent scholarship school and continues this fine tradition today. In that spirit Regis began the REACH program ten years ago to help low income middle school students to excel in their studies to allow them to not only attend the best high schools, but eventually the best colleges and universities in the country. Students from the REACH program have gone on to attend MIT, Boston College, Cornell, Williams and the University of Scranton.

The REACH program is a study in what can be achieved if students are given the proper tools to excel. Students attend a six week summer program, Saturday sessions in both the spring and fall and engage in an independent research program in the winter. During each of these phases students are not only tutored to excel academically but are also provided with leadership training, a student mentor from Regis and eventually placement services into the best high schools in New York City.

Ninety-six percent of students who participate in the REACH program have gone on to a four year institution of higher learning, many

of whom are the first in their family to attend college. The REACH program can be used as an example for all of us that by giving students the appropriate tools they will excel.

I want to congratulate Regis on their wonderful success and wish them even greater success in the next ten years.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,499,023,629,682.44. We've added \$4,872,146,580,769.36 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PROTECTING ACADEMIC FREEDOM
IN HIGHER EDUCATION ACT, H.R.
2117

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Ms. MCCOLLUM. Mr. Speaker, I rise in support of the amendment to H.R. 2117 proposed by the gentleman from Colorado. This amendment would require the Secretary of Education to present this body with a plan to prevent waste, fraud, and abuse of Federal financial aid dollars.

I was regrettably detained and unavailable to vote on the following amendment to H.R. 2117.

Rep. Polis (CO) Amendment #5: Would require the Secretary to present a plan to prevent waste, fraud and abuse to ensure effective use of taxpayer dollars. Had I been present to vote I would have voted "yes" on Amendment #5.

RECOGNIZING GREGORY P.
SCHAFFER

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. ADERHOLT. Mr. Speaker, I am honored to recognize Gregory P. Schaffer for his distinguished service to the Government of the United States as the Assistant Secretary for Cybersecurity and Communications, National Protection and Programs Directorate, Department of Homeland Security, from May 2009 until March 2012.

Mr. Schaffer is a national leader in the area of cybersecurity and communications. His unique perspective, dedication, and focus on identifying solutions to complex problems enabled the Department of Homeland Security

and the Nation to take critical strides during his tenure.

Mr. Schaffer brought to DHS a blend of technical knowledge, private sector understanding, and Federal prosecution experience that enriched its cybersecurity and communications efforts.

Mr. Schaffer's leadership was essential in leading DHS efforts related to proposals for a Nationwide Public Safety Broadband Network. With the passage of recent legislation, Mr. Schaffer's concepts and structures have the potential to result in a paradigm shift in public safety communications.

During his tenure, DHS developed the National Cyber Incident Response Plan, NCIRP, the framework for incident response capabilities and coordination among Federal agencies, state and local governments, the private sector and international partners during significant cyber incidents. With the development of this plan, our Nation is postured to more effectively and comprehensively respond to the full range of cyber incidents.

As Chair of the Unified Coordination Group established by the NCIRP, Mr. Schaffer led the United States Government response to a number of critical cyber incidents impacting the public and private sectors as well as international partners.

Under Mr. Schaffer's leadership and direction, DHS also opened the new National Cybersecurity and Communications Integration Center—a 24-hour, DHS-led coordinated watch and warning and mitigation center that enhanced capabilities to address threats and incidents affecting the Nation's critical information technology and cyber infrastructure.

This Center leverages the Einstein program, a set of perimeter defenses around the ".gov" domain designed to detect, alert, and prevent intrusions into and data loss from Federal agency networks. Because of Mr. Schaffer's leadership, Einstein 2—which provides signature-based intrusion detection technology—is currently deployed and operational at 17 of 19 Federal agencies.

Mr. Schaffer also oversaw effective and diverse incident response activities across his cybersecurity and communications portfolio. In FY 2011 alone, the United States Computer Emergency Readiness Team responded to more than 100,000 incident reports and released more than 5,000 actionable cybersecurity alerts and information products. The National Coordinating Center for Telecommunications and the National Communications System also led, in accordance with the National Response Framework's Emergency Support Function #2, communications response activities for the New England floods, Hurricane Irene, the 2011 Japanese Tsunami, the 2010 Haiti Earthquake, and other significant national and international disasters.

Furthermore, Mr. Schaffer led activities to expand information sharing with the private sector through the Cybersecurity Information Sharing and Collaboration Program. He also supported development of tools to help private sector companies assess and improve their own network security, such as the Cyber Security Evaluation Program, CSEP, and the Cyber Security Evaluation Tool, CSET.

We are grateful for his service during a consequential period at the Department, and I

look forward to his continuing contributions to the security of our great Nation.

TRIBUTE TO LTJG THOMAS JOHN CAMERON, USCG

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard LTJG Thomas John Cameron, age 24, of Portland, Oregon and to honor his service to our country.

LTJG Cameron was one of four U.S. Coast Guard crewmen aboard an MH-65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

A 2009 graduate of the U.S. Coast Guard Academy, LTJG Cameron was stationed at the Coast Guard's Aviation Training Center in Mobile, Alabama at the time of the accident.

According to the Mobile Press-Register, LTJG Cameron was only two days from completing flight certification at the time of the accident. After leaving Mobile, he was to have been assigned to USGC Station Borinquen at San Juan, Puerto Rico.

LTJG Cameron was known to his family, classmates and friends as a passionate athlete. He was an accomplished soccer player, serving as captain of his high school and college teams. Off the field, his passion also extended to helping others. His father, John Cameron, told the newspaper that his son's goal since 10th grade was to be involved in "lifesaving work."

It is not surprising to learn that LTJG Cameron and his fellow crewmen of CG-6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation's coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of LTJG Cameron as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn,

Eternal Father, Lord of hosts,
Watch o'er the men who guard our coasts.
Protect them from the raging seas
And give them light and life and peace.
Grant them from Thy great throne above
The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful nation, I offer condolences to LTJG Cameron's parents, John and Bette Cameron, as well as to his extended family and many friends. You are each in our thoughts and prayers.

RECOGNIZING THE ACCOMPLISHMENTS OF LOIS WAGONER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BURTON of Indiana. Mr. Speaker, today I rise to acknowledge Lois Wagoner, a loving mother, dedicated civil servant, and a truly great Hoosier. This week, Lois is being honored for her 50 years of service to the Military and Veterans Regional Office in Indianapolis. Lois began her career as a clerk in 1961 at Fort Sill, Oklahoma and worked at various military installations prior to coming to the VA in 1971 as a program support clerk in the Finance Division of the Indianapolis Regional Office. In 1974, she was promoted to be a Veterans Benefits Counselor and supervised the regional office telephone unit. By 1990, she had become the Congressional Liaison and has worked tirelessly with every Congressional office in Indiana to ensure the welfare of our returning heroes.

During her 50 years of service, Lois has earned the reputation of being one of the most loyal, kind, and honest advocates of our Veterans living in Indiana. She also has the great distinction of being the mother of a Lieutenant Colonel with the U.S. Army in Afghanistan, so while she has been serving at the VA, she did so with the rare empathy of someone keenly aware of not only the sacrifices of our brave service members defending freedom abroad, but the daily concerns of their family members here at home.

The pride in service Lois has exhibited during her career is only eclipsed by her dedication to her family. Her other son lives close by and is a local meat cutter for Kroger. She has eight grandsons and one granddaughter and one great granddaughter.

It is with great honor that I extend hearty congratulations to Lois for her tireless service. She will always have a special place in the hearts of all those who have had the opportunity to work with her over the years, most especially the countless veterans whose lives she has touched.

Congratulations Lois.

CELEBRATING NATIONAL SCHOOL BREAKFAST WEEK

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Ms. MOORE. Mr. Speaker, I am pleased to rise to join my colleagues in celebrating National School Breakfast Week 2012.

I don't have to tell anyone that 2011 was another year of difficult economic struggles for American households. Too many families are struggling to put food on the table. And when they do, kids suffer the most.

According to the U.S. Department of Agriculture, in 2010, 48.8 million Americans lived in households that had difficulty putting food on the table. That figure includes as many as 16 million children living in a home where food

is not always available. Even worse, in over 380,000 households, one or more children did not get enough to eat—they had to cut the size of their meals, skip meals, or even go whole days without food at some time during the year.

When asked by the Gallup organization in a recent food hardship survey, "Have there been times in the last twelve months when you did not have enough money to buy food that you or your family needed?" more people answered "Yes" in the last six months of 2011 than in any period since the fourth quarter of 2008.

In broad swaths of the country, more than one in six households answered the Gallup question "Yes." In fact, at least one in six said "Yes" in more than half of all Congressional districts (269 of 436 congressional districts.) In my district, according to the survey, the food hardship rate is 23 percent, almost one in four households. That is heartbreaking and even more so when you think that nearly 80 of my colleagues represent districts with even higher rates.

Thirty-seven million people—one in eight Americans—receive emergency food assistance each year through the Nation's food banks, a 46 percent increase in clients served from 2006.

As a result, public efforts to help meet this basic need are even more important. As the recession's grip takes firm hold, for millions of vulnerable children around our Nation, federally-supported school breakfast programs continue to be a lifeline.

The School Breakfast program began in 1966 as a two-year pilot program. It has become a valuable program that makes a difference every day in the lives of millions of children. I can tell you, Mr. Speaker, that providing availability, accessibility, and participation in the school breakfast program are some of the best ways to support the health and educational potential of children, particularly low-income children.

Eating breakfast has been shown to improve math, reading, and standardized test scores. Breakfast helps children pay attention, perform problem-solving tasks, and improves memory. Children who eat school breakfast are likely to have fewer absences and incidents of tardiness than those who do not. By eating breakfast, students get more important nutrients, vitamins and minerals such as calcium, dietary fiber, and protein. These are just a few of the known benefits.

The School Breakfast Program can readily be tailored to meet the needs of all different age groups, school schedules and physical environments. Schools use many creative service options in addition to traditional breakfast service in the cafeteria, such as Breakfast in the Classroom, Grab 'n' Go Carts and Mid-morning Nutrition Breaks.

This year, the School Breakfast Week theme is "School Breakfast—Go for the Gold," highlighting how eating a balanced breakfast at school can help students shine. In FY 2011 over 12 million children were able to get a nutritious school meal because of this program. In my State of Wisconsin, school breakfast participation rates have increased from 135,000 in FY 2009 to 166,000 in FY 2011, the vast majority receiving free or reduced

price nutritious breakfast to jump start their school day. However, participation in the breakfast comparison lags compared to the approximately 32 million who participate in the National School Lunch Program.

Most school breakfast program students lived in impoverished families and received free or reduced price meals. For the 2009–2010 school year, to receive a free breakfast, the student needed to reside in a household earning \$23,803 or less for a family of three (130 percent of the federal poverty level). For reduced price, the threshold was \$33,874 (185 percent of the federal poverty level.)

Efforts to make this program work better continue and they should. Last month, the Administration released new child nutrition rules—as required by Congress in the Healthy, Hunger Free Kids Act of 2010—that seek to make the same kind of changes many parents are already trying to teach their children at home. The new rule updates school meal standards to increase fruits, vegetables, whole grain, and low-fat dairy while reducing fats, sodium and sugars. This is a long overdue step that will get healthier foods on school plates each day. USDA built the new rule around recommendations from an Institute of Medicine expert panel, updated with key changes from the 2010 Dietary Guidelines. Getting the science right is critical to better nutrition and health for our children.

Additionally, the President's FY 2013 budget request includes \$35 million for school meal equipment grants to help school districts purchase the equipment needed to serve healthier meals, and improved food safety. These equipment grants would support the establishment or expansion of the School Breakfast Program. Lack of adequate kitchen equipment has been cited as a reason why schools are not able to initiate or expand their breakfast programs. Congress needs to support such initiatives.

In the spirit of National Breakfast Week, I would encourage my colleagues—and in fact, all Americans—to participate in activities like the Share Your Breakfast campaign to combat child hunger. The Share Your Breakfast campaign—which brings together Action for Healthy Kids, the Kellogg Company, and other partners—is focused on ensuring more kids have access to breakfast by increasing participation in school breakfast programs. This campaign is only in its second year, but has already offered assistance to nearly 100 schools in 26 states.

This year's goal is to provide one million breakfasts to American school children who might otherwise go without. Programs like Share Your Breakfast are to be commended and help highlight the vital role that a nutritious breakfast plays in promoting educational success.

Mr. Speaker, a growing number of Americans are going hungry and federal safety-net nutrition programs, like the School Breakfast Program, are playing a crucial role in helping hardworking families, including their children, stay nourished.

Let me conclude, Mr. Speaker, by saying that though our country is in the midst of a tough economic time, I hope there remains bipartisan support for this simple statement: no child in our community or across the country

should ever go through the school day hungry. The School Breakfast Program is critical to making that a reality.

I am pleased to join my colleagues in highlighting the value and success of this program and those who work every day to make sure that our future leaders, our future engineers, and scientists, and politicians or whatever else boys and girls across our Nation want to be, won't be stopped because of a growling stomach and nagging hunger.

PROCLAIMING THE HOUSE OF REPRESENTATIVES' RECOGNITION OF THE 100TH ANNIVERSARY OF PATRICIA NIXON'S BIRTH IN ELY, NEVADA ON MARCH 16, 2012

HON. MARK E. AMODEI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. AMODEI. Mr. Speaker, I rise today to recognize the 100th anniversary of the birth of Thelma Catherine "Pat" Ryan Nixon in Ely, Nevada.

Pat was born the youngest of four children on March 16th, 1912, in the small mining town of Ely, Nevada to William M. Ryan, Sr., a sailor, gold miner, and truck farmer of Irish descent and Katherine Halberstadt, a German immigrant. Thelma Catherine Ryan was nicknamed "Pat" because of her Irish heritage. In fact, the family always celebrated her birthday on the Irish holiday of St. Patrick's Day, March 17th.

Pat and her family moved to a small town near Los Angeles when she was just a year old. She grew up with typical Western self-sufficiency. It has often been said that the mining community in Ely and her family's own straightened circumstances helped mold her into the strong person that she became.

Upon enrolling in college in 1931, she unofficially dropped her given name Thelma, replacing it with Pat and occasionally rendering it as Patricia. On June 21, 1940, Pat married Richard Milhouse Nixon at Mission Inn, Riverside, California. The two met while they were performing in a theater production of "The Dark Tower." During World War II, she worked as a government economist while Richard served in the Navy. She campaigned tirelessly alongside her husband as he ran for Congress, the Senate, and, later, the Vice Presidency.

On January 20th, 1969, Richard Milhouse Nixon was sworn in as the 37th President of the United States. Pat became First Lady, the first, and so far only, woman from Nevada to serve in that role.

While in the White House, Pat publicly advocated for women to become more involved in the political process. She also used her position as First Lady to encourage volunteer service, opened the White House to more visitors, and added 600 paintings and antiques to the White House collection. She also traveled extensively, earning the unique diplomatic standing of "Personal Representative of the President."

Patricia Nixon passed away on June 22, 1993, and is buried at the Richard Nixon Birthplace and Museum in Yorba Linda, California.

March 16, 2012, marks the 100th anniversary of Patricia Nixon's birth in Ely, Nevada. I ask my colleagues to join me in celebrating and recognizing the varied, significant contributions that Pat Nixon made throughout her life, particularly as the First Lady of the United States.

IN RECOGNITION OF LANCE CORPORAL MARK FIDLER AND FAMILY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. HOLDEN. Mr. Speaker, I rise today to honor a real American hero, United States Marine Mark Fidler, who hails from my congressional district in Berks County, Pennsylvania. On October 3, 2011, while on foot patrol in Afghanistan, an IED exploded next to Lance Corporal Fidler, nearly killing him. He lost both legs above the knee and suffered extensive internal injuries. He survived, largely due to his brothers in arms and a British air unit that got him to the Bastion mash unit in record time. His parents, Stacy and Kermit Fidler, have put their lives on hold to be by his side night and day. Families are the quiet heroes who make such a huge difference in the recoveries of our soldiers. I ask that this poem, written by Albert Caswell in honor of those loving parents, be placed in the CONGRESSIONAL RECORD.

WRITTEN ON YOUR SOUL

All that we so have . . .
All that we so hold . . .
All that we so are . . .
Of which so means the most . . .
Is but so written, all on our souls . . .
As is yours Mark, something special to behold!
But, so lies something far much more precious than mere gold . . .
As is so etched upon your heart be told . . .
As lies something far much more greater than you could ever know . . .
Setting you apart from all the rest, all in what your fine heart so holds . . .
'Oh, but To Be One of America's Finest . . . but, Her Very Best!
A Uh . . . Raaaa Jar Head . . . As a United States Marine, no less . . .
As is so written upon your soul, as was etched . . .
To go off to war, to our nation's freedom's to insure . . .
And to so face death no less!
How can one ask for more?
As our nation Mark, you and your family have so blessed!
Than, to lose half of you . . . your best . . .
And yet somehow you would so cheat death . . .
No, you are not half the man you used to be, for you sum has grown far much greater . . . see!
As when courage comes to crest, to so teach us all the more!
To so reach deep down inside your heart of courage . . . Amor!
As my son Mark, our world you have so blessed!
As you've come back from such heartache, and such sure death!
Is that not what heaven is so for?

As somehow, your fine soul will not give up or in . . .
All in its most courageous quest,
as we so see where its take you, from where you have been!
To but rebuild again, when This Pride of Pennsylvania . . .
Had almost nothing left . . .
As Mark, you bring The Angels up in heaven to tears at your behest!
And all in our Lord's heart Mark, you are now so caressed!
And if ever I have a son,
I wish he could be like you this one . . .
All because of what is now so etched upon your soul!
As your great faith and courage and strength, is but something to behold!
As now so etched!
For Heaven so awaits all of those who give their very best!
Who so freely are so ready to give up their fine lives, all in freedom's quest!
Who all upon their souls such magnificence is so etched!
So etched with such Strength In Honor, and Faith so no less . . .
All in your shades of green, Mark you are one hell of a United States Marine!
Who our nation has so blessed!
Yes, arms and legs we all need . . . But we can get by . . .
But, without a heart and soul like yours Mark, we will surely die . . .
And Mark its up In Heaven, where you need not even eyes . . .
And that's where your going one day Mark, when you rise!
With but tears in your eyes . . .
And in the coming years, it all seems so very clear . . .
That, you have so much more to etch . . . All with you fine heart as left!
Moments, are all that we so have!
Minutes, only to hearts so grab!
To this our world to so bless!
As all written upon our souls as etched!
What, have we so written . . . As we grow old?
What, have we done that which is so worthy to behold?
What, have we so given . . . That which is far much more precious than mere gold?
That now so lies, all etched upon our souls!
As have you Mark, so bestowed!
UH . . . RRRRAH, Jar Head . . .
All in what your fine life has said, and so continues to so grow!
All so written, so on your soul!

TRIBUTE TO SAN ANTONIO ART LEAGUE AND MUSEUM

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing the San Antonio Art League and Museum in celebration of their 100th anniversary.

The San Antonio Art League and Museum is the oldest arts organization in the city of San Antonio, Bexar County, and surrounding counties in the State of Texas. The museum was founded by Mrs. Henry Drought, who served as president of the organization for 25 years. Mrs. Henry Drought's mission was to foster knowledge of and interest in art in this area of Texas by means of exhibitions, lec-

tures, and classes. Additionally she firmly believed in the encouragement of local artists in order to create and provide an avenue to display and promote the museum's mission. As a result, the San Antonio Art League and Museum has acquired and preserved more than 400 pieces of art from all across Texas. The museum continues to promote artists from Bexar County and the surrounding areas through its many activities, including promoting talented young art students at a collegiate art exhibition.

Art has always stood as an essential form of expression, communication, and cultural appreciation, and it has been extremely important to the cultural development of our community. I would again ask you to congratulate the San Antonio Art League and Museum for enriching the community of San Antonio for the past 100 years.

TRIBUTE TO PETTY OFFICER 3RD CLASS ANDREW KNIGHT, USCG

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Petty Officer 3rd Class Andrew Knight, age 26, of Thomasville, Alabama and to honor his devoted service to our country.

Petty Officer Knight, known by his family and friends as "Drew", was one of four U.S. Coast Guard crewmen aboard a MH-65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

A native of Southwest Alabama, Petty Officer Knight was stationed at the Aviation Training Center in Mobile, Alabama where he served as a flight mechanic.

Petty Officer Knight and his fellow crewmen of CG-6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation's coastal communities. We can never thank them enough for their commitment to our country.

I recently visited with Drew's parents to personally extend my deep sympathy for their tremendous loss. As I conveyed to them, growing up in Camden, which is not far from Thomasville, I know the Drew Knights of the world are the ones that stand out in any setting—church, school, community, and country.

South Alabama suffers the loss of Petty Officer Drew Knight, a native son who loved his country and helping others. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn,

Eternal Father, Lord of hosts,
Watch o'er the men who guard our coasts.
Protect them from the raging seas
And give them light and life and peace.
Grant them from Thy great throne above
The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful nation, I offer condolences to Petty

Officer Knight's mother and father, Ken and Becky Knight, his brother, Todd, as well as his extended family and many friends. You are each in our thoughts and prayers.

50TH ANNIVERSARY OF MICA CORPORATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Ms. GRANGER. Mr. Speaker, I rise today to acknowledge and honor the 50th anniversary of MICA Corporation—a family-owned company based in Fort Worth, Texas. Back in 1962, two ambitious men named Mickey Stewart and Cayce Tubb had a vision for their futures and a plan for success. Together, they established the MICA Corporation to perform highway guard-rail contract work. Over the years, MICA Corporation has remained on the cutting edge of Texas highway construction and become a well-known and highly respected state-wide company. L.C. Tubb, son of co-founder Cayce Tubb and the current owner of MICA Corporation, has flown all of his employees to Washington, DC to celebrate the 50th anniversary of this great company. I am very proud of what this company has accomplished over the years and pleased that it calls Fort Worth home. Today, I want to welcome L.C. and the many dedicated employees of MICA Corporation to Washington, DC. I want to congratulate everyone at MICA Corporation on achieving this milestone, and wish them many, many more years of success.

ESSAY BY LESLIE LOPEZ

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Leslie Lopez is a junior at Pasadena Memorial High School in Harris County, Texas. Her essay topic is: Select an important event that has occurred in the past 50 years and explain how that event has changed our country. Leslie chose September 11th, 2001.

September eleventh is a day that will be remembered for ages to come by citizens in our nation. The long-lived memorable event marked not only the lives of the people, but our entire country as a whole. The attacks of that date affected the nation's economy, took our peace of mind, and caused us to enforce anti-terrorism policies that till this day have not changed.

The attacks had a significant economic impact on the United States and world markets. The stock exchange remained closed for several days in the aftermath; the Dow Jones Industrial Average fell significantly; in only three months after the occurrence, nearly 430,000 jobs were lost as well as millions of dollars in wages. The small businesses in Lower Manhattan were affected as well. A staggering 18,000 of those were destroyed or replaced, resulting in a loss of jobs and wages. The events of September eleventh most definitely left its mark on the nation's economy.

The tragedy also affected the country's peace of mind. People felt as if not even homes or schools were then longer safe. Recalling back to that date, I was only a child and could not understand why every adult parent and teacher seemed paranoid at what was happening in New York. What seemed like weeks after went by and the occurrence was still fresh on everyone's minds. Till this day, citizens have not completely reinstated that peace of mind they once had, and it will continue to be this way for years to come.

With the 9-11 attacks came new anti-terrorism policies which did not exist prior to the date. The Department of Homeland Security, for example, was created a couple of years after the occurrence to protect the states against terrorism activity. The attacks also indirectly caused the War in Afghanistan as an effort to dismantle the al-Qaeda terrorist organization, which was also set into motion only a month after the attacks on the World Trade Center.

The changes that the 9-11 attacks caused brought drastic changes to the United States and the grand scheme of things, the economy, our peace of mind, and the anti-terrorism policies that were adopted were only a small portion of all that the attacks affected.

IN CELEBRATION OF REVEREND DR. WENDELL ANTHONY'S 25TH PASTORAL ANNIVERSARY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. PETERS. Mr. Speaker, I rise and I ask my colleagues to join me today to salute Reverend Dr. Wendell Anthony on the occasion of his 25th Anniversary as Pastor of Fellowship Chapel in Detroit, Michigan.

In 1987, Reverend Dr. Wendell Anthony was installed as senior pastor at Fellowship Chapel. From that platform, he has been an unwavering voice for those without, guiding thousands in faith. He has educated and moved many more thousands in civil rights, economics, and politics toward the pursuit of justice and righteousness. Through his work, he has had an impact on the lives of hundreds of thousands of people throughout the city of Detroit, and, indeed, across our Nation and this globe.

In 1993, when he became President of the Detroit Branch of the NAACP, Reverend Anthony ushered in a new era of activism and strength for the largest NAACP chapter in the county. That year, he led a quarter-million people through the streets of Detroit to commemorate the 30-year anniversary of the historic 1963 Detroit March by Dr. Martin Luther

King, Jr. that took place before King's iconic March on Washington. Reverend Anthony has worked tirelessly to build connections between his congregants and the international community, particularly Africa. In addition to establishing a medical clinic in Ghana, Reverend Anthony organized a relief effort raising nearly \$1 million for food, medicine, clothing and transportation to aid hundreds of thousands of refugees in both Rwanda and Zaire in 1994. In 2000, he organized a similar relief effort for flood victims in Mozambique, Zimbabwe and South Africa.

Reverend Anthony's work at home has been equally impressive and passionate, working on wide ranging issues of social and economic justice like insurance rates in Detroit, minority business contracting, and fairness in banking. As the former co-chair of the Detroit Fair Banking Alliance, Reverend Anthony helped to negotiate over \$7.2 billion in new lending from local banking institutions for the purpose of economic development in our region.

As founder of the Fannie Lou Hamer Political Action Committee, Reverend Anthony created an institution that provides a strong, organized and progressive voice in the political process, holding public officials accountable to work in the best interests of the African American community. As chairman and founder of the Freedom Institute for Economic, Social Justice and Empowerment, Reverend Anthony hosts the largest sit-down dinner in the world each year for leaders, activists and lay people from across the spectrum of society from education, to the law, to politics, to labor and beyond.

My colleagues, I could speak for a very long time about the good Reverend's work over the last quarter century with each accolade more impressive than the last, but I shall conclude my remarks by wishing my friend, Reverend Anthony, well and Godspeed for another quarter century, and beyond, of work in service to Christ and the community of mankind.

ESSAY BY ALLISON MOCK

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Allison Mock is a senior at Kempner High School in Fort Bend County, Texas. Her essay topic is: Why is it important to participate in the political process?

George Bernard Shaw once said, "Democracy is a device that ensures we shall be governed no better than we deserve;" this is especially true in our nation today. America

has become apathetic. We no longer look for ways to actively participate in our own government. Voting in minor elections, writing letters to congressmen, and attending city council meetings to stay updated have become things of the past. In essence, we have forgotten how to be involved in the political process. This is a natural feature of our country's aging. The majority of the population does not remember that voting is a privilege, not a guarantee. We dismiss that there ever was a time when having your voice heard was almost impossible and advocating controversial opinions dangerous. The Founders of our nation and millions of soldiers died so we would never again see such a time, their sacrifices should never be taken lightly. Those heroes dreamed of a country where the people determined what the future would look like, and now we are here. However, the hard work is far from over. While the Constitution provides the foundation to build our government upon, the most important work is done by the people we elect. Our republic should be reinvented with each new generation. This makes it even more important for the majority to participate in the political process. Our system is currently lacking people to balance out the radical activists and conversely, push forward those who have stagnated in their policy. The recent retirement of leaders like Senator Stowe is compelling evidence that even leaders are frustrated by the polarization of the politically active members of society. We need everyone to participate to fully deserve a good government.

An ideal spot to start these changes would be in high schools. Although Government classes lightly touch on the importance of voting, most kids have no idea how crucial it is. A self-fulfilling prophecy occurs in their political lives; society does not expect them to care until they are older, and as a result, they don't think they need to. However, if the curriculum included more of an emphasis on not only the importance of voting, but a detailed explanation of what each party stands for and how to discern for themselves how they would like to vote, students would respond. Lists of election dates could be distributed to students and posted online. By involving social media we could reach even more of this demographic. Twitter, Facebook, my space could all have reminders to vote, information about candidates and their issues, and ways to get involved in the community it would be difficult. A similar campaign was tried in the early 2000s, but was abandoned when it did not prove immediately effective. While we have more social media now, allowing the message to further penetrate, what we really need is perseverance from our leaders. We must continue to try and reach this crucial age group, because they too deserve a chance to reshape the republic and make this country even greater.

**HONORING NAZARETH COLLEGE
ON ITS DESIGNATION AS MILITARY FRIENDLY**

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. REED. Mr. Speaker, I rise today to recognize Nazareth College, which I am proud to represent as part of the 29th District of the great state of New York. Nazareth College was recently recognized by the Military Ad-

vanced Education Journal as military friendly, following a concerted effort to help veteran students transition to academia.

Beginning with the hiring of Jeremy Bagley as coordinator of veteran student enrollment, Nazareth College has worked to provide more services and offerings to its veteran students. By working with the Rochester Veterans Outreach Center, Nazareth College has provided access to creative arts therapy and therapists and developed a program to train faculty and staff to help respond to veterans' needs. When the Veterans Outreach Center was forced to lay off employees due to financial pressures, Nazareth College provided oversight of its on-site clinical staff to help offset the impact of cuts to vital programs. Nazareth College continues to offer internships pairing veterans with veteran mentors as part of a broad strategy to help veteran students better handle the transition from military service to academia.

In recognition of this concerted effort by Nazareth College and in light of the rigorous criteria used by the Military Advanced Education Journal in awarding this distinction, I am pleased to recognize Nazareth College for their designation as military friendly.

ESSAY BY BAILEY ARLINGHAUS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Bailey Arlinghaus is a senior at Clements High School in Fort Bend County, Texas. Her essay topic is: In your opinion, what role should government play in our lives?

Government is crucial in our lives. Without government, we would all be barbarically fighting for the limited amount of resources we have available. Government helps our society function the way it is, but just like anything else, too much of a good thing can be bad. Therefore, government intervention should be limited on our lives. Too much government control can lead to dictatorships or the government playing a "Big Brother" kind of role. This "Big Brother" type of rule would be bad in the long run because the people would lose faith in the government, so the citizens would try to find any way they can to overthrow the government. Government's role should be to help society but within its boundaries set by society. Crossing these boundaries can lead to too much government intervention in our society. I think the boundary that the government should never cross would be the boundary of the government tracking your every move

and everything you do. The government's main role should be to lay down the expectations, make laws that people should follow, help society when needed, but don't interfere in society so much that it makes the people dependent on the government to run effectively. The government's role is important to how this society functions. Therefore, the government needs to let society work in a way so that it isn't making the society completely dependent on them. Every individual should be able to speak their mind, without control, to promote new ideas that better society. That can only happen with a limited government role, to make society work on its own. The government should do nothing except give a little push to society every now and then to keep it running. With this, the government isn't running our everyday lives but just helping us to be able to run it ourselves. We should all follow the government's laws but, at the same time, be able to have a mind of our own. To conclude, the government shouldn't play a huge role in our every day lives, rather a limited one, so we can be more effective on our own and be able to think for ourselves.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 8, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-G50

10 a.m.

Energy and Natural Resources

To hold hearings to examine the report of the Independent Consultant's Review with Respect to the Department of Energy Loan and Loan Guarantee Portfolio.

Foreign Relations

To hold hearings to examine the nominations of Frederick D. Barton, of Maine, to be an Assistant Secretary of State

SD-366

- (Conflict and Stabilization Operations), and to be Coordinator for Reconstruction and Stabilization, and William E. Todd, of Virginia, to be Ambassador to the Kingdom of Cambodia, both of the Department of State, and Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development. SD-419
- 10:30 a.m.
Judiciary
To hold hearings to examine the Freedom of Information Act, focusing on safeguarding critical infrastructure information and the public's right to know. SD-226
- 2:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Carlos Pascual, of the District of Columbia, to be Assistant Secretary for Energy Resources, John Christopher Stevens, of California, to be Ambassador to Libya, and Jacob Walles, of Delaware, to be Ambassador to the Tunisian Republic, all of the Department of State. SD-419
- Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine S. 810, to prohibit the conducting of invasive research on great apes, S. 1249, to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States, S. 2071, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, S. 357, to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, S. 1494, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, and S. 2156, to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users. SD-406
- Intelligence
To hold closed hearings to examine certain intelligence matters. SH-219
- 3 p.m.
Appropriations
Military Construction and Veterans Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed military construction budget estimates for fiscal year 2013 for the Department of Defense and the Department of the Navy. SD-124
- MARCH 14
- 9:30 a.m.
Appropriations
Department of the Interior, Environment, and Related Agencies Subcommittee
To hold an oversight hearing to examine Federal onshore and offshore energy development programs in the Department of the Interior. SD-124
- 10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine risk management and commodities in the 2012 farm bill. SH-216
- Foreign Relations
To hold hearings to examine Sudan and South Sudan, focusing on independence and insecurity. SD-419
- Homeland Security and Governmental Affairs
To hold hearings to examine Congress, focusing on reform proposals for the 21st century. SD-342
- Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the United States Agency for International Development. SD-226
- Veterans' Affairs
To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan. SR-418
- 10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Air Force. SD-192
- Appropriations
Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Labor. SD-138
- 2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program. SR-232A
- 2:30 p.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Adam E. Sieminski, of Pennsylvania, to be Administrator of the Energy Information Administration, Department of Energy, Marcilynn A. Burke, of North Carolina, to be an Assistant Secretary of the Interior, and Anthony T. Clark, of North Dakota, and John Robert Norris, of Iowa, both to be a Member of the Federal Energy Regulatory Commission. SD-366
- Banking, Housing, and Urban Affairs
Financial Institutions and Consumer Protection Subcommittee
To hold hearings to examine issues in the prepaid card market. SD-538
- Foreign Relations
To hold hearings to examine the nominations of Pamela A. White, of Maine, to be Ambassador to the Republic of Haiti, Linda Thomas-Greenfield, of Louisiana, to be Director General of the Foreign Service, and Gina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, all of the Department of State. SD-419
- Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine managing interagency nuclear nonproliferation efforts, focusing on if nuclear materials around the world are effectively secured. SD-342
- Armed Services
Strategic Forces Subcommittee
To hold hearings to examine strategic forces programs of the National Nuclear Security Administration and the Department of Energy's Office of Environmental Management in review of the Department of Energy budget request for fiscal year 2013; with the possibility of a closed session in SVC-217 following the open session. SR-222
- 2:45 p.m.
Judiciary
To hold hearings to examine the nominations of William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit, John Thomas Fowlkes, Jr., to be United States District Judge for the Western District of Tennessee, Kevin McNulty, and Michael A. Shipp, both to be a United States District Judge for the District of New Jersey, and Stephanie Marie Rose, to be United States District Judge for the Southern District of Iowa. SD-226
- MARCH 15
- 9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-G50
- 2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine Indian water rights, focusing on promoting the negotiation and implementation of water settlements in Indian country. SD-628
- 2:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Government Accountability Office,

Government Printing Office, and the Congressional Budget Office.

SD-138

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

Housing, Transportation and Community Development Subcommittee

To hold joint hearings to examine strengthening the housing market and minimizing losses to taxpayers.

SD-538

MARCH 20

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-9217 following the open session.

SD-G50

MARCH 21

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine retooling government for the 21st century, focusing on the President's reorganization plan and reducing duplication.

SD-342

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine Verizon and cable deals.

SD-226

MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force

Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 303, to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, S. 1129, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, S. 1473, to amend Public Law 99-548 to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and to extend the authority to purchase certain parcels of public land, S. 1492, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, S. 1559, to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, S. 1635, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 1687, to adjust the boundary of Carson National Forest, New Mexico, S. 1774, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 1788, to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, S. 1906, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 2001, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for

Rogue River tributaries, S. 2015, to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, and S. 2056, to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

SD-366

MARCH 27

2:30 p.m.

Armed Services

Airland Subcommittee

To hold a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-222

MARCH 28

9:30 a.m.

Armed Services

SeaPower Subcommittee

To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SVC-217

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

2 p.m.

Armed Services

Personnel Subcommittee

To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

MARCH 29

10 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contractors, focusing on how much they are costing the government.

SD-342

HOUSE OF REPRESENTATIVES—Thursday, March 8, 2012

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

We pray for the gift of wisdom to all with great responsibility in this House for the leadership of our Nation.

May all the Members have the vision of a world where respect and understanding are the marks of civility and where honor and integrity are the marks of one's character.

As Members take time in the coming week for constituency visits, give them the ability to hear the voices of all in their districts, so that when they return they are focused on the important work to be done.

Bless us this day and every day, and may all that is done within these hallowed Halls be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. GUTIERREZ) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTIERREZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches from each side of the aisle.

SUPPORT THE JUMSPSTART OUR BUSINESS STARTUPS ACT

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I rise today in support of the Jumpstart Our Business Startups Act.

Our Nation's success has been built by individuals who turn innovative ideas into small businesses. By taking risks and working hard, our small business owners drive the majority of job creation in this country.

Right now it's just too difficult to start up a business. The threat of higher taxes and increased regulations has small businessmen and -women and entrepreneurs frozen in their tracks. Small businesses and start-ups simply do not have the bandwidth to comply with Washington's redtape, and yet they are the ones we're counting on to create jobs.

Mr. Speaker, the JOBS Act will get small businesses and entrepreneurs back into the game by removing costly regulations and making it easier for them to access capital. This legislation also paves the way for more start-ups and small businesses to go public, which will attract new investors and will allow small businesses to grow and create jobs.

In his State of the Union address, President Obama asked Congress to send him a bill that helps start-ups and entrepreneurs succeed. The JOBS Act that we'll be voting on today does exactly that. Our bill brings together commonsense measures that have bipartisan support here in Washington and from business leaders across the country, including former AOL chairman and founder Steve Case.

Mr. Speaker, I would like to recognize my colleagues who have worked on the JOBS Act, including Congressman STEPHEN FINCHER, Whip KEVIN MCCARTHY, Congressman DAVID SCHWEIKERT, Congressman BEN QUAYLE, Congressman PATRICK MCHENRY, Congressman JOHN CARNEY, and many of my colleagues on the other side of the aisle.

Let's build on this bipartisan momentum, Mr. Speaker. This week, President Obama offered his support for the JOBS Act. I strongly urge Senator REID to take up this bill as quickly as possible and let's just get it to the President's desk.

Mr. Speaker, the American people want to see us get something done and produce results. With the JOBS Act, we do have a window of opportunity for both parties in Washington to come together and produce results. We must make sure America remains the place where extraordinary success can be achieved by individuals who are willing to take risks and work hard.

PEDRO GRANT

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Madam Speaker, Puerto Rico lost one of the towering figures of its labor movement, Pedro Grant, at the age of 92.

Throughout his life, Mr. Grant was an example for the struggle for justice. He was one of the main leaders of the United Workers Movement, which led to the revival of the labor movement in Puerto Rico in the sixties and seventies.

By his example, Mr. Grant taught us that a life well lived is a life devoted to the struggle for justice and human rights and dignity for working people. He was a lifelong fighter against abuses of power and standing up for the little guy. He was a Puerto Rican patriot whose wisdom and strength will be sorely missed.

I will say a few words in his language, Spanish, in his memory:

Viviste bien. Siempre dijiste presente en todas las luchas de tu pueblo. Viviremos a la sombra de tu ejemplo. Gracias. Mereces un buen descanso, hermano.

You lived well. You were always present in all our struggles. We will live in the shadow of your example. Thank you. You deserve a good rest, my brother.

MODERN-DAY SLAVERY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Madam Speaker, modern-day slavery is alive in America.

When Maria was 16, she was lured from Mexico to Houston by a man who promised her a better life. When she arrived in Texas, she learned this scoundrel was in the slavery business. The slave master immediately put Maria up for sale. Now she was a sex slave, a victim of child human trafficking.

Here's what she said she was forced to do:

Every day, 6 to 7 days a week, I'd have sex with seven to 10 men a night during the week, and on the weekends, 20 to 30 men a night.

Tortured and abused, the slave trader threatened her so she was too scared to run away, but she defied her captor and called for help. Law enforcement came to her aid and rescued her.

The trafficker was convicted and sent to prison where we house these deviant

international slave traders. Now it's time to prosecute the customers as well.

Meanwhile, we have a duty to help and care for the victims of child sex slavery like Maria.

And that's just the way it is.

INTERNATIONAL WOMEN'S DAY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in recognition of International Women's Day.

Today is a day that honors numerous women who have actively and passionately participated in various economic, social, and political issues within their communities.

Women around the world continue to face significant obstacles in all aspects of their lives, including discrimination, gender bias, and the denial of basic human rights.

Let's take a look at Vietnam, for example:

Ms. Bui Thi Minh Hang, who was sentenced without trial to 2 years of re-education camp for participating in peaceful protests related to the Eastern Sea; or

Ms. Do Thi Minh Hanh, a labor organizer, who was sentenced to 7 years' imprisonment for advocating for farmers and workers' rights; or

Ms. Pham Thanh Nghien, who was unfairly sentenced to 4 years' imprisonment, followed by 3 years' house arrest for participating in a nonviolent hunger strike in her home related to the issue of the Eastern Sea.

In the discourse of women's rights, these women are only three of the many voices who have been unjustly sentenced to prison without any due process.

Madam Speaker, I ask my colleagues on both sides of the aisle to join me in recognizing International Women's Day and the women who are advocating for freedom and democracy in their communities and in countries such as Vietnam.

□ 1010

RECOGNIZING AUGUSTO OPPUS AND OTHER DENIED FILIPINO VETERANS

(Mr. HECK asked and was given permission to address the House for 1 minute.)

Mr. HECK. Madam Speaker, I come to the floor today saddened by the news of the passing of World War II veteran and Las Vegas resident Augusto Oppus over this past weekend. Mr. Oppus was part of a small community known as the "Denied Filipino Veterans."

Born in the Philippines on August 28, 1924, Mr. Oppus entered into military service on behalf of the United States in March of 1945 and was trained as a military policeman. He served in the 12th Military Police Company and was honorably discharged in 1946.

While he enjoyed a happy, healthy life following the war, one thing Mr. Oppus did not share with his fellow World War II veterans was full recognition for his service and access to military benefits he had rightfully earned.

In February 1946, President Truman signed the Rescission Act of 1946 into law. This bill denied over 200,000 Filipino World War II veterans who served before July 1, 1946, the benefits promised to them 5 years prior by President Franklin Roosevelt. The men who joined prior to July of '46 put their lives on the line for the Allied cause and helped us win the war in the Pacific, yet, due to a technicality, are not afforded the recognition they deserve.

With every day that passes, it is estimated that 10 of these forgotten soldiers die having received no answer or recognition of service from our government. Men like Augusto Oppus deserve the recognition and access to benefits they've earned.

My district is home to four remaining forgotten Filipino veterans. Besides Augusto, we lost Francisco Cedula last year, and I want their families to know that I am personally thankful for their service and will continue working to see them properly recognized.

COMMENDING PRESIDENT BARACK OBAMA'S COMMITMENT TO THE AMERICAN MANUFACTURING INDUSTRY

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, increasing manufacturing is central to President Obama's vision for an economy built to last. The American manufacturing industry has expanded for 30 straight months. For the first time since the 1990s, we are creating manufacturing jobs again. The past 2 years, American manufacturers have created nearly 400,000 jobs across the country.

Because of President Obama's decisive actions, we've also experienced a revival in the automotive industry. In the last 2½ years, the auto industry alone has added more than 200,000 jobs. Furthermore, General Motors Company once again is the number one company in the world, and it recently announced its largest annual profits in history, thanks again to President Obama's determination to assist this important industry to get back on its feet.

Because of President Obama's leadership, the United States also is on track to meet his goal of doubling exports

within 5 years. Now more and more consumers around the world are buying products stamped with the three magic words, "Made in America."

The vitality of the American manufacturing industry is crucial to the economic recovery of our Nation. I commend President Obama for his commitment to our manufacturing industry and, most of all, for his bold leadership and vision.

IT'S WORSE THAN WE THOUGHT

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Madam Speaker, it's worse than we thought. President Obama and his activist Interior Department are threatening an estimated 100,000 direct and indirect coal jobs, according to a new study. This is from the administration's proposed rewrite of the stream buffer zone rule that would cut coal production in half. Instead of developing one of America's most abundant resources, the Obama administration chooses to attack the coal industry and the jobs that go with it and would rather put the American taxpayer on the hook for failed companies like Solyndra.

This is unacceptable. We need solutions and real growth to create jobs through energy development, because the President's current policies continue to hurt America and are making our economy worse. House Republicans have a plan to stop President Obama's attack on coal. It's part of the plan for America's job creators that's being blocked by President Obama and Senate Democrats. This failure of leadership is irresponsible, and it needs to stop.

THE U.S. NAVY IS DEVELOPING CLEAN, GREEN ENERGY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, I rise today to honor the United States Navy, who, under the leadership of Secretary Ray Mabus, is doing a fantastic job developing clean, green sources of energy for the United States Navy and, eventually, the world. The Navy is already flying the Blue Angels on biofuels, it is charging our communication equipment in Afghanistan with solar energy, and it is on a path to half of its energy coming from clean sources by 2020 and the Great Green Fleet by 2016.

In my State, we're building whole industries around this: Imperium Renewables, Targeted Growth, General Biofuels, Boeing, and Alaska Airlines.

We can power the future with clean energy. The Navy is leading the way. Washington State University is doing

great work, and I know there's one great former Washington State student who's helping on this effort, and her name is Trudi.

RECOGNIZING THE LIFE AND CONTRIBUTIONS OF REPRESENTATIVE DONALD M. PAYNE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of the life and contributions of our colleague and friend, Donald Payne.

Don will always be remembered for his commitment to his community, which he served with distinction as a local elected official; to his country, evident by 23 years of service in Congress in which he championed education and fair labor practices; and to the global community, where he was a champion for global health, especially malaria prevention and treatment.

Don was a joy to travel with. He combined gentleness with strength, stood with and for the underserved and underrepresented, and always spoke of his commitment. But as he did, he had this warmhearted smile, even his eyes smiled, as he gave voice to the voiceless.

Our thoughts and prayers are with Don Payne's family, with his staff and the people of the Tenth District of New Jersey, and for all of us as we keep his legacy alive.

Don, you will be missed.

JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3606 and insert extraneous material thereon.

The SPEAKER pro tempore (Mr. JOHNSON of Ohio). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3606.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, with Mrs. MILLER of Michigan (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, March 7, 2012, amendment No. 10 printed in House Report 112-409 offered by the gentleman from California (Mr. MCCARTHY) had been disposed of.

AMENDMENT NO. 11 OFFERED BY MR. MCHENRY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-409.

Mr. MCHENRY. I have an amendment printed in the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, after line 23, insert the following:

(c) EXPLANATION OF EXEMPTION.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) by striking “The provisions of section 5” and inserting “(a) The provisions of section 5”; and

(2) by adding at the end the following:

“(b)(1) With respect to securities offered and sold in compliance with Rule 506 of Regulation D under this Act, no person who meets the conditions set forth in paragraph (2) shall be subject to registration as a broker or dealer pursuant to section 15(a)(1) of this title, solely because—

“(A) that person maintains a platform or mechanism that permits the offer, sale, purchase, or negotiation of or with respect to securities, or permits general solicitations, general advertisements, or similar or related activities by issuers of such securities, whether online, in person, or through any other means;

“(B) that person or any person associated with that person co-invests in such securities; or

“(C) that person or any person associated with that person provides ancillary services with respect to such securities.

“(2) The exemption provided in paragraph (1) shall apply to any person described in such paragraph if—

“(A) such person and each person associated with that person receives no compensation in connection with the purchase or sale of such security;

“(B) such person and each person associated with that person does not have possession of customer funds or securities in connection with the purchase or sale of such security; and

“(C) such person is not subject to a statutory disqualification as defined in section 3(a)(39) of this title and does not have any person associated with that person subject to such a statutory disqualification.

“(3) For the purposes of this subsection, the term ‘ancillary services’ means—

“(A) the provision of due diligence services, in connection with the offer, sale, purchase, or negotiation of such security, so long as such services do not include, for separate compensation, investment advice or recommendations to issuers or investors; and

“(B) the provision of standardized documents to the issuers and investors, so long as such person or entity does not negotiate the terms of the issuance for and on behalf of third parties and issuers are not required to use the standardized documents as a condition of using the service.”.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from North Carolina (Mr. MCHENRY)

and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Madam Chair, I yield myself such time as I may consume.

This amendment is very simple. We know, and policymakers in Washington here know, that entrepreneurship is at a 17-year low in the United States. We also know that small businesses are the drivers of our economy. So what this amendment does is it enables investors to connect with start-ups.

□ 1020

It takes away some red tape that is within securities regulations, and it allows incubators, forums, and online platforms which only connect accredited investors to start-ups to be exempt from SEC registration as a broker-dealer if they, number one, do not charge a commission or fee for their service; number two, do not handle the moneys of investors; and, number three, only permit accredited investors to use their platforms.

This is a very narrow amendment, very specifically crafted. In fact, the President's Council on Jobs and Competitiveness in October of last year said in their report that the emergence of angel investors and networks have also played a crucial role in initial funding of companies, and that the council recommends that clarifying that experience and active seed in angel investors and their meeting venues should not be subject to the regulations that were designed to protect inexperienced investors.

This amendment deals with that subject matter within the President's jobs council recommendations. I ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I rise to claim the time that would go to someone in opposition if there is anybody in opposition, which there does not appear to be.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. Madam Chair, I support this amendment. I am pleased that we have been able to come together in a process that is providing some improvement. As I've said, I think there have been people in both the executive and legislative branches that have exaggerated the impact of these, but they are helpful.

I do want to make one point, though, that it is true that the President has been one of those who has been a proponent of this—it's been a very bipartisan and very cooperative process—and there is a Statement of Administration Policy in support of the bills.

I do want to make it clear because there will be some subsequent amendments that I think will be controversial. This one is not. The next two are

actually not, I believe. But then there are one, two, three, four that may be. I want to make it very clear that the President's Statement of Administration Policy, which supports the bills—or the bill, with the package of bills within it—in general is in no way—and I speak for the administration on this, having talked to them—an expression of opposition to the later amendments, none of the later amendments—and Members will debate them one way or the other, although I deeply regret that the Rules Committee only gave us 5 minutes to debate controversial amendments on each side. I think that's a denigration of process.

I would note we're probably going to finish up before noon today, or maybe 12:30. The notion that we couldn't have taken 20 minutes or even a half hour to debate a couple of these significant issues seems to me to be very, very regrettable.

But I did want to make it clear that there are amendments that will be coming up that are not either supported or opposed by the administration; that is, they are not in opposition to the general approach. And since we only have 5 minutes, I will take a little of this time to note that, for example, there is one from Mr. CAPUANO, who is a very thoughtful student here, to make sure that when we talk about holders of record, that that's not a subterfuge, that the holders of record, we are talking about limiting the number, that you don't get a whole lot of people listed as one holder of record. I think that amendment by Mr. CAPUANO is wholly in the spirit of this bill.

Mr. PETERS' amendment, one of the things that we had talked about, the gentleman from Michigan (Mr. PETERS), is to talk about the job impact. These have been listed as a "jobs" bill. We have one of those foolish acronyms of which I'm not very fond. They call this the "JOBS"—whatever. Well, Mr. PETERS wants to know how many jobs are really going to be created. I think that's very helpful. Similarly, the gentlewoman from California (Mrs. CAPPS) wants to know about what the real impact is.

So I will reserve the balance of my time at this point, but I did want to make clear that several of the subsequent amendments are not in any way derogatory to this bill. In fact, I say, look, if this bill does what it says, let's know about it.

I reserve the balance of my time. I believe I have the right to close.

The Acting CHAIR. The gentleman from Texas has the right to close because the gentleman is not a true opponent.

Mr. MCHENRY. Madam Chair, I am prepared to close.

Mr. FRANK of Massachusetts. Well, I will take the rest of our time to say this—and this is another relevant issue: this is a bill which does unusual

things to reduce what the SEC will have to do in some of these areas, not primarily that save time for the SEC, but in fact to try to make it less burdensome for the companies that are involved.

But with that having been said, the reduction in SEC duties, which are really incidental to this bill, in no way removes the need for adequate funding for the SEC. One of the things that has been troubling to many of us is a tendency on the part of the majority to refuse the adequate funding to the SEC that it needs to carry out its new responsibilities. That's especially troubling because the SEC funds do not come from the taxpayers. The SEC is funded by a fee paid by those who participate in the securities business. In fact, as we are doing here, we are exempting the smaller people.

So when we have the largest financial institutions in this country paying a relatively small fee, in fact, an absolutely small fee, we can fund the SEC adequately. What we have seen is a disturbing refusal on the part of the majority in this House to give the SEC the funds it needs. We gave the SEC increased powers over investor protection with fiduciary responsibilities over shareholder rights. We gave them increased powers, particularly over derivatives, which had gone unregulated for so long. We have had some criticism of the SEC for not moving more promptly. We have had some criticisms of the SEC for not doing a better job of enforcement. None of those are helped by starving them of funds.

So when we have a situation where the majority does the financial community the favor of withholding funds that the administration has asked for for the SEC—and we've asked that it be funded at that adequate level—and by doing so not only damages the enforcement capabilities of the SEC, but gives an unjustified present to the largest financial institutions—investment houses and others—I think that a very grave error has been made.

So I welcome the fact that we are making some minor reductions in the SEC burdens here as an incidence of trying to help the companies, but that does not justify fairly and adequately to fund the SEC out of fees assessed on the companies.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The Chair would clarify that the gentleman from North Carolina, the proponent, is recognized to close.

Mr. MCHENRY. Thank you, Madam Chair.

I appreciate the more conciliatory tone in today's debate. It's fantastic, Madam Chair, to have the ranking member back in debating form today and permitted to debate on the House floor.

This amendment is about investors, incubators, and start-ups. We've got

wide endorsements from 155 folks from across America—both investor level, we have incubators, we have online platforms and forums that have endorsed this, including the founder of AOL, Steve Case, the founder of Netscape, Marc Andreessen, who is also a renowned investor in Silicon Valley.

This is a great amendment that clarifies something that's very important for us to update in securities laws. I certainly appreciate the support across the aisle for this important issue as well. I'm glad it can be passed with bipartisan support.

With that, I ask my colleagues to vote "yes."

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. MILLER OF NORTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-409.

Mr. MILLER of North Carolina. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, line 25, strike "by 1,000 persons, and" and insert "by either—

"(i) 2,000 persons, or

"(ii) 500 persons who are not accredited investors (as such term is defined by the Commission), and".

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Madam Chair, I hate to be the only one at the campfire not singing "Kumbaya," but I do part company with my President and with the ranking Democrat on the Financial Services Committee in their support for this bill.

I do fear that if we cut back on the transparency and we cut back on the investor protections, it really is only going to take one or two well-publicized cases of investors losing their shirts, losing their retirement savings because they got defaulted for small business capital to dry up, to get harder to come by instead of easier to come by.

But I do agree that governments should not go to great lengths to protect people who really can fend for themselves, who are more sophisticated, and who really knowingly decide that they do not want protections.

□ 1030

This amendment increases the exception from SEC registration to 2,000 investors, provided that no more than 500

are not accredited investors. I think the importance of accredited investors, or their sophistication, may well be overstated. But they are, in fact, people who have well more than the net worth of most Americans. They have a net worth of \$1 million, without consideration of equity in their home, which used to be more than it is now; or have an income of \$200,000, annual income of \$200,000 for an individual or \$300,000 for a couple.

More important, they actually have to fill out a form to ask to be an accredited investor. They have to opt in. They have to decide that they do want to be outside of some of the protections of the SEC. So this will limit some of the effect of the bill to investors who are somewhat more able to fend for themselves, are somewhat more sophisticated, and are more able to take a loss in investing in a small business that may be a greater risk of an investment, an investment which may be more of a risk but may also promise more reward.

I yield back the balance of my time.

Mr. SCHWEIKERT. Madam Chairman, I rise to claim the time in opposition, though I do not oppose the underlying amendment.

The Acting CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. SCHWEIKERT. Madam Chair, this is one of those occasions where Mr. MILLER and his staff—I extend an appreciation. We've gone back and forth in discussion over the last year, you know, what should the number be. We all came to a collective agreement that 500 was far too small for capital formation. Was 2,000 appropriate? Well, should be it 2,000 accredited? Well, what should be the unaccredited portion for that?

I think this is what we'll call an appropriate compromise, and I thank Mr. MILLER for bringing this to us and helping us get there. What this ultimately does is allow an organization to have investors, up to 2,000. Five hundred of those can be unaccredited. The other 1,500 have to fill out the form; have to have net assets over \$1 million, exclusive of their home; a couple hundred thousand dollars a year income, \$300,000 if they're a married couple.

So at that point, we've made the decision that this somewhat more sophisticated population gets to participate, but they have to opt in. And yet, we still do not lock out those who are, shall we say, working their way to becoming that next sophisticated population.

So, Madam Chairwoman, we support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112-409.

Mr. SCHWEIKERT. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 37, after line 22, insert the following:
SEC. 504. COMMISSION STUDY OF ENFORCEMENT AUTHORITY UNDER RULE 12G5-1.

The Securities and Exchange Commission shall examine its authority to enforce Rule 12g5-1 to determine if new enforcement tools are needed to enforce the anti-evasion provision contained in subsection (b)(3) of the rule, and shall, not later than 120 days after the date of enactment of this Act transmit its recommendations to Congress.

The table of contents in section 2 of the bill is amended by inserting after the item relating to section 503 the following new item:

Sec. 504. Commission study of enforcement authority under Rule 12g5-1

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Madam Chairman, we'll call this amendment a study amendment, but we've had repeated discussions on the difference between shareholders of record and beneficial interests. So think of this: we have just raised the number of shareholders that an organization can have. Okay.

Well, what if you're a broker-dealer? Do you count as one? Do you count as many? And does it actually make any difference in investor protection?

So, in this amendment, we basically say, All right, SEC, we believe you already have this authority. Please, for the first 120 days look into this, see if it causes any harm. If it doesn't, make that decision.

We felt this would be a rational way to approach the question because it was a repeated discussion within committee, and just simply say, All right, if it's a problem, SEC, you have the authority. If not, let's move forward.

But it's a good example of us not legislating something that, at this point, may be just folklore.

Madam Chairman, I reserve the balance of my time.

Mr. WELCH. Madam Chairman, I rise to claim the time in opposition, even though I'm not opposed, and I'd like to speak generally on H.R. 3606.

The Acting CHAIR. Without objection, the gentleman from Vermont is recognized for 5 minutes.

There was no objection.

Mr. WELCH. First of all, it's very refreshing that we have legislation that's focused on improving the business cli-

mate that we're doing together, and we've had some internal squabbles about whose name should go first. I'm not sure it amuses the American people. But the bottom line here that should encourage the American people is that we have bipartisan legislation that is going to do positive things for the business climate, certainly in Vermont and around the country.

I want to thank my colleagues, Mr. FINCHER, Mr. HIMES, Mr. CARNEY, and Mr. SCHWEIKERT, for working together so well to bring this legislation to the floor. And there are a number of good things here.

We don't have to exaggerate this as the answer to the real challenge we have in creating jobs. But you know what? Just selling this for what it is is a good thing, and it's a good thing because it does practical things to help us improve our business climate, particularly for small businesses, and for the rare time that we have this opportunity, we're doing it together.

But the legislation, overall, does a number of good things. The IPO on-ramp that is going to allow companies that need access to capital fewer barriers to get access to capital, particularly our small companies, where the cost of putting together an initial public offering is very significant, oftentimes prohibitive, that's a very good thing.

The Access to Capital for Job Creators Act that removes the regulatory ban that prevents small, privately held companies from using advertisements to solicit investors for private offerings, so they are allowed to let the word go out that they are open for business and they want investors, that's a good thing.

The Entrepreneur Access to Capital Act permits crowdfunding to finance new businesses by allowing companies to accept and pool donations up to \$1 million. Again, a very practical step to take. Good step to take.

The Small Companies Capital Formation Act that Mr. SCHWEIKERT, my colleague from Arizona, pioneered raises the offering threshold for companies exempted from registration with the U.S. Securities and Exchange Commission from \$5 million, the threshold, to \$50 million.

Mr. SCHWEIKERT, again, you've been busy. The Private Company Flexibility and Growth Act raises the threshold for mandatory SEC registration for companies from 500 to 1,000 shareholders. We've got a company in Newport, Vermont, that has been under a lot of regulatory pressure. They can't go over that 500 threshold. This is going to be very helpful, Madam Chairman, to that company to get access to capital, and it's going to make certain that the SEC regulations are still complied with.

Then the provision that raises the threshold for mandatory SEC registration for community banks from 500 to

1,000 shareholders, that's going to have a direct impact on a bank in Newport, Vermont.

So these are all practical steps. I don't think we need to oversell it. It's not the step that is going to get us down to an unemployment rate of 1 or 2 or 3 percent that all of us aspire to, and there's a tendency in this body sometimes to oversell what we're doing. But you know what? We shouldn't minimize what we're doing as well. And these, again, practical, sensible small business-oriented steps that are taken on a bipartisan basis. This is a good thing that we're doing.

I yield back the balance of my time.

Mr. SCHWEIKERT. Madam Chairman, I am prepared to close.

The Acting CHAIR. The gentleman is recognized.

Mr. SCHWEIKERT. May I request the time available?

The Acting CHAIR. The gentleman has 4 minutes remaining.

Mr. SCHWEIKERT. Well, hopefully, I won't take 4 minutes here.

Madam Chairman, this amendment is actually very, very simple. We're basically reaching out to the SEC saying, Look, come back, make your determination, and let us know within 120 days if you see this is an actual issue.

The language in here—"not later than 120 days after the enactment of this act transmit its recommendations to Congress"—this is actually, I believe, a good, workable, rational answer to much of the discussion that happened in the Financial Services Committee. It also has the SEC stand up and say yes, they have the authority, or no, they don't, and then transmit that back to us in the committee.

With that, Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. SCHWEIKERT).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. CAPUANO

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112-409.

Mr. CAPUANO. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 37, after line 22, insert the following (and amend the table of contents accordingly):

SEC. 504. STUDY, REPORT, AND RULEMAKING.

(a) STUDY.—The Securities and Exchange Commission shall conduct a study regarding whether the term "held of record" (as defined pursuant to section 12(g)(5) of the Securities Exchange Act of 1934) should be changed—

(1) to mean the beneficial owner of the security; and

(2) to address anti-evasion concerns, such as those described under section 240.12g5-1(b)(3) of title 17, Code of Federal Regulations.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commission shall submit a report to the Congress containing the conclusions of the study carried out under subsection (a).

(c) RULEMAKING.—If, based on the study conducted pursuant to subsection (a), the Commission concludes that a change to the definition of the term "held of record" is necessary and appropriate in the public interest and for the protection of investors, then, not later than 1 year after the date of the enactment of this Act, the Commission shall revise such definition.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. CAPUANO. Madam Chair, this amendment is actually just to piggy-back on the previous one that we just adopted by voice vote. It's just a little bit more specific. And honestly, had I known the gentleman was going to offer the other amendment, I might have worked with him a little bit more to make it more specific.

In some levels it's redundant, but this particular one is more specific as to what the issue is. It's actually the specific issue that Mr. SCHWEIKERT pointed out, which is the definition of the beneficial owner.

□ 1040

Right now, when Facebook went public, they allowed one or two or three or a handful of investors to be counted as one. Broker-dealers can hold investments on behalf of thousands, an unlimited number of people. The concept of having 2,000 or 1,000, I respect the gentleman's comments previously that there is no magic number—2,000 sounds fine, 1,000 was fine. That's all well and good, and there is no magic answer to that number. I think the compromise that was reached was pretty reasonable.

At the same time, what it doesn't address, which is exactly what the gentleman said earlier, is that each one of these 2,000 people in theory and in reality often do hold the beneficial interest of tens of thousands of people. I'm not talking about mutual funds. But these are the people that have the authority to direct the broker-dealer to act on their behalf. All this says is it does very similar, but it directs the SEC to look at this specific issue, and to do it within 6 specific months and to come back not just with recommendations to Congress, but if they determine it's an appropriate issue, to actually act.

I don't think there is any disagreement that the SEC has the current authority under current law to do this action if they choose to do it. All this says is rather than simply coming back to Congress with a proposal that if they see the appropriate thing to do is act, that they should do it within 6

months. It is very similar. On many levels it overlaps. It's a technical difference, and a more specific amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Madam Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. SCHWEIKERT. I appreciate our friend from Massachusetts. I do believe, though, that we are about to be somewhat duplicative to the amendment that we just did.

I accept that there is a little bit more here that is a bit more specific, but it is, I hate to say, not necessary. We just passed an amendment that I believe accomplishes where the gentleman from Massachusetts wishes to go, and therefore, I don't see this amendment as actually being necessary.

I reserve the balance of my time.

Mr. CAPUANO. Madam Chair, as the gentleman said in his debate on his bill, even that was unnecessary because the SEC has the authority to do this now. That was unnecessary, and I agree this in theory is unnecessary. The only difference is that this tells the SEC that if they determine that it is a problem, that they are required to act. That's the only major difference here, and they're required to act within any specific period of time.

The previous amendment, also unnecessary pursuant to current law, does direct the SEC look at an issue and make recommendations to Congress. That's all it says. You can actually argue that that might undermine the SEC's authority to take action. I don't think that it does, but you could make that argument if you so chose. This amendment, I agree, is overlapping; but it is not fully redundant, and it keeps the clarification that the SEC is empowered to act now to take action. That's the only major difference.

I reserve the balance of my time.

Mr. SCHWEIKERT. I yield myself the remainder of my time.

I appreciate the part of the argument here, but in the amendment we just passed, we basically, I believe, did what the Congress is supposed to do. We asked the SEC to come back to us within that 120 days, say all right, here's your authority. Do this, do that. Here's where we see a problem. Here's where we don't see a problem. Actually, I think that's actually where those questions come from.

Mr. CAPUANO. Will the gentleman yield for a question?

Mr. SCHWEIKERT. I do yield.

Mr. CAPUANO. Will the gentleman agree that the SEC is currently empowered to take these actions on their own without congressional approval?

Mr. SCHWEIKERT. Reclaiming my time, I actually do.

Mr. CAPUANO. If the gentleman agrees with that and the gentleman

agrees that his amendment, his proposal, which I agree with that we just adopted, doesn't undermine that authority at all, would the gentleman agree with that?

Mr. SCHWEIKERT. Would the gentleman restate the question?

Mr. CAPUANO. I simply asked under the amendment that we just adopted, your previous amendment, do you think in any way that that undermines the current ability of the SEC to take action? I would think that it doesn't, but I'm just trying to build the record to be clear as to what it does.

Mr. SCHWEIKERT. Reclaiming my time, actually, where I think it's a really interesting part of the discussion is, all right, if I do believe the SEC actually has this authority, but at the same time, I also believe you and I and all of us in this body are responsible for the ultimate policy, that this policy should be coming back before us, particularly those in the Financial Services Committee, because we're going to also see it as it ties into this whole package of legislation, but also other moving parts out there.

Substantially, for that reason, I must tell you I preferred the amendment we just adopted over the one you've offered because it does say that provision, if it comes back before us, yes, the SEC may have this authority; but we're also going to be the ones also touching it and saying, yes, but it needs to be in context.

With that, I reserve the balance of my time.

Mr. CAPUANO. I don't disagree with anything that the gentleman just said. I happen to agree that Congress should exercise its responsibility every time, but I also understand and I also agree that we have empowered various agencies across the government to take action on their own. We agree that the SEC has current action; and I would argue very clearly that this amendment, this bill, doesn't change the SEC's authority. If they would come out with a ruling tomorrow that defined "beneficial owner" or "owner of record" in a different way—that they're fully authorized to do so—all this amendment does is suggest that they do, actually requires them to do so one way or the other.

Even if they disagree with me, this doesn't direct them to agree with me. This simply directs them to act if they determine that they should.

I would also argue very clearly that if that's the determination that they make, that they will act anyway, and that's the way it should be. That's all this amendment does is try to draw a big bold line under a potential massive loophole that could be utilized by not necessarily most people but by a few nefarious people who might intend to defraud people, and that's all this is intended to do—close one more door that can be used by people that should be used.

I yield back the balance of my time.

Mr. SCHWEIKERT. Madam Chairman, may I request the time remaining.

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining.

Mr. SCHWEIKERT. Madam Chairman, I appreciate the discussion, and I know we may be bordering on that line of being esoteric. I actually believe that we took care of much of this concern in the previous amendment. If you are with us and agree, we're literally looking at two tracks here. The SEC does hold authority. At the same time, we also want this brought back to us if the SEC does see an issue. That's the proper venue. It is the proper venue that we passed in the previous amendment, therefore making this amendment somewhat duplicative.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was rejected.

AMENDMENT NO. 15 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112-409.

Mr. PETERS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill insert the following:

TITLE VII—REQUIRED DISCLOSURE OF NUMBER OF DOMESTIC AND FOREIGN EMPLOYEES

SEC. 701. REQUIRED DISCLOSURE OF NUMBER OF DOMESTIC AND FOREIGN EMPLOYEES.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

“(r) DISCLOSURE OF NUMBER OF DOMESTIC AND FOREIGN EMPLOYEES.—

“(1) IN GENERAL.—Beginning the first full fiscal year that begins after the date of enactment of this subsection, each issuer required to file reports with the Commission pursuant to subsection (a) shall disclose annually to the Commission and to shareholders—

“(A) the total number of employees of the issuer and each consolidated subsidiary of the issuer who are domiciled in the United States and listed by number in each State;

“(B) the total number of such employees physically working in and domiciled in any country other than the United States, listed by number in each country; and

“(C) the percentage increase or decrease in the numbers required under subparagraphs (A) and (B) from the previous reporting year.

“(2) EXEMPTIONS.—

“(A) NEWER PUBLIC COMPANIES.—An issuer shall not be subject to the requirement under paragraph (1) for the first 5 years after the issuer is first required to file reports with the Commission pursuant to subsection (a).

“(B) EMERGING GROWTH COMPANIES.—An issuer that is an emerging growth company shall not be subject to the requirement under paragraph (1).

“(3) REGULATIONS.—The Commission may promulgate such regulations as it considers necessary to implement the requirement set forth in paragraph (1).”.

Amend the table of contents in section 2 by adding at the end the following new items:

TITLE VII—REQUIRED DISCLOSURE OF NUMBER OF DOMESTIC AND FOREIGN EMPLOYEES

Sec. 701. Required disclosure of number of domestic and foreign employees

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. I yield myself such time as I may consume.

Madam Chair, I'm the cosponsor of H.R. 3630 because I believe that this bipartisan legislation has the potential to create thousands of jobs in the coming years.

My amendment improves this bill by ensuring that those jobs stay here in the United States and in our local communities.

When I meet with constituents, one of their top concerns is the persistent outsourcing of American jobs. Between 2000 and 2009, multinational corporations cut 2.9 million U.S. jobs while adding 2.4 million jobs overseas.

□ 1050

Millions more jobs in diverse sectors, such as the life sciences, agriculture, and sales, could be moving abroad over the next few years. Annual job losses to offshoring have been estimated to be around 300,000. Those 300,000 job losses, of course, are significantly slowing net job creation at a time when we need it most in this country.

My amendment will simply require publicly held companies to disclose where their employees are located in their annual SEC filings. Are their employees here in the United States or are they overseas? While there is consistent concern in this Chamber regarding new regulations on businesses, I think we can all agree that employers know where they are sending their paychecks every month, and this bill specifically exempts newly appointed companies for 5 years.

With unemployment above 8 percent and persistently high unemployment rates possible in the coming years, policymakers at every level of government must look at all credible options for creating jobs. Analyzing the effectiveness of past and future job policies is difficult without knowing whether corporations benefiting from tax incentives or other policies are creating the jobs here in America or abroad. Additionally, responsible investors have a right to know how publicly traded companies are spending their money and whether they are hiring and investing in the United States or are sending their resources overseas.

I urge my colleagues to support this amendment and to support the underlying bill.

I reserve the balance of my time.

Mr. HENSARLING. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I guess the threshold question I have to ask is: How does this amendment help jumpstart business start-ups?

What this amendment does is require one more disclosure report. Much of this, frankly, I do not believe to be germane to the underlying bill, but it is here before us. Nonetheless, it is one more regulatory burden. It is one more cost imposed upon our job creators. It is one more piece of red tape when already the Small Business Administration under the Obama administration has reported the total regulatory cost amounts to \$1.75 trillion annually, which is enough money for businesses to provide 35 million private sector jobs with an average salary of \$50,000. The same report from the Obama administration's Small Business Administration has reported that 64 percent of all new jobs in the past 15 years have come from small business. Yet these small businesses face an annual regulatory cost of \$10,585 per employee.

So, again, I begin to wonder. I know every single report, every single study, every single regulation has, perhaps, some beneficial purpose, but the cumulative impact of them all, Madam Chair, is hurting our businesses.

According to a recent Chamber of Commerce small business survey, 78 percent of small businesses surveyed report that taxation, regulation, legislation from Washington is what is making it harder for their firms to hire more individuals. What we understand from the Office of Information and Regulatory Affairs, a division of OMB, is that during the first 3 years of the President's administration, we have seen a 95 percent increase in the average number of completed regulations deemed economically significant to our economy—almost double. The administration has currently proposed 3,118 regulations. Again, at what point do you begin to say enough is enough?

I understand the purpose of the gentleman's amendment, but I think we know that we have lost far too many jobs overseas. It's not a matter of documenting the symptom; it's getting to the disease. What is the root cause? Well, we know what the root cause is. The root cause is too much red tape. It's bills like the President's health care plan, which is an anathema to small businesses across the land—2,000 pages of legislation that have promulgated even more regulations. Talk to any small business person in America, and the person will cite the President's health care program as something that is inhibiting job growth.

This regulatory burden almost doubles economically significant regulations imposed. That's what's chasing jobs overseas—taxation. The President is proposing \$1.9 trillion more in taxes, much of it to fall upon small businesses; and we wonder why we're losing jobs overseas? That's what needs to be documented—not the fact that it's happening, but the root causes. That would be more worthy of a study.

At this point, the purpose of this bill is to help bring more companies on to this IPO on-ramp. This is at cross-purposes, and I would urge my colleagues to defeat this.

I reserve the balance of my time.

Mr. PETERS. I would like to respond to my esteemed colleague in a couple of respects.

He mentions that this is outside the scope of the legislation, that this is really not germane to what we're dealing with. I think, hopefully, my colleague will agree with me that this legislation is about jobs, that it is about creating jobs. More importantly, it is about making sure that those jobs are here in the United States. My colleague across the aisle wants to create jobs overseas. He can do that somewhere else. He should not be doing it in the legislation before us.

This is about empowering American businesses to hire American workers in order to grow the American economy. For us to do that, though, we need to have information. We have to know whether or not these policies that we are implementing are, indeed, doing what they are intended to do, which is to create jobs in the United States.

My colleague argues that this is somehow some incredible burden on companies to be able to report this. I want to remind my colleague that they already do report the number of employees they have. That is part of the SEC filings that currently public corporations are required to file. All this does is ask where those employees are. Are they in the United States or are they overseas? To argue that this is somehow some incredible administrative burden would be to argue that these companies have no idea where they are sending their paychecks and that they're going to need to have some sort of expensive compliance mechanism put in place. I would argue companies know exactly where they send those paychecks each and every month. They know if they're sending them to the United States, and they know if they're sending them overseas.

This is easy to comply with, but it is absolutely essential information for those of us as policymakers who hear from companies regularly that only if we were to adopt this policy they would create jobs. Well, if we adopt that policy, I would like to see that those jobs are actually being created in America and not overseas. We need to have that transparency.

Additionally, this amendment is very careful to exempt new companies, those that are first filing. The initial first 5 years of a start-up company do not have to file this; but what often happens with these new start-up companies is that they start up in the United States. When they then move to scale up operations and really start selling products, all too often we see those companies sending those jobs overseas, and the scale-up—most of the jobs, most of the good-paying middle class jobs, which are critical for a strong economy and for a strong democracy, are being sent overseas.

We need to know. We need to have the transparency. That's simply what this amendment does, and I would urge its adoption.

I yield back the balance of my time.

Mr. HENSARLING. I would inquire of the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. HENSARLING. In that case, Madam Chair, I yield the balance of my time to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the gentleman for yielding.

I appreciate Mr. PETERS' concerns, but this is about the private sector creating jobs. As we've been here as freshmen for a year and a few months, we have to remind ourselves in this body that jobs are not created in the Halls of Congress, they're created in the private sector, which is what this jobs package will do for America. It lets the private sector get back in the business of creating jobs. I do appreciate the concern, but we're looking out for America here, not overseas jobs. We're looking at bringing back jobs, lowering unemployment and letting the private sector get back in the driver's seat of our economy.

American businesses don't need more mandates from Washington. I couldn't help but hear "we, we, we" and "us, us, us" here in the House. Let's get back to the people and to the private sector.

While I understand, again, that the gentleman's intention may be to encourage more companies to keep jobs at home, I think this amendment would only add to the list of reasons a company chooses a path other than going public, which leads to less job creation at home. So I urge my colleagues to vote "no" on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. PETERS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Michigan will be postponed.

□ 1100

AMENDMENT NO. 16 OFFERED BY MRS. CAPPS

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112-409.

Mrs. CAPPS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following (and conform the table of contents accordingly):

TITLE VII—REPORT ON IPOs AND MANUFACTURING

SEC. 701. REPORT.

After the end of the 1-year period beginning on the date of the enactment of this Act, the Securities and Exchange Commission shall issue a report to the Congress on the increase in initial public offerings that resulted from this Act and the amendments made by this Act, including the specific increases in offerings by companies in the manufacturing industry and the high technology industry.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. Madam Chair, I rise today to offer a straightforward amendment to H.R. 3606, the Jumpstart Our Business Startups Act.

My amendment would simply direct the Securities and Exchange Commission to conduct a study 1 year after enactment of the law to determine the increase in initial public offerings, or IPOs, resulting from this legislation. The study would also include data specifically on the increases in the manufacturing and high-technology industries.

Though I have concerns about the underlying bill, I plan to support it because I believe it will help small high-tech manufacturers, particularly many in my congressional district, to grow and to hire. However, I also believe we must take steps to ensure these provisions are actually working and our innovative entrepreneurs and small businesses are getting the support they need.

Madam Chair, as our Nation has struggled these past few years from the economic crisis, we have taken a hard look at what is required for our economy to grow and to thrive into the future. One thing we have all agreed upon is the need to Make It in America.

Of course, this means rebuilding and re-energizing American manufacturing, especially in high-tech. America's greatest export has always been our innovative ideas. For decades, we excelled at both imagining and building new products here in America. But in recent years, we've lost so many manu-

facturing plants and the millions of quality middle class jobs that came with them.

Small start-ups and local companies have been replaced with large global corporations who have exported our best ideas and our jobs overseas. This has to stop.

Encouraging growth in high-tech manufacturing here at home is critical to rebuilding our economy to better compete in the 21st century. Whether it's in clean energy, defense, or computer science, high-tech manufacturers are creating jobs, spurring economic growth, and helping our Nation regain its rightful place as the global leader in innovation and manufacturing.

What my amendment will simply ensure is this bill is actually accomplishing what it is supposed to accomplish. It will ensure that these reforms are helping high-tech entrepreneurs and small businesses grow and hire more workers.

I'm fortunate in my district to see firsthand the tremendous success these innovative high-tech manufacturers can have in the 21st century economy, companies like Transphorm, Inogen, Trust Automation, MariPro, Owl Biomedical, and Wyatt Technologies. They're all homegrown, often with ideas first hatched at our public universities like UC Santa Barbara and Cal Poly San Luis Obispo.

These companies, and so many more like them, are all innovating, expanding, and creating quality local, good-paying jobs on California's central coast. These innovative businesses have weathered the economic crisis better than anyone else, and they've done this not by outsourcing jobs or cutting pay and benefits. They are doing it the old-fashioned way by constantly innovating and outthinking their competition. They demonstrate the critical link between education, innovation, and our economy. Well, the reforms in the underlying bill are certainly important. We can't lose sight of the many other critical policies that help nurture and grow small business.

As I meet with small business owners and entrepreneurs throughout my district, I hear about access to capital and cutting red tape, of course. But I also hear about the importance of funding our local community colleges and universities, improving local infrastructure, and protecting critical Federal programs like the Small Business Innovation Research, SBIR, under the Small Business Administration.

This bill certainly moves us in the right direction, but we need to do so much more. We need to take up a long-term transportation bill that rebuilds our crumbling roads, bridges, and railways without partisan gimmicks and giveaways.

We need to address the ongoing housing crisis that continues to drag down our economy and force families from

their homes. We need to close the gaping loopholes in our Tax Code that encourage companies to ship jobs overseas.

Madam Chair, this bill is a positive step forward, but as many of my colleagues have pointed out, there is room for improvement. While I hope this bill can be improved as it moves forward, I plan to support it because it includes important reforms that will help small businesses. We must also ensure these reforms are actually helping the businesses that need it most, our small manufacturers and innovators.

My amendment will make that happen, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Madam Chair, this, again, the underlying piece of legislation is a piece of legislation that is designed to ensure that small businesses have an on-ramp to equity financing into the IPO market. Let's recall again, why are we seeing so few IPOs? Why are we continuing in this 8 percent-plus unemployment environment for over 3 years, the longest period of sustained high unemployment since the Great Depression?

Well, I listen closely to businesspeople in the Fifth Congressional District of Texas. I listen to other job creators around America, and here's what I hear.

John Mackey, cofounder and CEO of Whole Foods Market:

In some cases regulations have gone too far, and it really makes it difficult for small businesses. There's too much bureaucracy and red tape. Taxes on business are very high. So we're not creating the enabling conditions that allow businesses to get started.

We're trying to cut away red tape with this JOBS Act.

Andrew Puzder, CEO, CKE Restaurants:

Government just doesn't understand how much uncertainty it creates in the economy when it attempts to regulate what the private sector does, and it really doesn't understand what the private sector does.

Bernie Marcus, cofounder, former CEO of Home Depot:

Having built a small business into a big one, I can tell you that today the impediments that the government imposes are almost impossible to deal with. Home Depot would have never succeeded if we tried to start it today.

Let me repeat that, Madam Chair. Home Depot would never have succeeded if we tried to start it today.

Every day you see rules and regulations from a group of Washington bureaucrats who know nothing about running a business, and I mean every day. It's become stifling.

If you're a small businessman, the only way to deal with it is to work harder, put in more hours, and let people go. When you consider that something like 70 percent of the American

people work for small businesses, you are talking about a big economic impact.

Just three voices, Madam Chair, from America's job creators. Again, it's not a real secret why we've had a dearth of IPOs.

I understand the gentlelady's amendment is to have the SEC issue a report, number one. I would also note, since these are public filings, we ourselves, as Members of Congress, will have no trouble whatsoever understanding how many companies will go public in the next year.

I understand the gentlelady's argument, I respect that, but, again, it's just one more reporting burden that, frankly, is being placed on the SEC. Now, we've had a debate, and the ranking member has brought up many times he's unhappy with the level of funding that the SEC has received. In fact, I would note, however, that even the President of the United States in his budget is not trying to give the SEC what they have requested.

But what the ranking member has said:

Studies are not done for free by the SEC. I think we have got a further burdening of the SEC with more work. Given the current decision to restrict SEC funding, I will be much more careful about burdening them with studies which will inevitably come at the expense of more important duties.

Again it's a debate. Does the SEC have the right amount of resources, too much, too many? I don't know, that's a legitimate debate.

But, apparently, he thought strongly enough that we should not be burdening the SEC with further burdens at this time. For all of those reasons, I would urge that we defeat the amendment.

I reserve the balance of my time.

Mrs. CAPPS. Madam Chair, I yield myself the balance of my time.

As I said initially, this amendment is simple and it's straightforward. It simply ensures that the provisions of the bill are actually helping small business grow and hire more workers. It's an amendment about oversight and accountability, and it focuses especially on the manufacturers and high-tech innovators that are so critical to future economic growth.

Madam Chair, how much time remains on our side?

The Acting CHAIR. The gentlewoman from California has 5 seconds remaining.

Mrs. CAPPS. I yield the balance of my time to my ranking member, the gentleman from Massachusetts (Mr. FRANK).

□ 1110

Mr. FRANK of Massachusetts. I appreciate the gentleman from Texas selectively quoting me. I do not want to pile on studies, but this one makes a great deal of sense.

Mr. HENSARLING. Madam Chair, may I inquire how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. HENSARLING. Madam Chair, I yield myself the balance of my time.

Among other reasons I think we should oppose this amendment, number one, I'm not sure what we're going to learn in 1 year. We didn't get into this terrible environment of high unemployment overnight. Frankly, it took 3 years of the burdens that this administration has placed on small businesses. I don't know if we are going to get out of it overnight. So, number one, I don't believe that 1 year is particularly helpful.

But, again, we can have a debate about the root causes. We're already going to know which companies go public. And at some point in time you have to say are the benefits to be derived from the report, from the regulation, worth the cost? I simply don't see it, Madam Chair. Again, I urge defeat of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. CAPPS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. LOEBSACK

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112-409.

Mr. LOEBSACK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following (and conform the table of contents accordingly):

TITLE VII—OUTREACH ON CHANGES TO THE LAW

SEC. 701. OUTREACH BY THE COMMISSION.

The Securities and Exchange Commission shall provide online information and conduct outreach to inform small and medium sized businesses, women owned businesses, veteran owned businesses, and minority owned businesses of the changes made by this Act.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Madam Chair, I yield myself such time as I may consume.

I first want to thank Congressman FINCHER and the Financial Services

Committee for bringing this package forward. I am encouraged the House is taking steps today to support small businesses, and I would urge and hope the House will take up additional legislation to create jobs. As any Iowa family can tell you, our Nation is still recovering from the worst recession since the Great Depression, and Congress' focus must be on jobs. Our unemployment rate is painfully high, is still painfully high, and has been a long-term problem for millions of Americans and thousands of Iowans.

We need to be working on legislation to boost our economy, and helping our small businesses flourish is an important step in that direction. This is why I am offering this amendment, to ensure provisions of this legislation are made widely available, and particularly to women-owned, veteran-owned, and minority-owned businesses to make sure that they are informed of changes that might help. Small businesses will be leaders in helping our country climb out of the recession.

I'm home every weekend in Iowa, and I hear time and again the two big problems small businesses face is access to capital and finding skilled workers. In order for this bill to be effective, small and medium businesses must be aware of the new opportunities they will have to expand their business and raise capital. This will be particularly important for the segment of businesses I am targeting in my amendment—women-owned, veteran-owned, and minority-owned businesses.

Specifically, my amendment would require the Securities and Exchange Commission to provide information online and also conduct outreach to these businesses to help them utilize the changes made through this legislation.

Especially since it is Women's History Month, there is no better time to highlight the importance of women-owned businesses to our economy. It's estimated there are over 8 million women-owned businesses in the United States, generating nearly \$1.3 trillion in revenues and employing nearly 8 million people. Women-owned businesses account for almost 30 percent of U.S. firms and are growing in some nontraditional areas as well.

Especially during these tough economic times that are weighing heavily on our veterans and their families, it is also essential we as a Nation do all we can to ensure no man or woman who has served our country in uniform should have to fight for a job here at home. Veterans bring to the table many of the skills necessary to run a small business as well and to be leaders in their community. Veterans own 2.4 million businesses, generated over \$1 trillion in receipts, and employed nearly 6 million people.

Minority business owners also employ nearly 6 million people with \$864 billion in receipts.

All small businesses owners are important, which is why there is a requirement in my amendment to post information about advantages changes in this bill might offer on the SEC Web site in addition to conducting outreach for women-owned, veteran-owned, and minority-owned businesses. This amendment does not score according to the nonpartisan CBO and is simply a commonsense way to ensure employers we're trying to target in this legislation are able to use these new tools to grow our economy and create new jobs and industries. I ask for the support of my colleagues on this commonsense amendment.

I reserve the balance of my time.

Mr. HENSARLING. Madam Chair, I rise to claim the time in opposition, although I am not opposed to the bill.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HENSARLING. Madam Chair, I want to thank the gentleman from Iowa for bringing this amendment to the floor. I suspect, given that the SEC already has a fairly comprehensive Web site, they probably would have done the proper job in outreach on small business issues. But as important as the JOBS Act is, his amendment is helpful to the underlying bill. I also want to thank him for working with us to tailor his amendment to the underlying bill. Again, it is my expectation that the SEC would do this job. This will help ensure that all the benefits of this act will be known throughout the small-business community. I urge adoption of the gentleman's amendment.

I reserve the balance of my time.

Mr. LOEBSACK. Madam Chair, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Madam Chair, I thank the gentleman for yielding and compliment him on his very thoughtful amendment, and appreciate the support of the other side of the aisle.

This amendment is aimed at supporting the growth of small and medium-sized businesses and easing the sometimes daunting task of figuring out just what new legislation will mean to them.

This amendment requires the SEC to provide online information and, perhaps more importantly, outreach to small and medium-sized businesses, businesses owned by women, minorities, and veterans.

It is widely recognized that such businesses face a unique set of challenges. We should be doing everything we can to encourage their growth and supporting their success.

Again, I compliment the hard work and really meaningful amendment that my friend from the great State of Iowa has put forth, and I urge unanimous

support of it and appreciate the support of the other side of the aisle.

Mr. HENSARLING. Madam Chair, I yield myself the balance of my time.

Again, I wish to urge adoption of the gentleman's amendment. Madam Chair, I would note that this is the last amendment that we will be debating. So, again, I want to use this opportunity to urge all of my colleagues to support the JOBS Act. We again know that jobs, economic growth, the state of our economy continue to be the most pressing issues we are facing in the Nation today. These are foremost in the minds of our constituents.

I want to thank the Republican leader, the gentleman from Virginia, for his leadership in bringing this effort to the floor. I certainly want to thank the chairman of the Financial Services Committee, Mr. BACHUS of Alabama, and the prime author of the legislation, the gentleman from Tennessee (Mr. FINCHER), who has been very active in this debate. I also want to thank the Representatives, my colleagues from the other side of the aisle, for working with us again. It is challenging, most challenging, to find areas of consensus, and most challenging to find the ability to move bipartisan legislation. I think this is a day, a moment, that can be celebrated by all Members. It certainly doesn't do what we would totally like done on our side of the aisle, and I'm sure my friends on the other side of the aisle have the same thing to say.

□ 1120

But it is a step in the right direction for allowing more start-ups to access equity capital to create more jobs for a Nation in desperate need of more job growth and more economic growth.

Again, we know the President in his Statement of Administration Policy has indicated a desire to sign this piece of legislation, and I look forward to the President having that opportunity. I hope it is not our last opportunity to work on a bipartisan basis in this Congress and in this year. It is certainly a good start and something I believe the American people will celebrate.

I want to urge adoption of the gentleman's amendment; I want to urge all of my colleagues to support the bill; and let's find ways to grow this economy and get America back to work.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Iowa has 30 seconds remaining.

Mr. LOEBSACK. Thank you, Madam Chair.

I really do appreciate the support from the other side of the aisle for this amendment.

I concur with my colleague from Texas in his sentiment that the American people want us to work together to get America back to work again. That's what I'm hearing when I'm home every weekend in my district. I

appreciate the support from the gentlewoman from New York as well.

Hopefully, this is the beginning of something bigger where we can work across the aisle and get America back to work and get this economy back on track.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LOEBSACK).

The amendment was agreed to.

Mr. HENSARLING. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FINCHER) having assumed the chair, Mrs. MILLER of Michigan, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, had come to no resolution thereon.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 8, 2012 at 9:34 a.m.:

That the Senate passed S. 1855.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 11:45 a.m. today.

Accordingly (at 11 o'clock and 22 minutes a.m.), the House stood in recess.

□ 1145

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 11 o'clock and 45 minutes a.m.

JUMPSTART OUR BUSINESS STARTUPS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3606.

□ 1146

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 17 printed in House Report 112-409 offered by the gentleman from Iowa (Mr. LOEBACK) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-409 on which further proceedings were postponed, in the following order:

Amendment No. 15 by Mr. PETERS of Michigan.

Amendment No. 16 by Mrs. CAPPS of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 15 OFFERED BY MR. PETERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. PETERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 239, not voting 18, as follows:

[Roll No. 107]

AYES—175

Ackerman	Carney	DeLauro
Altmire	Carson (IN)	Deutch
Andrews	Castor (FL)	Dicks
Baca	Chandler	Dingell
Baldwin	Chu	Doggett
Barrow	Cicilline	Donnelly (IN)
Bass (CA)	Clarke (MI)	Doyle
Becerra	Clarke (NY)	Duncan (TN)
Berkley	Clay	Edwards
Berman	Cleaver	Ellison
Bishop (GA)	Clyburn	Engel
Bishop (NY)	Cohen	Eshoo
Blumenauer	Connolly (VA)	Farr
Bonamici	Conyers	Fattah
Boswell	Costello	Frank (MA)
Brady (PA)	Courtney	Fudge
Braley (IA)	Critz	Gibson
Brown (FL)	Crowley	Gonzalez
Butterfield	Cummings	Green, Al
Capps	Davis (CA)	Green, Gene
Capuano	DeFazio	Grijalva
Carnahan	DeGette	Gutierrez

Hahn	Markey	Sánchez, Linda
Hanabusa	Matsui	T.
Hastings (FL)	McCarthy (NY)	Tanche, Loretta
Heinrich	McCollum	Sarbanes
Higgins	McDermott	Schakowsky
Hinchee	McGovern	Schiff
Hirono	McIntyre	Schrader
Hochul	McNerney	Schwartz
Holden	Meeks	Scott (VA)
Holt	Michaud	Scott, David
Honda	Miller (NC)	Serrano
Hoyer	Miller, George	Sewell
Inslee	Moran	Sherman
Israel	Murphy (CT)	Sires
Jackson (IL)	Nader	Slaughter
Jackson Lee	Napolitano	Smith (WA)
(TX)	Neal	Speier
Johnson, E. B.	Oliver	Stark
Jones	Owens	Sutton
Kaptur	Pallone	Thompson (CA)
Keating	Pascrell	Thierney
Kildee	Pastor (AZ)	Tonko
Kind	Pelosi	Towns
Kissell	Perlmutter	Tsongas
Kucinich	Peters	Van Hollen
Langevin	Pingree (ME)	Velázquez
Larsen (WA)	Polis	Walz (MN)
Larson (CT)	Price (NC)	Wasserman
Lee (CA)	Quigley	Schultz
Levin	Rahall	Waters
Lewis (GA)	Reyes	Watt
Lipinski	Richardson	Waxman
Loeback	Richmond	Welch
Lofgren, Zoe	Rothman (NJ)	Wilson (FL)
Lowe	Roybal-Allard	Woolsey
Lujan	Ruppersberger	Yarmuth
Lynch	Rush	
Maloney	Ryan (OH)	

NOES—239

Adams	DesJarlais	Issa
Aderholt	Diaz-Balart	Jenkins
Akin	Dold	Johnson (IL)
Alexander	Dreier	Johnson (OH)
Amash	Duffy	Johnson, Sam
Amodei	Duncan (SC)	Jordan
Austria	Ellmers	Kelly
Bachmann	Emerson	King (IA)
Bachus	Farenthold	King (NY)
Barletta	Fincher	Kingston
Bartlett	Fitzpatrick	Kinzing (IL)
Barton (TX)	Flake	Kline
Bass (NH)	Fleischmann	Lamborn
Benish	Fleming	Lance
Berg	Flores	Lankford
Biggart	Forbes	Latham
Bilbray	Portenberry	LaTourette
Bilirakis	Fox	Latta
Bishop (UT)	Franks (AZ)	Lewis (CA)
Black	Frelinghuysen	LoBiondo
Blackburn	Gallegly	Long
Bono Mack	Gardner	Lucas
Boren	Garrett	Luetkemeyer
Boustany	Gerlach	Lummis
Brady (TX)	Gibbs	Lungren, Daniel
Brooks	Gingrey (GA)	E.
Broun (GA)	Gohmert	Mack
Buchanan	Goodlatte	Manzullo
Bucshon	Gosar	Marchant
Buerkle	Gowdy	Marino
Burgess	Granger	Matheson
Burton (IN)	Graves (GA)	McCarthy (CA)
Calvert	Graves (MO)	McCaul
Camp	Griffin (AR)	McClintock
Campbell	Griffith (VA)	McCotter
Canseco	Grimm	McHenry
Cantor	Guinta	McKeon
Capito	Guthrie	McKinley
Carter	Hall	McMorris
Cassidy	Hanna	Rodgers
Chabot	Harper	Meehan
Chaffetz	Harris	Mica
Coble	Hartzler	Miller (FL)
Coffman (CO)	Hastings (WA)	Miller (MI)
Cole	Hayworth	Mulvaney
Conaway	Heck	Murphy (PA)
Cooper	Hensarling	Myrick
Costa	Herger	Noem
Cravaack	Herrera Beutler	Nugent
Crawford	Himes	Nunes
Crenshaw	Huelskamp	Nunnelee
Cuellar	Huizenga (MI)	Olson
Davis (KY)	Hultgren	Palazzo
Denham	Hunter	Paulsen
Dent	Hurt	Pearce

Pence	Roskam	Terry
Peterson	Ross (AR)	Thompson (PA)
Petri	Ross (FL)	Thornberry
Pitts	Royce	Tiberi
Platts	Runyan	Tipton
Poe (TX)	Ryan (WI)	Turner (NY)
Pompeo	Scalise	Turner (OH)
Posey	Schilling	Upton
Price (GA)	Schock	Walberg
Quayle	Schweikert	Walden
Reed	Scott (SC)	Walsh (IL)
Rehberg	Scott, Austin	Webster
Reichert	Sensenbrenner	West
Renacci	Sessions	Westmoreland
Ribble	Shimkus	Whitfield
Rigell	Shuler	Wilson (SC)
Rivera	Shuster	Wittman
Roby	Simpson	Wolf
Roe (TN)	Smith (NE)	Womack
Rogers (AL)	Smith (NJ)	Woodall
Rogers (KY)	Smith (TX)	Yoder
Rogers (MI)	Southerland	Young (AK)
Rohrabacher	Stearns	Young (FL)
Rokita	Stivers	Young (IN)
Rooney	Stutzman	
Ros-Lehtinen	Sullivan	

NOT VOTING—18

Bonner	Hinojosa	Neugebauer
Cardoza	Johnson (GA)	Paul
Culberson	Labrador	Rangel
Davis (IL)	Landry	Schmidt
Filner	Miller, Gary	Thompson (MS)
Garamendi	Moore	Visclosky

□ 1218

Mr. CALVERT changed his vote from “aye” to “no.”

Messrs. WAXMAN, HONDA, and CLYBURN changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 107, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 16 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 236, not voting 24, as follows:

[Roll No. 108]

AYES—172

Ackerman	Bishop (NY)	Carney
Altmire	Blumenauer	Carson (IN)
Andrews	Bonamici	Castor (FL)
Baca	Boswell	Chu
Baldwin	Brady (PA)	Cicilline
Barrow	Braley (IA)	Clarke (MI)
Bass (CA)	Brown (FL)	Clarke (NY)
Becerra	Butterfield	Clay
Berkley	Capps	Cleaver
Berman	Capuano	Clyburn
Bishop (GA)	Carnahan	Coffman (CO)

Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Inslee
Israel
Jackson (IL)

Jackson Lee
(TX)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeke
Michaud
Miller (NC)
Miller, George
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters

Pingree (ME)
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—236

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Cole
Conaway

Cooper
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foss
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta

Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Lamborn
Lance
Lankford
Latham
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant

Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)

Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster

NOT VOTING—24

Bartlett
Bonner
Cardoza
Costa
Johnson (GA)
Labrador
Landry
LaTourette
Miller, Gary

Garamendi
Hinojosa
Hoyer
Paul
Schmidt
Rangel
Schmidt
Thompson (MS)
Visclosky

□ 1222

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 108, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mrs. EMERSON). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mrs. EMERSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, and, pursuant to House Resolution 572, reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. ESHOO. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. ESHOO. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Eshoo moves to recommit the bill H.R. 3606 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 2, line 12 insert before the period the following: "and discloses publicly and to the Commission any political expenditures made by the issuer during such fiscal year".

Page 3, line 21, insert before the period the following: "and discloses publicly and to the Commission any political expenditures made by the issuer during such fiscal year".

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I strongly support a very good recommit motion, but I want to clarify one point.

Reference was made in the debate to this bill being one that would relieve small businesses of regulations imposed by this administration recently. Let me be very clear. With the exception of Say-on-Pay, which I strongly support, the administrative and regulatory issues addressed here were not imposed by this administration, were not a result of the bill. These are long-standing things that predate this administration. So I'm for the bill, but I wanted to clear up that misconception. This is not any reaction to anything that was done recently; it's making accommodation for these small businesses with regard to things that are of long standing.

Ms. ESHOO. Mr. Speaker, my colleagues, this is the final amendment to improve this important piece of legislation that I fully support. Capital formation is the lifeblood of innovation in the 21st century, as it was in our past in America. It's so essential to our national economy. Just as importantly, transparency is the lifeblood of our democracy.

The amendment I'm offering today will ensure that emerging growth companies nurtured under today's legislation will fully disclose their political expenditures. Just as entrepreneurs deserve all of the tools available to create and grow companies, voters deserve every tool to decide on public issues for themselves.

Since the Supreme Court's disastrous Citizens United decision, voters across the country have been treated to a sad

spectacle not seen since the Watergate era or even the Gilded Age. This year's Presidential election is bearing witness to hundreds of millions of dollars spent on behalf of candidates. The vast majority of the money is coming from outside the channels of parties and candidates, unaccountable to the voters for the messages they deliver. Instead, money from corporations and extremely wealthy people is now being spent through so-called nonprofits and super PACs, denying and delaying disclosure or preventing it all together.

The American people deserve better. House Democrats have offered comprehensive transparency legislation called the DISCLOSE Act, and we should pass that bill together as soon as possible. We can begin that work today by adopting this final amendment and passing the bill. It will not burden small businesses, and it will empower the American people.

Mr. Speaker, this final amendment to the bill will not kill it nor will it send it back to committee. If it's adopted, the bill will proceed to final passage as amended. Congress can say today to the American people that we respect them. We can say we trust them to decide for themselves because they have complete information.

I've always believed that sunlight is the best disinfectant. By voting for this amendment and voting for the bill, we can score two victories for the American people. We can strengthen small businesses across our country, and we can strengthen democracy.

I yield back the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. MCCARTHY of California. Mr. Speaker, it never ceases to amaze me how good my friends on the other side of the aisle have become in putting politics before jobs.

They've said "no" to the dozens of job bills that the House Republicans have put forward and "no" to unleashing investment in small business.

Mr. Speaker, we have all been somewhere where you've seen a family, a family with a small child, and the child is crying and throwing a tantrum and the parent turns and gives the child what they want, but the child still cries. Today we see another good example of something good still not being good enough for the other side.

At a time when the economy is struggling, unemployment above 8 percent for more than 35 consecutive months, underemployment above 15 percent, you have a bill here that would unshackle and unleash small business growth. So it is beyond me why, after both subcommittee and full committee markups where provisions passed almost unanimously, this idea never

came forth after a full and open debate on the floor with 15 Democrat amendments.

□ 1230

What really shocks me the most is that the President of the United States offered a statement in support of the bill. But when I read his entire statement, Mr. Speaker, he never mentions this motion to recommit or the concern. So, Mr. Speaker, it's one more time that the floor tries to come together, but politics are put before job growth.

So I urge all my friends to come together in a bipartisan fashion—the way this bill was created—to vote down this motion and support the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. ESHOO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 244, not voting 18, as follows:

[Roll No. 109]

AYES—170

Ackerman	Cummings	Jackson Lee
Altmire	Davis (CA)	(TX)
Andrews	DeFazio	Johnson (GA)
Baca	DeGette	Johnson, E. B.
Baldwin	DeLauro	Jones
Bass (CA)	Deutch	Kaptur
Becerra	Dicks	Keating
Berkley	Dingell	Kildee
Berman	Doggett	Kind
Bishop (GA)	Donnelly (IN)	Kissell
Bishop (NY)	Doyle	Kucinich
Blumenauer	Edwards	Langevin
Bonamici	Ellison	Larsen (WA)
Boswell	Engel	Larson (CT)
Brady (PA)	Eshoo	Lee (CA)
Braley (IA)	Farr	Levin
Brown (FL)	Fattah	Lewis (GA)
Butterfield	Frank (MA)	Lipinski
Capps	Fudge	Loebuck
Capuano	Gonzalez	Lofgren, Zoe
Carnahan	Green, Al	Lowe
Carson (IN)	Green, Gene	Lujan
Castor (FL)	Grijalva	Lynch
Chandler	Gutierrez	Markey
Chu	Hahn	Matsui
Ciilline	Hanabusa	McCarthy (NY)
Clarke (MI)	Hastings (FL)	McCollum
Clarke (NY)	Heinrich	McDermott
Clay	Higgins	McGovern
Cleaver	Himes	McIntyre
Clyburn	Hinche	McNerney
Cohen	Hirono	Meeks
Connolly (VA)	Holden	Michaud
Conyers	Holt	Miller (NC)
Costello	Honda	Miller, George
Courtney	Hoyer	Moran
Critz	Insee	Murphy (CT)
Crowley	Israel	Nadler
Cuellar	Jackson (IL)	Napolitano

Neal	Rush	Sutton
Oliver	Ryan (OH)	Thompson (CA)
Pallone	Sánchez, Linda	Tierney
Pascarell	T.	Tonko
Pastor (AZ)	Sanchez, Loretta	Towns
Pelosi	Sarbanes	Tsongas
Perlmutter	Schakowsky	Van Hollen
Peters	Schiff	Velázquez
Pingree (ME)	Schwartz	Walz (MN)
Polis	Scott (VA)	Wasserman
Price (NC)	Scott, David	Schultz
Quigley	Serrano	Waters
Rahall	Sewell	Watt
Reyes	Sherman	Waxman
Richardson	Sires	Welch
Richmond	Slaughter	Wilson (FL)
Rothman (NJ)	Smith (WA)	Woolsey
Roybal-Allard	Speier	Yarmuth
Ruppersberger	Stark	

NOES—244

Adams	Fox	McHenry
Aderholt	Franks (AZ)	McKeon
Akin	Frelinghuysen	McKinley
Alexander	Gallely	McMorris
Amash	Gardner	Rodgers
Amodei	Garrett	Meehan
Austria	Gerlach	Mica
Bachmann	Gibbs	Miller (FL)
Bachus	Gibson	Miller (MI)
Barletta	Gingrey (GA)	Mulvaney
Barrow	Gohmert	Murphy (PA)
Bartlett	Goodlatte	Myrick
Barton (TX)	Gosar	Noem
Bass (NH)	Gowdy	Nugent
Benish	Granger	Nunes
Berg	Graves (GA)	Nunnelee
Biggart	Graves (MO)	Olson
Billbray	Griffin (AR)	Owens
Bilirakis	Griffith (VA)	Palazzo
Bishop (UT)	Grimm	Paulsen
Black	Guinta	Pearce
Blackburn	Guthrie	Pence
Bono Mack	Hall	Peterson
Boren	Hanna	Petri
Boustany	Harper	Pitts
Brady (TX)	Harris	Platts
Brooks	Hartzler	Poe (TX)
Broun (GA)	Hastings (WA)	Pompeo
Buchanan	Hayworth	Posey
Bucshon	Heck	Price (GA)
Buerkle	Hensarling	Quayle
Burgess	Herger	Reed
Burton (IN)	Herrera Beutler	Rehberg
Calvert	Hochul	Reichert
Camp	Huelskamp	Renacci
Campbell	Huizenga (MI)	Ribble
Canseco	Hultgren	Rigell
Cantor	Hunter	Rivera
Capito	Hurt	Roby
Carney	Issa	Roe (TN)
Carter	Jenkins	Rogers (AL)
Cassidy	Johnson (IL)	Rogers (KY)
Chabot	Johnson (OH)	Rogers (MI)
Chaffetz	Johnson, Sam	Rohrabacher
Coble	Jordan	Rokita
Coffman (CO)	Kelly	Rooney
Cole	King (IA)	Ros-Lehtinen
Conaway	King (NY)	Roskam
Cooper	Kingston	Ross (AR)
Costa	Kinzinger (IL)	Ross (FL)
Cravaack	Kline	Royce
Crawford	Lamborn	Runyan
Crenshaw	Lance	Ryan (WI)
Davis (KY)	Lankford	Scalise
Denham	Latham	Schilling
Dent	LaTourette	Schock
DesJarlais	Latta	Schrader
Diaz-Balart	Lewis (CA)	Schweikert
Dold	LoBiondo	Scott (SC)
Dreier	Long	Scott, Austin
Duffy	Lucas	Sensenbrenner
Duncan (SC)	Luetkemeyer	Sessions
Duncan (TN)	Lummis	Shimkus
Ellmers	Lungren, Daniel	Shuler
Emerson	E.	Shuster
Farenthold	Mack	Simpson
Fincher	Manzullo	Smith (NE)
Fitzpatrick	Marchant	Smith (NJ)
Flake	Marino	Smith (TX)
Fleischmann	Matheson	Southerland
Fleming	McCarthy (CA)	Stearns
Flores	McCaul	Stivers
Forbes	McClintock	Stutzman
Fortenberry	McCotter	Sullivan

Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton

NOT VOTING—18

Bonner
Cardoza
Culberson
Davis (IL)
Filner
Garamendi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1250

Mr. MATHESON and Ms. HOCHUL changed their vote from “aye” to “no.”

Mr. ALTMIRE changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 109, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BACHUS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 390, noes 23, not voting 19, as follows:

[Roll No. 110]

AYES—390

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishiek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bono Mack

Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline

Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Neugebauer
Paul
Rangel
Schmidt
Thompson (MS)
Visclosky

Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Hochul
Holden
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Crowley
Cuellar
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks

King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg

Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta

Womack
Woodall
Woolsey

Baca
Bass (CA)
Becerra
Capuano
Conyers
Dingell
Edwards
Hinchey

NOES—23

Holt
Johnson (GA)
Kildee
Kucinich
Lee (CA)
Markey
McDermott
Miller (NC)

Young (FL)
Young (IN)

Napolitano
Oliver
Pingree (ME)
Sarbanes
Schakowsky
Watt
Waxman

NOT VOTING—19

Bonner
Cardoza
Culberson
Davis (IL)
Duncan (TN)
Filner
Garamendi

Hinojosa
Labrador
Landry
Maloney
Miller, Gary
Moore
Neugebauer

Paul
Rangel
Schmidt
Thompson (MS)
Visclosky

□ 1304

Mr. KUCINICH changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 110, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Mr. VISCLOSKEY. Mr. Speaker, on March 8, 2012, I was absent from the House and missed rollcall votes 107 through 110.

Had I been present for rollcall 107, on agreeing to the Peters amendment to H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted “aye.”

Had I been present for rollcall 108, on agreeing to the Capps amendment to H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted “aye.”

Had I been present for rollcall 109, on the motion to recommit with instructions H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted “aye.”

Had I been present for rollcall 110, on passage of H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted “aye.”

AUTHORIZING THE CLERK TO CORRECT ENGROSSMENT

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 3606, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. DOLD). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow; when the House adjourns on that day, it adjourn to meet at 10 a.m. on Tuesday, March 13, 2012; when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, March 16, 2012; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, March 19, 2012.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate the Pennsylvania State University IFC/Panhellenic Dance Marathon, otherwise known affectionately as "THON."

THON's goal every year is to raise money for the Four Diamonds Fund at Penn State Hershey Children's Hospital. The fund was established to support children's cancer by assisting patients and their families through treatment. The fund has helped thousands of families by offsetting medical expenses incurred during cancer treatment. This year, THON broke the previous record and raised \$10,698,924. They raised over \$10.6 million. That's amazing work. Congratulations.

Penn State's THON has grown to become one of the largest student-run philanthropies in the world, and their efforts have helped improve the lives of so many.

As a proud Penn State alum and Member representing the university here in Washington, I want to congratulate Penn State, the students, the donors, and all of the organizations involved in the THON for another amazing year in support of a truly important cause.

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, today's New York Times headline: "Intractable Afghan Graft Hampering U.S. Strategy"; the subtitle: Elite group is known for corruption, but high level trials have been absent.

Mr. Speaker, another story about corruption, another story about Afghan President Karzai's complicity in corruption. This story appears while

American servicemen and -women continue to die in Afghanistan, while the American people continue to send billions of dollars each day to Afghanistan to sustain the Afghan Government.

Mr. Speaker, I've had it; the American people have had it. This war is not worth another American life. It is not worth another taxpayer dollar. I urge the President to bring our troops home now. I urge the President to end this war now. Enough is enough.

[From the New York Times, Mar. 7, 2012]

(By Matthew Rosenberg and Graham Bowley)

KABUL, Afghanistan.—For the past few months, possibly the most intriguing poker game in Kabul has been taking place in the sprawling pink sitting room of the man at the center of one of the most public corruption scandals in the world, the near collapse of Kabul Bank.

The players include people tied to President Hamid Karzai's inner circle, many of whom have profited from the crony capitalism that has come to define Afghanistan's economic order, and nearly brought down Kabul Bank. The game's stakes "aren't too big—a few thousand dollars up or down," one of the participants said.

Betting thousands of dollars a night in a country where most families live off a few hundred dollars a year would seem like a bad play for Sherkhan Farnood, the founder and former chairman of Kabul Bank, the country's biggest. His assets are supposed to be frozen, and he is still facing the threat of prosecution over a scandal that could end up costing the Afghan government—and, by extension, the Western countries that pay most of its expenses—almost \$900 million, a sum that nearly equals the government's total annual revenues.

But Mr. Farnood, who in 2008 won about \$143,000 at a World Series of Poker event in Europe, appears to know a good wager when he sees one. Despite years of urging and oversight by American advisers, Mr. Karzai's government has yet to prosecute a high-level corruption case. And now many American officials say that they have little expectation that Mr. Farnood's case will prove to be the exception—or that Washington will try to do much about it, especially after violent anti-American protests in recent weeks have sowed fresh doubts in the Obama administration over the viability of the mission in Afghanistan.

As Americans pull back from Afghanistan, Mr. Farnood's case exemplifies how the United States is leaving behind a problem it underwrote over the past decade with tens of billions of dollars of aid and logistical support: a narrow business and political elite defined by its corruption, and despised by most Afghans for it.

The Americans and Afghans blame each other for the problem's seeming intractability, contributing to the deterioration in relations that now threatens to scuttle talks on the shape of ties between the countries after the NATO combat mission ends in 2014. What is clear is that the pervasive graft has badly undercut the American war strategy, which hinged on building the Karzai administration into a credible alternative to the Taliban.

Still, the Obama administration has concluded that pressing the fight against cor-

ruption, as many American officials tried to do in recent years, could further alienate Mr. Karzai and others around him whom Washington is relying on as it tries to manage a graceful drawdown.

"It's a little late in the game to worry about anticorruption measures because what in the world is the alternative going to be?" said Anthony H. Cordesman, a military analyst at the Center for Strategic and International Studies in Washington. "If you find people who aren't corrupt, it is largely because they haven't had the opportunity."

Some of the corruption will fade organically, as America and its allies cut back on their aid to Afghanistan, which is likely to have a harsh impact on the Afghan economy, Mr. Cordesman said. Efforts by the American-led coalition to better monitor the billions it spends each year in Afghanistan continue and are having an effect, although it remains slight largely because billions of dollars keep pouring in and are likely to do so for years to come.

The limits of the coalition's efforts to police its own spending—and the newfound reluctance of top American officials to push back against Afghan intransigence over prosecuting corruption—were laid bare in December when Mr. Karzai's office demanded that the coalition provide evidence if it wanted the government to prosecute the Afghan Army's former surgeon general, Gen. Ahmad Zia Yaftali.

Coalition officials had in fact provided the evidence a full year earlier. General Yaftali was suspended in December 2010 after Gen. David H. Petraeus, then the coalition commander, told Mr. Karzai that NATO investigators had found that the Afghan officer had stolen tens of millions of dollars' worth of drugs from the country's main military hospital, an institution he ran and where Afghan soldiers regularly died from simple infections because they could not afford to bribe nurses or doctors to treat them.

The running of the hospital, like much of the Afghan Army, is financed by the United States, which last year spent \$11.2 billion to pay, train and equip Afghanistan's security force.

But after the suspension of the politically connected general, the investigation into his conduct remained in limbo—until Mr. Karzai on Dec. 29 unexpectedly demanded to see the evidence he had already seen.

The American officer in charge of the inquiry, Brig. Gen. H. R. McMaster, was furious. The investigation of General Yaftali and the Dawood Military Hospital was one of the major initiatives undertaken by General McMaster's task force, a high-profile coalition effort set up in 2010 to go after corruption that was being financed by coalition spending. Now it appeared as if an officer who was accused of letting his own soldiers die so he could enrich himself would never be tried.

General McMaster and his staff quickly pulled together their evidence and wrote a statement to counter Mr. Karzai's demand. Their draft, a copy of which was obtained by The New York Times, struck both accusatory and conciliatory notes.

It bluntly stated that the coalition had provided the evidence Mr. Karzai was now demanding. It said efforts to investigate had been met with "interference, obstruction, and delay." It quoted a pledge Mr. Karzai had made in December at an international conference in Germany to end a "culture of impunity."

The statement was never released. According to two NATO officials, the commander of

coalition forces, Gen. John R. Allen, decided there was little to gain in picking a fight with Mr. Karzai over the matter.

A senior coalition officer who is involved with the case said he believed that it would eventually proceed. NATO is focused on preparing Afghan forces to take over the fight against the Taliban, and will continue to try to clamp down on corruption that undermines that goal, the officer said.

The American officials tracking the bank investigation seem similarly uninterested in challenging Afghan authorities over the status of Mr. Farnood and his former partner, Khaliullah Frozi.

Under pressure from the United States and its allies, Afghan authorities arrested both men in June. Kabul Bank was taken over nearly 10 months earlier amid accusations that its owners used it as their personal piggy bank.

Mr. Farnood spent more than \$150 million of the bank's money on villas in Dubai purchased in his own name. Kabul Bank money helped finance shell companies whose main function was to win subcontracts from businesses doing work for the American-led coalition, siphon a slice of the money and then find other subcontractors to do the actual work, American officials have said. Mahmoud Karzai, a brother of the Afghan president, and Abdul Haseen Fahim, a brother of the first vice president, Gen. Muhammad Qasim Fahim, both received interest-free loans so they could buy stakes in the bank.

News of the takeover prompted a run on the bank that almost led to its collapse. Afghanistan's central bank spent nearly \$900 million to keep it afloat, an outlay that the Afghan government, already short of cash, has since had to cover. While some of that money is likely to be recovered, some Western officials concede that donor funds will eventually be needed to close the hole in the Afghan budget, even if Western dollars do not go directly to cover Kabul Bank's losses.

Deputy Attorney General Rahmat-ullah Nazari said the authorities this past fall gave permission to let Mr. Farnood and Mr. Frozi out of prison during the daytime so they could help recover assets owed to the bank. Mr. Farnood owes the bank \$467 million, he said; Mr. Frozi owes \$78 million.

Mr. Frozi has been helpful in tracking down missing assets; Mr. Farnood less so, Mr. Nazari said, although some Western officials disputed that characterization and said it was Mr. Farnood who was being more helpful.

But it is unclear how hard the Afghan government is pushing either man. The villas and a pair of partly constructed office towers in Dubai are still in Mr. Farnood's name, and Mr. Nazari said the transfer of the property was being held up by a 2 percent tax that the United Arab Emirates levy on such deals. Some Western officials questioned why a routine tax would hold up such an important transaction.

Meanwhile, Mr. Farnood is collecting rent from tenants in some of the villas, Mr. Nazari said.

But, Mr. Nazari insisted, both will be prosecuted once the asset recovery has been completed.

American, European and even some Afghan officials say they doubt that will happen. Despite Mr. Nazari's claim that both spend their nights in prison, the two have rented separate houses in Kabul and rarely, if ever, return to their cells, said people close to the men.

Mr. Farnood's spacious house stands behind high walls in Kabul's most expensive

neighborhood, around the corner from the office of the International Monetary Fund, which is overseeing a forensic audit of Kabul Bank.

A pool table, a table for table tennis, a large Samsung flat-screen television and a set of purple faux-leather couches and arm chairs grace the cavernous pink sitting room. A pair of late-model black Toyota Land Cruisers sit in the driveway. The officer from Afghanistan's National Directorate of Security, the country's intelligence agency, who mans the front door functions more like a doorman than a guard.

Mr. Farnood lunches regularly at the Kabul Serena Hotel, where the buffet costs about \$25 a head. Mr. Frozi has his own spot, Boccaccio, an upscale Italian eatery popular with well-heeled Afghans and foreigners, including American and European diplomats.

Lunching there on afternoon last month with four other men, Mr. Frozi declined to talk to a reporter. He said the American press had "destroyed the bank," and he dismissed his questioner with a wave of his hand.

THE PRICE OF GAS

(Mr. DUNCAN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of South Carolina. Americans, it's been 1,044 days since the United States Senate has passed a budget for America. Back in 2009, the average American family spent \$173.80 a month on gasoline. In 2011, that number had risen to \$368.09 a month on gasoline. What could you use that difference, \$194, what could you use that money for?

I guarantee you, with the policies coming out of this administration, gasoline prices are going up. It will be more than \$368 a month for gasoline unless we make changes to American energy policies and be energy independent.

STUDENT LOANS

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute.)

Mr. CLARKE of Michigan. Mr. Speaker, today I have introduced H.R. 4170, a bill that will forgive student loan debt for millions of hardworking Americans.

This bill provides that if a student loan borrower makes payments equal to 10 percent of their discretionary income for a period of 10 years, the balance of their Federal student loan debt will be forgiven. This provides student loan borrowers with a second chance, those who have been struggling financially. By cutting this debt, this frees up their money to invest on their own. That will create new jobs throughout this country.

It's time for Congress to stand for the rights of student loan borrowers. It's time to forgive these student loan debts.

CONGRATULATING UALR WOMEN'S BASKETBALL TEAM

(Mr. GRIFFIN of Arkansas asked and was given permission to address the House for 1 minute.)

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to congratulate the University of Arkansas at Little Rock women's basketball team for securing a spot in this year's NCAA basketball tournament.

The game that put them into the tournament was an exciting one. The Lady Trojans came back from a 22-point deficit in the second half against Middle Tennessee and went on to win by one point in overtime.

With Taylor Ford's game-winning shot, the lady Trojans earned their second straight Sun Belt Conference tournament title and their third straight NCAA berth.

Congratulations to the entire UALR community, to Coach Joe Foley for his leadership this championship season, and to the student athletes on this year's team. Thank you all for representing your school, the city of Little Rock, and our great State of Arkansas.

Good luck.

□ 1310

IN HONOR OF THE CYSTIC FIBROSIS FOUNDATION

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, I rise today to honor the Cystic Fibrosis Foundation. Cystic fibrosis is not a disease that affects a lot of Americans; but of the Americans it does affect, it compromises and, all too often, prematurely ends their lives.

I had the good and great fortune to just meet with a number of my constituents, including some young constituents who are with me in the Chamber today, who are very concerned and involved with cystic fibrosis.

We are an enlightened and good society because we invest the money necessary to solve the problems that affect our children, our people. We spend money on cures to eradicate diseases that compromise and end the quality of life for so many of our citizens. So as we do the hard work of getting our budget in order, I ask that this Chamber not erode that good work that we do.

16TH ANNIVERSARY OF BROTHERS TO RESCUE AIRPLANE SHOOT-DOWN BY CUBAN AUTHORITIES

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. I am here today to honor four American heroes—Carlos Costa, Mario de la Pena, Pablo Morales, and Armando Alejandro, Jr.—who tragically lost their lives 16 years ago at the hands of the Castro dictatorship.

On February 24, 1996, two planes from the humanitarian organization Brothers to the Rescue were shot down under Fidel Castro's and Raul Castro's direct orders as they conducted air search and rescue missions for Cuban refugees trying to reach freedom.

Raul Castro, himself, has publicly admitted to ordering the shoot-down over international waters so that there would be no evidence of the crime; but the Castro brothers have yet to be indicted for their role in ordering the murders of four innocent Americans, and they continue to commit blatant human rights violations towards peaceful civilians every day.

The United States should move immediately to indict the Castro brothers for this crime. We must not turn our backs on the Cuban people, who so tirelessly fight for freedom. I also ask, on this tragic anniversary, that we continue to push forward for democratic change in Cuba.

THE FACTS ABOUT THE PRICE OF GAS IN AMERICA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. It is time that we emphasize the facts about the price of gas in our country.

On inauguration day for President Obama, the average price of gasoline was \$1.84 per gallon. Today, it's \$3.75. That's an increase of 103 percent. The estimate is that it will be \$4.50 by May. A 1-cent increase in the cost of gas equals \$1 billion out of the economy, and it's a \$4 million-per-day cost to consumers.

As the price of oil continues to rise at an alarming rate, the President and the congressional Democrats have tried to deflect the blame of their failed energy policies and point the finger at Wall Street speculators for the rise of the cost of a barrel of oil. But that's not the problem, Mr. Speaker. The Obama administration's energy policies are creating uncertainty in the marketplace and are driving up costs.

We need this President to assume the responsibility for the problems that he has caused the average hardworking American taxpayer and to do something about the price of gas.

APPOINTMENT OF MEMBERS TO PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to Executive order 12131, and the order of the House

of January 5, 2011, of the following Members of the House to the President's Export Council:

Mr. REICHERT, Washington
Mr. GERLACH, Pennsylvania
Mr. TIBERI, Ohio
Ms. SUTTON, Ohio
Ms. LINDA T. SANCHEZ, California

THE PREMEDITATED MURDER OF NEW-BORN BABIES JUSTIFIED AS MORALLY EQUIVALENT TO ABORTION

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of New Jersey. Thank you very much, Madam Speaker.

Late last month, two bioethicists—Dr. Alberto Giubilini and Francesca Minerva—published an outrageous paper in the *Journal of Medical Ethics*, justifying the deliberate, premeditated murder of new-born babies during the first days and even weeks after birth.

Giubilini and Minerva wrote: "When circumstances occur after birth that would have justified abortion, what we call after-birth abortion should be permissible."

Madam Speaker, they've just coined a brand-new phrase, "after-birth abortion," which is the killing of newborns, the killing of little children—boys and girls—immediately after their births and up to weeks later. These bioethicists argue that if a newly born child poses an economic burden on a family or is disabled or is unwanted that that child can be murdered in cold blood because the baby lacks intrinsic value, and according to Giubilini and Minerva, it is simply not a person.

Giubilini and Minerva write: "Actual people's well-being—" and you and I, Madam Speaker, are actual people; adults are actual people according to them—"could be threatened by a newborn, even if healthy child, requiring energy, money and care which the family might happen to be in short supply of."

As any parents—especially moms—will tell you, children in general, and newborns in particular, require an enormous amount of energy, money, and boatloads of love. If any of those things, however, are lacking or pose what Giubilini and Minerva call a "threat," does that justify a death sentence? Are the lives of new-born children and new-born babies so cheap? so expendable?

The murder of newly born children is further justified by Giubilini and Minerva in this renowned journal's article—why they carried it is certainly suspect—because new-born infants, like their slightly younger sisters and brothers in the womb, "cannot have formed any aim that she is prevented

from accomplishing." In other words, no dreams, no plans for the future, no "aims" that can be discerned, recognized or understood by adults equal no life at all.

This preposterous, arbitrary, and evil prerequisite for the attainment of legal personhood is not only bizarre; it is inhumane in the extreme. Stripped of its pseudo-intellectual underpinnings, the Giubilini and Minerva rationale for murdering newborns in the nursery is indistinguishable from any other child predator wielding a knife or a gun.

Giubilini and Minerva say the devaluation of new-born babies is inextricably linked to the devaluation of unborn children. Let me say that again. The devaluation of new-born babies, even into weeks of their lives outside their mothers' wombs, is inextricably linked to the devaluation of unborn children and is, indeed, the logical extension of the abortion culture. They also write this: that they "propose to call the practice after-birth abortion rather than infanticide in order to emphasize that the moral status of the individual killed—" that is to say the baby "—is comparable to that of a fetus . . . Whether she will exist is exactly what our choice is about."

So let's again get this right because the unborn child has been deemed to be a nonperson and can be killed at will. For the new-born child, who is very, very similar in almost every aspect except dependency and its not being a little bit more mature, the choice is, if it is unwanted, that the parents can order the killing, the execution, of that child.

□ 1320

Madam Speaker, these anti-child, pro-murder rationalizations remind me of other equally disturbing rants from highly credentialed individuals over the years. Princeton's Peter Singer suggested a couple of years ago—and I quote him in pertinent part:

There are various things you can say that are sufficient to give moral status to a child after a few months, maybe 6 months or something like that, and you get perhaps a full moral status, really, only after 2 years.

Break that down. Only after 2 years, Madam Speaker, should we really confer a sense of personhood to a child who is no longer a baby anymore because of this particular intellectual's perspective.

Dr. James Watson, the Nobel Laureate for unraveling the mystery of DNA many, many years ago, wrote in *Prism Magazine*:

If a child were not declared alive until 3 days after birth, then all parents could be allowed the choice only a few have under the present system. The doctor could allow the child to die if the parents so choose and save a lot of misery and suffering. I believe this view is the only rational, compassionate attitude to have.

Compassionate to allow a newborn to die? I think not.

In like manner, Dr. Francis Crick, who received the Nobel Prize along with Watson said:

No new-born infant should be declared human until it has passed certain tests regarding its genetic endowment and that if it fails these tests it forfeits the right to live.

Madam Speaker, the dehumanization of unborn children has been going on for decades. What is less understood and appreciated is the dehumanization of new-born and very young infants. That too has been going on for years, but it has gotten in the last few years demonstrably worse.

Giubilini and Minerva's article must serve as a wake-up call. The lives of young children who are truly the most unprotected class of individuals in our society are under assault. Hard questions need to be asked and answered and defenders of life must be mobilized. I truly believe we have a duty to protect the weakest and the most vulnerable from violence; and now even the hospital nursery is not a place of refuge or sanctuary.

Madam Speaker, we must strive for consistency. I have been hearing about it for 32 years, and I've worked every single day of my congressional life on human rights issues, from human trafficking to religious freedom. I've written the Trafficking Victims Protection Act back in 2000 to combat modern-day slavery. I work against torture all over the world, wherever and whenever it rears its horrific head. That is especially in places like China, North Korea, and elsewhere.

But I am left to wonder why so many who claim to be proponents of human rights systematically dehumanize and exclude the weakest and the most vulnerable human beings from legal protection.

Why the modern-day surge in prejudice and ugly bias against unborn children and now, by logical extension, new-born children? Why the policy of exclusion rather than inclusion? They are indeed part of the human family. We should embrace them, love them, and protect them. Why is lethal violence against children, abortion, and premeditated killing of new-born infants marketed and sold as somehow benign or progressive, enlightened, and compassionate? Why have so many good people turned a blind eye and looked askance as mothers are wounded by abortion and their babies in the womb pulverized by suction machines 20 to 30 times more powerful than household vacuum cleaners or dismembered with surgical knives or poisoned with chemicals? Looking back, how could anyone in the House or the Senate or President Clinton justify the hideous procedure called "partial birth abortion"?

Madam Speaker, since 1973, well over 54 million babies have had abortion forced upon them. Some of those children have been exterminated in the

second and third trimester. These are known as pain-capable babies. Those kids have suffered excruciating pain as the abortionist committed his violence upon him or her. Why are some surprised that now the emerging class of victims, new-born kids, new-born children, are being slaughtered in Holland and elsewhere while a perverse proposal to murder any new-born children, sick or healthy, is advanced in an otherwise serious and respected ethics journal?

I urge Members to read this article. It will make you sick. It certainly is the opening salvo in an assault on new-born children.

In conclusion, Madam Speaker, children born and unborn are precious. Children sick, disabled, or healthy possess fundamental human rights that no sane or compassionate society can abridge. The premeditated murder of new-born babies, those who are 1 day old after birth, 2 weeks, 3 weeks old is now being justified as being morally equivalent to abortion.

I respectfully submit, Madam Speaker, that the Congress, the courts, the President, and society at large have a sacred duty to protect all children from violence, murder, and exploitation. We don't have a moment to lose. The child predators are working overtime to create more victims.

Madam Speaker, I yield back the balance of my time.

TYRANTS AND DESPOTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 48 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Madam Speaker, yesterday a good friend of mine, Senator JOHN MCCAIN, became the first U.S. Senator to publicly call for U.S.-led air strikes to halt the violence in Syria.

Respectfully, I disagree with the Senator from Arizona. Our main goal in the Middle East is to protect our interests and the interests of our major ally, Israel.

If we are to be dragged into a civil war in Syria for humanitarian reasons, I would respectfully remind Senator MCCAIN and the President that they do not have the power to unilaterally start a war. The authority to initiate war is vested by the Constitution exclusively in Congress. The War Powers Act was enacted into law over a Presidential veto—not an easy thing to accomplish—to fulfill the intent of the Framers of the Constitution of the United States in requiring that the President has to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

Section 2(c) of the War Powers Act provides that no attempt by the Presi-

dent to introduce the United States Armed Forces into hostile action may be made under the War Powers Act unless, number one, there is a declaration of war; number two, a specific authorization; or, number three, a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces.

□ 1330

The Constitution and the War Powers Act are not a list of suggestions; they are the law of the land, the law the President of the United States and every Member of Congress swears to protect and defend. Contrary to Defense Secretary Panetta's assertion before the Senate Armed Services Committee the other day, international permission does not trump congressional permission. If the President is even remotely entertaining the idea of engaging in military action in Syria, he must seek formal authorization from Congress to attack Syria first.

While the violence in Syria is appalling and Syrian President Bashar al-Assad is certainly no friend of the United States, before any military action is taken, the President must tell Congress and the American people by what right we attack Syria. Syria has not declared war on the United States nor attacked the United States, our territories, possessions, or Armed Forces. It is not our responsibility to intervene simply because violence erupts in another nation. If it were, then bombs should be falling on a number of countries, including Yemen, Zimbabwe, Uganda, Sudan, Rwanda, North Korea, Burma, and I could go on and on.

In fact, just this past Tuesday, March 6, the former top United Nations humanitarian official in Sudan warned that the country's military is carrying out crimes against humanity in the country's southern Nuba Mountains in acts that remind him of the 2003-2004 genocide in Darfur. Sudan President Omar al-Bashir is under indictment for war crimes by the International Criminal Court for killings and rapes committed in Darfur. Roughly 5,000 people have died in Syria compared to 400,000 in Darfur. How are the actions of al-Assad any worse than the actions of al-Bashir? Where is the call to bomb Sudan?

Madam Speaker, we could have a war of the week if we went after every tyrant that is committing these kinds of atrocities. Well-respected organizations, including Human Rights Watch and Amnesty International, have documented the crimes committed by Burma's military. Many of the abuses committed by the Burmese regime represent some of the world's most horrific ongoing atrocities. For example, the regime has destroyed over 3,300 ethnic minority villages in eastern Burma alone, recruited tens of thousands of children, child soldiers, forced

up to 2 million people to flee their homes as refugees and internally displaced, and used rape as a weapon of war against the women of Burma. How is the violence going on in Syria any worse than the destruction and degradation committed by the Burmese junta?

North Korea is widely acknowledged to be the worst violator of human rights in the world. The regime cares so little for its people that authorities are imprisoning, for 6 months in labor training camps, anybody who did not participate in the organized gatherings during the mourning period for the late Kim Jung Il, or who did participate but didn't cry and didn't seem genuine. Six months in a labor camp for not crying? North Korea is a recognized state sponsor of terror, a proliferator of nuclear weapons, and a direct threat to United States forces in South Korea, yet no one is urging the bombing of North Korea.

The world is full of despotic and oppressive regimes. The sad fact is that even in 2012, more of the world labors in the shadow of tyranny than in the daylight of democracy and the rule of law. Many of the world's leaders are at least as bad as Qadhafi and al-Assad, and many are even worse. We are not the world's policeman.

Even if we are willing to ignore the hypocrisy of using military force in Syria for "humanitarian reasons" while we turn a blind eye to the other equally pressing humanitarian crises around the world, there are several practical issues surrounding an operation in Syria that make it ill-advised, and this case should be made to the Congress if the President or Senator MCCAIN push for military action against Syria.

Libya and Syria are very different countries with different geographies and different militaries. The Libyan army of Qadhafi was far less capable than Syria's army under al-Assad. Its forces were not as well-trained, well-fed or well-armed. In fact, Qadhafi had decisively turned on his military forces after a series of military coup attempts in the 1980s and 1990s. In the place of a professional military, Qadhafi increasingly relied on the revolutionary committees, many of whom defected en masse within days of protests breaking out against his rule.

Even against such a weak opposition, NATO's bombing campaign only succeeded in pushing the loyalist forces back. The rebels were unable to advance very far. As the battle turned in a stalemate, NATO and others were forced to raise their commitment, and the United States spent billions of dollars in that conflict as well, without congressional approval. Trainers were sent in, and NATO personnel shared space in the rebels' operations room in Benghazi. Qatar had to ship in approximately 30 consignment of Milan anti-

tank cannons and Belgian FN rifles. During the final assault on Qadhafi's compound, Qatari forces even found themselves leading the charge.

Nearly a year into the civil war to oust President al-Assad, the Syrian army remains largely intact. In addition, Syria has a substantial chemical and biological weapons capability and thousands of surface-to-air missiles and shoulder-launched missiles, making Syria much more of a threat to attacking air forces than anything Libya had. How will the American people react if an American pilot is shot down and captured by the Syrian army, or worse, Syria's terrorist proxy, Hezbollah? And that's why Congress must be consulted before we take any action; and I would urge any of my colleagues who are considering urging the President to take unilateral action, that they remember the War Powers Act and the Constitution.

In addition, if air power is to be used against Assad's regime, as it was to overthrow Qadhafi's, then it is certain that the venture will take longer than the 6 months it took in Libya. The price in Syrian blood on both sides, the rebels and the government, will be higher, and the geography of the country, without the vast stretches of desert between towns that were turned into shooting galleries when Qadhafi tried to remove his forces, would guarantee more civilian casualties from NATO bombs than occurred in Libya. How many civilian casualties are acceptable to prevent a humanitarian crisis?

Other questions that need to be addressed: What will Israel do if Hezbollah responds to Western military actions against Syria by launching rockets into Israel? What will Iran do to protect its ally in Damascus?

Finally, brutally, we must ask the question: Is the devil we know better than the devil we don't know? And here I'd like to divert just a minute from my prepared text.

When we saw the changes in Libya, we didn't know who was going to take over. We didn't know that sharia law was going to be the rule of law there, which took them back into a more radical stance.

In Egypt, the elections that have taken place after Mubarak was removed from power have led to the suspicion, very strong suspicion, that sharia law will be imposed in Egypt as well. We don't know what that will do to the Camp David Peace Accords and whether or not that could cause our ally, Israel, to be in more danger. We need to know, before we get into a war to change regimes, what we're getting in place of the people we are removing.

Qadhafi, as bad as he was, and I didn't like him at all and I think he should have been removed, was no threat to the United States or our allies. He was a threat to his own people.

And yet we decided unilaterally to go in and get him, and we did, along with the French and our NATO allies. And now some of my colleagues are talking about going into Syria and removing al-Assad without congressional approval, unilaterally by the President, and we don't know what we'll be getting.

We have found recently from reports that al Qaeda forces are in Syria assisting the rebels. Now we have to make sure that if al-Assad goes, that we don't have a base of operations for the enemies of freedom in Syria. We know what we've got. We don't like it, but we better be careful before we start making a regime change there that al Qaeda doesn't take over or have a big influence in Syria that will cause problems for the United States, our ally Israel, and others in the Middle East later on.

While Senator MCCAIN, my good friend, may angrily deny it, the assessment of the Director of National Intelligence, James Clapper, and half a dozen intelligence reports and independent news agencies is that al Qaeda has inserted themselves inside armed operations groups in Syria, as I just said. Al Qaeda is there. They're the mortal enemy of everything that we believe in, and they're involved with the rebels, and we need to be sure that we're doing the right thing if we participate and if the Congress approves of some action in Syria.

Do we really want to undertake a "significant military commitment"—those are the words of Marine General James Mattis, head of the U.S. Central Command—to create so-called safe havens in Syria to deliver weapons and supplies to al Qaeda fighters from Iraq?

□ 1340

I believe that the sun is slowly setting on the Assad regime in Syria. I sincerely hope that we are not pushed into a war we do not fully understand and that we don't really need to be in.

I must remind my colleagues in both the House and the Senate one more time: Neither the President nor a few Senators nor Members of Congress have the right to demand or push for unilateral action by the United States without the Congress of the United States being involved in the decision-making process. That has happened in other countries in the past. It happened in Libya. But it should not happen anymore because the Constitution, the War Powers Act, and the rule of law must be maintained by the Congress of the United States.

With that, I yield back the balance of my time.

HOW TO GROW THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the

gentleman from Georgia (Mr. WOODALL) for 30 minutes.

Mr. WOODALL. Madam Speaker, I very much appreciate the time and your staying with me late on a Thursday afternoon to do this. Is it Thursday afternoon, Madam Speaker, or Friday afternoon? It's Thursday afternoon. I'm losing track of my days because I'm on the Budget Committee, Madam Speaker, I'm on the Budget Committee, and this is budget season, and we are going nonstop meeting after meeting after meeting after meeting to try to find that budget that not only guarantees that our safety net programs like Medicare and Social Security will be there for generations to come, but that also guarantees that America will be here for generations to come. Because if you've looked at the deficits that we're running, if you've looked at the economic circumstances that we're in, if you've looked at the \$15 trillion—now \$16 trillion—that we've passed on to our children and our grandchildren, you know that our economic future is at risk.

We talk so much, Madam Speaker, about the things that divide us in Washington. I sometimes think that's unfortunate. There's really a lot that unites us. And I brought with me today some quotes from President Obama in the State of the Union speeches that he's given right here between where you and I stand today, Madam Speaker, when he has come to the Joint Session of Congress to deliver.

This is what he said in 2010. The President said:

We should start where most new jobs do, in small businesses, companies that begin when an entrepreneur takes a chance on a dream or a worker decides it's time that she became her own boss. Through sheer grit and determination, these companies have weathered the recession and they are ready to grow.

Wow. Who is that talking, Madam Speaker? Is that a Republican? Is that a Democrat? That's an American. That's an American talking about the American Dream of being your own boss and growing a business, employing your neighbors and growing the American economy. The President understood that when he gave his State of the Union speech in 2010.

In 2011, Madam Speaker, the President returned right here to this very same room, and he said this:

At stake right now is not who wins the next election. At stake is whether new jobs and industries take root in this country or somewhere else.

He was exactly right. He's exactly right about the grit that it takes for entrepreneurs to grow jobs in this country, and he is right that the question is not who wins the next election; the question is how do we ensure that new jobs and new industries take place in America instead of somewhere else around the globe.

Again, in 2011, Madam Speaker, the President said this in the State of the Union speech:

We measure progress by the success of our people, by the jobs they can find and the quality of life those jobs offer; by the prospects of a small business owner who dreams of turning a good idea into a thriving enterprise, and by the opportunities for a better life that we pass on to our children.

Madam Speaker, we see so much in the newspaper about what divides us in this country. These are words that unite us, words that Republicans, Democrats—Americans from north and south, east and west—can all get behind. They don't stop in 2011.

Here he is in 2012, just 2 months ago, Madam Speaker, right here in this Chamber:

To reduce barriers to growth and investment, I've ordered a review of government regulations. When we find rules that are unnecessary, that put an unnecessary burden on business, we will fix them.

He said that two months ago, right here in this Chamber.

Madam Speaker, you know, as I know, that business in this country is under assault. And when business in this country is under assault, American families in this country are under assault, entrepreneurship in this country is under assault, the very basis of the American Dream, of being able to put in a hard day's work for a hard day's wage, to be able to change your station in life by the power of your ideas and the sweat of your brow, is at risk. And why?

I have here, Madam Speaker, a chart that shows the regulatory burden in this Nation. What it actually charts is those regulations that come out of Washington, D.C., where implementation costs alone are \$100 million a year—the implementation costs alone. Not what it burdens businesses with in terms of lost revenues, not the number of jobs that it kills, not how many jobs it pushes overseas to China, to India and elsewhere instead of keeping those jobs in America, but just what it costs out of someone's wallet to actually implement that regulation, and this is what we see.

In 1995, of course, there was a Republican Congress with Newt Gingrich leading as Speaker and a Democratic President with Bill Clinton. You see this kind of level line at about 80 regulations a year—80 regulations a year. It goes along and along, through the Clinton administration, through the Bush administration. And then we get to 2006, when America decided they could tell no difference between Republicans and Democrats, and they threw the Republicans out of control of the Congress—as well they should have, as well they should have—but what happened—elections have consequences—when they threw Republicans out of the leadership of the U.S. House of Representatives, the number of regulations began to skyrocket. Even with President

Bush in the White House, this Congress is where that legislation begins, the number of regulations on small business begins to skyrocket. Then we get to 2008, when President Obama is sworn in to the White House, when Democrats rule both the House and the Senate, and you see regulations and the burden they cause rise right to the top.

Madam Speaker, the decisions we make in this Chamber have consequences. It's not nothing to tell a small business that there's a new rule or regulation that that small business has to comply with because it takes money and it takes time to comply with those regulations. They need to be important, and we need to take a look at it. The President says all the right things. I just couldn't agree with him more.

To reduce barriers to growth and investment, I've ordered a review of government regulations. When we find rules that are an unnecessary burden on business, we will fix them.

The speech says all the right things, Madam Speaker. But the evidence suggests that we are on a regulatory spending spree the likes of which this country has never seen. And if you think for a minute we cannot destroy the entrepreneurial spirit in this country, you're mistaken.

Do you know that entrepreneurial activity, Madam Speaker, is at a historic low in America today? I'm not talking about the number of businesses that succeed. I'm talking about the number of Americans who dare to try.

Economic good times come, and economic bad times come. The economy will always ebb and flow. But when Americans are afraid to try, when the regulatory burden is such that Americans do not dare to try, we are threatening the future of this Nation and the economic success of our children and our grandchildren.

They published an editorial in *The Wall Street Journal*, Madam Speaker. It was written by one of the four founders of Home Depot. Now, Madam Speaker, as you know, I'm a freshman Congressman from the great State of Georgia, birthplace of Home Depot. I hope folks have an opportunity to go and shop there. I hope you've had an opportunity to take your kids over and do some of the morning craft projects that they do there at the Home Depot and wear the orange apron.

□ 1350

But this is what that founder said:

If we got together today—the four of them who got together to found Home Depot—if we got together today with our same idea, our same intellect, our same capital, if we gathered together today, we could not make Home Depot succeed. Why? Because the regulatory burden in America is too great to allow for business growth.

Madam Speaker, these challenges that we face are not global challenges

about which we have no control. They are domestic challenges about which we have complete control. We choose, Madam Speaker, which regulations we pass and which ones we say no to. I'm proud to say, Madam Speaker, since this new Congress was sworn in, we have not implemented one more regulation on this line. We are trying to turn back. We had the JOBS Act this week to turn back the clock on that regulatory burden to allow folks with energy and creativity to begin to grow jobs again, but it's a team sport.

Let me take you back to the rhetoric, Madam Speaker. You know, rhetoric has a pejorative term to it. I shouldn't say rhetoric, Madam Speaker. Let me take you back to the State of the Union speech that the President gave right here in this Chamber. Again, I listened to those State of the Union speeches. And I confess, I may be a rock-solid conservative Republican from the Deep South, but those speeches move me from time to time. They move me because I agree with the words that the President says. I just disagree with the actions that he does.

Here we go, 2009. State of the Union speech again, Madam Speaker, right here in this Chamber. The President said this:

Given these realities, everyone in this Chamber, Democrats and Republicans, will have to sacrifice some worthy priorities for which there are no dollars, and that includes me.

He says leadership begins with him, and he's absolutely right. You know, Madam Speaker, we don't have control over the whole government in this Chamber, but we do have control over the budget of this Chamber. The budget that you've allocated to my office, to the Seventh District of Georgia, is lower this year than the budget that the Seventh District of Georgia had in 2008. These things about which we have control, Madam Speaker—we know leadership begins at home, and we are starting with the tough budget cuts right here in the House Chamber.

The President said the same thing in 2009. He said there has to be some sacrifice of worthy priorities for which there are no dollars. And when we have a \$16 trillion deficit, Madam Speaker, we know that there are no dollars.

This is 2010—same President, same State of the Union speech right here in this Chamber, and the President says this:

Families across the country are tightening their belts and making tough decisions. The Federal Government should do the same.

He's absolutely right. He is absolutely right, Madam Speaker. Families across this country are absolutely making changes, absolutely doing what it takes to balance their budgets. The Federal Government can and must do the same. He said it in 2009. He said it in 2010. Madam Speaker, here we are in 2011, same State of the Union speech, he says this:

Every day, families sacrifice to live within their means. They deserve a government that does the same.

Madam Speaker, again, he's absolutely right. He was right when he said it in 2009, he was right when he said it in 2010, he was right when he said it in 2011. But, Madam Speaker, he hasn't done anything about it. That's the challenge. It's an election year, and folks like to say all the right things, Madam Speaker. But I didn't come to this Chamber as a freshman to say the right things. I came to this Chamber to do the right things.

What I have here is a chart of the President's budget that he submitted this year. Now, let me first say, Madam Speaker, that as you know, the United States Senate has ignored the laws of the United States of America and has not submitted a budget to this Congress in 1,044 days, and they have said they're not going to do it again this year. HARRY REID said it would be foolish, foolish to do a budget. It just so happens the law requires them to do a budget, but foolish he said. The President, to his credit, did put forward a budget.

I say "to his credit" because it's hard. A budget is a moral document. I didn't bring a copy of the President's budget with me today, Madam Speaker, but it's about 12 inches tall. You have to go line by line by line and talk about what's important to you. Is there enough money to go around for everything? No, there's not. So, what's important to you? Where are you going to put your dollars? The President, to his credit, went through that very hard process and sent a budget to Capitol Hill.

What I have here is a visual representation of the budget that he sent, Madam Speaker. As you can see, I have a white dotted line here that represents current law. This white dotted line that runs right through here is the current law. If we do nothing, Madam Speaker, if we do absolutely nothing, this is the trajectory on which American debt will grow—if we do nothing.

The President submitted his budget in February. I've represented the President's budget by this large red line, by this large red triangle. The red line is what the President proposes that the deficit be. I mean, we can go back to his 2011 State of the Union address where he said, "Every day, families sacrifice to live within their means. The government must do the same." We can go back to 2010 when he said the same thing. We can go back to 2009 when he said the same thing. But in 2012, when he submits his budget, he actually runs the deficit up in 2012, up in 2013, up in 2014, up in 2015—and '16 and '17 and '18 and '19 and '20 and '21.

What I've done, Madam Speaker, is I've blown up a little circle way out there at 2022, this little green space right here. Way out there in 2022 the

President's budget begins to reduce the deficit that this country faces from what it is under current law today.

Madam Speaker, that's my frustration. How often is it in this body that we hear folks say all the right things: "Families sacrifice to live within their means," said the President. "They deserve a government that does the same." 2011. 2010: "Families across the country are tightening their belts and making tough decisions. The Federal Government must do the same." 2009: "Given these realities, Democrats and Republicans will have to sacrifice some worthy priorities for which there are no dollars, and that includes me." But, Madam Speaker, the evidence reveals exactly the opposite.

What folks may not know—and I encourage you to go and read the President's budget. Again, he did the right thing by submitting it, and I admire him for doing that. It's located at www.omb—Office of Management and Budget—omb.gov. It's got charts and graphs and all the numbers. But what happens in that budget, Madam Speaker, is taxes go up by \$2 trillion; \$2 trillion taxes go up on the American people.

Now listen, we're in deficit times, we have revenue issues here. We need to have that debate about taxation. But my question to the White House is: How can you raise taxes by \$2 trillion on the American people and not reduce America's deficit by one penny for 9 years? The answer is that you raise those taxes by \$2 trillion, and then you go and you spend it on other priorities.

The President knows and has said in State of the Union Address after State of the Union Address that we have to curb the appetite for spending in Washington. And yet here in the fourth budget, the last budget of his first term—and, candidly, the most serious budget of his administration—he still has not found those items that he is willing to be honest with the American people about and say, we can't afford this, this puts our children and our grandchildren—and, in fact, our entire Republic—at risk.

Now, there's a lot of blame that goes on in this town, Madam Speaker. I don't take any pride in pointing out the challenges of other people's ideas, but I do take pride in pointing out the merit of our own ideas. What I have here, Madam Speaker, is another graphical representation of the tough choices that we in this House, Madam Speaker, with your support and my support and the support of Members on both sides of the aisles, the tough choices that we agreed to make on behalf of America.

What I have here is a chart that shows America's debt as a percentage of GDP, as a percentage of the entire economy. Down here in black, Madam Speaker, is the historic debt. You see

down here in the World War II era, the 1940s and coming down in the 1950s, this is the historic debt of America. During the global conflict that was World War II, we ran America's debt up to 100 percent of the size of the entire economy. Why? Because we were fighting a madman overseas and everything depended on us winning.

□ 1400

And so we borrowed to the hilt, Madam Speaker, 100 percent of GDP, to invest in the war effort that saved freedom around the globe.

Well, then we began to pay those debts down, Madam Speaker. Come forward to 2000, 2010. This red line is the current path of America. This red line—if, as the President dodged the tough decisions this year, if the Congress dodges those tough decisions, this red line represents where America is headed.

Here we have at 100, Madam Speaker, that level of debt during the largest conflict this world has ever seen, at which the freedom of the planet hung in the balance. We are headed to that level and higher, Madam Speaker, 100 percent higher, 200 percent higher, 300 percent higher, 400 percent higher, with absolutely no conflict of that size on the horizon. We're just spending it here. Not to fight a national emergency, not to rise to meet an international challenge, but just spending it here.

The green line here, Madam Speaker represents the plan that you and I and this House have passed. You know, it's the only budget that's passed anywhere in the city of Washington, D.C., in the last 3 years?

Only one budget has passed anywhere in the city of Washington, D.C., in 3 years, and it was this one, the one that we did right here, Madam Speaker, that changes the trajectory of America's economic path; that takes us from a path to ruin back to a path of possibility and opportunity, ultimately paying down our Federal debt.

Well, how did we do that?

We did that by making tough decisions. We did that by going into the budget and asking the question, how can we do better?

You know, Madam Speaker, in the great State of Georgia, if you talk to our Department of Transportation, they will tell you that we can build a Georgia road, same mile of pavement, same safety specifications, same everything, we can build a mile of Georgia highway for about 60 percent of the exact same mile of Federal highway?

Why? Because of the regulatory burden that begins in Washington, D.C., and flows downward. Because every agency that touches every dollar this town sends back to the people that it took those dollars from skims just a little bit off the top for administrative costs, just a little bit off the top.

We have to find ways to do better, and we have to find ways, Madam Speaker, to behave differently.

This is one example. How many town hall meetings, have you had, Madam Speaker, where folks have come up to you and said, dag gummit, Madam Speaker, I've paid into Medicare all my life. I need those benefits to be there for me when I retire. I hear that all the time.

Shoot, I've been paying into Medicare all my life. I need those benefits to be there too. I absolutely agree and understand why it is when folks have invested through their taxes, through their paychecks, in a promise that the government committed that would be there for them in their time of need, why it is that Americans believe the government should come through on that.

But there are things about Medicare we don't like to talk about, Madam Speaker. I have here a chart of Medicare revenue, where it is the dollars come in to pay for Medicare. Because if you haven't looked at the numbers recently, Madam Speaker, you know we're spending about 40 percent of every penny in the Federal Government, about 40 percent of every penny in Federal spending goes to Medicare and Medicaid. Medicare and Medicaid, just two programs, consume 40 percent of every dollar that we spend.

In 1964 there was no Medicare and Medicaid; didn't spend a penny in those directions. Now we spend 40 cents out of every dollar, and that number's growing.

Well, what you learn when you get to Congress, Madam Speaker, and you start going through all these committee hearings, is there's a lot that they didn't tell you back home. Medicare part A, that's the hospital program. That's the part for our parents and our grandparents when you go into the hospital. In fact, when we designed the Medicare program in 1965, as Americans, we said folks should not lose everything they have when they have a catastrophic illness and get hospitalized. We should have a support system to protect them in their time of need. And we did. We created Medicare part A. And that's what every working American, whether they started working at 15 or 16 or 17 or 18, they see that FICA line on their check, Madam Speaker, those dollars are coming out of every American's check, no matter how much they earn, all the way to the top of the income spectrum. Every paycheck has about 3½ percent taken out to fund Medicare.

Now, what happens? That amount that's taken out of all the American paychecks is represented in this light blue line here. It covers about 84 percent of Medicare part A costs, Medicare part A, this hospital insurance that we're providing. Every penny that we've taken from every American cov-

ers about 84 cents of the cost of the program.

But you know, after we created Medicare part A, Madam Speaker, we created Medicare part B. Medicare part B is funded with zero dollars out of your and my paycheck, zero dollars out of any paycheck of anyone in America. Not one penny in Medicare taxes is taken out to fund Medicare part B.

Now, we charge Medicare part B premiums, Madam Speaker. Part B is what pays for your doctor visits and supplies, things like that.

We ask Medicare beneficiaries to write the government a check to cover 25 percent of those part B costs. But the other 75 percent—74 here because there's a little interest that gets picked up in there—74 percent of all of those costs are picked up by the American taxpayer, just out of general revenues.

You wonder where the money goes. Understand, we have told America that you pay into Medicare, and so you shall receive from Medicare. You've paid in all your life so it will be there in your time of need, and so we will ensure that it is there in your time of need. But that's just Medicare part A, about \$200 billion.

Medicare part B is exactly the same size, at \$200 billion, and we never paid a penny for it, but the government is pushing all those dollars out the door.

Move on to Medicare part D, Madam Speaker. Medicare part D, that largest expansion of entitlement programs in the history of the country since 1967, implemented by a Republican Congress and a Republican President.

Yes, we charge Americans. We ask Americans to pay some beneficiary premiums to get Medicare part D. About 11 percent of all Medicare part D revenue comes from beneficiaries' premiums. Eighty-three percent is picked up by the American taxpayer at large. No one ever paid a penny out of their pocket to deposit in a trust fund for that benefit. It's just a benefit that sprang up out of thin air, Madam Speaker, and 83 percent of it is subsidized by American taxpayers across this country.

Now, I bring up these numbers for two reasons, Madam Speaker. Number one, because folks just don't know. Folks just don't know. You're at home, and you're talking about Medicare. You're looking at your paycheck. You see that you're paying Medicare taxes. You think those taxes are going into the trust fund to fund the Medicare program. Well, they are. They're just going into the trust fund to fund the Medicare part A program. Medicare part B and Medicare part D have absolutely no trust funds at all. They never have. They get funded out of general revenues. We have made promises to people about benefits that they will receive for which they never paid a penny.

Madam Speaker, we have \$16 trillion in debt that we're passing on to our children and our grandchildren. The days of being able to promise people something for nothing are long gone. We have to be able to have candid conversations with today's seniors, with tomorrow's seniors—I'm in my forties—with my generation, Madam Speaker, and we have to renegotiate the Medicare contract with folks my age and younger. We have to do it.

America cannot, Madam Speaker, sustain this path of debt. You know, I feel a little disingenuous putting this chart up here, Madam Speaker. This is the one of the current path of debt. The truth is, that if you're running the computer models, they really break down somewhere right about here. They really say that the laws of economics, what we know about the world banking system, what we know about commerce in this country, what they really say is right about here America's going to cease to exist anyway; that the numbers just don't work; that the economy just won't function; that America, as we know it, will be over here.

It's not going to get as bad as I've presented, Madam Speaker, because the Republic, as we know it, will have gone away.

You know, we talk so much about the debt limit on this floor, Madam Speaker, the debt limit, as if it's something that Congress passes. Every American knows a debt limit is not a law on a piece of paper. A debt limit is when you can't find anyone to lend you money anymore. The debt limit comes when the Chinese say, No, America, you're a bad credit risk, we're not going to give you anymore. When the Germans say, No, America, you're a bad credit risk, we're not going to give you anymore.

On the Budget Committee we had that hearing, Madam Speaker, and we brought in economists from the left and economists from the right, and we asked them all, folks, tell us how much longer do we have? When does the real debt limit get here, when the American economy can no longer find anyone willing to lend to them?

And this is what they said. Madam Speaker, the liberal economist that came to talk to us said we think you have 5 years, 5 years before that day comes. The conservative economists said we think you have 2 years before that day comes. So we have a window, Madam Speaker, between 2 and 5 years, when the entire economy is going to begin to come unraveled, when American jobs and businesses are going to be at risk, when our entire experiment as a Republic will be challenged.

□ 1410

The President in his budget this year introduced a \$2 trillion tax increase and found a way to save us just a little bit of money 9 years from now. Madam Speaker, we don't have 9 years.

Every day that passes makes the problem harder to solve. Every day that passes removes arrows from our quiver of solutions. Every day that passes threatens the survival of our Republic, and that is why we presented the path to prosperity, Madam Speaker, as a solution.

Madam Speaker, I thank you for providing me the time today to talk a little bit about this budget. I hope folks will go to the Web and learn for themselves the truth of the challenges facing this country.

I yield back the balance of my time.

PRODUCING AMERICAN ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Madam Speaker, it's always a pleasure to get to address the House in your presence.

I tell you what. There was quite an election in November of 2010. One of the results was a freshman named ROB WOODALL from Georgia, and the gentleman from Georgia does his constituents proud. It's a pleasure to serve with him.

His comments, most meaningful. When we think of what is going on today in the world of energy and the world of constitutional rights, in the world of religious freedom, there are things to be excited about, and there are things to be greatly saddened about.

When I came to Congress as a freshman, was sworn in in January of 2005, it looked like our days of being an energy giant in the world were over. Sure, we were the kings of technology, but we were hearing from people that use natural gas for most of the stuff it seems like—you look around the room and see whether it's plastics, or if you've got food, probably had fertilizer, natural gas used to make the fertilizer—it has had such a role in many things.

In recent months I've asked some scientists, do you see anything on the horizon that might replace natural gas for the use as a feed stock for so many things we make, and manufacture, in this country. I was told not for at least 30 years or so.

The amazing thing, though, in the last 7 years that should have everybody in America excited, is all the energy that's been found in America. Here we are having to all wring our hands, lower our heads, oh, woe is us, gas prices going up. We've got a President, unfortunately, seems like a nice fellow, but he doesn't know anything about energy other than what's handed to him that he could read about. I wish that it was otherwise, but the fact is he keeps making statements that are not borne out by the facts with regard to energy.

I've been excited as a member of the Natural Resources Committee to find out all of the things that are being found. In east Texas, where I am, we are fortunate because there was a natural gas formation that Louisiana was kind enough to share with us. It's called the Haynesville shale. For that reason, there's more natural gas being produced in east Texas than any of the other 31 congressional districts in America.

There's the Marcellus shale, Pennsylvania, runs up into New York State. But a massive natural gas formation. The ability of hydraulic fracking, which has never been shown by a single scientific study to pollute water, despite some of the stories—once they're investigated people find out they're not true. Because the purpose of hydraulic fracking is to push oil or natural gas out of the formation and up. There is a vested interest in making sure that everything is sealed thousands of feet below where drinking water would be found. There is no scientific study that finds hydraulic fracking has polluted drinking water.

Yet, you look at the things it's done. Depending on who you believe, we probably have at least 300 years of natural gas, even at an accelerated rate. People are now looking at having their cars running on natural gas.

Then, just when we think, well, natural gas is the thing of the future, now we've got 300 years in which to find a suitable alternative without bankrupting the country trying to create something in the way of solar power or wind power—one day solar power I think will be a very viable source, but in the meantime, this President, in supporting his cronies who are manufacturing solar panels, some of them not doing anything but enriching themselves—but the market will take care of these things.

When it is economically feasible and economically viable, then we'll see things like solar power become a reality. But it's no time soon. In the meantime, the President's friends are being enriched, the country is being taken to the poorhouse on a fast track. There is no need for that.

Natural gas is the cleanest burning form of energy we could hope for.

We're the largest repository of coal in the world.

Then we find all of this oil, this huge place in North Dakota. I've met with a third group now who tells me that in Utah, this hard reddish brown rock that you wouldn't think has oil, when put under intense heat, without oxygen, you get oil. They say it's \$60 a barrel. They can make \$10 or more a barrel. They're doing it right now in Estonia. The same kind of rock, the same kind of thing. Now the third group has told me they believe they think they can get 3 trillion barrels of oil from just one area of Utah. Then it goes into

northwest Colorado and southwest Wyoming, from what I'm told.

We know that there have been enough wells drilled in the Middle East that all the oil that is there, we pretty well know where it is. We have a good idea from the way the wells and the fields are being depleted about how much is left.

□ 1420

Information that I've been given indicates that there is probably somewhere around a trillion barrels of oil left in the Middle East—a trillion. Yet, in one area of Utah, we're told there may be three times that much. Sadly, however, this administration does what it has done repeatedly for over 3 years: they put more and more of our resources off limits. So when the President reads the teleprompter and says, There's just nothing I can do to change the price of gasoline, would that we could get information to him to show him how wrong that is. There is oil; there is natural gas; there is coal.

We've also been given the information that when gasoline hits \$4 a gallon, normally at least 25 percent to a third or so is purely speculation. So I realize the President wouldn't say there's nothing he can do about the skyrocketing price of gasoline. He surely means that, or I'm sure he wouldn't say it.

Yet the truth is, if the President were to go on television tonight and announce, Do you know what, folks? My Secretary of the Interior in January of 2009 immediately on coming into office announced that he was sending back the checks for leases in this small area. It may have involved some in northwest Colorado, but it was certainly in Utah. He sent back the checks and said that we're not going to allow leases on these areas that were let at the midnight hour by the Bush administration. Well, we'd give him the benefit of the doubt and just say, apparently he didn't know at the time what he was saying was not true.

Those leases, as he admitted in one of our hearings as I had to keep pushing to get the answer, were part of a 7-year process. Companies can't just come in and bid massive amounts of money on a lease on which they expect to produce oil or gas until they've had a chance to study the information. It was a 7-year process—not the midnight hour, but 7 years. Secretary Salazar finally admitted that. It was 7 years just to get to the point where people could bid on those leases—a massive amount of Federal land. The majority of Utah is Federal land. He put it off limits and returned the checks after the 7-year process was completed. Fortunately, during the prior 7, 8 years of the Bush administration, there were other areas where leases were let and permits were granted and drilling commenced.

I don't think we ought to be allowing anybody to drill who has had as many

safety violations as British Petroleum had in the gulf. If you can't have less than 800 egregious safety violations in your drilling, you've got no business drilling on American soil or over American waters. Yet they were allowed to drill when, during comparable times, Exxon and others had one, two, none. They had about 800.

It appears the reason they were allowed to keep going, even though there was such a great lack of safety, is that they were about to come out publicly as being a big energy company that embraced the President's cap-and-trade bill. That was going to be big news, so they didn't want to alienate a big energy company. Of course, they were going to be getting even richer dealing in the carbon credits. Consistent with the crony capitalism, they were going to be thrown lots of bonuses through that.

But anyway, this ought to be an exciting time in American history. We have energy galore. A man from China told me that he thought they had figured out what we were doing for our energy policy. We keep declaring all of our energy off limits, more and more of it. We don't use the energy we've got. We do have more energy, when you consider all of the resources, than any other country in the world.

While the President is busy out there deriding America for using too much energy, we make the world safer; we make the world more peaceable; we make the environment cleaner. When manufacturers leave America and go to other places in the world, they pollute four to 10 times more in most of the places that those manufacturers are going to. If you really care about the environment, then keep them here. Many of them are union jobs. You'd think the unions would embrace what we're trying to do rather than what the President is doing, but I understand loyalty runs deep.

We've got health care that has been rammed down the throats of Americans. The majority didn't want it. The elections revealed that in November of 2010. All of the polls revealed that throughout 2009 and 2010. We got it forced upon us when, really, what this government does best is play referee. It makes sure everybody is playing fair and playing by the rules. The problem is, when we become a player, when we become a coach and the referee, we're terrible at all three. When we get so involved in owning part of Wall Street that we're not watching what's going on, you have things like Madoff ripping people off right and left. We should be the referees, making sure everybody plays fairly—not the players, not the coaches, but the referees. The government, Federal Government especially, is a terrible coach when trying to tell people how to make a business work.

The best thing that could happen is if we get insurance companies out of the

health care management business that they're in now. They're really not in the insurance business anymore; they're in the health management business. If we don't get them back into the insurance business and out of managing our lives and our health, then they'll be out of business, and the government will take over it all just as ObamaCare anticipates. That's where it's all headed. If we don't get the Federal Government out of being a player and a coach and a referee in health care, then the government will ultimately be the only player and coach and referee, and that does not bode well for Americans.

We have a chance now, for the first time since the sixties, since Medicare was thought up, to allow our seniors to take control of their own health care and to give them the resources to do it. There would be nothing like a real test: Medicare here. If you want Medicare, have it just the way it is or we'll buy you health care, a private insurance policy; and we'll be referees and make sure they pay fair. We'll make it a high-deductible policy because those are so much cheaper. Then we'll give you cash in a health savings account that will be enough to cover the amount of your deductible each year.

In the end, it will be cheaper, and it will give people the dignity and patience—the control—of their health care so they don't have to beg the Federal Government, so they don't have to beg this board that ObamaCare has set up, so they don't have to beg some insurance company—please, please, let me have this treatment. You'll have insurance; you'll have the money to cover the high deductible; and we will move people into being in charge of their own lives, because the alternative is rather grim.

But let's be clear: this government wants to control people's lives. As soon as ObamaCare were to be fully operational, then the Federal Government has every right to tell people what they can eat; to tell people what medicines they can have; to tell people when they won't get that pacemaker, as the President told a lady at the White House during a town hall.

Maybe it's time we tell people like your mom, who would have 10 extra years of life with a pacemaker, you don't get the pacemaker—just take a pain pill. If we don't get this turned around, the government will have every right to tell you what to eat, what to drink, how much you have to exercise, what you can and can't do.

Our freedoms will be gone.

□ 1430

I've got a great quote here from one of the Founders, a man named Thomas Jefferson:

If people let the government decide what foods they eat and what medicines they take, their bodies will soon be in as sorry a

state as are the souls of those who live under tyranny.

Those that say: Gee, I want to have unlimited sex, and I want the government to pay for it. Somebody's got to. I want the government controlling my life. People that feel like they need the government telling them what to do whatever it is, whatever aspect of life.

Sam Adams is given credit as being one of the most influential Founders in giving us this great Nation:

If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that ye were our countrymen.

Now, once the government has the right to control everybody's health care, it will have the right to tell you what freedoms it will recognize and you can practice and which you can't. That's why one of the reasons ObamaCare is so objectionable. It's the government intrusion into so many areas of our lives.

The First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

We're not supposed to make a law prohibiting the free exercise of religion. ObamaCare does that. It gives this government the power to say: You know what? People ought to be able to get abortions paid for by the government, which means the taxpayers pay for it. They ought to be able to get contraceptives as they wish. So never mind the fact that right now if there is somebody in America that needs contraceptives, they can be obtained, plenty of sources, still the President feels the need to intrude upon religious belief and say: Folks, you can't practice this belief. If you believe abortion is murder, it's murder of an unborn child, well, I will tell you what we'll do. We'll just say your money doesn't go for abortions.

Yet in ObamaCare, it's very clear there will be clinics, there will be policies that will provide abortions, and people that pay into policies, those policies insure across the board and they will cover that. And money is fungible; it will be used for abortions; it will be used for contraceptives, even though there are people putting in money to the system that object and feel they are violating their religious beliefs.

So it struck me that the President recently found time to apologize to someone who had been up here on the Hill testifying, but he never found time to apologize to those whom he told: You cannot practice your religious beliefs. Oh, yes, he tried to make an ac-

commodation for a church and a hospital, but Catholics that have these closely held beliefs—I'm a Baptist, but, good grief, if you're going to tell a Catholic they can't practice their religion because, as some in this body have said, a majority think you shouldn't, you're going to tell people they can't practice their religious beliefs? For heaven's sake, at least give them an apology. But not so, no apology there. So I thought, well, maybe it would be helpful to track exactly what deserves apology and what doesn't.

Well, we remember when the President first came into office, the first thing he did was take what a lot of people refer to as the apology tour. He went around the world apologizing for America's arrogance toward countries where we had Americans buried who gave their last full measure of devotion to free those countries. But the President found time. Do they get an apology or no apology? Yes, you got an apology.

All right. There were Bush policies that our President said—toward countries that we actually give a tremendous amount of money to but who vote against us over half the time in the U.N. Do they get an apology? Bingo. He found time to give them an apology.

The family of Border Patrol Agent Brian Terry, murdered by an Operation Fast and Furious gun that our government forced to be sold to criminals, well, well, no time for an apology. They don't get one.

The CIA enhanced interrogation that saved lives and led to finding Osama bin Laden, we do have time to apologize to them. They get one. All right.

Detaining terrorists who killed or conspired to kill Americans at Guantanamo, even though there hasn't been a single incident of waterboarding or torturing of any kind remotely at Guantanamo, even though when they throw feces or urine on our guards, we will take away 2 hours of their movie watching, still, they get an apology from this White House.

The accidental 2012 burning of these Korans that were desecrated by the writing of detainees, yes, they got an apology.

The families of the American soldiers who were killed after President Obama said he "calmed things down" by apologizing to Afghanistan. No, didn't get an apology. No apology there. Our own soldiers, but, no, no apology.

Death of two Pakistani soldiers in Pakistan and the death of four other Pakistanis in 2010 when a plane, we were told, made a mistake. Yes, Pakistanis, they get apology; but Americans don't, Pakistanis do.

The President's support for the Ground Zero mosque at 2010 White House Iftar dinner opposed by most Americans, including 9/11 survivors, most Americans didn't want a mosque at Ground Zero. The President said it

was a matter of religious freedom. So, basically, the word "apology" I don't believe was used, but it was an apology. We believe in them being allowed to do that, even though it offends most Americans and victims' families, yes, yes. They were at the White House hearing how sorry he was that Americans opposed that.

Comments in 2011 that Israel should return to its 1967 borders that would have subjected it to relentless attacks and vulnerability, as Prime Minister Netanyahu explained, no, Israel doesn't get one. No apology for Israel.

His good friends Bill Ayers and Bernadine Dohrn, the first people to have a fundraiser at their house for him, they were part of a radical left-wing group, Weather Underground, detonated a bomb at the Pentagon in 1972. And we know there are still people serving in the military that were around when the Pentagon was attacked by his biggest, earliest supporters. They don't get an apology. No apology there.

Ordering many Christians to violate their religious beliefs and pay for abortion, drugs, and contraceptives, no, no apology there. Violates your religious beliefs; too bad, no apology.

Comments by President Obama and President Sarkozy in 2011 at the G-20 summit where they belittled Prime Minister Netanyahu. He's Israeli. No apology for that.

□ 1440

Comments made by Rush Limbaugh in his radio program about pro-abortion activist and Georgetown law student Sandra Fluke, yes, the President found time for that apology.

The President's support for not allowing nurses to save babies that were born alive after a botched abortion, we've heard from some of those—at least one of those nurses—how brokenhearted they were sitting there and being forced to watch a baby die. No apology for those folks.

Attendance for 20 years at Trinity United Church of Christ where radical pastor Reverend Jeremiah Wright used racial and anti-Semitic terms, inflammatory rhetoric and insulting comments about Hillary Clinton from his pastor—I believe the comment was he could no more disown that fine gentleman, which he later did. No apology for anybody offended by that.

And inflammatory and indecent comments of one of President Obama's biggest supporters, Bill Maher, regarding Sarah Palin and MICHELE BACHMANN, tens of times worse than anything Rush Limbaugh would have ever dreamed of saying. That's right, no apology for that.

So I think it helps to chronicle exactly what deserves an apology from the White House these days, you know, just so we know where policies lie and where this President stands and with whom he stands.

And with that, Madam Speaker, I yield back the balance of my time.

PUBLIC POLICY ISSUES

The SPEAKER pro tempore (Ms. HAYWORTH). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 30 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, I yield to the distinguished gentleman from Indiana (Mr. BURTON).

CONGRATULATING JOE QUATTRONE

Mr. BURTON of Indiana. I thank my colleague from Texas, and I would like to say that she is a pleasure to travel with. She is a real gentlelady.

The reason I take the floor for just a couple of minutes is one of our dearest friends in the Capitol is a fellow named Joe Quattrone. He is a barber down in the House barber shop, and on March 1 he celebrated 42 years cutting hair in the Capitol of the United States. He came to the United States when he was 18 years old from Italy. He said he has lived the American Dream, and he's one of the nicest people that I think you'll ever meet.

Everybody who has ever worked with him or had their hair cut by Joe understands that he is a very caring person and one that they respect. He has cut the hair of every Speaker of the House except two—NANCY PELOSI, and I don't think she goes to the men's barber shop; and JOHN BOEHNER, the current Speaker. And I'm going to talk to Speaker BOEHNER as soon as we get back from break and get him down there so Joe can say he's cut every Speaker's hair since he has been a barber at the House barber shop.

He has cut the hair of Vice Presidents, Presidents, the President of Italy, the Secretary of Transportation, ambassadors, Governors, admirals, Chairman of the Joint Chiefs of Staff; but his favorite person, besides me, is Tip O'Neill, the Speaker of the House when Tip was the Speaker sometime back.

He worked before he came here at Andrews Air Force Base and the Pentagon.

I would just like to say to Joe the Barber, because I'm going to give him a copy of this floor statement, Madam Speaker, that he has been a credit to the institution of Congress. He is liked by everybody who has ever been in his chair, and I just want to congratulate him on 42 years of working here in the Capitol. And I don't think anybody has ever complained about him. He's really a nice guy. He started March 1, 1970, and he's here now 42 years later.

I just say Joe, congratulations. I'll be down to see you in 2 weeks.

Ms. JACKSON LEE of Texas. I was very happy to yield to the gentleman, and I indicated to you in the spirit of bipartisanship, although I've not had

the privilege of having Joe cut my hair, let me congratulate Joe the Barber because he is the epitome of a public servant. He has worked for this august institution for 42 years, and I'm very proud to say that he can claim that he has cut the hair of all of our Speakers. And I don't think our Speaker, who has outstanding Italian heritage, our former Speaker, Speaker PELOSI, would in any way shy away from congratulating this distinguished gentleman who came to this country and literally is a walking, if you will, American Dream.

So I want to congratulate you, Joe the Barber, on behalf of a bipartisan Congress and join my colleague, Mr. BURTON, in congratulating you for your service. You are truly a public servant, an inspiration to all of your family members, and we wish you a long life.

Again, congratulations for 42 years to Joe the Barber.

With that, I will continue my remarks and thank the Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Ms. JACKSON LEE of Texas. Madam Speaker, I look forward to addressing these very important issues to you, and certainly we want to make sure that we address questions.

In the coming weeks, we will be discussing the attributes of the Affordable Care Act, and I will look forward to coming to the floor of the House and again acknowledging how much money the Affordable Care Act, the health care act, has in fact saved this Nation: how it has preserved Medicare, how we focus on medical education, medical school education, medical providers' education, how we have talked about issues dealing with health care disparities, and in particular how we have expanded the community health clinics that have saved lives, how we have worked on issues dealing with children's health care, how we have provided access to health care for many, many people.

That allows me, or calls upon me, to again follow up to again distinguish the Georgetown law student who spoke before Members of Congress who got in the crosshairs of a commentary that was not very flattering. I just want to distinguish the commentary that came against the Georgetown law student from comments that will be made by entertainers and others across the Nation in the course of their comedic work.

The question about the Georgetown law student, Madam Speaker, was that she was called before Members of Congress to speak. She was not speaking on a television program or an interview. She was actually called by Members of Congress to testify to the question of access of health care to women.

And I will tell you that right now documentation shows that women who

are 24 years old and above, their health plans today cost 84 percent more than a male similarly situated. So we know without health insurance how devastating it would be for women not to have health insurance.

Many of the Planned Parenthood family clinics and others are focused on health care. We want to have a firewall, as Planned Parenthood has, and that is that the firewall is that access to health care is a distinguishable factor of their service, and that's what this young woman was speaking about, the importance of access to health care.

It was in the course of that testimony that made her a victim of public ridicule. That's why I believe President Obama appropriately acknowledged the right of a citizen to petition his or her government and that if they do so, they should not be subject to public ridicule. There lies the basis of the President of the United States calling this Georgetown law school student. And I applaud that because no matter how high you are, the highest office in the land, the Commander in Chief, isn't it appropriate, isn't it befitting of an individual who represents all of the people of the United States to have the humanity to be able to call people, citizens, families, when they are at their lowest ebb, when they have been in the course of public service or they have been in a position of presenting their public case to the United States Congress or even to the President of the United States of America.

□ 1450

I hope that we, no matter what our position and station in life, particularly those of us who hold roles in the most powerful lawmaking body of the world, the United States Congress—the highest office is considered the Commander in Chief, also the leader of the free world—that we would have the capacity to offer an apology to someone who has felt offended.

I want to move into an apology that I want to offer, and that is to the families in my district whose loved ones have been buried in our veterans' cemetery in Houston, off of Veterans' Memorial, who have now faced this tragic circumstance of having headstones misplaced or moved. I don't think there should be any tolerance for that. I believe that when an individual takes an oath to serve in the United States military, for those who, through God's grace, are able to return from battlefields, who are able to retire out of the military as veterans, that we owe them a great deal of respect for their benefits. And then to those families who experience a fallen loved one, either in battle or that they ultimately die as a veteran of the United States military, they should expect that the sacredness of their burial be respected.

I will be visiting our cemetery in Houston, Texas, and asking, Can we

not get it right? Can we not fix the problem that moves headstones, that has misplaced headstones and mislabeled headstones? I frankly believe that our men and women in the United States military deserve better, and I'm going to ask for better and insist on that.

I have been working over the last couple of weeks meeting with a very prominent Syrian American in my district, having met with him and others in months past on this whole question of Syria. Just last week, I presented a letter to the representative of the Syrian Embassy demanding that President Assad resign and step down from office, demanding that the Red Cross be allowed, at that time, to come in and provide humanitarian relief, demanding that women and children be protected and taken to safe places so they could receive health care and food, and, at that time, asking for the respectful removal of the deceased, the bodies of the two fallen Western reporters and the others that have been wounded.

Some progress has been made. In the immediate hours of that visit, we saw that the Red Cross and the Red Crescent were able to come in, or the International Red Cross. Then shortly thereafter we saw that Syrian forces were bombing the humanitarian relief efforts. And we heard an interview from one of the Western reporters that clearly indicated that the two reporters that died were actually murdered, because the Syrian forces actually targeted the location where they were, where journalists were. Everyone knows that there is an effort to maintain a firewall or respect for journalists no matter where they are, on a battlefield or in the area. It's known where they are allegedly trying to be in a safe place, and then you directly bomb that area, then you know that there's certainly basis for someone, an interview that took place on CNN that indicated that they thought it was direct murder. However we define it, we know that there is enormous loss of life.

I want to just say that having had the privilege of serving on the Foreign Affairs Committee, now a ranking member on the Subcommittee on Homeland Security, having served on that committee for a number of years since 9/11, the tragedy of 9/11, having gone to a number of war zones, from Bosnia to Kosovo, Afghanistan, Iraq, having gone to Mumbai right after the horrific terrorist bombing, and knowing what conflicts around the world mean in terms of either sending our military personnel, or even after we engage. If you look at the NATO engagement, which included the United States and Libya, there are many who will say right now, look at the confusion. But I think it's important to understand that the intent of the NATO allies was to stop the brutality.

The aftermath we would want to be better. We would want there to not be the conflict that is going on, the tribal conflict, the instability of the Libyan Government as we speak. To be very truthful with you, of course we don't want that to be happening. But no one took to the NATO alliance or took to the air to bomb Libya in agreement in a coalition to create confusion afterward. The call and the response was to stop what was the apparent slaughter and the killing of Libyan citizens en masse.

We know it is not perfect now. Iraq is not perfect, frankly, and we made it worse by going into Iraq because at that time there was not that kind of immediate conflict. But that was the basis for Libya.

Now we have a situation where the argument is that Syria is too complicated, in the region that it's in, the impact of a direct hit is too complicated. Today, I am calling upon the very body that was established at the very end of the 1940s after we ended World War II, another horrific and heinous world conflict which we did not expect, based upon historical perspectives when many argued that World War I was the "War to End All Wars," and, of course, that did not happen, and we've had conflicts and wars since.

But right now, the brutality of violence against the Syrian people, the desperation of killing children in the streets, of slaughtering babies and of not allowing the wounded to get health care, calls upon the world to respond. And I think it is very clear that it is complex enough that a direct attack by the United States, as the administration has acknowledged, would not be appropriate. A direct attack, a direct hit by the United States may not get the results that we would like. But there is no doubt that we cannot leave in good conscience this Congress without someone calling for an immediate response and relief from the United Nations, which was organized to draw together world support.

Whether it is appropriate for U.N. peacekeepers, whether it is appropriate for the U.N., working with some of the Arab States out of the Arab League, it is absolutely ludicrous, tragic, disastrous, and heinous for us to watch night after night the violence that is going on against the Syrian people.

One may argue that there is violence everywhere. But it is a call upon our humanitarian position in the world to be able to call out for assistance. So, today, I am calling for actions by the United Nations in establishing or reaching out for a coalition that would provide military response. What does that mean? Providing weapons, if you will, so that those individuals who are defending themselves against slaughter—let's be very clear. These individuals are trying to defend themselves against slaughter, one city after an-

other is under direct attack by the Syrian national forces, ordered by President Assad, who refuses to leave, and no one has been able to make him leave. The violence and the bloodshed continues on and on and on and on.

So I don't think that we can stand and do nothing. I have already indicated I fully understand that a direct hit by the United States would not be the appropriate direction to take. But that does not leave us helpless, and it does not leave the United Nations helpless. And as a Member of Congress who has supported the United Nations over and over again for the value of its presence in terms of a world force, to insist upon some coming together of nations to the Secretary-General—don't shame yourself with inaction. Don't shame the United Nations with inaction by not calling upon those who have resources in the region to be able to prevent those rebels, or those who are defending themselves, or those men and young boys who are defending themselves, who are picking up sticks and whatever they are using, from being slaughtered in the streets, from having amputated legs, from having no ability to be able to attend to the wounded.

□ 1500

Today, March 8, it is imperative that you begin to assess the violent situation and you stop this slaughter now.

As we leave to work in the districts, I will be pushing back on this issue, continuing to push back to the United Nations, asking the Arab League for their help through different states to provide this care.

How do I put a backdrop on this? This happens to be the week in which we commemorate what we call, in this Nation, Bloody Sunday. For many who don't understand that date, it was yesterday. It was the day that those individuals who were pleading for the right to vote in this country—similar to the concept of democracy and freedom, in a different way, in a different era, the Syrians are saying that they are oppressed by this regime. But in the day that we were in the midst of civil rights, there were regions and places and people that could not vote in this country; and so citizens from all back-grounds took to Selma, Alabama, and proceeded nonviolently after being violently pushed back and, in essence, bloodied, came back and walked peacefully over that bridge in Selma, Alabama, which was commemorated last Sunday, but the actual date was this Wednesday. I will be commemorating it Houston, Texas, on this Sunday, March 11.

But the concept simply was, when people felt that they were oppressed, in this Nation they found a way to find relief through a nonviolent approach. Ultimately, as those who are historians will know, we passed, in a bipartisan way, with the signature of President

Lyndon Baines Johnson, both the 1964 Civil Rights Act and the 1965 Voting Rights Act, which I maintain today is a protector of every citizen's right to vote no matter what your racial background, where you live. The Voting Rights Act simply says: One person, one vote. We protect you. We protect America. We believe in voting.

We have since tried to expand that to ensure that there are election laws that don't stop people or oppress people from voting, and any number of things, like voter IDs, when there is no fraud. Where people have a registration card and have lived in the community, we should be allowing citizens to vote.

But I put that in the context, because now this is 2012, and I think Americans feel with some, if you will—how shall I call it?—some mishaps and laws that probably don't work, that we can vote. Well, just think of a society that feels that they can't speak, that they cannot act upon a free government. Just think of that kind of society. And then you want to petition your government, and what happens? What happens, you're slaughtered. You're slaughtered.

There is no peaceable marching, because if you studied Syria, you will know that they started peaceably marching. What happened? The Syrian forces came and attacked them with weaponry and with violence. They killed them, plain and simple, when they were marching for freedom.

So I would ask that we, again, not allow this to happen. I will proceed with my petitioning to the United Nations. I will be prayerful as well, because as we stand here today, I will assure you that there are those in Syria that are dying as I am on this floor today, that there are those that are losing their lives, that they are being attacked by the Syrian national forces who are killing people in the street. I don't think that we can allow that to occur anymore in this month when we celebrate Women's History Month and the fact that we've celebrated some of the women peacemakers. Right now, today, women are being wounded, women are being hurt, their children are being hurt in Syria.

I want to thank the Speaker for yielding this time and allowing me to call upon the good graces of the international family to be able to lift up the souls and the spirits and the lives of the Syrian people.

As you reflect on this, let me just say, when you thought there was no hope—and you can look at the Arab Spring, although governments are not perfect and we are struggling for these governments, such as Egypt and others, to establish themselves, who would have ever thought that individuals could have brought about a change in Egypt and Tunisia and Libya? Who would have ever thought that democracy would be raising its head? As difficult as it is, don't give up on the Syr-

ian people. Don't give up on those children, those babies, those young men, those men and those families. Don't give up on Syria, and don't stand by idly while bloodshed continues and Syrians are slaughtered in the street.

I look forward to a final relief and a lifting of our humanitarian spirit as we, as a Nation, celebrate the democracy and the freedom in which we are able to live.

I yield back the balance of my time.

COMMUNICATION FROM DISTRICT REPRESENTATIVE, THE HONORABLE SHELLEY BERKLEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jan Churchill, District Representative, the Honorable SHELLEY BERKLEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 24, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the Las Vegas Justice Court, for witness testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JAN CHURCHILL,
District Representative.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of personal reasons.

ADJOURNMENT

Ms. JACKSON LEE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, March 9, 2012, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5217. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule — Business Conduct Standards for Swap Dealers and Major Swap Participants With Counterparties (RIN: 3038-AD25) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5218. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Fluopyram; Pesticide Tolerances [EPA-HQ-OPP-2009-0364; FRL-9336-9] received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5219. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metaflumizone; Pesticide Tolerances [EPA-HQ-OPP-2008-0168; FRL-9333-4] received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5220. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mevinphos; Order Revoking Tolerances [EPA-HQ-OPP-2010-0423; FRL-9338-3] received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5221. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flazasulfuron; Pesticide Tolerances [EPA-HQ-OPP-2010-0494; FRL-8883-1] received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5222. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Investment Adviser Performance Compensation [Release No. IA-3372; File No. S7-17-11] (RIN: 3235-AK71) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5223. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Hazardous Substances; Designation, Reportable Quantities, and Notification [EPA-HQ-SFUND-2011-0965; FRL-9635-9] received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5224. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Hawaii State Implementation Plan [EPA-R09-OAR-2012-0082; FRL-9634-1] received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5225. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's "Major" final rule — Revisions to Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone [EPA-HQ-OAR-2009-0491; FRL-9631-8] (RIN: 2060-AR22) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5226. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's "Major" final rule — Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Part II [EPA-HQ-OAR-2009-0491; FRL-9632-8] (RIN: 2060-AR35) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5227. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-319, "Uniform Collaborative Law Act of 2012"; to the Committee on Oversight and Government Reform.

5228. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 19-320, "District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

5229. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Clarification of Policy Regarding 14 CFR part 135 Approved Training Programs [Docket No.: FAA-2011-1397] received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5230. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Enstrom Helicopter Corporation Helicopters [Docket No.: FAA-2011-1382; Directorate Identifier 2011-SW-053-AD; Amendment 39-16900; AD 2011-26-10] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5231. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0996; Directorate Identifier 2011-NM-068-AD; Amendment 39-16899; AD 2011-26-09] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5232. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes [Docket No.: FAA-2011-0919; Directorate Identifier 2010-NM-088-AD; Amendment 39-16903; AD 2011-27-02] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5233. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) GE90-110B1 and GE90-115B Turbofan Engines [Docket No.: FAA-2011-0278; Directorate Identifier 2010-NE-10-AD; Amendment 39-16901; AD 2011-26-11] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5234. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines [Docket No.: FAA-2011-1341; Directorate Identifier 2011-NE-41-AD; Amendment 39-16891; AD 2011-25-51] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5235. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines Turbofan Engines [Docket No.: FAA-2010-0494; Directorate Identifier 2010-NE-20-AD; Amendment 39-16884; AD 2011-25-08] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5236. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH Reciprocating Engines [Docket No.: FAA-2009-0948; Directorate Identifier 2009-NE-30-AD; Amendment 39-16906; AD 2010-06-12R1] (RIN: 2120-AA64) received February 13, 2012,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5237. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turbofan Engines [Docket No.: FAA-2010-0904; Directorate Identifier 2010-NE-33-AD; Amendment 39-16902; AD 2011-27-01] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5238. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Airplanes Equipped with a Certain Supplemental Type Certificate (STC) [Docket No.: FAA-2011-1420; Directorate Identifier 2011-CE-035-AD; Amendment 39-16905; AD 2011-27-04] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3992. A bill to allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel (Rept. 112-410). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1741. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, to provide for immediate dissemination of visa revocation information, and for other purposes; with an amendment (Rept. 112-411, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Homeland Security discharged from further consideration. H.R. 1741 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL (for himself, Mr. DAVIS of Illinois, and Mr. COLE):

H.R. 4165. A bill to amend title XVIII of the Social Security Act to cover screening computed tomography colonography as a colorectal cancer screening test under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. ELLISON, Mr. KEATING, Mr. QUIGLEY, and Mr. McDERMOTT):

H.R. 4166. A bill to amend the Toxic Substances Control Act to prohibit the manufacture, processing, distribution in commerce, and use of coal tar sealants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARROW:

H.R. 4167. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit for increasing employment; to the Committee on Ways and Means.

By Mr. GUINTA (for himself, Mr. BASS of New Hampshire, Mr. OWENS, Mr. RYAN of Ohio, Mr. MICHAUD, and Mr. TURNER of New York):

H.R. 4168. A bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Philippines; to the Committee on Veterans' Affairs.

By Mr. McGOVERN (for himself, Mr. WOLF, Mr. CAPUANO, Ms. LEE of California, Mr. MILLER of North Carolina, Mr. OLVER, and Ms. JACKSON LEE of Texas):

H.R. 4169. A bill to require the development of a comprehensive strategy to end serious human rights violations in Sudan, to create incentives for governments and persons to end support of and assistance to the Government of Sudan, to reinvigorate genuinely comprehensive peace efforts in Sudan, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLARKE of Michigan:

H.R. 4170. A bill to increase purchasing power, strengthen economic recovery, and restore fairness in financing higher education in the United States through student loan forgiveness, caps on interest rates on Federal student loans, and refinancing opportunities for private borrowers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Foreign Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Georgia (for himself, Mr. WALBERG, Mrs. BACHMANN, Mr. KINGSTON, Mr. GINGREY of Georgia, Mr. HARRIS, and Mr. PETERSON):

H.R. 4171. A bill to amend the Lacey Act Amendments of 1981 to repeal certain provisions relating to criminal penalties and violations of foreign laws, and for other purposes; to the Committee on Natural Resources.

By Mr. HECK:

H.R. 4172. A bill to authorize the Secretary of Housing and Urban Development to insure mortgages that provide former homeowners who are a reasonable credit risk a second chance at homeownership; to the Committee on Financial Services.

By Ms. LEE of California (for herself, Mr. JONES, Mr. CONYERS, Ms. WOOLSEY, Mr. KUCINICH, Ms. WATERS, Mr. STARK, Mr. ELLISON, Mr. FILNER, and Ms. JACKSON LEE of Texas):

H.R. 4173. A bill to direct the President of the United States to appoint a high-level United States representative or special

envoy for Iran for the purpose of ensuring that the United States pursues all diplomatic avenues to prevent Iran from acquiring a nuclear weapon, to avoid a war with Iran, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. ELLMERS:

H.R. 4174. A bill to amend the Transportation Equity Act for the 21st Century with respect to the Interstate System Reconstruction and Rehabilitation Pilot Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DENT (for himself and Mr. ANDREWS):

H.R. 4175. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUTHERLAND:

H.R. 4176. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. SCHILLING (for himself, Mr. ALTMIRE, and Mr. DAVIS of Kentucky):

H.R. 4177. A bill to amend title 10, United States Code, to provide equity between regular and reserve component members of the Armed Forces in the computation of disability retired pay for members wounded in action; to the Committee on Armed Services.

By Mr. TURNER of Ohio (for himself, Mr. BROOKS, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. FORBES, Mr. FLEMING, Mr. REHBERG, and Mr. MILLER of Florida):

H.R. 4178. A bill to strengthen the strategic force posture of the United States by ensuring the safety, security, reliability, and credibility of the nuclear weapons stockpile; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 4179. A bill to strengthen the multilateral sanctions regime with respect to Iran, to expand sanctions relating to the energy sector of Iran, the proliferation of weapons of mass destruction by Iran, and human rights abuses in Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. PENCE, Mr. GARRETT, Mr. PETRI, Mr. ROKITA, Mr. FLORES, Mr. KINGSTON, Mr. MULVANEY, Mr. FLAKE, Mr. LANKFORD, Mr. PITTS, Mr. FRANKS of Arizona, Mr. FLEMING, Mr. GOWDY, Mr. BURGESS, Mrs. LUMMIS, Mr. WALSH of Illinois, Mr. RIBBLE, Mr.

DUNCAN of South Carolina, Mr. JONES, Mr. COLE, Mr. LAMBORN, Mr. PEARCE, Mr. MANZULLO, Mr. MCCLINTOCK, and Mr. SULLIVAN):

H.R. 4180. A bill to amend the Federal Reserve Act to improve the functioning and transparency of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 4181. A bill to amend title 9, United States Code, to exclude employment contracts and employment disputes from such title; to the Committee on the Judiciary.

By Mr. GOHMERT (for himself, Mr.

BARTON of Texas, Mrs. HARTZLER, Mr. PITTS, Mrs. BACHMANN, Mrs. SCHMIDT, Mr. STUTZMAN, Mr. WOODALL, Mr. CHABOT, Mr. FLEMING, Mr. CULBERSON, Mr. SCALISE, Mr. ROE of Tennessee, Mr. FLEISCHMANN, Mr. HUNTER, Mr. FORBES, Mr. FRANKS of Arizona, Mr. HARRIS, Mr. CAMPBELL, Mr. HUELSKAMP, Mr. NUNNELEE, Mr. FLORES, Mr. BRADY of Texas, Mr. RIBBLE, Mrs. LUMMIS, Mr. LANKFORD, Mr. NEUGEBAUER, and Mr. COLE):

H.R. 4182. A bill to direct the Architect of the Capitol to acquire and place a historical plaque to be permanently displayed in National Statuary Hall recognizing the seven decades of Christian church services being held in the Capitol from 1800 to 1868, which included attendees James Madison and Thomas Jefferson; to the Committee on House Administration.

By Mr. ISRAEL (for himself, Mr. CLYBURN, and Mr. LARSON of Connecticut):

H.R. 4183. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on House Administration.

By Mr. LANGEVIN:

H.R. 4184. A bill to amend title 10, United States Code, to require contractors and subcontractors working on military construction projects to comply with licensing requirements for employees working at the project location; to the Committee on Armed Services.

By Ms. MATSUI (for herself and Mrs. CAPPS):

H.R. 4185. A bill to direct the Administrator of the Small Business Administration to establish a loan guarantee program to assist small business concerns that manufacture clean energy technologies in the United States, and for other purposes; to the Committee on Small Business.

By Mr. NUGENT:

H.R. 4186. A bill to amend title 5, United States Code, to eliminate the provision of law preventing certain State and local employees from seeking elective office, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PEARCE:

H.R. 4187. A bill to direct the Secretary of the Interior to place certain lands in trust for the Zuni Tribe and Navajo Nation and for other purposes; to the Committee on Natural Resources.

By Mr. ROSS of Florida (for himself, Mrs. ADAMS, and Mr. RIBBLE):

H.R. 4188. A bill to reduce the discretionary spending limit for the Department of Defense for fiscal year 2013 by an amount equal to the amount obligated by the Department in fiscal year 2012 to provide recreational facilities to Guantanamo detainees; to the Committee on the Budget, and in addition to the

Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio:

H.R. 4189. A bill to require the Secretary of Defense to provide an annual certification that all programming on the American Forces Radio and Television Service represents the best-faith efforts by the Department of Defense to provide programming for members of the Armed Forces and their families that communicates the policies, priorities, programs, goals, and initiatives of the Department while avoiding airing programming that exhibits values contrary to the values of the Armed Forces and the United States; to the Committee on Armed Services.

By Mr. SCHIFF:

H.R. 4190. A bill to enhance criminal penalties for straw purchasers of firearms; to the Committee on the Judiciary.

By Mr. SCHRADER (for himself and Mr. CHABOT):

H.R. 4191. A bill to amend the Federal Credit Union Act and the Small Business Act to improve small business lending, improve cooperation between the National Credit Union Administration and the Small Business Administration, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. BERMAN, Mr. DUNCAN of Tennessee, Mr. ANDREWS, Ms. BORDALLO, Mr. CRITZ, Mr. LARSEN of Washington, Ms. PINGREE of Maine, Mr. GEORGE MILLER of California, Mr. JOHNSON of Georgia, Mrs. DAVIS of California, Mr. REYES, Ms. SPEIER, Mr. FILNER, Mr. RUSH, Mr. COURTNEY, Mr. CAPUANO, Mr. FARR, Mr. JOHNSON of Illinois, Mr. MORAN, Mr. WAXMAN, Mr. TONKO, Mr. PRICE of North Carolina, Ms. HAHN, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mr. WELCH, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. MICHAUD, Mr. HIGGINS, Mr. HOLT, Mrs. CAPPS, Ms. MCCOLLUM, Ms. HIRONO, Mr. DOGGETT, and Mr. INSLEE):

H.R. 4192. A bill to amend the National Defense Authorization Act for Fiscal Year 2012 to provide for the trial of covered persons detained in the United States pursuant to the Authorization for Use of Military Force and to repeal the requirement for military custody; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STIVERS:

H.R. 4193. A bill to provide that there shall be no net increase in the acres of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, or the Forest Service unless the Federal budget is balanced for the year in which the land would be purchased; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4194. A bill to amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. REHBERG:

H. Res. 578. A resolution supporting the goals and ideals of National Right to Keep and Bear Arms Week; to the Committee on Oversight and Government Reform.

By Ms. HERRERA BEUTLER (for herself, Mr. HASTINGS of Washington, Mrs. McMORRIS RODGERS, Mr. DICKS, and Mr. LARSEN of Washington):

H. Res. 579. A resolution expressing the sense of the House of Representatives regarding hydroelectric power; to the Committee on Energy and Commerce.

By Mr. QUIGLEY:

H. Res. 580. A resolution to prohibit the use of the Members' Representational Allowance for air travel expenses of any individual unless the individual provides an itemized description of the expenses, including the specific flight number, and uses a credit card provided by the House of Representatives to pay for the expenses; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HALL:

H.R. 4165.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1, U.S. Constitution.

By Mr. DOGGETT:

H.R. 4166.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BARROW:

H.R. 4167.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this bill rests is Clause 1 of Section 8 of Article I of the Constitution of the United States.

By Mr. GUINTA:

H.R. 4168.
Congress has the power to enact this legislation pursuant to the following:
per Article I Section 8

By Mr. McGOVERN:

H.R. 4169.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18—And Article I, Section 8, CLAUSE 3

By Mr. CLARKE of Michigan:

H.R. 4170.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the Constitution.

By Mr. BROUN of Georgia:

H.R. 4171.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among

the several States, and with the Indian Tribes;

By Mr. HECK:

H.R. 4172.
Congress has the power to enact this legislation pursuant to the following:
Section 8, Article 1

By Ms. LEE of California:

H.R. 4173.
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mrs. ELLMERS:

H.R. 4174.
Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. DENT:

H.R. 4175.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the U.S. Constitution.

By Mr. SOUTHERLAND:

H.R. 4176.
Congress has the power to enact this legislation pursuant to the following:

Section. 8. Clause 1 of the Constitution: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. SCHILLING:

H.R. 4177.
Congress has the power to enact this legislation pursuant to the following:

Pursuant to the power granted to Congress under Article I, Section 8, Clauses 12, 13, 14, and 16 of the United States Constitution the bill is authorized by Congress' power over the care of the Armed Forces.

By Mr. TURNER of Ohio:

H.R. 4178.
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress "to provide for the common Defence", "to raise and support Armies", "to provide and maintain a Navy" and "to make Rules for the Government and Regulation of the land and naval Forces" as enumerated in Article I, section 8 of the United States Constitution.

By Mr. SHERMAN:

H.R. 4179.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8

By Mr. BRADY of Texas:

H.R. 4180.
Congress has the power to enact this legislation pursuant to the following:

The United States Constitution provides the legal foundation for the Federal Reserve in Article I, Section 8, Clause 5, which gives Congress the power "to coin money [and] regulate the value thereof," and Clause 18, which gives Congress the power to make laws "necessary and proper for carrying [out] the foregoing powers."

For a more thorough legal brief on power of the federal government to charter a central bank, see Alexander Hamilton, "Opinion

on the Constitutionality of a National Bank" in Alexander Hamilton: Writings (New York: Literary Classics, 2001), pp. 613–646.

By Mr. ANDREWS:

H.R. 4181.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3.

By Mr. GOHMERT:

H.R. 4182.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17, providing Congress with exclusive jurisdiction over the District of Columbia.

Article I, Section 8, Clause 18, providing Congress with the authority to enact legislation necessary to execute one of its enumerated powers, such as Article I, Section 8, Clause 17.

By Mr. ISRAEL:

H.R. 4183.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution.

By Mr. LANGEVIN:

H.R. 4184.
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Ms. MATSUI:

H.R. 4185.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. NUGENT:

H.R. 4186.
Congress has the power to enact this legislation pursuant to the following:

Amendment I to the United States Constitution, which states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

By Mr. PEARCE:

H.R. 4187.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. ROSS of Florida:

H.R. 4188.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 of the Constitution; "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law, and a regular Statement and Account of Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. RYAN of Ohio:

H.R. 4189.
Congress has the power to enact this legislation pursuant to the following:

The attached legislation is based upon the following Section 8 statement:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

By Mr. SCHIFF:

H.R. 4190.
Congress has the power to enact this legislation pursuant to the following:

The Straw Purchaser Penalty Enhancement Act is constitutionally authorized under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Necessary and Proper Clause supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text. Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

By Mr. SCHRADER:

H.R. 4191.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SMITH of Washington:

H.R. 4192.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution, and Amendments IV and V to the Constitution.

By Mr. STIVERS:

H.R. 4193.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. YOUNG of Alaska:

H.R. 4194.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mrs. CAPPS.
H.R. 104: Mr. LARSEN of Washington.
H.R. 192: Ms. MOORE.
H.R. 300: Mr. CARNAHAN.
H.R. 385: Ms. NORTON and Mr. KUCINICH.
H.R. 420: Mr. MANZULLO.
H.R. 459: Mr. HINOJOSA and Mr. NUNNELEE.
H.R. 645: Mr. MANZULLO.
H.R. 683: Mr. GENE GREEN of Texas.
H.R. 726: Ms. BONAMICI.
H.R. 787: Mr. RIBBLE.
H.R. 870: Mr. SRES.
H.R. 891: Mr. KIND.
H.R. 893: Mr. LANCE, Mr. MCGOVERN, Mr. ROTHMAN of New Jersey, and Ms. HERRERA BEUTLER.
H.R. 931: Mrs. LUMMIS and Mr. WALSH of Illinois.
H.R. 941: Mr. GENE GREEN of Texas, Mr. BOREN, and Mr. FRANK of Massachusetts.
H.R. 1092: Ms. CHU.
H.R. 1116: Ms. BONAMICI.
H.R. 1204: Mrs. LOWEY.
H.R. 1332: Mr. BISHOP of Utah and Mr. KINZINGER of Illinois.
H.R. 1339: Ms. BORDALLO, Mr. GRIFFIN of Arkansas, Mr. REYES, Mr. LARSEN of Washington, Mr. CRITZ, Mr. ANDREWS, and Mr. MCINTYRE.
H.R. 1386: Mr. LoBIONDO.
H.R. 1404: Mr. DEFazio.
H.R. 1537: Mr. SARBANES, Mr. HINOJOSA, and Ms. BONAMICI.
H.R. 1549: Mr. KING of New York.
H.R. 1578: Mr. TIERNEY, Mr. DOYLE, and Mr. SMITH of Washington.
H.R. 1612: Mr. FILNER.
H.R. 1639: Mr. BRALEY of Iowa.
H.R. 1648: Mr. BISHOP of Georgia, Mr. FATTAH, Mr. LYNCH, Mr. SCHRADER, and Ms. ROS-LEHTINEN.

H.R. 1704: Mr. LATHAM and Mr. WALDEN.
H.R. 2159: Mr. SCHIFF and Mr. INSLEE.
H.R. 2179: Mr. SHERMAN and Mr. MEEHAN.
H.R. 2187: Mr. MCGOVERN.
H.R. 2206: Mr. ROE of Tennessee.
H.R. 2238: Mr. FORTENBERRY.
H.R. 2245: Mr. BRALEY of Iowa.
H.R. 2310: Ms. BONAMICI.
H.R. 2328: Mr. FILNER.
H.R. 2364: Mr. GRIJALVA, Mr. BISHOP of New York, Mr. FILNER, Mr. CAPUANO, Mr. ACKERMAN, Mr. SCHIFF, Mr. FATTAH, Mr. ELLISON, and Mr. INSLEE.
H.R. 2524: Mr. ELLISON.
H.R. 2555: Mr. GUTIERREZ.
H.R. 2669: Ms. CHU, Mr. CICILLINE, Mr. CAPUANO, Mr. CLARKE of Michigan, Mr. KEATING, Mr. OLVER, and Mr. LIPINSKI.
H.R. 2717: Mr. TIERNEY.
H.R. 2738: Mr. GRIJALVA.
H.R. 2875: Mr. RAHALL.
H.R. 2938: Ms. MCCOLLUM.
H.R. 2948: Mr. QUIGLEY.
H.R. 2957: Ms. LEE of California, Mr. TOWNS, Mr. HONDA, Mr. ENGEL, Mr. POLIS, Mr. ELLISON, and Mr. STARK.
H.R. 2960: Mr. PIERLUISI.
H.R. 2969: Mr. MCCOTTER and Mr. BISHOP of Georgia.
H.R. 2980: Mrs. NAPOLITANO and Mr. CARNAHAN.
H.R. 3057: Mr. COOPER.
H.R. 3059: Ms. TSONGAS and Mr. ANDREWS.
H.R. 3118: Ms. FOXX.
H.R. 3164: Mr. MCNERNEY.
H.R. 3236: Mr. LIPINSKI and Mr. COURTNEY.
H.R. 3264: Mr. HENSARLING.
H.R. 3269: Mr. RENACCI.
H.R. 3283: Ms. SEWELL.
H.R. 3308: Mr. QUAYLE.
H.R. 3319: Mr. GOSAR.
H.R. 3353: Mr. GRIJALVA.
H.R. 3399: Mr. COOPER.
H.R. 3418: Mr. RANGEL.
H.R. 3461: Mr. SHULER, Mr. BILIRAKIS, Mr. ROONEY, Mr. QUIGLEY, Mr. RIVERA, and Mr. LATTA.
H.R. 3485: Ms. CASTOR of Florida and Mr. INSLEE.
H.R. 3522: Ms. MOORE and Ms. CHU.
H.R. 3523: Mr. JOHNSON of Ohio, Mr. SMITH of Nebraska, and Mr. CRAWFORD.
H.R. 3627: Mr. LANCE.
H.R. 3653: Ms. BASS of California, Mr. NADLER, Mr. KUCINICH, Mr. TIERNEY, Mr. HONDA, and Mr. CARNAHAN.
H.R. 3662: Mrs. BACHMANN, Mr. BARLETTA, Mr. NEUGEBAUER, Mr. NUGENT, Mr. ALEXANDER, and Mr. KINZINGER of Illinois.
H.R. 3676: Mr. FLEMING.
H.R. 3713: Mr. BARLETTA.
H.R. 3783: Mr. MCCOTTER and Mr. MULVANEY.
H.R. 3790: Mr. MCGOVERN, Mrs. CAPPS, Mr. ALTMIRE, Mr. TOWNS, Mr. COHEN, and Mr. ROSS of Arkansas.
H.R. 3798: Ms. HAHN, Mrs. MALONEY, Ms. CHU, Mr. BURTON of Indiana, Mr. GRIMM, Mr. MCKEON, Mr. HOLT, Mr. PASCARELL, Mr. SHERMAN, Mr. BLUMENAUER, Mr. DEFazio, Mr. TIERNEY, and Mr. CAPUANO.
H.R. 3820: Mr. BISHOP of New York.
H.R. 3839: Mr. RANGEL.
H.R. 3875: Mr. RUSH and Ms. BALDWIN.
H.R. 3903: Mr. PRICE of North Carolina and Mr. OLVER.
H.R. 3904: Mr. JONES.
H.R. 3905: Mr. SABLAN.
H.R. 3974: Ms. CLARKE of New York.
H.R. 3981: Mr. COLE and Mr. BOREN.
H.R. 4010: Mr. PALLONE, Ms. RICHARDSON, Mr. HIGGINS, and Ms. FUDGE.
H.R. 4040: Ms. BERKLEY, Mr. BISHOP of New York, Mr. BONNER, Mr. BRALEY of Iowa, Ms.

BROWN of Florida, Mrs. CAPPS, Ms. CASTOR of Florida, Ms. CHU, Mr. CICILLINE, Mr. COSTELLO, Mrs. DAVIS of California, Mr. DEFazio, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DREIER, Mr. ELLISON, Ms. ESHOO, Mr. GARAMENDI, Ms. HAHN, Mr. HALL, Mr. HEINRICH, Mr. HERGER, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Mr. LARSEN of Washington, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCCLINTOCK, Ms. MCCOLLUM, Mr. MORAN, Mr. MURPHY of Connecticut, Mr. PETERSON, Mr. PIERLUISI, Mr. POLIS, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SABLAN, Mr. SERRANO, Ms. SEWELL, Mr. SMITH of Washington, Ms. SPEIER, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, and Mr. WOLF.

H.R. 4077: Mr. CONNOLLY of Virginia.

H.R. 4083: Mr. RANGEL.

H.R. 4089: Mr. KLINE.

H.R. 4094: Mr. WITTMAN.

H.R. 4103: Mr. LoBIONDO.

H.R. 4104: Mr. STIVERS, Mr. LONG, Mr. SCHILLING, Mr. FINCHER, Mrs. BLACK, Mr. FITZPATRICK, Mr. HURT, Mr. HUIZENGA of Michigan, Mr. DUFFY, Mr. LUETKEMEYER, Mr. WESTMORELAND, Mr. CLEAVER, Mr. BACHUS, Mr. FRANK of Massachusetts, Mr. PERLMUTTER, Mr. DONNELLY of Indiana, Mr. CANSECO, Ms. WATERS, Mrs. CAPITO, Mrs. BIGGERT, Mr. HENSARLING, Mr. POSEY, Mr. AL GREEN of Texas, Mr. DAVID SCOTT of Georgia, Mr. WATT, Mrs. MALONEY, Ms. HAYWORTH, Mr. NEUGEBAUER, Mr. BACA, Mr. DOLD, Mr. CARNEY, Mr. QUIGLEY, Mr. KELLY, Mr. WEBSTER, Mr. BUCHSON, Mr. OWENS, Mr. GIBBS, Mr. LATOURETTE, Mr. SHULER, and Mr. TIBERI.

H.R. 4106: Ms. WOOLSEY.

H.R. 4117: Mr. COLE.

H.R. 4120: Mrs. CAPPS, Mr. LANCE, Mrs. MALONEY, and Mr. ROTHMAN of New Jersey.

H.R. 4122: Mr. GALLEGLY.

H.R. 4125: Mr. LAMBORN and Mr. MILLER of Florida.

H.R. 4134: Mrs. ELLMERS.

H.R. 4135: Mr. MCGOVERN.

H.R. 4153: Mr. GIBBS and Mr. THOMPSON of Pennsylvania.

H.R. 4160: Mr. CULBERSON, Mr. DUNCAN of South Carolina, Mr. GOWDY, Mr. FLEMING, Mr. WALSH of Illinois, Mr. HARRIS, Mr. NEUGEBAUER, Mr. RIBBLE, Mr. FRANKS of Arizona, Mr. MANZULLO, Mr. FLORES, Mr. BURTON of Indiana, Mrs. LUMMIS, and Mr. MULVANEY.

H.J. Res. 13: Mr. AMODEI and Mr. PETERSON.

H.J. Res. 103: Mr. MICA.

H. Res. 490: Mr. PRICE of Georgia, Mr. SAM JOHNSON of Texas, Mr. SOUTHERLAND, Mr. BISHOP of Utah, and Mrs. BACHMANN.

H. Res. 503: Mr. ROSS of Florida.

H. Res. 526: Mr. MILLER of Florida, Mr. MEEKS, and Mr. DUFFY.

H. Res. 560: Mr. CONNOLLY of Virginia, Mr. OLSON, Mr. RANGEL, Mr. ROTHMAN of New Jersey, and Mr. BISHOP of New York.

H. Res. 564: Mr. RANGEL, Mr. COHEN, Mr. JOHNSON of Georgia, Mrs. MALONEY, and Mr. HINCHEY.

H. Res. 568: Ms. JACKSON LEE of Texas, Mr. HURT, Mr. GOWDY, Mr. SULLIVAN, Mr. OLSON, Mr. ROSS of Florida, Mr. SOUTHERLAND, Mr. FLORES, Mr. SCALISE, Mr. CAMPBELL, Mr. NADLER, Mrs. MCCARTHY of New York, and Mrs. MCMORRIS RODGERS.

H. Res. 573: Ms. JACKSON LEE of Texas, Ms. SLAUGHTER, and Mr. HINOJOSA.

SENATE—Thursday, March 8, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, You are our strength and song. Who is like You, majestic in holiness and wondrous in mighty deeds? Give our Senators this day understanding minds to legislate responsibly. As they seek to govern in a way worthy of Your goodness, guide them by the light of Your truth. Infuse them with Your perfect peace as they keep their minds focused on You. May they overcome cynicism with civility in their relationships and work.

O Lord, we wait for You and acknowledge that You alone are sovereign. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 8, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business for an hour—The majority will control the first half, Republicans the final half. Following morning business, the Senate will resume consideration of the surface transportation bill.

As most know, late last night we reached an agreement to move forward on the highway bill. Under the order that has been issued, I can schedule those votes anytime after consultation with the Republican leader, so we have some 30 votes to complete today. We will see how this works. I think we will have the first vote about 2:15 today and start working through these amendments.

There is not going to be a lot of debate, so if anybody wants to speak on these amendments they better come over after the morning business hour and start telling people how they feel about some amendments, because there is not going to be a lot of time during the voting on the amendments.

MEASURE PLACED ON THE CALENDAR—S. 2173

Mr. REID. Mr. President, I believe S. 2173 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2173) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SURFACE TRANSPORTATION ACT

Mr. MCCONNELL. Mr. President, last night the two parties reached an agreement on amendments to the highway bill. As the majority leader will indicate shortly, or may already have before I came to the floor, we will be able to move forward on that later today.

I am also happy to report there are a number of strong, very strong, job-creating measures in the mix. One that stands out is Senator HOEVEN's amend-

ment on the Keystone XL Pipeline, that massive private sector project that will create 20,000 jobs almost immediately.

Most Americans strongly support building the pipeline and, of course, the significant number of construction jobs that would come along with it. It is incomprehensible to me that the President of the United States, as I read, is actually lobbying against the Keystone Pipeline amendment. There is a report this morning that the President is personally making phone calls to Democratic Senators he thinks might vote for the amendment, asking them not to. Frankly, it is hard to comprehend how completely out of touch he is on this issue.

Think about it. At a moment when millions are out of work, gas prices are literally skyrocketing, and the Middle East is in turmoil, we have a President who is up making phone calls trying to block a pipeline here at home. It is almost unbelievable. What we are seeing in Congress this week is a study in contrasts. On the one hand, you have a Republican-controlled House that is about to pass a bipartisan jobs bill that would help entrepreneurs and innovators by getting Washington out of the way, and today we have a Democratic-controlled Senate trying to line up votes against an amendment that would create jobs, and a Democratic President lobbying against the biggest private sector job creation project in our country.

We have an opportunity to work together to create jobs. We can do that with these amendments and we can do that by taking up the bipartisan jobs bill the House will pass later today.

Let me say a word about that. The bipartisan jobs bill the House will pass later today is supported by the President. It is ready to go. I hope that once it gets over to the Senate we will simply take it up and pass it. It is an example of a measure supported by Republicans and Democrats and the President that we believe will clear the House with a very large majority. I think the sooner we pass that here in the Senate and send it down to the President for signature, the better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, I was reminded this morning as I came to the floor about an old standard political joke. When I looked at my papers I had

here, my outline of what I was going to say, I was missing a page. That is what the Republican leader and I were joking about here this morning. That is why he went first, because I didn't have my speech. The old political joke, as we have all heard many times—this politician was giving a speech and he is flipping through his pages and he is in the midst of giving it. After he gets wound up in his speech, he is going through the speech and he is waving his hands and shouting and he comes to the third or fourth page of his speech and it says: "You are on your own, you SOB." His speechwriter had had enough of him.

But that is not what happened here today. Phoebe prepared the speech for me and I left a part of it in my office.

I am pleased to say Democrats and Republicans reached an agreement to advance the highway bill that has been before this body for a month. It is a bipartisan bill. As I have said here over this past month, this is a piece of legislation that was prepared the way legislation should be prepared. A very conservative Member, JIM INHOFE from Oklahoma, and a very liberal Member, BARBARA BOXER, managed this bill. They have worked very hard.

Just a little side note; as we were struggling, trying to come up with these amendments, I was happy to hear from BARBARA BOXER. She said to me privately: I have talked to Senator INHOFE and he thinks, as we are coming to this agreement, this is not what should be done.

That was important to me in reaching consensus on how we move forward on this bill. As I have said many times, not everything we do this year should be a big fight. We should be able to move things forward without waiting for a month to get things done. This bill is truly indicative of how we have to get these done and why I appreciate the cooperation of Senators BOXER and INHOFE.

We have a dilapidated system of highways. We have 70,000—I am not misspeaking, not 7,000—70,000 bridges in America that are in dire need of repair—or replacement even. Twenty percent, 1 out of every 5 miles of your roads in America are not up to safety standards. Thousands of pedestrians are killed because they relied on unsafe sidewalks or nonexistent sidewalks.

Every day millions of Americans—a disproportionate number who are low income, minority, disabled, or old—are forced to rely on overcrowded mass transit systems, straining to meet the demands of a growing ridership. America's crumbling infrastructure is a terrible drain on our economy.

A number of years ago when my wife and I took a few days off around Christmas in southern California, rather than fly back I thought why don't we drive back to Las Vegas. We did that. This was a couple of years ago. I

hadn't done it in a long time. I-15, this famous road, was jammed. We came to complete stops on a number of occasions coming back from San Diego to Las Vegas. Think about that, a complete stop. There were trucks on that road. Drivers were being paid for their time on the road. The cargo they were hauling needed to get someplace. It is not only someone wanting to take a vacation, coming to Las Vegas; it is what it does to commerce to have these roads that are in a state of disrepair. So this crumbling infrastructure certainly is a drag on our economy.

But rebuilding this infrastructure will have the opposite effect. Investing in our transportation system will save or create almost 3 million jobs. This legislation has to be completed before the end of this month or we have no way of collecting the taxes; when you buy a gallon of gasoline, that funds what we need to do here to repair our roads, bridges, et cetera.

This is not some wild program invented in the last few months here in Washington. This is a program that was initiated by President Eisenhower. This week I received a letter from an organization called I Make America. It is a group of more than 850 businesses and 20,000 individuals who support this transportation bill. Many people across this country, some in this Chamber, would write off the rest of this Congress, but I am not going to do that. We have a lot more to do and we need to get it done. When we complete our work, we need to look back and say what has happened that is good.

"There is no single piece of legislation now before Congress that will do more to create American jobs and sharpen our global competitiveness" than this legislation said Dennis Slater on behalf of I Make America, the program I just talked about.

We need to push this bill over the finish line and I think the finish line is now in sight. This is one of the most important pieces of legislation we can consider. I indicated earlier why. But even as I recognize the bipartisanship that made this progress possible, I will sound a note of caution. Eighty-five Senators voted to begin on this legislation. Only a handful—it wasn't 15, because we had absent Senators that day—said we should not begin voting on it. Yet it has taken a month to begin voting on the amendments. Republican leaders have wasted weeks of the Senate's time directing this valuable jobs bill to extract purely political votes on unrelated matters, completely unrelated matters. Weeks were wasted on this vital legislation with an iconic attack on women's health.

I suggest to the Republican leader who just left the floor, if it takes more than a month to pass a noncontroversial, bipartisan bill that is supported by almost 90 Senators, how can we ever expect to get anything more done?

We have to. We have much more to do. Americans are not satisfied with the glacial pace of this body and neither am I. Americans are tired of delay tactics and obstructions and so am I. People across the country and in this Chamber would write off this Congress and say we have done enough. I am not going to do that.

When we complete this legislation on the Transportation bill, we have other work to do. We have a score of judges who are waiting, some of whom have been waiting since last year. We have to do something about the post office. The Postal Service in America has changed. People don't pay their bills the way they used to; they don't send letters the way they used to. We have to reorganize the post office. We have to do that.

We had a demonstration in the classified briefing room to talk about what is going on in America and what could go on in America with bringing down our country. The demonstration last night dealt with electricity, but it could be banking. It could be our hospitals. We have to recognize that we now have new enemies in the world, not enemies who are flying airplanes and dropping bombs and shooting us with bullets, but they are prepared to do something that is so damaging to our economy, and we were given that illustration last night.

We have a cybersecurity bill we have to bring to the floor, which is another bipartisan bill. Senator LIEBERMAN and Senator COLLINS, an Independent and Republican, have acknowledged they want to bring this bill forward, and they have it done, so we will bring it to the floor. We have all our Appropriations bills, and we have to do those. So we have a lot to do to accomplish even a fraction of our to-do list, and it is going to take more cooperation and less conflict. Not everything has to be a knock-down, drag-out fight as it was on this highway bill. To think we wasted 3 weeks on a matter dealing with the health of women in America, but we did. So we stand ready to work with our Republican colleagues.

The Republican leader mentioned the small business jobs bill. We have been trying to do one for a long time. We are going to do a small business jobs bill. The House bill is not perfect. We are glad it is moving forward, and we are going to try to do something here to match so we can get it to conference and get this done.

I am hopeful that when Democrats reach across the aisle, we will find willing partners on the other side for a change.

I thank the Chair. I ask that the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Washington.

INTERNATIONAL WOMEN'S DAY

Mrs. MURRAY. Mr. President, I come to the floor to join my colleagues to mark International Women's Day. This day, which across the globe is celebrated in many different ways, is, at its core, a day to reflect on the achievements of women in politics, business, and society. It is a day to reflect on what a woman's role was in the not-so-distant past and to celebrate how far we have come. But, unfortunately, on this International Women's Day in the year 2012, we cannot celebrate the progress we have made without also acknowledging the unsettling truth that that progress is under threat.

Today a shadow has been cast over this day of celebration by efforts to turn back the clock in Washington, DC, and across the country, efforts we all must fight against. Only 1 week ago in the Senate, we had a debate on the ability for women across this country to access contraceptives. It is a debate most women believed was settled half a century ago and one we had all hoped was in the past. However, in a scene that was eerily reminiscent of half a century ago, last week one woman brave enough to come forward and give voice to the importance of birth control was targeted. First, her story of a friend's battle with ovarian cancer was purposely left out of a House hearing on women's health. Then, as we have all heard, she was scorned and ridiculed by a rightwing pundit.

It was a galvanizing and eye-opening moment for millions of women in our country. It was a reminder that some still see women as easy targets, and it awakened many women to the fact that the gains we are meant to celebrate on a day such as today could easily be lost to political strategy that preys on women.

For many of those who watched the last few weeks play out, it may have seemed an isolated incident. It could appear to some as a sudden and swift effort by some Republicans—who

thankfully have been blocked for the time being—but that is not case. The truth is, women's access to care has rarely been at greater risk. From the moment they came into power, the Republicans in the House of Representatives have been waging a war on women's health.

If you don't believe me, look at the very first bills they introduced when they arrived. They campaigned across the country in the last election on a platform of jobs and the economy, but the first three bills they introduced when they got here were direct attacks on women's health. The very first one, H.R. 1, would have totally eliminated title X funding for family planning and teen pregnancy prevention. The amendment also included defunding Planned Parenthood and cutting off support for the millions of women who count on it. Another one of their bills would have permanently codified the Hyde amendment and the DC abortion ban.

Finally, they introduced a bill that would have rolled back every single one of the gains we made for women in the health care reform bill. That Republican bill would have removed the caps on out-of-pocket expenses that literally protect women from losing their homes or their life savings if they get sick. It would have ended the ban on lifetime limits on coverage, which is so important to everyone. It would have allowed insurance companies to once again discriminate against women by charging them higher premiums than men or even denying women care because of so-called preexisting conditions they had, such as pregnancy. It would have rolled back the guarantee of insurance companies' coverage of contraceptives.

Republicans have shown they will go to just about any length to limit access to women's care, even shutting down the Federal Government. That may seem extreme to all, but that is exactly what happened 1 year ago when Republicans nearly shut down the Federal Government over a rider that was yet another attempt to go after title X and Planned Parenthood. I remember sitting in those meetings late at night, after months of negotiations over the numbers in the budget, astonished that Republicans were willing to throw all those negotiations away over one issue, and that was their attack on women's health.

The attack on women's rights is not just taking place in the Nation's Capital. In State after State across the country, legislators bent on putting politics between women and their health care are undoing years of important work. A recently enacted law in Texas not only strips women of their rights but of their dignity. It is a law about which Nicholas Kristof of the New York Times recently wrote a column.

I ask unanimous consent to have the article written by Nicholas Kristof,

"When States Abuse Women," printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. MURRAY. It is a law that all women across the country should be insulted by and outraged over. Today, nearly 40 years after *Roe v. Wade* was passed, a woman in Texas who seeks an abortion—one of the most difficult choices a woman and her family can face—is not met with compassion and care but with humiliation, and that is because they have passed a law by Republicans that she is now subjected, against her will, to a vaginal ultrasound. Then she is instructed to listen to a fetal heartbeat, watch the ultrasound and numerous other State-mandated hurdles and then she has to go home and wait 24 hours before she can access a health care procedure that was made a right for women four decades ago.

One would think that after 2 years spent railing against any government involvement in health care, Republicans would not want the State to dictate procedures a doctor must perform on a woman, whether she wants them or not, but then you would be confused because, clearly, when it comes to women and their health care choices, these Republicans are willing to do whatever it takes for them to call the shots—not the women, not their doctors, not their families. The sad part is other States across the country are now contemplating similar laws.

So the threats to women's health care are very real and they are growing. We saw it on a panel on contraceptives in the House that didn't include a woman on the panel. We saw it in a young woman being called horrible names for telling the stories of a friend in need. We see it in Republican efforts to allow an employer to dictate whether a woman has access to contraceptives, and we are seeing it in State laws across the country aimed at stripping women of their rights and more.

So on this International Women's Day, we celebrate our gains with the clear understanding that they must always be defended, and we join with women everywhere to make sure that progress is not reversed.

EXHIBIT 1

[the New York Times, Mar. 3, 2012]

WHEN STATES ABUSE WOMEN

(By Nicholas D. Kristof)

Here's what a woman in Texas now faces if she seeks an abortion.

Under a new law that took effect three weeks ago with the strong backing of Gov. Rick Perry, she first must typically endure an ultrasound probe inserted into her vagina. Then she listens to the audio thumping of the fetal heartbeat and watches the fetus on an ultrasound screen.

She must listen to a doctor explain the body parts and internal organs of the fetus

as they're shown on the monitor. She signs a document saying that she understands all this, and it is placed in her medical files. Finally, she goes home and must wait 24 hours before returning to get the abortion.

"It's state-sanctioned abuse," said Dr. Curtis Boyd, a Texas physician who provides abortions. "It borders on a definition of rape. Many states describe rape as putting any object into an orifice against a person's will. Well, that's what this is. A woman is coerced to do this, just as I'm coerced."

"The state of Texas is waging war on women and their families," Dr. Boyd added. "The new law is demeaning and disrespectful to the women of Texas, and insulting to the doctors and nurses who care for them."

That law is part of a war over women's health being fought around the country—and in much of the country, women are losing. State by state, legislatures are creating new obstacles to abortions and are treating women in ways that are patronizing and humiliating.

Twenty states now require abortion providers to conduct ultrasounds first in some situations, according to the Guttmacher Institute, a research organization. The new Texas law is the most extreme to take effect so far, but similar laws have been passed in North Carolina and Oklahoma and are on hold pending legal battles.

Alabama, Kentucky, Rhode Island and Mississippi are also considering Texas-style legislation bordering on state-sanctioned rape. And what else do you call it when states mandate invasive probes in women's bodies?

"If you look up the term rape, that's what it is: the penetration of the vagina without the woman's consent," said Linda Coleman, an Alabama state senator who is fighting the proposal in her state. "As a woman, I am livid and outraged."

States put in place a record number of new restrictions on abortions last year, Guttmacher says. It counts 92 new curbs in 24 states.

"It was a debacle," Elizabeth Nash, who manages state issues for Guttmacher, told me. "It's been awful. Last year was unbelievable. We've never seen anything like it."

Yes, there have been a few victories for women. The notorious Virginia proposal that would have required vaginal ultrasounds before an abortion was modified to require only abdominal ultrasounds.

Yet over all, the pattern has been retrograde: humiliating obstacles to abortions, cuts in family-planning programs, and limits on comprehensive sex education in schools.

If Texas legislators wanted to reduce abortions, the obvious approach would be to reduce unwanted pregnancies. The small proportion of women and girls who aren't using contraceptives account for half of all abortions in America, according to Guttmacher. Yet Texas has some of the weakest sex-education programs in the nation, and last year it cut spending for family planning by 66 percent.

The new Texas law was passed last year but was held up because of a lawsuit by the Center for Reproductive Rights. In a scathing opinion, Judge Sam Sparks of Federal District Court described the law as "an attempt by the Texas legislature to discourage women from exercising their constitutional rights." In the end, the courts upheld the law, and it took effect last month.

It requires abortion providers to give women a list of crisis pregnancy centers where, in theory, they can get unbiased counseling and in some cases ultrasounds. In fact, these centers are often set up to en-

snare pregnant women and shame them or hound them if they are considering abortions.

"They are traps for women, set up by the state of Texas," Dr. Boyd said.

The law then requires the physician to go over a politicized list of so-called dangers of abortion, like "the risks of infection and hemorrhage" and "the possibility of increased risk of breast cancer." Then there is the mandated ultrasound, which in the first trimester normally means a vaginal ultrasound. Doctors sometimes seek vaginal ultrasounds before an abortion, with the patient's consent, but it's different when the state forces women to undergo the procedure.

The best formulation on this topic was Bill Clinton's, that abortion should be "safe, legal and rare." Achieving that isn't easy, and there is no silver bullet to reduce unwanted pregnancies. But family planning and comprehensive sex education are a surer path than demeaning vulnerable women with state-sanctioned abuse and humiliation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator MURRAY for her comments, and I concur in her observations. What we have seen on women's health care issues in this body is how some are trying to turn the clock back on the progress we have made. I was listening to my colleague talk about ultrasounds. Virginia just enacted an ultrasound bill this week. The Governor signed it into law, so this is spreading to other States. We talk about big government, but the government mandating ultrasounds for pregnant women? This is outrageous and something that on International Women's Day, it is right that we bring this to the attention of our colleagues. We have seen the same type of action taken against family planning, contraceptives, those who want to repeal *Roe v. Wade*. We have to stand strong with women and women's health care issues as we in America lead the international community.

Around the world, International Women's Day is an occasion to honor and praise women for their accomplishments. On this International Women's Day, I stand with my colleagues to celebrate women who are making a difference both in America and around the world, in countries where they lead in the fight for justice, equality, and fairness for all women. All of us, women and men alike, can help by supporting women's efforts to claim their legal rights, live free from violence, earn a decent income, get an education, grow food for their families, and make their voices heard in their communities and beyond.

I believe in the power of women to change the world and to help them hasten that change. U.S. international assistance policies should address and remove barriers between women, women's rights, and economic empowerment. Empowering women is one of the most critical tools in our toolbox to

fight poverty and injustice. Integrating the unique needs of women into our domestic and international policies is critical. As chairman of the Foreign Relations Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International Environmental Protection, I can attest that this must be the bedrock of our foreign assistance programming if it is to be successful.

I defy anyone's assertion that women's empowerment should take a backseat to so-called more important priorities. Decades of research and experience prove that when women are able to be fully engaged in society and hold decisionmaking power, they are more likely to invest their income in food, clean water, education, and health care for their children. This creates a positive cycle change that lifts entire families and communities and nations out of poverty. Simply put, when women succeed, we all do.

Accordingly, I was very pleased by last week's release of the new USAID "Policy on Gender Equality and Female Empowerment," which makes integrating gender and including women and girls central to all U.S. international assistance. This policy, which updates guidelines that were over 30 years old, recognizes that the integration of women and girls is basic to effective international assistance across all sectors such as food, security, health, climate change, science, technology, economic growth, democracy and governance and humanitarian assistance. It aims to increase the capacity of women and girls and decrease inequality between genders and also decrease gender-based violence. This new policy is as welcomed as it is necessary. As Secretary Clinton declared earlier this year:

Achieving our objectives for global development will demand accelerated efforts to achieve gender equality and women's empowerment. Otherwise, peace and prosperity will have their own glass ceiling.

Unfortunately, as we know, there are still places this glass ceiling exists and there are major obstacles to women. Worldwide, one in three women will experience some form of violence in her lifetime. Women and girls in emergencies, conflict settings, and natural disasters often face extreme violence, including being forced to exchange sex for food. The World Health Organization has reported that up to 70 percent of women in some countries describe having been victims of domestic violence at some stage in their lives.

The United States has the potential to be a true leader in preventing and responding to violence against women and girls—an issue that is inextricably linked to U.S. diplomacy, development, and national security goals.

What many people fail to realize is that violence against women and girls is both a major consequence and cause

of poverty. Violence and poverty go hand in hand. Violence prevents women and girls from getting an education, going to work, and earning the income they need to lift their families out of poverty. We know that one in three women will be the victim of sexual abuse in her lifetime. But we also know that women have the potential to lift their families and communities out of poverty.

Violence against women and girls is an extreme human rights violation, a public health epidemic, and a barrier to solving severe challenges such as extreme poverty, HIV/AIDS, and conflict. It devastates the lives of millions of women and girls—in peacetime and in conflict—and knows no national and cultural barriers.

Today let's reaffirm our commitment to end gender-based discrimination in all forms, to end violence against women and girls worldwide, and to encourage the people of the United States to observe International Women's Day. On this day and every day, I am proud to stand in support of women across America and worldwide.

Investing in and focusing on empowering women and girls is one of the most efficient uses of our foreign assistance dollars and one of the best ways to make the world more peaceful and prosperous. As Secretary of State Clinton pointed out more than 15 years ago, "Women's rights are human rights"—and nothing is more fundamental, in my opinion.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am very pleased to join my colleagues Senator CARDIN and, earlier, Senator MURRAY this morning in commemorating International Women's Day. It is a day observed around the world, and it celebrates the economic, political, and social achievement of women—past, present, and future. It is a day that recognizes the obstacles women still face in the struggle for equal rights and equal opportunities.

One year ago today, I, along with a group of bipartisan Senators, introduced and passed a resolution in the Senate recognizing the significance of the 100th anniversary of International Women's Day. Today is the 101st anniversary and, as is the centennial milestone before it, it is a testament to the dedication and determination of women and men around the world to address gender inequality for the good of all people.

There are more than 3.3 billion women in the world today. Across the globe, women are participating in the political, social, and economic life of their communities in an unprecedented fashion, playing a critical role in providing and caring for their families,

contributing substantially to the growth of economies, and advancing food security for their communities.

Yesterday I had the wonderful, humbling, and inspiring opportunity to recognize and celebrate the 10 recipients of the 2012 State Department International Women of Courage Award. This prestigious award, which is the only award in the State Department given only to women, annually recognizes women who have shown exceptional courage and leadership in advocating for women's rights and empowerment around the globe, often at significant risk to themselves. These award winners, including activists in the Sudan and Saudi Arabia, politicians in Turkey and Afghanistan, and representatives from six other countries, are truly remarkable and inspirational women.

I ask unanimous consent to have all of their names and brief bios printed in the RECORD so that they are properly recognized by the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AFGHANISTAN

Maryam Durani—Director, Khadija Kubra Women's Association for Culture, Kandahar Provincial Council Member.

Award Citation: "For striving to give a voice to women through the power of the media, government, and civil society, despite innumerable security and societal challenges."

Bio: Kandahar Province is among Afghanistan's most conservative and most dangerous—but that has not stopped Maryam Durani from speaking out for the rights of Afghan women and girls. As a member of Kandahar's Provincial Council, director of the non-profit Khadija Kubra Women's Association for Culture, and owner and manager of the only local, female-focused radio station, she is both a leader and a role model for women throughout Afghanistan. A true woman of courage, Ms. Durani has survived multiple attacks on her life, including a suicide attack in 2009 that resulted in serious injury. Although she continues to face regular threats, she is undeterred in her mission to promote basic civil rights for all Afghans.

BRAZIL

Major Pricilla de Oliveira Azevedo—General Coordinator for Strategic Programs, Rio de Janeiro State Secretariat of Public Security, and Major of Rio State Military Police.

Award Citation: "For courageous and dedicated service to Rio State's innovative 'Favela Pacification Program' as the first female commander of a Pacification Police Unit (community police station), and as co-ordinator of UPPs in the State Security Secretariat, where she is integrating previously marginalized populations into the larger Rio de Janeiro community."

Bio: Pricilla de Oliveira Azevedo is a military police officer, currently working as General Coordinator of Strategic Programs for the "Police Pacification Units" (UPPs), Rio de Janeiro State Secretariat of Public Security's renowned "favela" (slum) pacification program. Major Azevedo joined the Rio de Janeiro Military police in 1998 and, following her graduation in 2000, started working in police battalions and street re-

pression operations. In 2007, Major Azevedo demonstrated extreme courage and commitment to her duties by successfully arresting a gang of criminals who had kidnapped her.

As a result of her courage and success, the Rio de Janeiro State Secretary for Security invited her to head the first UPP in Rio de Janeiro, in the "favela" of Santa Marta, a position she occupied between 2008 to 2010. In this capacity, she commanded 125 military police officers in an area with 9,000 inhabitants and a very low human development index. During her two years in Santa Marta, Major Azevedo shut down drug dealing operations in the favela, established conflict mediation models, worked with state and local government institutions to improve garbage collection and health care, broadened education and technical training opportunities, and developed a successful community arts and crafts fair.

In 2009, Rio de Janeiro Mayor Eduardo Paes invited Major Pricilla to become a member of the Brazilian delegation in the 2016 Olympics Announcement in Copenhagen. In the same year she completed training on Koban community policing techniques, and participated in a citizen safety training in Israel. Major Azevedo is currently completing her law degree in Estácio de Sá University.

Major Azevedo is the most senior female officer in the UPP program, and the first woman to occupy a strategic position in the Rio de Janeiro State Secretariat of Security's Superintendence of Operational Planning. She has received honor awards from the city councils of Rio de Janeiro, Tanguá and Itaboraí. She is also a recipient of the United Nations Brazilian Force's 50th Anniversary Medal. In 2009, *Veja Magazine* gave Major Pricilla Azevedo the Rio de Janeiro Personality of the Year Award, with the title of "Defender of the City".

BURMA

Zin Mar Aung—Democracy Activist.

Award Citation: "For championing democracy, strengthening civil society, and empowering individuals to contribute meaningfully to the political transformation of Burma."

Bio: Zin Mar Aung is a former political prisoner, imprisoned for eleven years because of her political activism. She has dedicated her life to promoting democracy, women's empowerment, and conflict resolution in Burma. Following her involvement in the 1996 and 1998 pro-democracy student uprisings and subsequent imprisonment, Zin Mar Aung established a cultural impact studies group to promote the idea that democracy is compatible with Asian culture. She also created and leads a self-help association for female ex-political prisoners and a school of political science in Rangoon, all of which teach and empower others in Burma's changing but still challenging environment for civil society and democracy activists. She is co-founder of RAINFALL, a women's empowerment group; and is currently spearheading an organization to raise awareness of issues affecting ethnic minorities in conflict areas.

COLOMBIA

Jineth Bedoya Lima—Journalist and Spokeswoman of the "Rape and Other Violence: Take my Body Out of the War" Campaign.

Award Citation: "For her unfailing courage, determination, and perseverance fighting for justice and speaking out on behalf of victims of sexual violence in Colombia."

Bio: Throughout her 15-year career as an investigative journalist, Jineth Bedoya has consistently sought out tough assignments, despite knowing the risks it could entail. In 2000, she began to uncover an arms smuggling network between government security forces and imprisoned paramilitaries in a maximum security prison. On May 25, 2000, as she arrived at the prison to interview a key paramilitary member, unknown men grabbed Jineth, threw her into a vehicle, drugged her, and drove her to a farm several hours outside Bogota. There, the men repeatedly raped her, bound her, and left her in a garbage dump at the side of a road where a taxi driver discovered her later that evening. As the men raped her, they told her, "Pay attention. We are sending a message to the press in Colombia." Since this horrifying incident nearly 12 years ago, Jineth has continued her work as an investigative journalist while pushing for justice in her own case and other unsolved cases of sexual violence. Jineth has become an inspiration not only for female journalists, but for all women who are demanding justice in their own cases. Since September 2009, she has served as spokeswoman of Oxfam's campaign, "Rape and Other Violence: Take my Body out of the War." She now appears in TV ads denouncing sexual violence as part of the campaign and has used her journalistic influence to draw more attention to the issues of sexual violence and impunity.

LIBYA

Hana Elhebshi—Freelance Activist.

Award Citation: "For courageous advancement of the cause of freedom of expression and promotion of women's rights during times of conflict and transition in Libya."

Bio: Ms. Hana El Hebshi is a 26-year-old Libyan architect who, during the long months of the Libyan revolution, became a symbol of solidarity and a model of courage to many across the country. Working under the pseudonym "Numidia," a reference to the ancient Berber kingdom and to her own Berber heritage, Hana contributed greatly to proper documentation of the violence and tumult of the revolution. She also became a symbol of hope to the Libyan people that the world was aware of the suffering they were enduring and that hope was on the way.

Thanks to her contribution to freedom of expression and advancing women's rights, she became a real symbol for the Libyan women's contribution to the revolution.

Post revolution, Hana, in addition to her work as an architect, will continue to play a leadership role in women's empowerment in Libya.

MALDIVES

Aneesa Ahmed—Founder Member and Chairperson, Hope for Women NGO.

Award Citation: "For courageous advocacy for women's rights and protection from domestic violence."

Bio: Aneesa Ahmed stands out as a staunch advocate for ending gender-based violence in Maldives. While serving as Deputy Minister of Women's Affairs, Ms. Ahmed raised the issue of domestic violence at a time when the subject was taboo in Maldives. As a member of the National Women's Council, she held focus group discussions and worked with a local NGO to produce a series of short documentary films on domestic violence that had a profound impact on altering public views of domestic violence. In 2009, Ms. Ahmed played an instrumental role in organizing a coalition of NGOs and individuals who are advocating pioneering legislation on

domestic violence that is currently before the Maldivian parliament. After leaving government service, she founded the NGO "Hope for Women" and began conducting interactive sessions on gender-based violence with high school students, Maldives Police Services, and other frontline workers. When religious scholars began identifying female circumcision as a Sunnah in Islam on national radio, Ms. Ahmed asked the government to intervene, and gave an interview to a local news channel about the harmful effects of female circumcision. By openly discussing issues like domestic violence and female circumcision, and conducting awareness workshops through Hope for Women NGO, Ms. Ahmed plays a key role in bringing these issues into the public discourse and pressing the government to take action.

PAKISTAN

Shad Begum—Executive Director, Anjuman Behbood-e-Khawateen Talash.

Award Citation: "For fearlessly championing Pakistani women's political and economic rights and empowering the disadvantaged and oppressed."

Bio: Shad Begum is a courageous human rights activist and leader who has changed the political context for women in the extremely conservative district of Dir. Khyber Pakhtunkhwa. As founder and executive director of Anjuman Behbood-e-Khawateen Talash (the Union of Women's Welfare), Ms. Shad provides political training, microcredit, primary education, and health services to women in the most conservative areas of Pakistan. Ms. Shad not only empowered the women of Dir to vote and run for office, but she herself ran and won local District Councilor seats in the 2001 and 2005 elections, going against local conservatives who tried to ban female participation. Despite numerous direct threats to her life and her family, including recent calls for suicide attacks against her by local extremists, Ms. Shad continues to work out of Peshawar to improve the lives of women in the communities of Khyber Pakhtunkhwa.

SAUDI ARABIA

Samar Badawi—Human Rights Activist, Monitor of Human Rights in Saudi Arabia.

Award Citation: "For demonstrating significant courage in her activism while becoming a champion in the struggle for women's suffrage and legal rights in Saudi Arabia."

Bio: In one of the world's most restrictive environments for women, Samar Badawi is a powerful voice for two of the most significant issues facing Saudi women: women's suffrage and the guardianship system, under which women cannot marry, work, or travel outside the country without the permission of a guardian (male relative). In a landmark case, Badawi was the first woman to sue her guardian (her father) for abusing the legal system and preventing her from marrying the suitor of her choice. Badawi is also the first woman to file a lawsuit against the government demanding the right for women to vote and participate in municipal elections. She launched an online campaign to encourage other Saudi women to file similar suits. The efforts of activists like Badawi helped encourage a royal decree allowing women to vote and run for office in future municipal elections, and to be appointed to the Consultative Council.

SUDAN

Hawa Abdallah Mohammed Salih—Human Rights Activist.

Award Citation: "For giving a voice to the women and children of Darfur and her fearless advocacy for the rights of all marginalized Darfuris."

Bio: Hailing from North Darfur, Hawa and her family were forced to flee their home village in 2003 due to fighting between Darfuri rebels and government forces. As a result, she spent much of her young adult life in Abu Shouk internally displaced persons (IDP) camp in El Fasher, North Darfur, where she emerged as a prominent human rights activist. After graduating from the University of El Fasher, she worked on issues of human rights, rule of law, and governance with the United Nations Development Program (UNDP) and assisted various NGOs working on human rights. Hawa became a voice for the IDPs, speaking out about human rights abuses and advocating for women's and children's rights in the IDP camps. For her advocacy, Hawa has been persecuted and detained on multiple occasions by the Government of Sudan. As a result, she was forced to flee Sudan in 2011. In spite of the personal harassment and political challenges that she has faced, Hawa hopes to return to her homeland to continue defending the rights of Darfuris, and in particular the rights of women and children.

TURKEY

Safak Pavey—Member of Parliament, Turkish General National Assembly.

Award Citation: "For her personal dignity and courage not only in overcoming physical disabilities, but also emerging as an effective local and global champion of the rights of women, minority groups, refugees and disabled persons."

Bio: Safak Pavey, the first disabled woman elected to the Turkish Parliament, has demonstrated great personal dignity in overcoming physical obstacles each and every day, while locally and globally championing the rights of vulnerable populations, including refugees and disabled persons. Whether working in extreme conditions for the United Nations High Commission on Refugees (UNHCR) in the Middle East, South Asia and Africa, or acting as a lightning rod to spark the UN Interagency Support Group for the Convention on the Rights of Persons with Disabilities, Pavey has sought to turn her disability into strength on a global level. Undaunted by her own challenges, she is also an agent of change at home. Pavey endeavored to foster acceptance for the Armenian community in Turkey, and is one of a small number of non-Armenians who wrote for the Armenian Turkish newspaper, Agos. After winning a seat in the Turkish parliament in June 2011, Pavey is continuing to empower and give voice to disabled persons, women, and minority populations.

Mrs. SHAHEEN. This morning I wish to pick just one of these amazing women and tell her story.

Shad Begum is the executive director of the Union of Women's Welfare in one of the most extremely conservative districts in all of Pakistan. As the founder and executive director of the program the Union of Women's Welfare, she provides political training, microcredit, primary education, and health services to women throughout her community. She not only encouraged others to run for office, she herself ran for a district counselor seat in 2001 and 2005, winning the seat against local conservatives who tried to ban

women from participating. Despite numerous threats to her life and her family, including calls for suicide attacks against her by local extremists, she continues to work to improve the lives of women throughout Pakistan.

Ms. Shad is one of 10 remarkable women the State Department honored this year. Every one of these 10 stories is inspirational, but they also represent literally millions of women around the globe who are out there fighting and suffering to be heard. There are countless women who don't receive the recognition they deserve and who continue to be silenced by persecution and harassment. Today we recognize, honor, and celebrate all of those nameless, faceless women around the world who are continuing the fight.

Far too many women remain excluded from full participation in society, to the detriment of their communities, their countries, and the world. Although strides have been made in recent decades, women across the globe continue to face significant obstacles in all aspects of their lives, including the denial of basic human rights, discrimination, and gender-based violence. According to the World Bank, women make up 70 percent of all individuals living in poverty. Women account for 64 percent of the adults worldwide who lack basic literacy skills. Women continue to remain vastly underrepresented in national and local governments around the world.

So there is no doubt that we have a lot of work to do, but all of society benefits when women are more fully integrated into their communities and their villages around the world. In the words of President Obama, "Our common prosperity will be advanced by allowing all humanity—men and women—to reach their full potential."

As we reflect on the past, present, and future achievements of women, I believe it is important to recognize the vital and untapped resource that women represent for our world. The ability of women to realize their full potential is critical to the ability of a nation to achieve strong and lasting economic growth, political and social stability, and enhanced security for all its people.

Thank you very much, Mr. President. I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I would also like to ask the permission of the Chair to display this box during my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Thank you, Mr. President.

100TH ANNIVERSARY OF THE GIRL SCOUTS OF AMERICA

Mr. ISAKSON. Mr. President, I am proud to stand here today on International Women's Day, the 8th day of March, 2012, to pay tribute to women around the world but also to acknowledge that women around the world, on Monday, March 12, will celebrate the 100th anniversary of the founding of the Girl Scouts of America, founded in Savannah, GA, a beautiful town, by a wonderful Georgia lady, Juliette Gordon Low. Girl Scouts around the world will be celebrating the founding of that great organization, which has had a positive effect on women around the world.

Each of us right now is well aware of the Girl Scouts because of boxes like this box the Acting President pro tempore gave me permission to display, which is what is left of a box of Thin Mints. The Girl Scouts sell boxes of cookies this time of year to raise money for their operations around the world. I eat far too many of them. They are good. They are good for me, they are good for America, and they are good for the Girl Scouts and the fundraising they do.

The Girl Scouts is an organization of leadership, developing women for the future. While only 17 percent of this body are women, almost all of them were Girl Scouts. Almost all women of business were Girl Scouts. And almost all women who were in Girl Scouts pay tribute to the Girl Scouts of America and the contribution they have made to their lives. There are 3.2 million active Girl Scouts in America today, and there are 50 million Girl Scout alumni in America. That has a tremendous impact on all that is right about America.

The Girl Scouts have been pacesetters. Dr. Martin Luther King, Jr., a native of my city of Atlanta and a native of our State that Juliette Low was from, cited the Girl Scouts of America as "a force for desegregation" during the troubled times of the 1950s and 1960s. The Girl Scouts were at the forefront of integration and leadership for youth.

The Girl Scouts of America also pledge themselves and they make a promise, which I would like to read.

On my honor, I will try:
To serve God and my country,
To help people at all times,
And to live by the Girl Scout law.

Which reads:

I will do my best to be
honest and fair,
friendly and helpful,
considerate and caring,
courageous and strong, and

responsible for what I say and do,
and to respect myself and others,
respect authority,
use resources wisely,
make the world a better place, and
be a sister to every Girl Scout.

That is not a motto just for the Girl Scouts but one that would serve us all well in this body.

So on this International Women's Day on March 8, I would like to acknowledge that on Monday, when we are not here, around the world women will celebrate the founding of the Girl Scouts of America, and the 3.2 million Girl Scouts in America today will be building for the future the Acting President pro tempore and I work for today in this body, the U.S. Senate.

I yield back the remainder of my time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mr. CORKER. Mr. President, later today I will be down on the floor to offer a budget point of order on the highway bill. I have been down here several times over the course of the last several days.

I think most in this body—a large majority of people in this body—have been a part of encouraging us to, in a very bipartisan way, solve the budget problems we have in this country. There were 64 of us—32 on each side of the aisle—who signed a letter to the President encouraging him to really adopt some of the principles that were laid out in Bowles-Simpson. After that, there was a very large number of Senators on both sides of the aisle who signed a letter to the supercommittee asking them to go big and really deal in a serious way with the budget issues, the deficit issues with which our country is dealing.

I have been down here multiple times talking about the various oddities in this bill. What is getting ready to happen in this bill is that we are actually, over the next 2 years, going to create a \$10 billion to \$11 billion deficit. Because of the various gimmickry we use, we are figuring out ways to get around that. One of the budget gimmicks we are using in the bill is that we are going to spend the money over a 2-year period but pay for it over a 10-year period—2 years worth of spending, 10 years worth of revenues.

I think the Acting President pro tempore was here during the period of time we had the health care debate in our

Nation, and many of the folks on my side of the aisle, rightfully so, were concerned about the health care bill because there were 6 years' worth of costs and 10 years' worth of revenues, and a lot of people thought that was a budget gimmick. Candidly, many of my friends on the other side of the aisle, while they may have supported the bill, were also concerned about those same types of gimmicks being used in the health care bill, and it caused them concern.

My point is, in a bipartisan way, we have tried to deal with our budget deficits in this country. I notice the Senator from Illinois just stepped on the floor. He has been a major player in those initiatives. What we did last year was we passed something called the Budget Control Act. We did so in order to raise the debt ceiling and to accomplish discipline in this body so that over the next 2 years we established overall caps on spending.

This bill, believe it or not—here we are in March, with a very popular bill, which speaks to the fact, to me, that it is the kind of bill that many of us would think, if you really want to pass a highway bill, you would prioritize it higher than other spending, that it is the kind of situation that, in a bipartisan way, we would come together and say: OK, we really want to see infrastructure spending in this country, so let's make this of higher priority than other spending.

That is not what we are doing. Believe it or not, this Senate—which has talked big about deficit spending, written lots of letters, had lots of meetings—what this Senate is getting ready to do with this bill is violate the Budget Control Act that we passed last year trying to show the American people we had at least a modicum of discipline.

Let me say it one more time. This highway bill, in March of this year—I think we passed the Budget Control Act last August, in the early part of August, to demonstrate to the American people that this Senate, this Congress had the discipline to put caps on spending over the next 2 years to begin the process of addressing deficit reduction. What we are going to do, if we pass this highway bill, as laid out, is violate that budget cap right now.

I want everybody in this body to know that I plan to offer a budget point of order. I hope at least all of those 64 Senators—32 on each side—would join me in opposing breaking the Budget Control Act we just put in place in an effort to demonstrate to the American people and, candidly, to the world that buys our Treasury bonds that we have the ability, the discipline to deal with the fiscal issues we have in our Nation.

Mr. President, I know we have the distinguished Senator from Texas in the Chamber, who was to speak exactly right now. I yield the floor and thank

the Acting President pro tempore for the time.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The Senate is currently in morning business, with 20 minutes 16 seconds remaining on the Republican side.

Mr. CORNYN. I thank the Acting President pro tempore.

GASOLINE PRICES

Mr. CORNYN. Mr. President, I come to the floor to express my concerns on behalf of the 26 million constituents I have in Texas about the rising gas prices and the administration's failure to take reasonable and rational and practical steps to help ease the pain Americans are feeling at the gas pump.

Just think about it. We know unemployment is unacceptably high and intractable, notwithstanding our private sector economy's best efforts to grow and to create jobs. So we know people are out of work. We know many of them are unable to pay their mortgages and are literally losing their homes to foreclosure. Those who are fortunate enough to have jobs are experiencing higher prices when it comes to food, when it comes to health care, notwithstanding the passage of the Patient Protection and Affordable Care Act, of which the President said the average family would save \$2,500 in health care premiums. Last year alone, there was almost a double-digit increase in the cost of health care for most American families.

Now, to add insult to injury, we have higher gas prices, which are crowding out other spending and lowering the standard of living for American families who are struggling with the slow economic recovery we are experiencing.

The average price of gasoline in the United States has more than doubled since the week of the inauguration of President Obama in January 2009. In January 2009 a gallon of regular gas was \$1.89. Today it averages \$3.79 a gallon. The Associated Press reports that the average American household spent \$4,155 filling up at the pump in 2011. That is the annual cost of gasoline for a typical U.S. household.

I remember arguments—passionate arguments—about the payroll tax holiday and the President holding press conference after press conference saying, if we would just pass the payroll tax holiday, then families would have \$40 more a month spending money in their pockets. Well, higher gas prices have wiped that out and more.

Gasoline costs now amount to 8.4 percent of the median household income—8.4 percent. I am not telling anybody something they do not already know

and they have not already felt, that they have not already experienced. Everyone has experienced the higher prices. This is the highest price for gasoline since 1981 when costs soared because of another crisis in the Middle East.

Weeks ago President Obama said there is very little he could do about high gas prices in the short term. I tell you, it is good he made those comments in Miami, FL, and not Midland, TX, because Texans know that greater domestic energy production would help reduce oil prices and, therefore, reduce gasoline prices. Roughly 70 percent of the price of gasoline is the price of oil from which gasoline is refined. You know, sometimes I feel as though in Washington, DC, we are operating in a parallel universe that has very little in common with the rest of the country. And here it is—not to mix my metaphors—ships passing in the night. But the fact is, the laws of supply and demand cannot be suspended by the Congress or the President of the United States. President Obama used to agree with that.

Last March, for example, he said producing more oil in America would help lower oil prices. Well, lipservice will not produce lower oil prices, but, yes, producing more oil will because the greater the supply—we know the laws of economics say, demand being the same, greater supply will lower prices. The fact is, there is greater demand all around the world, not just in the United States, as economies are growing in China, in India, and Brazil and places such as that.

To add insult to injury, this administration has adopted policies that have directly conflicted with the goal of lowering oil and gasoline prices. I do not know how to reach any other conclusion but to say it appears to me that the administration has intentionally enacted policies that will raise gasoline prices. I know they will deny that. They will say it is not true. But I do not know any other explanation.

Let me provide the evidence that leads me to that conclusion and perhaps you will agree. Today we learned that President Obama has been busy calling Senators on the other side of the aisle and asking them to vote against an amendment being offered by Senator HOEVEN of North Dakota that would allow the Keystone XL Pipeline project to move forward—the President, on the phone calling Senators saying: Vote against the Keystone XL Pipeline amendment offered by Senator HOEVEN.

The President has previously said there is not a single morning he wakes up that he does not think about creating jobs. But, apparently, he woke up today thinking about how to lobby against jobs because the Keystone Pipeline, in addition to providing an additional supply of crude oil from the

tar sands in Canada that would be transported to the United States, would be turned into gasoline in places such as Port Arthur, TX—apparently, the President got up and thought: How can I obstruct additional supply? How can I destroy the jobs that would be created, which is directly contrary to what he professed he does when he wakes up each morning thinking about how to create new jobs.

The Keystone XL Pipeline is a \$7 billion private investment that will create 20,000 jobs in construction and manufacturing alone. It will add tens of thousands of additional jobs throughout the economy in other sectors that will support the pipeline construction.

This is kind of personal for me and my constituents in Texas because we are an energy-producing State. We actually think that is good because it has created a lot of jobs. It has allowed us to weather this recession. People have voted with their feet, and they have moved from other parts of the country to Texas because that is where the jobs are so they can provide for their families and they can try to achieve the American dream.

Texas as a whole provides more than one-quarter of America's total refining capacity. Last month, when the subject of the Keystone Pipeline was very much in the news, I visited with a number of refinery workers in Port Arthur, TX, who expressed concern about the future of their livelihood. These constituents of mine in Port Arthur, TX, could care less about the politics in Washington, DC—who wins, who loses, the sort of stuff that seems to facilitate an obsession inside the beltway. But they were particularly upset—not just Republicans but Democrats, Independents, unaffiliated folks. They were particularly upset with the Obama administration's rejection of the permit for the Keystone XL Pipeline which, as I said, would terminate in the Port Arthur region and allow our State to refine an extra 700,000 barrels of oil each day and turn it into gasoline and other refined products that would increase the supply and thus, according to the laws of economics, have a tendency to bring prices down as we increase supply.

President Obama's behind-the-scenes maneuvers, this crusade, is the starkest reminder yet. He is the only thing standing between this country and more jobs and energy security. I regret to reach that conclusion, but I do not know of any other reasonable conclusion to raise.

Rather than asking Saudi Arabia and other OPEC countries to produce more oil in a region where our troops have been deployed for 10 years or more, is it any coincidence that in the oil-producing regions of the world that we depend upon for oil, where our American troops have fought and some have

made the ultimate sacrifice to protect our country, to protect our economy, to protect our way of life, that there have been some in this Chamber who have suggested we ought to go, hat in hand, to Saudi Arabia, and say: Will you please open the spigot a little wider? Will you please supply us more oil so we do not have to do it in America? You can do it for us, and we can buy it from you.

Well, I believe this administration should work closely with our partners in Canada, a friendly country where we do not have to worry about a disruption of supply because if the Iranian threat to block the Strait of Hormuz comes to pass, 20 percent of the world's oil supply passes through the Strait of Hormuz. You know what that would do to prices, not to mention other consequences which are entirely negative.

Canada is a reliable and geographically secure trading partner. Their oil exports are insulated from the potential supply disruptions in the Middle East. Rather than demonizing oil and gas companies that employ millions of hard-working Americans, while wagering more taxpayer dollars on boondoggles such as Solyndra, the Obama administration should take its regulatory boot off the necks of our domestic energy producers.

As I said, this is personal for me and my constituents because Texans are proud that our State remains the leading U.S. producer of oil and gas. As I stated, it is what has helped us grow and create an awful lot of jobs for which people are grateful. We know for a scientific fact that America has just begun to tap the potential of its vast resources. According to the Congressional Research Service, our country has more recoverable energy resources than Canada, China, and Saudi Arabia combined.

As American Enterprise Institute scholar Kenneth Green has noted, the Outer Continental Shelf of the United States alone contains enough oil to fuel 85 million cars for 35 years. Yet more than 97 percent of that territory is not under lease as a result of Obama administration policies. Expanding access to Federal onshore and offshore lands, eliminating permit delays in the issuance of leases could help reduce policies and strengthen our energy security while creating jobs and boosting revenue to the local, State, and Federal Government that would help us close our budget gap.

Unfortunately, the Obama administration's proposed offshore oil and natural gas leasing plan for 2012 to 2017 eliminates—eliminates—50 percent of lease sales provided for in the previous plan and imposes a moratorium on developing energy from 14 billion barrels of oil and 55 trillion cubic feet of natural gas in the Atlantic and Pacific Oceans. The moratorium on the natural resource rich Gulf of Mexico and

persistent delays in permits for shallow and deepwater leases could result in a 19-percent decrease in production in 2012—a 19-percent decrease in production.

So we are not only talking about keeping the production static, we are talking about actually decreasing supply as a result of Federal administration policies. Decreasing supply will have the inevitable effect of raising gasoline prices as that happens, and then there is the regulatory impact. Everywhere I go in my State, and as I talk to people around the country—they come to visit us in the Capitol. If they are in the private sector, they say the biggest threat to their ability to start a new business or grow existing businesses and create jobs is regulatory overreach.

We know during the last election the voters gave us divided government. They made it harder for the Obama administration to single-handedly pass policies such as the President's health care bill, such as the stimulus, such as Dodd-Frank on a partisan basis. So we got divided government. What we did not get is an ability to stop the regulatory overreach of executive branch agencies.

If the President is serious about looking for every single area that we can make an impact on gas prices, as he pledged in Miami, he must reverse the regulatory overreach of the last 3 years. The U.S. Chamber of Commerce reports that the Environmental Protection Agency alone is moving forward with 31 major economic rules and 172 major policy changes. That is not something Congress is legislating. That is what the EPA is doing on its own because they are an executive branch administrative agency. But they are going to have a negative impact on our energy supply. The Chamber of Commerce rightly calls this an unprecedented level of regulatory action. It has a chilling effect not only on energy production, it has a chilling effect on jobs, something we need more than anything else as our economy struggles to recover.

Even as gas prices have approached \$4 a gallon, the Environmental Protection Agency has proposed a tier 3 rule to cut air emissions from fuels in light-duty vehicles. This rule alone would force refiners of oil to gasoline to make dramatic changes in the way they do business.

A recent study concluded the rule would increase the cost of manufacturing gasoline by 12 to 25 cents per gallon. So as high as they are now, once this rule goes into effect, the price we pay at the pump could go from 12 to 25 cents higher.

It could also inflate the refiners' operating costs by \$5 billion to \$13 billion annually and lead to a 7- to 14-percent reduction in gas supplies from U.S. refineries and force as many as seven U.S. refineries to shut down.

We have already seen recent reports of a number of refineries on the East Coast that produce gasoline in America shutting down because they cannot do business economically under this regulatory burden. Beyond the tier 3 rule, the American energy producers are deeply worried about the EPA's proposed greenhouse gas regulations which will serve as an energy tax on consumers. They are also worried, as if that wasn't enough, about the agency's new source performance standards and its boiler maximum achievable control technology rule.

I know a lot of this sounds arcane and is not something people talk about over the kitchen table. But each one of these cumulatively have had a negative impact on the gasoline prices that are directly harming American families in their pocketbooks, lowering their standard of living and making it harder to get by even as they struggle with the slow economic recovery.

Collectively, if we were to have a moratorium on these regulations at least until we begin to see unemployment come down and the economy grow, gas prices come down—collectively, these regulations will put more U.S. refineries out of business and will lead to ever higher gasoline prices at the pump. Conversely, if we were to have a temporary moratorium, it would provide much needed relief to hard-working American families.

If that weren't enough, the U.S. Fish and Wildlife Service has been very active as well. I mentioned Midland, TX, which is part of the historic Permian Basin, which is a huge source of oil and gas production. Thanks to new technology and innovation, it is experiencing a second boom and creating lots of jobs and a lot of American energy. What a surprise it was when the U.S. Fish and Wildlife Service announced its intention to list the sand dune lizard—a 5-inch lizard in the Permian Basin—as an endangered species without adequate investigation of the science. It threatened the jobs of nearly 27,000 Texans in the Permian Basin, which is home to more than one-fifth of the top 100 oilfields in America.

Looking at all of the evidence on energy prices, it is hard to come to any conclusion other than that higher energy prices are part of President Obama's plan. He talks about green energy and green jobs. Those are great, but they only supply a low single-digit percentage of our energy needs. We have to produce American energy, our oil and gas reserves.

President Obama's policies have intentionally elevated the price of gasoline to the detriment of the American consumer. One of the things we can do is pass this Keystone XL Pipeline amendment. It will eventually provide 700,000 barrels a day of oil from Canada to be refined in America, creating jobs and creating more supply, which will

have a beneficial impact on gasoline prices, notwithstanding the other policies I have mentioned this morning.

I hope my colleagues will support Senator HOEVEN's amendment. I certainly will. I would love to hear the contrary argument. Unfortunately, we hear nothing but crickets when we start talking about all of the beneficial effects of this policy.

I invite my colleagues who might not come from an energy-producing State to go on the Internet and Google or use Bing or whatever search engine they use and type in "U.S. oil and gas pipelines" and look at the picture that comes up. They will be astonished, perhaps, to see all of the pipelines that are operating safely, without the public knowing about it, providing the oil and gas and other refined products we need in order to keep our economy growing. This pipeline is not a threat to the environment because we have adequate safeguards in place, and have for a long time.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I will follow up on the comments of the Senator from Texas on an issue that we will be voting on this afternoon, I understand, regarding the construction of the so-called Keystone Pipeline.

I have been somewhat frustrated by the debate around this issue. Unfortunately, I think we are going to be confronted again with kind of a bifurcated choice that doesn't get to the possibility of us actually putting into place a comprehensive energy policy that will remove this Nation's dependence upon foreign oil and start to look at the ability over the longer haul to bring down the price at the pump and make sure we are truly a participant in the opportunities of a glowing, multifaceted energy policy going forward.

I support the construction of the Keystone Pipeline. I believe we need to have an energy policy that has an "all-of-the-above" approach. I do believe there are appropriate regulatory reviews that need to be made. I also, frankly, think any construction of the

Keystone Pipeline should take into consideration the very serious environmental considerations that particularly affect the State of Nebraska, and there will need to be a route for this pipeline that would avoid that potential environmental damage.

However, because of the way this process is being laid out, I will not be voting for the Keystone amendment today because by making this a straight up-or-down issue, without taking advantage of the opportunity to put together the beginnings of an energy package, we are missing a great opportunity.

As I have mentioned, if we are truly serious about energy security, and if we are truly serious about reducing our dependence upon foreign oil, I believe we need an energy policy that has an "all-of-the-above" approach. Yes, that means more domestic oil and gas. But it means when we have an opportunity in an issue of controversy such as this regarding Keystone, we could have taken this opportunity to include a rational approach with appropriate environmental reviews to get to, I believe, a positive answer on Keystone but also link that with other energy policies that would make sense.

I know the Presiding Officer has in his State a number of wind facilities and solar facilities. Unfortunately, those areas that need, as well, to be part of our energy mix—the tax treatment that allows those projects to move forward have been put in limbo because of the failure of Congress to extend the so-called tax provisions, or tax extenders, on a going-forward basis. Wind projects all across the country—in fact, I was visiting with some folks right before coming to the floor, and they have a variety of wind projects that are stopped dead in their tracks because of the uncertainty regarding whether Congress will act.

The ability to get the Keystone Pipeline passed, in combination with passing, as well, the extension of these appropriate renewable energy tax credits could have built the kind of bipartisan consensus around energy policy that would be needed. I also believe the lowest hanging fruit in terms of how we save and can have a rational energy policy in this country means a much greater involvement with energy conservation. There is a very strong bipartisan energy conservation bill, the Shaheen-Portman bill, that could have been included in this package as well.

I think if we are going to get serious about reducing our dependence upon foreign oil, if we are going to make sure we give the American taxpayers a vision that in the future we are going to see the ability to reduce our dependence upon foreign oil that results in higher gas prices, we actually could have put together around this Keystone proposal a true compromise, a bipartisan consensus that would have included construction of Keystone, with

the appropriate environmental reviews, with making sure those key areas of Nebraska are protected, with the inclusion of the energy tax cuts and provisions that we do on an annual basis, and that we continue to allow wind, solar, and other renewable energy production to continue, and a meaningful energy conservation bill—the Shaheen-Portman bill.

I believe those three policies linked together would have resulted in a vote that would have been overwhelmingly bipartisan and would have been a demonstration to the American people that we are going to get out of our respective fox holes and put the beginnings of a truly comprehensive energy policy in place.

Unfortunately, I don't think we are going to have that happen. We are going to have a straight up-or-down vote on Keystone that dismisses any of the appropriate review processes and doesn't bring in the issues around the so-called energy tax extenders or the conservation bipartisan legislation that was put together by Senator SHAHEEN and Senator PORTMAN. Instead of getting a more comprehensive vote this afternoon, which I believe would have passed overwhelmingly, we are going to end up with one more vote that will, for the most part, break down on partisan lines. I am disappointed in that.

I do believe we need construction of the Keystone Pipeline. I believe we need meaningful energy conservation legislation and meaningful tax policy that promotes renewable energy around solar, wind, and biomass. Unfortunately, we are going to miss the opportunity today to send that strong signal of a comprehensive “all-of-the-above” energy policy that would actually move this Nation forward.

I know my friend, the Senator from Texas, is no longer here. I would have loved to have been able to support a comprehensive package that would have allowed the Keystone effort to move forward in conjunction with these other efforts. Unfortunately, that will not happen. Perhaps later in the year we will have the ability to cobble together something that includes more of an “all-of-the-above” energy policy and we can actually get about the business of making sure we have a national energy policy.

But there is no silver bullet. We were going to need to make sure we take advantage of all of the energy resources we have in this country—oil, gas, offshore oil, nuclear, and appropriate revenue sharing with States—such as my State of Virginia—and energy conservation and renewables as well. The sooner we get to that debate, the sooner we can build the bipartisan coalitions that will allow that kind of policy to move forward.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

AMENDMENT NO. 1535

Mr. VITTER. Mr. President, I call up my amendment No. 1535 which is at the desk, and I ask it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1535.

The amendment is as follows:

(Purpose: To provide for an extension of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015)

On page __, between lines __ and __, insert the following:

SEC. __. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015 issued by the Secretary of the Interior (referred to in this section as the “Secretary”) under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in section (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

Mr. VITTER. Mr. President, amendment No. 1535, the Vitter amendment, is very simple and straightforward, and it goes to an awfully important issue. It goes to the issue of the price of energy, particularly the price of gasoline at the pump. There will be a vote today on this amendment. In fact, it will be the first vote we take this afternoon.

The amendment is very simple. It would allow us to go back to the previous lease plan for the Outer Continental Shelf, replacing the current Obama administration lease plan which cuts that previous plan in half and moves us in the wrong direction in terms of producing our abundance of domestic energy, including oil and natural gas.

Everybody is concerned about the rising price of oil at the pump. It is on the rise again. It is significantly increasing. And that hits middle and lower class families right in their pocketbooks, right where it hurts, and it is particularly harmful in a down economy. We are struggling to get out of this recession, we are trying to mount a recovery, we are trying to make positive things happen, and these increasing prices at the pump are hitting at the worst possible time.

What can we do about it? Well, there are a lot of things we can do, but cer-

tainly increasing supply, including domestic supply, is one major, positive thing we can do. We know that 88 percent of the price of an average gallon of gasoline is attributable to the cost of crude oil and taxes—88 percent. That only leaves 12 percent that is refining, marketing, and distribution. And, by the way, that 12 percent also includes the compliance cost for a host of mandates required by statutes and regulations related to refining, marketing, and distribution. So again, the huge bulk of that price represents the price of crude oil as well as taxes.

I could argue forcefully and present a lot of data that taxes on oil and gas are actually too high, but I don't expect a majority of this Senate to listen. So what we are left with as a way to impact those rising prices at the pump is to find more, develop more, increase supply, and that brings the price down worldwide. And we can do that starting right here at home.

Most Americans don't realize it, because of Federal policy, but the United States is the most energy-rich country in the world, bar none. When you look at all of our energy resources, certainly including oil and gas, the United States is the most energy rich, and we are far richer, by a long shot, in terms of those total energy resources, than any Middle Eastern country, such as Saudi Arabia. The only other country that comes close is Russia, and they are well behind.

The problem is the United States is also the only country in the world that puts about 90 percent of those resources off limits and says no, under current Federal law, under the current Obama administration lease plan, to drilling off the east coast, no to drilling off the west coast, no to production of energy in the eastern gulf—at least as of now—no to most things offshore Alaska, no to ANWR—the Alaska National Wildlife Refuge—and increasingly this administration wants to say no and wants to put up hurdles and blockages on lands where a lot of energy production is happening because of enormous shale finds and relatively new technology.

One major thing we can do to affect the price at the pump in the right direction—which would be to lower it—is to say yes instead of no to developing more of our domestic energy. Unfortunately, in the last several years, under President Obama, we have been moving in the opposite direction. We have been moving away from that production.

An excellent example is the Outer Continental Shelf. This first chart I will put up is the last lease plan—prior to the Obama administration—that was actually beginning to say yes in a significant way. This was the result of the outcry from the public—the appropriate outcry after the summer of 2008—the last time prices at the pump spiked so significantly. People said,

wait a minute. Why aren't we producing more at home? Washington finally responded to that, and through this lease plan we were saying yes more and more. We were saying yes—green light—on the east coast; yes, do more in the gulf; yes, green light off the west coast; yes, do more in offshore Alaska.

Unfortunately, that came to a screeching halt under the Obama administration. One of the first energy actions this administration took—President Obama and Secretary of the Interior Salazar—was to very quickly cancel this lease plan. Once they took office, they scrapped this. Then they studied it for quite a while, with no lease plan in sight. Finally, several months ago, they announced and put forward their own lease plan—the first under the Obama administration. And what a difference an election makes. What a difference a change in administration makes. All of a sudden the green lights became red lights again. We reverted to the old policy of moratoria on production again and the answer, again, was no, no, no, no. No, off the east coast; no, for now, in the eastern gulf; no, offshore Alaska; no, off the west coast—no, no, no, no.

This plan is only half as much as the prior 5-year lease plan. So instead of moving in a positive direction, accessing more of our energy, including in the Outer Continental Shelf, we are backing up, we are turning around, and we are turning our backs on the needs of the American people. Again, we are saying no, no, no, no.

The Vitter amendment, No. 1535, would reverse that. It would say yes. It would say, no, this plan isn't a good idea. Let's go back to the prior 5-year lease plan. Let's develop, explore, and produce U.S. energy in a responsible way. Again, we are the single most energy-rich country in the world, bar none. We have enormous resources, including offshore, including oil and gas. But we are the only country in the world that says no, no, no, no, and that puts over 90 percent of those resources off limits.

This amendment will begin to change that. This amendment will reverse that mistaken policy. In so doing, it would significantly increase the supply of oil where we can control it most—right here at home. And when everything else stays the same—you increase supply, demand is the same—what happens? Price goes down. That is the first law of economics.

So let's say yes. Let's say yes to good, reliable U.S. energy, let's say yes to increased energy independence by doing more for ourselves right here at home, and let's say yes to great American jobs. Because that is also what this amendment would produce—jobs. And by definition these jobs can't be outsourced. You can't take good U.S. energy jobs and ship them to China or India. You can't do that, by definition.

Let's also say yes to this amendment because it would help with deficit and debt reduction. This increased activity would do what? It would produce significant Federal revenue. The Federal revenue or royalty on domestic energy production is the second biggest source of revenue to the Federal Government, second only to the Federal income tax.

Let's say yes. Let's do something about the rising price at the pump, and let's take control of our own destiny. Please support amendment No. 1535. As I said, I urge all of our colleagues to support this important amendment—Democrats and Republicans. It will be the first amendment vote we take this afternoon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to speak against the Vitter amendment because I think it is a huge danger to our economy, and I will explain why. It is a huge overreach by the Federal Government into the ability of States to determine if they want a recreation industry, if they want a fishing industry, if they want a tourist industry. So I will speak more about it.

Before I do that, I want to let people know where we are. Thanks to the extraordinary patience of our majority leader, HARRY REID, today, we finally have a path forward to the transportation bill. And normally I would name lots of other people—yes, we have all been involved—but Senator HARRY REID is extraordinary.

He sat in his office last night, 7, 8, 9, 10, I was calling him finding out what was happening. I was calling the great staff he has, working with my staff and Senator INHOFE's staff, whom I have grown to respect so much. Given all the issues that are facing us, we all knew that having a transportation bill is critical. We do debate very fiercely on lots of things, and we are going to see that this morning. But when it comes to infrastructure, we have found common ground with most of our Republican friends.

I do wish to say, those who tune in to this debate are going to be a bit confused because they are going to hear debates on amendments that are not about highways, bridges, roads. They are not going to hear too much about that for a while. Why is that? Because the Senate is the Senate is the Senate. We tried very hard to limit the debate to relevant amendments, but we were thwarted a couple times. We couldn't get the 60 votes, pretty much party line; colleagues wanted to have votes on very controversial amendments, which I do not think are going to pass, but we will find out. One of them is the amendment offered by Senator VITTER of Louisiana.

This amendment would essentially take the drilling plan that was released in the last few days of the Bush admin-

istration and would open for drilling entire new areas on the Atlantic, Pacific, the eastern Gulf of Mexico, and Bristol Bay. The fact is, since that plan was offered, we have to understand we are drilling more now than ever before. We have four times the number of rigs out there. We are now exporting oil.

Does everyone agree we want more oil? I want more oil. I want it to stay in America. But I don't want to endanger entire economies by saying to our friends in the States: Uncle Sam says to forget about their fishing industry, forget about their tourist industry, forget about all the restaurants and the hotels and everybody else who depends on it.

I can tell you, in my State, tourism is one of the biggest industries we have and the beauty of our State and the beauty of our coast is what draws so many people there. So this heavy-handed amendment says we don't care what you think, we are going to just open everything.

In 2006, this body passed the Gulf of Mexico Energy and Security Act. I know my friend from Florida is on the floor. That act offered 8.3 million acres for drilling in the central and eastern gulf planning areas in exchange for protecting Florida's coast until 2022. We will see, if this were to pass, lease sale No. 220 off the coast of Virginia go forward, despite concerns that this will interfere with the Navy's and NASA's activities in the region. The Vitter amendment requires drilling in Bristol Bay, one of the world's richest fishing grounds, which supports a commercial fishery worth \$2 billion a year.

Let's be clear, America. We have 2 percent of the world's proven oil supplies and we use 20 percent of the world's energy. So we can't drill our way out of this. What one can do, if one votes for Vitter, is maybe feel they are doing something, but we are destroying whole areas of our Nation that are so dependent upon the beauty of our coastline.

On top of it all, this amendment would waive environmental review of this entire plan—no environmental review. So nobody in the country would know what lies ahead.

Look, we don't need any more giveaways to Big Oil. They are having raging profits even at the height of the recession, raging profits, billions of dollars. Here is the point. They are sitting on 50 million acres of onshore and offshore leases they have yet to drill upon.

Let me repeat that. Senator VITTER wants to open huge swaths of the coastline to Big Oil companies that are making record profits, the price of gas is soaring, and they are sitting on 50 million acres of land, onshore and offshore leases they have yet to drill upon. They have done nothing with more than 70 percent of the offshore acres and nearly 60 percent of the onshore acres in which they currently

hold leases. When they had a chance to bid on more lease sales, they only bid on 5 to 6 percent of those offshore acres in 2009 and 2010. So they are not taking advantage of the leases they hold. But Senator VITTER wants to open huge swaths, waive all environmental review, put at risk how many jobs in California alone—400,000 fishing and recreation—400,000 jobs. That is larger than some of our tiny States—well, maybe a little bit smaller. I think one of our States has about 500,000. This is 400,000 jobs, folks. We have to defeat this.

It is a great bumper sticker. “Drill, Baby, Drill” is a great bumper sticker. But I could write another one that says, “Keep the Oil Here in America,” and they are exporting the oil. We are exporting oil. We are going to have more of that debate when we come to the Keystone Pipeline.

Here is the deal. The Vitter amendment is a giveaway to Big Oil. They made a combined \$137 billion in profits last year. The American consumer doesn't see a dime of savings at the pump. It would do nothing to lower gas prices. It would encourage them to continue to sit on their assets, and that is what I think this is about. They list their assets in their yearly report to their shareholders, and those assets have value. So they just show them year after year and they never drill. In reward for that, we are going to give them even more assets they can brag about.

I am going to put again into facts what I said before: Domestic oil production under President Obama is up. There are 1,272 active oil rigs in the United States right now, more than four times the amount than in 2009. In 2010, for the first time in 13 years, imported oil accounted for less than 50 percent of the oil consumed in America.

Why is this happening? It is happening for many different reasons; one is we are drilling more and we are doing it in a sensible way, not destroying areas that need to be protected and jobs that need to be protected but in a wise way, in the regular order, in the regular process. But also, we are driving more fuel-efficient vehicles. That is extremely important because I already told everyone, we can't drill our way out of this mess with only 2 percent of the supply, using 20 percent of the world's energy. It is a tilt. It is a mismatch. So we have to have more fuel-efficient cars. Of course, our President led the way on that, and Detroit has rebounded because of this President and those in this Senate and House who voted to assure they wouldn't go bankrupt.

The truth is, the Vitter amendment is dangerous. It is very dangerous. If he wanted to come here with an amendment that had any hope of passing, in my opinion, why doesn't he go after

the speculators on Wall Street who are driving up prices? The CFTC Commissioner, Bart Chilton, has calculated that consumers pay an additional \$7 to \$15 on each tank of gas due to oil speculation. So if one wants to come and do something we could all support, come with an amendment that says the oil companies should drill on the lands they already have leases on; that we are very willing to open more acres that make sense, with the understanding that oil will stay here. We will work to stop the speculation on Wall Street that is driving up prices. Frankly, I think if we see this continued upswing in prices, my belief is we should go to the Strategic Petroleum Reserve, which has been done time and time again under Republican and Democratic Presidents, and we have seen the salutary impact on gas prices. They go down at least one time was 10 cents—I remember 10 cents a gallon right away. One time they stabilized the prices. So we have seen it happen before. That is why we have a Strategic Petroleum Reserve.

So one wants to come with a balanced plan and talk about how the oil companies have to drill on lands they have, how we support drilling where it makes sense and doesn't put people out of work who are in the recreation and tourism and fishing industry, go after the speculation on Wall Street, and tap the Strategic Petroleum Reserve, which is 97 percent full, if it looks like we can't get a handle on these prices. That is a plan, in addition to which we should continue to give tax credits and tax writeoffs to those people who buy fuel-efficient vehicles. I would love to see an added benefit for those made in America.

Vitter should be defeated. It is very controversial. It doesn't help us at all, and it would only pad the paychecks of the oil companies.

Mr. NELSON of Florida. Mr. President, will the Senator from California yield.

Mrs. BOXER. Yes, I would.

The PRESIDING OFFICER. The senior Senator from Florida is recognized.

Mr. NELSON of Florida. I just wish to underscore the statement of the Senator from California with regard to the Outer Continental Shelf and point out that the Vitter amendment would allow drilling in the one place on the Outer Continental Shelf that is off-limits in law; that is, the Gulf of Mexico off Florida.

There are several reasons that was passed in a bipartisan way with my colleague Senator Mel Martinez back in 2005. In the first place, there is no oil out there of any appreciable amount. The Senator has already pointed out there are 50 million acres under lease that are not drilled. Well, 30 million of those acres under lease that have not been drilled are in the Gulf of Mexico, where the oil is, in the central and

western gulf. There is very little oil and gas in the eastern Gulf of Mexico. Why? Because Mother Nature had those sediments coming for millions of years down the Mississippi River, and then the Earth's crust compacted for millions of years and made that oil and the oil is where the sediments were.

It is not out there and the oil companies know that and that is why they have 37 million acres under lease and only 7 million in the Gulf of Mexico are drilled, are producing of the 37 million acres.

That ought to be *prima facie* evidence of why we don't need to go in the Gulf of Mexico off Florida. But there is more. Didn't we have some lessons from the BP oilspill 2 years ago of what happens to tourism when oil comes up on the beach? It came very little on the Florida beaches, thank the good Lord, but the tourists thought the beaches were covered. So that tourist season on our gulf coast beaches was a bust from the Alabama-Florida line all the way down the west coast of Florida. We get down to Clearwater Beach, St. Petersburg Beach, lo and behold, they had a devastating dropoff of tourists who didn't come to those hotels and those restaurants and all those ancillary businesses. Part of what we have been doing with the BP money is trying to make people whole for all the income they lost. That ought to be reason enough. But there is another reason, and this is where people often are so surprised when I tell them.

The Gulf of Mexico off Florida is the largest testing and training area for the U.S. military in the world. This Senator from Florida has two letters from two successive Secretaries of State—by the way, both Republican—Secretary Rumsfeld and Secretary Gates, that say we can't put oil drilling and oil-related activities in the Gulf of Mexico off Florida in the test and training range, which in effect is the Gulf of Mexico off Florida.

I just wanted to bolster the Senator's statements about why we have to vote down this Vitter amendment.

Mrs. BOXER. I was just going to suggest that Senator NELSON continue with the time because I do not need any more time at this point. So please continue.

AMENDMENT NO. 1822

(Purpose: To provide for the restoration of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States and to provide funding for the Land and Water Conservation Fund)

Mr. NELSON of Florida. Mr. President, if I may be recognized, I want to point out that later on today we are going to have an amendment that is bipartisan. It is an amendment that, of its original filing with 10 Senators, 3 of them are Democrat and seven of them are Republican. It is called the RESTORE Act. What it does is when the

fine is determined on BP because of the 5 million barrels of oil they spilled—the fine allocated according to the Water Pollution Act, which says that a fine will be levied upon anyone who spills a barrel of oil in public waters, and, of course, because of the enormous amount of oil that was spilled, this could be a very substantial fine, 5 million barrels of oil—once that fine is determined, then the question is how is it going to be allocated.

If nothing is done, only about \$1.5 billion would go into the Oil Spill Liability Trust Fund. The rest of it is undeclared. Naturally, what the Gulf Coast Senators wanted to do was to have some of that money come back to restore the gulf—the critters, the water, and the people who are the ones who suffered as a result of the BP oil spill.

What we have worked out is a formula, that 20 percent of whatever the fine is would go back to the Oil Spill Liability Trust Fund and the remaining 80 percent would be allocated according to a formula devised by the National Gulf Restoration Council, appointed by the States and the Federal Government. It would go to make the environment of the gulf whole. It would go to help the economic development along the gulf that had suffered. And, very critically to this Senator, it would go to help research the long-term health effects on the gulf because there is no telling the effects. With all that oil sloshing around out there, we are already seeing enormous effects and we are going to be seeing that for years and years.

For example, there are two professors down at LSU with whom I visited who have been doing research on a little fish that roots around in the marshes to get its food. This little fish, called killifish—it is about the size of a silver dollar—they took that little fish and took slices of its gills, put them under a microscope, and have shown dramatic results in fish that live in the marshes where the oil penetrated, such as Barataria Bay, where it is all mixed up down into the sediment, and then taking samples of the killifish that came from marshes where not much oil hit. The dramatic result shows that these little fish do not reproduce. The ones that are there are stunted in their growth. They have all kinds of aberrations in their actual biological make-up. This spells bad news for the future of the gulf.

It is one of the amendments to the transportation bill. It is about five down on the list. Hopefully we will vote on it this afternoon. With seven Republican Senators being the sponsors of the original legislation, we are going to have this up. I plead with Senators, if you are concerned that you do not want all this money that is being fined as a result of the spill in the gulf—if you want it to go elsewhere in

the country, I plead for you to recognize if you were in our shoes what you would want. But acknowledging that you want some of the money—because we had to get a pay-for, and the pay-for is not controversial, yet it produces about \$1.5 billion additional—that can go to the Land and Water Conservation Fund. The pay-for is something that the Senate has extended every year, a portion that was passed back in 2004 having to do with the World Trade Organization.

It is a very complicated thing. Each year the Senate has put that in abeyance for another year. That is our pay-for, to put it in abeyance for the ninth year of the 10 years that this provision is to be in effect. What it does is it produces about \$1.5 billion for the Land and Water Conservation Fund so that it will have an effect for those concerned outside of the area of the Gulf of Mexico.

As you know, the Deepwater Horizon oilspill was right at 5 million barrels. It coated the beaches. It seeped into the wetlands. It kept fishermen at the dock during one of the busiest fishing seasons. It killed wildlife. It kept the tourists away from the gulf. The long-term impacts are not known because there is still a lot of oil out there at 5,000 feet, on the floor of the Gulf of Mexico. The fish and the wildlife that were not immediately killed are showing the signs of damage, as I have indicated with the killifish.

The gulf residents and the communities continue to suffer. In the Senate today, we have a chance to take a step to make the gulf coast whole again. As a sign of solidarity for the gulf, of the five Gulf Coast States that collectively have two Democratic Senators and eight Republican Senators, all but one Senator of those five States signed as a sponsor of the bill. It is bipartisan. This commonsense legislation is supported by so many people who looked at this: National Environmental Policy Act groups, sportsmen, chambers of commerce, academic institutions, local governments, the business community. Today's vote is going to be a huge step toward making sure that the fine that is going to be imposed upon BP, however much it is, ends up in the local communities that were harmed by BP's oilspill; otherwise, the money is going to end up in the Federal Treasury, and there is no telling, then, where it is going to be spent.

The RESTORE Act amendment provides funding to each Gulf State for ecosystem restoration and economic recovery. It also creates a Federal-State council responsible for developing and executing a holistic plan to increase the resiliency of the gulf ecosystem. Why were baby dolphins dying in record numbers? We don't know. We have to find out. We have to test these results for years to come.

The amendment is also going to ensure that each Gulf State would come

up with a State plan that is consistent with the Federal-State council plan.

Finally, this bill sets aside funding for science, specifically dedicating funding for data collection for our fisheries, for our wildlife, for long-term observation and monitoring, and sets up centers of excellence to carry out research on the gulf for years to come.

But there is also a national component in this bill. It creates a set-aside funding for an endowment for the oceans, an endowment for the Great Lakes, so in addition to restoring the gulf where the harm occurred, we can better protect all of our coasts from environmental harm. It provides substantial investments in the Land and Water Conservation Fund, which I mentioned, which protects and conserves land in each and every State in this Union.

I believe our people, the whole of America, deserve a healthy and productive gulf too, and the civil fines that are going to be assessed to BP can ensure that.

I wish to share with my colleagues a vision for a restored Gulf of Mexico. One of the lessons we learned—and we learned it too late—is that we do not have sufficient understanding of the gulf ecosystem. We know that one-third of our domestic seafood comes from the gulf waters but we did not have a clear picture on the biological status of two-thirds of the federally managed fish stocks that call the gulf home, so it is important that some of these fines go toward dedicated, long-term science about the gulf ecosystem.

That was one of the main things I wanted to get into the RESTORE Act, because of the obvious implications for the long term. A restored gulf is one in which clean water that is free from algae blooms and free from tar mats, is home to oyster reefs and fish habitat and sea grass beds, where charters ferry tourists from hotels to pristine beaches and then on out to the productive fishing spots. An integral part of the restoration is to shore up the coastal communities that were hardest hit by the economic impacts of the oil spill. It is going to take a substantial investment to achieve those goals.

The gulf cannot wait. The rigid partisanship that has sometimes gridlocked this body has given way to a spirit of strong collaboration and bipartisanship in this Senate when it comes to the RESTORE Act.

I thank all the cosponsors of the amendment and the cosponsors of the RESTORE Act, and I urge and plead with our colleagues to support this amendment. It is right for the gulf. It is right for the country.

I call up my amendment, No. 1822, which is at the desk, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] for himself, Mr. SHELBY, and Ms. LANDRIEU, proposes an amendment numbered 1822.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. NELSON of Florida. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 1660

(Purpose: To provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators)

Ms. COLLINS. Mr. President, I call up my amendment numbered 1660, which is at the desk, and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ALEXANDER, and Mr. TOOMEY, proposes an amendment numbered 1660.

(The text of the amendment is printed in the RECORD of Wednesday, February 15, 2012, under "Text of Amendments.")

Ms. COLLINS. Mr. President, I rise today to offer amendment No. 1660, the EPA Regulatory Relief Act, to the highway reauthorization bill. I am very pleased to have Senator ALEXANDER, Senator PRYOR, Senator TOOMEY, Senator LANDRIEU, and Senator MCCASKILL joining me as cosponsors of this amendment.

Last year I introduced the EPA Regulatory Relief Act (S. 1392) to provide the Environmental Protection Agency with the time the Agency itself said it needed to rewrite the proposed Boiler MACT rules to better serve the public interest and to protect vulnerable manufacturing jobs. That legislation had the support of 41 of my colleagues on both sides of the aisle, and a nearly identical bill passed the House of Representatives with bipartisan support this fall.

The EPA Regulatory Relief Act is straightforward. It will help ensure that the final Boiler MACT regulations will be achievable and affordable and that manufacturers will have adequate time to bring their facilities into compliance, thus preserving jobs. We hear over and over again that the top priority of the Senate should be to create an environment where jobs are created and preserved. Well, this amendment is all about saving jobs.

Since the EPA proposed these new Boiler MACT regulations in April of 2010, there has been widespread bipartisan concern over the cost of the implementation and potential job losses. It has been our shared goal to ensure that the final rules crafted by the EPA protect public health and the environ-

ment, while preventing the loss of thousands of jobs we can ill afford to lose. Enactment of this legislation is necessary to protect and to grow America's manufacturing workforce. This is all about jobs.

We have urged the EPA to set emission standards based on real-world capabilities of the best performing boilers currently available. After all, that is what Boiler MACT is supposed to be all about. Unfortunately, the EPA did not begin its rulemaking with that goal in mind, and the consequences are so serious. The forest products industry is the lifeblood of many small, rural communities in my State of Maine and many others; therefore, I am alarmed by a study commissioned by the American Forest and Paper Association which found that implementing the EPA rules as originally drafted could cause 36 pulp and paper mills around the country to close, putting more than 20,000 Americans out of work. That is 18 percent of the workforce in just this one manufacturing sector.

Mr. President, you may have heard that the EPA has revised its rules, and it has. But despite these revisions, the Boiler MACT rules remain an issue of great concern to manufacturers across the country and to many of my constituents. With the reconsideration process, the EPA has taken some initial steps, but they are not even close to sufficient. The Agency's repropose rules still do not address the serious and real threat to factories and mills that will be most directly affected. The revised rules are still estimated to cost billions of dollars and thousands of jobs. Regions across this Nation already struggling with the decline in manufacturing would be the hardest hit. Furthermore, a recent court ruling has created even more uncertainty and confusion, and it has increased the pressure on EPA to just rush through these rules without careful consideration.

Legislative action is needed to ensure achievable and affordable rules, to allow adequate compliance time, and to reduce the risk to industries posed by the pending litigation, which has created so much uncertainty that manufacturers are telling me they are putting any job expansions on hold. Enactment of the EPA Regulatory Relief Act remains the best way to provide the time the EPA says it needs to develop and implement Boiler MACT rules that will deliver the intended benefits to public health and our environment without devastating our economy. There is no need for a choice—it is not the environment versus jobs. With carefully crafted regulations, we can protect the environment and preserve jobs.

There are several factors that reinforce the continuing need for this legislation.

First, the overall capital cost to manufacturers of the Boiler MACT rules remains a staggering \$14 billion and threatens more than 200,000 critically needed, good jobs. Think about that. The revised rules have an estimated cost of \$14 billion, and 200,000 jobs would be lost.

Second, following the January 9 court decision that overturned the EPA's stay of the March 2011 rules—and this was a stay that the EPA, to its credit, requested but unfortunately was denied—businesses are facing serious and ongoing legal and regulatory uncertainty.

Third, the revised rules still do not allow companies adequate time to comply with the new standards and install the required equipment.

Fourth, important biomass materials are still not listed as fuels. That makes no sense at all. We are trying to reduce the use of fossil fuels. We should be encouraging the use of biomass in boilers. In fact, the Department of Energy is doing just that while the EPA is doing the opposite through these rules. It makes no sense to force mills to use fossil fuels while landfilling renewable biomass material. That makes no sense whatsoever.

Finally, the EPA's current schedule for finalizing the rules is inadequate for fully analyzing the comments and data that will be received during the comment period. The EPA recognizes that, and that is why it asked for this stay.

So I would ask of my colleagues, do not be deceived by the EPA's hollow promises that somehow, some way, everything will be fixed and that we don't need this legislation. The fact is that the EPA regulations are a moving target. Who knows what they ultimately will propose? Some of the materials of the biomass boilers are still being considered as solid waste and treated as an incinerator with far more costly and onerous regulations, but then again, this is the same EPA that initially proposed that we no longer treat biomass and wood as carbon neutral, overturning years of treating wood as carbon neutral. That makes no sense either. Under tremendous pressure, the EPA finally backed off on that for 3 years, but we don't know what is going to happen.

Let me say that the EPA does perform some vital functions in helping to protect public health by ensuring that the air we breathe is clean and the water we drink is safe. I have opposed many attempts to delay or overturn EPA regulations, but we need to make sure that as EPA issues new regulations, it does not create so many roadblocks to economic growth that it discourages private investment, which is the key to maintaining and creating jobs. We need to make sure the EPA both protects the environment and protects our economy and does not impose

billions of dollars of new costs on manufacturers, leading to an estimated loss of hundreds of thousands of jobs in manufacturing at a time when our economy can least afford it and when there are alternatives.

I am not saying there should not be Boiler MACT regulations. I am saying we need more time for the EPA to get it right, to work with the industry, to get real-life emission standards. I am saying we need more time for compliance so that we are not imposing these huge costs at a time when our manufacturers are struggling and thus jeopardizing jobs.

A coalition of 380 companies and organizations—I don't think I have ever offered an amendment with more support. And this has so many companies so upset about what this is going to do to the much needed jobs they are providing. There are 380 companies and organizations, including the National Federation of Independent Business, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the American Forest and Paper Association, and those are just a few of the 380 companies and organizations that have called for passage of my amendment. The members of this coalition are committed to working with the EPA, to being good stewards and supporting the development and implementation of achievable Boiler MACT rules, not rules that don't classify biomass, that force people to use fossil fuels instead of biomass. How is that good for our environment? It is essential that the EPA produce final rules that are guided by the same commitment.

The EPA is making progress in reducing the costs and coming up with a more practical approach to the Boiler MACT rules, but we have no idea where they are going to end up. They are a moving target, and we have had promises not fulfilled by the EPA before.

I believe we can achieve the health benefits we all desire. And I know we are going to hear on the floor that somehow I am trying to harm children or delay health benefits, and that is not true. I am trying to allow the time the EPA says it needs to get this right. We can achieve health benefits we desire without putting thousands of people out of work and stifling the economic recovery. The bipartisan dilemma that is before us will help ensure that result, and I urge my colleagues to join me in supporting this commonsense amendment to preserve jobs and strengthen our environmental protections.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, just for the people who are watching this debate, we are talking about the Transportation bill. We are talking about preserving the jobs that go with that, 1.8 million jobs, and an additional 1

million that will be created. But we are hearing a debate about whether we should roll back a proposed rule that controls the following poisons: mercury, arsenic, lead, chromium, benzene, and toxic soot, just to name a few.

If anyone believes all this legislation is about is delay, then they don't know because this amendment, which has been called the EPA Regulatory Relief Act, would forever change the current standards allowed for mercury, arsenic, lead, chromium, benzene, toxic soot, and other dangerous pollutants. So it not only delays a rule that is critical—and I will tell my colleagues the numbers of lives that will be saved because of it—but it changes the standards for these toxins forever.

I don't know about the Senator from Maine, but I have never had one constituent come up to me and say: Senator BOXER, there is one thing you can do for me. I beg you. Increase the arsenic in the air. I need more mercury. Oh, I am desperately in need of more benzene, chromium, and lead.

I have never heard one say: I am willing to risk the fact that my grandchild, who is going to be born in a few months—I am willing to risk the fact that they may have brain damage. Oh, repeal the Clean Air Act. Repeal the rules.

I hope we will vote down this amendment. This amendment is described as being nothing but a delay when it actually changes the standards for the most poisonous pollution known to humankind. Instead of the EPA Regulatory Relief Act, I would call it the Increased Poisonous Pollution in America Act.

My friend read names supporting her amendment. Let me tell my colleagues who opposes it—people from her own State: the National Association of County and City Health Officials; the American Lung Association; the American Public Health Association; the American Thoracic Society; and the Asthma and Allergies Foundation of America. That is just a partial list.

We need to vote this down. My friend makes a number of points about biomass—and we have the great Senator from Oregon here who actually took this issue on in the beginning, and he is going to have some time to talk about it—and resolved a lot of our problems with this. He is to be credited for a compromise with EPA that will work.

I just want to say—and everything I say is fact; it is peer-reviewed fact—these toxins cause cancer, heart disease, and premature death.

The Senator from Maine said all this amendment does is give EPA another year because they are not ready anyway.

I ask unanimous consent to have printed in the RECORD a letter from the EPA saying they are ready by spring.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, March 5, 2012.

Hon. RON WYDEN,

U.S. Senate, Washington, DC.

DEAR SENATOR WYDEN: Thank you for your continuing interest in the air toxics standards for boilers. We are currently in the process of developing final standards and responding to additional, useful information we received during the public comment period on the reconsidered standards we proposed last December. We intend to finalize the standards this spring. In the proposal, EPA proposed to “reset” the three year compliance clock to give entities the full amount of time available under the Clean Air Act upon finalization of the rule, and, subject to the formal rulemaking process, expects to do so in the final rule. The Act also gives state and local permitting authorities the ability to provide up to a one-year extension of that deadline, on a case-by-case basis, as necessary, for the installation of controls.

While EPA believes facilities can meet compliance requirements within the four years described above, I commit to you that EPA will handle each situation on a case-by-case basis, and work with facilities to determine the appropriate response and resolution. We have authority available to us to resolve concerns that might arise at individual facilities as long as appropriate and timely steps are being taken towards compliance.

Additionally, as required by the Clean Air Act, we proposed and will finalize air toxic standards for boilers based on real-life data that industry has provided to us about the level of emissions from their facilities. As EPA reviews the public comments and data as we finalize these standards, we will pay close attention to their achievability. We intend to set standards that can be met by plants operating in the real world.

Again, thank you for your continued attention to this matter. It is important to ensure that we achieve these key public health standards in a way that is sensitive to legitimate needs of business interests. If you have additional questions, please feel free to contact me or have your staff contact Arvin Ganesan, Associate Administrator for Congressional and Intergovernmental Relations at (202) 564-5200.

Sincerely,

LISA P. JACKSON.

Mrs. BOXER. My friend says EPA needs more time. They have had 20 years—20 years—on this in terms of regulating these pollutants.

Senator CARPER from Delaware, who is a very moderate Member of this body, has stood in front of our caucus and made a passionate plea: We don't need any more delays. We need action, and we need wise action. EPA has said they will work with our States, State by State; they will work with the polluters, polluter by polluter. Because of the leadership of the Senator from Oregon, they have written letters to many of us who are concerned saying they will work on this.

I am not going to talk too long because I want to leave time for my friend, but I must put in the RECORD the following facts: If we vote for the Collins amendment and if it were to become the law, A, it doesn't belong on a transportation bill. We should be debating the Clean Air Act for weeks on

end if we are going to start repealing standards for these pollutants. So just on that issue alone we should vote against it. If it were to pass, which I don't believe it will, 300,000 newborns each year may well have increased risk of learning disabilities from toxic mercury exposure in the womb.

We know because of peer-reviewed science, if this were to pass and we would not have this rule go into effect, for every year it is delayed we would see 8,100 premature deaths, 5,100 heart attacks per year, and 52,000 cases of aggravated asthma. I wish to show my colleagues a picture of what it looks like when a child has asthma. What does it look like when a child has asthma and they are gasping for air? Too many of our children have asthma. I don't know about my colleagues, but when I go to the schools I ask the kids: How many of you have asthma or know someone who has asthma? About 50 percent of the kids raise their hands. I suggest my colleagues do that.

This is our legacy—these kids. They are who we live for. They are why we are here, to make life better for them.

People say we are going to save jobs. First of all, let me tell my colleagues something: If you had a heart attack that you didn't need to have, you are not going to be working. I think there are also 400,000 lost workdays per year—scientifically peer-reviewed. If this is delayed, for every year—and it has been 20 years in the making, control of these pollutants—400,000 lost workdays per year.

Here is another fact: We talk about the cost. Yes, it will cost \$1.5 billion per year to clean up this poison. The annual benefits are \$67 billion. I would say to my friends, that is a heck of a good ratio—a good ratio.

I ask unanimous consent to have printed in the RECORD a letter from the American Boiler Manufacturers Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ABMA,

Vienna, VA, January 27, 2012.

Re Manufacturer Opposition to the EPA Regulatory Relief Act of 2011.

TO MEMBERS OF THE UNITED STATES SENATE: In the considered technical judgment of the American Boiler Manufacturers Association (ABMA), and contrary to popular talking points distributed by those less interested in their technical practicality and more interested in killing them outright, the Industrial Boiler MACT Reconsideration Rules proposed by EPA in December 2011 are technically achievable by real-world boilers—the only kind of boiler and combustion equipment the ABMA membership designs and makes.

Compliance can be achieved using existing, state-of-the-art, technologically-advanced and fuel-flexible products along with innovatively-designed and engineered application solutions to meet the exigent needs of a host of varied individual boiler facilities.

And, contrary to what some too-frequently-cited, yet flawed and discredited

[Congressional Research Service, 7-5700, www.crs.gov, R41459], studies would have you believe, these proposed rules are not job-killers—in fact, for the boiler, combustion, pollution-control and for other compliance-related industries, they will be job generators; clearly job generators for those small businesses on main streets across this country that install, repair and tune-up boilers and boiler systems.

As for compliance resources, please be confident that the U.S. boiler and combustion equipment industry—with decades of experience and expertise in meeting tough, state, local, regional and national air-quality codes, standards and regulations with innovative, and real-world design solutions—stands ready and able right now to help those affected by these rules to comply with them in a timely and affordable manner. Arguments that there are insufficient resources available for use in compliance within the time period specified by the rules are specious and uninformed in the extreme. In fact, delay in rule finalization, as envisioned by the EPA Regulatory Relief Act of 2011, will only exacerbate future compliance issues and costs; labor and materials costs and availability are currently stable and domestic boiler and combustion equipment manufacturing capacity is available now to service the full range of compliance options available under the new, more flexible rules as proposed by EPA in December. My manufacturer and supplier members make things and they make them here in the United States—providing high-wage jobs and contributing to tax bases across this country—in states like California, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin—and they are prepared to meet any compliance challenge that these or any other air quality rules might generate (alone or in tandem)—affordably, and well within any arbitrary compliance time frame.

Any small number of remaining technical issues can be well addressed and resolved by stakeholders and EPA during the new, currently on-going 60-day public review and comment period provided by EPA's December 2011 Reconsideration proposals. At this point in time and after more than a decade of information gathering, proposal, and debate, there is no reason for Congressional intervention or for Congressionally-mandated delay in the existing, on-going rule-making process. Besides fostering continued unreasonable uncertainty, additional delay at this point will only serve as a disincentive to stakeholders to promptly address remaining issues.

Therefore, with over 100 small-business domestic manufacturer and supplier members, the American Boiler Manufacturers Association (ABMA)—the companies that actually design, manufacture and supply the commercial, institutional, industrial boilers and combustion equipment in question—strongly urges you to oppose S. 1392 and H.R. 2250, the EPA Regulatory Relief Act of 2011—or any similar legislation—and to resist adding the language of either as part of any payroll tax holiday extension, tax-extender or as part of any appropriations bills coming before the Senate this year. We encourage you to let the existing rulemaking process within EPA as envisioned by the December-proposed Reconsideration Rules go forward without Congressional interference.

Further delays in the rulemaking process—as mandated by S. 1392 and H.R. 2250—will not result in improved rules or insulate the rules from future litigation; further delay of 15 or more months only means continued uncertainty and will yield no new jobs, no economic growth, no cleaner air or any more affordable ultimate compliance options than are now feasible and readily available from existing sources.

The types of clean, efficient, fuel-flexible, affordable and technologically-advanced products and equipment that can be supplied by the U.S. boiler manufacturing industry are critically important for long-term public health, environmental quality and business stability.

Don't let the Preoccupation by some with the inadequacies of past rulemaking efforts lead you into delaying the current December initiated rulemaking process—proposals and a process that provide a flexible, affordable, and achievable pathway to air quality, greater efficiency and the types of long-term boiler room upgrades and modernizations that will lead to sustainable competitiveness and bottom line stability.

[For a list of the membership of the American Boiler Manufacturers Association and their respective products and services, go to <http://boilermactfacts.com>, and for questions, please contact me directly via email at randy@abma.com or at 703/356-7172.]

Sincerely,

W. RANDALL RAWSON,

President/Chief Executive Officer.

Mrs. BOXER. The letter from ABMA strongly says the following: "We urge Senators to oppose the EPA Regulatory Relief Act."

This is business. This is American business, made in America. The American Boiler Manufacturers Association: "We encourage Senators to vote it down."

I have that letter, and that is what they say. My friend from Maine said it is not technically feasible to clean up these poisons. They said anyone who tells you it is not technically achievable by real world boilers "doesn't know what they are talking about." This is not me speaking. I didn't say that. This is what the American Boiler Manufacturers Association said.

So everywhere we look, when it comes to this vote, it says: Vote no, vote no, vote no. At a minimum, we should do no harm to our people's health. We have it in our hands now to stop a permanent rollback not just of the rule—that is a delay—but a permanent rollback of standards for the most poisonous pollutants there are: chromium, arsenic, mercury, lead, benzene, toxic soot. I would say all the arguments we have heard do not hold water.

In closing, let me say this: The polls on this are as clear as they can be. The people want us to get out of the way and allow the Environmental Protection Agency to do its work. Lisa Jackson is not a radical person. She is one of the most—how can I say—she is a coalition-building type of person. She is someone who reaches out. When Senator WYDEN called her and said he was very upset about the way this rule was

going, she sat down with him and, I think, rose to the occasion. When other Senators met with her—and I was in the room with several—she said: We can deal with your problems.

So let's vote no. This rollback of the Clean Air Act standards for the most poisonous pollutants doesn't belong on this bill. There is no way it belongs on this bill. That is No. 1.

No. 2, it is opposed by every health entity we know. It is opposed by our local county health officials and city health officials. I would say to my colleagues, when we look at the polls, it is opposed by 70 percent of the American people. That is the last poll I saw. They want to be able to breathe clean air. They know their people suffer when the air is filled with soot, and particularly toxic soot, which results in devastation for our families in very, very, very large numbers.

Thank you very much, Mr. President. I hope we will vote no on the Collins amendment.

Ms. MIKULSKI. Mr. President, I come to the floor today to fight for a paper company in western Maryland called Luke Mill. I am fighting for the jobs it creates in western Maryland, and I am fighting to make sure its workers have a government on their side.

I have worked with the leadership at Luke Mill for decades. It is one of the last large employers in western Maryland. These jobs provide good wages and good benefits for Maryland workers and their families. When it was owned by the Luke family, I was in frequent contact with John Luke about challenges the company was facing. We talked about ways the Federal Government could help his business and where it should just stay out of the way.

When unfair trade practices of China were threatening the viability of Luke Mill and the jobs of its workers, I was on the side of Luke Mill. I contacted the Department of Commerce and represented Luke Mill before the International Trade Commission to make sure China and other countries had to play by the rules in trade. As a result, we saved the jobs of American workers who were threatened by an uneven trade playing field.

When the management at Luke Mill called me about EPA's Boiler MACT rule, I took their concerns to the highest levels of EPA. Luke Mill told me that the regulations were too expensive to implement, companies needed more time to comply, and EPA needed to use accurate data to set emissions standards.

I heard these concerns and took them directly to EPA Administrator Lisa Jackson. Here is what we accomplished: No. 1, EPA produced more targeted emissions limits under the regulation; No. 2, EPA reduced the cost of compliance for businesses by 50 percent; and No. 3, companies could have as much as 4 years to comply.

EPA's compromise rule is not perfect, but it is significantly better than the first draft. From the day I heard about EPA's Boiler MACT rule, my priorities have been the same. I am fighting to protect the jobs in western Maryland, and I am working with EPA to reach a compromise that gives flexibility to businesses to comply without abandoning my environmental principles. But I also will not abandon western Maryland or the jobs that depend on Luke Mill's viability.

I will continue to fight for American jobs and the viability of American business.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oklahoma.

AMENDMENT NO. 1738

Mr. COBURN. Madam President, I ask that the pending amendment be set aside to call up amendment No. 1738.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1738.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the creation of duplicative and overlapping Federal programs)

At the appropriate place, insert the following:

SEC. ____ . CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law and not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the—

(A) March 2011 Government Accountability Office report to Congress entitled "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" (GAO-11-318SP); and

(B) February 2012 Government Accountability Office report to Congress entitled "2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" (GAO-12-342SP);

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the—

(A) March 2011 Government Accountability Office report to Congress entitled "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" (GAO-11-318SP); and

(B) February 2012 Government Accountability Office report to Congress entitled "2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" (GAO-12-342SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts and apply the savings towards deficit reduction the amount greater of—

(A) \$10,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

Mr. COBURN. Madam President, the CBO just announced this morning that February was the largest deficit month in this country. We have run \$690 billion worth of deficits through the first 4½ months of this fiscal year. We will have a \$1.6 trillion deficit.

This amendment the Senate has voted on before passed with 64 votes the last time it was voted on. It is a very simple, straightforward amendment.

Before I get into the details of this amendment—we need a highway bill. Everybody agrees with that. This is the Senate, and the right to offer amendments has been secured, finally, after 2 weeks of negotiation.

Where are we as a country? I think it is interesting to look back from fiscal years 2011 to 2001. In 2001 the total bill for the Federal Government was \$1.86 trillion. It is now almost \$3.61 trillion. In 2001 we had a surplus. Now we have a \$1.3 trillion to \$1.6 trillion deficit coming into this year. I think the American people would like to see us do something about that. Yet, at every turn, on every occasion, we have not risen to the challenge of creating an environment where jobs can flourish. One of the reasons is the Federal Government is squeezing the jobs out of the economy by taking such a large segment of them.

This amendment is very straightforward and very simple. The GAO, through two reports now—one released just this last month and a second in a series of three which will become annual—has told Congress where the problems are. The problems are in continuing to do the same thing in multiple programs and multiple agencies. They have outlined billions, hundreds of billions—I can calculate at least \$100 billion worth of duplication that they have outlined and said we didn't do anything about it last year when they gave us the first report. Now they are giving us another report that has probably another \$30 billion or \$40 billion worth of savings for the American people because of duplication.

So this amendment asks—it is very straightforward—it asks OMB to look at the GAO reports and give recommendations to us on what they would recommend that allows the executive branch to participate in terms of \$10 billion worth of savings this year on duplication.

Why is that possible? Here is why it is possible. And this is just a small sample of what GAO has told us. We have 209 different programs spending \$4

billion through eight different agencies to encourage science, technology, engineering, and math education in the United States. Can anybody in this body defend the fact that we have 209 different programs? No. Nobody will even stand and defend it.

So we ought to be able to—there is nothing wrong with us wanting to encourage that, incentivize that, help create that, because we know that is for a higher powered workforce in the future. But 209 programs? Why wouldn't we streamline it?

We have 200 separate crime prevention programs. As a matter of fact, the GAO said you have enough duplication just in the Department of Justice programs—they spent \$30 billion over the last 9½ years—that if you would eliminate that duplication, you would find billions to save.

How do you get rid of a \$1.6 trillion deficit? The way you get rid of it is a million here, a billion there, \$10 billion here, \$15 billion there, a billion here. What this amendment would do is save us \$10 billion this year through smart government. It does not question the motivation. It does not even question whether it is our authority. But it says: Let's do this.

The Senate voted 64 to 36 when this was brought up in April of last year—the same amendment. They thought it was a good idea. The reason they voted for it was because it was fresh on their minds, what the GAO had told us.

Let's take some others.

The Surface Transportation Program. Here we have the highway bill. They did, thankfully, eliminate a few programs. We still are going to have 100 programs involved in surface transportation even when this highway bill is completed. We did not do what we needed to do. We can do better, and we can save money. Even if the same amount of money gets out to the American public, the administrative cost will shrink dramatically.

Private sector green buildings. We have 94 separate programs, 16 different agencies to incentivize green buildings, and not one of them has ever been tested to see if it has an effect, whether it is positive, whether it is efficient, whether it is effective—not one. Never. Why would we have 94 separate programs for green buildings?

We have 88 different economic development programs. Why? Nobody can answer the question "Why?" As a matter of fact, 2 months ago, I offered an amendment on this floor that asked of us to have the CRS tell us before we pass a new bill whether we are adding another duplicative program. Because that was a rule change, it required 67 votes, and 40 of my colleagues on the other side of the aisle said: We do not want to know whether we are creating another duplicative program, so it only got 60 votes. It required 67 and, therefore, we are not doing it.

So we are going to ignore the brains, we are going to ignore the knowledge, and we are going to continue to produce and create duplicate programs.

Teacher quality. This is one of my favorites. We have 82 separate teacher training programs run by the Federal Government, not for Federal teachers, for State teachers.

Eighty-two separate programs, and not one of them has been tested to see if it is effective or efficient, whether it has value, whether we actually get anything out of it, whether there is some teacher improvement coming out of it—and that is run from seven different agencies.

First of all, why would you have any teacher programs other than at the Department of Education? Yet we have 82. Nobody can tell me why. Nobody will stand on the floor and defend the fact that we have 82. Because they realize it is the height of stupidity. It is stupid to do multiple programs in multiple directions and waste the overhead. We are not talking about not spending money.

We have 47 job training programs. We are in the midst of releasing a report on all the job training programs as to how they affect Oklahoma, and I will tell you it is not a pretty picture.

There is so much waste, so much ineffectiveness through those 47 different job training programs. We are spending \$19 billion of Americans' money every year and we are not getting a billion dollars' worth of benefit out of it. But nobody wants to do the hard work, nobody wants to stand and defend those 47 job training programs, but nobody wants to eliminate them either.

We have a real problem. This is a first step, a first amendment, where we can make this bill—by the way, we are having trouble paying for the highway bill. We are going to pay for it—2 years' worth of highway spending—with 10 years' worth of reductions. This amendment alone, if we pass it, will pay for the highway bill differential between the trust fund and what the EPW Committee says we ought to be spending on highways—this amendment alone.

So when somebody comes down and says they are not going to vote for us to eliminate duplication, you have to ask why. Why is it we would not want to eliminate duplication? Why is it we would not want to become efficient and effective in terms of how we spend not our money but our children's money? Because 40 cents—38 cents this year—of every \$1 we spend we are tacking on to a decreased standard of living for our children in everything we do.

So tell me why somebody would not want to get rid of some of the duplication, would not want to do the commonsense thing that every one of the rest of us in our own personal lives does, all our State governments do, all our personal businesses and all our

public companies are doing: doing more with less every year? The easiest way to do that is to consolidate and eliminate duplication.

So when you see the vote today, if it does not get 60 votes, what should the American people learn from that? Here is what they should learn: It is not about gridlock. It is not about partisanship. It is about incompetence and a lack of thoughtful consideration for the people who will follow us. This is easy stuff to do. We have hard stuff we have to do in our country. We are going to be making tons of hard decisions over the next 2 or 3 years. Everyone in this body knows it. They will keep kicking the can down the road, hoping they do not have to be involved with the very tough decisions we are going to have to make. This is the easy one. This is easy.

I would ask my colleagues to consider this. If you voted for it in April of 2011, I would appreciate your vote again. If you do not vote for it, I would ask you to reconsider why you are here. Are you here to perpetuate waste? Are you here to perpetuate incompetence? Are you here to protect some constituency's little small program that does not work yet wastes your children's future? This is an easy amendment to vote for.

Mr. MCCAIN. Madam President, today I come to the floor to speak in support of Coburn amendment, No. 1738, which I cosponsor. This common sense amendment would require the Office of Management and Budget—OMB—and the executive branch agencies to reduce at least \$10 billion by eliminating, consolidating, or streamlining government programs and agencies with duplicative and overlapping missions.

Thankfully, the Government Accountability Office—GAO—has given Congress and the administration a blueprint to reduce duplication and eliminate failing programs by releasing two detailed reports that highlight 132 areas within the Federal Government that are duplicative and if consolidated could save billions. With our Nation facing a \$15.4 trillion debt, eliminating inefficiency and waste in the Federal Government to save taxpayer dollars is absolutely imperative and the American people expect us to do so.

In the most recent report issued by GAO on February 28, 2012, they identified 32 areas of duplication, overlap and fragmentation throughout the Federal Government, as well as 19 additional areas of cost-saving and revenue-enhancement opportunities in Federal programs, agencies, offices and initiatives. Of the 32 areas highlighted in the report, GAO identifies 10 dealing specifically with the Department of Defense, which include Electronic Warfare programs, Unmanned Aircraft Systems, Counter-Improvised Explosive Device Efforts, Defense Language and

Culture Training, Stabilization, Reconstruction, and Humanitarian Assistance Efforts, Health Research Funding, Military and Veterans Health Care, Information Technology Investment Management, Space Launch Contract Costs, and Science, Technology, Engineering, and Mathematics Education—STEM.

In addition to the 10 defense areas mentioned above, GAO also highlights 6 areas where the Defense Department could reduce its operating costs or increase revenue collections for the Treasury.

With new, emerging threats to national security arising every day, the funding needed to support major defense priorities is declining. For this reason, in my view, the Department must implement each of GAO's recommendations in this report. Also, implementing these recommendations may reduce the need for "catastrophic" defense cuts required under "sequestration"—precipitated by Congress' failure to enact \$1.2 trillion in deficit reduction under the Budget Control Act of 2011.

I intend to send a letter to Secretary of Defense Panetta asking him to tell me how the Department plans to address these vitally important recommendations. I will continue to monitor the Department's implementation efforts and will take necessary steps, including legislative action where appropriate, to ensure their implementation.

The Federal Government wastes billions a year on programs with duplicative and overlapping missions. Congress and the administration must ensure that the findings in the two GAO reports do not go to waste. Congress should insist that they are implemented to reduce spending and eliminate duplicative and failing programs. I urge my colleagues to support the Coburn's amendment No. 1738.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1660

Mr. WYDEN. Madam President, we had a discussion, a very important discussion—I know the Presiding Officer cares a great deal about this topic, as well as Senator COLLINS and also Senator BOXER—on this issue about boilers. I want to be clear about what is at issue in this debate.

The debate about boilers stems from the fact that the EPA did not originally get the boiler rules right. The agency admitted they did not get them right, and the agency said they needed 15 months to fix the boiler rules. But the courts said the agency could not have the time. They said that EPA could have 30 days to fix the rules.

As colleagues have said, this debate has gone on for so long there is no way it is going to be turned around in 30 days. So I joined in the legislation to

give the EPA 15 months to rewrite the rules so as to protect good-paying jobs and communities that are affected by the boiler rules, while ensuring the health of our people and the protection of our environment.

That was 15 months ago. EPA got the time it said it needed to rewrite the rules, and the new final rules will be out within 90 days. I wish to outline for the Senate what the new rules will do.

First, the new rules, as proposed in the legislation, change what constitutes solid waste so that boiler fuels, for example, that are wood waste can be used for fuels such as biomass; and waste from steel mills, as another example, can be used as a fuel, as they are today, rather than to be regulated out of existence as a fuel source.

Second, as proposed in the legislation, the new rules will create an open-to-the-public list of what can and cannot be burned in a boiler. This is going to provide important predictability and certainty to American industry, and it will provide new accountability to our communities. All across the United States, folks are going to be able to know, as a result of these new rules, what can and cannot be actually burned in a boiler.

Third, again, just like the legislation, the rules address the fact that because EPA was unable to get the rules right at the outset, more time is needed for compliance.

I know the distinguished Presiding Officer has been interested in this issue as well: the question of compliance and the time that would be provided for industries to meet the standards.

In the final rule, the compliance clock is reset with a rule providing additional time for industry to comply. This is like what was in the original legislation. So industry will have 4 years to comply, and Administrator Jackson stated in writing that she will assist any hard-hit community, any company facing extra duress in terms of complying. Administrator Jackson has indicated on a case-by-case basis she will provide additional time to help those communities and to help those companies.

Madam President, I ask unanimous consent that the Administrator's letter to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, March 5, 2012.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for your continuing interest in the air toxics standards for boilers. We are currently in the process of developing final standards and responding to additional, useful information we received during the public comment period on the reconsidered standards we proposed last December. We intend to finalize

the standards this spring. In the proposal, EPA proposed to "reset" the three year compliance clock to give entities the full amount of time available under the Clean Air Act upon finalization of the rule, and, subject to the formal rulemaking process, expects to do so in the final rule. The Act also gives state and local permitting authorities the ability to provide up to a one-year extension of that deadline, on a case-by-case basis, as necessary, for the installation of controls.

While EPA believes facilities can meet compliance requirements within the four years described above, I commit to you that EPA will handle each situation on a case-by-case basis, and work with facilities to determine the appropriate response and resolution. We have authority available to us to resolve concerns that might arise at individual facilities as long as appropriate and timely steps are being taken towards compliance.

Additionally, as required by the Clean Air Act, we proposed and will finalize air toxic standards for boilers based on real-life data that industry has provided to us about the level of emissions from their facilities. As EPA reviews the public comments and data as we finalize these standards, we will pay close attention to their achievability. We intend to set standards that can be met by plants operating in the real world.

Again, thank you for your continued attention to this matter. It is important to ensure that we achieve these key public health standards in a way that is sensitive to legitimate needs of business interests. If you have additional questions, please feel free to contact me or have your staff contact Arvin Ganesan, Associate Administrator for Congressional and Intergovernmental Relations at (202) 564-5200.

Sincerely,

LISA P. JACKSON.

Mr. WYDEN. I want to address the discussion we heard from our colleagues, particularly Senator COLLINS and Senator BOXER, on the key point.

The changes I have described—the fact that we have made the rules changes so that so many of these materials will be treated as fuels, which is important in timber country that I and the distinguished Presiding Officer represent; the fact that we have this new process that provides predictability and certainty about what can be burned in a boiler; the fact that there is the additional time—all of this, in my view, has been spurred by the legislation introduced by the Senator from Maine, Ms. COLLINS. We ought to make no mistake about it. The important rules changes I have outlined this morning that I think are going to provide certainty and predictability to our businesses—while at the same time protecting the health of our people, the environment of our country—have been spurred because Senator COLLINS was willing to pick up the challenge and address this issue.

These new rules are going to finally take effect in less than 90 days. But the question I would ask Senators is, who knows what will happen to these important rules that are just about ready for implementation if, in effect, we say, as the amendment does, let's go back to the beginning and talk about addressing this again over 15 months?

If the amendment passes, and the EPA is told—as I have been advised under the text of the amendment—to take another 15 months, in my view, what would happen is, the agency would go back to spending this additional time working to try to get to the point where we are today.

That, in my view, just does not add up. It does not add up for the industries that have been concerned about this. It does not add up for the communities. It does not add up for the health of our people and the protection of our environment.

Let me close with this. Having been involved in the legislation, No. 1, having tried to make clear this afternoon that these important rules, in my view, have been spurred by the legislation Senator COLLINS has talked about, I wished to state that I intend, and I know others in the Senate will do as well, to watchdog the rules that will be out shortly every step of the way to ensure that they are fully implemented, to hold the Environmental Protection Agency to the commitments that have been made in these rules that are forthcoming, and to ensure that all our communities—all our communities—can see that finally this issue is being addressed and it is being addressed in a way that makes sense for the jobs we are going to need in our communities and to the public health and the environment.

I hope colleagues will look finally at the letter Administrator Jackson has sent me. I think it addresses, in particular, the timetable so many Senators have been concerned about. I have tried to outline some of the other issues that I think are critical, particularly the fact that we have the changes in the definition of solid waste that is so important. A whole host of materials have been added to that list of fuels. That means we can protect the jobs that stem from countries that use—the products that use these materials and at the same time protect the environment.

So this makes sense from the standpoint of a realistic rule on what constitutes a fuel, openness and transparency, because the American people will see what actually can be burned in a boiler. To me—and Senator BOXER has touched on this question of the years that have already gone into this effort—Administrator Jackson, in my view, has gone to substantial lengths to address this timetable that industry has been so concerned about.

In fact, I think it is fair to say that when I add what she has committed to, it is almost the same timetable as in her original legislation. So why in the world would we want to set aside those rules and go back again to the period of starting a new 15-month clock, only to see, in my view, that after those additional 15 months, we would be back to the place we are today, in terms of the rules that will be shortly implemented.

I urge the Senate to reject the amendment. We are going to continue to watchdog this issue until these rules are fully implemented.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I am very happy to see we are making progress. I still continue to believe that these controversial amendments did not have to be on this bill. But having said that, we have our agreement. So our understanding is, I want for all Senators to say our hope is to begin voting sometime around the 2 to 2:30 timeframe and to do a great number of votes at that time, maybe as many as 8, 9, 10 votes.

We are waiting for people to come to the floor to speak on different amendments. We expect that Senator HOEVEN will be here shortly to call up amendment No. 1537. We urge him to do that.

Senator MERKLEY wants to speak on the underlying bill. Senator CORKER wants to speak for 10 minutes at approximately 12:45. Senator INOUE would like to address us for 10 minutes about one. Senator LAUTENBERG wants to speak about the environmental amendments about 1:15, and Senator LANDRIEU wants to talk about a number of things but particularly the RESTORE Act, I would assume, at 1:15. Senator SANDERS wants to speak on the issue of Keystone. Senator DURBIN also has some comments he wanted to make.

So I would urge colleagues, if you wish to speak before we start voting, now would be a very good time. We hope you will come over here. We are making progress. This has been a very convoluted process, a very difficult process to satisfy everyone. Of course, we cannot satisfy everyone. But Senator INHOFE and I, when we wrote the bill originally, knew he would not get everything he wanted and I certainly would not get what I wanted. We had to find those sweet spots where we could come together. That is what happened. The other committees did a wonderful job in doing the same: The Banking Committee, unanimous in their part of this bill; Commerce had some bumps, but they resolved those bumps in the road and now they are bipartisan; Finance Committee, that is a tough one. They had to raise funds to put into the trust fund. The trust fund needs some more dollars in it.

I see Senator HOEVEN is here. I am so delighted that he is here to lay down his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1537

Mr. HOEVEN. Madam President, I am waiting for my associate who has some charts, but I certainly can proceed at this point. I am here to speak in regard to my amendment No. 1537,

which is at the desk. I ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. HOEVEN], for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNES, and Mr. HATCH, proposes an amendment numbered 1537.

The amendment is as follows:

(Purpose: To approve the Keystone XL pipeline project and provide for environmental protection and government oversight)

On page 469, after line 22, add the following:

SEC. ____ . APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

Mr. HOEVEN. This is an amendment that would provide for approval of the Keystone Pipeline project. Congress has, under the commerce clause of the Constitution, express authority to regulate commerce with foreign countries. That provides the very clear constitutional authority for Congress to approve the Keystone Pipeline project. That is something we absolutely need to do.

Today there will be a very clear choice. There will be a very clear choice for the Members of the Senate. Make no mistake, I do not want to leave any doubt. This is a clear choice. My amendment provides that the Keystone Pipeline project will move forward, authorized by Congress. It is very clear that all the protections, all the environmental protections are incorporated, as has been provided over 3½ years—3½ years this project has been under review by the EPA, by the Department of State, by this administration. They have gone through not one but two environmental impact statement processes.

They have met all the environmental requirements. Our legislation incorporates all that and in addition provides whatever time is necessary for rerouting the pipeline through the State of Nebraska. Here is a schematic of the project. The one issue in terms of the routing was through the State of Nebraska. This legislation provides whatever time is necessary for the Nebraska Department of Environmental Quality to work with State, to work with EPA, and reroute the pipeline through the State of Nebraska.

So my point is, we incorporate all necessary environmental safeguards into the project. But it authorizes that the project, after 3½ years, can go forward. So I would like to talk for just a minute about why that is so important. Because there is another amendment, an alternative that has been presented by Senator WYDEN. That amendment—let me be clear. That amendment will block this project. That amendment will block this project. Let there be no confusion.

The Hoeven-Lugar-Vitter amendment will advance the project. The amendment that is being put forward by my esteemed colleague Senator WYDEN as a Democratic alternative, that will block the project. This is a clear choice. Nobody should be confused.

Gas prices. This chart is a few days old. So it is a little bit behind the curve. But since this administration took office, gas prices have gone from \$1.85 a gallon—more than doubled—to \$3.70 a gallon. This is a little bit old, so the national average is actually higher. The last time I checked it was \$3.76 a gallon, going up. So it is probably higher than that today. That is from AAA.

The projections are that gasoline prices will be \$4 a gallon by Memorial Day and possibly more than \$5 a gallon later this summer. That means every American is paying that at the pump. They are paying that at the pump. That is affecting our American consumers. That is affecting our businesses. That is affecting our economy.

What is the administration doing about it? What is Congress doing about it? The Obama administration has said, when it comes to energy, we are going to have an all-of-the-above strategy. I agree with that. We should have an all-of-the-above strategy. But the point is, we cannot just say it. We have to do it. We cannot just say it. We have to do it. The administration, at this point, not only are they just saying it and not doing it, they are, in fact, blocking it. I am giving you as clear an example as I can think of. I do not know how it could be any clearer that they are blocking energy development in our country.

This pipeline project would bring 830,000 barrels a day of crude oil to our country. That is more than 700,000 barrels a day from Canada. That is more than 100,000 barrels a day from my home State of North Dakota and our sister State Montana—830,000 barrels a day of product coming to our refineries.

The administration has said no to this project. They continue to say no to the project. They have approved this portion of it. That does not bring one single drop of product to our country. So I do not know. They are kind of confused about exactly what they are doing, but they continue to block this project. So that means 830,000 barrels a day that we have to get from the Middle East. Everybody knows what is going on in the Middle East. They have incredible turmoil. They have incredible tension in the Middle East. Iran may close the Strait of Hormuz; they have threatened to do that. As a result, crude oil prices continue to go up and consumers continue to pay more at the pump.

So in the face of all that, in the face of real hardship to working Americans, the administration is saying no to this project. They are saying no to my

home State of North Dakota. They are saying no to Montana. They are saying, no, we are not going to allow them to build this project that gets that product to market and no to Canada, saying we are not going to allow them to bring that oil into the United States, instead they are going to have to send it to China and we are going to get oil from the Middle East and our consumers are going to continue to pay higher prices.

Again, make no mistake. This choice today is a choice. It is a choice whether we vote for an amendment to move forward with this project or whether we vote for an amendment to block the project. Again, there should be no confusion about that.

Why would the administration hold up this project? Why in the world, with gas prices we know going to \$4, maybe \$5 a gallon, why in the world would anyone oppose the project? The opponents have put forward three arguments. So let's go through them. Let's go through them and see if they hold water. Let's see if they pass muster. Let's see if they make sense.

The first argument is that somehow this pipeline is going to leak.

Now here is the route. Somehow we will build this pipeline that is going to leak. But we built a sister project that is working just fine. There have been no underground leaks in that project. While building it, there were minimal leaks as they put it together, and that was in the normal course of construction. But there have been no other ground leaks from this sister pipeline. It is working fine. So why would this one be a big concern about leaking? It doesn't make much sense.

If you don't buy that, just look at this chart and the network of pipelines in this country that carries oil and gas. There are thousands of pipelines, millions of miles of pipeline right now operating in this country right through the very region through which the Keystone XL Pipeline would pass. But somehow this one is a problem and these thousands are not? That is a reason to say no, after 3½ years? Come on. That doesn't pass anybody's test, and it doesn't make any sense.

The second argument that has been put forward is that the crude oil will come from Canada, and it will be then exported to China; we won't use it in the United States; and it won't help with gas prices. For starters, let's use some common sense on that one. I am pretty sure if we don't build the pipeline, it is for sure going to China. That is just flat-out common sense, for starters.

Even beyond that, the Department of Energy for this administration did a study in June of last year. In that study, they said the oil will be used in this country, and it will—not "may" but "will"—lower gas prices on the east coast, the gulf coast, and in the

Midwest. I had Secretary Chu in front of me at one of our hearings, and he acknowledged that, in fact, that is what the Department of Energy of this administration provided—that the product will be used here, that we are going to need more crude, and it will lower gas prices. Of course, that just stands to reason, doesn't it? If we are importing 30 percent of our oil from the Middle East today, obviously, we are going to continue to need crude from outside our borders.

Let's go to the third argument I have heard against the pipeline project, which is that Canada should not produce oil in the Canadian oil sands. The reason: Greenhouse gas emissions are 6 percent higher than conventional, and that the excavating process has a negative impact on the boreal forest.

Let's deal with the real situation, the current situation. The current situation is that 80 percent of the development in the Canadian oil sands is in situ—80 percent. What does that mean? That means drilling—not excavating but drilling—like we do in the United States. So you have about the same footprint in gas emissions as conventional drilling. Those arguments don't hold muster.

Here we are faced with a very clear choice. Do we go ahead and get oil from our closest friends and trading partner, Canada, or say no to them and have them send it to China? Do we reduce our dependence on Middle Eastern oil and reduce the price of gas for hard-working American consumers? How about national security? Would you rather rely on oil from the Middle East or from Canada? Would you rather have oil produced here, in North Dakota, Montana, and in Canada, or would you rather get it from the Middle East?

I know how Americans will answer that question. I am looking forward to seeing how the Senate answers that question and how the administration answers that question.

Again, this is a clear choice. These amendments are clear. They are not similar. One is for the project; the other is against the project. The amendment that my esteemed colleague has put forward, the Democrat alternative, will block the project. It says after 3½ years of study, start over. After 3½ years of studying this project, start over.

What does that mean? Another 3½ years before we build it or another 5 years? How long do we have to study vital infrastructure projects before we can build them?

Do you think that might be one of the problems with our economy? Do you think that might be one of the problems with energy development? That is where it starts, by saying: TransCanada, start over, after 3½ years.

Then it adds additional impediments. What are they? Well, it says, for start-

ers, none of the crude and none of the refined product can be exported from this country—not one drop. We cannot export any of it. The reality is there are refined products that we don't even use in this country. You can't. They are some of the coking products, and so on and so forth. There isn't demand or we cannot use them. If the refineries cannot sell them, they have to recoup that revenue stream. How? When they sell gasoline and diesel in our country. That pushes gasoline prices higher when they are already going higher by the day. Does that make sense to anybody? I don't think so.

Another impediment in the legislation is that not one penny of the inputs can come from outside the United States, even though 75 percent of the steel and 90 percent of all of the other materials in this multibillion-dollar project, paid for by private enterprise—75 percent of the steel and 90 percent of the other inputs come from North America. But that is not good enough. We are going to say every single penny of the inputs has to be bought in the United States. Of course, the companies cannot do that because they have already bought a lot of the steel and other materials. It is just a way to block the project.

Think about that absurd level of protectionism. Are we really going to grow our economy, create a lot of good jobs with that kind of protectionism? We cannot import anything and we cannot export anything, we are going to grow and expand and diversify this American economy and put people to work, and we are going to raise income with that approach? I don't think so.

Again, I go back to where I started. We have a clear choice to make, a very clear choice. We can stand with the people of America, stand with the workers, with the families, with the small businesses, and we can work to grow our economy and create jobs, and we can work to strengthen our national security, or we can choose to say: No, we are going to continue to rely on oil from the Middle East. We are not going to increase supply, and we are not only going to turn down Canada, we are going to turn down our States such as North Dakota and Montana and say we would rather get that oil from the Middle East.

Today we have a clear choice about building a better energy future for our country, more jobs, and more security. I ask my colleagues to vote for the amendment I have put forward, to move the Keystone Pipeline project authority forward so they can advance the project, and vote against the amendment offered as a Democratic alternative, which will block the project.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1817

Mr. WYDEN. Madam President, I have filed an alternative to the amendment offered by my friend from North

Dakota. I ask unanimous consent to call up amendment No. 1817.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 1817.

The amendment is as follows:

(Purpose: To ensure the expeditious processing of Keystone XL permit applications consistent with current law, prohibit the export of crude oil produced in Canada and transported by the Keystone XL pipeline and related facilities unless the prohibition is waived by the President, and require the use of United States iron, steel, and manufactured goods in the construction of the Keystone XL pipeline and related facilities with certain exceptions)

At the end of subtitle E of title I of division A, add the following:

SEC. ____ . KEYSTONE XL PIPELINE.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise specifically provided in this section, nothing in this section affects any applicable Federal requirements in connection with the Keystone XL pipeline (including facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana).

(2) EXPEDITIOUS ANALYSES AND PERMIT DECISIONS.—In evaluating any new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in paragraph (1) or in carrying out the activities described in this section, the President or a designee of the President shall—

(A) act as expeditiously as practicable and, to the maximum extent practicable and consistent with current law, use existing analyses relating to those pipeline and facilities, including the environmental impact statement issued by the Department of State regarding the Keystone XL pipeline on August 26, 2011; and

(B) issue a decision on any permit application not later than 90 days after the date on which all analyses and other actions required by current law and applicable Executive Orders are completed.

(b) PROHIBITION ON EXPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), no crude oil produced in Canada and transported by the Keystone XL pipeline or facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(2) WAIVERS.—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) national security; or

(ii) a natural or manmade disaster; or

(B) makes an express finding that the exports described in paragraph (1)—

(i) will not diminish the total quantity or quality of petroleum available in the United States; and

(ii) are in the national interest of the United States.

(c) USE OF UNITED STATES IRON, STEEL, AND MANUFACTURED GOODS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the construction, connection, operation, or maintenance of the Keystone XL pipeline and facilities described in subsection (a)(1) shall not be permitted unless all of the iron, steel, and manufactured goods used for the pipeline and facilities are produced in the United States.

(2) NONAPPLICATION.—Paragraph (1) shall not apply if the President or a delegate finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) iron, steel, and the applicable manufactured goods are not produced in the United States in sufficient and reasonably available quantities with a satisfactory quality; or

(C) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall pipeline and facilities by more than 25 percent.

(3) RATIONALE.—If the President or a delegate determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the President or delegate shall publish in the Federal Register a detailed written justification for the waiver.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

Mr. WYDEN. Madam President, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, I rise to speak about the highway bill. I want to start by first thanking the chairmen and ranking members of the EPW Committee, the Commerce Committee, and the Banking Committee, all of whom worked to put in place some reforms this bill reflects. There is a component of this bill, though, where work has not been done in a satisfactory manner, and that is actually paying for this bill.

The Senator from North Carolina, who is in the chair, has been involved in many discussions about deficit reduction. We have had, ad nauseam, meetings about how to get our spending under control. Last year, after Erskine Bowles, from her State, and Alan Simpson came together with the Bowles-Simpson report, there was a pretty big effort in this body to try to adopt the principles laid out therein. As a matter of fact, 32 Republicans and 32 Democrats sent a letter to the President asking him to embrace those principles.

Later on there was another effort by a supercommittee that was put in place. Numbers of people on both sides of the aisle wrote letters asking that this supercommittee do something outstanding for our country and reduce the deficit by \$4 trillion, if possible.

My point is that there has been a lot of bipartisan effort toward reducing the deficit. Yet the only thing we have done thus far—the only thing that had any meat on it at all was the Budget Control Act, which was passed on August 2. The Budget Control Act was passed in a trade, if you will. At that time, the country's debt was beyond the debt ceiling that was allowed by law. So in order to raise the debt ceiling, there was an agreement reached by this body to lower the amount of spending that was going to take place over the next 2 years by an equal amount.

We passed on August 2 of last year the Budget Control Act. That act laid out specifically what we were supposed to do to be responsible in reducing our spending. Again, this is something that was passed in a very bipartisan way.

As part of that process, because we have not passed a budget in some time, there was a budget resolution—there was a deeming process that was put into place as part of the Budget Control Act. Chairman CONRAD laid that down right after the fact, and we are governed by that deemed resolution in this body.

Unbelievably, we have this very popular program. The highway bill is something people on both sides of the aisle strongly support. I want to see a highway bill. I was the mayor of a city, and I understand and know how important highway infrastructure and transit spending is to this country. Unbelievably, with a very highly supported bill, what this body is doing is already violating the spending levels that were deemed by virtue of the Budget Control Act passing and a budget resolution that came thereafter.

What I say is that this body already—7 months after this Nation, and actually the world, watched as we wrestled with our debt ceiling—they watched us pass the Budget Control Act. They knew it had a deeming process that took place, where a budget resolution was deemed. We are already in violation of that.

All I am doing is asking the Members of this body—so many of us, in a bipartisan way, have risen and said we have to do these things to get our spending under control, to control deficits. So many of us took tremendous heat in voting for this debt ceiling that took place last August. Yet to this body, in passing a very popular bill that we would think would cause us to want to prioritize and say: OK, we do need to spend money on highways, so therefore let's spend less on something else, this is a very important piece of legislation. I thank the chairman of the EPW Committee for the reforms that have been put in place and the way their committee worked in a bipartisan way. These comments this morning have nothing to do with the work the EPW Committee did.

The fact is, we are not paying for this piece of legislation in the appropriate way, per the guidelines we laid down as a part of the process put in place by the Budget Control Act. To me, that is absolutely irresponsible, especially when you look at the spending levels that are above that deemed budget resolution. So at this time I want to offer a point of order. I know the chairman is back, and I have been filibustering slightly until she got here.

Madam President, the pending measure, S. 1813, as amended, will exceed the aggregate level of budget authority and outlays for fiscal year 2012 as set

out in the most recent budget resolution deemed by the Budget Control Act of 2011; therefore, I raise a point of order under section 311(a)(2)(a) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from California.

Mrs. BOXER. Madam President, with great respect to my friend, and I appreciate his opinion on this, this bill is paid for. It is paid for through the highway trust fund, and it is paid for through bipartisan work in the Finance Committee, which has worked overtime to come up with a plan to ensure this trust fund has enough in it to support the work we need to do to fix our bridges and our highways and to support 1.8 million jobs and more than 11,000 businesses out there, as well as the real possibility of creating an additional 1 million jobs with an enhanced program we call TIFIA, which leverages Federal funds.

So, Madam President, with due respect but pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mrs. BOXER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 1785

Mr. INOUE. Madam President, the amendment of the junior Senator from Tennessee would lower the nondefense discretionary cap established in the Budget Control Act by \$20 billion in order to offset transfers from the general fund necessary to replenish the highway trust fund. This amendment is a clear violation of the Budget Control Act we agreed on less than a year ago. In simple terms, the amendment would impose a 4-percent cut to nondefense discretionary spending in order to pay for a shortfall in mandatory spending.

I wish to remind my colleagues that discretionary spending will rise at a rate less than the rate of inflation over the next decade, and that is according to CBO. Mandatory spending, on the other hand, is slated to rise at three times the rate of inflation. Clearly, if there is a desire to offset one area of mandatory spending, the place to find such an offset should be on the very same mandatory side of the spending ledger.

In an op-ed published in the Washington Post yesterday, Senator CORKER said that finding an offset for the highway trust fund was a small step toward

fiscal responsibility and that we should all support this amendment. But in the opening portion of the editorial, the Senator noted the solid bipartisan support in the Senate for a balanced approach to real deficit reduction. This balanced approach would include revenues, mandatory spending, and discretionary spending.

I agree with the Senator that only a balanced approach would truly solve our long-term challenges. Yet, in this amendment, what do we find? Cuts. Nothing but cuts to nondefense discretionary spending. No revenues, no mandatory spending, just the same approach we have seen again and again from our Republican colleagues—cut discretionary now, and we will do other things at a time to be determined later. Even the Ryan budget did nothing to Social Security or Medicare for 10 years. But the cuts to discretionary spending and to Medicaid Programs that save the lives of hundreds of thousands of elderly and children living in poverty took effect immediately, not in 10 years. And that is the approach of this amendment.

Clearly, there was an opportunity here to present a balanced approach. The Senator could have proposed modest cuts to spending, with increased revenue and changes in the rules that would lead to a fully funded highway trust fund for years to come. But that would require hard work and compromise, and this amendment requires neither.

Across-the-board cuts to discretionary spending are easy. This amendment is one page. Change one number, and that is it—we can all go home and say what a great job we have done cutting down. But the truth is, when it comes time to implement these cuts, agencies will be forced to look at reductions in force, at deferring desperately needed maintenance and repairs, and if you were considering upgrading your technology to better serve the American people, you can forget about it. Four percent is no small matter, coming on top of flat budgets for the past 2 years and with no increase for inflation or population growth.

As with so many amendments we have seen this past year, nondefense spending is again targeted not because it is good policy but because it is an easy policy. As I have done on each of these past occasions, I once again urge my colleagues to reject these unreasonable and reckless cuts and to vote no on the Corker amendment.

Madam President, if I may, I would like to speak on another amendment.

AMENDMENT NO. 1738

Madam President, in September of 2011, this Senate rejected an amendment very similar to the one offered today by the junior Senator from Oklahoma. At that time, Members saw this amendment as a backdoor attempt to

remove more from discretionary accounts than had been agreed through the deficit reduction deal. Nothing has changed in the intervening 6 months, and we should again reject this amendment for the same reason: It violates the deficit reduction agreement reached last fall.

Senator COBURN claims that the purpose of this amendment is to reduce duplicative programs. In reality, the amendment would require a \$10 billion reduction in existing discretionary caps regardless of whether there is actually \$10 billion in discretionary savings from consolidating duplicative programs that can be identified only by the OMB. Further, the \$10 billion figure is completely arbitrary and almost certainly will not be reached. In fact, there is no methodology or specificity that verifies that there is, in fact, \$10 billion in discretionary savings to be found.

The Senator's amendment cites two reports from the Government Accountability Office—the GAO—on how programs that may be duplicative or somewhat duplicative could be streamlined or eliminated. What the Senator fails to mention is that the GAO, in its recent report, notes that on 81 issues it raised last year, the Congress or the executive branch has begun to respond to all but 17 of the issues raised. This amendment also ignores the fact that the majority of the items on which no action has been taken are unrelated to discretionary spending but cover revenues and mandatory spending.

Moreover, in reviewing the details of the tens of billions that GAO indicates might be saved by eliminating duplication, it is apparent in those areas in which GAO has provided somewhat auditable estimates that the bulk of the savings are in three categories. These categories are raising revenues, cutting mandatory spending, and cutting defense. For example, 18 recommendations in 2 reports would come by cutting defense programs, including military retirement, health care, and military compensation. Furthermore, \$2.5 billion in annual savings would come from Social Security and at least \$10 billion from eliminating tax expenditures or making other changes to the Tax Code.

Madam President, my colleagues on the other side have not demonstrated any zeal for cutting defense or raising revenues. Frankly, neither side has expressed much willingness to cut mandatory spending. Instead of targeting tax increases or mandatory spending, this amendment once again goes after the easy target, which is domestic discretionary spending—the same target that is attacked time after time even though it only represents 15 percent of Federal spending.

So we have once again an amendment offered by the Senator from Oklahoma which has become a familiar pattern in

the Senate. On its face, the amendment might seem to have some value, but the details of the amendment show that the amendment is a Trojan horse—a disguise with a goal of indiscriminate cutting of discretionary spending without any real base or justification. In other words, this is simply another attempt to circumvent the deal we reached less than a year ago on spending cuts for fiscal year 2013. Understanding that Senator COBURN doesn't believe those cuts went deep enough into discretionary spending, I and many of my colleagues believe they went too far. But in the end, a deal is a deal. We must honor the agreement reached by leadership and signed into law by the President. Is it really in the best interests of the American people or this institution to force vote after vote on discretionary spending levels because one side did not get everything they wanted in the Budget Control Act?

Clearly, the duplicate programs targeted in this amendment are merely the frosting on the cake of spending cuts to any number of programs of which the Senator does not approve. But let's be clear—the objective here is not better government, it is cutting discretionary funding to programs that Congress supports, hiding under the guise of good government.

Setting aside the real intent of this amendment, the irony of the Coburn amendment is that the amendment itself is redundant and duplicative of existing rescission authority which has been in the law since 1974, the Congressional Budget and Impoundment Control Act of 1974. This act has been successful in addressing this very situation.

Setting aside this irony, the problem with this amendment is that by circumventing a well-thought-out process that recognizes the checks and balances between the executive branch and the legislative branch, it simply turns over all decisionmaking in terms of which programs are duplicative to the Office of Management and Budget with absolutely no deference to Congress and the programs authorized by Congress.

The Senator from Oklahoma is constant in his efforts to weaken Congress's power by shifting our responsibilities to the executive branch, and I will remain constant in pointing out to my colleagues why this is a bad idea. The power of the purse is the single most important check on the power of the executive branch. Every time we chip away at that power, we chip away at the Founding Fathers' vision of how our government should operate. In addition, we are also disregarding our accountability to the American public. The Congress should be held accountable for the tax dollars we appropriate and the tax dollars we rescind.

In closing, we should reject this amendment because it makes no sense

to reinvent the wheel—and in this case, an inferior one—when we are trying to address duplication in government missions. And we should reject it because it violates the spirit, if not the letter, of the Budget Control Act which was signed into law just 8 months ago. Finally, we should oppose this amendment because it fails to attack the real culprits of our economic woes—revenues and mandatory spending. Therefore, I urge a “no” vote on the Coburn amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that there be 2 minutes equally divided prior to each vote; that all after the first vote be 10-minute votes; that the Baucus amendment relative to rural schools be listed as No. 1825; further, that if a budget point of order is raised against the underlying bill and a motion to waive the budget point of order is made, I ask unanimous consent that the vote on the motion to waive occur today within the sequence of votes this afternoon at a time to be determined by the majority leader after consultation with the Republican leader; that the time until 2 p.m. be equally divided between the two leaders or their designees; finally, that Senators on the majority side be permitted to speak for up to 5 minutes each, and they would be in this order: LAUTENBERG, LANDRIEU, WYDEN, STABENOW, and MERKLEY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Indiana is recognized.

INDIANA TORNADOES

Mr. LUGAR. Madam President, I rise today in support of American jobs and national security.

First, I would like to take a moment to express my condolences to families who have lost loved ones in the tornadoes that struck Indiana and other States on March 2.

Last weekend Senator COATS and I toured the damaged areas of southern Indiana and met with people who are dedicated to a full recovery from total devastation. I wish to pay special tribute to advanced preparedness by the schools and many others that prevented an even greater loss of life. Also, our gratitude goes out to the first responders who are doing amazing work, in some cases while facing their own devastating circumstances.

I am returning this weekend to encourage the continuing progress toward recovery, and I am working closely with Governor Daniels and other State officials to coordinate Federal assistance that is appropriate given the level of devastation.

AMENDMENT NO. 1537

Madam President, I rise in support of American jobs and national security in

a very strong way and to encourage my colleagues to support the Keystone XL Pipeline amendment I have offered with Senators HOEVEN, VITTER, and others. The Hoeven-Lugar-Vitter amendment No. 1537 mirrors legislation that 46 Senators from both parties have cosponsored. Let me give special thanks to JOHN HOEVEN for his partnership and his leadership in this effort.

My own advocacy for the Keystone XL pipeline derives from its benefits for national security, job creation, and economic growth. Keystone XL will reduce our vulnerability to oil market manipulation by unfriendly foreign regimes, thereby giving our military and diplomats more flexibility in addressing national security priorities such as stopping Iran's nuclear weapons capability. Keystone XL will create thousands of private sector American jobs almost immediately and without taxpayer subsidy. The more than 7 billion private sector dollars invested for Keystone XL will benefit American workers far beyond those installing the pipeline.

Moreover, analysis from the Department of Energy just last year found that oil supplies coming via Keystone XL would most likely lower gas prices.

President Obama's denial of the Keystone XL pipeline permit is not in the national interest. Americans are screaming for more affordable oil supplies. The irony is that Democratic Senate leadership is calling for more oil from Saudi Arabia even as they continue to oppose oil from Canada.

The Obama Administration's failure to approve Keystone XL detrimentally impacts Americans today. If the State Department had conducted its review in a timely manner of 18 to 24 months, the southern half of Keystone XL would already have been in operation, relieving the bottleneck currently keeping more affordable U.S. oil away from consumers. The remainder of Keystone XL would have been in operation any day now, so today's markets, tighter from supply reductions in Iran and Sudan, would have had reliable sources online soon. We should not delay needed market liquidity any longer.

The Democratic alternative to our legislation would add more delay to American jobs, enable a large government overreach into private industry decisions, and jeopardize the jobs of American refinery workers.

It is not the normal course of events that Congress would be acting on a single private sector project. As ranking member of the Senate Foreign Relations Committee, for months I encouraged timely evaluation of this the project on the merits, even while sharing my own support for its completion. Historically, pipeline applications have been treated in a technocratic matter by both Republican and Democratic administrations. For that reason, Congress has not generally been compelled

to assert its constitutional authority over border crossings for oil pipelines as we have for bridges, ports, and immigration.

Regrettably, actions by the Obama Administration to first delay and then deny the Keystone XL application point to election year politics overwhelming the need for objective consideration of the national interest.

In that circumstance, last December 89 Senators voted to pass into law the Lugar-Hoeven-Vitter legislation, S. 1932, which required President Obama to conclude more than 3 years of analysis. In other words, we tried to give President Obama a chance to finish the job. Immediately upon passage, the White House complained that they did not have sufficient time to make a decision. In reality, the Obama Administration issued a Final Environmental Impact Statement on August 26, 2011, and pondered the Keystone XL application for 1,217 days before rejecting it in January.

The lengthy delay in permitting Keystone XL is incongruous with our country's dire need to diversify oil sources and promote job creation. The first Keystone pipeline's permit was granted in 693 days. The Obama Administration approved the Alberta Clipper permit after an 829 day review.

Incredibly, even after 1,217 days the Obama Administration still was unable to determine the national interest, even at this time when oil markets are the tightest they have been in years, gas prices are soaring, and unemployment remains at 8.3%.

The only reason that has been given for delay is that the Keystone XL route through Nebraska is being shifted to avoid some sensitive areas. Benefiting from the diligent efforts of Senator JOHANNES and his staff, the Hoeven-Lugar-Vitter amendment protects that state process, giving Nebraskans all the time they need while not unduly holding up construction in other states. The Federal government need not tell Nebraskans where to put the pipeline on their territory; our legislation trusts Nebraskans to do what is best for Nebraska.

Mr. President, it may surprise some colleagues to learn that it is not the Federal government's role to decide when an oil pipeline should be built or where it will be placed. The primary Federal role is to ensure safety and environmental standards are met. Our legislation contains safety and environmental requirements in excess of current law and already endorsed by 89 Senators in December. With our bill, Keystone XL would be perhaps the most advanced oil pipeline in the country.

It is only by virtue of crossing our international border with Canada that Keystone XL came into the unfortunate situation of requiring Presidential permission. Our legislation removes

the need for an international border-crossing permit for Keystone XL, which currently is required only by Executive Order and not U.S. law. The pipeline could enter the United States at Phillips County, Montana, and nowhere else. In doing so, it recognizes not only that trade in reliable and affordable oil with our closest economic and strategic ally is in the national interest, it also recognizes that in large part the U.S. and Canadian energy systems are integrated to our mutual advantage.

The Hoeven-Lugar-Vitter bill resets evaluation and permitting for all portions of the pipeline to where it was before November 11, 2011, when the President announced he would delay a decision for more than a year until after the 2012 election. The Final Environmental Impact Statement issued by the State Department would be reinstated, along with associated Federal permissions. Keystone XL would still be required to go through regular order in receiving permits that it had not received prior to that date, including from the Army Corps of Engineers and Bureau of Land Management.

Importantly, our legislation recognizes the vital role of individual states in approving oil pipelines. Keystone XL must have all State permissions required by the States that it proposes to cross. That also applies to eminent domain, which is the jurisdiction of the States when it comes to oil pipelines.

I recognize that there is opposition to Keystone XL among certain segments of the environmental community. I take these concerns seriously. That is why our legislation contains perhaps the strongest environmental and safety safeguards for a pipeline ever put into U.S. law. It reflects work of the State Department, the Transportation Department, and other Agencies that identified expansive and specific requirements for pipeline construction and operation. TransCanada has pledged to follow those guidelines, which would have the force of law through our legislation.

In the course of debate we will likely hear a number of Democratic colleagues attest their support for pipelines and for Keystone XL in particular. Surely more will profess their concern for the thousands of workers that would earn incomes with Keystone XL, as well as for the numerous unions that support them. I have no doubt that many Senators, regardless of party affiliation, share those sentiments. Yet, sentiments mean little if in the next breath they oppose reasonable legislation we have offered to make it happen, namely the Hoeven-Lugar-Vitter bill.

I understand that there can be reasonable questions, even concerns on a project of this size. I, along with Senator HOEVEN and other cosponsors, have repeatedly offered to Democratic

colleagues to hear any genuine concerns with our legislation and to negotiate changes that would earn their votes. Those offers have been refused. Instead, the Democratic leadership has offered a last minute side-by-side amendment that would add more delay, jeopardize the prospect of any Keystone XL jobs being created, and undermine the job prospects of American refinery workers.

I am hopeful that Democratic colleagues will join me in supporting jobs and energy security by voting in favor the Hoeven-Lugar-Vitter amendment. Voting against the Hoeven-Lugar-Vitter amendment while simultaneously refusing to negotiate is a vote against Keystone XL, against the private sector jobs it will produce, against the chance it brings for lower gasoline prices, and against the relief it can provide from our dangerous dependence on oil from the Middle East and Venezuela.

Mr. President, in my judgment, there is no doubt that the Keystone XL pipeline would benefit United States national security, energy reliability, economic growth, and job creation. It would be the most advanced pipeline in the United States, thus minimizing environmental risks.

United States dependence on foreign oil is one of our foremost national security vulnerabilities. Iran's threat to shatter global economic recovery and splinter allied opposition to their nuclear weapons program by using their oil exports as leverage is just the most visible example today. The dollars we use to buy oil from autocratic regimes complicate our own national security policies by entrenching corruption, financing regional aggression and repression, and inflating Defense Department costs. Crude oil from Canada, North Dakota, and Montana delivered by Keystone XL will replace a substantial part of future imports of heavy oil from Venezuela and the Middle East.

The less we are directly dependent on oil from unstable and unfriendly regimes, the more flexibility we will have in diplomatic and defense options. Consider, for example, some of the flashpoints in oil-rich countries over the more than three years that the Obama Administration examined the Keystone XL pipeline application: Iran threats against Israel, the Strait of Hormuz, and the U.S. Navy; Venezuelan antagonism; war in Libya; hostilities in Iraq; a stalemate in Sudan; unrest in Russia; the Arab Spring; strained relations with Saudi Arabia; violence in Nigeria; and the ongoing threat of terrorism against energy infrastructure.

In contrast, the only uncertainty in oil trade with Canada has been the U.S. indecision over Keystone XL. This delay has caused the Canadian government to openly question whether the U.S. is a reliable market and whether

it should devote new oil capacity to supplying China's voracious appetite for energy.

No single project or policy is a cure-all, but having more independence from unstable regimes will give more options to avoid being drawn into oil-driven conflicts and to diplomatically advance national security objectives. For example, among the most significant challenges to enforcing strong sanctions on Iranian oil is concern over high gas prices driven by a weakening global supply margin. More than 3 years of bureaucratic delay on Keystone XL means that the Obama Administration has prevented Keystone XL oil from helping Americans hit by high gas prices today. Approval now would send a strong signal to markets of coming supply, and with our legislation, Keystone XL would be in place to help address future emergencies.

Having built-in first access to Canadian crude via pipeline is a strategic and economic advantage when global oil markets are under threat of shortage, as powerfully illustrated by Iranian threats against 20 percent of world oil that traverses the Strait of Hormuz.

The global oil market has fundamentally changed. Booming demand by China, India, and other emerging economies is quickly absorbing new supplies. Old oil fields are running low and new ones are expensive and harder to find. World markets are likely to remain tight for the foreseeable future, which means that supply disruptions due to political, terrorist, or weather events can lead to shortages much more easily than in the past. Tight global oil markets will invite threats to supplies for years to come, whether by Iran or other hostile actors. Having oil flow to the United States, instead of to China, via Keystone XL would give Americans the benefits of first access in times of trouble.

In Indiana job creation is the number one priority. The situation is urgent for families struck by our 9 percent unemployment rate, and many more are underemployed. Having the private sector willing to inject more than \$7 billion into the economy for the Keystone XL pipeline is a tremendous vehicle for putting people back to work, and it will have a multiplier effect for economic growth. Moreover, it is estimated that approximately 90 percent of the money Americans send to Canada for imports is returned to the United States, thereby encouraging more trade beyond the energy sector.

Keystone XL is perhaps the largest private infrastructure project available for construction almost immediately. It is expected to directly create 20,000 jobs, particularly in the hard-hit construction and manufacturing sectors. In addition, tens—if not hundreds—of thousands of other American workers will have their jobs bolstered through

the supply chain. Many of these are small American businesses that manufacture specialty parts or provide services.

Already Hoosiers working at Koontz-Wagner in South Bend, IN, have benefited from some of the \$800 million that has already been spent for Keystone XL supplies. As a subcontractor for Siemens, Koontz-Wagner last week finished the last of 78 equipment shelters for Keystone XL. The largest of the shelters measures 62 feet long, 14 feet wide, and weighs about 8,500 pounds. Manufacture of the 78 units for Keystone XL generated 140,000 "man hours" of work, allowing 50–60 new employees to be hired. It is the single largest contract for that company in South Bend. The people of Koontz-Wagner are fortunate that they are an early contractor. Meanwhile, thousands of additional workers are waiting for their chance.

Other Indiana firms stand to benefit from the Keystone XL pipeline. I visited Endress+Hauser in Greenwood where they already have manufactured \$600,000 worth of flow and temperature devices, Caterpillar in Lafayette where they manufacture the engines for the heavy equipment developing the oil sands, and Fairfield Manufacturing in Lafayette where they manufacture large gears and other components of the Caterpillar machines, in addition to other industrial machinery.

More than 2,400 American companies in 49 States, including over 100 in Indiana, supply goods and services for oil sands development and transport, according to industry estimates. Virtually all of these American companies stand to benefit from robust trade with Canada, and stand to lose from Canada turning its trade preferences toward Asia.

An important testament to the job-creating opportunities of Keystone XL is the strong support of several unions, such as the AFL-CIO Building and Construction Trades Department, United Association of Journeymen and Apprentices of the Plumbing and Pipe-fitting Industry of the U.S. & Canada, International Union of Operating Engineers, Laborers' International Union of North America, International Brotherhood of Teamsters, and the International Brotherhood of Electrical Workers.

Private sector job creation must be our top domestic priority. Some argue that the estimate of 20,000 new jobs from Keystone XL construction is too high even while they admit that many thousands of new jobs will be created. Even a smaller number of new private sector jobs are important gains during this time of 8.3 percent unemployment nationally and 9 percent in Indiana. Whether it is a pipeline, a road, or a house, it is the nature of the construction industry that jobs created are temporary in the sense that once a sin-

gle project finishes, another needs to take its place. A benefit of a project as large as Keystone XL is that the temporary employment is actually quite long and desperately needed by workers and their families.

Keystone XL is privately financed. No taxpayer money is needed to bring these jobs—all that is needed is for government to get out of the way.

In my judgment, further delaying these benefits is not in the national interest. With the firm go-ahead offered by our legislation, Americans can get to work almost immediately in manufacturing goods and in building the pipeline.

Kicking the can down the road is not simply a delay in construction. Delay opens more rounds of duplicative review with no definite conclusion that the pipeline will be built. Meanwhile, the Government of Canada is racing ahead with plans to export crude to China. Recent high-level agreements between Canada and China demonstrate no reluctance for oil trade through Puget Sound and across the Pacific.

The national imperative to reduce dependence on foreign oil from adversarial and unreliable regimes is not a partisan issue. Increased development of domestic energy resources, including domestic oil, alternative liquid fuels from biomass and coal, and innovation for fuel efficiency and electrification are all needed. I have offered my Practical Energy Plan, REFRESH farm bill, and Open Fuels Standard with Senator CANTWELL to aid in those efforts. My legislation, if implemented, would reduce our need for foreign oil by 6.3 million barrels per day by 2030—more than two-thirds of current imports.

It is ultimately the expected resilience of higher average global oil prices and technological breakthroughs that will determine the success of alternatives, not the presence of oil pipelines. We must be realistic: Even with rapid improvement in alternatives and efficiency innovations, oil will continue to be an important part of our economy, and oil from domestic sources and reliable neighbors will be more affordable and secure than far-flung imports.

Even if we achieve domestic production and efficiency goals, we cannot afford to ignore the source of our foreign oil. Canada is our most reliable and safest oil trading partner. The Keystone XL Pipeline alone could virtually eliminate the need for oil from Venezuela. Even if in the future we do not ourselves consume all the Canadian oil imported, having that crude in the U.S. system would give us tremendous flexibility to deal with supply shortages caused by conflict, political manipulation, terrorism, or natural disaster.

But perversely, opponents of the pipeline have thrown up a series of canards against the project to distract

from the overwhelming arguments in favor of it. One such canard is that Keystone XL is intended to use American soil to convey Canadian oil to markets abroad. The facts are otherwise. The United States is a huge net importer of crude oil about 9 million barrels every day. It is that reality that has perverted our national security policy for decades. Analysis from the Department of Energy finds the likelihood of crude exports from Keystone XL to be extremely low because U.S. refinery capacity for heavy oil is expected to exceed supply from Canada and because transport of oil via Keystone XL, then tanker would be considerably more expensive than domestic Canadian export options.

Overall U.S. exports of refined products are running at an unusually high 15 percent of total production because America's struggling economy has sapped domestic demand, and those export levels likely will shrink again as the economy gains steam. Simply put, we are keeping some of America's 108,000 refinery workers, including about 2,245 in Indiana, employed by selling at home and overseas.

Moreover, it is especially curious that the prospect of even a small amount of exports manufactured at U.S. refineries comes under scrutiny since President Obama has identified the doubling of U.S. exports as a goal. According to the Department of Commerce, the President already has the authority to prohibit petroleum exports if he deems it to be in the national interest.

In my view, exporting a small percentage of refined products to maintain refinery capacity is not a problem to be solved. In the event of a global energy crisis, exports from U.S. Gulf refineries could quickly be diverted back to American gas pumps, providing that their source is a secure supply from the U.S. or Canada, not overseas.

Even as Democrats seek to block the prospect of even a small amount of manufactured petroleum products from being exported, they are also arguing to block the import of products through "domestic content" mandates. The Keystone XL Pipeline is a private project and does not receive taxpayer subsidy. The Federal Government has no place in making procurement decisions of private companies. According to TransCanada, of the expected total procurement for Keystone XL, 98 percent is already under contract. In other words, a domestic content requirement may force it to violate existing contracts.

In the end, the most vigorous opposition to Keystone XL is not over the pipeline itself; it is against further development of the Canadian oil sands in an effort to stem greenhouse gas emissions. In considering this issue, it is important to understand that extensive investment in coking capacity at

U.S. refineries means that oil from the oil sands will mostly replace other heavy oil, such as that from Venezuela.

But more to the point, there is no doubt that Canada will continue to develop the oil sands regardless of U.S. decisionmaking on Keystone XL. The Canadians have already spent billions of dollars developing this resource, which they see as an essential national asset and job producer. The value of this asset will increase over time as the growth in global populations and living standards increases the demand for oil. Shipping the oil to the Canadian Pacific or Arctic coasts and onward via tanker for sale to China would compound environmental risks, while denying our country the strategic and economic benefits associated with oil sands production.

The strong majority of American people agree with our support for the Keystone XL Pipeline. Polling by Rasmussen and United Technologies/National Journal clearly indicates that a majority of Americans support the Keystone XL Pipeline. The Pew Research Center released a poll on February 23, 2012, that found 66 percent of people who have heard about Keystone XL support its approval, while just 23 percent oppose. These findings are reinforced by the dozens of Hoosier citizens, mayors, and retired service personnel who have written in favor of Keystone XL and the Indiana State Senate that voted in unanimous support.

America's overdependence on oil imports from unstable and hostile regimes endangers our national security and puts our warfighters and civilian personnel at risk. It also worsens our national budget situation, as we spend billions of dollars to ensure safe passage of oil around the world. But today we have a dramatic opportunity to change that energy and national security equation by building the Keystone XL Pipeline to bring oil from Canada, our good friend, to North Dakota and Montana and then to the gulf refineries.

Better yet, building Keystone XL, a private sector project, will create thousands of American jobs now. Job creation is the No. 1 issue in our Nation. The Keystone XL Pipeline is the country's largest shovel-ready infrastructure project. President Obama had the opportunity to create thousands of new jobs right away, plus bolster job prospects for thousands more throughout the manufacturing supply chain, such as our Hoosiers firms Endress+Hauser, Koontz-Wagner, and Caterpillar. Allowing \$7 billion of private economic activity should be a no-brainer.

Incredibly, even after reviewing Keystone XL for 1,217 days and in the midst of Iranian threats against global oil supplies and the U.S. Navy, President Obama caved to pressure from extreme environmentalists by rejecting

Keystone XL jobs and security. The President ignored analysis from his own Department of Energy that said oil supplies coming via Keystone XL would most likely lower gas prices.

President Obama's rejection of Keystone XL implicitly says that the administration prefers to send billions of dollars to unfriendly regimes rather than expand trade with Canada. It says that Democratic leadership prefers going hat-in-hand seeking more oil from Saudi Arabia rather than taking control of our energy future. It is incomprehensible. No objective standard of U.S. national security interest could justify such a decision.

I recognize there is opposition to Keystone XL among certain segments of the environmental community, and I take those efforts and concerns seriously. That is why our legislation contains perhaps the strongest environmental and safety safeguards for a pipeline ever put into U.S. law. It ensures that the Federal Government will not interfere with individual property rights or tell Nebraskans what to do in their own State.

Opponents believe that by blocking the pipeline, they will stop development of the oil sands in Alberta. That is a false hope. There is no doubt that Canada will continue to develop the oil sands regardless of U.S. decisionmaking on Keystone XL. The Government of Canada is racing ahead with plans to export crude to China. Recent high-level agreements between Canada and China demonstrate no reluctance for oil trade through the Puget Sound and across the Pacific.

Others say we should encourage alternatives to oil, and greater fuel efficiency, and I agree with that, but even under the most optimistic scenarios, oil will continue to be an important part of our economy, and oil from domestic sources and reliable neighbors will be more affordable and secure than far-flung imports.

Crude oil from Keystone XL will replace heavy oil imports from Venezuela and the Middle East. The less we depend on oil from adversarial and unreliable regimes, the more protection Americans will have from price spikes and shortages and the more flexibility we will have in diplomatic and defense options in oil-rich lands.

Finally, let me say that Politico reports that President Obama is so anti-Keystone that he is personally calling Senators to oppose our bill. The Democratic alternative aligns with President Obama's rejection of Keystone XL and is a massive overreach into the private sector. Senator WYDEN's bill would ultimately hurt the workers it claims to help and would penalize America's 108,000 refinery workers directly.

In sum, the Keystone XL Pipeline will create thousands of private sector jobs, and it will help protect the national security interests of the United

States. It comes at no taxpayer expense, and it will strengthen vital ties with our ally Canada. I urge my colleagues to support the Hoeven-Lugar-Vitter Keystone XL amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I rise to speak against three Republican amendments that pose a grave threat to our health, our children, and our environment.

The first seeks to delay and weaken new EPA standards that would reduce the pollution produced by industrial boilers. These boilers emit dozens of toxins, including lead, which reduces children's intelligence levels, and dioxins, which can cause birth defects. Boilers also release mercury, which is brain poison for children. And I ask my colleagues here to just think for a moment how lucky you are if all of your children are healthy and feeling good.

Under the Republican amendment, polluters will have at least 6 additional years to continue releasing life-threatening toxins into our air. We have already waited far too long to see the health benefits these standards would achieve. Back in 1990, both parties came together in Congress and told the EPA to set new pollution standards by the year 2000. If we delay these standards another 6 years, our country will suffer as many as 28,000 premature deaths. We will also see 17,000 heart attacks and more than 180,000 asthma attacks.

This amendment would also fundamentally weaken the Clean Air Act. It forces the EPA to set the least burdensome standards for industry. Imagine that. Instead of reducing toxins our children breathe, this amendment orders the EPA to reduce the burden on polluters. Under this amendment, children lose and polluters win, and that is inexcusable.

I also wish to express my strong opposition to Senator HOEVEN's Keystone XL amendment, which is nothing more than a rubberstamp for a project that poses serious risks to our environment and public safety.

The Keystone XL Pipeline will be one of the largest pipelines outside of Russia and China. It will be 1,700 miles long, cut through six States, and carry nearly 1 million barrels of tar sands oil each day. Make no mistake, the Keystone Pipeline is not ready for approval.

The fact is, the people have a right to know the facts about projects like this. This is one of the reasons I wrote the Pipeline Safety Act, which President Obama signed into law in January. This law requires the Transportation Secretary to determine whether we need better rules for the movement of tar sands oil, which is thicker and more corrosive than conventional oil.

Keep in mind, the existing Keystone Pipeline has had 12 oilspills in its first

year of operation. So before we take a shot in the dark, let's get the facts about Keystone XL.

Finally, I want to express my strong opposition to a Vitter amendment to vastly expand offshore drilling in this country. I will not stand by while Republicans put New Jersey's coast in the hands of oil companies. Tourism, fishing, and other coastal activities generate \$50 billion a year in New Jersey and support a half million jobs. Just like with the Keystone Pipeline, the oil industry is telling us don't worry about the risks posed by offshore drilling. They say: Trust us; everything will be fine. But we know how empty the oil industry's promises are.

In 1989, before the Valdez spill in Alaska, Exxon told us their oil tankers were safe. Two years ago, BP insisted it could handle an oilspill in the Gulf of Mexico. That is fresh in our memories. We should not forget it.

We do not need any more empty assurances from the industry. We need to defeat these amendments and pass a clean transportation bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1826

(Purpose: Of a perfecting nature)

Mr. ROBERTS. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1826.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 1826.

Mr. ROBERTS. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ROBERTS. Madam President, I rise today to ask for support for my amendment to promote progrowth energy and tax policy, and especially consistency for the remainder of this year.

My amendment addresses a significant tax policy concern. Within the Tax Code there is a long list of provisions simply known as tax extenders. Some might ask why I am offering an amendment on tax extenders to a bill dealing with the Federal highway program. In a nutshell, here is why: These provisions are used by millions of families, individuals, and business taxpayers. But these provisions expired over 2 months ago, causing utter chaos in regard to—well, really, what it caused was the lawyer-CPA full employment act. At present, the Senate leadership has no plans to consider these expired tax provisions. That is not right.

The base of this amendment includes most if not all of the expired energy tax incentives addressed in the amendment offered by my friends on the other side of the aisle. It is your amendment. In my amendment, however, we increase these energy production incentives. With spiking gas prices hammering families and businesses, this is precisely, it seems to me, the time to have a policy which will increase our supply of energy.

To begin with, addressing the oil supply issues, my amendment would cut redtape and open more Federal land for more oil and gas exploration and drilling. We are all painfully aware of the President's rejection of the Keystone XL Pipeline application. My amendment gives our Canadian neighbors the green light to send energy our way.

Let me now briefly describe the amendment. This amendment extends popular and much needed tax relief ranging from tax deductions for families sending kids to college to the adoption tax credit. By supporting my amendment today, we can provide much needed tax relief and certainty to millions of families and businesses for the remainder of this year.

I highlight this point because uncertainty in business and personal financial planning is something I think all of us hear about daily when we go back home and then come back here. Let's take a look at the deductibility of college tuition. This is a benefit for families who send their kids to college. By definition, this benefit goes to middle-income families. A lot of these folks are not low-income, so their kids do not qualify for Pell grants, but they are not high-income either. A lot of these folks are paying significant Federal, State, and local taxes and they get no help in defraying the high cost of their kids' college education. This tax deduction would make this consistent just for this year. This helps families by increasing access to higher education. This deduction ran out last year, and if we don't act these families will continue to face a tax increase.

Another very important expired provision is the deductibility of State and local sales taxes. Over 10.3 million Americans are paying more in taxes because this provision has expired.

On the business side, my amendment would address expiring business provisions, including the research and development tax credit and tax incentives for leasehold improvements and restaurant depreciation. It also extends enhanced small business expensing. Many small businesses use this benefit to buy equipment on an efficient aftertax basis. It is good for small business. It is good for small business workers. It is good for our Nation's economic growth.

The amendment closes a tax loophole that ensures that taxpayers claiming the refundable child tax credit provide

proper identification on their tax returns.

Finally, this amendment includes a special deficit reduction trust fund. The trust fund would contain the savings from the energy production incentives, the refundable child tax credit provision, and an extension of the existing Federal employee pay freeze.

In summary, this amendment does not add to the deficit. It contains robust energy production incentives and restores expired individual and business tax relief provisions. Most of all, it promotes economic growth and provides much needed consistency as these tax extenders simply do not exist at the present time, and only for this year. Everybody knows in 2013 we have the obligation and responsibility to dig into a tax reform plan that will certainly serve to put our Nation in much better shape in regard to tax policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1822

Ms. LANDRIEU. Madam President, let me begin by thanking the almost 15 Members of this body who have been working on this very important legislation for almost 2 years, since the Deepwater Horizon tragedy. I particularly want to thank Senator SHELBY, who has been the lead on the Republican side, for cosponsoring this important and significant environmental and economic recovery of the gulf coast. We could not have done it without Senator VITTER and Senator SESSIONS, who were on the authorizing committee where this bill came out with almost unanimous support. I think we didn't get two votes in the committee. Everyone else, Republican and Democrat, was supportive.

I particularly thank Senator WHITEHOUSE, who led the effort on the Democratic side, as we have shaped, with his help, for the gulf coast, which is represented in this bill, a way to invest in our oceans by smartly using some of the interest earnings. Of course, we would not be here on the floor without the extraordinary leadership of Senator BOXER from California, whose coast gets virtually no benefit from the RESTORE Act as it was originally introduced, but she was willing to step up because she knows how important the gulf coast is to the United States.

Let me first remind people what this accident looked like. It has been 2 years, but we remember the horror that we saw on our televisions for months about the largest environmental accident in the history of our country—5 million barrels of oil spilled along the coast of Louisiana, Mississippi, Alabama, and seeped onto the coast of Florida and caused economic damage in Texas. Let me tell you, 600 miles of the gulf coastline were oiled, and 86,000 square miles of waters were closed to fishing, causing a \$2.5 billion

loss to the fishing industry. We still have concerns about what that industry will look like.

The U.S. Travel Association estimated a \$23 billion impact to tourism across the gulf coast. So although Texas did not technically get any oil, they had an impact along their coast with the tourism decline.

Every commission, independent commission—Secretary of the Navy Commission, the President's commission, the independent commissions have all advocated that the proper response of the Federal Government is not to take this penalty money and stuff it in the General Treasury but, rather, to take a significant portion—our bill says 80 percent—and send it back to the gulf coast where our people have great needs, both economically and environmentally.

This is the time to act. Louisiana has lost 1,900 square miles since 1930. If we were the size of Rhode Island—we are not, we are bigger, but if we were, we would not have 50 States anymore; we would only have 49 because, as the Senator from California knows, we have already lost the size of Rhode Island. This is a national tragedy, not just for the 4.5 million people who live in our State.

But I would like to put into the record for the few minutes that I have that we contribute \$3 trillion to the national economy every year. The Gulf Coast States represent 17 percent of the GDP. Nearly 50 percent of the oil and gas that we consume every day in States all over this country comes from the gulf coast.

We contribute \$8 to \$10 billion directly every year. All we are asking in the RESTORE Act—let's put that up here—is to fund, direct 80 percent of the penalty money that BP is going to pay—taxpayers are not paying this. This does not come out of any program. It does not come out of any education program, any other program. It is going to be paid for by BP. Let's do justice to the gulf coast, America's energy coast and, might I say, the coast that produces the most vibrant fisheries, the coast that supports, proudly, ecotourism, the coast that revels in clean beaches.

Please give us the resources we need to restore this great coast. Again, I thank Senator BAUCUS and Senator BINGAMAN, who have joined now with supporters of this because we have added a portion to the fund, just for 2 years, the Land and Water Conservation Fund, for the entire country. We will be sending money to the gulf coast, creating an oceans trust fund, and fully funding the Land and Water Conservation Fund for 2 years.

I think it is a balanced bill; it is a fair bill. Again, to the chairman of the committee, Senator BOXER, I cannot tell the Senator how much we appreciate her extraordinary leadership.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask for 30 seconds before we turn to Senator VITTER. I want to say to the Senator from Louisiana and her colleague, Senator VITTER, what an honor it has been for me to work with them. Senator LANDRIEU is the most passionate person I have ever met when it comes to fighting for her State. What her State went through was a disaster manifold. I was there. I saw it.

Senator VITTER on the committee was eloquent in pointing out the problems. Senator SESSIONS worked hard on the committee as well. Every Democrat supported them.

I would only say to my colleagues who may be watching this debate: Please vote yes. We need 60 votes. This is going to take funding from BP directly to fix up the areas they wrecked. It is not costing the taxpayers any money. Because of the negotiations, every State will now benefit if it has a coastline.

I was honored to do it. I was excited we got this out of our committee. But we do not have forever. We have to take care of this today. Vote aye. This is bipartisan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I certainly join with my two colleagues and others in strong, passionate support of the RESTORE Act amendment. As has been mentioned, that will be an upcoming vote, the fifth vote in line once we start voting very shortly. This approach of dedicating any percent of the Clean Water Act fines just from the BP disaster to gulf coast restoration is widely supported on a bipartisan basis. The Obama administration strongly supports it, outside groups who have looked at the devastation in the gulf strongly support it all across the spectrum. This has been a concept that has been building for months, and there is strong and widespread support for this 80-percent dedication. That is reflected in the fact that the RESTORE amendment is a bipartisan push, a bipartisan bill, and now a bipartisan floor amendment. As MARY LANDRIEU and Senator BOXER mentioned, it had almost unanimous support coming out of the Environment and Public Works Committee. The cosponsors are fully bipartisan, so I urge all Members to join together in this effort.

This is completely deficit neutral. We have an offset built into the bill such that this bill does not increase the deficit in any way, shape, or form. Let me point out, the money we are using, as has been said, would not exist but for the BP disaster. There are fines paid by BP and others, so that money did not exist before the disaster, and yet we still offset that full amount with an offset. In essence, we are lowering the deficit compared to what it

would have been but for the disaster and before that revenue created only by the disaster.

In addition, built into the bill in this latest version is significant funding for the Land and Water Conservation Fund which has significant bipartisan support in the Senate. Again, all of that is fully offset so we are not increasing the deficit in any way, shape, or form. This is an offset that has been approved and used before, again, on a bipartisan basis. One of those previous votes using this same offset passed 98 to 0.

I urge all Members of the Senate, Democrats and Republicans, to come together and please do the gulf coast right and do the Nation right in terms of this vitally important effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, the Senator from North Dakota earlier offered a proposal to develop the Keystone Pipeline. I rise to speak on the alternative this afternoon. The alternative ensures expedited approval of the pipeline once the current environmental requirements are met. The alternative ensures that the thousands of jobs associated with building the pipeline go to the workers of the United States. The alternative says there is to be a ban on the export of all Canadian crude oil transported on the Keystone XL Pipeline. Obviously there may be some exceptions, and we have worked out a process to waive that. But if this oil is intended for Americans, then the export restrictions we offer in this amendment ought to be very clear, and that is the heart of the concern reflected by the backers of this amendment.

We believe there is substantial evidence on the RECORD that this oil will be for the export market. According to the TransCanada application to the Canadian Government, the Canadian oil companies expect to reap as much as \$3.9 billion more in annual revenues from the higher prices they can tap once the oil reaches the gulf coast. Once it reaches the gulf coast, it competes at the same prices as other oil supplies on the global market. It will be extremely lucrative for the company and the incentives clearly are for the export market, and that is why the TransCanada application to the Canadian Government even admits that.

The fact is U.S. gulf coast refineries are already responsible for 75 percent of U.S. refined products and those exports are rising rapidly. Gulf coast refineries also have a cost advantage over struggling refineries along the east coast, and in effect the Keystone XL Pipeline can accelerate that advantage and likely accelerate the closure of east coast refining capacity. Less east coast refining capacity means higher gasoline and heating and oil prices for our country.

Perversely, according to a separate report we received from the Energy Information Agency, closure of east coast refineries could result in more imports of gasoline and other petroleum products, some possibly from as far away as India. That is particularly perverse because this is the first time since 1949 when we have actually seen exports of a number of our refined products, such as gasoline, have that dramatic change compared to previous years when we were always importing so many of those energy resources.

So contrary to the assertion by the pipeline backers, more supply from Canada does not automatically mean more U.S. supply and lower prices for U.S. consumers, especially when the evidence indicates that that supply is going to be hardwired by the pipeline and world prices and world markets once it reaches the Gulf of Mexico.

I simply say to Senators: This debate has always been about domestic energy security. That is the centerpiece of the argument that was made by my distinguished friend from North Dakota, and we have heard on television commercials for weeks and weeks. The argument is to build this pipeline, the energy is going to go for Americans. This amendment guarantees that will be the case. In effect, this amendment puts teeth behind all of the debate that this energy is going to be for the American consumer.

I think the evidence shows, particularly as you look at how you are going to see refineries bypassed in the Midwest, that it is going to go to the gulf ports and you are going to see this energy used in the export market. That may be good for the Chinese, but the evidence could indicate it would produce higher prices for Americans. In fact, this trend with respect to putting the export of American energy on auto pilot—assuming that it is automatically good—is something I think we ought to look at more carefully. In this amendment we make it clear we want to protect American workers, American consumers, and we are going to have expedited approval of the pipeline.

The only point I would make is the Secure Rural Schools legislation—which we are going to be voting in a few minutes—has always been bipartisan. I have been working with Chairman BAUCUS to ensure that it remains bipartisan. I hope colleagues will keep faith with rural communities, and when it comes up for a vote here in a few minutes, support the Baucus amendment and our rural schools and law enforcement and road programs that are a lifeline to those rural communities.

The PRESIDING OFFICER. The Senator from Georgia.

GIRL SCOUTS 100TH ANNIVERSARY

Mr. CHAMBLISS. Madam President, I rise for a very special honor to be

given to the Girl Scouts of the United States of America on their 100th anniversary. One hundred years ago in Savannah, GA, Juliette Gordon Low brought together a group of 18 girls from very different backgrounds to give them opportunities to develop physically, mentally, and spiritually. From that meeting, Ms. Low came to recognize the need for an organization that would help girls develop self-reliance and resourcefulness in the face of a changing society, and in their future roles as professional women.

From that modest single troop in Savannah, Ms. Low's vision has grown into the largest organization for girls in the world, with 3.2 million Girl Scouts and more than 50 million Girl Scout alumnae. Despite their growth, the Girl Scouts of today have stayed true to Ms. Low's vision, focusing on topics such as leadership, science and technology, business and economic literacy, and outdoor and environmental awareness. It is admirable that the Girl Scouts throughout their 100-year history of supporting women's leadership have truly been a voice for all girls regardless of background.

As Girl Scouts, young women develop their leadership potential through activities that enable them to discover and develop their values and skills, and to take action to make a difference in the world. And while we all know about the beloved American institution that is the Girl Scout cookie sale, it is not just about the cookies. Scouting also provides girls with the skills and self-confidence to become leaders in their own lives.

Girl Scouts have an impressive record of success. Former Girl Scouts make up a majority of women who have served in Congress, and 53 percent of all women business owners are former Girl Scouts.

We are fortunate that the guidance and opportunities that Girl Scouts have provided during the last 100 years will remain for the next generation of women leaders for Georgia as well as for the United States.

Madam President, I ask our colleagues to join me in congratulating the Girl Scouts of the United States of America, founded in the great State of Georgia, on 100 years of supporting female leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1825

Mr. MERKLEY. Madam President, I rise to address the Baucus amendment that maintains the core Federal commitment to our timber counties through the Secure Rural Schools and the Payment in Lieu of Taxes Programs.

Let me give you a sense of what this is all about. This is equivalent to a farmer who is told by the Federal Government: We have a new set of rules,

and you cannot grow crops on your farm any longer, but we are going to substitute payments that you would otherwise receive. Well, the farmer doesn't like it. He would rather grow crops, but what can he do? Then along comes the government a few years later and says: You know what. You cannot grow crops and you are not going to get compensated for our rules that tell you you cannot grow crops. And, of course, that is outrageous. That is like a taking of property, and yet that is exactly the situation that exists for our timber counties in terms of lands affected by the Secure Rural Schools Program.

The timber harvest cannot proceed in its original method, and the compensation is not guaranteed to be in place, so we have to fix that. We have to make sure the Federal Government abides by the deals it has struck. This deal is essential to rural timber counties throughout our Nation. It is essential to so many counties in Oregon.

Five years ago when my colleague Senator WYDEN was working to make sure this commitment was upheld, I was in the role of a speaker, and in that role I organized the delegation of Democrats and Republicans to go out and talk with our county leaders, and there was such mystification about the fact that the Federal Government was not going to stand by the deal it had struck. Today, through the amendment that Senator BAUCUS, Senator WYDEN, and others have been working to put forward, we have the chance to make sure that the word of the Federal Government is good. That is why we need to pass this amendment.

I wish to tell you that we are going to put forward an amendment that secured the word of the government for a good long time to come but, unfortunately, it is only a minimalist, 1-year agreement, but that is what we have before us and that is what we must do.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. At 2 o'clock we are going to start the votes on a mass number of amendments. The first one will be on the Outer Continental Shelf. It is my understanding that I have the right to start the voting at 2 o'clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Madam President, everyone should know—staffs, alert your Senators—the first vote will be 15 minutes, with 5 minutes for people to get here. After that, we will have 10-minute votes. I ask unanimous consent that all subsequent votes be 10 minutes and the first one 15 minutes.

The PRESIDING OFFICER. Without objection, all subsequent votes will be 10 minutes.

Mr. REID. Madam President, we are going to enforce that. We have 30 votes to get through today. It is going to be

a lot of work on the clerks to do this, but Senators should stay here rather than wander off and do other things; otherwise, they are subject to missing votes. I want to make sure everyone understands that. The only time we would deviate from that is with votes that are separated with one or two minutes. Usually we have to take a little longer time on that to make sure there are no mistakes. But other than that, we will whip through these votes as quickly as we can.

Has the hour of 2 o'clock arrived yet, Madam Chair?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1535

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Vitter amendment.

Who yields time?

The Senator from California.

Mrs. BOXER. Madam President, in my one minute, I hope we are going to vote down this antijobs amendment that threatens our coastal economies. Many of our coastal States treasure their coasts, and they are an economic engine of growth because the tourists come there. We have recreation. We have the fishing industry. Therefore, it is very important that we vote this down because this amendment is a big brother amendment. It tells the States what they have to do, what they must do, even if their value is to protect those coastal-related economies.

We have 2 percent of the proven oil supplies in the world and we use 20 percent of the world's energy. So we all know we can't drill our way out of this. Yet the Senator from Louisiana wants to open every area of our State to drilling when the oil companies are sitting on more than 50 million acres. It is a giveaway to big oil. We should go after the oil speculators. If we want to bring down gas prices, let's do that. Let's vote down this bad amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: The Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 54, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—44

Alexander	Graham	McCain
Ayotte	Grassley	McConnell
Barrasso	Hatch	Moran
Blunt	Heller	Paul
Boozman	Hoeben	Portman
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kyl	Toomey
Cornyn	Landrieu	Vitter
Crapo	Lee	Webb
DeMint	Lugar	Wicker
Enzi	Manchin	

NAYS—54

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	McCaskill	Udall (CO)
Conrad	Menendez	Udall (NM)
Coons	Merkley	Warner
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden

NOT VOTING—2

Kirk Thune

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The PRESIDING OFFICER. The Senator from Maine.

CHANGE OF VOTE

Ms. COLLINS. Mr. President, on rollcall vote No. 28, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Ms. COLLINS. Mr. President, let me just explain very briefly. I was told that the amendment had been modified to accommodate concerns I have raised, and then the amendment was not so modified. So I wanted to put in that explanation to explain why the error was made.

The PRESIDING OFFICER. The Senator from Alaska.

CHANGE OF VOTE

Ms. MURKOWSKI. Mr. President, on roll call vote number 28, I too voted aye and it was my intention to vote no. I ask unanimous consent that I be permitted to change the vote since it will not affect the outcome.

It is for exactly the same reason that Senator COLLINS mentioned. It was our understanding in coming to the floor that the modification had been accepted, and it was not.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 1825

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided, prior to a vote in relation to the Baucus amendment No. 1825.

The Senator from Montana.

(Purpose: To reauthorize for 1 year the Secure Rural Schools and Community Self-Determination Act of 2000 and to provide full funding for the Payments in Lieu of Taxes program for 1 year, and for other purposes)

Mr. BAUCUS. Mr. President, I call up amendment No. 1825.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BINGAMAN, Mr. WYDEN, Mr. MERKLEY, and Mr. TESTER, proposes an amendment numbered 1825.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators CRAPO and RISCH be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, this is a very simple amendment. It compensates counties that have the lack of a private land base; that is, counties that do not have the ability to collect property taxes because of Federal land. This revenue goes to schools, it goes to jobs and roads. I might add, in the State of Oregon, 20 percent goes to highway spending. This is the highway bill. It has been supported strongly in the past by this body. The offset has been worked out.

I strongly urge my colleagues to support it. This is a good, solid program.

I yield the remainder of my time to my colleague from Oregon, Mr. WYDEN.

Mr. WYDEN. Mr. President, the Baucus amendment is a lifeline for rural America, particularly for the West and the South, where the Federal Government owns so much of our land. This money is absolutely essential to keep school doors open, to keep cops out there protecting our people, and to provide for our roads program. This program has always been bipartisan since the days when our former colleague Senator Craig and I authored it.

I urge my colleagues to support Chairman BAUCUS on this amendment to provide a lifeline to rural America.

Mr. BINGAMAN. Mr. President, in 2008, Congress passed the Emergency Economic Stabilization Act of 2008, which established the Troubled Asset Relief Program. That act also included a historic 5-year program to fund two important programs that support rural counties across the country.

The county payments program included increased and more equitably distributed funding for the Secure Rural Schools and Community Self-Determination Act, which provides payments to more than 700 counties in 42 States for public roads, schools, and collaborative forest restoration projects. In addition and for the first time in many years it fully funded the Payments in Lieu of Taxes Program, which provides payments to 1,850 local governments in 49 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Both programs have provided a life line for struggling rural counties around the country during the recent recession.

In October of 2011, I introduced the County Payment Reauthorization Act of 2011 to extend the benefits of the county payments programs we funded in 2008 for another 5 years. That bill, S. 1687, currently has 32 cosponsors, including 8 Republicans and an Independent. Congressman HEINRICH has introduced a companion measure in the House: H.R. 3599.

Today, I would like to express my support for Senator BAUCUS's amendment No. 1825 to extend funding for the two programs by 1 year. Many of us believe that a multiyear extension is critical to provide the budgetary certainty that our rural counties need, so it is unfortunate that we could not get sufficient bipartisan support to move forward with a multiyear extension.

In addition to important funding, the amendment would make a few improvements to the Secure Rural Schools and Community Self-Determination Act that we have developed on a bipartisan basis.

In fiscal year 2011, it appears that a number of counties in five States failed to submit elections by the date required by section 102(d)(3)(A) of the act. The result was that approximately \$2.5 million in title II and III funding was returned to the Treasury, as required by the act. At least some of the counties had compelling reasons for failing to make a timely election, and the amendment provides \$2.5 million to the Secretary of Agriculture to carry out projects in those counties consistent with the purpose of the authorized uses of title II project funds. Since some counties don't participate in title II projects, such projects would not be subject to other specific requirements of title II. However, they are intended to be carried out consistent with the spirit of title II, which emphasizes collaborative forest projects. Our expectation is that the Secretary will work closely and collaboratively with those counties in spending that money to further the purposes reflected in those counties' untimely elections.

To avoid such problems going forward, the amendment requires the Governor of each eligible State as opposed to each of the more than 700 counties

to formally submit title I, II, and III elections for all of their eligible counties by no later than September 30 of each fiscal year. Our hope is that this change, along with improved outreach by the Forest Service, will result in timely elections for the remainder of the Secure Rural Schools Program.

Nevertheless, if a Governor does fail to submit an election for any county, the amendment provides that the county will be presumed to have elected to expend 80 percent of its funding through title I. As with the \$2.5 million provided to the counties that missed the fiscal year 2011 deadline, the remainder of the county's payment would go to the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of the act on Federal land and on non-Federal land in the county where projects would benefit the resources on Federal land. Again, our expectation is that the Secretary will work closely and collaboratively with such counties and, where they exist, their resource advisory committees, in spending that money.

We also have added a provision to title II to permit resource advisory committees to expend not more than 10 percent of project funds on administrative expenses if they so choose. That amendment provides additional flexibility to allow the committees to operate more effectively and efficiently.

I would like to thank Senator BAUCUS for his leadership in putting together the necessary offsets for this important amendment and Senator MURKOWSKI for her cooperation in developing the authorizing provisions that are included in the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAPO. I yield back our time.

The PRESIDING OFFICER. Time is yielded back.

The question is on agreeing to amendment No. 1825.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 16, as follows:

(Rollcall Vote No. 29 Leg.)

YEAS—82

Alexander	Graham	Nelson (NE)
Ayotte	Grassley	Nelson (FL)
Barrasso	Hagan	Portman
Baucus	Hatch	Pryor
Begich	Heller	Reed
Bennet	Hoeven	Reid
Bingaman	Hutchison	Risch
Blumenthal	Inhofe	Roberts
Blunt	Inouye	Rockefeller
Boozman	Isakson	Rubio
Boxer	Johanns	Sanders
Brown (MA)	Johnson (SD)	Schumer
Burr	Kerry	Sessions
Cantwell	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NAYS—16

Akaka	DeMint	Mikulski
Brown (OH)	Harkin	Moran
Cardin	Johnson (WI)	Paul
Carper	Kyl	Toomey
Coburn	Lieberman	
Corker	McCain	

NOT VOTING—2

Kirk	Thune
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1660

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote in relation to the Collins amendment No. 1660.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator MURKOWSKI be added as a cosponsor to the preceding amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, this is a very modest bipartisan amendment. It simply gives the EPA more time to get these regulations right, and our struggling manufacturers will get more time to comply with them. It is a false choice to say that this is the environment versus the economy. We can have both.

If this amendment is not adopted and the current regulations go into effect, the estimates are that they will cost manufacturers \$14 billion to comply, and we will lose 200,000 manufacturing jobs at a time when we can least afford it. All we are asking is for more time to get these regulations right.

I urge support for the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, what we do here makes a difference in people's lives. We have peer-reviewed studies that show if the Collins amendment passes and we go back to square one, we will see 8,100 premature deaths per year, 5,100 heart attacks per year, 52,000 cases of aggravated asthma, and—talk about jobs—400,000 lost workdays per year. Why is that? What the EPA is trying to do under the Clean Air Act is make sure we don't have too much arsenic in the air or too much chromium, lead, or mercury. These are devastating toxics, especially to our children.

The manufacturers of boilers say there will be many jobs created. I submit this letter for the RECORD. They say anyone who tells us otherwise is not a boiler manufacturer and doesn't know what they are talking about. Senator WYDEN, an original cosponsor, is off this bill because the EPA has worked with him and managed to answer his concerns.

Please vote no on this amendment.

Ms. COLLINS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

(Rollcall Vote No. 30 Leg.)

YEAS—52

Alexander	Grassley	Moran
Ayotte	Hatch	Murkowski
Barrasso	Heller	Nelson (NE)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Burr	Inhofe	Pryor
Casey	Isakson	Risch
Chambliss	Johanns	Roberts
Coats	Johnson (WI)	Rubio
Coburn	Kohl	Sessions
Cochran	Kyl	Shelby
Collins	Landrieu	Snowe
Corker	Lee	Stabenow
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	Wicker
Enzi	McCaskill	
Graham	McConnell	

NAYS—46

Akaka	Conrad	Lautenberg
Baucus	Coons	Leahy
Begich	Durbin	Levin
Bennet	Feinstein	Lieberman
Bingaman	Franken	Menendez
Blumenthal	Gillibrand	Merkley
Boxer	Hagan	Mikulski
Brown (MA)	Harkin	Murray
Brown (OH)	Inouye	Nelson (FL)
Cantwell	Johnson (SD)	Reed
Cardin	Kerry	Reid
Carper	Klobuchar	Rockefeller

Sanders	Udall (CO)	Whitehouse
Schumer	Udall (NM)	Wyden
Shaheen	Warner	
Tester	Webb	

NOT VOTING—2

Kirk	Thune
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1738

There is now 2 minutes of debate equally divided prior to a vote in relation to the Coburn amendment No. 1738.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment is very similar to an amendment we voted on in the small business bill which passed 64 to 30—something—I can't remember the exact number. It is very straightforward. We ask the OMB to look at the two most recent GAO reports, combine \$10 billion worth of savings, and send back to us a recommendation so that we can, in fact, accomplish that purpose.

The GAO is showing us exactly where we need to go in terms of saving money. We are involving the executive branch in that. They also have other plans they are working on and on which I am trying to work with the administration.

If you want to pick up the difference between what we really need to do for infrastructure in this country, the best way to do it is to support this amendment and go for another \$10 billion in infrastructure.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Mr. INOUE. Madam President, last September we rightly rejected a Coburn amendment not much different from this one. Senator COBURN claims that the purpose of this amendment is to reduce duplication, but in reality it would just give a \$10 billion reduction in discretionary caps regardless of whether there actually is \$10 billion in discretionary savings. In addition, there is an existing rescission authority in place, thus making this amendment on reducing duplication redundant.

This amendment is a backdoor attempt to lower discretionary spending caps agreed to by the Budget Control Act. So we should not violate the BCA, and I urge a "no" vote.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—52

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Nelson (NE)
Baucus	Heller	Paul
Blunt	Hoeben	Portman
Boozman	Hutchison	Risch
Brown (MA)	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Klobuchar	Snowe
Cochran	Kyl	Stabenow
Collins	Lee	Tester
Corker	Lugar	Toomey
Cornyn	Manchin	Vitter
Crapo	McCain	Wicker
DeMint	McCaskill	
Enzi	McConnell	

NAYS—46

Akaka	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Warner
Conrad	Lieberman	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NOT VOTING—2

Kirk	Thune
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The PRESIDING OFFICER (Mrs. SHAHEEN). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 1822

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate, equally divided, prior to a vote in relation to the Nelson-Shelby-Landrieu amendment No. 1822.

The Senator from Florida.

Mr. NELSON of Florida. Madam President, we are going to divide 1 minute; 15 seconds here, 15 seconds there, and 30 seconds for Senator SHELBY.

I will just say this is the BP fine money to come back and restore the Gulf of Mexico and people who earn their living from the gulf.

Ms. LANDRIEU. Madam President, this money will be shared with all the States. It is appropriate new money paid by BP—not taxpayer money—to the Gulf.

Let me thank Senators BOXER, WHITEHOUSE, and BAUCUS for their extraordinary help on our side and thank Senator SHELBY.

I don't know if Senator VITTER wants to say a word.

Mr. VITTER. Madam President, I urge support of this amendment. It is bipartisan.

This concept is supported by multiple outside groups, as well as the administration, and it is fully offset. It does not increase the deficit.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. I yield back all time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—76

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Ayotte	Hagan	Portman
Baucus	Harkin	Pryor
Begich	Hoeben	Reed
Bennet	Hutchison	Reid
Bingaman	Inhofe	Roberts
Blumenthal	Inouye	Rockefeller
Blunt	Isakson	Sanders
Boozman	Johnson (SD)	Schumer
Boxer	Kerry	Sessions
Brown (MA)	Klobuchar	Shaheen
Brown (OH)	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Chambliss	Lieberman	Udall (NM)
Cochran	Manchin	Vitter
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Coons	Merkley	Whitehouse
Cornyn	Mikulski	Wicker
Crapo	Moran	Wyden
Durbin	Murkowski	
Feinstein	Murray	

NAYS—22

Barrasso	Grassley	McCain
Burr	Hatch	McConnell
Coats	Heller	Paul
Coburn	Johanns	Risch
Corker	Johnson (WI)	Rubio
DeMint	Kyl	Toomey
Enzi	Lee	
Graham	Lugar	

NOT VOTING—2

Kirk	Thune
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The PRESIDING OFFICER: Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Ms. LANDRIEU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1817

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 1817, offered by the Senator from Oregon, Mr. WYDEN.

The Senator from Oregon.

Mr. WYDEN. Madam President, this amendment ensures that the Keystone Pipeline is built by American workers using American steel; that our priority is reasonably priced energy for American families and American businesses, rather than their Chinese competitors. It contains an expedited approval process so that when air and water and environmental laws are complied with, the pipeline application must be approved within 90 days. Put simply, when you build a pipeline that is 2,000 miles across the Nation, our challenge is to do it right.

Madam President, there are two alternatives. This one gives us a chance to do it right for our workers, our businesses, the well-being of all our communities. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. I rise in opposition to this amendment. The Keystone XL Pipeline will bring more than 830,000 barrels a day of crude oil from Canada and also from States like mine, such as North Dakota and Montana. We need that crude oil rather than relying on the Middle East.

This is a vote to block the project. Make no mistake, this not only requires the TransCanada start-over, it says start over after 3½ years. What does that mean, another 3½ years before they can go forward? And it adds additional impediments to the project. With gasoline prices going up every day, we need more supply, we need it from Canada, we need it from North Dakota and Montana, not from the Middle East.

Please vote no on this amendment and yes on the next one, which will allow us to move forward for American workers, American consumers, for our businesses, for our economy, and for national security.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 1817.

Mr. WYDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—33

Bingaman	Franken	Merkley
Blumenthal	Harkin	Mikulski
Boxer	Inouye	Murray
Brown (OH)	Johnson (SD)	Nelson (FL)
Cantwell	Klobuchar	Reid
Cardin	Kohl	Rockefeller
Carper	Lautenberg	Schumer
Conrad	Levin	Stabenow
Coons	Lieberman	Tester
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Wyden

NAYS—65

Akaka	Gillibrand	Murkowski
Alexander	Graham	Nelson (NE)
Ayotte	Grassley	Paul
Barrasso	Hagan	Portman
Baucus	Hatch	Pryor
Begich	Heller	Reed
Bennet	Hoeven	Risch
Blunt	Hutchison	Roberts
Boozman	Inhofe	Rubio
Brown (MA)	Isakson	Sanders
Burr	Johanns	Sessions
Casey	Johnson (WI)	Shaheen
Chambliss	Kerry	Shelby
Coats	Kyl	Snowe
Coburn	Landrieu	Toomey
Cochran	Leahy	Udall (CO)
Collins	Lee	Vitter
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
DeMint	McConnell	Wicker
Enzi	Moran	

NOT VOTING—2

Kirk Thune

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The PRESIDING OFFICER. The Senator from Massachusetts.

CHANGE OF VOTE

Mr. KERRY. Mr. President, on rollcall vote No. 33, the Wyden amendment No. 1817, I mistakenly voted aye and meant to vote no. It will not change the outcome. I ask unanimous consent that my vote be reflected as a no.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 1537

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1537, offered by the Senator from North Dakota, Mr. HOEVEN.

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to speak in support of this amendment which would authorize the Keystone XL Pipeline project to move forward. It provides an authorization after more than 3½ years of study. It incorporates all of the safeguards that have been developed through the environmental impact statement process with both EPA and the Department of State, and it allows whatever time may be necessary for rerouting in Nebraska. So it addresses the concerns that have been raised as far as the environmental impact statement but authorizes the project to proceed.

This project will bring 830,000 barrels a day of crude to our refineries, as I mentioned earlier, not only from Canada but from my home State of North Dakota, as well as from Montana. This is about not only producing more energy both at home and with our closest friend and ally, Canada, but it is also about national security. It is about reducing our dependence on oil from the Middle East.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOEVEN. I urge my colleagues' strong support for this amendment on behalf of American workers and consumers.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I urge opposition to this amendment. I wish to outline just very briefly why.

First, under this amendment the oil is not going to be going to the United States. This oil is going to be going to the export market, and the Trans-Canada application to the Canadian Government showed this beyond any question. The Canadian oil companies expect to reap as much as \$3.9 billion more in annual revenue from the higher prices they can tap once their oil reaches the gulf coast. It competes at the same price as other oil supplies on the global market—no protection for workers, no protection on the environment, and, I believe, higher prices for American businesses and American consumers.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1537.

Mr. HOEVEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—56

Alexander	Collins	Inhofe
Ayotte	Conrad	Isakson
Barrasso	Corker	Johanns
Baucus	Cornyn	Johnson (WI)
Begich	Crapo	Kyl
Blunt	DeMint	Landrieu
Boozman	Enzi	Lee
Brown (MA)	Graham	Lugar
Burr	Grassley	Manchin
Casey	Hagan	McCain
Chambliss	Hatch	McCaskill
Coats	Heller	McConnell
Coburn	Hoeven	Moran
Cochran	Hutchison	Murkowski

Paul	Rubio	Toomey
Portman	Sessions	Vitter
Pryor	Shelby	Webb
Risch	Snowe	Wicker
Roberts	Tester	

NAYS—42

Akaka	Harkin	Nelson (NE)
Bennet	Inouye	Nelson (FL)
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Coons	Lieberman	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Franken	Mikulski	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Kirk Thune

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, it is 4:15 p.m. We have a matter that I believe will be decided by voice in just a few minutes. This will be the last vote until Tuesday, when we finish this bill. I appreciate everyone's cooperation. I have talked before about how fortunate we are to have the two managers we have on this bill—Senators BOXER and INHOFE. They have done a remarkably good job.

We have a locked-in set of amendments now. There is no reason to work into the night. We have had a good week. We will have a good week next week, and I wish everyone a good break.

MOTION TO WAIVE

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote on the motion to waive all applicable budget points of order.

Mrs. BOXER. Mr. President, colleagues, we must waive the Budget Act in order to continue working on this bill. My friend from Tennessee will tell you otherwise. This bill is 100 percent paid for. The CBO score actually shows a \$5 billion surplus over the next 10 years.

How is it paid for? I can tell you, my friend JIM INHOFE made sure it would be paid for, and we agreed on it. Through the highway trust fund, plus the bipartisan work of the Finance Committee, we have filled this trust fund to cover this bill.

Mr. President, 2.8 million jobs hang in the balance. All the work we did today hangs in the balance. We need 60 votes. So if one is for the Transportation bill, please vote aye so we can continue our work next week.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, let me first say I am a very strong supporter

of a highway bill and of infrastructure but also believe we should have integrity as it relates to this issue of spending.

Last August, the world and the country watched as our Nation almost came to a halt, and we agreed, in order to raise the debt ceiling, we would pass the Budget Control Act, which puts strict limitations on spending for last year and this year. We are making a mockery of what happened during that time if we waive this Budget Control Act point of order that I have put in place.

Basically, what we have said—and we have had all kinds of Senators on both sides of the aisle who have focused on the deficit issue in good faith, but what we basically are saying is we cannot make it 7 months without violating the Budget Control Act which we put in place to create discipline in this body.

I urge a “no” vote on waiving this motion.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have had rankings as the most conservative Member of this body many times, and I have often said there are two areas where I am a big spender: one is national defense, one is infrastructure.

We desperately need this bill. It is interesting to me that so many of my good friends—and they are friends, including the Senator from Tennessee—will vote as they did back in 2008 for \$700 billion for a bailout and then something such as this comes up and somehow this is an excuse to kill the bill. You can kill the bill and we can go back and start all over again. I wish and I think the Finance Committee is going to come up with something that is going to allow us to get this done by the time we get into conference.

I urge my conservative friends particularly to go ahead and vote for the highway bill.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Tennessee.

Mr. CORKER. Just 30 seconds.

The PRESIDING OFFICER. The time has expired.

The Senator asks for 30 seconds.

Without objection, it is so ordered.

Mr. CORKER. Mr. President, the fact is, the amount of money it would take to not have a budget point of order is so small that we ought to just offset discretionary caps for this year by the amount we are spending above that for this highway bill.

It is ludicrous that we cannot set priorities in a way that calls us to live within the Budget Control Act and break it within 7 months of passing it and break faith with the American people.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I would note—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Mr. President, I ask unanimous consent for 10 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. We do not have Senator THUNE here, who is doing a great job in the Finance Committee. Unfortunately, his mother died and he is not here. We would be able to sit down and solve this problem and not delay this bill. Right now it is set up so we can have a highway bill.

This could kill it. I hope folks will talk to their people at home. You cannot do it before this vote, but afterwards I might suggest you do that.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kentucky (Mr. PAUL) and the Senator from South Dakota (Mr. THUNE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—66

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Rockefeller
Boozman	Inouye	Sanders
Boxer	Johnson (SD)	Schumer
Brown (MA)	Kerry	Shaheen
Brown (OH)	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Manchin	Webb
Coons	McCaskill	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—31

Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Burr	Hatch	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (WI)	Rubio
Corker	Kyl	Sessions
Cornyn	Lee	Toomey
Crapo	Lugar	Warner
DeMint	McCain	
Enzi	McConnell	

NOT VOTING—3

Kirk Paul Thune

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order fails.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues. Most of them have gone, but I feel it is important that the RECORD reflect this last vote that we had. Basically, it was a vote to undo everything we worked so hard on all day. It was basically a backdoor way of killing the transportation bill—a bill that is fiscally responsible. It is at current levels plus inflation fully paid for. Senator INHOFE and I agreed at the outset in the EPW Committee we would only support a bill that was fully paid for.

I was honored that we got so many Republican votes on that. I am looking forward to next week when we get this done. I understand the Senator from Michigan has something he wants to get accomplished by a voice vote. I ask unanimous consent that he be able to explain that so that we can continue making progress, and then he will yield the floor to the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

AMENDMENT NO. 1818

Mr. LEVIN. Mr. President, the next item on the unanimous consent agreement is my amendment No. 1818. It is my understanding now that this amendment can be adopted by a voice vote. It has been cleared for that.

I ask unanimous consent to set aside the pending amendment and I call up my amendment No. 1818.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. CONRAD, proposes an amendment numbered 1818.

The amendment is as follows:

(Purpose: To authorize special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement)

At the end, add the following:

TITLE —STOP TAX HAVEN ABUSE

SEC. . AUTHORIZING SPECIAL MEASURES AGAINST FOREIGN JURISDICTIONS, FINANCIAL INSTITUTIONS, AND OTHERS THAT SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or significantly impede United States tax enforcement”;

(2) in subsection (a), by striking the subsection heading and inserting the following:

“(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.—”;

“(3) in subsection (c)—

(A) by striking the subsection heading and inserting the following:

“(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE SIGNIFICANTLY IMPEDING UNITED STATES TAX ENFORCEMENT.—”;

(B) by inserting at the end of paragraph (2) thereof the following new subparagraph:

“(C) OTHER CONSIDERATIONS.—The fact that a jurisdiction or financial institution is cooperating with the United States on implementing the requirements specified in chapter 4 of the Internal Revenue Code of 1986 may be favorably considered in evaluating whether such jurisdiction or financial institution is significantly impeding United States tax enforcement.”;

(4) in subsection (a)(1), by inserting “or is significantly impeding United States tax enforcement” after “primary money laundering concern”;

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting “in matters involving money laundering,” before “shall consult”;

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and”;

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting “or to be significantly impeding United States tax enforcement” after “primary money laundering concern” each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

“(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be significantly impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

“(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

“(B) the authorization, approval, or use in the United States of a credit card, charge

card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.”;

(8) in subsection (c)(1), by inserting “or is significantly impeding United States tax enforcement” after “primary money laundering concern”;

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking “bank secrecy or special regulatory advantages” and inserting “bank, tax, corporate, trust, or financial secrecy or regulatory advantages”;

(B) in clause (iii), by striking “supervisory and counter-money” and inserting “supervisory, international tax enforcement, and counter-money”;

(C) in clause (v), by striking “banking or secrecy” and inserting “banking, tax, or secrecy”;

(D) in clause (vi), by inserting “, tax treaty, or tax information exchange agreement” after “treaty”;

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting “or tax evasion” after “money laundering”;

(B) in clause (iii), by inserting “, tax evasion,” after “money laundering”;

(11) in subsection (d), by inserting “involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement” after “such action”.

Mr. LEVIN. Mr. President, this has been on the list for unanimous consent. I will let the Chair rule on this and see if there is something else. If not, I will speak for a few minutes afterward.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1818) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I will use 3 minutes to very briefly explain.

Under the PATRIOT Act, Congress gave the Treasury the power to take a range of measures against foreign financial institutions, or jurisdictions that are defined as being of primary money-laundering concerns.

The Levin-Conrad amendment just adopted would authorize the Treasury to impose the same types of measures on the same types of entities if Treasury finds them to be impeding U.S. tax enforcement. This amendment had been the subject of a bill for a number of years, and it comes out of the hearings of the Permanent Subcommittee on Investigations, which I chair. Those investigation show each year the

United States loses tens of billions of dollars in tax revenue from people using offshore tax havens to dodge U.S. tax obligations, including through hidden accounts at tax haven banks. We issued a lengthy, bipartisan report in the subcommittee. We detailed case history involving tax haven banks that help thousands of U.S. clients dodge their U.S. taxes, banks that used a long list of secrecy tricks that make it nearly impossible for U.S. tax authorities to trace funds sent to them offshore.

Our amendment offers one provision from the Cut Unjustified Tax Loopholes Act, S. 2075, which Senator CONRAD and I introduced some weeks ago. I continue to hope and believe that momentum is building behind the idea of real tax reform and in support of legislation like the CUT Loopholes Act to comprehensively tackle the many tax loopholes that favor a few taxpayers over ordinary American taxpayers. Closing tax loopholes is critical to real deficit reduction, and restoring lost revenue that will allow us to cut the deficit without slashing important programs. With the threat of sequestration looming at the end of this year, it is more vital than ever that we find bipartisan agreement on closing tax loopholes.

Our amendment hopefully will advance that goal. The full CUT Loopholes Act attacks loopholes in two areas. First is closing offshore tax loopholes, a subject that the Permanent Subcommittee on Investigations, which I chair, has explored for years. Second is the stock-option loophole, a corporate tax giveaway that forces American taxpayers to subsidize corporations for the stock-options granted to their executives. The Levin-Conrad amendment takes one provision from the offshore portion of the CUT Loopholes Act.

Our amendment would give regulators a powerful tool to stop offshore tax havens and their financial institutions that impede U.S. tax enforcement from doing business in the United States. The Levin-Conrad amendment is modeled on the successful provision in the Patriot Act now used to combat foreign financial institutions and jurisdictions engaged in money laundering.

Under section 311 of the Patriot Act, Treasury can take a range of measures against foreign financial institutions or jurisdictions that it finds to be of “primary money laundering concern.” The Levin-Conrad amendment would authorize Treasury to impose the same types of measures on the same types of entities if Treasury finds them to be “significantly impeding U.S. tax enforcement.” Treasury could, for example, prohibit U.S. banks from accepting wire transfers or honoring credit cards from those foreign banks. The provision would not require Treasury to act; it would give Treasury the authority

and discretion to take action against foreign jurisdictions or banks that are facilitating U.S. tax evasion and tax avoidance.

Over the last several days, we have worked with the administration and others to improve our amendment. We have made changes to clarify that it covers significant impediments to tax enforcement, and that foreign jurisdictions and financial institutions that are complying with the Foreign Account Tax Compliance Act will be viewed favorably with respect to their level of assistance with our tax enforcement efforts.

Each year, the United States loses an estimated \$100 billion in tax revenue from U.S. taxpayers using offshore tax havens to dodge their U.S. tax obligations, including through hidden accounts at tax haven banks. My Subcommittee has held several hearings and issued a lengthy bipartisan report showing how some tax haven banks have used an array of abusive practices to help U.S. clients hide assets and income from Uncle Sam. We presented detailed case histories involving tax haven banks that helped thousands of U.S. clients dodge their U.S. taxes, banks that used a long list of secrecy tricks to make it nearly impossible for U.S. tax authorities to trace funds sent to them offshore. Those tricks included using code names for clients to disguise their identities; directing personnel to use pay phones instead of business phones to make it harder to trace calls back to the bank; providing bankers with encrypted computers when traveling to keep client information out of the reach of U.S. tax authorities; funneling money through offshore corporations to conceal incriminating wire transfers and make audits difficult; opening accounts in the names of offshore shell companies to hide the real owners; and providing bankers with counter-surveillance training to detect and deflect inquiries from government officials.

That kind of conduct, which actively facilitates tax evasion, amounts to a declaration of war by offshore secrecy jurisdictions against honest, hard-working taxpayers. It's time to fight back and end the abuses inflicted on us by those tax havens. Congress took one step two years ago by requiring foreign banks with U.S. investments to disclose accounts opened by U.S. persons or pay a hefty tax on their U.S. income. But that law doesn't apply to tax haven banks that avoid U.S. investments. The United States needs authority to take special measures against foreign banks that not only refuse to disclose accounts opened by their U.S. clients, but also significantly impede U.S. tax enforcement efforts. Our amendment would enable the United States to fight back by authorizing the Treasury to tell U.S. banks to stop doing business with those aiders and abettors of U.S. tax evasion.

According to the Joint Committee on Taxation, we could, by adopting this amendment, reduce the deficit by \$900 million over 10 years. That is an indication of how closing just one of many loopholes can raise significant revenue. The CUT Loopholes Act would, conservatively, reduce the deficit by \$155 billion over 10 years. And other tax loopholes not addressed in the CUT Loopholes Act, such as the carried-interest and blended-rate loopholes, offer additional opportunities for deficit reduction.

Mr. President, we face difficult choices in the months ahead. We all agree that we must reduce the deficit. But the American people also expect us to make sure that we are protecting national security, that parents can still send their kids to college, that our citizens still have health care, that we are repairing roads and bridges. We must do both—reduce the deficit and protect important priorities. But we cannot accomplish those twin goals unless we restore revenue lost in part to the gaping loopholes in our tax law. With this amendment, we can take a step down the path of closing abusive loopholes, and continue building momentum for the work we must to in the months ahead.

Mr. President, I thank Senator CONRAD, Senator WHITEHOUSE, and many others who cosponsored this amendment.

Mr. JOHNSON of South Dakota. Mr. President, I wish to note for the RECORD that I agree with Senator LEVIN on the need to address the problem of tax havens, and it is certainly true that the provision of the Bank Secrecy Act that he seeks to amend has been important in dealing with the matters for which it was intended jurisdictions of primary anti-money laundering concern—when it was made part of the PATRIOT Act.

However, neither I, as Banking Committee Chairman, nor other members of the Committee, were consulted by Senator LEVIN as this amendment was being developed, although the Bank Secrecy Act is clearly within the Committee's core jurisdiction. Consequently, Committee staff have not had adequate time to review and assess responsibly the amendment and its possible ramifications, and have had no chance to vet it with appropriate parts of the Treasury Department, including the Office of Terrorism and Financial Intelligence, and the Financial Crimes Enforcement Network, which administers the Bank Secrecy Act, with the Nation's tax administrators, with the Department of Justice, or with other interested parties. That is normally how changes to the Act are made.

Thus it is impossible for us fully to assess the implications of these major changes in the law, or to discern any unintended consequences that may arise from them. Making such signifi-

cant changes should not be done on the fly, on the floor, without adequate consultation and an appropriate regular order process within the committee of jurisdiction. While I believe we should address the problem of tax havens, and I understand the urgency of finally, after 4 weeks, getting a unanimous consent agreement that allows this bill to move forward, I must also insist that we follow a careful, responsible, deliberative process when making major changes in areas of the law that are squarely within the jurisdiction of the Banking Committee.

As we move to conference on the transit bill, a conference on which I will play a significant role, I will make sure that we carefully vet this provision and assess whether this is in fact the best solution to the tax haven problem identified by Senator LEVIN, whether it works as it is intended to, and if so whether the provision requires any further amendment to make it as effective as possible.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Merkley amendment relative to farm vehicles listed in the previous order be changed from No. 1653 to No. 1814.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1669, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1669, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. REID, Mr. HELLER, and Mr. KYL, proposes an amendment numbered 1669, as modified.

The amendment is as follows:

(Purpose: To enhance the natural quiet and safety of airspace of the Grand Canyon National Park and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . AIRCRAFT NOISE ABATEMENT.

(a) IN GENERAL.—Section 3(b)(2) of Public Law 100-91 (16 U.S.C. 1a-1 note) is amended by adding at the end the following: "The plan shall not apply to or otherwise affect the regulation of flights over the Grand Canyon at altitudes above the Special Flight Rules Area for the Grand Canyon in effect as of the date of the enactment of the MAP-21, or as subsequently modified by mutual agreement of the Secretary and the Administrator."

(b) SAVINGS PROVISIONS.—

(1) JURISDICTION OF NATIONAL AIRSPACE.—None of the recommendations required under section 3(b)(1) of Public Law 100-91 (16 U.S.C. 1a-1 note), including recommendations to raise the flight-free zone altitude ceilings, shall adversely affect the national airspace system, as determined by the Administrator of the Federal Aviation Administration. If the Administrator determines that implementing the recommendations would adversely affect the national airspace system,

the Administrator shall consult with the Secretary of the Interior to eliminate the adverse effects.

(2) **EFFECT OF NEPA DETERMINATIONS.**—None of the environmental thresholds, analyses, impact determinations, or conditions prepared or used by the Secretary to develop recommendations regarding the substantial restoration of natural quiet and experience for the Grand Canyon National Park required under section 3(b)(1) of Public Law 100-91 shall have broader application or be given deference with respect to the Administrator's compliance with the National Environmental Policy Act for proposed aviation actions and decisions. Nothing in this section may be construed to limit the ability of the National Park Service to use its own methods of analysis and impact determinations for air tour management planning within its purview under the National Parks Air Tour Management Act of 2000 (title VIII of Public Law 106-181).

(c) **CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.**—

(1) **IN GENERAL.**—Not later than 15 years after the date of the enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of the enactment of this Act).

(2) **CONVERSION INCENTIVES.**—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of the enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804(c) of the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106-181), provided that the cumulative impact of such operations does not increase noise at Grand Canyon National Park.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENTS NOS. 1785 AND 1810, EN BLOC

Mr. CORKER. Mr. President, I ask unanimous consent that amendments Nos. 1785 and 1810 be made pending en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. CORKER) proposes amendments numbered 1785 and 1810, en bloc.

The amendments are as follows:

AMENDMENT NO. 1785

(Purpose: To lower the FY13 discretionary budget authority cap as set in the Balanced Budget and Emergency Deficit Control Act of 1985 by \$20,000,000,000 in order to offset the general fund transfers to the Highway Trust Fund)

At the end of division D, add the following:

SEC. ____ . DISCRETIONARY SPENDING CAP ADJUSTMENT FOR FISCAL YEAR 2013.

Paragraph (2)(A)(ii) of section 251A of the Balanced Budget and Emergency Deficit

Control Act of 1985 (2 U.S.C. 901a) is amended by striking “\$501,000,000,000” and inserting “\$481,000,000,000”.

AMENDMENT NO. 1810

(Purpose: To ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the Highway Trust Fund for the fiscal year)

At the end of subtitle E of title I of division A, add the following:

SEC. ____ . LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary determines for any fiscal year that the estimated governmental receipts required to carry out transportation programs and projects under this Act and amendments made by this Act (as projected by the Secretary of the Treasury) does not produce a positive balance in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENTS NOS. 1736 AND 1742, EN BLOC

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendments Nos. 1736 and 1742 and ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Ohio [Mr. PORTMAN] proposes amendments numbered 1736 and 1742, en bloc.

The amendment (No. 1742) is as follows:

(The amendment (No. 1736) is printed in the RECORD of Monday, February 27, 2012, under “Text of Amendments.”)

AMENDMENT NO. 1742

(Purpose: To allow States to permit non-highway uses in rest areas along any highway)

On page 469, after line 22, add the following:

SEC. 15 ____ . NONHIGHWAY USES IN REST AREAS.

(a) **IN GENERAL.**—A State may permit any nonhighway use in any rest area along any highway (as defined in section 101 of title 23, United States Code), including any commercial activity that does not impair the highway or interfere with the full use and safety of the highway.

(b) **PRIVATE PARTIES.**—A State may permit any private party to carry out a nonhighway use described in subsection (a).

(c) **REVENUES GENERATED BY NONHIGHWAY USES.**—A State may use any revenues generated by a nonhighway use described in subsection (a) to carry out any project (as defined in section 101 of title 23, United States Code).

Mr. PORTMAN. Mr. President, I encourage my colleagues to support these amendments. The first one gives the States the freedom to keep their gas taxes. For decades, Washington has

collected State gas taxes through its highway program, taken its cut off the top, and then attached burdensome mandates to the funds before sending them back to the States.

It hasn't worked. Since 2008, the highway trust fund has been bailed out three times from the Treasury's general fund to the tune of about \$35 billion. During that time, the Federal Government has required that 10 percent of all surface transportation funds be spent on wasteful “enhancements,” which has included archeological planning and research, transportation museums, and scenic “beautification” along highways, and so on.

The GAO has found that between 2004 and 2008, at a time when our bridges and roads have been in disrepair and have needed all the help they could get, the highway trust fund spent \$78 billion on projects not related to the support of our Nation's network of highways and bridges.

With the economy struggling, we need to provide States with the ability to move quickly and innovatively to implement their transportation priorities instead of a one-size-fits-all solution from Washington.

Ohio's gas taxes should not be watered down, shouldn't be wasted by costly Federal mandates, regulations, and bureaucracies that Ohio doesn't think are necessary. Rather, States should have the freedom to use the revenue collected from highway users within their own States in the way the State sees fit to get more money into infrastructure.

This amendment will give States the freedom they need to do that, while ensuring that States maintain the current Interstate State Highway system in accordance with current standards. We need to pass this amendment today so that States can get back on track.

Let me give you an example I recently heard about over the weekend. This comes from Jeff Linkous, who is the Clinton County, OH, engineer. It is an example of how the Federal Government sometimes gets in the way and escalates the cost of projects.

Todds Fork there is a local stream. It is crossed by two roads, Prairie Road and Starbuck Road. For each of the roads, Clinton County has built a bridge over Todds Fork. The same firm designed both bridges. They are the same length, but there was one major difference. The bridge for Prairie Road was built using Federal money, while the bridge for Starbuck Road was built using Ohio funds.

According to Jeff Linkous, the federally funded bridge cost about 20 percent more than the State-funded bridge. I hear this all over the State, as I am sure my colleagues do as well. It took more time from design to bid, so it was more expensive and took more time, and was more costly in both respects.

The Federal project costs more in a lot of areas, including Federal bureaucracy, more environmental studies, more historical and archaeological studies, more right-of-way expenses, more design and review costs. The stakes have never been higher. The Federal Government cannot continue the current course of wasting our State's gas taxes.

Since the last transportation authorization bill, called SAFETY-LU, back in 2005, the outlays have exceeded revenues from the gas taxes every single year. We have to get back on a fiscally sustainable path, eliminate the waste, and allow the States the flexibility to maintain their roads, bridges, and highways. This amendment would do that. It is an opt-out, not a mandate. States could choose to opt out or not.

The second amendment also is a fiscally responsible one that helps the taxpayer. It lifts an antiquated one-size-fits-all government mandate that dates back to 1956, and it would allow the States the freedom to make their own decisions on how to manage their rest areas, which the Federal Government forces States to pay to maintain and improve.

The current approach would set up a patchwork of exemptions, acceptance, and special permits that allows some States to commercialize rest areas, while prohibiting other States from doing the same. Under this amendment, States would have the freedom to commercialize interstate and non-interstate rest areas, as long as they don't impair the highway or interfere with the full use and safety of the highway. At a time when America's core transportation infrastructure—highways, roads and bridges—needs all the help it can get, the Ohio Department of Transportation spends \$15 million a year on rest area upkeep in Ohio alone. The high cost of maintaining and improving these rest areas is handcuffing the ability of Ohio and other States to spend more money on core infrastructure, roads and bridges.

This is a fiscally conservative pro-taxpayer amendment that would help States such as Ohio recover some of these losses or maybe even break even or maybe add some revenue, by allowing restaurants, gas stations, convenience stores, or other entities to lease spaces at rest areas. It is a common-sense approach that is supported by the American Association of State Highway and Transportation Officials and by a lot of the private sector as well.

This amendment is a way to give core infrastructure projects more funding, while enacting a proposal that actually helps the States to be able to make the decision. In Ohio alone, if you take out \$50 million a year cost for rest areas and calculate it over the next 20 years, that is \$1 billion that could go into highway infrastructure.

This amendment doesn't direct or mandate States to commercialize rest

areas or commercialize in any specific way. It leaves it up to the States, and it gives States the flexibility they want to be able to make their own decisions on how best to use those rest areas.

I urge colleagues to join me in voting to lift the Federal mandate and give States the freedom to develop their own underused and expensive rest areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENTS NOS. 1779, 1589, AND 1756, EN BLOC

Mr. COATS. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1779 on behalf of Senator ALEXANDER, and amendments Nos. 1589 and 1756 on behalf of Senator DEMINT, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. ALEXANDER, proposes an amendment numbered 1779, and, for Mr. DEMINT, amendments numbered 1589 and 1756, en bloc.

(The amendment (No. 1589) is printed in the RECORD of Tuesday, February 14, 2012, under "Text of Amendments.")

(The amendment (No. 1756) is printed in the RECORD of Wednesday, February 29, 2012, under "Text of Amendments.")

(The amendment (No. 1779) is printed in the RECORD of Monday, March 5, 2012, under "Text of Amendments.")

AMENDMENT NO. 1517

Mr. COATS. Mr. President, I now call up my amendment No. 1517, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] for himself and Mr. LUGAR, proposes an amendment numbered 1517.

The amendment is as follows:

(Purpose: To modify the apportionment formula to ensure that the percentage of apportioned funds received by a State is the same as the percentage of total gas taxes paid by the State)

In section 11005(a), in the amendment to section 104(c)(1) of title 23, United States Code, strike "carry out section 134 shall be determined as follows" and all that follows through subparagraph (B) and insert the following:

"carry out section 134 shall be a percentage of the total amount available for apportionment to all States that is equal to the proportion that—

"(A) the amount of gas taxes paid by the State for a fiscal year; bears to

"(B) the aggregate amount of gas taxes paid by all States for the fiscal year.

Mr. COATS. Mr. President, this amendment No. 1517 is of major significance to Indiana, as well as to a majority of the States across this country. Most people are familiar with the fact that when they pull up to the pump,

they are not only paying for the cost of gas, they are paying the tax on the cost of that gas. The Federal tax on that gasoline pumped into the tank is then sent to Washington and put into a so-called Federal gas tax fund—a trust.

The word "trust" is somewhat of a misnomer because, like so many trusts that we create, it doesn't live up to its name. A trust means that it is safeguarded, and nobody else can touch it or use it. The trust fund was designed to collect taxes from the sale of gasoline at the Federal level and then, under a provision, return that tax back to the State.

The bottom line is that the majority of States in this country are not getting back what they put in. This amendment is designed to correct that flaw, or at least that current provision, in terms of the way the trust fund is operated. My colleague from Ohio, Senator PORTMAN, just announced an amendment that I think makes a great deal of sense. I intend to support that. This is somewhat of a similar amendment, except that what this requires is that a State receives its fair share of what it puts into the trust fund.

My State, like many across the Nation, draws the short end of the stick in terms of getting our money back, in that it turns the trust fund into a distribution fund, based upon the outdated formula and continuation of the broken earmark process. In reality, many States receive less than they put in. The interesting part of this is that there is a formula created by which an average of the amount of money spent by States is calculated, and States are rewarded on that basis, and the money is distributed on the basis of how that historical average is calculated. So States that have had very efficient Members of Congress creating earmarks and pouring more money into their States by earmarking end up with a higher historical average. As a result those States benefit now from the distribution from the trust fund to a greater degree. In fact, they are called the donee States because they receive more than what is put in from the donor States.

So those States that have taken more responsible fiscal measures in terms of how they spend their money and how they spend the taxpayers' dollars, such as the State of Indiana, end up being shortchanged simply because we have been more prudent in terms of how we spend our money. We haven't relied on earmarks over the years in Indiana, which under the current version of this bill would have raised our historical average. As a consequence we end up being a donor State donating more money to Washington than we receive in return.

The Senate has recently passed legislation to end the practice of earmarking. I think this is a very positive

step forward. But we now have a Federal program that, in a sense, is calculated and based on the practice of past earmarking. So if we are serious about eliminating earmarking, we are also going to need to fix the formulas used in current programs that are rewarding States with more money than they deserve because these states received more earmarks in previous years. My amendment fixes this inequity and restores the trust fund to its original intent—to give taxpayer money back to them in the amount they deposited.

Under my amendment each State will get back what it put in out of the total available funds. It is a fairness issue and the trust fund is truly a trust fund. This amendment will send a message to the American people and the administration that Congress is serious about changing the culture in Washington. The American people have rejected earmarking, and it would be irresponsible for this institution to reward that practice under this highway bill.

So I urge my colleagues to support this important amendment. It takes a stand for fairness and fiscal integrity. It will be brought up on Tuesday. I urge my colleagues to support this both from the standpoint of fairness—which gives back to every State and every taxpayer the money a fair share of what they put into the trust fund as ending the practice of rewarding States that benefitted from earmarks and punishing those that have been fiscally prudent.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Missouri.

AMENDMENT NO. 1540

Mr. BLUNT. Mr. President, I call up my amendment No. 1540, which is at the desk, and I ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BLUNT], for himself and Mr. CASEY, proposes an amendment numbered 1540.

The amendment is as follows:

(Purpose: To modify the section relating to off-system bridges)

Beginning on page 94, strike line 6 and all that follows through page 95, line 7, and insert the following:

“(A) SET-ASIDE.—Of the amounts apportioned to a State for fiscal year 2012 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (c)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009.

“(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement

for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

Mr. BLUNT. I thank the clerk for reporting.

Mr. President, this amendment deals with the whole issue of off-system bridges. These are bridges that are not part of the State system, are not part of the Federal system, but normally are run by county governments.

In our State, as in most States near or east of the Mississippi River, we have lots of counties. We have 115. They have large numbers of bridges, and for a number of years now they have benefited from 15 percent of the bridge funds that go to States. I think most of us, if we meet with county commissioners or those responsible for county government about their highway concerns, this would be an issue we have all heard about.

The Senator from Pennsylvania Mr. CASEY and I have introduced this amendment. It doesn't change current law. In fact, it just goes forward with current law in this bill. This bill would eliminate the requirement of States to give 15 percent to counties if counties have a use for it, and I think that would be a mistake. So I join Senator CASEY and others in hoping we are able to approve this amendment next week.

Mr. President, I also would like to speak on another amendment, an amendment that we apparently will not vote on; that is, amendment No. 1743. This is not at the desk, I don't think, at this moment, and it doesn't need to be read if it is. But I hope this is an issue that, as this Transportation bill progresses, we can continue to look at.

This is an amendment I have introduced with the Senator from South Carolina, Mr. DEMINT, and the Senator from Utah, Mr. LEE, on the commerce portion of the highway bill. Overall, almost every portion of this bill has gone through the open process of committee hearings, of markups, and now of floor time. The one part of this bill that hasn't had a committee markup or even a committee hearing in this Congress is the rail portion of the bill. In fact, the first time I saw this version of the bill was just a few weeks ago when the underlying bill was already pending and it was too late to have the normal process to look at what could happen and should happen as it relates to railroads.

As a member of the committee of jurisdiction, the Commerce Committee, I am concerned we haven't done our due diligence, and my amendment would simply strike this section of the bill in response to this closed process. I hope that is the final determination of this bill before it goes to the President's desk.

Since the Congress abolished the Interstate Commerce Commission in

1995, there has been no Federal licensing system for entry or exit of new rail passenger operators, only Federal requirements to ensure safety. That meant anybody who wanted to get into this business could, as long as they met the safety requirements. Currently, State transportation agencies increasingly use competitive bidding to choose a contract rail operator who can provide the best value. As a result, we are starting to see an actual competitive and robust rail passenger market with more than seven companies—which includes Amtrak but isn't limited to Amtrak—competing for these contracts.

Unfortunately, the language in the highway bill requires passenger rail operators, both public agencies and private businesses, to deal with an expensive and time-consuming licensing process in front of political employees at the Surface Transportation Board. However, this new regulation will not apply to Amtrak, putting its competitors at a distinct disadvantage. The bill, as it stands, would subject the passenger rail industry to an ever-changing political dynamic at the discretion of the Surface Transportation Board, likely resulting in a government-sanctioned passenger rail monopoly. The board would also hold broad veto powers to prevent a track-owning railroad to make agreements with any preferred operator other than Amtrak.

This bill would also require passenger rail operators to obtain a new board license every time a contract operator is replaced. This requirement appears to be aimed at preventing competitive selection of private sector contract operators, discouraging the replacement of operators through competitive bidding.

At a time when we are looking to promote private sector job creation, I believe this language is simply a step in the wrong direction. If this language becomes law, it will stifle any kind of private sector competition and job growth. The seven companies that have been formed in recent years and that compete actively against each other will no longer be doing that, and it will promote a government-run, taxpayer subsidized rail system.

My amendment would take this language out of the bill so that we could go through the normal process and decide if that is what we want. If the Congress, through the normal process, decides that is what we want to do, that is one thing. But putting it in a big bill without hearings—a bill we all believe to be important—is the wrong step.

The American Public Transportation Association, the American Association of State Highway and Transportation Officials, the National Railroad Construction and Maintenance Association, the United Brotherhood of Carpenters and Joiners of America all support this amendment.

We will not be voting on it next week. But I hope as this bill progresses toward what could be a signature by the President we at some point take another look at this part of the bill and decide if this is a step that is in the best interest of the country or of rail passengers now and in the future. I think the answer to that is no. I am prepared to live with whatever the answer is, if it is an answer we arrive at through the normal process.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the vote changes entered by Senators MURKOWSKI and COLLINS reflect that the vote on the Vitter amendment was vote No. 28.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 13, the Senate resume the sequence of votes remaining under the previous order at a time to be determined by the majority leader after consultation with the Republican leader, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DONALD E. GIRDLER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who has spent his life working to help build a better Kentucky and a better United States of America. Mr. Donald E. Girdler of Pulaski County, KY, better known as simply "Donnie," recently passed away. He was 63 years old.

Mr. Girdler was passionate about politics, and he made it his life's work. He entered the political arena when he first worked on the campaign of my good friend Congressman HAL ROGERS of Kentucky's Fifth Congressional District. Mr. Girdler had worked for HAL as a detective for 5 years before HAL, then a Commonwealth's attorney, decided to make a run at the U.S. House of Representatives. The political savvy and direction that Mr. Girdler would bring to the table would propel HAL ROGERS to victory.

There was a definite sense of gratitude from the Congressman for his trustworthy friend, Donnie Girdler. Mr. Girdler was at home in the world of politics and made connections in Washington, DC, that included becoming personally acquainted with five different Presidents of the United States

and becoming personal friends with President George H.W. Bush and President George W. Bush.

Donnie went on to work for over a quarter of a century for Rogers before finally retiring and returning to offer his much sought after insight in local politics. He made friends in several southeastern Kentucky counties and helped many of them get elected to public office. Mr. Girdler became a distinguished political consultant for the Commonwealth of Kentucky because of his years of experience and, most importantly, his absolute love of public service.

Donald Girdler made an everlasting contribution to the world of Kentucky politics, and his motivation and innovation paved the way for others to get involved in their own way by bringing opportunities and jobs to the Pulaski County area. Donnie loved working in politics. He loved serving the public, but he was happiest when he was at his farmhouse in Nancy, KY, and he could fix up a pot of coffee and talk politics with his friends that would drop by from time to time.

At this time I would like to ask my colleagues in the Senate to join me in commemorating Donald E. Girdler, an individual whose hard work and upstanding character, combined with his talents and passion, have forever changed the climate of politics in the Commonwealth of Kentucky.

A news story highlighting the eventual life of Donnie Girdler was recently published in the Somerset, KY, area publication, the Commonwealth Journal.

I ask unanimous consent that said story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonwealth Journal, Jan. 9, 2012]

POLITICAL ICON DONNIE GIRDLER DEAD AT 63
(By Bill Mardis)

A longtime aide to Congressman Hal Rogers and one of the Lake Cumberland area's most savvy political strategists has died.

Donnie Girdler's death Sunday ended a career that evolved through service in the military, local law enforcement, congressional front man, and political adviser to candidates and confidant to presidents. He was 63.

"As one who knew him for 37 years, I will say he was highly motivated," said Dan Venters, justice of the Kentucky Supreme Court.

"I have known Donnie Girdler as long as I have known anyone in Pulaski County," said Venters. "When I first came here to work in (then) Commonwealth's Attorney Hal Rogers's office, Donnie was the first person I met. He was serving as Commonwealth's detective in Hal's office."

"There was something about us that bonded . . . he became one of my closest friends and confidants," said Venters.

Girdler worked for Congressman Rogers for more than a quarter of a century.

"Donnie was one of my closest advisers and served faithfully as a field representa-

tive for the Fifth Congressional District," said Rogers. "As a retired member of the honorable U.S. Marine Corps and a former Commonwealth's detective, Donnie was a man of integrity and loyalty."

"With courage of conviction, Donnie played a key role in bringing various opportunities and projects to the region. But it was his passion for politics that many sought during campaigns. His political savvy and insight were invaluable to local, state and federal politicians. He was a true patriot and a true friend," said Rogers.

Girdler was a friend of presidents. He was personally acquainted with five presidents and was a friend of the two Bushes—George W. Bush and his father, George H.W. Bush. He worked in Bob Dole's presidential campaign and was a presidential elector for George W. Bush.

Locally, Girdler managed the successful campaign of Pulaski County Judge-Executive Barty Bullock and served as Bullock's deputy judge for a year and a half.

"I am very saddened by the recent passing of Donnie Girdler," Bullock said in a statement. "I first met him when I ran for county judge-executive in 2006. As we worked and spent numerous hours together, we became very good friends."

"Since the onset of his illness we have not had as much communication as in the past, but I still think of our friendship fondly. I know that Donnie had many friends, and will be sadly missed by all who knew him," Bullock said.

A political consultant since leaving Congressman Rogers's office, Girdler developed close friendships with politicians and officeholders in wide areas, particularly in McCreary, Whitley, Clay and Knox counties.

Said Lori Hines, a political partner, "He had a great insight into the human mind. He knew how people would react more than anyone I have ever known. He definitely was a people person. His voice was what defined him. People would stop at his farmhouse in Nancy, have a cup of coffee and talk politics," said Hines.

Girdler has been nominated as a member of the Republican Fifth District Hall of Fame. He will be inducted posthumously in March.

His body is at Pulaski Funeral Home where funeral arrangements are pending. A complete obituary will be in Wednesday's Commonwealth Journal.

ADDITIONAL STATEMENTS

REMEMBERING JOHN BROOKMAN PERRY

• Mr. BLUNT. Mr. President, I wish to honor the memory of a man whose life was dedicated to serving his community and protecting his fellow citizens. One year ago today, Deputy U.S. Marshal John Brookman Perry was killed in the line of duty while serving his country and community. Deputy Perry was assigned to the U.S. Marshals Eastern District of Missouri in St. Louis and was serving a warrant when he was fatally shot. Today we honor his memory and the sacrifices he made for all of us.

Deputy Perry was born on the west side of Chicago in Glen Ellyn, IL, and graduated from Southern Illinois University with a bachelor's degree in geology. He went to work for the Madison

County probation office in Edwardsville, IL where he served for 16 years.

In 2001 he graduated from the U.S. Marshals Academy and went to work at the Superior Court of the District of Columbia. Deputy Perry returned to the Midwest in 2005 when he was assigned to the Eastern District in St. Louis. There, he served as a team leader on the fugitive task force and was the district's firearms instructor.

Deputy Perry came from a family dedicated to public service and was a natural fit for the U.S. Marshals Service. His brother, Bart Perry, has worked for the State of Illinois for over 25 years as a probation officer, and both his father and grandfather were Federal judges. His father served as a bankruptcy court judge and his grandfather was a former coal miner who became a district court judge. As a young boy, Deputy Perry was exposed to the Federal courts and became familiar with the U.S. Marshals Service and their work.

We should never forget the sacrifices that men like Deputy Perry and their families make daily to protect all of us. Our society depends on these dedicated individuals who risk their lives to protect the common good. I want to express my gratitude and thanks and ask the Senate to join me in remembering U.S. Deputy Marshal John Brookman Perry.●

MESSAGES FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2842. An act to authorize all Bureau of Reclamation conduit facilities for hydro-power development under Federal Reclamation law, and for other purposes.

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that pursuant to Executive Order No. 12131, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the President's Export Council: Mr. REICHERT of Washington, Mr. GERLACH of Pennsylvania, Mr. TIBERI of Ohio, Ms. SUTTON of Ohio, and Ms. LINDA T. SÁNCHEZ of California.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2842. An act to authorize all Bureau of Reclamation conduit facilities for hydro-power development under Federal Reclamation law, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2173. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5261. A communication from the Secretary of Energy, transmitting, proposed legislation to amend section 4306 of the Atomic Energy Defense Act, concerning the mixed oxide fuel fabrication facility (MOX facility) that is under construction at the Department of Energy's Savannah River Site in South Carolina; to the Committee on Energy and Natural Resources.

EC-5262. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Models 1900, 1900C, and 1900D Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0014)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5263. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0599)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5264. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1212)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5265. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0995)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5266. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0219)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5267. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0415)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5268. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCAT Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1139)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5269. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders" ((RIN2120-AA64) (Docket No. FAA-2011-1155)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5270. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1298)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5271. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BRP-POWERTRAIN GmbH and Co KG Rotax Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1022)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5272. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0037)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5273. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0005)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5274. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0086)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5275. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Teledyne Continental Motors (TCM) and Rolls-Royce Motors Ltd. (R-RM) Series Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0085)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5276. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc (RR) RB211-524 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0162)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5277. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1341)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5278. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Seagoing Barges" ((RIN1625-AB71) (Docket No. USCG-2011-0363)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5279. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "International Anti-fouling System Certificate" ((RIN1625-AB79) (Docket No. USCG-2011-0745)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5280. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD" ((RIN1625-AA09) (Docket No. USCG-2011-0697)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5281. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Neuse River, New Bern, NC" ((RIN1625-AA09) (Docket No. USCG-2011-0974)) received in the Office of the President of the Senate on Feb-

ruary 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5282. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Calcasieu River, Westlake, LA" ((RIN1625-AA09) (Docket No. USCG-2011-1020)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5283. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Seminole Hard Rock Winterfest Boat Parade, New River and Intracoastal Waterway, Fort Lauderdale, FL" ((RIN1625-AA08) (Docket No. USCG-2011-1011)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5284. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Key West World Championship, Atlantic Ocean; Key West, FL" ((RIN1625-AA08) (Docket No. USCG-2011-0942)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5285. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Orange Bowl International Youth Regatta, Biscayne Bay, Miami, FL" ((RIN1625-AA08) (Docket No. USCG-2011-0994)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5286. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; Captain of the Port Lake Michigan; Technical Amendment" ((RIN1625-AA87) (Docket No. USCG-2011-0489)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5287. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Container Crane Relocation, Cooper and Wando Rivers, Charleston, SC" ((RIN1625-AA00) (Docket No. USCG-2011-1045)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5288. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA00) (Docket No. USCG-2011-1108)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5289. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Art Gallery Party St. Pete 2011 Fireworks Display, Tampa Bay, St. Pe-

tersburg, FL" ((RIN1625-AA00) (Docket No. USCG-2011-0774)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5290. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fourth Annual Chillounge Night St. Petersburg Fireworks Display, Tampa Bay, St. Petersburg, FL" ((RIN1625-AA00) (Docket No. USCG-2011-0615)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5291. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Temporary Change for Recurring Fireworks Display within the Fifth Coast Guard District, Wrightsville Beach, NC" ((RIN1625-AA00) (Docket No. USCG-2011-0978)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5292. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 14-Mile Railroad Bridge Replacement, Mobile River, Mobile, AL" ((RIN1625-AA00) (Docket No. USCG-2011-0969)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5293. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; M/V DAVY CROCKETT, Columbia River" ((RIN1625-AA00) (Docket No. USCG-2010-0939)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5294. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; New Year's Eve Fireworks Displays within the Captain of the Port St. Petersburg Zone, FL" ((RIN1625-AA00) (Docket No. USCG-2011-0958)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5295. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Truman-Hobbs Alteration of the Elgin Joliet and Eastern Railroad Drawbridge; Illinois River, Morris, Illinois" ((RIN1625-AA00) (Docket No. USCG-2011-1058)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5296. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Display, Potomac River, National Harbor Access Channel, MD" ((RIN1625-AA00) (Docket No. USCG-2011-0976)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5297. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Department of Defense Exercise, Hood Canal, Washington" ((RIN1625-AA00) (Docket No. USCG-2011-1017)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5298. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerances" (FRL No. 9336-5) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5299. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Penthiopyrad; Pesticide Tolerances" (FRL No. 9335-7) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5300. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Determinations" ((44 CFR Part 65) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5301. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5302. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Nevada; Revised Format for Materials Incorporated By Reference" (FRL No. 9634-9) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC-5303. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York State Ozone Implementation Plan Revision" (FRL No. 9645-4) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Environment and Public Works.

EC-5304. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Texas: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9643-7) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC-5305. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Aerosol Coatings—Addition of Dimethyl Carbonate,

Benzotrifluoride, and Hexamethyldisiloxane to Table of Reactivity Factors" (FRL No. 9644-8) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC-5306. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources" (FRL No. 9643-9) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Environment and Public Works.

EC-5307. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effective Date for Water Quality Standards for the State of Florida's Lakes and Flowing Waters" (FRL No. 9637-1) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Environment and Public Works.

EC-5308. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modification of Significant New Uses of Tris Carbamoyl Triazine; Technical Correction" (FRL No. 9339-8) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Environment and Public Works.

EC-5309. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled "Transmittal of Best Practices to Enhance Coordination in the RCRA Program"; to the Committee on Environment and Public Works.

EC-5310. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia; Atlanta; Determination of Attainment by Applicable Attainment Date for the 1997 8-Hour Ozone Standards" (FRL No. 9643-2) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC-5311. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina and South Carolina; Charlotte; Determination of Attainment by Applicable Attainment Date for the 1997 8-Hour Ozone Standards" (FRL No. 9643-3) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC-5312. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 9626-6) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC-5313. A communication from District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Sufficiency Review of the Reasonableness of the District of Co-

lumbia Water and Sewer Authority's (DC Water) Fiscal Year 2012 Revenue Estimate Totalling \$426,416,477"; to the Committee on Homeland Security and Governmental Affairs.

EC-5314. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-320 "District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-319 "Uniform Collaborative Law Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5316. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an annual report on crime victims' rights; to the Committee on the Judiciary.

EC-5317. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the Department's activities during Calendar Year 2011 relative to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jeffrey J. Helmick, of Ohio, to be United States District Judge for the Northern District of Ohio.

Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina.

Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Thomas M. Harrigan, of New York, to be Deputy Administrator of Drug Enforcement.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 2174. A bill to exempt natural gas vehicles from certain maximum fuel economy increase standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado:

S. 2175. A bill to amend the National Defense Authorization Act for Fiscal Year 2012 to provide for the trial of covered persons detained in the United States pursuant to the Authorization for Use of Military Force and to repeal the requirement for military custody; to the Committee on Armed Services.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. DEMINT, Mr. CHAMBLISS, and Mr. JOHNSON of Wisconsin):

S. 2176. A bill to amend the Nuclear Waste Policy Act of 1982 to require the President to certify that the Yucca Mountain site remains the designated site for the development of a repository for the disposal of high-level radioactive waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 2177. A bill to strengthen the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

By Mr. CARPER (for himself, Mr. PORTMAN, Mr. PRYOR, Mr. COBURN, and Mr. BEGICH):

S. 2178. A bill to require the Federal Government to expedite the sale of underutilized Federal real property; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself, Mr. HARKIN, Mr. BROWN of Massachusetts, Mr. CARPER, and Mrs. MCCASKILL):

S. 2179. A bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BEGICH:

S. 2180. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in early childhood education, to expand the deduction for certain expenses of teachers to teachers in early childhood education, and to modify the credit for dependent care services; to the Committee on Finance.

By Mr. BEGICH:

S. 2181. A bill to amend the Higher Education Act of 1965 to provide for loan forgiveness for early childhood educators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 2182. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. BINGAMAN, and Mr. LAUTENBERG):

S. Res. 391. A resolution condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria; to the Committee on Foreign Relations.

By Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, and Mr. KIRK):

S. Res. 392. A resolution urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties; to the Committee on Foreign Relations.

By Mr. BENNET (for himself, Mrs. MURRAY, Mr. BOOZMAN, Mr. MERKLEY, and Mr. HATCH):

S. Res. 393. A resolution designating March 11, 2012 as "World Plumbing Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 412

At the request of Mr. LEVIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 687

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 839

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 839, a bill to ban the sale of certain synthetic drugs.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1086

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1148

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1148, a bill to amend title 38, United States Code, to improve the provision of assistance to homeless vet-

erans, to improve the regulation of fiduciaries who represent individuals for purposes of receiving benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1283

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1283, a bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1673

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1673, a bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1915

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 1915, a bill to amend the Motor Carrier Safety Improvement Act of 1999 to provide clarification regarding the applicability of exemptions relating to the transportation of agricultural commodities and farm supplies, and for other purposes.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2027

At the request of Mr. BENNET, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2027, a bill to improve microfinance and microenterprise, and for other purposes.

S. 2103

At the request of Mr. LEE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2150

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2150, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 2156

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2156, a bill to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

AMENDMENT NO. 1589

At the request of Mr. DEMINT, the names of the Senator from Utah (Mr. LEE) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of amendment No. 1589 proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1617

At the request of Mr. JOHANNES, his name was added as a cosponsor of amendment No. 1617 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1818

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1818 proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1822

At the request of Mr. BROWN of Massachusetts, his name was added as a cosponsor of amendment No. 1822 proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEBB (for himself, Mr. HARKIN, Mr. BROWN of Massachusetts, Mr. CARPER, and Mrs. MCCASKILL):

S. 2179. A bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes; to the Committee on Veterans' Affairs.

Mr. WEBB. Mr. President, today, I am introducing The Military and Veterans Educational Reform Act of 2012. This bi-partisan bill will ensure that all educational institutions receiving funding from the Post-9/11 GI Bill and Tuition Assistance educational programs are governed by the appropriate quality standards.

I am pleased to be joined in this initiative by Senators HARKIN, CARPER, MCCASKILL and Senator SCOTT BROWN.

I have been working on this legislation for several months. It includes many recommendations made by Veterans service organizations, military organizations and various GAO reports on the need to improve the accountability and oversight of educational institutions.

This past year marked the second-year anniversary of the implementation of the landmarks Post-9/11 G.I.

Bill, which I introduced on my first day in office. I take pride in saying that we have been able to provide the proper investment in the future of those who, since 9/11, have given so much to this country.

History demonstrates clearly that well educated veterans not only have an easier transition and readjustment experience, but also boast higher income levels and enjoy a better quality of life.

Since 2009, more than 1.1 million servicemembers and veterans have applied to receive their new benefits and nearly 700,000 have received benefits under the Post-9/11 GI Bill.

For these reasons, I believe that we in the Congress need to do all we can to ensure that we are preserving the integrity of the greatest GI Bill our veterans and military members have ever had.

Concern with waste in the for-profit sector is not a new issue. If we look back in history, 5 years following the creation of the World War II GI Bill in 1944, we saw that more than 5,000 for-profit schools were created. Many of these schools had questionable outcomes and catered exclusively to veterans.

The World War II GI Bill was almost derailed because of the thousands of for-profit colleges created overnight targeting veterans. Due to the concern with the reported waste and abuse in the system, the Vietnam GI Bill tuition provision became a flat monthly stipend.

Recent data shows that 8 of the 10 largest recipients of Post-9/11 GI Bill benefits are for-profit institutions. Many of these schools have more than doubled the amount of Post-9/11 GI Bill dollars they received from 2009-2011.

The growth in this sector has been tremendous in the past couple of years. Between 1998 and 2008, for-profit schools grew 225 percent.

Last month, the Department of Defense released new data showing that for-profit colleges received half of all military tuition assistance dollars—\$280 million out of \$563 million spent last year on this program.

In 2009, the 15 publicly traded for-profit education companies spent \$3.7 billion on marketing. A disproportionate share of this money is going to marketing and recruitment of veterans into poorly performing for-profit schools, and the results of the Veteran's Administration data on the GI Bill reflect this.

The problem is not necessarily the growth of the for-profit sector. There are some for-profit institutions that are providing our students a great education. But with huge Federal dollars being spent in this sector, we owe it to the taxpayers and to our veterans to carefully monitor and provide adequate oversight. Even more important, we owe it to the men and women who

served that the GI benefits they have earned will not be lost or squandered on an education that fails to equip them with the skills and knowledge they need to be successful.

In light of these issues, I have introduced the Military and Veterans Educational Reform Act of 2012. My legislation requires schools participating in educational assistance programs through the Department of Veterans Affairs and the Department of Defense to meet the same educational standards currently required for other federal funding, such as the Pell Grant. This bill strengthens the responsibilities of the Department of Veterans Affairs and Department of Defense to assist individuals in making an informed decision to further their continued academic success.

This legislation will increase transparency of information about educational institutions, provide critical services to assist students in the decision-making process and throughout their career, and promote interagency information sharing by requiring all programs receiving funding from Tuition Assistance and Post-9/11 GI Bill be Title IV eligible. Title IV eligibility strengthens the requirements programs must meet in order to receive Federal funding.

By also increasing the transparency of educational institutions by requiring them to provide information to potential students on graduation rates, default rates, and other critical information to ensure that individuals have the information necessary in choosing the best academic program.

By expanding the training and outreach responsibilities of the State Approving Agencies by requiring them to conduct outreach activities to veterans and members of the Armed Forces, requiring State Approving Agencies to conduct audits of schools and to report those findings to the Secretary of Veterans Affairs.

By requiring that the Secretary of Veterans Affairs and the Secretary of Defense develop a centralized complaints process for individuals to report instances of misrepresentation, fraud, waste and abuse and other complaints against educational institutions.

By requiring that the Secretary of Veterans Affairs and the Secretary of Defense provide counseling to individuals before they use their benefits.

By increasing greater coordination between the Department of Veterans Affairs, the Department of Defense and the Department of Education by requiring information sharing among these agencies.

This is a bill that I hope both sides of the aisle will support. It not only aims at preserving the greatest educational benefits for our veterans and military students but it also ensures that our Federal dollars are being spent on quality education.

By Mr. BEGICH:

S. 2180. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in early childhood education, to expand the deduction for certain expenses of teachers to teachers in early childhood education, and to modify the credit for dependent care services; to the Committee on Finance.

Mr. President, today I rise to introduce a package of legislation, the Keep Investing in Developmental Success, KIDS, Act of 2012. These three early childhood bills will address access, quality and affordability in early education programs.

These bills, S. 2180, S. 2181, and S. 2182, are a step towards a commitment to effective early education programs. We all want America's kids ready to learn and ready to succeed when they enter school.

All the data shows early education is one of the strongest predictors of graduation.

The payoff is clear: every dollar invested in early education programs today returns \$16 in better outcomes for individuals, families and communities. You can't find a better investment and the payoff is very clear when you see and talk to the kids who have gone through Head Start.

One snowy night about a month ago in Anchorage, I met with about 50 strongly committed Alaska educators to talk about how to improve our schools and prepare our students for the competitive 21st century economy.

From that conversation arose the idea for three bills I am introducing today.

First, we will amend the tax code to provide a tax credit for early childhood educators. The Tax Relief for Early Educators Act will expand the deductions for certain expenses for early childhood education and increase the child care tax credit so more parents can afford to put their children in quality early child development programs.

Right now, a family pays more than \$1,400 a month for two young children. For most working families, that is not only a hardship, that is out of reach. Because employees of early childhood programs tend to earn low wages, we also will offer them a tax credit of up to \$3,000 and expand the deduction for certain expenses to early childhood educators.

Second, we will create a new student loan forgiveness program for graduates of associate's or bachelor's programs in early education. The Preparing and Reinvesting in Early Education Act, or PRE ED, will provide needed relief for early educators and encourage more to work with kids through age five. Well-trained educators providing quality early education to our children makes all the difference in a child's success.

Third, we need to reward companies offering onsite or near-site childcare

with a company cost-share. We know it works for the company and for the employee—just look around our state.

In Alaska BP, Credit Union One and Fairbanks Memorial Hospital are great examples. They all offer quality onsite centers. They know it makes more productive employees.

The Child Care Public-Private Partnership Act will establish a program to provide child care through partnerships. Through new grant incentives for small and medium companies, we can help more Alaska companies do the same.

This package of bills, the KIDS Act, is not a new idea, and I appreciate my colleagues who have come before this body with similar proposals. However, this is the time to pass these bills—for working families struggling to make ends meet. Parents should have access to affordable, high-quality early care and learning services, early childhood educators should have liveable wages and benefits and business will be more productive.

In closing, let me say I feel very privileged to be involved with policy discussions and the formation of bills such as these. This is a bipartisan issue. I strongly encourage my colleagues to join me in cosponsoring these bills and I urge their quick action and approval.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 391—CONDEMNING VIOLENCE BY THE GOVERNMENT OF SYRIA AGAINST JOURNALISTS, AND EXPRESSING THE SENSE OF THE SENATE ON FREEDOM OF THE PRESS IN SYRIA

Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. BINGAMAN, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 391

Whereas United Nations Security Council Resolution 1738 (2006) obliges states to ensure the safety of journalists in war zones;

Whereas, since the uprisings in Syria began in January 2011, the Government of Syria has denied entry to foreign journalists and arrested, abducted, beaten, tortured, and killed journalists, photographers, and bloggers to prevent the free flow of accurate information to the outside world;

Whereas restrictions imposed by the Government of Syria on media have made it extraordinarily difficult to verify death tolls and the exact nature and course of events within the country;

Whereas Syrian state media reports differ significantly from the few independent reports that make their way out of Syria;

Whereas Reporters Without Borders, an international nongovernmental organization that advocates freedom of the press and freedom of information, has listed Bashar al-Assad as a Predator of Freedom of the Press;

Whereas the League of Arab States called for the media to be allowed into Syria during its monitoring mission that was suspended indefinitely on January 28, 2012, due to the "critical deterioration of the situation" in Syria;

Whereas freelance journalist Ferzat Jarban was tortured and killed on November 19 or 20, 2011, after filming protests in Al-Qassir, Syria;

Whereas videographer Basil al-Sayed died on December 27, 2011, from a gunshot wound he suffered 5 days earlier at a checkpoint in the Baba Amr neighborhood in the city of Homs, Syria;

Whereas Shukri Abu al-Burghul of the state-owned daily Al Thawra and Radio Damascus died on January 3, 2012, in Damascus, Syria from a gunshot wound to the head he suffered four days earlier;

Whereas Gilles Jacquier, a correspondent with France 2 television, was killed in a grenade explosion on January 11, 2012, while covering demonstrations in the city of Homs;

Whereas freelance journalist Mazhar Tayyara, a videographer and photojournalist who contributed to Agence France-Presse and other international outlets, was killed by government forces' fire in the city of Homs on February 4, 2012;

Whereas New York Times correspondent Anthony Shadid died of an asthma attack on February 16, 2012, while attempting to leave Syria after reporting inside the country for a week, gathering information on the Free Syrian Army and other armed elements of the resistance to the government of President Bashar al-Assad;

Whereas freelance journalist Rami al-Sayed, who filmed videos of Syrian security forces' repressive acts, was killed on February 21, 2012, while covering the bombardment of the city of Homs by Government of Syria forces;

Whereas journalist Marie Colvin of the Sunday Times, a United States citizen, and freelance photojournalist Remi Ochlik were killed on February 22, 2012, after their make-shift press center in Homs was struck by rockets fired by Government of Syria forces;

Whereas, on February 22, 2012, Department of State Spokesman Mark Toner stated, "[T]oday, we're also clearly deeply troubled and saddened by reports that American journalist Marie Colvin and French journalist Remi Ochlik were killed today in Homs as a result of the intense shelling, the ongoing intense shelling by the Syrian regime. . . . We, of course, extend our deepest condolences to their families and loved ones and just note that their sacrifice in chronicling the daily suffering of the people of Homs stands as a testament to journalism's highest standards.";

Whereas 13 opposition activists in Syria were killed during a weeklong attempt to rescue 4 foreign journalists, 2 of whom were injured, who were trapped in Homs as a result of the bombardment by the Government of Syria that killed Marie Colvin and Remi Ochlik;

Whereas videographer Anas al-Tarsha, who documented unrest in the besieged city of Homs, was killed by a mortar round while filming the bombardment of the city's Qarabees district on February 24, 2012;

Whereas, from 1992 through 2010, zero journalists were killed in Syria according to the Committee to Protect Journalists; and

Whereas the Government of Syria has continued to arbitrarily arrest and detain prominent Syrian journalists and bloggers: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Syria to immediately open the country up to independent and foreign journalists and immediately end its media blackout;

(2) condemns in the strongest possible terms the Government of Syria's abuse, intimidation, and violence towards journalists, videographers, and bloggers;

(3) calls on the Government of Syria to immediately release all journalists, videographers, and bloggers who have been detained, arrested, or imprisoned;

(4) pays tribute to the journalists who have lost their lives while reporting on the conflict in Syria;

(5) commends the bravery and courage of journalists who continue to operate in harm's way;

(6) supports the people of Syria seeking access to a free flow of accurate news and other forms of information;

(7) recognizes the critical role that technology plays in helping independent journalists report the facts on the ground;

(8) condemns all acts of censorship and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Syria;

(9) strongly condemns all nations that assist or enable the Government of Syria's ongoing repression of the media; and

(10) reaffirms the centrality of press freedom to efforts by the United States Government to support democracy and promote good governance around the world.

SENATE RESOLUTION 392—URGING THE REPUBLIC OF TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE AND TO RETURN CONFISCATED CHURCH PROPERTIES

Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 392

Resolved, That it is the sense of the Senate that the Secretary of State, in all official contacts with officials and representatives of the Government of Turkey, should emphasize that the Government of Turkey should—

(1) end all forms of religious discrimination;

(2) allow the rightful church and lay owners of Christian church properties, without hindrance or restriction, to organize and administer prayer services, religious education, clerical training, appointments, and succession, religious community gatherings, social services, including ministry to the needs of the poor and infirm, and other religious activities;

(3) return to their rightful owners all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties, including movable properties, such as artwork, manuscripts, vestments, vessels, and other artifacts; and

(4) allow the rightful Christian church and lay owners of Christian church properties, without hindrance or restriction, to preserve, reconstruct, and repair, as they see fit, all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties within Turkey.

SENATE RESOLUTION 393—DESIGNATING MARCH 11, 2012 AS "WORLD PLUMBING DAY"

Mr. BENNET (for himself, Mrs. MURRAY, Mr. BOOZMAN, Mr. MERKLEY, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 393

Whereas the industry of plumbing plays an important role in safeguarding the public health of the people of the United States and the world;

Whereas 884,000,000 people around the world do not have access to safe drinking water;

Whereas 2,600,000,000 people around the world live without adequate sanitation facilities;

Whereas the lack of sanitation is the largest cause of infection in the world;

Whereas in the developing world, 24,000 children under the age of 5 die every day from preventable causes, such as diarrhea contracted from unclean water;

Whereas safe and efficient plumbing helps save money and reduces future water supply costs and infrastructure costs;

Whereas the installation of modern plumbing systems must be accomplished in a specific, safe manner by trained professionals in order to prevent widespread disease, which can be crippling and deadly to the community;

Whereas the people of the United States rely on plumbing professionals to maintain, repair, and rebuild the aging water infrastructure of the United States;

Whereas Congress and plumbing professionals across the United States and the world are committed to safeguarding public health; and

Whereas the founding organization of World Plumbing Day, the World Plumbing Council, is currently being chaired by GP Russ Chaney, a United States citizen: Now, therefore, be it

Resolved, That the Senate designates March 11, 2012, as "World Plumbing Day".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1824. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1825. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. WYDEN, Mr. MERKLEY, Mr. TESTER, Mr. CRAPO, Mr. RISCH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1813, *supra*.

SA 1826. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1813, *supra*.

SA 1827. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1813, *supra*; which was ordered to lie on the table.

SA 1828. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1813, *supra*; which was ordered to lie on the table.

SA 1829. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1813, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1824. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 792, strike line 20 and all that follows through page 793, line 2, and insert the following:

“(2) **CLEAN FUEL VEHICLE.**—The term ‘clean fuel vehicle’ means—

“(A) a passenger vehicle used to provide public transportation that the Administrator of the Environmental Protection Agency has certified sufficiently reduces energy consumption or reduces harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

“(B) a zero emission bus used to provide public transportation.

On page 794, between lines 13 and 14, insert the following:

“(7) **ZERO EMISSION BUS.**—The term ‘zero emission bus’ means a clean fuel vehicle that produces no carbon or particulate matter.

On page 794, between lines 22 and 23, insert the following:

“(3) **COMBINATION OF FUNDING SOURCES.**—

“(A) **COMBINATION PERMITTED.**—A project carried out under this section may receive funding under section 5307, or any other provision of law.

“(B) **GOVERNMENT SHARE.**—Nothing in this paragraph may be construed to alter the Government share required under this section, section 5307, or any other provision of law.

On page 795, line 10, strike “(f)” and insert the following:

“(f) **PRIORITY CONSIDERATION.**—In making grants under this section, the Secretary shall give priority to projects relating to clean fuel buses that make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other clean fuel buses.

“(g)

SA 1825. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. WYDEN, Mr. MERKLEY, Mr. TESTER, Mr. CRAPO, Mr. RISCH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

At the end of division D, insert the following:

TITLE IV—REAUTHORIZATION OF CERTAIN PROGRAMS

Subtitle A—Secure Rural Schools and Community Self-determination Program

SEC. 40401. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) **AMENDMENTS.**—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.) is amended—

(1) in section 3(11)—

(A) in subparagraph (A), by striking “and” after the semicolon at the end;

(B) in subparagraph (B)—

(i) by striking “fiscal year 2009 and each fiscal year thereafter” and inserting “each of fiscal years 2009 through 2011”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) for fiscal year 2012 and each fiscal year thereafter, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year.”;

(2) in sections 101, 102, 203, 207, 208, 304, and 402, by striking “2011” each place it appears and inserting “2012”;

(3) in section 102—

(A) by striking “2008” each place it appears and inserting “2012”;

(B) in subsection (b)(2)(B), by inserting “in 2012” before “, the election”; and

(C) in subsection (d)—

(i) in paragraph (1)(A), by striking “paragraph (3)(B)” and inserting “subparagraph (D)”; and

(ii) in paragraph (3)—

(I) by striking subparagraph (A) and inserting the following:

“(A) **NOTIFICATION.**—The Governor of each eligible State shall notify the Secretary concerned of an election by an eligible county under this subsection not later than September 30, 2012, and each September 30 thereafter for each succeeding fiscal year.”;

(II) by redesignating subparagraph (B) as subparagraph (D) and moving the subparagraph so as to appear at the end of paragraph (1) of subsection (d); and

(III) by inserting after subparagraph (A) the following:

“(B) **FAILURE TO ELECT.**—If the Governor of an eligible State fails to notify the Secretary concerned of the election for an eligible county by the date specified in subparagraph (A)—

“(i) the eligible county shall be considered to have elected to expend 80 percent of the funds in accordance with paragraph (1)(A); and

“(ii) the remainder shall be available to the Secretary concerned to carry out projects in the eligible county to further the purpose described in section 202(b).”;

(4) in section 103(d)(2), by striking “fiscal year 2011” and inserting “each of fiscal years 2011 and 2012”;

(5) in section 202, by adding at the end the following:

“(c) **ADMINISTRATIVE EXPENSES.**—A resource advisory committee may, in accordance with section 203, propose to use not more than 10 percent of the project funds of an eligible county for any fiscal year for administrative expenses associated with operating the resource advisory committee under this title.”;

(6) in section 204(e)(3)(B)(iii), by striking “and 2011” and inserting “through 2012”;

(7) in section 205(a)(4), by striking “2006” each place it appears and inserting “2011”;

(8) in section 208(b), by striking “2012” and inserting “2013”;

(9) in section 302(a)(2)(A), by inserting “and” after the semicolon; and

(10) in section 304(b), by striking “2012” and inserting “2013”.

(b) **FAILURE TO MAKE ELECTION.**—For each county that failed to make an election for fiscal year 2011 in accordance with section 102(d)(3)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(A)), there shall be available to the Secretary of Agriculture to carry out projects to further the purpose described in section 202(b) of that Act (16 U.S.C. 7122(b)), from amounts in the Treasury not otherwise appropriated, the amount that is equal to 15 percent of the total share of the State payment that otherwise would have been made to the county under that Act for fiscal year 2011.

Subtitle B—Payment in Lieu of Taxes Program

SEC. 40411. PAYMENTS IN LIEU OF TAXES.

Section 6906 of title 31, United States Code, is amended by striking “2012” and inserting “2013”.

Subtitle C—Offsets

SEC. 40421. TAX REPORTING FOR LIFE SETTLEMENT TRANSACTIONS.

(a) **IN GENERAL.**—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 6050X. RETURNS RELATING TO CERTAIN LIFE INSURANCE CONTRACT TRANSACTIONS.

“(a) **REQUIREMENT OF REPORTING OF CERTAIN PAYMENTS.**—

“(1) **IN GENERAL.**—Every person who acquires a life insurance contract or any interest in a life insurance contract in a reportable policy sale during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of such person,

“(B) the name, address, and TIN of each recipient of payment in the reportable policy sale,

“(C) the date of such sale,

“(D) the name of the issuer of the life insurance contract sold and the policy number of such contract, and

“(E) the amount of each payment.

“(2) **STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.**—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to such person, except that in the case of an issuer of a life insurance contract, such statement is not required to include the information specified in paragraph (1)(E).

“(b) **REQUIREMENT OF REPORTING OF SELLER'S BASIS IN LIFE INSURANCE CONTRACTS.**—

“(1) **IN GENERAL.**—Upon receipt of the statement required under subsection (a)(2) or upon notice of a transfer of a life insurance contract to a foreign person, each issuer of a life insurance contract shall make a return (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of the seller who transfers any interest in such contract in such sale,

“(B) the investment in the contract (as defined in section 72(e)(6)) with respect to such seller, and

“(C) the policy number of such contract.

“(2) **STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.**—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to each seller whose name is required to be set forth in such return.

“(c) **REQUIREMENT OF REPORTING WITH RESPECT TO REPORTABLE DEATH BENEFITS.**—

“(1) IN GENERAL.—Every person who makes a payment of reportable death benefits during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

“(A) the name, address, and TIN of the person making such payment,

“(B) the name, address, and TIN of each recipient of such payment,

“(C) the date of each such payment, and

“(D) the amount of each such payment.

“(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

“(A) the name, address, and phone number of the information contact of the person required to make such return, and

“(B) the information required to be shown on such return with respect to each recipient of payment whose name is required to be set forth in such return.

“(d) DEFINITIONS.—For purposes of this section:

“(1) PAYMENT.—The term ‘payment’ means the amount of cash and the fair market value of any consideration transferred in a reportable policy sale.

“(2) REPORTABLE POLICY SALE.—The term ‘reportable policy sale’ has the meaning given such term in section 101(a)(3)(B).

“(3) ISSUER.—The term ‘issuer’ means any life insurance company that bears the risk with respect to a life insurance contract on the date any return or statement is required to be made under this section.

“(4) REPORTABLE DEATH BENEFITS.—The term ‘reportable death benefits’ means amounts paid by reason of the death of the insured under a life insurance contract that has been transferred in a reportable policy sale.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6050W the following new item:

“Sec. 6050X. Returns relating to certain life insurance contract transactions.”.

(c) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 6724 of the Internal Revenue Code of 1986 is amended—

(A) by striking “or” at the end of clause (xxiv) of paragraph (1)(B), by striking “and” at the end of clause (xxv) of such paragraph and inserting “or”, and by inserting after such clause (xxv) the following new clause:

“(xxvi) section 6050X (relating to returns relating to certain life insurance contract transactions), and”, and

(B) by striking “or” at the end of subparagraph (GG) of paragraph (2), by striking the period at the end of subparagraph (HH) of such paragraph and inserting “, or”, and by inserting after such subparagraph (HH) the following new subparagraph:

“(II) subsection (a)(2), (b)(2), or (c)(2) of section 6050X (relating to returns relating to certain life insurance contract transactions).”.

(2) Section 6047 of such Code is amended—

(A) by redesignating subsection (g) as subsection (h),

(B) by inserting after subsection (f) the following new subsection:

“(g) INFORMATION RELATING TO LIFE INSURANCE CONTRACT TRANSACTIONS.—This section shall not apply to any information which is

required to be reported under section 6050X.”, and

(C) by adding at the end of subsection (h), as so redesignated, the following new paragraph:

“(4) For provisions requiring reporting of information relating to certain life insurance contract transactions, see section 6050X.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) reportable policy sales after December 31, 2012, and

(2) reportable death benefits paid after December 31, 2012.

SEC. 40422. CLARIFICATION OF TAX BASIS OF LIFE INSURANCE CONTRACTS.

(a) CLARIFICATION WITH RESPECT TO ADJUSTMENTS.—Paragraph (1) of section 1016(a) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and all that follows and inserting the following:

“(A) for—

“(i) taxes or other carrying charges described in section 266; or

“(ii) expenditures described in section 173 (relating to circulation expenditures), for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable years; or

“(B) for mortality, expense, or other reasonable charges incurred under an annuity or life insurance contract;”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions entered into after August 25, 2009.

SEC. 40423. EXCEPTION TO TRANSFER FOR VALUABLE CONSIDERATION RULES.

(a) IN GENERAL.—Subsection (a) of section 101 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) EXCEPTION TO VALUABLE CONSIDERATION RULES FOR COMMERCIAL TRANSFERS.—

“(A) IN GENERAL.—The second sentence of paragraph (2) shall not apply in the case of a transfer of a life insurance contract, or any interest therein, which is a reportable policy sale.

“(B) REPORTABLE POLICY SALE.—For purposes of this paragraph, the term ‘reportable policy sale’ means the acquisition of an interest in a life insurance contract, directly or indirectly, if the acquirer has no substantial family, business, or financial relationship with the insured apart from the acquirer’s interest in such life insurance contract. For purposes of the preceding sentence, the term ‘indirectly’ applies to the acquisition of an interest in a partnership, trust, or other entity that holds an interest in the life insurance contract.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 101(a) of the Internal Revenue Code of 1986 is amended by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after December 31, 2012.

SEC. 40424. PHASED RETIREMENT AUTHORITY.

(a) CSRS.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8331—

(A) in paragraph (30) by striking “and” at the end;

(B) in paragraph (31) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(32) ‘Director’ means the Director of the Office of Personnel Management.”;

(2) by inserting after section 8336 the following:

“§ 8336a. Phased retirement

“(a) For the purposes of this section—

“(1) the term ‘composite retirement annuity’ means the annuity computed when a phased retiree attains full retirement status;

“(2) the term ‘full retirement status’ means that a phased retiree has ceased employment and is entitled, upon application, to a composite retirement annuity;

“(3) the term ‘phased employment’ means the less-than-full-time employment of a phased retiree;

“(4) the term ‘phased retiree’ means a retirement-eligible employee who—

“(A) makes an election under subsection (b); and

“(B) has not entered full retirement status;

“(5) the term ‘phased retirement annuity’ means the annuity payable under this section before full retirement;

“(6) the term ‘phased retirement percentage’ means the percentage which, when added to the working percentage for a phased retiree, produces a sum of 100 percent;

“(7) the term ‘phased retirement period’ means the period beginning on the date on which an individual becomes entitled to receive a phased retirement annuity and ending on the date on which the individual dies or separates from phased employment;

“(8) the term ‘phased retirement status’ means that a phased retiree is concurrently employed in phased employment and eligible to receive a phased retirement annuity;

“(9) the term ‘retirement-eligible employee’—

“(A) means an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (a) or (b) of section 8336; and

“(B) does not include—

“(i) an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (c), (e), (m), or (n) of section 8336; or

“(ii) a law enforcement officer, firefighter, nuclear materials courier, air traffic controller, customs and border protection officer, or member of the Capitol Police or Supreme Court Police; and

“(10) the term ‘working percentage’ means the percentage of full-time employment equal the quotient obtained by dividing—

“(A) the number of hours per pay period to be worked by a phased retiree as scheduled in accordance with subsection (b)(2); by

“(B) the number of hours per pay period to be worked by an employee serving in a comparable position on a full-time basis.

“(b)(1) With the concurrence of the head of the employing agency, and under regulations promulgated by the Director, a retirement-eligible employee who has been employed on a full time basis for not less than the 3-year period ending on the date on which the retirement-eligible employee makes an election under this subsection may elect to enter phased retirement status.

“(2)(A) Subject to subparagraph (B), at the time of entering phased retirement status, a phased retiree shall be appointed to a position for which the working percentage is 50 percent.

“(B) The Director may, by regulation, provide for working percentages different from the percentage specified under subparagraph (A), which shall be not less than 20 percent and not more than 80 percent.

“(C) The working percentage for a phased retiree may not be changed during the phased retiree’s phased retirement period.

“(D)(i) Not less than 20 percent of the hours to be worked by a phased retiree shall consist of mentoring.

“(ii) The Director may, by regulation, provide for exceptions to the requirement under clause (i).

“(3) A phased retiree—

“(A) may not be employed in more than one position at any time; and

“(B) may transfer to another position in the same or a different agency, if the transfer does not result in a change in the working percentage.

“(4) A retirement-eligible employee may make only one election under this subsection during the retirement-eligible employee's lifetime.

“(5) A retirement-eligible employee who makes an election under this subsection may not make an election under section 8334a.

“(c)(1) Except as otherwise provided under this subsection, the phased retirement annuity for a phased retiree is the product obtained by multiplying—

“(A) the amount of an annuity computed under section 8339 that would have been payable to the phased retiree if, on the date on which the phased retiree enters phased retirement status, the phased retiree had separated from service and retired under section 8336(a) or (b); by

“(B) the phased retirement percentage for the phased retiree.

“(2) A phased retirement annuity shall be paid in addition to the basic pay for the position to which a phased retiree is appointed during phased employment.

“(3) A phased retirement annuity shall be adjusted in accordance with section 8340.

“(4)(A) A phased retirement annuity shall not be subject to reduction for any form of survivor annuity, shall not serve as the basis of the computation of any survivor annuity, and shall not be subject to any court order requiring a survivor annuity to be provided to any individual.

“(B) A phased retirement annuity shall be subject to a court order providing for division, allotment, assignment, execution, levy, attachment, garnishment, or other legal process on the same basis as other annuities.

“(5) Any reduction of a phased retirement annuity based on an election under section 8334(d)(2) shall be applied to the phased retirement annuity after computation under paragraph (1).

“(6)(A) Any deposit, or election of an actuarial annuity reduction in lieu of a deposit, for military service or for creditable civilian service for which retirement deductions were not made or refunded shall be made by a retirement-eligible employee at or before the time the retirement-eligible employee enters phased retirement status. No such deposit may be made, or actuarial adjustment in lieu thereof elected, at the time a phased retiree enters full retirement status.

“(B) Notwithstanding subparagraph (A), if a phased retiree does not make such a deposit and dies in service as a phased retiree, a survivor of the phased retiree shall have the same right to make such deposit as would have been available had the employee not entered phased retirement status and died in service.

“(C) If a phased retiree makes an election for an actuarial annuity reduction under section 8334(d)(2) and dies in service as a phased retiree, the amount of any deposit upon which such actuarial reduction shall have been based shall be deemed to have been fully paid.

“(7) A phased retirement annuity shall commence on the date on which a phased retiree enters phased employment.

“(8) No unused sick leave credit may be used in the computation of the phased retirement annuity.

“(d) All basic pay not in excess of the full-time rate of pay for the position to which a

phased retiree is appointed shall be deemed to be basic pay for purposes of section 8334.

“(e) Under such procedures as the Director may prescribe, a phased retiree may elect to enter full retirement status at any time. Upon making such an election, a phased retiree shall be entitled to a composite retirement annuity.

“(f)(1) Except as provided otherwise under this subsection, a composite retirement annuity is a single annuity computed under regulations prescribed by the Director, equal to the sum of—

“(A) the amount of the phased retirement annuity as of the date of full retirement, before any reduction based on an election under section 8334(d)(2), and including any adjustments made under section 8340; and

“(B) the product obtained by multiplying—

“(i) the amount of an annuity computed under section 8339 that would have been payable at the time of full retirement if the individual had not elected a phased retirement and as if the individual was employed on a full-time basis in the position occupied during the phased retirement period and before any reduction for survivor annuity or reduction based on an election under section 8334(d)(2); by

“(ii) the working percentage.

“(2) After computing a composite retirement annuity under paragraph (1), the Director shall adjust the amount of the annuity for any applicable reductions for a survivor annuity and any previously elected actuarial reduction under section 8334(d)(2).

“(3) A composite retirement annuity shall be adjusted in accordance with section 8340, except that subsection (c)(1) of that section shall not apply.

“(4) In computing a composite retirement annuity under paragraph (1)(B)(i), the unused sick leave to the credit of a phased retiree at the time of entry into full retirement status shall be adjusted by dividing the number of hours of unused sick leave by the working percentage.

“(g)(1) Under such procedures and conditions as the Director may provide, and with the concurrence of the head of the employing agency, a phased retiree may elect to terminate phased retirement status and return to a full-time work schedule.

“(2) Upon entering a full-time work schedule based upon an election under paragraph (1), the phased retirement annuity of a phased retiree shall terminate.

“(3) After the termination of a phased retirement annuity under this subsection, the individual's rights under this subchapter shall be determined based on the law in effect at the time of any subsequent separation from service. For purposes of this subchapter or chapter 84, at time of the subsequent separation from service, the phased retirement period shall be treated as if it had been a period of part-time employment with the work schedule described in subsection (b)(2).

“(h) For purposes of section 8341—

“(1) the death of a phased retiree shall be deemed to be the death in service of an employee; and

“(2) the phased retirement period shall be deemed to have been a period of part-time employment with the work schedule described in subsection (b)(2).

“(i) Employment of a phased retiree shall not be deemed to be part-time career employment, as defined in section 3401(2).

“(j) A phased retiree is not eligible to apply for an annuity under section 8337.

“(k) For purposes of section 8341(h)(4), retirement shall be deemed to occur on the

date on which a phased retiree enters into full retirement status.

“(l) For purposes of sections 8343 and 8351, and subchapter III of chapter 84, a phased retiree shall be deemed to be an employee.

“(m) A phased retiree is not subject to section 8344.

“(n) For purposes of chapter 87, a phased retiree shall be deemed to be receiving basic pay at the rate of a full-time employee in the position to which the phased retiree is appointed.”; and

(3) in the table of sections by inserting after the item relating to section 8336 the following:

“8336a. Phased retirement.”.

(b) FERS.—Chapter 84 of title 5, United States Code, is amended—

(1) by inserting after section 8412 the following new section:

“§ 8412a. Phased retirement

“(a) For the purposes of this section—

“(1) the term ‘composite retirement annuity’ means the annuity computed when a phased retiree attains full retirement status;

“(2) the term ‘full retirement status’ means that a phased retiree has ceased employment and is entitled, upon application, to a composite retirement annuity;

“(3) the term ‘phased employment’ means the less-than-full-time employment of a phased retiree;

“(4) the term ‘phased retiree’ means a retirement-eligible employee who—

“(A) makes an election under subsection (b); and

“(B) has not entered full retirement status;

“(5) the term ‘phased retirement annuity’ means the annuity payable under this section before full retirement;

“(6) the term ‘phased retirement percentage’ means the percentage which, when added to the working percentage for a phased retiree, produces a sum of 100 percent;

“(7) the term ‘phased retirement period’ means the period beginning on the date on which an individual becomes entitled to receive a phased retirement annuity and ending on the date on which the individual dies or separates from phased employment;

“(8) the term ‘phased retirement status’ means that a phased retiree is concurrently employed in phased employment and eligible to receive a phased retirement annuity;

“(9) the term ‘retirement-eligible employee’—

“(A) means an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (a) or (b) of section 8412; and

“(B) does not include—

“(i) an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (d) or (e) of section 8412; or

“(ii) a law enforcement officer, firefighter, nuclear materials courier, air traffic controller, customs and border protection officer, or member of the Capitol Police or Supreme Court Police; and

“(10) the term ‘working percentage’ means the percentage of full-time employment equal to the quotient obtained by dividing—

“(A) the number of hours per pay period to be worked by a phased retiree as scheduled in accordance with subsection (b)(2); by

“(B) the number of hours per pay period to be worked by an employee serving in a comparable position on a full-time basis.

“(b)(1) With the concurrence of the head of the employing agency, and under regulations promulgated by the Director, a retirement-eligible employee who has been employed on a full time basis for not less than the 3-year

period ending on the date on which the retirement-eligible employee makes an election under this subsection may elect to enter phased retirement status.

“(2)(A) Subject to subparagraph (B), at the time of entering phased retirement status, a phased retiree shall be appointed to a position for which the working percentage is 50 percent.

“(B) The Director may, by regulation, provide for working percentages different from the percentage specified under subparagraph (A), which shall be not less than 20 percent and not more than 80 percent.

“(C) The working percentage for a phased retiree may not be changed during the phased retiree's phased retirement period.

“(D)(i) Not less than 20 percent of the hours to be worked by a phased retiree shall consist of mentoring.

“(ii) The Director may, by regulation, provide for exceptions to the requirement under clause (i).

“(3) A phased retiree—

“(A) may not be employed in more than one position at any time; and

“(B) may transfer to another position in the same or a different agency, if the transfer does not result in a change in the working percentage.

“(4) A retirement-eligible employee may make only one election under this subsection during the retirement-eligible employee's lifetime.

“(5) A retirement-eligible employee who makes an election under this subsection may not make an election under section 8420a.

“(c)(1) Except as otherwise provided under this subsection, the phased retirement annuity for a phased retiree is the product obtained by multiplying—

“(A) the amount of an annuity computed under section 8415 that would have been payable to the phased retiree if, on the date on which the phased retiree enters phased retirement status, the phased retiree had separated from service and retired under section 8412 (a) or (b); by

“(B) the phased retirement percentage for the phased retiree.

“(2) A phased retirement annuity shall be paid in addition to the basic pay for the position to which a phased retiree is appointed during the phased employment.

“(3) A phased retirement annuity shall be adjusted in accordance with section 8462.

“(4)(A) A phased retirement annuity shall not be subject to reduction for any form of survivor annuity, shall not serve as the basis of the computation of any survivor annuity, and shall not be subject to any court order requiring a survivor annuity to be provided to any individual.

“(B) A phased retirement annuity shall be subject to a court order providing for division, allotment, assignment, execution, levy, attachment, garnishment, or other legal process on the same basis as other annuities.

“(5)(A) Any deposit, or election of an actuarial annuity reduction in lieu of a deposit, for military service or for creditable civilian service for which retirement deductions were not made or refunded, shall be made by a retirement-eligible employee at or before the time the retirement-eligible employee enters phased retirement status. No such deposit may be made, or actuarial adjustment in lieu thereof elected, at the time a phased retiree enters full retirement status.

“(B) Notwithstanding subparagraph (A), if a phased retiree does not make such a deposit and dies in service as a phased retiree, a survivor of the phased retiree shall have the same right to make such deposit as

would have been available had the employee not entered phased retirement status and died in service.

“(6) A phased retirement annuity shall commence on the date on which a phased retiree enters phased employment.

“(7) No unused sick leave credit may be used in the computation of the phased retirement annuity.

“(d) All basic pay not in excess of the full-time rate of pay for the position to which a phased retiree is appointed shall be deemed to be basic pay for purposes of section 8422 and 8423.

“(e) Under such procedures as the Director may prescribe, a phased retiree may elect to enter full retirement status at any time. Upon making such an election, a phased retiree shall be entitled to a composite retirement annuity.

“(f)(1) Except as provided otherwise under this subsection, a composite retirement annuity is a single annuity computed under regulations prescribed by the Director, equal to the sum of—

“(A) the amount of the phased retirement annuity as of the date of full retirement, including any adjustments made under section 8462; and

“(B) the product obtained by multiplying—

“(i) the amount of an annuity computed under section 8412 that would have been payable at the time of full retirement if the individual had not elected a phased retirement and as if the individual was employed on a full-time basis in the position occupied during the phased retirement period and before any adjustment to provide for a survivor annuity; by

“(ii) the working percentage;

“(2) After computing a composite retirement annuity under paragraph (1)(B)(i), the Director shall adjust the amount of the annuity for any applicable reductions for a survivor annuity.

“(3) A composite retirement annuity shall be adjusted in accordance with section 8462, except that subsection (c)(1) of that section shall not apply.

“(4) In computing a composite retirement annuity under paragraph (1)(B)(i), the unused sick leave to the credit of a phased retiree at the time of entry into full retirement status shall be adjusted by dividing the number of hours of unused sick leave by the working percentage.

“(g)(1) Under such procedures and conditions as the Director may provide, and with the concurrence of the head of employing agency, a phased retiree may elect to terminate phased retirement status and return to a full-time work schedule.

“(2) Upon entering a full-time work schedule based on an election under paragraph (1), the phased retirement annuity of a phased retiree shall terminate.

“(3) After termination of the phased retirement annuity under this subsection, the individual's rights under this chapter shall be determined based on the law in effect at the time of any subsequent separation from service. For purposes of this chapter, at the time of the subsequent separation from service, the phased retirement period shall be treated as if it had been a period of part-time employment with the work schedule described in subsection (b)(2).

“(h) For purposes of subchapter IV—

“(1) the death of a phased retiree shall be deemed to be the death in service of an employee;

“(2) except for purposes of section 8442(b)(1)(A)(i), the phased retirement period shall be deemed to have been a period of

part-time employment with the work schedule described in subsection (b)(2) of this section; and

“(3) for purposes of section 8442(b)(1)(A)(i), the phased retiree shall be deemed to have been at the full-time rate of pay for the position occupied.

“(i) Employment of a phased retiree shall not be deemed to be part-time career employment, as defined in section 3401(2).

“(j) A phased retiree is not eligible to receive an annuity supplement under section 8421.

“(k) For purposes of subchapter III, a phased retiree shall be deemed to be an employee.

“(l) For purposes of section 8445(d), retirement shall be deemed to occur on the date on which a phased retiree enters into full retirement status.

“(m) A phased retiree is not eligible to apply for an annuity under subchapter V.

“(n) A phased retiree is not subject to section 8468.

“(o) For purposes of chapter 87, a phased retiree shall be deemed to be receiving basic pay at the rate of a full-time employee in the position to which the phased retiree is appointed.”; and

(2) in the table of sections by inserting after the item relating to section 8412 the following:

“8412a. Phased retirement.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the implementing regulations issued by the Director of the Office of Personnel Management.

SEC. 40425. ROLL-YOUR-OWN CIGARETTE MACHINES.

(a) IN GENERAL.—Subsection (d) of section 5702 of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

“Such term shall include any person who for commercial purposes makes available for consumer use (including such consumer's personal consumption or use under paragraph (1)) a machine capable of making cigarettes, cigars, or other tobacco products. A person making such a machine available for consumer use shall be deemed the person making the removal as defined by subsection (j) with respect to any tobacco products manufactured by such machine.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to articles removed after the date of the enactment of this Act.

SA 1826. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

At the end, insert the following:

DIVISION E—ENERGY PROVISIONS AND TAX EXTENDERS

TITLE I—ENERGY INCENTIVES

Subtitle A—Keystone XL Pipeline Project

SEC. 50001. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), Trans-Canada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c),

for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclama-

tion plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

Subtitle B—Expanding Offshore Energy Development

SEC. 50101. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

“(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales including—

“(i) at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

“(ii) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

“(B) In this paragraph the term ‘available unleased acreage’ means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

“(6)(A) In the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that—

“(i) are estimated to contain more than 2,500,000,000 barrels of oil; or

“(ii) are estimated to contain more than 7,500,000,000 cubic feet of natural gas.

“(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled ‘Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation’s Outer Continental Shelf, 2006’.”

SEC. 50102. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(b)) is amended to read as follows:

“(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

“(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, and subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program. Such goal shall be—

“(A) the best estimate of the possible increase in domestic production of oil and natural gas from the outer Continental Shelf;

“(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

“(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

“(2) 2012–2017 PROGRAM GOAL.—For purposes of the 2012–2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

“(A) no less than 3,000,000 barrels in the amount of oil produced per day; and

“(B) no less than 10,000,000,000 cubic feet in the amount of natural gas produced per day.

“(3) REPORTING.—The Secretary shall report annually, beginning at the end of the 5-year period for which the program applies, to the Committee on Natural Resources of the House of Representatives and the Committee

on Energy and Natural Resources of the Senate on the progress of the program in meeting the production goal. The Secretary shall identify in the report projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.”

Subtitle C—Conducting Prompt Offshore Lease Sales

SEC. 50201. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary of the Interior shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than 4 months after the date of enactment of this Act.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 50202. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 through fiscal year 2017 5 Year Outer Continental Shelf Oil and Gas Leasing Program, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than one year after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

SEC. 50203. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than September 1, 2012.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 50204. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

“(i) ADDITIONAL LEASE SALES.—In addition to lease sales in accordance with a leasing program in effect under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest

potential for new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.”.

SEC. 50205. DEFINITIONS.

In this title:

(1) The term “Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan” means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012 (April 2007) prepared by the Secretary.

(2) The term “Multi-Sale Environmental Impact Statement” means the Environmental Impact Statement for Proposed Western Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and Proposed Central Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) The term “Secretary” means the Secretary of the Interior.

Subtitle D—Leasing in New Offshore Areas

SEC. 50301. LEASING IN THE EASTERN GULF OF MEXICO.

Section 104 of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3003) is repealed.

SEC. 50302. LEASING OFFSHORE OF TERRITORIES OF THE UNITED STATES.

Section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended, by inserting after “control” the following: “or lying within the United States’ exclusive economic zone and the Continental Shelf adjacent to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, or the other territories of the United States”.

Subtitle E—Outer Continental Shelf Revenue Sharing

SEC. 50401. DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) in the existing text—

(A) in the first sentence, by striking “All rentals,” and inserting the following:

“(c) DISPOSITION OF REVENUE UNDER OLD LEASES.—All rentals,”; and

(B) in subsection (c) (as designated by the amendment made by subparagraph (A) of this paragraph), by striking “for the period from June 5, 1950, to date, and thereafter” and inserting “in the period beginning June 5, 1950, and ending on the date of enactment of the Moving Ahead for Progress in the 21st Century Act”;

(2) by adding after subsection (c) (as so designated) the following:

“(d) NEW LEASING REVENUES DEFINED.—In this section the term ‘new leasing revenues’ means amounts received by the United States as bonuses, rents, and royalties under leases for oil and gas, wind, tidal, or other energy exploration, development, and production that are awarded under this Act after the date of enactment of the Moving Ahead for Progress in the 21st Century Act.”; and

(3) by inserting before subsection (c) (as so designated) the following:

“(a) PAYMENT OF NEW LEASING REVENUES TO COASTAL STATES, GENERALLY.—

“(1) IN GENERAL.—Of the amount of new leasing revenues received by the United States each fiscal year that is described in paragraph (2), 37.5 percent shall be allocated and paid in accordance with subsection (b) to coastal States that are affected States with

respect to the leases under which those revenues are received by the United States.

“(2) PHASE-IN.—The amount of new leasing revenues referred to in paragraph (1) is the sum determined by adding—

“(A) 35 percent of new leasing revenues received by the United States in the fiscal year under—

“(i) leases awarded under the first leasing program under section 18(a) that takes effect after the date of enactment of the Moving Ahead for Progress in the 21st Century Act; and

“(ii) other leases issued as a result of the enactment of that Act;

“(B) 70 percent of new leasing revenues received by the United States in the fiscal year under leases awarded under the second such leasing program; and

“(C) 100 percent of new leasing revenues received by the United States under leases awarded under the third such leasing program or any such leasing program taking effect thereafter.

“(b) ALLOCATION OF PAYMENTS TO COASTAL STATES.—

“(1) IN GENERAL.—The amount of new leasing revenues received by the United States with respect to a leased tract that are required to be paid to coastal States in accordance with this subsection each fiscal year shall be allocated among and paid to such States that are within 200 miles of the leased tract, in amounts that are inversely proportional to the respective distances between the point on the coastline of each such State that is closest to the geographic center of the lease tract, as determined by the Secretary.

“(2) MINIMUM AND MAXIMUM ALLOCATION.—The amount allocated to a coastal State under paragraph (1) each fiscal year with respect to a leased tract shall be—

“(A) in the case of a coastal State that is the nearest State to the geographic center of the leased tract, not less than 25 percent of the total amounts allocated with respect to the leased tract; and

“(B) in the case of any other coastal State, not less than 10 percent, and not more than 15 percent, of the total amounts allocated with respect to the leased tract.

“(3) ADMINISTRATION.—Amounts allocated to a coastal State under this subsection—

“(A) shall be available to the State without further appropriation;

“(B) shall remain available until expended; and

“(C) shall be in addition to any other amounts available to the State under this Act.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a coastal State may use funds allocated and paid to it under this subsection for any purpose as determined by State law.

“(B) RESTRICTION ON USE FOR MATCHING.—Funds allocated and paid to a coastal State under this subsection may not be used as matching funds for any other Federal program.”.

Subtitle F—Coastal Plain

SEC. 50501. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term “Coastal Plain” means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) PEER REVIEWED.—The term “peer reviewed” means reviewed—

(A) by individuals chosen by the National Academy of Sciences with no contractual relationship with or those who have an application for a grant or other funding pending with the Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(3) SECRETARY.—The term “Secretary”, except as otherwise provided, means the Secretary of the Interior or the Secretary’s designee.

SEC. 50502. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL OF EXISTING RESTRICTION.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The “Final Legislative Environmental Impact Statement” (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities under this title, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale

under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify non-leasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary’s preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area’s unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases tracts located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary’s sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall, through a rule making conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations

issued under subsection (a) to reflect a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 50503. LEASE SALES.

(a) IN GENERAL.—Lands may be leased under this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation and no later than 180 days after the date of enactment of this title, establish procedures for—

(1) receipt and consideration of sealed nominations for any area of the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this title may be conducted through an Internet leasing program, if the Secretary determines that such a system will result in savings to the taxpayer, an increase in the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

(d) SALE ACREAGES AND SCHEDULE.—

(1) The Secretary shall offer for lease under this title those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1).

(2) The Secretary shall offer for lease under this title no less than 50,000 acres for lease within 22 months after the date of the enactment of this Act.

(3) The Secretary shall offer for lease under this title no less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following offering under paragraph (2).

(4) The Secretary shall conduct four additional sales under the same terms and schedule no later than two years after the date of the last sale under paragraph (3), if sufficient interest in leasing exists to warrant, in the Secretary’s judgment, the conduct of such sales.

(5) The Secretary shall evaluate the bids in each sale and issue leases resulting from such sales, within 90 days after the date of the completion of such sale.

SEC. 50504. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted under section 55003 any lands to be leased on the Coastal Plain upon payment by the such bidder of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 50505. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued under this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as certified by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment as required pursuant to section 55002(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with this title and the regulations issued under this title.

SEC. 50506. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 55002, administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with

respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities,

structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river systems; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC-ASRC private lands that are set forth in appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 50507. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review—

(A) of any provision of this title shall be filed by not later than 1 year after the date of enactment of this Act; or

(B) of any action of the Secretary under this title shall be filed—

(i) except as provided in clause (ii), within the 90-day period beginning on the date of the action being challenged; or

(ii) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for their attorneys' fees and other court costs, including under any provision of law enacted by the Equal Access to Justice Act (5 U.S.C. 504 note).

SEC. 50508. TREATMENT OF REVENUES.

Notwithstanding any other provision of law, 50 percent of the amount of bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this title shall be deposited in the Treasury.

SEC. 50509. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas produced under leases under this title—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 55002(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 50510. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

Subtitle G—Oil Shale and Tar Sands Leasing

SEC. 50601. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.

(a) REGULATIONS.—Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69,414) are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Energy Policy Act of 2005 (Public Law 109-58), and the Secretary of the Interior shall implement those regulations, including the oil shale and tar sands leasing program authorized by the regulations, without any other administrative action necessary.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—Notwithstanding any other law or regulation to the contrary, the November 17, 2008 U.S. Bureau of Land Management Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar

Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Energy Policy Act of 2005 (Public Law 109-58), and the Secretary of the Interior shall implement the oil shale and tar sands leasing program authorized by the regulations referred to in subsection (a) in those areas covered by the resource management plans amended by such amendments, and covered by such record of decision, without any other administrative action necessary.

SEC. 50602. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 10 parcels for lease for research, development, and demonstration of oil shale or tar sands resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 10).

(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or tar sands development, as determined by the Secretary, in areas nominated through public comment. Each lease sale shall be for an area of not less than 25,000 acres, and in multiple lease blocs.

(c) REDUCED PAYMENTS TO ENSURE PRODUCTION.—The Secretary of the Interior may temporarily reduce royalties, fees, rentals, bonus, or other payments for leases of Federal lands for the development and production of oil shale resources as necessary to incentivize and encourage development of such resources, if the Secretary determines that the royalties, fees, rentals, bonus bids, and other payments otherwise authorized by law are hindering production of such resources.

TITLE II—ENERGY TAX INCENTIVES

SEC. 51001. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.

(a) IN GENERAL.—Paragraph (2) of section 25C(g) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 51002. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION.—Paragraph (2) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011.” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 51003. EXTENSION OF INCENTIVES FOR BIO-DIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by

striking “December 31, 2011” and inserting “December 31, 2012”.

(2) Subparagraph (B) of section 6427(e)(6) of such Code is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SEC. 51004. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT APPLIANCES.

(a) IN GENERAL.—Section 45M(b) of the Internal Revenue Code of 1986 is amended by striking “2011” each place it appears other than in the provisions specified in subsection (b), and inserting “2011 or 2012”.

(b) PROVISIONS SPECIFIED.—The provisions of section 45M(b) of the Internal Revenue Code of 1986 specified in this subsection are subparagraph (C) of paragraph (1) and subparagraph (E) of paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2011.

SEC. 51005. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2011.

SEC. 51006. EXTENSION OF SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 51007. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

TITLE III—TAX EXTENDER PROVISIONS

SEC. 52000. AMENDMENTS TO 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Individual Tax Relief

SEC. 52001. EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2011” and inserting “2011, or 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52002. EXTENSION OF DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52003. EXTENSION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

SEC. 52004. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52005. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2011.

SEC. 52006. EXTENSION OF LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2011.

SEC. 52007. EXTENSION OF EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act, as amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

Subtitle B—Business Tax Relief

SEC. 52101. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—Subsection (a) of section 41 is amended to read as follows:

“(a) GENERAL RULE.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.”.

(b) SPECIAL RULES AND TERMINATION OF BASE AMOUNT CALCULATION.—

(1) IN GENERAL.—Subsection (c) of section 41 is amended to read as follows:

“(c) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

“(1) TAXPAYERS TO WHICH SUBSECTION APPLIES.—The credit under this section shall be

determined under this subsection, and not under subsection (a), if, in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the taxpayer has no qualified research expenses.

“(2) CREDIT RATE.—The credit determined under this subsection shall be equal to 10 percent of the qualified research expenses for the taxable year.”.

(2) CONSISTENT TREATMENT OF EXPENSES.—Subsection (b) of section 41 is amended by adding at the end the following new paragraph:

“(5) CONSISTENT TREATMENT OF EXPENSES REQUIRED.—

“(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year in the 3-taxable-year period taken into account under subsection (a), the qualified research expenses taken into account for such year shall be determined on a basis consistent with the determination of qualified research expenses for the credit year.

“(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer's qualified research expenses caused by a change in accounting methods used by such taxpayer between the credit year and a year in such 3-taxable-year period.”.

(c) INCLUSION OF QUALIFIED RESEARCH EXPENSES OF AN ACQUIRED PERSON.—

(1) PARTIAL INCLUSION OF PRE-ACQUISITION QUALIFIED RESEARCH EXPENSES.—Subparagraph (A) of section 41(f)(3) is amended to read as follows:

“(A) ACQUISITIONS.—

“(i) IN GENERAL.—If a person acquires the major portion of a trade or business of another person (hereinafter in this paragraph referred to as the ‘predecessor’) or the major portion of a separate unit of a trade or business of a predecessor, then the amount of qualified research expenses paid or incurred by the acquiring person during the 3 taxable years preceding the taxable year in which the credit under this section is determined shall be increased by—

“(I) for purposes of applying this section for the taxable year in which such acquisition is made, the amount determined under clause (ii), and

“(II) for purposes of applying this section for any taxable year after the taxable year in which such acquisition is made, so much of the qualified research expenses paid or incurred by the predecessor with respect to the acquired trade or business during the portion of the measurement period that is part of the 3-taxable-year period preceding the taxable year for which the credit is determined as is attributable to the portion of such trade or business or separate unit acquired by such person.

“(ii) AMOUNT DETERMINED.—The amount determined under this clause is the amount equal to the product of—

“(I) so much of the qualified research expenses paid or incurred by the predecessor with respect to the acquired trade or business during the 3 taxable years before the taxable year in which the acquisition is made as is attributable to the portion of such trade or business or separate unit acquired by the acquiring person, and

“(II) the number of months in the period beginning on the date of the acquisition and ending on the last day of the taxable year in which the acquisition is made, divided by 12.

“(iii) SPECIAL RULES FOR COORDINATING TAXABLE YEARS.—In the case of an acquiring person and a predecessor whose taxable years do not begin on the same date—

“(I) each reference to a taxable year in clauses (i) and (ii) shall refer to the appropriate taxable year of the acquiring person,

“(II) the qualified research expenses paid or incurred by the predecessor during each taxable year of the predecessor any portion of which is part of the measurement period shall be allocated equally among the months of such taxable year, and

“(III) the amount of such qualified research expenses taken into account under clauses (i) and (ii) with respect to a taxable year of the acquiring person shall be equal to the total of the expenses attributable under subclause (II) to the months occurring during such taxable year.

“(iv) MEASUREMENT PERIOD.—For purposes of this subparagraph, the term ‘measurement period’ means the taxable year of the acquiring person in which the acquisition is made and the 3 taxable years of the acquiring person preceding such taxable year.”

(2) EXPENSES OF A DISPOSING PERSON.—Subparagraph (B) of section 41(f)(3) is amended to read as follows:

“(B) DISPOSITIONS.—If a person disposes of the major portion of any trade or business or the major portion of a separate unit of a trade or business in a transaction to which subparagraph (A) applies, and the disposing person furnished to the acquiring person such information as is necessary for the application of subparagraph (A), then, for purposes of applying this section for any taxable year ending after such disposition, the amount of qualified research expenses paid or incurred by the disposing person during the 3 taxable years preceding such taxable year shall be decreased by the amount of the increase determined under subparagraph (A) with respect to the acquiring person for such taxable year.”

(d) AGGREGATION OF EXPENDITURES.—Paragraph (1) of section 41(f) is amended—

(1) by striking “shall be its proportionate shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit” in subparagraph (A)(ii) and inserting “shall be determined on a proportionate basis to its share of the aggregate qualified research expenses taken into account by such controlled group for purposes of this section”, and

(2) by striking “shall be its proportionate shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit” in subparagraph (B)(ii) and inserting “shall be determined on a proportionate basis to its share of the aggregate qualified research expenses taken into account by all such persons under common control for purposes of this section”.

(e) EXTENSION.—

(1) Subsection (h) of section 41 is amended—

(A) by striking paragraph (2) (relating to termination of alternative incremental credit), and

(B) by striking “paid or incurred” and all that follows in paragraph (1) and inserting “paid or incurred after December 31, 2012.”.

(2) Subparagraph (D) of section 45C(b)(1) is amended by striking “June 30, 1995” and all that follows and inserting “December 31, 2012.”.

(f) CONFORMING AMENDMENTS.—

(1) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended—

(A) by striking subsection (e),

(B) by redesignating subsection (g) as subsection (e), and

(C) by relocating subsection (e), as so redesignated, immediately after subsection (d).

(2) SPECIAL RULES.—

(A) Paragraph (4) of section 41(f) is amended by striking “and gross receipts”.

(B) Subsection (f) of section 41 is amended by striking paragraph (6).

(3) CROSS-REFERENCES.—

(A) Paragraph (2) of section 45C(c) is amended by striking “base period research expenses” and inserting “average qualified research expenses”.

(B) Subparagraph (A) of section 54(l)(3) is amended by striking “section 41(g)” and inserting “section 41(e)”.

(C) Clause (i) of section 170(e)(4)(B) is amended to read as follows:

“(i) the contribution is to a qualified organization.”.

(D) Paragraph (4) of section 170(e) is amended by adding at the end the following new subparagraph:

“(E) QUALIFIED ORGANIZATION.—For purposes of this paragraph, the term ‘qualified organization’ means—

“(i) any educational organization which—

“(I) is an institution of higher education (within the meaning of section 3304(f)), and

“(II) is described in subsection (b)(1)(A)(ii), or

“(ii) any organization not described in clause (i) which—

“(I) is described in section 501(c)(3) and is exempt from tax under section 501(a),

“(II) is organized and operated primarily to conduct scientific research, and

“(III) is not a private foundation.”.

(E) Section 280C is amended—

(i) by striking “or basic research expenses (as defined in section 41(e)(2))” in subsection (c)(1),

(ii) by striking “section 41(a)(1)” in subsection (c)(2)(A) and inserting “section 41(a)”, and

(iii) by striking “or basic research expenses” in subsection (c)(2)(B).

(F) Clause (i) of section 1400N(1)(7)(B) is amended by striking “section 41(g)” and inserting “section 41(e)”.

(g) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting “, as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41(c)(1)(B)” in subsection (b)(1)(A),

(2) by inserting “, as in effect before the enactment of the Tax Reform Act of 1984)” after “relating to the employee stock ownership credit” in subsection (b)(4),

(3) by inserting “(as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41(c)(1)(B)” in subsection (i)(1)(A),

(4) by inserting “(as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41(c)(1)(B)” in subsection (m),

(5) by inserting “(as so in effect)” after “section 48(n)(1)” in subsection (m),

(6) by inserting “(as in effect before the enactment of the Tax Reform Act of 1984)” after “section 48(n)” in subsection (q)(1), and

(7) by inserting “(as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41” in subsection (q)(3).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2011.

(2) EXTENSION.—The amendments made by subsection (e) shall apply to amounts paid or incurred after December 31, 2011.

(3) TECHNICAL CORRECTIONS.—The amendments made by subsection (g) shall take effect on the date of the enactment of this Act.

SEC. 52102. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52103. EXTENSION OF NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) is amended by striking “2010 and 2011” and inserting “2010, 2011, and 2012”.

(b) CARRYOVER OF UNUSED LIMITATION.—Paragraph (3) of section 45D(f) is amended by striking “2016” and inserting “2017”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2011.

SEC. 52104. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2011.

SEC. 52105. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52106. EXTENSION OF EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2011.

SEC. 52107. EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4), as amended by the VOW to Hire Heroes Act of 2011, is amended by striking “after” and all that follows and inserting “after December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2011.

SEC. 52108. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by inserting “and 2012” after “for 2011”.

(b) REPEAL OF REFUNDABLE CREDIT FOR QZABS.—Clause (iii) of section 6431(f)(3)(A) is amended by inserting “or 2012” after “for 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2011.

SEC. 52109. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2011.

SEC. 52110. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 52111. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 52112. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2011.

SEC. 52113. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2011.

SEC. 52114. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

SEC. 52115. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking “2010 or 2011” each place it appears in paragraph (1)(B) and (2)(B) and inserting “2010, 2011, or 2012”;

(2) by striking “2012” each place it appears in paragraph (1)(C) and (2)(C) and inserting “2013”, and

(3) by striking “2012” each place it appears in paragraph (1)(D) and (2)(D) and inserting “2013”.

(b) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(6) is amended by striking “2012” and inserting “2013”.

(c) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(d) ELECTION.—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—Section 179(f)(1) is amended by striking “2010 or 2011” and inserting “2010, 2011, or 2012”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52116. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 52117. EXTENSION OF EXPENSING OF BROWNFIELDS ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2011.

SEC. 52118. EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2011.

SEC. 52119. EXTENSION OF TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52120. EXTENSION OF RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2012. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2011, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 52121. EXTENSION OF SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2013”, and

(2) by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSINESSES.—Paragraph (9) of section 954(h) is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 52122. EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 52123. EXTENSION OF 100 PERCENT EXCLUSION FOR QUALIFIED SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2013”, and

(2) by striking “2010 AND 2011” in the heading and inserting “2010, 2011, AND 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2011.

SEC. 52124. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

SEC. 52125. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2011.

TITLE IV—OFFSETS**SEC. 53001. DEFICIT REDUCTION TRUST FUND.**

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

“§ 3114. Trust fund to reduce public debt

“(a) There is established in the Treasury of the United States a trust fund to be known as the ‘Deficit Reduction Trust Fund’ (in this section referred to as the ‘Trust Fund’).

“(b) There is appropriated to the Trust Fund the following amounts:

“(1) Amounts equivalent to the net increase in amounts received in the Treasury attributable to the provisions of, and the amendments made by, subtitles B, C, D, E, F, and G of title I of division E of the Moving Ahead for Progress in the 21st Century Act.

“(2) The net increase in taxes received in the Treasury attributable to the amendments made by section 53002 of the Moving Ahead for Progress in the 21st Century Act.

“(3) Amounts equivalent to the reduction in spending attributable to the amendment made by section 53003 of the Moving Ahead for Progress in the 21st Century Act.

“(c) The Secretary of the Treasury shall use the moneys in the Trust Fund solely to pay at maturity, or to redeem or buy before maturity, an obligation of the Government included in the public debt.

“(d) Any obligation of the Government which is paid, redeemed, or bought with money from the Trust Fund shall be canceled and retired and may not be reissued.”.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new item: “3114. Trust fund to reduce public debt.”.

SEC. 53002. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer’s Social Security number on the return of tax for such taxable year.

“(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.”.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return.”.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by inserting “WITH RESPECT TO QUALIFYING CHILDREN” after “IDENTIFICATION REQUIREMENT” in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 53003. EXTENSION OF PAY LIMITATION FOR FEDERAL EMPLOYEES.

(a) EXTENSION.—

(1) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111-242; 5 U.S.C. 5303 note) is amended—

(A) in subsection (b)(1), by striking “December 31, 2012” and inserting “December 31, 2013”; and

(B) in subsection (c), by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) APPLICATION TO LEGISLATIVE BRANCH.—

(A) MEMBERS OF CONGRESS.—The extension of the pay limit for Federal employees through December 31, 2013, as established pursuant to the amendments made by paragraph (1), shall apply to Members of Congress in accordance with section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).

(B) OTHER LEGISLATIVE BRANCH EMPLOYEES.—

(i) LIMIT IN PAY.—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this clause) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013, shall be made.

(ii) DEFINITION.—In this subparagraph, the term “legislative branch employee” means—

(I) an employee of the Federal Government whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

(II) an employee of any office of the legislative branch who is not described in subclause (I).

(b) REDUCTION OF REVISED DISCRETIONARY SPENDING LIMITS TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.—Paragraph (2) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(2) REVISED DISCRETIONARY SPENDING LIMITS.—The discretionary spending limits for fiscal years 2013 through 2021 under section 251(c) shall be replaced with the following:

“(A) For fiscal year 2013—

“(i) for the revised security category, \$546,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$499,000,000,000 in budget authority.

“(B) For fiscal year 2014—

“(i) for the revised security category, \$556,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$507,000,000,000 in budget authority.

“(C) For fiscal year 2015—

“(i) for the revised security category, \$566,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$517,000,000,000 in budget authority.

“(D) For fiscal year 2016—

“(i) for the revised security category, \$577,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$527,000,000,000 in budget authority.

“(E) For fiscal year 2017—

“(i) for the revised security category, \$590,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$538,000,000,000 in budget authority.

“(F) For fiscal year 2018—

“(i) for the revised security category, \$603,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$550,000,000,000 in budget authority.

“(G) For fiscal year 2019—

“(i) for the revised security category, \$616,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$562,000,000,000 in budget authority.

“(H) For fiscal year 2020—

“(i) for the revised security category, \$630,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$574,000,000,000 in budget authority.

“(I) For fiscal year 2021—

“(i) for the revised security category, \$644,000,000,000 in budget authority; and

“(ii) for the revised nonsecurity category, \$586,000,000,000 in budget authority.”.

SA 1827. Mr. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

SEC. ____ . ATTRIBUTION OF FIXED GUIDEWAY VEHICLE REVENUE MILES AND FIXED GUIDEWAY DIRECTIONAL ROUTE MILES.

(a) DEFINITION.—In this section the term “covered miles of a recipient” means the fixed guideway vehicle revenue miles or fixed guideway directional route miles in the public transportation system for which the recipient receives funds.

(b) ATTRIBUTION.—For purposes of section 5336(b)(2)(A) and section 5337(c)(3) of title 49, United States Code, as amended by this Act, the Secretary shall deem to be attributable to an urbanized area not less than 50 percent of the covered miles of a recipient that are located outside the urbanized area for which the recipient receives funds, in addition to the covered miles of the recipient that are located inside the urbanized area.

SA 1828. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 1521. TRUCKING WEIGHT LIMITATIONS.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

“(13) HEAVY TRUCK PILOT PROGRAM.—

“(A) IN GENERAL.—The Secretary may carry out a pilot program under which the Secretary may authorize up to 3 States to allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 126,000 pounds on segments on the Interstate System in the State.

“(B) REQUIREMENTS.—A State authorized under the pilot program under subparagraph (A) shall—

“(i) identify, and submit to the Secretary for approval—

“(I) the segments on the Interstate System that will be subject to the pilot program; and

“(II) the configurations of vehicles to be allowed to operate under a special permit;

“(ii) allow vehicles subject to the program to operate on not more than 3 segments, which may be contiguous, of up to 25 miles each;

“(iii) require the loads of vehicles operating under a special permit to conform to such single axle, tandem axle, tridem axle, and bridge formula limits applicable in the State; and

“(iv) establish and collect a fee for vehicles operating under a special permit.

“(C) PROHIBITIONS.—The Secretary may prohibit the operation of a vehicle under a special permit if the Secretary determines that the operation poses an unreasonable safety risk based on an analysis of engineering data, safety data, or other applicable data.

“(D) DURATION.—The Secretary may authorize a State to participate in the pilot program under this paragraph for a period not to exceed 4 years.”.

SA 1829. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXCEPTION TO GENERAL PROPERTY-CARRYING UNIT LIMITATION.

Section 3112(d)(4) of title 49, United States Code, is amended to read as follows:

“(4) Subject to an appropriate permit from each State in which they will be operated, property-carrying units that were not in actual operation on June 1, 1991, may be operated within 1 or more adjacent States to transport sugar beets from the field where such sugar beets are harvested to storage, market, factory, or stockpile or from stockpile to storage, market, or factory if such vehicles—

“(A) are not more than 25 percent longer or 15 percent heavier than the maximum length and weight, respectively, otherwise permitted for similar property-carrying units;

“(B) are operated not more than 200 days per year; and

“(C) are operated within a range of not more than 90 aeronautical miles.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 8, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 8, 2012, at 10 a.m., to conduct a hearing entitled “Addressing the Housing Crisis in Indian Country: Leveraging Resources and Coordinating Efforts.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “The Key to America’s Global Competitiveness: A Quality Education” on March 8, 2012, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on March 8, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 8, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on March 8, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that David Bonelli, a detailee to the Commerce, Science, and Transportation Committee from the National Highway Traffic Safety Administration, be given floor privileges for the duration of the consideration of S. 1813.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORLD PLUMBING DAY

Mr. REID. Mr. President, I now ask we proceed to S. Res. 393.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 393) designating March 11, 2012, as “World Plumbing Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 393

Whereas the industry of plumbing plays an important role in safeguarding the public health of the people of the United States and the world;

Whereas 884,000,000 people around the world do not have access to safe drinking water;

Whereas 2,600,000,000 people around the world live without adequate sanitation facilities;

Whereas the lack of sanitation is the largest cause of infection in the world;

Whereas in the developing world, 24,000 children under the age of 5 die every day from preventable causes, such as diarrhea contracted from unclean water;

Whereas safe and efficient plumbing helps save money and reduces future water supply costs and infrastructure costs;

Whereas the installation of modern plumbing systems must be accomplished in a spe-

cific, safe manner by trained professionals in order to prevent widespread disease, which can be crippling and deadly to the community;

Whereas the people of the United States rely on plumbing professionals to maintain, repair, and rebuild the aging water infrastructure of the United States;

Whereas Congress and plumbing professionals across the United States and the world are committed to safeguarding public health; and

Whereas the founding organization of World Plumbing Day, the World Plumbing Council, is currently being chaired by GP Russ Chaney, a United States citizen: Now, therefore, be it

Resolved, That the Senate designates March 11, 2012, as “World Plumbing Day”.

ORDERS FOR MONDAY, MARCH 12, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday, March 12, at 2 p.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of S. 1813, the surface transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as I indicated, following morning business the Senate will resume consideration of the surface transportation bill. As previously announced, there will be no rollcall votes on Monday. Senators should expect several votes Tuesday morning, going into the afternoon or evening, to complete action on that bill.

ADJOURNMENT UNTIL MONDAY, MARCH 12, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 5:52 p.m., adjourned until Monday, March 12, 2012, at 2 p.m.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. VISCLOSKY. Mr. Speaker, on March 7, 2012, I was absent from the House and missed rollcall votes 98 through 106.

Had I been present for rollcall 98, on agreeing to the Napolitano amendment to H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act, I would have voted "aye."

Had I been present for rollcall 99, on motion to recommit with instructions H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act, I would have voted "aye."

Had I been present for rollcall 100, on agreeing to H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act, I would have voted "no."

Had I been present for rollcall 101, on ordering the previous question on H. Res. 572, providing for consideration of H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted "no."

Had I been present for rollcall 102, on agreeing to H. Res. 572, providing for consideration of H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted "no."

Had I been present for rollcall 103, on agreeing to the Himes amendment to H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted "aye."

Had I been present for rollcall 104, on agreeing to the Ellison amendment to H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted "aye."

Had I been present for rollcall 105, on agreeing to the Waters amendment to H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted "aye."

Had I been present for rollcall 106, on agreeing to the Connolly amendment to H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, I would have voted "aye."

ESSAY BY RAVENA JACOB

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Ravena Jacob is a junior at Clear Springs High School in Galveston County, Texas. Her essay topic is: In your opinion, what role should government play in our lives?

George Washington once said, "Government is a necessary evil." Even after several decades of debate on whether government should be involved heavily or lightly on people's life, his statement remains true. Since my life is inherently weaved into public and community life, apart from my personal choices, likes and dislikes, all my life is connected to public. Therefore, even when I say it is my opinion, it certainly is influenced by shared values of my family and others of the community. When I think of government I am surprised by the massive efforts by government to keep things going by implementing laws and regulation which influence my life. When I was about 8 years, my dad got a ticket for not stopping at a stop sign as he was hurrying to drop me to day care and trying to be at work on time. I was upset with the officer who issued the ticket. But later it became clearer that the officer may be avoiding a bigger problem. Roads were not paved when automobiles were first invented, and after they were paved, there were no stop signs or traffic lights, and no rules of the road. As vehicles became faster and caused more accidents we had to improve the safety of the vehicles. Changing the roads and the rules could only be done through government. Similarly in times of crisis and disaster, I can see the importance of public service government provide. Thus government's most important role is to protect its citizens. For a business or educational field, we need appropriate control by the government. At the same time the governmental control should not be too much. Its role in my life becomes more optimal when the fine line between big vs. small government is crossed.

Therefore, the role of government in my life can be analyzed in terms of big or small Government that is usually debated by political parties to describe a large public sector. The term Big Government is used by conservatives in relation to government policies that regulate private or personal matters.

Conservatives argue that big government attempts to have federal control on traditionally private institution-based programs. Proponents of small government describe money paid to the government in taxes as money taken away from the private economy. This argument is not true as government spends what it receives. Small-government advocates argue that government can't do anything right. The recent fall of Solyndra, the company that was awarded millions for solar technology expansion, is a good example. Both government and private institutions make mistakes. However, government's mistakes are usually exposed to public and the mistakes of businesses and nonprofits are often unknown.

Government's main weaknesses in deciding what to do are based on the special interests that support election or reelection. In some cases extreme governmental control sometimes question a person's freedom. A good example is governmental influence on dictating what we eat and drink. Yes, it is true that sodas and ice cream undoubtedly leads to obesity and other health issues. However, instead of controlling what we intake, government should create awareness of childhood obesity. In a recent discussion Glenn Beck, argued that the government shouldn't be regulating his Doritos intake or how many miles he can drive. President Obama's response was, "We have also clearly seen the dangers of too little government. Like when a lack of accountability on Wall Street nearly leads to the collapse of our entire economy."

When considering governmental role in my life I would conclude by saying that governmental duplication and control of existing social institutions should be avoided. Government should never forget its preliminary and preeminent role: establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

CELEBRATING THE 175TH ANNIVERSARY OF THE CITY OF MASCOUTAH, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 175th Anniversary of the City of Mascoutah, Illinois.

In the early 19th Century, much of the development in Southwestern Illinois had been concentrated along the Mississippi River which formed its western border. By the 1830's the county seat of Belleville was the easternmost town in St. Clair County. Roads were sparse, with the St. Louis—Shawneetown mail route being the road that provided transit for mail, goods and travelers between the Ohio and Mississippi rivers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1837, a group of German settlers platted the town of Mechanicsburg along the St. Louis—Shawneetown mail route and a post office immediately relocated there. Since postal records indicated there was already a Mechanicsburg, Illinois, the post office and town were renamed, Mascoutah, a name taken from the Mascouten tribe of Native Americans.

The low, swampy terrain of Mascoutah would prove challenging for the early settlers, but a saw mill and flour mill attracted customers among area farmers and a wave of German immigration in the 1850's helped to swell the population. By 1880, Mascoutah was the third largest town in St. Clair County with a population of 2,576.

As the region developed, many changes had an effect on the growth of Mascoutah. In addition to mills and breweries, coal mining brought employment to many in St. Clair County and drew more people looking for work. In 1917, the U.S. War Department leased land near Mascoutah to develop one of the new "flying fields." Scott Field would grow into Scott Air Force Base which would have a tremendous impact on every aspect of life in the Mascoutah community.

From its founding 175 years ago, Mascoutah has experienced considerable growth and has positioned itself to continue that trend. It offers a small-town feel within a major metropolitan area and prides itself on excellent schools and a great quality of life.

It has been an honor to represent the City of Mascoutah for over two decades in the U.S. Congress.

Mr. Speaker, I ask my colleagues to join me in celebrating the 175th Anniversary of the City of Mascoutah, Illinois and to wish them the best for a bright and prosperous future.

**HONORING THE LIFE AND SERVICE
OF LIEUTENANT JAMISON
KAMPMEYER, COLBY VOLUN-
TEER FIRE DEPARTMENT**

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. DUFFY. Mr. Speaker, I rise today to commemorate and honor the life and service of Lieutenant Jamison Kampmeyer, from Colby, Wisconsin, who lost his life on Sunday, March 4, 2012 due to injuries sustained while fighting a fire at the Abbotsford Movie Theater.

Mr. Speaker, Lieutenant Kampmeyer had qualities that many of us strive for all of our lives. He was a dedicated husband, father of three sons, public servant and friend to many. Since 2002, Jamison served his community with honor as a volunteer firefighter and EMT for the City of Colby, eventually rising to the rank of Lieutenant. Jamison began his career with the Marathon County Sheriff's Department in 2004. Throughout his career as a Deputy Sheriff, he served in numerous capacities including Field Training Officer and SWAT team member. It is because of his extreme dedication to duty that he was posthumously promoted to Detective on March 5th, a position which he was due to assume next month.

The selfless sacrifice and exemplary service of Lieutenant Jamison Kampmeyer will not

soon be forgotten. Through his actions, he has made his family, community, state and nation eternally proud. It is my humbling honor to pay tribute to him and I urge my colleagues to join me today in honoring the life of Lieutenant Jamison Kampmeyer for the sacrifice he made for his community and fellow firefighters.

**HONORING THE AMERICAN LEGION
AND RETIRED ARMY CORPORAL
LEONARD SANTANGELO**

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I am honored to rise today in recognition of our nation's veterans. The brave men and women of the United States Army, Marine Corps, Navy, Air Force, Coast Guard, National Guard, and Reserves deserve our support, gratitude and prayers. We owe a great debt to these Americans for their service, for their courage, and for the sacrifice of their families.

I would also like to thank the organizations that support these veterans and their families when they come home. In particular, the American Legion will be celebrating its 93rd birthday this Friday, March 9, 2012. The local American Legion posts in my district, and around the country, play a vital role in bringing our community together. The American Legion supports not only our service members, but also our youth, with programs such as an amateur baseball league, scholarships for college-bound students and more.

One of the American Legion posts within my district, Post #145 in Douglasville, will be honoring a very special veteran this Friday—Pearl Harbor survivor Leonard Santangelo, who is one of only 17 survivors from Georgia. Leonard is a retired Army Corporal, and, at 92, is almost as old as the American Legion itself. He began his military service in 1941, just a few months prior to the attack on Pearl Harbor. Throughout his military career Leonard has received the American Defense Medal with one Bronze Star, the Asiatic-Pacific Service Medal and the Good Conduct Medal. He served his country through the end of World War II and continues even today by sharing his story with his community—adults and school children alike.

It gives me great honor and pleasure to recognize American Legion Post #145 and Ret. Army Corporal Leonard Santangelo for their great service to our nation.

**IN CELEBRATION OF EBBY
HALLIDAY'S 101ST BIRTHDAY**

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to honor my good friend Ebby Halliday Acers as she celebrates her one hundred and first birthday tomorrow. Ebby is a remarkable woman who has made a lifelong impact on the Dallas

Community through her leadership and philanthropic endeavors.

Ebby Halliday Realtors was founded in 1945 by Ebby and her beloved husband, Maurice Acers. Their company began with only fifty-two homes in North Dallas, and has since grown to become one of the largest privately owned residential real estate firms in the country. Ebby is a true entrepreneur that we can all admire. Her savvy business ventures have produced countless jobs, and her success is a true testament to what can be achieved with a positive attitude and hard working spirit. Ebby is a symbol of the American Dream, and through her company she has been able to help countless others achieve their own dreams of home ownership.

Ebby is also celebrated in the Dallas community for generously donating her time and efforts, as well as significant financial support, to numerous philanthropic endeavors. St. Paul Medical Center, United Way of Metropolitan Dallas, and the Communities Foundation of Texas are only three of the many nonprofit organizations and causes that have been personally touched by Ebby's love for her community and dedication to making the City of Dallas a better place.

Mr. Speaker, I ask my colleagues to join me in expressing our heartiest congratulations to Ebby as she celebrates her one hundred and first birthday. May we all strive to match Ebby's passion for improving our communities and her unwavering commitment to success.

**WAR ON WOMEN AND WOMEN'S
HEALTH**

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Ms. LEE of California. Mr. Speaker, I'd like to thank Congressman MIKE QUIGLEY for working to organize Women's Health Wednesday, and also all of my colleagues of the Congressional Pro Choice Caucus, of which I am also a member, for standing up for women's health every single day.

I'm here, once again, to stand against the ongoing War on Women and Women's Health.

And let me just say how unfortunate it is that we continue to have to fight for what is and should be a basic health right and necessity for women. I am sure the American people would much rather have us focusing on ways to create jobs, especially for the long-term unemployed.

Yet here we are again. Defending women's right to access basic health care services. And yes, that includes contraception.

Much of the debate around access to contraception has centered on the so-called conscience clause. The ability of a religiously affiliated business to withhold access to contraception care for women based simply on an abstract moral objection.

An objection, mind you, that not only ignores the conscience or moral beliefs of the women these businesses employ, but completely disregards the real medical needs of these women.

And let me say, as I have before, that as a former devout practicing Catholic I fully understand and respect the Church's doctrine on contraception, even though I disagree with it.

But the health care decisions a woman makes should and must be between her and her doctor. And as I have always said, the government has no place inserting itself between the medical decisions a woman makes with her doctor. Period.

Mr. Speaker, I come to the floor today to recognize and highlight those women who are especially impacted by the attempts of our colleagues on the other side of the aisle, as well as some religious leaders, to restrict access to vital contraception coverage.

Those who often get lost in the debate around this issue. Although I believe that women's health care decisions should not continue to be unfairly politicized.

We know the benefits of birth control for women and their families. We know how planned pregnancy and spacing children improves the quality of life and the outlook for the children and the whole family.

And we know that it also improves the health of the woman.

Often, however, we do not hear from the women for whom birth control may literally mean the difference between life and death.

I'd like to share the story of a woman named Sally who is from my district in California. She is a working mother who could not afford to have more children. After numerous miscarriages, she relied on birth control to allow her body to heal properly before becoming pregnant again. After a couple of years of taking this medication, her body healed sufficiently to allow her to finally have a viable pregnancy.

Another young woman from California has polycystic ovarian syndrome and uses birth control to regulate her hormones.

She was prescribed the medication after her gynecologist had to scrape dozens of precancerous cysts from her uterus. According to her gynecologist, had another 6 months passed, this young woman would have developed full blown cancer.

And another young woman who, after having a very difficult first pregnancy and being diagnosed with a serious heart condition, was told by her doctor that if she were to become pregnant again, it could cost her life and the life of her unborn child. And so she depends, in part, on contraception to not only to preserve her life, but to be there to raise her son.

And these are just a few of the thousands of stories from women across the country who use contraception for many many medical reasons.

Two years after the passage of the Affordable Care Act we are beginning to see true reforms in our health care system that expands access to vital preventative health services.

We must protect these gains, instead of working against them.

It is time to stop this War on Women and Women's Health Care.

IN HONOR OF INTERNATIONAL WOMEN'S DAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. FARR. Mr. Speaker, I rise today to celebrate International Women's Day and the remarkable achievements of women around the world.

I have always used my voice and vote to support foreign policies and assistance to promote equality for women and girls in agriculture, education, the workforce, politics, and beyond. To be sure, the funding is never enough to meet the need. But with minimal resources and relentless grassroots and grassroots advocacy, women the world over are bending the narrative of our times towards gender equality. While this is happening in all corners of the globe, I want to highlight the tremendous gains the women and girls of Latin America have made in recent years.

Not too long ago, women were just 20% of the Latin American labor market. But in the last 50 years, that figure has doubled and today, women are roughly 40% of the region's workforce. These professional gains have a powerful ripple effect, particularly in political participation where women now make up 22% of Latin American legislatures, which surpasses the global average of 18.6%. Clearly, women in Latin America are a force to be reckoned with. And that's a cause to celebrate!

But while these gains are significant, this is no time to sit back on our laurels. There is still much more to be done to sustain this important tide of momentum in Latin America, and also help to propel a similar groundswell in other parts of the world where women still struggle for basic rights and equality. We must continue to fight for policies and programs that promote equal access to opportunity for women and girls. So, today and every day, let us do all that we can to make gender inequality a thing of history and gender equality a reality of the future.

PROTECTING THE HEALTH SUPPLEMENT INDUSTRY FROM BURDENSOME REGULATIONS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. ROSKAM. Mr. Speaker, today I rise to voice my concerns about recent FDA draft guidelines impacting the health supplement industry.

Each year millions of Americans choose to take vitamins and supplements. These supplements are regulated under law and represent just one way consumers can make informed decisions about their healthcare.

In July 2011 the Food and Drug Administration issued guidelines relating to new dietary ingredients or NDIs. These guidelines were aimed at ensuring the safety of ingredients contained in dietary supplements. While the

FDA is responsible for the safety of supplements and the general public, I am concerned this regulation will create unnecessary paperwork and ultimately cost valuable jobs.

The FDA received over 146,000 pages of comments from the public on the guidelines and it is my hope they will take these into serious consideration as they draft a final guidance.

In February 2011 President Obama stated in a speech before the United States Chamber of Commerce that if there are rules and regulations, "... needlessly stifling job creation and economic growth, we will fix them. Already we're dramatically cutting down on the paperwork that saddles businesses with huge administrative costs."

Instead the Administration continues to promulgate burdensome regulations like the New Dietary Ingredient guideline that go beyond the original Congressional intent and will ultimately make it more difficult for companies to operate.

RECOGNIZING THE ACHIEVEMENTS OF MARY JANE (POLLY) TETI

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Mary Jane (Polly) Teti of Chester County, Pennsylvania on her retirement after 30 years of law enforcement service with the Tredyffrin Township Police Department.

Detective Teti began her law enforcement career in 1980 with the City of Coatesville Police Department. In 1982, she was hired by the Tredyffrin Police Department and in 1986 was named Officer of the Year. In 2000, Teti was promoted to Detective and specialized in sex crimes and child abuse cases. She has received numerous unit citations and merit awards for the investigations and arrests she has handled.

Detective Teti served as Defensive Tactics Instructor for the Tredyffrin Police Department in the PR24 Baton, ASP Baton and OC Spray. A trained Crisis Negotiator, she was instrumental in creating a team of negotiators to quell volatile situations through communications. Detective Teti became Team Leader for the Crisis Negotiators North Team for Chester County and served as Vice-President of the Delaware Valley Negotiators Association.

Mr. Speaker, in light of her years of exemplary service to her community and litany of sterling accomplishments, I ask that my colleagues join me today in recognizing Detective Mary Jane (Polly) Teti for her invaluable contributions to the quality of life of the citizens of Tredyffrin Township, Chester County, Pennsylvania.

IN CELEBRATION OF THE 100TH
BIRTHDAY OF MRS. HELEN
MYERS LONG CORDELL

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is my pleasure and honor to extend my sincerest congratulations to Mrs. Helen Myers Long Cordell, a beloved citizen of Albany, Georgia, who will be celebrating her 100th birthday on Sunday, March 18, 2012. On this special and momentous day, she will be honored by her family and friends at a celebration at Sherwood Baptist Church in Albany.

Mrs. Cordell was born on March 18, 1912 in Chipley, Florida to Albert Addison Myers and Meddie Fryer Myers. She spent her early childhood in Chipley but after the sudden passing of her father, the family moved to Albany, Georgia in 1924 before then moving to Rome, Georgia.

Mrs. Cordell is a graduate of Rome High School and she received a bachelor's degree in education from Shorter College.

As an advocate for quality education for all of our Nation's children, Mrs. Cordell served as a teacher in Columbus, Georgia from 1933–1944; at Albany High School in Albany, Georgia from 1946–1959; and at Albany Vocational School from 1959–1968. She was very dedicated to her role of properly instructing young people and helping them to reach their full potential.

As a testimony to her endearing charisma and her devotion to her pupils, the students and faculty of Albany High School dedicated their annual yearbook, *The Thronateeska*, to her in 1955. She also actively participated in various educational associations and was a member of many community organizations including the Albany Garden Club and Gold Star Wives.

During World War II, she married Master Sergeant Wayne C. Long on October 9, 1943. Sadly, Master Sergeant Long was killed while serving his country at the Battle of the Bulge on December 20, 1944.

On October 19, 1968, she married Joel J. Cordell, the longtime Superintendent of Dougherty County Schools. They were happily married for many years before his passing in 1988.

Always active in her church, Mrs. Cordell was a dedicated member of First Baptist Church in Albany for many years. Following her marriage to Mr. Cordell, she became a longtime member of Sherwood Baptist Church, where she sang in the choir and held a leadership role in the activities of the church.

As fate would have it, I had the great pleasure of serving in the U.S. House of Representatives with Mrs. Cordell's nephew, former U.S. Congressman Earl Hutto, who dutifully represented Florida's 1st Congressional District from 1979 until his retirement in 1995.

Mr. Speaker, in closing I ask that my colleagues join me in paying tribute to Mrs. Cordell, a beloved educator and inspiring figure, as she and her loved ones prepare to celebrate her 100th birthday. I commend her for her exceptional work of educating the genera-

tions of young people who have grown into teachers, entrepreneurs, and leaders and helped build a stronger foundation for Georgia and for our Nation.

Happy Birthday Mrs. Cordell! May God continue to bless you and may you have many, many more years of peace and happiness.

**MARGARITO CANO "GUNNY"
VASQUEZ**

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today with a heavy heart to honor Margarito Cano "Gunny" Vasquez. For many years, we have worked side by side to help improve the quality of life for many Veterans and their families around the Houston area. Mr. Vasquez passed away on February 24th and on March 1st, the Houston Chronicle printed his obituary written by Pedro Pinto. In honor of Mr. Vasquez, I would like to submit the text into the CONGRESSIONAL RECORD:

Margarito Cano "Gunny" Vasquez, who worked with programs helping military veterans and their families, has died of liver cancer. He was 77.

Vasquez was a member of countless organizations, including Veterans Incarcerated, which helped imprisoned veterans get their lives in order.

"He helped incarcerated, disabled, and homeless veterans," his son, Monte Vasquez, 33, said. In a 2005 interview with the Chronicle, Vasquez said he wanted his incarcerated brothers to come out and be productive.

"My hope is to die as an honorable Marine, that I tried to do what I could for veterans," he said then. He died on Feb. 24.

Vasquez also worked for Kids with Disabilities First, an organization dedicated to helping veterans' children with Down syndrome.

Vasquez also was instrumental with efforts to rename an East End street after Navy veteran Cesar Chavez and acquire the Houston Veterans Memorial Park, family and friends said.

Vasquez was born on July 20, 1934, in Bastrop. After a couple of years in the Army, he found his niche with the Marines.

"Any Marine was his brother; his loyalty and love was with the Marine Corps," said his son, Monte. "If he could have served his whole life there, he would have."

He got his nickname for having retired as a gunnery sergeant.

"He instilled a lot of Marine in us," said his daughter Margie Vasquez Lopez, 44. "When we were little, he taught us how to starch our clothes Marine style."

The family was proud of his volunteering, she said, but didn't know he'd helped so many people.

"When he passed away, we learned how devoted and recognized he was," she said. "We had people calling us who we didn't even know."

A prayer service will be at 9:30 a.m. Friday in Compean Funeral Home, 2102 Broadway. Burial will follow at Houston National Cemetery.

Survivors include his wife, Consuelo, and six children, Debra Ann, Margie, Michelle, Michael, Martin and Monte.

With great sorrow, I honor Margarito Cano "Gunny" Vasquez for his efforts to improve

not only the lives of Veterans, but their families as well. His efforts to help so many will be greatly missed.

RECOGNIZING THE ACHIEVEMENTS
OF FRANCIS RUSCIO

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Francis Ruscio of Chester County, Pennsylvania on his retirement after 23 years of law enforcement service with the Tredyffrin Township Police Department.

Corporal Ruscio began his law enforcement career in 1979 when, at 20 years old, he was hired as a police officer by the City of Coatesville Police Department. He participated in 3 major drug investigations and raids with county, state and federal agencies in 1981, 1987 and 1988. Corporal Ruscio also served as Acting Detective Sergeant of Coatesville PD from May thru September 1988.

Corporal Ruscio was hired by the Tredyffrin Township Police Department in September 1988 and served in the Department until his retirement in December 2011. He served as Tredyffrin's DARE (Drug Abuse Resistance Education) instructor from 1997–2003, presenting programs to middle school students in Tredyffrin/Easttown School District, Valley Forge Middle School, Woodlynde School and The Crossroads School.

Promoted to the rank of Corporal in 2003, Ruscio lives with his wife Sandy in Coatesville, Pennsylvania.

Mr. Speaker, in light of his years of exemplary service to his community and litany of sterling accomplishments, I ask that my colleagues join me today in recognizing Corporal Francis Ruscio for his invaluable contributions to the quality of life of the citizens of Tredyffrin Township, Chester County, Pennsylvania.

CELEBRATING THE HIBERNIAN SOCIETY OF SAVANNAH, GEORGIA'S
BICENTENNIAL

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. KINGSTON. Mr. Speaker, I rise today to recognize the bicentennial of The Hibernian Society of Savannah, Georgia.

The Hibernian Society of Savannah originated in 1812 as a society of gentlemen to come to the aid of Irish immigrants in the area. One year later they held the first St. Patrick's Day celebration in Savannah at the Independent Presbyterian Church. In 1824, they invited all of the Irishmen of Savannah to join in a parade which would become the first St. Patrick's Day parade in Savannah's history.

Their role in the history of Savannah and its people has developed greatly over the years. They have been addressed in the past by notable speakers such as President Taft in 1912

and President Franklin D. Roosevelt by radio in 1937. President Truman addressed the body in 1952 at their 150th Anniversary Dinner and President Carter addressed their Anniversary Dinner in 1978. Since its inception, these notable figures have recognized the actions and donations of the society for the greater good of the people of Savannah.

The scope of their efforts evolved from just the Irish community to the community of Savannah as a whole. They are very active through The Hibernian Society of Savannah Foundation, Inc. in their charitable contributions to the community. These organizations they support include some local schools as well as the Empty Stocking Fund, the Inner City Night Shelter and the Salvation Army among others.

A rich heritage and strong personal ties to the city and the community have ensured that the The Hibernian Society will continue to play a vital role for those in need in Savannah. What once started as a society of Irishmen helping Irish immigrants in need has transformed into a body whose positive impact can be seen everywhere around the City of Savannah.

I commend The Hibernian Society of Savannah, Georgia for their contributions to the people of Savannah and would like to congratulate them on their bicentennial celebration and their rich and continued history in the area.

HONORING WILLIAM MITCHELL

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. LARSON of Connecticut. Mr. Speaker, the following is a speech given by the former Mayor of South Windsor, John Mitchell, to honor his brother, William Mitchell, for being recognized as a Paul Harris Fellow of the Rotary Foundation. These two brothers are united in their love of public service and a willingness to give back to their community. It has been an honor to know them both. John's tribute to his brother offers only a brief glimpse into his many contributions.

Billy is affectionately known to friends and family as "Big," and we call him this because of his big heart, and for always being a big help to anyone who asks. Congratulations Big, and thank you, John, for the following remarks:

In the words of that great S.W. Rotarian and philosopher Robert J. Ignagni, "This is the main event!" Thank you all for coming and being a part of this great evening to honor my baby brother Billy.

For everything and everyone there is a beginning, and this is the way it unfolds . . .

Billy, was the 5th child of 6, born to Joseph and Katie Mitchell. We had 3 older sisters and my father was ready to jump off the Buckley bridge. He always wanted a son and then he got his wish, 3 more children, all 3 boys.

Now, years ago, think about it, our mom gave birth to six children—all in the house wherever we lived at the time. Two girls born in Pennsylvania, 1 in New Britain, Billy and myself in Manchester and Joey in East Hartford. There really wasn't a need for hos-

pitals during this period in our Nation's health care system, but somehow it worked.

Now, if you have ever been poor, it is quite likely, you will remember it. Believe me, you will remember it!

Growing up in East Hartford on Tolland Street during World War II was an experience for six siblings. Coal was the method that most people used to heat their homes, and our father delivered coal. At our yard there were piles of coal, sometimes as tall as this beautiful restaurant. And for many, many of our young growing years, we would climb those piles of coal and slide and tumble down those huge piles. The neighbors often thought mom had 3 white daughters and 3 black sons, we were the only minorities at the time on Tolland St.

Ice skating was great fun in the winter time, the wooded area across the railroad tracks would contain little locked up areas of frozen ponds that were great for skating all over. Often as our feet grew and the skates didn't we would cut off the front of the skates to accommodate the growth of our feet. Everyone was poor but nobody knew it. Many of you in this room won't remember, except for Kenny Jackson, this is the World War II era, everything is in short supply, gas, soap powder, butter. You name it, it probably was tough to get. Often our family would sit together on the front porch during the air raids at night because Pratt and Whitney was considered a prime target. Wardens would be running up and down the street making sure all lights were out. There were national guard bunkers with guardsmen living in them on the Long Hill Golf Course and on Goodwin Street almost in our back yard, frightening times for kids. And guess what, the Germans do arrive in a sub in Hancock Point, Maine, right where Della lived at the time, and a number of them go walking up Main Street in suits, they were going to infiltrate the area. They are promptly apprehended because they just didn't fit into the local area. Nobody in that part of Maine owned a suit! Talk about not doing your homework!

But we survived it all, and by 1952 the family moved to S.W. where the base of Billy's operations for business is today. Back then it was called North Foster Rd., it was a gravel road and we quickly fit in to our new surroundings by working in the tobacco fields and man were they all over town. After Billy graduated Ellsworth High School, he worked for the family business known as Mitchell Fuel and Trucking and after the coal business died, Billy and Joey started Mitchell Trucking and Mitchell Excavators. Billy became active in town joining the SW Volunteer Fire Dept. and was recently recognized for his service of 50 years and he still to this day, is chairman of the board of fire commissioners. During this period I will never forget 3 incredible fires in town. The Industronic's building on Sullivan Ave., the Pyrofax Propane fire on Rt. #5, and the Fishman Building on Chapel Rd. As the Pyrofax fire was raging, I was standing out in the middle of Rt #5 as huge propane tanks were burning out of control and I saw Billy jump into a piece of heavy equipment and cut a path so the fire trucks could get closer with their suppressants and as the fires burned out of control, one large piece of metal debris landed a short distance from me, I thought how incredibly brave he was, or was he just plain dumb. Needless to say, he survived and this act of bravery did help diminish that huge and dangerous fire more quickly.

Years ago, the trucking business was thriving and Billy actually used to drive a ten-

wheeler, Billy calls me around 6:30 a.m., "Johnny could you get a couple of shovels and meet me at the intersection of Crane Road and Wapping Wood Road in Ellington, I said sure, I'll be right there as soon as I can." Now picture this in your mind, Billy's big 10 wheeler is laying over on it's side, gravel all over and I arrive with two small shovels. If ever there was to be a defining moment in our lives, this was it, I knew it, I absolutely knew that I would forever be mom's favorite. The trucking business was tough enough, but when something like that happens, it did hurt. You'd hire the trucks out for \$45 an hour and it would cost \$47 to run them. But, I attribute his love of the trucking business was due to the fact that he never had any toys to play with.

Now I'm going to fast forward to 20 years ago, because I know the attention span of the average S.W. Rotarian is less than 10 minutes. And there is already a fair amount of money that has been bet on the over and under, 10 minutes.

Billy started Environmental Services, they now employ over 55 people and have approximately 100 different pieces of specialized equipment. The office often is in a constant state of confusion and activity, Billy's computer screen clearly shows where he has left off on the game of solitaire. A quick look around reveals all the latest types of health foods imaginable (and boy if that isn't an understatement). Visitors coming and going, and so when I go there and bring him a coffee, it's so easy to understand why I forgot what I went there for in the first place. But, I'll tell you this, Billy loves oil companies, just loves us passionately. You see we deliver oil products for \$3-\$4 per gallon and God help you if you spill it, he will clean it up for \$100 per gallon!

Throughout his many years, Billy has had a unique way of handling pressure, and I really admired this talent. Picture this, "courtroom scene" Billy is the co-defendant in a suit brought against him. He is represented by the Big East Hartford law firm, Leone, Throwe, Teller and Nagle. In the midst of the proceedings, Judge George Ripley smacks his gavel down and says Attorney Throwe approach the bench, so Jim approaches the bench and Judge Ripley says if you don't wake your client up I'll hold you both in contempt. Can't you see we have students present observing these proceedings. That's about as relaxed as you can get!

Not long ago Billy was honored by the S.W. Volunteer Fire Department for his many years of service and recently he was selected to be the Town Marshall representing the Town of S.W. for the St. Patrick's Day parade. This is despite the fact that I think he is actually Polish. Oh well!!!

Additionally his recent awards and citations include one from Governor Dan Malloy, Secretary of State, Denise Merrill, the General Assembly, Lt. Governor Nancy Wyman, Mayor John Pelkey and the S.W. Town Council, Atty. General George Jepson and State Comptroller Kevin Lembo. (I think he's trying to snag his signature stamp). After all this prominence, I decided to stop by the office and ask him if he was dying. Billy says "No, why how do I look?" I said well maybe you might want to lose a pound or two and don't roll up your tee-shirt so high—but we are who we are.

Over the many, many years, Billy has always supported Rotary's fund raising efforts by either donating items for the auction or the purchasing of countless car raffle tickets, which was started by Andy Charboneau, and Rotary's many other worthy causes.

Billy's never been a Rotarian although he's been asked many, many times. He never held a public office, he never excelled in sports and when we played baseball in the lot next to our home in East Hartford and things didn't go well for our youngest sister, the game was over because it was her bat and her ball. Billy exhibits the kind of quality that you would like to see in everyone, a compassion for his fellow man and a willingness to help whenever and however he possibly can. He exhibits to the highest degree, the first rule of Rotary's motto, "Service Above Self". Billy's life style reflects the work ethic of a seemingly distant era, except for maybe his favor nephew Davids. Billy is asleep by 8 p.m., awake by 4 a.m. and on his way to the 7-11 on Ellington Rd., where he may be asleep in the parking lot, stocking shelves or making coffee for the attendant. It was on one such early Sunday morning on his way there that he noticed a raging garage fire starting to lick the side of a home. A mother with her 3 children lie asleep inside and he pounded on the door and was able wake them and call the Fire Department to respond. It is quite likely that he saved their lives.

When that final book is written, I believe it will not be the measure of one's achievements or wealth but what that person has done with his or her life to help make this a better and caring world.

Fellow Rotarian's and guests, I submit to you the nominee for Rotary's highest award, the Paul Harris Award to Billy F. Mitchell.

MULTIPLE SCLEROSIS SOCIETY MS150 BIKE RIDE FROM HOUSTON TO AUSTIN 2012

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to discuss Multiple Sclerosis (MS) and to support the Multiple Sclerosis MS150 Bike Ride from Houston to Austin occurring this weekend. The National Multiple Sclerosis Society has sponsored this and many other events over the course of last 32 years.

Multiple Sclerosis (MS), itself, is an unpredictable disease of the central nervous system which disrupts communication between the brain and other parts of the body.

Sadly, there is no known cure for multiple sclerosis at this time. However, there are therapies that may slow the disease. The goal of treatment is to control symptoms and help you maintain a normal quality of life. Most people experience their first symptoms of MS between the ages of 20 and 40; the initial symptom of MS is often blurred or double vision, red-green color distortion, or even blindness in one eye.

Multiple sclerosis (MS) affects women more than men. 75% of the people diagnosed with MS are female. The disease is most commonly diagnosed between ages 20 and 40, but can be seen at any age.

I would personally like to thank the National Multiple Sclerosis Society for spreading awareness about MS and for organizing the National Multiple Sclerosis Society's 2012 X Event/ Bike Ride from Houston to Austin.

In additions, I would like to thank all the participants who are biking and supporting those

who are participating in this meaningful bike riding.

Their efforts have raised funds and hopes not only in support of researching a cure for Multiple Sclerosis, but also providing programs for people affected by the disease to address their daily challenges.

Multiple Sclerosis is known to be one of the most debilitating chronic diseases. It is a terrible affliction that interrupts the flow of information from the brain to the body. Every single day, over 400,000 people battling with the physical, mental and emotional challenges of this disease.

It is an unpredictable disease that affects each person differently. Symptoms can be mild, such as some numbness in the limbs. Or, they can be severe, such as paralysis or loss of vision. The progress, severity, and specific symptoms of MS are erratic and vary from one person to another.

Thanks to organizations like the National Multiple Sclerosis Society, however, today new treatments and advances in research are giving new hope to people affected by the disease.

BIKE MS150 OVERVIEW

Beginning in 1980, Bike MS150 has grown to be the largest organized charity bicycling event in the US, inspiring over 100,000 volunteers to participate every year. For the last 6 years my office has volunteered to participate in the MS150. Together, we have raised more than \$600 million for this noble cause.

I also know there are other Multiple Sclerosis events, such as MS walks and golf tournaments through which people raised the public awareness and delivered their love, support and care to the members of the MS community.

THE STORY OF NICOLE

I would like to share with you the story of Ms. Nicole. Diagnosed with MS in 2000 while attending nursing school, Nicole didn't give up her dream, persevered, and finished her degree. Sadly, the development of the MS forced her to give up her nursing career in 2009. But the disease never stopped her from pursuing a full and beautiful life.

Nicole started a personal blog and re-adapted to all the physical difficulties in her life. I would like to take this moment to share with you a sentence from her blog, "emotionally I'm stronger, more resilient and tenacious than ever. Looking forward, my new normal is uncertain. In my heart I feel it is going to get better."

It is going to get better because Nicole has a determination to battle the disease; because everyone of us here today are dedicated to offer our support; because together we believe we can make a difference to people and their families living with the diseases.

Again, I am honored to be part of this event, and applaud all of those involved in the effort to free people from MS.

KEY POINTS

I. The Disease.

Multiple Sclerosis (MS) is caused by damage to the myelin sheath, the protective covering that surrounds nerve cells. When this nerve covering is damaged, nerve signals slow down or stop. The nerve damage is caused by inflammation. Inflammation occurs

when the body's own immune cells attack the nervous system. This can occur along any area of the brain, optic nerve, and spinal cord. It is unknown what exactly causes this to happen.

Multiple sclerosis (MS) affects women more than men. 75% of the people diagnosed with MS are female. The disease is most commonly diagnosed between ages 20 and 40, but can be seen at any age.

Those living with MS experience muscle weakness in their extremities and difficulty with coordination and balance. These symptoms may be severe enough to impair walking or even standing.

In the worst cases, MS can produce partial or complete paralysis. Most people with MS also exhibit paresthesias, transitory abnormal sensory feelings such as numbness, prickling, or "pins and needles" sensations. Some may also experience pain. Speech impediments, tremors, and dizziness are other frequent complaints. Occasionally, people with MS have hearing loss.

Approximately half of all people with MS experience cognitive impairments such as difficulties with concentration, attention, memory, and poor judgment, but such symptoms are usually mild and are frequently overlooked. Depression is another common feature of MS.

THE MS150 BIKE RIDE

The purpose of the ride is to raise money for multiple sclerosis research and other services supported by the National MS Society. The ride typically takes place over the course of two days and are generally around 150 miles long, though they can be as short as 3 miles (for a family fun ride) or as long as 250 over five days.

Bike MS events aim to pull the whole community together by gathering support from local businesses, elected officials, residents and people living with MS. In 2008 the Society created a special Web site so riders can select a ride based on dates, length, location or difficulty.

Donations raised through Bike MS directly help people affected by multiple sclerosis through support programs and cutting-edge research. The Upper Midwest Chapter serves more than 17,000 people living with the disease and Bike MS makes a difference to each one.

HONORING REVEREND MAURICE MOYER

HON. JOHN C. CARNEY, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. CARNEY. Mr. Speaker, I rise today to remember the Reverend Maurice Moyer who died Tuesday at age 93. Rev. Moyer was one of Delaware's most prominent civil rights leaders. As president of the Wilmington Branch of the NAACP from 1960 and 1964, Rev. Moyer led the fight for open public accommodations and fair housing.

He was part of the 1963 March on Washington and participated in the voting rights march from Selma to Montgomery in 1965.

Rev. Moyer fought tirelessly for equal rights for all and was an inspiration for everyone

who knew him. He did so much to make Delaware and our country a better place for all of us.

Rev. Moyer was one of Delaware's most respected and beloved citizens. It was a privilege for me to know him personally and to join his family and friends for his 90th birthday party where we celebrated his incredible life and legacy.

I will always remember Rev. Moyer's broad smile, his strong voice and his kind heart.

My thoughts and prayers go out to his family and friends.

**PAYING TRIBUTE TO COLONEL
JERRELL J. COCKRELL'S 30
YEARS OF UNIFORMED SERVICE
TO OUR NATION**

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise today to pay tribute to Colonel Jerrell J. Cockrell for his extraordinary dedication to duty and service to the United States of America. Colonel Cockrell will retire from the United States Army Reserve while on Active Duty in March 2012 after serving his country with integrity, dedication and visionary leadership for over 30 years. Over his illustrious career, Colonel Cockrell has held various positions within the military medical community from Medical Platoon Leader to United States Army Reserve Army Medical Department Outsourcing Contracting Officer to Medical Observer/Trainer to Medical Training Brigade Commander, and culminating as the Chief of Staff for Army Reserve Medical Command.

While his accomplishments are numerous, these deserve special notice. Shortly after the events of September 11, 2001 he was named as the Senior Medical Coordinator of the Crisis Operations Team at Joint Forces Command. Colonel Cockrell was instrumental in ensuring the Office of Command Surgeon accomplished all assigned missions during this time of high fear and uncertainty within our Nation. In 2005, Colonel Cockrell was named Director of Army Medical Department Region at Human Resources Command where his team professionally supported over 40,000 Reserve Medical Soldiers including the management of over two-hundred, ninety day rotator health care professionals ensuring a continuum of Reserve physicians deployed in support of Homeland Security and the Global War on Terror. In 2007, Colonel Cockrell became the Deputy Commander and Chief of Staff of Human Resources Command in St. Louis where he ensured the success of the first ever assembly/muster of over 8,000 Inactive Ready Reserve Soldiers. The successful muster validated the efficacy of our strategic reserve and brought much needed relief to our Army at war. As Chief of Staff for Army Reserve Medical Command, Colonel Cockrell successfully managed the day to day operations of over 10,000 Reserve Soldiers with 15% to 20% being mobilized or deployed at any given time. His years of leadership and mentoring were formally recognized in 2011 when Major Gen-

eral David Rubenstein, Chief of the United States Army Medical Service Corps, selected him as the (United States Army Reserve) Medical Service Corps, Mentor of the Year.

Colonel Cockrell's exemplary leadership and selfless devotion to duty has touched fully two generations of Soldiers, Department of the Army Civilians, and their Families. His integrity and credibility are unsurpassed, and his expertise is unquestioned. Colonel Cockrell's 30 years of service to our Army and the Nation can only be characterized as honorable and distinguished.

Mr. Speaker, on behalf of a grateful nation, I join my colleagues today in saying thank you to Colonel Jarrell J. Cockrell for his extraordinary dedication to duty and service to his country throughout his distinguished career in the United States Army Reserve and we wish him, his wife Janice, his daughter Melissa, and son Aaron, all the best in his well-deserved retirement.

**A TRIBUTE TO PAUL C.
SCHLENKER**

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Paul Schlenker of Indianola for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the years.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Paul's service project included researching, designing and installing historical signs at each end of the Summerset Bike Trail in Warren County, which stretches from Carlisle to Indianola. Paul's signs recount the history of the railroad that formerly occupied the trail. The work ethic Paul has shown in this project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication, and perseverance. I am honored to represent Paul and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career.

DR. VICTOR F. GRECO

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor Dr. Victor F. Greco, who will receive the prestigious 2012 Marconi Science Award presented by UNICO National. Dr. Greco is a fellow native of Hazleton, Pennsylvania, and a 1941 graduate of my alma mater, Hazleton High School. UNICO National, the largest Italian-American service organization in the United States, presents the Marconi Science Award to a U.S. citizen of Italian descent involved in the physical sciences who exemplifies Marconi's vast scientific and creative accomplishments through their own life's achievements.

The University of Scranton accepted Dr. Greco to college early because of his outstanding academic record. He graduated magna cum laude in 1947. He has the honor of being the only graduate of a Jesuit university to finish eight semesters of education in six semesters. After graduating, he continued his education at Jefferson Medical College and earned his degree as a medical doctor. During his time at Jefferson Medical, he was one of six students inducted to the Alpha Omega Alpha Honor Medical Society. Dr. Greco completed his internship at the Philadelphia General Hospital in 1951-1952, and was a research fellow at Jefferson Medical College from 1952-1953. Two years later, he completed his fellowship in cancer surgical research while serving as chief surgical resident.

Dr. Greco trained as a general and thoracic surgeon. He played a crucial role in the development of the heart-lung machine that allowed surgeons to operate on the heart, specifically allowing surgeons to open the heart and replace damaged valves. While the machine keeps the patient's heart and lungs functioning, the surgeon is able to surgically correct defects that were previously impossible. This notable achievement allows for the correction of a multitude of congenital vascular defects.

The UNICO chapter in my hometown of Hazleton is proud of Dr. Greco's achievements and his nomination for the Marconi Science Award. Overall, his membership and involvement in UNICO has helped promote and enhance the image of Italian-Americans, and he encourages other members to serve our community.

Mr. Speaker, today, Dr. Victor F. Greco stands as an icon in the Hazleton, Pennsylvania, UNICO chapter. I join my fellow Italian-Americans in congratulating Dr. Greco for receiving the Marconi Science Award. I commend him for his years of dedicated service to his patients, community, and country.

IN MEMORY OF WILLIAM DAVIS
SNIDER

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize the life and career of William Davis Snider, who eloquently chronicled the struggle for civil rights in North Carolina as a newsman while quietly helping to usher in a new era of race relations in his beloved home state.

A native of Salisbury and a graduate of the University of North Carolina at Chapel Hill, he served as a Lieutenant with the U.S. Army Signal Corps in the India-Burma Theater in World War Two. Returning home, he served as private secretary to Gov. R. Gregg Cherry and later as administrative assistant to Gov. W. Kerr Scott.

Bill Snider's experience in war and politics steeled him for the social upheaval of the mid-1960's, when he was associate editor and opinion writer for the Greensboro Daily News. His columns and editorials from that tumultuous era established him as a leading voice of white moderation. Simultaneously, he worked behind the scenes with civic, religious, and business leaders to prevent racial tensions from exploding into violence.

While his colleagues respected his clear and principled arguments for restraint, he was not without his critics and his work resulted in a burning cross on his lawn and broken windows on his family home. One of his eulogists remarked that Bill probably appreciated that someone was actually reading his columns, though he would have preferred they express their disapproval with a letter to the editor instead.

Later rising to Editor of the Greensboro News-Record, Bill's forthright, yet measured and helpful criticism influenced a new generation of journalists who later came to national prominence. His service as president of the National Conference of Editorial Writers and on the Pulitzer Prize Jury further attests to his stature in his profession.

He also wrote two books: *Helms & Hunt, The North Carolina Senate Race* published in 1984 and a history of his Alma Mater: *Light on the Hill, a History of the University of North Carolina at Chapel Hill* published in 1992. Jim Exum, the former chief justice of the N.C. Supreme Court, who is from Greensboro said: "Bill was a very deep and careful thinker and a clear writer and a gentle giant in his field."

He was also a devoted family man who celebrated 63 marriage anniversaries with his beloved wife, Florence. Bill and Flo were blessed with four accomplished and loving daughters, one of whom is a valued member of my staff and a dear friend. Their golden years together were enriched with the gift of 12 grandchildren and six great-grandchildren.

Those who had the good fortune to know Bill Snider personally say he epitomized the ideal of the Southern gentleman. Throughout his long life, he retained a twinkling sense of humor and a love of learning, especially about the history, politics, and natural beauty of North Carolina.

Mr. Speaker, we are all fortunate that in a time of uncertainty and ugliness in America's history, Bill Snider and other progressive Southerners persuaded their neighbors to abandon the prejudices of the past and embrace the spirit of our founding declaration that All Men are Created Equal. His life and work stands as an enduring testament to the difference one person can make in the lives of others, and of our great nation.

**HONORING HOMER GEORGE AND
NATIONAL POISON PREVENTION
WEEK**

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mrs. EMERSON. Mr. Speaker, I rise today in honor of Mr. Homer George and National Poison Prevention Week, observed March 18 through 24, 2012. Mr. George was instrumental in the establishment of National Poison Prevention Week, and this year marks its 50th anniversary.

After treating many cases of accidental poisoning, Mr. George, a St. Louis College of Pharmacy graduate and Cape Girardeau pharmacist, realized that the most effective way to treat poisonings was by prevention. Mr. George brought this issue to the mayor of Cape Girardeau in hopes of establishing a poison prevention week. Cape Girardeau Mayor Walter Ford proclaimed October 12 through 18, 1958, as the first Poison Prevention Week. He cited the total number of poisonings as almost 1,000,000 annually, mostly due to careless handling and storage of common household items, including lye, pharmaceuticals, insect poisons, coal oil, and cosmetics.

Missouri Governor James T. Blair immediately expanded the declaration to a statewide Poison Prevention Week. Mr. George followed up on this success by enlisting Congressman Paul Jones to introduce legislation establishing a national Poison Prevention Week. A joint resolution was introduced in Congress on February 1, 1960, and President John F. Kennedy signed the bill into law on September 26, 1961. Congressman Jones presented the signing pen to Homer George in recognition of his public service in preventing childhood poisonings and the creation of National Poison Prevention Week.

Today, more than two million poisonings are reported each year to the 57 poison control centers across the country. More than 90 percent of these poisonings occur in the home. Pharmacists and pharmacy organizations are active participants in efforts to prevent accidental poisonings thanks to the difference one pharmacist made. There is no better time to remind the citizens of our country about the selfless service of Homer George, and I am honored to represent him and all of Missouri's Eighth Congressional District in Congress.

IN HONOR OF MRS. JO AVIS NEAL
FREEMAN

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a woman of extraordinary class and remarkable grace, Mrs. Jo Avis Neal Freeman. Sadly, Mrs. Freeman passed away on March 2, 2012. Her passing leaves a tremendous void in the hearts of her family, friends and the Albany, Georgia community.

On Monday, March 12, 2012, a gathering of family members, friends, and colleagues will pay their respects to Mrs. Freeman at a memorial service that will be held on the campus of Albany State University.

Mrs. Freeman was born on July 21, 1953 in Washington, D.C. She earned a Bachelor's degree in Sociology from Hampton University and a Master's degree in Social Work from the University of Michigan. Following her graduation, she worked as an administrator, manager and psychotherapist in the Detroit, Michigan metropolitan area for more than 25 years.

The community of Albany, Georgia and the Albany State University Family gained a gem when she married Albany State University President, Dr. Everette J. Freeman in 2006 and moved to Albany. While in Albany, she continued her life's work by serving as a Clinical Supervisor for the Albany Community Service Board and more recently at Phoebe Putney Memorial Hospital.

During her stint in Albany, Mrs. Freeman became actively involved in many local service and civic organizations. Former Congresswoman Shirley Chisholm once said that, "Service is the rent that we pay for the space that we occupy here on this earth." Throughout her life, Jo paid her rent and she paid it well.

In her role as Albany State University's First Lady, she was very supportive of the student body and always represented the university with the highest level of class and grace. The student body truly believed that "she was one of them" because she connected with them in a very personal way.

Mr. Speaker, one of the things that I will always remember about Jo is her welcoming demeanor and charisma. She loved people and she never met a stranger. Her favorite song was: "I Hope You Dance." This is truly a fitting song that represents the joyful spirit and dedicated resilience with which Jo lived her life and how we should all live ours.

George Washington Carver once said, "How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these." Jo went far in life because she treated people the right way—with dignity, honor and respect. We are all blessed to have had her touch our lives and the world is better because she passed this way.

Mr. Speaker, my wife Vivian and I, along with the almost 700,000 people in the 2nd Congressional District of Georgia, would like

to extend our deepest sympathies to Dr. Freeman, Jo's daughters, grandsons and other family members during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

MAJOR RICHARD RUSNOK

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor United States Marine Corps Major Richard Rusnok, who has been named the Marine Corps Test Pilot of the Year by the Marine Corps Aviation Association (MCAA) John Glenn Squadron. Major Rusnok, a native of Jenkins Township, Pennsylvania, dreamed of becoming a pilot when he was younger. A graduate of Pittston Area High School, he was the second test pilot to perform a vertical landing on the flight deck of the USS *Wasp*. Currently, Major Rusnok is with the F-35 Integrated Test Force at Naval Air Station Patuxent River in Maryland.

Major Rusnok was selected test pilot of the year for his role in the successful embarkation and deployment of more than 250 people and 140,000 pounds of supplies and equipment with two F-35B test aircraft on USS *Wasp*'s flight deck. Major Rusnok was the focal point for an extremely complex event, and the amount of thought and planning he demonstrated was commended by Navy Captain Erik Etz, military director of test and evaluation for F-35 naval variants.

Major Rusnok has shown his dedication to the U.S. Marine Corps in countless ways. He played a major role in making naval aviation history in the Joint Strike Fighter program, and he flew a number of combat missions in the Iraq War. In 2003, he participated in the initial invasion of Iraq and flew numerous missions over a seven-month period.

This year, he will transition to Edwards Air Force Base, California, where operational testing on the F-35B will begin. As Test Pilot of the Year, he will be considered for the National Commandant of the Marine Corps' Award for Acquisition Excellence, which will be announced in May.

Mr. Speaker, today, Major Richard Rusnok stands as a pillar in the U.S. Marine Corps. I commend him for his years of dedicated service to the Marines, the community, and the country.

IN RECOGNITION OF THE 60TH ANNIVERSARY OF THE UNIVERSITY OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the University of Guam for their 60 years of providing post-secondary education to the island of Guam. UOG was estab-

lished in June 1952 and has evolved into a highly recognized institution of higher education in the Western Pacific region, and is the only fully accredited, four-year university on Guam.

UOG is one of the premiere institutions for higher learning in the Western Pacific. Under the leadership of UOG President and former Guam Delegate to Congress, Dr. Robert A. Underwood, UOG has continued to prepare students for their professional careers and carry on their mission "to enlighten, to discover, and to serve."

UOG's humble beginnings started in the village of Mongmong as the Territorial College of Guam, a two-year teacher training school under the authority of the Guam Department of Education, with an enrollment of about 200 students. In 1960, the then-Territorial College moved to UOG's present location in Mangilao and continued to expand the academic programs for its students. In 1963, the Territorial College was granted its first accreditation as a four-year degree institution and by 1967, it had implemented three new undergraduate schools. On August 12, 1968, the Territorial College was renamed the "University of Guam" by the Guam Legislature.

In October of 1979, UOG established its Army Reserve Officers' Training Corps program to prepare future leaders in our nation's armed forces. Since then, UOG's ROTC program has become one of the most respected ROTC programs in the United States and was recognized by the Department of the Army as the Top U.S. Army ROTC program in 2002.

Over the years, UOG has continued to expand its academic programs and now includes a College of Liberal Arts and Social Sciences, College of Natural and Applied Sciences, School of Business and Public Administration, School of Education, and a School of Nursing & Health Sciences. UOG is home to the Water and Environmental Research Institute of the Western Pacific (WERI), which has a long-standing history of providing high quality research that addresses the unique challenges facing Guam's water resources. WERI's expertise and research have proved invaluable in studying aquifer sustainability and the military build-up.

UOG has also recently begun efforts to expand its educational services by establishing a School of Engineering. This expansion will bring greater opportunities for students in Guam, and throughout the Micronesia region, to study the engineering field. Further, UOG has endeavored on a \$60 million capital improvement campaign, which includes three new buildings on campus, including a Student Services Center, Triton Engagement Center, and a new Fine Arts Building. Further, under Dr. Underwood's leadership, UOG has also established the Center for Island Sustainability. The Center will create an Islands-based model of renewable, sustainable and appropriate technologies focusing on indigenous energy alternatives and replicable research to meet the needs of island communities. The Center is playing a critical role in developing studies that will help inform decision-makers about the impacts of the military build-up on Guam and reasonable mitigations.

I congratulate the University of Guam on their 60th anniversary, and I commend them

for their years of providing higher education opportunities to the people of Guam and the Western Pacific region. I also commend the UOG Board of Regents, UOG President Dr. Robert Underwood, and all administrators, faculty, and staff, for their commitment to the mission of the University. I look forward to the continued growth and expansion of UOG for many years to come.

RECOGNIZING STACIE SMITH AS THE 2012 OKALOOSA COUNTY, FLORIDA SCHOOL DISTRICT'S EMPLOYEE OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Ms. Stacie Smith as the 2012 Okaloosa County, Florida School District's Employee of the Year. I am honored to recognize her achievements and her dedication to the students and faculty of Northwest Florida.

While serving the Okaloosa County School District, Ms. Smith has worked in myriad capacities. Her career began as a secretary, and through her exemplary work ethic and business acumen she was immediately delegated additional responsibilities, such as handling clerical duties, open enrollment, and retiree benefits. Currently, Ms. Smith serves in the integral role of Insurance Ombudsman for the Okaloosa County School District, where she advocates, assists, and provides active and retired employees solutions to their claims. Never one to remain stagnant or settle for mediocrity, Ms. Smith continuously accepts new challenges. This characteristic, coupled with her superior demeanor, professionalism, and dedication, is responsible for her promotions through the ranks and the award she is receiving.

Teachers, administrators, and supporting faculty play a vital role in guiding and encouraging the positive growth of America's youth, and they deserve our utmost gratitude and appreciation. Therefore, Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Ms. Stacie Smith as the 2012 Okaloosa County School District Employee of the Year. Her passion for the students and faculty is laudable and her dedication to the education profession is exemplary. My wife Vicki joins me in congratulating Ms. Smith, and we wish her all the best for continued success.

NATIONAL MEDIA'S BIASED COVERAGE OF RISING GAS PRICES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. SMITH of Texas. Mr. Speaker, a recent study by the Business and Media Institute found that news coverage of rising gas prices are four times less likely during the Obama

administration than the previous Bush administration.

The study found that news sources—such as ABC, CBS, and NBC—only covered the rising prices 21 times during the Obama administration compared to 97 times under the Bush administration.

The quantity of coverage was not the only difference. The tone of the coverage was different as well. Under the Bush administration, gas prices were “skyrocketing” as people’s “wallets were running on empty.” Now, “gas prices creep up.”

The national media owe it to Americans to provide the facts and let the people make their own decisions. Democracy is threatened when the national media report in a biased manner.

“SHARE YOUR BREAKFAST”
CAMPAIGN

HON. TIM WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. WALBERG. Mr. Speaker, what did you have for breakfast today?

We all know that a great breakfast can lead to a great day.

That’s why it is so important that our children receive a healthy, nutritious breakfast to prepare them for a productive school day.

It is hard to believe that today, one in five children live in a home where food is not always available and don’t have access to this important meal.

This week is National Breakfast Week—a time for Americans to join together to give more children the opportunity to start their day with the nourishment they need to reach their potential.

To celebrate National Breakfast Week, I am participating in the “Share Your Breakfast” campaign—an initiative by Kellogg’s and Action for Healthy Kids to help ensure more children have access to breakfast.

The “Share Your Breakfast” campaign seeks to provide one million breakfasts to kids by increasing participation in school breakfast programs across the country.

Now in its second year, the program has assisted nearly 100 schools in 26 states—including 7 in my congressional district—and is setting its sights much higher for the future.

I salute the “Share Your Breakfast” campaign as one of the many initiatives now underway to address the issue of childhood hunger in America.

Through the power of breakfast, we can make a difference in the lives of children in need.

HARRY C. MCPHERSON JR.

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor Harry C. McPherson, Jr., a fellow Texan. For many years, he worked for

President Lyndon B. Johnson while he was in the White House and previously on his Senate staff. Mr. McPherson passed away on February 15th and The New York Times printed his obituary, written by Robert D. McFadden. In honor of Mr. McPherson, I would like to submit the text into the CONGRESSIONAL RECORD:

Harry C. McPherson, Jr., an influential White House counsel and speechwriter for President Lyndon B. Johnson from 1965 to 1969 and the author of a classic insider’s memoir on Washington-style politics, died on Thursday in Bethesda, MD. He was 82.

His death was from complications of cancer, his wife, Mary Patricia McPherson, said. A liberal from Texas who read literature and history for pleasure, Mr. McPherson went to Washington in 1956 “to do good,” by his own account, a naive, idealistic young lawyer who, like many Americans, thought political integrity meant making decisions based on sound principles and standing up for your convictions.

Then he went to work for Lyndon Johnson. Thirteen years later—after a realpolitik education as Johnson’s aide in the Senate, as a Pentagon and State Department official and as a presidential confidant and wordsmith—he looked back on the battles for civil rights, the crises of American cities and the corrosive war in Vietnam with a keener appreciation for the arts of horse-trading and compromise, and for Johnson’s Machiavellian ways of getting things done.

Mr. McPherson helped draft bills that became the Civil Rights Act of 1957. Later, with Joseph A. Califano, the president’s special assistant for domestic affairs, he helped shape Johnson’s Great Society programs, the most sweeping social legislation since the Roosevelt era, including antipoverty and equal opportunity laws covering employment and housing, Medicare, Head Start and scores of other innovations.

For years, he supported the military policies in Vietnam, but by 1968, Mr. McPherson had come to believe that the war was unwinnable. And as antiwar demonstrations swept the country, he and Defense Secretary Clark M. Clifford helped persuade the president to scale back the bombing of North Vietnam.

It was Mr. McPherson who drafted Johnson’s landmark address to the nation that spring, announcing the cutbacks of United States bombing, although the stunning conclusion of that speech—disclosing the president’s decision not to seek re-election that fall—was drafted by another Johnson aide, Horace Busby.

After leaving the White House in early 1969, Mr. McPherson became a partner in Verner, Liipfert & Bernhard, a prominent Washington law firm and one of the capital’s most successful at lobbying. His clients included businesses, foreign governments and nonprofit organizations.

Among other cases, Mr. McPherson helped to negotiate the 1998 master settlement in which major tobacco companies and 46 states agreed on advertising limitations, partial immunity from lawsuits and payments of hundreds of billions of dollars to the states to cover the costs of treating smoking-related illnesses.

Mr. McPherson also served on presidential commissions, including the 1979 panel named by Jimmy Carter to investigate the nuclear accident at Three Mile Island in Pennsylvania, and another named by Bill Clinton to recommend the closing of military installations to streamline the Defense Department.

Mr. McPherson wrote numerous articles on foreign and domestic policies for The New York Times, The Washington Post and other publications.

His memoir, “A Political Education” (1972), was well received and has become a perennial favorite of students of Washington’s crafty, duplicitous political merry-go-round and of Johnson’s years in the Senate and the White House.

Reviewing it for The Times, Anatole Broyard called it “a lesson not only for Harry McPherson, but also for most of us,” adding: “To put it bluntly, few Americans have a realistic idea of how our government works. We have instead a series of naive assumptions. If the message of this book were common knowledge, much of the sound and fury that currently caricatures our politics and our national image could be averted.”

Harry Cummings McPherson Jr. was born on Aug. 22, 1929, in Tyler, Tex., the son of Harry and Nan Hight McPherson. He attended Southern Methodist University and graduated from the University of the South in 1949. He intended to be a writer and poet and enrolled in a graduate program in literature at Columbia in 1949. But when the Korean War broke out in 1950, he enlisted in the Air Force and served as an intelligence officer in Germany, assessing Soviet troop deployments.

His first marriage, to Clayton Read in 1952, ended in divorce. He married Mary Patricia DeGroot in 1981. Besides his wife, he is survived by two children from his first marriage, Coco and Peter, and a son from his second marriage, Samuel.

He earned a law degree in 1956 at the University of Texas. At the urging of a cousin who worked for Johnson, who was then a senator, Mr. McPherson went to Washington and was hired by the Democratic Policy Committee, which fashioned the legislative agenda for Senate Democrats. Johnson, the majority leader, was its chairman. Over the next seven years, Mr. McPherson rose to general counsel of the committee, serving under Senator Mike Mansfield of Montana after Johnson became vice president in 1961.

He was appointed deputy under secretary of the Army for international affairs in 1963 and assistant secretary of state for educational and cultural affairs in 1964. Nearly two years after the assassination of President John F. Kennedy, Mr. McPherson joined President Johnson’s White House staff in 1965, and over the next four years, he became one of Johnson’s most trusted advisers.

In 1966 he helped organize a White House conference on civil rights, a gathering that included the Rev. Dr. Martin Luther King Jr.; Thurgood Marshall, who was then the solicitor general but would become America’s first black Supreme Court justice a year later; and representatives of almost every major civil rights group in the country.

Mr. McPherson also became Johnson’s chief speechwriter, shaping all of the president’s major addresses from 1966 to 1969.

In 2008, he was honored with a lifetime achievement award by American Lawyer magazine.

It is with great respect, I honor Harry C. McPherson, Jr. for his service to the country under President Lyndon B. Johnson and his many wonderful accomplishments upon his death.

RECOGNIZING THE ACHIEVEMENTS
OF THE FORT WALTON BEACH,
FLORIDA HIGH SCHOOL CHEER-
LEADERS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Fort Walton Beach High School Cheerleaders on their achievements as Class 2A FHSAA Competitive Cheerleading State Champions and most recently as Universal Cheerleaders Association's National Cheerleading Champions.

No single component by itself renders a champion, but rather to be a champion requires a combination of discipline, desire, focus, and determination. The Fort Walton Beach High School Cheerleaders have found the perfect blend of each element and serve as an example for other teams in the area. At the beginning of the season, the Fort Walton Beach High School Viking Cheerleaders said, "It's our year." Their words have come to culmination as they proved that this year was theirs to shine taking home the gold from UCA Nationals.

The Fort Walton Beach High School Cheerleaders strive for perfection in everything they do. In cheerleading, not one person stands out or wins the overall competition. Rather, it requires uniformity and working together as a collective group. As they prepared to compete in UCA Nationals, they sought to perform their routine to the best of their abilities as a team. This commitment to excellence defines a true champion; however, their excellence extends far beyond the title. Whether it is car washes, 5k runs, or even performing for Florida's Governor, Rick Scott, this team goes above and beyond what is asked of them, and I commend their active role in the Fort Walton Beach community.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize the Fort Walton Beach High School Cheerleaders on their accomplishments and their continuing commitment to excellence at Fort Walton Beach High School. My wife Vicki joins me in congratulating them and everyone who has played a supportive role in guiding their team to victory. We wish them all the best for continued success.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Ms. WOOLSEY. Mr. Speaker, on March 7, 2012, I was unavoidably detained and was unable to record my vote for rollcall #103-106. Had I been present I would have voted:

Rollcall #103: Yes—Himes of Connecticut Amendment No. 3

Rollcall #104: Yes—Ellison of Minnesota Amendment No. 5

Rollcall #105: Yes—Waters of California Amendment No. 6

Rollcall #106: Yes—Connolly of Virginia Amendment No. 9

ABILENE CHRISTIAN HIGH SCHOOL
STATE BASKETBALL CHAMPIONS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. POE of Texas. Mr. Speaker, today I bring good news from West Texas. The 2011–2012 Texas Association of Private and Parochial Schools (TAPPS) 2A State basketball champions are the Abilene Christian High School Panthers.

In a close game that was covered by the national media, the Panthers beat Beren Academy 46–42 on March 3 in Waco, Texas to win the championship. Both schools are strong religiously based institutions. An Orthodox Jewish school from Houston, Beren Academy was a tough opponent made up of wonderful, religiously committed young men that kept the game close to the end.

The Panthers were led by 22-year-old Michael Bacon, a first-time head coach and college senior at Abilene Christian University. He coached the team along with Nick Smith and Colby Carr, all full-time college students and best friends. While some college students hold part-time jobs on the side, I suspect that most don't involve coaching a state championship-winning high school basketball team. Michael, Nick, and Colby are outstanding men and leaders that have a promising future ahead of them.

The championship caps a whirlwind season for the Panthers that ended with a 25–4 record. They played with discipline, determination, and tenacity the entire season. Michael Bacon said about the team: "We played like we were the smallest dog in the fight all season, and ended up the biggest." In every practice and game, the team gave their all and, in the end, it paid off.

The members of the team are Michael Avila, Ben George, Avron Payne, Trey Hampton, Clint Bruton, Samai Massaquoi, Harrison Hancock, Daniel Austin, Trevor Tyson, Bryton Fernandez, and J.D. Dos Santos. These fine young men are model Christian athletes. Strong in both body and spirit, their success on the basketball court reflects the deep commitment to their faith.

The state champion Panthers deserve our congratulations. They have excelled as athletes, students, and Texans,

And that's just the way it is.

HONORING THE LIFE AND SERVICE
OF SERGEANT JOSHUA A. BORN,
UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. MILLER of Florida. Mr. Speaker, it is with profound sadness and deep sympathy that I rise to pay tribute to a fallen American

hero. Army Sergeant Joshua Born, of Niceville, Florida, was killed on February 23, 2012 in the Khogyani District in Nangarhar Province, Afghanistan, where he and other members of the 549th Military Police Company were attempting to maintain order during violent protests.

A student at Niceville High School in Northwest Florida, Joshua enlisted in the United States Army in March 2007. He was known as a well-respected soldier and young man. On February 23, Joshua paid the ultimate price in defense of our Nation's freedom. We know that freedom often demands of us a heavy and at times unbearable price. To his wife, Megan; his parents, Elizabeth and Craig; and to all of his friends; we owe our eternal gratitude. Throughout his service, there is no doubt that Joshua displayed dedication to duty and courage of heart. Joshua's life will continue to inspire those who knew him best and those who follow in his footsteps. He will always be remembered for his selfless dedication and commitment to this great Nation.

Mr. Speaker, on behalf of a grateful United States Congress, I stand here today to honor Sergeant Joshua Born and all the heroes we have lost. My wife, Vicki, joins me in offering our most sincere condolences and prayers to his family and friends. May God continue to bless them and the brave men and women of our United States Armed Forces.

HONORING MS. SYLVIA G. IRIONDO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. DIAZ-BALART. Mr. Speaker, as we celebrate Women's History Month, I rise to honor one of South Florida's finest community leaders, Ms. Sylvia G. Iriondo.

Sylvia was born in the city of Havana, Cuba and currently resides in Key Biscayne, Florida. She has spent over 40 years in the real estate business, serving as Co-Owner and President of two successful businesses: Tarafa & Iriondo Corporation/Realtors and Tarafa & Iriondo Corporation/Property Management Services. She also currently serves as a Broker-Associate with the prestigious real-estate firm of Esslinger-Wooten-Maxwell, Inc. of Key Biscayne. Sylvia has served the real estate community as Key Biscayne Chairperson for the Miami Board of Realtors, Founder and first President of the Real Estate Professional Association of Key Biscayne, and Board Member of the Key Biscayne Chamber of Commerce.

Sylvia has made a tremendous impact in Miami and throughout the state of Florida with her civic engagement. She served as a United Way of Dade County volunteer Board Member for eight years, the maximum allowable term, and also was appointed member of the Advisory Board and Chairperson of the Program Committee for the Salvation Army. Additionally, Sylvia was appointed by Florida Governor Bob Graham to serve on two major statewide initiatives concerning elderly residents: the Governor's Commission on Aging and the State of Florida Department of Elderly Affairs.

Staying true to her cultural heritage, Sylvia has also devoted her life to advocacy for, and

service to, a free and democratic Cuba. Her work began with the International Rescue Committee (IRC), the first agency in Miami to provide assistance to thousands of Cuban refugees fleeing Castro's communist regime, and the State Department of Public Welfare—Cuban Refugee Emergency Center. Sylvia continues fighting relentlessly for Cuba's freedom today, as a co-founder of M.A.R. por Cuba (Mothers & Women Against Oppression), and the Assembly of the Cuban Resistance. This organization is committed to the defense of human rights and freedoms of Cuban people, the support of Cuban political prisoners and their families, and advocating for measures and sanctions against the Castro regime. Sylvia works daily to accelerate democratic change in Cuba; her solidarity to the Cuban people is truly inspiring and admirable.

Mr. Speaker, I am honored to pay tribute to Ms. Sylvia G. Iriondo for her continued service to the Miami community. She is a woman of unmatched compassion and dedication, serving as a mother, grandmother, great grandmother, businesswoman, leader, activist and philanthropist. Sylvia's impression upon the Miami community will last for decades to come, and she will surely inspire countless young women to follow in her footsteps. I ask my colleagues to join me in recognizing this outstanding individual, and I wish her continued success and happiness in the future.

PERSONAL EXPLANATION

HON. CHIP CRAVAACK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. CRAVAACK. Mr. Speaker, on rollcall No. 95 for H.R. 3637, to designate the "Roy Schallern Rood Post Office Building" in Jupiter, Florida, I originally intended to vote "yes," however, I inadvertently voted "no."

A TRIBUTE TO THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. MCINTYRE. Mr. Speaker, I rise today to pay special tribute to the University of North Carolina at Pembroke on the 125th anniversary of its founding.

In 1887 the General Assembly of North Carolina chartered the Croatan Normal School, created to train American Indian public school teachers. This school, with a total of fifteen students enrolled and only one instructor, was the foundation for what has now become one of the 17 campuses in the greater University of North Carolina system.

UNC Pembroke is a center of higher learning for over 6,000 students, boasting 41 undergraduate Programs and 17 graduate programs. I am impressed by how much this institution has grown since its beginnings. Yet, despite this growth, the University prides itself on

the ability to give individualized attention to each one of its students with a 15:1 student to faculty ratio.

UNC Pembroke has achieved national recognition for its diversity as well as its strong ties with the community. U.S. News and World Report has deemed the University "the most diverse University in the South," the Princeton Review has named UNC Pembroke among the "Best in the Southeast," and the University was named to President Obama's Community Service Honor Roll for three consecutive years. Additionally, the Carnegie Foundation awarded the University the Carnegie Elective Classification for Community Engagement, one of its most prestigious awards.

I am especially pleased by the naming of the University as a "Military Friendly School" by G.I. Jobs Magazine for a fifth consecutive year. Access to education for our military veterans is something I am passionate about, and I am encouraged that UNC Pembroke has embraced our veterans and supported their pursuit of higher education.

Mr. Speaker, I rise today to recognize the University of North Carolina at Pembroke as it celebrates 125 years. May it continue its tradition of excellence and its development of the future leaders of North Carolina and our nation.

HONORING VOLUNTEER FIRE CHIEF M.L. "PUG" WELLS

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Volunteer Fire Chief M.L. "Pug" Wells, a devoted public servant to the people of Elliston and Montgomery County, who passed away unexpectedly on March 7, 2012.

For nearly 55 years, Pug was a member of the Elliston Fire Department. He led as Chief for 48 of those years. Pug was a founding member of both the department in 1957 and of the New River Valley Swift Water Rescue and Recovery. Never tiring, Pug even found time to assist the Shawsville Rescue Squad.

In a recent interview, Pug said his greatest enjoyment came from "being able to help people." His selfless sacrifice is truly admirable. A committed family man, a noble community leader, and a friend of many, Pug will be greatly missed by his colleagues and those he served. My thoughts and prayers go out to his wife, Mary Lee; his four children; his family; and his friends.

Well known for his exceptional goodwill and dedication to the Montgomery community, I am honored to pay tribute to this man's many contributions. His legacy and influence will be long remembered in Montgomery County and throughout Southwest Virginia.

HONORING DR. BARBARA DAVIS

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to recognize Dr. Barbara Davis for 25 years of service to the Hebrew Day School in Syracuse, New York.

Dr. Davis earned her Bachelor's Degree from Barnard College and received an M.A. and Ph.D. from Columbia University. She began her relationship with the Syracuse Hebrew Day School in the mid-1980's. She was a parent volunteer and served as chair of the Education Committee. Her service escalated in 1986 when she agreed to serve as co-principal of the school along with Dr. John Blasi, a position she would hold for the next 25 years.

For two and a half decades, Dr. Davis was the leader of the Syracuse Hebrew Day School. During her tenure there she was instrumental in the school's growth; a new wing was constructed, student enrollment hit record high numbers, and the endowment fund grew to nearly \$500,000.

In addition to her work at the Syracuse Hebrew Day School, Dr. Davis serves as a Professor Emerita of Modern Languages at Onondaga Community College. She was also a member of the first Lookstein Center Principals' Seminar at Bar Ilan University, a selective intensive program combining seminars in Israel and America.

Dr. Davis' dedication to her community is not only seen in her role at the Syracuse Hebrew Day School, but also in her countless hours of volunteerism and participation in numerous organizations. She serves on the board of RAVSAK, the Jewish Community Day School Network, she is executive editor of the quarterly journal of Jewish education, *Ha Yidion*, and has co-authored a forthcoming history of the Syracuse Jewish Community.

Dr. Davis has played a significant role in the lives of so many people, especially youths, with her dedicated service to our community. Her passion and leadership have made the Syracuse Hebrew Day School and the area it serves a better place. I thank Dr. Davis for her service and am proud to honor her here today.

FORTNEY H. "FISH" STARK III

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. STARK. Mr. Speaker, I submit for the RECORD a statement written by my 16-year-old son, Fortney H. "Fish" Stark III.

In 2004, I visited the Democratic National Convention with my dad. I don't remember much, being 8, but I do remember my visit with Dennis Kucinich. He was a little quirky, in a Ron Paul kind of way, but he was earnest, he was friendly, he was sincere, and he believed in what he was doing. Someone took a photo of us that night—I was almost as tall as him, even at 8—and he sent me a copy, signing it:

"Dear Fish: Someday I hope to come to the convention to help nominate YOU! Thank you for your support. Your Friend, Dennis Kucinich."

Congressman Kucinich wasn't a perfect politician. At times he's more concerned with taking a principled stand than trying to negotiate a principled compromise. But even though he was quirky and at times obstinate, he stood out in Congress because he truly believed in what he was doing, because he was passionate and never said die, because he was willing to stand up and say something that he believed needed to be said when no one else would stand up with him, because he believed strongly that our children needed to live in a word free from war, enjoy lives free of hunger, in families free from poverty.

Congressman Kucinich looks like he's going to lose in his primary campaign tonight. Congresswoman Kaptur is a great lady, even if she does have a penchant for needless military spending and has been flimsy on pro-choice issues. She'll do great things for the district, I know it.

But I want to honor Congressman Kucinich by sharing what he taught me—that it's OK, even when you're alone, to stand up for something if you feel it is right. I don't think—few do—that we should run the country exactly as Congressman Kucinich believes we should, but there always needs to be someone to say the things that he is saying—to have the bold ideas, even if they're not always feasible, to have the idealism and hope, even if it's sometimes fleeting.

"Courage is when you know you're licked before you begin, but you begin anyway and you see it through no matter what"—Atticus Finch, *To Kill a Mockingbird*

Congressman Kucinich made this quote come alive for me. He stood up for peace, for health care, for the environment, for reform, even when he knew he wasn't going to win—because he believed in it. And while he never should have (and never did) run the table, he always brought something to our national discussion that contributed. It was a light, an optimism, a compassion, and a humanism.

He was willing to take a political bullet to spread that message. Tonight, that's what happened. Here's to a courageous man who stood up for what he believed in, who stood up for helping others, and who would rather lose an election than lose his principles. A man who taught an 8-year-old that believing in yourself held a far greater reward than selling yourself.

Rock on, Dennis.

RECOGNIZING THE ANNIVERSARY OF MASSACRES AGAINST ARMENIANS IN SUMGAIT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. COSTA. Mr. Speaker, once again I rise on behalf of the thousands of Armenian Americans in my congressional district to remember the evening of February 27, 1988, when a murderous campaign began against Christian Armenian civilians living in Sumgait, Azerbaijan. Tragically, police in nearby Baku ignored the atrocities and allowed the rampage to continue for three days.

Azerbaijani rioters murdered, raped and maimed Armenians, throwing women and chil-

dren from windows and burning victims alive. While some estimate that more than 30 individuals were killed and more than 200 injured, others estimate that hundreds were murdered. The Soviets banned journalists from entering the area and, for two decades, Azerbaijani authorities relentlessly covered up, ignored and whitewashed these tragic events.

Even worse, many believe the atrocities were officially sanctioned by Azerbaijani authorities to send a clear message to the Armenians, who were peacefully demonstrating against Azerbaijani repression and discrimination in Nagorno Karabakh just days before the massacre.

The anniversary of this horrifying moment in history serves as yet another call to action to build a more peaceful and just world. The United States must stand firmly against repression and human rights abuses.

NATIONAL BREAKFAST WEEK

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Ms. FUDGE. Mr. Speaker, this week is National Breakfast Week, and every child should start the day with a healthy breakfast—whether it's served at home or at school.

A healthy breakfast provides the fuel a young body needs to stay alert. Studies have consistently shown that children who eat breakfast do better in school than those that go to school hungry.

Eating breakfast not only can help children improve their academic performance, but statistics show it improves their behavior and results in fewer school absences.

Unfortunately, breakfast is not always on the menu for millions of American children.

According to the U.S. Department of Agriculture, one in five children live in a home where food is not always available. Finding workable solutions to the problem of hunger in America, and feeding America's children is a top priority.

The "Share Your Breakfast" program—a partnership between Kellogg's and Action for Healthy Kids—is working to achieve this goal. The "Share Your Breakfast" campaign seeks to provide one million breakfasts to kids by increasing participation in school breakfast programs across the country.

I encourage my colleagues and all Americans to Celebrate National Breakfast Week by sharing their breakfast with a child in need.

HONORING JOSEPH P. MURPHY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to Joseph P. Murphy of Rye, NY. Leaders of local veteran groups, as well as students and graduates of the United States Service Academies and their families, will join me Tuesday, March 13 in honoring Mr. Mur-

phy for his three decades of distinguished volunteer service as chair of New York's 18th Congressional District's Service Academy Review Board.

Each fall, my Service Academy Review Board interviews several dozen young men and women to determine who merits nominations to our nation's Service Academies. Chair of the SARB for my first 22 years in the House of Representatives, from 1989 until his retirement last year, as well as serving in the same role for my two predecessors, Mr. Murphy selflessly devoted thousands of hours to the comprehensive review process, from meeting with every applicant to advocating with the Academies on their behalf. As a result of his efforts, several hundred topnotch young people from the 18th Congressional District have received outstanding college educations and leadership training that prepared them to admirably serve our country. A retired Naval Officer himself, he has followed the careers of many of these Academy graduates, continuing as their mentor and friend.

Joe Murphy's volunteer efforts extend well beyond the Service Academy Review Board. He is a former school board member of the Rye City School District; Commander of the American Legion Post 128 in Rye; lector and CCD instructor at the Church of the Resurrection in Rye, and vice president of the Westchester Chapter of the National Association of Social Workers.

A Licensed Clinical Social Worker (LCSW) and certified social worker (CSW) of the State of New York, Mr. Murphy has had a distinguished professional career working in sectarian and United Way agencies, civil rights organizations, child care agencies, court-affiliated programs, a settlement house, health related/skilled nursing facilities and mental health settings throughout New York State. He currently is focusing on developing, administering and implementing eldercare services that combine high standards for consumers and resource development to enhance quality care.

I urge my colleagues to join me in paying tribute to Joseph P. Murphy for his exceptional accomplishments and thanking him for his tremendous contributions to our community and country.

HONORING THE LIFE OF "STEREO" SAM HUPPIN, AN EASTERN WASHINGTON LEGEND

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, it is with a very heavy heart that I rise today to honor the life of a great friend and Eastern Washington legend, Mr. Sam M. Huppin. His eighty-five years on this Earth were marked by infectious vivacity, a uniquely entrepreneurial spirit, and a genuine desire to help those around him. Sam exuded such an extraordinary love of life that his legacy will live forever in the hearts of those who knew him.

As a Spokane native, Sam received his degree in aeronautic engineering from Washington State University and, in the 1950s, he

transformed his family's downtown Spokane clothing store into a major electronics retailer. It was with remarkable success that he revolutionized his family-owned business—one radio and camera at a time. In the early 1970s, Sam donated the business's remaining men's clothing to charity and proudly opened "Huppin's Hi-Fi and Photo." With two storefronts in Spokane today, Sam forever transformed the business that his grandfather started in 1908.

While Sam will be remembered for his success as business leader—and his aptly given nickname of "Stereo Sam"—he will be remembered even more for the impact he made on the lives of others. His customers. His family. His friends. He loved to tell stories, ask questions, and make jokes. His son Murray said about his father: "He was really someone from a different era. Every part of the business was relationship oriented."

While Sam's passing is met with tremendous sadness, it is also with great joy that we pay homage to his remarkably full life. To the impact he had. The relationships he created. The community he changed. The people he touched. He has taught us—not only in the great sorrow of his death, but in the beauty of his life—that our years on this Earth should be lived with exuberance and gratitude for all the days we are given. It is for that lesson—and so many others—that he shall never be forgotten.

THE NATIONAL BLACK LEADERSHIP COMMISSION ON AIDS, INC.'S EXPRESSION OF SORROW ON THE PASSING OF CONGRESSMAN DONALD M. PAYNE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mrs. CHRISTENSEN. Mr. Speaker, on behalf of the National Black Leadership Commission on AIDS, Inc., I submit a statement of condolence of the passing of my dear colleague, Donald M. Payne.

NATIONAL BLACK LEADERSHIP COMMISSION ON AIDS, INC.

NBLCA MOURNS THE PASSING OF REP. DONALD M. PAYNE

In reaction to the death of Rep. Donald M. Payne, Tuesday, March 6, 2012, C. Virginia Fields, President and CEO of the National Black Leadership Commission on AIDS, Inc., issued the following statement of condolence:

The National Black Leadership Commission on AIDS, Inc. (NBLCA) expresses its profound sorrow at the death of Rep. Donald M. Payne. For over two decades, Rep. Payne served his constituents in New Jersey's 10th Congressional District and the nation with courage and distinction. He was a longtime supporter of the NBLCA and dedicated his 12 terms in the U.S. House of Representatives to fighting social injustice and advocating for the health and well-being of all Americans and other fellow citizens of the world. His support in the House was instrumental in the full implementation of the Minority AIDS Initiative and other legislation addressing disease prevention and health promotion. Rep. Payne was especially pas-

sionate about ending HIV/AIDS and human rights violations in Africa during his distinguished service on the House Foreign Affairs Committee where he chaired the Subcommittee on Africa.

Mr. Payne will be sorely missed by all who had the pleasure and honor to work along side him in the fight against HIV/AIDS and health disparities based on race and ethnicity. On behalf of the NBLCA's Board of Directors and staff, I convey heartfelt condolences to Rep. Payne's family, constituents, and colleagues in the 112th Congress of the United States. In Mr. Payne's memory, we rededicate ourselves to enhancing our advocacy to protect the health, human rights, and civil liberties of all Americans. May God grant him peace.

CELEBRATING INTERNATIONAL WOMEN'S DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mrs. MALONEY. Mr. Speaker, as a longtime advocate for women both in the United States and around the world, I am pleased to recognize the many achievements of women on International Women's Day which we celebrate today, March 8, 2012. We honor the countless contributions made by women in all areas and observe the tireless work of female leaders throughout the world who have struggled to attain social, economic and political equality for women.

While there is much to be proud of, there is also much work to be done. Throughout the world, women continue to face the same collective barriers and embrace the same hopes—to live in a world free from violence, to be educated, vital members of society and to possess the independence to make decisions that govern their bodies and well-being. This is why I continue to fight for women and have authored legislation to achieve these outcomes: H.R. 418, the International Women's Freedom Act to establish a Commission on International Women's Rights to report yearly on the status of women's rights around the world; H.R. 949, the Obstetric Fistula Prevention, Treatment, Hope and Dignity Restoration Act to aid in the prevention and treatment of obstetric fistula; and, H.R. 2759, the Business Transparency on Trafficking and Slavery Act, which works toward ending human trafficking by increasing transparency in the business supply chains of multi-million dollar global companies.

We know that when women are empowered, nations are fairer and stronger, governments flourish, and society as a whole benefits. Today, I salute the immeasurable successes of women and pledge to work to create a world filled with greater opportunities for women here and abroad, where women are safe, empowered and are heard and respected.

ESSAY BY MAXIMILLIAN MCELLIGOTT

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Maximillian McElligott is a junior at Clear Springs High School in Galveston County, Texas. His essay topic is: Select an important event that has occurred in the past 50 years and explain how that event has changed our country. Maximillian chose the Cold War.

The Cold War had numerous effects on America that led to prosperity in not just the American political machine but also in the everyday society. One well-known effect is the putting together of National Aeronautical and Space Administration or NASA.

During the 1950s, both the Soviets and Americans were in a so called "Space Race". The goal was simple: Be the first to space. The Soviets were the first to achieve this goal by successfully launching their rocket, Sputnik I, into space. In response to the possible threats of nuclear war and the new Soviet technology of long range missiles, the United States founded the National Aeronautical and Space Administration or NASA. The "Sputnik Crisis", as it was called sent a shockwave through the United States. For once, we weren't the first to accomplish something that hadn't been done yet. NASA's early goals consisted of getting to space, and then once John F. Kennedy was elected in the early 1960s, the goal changed to putting a man on the moon by the end of the decade.

The dream of putting a man on the moon was accomplished quickly by landing a man on the moon, July 20th, 1969. That single day in history where over 500 million people worldwide watched as Neil Armstrong and Buzz Aldrin took mankind's first steps on the moon. The first manned moon landing opened the door for future space explorations such as missions to other planets, other planets moons, and possibly other galaxies which wouldn't have come as quick as they had without the so called "Russian Initiative".

Another immediate effect in the public school system was the majority of the focus was situated onto math and science based criteria. The government had planned to get youths more excited and intrigued by the new policies. The country went through a technological boom to close out the century. New inventions such as the cell phone, World Wide Web, computer storage units, etc.

Looking back over the Cold War, it was a stepping stone of greatness to where we are today with both our education and technological advances. Through the ups and downs the space race worked in our favor to give our country a head start on the essentials to

become an even stronger, more diverse world superpower. If we as a country had not gone through the Cold War and had succumbed to letting communism make its way throughout the world, the United States would be far behind when it came to superiority.

SUPPORTING RENEWED NEGOTIATIONS BETWEEN MOROCCO AND THE POLISARIO FRONT

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to support the renewal of negotiations between the government of Morocco and the Polisario Front.

The Western Sahara region has been disputed territory since the Spanish withdrew in 1975. It is claimed by Morocco and the Polisario Front, which seeks independence for the Western Sahara.

Morocco and the Polisario began direct negotiations in 2007, under the auspices of the United Nations. The next round of negotiations begins on Monday, and I hope that a solution will finally be agreed to during the new talks in Manhasset, NY. The people who live in the Western Sahara have suffered as a result of the region's status being in limbo, and they deserve for this longstanding dispute to be resolved.

Morocco has a compromise proposal on the table: democratic autonomy for the region under Moroccan sovereignty. I believe this is a reasonable offer and can serve as a basis for negotiations. Undersecretary of State William Burns previously described the Moroccan initiative as a "serious and credible proposal to provide real autonomy for the Western Sahara." It is also important for the region's residents to be able to express their views on their future, and for negotiators to take those views into account.

Mr. Speaker, after more than 35 years, it is time for all parties to negotiate in good faith to finally bring this crisis to a close. We are witnessing monumental changes in North Africa following revolutions in Tunisia, Egypt, and Libya. It is in the interest of the United States and the parties involved to achieve a peaceful, negotiated solution to the Western Sahara issue, and more broadly to encourage Morocco to fully implement King Mohammed's proposed constitutional reforms and continue moving toward a more balanced governmental system that serves the many needs of all citizens of Morocco.

RECOGNITION OF MARCH 12, 2012–MARCH 16, 2012 AS NATIONAL YOUNG AUDIENCES WEEK

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Ms. FUDGE. Mr. Speaker, I rise today to recognize the National Young Audiences, as they celebrate National Young Audiences

Week, March 12th thru March 16th 2012. Young Audiences was founded in 1952 and serves as our nation's leading source for arts-in-education services.

National Young Audiences Week was created by Leonard Bernstein in 1971, who wanted the entire country to understand the contributions Young Audiences was making to the cultural education of children throughout the United States. This year marks the 60th Anniversary of Young Audiences, and the first celebration of National Young Audiences week since 1991.

Annually, Young Audiences reaches more than five million school children. Their many programs enable students to develop critical thinking and problem solving skills, imagination and creativity, discipline, alternative ways to communicate and express feelings and ideas, and cross-cultural understanding.

In my Congressional district, Young Audiences serves approximately 21,860 students in my district in 14 different school districts. I am proud to recognize Young Audiences for their work, and will remain a strong advocate for arts-in-education services.

HONORING CAROL PASTOR

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. MCCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Carol Pastor and mourn her upon her passing at the age of 75.

Born on September 2, 1936, Carol Pastor dedicated her life to her family and was the proud matriarch of a three generation Michigan based construction business, George H. Pastor and Sons.

Regrettably, on March 4, 2012, Carol Pastor passed from this earthly world to her eternal reward. She was preceded to eternity by her beloved husband of 54 years, Richard and her treasured son, Keith. Mrs. Pastor is survived by her cherished children, Craig, Mahala, John, Tim, and Michelle and will be long remembered by her sister, Barbara and her brother, Thomas. She leaves a precious legacy of 12 grandchildren. A thoughtful and benevolent woman, Carol will be sorely missed.

Mr. Speaker, Carol Pastor is remembered as a loving mother, a devoted wife, adored matriarch, compassionate leader, and a valued friend. Carol was a true lady who deeply treasured her family, friends, community and her country. Today, as we bid Carol Pastor farewell, I ask my colleagues to join me in mourning her passing and honoring her dedicated commitment to her family, our country and community.

SUPPORTING NATIONAL SCHOOL BREAKFAST WEEK (MARCH 5-9, 2012)

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. HOLT. Mr. Speaker, I rise today in support of National School Breakfast Week which this year is March 5th through 9th. I thank the School Nutrition Association for their efforts to promote this important week and raise awareness for the need to ensure our school children have a healthy breakfast to start their days.

Research has shown that eating a nutritious, balanced breakfast helps kids focus and succeed in school. I believe that the federal government has an important role to play in promoting nutrition, as well as preventing and treating obesity. And during these tough economic times, the school breakfast program also is seeing increasing demand from students who are coming to school hungry.

Currently, there are more than 31 million children who eat school meals five days a week, 180 days a year. While the National School Lunch and breakfast programs do a good job of feeding these children, they have the potential to provide fresher and healthier foods to millions of children in the United States.

In 2010 I helped write the Healthy, Hunger-Free Kids Act to dramatically expand access for millions of children to healthy meals year-round in schools, and provide more meals for at risk children nationwide. The law included legislation that I introduced to provide \$5 million in annual funding for Farm to School programs. Farm to School programs bring locally or regionally grown fresh produce into schools, significantly improving nutrition for children eating school lunches.

During School Breakfast Week, let us resolve to do everything we can to combat childhood hunger and also ensure that the food we are serving kids is as fresh and healthy as possible.

ESSAY BY AMANDA KERSTMAN

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Amanda Kerstman is a senior at Clear Springs High School in Galveston County,

Texas. Her essay topic is: In your opinion, why is it important to be involved in the political process?

As a citizen of the United States of America all citizens are given the right to participate in the political process whether it would be to run for office, or vote in a primary election. Having the power as a citizen to participate in the political process is a right given by the United States, but many people in the present time take this as a chore to participate rather than a privilege. The voter turnout in Houston, Texas has decreased every year because of people not willing to go vote in any election, whether it is for a district judge, or an election for the president.

Our constitution was built from people who wanted to shape the new world into a country where people have the right to choose who they want to run their country. It is the citizens responsibility to keep our country a republic and vote for people to represent us. The key to make sure that people will stay politically active is to make sure the youth of the United States stays informed and up to date with what goes on in politics. Once they are informed they have the knowledge to form their own opinion and allow them to take action in supporting a candidate or coming up with their own ideas to run for office one day. Whether a person is inspired to run for local office or for president all helps the political process. Having the Congressional Youth Advisory Council is a great way to get the youth of America involved in political decision-making by letting them able to share their opinion to political leaders. It also allows the youth to be informed on what is going on in congress or in political decision making directly for a political official. Being a part of the political process is very important for American citizens be involved in because if we aren't, we will let down every man that fought for our political freedom.

STATEMENT ON THE CENTENNIAL ANNIVERSARY OF INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW), AFL-CIO, LOCAL 716

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. AL GREEN of Texas. Mr. Speaker, I would like to take a moment to recognize the International Brotherhood of Electrical Workers (IBEW), AFL-CIO Local 716 in Houston, Texas.

IBEW represents members who work in a wide variety of electrical trade fields, including utilities, construction, telecommunications, broadcasting, manufacturing, railroads and government.

IBEW Local 716 was chartered March 12, 1912, starting with 9 original members and has since grown to represent 4500 members. IBEW Local 716 plays a major role in enhancing the quality of life for all electricians across the Greater Houston Area by negotiating contracts for electricians that secure top paying wages, high-quality health insurance and pensions and creating safer working conditions.

IBEW Local 716 members have built some of our most memorable Houston landmarks

that have vastly contributed to shaping Houston as the internationally known city it has become today. Some of which include: the original Humble Building, The Astrodome, the Texas Medical Center, most of Downtown Houston, Minute Maid Field, Metro Light Rail projects, The George R. Brown Center and the Toyota Center.

IBEW Local 716 members are widely known in Houston for their volunteerism and community service, donating countless hours of their personal time in the restoration of the Heights neighborhood projects, including the S.H.A.P.E. Community Center and vast array of other community projects.

I salute the courageous men and women who made IBEW Local 716 an organization which utilizes the skills of its members to make a better life for everyone. I congratulate IBEW Local 716 on 100 years of community building and union spirit, as well as their outstanding dedication to the labor movement and steadfast efforts to uphold workers rights to organize.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,498,306,692,627.99. We've added \$4,871,429,643,714.91 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

ST. DAVID'S EPISCOPAL CHURCH OF SOUTHFIELD CRS

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. PETERS. Mr. Speaker, I rise today to congratulate St. David's Episcopal Church of Southfield, Michigan on the auspicious occasion of its 60th diamond jubilee anniversary.

St. David's Episcopal Church opened in 1952 and its first mass was held on March 2, inside Oxford School in Berkley, before a permanent church was built.

Founded by parishioners of St. James Episcopal Church, a venerable institution located in neighboring Birmingham, St. David's has been a fixture in the community for more than five decades.

Committed to providing a healthy quality of life for all, St. David's developed St. Anne's Mead, an assisted living and nursing care facility in 1966. The facility is committed to the unique needs of men, women and their families while preserving their dignity and enriching their lives.

Under the devoted and dedicated leadership of the Rev. Chris Yaw, St. David's current

Rector, the church holds two Sunday services each week and Taize-style healing services four times a year.

St. David's parishioners are also involved in community outreach. They support local food pantry programs and manage a community garden that produced 500 pounds of fruit and vegetables in 2011, which they donated to surrounding communities.

The church also mentors kindergarten through eighth grade students at nearby Vandenberg World Cultures Academy, providing academic support and leadership skills.

For one week each spring, St. David's turns its facility into a residence for the homeless. The church offers food, shelter and companionship for dozens of men, women and children.

St. David's human service efforts extend beyond the great state of Michigan and the boundaries of our country. The church is one of the founding members of the Haiti Outreach Mission and performs humanitarian work in Port-au-Prince and Mirebalais, two cities that were devastated by the massive earthquake that rocked the country in early 2010. Congregates have helped to provide much needed care and supplies, including anesthetics, antibiotics, pain meds, dressings, operating room equipment and supplies, IV fluids, gloves, masks, etc.

The church recently celebrated its 60th year anniversary. During a spirited and eventful three-hour celebration, held on March 3, in the Parish Fellowship Hall, a special photo display commemorated the occasion. Former members reunited to perform as a Chancel Choir in a spirit-filled musical program.

St. David's Episcopal Church and serve God through worship, outreach, and love for all.

Mr. Speaker, today I rise to recognize and congratulate St. David's Episcopal Church of Southfield, Michigan on the auspicious occasion of its 60th diamond jubilee anniversary. I salute the outstanding work that this revered institution has carried out in the Metro Detroit area.

INVESTING IN OUR FUTURE

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. DeFAZIO. Mr. Speaker, I am submitting a letter from Colin Taylor Mays, a 12-year-old school kid in Oregon. He is very worried about the future of his education. The drive by some to make deep cuts in our education system is jeopardizing his education and the future competitiveness of our Nation.

While it is critical that we must not further burden our children and grandchildren with a mountain of debt, we also must make investments in their future. With limited resources we must make smart investments that put people back to work by rebuilding our crumbling infrastructure system. While we focus on creating jobs now we cannot forget about our youth and what future will lie ahead for them. We must invest in education to make sure that our children will be prepared for the workforce

of tomorrow. It is possible to balance our budget and provide for the most critical needs of our Nation. We must look both at raising revenues and reducing spending in areas where appropriate. If we do not make these choices now we will continue to let our children suffer in an education system that is falling apart at the seams. I hope that my colleagues will heed this message and work with me on making the right choices for our youth by investing in their education and giving them the same if not greater opportunities than we had growing up.

(By Colin Taylor Mays)

I am age 12 and a boy scout of America. I'm writing this letter as a view not a complaint. I haven't been learning enough in school, because of all the budget cut days. It's hard to keep track of what I'm learning. We need to put more money towards schooling and education. I probably have only 12 full weeks of school and I have so many weeks that only have 4 or 3 days in them. Unlike very few children I want to learn and possibly get a very good job that I want. Please consider this letter.

CONGRATULATING LEAGUE CITY, TEXAS ON ITS 50TH ANNIVERSARY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. OLSON. Mr. Speaker, I rise today to congratulate League City, Texas on its fiftieth anniversary. For fifty years, League City has been a growing and influential region in the Baytown area and throughout Texas. Congratulations to League City for a wonderful half-century of contributions to our great state.

League City formally became an incorporated city on March 27, 1962. The city possesses a long history before that date, first settled in the late nineteenth century. It has made significant contributions to the Houston and Texas economies through its continued growth and success. Between the 2000 census and the 2010 census, League City almost doubled its population, and it also surpassed Galveston as the largest city in Galveston County in the early 2000s.

Known for its talented and capable workforce, many engineers and scientists that work at NASA's Johnson Space Center reside in League City.

The history and economic efforts of League City bring pride to our state. League City residents agree that it's a great place to live, work and raise a family. Congratulations to League City for fifty years of excellence and to a bright future ahead.

HONORING MS. DEBRA SCHWARTZ ON HER RECENT SELECTION TO THE BOARD OF DIRECTORS AT THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. BILBRAY. Mr. Speaker, today, I rise to congratulate Debra Schwartz on her recent selection to the Board of Directors at the National Association of Federal Credit Unions (NAFCU).

With more than 25 years of financial services leadership, Ms. Schwartz will be a great addition to NAFCU. She has been president and CEO of Mission Federal Credit Union in San Diego since 2009. Prior to joining Mission Federal, she served as Chief Financial Officer at First Future Credit Union and as Executive Vice President at San Diego County Credit Union.

Debra Schwartz graduated magna cum laude in Economics and Marketing from the State University of New York, and obtained a Master's degree in Business Administration from the University of Southern California Marshall School of Business. Throughout her 25 years of leadership in the financial services industry, Ms. Schwartz has also dedicated time and energy to a variety of non-profit organizations focused on youth and financial literacy. In fact, she currently serves on the governing board of Junior Achievement in San Diego and Imperial counties.

With more than 163,000 credit union members in San Diego community, Ms. Schwartz is a welcomed addition to the NAFCU Board of Directors and will undoubtedly make an immediate impact in her role. She has been both a leader and an innovator in the community and the NAFCU will be well served by her representation. Ms. Schwartz's experience will be a strong asset to the NAFCU as the credit union industry negotiates the recent financial regulatory reforms that will make lasting changes in the way credit unions operate.

I wish Ms. Schwartz the best of luck in her new role on the NAFCU board and look forward to working with her in this capacity. I ask my colleagues to join me today in congratulating Debra on this achievement and wishing her luck in her future endeavors.

HONORING THE LIFE OF REVEREND DR. ISAIAH MADISON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the life of a great African American educator, pastor, attorney, and highly respected member of our community, Reverend Dr. Isaiah Madison, who passed away March 1, 2012, at the age of 71.

Dr. Isaiah Madison was born on February 16, 1941, in Lake Cormorant, Mississippi. He later graduated from Delta Center High School

in Walls, Mississippi in 1960. Dr. Madison went on to receive an Associate's Degree from Owens Jr. College in Memphis, Tennessee, and a Bachelor of Arts Degree from Howard University in 1964. He continued his education at Howard University, where he received his Juris Doctorate. Additionally, Dr. Madison received a Masters Degree in Political Science from Atlanta University and a Masters Degree in Theology from the International Theological Center in Atlanta, Georgia.

Reverend Dr. Isaiah Madison began his career as an instructor teaching Political Science at Southern University in Baton Rouge, Louisiana; and the Clinical Law Program at Howard University School of Law. Dr. Madison was a retired Associate Professor of Political Science at Jackson State University, where he taught courses in Public Law, American Government and Legal Research and Writing. While at Jackson State, he was Co-Advisor of the prominent Fannie Lou Hamer Prelaw Society in the Department. The Reverend Dr. Madison was a prolific writer and author. He published several poems and essays dealing with a wide variety of subjects—ranging from the law to social justice issues.

Dr. Madison was a man of deep and abiding faith, and served wholeheartedly as a United Methodist Pastor and Church Leader. Using his God-given gifts of teaching and exhortation, Dr. Madison pastored churches in Mississippi and Georgia. Dr. Madison was a member of New Dimensions International Ministries, where he served as an Assistant Pastor.

In 1973, Dr. Madison was the lead attorney in the development of the high profile Ayers Case. In fact, he was the Chief Architect of the Ayers decision. Madison was the Founding Chairman of the Black Mississippians' Council on Higher Education which was the support organization that provided financial and organizational assistance to the Ayers effort. Madison was primarily responsible for the \$503,000,000 settlement that was reached in the Ayers Case.

Dr. Madison was married to Carol A. Madison of Memphis, Tennessee. Her son and his stepson, William L. Poston, is serving in the United States Navy.

Mr. Speaker, I ask that my colleagues join me in extending our sincere gratitude to the life and legacy of Dr. Madison. This extraordinary man was an unsung hero of his generation, who did not seek recognition but always sought justice. Our country was blessed with his service, strengthened by his faith, and bettered by his devotion to his family and the state of Mississippi.

RECOGNIZING THE TWENTIETH ANNIVERSARY OF THE INDE- PENDENCE OF THE REPUBLIC OF KAZAKHSTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. BURTON of Indiana. Mr. Speaker, I rise to recognize the twentieth anniversary of

Kazakhstan's independence from the Soviet Union.

On December 25, 1991, the United States became the first country to recognize Kazakhstan as an independent nation. Two decades later, Kazakhstan remains an important U.S. partner and a leader in Central Asia.

During the Soviet era, The Kazakh Steppe served as an important testing ground and launch site for the Soviets' nuclear weapons program. After the fall of the Soviet Union, Kazakhstan was left with a substantial nuclear arsenal consisting of over a thousand strategic nuclear warheads as well as delivery systems including intercontinental ballistic missiles and long-range bombers. This stockpile left Kazakhstan as the world's fourth largest nuclear power.

The Kazakh people understood the devastating power of these weapons, having hosted over 500 Soviet nuclear tests. Rather than embrace its new found status as a nuclear power, Kazakhstan, under the leadership of President Nazarbayev, became the first country to voluntarily renounce its nuclear arsenal. The country subsequently signed and ratified the Nuclear Non-Proliferation Treaty in 1994. By 1995 the last of Kazakhstan's nuclear weapons had been transferred to Russia, with substantial assistance from the United States through the Comprehensive Threat Reduction program. Kazakhstan and the United States continue to cooperate through this program to secure remaining nuclear material as well as chemical and biological weapons, including Anthrax, left over from the Soviet era. After twenty years of independence, Kazakhstan remains a leader on the nonproliferation and an example to others that the path to prosperity does not require nuclear weapons.

Upon independence, Kazakhstan immediately began working to reform its Soviet-style economy. Today, Kazakhstan boasts the most developed economy in the region. The country has the potential to become an energy power house and to provide a stabilizing influence on global markets. In addition, the government's decision to create a National Oil Fund will help ensure that Kazakhstan's mineral wealth benefits the Kazakh people.

Despite its mineral wealth, Kazakhstan is committed to diversifying its economy and as a result has made significant progress toward membership in the World Trade Organization. This progress is exemplified by the recently signed WTO bilateral market access agreement between Kazakhstan and the United States. This agreement will allow U.S. service providers to benefit from significantly expanded opportunities in Kazakhstan's markets once it joins the WTO. Membership in the WTO is good for Kazakhstan as well as for the major American companies that are increasingly attracted to this developing market.

In the months prior to September 11, 2001, President Nazarbayev voiced his concern that the situation in Afghanistan threatened regional security. Soon after the attacks on the United States, Kazakhstan began supporting coalition operations in Afghanistan by providing access to Kazakh airspace. Since 2009 the Kazakh rail network has been a key link in the Northern Distribution Network which provides an increasingly important supply route

into Afghanistan. In addition to its support for military operations, Kazakhstan continues to support Afghanistan's development in a number of ways, including by providing Afghan students with scholarships to study at Kazakh universities.

As a result of policies such as those outlined above: the rejection of nuclear weapons, the embrace of economic reforms, and support for allied operations in Afghanistan, Kazakhstan has become a pillar of stability, and an engine of development in Central Asia. This leadership was reflected in the decision of the Organization for Security and Cooperation in Europe to grant Kazakhstan the chairmanship of the organization in 2010.

I respectfully urge President Nazarbayev and the Kazakh people to build on this solid foundation by actively pursuing democratic reforms including the development of a free press, an independent judiciary, a robust civil society, and a transparent political system. Democratic development will not only benefit the Kazakh people but will preserve and strengthen the leadership role that Kazakhstan plays in Central Asia and on the world stage.

In the past twenty years Kazakhstan has become a key ally of the United States. As Kazakhstan continues to develop, we must continue to work to build this important relationship. I congratulate President Nazarbayev and the Kazakh people on twenty years of independence.

IN CELEBRATION OF THE 35TH
PASTORAL ANNIVERSARY OF
BISHOP EDGAR VANN OF SEC-
OND EBENEZER CHURCH

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Mr. PETERS. Mr. Speaker, I rise and ask my colleagues to join me in a tribute to my friend and a distinguished man of the cloth, Bishop Edgar Vann, on the auspicious occasion of the 35th anniversary of his service to Christ and the community as Pastor of Second Ebenezer Baptist Church in Detroit, Michigan.

In 1976, Bishop Edgar L. Vann II assumed the mantle of leadership at Second Ebenezer when, at the time, the congregation numbered less than 100. With great vision and steadfast purpose, Bishop Vann toiled to create the vision of his spiritual calling. By the grace of God, grew the flock of Second Ebenezer numbers to nearly 5000 today. However, Bishop Vann's ecumenical reach extends far beyond the impressive walls of the beloved "Second Eb."

With the good Bishop's message of empowerment and dedication, Second Ebenezer today has grown to be one of Detroit's premier ministries, inspiring its congregants toward the path of life transformation. The inspiration he provides is not just through words and teachings, however. His life's work is an example for us all.

Bishop Vann is not just a builder of better souls, he is a builder and innovator in our community. Established in 1994, Bishop Vann leads the Vanguard Community Development,

an institution that has created more than \$80 million of church and of community development in Detroit. Vanguard is leading an entire community toward restoration, healing and empowerment. Bishop Vann preaches extensively throughout the world. He is a mentor, life coach and spiritual father to nearly 200 sons and daughters in the ministry and pastors across the country. His travels have taken him to Canada, Mexico, the Caribbean, Haiti, the Middle East, Africa and Eastern Europe. With each visit, he brings the powerful word of God to each stop.

But Bishop Vann's labor and great work extends beyond his church and his family. In fact, he serves with distinction on several boards. His civic and community organizations affiliations include: Mosaic Youth Theater, Wayne State University's Research & Technology Park, The Skillman Foundation, Detroit Regional Chamber, Michigan Coalition of Human Rights, Detroit Institute of Arts, Henry Ford Health System, Commissioner for the Detroit Police Department, Habitat for Humanity, and the Michigan Civil Rights Commission. He also served as a consultant and an advisor to governors, mayors, civic officials and corporate executives throughout the great state of Michigan.

A devoted husband and a dedicated father, Bishop Vann has been married to Elder Sheila R. Vann, a gifted woman of God, since 1978. They have two adult children, Edgar L. Vann III and Ericka Monique Vann.

Mr. Speaker, it is too tall a task to fully detail each and every way that Bishop Vann has made a difference in our community, and indeed, the world. We are truly blessed by his calling, and deeply grateful for his dedication and work. I extend my sincerest wishes on this momentous occasion and hope that his gifts to us continue for another 35 years and beyond.

HONORING PRINCE GEORGE'S
COUNTY FIREFIGHTERS

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 2012

Ms. EDWARDS. Mr. Speaker, I rise to pay tribute to the Prince George's County Fire and EMS Department and to firefighters across this country who are committed every day to keep our communities safe by putting their own lives at risk during times of our greatest need. They each have made the ultimate contribution to our communities—the contribution of personal sacrifice to ensure our safety and well-being.

On February 24, 2012, a house fire in Riverdale Heights, MD, took an unexpected turn for the worse. The Prince George's County firefighters advanced into the home searching for victims. High winds that Friday night are believed to have caused a sudden rush of fresh air into the home, creating a "fireball" that engulfed the firefighters on the first floor and forced the crews to evacuate the structure.

Unfortunately, seven firefighters from three Maryland Volunteer Fire Departments were injured, transported, and treated at MedStar

Washington Hospital Center. Six of those injured have been released, with one still remaining at Washington Hospital Center's burn unit. On behalf of the citizens of the Fourth Congressional District, I want to send my appreciation to these individual firefighters and all their colleagues for their relentless dedication to public service. I would also like to recognize the paramedics and the doctors and nurses at the Washington Hospital Center for their compassionate care and treatment these firefighters received.

I would like to discuss briefly each of these brave men:

Firefighter Kevin O'Toole, 22 years old, a member of the Bladensburg Volunteer Fire Department and Rescue Squad remains hospitalized in stable but critical condition with burns over 50% of his body;

Firefighter Ethan Sorrell, 21, of the Bladensburg Fire Department sustained burn injuries to his airway and was released last week;

Firefighter Michael McClary, 19, a member of the Riverdale Volunteer Fire Department suffered injuries to his ribs and burns to both hands and was hospitalized overnight before being released;

Firefighter Michael Olszewski, 22, of the Riverdale Fire Department sustained burns to the side of the face and was treated and released that same evening;

Firefighter Roberto Ramirez, 21, of the Riverdale Fire Department suffered ear burns and was treated and released that same evening;

Firefighter Michael Naples, 24, of the Riverdale Fire Department sustained ear and face

burns and was treated and released that same evening; and

Assistant Chief Ari Schloss, 36 years of age, of the College Park Volunteer Fire Department suffered burns to the hands and was treated and released that same evening.

I have seen firsthand how difficult a job our local firefighters have. They are tasked with the tremendous responsibility of meeting the increasingly diverse needs of growing populations with diminishing resources. Today, our first responders are being asked to be the first line of defense in our war on terror, in addition to carrying out traditional fire and public safety work.

I want to thank them for their commitment to the citizens and families of this great State. They are Maryland's heroes, and they have my utmost respect and support.

HOUSE OF REPRESENTATIVES—*Friday, March 9, 2012*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 9, 2012.

I hereby appoint the Honorable ADRIAN SMITH to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Compassionate and merciful God, we give You thanks for giving us another day.

During this time of constituency visits, give the Members of this assembly insight, inspiration, and industry to work for the good of our country. Sustain our people with Your power, that they might be true to the highest and best they know and are able to achieve.

As Members visit with those whom they represent, may solutions that work toward the betterment of all in our Nation emerge in open and respectful conversation.

May the assurance of Your love and the presence of Your truth abide in all our hearts and all our homes.

And may all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without

objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 8, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: On March 8, 2012, pursuant to section 3307 of Title 40, United States Code, the Committee on Transportation and Infrastructure met in open session to consider resolutions to authorize 11 lease prospectuses included in the General Services Administration's (GSA) FY2011 and FY2012 Capital Investment and Leasing Programs (CILP) and one resolution to request an information report pursuant to section 3315(a) of Title 40.

Our Committee continues to work to cut waste and the cost of federal property and leases. The resolutions approved by the Committee will save the taxpayer \$19.5 million annually or \$317 million over the terms of the leases. These resolutions ensure savings through lower rents, shrinking the space requirements of agencies, avoidance of hold-over penalties, and efficiencies created through consolidation. In addition, the Committee has included space utilization requirements in each of the resolutions to ensure agencies are held to appropriate utilization rates.

I have enclosed copies of the resolutions adopted by the Committee on Transportation and Infrastructure on March 8, 2012.

Sincerely,

JOHN L. MICA,
Chairman.

Enclosures.



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

400 7th Street, SW, Washington DC
3315(a) INFORMATION REPORT

James H. Zoia, Democrat Chief of Staff

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3315(a), the Administrator of General Services is directed to provide the Committee with technical assistance by developing a housing space plan report, along with associated floor plans showing the workspace configuration, alignment of functions, and utilization, for a consolidation of all Federal Trade Commission (FTC) office space operations in Washington, D.C. into the remaining 379,000 rentable square feet of space leased by the Securities and Exchange Commission in the building referred to as Constitution Center located at 400 7th Street, SW, Washington DC and the 40,000 rentable square feet of special use space common to the building occupants.

The housing and floor plans shall incorporate and reflect two separate alternatives:

- Alternative 1) consolidation into Constitution Center of all FTC operations currently housed at 600 Pennsylvania Avenue NW, 601 New Jersey Avenue NW, and 1800 M Street NW in Washington, D.C.; and
- Alternative 2) consolidation into Constitution Center FTC operations currently housed at 600 Pennsylvania Avenue NW and 601 New Jersey Avenue NW.

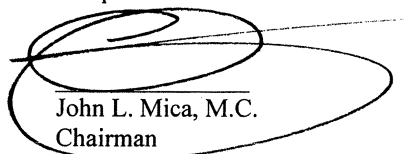
The housing and floor plans shall take into account maximum shared usage by the FTC of special use space already existing in common areas of Constitution Center, including conference facilities, cafeteria, and fitness space.

The housing plan and floor plans may account for full-time contractors, but in no case shall include interns and temporary workers and shall incorporate hoteling and maximum use of an open floor plan as necessary to fully house the functions in the current locations.

The housing and floor plans shall include detailed descriptions (including locations and sizes) of any additional special use space not accounted for in the common areas of the building.

The Administrator shall provide the requested information not later than 30 days after adoption of this resolution.

Adopted:


John L. Mica, M.C.
Chairman



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
U.S. COAST GUARD SECTOR HEADQUARTERS
CORPUS CHRISTI, TX
PTX-07-CC12

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a new lease of up to 180,000 rentable square feet of space, including 221 parking spaces, for the U.S. Coast Guard Sector Headquarters at a proposed total annual cost of \$3,530,200 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 75 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

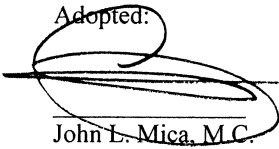
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 75 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSA

PBS

**PROSPECTUS - LEASE
U.S. COAST GUARD SECTOR HEADQUARTERS
CORPUS CHRISTI, TX**

Prospectus Number: PTX-07-CC12
Congressional District: 27

Project Summary

The General Services Administration (GSA) proposes a new lease for 180,000 rentable square feet (rsf) of space and 221 parking spaces, for the Department of Homeland Security (DHS) - United States Coast Guard (USCG), and DHS Customs and Border Protection - Office of Field Operations (CBP-OFO), at the Corpus Christi International Airport (CCIA), Corpus Christi, TX. The new USCG Sector Headquarters facility will be comprised of three structures: a three-story command and control building of approximately 58,000 rsf; a two-story hangar building of approximately 114,000 rsf; and a one-story ground support building of approximately 8,000 rsf.

USCG currently occupies space at Naval Air Station (NAS) Corpus Christi, and space at Tower II, 555 N. Carancahua, Corpus Christi, TX, under a lease, which expires November 30, 2015. CBP-OFO also currently occupies space at NAS Corpus Christi, and has submitted a request and justification to occupy space in the new USCG Sector Headquarters because of the need to collaborate and share information with USCG. GSA is currently negotiating an assignable ground lease for a site of approximately 23 acres at CCIA.

Justification

Meeting operational mission requirements of Sector and Air Station Units is a high priority for USCG. The current hangar location is not optimal, increasing transit times between duty berthing of the personnel who operate and support the aircraft and the hangar, and between the hangar and the runway. Response times are slowed by the need to stop traffic, open a gate, and cross a road in order to move aircraft from the hangar to the runway. The proximity of the current 60-year old facility to the seawall subjects aircraft and the facility itself to excessive corrosion, resulting in significantly higher life-cycle maintenance costs than the rest of the fleet located away from seawalls. The hangar deck space is insufficient for new aircraft, but three new fixed wing aircraft are expected to be delivered in May 2012. Without a new hangar, these aircraft would have to alternate staying outside on the ramp next to the seawall. The new HC-144 is a more avionic/sensor intense aircraft than the current H-25, and has wiring bundles and connectors much more susceptible to corrosion. The mission readiness requirements of the new aircraft can not be met under these conditions. In contrast, CCIA is located approximately 11 miles inland and would remove aircraft from the excessively corrosive environment at NAS, significantly reducing aircraft maintenance costs. Because available sites at CCIA are much closer to active runways than the current location at NAS and ready crew berthing would be located in the proposed hangar, response time would significantly improve.

GSA

PBS

**PROSPECTUS - LEASE
U.S. COAST GUARD SECTOR HEADQUARTERS
CORPUS CHRISTI, TX**

Prospectus Number: PTX-07-CC12
Congressional District: 27

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Description

Occupants:	DHS – USCG; DHS – CBP-OFO
Delineated Area:	Corpus Christi International Airport
Lease Type:	New
Justification:	Current facility is well past its service life and is functionally deficient.
Number of Parking Spaces:	221 (1 inside/220 outside)
Expansion Space:	39,148 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	180,000
Current Total Annual Cost:	\$707,150 (Operating expenses paid to Naval Air Station + lease)
Proposed Total Rental Cost:	\$3,319,000
Proposed Total Annual Parking Cost:	\$211,200
Proposed Total Annual Cost ¹ :	\$3,530,200
Maximum Proposed Rental Rate ² :	
Command Building + Hangar Building Administrative Space (94,000 rsf)	\$22.50 per rentable square foot
Hangar Building Decks & Shops + Ground Support Building (86,000 rsf)	\$14.00 per rentable square foot

¹Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

²This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS - LEASE
U.S. COAST GUARD SECTOR HEADQUARTERS
CORPUS CHRISTI, TX**

Prospectus Number: PTX-07-CC12
Congressional District: 27

Authorizations

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA

PBS

**PROSPECTUS - LEASE
U.S. COAST GUARD SECTOR HEADQUARTERS
CORPUS CHRISTI, TX**


Prospectus Number: PTX-07-CC12
Congressional District: 27

Certification of Need

The proposed project is the best solution to meet a validated Government need.

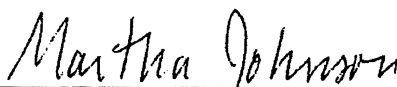
Submitted at Washington, DC, on March 9, 2011

Recommended: _____



Commissioner, Public Buildings Service

Approved: _____



Administrator, General Services Administration

Decer 2010
USCG
PT. CC12

House Plan
USCG
or HQ

Decer 2010

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Special	Storage	Total	Office	Special
TOWER II								
DHS - Coast Guard	100	100	11,251	0	0	11,251	0	0
Corpus Christi Naval Air Station								
DHS - Coast Guard	28	246	2,566	0	106,255	108,821	0	0
DHS - Customs and Border Protection	15	15	4,808	0	0	4,808	0	0
Sub Total:	43	261	7,374	0	106,255	113,629	0	0
Coast Guard Sector Headquarters								
DHS - Coast Guard	0	0	0	0	0	0	400	400
DHS - Customs and Border Protection	0	0	0	0	0	0	15	15
Total:	143	361	18,625	0	106,255	124,880	415	415
							32,625	2,050
							7,167	420
							39,792	2,470
							117,326	159,588

Current		Proposed	
Utilization		Utilization	
Rate	105	Rate	75

Current UR excludes 4,098 USF of office support space
Proposed UR excludes 8,754 USF of office support space

Special Space	
Restroom	1,838
Clinic	1,125
Physical Fitness	1,200
Conference	4,460
Library	1,370
ADP	580
Food Service	6,531
Hangar	70,218
Break Rooms	2,363
Bunk Rooms	5,638
Secured Storage	561
Industrial Storage	15,384
Lockers	6,058
Total:	117,326

USF represents the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

John L. Mica
Chairman

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
DEPARTMENT OF STATE
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
PDC-12-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 392,302 rentable square feet of space, including 21 parking spaces, for the Department of State, U.S. Agency for International Development, currently located at 400 C Street, SW, Washington, D.C., at a proposed total annual cost of \$19,222,798 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person.

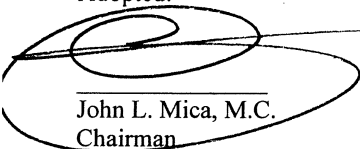
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF STATE
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, DC**

Prospectus Number: PDC-12-WA11

Project Summary

The General Services Administration (GSA) proposes a lease of up to 499,000 rentable square feet (rsf) with 77,000 rsf of expansion for the Department of State and U.S. Agency for International Development (USAID) currently located at Federal Center Plaza II, 400 C St. SW, in Washington, D.C. The current lease at this location expires on January 2, 2013.

The additional 77,000 rsf is needed to accommodate USAID's growth in personnel, linked to current and anticipated funding of various programs; including PEPFAR (Presidential Emergency Preparedness Fund for Aids Relief), DLI (Development Leadership Initiative), and the Civilian Stabilization Initiative. Senate Report 110-425 (page 32) to the Department of State, Foreign Operations, and Related Programs Appropriations Bill, 2009 " . . . supports the administration's proposal to double the number of Foreign Service Officers over the next several years . . . ".

This location was originally occupied solely by the Department of State, which moved some component groups to Foggy Bottom locations in late 2009 and early 2010, vacating a total of 4 floors encompassing 169,356 USF which were backfilled by USAID.

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF STATE
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, DC**

Prospectus Number: PDC-12-WA11

Description

Occupants:	Department of State & USAID
Delineated Area:	Washington, DC Central Employment Area (CEA, NOMA and Waterfront)
Lease Type:	Replacement with Expansion
Justification:	Expiring Lease (January 2, 2013)
Expansion Space:	77,000 RSF
Number of Parking Spaces ¹ :	21 for official government vehicles
Scoring:	Operating
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	499,000
Current Total Annual Cost: ²	\$15,836,765
Proposed Total Annual Cost: ³	\$24,451,000
Maximum Proposed Rental Rate ⁴ :	\$49.00

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

¹ Security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building(s).

² "Current Total Annual Cost" includes \$1,520,671 estimated FY10 utility charges as current lease is net utilities.

³ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

⁴ This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF STATE
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, DC**

Prospectus Number: PDC-12-WA11

Authorization

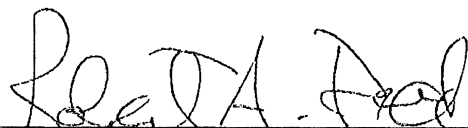
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

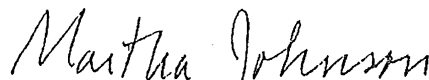
Submitted at Washington, DC, on December 21, 2010

Recommended: _____



Commissioner, Public Buildings Service

Approved: _____



Administrator, General Services Administration

	Current	Proposed
Utilization		
Rate	127	128

Current UR excludes 55,966 USF of Office for support space
Proposed UR excludes 69,354 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms, rest rooms and lobbies).

	Special Space
Conference	13,577
Training Center	19,893
Copy Center	735
Library	536
Galley	4,264
CER Room	3,451
LAN	9,100
Computer Room	19,163
Security	426
File Room	1,800
Break Room	330
Utility Room	149
Loading Dock	4,958
Lactation Room	364
Video Lab	364
Mail Room	910
Swing/Surge	14,378
Total	94,388



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

John L. Mica
Chairman

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.
PDC-03-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 64,745 rentable square feet of space for the Federal Communications Commission, currently located at 1250 Maryland Avenue, SW, Washington, D.C., at a proposed total annual cost of \$3,172,505 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 133 square feet or less per person.

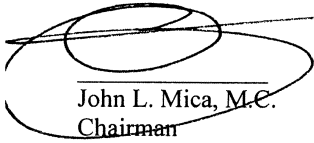
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 133 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSAPBS

**PROSPECTUS – LEASE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC**

Prospectus Number: PDC-03-WA11

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 79,000 rentable square feet (rsf) for the Federal Communications Commission (FCC), currently located in the Portals I building at 1250 Maryland Avenue, SW, Washington, DC.

Description

Occupants:	FCC
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (October 31, 2012)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	79,000
Current Total Annual Cost:	\$3,349,470
Proposed Total Annual Cost: ¹	\$3,871,000
Maximum Proposed Rental Rate: ²	\$49.00

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

¹ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

² This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

**PROSPECTUS – LEASE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC**

Prospectus Number: PDC-03-WA11

Authorization

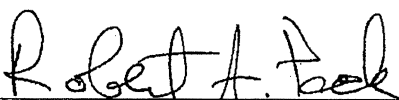
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

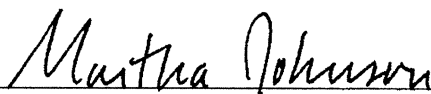
Submitted at Washington, DC, on September 10, 2010

Recommended: _____



Commissioner, Public Buildings Service

Approved: _____



Administrator, General Services Administration

November 2009

**Housing Plan
Federal Communications Commission**

**PDC-03-WA11
Washington, DC**

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Storage	Office	Total	Office	Storage
The Portals, 1250 Maryland Ave. SW	264	264	54,752	1,518	264	65,465		
Proposed Lease								
Total	264	264	54,752	1,518	264	65,465	54,752	1,518
							54,752	1,518
							9,195	65,465
							9,195	65,465

Utilization Rate	Current	Proposed
	162	162

Current UR excludes 12,045 USF of office support space
Proposed UR excludes 12,045 USF of office support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
Copy Room	1,429
Phone Closet	1,429
Wire Closet	854
Break Room	1,429
Security	1,139
Conf. Room	2,915
Total	9,195



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
FOOD AND DRUG ADMINISTRATION
SUBURBAN MARYLAND
PMD-07-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for an extension lease of up to 101,000 rentable square feet of space for the Food and Drug Administration, currently located at 1401 Rockville Pike, Rockville, MD, at a proposed total annual cost of \$3,434,000 for a lease term of up to 3 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 134 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

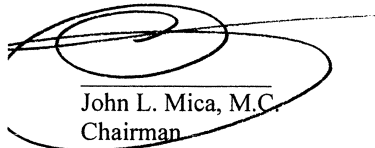
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 134 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSAPBS

**PROSPECTUS – LEASE
FOOD AND DRUG ADMINISTRATION
SUBURBAN MARYLAND**

Prospectus Number: PMD-07-WA11
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a lease extension for 101,000 rentable square feet (RSF) of space for the Food and Drug Administration (FDA) at 1401 Rockville Pike, Rockville, Maryland. The FDA is planning to move to its White Oak Maryland headquarters facility that is currently in construction. GSA will attempt to structure the lease term for the extension to be consistent with the construction schedule.

Description

Occupants:	FDA
Delineated Area:	Suburban Maryland
Lease Type:	Extension
Justification:	Expiring Lease (9/30/2012)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	3 years
Maximum Rentable Square Feet:	101,000
Current Total Annual Cost:	\$3,065,578
Proposed Total Annual Cost: ¹	\$3,434,000
Maximum Proposed Rental Rate: ²	\$34 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

¹Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

² This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS – LEASE
FOOD AND DRUG ADMINISTRATION
SUBURBAN MARYLAND**

Prospectus Number: PMD-07-WA11
Congressional District: 8

Authorization

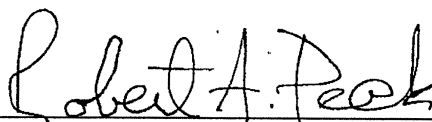
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

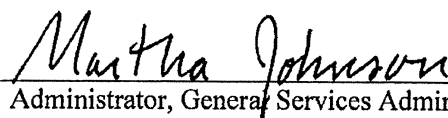
Submitted at Washington, DC, on September 10, 2010

Recommended: _____



Commissioner, Public Buildings Service

Approved: _____



Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
DEPARTMENT OF LABOR
NORTHERN VIRGINIA
PVA-02-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 100,000 rentable square feet of space, including ten parking spaces, for the Department of Labor, currently located at 1100 Wilson Boulevard, Arlington VA, at a proposed total annual cost of \$3,800,000 for a lease term of up to 3 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 173 square feet or less per person.

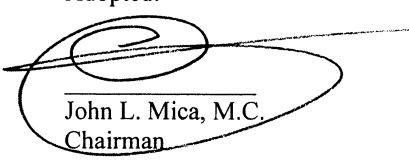
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 173 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF LABOR
NORTHERN VIRGINIA**

Prospectus Number: PVA-02-WA11
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 100,000 rentable square feet (rsf) for the Department of Labor's Office of the Solicitor (SOL), and Mine Safety and Health Administration (MSHA). They are currently located at 1100 Wilson Boulevard in Arlington, VA.

Description

Occupants:	SOL, MSHA
Delineated Area:	Northern Virginia
Lease Type:	Replacement
Justification:	Expiring Leases (04/27/2012)
Expansion Space:	2,500 RSF
Number of Parking Spaces:	10 for official government vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	100,000 RSF
Current Total Annual Cost:	\$3,589,679
Proposed Total Annual Cost: ¹	\$3,800,000
Maximum Proposed Rental Rate: ²	\$38.00 per rentable square feet

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

¹ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

² This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF LABOR
NORTHERN VIRGINIA**

Prospectus Number: PVA-02-WA11
Congressional District: 8

Authorization

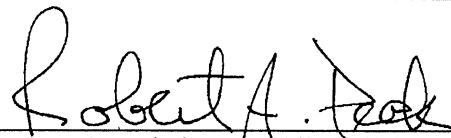
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

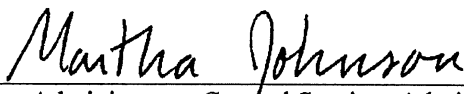
Submitted at Washington, DC, on September 10, 2010

Recommended: _____



Commissioner, Public Buildings Service

Approved: _____



Administrator, General Services Administration

PVA-02-WA11
Northern, VA

Housing Plan
Department of Labor

January 2010

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Storage	Office	Total	Office	Storage
MSHA 1100 Wilson	251	251	57,703	5,950		63,653		
SOL 1100 Wilson	53	53	14,799	2,050		16,849		
Proposed Lease	-	-			335	74,210	8,400	82,610
Total	304	304	72,502	-	335	80,502	8,400	82,610

Utilization Rate	Current	Proposed
	186	173

Current UR excludes 15,950 USF of office support space
Proposed UR excludes 16,326 USF of office support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
Conference Room	3,350
Health Center	850
Mail Room	600
Library	3,000
Ship/Res	600
Total	8,400



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

John L. Mica
Chairman

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
NORTHERN VIRGINIA
PVA-09-WA12

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a new lease of up to 183,000 rentable square feet of space, including six parking spaces, for the Office of the Director of National Intelligence at a proposed total annual cost of \$7,137,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 102 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

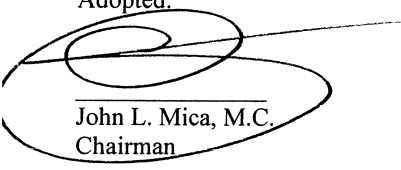
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 102 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSA

PBS

**PROSPECTUS – LEASE
OFFICE OF THE DIRECTOR
OF NATIONAL INTELLIGENCE
NORTHERN VIRGINIA**

Prospectus Number: PVA-09-WA12
Congressional District: 8,10,11

Executive Summary

The General Services Administration (GSA) proposes a new lease of up to 183,000 rentable square feet for the Office of the Director of National Intelligence (ODNI), which is currently located in multiple contractor-provided and Government-provided classified locations throughout Northern Virginia. The contractor agreements in these locations expire in July and August of 2011, and June of 2012. GSA is seeking to provide ODNI with a long-term consolidated housing solution that separates the acquisition of space from the provision of mission-critical contract services in order to better control costs and increase organizational effectiveness.

Description

Occupants:	ODNI
Lease Type:	Consolidation with Expansion
Current Rentable Square Feet (RSF):	113,000 (Current RSF/USF=1.2)
Proposed Maximum RSF:	183,000 (Proposed RSF/USF=1.2)
Expansion Space:	70,000 RSF
Current Usable Square Feet/Person:	167
Proposed Usable Square Feet/Person:	222
Delineated Area:	Northern Virginia
Number of Official Parking Spaces: ¹	6
Justification:	Expiring Contractor Agreements: 2011, 2012
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Proposed Rental Rate: ²	\$39.00
Proposed Total Annual Cost: ³	\$7,137,000
Current Total Annual Cost: ⁴	\$11,000,000

¹ ODNI's security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

² This estimate is for fiscal year 2012 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced, including all operating expenses, whether paid by the lessor or directly by the Government.

³ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

⁴ Includes non-real estate costs.

GSAPBS

**PROSPECTUS – LEASE
OFFICE OF THE DIRECTOR
OF NATIONAL INTELLIGENCE
NORTHERN VIRGINIA**

Prospectus Number: PVA-09-WA12
Congressional District: 8,10,11

Background

The Director of National Intelligence serves as the head of the Intelligence Community, overseeing and directing the implementation of the National Intelligence Program and acting as the principal advisor to the President, the National Security Council, and the Homeland Security Council for intelligence matters related to the national security. ODNI's goal is to effectively integrate foreign, military and domestic intelligence in defense of the homeland and of United States interests abroad

Justification

In order to reduce disruption to mission, and separate the acquisition of mission critical services from the provision of space, ODNI is moving to consolidate certain infrastructure support capabilities into a long-term government leased facility. The co-location of these support capabilities is critical in meeting the dynamic needs of the agency's mission.

There are multiple benefits to this approach. First, co-location optimizes ODNI's ability to provide integrated solutions. Second, co-location preserves ODNI's leverage over its support contractor(s) and facilitates the introduction of new and innovative partners. Third, over a long-term lease, ODNI will significantly reduce facility costs by divorcing space procurements from the cyclical nature of government acquisitions.

Due to the sensitive nature of the agency's mission, the consolidated leased location will be almost entirely comprised of SCIF space.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

GSAPBS

**PROSPECTUS – LEASE
OFFICE OF THE DIRECTOR
OF NATIONAL INTELLIGENCE
NORTHERN VIRGINIA**

Prospectus Number: PVA-09-WA12
Congressional District: 8,10,11

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

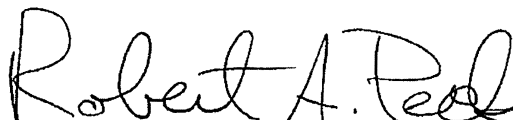
GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency until the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration

May 2/

Hous. Plan
Office of the Director of
National Intelligence

PVA- WA12

Locations	Current					Proposed				
	Personnel		Usable Square Feet (USF)			Personnel		Usable Square Feet (USF)		
	Office	Total	Office	Storage	Special	Total	Office	Storage	Special	Total
Location L	77	77	7,825		12,269	20,094				
Location O	67	67	1,500			1,500				
Location G	27	27	2,733			2,733				
Location M	16	16	1,700		300	2,000				
Location B	360	360	52,612	1,538	9,850	64,000				
Location N	17	17	3,840			3,840				
Proposed Lease							687	89,510	6,515	56,539
Total	564	564	70,210	1,538	22,419	94,167	687	89,510	6,515	56,539

Office Utilization Rate (UR)*		
Rate	Current	Proposed
	97	102

* UR = average amount of office space per person
Current UR excludes 15,446 USF of Office for support space
Proposed UR excludes 19,692 USF of office for support space

USF/Person **		
Rate	Current	Proposed
	167	222

** USF/Person = housing plan total USF divided by total personnel

Special Space			USF
ADP			28,039
Conference/ Classroom			17,580
Food Service			4,776
Reception			1,021
Break Rooms			5,123
Total			56,539

USF/Person **		
Rate	Current	Proposed
	167	222

Total USF	RSF/USF	Maximum RSF
Current	94,167	113,000
Proposed	152,564	183,000

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
NATIONAL INSTITUTES OF HEALTH
6701 AND 6707 DEMOCRACY BLVD.
SUBURBAN MARYLAND
PMD-02-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease consolidation of up to 352,717 rentable square feet of space, including 5 parking spaces, for the National Institutes of Health, currently located at 6701 and 6707 Democracy Blvd., Bethesda, MD, at a proposed total annual cost of \$11,992,378 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 134 square feet or less per person.

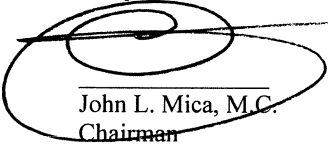
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 134 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSAPBS

**PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
6701 AND 6707 DEMOCRACY BLVD.
SUBURBAN MARYLAND**

Prospectus Number: PMD-02-WA11
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a lease consolidation of up to 403,000 rentable square feet (rsf) for the National Institutes of Health (NIH) currently located at 6701 and 6707 Democracy Blvd, Bethesda, MD.

The current leased locations consist of 352,717 rsf under 10 leases that will expire from October 31, 2010 through November 30, 2012 with one lease expiring in November 2017. These leases were obtained directly by NIH through a delegation of leasing authority, and they provide housing for a diverse grouping of 15 NIH organizations. The purpose of this prospectus is to obtain authority to enter into a long term lease of up to 20 years for NIH beginning in 2012.

NIH's new consolidated location needs to be proximate to the NIH campus in Montgomery County Maryland, NIH off-campus clusters, I-270, NW Beltway Spur, and the Metro along the Red Line as employees rely on the NIH shuttle service and public transit to make frequent trips to the campus. Additionally, NIH frequently hosts conferences/training sessions attended by representatives from other government agencies, health organizations/companies, and foreign dignitaries. Locating outside of the specified delineated area, in a location inaccessible by public transit, I-270, the Northwest Beltway Spur and away from other federal agencies, could negatively impact these functions.

Acquisition Strategy

In order to maximize flexibility in acquiring space to house the National Institutes of Health elements, GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocs of space able to meet the requirements in whole or in part.

Description

Occupants:

NIH

Delineated Area:

North – Halpine Road to Twinbrook Pkwy**East** – Viers Mill Road to Connecticut Ave;**West** – E. Jefferson Street, Rollins Avenue, Evelyn Dr., Montrose Road, Tadenwood Drive, Old Stage Road, Tilden Park, Tuckerman Lane I-270, Democracy Boulevard, Old Georgetown Road, Wisconsin Avenue,**South** – Bradley Lane

GSAPBS

**PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
6701 AND 6707 DEMOCRACY BLVD.
SUBURBAN MARYLAND**

Prospectus Number: PMD-02-WA11
Congressional District: 8

Lease Type:	Consolidation
Justification:	10 NIH Leases expiring between 10/31/2010 and 11/30/2012, and one lease expiring in 2017
Expansion Space:	50,283 rsf
Number of Parking Spaces:	5 official government vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	403,000
Current Total Annual Cost:	\$16,674,160
Proposed Total Annual Cost: ¹	\$13,702,000
Maximum Proposed Rental Rate: ²	\$34.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

¹ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

² This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
6701 AND 6707 DEMOCRACY BLVD.
SUBURBAN MARYLAND**

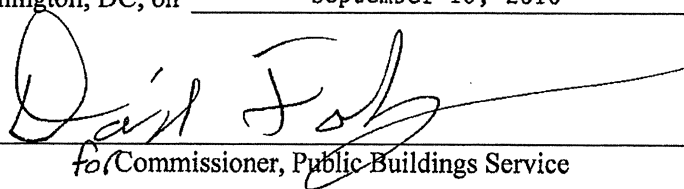
Prospectus Number: PMD-02-WA11
Congressional District: 8

Certification of Need

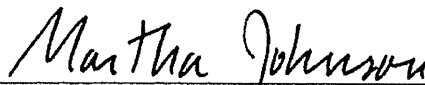
The proposed lease is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended:


for Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

PMD-02-WA11
Suburban, MD

Housing Plan
National Institutes of Health
6701 and 6707 Democracy Blvd.

April 2010

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Storage	Office	Total	Storage	Special
6701 and 6707 Democracy Blvd.	1,592	1,592	287,530	6,400		293,930		
Replacement Lease					1,592	1,592	311,105	24,150
Total	1,592	1,592	287,530	-	1,592	1,592	311,105	24,150
								335,255

Utilization Rate	Current	Proposed
	141	152

Current UR excludes 63,257 USF of office support space
Proposed UR excludes 68,443 USF of office support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
Conference Room	7,630
Food Service	5,200
Fitness Center	4,900
Data Centers	1,900
Vending Machine	600
ATM	120
Lactation Room	300
Break Rooms	3,500
Total	24,150



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515
COMMITTEE RESOLUTION

Nick J. Rahall, III
Ranking Member

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION
SUBURBAN MARYLAND
PMD-01-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 104,000 rentable square feet of space, including 16 parking spaces, for the Department of Health and Human Services, Centers for Disease Control and Prevention, currently located at 3311 Toledo Road, Hyattsville, MD, at a proposed total annual cost of \$3,536,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 118 square feet or less per person.

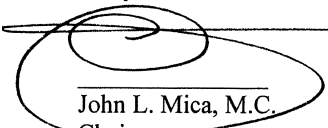
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 118 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION
SUBURBAN MARYLAND**

Prospectus Number: PMD-01-WA11
Congressional District: 4, 5, 6, 8

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 148,000 rentable square feet (rsf) for the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC), the National Center for Health Statistics. The CDC is currently located in the Metro IV Building, at 3311 Toledo Road, Hyattsville, MD.

Description

Occupants:	HHS-CDC
Delineated Area:	Suburban MD
Lease Type:	Replacement
Justification:	Expiring lease 12/31/2012
Expansion Space:	58,135 rsf (space reduction)
Number of Parking Spaces: ¹	16 official vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	148,000
Current Total Annual Cost:	\$5,069,076
Proposed Total Annual Cost: ²	\$5,032,000
Maximum Proposed Rental Rate: ³	\$34.00 per rentable square foot

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

¹ CDC security requirements may necessitate control of the parking garage at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

² Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

³ This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION
SUBURBAN MARYLAND**

Prospectus Number: PMD-01-WA11
Congressional District: 4, 5, 6, 8

Authorization

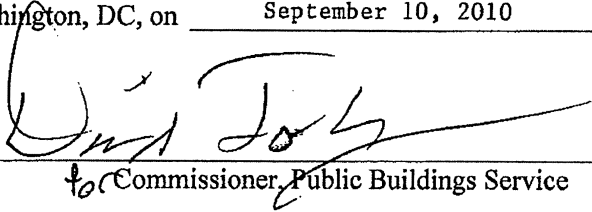
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

Certification of Need

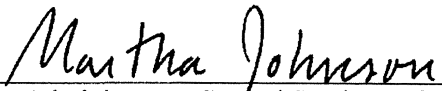
The proposed lease is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended: _____


for Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration

Locations	Current					Proposed					
	Personnel		Usable Square Feet (USF)			Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Office	Total	Office	Storage	Special	Total
Metro IV (3311 Toledo Road)	500	500	156,099	1,260	13,740		171,099				
Proposed Lease	-	-	-	-	-	500	500	107,500	1,260	13,893	122,653
Total	500	500	156,099	1,260	13,740	500	171,099	107,500	1,260	13,893	122,653

Utilization	Current	Proposed
Rate	244	168

Current UR excludes 34,342 USF of office support space
Proposed UR excludes 23,650 USF of office support space

Special Space	USF
Health Unit	785
Fitness Center	3,910
Conference Room	4,280
Staff Library	2,578
Data Center	1,840
Credit Union	300
Telephone Room	200
Total	13,893

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
NATIONAL SCIENCE FOUNDATION
NORTHERN VIRGINIA
PVA-01-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 667,759 rentable square feet of space, including six parking spaces, for the National Science Foundation, currently located at 4201 and 4121 Wilson Boulevard, Arlington, VA, at a proposed total annual cost of \$24,200,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to achieve a utilization rate of 128 square feet or less per person with respect to any space that is newly constructed or fully renovated.

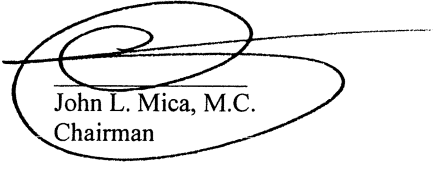
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 128 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSAPBS

**PROSPECTUS – LEASE
NATIONAL SCIENCE FOUNDATION
NORTHERN VIRGINIA**

Prospectus Number: PVA-01-WA11
Congressional District: 8, 10, 11

Project Summary

The General Services Administration (GSA) proposes a lease of up to 690,000 rentable square feet (rsf) for the National Science Foundation (NSF) currently located at 4201 and 4121 Wilson Boulevard, Arlington, VA. The agency requires that they be housed in space that preserves their contiguous configuration and sustains the efficiencies needed for NSF's single business process, awarding grants in science and engineering.

NSF's fundamental line of business rests in the hundreds of thousands of proposals it processes and reviews each year. In 2009, NSF completed approximately 248,000 proposal reviews yielding an enormous average workload of 170 science and engineering competitive merit review panels each month. To conduct these reviews, NSF hosts the nation's and the world's science, engineering and academic elite as they travel to NSF to perform the government's business. In 2009, NSF had a total of about 62,000 visitors. NSF operations support the meetings and business requirements of these participants during their work time at the agency which ranges from as few as 10 to as many as 500 participants over multiple days for a single proposal initiative. To accommodate this work, this prospectus includes an increased amount of special space while realizing a reduction in the amount of office space allocated per person.

NSF presently houses a workforce of more than 1,500 fulltime staff, 225 rotational appointees hired under the Intergovernmental Personnel Act, and 512 contract personnel. NSF's programs span a broad portfolio that includes biological sciences, computer and information science and engineering, cyber-infrastructure, science education, engineering, geosciences, mathematics and physical sciences, social, behavioral, and economic sciences, integrative activities, international science and engineering and polar programs.

Acquisition Strategy

In order to maximize the flexibility in acquiring space to house the National Science Foundation in its entirety, GSA may issue a single, multiple award solicitation that will allow offerors to provide blocs of space in adjacent buildings which preserves NSF's contiguous configuration.

GSA

PBS

**PROSPECTUS – LEASE
NATIONAL SCIENCE FOUNDATION
NORTHERN VIRGINIA**

Prospectus Number: PVA-01-WA11

Congressional District: 8, 10, 11

Description

Occupants:	National Science Foundation
Delineated Area:	Northern Virginia
Lease Type:	Replacement with Expansion
Justification:	Expiring Leases (April 30 and December 31, 2013)
Expansion Space:	22,241 rsf
Number of Parking Spaces:	6
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	690,000
Current Total Annual Cost:	\$19,169,198
Proposed Total Annual Cost: ¹	\$26,220,000
Maximum Proposed Rental Rate: ²	\$38.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

¹ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

² This estimate is for fiscal year 2014 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

PROSPECTUS – LEASE
NATIONAL SCIENCE FOUNDATION
NORTHERN VIRGINIA

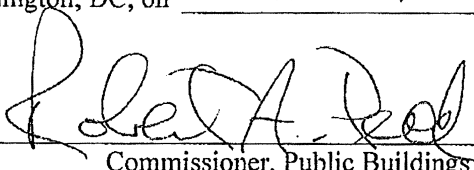
Prospectus Number: PVA-01-WA11
Congressional District: 8, 10, 11

Certification of Need

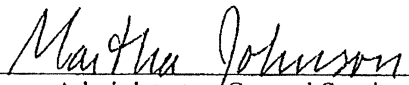
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration

October 10

Housing Plan

PVA-11

National Science Foundation

Locations	Current					Proposed					
	Personnel		Usable Square Feet (USF)			Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Storage	Special	Total
Stafford I 4201 Wilson Blvd.	1,950	1,950	370,915	5,200	99,891	476,006					
Stafford II 4121 Wilson Blvd.	312	312	61,688		18,772	80,460					
New Lease							2,241	2,241	6,090	201,953	575,105
Total:	2,262	2,262	432,603	5,200	118,663	556,466	2,241	2,241	6,090	201,953	575,105

Special Space		
Conference/Training		118,298
Cafeteria		9,000
Credit Union		2,000
Health Center		3,000
Library		2,475
Computer Room		3,000
Secure Space		450
Command Center		2,625
Print/Mail		5,600
Shipping/Receiving		1,000
Communications		
Equip Rms		5,400
Break Room		14,120
Copv Rooms		17,645
ADP		7,135
OLPA Production Studio		3,605
File Room		6,600
Total:		201,953

Current		
Rate	149	128

Current UR excludes 95,173 USF of Office for support space
Proposed UR excludes 80,754 USF of office for support space

USF means: the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Dick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
DEPARTMENT OF VETERANS AFFAIRS
1722 I STREET, NW
WASHINGTON, D.C.
PDC-01-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 181,000 rentable square feet of space, including 20 parking spaces, for the Department of Veterans Affairs, currently located at 1722 I Street, NW, Washington, D.C., at a proposed total annual cost of \$8,507,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 111 square feet or less per person.

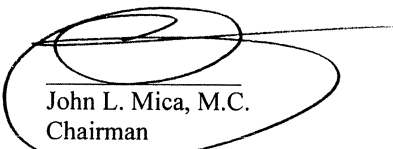
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 111 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF VETERANS AFFAIRS
1722 I STREET, NW
WASHINGTON, DC**

Prospectus Number: PDC-01-WA11

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 192,000 rentable square feet (rsf) of space for the Department of Veterans Affairs (VA), currently located at 1722 I Street NW, Washington, DC.

Acquisition Strategy

In order to maximize flexibility in acquiring space to house the Veterans Administration elements, GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocs of space able to meet the requirements in whole or in part.

Description

Occupants:	VA
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Leases (June 6, 2012 and November 14, 2012)
Expansion Space:	None
Number of Parking Spaces ¹ :	20 official government vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	192,000
Current Total Annual Cost:	\$7,496,623
Proposed Total Annual Cost ² :	\$9,408,000
Maximum Proposed Rental Rate ³ :	\$49.00

¹ VA security requirements may necessitate control of the parking garage at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

² Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

³ This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF VETERANS AFFAIRS
1722 I STREET, NW
WASHINGTON, DC**

Prospectus Number: PDC-01-WA11

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

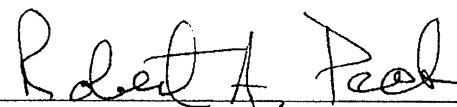
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

COMMITTEE RESOLUTION

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

LEASE
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON, DC
PDC-02-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 158,000 rentable square feet of space, including 5 parking spaces, for the Department of the Interior National Park Service, currently located at 1201 Eye Street, NW, Washington, D.C., at a proposed total annual cost of \$7,742,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 121 square feet or less per person.

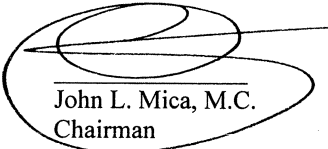
Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 121 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted:


John L. Mica, M.C.
Chairman

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON, DC**

Prospectus Number: PDC-02-WA11

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 231,000 rentable square feet (rsf) of space for the Department of the Interior (DOI) National Park Service (NPS), currently located at 1201 Eye Street, NW, Washington, DC.

Acquisition Strategy

In order to maximize flexibility in acquiring space to house the Department of Interior - National Park Service elements, GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocs of space able to meet the requirements in whole or in part.

Description

Occupants:	DOI-NPS
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (7/15/2012)
Expansion Space:	None
Number of Parking Spaces:	5 official
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	231,000
Current Total Annual Cost:	\$9,621,312
Proposed Total Annual Cost: ¹	\$11,319,000
Maximum Proposed Rental Rate: ²	\$49.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

¹ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

² This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

**PROSPECTUS – LEASE
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON, DC**

Prospectus Number: PDC-02-WA11

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

Certification of Need

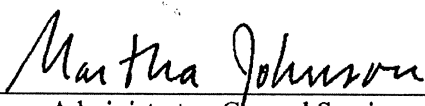
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended: _____


Eric T. Johnson, Commissioner, Public Buildings Service

Approved: _____


Martha Johnson, Administrator, General Services Administration

August 2010

Housing Plan
Department of the Interior
National Park Service

PDC-02-WA11
Washington, DC

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Storage	Special	Total	Office	Storage
1201 Eye St. NW	650	650	151,000	9,949	31,051	192,000		
Proposed Lease								
Total	650	650	151,000	9,949	31,051	192,000	151,000	9,949
							151,000	9,949
							31,051	
							192,000	
							192,000	

Special Space	USF
Conf/Training	10,131
Office Equip Rm	3,014
File Rooms	11,270
Ref/Library	1,836
Copy Room	2,100
Security Office	200
Mailroom	330
Dark Room	1,060
Radio Room	310
Health Center	800
Total	31,051

Current	Proposed
Utilization Rate	177

Current UR excludes 33,220 USF of office support space
Proposed UR excludes 33,220 USF of office support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

There was no objection.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. on Tuesday, March 13, 2012.

There was no objection.

Accordingly (at 11 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, March 13, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5239. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Time of Designation for Restricted Areas R-5313A, B, C, D, E, F, H and J; Dare County, NC [Docket No.: FAA-2011-1017; Airspace Docket No. 11-ASO-30] (RIN: 2120-AA66) received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5240. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace and Amendment of Class E; Brooksville, FL [Docket No.: FAA-2011-0578; Airspace Docket No. 11-ASO-24] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5241. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Oneonta, AL [Docket No.: FAA-2011-0744; Airspace Docket No. 11-ASO-33] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5242. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace and Amendment of Class E; Punta Gorda, FL [Docket No.: FAA-2011-0347; Airspace Docket No. 11-ASO-11] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5243. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Show Low, AZ [Docket No.: FAA-2011-1023; Airspace Docket No. 11-AWEP-15] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5244. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Baltimore, MD [Docket No.: FAA-2010-1328; Airspace Docket No. 10-AEA-26] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5245. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of

Class E Airspace; Kwigillingok, AK [Docket No.: FAA-2011-0881; Airspace Docket No. 11-AAL-18] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5246. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Kipnuck, AK [Docket No.: FAA-2011-0866; Airspace Docket No. 11-AAL-15] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5247. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class C Airspace; Palm Beach International Airport, FL [Docket No.: FAA-2011-0527; Airspace Docket No. 11-AWA-2] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5248. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to VOR Federal Airways V-320 and V-440; Alaska [Docket No.: FAA-2011-1014; Airspace Docket No. 11-AAI-19] (RIN: 2120-AA66) received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5249. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Olathe, KS [Docket No.: FAA-2011-0748; Airspace Docket No. 11-ACE-13] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5250. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Federal Airways; Alaska [Docket No.: FAA-2011-0010; Airspace Docket No. 11-AAI-1] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5251. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Frederick, MD [Docket No.: FAA-2011-0455; Airspace Docket No. 11-AEA-4] received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 901. Referral to the Committee on Energy and Commerce extended for a period ending not later than June 8, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SABLAN (for himself, Ms. BORDALLO, Mr. FALCONE, Mr. PIERLUISI, Mrs. CHRISTENSEN, and Ms. NORTON):

H.R. 4195. A bill to improve services for victims of sexual assault and domestic violence; to the Committee on the Judiciary.

By Ms. WILSON of Florida:

H. Res. 581. A resolution expressing the sense of the House of Representatives that the continued deployment of United States military support personnel advising regional forces working toward the apprehension of Joseph Kony is both necessary and appropriate; to the Committee on Foreign Affairs.

By Mr. LANCE:

H. Res. 582. A resolution celebrating the centennial of the birth of First Lady Patricia Nixon; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SABLAN:

H.R. 4195.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, section 8, clause 1 and clause 18, and Article IV, section 3, clause 2 of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 529: Mr. RUPPERSBERGER.

H.R. 694: Ms. MOORE.

H.R. 1116: Mr. COHEN.

H.R. 1418: Mr. STUTZMAN.

H.R. 1681: Mr. COHEN and Mr. KEATING.

H.R. 1821: Mr. ROTHMAN of New Jersey and Mr. GRIJALVA.

H.R. 2086: Ms. ESHOO.

H.R. 2088: Mr. NADLER.

H.R. 2230: Mr. BLUMENAUER.

H.R. 2314: Ms. BORDALLO, Mr. CARNAHAN, Mrs. DAVIS of California, and Mr. THORNBERRY.

H.R. 2499: Ms. BASS of California.

H.R. 2866: Mr. LOBIONDO.

H.R. 3068: Mr. LATTI, Mrs. BACHMANN, and Mr. LONG.

H.R. 3086: Mr. ALEXANDER and Mr. GALLAGHER.

H.R. 3313: Ms. DELAUNO.

H.R. 3462: Ms. BASS of California.

H.R. 3586: Mr. COFFMAN of Colorado.

H.R. 3643: Mr. AKIN.

H.R. 3695: Ms. HIRONO, Ms. CLARKE of New York, and Mr. BACA.

H.R. 3767: Mr. CAMP, Mr. GOWDY, Mr. CHABOT, Mr. MACK, Mr. OWENS, and Mr. SIRE.

H.R. 3855: Ms. BERKLEY.

H.R. 4089: Mr. AUSTRIA, Mr. SCHWEIKERT, and Mr. REHBERG.

H.R. 4169: Mr. FORTENBERRY.

H. J. Res. 80: Mr. POLIS.

H. Res. 526: Mr. QUAYLE.

EXTENSIONS OF REMARKS

RECOGNIZING THE BATTLEFIELD HIGH SCHOOL MARCHING BOB- CATS AS THE 2012 BCS NATIONAL CHAMPION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Battlefield High School Marching Bobcats from Haymarket, Virginia, for winning the honor of Grand Champion at the 2012 BCS National Championship Marching Competition.

The Battlefield High School Marching Bobcats completed its regular season with a perfect record, winning Grand Champion titles at every competition in which they competed. The mission of the Marching Bobcats is to serve the community through high level performances that all can enjoy. They competed against top Honor Bands from around Virginia. They traveled to New Orleans to compete in the BCS National Championship Bowl Game, where they earned the title of National Grand Champions in the high school marching band competition. In addition, they received a superior rating at the Virginia Band and Orchestra Directors Association state marching assessment, qualifying them for the opportunity to earn the title of Virginia Honor Band for the eighth year in a row, keeping the title since the school first opened. Throughout the band's eight-year existence, it has been named grand champion 30 times in a variety of competitions.

It is my honor to enter into the CONGRESSIONAL RECORD, the names of the staff, instructors, and marchers who helped Battlefield High School win the Grand Champion title at the 2012 BCS National Championship Marching Competition.

Principal: Amy Ethridge-Conti.
Band Director: Matt Brodt.
Assistant Band Director: Steve Ballas.
Drumline Instructor: Brandon Neal.
Colorguard Instructors: Stephanie Neidzweikie, Alicia Brodt.
Drum Majors: Glendon Mohan, Lianna Smith.

Members: Adora Correia, Ye Young Song, Kristina Lin, Vannesa Nates, Minneli Seneviratne, Hyebin Limb, Hyejune Limb, Katherine Lash, Kaitlyn Fowler, Courtney Watson, Claire So, Ashley Nembhard, Jessica Javier, Clarissa Warlitrner, Yusuf Siddiqui, Allison Forst, Summer Durant, Shauna Durant, Saydee Bocanegra, Amber Liptrap, Lexi Vassel, Mitchell Reichner, Mallory O'Connell, Victoria Hurlburt, Brooke Albertson, Jeffery Overbye, Matthew Ibarra, Jumoom Ahmed, Kevin Pfeifle, Jasmine Heartley, Brianna Bowers, MinSuk Kim, Jake Goodridge, Daniel Post, Alexandra Wright, Brianna Tucker, Parker Treubert, Anthony Vandervelt, Keegan Dayman, David Blackwell, Taylor Tissandier, Kathryn Piccione, Sean Farris,

Alex James, Cole Eastham, Emanuelle Madison, Karen Tran, Emily Kriss, Mark Yang, Lauren Lopes, Nicholas Rivera, Allyson Keeney, Kyleigh Hynes, Kristofer Lambert, Tyler Theal, Nathan Sim, Chris Garlock, Romere Hopson, Jason Lew, Emilee Moyer, Janay Brown, Brenda Macdonald, Alex Williams, Nicholas Sim, Kayla Hewitt, Megan Kriss, Aaron Yang, Sam Ampumah, Wesley Harmon, Landry Franklin, Michael Mahoney, Alexander Lambert, Eugene Pak, Scott Snow, Brian Knauf, Damajah Mapson, Daniel Milihrum, Jeremy Nelson, Megan Mahoney, Joe DuPriest, Michelle Hettmann, Jamie Weaver, Caroline Mohan, Aaron Sloss, Dylan Thomas, Laura Isbell, Jamie Hall, Nick Swinsky, Ian Walker, Tyler Stoetzel, Daniel Sloss, William Laingen, Hunter Watson, Noah Crowder, Michael Jones, Cody Ellis, Jacob Whitfield, Lauren Pierson, Josh Conrad, Andrew Giotta, Alberto Post, Arash Tajalli, Elijah Bass, Carrie Bass, Zack Khalil, Jordan Bard, Ryan Mast, Mitchell Ibarra, Delmar Somosa, Justin Thornton, Colin Fowler, Anthony Smith, Ryan Pfeifle, Will Taylor, Daniel Rhoades, Christian Go, Amber Watts, Daniel Gardezabal Chase Beasley, Austin Choi, Michael Schloss, Peter Bacenet, Michael Dawson, Chris Curtis, Anthony Rondinelli, Erwin Barrientos, Khushboo Bhatia, Nathan Guo, Andrew Theune, Megan Yetman, Aaron Guo, Ian McVey, Kyle So, Colson Meeks, Eric McGillivray, Josh Benedicto, Dominic Hunter, Meagan Curtis, Ellen Field, Katelyn McGlothlin, Renee Dionne, Alex Ernst, Alex Hickey, Hannah Shawler, Sarah Swinsky, Catie Swinsky, Kirsten Whitmer, Miriam Post, Tina Sepahpur, Medelly Post, Tyra Young, Victoria Cosby, Kirsten Whitney, Rachel Whitney, Tori Raiser, Erin Ross, Rebecca Whilby, Jacklyn Ebiasah, Hannah Akmal, Brittany Norris, Ariana Creque, Christie Justis, Janie Bocanegra, Caroline Shepard, Caylin Dawson, Navila Alam, Kaitlyn Goodwin.

Mr. Speaker, I ask that my colleagues join me in congratulating the Battlefield High School Marching Bobcats for winning the honor of Grand Champion at the 2012 BCS National Championship Marching Competition. This is a well-deserved title that could not have been won without an extraordinary team effort. These young people represented our community on the national stage with distinction and embody the promise of our next generation.

MARKING INTERNATIONAL WOMEN'S DAY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. CARNAHAN. Mr. Speaker, I rise today in celebration of International Women's Day. For more than 100 years, this important day has recognized the critical roles and contributions women play worldwide. International

Women's Day reminds us of how far we've come and of how far we still need to go in order to achieve gender equality worldwide.

Women continue to face serious challenges across our globe, particularly with access to health care, education, and economic opportunity. Women also are overwhelmingly the targets of human trafficking and gender-based violence. Today, women and girls are disproportionately burdened by extreme poverty, making up 70% of the world's one billion people who live on less than \$1 per day.

Here at home, we celebrate March as Women's History Month. The focus this year is "Women's Education—Women's Empowerment" which clearly reflects the goals of furthering gender equality worldwide. And it is no coincidence that one leads to the other. When women and girls have access to educational opportunities, their subsequent empowerment allows families and entire communities to flourish. And evidence shows that when these untapped agents of change are empowered to engage in the political process, governments are more effective and responsive to the needs of their people.

For real progress in women's rights, we must take a comprehensive approach to combat all barriers to women's equality—physical, psychological, educational, economic, and cultural. Let's use this International Women's Day as an opportunity to reignite our commitment to gender equality here at home and around the globe.

TO RECOGNIZE BOY SCOUT TROOP 1501 ON ITS 45TH ANNIVERSARY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to congratulate Boy Scouts of America Troop 1501 on the occasion of its 45th anniversary. Boy Scouts of America is one of the largest youth organizations in the United States, with more than 4.5 million current members. Since its founding, nearly 84 million boys have participated in scouting.

Established in 1966, Troop 1501 has taught boys and young men in Springfield, Virginia, the skills that will serve them well throughout their lives. During the last 45 years, more than 1,000 scouts have been members of Troop 1501 and more than 115 scouts have earned the rank of Eagle Scout. Nationally, about 2 percent of boys earn scouting's highest honor, but Troop 1501 shatters the national average with more than 11 percent of its scouts achieving that honor.

The extraordinary success of Troop 1501 is due in large part to exceptional troop leadership, dedicated families, and community support from local churches, businesses, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

charitable organizations. Troop 1501 exemplifies the values and tenets of the Boy Scouts of America and supports the character development that encourages responsible citizenship and self-reliance through a wide range of outdoor activities, educational programs, and community service. Members of this troop adhere to the Scout Law: "A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent" and by the Scout Slogan: "Do a good turn daily".

Scouting develops leadership skills and ethics that foster future success in life. Many of our country's greatest leaders have been scouts, and having been a scout, especially achieving the rank of Eagle Scout, is an achievement that is highly prized by our Military Service Academies.

Mr. Speaker, I ask that my colleagues join me in congratulating Boy Scout Troop 1501 on the occasion of its 45th anniversary and in thanking its Scoutmaster Brian Hamilton, volunteers, family members and community sponsors for their commitment to our children.

TO RECOGNIZE THE MARAH
CHRISTIAN COUNSELING CENTER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Marah Christian Counseling Center on the occasion of its 5th Anniversary.

In 2001, the Rev. Dr. Deloris Washington, who served as a pastoral counselor at the First Baptist Church of Merrifield, had a vision to create a Christian counseling center to provide care and counseling services to those facing emotional challenges and difficulties. In 2006, the vision became a reality when the Marah Christian Counseling Center, MCCC, opened its doors.

Since that time, MCCC has provided spiritually-based services to our community in four primary categories: Family Counseling, Individual Counseling, Pre-marital and Marital Counseling, and Support Groups. MCCC offers individual, couples, and group programs for all in need. Individual counseling services include anger management, depression, grief counseling, divorce and separation, financial counseling, stress management, and programs designed for the special needs of our children and teens. The pre-marital program offered by MCCC, which is a year-long program, is designed to ensure that areas of conflicts are addressed before the wedding and reduce subsequent divorce rates.

Each of us face pain, confusion, or loss of a loved one during our lifetime. I commend the Marah Christian Counseling Center for providing support during those difficult times.

Mr. Speaker, I ask that my colleagues join me in congratulating the Marah Christian Counseling Center on the occasion of its 5th anniversary, and in thanking the Rev. Dr. Deloris Washington for her leadership and service to our community.

MR. FRANCESCO BELLINI

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor Dr. Francesco Bellini who has been honored on numerous occasions for his major contributions in the fields of entrepreneurship, research and economy.

Originally from Italy, Dr. Bellini immigrated to Quebec, Canada, in 1967. With a handful of English words, a non-existent French vocabulary and empty pockets, Dr. Bellini began his journey to achieve the American dream. In 1972, he graduated from Loyola University with a Bachelor of Science degree. Five years later, he completed his Doctorate in organic chemistry from the University of New Brunswick.

In 1986, he co-founded BioChem Pharma, an innovative biopharmaceutical company focused on infectious diseases and cancer. Under his leadership as chairman and chief executive officer, CEO, he helped develop and commercialize BioChem Pharma's first therapeutic drug, 3TC, the earliest anti-HIV compound drug ever commercialized. Today, 3TC remains the cornerstone of combination HIV/AIDS infection therapies. Dr. Bellini's company went on to become one of the largest pharmaceutical companies in Canada. After several years, he sold the company and became the current chairman of BELLUS Health, ViroChem Pharma, Picchio Internation, Picchio Pharma, Prognomix and Molson Coors. Additionally, Dr. Bellini is the author or co-author of over 20 patents and published numerous articles and papers based on his research.

Furthermore, Dr. Bellini is known for his philanthropy. In November of 2011, he donated over one million dollars to the Alzheimer Society of Laval in Italy. His donation helped construct a new, much larger residence and treatment center for those suffering from Alzheimer's disease. In addition, Dr. Bellini donated ten million dollars towards the new Life Sciences building at McGill University in Quebec. The new building will house scientists researching cancer, genetics of complex traits, chemical biology, developmental and reproductive biology, and cell information transfer systems.

Mr. Speaker, by dedicating his life to furthering medical research and pharmaceuticals, Dr. Francesco Bellini stands as an icon not only to those in Italy and Canada, but also to those in the United States as well. Therefore, I join my fellow Italian-Americans in honoring Dr. Bellini for his lifetime of achievements.

TO CELEBRATE THE LIFE AND
COMMEMORATE THE 15TH ANNI-
VERSARY OF THE PASSING OF
PASTOR LENWOOD GRAHAM, SR.

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to celebrate the life and commemo-

rate the 15th anniversary of the passing of Pastor Lenwood Graham, Sr. Pastor Graham served his community and his faith as Pastor of the First Baptist Church of Merrifield from 1983 to 1997.

Pastor Graham devoted his life to serving his God, his church, his family, his country, and his community. He was a loving and devoted husband to his wife, Ruth, a wonderful father to his children, Lenwood, Jr., and Lanya, and a doting grandfather. Pastor Graham served in the United States Army during the Vietnam war, achieving the rank of Sergeant. During his life, he was involved in numerous community organizations and activities including the NAACP, the Northern Virginia Baptist Association, and the Northern Virginia Ministers Conference. Always passionate about learning, he was enrolled in a Masters of Divinity program at the time of his passing on March 27, 1997, at the age of 50.

Pastor Graham led the First Baptist Church of Merrifield for 14 years. During this time, the membership of the church grew to more than 750, and the church became more active in foreign and domestic missionary work. Under his leadership, the Merrifield Child Development Center was established and continues to provide faith-based comprehensive pre-school and kindergarten educational programs as well as before and after school child care for local elementary schools.

Mr. Speaker, I ask that my colleagues join me in commemorating the life of my friend, Pastor Lenwood Graham, Sr. The contributions he made during his much-too-short life continue to this day as a living testament to his faith and his service to our community, and they are worthy of our highest praise and commendation.

RECOGNIZING THE 75TH ANNIVER-
SARY OF PRINCE WILLIAM FOR-
EST PARK

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I join with my colleague, Congressman ROBERT WITTMAN, to recognize the 75th anniversary of Prince William Forest Park.

In 1936, the National Park Service opened the gates to Prince William Forest Park, then known as Chopawamsic Recreational Demonstration Area. Chopawamsic was the model for a new National Park Service program that provided low-income families with easy access to the outdoors during the Great Depression. Chopawamsic represented the ideal that all Americans should have access to the fresh air and serenity found in our nation's parks.

At Chopawamsic, the National Park Service focused particularly on providing the overnight, outdoor recreation opportunities for impoverished urban children. As often happens, the youth of our nation bore the brunt of our national suffering during hard times of the Great Depression. In segregated camps, the children of the Great Depression found health care in their camp's infirmary, nutritional food in their camp's mess hall, and a peaceful night's sleep beneath the stars in sleeping cabins.

These cabin camps were built through the sweat and labor of Civilian Conservation Corps and Works Progress Administration workers. For 8 years, more than 2,000 relief workers constructed summer camp "havens" for kids while earning sustenance for their families. That these cabins continue to welcome Americans today, 75 years later, is a testament to the superior construction and hard work of those public works programs.

As our nation left behind its fight against the Great Depression, it joined the new national fight—World War II. Chopawamsic joined the war effort by becoming the Advanced Special Operations and Communications training schools for the fledgling Office of Strategic Services, OSS. The OSS was America's first centralized intelligence agency and the foundation of our nation's Special Forces units. In the cabins, the laughter of children was replaced by the booms of demolition ranges and the tapping of Morse Code. At Chopawamsic, the art of spying and enemy infiltration was honed by a new agency that helped America succeed in World War II.

In 1948, Chopawamsic was renamed Prince William Forest Park. Since its inception the park has been a magnet for outdoor recreation for young people and adults alike and a true asset to our community and nation. The park's 375,000 annual visitors enjoy 37 miles of hiking trails, 21 miles of bicycle accessible roads and trails, 4 campgrounds, 5 historic cabin camps, and 15,000 acres of pristine Piedmont Forest.

Mr. Speaker, I ask that my colleagues join me in commemorating the 75th anniversary of Prince William Forest Park, and I urge all residents of Northern Virginia to explore this gem of the Park Service in our own backyard.

IN HONOR OF RONALD H. TYLER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. FARR. Mr. Speaker, I rise today to honor the distinguished career and public service of Ronald H. Tyler. Mr. Tyler passed away on January 27. He will be remembered for his several decades of work to improve the agriculture industry in Monterey, Santa Clara and San Benito Counties.

Ronald graduated from the University of California Davis with a degree in Pomology in 1955. After graduating, he was commissioned a 2nd Lieutenant in the US Army, and served two years active duty before rising to the rank of Captain in the California National Guard. In 1957, he joined the University of California Agricultural Extension Service where he became Farm Advisor to San Benito, Santa Clara and Monterey Counties.

Among his many elected and appointed positions, Ronald was a member of the Agricultural Board of Directors, and a founding member and president of the Agricultural History Project. He served as County Director and Farm Advisor in Santa Cruz for three decades, from 1971 until his retirement in 1991.

Ronald exhibited a passion for agricultural development on California's Central Coast. His research involved rootstocks and training for high density apple orchards, irrigation, pest and disease control, and cranberry production. In honor of his research, he was cited for distinguished service by state and national Agricultural Extension organizations and was the first recipient of the Al Smith Friend of Agriculture Award from the Santa Cruz County Farm Bureau.

Mr. Speaker, it is with great sadness that I announce the passing of Ronald Tyler. I know I speak for the whole House as I recognize his life and work. I commend him for all he accomplished and contributed to California's agriculture industry, and the communities he lived and worked in. I would also like to ex-

tend my deepest condolences to his family, friends and those who benefitted from his accomplishments.

RECOGNIZING THE 45TH ANNIVERSARY OF THE RESTON CHILDREN'S CENTER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I join my colleague, Congressman JAMES MORAN (VA-08), in congratulating the Reston Children's Center on the occasion of its 45th anniversary.

The education and well being of our children are among the highest priorities that we as a community share. The Reston Children's Center provides a safe, nurturing, instructional atmosphere that promotes creativity, curiosity, independence, and cooperation.

The Reston Children's Center, RCC, is a nonprofit, parent-owned cooperative. This structure creates a strong bond and partnership between the staff and the parents. Parents are required to contribute at least 2 hours per month to the school by serving on the board of directors or a committee, providing office support, chaperoning field trips, or assisting with fundraising activities.

Because of this holistic approach and the communal efforts to benefit the children, many of the teachers have been at RCC for more than 10 years. In addition, many parents who once attended RCC themselves have now entrusted the care of their own children to this center.

Mr. Speaker, I ask that my colleagues join us in congratulating the Reston Children's Center on its 45th anniversary and in commending the leadership of Executive Director, Fahemeh Pirzadeh, as well as the staff and parents for their unwavering devotion to our children.

SENATE—Monday, March 12, 2012

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of mercy, we trust Your power and will not be afraid.

In these challenging days, give our lawmakers peace that comes from confidence in Your providential powers. When they feel pessimistic, remind them that You are able to keep them from stumbling and that deliverance comes from You. You are a gracious and merciful God, slow to anger and abounding in steadfast love. Help our Senators today to strive to do as much good as they can in as many circumstances and to as many people as they can.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 12, 2012.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

RECOGNIZING CHAPLAIN BLACK

Mr. REID. Mr. President, we rarely acknowledge the Chaplain here in the

Senate, and we should more often. We are so fortunate as a body to have this good man leading prayer virtually every day. He gives tremendous thought to his prayers and what he should say. His prayers are always very challenging and encompass the issues we are dealing with.

For those of you who are watching him and who don't know anything about this man, he is a role model for what America is all about. He was raised by a single mother, and she would give him a few pennies each day that he would memorize a verse of Scripture. I have seen the man and his ability to speak volumes. The way he pulls up things he has in his brain reminds me of Senator Byrd, who for many years sat right here behind where I am, and who had a remarkable ability to remember what he read or studied. Admiral Black is the same.

So I speak for the whole Senate—not Democrats or Republicans but for this body—in expressing our appreciation for the good work he does, not only the prayers he offers here but the counseling he does on a daily basis here in the Senate.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, each day the Senate begins its workday with a solemn ritual, and we just did. We pledge allegiance to our flag. Each day we rededicate our loyalty to this flag and to the fundamental pillar for which it stands—the right to justice for all. Unfortunately, for tens of millions of Americans, that right to equal justice under law is at risk, and I am sorry to say it is at risk because of Republican ideology.

More than half the Nation's population—160 million Americans—live in parts of this country that have been declared a judicial emergency. What does that mean? It means that more than half the people in our country who seek justice in the courts and the judges find that the courts are strained to the breaking point under a backlog so intense an emergency has been declared.

The Presiding Officer is an expert on bankruptcy and knows how important filling those bankruptcy slots are. One reason we are slow in filling those bankruptcy spots is, of course, we need more bankruptcy judges, but the bankruptcy judges are chosen by our Federal judiciary, trial court judges. They have other work to do. They are so overwhelmed with work to do.

People who have businesses that they have problems dealing with because of

Federal laws need to go to court and have those issues redressed. There could be injuries suffered that only the Federal system can relieve them of their responsibilities, such as discrimination because of age, gender, anti-trust cases, business rearranging.

Mr. President, you have heard the expression "What are you trying to do, make a Federal case out of it?" The reason people say that is the Federal court system is the place you go to be treated fairly. When I practiced law, I had great respect for the State court system, but it was in the minor leagues compared to when I had to go across the street to the Federal court—a much different setting.

One out of every 10 Federal judge-ships is now standing vacant. Americans can no longer rely on fair and speedy trials. The courts where Social Security cases are heard, appeals are heard, and discrimination suits are tried—I went through the whole list—simply do not have enough judges to handle the cases brought before them. In these courts, our Federal judges are being forced to limit their time on the cases they have. We don't want these Federal courts to be like traffic court judges. They have different responsibilities. We want people to say: What are you trying to do, make a Federal case out of this? We want that to mean something. And families and businesses typically wait for years before their civil cases are heard.

There are some problems Congress can't solve, but this is not one of those problems. I repeat: This is not one of those problems.

The Senate could act tomorrow to put highly qualified judges on the Federal bench, judges who are supported by both Democrats and Republicans.

The Senate could act tomorrow to ease the backlog of cases, lighten the load of overworked judges, and shorten the time it takes to see justice done in our great country.

The Senate could act tomorrow to confirm 22 judges currently ready to serve but awaiting Senate action. These are 22 qualified, consensus nominees. The overwhelming majority of them received unanimous support from the Judiciary Committee. They have the support of the Republican Senators from their home States. Eleven of these nominees would fill vacancies designated as judicial emergencies. I will soon announce cloture on all of these to bring to a stop the filibuster being conducted on these good men and women who want to serve. We are going to file on the 17th. Eleven of these people whom we are trying to get

confirmed are nominees from judicial emergency States. Yet the Republicans refuse to allow us to vote on these qualified judicial nominees. Republicans have prevented the Senate from doing its constitutional duty, and that is what it is. The House doesn't have to deal with this because our Constitution says it is the obligation of the Senate to confirm or reject the nominations the President sends to us. We should have up-or-down votes on these.

The kinds of qualified consensus nominees that in years past would have been confirmed in days or weeks now languish for months and months with no action. There are judges on this list who go back to November of last year, not because we couldn't have done it—these could be confirmed in a matter of minutes. The vote should be routine.

There should not be a fight that delays action on important jobs measures. Creating jobs is the Senate's No. 1 priority. Republican obstructionism is the only thing standing in the way of moving forward with additional work to get our economy back on track. Unfortunately, Republicans have forced our hand. What else can we do? Their endless obstructionism has created a judicial emergency in this country time and time again. At the end of last year, the Senate Republicans refused to allow votes on even one of the 14 judicial nominees awaiting confirmation last year, breaking with the Senate's longstanding tradition of clearing the calendar of consensus nominees at the end of a session. Each of these nominees was well qualified and had bipartisan support.

President Obama's judicial nominations have waited an average of five times longer to be confirmed than those of President Bush. Look at this chart. These are days. President Clinton's were confirmed in a matter of about 5 or 6 days; President Bush's, 21 or 22 days. President Obama's are still skyrocketing. It is really unfair. It is unfair. It is not only unfair to the system, but it is unfair to these nominees. They are all well qualified. They received nearly unanimous support. They are all lawyers having to hold their practice back, waiting to see what is going to happen here. These are lifetime appointments. That is what the Founding Fathers established.

The long waits have nothing to do with the qualifications of these nominations. As I have indicated, after waiting months for the Senate to act on these judges, they are often confirmed almost unanimously. What does that say? It says that the wait is dilatory. It is delay for delay's sake. As we know, my friend the Republican leader said his No. 1 goal in this Congress is to defeat President Obama, and this is part of it.

President Thomas Jefferson said:

When one undertakes to administer justice, it must be with an even hand, and by

rule; what is done for one must be done for everyone in equal degree.

When we have judicial emergencies all over this country affecting 160 million people, what President Jefferson said doesn't work. President Jefferson's principle is as true in America's court system as it is anyplace in America, and it should be true in the Senate. One qualified consensus judicial nominee ought to be treated like another regardless of political party and regardless of who is President, quite frankly.

With the courts already in crisis, the Republicans could not have chosen a worse time to play politics with the confirmation process. So today I regret that I have to file cloture on a package of 17 district court judges. I hope we can move through these. I hope people are not going to be doing more dilatory tactics. If cloture is invoked, people have a right under our rules to hold up the next judge in line for 30 hours. That will show what this is all about. It will show that it is an effort to embarrass the President and not take into consideration 160 million people who don't have the ability to have their cases tried in an orderly manner.

The motion to end a filibuster only applies to district court judges and trial judges. So I hope Republicans won't continue to filibuster appellate judges, our circuit court judges. That would be wrong. We would have no alternative but to take action with that. There is a lesser number of those, but they are very important positions.

We have so much work to do in this body. We must complete action on that extremely important Transportation bill which will either save or create 2.8 million jobs. I will work with our Republican leader and finalize a path forward on a bipartisan small business jobs bill the House passed by a very large margin last week. We must consider postal reform legislation, cybersecurity legislation. We have gas prices we have to deal with, the reauthorization of the Violence Against Women Act, and other issues that are important to our country.

It is unfortunate that we had to move forward on something that is so glaringly wrong. Look at this. These are stats. These are not going to change. President Clinton's are not going to change. Whatever happened, happened. This is not going to change. Whatever happened, happened. Here, this number keeps going up. You can go back to a couple of judges in November, December, January, February, March. We are up to 5 months with some of these judges.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from North Carolina.

ORDER OF PROCEDURE

Mr. BURR. Mr. President, I ask unanimous consent to speak in morning business for up to 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATURAL GAS IN AMERICA

Mr. BURR. Mr. President, I thank the majority leader for his leadership on an amendment to the Transportation bill, the Menendez-Reid-Burr amendment. For short title purposes, it is called the NAT GAS bill. This is not a new bill. It is not a difficult bill to understand. It is a game changer as it relates to our energy policy in this country and, more importantly, the economic security of our country.

I wish to take these 40 minutes to walk through the bill. But before I do that, it is essential to say to my colleagues and to their staffs and to the American people: If for some reason you believe that in the next 18 months in America we are going to have massive tax reform—lower rates, no deductions, no credits, no subsidies—then I want you to do me a favor. Turn off your TV. Leave the gallery. I will never convince you this is the right move. In fact, if I believed we were going to do comprehensive tax reform, I would not be on this floor. I would not be offering this amendment. But the truth is, there is nobody in America who believes that is going to happen.

Let me say this to all of my colleagues, their staffs, and to the American people: If you believe some miraculous thing is going to happen and there is going to be peace in the Middle East—no civil wars, no nuclear advancements, no threats—then turn off your TV. Leave the gallery. I will never convince you nor would I be here today if I thought that was going to happen.

The truth is that as policymakers we are charged with doing things based upon the landscape and the framework we have in front of us. Today, in the absence of this body acting—the Congress of the United States—the American people will get exactly what they

have gotten: escalation of energy costs; that is, to fill their cars, to fill their trucks, to heat their houses. It is felt through the increased costs of the businesses for which they work. This is about personal security. This is about the livelihood of every American.

Let me just say now, if you are still with me—if you haven't turned off the tube or left the gallery—the single most important reason we should do this is our national security. Our national security is vital to this country.

Let me just stop and pose a question to my colleagues: Who controls today our access to and our cost of energy? It is not us. In many cases it is people around the world who don't even like us who control whether we are going to have access to oil or what the cost is going to be. Today 70 percent of our oil is imported. So we have 30 percent that we have some ability to control and to access, but for 70 percent of it we are at the whims of other people. We are at the whims of the market. They don't like us, and they don't care what we pay. And, I might say, many of those countries use the dollars we send them to fund terrorism—to fund the very people we run into on the battlefield in Afghanistan, Iraq, and around the world. They aren't concerned with our economy. They aren't concerned with the future of our country or the future of our children. It is not a very comforting situation to rely on for our energy, especially with 70 percent reliance on what they have.

Let me suggest this requires U.S. dollars to be spent and U.S. lives to be put on the line to make sure that day in and day out this country has access to that 70 percent reliance on black gold. Look at the gulf: ships, sailors, marines, aircraft, all in the gulf to make sure somebody doesn't shut down the Strait of Hormuz; to make sure we have access to that oil. It certainly doesn't cap what we pay at the pump or the taxes we pay to assure that when we need it, it is going to be there.

Some claim speculators are the whole problem with the oil industry. I will admit I think around the edges—a couple of cents a gallon—it is speculation; futures traders probably do have a little bit of impact. But it is not significant, and speculators don't control our access to it. Our reliance on foreign oil is what judges whether we have access to it or not. We must admit our access today is a national security threat.

No. 2: Economic security. The Presiding Officer and I know a word that is called LIHEAP, which is the low-income heating program for seniors across this country and for individuals who can't afford home heating oil. We will spend \$5.1 billion this year to subsidize home heating fuel. This entire NAT GAS bill—which is a game changer relative to the cost of not just home heating fuel but diesel and gasoline—

costs a little over \$3 billion, and the taxpayers aren't on the hook for one penny of it. I will get to that a little bit later.

The U.S. economy is starting to recover. We have seen signs not in every community and not in every sector of our economy, but we see signs that it is moving in the right direction. But there is one common thread that all economists agree on: If energy costs go up, we stand the chance of cutting off that recovery. We stand the chance of freezing or increasing unemployment at above the rates they are today. How quickly we recover, how quickly Americans are hired, how quickly unemployment goes down, how this affects our balance of trade—we haven't even talked about the individual family budget.

Think of what a typical family is faced with today—the cost on a weekly basis to fill up that vehicle. Many families have accepted jobs not close to where they live but where jobs are available. They drive from one community to another. Some drive from one State to another because that is where the job is. We have had no increase in wages, we all know that, but we have seen food prices and gas prices and energy prices go up. Here is an opportunity for us to have a real impact on the family budget in America without charging the American people one penny to have us do it.

In my opinion, we should have started new exploration decades ago. Had we explored for oil and natural gas—onshore, offshore—had we built pipelines, we might not have this problem right now. For those who say we shouldn't do it now because it will be 10 years down the road before we feel the effects, we had this same debate 10 years ago, and we had it 18 years ago when I got to the House of Representatives. Today we are still talking about the same thing. The only thing that has changed is the price of energy in America.

I believe we ought to focus on America and North America, and we ought to tap those resources in a safe and environmentally friendly way, which is, in fact, where technology allows us to go today.

My third goal of this bill is energy security. This year we voted against pipelines. They would have provided some security. We have reduced some foreign demand, not much. Today we are reducing exploration; we are not increasing exploration at home. Who pays the bill? The American people. It is real simple. It is just passing through and pretty soon we get used to \$3.76, which is the national average. In some places in the country it is over \$4. But 3 years ago the price of gas was \$1.86.

I was rated as the seventh most conservative Member of the Senate. This year I bought a hybrid. I bought a hybrid because I was tired of paying peo-

ple money who hate us. I was tired of paying an exorbitant amount for gasoline. I would personally do anything I could to make sure I reduced my consumption and my cost. But the only way I can affect every American family is to come to this floor and to change the policies we have in this country in a way that nobody is slighted, nobody is cheated, nobody loses.

Somebody said this bill picks winners and losers. Well, I have to admit it does. The winners are the American people and the losers are everybody internationally who produces oil. I think that is a pretty good pick. Let me suggest to my colleagues this must stop. It must stop, and my suggestion is it should stop tomorrow when we vote on this amendment.

We need an energy plan. We should explore. We should build pipelines. If we did, down the road we would benefit. One might think, well, all of this is an accurate depiction of where we are. What would a natural gas bill do to change our situation?

Well, let me suggest it is about our most abundant, clean, flexible fuel. And guess what. It is American. It is found right here at home. Why wouldn't we use as much as possible? Oh, by the way, did I say it is cheap? If we look at natural gas as an equivalent to a gallon of gasoline, natural gas ranges somewhere between \$1.60 and \$2.10 at today's rates. Imagine where diesel is. Imagine where home heating oil is. Why? Because technology has allowed us to reach reserves that we could never reach before. It has allowed us to do it in an environmentally friendly way. It has allowed us to do it at a pretty attractive production cost.

As a matter of fact, the word in the world is the United States is the Saudi Arabia of natural gas. But nobody looks at us and says: You are controlling our access because we can't even figure out what our policy is going to be. Let me suggest—and I think the Presiding Officer knows this—if we produce more than we consume, then we will aggressively build an infrastructure to ship it all around the world. But if we consume what we produce, there will be an effort to produce more and to produce more and to produce more. When that happens typically the price goes down.

So I guess the question in front of this body is, are we going to use it for the benefit of the American people or are we going to ship it to the rest of the world? Some in Congress will say that shifting natural gas usage through Federal legislation shouldn't be done. Let me be clear. I agree 100 percent.

The Federal Government is not the one that should be legislating how markets go. But when I consider the Federal Government, we are speaking for the American taxpayer because usually they are the ones who are the backup funder of everything we pass.

This bill does not do it. This bill is a 5-year bill, and it sunsets. It goes away. It funds the roughly \$3.4 billion with a user fee on the exact people who are benefited by it—those natural gas users. You see, the American taxpayer has no skin in this game.

They also say the American taxpayers should not fund new credits or subsidies. I agree. These are the two criticisms this bill has received. I agree with them totally. Read the bill. That is not what we do. We fund it from the people who benefit from the credits and from the subsidies.

Now, you might ask, where do we disagree? Policy can, and I think it should, accelerate the usage of natural gas. Some have said there is no need to do this; it is happening all by itself. I agree; another point of agreement. It is happening every day in communities across this country. Ten years from now we might look back on it, and we might have made a little bit of progress. We have an opportunity right now, without taxpayer funding, to accelerate this move in 18-wheel vehicles, in fleet vehicles, in municipal trucks and automobiles. So I think we can, and I think we should, accelerate it.

Again, natural gas is the only flexible mobile fuel we have. It is not like there are other options out there we can accomplish this with. I believe if credits or subsidies are paid by the users—those who benefit—this a good result, and it is good policy.

Think about it for a moment. If you took all of our 18-wheel vehicles in America and put them on natural gas, you would reduce consumption of foreign oil by one-third. Do you want to know how to bring down the price of gasoline and diesel? There it is. Take one-third of the demand and shift it over to natural gas.

Fleet vehicle companies—FedEx, UPS; I can sort of name all of them, the in-and-out-every-day companies—they go out in the morning, come back in the afternoon, they have one fueling station, and they are running to go to natural gas. They do not need the incentive. But look how fast they could change their entire fleet if it was there—again, without one penny of taxpayer money.

Municipalities. There is not a municipality in America today that is not challenged from the standpoint of their annual budget. They have cut parks and recreation. They are trying to figure out how to do education. Every community is faced with the same thing, decreasing property values; therefore, the flow of revenues is less than they were last year and the year before.

Where is the game changer for municipalities in a natural gas bill? It is very simple. There are 500,000 buses in America, and there are 26 million kids who get on a bus every day. If we can reduce by one-third or more the cost by

switching to natural gas, we should be doing everything we can to get every school system in America to have a natural gas engine in their schoolbus so the one-third they save goes back into the classroom to educate our children; where nobody is faced with trying to decide whether they are going to buy textbooks or have a teacher's aide; where every classroom is designed not based upon how much money we have available but what the educational requirements are for that next generation.

For those who suggest this bill does not do anything, I will tell you one point alone is enough to get up and vote yes when it comes up. It is a game changer. It is a game changer to local budgets. More importantly, municipalities get to devote the money to the right places.

Why is a credit needed? It is very simple. It costs money to switch an engine. A typical natural gas engine is going to cost somewhere between \$25,000 and \$40,000 more than the equivalent diesel engine in an 18-wheel vehicle today. But as more and more and more get built, what we are going to find is that the diesel engine is more expensive, and the natural gas engine is cheaper. Wouldn't we accelerate this as fast as we could so we could get the benefits of that production shift?

Everybody is geared to do it today. As a matter of fact, it is so compelling a reason that Chrysler, Ford, and General Motors have all announced in their light-duty pickups they are going to come from the factory with natural gas. But for a consumer to fuel their vehicle with natural gas, they are going to have a little compressor at home, for compressed natural gas, hooked right up to their natural gas line. For an 18-wheel vehicle going from North Carolina to California, it is not that easy. It means we have to have the infrastructure across the country that enables that to be a feasible business decision for a company.

What does part of the NAT GAS bill do? It creates a credit, a subsidy, so the infrastructure that is needed is out there. Oh, by the way, we still have the credit in place for individual consumers who want to have fueling stations.

We are not recreating the solar or wind subsidies or credits. We are not recreating an ethanol subsidy for gasoline that Americans have just had a huge distaste for. We are taking not a technology of the future and investing in it, we are taking a technology that is here today and saying let's create the incentive for this to explode, for this to be a game changer in the global balance of trade.

Why don't some want this? Some do not want this because they use natural gas and they do not want the price to go up. We are sitting on a 100-year supply of natural gas right now if we do

not drill another well. We have companies that are in the business today that—because of where the price point is and because of where the demand is—are thinking about plugging, shutting in natural gas wells because they cannot move it out of the country and they cannot sell it here. Yet we are on the cusp of being able to create an incentive that is paid for by the users that not only keeps those wells open but gives the reason for those companies to actually produce more.

America has always proven: If we will buy it, they will build it. Look at the automobile industry. We would buy them, and today we are going everywhere in the world to find the gasoline it takes to put in them. Well, my belief is, if we accelerate the use of natural gas in trucks, fleets, and municipalities, what we are going to have is another explosion of natural gas finds. We are going to increase supply. If anything, we may see prices drop even further. But without the demand, I can assure you, the future is very predictable.

We have this fuel at home. It is on land. There is some offshore, but the majority of the finds are on land. More importantly, this has happened exactly where we need it: Pennsylvania, Ohio, North Dakota, Oklahoma—and, yes, probably North Carolina and Virginia. The fact is, none of us know today because some areas geologically have never been explored.

What are the realities? Well, if we can outproduce what we consume, one of two things will happen. One, we will build an infrastructure to sell it all around the world or, two, we will slow the exploration. In both cases the price will go up. Isn't that why people are against this bill, because they are scared the price will go up? In fact, this bill is the only thing that will keep natural gas prices at a historically low cost. Anything less than this would cause devastation throughout the marketplace.

Many say let the markets drive what happens. That is what I am doing. It is exactly what I am doing. This legislation says: Produce as much as possible. Shift as much from petroleum as technology will allow us. It is sort of like saying: Let's give the Federal Government a 5-hour energy drink. Let's put this policy on steroids to shift as much as we technologically can from gasoline and diesel and home heating oil over to natural gas.

What is the impact on the American people if we do not do this? It would be higher gas and diesel prices. It would be higher costs for all the goods we buy. Sometimes we do not think about the fact that when that trucker pays \$4.20 a gallon for diesel—and they have seen their price double in the last 12 months—it is not too long before we feel it in the cost of groceries or in other consumer goods or in everything

we purchase in the United States. If the energy costs go up for the warehouse that product is stored in, we get it there. If the cost to produce it goes up because the manufacturing process costs a little bit more, it goes up there. This is how inflation happens.

Here is a great opportunity for us to get our teeth into inflation and cut the primary driver of inflation. I think the byproduct of it would be that we would have almost a magnet in America of capital attraction to fuel job creation and to put Americans back to work. See, there is a lot more to an energy policy bill than whether there are winners and losers.

What else would the American people be impacted by if we do not do this? Higher property taxes. There is no way around it. There is absolutely no way around it if, in fact, we want the next generation to be educated. We have an opportunity to take one-third of that transportation cost to a municipality and to pump it back into the budget.

Well, let me suggest there is another loser. I think the Acting President pro tempore knows this. If we fail to use this as a flexible mobile fuel, most of it is going to be used to generate electricity. They are going to take the easy way out—\$50 million to build a natural gas generation facility. It is cleaner burning. That makes it very attractive to them. The only problem is, we are going to get 30 years down the road, when most of us are going to be looking back—if we are still here—at our children, saying: I cannot believe we made this mistake. I cannot believe we locked you in to one fuel for the generation of all of America's electricity.

One of the beauties of America is that we have a mix, and we are constantly changing that mix between coal and natural gas and nuclear. Well, we would make a huge mistake if we just left it to today's economics to say: Let's do it all in natural gas. If we did that, we would not have a bridge fuel, we would not have the flexible mobile fuel that natural gas provides us. We would be locked in to betting that technology would allow us to run it on solar or something else in the future. I am not sure I can bet on that for my children and my grandchildren. I am not sure we are there. I am not sure we are smart enough.

I am going to pose a question to the Senate. What if I am wrong? I have been wrong before. What if I am wrong? What if this does not happen? What if there is not an explosion of transition from gas and diesel over to natural gas? It is real simple: The user fee goes away. But we tried something. There is no downside. It is not as if we are locked into something that cost the American people money. If we do not need as much, then we do not need the user fee. It has not impacted, up or down, fuel costs if, in fact, we have not

pushed things over from where we are today. No damages; no downside.

What if I am right? What if I am right and this is a game changer? Well, we continue to grow our production of gas. That creates tens of thousands of jobs all across the country. We reduce our need for foreign petroleum—game changer in the security of this country. We stabilize or reduce the current price of gas, diesel, home heating fuel.

The more natural gas we leverage, the more dollars we have in our pockets as Americans. The environmental impact is significantly better than diesel or gasoline. Our economy grows because fuel costs are predictable and more investments are made hiring more Americans. Communities and companies can budget. They can budget better because we, not somebody who hates us, have control of our future costs.

Prices come down because fuel costs are less and do not go up. The less of the family budget goes to fuel, less community budgets go to buses, more goes to our children. I realize this is bold. And, boy, has America become risk averse. This is not something I stumbled on yesterday. I have been promoting this for 3 years. This is the first chance to come to the Senate floor and have a vote. You know what. It probably is not going to pass. That is the disappointing part of it. It will probably fail tomorrow unless my colleagues or their staff, who stayed after my first two comments and listened to this, understand that there is not a downside to doing this.

Why in the world would we not take this bill and implement it in hopes that for the first time we have a piece of energy policy in America? I said at the beginning that if this was done by pulling the money from taxpayers in America, I would never be up here offering this bill. But this is the time. It is now. Look at the global landscape. Look at the cost of energy. There has never been a more important time for a piece of legislation that drastically changes the future of this country.

I too have been disgusted with government investing our dollars and picking winners and losers—mostly losers—in technologies that have not proven to be effective. This is not that. This is using dollars we collect from user fees to accelerate technology that is there today. It is just accelerating its use. It is making sure that the future is radically different. It is using existing technology to be a game changer. It affects the lives and the livelihood of every American, the communities we live in, and, more importantly, our children.

Maybe this is too simple. Maybe Members of Congress can only get difficult things now. This is easy. It is easy to understand. It is easy to see the picture of what it affects. It is easy to understand the impact on the Amer-

ican people. And it is all positive. If you implement it, it has no downside. Why would we not try it and see what happens?

If passing this amendment might accomplish what I have described, why would we not do it? We represent the American people. It may be that their voice needs to be heard before tomorrow when votes happen. This requires vision. I have to admit, it is something that Congress has shown very little of of late. This legislation benefits only one thing—only one thing—the future of this country, the United States of America, the opportunities of our children, the prosperity of the greatest country in the world.

If that is important to you, then you ought to support this bill. It is important to me, and that is why I am here on a day when the Senate has no business, has no votes, because it was the one time I could come here uninterrupted, without the distractions of all the visitors and all the claims, to set the record straight about this legislation. It is simple. It is easy to understand. It impacts everybody in America. It does pick winners and losers. It says: America is going to win, and the people who are not our friends are going to lose.

I am not sure you can say it any clearer than that. It does not cost the taxpayers a dime. The beneficiaries are the ones who pay the tab. If it does not work, there is no downside. If it does work, it is a game changer from the standpoint of our energy policy and, more importantly, our future.

The bill sunsets after 5 years. We have a 100-year supply of natural gas today if we did not drill another well. We import 70 percent of our petroleum, and that costs \$25 billion a month that we send there. Imagine what that \$25 billion could create in jobs here if, in fact, we made this simple policy change.

I thank you, Mr. President, for your attention and your patience and the patience of my colleagues since I ran over a little bit. But I will conclude with this. A bill that roughly costs \$3.4 to \$3.8 billion and is funded by user fees is not a big bill in Washington. But the potential impact of this legislation will not only be big in America, it will change the landscape of the world. It will put us back in control of our national security, of our economic security, and, more importantly, of our energy security. This will be a day that Congress will either be proud or disgusted at the outcome of a policy such as this.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator JOHNSON from Wisconsin and I be able to conduct a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. SESSIONS. Mr. President, it has not been that long since the President's health care proposal has been passed. If we recall, it was passed on Christmas Eve, after a long battle. We were told: Don't worry what is in it; we will have to pass it first to find out what is in it. I remember Senator BROWN was running in the State of Massachusetts, a liberal State. He said, If you elect me—and he was running in the special election—I will vote against it and provide the vote that kills it. But the matter was delayed—his appointment and confirmation, after he won his election. It was put off and the interim Senator cast a vote for the bill and it passed by a single vote and the result was 60 to 40. I think it was a dangerous step for America.

I am the ranking Republican on the Budget Committee and the Senator from Wisconsin is a member of that committee. We have serious concerns about what is in this bill now that we are beginning to read it and beginning to apply it and see what might happen. Senator JOHNSON is a successful businessman who ran for the Senate and joined us just a little over 1 year ago. He came here to do something. I have been exceedingly impressed with his approach to business. He had looked at these numbers and challenged the Secretary of Health and Human Services, Secretary Sebelius, on some numbers last week. The situation was quite troubling.

Maybe Senator JOHNSON can tell us about his concern and what he raised last week—the economic impact of what happened with jobs, the American economy, and the debt of our country. Maybe we can begin our discussion with where he is coming from and what he observed from his exchange last week.

Mr. JOHNSON of Wisconsin. First of all, I thank the Senator for his kind comments. He mentioned that Speaker PELOSI famously stated we needed to pass this bill in order to figure out what is in it. I know the Senator from Alabama and I are dedicated to making sure the Obama administration doesn't make sure this law is fully implemented before we understand the true cost of the bill. We simply cannot afford to have the American people and

Members of Congress not understand the true cost of the health care law.

I remind everybody that, back in 1965, when they passed the Medicare bill, first of all, the entire bill was less than 300 pages. That is interesting. The provision that applied to Medicare alone was about 124 pages. That compares, of course, with the 2,600- or 2,700-page bill that the Patient Protection and Affordable Care Act was. There are 10,000 pages of regulations just to try to implement this bill.

When they passed Medicare, they estimated it out 25 years and said that in 1990, Medicare would cost \$12 billion. In fact, in 1990, Medicare cost \$110 billion, which is more than nine times the original cost estimate.

I am new here, but I have been watching this town pretty carefully over the last few decades. I don't believe Washington has gotten any better at projecting and estimating figures—particularly on new entitlements that people want around here. They always tend to underestimate spending in order to pass legislation, particularly a bill such as the health care bill, which was done in partisan fashion, without any kind of support and input from our side.

The point of my question to Secretary Sebelius last week was to try to lay out the broken promises that are occurring, when we have only begun to implement the law. The first broken promise I asked her about was the very famous guarantee of President Obama, who said: If you pass this health care law, every single family in America will see their annual insurance premium go down by \$2,500 by the end of his first term. The Kaiser Family Foundation has already conducted a study and has said that, on average, premiums have gone up about \$2,200 per year. That is a \$4,700 difference in the first 3 years of his administration or only 2 years after it was originally passed.

Mr. SESSIONS. The Senator has been in the real world, having to make a payroll and manage a company. If he, as a CEO, made a representation that this was going to reduce the cost of insurance for your employees by \$2,500, and it increases by 2,200, that would be a stunning event, would it not? Does it bother the Senator, as a person from the real world—and this is the first time he has been in elected office—to have people walking around with numbers that are so divergent, promising to reduce health care costs, and they actually are driving costs up?

Mr. JOHNSON of Wisconsin. Had I made that guarantee to my shareholders and management—and that is basically what the President did; he made that guarantee to the shareholders of America—I would not want to face the appropriations committee meeting, where I would have to explain that away. Secretary Sebelius was in a

very unenviable position to have to explain how the President promised a \$2,500 reduction and there was an increase.

Mr. SESSIONS. The Senator is right. I was here. There was a promise made to achieve passage of the bill. A lot of Americans didn't believe these promises and thought they were inflated to begin with, and this promise—a fundamental promise—has already been proven to be wildly inaccurate. And thank you for raising that.

Mr. JOHNSON of Wisconsin. Of course, that is only the first promise. I have a couple more.

The administration also famously said this health care law would not add one dime to the deficit. In fact, the original projections were that it would save \$143 billion in the first 10 years. Well, thankfully, the administration has recognized that the CLASS Act was, as Budget Committee chairman KENT CONRAD said, a Ponzi scheme. It was simply not financially workable. So they are not implementing it. Because they are not implementing it, they are not going to get \$86 billion worth of revenue, so that will eat away at that \$143 billion of deficit reduction.

Of course, a couple of weeks ago when President Obama presented his fiscal year 2013 budget, included in that budget was a \$111 billion request—or I guess cost estimate—on the mandatory spending of the health care exchanges. If you add the \$111 billion to the \$86 billion, that gives you \$197 billion of reduced deficit reduction, if that makes sense.

So bottom line here is I think that is broken promise No. 2. I do not believe that in the first 10 years, this thing will actually reduce the deficit. And it is far worse than that. These are the small numbers. This is just the tip of the iceberg in terms of the revisions that will be occurring when we actually start finding out what the true cost of the health care law is.

Mr. SESSIONS. Well, the promise was that—and it was repeated here, and the President went on national TV, and I believe he said it at the State of the Union—this bill would not add one dime to the deficit. If you drop out the \$80 or so billion—and he estimated that his plan, if passed, would actually create \$143 billion in surplus, in extra revenue for the Treasury; it wouldn't cost anything, it would create more money. So you lose \$80 or so billion because the CLASS Act has proven to be the Ponzi scheme Senator CONRAD said it would be, and we just saw in the President's budget a request for \$111 billion more for the exchanges. Well, that already wipes out entirely, does it not, the promise that it wouldn't add to the deficit? Even before the bill is implemented, the projections are that it would cost money rather than make money for the Treasury. Is that the Senator's analysis so far?

Mr. JOHNSON of Wisconsin. Exactly. That is broken promise No. 2.

Of course, broken promise No. 3 is also—very famously this President said: If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

There are a couple of pieces of evidence that prove that is a broken promise. First of all, the CBO, in its initial cost estimate of the health care law, estimated that 1 million people would lose their employer-sponsored care and be put in the exchanges. By the way, that is a gross underestimate, and we will talk about that a little later. But also the Department of HHS has granted 1,200 to 1,700 waivers from basically some of the requirements of the health care law. That indicates that were it not for those waivers—basically employers saying: Listen, we need some relief here—my concern would be, and I think this is probably pretty true, those employers would be forced to drop coverage. And those waivers cover about 4 million Americans.

But let me describe a little bit why I believe the 1 million-person estimate is so understated. There have been surveys of employers conducted in the last year that indicate that employers, when they take a look at the whole cost equation of the health care law, 30 to 50 percent, in one survey conducted by McKinsey & Company, of employers, when asked, plan on dropping their health care coverage shortly after implementation.

If that were to happen—180 million Americans get their care through an employer-sponsored plan. If 50 percent drop coverage, that could mean 90 million Americans—not 1 million but 90 million Americans—could lose their employer-sponsored care and then get put in the exchanges. We are trying to work with the CBO to find out exactly what that would cost, but in their initial estimate, they estimated that it would be about a \$7,000 average subsidy per person in the exchange.

If you deduct for the \$2,000 penalty and the deductibility of the health care cost, that subsidy could range anywhere from a \$4,000 to \$5,000 cost to the government times 90 million. Instead of \$95 billion a year, the health care law could cost us close to $\frac{3}{2}$ trillion if 50 percent of the employers drop their coverage.

This is incredibly scary. And my colleague is fully aware, because he has been a real leader in terms of our debt and deficit, as Admiral Mullen has said, the greatest threat to our national security is our debt and deficit. We can't afford to increase our deficit on an annual basis by close to $\frac{3}{2}$ trillion. If everybody were to lose their coverage—which, by the way, is exactly what I think this plan was designed to do: lead to a single-payer sys-

tem, which is what I believe President Obama really wanted—that would cost us close to \$1 trillion a year. That represents a deficit risk that will absolutely ensure the final bankruptcy of this Nation.

Mr. SESSIONS. Well, Senator JOHNSON has been talking about this issue for some time, and it looks as though reports are coming along to validate his concerns. But the administration estimated that only 1 million would go into the exchanges, and these are the areas where, if you don't have employer-based health care, the government will subsidize your health care program for you, and it costs the Treasury money. This is how we get in financial trouble, when we make bad estimates.

The Senator thinks the numbers that go into the exchanges could dwarf 1 million. How many could it be, based on the reports the Senator has seen?

Mr. JOHNSON of Wisconsin. Well, I worked with former CBO Director Douglas Holtz-Eakin in trying to look at the numbers that are presented, and we don't have enough. We don't have enough information, which is why I am grateful for the fact that Director Elmendorf recognized that there is some credible evidence to cause the CBO to reassess that estimate of 1 million people. So they are working through those numbers right now. Hopefully, they will give us a very full accounting of that in the next couple of weeks. But the work I did with Douglas Holtz-Eakin showed that if 90 million get put in those exchanges, it could cost over \$400 billion a year.

Mr. SESSIONS. That is astounding.

Mr. JOHNSON of Wisconsin. That is astounding.

Mr. SESSIONS. Now, for example, \$400 billion a year over a 10-year window would be \$4 trillion. If the Budget Control Act that we worked on so hard last summer, which the President is already undermining, were to take place, it would only reduce spending over 10 years by \$2 trillion. And this would be an unexpected \$5 trillion, \$4 trillion added on top of that, would it not?

Mr. JOHNSON of Wisconsin. Exactly.

Mr. SESSIONS. And it is not baked into the numbers now. We are not assuming it is going to be \$4 trillion or \$5 trillion more under Obamacare, we are assuming only 1, I guess.

Mr. JOHNSON of Wisconsin. And, unfortunately, we are not even owning up to the current deficit projections. We are not seriously addressing that. So nobody really wants to take a look at the danger inherent in this. Of course, the administration doesn't want to talk about it or admit to it because they want to go full speed ahead to implement it so we will not be able to reverse it. That is the main point.

It is time to put the brakes on the implementation of the health care law before it bankrupts this Nation. We

simply can't afford to fully implement it to find out what the true cost is. It will be disastrous for our deficit and debt.

Mr. SESSIONS. Well, is it too late? Is this a fait accompli, this health care law that was passed? Can we not reverse it or is it, in the Senator's opinion, practical at this point for us to pull back from this path?

Mr. JOHNSON of Wisconsin. It is essential that we pull back, and it is essential that we put the brakes on this. I guess we can all keep our fingers crossed and hope the Supreme Court rules the individual mandate unconstitutional, and there is no severability clause, so the entire law would be repealed, so we can then actually fix the problems in the health care system with patient-centered, free market-based reforms. That is the way to really address this.

Mr. SESSIONS. Well, the Senator raised these issues with Secretary Sebelius last week in the committee, and the exchange has been on the TV and on the Web and has become a bit of a sensation, really. People have been looking at it, and it has been very troubling.

Would the Senator tell us what troubles him about Secretary Sebelius's answers—or her lack of them—and what you think we should do next?

Mr. JOHNSON of Wisconsin. Again, I am an accountant. I have been in hundreds of budget meetings, and when you are presenting your budget to a budget committee, you are armed with the information and you are ready to answer questions.

I was surprised that the Secretary was unable to answer the questions, and particularly when I mentioned the waivers, she seemed to have no idea what I was talking about. It is her agency, her department that is actually granting those waivers. So that troubles me.

So I appreciate the fact that the Senator has and we have sent a letter to Budget Chairman CONRAD requesting, to be fair to Secretary Sebelius, to give her a chance to be fully prepared to come before us and to explain what is this \$111 billion in additional requested funds for the exchanges. And I would like to really dig down and talk about this 1 million-person estimate and what is going to be the effect if the administration is wrong, if CBO has been wrong in the previous estimate and the McKenzie study is right and half the people very quickly after implementation get dropped from their employer coverage and put in the exchanges. What effect is that going to have on our budget?

I would love to give and I think it is appropriate to give Secretary Sebelius the opportunity to come before our Budget Committee and have a fair exchange in terms of her explanation for those parts of her budget.

Mr. SESSIONS. Well, a \$111 billion error is a big deal. You think about it. We brought in \$2,200 billion, and this is \$100 billion—about 5 percent of the entire estimated revenue we had in the government last year. To miss that on one part of one bill is very troubling to me. We are fighting every day, wrestling with a highway bill, and we came up \$2 billion short over 2 years. And the whole bill is held up, votes on it, points of order raised on it, and here, blithely, into the President's budget comes another \$111 billion. I am sure there can be some explanation for it, but I really do think the American people, don't you, are owed a prepared Secretary before the Budget Committee who can lay out explanations for what this is so we will know how much over cost we already are on this plan.

Mr. JOHNSON of Wisconsin. It is \$100 billion here, \$100 billion there, and it starts adding up to real money, doesn't it.

And so people don't think these 90 million people getting dropped from their employer coverage is a fantasy, it is not. It is realistic. I bought health care for the last 31 years, and the decision an employer is going to make is going to be easy. It is not going to be a complex management decision. Because of the health care law, an employer is going to be faced with saying: OK, I can pay \$15,000 for family coverage or I can pay the \$2,000 penalty. And because of the health care subsidies, they are not exposing their employees to financial risk, they are making them eligible for huge subsidies. If a household earns \$64,000, they will be eligible for a \$10,000 subsidy through those exchanges.

Now, I know that probably sounds pretty good, but the problem is, when we are already running \$1.3 trillion a year deficits, we can't afford to add another \$½ trillion per year to those deficits, if that were to happen. We simply can't afford it.

Mr. SESSIONS. So you are an employer. You have employees, and you have been helping them, you have been providing health coverage, and you realize, well, I can cancel my employer contributions, let the employee go to the exchanges, and they will be subsidized by the American taxpayer.

Mr. JOHNSON of Wisconsin. That is essentially it.

Mr. SESSIONS. Where is the money coming from that will provide the extra money they will need to get full coverage?

Mr. JOHNSON of Wisconsin. And if you don't drop coverage, you are denying the people who work with you the chance of taking advantage of a \$10,000 subsidy.

We have created an incentive in this health care law for employers to drop coverage and a high-level subsidy to get coverage for the people who work with them. We have created that incen-

tive, and when government creates incentives, when government dangles a huge subsidy in front of people, we know the history of how that works—people take advantage of those subsidies. And that is my concern.

Mr. SESSIONS. What about a new business—some small business starts up, and they are thinking about whether they are going to provide health care for their employees, and they have the option of the exchanges. Do you think a new business would be even more likely to not provide coverage and let the employee go to the subsidized exchange?

Mr. JOHNSON of Wisconsin. Sure. Because they know their cost is going to be \$2,000 per employee.

The Senator was telling me a story earlier about some employers in Alabama that because it is a low-margin business, they simply can't afford to offer health care. The result of the health care law—why doesn't the Senator tell the story.

Mr. SESSIONS. I had a number of people in a meeting I was at explain the realities of it.

They told us the whole fear of regulation and the health care bill and the revenue that is going to be extracted from them to pay for it would result in lesser employees, making it impossible for them to provide the coverage. One told me they could lose as many as 70 employees. I remember that figure.

Mr. JOHNSON of Wisconsin. Again, this law will cost jobs. It is going to blow a hole in our deficit, and we haven't even talked about the quality aspect; how it is going to harm the health care system, how it will lead to rationing, and the type of medical motivation.

The Senator heard the story about my daughter and these marvelous surgeons. When my daughter was first born with a serious congenital heart defect, one of these wonderful human beings came in at 1:30 in the morning and saved her life. Then, 8 months later, when her heart was the size of a plum, they reconstructed the upper chamber of her heart so that now her heart operates backward.

We are going to limit those types of innovations that saved my daughter's life. We are not going to have that type of advancement in medicine if the government takes over control of our health care system.

So the effect on our budget—the uncertainty in terms of how it is going to destroy and explode our deficits versus the harm it is going to cause the quality of care—leads to rationing, lower innovation. When it is all put together, I think the greatest single priority we have to have moving forward is we have to make sure the brakes are put on this health care law, that it is repealed, and, again, replaced with patient-centered, free market-based reforms.

Mr. SESSIONS. It is not fully implemented yet. There are a lot of opportunities for us to get off this train before a disaster occurs. I truly believe it is not too late for us to alter the course.

I think the American people have never been happy with it. They have been told they wouldn't have to give up their health care. They were told it was going to bring down the cost curve and reduce the costs, and they were told it was going to pay for itself; there would be more money coming in than the bill would cost.

Would the Senator say all three of those promises have now already been proven false?

Mr. JOHNSON of Wisconsin. Absolutely. Look at the name of it, the Patient Protection and Affordable Care Act. It is not going to protect patients.

If we are going to lower the quality of care, if it is going to result in rationing, if it limits innovation, how does that protect patients?

The affordable care act, the Senator just ticked off the three reasons it is not going to be affordable: It is going to drive up costs. It is not bending the cost curve down. It is a fiction. The health care law is a fiction. I am so appreciative of the Senator's efforts at again making sure that, before this bill is fully implemented—we both are dedicated to making sure the American people fully understand the full, true cost of this health care law both on quality and the effect on our budget.

Mr. SESSIONS. I will add one more thought to the costs, and I have looked at this very carefully.

On December 23, the night before the bill passed, I got a letter back from the Director of the Congressional Budget Office, who also had stated it would create a surplus in the bill of \$143 billion based on conventional accounting procedures. I asked him: Were they not double counting the money, about \$400 billion? Were they not double counting it, counting it as income to Medicare and counting it as money available to fund the bill here, President Obama's ObamaCare? Weren't they using the money twice?

Think about that. Here we are on the eve of a vote, December 23, the vote is tomorrow morning, December 24, and we are not agreed on whether the money is being double counted. He wrote back and said it is being double counted, "although the conventions of accounting might suggest otherwise."

The way they scored this bill was carefully done by experts to get the score they got, that it would make a surplus of \$140 billion. But the money was Medicare money. They raised taxes for Medicare. They cut costs for Medicare. It created some money in Medicare, but the money was borrowed by the U.S. Treasury and spent on this new program. The money is owed to the Medicare trustees, who are trustees

by law. They are holding debt instruments from the United States. But because it is an internal debt, it doesn't score. That may seem complicated, but it is not. Trust me, they borrowed this money. Sooner or later, when Medicare is going into deep financial distress, they will call their bonds from the Treasury and the Treasury is going to have to pay it, and they are going to borrow the money on the open market is what they are going to do so they can pay the Medicare trustees the money they borrowed from them. This is not a good way to do business. That is just one of the additional problems we have with this.

But, I thank Senator JOHNSON for focusing on all these issues but particularly for raising the cost of the exchanges. Because that, by any estimate—wouldn't the Senator agree—is a dangerous number. It could surge above the number we are at. Does the Senator think most any person, even if they thought it would be 1 million people, would have to admit it could be 5, 10 or 20 million people? Nobody knows for sure.

Mr. JOHNSON of Wisconsin. Exactly. That is why I am so thankful that CBO Director Elmendorf understands there is some pretty credible evidence to have the CBO revisit that estimate.

I spoke with him last week. It looks like they are working hard to provide us that information. I am looking forward to seeing that and seeing what their revised estimate is for the number of people losing their coverage, but even more important, to figure out what that per person cost is.

Maybe we will not agree. He might do a very economic analysis. Certainly, somebody such as myself who actually bought health care understands the mindset and the decision of an employer. But even if we disagree on the number of people, if we have that total dollar amount of cost per person in that exchange, we will be able to show that to the American people. So if he comes up with X and I say, no, it is X plus 30, 40, 50 million people, then at least the American people have that information, and they can judge for themselves what they think the realistic estimate is for people losing their coverage and getting their insurance through the subsidized exchanges. That information is what the American people deserve, and that is why I am so appreciative of the Senator's efforts. I know he is going to be, just with me, making sure that, again, we know what the true cost of this health care law is before we implement it.

Mr. SESSIONS. We have to know that. We have a responsibility, as representatives of the people, to understand we are talking about another \$100 billion in cost over just 1 year's time that we weren't expecting.

I believe the Budget Committee is a good forum to have that. The Senator

and I serve on that committee, and I hope Senator CONRAD can agree and would agree to give Secretary Sebelius an opportunity to state her view of the situation.

I have to say, I am more and more convinced that we cannot afford this health care bill. We cannot afford it. We don't have the money. We don't have the money. I think it will damage health care, and we have had a lot of debate and experts tell us that, and it will reduce the quality of care in America. But what I am saying to the Senator is, we can't afford it, and it threatens the financial viability of our future. We need to save Medicare and Social Security, the programs we have. It would be a terrible tragedy if we start off on another program. As the Senator talked about Medicare 30 years ago, 40 years ago, it surged way beyond any estimate they would ever have expected in terms of costs.

If we start on another program, I don't see how this country can sustain it. The entitlements we have today are now taking up about 60 percent of the entire budget of America: Social Security, Medicare, Medicaid. Over 50 percent, almost 60 percent of our entire spending goes for those three programs. To start another massive new program, when those are all unsound financially and in crisis and need to be fixed, is the height of foolishness, in my opinion.

I hope we can have a good hearing. I thank the Senator for his leadership; he is a great addition to the Budget Committee. I thank him for spending hours digging into these numbers, bringing his business and accounting skills to bear, and letting our lawyer bunch benefit from somebody who can actually add and subtract.

Mr. JOHNSON of Wisconsin. I thank the Senator for his leadership.

Mr. SESSIONS. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. KYL. Mr. President, I come to the floor today to respond to some arguments made in a recent opinion article by the chairman and ranking member of the Senate and House Budget Committees, respectively. It is entitled "GOP Budget Attacks Misguided." The crux of the piece is that President Obama has made great progress in improving the economic outlook, and it would improve even more if only Republicans would embrace his policies.

The first set of claims I want to respond to relates to the strength of the economic recovery. The authors write that "we've come a long way" since the peak of the recession thanks to "actions taken by the Obama administration" and have had "23 consecutive months of private-sector job growth."

To start, I don't think the 12.8 million unemployed Americans would agree we have come a long way. Indeed, it has been 2½ years since the recession technically ended, and we are still experiencing the weakest recovery since the Great Depression. Growth is anemic, and there are 700,000 fewer employed Americans today than when President Obama took office.

Although it has been 3 years since passage of the stimulus bill, unemployment has been above 8 percent for the last 35 months. Remember, this legislation was sold as a way to keep unemployment below 8 percent. These are some of the signs that "actions taken by the administration" are not working to get Americans back to work or improving the economy.

Regarding the claim that America has had 23 consecutive months of private sector job growth, the President has been citing this number on the campaign trail, averring that 3.7 million jobs were created during that time. But the claim doesn't stand up to scrutiny. Those who cite it don't account for the role new workforce entrants play in employment statistics.

Economists generally agree that for employment to hold even, about 150,000 jobs must be created each month to employ new entrants into the workforce. These people include those who recently concluded military service or family obligations and recent graduates. If we multiply 150,000 by 23 months, we get about 3.45 million jobs. That means even by the administration's own figures, only about 250,000 new jobs have been created in roughly 2 years.

Moreover, according to the Bureau of Labor Statistics, the net positive increase in payrolls was above 150,000 during just 9 of the 23 months to which the set referred. So, yes, it would have been nice to have 23 consecutive months of private sector job growth, but that is not what happened. Again, we need 150,000 just to stay even with the new people entering the workforce, and in only 9 of these 23 months did the economy produce that many jobs.

The second set of claims I want to discuss relates to supposed blame on Republicans for the debt and the hampering of a stronger recovery. The authors of this op-ed claim that "while the deficit has remained high over the past 3 years, that is largely a result of the policies of the previous Republican administration."

Let's take a look at the actual deficit numbers. Labeling the last three deficits as "high" is quite an understatement. According to President Obama's

own budget numbers, in 2009 the deficit was \$1.4 trillion. In 2010 the deficit was \$1.3 trillion. In 2011 it was, again, \$1.3 trillion. The deficit this year is expected to top \$1.3 trillion.

At the end of the budget window, in 2022, the deficit is projected to be \$704 billion. The highest deficit under President Bush was \$458 billion, in 2008. Every deficit under President Obama has been almost three times that figure—more than double. But President Obama should not be accountable for the debt problem? How does that work?

The President and his supporters like to point out that the budget contains \$4 trillion in deficit reduction over the next 10 years. But most of this reduction is based on new taxes and gimmicks, such as alleged “savings” from actions that Congress has already taken or from ending operations in Iraq and Afghanistan.

As a USA Today editorial quoted today:

[The budget] relies on gimmicks and avoids some problems instead of tackling them. . . . Most glaringly, Obama takes credit for about \$850 billion in savings from winding down the wars in Iraq and Afghanistan, which were paid for with borrowed money in the first place.

These were not actual savings. The Committee for a Responsible Budget put it this way:

When you finish college, you don't suddenly have thousands of dollars a year to spend elsewhere. In fact, you have to find a way to pay back your loans.

Regarding the supposed problem of Republican resistance to demand-based policies, there is a major misconception that consumption fueled by government spending actually creates jobs. This is the stimulus myth. It does not. It just inefficiently moves money around from one pocket to another or one taxpayer to another. That helps explain why the stimulus failed.

If Americans cannot spend enough money to stimulate more demand, how can the Government accomplish that for us? It is our money that is being spent. Simply put, demand policies do not work. There have been ample opportunities to prove otherwise in recent years. Let's remember the President got everything he wanted from Congress during his first 2 years in office. He has been in office a little over 3 years. The first 2 years there was a Democratic House and a Democratic Senate. The 111th Congress passed all of the demand-based policies he asked for: spending, temporary tax credits, tax holidays, the stimulus. Yet here we are.

A better idea is to encourage economic activity and greater opportunity through the supply side of the economy. That means reducing government consumption of taxpayer dollars and not raising taxes on anyone, especially job creators.

That brings me to the third set of claims involving the notion of “bal-

ance.” The authors claim the budget “calls for a balanced approach . . . with everyone sharing responsibility for deficit reduction.” They also note that balance is “missing from the GOP approach.”

Balance in the Obama budget, of course, means higher taxes. I ask how is it balanced to tax job-creating small businesses even more than they are being taxed today?

According to the Joint Committee on Taxation, nearly 750,000 flow-through businesses—these are the small businesses, the businesses that pay their taxes as individuals—nearly 750,000 would be subject to the President's proposed tax rate hikes that would take effect on January 1 of next year. One-quarter of our Nation's workforce depends on these employers for a paycheck.

According to the National Federation of Independent Businesses, up to 25 percent of the workforce is employed by businesses that will be affected by the President's proposed tax hikes. Perhaps job growth is so slow because these job creators are skittish because they do not have certainty, and they certainly have not for a long time. In fact, the only thing they can see is the President's attempts to impose more taxes on them.

The specter of tax hikes has loomed for years and has inhibited job growth. If the tax increases actually occur, we can be sure any economic growth we might be perceiving will be killed.

Finally, the authors claim the President “has demonstrated that he was willing to go the extra mile to reach a bipartisan deficit reduction agreement.” I will note that the debt talks fell apart last summer because the President dug in his heels and insisted on harmful tax increases that Republicans, of course, opposed, for the reasons I just noted. When we had another opportunity to do something about the debt this fall, the President was not particularly helpful or encouraging. Often missing in action, he never participated in the process. The plan put forward by the Republican Senator from Pennsylvania at the time was the only balanced approach that put significant revenue on the table in the context of progrowth tax reform.

The majority whip called it a “break-through,” but it was never enough for the other side. So here we are, still debating this subject. So much for the President going the extra mile.

In conclusion, I would like to say the President's budget is more of the same spending, taxes, and debt we have seen for the last 3 years. Last year the budget was so unpopular with the American people that the Senate voted it down 97 to 0. Not a single member of the President's party voted for his budget. The massive amounts of spending, taxing, and borrowing in his budget will hinder an economic recovery. In times like

these we have to focus on growing our economy, not our Government and debt.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— H.R. 3606

Mr. KYL. Mr. President, on behalf of the Republican leader, I ask unanimous consent, notwithstanding any other rule of the Senate, that immediately following the disposition of the pending Transportation bill, the Senate proceed to the consideration of H.R. 3606, a bill received from the House, which would increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; I further ask that the bill remain the pending business to the exclusion of all other business until it is disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, last week the House passed their jobs bill. The purpose of that bill was to loosen securities regulations for small businesses. It is what they call a jobs act. It is not going to create a lot of jobs, but it is important legislation. The House passed a bill 390 to 23 last Thursday. The White House issued a statement supporting the legislation.

This piece of legislation clearly needs to be brought before the Senate as soon as we can. We will work to get a consent agreement and provide for the consideration of a handful of amendments to the legislation. I would be more than happy to work with the Senator to get a short time agreement for its consideration.

One of the issues I alert my friends to is that we have been working diligently for a way to get the Import/Export Bank reauthorized. It is so important to do that. I met recently with the head of Boeing. It is so important for their business and many other businesses. It is a job-creating measure.

I am not going to have that hold up this legislation, but at least I am going to have a substitute we can dispose of quickly if I can't get my friends to agree to do this, to have a vote on that. There are a few things we need to do.

I suggest to everyone I know how important this is to get finished. I don't need anybody to suggest we are not going to do that. We are. I wish to get it done this work period. In Senate time, that is pretty fast because we don't have the bill yet from the House. That is why I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I appreciate what the majority leader said. He is right about the importance of the legislation approved by majorities of both parties of the House of Representatives. I join him in hoping we can bring this to the floor as soon as possible with an agreement so we can consider it and try to provide some economic growth so people can go back to work in America.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 408, 441, 461, 462, 463, 464, 497, 509, 510, 528, 568, 569, 570, 571, 610, 612, and 613.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the nominations.

The assistant legislative clerk read as follows:

Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

David Nuffer, of Utah, to be United States District Judge for the District of Utah.

Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York.

Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

Miranda Du, of Nevada, to be United States District Judge for the District of Nevada.

Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Gregg Jeffrey Costa, of Texas, to be United States District Judge for the Southern District of Texas.

David Campos Guaderrama, of Texas, to be United States District Judge for the Western District of Texas.

Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Kristine Gerhard Baker, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

John Z. Lee, of Illinois, to be United States District Judge for the Northern District of Illinois.

George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland.

John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

Jeffrey J. Helmick, of Ohio, to be United States District Judge for the Northern District of Ohio.

Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina.

Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Mr. REID. Mr. President, I have cloture motions relative to each of these district court nominees at the desk, and I ask unanimous consent that it be in order for them to be filed now.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions:

The assistant legislative clerk read as follows:

CLOTURE MOTIONS

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David Nuffer, of Utah, to be United States District Judge for the District of Utah.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Gregg Jeffrey Costa, of Texas, to be United States District Judge for the Southern District of Texas.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of David Campos Guaderrama, of Texas,

to be United States District Judge for the Western District of Texas.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Kristine Gerhard Baker, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John Z. Lee, of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland.

Harry Reid, Patrick J. Leahy, Mark R. Warner, Barbara A. Mikulski, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Richard J. Durbin, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl,

Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jeffrey J. Helmick, of Ohio, to be United States District Judge for the Northern District of Ohio.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, John F. Kerry, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. DURBIN. Madam President, I rise to speak about the issue of judicial nominations. Our Nation faces a serious problem: 1 out of every 10 Federal judgeships is vacant. Yet we continue to see—unfortunately and sadly—unprecedented obstruction from the other side of the aisle when it comes to these nominations. Right now on the Executive Calendar of the Senate there are 22 judicial nominations pending. Twelve of these 22 were successfully voted out of the Judiciary Committee last year, 2 of them as far back as October, and 17 of the nominees currently on the calendar were voted out with strong bipartisan support. Additionally, 13 of the 22 nominees who are being held have the approval of the Republican Senator from the State where the nomination has been made.

Despite the fact these nominations are not controversial, that they passed by a bipartisan vote in the Judiciary Committee and out of the committee, they still languish on the calendar because of Republican objections.

I know people get tired and say: I wish you all weren't so partisan around here. Well, I hate to give a speech where most will say that is just a partisan speech, but we are talking about nominees who have bipartisan support, with a strong vote coming out of committee being held on the calendar. Despite the fact they are noncontroversial, there have been objections to up-and-down votes. All we ask for is to just give them a vote. It is not right. Unfortunately, it is a new development in the Senate.

It used to be when a noncontroversial district or circuit court nominee was reported out of the Senate Judiciary Committee with bipartisan support, that nominee would literally be approved on the Senate floor usually by voice vote within a matter of days. Even when there were battles over the controversial Supreme Court or appellate court nominees, the Senate never obstructed a noncontroversial nominee at the same time, especially at the district court level.

When President Obama took office, Senate Republicans adopted a new and disturbing strategy. They began refusing to give their consent to schedule votes on almost all judicial nominees. You say to yourself: Well, what is their strategy? It is very apparent. They are praying, of course, that a Republican will be elected President and they can fill the vacancies. They want them to continue to have empty seats on our judicial courts for the remainder of this year until the election. President Obama's nominees have been subjected to an unprecedented level of obstruction by the Republicans, more than any other President has received.

Listen to this: President Obama's district court nominees have waited an average of 93 days on the Senate Executive Calendar between a committee vote and a floor vote. How about George W. Bush? How long did his nominees sit on the calendar before Democrats would let them have a vote? Only 24 days. So 93 days under the Republicans, 24 days under the Democrats.

President Obama's confirmed circuit court nominees have been forced to wait an average of 136 days for a floor vote. President Bush's circuit court nominees waited an average of 29 days. So 136 days, way over 4 months for the Obama nominees, and less than 1 month for the Bush nominees.

Overall, at this point in their terms, President Obama had 131 nominees confirmed at the Federal, circuit, and district court level compared to 172 for President Bush and 183 for President Clinton. It is so obvious the Republicans are stopping worthy bipartisan nominees for strictly political reasons.

Current judicial vacancies at this point in President Obama's term are 83, nearly double the 46 vacancies of President Bush's term. I know my Republican colleagues sometimes argue that President Obama is too slow to make nominations, but that argument doesn't explain what happens after the nominations have been made, cleared investigations, cleared the committee, and reached the Senate calendar.

Right now there are 39 judicial nominees pending either before the Judiciary Committee or on the floor of the Senate. Promptly confirming these numbers would bring President Obama's confirmation numbers close to President Bush's. But still the obstruction continues.

Some might argue that blocking judicial nominees is just another one of those silly partisan games in Washington. But, unfortunately, this obstruction has real impact across America. There are 35 judicial vacancies that have been designated judicial emergencies by the nonpartisan Administrative Office of the U.S. Courts. That means the Federal courts are so flooded with heavy workloads that the failure to fill the vacancies makes it even worse. It means justice will be delayed. And when justice is delayed, many times it is denied. When court systems suffer from lack of judges on the bench, the administration of justice suffers at every level, criminal and civil.

All Americans rely on the Federal courts to protect their constitutional rights, keep dangerous criminals off the streets, and resolve their disputes. When judgeships are vacant and judges remain overburdened, the American people may be denied their day in court.

Right now, the Northern District of Illinois—that would be Chicago, north-

ern Illinois—is one of the districts where a judicial emergency has been declared. The chief judge of the district, Judge Jim Holderman, an appointee under a Republican President, recently sent a letter to me and my colleague Senator KIRK urging the Senate to move quickly on two nominees sitting on the calendar—John Lee, my nominee approved by Senator KIRK, and Jay Tharp, Senator KIRK's nominee approved by me. A bipartisan judicial selection committee chose these nominees, and both of us signed off on them. Isn't that what America wants, that we work together? So why are they sitting on a calendar? There is an emergency in the Northern District, the judge has asked for help, we have agreed on a bipartisan basis how to fill the vacancies, yet they languish on the calendar.

I wanted to take this opportunity to briefly talk about these nominees caught up in this backlog on the Senate floor. Both of them are extraordinarily well-gifted and talented.

John Lee is currently a partner in a major law firm in Chicago, where he practices complex commercial litigation. He is the son of a coal miner and a nurse. He immigrated to this country from Korea at a young age. From humble beginnings, he went on to college and law school at Harvard. He then worked as a trial attorney in the Justice Department, and he had a great record in community service in Chicago. When he is confirmed, he will be the first Korean-American article III judge ever to serve in my State.

Jay Tharp, Senator KIRK's nominee, of whom I approve, is a partner in another major law firm in Chicago, where he leads their securities litigation practice. He is a former captain in the Marine Corps with a distinguished military career. He attended Duke University and Northwestern Law School and clerked for a Federal judge on the Seventh Circuit. For 6 years he was an assistant U.S. attorney, a prosecutor, and he has received numerous recognitions for his work in private practice.

As part of our bipartisan selection process, Senator KIRK has chosen Jay Tharp and I have chosen Mr. LEE. We have done this in the most cooperative way possible. I think it is time for the Senate to move ahead with the floor votes on these two nominees and all of the nominees. If a Senator has an objection to one of these nominees, let's call it for a vote. They can vote no. And if they don't get a majority vote, they won't be approved. That is the way this Chamber is supposed to work.

Good, decent Americans such as John Lee and Jay Tharp shouldn't have to put their lives on hold when they have volunteered to be nominees to the Federal court. In most instances, those who step up and ask for this opportunity of public service are actually taking a cut in pay from what they

could be paid in private practice. They are willing to make a sacrifice. Their families are willing to make it. But now we leave them in this limbo. They are caught in this political limbo created by the Republicans in an effort to stack up judges like cordwood on the calendar in the hopes that come November, they will get a Republican President who will fill these vacancies with true believers.

That isn't fair. It doesn't reflect the reality when President Obama was elected to serve and to fill these vacancies in a meaningful way. The process is bipartisan. Certainly, the Senate's consideration of nominees should be bipartisan as well.

I see the Senator from Michigan on the floor. I wish to make one additional statement, if I might, relative to an issue in my home State of Illinois. I will be very brief, but it is something that means a lot to me and to my State.

ILLINOIS TORNADOES

Mr. DURBIN. Madam President, it was just about 10 days ago that a tornado struck Harrisburg, IL. This is a picture of some of the devastation. It doesn't tell the story.

I have been a child of Illinois and grew up in what we consider to be Tornado Alley. Being dragged out of bed in the middle of the night with the air raid siren blaring and my dad heading down into the basement was just one of the rites of passage. Luckily, our home was never hit, but we saw a lot of homes that were. They might have some shingles torn off and siding ripped away, windows broken, and maybe in the worst case a roof actually lifted off a house.

This case here was an extraordinary one. The picture can't even depict the story. It was a level 4 tornado—and level 5 is the highest—with 175 mile-an-hour winds, or winds more powerful than Hurricane Katrina, and it hit this little town of Harrisburg, IL, and about 20 miles away the town of Ridgway, IL.

I went down and took a look. I saw homes that had been torn off their slab foundations and tossed around like toys. Seven people died as a result of this tornado. There might have been more, but it was a tornado that struck at about 5 a.m., and many people were home. Had they been outside or shopping at one of the malls that were obliterated, many more people would have died. Fortunately, more didn't.

The heroic efforts by the local people at every single level really made me proud to represent that State and my family having roots in that part of the State. It was a great outpouring of caring, affection, and even bravery as people rescued those who were lost and covered by the debris. The Red Cross was on the scene right away. The Illinois Emergency Management Agency

was there as well. Everybody pitched in, both in Harrisburg and in Ridgway.

We finished our job, and we heard, as I was leaving on Saturday—this was 10 days ago—that the Federal agencies were on their way this last Monday, a week ago today. I felt confident, Gov. Pat Quinn of Illinois felt confident, and our State emergency management director, Jonathan Monken, also felt confident that we would get the Federal designation. That is why it was absolutely stunning when we learned yesterday that FEMA turned down these communities.

Take a look at this shopping center that literally collapsed. Fortunately, no one was in it at 5 a.m. The devastation from 175 mile-an-hour winds could be seen all over Harrisburg and the town of Ridgway, where the local Catholic church was devastated.

This decision by FEMA is out of touch with reality—the reality of the damage and the suffering and the reality of this notion that somehow the State and local governments can take care of this.

Historically we have said that when a storm reaches a certain threshold of damage, the Federal Government steps in. In my time in the House and Senate, I have never, ever questioned that decision. I have stepped up to help every State in the Union with disaster assistance, knowing that this could happen to my State.

Now, when FEMA says we don't qualify for Federal assistance, it means that the Small Business Administration is not likely to help businesses in the area with disaster recovery small business loans, for example. As we can see from the photos I have shown, disaster loans are going to be desperately needed by businesses in the area. Harrisburg is going to have a difficult if not impossible time coming back from this disaster without help.

Our State of Illinois can't do it on its own. Governor Quinn and Jonathan Monken have determined that the damage is just too severe for the State. I spoke with the Governor this morning. He is going to appeal the FEMA decision. We are joining him, on a bipartisan basis—Senator KIRK's office is joining our office—to appeal this FEMA decision. Come Wednesday, in my office here in the U.S. Capitol, we are inviting the Administrator of FEMA to come in and make the case as to why this devastation doesn't warrant Federal disaster designation. Sixteen thousand people in these small communities have been displaced from their homes. Local leaders and volunteers have turned up from everywhere, but they can't do it alone. We need to have the Federal Government providing its level of assistance to make sure these communities are made whole, put back together so life can go on. We can never, ever replace the seven lives that were lost, but let's re-

place the spirit of those communities with Federal, State, and local cooperation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before I speak about an amendment I have on the Transportation bill, I wish to commend my friend, the Senator from Illinois, for fighting for his people. I understand what it is like to have devastation happen in a State, and I want to thank him and let him know the people of Michigan certainly stand with the people of Illinois and want to be supportive at a time like this because this could happen to any one of us. So I thank him for being such a champion for the people he represents.

ENERGY TAX EXTENDERS

Ms. STABENOW. Madam President, I rise today to urge my colleagues to support an amendment that will be coming up tomorrow for a vote—a very important amendment for the economy. It is my amendment No. 1812 that would stop a tax increase on American businesses that are creating clean energy jobs by extending the energy tax cuts. These energy tax credits have been so important to stimulating the diversity of opportunity for us in terms of energy sources, and things are beginning to move. It would be such an error to stop or slow this down at this point.

We have right now over 26 different national organizations that have endorsed this, and more are coming, but let me just mention a few. The National Association of Manufacturers, the U.S. Chamber of Commerce, the American Wind Energy Association, the Solar Energy Association, the Alliance for Clean Energy, Biotech Industry Association, Renewable Fuels—it goes on and on. A number of folks understand that this means jobs, including the United Steel Workers, as well as the Propane Gas Association, the National Electric Manufacturers, the National Wildlife Association, the Sierra Club, the League of Conservation Voters. The list goes on and on. This has broad bipartisan support, including industry workers and those who care very much from an environmental standpoint about what is happening to our country. All have come together to support this amendment to stop a tax increase on our businesses that are creating jobs through clean energy technologies.

All across the country businesses big and small are creating jobs and bringing manufacturing jobs back to America, building the technology that is powering our future. We all understand that part of the next round in terms of growing a strong economy really is around energy—all sources of energy. I am a let's-do-it-all person, but we have to make sure we have energy choices

and opportunities for those businesses to grow.

We have entrepreneurs inventing new technology, building plants, hiring workers, producing cutting-edge new products that save consumers money and, importantly, reduce our dependence on foreign oil. Especially now, when gas prices are going through the roof—and believe me, as I drive around Michigan looking at the gas pumps, it is outrageous what is happening right now—when families are struggling more than ever to fill their tanks, we shouldn't be raising taxes on the innovators and the job creators who are helping to lower American families' energy bills, and that is what the vote tomorrow is about.

My amendment does a number of things. It extends current policy that puts in place this new ability to create jobs, energy, get us off the floor and going. It extends this extremely successful advanced energy manufacturing tax credit that has been called 48C. This is something I was proud to author, working with our chairman of the Energy Committee, Senator BINGAMAN. We have 43 States where businesses have been able to get a 30-percent tax cut for companies that expand, reequip, and build new plants in the United States to produce clean energy technology.

I want to see "Made in America" again, and I know the Presiding Officer does too. This tax cut is what is helping to make that happen.

In Michigan, a number of innovative companies were able to use this tax cut to create jobs, building amazing new products. Here are just a few examples. I was just with the Dow CEO today, someone who is so focused on sustainability and creating energy alternatives. Dow is building solar shingles, among other things, along with new advanced battery technologies.

But the solar shingles are really something to see. They are called the "Power Shingle." You put them on your roof just like regular shingles. You roll it out and install it just like regular shingles, and they generate electricity for your home or business.

These are new technologies that are creating opportunities for suppliers and small businesses all around the Midland, Saginaw, and Bay City area in Michigan.

Ventower Industries builds huge towers for wind turbines. They just opened their plant down in the southeastern part of Michigan, in Monroe, MI. They expect to build as many as 250 wind turbine towers—the big towers—every year.

On the west side of the State, Energetx Composites used to manufacture luxury yachts. They have turned their facility and their big bays that made those yachts—thanks to the 48C manufacturing tax cut—into a facility that is now producing wind turbine blades and other advanced materials.

My amendment also extends the tax cut for companies that produce energy-efficient appliances; grants in lieu of tax credits; tax cuts for companies that install charging stations for our new, great electric vehicles; tax cuts for companies producing the next generation of cellulosic biofuels, and much more.

It also extends the extremely important production tax credit, this tax cut for wind energy, which supports businesses and utilities that produce electricity from wind.

There are more than 8 million households in the United States that rely on wind energy for their electricity. In South Dakota and Iowa more than 20 percent of their electricity is generated by wind. Nationwide more than a half million jobs are related to wind energy production so far. In my State of Michigan alone there are 31 facilities manufacturing components for wind energy and 6 more in the works. I might just add, one of those great big wind turbines has 8,000 parts, and we can manufacture every single one of those in Michigan.

When I look at the opportunities around new clean energy manufacturing, I see jobs in every single part for wind, for solar, for electric vehicles. Any of the areas around clean energy creates thousands of jobs.

It is about the future. Now is not the time to raise taxes on these companies. If we do not extend these tax cuts, that is exactly what is going to happen.

Our economy is slowly coming back, as we know, and manufacturing and clean energy business owners have been leading the way. There are nearly 2.7 million people whose jobs depend on this new part of our economy—the clean energy economy. These are good jobs. This is part of moving our country forward so we can compete successfully in the global economy and keep jobs here.

Right now we are in a race with China and Germany and other countries that want to lead the world in clean energy production. They have made clean energy manufacturing a top priority in their tax policy, in their investment strategy. We know, in fact, in China alone they are spending hundreds of millions of dollars every single day trying to beat us in the clean energy production business.

We should not turn our back on the American businesses that are fighting to compete with countries such as China. We should not turn our back on the millions of people whose jobs depend on the strength of these businesses. We should not turn our back on the opportunity to truly diversify our energy sources so we can get off foreign oil and not have to worry about what that price sign is at the pump.

I strongly urge my colleagues to join together on this amendment, to support it tomorrow, to provide certainty

for our businesses and our job creators. This has wide backing from business, from labor organizations, from the environmental and clean energy community. It is a chance to come together and create some certainty for a very important and exciting new part of our economy that is critical for us as we climb out of this recession and create jobs for our American citizens.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1813, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Roberts amendment No. 1826, of a perfecting nature.

McCain modified amendment No. 1669, to enhance the natural quiet and safety of airspace of the Grand Canyon National Park.

Corker amendment No. 1785, to lower the FY13 discretionary budget authority cap as set in the Balanced Budget and Emergency Deficit Control Act of 1985 by \$20,000,000,000 in order to offset the general fund transfers to the Highway Trust Fund.

Corker amendment No. 1810, to ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the Highway Trust Fund for the fiscal year.

Portman-Coburn amendment No. 1736, to free States to spend gas taxes on their transportation priorities.

Portman amendment No. 1742, to allow States to permit nonhighway uses in rest areas along any highway.

Coats (for Alexander) amendment No. 1779, to make technical corrections to certain provisions relating to overflights of National Parks.

Coats (for DeMint) amendment No. 1589, to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

Coats (for DeMint) amendment No. 1756, to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government.

Coats-Lugar amendment No. 1517, to modify the apportionment formula to ensure that the percentage of apportioned funds received by a State is the same as the percentage of total gas taxes paid by the State.

Blunt-Casey amendment No. 1540, to modify the section relating to off-system bridges.

AMENDMENT NO. 1826, AS MODIFIED AND
AMENDMENT NO. 1812, AS MODIFIED

Mr. REID. Madam President, I ask unanimous consent that the pending Roberts amendment No. 1826 be modified with the changes at the desk and that Senator STABENOW be permitted to modify her amendment No. 1812 with the changes that are at the desk; further, that at noon tomorrow, March 13, the Senate proceed to vote in relation to the amendments listed under the previous order and the following two amendments be the first amendments acted upon, with all other provisions of the previous order remaining in effect: DeMint amendment No. 1756 and Bingaman amendment No. 1759.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1826) is modified as follows:

SEC. 0103. EXCLUSION.

Section 0101 and Section 0102 shall not apply to the North Atlantic Planning area.

Ms. STABENOW. Madam President, on Thursday I voted for the Collins amendment No. 1660 to send a message that it is extremely important that Boiler MACT rules be done right. I have heard from manufacturers, paper companies, and the forestry industry all across the State of Michigan who rely on boilers in their plants. While I strongly support efforts to limit air pollution, I am concerned about the impact of the proposed rules as they are now written on manufacturing businesses and jobs in Michigan.

This amendment is certainly not perfect. I have serious concerns about certain provisions such as the changes to the health-based approach that EPA uses to set emissions rules. This amendment also did not reflect the positive changes that the EPA has already made to the proposed rules. It is my intent to continue working with the EPA as they write their final rules to address the concerns that have been raised by Michigan employers—large and small—and to give our businesses the time necessary to comply with these new emissions rules.

It is critical that the EPA draft rules that protect our environment while also protecting our jobs and our economy.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDWEST STORMS

Mr. McCONNELL. Madam President, I come to the floor again today to resume a conversation with my colleagues about the incredible wave of destructive storms and tornadoes that

ripped through my home State of Kentucky, along with several other States in the Midwest, on Friday March 2.

As I have already stated on this floor, these were very severe tornadoes, with at least 11 funnel clouds confirmed to have touched down in the Bluegrass State by the National Weather Service, blowing at wind speeds up to 125 miles per hour.

We now know that these deadly storms claimed 23 lives in Kentucky, and more than 300 were injured. We have heard stories like that of Stephanie Decker, currently in stable condition at the University Hospital of Louisville, who raced home during the storm just in time to hurry her 8-year-old son and 5-year-old daughter into the basement of their three-story, brick-and-stone house.

She covered their tiny bodies with her own as the tornado crashed the house down on top of them. Stephanie has lost one leg above the knee and the other above the ankle, but her children survived without a scratch.

The weekend immediately after the storms I visited the part of Kentucky that was arguably hardest hit by them, the town of West Liberty. The town is home to just 3,400 people—and all 3,400 lives have been thrown into chaos, as virtually the entire population had to be evacuated.

Churches, homes, schools, and businesses are reduced to rubble. The town courthouse and city hall are both in ruins. Basically, this once-thriving, happy little community is now barely there.

Scenes from West Liberty are replicated across the State in places like Magoffin, Menifee, Kenton, Morgan, Laurel, Lawrence, Martin, Pulaski, Johnson, and Trimble counties, which are among the hardest hit.

And too many Kentucky families are mourning what was taken from them by the storms that can never be replaced.

In Lawrence County, Joyce Chaffins, 65, and her granddaughter, 14-year-old Samantha Wood, died when a tornado struck their home. Samantha was a ninth-grader at Lawrence County High School, where she played in the band and was a member of the National Junior Honor Society.

The storm has also claimed James Gregory Brooks, 48, Donald L. Beemon, 78, and Linda Beemon, 73, of Kenton County.

In Johnson County, in Middle Fork, a tornado ripped the home of Gregory Perry, 20, right off its foundation and carried it over a 25-foot embankment into rushing creek rapids, where, according to the county coroner, the house “just disintegrated.”

Gregory was killed, along with Sean Shepherd, a 16-year-old boy from Prestonsburg who had the misfortune of visiting Gregory at the time.

More lives taken by this destructive force of nature include Sherman

DeWayne Allen, 49, Debbie Allen, 49; Wilburn Pitman, 81, Virginia Pitman, 73, and Ethel Pruitt, 64, all of Laurel County.

In Morgan County, husband and wife Charles and Betty Sue Endicott, both in their early 50s, were caring for Charles's mother, Elizabeth Endicott, 72, after her recovery from a stroke.

A tornado struck their trailer home, killing all three of them. Charles's sister, Marita Moore, surveyed the scene of destruction and said this: “There's not even a memory left down there.”

More Kentucky families who do not deserve such a painful loss include the families of Beverly Bowman, 47, Anita Smith, 53, and Vershal Brown, 79, all of Menifee County; and Alex Clayton Dulin, 86, Emma Dean Cecil, 87, and Wilmer Cecil, 90, all of Morgan County.

In Pulaski County, 74-year-old Helen Placke was found dead in her home. She had sought shelter from the storms inside a closet—but to no avail.

In Kenton County, in the town of Falmouth, Courtney Stephenson died when her car was suddenly lifted and catapulted across six lanes of traffic on I-75. She was 42 years old.

It is sobering and humbling, to think about the many wondrous technologies and abilities we have in this great country—from the medical advances that can place tiny tools into the smallest human capillaries, to our scientific discoveries that enable us to send cameras to the outermost edges of the solar system and actually take pictures of other planets and send them back to Earth.

And yet human life is still so fragile when confronted with the powerful forces of the natural world.

I would be remiss, if I did not conclude my remarks with a note of gratitude—and that is gratitude for the many brave and heroic first responders and other Kentuckians who have rushed to the aid of those hardest hit by these storms.

Over the last week, my office has been contacted by people throughout the country asking how they can help. We have pointed them to various places in the Commonwealth where the people on the ground have coordinated incredible assistance to those in need.

Volunteers from the Red Cross, the Salvation Army, Goodwill, the Kentucky Cattlemen's Association, the United Way, and the business community have come together to provide food, blood, resources, and shelter to those in need. Many churches and civic organizations have taken up collection drives.

And many Kentuckians of good heart, without any prodding, have on their own simply loaded up their cars with bottled water, food, and whatever else they can spare and driven to scenes of tornado wreckage to ask, “How can I help?”

Government has a key role to play as well. FEMA is on the case. And my

friend Senator PAUL and I have sent a letter to the President urging him to approve Governor Steve Beshear's request for federal assistance.

The Kentucky State Police have played a vital role in collecting water, food, clothing, and other resources, and distributing them to the communities that need them.

And as always, the Kentucky National Guard is in the foreground of disaster relief. More than 220 members of the Kentucky National Guard and Air Guard were mobilized and deployed to 10 counties after Governor Steve Beshear declared a statewide emergency.

Even in the face of such tragedy, the burden on our hearts is eased by the good will and good works of so many Kentuckians willing to serve and come to the aid of their neighbors. It makes me proud to represent the people of Kentucky in this United States Senate.

REMEMBERING JIMMY LEE VANCE

Mr. McCONNELL. Madam President, today I wish to pay tribute to a man who spent his life working to strengthen his local community and helping the citizens who reside there along the way. Mr. Jimmy Lee Vance of Corbin, KY, encompassed every aspect of a tried and true entrepreneur, and he had the special quality of a generous heart.

Mr. Vance was a religious man who cherished the words of the “red letters” in the Bible, words spoken by Jesus Christ. Those who knew him believe he exemplified the attributes that those letters described, and that it was a creed of love, forgiveness, and grace by which he lived. Sadly, Jimmy Lee Vance left this world on December 20, 2011, due to complications from cancer. He was 70 years old.

Originally from Hart County, KY, Mr. Vance held an array of jobs before settling down in Corbin permanently. He served his country in the U.S. Navy, and later received a degree in accounting from Western Kentucky University on the GI bill. Jimmy took a job with the Internal Revenue Service's office in Louisville, KY, and then purchased a Corbin CPA firm, which he spent the next few years building up before eventually selling it to Ms. Mary Lynn Long. Next, Jimmy set his sights on the areas of real estate and business management, and in these fields he would make his greatest contribution to the Commonwealth.

Jimmy honed in on the area surrounding Interstate 75 near Corbin. He and his friends put a major effort into breaking new ground and building from the ground up. After years of planning and construction lead by Mr. Vance, Corbin's Exit 25 has become one of the most popular stops on I-75. The restaurants, movie theaters, shopping centers, and hotels just off of the exit bring in thousands of travelers each

year, courtesy of Jimmy and his innovation and hard work.

Next came the billboards. Mr. Vance knew that in order to entice travelers to enter the city of Corbin, he had to let them know what was waiting for them. Jimmy was really the first man in the area to get into the billboard business. The billboards undeniably led to massive tourism in the area, and Jimmy knew this. It is amazing that advertising in its simplest form, along with Jimmy's innovative imagination and hard work could combine for such a home-run success for the area's economy.

Mr. Vance was instrumental in virtually every field of business in Corbin. He had help in large part from his wife Donna Barton, who was one of his best business assets. Together they owned and operated the Landmark Inn, and Donna was notorious for catering to the needs of all the Landmark Inn's guests. The couple's customer service was unmatched, and the family atmosphere they provided was an experience unlike any other to the people who would stay the night while traveling on I-75.

Along with hotels, Jimmy was responsible for bringing many different businesses to the area, which resulted in hundreds of new jobs for the residents of Corbin. But what truly stood out about Jimmy to the locals was his remarkable character. One Corbin-area leader said, "Sometimes when Jimmy and I had lunch, someone would come up needing money for a meal or pay bills, and Jimmy without any fanfare gave them help. Those were things about Jimmy you didn't read in the papers."

Jimmy Lee Vance was a humble servant of God, a beloved family man, and a dear friend to many. All of us could learn a thing or two from Jimmy. His moral code and business skills were an inspiration to young entrepreneurs of all types. He lit a fire inside them, and that is what true leadership is all about. Jimmy's life may have come to an end, but his legacy will continue to live on; he inspired others to do great things.

At this time I would like to ask my colleagues in the Senate to join me in commemorating the life and times of Mr. Jimmy Lee Vance, a true American entrepreneur and philanthropist.

A news article was recently published in Corbin, Kentucky's own Times-Tribune newspaper, recognizing the achievements Mr. Vance made throughout his lifetime. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times-Tribune, Feb. 13, 2012]

JIMMY LEE VANCE—REMEMBRANCES OF JIMMY
LEE VANCE

BORN SEPTEMBER 29, 1941—DIED DECEMBER 20,
2011

Jimmy Lee Vance was born in Hart County September 29, 1941, and raised on a small farm by his parents, the late Lee Walter and Eva Vance. He was preceded in death by his sister, Norma Reed. He graduated from Canmer High School and served in the U.S. Navy. He received an honorable discharge and used a military G.I. Bill scholarship and graduated with a BS degree in accounting from Western Kentucky University. Jimmy and his first wife, Mildred, had two children: Jason Vance (wife Kim) of Corbin, and daughter Kim (husband Shannon Rahn) of Richmond Hill, Georgia. Jimmy later married Donna Barton in 1990, and they were together until his death December 20. He left two step-children, Amber Noell and Kari Moore, and eight grandchildren, Erika Vance, Hunter Rahn, Wes Rahn, Lee Vance, Jaci Beth Noell, Lauren Moore, Jaken Noell, and Ryan Moore, and a sister, Virginia Patenaude and husband Pat of Canmer, Kentucky.

Jimmy worked for the Internal Revenue Service's Louisville office and later purchased Henry Martin's respected Corbin CPA firm. Jimmy continued the growth of the business and later sold it to Mary Lynn Long. Jimmy then focused his attention on real estate and business development. He and his partners transformed the land near Corbin's I-75 Exit 25 on Cumberland Falls Highway. This is one of the most formidable business areas off the I-75 Expressway, with the opportunity for continued growth. He was a business leader willing to take risks, with a vision of not just seeing how things are now, but how they could become with initiative and creativity.

A major Technology Center now managed by Corbin High School was one of Corbin's first major operations built on land Jimmy and his partners developed. Many meetings and training sessions have been conducted in this facility, including Chamber of Commerce luncheons, wedding receptions, and political events which have brought many people to our area. The Technology Center is impressive and will be a key asset to our area for many years.

The Corbin Arena rests on top of a mountain facing across Cumberland Falls Highway toward the Baptist Regional Medical Center and west to I-75 Exit 25. This majestic entertainment center would never have happened if Jimmy and his partners and government leaders had not worked together to make it possible. The location of the arena on top of the mountain, right or wrong, can't be blamed on Jimmy. His group helped make this location for the arena possible. The challenge in making it a success rests on the shoulders of our local leaders and all of us.

Many of us enjoy visiting Applebee's or Dino's or Fiesta Mexicana for an enjoyable meal. Exit 25 has 40,000 cars and trucks pass by each day on I-75, and many stop off to eat, shop, buy gasoline, or stay in our motels. PT Pro's attractive Therapy Center adorns this property developed by Jimmy and his group. Several young business leaders such as Darryl and Mark Lawson told me, "Jimmy wasn't too busy to give us good suggestions on real estate, or tax issues, or good business ideas. He helped us so much." Sometimes when Jimmy and I had lunch, someone would come up needing money for a meal or pay bills, and Jimmy without any fanfare gave them help. Those were things about Jimmy you didn't read in the papers.

For years he and Donna owned and operated the Landmark Inn, which has been a key place for many travelers to stop for rest on tiring trips. A good Redhound buddy, Bob Coleman, who passed away last year, often came to Corbin from Bristol to see Redhound games and friends. Employees at Landmark took good care of Bobby. Jimmy and his family also owned at one time the Best Western Motel. Jimmy told me about Donna's knowledge in handling business decisions. Donna has been a valuable person in Jimmy's businesses program.

When Jimmy purchased the Holiday Inn in Williamsburg, he had a billboard on the property. It wasn't long until Jimmy was in the billboard business, and soon there were many billboards in our area. We take for granted that people will stop off the interstate and do business in our area. Jimmy's billboards brought many travelers off the interstate to businesses.

Jimmy purchased the Eagle Falls property, which could have been a great addition for Cumberland Falls State Park. Jimmy drove me on a tour of the Cumberland Falls State Park Camping and Recreation Vehicle area, and it was running out of space. Jimmy's property near the Falls area could have provided additional space to enhance the ability of Cumberland Falls to grow and offer more services. This dream of Jimmy's wasn't completed. Jimmy focused attention on the fact that Cumberland Falls State Park for years has not been promoted and expanded into the type of great attraction it could be. This beautiful and scenic place could become a major attraction for a large segment of the eastern part of our nation. It needs a golf course and some remodeling. Eighteen Kentucky State Parks have golf courses, but the big one closest to a highly travelled interstate highway, Cumberland Falls State Park, has no golf course. Some of Jimmy's close business partners have been Dr. Don Barton, David Myers, Harold Huddleston, David Rossi, Boyce Worley, Darrell Sanders, Becky Myers, and John Warren. Also included was the late Dave Hudson, who was a special friend with Jimmy.

Today many of us enjoy seeing movies at the Tri-County Cineplex, and Nelda Collings Barton, her daughter Suzie, and son-in-law Greg Razmus built this impressive complex on a site developed by Jimmy and his partners. Nelda and the Razmus family are a valuable entrepreneur team that has been so helpful in many ways to our community. It hurts when you lose entrepreneurs in local communities and areas. They create jobs in your own hometown. They help create other small business leaders who learn from them and take on that same spirit. Jimmy, Donnie Witt and I had lunch each month and sometimes talked about the Bible. Jimmy said, "I love the 'Red' Letters in the New Testament because they are a simple message from Christ. They are words built on love, forgiveness, and grace."

Jimmy suffered a very damaging stroke in 2008, but with the help of his family was soon back working on his projects. Sometimes it was a struggle, but Jimmy kept going. A short time prior to his death, tests determined he had an advance problem with lung and bone cancer.

During Jimmy's last days in Baptist Regional Medical Center, he was well cared for by the medical staff and his family. Rev. Bobby Joe Eaton, Chaplain of the Medical Center, "ministered unto Jimmy with love and prayer." Bobby Joe is a wonderful blessing in our community.

Each time I visited Jimmy in the hospital in his last days, son Jason was by his side

and Jimmy's daughter, Kim, came from Savannah to be with him. Frequently Jimmy's handsome red-headed grandson Lee was there giving support to his grandpa. Soon after Jimmy's death, Donna had a liver transplant and is recovering very well. The Barton family has shown great courage these last years as they have dealt with those difficult experiences in life we will all face at some time. Joan Barton has been an inspiration to all of us as she has recovered from a serious accident and has stood strong with her husband Don and their family.

In closing, there is an old song that sometimes comes to mind during times of sorrow and sadness. It is titled, "Jesus Walked this Lonesome Valley." The words of one verse remind us of a journey we will face at the end of our lives when we say goodbye to family and friends and cross over to a new life with God.

"We must walk that lonesome Valley,
We have to walk it by ourselves.
Oh, nobody else can walk it for us,
We have to walk it by ourselves."

Our God walks that lonesome valley by our side and loved ones and friends give us comfort and love as we depart. God is with us as we begin our new life.

THE ONE-YEAR ANNIVERSARY OF 3-11

Mr. KERRY. Madam President, yesterday the world marked the anniversary of the triple tragedy—the earthquake, tsunami, and nuclear crisis—that struck Japan on March 11 of last year. I rise today to commemorate that heartbreaking day for our good friend and ally and to pay tribute to the remarkable resilience of the Japanese people in the face of this unprecedented series of catastrophic events. Even as Japan labors to rebuild devastated regions in the northeast, it continues to make enormous contributions to the international community, so let's take this moment to acknowledge the ambitious reconstruction effort underway in Japan and its indispensable role in world affairs.

Any one of these three events—a magnitude 9.0 earthquake that destroyed entire towns and villages, a tsunami that swept away thousands, and the ensuing nuclear crisis at the Fukushima Dai-ichi plant—would have been enough to overwhelm and paralyze any country, any government. To have all three occur at the same time simply strains the imagination. Yet the Japanese Government and the Japanese people responded to these events with their characteristic resilience, both in the immediate aftermath when local first responders and Japan's Self-Defense Forces responded so heroically in the face of almost unimaginable destruction and today in rebuilding shattered lives and communities by seeking new opportunities for economic growth and innovation, including through new green energy initiatives.

And if there is a silver lining to the tragic events of 3/11, it is that the U.S.-Japan alliance once more proved its own strength and vitality, dem-

onstrating the deep bonds of friendship and affection that tie our two nations together. Together, we launched the largest joint military operation in our history, with more than 20,000 Americans supporting the Japan Self-Defense Forces in Operation Tomodachi. The Department of Defense alone provided 24,000 personnel, 190 aircraft, and 24 Navy ships to assist with humanitarian and disaster relief operations. To this day, our country's joint efforts continue through public-private partnerships for reconstruction and through the TOMODACHI initiative. This program, spearheaded by our Ambassador to Japan—and my good friend—John Roos, is focused on partnerships and programs to empower Japan's next generation and to strengthen ties between Americans and Japanese.

Madam President, nations and relationships between nations often display their truest colors during times of stress, challenge, and tragedy. As we look back at the events of a year ago and pause in remembrance of those who lost their lives, let's also give thanks for the strength, health, and vitality of the partnership between the United States and Japan.

ADDITIONAL STATEMENTS

TRIBUTE TO DOUG NELSON

• Mr. KOHL. Madam President, I wish today to recognize and congratulate Mr. Doug Nelson on his retirement as President and CEO of the AIDS Resource Center of Wisconsin, ARCW. I am honored to have the opportunity to congratulate him on his extraordinary career and all that he has done to fight against AIDS. Under his leadership, Doug has helped ARCW provide support and care to countless individuals affected by HIV or AIDS. He has also brought awareness and advocacy to the forefront of the public sector and private philanthropy.

The AIDS epidemic remains one of the leading public health threats facing our Nation and the world today. When I was first elected to the U.S. Senate, Doug took the helm as president and CEO of ARCW. Since then, I have looked to Doug for his suggestions, insight and wisdom on how we can work together to fight this disease, while providing assistance to those who have been diagnosed with AIDS or infected with HIV. I am proud to have been a cosponsor of the Ryan White Care Act in 1990, as well as its reauthorization, which has provided millions of dollars for the State of Wisconsin's AIDS drug reimbursement program. It is also why I fought hard in the Senate to ensure that the Ryan White Extension Act of 2009 would continue to provide these services to those in need.

Doug is a true agent of change. When he assumed his position as the second

executive director, ARCW was among one of only a few small social service organizations committed to providing health care and support to individuals infected with HIV. Doug has played an integral role growing ARCW to become Wisconsin's largest provider of a broad range of medical, dental and mental health services for people living with HIV. Under his leadership, the ARCW Medical Center and pharmacy have provided thousands of individuals living with HIV and AIDS with the high quality medical care and support they need.

Over the last 24 years, Doug Nelson and I have worked in our respective roles and together to fight an historic epidemic. It is through his years of leadership that I am proud to say our State has provided high-quality care and support to those who are affected by this disease. In his retirement, Doug will not only leave a legacy of remarkable achievement at ARCW, but an unyielding hope for a brighter future. I want to take this opportunity to formally recognize Doug's many years of remarkable service and, on behalf of the people of Wisconsin, offer him the sincere thanks and appreciation he so deeply deserves.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

S. 2186. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1925, a bill to reauthorize the Violence Against Women Act of 1994 (Rept. No. 112-153).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 2183. A bill to provide funding for the Fugitive Extradition and Apprehension Trust Fund; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. BROWN of Massachusetts):

S. 2184. A bill to provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself and Mr. THUNE):

S. 2185. A bill to authorize the Secretary of Health and Human Services acting through the Administrator of the Health Resources and Services Administration, to award grants on a competitive basis to public and private entities to provide qualified sexual risk avoidance education to youth and their parents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. 2186. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities; read the first time.

By Mr. CARDIN (for himself and Ms. LANDRIEU):

S. 2187. A bill to remove the sunset date for amendments to the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. BARASSO, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. LUGAR, Mr. CASEY, Mr. ENZI, and Mr. SCHUMER):

S. Res. 394. A resolution commemorating the 150th anniversary of Italian Unification and the beginning of warm and abiding relations between the people of the United States and Italy; considered and agreed to.

ADDITIONAL COSPONSORS

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1069

At the request of Ms. CANTWELL, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. KERRY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1069, a bill to suspend temporarily the duty on certain footwear, and for other purposes.

S. 1273

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1273, a bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes.

S. 1409

At the request of Mr. CARPER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1409, a bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1773

At the request of Mr. BROWN of Ohio, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 1773, a bill to promote local and regional farm and food systems, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 2071

At the request of Mr. WICKER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2071, a bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2162

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2162, a bill to provide for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods, and for other purposes.

S. 2172

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. RES. 310

At the request of Ms. MIKULSKI, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 376

At the request of Mr. WICKER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 376, a resolution commemorating the 225th anniversary of the signing of the Constitution of the United States and recognizing the contributions of the National Society of the Sons of the American Revolution and the National Society Daughters of the American Revolution.

AMENDMENT NO. 1760

At the request of Mr. BROWN of Ohio, the name of the Senator from Ohio

(Mr. PORTMAN) was added as a cosponsor of amendment No. 1760 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 2183. A bill to provide funding for the Fugitive Extradition and Apprehension Trust Fund; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I am introducing legislation today that will help address the serious problem of fugitives who commit violent crimes in the United States and then flee to foreign countries.

This problem was highlighted by a recent investigative series in the Chicago Tribune newspaper. The Tribune reported on a number of horrible crimes that were allegedly committed in Illinois by suspects who now live openly in foreign countries. The Tribune identified at least 129 criminal suspects who have fled from northern Illinois over the last decade who remain at-large abroad. This problem appears to be growing steadily as our world becomes increasingly interconnected. The stories in the Tribune series are heartbreaking.

Here is one example. In 2000, 19-year-old Alma Chavez was living in Pilsen with her family and studying to become a nurse. After she broke up with her boyfriend, Raul Andrade Tolentino, he came looking for her one early morning at her house. As he later confessed, Tolentino stabbed Alma several times with a knife. As she lay dying in her living room, Alma called 911, and the police responded and found Tolentino. After he was arrested, Tolentino was then released on a \$20,000 bond. Just over a month later, Tolentino fled Illinois and eventually went to Mexico.

Intent on bringing his daughter's killer back to the U.S. justice system, Alma's father Bonifacio Chavez repeatedly went to Mexico, spending his money to track down leads on Tolentino and interview informants to learn his whereabouts. Even though Alma's father eventually found Tolentino's new town in Mexico, and U.S. authorities issued an arrest warrant in 2007, Bonifacio Chavez died without seeing Tolentino face the murder charge in Illinois. To this day, Tolentino remains free, and the rest of the Chavez family is still waiting for him to be prosecuted.

This is just one of the many cases brought to light by the Tribune series. What has struck me most about these international fugitive cases is the deep sense of injustice, prolonged grief, and sometimes fear that victims like the Chavez family experience. They suffer

not just from the original crime, but also from the years they spend waiting, sometimes fruitlessly, for those responsible to face justice.

Illinois is not alone in experiencing a problem with international fugitives. This affects states across our country. In 2003, the Justice Department estimated that there were several thousand U.S. fugitives located abroad but only 1,413 were being sought for extradition. These numbers are unacceptable, and we must do more to ensure that these fugitives are captured and brought back.

When a criminal suspect flees across our country's border, it often requires the involvement of the local police or sheriffs, the local prosecutor, the U.S. Marshals, FBI, the Justice Department, INTERPOL, and usually some combination of these agencies, to track down and extradite the suspect. These proceedings can be complicated, lengthy, and expensive. And when the agencies involved do not cooperate effectively, information can get lost between them or the process can become stalled for years.

In January, I hosted a summit in Chicago to discuss ways to improve the apprehension and extradition of international fugitives. In attendance were Deputy Attorney General James Cole, U.S. Attorney Patrick Fitzgerald, U.S. Marshal Darryl McPherson, Cook County State's Attorney Anita Alvarez, Cook County Sheriff Tom Dart, and representatives from numerous other Federal, State and local agencies. With all of the stakeholders together in one room, we identified several key steps that would improve the situation, including more training for local agencies on handling fugitive cases; improved tracking of these cases; increased coordination between federal, state and local agencies; more resources dedicated to fugitive cases; and removing barriers to extradition with other countries.

It was a very constructive meeting. I am pleased to report that progress is being made on all of these fronts. This week the Justice Department will hold two International Fugitive Apprehension Trainings for Chicago-area law enforcement and prosecutors. The trainings, led by the U.S. Attorney's Office, will give guidance to local agencies on how to locate international fugitives and bring them to justice.

To track fugitive cases better, many of the Illinois law enforcement agencies and prosecutor offices have committed to reviewing their fugitive cases to ensure that their investigations and files are up-to-date. This will ensure that cases do not fall off the radar screen.

At the summit, I learned that local agencies were not sure which federal agency they should turn to first for assistance in a fugitive case. That question has now been answered by the Jus-

tice Department. The U.S. Marshals have been designated the first point of contact for Illinois agencies with fugitive cases.

Also, the summit highlighted how information-sharing and coordination between Federal, State and local agencies has been a problem in the past. But that is being improved. The Great Lakes Regional Fugitive Task Force, based in Chicago, is led by the U.S. Marshals and provides a major source of information, resources and support to local law enforcement agencies in Illinois. The Task Force also helps provide much-needed funding to our local law enforcement agencies to buy equipment such as cars and radios and to pay for overtime. This type of funding is critical to ensuring that agencies can devote the resources needed to investigate and prosecute complicated and expensive fugitive cases.

Right now, our Federal, State, and local law enforcement agencies are doing the best they can with limited budgets during these difficult times. Giving them a little extra help will go a long way towards improving their collaboration and their enforcement. We can provide this help at the federal level by increasing the funding for the primary agencies that take part or assist local agencies in the capture and extradition of international fugitives—the U.S. Marshals, U.S. Attorneys, and the Office of International Affairs.

The bill I am introducing today, the Bringing Justice to Fugitives Act, would allow the Attorney General to use the money from forfeited bonds in federal criminal cases for these agencies' fugitive apprehension efforts.

Under the bill, this money can be used by the U.S. Marshals to enhance their fugitive task forces and investigations. It can be used by U.S. Attorney's Offices to conduct trainings and pursue prosecutions. And it can be used by the Justice Department's Office of International Affairs to enhance extradition efforts.

The amount of money involved is not huge—around \$1–3 million per year is collected in federal bond forfeiture money. But a little money can go a long way in fugitive cases. Right now, the money from forfeited bonds is deposited into the Crime Victims Fund. It makes up just a tiny fraction of the total Fund. Dedicating these forfeited bond funds for fugitive apprehensions will help victims by bringing more perpetrators to justice without unduly sacrificing any of the programs which receive money from the Crime Victims Fund.

My legislation does not touch any of the other sources of funding for the Crime Victims Fund, and I will work closely with crime victim support groups to ensure that their efforts are not hindered by this legislation.

The bill also establishes an important principle that when criminal suspects flee, we will use their forfeited

bond money to arrest them and bring them back. The victims of fugitive crimes deserve that justice. Because most fugitives are prosecuted by states, this legislation also plays a critical role by serving as a model for states to follow.

I hope that the state and local jurisdictions will take similar action by pursuing steps to make bond forfeiture funds available for fugitive capture and extradition. The bottom line is that when people are hurt by violent crime, often one of their first wishes is to see their perpetrator go through the criminal justice process. The Bringing Fugitives to Justice Act will help these victims by guaranteeing that our law enforcement agencies will step up their efforts to capture more fugitives and bring them to justice.

Finally, I want to mention that I am working to remove barriers to extradition that the Tribune series highlighted. For example, the Tribune pointed out that our extradition treaty with Mexico should be revisited so that U.S. crimes like reckless homicide can be treated as extraditable offenses. We also need to address differences in the two countries' statute of limitations periods, which can limit extradition in some cases.

I met at the end of February with the Mexican Ambassador, Arturo Sarukhan, to discuss the need to work on these aspects of our extradition treaty. The Ambassador, and Mexico in general, have been constructive partners in our extradition efforts, and I am grateful for this positive relationship. I also urged the Ambassador to make sure that the cases highlighted by the Tribune were being pursued to the best of Mexico's ability. While I cannot share any details about specific cases, I am reassured that that message has been received.

In short, while international fugitive cases still pose many challenges, we are continuing to work to improve the system at the state, local, Federal and international level. We are making progress, and the legislation I am introducing today will help.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bringing Fugitives to Justice Act".

SEC. 2. FUGITIVE EXTRADITION AND APPREHENSION TRUST FUND.

(a) FUGITIVE EXTRADITION AND APPREHENSION TRUST FUND.—

(1) IN GENERAL.—There is created in the Treasury a separate account to be known as the Fugitive Extradition and Apprehension Trust Fund (referred to in this section as the

"trust fund"). There shall be deposited in the trust fund the proceeds of forfeited appearance bonds, bail bonds, and collateral collected under section 3146 of title 18, United States Code.

(2) USE OF FUNDS.—Amounts deposited in the trust fund pursuant to paragraph (1) shall be obligated and expended by the Attorney General for the following purposes:

(A) To the United States Marshals Service to enhance efforts to investigate and apprehend fugitives from justice.

(B) To the Offices of the United States Attorneys to enhance efforts to investigate and prosecute fugitives from justice.

(C) To the Office of International Affairs in the Department of Justice to coordinate the investigation and extradition or other legal rendition of international fugitives from justice.

(3) REALLOCATION.—Any portion of an amount available under this subsection which is not obligated by the Attorney General by the end of the fiscal year in which funds are made available for allocation, shall be reallocated for award in the next fiscal year.

(b) FISCAL YEAR.—Amounts shall be deposited in the trust fund established in subsection (a) beginning in fiscal year 2013.

SEC. 3. AMENDMENTS TO THE CRIME VICTIMS FUND.

Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended by—

(1) striking paragraph (3); and
(2) redesignating paragraphs (4) and (5) as paragraphs (3) and (4).

By Mr. KERRY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. BROWN of Massachusetts):

S. 2184. A bill to provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today, along with Senator SNOWE, Senator WHITEHOUSE, Senator SCOTT BROWN and Commerce Committee Chairman ROCKEFELLER, I am introducing the Fisheries Investment and Regulatory Relief Act of 2012. In the House, I am very pleased that Congressmen BARNEY FRANK and FRANK GUINTA will be introducing similar legislation.

In Massachusetts, commercial fishing supports more than 77,000 jobs. Recreational fishing is also an important part of our maritime economy and our local research institutions are world-renowned.

However, today our fishermen continue to face economic peril and they are deeply frustrated by science and research they do not trust. We have to put the broken pieces back together and restore both trust in Washington and economic security for this industry and the brave fishermen who get up every day and go out on those boats to make a living for their families.

In short, we need a new path. It starts by remaking the scientific research process and transforming it into

something that does a much better job of including our fishermen in the data collection that forms the foundation of the rules and regulations that can determine their future.

We can take an important first step in improving the relationship between our fishermen and Federal regulators by passing the Fisheries Investment and Regulatory Relief Act.

The cornerstone of this bill is returning the use of Saltonstall-Kennedy funds to our fishermen, as was the original intent of its creators. In 1954, Leverett Saltonstall and John F. Kennedy, Democratic and Republican Senators from Massachusetts, created the Saltonstall-Kennedy fund for fisheries research and development. Under their law, 30 percent of the duties on imported fish products was required to be transferred to a grant program to benefit the U.S. fishing industry. It was meant to be a permanent appropriation to promote science, research, and the development of American fisheries. But over years of tight budgets the use of these funds has gotten off track: to fund other priorities, the money has been going to places other than it was originally intended.

In 2010, the funds collected from the import of fishery products is estimated to be \$376.6 million. Thirty percent of that total is approximately \$113 million that should be used to improve science and help our fisheries. Unfortunately last year, only \$8.4 million of that \$113 million was used by National Oceanic and Atmospheric Administration—NOAA—for grants for fisheries research and development projects. The remaining funds were used by NOAA for their operations. This simply can not continue, especially given the current situation facing our fisheries. Our bill will restore the investment to help the fishermen and communities for whom Senators Saltonstall and Kennedy originally intended it to protect.

The New England fishing industry has been facing a serious crisis due to declining fish stocks and increasing Federal regulations. The transition to a new management plan has increased mistrust between fishermen and the Federal Government to the highest it has ever been during my 27 years in the Senate.

The Gulf of Maine cod crisis we are currently facing is emblematic of this distrust. Within 3 years of each other, two radically different stock assessments were released—the first assessment showed a species on the rise while the most recent survey shows a dramatic decline. Many of our fishermen do not believe in the new numbers because they have not been included in the process. This bill would provide local stakeholders with funding to help develop the accurate and credible science and stakeholder participation that we need.

By giving stakeholders the ability to determine how Saltonstall-Kennedy

funds get spent, this bill would let New England decide what the unmet priorities in our fisheries research are and give them the funds necessary to do something about them. It could pay for things like side-by-side trawl surveys, done in cooperation with NOAA and our fishermen, so that we can find out if there are fish that are being missed by NOAA vessels and make sure that data gets into the assessments. It would allow for money to go into figuring out if there are more advanced tools, like long-range sonar and other fish imaging capabilities, which could do a better job at determining how many fish are in the sea. And by giving preference to public-private partnerships, it can help rebuild trust between fishermen and Federal regulators.

Most importantly, it helps give our local fishing communities a bigger role in making these decisions.

We know that every region has specific priorities that they would like to see funded. Under this bill, money from the Saltonstall-Kennedy Act would be used to implement regional fishery investment plans, which would be developed by the Regional Fishery Management Councils, released in the Federal Register for public comment, and approved by the Secretary of Commerce. The priorities would include everything from more frequent stock assessments, better recreational data, to crucial habitat restoration.

This legislation will help give our fishermen a better chance to develop a clear, open dialogue with Federal regulators to determine we are up against and what we can do to fix it. It will help preserve our fishermen's livelihoods, their families' economic security and help ensure our fishing industry can survive for future generations. Most importantly, at a time of bitter division, it will restore trust—the rock upon which good governing has always been built.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 394—COMMEMORATING THE 150TH ANNIVERSARY OF ITALIAN UNIFICATION AND THE BEGINNING OF WARM AND ABIDING RELATIONS BETWEEN THE PEOPLE OF THE UNITED STATES AND ITALY

Mr. KERRY (for himself, Mr. BARASSO, Mrs. GILIBRAND, Mrs. SHAHEEN, Mr. LUGAR, Mr. CASEY, Mr. ENZI, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 394

Whereas it has been 150 years since March 17, 1861, when the parliament of a united Italy proclaimed Victor Emmanuel II their king;

Whereas the story of the Italian Risorgimento, in particular Giuseppe Garibaldi's heroic adventures, have inspired generations of Americans;

Whereas, between 1880 to 1920, an estimated 4,000,000 Italian immigrants arrived in the United States to settle and help build our Nation;

Whereas today there are almost 18,000,000 Americans of Italian ancestry whose contributions to our society are diverse and profound;

Whereas Italy has been a loyal NATO ally and a major strategic partner for over 60 years;

Whereas Italian-Americans have made enormous contributions to the United States; and

Whereas Italy remains a steadfast partner in the defense of a shared vision of fundamental human rights and the preservation of democratic ideals: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 150th anniversary of the foundation of the modern state of Italy;

(2) celebrates the ties of kinship and shared democratic values that unite the two countries across the Atlantic;

(3) honors the service and sacrifice of Italy's soldiers, sailors, and airmen alongside United States forces most recently in Iraq, Afghanistan, and Libya; and

(4) reaffirms the friendship between the Government and people of the United States and the Government and people of Italy.

DESIGNATING 2012 AS THE "YEAR OF THE GIRL" AND CONGRATULATING GIRL SCOUTS OF THE USA

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from S. Res. 310 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 310) designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Massachusetts. Mr. President, as a cosponsor of Senate Resolution 310, which designates 2012 as the "Year of the Girl," I rise today to celebrate not only the centennial anniversary of the Girl Scouts of the USA but the efforts of the Girl Scouts of Massachusetts.

The Girl Scouts, a non-profit organization founded in 1912 by Juliette Gordon Low, has a longstanding dedication to empowering girls to become the leaders of tomorrow. From Daisies to Ambassadors, Girl Scouts have been learning, through hands-on activities, the importance of community service, goal-setting, and personal development for 100 years. Our two councils, the Girl Scouts of Eastern Massachusetts and the Girl Scouts of Central and Western Massachusetts, must be honored for their exemplary success and dedication

to providing generations of girls with the tools they need to succeed in our rapidly changing world.

Throughout the Bay State, the Girl Scout program has provided over 50,000 girls with the opportunity to develop leadership skills, including in science, technology, engineering, and math. Girl Scouts in Massachusetts have partnered with educational institutions in the Commonwealth and the Society of Women Engineers to create activities that would encourage girls to pursue education in science and technology. For example, Girl Scouts teamed up with an engineer to build a looping roller coaster using household items. Additionally, Junior Scouts designed a space station and launched mini-rockets. Such learning experiences are essential to inspiring future generations of our State's innovators.

Mr. President, on behalf of the Commonwealth of Massachusetts, I ask my colleagues to join me in congratulating Girl Scouts in Massachusetts on their accomplishments. On their 100th anniversary today, it is an honor and a pleasure to recognize the valuable contributions that Girl Scouts have provided in Massachusetts, across the Nation, and across the world. I wish their continued success in empowering our Nation's future leaders.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 310

Whereas, for more than 100 years, Girl Scouts of the USA (referred to in this preamble as "Girl Scouts") has inspired girls to lead with courage, confidence and character;

Whereas the Girl Scout movement began on March 12, 1912, when Juliette "Daisy" Gordon Low (a native of Savannah, Georgia) organized a group of 18 girls and provided the girls with the opportunity to develop physically, mentally, and spiritually;

Whereas the goal of Daisy Low was to bring together girls of all backgrounds to develop self-reliance and resourcefulness, and to prepare each girl for a future role as a professional woman and active citizen outside the home;

Whereas, within a few years, there were nearly 70,000 Girl Scouts throughout the United States, including the territory of Hawaii;

Whereas Girl Scouts established the first troops for African-American girls in 1917 and the first troops for girls with disabilities in 1920;

Whereas today more than 50,000,000 women in the United States are alumnae of the Girl Scouts, and approximately 3,300,000 girls and adult volunteers are active members of the Girl Scouts;

Whereas Girl Scouts live in every corner of the United States, Puerto Rico, the territories of the United States, and more than 90 countries overseas;

Whereas Girl Scouts is the largest member of the World Association of Girl Guides and Girl Scouts, a global movement comprised of more than 10,000,000 girls in 145 countries worldwide;

Whereas the robust program of Girl Scouts helps girls develop as leaders and build confidence by learning new skills;

Whereas the award-winning Girl Scout Leadership Program helps each girl discover herself and her values;

Whereas the Girl Scout Leadership Program leadership model helps girls develop skills such as critical thinking, problem solving, cooperation and team building, conflict resolution, advocacy, and other important life skills;

Whereas core programs around Science, Technology, Engineering and Math (referred to in this preamble as "STEM"), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership;

Whereas STEM programming, first introduced in 1913 with the "electrician" and "flyer" badges, offers girls of every age science, technology, engineering, and math activities that are relevant to everyday life;

Whereas the award-winning STEM program helps girls build strong, hands-on foundations to become future female leaders and meet the growing need for skilled science and technology professionals in the United States;

Whereas healthy living programs—

(1) help each Girl Scout build the skills necessary to maintain a healthy body, an engaged mind, and a positive spirit; and

(2) teach girls about fitness and nutrition, body image, self-esteem, and relational issues, especially bullying;

Whereas through the 100th Anniversary Take Action Project, "Girl Scouts Forever Green", Girl Scouts is honoring the commitment of Juliette Low to the outdoors by engaging families, friends, and communities to improve the environment and protect the natural resources of the United States;

Whereas the financial literacy programming of Girl Scouts, most notably the iconic Girl Scout Cookie Program, helps girls set financial goals and gain the confidence needed to ultimately take control of their own financial future;

Whereas the beloved tradition of the Girl Scout Cookie Program has a proven legacy in the United States, as more than 80 percent of highly successful businesswomen were Girl Scouts;

Whereas Girl Scouts has also helped millions of young girls become good global citizens through international exchanges, travel, "take action" and service projects, and newer programs such as "twinning" (where girls in the United States connect with girls in other countries) and virtual Girl Scout troops;

Whereas Girl Scouts has helped girls advance diversity in a multicultural world, connect with local and global communities, and feel empowered to make a difference in the world;

Whereas the Girl Scout Gold Award, the highest honor in Girl Scouting, requires a girl to make a measurable and sustainable difference in the community by—

(1) assessing a need;

(2) designing a solution;

(3) finding the resources and the support to implement the solution;

(4) completing the project; and

(5) inspiring others to sustain the project; Whereas the Gold Award honors leadership in the Girl Scout tradition because Gold Award recipients have already changed the world as high school students;

Whereas two-thirds of the most accomplished women in public service in the United States were Girl Scouts;

Whereas research by Girl Scouts shows that Girl Scouts alumnae—

(1) have a positive sense of self;

(2) are engaged in community service;

(3) are civically engaged;

(4) have attained high levels of education; and

(5) are successful according to many economic indicators;

Whereas, in addition to the outstanding programs that Girl Scouts offers, Girl Scouts has evolved into the premier expert on the healthy growth and development of girls;

Whereas, since the founding of the Girl Scout Research Institute in 2000, the Institute has become an internationally recognized center for original research, research reviews, and surveys that provide significant insights into the lives of girls;

Whereas the research conducted by Girl Scouts not only informs Girl Scout program development and delivery, but also helps bring the voice of girls to key issues in the public sphere;

Whereas, by bringing greater attention to the health, education, and developmental needs of girls, Girl Scouts provides a voice for girls with policymakers, business leaders, educators, and all other stakeholders who care about the healthy growth and development of girls;

Whereas Girl Scouts ensures that issues such as STEM education, bullying prevention, unhealthy perceptions of beauty as portrayed by the media, and many other important issues—

(1) are brought to the attention of the public; and

(2) are addressed through public policy at the national, State, and local levels; and

Whereas Girl Scouts of the USA is recognizing its 100th anniversary by designating 2012 as the "Year of the Girl": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of empowering girls to lead with courage, confidence, and character;

(2) congratulates Girl Scouts of the USA on its 100th anniversary; and

(3) designates 2012 as the "Year of the Girl".

COMMEMORATING THE 150TH ANNIVERSARY OF ITALIAN UNIFICATION

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 394, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 394) commemorating the 150th anniversary of Italian unification and the beginning of the warm and abiding relations between the people of the United States and Italy.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 394) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 394

Whereas it has been 150 years since March 17, 1861, when the parliament of a united Italy proclaimed Victor Emmanuel II their king;

Whereas the story of the Italian Risorgimento, in particular Giuseppe Garibaldi's heroic adventures, have inspired generations of Americans;

Whereas, between 1880 to 1920, an estimated 4,000,000 Italian immigrants arrived in the United States to settle and help build our Nation;

Whereas today there are almost 18,000,000 Americans of Italian ancestry whose contributions to our society are diverse and profound;

Whereas Italy has been a loyal NATO ally and a major strategic partner for over 60 years;

Whereas Italian-Americans have made enormous contributions to the United States; and

Whereas Italy remains a steadfast partner in the defense of a shared vision of fundamental human rights and the preservation of democratic ideals: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 150th anniversary of the foundation of the modern state of Italy;

(2) celebrates the ties of kinship and shared democratic values that unite the two countries across the Atlantic;

(3) honors the service and sacrifice of Italy's soldiers, sailors, and airmen alongside United States forces most recently in Iraq, Afghanistan, and Libya; and

(4) reaffirms the friendship between the Government and people of the United States and the Government and people of Italy.

MEASURES READ THE 1ST TIME— H.R. 3606 AND S. 2186

Mr. REID. Madam President, I understand there are two bills at the desk due for their first readings.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to public capital markets for emerging growth companies.

A bill (S. 2186) to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

Mr. REID. Madam President, I now ask for a second reading but object to my own request on both these measures.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 13, 2012

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Tuesday, March 13, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1813, the highway bill; further that following the vote in relation to the Bingaman amendment, the Senate recess until 2:15 tomorrow for our weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, there will be two rollcall votes tomorrow at noon.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Tuesday, March 13, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DOROTHEA-MARIA ROSEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

NATIONAL SCIENCE FOUNDATION

ARTHUR BIENENSTOCK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2016, VICE LOUIS J. LANZEROTTI, TERM EXPIRED.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

SURAVI GANGOPADHYAY, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016, VICE JEFFREY PATCHEN, TERM EXPIRED.

LUIS HERRERA, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014, VICE KATINA P. STRAUCH, TERM EXPIRED.

SUZANNE E. THORIN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2015, VICE SANDRA PICKETT, TERM EXPIRED.

UNITED STATES POSTAL SERVICE

KATHERINE C. TOBIN, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016, VICE CAROLYN L. GALLAGHER, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral upper half

REAR ADMIRAL (LH) DANIEL B. ABEL
REAR ADMIRAL (LH) FREDERICK J. KENNEY, JR.

REAR ADMIRAL (LH) MARSHALL B. LYTLE III
REAR ADMIRAL (LH) FRED M. MIDGETTE
REAR ADMIRAL (LH) KARL L. SCHULTZ
REAR ADMIRAL (LH) CARI B. THOMAS
REAR ADMIRAL (LH) CHRISTOPHER J. TOMNEY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID D. HALVERSON

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

KERRY L. LEWIS

To be major

MINGGEN T. KUO
LYNN M. MILLER

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN B. HILL
KENNETH A. NAVA
STEPHEN M. RADULSKI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RAYMOND J. HOUK

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 12, 2012 withdrawing from further Senate consideration the following nomination:

CARLA M. LEON-DECKER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2017, VICE GIGI HYLAND, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 20, 2011.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 13, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 14

9:30 a.m.

Appropriations

Department of the Interior, Environment, and Related Agencies Subcommittee
To hold an oversight hearing to examine Federal onshore and offshore energy development programs in the Department of the Interior.

SD-124

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine risk management and commodities in the 2012 farm bill.

SH-216

Foreign Relations

To hold hearings to examine Sudan and South Sudan, focusing on independence and insecurity.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine Congress, focusing on reform proposals for the 21st century.

SD-342

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the United States Agency for International Development.

SD-226

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.

SR-418

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Air Force.

SD-192

Appropriations

Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Labor.

SD-138

2 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

2:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Energy.

SD-192

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine issues in the prepaid card market.

SD-538

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine managing interagency nuclear nonproliferation efforts, focusing on if nuclear materials around the world are effectively secured.

SD-342

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine strategic forces programs of the National Nuclear Security Administration and the Department of Energy's Office of Environmental Management in review of the Department of Energy budget request for fiscal year 2013; with the possibility of a closed session in SVC-217 following the open session.

SR-222

2:45 p.m.

Judiciary

To hold hearings to examine the nominations of William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit, John Thomas Fowlkes, Jr., to be United States District Judge for the Western District of Tennessee, Kevin McNulty, and Michael A. Shipp, both to be a United States District Judge for the District of New Jersey, and Stephanie Marie Rose, to be United States Dis-

trict Judge for the Southern District of Iowa.

SD-226

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Pamela A. White, of Maine, to be Ambassador to the Republic of Haiti, Linda Thomas-Greenfield, of Louisiana, to be Director General of the Foreign Service, and Gina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, all of the Department of State.

SD-419

MARCH 15

9 a.m.

Appropriations

Transportation and Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Transportation.

SD-138

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Federal Bureau of Investigation; to be immediately followed by a closed session in SH-219 following the open session.

SD-192

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold joint hearings to examine lessons from Fukushima one year later, focusing on the Nuclear Regulatory Commission's (NRC) implementation of recommendations for enhancing nuclear reactor safety in the 21st century.

SD-406

Finance

To hold hearings to examine Russia's World Trade Organization (WTO) accession-implications for the United States.

SD-215

Judiciary

Business meeting to consider the nominations of Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit, Robin S. Rosenbaum, to be United States District Judge for the Southern District of Florida, and Gregory K. Davis, to be United States Attorney for the Southern District of Mississippi, Department of Justice.

SD-226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Appropriations
Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Veterans Affairs.

SD-124

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine Indian water rights, focusing on promoting the negotiation and implementation of water settlements in Indian country.

SD-628

2:30 p.m.

Appropriations
Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Government Accountability Office, Government Printing Office, and the Congressional Budget Office.

SD-138

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

Housing, Transportation and Community Development Subcommittee

To hold joint hearings to examine strengthening the housing market and minimizing losses to taxpayers.

SD-538

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

MARCH 20

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

10 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Adam E. Sieminski, of Pennsylvania, to be Administrator of the Energy Information Administration, Department of Energy, Marcilynn A. Burke, of North Carolina, to be an Assistant Secretary of the Interior, and Anthony T. Clark, of North Dakota, and John Robert Norris, of Iowa, both to be a Member of the Federal Energy Regulatory Commission.

SD-366

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a review of the Office of Special Counsel and Merit Systems Protection Board.

SD-342

2:45 p.m.

Foreign Relations

To hold hearings to examine the nominations of Carlos Pascual, of the District of Columbia, to be Assistant Secretary for Energy Resources, John Christopher Stevens, of California, to be Ambassador to Libya, and Jacob Walles, of Delaware, to be Ambassador

to the Tunisian Republic, all of the Department of State.

SD-419

3 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine cybersecurity research and development in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SR-232A

MARCH 21

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine retooling government for the 21st century, focusing on the President's reorganization plan and reducing duplication.

SD-342

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine military construction, environmental, and base closure programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine Verizon and cable deals.

SD-226

2:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine military space programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-222

MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 1684, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, S. 1898, to provide for the convey-

ance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, and H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

SD-628

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 303, to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, S. 1129, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, S. 1473, to amend Public Law 99-548 to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and to extend the authority to purchase certain parcels of public land, S. 1492, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, S. 1559, to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, S. 1635, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 1687, to adjust the boundary of Carson National Forest, New Mexico, S. 1774, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 1788, to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, S. 1906, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 2001, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, S. 2015, to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, and S. 2056, to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

SD-366

MARCH 27

2:30 p.m.

Armed Services

Airland Subcommittee

To hold a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013

and the Future Years Defense Program.	10 a.m.	Veterans' Affairs	fense Authorization request for fiscal year 2013 and the Future Years Defense Program.
	SR-222	To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.	SR-232A
MARCH 28			MARCH 29
9:30 a.m.			10 a.m.
Armed Services			Homeland Security and Governmental Affairs
SeaPower Subcommittee			Contracting Oversight Subcommittee
To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.	2 p.m.	Armed Services	To hold hearings to examine contractors, focusing on how much they are costing the government.
		Personnel Subcommittee	SD-342
		To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the De-	
	SVC-217		

HOUSE OF REPRESENTATIVES—Tuesday, March 13, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 2012.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

In this Chamber, where the people's House gathers, we pause to offer You gratitude for the gift of this good land on which we live and for this great Nation which You have inspired in developing over so many years. Continue to inspire the American people: that through the difficulties of these days we might keep liberty and justice alive in our Nation and in the world.

Give to us and to all people a vivid sense of Your presence; that we may learn to understand each other, to respect each other, to work with each other, to live with each other, and to do good to each other. So shall we make our Nation great in goodness and good in its greatness.

May all that is done this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 12, 2012 at 10:11 a.m.:

That the Senate agreed to S. Res. 390.
With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. on Friday, March 16, 2012.

There was no objection.

Accordingly (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Friday, March 16, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5252. A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule — Designation of Biobased Items for Federal Procurement (RIN: 0503-AA39) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5253. A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule — BioPreferred Program (RIN: 0503-AA41) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5254. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Change in Reporting Requirements and New Information Collection [Doc. No.: AMS-FV-11-0041; FV11-920-1 FR] received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5255. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Cry2Ae Protein in Cotton; Exemption from

the Requirement of a Tolerance [EPA-HQ-OPP-2007-0573; FRL-9333-7] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5256. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards [EPA-R04-OAR-2011-0351-201203; FRL-9627-7] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5257. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Hampshire; Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule [EPA-R01-OAR-2011-0346, FRL-9627-8] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5258. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards [EPA-R04-OAR-2011-0352-201204; FRL-9627-6] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5259. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Tennessee; Prevention of Significant Deterioration and Nonattainment New Source Review Rules: Nitrogen Oxides as a Precursor to Ozone [EPA-R04-OAR-2010-0483-201201; FRL-9627-5] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5260. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0733; FRL-9501-5] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5261. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Lincoln, Nebraska) [MB Docket No.: 11-192] (RM-11646) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5262. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Thermal Overload Protection for Electric Motor on Motor-Operated Valves, Regulatory Guide 1.106 received February 17, 2012, pursuant to 5 U.S.C.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

801(a)(1)(A); to the Committee on Energy and Commerce.

5263. A communication from the President of the United States, transmitting notification that the national emergency with respect to Iran originally declared on March 15, 1995, is to continue in effect beyond March 15, 2012, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112—93); to the Committee on Foreign Affairs and ordered to be printed.

5264. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska; Amendment 83; Correction (RIN: 0648-AY53) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5265. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons [Docket No.: 100804324-1265-02] (RIN: 0648-XA927) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No.: 101126521-0640-02] (RIN: 0648-XA940) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5267. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines [Docket No.: FAA-2011-1341; Directorate Identifier 2011-NE-41-AD; Amendment 39-16891; AD 2011-25-51] received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5268. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2011-1454; Directorate Identifier 2011-SW-054-AD; Amendments 39-16910; AD 2011-27-08] (RIN: 2120-AA64) received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5269. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aerospace, Inc. Airplanes Equipped With Pratt & Whitney Canada, Corp. PW610F-A Engines [Docket No.: FAA-2011-0199; Directorate Identifier 2011-CE-005-AD; Amendment 39-16890; AD 2011-06-06 R1] (RIN: 2120-AA64) received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5270. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0916; Directorate Identifier 2011-NM-127-AD; Amendment 39-16895; AD 2011-26-05] (RIN: 2120-AA64) received February 16, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5271. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0382; Directorate Identifier 2010-NM-063-AD; Amendment 39-16887; AD 2011-25-11] (RIN: 2120-AA64) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5272. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0918; Directorate Identifier 2011-NM-090-AD; Amendment 39-16896; AD 2011-26-06] (RIN: 2120-AA64) received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 452. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; with an amendment (Rept. 112—412 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 452. Referral to the Committees on Rules and Energy and Commerce extended for a period ending not later than March 16, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TIBERI (for himself, Mr. LARSON of Connecticut, Mr. PAULSEN, Mr. NEAL, Mr. MARCHANT, and Mr. PASCRELL):

H.R. 4196. A bill to amend the Internal Revenue Code of 1986 to extend the allowance for bonus depreciation for certain business assets; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself and Mr. ROYCE):

H. Res. 583. A resolution expressing support for robust efforts by the United States to see Joseph Kony, the leader of the Lord's Resistance Army, and his top commanders brought to justice and the group's atrocities permanently ended; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H. Res. 584. A resolution reaffirming the commitment of the House of Representatives

to finding and capturing Joseph Kony, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LANCE:

H. Res. 585. A resolution celebrating the centennial of the birth of First Lady Patricia Nixon; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. TIBERI:

H.R. 4196.

Congress has the power to enact this legislation pursuant to the following: This bill makes changes to existing law relating to Article 1, Section 8 which provides that "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;" and Article 1, Section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. WALZ of Minnesota.

H.R. 1085: Ms. VELÁZQUEZ.

H.R. 1116: Mr. CLARKE of Michigan.

H.R. 1166: Mr. PALLONE.

H.R. 1171: Ms. ZOE LOFGREN of California, Mr. BERMAN, Mr. SCHIFF, Mr. BECERRA, Mrs. NAPOLITANO, and Mr. THOMPSON of California.

H.R. 1370: Mr. REICHERT.

H.R. 1639: Mr. COSTA.

H.R. 1681: Mr. LANGEVIN.

H.R. 1744: Mr. LUCAS.

H.R. 2227: Mr. GINGREY of Georgia and Mr. GUTHRIE.

H.R. 2529: Mr. COFFMAN of Colorado.

H.R. 2866: Mr. KILDEE.

H.R. 2954: Mr. DOGGETT and Mr. HINOJOSA.

H.R. 3030: Mr. HIMES.

H.R. 3053: Ms. VELÁZQUEZ.

H.R. 3059: Mr. DANIEL E. LUNGREN of California, Mr. GUTHRIE, and Mr. ISRAEL.

H.R. 3307: Mr. HONDA.

H.R. 3368: Ms. DEGETTE.

H.R. 3381: Mr. GUTHRIE.

H.R. 3612: Mr. GUTHRIE and Mr. LOEBSACK.

H.R. 3670: Ms. JACKSON LEE of Texas, Ms. LINDA T. SÁNCHEZ of California, Mr. RANGEL, Mr. WALSH of Illinois, Ms. CHU, and Mr. JONES.

H.R. 3767: Mr. CARNAHAN, Ms. HANABUSA, and Mr. McDERMOTT.

H.R. 3769: Ms. HAYWORTH.

H.R. 3839: Mr. LOEBSACK.

H.R. 3842: Mr. CALVERT.

H.R. 3860: Ms. HIRONO.

H.R. 3911: Mr. PLATTS.

H.R. 3987: Mr. MULVANEY and Mr. HINOJOSA.

H.R. 4077: Ms. ROS-LEHTINEN, Mr. McDERMOTT, and Mr. RIVERA.

H.R. 4085: Mr. TONKO.

H.R. 4095: Mrs. BLACKBURN, Mr. MCKINLEY, Mr. RANGEL, and Mr. GUTHRIE.

H.R. 4133: Ms. WASSERMAN SCHULTZ, Ms. WILSON of Florida, Mr. BRADY of Texas, Mr. PAULSEN, Mr. FLORES, Mr. GERLACH, Mr. MCKINLEY, Mr. SCALISE, Mr. DENT, Mr. BARTON of Texas, Mr. MILLER of Florida, Mr. YOUNG of Florida, Mr. SMITH of Texas, Mr. CHAFFETZ, Mr. SESSIONS, Mr. HURT, Mrs. BLACKBURN, Mr. SHUSTER, Mr. GARY G. MILLER of California, Ms. JENKINS, Mr. BARROW,

Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. CARDOZA, Mr. CARNAHAN, Ms. CHU, Mr. CLAY, Mr. CONNOLLY of Virginia, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. KIND, Mr. LANGEVIN, Mr. LUJÁN, Mrs. MCCARTHY of New York, Mr. MEEKS, Mr. MICHAUD, Mr. CARNEY, Mr. NADLER, Mr. PALLONE, Mr. PERLMUTTER, Mr. PETERS, Mr. RICHMOND, Ms. SCHWARTZ, Mr. SIRES, and Mr. DENHAM.

H.R. 4154: Mr. THOMPSON of California.

H.R. 4169: Mr. CONYERS.

H.J. Res. 103: Mr. PETRI.

H. Res. 460: Mr. FITZPATRICK, Mr. JOHNSON of Georgia, Mr. SABLAN, Mr. DOYLE, Mr. GONZALEZ, Mr. MICHAUD, Mr. THOMPSON of California, Mr. HIGGINS, and Mr. DAVIS of Illinois.

H. Res. 560: Mr. GONZALEZ, Mr. COHEN, Mr. STIVERS, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. BRALEY of Iowa, and Ms. SCHAKOWSKY.

SENATE—Tuesday, March 13, 2012

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious and merciful God, we praise You that none of Your purposes can be thwarted. You have been our refuge from one generation to another.

Continue to guide our lawmakers along right paths. May they find fullness of joy in Your presence and pleasure forevermore at Your right hand. Today, equip them with what they need to do Your will, working in them that which is pleasing in Your sight. Help them to live today with a sense of accountability to You, understanding that their thoughts, words, and actions are open to Your review.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 13, 2012.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half. Following morning business, the Senate will resume consideration of S. 1813, the surface transportation act. There will be two rollcall votes in relation to the DeMint and Bingaman amendments at noon. The Senate will recess until 2:15 p.m. to allow for the weekly caucus meetings. At 2:15 p.m. there could be as many as 20 rollcall votes this afternoon to complete action on the Transportation bill.

MEASURES PLACED ON THE CALENDAR—H.R. 3606 AND S. 2186

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for a second time.

The legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

A bill (S. 2186) to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

Mr. REID. Mr. President, I object to further proceedings regarding these two bills.

The ACTING PRESIDENT pro tempore. The objection is heard. The bills will be placed on the calendar.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, today we resume consideration of the most important piece of jobs legislation we have had here in a long time; that is, the highway bill. But it is more than a highway bill, it is a surface transportation bill that deals with all aspects of helping our failing bridges, and there are 70,000 of those. Twenty percent of our highways are in nonsafe conditions. We have problems with our mass transportation system, rails, and other such things, so we have to move forward.

Building this Nation's infrastructure with this legislation alone will save or create 2.8 million jobs. This is an effort to build a world-class transportation system that was started during the Presidency of Dwight Eisenhower. Every President since then has recognized the need to go forward with the vision General Eisenhower had. We must renew that commitment. The

Presidents in recent years have gone out of their way to do that. President Reagan gave a number of speeches about how important it was that we begin to renew the commitment we should have to infrastructure in this country. President Clinton did the same.

The legislation is very important, and a commitment to the renewal of a vision of General Eisenhower is the essence of this bipartisan bill. It has the endorsement of one of the most conservative Members of the Senate and one of the most liberal Members of the Senate. I was disappointed that it took as long as it did to get where we are, but we are here. We invoked cloture quite a long time ago, and it has taken more than a month to come within sight of the completion of this bill. I am pleased that we are on track to dispense with the remaining amendments and vote on final passage during today's business.

I am hopeful the House will act immediately to pass this bipartisan compromise rather than pursue what we have all read about—an extreme, ideological bill they were considering last month. It failed every test, including the test of their own caucus. The Republican caucus said: No, we cannot do this.

The highway bill is important to the Democratic Members and Republican Members of the House, as it is to Democratic and Republican Members of the Senate. I would hope the Speaker understands it is not good for this country to have a situation where he tries to pass everything with a majority of the majority. What that means is the Republicans have a majority in the House—and I served in the House, and that is not how things were done with Bob Michel, who was the Republican leader at the time, Tip O'Neill, who was the Democratic leader at the time, and Jim Wright thereafter. Bob Michel worked with both of them to get legislation done. What they tried to do was get to the magic number of 218—that is the majority in the House—and they got those votes from Democrats and Republicans. So I hope my friend the Speaker won't just try to get this surface transportation bill done with Republicans. Let the Democrats voice their opinion as to what should happen. That is the way we should do it. Passing a bipartisan transportation bill the President can sign would be a victory for both parties and our country.

The Senate's pressing business doesn't end with completion of this bill. We have a small business jobs bill that was passed overwhelmingly by the

House and is supported by President Obama. Last night I had a conversation on the floor publicly with the Republican whip, Senator KYL of Arizona, and we talked about the need to get this done. We are going to move forward on this expeditiously. There are always bumps in the road. I hope there will be very few bumps in the road.

I have not had an opportunity to talk to my friend the Republican leader, but I was told this morning that the ranking member of the Banking Committee, my friend from Alabama, Senator SHELBY, has indicated he wants to make some improvements in the bill we received from the House. I suggest he work with Senator JOHNSON. If they can do something on a bipartisan basis and do it quickly, I will be happy to take a look at it, but we need to move forward. I think you kind of get the message when there are about 390 votes for a bill and 20 against it, so I think we have to move forward.

The one thing I am going to do is have a perfecting amendment prepared that will allow us to move forward on reauthorizing the Ex-Im Bank. I hope we can do that. It is something that is broadly supported, and the business community thinks it is extremely important. As I mentioned last night, Mr. McNerney, the head of Boeing, said it is a tremendously important bill for the airline industry, which is so important to the economy of our country. It is not only important to the airline industry, it is important to other segments of our industrial base. It is an important piece of legislation, and I hope we can add that to the small business jobs bill. If we can't, I understand, but it would be a shame to miss the opportunity to do that.

We are interested in this IPO bill that has been supported by the House and the President of the United States. I am convinced it will spur small business growth. It will not create the jobs we have on the highway bill, but it is good for job growth. It will bring more capital into the business world, and we have needed that for several years now. It would streamline the way companies sell stock. I look forward to working with my friend the Republican leader to finalize a path forward on this bipartisan legislation.

In the coming days, the Senate must also consider postal reform legislation, reauthorization of the Violence Against Women Act, cybersecurity, and additional measures to create jobs and improve our economy. The only thing preventing the Senate from moving quickly to tackle these items, including the bipartisan small business jobs bill, is what we have had this whole Congress: obstructionism by my friends the Republicans. They have forced the Senate to wait weeks on unrelated amendments to this bill, this bipartisan surface transportation bill. I hope they are not going to hold up

progress on the small business jobs bill. I am confident they will not. I really hope that is the case.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, yesterday I filed cloture on 17 consensus judicial nominations. I have worked with the Republicans for months to find a way forward for a timely confirmation for many of these nominees, including some who have been waiting for up-or-down votes since October. Yesterday I had a visual aid—and I will show it during the caucus today—to show what happened in the Clinton years, the Bush years, and the Obama years. It is so clear what has happened. And it really doesn't fully represent what happened because in the Clinton years we had dozens and dozens of nominees who were what we called pocket-vetoed—they just wouldn't hold hearings on them. But with the length of time the judges were reported out of committee—Clinton, a few days; Bush, a few days; and, of course, now we are talking about many months with the Obama nominations—that is not fair. They should all be entitled to an up-or-down vote, especially when they came out of the committee so overwhelmingly, with rare exception. There is no reason we should eat up even 1 day of precious time the Senate has to pass these commonsense measures when we can do it so quickly.

President Obama's judicial nominees have waited five or six times longer than President Bush's nominations for confirmation, and that time has increased and is not going down. The Senate once confirmed 18 of President Bush's nominations in a single day. There is no justification for obstruction on matters that ought to be routine. There is too much to do. The Senate simply doesn't have the luxury to waste any more time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HOUSE PASSED JOBS BILL

Mr. MCCONNELL. Mr. President, later today the Senate is likely to finish the highway bill, and once we do—I listened carefully to the majority leader's remarks—once we finish the highway bill, we ought to immediately turn to the bipartisan jobs bill that passed the House last Thursday. The vote was 390 to 23. Let me say that again. The vote in the House was 390 to 23. The President also indicated that he would sign the House bill. So it strikes me that with the jobs emergency we have in this country with 8.3 percent

unemployment—many more millions of Americans having given up trying to get in the workforce—the thing to do is to pocket this broad bipartisan bill and try to create jobs immediately.

I heard my friend the majority leader indicate that he wants to have a different version of it, to kind of recraft it. All that will do is slow down the process and make it more difficult to get this important jobs legislation to the President's desk rapidly. So I hope the majority leader will reconsider whether we need to kind of reinvent the wheel here. This is already a broadly supported bipartisan bill that the President has said he will sign as soon as we send it to him. I don't know why in the Senate we would want to make something that ought to be pretty simple extraordinarily complicated.

The Democratic-controlled Senate turns to something contentious instead of doing something that almost all of us agree on—certainly in the House—and the President agrees on that would focus on jobs and actually do some good. The American people think we have spent a lot of time spinning our wheels around here. Rather than trying to sort of manufacture gridlock and create the illusion of conflict where none should exist, why don't we demonstrate that we can actually get something done together? In a moment when millions of Americans are looking for work and millions more are struggling with the high price of gas, we have the opportunity to really do something together right now. As soon as we finish this highway bill, we can take up this jobs bill and send a small but important signal to job creators and innovators that we want to help make it easier for them to hire.

Later today we will have another chance to move forward on the Keystone Pipeline. Despite the President's continued stubborn opposition to it, we will have another vote offered by Senator PAT ROBERTS.

The House-passed jobs bill isn't just important for what it does but for what it also represents. It is a rare and welcomed signal that lawmakers in Washington still value the risk-takers and the entrepreneurs who have always been so vital to our Nation's greatness. After 3 years of policies that undermine free enterprise through the picking of winners and losers, this legislation sends an entirely different signal. It is a welcome step back in the right direction.

By clearing away redtape, it should encourage the kind of entrepreneurship that not only leads to new pockets of industry and the jobs that come with them but which also helps people fulfill their dreams—and without adding to the deficit. This bill doesn't add anything to the Federal deficit.

This is precisely what we should be doing right here in Washington. It is the message we should send. We don't

need fewer Apples or Microsofts or Facebooks; we need more of them. We need them for the value they add to our lives, the edge they give us in the world economy, the jobs they provide to hundreds of thousands of American workers, and for the satisfaction they bring to those who help turn them from an idea into a reality.

So let's send this important signal that we still believe in opportunity, we still believe in innovation, and that when a common good is in sight—when we can see a common good right before us—we can still work together to actually achieve it.

This is so crucial that I want to renew what my colleague JON KYL did last night, which is to offer a unanimous consent request—I have told the majority leader I am going to do this—to turn to this important piece of bipartisan legislation, passed overwhelmingly in the House and supported by the President of the United States, immediately after we finish the highway bill.

Let me say again, there is no purpose served by manufacturing controversy here in the Senate—manufacturing controversy when none should exist. We have an important piece of jobs legislation passed overwhelmingly in the House, supported by the President. The highway bill will clear here later this afternoon or tomorrow. I think most Senators would rather be working on that which the American people believe would actually help create jobs than to see the Senate embroiled in another controversy which I fear my good friend the majority leader is seeking to precipitate as soon as the highway bill is concluded.

UNANIMOUS CONSENT REQUEST—H.R. 3606

I ask unanimous consent, notwithstanding any other rule of the Senate, that immediately following the disposition of the pending transportation bill, the Senate proceed to the consideration of H.R. 3606, a bill received from the House, which would increase American job creation and economic growth by improving access to public capital markets for emerging growth companies; I further ask unanimous consent that the bill remain the pending business to the exclusion of all other business until disposed of.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I know when people talk, they are always afraid people aren't listening. Maybe my friend the Republican leader's intention was diverted from my presentation this morning.

There is nothing to fight about. I just said we are going to move to this bill as quickly as we can. I said I have heard that the ranking member of the Banking Committee wants to take a look at this. I encourage him to do so and to talk to Senator JOHNSON. I said

we are going to have an opportunity to vote on a perfecting amendment—something I thought everyone wanted; Republicans want it, Democrats want it, the business community wants it, the workers of this country need it—to reauthorize the Ex-Im Bank which goes out of business at the end of May. That will slow this bill up maybe a half an hour—one-half hour.

I have said many times, if we are going to have a fight, make it over something worthwhile. There is nothing to fight about here. We are going to move to this as quickly as we can. We know that under the rules of the Senate, we have to vote on 17 judges who have been held up, one of those back to October of last year. So I would be happy to get rid of all of those judges, to have them approved, and move to this bill. We are going to move this bill as quickly as possible.

My friend the Republican leader spoke volumes when he said this is a small but important bill. We realize that. Those are his words. This is an IPO bill dealing with initial public offerings. We have heard for months and months that small businesses can't find capital to do the things they need to do. This bill is a step in that direction. I support it. My caucus will support it. So I tell everyone within the sound of my voice: We are going to move to this bill as quickly as we can. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. Mr. President, not to continue the debate interminably, but it is a question of priorities. We can agree that we ought to pass this jobs bill. Certainly if it were called up, it would be open for amendment and the majority leader could offer the Ex-Im Bank amendment if he chose, and other Senators could as well. But it is a question of priorities: Do we want to have a big fight in the Senate over procedure—and we have had some procedural differences which I will address not right now but later—relating to the confirmation of judges, which is the responsibility of the Senate under the Constitution of the United States, or do we want to turn immediately to a jobs bill that we overwhelmingly agree to, as the majority leader has conceded in his remarks?

It is a question of priorities. Do we want to have the Senate in a big fight over procedure after we finish the highway bill or do we want to turn to an overwhelmingly bipartisan jobs bill supported by the President and passed by the House? It is a question of priorities. What do we want to do next for the American people?

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I am stunned by a controversy over nothing. Under the rules of the Senate, we filed cloture, because there has been stalling

and obstruction on the lives of 17 people. I didn't file on the appellate judges, only trial judges. Each one of these men and women's lives has been brought to a standstill. They have the opportunity of a lifetime to be able to become a Federal trial court judge. They shouldn't have to wait until October. I say to my friend: We can approve these judges in 1 minute. Let's do that. It is not fair to say the lives of these 17 men and women are unimportant and put it over until some later time.

We have no problem with the IPO bill we got from the House. How could we? It got 390 votes in the House. The President of the United States supports it. We support it. We want to get this done and we will do it as quickly as we can. It may not be 10 minutes from now or 24 hours from now, but we are going to move to it as quickly as we can, and we can move to it very quickly. As soon as we finish this highway bill, we could move to those judges, get that issue disposed of, and then move to this. It might take an hour after the highway bill, but that is about all.

Mr. LEAHY. Will the Senator yield to me on that point?

Mr. REID. I would be happy to yield.

Mr. LEAHY. Mr. President, when we talk about what the American people want, I am sure the majority leader—and I ask him this as a question—is aware that there are 160 million Americans who are in judicial districts where there are vacancies, because even though they have gone through the Senate Judiciary Committee, the majority leader has been blocked from bringing them to the floor, so that 160 million Americans were denied a chance for justice, denied a chance to go to court? I ask the leader, was that also one of the considerations he had on moving forward with these judges?

Mr. REID. I say to the chairman of the Judiciary Committee—and I mentioned this yesterday at some length and I believe the Presiding Officer was here when I did that—more than half of the people in America today are living in areas where there has been declared a judicial emergency. Nevada is one of them. We have courts where these judges are overwhelmed with work. I said yesterday I don't want these judges to act as if they were night court judges dealing with traffic cases. As I said yesterday, these judges deal with what we used to refer to when I practiced law as: "What are you trying to do, make a Federal case out of it?" They said that because there is no finer law dispensing anyplace in the world than in our Federal court system. And we can't do that when these men and women are overwhelmed with work.

The circuit court level is one thing. It is too bad they are overwhelmed with work. But on the trial court level,

they are dealing with everyday problems that people have, including accidents, antitrust cases, businesses having gone bankrupt, and all the other things the Federal court has jurisdiction over.

My friend is absolutely right. We should not only be concerned about the 17 people who have been selected by the President of the United States to be a judge after having gotten a signoff from the Republican Senator in their State. I should have talked not only about them individually but what they represent, and that is trying to do something about the emergencies that exist for more than half of Americans.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I think that colloquy underscores my point. My friends on the other side are concerned that the jobs of 17 individuals may be delayed for a few months. I doubt if any of them is unemployed at the moment. It is highly unlikely that any of these individuals will not be confirmed in an orderly process as we have been engaged in this year.

The issue is a question of priorities. What is more important, getting these 17 individuals into a job a little bit quicker than the majority has experienced so far or turning to a measure overwhelmingly supported by Republicans and Democrats in the House and supported by the President of the United States and that might create, in the very near future, hundreds of thousands of jobs? So it is a question of priorities. That is why I say this is a manufactured dispute.

I will have much more to say, in great detail, about the judges issue. But for the moment, the point is this, quite simply: What are our priorities? Do we want to pass an overwhelmingly bipartisan jobs bill the President supports as soon as possible—certainly open for any amendment the majority leader might seek to offer—or do we want to create a controversy over judges who are almost never denied confirmation when we have been confirming judges all along?

I don't know that there is much point to continuing this discussion any longer this morning. I will have a lot more to say about how we ended up in a situation where the majority leader is seeking to manufacture a crisis that shouldn't—a conflict or a crisis that doesn't exist.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Here is my idea. I have a great idea. My friend the Republican leader said these judges are all going to be approved anyway, so I have an idea. Let's go to this IPO bill immediately after we finish the highway bill, with the agreement that we will dispose of these judges immediately after that. That sounds good to me. I am happy to

do that. How about that? Before my friend leaves, how about a deal on that? As soon as we finish this highway bill, we will move to the IPO bill, and as soon as we finish that and get it out of the Senate, we will then have up-or-down votes on those 17 judges. This does not include an agreement on the appellate judges. We will deal with those at a subsequent time. How about that?

Mr. MCCONNELL. I am sorry.

Mr. REID. I will say again to my friend, I would hope that what we could do is when we finish the highway bill, go to the IPO bill, and then as soon as we finish that have an up-or-down vote on these judges. I would be happy to work in any reasonable fashion.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. We have been discussing—this is not the best time for the debate on the judges, but the point is this: We have been processing judges. It is highly unlikely any of these district judges are not going to be confirmed. We have done a number of them this year. We have done seven this year. District judges are almost never defeated.

This is a very transparent attempt to try to slam-dunk the minority and make them look as though they are obstructing things they aren't obstructing. We object to that. We don't think that meets the standard of civility that should be expected in the Senate. So any effort to make the minority look bad or to slam-dunk them that is sort of manufactured, as this is, is going to, of course, be greeted with resistance. It could be that that is precisely what my friend the majority leader has in mind, to try to make the Senate look as though it is embroiled in controversy where no controversy exists.

So my suggestion is why don't we do first things first. First things first. And it strikes me that an overwhelming bipartisan jobs bill clearing the House would be something the American people would applaud. It is supported by the President. Why don't we take that up? The majority leader or any of us can offer any amendments we think are appropriate and move it toward passage, because that is the kind of thing people expect of us.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. It is obvious that the jobs bill has nothing to do with the holding up of these judges as has been articulated by my friend. It is a question of stalling things, as has happened all this Congress. As indicated, more than half the American people are in areas where there are judicial emergencies. It is important we get this dispensation of justice done, and do it quickly.

The controversy on the IPO bill does not exist. There is not any. I would suggest to my friend, though, we have very many things left to do. The postal

service; we do not want it to go broke. We have the Violence Against Women Act we need to get done. We have all these judges, of course. We have cybersecurity. So if we move—and I am going to move quickly—to this IPO bill, I cannot imagine why we would need any amendments.

I indicated that out of my right as majority leader, I can offer a perfecting amendment, and that would be to find out if the body feels strongly about what they have said publicly: that the Ex-Im Bank should be part of the bill. That would hold the bill up for one vote, about 15 minutes.

But in addition to that, we are not going to have a knockdown, drag-out on the IPO. If everybody loves the House bill so much, that is what we will vote on.

You have heard the expression: fill the tree. We will fill the tree and go to the IPO bill. If everybody loves it so much, we should get it to the President's desk as fast as we can.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I listened with interest to the colloquy between my two friends, the distinguished majority and minority leaders. It is almost—and I think the American people see it as almost—a kabuki dance because the fact is, the majority leader is right to seek votes on these district court nominees. He seeks to secure Senate votes for 17 highly qualified Federal district court nominations favorably reported by the Judiciary Committee. They are being blocked by Senate Republicans.

I wish we could find a way to stop these damaging filibusters. They are totally unprecedented. It is greatly damaging the most respected court system in the world: our Federal court system. That means Americans are not getting the justice without delay they are entitled to. We must work together to ensure that the Federal courts have the judges they need to provide justice for all Americans without needless delay.

Federal district court judges are the trial court judges who hear cases from litigants across the country and preside over Federal criminal trials, applying the law to facts and helping settle legal disputes. They handle the vast majority of the caseload of the Federal courts and are critical to making sure our Federal courts remain available to provide a fair hearing for all Americans. Nominations to fill these critical positions, whether made by a Democratic or Republican President, have always been considered with deference to the home state Senators who know the nominees and their states best, and have always been confirmed quickly with that support.

I have been here 37 years, with Republican Presidents, Democratic Presidents, Republican majorities, Democratic majorities. Never in those 37 years have we seen district court nominees blocked for months as we have seen since President Obama was elected.

These kinds of consensus nominees are normally taken up within a few days or a week after being nominated and voted out of our Judiciary Committee, whether nominated by a Democratic or a Republican President. It was certainly the approach taken by Senate Democrats when President Bush sent us consensus nominees. As a result, we were able to reduce vacancies in the Presidential election years of 2004 and 2008 to the lowest levels in decades. That was also how we confirmed 205 of President Bush's judicial nominees in his first term.

For those who want to understand where the partisanship is, here is a little bit of history. For 31 months of the first 48 months of President Bush's first term, Republicans controlled the Senate, and for 17 months, Democrats controlled the Senate. To show that we wanted to set aside partisanship, in our 17 months that we were in control, Senate Democrats helped confirm 100 of President Bush's nominees. In the 31 months Republicans were in charge, they did 105, which was slightly more nominees. But the fact is, we actually moved a lot faster on President Bush's nominees than the Republicans did.

I was chairman of the committee, and I tried to do that to get us away from what we had seen where Republicans had pocket-filibustered 60 of President Clinton's nominees. I wanted to get back to where we took politics out of the Federal courts.

But we have seen now a complete reversal of this. Senate Republicans have ensured that nominees who in the past would have been confirmed promptly by the Senate are now blocked for months. An unprecedented number of President Obama's highly qualified men and women to district courts has been targeted for opposition and obstruction while extreme outside groups tar their records and reputations with invented controversies. It is unprecedented and it hurts our system of justice in this country.

Two weeks ago, at a meeting of the Senate Judiciary Committee, the Senator from Utah conceded that a "new standard" is being applied to President Obama's nominations. He was saying out loud what has been apparent from the start of President Obama's term—that Republican Senators have applied a different and unfair standard to President Obama's judicial nominees.

I was here with President Ford, President Carter, President Reagan, President George H.W. Bush, President Clinton, President George W. Bush, and now President Obama. I can attest that

Republicans have set a different standard for President Obama than has been applied to any of the other Presidents I have known since I have been here. I have to ask myself, what is so different about this President that he is treated to a different, tougher standard than any of the Presidents before him? I just ask. President Obama's district court nominees have been forced to wait more than four times as long to be confirmed by the Senate as President Bush's district court nominees at this point in his first term, taking an average of 93 days after being voted on by the Senate Judiciary Committee.

When I hear Republican Senators claim there is no obstruction and there is no reason for the majority leader to push for votes on these nominations, I wonder if they have looked at our recent history.

I spoke of President Bush's first term. Mr. President, 57 of his district court nominations were confirmed within 1 week of being favorably reported by the Judiciary Committee—1 week. In stark contrast to those 57, only 2 of President Obama's district court nominations have been confirmed within 1 week of being reported—less than one twenty fifth the number of President Bush's. More than half of the nominations for which the leader has now filed cloture have been pending since last year—many months, not days. This must be the new standard the Senator from Utah has said Senate Republicans are using for President Obama's nominations—a different standard than all the Presidents before him. I will at least praise the Senator from Utah for his honesty.

Indeed, 10 of the nominations on which the Majority Leader has been required to file cloture in order to end the Republican filibuster and get a vote have been awaiting a vote since last year. Nine of them had the support of every Republican as well as every Democratic Senator serving on the Judiciary Committee. They all should have been considered and confirmed last year.

I understand and share the Majority Leader's frustration. He has been unable to obtain the usual cooperation from the minority to schedule debates and votes on these widely supported, consensus nominees. I regret that the Majority Leader has been forced to take this action but the millions of Americans seeking justice in their courts should not be forced to wait any longer.

To understand how unusual and wrongheaded this is, consider the following: Republicans are opposing judicial nominees they support. They are stalling Senate action for weeks and months on judicial nominees who they do not oppose and who they vote to confirm once their filibuster can be ended and the vote scheduled. That is what happened after a four-month fili-

buster when the Senate finally voted on the nomination of Judge Barbara Keenan. That is what happened when after a five-month filibuster, the Senate finally voted on the nomination of Judge Denny Chin. Once the Republican filibusters were ended, they were confirmed unanimously. That is what happened after an eleven-month delay before confirmation of Judge Albert Diaz of North Carolina. That is what happened after seven-month delays before confirmations of Judge Kimberly Mueller of California, Judge Catherine Eagles of North Carolina, Judge John Gibney, Jr. of Virginia, and Judge Ray Lohier of New York. That is what happened after six-month delays before the confirmations of Judge James Bredar and Judge Ellen Hollander of Maryland; Judge Susan Nelson of Minnesota, Judge Scott Matheson of Utah and Judge James Wynn, Jr. of North Carolina. That is what happened after five-month delays before confirmations of Judge Nannette Brown of Louisiana, Judge Nancy Torresen of Maine, Judge William Kuntz of New York, and Judge Henry Floyd of South Carolina. This is what happened after four-month delays before the confirmations of Judge Edmond Chang of Illinois, Judge Leslie Kobayashi of Hawaii, Judge Denise Casper of Massachusetts, Judge Carlton Reeves of Mississippi, Judge John Ross of Missouri, Judge Timothy Cain of South Carolina, Judge Marina Marmolejo of Texas, Judge Beverly Martin of Georgia, Judge Joseph Greenaway of New Jersey, Judge Mary Murguia of Arizona, and Judge Chris Droney of Connecticut.

So, too, I expect the district court nominee to fill a judicial emergency vacancy in Utah, supported by Senator HATCH, will not be controversial once the vote takes place. The district court nominees to fill judicial emergency vacancies in Texas, supported by Senator HUTCHISON and Senator CORNYN, should easily be confirmed. The nominees to judicial emergency vacancies in Illinois supported by Senator KIRK, should not be controversial. The district court nominee in Louisiana supported by Senator VITTER, should not be controversial. The district court nominee in Missouri supported by Senator BLUNT, should not be controversial. The district court nominee in Arkansas supported by Senator BOOZMAN, should not be controversial. The district court nominee in Massachusetts supported by Senator BROWN, should not be controversial. The district court nominee in South Carolina supported by Senator GRAHAM, should not be controversial. The district court nominee in Ohio supported by Senator PORTMAN, should not be controversial.

Senate Democrats never applied this standard to President Bush's district court nominees, whether we were in the majority or the minority. During his eight years in office, President

Bush saw only five of his district court nominees have any opposition on the floor and that opposition had to do with doubts about those nominees' suitability to be Federal judges. After only three years, 19 of President Obama's district court nominees have already received opposition. Even though President Obama has worked with Republican and Democratic home state Senators to identify highly-qualified, consensus nominees, his district court nominees have already received more than five times as many "no" votes in three years as President Bush's district court nominees did in his eight years over his two terms. This is further proof of the Republicans' new standard.

I find that reprehensible. It means President Obama's nominees are being treated differently than any Presidents, Democratic or Republican, before him. It is no accident that 1 out of every 10 Federal judgeships remains vacant in the fourth year of President Obama's first term. It is not happenstance that judicial vacancies are nearly double what they were at this point in President Bush's first term. The extended crisis in judicial vacancies is the result of deliberate obstruction and delays by Senate Republicans.

A few years after Republican Senators insisted that filibusters of President Bush's judicial nominees were unconstitutional, they reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana, a widely-respected 15-year veteran of the Federal bench who had the support of the most senior and longest-serving Republican in the Senate, Senator LUGAR. The Senate rejected that filibuster and Judge Hamilton was confirmed, but the pattern of partisan obstruction of President Obama's judicial nominees was set from the very start.

That is wrong—that is wrong—and that is turning your back on a majority of Americans who voted for President Obama in the last election, Americans from all across the country, of all backgrounds, of all races, of all religions—to turn your back on them by saying: You may have elected him, but we are going to hold him to a different standard. It is wrong.

At the end of each of the last two years, the Senate Republican leadership continued this obstruction by ignoring long-established precedent and refusing to agree to schedule votes on dozens of consensus judicial nominees before the December recess. Last year it took us until June to confirm nominees who should have been confirmed in 2010. This year we have had to end two more of the nine Republican filibusters of President Obama's judicial nominations to confirm nominees who should have been confirmed the year before and fully a dozen judicial nominees from last year remain to be con-

sidered. And here we are in the middle of March, having to fight to hold votes on 10 district court nominees who should have been confirmed last year.

This obstruction is purposeful and it is damaging. The people who bear the brunt of this Republican obstruction are the American people. The result of the Senate Republicans' obstruction is that the ability of our Federal courts to provide justice to Americans around the country is compromised. Millions of Americans, who are in overburdened districts and circuits, experience unnecessary delays in having their cases resolved. Nearly one hundred and sixty million Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans would just agree to vote on the nominations now pending on the Senate calendar. It is wrong to delay votes on qualified, consensus judicial nominees.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait three years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

When Senate Democrats opposed some of President Bush's most ideological nominees, we did so openly, saying why we opposed them. At the same time, we continued to move consensus nominees quickly so they could begin serving the American people. That is what I did as Chairman for 17 months during the first two years of the Bush administration and how we were able to lower judicial vacancies by confirming 100 of his circuit and district court nominees. That is how we reduced vacancies in the presidential election years of 2004 and 2008 to the lowest levels in decades, half of what they are now. That is how we had already confirmed 172 of President Bush's circuit and district nominees by this point in his first term, as compared to only 131 of President Obama's and being 40 confirmations and nine months behind the pace we set then. We did so because we put the needs of the American people before partisanship and obstruction.

We had another discussion of these matters in the Senate Judiciary Committee two weeks ago. Senator COBURN said that this is "exactly what makes Americans sick of what we are doing." I agree. I have been saying for some time that this needless obstruction is what has driven approval ratings of Congress down to single digits. The

Senator from Oklahoma observed that it would behoove us all to get back to the days when these lower court judicial nominations were not areas of partisan conflict. I agree. I have tried to do my part in that regard by treating Republican Senators fairly and protecting their rights. President Obama has done his part by consulting with Republican home state Senators and selecting moderate, well-qualified nominees. It is time for Senate Republicans to do their part and not abuse their rights under our Senate rules and procedures. It is time for them to end the partisan stalling. It is time for Senate Republicans to agree to schedule votes on these long-delayed and much-needed judges.

Once we have overcome these unprecedented filibusters of President Obama's district court nominations, I hope that it will not take more delays and more cloture petitions to end the filibusters against the five outstanding nominees by President Obama to fill vacancies on our Federal circuit courts. Two delayed from last year are outstanding women: Stephanie Dawn Thacker of West Virginia, nominated to the Fourth Circuit, and Judge Jacqueline Nguyen of California, nominated to fill one of the many judicial emergency vacancies on the Ninth Circuit. Ms. Thacker, an experienced litigator and prosecutor, has the strong support of her home state Senators, Senators ROCKEFELLER and MANCHIN. Judge Nguyen, whose family fled to the United States in 1975 after the fall of South Vietnam, was confirmed unanimously to the district court in 2009 and would become the first Asian Pacific American woman to serve on a U.S. Court of Appeals. Last week, The Sacramento Bee ran an editorial about Judge Nguyen's nomination that noted that "for those of us in the real world particularly those seeking justice in the federal courts—it would be far, far better if these qualified jurists could get to work." I will ask unanimous consent that the article be printed in the RECORD. Both Ms. Thacker and Judge Nguyen were reported unanimously by the Judiciary Committee last year and both should be considered and confirmed by the Senate without additional damaging delays.

I hope Republicans and Democrats can join together to put an end to this damaging pattern of obstruction and filibusters. It hurts our Federal courts. It is a disrespect to the President of the United States. It goes way beyond partisanship. But it is wrong, and it means this great body we are all privileged to serve in. This is the sort of thing I never thought I would see in the Senate of the United States. I say that based on 37 years of experience with Senators I have admired and have publicly stated I have admired in both parties. This is wrong. Let's go back and let the Senate be the conscience of

the Nation, not a body that reflects some of the worst instincts of our Nation.

I ask unanimous consent that the article to which I refereed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Mar. 6, 2012]

JUSTICE DELAYED AS JUDGE NOMINEES WAIT

Republicans in the U.S. Senate are once again using President Barack Obama's judicial nominations as pawns in their political chess match.

There's even loose talk of putting off votes as long as possible, in hopes that Obama loses in November and the seats can be filled by a Republican president.

That's absurd.

There are too many vacancies on federal courts in California and other states, where there aren't enough judges to handle the caseloads. Too often, justice delayed really is justice denied.

Democratic leader Harry Reid of Nevada is apparently so fed up that he's willing to go to war to get confirmation votes on the Senate floor, Politico reports.

Good for him. The Republicans deserve to be called out on their obstructionism—and their hypocrisy, since they often complain about how slow the federal courts are.

The focus is on 14 qualified nominees who won bipartisan support in the Senate Judiciary Committee, including two from California who were unanimously approved but have been on hold for months.

One is Jacqueline Nguyen of Los Angeles, who was nominated by Obama last September for the 9th U.S. Circuit Court of Appeals and endorsed by the judiciary panel on Dec. 1. The first Vietnamese-American woman to serve as a federal judge, she was 10 when her family fled Vietnam at the end of the war. They started as refugees in Camp Pendleton and made their own version of the American Dream.

The second is Michael Fitzgerald, who was nominated last July for a judgeship in the Central District of California and received committee approval on Nov. 3. A Los Angeles attorney and former federal prosecutor, he would become the first openly gay federal judge in the state and the fourth nationwide.

Both those courts are in an official "judicial emergency" because cases are so backed up.

There are two more recent nominations for 9th Circuit seats that have gone through the Judiciary Committee. Paul Watford, a Los Angeles attorney and former prosecutor, was approved on a 10-6 vote on Feb. 2. Andrew Hurwitz, an Arizona Supreme Court justice, was approved on a 13-5 vote Thursday.

The San Francisco-based 9th Circuit is a particular target for Republicans, who like to rail against what they call its liberal, activist bent. Their delaying tactics succeeded in forcing Goodwin Liu, a highly regarded UC Berkeley law professor who grew up in Sacramento, to withdraw his nomination last July. (Gov. Jerry Brown then nominated him to the California Supreme Court, where Liu now serves.)

It must be said that there are also political advantages for Obama if the delays continue. It would give him more ammunition to campaign against a "do-nothing Congress." Given the ways of Washington, that may be the most likely scenario.

But for those of us in the real world—particularly those seeking justice in the federal

courts—it would be far, far better if these qualified jurists could get to work.

Mr. LEAHY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator suspend?

Mr. LEAHY. Yes.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. LEAHY. Mr. President, unless the Senator from California seeks recognition—

Mrs. BOXER. I do.

Mr. LEAHY. Mr. President, I yield for the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

SURFACE TRANSPORTATION ACT

Mrs. BOXER. Mr. President, I thought I could give Senators and those who may be following this very elongated debate on the highway bill an update as to where we are. We have a managers' package we are hoping to approve momentarily. It is a bipartisan package. We continue to work across the aisle. Under the consent, we want to move forward with that. We had, I believe, a holdup yesterday. We are working to find out why. But we are very hopeful that will move forward. Then we have a series of votes on amendments, beginning at about noon. So at 11:30 or so, we will be back on the bill.

I want to say to my friends on the other side of the aisle and to my friends on this side of the aisle that we are making great progress. This is a jobs bill. This is a major jobs bill. This is the biggest jobs bill.

They passed an IPO bill over there in the House. ERIC CANTOR is saying it is a jobs bill. I do not know how many jobs it will create. It is an investor bill. It is good; I am for it. But it does not come anywhere close to the bill we are working on today. Because on March 31, if we do not act on this transportation bill, everything will come to a screeching halt, if I might use that analogy. Because there will not be a gas tax anymore going into the Federal highway trust fund, there will not be any funds going from the Federal Gov-

ernment to the various planning organizations in all of our States and communities.

All of us know that since the days of President Eisenhower we have had a national system for roads, bridges, highways, and so on. So we have a lot of work to do here. I want to say, we are very close to the day when everything will stop. So I think we are making great progress.

I know the majority leader and the minority leader talked about finishing this bill today. That means a lot of cooperation because we have to get through about 20 amendments plus a managers' package. I think we can do it. I know we can do it.

Then, frankly, we can actually go home and tell our people we voted on a huge jobs bill. How huge? We are going to protect 1.8 million jobs, and a lot of construction jobs. I have often told people that the unemployment rate among construction workers is way higher than the general population. Our unemployment rate is about 8.3 percent. We have a 15-, 16-, 17-percent unemployment rate among construction workers.

And God bless this President. He has worked so hard on making sure we have set the table for job growth. We have had terrific job growth, but even with those 200,000-plus jobs created last month, construction jobs actually went down.

So we are looking at an industry that is in a great deal of trouble. It is because of the housing market. It is still not stabilized. Until we solve our housing crisis—and, again, the administration and the Congress are trying to do everything to allow people to stay in their homes so we don't keep having defaults, houses on the market, short sales, and all the rest. Once that is behind us, we will see a whole new day for construction. But that day isn't here.

It would be a dereliction of our duty if we fail to pass this bill because we will save 1.8 million jobs. That is how many people are working as a result of our ongoing transportation action. We have to save that. Then because of some very good work done in my home State, particularly in Los Angeles, we have come up with a new way to create an additional 1 million jobs by leveraging a program called the TIFIA Program, transportation infrastructure financing. It means as our State and our local areas pass, say, a sales tax to build transit or roads or highways, we, the Federal Government, can front that money at virtually zero risk and leverage these funds threefold.

In this bill we would be protecting 1.8 million jobs and creating up to 1 million new jobs because of the TIFIA Program. I want to say this bill is a bipartisan effort—hugely bipartisan.

I just talked to Senator INHOFE late last evening. We talked about the fact

that we don't want to have it held up anymore. We want to move it through, and we are going to move it through. We are very pleased.

Anyone who follows politics knows Senator INHOFE is one of the most conservative Members of the Senate, and I am one of the most liberal Members of the Senate. We are both very proud of who we are and comfortable with who we are. We know when it comes to some things we don't see eye to eye. There will be many more opportunities to see how we disagree on issues, such as clean air, clean water, safe drinking water, superfund, climate change, and all that. But we are on the highway bill. We hope this will become a template for us in the Senate and the House to find a sweet spot where we can work together. We are right there. A little bit more work and we know we have done our jobs. It could come today—I hope it will come today—but it will come late today because there are many amendments to get through.

I want to make my last comment about what is happening in the House. The House passed an IPO bill, initial public offering. I support that approach. I think it would be a great way to get more capital into the hands of businesses and enable them to hire people. It is a good bill. We are going to work on it. But the House has done nothing about the Transportation bill. Speaker BOEHNER has tried. He has had many efforts to bring people to the table. But the trouble is he has only brought to the table one political party. We have to work together. Senator INHOFE and I could never have gotten this bill to where it is if we stood in our corners and concentrated on the areas where we had disagreement. There were plenty of those, but we set those aside.

I say to the Members of the House, there is a secret to success, which is taking your hand and reaching it across the aisle and finding common ground with your colleagues. If you lose a bunch of Republicans and Democrats, you still have enough to get a bill through.

Our bill, though not perfect, does what we have to do. We protect 1.8 million jobs, mostly in construction. We create up to 1 million jobs. We took a bill that had 90 different programs and brought it down to 30 programs. We have a managers' package of very bipartisan issues that we have resolved.

I will probably be back on the floor within an hour to debate the two amendments that will be pending, the Bingaman amendment and the DeMint amendment. I will speak out on those amendments.

I thank the occupant of the chair for his support. He has been a real good friend and has helped us move this bill forward. I know this bill is important to his home State of Delaware, as it is important to Tennessee and to Cali-

fornia. I have a list of jobs by State that we would lose if we fail to act. That is the bad news. The good news is we are going to act. I will be back in short order.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, is it appropriate for me to speak as in morning business for a few minutes?

The PRESIDING OFFICER. The Senator is recognized.

JUDICIAL NOMINATIONS

Mr. ALEXANDER. Mr. President, I listened with great interest to the Senator from California. I thank her for her hard work on the Transportation bill and her work with Senator INHOFE. I listened especially to her comments that it would be good for us to work well together. It reminds me of our new Speaker of the House of Representatives in Tennessee, Beth Harwell. She does a pretty good job, and she often reminds her colleagues in the Tennessee Legislature that the first lesson they all learned in kindergarten is to work well together. That is a good lesson for us as well.

I will take 4 or 5 minutes to simply talk about a development I think interferes with that. I came to the Senate floor with a group of Republicans and Democrats not long ago. We praised the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL, for their working together to try to bring the appropriations bills to the floor. We said we are going to work together to help them do that because a majority leader cannot lead if we don't follow. We complimented them for the work on the Transportation bill, which hasn't been easy, but we are having a lot of votes today. We will offer our ideas and make votes.

It was disappointing to me yesterday to see the majority leader announce that he had filed 17 cloture motions on district judges. I am here simply as one Senator to say respectfully to the majority leader that I hope he will reconsider and not do that. That is an unprecedented action. It has never happened like that before. In the history of the Senate, before 2011, a majority leader had filed cloture motions on district judges only three times.

What has happened with district judges in the history of the Senate? They come up, get a vote, and there has never been a successful filibuster of a district judge because of a cloture vote. Let me emphasize that. There has never been a successful attempt to deny an up-or-down vote to a district judge by opposing cloture in the history of the Senate.

That was proven again last year with a judge from Rhode Island, Judge McConnell, who many believed should

not be a judge. There were enough Republicans who did not take the opportunity to deny an up-or-down vote that he was confirmed even though many on this side didn't think he ought to be a judge. So we don't have a problem with filibustering district judges, and we have never had one with filibusters of district judges, at least given the present composition of the Senate.

What is the issue? Senator REID, the majority leader, said quite properly in his remarks yesterday that we have important work to do. We have a jobs bill coming from the House, a Postal Service that is in debt, and we have cybersecurity—we are having long briefings on that because of the threat.

The leaders are working to bring the appropriations bills to the floor. We have only done that twice since 2000—all 12 of them. So this is a little disagreement we have between the majority leader and the Republican leader on the scheduling of votes on district judges. It is not a high constitutional matter. It is not even a high principle. It is not even a big disagreement. It is a little one. What has always happened is in the back and forth of scheduling, and they work it out. They have been working it out.

In the first 2 years of the Obama administration, he nominated 78 district judges, and 76 of those were confirmed—76 of 78 nominated in the first 2 years. He withdrew two. Last year, 61 more district judges were confirmed. What about 2012? The President has made a few nominations, but they haven't been considered yet by the Judiciary Committee. We do have 17 district court judgeships reported by the Judiciary Committee. They could be brought up by the majority leader. He has the right to do that. But of those 17, 6 of them have been reported by the Judiciary Committee for less than 30 days. They just got here. That leaves 11. How long have they been there? They came in October, November, and December of last year. Normally, they would have been included in the year-end clearing.

Everybody knows what happened. The year-end clearing was thrown off track because the President threatened to make controversial recess appointments. Ultimately, the President decided to violate the Reid rule, which used pro-forma sessions every three days to break the Senate's recesses and block recess appointments. That was invented by the majority leader, Senator REID. President Bush didn't like it, but he respected it. President Obama violated it, and it blew up the year-end clearing of a number of nominees, including district judges.

We have some district judges waiting to be confirmed, but we don't have many. We have a history of confirming 76 out of 78 nominated during the first 2 years of this President, and last year, confirming 61. This year, of the 17 the

majority leader filed the cloture motions on, 6 of them just got here. So that leaves 11. What do we do about that?

The right thing to do is that the majority leader and the Republican leader should listen to what the Senator from California just said, listen to the Speaker of the House from Tennessee; that is, work well together rather than escalating this into a highly principled, big disagreement, and retire to one of their offices and sit down quietly, take a timeout and work this out. That is the way it has always been done.

We are only talking about 11 judges. They have not been around that long—less than 5 months. We all know why they were delayed a little bit. The President can take just as much responsibility as anybody. In testimony this week, the Attorney General acknowledged the issue of the recess appointments made on January 4 is a serious constitutional issue that needs to be decided by the courts. While that is being done, we have not tried to stop the action of the Senate, even though we regard it as a great offense to the checks and balances and the separation of powers.

I respectfully suggest it is not a good time for the majority leader to take a small disagreement and escalate it into a big one, jeopardizing our ability to deal with big issues on jobs, cybersecurity, the Postal Service, and others. It would not reflect well on the 23 candidates running for the Democratic Senate seats this year or on the 11 Republicans running for Senate seats this year, and it would not reflect well on the President.

The American people want to see us get results. Why should we give them one more reason to suspect that just because we can't agree on little issues, we are unable to agree on the big issues? I know the job of the majority leader is a tough job, and there is a good deal of back and forth every day. The majority leader has been on both sides of this issue. I suspect if he and the Republican leader were to sit down and look over the actual numbers and realize it is just 11 judges—we confirmed 2 last week—they could schedule the others and we could spend our time, starting tomorrow, not picking a fight with one another on the small disagreements, but on jobs, debt, the Postal Service, cybersecurity, and the big issues the American people would like us to deal with.

I ask unanimous consent that some documentation about the progress of district judge nominations of the 111th and 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PROGRESS OF DISTRICT COURT NOMINATIONS SUBMITTED TO THE SENATE IN THE 111TH AND 112TH CONGRESSES

111TH CONGRESS

Of the 78 District Court Nominees made by President Obama during 2009 and 2010, 76 were eventually confirmed. That's 97%. 44 were confirmed in 2009 and 2010. 32 were resubmitted to the Senate and confirmed in 2011. One was withdrawn by the President and another was never resubmitted after being returned to the President.

112TH CONGRESS

99 nominations have been sent to the Senate by President Obama to date in the 112th Congress (2011 and 2012). 61 have been confirmed. 17 have been reported by the Judiciary Committee and await floor action: David Nuffer (UT)—October 2011; Gina Groh (WV)—October 2011, Susie Morgan (LA)—November 2011, Kristine Baker (AR)—November 2011, Michael Fitzgerald (CA)—November 2011, Ronnie Abrams (NY)—November 2011, Rudolph Contreras (DC)—November 2011, Miranda Du (NV)—November 2011, Gregg Costa (TX)—December 2011, David Guaderrama (TX)—December 2011, Brian Wimes (MO)—December 2011, George Russell (MD)—February 2012, John Lee (IL)—February 2012, John Tharp (IL)—February 2012, Mary Lewis (SC)—March 2012, Jeffrey Helmick (OH)—March 2012, Timothy Hillman (MA)—March 2012. 2 have had Committee hearings and are waiting for mark-ups. 3 have Committee hearings scheduled. 10 have had no Committee action taken on their nominations. 5 were returned to the President (under Rule 31) and not resubmitted. 1 was withdrawn by the President.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAT GAS ACT

Mr. MENENDEZ. Mr. President, I have come to the floor to talk about an amendment I will offer later today—the NAT GAS Act.

What if I were to tell the Chair there was a transportation fuel that is over \$1.50 cheaper than gasoline and roughly \$2 cheaper than diesel? What if I were to tell the Chair this fuel is also cleaner and has fewer smog-causing pollutants than diesel and, if wisely used, could reduce the cases of asthma and lung cancer?

What if I were to tell the Chair this fuel is abundant right here in America, so much so that we may soon become one of the world's largest exporters of this fuel? I think I might hear him say:

Sign me up. What is the name of this wonderful fuel? The name of this fuel is natural gas.

We can see in this chart that as gasoline prices are already skyrocketing toward \$4 per gallon, the price of compressed natural gas is barely above \$2 equivalent. Natural gas prices used to follow oil prices, but now they are on their own stable, inexpensive price levels. The same holds true for liquefied natural gas. As we can see, gas prices here, liquefied natural gas down here. Diesel prices now exceed \$4, and LNG is still hovering around a \$2 equivalent.

Why aren't we all driving around in natural gas vehicles, paying a little over \$2 per gallon equivalent? The reason this inexpensive fuel is not widely used is because there are not many natural gas vehicles in the United States, and there are also very few places to refuel. Currently, there are nearly 14 million natural gas vehicles in the world but only about 117,000 in the United States. The car and truck manufacturers want to see that the natural gas utilities will invest in refueling infrastructure, and the natural gas utilities want to see more natural gas vehicles on the road. It is a classic chicken-or-the-egg problem.

What both the manufacturers and the utilities need to see is a strong stance by the Federal Government to jumpstart this market.

The NAT GAS Act will do that by jump-starting the industry and, in 10 years, add over 700,000 natural gas vehicles to our roads and help incentivize the installation of refueling stations around the Nation. In addition, it is estimated the bill will displace over 20 billion gallons of petroleum fuel and create over 1 million direct and indirect jobs.

I know what some of my colleagues are thinking: Isn't this just another handout to energy companies? The answer to that question is a resounding no. This legislation is fully paid for with a small fee on natural gas used as a vehicle fuel. As I mentioned earlier, natural gas is over \$1.50 cheaper than gasoline or diesel. This amendment would use some of those savings to help overcome the market barriers for natural gas vehicles and supporting infrastructure. The fee starts at 2.5 cents per gallon equivalent in 2014 and grows to be 12.5 cents in 2020 and 2021. In 2022, the fee is eliminated. In this way, we can still keep natural gas less expensive than other fuel options, while investing in infrastructure to help grow the market, make natural gas vehicles cheaper, and put the industry on a path to flourish on its own.

While the legislation itself is designed to provide a temporary boost, it is important to note that the natural gas supplies we are sitting on are enormous. North America's natural gas resource discoveries have more than doubled over the past 4 years, meaning

that at the current rate of consumption, this resource could supply current consumption for over 100 years. If we do not use our natural gas here in America, it will be exported abroad, benefiting consumers in other countries, while American families will continue to pay higher prices at the pump. Already, one U.S. facility has received a permit to export natural gas and four more are following suit. We can use that natural gas in the United States to displace oil. We are sending trillions of dollars abroad to countries that are despotic and wish us ill or we can export it so other countries can gain the benefits. I say we use it here.

The NAT GAS Act will also increase our Nation's energy independence and make us less dependent on regimes that do not have America's interests at heart. This is especially important at a time when Iran is attempting to develop a nuclear weapon and is threatening to block oil supplies. Natural gas is not the only solution, but it can be an important part of a solution that will allow us to ignore future OPEC threats because we have alternatives to oil. But until we get to that point, we need to do all we can to supplant oil.

It is also important to note that natural gas vehicles are an important way to improve air quality. According to the EPA, natural gas as a vehicle fuel has very low emissions of ozone-forming hydrocarbons, toxins, and carbon monoxide. By producing less of these harmful emissions, natural gas vehicles can reduce smog in our cities and lower incidents of asthma and lung cancer. These health benefits are one reason why Los Angeles County has made almost its entire fleet of 2,200 buses run on compressed natural gas.

Let me talk about one issue some are concerned about. While natural gas vehicles can have important environmental and health benefits, we must also keep in mind that natural gas is still a fossil fuel and there are serious risks that need to be weighed when it is extracted. For that reason, I think we need to do better to regulate a practice called fracking. I also believe these risks mean that certain environmentally sensitive areas remain off-limits for fracking, and I will continue to work with my colleagues, such as Senator CASEY, to better formulate Federal rules to protect our drinking water from possible contamination. At the same time, we should not kid ourselves. This amendment will not cause natural gas vehicles to be the main driver of natural gas demand, and fracking is used to extract oil as well. So voting against this amendment will not reduce the amount of fracking.

We cannot let this opportunity to use this cheaper fuel to increase our energy security, improve our air quality, and relieve the pain at the pump slip by. It is time to put in place the temporary, fully paid for incentives of the NAT

GAS Act to allow the natural gas vehicle industry to flourish. Remember, if one votes against this amendment, they cannot go home and tell their constituents that they have done everything they can to reduce gas prices.

I hope our colleagues will join us when the time comes to offer the amendment on the floor and to support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TOLLING FEDERAL HIGHWAYS

Mrs. HUTCHISON. Mr. President, I want to speak for a moment about an important issue that is going to be addressed on the highway bill. I have an amendment that would basically say you cannot toll a Federal highway unless it is for the production of another free lane. This is an effort to curb a State from tolling every lane of a highway that has been built with Federal dollars by Federal taxpayers.

When President Eisenhower established the National Highway System, it was on behalf of national security that he made this monumental policy decision which has taken us years, tens of years to complete. It has had the added advantage of commerce—having a National Highway System where all of our States are connected with good quality Federal highways has been a huge boon for our country. That has been funded through highway user fees. The gasoline tax that everyone pays at the pump in our country has funded our Federal highway system.

However, the Federal highway system has now been completed. For a State to come in and toll every lane of an existing Federal highway is not only disingenuous, but it breaks faith with the Federal taxpayers who, for over 50 years, have paid into the highway trust fund so we would have a Federal highway system for all Americans and for the commerce among our States for them to use. Now, we have three States that have been approved by the Department of Transportation to do exactly what I wish to prohibit—toll lanes of an existing Federal highway. That would prohibit the free use of that whole highway that has been built with Federal dollars. My amendment would keep us from going beyond the three. The amendment is two. I would extend it to three because there are three that the Department of Transportation has approved, but I want to stop this practice from going further. It is wrong for the Federal

Government to allow it, it is wrong for the States to ask for it. Instead, we need to allow the opposite, the opt-out ability for a State to say we want to spend our highway dollars on our priorities. That is what we ought to be doing.

I do not disagree with tolls that are going to create a new free lane. That would keep the faith with the people. It would expand the system and the people would be paying to expand the system. That can be done in an effective and, frankly, a responsible way. On the issue of allowing States to opt-out—Senator PORTMAN has put in an amendment that I would support, except that he goes a little bit too far. Senator PORTMAN and Senator COBURN have amendments that would allow an opt-out from the whole Federal highway fund, which includes transit. I think that goes too far.

I have a bill that would allow the opt-out of States that would be able to spend their highway funds the way they believe their priorities are set, but the 20 percent of the highway trust fund that goes for transit I think should be kept for the urban areas that need that kind of bus transportation, as well as intra-city and commuter rail. I think we ought to be able to keep that at the Federal level to determine what are the worthy grants. That is what the highway trust fund now does.

The Portman amendment would take that away and put it into the State highway department. That sounds good on the surface, but highway departments have, in general—certainly I can speak from the experience of my State—not focused on or prioritized mass transit. This is one of the reasons why our cities in Texas are clogged—and in Houston and Dallas and San Antonio and Austin it is getting worse.

I wish to see those cities be assured that transit funding would go forward as it is envisioned or I would be happy to amend my bill to say the 20 percent of transit funding could be opted out but it would have to go for transit funding in the States and the States could then set the priorities. But transit should not be shortchanged by the highway departments that have not prioritized mass transit.

I think we need to work a little more. I could not support the Portman amendment the way it is written, but I want to gather the people who believe that we should have an opt-out of our highway funds and get a stronger mass—which I think Senator COBURN and Senator PORTMAN would do, if they would take the transit out of their amendment.

I think we have some work to do. I wish to support the Portman amendment but not in the form it is at present. I hope down the road other States will want to be able to opt out as well. But for now, I hope we will be

able to stop the tolling of our Federal highways as a first step to keep faith with the American taxpayers who, for 50 years, have built the Federal highway system and deserve to be able to drive to any State on a Federal highway without being shut out by States that decide to put a toll on it for their own purposes. These are Federal highways built with Federal tax dollars and they should be open to every taxpayer in America to use those freeways for commerce. I hope my amendment will be considered.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Roberts modified amendment No. 1826, of a perfecting nature.

McCain modified amendment No. 1669, to enhance the natural quiet and safety of airspace of the Grand Canyon National Park.

Corker amendment No. 1785, to lower the fiscal year 2013 discretionary budget authority cap as set in the Balanced Budget and Emergency Deficit Control Act of 1985 by \$20,000,000,000 in order to offset the general fund transfers to the highway trust fund.

Corker amendment No. 1810, to ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the highway trust fund for the fiscal year.

Portman/Coburn amendment No. 1736, to free States to spend gas taxes on their transportation priorities.

Portman amendment No. 1742, to allow States to permit nonhighway uses in rest areas along any highway.

Coats (for Alexander) amendment No. 1779, to make technical corrections to certain provisions relating to overflights of National Parks.

Coats (for DeMint) amendment No. 1589, to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

Coats (for DeMint) amendment No. 1756, to return to the individual States maximum discretionary authority and fiscal responsi-

bility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government.

Coats/Lugar amendment No. 1517, to modify the apportionment formula to ensure that the percentage of apportioned funds received by a State is the same as the percentage of total gas taxes paid by the State.

Blunt/Casey amendment No. 1540, to modify the section relating to off-system bridges.

Mrs. BOXER. Mr. President, I know Senator BINGAMAN is here, so I will ask a quick unanimous consent that the time until noon be equally divided between the two leaders or their designees, that there be 2 minutes equally divided prior to each vote, and all votes after the first vote following the recess be 10-minute votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor.

AMENDMENT 1759

Mr. BINGAMAN. Mr. President, I believe the second amendment that we will be voting on here right after lunch or right after noon is the amendment that Senator DURBIN and I are proposing related to privatized toll roads. When a State privatizes an existing toll road, it shifts to a private company all responsibility for operations and maintenance in exchange for a cash payment, essentially. Under existing law, privatized toll roads are still included in the calculation of how much each State receives in Federal highway funds.

In my view, it does not make good sense for a State to be credited with Federal highway funding needed to maintain that road once it has been shifted out of the public sphere to a private entity and the private entity has taken on the legal responsibility to operate and maintain the road. The amendment would simply remove these privatized toll roads from consideration when we allocate highway funds.

The amendment is very narrow. It applies only when a State sells off an existing toll road. It does not apply at all to any new construction. When I say it sells off an existing toll road, I mean that it enters into a lease—in most cases a lease of 75 years or more—with a private entity to operate a toll road and collect the tolls and maintain the road.

The amendment has the support of the American Automobile Association and the American Trucking Association. I think it is good legislation. It also has the support of the Owner-Operators Independent Drivers Association and American Highway Users Alliance. This is a modest change in the law governing the allocation of Federal funds for highways, but I think it is a commonsense proposal that should be supported by the Members of the Senate.

I hope very much we can adopt this amendment when it comes to a vote.

As I say, it is not the first amendment that we are going to consider for this bill; it is the second of the two votes prior to the recess for the weekly caucuses.

Mr. President, I ask unanimous consent to call up the amendment I have just been speaking about, amendment No. 1759, and ask that the clerk report the amendment by number.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 1759.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To remove privatized highways from consideration in apportioning highway funding among States)

On page 51, between lines 16 and 17, insert the following:

“(C) FURTHER ADJUSTMENT FOR PRIVATIZED HIGHWAYS.—

“(i) DEFINITION OF PRIVATIZED HIGHWAY.—In this subparagraph:

“(I) IN GENERAL.—The term ‘privatized highway’ means a highway that was formerly a publically operated toll road that is subject to an agreement giving a private entity—

“(aa) control over the operation of the highway; and

“(bb) ownership over the toll revenues collected from the operation of the highway.

“(II) EXCLUSION.—The term ‘privatized highway’ does not include any highway or toll road that was originally—

“(aa) financed and constructed using private funds; and

“(bb) operated by a private entity.

“(ii) ADJUSTMENT.—After making the adjustments to the apportionment of a State under subparagraphs (A) and (B), the Secretary shall further adjust the amount to be apportioned to the State by reducing the apportionment by an amount equal to the product obtained by multiplying—

“(I) the amount to be apportioned to the State, as so adjusted under those subparagraphs; and

“(II) the percentage described in clause (iii).

“(iii) PERCENTAGE.—The percentage referred to in clause (ii) is the percentage equal to the sum obtained by adding—

“(I) the product obtained by multiplying—

“(aa) $\frac{1}{2}$; and

“(bb) the proportion that—

“(AA) the total number of lane miles on privatized highway lanes on National Highway System routes in a State; bears to

“(BB) the total number of all lane miles on National Highway System routes in the State; and

“(II) the product obtained by multiplying—

“(aa) $\frac{1}{2}$; and

“(bb) the proportion that—

“(AA) the total number of vehicle miles traveled on privatized highway lanes on National Highway System routes in the State; bears to

“(BB) the total number of vehicle miles traveled on all lanes on National Highway System routes in the State.

“(iv) REAPPORTIONMENT.—An amount withheld from apportionment to a State under clause (ii) shall be reapportioned among all other States based on the proportions calculated under subparagraph (A).

Mr. DURBIN. The Senate will vote today on the Bingaman-Durbin amendment to the Transportation bill. This amendment will help protect taxpayers when local governments sell or lease public roads and bridges.

The Federal Government provides States and local governments billions of dollars to build, maintain, and improve transportation projects across the country. Federal funding has helped build and maintain roads when local and State governments couldn't afford construction or upkeep on their own. Federal taxpayers have picked up the tab for millions of transportation projects across the country.

The Senate Transportation bill provides States with an average of \$40 billion per year to help them upgrade their roads and bridges. These Federal investments have created thousands of jobs and helped our economy. But the temptation to cash in on these projects is great, particularly as States and cities are looking under every rock to find new sources of revenue. Some local governments and States are interested in selling or leasing their highways.

Private hedge funds, banks and investment groups offer States and local governments large, lump sum payments in exchange for the complete control of critical transportation assets. Local governments receive massive, upfront payments to help them fund other local priorities. The private financiers get complete control of a highway for decades—sometimes for as long as 99 years. Sometimes those private entities are able to provide responsible upkeep of the asset over the long run. But too often, the services are reduced, prices go up, and maintenance isn't all it should be. The Federal taxpayer is left holding the bag.

Privatization deals like this set up a turn-key operation where the Federal taxpayer pays for critical infrastructure improvements, only to have local governments turn around and sell or lease this infrastructure for a one-time payment they keep themselves. All levels of governments are facing serious budget shortfalls. The Federal Government shouldn't incentivize local and State governments to make rash, short-term decisions that lease transportation projects for generations just to solve temporary budget shortfalls.

The Bingaman-Durbin amendment will ensure taxpayers are not paying States twice for highways that are sold or leased to private operators. Highway funding has historically been distributed through complex formulas that include the number of lane miles of major roads in each State and the amount of traffic on those roads.

The FHWA formulas are meant to help States pay for the maintenance and upkeep of those roads. However, when States sell or lease their highways, they are paid massive lump sums in exchange for transferring responsibility for maintenance to the private operators. But the road miles and traffic counts on the privatized highway still contribute to each State's formula funding.

The current highway formulas do not take into account how many roads are privatized in each State so the Federal Government continues to pay States for maintaining roads they have handed off to private operators. It doesn't make sense for States to be credited with and given Federal highway funding for privatized toll roads, which it no longer operates or maintains. The private operators of leased roads also get a generous tax benefit from depreciating the road as an asset.

The CBO has found this depreciation reduces Federal revenues and has a negative impact on our deficit. These deals set up a double whammy for the taxpayer—the private operator gets generous tax benefits and the State continues to receive Federal funding for roads they no longer maintain. Taxpayers are literally paying for privatized roads twice by subsidizing tax breaks for private operators who buy public roads and continuing to pay the States for upkeep on roads they are no longer responsible for.

The Bingaman-Durbin amendment will end this practice by removing factors associated with privatized roads from the formulas used to calculate a State's annual highway funding amount. Three States, including Illinois, have privatized some of their highways in exchange for a lump sum payment. In 2006, the city of Chicago leased the 7.8 mile Chicago Skyway for 99 years in exchange for a lump sum payment of \$1.8 billion.

The private operator has since raised the tolls on the Skyway and has taken over sole responsibility for maintenance of the roadway. However, those 7.8 miles are still included in the formula calculations that add to a State's share of Federal highway funds. Illinois continues to receive roughly \$1.2 million each year because the Chicago Skyway is still included in the Federal highway formulas. Motorists are also paying more to use the road. Under public control, the tolls for the skyway decreased by about 25 percent when adjusted for inflation between 1989 and 2004. But Chicago Skyway tolls have risen 60 percent since the road was privatized in 2005.

The Bingaman-Durbin amendment will stop paying States to maintain roads they have been paid to no longer maintain. The amendment will take those funds and distribute them to other States to help pay for the maintenance of public roads and bridges across the country.

In 2006, I requested a GAO study of highway public-private partnerships along with Senator INHOFE and Representative PETER DEFazio. The GAO study found “there is no ‘free’ money in public-private partnerships, and it is likely that tolls on a privately operated highway will increase to a greater extent than they would on a publicly operated toll road.” The GAO called for Congress to require more upfront analysis of these privatization deals to ensure they protect the public interest.

I introduced legislation earlier this year that would provide for a rigorous examination of privatization deals of all transportation assets—highways, airports, bridges and mass transit systems. The Protecting Taxpayers in Transportation Asset Transfers Act would ensure the Federal taxpayer has a seat at the table when State and local governments sell publicly owned transportation assets.

This amendment does not go far enough to protect the public interest in transportation privatization deals, but it does take away an unnecessary incentive for States and local governments to sell publicly funded roads and highways. This amendment will not stop States from privatizing roads, but it will stop the Federal taxpayer from paying twice for privatized roads.

The amendment is supported by AAA, the American Trucking Association, the American Highway Users Alliance, the American Federation of State, County and Municipal Employees, UPS, and the U.S. Public Interest Research Group. CBO has indicated the amendment does not score and will not increase the deficit in anyway.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT 1756

Mr. DEMINT. Mr. President, thank you for the opportunity to talk about the amendment that we call the Transportation Empowerment Act. This is actually legislation that has been worked on for over 10 years. Our ranking member, Senator INHOFE, helped to develop this legislation, and it is essentially the same as when he introduced it 10 years ago. He pointed out that he had long believed that the best decisions are those made at the local level. Unfortunately, many of the transportation choices made by cities and States are governed by Federal rules and regulations.

This bill returns to the States the responsibility and resources to make their own transportation decisions—those were Senator INHOFE's words. I think we all know, as a Nation, that we are not going to solve our spending and debt problems unless we are willing to begin to move some public services from Washington back to the States where they can be done more effectively and less expensively, and one of those public services is transportation.

I would point out that the Transportation Department at the Federal level was formed almost 60 years ago to build our Interstate Highway System and this system is essentially complete. The States maintain most of the interstate highways now with some Federal support. The problem we have now is that 18 cents out of every gallon of gasoline comes to Washington and a majority of States get back less than they send.

We have what I think could be called an infrastructure crisis in America. Roads and bridges are decaying everywhere and we are behind on our maintenance in the building of new roads, so it is obvious that what we are doing is not working. Instead of solving the problems with real reforms, the underlying bill is adding to what we are spending above the trust fund—above the 18 cents—without any real reforms to make the system work better. So I think I can conclude that the current Federal transportation finance system is broken.

Since 2007, rather than evaluate true infrastructure priorities and attempt to live within our means by eliminating special interest programs, Congress has bailed out the highway trust fund to the tune of \$35 billion. With the pending reauthorization, the trust fund will require a bailout of another \$13 billion.

At the end of this big-spending 2-year reauthorization, Congress will be back at the drawing board scrambling for additional budgetary gimmicks and offsets to keep this charade from imploding. If this were a traditional 6-year highway bill, at this rate of runaway spending it would require a bailout of \$39 billion from the general fund.

There is a better way. It is time to get the Washington bureaucracy and costly regulations out of the way and empower States to be the primary decisionmakers for their own local and State infrastructure. My amendment allows for States to keep their gas taxes and set their own priorities while avoiding an additional layer of Washington bureaucracy.

We should devolve the Federal highway program from Washington to the States. We can dramatically cut the Federal gas tax to a few pennies, which would be enough to fund the limited number of highway programs that serve a clear national purpose. In turn, States could adjust their own gas taxes

to make their own construction and repair decisions without costly rules such as Davis-Bacon regulations and without having to funnel the money through Washington's wasteful bureaucracy and some self-serving politicians.

My amendment would free States from the wasteful and corrupt Davis-Bacon Act, which needlessly focuses or forces the government to pay labor union wages for construction projects. Davis-Bacon harms workers who choose not to join unions, and it raised the costs to taxpayers last year by nearly \$11 billion.

Our Nation's fiscal situation is perilous, with a \$15 trillion debt set to double to \$30 trillion in the next decade. Bipartisan compromises on spending like this bill got us into this mess and we will never get out of it if we don't embrace bold commonsense reforms.

I urge my colleagues to support my amendment and empower the States by giving them the flexibility they need to maintain their infrastructures.

If I could take a second to summarize, I know some Members have stepped into this legislation that has been under development for many years. It is one that has been talked about by the States, with over half of our States what we consider donor States. If we were able to not only remove the Federal bureaucracy but also the regulations that force States to spend money in ways they don't like, the overwhelming majority of States would have a lot more money to spend on roads and bridges than they do now.

We are not talking about cutting spending on transportation. What we are talking about is actually increasing it by moving this service back to the States where it can be guided with a lot more on-the-ground knowledge of what needs to be done, without all of the political maneuvering in Washington to send money to one State versus another. This is a way to maintain our Federal priority with a small part of the gas tax and allow the States to basically keep the rest of the gas tax to serve their own needs.

If we cannot do this, I don't see any way that we are going to be able to deal with our national debt. If we can recognize there is an obvious service here that can be done better and less expensively and quicker at the State and local level and we can move that bureaucracy out of Washington, we can make the highway trust fund solvent.

If we can't do something that makes this much common sense and saves the taxpayers money and actually delivers a better service, it is difficult for me to understand how we are ever going to deal with the huge debt and spending problem we have now in Washington.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, I have a parliamentary inquiry: Did Senator DEMINT use his 1 minute he had before the vote?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. BOXER. I ask to have an additional 15 seconds, since he went over by that much.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 minute of debate in opposition prior to a vote in relation to amendment No. 1756 offered by the Senator from South Carolina.

Mrs. BOXER. I am asking for that. Fine.

I think this is so critical. The DeMint amendment is the end of the Federal highway and transportation system. It is a system that has been in place since Republican President Dwight Eisenhower told us how critical it was. He said in the 1950s: The Transportation bill's impact on the American economy—the jobs it would produce in manufacturing, construction, the rural areas it would open—are beyond calculation.

Ronald Reagan said: It has enabled our commerce to thrive, our country to grow, and our people to roam freely.

Senator DEMINT is taking on two icons in the Republican Party, President Eisenhower and President Reagan.

Today, the National Association of Manufacturers said they oppose this amendment. They oppose it. It would reduce future revenues, they said.

The U.S. Chamber of Commerce said they are against it, and without this Transportation bill there is no guarantee that States would prioritize transportation investments that support national interests.

The American Road and Transportation Builders Association said they are against this amendment, and it would force your State to raise its own taxes or force cuts elsewhere to offset massive cuts in Federal highway and transit investments.

I respect my friend, but this is a disaster if it were to pass. I urge a "no" vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 1756.

Mrs. BOXER. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—30

Ayotte	Graham	Moran
Boozman	Grassley	Paul
Burr	Hutchison	Portman
Chambliss	Inhofe	Risch
Coats	Isakson	Roberts
Coburn	Johnson (WI)	Rubio
Corker	Kyl	Sessions
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker

NAYS—67

Akaka	Franken	Murray
Alexander	Gillibrand	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Heller	Reed
Bennet	Hoeven	Reid
Bingaman	Inouye	Rockefeller
Blumenthal	Johanns	Sanders
Blunt	Johnson (SD)	Schumer
Boxer	Kerry	Shaheen
Brown (MA)	Klobuchar	Shelby
Brown (OH)	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Thune
Casey	Lieberman	Udall (CO)
Cochran	Manchin	Udall (NM)
Collins	McCaskill	Warner
Conrad	McConnell	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Enzi	Mikulski	
Feinstein	Murkowski	

NOT VOTING—3

Hatch	Kirk	Lautenberg
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The amendment (No. 1756) was rejected.

AMENDMENT NO. 1759

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1759 offered by the Senator from New Mexico, Mr. BINGAMAN.

The Senator from New Mexico.

Mr. BINGAMAN. When any of our States privatize an existing toll road, it, of course, shifts the responsibility to operate and maintain that toll road to a private entity and gets a cash payment in return.

Under existing law, these privatized toll roads continue to be included in the calculation for receipt of Federal highway funds. I do not think that makes any sense. This is a common-sense amendment to correct that. This amendment simply ensures that privatized toll roads are removed from consideration when we allocate Federal highway funds.

As I say, I think it makes a lot of sense and should apply equally to all States. I urge support for the Bingaman-Durbin amendment.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, what this amendment does is it ultimately eliminates a State's right to leverage its assets over an amortization sched-

ule that would allow it to expand its highway system. What we are doing is we are taking money we have taken from the States, sending it up here, and saying: If you have an asset in your State—unless you are building a brand new road—you cannot use that asset to leverage your capital to build more roads in your State. It is against the 10th amendment. It is morally wrong to take away a State's right to enhance its capital assets.

I urge a "no" vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 1759.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—50

Akaka	Heller	Murray
Begich	Hoeven	Nelson (NE)
Bennet	Hutchison	Nelson (FL)
Bingaman	Inouye	Pryor
Blumenthal	Johnson (SD)	Reed
Brown (OH)	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Sanders
Casey	Leahy	Schumer
Cochran	Levin	Shaheen
Conrad	Lieberman	Stabenow
Durbin	Manchin	Tester
Franken	McCaskill	Udall (CO)
Gillibrand	Menendez	Udall (NM)
Grassley	Merkley	Whitehouse
Hagan	Mikulski	Wyden
Harkin	Murkowski	

NAYS—47

Alexander	Cornyn	Moran
Ayotte	Crapo	Paul
Barrasso	DeMint	Portman
Baucus	Enzi	Risch
Blunt	Feinstein	Roberts
Boozman	Graham	Rubio
Boxer	Inhofe	Sessions
Brown (MA)	Isakson	Shelby
Burr	Johanns	Snowe
Carper	Johnson (WI)	Thune
Chambliss	Kerry	Toomey
Coats	Kyl	Vitter
Coburn	Lee	Warner
Collins	Lugar	Webb
Coons	McCain	Wicker
Corker	McConnell	

NOT VOTING—3

Hatch	Kirk	Lautenberg
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The amendment (No. 1759) was agreed to.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

MOVING AHEAD FOR PROGRESS IN THE 21st CENTURY—Continued

AMENDMENT NO. 1826, AS MODIFIED

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I would like to ask support for my amendment that would approve the Keystone XL Pipeline. It would expand oil and gas exploration on Federal lands and would extend certain tax provisions that are utilized by a number of individuals and businesses throughout the country.

The base of my amendment includes most but not all of the expired energy tax incentives addressed in the amendment that will be offered by my friends on the other side of the aisle. But there is a clear difference in that my amendment addresses the supply side of the equation and avoids extending some of the costly energy provisions that were created under the failed American Recovery and Reinvestment Act of 2009; i.e., the stimulus.

While I support many of the tax provisions included in the Democrats' counterproposal, the majority amendment fails to address the No. 1 issue facing Americans of every walk of life, from farmers to manufacturers, to teachers, which is the rising cost of gasoline. My amendment does just that, and it implements the important first steps toward increasing domestic supplies of conventional energy that our country will rely on for decades to come.

My amendment would cut redtape, open more Federal land for oil and gas exploration and drilling; it would approve the Keystone XL Pipeline, while also extending renewable tax provisions that benefit domestic energy production, businesses, and individuals alike. It also restores expired individual and business tax relief provisions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. It also restores expired individual and business tax relief provisions and, most of all, it promotes economic growth.

Lastly, my amendment does all this without adding to the deficit, which, considering our more than \$15 trillion debt, is something our future generations certainly can appreciate.

I thank my colleagues if they would support this very commonsense, progrowth amendment.

Mr. BENNET. Mr. President, I have come to the floor to discuss the Roberts side-by-side amendment. I support several provisions in Senator ROBERTS' amendment, but, crucially, others miss the mark.

One provision that gives me particular concern relates to the development of oil shale resources in the Rocky Mountain West. I believe we need to take a more cautious approach to oil shale development.

This type of energy development could have enormous implications for Colorado's scarce water supplies and our farming and ranching heritage.

That is why, over the years, a great diversity of voices—from the Rocky Mountain Farmers Union to the Grand Junction Daily Sentinel Editorial Board—have raised concerns over plans to accelerate oil shale development on public land. Yet this amendment would do exactly that.

Mr. President, there are other provisions in the Roberts amendment that are certainly worthy of support. I hope to work with the Senator from Kansas as we continue the discussion about where to make wise investments in our Tax Code and elsewhere.

Ms. CANTWELL. Mr. President, I wish to raise my concerns about the Roberts amendment.

This amendment is a disappointing attempt to play politics with what should be a bipartisan issue: extending the State and local sales tax deduction and other key tax policies. We need to move forward on a serious bipartisan proposal to extend the State sales tax deduction. It is a matter of tax fairness for Washington residents.

But we cannot afford to threaten Washington's coastal economy by opening the West Coast and the Arctic National Wildlife Refuge for drilling.

Therefore, I will not support the Roberts Amendment and I look forward to serious legislation to extend the State sales tax deduction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose the Roberts amendment No. 1826.

My friend from Kansas and I work together in the Agriculture Committee, and I appreciate the great bipartisan work we have been able to do. But I stand to strongly oppose this amendment. I believe that when it comes to energy, we should do it all. We need more domestic production of wind, solar, electric vehicles, advanced batteries. We absolutely need to stop our addiction to foreign oil and create jobs here in America at the same time.

Unfortunately, that is not what this amendment does. It includes the Hoeven language that we defeated ear-

lier last week. We shouldn't be building a pipeline from Canada to China. If we build a pipeline, we should use the oil to lower gas prices for American families. It also includes dangerous requirements for drilling in the Arctic and in offshore locations without any safeguards. Worst of all, it ends tax cuts for wind and clean energy manufacturing at a time when families are paying so much at the pump. It doesn't make sense to raise taxes on the businesses that are trying to reduce our dependence on foreign oil, and it pays for all these changes by adding redtape to working families when they file their taxes, adding more burdens to middle-class families.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, the Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me concur in everything Senator STABENOW said in opposition to this amendment.

There are many reasons to oppose it, but let me add one additional reason, in that it violates the agreement we reached on the debt ceiling on the budget caps for this year and does it on the backs of our Federal workers. Once again, the Republicans are coming forward with another attack on the Federal workforce. Enough is enough. Every amendment, they are picking on the Federal workforce.

I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1826, as modified.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Utah (Mr. HATCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—41

Alexander	Coburn	Hutchison
Ayotte	Cochran	Inhofe
Barrasso	Cornyn	Isakson
Begich	Crapo	Johanns
Blunt	Enzi	Johnson (WI)
Boozman	Graham	Kyl
Burr	Grassley	Lugar
Chambliss	Heller	Manchin
Coats	Hoeven	McCain

McCaskill
McConnell
Moran
Murkowski
Paul

Portman
Risch
Roberts
Sessions
Shelby

Thune
Toomey
Vitter
Wicker

NAYS—57

Akaka
Baucus
Bennet
Bingaman
Blumenthal
Boxer
Brown (MA)
Brown (OH)
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Coons
Corker
DeMint
Durbin
Feinstein

Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson (SD)
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Lee
Levin
Lieberman
Menendez
Merkley
Mikulski
Murray

Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Rubio
Sanders
Schumer
Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Hatch

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. KYL. Mr. President, I rise to explain the reasons I voted for Roberts amendment No. 1826.

First, the amendment would increase America's energy supply by approving the Keystone XL pipeline, opening lands in the Outer Continental Shelf and the Alaska National Wildlife Refuge for drilling, and implementing a commercial leasing program for oil shale.

The amendment would also extend a number of important temporary tax provisions that expired at the end of 2011. Significantly, it would not extend a number of provisions that are unsound policy or no longer necessary.

However, the amendment did extend some provisions that I believe should be ended because they are unwarranted subsidies that distort markets. These include tax credits for energy-efficient homes, alternative fuel vehicle refueling property, biodiesel, energy-efficient appliances, and alternative fuels.

While I supported the Roberts amendment, I do not want this vote to be interpreted as support for each and every provision that was included. I hope that as the tax extenders package continues to be considered by Congress, a number of unnecessary and harmful provisions will be eliminated. Ideally, Congress will consider comprehensive tax reform that lowers rates, eliminates special subsidies, and makes sound tax policy permanent.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1812, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent to call up amendment No. 1812, as modified, and ask that the clerk report the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 1812, as modified.

The amendment is as follows:

(Purpose: To prevent a tax increase on American businesses and to provide certainty to job creators by extending certain expiring tax credits relating to energy)

At the end of division D, insert the following:

SEC. _____. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.

(a) IN GENERAL.—Paragraph (2) of section 25C(g) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. _____. EXTENSION OF CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Subsection (f) of section 30 of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after December 31, 2011.

SEC. _____. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION.—Paragraph (2) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. _____. EXTENSION OF CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (H) of section 40(b)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

“(H) APPLICATION OF PARAGRAPH.—

“(i) IN GENERAL.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2014.

“(ii) NO CARRYOVER TO CERTAIN YEARS AFTER EXPIRATION.—If this paragraph ceases to apply for any period by reason of clause (i), rules similar to the rules of subsection (e)(2) shall apply.”.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Paragraph (2) of section 40(e) of the Internal Revenue Code of 1986 is amended by striking “or subsection (b)(6)(H)”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in section 15321(b) of the Heartland, Habitat, and Horticulture Act of 2008.

SEC. _____. ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF THE CELLULOSIC BIOFUEL PRODUCER CREDIT, ETC.

(a) IN GENERAL.—Subclause (I) of section 40(b)(6)(E)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) is derived by, or from, qualified feedstocks, and”.

(b) QUALIFIED FEEDSTOCK; SPECIAL RULES FOR ALGAE.—Paragraph (6) of section 40(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (F), (G), and (H), as amended by this Act, as subparagraphs (H), (I), and (J), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

“(F) QUALIFIED FEEDSTOCK.—For purposes of this paragraph, the term ‘qualified feedstock’ means—

“(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

“(ii) any cultivated algae, cyanobacteria, or lemnas.

“(G) SPECIAL RULES FOR ALGAE.—In the case of fuel which is derived by, or from, feedstock described in subparagraph (F)(ii) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II) and the refined fuel is not excluded under subparagraph (E)(iii)—

“(i) such sale shall be treated as described in subparagraph (C)(i),

“(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) and as not being excluded under subparagraph (E)(iii) in the hands of such taxpayer, and

“(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) shall not be taken into account under subparagraph (C) with respect to the taxpayer or any other person.”.

(c) ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 168(l)(2) of the Internal Revenue Code of 1986 is amended by striking “solely to produce cellulosic biofuel” and inserting “solely to produce second generation biofuel (as defined in section 40(b)(6)(E))”.

(2) CONFORMING AMENDMENTS.—Subsection (1) of section 168 of such Code is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”,

(B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively,

(C) by striking “CELLULOSIC” in the heading of such subsection and inserting “SECOND GENERATION”, and

(D) by striking “CELLULOSIC” in the heading of paragraph (2) and inserting “SECOND GENERATION”.

(d) CONFORMING AMENDMENTS.—

(1) Section 40 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”,

(B) by striking “CELLULOSIC” in the headings of subsections (b)(6), (b)(6)(E), and (d)(3)(D) and inserting “SECOND GENERATION”, and

(C) by striking “CELLULOSIC” in the headings of subsections (b)(6)(C), (b)(6)(D), (b)(6)(H), (d)(6), and (e)(3) and inserting “SECOND GENERATION”.

(2) Clause (ii) of section 40(b)(6)(E) of such Code is amended by striking “Such term shall not” and inserting “The term ‘second generation biofuel’ shall not”.

(3) Paragraph (1) of section 4101(a) of such Code is amended by striking “cellulosic biofuel” and inserting “second generation biofuel”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

(2) APPLICATION TO BONUS DEPRECIATION.—The amendments made by subsection (c) shall apply to property placed in service after the date of the enactment of this Act.

SEC. _____. EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(2) Subparagraph (B) of section 6427(e)(6) of such Code is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SEC. _____. EXTENSION OF PRODUCTION CREDIT FOR REFINED COAL.

(a) IN GENERAL.—Subparagraph (B) of section 45(d)(8) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2011.

SEC. _____. EXTENSION OF PRODUCTION CREDIT.

(a) IN GENERAL.—Section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2014” each place it appears in paragraphs (2), (3), (4), (6), (7), (9), and (11) and inserting “January 1, 2015”.

(b) WIND FACILITIES.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(c) INCREASED CREDIT AMOUNT FOR INDIAN COAL FACILITIES PLACED IN SERVICE BEFORE 2009.—Subparagraph (A) of section 45(e)(10) of the Internal Revenue Code of 1986 is amended by striking “7-year period” each place it appears and inserting “8-year period”.

(d) CONFORMING AMENDMENTS.—Subsection (e) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) by striking “January 1, 2013” in paragraph (1) and inserting “January 1, 2014”, and

(2) by striking “January 1, 2014” in paragraph (2) and inserting “January 1, 2015”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to facilities placed in service after December 31, 2012.

(2) INDIAN COAL.—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. _____. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) IN GENERAL.—Subsection (g) of section 45L of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2011.

SEC. _____. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT APPLIANCES.

(a) IN GENERAL.—Section 45M(b) of the Internal Revenue Code of 1986 is amended by striking “2011” each place it appears other than in the provisions specified in subsection (b), and inserting “2011 or 2012”.

(b) PROVISIONS SPECIFIED.—The provisions of section 45M(b) of the Internal Revenue Code of 1986 specified in this subsection are subparagraph (C) of paragraph (1) and subparagraph (E) of paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2011.

SEC. _____. EXTENSION OF ELECTION OF INVESTMENT TAX CREDIT IN LIEU OF PRODUCTION CREDIT.

(a) IN GENERAL.—Clause (ii) of section 48(a)(5)(C) of the Internal Revenue Code of

1986 is amended by striking “or 2013” and inserting “2013, or 2014”.

(b) WIND FACILITIES.—Clause (i) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking “Any qualified facility” and all that follows and inserting “Any facility which is—

“(I) a qualified facility (within the meaning of section 45) described in paragraph (1) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, 2012, or 2013, or

“(II) a qualifying offshore wind facility, if such facility is placed in service in 2012, 2013, or 2014.”.

(c) QUALIFYING OFFSHORE WIND FACILITY.—Paragraph (5) of section 48(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) QUALIFYING OFFSHORE WIND FACILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualifying offshore wind facility’ means an offshore facility using wind to produce electricity.

“(ii) OFFSHORE FACILITY.—The term ‘offshore facility’ means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of the United States, and the Outer Continental Shelf of the United States. For purposes of the preceding sentence, the term ‘United States’ has the meaning given in section 638(1).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2011.

SEC. _____. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 48C(d)(1) of the Internal Revenue Code of 1986 is amended by striking “\$2,300,000,000” and inserting “\$4,600,000,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. _____. EXTENSION OF SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Subparagraph (D) of section 168(l)(2) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 168(l) of the Internal Revenue Code of 1986, as redesignated by this Act, is amended—

(1) by striking “and” at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C), and

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) by substituting ‘January 1, 2014’ for ‘January 1, 2013’ in clause (i) thereof, and”.

SEC. _____. EXTENSION OF SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. _____. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SEC. _____. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009, as amended by section 707 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended—

(1) by striking “or 2011” in paragraph (1) and inserting “2011, or 2012”, and

(2) in paragraph (2)—

(A) by striking “after 2011” and inserting “after 2012”, and

(B) by striking “or 2011” and inserting “2011, or 2012”.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act, as so amended, is amended by striking “2012” and inserting “2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2011.

SEC. _____. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. _____. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

Ms. STABENOW. Mr. President, I urge my colleagues to support this amendment to stop the tax increase on American businesses that are creating clean-energy jobs. Especially now when gas prices are going up and families are struggling more than ever to fill the tank, we shouldn't be raising taxes on innovators and job creators who are helping to lower America's energy bills. My amendment extends 19 different tax cuts for innovative businesses that account for 2.7 million jobs.

Let me also say that the oil industry has benefited from special tax benefits for almost 100 years. The cost of this is not offset, it is part of the Tax Code. Yet the tax cuts that will create American jobs to get us off foreign oil have been extended only a year at a time, and they have been subject to different budget rules. This makes no sense.

If we want to see “Made in America” again, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. RISCH. I yield back our time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Illinois (Mr. KIRK) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted “nay.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—49

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—49

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Heller	Portman
Blunt	Hoehn	Risch
Boozman	Hutchison	Roberts
Brown (MA)	Inhofe	Rubio
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Snowe
Coburn	Kyl	Thune
Cochran	Lee	Toomey
Collins	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCaain	Webb
Crapo	McCaskill	Wicker
DeMint	McConnell	
Enzi	Moran	

NOT VOTING—2

Hatch Kirk

The PRESIDING OFFICER (Mr. FRANKEN). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

AMENDMENT NO. 1589

There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1589, offered by the Senator from South Carolina Mr. DEMINT.

Mr. DEMINT. Mr. President, we have all complained about the big corporations that don't pay any taxes, only to find that many times that is because we offer some tax subsidy that allows them to get out of taxes. We have complained about subsidies for Big Oil, Big Natural Gas. We have given subsidies to companies that go out of business because we are trying to pick winners and losers. Temporary tax policy for whatever we are trying to do does not work.

This amendment eliminates the tax subsidies, the loopholes we talk about not just for Big Oil but for all of the energy tax credits. Folks, if we let the market work, we are going to have wind, we are going to have solar, but we are going to have it in a way that

does not waste the money of hard-working taxpayers.

So I encourage my colleagues' support. I know a lot of my colleagues have new subsidies they are proposing, but it is no way to run a free market economy, to try to run it from this room. Let's get rid of subsidies, lower the corporate tax rate, and let our country work.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment does two things. First, it increases taxes on business men and women trying to provide some alternative energy for this country. It increases taxes on those men and women.

Second, it eases out revenue by increasing taxes on individuals and uses it to lower the corporate tax rate. That is one of the main things this does.

Third, it repeals credits and deductions on one section of our energy industry—the renewables, the alternatives—but it doesn't for conventional oil and gas.

So, No. 1, this raises taxes on individuals and uses it to lower the corporate rate; and, No. 2, it is unbalanced because it reduces credits and deductions in the alternative area but not on the conventional energy area. It is unbalanced and wrong. I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 26, nays 72, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—26

Ayotte	Graham	Portman
Blunt	Inhofe	Risch
Burr	Johanns	Rubio
Chambliss	Johnson (WI)	Sessions
Coats	Kyl	Shelby
Coburn	Lee	Toomey
Corker	McCain	Vitter
Crapo	McConnell	Wicker
DeMint	Paul	

NAYS—72

Akaka	Begich	Boozman
Alexander	Bennet	Boxer
Barrasso	Bingaman	Brown (MA)
Baucus	Blumenthal	Brown (OH)

Cantwell	Inouye	Nelson (NE)
Cardin	Isakson	Nelson (FL)
Carper	Johnson (SD)	Pryor
Casey	Kerry	Reed
Cochran	Klobuchar	Reid
Collins	Kohl	Roberts
Conrad	Landrieu	Rockefeller
Coons	Lautenberg	Sanders
Cornyn	Leahy	Schumer
Durbin	Levin	Shaheen
Enzi	Lieberman	Snowe
Feinstein	Lugar	Stabenow
Franken	Manchin	Tester
Gillibrand	McCaskill	Thune
Grassley	Menendez	Udall (CO)
Hagan	Merkley	Udall (NM)
Harkin	Mikulski	Warner
Heller	Moran	Webb
Hooven	Murkowski	Whitehouse
Hutchison	Murray	Wyden

NOT VOTING—2

Hatch Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from New Jersey.

AMENDMENT NO. 1782

(Purpose: To amend the Internal Revenue Code of 1986 to modify certain tax credits relating to energy, and for other purposes)

Mr. MENENDEZ. Mr. President, I ask to set aside the pending amendment and offer Menendez-Burr amendment No. 1782, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. BURR, and Mr. REID, proposes an amendment numbered 1782.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Monday, March 5, 2012, under "Text of Amendments.")

Mr. MENENDEZ. Mr. President, gas prices are skyrocketing. Meanwhile, natural gas is \$1.50 cheaper than gasoline. We have a 100-plus-year supply of natural gas we can draw from. The only thing that is in our way is we have so few natural gas vehicles and refueling stations on the road.

The NAT GAS Act gives manufacturers and utilities the assurance that the Federal Government will help jumpstart this market, adding over 700,000 natural gas vehicles to our roads and displacing over 20 billion gallons of petroleum fuel, mostly from our bus and truck fleets. It does all this while being paid for by a surcharge on the users who will benefit from the amendment.

We know there are some industries that have concern. Instead of exporting natural gas, which we are about to do in this country, let's use it in America so we can give our drivers an option. I urge my colleagues to vote for this bipartisan amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BURR. Mr. President, I would like to be recognized.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, let me say to my colleagues, what this simply does is to take something that is happening naturally—a transition from diesel, in most cases, over to natural gas—and it accelerates it. It gives it a 5-hour energy drink. We should take this opportunity to accelerate it as fast as we can. It is paid for, as Senator MENENDEZ said.

This is essential if we want natural gas prices to stay down—increase demand. If not, we are going to shut in wells, we are going to find ways to sell it offshore.

If we want to keep historically low natural gas prices, then let's increase demand so production increases and we can take advantage of all these finds we have all over the United States of America.

Mr. CORNYN. Mr. President, today I come to the floor to express concerns about the Menendez/Burr amendment, to include the NAT GAS Act in the transportation bill.

This legislation would provide tax credits to promote natural gas vehicles and refueling infrastructure by imposing a user fee on natural gas fuel used as vehicle fuel. Although the tax credits are detailed in the legislation, it is less certain whether the imposition of a new tax applied to Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG) used for transportation will cover the costs of the subsidies.

Instead of providing more directives from Washington to the marketplace, Congress should be concerned with the overall access to energy, and the President should work to alleviate the pain caused by his policies which raise energy prices. Companies and consumers can make their own choices about what fuel to use, and what kind of car to drive. We should be out of the game of favoring one choice over another, and ensure that fuel supplies are not unnecessarily restricted.

Consumer choice should be the driver of technology in the marketplace, not securing favor in Washington. In fact today consumers can evaluate a myriad of vehicles that fit their needs, from hybrids to traditional gasoline-powered vehicles. In addition, the high cost of gasoline and lower cost of natural gas has already led General Motors and Chrysler/Dodge to announce plans to build natural gas fueled pickup trucks.

While the market is already seeing some transition toward natural gas vehicles, President Obama's policies to limit supplies of fossil fuels could cause economic pain for natural gas users in the future. President Obama's support of duplicative, unnecessary regulations at the federal level, raising taxes on producers, and restricting access to federal lands by keeping them off-limits or by slow-walking permits, will result in raising natural gas prices by reducing supply.

Unfortunately, the Obama administration continues to enact policies that harm oil and natural gas production. Consider the rising cost of gasoline and the Obama administration's failure to take concrete actions to alleviate the pain Americans are feeling at the pump. The average U.S. price of a gallon of regular gasoline has more than doubled since the week of his inauguration in January 2009, from \$1.84 to \$3.82.

I have great pride for my home state of Texas, and the countless producers and operators who have made Texas the leading U.S. producer of oil and natural gas, and we know that America has only just begun to tap its vast resources. Unfortunately, the Obama administration's proposed offshore oil and natural gas leasing plan for 2012 to 2017 eliminates 50 percent of lease sales provided for in the previous plan, and imposes a moratorium on developing energy from 14 billion barrels of oil and 55 trillion cubic feet of natural gas in the Atlantic and Pacific oceans.

Expanding access to federal onshore and offshore lands, and eliminating permit delays for leases, could help reduce prices and strengthen our energy security while creating jobs and boosting tax revenues. The moratorium on exploration in the Gulf of Mexico, and persistent delays for permits in shallow and deep water leases, could result in a 19 percent decrease in production in 2012 compared to 2010, according to the Energy Information Administration.

At the same time the President highlights our Nation's vast natural gas resources, his administration through the Environmental Protection Agency (EPA) is considering burdensome new regulations on which would make securing that fuel much more difficult. The U.S. Chamber of Commerce reports that the EPA alone "is moving forward with 31 major economic rules and 172 major policy rules" that affect our energy supply. The Chamber rightly calls this "an unprecedented level of regulatory action."

Given the Administration's track record with gasoline prices, it is easy to see a similar direction for natural gas prices in the future—particularly as the EPA continues to propose devastating regulations that lead to the retirement of coal-fired electricity generation and ensure greater demand for natural gas in power generation. American energy producers are also deeply worried about the EPA's proposed greenhouse gas regulations, which will serve as an energy tax on all consumers.

I know there are natural gas producers and transit authorities in my State who favor this legislation, however, instead of directing demand for a product, I believe we should concern ourselves with ensuring ample supplies of the fuels we need. We should promote access to our Nation's natural gas, and discourage duplicative regula-

tions, and stay out of the business of manipulating demand for its use and leave that to the marketplace.

Mr. BENNET. Mr. President, I rise to express my support for the Menendez-Burr amendment, No. 1782, dealing with natural gas vehicles. We have an opportunity today to reduce our dependence on foreign oil by diversifying our vehicle fleet to run on a fuel that is not made from crude oil.

The Menendez-Burr amendment—which I cosponsor—would make smart investments designed to spur greater production of vehicles that run on natural gas. Advances in technology have unlocked new reserves of natural gas in this country. And we ought to be using this resource—which burns cleaner than any other fossil fuel—to power a greater share of our economy.

Natural gas is a domestic resource that we now have in relative abundance. Its development has driven economic growth in Colorado and across the Nation. Passage of the Menendez-Burr amendment would create even more economic opportunities by building and retrofitting vehicles to run on natural gas.

To be sure, natural gas alone is not going to solve our problems. We need to focus on continued increases in vehicle efficiency. We have recently made great strides in that arena.

We also need to be sure we are developing natural gas in an environmentally responsible way. Colorado has been a leader on this point—with the strongest rules in the Nation—in ensuring that natural gas development protects communities and drinking water. Nationally more needs to be done to protect those living adjacent to development. I think all States should look to our rules in Colorado as a national model.

In short, this amendment will diversify our vehicle fleet, drive continued economic growth in the energy sector, and clean up our air—all while reducing our dependence on foreign oil. I urge my colleagues to support the Menendez-Burr amendment when it comes for a vote later today.

I thank the Presiding Officer.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is there debate in opposition?

If not, the question is on agreeing to amendment No. 1782.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—51

Akaka	Coons	Menendez
Baucus	Durbin	Merkley
Begich	Feinstein	Mikulski
Bennet	Franken	Murray
Bingaman	Gillibrand	Nelson (FL)
Blumenthal	Hagan	Reed
Boxer	Inouye	Reid
Brown (OH)	Isakson	Rockefeller
Burr	Johnson (SD)	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Snowe
Carper	Kohl	Tester
Casey	Landrieu	Udall (CO)
Chambliss	Lautenberg	Udall (NM)
Coburn	Lieberman	Warner
Collins	Manchin	Whitehouse
Conrad	McCaskill	Wyden

NAYS—47

Alexander	Heller	Paul
Ayotte	Hoeven	Portman
Barrasso	Hutchison	Pryor
Blunt	Inhofe	Risch
Boozman	Johanns	Roberts
Brown (MA)	Johnson (WI)	Rubio
Coats	Kyl	Sanders
Cochran	Leahy	Sessions
Corker	Lee	Shelby
Cornyn	Levin	Stabenow
Crapo	Lugar	Thune
DeMint	McCain	Toomey
Enzi	McConnell	Vitter
Graham	Moran	Webb
Grassley	Murkowski	Wicker
Harkin	Nelson (NE)	

NOT VOTING—2

Hatch	Kirk
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

AMENDMENT NO. 1517

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided, prior to a vote in relation to amendment No. 1517, offered by the Senator from Indiana Mr. COATS.

Mr. COATS. Mr. President, this amendment is very simple. It is a matter of equity and fairness.

The reality is that a majority of States, such as Indiana, my State, and many others do not receive their fair share of the distribution of highway funds. This bill unfairly rewards a minority of States that have collected earmarks in the past that go to establishing the historical benchmark from which the distributions are made. This amendment creates a new system by which everyone is treated equally and treated fairly.

A system of winners and losers is not the way we should go forward with distributing funds that are paid by our taxpayers for the building of roads and bridges. So let's address the current inequity in this bill and give each State its rightful share. I ask my colleagues for their support.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this is a killer amendment. Our committee voted 18 to 0 on a bipartisan bill that set out the formulas in a very fair way. What did we do? We didn't want to jolt

the States in the middle of a tough economic time, so we kept that funding in place. Again, the distribution is very fair.

In contrast, we have a lot of drafting problems with my friend's amendment. The Department of Transportation says it doesn't even specify that the gas taxes will not be factored in as Federal gas taxes. It just has a flaw in it. It is also very biased because traditionally we have always distributed these funds to States based on numerous factors, need-based factors: lane miles in a State, the cost to repair or replace deficient bridges, the vehicle miles traveled.

So I would say to my friend, I appreciate the spirit with which he offers this amendment. I understand the spirit it is one that he can be proud of.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. But this, in fact, at the end of the day, ruins the bill, and I urge a "no" vote.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Indiana.

Mr. COATS. I urge my colleagues to take a look at getting fairness in the distribution of funds. A majority of States are not treated fairly.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1517.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—28

Alexander	Hagan	McCain
Brown (OH)	Heller	McConnell
Burr	Hutchison	Moran
Chambliss	Isakson	Paul
Coats	Johanns	Portman
Corker	Johnson (WI)	Roberts
Cornyn	Kyl	Rubio
DeMint	Lee	Stabenow
Graham	Levin	
Grassley	Lugar	

NAYS—70

Akaka	Blumenthal	Carper
Ayotte	Blunt	Casey
Barrasso	Boozman	Coburn
Baucus	Boxer	Cochran
Begich	Brown (MA)	Collins
Bennet	Cantwell	Conrad
Bingaman	Cardin	Coons

Crapo	Lieberman	Sessions
Durbin	Manchin	Shaheen
Enzi	McCaskill	Shelby
Feinstein	Menendez	Snowe
Franken	Merkley	Tester
Gillibrand	Mikulski	Thune
Harkin	Murkowski	Toomey
Hoeven	Murray	Udall (CO)
Inhofe	Nelson (NE)	Udall (NM)
Inouye	Nelson (FL)	Vitter
Johnson (SD)	Pryor	Warner
Kerry	Reed	Webb
Klobuchar	Reid	Whitehouse
Kohl	Risch	Wicker
Landrieu	Rockefeller	Wyden
Lautenberg	Sanders	
Leahy	Schumer	

NOT VOTING—2

Hatch Kirk

The amendment (No. 1517) was rejected.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Ohio.

AMENDMENT NO. 1819

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1819.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. MERKLEY, proposes an amendment numbered 1819.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To close a loophole in current law which has allowed public infrastructure projects to be outsourced, to standardize the process by which the Secretary of Transportation responds to requests for waivers to applicable Buy America provisions, and to require the Secretary to report annually to Congress regarding such waivers)

On page 490, between lines 3 and 4, insert the following:

SEC. 1528. BUY AMERICA PROVISIONS.

Section 313 of title 23, United States Code, is amended by adding at the end the following:

"(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title."

On page 900, between lines 9 and 10, insert the following:

"(10) APPLICATION TO TRANSIT PROGRAMS.—The requirements under this subsection shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter."

On page 904, between lines 6 and 7, insert the following:

On page 1314, after the matter following line 18, insert the following:

SEC. 330. BUY AMERICA WAIVER REQUIREMENTS.

(a) NOTICE AND COMMENT OPPORTUNITIES.—

(1) IN GENERAL.—If the Secretary receives a request for a waiver under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

(2) NOTICE REQUIREMENTS.—Each notice provided under paragraph (1)—

(A) shall include the information available to the Secretary concerning the request, including the requestor's justification for such request; and

(B) shall be provided electronically, including on the official public Internet website of the Department.

(3) PUBLICATION OF DETAILED JUSTIFICATION.—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in paragraph (1), the Secretary shall publish, in the Federal Register, a detailed justification for the waiver that—

(A) addresses the public comments received under paragraph (1); and

(B) is published before the waiver takes effect.

(b) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

(c) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in paragraph (1) to determine whether continuing such waiver is necessary.

(d) BUY AMERICA REPORTING.—Section 308 of title 49, United States Code, is amended by inserting after subsection (c) the following:

"(d) Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

"(1) specifies each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, during the preceding calendar year;

"(2) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under paragraph (1); and

"(3) summarizes the monetary value of contracts awarded pursuant to each such waiver."

On page 1449, between lines 11 and 12, insert the following:

SEC. 36210. AMTRAK.

Section 24305(f) of title 49, United States Code, is amended by adding at the end the following:

"(5) The requirements under this subsection shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the

applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter."

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1819 offered by the Senator from Ohio, Mr. BROWN.

Mr. BROWN of Ohio. Madam President, our amendment requires DOT to report annually on waivers, including analysis of taxpayer dollars that are spent on foreign materials and infrastructure. It closes a loophole that currently exists that allows the project to be split into several pieces, thus evading "Buy American" requirements.

The San Francisco-Oakland Bay Bridge is the most outrageous example of that. The \$6 billion project was divided into 20 separate construction contracts, resulting in a Chinese-owned company building a 520-foot steel tower and 28 steel bridge decks. That was not what this was meant to do.

It is modeled on language House Republicans passed. It is consistent with our international trade obligations.

I yield the remainder of my time to Senator MERKLEY, a cosponsor.

Mr. MERKLEY. Madam President, transportation projects financed by American taxpayers should, to the maximum extent possible, be built using American materials and American workers. But all too often loopholes have crept in that have resulted in American transportation projects paid for with American taxpayer money being built by Chinese firms with Chinese workers and Chinese steel. It is wrong. Please support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. REID. I yield back.

The PRESIDING OFFICER. The time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 1819) was agreed to.

AMENDMENT NO. 1540

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on amendment No. 1540, offered by the Senator from Missouri, Mr. BLUNT.

The Senator from Missouri is recognized.

Mr. BLUNT. Madam President, this amendment would continue the current practice in which 15 percent of the bridge money that goes to States goes to local governments. If you have talked to a county commissioner anywhere in the country about the highway bill, my guess is they mentioned continuing the current policy on sharing some of this bridge money with

local governments. It doesn't increase the amount of money; what it does is continue current policy. I think every county commissioner in America would be relieved if they were going to continue to maintain their bridges.

I urge a "yes" vote on this amendment.

The PRESIDING OFFICER. Who will yield time in opposition?

Mrs. BOXER. We yield back.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 1540) was agreed to.

AMENDMENT NO. 1814, AS MODIFIED

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask to call up the Merkley-Toomey amendment, as modified, that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself, Mr. TOOMEY, and Mr. BLUNT, proposes an amendment numbered 1814, as modified.

The amendment is as follows:

(Purpose: To provide exemptions from requirements for certain farm vehicles)

At the end of subtitle E of title I of division A, add the following:

SEC. ____ EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN FARM VEHICLES.

(a) FEDERAL REQUIREMENTS.—A covered farm vehicle, including the individual operating that vehicle, shall be exempt from the following:

(1) Any requirement relating to commercial driver's licenses established under chapter 313 of title 49, United States Code.

(2) Any requirement relating to medical certificates established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 313 of title 49, United States Code.

(3) Any requirement relating to hours of service established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(4) Any requirement relating to vehicle inspection, repair, and maintenance established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(b) STATE REQUIREMENTS.—

(1) IN GENERAL.—Federal transportation funding to a State may not be terminated, limited, or otherwise interfered with as a result of the State exempting a covered farm vehicle, including the individual operating that vehicle, from any State requirement relating to the operation of that vehicle.

(2) EXCEPTION.—Paragraph (1) does not apply with respect to a covered farm vehicle transporting hazardous materials that require a placard.

(3) STATE REQUIREMENTS.—Notwithstanding section (a) or any other provision of

law, a State may enact and enforce safety requirements related to covered farm vehicles.

(c) COVERED FARM VEHICLE DEFINED.—

(1) IN GENERAL.—In this section, the term "covered farm vehicle" means a motor vehicle (including an articulated motor vehicle)—

(A) that—

(i) is traveling in the State in which the vehicle is registered or another State;

(ii) is operated by—

(I) a farm owner or operator;

(II) a ranch owner or operator; or

(III) an employee or family member of an individual specified in subclause (I) or (II);

(iii) is transporting to or from a farm or ranch—

(I) agricultural commodities;

(II) livestock; or

(III) machinery or supplies;

(iv) except as provided in paragraph (2), is not used in the operations of a for-hire motor carrier; and

(v) is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and

(B) that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is—

(i) 26,001 pounds or less; or

(ii) greater than 26,001 pounds and traveling within the State or within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

(2) INCLUSION.—In this section, the term "covered farm vehicle" includes a motor vehicle that meets the requirements of paragraph (1) (other than paragraph (1)(A)(iv)) and is—

(A) operated pursuant to a crop share farm lease agreement;

(B) owned by a tenant with respect to that agreement; and

(C) transporting the landlord's portion of the crops under that agreement.

(d) SAFETY STUDY.—The Secretary shall conduct a study of the exemption required by section (a) as follows—

(1) Data and analysis of covered farm vehicles shall include:

(A) the number of vehicles that are operated subject to each of the regulatory exemptions permitted under section (a);

(B) the number of drivers that operate covered farm vehicles subject to each of the regulatory exemptions permitted under section (a);

(C) the number of crashes involving covered farm vehicles;

(D) the number of occupants and non-occupants injured in crashes involving covered farm vehicles;

(E) the number of fatalities of occupants and non-occupants killed in crashes involving farm vehicles;

(F) crash investigations and accident reconstruction investigations of all fatalities in crashes involving covered farm vehicles;

(G) overall operating mileage of covered farm vehicles;

(H) numbers of covered farm vehicles that operate in neighboring states; and

(I) any other data the Secretary deems necessary to analyze and include.

(2) A listing of state regulations issued and maintained in each state that are identical to the federal regulations that are subject to exemption in section (a).

(3) The Secretary shall report the findings of the study to the appropriate committees of the Congress not later than 18 months after enactment of MAP-21.

Mr. MERKLEY. Madam President, I first defer to my colleague across the aisle to speak to the bill.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1814, offered by the Senator from Oregon.

Mr. BLUNT. I thank the Senator for yielding. I am pleased to join him on this amendment. This would allow family farmers to use their vehicles within 150 miles of their farm without having to have a commercial driver's license. It is a requirement that wouldn't make sense for those businesses. I urge its passage.

I yield to Mr. TOOMEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. I thank the Senator from Missouri and the Senator from Oregon for working together on this amendment.

Under current regulations, the States are essentially required to adopt rules that would force a family farmer who is driving a tractor across the street to follow the same kinds of rules and regulations that a cross-country long-haul truckdriver has to comply with in terms of hours of service and regulations and logbooks. It is a solution in search of a problem. It is costly. It is unnecessary.

I urge adoption of the amendment, and I yield back to the Senator from Oregon.

Mr. MERKLEY. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I ask for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, this is simple common sense, that you can drive across your State, but if the place you drop off your food is across the border, you have to put it into an interstate truck to go 1 mile down the road. That makes no sense for farmers, it makes no sense for safety.

This is a sort of commonsense solution along borders, allowing farmers to get their food from the farm to the depot, be that an airplane depot, or put it on a barge, put it on a ship, be that put it in an interstate truck. It is common sense. Let's do it.

The PRESIDING OFFICER. Is there any time to be used in opposition?

If not, the question is on agreeing to the amendment.

The amendment (No. 1814, as modified) was agreed to.

AMENDMENT NO. 1617

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to call up amendment No. 1617, the Klobuchar-Roberts Agriculture Hours of Service amendment and ask the clerk to report the amendment by number.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR], for herself and Mr. ROBERTS, proposes an amendment numbered 1617.

The amendment is as follows:

(Purpose: To amend the Motor Carrier Safety Improvement Act of 1999 to provide clarification regarding the applicability of exemptions relating to the transportation of agricultural commodities and farm supplies, and for other purposes)

In section 32101, add at the end the following:

(d) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended to read as follows:

“(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to—

“(A) drivers transporting agricultural commodities in the State from the source of the agricultural commodities to a location within a 100 air-mile radius from the source;

“(B) drivers transporting farm supplies for agricultural purposes in the State from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 100 air-mile radius from the distribution point; or

“(C) drivers transporting farm supplies for agricultural purposes in the State from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 100 air-mile radius from the wholesale distribution point.”.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Ms. KLOBUCHAR. Madam President, the Klobuchar-Roberts amendment would clarify the way the Federal Motor Carriers Safety Administration currently implements and enforces an exemption to hours of service rules as they apply to the agriculture industry during spring planting and fall harvesting. Our amendment reinforces existing law and brings the exemption back to the way it was implemented from 1995 to 2009.

This is a commonsense change with broad support. It has the backing of the American Trucking Association as well as 50 agricultural organizations which includes the American Farm Bureau Federation and the National Farmers Union.

I thank Senator ROBERTS for his leadership on this important issue, as well as Senators NELSON, MCCASKILL, JOHANNIS, and LUGAR for their strong support and cosponsorship.

I ask my colleagues to vote for this amendment.

Mr. ROBERTS. Madam President, I would like to associate myself with the comments made by my colleague from Minnesota and urge my colleagues to

vote in favor of Amendment No. 1617, the Klobuchar, Roberts, Ben Nelson, McCaskill, Johannis, and Lugar amendment to clarify Hours of Service—HOS—exemption for Ag transportation.

The Motor Carrier Safety Improvement Act expressly states:

Regulations prescribed by the Secretary regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.

We believe this statute alone, not to mention clear Congressional intent demonstrated in previous sessions, clearly allows the transportation of all farm supplies from any distribution point to a local farm retailer or to the ultimate consumer—in other words, from source to retail, source to farm, and retail to farm.

Unfortunately, in 2009 the Federal Motor Carrier Safety Administration—FMCSA—began to misinterpret both the statute and Congressional intent.

Currently, FMCSA only allows for the transportation of a single farm supply—anhydrous ammonia—from any distribution point to a local farm retailer or to the ultimate consumer. While anhydrous ammonia is perhaps the most widely used farm supply to be transported under the AgHOS regulations, many other critical farm supplies have been excluded because of the agency's interpretation. This severely hinders the flexibility our farmers need during planting and harvesting seasons.

FMCSA, through several waivers granted over the past two years, has recognized the need for an exemption to their motor carrier regulations.

Therefore, our amendment will reinforce what we believe is existing law by clarifying that a driver transporting farm supplies from source to retail, source to farm, and retail to farm is included in the Ag Hours of Service exemption.

This amendment is a commonsense approach to simply clarify what is already existing law and will provide our Nation's farmers with the flexibility they need to feed an ever-growing Nation and world.

I yield the floor and, again, strongly encourage my friends to vote in favor of this commonsense amendment.

The PRESIDING OFFICER. Is there debate in opposition?

If not, the question is on agreeing to the amendment.

The amendment (No. 1617) was agreed to.

AMENDMENT NO. 1736

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on amendment No. 1736, offered by the Senator from Ohio, Mr. PORTMAN.

Mr. PORTMAN. Madam President, I urge my colleagues to support this amendment. This is similar to an amendment we voted on earlier today. This is simply a State opt-out, giving States the discretion to be able to opt out should they choose to. The highway trust fund has been bailed out three times from the general fund to the tune of about \$35 billion. This would enable us to put more money directly into roads and bridges. The highway trust fund spent about \$78 billion on projects not related to that over the period 2004 to 2008.

Again, I encourage my colleagues to support this opportunity for us to get back on a fiscally sustainable path, eliminate waste, allow the States the flexibility they need to maintain our roads and bridges back home.

I urge my colleagues to support it.

I yield my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, could we have order?

First, thank you to all colleagues for your amazing cooperation. I hope we vote this down because we already did vote down a similar amendment.

This is another amendment that would devolve the Federal Aid Highway Program back to the States. In closing, let me quote from the American Road and Transportation Builders. This is what they say:

Allowing States to opt out of the Federal highway program ignores the role of the U.S. highway network in supporting the national economy and the reliance of each State's economy on the ability to ship products efficiently across borders.

This is not good for our economy. I urge a "no" vote.

Mr. HARKIN. Will the Senator yield for a minute?

Mrs. BOXER. Sure.

Mr. HARKIN. I am also told this would exempt States from having to meet their obligation under the Americans With Disabilities Act to provide equal access to people with disabilities.

Mrs. BOXER. This would essentially devolve the whole program, go against what Dwight Eisenhower had in mind when he started the National Highway System.

I urge a "no" vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Ohio has 14 seconds. Does he wish to use them?

Mr. PORTMAN. This is simply an opt-out, it is not a mandate. It gives the States the discretion to do it. The States would be required to support the highway system. It is a different vote from the previous amendment.

I urge my colleagues to support this commonsense approach to make sure we get more money into our roads and bridges.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—30

Alexander	DeMint	McCain
Ayotte	Graham	McConnell
Boozman	Grassley	Moran
Burr	Heller	Paul
Chambliss	Isakson	Portman
Coats	Johanns	Roberts
Coburn	Johnson (WI)	Rubio
Cochran	Kyl	Toomey
Corker	Lee	Vitter
Cornyn	Lugar	Wicker

NAYS—68

Akaka	Gillibrand	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Hoeven	Reed
Bennet	Hutchison	Reid
Bingaman	Inhofe	Risch
Blumenthal	Inouye	Rockefeller
Blunt	Johnson (SD)	Sanders
Boxer	Kerry	Schumer
Brown (MA)	Klobuchar	Sessions
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Shelby
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Thune
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Crapo	Menendez	Warner
Durbin	Merkley	Webb
Enzi	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	

NOT VOTING—2

Hatch Kirk

The amendment (No. 1736) was rejected.

AMENDMENT NO. 1785, AS MODIFIED

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1785, as modified, offered by the Senator from Tennessee, Mr. CORKER.

The Senator from Tennessee.

Mr. CORKER. Madam President, the whole Nation watched last August as our Nation almost shut down over a debt ceiling vote and a very good law was put in place. Senator REID has called it stronger than any budget resolution we have ever had. We agreed during that vote that what we would do is raise the debt ceiling but lower discretionary caps over the next 10 years in order to lower the deficit. We had

language regarding a budget resolution. Unfortunately, last week we overrode that, but the fact is this bill violates the Budget Control Act we put in place just last August, 7 months ago. For this bill to be truly budget neutral, as was outlined in the spirit of this bill as it was—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORKER. We have to offset discretionary spending by \$11 billion.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, this amendment would lower the non-defense discretionary cap established by the Budget Control Act by \$11 billion to offset transfers from the general fund necessary to replenish the highway trust fund. This amendment is in clear violation of the Budget Control Act we just agreed to 6 months ago. In the simplest terms, the amendment would impose a 2-percent cut to non-defense discretionary spending in order to pay for a shortfall in mandatory spending. I would suggest if you want an offset for mandatory spending, find a mandatory offset.

However, the pending amendment deals with matters within the Budget Committee's jurisdiction; therefore, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. This is the amendment, as modified; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The amendment (No. 1785), as modified, is as follows:

At the end of division D, add the following:

SEC. ____ DISCRETIONARY SPENDING CAP ADJUSTMENT FOR FISCAL YEAR 2013.

Paragraph (2)(A)(ii) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended by striking "\$501,000,000,000" and inserting "\$490,000,000,000".

Mr. CORKER. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974 and 4G3 of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 58, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—40

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hoeven	Portman
Blunt	Hutchison	Risch
Boozman	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	
Enzi	Moran	

NAYS—58

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Heller	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NOT VOTING—2

Hatch Kirk

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment fails.

Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that Shaheen amendment No. 1678 be considered following Paul amendment No. 1556.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1742

There is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1742, offered by the Senator from Ohio, Mr. PORTMAN.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, this amendment is about States being able to control what happens at their rest areas. It is a very important amendment. It is supported by a number of different groups: the National Governors Association, the American Association of State Highway and Transportation Officials, Citizens Against Government Waste, a lot of private sector entities, as well as other organizations.

It goes to a mandate that was put in place back in 1956 that is a typical one-

size-fits-all Federal mandate—unfunded—that does not allow States the flexibility to decide what they do at their rest areas. This amendment would lift that mandate from 1956. Incidentally, 26 of us represent States that already allow some commercial activity at rest areas because those rest areas were grandfathered in before the 1956 mandate.

It makes a lot of sense, and it will save States hundreds of millions of dollars a year. It takes that money and provides for the needs of the State in the transportation areas, including putting more money into roads and bridges.

This amendment does not direct or mandate States to do anything. They do not have to commercialize a single rest area. They do not have to change the way they are doing anything, but they would have the opportunity to do so. It gives States the much needed flexibility they want.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from California.

Mrs. BOXER. Mr. President, I hope we will oppose this amendment. It is very controversial. It is opposed by a very broad and diverse group of business and labor organizations.

It would overturn a 60-year prohibition on allowing commercial services at interstate rest areas. The ban was enacted because Congress recognized the importance of supporting businesses and commercial activity along interstates. That decision has resulted in the development of 97,000 businesses that employ over 2 million Americans who provide services to travelers on our Nation's highways.

This amendment would allow commercial activities at existing interstate rest areas, which would lead to devastating losses to those businesses that are located near interstate interchanges.

So I urge my colleagues to oppose this amendment and support the small businesses that exist across our country near highway exits. So I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PORTMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 12, nays 86, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—12

Ayotte	Crapo	Murkowski
Carper	Kyl	Portman
Coats	Lieberman	Risch
Coons	McCain	Toomey

NAYS—86

Akaka	Gillibrand	Moran
Alexander	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Heller	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Roberts
Boozman	Inouye	Rockefeller
Boxer	Isakson	Rubio
Brown (MA)	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Burr	Johnson (WI)	Sessions
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—2

Hatch Kirk

The amendment (No. 1742) was rejected.

AMENDMENT NO. 1830

Mrs. BOXER. Mr. President, I send a managers' package to the desk which has been approved by both managers and both leaders. Under the provisions of the previous order, I ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. BOXER. Mr. President, I understand that Senator SHAHEEN no longer intends to offer her amendment, so we can strike that from the list.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Republican leader and I have had discussions this afternoon, but I think it is fair to say he and I both believe we should finish this bill tomorrow. There is a very important event tonight—it may not mean much to anyone outside the Senate family, but it is to us, being able to recognize SUSAN COLLINS on a very special occasion in her life—and we are going to leave here so people who want to go to that event can do so.

We will come in tomorrow, and we will have about three or four votes to complete. We are having some other conversations, Senator McCONNELL and I, about other matters, and we will discuss that later. There will be no more votes tonight.

The PRESIDING OFFICER. For the information of the Senate, the managers' package just agreed to is amendment No. 1830, offered by Senator BOXER.

The Senator from California.

Mrs. BOXER. Mr. President, I just wanted to go on record tonight as saying we have made just incredible progress on this bill, and I look forward to tomorrow, where we will complete work on it. I think we are showing bipartisan spirit here and bipartisan cooperation. It is important to note that 2.8 million jobs hang in the balance.

So we will see everyone tomorrow. I feel very good we are going to pass our bill, and with that I suggest the absence of a quorum—I withdraw that.

The PRESIDING OFFICER. The Senator from Louisiana.

VISIT TO THE SENATE BY JEAN-PIERRE BEL, PRESIDENT OF THE FRENCH SENATE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the president of France's senate be permitted to join us on the floor for a few minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.
The Senator from California.

Mrs. BOXER. Mr. President, with that, I would say au revoir, and I will see everybody in the morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 5:36 p.m., recessed subject to the call of the Chair and reassembled at 5:49 p.m., when called to order by the Presiding Officer (Mr. CASEY).

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY—Continued

CHANGE OF VOTE

Ms. AYOTTE. Mr. President, on roll-call vote 28, I voted aye. It was my intention to vote nay; therefore, I ask

unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I also ask unanimous consent that I can speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. GRASSLEY. Mr. President, I want to talk about judicial nominations. I come to the floor many days to talk about judicial nominations. Most of my remarks at those times as well as this time are to respond to some of the claims made by my colleagues from the other side of the aisle. If you listened to some of my colleagues over the last couple of days, you would think the sky is falling on the issue of judicial nominees. They act as if the Senate is treating President Obama's judicial nominees differently than nominees have been treated in the past. This is simply not true.

A fair and impartial look at the numbers tells a far different story. The fact of the matter is that President Obama's nominees are being treated just as well, and in many cases much more fairly, than the Democrats treated President Bush's nominees. I want to take a few minutes to set the record straight.

Let me start by taking a brief look at 17 cloture motions that the majority has filed. Seven of those nominees were reported out of the Judiciary Committee within the last month and three of them were reported just last week. That is without precedent. To our knowledge the majority, Republican or Democrat, has never filed cloture on district court nominees within a month of them being reported out of the Judiciary Committee. That accounts for 7 of the 17.

What about the other 10 nominees? What our colleagues fail to mention is that they could have gotten a majority of those nominees confirmed at the end of the last session, just before recessing at Christmastime. Our side cleared quite a few nominees and we offered to confirm them as a package the end of last session. However, the President refused to offer assurances that he would not bypass the Senate and make so-called recess appointments.

I made a mistake when I said when the Senate adjourned just prior to

Christmas, or recessed just prior to the session. We did neither. We stayed in session during the period of time from December 18 until January 24. In other words, the President was not in a position to make recess appointments because we were not in recess.

And of course, the President does not have the power, under our Constitution, to determine whether or not the Senate is in session. Only the Senate can make a determination of when we adjourn. The President of the United States cannot do that. But he presumed that he could and he went ahead and made what he called "recess appointments." So he shredded the Constitution once again.

In regard to what we are talking about here, it was the President who chose not to confirm those nominees at the end of last session because he refused to give us assurances that he would not make recess appointments. The bottom line is this, if the President believes we should have confirmed more nominees last fall, he should look to his own administration for that explanation.

That is the background of the 17 cloture motions before the Senate. Let me comment on something I read in one of our daily newspapers that covers the Congress. A famous reporter said, in the second paragraph of a report I read today, that the Republicans are filibustering nominations. I told the writer of that article that you can't filibuster anything that is not before the Senate and these nominees were not before the Senate until the leader of the majority filed these cloture motions.

Wouldn't you think, if you believed you needed to stop debate, that you would at least let debate start in the first place? But no. The game that is played around here is that, in order to build up the numbers, you claim the minority is filibustering, when in fact they are not filibustering.

I wish to take a step back and address some of the claims I've heard from the other side. I cannot believe some of the comments I am hearing, so I believe it is important to set the record straight. First of all, everyone around here understands that it takes a tremendous amount of time and resources for the Senate to consider Supreme Court nominees. For that reason, when a Supreme Court nomination is pending before the Senate, the Judiciary Committee considers little else. During President Obama's first 3 years in office, the Senate considered not one but two nominations to the Supreme Court. Those nominations occupied the Judiciary Committee for approximately 6 months. The last time the Senate handled two Supreme Court nominations was during President George W. Bush's second term. During President Bush's entire second term we confirmed only 120 lower court nominees. Under President Obama, as you

can see from the chart we have here, we have already confirmed 129 lower court nominees. I think that is a pretty explicit picture of how the other side's arguments do not hold water.

For repetitive purposes, but to drive a point home, we have confirmed 129 of President Obama's judicial nominees in just over 3 years. That is more than were confirmed under George W. Bush's entire second term of 4 years. Again, the comparison between President Obama's first 3 years to President George W. Bush's second term of 4 years is the appropriate comparison. These were the only two time periods in recent memory when the Senate handled two Supreme Court nominations during such a short period of time—obviously consuming a great deal of time of the Senate Judiciary Committee.

Even if you compared the number of President Obama's nominees confirmed to President Bush's first term, it is clear that President Obama has fared very well. More specifically, even though the Senate did not consider any Supreme Court nomination during President Bush's first term, we have confirmed approximately the same number of President Obama's lower court nominees as we did President Bush's, relative to the nominations President Obama has made.

In other words, although fewer lower court nominees have been confirmed under President Obama, the President made approximately 20 percent fewer judicial nominations during his first 3 years than President Bush did during his first term of 4 years. I think it is pretty simple, isn't it? You cannot complain that we have not confirmed enough judges, if they have not been sent up here in the first place.

As a practical matter, if the President believes he has not gotten enough confirmations, then he should look no farther than the pace at which he has been making nominations. Maybe he should have spent less time on the 100 or so fundraisers he has been holding all over the country recently and more time making judicial nominations. Or, at least he should have his political party in the Senate give us a little leniency, and quit complaining about nominations not being approved. The fact of the matter is this: If a backlog exists, then it is clear that it originates with the President. The Senate cannot confirm anybody the President has not sent up here in the first place.

If you need even more evidence that the President has been slow to send judicial nominees to the Senate, all you need to do is examine the current vacancies. My colleagues have been on the floor talking about the so-called vacancy crisis. What my colleagues fail to mention is that the White House has not even made nominations for over half of the vacancies. To be specific, of the 83 current vacancies, the White

House has not submitted nominations for 44 of those vacancies. Once again, the Senate cannot confirm anybody who is not sent up here. How can my friends on the other side of the aisle complain about a vacancy crisis when the President has not sent up a nominee for over half of the vacancies?

As a result, it is clear if there is a vacancy crisis, once again the problem rests with the White House. If the President believes there are too many vacancies in the Federal courts, he should look no further than his own administration for an answer.

What about the other side's claim that nominees are waiting longer to get confirmed than they have in the past? Once again, this is not true. The average time from nomination to confirmation of judges during the Obama administration is nearly identical to what it was under President Bush. During President Bush's Presidency, it took on average approximately 211 days for judicial nominees to be confirmed. You can see from the chart that, during the first 3 years of President Obama's Presidency, it has taken 218 days for his judicial nominees to be confirmed. I am sure this will be news to many of my colleagues. If you had listened to the other side you would think that we have somehow broken new ground. We have not, obviously. We are treating President Obama's nominees virtually the same as President Bush's nominees.

It is not our primary concern to worry about whether one President is being treated differently than the other. We just proceed with our work. But the numbers you see here are the result of our work. And the fact of the matter is that the numbers are not much different than for other Presidents. To suggest we are treating President Obama's nominees a whole lot differently is intellectually dishonest. The fact of the matter is that the Senate has been working its will and regularly processing the President's judicial nominees in much the same way it has in the past.

Given that the President's nominees have received such fair treatment, why would the majority leader then choose to take the unprecedented step of filing 17 cloture motions on district court nominees? Why would the majority leader choose to manufacture controversy that does not exist—because there is no doubt in my caucus, even if there are a few votes against some of these nominees, there is very little doubt that most if not all of these 17 nominees are going to be approved by the Senate. These votes are a stunt. They are a smokescreen. They are designed to accomplish two goals. First, as even Democrats concede, the President cannot run for reelection on his own record so these votes are designed to help the President's reelection strategy by somehow portraying Repub-

licans as obstructionists. But how can you obstruct when there are 83 vacancies, and the White House has failed to nominate someone for over half of those slots? How can you be considered as obstructionist when these judges will be approved just as we have already approved seven?

Second, the other side simply does not want to talk about the extremely important things and very real problems facing this Nation. Look at any poll, go to any town meeting, and what people in this country and my State of Iowa are concerned about is the economy and jobs. With 8.3 percent unemployment, why wouldn't they be expecting us to work on jobs? There is a small business tax bill that passed the other body. How come we are not taking that up? It is ready to take up. It would probably pass here without much dissent.

Why aren't we taking up a budget this year? It has been 4 years without taking up a budget. This is budget week for most years in the Senate. We are spending more time on deciding judicial nominees who are not going to be filibustered to stop a filibuster that doesn't even exist when we ought to be taking up and spending about the same amount of time on a budget, but no budget for 1,040-some days.

The American people are sitting at home listening to the debate. They want to know how we are going to get the unemployment rate down. They are not concerned about whether the Senate will confirm one of the President's district court nominees this week rather than next week. They are not concerned about this debate we are going to have over the next couple of days. They want to know what we are doing to help their father, mother, brother, and sister get back into the workforce. Given the millions of Americans who remain out of work, why aren't we considering and debating the jobs bill the House just passed?

Why aren't we tackling the energy crisis? With \$4 gas in this country, we ought to be talking about drilling here and drilling now. We ought to be talking about building a pipeline. We ought to be talking about, how can we stop sending \$833 million every day overseas to buy oil? We ought to be talking about extending the energy tax extenders that have sunset as of December 23.

Unlike the so-called vacancy crisis, the energy crisis is not manufactured. It is real. The rising cost of gasoline matters to millions and millions of Americans. If they are fortunate enough to have a job in this economy, millions of Americans are trying to figure out how they can afford to get to work with the rising cost of gasoline. Rather than spend time working on the energy crisis, which is all too real for millions of Americans, we are spending time on this manufactured controversy of somehow a vacancy crisis, somehow

a filibuster against judges. And not one of these judges has had one speech given on the floor of this Senate against them, and probably won't.

What is even worse, this is the week we are supposed to be debating a budget, but you'd need a high-powered microscope to find any budget the majority has put together. The majority has failed to produce a budget, so they manufactured a so-called crisis on nominations to throw up a smoke-screen to hide their failure.

I will have more to say on this subject when we move forward on this debate, but for now I conclude that a fair and impartial examination of how the Senate has treated President Obama's nominees reveals that, contrary to what you hear from the other side, the President's nominees are being treated more fairly. Rather than waste time on the so-called crisis that everyone realizes is entirely manufactured, we should be focusing on those issues that matter deeply to the American people. And according to what I hear at my town meetings, what I hear and read in the papers about what polls show, what candidates for Presidents are talking about—even the President of the United States—is about jobs, about the economy, and tackling our energy crisis.

I urge my colleagues to reject these cloture petitions that have no legitimacy for existing in the first place so we can get back to the business of the American people—the economy and jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is not in morning business.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I wish to thank my colleagues today for supporting an amendment by voice vote showing overwhelming support to the Transportation bill that improves "Buy American" provisions by making the waiver process more transparent, giving U.S. manufacturers fair and clear notice when a waiver is sought. It tells the Department of Transportation to report annually on waivers, analyzing what taxpayer dollars are spent on foreign materials and infrastructure projects. While some Members of the Senate may oppose it, it passed in a voice vote, so, in some sense, unanimous almost. But while some Members may oppose it, I hardly ever met anybody in the American public who thinks taxpayer dollars should not go for any infrastructure projects. That is the way you want to do it, and this legislation will move us closer to it. The

San Francisco-Oakland Bay Bridge was the most outrageous example, where much of that steel was made in China when U.S. steelworkers weren't all back at work the way they should be.

I thank Senator BOXER and Senator DURBIN. I thank Senator GRAHAM from South Carolina and Senator MERKLEY for their help on this legislation.

Today President Obama signed into law a trade enforcement measure that last week passed this Chamber by unanimous consent. It is bipartisan legislation—which I cosponsored with Senators BAUCUS and THUNE, primarily—which gives the Commerce Department authority to impose what are called countervailing duties on imports from countries that are nonmarket economies, and that means countries with sort of command-and-control economies, such as the People's Republic of China.

Last year the Federal appeals court issued a ruling that hamstringing our Nation's ability to fight back against illegal Chinese trade practices. Here is why Congress passing this bill is so important. We know China doesn't play by the rules, from direct export subsidies, to currency manipulation, to providing below-market loans to exporters. China does things our country doesn't and many other countries don't. It gives its exporters an unfair advantage.

American industries fight back by petitioning the Commerce Department to investigate these subsidies. Sixteen Ohio companies have petitioned for this relief, including steel pipe companies in Youngstown, paper companies in Miamisburg, aluminum companies in Sidney, and tire manufacturers in Bryan, which is in northwest Ohio near the Indiana-Michigan border. These are good companies. They are not looking for handouts or an unfair edge; they want a level playing field. This legislation does this. When countries such as China don't play by the rules, they suffer. This helps to fix that.

Also today, President Obama announced that his administration would pursue a case at the World Trade Organization against China's hoarding of rare earth materials. Rare earth hoarding is one of the many illegal trade practices China employs to tilt the playing field in its favor. U.S. Manufacturers rely—as they do around the world—on rare earth materials for the production of a number of products, including wind turbines and electronics.

China currently accounts for 97 percent of the world's materials. They impose quotas and heavy tariffs on their export, putting American manufacturers at a severe disadvantage. This almost forces companies to go to China to do the manufacturing because of subsidies the Chinese give to themselves, their own companies, and because of the tariffs they can extract from these companies for export, these

raw-material makers for export, our companies are at a severe disadvantage.

Today the administration said that enough is enough. One Ohio CEO told me when I visited his company in northeast Ohio:

As an Ohio-based manufacturing company with roughly 80 percent of our sales outside of the United States, GrafTech has a keen interest in protecting our ability to compete aggressively in the global marketplace. Obtaining key raw materials at a reasonable cost is critical to our mission.

They are not asking for handouts; they are not asking for subsidies; they are just asking others to quit cheating.

Senator PORTMAN and I have repeatedly urged the Obama administration to take this case. Senator PORTMAN, who was a former Bush Trade Representative, who almost always is on the other side of major trade issues from where I am—we came together on this, as we have on other trade issues that matter for our country.

In 2001 the United States had an \$83 billion trade deficit with China. Ten years later, last year, there was a \$295 billion trade deficit with China. President Bush once said that \$1 billion in trade surplus or trade deficit translates to 13,000 jobs. So if our trade deficit grew from \$83 billion to \$295 billion just with that one country, think of what it does to manufacturing in Springfield and Akron and Cleveland and what it means to a State such as Colorado, what it means to any States that make things in this country. Jobs are at stake, and addressing our trade imbalance with China is essential. To do that, we must make China play fair with the United States.

Not too long ago, the Senate passed the largest bipartisan jobs bill. In 2011 we passed my legislation on currency. The bill would curtail China's ability to illegally manipulate its currency so they could flood our markets with cheap goods, undermining our workers and making it much more difficult for our companies to sell there. After years of China gaining the benefits of WTL membership without adhering to the rules, it is time for the House of Representatives to again pass—as they did when Speaker PELOSI was Speaker—they passed it with an overwhelmingly bipartisan vote. It is time for Speaker BOEHNER to bring up that legislation so we can vote for it. It will mean more companies around my State and around the country will be able to manufacture, will be able to be competitive, will be able to export, will be able to play in the global economy in a fair and balanced way.

Mr. KYL. Mr. President, I rise today in opposition to the Baucus amendment No. 1825. Although I wholeheartedly support full funding for the Payment in Lieu of Taxes, PILT, Program, I have to oppose this amendment because it also includes a reauthorization for what is known as the Secure

Rural Schools, SES Program. The SES Program was created in 2000 as a 5-year temporary funding measure to assist rural communities suffering from the loss of timber sale revenue caused by policies that decimated the timber industry in the 1990s. Because it has operated for more than a decade, communities have now come to rely on it, turning it into a "would-be" entitlement program. Though, the program expired last year, and, as painful as it is, we must let it sunset for good. The Federal Government can ill afford to continue to forever finance what was supposed to be a short-term safety net.

I support extending full funding of PILT payments. These payments to local governments help offset losses in property taxes due to nontaxable Federal lands within their boundaries. I recognize that the inability of local governments to collect property taxes on federally owned land can create a negative financial impact, particularly in States like mine that are dominated by Federal land. In Arizona, more than 85 percent of the State is under Federal control. PILT payments are one of the ways the Federal Government can fulfill its role of being a good neighbor to local communities. Had this amendment been limited to full funding for PILT, I would have voted in favor of the amendment.

Ms. KLOBUCHAR. Mr. President, I rise today to speak on the Keystone XL Pipeline project.

I support moving forward with the Keystone Pipeline. TransCanada needs to resubmit an application with a route that resolves Nebraska's local concerns before we make the decision to approve this project. The company has said they will submit the application soon. I have voted to expedite the approval process, and once the new application that resolves the Nebraska issues is submitted, the approval should be granted.

UNITED STATES RECOGNITION OF CROATIA

Mr. BEGICH. Mr. President, thank you for giving me the opportunity to commemorate the 20th anniversary of the recognition of Croatia by the United States. On April 7, 1992, the United States recognized the Republic of Croatia, setting the stage for our two nations to build lasting U.S. Republic of Croatia bilateral relations.

Today, we remember all of the people who are responsible for creating a democratic and free Croatian state and celebrate the enormous achievements since independence.

Twenty years ago, the people of Croatia had the willpower and endurance to fight for a democratic nation. Filled with the hopes and dreams of a prosperous, new sovereign state, the struggle was not an easy one. Independence never comes easily. Each country can attest in their own history to the enormous sacrifices and the period of unstable, unclear direction their nation

was headed. However, we must not forget those who persisted with their self-determination dreams. We can now look back with immense pride in the founding of a country that has accomplished so much in so little time.

After years of war and occupation, Croatia has made remarkable political progress since the end of the war more than 15 years ago. Croatia is a welcomed member of NATO and will soon become the 28th member of the European Union, EU. At the end of 2011, Croatia completed the negotiation process of EU accession, another milestone accomplished. Both of these landmarks came with enormous challenge, and I salute your achievement. There will be challenges on the road to this new future as there have been in the past, but I am confident Croatia will face and overcome them.

Croatia is in a position to play a positive and leading role in assisting countries in the region in their efforts at Euro-Atlantic integration. With the ambitious goal in mind of implementing objectives, which are in line with the highest standards of good governance and partnership, I am optimistic Croatia will lend her expertise to her neighbors. Joining the EU and NATO, with their shared values of democracy, human rights, and rule of law, is perhaps the best way to ensure security and prosperity in the region.

I use this opportunity to state how proud I am of my heritage. As the only Member of the Senate of Croatian descent, I am deeply honored to commemorate and celebrate the remarkable successes of Croatia. I am equally grateful to be witnessing such a pivotal moment in the many advances of our two nations and to highlight the extraordinary cooperation between the United States and Croatia. Our relationship is one to be admired.

Fifteen years ago, Croatia was a security consumer, with United Nations peacekeeping troops deployed throughout the country. It is now a security provider, with 481 troops deployed across the globe, including in Kosovo, the Golan Heights, Afghanistan, Western Sahara, India-Pakistan, Haiti, Lebanon, East Timor, and in counterpiracy operations in the Gulf of Aden. They even had staff officers assigned to NATO operations in Libya, a major accomplishment as we have seen history unfold in Libya just this past year. Croatia contributed to our efforts, and together, we have accomplished much.

Croatia's troop commitment in Afghanistan—350 is one of the highest per capita contributions in the International Security and Assistance Force there. Croatia has taken the lead in establishing a military police training center in Afghanistan, to which other members in the region also contribute trainers. This cooperation alone, in far away Afghanistan, involving countries that not long ago were embroiled in a

vicious war, brings a certain stability to the region of the former Yugoslavia and creates a unique opportunity. In our joint efforts to combat global terrorism, the United States and Croatia have important tasks left ahead.

We are continuously working with Croatia today to create a great, lasting partnership. Cooperating with our southeastern ally has proved to be positive, with enormous payoffs for both countries. Together, our nations continue to work on all issues, including security, trade, business, development, and diplomacy.

I want to reiterate my highest commemoration of Croatia's accomplishments in recent years of our history and express my sincerest appreciation for Croatia's determination in achieving the highest standard of diplomacy with our Nation. It is my hope to see even more increase in our exchanges, dialog, and joint bipartisan efforts between our two countries, with many more opportunities for cooperation in the future.

RECOGNIZING THE 100TH ANNIVERSARY OF THE GIRL SCOUTS OF THE USA

Mr. LEVIN. A century ago, Juliette Gordon Low proclaimed, "I've got something for the girls of Savannah, and all of America, and all the world, and we're going to start it tonight!" This was the phone call to her cousin that started it all. Ms. Low believed in the power and spirit of young women and was determined to make a difference. And Ms. Low's dream of creating an organization to develop young woman for pursuits out of the house began with a simple call.

A century later in Congress and across our Nation we celebrate this wonderful organization that has built a significant and undeniable legacy of empowerment. The Girl Scouts of the USA is one of the largest educational organizations for girls in the world and seeks to foster self-reliance and resourcefulness through outdoors activities and volunteerism. The leadership skills and sense of civic awareness nurtured through an array of Girl Scouting activities has touched many lives, helping to mold strong, confident women.

I am a proud cosponsor of S. Res. 310 that designates 2012 as the "Year of the Girl" and congratulates the Girl Scouts of the USA on its 100th anniversary. In addition, I supported legislation authorizing the minting of a commemorative silver dollar coin in 2013 recognizing this centennial celebration. These honors are richly deserved and a fitting tribute to the Girl Scouts. In Michigan, where more than 53,000 active Girl Scouts reside, there are a number of celebrations planned.

Since its inception, more than 50 million women have taken part in Girl Scout activities. These young women have made a difference in the lives of others and in communities across the

nation. From a group of 18 in 1912 to an organization of 3.7 million today, the Girl Scouts has consistently sought to shape the lives of young women through fun and diverse scouting activities. The Girls Scouts of the USA has stayed true to its mission to “build girls of courage, confidence, and character, who make the world a better place.” And we don’t have to look very far to see results. Impressively, near 60 percent of women in the U.S. Senate and the U.S. House of Representatives are former Girl Scouts. Indeed, successful women from all walks of life can surely point to their Girl Scout experience as a valuable part of their formative years.

As we celebrate the 100th anniversary of the Girl Scouts of the USA, I am delighted to offer my sincerest gratitude for the difference the Girl Scouts has made in the lives of young women. From their humble beginnings in Savannah, GA, to the impressive service organization we honor today, the Girl Scouts has had a positive impact on our nation. I look forward to the next 100 years of this remarkable organization and its members.

TRIBUTE TO BISHOP TIMOTHY CLARKE

Mr. PORTMAN. Mr. President, today I wish to honor Bishop Timothy Clarke of Columbus, OH for his 30 years of dedicated leadership and service to First Church of God. This past Sunday, March 11, 2012, marked both Bishop Clarke’s 30th year as Pastor and First Church of God’s 75th Anniversary.

Bishop Clarke began his work in January 1974, serving as Associate Minister at First Church of God in his hometown of Far Rockaway, NY. In November 1977, Bishop Clarke began his pastorate at York Avenue Church of God in Warren, OH, where he served for 4 years.

In February, 1982, he became the Senior Pastor of First Church of God in Columbus, OH. He was later consecrated to the office of Bishop in September 2001.

Bishop Clarke is a respected community leader in central Ohio and is the recipient of many honors and degrees for his service. He has served on the boards of various community organizations, and he has authored seven books.

Having worshipped with him and his congregation, I can attest to his significant impact on the community, and I am honored to call him a friend.

Mr. President, I would like to recognize Bishop Clarke for his dedicated service as he and his congregation celebrate this joyous occasion of his 30th year as Pastor and the First Church of God’s 75th anniversary.

ADDITIONAL STATEMENTS

RECOGNIZING ARKANSAS CHILDREN’S HOSPITAL

• Mr. BOOZMAN. Mr. President, in 1912, the Arkansas Children’s Home So-

ciety provided a safe haven for orphaned, neglected and abused children and opened the door to what is known today as the Arkansas Children’s Hospital.

Children’s welfare has always been the focus but over the decades, its approach evolved. What first started as an orphanage transformed into a hospital with the mission to help children most in need.

The facility has grown and thrived. The vision of the early hospital administrators has been realized and the dreams continue to get even bigger.

Today the Arkansas Children’s Hospital is a destination for children from all over the country to receive the best medical care available. Just as important, it is a place that Arkansas children can go, in State and close to home, for treatment for their illnesses.

This is a state of the art facility that is using the newest technology and developing cutting edge treatments and cures for diseases affecting children. The scientists and doctors are advancing the world of medicine to help children lead a healthy and happy life.

Arkansas Children’s Hospital consistently ranks as one of the leading employers in Arkansas. It is the only pediatric Level I trauma center in the State, and it is the sixth largest in the United States. Thousands of Americans have experienced the renowned care offered by the staff and facilities at ACH—many owe their lives to these world-class doctors and nurses that work here.

This hospital is something the people of Arkansas can be proud of, both its history and its vision for the future. I wish to congratulate Dr. Jonathan Bates, president and CEO, as well as the administration, physicians, residents, and support staff on the 100th anniversary of Arkansas Children’s Hospital and I hope for its continued success for another 100 years.●

REMEMBERING CASEY RIBICOFF

• Mr. LIEBERMAN. Mr. President, last year we were all saddened to learn of the passing of Casey Ribicoff, a remarkable woman and the wife of former Connecticut Senator Abe Ribicoff. In honor of Mrs. Ribicoff, I would like to have printed in the RECORD the moving tributes that were given at her funeral by some of those who knew her best.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR CHRIS DODD—CASEY RIBICOFF
EULOGY

(Tuesday, Sept. 20, 2011)

Thirteen years ago, I stood in this same spot to say goodbye and pay tribute to my friend and political mentor, Senator Abe Ribicoff.

Peter, I am deeply honored that you asked me to share some brief comments this morn-

ing to celebrate the life of one of the smartest, most generous, elegant, funny, and downright fascinating people any of us ever met—Abe’s beloved partner, Casey.

I first met Casey Ribicoff in 1974, during my first run for Congress in Connecticut.

Senator Abe Ribicoff was himself up for reelection that year and he invited me to campaign with him in New London. I was excited. The former Judge, Congressman, Governor, Cabinet Member, and Senator, was a larger-than-life figure in Connecticut, and had been an influential force in American politics for the previous 30 years.

My parents, who were deceased by 1974, had been friends and colleagues of Abe Ribicoff’s for many, many years, and I had been in his presence on numerous occasions.

Now, there were many appropriate adjectives to describe the Senator—able, thoughtful, perceptive, conscientious, courageous, and eloquent, to name a few. Funny, fun-loving, joyous—how shall I say this—were not exactly the words that jumped out to you when you thought of the Senator. Abe Ribicoff was a very serious guy.

So, on that fall day in 1974 when I first met Casey, right away, I knew this woman was different—a vibrant, vital force in any room. But on that day in 1974, something else was different—Abe Ribicoff was different. Different than I had ever seen him before. On that day, so many years ago, it was wonderful to see the effect this striking vivacious woman had on Abe Ribicoff.

I remember how much he laughed that day. In all the years I had known him, I had never seen Abe Ribicoff have as much fun as he was having with his lively Casey. What a difference she made in his life.

That year, 1974, Abe Ribicoff was running for what he and Casey knew would be his last term in the United States Senate. I would wager that those last six years were among the most enjoyable in their lives together. Casey and Abe traveled widely, while deepening friendships with people Casey brought into Abe’s life and people with whom Abe had developed a strong relationship in his public life.

When that last term was up in 1980, Abe was so gracious to give the nominating speech for me to succeed him in the United States Senate.

Standing there with Casey, in the Bushnell Auditorium in Hartford, Connecticut, listening to Abe’s speech, I felt her warm hand reach down to hold mine. Without uttering a word, Casey instinctively knew how much I missed my own parents on that very special day.

Now, as touching and sensitive as Casey was, she also had a glorious sense of humor.

Several weeks after that nominating convention, I was with the Senator and Casey. I remember the Senator saying to me, “Chris, I’ll do anything I can to help you win election to the Senate.”

Excitedly, I replied, “Well, Senator, Monday morning at 6 am, I’m shaking hands at the Greenwich railroad station—would you care to join me greeting commuters?”

To which Casey, in a nanosecond, interjected, “If Abe was willing to do that, young man, he would have run again himself.” Abe roared with laughter. More than thirty years later, I still start smiling when I recall that moment.

And, by the way, having just recently retired from electoral politics, I now fully understand her comment.

But that was Casey: warm, funny and feisty.

After Abe retired, as so many of you gathered here this morning will recall, he and

Casey lived in Manhattan and their cherished retreat in Cornwall Bridge, where they enjoyed so many wonderful friends and times.

But they weren't strangers to Washington either. Abe and Casey would come down every now and then—not to lobby, but to see old friends.

Abe never once walked onto the Senate floor after he retired in 1980.

Instead, he and Casey would have lunch in the Senate dining room, where a stream of his former colleagues, Democrats and Republicans, would gather to reminisce, and spend time.

Casey Ribicoff was as loyal and supportive a friend as you could ever have. And if you were her friend, as so many of you were, everything about your life was "the best." Every new job you got was "the best." Every accomplishment you achieved was "the best." There is nothing quite like having such an enthusiastic friend.

Now, I don't want to say that Casey was a gossip. So I'll just say that Casey Ribicoff liked to know what was going on—never in a cruel way, but always with a sense of fun and curiosity.

She knew someone in every room, and always found a moment to sidle up and say, in that low, melodious voice of hers, "Sooooooo?"

For those few here who may not have known Casey, let me translate that word: "tell me everything that's going on."

For those of us who have faith in life beyond this one, I can easily imagine her deeply engaged in conversation, not just with the bright lights of her own time, but with the great personalities of centuries past. I keep imagining Casey and Oscar Wilde getting along famously.

I called Casey a week or two before she passed away. I wanted to speak with her in my new capacity as chairman of the Motion Picture Association of America to get some advice.

I had this idea. With this year being the 100th anniversary of Ronald Reagan's birth, there were political tributes to his life and career, but it struck me that more than half of the President's adult life was spent in the movie business, at Warner Brothers—and the Motion Picture business might want to recognize the President's years in the movies.

I wanted to write Mrs. Reagan to see how she'd feel about such an event to be held at the Motion Picture Association offices in Washington. But I was smart enough to call Casey first.

I knew that Casey and Nancy Reagan had developed a great friendship due to the fact that both of their husbands had suffered from Alzheimer's. I knew that if Casey thought that such an event honoring President Reagan was a good idea, she would share that with Mrs. Reagan.

And Casey, in that unforgettable voice, immediately and enthusiastically said, "I'll talk to Nancy." And she did. On November 14th, we are going to have an evening of recognition for President Reagan, and how I wish that Casey Ribicoff were going to be there.

Allow me to conclude these remarks on this note: it is a common refrain these days that we don't have enough leaders like Abe Ribicoff in Washington. I think part of the reason for that is that we don't have enough people like Casey Ribicoff in Washington these days either.

Our politics has lost a lot of its civility, because our political community has lost so much of its humanity. Casey Ribicoff had an abundance of both.

She brought intelligence, laughter, warmth and enthusiasm, not just to Abe's life, but to his and her world. And she did it with a natural grace and timeless elegance.

To her sister June and nephew, son Peter, her daughter-in-law, Angela, and her grandchildren—my former Senate Page Andrew, Jake, and Jessica—I offer my deepest condolences and my deepest appreciation for the many gifts Casey Ribicoff gave to so many others in her life.

REMARKS BY PETER MATHES

Every son likes to think of his mother as special . . . but in my case, as you all know, it's absolutely true. She was one of a kind, and as everyone has said, trying to capture who she was and what she meant to us is simply impossible.

But if you were lucky enough to have known her . . . to be someone that she loved, you know just how special that was and how it can never be replaced.

You all know she had a strong sense of what was right . . . and what was wrong. She seemed to always do just the right thing and she had a perfect sense of style that defined her life. . . . You can only imagine how stress free it was to be her son!

I've heard some of you say that she could be "tough" on you if she thought you were doing something she thought was wrong . . . really? Welcome to MY world!

But she was only tough on the ones she loved, and her love for me was unconditional . . . but she was always clear about what she thought . . . from the color of a tie to what I should do in any situation. She had strong opinions . . . and the most annoying thing of all, and something that I would probably never admit to her, was that she was usually right!

But it was this sense of ethics . . . integrity, character and honesty that she instilled in me from an early age that I am most grateful for.

As many of you know, my mother was a great listener . . . she had the ability to understand and simplify everything.

How many times did you tell her a long, complex story only to hear her say: "listen, the bottom line is . . ."? And in two sentences she was able to cut to the heart of the matter.

As I look out at all of you I see friends from every part of her life. From Chicago to Miami Beach . . . Connecticut, Washington and New York.

The fact that you have been in each other's lives for so long is a testament to the kind of person she was . . . In order to have friends like this, you have to know how to be a friend . . . and no one knew that more than Mom.

She was loyal and devoted, and seemed to have an endless capacity to love . . . and she cherished each friendship. . . .

One of the great gifts that I received from my mother is each one of you sitting here today . . . You became her family you became my family . . . you became our family.

There was a recent piece in the Sunday Times about how the word "authentic" is suddenly back in fashion. As I read it, I thought about my mother and how, perhaps, this is the word that actually best describes her.

But perhaps the biggest miracle that happened for my mother, and for me, was when Abe came into our lives.

They had a love for each other that is rarely seen, and my mother kept the memory of Abe and that love alive until the day she died.

She never traveled without a photo of her Abe on the nightstand . . . in fact she continued to celebrate their anniversary even after he died.

And this year was no different. Even though she was so sick she told us all about the day they married and we celebrated together with a bottle of champagne just as they always did.

Abe was the love of her life and a second father to me . . . And of all the things I learned from them, nothing was more important than how they loved each other and how they cherished and protected that love.

She showed me that when you are with the right person it brings out the best in you, which is why she was so happy when I married Angela. She saw in us that rare love that she'd found with Abe and she talked about how this is the greatest gift of all.

I'll never forget when I first told my mother about Angela. Of course one of the first questions she asked was: "What does she do?" I told her she was the head of ABC Daytime, so she immediately hung up on me and hit speed dial for Barbara Walters to check her out.

Barbara simply said: "Yes, I do know her. She's my boss." So you know how happy THAT made her. Over the years she and Angela were more like mother and daughter . . . in fact I tell everyone that Angela became the daughter and I became the son-in-law she always wanted! But the truth is seeing how much they loved each other was a gift to me.

Like you, when I think of my mother I think of her spirit and how she lived life to the fullest. . . .

The very first thing she said to the doctor when she was diagnosed was: "I've had almost 90 great years. . . . NO ONE has had a better life than I". . . . She was in control of her life from the very beginning until the very end.

I've always been impressed with the way she lived her life, but nothing was more impressive than watching the way she chose to leave it.

Never once did she feel sorry for herself or question "why me". She took the news as part of life . . . she couldn't fix it so she simply dealt with it and moved on.

She spoke or emailed with many of you until the end, but in the last months and especially in the last weeks, Angela and I got to see this unbelievable strength of character first hand.

She never complained . . . she wanted her life to be as normal as possible. She continued to read 3 or 4 newspapers a day and still had strong opinions on what was happening in the world and what was happening in the world of fashion!

Angela and I were with her in her final hours. . . . Each tightly holding her hand, telling her how loved and how special she was until she took her last breath. It was an indescribable gift for each of us.

My mother was the first person I saw when I came into this world and I was the last person she saw when she left it.

And have no doubt . . . she was Casey until the very end!

She still looked beautiful and was as intellectually curious as ever. . . .

And of course, she still wanted to hear the gossip from all of you!

We gave her an iPad for Mother's Day and in many ways it became her life line. She was emailing and reading on it until the end. . . . But . . . her confessed addiction on it was playing solitaire!

In fact, when I opened her iPad after she'd gone, the first screen that popped up was the

score from her last game of solitaire. She'd had a high score . . . and it read: "YOU WON! Congratulations you aced the game!"

And that you did Mom . . . you aced the game of life and made us all better because of it. I miss you and I love you.

REMARKS OF ANGELA MATHES

First of all Jessye, I have to say thank you. I remember when Casey spoke with Rabbi Sobel and told him that she thought it would be "Divine" if you were to sing "a little Duke Ellington" . . . and I have to say that you took divine to a whole new level!

Chris, Barbara . . . I can't tell you what it feels like listening to you talk about Casey.

And now, what it feels like standing here and seeing how many people have come to celebrate my mother-in-law's incredible life . . . Thinking of how many lives she's touched.

But as many of her close friends will understand, the first thing I thought of was calling her to tell her what she missed . . .

Although I'm sure, as usual, she already knows all about it!

And if there's anyone here who doubts that she still has that power, I'd like to remind you that she's been sending small signs that prove you're wrong: like the earthquake in New York the day after she died . . . and the hurricane 3 days after her burial!

As I was preparing for this tribute, I struggled trying to find the words that best describe Casey . . . I had the same problems I do when I try to describe her to people she's never met.

One problem is trying to use ordinary words to describe an extraordinary person.

Although for me, the biggest problem is that the first word anyone hears is: "mother-in-law". . . . And it immediately sends a chill down their spine. . . .

It's like hearing the words: "teenage daughter" . . .

Honestly, you can't imagine wanting to spend a lot of time with either one of them!

But as many of you know, that wasn't the case with us . . . Casey and I were very close . . . We spoke 3 or 4 times a day for years.

I never felt like a "daughter-in-law" . . . Peter and I were just "the kids", and as I used to tell her: "you can't get any better than that."

We often talked about our mothers. About how much we loved them and how much we missed them . . . and I remember asking her one day to tell me what her mom was like.

She just smiled and said: "she was DEE-lish!" . . .

That when she walked into a room, everything seemed to change . . . she made everyone in the room smile.

And I told Casey that THAT was actually the perfect description of HER! Because it wasn't only about who she was, but it was more about how knowing her enhanced YOUR life!

She was generous with her love to a lot of people, but with me, she was generous in every way. And over the years she's given me many very special gifts. . . .

Most of them came with a story, of how Abe had found it for her, and now she wanted to share it with me.

She told me just how he gave her the gift . . . where she wore it . . . why she loved it. Each thing represented part of her life's story and for me it was a remarkable experience!

But of course, this was Casey. . . . So each thing also came with a set of explicit "suggestions": "I always wear these 2 things together . . . of course, YOU can choose to

wear it anyway you wish, it's up to you, but they do look best together."

Now for those of you who don't speak "Casey", let me assure you, that it was NEVER EVER "up to me"!

She taught me more, about the things in life I thought I already knew all about, like the importance of friendship, loyalty, and discretion. . . .

And she also taught me some very important things that I never knew, like: Never wear a watch to a formal affair; always wear your pins high not low; and never put moisturizer on your nose . . . it clogs the pores.

Over the past 10 years, and especially over the last 5 months, she shared a lot of stories with Peter and me. . . .

She said that over her many years, she "collected" a lot of things, but what she treasured most was her collection of wonderful friends.

You know how much she loved you . . . you were her family, and I know that she'd be angry with me if I didn't remind you of that.

But you also need to know that the way you supported her, and supported Peter and me over these last difficult months, has meant more to us than we will ever be able to tell you.

I'm sure that everyone here has some GREAT Casey stories . . . and so you can imagine how hard it was to try to narrow it down to just one or two.

She was beautiful on the inside and the outside . . . had that great sense of humor, was so smart, so confident . . . she didn't suffer fools, and you can only imagine that, coming from an Italian Mother, how in awe I was at something I'd never experienced before: someone with no-guilt and no regrets!

Casey taught by example.

She showed us all how to live, and in the end, she showed us how to leave this world with that same grace, dignity, sense of humor and style.

And make no mistake . . . she NEVER stopped living life on her terms.

One minute she was telling Rabbi Sobel exactly what she wanted done at her memorial service . . . dictating her death notice to Peter, and the next, she and I were in Akris buying a few little jackets for her to wear in the summer!

One day about a month or so after she was diagnosed, she called me at home about 9:00 in the morning to tell me she had an idea . . . she was thinking of selling a few things on eBay . . . eBay?!

She was 89 years old with lung cancer . . . ONLY Casey!

But Casey told Peter and me 2 things to remember for this memorial:

First: try to hold it together.

And second: keep it short. Two things, might I mention, she knew would be impossible for me to do!

She'd say: "it's called: get real!"

So, for her, I'll try my best to "get real" and tell her what's on my mind:

My Dear Casey,

Thank you . . . thank you for taking me into your life, and into your heart. . . .

For always listening and giving me the best advice in difficult times, and being there to make the good times even better. . . .

For confiding in me, and sharing with me all the wonderful moments of your life.

And for encouraging me, and showing me how to enjoy every moment of mine.

I love you.

And I will think of you, and miss you every day for the rest of my life.

Peter and I will always be your "kids" . . . and we will keep you alive in our hearts forever.

REMARKS OF BARBARA WALTERS

I am Barbara Walters and I am here to represent all of you, her dear friends. She was something else, wasn't she? All the things most people strive to be, she just was. Can't you see her? Elegant. Smart. (She took computer lessons at 80). Fun. Stunning: Black hair, red lips, big smile. Mmm, maybe too thin, but that was part of her look . . . Tom Brokaw described her as "a great dame."

She was the most loving mother to son, Peter and Angela, the daughter-in-law whom she considered to be her daughter. And grandmother to Andrew whom she called the perfect grandson and also so proud of Angela's daughter, Jessica. And then there was Abe . . . the love of her life.

On her tombstone Casey has asked to have engraved, "She was his wife." Of her own life she said, "I loved every bit of it." When Abe was alive, he and Casey were probably the most popular and delightful couple in New York. Casey herself was very active. She was on the board of the Kennedy Center and PBS/WNET. She entertained, enjoyed the theatre-dinner parties and people. She was a great friend to women. How I miss our morning phone calls. She brightened my day and she would love to have heard about this morning. And who came—and who didn't come!

But I want to talk now not of Casey's manner of living but of her manner of death. It was last March when on one of our frequent phone calls I asked routinely, "What's new"? And Casey answered, "I'm pregnant." At age 88, that was a good trick. I laughed and said, "name the baby after me, please." Then she went on, in the same tone, "No I have lung cancer." For a second, I thought she was still kidding. But then, I realized, she wasn't. Said so matter of factly, "I have lung cancer." I couldn't believe it. There were no tears in her voice. No "why me? Just that . . . I have lung cancer." It had not been diagnosed until recently. It was inoperable. She was not going to have any treatment.

"Just please" she said, "continue to call. Send the emails. Let me know what's going on with all the pals." And pals she had. She was the best friend when you were well and a tireless miracle worker when you were not. Doctor's appointments . . . she was there for you. She went with Bill Blass for his every doctor's appointment. She was counselor, friend and comfort to Jerry Zipkin, Glenn Birnbaum and Nick Dunn. Thanksgiving: she took a table every year for all the single guys who might be alone. The dinners became tradition. She was their Auntie Mame. Now those four words, "I have lung cancer."

Peter and Angela began to come in from California almost every week. They wanted to share as many of Casey's good days, as well as the bad that were to come. At first, she could go out a bit . . . maybe to lunch. Then she might allow a friend to pop over. That soon got to be too much for her. But the phone calls were fine . . . she took them all . . . until they also became too much. Exhaustion took over.

Still the emails back and forth continued . . . Less than a week before she died, she was answering emails. "How are you?" she would ask. "How was the party?" "What do you think of Michele Bachmann?" From March to her death on August I never once heard her sob. I never once heard her complain. Or question her fate. When her son, asked in a moment of intimacy, if she was afraid, she said "no" and repeated what a

wonderful life she'd had. Peter and Angela were with her until the end. Thank heaven, she was never in pain. As she lay in bed, looking frail but beautiful, Peter held one of her hands, Angela the other. She knew they were with her.

I am telling you all this because Casey not only taught us how to live. She taught us how to die.

After her death, they found a secret stash of cigarettes. Those damn cigarettes.

Oh my darling Casey, there isn't one of us in this sacred room whose life you haven't touched, not one who didn't love you. How could we not?●

TRIBUTE TO NORA WALSH HUSSEY

● Mr. THUNE. Mr. President, today I would like to take this opportunity to honor Nora Walsh Hussey of Sturgis, SD.

Nora has spent countless hours serving her community through a variety of organizations and activities. Nora has been an active participant in Promoting Educational Opportunities, PEO, an organization where women celebrate advancement through achievements in educational opportunities. She has also spent a significant amount of time volunteering as a Court Appointed Special Advocate, CASA, which supports abused and neglected children. While Nora spends the majority of her time volunteering for various organizations in the community, she also enjoys participating in bridge clubs, golfing, and cruising.

Nora's achievements are not limited to her work on behalf of South Dakotans. In 1981, Nora was confirmed by the U.S. Senate to become the first non-Coloradan to supervise the Denver Mint. While supervising the mint, Nora was acknowledged by many employees for her exemplary service.

I want to join Nora's family and friends in recognizing her more than 50 years of community service and celebrating her 97th birthday on March 26, 2012. I extend my sincere thanks and appreciation to Nora for all she has done for her fellow South Dakotans and wish her continued success in years to come.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2186. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-5318. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department of Defense taking essential steps to award multiyear contracts for nine Virginia Class submarines (VCS) in fiscal years 2014 through 2018, no later than December 31, 2013; to the Committee on Armed Services.

EC-5319. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department of Defense taking essential steps to award a multiyear contract for 155 CH-47F aircraft, in fiscal years 2013 through 2017, not later than January 31, 2013; to the Committee on Armed Services.

EC-5320. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department of Defense taking essential steps to award a Joint Service multiyear contract for 98 V-22 aircraft (91 MV-22 aircraft for the United States Marine Corps and 7 CV-22 aircraft for the United States Air Force) in fiscal years 2013 through 2017, no later than December 31, 2012; to the Committee on Armed Services.

EC-5321. A joint communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of the annual report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems; to the Committee on Armed Services.

EC-5322. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Commercial Determination Approval" ((RIN0750-AH61) (DFARS Case 2011-D041)) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Armed Services.

EC-5323. A communication from the Surgeon General and Commanding General, US Army Medical Command, Department of the Army, transmitting, pursuant to law, the Regional Medical Command Inspectors General report relative to assessing access of recovering service members to adequate outpatient residential facilities; to the Committee on Armed Services.

EC-5324. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Residential Clothes Washers" (RIN1904-AC108) received in the Office of the President of the Senate on March 8, 2012; to the Committee on Energy and Natural Resources.

EC-5325. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a report entitled "Report to Congress on the Recovery of Threatened and Endangered Species Fiscal Years 2009-2010"; to the Committee on Environment and Public Works.

EC-5326. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-5327. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, a performance report relative to the Animal Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-5328. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Drug User Fee Act for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-5329. A communication from the Chairman of the National Endowment for the Arts and a Member of the Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-5330. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Evaluation of the Mentoring Children of Prisoners Program"; to the Committee on Health, Education, Labor, and Pensions.

EC-5331. A communication from the Program Manager, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Approval Tests and Standards for Closed Circuit Escape Respirators" (RIN0920-AA10) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5332. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act" (RIN3046-AA76) received in the Office of the President of the Senate on March 8, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5333. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Buy American Act Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-5334. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's annual report for the year ending September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BEGICH (for himself, Mr. MANCHIN, and Mr. BAUCUS):

S. 2188. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. GRASSLEY, and Mr. LEAHY):

S. 2189. A bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 2190. A bill to amend the securities laws to provide for registration exemptions for certain crowd-funded securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. KIRK, and Mrs. SHAHEEN):

S. Res. 395. A resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. STABENOW) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1770, a bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1855

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1855, a bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1973

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1973, a bill to prevent gun trafficking in the United States.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2076

At the request of Mr. FRANKEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2076, a bill to improve security at State and local courthouses.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 2145

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2145, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 2155

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 2155, a bill to amend the Farm Security and Rural Investment Act of 2002 to promote biobased manufacturing.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the

Secretary of Defense, and for other purposes.

S. 2184

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2184, a bill to provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes.

S. 2186

At the request of Mr. DEMINT, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2186, a bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

S. RES. 380

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. Res. 380, *supra*.

S. RES. 385

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 385, a resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy.

S. RES. 391

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 391, a resolution condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria.

AMENDMENT NO. 1617

At the request of Ms. KLOBUCHAR, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 1617 proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1661

At the request of Ms. KLOBUCHAR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 1661 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1793

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1793 intended to be proposed to S. 1813, a bill

to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1814

At the request of Mr. MERKLEY, the names of the Senator from Montana (Mr. TESTER), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of amendment No. 1814 proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of amendment No. 1814 proposed to S. 1813, *supra*.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. GRASSLEY, and Mr. LEAHY):

S. 2189. A bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN: Mr. President, today I join with my senior colleague from Iowa, Senator GRASSLEY, and with the distinguished chair of the Judiciary Committee, Senator LEAHY, in introducing the Protecting Older Workers Against Discrimination Act.

The need for this legislation was vividly demonstrated by the experience of an Iowan—Jack Gross. Mr. Gross gave the prime of his life, a quarter century of loyal service, to one company. Despite Mr. Gross's stellar work record, the company brazenly demoted him and other employees over the age of 50 and gave his job to a younger employee.

Expressly to prevent this kind of discrimination, over 40 years ago Congress passed the Age Discrimination in Employment Act, ADEA. Modeled from and using the same language as Title VII of the Civil Rights Act of 1964—which prohibits employment discrimination on the basis of race, sex, national origin and religion—the ADEA makes it unlawful to discriminate on the basis of age.

When Mr. Gross sought to enforce his rights under this law, a jury of Iowans heard the facts and found that his employer discriminated against him because of his age. That jury awarded him almost \$47,000 in lost compensation.

The case was ultimately appealed to the Supreme Court. In June 2009, in *Gross v. FBL Financial, Inc.*, five justices effectively rewrote the law and ruled against Mr. Gross. In doing so, the Court made it harder for those with legitimate age discrimination claims to prevail under the ADEA. In fact, on

remand, despite the fact Mr. Gross had established that age discrimination was a factor in his demotion, he lost his retrial.

For decades, the law was clear. In 1989, in *Price Waterhouse v. Hopkins*, the Court ruled that if a plaintiff seeking relief under Title VII of the Civil Rights Act demonstrated that discrimination was a “motivating” or “substantial” factor behind the employer's action, the burden shifted to the employer to show it would have taken the same action regardless of the plaintiff's membership in a protected class. As part of the Civil Rights Act of 1991, Congress codified the “motivating factor” standard with respect to Title VII discrimination claims.

Since the ADEA uses the same language as Title VII, was modeled from it, and had been interpreted consistent with the Civil Rights Act, courts rightly and consistently held that, like a plaintiff claiming discrimination on the basis of race, sex, religion and national origin, a victim bringing suit under the ADEA need only show that membership in a protected class was a “motivating factor” in an employer's action. If an employee showed that age was one factor in an employment decision, the burden was on the employer to show it had acted for a legitimate reason other than age.

In *Gross*, the Court, addressing a question on which it did not grant certiorari, tore up this decades' old standard. In its place, the Court imposed a standard that makes it prohibitively difficult for a victim to prove age discrimination. According to the Court, a plaintiff bears the full burden of proving that age was not only a “motivating” factor but the “but for” factor, or decisive factor. And, unfortunately, lower courts have applied *Gross* to other civil rights claims, including cases arising under the Americans with Disabilities Act, the Rehabilitation Act and retaliation cases under Title VII of the Civil Rights Act of 1964.

The extremely high burden *Gross* imposes radically undermines workers' ability to hold employers accountable. Bear in mind, unlawful discrimination is often difficult to detect. Obviously, those who discriminate do not often admit they are acting for discriminatory reasons. Employers rarely post signs saying, for example, “older workers need not apply.” To the contrary, they go out of their way to conceal their true intent. And, only the employer is in a position to know his own mind and offer an explanation of why a decision that involves discrimination or retaliation was actually motivated by legitimate reasons. By putting the entire burden on the worker to demonstrate the absence or insignificance of other factors, the Court in effect has freed employers to discriminate or retaliate.

Unfortunately, as Mr. Gross and his colleagues know all too well, age dis-

crimination does indeed occur. Countless thousands of American workers who are not yet ready to voluntarily retire find themselves jobless or passed over for promotions because of age discrimination. Older workers often face stereotypes: That they are not as productive as younger workers; that they cannot learn new skills; that they somehow have a lesser need for income to provide for their families.

Indeed, according to an AARP study, 60 percent of older workers have reported that they or someone they know has faced age discrimination in the workplace. According to the Equal Employment Opportunity Commission, in fiscal year 2011, over 23,000 age discrimination claims were filed, a more than 20 percent increase from just four years ago. And, given the stereotypes that older workers face, it is no surprise that on average they remain unemployed for more than twice as long as all unemployed workers.

The Protecting Older Workers Against Discrimination Act reiterates the principle that Congress established when it passed the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act and the Americans with Disabilities Act—when making employment decisions it is illegal for race, sex, national origin, religion, age or disability to be a factor.

The bill repudiates the Supreme Court's *Gross v. FBL Financial* decision and will restore the law to what it was for decades. It makes clear that when an employee shows discrimination was a “motivating factor” behind a decision, the burden is properly on the employer to show the same decision would have been made regardless of discrimination or retaliation. And, like the Civil Rights Act of 1991 with respect to discrimination cases under Title VII, if the employer meets that burden, the employer remains liable, but remedies are limited.

This is a common sense, bipartisan bill. In fact, the Civil Rights Act of 1991, key provisions of which served as a model for this legislation, passed the Senate on a bipartisan basis 93–5. Further, we are introducing this bill only after countless hours of consultation with civil rights stakeholders and representatives of the business community. Moreover, this bill addresses many of the concerns that were raised about an earlier version of the bill at a hearing held before the Health, Education, Labor, and Pensions Committee in March 2010.

In fact, I want to comment on two changes from that earlier version of this bill introduced in the last Congress. Since October 2009, when Senator LEAHY and I first introduced the Protecting Older Workers Against Discrimination Act, we have had the benefit of nearly two and a half years of lower court application of the *Gross* decision.

The 2009 bill would have expressly amended the ADEA to make clear that the analytical framework set out in *McDonnell Douglas v. Green* applied to that statute. Even though, before *Gross*, every Court of Appeals had held that *McDonnell Douglas* had applied to age claims, this clarification was meant to address a footnote in *Gross* in which the Court arguably questioned the applicability of *McDonnell Douglas* to the ADEA. Since the bill was first introduced, however, every lower court that has examined the issue has continued to apply *McDonnell Douglas* to the ADEA. As a result, because *McDonnell Douglas* applies to the ADEA already, we deem it unnecessary to amend the statute.

Second, the initial bill expressly amended only the ADEA. Since *Gross*, however, lower courts have applied the Court's reasoning in that decision to other statutes. Because the most notable application has been to the ADA, Rehabilitation Act and Title VII retaliation claims, those statutes are expressly amended here too.

Finally, in *Gross*, the Court defended the Court's departure from well-established law by noting that it "cannot ignore Congress' decision to amend Title VII's relevant provisions but not make similar changes to the ADEA." In other words, the Court found that because Congress, in the Civil Rights Act of 1991, codified the "motivating factor" framework for Title VII, but not for the ADEA, Congress somehow must have intended *Price Waterhouse* not to apply to any statute but Title VII.

Because of the Court's reasoning, I want to emphasize that this bill in no way questions the motivating factor framework for other anti-discrimination and anti-retaliation statutes that are not expressly covered by the legislation. As the bill's findings make clear, not only does this bill repudiate the *Gross* decision itself, but it expressly repudiates the reasoning underlying the decision, including the argument that Congress's failure to amend any statute other than Title VII means that Congress intended to disallow mixed motive claims under other statutes. It would be an error for a court to apply similar reasoning following passage of this bill to other statutes. The fact that other statutes are not expressly amended does not mean that Congress endorses *Gross*'s application to any other statute.

In conclusion, this bill is very straightforward. It reiterates what Congress said 40 years ago when it passed the ADEA—when making employment decisions it is illegal for age to be a factor. A person should not be judged arbitrarily because he or she was born in a certain year or earlier when he or she still has the ability to contribute as much, or more, as the next person. This bill will help ensure that all our citizens will have an equal

opportunity, commensurate with their abilities, for productive employment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Older Workers Against Discrimination Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) In enacting the Age Discrimination in Employment Act of 1967 (referred to in this section as the "ADEA"), Congress intended to eliminate workplace discrimination against individuals 40 and older based on age.

(2) In enacting the Civil Rights Act of 1991, Congress reaffirmed its understanding that unlawful discrimination is often difficult to detect and prove because discriminators do not usually admit their discrimination and often try to conceal their true motives.

(3) Congress intended that courts would interpret Federal statutes, such as the ADEA, that are similar in their text or purpose to title VII of the Civil Rights Act of 1964, in ways that were consistent with the ways in which courts had interpreted similar provisions in that title VII. The Supreme Court's decision in *Gross v. FBL Financial Services, Inc.*, 129 S. Ct. 2343 (2009), departed from this intent and circumvented well-established precedents.

(4) Congress disagrees with the Supreme Court's interpretation, in *Gross*, of the ADEA and with the reasoning underlying the decision, specifically language in which the Supreme Court—

(A) interpreted Congress' failure to amend any statute other than title VII of the Civil Rights Act of 1964 in enacting section 107 of the Civil Rights Act of 1991 (adding section 703(m) of the Civil Rights Act of 1964), to mean that Congress intended to disallow mixed motive claims under other statutes;

(B) declined to apply the Supreme Court's ruling in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), a part of which was subsequently approved by Congress, and enacted into law by section 107 of the Civil Rights Act of 1991, as section 703(m) of the Civil Rights Act of 1964, which provides that an unlawful employment practice is established when a protected characteristic was a motivating factor for any employment practice, even though other factors also motivated the practice;

(C) interpreted causation language and standards, including the words "because of" that are similar in their text or purpose to title VII of the Civil Rights Act of 1964, in a manner that departed from established precedent;

(D) held that mixed motive claims were unavailable under the ADEA; and

(E) indicated that other established causation standards and methods of proof, including the use of any type or form of admissible circumstantial or direct evidence as recognized in *Desert Palace Inc. v. Costa*, 539 U.S. 90 (2003), or the availability of the analytical framework set out in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), might not apply to the ADEA.

(5) Lower courts have applied *Gross* to a wide range of Federal statutes, such as the

Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The *Gross* decision has significantly narrowed the scope of protections intended to be afforded by the ADEA.

(7) Congress must restore and reaffirm established causation standards and methods of proof to ensure victims of unlawful discrimination and retaliation are able to enforce their rights.

(b) PURPOSES.—The purposes of this Act include—

(1) to restore the availability of mixed motive claims and to reject the requirements the Supreme Court enunciated in *Gross v. FBL Financial Services, Inc.*, 129 S. Ct. 2343 (2009), that a complaining party always bears the burden of proving that a protected characteristic or protected activity was the "but for" cause of an unlawful employment practice;

(2) to reject the Supreme Court's reasoning in *Gross* that Congress' failure to amend any statute other than title VII of the Civil Rights Act of 1964, in enacting section 107 of the Civil Rights Act of 1991, suggests that Congress intended to disallow mixed motive claims under other statutes; and

(3) to establish that under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), complaining parties—

(A) may rely on any type or form of admissible evidence to establish their claims;

(B) are not required to demonstrate that the protected characteristic or activity was the sole cause of the employment practice; and

(C) may demonstrate an unlawful practice through any available method of proof, including the analytical framework set out in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

SEC. 3. STANDARDS OF PROOF.

(a) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—

(1) CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF AGE IN EMPLOYMENT PRACTICES.—Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended by inserting after subsection (f) the following:

"(g)(1) Except as otherwise provided in this Act, an unlawful practice is established under this Act when the complaining party demonstrates that age or an activity protected by subsection (d) was a motivating factor for any practice, even though other factors also motivated the practice.

"(2) In establishing an unlawful practice under this Act, including under paragraph (1) or by any other method of proof, a complaining party—

"(A) may rely on any type or form of admissible evidence and need only produce evidence sufficient for a reasonable trier of fact to find that an unlawful practice occurred under this Act; and

"(B) shall not be required to demonstrate that age or an activity protected by subsection (d) was the sole cause of a practice."

(2) REMEDIES.—Section 7 of such Act (29 U.S.C. 626) is amended—

(A) in subsection (b)—

(i) in the first sentence, by striking "The" and inserting "(1) The";

(ii) in the third sentence, by striking "Amounts" and inserting the following:

"(2) Amounts";

(iii) in the fifth sentence, by striking "Before" and inserting the following:

“(4) Before”; and

(iv) by inserting before paragraph (4), as designated by clause (iii) of this subparagraph, the following:

“(3) On a claim in which an individual demonstrates that age was a motivating factor for any employment practice, under section 4(g)(1), and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court—

“(A) may grant declaratory relief, injunctive relief (except as provided in subparagraph (B)), and attorney’s fees and costs demonstrated to be directly attributable only to the pursuit of a claim under section 4(g)(1); and

“(B) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment.”; and

(B) in subsection (c)(1), by striking “Any” and inserting “Subject to subsection (b)(3), any”.

(3) DEFINITIONS.—Section 11 of such Act (29 U.S.C. 630) is amended by adding at the end the following:

“(m) The term ‘demonstrates’ means meets the burdens of production and persuasion.”.

(4) FEDERAL EMPLOYEES.—Section 15 of such Act (29 U.S.C. 633a) is amended by adding at the end the following:

“(h) Sections 4(g) and 7(b)(3) shall apply to mixed motive claims (involving practices described in section 4(g)(1)) under this section.”.

(b) TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN IN EMPLOYMENT PRACTICES.—Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) is amended by striking subsection (m) and inserting the following:

“(m) Except as otherwise provided in this title, an unlawful employment practice is established under this title when the complaining party demonstrates that race, color, religion, sex, or national origin or an activity protected by section 704(a) was a motivating factor for any employment practice, even though other factors also motivated the practice.”.

(2) FEDERAL EMPLOYEES.—Section 717 of such Act (42 U.S.C. 2000e 16) is amended by adding at the end the following:

“(g) Sections 703(m) and 706(g)(2)(B) shall apply to mixed motive cases (involving practices described in section 703(m)) under this section.”.

(c) AMERICANS WITH DISABILITIES ACT OF 1990.—

(1) DEFINITIONS.—Section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111) is amended by adding at the end the following:

“(11) DEMONSTRATES.—The term ‘demonstrates’ means meets the burdens of production and persuasion.”.

(2) CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF DISABILITY IN EMPLOYMENT PRACTICES.—Section 102 of such Act (42 U.S.C. 12112) is amended by adding at the end the following:

“(e) PROOF.—

“(1) ESTABLISHMENT.—Except as otherwise provided in this Act, a discriminatory practice is established under this Act when the complaining party demonstrates that disability or an activity protected by subsection (a) or (b) of section 503 was a motivating factor for any employment practice, even though other factors also motivated the practice.

“(2) DEMONSTRATION.—In establishing a discriminatory practice under paragraph (1) or by any other method of proof, a complaining party—

“(A) may rely on any type or form of admissible evidence and need only produce evidence sufficient for a reasonable trier of fact to find that a discriminatory practice occurred under this Act; and

“(B) shall not be required to demonstrate that disability or an activity protected by subsection (a) or (b) of section 503 was the sole cause of an employment practice.”.

(3) CERTAIN ANTIRETALIATION CLAIMS.—Section 503(c) of such Act (42 U.S.C. 12203(c)) is amended—

(A) by striking “The remedies” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the remedies”; and

(B) by adding at the end the following:

“(2) CERTAIN ANTIRETALIATION CLAIMS.—Section 107(c) shall apply to claims under section 102(e)(1) with respect to title I.”.

(4) REMEDIES.—Section 107 of such Act (42 U.S.C. 12117) is amended by adding at the end the following:

“(c) DISCRIMINATORY MOTIVATING FACTOR.—On a claim in which an individual demonstrates that disability was a motivating factor for any employment practice, under section 102(e)(1), and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court—

“(1) may grant declaratory relief, injunctive relief (except as provided in paragraph (2)), and attorney’s fees and costs demonstrated to be directly attributable only to the pursuit of a claim under section 102(e)(1); and

“(2) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment.”.

(d) REHABILITATION ACT OF 1973.—

(1) IN GENERAL.—Sections 501(g), 503(d), and 504(d) of the Rehabilitation Act of 1973 (29 U.S.C. 791(g), 793(d), and 794(d)), are each amended by adding after the words “title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.)” the following: “, including the standards of causation or methods of proof applied under section 102(e) of that Act (42 U.S.C. 12112(e)).”.

(2) FEDERAL EMPLOYEES.—The amendment made by paragraph (1) to section 501(g) shall be construed to apply to all employees covered by section 501.

SEC. 4. APPLICATION.

This Act, and the amendments made by this Act, shall apply to all claims pending on or after the date of enactment of this Act.

Mr. LEAHY. Mr. President, today, I am pleased to join Senators HARKIN and GRASSLEY in introducing the Protecting Older Workers Against Discrimination Act. This bipartisan bill seeks to restore crucial worker protections that have been cast aside by a narrow, 5-4 Supreme Court decision. The bill also reaffirms the contributions made by older Americans in the workforce and ensures that employees will be evaluated based on their performance and not by arbitrary criteria such as age.

Congress has long worked to enact civil rights laws to eliminate discrimination in the workplace. In 1967, Congress passed the Age Discrimination and Employment Act, ADEA, with the

intent to extend protections against workplace discrimination to older workers. We strengthened these protections in the Civil Rights Act of 1991, which passed in the Senate 93 to five. These statutes established a clear legal standard and Congressional intent: an employer’s decision to fire or demote an employee may not be motivated in whole or in part by the employee’s age.

However, the 2009 Supreme Court decision in *Gross v. FBL* unilaterally erased that clear legal standard. A slim 5-4 majority threw out a jury verdict in favor of Jack Gross, a 32-year employee of a major financial company, who sued under the ADEA. The jury had concluded that age was a motivating factor in the company’s decision to demote Gross and reassign his duties to a younger, significantly less qualified worker. But a divisive Supreme Court ignored its own precedent and congressional intent.

Five justices decided that workers like Mr. Gross must now prove that age was the only motivating factor in a demotion or termination. The Court also required workers to essentially introduce a “smoking gun” in order to prove discrimination. By imposing such high standards, the Court sided with big business and made it easier for employers to discriminate on the basis of age with impunity so long as they could cloak it with another reason. As Mr. Gross stated during a Judiciary Committee hearing that I held shortly after this controversial decision was handed down, “I feel like my case has been hijacked by the high court for the sole purpose of rewriting both the letter and the spirit of the ADEA.”

The Supreme Court’s divisive holding has created much uncertainty in our civil rights laws and it is incumbent on Congress to clarify our intent and the statutory protections that all hardworking Americans deserve. The Protecting Older Workers Against Discrimination Act restores the original intent of the ADEA and three other Federal anti-discrimination statutes. It makes clear that employers cannot get away with age discrimination by simply coming up with a reason to terminate an employee that sounds less controversial. The bill re-establishes Congress’ intent that age discrimination is unlawful even if it is only part of the reason to demote a worker. Under the bill, a worker would also be able to introduce any relevant admissible form of evidence to show discrimination, whether the evidence is direct or circumstantial.

To avoid future misreading of congressional intent, I encourage Federal courts to take particular note of the carefully negotiated “Findings and Purposes” section in this bipartisan bill. The bill unequivocally rejects the Supreme Court’s reasoning in *Gross* not only in age discrimination cases but in all cases where courts have applied this case as binding precedent. In

other words, Gross is not the proper legal standard for anti-discrimination statutes, whether or not a particular statute is directly amended by this bill.

I commend Senator HARKIN for his efforts over the past three years to negotiate a bipartisan bill to restore the civil rights protections that all Americans deserve in the workplace. I also thank Senator GRASSLEY, the Ranking Member of the Judiciary Committee, for his commitment to this issue. I urge my fellow Senators to join this bipartisan effort and show their commitment to ending age discrimination in the workplace. In these difficult economic times, hardworking Americans deserve our help. We must not allow a thin majority of the Supreme Court to eliminate the protections that Congress has enacted for them.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 395—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF THE NORTH ATLANTIC TREATY ORGANIZATION AND THE NATO SUMMIT TO BE HELD IN CHICAGO, ILLINOIS FROM MAY 20 THROUGH 21, 2012

Mr. DURBIN (for himself, Mr. KIRK, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 395

Whereas the North Atlantic Treaty, signed April 4, 1949, in Washington, District of Columbia, which created the North Atlantic Treaty Organization (referred to in this preamble as "NATO"), proclaims: "[Members] are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security.";

Whereas NATO has been the cornerstone of transatlantic security cooperation and an enduring instrument for promoting stability in Europe and throughout the world for over 60 years;

Whereas the NATO summit in Chicago, Illinois is an opportunity to enhance and more deeply entrench those principles, which continue to bind the alliance together and guide our efforts today;

Whereas the new Strategic Concept, approved in Lisbon, Spain in November 2010, affirms that all NATO members "are determined that NATO will continue to play its unique and essential role in ensuring our common defence and security" and that NATO "continues to be effective in a changing world, against new threats, with new capabilities and new partners";

Whereas the Chicago Summit will mark a critical turning point for NATO and a chance to focus on current operations, future capabilities, and the relationship between NATO and partners around the world;

Whereas the Chicago Summit will be the first NATO summit held in the United States since the 50th anniversary summit was held in Washington, District of Columbia in 1999 and the first NATO summit held outside of Washington, District of Columbia;

Whereas NATO Secretary General Anders Fogh Rasmussen said, "Chicago is a city built upon diversity, and on determination. Those are values that underpin NATO too.";

Whereas the Chicago Summit presents an opportunity to show to the world the Heartland of the United States—the site of the first elevated railway, the first skyscraper in the world, the busiest futures exchange in the world, and the starting point for historic Route 66;

Whereas the thousands of visitors to the Chicago Summit will have the opportunity to enjoy the hospitality of the city of Chicago, the 77 distinct neighborhoods in Chicago, and the State of Illinois; and

Whereas the contributions of generations of immigrants have made the city of Chicago and the State of Illinois what they are today and the ancestral homelands of the immigrants now contribute to making NATO the organization it is today: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the service of the brave men and women who have served to safeguard the freedom and security of the United States and the whole of the transatlantic alliance;

(2) honors the sacrifices of United States personnel, allies of the North American Treaty Organization (referred to in this resolution as "NATO"), and partners in Afghanistan;

(3) remembers the 63 years NATO has served to ensure peace, security, and stability in Europe and throughout the world;

(4) reaffirms that NATO, through the new Strategic Concept, is oriented for the changing international security environment and the challenges of the future;

(5) urges all NATO members to take concrete steps to implement the Strategic Concept and to utilize the NATO summit in Chicago, Illinois to address current NATO operations, future capabilities and burden-sharing issues, and the relationship between NATO and partners around the world;

(6) conveys appreciation for the steadfast partnership between NATO and the United States; and

(7) expresses support for the 2012 NATO summit in Chicago.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1830. Mrs. BOXER proposed an amendment to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

TEXT OF AMENDMENTS

SA. 1830. Mrs. BOXER proposed an amendment to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

On page 1, line 7, strike "4" and insert "6".
On page 2, between lines 1 and 2, insert the following:

(5) Division E—Research and Education.

(6) Division F—Budgetary Effects.

On page 21, strike lines 5 through 10 and insert the following:

the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

On page 22, strike lines 6 through 9 and insert the following:

each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

On page 22, line 25, insert "and the amounts apportioned under section 204 of that title" after "(b)(12)".

On page 24, line 8, strike "title II" and insert "division E".

On page 24, line 23, insert "(excluding funds authorized for the program under section 202 of title 23, United States Code)" after "funds".

On page 25, line 5, insert "(or will not be apportioned to the States under section 204 of title 23, United States Code)" after "States".

On page 25, strike lines 17 through 20.
On page 84, strike line 6 and insert the following:

tory shall be considered to be a Governor of a State.

"(g) PROTECTING PUBLIC SAFETY AND MAINTAINING ROADWAYS.—The Secretary may use amounts from the emergency fund authorized by this section to carry out projects that the Secretary determines are necessary to protect public safety or to maintain or protect roadways that have been included within the scope of a prior emergency declaration in order to maintain the continuation of roadway services on roads that are threatened by continuous or frequent flooding."

On page 94, strike line 6 and all that follows through page 95, line 7, and insert the following:

"(A) SET-ASIDE.—Of the amounts apportioned to a State for fiscal year 2012 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (c)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009.

"(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

On page 167, strike lines 1 through 3 and insert the following:

"(V) a school district, local education agency, or school;

"(VI) a tribal government; and

"(VII) any other local or regional

On page 168, strike line 21 and insert the following:

"a Federal-aid highway under this chapter.

"(7) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—Each State that does not opt out of this paragraph shall—

"(A) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2) for projects

relating to recreational trails under section 206;

“(B) return 1 percent of those funds to the Secretary for the administration of that program; and

“(C) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described under subsection (d)(3)(A) of that section.

“(8) STATE FLEXIBILITY.—A State may opt out of the recreational trails program under paragraph (7) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.”.

On page 210, line 19, strike “ADMINISTRATIVE EXPENSES” and insert “TRIBAL TECHNICAL ASSISTANCE CENTERS”.

Beginning on page 217, strike line 15 and all that follows through page 218, line 1, and insert the following:

“(aa) for each Indian tribe, 80 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(II) For fiscal year 2013—

“(aa) for each Indian tribe, 60 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(III) For fiscal year 2014—

“(aa) for each Indian tribe, 40 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(IV) For fiscal year 2015—

“(aa) for each Indian tribe, 20 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(V) For fiscal year 2016 and

On page 221, line 25, strike “\$27,500,000” and insert “\$82,500,000”.

On page 243, line 20, strike “the road” and insert “the road unless the Secretary determines that the bicycle level of service on that roadway is rated B or higher”.

On page 267, between lines 4 and 5, insert the following:

SEC. 11. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 147 of title 23, United States Code, is amended—

(1) by striking subsections (c), (d), and (e);

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (b) the following:

“(c) DISTRIBUTION OF FUNDS.—Of the amounts made available to ferry systems and public entities responsible for developing ferries under this section for a fiscal year, 100 percent shall be allocated in accordance with the formula set forth in subsection (d).

“(d) FORMULA.—Of the amounts allocated pursuant to subsection (c)—

“(1) 20 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of ferry passengers carried by each ferry system in the most recent fiscal year; bears to

“(B) the number of ferry passengers carried by all ferry systems in the most recent fiscal year;

“(2) 50 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of vehicles carried by each ferry system in the most recent fiscal year; bears to

“(B) the number of vehicles carried by all ferry systems in the most recent fiscal year; and

“(3) 30 percent shall be allocated among eligible entities in the proportion that—

“(A) the total route miles serviced by each ferry system; bears to

“(B) the total route miles serviced by all ferry systems.

“(e) FERRY BOAT COORDINATION TEAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish within the Federal Highway Administration a Ferry Boat Coordination Team to carry out paragraph (2).

“(2) PURPOSES.—The purposes of the ferry boat coordination team shall be—

“(A) to coordinate Federal programs affecting ferry and ferry facility construction, maintenance, operations, and security; and

“(B) to promote transportation by ferry as a component of the United States transportation system.

“(3) FUNCTIONS.—The ferry boat coordination team shall—

“(A) coordinate programs relating to ferry transportation carried out by—

“(i) the Department of Transportation, including programs carried out by the Federal Highway Administration, the Federal Transit Administration, the Maritime Administration, and the Research and Innovative Technology Administration;

“(ii) the Department of Homeland Security; and

“(iii) other Federal and State agencies, as appropriate;

“(B) ensure resource accountability for programs carried out by the Secretary relating to ferry transportation;

“(C) provide strategic leadership for research, development, testing, and deployment of technologies relating to ferry transportation; and

“(D) promote ferry transportation as a means to reduce costs associated with traffic congestion.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$67,000,000 for each of fiscal years 2012 and 2013.”.

(b) NATIONAL FERRY DATABASE.—Section 1801(e) of the SAFETEA-LU (23 U.S.C. 129 note; Public Law 109-59) is amended—

(1) in paragraph (2), by inserting “, including any Federal, State, and local government funding sources,” after “sources”; and

(2) in paragraph (4)—

(A) in subparagraph (B), by striking “and” at the end;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B), the following:

“(C) ensure that the database is consistent with the national transit database maintained by the Federal Transit Administration; and”; and

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “2009” and inserting “2013”.

Beginning on page 275, strike line 13 and all that follows through page 276, line 6, and insert the following:

“(B) POPULATION OF FEWER THAN 200,000.—

“(i) IN GENERAL.—A designation of an existing MPO for an urbanized area with a pop-

ulation of fewer than 200,000 individuals, as calculated according to the most recent decennial census, shall remain in effect until the date on which the existing MPO is redesignated under paragraph (6) unless—

“(I) the existing MPO requests that its planning responsibilities be transferred to the State or to another planning organization designated by the State; or

“(II) the Secretary determines 3 years after the date on which the Secretary issues a rule pursuant to subsection (e)(4)(B)(i), that the existing MPO is not meeting the minimum requirements established by the rule.

“(ii) JUSTIFICATION.—The Secretary shall, in a timely manner, provide a substantive written justification to each metropolitan planning organization that is the subject of a negative determination of the Secretary under clause (i)(II).

On page 276, lines 7 and 8, strike “the applicable Governor, acting on behalf of”.

On page 276, line 17, strike “and”.

On page 276, line 23, strike the period and insert “; and”.

On page 276, between lines 23 and 24, insert the following:

“(iii) make a determination not later than 1 year after the date on which the Secretary issues an extension, regardless of whether the metropolitan planning organization has met the minimum requirements established under subsection (e)(4)(B)(ii).

On page 286, line 23, strike “ensure that” and insert “be limited to ensuring that”.

On page 287, lines 5 and 6, strike “staff resources” and insert “staffing capabilities”.

On page 287, line 12, strike “modeling” and insert “travel demand model and forecasting”.

On page 288, strike line 1 and insert the following:

“(iii) LIMITATION.—The rule issued pursuant to this subparagraph shall only include the minimum requirements established under clause (ii).

“(iv) INCLUSION.—A metropolitan

On page 336, strike lines 9 through 12, and insert the following:

“(iv) a congestion mitigation and air quality performance plan developed under section 149(k) by a tier I metropolitan planning organization (as defined in section 134) representing a nonattainment or maintenance area;

“(v) safety plans developed by providers of public transportation; and

“(vi) the national freight strategic plan.

On page 337, strike lines 7 through 15, and insert the following:

“(A) IN GENERAL.—Each State shall provide to—

“(i) nonmetropolitan local elected officials an opportunity to participate in accordance with subparagraph (B)(i); and

“(ii) affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the statewide transportation plan and statewide transportation improvement program.

“(B) METHODS.—In carrying out this paragraph, the State shall—

“(i) develop and document a consultative process to carry out subparagraph (A)(i) that is separate and discrete from the public involvement process developed under clause (ii);

On page 337, line 16, strike “(i)” and insert “(ii)”.

On page 338, line 1, strike “(ii)” and insert “(iii)”.

On page 338, line 8, strike “(iii)” and insert “(iv)”.

On page 338, line 12, strike “(iv)” and insert “(v)”.

On page 359, lines 18 and 19, strike “applicable Federal law” and insert “this section and applicable Federal law (including rules and regulations)”.

On page 359, line 20, insert “not later than 180 days after the date of enactment of the MAP-21 and” after “certify,”.

On page 359, line 21, insert “thereafter” after “years”.

On page 387, strike lines 4 through 6 and insert the following:

“(i) in subparagraph (B)—

“(I) in clause (i), by striking ‘but’; and

“(II) by striking clause (ii) and inserting the following:

“(ii) at the request of the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary with respect to 1 or more railroad, public transportation, or multimodal projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(iii) in a State that has assumed the responsibilities of the Secretary under clause (i), a recipient of assistance under chapter 53 of title 49 may request that the Secretary maintain the responsibilities of the Secretary with respect to 1 or more public transportation projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 13 4321 et seq.); but

“(iv) the Secretary may not assign—

Beginning on page 434, strike line 5 and all that follows through page 436, line 20.

Beginning on page 453, strike line 19 and all that follows through page 455, line 24, and insert the following:

On page 473, line 11, strike “147.”.

On page 473, line 17, strike “147.”.

On page 490, between lines 3 and 4, insert the following:

SEC. 15 . APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that the timely completion of the Appalachian development highway system is a transportation priority in the national interest.

(b) MODIFIED FEDERAL SHARE FOR PROJECTS ON ADHS.—For fiscal years 2012 through 2021, the Federal share payable for the cost of constructing highways and access roads on the Appalachian development highway system under section 14501 of title 40, United States Code, with funds made available to a State for fiscal year 2012 or a previous fiscal year for the Appalachian development highway system program, or with funds made available for fiscal year 2012 or a previous fiscal year for a specific project, route, or corridor on that system, shall be 95 percent.

(c) FEDERAL SHARE FOR OTHER FUNDS USED ON ADHS.—For fiscal years 2012 through 2021, the Federal share payable for the cost of constructing highways and access roads on the Appalachian development highway system under section 14501 of title 40, United States Code, with Federal funds apportioned to a State for a program other than the Appalachian development highway system program shall be 95 percent.

(d) COMPLETION PLAN.—Not later than 1 year after the date of enactment of the MAP-21, each State represented on the Appalachian Regional Commission shall establish a plan for the completion of the designated corridors of the Appalachian development highway system within the State, including annual performance targets, with a target completion date.

SEC. 15 . DENALI COMMISSION.

The Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended—

(1) in section 305, by striking subsection (c) and inserting the following:

“(c) GIFTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Commission, on behalf of the United States, may accept use, and dispose of gifts or donations of services, property, or money for purposes of carrying out this Act.

“(2) CONDITIONAL.—With respect to conditional gifts—

“(A)(i) the Commission, on behalf of the United States, may accept conditional gifts for purposes of carrying out this Act, if approved by the Federal Cochairperson; and

“(ii) the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with the condition applicable to the gift; but

“(B) no gift shall be accepted that is conditioned on any expenditure not to be funded from the gift or from the income generated by the gift unless the expenditure has been approved by Act of Congress.”; and

(2) by adding at the end the following:

“SEC. 311. TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.

“(a) IN GENERAL.—Subject to subsection (c), for purposes of this Act, the Commission may accept transfers of funds from other Federal agencies.

“(b) TRANSFERS.—Any Federal agency authorized to carry out an activity that is within the authority of the Commission may transfer to the Commission any appropriated funds for the activity.

“(c) TREATMENT.—Any funds transferred to the Commission under this subsection—

“(1) shall remain available until expended; and

“(2) may, to the extent necessary to carry out this Act, be transferred to, and merged with, the amounts made available by appropriations Acts for the Commission by the Federal Cochairperson.”.

SEC. 15 . UPDATED CORROSION CONTROL AND PREVENTION REPORT.

Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to Congress an updated report on the costs and benefits of the prevention and control of corrosion on the surface transportation infrastructure of the United States.

SEC. 15 . HARBOR MAINTENANCE TRUST FUND.

(a) FINDINGS.—Congress finds that—

(1) there are 926 coastal, Great Lakes, and inland harbors maintained by the Corps of Engineers;

(2) according to the Bureau of Transportation Statistics—

(A) in 2009, the ports and waterways of the United States handled more than 2,200,000,000 short tons of imports, exports, and domestic shipments; and

(B) in 2010, United States ports were responsible for more than \$1,400,000,000 in waterborne imports and exports;

(3) according to the Congressional Research Service, full channel dimensions are, on average, available approximately $\frac{1}{3}$ of the time at the 59 harbors of the United States with the highest use rates;

(4) insufficient maintenance dredging of the navigation channels of the United States results in inefficient water transportation and causes harmful economic consequences;

(5) in 1986, Congress created the Harbor Maintenance Trust Fund to provide funds for the operation and maintenance of the navigation channels of the United States;

(6) in fiscal year 2012, the Harbor Maintenance Trust Fund is expected to grow from \$6,280,000,000 to \$7,011,000,000, an increase of approximately 13 percent;

(7) despite the growth of the Harbor Maintenance Trust Fund, expenditures from the Fund have not equaled revenues, and the Fund is not being fully used for the intended purpose of the Fund; and

(8) inadequate investment in dredging needs is restricting access to the ports of the United States for domestic shipping, imports, and exports and therefore threatening the economic competitiveness of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Administration should request full use of the Harbor Maintenance Trust Fund for operating and maintaining the navigation channels of the United States;

(2) the amounts in the Harbor Maintenance Trust Fund should be fully expended to operate and maintain the navigation channels of the United States; and

(3) Congress should ensure that other programs, projects, and activities of the Civil Works Program of the Corps of Engineers, especially those programs, projects, and activities relating to inland navigation and flood control, are not adversely impacted.

SEC. 15 . ENRICHMENT TECHNOLOGY AND INTELLECTUAL PROPERTY.

(a) In addition to any other transfer authority, the Secretary may transfer, not earlier than thirty days after certification to the Committees on Appropriations of the House of Representatives and the Senate that such transfer is needed for national security reasons, and after Congressional notification and approval of the Committees on Appropriations of the House of Representatives and the Senate, up to \$150,000,000 made available in prior Appropriations Acts to further the development and demonstration of national security-related enrichment technologies. No amounts may be transferred under this section from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) The Secretary shall provide, directly or indirectly, Federal funds, resources, or other benefit for the research, development, or deployment of domestic enrichment technology under this section—

(1) using merit selection procedures; and

(2) only if the Secretary shall execute an agreement with the recipient (or any affiliate, successor, or assignee) of such funds, resources, or other benefit (hereinafter referred to as the “recipient”), which shall require, at a minimum—

(A) the achievement of specific technical criteria by the recipient by specific dates no later than June 30, 2014;

(B) that the recipient shall—

(i) immediately upon execution of the agreement, grant to the United States for use by or on behalf of the United States, through the Secretary, a royalty-free, non-exclusive license in all enrichment-related intellectual property and associated technical data owned, licensed or otherwise controlled by the recipient as of the date of enactment of this Act, or thereafter developed or acquired to meet the requirements of the agreement;

(ii) amend any existing agreement between the Secretary and the recipient to permit the Secretary to practice or permit third parties on behalf of the Secretary to practice intellectual property and associated technical data related to the award of funds, resources, or other benefit royalty-free for government purposes, including completing or

operating enrichment technologies and using them for national defense purposes, such as providing nuclear material to operate commercial nuclear power reactors for tritium production; and

(iii) as soon as practicable, deliver to the Secretary all technical information and other documentation in its possession or control necessary to permit the Secretary to use and practice all intellectual property related to domestic enrichment technologies; and

(C) any other condition or restriction the Secretary determines is necessary to protect the interests of the United States.

(c) If the Secretary determines that a recipient has not achieved the technical criteria under the agreement pursuant to subsection (b), either by the dates specified in the original agreement or by June 30, 2014, whichever is earlier, the recipient shall, as soon as practicable, surrender custody, possession and control, or return, as appropriate, any real or personal property owned or leased by the recipient, to the Secretary in connection with the deployment of enrichment technology, along with all capital improvements, equipment, fixtures, appurtenances, and other improvements thereto, and any further obligation by the Secretary under any such lease shall terminate.

(d)(1) The limitations in this section shall apply to funds made available in this Act, prior Appropriations Acts, and any future Appropriations Acts.

(2) This section shall not apply with regard to the issuance of any loan guarantee pursuant to section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

(e) For purpose of this section, the term "Secretary" shall mean the Secretary of the Department of Energy.

Beginning on page 490, strike line 4 and all that follows through page 609, line 17, and insert the following:

TITLE II—AMERICA FAST FORWARD FINANCING INNOVATION

SEC. 2001. SHORT TITLE.

On page 645, strike lines 1 through 3 and insert the following:

TITLE III—HIGHWAY SPENDING CONTROLS

SEC. 3001. HIGHWAY SPENDING CONTROLS.

On page 669, line 17, strike "as of" and insert "on".

On page 671, strike lines 1 through 6 and insert the following:

"(B) INCLUSIONS.—The term 'nonmetropolitan area' includes—

"(i) a small urbanized area with a population of more than 50,000, but fewer than 200,000 individuals, as calculated according to the most recent decennial census; and

"(ii) a nonurbanized area.

On page 672, strike lines 4 through 20 and insert the following:

"(1) RURAL PLANNING ORGANIZATION.—The term 'rural planning organization' means an organization that—

"(A) is responsible for the planning, coordination, and implementation of statewide transportation plans and programs outside of metropolitan areas, with an emphasis on addressing the needs of rural areas of a State;

"(B) is not designated as a tier I MPO, a tier II MPO, or a nonmetropolitan planning organization.

On page 676, strike line 4 and all that follows through page 677, line 14, and insert the following:

"(5) CONTINUING DESIGNATION.—

"(A) POPULATION OF 200,000 OR MORE.—A designation of an existing MPO for an urbanized

area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census, shall remain in effect—

"(i) for the period during which the structure of the existing MPO complies with the requirements of paragraph (1); or

"(ii) until the date on which the existing MPO is redesignated under paragraph (6).

"(B) POPULATION OF FEWER THAN 200,000.—

"(i) IN GENERAL.—A designation of an existing MPO for an urbanized area with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, shall remain in effect until the date on which the existing MPO is redesignated under paragraph (6) unless—

"(I) the existing MPO requests that its planning responsibilities be transferred to the State or to another planning organization designated by the State; or

"(II)(aa) the Secretary determines 3 years after the date on which the Secretary issues a rule pursuant to subsection (e)(4)(B)(i), that the existing MPO is not meeting the minimum requirements established by the rule; and

"(bb) the Secretary approves the Governor's determination.

"(ii) WRITTEN JUSTIFICATION.—The Secretary shall in a timely manner provide a substantive written justification to each metropolitan planning organization that is the subject of a negative determination of the Secretary under clause (i)(II).

"(C) EXTENSION.—If a metropolitan planning organization for an urbanized area with a population of less than 200,000 that would otherwise be terminated under subparagraph (B), requests a probationary continuation before the termination of the metropolitan planning organization, the Secretary shall—

"(i) delay the termination of the metropolitan planning organization under subparagraph (B) for a period of 1 year;

"(ii) provide additional technical assistance to all metropolitan planning organizations provided an extension under this paragraph to assist the metropolitan planning organization in meeting the minimum requirements under subsection (e)(4)(B)(i); and

"(iii) make a determination 1 year after the date on which the Secretary issues an extension, whether the MPO has met the minimum requirements established under subsection (e)(4)(B)(i).

"(D) DESIGNATION AS TIER II MPO.—If the Secretary determines the existing MPO has met the minimum requirements under the rule issued under subsection (e)(4)(B)(i), the Secretary shall designate the existing MPO as a tier II MPO.

On page 678, line 10, strike "(7)" and insert the following:

"(7) ABSENCE OF DESIGNATION.—

"(A) IN GENERAL.—A metropolitan planning organization that is the subject of a negative determination of the Secretary under paragraph (5)(B)(i)(II) shall submit to the State in which the metropolitan planning organization is located, or to a planning organization designated by the State, by not later than 180 days after the date on which a notice of the negative determination is received, a 6-month plan that includes a description of a method—

"(i) to transfer the responsibilities of the metropolitan planning organization to the State; and

"(ii) to dissolve the metropolitan planning organization.

"(B) ACTION ON DISSOLUTION.—On submission of a plan under subparagraph (A), the metropolitan planning area served by the ap-

plicable metropolitan planning organization shall—

"(i) continue to receive metropolitan transportation planning funds until the earlier of—

"(I) the date of dissolution of the metropolitan planning organization; and

"(II) the date that is 4 years after the date of enactment of the Federal Public Transportation Act of 2012; and

"(ii) be treated by the State as a nonmetropolitan area for purposes of this chapter.

"(8)

On page 681, line 5, strike "subsection (c)(7)" and insert "paragraph (1)".

On page 686, line 1, strike "ensure" and insert "be limited to ensuring".

On page 686, lines 8 and 9, strike "staff resources" and insert "staffing capabilities".

On page 686, line 15, strike "modeling" and insert "travel demand model and forecasting".

On page 687, line 4, strike "(iii)" and insert the following:

"(iii) LIMITATION.—The rule issued pursuant to this subparagraph shall only include the minimum requirements established in clause (i).

"(iv)

On page 693, line 5, insert after "competitiveness," the following: "travel and tourism (where applicable)".

On page 695, line 15, strike "or adopt".

On page 696, strike lines 10 through 19 and insert the following:

(iii) the State strategic highway safety plan;

(iv) a congestion mitigation and air quality performance plan developed under section 149(k) of title 23 by a tier I MPO representing a nonattainment or maintenance area;

(v) safety plans developed by providers of public transportation; and

(vi) the national freight strategic plan.

On page 697, line 18, insert after "parties" the following: "(including State representatives of nonmotorized users)".

On page 698, line 2, strike "all interested parties" and insert "interested parties and local officials".

On page 698, lines 3 and 4, strike "all interested parties" and insert "interested parties and local officials".

On page 698, line 14, insert after "parties" the following: "(including State representatives of nonmotorized users)".

On page 706, line 2, strike "targets" and insert "measures".

On page 706, line 5, strike "targets" and insert "measures".

On page 706, strike lines 7 through 11 and insert the following:

"(v) shall be revenue constrained based on the total revenues expected to be available over the forecast period of the plan; and

On page 706, line 16, strike "targets" and insert "measures".

On page 707, line 6, strike "of—" and insert "of the following:".

On page 707, line 7, strike "the projected" and insert "Projected".

On page 707, line 17, strike the semicolon and insert a period.

On page 707, line 18, strike "the" and insert "The".

On page 707, line 22, strike the semicolon and insert a period.

On page 707, line 23, strike "estimates" and insert "Estimates".

On page 708, line 4, strike "; and" and insert a period.

On page 708, line 5, strike "each" and insert "Each".

On page 712, line 8, strike “performance”.

On page 713, line 10, strike “of—” and insert “of the following:”.

On page 713, line 11, strike “the projected” and insert “Projected”.

On page 713, line 21, strike the semicolon and insert a period.

On page 713, line 22, strike “the” and insert “The”.

On page 714, line 2, strike the semicolon and insert a period.

On page 714, line 3, strike “estimates” and insert “Estimates”.

On page 714, lines 9 and 10, strike “; and” and insert a period.

On page 714, line 11, strike “each” and insert “Each”.

On page 723, line 17, strike “(d)” and insert “(c)”.

On page 728, line 17, strike “coordinate” and insert “consult”.

On page 730, line 12, strike “coordinate” and insert “consult on”.

On page 734, line 6, insert after “competitiveness,” the following: “travel and tourism (where applicable),”.

On page 738, strike line 6 and all that follows through page 739, line 19, and insert the following:

“(4) PARTICIPATION BY INTERESTED PARTIES.—

“(A) IN GENERAL.—Each State shall provide to—

“(i) nonmetropolitan local elected officials an opportunity to participate in accordance with subparagraph (B)(i); and

“(ii) affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the statewide transportation plan and statewide transportation improvement program.

“(B) METHODS.—In carrying out this paragraph, the State shall—

“(i) develop and document a consultative process to carry out subparagraph (A)(i) that is separate and discrete from the public involvement process developed under clause (ii);

“(ii) develop the statewide transportation plan and statewide transportation improvement program in consultation with interested parties, as appropriate, including by the formation of advisory groups representative of the State and interested parties that participate in the development of the statewide transportation plan and statewide transportation improvement program;

“(iii) hold any public meetings at times and locations that are, as applicable—

“(I) convenient; and

“(II) in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

“(iv) employ visualization techniques to describe statewide transportation plans and statewide transportation improvement programs; and

“(v) make public information available in appropriate electronically accessible formats and means, such as the Internet, to afford reasonable opportunity for consideration of public information under subparagraph (A).

On page 741, line 1, strike “coordination” and insert “consultation”.

On page 748, line 19, strike “of—” and insert “of the following:”.

On page 748, line 20, strike “the projected” and insert “Projected”.

On page 749, line 6, strike the semicolon and insert a period.

On page 749, line 7, strike “the” and insert “The”.

On page 749, line 11, strike the semicolon and insert a period.

On page 749, line 12, strike “estimates” and insert “Estimates”.

On page 749, line 19, strike the semicolon and insert a period.

On page 749, line 20, strike “each” and insert “Each”.

On page 749, line 24, strike “; and” and insert a period.

On page 750, strike lines 1 through 7 and insert the following:

(v) For the outer years period of the statewide transportation plan, a description of the aggregate cost ranges or bands, subject to the condition that any future funding source shall be reasonably expected to be available to support the projected cost ranges or bands.

On page 751, between lines 4 and 5, insert the following:

“(6) USE OF POLICY PLANS.—Notwithstanding any other provision of this section, a State that has in effect, as of the date of enactment of the Federal Public Transportation Act of 2012, a statewide transportation plan that follows a policy plan approach—

“(A) may, for 4 years after the date of enactment of the Federal Public Transportation Act of 2012, continue to use a policy plan approach to the statewide transportation plan; and

“(B) shall be subject to the requirements of this subsection only to the extent that such requirements were applicable under this section (as in effect on the day before the date of enactment of the Federal Public Transportation Act of 2012).

On page 751, line 8, strike “cooperation” and insert “consultation”.

On page 752, line 3, insert after “parties” the following: “(including State representatives of nonmotorized users)”.

On page 755, line 12, strike “of—” and insert “of the following:”.

On page 755, line 13, strike “the projected” and insert “Projected”.

On page 755, line 23, strike the semicolon and insert a period.

On page 755, line 24, strike “the” and insert “The”.

On page 756, line 3, strike the semicolon and insert a period.

On page 756, line 4, strike “estimates” and insert “Estimates”.

On page 756, line 11, strike “; and” and insert a period.

On page 756, line 12, strike “each” and insert “Each”.

On page 758, line 20, strike “by the State),” and insert “on the National Highway System) by the State.”.

On page 759, line 17, strike “Approval” and insert “Notwithstanding any other provision of law, approval”.

On page 759, strike line 23 and all that follows through page 760, line 7, and insert the following:

“(1) IN GENERAL.—The Secretary shall—

“(A) ensure that the statewide transportation planning process of a State is being carried out in accordance with this section and applicable Federal law (including rules and regulations); and

“(B) subject to paragraph (2), certify, not later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012 and not less frequently than once every 5 years thereafter, that the requirements of subparagraph (A) are met with respect to the statewide transportation planning process.

On page 774, line 3, strike “50 percent” and insert “75 percent”.

On page 774, line 10, strike “25 percent” and insert “50 percent”.

On page 792, strike line 20 and all that follows through page 793, line 2, and insert the following:

“(2) CLEAN FUEL VEHICLE.—The term ‘clean fuel vehicle’ means—

“(A) a passenger vehicle used to provide public transportation that the Administrator of the Environmental Protection Agency has certified sufficiently reduces energy consumption or reduces harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

“(B) a zero emission bus used to provide public transportation.

On page 794, between lines 13 and 14, insert the following:

“(7) ZERO EMISSION BUS.—The term ‘zero emission bus’ means a clean fuel vehicle that produces no carbon or particulate matter.

On page 794, between lines 22 and 23, insert the following:

“(3) COMBINATION OF FUNDING SOURCES.—

“(A) COMBINATION PERMITTED.—A project carried out under this section may receive funding under section 5307, or any other provision of law.

“(B) GOVERNMENT SHARE.—Nothing in this paragraph may be construed to alter the Government share required under this section, section 5307, or any other provision of law.

On page 795, line 10, strike “(f)” and insert the following:

“(f) PRIORITY CONSIDERATION.—In making grants under this section, the Secretary shall give priority to projects relating to clean fuel buses that make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other clean fuel buses.

“(g)

On page 796, strike lines 7 through 9 and insert the following:

“(A) if—

“(i) a majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods; or

“(ii) a substantial portion of the project operates in a separated right-of-way that is semi-dedicated for public transportation use during peak periods and includes other physical elements that reduce public transportation vehicle travel time and increase service reliability;

On page 853, line 11, strike “Section” and insert the following:

(a) IN GENERAL.—Section

On page 872, between lines 2 and 3, insert the following:

(b) PILOT PROGRAM FOR INTERCITY BUS SERVICE.—

(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) ELIGIBLE PROJECT.—The term “eligible project” means an intercity bus project eligible under section 5311(f) of title 49, United States Code, as amended by this section, that includes both feeder service and an unsubsidized segment of the intercity bus network to which it connects.

(B) FEEDER SERVICE.—The term “feeder service” means the provision of intercity connections to allow for the coordination of rural connections between small public transportation systems and providers of intercity bus service.

(C) INTERCITY BUS SERVICE.—The term “intercity bus service” means regularly scheduled bus service provided by private operators for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close

proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

(D) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(2) IN-KIND MATCH.—The Secretary shall establish a pilot program under which the Secretary may allow not more than 20 States using funding provided to carry out section 5311(f) of title 49, United States Code, as amended by this section, to support intercity bus service using the capital costs of unsubsidized service provided by a private operator as in-kind match for an eligible project.

(3) STUDY.—The Comptroller General of the United States shall conduct a study not later than 1 year after the date of enactment of this Act to determine the efficacy of the pilot program in improving and expanding intercity bus service and the effect of the pilot program on public transportation providers and the commuting public.

On page 904, line 10, strike “(1)” and insert the following:

(1) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) CONTRACTS.—A recipient procuring rolling stock with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for—

“(A) not more than 5 years after the date of the original contract for bus procurements; and

“(B) not more than 7 years after the date of the original contract for rail procurements, provided that such option does not allow for significant changes or alterations to the rolling stock.”.

(2)

On page 904, line 13, strike “(2)” and insert “(3)”.

On page 904, line 17, strike “(3)” and insert “(4)”.

On page 959, line 25, strike “the term ‘fixed guideway motorbus’ ” and insert “the term ‘high intensity motorbus’ ”.

On page 960, line 17, strike “fixed guideway” and insert “high intensity”.

On page 960, line 20, strike “fixed guideway” and insert “high intensity”.

On page 961, line 1, strike “fixed guideway” and insert “high intensity”.

On page 961, line 4, strike “fixed guideway” and insert “high intensity”.

On page 961, line 7, strike “FIXED GUIDEWAY” and insert “HIGH INTENSITY”.

On page 962, lines 5 and 6, strike “fixed guideway” and insert “high intensity”.

On page 962, lines 6 and 7, strike “fixed guideway” and insert “high intensity”.

On page 962, line 9, strike “fixed guideway” and insert “high intensity”.

On page 962, line 12, strike the quotation marks and the second period and insert the following:

“(f) BUS AND BUS FACILITIES STATE OF GOOD REPAIR GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to assist State and local governmental authorities in financing bus and bus facility capital projects to maintain public transportation systems in a state of good repair.

“(2) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for capital projects on a competitive basis.

“(3) DISTRIBUTION.—The Secretary shall ensure that not less than 40 percent of the

funds allocated on a competitive basis are distributed to rural areas.

“(4) PRIORITY CONSIDERATION.—In making grants under this subsection, the Secretary shall give priority to recipients providing bus-only or high-intensity motorbus service (as defined in subsection (e)(1)) in a State whose recipients’ total apportionment from section 5338(a) in fiscal year 2012 minus the recipients’ total apportionment from section 5338(a) in fiscal year 2011 does not exceed 90 percent of the average annual amount the recipients in the State received under section 5309(m)(2)(c), as in effect on October 1, 2011, in fiscal years 2006 through 2011.”.

On page 965, line 20, insert after “2013” the following: “, of which not less than \$75,000,000 shall be available to carry out section 5337(f)”.

On page 973, strike line 15 and all that follows through “5307.” on line 21 and insert the following: “Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.”

On page 975, beginning on line 10, strike “5325 of title 49” and all that follows through “subsection (b)(2)(A),” on line 12 and insert the following: “5325(b)(2)(A) of title 49, United States Code, is amended”.

On page 975, line 16, strike “; and” and insert a period.

On page 975, strike lines 17 through 19.

On page 983, line 3, strike “a”.

On page 983, line 5, strike “SUBTITLE” and insert “TITLE”.

Beginning on page 1048, strike line 9 and all that follows through page 1050, line 12.

On page 1054, line 13, insert “Motor Vehicle and Highway Safety Improvement Act of 2012” before the em dash.

On page 1056, line 24, insert “Motor Vehicle and Highway Safety Improvement Act of 2012” before the em dash.

On page 1065, line 8, insert “Motor Vehicle and Highway Safety Improvement Act of 2012” before the comma.

On page 1078, line 11, after “enactment of the” insert “Motor Vehicle and Highway Safety Improvement Act of 2012”.

On page 1085, strike lines 11 and 12, and insert the following:

“§ 30120A. Recall obligations and bankruptcy of a manufacturer

On page 1137, between lines 16 and 17, insert the following:

SEC. 32208. RENTAL TRUCK ACCIDENT STUDY.

(a) DEFINITIONS.—In this section:

(1) RENTAL TRUCK.—The term “rental truck” means a motor vehicle with a gross vehicle weight rating of between 10,000 and 26,000 pounds that is made available for rental by a rental truck company.

(2) RENTAL TRUCK COMPANY.—The term “rental truck company” means a person or company that is in the business of renting or leasing rental trucks to the public or for private use.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the safety of rental trucks during the 7-year period ending on December 31, 2011.

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall—

(A) evaluate available data on the number of crashes, fatalities, and injuries involving rental trucks and the cause of such crashes, utilizing police accident reports and other sources;

(B) estimate the property damage and costs resulting from a subset of crashes involving rental truck operations, which the

Secretary believes adequately reflect all crashes involving rental trucks;

(C) analyze State and local laws regulating rental truck companies, including safety and inspection requirements;

(D) assess the rental truck maintenance programs of a selection of small, medium, and large rental truck companies, as selected by the Secretary, including the frequency of rental truck maintenance inspections, and compare such programs with inspection requirements for passenger vehicles and commercial motor vehicles;

(E) include any other information available regarding the safety of rental trucks; and

(F) review any other information that the Secretary determines to be appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted pursuant to subsection (b); and

(2) any recommendations for legislation that the Secretary determines to be appropriate.

On page 1143, strike lines 24 and 25 and insert the following:

(A) by amending subparagraph (E) to read as follows:

“(E) require medical examiners to transmit electronically, on at least a monthly basis, the name of the applicant, a numerical identifier, and additional information contained on the medical examiner’s certificate for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, to the chief medical examiner;”.

On page 1146, strike lines 1 and 2 and insert the following: “Code—

(A) up to \$1,000,000 for fiscal year 2012; and
(B) up to \$1,000,000 for fiscal year 2013.

On page 1158, line 10, strike “deleting” and insert “striking”.

On page 1158, line 14, strike “deleting” and insert “striking”.

On page 1198, between lines 2 and 3, insert the following:

SEC. 32514. GRADE CROSSING SAFETY REGULATIONS.

Section 112(2) of the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103-311) is amended by striking “315 of such title (relating to motor carrier safety)” and inserting “311 of such title (relating to commercial motor vehicle safety)”.

On page 1219, line 15, strike the end quote and period at the end and insert the following:

“(j) PAYMENT TO RECIPIENTS OF FINANCIAL ASSISTANCE FOR COSTS.—Each grantee shall submit vouchers to the Secretary for costs the grantee has incurred under sections 31102, 31109, and 31313. The Secretary shall pay the grantee an amount equal to not more than the Government share of costs incurred as of the date on which the vouchers are submitted.”.

On page 1247, in the undesignated matter between lines 18 and 19, strike “Sec.”.

On page 1314, after the matter following line 18, insert the following:

SEC. 33007. MAKE IT IN AMERICA INITIATIVE.

(a) MEMORANDUM OF AGREEMENT.—The term “Memorandum of Agreement” means the August 2011 Memorandum of Agreement between the Department of Transportation and the Department of Commerce entitled “Development of a Domestic Supply Base for Intermodal Transportation in the U.S.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that collaboration between the Department of Transportation and the Department of Commerce can significantly improve the scope and depth of the domestic supply base for transportation infrastructure, particularly for small businesses in the United States.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Commerce shall prioritize the implementation of the Memorandum of Agreement.

(2) SAVINGS PROVISION.—The requirement under paragraph (1) may not be construed to require the expenditure of additional funds.

SEC. 33008. CAPACITY-BUILDING FOR NATURAL DISASTERS AND EXTREME WEATHER.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) EXTREME WEATHER.—The term “extreme weather” includes severe or unseasonable weather, heavy precipitation, a storm surge, flooding, drought, windstorms (including hurricanes, tornadoes, and associated storm surges), extreme heat, and extreme cold.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation, in consultation with—

(A) the Director of the National Institute of Standards and Technology;

(B) the Administrator of the Federal Emergency Management Agency; and

(C) as appropriate—

(i) the Administrator of the National Oceanic and Atmospheric Administration;

(ii) the Director of the United States Geological Survey;

(iii) the Administrator of the National Aeronautics and Space Administration;

(iv) the Administrator of the Environmental Protection Agency; and

(v) the heads of other Federal agencies.

(b) DATA.—The Secretary shall determine and provide to transportation planners appropriate data on the impact on infrastructure of natural disasters and a higher frequency of extreme weather.

(c) TRANSPORTATION INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary shall issue guidance and establish design standards for transportation infrastructure to help States, metropolitan planning organizations, and local governments plan for natural disasters and a greater frequency of extreme weather events in the process of planning, siting, designing, and developing transportation infrastructure by assessing vulnerabilities to a changing climate and the costs and benefits of adaptation measures (including economic, social, and environmental costs and benefits).

(2) COORDINATION.—If appropriate, guidance and design standards under paragraph (1) shall, to the maximum extent practicable, be carried out through the coordination mechanism provided under—

(A) the National Windstorm Impact Reduction Program established under section 204 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15703); and

(B) the National Earthquake Hazard Reduction Program established under section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704).

SEC. 33009. TOLL FAIRNESS STUDY.

(a) REVIEW.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of toll rate setting practices by selected interstate tolling authorities—

(1) over any bridge constructed under the Act of March 23, 1906 (33 U.S.C. 491 et seq.)

(commonly known as the Bridge Act of 1906), the General Bridge Act of 1946 (33 U.S.C. 525 et seq.), or the International Bridge Act of 1972 (33 U.S.C. 535 et seq.); and

(2) over or through any bridge or tunnel constructed on a Federal-aid highway (as defined in section 101(a) of title 23, United States Code).

(b) EVALUATION.—The review under subsection (a) shall include an evaluation of—

(1) the extent to which the use of tolling revenue by interstate authorities is consistent with their mandates; and

(2) the transparency and accountability of the funding and management decisions by those authorities.

(c) REPORT TO CONGRESS.—The Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the results of the review conducted under this section; and

(2) any appropriate recommendations.

On page 1378, line 9, strike “section 35009” and insert “section 51001”.

Beginning on page 1379, line 17, redesignate title VI as title V and redesignate sections 36001 through 36601 as sections 35001 through 35601, respectively.

On page 1380, line 25, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the em dash.

On page 1393, line 2, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the semicolon.

On page 1393, line 5, insert “the National Rail System Preservation, Expansion, and Development Act of 2012” before the period.

On page 1393, line 9, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the period.

On page 1405, line 18, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the comma.

On page 1411, line 21, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the comma.

On page 1438, line 15, insert “National Rail System Preservation, Expansion, and Development Act of 2012” before the comma.

Beginning on page 1445, strike line 16 and all that follows through page 1446, line 3 and insert the following:

“(b) AUTHORITY.—

“(1) IN GENERAL.—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in the Inspector General Act 1978 (5 U.S.C. App. 3), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18.

“(2) AGENCY.—Solely for purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, Amtrak and the Amtrak Office of the Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of such title.

“(c) FALSE CLAIMS.—Claims made or presented to Amtrak shall be considered as claims under section 3729(b)(2)(A)(ii) of title 31. Statements made or presented to Amtrak shall be considered as statements under subparagraphs (B) and (G) of section 3729(a)(1) of such title.

“(d) LIMITATION.—Subsections (b) and (c) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

“(e) QUALIFIED IMMUNITY.—

“(1) IN GENERAL.—An employee of the Amtrak Office of Inspector General shall enjoy

the same personal qualified immunity from lawsuit or liability as the employees of the Department of Transportation Office of Inspector General with respect to the performance of investigative, audit, inspection, or evaluation functions authorized under the Inspector General Act of 1978 (5 U.S.C. App.) that are carried out for the Amtrak Office of Inspector General.

“(2) FEDERAL GOVERNMENT LIABILITY.—No liability of any kind shall attach to or rest upon the United States for any damages from or by any actions of the Amtrak Office of Inspector General, its employees, agents, or representatives.

“(f) SERVICES.—Amtrak and the Inspector General of Amtrak may obtain services under sections 502(a) and 602 of title 40, including travel programs, from the Administrator of General Services. The Administrator of General Services shall provide services under sections 502(a) and 602 of title 40, to Amtrak and the Inspector General.”.

Beginning on page 1451, strike line 7 and all that follows through page 1452, line 5, and insert the following:

(c) EXTENSION AUTHORITY.—Section 20157 is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

“(h) EXTENSION.—

“(1) IN GENERAL.—After completing the report under subsection (d), the Secretary may extend in 1 year increments, upon application, the implementation deadline, if the Secretary—

“(A) determines that—

“(i) full implementation will likely be infeasible due to circumstances beyond the control of the applicant, including funding availability, spectrum acquisition, resource and technology availability, and interoperability standards;

“(ii) the applicant has demonstrated good faith in its positive train control implementation;

“(iii) the applicant has presented a revised positive train control implementation plan indicating how it will fully implement positive train control as soon as feasible, and not later than December 31, 2018; and

“(iv) such extension will not extend beyond December 31, 2018; and

“(B) takes into consideration—

“(i) whether the affected areas of track have been identified as areas of greater risk to the public and railroad employees in the applicant's positive train control implementation plan under section 236.101(a)(4) of title 49, Code of Federal Regulations; and

“(ii) the risk of operational failure to the affected service areas and the applicant.

“(2) APPLICATION REVIEW.—The Secretary shall review an application submitted pursuant to paragraph (1) and approve or disapprove the application not later than 10 days after the application is received.”.

On page 1477, lines 1 through 21, redesignate title VII as title VI and redesignate sections 37001 and 37002 as sections 36001 and 36002, respectively.

On page 1477, between lines 21 and 22, insert the following:

TITLE VII—MISCELLANEOUS

SEC. 37001. AIRCRAFT NOISE ABATEMENT.

(a) IN GENERAL.—Section 3(b)(2) of Public Law 100-91 (16 U.S.C. 1a-1 note) is amended by adding at the end the following: “The plan shall not apply to or otherwise affect the regulation of flights over the Grand Canyon at altitudes above the Special Flight Rules Area for the Grand Canyon in effect as

of the date of the enactment of the MAP-21, or as subsequently modified by mutual agreement of the Secretary and the Administrator.”.

(b) SAVINGS PROVISIONS.—

(1) JURISDICTION OF NATIONAL AIRSPACE.—None of the recommendations required under section 3(b)(1) of Public Law 100-91 (16 U.S.C. 1a-1 note), including recommendations to raise the flight-free zone altitude ceilings, shall adversely affect the national airspace system, as determined by the Administrator of the Federal Aviation Administration. If the Administrator determines that implementing the recommendations would adversely affect the national airspace system, the Administrator shall consult with the Secretary of the Interior to eliminate the adverse effects.

(2) EFFECT OF NEPA DETERMINATIONS.—None of the environmental thresholds, analyses, impact determinations, or conditions prepared or used by the Secretary to develop recommendations regarding the substantial restoration of natural quiet and experience for the Grand Canyon National Park required under section 3(b)(1) of Public Law 100-91 shall have broader application or be given deference with respect to the Administrator's compliance with the National Environmental Policy Act for proposed aviation actions and decisions. Nothing in this section may be construed to limit the ability of the National Park Service to use its own methods of analysis and impact determinations for air tour management planning within its purview under the National Parks Air Tour Management Act of 2000 (title VIII of Public Law 106-181).

(c) CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.—

(1) IN GENERAL.—Not later than 15 years after the date of the enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of the enactment of this Act).

(2) CONVERSION INCENTIVES.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of the enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804(c) of the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106-181), provided that the cumulative impact of such operations does not increase noise at Grand Canyon National Park.

In division D, strike section 40201 and insert the following:

SEC. 40201. TEMPORARY INCREASE IN SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 265(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “2009 or 2010” each place it appears in clauses (i), (ii), and (iii) and inserting “2009, 2010, or the period beginning after June 30, 2012, and before July 1, 2013”, and

(2) by striking “2009 AND 2010” in the heading and inserting “2009, 2010, 2012, AND 2013”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after June 30, 2012.

In division D, strike section 40312 and insert the following:

SEC. 40312. PENSION FUNDING STABILIZATION.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subparagraph (C) of section 430(h)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iv) SEGMENT RATE STABILIZATION.—

“(I) IN GENERAL.—If a segment rate described in clause (i), (ii), or (iii) with respect to any applicable month (determined without regard to this clause) is less than the applicable minimum percentage, or more than the applicable maximum percentage, of the average of the segment rates described in such clause for years in the 25-year period ending with September 30 of the calendar year preceding the calendar year in which the plan year begins, then the segment rate described in such clause with respect to the applicable month shall be equal to the applicable minimum percentage or the applicable maximum percentage of such average, whichever is closest. The Secretary shall determine such average on an annual basis and may prescribe equivalent rates for years in any such 25-year period for which the rates described in any such clause are not available.

“(II) APPLICABLE MINIMUM PERCENTAGE; APPLICABLE MAXIMUM PERCENTAGE.—For purposes of subclause (I), the applicable minimum percentage and the applicable maximum percentage for a plan year beginning in a calendar year shall be determined in accordance with the following table:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012	90%	110%
2013	85%	115%
2014	80%	120%
2015	75%	125%
After 2015	70%	130%.”.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (6) of section 404(o) of such Code is amended by inserting “(determined by not taking into account any adjustment under clause (iv) of subsection (h)(2)(C) thereof)” before the period.

(B) Subparagraph (F) of section 430(h)(2) of such Code is amended by inserting “and the averages determined under subparagraph (C)(iv)” after “subparagraph (C)”.

(C) Subparagraphs (C) and (D) of section 417(e)(3) of such Code are each amended by striking “section 430(h)(2)(C)” and inserting “section 430(h)(2)(C) (determined by not taking into account any adjustment under clause (iv) thereof)”.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subparagraph (C) of section 303(h)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)) is amended by adding at the end the following new clause:

“(iv) SEGMENT RATE STABILIZATION.—

“(I) IN GENERAL.—If a segment rate described in clause (i), (ii), or (iii) with respect to any applicable month (determined without regard to this clause) is less than the applicable minimum percentage, or more than

the applicable maximum percentage, of the average of the segment rates described in such clause for years in the 25-year period ending with September 30 of the calendar year preceding the calendar year in which the plan year begins, then the segment rate described in such clause with respect to the applicable month shall be equal to the applicable minimum percentage or the applicable maximum percentage of such average, whichever is closest. The Secretary of the Treasury shall determine such average on an annual basis and may prescribe equivalent rates for years in any such 25-year period for which the rates described in any such clause are not available.

“(II) APPLICABLE MINIMUM PERCENTAGE; APPLICABLE MAXIMUM PERCENTAGE.—For purposes of subclause (I), the applicable minimum percentage and the applicable maximum percentage for a plan year beginning in a calendar year shall be determined in accordance with the following table:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012	90%	110%
2013	85%	115%
2014	80%	120%
2015	75%	125%
After 2015	70%	130%.”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (F) of section 303(h)(2) of such Act (29 U.S.C. 1083(h)(2)) is amended by inserting “and the averages determined under subparagraph (C)(iv)” after “subparagraph (C)”.

(B) Clauses (ii) and (iii) of section 205(g)(3)(B) of such Act (29 U.S.C. 1055(g)(3)(B)) are each amended by striking “section 303(h)(2)(C)” and inserting “section 303(h)(2)(C) (determined by not taking into account any adjustment under clause (iv) thereof)”.

(C) Clause (iv) of section 4006(a)(3)(E) of such Act (29 U.S.C. 1306(a)(3)(E)) is amended by striking “section 303(h)(2)(C)” and inserting “section 303(h)(2)(C) (notwithstanding any regulations issued by the corporation, determined by not taking into account any adjustment under clause (iv) thereof)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2011.

(2) EXCEPTION.—A plan sponsor may elect not to have the amendments made by this section apply to any plan year beginning on or before the date of the enactment of this Act solely for purposes of determining the adjusted funding target attainment percentage under sections 436 of the Internal Revenue Code of 1986 and 206(g) of the Employee Retirement Income Security Act of 1974 for such plan year. A plan shall not be treated as failing to meet the requirements of sections 411(d)(6) of such Code and 204(g) of such Act solely by reason of an election under this paragraph.

SEC. 40313. ADDITIONAL TRANSFERS TO HIGH-WAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) ADDITIONAL APPROPRIATIONS TO TRUST FUND.—Out of money in the Treasury not

otherwise appropriated, there is hereby appropriated to the Highway Trust Fund—

“(A) for fiscal year 2012, \$2,183,000,000,

“(B) for fiscal year 2013, \$2,277,000,000, and

“(C) for fiscal year 2014, \$510,000,000.”

SEC. 40314. TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND.

Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

(1) for fiscal year 2012, \$27,000,000, and

(2) for fiscal year 2014, \$82,000,000,

to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401). The Secretary of the Treasury shall allocate such amounts between such Trust Funds in the ratio in which amounts are appropriated to such Trust Funds under clause (3) of section 201(a) and clause (1) of section 201(b) of such Act.

On page 1522, after line 14, add the following:

DIVISION E—RESEARCH AND EDUCATION

SEC. 50001. SHORT TITLE.

This division may be cited as the “Transportation Research and Innovative Technology Act of 2012”.

TITLE I—FUNDING

SEC. 51001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out sections 503(b), 503(d), and 509 of title 23, United States Code, \$90,000,000 for each of fiscal years 2012 and 2013.

(2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, \$90,000,000 for each of fiscal years 2012 and 2013.

(3) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, \$24,000,000 for each of fiscal years 2012 and 2013.

(4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, \$100,000,000 for each of fiscal years 2012 and 2013.

(5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code, \$70,000,000 for each of fiscal years 2012 and 2013.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 65 of title 49, United States Code, \$26,000,000 for each of fiscal years 2012 and 2013.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable.

TITLE II—RESEARCH, TECHNOLOGY, AND EDUCATION

SEC. 52001. RESEARCH, TECHNOLOGY, AND EDUCATION.

Section 501 of title 23, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (8);

(2) by inserting after paragraph (1) the following:

“(2) INCIDENT.—The term ‘incident’ means a crash, natural disaster, workzone activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.

“(3) INNOVATION LIFECYCLE.—The term ‘innovation lifecycle’ means the process of innovating through—

“(A) the identification of a need;

“(B) the establishment of the scope of research to address that need;

“(C) setting an agenda;

“(D) carrying out research, development, deployment, and testing of the resulting technology or innovation; and

“(E) carrying out an evaluation of the impact of the resulting technology or innovation.

“(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term ‘intelligent transportation infrastructure’ means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

“(5) INTELLIGENT TRANSPORTATION SYSTEM.—The terms ‘intelligent transportation system’ and ‘ITS’ mean electronics, photonics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

“(6) NATIONAL ARCHITECTURE.—For purposes of this chapter, the term ‘national architecture’ means the common framework for interoperability that defines—

“(A) the functions associated with intelligent transportation system user services;

“(B) the physical entities or subsystems within which the functions reside;

“(C) the data interfaces and information flows between physical subsystems; and

“(D) the communications requirements associated with the information flows.

“(7) PROJECT.—The term ‘project’ means an undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this chapter.”; and

(3) by inserting after paragraph (8) (as so redesignated) the following:

“(9) STANDARD.—The term ‘standard’ means a document that—

“(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for the intended purposes of the materials, products, processes, and services; and

“(B) may support the national architecture and promote—

“(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

“(ii) interoperability among intelligent transportation system technologies implemented throughout the States.”.

SEC. 52002. SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.

(a) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.—Section 502 of title 23, United States Code, is amended—

(1) in the section heading by inserting “, development, and technology” after “surface transportation research”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

“(1) APPLICABILITY.—The research, development, and technology provisions of this section shall apply throughout this chapter.”;

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by inserting “within the innovation lifecycle” after “activities”; and

(ii) by inserting “marketing and communications, impact analysis,” after “training.”;

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (B) by striking “supports research in which there is a clear public benefit and” and inserting “delivers a clear public benefit and occurs where”; and

(ii) in subparagraph (C) by striking “or” after the semicolon;

(iii) by redesignating subparagraph (D) as subparagraph (H); and

(iv) by inserting after subparagraph (C) the following:

“(D) meets and addresses current or emerging needs;

“(E) presents the best means to align resources with multiyear plans and priorities;

“(F) ensures the coordination of highway research and technology transfer activities, including through activities performed by university transportation centers;

“(G) educates current and future transportation professionals; or”;

(E) in paragraph (4) (as redesignated by subparagraph (A)) by striking subparagraphs (B) through (D) and inserting the following:

“(B) partner with State highway agencies and other stakeholders as appropriate, including international entities, to facilitate research and technology transfer activities;

“(C) communicate the results of ongoing and completed research;

“(D) lead efforts to coordinate national emphasis areas of highway research, technology, and innovation deployment;

“(E) leverage partnerships with industry, academia, and international entities; and

“(F) conduct, facilitate, and support training and education of current and future transportation professionals.”;

(F) in paragraph (5)(C) (as redesignated by subparagraph (A)) by striking “policy and planning” and inserting “all highway objectives seeking to improve the performance of the transportation system”;

(G) in paragraph (6) (as redesignated by subparagraph (A)) in the second sentence, by inserting “tribal governments,” after “local governments.”; and

(H) in paragraph (8) (as redesignated by subparagraph (A))—

(i) in the first sentence, by striking “To the maximum” and inserting the following:

“(A) IN GENERAL.—To the maximum”;

(ii) in the second sentence, by striking “Performance measures” and inserting the following:

“(B) PERFORMANCE MEASURES.—Performance measures”;

(iii) in the third sentence, by striking “All evaluations” and inserting the following:

“(D) AVAILABILITY OF EVALUATIONS.—All evaluations under this paragraph”; and

(iv) by inserting after subparagraph (B) the following:

“(C) PROGRAM PLAN.—To the maximum extent practicable, each program pursued under this chapter shall be part of a data-driven, outcome-oriented program plan.”;

(3) in subsection (b)—

(A) in paragraph (4) by striking “surface transportation research and technology development strategic plan developed under section 508” and inserting “the transportation research and development strategic plan of the Secretary”;

(B) in paragraph (5) by striking “section” each place it appears and inserting “chapter”;

(C) in paragraph (6) by adding at the end the following:

“(C) TRANSFER OF AMOUNTS AMONG STATES OR TO FEDERAL HIGHWAY ADMINISTRATION.—The Secretary may, at the request of a State, transfer amounts apportioned or allocated to that State under this chapter to another State or the Federal Highway Administration to fund research, development, and technology transfer activities of mutual interest on a pooled funds basis.

“(D) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for amounts transferred under this subsection shall be disbursed in the same manner and for the same amount as provided for the project being transferred.”; and

(D) by adding at the end the following:

“(7) PRIZE COMPETITIONS.—

“(A) IN GENERAL.—The Secretary may carry out prize competitions to award competitive prizes for surface transportation innovations that have the potential for application to the research and technology objectives and activities of the Federal Highway Administration to improve system performance.

“(B) REQUIREMENTS.—

“(i) IN GENERAL.—The Secretary shall use a competitive process for the selection of prize recipients and shall widely advertise and solicit participation in prize competitions under this paragraph.

“(ii) REGISTRATION REQUIRED.—No individual or entity shall participate in a prize competition under this paragraph unless the individual or entity has registered with the Secretary in accordance with the eligibility requirements established by the Secretary under clause (iii).

“(iii) MINIMUM REQUIREMENTS.—The Secretary shall establish eligibility requirements for participation in each prize competition under this paragraph, which, at a minimum, shall—

“(I) limit participation in the prize competition to—

“(aa) individuals who are citizens of the United States;

“(bb) entities organized or existing under the laws of the United States or of a State; and

“(cc) entities organized or existing under the laws of a foreign country, if the controlling interest, as defined by the Secretary, is held by an individual or entity described in item (aa) or (bb);

“(II) require any individual or entity that registers for a prize competition—

“(aa) to assume all risks arising from participation in the competition; and

“(bb) to waive all claims against the Federal Government for any damages arising out of participation in the competition, including all claims, whether through negligence or otherwise, except in the case of willful misconduct, for—

“(AA) injury, death, damage, or loss of property; or

“(BB) loss of revenue or profits, whether direct, indirect, or consequential; and

“(III) require any individual or entity that registers for a prize competition to waive all claims against any non-Federal entity oper-

ating or managing the prize competition, such as a private contractor managing competition activities, to the extent that the Secretary believes is necessary to protect the interests of the Federal Government.

“(C) RELATIONSHIP TO OTHER AUTHORITY.—The Secretary may exercise the authority in this section in conjunction with, or in addition to, any other authority of the Secretary to acquire, support, or stimulate innovations with the potential for application to the Federal highway research technology and education program.”;

(4) in subsection (c)—

(A) in paragraph (3)(A)—

(i) by striking “subsection” and inserting “chapter”; and

(ii) by striking “50” and inserting “80”; and

(B) in paragraph (4) by striking “subsection” and inserting “chapter”; and

(5) by striking subsections (d) through (j).

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 502 and inserting the following:

“502. Surface transportation research, development, and technology.”.

SEC. 52003. RESEARCH AND TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended to read as follows:

“§ 503. Research and technology development and deployment

“(a) IN GENERAL.—The Secretary shall—

“(1) carry out research, development, and deployment activities that encompass the entire innovation lifecycle; and

“(2) ensure that all research carried out under this section aligns with the transportation research and development strategic plan of the Secretary.

“(b) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—

“(1) OBJECTIVES.—In carrying out the highway research and development program, the Secretary, to address current and emerging highway transportation needs, shall—

“(A) identify research topics;

“(B) coordinate domestic and international research and development activities;

“(C) carry out research, testing, and evaluation activities; and

“(D) provide technology transfer and technical assistance.

“(2) CONTENTS.—Research and development activities carried out under this section may include any of the following activities:

“(A) IMPROVING HIGHWAY SAFETY.—

“(i) IN GENERAL.—The Secretary shall carry out research and development activities from an integrated perspective to establish and implement systematic measures to improve highway safety.

“(ii) OBJECTIVES.—In carrying out this subparagraph the Secretary shall carry out research and development activities—

“(I) to achieve greater long-term safety gains;

“(II) to reduce the number of fatalities and serious injuries on public roads;

“(III) to fill knowledge gaps that limit the effectiveness of research;

“(IV) to support the development and implementation of State strategic highway safety plans;

“(V) to advance improvements in, and use of, performance prediction analysis for decisionmaking; and

“(VI) to expand technology transfer to partners and stakeholders.

“(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) safety assessments and decision-making tools;

“(II) data collection and analysis;

“(III) crash reduction projections;

“(IV) low-cost safety countermeasures;

“(V) innovative operational improvements and designs of roadway and roadside features;

“(VI) evaluation of countermeasure costs and benefits;

“(VII) development of tools for projecting impacts of safety countermeasures;

“(VIII) rural road safety measures;

“(IX) safety measures for vulnerable road users, including bicyclists and pedestrians;

“(X) safety policy studies;

“(XI) human factors studies and measures;

“(XII) safety technology deployment;

“(XIII) safety workforce professional capacity building initiatives;

“(XIV) safety program and process improvements; and

“(XV) tools and methods to enhance safety performance, including achievement of statewide safety performance targets.

“(B) IMPROVING INFRASTRUCTURE INTEGRITY.—

“(i) IN GENERAL.—The Secretary shall carry out and facilitate highway and bridge infrastructure research and development activities—

“(I) to maintain infrastructure integrity;

“(II) to meet user needs; and

“(III) to link Federal transportation investments to improvements in system performance.

“(ii) OBJECTIVES.—In carrying out this subparagraph, the Secretary shall carry out research and development activities—

“(I) to reduce the number of fatalities attributable to infrastructure design characteristics and work zones;

“(II) to improve the safety and security of highway infrastructure;

“(III) to increase the reliability of lifecycle performance predictions used in infrastructure design, construction, and management;

“(IV) to improve the ability of transportation agencies to deliver projects that meet expectations for timeliness, quality, and cost;

“(V) to reduce user delay attributable to infrastructure system performance, maintenance, rehabilitation, and construction;

“(VI) to improve highway condition and performance through increased use of design, materials, construction, and maintenance innovations;

“(VII) to reduce the lifecycle environmental impacts of highway infrastructure through innovations in design, construction, operation, preservation, and maintenance; and

“(VIII) to study vulnerabilities of the transportation system to seismic activities and extreme events and methods to reduce those vulnerabilities.

“(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) long-term infrastructure performance programs addressing pavements, bridges, tunnels, and other structures;

“(II) short-term and accelerated studies of infrastructure performance;

“(III) research to develop more durable infrastructure materials and systems;

“(IV) advanced infrastructure design methods;

“(V) accelerated highway and bridge construction;

“(VI) performance-based specifications;
“(VII) construction and materials quality assurance;

“(VIII) comprehensive and integrated infrastructure asset management;

“(IX) infrastructure safety assurance;

“(X) highway infrastructure security;

“(XI) sustainable infrastructure design and construction;

“(XII) infrastructure rehabilitation and preservation techniques, including techniques to rehabilitate and preserve historic infrastructure;

“(XIII) hydraulic, geotechnical, and aerodynamic aspects of infrastructure;

“(XIV) improved highway construction technologies and practices;

“(XV) improved tools, technologies, and models for infrastructure management, including assessment and monitoring of infrastructure condition;

“(XVI) studies to improve flexibility and resiliency of infrastructure systems to withstand climate variability;

“(XVII) studies on the effectiveness of fiber-based additives to improve the durability of surface transportation materials in various geographic regions;

“(XVIII) studies of infrastructure resilience and other adaptation measures;

“(XIX) maintenance of seismic research activities, including research carried out in conjunction with other Federal agencies to study the vulnerability of the transportation system to seismic activity and methods to reduce that vulnerability; and

“(XX) technology transfer and adoption of permeable, pervious, or porous paving materials, practices, and systems that are designed to minimize environmental impacts, stormwater runoff, and flooding and to treat or remove pollutants by allowing stormwater to infiltrate through the pavement in a manner similar to predevelopment hydrologic conditions.

“(iv) LIFECYCLE COSTS ANALYSIS STUDY.—

“(I) IN GENERAL.—In this clause, the term ‘lifecycle costs analysis’ means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.

“(II) STUDY.—The Comptroller General shall conduct a study of the best practices for calculating lifecycle costs for federally funded highway projects. At a minimum, this study shall include a thorough literature review and a survey of current lifecycle cost practices of State departments of transportation.

“(III) CONSULTATION.—In carrying out this study, the Comptroller shall consult with, at a minimum—

“(aa) the American Association of State Highway and Transportation Officials;

“(bb) appropriate experts in the field of lifecycle cost analysis; and

“(cc) appropriate industry experts and research centers.

“(IV) REPORT.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study which shall include, but is not limited to—

“(aa) a summary of the latest research on lifecycle cost analysis; and

“(bb) recommendations on the appropriate—

“(AA) period of analysis;

“(BB) design period;

“(CC) discount rates; and

“(DD) use of actual material life and maintenance cost data.

“(C) STRENGTHENING TRANSPORTATION PLANNING AND ENVIRONMENTAL DECISION-MAKING.—

“(i) IN GENERAL.—The Secretary shall carry out research—

“(I) to improve transportation planning and environmental decisionmaking processes; and

“(II) to minimize the impact of surface transportation on the environment and quality of life.

“(ii) OBJECTIVES.—In carrying out this subparagraph the Secretary shall carry out research and development activities—

“(I) to reduce the impact of highway infrastructure and operations on the natural and human environment;

“(II) to advance improvements in environmental analyses and processes and context sensitive solutions for transportation decisionmaking;

“(III) to improve construction techniques;

“(IV) to accelerate construction to reduce congestion and related emissions;

“(V) to reduce the impact of highway runoff on the environment;

“(VI) to maintain sustainability of biological communities and ecosystems adjacent to highway corridors;

“(VII) to improve understanding and modeling of the factors that contribute to the demand for transportation;

“(VIII) to improve transportation planning decisionmaking and coordination; and

“(IX) to reduce the environmental impacts of freight movement.

“(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) creation of models and tools for evaluating transportation measures and transportation system designs;

“(II) congestion reduction efforts;

“(III) transportation and economic development planning in rural areas and small communities;

“(IV) improvement of State, local, and tribal capabilities relating to surface transportation planning and the environment;

“(V) environmental stewardship and sustainability activities;

“(VI) streamlining of project delivery processes;

“(VII) development of effective strategies and techniques to analyze and minimize impacts to the natural and human environment and provide environmentally beneficial mitigation;

“(VIII) comprehensive multinational planning;

“(IX) multistate transportation corridor planning;

“(X) improvement of transportation choices, including walking, bicycling, and linkages to public transportation;

“(XI) ecosystem sustainability;

“(XII) wildlife and plant population connectivity and interaction across and along highway corridors;

“(XIII) analysis, measurement, and reduction of air pollution from transportation sources;

“(XIV) advancement in the understanding of health impact analyses in transportation planning and project development;

“(XV) transportation planning professional development;

“(XVI) research on improving the cooperation and integration of transportation plan-

ning with other regional plans, including land use, energy, water infrastructure, economic development, and housing plans;

“(XVII) reducing the environmental impacts of freight movement; and

“(XVIII) alternative transportation fuels research.

“(D) REDUCING CONGESTION, IMPROVING HIGHWAY OPERATIONS, AND ENHANCING FREIGHT PRODUCTIVITY.—

“(i) IN GENERAL.—The Secretary shall carry out research under this subparagraph with the goals of—

“(I) addressing congestion problems;

“(II) reducing the costs of congestion;

“(III) improving freight movement;

“(IV) increasing productivity; and

“(V) improving the economic competitiveness of the United States.

“(ii) OBJECTIVES.—In carrying out this subparagraph, the Secretary shall carry out research and development activities to identify, develop, and assess innovations that have the potential—

“(I) to reduce traffic congestion;

“(II) to improve freight movement; and

“(III) to reduce freight-related congestion throughout the transportation network.

“(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) active traffic and demand management;

“(II) acceleration of the implementation of Intelligent Transportation Systems technology;

“(III) advanced transportation concepts and analysis;

“(IV) arterial management and traffic signal operation;

“(V) congestion pricing;

“(VI) corridor management;

“(VII) emergency operations;

“(VIII) research relating to enabling technologies and applications;

“(IX) freeway management;

“(X) evaluation of enabling technologies;

“(XI) freight industry professional development;

“(XII) impacts of vehicle size and weight on congestion;

“(XIII) freight operations and technology;

“(XIV) operations and freight performance measurement and management;

“(XV) organization and planning for operations;

“(XVI) planned special events management;

“(XVII) real-time transportation information;

“(XVIII) road weather management;

“(XIX) traffic and freight data and analysis tools;

“(XX) traffic control devices;

“(XXI) traffic incident management;

“(XXII) work zone management;

“(XXIII) communication of travel, roadway, and emergency information to persons with disabilities; and

“(XXIV) research on enhanced mode choice and intermodal connectivity.

“(E) ASSESSING POLICY AND SYSTEM FINANCING ALTERNATIVES.—

“(i) IN GENERAL.—The Secretary shall carry out research and technology on emerging issues in the domestic and international transportation community from a policy perspective.

“(ii) OBJECTIVES.—Research and technology activities carried out under this subparagraph shall provide information to policy and decisionmakers on current and emerging transportation issues.

“(iii) RESEARCH ACTIVITIES.—Activities carried out under this subparagraph shall include—

“(I) the planning and integration of a coordinated program related to the possible design, interoperability, and institutional roles of future sustainable transportation revenue mechanisms;

“(II) field trials to research potential alternative revenue mechanisms, and the Secretary may partner with individual States, groups of States, or other entities to implement such trials; and

“(III) other activities to study new methods which preserve a user-fee structure to maintain the long-term solvency of the Highway Trust Fund.

“(iv) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) highway needs and investment analysis;

“(II) a motor fuel tax evasion program;

“(III) advancing innovations in revenue generation, financing, and procurement for project delivery;

“(IV) improving the accuracy of project cost analyses;

“(V) highway performance measurement;

“(VI) travel demand performance measurement;

“(VII) highway finance performance measurement;

“(VIII) international technology exchange initiatives;

“(IX) infrastructure investment needs reports;

“(X) promotion of the technologies, products, and best practices of the United States; and

“(XI) establishment of partnerships among the United States, foreign agencies, and transportation experts.

“(v) FUNDING.—Of the funds authorized to carry out this subsection, no less than 50 percent shall be used to carry out clause (iii).

“(F) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

“(i) IN GENERAL.—Not later than July 31, 2012, and July 31 of every second year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes estimates of the future highway and bridge needs of the United States and the backlog of current highway and bridge needs.

“(ii) COMPARISONS.—Each report under clause (i) shall include all information necessary to relate and compare the conditions and service measures used in the previous biennial reports to conditions and service measures used in the current report.

“(iii) INCLUSIONS.—Each report under clause (i) shall provide recommendations to Congress on changes to the Highway Performance Monitoring System that address—

“(I) improvements to the quality and standardization of data collection on all functional classifications of Federal-aid highways for accurate system length, lane length, and vehicle-mile of travel; and

“(II) changes to the reporting requirements authorized under section 315, to reflect recommendations under this paragraph for collection, storage, analysis, reporting, and display of data for Federal-aid highways and, to the maximum extent practical, all public roads.

“(G) EXPLORING NEXT GENERATION SOLUTIONS AND CAPITALIZING ON THE HIGHWAY RESEARCH CENTER.—

“(i) IN GENERAL.—The Secretary shall carry out research and development activi-

ties relating to exploratory advanced research—

“(I) to leverage the targeted capabilities of the Turner-Fairbank Highway Research Center to develop technologies and innovations of national importance; and

“(II) to develop potentially transformational solutions to improve the durability, efficiency, environmental impact, productivity, and safety aspects of highway and intermodal transportation systems.

“(ii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) long-term, high-risk research to improve the materials used in highway infrastructure;

“(II) exploratory research to assess the effects of transportation decisions on human health;

“(III) advanced development of surrogate measures for highway safety;

“(IV) transformational research to affect complex environmental and highway system relationships;

“(V) development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials;

“(VI) development of advanced data acquisition techniques for system condition and performance monitoring;

“(VII) inclusive research for hour-to-hour operational decisionmaking and simulation forecasting;

“(VIII) understanding current and emerging phenomena to inform next generation transportation policy decisionmaking; and

“(IX) continued improvement and advancement of the Turner-Fairbank Highway Research Center.

“(H) ALIGNING NATIONAL CHALLENGES AND DISSEMINATING INFORMATION.—

“(i) IN GENERAL.—The Secretary shall conduct research and development activities—

“(I) to establish a nationally coordinated highway research agenda that—

“(aa) focuses on topics of national significance;

“(bb) addresses current gaps in research;

“(cc) encourages collaboration;

“(dd) reduces unnecessary duplication of effort; and

“(ee) accelerates innovation delivery; and

“(II) to provide relevant information to researchers and highway and transportation practitioners to improve the performance of the transportation system.

“(ii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—

“(I) coordination, development, and implementation of a national highway research agenda;

“(II) collaboration on national emphasis areas of highway research and coordination among international, Federal, State, and university research programs;

“(III) development and delivery of research reports and innovation delivery messages;

“(IV) identification of market-ready technologies and innovations; and

“(V) provision of access to data developed under this subparagraph to the public, including researchers, stakeholders, and customers, through a publicly accessible Internet site.

“(c) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a technology and innovation deployment program relating to all aspects of highway transportation, including planning, financing, operation, structures, materials,

pavements, environment, construction, and the duration of time between project planning and project delivery, with the goals of—

“(A) significantly accelerating the adoption of innovative technologies by the surface transportation community;

“(B) providing leadership and incentives to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in highway construction processes that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction;

“(C) constructing longer-lasting highways through the use of innovative technologies and practices that lead to faster construction of efficient and safe highways and bridges;

“(D) improving highway efficiency, safety, mobility, reliability, service life, environmental protection, and sustainability; and

“(E) developing and deploying new tools, techniques, and practices to accelerate the adoption of innovation in all aspects of highway transportation.

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—The Secretary shall promote, facilitate, and carry out the program established under paragraph (1) to distribute the products, technologies, tools, methods, or other findings that result from highway research and development activities, including research and development activities carried out under this chapter.

“(B) ACCELERATED INNOVATION DEPLOYMENT.—In carrying out the program established under paragraph (1), the Secretary shall—

“(i) establish and carry out demonstration programs;

“(ii) provide incentives, technical assistance, and training to researchers and developers; and

“(iii) develop improved tools and methods to accelerate the adoption of proven innovative practices and technologies as standard practices.

“(C) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—

“(i) IN GENERAL.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials and the Transportation Research Board of the National Academy of Sciences, shall implement the findings and recommendations developed under the future strategic highway research program established under section 510.

“(ii) BASIS FOR FINDINGS.—The activities carried out under this subparagraph shall be based on the report submitted to Congress by the Transportation Research Board of the National Academy of Sciences under section 510(e).

“(iii) PERSONNEL.—The Secretary may use funds made available to carry out this subsection for administrative costs under this subparagraph, which funds shall be used in addition to any other funds made available for that purpose.

“(iv) FEES.—

“(I) IN GENERAL.—The Secretary may impose and collect fees to recover costs associated with special data or analysis requests relating to safety naturalistic driving databases developed under the future of strategic highway research program.

“(II) USE OF FEE AMOUNTS.—

“(aa) IN GENERAL.—Any fees collected under this clause shall be made available to the Secretary to carry out this section and shall remain available for expenditure until expended.

“(bb) SUPPLEMENT, NOT SUPPLANT.—Any fee amounts collected under this clause shall supplement, but not supplant, amounts made available to the Secretary to carry out this title.

“(3) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF PAVEMENT TECHNOLOGIES.—

“(A) IN GENERAL.—The Secretary shall establish and implement a program under the technology and innovation deployment program to promote, implement, deploy, demonstrate, showcase, support, and document the application of innovative pavement technologies, practices, performance, and benefits.

“(B) GOALS.—The goals of the accelerated implementation and deployment of pavement technologies program shall include—

“(i) the deployment of new, cost-effective designs, materials, recycled materials, and practices to extend the pavement life and performance and to improve user satisfaction;

“(ii) the reduction of initial costs and lifecycle costs of pavements, including the costs of new construction, replacement, maintenance, and rehabilitation;

“(iii) the deployment of accelerated construction techniques to increase safety and reduce construction time and traffic disruption and congestion;

“(iv) the deployment of engineering design criteria and specifications for new and efficient practices, products, and materials for use in highway pavements;

“(v) the deployment of new nondestructive and real-time pavement evaluation technologies and construction techniques; and

“(vi) effective technology transfer and information dissemination to accelerate implementation of new technologies and to improve life, performance, cost effectiveness, safety, and user satisfaction.

“(C) FUNDING.—The Secretary shall obligate for each of fiscal years 2012 through 2013 from funds made available to carry out this subsection—

“(i) \$6,000,000 to accelerate the deployment and implementation of asphalt pavement technology; and

“(ii) \$6,000,000 to accelerate the deployment and implementation of concrete pavement technology used in highways on the national highway system.

“(D) ADMINISTRATION.—

“(i) IN GENERAL.—The implementation and deployment activities to be carried out under this paragraph shall be identified and conducted in collaboration with industry, State departments of transportation, the Federal Highway Administration, the National Academy of Sciences, and other appropriate entities, using the respective road maps (the Concrete Pavement Road Map and National Asphalt Roadmap) as a guide.

“(ii) COLLABORATION.—The Federal Highway Administration shall collaborate with organizations that have a proven track record of effective technology deployment on a national scale, stakeholder involvement, and leveraging of public sector investment.

“(iii) ADVISORY COMMITTEE.—A pavement technology implementation advisory committee comprised of key stakeholders, including the Federal Highway Administration, State departments of transportation, and the pavement industry, shall be established to oversee and advise the program efforts.

“(iv) REPORT.—The Secretary shall annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a

report that details the progress and results of the activities carried out under this paragraph.

“(d) AIR QUALITY AND CONGESTION MITIGATION MEASURE OUTCOMES ASSESSMENT RESEARCH.—

“(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a research program to examine the outcomes of actions funded under the congestion mitigation and air quality improvement program since the enactment of the SAFETEA-LU (Public Law 109-59).

“(2) GOALS.—The goals of the program shall include—

“(A) the assessment and documentation, through outcomes research conducted on a representative sample of cases, of—

“(i) the emission reductions achieved by federally supported surface transportation actions intended to reduce emissions or lessen traffic congestion; and

“(ii) the air quality and human health impacts of those actions, including potential unrecognized or indirect consequences, attributable to those actions;

“(B) an expanded base of empirical evidence on the air quality and human health impacts of actions described in paragraph (1); and

“(C) an increase in knowledge of—

“(i) the factors determining the air quality and human health changes associated with transportation emission reduction actions; and

“(ii) other information to more accurately understand the validity of current estimation and modeling routines and ways to improve those routines.

“(3) ADMINISTRATIVE ELEMENTS.—To carry out this subsection, the Secretary shall—

“(A) make a grant for the coordination, selection, management, and reporting of component studies to an independent scientific research organization with the necessary experience in successfully conducting accountability and other studies on mobile source air pollutants and associated health effects;

“(B) ensure that case studies are identified and conducted by teams selected through a competitive solicitation overseen by an independent committee of unbiased experts; and

“(C) ensure that all findings and reports are peer-reviewed and published in a form that presents the findings together with reviewer comments.

“(4) REPORT.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) not later than 1 year after the date of enactment of the MAP-21, and for the following year, a report providing an initial scoping and plan, and status updates, respectively, for the program under this subsection; and

“(B) not later than 2 years after the date of enactment of the MAP-21, a final report that describes the findings of, and recommendations resulting from, the program under this subsection.

“(5) FUNDING.—Of the amounts made available to carry out this section, the Secretary shall make available to carry out this subsection not more than \$1,000,000 for each fiscal year.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 503 and inserting the following:

“503. Research and technology development and deployment.”

SEC. 52004. TRAINING AND EDUCATION.

Section 504 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A) by inserting “and the employees of any other applicable Federal agency” before the semicolon at the end;

(B) in paragraph (3)(A)(ii)(V) by striking “expediting” and inserting “reducing the amount of time required for”;

(C) by striking paragraph (4);

(D) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(E) in paragraph (7) (as redesignated by subparagraph (D)) by striking “paragraph (7)” and inserting “paragraph (6)”;

(2) in subsection (b) by striking paragraph (3) and inserting the following:

“(3) FEDERAL SHARE.—

“(A) LOCAL TECHNICAL ASSISTANCE CENTERS.—

“(i) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out by a local technical assistance center under paragraphs (1) and (2) shall be 50 percent.

“(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an activity described in clause (i) may consist of amounts provided to a recipient under subsection (e) or section 505, up to 100 percent of the non-Federal share.

“(B) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of an activity carried out by a tribal technical assistance center under paragraph (2)(D)(ii) shall be 100 percent.”

(3) in subsection (c)(2)—

(A) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”;

(B) in subparagraph (A) (as designated by subparagraph (A)) by striking “The program” and inserting “, which program”;

(C) by adding at the end the following:

“(B) USE OF AMOUNTS.—Amounts provided to institutions of higher education to carry out this paragraph shall be used to provide direct support of student expenses.”

(4) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A) by striking “sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e)” and inserting “paragraphs (1) through (4) of section 104(b)”;

(B) in subparagraph (D) by striking “and” at the end;

(C) in subparagraph (E) by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

“(F) meetings of transportation professionals that include education and professional development activities;

“(G) activities carried out by the National Highway Institute under subsection (a); and

“(H) local technical assistance programs under subsection (b).”

(5) in subsection (f) in the heading, by striking “PILOT”;

(6) in subsection (g)(4)(F) by striking “excellence” and inserting “stewardship”; and

(7) by adding at the end the following:

“(h) CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.—

“(1) IN GENERAL.—The Secretary may make grants under this section to establish and maintain centers for surface transportation excellence.

“(2) GOALS.—The goals of a center referred to in paragraph (1) shall be to promote and support strategic national surface transportation programs and activities relating to

the work of State departments of transportation in the areas of environment, surface transportation safety, rural safety, and project finance.”

SEC. 52005. STATE PLANNING AND RESEARCH.

Section 505 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking “section 104 (other than sections 104(f) and 104(h)) and under section 144” and inserting “paragraphs (1) through (5) of section 104(b)”;

(B) in paragraph (3) by striking “under section 303” and inserting “, plans, and processes under sections 119, 148, 149, and 167”;

(2) in subsection (b)—

(A) in paragraph (1) by striking “25” and inserting “24”;

(B) in paragraph (2) by striking “75 percent of the funds described in paragraph (1)” and inserting “70 percent of the funds described in subsection (a)”;

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

“(c) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—

“(1) FUNDS.—Not less than 6 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year shall be made available to the Secretary to carry out section 503(c)(2)(C).

“(2) TREATMENT OF FUNDS.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).”;

(5) in paragraph (e) (as so redesignated) by striking “section 118(b)(2)” and inserting “section 118(b)”.

SEC. 52006. INTERNATIONAL HIGHWAY TRANSPORTATION PROGRAM.

Section 506 of title 23, United States Code, is repealed.

SEC. 52007. SURFACE TRANSPORTATION ENVIRONMENTAL COOPERATIVE RESEARCH PROGRAM.

Section 507 of title 23, United States Code, is repealed.

SEC. 52008. NATIONAL COOPERATIVE FREIGHT RESEARCH.

Section 509(d) of title 23, United States Code, is amended by adding at the end the following:

“(6) COORDINATION OF COOPERATIVE RESEARCH.—The National Academy of Sciences shall coordinate research agendas, research project selections, and competitions across all transportation-related cooperative research programs carried out by the National Academy of Sciences to ensure program efficiency, effectiveness, and the dissemination of research findings.”

SEC. 52009. PRIZE AUTHORITY.

(a) IN GENERAL.—Chapter 3 of title 49, United States Code, is amended by inserting before section 336 the following:

“§ 335. Prize authority

“(a) IN GENERAL.—The Secretary of Transportation may carry out a program, in accordance with this section, to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the national transportation system.

“(b) TOPICS.—In selecting topics for prize competitions under this section, the Secretary shall—

“(1) consult with a wide variety of Government and nongovernment representatives; and

“(2) give consideration to prize goals that demonstrate innovative approaches and strategies to improve the safety, efficiency, and sustainability of the national transportation system.

“(c) ADVERTISING.—The Secretary shall encourage participation in the prize competitions through extensive advertising.

“(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Secretary shall publish a notice on a public website that describes—

“(1) the subject of the competition;

“(2) the eligibility rules for participation in the competition;

“(3) the amount of the prize; and

“(4) the basis on which a winner will be selected.

“(e) ELIGIBILITY.—An individual or entity may not receive a prize under this section unless the individual or entity—

“(1) has registered to participate in the competition pursuant to any rules promulgated by the Secretary under this section;

“(2) has complied with all the requirements under this section;

“(3)(A) in the case of a private entity, is incorporated in, and maintains a primary place of business in, the United States; or

“(B) in the case of an individual, whether participating singly or in a group, is a citizen or permanent resident of the United States; and

“(4) is not a Federal entity or Federal employee acting within the scope of his or her employment.

“(f) LIABILITY.—

“(1) ASSUMPTION OF RISK.—

“(A) IN GENERAL.—A registered participant shall agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise.

“(B) RELATED ENTITY.—In this paragraph, the term ‘related entity’ means a contractor, subcontractor (at any tier), supplier, user, customer, cooperating party, grantee, investigator, or detailee.

“(2) FINANCIAL RESPONSIBILITY.—A participant shall obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

“(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant’s insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

“(B) the Federal Government for damage or loss to Government property resulting from such an activity.

“(g) JUDGES.—

“(1) SELECTION.—For each prize competition, the Secretary, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described in subsection (d). Judges for each competition shall include individuals from outside the Administration, including the private sector.

“(2) LIMITATIONS.—A judge selected under this subsection may not—

“(A) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in a prize competition under this section; or

“(B) have a familial or financial relationship with an individual who is a registered participant.

“(h) ADMINISTERING THE COMPETITION.—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

“(i) FUNDING.—

“(1) PRIVATE SECTOR FUNDING.—A cash prize under this section may consist of funds appropriated by the Federal Government and funds provided by the private sector. The Secretary may accept funds from other Federal agencies, State and local governments, and metropolitan planning organizations for the cash prizes. The Secretary may not give any special consideration to any private sector entity in return for a donation under this paragraph.

“(2) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts appropriated for prize awards under this section—

“(A) shall remain available until expended; and

“(B) may not be transferred, reprogrammed, or expended for other purposes until after the expiration of the 10-year period beginning on the last day of the fiscal year for which the funds were originally appropriated.

“(3) SAVINGS PROVISION.—Nothing in this subsection may be construed to permit the obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

“(4) PRIZE ANNOUNCEMENT.—A prize may not be announced under this section until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source.

“(5) PRIZE INCREASES.—The Secretary may increase the amount of a prize after the initial announcement of the prize under this section if—

“(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

“(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

“(6) CONGRESSIONAL NOTIFICATION.—A prize competition under this section may offer a prize in an amount greater than \$1,000,000 only after 30 days have elapsed after written notice has been transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

“(7) AWARD LIMIT.—A prize competition under this section may not result in the award of more than \$25,000 in cash prizes without the approval of the Secretary.

“(j) USE OF DEPARTMENT NAME AND INSIGNIA.—A registered participant in a prize competition under this section may use the Department’s name, initials, or insignia only after prior review and written approval by the Secretary.

“(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and non-proliferation laws, and related regulations.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting before the item relating to section 336 the following:

“335. Prize authority”.

SEC. 52010. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

(a) IN GENERAL.—Section 5505 of title 49, United States Code, is amended to read as follows:

“§ 5505. University transportation centers program

“(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

“(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section to eligible nonprofit institutions of higher education to establish and operate university transportation centers.

“(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

“(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

“(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

“(C) to address critical workforce needs and educate the next generation of transportation leaders.

“(b) COMPETITIVE SELECTION PROCESS.—

“(1) APPLICATIONS.—To receive a grant under this section, a nonprofit institution of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

“(2) RESTRICTION.—Institutions may not apply for both a national transportation center and a regional transportation center.

“(3) GENERAL SELECTION CRITERIA.—

“(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities identified in section 503 of title 23.

“(B) CRITERIA.—The Secretary, in conjunction with the Administrators of the Federal Highway Administration and the Federal Transit Administration, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

“(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

“(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

“(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

“(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

“(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

“(I) degree-granting programs;

“(II) training seminars for practicing professionals;

“(III) outreach activities to attract new entrants into the transportation field, including women, minorities, and persons from disadvantaged communities; and

“(IV) primary and secondary school transportation workforce outreach;

“(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

“(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

“(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

“(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

“(c) GRANTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Secretary, in conjunction with the Administrators of the Federal Highway Administration and the Federal Transit Administration, shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

“(2) NATIONAL TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—For each of fiscal years 2012 and 2013, and subject to subparagraph (B), the Secretary shall provide grants to 5 recipients that the Secretary determines best meet the criteria described in subsection (b)(3).

“(B) RESTRICTIONS.—

“(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall not exceed \$3,250,000 per recipient.

“(ii) FOCUSED RESEARCH.—The grant recipients under this paragraph shall focus research on national transportation issues, as determined by the Secretary.

“(C) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) or 505 of title 23; and

“(II) a transportation-related grant from the National Science Foundation subject to prior approval by the Secretary.

“(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

“(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled ‘Standard Federal Regions’ and dated April, 1974 (circular A-105).

“(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 recipients on the basis of—

“(i) the criteria described in subsection (b)(3);

“(ii) the location of the center within the Federal region to be served; and

“(iii) whether the institution (or, in the case of consortium of institutions, the lead institution) demonstrates that the institution has a well-established, nationally recognized program in transportation research and education, as evidenced by—

“(I) recent expenditures by the institution in highway or public transportation research;

“(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and

“(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.

“(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall not exceed \$2,750,000 for each recipient.

“(D) MATCHING REQUIREMENTS.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in the clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) or 505 of title 23; and

“(II) a transportation-related grant from the National Science Foundation subject to prior approval by the Secretary.

“(4) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—For each of fiscal years 2012 and 2013, the Secretary shall provide grants of not more than \$1,500,000 each to not more than 20 recipients to carry out this section.

“(B) RESTRICTION.—A grant recipient under paragraph (2) or (3) shall not be eligible to receive a grant under this paragraph.

“(C) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—Subject to clause (iii), as a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) or 505 of title 23; and

“(II) a transportation-related grant from the National Science Foundation subject to prior approval by the Secretary.

“(iii) EXEMPTION.—This subparagraph shall not apply on a demonstration of financial hardship by the applicant institution.

“(D) FOCUSED RESEARCH.—

“(i) IN GENERAL.—In awarding grants under this paragraph, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

“(ii) PUBLIC TRANSPORTATION ISSUES.—At least 2 of the recipients awarded a grant under this paragraph shall have expertise in, and focus research on, public transportation issues.

“(d) PROGRAM COORDINATION.—

“(1) IN GENERAL.—The Secretary shall—

“(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

“(B) disseminate the results of that research through the establishment and operation of an information clearinghouse.

“(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate the programs carried out under this section by grant recipients.

“(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2012 and 2013, the Secretary shall expend not more than 1½ percent of the amounts made available to

the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section and section 5506.

“(e) **LIMITATION ON AVAILABILITY OF AMOUNTS.**—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are appropriated.

“(f) **INFORMATION COLLECTION.**—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5505 and inserting the following:

“Sec. 5505. University transportation centers program.”.

SEC. 52011. BUREAU OF TRANSPORTATION STATISTICS.

(a) **IN GENERAL.**—Subtitle III of title 49, United States Code, is amended by adding at the end the following:

“CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

“Sec.

“6301. Definitions.

“6302. Bureau of Transportation Statistics.

“6303. Intermodal transportation database.

“6305. Advisory council on transportation statistics.

“6306. Transportation statistical collection, analysis, and dissemination.

“6307. Furnishing of information, data, or reports by Federal agencies.

“6308. Proceeds of data product sales.

“6309. Information collection.

“6310. National transportation atlas database.

“6311. Limitations on statutory construction.

“6312. Research and development grants.

“6313. Transportation statistics annual report.

“6314. Mandatory response authority for freight data collection.

“§ 6301. Definitions

“In this chapter, the following definitions apply:

“(1) **BUREAU.**—The term ‘Bureau’ means the Bureau of Transportation Statistics established by section 6302(a).

“(2) **DEPARTMENT.**—The term ‘Department’ means the Department of Transportation.

“(3) **DIRECTOR.**—The term ‘Director’ means the Director of the Bureau.

“(4) **LIBRARY.**—The term ‘Library’ means the National Transportation Library established by section 6304(a).

“(5) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Transportation.

“§ 6302. Bureau of Transportation Statistics

“(a) **ESTABLISHMENT.**—There is established in the Research and Innovative Technology Administration the Bureau of Transportation Statistics.

“(b) **DIRECTOR.**—

“(1) **APPOINTMENT.**—The Bureau shall be headed by a Director, who shall be appointed in the competitive service by the Secretary.

“(2) **QUALIFICATIONS.**—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

“(3) **DUTIES.**—

“(A) **IN GENERAL.**—The Director shall—

“(i) serve as the senior advisor to the Secretary on data and statistics; and

“(ii) be responsible for carrying out the duties described in subparagraph (B).

“(B) **DUTIES.**—The Director shall—

“(i) ensure that the statistics compiled under clause (vi) are designed to support transportation decisionmaking by—

“(I) the Federal Government;

“(II) State and local governments;

“(III) metropolitan planning organizations;

“(IV) transportation-related associations;

“(V) the private sector, including the freight community; and

“(VI) the public;

“(ii) establish on behalf of the Secretary a program—

“(I) to effectively integrate safety data across modes; and

“(II) to address gaps in existing safety data programs of the Department;

“(iii) work with the operating administrations of the Department—

“(I) to establish and implement the data programs of the Bureau; and

“(II) to improve the coordination of information collection efforts with other Federal agencies;

“(iv) continually improve surveys and data collection methods of the Department to improve the accuracy and utility of transportation statistics;

“(v) encourage the standardization of data, data collection methods, and data management and storage technologies for data collected by—

“(I) the Bureau;

“(II) the operating administrations of the Department;

“(III) State and local governments;

“(IV) metropolitan planning organizations; and

“(V) private sector entities;

“(vi) collect, compile, analyze, and publish a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

“(I) transportation safety across all modes and intermodally;

“(II) the state of good repair of United States transportation infrastructure;

“(III) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under section 6310;

“(IV) economic efficiency across the entire transportation sector;

“(V) the effects of the transportation system on global and domestic economic competitiveness;

“(VI) demographic, economic, and other variables influencing travel behavior, including choice of transportation mode and goods movement;

“(VII) transportation-related variables that influence the domestic economy and global competitiveness;

“(VIII) economic costs and impacts for passenger travel and freight movement;

“(IX) intermodal and multimodal passenger movement;

“(X) intermodal and multimodal freight movement; and

“(XI) consequences of transportation for the human and natural environment;

“(vii) build and disseminate the transportation layer of the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor Executive Order), including by coordinating the development of transportation

geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by other entities;

“(viii) issue guidelines for the collection of information by the Department that the Director determines necessary to develop transportation statistics and carry out modeling, economic assessment, and program assessment activities to ensure that such information is accurate, reliable, relevant, uniform, and in a form that permits systematic analysis by the Department;

“(ix) review and report to the Secretary on the sources and reliability of—

“(I) the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285); and

“(II) at the request of the Secretary, any other data collected or statistical information published by the heads of the operating administrations of the Department; and

“(x) ensure that the statistics published under this section are readily accessible to the public, consistent with applicable security constraints and confidentiality interests.

“(c) **ACCESS TO FEDERAL DATA.**—In carrying out subsection (b)(3)(B)(ii), the Director shall be given access to all safety data that the Director determines necessary to carry out that subsection that is held by the Department or any other Federal agency upon written request and subject to any statutory or regulatory restrictions.

“§ 6303. Intermodal transportation database

“(a) **IN GENERAL.**—In consultation with the Under Secretary Transportation for Policy, the Assistant Secretaries of the Department, and the heads of the operating administrations of the Department, the Director shall establish and maintain a transportation database for all modes of transportation.

“(b) **USE.**—The database established under this section shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

“(c) **CONTENTS.**—The database established under this section shall include—

“(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation, intermodal combinations, and relevant classification;

“(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes), intermodal combinations, and relevant classification;

“(3) information on the location and connectivity of transportation facilities and services; and

“(4) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

“§ 6304. National transportation library

“(a) **PURPOSE AND ESTABLISHMENT.**—To support the information management and decisionmaking needs of transportation officials at the Federal, State, and local levels, there is established in the Bureau a National Transportation Library which shall—

“(1) be headed by an individual who is highly qualified in library and information science;

“(2) acquire, preserve, and manage transportation information and information products and services for use by the Department,

other Federal agencies, and the general public;

“(3) provide reference and research assistance;

“(4) serve as a central depository for research results and technical publications of the Department;

“(5) provide a central clearinghouse for transportation data and information of the Federal Government;

“(6) serve as coordinator and policy lead for transportation information access;

“(7) provide transportation information and information products and services to—

“(A) the Department;

“(B) other Federal agencies;

“(C) public and private organizations; and

“(D) individuals, within the United States and internationally;

“(8) coordinate efforts among, and cooperate with, transportation libraries, information providers, and technical assistance centers, in conjunction with private industry and other transportation library and information centers, with the goal of developing a comprehensive transportation information and knowledge network that supports the activities described in section 6302(b)(3)(B)(vi); and

“(9) engage in such other activities as the Director determines to be necessary and as the resources of the Library permit.

“(b) ACCESS.—The Director shall publicize, facilitate, and promote access to the information products and services described in subsection (a), to improve the ability of the transportation community to share information and the ability of the Director to make statistics and other information readily accessible as required under section 6302(b)(3)(B)(x).

“(c) AGREEMENTS.—

“(1) IN GENERAL.—To carry out this section, the Director may enter into agreements with, award grants to, and receive amounts from, any—

“(A) State or local government;

“(B) organization;

“(C) business; or

“(D) individual.

“(2) CONTRACTS, GRANTS, AND AGREEMENTS.—The Library may initiate and support specific information and data management, access, and exchange activities in connection with matters relating to the Department's strategic goals, knowledge networking, and national and international cooperation, by entering into contracts or other agreements or awarding grants for the conduct of such activities.

“(3) AMOUNTS.—Any amounts received by the Library as payment for library products and services or other activities shall be made available to the Director to carry out this section, deposited in the Research and Innovative Technology Administration's general fund account, and remain available until expended.

“§ 6305. Advisory council on transportation statistics

“(a) IN GENERAL.—The Director shall establish and consult with an advisory council on transportation statistics.

“(b) FUNCTION.—The advisory council established under this section shall advise the Director on—

“(1) the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department; and

“(2) methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating adminis-

trations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The advisory council shall be composed of not fewer than 9 and not more than 11 members appointed by the Director.

“(2) SELECTION.—In selecting members for the advisory council, the Director shall appoint individuals who—

“(A) are not officers or employees of the United States;

“(B) possess expertise in—

“(i) transportation data collection, analysis, or application;

“(ii) economics; or

“(iii) transportation safety; and

“(C) represent a cross section of transportation stakeholders, to the greatest extent possible.

“(d) TERMS OF APPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), members of the advisory council shall be appointed to staggered terms not to exceed 3 years.

“(2) ADDITIONAL TERMS.—A member may be renominated for 1 additional 3-year term.

“(3) CURRENT MEMBERS.—A member serving on an advisory council on transportation statistics on the day before the date of enactment of the Transportation Research and Innovative Technology Act of 2012 shall serve until the end of the appointed term of the member.

“(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory council established under this section, except that section 14 of that Act shall not apply.

“§ 6306. Transportation statistical collection, analysis, and dissemination

“To ensure that all transportation statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director may—

“(1) use the services, equipment, records, personnel, information, and facilities of other Federal agencies, or State, local, and private agencies and instrumentalities, subject to the conditions that the applicable agency or instrumentality consents to that use and with or without reimbursement for such use;

“(2) enter into agreements with the agencies and instrumentalities described in paragraph (1) for purposes of data collection and analysis;

“(3) confer and cooperate with foreign governments, international organizations, and State, municipal, and other local agencies;

“(4) request such information, data, and reports from any Federal agency as the Director determines necessary to carry out this chapter;

“(5) encourage replication, coordination, and sharing of information among transportation agencies regarding information systems, information policy, and data; and

“(6) confer and cooperate with Federal statistical agencies as the Director determines necessary to carry out this chapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

“§ 6307. Furnishing of information, data, or reports by Federal agencies

“(a) IN GENERAL.—Except as provided in subsection (b), a Federal agency requested to furnish information, data, or reports by the Director under section 6302(b)(3)(B) shall provide the information to the Director.

“(b) PROHIBITION ON CERTAIN DISCLOSURES.—

“(1) IN GENERAL.—An officer, employee, or contractor of the Bureau may not—

“(A) make any disclosure in which the data provided by an individual or organization under section 6302(b)(3)(B) can be identified;

“(B) use the information provided under section 6302(b)(3)(B) for a nonstatistical purpose; or

“(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under section 6302(b)(3)(B).

“(2) COPIES OF REPORTS.—

“(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this chapter) may require, for any reason, a copy of any report that has been filed under section 6302(b)(3)(B) with the Bureau or retained by an individual respondent.

“(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of the employees, contractors, or agents of the Bureau—

“(i) shall be immune from legal process; and

“(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

“(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

“(3) INFORMING RESPONDENT OF USE OF DATA.—If the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, in a manner that informs the respondent who is requested or required to supply the data or information of the nonstatistical purpose.

“(c) TRANSPORTATION AND TRANSPORTATION-RELATED DATA ACCESS.—The Director shall be provided access to any transportation and transportation-related information in the possession of any Federal agency, except—

“(1) information that is expressly prohibited by law from being disclosed to another Federal agency; or

“(2) information that the agency possessing the information determines could not be disclosed without significantly impairing the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

“§ 6308. Proceeds of data product sales

“Notwithstanding section 3302 of title 31, amounts received by the Bureau from the sale of data products for necessary expenses incurred may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for those expenses.

“§ 6309. Information collection

“As the head of an independent Federal statistical agency, the Director may consult directly with the Office of Management and Budget concerning any survey, questionnaire, or interview that the Director considers necessary to carry out the statistical responsibilities of this chapter.

“§ 6310. National transportation atlas database

“(a) IN GENERAL.—The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases that depict—

“(1) transportation networks;

“(2) flows of people, goods, vehicles, and craft over the transportation networks; and

“(3) social, economic, and environmental conditions that affect or are affected by the transportation networks.

“(b) INTERMODAL NETWORK ANALYSIS.—The databases referred to in subsection (a) shall be capable of supporting intermodal network analysis.

“§ 6311. Limitations on statutory construction

“Nothing in this chapter—

“(1) authorizes the Bureau to require any other Federal agency to collect data; or

“(2) alters or diminishes the authority of any other officer of the Department to collect and disseminate data independently.

“§ 6312. Research and development grants

“The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

“(1) investigation of the subjects described in section 6302(b)(3)(B)(vi);

“(2) research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

“(3) demonstration programs by States, local governments, and metropolitan planning organizations to coordinate data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

“(4) development of electronic clearinghouses of transportation data and related information, as part of the Library; and

“(5) development and improvement of methods for sharing geographic data, in support of the database under section 6310 and the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor Executive Order).

“§ 6313. Transportation statistics annual report

“The Director shall submit to the President and Congress a transportation statistics annual report, which shall include—

“(1) information on the progress of the Director in carrying out the duties described in section 6302(b)(3)(B);

“(2) documentation of the methods used to obtain and ensure the quality of the statistics presented in the report; and

“(3) any recommendations of the Director for improving transportation statistical information.

“§ 6314. Mandatory response authority for freight data collection

“(a) FREIGHT DATA COLLECTION.—

“(1) IN GENERAL.—An owner, official, agent, person in charge, or assistant to the person in charge of a freight corporation, company, business, institution, establishment, or organization described in paragraph (2) shall be fined in accordance with subsection (b) if that individual neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau to submit data under section 6302(b)(3)(B)—

“(A) to answer completely and correctly to the best knowledge of that individual all

questions relating to the corporation, company, business, institution, establishment, or other organization; or

“(B) to make available records or statistics in the official custody of the individual.

“(2) DESCRIPTION OF ENTITIES.—A freight corporation, company, business, institution, establishment, or organization referred to in paragraph (1) is a corporation, company, business, institution, establishment, or organization that—

“(A) receives Federal funds relating to the freight program; and

“(B) has consented to be subject to a fine under this subsection on—

“(i) refusal to supply any data requested; or

“(ii) failure to respond to a written request.

“(b) FINES.—

“(1) IN GENERAL.—Subject to paragraph (2), an individual described in subsection (a) shall be fined not more than \$500.

“(2) WILLFUL ACTIONS.—If an individual willfully gives a false answer to a question described in subsection (a)(1), the individual shall be fined not more than \$10,000.”

(b) RULES OF CONSTRUCTION.—If the provisions of section 111 of title 49, United States Code, are transferred to chapter 63 of that title, the following rules of construction apply:

(1) For purposes of determining whether 1 provision of law supersedes another based on enactment later in time, a chapter 63 provision is deemed to have been enacted on the date of enactment of the corresponding section 111 provision.

(2) A reference to a section 111 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding chapter 63 provision.

(3) A regulation, order, or other administrative action in effect under a section 111 provision continues in effect under the corresponding chapter 63 provision.

(4) An action taken or an offense committed under a section 111 provision is deemed to have been taken or committed under the corresponding chapter 63 provision.

(c) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 111 of title 49, United States Code, is repealed, and the item relating to section 111 in the analysis for chapter 1 of that title is deleted.

(2) ANALYSIS FOR SUBTITLE III.—The analysis for subtitle III of title 49, United States Code, is amended by inserting after the items for chapter 61 the following:

“Chapter 63. Bureau of Transportation Statistics.”

SEC. 52012. ADMINISTRATIVE AUTHORITY.

Section 112 of title 49, United States Code, is amended by adding at the end the following:

“(f) PROMOTIONAL AUTHORITY.—Amounts authorized to be appropriated for the administration and operation of the Research and Innovative Technology Administration may be used to purchase promotional items of nominal value for use by the Administrator of the Research and Innovative Technology Administration in the recruitment of individuals and promotion of the programs of the Administration.

“(g) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2012 and 2013, the Administrator is authorized to expend not more than 1 ½ percent of the amounts authorized to be appropriated for necessary expenses for administration and operations of the Research and Innovative Technology Administration for the coordination, evalua-

tion, and oversight of the programs administered by the Administration.

“(h) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—To encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology, the Administrator may carry out, on a cost-shared basis, collaborative research and development with—

“(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

“(B) Federal laboratories; and

“(C) other Federal agencies.

“(2) COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS.—Notwithstanding any other provision of law, the Administrator may directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

“(3) FEDERAL SHARE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out under paragraph (2) shall not exceed 50 percent.

“(B) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

“(C) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subparagraph (A).

“(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

“(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41, United States Code shall not apply to a contract, grant, or other agreement entered into under this section.”

SEC. 52013. TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLANNING.

Section 508(a) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking “SAFETEA-LU” and inserting “Transportation Research and Innovative Technology Act of 2012”; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

“(i) promoting safety;

“(ii) reducing congestion and improving mobility;

“(iii) protecting and enhancing the environment;

“(iv) preserving the existing transportation system;

“(v) improving the durability and extending the life of transportation infrastructure; and

“(vi) improving goods movement.”.

TITLE III—INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH

SEC. 53001. USE OF FUNDS FOR ITS ACTIVITIES.

Section 513 of title 23, United States Code, is amended to read as follows:

“§ 513. Use of funds for ITS activities

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local government, tribal government, transit agency, public toll authority, metropolitan planning organization, other political subdivision of a State or local government, or a multistate or multijurisdictional group applying through a single lead applicant.

“(2) MULTIJURISDICTIONAL GROUP.—The term ‘multijurisdictional group’ means a combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State that—

“(A) have signed a written agreement to implement an activity that meets the grant criteria under this section; and

“(B) is comprised of at least 2 members, each of whom is an eligible entity.

“(b) PURPOSE.—The purpose of this section is to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs.

“(c) ITS DEPLOYMENT INCENTIVES.—

“(1) IN GENERAL.—The Secretary may—

“(A) develop and implement incentives to accelerate the deployment of ITS technologies and services within all funding programs authorized by the Transportation Research and Innovative Technology Act of 2012; and

“(B) for each fiscal year, use amounts made available to the Secretary to carry out intelligent transportation systems outreach, including through the use of websites, public relations, displays, tours, and brochures.

“(2) COMPREHENSIVE PLAN.—To carry out this section, the Secretary shall develop a detailed and comprehensive plan that addresses the manner in which incentives may be adopted, as appropriate, through the existing deployment activities carried out by surface transportation modal administrations.

“(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT GRANT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, intermodal integration, and interoperability of the ITS program and ITS-enabled operational strategies—

“(A) to measure and improve the performance of the surface transportation system;

“(B) to reduce traffic congestion and the economic and environmental impacts of traffic congestion;

“(C) to minimize fatalities and injuries;

“(D) to enhance mobility of people and goods;

“(E) to improve traveler information and services; and

“(F) to optimize existing roadway capacity.

“(2) APPLICATION.—To be considered for a grant under this subsection, an eligible entity shall submit an application to the Secretary that includes—

“(A) a plan to deploy and provide for the long-term operation and maintenance of intelligent transportation systems to improve safety, efficiency, system performance, and return on investment, such as—

“(i) real-time integrated traffic, transit, and multimodal transportation information;

“(ii) advanced traffic, freight, parking, and incident management systems;

“(iii) advanced technologies to improve transit and commercial vehicle operations;

“(iv) synchronized, adaptive, and transit preferential traffic signals;

“(v) advanced infrastructure condition assessment technologies; and

“(vi) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration and for achieving performance goals;

“(B) quantifiable system performance improvements, including—

“(i) reductions in traffic-related crashes, congestion, and costs;

“(ii) optimization of system efficiency; and

“(iii) improvement of access to transportation services;

“(C) quantifiable safety, mobility, and environmental benefit projections, including data driven estimates of the manner in which the project will improve the transportation system efficiency and reduce traffic congestion in the region;

“(D) a plan for partnering with the private sector, including telecommunications industries and public service utilities, public agencies (including multimodal and multijurisdictional entities), research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders;

“(E) a plan to leverage and optimize existing local and regional ITS investments; and

“(F) a plan to ensure interoperability of deployed technologies with other tolling, traffic management, and intelligent transportation systems.

“(3) SELECTION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Secretary may provide grants to eligible entities under this section.

“(B) GEOGRAPHIC DIVERSITY.—In awarding a grant under this section, the Secretary shall ensure, to the maximum extent practicable, that grant recipients represent diverse geographical areas of the United States, including urban, suburban, and rural areas.

“(C) NON-FEDERAL SHARE.—In awarding a grant under the section, the Secretary shall give priority to grant recipients that demonstrate an ability to contribute a significant non-Federal share to the cost of carrying out the project for which the grant is received.

“(4) ELIGIBLE USES.—Projects for which grants awarded under this section may be used include—

“(A) the establishment and implementation of ITS and ITS-enabled operations strategies that improve performance in the areas of—

“(i) traffic operations;

“(ii) emergency response to surface transportation incidents;

“(iii) incident management;

“(iv) transit and commercial vehicle operations improvements;

“(v) weather event response management by State and local authorities;

“(vi) surface transportation network and facility management;

“(vii) construction and work zone management;

“(viii) traffic flow information;

“(ix) freight management; and

“(x) congestion management;

“(B) carrying out activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information;

“(C) the implementation of intelligent transportation systems and technologies that improve highway safety through information and communications systems linking vehicles, infrastructure, mobile devices, transportation users, and emergency responders;

“(D) the provision of services necessary to ensure the efficient operation and management of ITS infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services;

“(E) the provision of support for the establishment and maintenance of institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, shippers, public service utilities, and telecommunications providers;

“(F) carrying out multimodal and crossjurisdictional planning and deployment of regional transportation systems operations and management approaches; and

“(G) performing project evaluations to determine the costs, benefits, lessons learned, and future deployment strategies associated with the deployment of intelligent transportation systems.

“(5) REPORT TO SECRETARY.—For each fiscal year that an eligible entity receives a grant under this section, not later than 1 year after receiving that grant, each recipient shall submit a report to the Secretary that describes how the project has met the expectations projected in the deployment plan submitted with the application, including—

“(A) data on how the program has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

“(B) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

“(C) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public that allows the public to make informed travel decisions; and

“(D) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

“(6) REPORT TO CONGRESS.—Not later than 2 years after date on which the first grant is awarded under this section and annually thereafter for each fiscal year for which grants are awarded under this section, the Secretary shall submit to Congress a report that describes the effectiveness of the grant recipients in meeting the projected deployment plan goals, including data on how the grant program has—

“(A) reduced traffic-related fatalities and injuries;

“(B) reduced traffic congestion and improved travel time reliability;

“(C) reduced transportation-related emissions;

“(D) optimized multimodal system performance;

“(E) improved access to transportation alternatives;

“(F) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

“(G) provided cost savings to transportation agencies, businesses, and the traveling public; and

“(H) provided other benefits to transportation users and the general public.

“(7) **ADDITIONAL GRANTS.**—If the Secretary determines, based on a report submitted under paragraph (5), that a grant recipient is not complying with the established grant criteria, the Secretary may—

“(A) cease payment to the recipient of any remaining grant amounts; and

“(B) redistribute any remaining amounts to other eligible entities under this section.

“(8) **NON-FEDERAL SHARE.**—The Federal share of a grant under this section shall not exceed 50 percent of the cost of the project.

“(9) **GRANT LIMITATION.**—The Secretary may not award more than 10 percent of the amounts provided under this section to a single grant recipient in any fiscal year.

“(10) **MULTIYEAR GRANTS.**—Subject to availability of amounts, the Secretary may provide an eligible entity with grant amounts for a period of multiple fiscal years.

“(11) **FUNDING.**—Of the funds authorized to be appropriated to carry out the intelligent transportation system program under sections 512 through 518, not less than 50 percent of such funds shall be used to carry out this subsection.”

SEC. 53002. GOALS AND PURPOSES.

(a) **IN GENERAL.**—Chapter 5 of title 23, United States Code, is amended by adding after section 513 the following:

“§ 514. Goals and purposes

“(a) **GOALS.**—The goals of the intelligent transportation system program include—

“(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

“(2) achievement of national transportation safety goals, including enhancement of safe operation of motor vehicles and non-motorized vehicles and improved emergency response to collisions, with particular emphasis on decreasing the number and severity of collisions;

“(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

“(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, bicycles, and pedestrians (including individuals with disabilities); and

“(5) enhancement of national defense mobility and improvement of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters.

“(b) **PURPOSES.**—The Secretary shall implement activities under the intelligent transportation system program, at a minimum—

“(1) to expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

“(2) to ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for consideration in the transportation planning process;

“(3) to improve regional cooperation and operations planning for effective intelligent transportation system deployment;

“(4) to promote the innovative use of private resources in support of intelligent transportation system development;

“(5) to facilitate, in cooperation with the motor vehicle industry, the introduction of vehicle-based safety enhancing systems;

“(6) to support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

“(7) to develop a workforce capable of developing, operating, and maintaining intelligent transportation systems;

“(8) to provide continuing support for operations and maintenance of intelligent transportation systems; and

“(9) to ensure a systems approach that includes cooperation among vehicles, infrastructure, and users.”

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 513 the following:

“514. Goals and purposes.”

SEC. 53003. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) **IN GENERAL.**—Chapter 5 of title 23, United States Code, is amended by adding after section 514 (as added by section 53002) the following:

“§ 515. General authorities and requirements

“(a) **SCOPE.**—Subject to the provisions of this chapter, the Secretary shall conduct an ongoing intelligent transportation system program—

“(1) to research, develop, and operationally test intelligent transportation systems; and

“(2) to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.

“(b) **POLICY.**—Intelligent transportation system research projects and operational tests funded pursuant to this chapter shall encourage and not displace public-private partnerships or private sector investment in those tests and projects.

“(c) **COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.**—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the private sector firms of the United States, the Federal laboratories, and institutions of higher education, including historically Black colleges and universities and other minority institutions of higher education.

“(d) **CONSULTATION WITH FEDERAL OFFICIALS.**—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal agencies, as appropriate.

“(e) **TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.**—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

“(f) **TRANSPORTATION PLANNING.**—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

“(g) **INFORMATION CLEARINGHOUSE.**—

“(1) **IN GENERAL.**—The Secretary shall—

“(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this chapter; and

“(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

“(2) **AGREEMENT.**—

“(A) **IN GENERAL.**—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

“(B) **FEDERAL FINANCIAL ASSISTANCE.**—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

“(3) **AVAILABILITY OF INFORMATION.**—Information in the repository shall not be subject to sections 552 and 555 of title 5, United States Code.

“(h) **ADVISORY COMMITTEE.**—

“(1) **IN GENERAL.**—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this chapter.

“(2) **MEMBERSHIP.**—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

“(A) a representative from a State highway department;

“(B) a representative from a local highway department who is not from a metropolitan planning organization;

“(C) a representative from a State, local, or regional transit agency;

“(D) a representative from a metropolitan planning organization;

“(E) a private sector user of intelligent transportation system technologies;

“(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

“(G) an academic researcher who is a civil engineer;

“(H) an academic researcher who is a social scientist with expertise in transportation issues;

“(I) a representative from a nonprofit group representing the intelligent transportation system industry;

“(J) a representative from a public interest group concerned with safety;

“(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

“(L) members with expertise in planning, safety, telecommunications, utilities, and operations.

“(3) **DUTIES.**—The Advisory Committee shall, at a minimum, perform the following duties:

“(A) Provide input into the development of the intelligent transportation system aspects of the strategic plan under section 508.

“(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

“(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

“(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and if not, to determine the barriers to deployment; and

“(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

“(4) REPORT.—Not later than February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Secretary shall submit to Congress a report that includes—

“(A) all recommendations made by the Advisory Committee during the preceding calendar year;

“(B) an explanation of the manner in which the Secretary has implemented those recommendations; and

“(C) for recommendations not implemented, the reasons for rejecting the recommendations.

“(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(i) REPORTING.—

“(1) GUIDELINES AND REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this chapter.

“(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this chapter.

“(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

“(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under this chapter shall not be subject to chapter 35 of title 44, United States Code.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after section 514 (as added by section 53002) the following:

“515. General authorities and requirements.”

SEC. 53004. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 515 (as added by section 53003) the following:

“§ 516. Research and development

“(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research and development, and operational tests of intelligent vehicles, intelligent infrastructure systems, and other similar activities that are necessary to carry out this chapter.

“(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

“(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;

“(2) use interdisciplinary approaches to develop traffic management strategies and

tools to address multiple impacts of congestion concurrently;

“(3) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems;

“(4) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;

“(5) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;

“(6) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; or

“(7) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

“(c) FEDERAL SHARE.—The Federal share payable on account of any project or activity carried out under subsection (a) shall not exceed 80 percent.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 515 (as added by section 53004) the following:

“516. Research and development.”

SEC. 53005. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 516 (as added by section 53004) the following:

“§ 517. National architecture and standards

“(a) IN GENERAL.—

“(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—In accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783; 115 Stat. 1241), the Secretary shall develop and maintain a national ITS architecture and supporting ITS standards and protocols to promote the use of systems engineering methods in the widespread deployment and evaluation of intelligent transportation systems as a component of the surface transportation systems of the United States.

“(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national ITS architecture and supporting ITS standards and protocols shall promote interoperability among, and efficiency of, intelligent transportation systems and technologies implemented throughout the United States.

“(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall support the development and maintenance of standards and protocols using the services of such standards development organizations as the Secretary determines to be necessary and whose memberships are comprised of, and represent, the surface transportation and intelligent transportation systems industries.

“(b) STANDARDS FOR NATIONAL POLICY IMPLEMENTATION.—If the Secretary finds that a standard is necessary for implementation of a nationwide policy relating to user fee collection or other capability requiring nationwide uniformity, the Secretary, after consultation with stakeholders, may establish and require the use of that standard.

“(c) PROVISIONAL STANDARDS.—

“(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the

objectives described in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the maximum extent practicable, the work product of appropriate standards development organizations.

“(2) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

“(d) CONFORMITY WITH NATIONAL ARCHITECTURE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall ensure that intelligent transportation system projects carried out using amounts made available from the Highway Trust Fund, including amounts made available to deploy intelligent transportation systems, conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under subsection (a) or (c).

“(2) DISCRETION OF THE SECRETARY.—The Secretary, at the discretion of the Secretary, may offer an exemption from paragraph (1) for projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 516 (as added by section 53004) the following:

“517. National architecture and standards.”

SEC. 53006. VEHICLE-TO-VEHICLE AND VEHICLE-TO-INFRASTRUCTURE COMMUNICATIONS SYSTEMS DEPLOYMENT.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 517 (as added by section 53005) the following:

“§ 518. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that—

“(1) defines a recommended implementation path for dedicated short-range communications technology and applications;

“(2) includes guidance on the relationship of the proposed deployment of dedicated short-range communications to the National ITS Architecture and ITS Standards; and

“(3) ensures competition by not preferencing the use of any particular frequency for vehicle to infrastructure operations.

“(b) REPORT REVIEW.—The Secretary shall enter into agreements with the National Research Council and an independent third party with subject matter expertise for the review of the report described in subsection (a).”

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after section 517 (as added by section 53005) the following:

“518. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.”

At the end, add the following:

DIVISION F—BUDGETARY EFFECTS

SEC. 60001. BUDGETARY EFFECTS.

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be recorded on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

NOTICE OF HEARING

**COMMITTEE ON ENERGY AND NATURAL
RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before Committee on Energy and Natural Resources, previously announced for March 14, has been rescheduled and will now be held on Tuesday, March 20, 2012, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nominations of Adam Sieminski, to be Administrator of the Energy Information Administration, Marcilynn Burke to be an Assistant Secretary of the Interior, Anthony Clark to be a Member of the Federal Energy Regulatory Commission, and John Norris to be a Member of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Allison_Seyferth@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Allison Seyferth at (202) 224-4905.

**AUTHORITY FOR COMMITTEES TO
MEET**

COMMITTEE ON ARMED SERVICES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on March 13, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL
RESOURCES**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 13, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 13, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 13, 2012, at 10:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Freedom of Information Act: Safeguarding Critical Infrastructure Information and the Public's Right to Know."

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR WEDNESDAY,
MARCH 14, 2012**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, March 14, at 9:30 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks the Senate proceed to a period of morning business for 1 hour with Senators permitted to speak therein

for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 1813, the highway bill, with the time until 11:30 a.m. equally divided between the two leaders or their designees; that upon disposition of the Transportation bill, the Senate proceed to a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; finally, at 2 p.m., the Senate proceed to executive session with 30 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the Groh nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be three rollcall votes tomorrow beginning at 11:30 a.m., including passage of the Transportation bill. At 2:30 p.m. there will be up to 17 cloture votes on the judicial nominations. I am working with various parties to see if we can work something out on those nominations. We hope we can, but if not we will have those votes.

**ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW**

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Wednesday, March 14, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2012

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 96, I was not able to vote because I was called away for the funeral of a close friend. Had I been present, I would have voted "no."

TRAUMATIC BRAIN INJURY
AWARENESS MONTH—HONORING
SERGEANT FIRST CLASS VICTOR
MEDINA

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2012

Mr. REYES. Mr. Speaker, as our nation recognizes Traumatic Brain Injury Awareness Month, I rise to honor Sergeant First Class Victor Medina who was wounded in Iraq by an Improvised Explosive Device. Victor and his wife Roxana Delgado continue to work selflessly to provide encouragement and support for his fellow Wounded Warriors, even as they deal with the effects of Traumatic Brain Injury (TBI).

SFC Victor Medina was wounded in the summer of 2009 by an explosive formed projectile while in support of Operation Iraqi Freedom. The blast left SFC Medina with TBI, and he spent nearly two months receiving care at the Department of Defense's Landstuhl Regional Medical Center in Germany before returning home to El Paso, Texas.

After 16 months of rehabilitation, SFC Medina still copes with lingering side effects. He continues to have problems with vision, hearing, balance, headaches, and speech; however, regardless of his symptoms SFC Medina believes that 'with or without injury we are all responsible for our actions and our future. Life is about decisions, and you can choose to stand up and make the best out of your life.' SFC Medina did just that. He chose not to be a victim; he chose to be a warrior. Since then, SFC Medina has been empowering and motivating others struggling with TBI to set their sights on a brighter future.

SFC Medina along with his wife, Roxana Delgado, created a blog during his recovery to provide insight on the effects of TBI. The couple has written about their struggles and triumphs in dealing with the issue, and their blog eventually morphed into a Web site, www.tbwarrior.com. The blog raises awareness and understanding of TBI and serves to empower survivors and caregivers through education and advocacy while providing resources to heal with hope.

Each year approximately 1.7 million Americans experience TBI, and an estimated 3.2 million Americans are living with severe, long-term disabilities caused by it. TBI has been named the signature injury for troops wounded in Afghanistan and Iraq with an estimated 360,000 brain-injured men and women returning home from the battlefield.

As we commemorate National Traumatic Brain Injury Month, it is my great honor to share Victor and Roxana's story for inclusion in the CONGRESSIONAL RECORD and to recognize their outstanding contributions to the Traumatic Brain Injury warrior community in El Paso, in the State of Texas, and throughout our nation.

Brave service members like SFC Medina answer the call of duty and make tremendous sacrifices for our country. As a combat veteran myself, I salute all of our courageous men and women in the Armed Forces and the families who support them. For SFC Medina and other TBI warriors, TBI is not the end; it can be a new beginning.

COMMEMORATION OF TAIWAN'S
"2-28 MASSACRE"

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to observe the 65th commemoration of Taiwan's "2-28 Massacre." The massacre was an anti-government uprising in Taiwan that began on February 28, 1947 and was violently suppressed by General Chiang Kai-shek's Chinese Nationalist Kuomintang (KMT) government during the following weeks. Estimates of the number of deaths vary from ten thousand to thirty thousand.

In the fall of 1945, 50 years of Japanese occupation of Taiwan ended after Japan had lost World War II. In October of that year, the United Nations handed administrative control of Taiwan to the KMT-administered Republic of China, ROC. Sixteen months of KMT administration on Taiwan led to the widespread impression among the people of Taiwan that the party was plagued by nepotism, corruption, and economic failure.

Tensions increased between the Taiwanese people and the ROC administration. The flashpoint came on February 28, 1947 when in Taipei a dispute between a female cigarette vendor and an officer of the Government's Office of Monopoly triggered civil disorder and open rebellion by the native Taiwanese against KMT repression.

During the following weeks, Chiang's government sent troops from China to Taiwan. The Chinese soldiers started to round up and execute a whole generation of a Taiwanese elite of lawyers, doctors, students, professors etc. . .

It is estimated that up to 30,000 people lost their lives during the turmoil. During the following four decades, the Chinese Nationalists continued to rule Taiwan with an iron fist under a Martial Law that would not be lifted until 1987.

Mr. Speaker, the Massacre had far reaching implications. Over the next half century, the Taiwanese democracy movement that grew out of the event helped pave the way for Taiwan's momentous transformation from a dictatorship under the Chinese Nationalists to a thriving and pluralistic democracy.

In some ways, the 2-28 massacre was Taiwan's "Boston Massacre" for both events functioned as the cradle of a move by both peoples to full democracy and helped galvanize the strive to independence.

Mr. Speaker, I have said it before: "Freedom is not negotiable." May the lessons learned from the 2-28 Massacre continue to inspire the people of Taiwan in their struggle for freedom, full independence, international participation, and for the continued enhancement of the mutual relationship between Taiwan and the United States.

I urge my colleagues to join me in commemorating this sad but important historical event.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2012

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 97, I was not able to vote because I was called away for the funeral of a close friend. Had I been present, I would have voted "yes."

WOMEN'S HISTORY MONTH

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2012

Mr. REYES. Mr. Speaker, in honor of Women's History Month, I rise today to recognize women leaders and their many contributions to our community.

Recently, we celebrated the significant advancement in girls' participation in sports as we commemorated the 25th annual National Girls and Women in Sports Day and the 40th anniversary of Title IX. Today, I want to recognize the incredible accomplishments of the University of Texas at El Paso's (UTEP) women's basketball team for winning the 2012 Conference USA Championship, and the 2012 Conference USA Regular Season Title for the second time in the past five years. These talented young women serve as positive role models for the El Paso community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I want to congratulate Keitha Adams for being named Conference USA Coach of the Year. This is the second time Coach Adams has been honored with this title, and her leadership helped the UTEP program win two Conference USA regular season titles in the last five years. I also want to congratulate Gloria Brown for winning Conference USA Sixth Player of the Year for a second-consecutive season, and El Paso's own Kayla Thornton, an Irvin High School graduate, was recognized as an All-Conference USA performer.

These remarkable women not only strengthen themselves, their families and the El Paso community, but they serve as an inspiration to encourage schools and the El Paso community to increase opportunities for girls and women in sports.

El Paso, Texas, has a rich history and is home to strong and passionate women who have played critical roles in making higher education a reality, promoting our small businesses, serving El Paso as public servants, safeguarding our community, and ensuring access to health care for children, families and seniors.

Leaders like Dr. Diana Natalicio of the University of Texas at El Paso; Cindy Ramos-Davidson of the El Paso Hispanic Chamber of Commerce; Belen Robles, the first female president of the League of United Latin American Citizens (LULAC); Dr. Blanca Enriquez, life-long educator and Associate Executive Director for Head Start; Rosa Guerrero, a pioneer educator, artist, renowned dancer, and humanitarian; and Suzie Azar, El Paso's first and only woman Mayor. These remarkable women, and many others, have made history in the border region, and we are blessed that they call El Paso home.

Mr. Speaker, while women have achieved great success, we recognize women still face many challenges and there is still much work to be done. This month, I reaffirm my commitment to policies and initiatives that support

more and better opportunities for women and girls.

HONORING GIRL SCOUTS IN AMERICA

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2012

Mr. RIBBLE. Mr. Speaker, I rise today to recognize the efforts of Girl Scout Ambassador Mara Scherer. Ms. Scherer has been a Girl Scout for 12 years, and recently unveiled her exhibit at the New London Public Museum celebrating the 100th Anniversary of the Girl Scouts in America. This exhibit represents her Gold Award project, the highest award a Girl Scout can attain.

Mr. Speaker, I also ask you to join me in celebrating the life of Juliette Gordon Low, the visionary founder of Girl Scouts in America. She established the first troop on March 12, 1912, in Savannah, Georgia. For the last century, Girl Scouts in America has had a positive impact on young girls throughout the country by teaching them values, life-skills and giving them opportunities to improve their communities.

I commend Ms. Scherer for this project, and I congratulate the Girl Scouts in America on their 100th anniversary for keeping their promise to serve God and country, to help their neighbors and to keep the Girl Scout Law.

A TRIBUTE TO RIC JURGENS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize the retirement of Hy-Vee Chairman

and Chief Executive Officer Ric Jurgens, and to express my appreciation for his years of service to his company and to the people of Iowa.

For Ric, successfully assuming the head responsibilities of one of the Midwest's largest grocery companies was no accident. He has been a dedicated employee of Hy-Vee for 42 years. His career with Hy-Vee began as a part-time employee, stocking shelves in Ames, while pursuing his degree at Iowa State University. Upon graduation, Mr. Jurgens was offered his first full-time position in the company and has been climbing the ranks ever since. Most notably, in 2001, Mr. Jurgens became Hy-Vee's third president in company history; two years later Ric would be elected as Hy-Vee's CEO and by 2006 he had been elected as Chairman of the Board.

Mr. Jurgens' successful tenure is one that will never be forgotten by the Hy-Vee family. Under Ric, Hy-Vee enjoyed record sales to the tune of a staggering 7.3 billion dollars for 2011 from 235 stores across eight states. Ric has overseen Hy-Vee's transformation from a respectable grocery store chain to an industry-leading powerhouse that still prides itself on staying true to its foundation—the employees. Above all, the employee owned Hy-Vee will always be about rewarding hard work, even providing the unique opportunity for a part-time employee to someday hold the company's highest office.

Mr. Speaker, throughout his entire professional career, Ric has never wavered in his commitment to providing excellent service and quality products to the people of Iowa and the Midwest. While Hy-Vee will surely miss Mr. Jurgens' expertise, he leaves his company, which is stronger than ever, in good hands. I ask the House to join me in congratulating Mr. Jurgens on a job well done, and I wish Ric and his wife Carol a long, happy and healthy retirement.

SENATE—Wednesday, March 14, 2012

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, sovereign of our Nation, by whose will the world and all creation have their being, we magnify Your Name. We know that You are mighty and we are weak, but we take heart in the knowledge that we can rely on Your strength.

Inspire our Senators today to know the constancy of Your presence, to be aware of the certainty of Your judgment, and to lift their hearts in frequent prayer to You, worshipping as they work. Guide them by Your higher wisdom and fill them with Your peace. May this be a day when we serve You with gladness because Your joy has filled our hearts.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks the Senate will be in a period of morning business for 1 hour, with the Republicans controlling the first half and the majority controlling the final half. Following morning business the Senate will resume consideration of S. 1813, the highway bill. Senators should expect three rollcall votes at 11:30 a.m. on two remaining amendments to this bill that we have been working on for such a long time and to final passage of that bill.

Upon disposition of that, the Senate will be in morning business until 2 p.m. At 2 p.m., the Senate will be in executive session. At 2:30 p.m., there could be up to 17 cloture votes unless an agreement can be reached on those nominations.

SURFACE TRANSPORTATION ACT

Mr. REID. Madam President, it is a real accomplishment for this Senate to pass this highway bill, and it will happen. We worked through all these amendments, different tones and variations of subject matter, many of them not having anything to do with the highway bill, but as everyone knows, that is what the Senate is all about a lot of the time.

I now call upon my friend, the Speaker of the House of Representatives, to move this bill over there as quickly as possible. He has indicated that they likely will take up the Senate bill. I hope that is, in fact, the case.

At the end of this month the highway bill expires, which could lead to the laying off and termination of a little more than a million people. This bill, when it is signed by the President, will save or create 2.8 million jobs. It is important to get this done.

As for the judges, there have been conversations with me and a number of different combination of Senators, and I am hopeful we can work something out on this. If not, as I indicated, we will go ahead and have these judges' votes. We need to get something done here. We have 17 judges—this does not count the appellate judges—that is, the circuit court judges—and there are 4 of those. I am hopeful we can work our way toward this culmination so we don't have this situation.

We have been in touch with the White House. There has been some concern about what happens with the 2-week recess that we have, and I am confident we will work our way through that. There is a conversation as to how we proceed with the IPO bill

we got from the House. I think there is general agreement that there should be an extremely limited number of amendments, and we will move this as quickly as possible. So I hope the next day or two or three brings us more success here in the Senate.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Madam President, I rise to speak in morning business.

LEADERSHIP

Mr. COBURN. Madam President, I am worried about the Senate as a body today. I came down here to the floor and I listened very intently to the Chaplain's prayer. He asked that we call on the higher wisdom; not man's wisdom, but God's wisdom. And I note with lots of consternation and worry that what is a very fine institution is being put at risk basically through failed leadership.

Let me explain what I mean by that. Having lived 64 years and running an organization and running a business, the quality that is most needed in leadership is a quality called reconciliation. And when that doesn't happen by our leaders—and I'm not singling out any one leader in particular—when that effort, that reconciliation, doesn't happen, it is not just directly related to the events surrounding that lack of reconciliation, it does damage to institutions. What we are about to see carried out today is the placing of partisan principles on both sides of the aisle ahead of the principle of advice and consent and the Senate's role.

Unfortunately, our leader didn't protect the Senate's rights under the Constitution with the last four nominations in terms of recess appointments, and we can debate that. But the fact is

as an institution—whether it had been a Republican leader or Democratic leader—the No. 1 issue that needs to be protected is the rights of the Senate as related to the other branches of government. I think that is unfortunate, and I think that is part of our problem today as we fail to trust one another to do what is right.

Let me go back to leadership. The real qualities of great leaders are they bring people of disparate views together and they solve those problems; they never accept the fact that an impasse is the answer. What we have queued to set up today is going to be an impasse. Everybody knows it. It is going to be an impasse. All that does is reflect poorly on the Senate as a whole and on the leadership of the Senate as a whole on both sides. So my caution would be to return to what Chaplain Black said: There is greater wisdom than we have. That is the wisdom we ought to be drawing from as we reconcile differences in the Senate, rather than destroy the comity of the Senate and destroy the ability of us to work together in the Nation's best interest in the future.

I would also tell you that the other thing I am disappointed about is that we have the Senate focused on that small issue instead of the very great issues in front of our Nation—the very fact that we are going bankrupt; that we have not done one thing this year to actually trim the excesses of the Federal Government; that we have not addressed in any way, shape, or form the very problems that are going to create tremendous burdens not only to our children but those people who, through no fault of their own, will not have a safety net in the future because we failed to make the tough decisions today, and that is wrapped up in political expediency.

One of my favorite quotes—it is a summary of Martin Luther King, Jr.'s words. It is not his exact words, but he said the following: Cowardice asks the question, Is it safe? Expediency asks the question, Is it politic? Vanity asks the question, Is it popular? But conscience and character ask the question, Is it right?

What I put forward to the two leaders today is what we are about to let unfold today in the Senate: Is that the right thing for the Senate or does it have to do with expediency and popularity? And if it is to do with those two things—whether it is connected or not—that is called failed leadership. That is a failure to lead, to reconcile, to bring people together. We are better than that. Our leaders are better than that. We should not allow this to happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak in morning business on

majority time, and I will yield, of course, to a Republican Senator coming to the floor because I know they have some 15 minutes or so remaining.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. DURBIN. Madam President, it is time to end the delays and move ahead with up-or-down votes on these judicial nominations.

Right now there are 22 judicial nominations sitting on the judicial calendar: 17 district court and 5 circuit court nominees. These are appointments to Federal judgeships. In many instances they are appointments that are long overdue and desperately needed.

Twelve of these nominees were voted out of the Judiciary Committee last year—last year—two of them as far back as last October.

One would think they must be very controversial people to have made it this far but then stalled on the calendar. It turns out 17 of these 22 nominees received strong bipartisan support on the committee. Thirteen had blue slips, which is permission to go forward, from home State Republican Senators. Eleven of them would fill vacancies deemed as judicial emergencies.

I don't understand how we can do this to the Federal judiciary and to the men and women who are involved. The American people need these nominations to be confirmed in a timely fashion, and it is only fair to these men and women who are offering their lives in public service and sometimes jeopardizing their current jobs because of the uncertainty of their future.

All Americans want our Federal courts to be there to prosecute criminals, to make certain they have their day in court in civil proceedings, as well as to maintain the integrity of our judicial process.

There are only two ways to schedule a confirmation vote in the Senate: either a unanimous consent agreement or file cloture, which basically means force the issue. Forcing the issue takes time, and time isn't on our side. We have important things to do: finishing the Transportation bill today and moving forward on other important issues. But since President Obama took office, Senate Republicans have routinely objected when we have asked for their consent to promptly schedule confirmation votes on judicial nominees.

When we take a look at the record President Obama has faced, the obstruction from the Republican side of the aisle is unprecedented. President Obama's district court nominees have been forced to wait on the floor more than four times longer on average than those confirmed under President Bush

or under President Clinton. Overall, at this point in their terms, President Obama has had only 131 nominees confirmed while President George W. Bush had 172 and President Clinton had 183.

Right now there are 39 judicial nominees pending either on the Judiciary Committee or on the Senate floor. Promptly confirming these 39 would bring the President's overall numbers close to parity with President Bush. It wouldn't give him an advantage.

It is time to stop the delay. I think it is important for us to confirm these nominees as quickly as possible. We don't have to go through this painful and embarrassing charade of calling cloture vote after cloture vote on nominees who were accepted on a strong bipartisan vote, have been approved by Republican Senators, and are simply being held up on the hope by some Republican Senators that the day will come when there is a Republican President who can fill these vacancies. That isn't fair. Taking that approach is what gives our Chamber a bad name.

Ten of these nominees were reported out of committee last year. Why continue to delay them? I know during President Bush's first term the Senate confirmed 57 district court nominees within 7 days. These nominees languished on the calendar for months—months. If there is a legitimate objection to any nominee, step forward and state the objection. If a Member opposes the nominee, when the vote comes vote no. But for, goodness' sake, to let these names and nominations languish on the calendar isn't fair to the nominees, and it isn't fair to the courts that are in many instances facing judicial emergencies because of these vacancies.

I urge my colleagues—among these nominees are two for Illinois. Senator MARK KIRK and I had an agreed-to bipartisan approach. We put together bipartisan committees, we each found our favorite nominees, and we submitted the nominee to one another. We asked for approval; we got the approval. We have two extraordinarily good people: John Lee, proposed by me, and Jay Tharp, proposed by Senator KIRK. Both came out of committee without controversy—two excellent nominees sitting on the calendar.

For goodness' sake, I ask my colleagues, why would they do this? It isn't fair to these individuals. It isn't fair to Senator KIRK, and it isn't fair to this process. Let's move these names forward as quickly as possible.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JUDICIAL NOMINATIONS

Mr. McCONNELL. Madam President, this week the average price of a gallon of gas is \$4. The national unemployment rate is 8.3 percent. If we include those who are so frustrated they have stopped looking for work altogether, of course, the unemployment rate is much higher than 8.3 percent.

With all of this, the Democratic majority is about to spend more of the Senate's time on another heavy-handed power play that will not get them anywhere. But it will make clear yet again how out of touch they are with the needs of the American people.

First, we need to make clear what this is about and what this is not about. This is not about making sure the President's judicial nominations are being treated fairly. Despite what the majority would like us to believe, the President is doing quite well on that score, as is clear from both the facts and the admissions of our Democratic friends themselves.

As Senator ALEXANDER noted yesterday, the Senate has confirmed 76 out of 78 district court nominees whom President Obama submitted in his first 2 years. The President withdrew the other two. That is a 97-percent success rate. Not bad.

The Senate confirmed 62 of President Obama's circuit and district court nominations last year alone. If we look at President Bush's and President Obama's lower court confirmations when they both had two Supreme Court appointments for the Senate to consider, President Obama is doing much better than President Bush. President Bush had a total of 120 lower court judges confirmed in 4 years, while President Obama already has 129 lower court judgeships confirmed in just 3 years. So President Obama has had more confirmations in a much shorter period of time.

To the extent there is anyone here to blame, the Obama administration and Senate Democrats should actually look in the mirror. Of the 83 current vacancies, over half of them—44—don't even have nominees. Let me say that again: Of the 83 current vacancies, over half of them—44—don't even have nominees.

As for the minority of the vacancies for which the President has actually submitted a name, almost half of those are still in the Judiciary Committee. So nearly three-fourths of the current vacancies—61 of 83—are due either to the administration failing to nominate someone or the Democratic-controlled Judiciary Committee failing to move them out of committee.

Given what we have to work with, it is no wonder the majority leader complimented Republicans—complimented Republicans—at the end of last year, noting that the Senate had, in fact, accomplished quite a bit on judicial nominations. That was the majority leader of the Senate just last year. The

senior Senator from Minnesota, a Democrat on the Judiciary Committee, acknowledged the same thing.

So this is not about making sure the President is treated fairly in his judicial nominations. In fact, this isn't even about judicial nominations at all. This is about giving the President what he wants when he wants it, and what the President wants is to distract the country from his failed policies that have led to soaring gas prices and high unemployment and instead try to write a narrative of obstruction for his campaign. He doesn't care if he eviscerates the Senate's advice and consent responsibility to do so.

What the majority should do is work with us to move these lifetime appointments in an orderly manner as we did 62 times last year and as we have already done 7 times this year. As I suggested yesterday, we could get to the bipartisan jobs bill this week and process some judicial nominations as well. The jobs bill passed the House by a vote of 390 to 23—390 to 23—and the President says he supports it as well. While we are working on a bill to get people back to work, we can make progress on other judicial nominations.

So I encourage the majority to work with us on both legislation and nominations and not to go off on a partisan, unprecedented path that would not get us anywhere and would not solve the problems Americans care about.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

WORK TO BE DONE

Mr. SESSIONS. Madam President, I thank our Republican leader, Senator McCONNELL, for bringing some perspective to this situation. I have seen the circumstances in the Senate and how the nominations process has changed over time. When I came here, there were no filibusters. Maybe there had been one in which a nomination was delayed and the nomination was withdrawn because it had certain problems, but virtually none. It was the position of the Senate that we did not filibuster nominations, and I still believe in that.

But I would point out that in 2001 the Democrats met in conference, and they had a plan to change the ground rules of confirmations. They announced it to the New York Times. Cass Sunstein, Marcia Greenberg, and Laurence Tribe met with them, and they came out and started filibustering systematically the fabulous nominations that President Bush had sent to the Senate. He sent eight nominees early in his administration. Two of them were renominations of President Clinton's nominees. They were promptly confirmed in the Senate. But immediately filibusters of superb nominees such as Priscilla Owen, Janice Rogers Brown, and others commenced, and we had a long process

with that. This was led by the Democrats. Then-Senator Obama was one of them. He filibustered Justice Alito's nomination. We had not done that before. He participated in other filibusters. Senator REID voted to block an up-or-down vote 26 times. Senator LEAHY voted to block an up-or-down vote 27 times.

What happened was there was such a controversy over this changing of the rules in the early 2000s that it resulted in a compromise. Fourteen Senators—called the Gang of 14—decided they would break the logjam and create a new rule. It was not a perfect rule. I really think filibusters are not the right thing for judges. But they said: We will have them only in extraordinary circumstances. That sort of became the new rule, and a number of nominees eventually, after years of waiting, were confirmed. Others were not. That is sort of the way we operate today. But that is not the problem. That is not the problem at all.

Since President Obama has been in office, he has had about the same percentage of confirmations as President Bush had during the same period of time. He has had fewer lower court nominations because he has submitted fewer nominations—about 20 percent fewer nominations than President Bush. The average time from nomination to confirmation for President Obama's nominees is within a week of the average time from nomination to confirmation for Bush nominees. The process is working here.

What is happening? I am telling you, I know what is happening. This Democratic leadership in the Senate—and make no mistake, they control this body—has been trying to create a perception that there is obstruction going on, and they are going to pretend that these 17 nominees, who would have come up for a vote in regular order, are being blocked. This is part of an obstructive tactic, and it is not accurate, and it is not correct. Nominations have been moving at the regular pace. It is a gimmick. It is a political stunt.

What ought to be done in the Senate? We need to be working on what is important. We now will have, finally, after 3 weeks, votes today—maybe—to pass the highway bill. Well, why did it take 3 weeks? We went about 2 weeks without doing anything. We have had about 2 days' worth of votes all of a sudden at the end of 3 weeks, and the bill will be up for final passage.

Why was that not done 3 weeks ago? Because Senator REID obstructed the ability of Senators to offer amendments, and he tried to move this bill forward without amendments, except the ones he picked, and that is not right. The majority leader does not get to pick amendments or how many should be offered to legislation in the greatest deliberative body in the history of the world, the U.S. Senate. He

does not have that power. So he tried to move the bill forward, and Republicans said: No, we will not move to a final vote until you agree on amendments. Now he has agreed to 20 or 30 amendments. In about 2 days' time, they will have all been voted on—some of them were withdrawn—and the bill will come up for final passage.

Why didn't it happen earlier? Because this is a rope-a-dope. They do not want to talk about the things that this country needs. One of them is a budget. It has been over 1,000 days since this Congress has passed a budget. Why aren't we spending time on that? Senator REID said it is foolish to pass a budget. It is not foolish to pass a budget. We are required to pass a budget. This country has never needed a budget more than it needs it today—never.

We are heading to financial catastrophe. Erskine Bowles chaired the debt commission—President Clinton's Chief of Staff—and he said we are heading to the most predictable financial crisis in our Nation's history. Why? Because of the debt we are running up. And we need to confront that, but Senator REID did not want to talk about it. He did not want his Members to have to vote. If you bring up a budget, Members have to vote. They get to offer amendments. They will talk about the debt course of America, which is on an unsustainable path. Everybody says that. Why aren't we talking about that?

Judicial nominations are moving at a reasonable pace, as they have always moved. There is nothing unusual about President Obama's ability to get his judges confirmed. I have probably voted for 90 percent of them. What is unusual is that we are violating the statutory law of the United States of America that says you should have a budget. We are required to pass a budget. By April 1, it should be before the Senate. It should be passed by April 15. Isn't that perfectly sane, that the United States of America would have a budget? And the Senate does not want to do that.

What else should we be talking about? We should be working to have more affordable American energy. We all want to create jobs. Our colleagues on the Democratic side rammed through a big stimulus bill that spent government money, ran up \$800 billion—every penny added to the debt of the United States. We were in debt and we spent \$800 billion—all borrowed, all adding to our debt. It did not really do anything for the economy. Only 4 percent of it went to roads and bridges. What a tragedy that was. It was supposed to fix our crumbling infrastructure. At least we would have had something concrete to show for it had we built roads and bridges.

So now we are in this situation: How do you create jobs? We cannot keep borrowing money. We do not have it.

Expert after expert who has testified before the Budget Committee, where I am the ranking Republican, has told us you cannot keep borrowing this kind of money. Experts have told us that the size of the debt we have now—\$15 trillion—already is slowing growth in the country. We need economic growth, we do not need it slowed, and it is being slowed because we have run up so much debt, experts tell us. So I am worried about that. We have to deal with it.

How do we create growth? One of things we need to do is produce more American energy. We do not need a Secretary of Energy—I have taken to calling it the Department of Anti-Energy—who said in 2008 that he wanted to see the price of energy go up.

He was asked I think yesterday in the committee: Do you still believe that?

He said: Well, no, I have changed my mind since 2008. You know, the economy is not doing well, and maybe now at this point I don't think energy prices should go up.

Can you imagine the Secretary of Energy fundamentally having as his guiding principle that he wants to raise the price of energy? And the President said it himself before he was elected.

This is a radical idea driven by extremists who do not understand that the cost of energy hammers the American people. The average American is spending \$4,000 a year on gasoline, at almost \$400 a month. You were spending \$200 a month on your gasoline when President Obama took office. Now you are spending twice as much: \$400—\$200 a month in the form of a basic tax on you.

We are importing oil. But we are finding more in the United States, and we have better techniques for bringing it out of the ground. We can produce a lot more. Privately owned lands are showing increases in energy production and exploration. They are doing a good job. But the government owned lands are down 14 percent because the President is blocking production on government lands, blocking offshore production. He really is.

We were projected to have issued lease sales in the Gulf of Mexico on 12 major tracts. That has been reduced to just two in the last 2 years. This is putting us behind. Production of oil and gas in the Gulf of Mexico is down. Jobs are down. When we allow drilling in the Gulf of Mexico, oil companies bid for those rights. They pay money to the U.S. Government. Not only do they create jobs in America, they pay us money to get the right to drill and then they pay us for every barrel of oil they produce. It creates wealth for America. Why do we want to loan money to Brazil to produce oil and gas offshore when we can produce it in our own gulf?

So those are things on which we need to be focused. Why aren't we talking about that, in addition to the budget?

And taxes. I was talking to a businessman the other day. He said this investment tax credit that encourages you to invest in new machinery and other equipment for his company—he examined that, and he decided he would take advantage of it and accelerate a purchase of some things for his company. He got a big tax credit, but he said the paperwork was this thick. The lawyers and accountants and effort he had to go through cost him at least a third of the advantage he was supposed to get from the government. It is not necessary for things to be that complicated.

We need simplified, progrowth tax reform. Why is that not on the floor of the Senate? Isn't that a priority for America? I think everybody can agree that if we simplified our tax procedure, if we made it more growth-oriented, we could create jobs without losing revenue to the Federal Government, create economic growth, and put our country on a path to a sound future. We have to have economic growth, and we cannot get it by continuing to borrow from our children—really borrowing currently—to spend money to try to jump-start through a sugar high the American economy that is dragging along.

We have this major problem with governmental regulations. I am hearing it everywhere I go—from farmers who are being told they cannot have dust on their farms. When Senator ROBERTS asked an EPA witness how are we going to keep dust down, they said, well, you can have a water truck and go by and water it. Now, how silly is that? They have work rules that keep children in families from helping out on the farm. They have rules dealing with a ditch, calling it a navigable stream. This is regulatory overreach of a monumental degree, and I am hearing it from business, I am hearing it from taxpayers, I am hearing it from farmers all over.

Every regulation needs to be examined. If it produces a positive result for America in terms of health and safety and the general welfare, OK, I am for it. But if it is the kind of regulation that does not produce a benefit but adds to the cost of doing business—costs that add up for the average American consumer—then it needs to be eliminated.

It would help create jobs and help make us more productive, as we work on producing American energy, which creates jobs in itself. That additional production of energy does have the tendency to pull down prices. There is no doubt about it. It may not happen day to day. But as energy reserves are increased, as energy productions and exploration occur and more is produced, it tends to bring down prices. So we need to focus on things that bring down prices of energy. We do not need to be mandating forms of energy that

cost 2, 3, 4, 8, 10 times as much as the basic energy we have today.

We cannot afford it. It adds to the cost of doing business. The consumers pay it with their pocketbooks when they go to the store, and when businesses look for a place to build a plant, they look at the rest of the world. If our energy prices are lower and reliable, then they can afford to invest here, hire American workers.

But if our energy prices are too high—and I can cite examples of investments in my State of Alabama that were determined one way or the other based on energy prices. If the price of energy is too high, they go somewhere else. They cannot afford it. They have to seek the lowest price. That creates jobs and growth.

We need to have an Energy Secretary who understands his job is to protect the health and safety of America and produce as much energy as we can at the lowest possible price, not to be engaged in some social engineering. I have to tell you, it troubles me that the Secretary of Energy does not even own a car, he rides a bike. I mean, this is who is running this country. It is the kind of idea that is not realistic for the average American citizen. People with big salaries and so forth, when the price of energy goes up, it does not bother them. But the average guy, the high prices hit his rent payment, hit his health care, his food, and he has to pay \$100 more a month, \$150 more a month for the same amount of gasoline.

We have small business paying more. Tell me that does not hurt this economy. Tell me that does not raise unemployment. It absolutely does. It is stupid. We do not need to be doing things that do not make sense. We cannot afford it. This Senate needs to be focused not on some unprecedented, unheard of, gimmicked-up complaint that we are now going to have 17 cloture votes on judges, many of whom have been on the Senate floor less than 1 month.

Half the nominees who have made it to the Senate today are now in committee. Senator LEAHY, our Democratic chairman, has not moved them out of committee yet. They will move. He moves them very fast, frankly. How can it be Senator MCCONNELL's fault that they have not been confirmed? It is a lifetime appointment. Judges are not entitled just to be given a lifetime appointment like that. People running for Congress, they work for months and years trying to achieve the job, putting a record out there. So it does not hurt for a judge to be sitting on the floor for a while.

Maybe someone will come forward and say: Let me tell you what that judge did to me or this is what he did wrong or something. Sometimes that happens. So we need a steady process, and we are moving forward well within the traditions of this Senate.

But what has happened is this Senate is obstructing legislation that is coming out of the House that would fix energy, that helps tax reform. There are small business growth proposals that are on the floor now, they are not even being brought up. They are being obstructed by Senator REID and the Democrats. That is a fact. I am not making this up. So this is a body that is not doing its job. The House produced a budget. They produced a historic budget. That was realistic. I would like to have seen them go a little further, frankly.

We may not have agreed with everything in it. But it was a historic budget. It changed the debt trajectory of America. It began to bring our debt on a downward path instead of this surging, upward path we are on. They did it last year and they are going to do it again this year.

What is the Senate going to do? Nothing. We are not going to have a budget for the United States of America. It is a sad day. I feel strongly about this. I have seen the debates over judges. I saw fabulous judges, like Justice Alito on the Supreme Court, be filibustered. I saw Chief Justice Roberts' nomination sit for a long period of time when he was nominated for the circuit bench.

Alabama's fabulous Justice Bill Pryor, now on the Eleventh Circuit, was blocked for months and months and months. Janice Rogers Brown, Supreme Court of California, African-American, great justice; Priscilla Owens, "unanimously well qualified," Supreme Court Justice of Texas. She was fabulous. They held them all.

The only ones they confirmed were the two judges President Bush had graciously reappointed, whom President Clinton had nominated but were not confirmed at the end of his term. I will close by saying we do need to work on this issue of what the Senate needs to be focusing on. I believe it needs to be focusing on a budget, energy, taxes, regulations, things that will make a difference for America, make our country stronger and healthier and more productive and more competitive without adding to the debt.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mrs. BOXER. Madam President, I was listening with interest to my good friend from Alabama, a man I work

with very closely on a number of issues. But on this one, we see the world a little differently. He has made his point that Democrats held up a lot of judges and so on. I understand that. But there is no comparison. Facts are stubborn things. We need to look at the facts when it comes to voting on judges.

I just wanted to share, before I talk about the highway bill, this one chart: "Judicial Nominee Wait Times." These are the facts. This is not made up. These are the facts. With President Clinton, we see the wait time. With Bush, we see the wait time. Obama, we see the wait time—way over 100 days. So we are going from 10 to 20, to over 100 days.

This tells the story. If people want to know why our majority leader has decided to bring up all these judges today, it is because of this. We have emergencies in some of our courts where they do not have the judges. These judges are so well qualified. We have one amazing judge awaiting to be confirmed from our Central District. I think he is about third on the list. He received a great vote out of the committee. These nominees have put their lives on hold.

This may sound odd, but my favorite part of the Constitution is the preamble. I read it a lot. When I go into the schools, I talk about it to the children. We discuss what it means. When it says, "We the People of the United States, in Order to form a more perfect Union, establish Justice . . ." that is the first reason. We want to form a more perfect Union, and the first way to do it is to establish justice.

How can we have justice if it is so delayed? How can we have justice when it is politicized? I think this says it all. So as we go from a bipartisan bill into this, unfortunately, the partisan waters, I think it is important to the people of the country to understand, we do not want to pick a fight at all. We want to get things done around here. Democrats want to get things done. We have proven it by reaching out to our Republican friends on the highway bill and many other things—payroll tax. On the judicial nominees, we want to do the same.

I wished to just make that simple point before I get back to the reason I am on the floor; that is, to complete work on the Transportation bill.

TRANSPORTATION

The Chair is a member of the Environment and Public Works Committee. She has been instrumental in getting this bill to the floor. People asked me yesterday—some of the press people—what it has been like to get this bill to the state it is in now, passing the Senate. I say: People like to say, watching a bill become law is watching someone making sausage. I said: It is a lot messier than that. It truly is. This bill was almost derailed because someone

wanted to talk about contraception. Then we had issues that had nothing to do with the bill, dealing with offshore oil drilling and issues dealing with pipelines and issues dealing with extraneous matters.

But we got through it all. We got through it all for one main reason; that is, the desire of the vast majority of Senators, certainly not all—there are some on the fringes who do not want to do this bill—but the vast majority of Senators want to get this bill done. Why is that?

It is because this is a bipartisan program that has been in place since Dwight Eisenhower was President, a Republican President, who clearly stated—because he was an expert on logistics as a general—that we have to move people and we have to move goods efficiently in a first-rate economy.

So I think everyone—not even most people—sees that. Yes, we have a few colleagues in the far corner of the right who want to do away with the highway program. But thank goodness they did not succeed on their vote. They got too many votes for my liking, but that is where it is. But we were able to say strongly, no.

This is a program the Federal Government should play a role in because this is one Nation under God. If one has great roads in their State and the next-door neighbor has not paved any roads, they are kind of stuck. That is why we have a national highway program.

One more reason we got where we are, which is very close to being done with this bill, successfully done, is that we had more than 1,000 groups behind us—way more than 1,000—and they represented Americana. They represented everyone one from the construction workers who are struggling and suffering with a very high unemployment rate to the businesses that employ them, that want to be able to provide the work and want to be able to do what they do best, which is building things. So for all those reasons, we have gotten to where we are. There is one more reason.

I wanted to take my last few minutes to talk about those Members who worked together on this bill, the various chairmen. This is an unusual bill. It is a jobs bill, a huge jobs bill, and 2.8 million jobs hang in the balance. We have had to deal with four different committees together. We have Senator INHOFE, my ranking member, who was extraordinary. He is a hero when it comes to this bill—talking to people on the floor yesterday, from the heart, with the facts, urging them to help us pass this bill. My hat is off to my ranking member Senator INHOFE.

Interestingly, we are on opposite sides on the environmental issues. We really are. We have some very tough arguments and very tough debates. I just see a clean and healthy environment as something we need to do to

protect our people. He sees it as a bureaucratic regime to stop business. Through it all, we have never lost respect for one another. We have come together on this issue. There is very little distance, if any, between us. I thank Senator INHOFE.

Senator BAUCUS is chairman of the Transportation and Infrastructure Subcommittee of EPW, and, of course, the very strong chairman of the Finance Committee. I can't thank him enough. He had the tough job of filling the gap we had in terms of money for the highway trust fund. This was not easy. He had to find ways to do it that everybody supported—not everybody but most people—and he was able to get the job done.

With many colleagues on both sides of the aisle, I particularly give a shout out to Senator THUNE, whom I believed was extremely helpful in all of this.

I also wish to thank Senator VITTER, who was the ranking member of the Transportation and Infrastructure Subcommittee of EPW, for his assistance.

On the other key committees, Senator TIM JOHNSON, chairman of the Banking Committee, and Senator RICHARD SHELBY, ranking member of the Banking Committee, could not have been nicer. I called their staffs very often to make sure they would move forward, and they did.

By the way, the EPW Committee was able to vote out a bill unanimously. Everybody supported it, and so did the Banking Committee. I am grateful to them.

I thank Senator ROCKEFELLER and Senator HUTCHISON, chair and ranking member of Commerce, from the bottom of my heart. They had some difficult bumps in the road. When the bill came out of committee, there was controversy. Working with Senator CANTWELL, we figured out how to get a vote on something she cared a lot about. We were able to smooth out that bump in the road. Frankly, they came together like true champions and were able to get over the partisan differences and come up with a bipartisan bill. So we married together four committees' work—that was amazing—into this Transportation bill. It was bipartisan from day one to this day.

That reminds me of how long we have been on this bill on the Senate floor. It has been 5 weeks, and today I believe we are going to see victory.

In terms of Senators, I have to thank our leader Senator REID from the bottom of my heart. When you are the majority leader—and there have been books written about this—you have to keep the train moving. You have to keep moving with legislation, moving forward. Everything has a deadline and a date. Every committee chair wants their bill on the Senate floor. I know what it is because I have the good fortune of being on the leadership team. He could have easily said: Senator

BOXER, Senator INHOFE, I have given you 3 weeks, and we are still not off this. But he stuck with it. I am so appreciative, and so are all the working people and the businesses that rely on this bill.

Our whip, Senator DURBIN, worked so hard, along with his staff. We love his staff. Day in and day out they would let us know what the votes would be like on the amendments. I appreciate it.

Senator SCHUMER and Senator MURRAY in the leadership were pushing this forward.

I also thank Senator MCCONNELL for working with us to get this done.

I also must thank staff by name. I hope I don't leave anybody out. I want them to know somebody asked me what it was like, and I said there is a song called—don't worry, I am not going to sing it—"The Long and Winding Road." It was "the long and winding road" to navigate this bill. It was very difficult.

I have a chief of staff, chief counsel of the committee, who is beyond extraordinary, and that is Bettina Poirier. I think she deserves an enormous amount of credit. She was able to work with all the staff to bring them along so that their concerns were heard from day one to this day. I thank her. Her counterpart on Senator INHOFE's staff Ruth VanMark is an extraordinary person who has been with the Senator for way more than 20 years. She is a tower of strength and has great respect from the colleagues on her side of the aisle, working with them to make sure they knew what was going on.

This bill is a reform bill. It takes 90 titles down to 30. It is a strong bill and a fair bill, and it is paid for.

David Napolitano, there is so much I can say about him and what that man has brought to our committee. This bill is a testimony to his skill. And James O'Keeffe, who works for Senator INHOFE, is David's counterpart. They have all become very good friends. Bettina, Ruth, David, and James have become almost like family working on this bill.

I am holding a list of the incredible people who work for me and worked with Bettina. I will go through the names: Andrew Dohrmann, Murphie Barrett, Tyler Rushforth, Kyle Miller, Grant Cope, Mike Burke, and Tom Lynch.

I know Mike works with Senator CARDIN and the committee, and Tom Lynch works with our committee through Senator BAUCUS. Also, there is Mark Hybner, Charles Brittingham, Alex Renjel, and Dimitri Karakitsos, who were all just amazing.

Lastly, I thank the leadership staff. This became a bill that was so big and involved so many committees. We could not do it without a leadership

team working, of course, with the leadership and with the Senators I mentioned, Senator REID and Senator DURBIN. I mentioned before who did the whip count. So I thank the leadership staff, particularly Bill Dauster, Reema Dodin, and Bob Herbert. I thank the staff directors of the key committees who worked on this, including Ellen Doneski, Dwight Fettig, and Russ Sulivan.

Madam President, that was a long list of people, but I felt compelled to come down and do that. The staff—and the occupant of the chair knows this, as she has achieved some amazing things. I am so proud of the occupant of the chair. She knows that having the staff behind us to make sure that every “i” is dotted and every “t” is crossed and every followup is done and every problem a Senator’s staff might have is addressed is very important. Nobody really knows about this, so once in a while we need to do this. I wanted to do it before we get into the bill.

I ask the Chair, what time do we go back to the bill?

The ACTING PRESIDENT pro tempore. In 2½ minutes.

Mrs. BOXER. I will then speak more about the bill because we have some amendments.

Can the Chair advise me what the order of votes are on this Transportation bill?

The ACTING PRESIDENT pro tempore. The first amendment in order is No. 1810. Next is Carper No. 1870, Hutchison No. 1568, McCain No. 1669, Alexander No. 1779, Boxer No. 1816, Paul No. 1556, and Shaheen No. 1678.

Mrs. BOXER. I thank the Chair. I wanted Members to know about the order. It is likely that several of these will not require votes. I think we will expect at least between, I would say, three and five votes. I think that is a fair indication of where we are going. I will be back to discuss those amendments at the proper time.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees. The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and safety construction programs, and for other purposes.

Pending:

McCain modified amendment No. 1669, to enhance the natural quiet and safety of airspace of the Grand Canyon National Park.

Corker amendment No. 1810, to ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the Highway Trust Fund for the fiscal year.

Coats (for Alexander) amendment No. 1779, to make technical corrections to certain provisions relating to overflights of National Parks.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. MERKLEY. Madam President, I am rising to speak about the Senate’s constitutional duty of advice and consent on judicial nominations. This power is enormously important. In no way did the writers of our Constitution envision that this body would use their power of advice and consent as a method of undermining the ability of the other two branches to perform their responsibilities.

Indeed, throughout the history of the United States, Senators from both sides of the aisle have taken this responsibility of advice and consent very seriously. This duty requires us to put aside ideology and partisanship because otherwise our constituents, through our inaction, would be unable to obtain the speedy and public trial that is supposed to be their birthright as Americans.

Americans are not thinking of their district courts in terms of red courts and blue courts. They are not thinking of their circuit courts in terms of red courts and blue courts. No, they are thinking about Lady Justice, about justice being delivered in an even-handed and swift manner. When they see the obstruction of the judiciary that is emanating from the Senate, they are frustrated. They are frustrated. They recognize that when the judiciary is damaged and justices go unappointed, indeed that means delays for cases and that means their right to a speedy trial is taken away. They are thinking about the chaos that results when a case remains in limbo for too long.

So why in the past few years have we allowed partisanship to overtake our duty to maintain a functional judiciary? Simply put: Some Senators in this body, motivated by misguided notions of partisan warfare, have decided to abuse the supermajority power of this Chamber in order to undermine the judiciary.

This bears little resemblance to the Senate of 1976 when I first came here as an intern, when the power of the super-

majority was recognized as an exceptional act of conscience to be used only for the most enormous issues, when a Senator would be willing to stand on the floor of the Senate and make his or her case before the American people as to why the simple majority envisioned in the Constitution for this body to act should be obstructed. Now we see Senators exercising their power to obstruct a simple majority and not coming to the floor to defend their position. They are afraid of public reaction to their obstruction of this body because they know the public expects us to be responsible in reviewing and voting on nominees for the executive branch and for the judiciary.

The Senate of 1976 would never have entertained the idea that well-qualified nominees would be routinely subjected to filibusters. Indeed, even throughout most of the last decade, this has not been the case. So imagine my surprise when I came here as a new Senator in 2009, revisiting the Chamber I came to as a youth in 1976, and I discovered the two Senates bore little resemblance to each other; that the reasonably responsive, bipartisan, collaborative body of 1976 had been replaced with a Senate now paralyzed due to the abuse of the filibuster and the supermajority.

Instead of debate and deliberation, followed by up-or-down votes, Senators have even been blocking motions to proceed. In other words, they have been blocking the ability to debate whether to get to a bill in order to debate an issue—two levels removed from actual discussion and decisionmaking.

In contrast to the image Americans have of the filibuster made famous by Jimmy Stewart, who comes to Washington and stands in the well of the Senate and carries on his fight and his argument in front of the American people until he collapses from exhaustion, now the Senator who filibusters can hide from the American people. They object to the simple majority rule, go off and have a fancy wine dinner, while American justice remains unfulfilled. That is not right.

There has been egregious abuse of the filibuster across all areas, but it is particularly destructive in regard to judges. That is because we are often talking about judges everyone agrees are well qualified—judges who pass out of committee unanimously, and judges who, when they reach a final vote, pass this Chamber with 80 or 90 or 95 Members saying, yes, that person is the right person to fill that judicial vacancy. So why on Earth—why on Earth—are we dragging our feet on these nominees when we have courts in crisis?

Lest my colleagues on the other side of the aisle simply think we are raising this now because we are in the majority and they are in the minority, let us revisit the point in 2004, at the exact same point into the administration of

George W. Bush that we are now with this administration.

Here is a chart that compares the two administrations. We have both the circuit court and the district court. This far into the administration of George W. Bush, the time it took to go from committee to being confirmed was 29 days. The time now is 131 days for a circuit court nominee, and getting longer with every delay we have. And for the district court, at this time in the Bush administration, it took 22 days to go from committee to confirmation, whereas now, under the dysfunction of our current Senate, with the abuse of this current Senate, it is taking 93 days.

If these bars were reversed, my colleagues in the minority would come to the floor and say, look what a good job we did previously and what a terrible job is being done now, and I would agree with them, that we have to be able to get folks out of committee and we have to be able to vote on them. We need to work together to change this situation because the result of these delays means there are more and more vacancies, more and more judicial emergencies, and where it has been declared those vacancies are having an emergency impact on the function of the judiciary.

Let's take a look at that issue. Here we have judicial vacancies in recent Presidencies. In March 1996, we had 53 vacancies at that time in one administration. In March 2004, there were 47 vacancies under Bush. Now here we are with 94 vacancies in district and circuit courts, so virtually a doubling of those vacant positions that are preventing speedy and responsive trials across our Nation. That is why our Chief Justice has declared there is a judicial emergency in our country; that justice delayed is justice denied; that we, the Senate, must do a better job of fulfilling our responsibility under the Constitution.

In many cases, the home State Senators for a particular circuit or district court nominee have done their job. They have vetted the candidates, forwarded the names of nominees, and the administration has picked one of them. Often this is a bipartisan deliberation. Yet here we are, even after clearing the Judiciary Committee in a bipartisan fashion, paralyzed on the floor of the Senate. So we have no one else to blame. We can't blame the home State Senators, we can't blame the Judiciary Committee. It is only the floor of this Chamber where there is obstruction by those who are basically taking an arrow and aiming it at the heart of justice across this Nation.

It is time for this body to do its job, and it is time for these nominees to be voted on here on the floor of the Senate. It is time to fill those vacancies and put justices into place in order to fulfill our responsibility to advise and

consent and to fulfill the judiciary's responsibility to provide justice across our Nation.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABRAMS NOMINATION

Mrs. GILLIBRAND. Mr. President, I am honored to offer my support for the nomination of Ronnie Abrams to the United States District Court for the Southern District of New York. I also want to thank President Obama for acting on my recommendation and nominating another superbly qualified female jurist to the Federal bench.

I have had the privilege of knowing Ronnie for many years. I know her as a fair-minded woman of great integrity. Throughout her distinguished legal career she has proven herself as an exceptional attorney. As the Deputy Chief of the Criminal Division at the U.S. Attorney's Office in the Southern District of New York, she supervised 160 prosecutions of violent crime, organized crime, white-collar crime, public corruption, drug trafficking, and computer crime. She helped shape the policy and management of the U.S. Attorney's Office, guiding its success in a broad range of high-level, high-stakes cases. Her record shows her commitment to justice. I can tell you she has a deep and sincere commitment to public service.

There is no question that Ms. Abrams is extremely well qualified and well suited to serve on the Federal judiciary. I strongly believe this country needs women such as her serving in the Federal judiciary, an institution that I believe needs more exceptional women. Ronnie Abrams received bipartisan support among the Senate Judiciary Committee members. Yet because of the political games we have today, she has waited more than 227 days to be confirmed. As my colleague from Oregon pointed out, that is far longer than any nominee had been waiting under the George Bush administration.

I have traveled all across New York State, at event after event, urging more women to enter public service. I am encouraged that women now make up nearly half of all our law students and about 30 percent of the Federal bench. For the first time in history, women also represent nearly one-third

of the seats on trial courts, courts of appeal, and—after the confirmations of Justice Sotomayor and Justice Kagan to the highest Court in the land—the Supreme Court.

The Obama administration has taken significant steps toward maintaining and indeed increasing the representation of women in the Federal judiciary. Forty-seven percent of President Obama's confirmed nominees have been women, compared to only 22 percent of the judges confirmed under his predecessor.

While it is true women have come a long way in filling the ranks of the legal world, we still have a long way to go to achieve equality and a Federal bench that is truly reflective of the American people. I believe it is incredibly important we reach that point of equality because it can bring us closer to full equality and justice throughout our legal system and throughout our Nation. Not only is Ms. Abrams an exceptional jurist, there is no doubt that having Ms. Abrams serving in the Federal judiciary will bring us closer to that goal.

I ask my Republican colleagues to come together now around this shared value that we believe as a Nation, as a body, that everyone deserves justice.

We have to work together because, as it stands, there are not enough judges right now to do the work our overloaded courts need them to do. We have to be able to hand out justice in a timely manner.

Former Attorney General to President George W. Bush Michael Mukasey recently remarked that the civil litigation system has ground to a halt. That is not the kind of system the American people deserve, and we cannot let partisan politics and political bickering get in the way of allowing our judicial system to function properly.

I recommend Ms. Abrams because of her dedication to the law, her commitment to fairness, and her ability to serve the people of the great State of New York with dignity and integrity. I have been very honored to recommend her for this position, and I urge my colleagues to move forward to support her confirmation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1556

Mr. PAUL. I ask unanimous consent to call up amendment No. 1556.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes amendment numbered 1556.

Mr. PAUL. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit emergency exemptions from compliance with certain laws for highway construction projects)

At the appropriate place, insert the following:

SEC. ____ . EMERGENCY EXEMPTIONS.

With respect to any road, highway, or bridge that is closed or is operating at reduced capacity because of safety reasons—

(1) the road, highway, or bridge may be reconstructed in the same general location as before the disaster; and

(2) such reconstruction shall be exempt from any environmental reviews, approvals, licensing, and permit requirements.

Mr. PAUL. The question I have for Senate is, Has your government gotten out of control? Have the regulators become so numerous and so zealous that we can't even carry on the ordinary affairs of our government?

We recently had a bridge where a boat ran into the bridge in Kentucky and one could no longer cross the bridge because it is not there. We have to wait for environmental regulations and environmental studies, which sometimes can be 4 and 5 years, before we can repair our bridges and our roads during an emergency. This is crazy. This goes on even in regular affairs, such as trying to replace a sewage plant in our State or throughout the United States. Do we want to live in a country where we have to stop and count how many barnacles are on our bridge before we decide whether to rebuild the bridge? Do we want to stop and count how many mussels are attached to the pier before we rebuild the bridge? In the end we are going to rebuild the bridge anyway, but we spend a year's time or more wasted on these studies but in the end we are going to rebuild the bridge. I will give an example.

We have a small town in Kentucky that has a sewage plant, and the population of the town has outgrown the sewage plant. When it rains, the raw sewage goes into the river. I don't know any Republican or Democrat who wants raw sewage in the river. So we need a new sewage plant in the town. But what does the EPA say? They want to count the mussels. They want to count the mussels in the river and then they want to estimate will there be more mussels or less mussels after we build a new sewage plant. Guess what. When we build a new sewage plant, the raw sewage would not go in the river, which is what we all intend and in the end what will happen but, in the meantime, we waste time and money.

This small town of about 300 people is going to have to spend \$100,000 on an EPA study to hire someone to count the mussels. While they are counting

the mussels, they are going to have to hire someone to count the Indian artifacts and look for Indian arrowheads. If they find an arrowhead, it may delay it indefinitely. We have gone crazy as a country. We all want some rules. We don't want anyone to pollute our neighbor's property, but the EPA is out of control.

What we need to do is in emergencies or urgencies, when a bridge collapses or a roadway is washed away, we don't need to spend 1 year or 2 or 4 or 5 years doing an EPA study, which basically enriches some contractor that counts the mussels. We don't need to be counting the mussels in this stream. We need to get to repairing the bridge, which we are going to do anyway. We are just going to waste 1 year counting the mussels and paying some contractor \$100,000 a year.

So this amendment would allow States to opt out. The bridge we have out in Kentucky has two communities. Many people live in one community and have to drive to the other community. They can't get there because of the bridge. Do we want to wait 1 year because they have to count how many barnacles are on the bridge?

This is a commonsense resolution that should pass, but I will tell you the way Washington works, the other side doesn't want my amendment to pass, even though it has common sense, so they are going to offer an alternative. Their alternative is to say something but do nothing. It is called a sense-of-the-Senate resolution. They will proudly proclaim we need to make it better, and, please, Mr. Regulator, make it better. But they will not change the law.

Mine would actually change the law to allow communities to start rebuilding their bridge or repairing their road almost immediately, in the same location, free of the government regulations. We need to do this at all levels. This is a very small incremental step forward. It is something on which we should all agree. If we watch the vote later on today, we will find out we don't all agree and, instead, the other side is going to say: Say something; do nothing.

This is something we need to, as a society, get started on because we are being killed by regulations. This is one small step on something that should be bipartisan. There are many more steps that need to be taken, because throughout our country millions of jobs are being lost from overzealous regulators. Millions of people's privacy and private property rights are being invaded by these regulators, and this is a very small incremental stop of the encroachment of these regulators.

I urge support of my amendment 1556, and I yield back the balance of my time.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mrs. BOXER. I ask my friend to withdraw the request.

The ACTING PRESIDENT pro tempore. Does the Senator withdraw his request for a quorum call?

Mr. PAUL. Yes.

The ACTING PRESIDENT pro tempore. The Senator from California.

AMENDMENT NO. 1816

Mrs. BOXER. First of all, Madam President, I ask unanimous consent to call up Boxer amendment No. 1816, and I ask the clerk report the amendment by number.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1816.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Federal agencies should ensure that all applicable environmental reviews, approvals, licensing, and permit requirements under Federal law are completed on an expeditious basis after a disaster or emergency)

At the end of subtitle E of title I of division A, add the following:

SEC. 15 ____ . SENSE OF SENATE CONCERNING EXPEDITIOUS COMPLETION OF ENVIRONMENTAL REVIEWS, APPROVALS, LICENSING, AND PERMIT REQUIREMENTS.

It is the sense of the Senate that Federal agencies should—

(1) ensure that all applicable environmental reviews, approvals, licensing, and permit requirements under Federal law are completed on an expeditious basis following any disaster or emergency declared under Federal law, including—

(A) a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(B) an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) use the shortest existing applicable process under Federal law to complete each review, approval, licensing, and permit requirement described in paragraph (1) following a disaster or emergency described in that paragraph.

Mrs. BOXER. Madam President, I just have to say Senator PAUL's amendment is a broad overreach that would endanger the health and safety of the people he represents, whom I represent, and every Senator represents. What I have is essentially a side-by-side amendment that encourages and tells the agencies the Senate supports a very speedy process, which is already in the law, to review and approve health and environmental protections when we have to rebuild.

The current law is flexible. If we look at the reconstruction of the bridge in Minnesota, everybody knows what happened there. It collapsed in August 2007, and the bridge was completely replaced by September 2008, without these Draconian types of measures that

my friend puts forward. In other words, he is looking for a problem. The fact is we were able to see that bridge rebuilt in 1 year. That is amazing. No environmental laws were waived. People worked and made sure they all were expedited. So there is a difference between expediting a review, which we support. As a matter of fact, the underlying bill is very strong on that. We expedite reviews without giving up anything for the people. They can still make sure their rights are protected.

Let's say a highway is washed away in a flood. If we were to follow Senator PAUL's advice on his amendment, we would virtually have no studies to take a look at whether it makes more sense to rebuild it perhaps just a few feet away from where it washed out. It might avoid then the cascade of water that washed away in the first place. We may have a situation where they are rebuilding a bridge and as they put the foundation in they find out, through these studies—because they perhaps were never done before—these bridges are old, that there is a drinking water aquifer right below so if you move that a few feet, you resolve the problem. What is the point in not having information and making a huge mistake and rebuilding?

We had a situation right here from an earthquake where we learned so much after the bridge collapsed; that if we used different materials, for example, it would withstand the next earthquake better. We do have earthquakes all the time, unfortunately, in our great State of California.

So it is an overreach. It is radical. We don't want to waive all the protective laws that protect the drinking water of our people, that protect the environment. So I hope we will vote against the Paul amendment—I think it is very important to do that—and support my amendment, which basically is very clear and tells agencies they should use the most efficient and speedy process under the law to review and approve health and environmental protections.

The bottom line is our underlying bill already includes significant bipartisan reforms that will ensure accelerated project delivery, including limiting the number of steps needed to clear a project for construction, easy and early coordination between agencies to avoid delays, incentives for accelerating the project delivery decisions. Amendment 1556, this amendment by RAND PAUL, walks away from this bipartisan approach. It launches a sweeping attack on Federal and State health and environmental safeguards.

When we need to rebuild a project and it involves toxic materials such as lead and asbestos, they have to be handled and disposed of properly to protect public health. Waiving all these Federal and State reviews endangers our people, and I hope we will vote no on

amendment No. 1556 and yes on amendment No. 1816.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I am not going to call up my amendment that would limit the tolling federal highways, and limit tolling of Federal Interstates under the Pilot Program through which three facilities have been conditionally approved by the Department of Transportation. Senator CARPER and I have talked, and his amendment, which would have expanded that, is also filed but is not going to be considered. Mine also was filed but it is not going to be considered.

Here is the point, though. It is time that we have a real discussion and a debate about tolling. We need to bring this out. I ask the chairman and ranking members of the committee to have a hearing. Let's talk about this.

When President Eisenhower said we need a National Highway System it was for the purpose of national security. That was his major purpose, but it has also clearly been a huge help for commerce, the ease of commerce and travel among our States. I don't think President Eisenhower ever envisioned that a State would then put tolls across an entire Federal highway and make the taxpayers—who have paid for 50 years to build these highways, and not just in their States—pay again to use them. To me, that is not in keeping with the vision of President Eisenhower to have a free system that supports national defense, connectivity, and commerce.

I am not going to offer my amendment and Senator CARPER is not going to offer his amendment that would expand tolling. But I do think it is essential that we have a new policy for our highways that have been built for 50 years to give us the vision that President Eisenhower had of a National Highway System. We have completed it, the skeleton has been completed, now it is time to look at different ways of funding these highways. No. 1, I agree with tolling on one lane where there is at least the addition of a new free lane. That is fine so as long as you have the same number of free lanes for the people of the United States who have paid for these lanes and the truckers of the United States who are using these lanes. I do not object to tolling that adds new capacity, but to take all free lanes away and say we are going to toll the truckers and the taxpayers who have built and used these

freeways is wrong. I think we should have a policy against it.

I see the distinguished chairman of the Environment and Public Works Committee is here, Senator BOXER. I ask as we move through this—and I do hope we have this 2-year bill, and I commend her and the ranking member, Senator INHOFE, for a 2-year bill that does keep our infrastructure going. But I hope in the future, as Congress considers a long-term bill, that we would have a national discussion on tolling. I think we should adopt a policy that says, No. 1, we are not going to clog the freeways already built by taxpayers with toll lanes that make Americans pay again; and, No. 2, that we will open up the possibility that States that are donor States, that are giving their hard-earned tax dollars to other States that now have equal ability to build out, that they be allowed to opt out of the Federal-Aid Highway Program and use their transportation dollars for their needs.

We are a fast-growing State, as is the State of California. We need our highway dollars for our own priorities. I think that should be considered in the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask unanimous consent to engage in a colloquy with the chair of the Environment and Public Works Committee, Senator BOXER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SANDERS. Madam President, I wish to congratulate Chairman BOXER and Ranking Member INHOFE for all of their hard work on this very important bill. This legislation is a major step forward toward addressing the significant infrastructure needs of our country and creating desperately needed jobs. I appreciate the inclusion of an amendment I offered which increases the Federal cost share for emergency relief permanent repairs in extreme disasters. My intent is that the provision will apply to all open disasters as of the date of enactment of this bill.

Is this the chairman's understanding as well?

Mrs. BOXER. Madam President, I want to say to the Senator from Vermont, first of all, thank you for all of his hard work on the Environment and Public Works Committee. The Senator focuses on jobs like a laser beam.

Yes, the Senator is correct. The intent is that this provision would apply to all open disasters which would include the States which were pummeled by Hurricane Irene last year.

Mr. SANDERS. I thank the chairman for her hard work and her success.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

AMENDMENT NO. 1669, AS MODIFIED, WITHDRAWN

Mrs. BOXER. I ask unanimous consent the McCain amendment No. 1669, as modified, be withdrawn and the Shaheen amendment No. 1678 no longer be in order, as these issues were resolved in the managers' package last evening; further, that the Carper amendment No. 1670 and the Hutchison amendment No. 1568 no longer be in order as they no longer intend to offer these amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Finally, I ask unanimous consent that there be 2 minutes equally divided prior to each vote and all after the first vote be 10-minute votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, can I ask, what is the amendment pending before the body?

AMENDMENT NO. 1810

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on amendment No. 1810.

Mrs. BOXER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

If there is no further debate, the question is on agreeing to amendment No. 1810.

The amendment (No. 1810) was rejected.

AMENDMENT NO. 1779

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate, equally divided, on amendment No. 1779.

Mrs. BOXER. Madam President, I yield back all time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1779) was agreed to.

The ACTING PRESIDENT pro tempore. There is now 2 minutes of debate on amendment No. 1816.

Mrs. BOXER. Madam President, I just wish to ask if it is possible, by unanimous consent, to permit Senator CARPER to speak for 2 minutes to discuss an issue Senator HUTCHISON addressed before.

I would ask unanimous consent if we could take a break from the voting.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Madam President, before I say anything, I would like to extend a heartfelt thanks to Senator BOXER, Senator INHOFE and to members of our staff and your staff for their hard work. This is good stuff. Thank you.

I wish to take 1 minute or so to talk about an amendment I have filed to this legislation with Senator KIRK and Senator WARNER, to whom I offer my sincere thanks as well as a whole lot of organizations around the country which supported this legislation.

Under current law a small number of States around the country now enjoy the flexibility to implement tolls on interstate highways. Under the amendment we filed, some additional States could choose to apply for that same flexibility. States would only use the toll revenues—a type of user fee—to pay for additional transportation investments along those roads that are actually being tolled.

In Delaware and a handful of other States, interstate toll revenue is an important part of the State's transportation budget. Senators KIRK, WARNER, and I believe other States should have the same option available to them. However, in an effort to move this critical transportation legislation forward, Senator HUTCHISON and I have both agreed not to offer our competing amendments to the bill.

That being said, I filed this amendment, in part, because Congress needs to face the facts when it comes to transportation funding and declining gas tax revenues. If we are using less gas due to more energy-efficient vehicles, the cost of roads, highways, bridges, and transit continues to go up and we need to continue to pay for them. We cannot just keep borrowing money from around the world to do that. If we want to pass another Transportation bill when this legislation we are debating expires in 2 years, we must address structural flaws in the highway trust fund that are making long-term investments nearly impossible.

Our respective amendments are at odds with one another, but I hope they represent the beginning of an honest and important conversation about our Nation's long-term transportation needs and how we pay for them in a fiscally responsible way.

With that, I am pleased to yield the floor to whoever seeks recognition.

AMENDMENT NO. 1816

The ACTING PRESIDENT pro tempore. There is now 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1816 offered by the Senator from California, Mrs. BOXER.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, we have two choices on how to handle rebuilding and maintaining infrastructure, whether it occurs after an emergency or is just in the stream of regular maintenance.

What we have done in this bill is extraordinary, and I think everyone would admit we have speeded up the approval process for all construction in the underlying bill. This was a hot issue. Senator INHOFE and I were coming from different places, but we reached strong agreement, and what we said in our amendment No. 1816 is that we encourage and support what we have done in the underlying bill and tell the agencies that after a disaster to move as fast as they can while protecting the people.

What Senator PAUL does in his amendment, it doesn't apply just after a disaster, it is anytime. So you could be fixing any problem that involves the most toxic materials and all the laws are waived. It is an overreach. It is radical. I would urge an "aye" vote on the Boxer amendment and a "no" vote on the Paul amendment.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Kentucky.

Mr. PAUL. Madam President, we have a bridge out between Marshall County and Trigg County. It takes 1 hour to go around the lake. What we are asking for is an exemption from onerous and overzealous regulations that can slow the process of rebuilding a bridge or road by years. The average time for an environmental review for a construction project is 4 years.

The other side wants to pay lip service. They want to say something about it but do nothing to fix the problem. The people who live in Marshall County and Trigg County want their bridge fixed. They want to get to work and not take an hour and a half to get to work.

The way we fix this is we get rid of the redtape. The way we do that is by changing the law. So what I propose is that we vote against the say something, do nothing and vote for a reform that actually has teeth and would take away the redtape and allow us to immediately begin to repair our bridges without Big Brother obstructing the reconstruction.

Thank you.

I yield the floor.

Mrs. BOXER. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Utah (Mr. HATCH), the Senator from Idaho (Mr. CRAPO), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 20, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—76

Akaka	Gillibrand	Nelson (NE)
Ayotte	Graham	Nelson (FL)
Barrasso	Hagan	Portman
Baucus	Harkin	Pryor
Begich	Heller	Reed
Bennet	Hoeven	Reid
Bingaman	Hutchison	Rockefeller
Blumenthal	Inhofe	Rubio
Boozman	Inouye	Sanders
Boxer	Isakson	Schumer
Brown (MA)	Johnson (SD)	Sessions
Brown (OH)	Johnson (WI)	Shaheen
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Leahy	Toomey
Coburn	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Vitter
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wyden
Feinstein	Murkowski	
Franken	Murray	

NAYS—20

Alexander	Grassley	Moran
Blunt	Johanns	Paul
Burr	Kyl	Risch
Coats	Lee	Roberts
Corker	Lugar	Thune
Cornyn	McCain	Wicker
DeMint	McConnell	

NOT VOTING—4

Crapo	Kirk
Hatch	Lautenberg

The amendment (No. 1816) was agreed to.

AMENDMENT NO. 1556

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1556, offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Mr. President, currently, the bridge between Marshall County and Trigg County has been collapsed by a disaster. If you were to repair your bridges or repair roads that have been washed out, there is an enormous amount of government redtape that can slow the process down. On average, to get an environmental study done, it can be 4 years at times.

This amendment would remove government redtape and allow us to fix our bridges when we have a disaster—such as a collapse—and fix our roads when a road is washed out.

This is different than the alternative. The alternative we just voted on was: say something; do nothing. This is something that will say something and do something—an amendment that will get rid of government redtape and

allow us to repair our bridges in an expeditious fashion.

Often we wait years to go through the government redtape. This cuts through it and allows States to immediately repair and replace broken or collapsed bridges and roads. I urge support for and adoption of amendment No. 1556.

Thank you.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Colleagues, I think we are now at the last amendment, so please hear me out. If you care about your constituency, you have to vote no on this amendment. The implication is that the Senator is waiving environmental rules, health and safety rules, after a disaster. It is not true. Read the amendment. It is any kind of reconstruction for any safety purpose.

If you have a bridge in your great State that is over 50 years old, it has lead and it has asbestos. Every health and safety reg that deals with the safe disposal of just those two toxins—let alone PCBs and others—they are waived. One little speck of asbestos in your lungs and you know what could happen.

This is an overreach. In the base bill, in the underlying bill, Senator INHOFE and I have expedited reviews dramatically. We came together on it. It was tough negotiation. Stick with us and please vote no on this dangerous amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I raise a point of order that the pending amendment violates section 311(a)(2)(A) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. Could the Senator restate her point of order?

Mrs. BOXER. Yes. I raise a point of order that the pending amendment violates section 311(a)(2)(A) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—42

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Heller	Murkowski
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kyl	Shelby
Corker	Landrieu	Thune
Cornyn	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McCain	Wicker

NAYS—54

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Schumer
Brown (MA)	Klobuchar	Shaheen
Brown (OH)	Kohl	Snowe
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Manchin	Udall (NM)
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Coons	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murray	

NOT VOTING—4

Crapo	Kirk
Hatch	Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the amendment is rejected. The point of order is sustained and the amendment fails.

Mr. LIEBERMAN. Mr. President, I come to the floor to express my opposition to the Roberts amendment No. 1826, which, among other provisions, would have opened the Arctic National Wildlife Refuge for drilling.

I should start by stating that there are several provisions in this amendment that I would support, such as an extension of tax credits for our short-line railroads or those for brownfields remediation expenses. Unfortunately, these positives were outweighed by the negative provisions, several of which we have already voted on, including Keystone XL and offshore drilling.

I guess it is only fitting that, in my last year to serve in the Senate, we

should be faced with this challenge once again. In 1988, I took up the protection of the Arctic Refuge in my first Senate campaign; and since then, I have made it one of my missions to protect this great unspoiled natural American treasure.

Throughout the years, many colleagues have joined together in this important bipartisan endeavor. Today I am proud to continue the fight to protect the refuge alongside my colleague from Washington, Senator CANTWELL, as well as with many others, including the chairman of the Environment and Public Works Committee, Senator BOXER.

In keeping with Secretary of State George Schultz's dictum that "nothing ever gets settled in this town," some of our colleagues have found a new way to try and open the Arctic Refuge to drilling. Yesterday, they proposed that we tie the as yet unknown proceeds from drilling in the Arctic Refuge to the transportation bill that the Senate is now debating. Is there anyone in this chamber who believes that the purpose of this amendment is to generate revenue to rebuild our Nation's infrastructure? Of course not.

Instead, the true purpose of this amendment was to try and package this provision, which has been defeated so many times already in the chamber, with other issues that Members may be inclined to support, in an attempt to finally jam it through.

Well, I can tell my colleagues that no matter how it is packaged, we will remain steadfast in saying "No" to drilling in the Arctic Refuge.

Proponents of drilling use two principle arguments: that drilling in the Arctic Refuge will lower oil prices and that it will be minimal in its disruption to the refuge. Let's look at these propositions more closely.

With regard to the claim that drilling in ANWR could solve our Nation's energy crisis, the Energy Information Agency tells us that peak production in the Arctic Refuge would be fewer than 1 million barrels per day, and that peak will not be reached until 2030 at the earliest. At that point, if we continue our current oil consumption trends, the refuge would only reduce our imports of foreign oil by 3 percent.

To put this level of production in context, the Department of Energy reported in 2008 that: "ANWR oil production is not projected to have a large impact on world oil prices. . . . Additional oil production resulting from the opening of ANWR would be only a small portion of total world oil production, and would likely be offset in part by somewhat lower production outside the United States."

Destroying one of the greatest wilderness areas in the United States, a region often referred to as "America's Serengeti," under the banner of energy security would be a dubious propo-

sition under any circumstances. But to despoil this wilderness when doing so would not really enhance our energy security would be truly senseless.

We have plenty of untapped or unused wells and leases on public lands that have potential energy resources. In fact, of the 41 million acres of Federal lands that are leased, oil and gas companies are only drilling on about 12 million of those acres. Let's be sure the remaining 29 million acres are used effectively before we irreversibly ruin a beautiful natural treasure such as the Arctic Refuge.

Proponents of drilling in the Arctic Refuge argue that if we drill, it will only be on this limited strip of land and will not alter the landscape. But the effects of oil wells, pipelines, roads, airports, housing, gravel mines, air pollution, industrial noise, seismic exploration, and exploratory drilling would in fact radiate across the entire coastal plain of the Arctic Refuge.

Look at the Prudhoe Bay oil field. When it was opened for development in the 1970s, the oil industry argued that it could drill safely and in an environmentally friendly manner. What happened? It is a sprawl of industrialization, emits more air pollution than many cities in the lower 48, and routinely sees oil and toxin spills.

And what about the wildlife, which the refuge was established to protect? Crucial habitat for some of our Nation's most beloved wildlife species would be destroyed, and sacred land for the Gwich'in people would be forever lost.

It makes no sense to destroy this awe-inspiring landscape for oil that won't lower prices for our consumers or give us true energy security.

We all agree that we have an urgent energy problem in this country. However, America can balance its energy needs with our conservation heritage. We can implement a new, diverse energy policy—one that creates jobs through clean and sustainable energy solutions, even while protecting precious natural resources such as the Arctic Refuge.

As I have said every time I have come to the floor to speak about the Arctic Refuge, the mark of greatness in a generation lies not just in what it builds for itself, but also in what it preserves for the generations to come.

I want to close by quoting President Theodore Roosevelt, one of our Nation's greatest leaders: "Our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose, and method." His words are even more relevant today; and as we consider the

issue at hand, I am pleased my colleagues recalled those visionary words and his legacy and voted no on the Roberts amendment.

Mr. MCCAIN. Mr. President, I voted for the Roberts amendment No. 1826 because we cannot make perfect the enemy of the good. Approving the Keystone XL pipeline and increasing access to the Outer Continental Shelf for drilling are practical steps we should be taking to not only decrease our dependence on Middle East oil but help lower the price of oil in the future.

Unfortunately, in addition to these provisions, this amendment included several tax credit extensions that should not be extended. Tax credits for energy efficient appliances, alternative fuels, and alternative fuel vehicle refueling property should be eliminated permanently. The alternative fuel vehicle refueling property tax credit is particularly egregious. This credit would provide an additional subsidy to build ethanol blender pumps at private fueling stations. Taxpayers already gave over \$20 billion to the ethanol industry through VEETC alone; they do not need to continue the support of this industry by financing its infrastructure build out.

Although amendment No. 1826 received my vote, I feel it necessary to reiterate my opposition to the extension of these tax credits. Alternatively, I support the principles behind amendment No. 1589 that seeks to eliminate targeted subsidies and lower corporate tax rates.

Mr. BAUCUS. Mr. President, I rise today to support our contract with rural America for decent roads and explain an amendment the Senate adopted last Thursday.

Counties lose local tax revenue due to large Federal landholding. So, for over a century, Congress has supported payments to counties to make up the difference. Secure Rural Schools and Payments in Lieu of Taxes—known as PILT—continue that important commitment to these communities.

Rural counties that are home to large swaths of Federal lands rely on these funds to keep schools warm and keep the lights on at the county road department. These investments are rightfully due to rural counties as part of their compact with the Federal Government. These funds support jobs in Montana, education, and important county road projects. For counties such as Lincoln, Beaverhead, and Ravalli in Montana, these payments are a lifeline. My amendment keeps that lifeline intact, and it does so without adding a dime to the debt.

We are considering a 2-year surface transportation bill in the Senate. And let me make clear: county payments are about roads.

Secure Rural Schools requires payments to be spent either on roads or on schools. Over the last decade, over 50

percent of payments went to roads. In States like Idaho and Oregon, this makes up 20 percent of all highway spending in those States.

U.S. Census survey data suggests that much of PILT is spent on highways too. For example, in Nevada and Iowa, counties spend one in six dollars on highways. In Alabama, Arkansas, and Missouri that figure is one in five, and in the Dakotas and Oklahoma, it is nearly one in three.

Each of my colleagues has a list of the payments that went to their counties this year.

Last Thursday, I and Senators MURKOWSKI, BINGAMAN, CRAPO, WYDEN, RISCH, MERKLEY, TESTER, and BENNET offered an amendment to extend Secure Rural Schools and PILT payments for 1 additional year. The amendment was adopted by a vote of 82 to 16.

This amendment was paid for with commonsense offsets. One of the provisions I wanted to highlight is the offset that establishes reporting requirements for the sale of a life insurance contract. Even though we know it needs a little fine tuning, it is a tax gap provision that has the support of all the industries affected, and we look forward to working with them to improve it.

A second offset provides a new tool for Federal agencies to manage their workforce as well as for employees to manage their careers. Currently, Federal employees who are eligible for retirement cannot collect their retirement without quitting Federal service. This results in a drain on experienced Federal workers. It also encourages employees to leave government, even though they may want to stay.

This proposal will allow Federal employees to phase into retirement by reducing their workload and receive a portion of their retirement benefit. It allows Federal agencies to save money because they don't have to hire new employees and it allows the Federal retirement trust fund to save money by paying only a portion of retirement benefits. And it is totally optional to the employee, so it is a win for the employee and a win for American taxpayers.

Another offset in this proposal partially closes a loophole regarding roll-your-own tobacco. Congress raised taxes on tobacco to pay for the reauthorization of the Children's Health Insurance Program in 2009. Tax rates on pipe tobacco were not increased as much as on roll-your-own tobacco; therefore, tobacco companies are selling bags of roll-your-own tobacco and labeling them as pipe tobacco. In other words, the pipe tobacco is masquerading as tobacco to be rolled into cigarettes to avoid the additional tax.

That isn't right. We should close this loophole. The abuse is so prevalent that gas station owners now have ciga-

rette rolling machines to facilitate the loophole. A customer purchases a bag of pipe tobacco and then uses the machine to roll cigarettes. This provision helps close this loophole by treating establishments with cigarette rolling machines as manufacturers and therefore subject to the Federal excise taxes on tobacco manufacturers. This would raise \$99 million.

This highway bill was the right place to extend Secure Rural Schools and PILT for rural Americans who deserve decent roads.

I thank my colleagues for supporting my amendment. We have done great work for rural America.

Mr. CASEY. Mr. President, I rise to state my strong support for this important legislation.

In particular, I am pleased that the legislation corrects an arbitrary requirement by the Federal Railroad Administration regarding rolling stock for high-speed rail. As a strong supporter of American manufacturing and high speed and intercity passenger rail service, I have closely followed the grant awards that FRA has and continues to make in this regard.

Seven months ago, the FRA awarded nearly \$730 million to six States to acquire new passenger diesel locomotives and bilevel passenger cars. The new rolling stock will be used on State-supported regional corridors that Amtrak operates in the Midwest, California, and Pacific Northwest.

Under FRA's instructions, the States were to consider locomotives with 125 mph capability—even though none of the States have the infrastructure now or in the near term to operate service on these corridors at speed beyond 110 mph.

While a 15-mph difference in train speeds may not seem like much, the cost difference between 125 mph and 110 mph could be very significant. First, new advanced 110 mph locomotives will burn less fuel and have lower operating expenses. Second, Federal safety standards would require substantially more funding for States to upgrade the infrastructure needed to accommodate 125 mph trains.

With my amendment to S. 1813, States will now be able to fully and fairly evaluate capital and operating costs of different U.S. manufactured locomotives that are capable of meeting the statutory definition of high-speed rail, e.g., operating at 110 mph. A full and open process that fairly considers all locomotives that can operate at 110 mph will increase competition and ensure we maximize value for taxpayers.

Mr. President, we need to bring successful high-speed rail service to America soon, with trains built with American technology by American workers. I want to thank the leadership of the Commerce Committee, particularly Chairman ROCKEFELLER for his support in working with me and with my staff on this important issue.

Ms. SNOWE. Mr. President, it has now been more than 890 days since the last long-term surface transportation bill, SAFETEA-LU, expired. And what has Congress accomplished since September 30, 2009, when it comes to crafting a new Federal policy regime for our roads, bridges, mass transit, and safety programs? Sadly, Congress has managed once again to successfully abandon its responsibility to the American people by adopting a series of eight short-term extensions since 2009. In effect, Congress has placed our national transportation policy on "Auto-Pilot" for more than 2 years.

So my question is this: Why has the time for procrastination long since passed and the time for urgent action finally arrived? First, we face the March 31 expiration of the current, eighth short-term highway bill extension. So, it is imperative that the Senate approve a new highway bill promptly in order for us to extricate ourselves from this vicious cycle of robotically approving short-term extension after short-term extension. That is not legislating and it is not fair to the American people. Not at all.

Secondly and more broadly, the Senate faces a larger and more serious deadline: ensuring the solvency of the highway trust fund, which has been the primary funding source for all Federal roads, bridges, mass transit, and safety programs for decades. The trust fund is running out of money, and rapidly.

In fact, the Congressional Budget Office, CBO, reports that the highway trust fund will be bankrupt by October, barring action on a comprehensive highway reauthorization bill. If this looming specter does not signal a clarification call to move a bill, I don't know what does.

The legislation before us, Moving Ahead for Progress in the 21st Century, or MAP-21, is a 2-year highway authorization that takes a modest step in the right direction toward meeting the March expiration deadline as well as the urgency of shoring up the trust fund. Now, is this the bill I wish we were debating? Frankly, I would have preferred a much stronger, 6-year highway bill—the kind of legislation which, I would like to add, is the norm and not the exception. Indeed, Congress has traditionally approved highway and mass transit bills not by limited extensions or quick-fix panaceas but for the long-term. That was true for the 2005 highway bill, it was true for the 1998 highway bill, and it was true for the 1991 highway bill. All of these measures were 6-year authorizations. All of them enjoyed bipartisan consensus. And what was the result?

The longer time frames engendered greater certainty, especially for those States whose expiration dates for construction seasons are much shorter. Now, if only the past were actually prologue in this case. If only today we

were actually debating a multiyear authorization and not putting more dents in the can that we are kicking further and further down the road—a road that needs to be repaired, I might add. If only we were deliberating policy that fostered more than a modicum of predictability. But we are not, and that is a problem.

It is a problem for David Bernhardt, Maine's transportation commissioner, who has observed that "given the choice between a short-term and a long-term extension, the long-term extension is preferable as it provides more certainty and predictability for our construction season."

It is a problem for the Maine Better Transportation Association, which has stated that "Maine's rural transportation system—our roads, rail, ports—are woven into the future viability of every Maine business; the uncertainty created with no long-term reauthorization creates uncertainty, impeding job creation and investment."

What we have as a consolation prize is a "accept a half a loaf or get nothing" proposition. So if this venerable Chamber can't muster the will to produce a new long-term highway reauthorization bill—and there is no reason, unfortunately, to think otherwise—then at the very least, can there be any doubt whatsoever that we must break the current cycle of short-term extensions and that a 2-year authorization will have to suffice for now?

As far as the State of Maine is concerned, MAP-21 is a slight improvement over present law. MAP-21's \$109 billion in funding for 2012-2013 will provide Maine with \$195 million this year and \$198 million next year, up from the \$192 million Maine received last year. While I would have preferred if Maine were receiving larger increases in funding, because its transportation funding needs are serious, I am nonetheless pleased to see Maine receive an increase in Federal transportation funding.

A strong Federal highway reauthorization bill will help Maine maintain our bridges and roads, while we wait to invest in the future for the demands of the 21st century. We are considering this measure as a stop-gap at a time when my State of Maine contains twice as many miles of poor roads, 548 miles, as we have of very good roads, only 265 miles, and at a time when 369 bridges are currently classified as structurally deficient, which means that 15.4 percent of our bridges require significant repair, well above the 11.4 percent national average.

Indisputably, the 2-year time frame of this bill is woefully short, and in total, this bill fails to make the requisite investments necessary to bolster our transportation infrastructure. That said, working within the strictures of a 2-year authorization bill, there are some elements of MAP-21

that I would like to briefly highlight—provisions I was particularly pleased to see incorporated.

This bill reduces burdensome redtape and bureaucracy that represent major speed bumps in streamlining. For example, it takes the more than 150 highway infrastructure programs and consolidates them into five core programs that address highway and bridge construction and maintenance, freight improvements, safety, and nonmotorized transportation. These changes will eliminate the bottlenecks emanating from Washington and will allow States to focus on their individual areas of concern rather than Federal mandates. As ranking member of the Senate Committee on Small Business and Entrepreneurship and one who is fighting tooth and nail to curb meddlesome bureaucratic rigamarole, this undertaking is welcomed indeed.

Furthermore, MAP-21 rightly places a premium on enhancing vehicle safety by making significant, vital changes to vehicle standards. In the 21st century, cars are no longer just mechanical machines, they are high-tech, complex systems with the capacity to diagnose and communicate critical problems and convey that information to drivers. This bill takes this new reality into tremendous account and will codify industry standards for electronic data, providing cars with electronic data recorders that will serve as the black boxes of new cars and help investigators determine the cause of crashes and prevent future accidents.

I am also particularly proud of the leadership of the Senate Committee on Commerce, Science, and Transportation evident in its portions of MAP-21, and for that I want to express gratitude to my longtime friend and colleague, our chairman, Senator ROCKEFELLER, who serves with me on both the Senate Commerce Committee and the Finance Committee.

Specifically, I want to recognize Chairman ROCKEFELLER for his collaboration with me and for supporting my antifraud amendment, which is included in the underlying bill. My amendment will ensure that brokers of transportation services have the skills and knowledge required to aid in transportation of shipments within the rules of the law, marking a major reform of the brokering process which will ensure that commercial truck drivers are paid for their work.

I want to publicly thank Barry Pottle, president of Pottle Transportation in Maine, who brought to light that some fraudulent brokers were successfully contracting commercial truck drivers to deliver freight, but then these brokers would not pay the truck drivers for the work they had performed. In effect, these fraudulent brokers were repeatedly taking advantage of truck drivers. When Barry alerted me to this deplorable outrage, I

started drafting an amendment to end this scam immediately. I am very pleased this common-sense solution has been included in the MAP-21.

I would also like to thank the bill's managers, Chairman BOXER, and Ranking Member INHOFE for accepting my three amendments to the bill.

The 2005 highway bill provided Maine's Department of Transportation with the flexibility to draw upon Congestion Mitigation and Air Quality program funds to cover the operating expenses of The Downeaster, Amtrak's passenger rail service in Maine.

I am pleased that my amendment to continue this policy, which enhances flexibility for States to focus funding on local priorities, was accepted by the bill managers. At issue is an undertaking that curtails congestion and improves air quality in a State that prizes the outdoors for recreation and tourism. We certainly did not want to turn away passengers coming to and from my State who patronized The Downeaster to the tune of half a million trips in 2011—or equivalent to nearly 40 percent of my State's population riding the train once in a single year?

In addition, I was pleased to work with Senators CARDIN, KLOBUCHAR, RUBIO, WICKER, ROCKEFELLER, and TESTER to develop an amendment that has been accepted by the bill managers that will streamline the process for veterans with equivalent military driving experience to acquire commercial driver's licenses, also known as CDLs. I should also thank the many veterans service organizations, including the Air Force Association, Military Order of the Purple Heart, Fleet Reserve Association, and American Legion, which lent their expertise and support to this effort. Furthermore, I would like to thank Representative RANDY HULTGREN, whose leadership resulted in a similar provision being included in the House version of this bill, which provided the inspiration for the language before us today.

As my colleagues would undoubtedly agree, it is unconscionable that our Nation's veterans, including those who have most recently returned from service in Iraq and Afghanistan, find themselves facing unnecessary bureaucratic hurdles as they seek to transition into a civilian profession for which they have already received world-class training provided by our Federal Government.

Instead, at a time when job creation is our No. 1 priority, our government should be working to eliminate redtape, delays, costs, and unnecessary testing—where it is prudent to do so—to allow veterans to quickly pursue and secure employment in the private and public sectors.

Indisputably, Congress has made milestone strides over the past year, including the passage of provisions in

the National Defense Authorization Act and the VOW to Hire Heroes Act that require the Federal Government to identify equivalencies in military and civilian job skills and to carry out a pilot program to reduce or curb barriers to providing credentials, certifications, and licenses to qualified veterans. These yeoman efforts are vital and timely, and they dovetail with our amendment, which directly addresses one specific opportunity to remove roadblocks to veteran licensing.

Over the past decade, many of our veterans safely drove large trucks on some of the most dangerous roads in the world. They have also safely operated these same vehicles on local, State, and national highways during their service, demonstrating their capabilities and qualifications to operate similar vehicles as civilian commercial drivers. As such, our amendment requires the Secretary of Transportation to immediately convene a joint study with the Secretary of Defense, the States, and other stakeholders to assess the barriers to obtaining a CDL faced by our current servicemembers and veterans who possess the proper training and experience to operate commercial vehicles. As part of this study, the Secretary of Transportation must make recommendations for legislative, regulatory, and administrative actions necessary to overcome these challenges, and, most important, upon completion of the study, the Secretary must implement those recommendations for which he has the legal authority.

Although specific CDL requirements are a responsibility of the States, our amendment will ensure that the Secretary of Transportation and the Secretary of Defense take a leadership role in helping States to understand the extraordinary skills and experience driving large vehicles that many of our veterans bring to the table when they apply for a CDL. As a result, I am very hopeful that our efforts here will soon eliminate unnecessary barriers to CDL licensing for qualified veterans. And, perhaps of equal importance, by adopting our amendment, we will have established a template for legislation that this and future Congresses may follow for streamlining licensing and certification processes for our Nation's veterans.

Quite simply, our best and bravest deserve nothing less than our Nation's unwavering support and gratitude upon their return home, in order to rightly honor their enormous sacrifices. Frankly, who better for any job than those trained to be the greatest fighting force on the planet?

Mr. President, overall, I will agree that in the case of this highway bill we cannot allow the perfect to be the enemy of the good—that a 2-year authorization is preferable to yet another round of extensions. But make no mis-

take, Congress has failed to do its due diligence in addressing this highway bill over the last 2 years. It is because of that negligence that we have placed ourselves in the unenviable position of having to play beat the clock, as both the House and the Senate must confront a fast-approaching March 31 deadline when the current extension expires.

This bill represents the best we can offer the American people right now, but it is not and I know my colleagues will agree—indicative of the best this institution can offer. The American people deserve better.

Mr. LEVIN. Mr. President, we are long overdue to reauthorize our Nation's transportation programs. The last reauthorization, SAFETEA-LU, expired in September 2009. Since then there have been seven short-term extensions, and the most current extension expires on March 31. I am pleased the Senate is finally voting on a bill, S. 1831, Moving Ahead for Progress in the 21st Century Act, or MAP-21. A path forward for action on the House bill is still unclear so we may indeed need another short-term extension.

MAP-21 enjoys the strong support of a broad cross-section of organizations ranging from the AFL-CIO, the U.S. Chamber of Commerce, and the American Public Transportation Association.

This bill will improve the mobility of people and commerce while reducing traffic congestion and improving air quality. Investing in the construction and maintenance of our roads, bridges, public transit systems, trails, and rail infrastructure means people and goods move more efficiently and that improves our international competitiveness. And investing in infrastructure will create badly needed jobs. It is one of the most obvious things we can do to help boost the economy as it struggles to emerge from the great recession.

So I will vote yes on final passage of S. 1813. MAP-21 is a bipartisan, 2-year bill that provides level funding with increases to account for inflation. The bill would provide \$109 billion over 2 years for surface transportation programs. Given the difficult budget climate this has to be viewed as a victory.

Our State transportation agencies need to be able to do long-term planning and a 2-year bill helps that cause, and is surely better than the short-term extensions we have been living under. Given the negative budget climate and the difficulty we had finding the revenue to offset the highway trust fund shortfall, a 2-year bill is what is possible, though I would have preferred a longer term bill.

Under MAP-21's highway title, Michigan will get more than \$1.1 billion per year for 2 years, slightly more than under the current bill. Under the transit formulas, Michigan is projected to get a little over \$131.3 million per

year for 2 years, a little more than we got last time in formula funds. When it comes to public transit, Michigan is an all-bus State except for the People Mover in Detroit. Whereas the highway title takes great pains to ensure that the distribution of highway revenue among States is largely unchanged, the transit title changes the distribution of transit revenue among States to favor those States with rail transit infrastructure over States like Michigan that do not yet have rail transit. In an effort to keep Michigan whole in terms of transit funding, I cosponsored an amendment to restore funding to both urban and rural bus programs. I am pleased provisions of that amendment have been adopted in the managers' package.

My primary area of concern with this bill is in the formula for distributing funds to States and a lack of true donor equity based on contributions to the highway trust fund. Historically, about 20 States, including Michigan, have been "donor" States, sending more gas tax dollars to the trust fund in Washington than are returned in transportation infrastructure spending. Each time the highway bill has been reauthorized, I have joined Members from other donor States to try to correct this inequity in highway funding and we have made progress. In 1978, Michigan was getting around 75 cents back on our Federal gas tax dollar. That went up to about 80 cents in 1991, 90.5 cents in 1998, and 92 cents in 2005. Unfortunately, there simply isn't enough money this time around to improve the rate of return for donor States without taking funding from donee States, which we don't have the votes to do.

Further undermining donor State efforts is the trend starting in 2008 of nonuser-fee money going into the trust fund. Before that, the trust fund was purely user-fee funded, primarily with gas taxes contributed from each State. When gas tax revenues started declining with increases in fuel economy and people driving less because of the recession, billions of dollars were transferred from the general fund to keep the trust fund solvent. Thus the blurring of the line between what was paid into the trust fund by States versus what is given back to States in Federal highway dollars which is now both gas taxes and general revenue monies. This means when calculated in dollar terms, donor States, including Michigan, are getting back more money than they put into the trust fund, or well more than 100 cents on the dollar. When you look at the percent, or share, contributed to the trust fund versus the percent, or share, paid out compared to other States, an inequity among donor and donee States remains.

Overall, Michigan Department of Transportation, MDOT, officials view

the bill favorably, particularly the program consolidation, increased flexibility, realistic performance management, and provisions to expedite project delivery. MDOT's director wrote to me that he is eager to see a long-term transportation authorization bill enacted because it is vital to providing the stability needed to improve transportation planning and project development.

There are no earmarks in this bill and nearly all discretionary grant programs allocated by the Federal Highway Administration would be eliminated. The result is that most funding is allocated to the States by formula.

MAP-21 proposes a new core program intended to direct funds to infrastructure segments that are particularly critical to freight movement. It allows the Wayne County Aerotropolis project to apply for grants under the freight program by specifically identifying as eligible an "Aerotropolis" transportation system defined as a planned and coordinated multimodal freight and passenger transportation network providing efficient, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport.

MAP-21 makes substantial changes to transportation planning requirements at all levels, including using performance management through the planning process. It requires that State and metropolitan planning organizations, MPOs, include performance measures and targets. Along with these increased technical responsibilities, the bill raises the designation threshold for MPOs from those serving a population of 50,000 to those serving a population of 200,000, unless the Governor certifies certain technical criteria are met.

This could have been a problem for a number of Michigan mid-sized MPOs, including those in Battle Creek, Jackson, Holland, Bay City, and Saginaw. The MPOs in these cities have expressed concern to my office that they could lose their MPO designation. They argue that their organizations are comprised of local elected officials who are in the best position to determine local transportation needs, and this proposal could exclude local officials and their constituents from participating in the transportation decisionmaking process if the Governor does not certify them.

I agree that this local expertise in the planning process is valuable and that it should be retained. The MDOT officials who work with and rely on these organizations assured my office the State would want the existing mid-sized MPOs in Michigan to retain their MPO designation. I cosponsored an amendment to grandfather in existing MPOs so that they are not at risk of losing their MPO designation and with it the planning funds needed to operate, and I am pleased a modified

version of this amendment was accepted.

I am also pleased the bill includes an amendment I authored with Senator CONRAD which was adopted by voice vote. It would give Treasury a discretionary power to fight against tax evasions. Under the PATRIOT Act, Congress gave the Treasury the power to take a range of measures against foreign financial institutions or jurisdictions that it finds to be of "primary money laundering concern." The Levin-Conrad amendment would authorize Treasury to impose the same types of measures on the same types of entities if Treasury finds them to be "significantly impeding U.S. tax enforcement." Treasury could, for example, prohibit U.S. banks from accepting wire transfers or honoring credit cards from those foreign banks. This amendment, which is similar to a provision that I introduced as part of a broad offshore tax bill for several Congresses, has been scored as raising over \$1 billion over 10 years.

I am pleased the bill managers worked with me to include language regarding the need to fully use the Harbor Maintenance Trust Fund for operating and maintaining our Federal navigation channels, including the 69 Federal harbors and channels in Michigan. These ports and harbors support jobs, advance economic activity, and bolster exports. Maintaining these waterways is not only important for our economy and international competitiveness, but properly maintaining these harbors and ports keeps freight off of our highways and rails, relieving congestion and improving the environment.

Somehow, keeping our ports and harbors in good repair has not been a priority in budgeting and funding decisions. This sense of the Senate on harbor maintenance acknowledges the shortfall, and states that "the amounts in the Harbor Maintenance Trust Fund should be fully expended to operate and maintain the navigation channels of the United States." This affirmative statement puts the Senate on record in supporting full funding for our Federal ports and harbors, and is a good step forward in addressing this unfair situation. Every year, hundreds of millions of dollars collected from shippers are deposited into the Harbor Maintenance Trust Fund but never spent, despite the fact that our Nation has a significant navigational maintenance backlog. Collecting fees from shippers and not using these revenues for their intended purpose is not only unfair, it threatens jobs and economic growth.

Including this important language in the Senate bill is an important first step to correcting our harbor maintenance problem, yet much work remains. I hope the House will take action on a transportation reauthorization bill so that we can work out any

differences in conference committee. Along with my colleagues, I will be urging the conferees to retain and strengthen the harbor maintenance language to reflect S. 412, a bill I sponsored and which currently has 35 cosponsors, which would provide an enforcement mechanism to ensure that all of the funds deposited into the Harbor Maintenance Trust Fund are used for their intended purposes: for the operation and maintenance of our Nation's harbors.

This bill takes some important steps to support green automotive technology. I am pleased that the bill supports the expansion of electric vehicle infrastructure by allowing highway funds to be used for new charging stations at existing or new parking facilities funded through the law. It also includes a provision authored by Senator CARPER to include vehicle charging and refueling infrastructure improvement projects among the projects eligible to be carried out under the congestion mitigation and air quality improvement program.

I am proud of the fact that Michigan has two fixed guideway projects under development that will go through the Federal Transit Administration's, FTA, New Starts Program which will provide Federal funding to build them. These projects, one in Grand Rapids and a two-part interconnected project in Detroit, will finally bring light rail and bus rapid transit to Michigan to supplement our current all-bus system. I have worked closely with the Banking Committee to secure changes to the New Starts Program that will benefit Michigan's initiatives. I am pleased to report that this bill modifies the New Starts Program in a way that is favorable to these Michigan projects, including the Detroit project which has a more complex set of circumstances.

Michigan is developing two connected projects in Detroit: a streetcar circulator that will distribute riders within the downtown core along Woodward Avenue, built mostly with private funds, and a regional bus rapid transit network on multiple corridors leading into downtown Detroit, which will need Federal New Starts funds. Because it is largely privately funded, the streetcar project will be able to advance before everything is in place at both the State and Federal levels to submit the New Starts application for the entire program. FTA officials have told me they interpret the bill's "Program of Interrelated Projects" language as providing ample opportunity for the streetcar circulator project in Detroit's Woodward Avenue corridor and the connected bus rapid transit project in the same corridor to meet the New Starts requirements to apply as a single program and that one project can be built before the other project within a reasonable timeframe and still be eligible. This is reassuring as we work to

advance this important project through the New Starts Program.

In conclusion, MAP-21 is a consensus, bipartisan bill that represents our best hope to get a longer term transportation bill enacted. I urge my colleagues to support it and I hope the House of Representatives will also adopt it.

Mr. ROCKEFELLER. Mr. President, given that the Commerce, Science, and Transportation Committee was unable to mark up the National Rail System Preservation, Expansion, and Development Act of 2012 prior to floor consideration of S. 1813, I wanted to make a quick statement to thank Ranking Member HUTCHISON for her help in reaching agreement on the bill so the Senate could consider it as part of this measure. In my formal floor statement, I mention the virtues of and the needs for this bill. To provide more clarity about the Committee's intention with the provisions, I ask unanimous consent that this section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE V—THE NATIONAL RAIL SYSTEM PRESERVATION, EXPANSION, AND DEVELOPMENT ACT OF 2012

SECTION-BY-SECTION ANALYSIS

SEC. 35001. SHORT TITLE.

This section provides that the title may be cited as the "National Rail System Preservation, Expansion, and Development Act of 2012".

SEC. 35002. REFERENCES TO TITLE 49, UNITED STATES CODE.

This section would stipulate that, except as otherwise expressly provided, all amendments in this act would be made to title 49, United States Code.

SUBTITLE A—FEDERAL AND STATE ROLES IN RAIL PLANNING AND DEVELOPMENT TOOLS

SEC. 35101. RAIL PLANS.

This section would require the Secretary of the Department of Transportation (DOT) to develop a long-range national rail plan within a year, with the input of Amtrak, the Federal Railroad Administration (FRA), and Surface Transportation Board (STB), and a broad range of industry stakeholders. The national rail plan would implement a national policy and strategy to support, improve, and further develop existing and future high-speed and intercity passenger rail transportation and freight rail transportation. The plan would be subject to refinement by regional and State rail plans.

This section would require the plan to have a national map with prioritized designations of existing and developing markets. This section would also require the plan to define corridors and service categories. This section would also specify the content the national rail plan is to address.

This section would require regional rail plans that would serve to refine and implement the national rail plan, along with a map and phasing plan for new corridors. This section would specify the requirements for regional plans, and require yearly updates to the plans.

This section would update state rail plan requirements to require that state rail plans

be consistent with regional and national plans, while synching rail with other state planning goals. The section would require state rail plans to refine and advance the implementation of the national rail plan. The section would require minimum standards for state rail plans, along with procedures for review. The section would specify the contents of the state plans. This section would require state plans to identify rail capital projects, along with their potential benefits and financing.

The section would institute state and federal transparency requirements for all rail plans, to provide adequate and reasonable notice to comment to the public, other agencies, and stakeholders. The section would also define the terms being used in the chapter.

SEC. 35102. IMPROVED DATA ON DELAY.

This section would require guidance from the Secretary within a year for developing automated or improved means for measuring on-time performance delays.

SEC. 35103. DATA AND MODELING.

This section would require the Secretary to conduct a data needs assessment to determine what data is needed to support the development of intercity passenger rail. The section would specify the parameters of the assessment.

This section would require the Secretary to develop or improve modeling capabilities to support intercity passenger rail development. This section would also require the Secretary to improve benefit-cost analysis guidance and training for applicants to the intercity grant programs.

SEC. 35104. SHARED-USE CORRIDOR STUDY.

This section would require the Secretary to conduct a shared-use corridor study to evaluate means to best support the further development of high-speed and intercity passenger rail. The section would specify the content of the study.

SEC. 35105. COOPERATIVE EQUIPMENT POOL.

This section would improve the Next Generation Corridor Equipment Pool Committee created by section 305 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) and require that it create an equipment pooling entity that would lease or acquire, maintain, manage and allocate equipment to support State-supported service. Amtrak would be permitted to transfer equipment to the entity.

This section would permit the entity to be eligible for intercity passenger rail capital grants.

SEC. 35106. PROJECT MANAGEMENT OVERSIGHT AND PLANNING.

This section would modify PRIIA to increase by ½ percent the amount of appropriations available to the Secretary for project management oversight and joint capital planning.

SEC. 35107. IMPROVEMENTS TO THE CAPITAL ASSISTANCE PROGRAMS.

This section would make improvements and clarifications to the intercity passenger rail, congestion, and high-speed rail grants. This section would amend the cost-share requirements for grants and otherwise prioritize grant funding pursuant to the national, regional, and state rail plans. It would require applicants and recipients to provide sufficient information and justification to the Secretary to assist with grant-making. This section would authorize grants to be transferred to Amtrak if it would facilitate the completion of the grant.

SEC. 35108. LIABILITY.

This section would clarify commuter railroads liability standards. This section would

require a study regarding options for clarifying and improving liability requirements and arrangements necessary for supporting intercity passenger rail.

SEC. 35109. DISADVANTAGED BUSINESS ENTERPRISES.

This section would establish a disadvantaged business enterprise program applicable to rail programs. It would require the Secretary to make at least 10 percent of amounts available from the rail grant programs available to small business concerns owned and controlled by at least 1 or more socially and economically disadvantaged individuals.

This section would also require each state to produce an annual listing of disadvantaged small business concerns in the state, along with details. This section would require the Secretary to develop uniform criteria for State governments to use in certifying whether a small business concern qualifies under this section. States would be required to fulfill minimum reporting requirements concerning disadvantaged business enterprises.

SEC. 35110. WORKFORCE DEVELOPMENT.

This section would require the Secretary to complete a study and provide recommendations relating to workforce development needs in the passenger and freight rail industry. The results would be due within a year of enactment and would be submitted to the committees of jurisdiction.

SEC. 35111. VETERANS EMPLOYMENT.

This section would require the Secretary to conduct a study and provide recommendations relating to the best means to provide preference to veterans in the awarding of contracts and subcontracts.

SUBTITLE B—AMTRAK

SEC. 35201. STATE-SUPPORTED ROUTES.

This section would permit the Secretary to award grant funds to States to cover operating costs that exceed those that States paid prior to the implementation of the cost allocation methodology required by section 209 of PRIIA. It would also require the Secretary to provide transition assistance guidance once the appropriate methodology is completed by the Surface Transportation Board. This guidance would include criteria to phase-out the operating support by 2017, a grant application process, and policies governing financial terms. This section would also clarify the criteria for grants, and stipulate that the federal share of costs can be up to 100 percent.

SEC. 35202. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMITTEE.

This section would clarify the responsibilities of the Northeast Corridor Infrastructure and Operations Advisory Commission and establish a deadline for it to develop the access cost methodology required by PRIIA. It would require FRA to work with Amtrak and the Commission to develop a service development plan and the Commission to develop a long-range Northeast Corridor strategy. It would also establish a deadline for the Commission to complete its Northeast Corridor Economic Development report.

SEC. 35203. NORTHEAST CORRIDOR HIGH-SPEED RAIL IMPROVEMENT PLAN.

This section would require Amtrak to complete a refined vision for an integrated program of improvements on the Northeast Corridor, along with a business and financing plan to accompany it. This section would require the Secretary to provide support, assistance, oversight, and guidance to Amtrak in preparing the plan.

This section would require the submission of the plans the Northeast Corridor Infrastructure and Operations Advisory Commission and the FRA.

SEC. 35204. NORTHEAST CORRIDOR ENVIRONMENTAL REVIEW PROCESS.

This section would require the Secretary to complete a plan and schedule for a programmatic environmental review for the Northeast Corridor. This section would require the plan to be completed within 90 days and the full environmental review be completed within 3 years after enactment. It would also clarify that the Secretary shall not preclude making funds available for the purchase of high-speed rail equipment that complies with Federal standards; however, it does not override the Secretary's discretion to awards funds.

SEC. 35205. DELEGATION AUTHORITY.

This section would permit the Secretary to delegate to Amtrak authority and responsibility for environmental reviews.

SEC. 35206. AMTRAK INSPECTOR GENERAL.

This section would codify the existing Amtrak Inspector General authorization of appropriations from PRIIA and reaffirm the office's responsibilities. This section would also clarify the Department of Transportation Inspector General's and Amtrak Inspector General's ongoing duty to assess the progress made by DOT and Amtrak in implementing PRIIA.

SEC. 35207. COMPENSATION FOR PRIVATE-SECTOR USE OF FEDERALLY-FUNDED ASSETS.

This section would affirm that the Secretary may require that private entities taking exclusive use of capital assets built or improved with federal funds provide compensation to the United States. This section is intended to discourage the practice of selling or leasing passenger rail infrastructure built with Federal funding to a private entity so that it can increase profits for its shareholders, rather than use profits to further the public's demand for a better passenger rail system. This section is intended to encourage responsible public private partnerships that will help deploy a more robust intercity and high-speed rail system in the United States and protect taxpayer investment into this system. Alternatively, the Committee feels that, instead of always requiring the private entity to pay back funds to the Treasury, at times it may be appropriate that the Secretary require that the entity invest those funds back into the passenger rail system to help expand capacity and performance.

SEC. 35208. ON-TIME PERFORMANCE.

This section would prohibit Amtrak from paying host railroads incentive payments where the on-time performance of any intercity passenger rail train averages less than 80 percent for any two consecutive quarters and the failure to meet such performance levels is solely the responsibility of the host railroad.

SEC. 35208. BOARD OF DIRECTORS.

This section would make a technical correction to PRIIA to ensure the proper political balance on the Amtrak Board of Directors.

SUBTITLE C—RAIL SAFETY IMPROVEMENTS

SEC. 35301. POSITIVE TRAIN CONTROL.

This section would clarify the Secretary is permitted to review amendments to positive train control (PTC) implementation plans and would establish time frames for those review. This section would also require an annual review of compliance with plan.

This section would require revise the deadline for the Secretary to report on the

progress of railroad carriers in implementing PTC systems to June 30, 2012. This section would also grant the Secretary authority to extend the implementation deadline for a passenger rail service entity in yearly increments after the Secretary makes a determination that implementation is infeasible for reasons beyond the entity's control, but in no case beyond December 31, 2018. This section requires that, in evaluating whether to grant an extension, the Secretary consider the risk level of the lines for which the rail carrier is seeking the extension.

SEC. 35302. ADDITIONAL ELIGIBILITY FOR RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

This section would make explicit that positive train control system costs are eligible for Railroad Rehabilitation and Improvement Financing (RRIF). It would also permit costs of labor and materials associated with installing positive train control to be considered collateral of the purposes of the RRIF loan program.

SEC. 35303. FCC STUDY OF SPECTRUM AVAILABILITY.

This section would require the Secretary and Chairman of the Federal Communications Commission to conduct an assessment of the spectrum needs and availability for implementing PTC systems, and issue recommendations to resolve problems.

SUBTITLE D—FREIGHT RAIL

SEC. 35401. RAIL LINE RELOCATION.

This section would make improvements to the Rail Line Relocation grant program.

SEC. 35402. COMPILATION OF COMPLAINTS.

This section would require the Surface Transportation Board to establish and maintain a database of complaints received, and post the list quarterly on the STB's website. This section would require the Board to receive the permission of those submitting informal complaints for them to be posted.

SEC. 35403. MAXIMUM RELIEF IN CERTAIN RATE CASES.

This section would revise the maximum amount of rate relief available to railroad shippers. The section would also establish periodic reviews by the Board and revise the amounts as necessary.

SEC. 35404. RATE REVIEW TIMELINES.

This section would establish specific timelines for the STB to follow in stand-alone rate challenges. The deadlines would apply, unless a request from a party or due process issues are an issue.

SEC. 35405. REVENUE ADEQUACY STUDY.

This section would require the STB to initiate a study to provide further guidance on how to apply its revenue adequacy constraint. It would require the STB to consider whether to apply the revenue adequacy constraint using a replacement costs to value the assets. The study would provide public notice, comment, and an opportunity for hearings. The study would be due within 180 days of enactment, and the results would be reported to the committees of jurisdiction.

SEC. 35406. QUARTERLY REPORTS.

This section would require the STB to provide quarterly reports to the committees of jurisdiction on its progress toward addressing issues raised in unfinished regulatory proceedings.

SEC. 35407. WORKFORCE REVIEW.

This section would require the Chairman of the STB to conduct a review of the Surface Transportation Board workforce, and would require the Chairman to use the review to assist in the development of a comprehensive, long-term human capital improvement plan.

SEC. 35408. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

This section would allow the Secretary to accept the net present value of a future stream of state or local subsidy income as collateral to secure a loan for railroad rehabilitation and improvement. It would also require the Secretary to submit a report to relevant Committees with recommendations for improving the Railroad Rehabilitation and Improvement Financing program.

SUBTITLE E—TECHNICAL CORRECTIONS

SEC. 35501. TECHNICAL CORRECTIONS.

This section would make numerous technical corrections to PRIIA legislation, and to Title 49 of the U.S. Code.

SEC. 35502. CONDEMNATION AUTHORITY.

This section would correct an existing reference to the Interstate Commerce Commission in statute.

SUBTITLE F—LICENSING AND INSURANCE REQUIREMENTS FOR PASSENGER RAIL CARRIERS

SEC. 35601. CERTIFICATION OF PASSENGER RAIL CARRIERS.

This section would require the STB to establish a certification process to authorize a person to provide passenger rail transportation over a line subject to the Board's jurisdiction. It would also grant the Board authority to grant certificates and issue regulations relating to the safety and insurance operations of passenger rail entities, including Amtrak. It would not apply to freight railroads providing or hosting passenger rail transportation over its own line, tourist, historical, or excursion passenger rail transportation, or other railroad that has obtained construction or operating authority from the Board. The provision is intended to make sure that passenger rail operators, are sufficiently qualified, which is consistent with the Federal government's authority in other transportation industries.

Mr. ROCKEFELLER. Mr. President, every day tens of millions of Americans take to the roads, board buses, use Amtrak, to get to work, drop off their kids at school, or visit friends and family. Our transportation system binds our vast and diverse Nation together.

All too often, our crumbling and inadequate transportation infrastructure makes all of these daily trips nothing short of unbearable. This issue is more than just a problem of personal inconvenience. Our aging transportation system is costing our economy with lost productivity. It is hurting our ability to export goods. It is precluding us from generating the economic growth necessary to create the jobs our economy needs.

There is no disagreement that we need to improve the efficiency and capacity of our transportation system. We have heard a lot in the debate over this bill about the need to rebuild our crumbling bridges and expand our congested highways. But we also need to make sure that we have the safest transportation system possible.

Safety is not an ancillary part of this debate. Reducing the number of fatalities on our nation's roads and rails must be the focus of this bill as it has been for previous transportation bills. It is one of the most important responsibilities we have in Congress.

That is why I am here.

I am proud that the Commerce Committee plays the central role in improving the safety of not only our transportation system, but the vehicles that travel upon it.

Consider this: More than 90 Americans a day die on the road. This bill aims to bring that number down. Horrific bus crashes, as my colleague from Texas knows all too well, have happened in every State. This bill includes provisions from Senator HUTCHISON that sets new tough standards for their safety. Hazardous materials, including deadly chemicals and explosives, move alongside minivans and motorcycles. This bill sets standards to improve the safety of their transport to minimize the risks to the public. The rail system has proven to be relatively safe but all too avoidable accidents happen—both in passenger and freight rail. This bill sets higher standards for safety.

The dangers and challenges never stop. And so we need to step up, respond to what is happening and make our transportation system as safe as it can be.

Let me offer some specifics about what exactly is in the Commerce title of bill.

We have the safety programs of the National Highway Traffic Safety Administration, or NHTSA, as we call it around here.

NHTSA has led the way in raising safety standards on our roads and highways. Last year, highway deaths fell to their lowest levels in more than 60 years. But by reasonably asking more, we can save more lives.

Some of NHTSA's most visible efforts center on reducing drunk driving fatalities. Last year, they dropped 5 percent, which is good but again we can do more. We can prevent more senseless deaths from drunk driving. We can make sure fewer families have to suffer the agony of a teenager's life cut short by a drunk driver.

This bill recognizes the success and builds on it with new grant programs and help for States to reduce drunk driving and increase seatbelt use.

It has an entire section on distracted driving, a growing crisis in this country that killed 3,000 people last year. Think about that: 3,000 people across the country dead because drivers were not paying attention to the road.

My State, West Virginia, is proactive on this. The General Assembly has tackled the issue and things will get better. This bill follows the same path: it creates grants so that States can fight this just as they have with drunk driving and seatbelt use.

This bill also gives new authority for the government to control imports of defective motor vehicles and motor vehicle equipment. Again, our priority is safety and it is something that I am proud to emphasize.

Let me tell you about another section in this bill. It's the Federal Motor

Carrier Safety Administration, FMCSA, which is aimed at reducing truck and bus crashes.

Did you know truck crashes killed 3,675 people on our highways in 2010 alone? The death toll is going up even though overall traffic fatalities are down. We need to reverse this trend.

In this bill, we work towards safer roads through the use of modernized technology and data. For example, we can put electronic on-board recorders on buses and trucks to cut back on fatigue-related accidents. These "black boxes" will make our highways safer and we must embrace the technology.

There is more to the Commerce Committee's title than just vehicle safety provisions. Our bill includes the Hazardous Materials Transportation Safety Improvement Act, which requires uniform standards for the safe loading and unloading of hazardous materials on and off rail tank cars and cargo tank trucks.

In this bill we make commonsense improvements to safety, such as establishing a program where shippers can electronically share information with carriers, emergency responders and enforcement personnel.

Also, included is a provision to assist with the data collection that will help DOT make smart investments; this authorizes DOT's Research and Innovative Technology Administration, RITA, and enhances its ability to spur innovation in transportation research.

I started my remarks by talking about how often our roads are overlooked. We collectively drive on 90,000 miles of crumbling highways and under and over 70,000 structurally damaged bridges. Our neglected infrastructure costs us \$130 billion a year. We deserve better and this bill will get us there.

In closing, I want to make two final points.

First I would like thank all of my colleagues for their good word on this effort. Senator BOXER, Senator JOHNSON, Senator BAUCUS, the leadership, we all worked hard to get to this point.

Second, I want to note that the art of legislating is finding compromise and common ground. I know some are unhappy with this bill, there are parts of it I would like to change myself. But the final product is good for West Virginia, good for the American people and an important step forward.

Mr. President, I rise today to thank Chairman BAUCUS for the work he did on the Finance title of the transportation bill which we have just passed. He and his staff worked with me on a number of amendments both in the committee and on the floor, and their hard work has made this a better bill.

I am particularly pleased that Chairman BAUCUS chose to include a provision of mine which closes the so-called "Reverse Morris Trust" loophole. This provision has allowed many profitable companies engaging in reorganizations

to avoid paying tens of millions of dollars in corporate taxes, while loading up companies with debt and laying off hardworking employees. This bill would finally stop that practice.

I also want to thank Senator STABENOW for graciously agreeing to modify her amendment extending expiring energy tax credits and deductions at my request so that the mine safety equipment and mine rescue team training tax incentives I have long championed could be included. These energy-related provisions should be a part of any tax extenders package and Senator STABENOW and her staff worked closely with me to try and advance mine safety through this bill and their efforts are much appreciated. Though her amendment was defeated, we will continue to work together to extend these important credits along with the alternative fuels tax credits—which support coal based fuels—and the refined coal tax credit which were also included in her amendment.

I will also briefly mention two items that were not included in this bill, both of which I filed as amendments at the Finance Committee's mark-up, that I hope to see acted upon this year.

One is the Steel Industry Fuel Tax Credit which expired at the end of 2010. This credit, which I have worked with a number of members of this body to enact and extend over the years, including the Finance Committee's ranking member, Senator HATCH, provides an important incentive to one of our Nation's most important sectors, the steel industry. This credit encourages companies engaged in steel production to use a recycling process that both produces reliable energy and makes each plant more environmentally sound. I intend to advocate for this credit's reinstatement and hope that it will be included in a tax extenders package later this year.

Finally, I want to mention an issue of great importance not only to West Virginia but a number of States around the country. Multi-employer pension plans have come under increased hardship in recent years due to a combination of investment losses and business participants exiting the plans. The victims, through no fault of their own, are retirees. Ultimately Congress needs to address pension stability for all retirees, but in the meantime, I have introduced S. 621, the Coalfield Accountability and Retired Employee Act. This legislation would safeguard the pensions of retired mineworkers—the hard working men and women who have helped power this country.

If the government does not work with multi-employer plan participants and employers, these retirees face the risk of reduced benefits down the road, and the Federal Government risks assuming billions of dollars of liabilities. This legislation is important to the people of my State and I will continue

to work to prevent these retirees from losing the benefits they worked so hard to earn.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I will take just a minute to talk about the bill we are going to vote final passage on in just a few minutes. I cannot say it enough—I have said it a lot, I will continue to say it—this is a wonderful opportunity for the Senate and a great accomplishment for our country. What I say just now I have said many times because it feels so good to say it. One of the most progressive Members of this body and one of the most conservative Members of this body got together and said they wanted to do a bill that was good for the American people, a bill that will save or create 2.8 million jobs. We have had some scuffles along the way, but that is what the Senate is all about. The rules of the Senate sometimes demand scuffles, as difficult as they are. We now have a bill that will pass, and it will have a significant bipartisan vote.

I so appreciate Senator BOXER and Senator INHOFE helping us work through this bill. But for them we could not have done the bill. Frankly, Senator MCCONNELL and I could not have accomplished this. But with these two fine Senators working to move some of the obstacles in the path, we were able to do this. As late as yesterday, we were unable to get this done. I so appreciate their hard and good work.

As everybody knows, I am a very good friend of BARBARA BOXER's. We came to Washington together 30 years ago. What a lot of people don't know about is the very close personal relationship I have with JIM INHOFE. One of the finest letters—and it brings tears to my eyes, frankly—that I received during my wife's illness was a letter from him expressing his friendship to me and, of course, saying they would say prayers for my wife. So this is, for me, an opportunity to talk about how good the Senate can be. I am proud of every one of you for working our way through this.

Before propounding a unanimous consent request, I want to say that Senator MCCONNELL and I have reached an agreement on the judges. He will explain it to his caucus, as I will to mine. It is something that I feel is in keeping with what we do here. It is like all matters we do here legislatively—it is an effort to work out a compromise.

CLOTURE VOTES VITIATED

Mr. REID. Mr. President, I ask unanimous consent that all of the cloture votes scheduled for 2:30 today be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The minority leader is recognized.

Mr. MCCONNELL. Mr. President, I associate myself with the excellent re-

marks of the majority leader about Senator BOXER and Senator INHOFE. They have worked together in a collegial way to bring us to this point on the highway bill.

The majority leader and I have worked out an agreement to go forward and handle the judges. Also, I am pleased that he has agreed to turn to the jobs bill next. I think that is something everybody in the Senate will be pleased about. So I am happy to say we have reached an understanding, which we will have an opportunity to explain to our colleagues.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have learned in my years in the Senate, especially since Senator LEAHY took over the Judiciary Committee, that I don't do anything with the Judiciary Committee—especially with judges—that I don't clear first with Senator LEAHY. He has been an integral part of our agreement on the judges issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have had very friendly conversations with Senator REID and Senator MCCONNELL during the past couple of days. Having served with both of them for a long time, I know that when an agreement is made, it is an agreement we will stick to. I am aware of the agreement. I compliment both the Democratic leader and the Republican leader for their help in moving this forward.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I simply want to thank both leaders for their kind remarks. Really, I have to say that Senator INHOFE and I and our staffs really became a close family as we worked through this bill. I am so moved by the way we were able to come together, all of us. Even those on the other side and this side who had amendments that were tough, it was difficult, but we got through it.

I urge a resounding "aye" vote. I know you will not agree with everything, but we tried to work with each one of you. I urge a strong "aye" vote. Let's get the House to pass our bill. This is a jobs bill, and 2.8 million jobs hang in the balance.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote.

Mrs. BOXER. Mr. President, I yield back our time, but Senator INHOFE has something to say.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I will make this very brief. I appre-

ciate the comments of the majority leader. It was not necessary, but it is very meaningful to me personally.

Also, about Senator BOXER, she and I are at opposite extremes on many issues. I have always said that conservatives should be big spenders in two areas: national defense and infrastructure. We have to look at this in the future so that we don't have to go through it again. I thank all of those on her side and on my side who helped to move this forward.

I thank Ruth VanMark, who has been with me for 22 years. She is now getting off of probation.

Again, I thank all of you for your cooperation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 22, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—74

Akaka	Grassley	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Heller	Reed
Bennet	Hoeben	Reid
Bingaman	Hutchison	Roberts
Blumenthal	Inhofe	Rockefeller
Blunt	Inouye	Sanders
Boozman	Isakson	Schumer
Boxer	Johnson (SD)	Sessions
Brown (MA)	Kerry	Shaheen
Brown (OH)	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Levin	Thune
Chambliss	Lieberman	Udall (CO)
Cochran	Manchin	Udall (NM)
Collins	McCaskill	Vitter
Conrad	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Moran	Wicker
Franken	Murkowski	Wyden
Gillibrand	Murray	

NAYS—22

Ayotte	Enzi	McConnell
Barrasso	Graham	Paul
Burr	Johanns	Portman
Coats	Johnson (WI)	Risch
Coburn	Kyl	Rubio
Corker	Lee	Toomey
Cornyn	Lugar	
DeMint	McCain	

NOT VOTING—4

Crapo Kirk
Hatch Lautenberg

The bill (S. 1813) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. BOXER. Mr. President, I move to reconsider and to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I am delighted that the surface transportation bill that we just passed includes a very important provision that will help to stabilize the level of contributions that employers will have to make to their defined benefit pension plans.

When I talk with employers in Montana and throughout the country, one of the biggest drawbacks they cite for sponsoring a pension plan for their employers and the biggest reason most employers decide not to sponsor a plan is the inability to predict how much it is going to cost. Employers have to make a guess as to how much their benefits will be in future years, discount that value to the present, and make a contribution today that will meet that obligation. This is all in addition to guessing other variables, such as how long their employees will work for them and how long they will live after retirement.

We all worked hard in 2005 and 2006 to develop pension funding rules that work, so that assets will be in the plan to meet the employer's promise to its employees. However, the Pension Protection Act of 2006 did not, and could not, account for the unforeseeable slide in asset values in 2008 and now the historically low interest rates that employers have to use in valuing their obligations.

As a result of the artificially low interest rates today, employers will have to put about twice as much into their plans this year as they did last year, according to the Society of Actuaries, and that steep increase in required contributions will continue until 2016. There is nothing that will discourage an employer from keeping its plan or creating a new one than this kind of steep and unexpected increase in required contributions.

The bill we passed today provides significant stabilization in the interest rates that employers have to use in determining their contributions, and employers will be able to use the rules immediately.

I am pleased that we were able to do this for employers. More important, the provision is good for employees because it helps to keep pension plans viable. I remain open to other proposals that will help employers to continue to provide a secure retirement for employees and their families.

Mr. RUBIO. Today, I voted against final passage of the Transportation bill that was considered in the Senate.

While modernizing America's infrastructure is an important goal that government can play a role in advancing, S. 1813 crashes into our Nation's hard fiscal realities and makes it impossible for me to support. The bill spends too much, at a level of \$109 billion over the next two years. This is despite the fact that the Highway Trust Fund is going broke, with the Congressional Budget Office estimating that the fund will be insolvent sometime in 2013. Sadly, this is not a new issue. Taxpayers have already spent \$34.5 billion to bail out the trust fund in recent years, and I see nothing in this bill that will prevent this from happening again. With our national debt on course to exceed \$16 trillion by year's end and taxpayers already struggling under the weight of Washington's fiscal policies, this legislation paves the way toward yet another bailout.

Instead of making reforms that empower States instead of bureaucrats in Washington, the bill relies on Washington-style accounting gimmicks and proliferates costly mandates that sharply raise the cost of highway spending to the American taxpayer. I agree with my colleagues that we need to pass a transportation bill, but not when we cannot meet the financial obligations that the bill requires. Therefore, I did not support it.

EXTENSION OF TAX EXTENDERS

Mr. REID. Mr. President, I would like to engage in a colloquy with my good friends the Senator from Kentucky, the Republican leader, and the Chairman of the Finance Committee, Senator BAUCUS.

Earlier today the Senate completed action on a transportation measure that provides for investment in our Nation's infrastructure. The Senate works best when we work together, as evidenced by the broad bipartisan support for this bill.

I would like to take a moment to raise another issue of mutual interest—the extension of tax provisions that have expired or are expiring this year. These provisions, although temporary, are long-standing features of our tax system, including the research credit, renewable energy production and efficiency incentives, and the State sales tax deduction. They provide important benefits, not just for American families and businesses, but to our economy as a whole.

Although we were unable to address the package of tax extenders as part of the transportation bill, I was encouraged by the level of Senators' interest in extending these provisions in a timely fashion.

I would welcome the opportunity to work with my friend from Kentucky in finding a path forward soon on tax extenders. It is important that we take care of this early in the year so that

taxpayers can plan and make investment decisions.

Mr. McCONNELL. I am happy to respond to my friend, Majority Leader REID.

These tax provisions certainly are important to millions of American families and businesses, and I would expect that Congress would act on these sooner rather than later. The uncertainty that follows when we allow these to expire and don't allow families, small businesses, and job creators generally to properly plan is unacceptable and damaging to our economy.

That said, there are a number of members of my conference who have serious questions about some of the provisions that were voted on today. For a number of years Congress has reflexively extended all of these measures without any meaningful review or oversight. I know that the Republican members of the Finance Committee would gladly join in a bipartisan effort to conduct a much needed critical review of these measures and recommend to the Senate which should be dropped, which need modification and which are worthy of support as currently constructed. The repeated expiration and renewal of these various targeted tax credits and the fact our corporate tax rate will soon be the highest among our major trading partners underscores the need for Congress to take on corporate tax reform at the earliest possible date.

So while I join the majority leader in welcoming the opportunity to work together to find a path forward, I would hope that both bodies of Congress would have the opportunity to look carefully at what is in this package and see if we can't come to an agreement on what is best for the country.

Mr. REID. I thank the Republican leader. I look forward to working with him and our Senate colleagues to pass tax extenders on a seamless and timely basis. It is important that we provide taxpayers with much-needed certainty.

Mr. BAUCUS. Mr. President, I would like to thank leaders REID and McCONNELL for emphasizing the importance of getting extenders done. As we prepare for tax reform, it will be important for us to examine these provisions to determine whether we are getting the most bang for our buck. Tax reform, however, will take some time and these provisions have already expired. We should provide certainty to taxpayers by extending them through this year as soon as possible.

These provisions are important to American families and businesses. These provisions include college tuition relief for working families. These are tax provisions that help create jobs, support research and development, and bolster growth of American businesses across the globe. It is also critical for our energy sector. A dozen energy tax incentives expired at the

end of last year and several more expire this year. Each day we fail to extend these incentives means jobs for our economy. I am glad we are working on a bipartisan basis to extend these provisions and I hope we can do so as soon as possible. We need to make sure that taxpayers don't see tax increases because Congress failed to do its duty.

Mr. HATCH. I thank leaders REID, MCCONNELL, and Chairman BAUCUS for discussing tax extender provisions this afternoon.

I want to reinforce a couple of points I raised earlier this year when the Finance Committee held a hearing on tax extenders.

My first point is that the explosion of temporary tax provisions in recent years has been a very notable and problematic trend. The number of temporary tax provisions has grown from 42 in 1998 to 154 in 2011. Not many people can be found that will say that Congress should continue dealing with tax extenders in a business-as-usual manner. And we should not continue doing business as usual when it comes to extenders. Recently, Congress has allowed important temporary tax incentives such as the research and development credit to expire. Then, after the business decisions have already been made, Congress has retroactively extended the tax provisions. If a provision is worthy of being in the tax code, then optimally it should be permanent. For instance, the R and D credit is an extremely worthy provision, and it should be an enhanced and permanent tax incentive. That is what Chairman BAUCUS and I have proposed in a bill we introduced in September 2011.

My second point is that tax incentives play a very important role in businesses' planning of their affairs, making investments, and creating jobs. And these job creators don't want bad certainty they don't want to hear that their taxes are going up. Congress should provide this certainty by making permanent the provisions that are worthy of remaining in the law, and eliminating those that are not. Chairman BAUCUS and I agree, along with many of our colleagues, that the current tax code needs to be reformed. In the meantime, before tax reform is accomplished, Congress needs to decide what to do about the tax extender provisions that have expired. The Finance Committee should play its role in considering these time-sensitive issues. The members should debate the merits of each of these provisions and vote accordingly. After that exercise, then the full Senate should consider the Finance Committee's recommendations and move that product through the legislative process.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be

in a period of morning business until 2 p.m. with Senators permitted to speak therein for up to 10 minutes each with the time equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. The Senator from Oklahoma.

FINAL PASSAGE OF S. 1813

Mr. INHOFE. Mr. President, I didn't want to take a lot of time before the vote because I knew we were anxious to get it done, and certainly we have been through this so many times—passing a transportation bill and a reauthorization bill. I was asked by one of my Republican Members: We have done so many of these extensions, what would be the difference between an extension and a short 2-year bill? I commented: You can't get any of the improvements. You can't do any of the planning.

I would also like to say this to my Republican friends: I regret some of them voted against it, not being fully aware of some of the great reforms we have in the bill. I appreciate the fact that Senator BOXER was agreeing to some aspects that she didn't agree with philosophically, such as some of the streamlining and enhancements. We have now resolved the enhancement problem so decisions can be made by the States. So I think that was good.

I wanted to at this point mention our staff, even though I already mentioned Ruth VanMark earlier. I was kidding when I said she is off of probation. She has been loyal to me for 22 years and been through several of these bills with me. Let me also mention James O'Keeffe, Murphie Barrett, Kyle Miller, Dimitri Karakitsos, and Alex Renjel. So we have a great team over here, and, of course, they have a great team also on the Democratic side, with Bettina Poirier, David Napoliello, Andrew Dohrmann, Grant Cope, and Tyler Rushforth from Senator BOXER's office.

So, Mr. President, some good reforms have taken place, and we need now to get serious about what we are going to do in the next short while in preparation of a much longer and better and more robust highway reauthorization bill. Of course, first is to get with the House Members, get into conference and see what we can accomplish.

Again, I thank all the staff, all the people working on this bill, Senator BOXER, and, of course, the majority leader, HARRY REID, as well as MITCH MCCONNELL.

I yield the floor.

Mrs. BOXER. Mr. President, I ask unanimous consent that following my remarks Senator LANDRIEU be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I again thank everybody. During our earlier

morning business period I praised all of the staffs from both sides of the aisle, all of the chairmen, and all of the ranking members. So thank you so much. It was a great vote, 74 to 22. If Senator LAUTENBERG had been here, it would have been 75. So what more can a chairman ask.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I want to take a minute to thank Senator BOXER and Senator INHOFE and the staffs of both of those excellent Senators who have worked so hard on this bill that is so important to our country. From New York to California, from Alaska to Florida, this bill represents over \$110 billion of investments in America. Whether we are talking about two-lane roads, farm-to-market roads, one-lane or two-lane roads, interstate, or rail that is running in our urban areas that are congested, time consuming, and frustrating for our drivers; whether it is for the trucking industry that depends on good, solid, strong highways; the petrochemical industry, the oil and gas industry, or our small businesses, it is important for America's infrastructure to be strengthened, and that is what we did today.

I know the Senate has been criticized over and over again about not being able to function. But today we saw, as our leader said, one of our most conservative Members and one of our most progressive Members bring a bill to this floor and get 74 votes. That is hard work, and that is the way the Senate should work.

I am so proud to have been a small part of this overall bill with Senator WHITEHOUSE, Senator SHELBY from Alabama, and many other Senators who joined us in an effort to put on a very important amendment to the gulf coast and to the country in this Transportation bill. That bill, which was adopted as an amendment to the Transportation bill, as you know, Mr. President, is known as the RESTORE Act.

The reason we call it the RESTORE Act is because that is exactly what it will do. It will restore America's energy coast—the gulf coast. We are proud of our energy infrastructure. We are also proud of our fishing industry and our ecotourism industry. We are also proud of our commercial fishing and recreational charter captains who take people from all over the world off the beautiful coast of Florida, Mississippi, Alabama, Louisiana, and Texas with some of the best fishing in the world.

We have fisheries that are alive and vibrant, not overfished, with people in business and restaurants serving this food all over the country. We are so proud to have passed the RESTORE Act, which is going to take not taxpayer money, not money adding to the

deficit, but monies from a fine that is going to be levied by the courts very soon—very soon. This fine will be levied against BP because of the single largest environmental disaster in the Nation's history.

BP, an operator of oil and gas wells not just in the gulf but all around the world, drills safely in many places. But, boy, they sure messed up this one. There were 11 men killed, others were injured, and hundreds of millions of gallons of oil were spilled into the Gulf of Mexico. It was a horrible accident. It should not have happened.

No industry is perfect. No operation like this, whether it is going to space or going below sea, whether it is producing sophisticated equipment or is involved in the mining or extraction business has a complete guarantee of safety and perfection. But this was a terrible accident. We wish it never would have happened.

The courts are sorting out whether this company was simply negligent or grossly negligent. We can have our opinions, but it is not something we need to decide. What we did decide, though, is when the court set that penalty, that what is right for the States that were so injured—with marshes inundated with oil, and pelicans, dolphins, and other wildlife and birds that live and breed and count on this environment to be there—is for that money to be redirected back to the gulf coast.

Because of the good work of our Presiding Officer and Senator BAUCUS—and I want to thank, particularly, Senator BINGAMAN—we were also able to add—not in the RESTORE Act, not taking money away from the gulf but in a side-by-side—some money to fund the Land and Water Conservation Fund. Now, it is only for 2 years, but there is going to be more money in that fund than has been there for a while, which will also accommodate the environment nationally, and that provides a balance and a synergy.

The gulf coast wants to be fair. Our people have suffered. But we also know the country has been very generous to us through a series of very unfortunate events in the last 6 years: Katrina, Rita, Gustav, and Ike, horrible hurricanes. But every part of the Nation has experienced disaster, whether it was the fires in California or the flooding in the Northeast or the hurricane last season that raked the Northeast. Last season, in fact, we will remember, was the season that had the largest number of disasters. There were 12 that cost over \$1 billion. That has not happened before.

So lots of parts of the country have suffered. But the gulf coast has suffered in a special way, unfortunately, with a series of events, hurricanes, and oil spills. So we are grateful.

We tried to make this bill appropriate, leaving 20 percent of the general fund, which will secure doubling the

amount of money in that liability trust fund. That is a benefit to the Nation. We put in some money for land and water. That will benefit the Nation, and there is some money to establish an oceans trust.

I ask for another 1 minute.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Ms. LANDRIEU. That will benefit the Nation. But the bulk of that penalty money will go to the gulf coast, and it will not be wasted, I promise. The bill has tight safeguards and guidelines about the way that money will be spent restoring our marshes, rebuilding our coastline; we have lost the size of the State of Rhode Island.

I wish to thank so much the groups. There were over 200 organizations, from Ducks Unlimited to the National Environmental Defense Fund, to Nature Conservancy, to many of the Chambers of Commerce, locally and nationally, that supported the RESTORE Act. Without their help, this never would have happened because we don't get a vote as we did on the Senate floor without a lot of help. We got I believe it was maybe 76 votes on the floor of the Senate. It is hard to get a resolution on mom and apple pie to get 76 votes today. So I am very humbled to say it was the work of many people. I was proud to lead this effort with Senator SHELBY, my partner from Alabama.

But my final comment is, work needs to be done. That is my final point. The amendment is in the Transportation bill. The Transportation bill has now left the building, left the Senate. It is now on its way over to the House. I hope the House will take this bill—and I know they have their own opinions about how things should be. But it is important to get this \$110 billion of investments out for America. We need to keep this recovery going. People are looking for jobs, well-paying jobs. Small businesses get these contracts as well as large businesses for our rail, our water, our transportation.

I hope the RESTORE Act, because it is safely tucked in this bill, will generate some additional votes on the House side. I hope my colleagues from the gulf coast in the House, Republicans and Democrats, will say: Overall, it may not be the House's Transportation bill, but you know what. It is a good bill.

Twenty-two Republicans over here voted for this bill. As Senator INHOFE said, there is streamlining, there are new approaches, there are better approaches, less waste, less fraud, less abuse in this bill. So there are some good things they can vote on.

I thank, again, in conclusion, Senator INHOFE and Senator BOXER and particularly Senator BAUCUS for his help in helping us, at the very end, to put what we needed to get together to

pass this RESTORE Act. I will continue to report to all how the courts are going to rule, how much this fine is going to be, and how that money is spent in the next couple years to help save a very important part of our Nation and a part of the Nation that contributes substantially to the GDP of our Nation.

EXECUTIVE SESSION ORDER VITIATED

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order to proceed to executive session at 2 p.m. be vitiated.

THE PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Ms. LANDRIEU. I ask unanimous consent that morning business be extended until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each and that the time be equally divided.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

COMPLIMENTING SENATOR LANDRIEU

Mr. SCHUMER. Mr. President, first, let me compliment my colleague from Louisiana for her diligence, her hard work. I don't think anybody effectively delivers more for her State in this Chamber than the Senator from Louisiana. I can assure you, knowing her, now that she has done this, she will have another proposal and she will be talking to us about it probably within a few hours. Because of her hard work and charm and many other good qualities, she never wears out her welcome, at least with the Senator from New York.

GASOLINE PRICES

Mr. SCHUMER. Mr. President, the big issue everyone is talking about is gasoline prices. Obviously, they are a scourge on average families and on our national economy. There are many long-term solutions we debate: the pipeline, incentives for green energy, more exploration, nuclear energy, and of course conservation—probably the No. 1 way to, in the long term, reduce imports of foreign oil into the country and reduce the price.

But everyone is asking, what are short-term solutions?

To me, there is obviously one that would matter more than all the others and that has the best hope of getting something done. So 2 weeks ago, in a letter to Secretary of State Hillary

Clinton, I asked the State Department to pressure the Government of Saudi Arabia to use its excess oil capacities as a means to calm oil markets. It has been my position that this is the quickest way to bring down gas prices, and the reason is very simple. The No. 1 thing jacking up prices right now is the fear in the markets that Iran will shut off its production.

We have an economic boycott, a majority of nations of the world, of Iran to prevent them from going nuclear. What are they trying to do? They are saber rattling: Squeeze us too hard, we are going to cut off oil. In fact, they cut off oil sales to Britain and France, although those are symbolic because Britain and France do not buy much Iranian oil. But with Iran's saber rattling that they might well cut off oil exports, the price has gone up and up and up. Those who speculate in oil use that and probably have it go up even further.

So that is why I have been, for the last 2 weeks, suggesting the Saudis say they will produce more oil and that they will replace every barrel of production Iran takes off the market for the foreseeable future with a new barrel. The Saudis of course can do that. The Saudis have 2.8 million barrels of extra production, they and the Gulf States. Iran's total sales to the rest of the world are 2.2 million barrels a day. Therefore, they have the ability to do it.

Today I was pleased Saudi Arabia declared it will fill any oil gap as a result of the Iran oil embargo. At the 13th International Energy Forum in Kuwait, the largest gathering of oil-producing and consuming countries, the Saudi oil minister, Ali al-Naimi, said the following: "Saudi Arabia and others remain poised to make good any shortfalls—perceived or real—in crude oil supply."

Right after the Saudi oil minister made this announcement, prices dropped 0.6 percent. My belief is that if the markets believe this is real, the price will come down significantly further. So we are asking the Saudis to repeat this promise because, make no mistake, the more the Saudis repeat the promise to offset Iran's output, the more explicit they are, the more emphatic they are, the more they assure the markets they are for real and that this is not just a psychological device to calm the markets for the moment, the more markets will calm down more permanently and the more the price will come down.

I wish to compliment the Obama administration for doing tremendous work behind the scenes. I have talked to many people in the administration over the last few weeks and they assured me and told me some details of what they were doing and their pressure has finally gotten the Saudis to make this statement. This statement

is a great start, but as I said, it should be repeated, reemphasized, and elaborated upon by the Saudis so the markets will be assured.

The President was right on money when he said we also need long-term to our dependence on foreign oil. He is right that drilling alone will not solve our problems. We are producing more domestic oil in the United States than we have in 8 years, and we have discovered a huge supply of natural gas. But we have to look at all fronts. We have to look at green energy, wind, solar. There are tax breaks that encourage these new industries that will employ thousands. We ought to pass them. Our colleagues voted against them on this highway bill. That doesn't make much sense. I, for one, would look at nuclear as something that produces clean energy, that doesn't produce global warming. It has to be safe. Of course, we have to continue to look to produce more oil.

I was one of six or seven on this side, actually—as the Senator from Louisiana is importuning—who voted to open parts of the east gulf to produce more oil and it has begun to do that and that will help.

The No. 1 one thing we have to do in the long run is conservation. The fact that we are getting more miles per gallon by 2020 will reduce our importation of foreign oil—which raises the price—by more than 1.1 million barrels a day. In fact, since we gave the President the ability to increase those CAFE standards further, and he did it, the prediction is, by 2030, we will not need to import any oil as our cars get 45 and 50 miles a gallon and the demand for gasoline goes down. The No. 1 reason we have to import oil is because of gasoline and diesel fuel and airplane fuel. Most of our energy can come from natural gas and can come from water power, wind power, and solar power.

The bottom line: This announcement is a good announcement. I hope the markets will heed it. I hope the Saudis will repeat it. I hope, as a result, the price of oil will come down. It is the best news on a very bad front; that is, of rising gasoline prices, that we have had in a very long time. Let us hope it brings together some good news.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTER ID

Mr. CORNYN. Mr. President, there they go again. On Monday the Justice

Department, under Attorney General Eric Holder, added another account to its litany of shameful actions by refusing to preclear a commonsense Texas State law that would require all voters to show a photo ID prior to casting their vote. The Justice Department's refusal to preclear this change in Texas law by the Texas Legislature is simply inexcusable. The Texas voter ID law is constitutional, and it is a popular measure necessary to protect the integrity of the Texas election process.

This is not and should not be a partisan issue. The polling I have seen shows that Republicans, Democrats, and Independents in the 70 percent range all agree that voter ID laws are commonsense responses to the concerns many have about the integrity of the election process. But, unfortunately, I can only conclude that Attorney General Holder and the Justice Department have chosen the low road of politics as opposed to the high road of the rule of law. I believe, unfortunately, the evidence supports the conclusion that this represents the lowest form of identity politics. In the face of high gas prices, the sluggish economy, and a struggling and rising national debt, the Obama administration has used every tool in its political toolbox to try to distract the American people from their priorities—jobs, the economy, and debt—and, unfortunately, divide the American people while they distract them from the real issues.

Political games should not force the State of Texas or any other State to spend its taxpayer dollars suing the Department of Justice in Federal court, which it now must do, to enforce a State law that is clearly constitutional. One does not have to take my word for it—just read an opinion by Justice Stevens in 2008 upholding the constitutionality of a similar Indiana law. It is nearly identical to the one in Texas, and it is justified by a valid interest in protecting the integrity and reliability of the electoral process.

But the Justice Department continues to insist there is something wrong with requiring every voter to prove their identity before they vote, just as you are required to do before you board an airplane, buy a pack of cigarettes at a convenience store, or buy a six-pack of beer at that same convenience store. If you look on the Web site of the Department of Justice, in order to gain entry to the Department of Justice building, you need—you guessed it—a photo ID. Well, this may sound like common sense. Common sense is evidently not that common at the Department of Justice these days.

You would have to be blind to reality to deny that a significant amount of voter fraud exists in the United States. Every State has had its experience with voter fraud.

In Texas, back in the famous Box 13 election between Coke Stevenson and

Lyndon Johnson for the U.S. Senate, they found a number of votes from voters who were not even alive—dead votes. Perhaps one of the most recent books on this was written by John Fund in 2008, a book called “Stealing Elections: How Voter Fraud Threatens Our Democracy.” In that book Mr. Fund demonstrates why the American people and Texans fear that their legally cast vote will be diluted with the vote of people who are not legally qualified to cast a vote.

Unfortunately, we also know that identity theft is rampant. We have seen this in our broken immigration system, where people claim Social Security numbers and identification that is not their own but is actually someone else's. It is also very difficult to prove because often the legal authorities lack what they need in order to dispute a voter's identity, thus the need for a government-issued photo ID. As a result, officials frequently hesitate to accuse someone of casting an illegal ballot even when they are almost certain a crime is being committed. It is easy for identity thieves to use another person's voter certificate to fraudulently cast a ballot when there is no real requirement for voters to prove their identity. We should be all about making their job more difficult, not easier.

Every case of actual, alleged, or perceived voter fraud has the potential to drive prospective voters out of the Democratic process, undermine the legitimacy of our government, and swing the results in close elections. The Texas voter ID law is necessary to prevent these evils.

This administration would have you believe that State ID laws are intended to drive down the turnout among certain ethnic groups, but this could not be further from the truth. If people are legally qualified to vote, this is a law designed to protect their rights and to make sure their vote counts and that in a close election it will not be swung by people who have no legal right to vote.

In fact, in their own letter to the Texas secretary of state, the Justice Department presented no evidence—zero, zip, nada—of discriminatory intent in the Texas voter ID law. This is because the law was clearly intended to uphold the sacred principle of “one person, one vote” and is narrowly tailored to avoid all retrogressive effects on voting rights. For example, under Texas law every registered voter is entitled to receive a photo identification card free. So if you don't have a driver's license and you don't have any other form of photo ID, you can get one for free. It also exempts from its requirement anybody above the age of 70. What is more, let's say election day comes and you don't have a photo ID, but you want to vote. You can cast a provisional ballot even without a photo ID just so long as you come back with-

in 6 days and produce one showing that you are who you say you are and thus prove you are legally qualified to vote. The Texas voter ID law will also make sure no legitimate voter is caught off guard by requiring the State to inform and educate all citizens as to what the new law requires.

Despite these multiple layers of protection, the Justice Department insists on pushing their false narrative that this law will somehow suppress legitimate voter turnout. Just the contrary is true. The only votes this ID law will suppress are those people who have no legal right to vote, and it will protect and preserve the right of legitimate voters to cast their vote undiluted by votes of people who are not qualified to vote.

We also know there is data from States that have recently passed voter ID laws that demonstrates there is no evidence whatsoever to support the claim of the Department of Justice that it will somehow potentially suppress minority votes. For example, in Indiana the subject of the Supreme Court decision in 2008 was an Indiana voter ID requirement. Election data in Georgia shows that turnout has increased since the passage of these commonsense photo ID requirements.

The data also shows that the voter ID laws in Georgia and Indiana had no negative impact on minority groups. These findings should be unsurprising given some of the research that has been conducted by a number of universities, including the University of Missouri, the University of Delaware, and the University of Nebraska, among others.

Research compiled by the University of Denver and the University of Nebraska from 2000 to 2006 leaves no doubt about the conclusion. They say: “Concerns about voter identification laws affecting turnout are much ado about nothing.”

In spite of these facts, in spite of the evidence, in spite of the law, the Holder Justice Department continues to cling to their false narrative, claiming that Texas has not demonstrated significant enough evidence of voter fraud to justify its voter identification law. That turns the law of the land on its head. Texas is not required to prove to the satisfaction of Eric Holder and the Justice Department that there is sufficient basis for them to pass a State law. As the occupant of the chair knows as a former attorney general of his State, the burden is on those who would contest the constitutionality of the law to prove it is unconstitutional or to otherwise prove that it violates Federal law. Under Attorney General Holder's view, the State of Texas and any State that passes a voter ID requirement is presumed guilty until proven innocent. As I said, that turns the legal question on its head. It is exactly the opposite of what it should be.

The Department of Justice also conveniently fails to mention that voter impersonation is almost impossible to detect or prove without a photo ID requirement such as the one passed by the Texas legislature. They similarly fail to mention that this type of law is perhaps the best way—the least burdensome way, the least intrusive way—to eliminate in-person voter fraud. Why would the Justice Department want to prevent States such as Texas from enforcing laws that help detect and deter voter fraud? I can't find an answer to that any other way other than to say that it is pure politics.

The Federal Government should be doing everything in its power to encourage States to protect the integrity of the ballot, to make sure that every legitimate voter's vote counts and is not diluted by the illegal vote of someone who is not qualified under the law to cast a ballot. Instead, Eric Holder's Justice Department is throwing up roadblocks to those State-based efforts to protect the integrity of the election process, forcing my State and taxpayers in my State to waste money to try to go to court and now to override his decision, which the Court will do. Why will they do that? How can I be so sure? Because the U.S. Supreme Court is the law of the land, not Eric Holder and not the Justice Department, and the Supreme Court has spoken on this issue. But that is irrelevant to Mr. Holder and the Justice Department, so my State has to spend—waste, really—taxpayer money to defend this legitimate and evenhanded requirement when we should be focusing on other important issues.

This Washington game of divisive identity politics is reprehensible, and Attorney General Holder should be ashamed of himself for engaging in it. I hope my colleagues will join me in calling on Attorney General Holder to respect the rights of the people of Texas and of their States by reversing his decision to block our commonsense voter identification law.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

The Senator from New York is recognized.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, I rise today to praise the majority and minority leaders for coming together to make sure we get our pending judicial nominees confirmed in a timely manner.

Today, the Senate is back on track to do what we have always done for decades: confirm judicial nominees—the vast majority of whom are totally uncontroversial—as part of our day-to-day business.

Thanks to the hard work of the leaders of both caucuses, and to Chairman LEAHY, who has been persistent and smart and focused on this issue, we were able to avoid having 17 cloture votes this afternoon on judicial nominees—most of whom were unopposed; 13, in fact, were supported by their Republican home State Senators.

While the details of the agreement have not yet been announced publicly—and they will be by Senator LEAHY and Leader REID and Senator MCCONNELL—we know there is an agreement, and that is a good thing.

The bottom line is, I hope we can continue at least at the same pace, when we have cleared the backlog that has existed.

Let's be clear: This is what doing our job is, and it is doing exactly what we have done literally for decades—nothing more, nothing less. I suppose each side could point fingers at the other as to why this degenerated, but that is not the point today. The point today is that we have come to an agreement and, hopefully, it will set the ball rolling on much smoother approvals of judicial nominees in the future, with less altercation, more comity, and actually filling the bench more quickly.

There are more judicial vacancies now than at any time in recent history. One out of every 10 judgeships is empty. As a result of these vacancies, families and business must wait sometimes over 2 years before their civil trial can even start. Even worse, it cost the government \$1.4 billion in 2010 alone to detain inmates awaiting trial because there were not enough Federal judges to hear their cases.

The agreement we have reached to work through these judges is certainly not an attempt to jam judges through the process. In one day in 2002—we were here in the Senate—we confirmed 17 district court nominees and 1 circuit court nominee.

I am glad we have come to an agreement. I want to give special thanks to my good friend, Senator ALEXANDER of Tennessee. He and I have talked about this for a long time. I know he has talked to Senator MCCONNELL. I have talked to Chairman LEAHY and Leader REID. His encouragement to move us forward has been very helpful indeed.

Let us talk just about district court nominees for a moment.

The vast majority of Americans want us to confirm good, moderate, pragmatic judges to the U.S. district courts—exactly the nominees whom this President has put forward. After all, judges on the district court do not make law. Courts of appeals and the Supreme Court have a little more latitude, depending on the case.

I have said time and time again—I will say it again—the Senate has an obligation to take a hard look at the President's judicial nominees. My view remains that ideology does matter. Every Senator here has the right to make sure that a President's judicial nominees are within the mainstream. And the definitions of “mainstream” sometimes differ. We know that.

There will always be nominees—especially to the courts of appeals—about whom we will disagree. There will even be those who some of us view as so extreme, on either side, that we will refuse to give our consent to holding an up-or-down vote.

But there is a hard look, and then there is purposeful delay, and we have to avoid that by either party at all costs. We need to get the process moving again. When nominees come out of the Judiciary Committee unanimously or by an overwhelming bipartisan vote, there is no reason they cannot be approved on the floor a few days later.

We have come together today. I know we can continue in the future to agree to confirm qualified judges without further obstruction, without furthering the view “it is my way or the highway.”

I wish to mention one specific way I think we can move forward on judicial confirmations in a meaningful and useful way. In the past, we have cleared the calendar of nominees on whom there is a consensus before going out for recess. Lately, we have not done that. As a result, there were 20 nominees who did not get confirmed before last August and 10 from December.

I hope wherever we are at the end of the summer, we can agree to confirm consensus nominees—those who got unanimous support or close to it—as we always have in the past and fulfill our obligation to the third branch of government.

One other point. Today, this morning, we passed a highway bill, overwhelmingly. It was led by Senator BOXER, one of the most liberal Members of this body, and Senator INHOFE, one of the most conservative. This afternoon, we are going to hear an announcement of specifics of an agreement to move judges forward. Tomorrow, we will be working on a jobs bill that, while there are differences in the specifics, has broad bipartisan support and consensus.

Perhaps an idea; a moment of greater comity that we have seen this week is not just momentary but will last on into the future. The lesson the American people taught us is they do not want obstruction, particularly for its own sake. They understand compromises have to be made in a legislative body, that it cannot be “my way or the highway.”

Unfortunately, all too often in the past year we have seen too much of that attitude. The fact that we are bat-

ting 3 for 3 this week in terms of important issues: a highway bill, judicial nominees, and an IPO bill with broad bipartisan consensus, hopefully, augers well for the future.

Perhaps the era of obstruction and confrontation has passed its high-water mark. Perhaps it is now politically damaging to block legislation for its own sake or because someone does not get 100 percent of what they wanted. Perhaps a new era of more bipartisan consensus and more accomplishments for the American people to deal with our problems is upon us. I hope and pray it is so.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENTURY ALUMINUM

Mr. ROCKEFELLER. Mr. President, I am in this Chamber with my colleague, Senator JOE MANCHIN, who has as much interest in this as I do and feels the happiness from a wonderful event which will happen, we hope, tomorrow in West Virginia, which will not necessarily be a moment that most people around the country or even in this body will notice, but it is an enormous moment to the people of West Virginia because it has been a long festering problem that we believe will be ratified tomorrow.

What am I talking about? Tomorrow the retirees at Century Aluminum in Ravenswood, WV, hopefully, are going to ratify a decision that has been reached by the Steelworkers, led by a local heroine, an icon of Appalachia, Karen Gorrell, who has stood out all night by the roadside protesting.

Back in 2009, Century Aluminum—and aluminum is a volatile industry but very much of an up-industry now—simply shut down. Hundreds of jobs and hundreds of retirees and their families were just cut out and cut off. Periods of negotiation went on with Century Aluminum under the particular management then, but it wasn't going anywhere. There wasn't a lot of goodwill that I was able to detect.

Then comes the kind of change you really want to see. You start with good people, good workers. It is a hard job. It pays pretty good wages, good benefits—not defined benefits in terms of health care but VIPA benefits, which are benefits nevertheless for retirees. They are good people who are located in a rural county in West Virginia, which is kind of the heartland of West Virginia where a lot of good people come from. They tend to work very

hard and to be very wonderful. What these men and women have always wanted is simply to be treated fairly.

In a world of big corporations, decisions are made from far away places by corporate leaders. But it doesn't necessarily need to work that way—that the people on the line are out in the cold without benefits, without health care at all. There they are picketing or just being miserable, and the world pays little attention because there is not a lot of progress made, so the attention is pulled away from it. But not if you are under the leadership of Karen Gorrell, the local union leader there. She is a fantastic woman who brings not only ferocity—she went to a corporate meeting—and the occupant of the chair will enjoy this because I know him well—wearing a T-shirt that was sort of the hand of the corporation with blood dripping off it, and it was a stockholders meeting. She was so good that people sort of respected her for that rather than resent her for it. But she is a strong, classic Appalachian person, a very strong union leader.

What happened was there was new management at Century. The State had been extraordinarily helpful, the legislature, putting up a lot of money over a period of 10 years. What should have been able to happen was that Century Aluminum would open again, people would go back to work. But then the big enchilada would be if the Ravenswood plant itself, the old Kaiser plant, would open, for which there is a real purpose.

They reminisce in West Virginia about Henry Kaiser, who obviously built that plant many years ago, going through the plant shaking hands with workers, knowing their names. That was a different era, and he was an extraordinarily good man.

Senator MANCHIN and I want this situation to be worked out. We have both worked very hard on it. Actually, the parties weren't that far apart. What made them not that far apart was that the issues were complicated, but it was the will to settle that predominated. Each side didn't get exactly what they wanted, but each side, in a sophisticated, nuanced way, understood there were very high stakes for losing everything and very high stakes, including a lot of money from the West Virginia Legislature over 10 years. The stakes for winning, for settling were extraordinary.

Everybody rose to the occasion. This could never have happened without the leadership of Karen Gorrell and her particular type of leadership, which I found wonderful, just refreshing. I have been out there many times over the years because Century Aluminum has had a lot of problems. I am sure Senator MANCHIN has too.

Now I am praying and hoping they are going to ratify this agreement tomorrow. If that is so, I am not sure the

news will reach Baltimore, and I am certain it will not reach Vancouver, but it will reach all over West Virginia. It will be an example of labor and management, with good corporate and union leadership, coming together at precisely the right moment, after a tremendous amount of strain and stress and anger.

I conclude my statement just praying that the retirees will do what I think they are going to do tomorrow—I encourage that—and accept the agreement agreed to by the union and Century Aluminum. If that happens, whether they know about it in Vancouver doesn't interest me much. They will know about it in West Virginia, and I care about that.

The PRESIDING OFFICER. The junior Senator from West Virginia.

Mr. MANCHIN. Mr. President, I also rise in support, along with Senator ROCKEFELLER. What a good job he has done. We have both had the honor of serving our great State as Governors. As every Governor and legislator knows, we fight for every job we can create. We fight like the dickens to save every job we have.

As the Senator said, he has been fighting these battles for many years. I was in the legislature when he was our Governor. We fought side by side then. When I became Governor, he was a Senator in Washington, and he fought along with me on every job we created and saved. Now here we are again side by side fighting.

Ravenswood, in Jackson County, is a very unique place. In Ripley and all the surrounding towns, we have about 22,000 people who live there, and 4,200 people live in Ravenswood, 3,000 in Ripley. One can tell how that is the lifeblood, truly, of the community. Lucy Harbert is the mayor. She is dogmatic. Karen Gorrell is unbelievable. There are men and women there fighting basically for what was promised to them, fighting for survival.

I think the big story is that in 2009, the plant closed, as the Senator said. In 2010, all the employees were told all of their health care benefits that had been promised to them and negotiated in good faith were gone—all gone by the stroke of a pen. The courts upheld it.

Lo and behold, we have a new management team. We have Mike Bless—and we are talking about Monterey, CA. Clear out there. These people came in and saw what we had, the fabric of the town and the fortitude of these people. So management said: We need to do something. Karen Gorrell and the rest of them never let up. They said: We want to be treated fairly. We want what we were promised. Everyone made considerations here.

What we have coming up with a vote tomorrow—as the Senator said, there will be a vote for the retirees to accept the proposal they have been negoti-

ating, which I am hopeful and I know Senator ROCKEFELLER is too—will be passed tomorrow. That is the first step in the right direction. The State has entered as a partner also. With the State, they will work out power contracts and things of this sort. How important are power prices? How important is the coal and the power that coal produces? Without that, we would be dead in the water.

There is so much promising going on. But when you see a community come together—Governor Earl Ray Tomblin, our friend, worked hard in the legislature. This is not a story we see today in America that much.

In 2009, the plant closed. Over 600 people lost their jobs in a little town of 4,200 people. Now we have a chance to at least get 400 or 500 back on the job. We have not seen that turn around too much. You can imagine why Senator ROCKEFELLER and I are so excited, and I think more than anything we are so proud that we represent a State that has so much resilience. They have stuck together. So our hat is off, from the corporate end to the union end, to the people working together from the community.

I need to say that the President of the Steelworkers Union, Leo Girard, has just been a rock. Leo gets right in there. The Steelworkers stood behind their retirees. They stood behind them. They would not take anything less than the retirees being treated fairly. That brought everybody to the table and gave us the glue it took.

Senator ROCKEFELLER is persuasive, as you know, in his ability to get involved and persuade people to do the right thing, and all of us were behind this effort. It came to fruition. Today, West Virginia is a brighter spot, and Ravenswood is a brighter place. Hopes are up again. The people are enthusiastic, and we can see they have a little skip in their step. That means an awful lot. These are the hardest working people, who don't ask for a whole lot—just an opportunity to take care of themselves and their families.

To Lucy Harbert, Karen Gorrell, Mike Bless, and Leo Girard, Senator ROCKEFELLER, and the entire West Virginia delegation, I think everybody should be extremely pleased. Tomorrow we know it will be a successful vote. We are going to show the country we can compete with anybody in the world. I know the occupant of the chair feels the same way in Maryland, and you have been able to. We will work together on this and start rebuilding America one job at a time. This is 400 jobs at one time.

With that, I say thank you to all of the good people in West Virginia who made this happen. I thank Senator ROCKEFELLER for his leadership over the years. I have been honored to work with him. He has been a tremendous mentor. We will continue to work together for many years.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I have for the last 2 years since the health care law was signed by the President, to give a doctor's second opinion about the health care law. I do this week after week because we need to recall that it was NANCY PELOSI, then Speaker of the House, who famously said that Congress had to first pass President Obama's health care bill to find out what was in it.

It has now been 2 years, and we continue to find out more and more what is in the law as people read it. Even this morning the Wall Street Journal had a story about the upcoming 2-year anniversary and, of course, the Supreme Court hearings, which will begin in a little over a week, as to whether this health care law is constitutional. I believe it is not, but there will be 3 days devoted to that discussion. And the Wall Street Journal article today has a poll covering the time period since this health care law was passed all the way through today which reflects that the health care law is still more unpopular than it is popular. More people are opposed to the health care law even 2 years after it was passed than are supportive of it.

Interestingly, other studies of the American populace show that the more people know more about the health care law, the less they are actually likely to support it. And for those people who have talked to a health care provider—a nurse, a doctor, or a therapist—they are even less likely to be supportive of the health care law. The more people learn about the health care law, the more they do not like it.

So much of this specifically relates to the mandate that everyone in the country is going to be obligated to buy a government-approved product. That is the crux of the debate that will be held within the Supreme Court in the weeks ahead and in the decision to come within the next couple of months.

It is interesting to go through the process of how this law was passed: a party-line vote, votes in the middle of the night, closed-door negotiations in spite of the President saying all deliberations and discussions would be on C-SPAN, and the American people saying: No, do not pass this. In spite of the objections of people all across the country, this bill was crammed

through the House and the Senate and signed by the President at a time when people said: This isn't going to give us what we want. What we want is the care we need from a doctor we want at a price we can afford.

The President made lots of speeches and lots of promises to let the public know he was listening to them. But he wasn't listening to the public. He wasn't listening to this side of the aisle. That is why this health care law actually fails patients, it fails providers—the nurses and the doctors who take care of those patients—and it fails the American taxpayers.

I remember the President saying: If you like your plan, you can keep it. And when he was running for the Presidency, he said: You will not have to change plans. He said: For those who have insurance now, nothing will change under the Obama plan except you will pay less. That is what he said. Yet at a townhall meeting in Wyoming—I go home to Wyoming every weekend and visit with people—when I asked a group of 100 citizens how many, under the President's health care plan, believe they are actually going to pay more, every hand went up—every one. The President said the law would save \$2,500 per family. The American people haven't seen that. So they listened to the President's promises, but now they say: I am not sure I can believe what he has to say.

The President talked about protecting Medicare. He did that in an address to Congress in 2009. Yet, with the health care law, they took \$500 billion away from Medicare—not to save it or to strengthen it but to start a whole new government program for other people. So when I talk to seniors, they have great concerns about the way Medicare has been handled in this health care law. Specifically, their concern is that they are not going to be able to find a doctor to take care of them.

First of all, in terms of the health care law, it has failed in helping us have more doctors and nurses and nurse practitioners and physician assistants. But when I talk to doctors at home in Wyoming—and I practiced medicine for 25 years—what I see is offices that are full, and what I hear is that they continue to care for patients they have taken care of for years who are on Medicare, and they continue to care for patients who are currently Medicare age, but in terms of someone who may move to a new town or someone whose doctor may retire, it is getting harder and harder for patients on Medicare to find doctors to take care of them.

A lot of it has to do with the concerns about reimbursement—the so-called doc fix that was part of the debate recently when we extended that with the payroll tax holiday legislation. But there is very little certainty

that comes out of Congress, and doctors look at that and say: How can I make decisions about my practice and my life when I don't know if they are going to cut Medicare fees by 27 or 30 percent at the end of the year? They faced a similar situation at the end of last year, and they faced a similar situation at the end of February. So it is not a surprise that doctors are more and more reluctant to accept new Medicare patients when their offices are already full with patients.

When we look at all of this, we wonder, is it surprising that this health care law is as unpopular as it is?

The President said that this health care law will not add one dime to our deficit. It will add not a dime to our deficit. We had another budget this year, another deficit looking at \$1 trillion. The CBO report came out yesterday talking about more money being spent than had been anticipated—a higher deficit. The President promised. He said: I will not sign a health care plan that adds one dime to our deficits either now or anytime in the future, period. But if you take a look at an honest accounting of the health care law, it is going to find that this will increase the deficit by hundreds of billions of dollars in the first 10 years alone and much higher beyond that.

I remember listening to the debate in 2008—and now here we are, in another Presidential election year—when President Obama, who was then a Senator, a Member of this body, and Hillary Clinton, who was also a Senator and Member of this body, were debating what they saw as the future for health care. At the time candidate Obama opposed a mandate to buy insurance—a mandate which is now part of and which, actually, many call the linchpin of this health care law. It is the very thing that is going to be argued before the Supreme Court and upon which the Court will rule whether it is constitutional. It is at the heart of President Obama's health care law. He opposed it when he was a candidate. He actually made his opposition to the mandate one of the hallmarks of his primary campaign against then-Senator Clinton. So people scratch their heads and say: What is he really for? What does he stand for? When he was a Senator, he claimed that penalizing people for not buying health insurance was like “solving homelessness by mandating everyone buy a house.” Those were his words in talking about the impact of a mandate.

So here we are now, 2 years later, and three-quarters of the American people believe it is unconstitutional for this body, for Congress, and for any President to sign something that mandates they buy a government-approved product. We don't know what the Supreme Court will do, but the American people are significantly opposed to the key component of the President's health care law.

The President also said he wouldn't raise taxes. Yet there is a list of taxes that have been raised as a result of this health care law.

So it is not surprising that 2 years later there are more people opposed to the health care law than are supportive. Think about the President and the statements he has made and the statements made on the other side of the aisle in the runup to the health care law, and it is not a surprise that 2 years later people are saying: That is not what happened.

I remember the discussions and the debate on this floor about small businesses and the expenses this would place on our small businesses. The President said that 4 million small businesses may be eligible for tax credits. The key word there, of course, was "may." In fact, the IRS spent \$1 million in taxpayer money to mail millions of postcards to small businesses promoting the so-called tax credit. But the Treasury Department's inspector general—now 2 years later—testified recently that the volume of credit claims has been lower than expected—lower than Democrats promised, lower than the President talked about, but not lower than people who actually read the bill thought would occur because of the requirements and what would need to happen to apply, what the incentives were, and what the consequences were. Out of these promised 4 million small businesses that would get help, the Treasury Department's inspector general says only 309,000 firms have received the credit. That is 7 percent of the 4 million firms the administration and the Democrats in the Senate said would receive the tax credit. So when people look at that, they say: Did they really help me? The answer is no.

That is why, when I ask the second question at a townhall meeting—not the first, which is, Do you think you will end up paying more under the Obama health care law, the one that promised you would pay \$2,500 less, and all the hands go up, that they believe they are going to pay more—the second question is, Do you believe the availability and quality of your care under the Obama health care law is going to go down? And nobody wants that for themselves or their parents or their kids. When I ask, how many of you believe it is going to go down, everyone raises their hand. They all believe they will receive less—less availability, less quality, less timely care than they were able to achieve before the health care law was passed.

So that is why I come to the floor each and every week with a doctor's second opinion about the health care law, because each and every week there is something new that has been found out or a new regulation that comes out because let's not forget that in this very lengthy, very heavy health care

law, 1,700 times it says the Secretary of Health and Human Services will write rules and regulations, really describing what the law says.

When they take a very small part of the law, 4 or 6 pages relating to accountable care organizations, and come out with 400 pages of regulations about accountable care organizations, even those places the President holds up as models of where it works well, places such as the Mayo Clinic or the Utah health care system or Geisinger in Pennsylvania, many of those say: We cannot comply with all these rules and regulations that are now coming out from the Secretary of Health and Human Services.

Every week, a new series of rules and regulations comes out, a new series of mandates. Doctors and nurses are finding they are spending less time with patients and more time with paper and it is hurting the job creators of the country. They don't know what it is going to cost them, but they know it is going to cost more. The incentives and the consequences within the law are not those that are going to encourage businesses to continue to provide health insurance. I believe it is going to result in more and more people being dumped by their employers onto a different system, with significant expense to taxpayers around the country.

That is why I come to the floor, week after week, to talk about this health care law and say it is bad for patients, it is bad for the providers—the nurses and doctors who take care of those patients—and it is going to be terrible for taxpayers. That is why I believe we need to repeal and replace this terrible, broken health care law with something that is actually patient centered, which puts the patient at the center of the discussion. It is not government centered, it is not insurance company centered but patient centered.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. DURBIN. Mr. President, there is a bill that passed the House of Representatives with an overwhelming bipartisan vote. Its supporters have characterized it as a jobs bill. It is a bill

which, frankly, changes many laws and comes over to the Senate. The minority leader, the Republican leader, has been on the Senate floor almost every single day urging us to take up this bill as quickly as possible and to pass it because of the impact it might have on employment across America.

I might say for the record, I believe the bill we passed today, the Transportation bill, is the true jobs bill—2.8 million jobs across America. I will tell you, the House bill will not even get close to that on a good day. Our bill will save and create millions of jobs. It will build an infrastructure for our economy for years to come, and it passed with an overwhelming bipartisan vote. Over 70 Members of the Senate, Democrats and Republicans, voted for this bill. An extraordinary effort by Senator BOXER of California and Senator INHOFE of Oklahoma and many others resulted in a bill that was well crafted, balanced, and will, in fact, fund our infrastructure needs in this country for the next 2 years.

The House has been at a loss to produce a similar bill, even though we are both facing a March 31 deadline for this trust fund that is used across America to maintain our infrastructure. The House has moved from one extreme to another. They have crafted bills which were way too partisan.

This used to be the easiest lift in Washington. Every 5 years, the Federal Transportation bill was an opportunity for both parties to work together. Oh, it is true, Members would put in projects for their districts and States. That is to be expected. But at the end of the day, a bill would emerge which ultimately had strong bipartisan support. I cannot think of a single instance in the time I have been in the House and the Senate that was not the case.

The House effort, however, to this date has failed. I hope they can use our bill as a starting point. They should. If they bring our bipartisan bill to the floor of the House of Representatives and open it to amendment, then we will be at a position where we can sit together in a conference committee and work this out, as we should, on a bipartisan basis. It is a good jobs bill. In fact, it is the biggest jobs bill the Congress will have considered in the last year.

Let's go back to the bill that passed the House, which the Republicans have characterized as a jobs bill. I think it is important that before we rush into this, taking a look at it, we take a careful look at it and ask: What does this bill do?

This bill is designed to change disclosure, accounting, and auditing standards, and to exempt many firms and corporations from the Securities and Exchange Commission's oversight. One part of the bill exempts newly public

firms with less than \$1 billion in revenue from certain disclosure, accounting, and auditing standards over a transition period of 5 years after they first go public. It exempts firms with less than \$1 billion in revenue and less than \$700 million in traded stock—what they characterize as “emerging growth companies.” They would be exempt from regulation for the most part. That would, in fact, exempt more than 90 percent of the companies going public in America.

These so-called emerging growth companies would be exempt from SOX 404(b), which requires a firm’s auditor to attest to and report on internal controls. It would exempt firms from safeguards we adopted in this country after Enron.

There is little justification for rolling back the Dodd-Frank provisions on executive compensation. But firms would be exempt in many respects because of this bill. It is hard to imagine that a firm with \$1 billion in revenue does not have the resources to disclose golden parachutes in executive compensation agreements.

Exempting firms from new accounting standards would create a two-tiered accounting system that is bound to be confusing. The Financial Accounting Standards Board, FASB, says provisions legislating accounting standards would “undermine the rigorous, independent standard-setting process [already] undertaken. . . .” One other part of this bill increases the amount of capital private companies may raise under a public offering from \$5 million to \$50 million annually and remain exempted from SEC oversight.

They want to take a lot of this capital formation and business formation off the grid. They do not want oversight and disclosure and transparency. That is what this bill does. It fails to include a multiyear cap on the amount firms may raise and allows firms to raise \$50 million annually indefinitely while avoiding SEC registration and disclosures.

It goes on with something called crowdfunding. It allows firms to remain exempt from SEC registration and raise up to \$1 million annually through crowdfunding. What does that mean? Large numbers of individuals contributing a small amount of money to a company. Retail and unsophisticated investors will be allowed to invest up to \$10,000 through crowdfunding sites with few disclosure requirements.

There is another provision that allows private firms that sell more than \$5 million in securities to generally solicit or advertise private offerings without being required to register with the SEC, provided the firm verifies all purchasers are accredited investors. The risk of fraud through cold calls and other sales tactics increases significantly with the elimination of the requirement that firms have a pre-

existing relationship with potential investors.

In the early 1990s, the SEC allowed general solicitation but again restricted general solicitation in 1999 because of widespread fraud. The accredited investor standard is so low as to include individuals whose net worth is \$1 million or who have earned \$200,000 annually. It allows banks to raise capital while avoiding SEC registration by increasing the shareholder threshold from 500 shareholders to 2,000 and from \$1 million in assets to \$10 million.

It is no surprise that when we look carefully at this bill, even though it received a large vote in the House—I do not dispute that—many organizations oppose it. They include the Consumer Federation of America, AARP, Americans for Tax Reform, AFL-CIO, the Coalition for Sensible Safeguards, U.S. PIRG, the National Education Association, the National Consumers League, and the National Association of Consumer Advocates. There are other organizations with serious concerns, which include the Council of Institutional Investors, FASB, and North American Securities Administrators Association.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times from March 11 entitled “They Have Very Short Memories.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THEY HAVE VERY SHORT MEMORIES

House Republicans, Senate Democrats and President Obama have found something they can all support: a terrible package of bills that would undo essential investor protections, reduce market transparency and distort the efficient allocation of capital.

Of course, supporters don’t describe it that way. They say the JOBS Act—for Jumpstart Our Business Startups—would remove burdensome regulations that they claim have made it too difficult for companies to raise money from investors, impeding their ability to grow and hire.

Never mind that reams of Congressional testimony, market analysis and academic research have shown that regulation has not been an impediment to raising capital. In fact, too little regulation has been at the root of all recent bubbles and bursts—the dot-com crash, Enron, the mortgage meltdown. Those free-for-alls created jobs and then imploded, causing mass joblessness.

Unfortunately, election-year politics and powerful constituencies—rather than research and reason—are driving the JOBS legislation forward. It passed the House on Thursday, after the Obama administration endorsed it; the Senate leadership is expected to introduce a similar package this week.

Republicans love it because deregulation is at the core of their corporate-centered agenda. President Obama wants to burnish his pro-business credentials. Most Senate Democrats, keenly aware of big business’s deep campaign contribution pockets, are eager to go along.

The centerpiece of the bill would curb investor protections in the Sarbanes-Oxley law that require companies to meet specific dis-

closure, accounting and auditing standards before going public. The legislation is promoted as applying only to small companies, but the parameters would encompass all but the nation’s biggest new companies.

It would also let new public companies delay compliance with provisions of the Dodd-Frank law on executive compensation and shareholder “say on pay.” Another provision would permit “crowd funding”—raising money from small investors through the Internet—without requiring those companies to provide meaningful disclosure and without adequate oversight by the Securities and Exchange Commission. John Coffee Jr., a securities law expert, has dubbed that the “Boiler Room Legalization Act.”

Yet another provision, opposed by AARP and state regulators, would allow private companies to solicit investors, a move that could expose unsophisticated investors to offerings that they cannot properly evaluate.

Dozens of legal experts and advocates for investors and consumers have written to Senate leaders warning that extensive revisions must be made to the House legislation for it to be even minimally acceptable.

We know memories are short in Washington. But Enron was just 10 years ago. And the entire system almost imploded in 2008. There is no excuse.

Mr. DURBIN. This editorial states, in part:

House Republicans, Senate Democrats and the President have found something they can all support: a terrible package of bills that would undo essential investor protections, reduce market transparency and distort the efficient allocation of capital.

Never mind that reams of Congressional testimony, market analysis and academic research have shown that regulation has not been an impediment to raising capital. In fact, too little regulation has been at the root of all of our recent bubbles and bursts—the dot-com crash, Enron, the mortgage meltdown. Those free-for-alls created jobs and then imploded, causing mass joblessness.

The centerpiece of this bill would curb investor protections in the Sarbanes-Oxley law that require companies to meet specific disclosure, accounting and auditing standards before going public. The legislation is promoted as applying only to small companies, but the parameters would encompass all but the nation’s biggest new companies.

I have been down this path before. I have been in Congress long enough to remember some of these bubbles, remember the victims and the losers when it was all over, the exuberance of deregulation which led, sadly, in many instances, to an unregulated marketplace where greed triumphed.

After each financial crisis, the savings and loan crisis, Enron, the housing and economic crash of 2008, this body has investigated and attempted to learn from the lessons of the past. How many times on this floor have Senators debated measures to ensure that we do not face another Enron, where shareholders lost between \$40 and \$60 billion in investments and employees lost \$2.1 billion in pension plans, not to mention their jobs. We promised that would never happen again. We established standards of regulation, which we are now proposing to waive in this so-called jobs act.

I worked with my colleagues in the wake of the 2008 economic slide to pass the Dodd-Frank Act, to close the loopholes that resulted in millions of families losing their homes and \$17 trillion in lost household and personal wealth. We learned from the past and worked together to provide oversight where regulation was just too lax. We passed commonsense rules to ensure consumers and investors were protected.

Just a few years later, after that crisis brought our economy to its knees, it seems some have forgotten those lessons. It was not too much regulation that led to the financial crisis of 2008. We did not get into that mess because agencies such as the SEC had too much power. It was the other way around. It was deregulation of the 1990s and Federal agencies turning a blind eye to activities that precipitated the global financial meltdown.

Regulatory agencies were underfunded, overwhelmed, and often limited in their authority. That does not mean we should do nothing. There are things we can do to ease the burden on companies looking to raise capital and create jobs.

There are commonsense measures to help small businesses access capital. We can exempt employees from counting toward shareholder limits, so these companies can reward their employees with stock options. We can increase the amount of money startups can raise, while still being exempt from SEC registration. There are things we can do to help companies grow and create jobs, while still protecting investors.

But the bill passed by the House does not do that. The House-passed bill says that more than 90 percent of newly public firms do not have to comply with Federal disclosure, accounting, and auditing standards. This means that when an investor is making a decision about which newly public firms to put their hard-earned money in, they will not have access to basic vital information about those firms.

How can investors make good, sound decisions about where to invest their savings and their money when some firms, those that have recently gone public, will not have to comply with new and improved accounting standards but all other firms will? The House-passed bill does not have enough protection for everyday investors who are considered unsophisticated in the financial sector, those who may not fully understand the risks of investing through an online crowdfunding Web site.

At a recent Senate Banking hearing, Professor John Coffee, from the Colombia University Law School, said: The crowdfunding technique is especially open to fraud because the companies that use it are most likely brandnew entities that do not have any operating history and might not even have financial statements.

Professor Coffee said: Those firms would be flying on a wing and a prayer, selling more hope than substance. The House-passed bill would allow firms to advertise and sell their stock through cold calls and other sales tactics. That is an invitation to fraud.

In this situation, someone can promise investments with high return with little risk. The Center for Retirement Research at Boston College calls this "the magician" and reports that seniors are three times more likely to be the victims of this type of fraud.

There is room to improve this bill to allow small businesses to grow and create jobs, but we have to do it with an eye toward oversight, transparency, and rules of the road which protect the average investor.

This so-called jobs bill creates a job opportunity for any individual salesman to set up shop with a barstool and a laptop computer. They can be selling worthless stock for phantom companies. This bill invites them to fleece unsuspecting customers of up to \$10,000, promising that they will own certain companies. It can turn out that these companies have no assets, no business model, and may not even exist.

In the name of deregulation, these fraudsters could even include those who have been banned for life from the securities industry. That was a point that was raised by Professor Coffee's testimony. This bill is written to allow new salesmen to come on the scene and does not put any provision in there to prohibit those who have been banned by the securities industry from sales of securities.

Why would we invite the thieves back into the marketplace? This half-boiled concoction of ill-conceived ideas skirts, evades, and nullifies investor protection and market transparency standards that were enacted in response to the dot-com crash, the Enron debacle, and the litany of bubbles and bursts that have cost legions of unsuspecting Americans their savings, their jobs, and their retirement.

I quote one paragraph from the New York Times editorial:

The centerpiece of the bill would curb investor protections in the Sarbanes-Oxley law that require companies to meet specific disclosure, accounting and auditing standards before going public. This legislation is promoted as applying only to small companies, but the parameters would encompass all but the nation's biggest new companies.

Literally, 90 percent of the new companies would be exempt under this provision. Exempting firms with less than \$1 billion in revenue and less than \$700 million in traded stock, so-called emerging growth companies, would exempt more than 90 percent of the companies going public, according to testimony before the Senate Banking Committee.

The delay in compliance with Dodd-Frank on executive compensation is

particularly cheeky. Do you recall this? We sent billions of dollars to banking institutions as a result of the bailout to save them from their own stupidity and greed, and they turned around and gave executive compensation and bonus awards right and left to the very people who had engineered this disaster. We said when we passed Dodd-Frank, that was the end of that story. We were going to change it.

One of the Dodd-Frank provisions: In February 2009, Senator Christopher Dodd, a Connecticut Democrat who was chairman of the Senate Banking Committee, inserted a rule about pay at bailed-out banks into the economic stimulus. The rule did nothing to change the bonuses that had just been paid a few weeks earlier, but it required that bonuses paid in the future be paid in stock and not exceed one-third of total compensation. The idea was to create the right incentives, the incentives to be a larger owner of the company, into decisionmaking, not take the money and run.

Now comes this so-called jobs bill and exempts executive compensation standards. Firms with \$1 billion in revenue certainly have the resources to disclose golden parachutes and insidious good old boy compensation packages.

I ask unanimous consent to have printed in the RECORD a stunning article from the New York Times this morning, written by Greg Smith, entitled, "Why I Am Leaving Goldman Sachs."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 14, 2012]

WHY I AM LEAVING GOLDMAN SACHS

(By Greg Smith)

Today is my last day at Goldman Sachs. After almost 12 years at the firm—first as a summer intern while at Stanford, then in New York for 10 years, and now in London—I believe I have worked here long enough to understand the trajectory of its culture, its people and its identity. And I can honestly say that the environment now is as toxic and destructive as I have ever seen it.

To put the problem in the simplest terms, the interests of the client continue to be sidelined in the way the firm operates and thinks about making money. Goldman Sachs is one of the world's largest and most important investment banks and it is too integral to global finance to continue to act this way. The firm has veered so far from the place I joined right out of college that I can no longer in good conscience say that I identify with what it stands for.

It might sound surprising to a skeptical public, but culture was always a vital part of Goldman Sachs's success. It revolved around teamwork, integrity, a spirit of humility, and always doing right by our clients. The culture was the secret sauce that made this place great and allowed us to earn our clients' trust for 143 years. It wasn't just about making money; this alone will not sustain a firm for so long. It had something to do with pride and belief in the organization. I am sad to say that I look around today and see virtually no trace of the culture that made me

love working for this firm for many years. I no longer have the pride, or the belief.

But this was not always the case. For more than a decade I recruited and mentored candidates through our grueling interview process. I was selected as one of 10 people (out of a firm of more than 30,000) to appear on our recruiting video, which is played on every college campus we visit around the world. In 2006 I managed the summer intern program in sales and trading in New York for the 80 college students who made the cut, out of the thousands who applied.

I knew it was time to leave when I realized I could no longer look students in the eye and tell them what a great place this was to work.

When the history books are written about Goldman Sachs, they may reflect that the current chief executive officer, Lloyd C. Blankfein, and the president, Gary D. Cohn, lost hold of the firm's culture on their watch. I truly believe that this decline in the firm's moral fiber represents the single most serious threat to its long-run survival.

Over the course of my career I have had the privilege of advising two of the largest hedge funds on the planet, five of the largest asset managers in the United States, and three of the most prominent sovereign wealth funds in the Middle East and Asia. My clients have a total asset base of more than a trillion dollars. I have always taken a lot of pride in advising my clients to do what I believe is right for them, even if it means less money for the firm. This view is becoming increasingly unpopular at Goldman Sachs. Another sign that it was time to leave.

How did we get here? The firm changed the way it thought about leadership. Leadership used to be about ideas, setting an example and doing the right thing. Today, if you make enough money for the firm (and are not currently an ax murderer) you will be promoted into a position of influence.

What are three quick ways to become a leader? a) Execute on the firm's "axes," which is Goldman-speak for persuading your clients to invest in the stocks or other products that we are trying to get rid of because they are not seen as having a lot of potential profit. b) "Hunt Elephants." In English: get your clients—some of whom are sophisticated, and some of whom aren't—to trade whatever will bring the biggest profit to Goldman. Call me old-fashioned, but I don't like selling my clients a product that is wrong for them. c) Find yourself sitting in a seat where your job is to trade any illiquid, opaque product with a three-letter acronym.

Today, many of these leaders display a Goldman Sachs culture quotient of exactly zero percent. I attend derivatives sales meetings where not one single minute is spent asking questions about how we can help clients. It's purely about how we can make the most possible money off of them. If you were an alien from Mars and sat in on one of these meetings, you would believe that a client's success or progress was not part of the thought process at all.

It makes me ill how callously people talk about ripping their clients off. Over the last 12 months I have seen five different managing directors refer to their own clients as "muppets," sometimes over internal e-mail. Even after the S.E.C., Fabulous Fab, Abacus, God's work, Carl Levin, Vampire Squids? No humility? I mean, come on. Integrity? It is eroding. I don't know of any illegal behavior, but will people push the envelope and pitch lucrative and complicated products to clients even if they are not the simplest invest-

ments or the ones most directly aligned with the client's goals? Absolutely. Every day, in fact.

It astounds me how little senior management gets a basic truth: If clients don't trust you they will eventually stop doing business with you. It doesn't matter how smart you are.

These days, the most common question I get from junior analysts about derivatives is, "How much money did we make off the client?" It bothers me every time I hear it, because it is a clear reflection of what they are observing from their leaders about the way they should behave. Now project 10 years into the future: You don't have to be a rocket scientist to figure out that the junior analyst sitting quietly in the corner of the room hearing about "muppets," "ripping eyeballs out" and "getting paid" doesn't exactly turn into a model citizen.

When I was a first-year analyst I didn't know where the bathroom was, or how to tie my shoelaces. I was taught to be concerned with learning the ropes, finding out what a derivative was, understanding finance, getting to know our clients and what motivated them, learning how they defined success and what we could do to help them get there.

My proudest moments in life—getting a full scholarship to go from South Africa to Stanford University, being selected as a Rhodes Scholar national finalist, winning a bronze medal for table tennis at the Maccabiah Games in Israel, known as the Jewish Olympics—have all come through hard work, with no shortcuts. Goldman Sachs today has become too much about shortcuts and not enough about achievement. It just doesn't feel right to me anymore.

I hope this can be a wake-up call to the board of directors. Make the client the focal point of your business again. Without clients you will not make money. In fact, you will not exist. Weed out the morally bankrupt people, no matter how much money they make for the firm. And get the culture right again, so people want to work here for the right reasons. People who care only about making money will not sustain this firm—or the trust of its clients—for very much longer.

Mr. DURBIN. I will tell my colleagues, read this article, read it and understand that there is a changing ethos and a changing standard at some of these major corporations; that the pursuit of profit has led this man who was one of the stars on the horizon in this industry to pick up and leave one of the largest firms in America.

It is also an indication of why we need to continue our vigilance over this industry to make certain that the right market forces prevail. Crowdfunding, where they try to get a lot of small investors in a hurry, brings organized fleecing to the Internet, letting the next generation of Ponzi players go viral.

Let's call this crowdfunding for what it is. It is Internet gambling, and the odds will never favor the investor. When these wired Willy Lomans are finished exploiting the unsuspecting investors out of their savings, their retirements and their homes, guess what will happen. Congress will be called on again to come in with a reform bill to clean up the mess and repeal this piti-

ful package until the next wave of deregulation is called for by those who are inspiring this piece of legislation.

I know who ends up holding the bag when the deregulators have their day. I know who ends up losing when we open the so-called market forces without oversight transparency. First, ordinary folks investing their savings in something that looks like a good idea, trying to recover from the beating they took in the market, trying to rebuild their retirement accounts, buying worthless stock in worthless companies that is being invited by many of the provisions in this bill.

Then, when it certainly goes to the bottom, when everyone is desperate, no one knows which way to turn, who will step in? Taxpayers and Congress. We will be called on to clean up this irrational exuberance that is supposedly going to create new jobs. I think we got it right. I think the standard we have now establishes the transparency and accountability which we need to demand of every aspect of the marketplace.

Certainly, we can change some of these laws. We can be mindful and sensitive to some aspects of it. But this bill goes entirely too far. There will be a substitute offered. I am working with several of my colleagues: Senator JACK REED, Senator CARL LEVIN, Senator JEFF MERKLEY, Senator MICHAEL BENNET, Senator MARY LANDRIEU, and others to put a provision forward, a substitute, which makes the changes to allow capital formation but does not take down the basic protective regimen we have established in the law for those who are in this industry.

We make a serious mistake and we ignore history if we turn our backs on 80 years of this government stepping up to make sure the marketplace in America was safe for investors, to make certain the person selling a stock was actually a well-qualified person, registered so they knew what they were doing and were held accountable for any wrongdoing, to make certain that companies we buy stock in actually exist, and to make certain those who are the most vulnerable in America do not lose everything because this Congress decided to look the other way because someone wants to take a profit out of an idea.

This is an important measure. Every day, the Republican leaders came to the floor and said: Call it immediately. Let's go. Let's get it done. We need to at least take the time to reflect on it, to offer an alternative to it, and to do something which is exceedingly rare on the floor of the Senate, have a debate. How about that? The Chair was engaged in debate in his youth. He knows that perhaps good ideas can be exchanged in that process.

The closest we have to debates now is 2 minutes, equally divided. That does not cut it, not for the Senate and not

for a bill of this importance. I urge my colleagues, before they rush to judgment, that because it passed the House with a big measure, that it certainly has to be a good bill, take the time to read it.

Many people, including myself, who years ago were lured into the repeal of Glass-Steagall because of the notion of letting 1,000 flowers bloom, realized what happened. When it was all over, there were no flowers. Unfortunately, what was left was the rubble of the recent recession. It is time for us to vow not to make that mistake again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

JUDICIAL NOMINEES

Mr. REID. Madam President, I am pleased that my friend Senator MCCONNELL and I have been able to reach an agreement to approve a number of judicial nominations in the coming weeks. The senior Senator from Vermont, Chairman LEAHY, has kindly added his wisdom to make this a better agreement, and for that I am very grateful. This is a victory for our Nation's justice system.

While I still believe the Senate should confirm all these nominations this afternoon to address the judicial vacancy crisis we face in this country, the step forward is one we should all feel good about. The Senate will hold up-or-down votes on seven district court judges before the end of this work period. We will vote on another five district court and two circuit court nominations by Monday, May 7.

Among the 14 judges, the Senate will consider Miranda Du. Miranda Du is a very well known lawyer in Nevada, but the interesting thing about this good woman is that she is representative of the true American success story.

She was born in Vietnam. At the end of the war in Vietnam, people who were of Vietnamese ancestry could not leave if they were fullblooded Vietnamese. If they weren't, as Miranda was, they let them go, and she left Vietnam with her family in a boat when she was just 8 years old. She was in refugee camps and finally, when she was 9 years old, wound up in Alabama—not, of course, speaking any English—with her family. She speaks—not that it matters—without a single trace of any accent.

She is such a good lawyer, and I was so happy when I introduced her before the Judiciary Committee at a hearing. Her parents were there, her family was there. It was a wonderful opportunity to see what America is all about.

As I have indicated, she has extensive litigation experience and an enormous love and appreciation for Nevada. I look forward to confirming this woman who has such a tremendous dedication to public service.

Approving 14 new judges speaks to the progress we can make when we here in the Senate work together. More work remains to fill all the Nation's vacant judicial seats and ease the backlog of cases in our courts. We can't jeopardize the right to a fair and speedy trial for 160 million Americans who now live in districts with judicial vacancies. Some of them even have judicial vacancies that are emergencies. It is crucial that bipartisan cooperation continue and the pace of confirmations move forward. With 1 in 10 Federal judgeships vacant in our country, more delays would circumvent the will of the people.

The American Bar Association says that shortage of judges and the backup in our courts is "bad for business, it's unfair to individuals, and it . . . ultimately costs taxpayers money."

This shortage of judges is also unnecessary.

Again, I am pleased there has been an agreement to confirm these 14 judges without wasting any more of the Senate's time.

I think we can all agree, regardless of political party, that we must act quickly on the small business jobs bill that was passed overwhelmingly by the House. Democrats are eager to move this bill forward, which will improve innovators' access to capital and streamline how companies sell stock.

Democrats will also introduce bipartisan legislation to reauthorize the Export-Import Bank—referred to as the Ex-Im Bank—which will create 300,000 jobs and generate more than \$1 billion of new revenue for our country. The minority leader has supported the Export-Import Bank in the past. This leg-

islation also has the total support of the national chamber of commerce. So it will build on the important work we have done this week to help create jobs. It isn't a 2.8 million job creator as is our highway bill, but it is an important piece of legislation to allow capital formation to be made much more rapidly.

Today the Senate passed this Transportation jobs bill which is such a job creator that it is one of the rare occasions we have here in Senate where we can really look to creating, with one vote, millions of jobs. Today we also, of course, as I have just indicated, reached a bipartisan agreement to ease the delays in our Nation's courts. Passing a small business jobs bill that helps companies expand and export their products would be yet another bipartisan accomplishment of which the Senate can be proud. To that, I refer the Ex-Im Bank.

I appreciate my friend from Iowa being patient. It seems that there are times when he wants to really speak, and sometimes I don't know he is coming, but it seems I show up at about the same time.

The PRESIDING OFFICER. The Senator from Iowa.

JUDICIAL NOMINATIONS

Mr. GRASSLEY. Before I ask permission to speak as if in morning business. I don't disagree with anything the majority leader said, but I would like to bring these facts out about judicial vacancies.

There are 83 judicial vacancies, and some of those are emergencies. And in the case of the total of 83 vacancies, the President has only sent up 44 nominees for those 83 vacancies. So I want to make it very clear—and it is something that is quite obvious—that the U.S. Senate or any of its leaders can't be expected to act upon vacancies where the President hasn't submitted nominees.

I think it is intended to make Republicans look bad when they use those vacancies as a statistic without making it clear that the President of the United States is the one who is dragging his feet as far as filling those vacancies.

Madam President, I ask unanimous consent to speak for 25 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOD AUDITS

Mr. GRASSLEY. Madam President, one or two times a year, out of the many speeches I give on the floor of the Senate, I report to my colleagues on a crusade I have to wake up the Department of Defense to give more respect to audit reports coming out of the Office of Inspector General.

In the last 2 years I have been very critical, and I am somewhat critical now, but there has been vast improvement by the Department of Defense in responding to their use and the quality of their audits.

So I am coming to the floor once again to report on the latest results of my ongoing audit oversight and review. I will refer to some figures, but to kind of give you an overview, each year for the last 3 years we have roughly reviewed in my office between 100 and 120 audit reports.

You have all those reports that have recommendations in them, and we have seen a reluctance to move ahead to carry out the results of those audits, and in so many instances we would save so much money if the audit reports were carried out. When you spend \$100 million every year in the Office of Inspector General of the Department of Defense, you would expect that you ought to get some results from that \$100 million expenditure, and we are seeing some improvement.

Our work examines audits issued by the Office of Inspector General of the Department of Defense. After receiving anonymous letters in early 2009 alleging mismanagement of audit resources, I and my staff initiated an in-depth oversight review. This is my third report in that series. The goal of the report is to assess audit quality in 2011 and make recommendations for improvements.

I am doing this work for one important reason. Like investigations, audits are a primary oversight tool. In fact, audits may be the most important tool, and that is because the auditor's core mission is to watchdog how the taxpayers' money is being spent in the Department of Defense. That puts them on the money trail 24/7. If fraud is occurring, that is where it will happen. That is where they need to be, and hopefully the auditors will find it.

These audits cost the taxpayers, as I said before, roughly \$100 million a year. Are the auditors getting the job done? Are they rooting out waste and fraud, and as a result are they attempting to save the taxpayers money?

My first report was published on September 7, 2010, and clearly indicated that the audit oversight capabilities in the Office of Inspector General were seriously degraded. The inspector general at that time, Gordon Heddell, responded to my first report in a very constructive way: he promptly approved a transformation plan designed to improve audit quality.

In order to assess progress on reforms, I issued a second report on January 1, last year. I called this one a report card. It evaluated and graded 113 reports issued during fiscal year 2010. I awarded those 113 reports a grade of D-minus. The low overall score was driven by the very same deficiencies pinpointed in my very first report. Instead

of being hard-core, fraud-busting audits, most reports were policy and compliance reviews. There was little or no attempt to even verify the exact dollar impact of the misguided policies examined. Such reports offered zero benefit to the taxpayer, though many of these reports were mandated by the Congress of the United States.

Out of those 113 reports, I identified 27 good reports that involved commendable and credible—and in some cases nitty-gritty—audit work. Were it not for their long completion times, all of those 27 reports would have earned very top scores.

At the conclusion of the second audit report, my staff presented a list of the “Top Nine Audit Roadblocks” standing in the way of reform. After the second report was issued, Inspector General Heddell issued a sharp rebuttal, disagreeing with me very much. He complained that I did not give sufficient credit for 18 audits that identified \$4.2 billion in potential monetary benefits.

I addressed Inspector General Heddell's criticism on the floor of this Senate on two separate occasions, July 5 and July 28 of last year. At that time I admitted he had a legitimate gripe about my report. My staff reviewed the matter and upped the score on 12 of the 18 reports, but those adjustments did not move the overall score of the 113 reports out of that D range.

Today I am issuing my third audit oversight report. This one examines the latest batch of reports, the 121 reports issued between October 1, 2010, and September 30, 2011. They are known as the fiscal year 2011 audits. I am giving those reports an overall score of 3.51 or C-plus.

As my report indicates, there was an across-the-board improvement in every category except one, timeliness. I am very happy to report to my colleagues that audit quality appears to be improving. The best possible indicator of improvement is the doubling of top-rated reports. Those numbers jumped from 27 reports, or 25 percent of the total in 2010, to 70 reports or 58 percent of the total production last year. That is better than a twofold increase. The auditors have achieved a breakthrough. The apparent progress is promising.

The most important area of improvement in audit quality was in the strength of the recommendations. There was a surge in this key area. It was propelled by calls for accountability and recovery of wasted money. Although modest and limited in number, these initiatives had force. Recommendations are the business end of an audit, and these recommendations were based on rock-solid findings.

At least 50 reports of the 121 arrived at findings that documented flagrant mismanagement, waste, negligence, fraud, and even potential theft. Sixteen of these reports recommended that responsible officials be considered for ad-

ministrative review. A comparable number contained recommendations for the recovery of improper payments, and 10 reports, largely those on “stimulus” projects coming out of the \$814 billion stimulus bill that was voted on in February of 2009, recommended—on those 10 reports—that wasteful projects be terminated.

These reports jumped out at me, as I hope they would you, if you read these. These are quite remarkable. But 50 reports with rock-solid findings should generate 50—not just 16—sets of hard-hitting recommendations. So I am sorting out 16 out of the 50 for special recognition. These 50 reports add up to a good beginning, but they do not confer world-class status on the inspector general's audit office. Within the grand totality of the 121 reports published in 2011, they are a drop in the bucket. The vast majority of the reports still offer weak recommendations. Most reports merely instruct audit targets to do what they already are required to do under law and regulation. In my opinion, that is a waste of ink and paper.

There are still four distinct trouble spots needing intense management attention. The biggest problem continues to be the number of unsatisfactory reports. While I can no longer say most reports were poor, at 40 percent the proportion of low-scoring reports remains unacceptably high. Those reports continue to suffer from the same deficiencies identified in a report commissioned by Inspector General Heddell in response to my first report 3 years ago. This report was produced by two independent consulting firms and dated October 7, 2010. It is known as the Quest Report.

Their conclusion, which matched by own, was as follows:

We do not believe Audit is selecting the best audits to detect fraud, waste and abuse. The organization does not audit what truly needs to be done. Some audits hold little value in the end.

As I have said many times, far too many audits offer little or no benefit to the taxpayers. That was still true in 2011.

Long audit production times remain another big problem. Old reports offer stale information that weakens the power and relevance of audit reports. Between 2010 and 2011, the average time needed to complete reports jumped from 13 months to 16 months. As I understand it, those numbers do not tell the full story because they do not include the extra weeks or months reportedly needed for the planning and approval process that occurs before an audit even begins. Add those numbers together and we are looking at probably 1½ years to publish a completed audit. Stale information reduces audit impact to zero over a period time.

The Quest Report previously referred to pinpointed the root cause of this problem: “It is apparent that in the

planning phase of audit selection, audits are written to fit a team as opposed to a team established to conduct the needed audit."

Such organization inflexibility drives long completion times. It also leads to the publication of audits having objectives that are so narrow and limited in scope that they are virtually worthless. Audit teams need to be organized to support more challenging and relevant audit tasks. Mr. Blair indicated recently he was moving in that direction.

There are two other outstanding problems. Far too few reports—just the nine in all—verified actual payments using primary source accounting records. Failing to nail down exact dollar amounts of waste and mismanagement, including those resulting from misguided policies, ends up undermining the credibility and completeness of audit reports.

I will give you an example. Using invoices and contracts to estimate payments would not appear to meet the most stringent audit standards. A more acceptable procedure is essential because of the Defense Finance and Accounting Service's longstanding track record of making erroneous and unauthorized payments. In the face of such sloppy accounting practices, verification of payments should be mandatory.

Last, referral rates to the Defense Criminal Investigative Service, the DCIS, are still far too low. Only five reports generated potential criminal referrals, which appears to point to a lack of concern about fraud. Surely there was enough grist in the 50 reports which documented egregious waste and misconduct to warrant additional referrals to the Defense Criminal Investigative Service and/or the Justice Department.

A number of audits stand out as candidates for further review and possible prosecution. I have urged Secretary Panetta and the acting inspector general to reexamine some of these issues. Acting IG Halbrooks has put the public spotlight on disgraceful and scandalous waste and alleged misconduct that demands accountability. Unfortunately, unless the recommendations in those hard-hitting audits are somehow converted to concrete action, all this good work will amount to nothing more than a bunch of auditors "howling in the wilderness." It will simply "fall through the cracks."

Converting tough recommendations into concrete action takes determination and it takes relentless followup. The key is making such agencies do what they agreed to do at the conclusion of an audit. However, all indications suggest that corrective actions proposed in 16 hard-hitting reports have run into some serious roadblocks in the Pentagon bureaucracy. Without high-level intervention—in other words, eliminating those roadblocks in

the Pentagon bureaucracy—most if not all accountability and savings measures could be slowly and quietly quashed in the bureaucracy.

A recent report from the Navy surely indicates that this fate awaits at least 1 of those 16 reports, and probably all the others as well. In order to assist in the audit resolution process, I have asked Secretary Panetta to conduct a top-level review of all the allegations contained in those 16 most disturbing reports, out of the 121 that we looked at in this last year. I urge the Secretary to establish a reasonable path forward on all unresolved recommendations. Until there are meaningful consequences and real penalties for such gross waste and misconduct, the culture of the organizations involved will not change.

In other words, that culture is going to perpetuate a lack of concern and action on the recommendations of these auditors because in a bureaucracy, not just in the Department of Defense, if heads don't roll you are not going to see any change in the culture. Without accountability there will be no positive results. Good audit value will go down the drain. Unabated waste of the taxpayers' money will continue.

Clearly, significant progress was achieved between 2010 and 2011, but the inspector general's audit capabilities are not yet out of the woods. Much more work remains to be done. Management needs to build on the strengths exemplified by the 50 reports containing rock-solid findings and 16 sets of hard-hitting recommendations. Those reports could be used as models or building blocks for improving audit quality in the future.

In order to start producing more top-quality reports, management needs to consider the following suggestions, of which I have eight: Bring report recommendations into balance with the findings; increase calls for accountability and recovery of improper payments; verify all payments using primary source accounting records; organize audit teams to match more complex and challenging tasks; pick up the pace of fraud referrals to the Defense Criminal Investigative Service; develop a more effective audit followup strategy; and lastly, follow up to ensure that prosecutions occur where warranted or necessary.

These adjustments should be achieved using available resources. Correct these problems and top-quality reports will be the norm. All these goals are within easy reach. Once accomplished, audits will be fully aligned with the core mission of the inspector general.

In closing, I want all the auditors in the inspector general's office to know that I consider their oversight mission to be of the highest importance. There is nothing more important to the taxpayers than having an aggressive team

of auditors watchdogging how the taxpayers' money is being spent. I know there has been a concerted effort over the past few years to improve the quality of their work. I deeply respect, deeply appreciate, and will support these efforts. They are starting to pay off. I can see the results of all the hard work.

I encourage all the auditors to keep moving ahead until the job is finished, and I urge Mr. Blair to unleash the auditors. I want them to be tigers. Encourage them to call waste what it is—waste. Let them follow their instincts and the guidance in their audit manuals that instructs them to: "Think fraud and plan audits to provide a reasonable assurance of detecting fraud."

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS LENDING ENHANCEMENT ACT

Mr. UDALL of Colorado. Madam President, I have come to the floor to speak about an opportunity to expand capital for small businesses by lifting the arbitrary limit on the credit unions ability to serve small businesses. I have done this on a number of occasions over the last couple of years so the President knows that this is a cause that is important to me. It is important to me because there is a phenomenon in our country where small businesses are starving for credit. Yet the Federal Government is still standing in their way.

I am talking about the smallest of small local businesses. These are the men and women who need \$50,000, \$100,000 or maybe \$200,000 to move from their garage to a retail storefront, to renovate their sales floor or upgrade their equipment and expand. They are often too small to be worth a bank's time or they don't fit the lending guidelines of the bank's corporate headquarters. But these small business owners know credit unions in their community have money to lend and these credit unions truly want to help. They probably see each other at Little League games, church, play cards together—they socialize. Instead of being able to offer the bridge loans that the small local businesses need, the credit unions end up saying: Sorry, we want to help you but the Federal Government has set a limit on how many businesses we can loan funds to.

Now we are moving to the Jumpstart Our Business Startups Act, or the JOBS Act, that the House passed last week. That bill is aimed at increasing the availability of credit to startup companies by expediting and easing the process of undergoing an IPO, or an initial public offering. I think that is a noble goal, especially as our economy still struggles to create jobs. But the problem is we are still leaving the little guys behind—the people in each and every one of our neighborhoods who want to expand their businesses and hire people as soon as possible.

Unfortunately, the JOBS Act is aimed at companies with revenue under \$1 billion. Let me repeat that—billion with a B. These companies may well need help with IPOs, but I am talking about offering relief to traditional Main Street businesses.

I am still committed to allowing credit unions to increase the amount of money they can lend to small businesses. So I will, once again, introduce the bipartisan Small Business Lending Enhancement Act as an amendment which would open additional credit to small businesses without costing taxpayers a dime.

I know the Presiding Officer has many small, wonderful towns in her State where she sees many small businesses. I wish to talk about a couple small businesses in my State. Stacy Hamon is a Coloradan who owns the 1st Street Salon in Thornton. She was turned away by a bank because her loan was too small to be worth the risk. She went to her credit union. They wanted to help her. They helped her. She opened a larger business and she has created jobs in the process.

I am also talking about people such as Lisa Herman of Broomfield, CO. She is the co-owner of Happy Cakes Bake-shop in Denver's Highland Square, and she needed a loan to expand and cater more weddings. She was turned away by her bank. She went to her local credit union and that credit union was able to provide her with the loan she needed to continue to grow her successful business and hire more Coloradans.

Stacy and Lisa don't need a \$1 billion IPO, they need a small bridge loan. We could be making an enormous difference in these local communities with mere pennies on the dollar, which is what the JOBS Act is focused on. Yet my amendment would be the only single piece of the JOBS Act that would actually help small businesses or directly create jobs.

Put simply, credit unions specialize in these small loans to small business. In fact, the average credit union small business loan is just \$219,000. In contrast, the Federal Reserve has told us many banks have quit considering loans under \$200,000 because they are not worth their time.

Credit unions know these small business owners and they have money to

lend to them. Unfortunately, Federal law still limits the amount of small business loans a credit union can extend to 12 percent of their assets. Nearly 350 credit unions are facing this cap and over 500 are having to slow down or stop their business lending altogether. That is hard to believe; it seems such a missed opportunity. In effect, we in government are telling these financial institutions they cannot help create jobs in their local communities. That is why my amendment would double the amount of money credit unions can offer small businesses.

Let me turn to my friends in the banking sector. We have heard from banks over the years, and they say they think it is unfair that they have to compete with the credit unions. The fact is this isn't about banks or credit unions; it is about small business. These financial institutions, quite frankly, serve very different small business populations. Credit unions serve the smallest of small businesses that often must resort to relying on credit cards with comparatively high interest rates in order to invest in equipment to grow their businesses.

These are business owners who have been turned away or ignored by large banks. We are talking about new loans to new and growing small businesses. After over 100 years of lending to small businesses, credit unions only represent 5 to 6 percent of all small business loans. Even if increasing the limit on credit union lending were to double their market share, banks would still have 90 percent of the market to themselves.

I have also heard the banks say this proposal is unproven or somehow an unsound way of increasing small business loans. But the truth is credit unions have been making small business loans since their inception in the early 1900s. That is, by my math, over 100 years. It wasn't until 1998 that there were any limits whatsoever on how much they could lend.

The credit unions' own regulator, the National Credit Union Administration, has endorsed lifting or even eliminating the small business lending cap. The NCUA chairman testified before Congress that "increased business lending is good not only for the credit union, but also for its members and the communities in which the credit union operates."

I have to say I am frustrated. Why can we not agree on uninhibited small business support growth and job creation? Let's not let the squabbles between banks and credit unions keep these jobs from out-of-work Americans.

I will conclude by acknowledging that we passed earlier today a bipartisan transportation bill and, in so doing, we voted on amendments dealing with everything under the Sun, from contraception to privatizing rest stops. So I sure hope we can have an

open amendment process during consideration of the JOBS Act and include this important amendment, this important legislation, which would help small business. After all, if we are going to tell the American people this bill is about increasing access to capital—we have heard that said over and over, that this is about access to capital—we sure better be willing to start with those small business owners on Main Street. Colorado common sense and New Hampshire common sense could prevail. We ought to at least have a chance to consider this important issue and to debate this idea on the floor of the Senate and, I hope, include it in the JOBS Act. Because access to capital is what is needed right now and the credit union sector is willing and able to do so.

Madam President, thank you for your attention. I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BENNET. Madam President, I ask unanimous consent that the period for morning business be extended until 7 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 3606

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m., Thursday, March 15, the Senate proceed to the consideration of Calendar No. 334, H.R. 3606, the IPO bill.

The PRESIDING OFFICER. Is there objection? The Senator from Oregon.

Mr. MERKLEY. Mr. President, reserving the right to object, I am going to explain my concerns. Let me start by quoting George W. Bush. George W. Bush said, "Free markets are not a jungle in which only the unscrupulous

survive, or a financial free-for-all guided only by greed.”

He continued:

Tricking an investor into taking a risk is theft by another name.

We are in the process of considering taking a House bill related to the production of capital for small and emerging businesses and considering it on the floor of the Senate without due process by the Senate Banking Committee. We need that process because the House bill is full of problems for investors. It will create a marketplace where investors can be deeply damaged.

It is our responsibility in this body to make sure that as we produce a streamlined system for small companies and startup companies to access capital that we don't create, basically, a scheme for pump-and-dump operators seeking to defraud American citizens. That is why we need due consideration in committee.

I can't speak to the challenges with all the portions of the House bill, but I can speak to a specific section of the House bill called crowdfunding because I have been working with others, including the occupant of the chair, Senator BENNET from Colorado, and SCOTT BROWN from Massachusetts, to say let's utilize this crowdfunding tool but in an effective manner. Crowdfunding is saying let's take the power of the Internet, just as we have person-to-person lending facilitated by the Internet, let's take that and enable people who see small startup companies seeking capital investments and give them a chance to present their ideas and for folks to invest in those companies. So they might receive thousands of small investments enabling them to take their dream forward for the benefit of the investor and the company.

But what is wrong with the way the House drafted this bill? I will give short examples. It enables companies to raise up to \$1 million by providing no financial information—no financial information. That is not an investment market; that is a scam.

Second, companies do not have to go through a registered intermediary. In other words, you or I, tomorrow, could start up a Web site and say: Companies, sign up; investors, sign up—with no sort of protocol for the registering of information and no system required for the protection of investors. That is a major mistake in this legislation.

Third, under the House bill, a person could say: Here are 10 stocks, 10 potential companies to put your money into. Through that action they could take 100 percent of your annual income in one fell swoop. So as we create this new, this particularly interesting marketplace, full of potential, we don't want it to be a place where no financial information occurs, no rules for the intermediaries, and people can be taken for their whole annual income in

one fell glance. That is no way to build this wonderful potential marketplace.

To continue, the House bill lacks any advance public notice. So a company can provide notice to the SEC on the same day they offer the stock, and upon getting 60 percent of the amount they are seeking, the target amount, they can walk away with the investors' cash just like that. In other words, offer it, no chance for the SEC to look at it, collect their \$1 million, walk away, and they didn't provide one ounce of financial information.

If you haven't seen the movie “The Boiler Room,” I encourage you to do so because you will see how scams actually not permitted by law were used to defraud honest American families. In this case, we are just paving the path to predatory investing schemes. So that is a problem.

The House bill allows anonymous stock promoters so that it encourages the opportunity for pump and dump. This is a reference to promoters saying how wonderful something is and not identifying themselves to having a connection to the company offering the stock. It doesn't address the issue of dilution.

If you had a chance to get in on the start of Starbucks, when they said they wanted to start up a coffee company, wouldn't that have been great to be in on the ground floor? You say: You bet—and you got 1 percent of Starbucks stock as a result. You would be very rich today.

But what about a company that proceeds to use a strategy of diluting the original investors so that your initial investment is worth nothing when the company actually gets traction as a successful entity? That certainly is an issue. These issues have all been wrestled with and addressed by the bill Senator BENNET, Senator BROWN, and I have put together.

The other sections of the House bill have similar problems. I will not speak to those problems because there are other folks who are much more knowledgeable about it. I will stick to my section and use it as an analogy of why this entire bill should go through the Banking Committee.

Let me read to you a letter from Motaavi. Their slogan is “Investment for Everyone.” Isn't that the perfect slogan for crowdfunding, “Investment for Everyone”?

They address their letter:

Dear Senators Reid and McConnell:
We are a crowdfunding intermediary based in Durham, NC. We understand the Senate will take up the [House bill] shortly. We are very concerned about language in title III. While we appreciate the broad exemption written by the House, the language does not protect investors and puts the crowd funding industry at risk of significant fraud. However, more responsible language does exist.

Then it refers to the bill the Senate has been working on. Then they proceed to list many of the flaws I have just listed.

So here are folks out in the private sector who want to see a successful process, and they want to be an intermediary. They don't want to see this potential industry brought to a halt with a terrible reputation because it becomes a predatory industry.

I have another letter from Launcht:

This latest bill, the CrowdFund Act [the Senate version] is important because unlike previous bills, for the first time we have a Senate bill with bipartisan sponsorship, a balance of oversight and Federal uniformity, industry standards, investor protection, workable funding caps.

It lays out what this work should be in this bill.

Finally, I want to note the perspective in the New York Times editorial, entitled, “They Have Very Short Memories”. It is scathing in its critique of this process we are engaged in:

House Republicans, Senate Democrats, and President Obama have found they support: a terrible package of bills that would undo essential investor protections, reduce market transparency and distort the efficient allocation of capital.

They go on:

Of course, the supporters don't describe it that way. They say the JOBS Act—for Jumpstart our Business Startups—would remove burdensome regulations that they claim have made it too difficult for companies to raise money from investors.

Never mind that reams of Congressional testimony, market analysis, and academic research have shown that regulation has not been an impediment to raising capital. In fact, too little regulation has been the root of all recent bubbles and bursts—the dot-com crash, Enron, the mortgage meltdown. Those free-for-alls created jobs and then imploded, causing mass joblessness.

Wouldn't it have been great if, when those deregulatory efforts that didn't deregulate in a positive way, cutting out unnecessary redtape but in negative ways, which created a Wild West marketplace with all kinds of predatory practices, would it not be nice if the Senate stood in and said we are the cooling saucer—I have heard that term ever since I came here, that we are the “cooling saucer.”

We cooled our heels for 3 weeks with the Transportation bill on the floor, and we weren't able to consider one single amendment during that 3-week period. That is a deep freeze, not a cooling saucer. Now we have gone from deep freeze to bullet train. We need to slow this train down. We need to have due deliberations to recreate the sort of deregulation that is so important for the future growth of the United States and the future success of American families.

I am going to withdraw my objection, Mr. President, because I wanted to make a point now that, hopefully, will help guide our deliberations over the next couple of days. It is not that we should not be getting to this topic; we certainly should. But we need to do so in a manner that works for American businesses, small businesses, startups,

and families, and the House bill doesn't do it.

I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate the work done by the Presiding Officer and the junior Senator from Oregon on this most important piece of legislation, and especially the problems the two Senators I mentioned believe is evident with this legislation. I appreciate the opportunity I have had to work with the two of them today. We will continue to do that.

TRIBUTE TO MR. JIM BOOTH

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to someone who has given so much back to the great Commonwealth of Kentucky—someone who has taken it upon himself to make an investment in the betterment of his community, county, and State for generations to come. I am speaking of Mr. Jim Booth of Inez, KY.

Mr. Booth has kept the town of Inez, located in Martin County, close to his heart his entire life. In this town he graduated from high school, met his wife, Linda, and paid his way through Morehead State University by working part-time in the region's coal mines. So many milestones in Jim Booth's life have taken place in this eastern Kentucky town, it is no surprise that he is so devoted to giving something back to the place that's given him and his family so much.

Jim Booth combined a business administration degree, love for his community and its residents, and hard work to stimulate the local economy across the board. It has been said that there isn't a single growth project in Martin County that doesn't have Jim and Linda Booth's fingerprints all over it. The couple manages a coal company, a Ford dealership, real-estate agencies, convenience stores, hotels, insurance agencies, and a building supply store.

With so many successful projects in so many industries, it may seem that Jim Booth has a lot to brag about. But Jim is a man of modesty and humility. He makes it a point not to boast about his own accomplishments, but the accomplishments others have made from the little push that he gave them. Jim has helped to bring over 2,000 jobs to the area, and he is grateful for the exceptional employees that he has been so blessed with.

Booth's story is one of success in the free market, and a testimony to what can happen when a small business is given room to take root and grow. Mr. Booth bought his first coal mine when he was just 25 years old. At the time, the tax rate was 70 percent, and he remembers having to borrow against his own income for the next year just to pay the business's taxes. "Then, when

Reagan became President and taxes went down—BOOM. We're the best story you'll find for how success comes from tax relief," says Jim.

Over the next few years, the business experienced tremendous growth and success. Jim went on to start a building supply company, and from this he put into effect his most important piece of business advice—be your own best customer. Mr. Booth made the necessary purchases from the building supply store to assist in building numerous hotels, convenience stores, and other various buildings and business over the years.

Mr. Booth has a vision of renovating and remodeling virtually the entire city of Inez's local infrastructure at some time or another. He is almost halfway through this process, as he has already made headway providing new facilities for the Martin County Board of Education and the Martin County Economic Development Board, of which he is the chairman.

The most prized accomplishment of Mr. Booth is the Roy F. Collier Community Center, named in honor of Jim's late friend and business partner who passed away in 2005. The facility houses a movie theater, indoor track, fitness center, arcade, and large meeting rooms available for reservation. The versatile community center provides entertainment to over 200,000 residents of Kentucky from across the state annually.

Along with all of these major improvements to his local community, Jim has also sponsored a local basketball tournament, provided the chance for anyone who is interested to become a certified coal miner, and headed up a campaign that helps combat youth obesity called "Martin County on the Move" with United States Representative HAL ROGERS. While it may seem like Jim has a lot to celebrate, he stays focused on what all of his hard work is really about.

"This is home, Linda and I decided to stay here; build here and improve our community for the next generation," Jim says. Jim is determined to providing as much inspiration and as many opportunities as he can to those individuals who share with him the same "home" of Martin County, KY.

Mr. President, at this time I would like to ask my Senate colleagues to join me in commemorating the accomplishments of this treasured citizen of the Commonwealth of Kentucky.

In 2011, an article was included in a publication released by the Southeast Kentucky Chamber of Commerce that featured the many accomplishments that Jim Booth has been able to generate throughout his life thus far. Mr. President, I ask unanimous consent to have printed in the RECORD that article.

There being no objection, the article was ordered to appear in the RECORD as follows:

[From the Southeast Kentucky Chamber of Commerce, 2011]

JIM BOOTH

COMMITTED TO ECONOMIC DEVELOPMENT

There's an old adage that says "Bloom where you are planted." It's apparent that Jim and Linda Booth have taken that saying to heart. Not only have their family and businesses prospered in Martin County, but they have worked to make the entire county "bloom." You can hardly enter a building, walk a trail, or have a bite to eat in which the Booths weren't involved. A short list of businesses the Booths operate include coal mining, a Ford dealership, convenience stores, real estate, building supplies, hotels, and insurance, but the underlying theme is their dedication to cultural and economic development in their hometown.

"There's no question, we could have gone other places and it would have been easier, and maybe more profitable as far as the retail side goes," Jim explains, "but I really know that someone had to be involved here in our community. There haven't been very many people willing to do that, but I can tell you, the team we've put together has been able to make our enterprises profitable. Mostly, it has allowed us to employ a lot of people. We employ about 800 in retail and we have around 1,400 coal miners. One way we have made our enterprises work is that we are one of the best customers of about every business we've started. That's given us a base for some sustainability."

"One of the first businesses we started was a building supply, and the next one was a mine supply business, so we were, of course, good customers of both of them. When we built hotels, we used our building supply to furnish the materials. Then we put a team together to build the hotels. I entered into a partnership with my brother-in-law, Kevin Davis, who operates Fast Change Lube & Oil, a chain of Pennzoil Lube Centers. Kevin has done an excellent job in growing our stores, which today we have over 21 lube centers and six car washes. We're a good customer of our insurance companies and, of course, our convenience stores. Even the Ford dealership, we're probably one of the best customers of the dealership. It's not necessarily all been calculated in advance—sometimes opportunities just arise. We entered into the car dealership business in order to keep one here, then we lost the Chevrolet store when the government took over GM. But we still have Ford."

Jim and Linda Booth both graduated from Warfield High School; Linda a year after Jim. Jim started college at Morehead State University and Linda began next year. In order to pay their way through school, Jim became a part-time coal miner. "We drove here (Inez) on weekends," Jim remembers, "and I worked in a service station for my brother. Then, during the day, I worked underground in the mine. Linda and I would drive back to Morehead in time for school. I had Monday through Thursday classes typically, so we could come home on Thursdays. When I graduated, I interviewed for a couple of personnel jobs—I have a business administration degree—and I realized I made more money working part-time as a coal miner than any other offer I was getting at the time."

"I said to Linda, 'Let's go back and let me work a little while at the mine,'" Jim remembers. "I had a hard time talking her into it but I convinced her," he smiles. "Real quickly I got into management, and by the time I had completed three years' experience, I became a foreman. When I was 25

years old, I got the opportunity to start my own mine. Then, when I was 27, I incurred a hefty sum in income tax! That was when the tax rate was 70 percent. I had a hard time scraping up the money, and then there was no money left for us—it all went to the federal government and I was struggling. I had to borrow money from the next year's earnings to pay the taxes. Then, when Reagan became president and taxes went down—BOOM. We're the best story you'll find for how success comes from tax relief. We would not have survived if the taxes had stayed the same. We bought a brand new set of equipment for our mine. We'd been in business nine years and had not been able to afford new equipment. We had money to use to invest then, and we started growing. We had operated only contract mines until 1988, at which time we were able to get our own operation. We bought an Ashland coal operation in Johnson County, and we began cleaning and washing the coal at the prep plant, marketing the coal—the entire process."

"During that time was when we started to diversify," Jim continues. "We built our first development building—a building that we leased to the post office—it had apartments upstairs. That was the very first investment we completed. We bought the building supply in the early '80s and put the group together that started using our supplies—we buy from ourselves when we build houses, apartments, hotels, and any other retail developments."

Jim Booth has many things to be proud of—building an economic conglomerate from scratch, for one—but he is very modest when speaking of his business accomplishments. What he seems most proud of are the jobs and opportunities he's been able to bring to the local people.

"We started the convenience stores in '84. The first Fast Lane was in Lovely, KY. We have a really good team—James Mills manages Fast Lane, Fast Lane Tobacco Stores, and Mountain Petroleum, and he does a really good job. Fast Lane has been a great success—not just for Martin County but for the region. Locally, we do tremendous things for the school system. The Fast Lane Classic is second to none—I doubt there is a better pre-season basketball tournament in the state of Kentucky. It's held at Sheldon Clark High School on the Saturday of Thanksgiving weekend, and some of the best teams in the tri-state participate. UK Wildcat Patrick Patterson participated in our tournament when he played at Huntington High."

"Through our businesses, we're able to help a lot of these kids get into the workforce," Jim continues. "They'll tell me, 'I got to buy a car because of Taco Bell or KFC' because that's where they work. There wouldn't be those kinds of opportunities here for kids if we didn't have the retail jobs."

"On the coal mining sector, we've allowed anybody from the area who wants to be a miner and is qualified to train and become a certified coal miner. To be honest with you, we need coal miners right now. We have several vacancies in our mining operations. We could hire qualified people right now."

After Fast Lane, knowing the area needed a hotel, Jim and his team built the Inez Super 8 Hotel. He chose the location because the site had the necessary infrastructure. From there, they moved out from Martin County and began what he refers to as the Interstate Hotels—located in Mt. Sterling, Catlettsburg, and two in Huntington—all on I-64. They're all doing well.

When asked to describe his business plan, Jim explains it very simply: "We have most-

ly grown from within based on common synergies. Almost everyone in management has started on the ground floor and worked their way through the system. Most are local residents. We have a lot of families that every member of the family has worked for us. We try to provide all the opportunities this area can support."

The companies have ventured out of Martin County. Jim's son-in-law, Jeff Fraley, operates the United States Achievement Academy in Lexington, which is similar to Who's Who. They do all the printing for the book and have about 100 employees. Two other businesses in Lexington are Southeast Mail, the largest bulk mailer in Lexington, and a Bluegrass branch of Elite Insurance.

Booth Enterprises has gone into Louisa with the new Yatesville Crossing shopping center, containing retail businesses such as Wal-Mart, Appalachian Wireless, and Radio Shack. Plans are to build a medical center on the lower level. As an offspring of the building supply in Lovely, a Surplus Home Center has been opened in Louisa. The company buys oversupply items from different places and ships them to the Center. The buyer is Martin County native Carolea Mills who is also a board member of the Roy F. Collier Community Center.

Jim Booth really lights up when describing the Collier Community Center and its programs. "It is probably the most unique centralized facility Martin County has ever established, and it is highly utilized by the community," he says. "Roy Collier was one of my business partners when I started out, and he passed in 2005. I donated the property, so I was allowed to name the building in honor of Roy. The Community Center has four digital 3-D cinemas with surround sound, an indoor walking track, a gift store, a Fun Zone Arcade, a fitness center, video conferencing, a computer lab, and large rooms for receptions or meetings. Over 125,000 people per year make use of it. It's a real drawing card—people come from surrounding counties—especially for the cinema."

Jim was also instrumental in working with Morehead State University, where he has served as chairman of the Board of Regents, to bring the "Martin County on the Move" program to Martin County and the Collier Community Center. He and President Wayne Andrews of Morehead State University met with U.S. Representative Hal Rogers to discuss the problem of obesity in young people. The Congressman secured a year's grant to encourage Martin County kids to be more active and to select healthy food. Although the program is based at the Collier Community Center, the health directors work through the local school system. One year, Jim bought pedometers for all the kids in 6th grade! Started in Martin, the program will progress into other counties, with Lawrence County the next possible choice. "Martin County on the Move" has been hugely successful in creating new health and wellness initiatives in the community.

Jim's personal involvement throughout Inez is evident by his leadership as chairman of the Martin County Economic Development Board, which has oversight of the new Business Center. The Martin County Board of Education and the office of the Kentucky Health & Human Services were both in buildings that were falling apart around them. Now an open, light-filled, modern building with walls filled with art and the very best in technology stands as a beacon of progress in the community. It is home to both organizations and has additional leasable space as

well. Built with coal severance tax money and the support of Judge Kelly Callaham, the county is allowed to keep the revenue to maintain the facility. Christi Brown, executive director of the Martin County Economic Development Authority, spearheaded development of the Business Center and presently manages the Center.

The Martin County Historical Society was also built on property Jim and Linda Booth donated. The Historical Society has a small privately owned gift shop, located on the first floor of an adjoining building, and the rent helps with operating expenses of the Society. Mike Duncan, president of Inez Deposit Bank, allows students from their summer intern program to volunteer at the Society. The students work at the bank, participate in cultural programs, hear business speakers (including Jim Booth), and work on their own family trees at the Historical Society.

Jim transitions seamlessly from recalling the past to looking toward the future. "County Judge/Executive Kelly Callaham wants to build a new courthouse and continue to utilize the existing facility as a redesigned cultural center. We're also looking at doing some redevelopment on the east side of Inez's Main Street. We want to remodel or replace most of the buildings, and we hope to make retail space downstairs and office or living quarters upstairs. We're working with the Appalachian Regional Commission to develop a plan."

It's safe to say that whatever Jim puts his efforts into will exceed expectations, will definitely be something to benefit both Martin County and southeastern Kentucky, and will be a source of pride and inspiration.

It's plain to see that Jim Booth is dedicated to making things happen in Martin County, but why does he put such effort and heart into every project?

"This is home," he says. "Linda and I decided to stay here; build here and improve our community for the next generation." That they have done, and they are to be commended for their efforts.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, yesterday I came to the floor to express my hope that Republicans would join together with Democrats to end the damaging filibusters of judicial nominations. With a judicial vacancies crisis that has lasted years, and nearly 1 in 10 judgeships across the Nation vacant, this is something the Senate needs to do. I hoped that we could work together to ensure that the Federal courts have the judges they need to provide justice for all Americans without needless delay.

Today there are 22 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture motions to get agreement to schedule votes on these qualified, consensus judicial nominations. A dozen of the nominations on

which agreement has now been reached have been stalled for months and were reported last year.

These are qualified judicial nominees. They are nominees whose judicial philosophy is well within the mainstream. These are all nominees supported by their home State Senators, both Republican and Democratic. The consequence of these months of delays is borne by the nearly 160 million Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans agree to up-or-down votes on the 22 judicial nominations currently before the Senate awaiting a confirmation vote.

In light of the agreement reached between the leaders, the Senate will finally be allowed to consider the nomination of Judge Gina Groh of West Virginia. Her nomination has been stalled for more than 5 months. We will also finally be able to consider other long-stalled nominations like that of Michael Fitzgerald to fill a judicial emergency vacancy on the Central District of California, which has been ready for a vote for well over 4 months. The delays in confirmations mean justice delayed for millions of Americans.

I went back and checked my recollection of how we considered consensus Federal trial court nominees in President Bush's first term. Nearly 60 were confirmed within a week of being reported by the Senate Judiciary Committee. By contrast, there have only been two judicial nominees voted on so promptly since President Obama took office. I said at the time we were able to vote on the Alabama nominee supported by Senator SESSIONS, who was at that time the committee's ranking Republican member, and on Judge Reiss of Vermont that I hoped they would become the model for regular order. Instead, they stand out as isolated exceptions to the months of delay Senate Republicans have insisted on before considering consensus Federal trial court nominees of this President.

I am glad that there is finally agreement to proceed, as well, with circuit nominees. Two delayed from last year are outstanding women: Stephanie Dawn Thacker of West Virginia, nominated to the Fourth Circuit, and Judge Jacqueline Nguyen of California, nominated to fill one of the many judicial emergency vacancies on the Ninth Circuit. Ms. Thacker, an experienced litigator and prosecutor, has the strong support of her home State Senators, Senators ROCKEFELLER and MANCHIN. Judge Nguyen, whose family fled to the United States in 1975 after the fall of South Vietnam, was confirmed unanimously to the district court in 2009 and would become the first Asian Pacific American woman to serve on a U.S. court of appeals. Both were reported unanimously by the Judiciary Committee last year and both should be confirmed by the Senate without additional damaging delays.

I am pleased that the majority leader and the Republican leader have now come to an understanding and a path forward on these important judicial nominations. Their agreement not only helps work through the backlog of nominations stalled before the Senate, it paves the way for votes on 14 of the 22 current judicial nominations and provides a pattern for continuing to make progress beyond those 14 and beyond the current 22. There are another 8 judicial nominees who have had hearings and are working their way through the committee process. In addition, there are another 11 nominations on which the committee should be holding additional hearings during the next several weeks. By working steadily and by continuing the resumption of the regular consideration of judicial nominations, I hope the understanding between the leaders' signals we can have a positive impact and reduce judicial vacancies significantly before the end of the year. In 2004 and 2008, both Presidential election years, by working together we were able to reduce judicial vacancies to the lowest levels in decades.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

Never before in the Senate's history have I seen the confirmation of qualified, consensus district court nominees supported by their home State Senators and reported by the Judiciary Committee blocked for months. We remain 40 confirmations and 9 months behind the pace we set during 2001 through 2004, during President Bush's first term. The judicial vacancy rate remains nearly double what it was at this time during his first term.

We 100 Senators stand in the shoes of over 300 million Americans. It is good to see the Senate agreeing to end the partisan stalling and schedule votes on these long-delayed and much-needed judges.

150TH ANNIVERSARY OF ITALIAN UNIFICATION

Mr. KERRY. Mr. President, for the past year the people of Italy have been commemorating the 150th anniversary of Italian Unification with a series of events and exhibitions throughout Italy and the world.

In this country, the Italian Embassy hosted a series of concerts, museum ex-

hibitions, and lectures, which were widely attended and have educated and entertained Americans about the stirring story of Italy and the beauty of its culture. The Ambassador of Italy who initiated this series of commemorative events, Giulio Terzi di Sant'Agata, deserves recognition for organizing this remarkable program for the American people. We wish Ambassador Terzi well in his new job as Foreign Minister, and we welcome his successor, Claudio Bisogniero, as the new Ambassador of the Italian Republic to the United States.

There were many outstanding moments on the road to Italian unification—most notably March 15, 1861, the day Victor Emmanuel II was proclaimed the King of a single Italian state. But several weeks earlier, on February 18, 1861, the future King of Italy convened the first Italian Parliament in Turin, establishing an Italian democratic tradition that has known both triumph and tragedy. Of course, Americans don't have to go to Italy or a cultural event to appreciate the Italian roots of our own democratic tradition. Not only did Roman history and conceptions of government inform and inspire the Founders of our own government, but the sons and daughters of Italy are all around us serving the cause of American democracy. It would be impossible to name more than a few, but even a partial list gives a sense of the magnitude of the Italian-American contribution to our democracy: John Pastore, the first Italian-American elected to this Senate; Fiorello LaGuardia, the legendary mayor of New York; Geraldine Ferraro, the first woman to be on a national ticket; NANCY PELOSI, the first female Speaker of the House; Supreme Court Justices Antonin Scalia and Samuel Alito; and Leon Panetta, our current Secretary of Defense.

This week the Senate adopted a resolution that I introduced commemorating this anniversary and the abiding relationship between our two countries. I am glad to be joined by my colleagues, Senators BARRASSO, CASEY, ENZI, GILLIBRAND, LUGAR, SCHUMER, and SHAHEEN, as original cosponsors.

This 150th anniversary year closes during challenging times for a new generation of Italians. It is worth pausing here in Washington to salute our ally, from whom we have drawn so much talent and inspiration. We wish the citizens of the Italian Republic our best, with knowledge that during the past 150 years their Republic has endured many challenges and confidence that they will rise even higher.

ADDITIONAL STATEMENTS

TRIBUTE TO XURON CORPORATION

• Ms. SNOWE. Mr. President, the American manufacturing sector is critical for economic expansion and job creation, employing nearly 12 million Americans across the country. Today, due to global economic downturns and increasing competition from abroad, American firms must adapt to compete in an international marketplace by incorporating creative and innovative designs. With this in mind, I rise to commend Xuron Corporation, located in Saco, ME, a shining example of an American company adapting and succeeding in an increasingly complex international economy.

Xuron, originally founded in Danbury, CT, began producing high-grade precision hand tools in 1971. In 1986, this small firm relocated to Maine to take advantage of expansion opportunities and the State's expert workforce. For over 40 years, this company has been an industry-leading developer, manufacturer, and seller of high-grade precision hand tools for multiple industries from aerospace to jewelry. With hundreds of distributors, Xuron tools can be found in factories and workshops around the world.

Just recently, the National Institute of Standards and Technology's Hollings Manufacturing Extension Partnership, MEP, program recognized Xuron for "Making it in America" due to their innovative designs, access to foreign markets, and continually creating jobs for American workers. While the great recession drastically affected businesses across the United States, Xuron surmounted all obstacles by readjusting their operations to combat the economic downturn. For instance, the company began cross-training its employees to perform a multitude of tasks ranging from manufacturing to accounting. Furthermore, the company actively removed inefficiencies along its shipping and receiving chain, enabling it to save jobs and eliminate waste in the process. These resourceful changes have created a sense of company-wide camaraderie and further enhanced Xuron's competitiveness overseas.

While Xuron's products can be found around the world, the company's success directly helps people in the United States. For example, after Hurricane Katrina ravaged the gulf coastline in 2005, Xuron generously gave employee and corporate donations to the Bush-Clinton Katrina Relief Fund to rebuild areas damaged by the catastrophic natural disaster. The company's donations helped Gulf State Americans rebuild after an unprecedented tragedy, demonstrating Xuron's selfless commitment to helping individuals across the country.

Throughout history, Americans have shown a unique ability to overcome

and succeed through hard times. Xuron is a shining example of American resilience as employees have worked together, retrained, and excelled through tough and uncertain economic climates. Their inspiring story demonstrates the tenacity of American small businesses, and particularly illuminates the strength found within the American manufacturing sector. I am extremely proud of Xuron's ingenuity and sincerely wish the company continued success in the coming years. •

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2191. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5335. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriofenone; Pesticide Tolerances" (FRL No. 9336-6) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5336. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus AF36; Amendment to an Exemption from the Requirement of a Tolerance" (FRL No. 9341-5) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5337. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Secretary's personnel management demonstration project authorities for Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

EC-5338. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to authorizing a 90 percent guarantee on a supply chain finance facility involving The Bank of Nova Scotia, located in Toronto, Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC-5339. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to authorizing a 90 percent guarantee on a supply chain finance facility involving Royal Bank of Scotland plc, located in Stamford, CT; to the Committee on Banking, Housing, and Urban Affairs.

EC-5340. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law,

the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-5341. A communication from the Acting Director of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Administrator for Research and Development, received in the Office of the President of the Senate on March 12, 2012; to the Committee on Environment and Public Works.

EC-5342. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington Nonattainment Area; Withdrawal of Direct Final Rule" (FRL No. 9645-6) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Environment and Public Works.

EC-5343. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Reasonably Available Control Technology (RACT) for the 1997 8-Hour Ozone Standard" (FRL No. 9644-6) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Environment and Public Works.

EC-5344. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee; 110(a) (1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards" (FRL No. 9644-3) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Environment and Public Works.

EC-5345. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Leakage Tests on Packages for Shipment of Radioactive Material" (Regulatory Guide 7.4) received in the Office of the President of the Senate on March 13, 2012; to the Committee on Environment and Public Works.

EC-5346. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of the Model Safety Evaluation for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-505, Revision 1, 'Provide Risk-Informed Extended Completion Times-RITSTF Initiative 4B'" (NRC-2011-0277) received in the Office of the President of the Senate on March 13, 2012; to the Committee on Environment and Public Works.

EC-5347. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares)" and "Regulations Governing Payment under Special Endorsement

of United States Savings Bonds and United States Savings Notes (Freedom Shares)" (31 CFR Parts 321, 330) received in the Office of the President of the Senate on March 13, 2012; to the Committee on Finance.

EC-5348. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Consent to Change to the Methods of Accounting Provided in the Tangible Property Temporary Regulations" (Rev. Proc. 2012-19 and Rev. Proc. 2012-20) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Finance.

EC-5349. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Calendar Year Resident Population Figures" (Notice 2012-22) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Finance.

EC-5350. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding the Repeal of Section 163(f) (2) (B)" (Notice 2012-20) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Finance.

EC-5351. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Safeguards" (RIN0938-AQ57) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. 2191. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Ms. SNOWE, Mr. BROWN of Ohio, Mr. DURBIN, Mr. WICKER, Mr. TESTER, and Ms. AYOTTE):

S. Res. 396. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; considered and agreed to.

ADDITIONAL COSPONSORS

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from New Mexico

(Mr. UDALL) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Florida (Mr. NELSON), the Senator from Massachusetts (Mr. BROWN), the Senator from New York (Mr. SCHUMER), the Senator from North Carolina (Mrs. HAGAN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1598

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1598, a bill to amend the Commodity Exchange Act to prevent excessive speculation in commodity markets and excessive speculative position limits on energy contracts, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax

treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Alaska (Mr. BEGICH), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BLUNT), the Senator from Ohio (Mr. BROWN), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Hawaii (Mr. INOUE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. MANCHIN), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), the Senator from Montana (Mr. TESTER), the Senator from Colorado (Mr. UDALL), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WARNER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2051

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2076

At the request of Mr. FRANKEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2076, a bill to improve security at State and local courthouses.

S. 2098

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2098, a bill to support statewide individual-level integrated postsecondary education data systems, and for other purposes.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S.J. RES. 36

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S.J. Res. 36, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 396—SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. CASEY (for himself, Ms. SNOWE, Mr. BROWN of Ohio, Mr. DURBIN, Mr. WICKER, Mr. TESTER, and Ms. AYOTTE) submitted the following resolution; which was considered and agreed to:

S. RES. 396

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities; Whereas more than 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,100,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 to 10,000 children and adolescents are living with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively diagnoses a case of multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying the

myelin and replacing the myelin with scar tissue, thereby interfering with or preventing the transmission of nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that the disease is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and supports Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and supports Multiple Sclerosis Awareness Week during March of every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are—

(1) to invite people to join the movement to end multiple sclerosis;

(2) to encourage everyone to do something that demonstrates a commitment to moving toward a world free of multiple sclerosis; and

(3) to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2012, the week of March 12, 2012, through March 18, 2012, has been designated as Multiple Sclerosis Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages the States, territories, possessions, and localities of the United States to support the goals and ideals of Multiple Sclerosis Awareness Week by issuing proclamations designating Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and to help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the United States to creating a world free of multiple sclerosis by—

(A) promoting awareness about people who are affected with multiple sclerosis; and

(B) promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) expresses gratitude to the family members and friends of those people in the United States living with multiple sclerosis who are a source of love and encouragement to those individuals; and

(7) salutes the health care professionals and medical researchers who provide assistance to those individuals affected with multiple sclerosis and continue to work to find ways to stop the progression of the disease, restore nerve function, and end multiple sclerosis forever.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1831. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital mar-

kets for emerging growth companies; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1831. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—SMALL BUSINESS LENDING ENHANCEMENT

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This title may be cited as the “Small Business Lending Enhancement Act of 2011”.

(b) **DEFINITIONS.**—In this title—

(1) the term “Board” means the National Credit Union Administration Board;

(2) the term “insured credit union” has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term “member business loan” has the same meaning as in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term “net worth” has the same meaning as in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term “well capitalized” has the meaning given that term in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

SEC. 802. LIMITS ON MEMBER BUSINESS LOANS.

Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

“(a) **LIMITATION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

“(A) 1.75 times the actual net worth of the credit union; or

“(B) 12.25 percent of the total assets of the credit union.

“(2) **ADDITIONAL AUTHORITY.**—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

“(A) had member business loans outstanding at the end of each of the 4 consecutive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

“(B) is well capitalized, as defined in section 216(c)(1)(A);

“(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

“(D) has the requisite policies and experience in managing member business loans; and

“(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

“(3) EFFECT OF NOT BEING WELL CAPITALIZED.—An insured credit union that has made member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized (as defined in section 216(c)(1)(A)), as reflected in a subsequent quarterly call report, and obtains the approval of the Board.”.

SEC. 803. IMPLEMENTATION.

(a) TIERED APPROVAL PROCESS.—The National Credit Union Administration Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this title). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(b) RULEMAKING REQUIRED.—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under subsection (a). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by section 802 is being used only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under section 802, and as defined by the rules issued by the Board under this subsection.

(c) CONSIDERATIONS.—In issuing rules required under this section, the Board shall consider—

(1) the experience level of the institutions, including a demonstrated history of sound member business lending;

(2) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this title; and

(3) such other factors as the Board determines necessary or appropriate.

SEC. 804. REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.

(a) REPORT OF THE BOARD.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(2) REPORT.—The report required under paragraph (1) shall include—

(A) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(B) the overall amount and average size of member business loans by each insured credit union;

(C) the ratio of member business loans by insured credit unions to total assets and net worth;

(D) the performance of the member business loans, including delinquencies and net charge offs;

(E) the effect of this title and the amendments made by this title on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this title;

(F) the number, types, and asset size of insured credit unions that were denied or ap-

proved by the Board for increased member business loans under section 107A(a)(2) of the Federal Credit Union Act, as amended by this title, including denials and approvals under the tiered approval process;

(G) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(H) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

(A) trends in such lending;

(B) types and amounts of member business loans;

(C) the effectiveness of this section in enhancing small business lending;

(D) recommendations for legislative action, if any, with respect to such lending; and

(E) any other information that the Comptroller General considers relevant with respect to such lending.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 14, 2012, at 10 a.m., to hold a hearing entitled, “Sudan and South Sudan: Independence and Insecurity.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 14, 2012, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 14, 2012, at 10 a.m., to conduct a hearing entitled, “Raising the Bar for Congress: Reform Proposals for the 21st Century.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 14, 2012, at 2:45 p.m., in

room SC-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session on March 14, 2012, to conduct a hearing entitled “Ending Homelessness Among Veterans: VA’s Progress on Its 5-Year Plan.”

The Committee will meet in 418 of the Senate Russell Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on March 14, 2012, at 2:30 p.m., to conduct a hearing entitled “Examining Issues in the Prepaid Card Market.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on March 14, 2012, at 2:30 p.m., to conduct a hearing entitled, “Managing Interagency Nuclear Nonproliferation Efforts: Are We Effectively Securing Nuclear Materials Around the World?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on March 14, 2012, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 14, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern,

Andy Hackbarth, be allowed privilege of the floor for the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREE- MENT—EXECUTIVE NOMINA- TIONS

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, March 15, 2012, at 1:45 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 408 and 461; that there be 15 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote, without intervening action or debate, on Calendar No. 408 and No. 461, in that order; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 396.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 396) supporting the goals and ideals of Multiple Sclerosis Awareness Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that Senator AYOTTE be added as a cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 396) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 396

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,100,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 to 10,000 children and adolescents are living with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively diagnoses a case of multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying the myelin and replacing the myelin with scar tissue, thereby interfering with or preventing the transmission of nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that the disease is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and supports Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and supports Multiple Sclerosis Awareness Week during March of every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are—

(1) to invite people to join the movement to end multiple sclerosis;

(2) to encourage everyone to do something that demonstrates a commitment to moving toward a world free of multiple sclerosis; and

(3) to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2012, the week of March 12, 2012, through March 18, 2012, has been designated as Multiple Sclerosis Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages the States, territories, possessions, and localities of the United States to support the goals and ideals of Multiple Sclerosis Awareness Week by issuing proclamations designating Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and to help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the United States to creating a world free of multiple sclerosis by—

(A) promoting awareness about people who are affected with multiple sclerosis; and

(B) promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) expresses gratitude to the family members and friends of those people in the United States living with multiple sclerosis who are a source of love and encouragement to those individuals; and

(7) salutes the health care professionals and medical researchers who provide assistance to those individuals affected with multiple sclerosis and continue to work to find ways to stop the progression of the disease, restore nerve function, and end multiple sclerosis forever.

MEASURE READ THE 1ST TIME—S. 2191

Mr. REID. Mr. President, I am told there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2191) to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

Mr. REID. Mr. President, I now ask for a second reading and, for purposes of placing the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

ORDERS FOR THURSDAY, MARCH 15, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Thursday, March 15, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate proceed to consideration of H.R. 3606, the IPO bill we have spoken of previously and as indicated under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at about 2 p.m. tomorrow, there will be two votes

on confirmation of Groh and Fitzgerald to be trial judges in the Federal judiciary. Additional votes are possible.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask

unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, March 15, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 15, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 20

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

10 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine student debt, focusing on providing fairness for struggling students.

SD-226

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Jerome H. Powell, of Maryland, and Jeremy C. Stein, of Massachusetts, both to be a Member of the Board of Governors of the Federal Reserve System, Jeremiah O'Hear Norton, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring July 15, 2013, and Richard B. Berner, of Massachusetts, to be Director, Office of Financial Research, and Christy L. Romero, of Virginia, to be Special Inspector General for the Troubled Asset Relief Program, both of the Department of the Treasury.

SD-538

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold an oversight hearing to examine the Environmental Protection Agen-

cy's Mercury and Air Toxics Standards (MATS) for power plants.

SD-406

Energy and Natural Resources

To hold hearings to examine the nominations of Adam E. Sieminski, of Pennsylvania, to be Administrator of the Energy Information Administration, Department of Energy, Marcilynn A. Burke, of North Carolina, to be an Assistant Secretary of the Interior, and Anthony T. Clark, of North Dakota, and John Robert Norris, of Iowa, both to be a Member of the Federal Energy Regulatory Commission.

SD-366

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a review of the Office of Special Counsel and Merit Systems Protection Board.

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

2:45 p.m.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee

To hold an oversight hearing to examine commercial airline safety.

SR-253

Foreign Relations

To hold hearings to examine the nominations of Carlos Pascual, of the District of Columbia, to be Assistant Secretary for Energy Resources, John Christopher Stevens, of California, to be Ambassador to Libya, and Jacob Wallis, of Delaware, to be Ambassador to the Tunisian Republic, all of the Department of State.

SD-419

3 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine cybersecurity research and development in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC 217 following the open session.

SR-232A

MARCH 21

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine investor risks in crowdfunding.

SD-538

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Kosovo, Richard B.

Norland, of Iowa, to be Ambassador to Georgia, Kenneth Merten, of Virginia, to be Ambassador to the Republic of Croatia, Mark A. Pekala, of Maryland, to be Ambassador to the Republic of Latvia, and Jeffrey D. Levine, of California, to be Ambassador to the Republic of Estonia, all of the Department of State.

SD-419

Appropriations

Department of Homeland Security Subcommittee

To hold hearings to examine balancing prosperity and security, focusing on challenges for United States air travel in a 21st century global economy.

SD-138

Homeland Security and Governmental Affairs

To hold hearings to examine retooling government for the 21st century, focusing on the President's reorganization plan and reducing duplication.

SD-342

Judiciary

To hold hearings to examine convicting the guilty and exonerating the innocent.

SD-226

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine military construction, environmental, and base closure programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Army.

SD-192

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine Verizon and cable deals.

SD-226

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee

To hold hearings to examine press freedom in Latin America, focusing on the fourth estate under attack.

SD-419

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Nuclear Security Administration.

SD-192

Appropriations

Financial Service and General Government Subcommittee

To hold hearings to examine strengthening market oversight and integrity, focusing on fiscal year 2013 resource needs of the Commodity Futures Trading Commission.

SD-138

Homeland Security and Governmental Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Homeland Security.

SD-342

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine military space programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-222

MARCH 22

9:30 a.m.

Armed Services

To hold hearings to examine the situation in Afghanistan; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

2:15 p.m.

Foreign Relations

To hold hearings to examine the nominations of Scott H. DeLisi, of Minnesota, to be Ambassador to the Republic of Uganda, Michael A. Raynor, of Maryland, to be Ambassador to the Republic of Benin, and Makila James, of the District of Columbia, to be Ambassador to the Kingdom of Swaziland, all of the Department of State.

SD-419

Indian Affairs

To hold hearings to examine S. 1684, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, S. 1898, to provide for the convey-

ance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, and H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

SD-628

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 303, to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, S. 1129, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, S. 1473, to amend Public Law 99-548 to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and to extend the authority to purchase certain parcels of public land, S. 1492, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, S. 1559, to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, S. 1635, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 1687, to adjust the boundary of Carson National Forest, New Mexico, S. 1774, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 1788, to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, S. 1906, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 2001, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, S. 2015, to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, and S. 2056, to authorize the Secretary of the Interior to convey

certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

SD-366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

MARCH 27

2:30 p.m.

Armed Services

Airland Subcommittee

To hold a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-222

MARCH 28

9:30 a.m.

Armed Services

SeaPower Subcommittee

To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SVC-217

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

2 p.m.

Armed Services

Personnel Subcommittee

To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine assessing efforts to combat waste and fraud in Federal programs.

SD-342

MARCH 29

10 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contractors, focusing on how much they are costing the government.

SD-342

SENATE—Thursday, March 15, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The guest Chaplain, Dr. Winford L. Hindrex, senior pastor of the Ardmore Baptist Church, Winston-Salem, NC, offered the following prayer:

Let us pray.

Awesome Creator, sovereign Lord of our great Nation, You must have been excited when You first dreamed of creating—out of nothing—this beautiful, complex world with all its natural beauty: birds of the air, fish of the sea, animals of the Earth, and humans to care for all of this and to love You infinitely.

Loving, visionary God, infuse in these women and men, known as the United States Senate, Your dream of our Nation here and now in the 21st century. Give to them not only a vision of how things can be, but also give to them the nitty-gritty know-how to make Your dream a reality for every person in this great land. And dare we say it, may they and all of us make You excited yet again as we partner with You to actualize Your dream for this Nation.

We pray in Your awesome, loving, creative Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 15, 2012.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THANKING SENATOR BURR

Mr. REID. Mr. President, we appreciate Senator BURR arranging for this good man to come and offer the prayer this morning. We appreciate that very much.

SCHEDULE

Mr. REID. Following leader remarks the Senate will be in morning business until 11 a.m., with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes. Following morning business we will begin consideration of the IPO bill, H.R. 3606, the initial public offering for which those letters stand. At 2 p.m. there will be a rollcall vote on Groh, followed by Fitzgerald. These are trial judges in our Federal court system. Additional votes are possible today.

MEASURE PLACED ON THE CALENDAR—S. 2191

Mr. REID. Mr. President, I am told that S. 2191 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2191) to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

Mr. REID. Mr. President, I would object to further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

RECOGNIZING BARBARA MIKULSKI

Mr. REID. Mr. President, on Saturday Senator BARBARA MIKULSKI becomes the longest serving woman in the history of the U.S. Congress. We will mark that occasion on Wednesday when her family and friends will be present here in the Capitol. I have prepared detailed remarks for that occasion, but I thought it was important that we note very briefly here today this milestone in the history of our country.

Last January BARBARA MIKULSKI surpassed Margaret Chase Smith from Maine as the longest serving woman in the Senate. On Saturday, March 17, she will surpass Congresswoman Edith Nourse Rogers from Massachusetts as the longest serving woman in Congress.

SMALL BUSINESS

Mr. REID. Mr. President, this week the Senate has demonstrated that when Democrats and Republicans cooperate, we are capable of achieving significant results for this country. We passed a transportation bill that will create or save almost 3 million jobs—and these are American jobs—and rebuild our Nation's crumbling infrastructure. Yesterday we chartered a course to confirm 14 new judges in the short term and a path for getting more done following that, and this is important because our Federal courts are overworked and understaffed.

We agreed that Congress should continue its work to improve the economy. To that end, the Senate will move today to a piece of legislation that will improve innovators' access to capital and give startups the flexibility they need to hire and to grow. This bill passed the House by an overwhelming margin. President Obama supports this measure, and both Democrats and Republicans are eager to get to work to pass it next week.

In addition to the small business capital legislation, Democrats will also advance a proposal to help American businesses sell more of their products overseas. Reauthorization of the Export-Import Bank—or Ex-Im Bank, as it is called—will help small businesses export globally. Not only will it help small businesses, it will help large businesses such as Caterpillar and Boeing. These companies really need this to continue the job creation they have been involved in now for the last several years. As an example, last year Ex-Im Bank financed almost 300,000 private sector jobs at more than 3,600 different American companies in more than 2,000 communities throughout America. Foreign governments often provide the financing for companies that compete with American businesses. We need to do this to be more competitive. Ex-Im Bank levels the playing field by being available to help American exporters when private lending is not available. Unless we reauthorize the bank, it will hit its lending limit this month, eliminating support for American exporters.

The Export-Import Bank has always had strong bipartisan support, and the

Democrats' legislation reauthorizing this measure has the firm backing of the Chamber of Commerce and organized labor. This is a strong combination that equals one result; that is, jobs.

Advancing these two items—the Ex-Im Bank and the small business capital bill—will continue the important bipartisan work we have done this week to get our economy back on track.

I am pleased that Democrats and Republicans in the Senate have been able to find common ground. President Franklin Roosevelt said:

Competition has been shown to be useful up to a certain point and no further, but co-operation, which is the thing we must strive for today, begins where competition leaves off.

I think we have shown this week that achievement comes when Members all strive, as President Roosevelt said, not to compete but to cooperate.

RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half hour and the Republicans controlling the second half hour.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSUMER PROTECTION

Mr. BLUMENTHAL. Mr. President, consumer protection has been a priority for me throughout my career, as I know it has been for the Presiding Officer. Both he and I served together as attorneys general, and now as Senators he and I have worked to give consumers a voice against companies that harm them through deceptive and dangerous or abusive practices.

This month we recognize consumers in two ways. National Consumer Protection Week, recognized the week of March 4 through 10, is led by govern-

ment and nonprofit groups and its focus is to encourage consumers to take full advantage of their consumer rights and make better informed decisions for themselves in the marketplace. This month we also recognize that many of the same consumer issues affecting Americans every day in their lives impact consumers in every corner of the world. So today we celebrate World Consumer Rights Day.

Every day ought to be Consumer Rights Day because, as President Kennedy once said, we are all consumers and we are consumers every day of every year. Organizations here in America such as Consumers Union and other consumer groups around the world celebrate World Consumer Rights Day as members of Consumers International, the nonprofit organization representing over 220 consumer groups in 115 countries.

Today also marks the 50th anniversary of a very special day in American history for American consumers. On March 15, 1962, President Kennedy sent a message to Congress calling for a national commitment to protecting consumer interests. Fifty years ago today, President Kennedy spoke about the consumer right to safety, to be informed, to choose, and to be heard. These rights are the foundation of what we now know as the Consumer Bill of Rights. The Consumer Bill of Rights has grown to include eight specific guarantees: the right to satisfaction of basic needs; the right to safety; the right to be informed; the right to choose; the right to be heard; the right to redress; the right to consumer education; and the right to a healthy environment.

Today, I wish to propose another right, a ninth right: the right to privacy. There is a growing need to defend individual rights to privacy in a multitude of areas. This country was founded—its basic bedrock—on a desire for personal privacy, on the right to be left alone. It is the reason people came to this country, avoiding unwanted and unwarranted intrusion on their personal space and on their rights and liberties. They came here out of a desire for religious freedom, economic liberty, and the security of their person and property against intrusion. It is a unique, bedrock American right—the right to privacy. Concerns about governmental invasion of personal privacy go back literally to the founding of our Republic and the protections guaranteed under the third amendment when the British lodged troops in our homes without permission, and the fourth amendment, when they searched our homes and seized goods and property from them.

I have heard numerous complaints from Connecticut residents who are concerned about their privacy. They are concerned about Federal and State intrusion into women's health care de-

cisions. They are concerned about government efforts to combat terrorism through tracking of individuals by a GPS or cell phone tower location. Those potential invasions of privacy are by the government, by official forces. But people today are also understandably and rightly concerned about corporate intrusion into their privacy. They are concerned about companies crawling the Web to collect consumers' personal information and selling it to marketers. They are concerned that mobile device apps can access and acquire the device owner's photos and address book without his or her knowledge or consent. They are concerned that credit scores are being created from their use of medications, and that those scores are being used to set personal health insurance premiums. They are concerned about companies that are compiling dossiers on their use of social media sites and blogs and selling those reports to prospective employers. They are concerned because they are powerless to prevent the distribution of their contact information to marketers who then deluge them with advertisements in the mail and by e-mail, and they are concerned about companies who don't secure their personal data and the damages that result from improper breaches and disclosures with the risk of identity theft and worse.

The Constitution was written to protect Americans from government intrusions into their privacy. I understand the difference between government intrusions and private sector invasions. But if the government were treating its citizens the way some companies are treating their customers, people would be outraged. They would be up in arms. They would be dumping tea in the Boston Harbor. The Supreme Court has just ruled that it is not OK for the government to track people via GPS in their car without a warrant, so why would it be OK for a company such as OnStar to track drivers who canceled their subscriptions and sell that information on their movements to marketers?

Americans—many of us, and others—were questioning the PATRIOT Act and its provisions that allow government to access records of what books citizens borrowed from the library and what Web pages they visited while they were there. Yet, companies are tracking consumers' every movement on line, through dozens—even hundreds—of cookies that are secretly installed on consumers' computers whenever they visit a Web site. We would be horrified if the government as a routine matter monitored pictures people take and who they interact with. Yet, according to news reports, mobile devices and apps are doing exactly that.

I believe it is time we protect Americans from intrusions into their personal privacy by companies or educational institutions or others who

may not be part of the government. Big Brother or Big Sister no longer need wear a police uniform or a badge or a military uniform. It may well be under the guise of a corporate seal or insignia, and I believe it is time we protect against those intrusions, as well as others. In fact, it is a bipartisan concern. One of the few areas where there is agreement in Congress is the need for better protection of consumers for online privacy. We may differ on the substance; we may disagree as to what the contours and the specifics should be. I am concerned about this issue and I am encouraged by the bipartisan support for attention to it. I was heartened by the President's recent call for a consumer privacy bill of rights—a great beginning, a very positive step forward. I believe our approach to privacy must be comprehensive and robust.

As a threshold matter, companies that collect or share information about consumers should be required to get consumers' affirmative opt-in consent for collecting or sharing that data. Not an opt-out but an opt-in—specific, informed consent. That should apply online as well as offline. We have seen a lot of attention paid to Internet tracking and behavioral advertising. I think we ought to protect consumers from privacy invasions that come from the mail or over the phone. They particularly affect our seniors. If a company wants to collect, aggregate, share, sell, or by any other means, it should get consumers' permission; otherwise, it shouldn't be permitted.

We also need to pay attention to the collection of information through consumers' use of mobile devices. As we have seen recently, some mobile apps or operating systems are capable of tracking not just consumers' Web browsing but also their text messages, what they photograph, who they contact. Mobile devices need a system-wide, do-not-track option to allow consumers to control the distribution of their information.

Finally, the consumers' right to privacy also must encompass the right to prevent unauthorized distribution of that information. To that end, we need to establish requirements for companies that possess consumers' personal information to ensure they have security features in place to prevent data breaches. Those protections must be accompanied by remedies, by fines and penalties that make those rights and protections real so that consumers have a private right of action as well.

Congress is working on these issues. There have been numerous hearings and legislation has been proposed. Having the President add his voice to the call for privacy will only help. As with food safety, product safety, and Wall Street reform, companies themselves are demonstrating the need for legislation and some of them are joining in this effort very constructively.

So as we mark the 50th anniversary of President Kennedy's call to action, let us heed the importance of his message to Congress. He said: "As all of us are consumers, these actions and proposals in the interests of consumers are in the interests of us all."

We should be proud in this body of having continued the fight for consumer protection. It should be full-throated and full-hearted.

Americans went West to the Presiding Officer's State and to other States seeking open spaces, economic opportunities, as well as personal opportunities, including the right to privacy and being alone. That American right—that American spirit—is very much with us today. It is 50 years after President Kennedy first articulated it, but I believe it is as real and necessary today as ever.

Thank you, Mr. President. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOBS ACT STRATEGY

Mr. MCCONNELL. Mr. President, I would like to start out this morning by saying I am glad we are turning to the bipartisan jobs bill that passed the House last week by such a lopsided margin. Here is a chance not only to help entrepreneurs build their businesses and create jobs but to show we can work together around here to get things done on a bipartisan basis.

Unfortunately, some of our friends on the other side do not seem to like that idea very much. Apparently, they would rather spend the time manufacturing fights and 30-second television ads than helping to create jobs.

First, they tried to even keep us from bringing up this jobs bill for debate in the Senate. Now we read they are trying to figure out ways to make this overwhelmingly bipartisan bill controversial. They want to pick a fight rather than get this bill to the President's desk, and then they are going to use the same strategy on a number of other bills.

Their plan is not to work together to make it easier to create jobs but to look for ways to make it easier to keep their own; then use it for campaign ads

in the runup to the November elections.

If we are looking for the reason this Congress has a 9-percent approval rating, this is it. One day after we read a headline in the Congressional Quarterly about Democrats moving to slow a jobs bill that got 390 votes, we see a story today about how the No. 3 Democrat in the Senate is scheming to spend the rest of the year hitting the other side. It goes on to list all the ways he plans to do it, and then it says this:

None of these campaign-style attacks allow for the policy nuances or reasoning behind the GOP's opposition, and some of the bills stand no chance of becoming law. But that's not really the point.

So at a moment of economic crisis, the No. 3 Democrat in the Senate—the Democrat in charge of strategy over there—is sitting up at night trying to figure out a way to create an issue where there is not one, not to solve our Nation's problems but to help Democrats get reelected.

I would like to have printed in the RECORD the Politico story I just referred to entitled "Schumer schemes to hit GOP" and ask unanimous consent to do so.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Politico, Mar. 14, 2012]

SCHUMER SCHEMES TO HIT GOP

(By Manu Raju)

NEW YORK.—Sen. Chuck Schumer believes he has found a political weapon in the unlikeliest of places: the Violence Against Women Act.

Republicans have several objections to the legislation, but instead of making changes, Schumer wants to fast track the bill to the floor, let the GOP block it, then allow Democrats to accuse Republicans of waging a "war against women."

It's fodder for a campaign ad, and it's not the only potential 30-second spot ready to spring from Senate leadership these days.

From his perch as the Democrats' chief policy and messaging guru, Schumer wants to raise taxes on people who earn more than \$1 million, and many Democrats want to push the vote for April 15, a move designed to amp up the "income inequality" rhetoric just in time for Tax Day.

Schumer has a plan for painting Republicans as anti-immigrant as well. He's called the author of the Arizona immigration law to testify before his Judiciary subcommittee, bringing Capitol Hill attention to an issue that's still front and center for Hispanic voters.

None of these campaign-style attacks allow for the policy nuances or reasoning behind the GOP's opposition, and some of the bills stand no chance of becoming law.

But that's not really the point.

The real push behind this effort is to give Democrats reasons to portray Republicans as anti-women, anti-Latino and anti-middle class. In the aftermath of a fight over a payroll tax cut for American workers and an Obama contraception policy, Democrats are ready for this next set of wedge issues.

"If a party chooses to alienate the fastest-growing group of people in the country [Latinos] and the majority of people in the

country, women, they do so at their peril," Schumer said Wednesday. "This is an important issue."

The move carries some risk. The economy is still struggling, with the jobless rate above 8 percent and millions seeking work. Gas prices are skyrocketing. And Schumer himself said last Sunday that Democrats would focus like a "laser" on the economy, a comment Republicans giddily pointed out as Senate Majority Leader Harry Reid (D-Nev.) pushed for judicial confirmations this week.

Schumer and Reid have also shown little interest in bringing forward a budget resolution this spring, saying that overall spending levels have already been agreed upon. That has opened them up to Republican charges they are steadfastly avoiding tough votes on the budget in favor of election-year point scoring.

Republicans see the latest chatter in the Senate as a political ploy by Democratic leaders to steady the ship in the face of a shaky political landscape.

"Sounds like all politics all the time," said Sen. John Cornyn (R-Texas), a member of his party's leadership who also serves on the Judiciary Committee. He added that Republicans would point out the "cynical nature of what they're trying to do that it's not based on substance."

Cornyn added: "We'll be prepared to address their false narrative."

The political strategy also risks inflaming partisan tensions. Arizona Republican Sens. Jon Kyl and John McCain criticized Schumer for calling for a hearing on their state's tough law that gives law enforcement new powers to target prospective illegal immigrants, a subject of a Supreme Court challenge.

Both men said they had no idea Schumer was inviting former state Sen. Russell Pearce—the author of the law—to testify at a hearing next month.

"Generally, senatorial courtesy indicates you talk to the member states," McCain said Wednesday. "I have never seen Sen. Schumer do anything unless it had a political agenda."

Schumer's office rejects the contention, saying that the New York Democrat notified Cornyn, the ranking Republican on the subcommittee, weeks before the offer was made public.

"This is a sunlight hearing," Schumer said Wednesday. "The more the public hears some of these views from the people in Arizona, the more they'll ask for a more moderate position."

Still, Schumer said there are moments of bipartisanship in which the two sides can come together, and he rejects the notion that Democrats are skirting efforts to prop up the economy, pointing to the passage of a highway bill Wednesday and expected approval of a House-passed small-business bill. Schumer said on the floor Wednesday that he hoped it was a "moment of greater comity."

But it may not last longer than a few days.

As soon as next week, the Senate may begin debating a bill to update expired provisions in the 1994 Violence Against Women Act, which provides assistance to victims of domestic abuse and other crimes. The bill, offered by Senate Judiciary Chairman Patrick Leahy (D-Vt.), was approved last month in his panel on a party-line vote, a sharp shift from seven years ago when the bill sailed through his committee.

"Not to reauthorize this is a tragedy," Sen. Dianne Feinstein (D-Calif.) said Wednesday. "This is one more step in the removal of rights for women."

Iowa Sen. Chuck Grassley, the top Republican on the panel, said while he supports a reauthorization of the law, he has concerns with the Democratic bill because it would lead to the issuance of thousands of additional visas under the U-Visa program, which gives illegal immigrants who are victims of crimes a chance to gain legal status if they cooperate with law enforcement.

On top of that, Grassley said it would fail to resolve immigration fraud and said grant money given to victims has not been adequately tracked. At the committee meeting last month, Grassley also raised concerns about language in Leahy's bill to broaden some of the law's provisions to those in same-sex relationships.

In response, Grassley introduced his own bill that included stricter criteria for U-Visa eligibility. But Democrats rejected that bill saying it would gut a key Justice Department enforcement office and undermine the protections in the law.

Republicans said Wednesday they might move their own bill once the issue heads to the floor. And they pushed back on Democratic criticisms that they were being insensitive to women.

"It's a politically popular bill, and if you try to improve it, or change it, and make it more efficient, then the complaint is you don't care about the issue," said Sen. Jeff Sessions (R-Ala.), a member of the committee. "Nothing can be further from the truth."

But Schumer added, that if the Republicans take positions that turn off voters, it'll be their own fault.

"When the Democrats let the extreme left run the show, we lose out. We've learned that lesson the hard way on many occasions," he said. "When Republicans let the hard right run the show, they lose out."

Mr. McCONNELL. It lays out the Democratic strategy. The American people need to know what is going on in the Democratic-controlled Senate and, frankly, so should posterity. Fifty years from now, I would like an American doing a research project to look back at what is outlined in this Politico article so they can understand what this Democratic-controlled Senate is like, so they can understand what their priorities are. What did this country's leaders do to make America stronger for the next generation? Read this Politico piece. It provides a unique insight for future generations of Americans to understand what this Senate has done for the country. They can decide for themselves what they think of it and what its legacy should be.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STARTUP COMPANIES

Mr. WARNER. Mr. President, I rise to speak on some of the issues that

were just addressed by the Republican leader; that is, the legislation we will hopefully turn to next about creating jobs.

There are a lot of occasions when legislation comes to the floor of this Senate where I, similar to many Members, have a view on it, and we kind of weigh in on our positions. But this legislation, as it comes forward, is something for which I have more than just an intellectual or political or philosophical viewpoint. This legislation actually involves the business I was in for nearly 20 years.

I was proud of the fact that starting in the early 1980s—up until the time I was elected Governor of Virginia—I was involved, originally as an angel investor and then as a venture capitalist, in helping start companies across this country. I am proud to have been involved as a venture capitalist in funding almost 70 companies—those companies that grew to now employ tens of thousands of Americans.

As the Acting President pro tempore and some of the folks realize, a lot of those companies I was involved with were involved in telecommunications. I was the cofounder of Nextel, although I cannot seem to turn my cell phone off at the appropriate times. But I think that background gave me some sense of what it means to find a management team to find the capital and get a company started, to allow it to grow, create jobs, create economic prosperity.

This issue around capital formation, encouraging startups, encouraging entrepreneurs, is an issue on which we ought to be able to come together.

I see my good friend, the Senator from Kansas, who I know is going to speak in a few moments after I am finished. He and I have worked together on legislation called the Startup Act that has been endorsed by tech councils across the country, has been endorsed by and builds upon the work of the Kauffman Foundation, has been endorsed by and builds upon the work of the President's Council on Jobs and Competitiveness.

This ought to be an area where we can find common ground. Some of the ideas we are going to be discussing in this legislation are not only ideas Senator MORAN and I have worked on but I know Senator COONS and Senator RUBIO and Senator TOOMEY and Senator SCHUMER have worked on, also Senator TESTER, Senator MERKLEY, and Senator BROWN. There is a list, actually, in terms of the sponsors or cosponsors on a number of these bills—a number not in the single digits but literally in the dozens, probably in excess of 20 and, for the most part, almost every one of these pieces of legislation is bipartisan.

Why do we need to do this? Because if we look where the jobs have been created in America over the last 20 years, for the most part we find, unfortunately, the job growth from companies

that are in the Fortune 1000 has been flat, if not slightly negative.

So while we applaud and support America's largest businesses because of increased productivity, because of globalization, those are not the companies adding jobs.

While every Member of the Senate, when they stand, stands and applauds small business—and I know my colleagues on the floor support small business, the traditional small businesses—the butcher shop, the retailer, the hardware store—there has not been much job growth amongst those companies as well.

So where have the jobs come from? The jobs have come from startup businesses, the kinds of businesses where an entrepreneur tries to scrape up a little bit of capital and takes an idea to market. Nearly 80 percent, according to the Kauffman Foundation, of all the new jobs created in America in the last 20 years have come from these firms.

We oftentimes think of these firms as technology firms. Many of them are—the Facebooks and Googles. But there are also the companies that span the reach of all kinds of different areas—the Lululemons, in terms of clothing stores, or Under Armour, a company that is in Maryland. These are the kinds of companies we need to do more to support in their growth, particularly right now when our economy is still struggling.

So what are we trying to do in this legislation? To my mind, there are three or four areas these bills need to address.

First of all, we need to make it easier for these startup companies to raise capital. Over the last decade, a lot of the traditional sources of capital raising have actually diminished, particularly since the financial crisis. The number of venture capital firms that exist, that fund companies, has actually decreased.

The ability for a company to go public—for which, perhaps, we got a little too excessive in the late 1990s, when we saw dot.com companies rush to go public and then that dot.com bubble burst and those companies failed—but that access to the public markets has been seriously constrained, partially because of added regulations, partially because of added reporting requirements, and partially because there has been a recognition that going public may not have been the right route for all these companies.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. WARNER. Mr. President, I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. The result is, many of these startup companies end up having to sell to a larger company, and many

of the ideas and many of the job-creation opportunities are then constrained.

We need to make it easier for these companies to access capital. Some of the ideas that are going to be proposed in the legislation will do that. Some of the reforms to reg A, reg D—trying to look at raising the number of investors a startup company can have before they have to report—all are sensible, appropriate incentives to help these startup companies get going.

I understand the very important requirements put in place by the so-called Sarbanes-Oxley legislation a few years back, but the cost of going public for startup companies now, on average, is \$3 million to \$4 million. Those costs are not costs that many of these startup companies can absorb. So some of the sensible reforms that have been proposed by Senator TOOMEY and Senator SCHUMER that I have been a proud cosponsor on, on a so-called on-ramp for startup companies, I think make sense as well.

There are also other tools we can use to help startup companies as they try to access capital.

We have seen a dramatic transformation of the Internet over the last 20 years. Every business, every part of our life has been changed. There is now the ability to use the Internet as a way for small investors to get the same kind of deals that up to this point only select investors have gotten that have been customers of some of the best known investment banking firms, where we can now use the power of the Internet, through a term called crowdfunding. There has to be appropriate investor restraints under this and investor protections, but crowdfunding using the Internet is another source of capital.

I hope that will be included in the legislation we are looking at, and I wish to commend Senator BENNET and Senator MERKLEY and Senator BROWN for working hard on that.

But there are other pieces of this legislation we have to take on if we are going to compete and win in this global competition for talent and ideas and have these jobs created in America. That is why I was so proud to work with Senator MORAN in our startup legislation that says attracting capital is one part of making a company successful. Another part of making a company successful is winning the worldwide competition for talent. Unfortunately, time and again what we are doing in this country is losing that competition for the best talent. There are literally tens of thousands of jobs that are going unfilled right now because we do not have enough American-born scientists, engineers, and mathematicians with graduate degrees.

Because we have the world's best system of higher education, we train many of the world's best and brightest.

But with our current immigration policies, we train those folks at the Virginia Techs, the University of New Mexicos, get them that Ph.D. in engineering, and then we send them home when they have an opportunity to get a job in this country. We cannot talk to a tech company anywhere in America that says we are losing the competition for talent.

So what does our legislation do? We actually do what tech firms have called for for years, which is, in effect, to staple that green card to those individuals who get not a bachelor's degree but a master's or Ph.D. in the science, technology, engineering or math field, the so-called STEM fields, if they have a job opportunity in America.

We allow that intellectual capital and talent to actually reside and help create jobs. What we do as well is create a new category—in effect, an entrepreneur's visa. We have a very narrow category within our immigration policies right now that allows certain immigrants who want to come, invest in other companies in this country, and hire Americans, to get access to a visa. We would expand that category.

So if an individual can demonstrate that they have raised capital and are willing to hire a number of Americans, why do we not allow them to start that job in America rather than going somewhere else to do it? So I believe we put in place small changes to our immigration policies that will, again, allow us to compete.

Our startup legislation looks at how we can encourage our universities because we need capital, we need talent, but we also need the intellectual capital, and that comes from ideas. Our universities across this country do a good job of doing basic research. Our universities do not do as good a job as they could and should in moving those ideas from the laboratory into the marketplace.

I know my time is about to expire so I will wrap up. What we do in our legislation as well is we do not add additional funding, but we take a small sliver, fifteenth-tenths of 1 percent of our existing research and development dollars, and actually use that as incentive funds to get ideas out of the laboratory into commercialization.

So I know we are going to move to this legislation shortly. I do believe there were a number of Members, particularly newer Members, who have been working on this legislation across the aisle. That was an attempt to put together a broad bipartisan bill. I am not sure that is going to come to pass on the Senate floor, unfortunately, because on this issue I do agree with the Republican leader. This should not be Republican or Democratic legislation. This should be a bipartisan piece of legislation that would actually encourage startups to get the capital, to get the

talent, to get the ideas, so we can actually make sure we move forward on job creation.

The data is clear. The jobs over the last 20 years have come from these kinds of startup companies, the kind I was proud to help fund in my 20 years of identifying funding and working on these startup ventures. We need to do all we can to support them. We need to move this legislation as quickly as possible. My hope is that we can move beyond the rather narrowly drawn capital formation legislation that we are going to look at and look at these other areas around crowdfunding, around appropriate visa policies, around commercialization of intellectual capital to move these forward.

I am going to yield the floor for my friend and colleague, someone who has been a leader on this issue as well, someone whom I know has been crisscrossing the country—over the last couple of days, recently, he came back from Austin, TX, where he was celebrated as a startup guru—and that is my friend, the Senator from Kansas. Let me also acknowledge the Senator from South Dakota who has been a leader, particularly on the regulation D reform.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. I ask unanimous consent to enter into a colloquy with my colleague from Kansas, Senator MORAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I do appreciate the opportunity to join with my colleague, Senator MORAN from Kansas, to speak in support of the bill that is before us, H.R. 3606, the Jumpstart Our Business Startups, or JOBS Act. The JOBS Act is a bipartisan bill that passed the House of Representatives by a vote of 390 to 23. It has also been endorsed by the White House.

Small businesses are the engines of our economy, but government redtape is currently preventing these businesses from creating even more jobs. This commonsense bill would enable small businesses in South Dakota and across the country to better access much needed capital so they can make investments and add employees.

There is no reason it should not receive similar support in the Senate. Creating jobs should be one of our top priorities in the Senate. We owe it to the American people and to small businesses across this country that are counting on us to do something that will make it easier, less expensive, and less difficult to create jobs.

Too often what we see coming out of Washington, DC, are policies that put up obstacles and barriers and impedi-

ments to our small businesses, making it more difficult and more costly to create jobs. We see that daily with regulations coming out of many of the agencies in Washington, DC. The Senator from Kansas and I have been on the floor previously talking about regulations proposed by the Department of Labor—85 pages worth of regulations—that would, in a very prescriptive way, tell farmers and ranchers how young people can work in their farming and ranching operations.

It is amazing to me the level of detail to which those regulations go and how prescriptive they are with regard to something that has historically in this country and traditionally been very much a part of our heritage; that is, the young people growing up on farms, being involved in those farming and ranching operations, making them profitable. We have a Federal agency now that thinks it knows better. So these 85 pages of regulations came out and suggested that there are certain things young people on farms and ranches should not do—not only suggested them, it says they cannot do. They cannot herd cattle from the back of a horse, cannot work around grain bins and stockyards, cannot work with animals that are more than 6 months old, cannot work at elevations or heights more than 6 feet.

These are all things the Department of Labor, in its infinite wisdom, has determined they know better about farming and ranching operations in this country than do the people who work there. It would transform the way in which family farm and ranch operations are conducted. It adds additional cost and barriers to these farmers and ranchers who work so hard to make a living. They are the quintessential small businesses in our country. They work hard. They have a tremendous work ethic. They are people who make their living on the land, and all they simply ask from their government is that they not impose these types of barriers and regulations and impediments to them doing what they do best; that is, to feed the world and to create a strong and vibrant farm economy.

So the JOBS bill that is before us takes us in a different direction than all of the regulations I just referred to, which makes it more difficult and more expensive for people in this country to create jobs and to grow their businesses. This package of bills that came over from the House of Representatives, which, as I mentioned, passed by a vote of 390 to 23—there were only 23 dissenting votes in the House, an overwhelming bipartisan majority in support of this legislation. And it is because these are such commonsensical things—so commonsensical that the White House has endorsed most of these bills, if not all of these bills.

They passed in the House of Representatives individually before they were packaged into this particular piece of legislation that was sent to us by that 390-to-23 vote. They were passed individually by huge votes. There is a piece of legislation, a bill that was passed in the House of Representatives, that Senator TOOMEY has the companion bill in the Senate that passed 421 to 1.

We had one of those bills that passed in the House of Representatives by a voice vote and the legislation—the bill I have as a part of this package passed in the House of Representatives by a vote of 413 to 11 last November. That was also included in this JOBS bill that has come over to us now from the House.

So what we want to do is make it easier for small businesses, which literally are the engine and the backbone of our economy, to create most of the new jobs in our economy; to do that, to create jobs, to invest capital, to put their capital to work, and to make our economy grow. So I would just say, by way of introduction, that I hope we cannot only get to this bill, get on this bill, but move quickly to pass it through the Senate, and get it on the President's desk because we do not have a lot of time to waste.

We all know what the statistics are. We know the high unemployment rate we have seen, the sluggish economic growth. We need to get this economy growing again. We need to make it easier, not harder, for small businesses to create jobs and to get access to capital. Many of these bills in this package—this small business jobs package—really do focus on the issue of capital formation and allowing small businesses to have easier access to the capital that will allow them to grow their companies and to grow jobs.

So what I would like to do—my colleague from Kansas is here. As I said, he is someone who, as a member of the Senate Banking Committee, has been a leader on this legislation and on many of these issues, and a leader, as I mentioned earlier, in fighting regulations coming out of Washington, DC, that make it harder and more difficult and more expensive to create jobs, in particular, as I mentioned earlier—we had this discussion a couple of weeks ago with regard to these Department of Labor regulations impacting family farms and ranchers—just one of many regulations, the proliferation of regulations coming out of Washington, DC, that consistently are overreaching in terms of their impact and what they do to create additional burdens for our small businesses.

So I would like to yield to my colleague from Kansas for his observations and thoughts with regard to the JOBS bill that is before us, and what we as a Senate ought to be doing to try to create better conditions and a more

favorable environment for our small businesses to create jobs.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. I thank the Senator from South Dakota. I am pleased that we are here finally on a topic of significant importance to the country. We have heard for a long time about the necessity of creating jobs, of creating an opportunity for Americans to succeed. In fact, I would guess that is the primary motivation for why many of us serve in the Senate: so that every generation, those who follow us, but those even today have the opportunity to pursue the American dream.

I think our goal is not to create a circumstance in which no one fails, but the goal is to create a circumstance in which many succeed. So while it has been very disappointing that the Senate has failed for so long to get to the important topic that we should be addressing, job creation, we are finally here today.

I commend the leaders of both parties for reaching an agreement that allows us to begin the discussion and ultimately, hopefully, pass the JOBS bill in a form just like the House passed a few days ago.

I came to this issue of job creation and innovation and entrepreneurship with a realization that this Congress is failing—this administration is failing to address the issue of the deficit and the financial condition of our country. I believe my kids and those Americans who follow us are going to be in much worse shape because the administration and Congress have failed to address the issue we face today, which is our country is broke. We are spending money we do not have.

We cannot seem to resolve that issue in a way that puts us on a path toward a balanced budget. I will not ever walk away from my belief that is necessary. I will continue to work as a member of the Senate Appropriations Committee and in every capacity I have to see that we get our spending under control and that we are on that path toward balancing the budget. Because of the failure of the administration and the leadership of the Senate to address this issue of the deficit, I started looking for ways in which we could approach the deficit in perhaps a way that is easier for us to grasp, easier for us to deal with.

And that is job creation, because the more people who are working the more taxes that are collected and the more money comes into the coffers of the U.S. Treasury to pay down this tremendous debt. These two issues are actually related. I have tried to figure out how to explain to Kansans why the deficit matters in whether they have a job or can pursue a better job. The answer is that no business is going to expand, grow, or invest in capital and plant and equipment and hire new peo-

ple if they are concerned that the United States might be the next Greece—the next country in which our creditors decide that we are no longer capable of paying back this tremendous debt that has accrued over a long period of time now and escalated in the last few years.

The goal of paying down the debt is certainly worthy in and of itself. But if we can do that, we also have the opportunity to create an environment in which business feels comfortable in hiring more employees and adding plant and equipment and investing in their business and growing it.

Today we come to the floor in support of the JOBS bill, as passed by the House of Representatives, in hopes that the Senate will do so in short order. It is the opportunity we have to make a tremendous difference so that Americans can, today and in the future, pursue that American dream.

We, over a long period of time, have created many impediments toward the success of that job creation. The Senator from South Dakota talked about the regulatory environment, and we have highlighted on the Senate floor a major overreach that fundamentally alters the way we live our lives back home in Kansas in regard to family farms. Farming and ranching in our State is a family operation. Yet the Department of Labor believes it is their role to tell parents what that relationship should be with their own children and their ability to work on their own family farm. It is just an example of this mindset in our Nation's capital that exists today that says we know better than the American people, better than the moms and dads, about the families, about what is the role for a young person working on a family farming operation in Kansas and across the country. That is an example.

Those regulations are there today and they are being proposed all the time. In my view, if the Federal Government believes it has this significant role to play in defining the relationship between moms and dads and working on a farm, what can't the Federal Government tell us back home what we can and cannot do? If they can go so far as to—I guess I should say, who more than a parent cares more about the safety of their own children, whom they are working side by side with or working with a neighboring farm? This is but one example in which we have decided that the government knows best, the Department of Labor knows better than moms and dads.

Once we reach that kind of conclusion, then there is nothing off limits for the Federal Government to say we know better than the citizens of our country. That is a misguided approach to the Federal Government, the role that we are to play. But it is a handicap and hindrance toward the ability of the American people, the entre-

preneurs, and those who believe in the free enterprise system—it is an impediment to them ever pursuing that opportunity to create jobs and an economy that encourages job creation.

I appreciate earlier Senator WARNER, the Senator from Virginia, being on the floor talking about legislation he and I are working on called the Startups Act. We continue to believe there is a great opportunity for entrepreneurs. In fact, research from the Kaufman Foundation shows that startups less than 5 years old have accounted for nearly all of the net jobs created in the United States from 1980 to 2005. In fact, startups create 3 million new jobs every year.

What we are about today is a portion of this legislation that Senator WARNER and I have introduced, the Startups Act, about the capital formation provisions of the bill. We have been working with Senators COONS and RUBIO and others to blend these provisions into the Startups Act, but a portion is now on the Senate floor. I am here to commend the opportunity that we have today to pursue that portion of job creation. It is not enough, but it is certainly a great beginning point for us in the Senate to follow the lead of the House of Representatives and create an opportunity for capital formation.

This legislation creates tax incentives that will spur investments in startups, reduce the regulatory burden and barriers that make it harder for startups to grow, and win the battle for us to see that the United States remains a highly competitive, innovative, entrepreneurial environment in which businesses succeed. I suppose what we say about businesses succeeding—it is not about necessarily the business success but about the consequences of that success, which is that Americans will have jobs, the opportunity to put food on the families' tables, save for their kids' education, save for their retirement, and meet the responsibilities we have as parents and members of the family.

I join the Senator from South Dakota in my strong support for moving forward and passing this JOBS legislation. I also ask the Senate to consider further legislative initiatives, such as the one Senator WARNER and I have, to make sure we do more to create that circumstance, that opportunity in America, where everybody has that opportunity to succeed, and that many will.

Mr. THUNE. Will the Senator yield for a question on jobs and the economy?

Mr. MORAN. Yes.

Mr. THUNE. I appreciate the Senator's legislation. I hope it is acted on. It is a rare day indeed when you have legislation that has bipartisan support, and in the case of the JOBS bills, also supported by the White House. That is a tremendous rarity here and one we

ought to take advantage of. We should move the JOBS package quickly. I hope the Senator's bill will enjoy similar bipartisan support and will be something we can act on as well.

These are the types of things that right now I think the American people—certainly the people of South Dakota and the people of Kansas—want to see us focus on. They want us to do things that will make it easier, less expensive, and less difficult to create jobs in the country and put people back to work and grow this economy and provide more opportunities for Americans.

The question I have for the Senator from Kansas, because it bears directly on the issue of the economy and has to do with regulations and policies coming out of Washington, is this: We are talking about a package of legislation that would enable access for job creators and small businesses to the capital they need to invest and grow their business and create jobs. It is enabling, in a sense, allowing better conditions for capital formation, especially for small businesses, which is where most of the jobs are created. There are other things the Federal Government is not doing that it should be doing to help the economy grow and drive down input costs for people in the country.

I want to refer to the issue of fuel prices. In a State such as mine, where you have an agricultural economy, it is very dependent upon energy, in terms of diesel fuel, fertilizer, and all those things that are incredibly dependent upon energy. It is also a rural State with a pretty big geography, where people have to drive long distances. When you see gas approach the \$4 range—and in my State, it is not there yet, but in other States it is—that is a very serious impediment.

There are things we ought to be doing to open more domestic production, to allow people who want to invest in energy to do so. We have lots of laws and regulations that make it more difficult, that prohibit it. We have what I would call some low-hanging fruit or easy opportunities to do that. The Keystone Pipeline is one that would bring about 800,000 barrels a day into this country, where it would be processed and refined and put Americans to work and lessen the dependence we have on foreign oil.

I am curious how that impacts a State such as Kansas and how it impacts job creation and small businesses, when we talk about Federal policies that have a direct bearing on our economy and people's everyday lives, and particularly with regard to small businesses, which we are talking about today.

Mr. MORAN. Mr. President, I have no doubt that the ability to have an economic recovery and create jobs is, in so many ways, determined by what happens with our actions in regard to an energy policy and the development of our own resources.

Certainly, while we are here to talk about jobs today, there is a national security, military stance issue that is, unfortunately, related to our strong dependence upon foreign energy supplies. This Congress, this administration, in my view, needs to get out of the way and let the private sector begin the process of meeting our country's energy needs.

When we talk about high prices and complain about the price at the pump, what we are complaining about is that the supply is insufficient to meet the demand. The supply is not increased and the demand goes up, and the resulting consequence is increasing prices. You can remedy that by increasing the supply of energy in this country. We have a vast array of those resources that, because of the regulations, environment, and the policies of the Federal Government, we are unable to pursue. The market would send the message that we need more supply, but the regulators are in the way of making that happen.

In a State such as ours, as the Senator from South Dakota says, we have to drive long distances. Agriculture is dependent upon natural gas for fertilizer and fuel, for irrigation, and diesel fuel matters to us; and we have many industries that consume energy in the creation of manufactured products. Every time the price goes up, the ability to create a new job goes down.

This country desperately needs an energy policy that is focused on the production of energy, using our own resources to meet our own country's needs. It is a significant and critical component if we are going to get the economy back on track and have jobs created.

Mr. THUNE. Mr. President, I say to my friend, I believe sincerely—and I think he does—that we need a real all-of-the-above strategy. We ought to be developing all forms of American energy, homegrown energy, domestic energy. I appreciate it when the President of the United States seizes upon that slogan and talks about supporting an all-of-the-above strategy, but his policies tell another story. If you look at things the Senator raised, such as increasing our domestic supply, homegrown production, there are a series of things that would do that. Approving the Keystone Pipeline would be the first one. It is right there—20,000 shovel-ready jobs. It is a \$7 billion initial investment, with 800,000 barrels of oil coming to us from Canada, as opposed to coming from Venezuela and Hugo Chavez and the Middle East. It is such a no-brainer hanging out there for us to immediately act on.

Unfortunately, the administration said no to that. They also said no to development in Alaska, no to offshore development, no to oil shale development, no to streamlining permits, and no to new leases. All have been put off

limits, which are the very things that would increase the supply and thereby address the issue the Senator mentioned, which is that we have too much demand chasing too little supply and, therefore, too high of a price, which bears on the pocketbooks of every single American, every small business, every family.

We need a real all-of-the-above strategy, not just lipservice to it, which is what we get out of this administration. It is an example—

[Disturbance in the Gallery.]

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will restore order in the Senate.

Mr. THUNE. This is an example of where public policy directly influences economic outcome. There is no way you cannot argue that more supply would lead to lower prices at the pump. For sure, more domestic supply would lead to more American jobs. That is what we are talking about today with jobs in the economy. That is why this issue bears directly on it.

I appreciate my colleague from Kansas pointing out the impact it has in his State on small businesses, farmers, and ranchers, who generally have to drive long distances.

I will wrap up by simply saying again that we need to focus like a laser on jobs. That is why I was pleased we were able to get the majority leader and, after some time our leader to move to jobs. We have lots of strategies mentioned that were going to be considered on the Senate floor.

The real issue in the minds of the American people, in terms of getting people back to work, is putting policies in place that will enable and make it easier and less difficult and less costly to create jobs.

Briefly, in addition to the bill the Senator from Kansas talked about—his bill—my legislation, which is included in the JOBS package, passed by 413 to 11. What it does is makes it easier for small and growing businesses to solicit investors to help them raise the capital they need to create jobs and, in the process, help our economy grow.

Specifically, it would remove a regulatory roadblock that is currently preventing small businesses from reaching out to potential accredited investors and thereby allowing these job creators to more easily raise capital from accredited investors nationwide.

This is commonsense legislation that will enable small businesses and start-up companies to better access the capital they need to expand and create jobs.

My provision has a lot of support from American job creators around the country. The Small Business and Entrepreneurship Council called it “a long overdue solution that will widen the pool of potential funders for entrepreneurs . . . to seek and secure the capital they need to compete and grow.

... Our economy will improve once entrepreneurs are provided the tools, opportunities and incentives they need to hope and invest."

There are 175 Democrats in the House of Representatives who have supported this bill as a stand-alone bill. It has been endorsed by the SEC's Advisory Committee on Small and Emerging Companies. When it was included in the broader JOBS bill in the House, it passed, as I said, by a vote of 390 to 23. If job growth is our priority here in the Senate, we should not delay on moving forward with this important job-creating legislation.

I thank my colleague from Kansas for joining me on the floor today to talk about the need to pass this JOBS Act and get it on the President's desk, as he said he wanted in his State of the Union Address back in January. It represents exactly what we should be doing here in Washington; that is, creating a stable and productive economic environment by easing regulatory burdens and unleashing economic potential without adding to the national debt.

The Senator from Kansas very ably addressed in his remarks earlier the importance of getting spending and debt under control, because that does also create conditions that are favorable to small businesses to invest. If there is uncertainty out there about what the Federal Government is going to be doing in terms of borrowing and spending, it creates a cloud under which it is very difficult for job creators to create jobs.

I hope that my colleagues here in the Senate will support this important piece of legislation and ensure job creators across the country have access to the capital they need to hire and invest and that we will start taking steps to address the impediments, the barriers, the obstacles that are in place right now to the development of domestic energy production that will ease the price at the pump and make it more affordable for small businesses to invest in this country.

Mr. MORAN. Mr. President, just to conclude, I would like to thank and commend the Senator from South Dakota for his leadership on these issues and again express my pleasure that we are finally taking up legislation that will make it easier for new businesses to raise capital, creating a phase-in period for small, growing companies to comply with government regulations that will help young businesses expand and could ease the decision to go public, and, finally, to update our securities laws that have been in place since the 1930s to reflect a 21st-century marketplace so they can expand access to capital for entrepreneurs to grow their businesses. And all this is done with the goal of creating the circumstance where many will succeed.

I thank the Chair.

Mr. THUNE. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. COONS. I thank the Chair.

(The remarks of Mr. COONS pertaining to the introduction of S. 2194 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COONS. I thank the Chair, and I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STARTUPS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3606, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1833

Mr. REID. On behalf of Senator REED of Rhode Island, Senators LANDRIEU, LEVIN, BROWN of Ohio, and others, I have a substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. REED, for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, and Mr. HARKIN, proposes an amendment numbered 1833.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. On that amendment, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1834 TO AMENDMENT NO. 1833

Mr. REID. I have a first-degree perfecting amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1834 to amendment No. 1833.

The amendment is as follows:

At the end, add the following new section: SEC. ____.

This Act shall become effective 7 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1835 TO AMENDMENT NO. 1834

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1835 to amendment No. 1834.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the substitute amendment which has already been submitted at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1833 to H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Mary L. Landrieu, Ben Nelson, Carl Levin, Jon Tester, Mark Begich, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Jeanne Shaheen, Tom Udall, Jim Webb, Barbara Boxer.

AMENDMENT NO. 1836 TO AMENDMENT NO. 1833

Mr. REID. Mr. President, on behalf of Senator CANTWELL, for herself and Senator JOHNSON of South Dakota, Senator GRAHAM, Senator SHELBY, and others, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. CANTWELL, for herself and Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY and Mr. KIRK, proposes an amendment (No. 1836)

to the language proposed to be stricken by amendment No. 1833.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1837 TO AMENDMENT NO. 1836

Mr. REID. I have a second-degree amendment that is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1837 to amendment No. 1836.

The amendment is as follows:

At the end, add the following new section: **SEC. ____.**

This title shall become effective 5 days after enactment.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion with respect to the Reid for Cantwell, Johnson of South Dakota, Graham, Shelby amendment.

The PRESIDING OFFICER. The cloture motion having been presented under to rule XXII, the Chair lays before the Senate the cloture motion which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 1836 to H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Ben Nelson, Mary L. Landrieu, Carl Levin, Jon Tester, Mark Begich, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Jeanne Shaheen, Tom Udall, Jim Webb, Barbara Boxer.

MOTION TO COMMIT WITH AMENDMENT NO. 1838

Mr. REID. Mr. President, I have a motion to commit the bill with instructions which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (H.R. 3606) to the Committee on Banking, Housing and Urban Affairs with instructions to report back forthwith with an amendment (No. 1838).

The amendment is as follows:

SEC. ____.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1839

Mr. REID. I have an amendment to my instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1839 to the instructions (amendment No. 1838) to the Motion to Commit H.R. 3606.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1840 TO AMENDMENT NO. 1839

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1840 to amendment No. 1839.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the bill, which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair lays before the Senate the cloture motion which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Ben Nelson, Jon Tester, Charles E. Schumer, Joe Manchin III, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Tom Udall, Jim Webb, Barbara Boxer.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived for the cloture motions just filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me take a moment to review what has transpired this morning.

Last week the House passed the pending small business capital formation bill by a vote of 390 to 23. President Obama has endorsed the bill very publicly; thus, this is a measure the Sen-

ate should consider expeditiously and pass in short order.

The Republican leader and I have had preliminary conversations about how to process this bill. Initial indications are that the Senate would not be able to agree to a time agreement providing for a limited number of amendments; so I proceeded today to ensure consideration of at least two amendments. So, on Tuesday, the Senate will vote first on the motion to invoke cloture on the Reid of Rhode Island amendment. That amendment is sponsored also by LANDRIEU, LEVIN, and BROWN of Ohio, which is a substitute, as I have indicated.

After disposition of that amendment, the Senate will next vote on a motion to invoke cloture on the bipartisan Cantwell, Johnson, Graham, Shelby Export-Import amendment. This Ex-IM Bank amendment is very important. The legislation just last year created 300,000 jobs and affected 2,000 communities in America. These jobs I am talking about are all American jobs.

After disposition of that amendment, the Senate would then vote on a motion to invoke cloture on the underlying bill. In the meantime, I am always open to unanimous consent agreements to aid in disposition of the bill. So I look forward—if there are things I can help with, I will be happy to do this.

I will say this. I spoke before my presentation here today to my friend from Colorado Senator UDALL. I have worked with him not for days, not weeks, not months but years on an issue that is extremely important to our country; that is, an issue to help credit unions, which have been so important to our country over the years.

During this economic meltdown we have had around the country, in Nevada credit unions have been a lifeblood for small businesses and individuals. We have tried and worked to get this matter on the floor. There is always some reason for not doing it. I understand the anxiousness of my friend from Colorado to have it on this bill. I will be happy to see if there is a way of doing this by consent, but there is no other way of doing it except by consent because it is not germane to the bill before us.

As I told him, I am starting today, on my own, to begin the procedural efforts to have this brought before the Senate. I think we have waited long enough. There is never a good time. There is always some reason of somebody that we have to do this now. This is a bill that presents problems for people because a number of the banks don't want this to happen. But I do, and I am going to do everything I can to have this brought before the Senate.

I will be happy to yield to my friend from Colorado. If he has any questions of me, I will be happy to respond to those or, if he has anything I can respond to in the way of any consent

agreement that he wants or whatever, I am here at his disposal.

The PRESIDING OFFICER. The senior Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I would like to acknowledge the majority leader and the great work he has put forth on this important opportunity we have. I know the majority leader has some additional comments he would like to make. But I intend to stay after the majority leader concludes and make my case, once again, for why this is so important.

Mr. REID. Mr. President, through the Chair to my friend from Colorado, he has talked about the work I have done. I haven't done much. He has been the leader, and I have been with him all the way. This is truly his issue. He is right. I have supported him from the very beginning, and I admire his resilience. Each time he brings this up, he is pushed back for some other reason. Personally, as I told him today, it is to the point now where we are going to have a vote on this.

There will be people coming to me, Why are you doing this? We are going to have a vote on this. Democrats and Republicans are going to have to make a decision where they stand for American credit unions.

Mr. UDALL of Colorado. Mr. President, if I might, I am going to expound on what the majority leader just shared with the body.

The whole point of what we are going to do on the JOBS Act is to expand access to capital for businesses across our great country. But the legislation I have introduced on a bipartisan basis that also has a bipartisan twin in the House of Representatives is aimed at truly small businesses. I would like to explain a little bit more about what I mean.

What we would do is, in effect, lift a regulation. We have talked about deregulation in Washington, unleashing the creativity in our business sector. What this legislation would do is deregulate an industry that is raring to go to help small businesses.

Before I get into the specifics, I would like to thank my Republican cosponsors, who include Senators OLYMPIA SNOWE, RAND PAUL, and SUSAN COLLINS. The legislation in the House has been introduced by Republican ED ROYCE, with whom I served when I was a Member of the House, and he has over 40 Republican cosponsors in the effort on the other side of the Capitol.

In sum, this is a bipartisan, common-sense way to create jobs and help our small businesses without costing taxpayers a dime. When we add the elements in what we are trying to do, there are positives across the board.

The reason this is so important is that there continues to be a phenomenon in our country where small businesses are starving for credit, but

the Federal Government is standing in the way of them procuring that credit. As I said to start my remarks, I am talking about the smallest of small businesses. These are the men and women who need \$50,000, \$100,000, maybe even \$200,000 to move from their garage to a retail storefront, to renovate their sales floor or to upgrade or purchase equipment and, in the process, they will expand. Too often, frankly, they are too small to be worth the time of banks or they don't fit the lending guidelines of the bank's corporate headquarters. But credit unions are standing ready to lend money to these Americans to support their businesses and create jobs.

The leader just moved to the Jumpstart Our Business Startups Act; the acronym is the JOBS Act. That is appropriate. The House passed it last week. This bill is aimed at increasing the availability of startup companies by expanding and easing the process of undergoing an IPO. That is an acronym for initial public offering. That is a noble goal, especially as our economy still struggles to create jobs. But the problem is we are still leaving small businesses behind. Why is that? The JOBS Act is aimed at companies with revenue under \$1 billion. Let me repeat that: \$1 billion, with a B. These companies may well need help with an IPO, but I am talking about offering relief to Main Street.

In light of this, I am still committed—and I appreciate the majority leader's comments. I have been very persistent. I am still committed to allowing credit unions to increase the amount of money they can lend to small businesses and our bipartisan Small Business Lending Enhancement Act was the first amendment filed to this bill and I still hold hope that we will find a way to include it in the bill. We ought to pass it immediately. We would see immediate results if we did so.

Let me share a couple examples of why I think this is so important, and they are Colorado centric. I know the Presiding Officer makes a point to talk about his home State on an ongoing basis and to highlight Ohioans who make a difference. So let me talk about two small business owners in Colorado who made a difference with the help of credit unions.

Stacy Hamon owns the 1st Street Salon in Thornton, and Lisa Herman of Broomfield owns Happy Cakes Bake-shop in Denver's Highland Square. They were turned away from their banks. In the breach, credit unions arrived and they lent to these two small businesswomen and they were able to grow their businesses and hire their fellow Coloradans to help them in those business enterprises. They didn't need a billion-dollar IPO. They needed a small bridge loan. We could be making a huge difference in many commu-

nities with mere pennies on the dollar of what the JOBS Act is focused on. If my amendment were to be considered in this JOBS Act, it would actually help small businesses directly create jobs.

Credit unions, simply put, specialize in these small business loans to small business. In fact, the Federal Reserve has told us that many banks have quit considering loans such as those under \$200,000 because they aren't worth the bank's time. Credit unions know these small business owners, and they have money to lend to them. Unfortunately, Federal law still limits the amount of small business loans a credit union can extend to these businesses to 12 percent of their assets. Over 500 credit unions nationally have had to stop or slow down their business lending because of this—I can't think of any other word but "strange"—strange Federal limit on helping small businesses. It is hard to believe. Government is telling these financial institutions they can't help create jobs in their local communities, and that is why my bipartisan amendment would double the amount of money credit unions can offer to small businesses.

We have heard from the banks over the years they think it is unfair they have to compete with credit unions. But the fact is, it is not about banks or credit unions; it is about small businesses. I have to say these two different kinds of financial institutions serve very different small business populations. Credit unions serve the smallest of small businesses that often must resort to their credit cards, literally, to invest in their businesses and keep their cash flow going, but in the process they create jobs. These are business owners who have been, by and large, turned away by the banks. I am not talking about taking business away from anyone. I am suggesting, at the very least, we let the credit unions loan to these small business owners whom the banks don't want to do business with because they are too small.

Credit unions have been in existence for over 100 years, and today they only represent about 5 percent to 6 percent of all small business loans. Even if they were to increase their lending, if credit union lending were to increase and their market share were to double as a result, they would still only have 7 to 9 percent of market share, and banks would have nearly 90 percent of the markets for themselves.

Let me rebut another concern that has been expressed. The banks say this proposal is unproven or somehow an unsound way of increasing small business loans, but as I have said, the credit unions have been making small business loans since the early 1900s. There were not any limits on how much credit unions could lend until 1998. The credit union sector has a regulator, the National Credit Union Administration,

and it has endorsed lifting or even eliminating the small business lending cap. It just makes sense to do this, and I cannot believe we are going to let these squabbles between the banks and credit unions keep job creators from going to work in the small small business sector.

There is a rush to pass the JOBS Act, which would help billion-dollar companies with their IPOs. But how about we take a little bit of time to help small business owners, such as Stacy and Lisa, by passing our bipartisan amendment? After all, if we are going to tell the American people this bill is about increasing access to capital, let's start by helping the small business owners on Main Street that fuel our job engine. This is what we would do in Colorado. It is how we would apply our commonsense approach to business.

I plead with my colleagues to consider the important effect this would have. So, in summary, our bipartisan amendment is projobs, it is deregulatory, and it would not cost the taxpayers a dime. It would release \$10 billion in capital across our country and, conservatively, 100,000 new jobs would be a result.

Let's take this up. Let's fuel the economic engine with the capital of our small business sector.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak until noon in a colloquy with the distinguished majority whip. Senator AYOTTE and a number of other Senators will join us during the next 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SYRIA

Mr. CORNYN. Mr. President, I know Senator DURBIN, Senator AYOTTE, and others will be coming to the Senate floor, but let me get it started. According to the United Nations, more than 8,000 Syrians have been murdered in attacks by the desperate regime of President Bashar al-Assad of Syria.

We continue to receive press reports on a daily basis about Assad's forces summarily executing, imprisoning, and torturing demonstrators who want nothing more than what we take for granted, which is to live in freedom in a democracy. This week we learned that dozens of Syrian women and children—some infants as young as 4 months old—were stabbed, shot, and burned by government forces in Homs. I know it is difficult for most of us to comprehend—and most of us would be so repulsed by it, we would not want to comprehend the kind of brutality Assad is perpetrating against his own people. Yet in the face of these atrocities, Russia continues to prop up the

Assad regime by providing arms that are being used to slaughter these innocent Syrian civilians.

Russia is the top supplier of weapons to Syria and reportedly sold Syria up to \$1 billion or more worth of arms just last year. Western and Arab governments have pleaded with Russia to stop supplying these weapons to the Assad regime, but it has refused so far.

Russia is not just passively supplying weapons to the Assad regime, it has recently admitted to having military weapons instructors on the ground in Syria training Assad's Army on how to use these weapons. Russian weapons, including high-explosive mortars, have been found at the site of atrocities in Homs.

This picture taken by Al Arabiya and Reuters reads:

Russian Foreign Minister Sergei Lavrov, why don't you visit Homs to see your weapons and their effectiveness in the bodies of our children!

The Syrian people recognize Russia's role in their current misery, as reflected by this picture and by this statement to Russian Foreign Minister Sergei Lavrov. Rosoboronexport is Russia's official arms dealer. This company handles about 80 percent of Russia's weapons exports, according to its Web site, and it is spearheading Russia's continuing effort to arm the Assad regime, which, in my mind, makes them an accessory to mass murder.

I see the distinguished majority whip has come to the floor, and I want to give him a chance to make any appropriate remarks he cares to make and engage in a colloquy with him.

First, let me close my comments on this concern I have. Not only is Russia selling arms to Syria to kill innocent civilians, but you can imagine my shock and dismay when I found out that our own Department of Defense has a no-bid contract with this same Russian arms merchant that is helping arm the Assad regime.

This is a no-bid contract to provide approximately 21 dual-use Mi-17 helicopters for the Afghan military. As I said, this is a no-bid Army contract that was awarded last summer that is reportedly worth as much as \$900 million. So the only thing I can conclude is that the U.S. taxpayer is providing money to a Russian arms dealer to purchase Russian helicopters for the Afghan military, and the very same arms merchant is arming President Assad's regime and killing innocent Syrians.

I, along with 16 of my colleagues, have sent a letter to Secretary Panetta expressing our alarm and concern over these arrangements, asking for further information and urging them to reconsider this contract with Rosoboronexport.

I want to stop on this point: We must keep the pressure on the Department of Defense to reconsider this contract and

on the Russians to cease all arms sales to the Assad regime.

I am hopeful that the upcoming debate on the repeal of Jackson-Vanik will provide an opportunity for the Senate to further examine these serious issues.

Again, let me state my appreciation to Senator DURBIN, the distinguished majority whip, for his participation in expressing alarm and concern over these circumstances and ask him to make any comments he cares to make.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, it is my honor to join my colleague and friend, the Senator from Texas. We are on opposite sides of the aisle, but we are on the same side of this issue.

Listen to what America has said about what is happening in Syria: Almost 8,000 innocent people have been killed in the streets of Syria by Bashar Assad, the dictator. The people who expressed their concern and objection to his policies are mowed down and killed in the streets, their homes are bombed, and nothing is being done. Sadly, the United States tried to engage the United Nations Security Council to join the Arab League and others condemning what Assad is doing to these innocent people. Our efforts were stopped by China and Russia.

The relationship between Russia and Syria is well documented. They have been close allies for many years. We also know they are providing about \$1 billion in Russian military aid to the Syrian dictator to kill his own people in the streets. That is part of this.

I have to join Senator CORNYN in saying how concerned we were when we learned that one of the leading military exporters of Russia, Rosoboronexport, is not only doing business in Syria but with the U.S. Government. Now, I understand the history. We are buying Russian helicopters to help the Afghans defend their country against the Taliban. The helicopter of choice in Afghanistan today is, I believe, the old Soviet M-17 or M-18 helicopter. So our government is buying these Russian helicopters to give to the Afghan Government to fight the Taliban.

We are, in fact, doing business with the very same company and country that is subsidizing the massacre in Syria. It is right for us, as Members of Congress, to make that point to Secretary Panetta and the Department of Defense. I think it is also appropriate for us to ask why we are not converting the Afghan defense forces, their security forces, to another helicopter.

Can I be so bold as to suggest it be made in the United States of America since we are paying for it? Why aren't we doing that? Why aren't we creating jobs in America and training these Afghans on helicopters that come from our country, that are as good or better

than anything the Soviets ever put in the air? I don't have a preference on an American helicopter. I don't have any producers in my State, so I am not into that particular bidding war. I would not get into it. But I do believe sending a word to the Russians immediately that our relationship of buying these helicopters for Afghanistan and subsidizing their military sales to Syria should come to an end. That is what this letter is about.

We cannot pass resolutions on the Senate floor condemning the bloodshed in Syria and ignore the obvious connection: Russian military is moving arms into Syria that are used to kill innocent people.

I noticed the Senator from Texas brought a photograph with him. This photograph I am going to show is one of a Russian warship, an aircraft carrier, docked at the Syrian port of Tartus on January 8 of this year. What we could not turn into a poster is the video clip showing the Russian warship captains being greeted like royalty by the Syrian Minister of Defense who went out to welcome the ship. This Russian aircraft carrier was launched from a port used by the same export company.

I cannot go any further in saying that the particular company involved sent goods on this particular ship, but the fact is obvious. Russia has become a major supplier of military arms to the Syrian dictator who is killing innocent people. We are doing business with that same military company, Rosoboronexport.

It is time for us to step back and say to the Russians: We can no longer continue this relationship. If you are going to subsidize the killing of innocent people, we cannot afford to do business with you.

America, we have to acknowledge the obvious. No matter what they are paying, it is not worth the loss of innocent life in Syria.

I thank the Senator from Texas for joining me. I think we have 16 or 17 colleagues who are joining us in the bipartisan effort to raise this issue.

I hope the Russians will understand that once and for all they can't play both sides of the street, and we in the United States should draw the line.

I thank the Senator from Texas.

Mr. CORNYN. Would the Senator yield for a question?

Mr. DURBIN. Yes.

Mr. CORNYN. Is the Senator aware the very same arms merchant, Rosoboronexport, has also been documented selling weapons to Iran and Venezuela? As a matter of fact, according to one published report, as late as 2005, Rosoboronexport sold Iran 29 Tor-M1 anti-air missile systems worth \$700 million. And Iran's Revolutionary Guard Corps successfully tested this anti-air missile system in 2007. It is also reported that in 2012, Russia will

deliver T-72 tanks, BMP3 infantry fighting vehicles, and BTR-80A armored personnel carriers to Venezuela—just at our back yard in South America. Also, in the last 5 years in Venezuela, Hugo Chavez, a dictator with strong ties to Cuba and Fidel Castro, bought \$11 billion worth of arms through Rosoboronexport.

I wonder if the Senator finds that surprising or alarming.

Mr. DURBIN. I say to the Senator from Texas, a point the Senator said earlier, and I think bears repeating at this moment in our dialogue, is that Rosoboronexport is a Russian state-controlled arms export firm. This is no so-called private company. This is a firm run by the Russian Government. As the Senator from Texas goes through the litany of countries they are supplying, he is going through a litany of countries that have never in recent times had the best interests of the United States at heart. If the Russians, through their government company, want to supply Iran—which we know is an exporter of terrorism not only in the Middle East but around the world and in the United States—if they want to supply them, if they want to supply sniper rifles and arms to the Syrians to kill their own people—why in the world are we doing business with them? There ought to be a line we draw at some point. We have no moral obligation to do business with a firm that is, in fact, supplying those who are killing innocent people and our enemies around the world.

I thank the Senator from Texas for raising those points.

Mr. CORNYN. Mr. President, I would also ask the distinguished majority whip whether he is aware of the testimony within the last couple of weeks before the Armed Services Committee of Secretary Panetta and the Chairman of the Joint Chiefs of Staff. The testimony focused a lot of attention on Iran, the principal state sponsor of international terrorism in the world today, and its destabilizing influence in the Middle East. Iran is seeking, as they are, a nuclear weapon which would at the very least create a nuclear arms race in the Middle East and a consequential destabilizing effect in that region.

I know the Senator is aware that Syria is one of the principal proxies for Iran. General Dempsey and Secretary Panetta both said if Syria were to go by the wayside, as various other countries have in the Arab spring, that it would be a serious blow to Iran's aspirations for hegemony in the Middle East and something that is dangerous to the peace and stability of that important region. I know the Senator is aware of the close relationship between Syria and Iran, and I wonder if the Senator cares to comment on that connection.

Mr. DURBIN. I would say to the Senator from Texas—and I am sure he has

studied this, as I have—it is hard to parse out the elements in the Middle East and decide who is fighting for which team. But when it comes to Syria, they have consistently aligned themselves with Iran, and in that alliance Iran has been very supportive of Syria and Hezbollah, another terrorist group that is operating primarily through Syria. So that close connection is a matter of concern to me.

Our goal in the Middle East is to create stability and to stop the march of these dictators in the Middle East who are killing innocent people and denying them their most basic rights. We have tried everything short of military intervention, which I would not call for in the Syrian situation. But we have tried everything else—diplomatic and economic—to put pressure on Syria. We should continue to, and we should join with other nations and continue the efforts of the United Nations.

But we can't get this job done when Russia plays the roll of outlier, supplying both Syria and Iran with military arms and support. If they want to truly join us in a stable situation in the Middle East, they should tell Assad it is over—and it clearly is over. This man could never legitimately govern Syria from this point forward after killing so many innocent people.

I hope what we are doing today is suggesting to this administration and Secretary Panetta another avenue to let the Russians know that we find it unacceptable for them to supply arms to what is a destabilizing influence in that part of the world.

Mr. CORNYN. Mr. President, I can't recall whether I asked unanimous consent, but if I haven't done it up to this point, I ask unanimous consent that the letter we are referring to that 17 Senators sent to Secretary Panetta be printed in the RECORD at the close of these comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Mr. President, I know there are other Senators and signatories of this letter who may well be coming to the floor to talk more about this issue, but I wish to express my gratitude to Senator DURBIN. It is important that the United States speak out on behalf of people who have no real voice in defense of their most basic human rights. I would point out that President Assad and his regime are not only killing innocent civilians, but also are being supplied by Russia, who also—maybe not coincidentally—vetoed the sanctions the U.N. was considering with regard to Iran.

So it is very important that we not only speak up on behalf of the people who have no voice and no defense, but also make sure the U.S. Government, at a very minimum, isn't doing business with the very same arms merchants that are supplying weapons to

President Assad with which to kill innocent Syrians.

I am advised that Senator AYOTTE was planning on coming. She is a signatory to this letter and a member of the Armed Services Committee who shares many of these same concerns. However, she is not going to be able to come at this time. I am sure she will be coming to speak on this later.

So with that, I yield the floor, and I thank my colleague.

The PRESIDING OFFICER. The assisting majority leader.

Mr. DURBIN. I thank my colleague from Texas for speaking with me on this issue. We have been working on it together.

EXHIBIT 1

U.S. SENATE,

Washington, DC, March 12, 2012.

Hon. LEON R. PANETTA,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY PANETTA: We write to express our grave concern regarding the Department of Defense's ongoing business dealings with Rosoboronexport, the same Russian state-controlled arms export firm that continues to provide the Syrian government with the means to perpetrate widespread and systematic attacks on its own people. According to the United Nations, over 7,500 Syrian civilians have reportedly been killed in the attacks by the desperate regime of Syrian President Bashar al-Assad, and we continue to receive grisly accounts that his government forces are summarily executing, imprisoning, and torturing demonstrators and innocent by-standers.

Russia remains the top supplier of weapons to Syria, selling reportedly \$1 billion or more worth of arms to Syria in 2011 alone. Its arms shipments to Syria have continued unabated during the ongoing popular uprising there. According to Thomson Reuters shipping data, since December 2011, at least four cargo ships have travelled from the Russian port used by Rosoboronexport to the Syrian port of Tutus. Another Russian ship that was reportedly carrying ammunition and sniper rifles, weapons which Syrian forces have used to kill and injure demonstrators, reportedly docked in Cyprus in January and then went on to deliver its cargo directly to Syria. In addition, recent reports from human rights monitoring organizations confirm that Russian weapons such as 240mm F-864 high explosive mortars have been found at the site of ongoing atrocities committed against civilians in Homs, Syria. In January of this year, Rosoboronexport reportedly signed a new deal with the Syrian government for 36 combat jets.

Even in the face of crimes against humanity committed by the Syrian government during the past year, enabled no doubt by the regular flow of weapons from Russia, the United States Government has unfortunately continued to procure from Rosoboronexport. It is our understanding that the DoD, through an initiative led by the U.S. Army, is currently buying approximately 21 dual-use Mi-17 helicopters for the Afghan military from Rosoboronexport. This includes the signing of a no-bid contract worth \$375 million for the purchase of aircraft and spare parts, to be completed by 2016. Media reports indicate that the contract included an option for \$550 million in additional purchases, raising the contract's potential total to nearly \$1 billion.

While it is certainly frustrating that U.S. taxpayer funding is used to buy Russian-made helicopters instead of world-class U.S.-made helicopters for the Afghan military, our specific concern at this time is that the Department is procuring these assets from an organization that had for years been on a U.S. sanctions list for illicit nuclear assistance to Iran and in the face of the international community's concern is continuing to enable the Assad regime with the arms it needs to slaughter innocent men, women, and children in Syria. Other options are very readily available as demonstrated by the fact that the first four Mi 17 helicopters that the U.S. Navy purchased for Afghanistan came through a different firm. We ask that the DoD immediately review all potential options to procure helicopters legally through other means.

U.S. taxpayers should not be put in a position where they are indirectly subsidizing the mass murder of Syrian civilians. The sizeable proceeds of these DoD contracts are helping to finance a firm that is essentially complicit in mass atrocities in Syria, especially in light of Russia's history of forgiving huge amounts of Syria's debt on arms sales, as occurred in 2005 during President Assad's state visit to Moscow.

President Obama has called on President Assad to step down, and he has declared that "Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States." As such, we urge you to use all available leverage to press Russia and Russian entities to end their support of the Assad regime, and that includes ending all DoD business dealings with Rosoboronexport, which is within your authority as Secretary of Defense. Continuing this robust business relationship with Rosoboronexport would undermine U.S. policy on Syria and undermine U.S. efforts to stand with the Syrian people.

This is a serious policy problem, and we ask for your personal attention to help solve it. Thank you for your service to our nation and your dedication to the members of our Armed Forces.

Sincerely,

John Cornyn; Kirsten E. Gillibrand;
Richard J. Durbin; Kelly Ayotte; Richard Blumenthal; James E. Risch; David Vitter; Sherrod Brown; Chuck Grassley; Marco Rubio; Jon Kyl; Robert Menendez; Roger F. Wicker; Robert P. Casey, Jr.; Mark Kirk; Ron Wyden; Benjamin L. Cardin.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I have been in the House and Senate for a number of years. After a while, we detect certain trends. One of the things I am wary of, having seen over the years the abuses associated with it, are these freight train bills that seem as though they are moving so fast, with big majority support—bills that oftentimes will pass one Chamber or the other and come roaring into the other Chamber and maybe pass too quickly and usually with regret.

At a later point someone stops and reflects and says: We went too far. We didn't read into this all the things that could occur. We should have taken a

little more time because at the end of the day a lot of innocent people suffer.

The Senate historically has been the Chamber—I served in the House, but the Senate historically has been the Chamber that has, as George Washington characterized it, been the saucer that cools the tea. As I said, I served in the House of Representatives, and with elections every 2 years, as the Presiding Officer knows, many Members of the House move quickly on issues because here comes another election campaign and Members don't want to miss an opportunity. The Senate, with longer terms and a different set of rules, tries to be more deliberate—sometimes too deliberate, I might add, but at least has that charge under our Constitution.

The reason I am raising this point is we have a bill that is coming over from the House, and the Republican leader has been frantic to bring this bill to the Senate floor. It is characterized by the Republicans as a House jobs bill. It is, in fact, a bill which relates to startups, new businesses, and the regulatory requirements of these businesses. The bill basically exempts a large number of new startup companies from basic regulation.

I have a letter that I ask unanimous consent be printed in the RECORD, dated March 13 of this year, by Mary Schapiro who is the Chairman of the Securities and Exchange Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,

Washington, DC, March 13, 2012.

Hon. TIM JOHNSON,
Chairman, Committee on Banking, Housing,
and Urban Affairs, U.S. Senate, Dirksen
Senate Office Building, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Committee on Banking, Housing,
and Urban Affairs, U.S. Senate, Russell
Senate Office Building, Washington, DC.

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER SHELBY: Last week, the House of Representatives passed H.R. 3606, the "Jumpstart Our Business Startups Act." As the Senate prepares to debate many of the capital formation initiatives addressed by H.R. 3606, I wanted to share with you my concerns on some important aspects of this significant legislation.

The mission of the Securities and Exchange Commission is three-fold: protecting investors; maintaining fair, orderly and efficient markets; and facilitating capital formation. Cost-effective access to capital for companies of all sizes plays a critical role in our national economy, and companies seeking access to capital should not be hindered by unnecessary or overly burdensome regulations. At the same time, we must balance our responsibility to facilitate capital formation with our obligation to protect investors and our markets. Too often: investors are the target of fraudulent schemes disguised as investment opportunities. As you know, if the balance is tipped to the point where investors are not confident that there are appropriate protections, investors will lose confidence in our markets, and capital

formation will ultimately be made more difficult and expensive.

While I recognize that H.R. 3606 is the product of a bipartisan effort designed to facilitate capital formation and includes certain promising approaches, I believe that there are provisions that should be added or modified to improve investor protections that are worthy of the Senate's consideration.

DEFINITION OF EMERGING GROWTH COMPANY

The "IPO On-Ramp" provisions of H.R. 3606 provide a number of significant regulatory changes for what are defined as "emerging growth companies". While I share the view that it is important to reduce the impediments to smaller businesses conducting initial public offerings in the United States, the definition of "emerging growth company" is so broad that it would eliminate important protections for investors in even very large companies, including those with up to \$1 billion in annual revenue. I am concerned that we lack a clear understanding of the impact that the legislation's exemptions would have on investor protection. A lower annual revenue threshold would pose less risk to investors and would more appropriately focus benefits provided by the new provisions on those smaller businesses that are the engine of growth for our economy and whose IPOs the bill is seeking to encourage.

CHANGES TO RESEARCH AND RESEARCH ANALYST RULES

H.R. 3606 also would weaken important protections related to (1) the relationship between research analysts and investment bankers within the same financial institution by eliminating a number of safeguards established after the research scandals of the dot-com era and (2) the treatment of research reports prepared by underwriters of IPOs.

H.R. 3606 would remove certain important measures put in place to enforce a separation between research analysts and investment bankers who work in the same firm. The rules requiring this separation were designed to address inappropriate conflicts of interest and other objectionable practices—for example, investment bankers promising potential clients favorable research in return for lucrative underwriting assignments—which ultimately severely harmed investor confidence. In addition, H.R. 3606 would overturn SRO rules that establish mandatory quiet periods designed to prevent banks from using conflicted research to reward insiders for selecting the bank as the underwriter. I am concerned that the changes contained in H.R. 3606 could foster a return to those practices and cause real and significant damage to investors.

In addition, the legislation would allow, for the first time, research reports in connection with an emerging growth company IPO to be published before, during, and after the IPO by the underwriter of that IPO without any such reports being subject to the protections or accountability that currently apply to offering prospectuses. In essence, research reports prepared by underwriters in emerging growth company IPOs would compete with prospectuses for investors' attention, and investors would not have the full protections of the securities laws if misled by the research reports.

DISCLOSURE, ACCOUNTING AND AUDITING MATTERS

H.R. 3606 would allow emerging growth companies to make scaled disclosures, in an approach similar to that currently permitted under our rules for smaller reporting compa-

nies, and would provide other relief from specific disclosure requirements, during the 5-year on-ramp period. While there is room for reasonable debate about particular exemptions included in the disclosure on-ramp, on balance I believe allowing some scaled disclosure for emerging growth companies could be a reasonable approach.

H.R. 3606, however, also would restrict the independence of accounting and auditing standard-setting by the Financial Accounting Standards Board ("FASB") and the Public Company Accounting Oversight Board ("PCAOB"). These provisions undermine independent standard-setting by these expert boards, and both the FASB and the PCAOB already have the authority to consider different approaches for different classes of issuers, if appropriate.

Moreover, H.R. 3606 would exempt emerging growth companies from an audit of internal controls set forth in Section 404(b) of the Sarbanes Oxley Act during the five-year on-ramp period. IPO companies already have a two-year on-ramp period under current SEC rules before such an audit is required. In addition, the Dodd-Frank Act permanently exempted smaller public companies (generally those with less than \$75 million in public float) from the audit requirement, which already covers approximately 60 percent of reporting companies. I continue to believe that the internal controls audit requirement put in place after the Enron and other accounting scandals of the early 2000's has significantly improved the quality and reliability of financial reporting and provides important investor protections, and therefore believe this change is unwarranted.

"TEST THE WATERS" MATERIALS

H.R. 3606 would allow emerging growth companies to "test the waters" to determine whether investors would be interested in an offering before filing IPO documents with the Commission. This would allow offering and other materials to be provided to accredited investors and qualified institutional buyers before a prospectus—the key disclosure document in an offering—is available.

There could be real value to permitting these types of pre-filing communications: it could save companies time and money, and make it more likely that companies that file for IPOs can complete them. Indeed, there are some SEC rules that permit "test the waters" activities already. However, unlike the existing "test the waters" provisions, the provisions of H.R. 3606 would not require companies to file with the SEC and take responsibility for the materials they use to solicit investor interest, even after they file for their IPOs. This would result in uneven information for investors who see both the "test the waters" materials and the prospectus compared to those who only see the prospectus. In addition, as with the provisions relating to research reports, it could result in investors focusing their attention on the "test the waters" materials instead of the prospectuses, without important investor protections being applied to those materials.

CONFIDENTIAL FILING OF IPO REGISTRATION STATEMENTS

H.R. 3606 would permit emerging growth companies to submit their registration statements confidentially in draft form for SEC staff review. This reduction in transparency would hamper the staff's ability to provide effective reviews, since the staff benefits in its reviews from the perspectives and insights that the public provides on IPO filings. It also could require significant re-

sources for staff review of offerings that companies are not willing to make public and then abandon before making a public filing. SEC staff recently limited the general practice of permitting foreign issuers to submit IPO registrations in nonpublic draft form because of these concerns, and expanding that program to all IPOs could adversely impact the IPO review program.

CROWDFUNDING

H.R. 3606 also provides an exemption from Securities Act registration for "crowdfunding," which would permit companies to offer and sell, in some cases, up to \$2 million of securities in publicly advertised offerings without preparing a registration statement. For the past several months, the staff has been analyzing crowdfunding, among other capital formation strategies, and also has discussed these strategies with the Commission's newly created Advisory Committee on Small and Emerging Companies.

I recognize that proponents of crowdfunding believe this method of raising money could help small businesses harness the power of the internet and social media to raise small amounts of very early stage capital from a large number of investors. That said, I believe that the crowdfunding exemption included as part of H.R. 3606 needs additional safeguards to protect investors from those who may seek to engage in fraudulent activities. Without adequate protections, investor confidence in crowdfunding could be significantly undermined and would not achieve its goal of helping small businesses.

For example, an important safeguard that could be considered to better protect investors in crowdfunding offerings would be to provide for oversight of the industry professionals that intermediate and facilitate these offerings. With Commission oversight, these intermediaries could serve a critical gatekeeper function, running background checks, facilitating small businesses' provision of complete and adequate disclosures to investors, and providing the necessary support for these small businesses. Commission oversight would further enhance customer protections by requiring intermediaries to protect investors' and issuers' funds and securities, for example by requiring funds and securities to be held at an independent bank or broker-dealer.

Investors also would benefit from a requirement to provide certain basic information about companies seeking crowdfunding investors. H.R. 3606 requires only limited disclosures about the business investors are funding. Additional information that would benefit investors should include a description of the business or the business plan, financial information, a summary of the risks facing the business, a description of the voting rights and other rights of the stock being offered, and ongoing updates on the status of the business.

CHANGES TO SECTION 12(g) REGISTRATION THRESHOLDS

H.R. 3606 also would change the rules relating to the thresholds that trigger public reporting by, among other things, increasing the holder of record threshold that triggers public reporting for companies and bank holding companies. The current rules have been in place since 1964, and since that time there have been profound changes in the way shareholders hold their securities and in the capital markets.

Last spring, I asked our staff to comprehensively study a variety of capital formation-related issues, including the current

thresholds for public reporting. At this point, I do not have sufficient data or information to assess whether the thresholds proposed in H.R. 3606 are appropriate. I do recognize that a different treatment may be appropriate for community banks that are already subject to an extensive reporting and regulatory regime.

RULEMAKING

H.R. 3606 requires a series of new, significant Commission rulemakings with time limits that are not achievable. For example, the rulemaking for the crowdfunding section has a deadline of 180 days, and it specifically requires the Commission to consider the costs and benefits of the rules. Given (1) that much of the data that would be used to perform such analyses is not readily available and (2) the complexity of such analyses, this time frame is too short to develop proposed rules, perform the required analyses, solicit public comments, review and analyze the public comments, and adopt final rules. I believe a deadline of 18 months would be more appropriate for rules of this magnitude.

I stand ready to assist Congress as it addresses these important issues. Please call me, at (202) 551-2100, or have your staff call Eric Spitler, Director of the Office of Legislative and Intergovernmental Affairs, at (202) 551-2010, should you have any questions or comments.

Sincerely,

MARY L. SCHAPIRO,
Chairman.

Mr. DURBIN. The Securities and Exchange Commission is a Federal agency created under the administration of Franklin Delano Roosevelt after the Great Depression. When the stock market cratered in the Great Depression, Franklin Roosevelt stepped up and said: We need an agency that will oversee and regulate Wall Street so that people who would care to invest in American companies can have confidence they are investing in a company and a process that follows a rule of law. There will be transparency and disclosure by these companies on a regular basis, by formula, as to what they are earning, what they are losing, and what their assets may be.

That has continued for almost 80 years. The Securities and Exchange Commission has created in the process a credible market in the United States of America for the sale of equities and securities. Now comes this bill from the House of Representatives, this so-called jobs bill, which wants to change that. They are suggesting when certain companies get started—startup companies—they be excused from requirements under the law from the Securities and Exchange Commission. The argument is that there is too much paperwork, too many regulations, and smaller startup companies can't get started because there are too many legal requirements.

Well, we first took a look at what they consider to be smaller companies getting started, and they define them as companies with \$1 billion a year in annual revenue—\$1 billion. Unfortunately, those who make over \$1 billion in revenue in a year comprise only

about 10 percent of American businesses. That means by definition they are characterizing 90 percent of American businesses and startups as small businesses that need a special break when it comes to regulation.

So over the years we got into a debate—whether it is the regulation of banks or the regulation of these startup companies or those that are going public, selling securities—over the years we got into a debate about whether the government has gone too far. Are there too many rules? I am open to that suggestion. I think we should be open to it. If there is a way to protect the public and investors and still create businesses in this country that generate jobs, I want to hear about them and I want to support them. But too often we go too far. When we go too far and are not careful, some terrible things occur.

The letter I have now entered into the RECORD from Mary Schapiro of the Securities and Exchange Commission addresses this bill. She said:

While I recognize that H.R. 3606 is the product of bipartisan effort designed to facilitate capital formation and include certain promising approaches, I believe that there are provisions that should be added or modified to improve investor protections that are worthy of the Senate's consideration.

The administration has said they are open to the idea of changing some of these laws. What Mary Schapiro, the Chairman of the Securities and Exchange Commission, has suggested is that we put provisions in the bill in the Senate which will protect investors.

Yesterday I spoke about the testimony before the committee. I commend to my colleagues the statement of Professor John Coffee, Adolf A. Berle, professor of law from Columbia University Law School, at a hearing before the Senate Banking Committee on December 1, 2011.

Mr. President, I want my colleagues, many of whom have just seen a few press accounts of this bill, to consider carefully the statement made by Professor Coffee. He has analyzed this bill and raised some important questions about whether it goes too far.

I will be joining some of my colleagues in offering a substitute which improves the law for startup companies but also makes certain that we protect investors and makes certain as well that at the end of the day we don't end up with egg on our faces. How many times has Congress been called on, when the private sector runs amok, goes too far, and starts failing in every direction, to bail them out? We saw it most graphically with the bailout of the major banks not that many years ago. We have seen it in the past with the bailout of the savings and loan industry. We have seen it happen time and time again.

Who ends up holding the bag when government regulation is not adequate

to make sure people don't go overboard? The American taxpayers. They end up holding the bag, not to mention innocent victims along the way.

I understand we have to change the law, but I am hoping we can change it in a constructive way. Opening the sale of stocks and securities to everyone who can pull up a chair and open a laptop is not in the best interests of investors across America. It is certainly not in the best interests of many Americans who would find themselves losing their life's savings and any investment funds they might have in the process. Making certain the people who sell these stocks are, in fact, registered and credible; making certain the statements they make can be backed with hard evidence as opposed to a promise; and making sure, as well, that we have, in the process of business undertaking, the safeguards in place so there will not be excessive—as I said yesterday—irrational exuberance that leads to the failure of any marketplace or securities—that, to me, is the best thing we can achieve.

I think these two items to which I have referred—both from Mary Schapiro, Chairman of the Securities and Exchange Commission, as well as Professor Coffee—establish the case for being careful. Let's not jump on this freight train and watch it as it plows into a barricade. Let's make certain that what we do is thoughtful, that it does engender economic growth but not at the expense of the integrity of America's financial markets or at the expense of innocent investors.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The senior Senator from Minnesota is recognized.

ORDER OF PROCEDURE

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that Senators be permitted to speak as in morning business for the next 90 minutes, with the majority controlling the first 45 minutes—with Senators permitted to speak therein for up to 10 minutes each—and the Republicans controlling the final 45 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Ms. KLOBUCHAR. Madam President, I am honored to be here today with the women Senators to talk about the reauthorization of the Violence Against Women Act—a law that has a history of passing this Chamber with broad bipartisan support.

I would note that there are many authors of this bill—I think up to something like 58 authors currently—and the women who are speaking today include myself and Senators FEINSTEIN, HAGAN, MURKOWSKI, SHAHEEN, MURRAY, and BOXER. Also sponsoring the bill are Senators COLLINS, SNOWE, McCASKILL,

GILLIBRAND, CANTWELL, LANDRIEU, MIKULSKI, and STABENOW. The bill is led by Senator LEAHY and Senator CRAPO. So we are here today to pledge our support for this bill and to ask our colleagues to move forward with this bill.

The Violence Against Women Act was a landmark bill when it first became law back in 1994. Back then, it started a sea change in attitudes about violence against women, and it sent a strong message to the country saying that sexual assault and domestic violence are serious offenses that will not be tolerated. We heard that message loudly and clearly in my State, and I am proud to say that our State has always had a strong tradition of standing against these crimes. In fact, no conversation in our State about domestic abuse would be complete without mentioning former Senator Paul Wellstone and his wife Sheila, whom we miss dearly. The Wellstones put so much time and energy into bringing these issues out of the shadows and taking a subject that many people considered at the time a “family matter” and saying: You know what, domestic violence is not something we can just sweep under the rug; it is a crime. It hurts families, it hurts children, and we are going to do something about it.

While I led the prosecutor’s office in Hennepin County, MN, for 8 years, we put a lot of focus on the victims’ needs and particularly the children’s needs in domestic violence cases because it does not take a bruise or a broken bone for a child to be a victim of domestic violence. Kids who witness domestic violence are victims too. In fact, we had a poster on the wall in our office. It was a poster of a woman with a bandaid on her nose, holding a baby, and it said: Beat your wife and your kid will go to jail. Do you know why? The statistics show that kids who grow up in violent homes are 76 times more likely to commit acts of domestic violence themselves. It is a sobering number, and overall the statistics for these kinds of crimes are staggering. More than one in three women in the United States have experienced rape, physical violence, or stalking by an intimate partner in their lifetime. Every year, close to 17,000 people lose their lives to domestic violence.

So, once again, this is not just a family matter, this is a matter of life and death—and not just for the victims but oftentimes for the law enforcement officers who are all too often caught in the line of fire. I have seen this in my own State. In fact, I saw it just a few months ago when I attended the funeral of Shawn Schneider, a young police officer in Lake City, MN.

Officer Schneider died after responding to a domestic violence call. A 17-year-old girl was being abused by her boyfriend. When Officer Schneider arrived at the scene, he was shot in the head. He literally gave his life to save

another. I attended his funeral, and I still remember those three little children—the two boys and the little girl with the blue dress with stars on it—going down that aisle of the church. When you see that, you realize that the victims of domestic violence are not just the immediate victims, it is an entire family, it is an entire community.

We know all too well just how devastating domestic violence and sexual violence can be to victims, as well as to entire communities, which is why it was such a good thing that 6 weeks ago we passed a VAWA reauthorization bill out of the Judiciary Committee and that the bill has the support of 58 Senators, including 6 Republicans. I am glad this bill has continued to attract bipartisan support. I wish it was unanimous. Just 7 years ago, in fact, the reauthorization bill passed the House by a vote of 415 to 4, and it passed the Senate by unanimous consent with 18 Republican cosponsors. I know this year some of my Republican colleagues on the Judiciary Committee are not supportive of this bill, but it is my hope that while they may disagree with the bill, they will not stop this bipartisan bill from advancing. Combating domestic violence and sexual assault is an issue on which we should all be able to agree.

Many of the provisions in the reauthorization bill made important changes to current law. The bill consolidates duplicative programs and streamlines others. It provides greater flexibility in the use of grant money by adding more “purpose areas” to the list of allowable uses. It has new training requirements for people, providing legal assistance to victims. And it takes important steps to address the disproportionately high domestic violence rates in Native American communities.

The bill also fills some gaps in the system, and I am pleased to say it includes legislation I introduced with Senator KAY BAILEY HUTCHISON to address high-tech stalking—cases where stalkers use technology such as the Internet, video surveillance, and bugging to stalk their victims. The bill will give law enforcement better tools for cracking down on stalkers. Just as with physical stalking, high-tech stalking may foreshadow more serious behavior down the road. It is an issue we need to take seriously. We need the tools for our law enforcement to be as sophisticated as what is used by those who are breaking the law.

I know Senator FEINSTEIN is coming soon, and we have a number of women who are going to be speaking today. I want to remind everyone in this Chamber that domestic violence takes its toll. One of the most memorable cases I had was when our office prosecuted the case of a woman who was killed in Eden Prairie, MN. She was a Russian immigrant. Her husband was a Russian

immigrant. They did not have many friends in the community. She was fairly isolated. She was most likely a domestic violence victim for many, many years. Well, one day this man killed his wife. He then took her body parts down to Missouri. He left some of the body parts there. And the entire time, he had their 4-year-old daughter in the car with him. He then drove back to Minnesota and confessed to the crime.

When they had the funeral, there was only me, our domestic violence advocate, the grandparents who had come from Russia, and this woman’s identical twin sister. What had happened at the airport when they arrived was that this little 4-year-old girl—who had never seen her aunt, who had never seen her mother’s identical twin sister—ran down that hallway when she saw her aunt for the first time and hugged her and said: Mommy, mommy, mommy, because she thought her mom was back.

It reminds us all that domestic violence is not just about one victim; it is about children, it is about family, and it is about a community.

We all know this bill has always enjoyed broad bipartisan support. The women of the Senate know it. There are already three Republican women on this bill and many others, I hope, to come. We believe in this bill. We ask our colleagues to support this bill.

I see my colleague Senator FEINSTEIN is here. I know as a member of the Judiciary Committee—she and I are the only two women members of the Senate Judiciary Committee—she has taken a lead on this issue for many, many years.

Thank you very much, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the Senator from Minnesota for her remarks. For a long time, I had been the only woman on the Judiciary Committee, and I am just delighted that she is there as well and that we share the same point of view with respect to this bill.

I rise today to urge the Republican leadership of the Senate to allow this piece of legislation that protects American women from the plague—and it is a plague—of domestic violence, stalking, dating violence, and sexual assault to come to the floor of this Senate for a vote.

I was in the Judiciary Committee, and I voted for the original Violence Against Women Act. It was authorized for 6 years. We reauthorized it. It served another 6 years. And now the bill is up for reauthorization. It came out, surprisingly, from the Judiciary Committee on a split vote. Unfortunately, that was a party-line vote. I might say, I was stunned by this vote

because never before had there been any controversy—in more than a decade and a half, in all of this time—about this bill.

This act is the centerpiece of the Federal Government's effort to combat domestic violence and sexual assault, and it has positively impacted the response to these crimes at the local, State, and Federal levels, and I hope to show this.

The bill authorizes a number of grant programs administered by the Departments of Justice and Health and Human Services to provide funding for emergency shelter, counseling, and legal services for victims of domestic violence, sexual assault, and stalking.

As a matter of fact, I was thinking last night, when I was mayor of San Francisco back in the early 1980s, I started the first home for battered women, which is La Casa de las Madres. We were able to fund it because it was such a critical need. Women being battered had no place to go and therefore, often stayed in the home where they were battered again and again.

This bill also provides support for State agencies, rape crisis centers, and organizations that provide services to vulnerable women.

American women are safer because we took action. Today, more victims report incidents of domestic violence to the police, and the rate of nonfatal partner violence against women has decreased by 53 percent since this bill went into effect in 1994. These figures are from the Department of Justice. So here we have a 53-percent decrease in the rate of nonfatal partner violence.

The need for the services was highlighted in a recent survey by the Centers for Disease Control and Prevention, which found that, on average, 24 people per minute are victims of rape, physical violence, or stalking by an intimate partner in the United States—24 a minute by an intimate partner in the United States. Over the course of the year now, that equates to more than 12 million women and men.

In California, my State, 30,000 people accessed crisis intervention services from one of California's 63 rape crisis centers in 2010 and 2011. These centers primarily rely on Federal Violence Against Women Act funding—not State funding—to provide services to victims in communities.

In 2009 alone, there were more than 167,000 cases in California in which local, county, or State police officers were called to the scene of a domestic violence complaint. Madam President, 167,000 cases—that is many.

Despite the fact that the underlying bill has 58 cosponsors from both parties, not a single Republican member of the Judiciary Committee voted to advance the legislation.

Now, the bill that came out of Judiciary does have some changes, and I

want to talk about them for a moment. It creates one very modest new grant program. It consolidates 13 existing programs. It reduces authorization levels for all other programs by nearly 20 percent. And the savings—17 percent. The bill is reduced in cost by 17 percent. That is \$136 million. It encourages effective enforcement of protective orders. That is a big problem. Women get protective orders, and they are violated because they are not enforced. And it reduces the national backlog of untested rape kits. It is a real problem if a jurisdiction cannot test a rape kit.

Yet there are some who refuse to support it because it now includes expanded protections for victims. Let me put this on the table. The bill's protections extend to lesbian and gay victims of domestic abuse. It includes undocumented immigrants who are victims of domestic abuse. The bill also gives Native American tribes better prosecutorial tools to fight crimes of domestic violence. In my view, these are improvements. Domestic violence is domestic violence.

I ask my friends on the other side, to the victim in a same-sex relationship, is the violence any less real, is the danger any less real because you happen to be gay or lesbian? I do not think so. If a family comes to the country and the husband beats his wife to a bloody pulp, do we say: "Well, you are illegal. I am sorry. You do not deserve any protection?" No, we do not. And 9-1-1 operators and police officers do not refuse to help victims because of their sexual orientation, or the country in which they were born, or their immigration status. When you call the police in America, they come regardless of who you are.

The Violence Against Women Reauthorization Act of 2011 is supported by 50 national religious organizations, including the Presbyterian Church, the Episcopal Church, the Evangelical Lutheran Church, the National Council of Jewish Women, the National Council of Catholic Women, the United Church of Christ, and the United Methodist Church.

I go back to my days as mayor of San Francisco when I saw over and over again, up close and personal, what happens because of domestic violence. I saw police getting killed when they intervened in situations involving domestic violence. We had a number of funerals for police officers in Oakland which I attended. It all stemmed from domestic violence.

To defeat this bill is almost to say that we do not need to consider violence against women, that it is not an important issue. It is. It is not a partisan issue. It never has been in this body, which is why, candidly, I am surprised I find myself on the floor urging that this bill be brought to the floor, because it has been historically,

through two reauthorizations, and is a bipartisan bill.

You can't help but notice that this is not the first time a policy which would specifically imperil the health and safety of American women has compelled some of us to come to this floor and speak out on behalf of American women.

I hope that opposition to this bill is not part of a march, and that march, as I see it, over the past 20 years has been to cut back on rights and services to women. And I mean that most sincerely. I have never seen anything like it. When I came here, there were discussions about *Roe v. Wade*. When I first went on the Judiciary Committee, which was in 1993, I heard it. There were debates over Supreme Court opinions—Casey, et al.—and then there were debates over partial abortion. Then this year we fought against the Blunt amendment which would have effectively allowed employers to arbitrarily decline to provide critical preventive health care services for women.

You know, we had to fight for the simplest things. I think young women forget that it took until 1920 for women to get to vote in this country. It was only because women fought for it. And we have fought since the country was established for the right to vote, for the right to inherit property, for the right to go to school. Now we fight for our rights to have sufficient services from the government with respect to our health.

Now I am here to fight for a bill that strengthens laws and protects women against domestic violence and sexual assault. To me, this bill is a no-brainer. It has the support of both sides of the aisle. It is bipartisan. It saves lives. It is a lifeline for women and children who are in distress, who have no place to go or to stay and have to submit to domestic violence abuse. And no one can say I am exaggerating. Trust me, I have seen it. I have seen the bruised bodies up close and personal.

This bill has reduced the number of domestic assaults on women. The record indicates that. It should be continued. It is a no-brainer. I hope it is brought to the floor. I hope we maintain a bipartisan vote. I hope it is reauthorized.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Thank you very much. We have now been joined by the Senator from Washington Mrs. MURRAY, who has spent a long time fighting for domestic violence bills.

Mrs. MURRAY. I thank my colleague from California, Senator FEINSTEIN, for her longtime advocacy, and our colleague from Minnesota, Senator KLOBUCHAR, for leading the effort to reauthorize this critically important bill to protect women in this country from violence.

I was very proud to be here with the Senator from California back in 1994 when we first passed the Violence Against Women Act, or VAWA, as we call it. We created a national strategy for dealing with domestic violence, and since we took that first historic step, VAWA has been a great success in coordinating victims' advocates, social service providers, and law enforcement professionals to meet the immediate challenges of combating domestic violence.

This law has helped provide lifesaving assistance to hundreds of thousands of women and their families. It has been supported by Democrats and Republicans, along with law enforcement officers, prosecutors, judges, victim service providers, faith leaders, health care professionals, advocates, and survivors. VAWA has attained such broad support for one reason: It has worked. Since it became law 18 years ago, domestic violence has decreased by 53 percent. And while incidents have gone down, reporting of violence and abuse has gone up. More victims are finally coming forward and more women and families are getting the support and the care they need to move themselves out of dangerous situations. As a result of the language in this law, every single State has made stalking a crime. They have all strengthened criminal rape statutes.

We have made a lot of progress since 1994, but we still have a long way to go. Every single minute, 24 people across America are victims of violence by intimate partners—more than 12 million people a year—and 45 percent of the women killed in this country die at the hands of their partner. In 1 day last year, victims of domestic violence made more than 10,000 requests for support and services that could not be met because the programs did not have the resources.

That is why I was so proud to cosponsor and strongly support the Violence Against Women Reauthorization Act, and that is why I join my colleagues today in proudly expressing our hope that we can move this critical legislation when possible. This is a bipartisan bill which will advance our efforts to combat domestic violence, dating violence, sexual assaults, and stalking. It will give our law enforcement agencies the support they need to enforce and prosecute these crimes. It will give communities and nonprofits the much needed resources to support victims of violence and, most important, to keep working to stop violence before it ever starts.

This bill was put forward in a bipartisan fashion. It is supported by hundreds of national and local organizations that deal with this issue every day. It consolidates programs to reduce administrative costs. It adds accountability to make sure tax money is well spent. It is building on what works in

the current law, improves what does not, and will help our country continue on the path of reducing violence toward women.

It should not be controversial. We reauthorized this law last time here in the Senate unanimously by voice vote, and President Bush signed it into law with Democrats standing there with him. So I am hopeful that the bipartisanship approach to this issue continues today as we work to reauthorize this law once again because this should not be about politics. Protecting women against violence should not be a partisan issue.

I thank the Democrats and Republicans who worked together to write this bill. I am very glad it passed through committee. I stand ready to support this bill when it comes to the floor, and I truly hope we can get it to President Obama for his signature in a timely fashion so women and families across this country can get the resources and support this law will deliver.

Finally, many of us women have come to the floor so many times over the last few weeks to fight back against attempts to turn back the clock when it comes to women's health care, as the Senator from California just talked about. I am disappointed that these issues keep coming up, but I know I stand with millions of men and women across America who remain ready to defend the gains we have made over the last 50 years and who think we should be moving forward, protecting and supporting more women and families, and not moving backward. That is what this bill does.

I yield the floor.

THE PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from North Carolina.

Mrs. HAGAN. Madam President, I thank our Presiding Officer for bringing this forward, and the comments from the Senator from Washington and the Senator from California are really highlighting the issues we are talking about.

I am proud to join my colleagues to support the Violence Against Women Reauthorization Act. I stand here today during National Women's History Month to urge my colleagues to take swift action on a bill that is critical to the well-being of women, our families, and our country.

As Hillary Clinton declared more than 15 years ago in Beijing at the Fourth World Conference on Women, "Human rights are women's rights, and women's rights are human rights. If we take bold steps to better the lives of women, we will be taking bold steps to better the lives of children and families too."

It is disheartening in the last several months that petty partisanship and gamesmanship have held up policies critical to women's health, including

this act. Since its original passage in 1994, the bill has made tremendous progress in protecting women from domestic violence, sexual assault, and stalking. The bill has transformed our criminal justice system and victim support services. It has encouraged collaboration among law enforcement, health and housing professionals, and community organizations to prevent and respond to domestic partner violence. It has funded programs such as services-training-officers-prosecutors grants, or STOP grants, which are used to provide personnel, training, technical assistance, and other equipment to better apprehend and prosecute individuals who commit violent crimes against women.

Unfortunately, until Congress takes action on the Violence Against Women Reauthorization Act, the well-being of women across our country hangs in the balance. I see this as a serious lapse in our responsibility as Senators. As a mother of two daughters, I am here to tell you that this reauthorization cannot wait.

The rate of violence and abuse in this country is astounding and unacceptable. According to a 2010 CDC survey, domestic violence alone affects more than 12 million people each year. In the year leading up to the CDC study, 1.3 million women were raped. And this study showed these women are severely affected by sexual violence, intimate partner violence, and stalking, with one in four women falling victim to severe physical violence by an intimate partner. Domestic violence also has a significant impact on our country's health, costing our health care system alone over \$8.38 billion each year.

The reauthorization of this act strengthens and streamlines crucial existing programs that really protect women. In fact, title V of the reauthorization includes a bill that I sponsored titled "Violence Against Women Health Initiative," and this legislation consolidates three existing health-focused programs, while strengthening the health care system's response to domestic violence, dating violence, sexual assault, and stalking. This initiative fosters public health responses to domestic violence and sexual violence. It provides training and education to help health professional respond to violence and abuse, and it supports research on effective public health approaches to end violence against women.

Since my time in the North Carolina State Senate, where I served 10 years, I have been dedicated to combating violence against women. While I was a State senator, I led the effort to ensure that local law enforcement tested rape kits to convict the perpetrators of sexual assault. It was astounding to me to discover that after a woman had been raped and she had an examination where DNA was collected, that rape kit

test would actually sit on a shelf in a sheriff's office or police station and would not be analyzed. Sadly, the evidence would only be analyzed if a woman could identify her attacker. What other victims in America have to identify their attacker before law authorities will take action?

When I first discovered this and brought it up, I was told there was not enough money for every rape kit to be tested. We soon found the money. But there are States today that still have these rape kits sitting on shelves unanalyzed.

For all the progress we have made, combating violence against women must continue to be a priority and must be a priority in every State in the country.

As I take the floor in support of the Violence Against Women Reauthorization Act, it is fitting to recognize one of our fiercest advocates for women's rights—my colleague and mentor Senator BARBARA MIKULSKI, who, on Saturday, will become the longest serving female congressional Member in history.

For more than 35 trailblazing years, Senator MIKULSKI has been a strong and unwavering voice for women, families, and the people of Maryland. She shepherded through the Lilly Ledbetter Act, which helps ensure that no matter your gender, race, religion, age, or disability, one will receive equal pay for equal work. She fought tenaciously for her important amendment to the health care reform legislation, ensuring that women's preventive care would be covered with no added out-of-pocket expense.

I thank Senator MIKULSKI for her mentorship, her leadership, and her fierce advocacy for women's rights. I look forward to continuing to work alongside Senator MIKULSKI and my colleagues to promote policies that support our women, our children, and our families and put them on a path to a brighter future. The Violence Against Women Reauthorization Act is central to that goal, and I urge my colleagues to take up this bill and pass it without delay.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, we have now been joined by Senator MURKOWSKI of Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I am proud to be able to stand to speak about the Violence Against Women Act, joining with some of my colleagues on the floor.

This is legislation I have supported in the past and look forward to supporting again. As we talk about those issues women care about, it is no surprise to most that we are talking about what is happening with the price of gas

or the cost to fill the car tank and we are talking about the quality of our children's education and we are talking about the Postal Service in Alaska. We had a military townhall, and I met with some military spouses. They were quite concerned that some of the facilities they access are perhaps in jeopardy. We care about the security of our jobs and our spouses' jobs, and our friends' and neighbors' jobs and all that goes into working in a small business. We certainly care about our country's fiscal situation and the very dire situation we are in.

There is something else we all care about, which is the violent assaults women often endure—sisters, daughters, neighbors. The Violence Against Women Act is an important commitment to victims of domestic violence and sexual abuse. This is a promise that resources and expertise are available to prosecute those who would torment them. Also, it is a reason to believe that one can actually leave an abusive situation and transition to a more stable one. It is of the greatest importance that victims of domestic violence and sexual assault are confident there is a safety net available to address them and their immediate survival needs, as well as the needs of their children. Only on this level of confidence can one muster the courage to leave an abusive situation. These are some of the promises that are contained within the Violence Against Women Act.

There are additional reasons I feel as strongly as I do about the reauthorization of this act which relate to the safety of the people in Alaska. Unfortunately, as beautiful as the State is that I live in, our statistics as they relate to domestic violence and sexual assault are horrific. They are as ugly as they come.

Nearly one in two Alaskan women has experienced partner violence. Nearly one in three has experienced sexual violence. Overall, nearly 6 in 10 Alaskan women have been victims of sexual assault or domestic violence. In Alaska, our rate of forcible rape between 2003 and 2009 was 2.6 times higher than the national rate. Unfortunately, very tragically, about 9 percent of Alaskan mothers reported physical abuse by their husbands or partner during pregnancy or in the 12 months prior to pregnancy.

We have to do all we can to get a handle on these tragic statistics. As we know, they are more than just statistics; these are the lives of our friends, our neighbors, and our daughters. The Violence Against Women Act presents the tools to do so. In the villages of rural Alaska, oftentimes, victims of sexual abuse and domestic violence face some pretty unique challenges. Many of these villages have no full-time law enforcement presence whatsoever—nobody to turn to, no safe house,

no place to go. A single community health aide must tend to every crisis within the community, including caring for victims of sexual assault and domestic violence. Oftentimes, they don't have the tools they need—the rape kits, the training.

Oftentimes, we will have a situation where weather can be an impediment to getting the victim on a plane and to a rural hub. In most of my communities—80 percent of them—there is no road out, no way to get out. If someone has been violated, and there is no law enforcement or shelter or nowhere to go, what do they do? Basically, the victim is stranded in their own community with the perpetrator for, potentially, days before help can arrive.

The Violence Against Women Act is a ray of hope for those victims of domestic violence and sexual assault within our villages. It devotes increased resources to rural and isolated communities, and it recognizes Alaska's Village Public Safety Officer Program as law enforcement so VAWA funds can be directed to providing a full-time law enforcement presence in places that currently have none. It establishes a framework to restart the Alaska Rural Justice and Law Enforcement Commission, which is an important forum for coordination between law enforcement and our Alaska Native leaders to abate the scourge of domestic violence and sexual assault.

I too believe the Senate needs to take up the Violence Against Women Act. I do feel strongly that we need to do it on a bipartisan basis. I am a cosponsor of the bill. Some of my colleagues do have some concerns. I have said we need to take these concerns into account so we can have—and we should have—an overwhelmingly bipartisan bill. This is too important an issue for women and men and families to not address it.

I know others wish to speak. I appreciate the indulgence of my colleagues.

Ms. KLOBUCHAR. Madam President, we thank the Senator from Alaska. How much time remains?

The PRESIDING OFFICER. Five minutes.

Ms. KLOBUCHAR. Madam President, I will yield our remaining time to Senators MIKULSKI and SHAHEEN.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I strongly urge that the Violence Against Women Act come up on the floor so we can look at the issues and debate them in an open and public forum. If people have amendments to either add or subtract from the bill or improve the bill, let's do it because this is a compelling situation.

I have been here since we passed the first bill in 1994. The original architect of it was Senator JOE BIDEN, who is now our Vice President. Why did we do it? It is a compelling need. One in four

women will be the victim of domestic violence; 16 million children are exposed to domestic violence each year; 23 million will be a victim of physical or sexual violence—20,000 in my State of Maryland.

Since we created the legislation in 1994, the national hotline has received over 1 million calls when women felt they were in danger. So those 1 million people had a chance of being rescued. Who has the biggest request for passing the Violence Against Women Act? It is not only the women of America; it is also local police. One out of four police officers killed in the line of duty is responding to domestic violence calls. When they go to a home, they have a checklist to determine how dangerous the situation is. Is it simply a spat or a dispute or are they in a danger zone?

We debate big issues—war and peace, the deficit, and all these are important—but we have to remember our communities and our families. I think if someone is beaten and abused, they should be able to turn to their government to either be rescued and to put them on a safe path and also to have those very important programs early on to do prevention and intervention. We fund this bill. I stand ready to support the passage of the bill and putting the money in the checkbook to support it.

I will leave time now for other Senators. I will yield the floor, but I will not yield on this issue.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join my colleagues on the floor to support this crucial legislation to reauthorize the Violence Against Women Act. It provides essential services to women and families across the United States.

I have seen in my home State of New Hampshire where one program I wish to talk about funds Services, Training, Officers, and Prosecutors. It is called STOP. It provides law enforcement the tools they need to combat domestic violence. This was a lifesaving service for a woman named Kathy, who was in an abusive relationship for 6 years.

Kathy was being abused as often as twice a week, frequently leaving her with black eyes and bruises. Once her partner Mark threw her down the stairs. Things worsened after the couple had their house foreclosed on. One day, Mark grabbed Kathy by the throat, lifted her off the floor and dropped her and began punching her again and again in front of their 3-year-old child. That was the last straw.

Kathy finally mustered the courage to contact a friend who helped her call the local police. Kathy obtained a temporary domestic violence restraining order and Mark was charged with assault.

As is often the case, the criminal and civil procedures overwhelmed and frus-

trated Kathy. At times, she even considered dropping the whole thing. But, fortunately, funding from the Violence Against Women Act made it possible for Kathy to have an attorney who could help her. Thanks to this assistance from STOP and the Violence Against Women Act, Kathy was able to obtain sole custody of her children, as well as support payments, and ultimately she was able to make a fresh start, free from abuse.

Some critics of this legislation have said that the Violence Against Women Act “has done little or no good for real victims of domestic violence.” They have said that these funds “have been used to fill feminist coffers and to lobby for feminist objectives.” I think Kathy would disagree.

This body should not be divided on this issue, and I am so pleased that Senator MURKOWSKI has joined us today. Ending the horrific, degrading and painful cycle of domestic abuse is an effort that must transcend party affiliation.

We know these programs work, and I know that we have a strong and effective leader in Susan Carbon, who is a former judge and now the Director of the Office of Violence against Women at the U.S. Department of Justice. Susan Carbon is from New Hampshire and in my time as Governor of New Hampshire, I was privileged to have Susan as a member of the Governor’s Commission on Domestic and Sexual Violence, and she chaired our Domestic Violence Fatality Review Committee.

Susan has been in the trenches. She has seen what happens when women are unable to obtain help for themselves and for their families, and she knows that VAWA helps save lives. She needs these essential programs to be reauthorized as quickly as possible in order to continue her great work.

There are too many victims who need our help. It is time to tell them, “We hear you and we know you’re out there even if you’re not speaking up right now. We want to help you find your voice.” We have the chance to make a difference, and the American people are depending on us to act.

Madam President, I urge the leaders to bring the Violence against Women Reauthorization Act to the floor, and I implore my colleagues to unite around this important effort.

This body should not be divided on this issue. As I said, I am so pleased to have Senator MURKOWSKI join us on the Senate floor today to point out that this is a bipartisan issue.

The PRESIDING OFFICER. The majority’s time has expired.

The Senator from California.

Mrs. BOXER. Madam President, it is hard to believe we are having this debate about protecting women from violence in 2012, but we are.

But then again, we have spent much of this year fighting attempts to limit

women’s access to contraception and preventive healthcare; we have seen a woman called names for fighting for women’s health.

Here we are again on the floor because the women of the Senate are not going to stop standing up and speaking out to protect the health and lives of women in our country.

Let’s be clear: The Violence Against Women Act has always been bipartisan. It has always had overwhelming support.

And I would know. In 1990, then-Senator JOE BIDEN came to me and asked me to be the House author of his bill, the Violence Against Women Act. At that time, violence against women was a silent epidemic and I was so grateful that he asked me to help bring this issue out of the shadows.

It was a slow but steady path to victory, and by the time it passed as part of the 1994 crime bill, I was a member of the Senate, proudly working by Senator BIDEN’s side to get the votes we needed. It was one of my most memorable moments in the Senate. We finally had a law to help local law enforcement and the legal system combat violence against women and provide essential services for women struggling to rebuild their lives.

The results have been breathtaking. Since the Violence Against Women Act became law, incidents of domestic violence have decreased 53 percent, reporting of domestic violence has increased as much as 51 percent, and more victims are coming forward and getting life-saving help. One survey found that more than 67,000 victims were served by domestic violence programs—on one day alone.

So it was no surprise that in 2005 the Senate voted unanimously to reauthorize this important law. Not one Senator objected to its passage. It has always been bipartisan. So why the change now?

After all these years, after all the victims who have been helped and the criminals who have been prosecuted, why on Earth are some Republicans holding this up? What is it about this bill that they suddenly don’t like?

Is it the funding for shelters to protect women from harm, abuse, even death? Do they object to provisions that ensure that abusive spouses will be arrested after committing family violence? Do they object to measures that declare that all people in the United States should have the same right to be free from crimes of violence motivated by gender? Do they oppose safety provisions that protect women on public transit and in public parks? Do they object to the fact that the bill consolidates programs within the VAWA office—reducing administrative costs?

It is hard to imagine that anything other than politics is at work here—and victims of domestic violence deserve better.

The women of America are watching us. They expect all of us—men, women, Democrats, Republicans and independents—to come together as we have before to stop domestic violence, to punish the perpetrators and help the victims rebuild their lives.

The PRESIDING OFFICER. The Senator from Arizona.

JOBS ACT

Mr. KYL. Madam President, let me return to the pending business before the Senate—the JOBS Act. At the same time, when millions of Americans are looking for work, we have an opportunity to do something in a bipartisan way that will actually help job creators and entrepreneurs.

Despite all the hype about economic improvements, we are still experiencing the slowest and weakest recovery since the Great Depression. More than 45 million Americans are on food stamps. Unemployment has been higher than 8 percent for 3 years. There are 700,000 fewer jobs today than when President Obama took office. I repeat: 700,000 fewer jobs today. On top of that, of course, gas prices are skyrocketing.

As I noted on Monday, I believe the President is painting a too rosy picture of the economy when he is out campaigning. He stated there have been 24 consecutive months of private sector job growth. But I would like to note how the numbers tell a different story. Economists generally agree that for employment to just hold even, about 150,000 jobs need to be created each month in order to employ the new people, the new entrants, into the job market or the workforce, and these include people such as those who have recently graduated, those who have concluded military service or other family obligations. Again, about 150,000 each month need to be created just to stay even.

The logical question to ask is, How many of the last 24 months saw a job growth above 150,000? The answer is, only 10 of those 24 months. In other words, job creation has been high enough to keep pace with the new force entrants only 10 months out of the last 2 years. In fact, private sector job creation was actually lower this last February than it was in January. This is according to a chart on the President's own campaign Web site.

So we clearly need better public policy to put people back to work—legislation that will actually spur job creation. Practically every bill that has come to the floor in the last 3 years has been labeled a jobs bill, but to an Orwellian effect. Even bills such as ObamaCare and Dodd-Frank, which imposed massive new costs on businesses, were called jobs bills by their supporters. But, finally, with the JOBS Act now pending, we have a rare occasion to pass a bill that Republicans and Democrats agree will help create jobs.

The House overwhelmingly passed the bill 390 to 23—majorities in both

parties, and the President has issued a Statement of Administration Policy endorsing the legislation. So this is something we should move forward with. The JOBS Act will demonstrate to entrepreneurs and job creators that we value what they do, that we want to make it easier for them to innovate, to gain access to capital to grow and to lift others up as they become more successful.

America has many dynamic companies and fast-growing businesses with the potential to create many more. The people behind successful companies are driven by the satisfaction that comes from creating and innovating and solving problems, and in many cases they are making products or providing services that improve our quality of life. This is a good thing. It deserves our support.

Good public policy—hurdles to opportunity, on the other hand—can help people accomplish their goals, and this bill will help to solve some of this by getting those hurdles out of the way. For example, the JOBS Act will help to cut some of the redtape that burdens startup companies. One of the best overhauls is a reduction in the costly regulatory burdens contained in the infamous Sarbanes-Oxley section 404(b) accounting rules. Reducing this burden means growing companies can spend less time on paperwork and more time on raising capital and growing their businesses. These are companies that have the potential to be the next Groupon, Yelp, or LinkedIn—three companies that didn't exist a decade ago and all of which recently had initial public offerings.

Here is what the Chamber of Commerce had to say in support of the House-passed bill.

The JOBS Act would enhance capital formation needed to build new businesses, expand existing businesses and create jobs. . . . [It] would put into place several important and in some cases overdue reforms that would incentivize initial public offerings (IPOs).

Part of the beauty of this bill is we don't even know who will benefit from its policy reforms. It applies to everybody. It is the opposite of the crony capitalism that provided government funds to companies such as Solyndra and General Motors. Indeed, this is legislation that will demonstrate what the private sector can do when government promotes freedom and opportunity. It will show we don't need government to try to create jobs or make ham-fisted attempts to play venture capitalist.

Because this is such good bipartisan legislation, it is deeply troubling to hear it is being stalled right here in the Senate. The front-page headline of the Congressional Quarterly this morning reads: "Democrats Move to Slow 'Jobs' Bill."

The article notes that passage appears unlikely this week as Democrats

try to add controversial provisions to the bill which do not have broad bipartisan support.

If this bill does not pass, or if the Senate Democrats add poison pills, it will be quite obvious this is part of a broader political strategy—one that relies on a "do-nothing Congress." That is the campaign theme the President has been running on.

If Congress actually does something in a bipartisan way that helps many Americans, well, it will undermine his narrative. He is relying on congressional dysfunction to keep that narrative going, and that is why we have to rise above it.

Yes, this is a cynical conclusion, but if this bipartisan bill is derailed, it will be hard to draw any other. It was our understanding, when we all agreed to go to the bill, it would be considered under regular order. This bill is too important to play procedural games, such as filing cloture and filling the parliamentary tree and the like.

I urge my colleagues not to stall this bill or to jeopardize its passage with partisan provisions. Let's get this bill to the President's desk. Our first priority should be helping Americans get jobs, not strategizing to save the President's job.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUNSHINE WEEK

Mr. GRASSLEY. Madam President, this is Sunshine Week—a week that is observed annually to point out the public's business ought to be public and that government, except in the cases of national security, should be open to public inspection. This week coincides with the birthday of James Madison, the Founding Father known for his emphasis on checks and balances in government and advocacy of open government.

Open government and transparency are essential to maintaining our democratic form of government. Although it is Sunshine Week, I am sorry to report that contrary to the proclamations President Obama made when he took office 3 years ago—and he made them, in fact, within hours after his swearing in—that 3 years later the sun still isn't shining on the public's business in Washington, DC. So there is a real disconnect between the President's words and the actions of his administration.

On his first full day in office, President Obama issued a memorandum on the Freedom of Information Act. This memo went to the heads of executive agencies. In it, the President instructed these executive agencies to "adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in

the Freedom of Information Act, and usher in a new era of open government.”

We all know actions speak louder than words. Unfortunately, based on his own administration's actions, it appears the President's words about open government and transparency are words that can be ignored. If not ignored by the President—and maybe well-intended on the part of the President—being ignored down to the bowels of the bureaucracy.

Given my experience in trying to pry information out of the executive branch, and based on investigations I have conducted, and inquiries by the media, I am disappointed to report that President Obama's statements about transparency are not being put into practice. In other words, it is a little bit like “business as usual.” I had the same problems when we had Republican Presidents. But based upon the President's pronouncements after his swearing in, I expected things to be totally different in this administration, and I don't find them to be any different. Federal agencies under the control of the President's political appointees have been more aggressive than ever in withholding information from the public and from the Congress.

Throughout my career, I have been actively conducting oversight of the executive branch, regardless of who controls the Congress or what party controls the White House. When the agencies I am reviewing get defensive, and when they refuse to respond to my requests, it makes me wonder what they are trying to hide. Over the last year, many of my requests for information from various agencies have been turned down again and again either because I am ranking member or because I am not chairman of the Judiciary Committee. Agencies within the executive branch have repeatedly cited the Privacy Act as a part of the rationale for their decision not to grant requests even though the Privacy Act explicitly says it is not meant to limit the flow of information from the executive branch to the Congress.

This disregard by the executive branch for the clear language of the law is disheartening, and so it is quite appropriate during Sunshine Week we bring out the truth. Citing another example, since January 2011, Chairman Issa and I have been stonewalled by Attorney General Holder and by other people in the Justice Department regarding our investigation of Operation Fast and Furious. This deadly operation let thousands of weapons “walk” from the United States into Mexico.

Despite the fact the Department of Justice inspector general possesses over 80,000 relevant documents, Congress has received only around 6,000 in response to a subpoena from the House Oversight Committee. Even basic documents about the case have been with-

held by the Justice Department. Yet the Department insists on telling us—and before they tell us, they seem to tell the press—that they are cooperating with Senator GRASSLEY and Congressman ISSA. The Sun must shine on Fast and Furious so the public can understand how such a dangerous operation took place and what can be done to prevent such stupid actions of our government in the future.

I have also worked hard to bring transparency to the Department of Housing and Urban Development. This is an executive branch agency that desperately needs more sunshine. Over the past 2 years, I have been investigating rampant fraud, waste, and abuse at public housing authorities throughout the country. I have discovered exorbitant salaries paid to executive staff, conflicts of interest, poor living conditions, and outright fraud, waste and abuse of taxpayer dollars. Many of these abuses have been swept under the rug, and Housing and Urban Development has been slow at correcting the problems.

HUD cannot keep writing checks to these local housing authorities and then blindly hope the money gets to those Congress intended to help. I will continue to work to bring sunshine to the Department of Housing and Urban Development as well.

In April of last year, I requested documents from the Federal Communication Commission regarding a valuable regulatory waiver it granted to a company called LightSquared. LightSquared was attempting to build a satellite phone network in a band of spectrum adjacent to global positioning systems.

The problem is that LightSquared's network causes interference with critical GPS users such as the Department of Defense, the Federal Aviation Administration, and NASA.

The FCC responded to my document request by saying they don't give documents to anyone but the two chairs of the committee with direct jurisdiction over the Federal Communications Commission. How idiotic. Because that means that if someone is not chairman of a committee—in other words, if a person is in the 99.6 percent of the Congress which does not chair a committee—with direct jurisdiction, then as a Member of Congress they are out of luck and can't fulfill their responsibilities of constitutional oversight and can't be a check, as envisioned by Madison writing the Constitution, on the executive branch of government.

In this letter to me from Chairman Genachowski, he told me he would make his staff available even if I didn't get the documents. So I could interview the staff. But when I took him up on his offer and asked him to interview members of his staff, my request was refused.

Once again, actions speak louder than words. People can get away with

lying, and there is stonewalling, pure and simple. It seems obvious that the FCC is embarrassed and afraid of what might come from uncovering the facts behind what the Washington Post called the LightSquared debacle. If there is nothing to hide, then why all the stonewalling? The FCC seems determined to stonewall any attempt at transparency.

But it is not just the executive branch that needs more transparency. The judiciary should be transparent and accessible as well. That is why over a decade ago I introduced the Sunshine in the Courtroom Act, a bipartisan bill which will allow judges at all Federal courts to open their courtrooms to television cameras and radio broadcasts. By letting the Sun shine in on Federal courtrooms, Americans will have an opportunity to better understand the judicial process.

The sunshine effort has no better friend than whistleblowers. Private citizens and government employees who come forward with allegations of wrongdoing and coverups risk their livelihoods to expose misconduct. The value of whistleblowers is the reason I continue to challenge the bureaucracy and Congress to support whistleblowers.

For over two decades, I have learned from, appreciated, and honored whistleblowers. Congress needs to make a special note of the role whistleblowers play in helping us fulfill our constitutional duty of conducting oversight of the executive branch. The information provided by whistleblowers is vital to effective congressional oversight. Documents alone are insufficient when it comes to understanding a dysfunctional bureaucracy. Only whistleblowers can explain why something is wrong and provide the best evidence to prove it. Moreover, only whistleblowers can help us truly understand problems with the culture at government agencies.

Whistleblowers have been instrumental in uncovering \$700 being spent on toilet seats at the Department of Defense. These American heroes were also critical in our learning about how the FDA missed the boat and approved Vioxx, how government contracts were inappropriately steered at the General Services Administration, and how Enron was cooking the books and ripping off investors.

Similar to all whistleblowers, each whistleblower in these cases demonstrated tremendous courage. They stuck out their necks for the good of us all. They spoke the truth. They didn't take the easy way out by going along to get along or looking the other way when they saw a wrongdoing.

I have said it for many years—with-out avail, of course—I would like to see a President or this President of the United States have a Rose Garden ceremony honoring whistleblowers. This

would send a message from the very top of the bureaucracy to the lowest levels about the importance and value of whistleblowers. We all ought to be grateful for what they do and appreciate the very difficult circumstances they often have to endure to do so, sacrificing their family's finances, their employability, and the attempts by powerful interests to smear their good names and intentions.

I have used my experience working with whistleblowers to promote legislation that protects them from retaliation. Legislation such as the Whistleblower Protection Act, the Sarbanes-Oxley Act, and the False Claims Act recognize the benefits of whistleblowers and offer protection to those seeking to uncover the truth. For example, whistleblowers have used the False Claims Act to help the Federal Government recover more than \$30 billion since Congress passed my qui tam amendments in 1986.

These laws are a good step; however, more can be done. For example, the Whistleblower Protection Enhancement Act will provide much needed updates to Federal whistleblower protections. I am proud to be an original cosponsor, and I believe the Senate should move this important legislation immediately. This bill includes updates to the Whistleblower Protection Act to address negative interpretations of the Whistleblower Protection Act from both the Merit System Protection Board and the Federal Circuit Court of Appeals.

I started my remarks by quoting James Madison, the Founding Father who is one of the inspirations for Sunshine Week. Madison understood the dangers posed by the type of conduct we are seeing from President Obama's political appointees. Madison explained that:

[a] popular government without popular information or the means of acquiring it, is but a prologue to a farce, or a tragedy, or perhaps both.

I will continue doing what I can to hold this administration's feet to the fire, to protect whistleblowers, to get the truth out, and to save the taxpayers' money.

I hope my colleagues will help work with me so we can move toward restoring real sunshine, in both words and actions, in Washington, DC.

I yield the floor.

The PRESIDING OFFICER (Ms. McCASKILL). The Senator from Alaska.

ENERGY PRICES

Ms. MURKOWSKI. Madam President, there is a lot of discussion about energy going on. The President spoke about it this morning.

It is nice to hear us all saying the same thing; that this country should have an all-of-the-above energy policy. It is a phrase I have used for years now, and I suppose it is the highest form of flattery to have that scooped by others

and carried. But I think it is important for us to remember that policies have to translate from mere words into action. With the President's comments today, unfortunately, I am not convinced he is intending to help turn our all-of-the-above policy into reality.

I think if he was serious about doing that, he would acknowledge that there is far more our country can do to increase our supply when it comes to oil and oil production. I think he would admit that with oil prices above \$100 a barrel, gasoline edging up every day close to \$4 a gallon, this is not a political opportunity for anyone; this is a legislative imperative—a legislative imperative—for us all. The question that needs to be asked is, What can we do?

I would agree with the President that there is no one silver bullet. There is no one quick fix. We can't snap our fingers and have the price at the pump go down. But I think it is important to talk honestly about what is going on with supply and with production in this country.

With much discussion over these past several months about the Keystone project out of Canada and that pipeline, it continues to amaze me, it makes me crazy to think we have an opportunity to have our closest neighbor and our best trading partner supply us with oil instead of receiving oil from OPEC. Keystone could come online very quickly, bring oil to our refineries and to our gas tanks. If the administration supports construction of a pipeline from Oklahoma to Texas, as they have suggested, I don't see why we can't allow construction of a pipeline from Alberta and North Dakota and then all the way down. I am confident there are enough construction workers who are ready and waiting to start on both ends. When you say it needs more consideration, more review, I would remind people this has been a project that has had at least 4 years of environmental review.

So this is one of those choices that I think is pretty clear and pretty stark. Most Americans, I believe, would much rather get their oil from Canada than from OPEC. Yet some of what we are seeing come out of this Congress from Members of the Senate, the suggestion is that instead of going to Canada, we should go, tincup in hand, to Saudi Arabia and ask them for increased production. I can't imagine—I cannot imagine why it would be more preferable to producing more American oil or allowing more oil from Canada. This is a pretty clear choice for me. But, again, it is an argument we continue to have, and we don't seem to be making the necessary headway on it.

Earlier this week, the President said the best we can do about gas prices is reduce our dependence on foreign oil, which will reduce the price of gasoline over time. One year ago, he said pro-

ducing more oil in America can help lower our oil prices. But, again, that is talk that is going on right now and talk that is not necessarily matching reality.

Yesterday, I was involved in two hearings of the Appropriations subcommittees. In one, we had a Department of Interior official who confirmed that the oil production on Federal lands is down and not up. There has been a lot of conversation, a lot of discussion about how we in this country are seeing more oil and gas production than ever before. But the fact is, we are seeing an increase in oil; we are seeing an increase in natural gas. But we are not seeing it on our Federal lands. We are seeing these increases on State lands and on private lands. When it comes to onshore oil, we have actually gone down by 14 percent from last year. When it comes to offshore oil, we have gone down from 17 percent last year. So to suggest somehow that we are doing astonishingly, when in fact in the area where the Federal Government does have some ability to incent some production, we are seeing production decrease.

We also heard confirmation in a hearing yesterday that producers are leaving the Federal lands—which, again, are the only lands the administration has control over—not because the resources are necessarily greater somewhere else but because of Federal taxes, of the Federal royalties, the bureaucracy, the permitting process that make State and private lands more attractive. It was quite clear in the testimony that it does indeed cost more to produce on Federal lands, and they do worry about that migration to go to State lands and private lands.

This is a chart I have about the number of applications for permits to drill on Federal lands. If we look at the timeline, we are going up and up and up. This is 2001, during the Bush administration, when we increased 92 percent. We hit 2008, and the number of permits to drill that have been approved during this administration is down 36 percent. Again, this is in the area where the Federal Government has control. So please, I think we need to get beyond the idea that we are allowing drilling everywhere.

America's largest untapped oilfields onshore and offshore are still off-limits. In Alaska, we have more than 40 billion barrels of oil that are trapped beneath Federal lands, and the administration is making clear they intend to keep much of that off-limits to development.

Again, we have money buried in the ground, literally, in Alaska, ready, waiting, and willing to advance not only the resource for American consumption, bringing the jobs, but also bringing important revenues to our Treasury.

I think it is quite apparent that supply matters. Again, I mentioned the request from one of our colleagues that we go to Saudi Arabia for 2.5 million barrels per day. I don't think that is an appropriate policy on which we should embark.

Since at least the mid-1990s, our colleagues on the other side of the aisle have claimed that since oil exploration takes a long time to bring online, we shouldn't do it. It was the senior Senator from Massachusetts who, back in 2002, said:

If you open the refuge today, you are not going to see oil until about 2012, maybe a couple years earlier.

Here we are at 2012. If we had started then, we wouldn't perhaps be having this discussion now. This argument has gone on for so long that even Jay Leno is making jokes about it on TV. It is amazing to me that we continue to say it is going to take too long to bring on, so we shouldn't start today.

I have two separate bills that allow access to the nonwilderness areas of ANWR, the 1002 area, to be carefully opened for development. That field would bring on roughly 1 million barrels of oil to market each day. Right now, had this not been blocked back in 1995, that would have been good for American workers, good for the price of oil, good for the Federal Treasury, and I believe it could have been conducted and completed without impact to the environment.

When we talk about our abilities, I think it is fair to say we do have a lot of oil in this country, and we can bring more of it to market. If we were to increase our domestic production by the 2.5 million barrels a day that has been suggested that we get from Saudi Arabia, if we were to access Alaskan oil along with the Keystone oil, that would double world spare capacity and insulate us almost entirely from OPEC.

When we talk about a way we can move ourselves as a nation away from the stranglehold OPEC holds over us, I think it is important to consider what our options are.

I know we will have more to add on this later. Some of my colleagues are coming to the floor later to speak on this matter. But at this time I yield the floor for my colleague from Louisiana, the energy breadbasket down there in the gulf.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I am happy and honored to join my colleague from Alaska, and also our colleague Senator BARRASSO to talk about a vital issue, U.S. energy—doing something about the price at the pump, including by accessing more of the vital U.S. energy we have right here within our shores.

As the Senator from Alaska has said, at least I give the President kudos for using the right language, saying the

right things, even if his policies have not caught up with that yet. He is talking about an "all-of-the-above" energy strategy, something we have been advocating for years.

He is also talking about a release from the Strategic Petroleum Reserve. I disagree with that policy, but at least it acknowledges that supply matters. If we increase supply we would lower the price.

I think the important way we need to do that, of course, is to produce more energy at home. A lot of Americans do not realize it, but we are the single most energy rich country in the world, bar none. No one else comes close. When we look at all of our energy resources compared to all of the energy resources of other countries, we are the richest country in terms of energy resources.

Why don't most Americans think of ourselves that way? It is because we are the only country in the world that takes well over 90 percent of those resources and puts them off-limits. Through Federal law, particularly under this Obama administration, America says no. No.

The Obama administration says no. No, you can't drill off the east coast. No, you can't drill off the west coast. No, you can't touch the eastern gulf, at least for now. No, you can do little to nothing offshore Alaska. No, you cannot touch the Alaska National Wildlife Refuge. No, we are going to do less instead of more on Federal land. And, no, we are going to reexamine hydraulic fracturing, which is a key process to the development of our rich shale resources even though there is no scientific basis for that attack on hydraulic fracturing.

This administration has said no; no, in terms of policy. The President is saying "all of the above." The President is admitting supply matters. But the policy has not caught up, and it has to catch up.

What am I thinking of? On the Outer Continental Shelf we are rich in resources, in oil and gas. Yet President Obama's 5-year plan, which he is required to submit under law—his 5-year plan for developing that Outer Continental Shelf is only half as much as the previous 5-year plan. We are backing up. We are headed in the wrong direction, not the right direction of accessing more of our own energy.

Permitting in the Gulf of Mexico, where I live—since the BP disaster, permitting first stopped but now has started again, but only at a trickle, and we are still 30 percent to 40 percent below the pace of permitting compared to before the incident. We need to get back to that pace of permitting and then surpass it.

Federal lands, the area that the Federal Government controls most directly—production activity on Federal lands is down from a few years ago. It

is not up; it is down 14, 17 percent offshore and onshore—less than a few years ago.

Of course, the Keystone Pipeline was mentioned. That is not quite U.S. energy, but it is as close as we can get to that. It is dependable Canadian energy from a very firm, strong ally. President Obama is saying no to that.

I am happy to hear that his rhetoric has changed in an election year. But when are those policies going to change—on the Outer Continental Shelf, on permitting in the gulf and elsewhere, on Federal land, on the Keystone Pipeline? That is what needs to change.

We need to say yes to solid, dependable American energy. It will increase our energy independence. It will increase our supply and stabilize prices at the pump. It will build great American jobs, jobs which, by the way, cannot be outsourced to China and India if they are domestic energy jobs. It will even bring more revenue into the Federal Government, lowering the deficit and debt.

Let's say yes. Let's say yes, yes to that. I know my colleague, Senator BARRASSO, is vitally interested in these issues as well. I turn to him, through the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I agree with my colleague from Louisiana who is an expert in these areas and spent so much time on energy and the need for affordable energy. People are noticing the pain at the pump and saying: Why is this? They don't have to look any further than the President's policies, the President's efforts, in my opinion, to make it harder for us to explore for energy. What does he try to do?

In a Reuter's report this morning, "U.S.-Britain to agree to emergency oil stocks release" from the Strategic Petroleum Reserve. This is there for emergencies, for disruption of supply, not for a political disaster.

What the President has on his hands now is a political disaster. The fact is, the price at the pump has gone up about a penny a day for about the last 30 days. People are paying more. They realize if they are trying to also deal with bills and mortgage and kids, it is much harder. It is a direct impact on their quality of life. Yet the President continues, as he has done today, to give speeches about gasoline prices and to blame everyone other than himself.

It is discouraging to see the President looking to the Strategic Petroleum Reserve. He tapped it last year, 30 million barrels. At that time he drew down our Strategic Petroleum Reserve and still has not refilled it. So any effort to draw down from it today will take it down even further, again putting us more at risk for a true supply disruption.

Those are the things we are facing today as a nation, a President with a poorly planned energy approach and having to rely on something that was placed there for true emergencies. But the President continues to make his claims as he did today and he did last week. One of his claims is that America only has 2 percent of the world's oil reserves. The truth is, proven and undiscovered oil resources total seven times that amount. The President does not seem to want to face that fact.

The President claims an "all-of-the-above" energy strategy, but the truth is the President's policies truly seem to be hostile to low-cost domestic fuels, especially gasoline and other products from oil. We saw this when the Secretary of the Interior was a Member of the Senate and said he would oppose offshore exploration for gas even at \$10. He said using less gasoline will lower prices.

Isn't that a supply and demand issue? The President ignores supply. We need to increase supply. One of the ways to do that is by exploring more offshore, on Federal land, and in Alaska, and by bringing supply from Canada to the United States with the Keystone XL Pipeline instead of saying to Canada: No, sell that to China.

Continuing to look at the incredible needs of this Nation for fuel, our ability to increase supply, and the President's efforts to do just about everything else, people at home are concerned.

I visit with people every weekend in Wyoming. I did last weekend; I will again this weekend. I hear what my colleague from Louisiana is hearing, what my colleague from Alaska is hearing; that is, there are lots of opportunities to increase the supply, opportunities that are available and should be used in this country. We are so dependent on overseas, so dependent on OPEC, so dependent on long shipping routes coming through the Strait of Hormuz. Our solution? Take care of the problem at home. Work on energy security for our Nation.

The Democrats' proposal—and we heard it from Senator SCHUMER from New York, who said: Just ask Saudi Arabia to produce more, 2 million barrels more a day.

Rely on a country far away? OPEC countries whose interests are not necessarily our own? That is not the solution for America. The American people want energy security which begins at home. North American energy security includes the availability of oil from Canada, the availability of oil offshore on Federal land as well as in Alaska. It is time for the President to adopt those proposals and those approaches rather than talking about his approach which leads people who listen and listen carefully to realize he is intentionally distorting the facts and misleading the American people in speech after speech.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. We are as in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

HUMAN RIGHTS

Mr. RUBIO. Madam President, first, I want to thank my colleagues for coming to the floor today and talking about the issue of energy and energy independence and the rising cost of energy. It is critically important. I wish to talk about something else, if I could, for just a few minutes, something I think is of critical importance, eternal importance; that is, the issue of human rights.

As Americans, we have to remind ourselves our Nation was founded on the principles of human rights. If we read back to the earliest documents, the Declaration of Independence first says very clearly at the outset that one of the founding principles that led to the creation of this Nation, and the Republic and Constitution that followed that, was the notion that all of us are created equal. Every human being on the planet who was ever born, ever will be born anywhere in this world, was born with certain rights, and the source of those rights is our Creator.

Think about that for a moment. That is not a common belief. For almost all of our history people believed our rights as people came not from our Creator, they came from the government, from our leaders. Our rights are what the government allows us to have. That is not what founded our country. This country was founded on the very powerful idea that the source of our rights and our value as a human being came from our Creator.

Of course, that manifested itself in all sorts of things in this country, a constitution, for example, that in recognition of those rights created a system of government that said the job of the government was to protect these rights, not to grant them. And, of course, the American miracle has plenty of witnesses, myself included, and is well documented in the annals of history, particularly in the last half century, the American century, the 20th century, which is shown as an example to the world. Yet the issue of human rights continues to be a central one around the world and one of the places where I think an American example can make the biggest difference.

One of the issues that has interested me since I got to the Senate—my background before I got here just a year ago

was in State government, and before that it was in local government. One of the great things about being in the Senate is you have access to sources of information and individuals with information that I didn't have before. One of the issues that has fascinated me on a global scale is how human rights are still summarily violated all over the planet and how, in fact, these powerful ideas that are at the core of our founding as a country are still not widely accepted in many parts of the world.

This is a great time of year to be in Washington. People are on spring break, and they are bringing their kids up here to learn about our Republic. So I think it is a great time to remind ourselves that one of the things that made us different from the rest of the world is that we are one of the few countries on the planet that really believe that every single person who has ever been born has rights they are born with. We take that for granted. If you have been born here and lived here your whole life, you think that is the way it is everywhere. It is not. There are so many societies and countries around the world where people are told: You don't have any rights unless we give you rights. Unless your government or your leaders or your laws give you certain rights, you don't have these rights. In America, we almost take that for granted because we believe we are born with these rights. And the American example to the world has been what can happen when you actually believe that every single human being has worth and value and rights that they are born with and that you have no right to deny them.

Sadly, there is no shortage of examples around the world where those fundamental rights are violated. I think no nation on this planet has a larger obligation to speak out against it than ours. So what I intend to do over the next few weeks is come to the floor and highlight some of these egregious human rights violations because I think they go to the core of our exceptionalism. They go to the heart of who we are as a people and as a nation. They go to the center of what makes us different from other countries around the world and in many respects are at the heart of what is in debate at this very moment in the world.

As we enter this new 21st century, there are a handful of nations across the globe that do not want the issue of human rights to be central. They don't want this issue to be on the front burner because they don't believe in these things. What they seek is a new international order where the violation of human rights is nobody's business.

You see that today in Syria, where people are being murdered, where unarmed civilians are being pursued and shelled by an army, where there are horrifying examples of human rights violations on a daily basis. At least

two countries—Russia and China—have taken the position that it is nobody's business, and one of those countries is the topic I want to talk about today; that is, China—an emerging power on the world stage that some people I think falsely claim will replace America on the world stage. I think that is an exaggeration.

By the way, we welcome the economic progress China has made. I think it is great news that there are millions of people in China who a decade ago were riding around on a bike and now have a car. Only a decade ago millions of people were living in deep poverty and today are part of the middle class. I think that is fantastic. But don't get ahead of yourself in believing that China is going to replace America on the world stage. This is still the richest, most powerful country in the world. This is still the most important economy on the planet, and our people are as smart and as creative as they have ever been, and that is not going to change.

But I think we have to look at China because if, in fact, they are this rising power, if they are going to be a growing influence on the international stage, we have to ask ourselves, What is their commitment to human rights? Sadly, it is not a very good one.

If you look at the issue of Tibet, it is a perfect example. These are peace-loving people who have sought a certain level of autonomy. They want to preserve their culture and their way of life. They have gone as far as to say: We are OK being under Chinese rule, but we want to protect some of the things that are innate and indigenous to our own culture and values. And China is systematically trying to erase their culture and their heritage through processes of re-education, through the jailing of people, through the oppression of people, through the destruction of a free press and systems of communication. It manifests itself today. I think yesterday was the latest incident of people in Tibet setting themselves on fire. By the way, we should not encourage that. It is horrifying to see that. We hope it stops. It just leads to an understanding of the level of desperation that exists in Tibet.

Let me ask you a question. If China is a growing influence on this planet, are these the values that are going to replace American values on the world stage? Are these the values that are going to replace our belief that all individuals were created equal, with certain rights that come from their Creator? Are we prepared to retreat from the world stage and allow that to happen without at least speaking against it?

We should not be surprised that China stands by and says: Do nothing. Don't even sanction. Don't even put out a nasty letter about Syria. We

should not be surprised because a nation that doesn't care about the human rights of their own people is never going to care about the human rights of others. As Americans, the question we have is, Are we prepared to retreat from the world stage and, in fact, allow nations such as that to play a growing role in the world? Are we prepared to silence our own voice at the expense of their voice? I hope not.

So when we debate in this Chamber about issues of economic policy, we are debating issues about America's influence in the world. And I would say to you that if America is diminished on the world stage, whether it be by choice or by accident, if we fail to confront the issues this nation faces and we choose to decline, it won't be just the Americans who pay the price, it will be people all over the world, including the people who live in Tibet, because then there will be no voice on this planet that condemns human rights violations the way we do, because there will be no nation in the world that can prove that, in fact, you can have a functional society where the innate worth and the value and rights that our Creator gives every human being are respected. That is what is at stake when we debate America's influence and America's standing in the world.

Over the next few weeks, I hope to come to this floor and continue to highlight these egregious violations of human rights. Tragically, there is no shortage of them. In the weeks to come, we will talk about the problems of human trafficking that exist in our own country, in our own hemisphere, and all around the world. We will talk about the violations of religious liberties that exist in societies all over the planet. We will talk about how women have no rights whatsoever in many of these countries. There are some nations where a woman is counted as one-fourth of a man in terms of their worth or their ability to speak out. We will talk about other countries where people are systematically jailed, as they are in our own hemisphere, for putting out pamphlets that criticize the government. We will talk about what is happening in Syria and Tibet.

Human rights is at the core of who we are as a nation. It is at the core of our identity as a people and as a power on the global stage. It is an issue that doesn't belong to the right or to the left, to Republicans or Democrats; it is an issue that should unite us all in this Chamber and in this country, and we hope to be an effective voice in that regard in the years that God permits me to serve here in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

GROH NOMINATION

Mr. ROCKEFELLER. I thank the good Senator from Missouri for her courtesy.

Madam President, I rise today to express my very strong support for the confirmation of Gina Marie Groh to serve as a U.S. district judge for the Northern District of West Virginia.

Gina Groh is absolutely qualified for this position and deserving of every Senator's support. She has more than 22 years of legal experience, of which 14 have been devoted to serving the people of West Virginia, first as a prosecutor and now as a trial judge. In these roles, Judge Groh has exhibited a superior intellect and an unwavering commitment to fairness and to justice. Lawyers describe her as meticulously prepared as a judge, and they describe her as somebody who administers justice in a timely and equitable manner. Because of her superior qualifications, she was reported out of the Judiciary Committee by an unopposed voice vote and has been waiting patiently for 5 months for an up-or-down vote.

Judge Groh will be ready for the job on the day she assumes the bench, provided, of course, that she passes through this body. She knows how to make tough decisions. She knows how to issue thoughtful opinions and to protect the rights and liberties that are guaranteed to all Americans under our laws and our Constitution.

I am very proud to urge all Senators to support Judge Groh's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

FITZGERALD NOMINATION

Mrs. BOXER. Madam President, I rise today to support the nomination of Michael Fitzgerald as the Senate prepares to vote on his confirmation to become a district court judge. I had the great privilege of recommending Mr. Fitzgerald to President Obama for nomination. He is a respected member of the Los Angeles legal community. He will make an excellent addition to the Central District of California.

Mr. Fitzgerald served as a Federal prosecutor, where he handled cases involving international drug rings and money laundering, including what was at the time the second largest cocaine seizure in California history. Since he has left the U.S. Attorney's Office, Mr. Fitzgerald has been in private practice handling complex criminal and civil cases. He received a rating of "unanimously well qualified" by the American Bar Association.

He is a historic choice, and a vote on Mr. Fitzgerald's nomination is long overdue. He was voted out of the Senate Judiciary Committee unanimously 133 days ago on November 3, 2011. It really should not take this long to confirm such a highly qualified nominee as Mr. Fitzgerald, especially because this seat has been designated a judicial emergency. So we have a seat that has been designated a judicial emergency, and we have a highly qualified gentleman who is ready for this challenge

and who was voted out of the committee unanimously last year, 133 days ago.

I want to close with great hope that we will confirm Mr. Fitzgerald. With that, I want to, in advance—and I hope I am proven right—congratulate him and his family on this momentous day. I urge my colleagues in the Senate to join with me in voting for this highly qualified nominee.

Thank you very much, Madam President.

I yield the floor, and I note the absence of a quorum.

The assistant bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF GINA MARIE GROH TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NOMINATION OF MICHAEL WALTER FITZGERALD TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant bill clerk read the nominations of Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia; and Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes for debate equally divided in the usual form.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the order? I had understood I was to be recognized at 1:45. Am I incorrect?

The PRESIDING OFFICER. There will be 15 minutes for debate equally divided in the usual form.

Mr. LEAHY. I am pleased that the Majority Leader and the Republican leader came to an understanding yesterday and a path forward so that we can finally consider the two judicial nominations the Senate will vote on today. With a judicial vacancies crisis that has lasted years, and nearly one in 10 judgeships across the Nation vacant, the Senate needs to continue to work to have a positive impact and reduce

judicial vacancies significantly before the end of the year.

In light of the agreement reached between the leaders, the Senate will finally be allowed to consider the nomination of Judge Gina Groh of West Virginia. Judge Gina Groh currently serves as a Circuit Judge in the 23rd Judicial Circuit for the State of West Virginia, the first female circuit judge in the eastern panhandle region of West Virginia. She is one of only three women serving as a circuit judge throughout the state. Judge Groh was nominated to the state court in 2006 on the recommendation of a bipartisan merit selection panel, and won a successful retention election in 2008. Prior to joining the bench, Judge Groh served for eight years as state prosecutor and nine years in private practice. Her nomination, which has the support of both of West Virginia's Senators, Senator ROCKEFELLER and Senator MANCHIN, and was reported with the support of every Democrat and every Republican on the Judiciary Committee last October. She has been waiting for this confirmation vote for more than five months while her nomination has been stalled along with so many others.

The Senate will also finally be able to consider the nomination of Michael Fitzgerald to fill a judicial emergency vacancy in the Central District of California. His nomination has the strong support of his home state Senators, Senators FEINSTEIN and BOXER. If confirmed, Mr. Fitzgerald will be the first openly gay man confirmed to the Federal bench in the state of California. Mr. Fitzgerald has worked in private practice for more than two decades, and before that, served as a Federal prosecutor. The ABA's Standing Committee on the Federal Judiciary unanimously rated him "well qualified" to serve on the U.S. District Court, its highest possible rating. His nomination was reported unanimously by the Judiciary Committee last November. He has been waiting four and one half months for this vote.

Unlike the 57 of President Bush's District Court nominations confirmed within a week of being reported by the Judiciary Committee during President Bush's first term, these qualified, consensus nominees have been needlessly stalled from final consideration. The application of the "new standard" the junior Senator from Utah conceded Republicans are applying to President Obama's nominees continues to hurt the people of West Virginia and California, who should not have to wait any longer for judges to fill these important Federal trial court vacancies.

The nominations of Judge Groh and Mr. Fitzgerald are two of the 22 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Com-

mittee after thorough review. All but a handful are by any measure consensus nominations. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture petitions to get agreement to schedule votes on these qualified, consensus judicial nominations. In addition to the two nominations we consider today, another 10 of the nominations on which agreement has now been reached have been stalled for months and were reported last year.

Among the nominees included in the leaders' agreement are two outstanding women nominated to fill vacancies on important circuit courts that have been delayed since last year—Stephanie Dawn Thacker of West Virginia, nominated to the Fourth Circuit, and Judge Jacqueline Nguyen of California, nominated to fill one of the many judicial emergency vacancies on the Ninth Circuit. Ms. Thacker, an experienced litigator and prosecutor, has the strong support of her home state Senators, Senators ROCKEFELLER and MANCHIN. Judge Nguyen, whose family fled to the United States in 1975 after the fall of South Vietnam, was confirmed unanimously to the district court in 2009 and would become the first Asian Pacific American woman to serve on a U.S. Court of Appeals. Both were reported unanimously by the Judiciary Committee last year and both should be confirmed by the Senate without additional damaging delays.

All 22 of the nominees awaiting a vote by the Senate are qualified judicial nominees. They are nominees whose judicial philosophy is well within the mainstream. These are all nominees supported by their home state Senators, both Republican and Democratic. The consequence of these months of delays is borne by the nearly 160 million Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans agree to up or down votes on the 22 judicial nominations currently before the Senate awaiting a confirmation vote.

We must continue with the pattern set by yesterday's agreement to make progress beyond the 14 nominations in that agreement and beyond the 22 nominations currently on the calendar. There are another eight judicial nominees working who have had hearings and are working their way through the Committee process. In addition, there are another 11 nominations on which the Committee should be holding additional hearings during the next several weeks. By working steadily and by continuing the resumption of the regular consideration of judicial nominations I hope the understanding between the leaders signals, we can do as we did in 2004 and 2008 to ensure that the Federal courts have the judges they need to

provide justice for all Americans without needless delay. In those presidential election years, we worked together to reduce judicial vacancies to the lowest levels in decades.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait three years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

We 100 Senators stand in the shoes of over 300 million Americans. It is good to see the Senate agreeing to end the partisan stalling and schedule votes on these long-delayed and much-needed judges.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, this week the judicial confirmation process was a bit off track. The 17 threatened cloture motion votes were unnecessary. I am pleased the majority leader determined to not move forward with that plan.

The Senate has now returned to its regular order of processing judicial nominations in a careful and deliberate manner—just exactly what we ought to do when we are talking about confirming people to lifetime appointments. This means nominees are called up, debated, and voted upon, just as we have been doing. In fact, we have done that 131 times for President Obama's judicial nominees. Of course, on rare occasions, as within the traditional rules and practices of the Senate, there will be difficulty in moving forward with consent to proceed on just a very few.

So I view what happened yesterday not as some deal but as a rejection of a political stunt in favor of returning to regular order, as we are doing today. I have worked with the chairman and members of the Judiciary Committee, as well as my colleagues throughout the Senate, to ensure nominees are treated fairly, and I will continue to do so.

In the meantime, I am pleased the Senate has turned to the JOBS bill. It is imperative that the Senate keep its focus on what the people back at the grassroots level think we ought to be working on—jobs, the economy, energy, and other critical issues facing our Nation.

Today we turn to two judicial nominations under regular order and the procedure of the Senate: Gina Groh, who is nominated to be a U.S. district

judge for the Northern District of West Virginia, and Michael Fitzgerald, who is nominated to be a U.S. district judge for the Central District of California.

Earlier this week, I heard remarks blaming the judicial vacancy rate on Republican obstructions. What was failed to be discussed—not even mentioned—was that 44 of the judicial vacancies have no nominee. Of the 35 judicial vacancies designated as judicial emergencies, the President has failed to submit a nomination for 19 of those seats. So what about the other 16? What about the other 39 of the 83 I just mentioned? It is a fact of life; we can't proceed to process judicial nominations if the President doesn't send them to us. So the President needs to hurry if he wants to get some consideration.

That has been the pattern for most of this administration—failure or delay in submitting nominations to the Senate. For example, look at the nomination of Gina Groh, a nomination we are considering today. Yes, her nomination has been before the Senate for 5 months, but this seat became vacant in December 2006. President Bush submitted a nomination for this seat on May 24, 2007. That nominee never even had a hearing but languished in committee for 19 months before being returned to the President. This is just 1 of 53 nominees of President Bush's who were subjected to what some have characterized as a “pocket filibuster” or otherwise went unconfirmed.

Even after President Obama's election, it took until May 19, 2011, for him to nominate Ms. Groh. The President took 848 days to submit the nomination—nearly 2 years and 4 months. I have to ask, Where was the nomination? Where was the outrage of the other party during all of this time of dillydallying around at the White House?

Again, we are moving forward under regular order and procedures of the Senate. This year, we have been in session for about 28 days, including today. During that time, we have confirmed nine judges. That is an average of about one confirmation for every 3 days. With the confirmation today, the Senate will have confirmed 72 percent of President Obama's judicial nominations.

Gina Marie Groh is nominated to be United States District Judge for the Northern District of West Virginia. Judge Groh graduated summa cum laude with a B.A. from Shepherd University in 1986, and with a J.D. from West Virginia University College of Law in 1989. From 1989 to 1998, she worked as a litigation associate for three separate firms. From 1989 to 1991, she was with Steptoe & Johnson and then she moved to Mell, Brownwell & Baker, where she worked until 1995. Finally she worked at Semmes, Bowen, & Semmes until 1998. During this period,

her practice primarily involved civil litigation, including workers compensation and personal injury defense.

From 1998 to 2006, she served as an Assistant Prosecuting Attorney. She served in this capacity with the Berkeley County Prosecuting Attorney's Office until 2002 and then with the Jefferson County Prosecuting Attorney's Office. As an assistant prosecutor, she primarily prosecuted felony cases on behalf of the State of West Virginia. While with the Jefferson County Attorney's Office, she also represented the county government in civil matters. While an assistant county prosecutor, she estimates she tried about 500 cases to verdict.

In December 2006, Governor MANCHIN appointed Judge Groh as a circuit judge in the 23rd Judicial Circuit of West Virginia. In November 2008 she was elected to the same position. As a judge serving on a court of general jurisdiction, she presides over a variety of civil and criminal cases and manages the grand jury in Morgan and Jefferson counties, which meets three times per year in each county. She estimates that she has presided over 93 cases that have either gone to verdict or judgment. In addition, she has issued orders in over 3,400 cases.

Michael Fitzgerald is nominated to be United States District Judge for the Central District of California. He is a 1981 graduate of Harvard University and received his J.D. in 1985 from the University of California, Berkeley—Boalt Hall—School of Law. After graduating from law school, Mr. Fitzgerald clerked for the Honorable Irving R. Kaufman on the United States Court of Appeals for the Second Circuit.

From 1986–1987, he was an associate at O'Donnell & Gordon where he represented individuals and small companies in civil litigation. In 1988, he became an Assistant United States Attorney where he served on the Organized Crime and Drug Enforcement Task Force/Major. With the task force he primarily prosecuted cocaine rings. He also worked with a money laundering task force comprised of IRS criminal agents and Los Angeles Police Department narcotics officers. From 1991–1995 he worked as an associate at Heller, Ehrman, White & McAuliffe LLP, on commercial litigation.

In 1995, Mr. Fitzgerald joined the Law Offices of Robert L. Corbin, P.C. as an associate attorney, and became a partner in 1998, when the firm was renamed Corbin, Fitzgerald & Athey LLP. Initially he represented small businesses and individuals in small to medium-sized civil cases, as well as a variety of criminal cases in Los Angeles Superior Court. He also was involved in federal civil and criminal cases. For the past six years, the focus of his firm has been representing clients who are under investigation by federal agencies. These

investigations have concerned securities, defense contracting, environmental law, health care, antitrust, tax and financial crisis.

Mr. Fitzgerald reports that he has appeared in court regularly for most of his career. However, since 2004, he has only appeared in court occasionally. He has tried 26 cases to verdict.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, when I hear concerns that the Republican delays are all the fault of President Obama, it sort of makes me think of some of the dialogue from the movie "Casablanca". I should tell my colleagues that there are 83 vacancies, sure. Several of them are without a nomination because this President is trying to work with home State Senators, including 24 vacancies involving a Republican home State Senator who hasn't agreed to anybody. There are seven nominations on which the Senate Judiciary Committee cannot proceed because Republican Senators haven't returned blue slips indicating their support. We had somebody else who we were going to consider in Committee. Two Republican Senators had returned blue slips; they withdrew them and we had to take that name off the agenda.

So we try to protect Republicans' rights in the committee and, suddenly, we are at fault because they are blocking people who have gone through unanimously. Well, none of these complaints would give any excuse for failure to move on nominees that went through with every single Republican, every single Democrat voting for them.

Instead of being voted on in a week, as 57 did during President Bush's first term, these nominees sit here for month after month after month.

Mrs. FEINSTEIN. Mr. President, I rise to speak today on the nomination of Michael Walter Fitzgerald, a highly qualified nominee to the United States District Court for the Central District of California.

The vacancy Mr. Fitzgerald would fill has been declared a judicial emergency by the Judicial Conference of the United States. The Central District is the ninth-busiest court in the country in terms of filings per judgeship, and it has several vacancies that need to be filled.

I wish it had not taken four and a half months to see Mr. Fitzgerald confirmed, but I am very grateful that the Senate is able to make progress on his nomination today.

I urge my colleagues to support this nomination.

Mr. Fitzgerald was born in Los Angeles in 1959 and attended California's public schools. He received a scholarship to attend Harvard College, from which he graduated magna cum laude in 1981.

After graduating from Harvard, Mr. Fitzgerald taught at Anaheim High

School. He then attended Boalt Hall Law School at the University of California, Berkeley, where he was managing editor of the Industrial Relations Law Journal and graduated Order of the Coif in 1985.

Following law school, he clerked for Judge Irving R. Kaufman on the U.S. Court of Appeals for the Second Circuit.

Mr. Fitzgerald has over 25 years of experience practicing law. After one year in private practice he became an Assistant United States Attorney in the Central District of California, where he served from 1988 through 1991.

During that time, he served on the Organized Crime and Drug Enforcement Task Force and with the Major Narcotics Section. He led an investigation that resulted in the seizure of 2,241 pounds of cocaine and the conviction of a major drug trafficking kingpin.

Since his service as a federal prosecutor, Mr. Fitzgerald has worked as an attorney in private practice, first at the law firm Heller Ehrman White & McAuliffe and now at Corbin, Fitzgerald, and Athey LLP.

He has represented plaintiffs and defendants in civil cases, as well as criminal defendants. He also has represented major corporations and corporate officials in investigations by the Securities and Exchange Commission and the Department of Justice. For example, he represented a senior Boeing manager in a Federal grand jury investigation, as well as Bank of America.

He also has been active in pro bono work. For example, Mr. Fitzgerald represented an FBI special agent, Frank Buttino, who had security clearance revoked after his sexual orientation was revealed to his FBI superiors. The case resulted in a settlement, in which the FBI revoked its policy of treating sexual orientation as a negative factor in security clearance determinations.

Mr. Fitzgerald also served as a deputy counsel on the Rampart Independent Review Panel, which was appointed by the Los Angeles Police Commission to investigate a major corruption scandal in the Rampart Division of the Los Angeles Police Department. He also served as a counsel to the Special Advisor to the Webster Commission, which investigated the L.A.P.D.'s response to the L.A. riots in 1992.

In short, Mr. Fitzgerald has an impressive record—strong academic credentials, an appellate clerkship, service as a Federal prosecutor, and over two decades in private practice.

Mr. Fitzgerald is also the first openly gay nominee to a California Federal Court—an important milestone on the road to equality.

I am confident he will be a superb addition to the district court, and I urge my colleagues to support his nomination.

Mr. LEAHY. Mr. President, I believe we have reached the time for the vote. Am I correct?

The PRESIDING OFFICER (Mr. SANDERS). The Senator is correct.

The question is, Will the Senate advise and consent to the nomination of Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia?

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 49 Ex.]

YEAS—95

Akaka	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Heller	Portman
Bingaman	Hoeben	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskey	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Moran	

NAYS—2

DeMint Lee

NOT VOTING—3

Alexander Hatch Kirk

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, first of all, we had a good week. We have worked together on issues and gotten a lot done. We have one more vote. That will be the last vote this week. The next vote will be Tuesday before the caucus.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Michael Walter Fitzgerald, of California, to be U.S. District

Judge for the Central District of California.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 50 Ex.]

YEAS—91

Akaka	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Portman
Bennet	Heller	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Warner
Cornyn	McCaskill	Webb
Crapo	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden
Feinstein	Mikulski	
Franken	Moran	

NAYS—6

Blunt	Inhofe	Paul
DeMint	Lee	Vitter

NOT VOTING—3

Alexander	Hatch	Kirk
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

JUMPSTART OUR BUSINESS STARTUPS ACT—Continued

The PRESIDING OFFICER. The junior Senator from West Virginia is recognized.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GROH NOMINATION

Mr. MANCHIN. Mr. President, I rise to applaud the confirmation of Judge Gina Marie Groh to the U.S. District Court for the Northern District of West Virginia.

As then-Governor of West Virginia, I was honored to have the first female from the Eastern Panhandle, with the highest of credentials, Judge Groh, brought to my attention. I was so proud to appoint her to the 23rd Judicial District in 2006, and she has served with great distinction ever since.

I am also very pleased my colleague and friend Senator JAY ROCKEFELLER saw the same qualities in Judge Groh that I did and recommended her for this prestigious position on the Federal bench. I thank him for his steadfast support.

I wish to take this opportunity to reiterate some of Judge Gina Groh's fine qualities and the reasons I know she will be an exceptional judge on the U.S. District Court for the Northern District of West Virginia.

Judge Groh is a well-respected and recognized member of her community in the Eastern Panhandle of West Virginia, as I have known her for many years. In addition to being the first female circuit judge to serve in the Eastern Panhandle, Judge Groh is only the third female circuit judge to be selected in all of West Virginia.

Prior to her circuit court appointment, Judge Groh served as assistant prosecuting attorney at the prosecuting attorney's offices in Berkeley County and Jefferson County, WV. During her 8 years as prosecutor, she established a strong record of protecting her fellow West Virginians by tirelessly pursuing convictions for such crimes as murder, robbery, rape, child abuse, drunk driving, and drug-related offenses.

Judge Groh has not only excelled professionally but has also risen to become a true pillar of her community in the Eastern Panhandle of West Virginia. She dedicates her time to countless foundations and serves on a number of boards. For many years, she has worked for such programs as Robes to School and the Meals with Love Ministry and has been very involved with her alma mater, Shepherd University, serving both with the Wellness Center and as a member of the alumni board.

Judge Groh graduated summa cum laude from Shepherd University in 1986, with a bachelor of science degree. She earned the university's highest academic honor as a McMurren Scholar, in addition to serving as editor-in-chief of the newspaper and vice president of her graduating class. Judge Groh went on to earn her J.D. from West Virginia University's College of Law in Morgantown, WV.

I believe Judge Groh's experience, intellect, leadership, impartiality, and deep roots in the community make her

a prudent choice for the vacancy in the Northern District of West Virginia. She exemplifies not only the qualities of a talented jurist but also the high moral character and sense of justice necessary to make a great judge.

I know it has been exasperating for Judge Groh and her family waiting for this confirmation, knowing that she came out of the Senate Judiciary Committee without any opposition. It has been very difficult that we as a body have gotten to the point of slowing down these nominations, and I believe very strongly our system needs to be changed so we can get quality judges such as Judge Gina Groh on the bench as quickly as possible so they can work to protect the people of the United States.

Again, I thank my colleagues for confirming an exemplary candidate for the U.S. District Court for the Northern District of West Virginia, Judge Gina Marie Groh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the House of Representatives has just passed H.R. 3606, which is styled as a capital formation bill, but it is fundamentally flawed. As more and more people have looked closely at the bill, they have found more and more problems with it—problems that could roll back key consumer protections and dramatically decrease the transparency of our capital markets.

One of the fundamental misconceptions in this bill is that we can have robust capital formation without good investor protections. My view is we can't have one without the other; that the strength of our market is the reliance investors have that they will have the right information and know enough about the entity they are investing in to make judicious, sound economic judgments. The Cantor bill would roll back many investor protections, would deny investors critical information that is essential to making sound judgments, and would ultimately not lead to the proposed goal of the bill—providing more access to capital, particularly for small, emerging companies.

Serious concerns have been raised about the Cantor bill by current and former regulators in the last 2 weeks: Mary Shapiro, Chairman of the Securities and Exchange Commission; the North American Securities Administrators Association; Arthur Levitt, former Chairman of the SEC and head of AMEX; and Lynn Turner, former chief economist of the SEC.

Some of the largest pension plans in the entire country have been weighing in through the Council of Institutional Investors, and these are the entities most people want to have invest in their companies as long-term investors. They have real concerns about the House action.

We have been getting phone calls and letters from a diverse array of consumer groups, such as the AARP, the Consumer Federation of America, the AFL-CIO, and SAFER, the Economists' Committee for Stable, Accountable, Fair, and Efficient Financial Reform.

Academic experts, such as Professor John Coffee of Columbia University School of Law, for one, have called the Cantor bill the "Boiler Room Preservation Act" because it will mean more pump-and-dump schemes, where people are pressured to invest in highly risky firms and products. Two other noted securities experts from Harvard University Law School and Business School, respectively, John Coates and Robert Pozen, have said the bill does more than, in their words, "trim regulatory fat; parts of it cut into muscle." We need to slow down this process and get it right. H.R. 3606 can be improved and should be improved. That is why I—together with Senators MARY LANDRIEU, CARL LEVIN, SHERROD BROWN, JEFF MERKLEY, DANIEL AKAKA, SHELTON WHITEHOUSE, AL FRANKEN, TOM HARKIN, and DICK DURBIN—am introducing a substitute amendment to this bill today. We hope our legislation can serve as a base bill for the Senate to discuss and amend as we move forward.

What are some of the most serious flaws we are trying to address in the Cantor bill? First and foremost, this bill is unlikely to create jobs, despite the title the House has bestowed upon it. In fact, it may actually have the opposite effect. By weakening investor confidence, it could actually decrease the number of IPOs and lead to fewer investments in our capital markets.

Currently, our markets are considered the most transparent and liquid in the world, which has been one of its great strengths—the confidence that when an investor puts money into an American financial product and American market, he or she has detailed information about the current status and the prospects of that investment. Under the Cantor bill, our markets would become less transparent and more opaque. Fewer protections will be provided to investors. This could actually lead to fewer investors investing in the United States, since we are in a global economy or increasing competition with capital markets in London, Paris, Hong Kong, and Singapore—to name just a few.

Again, one of the great hallmarks of our markets, starting in 1933 with the securities legislation of the New Deal, was the feeling that investors would be protected, that there would be standards in place, information would be made available to them, and they could have confidence—as much confidence as they could get—in their investments. If we undermine that confidence, eventually we will undermine both our appetite and capacity to invest.

The Cantor bill has more problems. It tries to create a way that crowdfunding can be used to raise money for small enterprises, but it does this with very few protections for investors and would allow unregulated Web sites to peddle stock to ordinary investors without any meaningful oversight or liability.

Crowdfunding is a very interesting new approach to raising capital. Our colleagues, Senators MERKLEY and BENNET have spent a lot of time developing very positive legislation which balances improving small business access to capital, by tapping into social networks and small investors but, at the same time, gives those investors adequate protections. The House has not taken this approach. They have legislation that could, indeed, create a situation where crowdfunding is plagued by fraud, by manipulation, and by people who simply want to make a quick buck and move on, hoping they will just disappear into the Internet.

The Craigslist or eBay model may work to enable people to sell unwanted clothing, bikes, and other goods, but it certainly doesn't work for a financial security that requires a much more careful analysis than simply kicking the tires. People with more credit card debt than savings will be tempted to put their money into these mass-marketed, get rich schemes—money which they can't afford, in many cases. As the economy continues to grow, stocks will rise—we have seen some interesting and very positive developments on Wall Street over the last several weeks—but this ride up could be accompanied by bubbles with these types of crowdfunding schemes, where people are putting money in for a quick return based on, perhaps, the success of one or two companies but not having the information, not having the appropriate controls on the intermediaries so they can make a sound, valid investment.

There is another aspect of the House legislation, in addition to this crowdfunding approach, which is the House IPO on-ramp provisions. An IPO, of course, is an initial public offering. This approach, to try to streamline access to the public markets for emerging companies, has great merit. But once again, what has happened in the House bill is they have done this at the expense of necessary protections for investors.

Relaxing standards for very large, new public companies, when no evidence supports the idea those standards stand in the way of those IPOs and much evidence suggests the standards prevent serious accounting problems, is not the way to go. The basic essence of their approach—this on-ramp approach—is a very large company, with up to \$1 billion in revenue, for a period of 5 years or so, can avoid some of the now standard requirements for public

companies. This is not an targeted approach for small companies. Companies with \$1 billion of revenue are substantial economic enterprises. The protections that have been put in place over the years not only protect the investors but also ensure appropriate audit procedures are in place. Ensuring appropriate managerial behavior for a company of that size should not be indefinitely waived or waived for a period of 5 years.

We could literally roll back the clock to pre-Enron, pre-WorldCom, where because of creative accounting, because of the lack of adequate audit procedures within the company, real abuses occurred. The result was Enron collapsed and their shareholders were left with virtually nothing. One of the more tragic ironies is that many of their shareholders were their employees who had their entire pensions invested in the company, particularly in the case of Enron. Ultimately, the pain to these people, caused by the lack of good standards—which have since been put in place—was significant. If we proceed on this, we might, once again, have a situation where we are repeating industry—and a history we have seen already.

Again, as the economy rebounds, as stocks rise, I think there will be a variable increase in new public offerings—IPOs. If we look at the data, the number of IPOs goes up and down. But the most significant factor is simply economic activity. As economic activity goes up, new companies have opportunities, IPOs go up. In this boom, there could be the temptation for these companies, given these new, very relaxed standards, to ignore the problem because they do not have to disclose them adequately or to deliberately mislead investors because there is no real check on what is being said. The relaxed standards in the House bill could allow companies to engage in deception, to raise and waste more investment money more quickly.

There is a way we can dial back this excessive legislation in a way that will provide capital formation but will also provide protections for investors, and I hope we can proceed in that manner. Increasing IPOs is a valuable goal, but it should be done much more cautiously, in my estimation, with reforms focused on much smaller companies than those with \$1 billion in annual revenue, as is indicated in the Cantor bill.

During the course of three hearings in the Senate Banking Committee on these issues, it has become even more clear there are problems with the way shareholders are being counted. This is another aspect of the House bill that is problematic. They have indicated they would like to move beyond a number—500—which requires a company register under the 1934 Securities and Exchange Act with the SEC. This trigger is something that should be considered in

terms of present-day standards. The House bill raises this trigger point to 2,000 very quickly, without dealing with the so-called beneficial owners problem. If the provision in the House bill was in force in the past, two-thirds of current public companies would not have been required to register under the 1934 Act. Let me say that again.

If you reach a certain number of shareholders, you are required to register and begin to give those shareholders required information on a quarterly basis. You are required to file other forms. You are required to be subject to other rules and regulations of the SEC.

If this new House standard of 2,000 shareholders was in place, two-thirds of current public companies would not have to register with the '34 Act. They would be operating in the dark. They would be operating with whatever minimal information they might be required to divulge to their shareholders under State corporate law or, in some cases, State securities law. That is an astounding number of companies.

Most investors take for granted that when you reach a critical size in the number of shareholders, et cetera, that you will begin to report. Again, these reports are the lifeblood of the investing community because they rely upon them for their information about what is going on in the company, and they rely upon them for the standards that company has to follow.

Over time, most investors as a result of registration under the '34 Act are entitled to receive regular disclosures. Again, these provisions raising up the level to 2,000 shareholders would undermine the other stated goal of the Cantor bill, to make it easier for companies to go public and easier to disclose information. In fact, some would describe this as sort of a bipolar piece of legislation.

On the one hand, they want to relax the standards for going public, and on the other hand they want to relax the standards and allow more companies to go private. I think we have to be careful in each instance to ensure that investors are protected, as well as capital formation is enhanced.

The House bill will eliminate an SEC rule on general solicitation, allowing companies to advertise risky, less regulated, unregistered private offerings to the public using, for example, billboards along highways, cold calls to senior living centers, or other mass marketing methods. It also will tear down protections that were put in place after the late 1990s Internet stock bubble burst that prevented conflicts of interest from tainting the quality of research about companies.

What we found in the wake of the dot-com bubble—with many protections in place that would be taken out by this legislation—was there were analysts who were touting companies at

the same time other parts of their business were trying to sell those companies' shares. This conflict of interest with someone you hope is giving an objective opinion would be encouraged, not discouraged, under the House bill.

The Cantor bill would allow extremely large corporations to avoid SEC oversight. It also would allow banks, with even hundreds of billions of dollars in assets, to deregister and stop being subject to SEC oversight and critical investor protections.

Finally, the Cantor bill actually doesn't include provisions that are more likely to create jobs for Americans. For example, the House bill does not include reauthorization of the Ex-Im Bank. Time is of the essence, by the way, to get this Ex-Im Bank reauthorized. The bank's temporary extension expires at the end of May and is close to exceeding its operating level of \$100 million by the end of this month.

Renewing the Ex-Im Bank's charter with increased lending authority is practically the only way of countering the predatory financing practices of other trading nations. We spend a lot of time on this floor pointing the finger at companies that are using their sovereign institutions to undermine American jobs, to get them overseas. Yet one of the major institutions in our country that helps American products to be sold overseas is literally in danger of going out of business. That is something that will, in fact, enhance job creations, and it is not in the House bill. In fact, it has been suggested that Ex-Im Bank activities supports almost 300,000 jobs in the United States each year.

It also doesn't include two other programs that would result in the creation of more jobs, and these two programs are particularly the result of the hard and aggressive and thoughtful work of Senators LANDRIEU and SNOWE. One program expands the capacity of the Small Business Investment Company program, SBIC. They have proposed legislation that would allow another \$1 billion in equity-like financing for smaller, fast-growing firms. The other program would extend for 1 year the SBA's 504 refi loan program to help firms refinance commercial real estate into long-term, fixed-rate loans.

These modifications have created and saved hundreds of thousands of American jobs at no cost to the taxpayers. These are tried and true ways to increase jobs in America without running the risk of undermining the information that investors need to make sound choices about where to invest their dollars.

It is very tempting to suggest we simply have to cut a couple of regulations and jobs will expand. That was the theme that was rampant here during the Bush administration and, for a while, frankly, it looked like it was working. But then, with the sudden and

colossal collapse, we knew that was not the path to long-term sustained job creation. Sound investment based on adequate information in companies that produce jobs in the United States is the way to proceed.

We need to listen to those individuals charged with the supervision of our capital markets, the SEC, and now we have both the current chairman and a former chairman saying the legislation the House proposed is a threat to all investors in this country. The stakes are high if we get some of these things wrong. We have been trying to focus on these issues intensely for the last few months to bring legislation to the floor that will balance capital formation with investor protections. You can't get one at the expense of the other. You have to have both.

So I encourage all my colleagues to take a close look at the Reed-Landrieu-Levin substitute. I believe it is a substantial improvement to the House bill. My colleague from Louisiana will speak and, once again, I must commend her passion for protecting investors, particularly small investors, and her passion for creating jobs through the SBA and other organizations as remarkable, commendable, and indeed exceptional.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I thank Senator REED and Senator LEVIN who have helped to lead this effort to make a bill that is coming over from the House much better and much safer for investors, as well as to generate opportunities for more capital to flow to some of the good and solid ideas that are out there in our marketplace to create jobs.

I am pleased to join these two Senators and about a dozen to date and potentially dozens more of our colleagues as people learn the differences—and they are substantial—between the House version of what they call an IPO bill and the Senate version we have worked on very diligently and carefully over the last 48 hours.

The three of us are prepared to vote against the House bill as it stands now. The only hope of getting our support, and many others here, is to try to amend the House bill. That is what our efforts are.

We are not trying to say no to everything that is in the House bill because there are some excellent ideas. Even the President himself and the White House and some of the Democrats voted for that bill because there are some good ideas in the bill, and some ideas that have come from some of the brightest entrepreneurs in our country. We are not trying to say no to those ideas. We are trying to say yes to those ideas, but do it in a way that protects investors—older investors, younger investors, sophisticated investors, and

your average sort of nonsophisticated investors because the Internet has opened a whole new opportunity.

When these security laws were written 40 years ago, 50 years ago, 60 years ago and amended, the Internet wasn't what it is today. So that is why this crowdfunding bill—which is, in essence, a way for the Internet to be used to raise capital that is illegal generally today, and there are very specific rules about how people can raise capital for their businesses. Some of those regulations are too onerous; some of them are right on. But this whole idea of, oh, my goodness, now the Internet is here—look what opportunities could be. We can get our ideas to the marketplace without having to go through middlemen. We have a great idea, a wonderful patent. We want to be able to raise money. We are very excited about this. But there is a right way to do this and there is a wrong way to do this.

With the House bill, we know that we are on a little bit of rocky ground when they don't really have a name for it. They have called it everything from an IPO bill to a jobs bill to a capital expansion bill. What I am calling it today—and I will have a poster made over the weekend—is an ill-advised political opportunity bill. That is what IPO stands for, in my mind.

It is ill-advised because the safeguards that are required to make sure these new ideas happen the way they should are absent from their legislation. That is why, when I found out, surprisingly, that the Senate of the United States was getting ready to take that bill and just adopt it whole hog, I said: Absolutely not. We have to slow this down, try to amend it—not kill it but amend it. The reason is because there are very respected groups out there that started sending letter after letter after letter to the Senate urging us to do just that.

This isn't about a conservative-liberal fight. This is about the right regulations that are necessary before we take a good idea and mess it up. Crowdfunding is a good idea. It is an exciting idea. There are great entrepreneurs out there. The Internet could be a very powerful tool. But everyone knows if you enter into new territory without caution and care, you can fall off a cliff that you didn't even know was there. That is exactly what the House bill is going to do.

If you don't want to take my word for it, let's talk about what AARP says about it. This is the first letter. I am going to put a dozen letters into the RECORD in the next 10 minutes to try to get the attention of the people on the other side of the aisle. This is all an attempt to get their attention over the weekend, and I hope the press will write about these letters so when they come back on Monday they can say: Oh, my gosh. We have a good bill that came from the House, but there are

some real flaws and we should fix it before we create another Wall Street debacle or before we see people ripped off again like we just went through in the last 6 years.

How short is our memory about investors getting stripped, going bankrupt because of exactly the same thing: just not being careful, not having the right rules in place, not having the right enforcements in place. This was like yesterday. That is why when the leadership said we were just going to take up the House bill, I said: Wait a minute. No, no, no.

This is what the AARP said, Joyce Rogers:

I am writing to reiterate our opposition to the lack of investor protections in H.R. 3606—

Again, the House-passed, ill-advised political opportunity bill. That is what I am calling it. That is what it is—

that soon will be considered on the floor of the Senate floor. AARP's primary concern is that this legislation undermines vital investor protections and threatens market integrity.

So AARP doesn't urge the Senate to kill the bill.

AARP urges the Senate to take a more balanced approach, recognizing both an interest in facilitating access to capital for new and small businesses and in preserving essential regulations. . . . We believe the amendment to be offered by Senators Reed, Landrieu and Levin, moves closer to achieving this balance and deserves your support.

It goes on to say that sometimes the people who are taken advantage of are the elderly. So wake up, Senators from Florida. Wake up, Senators from Michigan. Wake up, Senators who have big senior populations. The AARP is against the House bill, the ill-advised political opportunity bill.

North American Securities Administrators Association—they sent a letter yesterday, from Jack Herstein. It is seven pages long. They go into great detail:

On behalf of the North American Securities Administrators Association—

I don't think this is a liberal think tank. I think this is a very well respected, not a leftwing, regulate-everything-that-moves kind of group. I think that is correct. He says:

I am writing to express concerns regarding several provisions, most notably our strong concern with the extraordinary step of preempting state law for "crowdfunding", contained in [the ill-advised political opportunity bill which was passed by the House.]

State securities regulators support efforts by Congress to ensure that laws facilitating the raising of capital are modern and efficient, and that Americans are encouraged to raise money to invest in the economy. However, it is critical that in doing so, Congress not discard basic investor protections.

I am going to submit this letter, without objection, I hope, to the RECORD.

This is from the Council of Institutional Investors, "a nonprofit, non-

partisan association of public, corporate and union pension plans." Let me repeat, not just union pension plans but public and corporate pension plans. They are writing with questions about the House ill-advised political opportunity bill, and it goes into great detail. I am putting this into the RECORD hoping people will actually read the CONGRESSIONAL RECORD.

Another letter to Speaker BOEHNER and NANCY PELOSI. This was delivered to the House. It may be a little different from the one to the Senate, so I would like to put that into the RECORD. These are very important letters received just recently. That is why I am asking people to wake up, pay attention.

Securities and Exchange Commission, March 13. This is to Chairman JOHNSON and Ranking Member SHELBY basically saying:

Last week, the House of Representatives passed H.R. 3606. . . . As the Senate prepares to debate many of the capital formation initiatives addressed by H.R. 3606, I want to share with you some of my concerns on some important aspects of this significant legislation.

That is by Mary Schapiro, Chairman, outlining a dozen of her concerns because, of course, she thinks there is going to be a debate. She would expect a debate on a bill of this nature and magnitude and diversion from the ordinary. But we were not going to have a debate. We were just going to be told to take the House bill or leave it until a few of us said: No, slow this train down. This is no way to run a railroad.

We are not trying to kill the bill. We are not trying to delay. We are trying to have at least a 2- or 3-day debate on an important piece of legislation that, if it is not done right, is going to absolutely ruin the best chance we have had in decades to actually get capital into the hands of businesses.

Everyone here should now know me well enough as chair of the Small Business Committee to know I have spent literally nights, days, and weekends on the floor of this Senate trying to figure out ways to get capital into the hands of small businesses. Why would I stand here and try to stop that? I have spent my whole time as the Senate chairman of the Small Business Committee trying to do that. But, again, there is a right way to do that and a wrong way.

If we take the wrong path and fall off of a cliff, we are going to ruin the chance we have with this new Internet tool, this very exciting opportunity, and we are going to ruin our chance to get this done.

Who is going to suffer? The same people who suffer all the time, the small businesses and the exciting opportunities and entrepreneurs who need our help.

Any bill that is a major bill can stand the scrutiny of time before the public, and amendment. If it cannot

stand that scrutiny, then I suggest there is something terribly flawed with it. That is what we are trying to provide, scrutiny.

This letter comes from the AFL-CIO, from Jeff Hauser, an e-mail:

America needs jobs. Yet Congress cannot enact such basic legislation as the reauthorization of the surface transportation bill—

Which we passed, but it has not been completed. He goes on to say:

Workers' retirement savings will be in greater risk of fraud and speculation if securities market deregulation once again is railroaded through Congress. Once again our economy will be at risk from the folly of policy makers promoting financial bubbles and ignoring the needs of the real economy. The AFL-CIO calls on Congress to set aside the politics of the 1 percent, the old game of special favors for Wall Street.

They are very strong in their language, probably a lot stronger than these other organizations. But I think they have reason to be. Many of their members were taken to the cleaners by scams on Wall Street. They have yet to recover. Their 401s have yet to recover. Even yesterday, or last week, in the paper I saw one of the big companies that failed. I think it was MF Global. Did you all see that in the newspaper? They failed. Of course, it was a terrible debacle. Lots of people lost money. But the CEO is walking away with a \$7 million bonus.

People who work hard all day have a very hard time understanding how we in the Congress can allow the CEO to walk away with a bonus of \$7 million when he bankrupted thousands of people. That is a good question. Are we going to do that again with this House bill? I hope not.

Let's put the AFL-CIO on record saying slow down.

This is the next message I want to put in from the secretaries of state—and I want to read off who they are: the secretary from Missouri, Robin Carnahan; the secretary from Massachusetts, William Falvin; the secretary from New Hampshire, William Gardner; the secretary from Mississippi—I believe is a Republican—Delbert Hosemann; the secretary from North Carolina, secretary of state Elaine Marshall; the secretary from Nevada, Ross Miller; the secretary of state from Indiana, Charles White; and the secretary of state from Illinois, Jesse White.

Jesse White says the same thing: Beware of the House bill. It is flawed. It has some good ideas in it, but those flaws need to be corrected.

That is what the Reed-Landrieu-Levin et al amendment does. We are not trying to kill these wonderful, exciting ideas. We are trying to fix it so it is better. I hope our Members on the other side will join us in doing that, and I would like to submit this to the RECORD.

There are two more. Actually, I am sorry, four more—we have so many. The next one is from my office of fi-

nancial institutions from Baton Rouge, my commissioner, banking commissioner, who wrote me. He is generally in favor of some of the things in the House bill. But he said:

I am writing to urge you to oppose the pre-emption of Louisiana law to protect investors.

I would like to put that into the RECORD.

The American Sustainable Business Council. It is signed by David Levine. Again, I don't believe this is a left-leaning group. I think it is a pretty centrist organization. They urge us to take a hard look at the House bill.

Finally, Madam President, I want to have printed in the RECORD—this is when I got nervous: when I started receiving letters in my office from crowdfunders themselves against the House bill. The people who gave the idea to start up crowdfunding have now said the House bill is flawed. Here is what they say:

I write in favor of the bipartisan compromise CROWDFUNDING Act proposed recently by Senators Merkley, S. Brown, Bennet and Landrieu.

That is the crowdfunding act that is in this substitute.

Yesterday evening's introduction—

This was last week—

of the first bi-partisan Senate crowdfunding bill is a big step forward in our fight to get equity crowdfunding passed through Congress. I have been to Washington, DC 7 times since mid-November, discussing [this legislation]. The offices of the Senators on the Banking Committee have been very receptive to input from the entrepreneurial community and have adopted many of our suggestions.

But they go on to say:

This latest bill . . . is important because, unlike previous bills, for the first time we have a Senate bill with bipartisan sponsorship, a balance of state oversight and federal uniformity, industry standard investor protections, and workable funding caps. This bill has a legitimate chance at quieting those who were previously trumping up fears of fraud [and] bad actors. . . . To date the main issues the opposition raised were regarding fraud and state oversight.

What they are saying is we are the ones who helped invent this concept. We don't think the House bill is where it should be. We are supporting the Merkley-Bennet approach, which is in this bill.

Lauch, we hear you, and we are trying to respond.

Finally, Motaavi—again, a crowdfunder advocate. People, very entrepreneurial, coming up with these ideas saying the same thing.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
March 15, 2012.

Re Investor Protection, Market Integrity and the JOBS Act.

DEAR SENATOR LANDRIEU: On behalf of AARP, I am writing to reiterate our opposi-

tion to the lack of investor protections in H.R. 3606, the House-passed JOBS bill that soon will be considered on the Senate floor. AARP's primary concern is that this legislation undermines vital investor protections and threatens market integrity. The goal of facilitating access to capital for new and small businesses is a worthy one. However, we do not believe that the best way to create jobs is to weaken essential regulatory protections that were put in place to address specific marketplace problems that otherwise would still exist.

This debate is critical to older Americans, who with a lifetime of savings and investments are disproportionately represented among the victims of investment fraud. We share the concerns—raised by SEC Chair Mary Schapiro, the North American Securities Administrators Association (NASAA), law professors, investor advocates, and others—that absent safeguards ensuring proper oversight and investor protection, the various provisions in H.R. 3606 may well open the floodgates to a repeat of the kind of penny stock and other frauds that ensnared financially unsophisticated and other vulnerable investors in the past. The absence of adequate regulation in the past has undermined the integrity of the markets and damaged investor confidence while having no positive impact on job creation.

AARP urges the Senate to take a more balanced approach, recognizing both an interest in facilitating access to capital for new and small businesses and in preserving essential regulations that protect investors from fraud and abuse, promote the transparency on which well-functioning markets depend, and ensure a fair and efficient marketplace. We believe the amendment to be offered by Senators Reed, Landrieu and Levin, moves closer to achieving this balance and deserves your support.

We urge you to vote yes on the Reed-Landrieu-Levin amendment.

If you have any further questions, please feel free to contact me, or have your staff contact Mary Wallace of our Government Affairs staff.

Sincerely,

JOYCE A. ROGERS,
Senior Vice President,
Government Affairs.

NORTH AMERICAN SECURITIES
ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, March 12, 2012.

Re Senate Companion to H.R. 3606

Hon. HARRY M. REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of the North American Securities Administrators Association (NASAA), I am writing to express concerns regarding several provisions, most notably our strong concern with the extraordinary step of pre-empting state law for "crowdfunding", contained in H.R. 3606, the Jumpstart Our Business Startups Act, which was passed by the House of Representatives on March 8, 2011. While NASAA applauds Congress' desire to facilitate access to capital for new and small businesses, the version of the bill that passed the House is deeply flawed. The Senate must now address these problems.

State securities regulators support efforts by Congress to ensure that laws facilitating the raising of capital are modern and efficient, and that Americans are encouraged to

raise money to invest in the economy. However, it is critical that in doing so, Congress not discard basic investor protections. Investment fraud is real, and it can be particularly pervasive in small exempted offerings.

Expanded access to capital markets for startups and small businesses can be beneficial, but only insofar as investors can be confident that they are protected, that transparency in the marketplace is preserved, and that investment opportunities are legitimate. State securities regulators are acutely aware of today's difficult economic environment, and its effects on job growth. Small businesses are important to job growth, and to improving the economy. However, by weakening investor protections and placing unnecessary restrictions on the ability of state securities regulators to protect retail investors from the risks associated with smaller, speculative investments, Congress is on the verge of enacting policies that, although intended to strengthen the economy, will in fact only make it more difficult for small businesses to access investment capital.

The JOBS Act that was passed by the House is a repackaging of what were originally seven bills, reorganized into a single bill, with six distinct Titles and twenty-one sections. While NASAA believes virtually every Title of this bill would benefit from greater scrutiny, we will confine our comments today to those Titles and Sections of H.R. 3606 that pose the most urgent risk to average, "Main Street" investors that are NASAA's principal concern.

TITLE I: THE REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES ACT

Title I contains a number of troubling provisions. It creates a new category of issuer referred to as an "emerging growth company", defined as a company with annual gross revenues of less than \$1 billion in its most recent fiscal year. This status continues until five years after an initial public offering or until the issuer has an annual gross revenue exceeding \$1 billion or is designated a "large accelerated filer." Particularly troublesome to NASAA are the exemptions applicable to such companies: for example, they are exempted from Section 404(b) of the Sarbanes-Oxley Act of 2002 (SOX) which requires an independent audit of an assessment of a company's internal controls as well as the requirement to provide three (instead of two) years of audited financials statement in a company's registration materials. S. 1933 also allows brokers and dealers to publish research about emerging growth companies prior to an initial public offering, even where they will participate in the offering itself.

Title I would give all but the very largest companies direct access to average, unsophisticated investors without being required to provide the normal types of financial and risk disclosures applicable to public reporting companies. The typical retail investor, unlike larger business financiers, does not have the ability to conduct an independent investigation of an emerging growth company and make fully informed investment decisions. Such investors rely on published financial and research data. Section 404(b) of SOX was enacted in response to major accounting scandals that cost investors billions of dollars; rolling back these requirements for companies with annual gross revenues of less than \$1 billion could, once again, have devastating consequences.

Similarly, weakening the standards applicable to research analysts and tearing down

the Chinese walls implemented in response to the "Global Settlement" scandal could create a conflict of interest resulting in devastating losses for Main Street investors. These barriers were put into place in response to enforcement actions brought by a number of state and federal regulators. Leading brokerage firms agreed to severely limit interactions between equity research analysts and investment bankers, due to conflicts of interest that tainted the investment process. Recent experience teaches us now is the time to strengthen the protection of investors, not weaken these standards.

TITLE II: THE ACCESS TO CAPITAL FOR JOB CREATORS ACT

SECTION 201: MODIFICATION OF EXEMPTION

Sec. 201 of the JOBS Act would repeal the SEC's ban on general solicitation under Regulation D Rule 506 to allow general solicitation in transactions "not involving any public offering, whether or not such transaction involves general solicitation or general advertising."

Current law requires securities offered to the general public to be registered with the SEC. Regulation D was built upon the premise that certain offerings should be given special treatment because they are non-public, or "private." This means that the investment is marketed only to people with whom the company has a preexisting relationship. Given their knowledge of the company and its operations, these investors are in a better position than the general public to gauge the risks of the investment. They, therefore, have less need for the protections that flow from the securities registration process. This concept of giving preferential treatment to private offerings is embedded throughout state and federal securities law, and a reversal of this fundamental condition of Rule 506 would have far-reaching repercussions.

The removal of the "general solicitation" prohibition contemplated by Section 201 would represent a radical change that would dismantle important rules that govern the offering process for securities. NASAA has repeatedly expressed its concern to Congress about allowing general solicitation in rule 506 (Regulation D) offerings. Since the enactment of the National Securities Markets Improvement Act of 1996, Regulation D, Rule 506 offerings have received virtually no regulatory scrutiny, and have become a haven for investment fraud. Moreover, unlike other types of Regulation D offerings, where the size of the offering is capped, the amount of money that an issuer can raise under Rule 506 is unlimited, and hence the opportunity for fraud on a massive scale is especially acute in this area. Given state experience with Regulation D offerings, and the significant fraud and investor losses associated with them, NASAA opposes Section 201.

Because many states already allow issuers to use general advertisements to attract accredited investors, NASAA does not oppose outright the underlying goal of Title II. However, NASAA believes such an expansion should be accomplished by the establishment of a new exemption with provisions to protect investors and the markets.

SECTION 201: EXPLANATION OF EXEMPTION (MCHENRY AMENDMENT)

During consideration of H.R. 3606 the House adopted an amendment to Section 201, sponsored by Rep. Patrick McHenry (R-NC) that will exempt from registration as a broker or dealer any trading-platform that serves as intermediary in an exempted Rule 506 offering. The significance of the McHenry

Amendment is to prevent "intermediaries" that facilitate the sale of securities through "crowdfunding" from requirements to register or be regulated as a broker.

NASAA appreciates that the question of how crowdfunding intermediaries may best be regulated is complex, however categorically exempting these sellers from broker registration requirements, in the absence of a sensible alternative for their licensing and regulation, is foolish and reckless. As amended, Section 201 will leave intermediaries open to conflicts, such as inducements to list, de-list, or promote certain offerings. Moreover, as amended, Section 201 will deny any regulator effective means to examine or discipline these sellers.

TITLE III: THE ENTREPRENEUR ACCESS TO CAPITAL ACT

Title III of the JOBS Act is identical to H.R. 2930, the Entrepreneur Access to Capital Act, which was approved by the House last fall. Two separate "crowdfunding" bills have been sponsored in the Senate: S. 1791, sponsored by Sen. Scott Brown (R-MA), and S. 1970, sponsored by Sen. Jeff Merkley (D-OR).

While intending to promote an internet-based fundraising technique known as "crowdfunding" as a tool for investment, this legislation will needlessly preempt state securities laws and weaken important investor protections. NASAA appreciates that the concept of crowdfunding is appealing in many respects because it provides small, innovative enterprises access to capital that might not otherwise be available. Indeed, this is precisely the reason that states are now considering adopting a model rule that would establish a more modest exemption for crowdfunding as it is traditionally understood.

SECTION 301: INDIVIDUAL INVESTMENT LIMIT

Section 301 contemplates a hard-cap on individual crowdfunding investments that goes far beyond anything that is being contemplated by the states, or even by the overwhelming majority of advocates of crowdfunding. By setting an individual investment cap of 10 percent of annual income, or \$10,000, Section 301 will create an exemption that will expose many more American families to potentially devastating financial harm.

NASAA recognizes that for certain very wealthy individuals, or seasoned investors, a cap of \$10,000 may make sense. Unfortunately, Sec. 301 fails to distinguish between these few wealthy, sophisticated investors, and the general investing public, imposing a \$10,000 cap on both groups. Given that most U.S. households have a relatively modest amount of savings, a loss of \$10,000, in even a single case, can be financially crippling.

NASAA believes a superior method of limiting individual investment amounts would be a scaled approach that would cap most investments at a modest level, but allow experienced investors, who can afford to sustain higher losses, to invest up to \$10,000.

SECTION 301: AGGREGATE OFFERING LIMIT

Section 301 would also permit businesses to solicit investments of up to \$2 million, in increments of \$10,000 per investment. Such a high cap on aggregate investment makes the bill inconsistent with the expressed rationale for the crowdfunding exception.

Registration and filing requirements at both the state and federal level exist to protect investors. A company that is sufficiently large to warrant the raising of \$2 million in investment capital is also a company that can afford to comply with the applicable registration and filing requirements at both the state and federal level.

SECTION 303: PREEMPTION OF STATE LAW

Section 303 would preempt state laws requiring disclosures, or reviewing exempted investment offerings, before they are sold to the public. The authority to require such filings is critical to the ability of states to get “under the hood” of an offering to make sure that it is what it says it is. Moreover, as a matter of principle and policy, NASAA ardently believes that the review of offerings of this size should remain primarily the responsibility of the states. State regulators are closer, more accessible, and more in touch with the local and regional economic issues that affect both the issuer and the investor in a small business offering.

Congress would be rash to preempt states from regulating crowdfunding. Preempting state authority is a very serious step and not something that should be undertaken lightly or without careful deliberation, including a thorough examination of all available alternatives. In this case, preemption for a very new and untested concept to raise capital, without a demonstrable history of reliability, is especially unwarranted, as the states have far more experience with crowdfunding than Congress or the SEC, and as the states have historically been the primary “cops on the beat” in the regulation of all areas of small business capital formation.

For a clear example of the dangers of preempting state securities look no further than the effect of the National Securities Markets Improvement Act (NSMIA). As a result of this Congressional action, private offerings receive virtually no regulatory scrutiny. State securities regulators are prohibited from reviewing these offerings prior to their sale to investors, and federal regulators lack the resources to conduct any meaningful review, so the offerings proceed unquestioned. Today, the exemption is being misused to steal millions of dollars from investors through false and misleading representations in offerings that provide the appearance of legitimacy without any meaningful scrutiny of regulators. In essence, the private offering provisions of Rule 506 are being used by unscrupulous promoters to evade review and fly under the radar of justice.

Instead of preempting states, Congress should allow the states to take a leading role in implementing an appropriate regulatory framework for crowdfunding. Based on the small size of the offering, the small size of the issuer, and the relatively small investment amounts, it is clear that the states are the only regulators in a position to police this new market and protect its participants. Moreover, and as has already been noted, the states are now in the midst of developing a Model Crowdfunding Exemption.

As the securities regulators closest to the investing public, and in light of their distinguished record of effective regulation, the States are the most appropriate regulator in this area. State securities regulators are not only capable of acting, but, indeed, are acting in this critical area, and Congress should continue to allow the states to do so.

TITLE IV: THE SMALL COMPANY CAPITAL FORMATION ACT

Title IV of the JOBS Act is identical to S. 1544, which has been sponsored in the Senate by Sens. Jon Tester (D-MT) and Pat Toomey (R-PA).

Given the risky nature of these offerings, NASAA believes that state oversight is critically important for investor protection. At the same time, NASAA recognizes the costs and difficulty of the typical registration process, and the particular burden it places upon small companies. Indeed, for this rea-

son the states have adopted a streamlined process for an issuer to use in an offering under Regulation A.

NASAA had significant concerns regarding the original version of this legislation because it stripped away investor protection by preempting state review of Regulation A offerings that are sold through broker-dealers. However, Title IV of H.R. 3606 does not include the preemptive provisions that were in the original version of the bill. While NASAA remains concerned about the dollar amount of potential offerings under Title IV, as well as the bill's nonsensical requirement that the SEC automatically increase the ceiling in the future, every two years, in perpetuity, we believe that the states' ability to review these offerings, along with the SEC's proper exercise of discretion in creating reasonable reporting requirements for issuers, will prove to achieve a proper balance of the issuers' needs with investor protection.

TITLE V: THE PRIVATE COMPANY FLEXIBILITY AND GROWTH ACT

Title V of H.R. 3606 would raise the threshold for mandatory registration under the Securities Exchange Act of 1934 (the “Exchange Act”) from 500 shareholders to 1,000 shareholders for all companies. This bill would also exclude accredited investors and securities held by shareholders who received such securities under employee compensation plans from the 1,000-shareholder threshold.

Section 12(g) of the Exchange Act requires issuers to register equity securities with the SEC if those securities are held by 500 or more record holders and the company has total assets of more than \$10 million. After a company registers with the SEC under Section 12(g), it must comply with all of the Exchange Act's reporting requirements.

The states are primarily interested in the issues related to the regulation of small, non-public companies. We give considerable deference to the SEC in the regulation of public companies and secondary trading. However, we do have concerns about drastic changes in the thresholds for reporting companies or the information they must disclose.

The primary reason for requiring a company to be “public” is to facilitate secondary trading of the company's securities by providing easily-accessible information to potential purchasers. The principal concern for states is the facilitation of this secondary trading market with adequate and accurate information. It may be possible to achieve this without full-blown Exchange Act registration and periodic reporting, but the states are wary of changes that may lead to the creation of less informed markets.

No matter what threshold number is chosen before a company becomes “public,” it makes little sense to exclude any investor from the count of beneficial holders. Those that purchased from the issuer were protected by the requirements of the Securities Act. Both the seller and the purchaser benefit from the robust marketplace facilitated by the Exchange Act registration. Accordingly, NASAA believes the registration threshold should be based upon the need to provide for a legitimate secondary trading market. Regardless of where the threshold is set, everyone who is a potential seller in the market should be counted. This would include all beneficial owners, not just holders of record.

TITLE VI: CAPITAL EXPANSION

Title VI of H.R. 3606 would raise the threshold for mandatory registration under the Securities Exchange Act of 1934 from 500

shareholders to 2,000 shareholders for all banks and bank holding companies, and raises the shareholder deregistration threshold from 300 shareholders to 1,200 shareholders.

NASAA understands the purpose of Title VI is to remedy a specific problem that is today confronting certain community banks. Specifically, as a result of the increasing costs of public company registration, many community banks have determined that deregistration is in the best interests of their shareholders. But in order to deregister, community banks must have fewer than 300 shareholders. As a result, community banks must often buy back shares to deregister, which reduces the access of small banks to capital and deprives small communities of an opportunity to invest in local companies.

Given the narrow scope of this Title and its application to only banks and bank holding companies, NASAA has no position on Title VI.

Finally, in view of the significant changes that H.R. 3606 would make to our securities laws, and of the fundamentally experimental nature of many of this bill's provisions, NASAA urges that H.R. 3606 proceed through the Senate under regular order, and that the bill be subject to the scrutiny of the Senate Banking Committee and its Securities Subcommittee. Securities regulators, legal scholars, investor advocates, and others have cautioned the Senate about the impact H.R. 3606 could have on investors and on our capital markets. The Senate must answer these questions and concerns, thoroughly and to its satisfaction, before it votes on H.R. 3606 or similar legislation.

Thank you for your consideration of these important issues. If you have any questions, please feel free to contact Michael Canning, Director of Policy, or Anya Coverman, Assistant Director of Policy, at the NASAA Corporate Office.

Respectfully,

JACK E. HERSTEIN,

*NASAA President; Assistant Director,
Nebraska Department of Banking & Finance,
Bureau of Securities.*

COUNCIL OF INSTITUTIONAL INVESTORS,

Washington, DC, March 1, 2012.

Hon. TIM JOHNSON,

*Chairman, Committee on Banking, Housing,
and Urban Affairs, U.S. Senate, Wash-
ington, DC.*

Hon. RICHARD C. SHELBY,

*Ranking Member, Committee on Banking, Hous-
ing, and Urban Affairs, U.S. Senate, Wash-
ington, DC.*

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER SHELBY: As a nonprofit, nonpartisan association of public corporate and union pension plans, and other employee benefit funds, foundations and endowments with combined assets that exceed \$3 trillion, the Council of Institutional Investors (Council) is committed to protecting the retirement savings of millions of American workers. With that commitment in mind, and in anticipation of your upcoming March 6 hearing entitled “Spurring Job Growth Through Capital Formation While Protecting Investors, Part II,” we would like to share with you some of our concerns and questions about S. 1933, the “Reopening American Capital Markets to Emerging Growth Companies Act of 2011.”

Our questions and concerns about S. 1933 are grounded in the Council's membership approved corporate governance best practices. Those policies explicitly reflect our

members' view that all companies, including "companies in the process of going public should practice good corporate governance." Thus, we respectfully request that the Committee consider changes to, or removal of, the following provisions of S. 1933:

DEFINITIONS

We question the appropriateness of the qualities defining the term "emerging growth company" (EGC) as set forth in Sec. 2(a) and 2(b).

As you are aware, under Sec. 2(a) and 2(b) a company would qualify for special status for up to five years, so long as it has less than \$1 billion in annual revenues and not more than \$700 million in public float following its initial public offering (IPO). The Council is concerned that those thresholds may be too high in establishing an appropriate balance between facilitating capital formation and protecting investors.

For example, we note that some of the most knowledgeable and active advocates for small business capital formation have in the past agreed that a company with more than \$250 million of public float generally has the resources and infrastructure to comply with existing U.S. securities regulations. We, therefore, urge the Committee to reevaluate the basis for the proposed thresholds defining an EGC.

DISCLOSURE OBLIGATIONS

We have concerns about Sec. 3(a)(1) because it would effectively limit shareowners' ability to voice their concerns about executive compensation practices.

More specifically, Sec. 3(a)(1) would revoke the right of shareowners, as owners of an EGC, to express their opinion collectively on the appropriateness of executive pay packages and severance agreements.

The Council's longstanding policy on advisory shareowner votes on executive compensation calls on all companies to "provide annually for advisory shareowner votes on the compensation of senior executives." The Investors Working Group echoed the Council's position in its July 2009 report entitled U.S. Financial Regulatory Reform: The Investors' Perspective.

Advisory shareowner votes on executive compensation and golden parachutes efficiently and effectively encourage dialogue between boards and shareowners about pay concerns and support a culture of performance, transparency and accountability in executive compensation. Moreover, compensation committees looking to actively rein in executive compensation can utilize the results of advisory shareowner votes to defend against excessively demanding officers or compensation consultants.

The 2011 proxy season has demonstrated the benefits of nonbinding shareowner votes on pay. As described in *Say on Pay: Identifying Investors Concerns*:

Compensation committees and boards have become much more thoughtful about their executive pay programs and pay decisions. Companies and boards in particular are articulating the rationale for these decisions much better than in the past. Some of the most egregious practices have already waned considerably, and may even disappear entirely.

As the Committee deliberates the appropriateness of disenfranchising certain shareowners from the right to express their views on a company's executive compensation package, we respectfully request that the following factors be considered:

1. Companies are not required to change their executive compensation programs in

response to the outcome of a say on pay or golden parachutes vote. Securities and Exchange Commission (SEC) rules simply require that companies discuss how the vote results affected their executive compensation decisions.

2. The SEC approved a two-year deferral for the say on pay rule for smaller U.S. companies. As a result, companies with less than \$75 million in market capitalization do not have to comply with the rule until 2013, thus the rule's impact on IPO activity is presumably unknown. We, therefore, question whether there is a basis for the claim by some that advisory votes on pay and golden parachutes are an impediment to capital formation or job creation.

We also have concerns about Sec. 3(a)(2) because it would potentially reduce the ability of investors to evaluate the appropriateness of executive compensation.

More specifically, Sec. 3(a)(2) would exempt an EGC from Sec. 14(i) of the Securities Exchange Act of 1934, which would require a company to include in its proxy statement information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

We note that the SEC has yet to issue proposed rules relating to the disclosure of pay versus performance required by Sec. 14(i). As a result, no public companies are currently required to provide the disclosure. We, therefore, again question whether a disclosure that has not yet even been proposed for public comment is impeding capital formation or job creation.

Our membership approved policies emphasize that executive compensation is one of the most critical and visible aspects of a company's governance. Executive pay decisions are one of the most direct ways for shareowners to assess the performance of the board and the compensation committee.

The Council endorses reasonable, appropriately structured pay-for-performance programs that reward executives for sustainable, superior performance over the long-term. It is the job of the board of directors and the compensation committee to ensure that executive compensation programs are effective, reasonable and rational with respect to critical factors such as company performance.

Transparency of executive compensation is a primary concern of Council members. All aspects of executive compensation, including all information necessary for shareowners to understand how and how much executives are paid should be clearly, comprehensively and promptly disclosed in plain English in the annual proxy statement.

Transparency of executive pay enables shareowners to evaluate the performance of the compensation committee and the board in setting executive pay, to assess pay-for-performance links and to optimize their role in overseeing executive compensation through such means as proxy voting. It is, after all, shareowners, not executives, whose money is at risk.

ACCOUNTING AND AUDITING STANDARDS

We have concerns about Sec. 3(c) and Sec. 5 because those provisions would effectively impair the independence of private sector accounting and auditing standard setting, respectively.

More specifically, Sec. 3(c) would prohibit the independent private sector Financial Accounting Standards Board from exercising their own expert judgment, after a thorough public due process in which the views of investors and other interested parties are solicited and carefully considered, in deter-

mining the appropriate effective date for new or revised accounting standards applicable to EGCs.

Similarly, Sec. 5 would prohibit the independent private sector Public Company Accounting Oversight Board from exercising their own expert judgment, after a thorough public due process in which the view of investors and other interested parties are solicited and carefully considered, in determining improvements to certain standards applicable to the audits of EGCs.

The Council's membership "has consistently supported the view that the responsibility to promulgate accounting and auditing standards should reside with independent private sector organizations." Thus, the Council opposes legislative provisions like Sec. 3(a) and Sec. 5 that override or unduly interfere with the technical decisions and judgments (including the timing of the implementation of standards) of private sector standard setters.

A 2010 joint letter by the Council, the American Institute of Certified Public Accountants, the Center for Audit Quality, the CFA Institute, the Financial Executives International, the Investment Company Institute, and the U.S. Chamber of Commerce explains, in part, the basis for the Council's strong support for the independence of private sector standard setters:

We believe that interim and annual audited financial statements provide investors and companies with information that is vital to making investment and business decisions. The accounting standards underlying such financial statements derive their legitimacy from the confidence that they are established, interpreted and, when necessary, modified based on independent, objective considerations that focus on the needs and demands of investors—the primary users of financial statements. We believe that in order for investors, businesses and other users to maintain this confidence, the process by which accounting standards are developed must be free—both in fact and appearance—of outside influences that inappropriately benefit any particular participant or group of participants in the financial reporting system to the detriment of investors, business and the capital markets. We believe political influences that dictate one particular outcome for an accounting standard without the benefit of public due process that considers the views of investors and other stakeholders would have adverse impacts on investor confidence and the quality of financial reporting, which are of critical importance to the successful operation of the U.S. capital markets.

INTERNAL CONTROLS AUDIT

We have concerns about Sec. 4 because that provision would, in our view, unwisely expand the existing exemption for most public companies from the requirement to have effective internal controls.

More specifically, Sec. 4 would exempt an EGC from the requirements of Section 404(b) of the Sarbanes-Oxley Act of 2002 (SOX). That section requires an independent audit of a company's assessment of its internal controls as a component of its financial statement audit.

The Council has long been a proponent of Section 404 of SOX. We believe that effective internal controls are critical to ensuring investors receive reliable financial information from public companies.

We note that Section 989G(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) already exempts most public companies, including all

smaller companies, from the requirements of Section 404(b). We also note that Section 989G(b) of Dodd-Frank required the SEC to conduct a study on “how the Commission could reduce the burden of complying with section 404(b) . . . while maintaining investor protections. . . .”

The SEC study, issued April 2011, revealed that (1) there is strong evidence that the provisions of Section 404(b) “improves the reliability of internal control disclosures and financial reporting overall and is useful to investors,” and (2) that the “evidence does not suggest that granting an exemption [from Section 404(b)] . . . would, by itself, encourage companies in the United States or abroad to list their IPOs in the United States.” Finally, and importantly, the study recommends explicitly against—what Sec. 4 attempts to achieve—a further expansion of the Section 404(b) exemption.

AVAILABILITY OF INFORMATION ABOUT EMERGING GROWTH COMPANIES

Finally, we have concerns about Sec. 6 of S. 1933 because it appears to potentially create conflicts of interest for financial analysts.

More specifically, we agree with the U.S. Chamber of Commerce that the provisions of Sec. 6 as drafted “may be a blurring of boundaries that could create potential conflicts of interests between the research and investment components of broker-dealers.” The Council membership supports the provisions of Section 501 of SOX and the Global Research Analyst Settlement. Those provisions bolstered the transparency, independence, oversight and accountability of research analysts.

While the Council welcomes further examination of issues, including potential new rules, relating to research analysts as gatekeepers, it generally does not support legislative provisions like Sec. 6 that would appear to weaken the aforementioned investor protections.

The Council respectfully requests that the Committee carefully consider our questions and concerns about the provisions of S. 1933. If you should have any questions or require any additional information about the Council or the contents of this letter, please feel free to contact me at 202.261.7081 or Jeff@cii.org, or Senior Analyst Laurel Leitner at 202.658.9431 or Laurel@cii.org.

Sincerely,

JEFF MAHONEY,
General Counsel.

—
U.S. SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, March 13, 2012.

Hon. TIM JOHNSON,
*Chairman, Committee on Banking, Housing,
and Urban Affairs, U.S. Senate, Wash-
ington, DC.*

Hon. RICHARD C. SHELBY,
*Ranking Member, Committee on Banking, Hous-
ing, and Urban Affairs, U.S. Senate, Wash-
ington, DC.*

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER SHELBY: Last week, the House of Representatives passed H.R. 3606, the “Jumpstart Our Business Startups Act.” As the Senate prepares to debate many of the capital formation initiatives addressed by H.R. 3606, I wanted to share with you my concerns on some important aspects of this significant legislation.

The mission of the Securities and Exchange Commission is three-fold: protecting investors; maintaining fair, orderly and efficient markets; and facilitating capital formation. Cost-effective access to capital for

companies of all sizes plays a critical role in our national economy, and companies seeking access to capital should not be hindered by unnecessary or overly burdensome regulations. At the same time, we must balance our responsibility to facilitate capital formation with our obligation to protect investors and our markets. Too often, investors are the target of fraudulent schemes disguised as investment opportunities. As you know, if the balance is tipped to the point where investors are not confident that there are appropriate protections, investors will lose confidence in our markets, and capital formation will ultimately be made more difficult and expensive.

While I recognize that H.R. 3606 is the product of a bipartisan effort designed to facilitate capital formation and includes certain promising approaches, I believe that there are provisions that should be added or modified to improve investor protections that are worthy of the Senate’s consideration.

DEFINITION OF EMERGING GROWTH COMPANY

The “IPO On-Ramp” provisions of H.R. 3606 provide a number of significant regulatory changes for what are defined as “emerging growth companies.” While I share the view that it is important to reduce the impediments to smaller businesses conducting initial public offerings in the United States, the definition of “emerging growth company” is so broad that it would eliminate important protections for investors in even very large companies, including those with up to \$1 billion in annual revenue. I am concerned that we lack a clear understanding of the impact that the legislation’s exemptions would have on investor protection. A lower annual revenue threshold would pose less risk to investors and would more appropriately focus benefits provided by the new provisions on those smaller businesses that are the engine of growth for our economy and whose IPOs the bill is seeking to encourage.

CHANGES TO RESEARCH AND RESEARCH ANALYST RULES

H.R. 3606 also would weaken important protections related to (1) the relationship between research analysts and investment bankers within the same financial institution by eliminating a number of safeguards established after the research scandals of the dot-com era and (2) the treatment of research reports prepared by underwriters of IPOs.

H.R. 3606 would remove certain important measures put in place to enforce a separation between research analysts and investment bankers who work in the same firm. The rules requiring this separation were designed to address inappropriate conflicts of interest and other objectionable practices—for example, investment bankers promising potential clients favorable research in return for lucrative underwriting assignments—which ultimately severely harmed investor confidence. In addition, H.R. 3606 would overturn SRO rules that establish mandatory quiet periods designed to prevent banks from using conflicted research to reward insiders for selecting the bank as the underwriter. I am concerned that the changes contained in H.R. 3606 could foster a return to those practices and cause real and significant damage to investors.

In addition, the legislation would allow, for the first time, research reports in connection with an emerging growth company IPO to be published before, during, and after the IPO by the underwriter of that IPO without any such reports being subject to the protec-

tions or accountability that currently apply to offering prospectuses. In essence, research reports prepared by underwriters in emerging growth company IPOs would compete with prospectuses for investors’ attention, and investors would not have the full protections of the securities laws if misled by the research reports.

DISCLOSURE, ACCOUNTING AND AUDITING MATTERS

H.R. 3606 would allow emerging growth companies to make scaled disclosures, in an approach similar to that currently permitted under our rules for smaller reporting companies, and would provide other relief from specific disclosure requirements, during the 5-year on-ramp period. While there is room for reasonable debate about particular exemptions included in the disclosure on-ramp, on balance I believe allowing some scaled disclosure for emerging growth companies could be a reasonable approach.

H.R. 3606, however, also would restrict the independence of accounting and auditing standard-setting by the Financial Accounting Standards Board (“FASB”) and the Public Company Accounting Oversight Board (“PCAOB”). These provisions undermine independent standard-setting by these expert boards, and both the FASB and the PCAOB already have the authority to consider different approaches for different classes of issuers, if appropriate.

Moreover, H.R. 3606 would exempt emerging growth companies from an audit of internal controls set forth in Section 404(b) of the Sarbanes Oxley Act during the five-year on-ramp period. IPO companies already have a two-year on-ramp period under current SEC rules before such an audit is required. In addition, the Dodd-Frank Act permanently exempted smaller public companies (generally those with less than \$75 million in public float) from the audit requirement, which already covers approximately 60 percent of reporting companies. I continue to believe that the internal controls audit requirement put in place after the Enron and other accounting scandals of the early 2000’s has significantly improved the quality and reliability of financial reporting and provides important investor protections, and therefore believe this change is unwarranted.

“TEST THE WATERS” MATERIALS

H.R. 3606 would allow emerging growth companies to “test the waters” to determine whether investors would be interested in an offering before filing IPO documents with the Commission. This would allow offering and other materials to be provided to accredited investors and qualified institutional buyers before a prospectus—the key disclosure document in an offering—is available.

There could be real value to permitting these types of pre-filing communications: it could save companies time and money, and make it more likely that companies that file for IPOs can complete them. Indeed, there are some SEC rules that permit “test the waters” activities already. However, unlike the existing “test the waters” provisions, the provisions of H.R. 3606 would not require companies to file with the SEC and take responsibility for the materials they use to solicit investor interest, even after they file for their IPOs. This would result in uneven information for investors who see both the “test the waters” materials and the prospectus compared to those who only see the prospectus. In addition, as with the provisions relating to research reports, it could result in investors focusing their attention on the “test the waters” materials instead of

the prospectuses, without important investor protections being applied to those materials.

CONFIDENTIAL FILING OF IPO REGISTRATION STATEMENTS

H.R. 3606 would permit emerging growth companies to submit their registration statements confidentially in draft form for SEC staff review. This reduction in transparency would hamper the staff's ability to provide effective reviews, since the staff benefits in its reviews from the perspectives and insights that the public provides on IPO filings. It also could require significant resources for staff review of offerings that companies are not willing to make public and then abandon before making a public filing. SEC staff recently limited the general practice of permitting foreign issuers to submit IPO registrations in nonpublic draft form because of these concerns, and expanding that program to all IPOs could adversely impact the IPO review program.

CROWDFUNDING

H.R. 3606 also provides an exemption from Securities Act registration for "crowdfunding," which would permit companies to offer and sell, in some cases, up to \$2 million of securities in publicly advertised offerings without preparing a registration statement. For the past several months, the staff has been analyzing crowdfunding, among other capital formation strategies, and also has discussed these strategies with the Commission's newly created Advisory Committee on Small and Emerging Companies.

I recognize that proponents of crowdfunding believe this method of raising money could help small businesses harness the power of the internet and social media to raise small amounts of very early stage capital from a large number of investors. That said, I believe that the crowdfunding exemption included as part of H.R. 3606 needs additional safeguards to protect investors from those who may seek to engage in fraudulent activities. Without adequate protections, investor confidence in crowdfunding could be significantly undermined and would not achieve its goal of helping small businesses.

For example, an important safeguard that could be considered to better protect investors in crowdfunding offerings would be to provide for oversight of the industry professionals that intermediate and facilitate these offerings. With Commission oversight, these intermediaries could serve a critical gatekeeper function, running background checks, facilitating small businesses' provision of complete and adequate disclosures to investors, and providing the necessary support for these small businesses. Commission oversight would further enhance customer protections by requiring intermediaries to protect investors' and issuers' funds and securities, for example by requiring funds and securities to be held at an independent bank or broker-dealer.

Investors also would benefit from a requirement to provide certain basic information about companies seeking crowdfunding investors. H.R. 3606 requires only limited disclosures about the business investors are funding. Additional information that would benefit investors should include a description of the business or the business plan, financial information, a summary of the risks facing the business, a description of the voting rights and other rights of the stock being offered, and ongoing updates on the status of the business.

CHANGES TO SECTION 12(G) REGISTRATION THRESHOLDS

H.R. 3606 also would change the rules relating to the thresholds that trigger public reporting by, among other things, increasing the holder of record threshold that triggers public reporting for companies and bank holding companies. The current rules have been in place since 1964, and since that time there have been profound changes in the way shareholders hold their securities and in the capital markets.

Last spring, I asked our staff to comprehensively study a variety of capital formation-related issues, including the current thresholds for public reporting. At this point, I do not have sufficient data or information to assess whether the thresholds proposed in H.R. 3606 are appropriate. I do recognize that a different treatment may be appropriate for community banks that are already subject to an extensive reporting and regulatory regime.

RULEMAKING

H.R. 3606 requires a series of new, significant Commission rulemakings with time limits that are not achievable. For example, the rulemaking for the crowdfunding section has a deadline of 180 days, and it specifically requires the Commission to consider the costs and benefits of the rules. Given (1) that much of the data that would be used to perform such analyses is not readily available and (2) the complexity of such analyses, this time frame is too short to develop proposed rules, perform the required analyses, solicit public comments, review and analyze the public comments, and adopt final rules. I believe a deadline of 18 months would be more appropriate for rules of this magnitude.

I stand ready to assist Congress as it addresses these important issues. Please call me, at (202) 551 2100, or have your staff call Eric Spitler, Director of the Office of Legislative and Intergovernmental Affairs, at (202) 551 2010, should you have any questions or comments.

Sincerely,

MARY L. SCHAPIRO,
Chairman.

[From the AFL-CIO Executive Council, Mar. 14, 2012]

THE JOBS ACT—A CYNICAL AND DANGEROUS RETURN TO THE POLITICS OF FINANCIAL DEREGULATION

America needs jobs. Yet Congress cannot enact such basic legislation as the reauthorization of the Surface Transportation Bill that would create hundreds of thousands of jobs. Instead, this week Congress once again is looking to deregulate Wall Street—this time in the form of the cynically named JOBS Act, which would weaken the ability of the Securities and Exchange Commission to regulate our capital markets and allow companies to sell stock to the public without providing three years of audited financial statements, without having adequate internal controls and without complying with key corporate governance reforms in the recently passed Dodd-Frank Act.

We still have millions of unemployed workers as a direct result of decades of financial deregulation. Workers' pension funds have yet to recover from the effects of the last time we created a bubble in IPOs during the late 1990s. And yet members of both parties in Congress seem bent on repeating these experiences, even as congressional Republicans block any initiative that might really create jobs and set our economy toward the path of long-term prosperity.

In case our own ugly history with stock bubbles and financial fraud is not enough, Congress should heed the warnings from other developed countries that recently have experimented with deregulated securities markets. In the 1990s, Canadian regulators condemned the "continuing occurrence of shams, swindles and market manipulations" on the Vancouver Stock Exchange of loosely regulated small company stocks. More recently, the London Stock Exchange's Alternative Investment Market has been described as a "casino" for its highly speculative small company stock listings.

Workers' retirement savings will be in greater risk of fraud and speculation if securities market deregulation once again is railroad through Congress. Once again our economy will be at risk from the folly of policymakers promoting financial bubbles and ignoring the needs of the real economy. The AFL-CIO calls on Congress to set aside the politics of the 1%, the old game of special favors for Wall Street, and turn to the business of real job creation. The labor movement strongly opposes the JOBS Act and any other effort to weaken the Dodd-Frank Act.

We support the efforts of Senate Democrats such as Jack Reed, Carl Levin, and Mary Landrieu to amend the "JOBS Act" to lessen the harm it does to investors, pension funds, and the U.S. economy.

We want jobs, not cynical Wall Street scams.

A MESSAGE FROM SECRETARIES OF STATE ON CROWDFUNDING REGULATION MARCH 14, 2012

Re Crowdfunding and H.R. 3606, the Jumpstarting Our Business Startups Act.

Hon. TIM JOHNSON,
Chairman, U.S. Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, U.S. Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN JOHNSON, RANKING MEMBER SHELBY AND MEMBERS OF THE COMMITTEE: As Secretaries of State with primary securities regulatory jurisdiction, we welcome this opportunity to discuss the developments in "crowdfunding" as a useful tool in small business capital formation, and the work of the U.S. Senate to ensure that such a mechanism remains viable for small businesses and safe for investors.

Crowdfunding is an online, typically grassroots, money-raising strategy that allows the public to use websites to contribute small amounts of money to help artists, musicians, filmmakers and other creative people finance their projects. Recently, crowdfunding financing has been applied to small businesses and start-ups, facilitating their attempts to get their ventures off the ground.

We applaud the work of Congress, via H.R. 3606, aimed at allowing small businesses greater access to crowdfunding financing through the Internet. We are keenly aware of how critical small businesses are to job growth and to improving the economy.

However, Congress' attempt to enact laws meant to reinvigorate the economy could, in fact, have a detrimental effect. If passed as currently drafted, Title III of H.R. 3606, would prohibit the States from working proactively to enforce laws designed to protect investors.

State securities regulators are proud of their 100-year history of effectively regulating smaller businesses seeking to raise

capital. States securities laws protect investors by requiring registration of securities offerings and preventing the exploitation of investors through unjust or incomplete offerings. State securities regulators are uniquely able to protect investors in that they are not only present in the state, but they are also attuned to the particular state's economic conditions. It would therefore be impractical and a disservice to investors to remove state regulators entirely from this important role. To that end, we recommend the following adjustments to current legislation concerning crowdfunding.

Currently-proposed Federal legislation would limit state authority to protect their investing citizenry. Specifically, Title III of H.R. 3606—which is identical to H.R. 2930, the crowdfunding bill passed by the House last November—leaves enormous gaps in investor protection. Small businesses and investors alike have suffered from the fraudulent activities of unregistered brokers and unqualified business advisers who, escaping regulatory oversight, seek only to profit by exploiting the legitimate capital formation community and ultimately harm its investors through unchecked and improper practices. Website operators functioning as intermediaries, among others, should complete at least minimal filings with regulators and demonstrate minimum competencies. Congress should preserve the States' ability to address this issue.

We commend Congress's efforts to be responsive to small business owners' capital formation needs, but we are concerned that Title III of H.R. 3606, by preventing states from acting proactively to deter fraud in this new market, would have precisely the opposite effect.

The states are currently developing a framework for encouraging and facilitating the formation of small business capital. Last fall, NASAA voted to establish a special committee to propose steps that state securities regulators can take collectively to facilitate small business capital formation. In January, this special committee completed work on an initial draft of a model rule which state securities regulators may adopt to responsibly encourage small business capital formation through a crowdfunding exemption. The NASAA model crowdfunding rule completed the first phase of the rule-making process, an internal comment period, on February 7, and NASAA expects to publish a revised version of the rule for public comment as early as latter this month. We believe that federal legislation should be crafted in a fashion that complements these efforts, and that it can best do so by ensuring that the role of state regulators in this area is addressed in broad parameters.

State securities regulators understand that technology has vastly improved the methods by which entrepreneurs can communicate with potential investors. We also understand, however, that securities offerings made through the Internet—which Title III of H.R. 3606 is based on—are fraught with risk. In such cases, the need for the state securities laws becomes even more urgent for the protection of investors and legitimate, worthwhile small business offerings. We urge Congress to resist preemption and preserve state securities regulators' authority to protect their investors.

STATE OF LOUISIANA,
OFFICE OF FINANCIAL INSTITUTIONS,
Baton Rouge, LA, March 14, 2012.
Senator MARY LANDRIEU,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: I am writing to urge you to oppose the preemption of Louisiana law to protect investors in any "crowdfunding" legislation that comes before the Senate. By preempting state law for a new crowdfunding exemption, Congress would be creating a massive hole in the investor protection safety net by needlessly prohibiting the Office of Financial Institutions from working proactively to enforce laws designed to protect Louisiana investors.

I want to echo the concerns expressed in the March 12, 2012 letter sent by North American Securities Administrators Association (NASAA) President Jack Herstein on this important investor protection issue to the Senate leadership. I agree with NASAA that "preempting state authority is a very serious step and not something that should be undertaken lightly or without careful deliberation, including a thorough examination of all available alternatives."

Crowdfunding would give unproven start-up companies, offering risky speculative investments, direct access to small unsophisticated investors, potentially creating a haven for fraud. If state regulatory authority is preempted, states would not be able to review crowdfunding investment opportunities before they are offered to investors. Post-sale anti-fraud remedies provide little comfort to an investor who has lost a significant sum of money that is unrecoverable.

Expanded access to capital markets is beneficial only when investors remain confident that they are protected, when transparency in the marketplace is preserved, and when investment opportunities are legitimate. As Columbia Law School Professor John Coffee stated, in testimony to the Senate Banking Committee, "one of these bills (S. 1791) could well be titled 'The Boiler Room Legalization Act of 2011.' Such legislation, according to Professor Coffee, 'is likely to be used by early stage issuers that do not yet have an operating history or, possibly, even financial statements. Such issuers are flying on a 'wing and prayer,' selling hope more than substance.'"

I appreciate that the concept of crowdfunding is appealing because it provides small, innovative enterprises access to capital that might not otherwise be available. Indeed, this is precisely why states are now considering adopting a model rule that would establish a more modest exemption for crowdfunding as it is traditionally understood, with individual investments capped at several hundred dollars per investor.

Instead of preempting states, Congress should allow the states to take a leading role in implementing an appropriate regulatory framework for crowdfunding. States are the most appropriate regulator in this area and Congress should allow states the opportunity to continue to protect retail investors from the risks associated with smaller, speculative investments.

I welcome the opportunity to discuss this matter further and to work together to craft legislation that is beneficial to small business as well as the investing public in Louisiana and throughout the United States.

Sincerely,

JOHN DUCREST,
Commissioner of Securities.

AMERICAN SUSTAINABLE
BUSINESS COUNCIL,
Washington, DC, March 14, 2012.
Hon. HARRY REID,
Office of the Majority Leader, U.S. Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Office of the Minority Leader, U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: The American Sustainable Business Council (ASBC) supports the CROWDFUND Act, S. 2190, authored by Senators Merkley, Bennet, Brown and Landrieu and encourage the Senate to use this bill as the vehicle to move forward on crowdfunding.

The American Sustainable Business Council is a growing coalition of business organizations and businesses committed to advancing a framework and policies that support a just and sustainable economy. The organizations that have joined in this partnership represent over 100,000 businesses and more than 200,000 business professionals covering the gamut of local and state chambers of commerce, microenterprise, social enterprise, green and sustainable, local living economy, women business leaders, economic development and investor organizations.

In 2010 ASBC was one of the very few organizations supporting crowdfunding as a vehicle for small businesses to access capital investment without the prohibitive cost and time presently required by the Securities and Exchange Commission (SEC) regulations. That original proposal was to have small individual investments from a large number of people with a relatively low aggregate investment cap. This would minimize individual investor loss and systemic fraud. While the current legislation allows for larger individual and aggregate investments than the original proposal, our initial crowdfunding goals have been addressed.

While we support appropriate SEC oversight over significant investments, we recognize there will always be risks in the marketplace. This legislation strikes an appropriate balance between those risks and regulatory protection.

The winners with S. 2190 will not only be individual businesses that will have new avenues to access to capital, but also the national economy by enabling small and medium sized businesses to grow and create jobs. Small businesses are responsible for creating the majority of net new jobs in the country and deserve our support to rebuild the U.S. economy.

We applaud the leadership of Senators Merkley, Bennet, Brown and Landrieu on this critical issue for small and medium sized businesses. We look forward to working with the U.S. Senate to successfully pass S. 2190 and see its enactment into law.

Sincerely,

DAVID LEVINE,
Co-Founder and CEO.

Re Crowdfunding Intermediary in favor of the CROWDFUND Act (S. 1970).

Senator HARRY REID,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID, I write in favor of the bipartisan compromise CROWDFUND Act proposed recently by Senators Merkley, S. Brown, Bennet, and Landrieu.

Yesterday evening's introduction of the first bi-partisan Senate crowdfunding bill is a big step forward in our fight to get equity crowdfunding passed through Congress. I have been to Washington DC seven times

since mid November discussing equity crowdfunding legislation directly with key Senate offices. The offices of the Senators on the Banking Committee have been very receptive to input from the entrepreneurial community and have adopted many of our suggestions in the latest bill.

This latest bill, the CrowdFund Act, is important because, unlike previous bills, for the first time we have a Senate bill with bipartisan sponsorship, a balance of state oversight and federal uniformity, industry standard investor protections, and workable funding caps. This bill has a legitimate chance at quieting those who were previously trumping up fears of fraud/bad actors as well as the various state oversight concerns. To date the main issues the opposition raised were regarding fraud and state oversight of our new industry. While the opposition is mainly from those protecting the interests of large banks, the earlier House Bill and two partisan Senate bills did little to address the legitimate concerns raised by the opposition. As a compromise, this bill has a real chance at becoming law.

I hope to see your support of this bipartisan effort in the Senate to pass a functional and balanced CROWDFUND Act.

Sincerely,

FREEMAN WHITE,
CEO, Launcht.com

MOTAIVI,
Durham, NC, March 14, 2012.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.

Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We are a crowdfunding intermediary based in Durham, NC. We understand the Senate will take up the JOBS Act shortly. We are very concerned about language in Title III of While we appreciate the broad exemption written by the House, the language does not protect investors and puts the crowdfunding industry at risk of significant fraud. However, more responsible language does exist. The CROWDFUND Act, cosponsored by Senators Jeff Merkley (OR), Michael Bennet (CO), Scott Brown (MA), and Mary Landrieu (LA), represents an ideal crowdfunding statutory framework.

The crowdfunding language in the JOBS Act lacks critical investor protection features. It does not require offerings to be conducted through an intermediary, which opens the door for fraudulent activity similar to what was experienced when Rule 504 was changed to allow offer and solicitation in the mid-1990s. It also does not require appropriate disclosures or inspections. The bill does not require the issuer to inform investors of dilution risk or capital structure. There are no provisions for misstatements or omissions that relate specifically to this exemption. Crowdfunding is premised on openness. Without disclosure, investors cannot protect themselves or accurately price the securities they are buying. If issuers are not willing to provide information over and above what is required, the JOBS Act language does not provide investors with other alternatives short of giving up on crowdfunding altogether.

The CROWDFUND Act addresses our concerns. This bill strikes the right balance between disclosure and flexibility. The language is tightly integrated with existing securities laws to provide investor protection. It places easily met obligations on the issuer

and the intermediary to ensure that investors have the information they need to make sound decisions. This bill has many provisions for appropriate rulemaking, and is written in a way that reflects how crowdfunding actually works. We think crowdfunding can be valuable and integral part of the capital formation process. The CROWDFUND Act is the right bill to make this happen.

We understand that introducing a significant amendment to the JOBS Act may slow down the reconciliation process, but we think the benefits are worth the effort. We urge you to adopt the CROWDFUND Act as the Senate language on crowdfunding and believe the House will also see the value in this well written, investor focused bill.

Sincerely,

NICK BHARGAVA, J.D.
Motaavi, LLC.

Ms. LANDRIEU. Again to recap so people can see on this chart, AARP has written us against the House bill. Consumer Federation of America—against the House bill. The AFL-CIO—against the House bill. Yes, those are some of the left leaning organizations.

But we also have centrist and right leaning organizations. I am talking about the former Securities and Exchange Commissioners' Chief Accountant, this is what they say

There are always paths to improvement for any complex system, the American Stock Exchange included. But how quickly these Congressmen seem to have forgotten why many such regulations were enacted in the first place. Last month marked the 10-year anniversary of the collapse of Enron.

It has not been 10 years and we are going back to where we were when Enron took money out of the pockets of thousands of people in America. Why are we doing that

Regulations that prevent capital multiplying companies that want to go public from doing so are bad. Ones that prevent capital destroying ones from becoming public nuisances are good. No job creation will be generated through the process of socializing capital destruction to the general public.

But he is saying that the House bill goes too far.

Again, Eric Schureunberg, editor of Inc.com—they are a very well respected voice in the small business community in America today. They are saying the House bill is flawed.

I know we are going to be criticized on the other side by saying it is just the same old left wing groups that want more regulation and more regulation. But that is not true. That is why I am putting all of this in the record today so people can carefully consider it tomorrow, and over the weekend on Monday, before we come back here; to look and read what is being said about the House bill and to be open and honest in our efforts to try to reform it. Again, for the record, Mary Shapiro, Chairman of the Securities and Exchange Commission, said: While I recognize that H.R. 3606—the ill-advised political opportunity bill, those are my words—is the product of a bipartisan

effort designed to facilitate capital formation and include certain promising approaches, I believe there are provisions that should be added or modified to improve investor protections that are worthy of the Senate's consideration.

So that is what we have done. We took the bill from the House and looked at it very carefully and on Monday I am going to hand this out to everyone and we are sending it to everyone's offices now. It has kind of become a famous small business blue line that is very easy for everyone to understand. It shows the differences between the Senate bill and the House bill. As we can see, both bills raise the cap on regulation A offerings from \$5 million to \$50 million. We are happy to do that. We improve the transparency of regulation A by requiring an audited financial statement.

You don't need to have graduated from a master's program at Stanford or Harvard to understand that if you are getting ready to invest—whether it is \$1,000, \$10,000 or \$100,000—having an audited financial statement about the company you are getting ready to invest in would be a basic thing to do. I think we learned about this when we were in seventh or eighth grade. You don't have to go to Harvard to know this.

The audited financial statement requirement is absent from the House bill. There is no requirement in the House bill for an audited financial statement, so we put an audited financial statement in our bill. I don't think that is a radical amendment. It is a simple one; it is an important one. In the House version of this IPO on-ramp, they exempt companies up to \$1 billion in annual revenue. Madam President, \$1 billion is a lot of money, so everybody wake up. The House bill says if you are less than \$1 billion, you basically don't have to adhere to most of the rules and regulations; you can just go on your merry way.

That sign is great—"ill-advised political opportunity." That is what I am calling the House bill. Let me check to see how many companies went public that were over \$1 billion last year. Only 22 percent of companies that went public last year were over \$1 billion. So if my math is correct, the House bill is going to eliminate 78 percent of the companies from regulation that raise money in the public. That is going too far. It is unnecessary. We bring that number down to \$350 million in our bill, and the author of this provision in the Senate has signed on as a supporter, CHUCK SCHUMER. The reason he did that is because he realizes—even as the sponsor of this on-ramp provision—that the House bill went too far. I am not going to go into all the rules and regulations, but it is not that complicated because—1, 2, 3, 4, 5, 6, 7, 8—

there are only about eight big differences, but they are important differences.

I am going to wrap up by saying: Please study the record. Please look at it. In our Senate bill, which the Chair has been very supportive of, as has Senator CANTWELL, and I wish to thank both of them publicly, as well as Senator KLOBUCHAR—we have the Export-Import Bank in our bill, which is not in the House bill. The Chamber of Commerce has written us asking us to please support the Export-Import Bank. We also expand the SBIC, which is the small business investment program, which the President included in his State of the Union Address to authorize that program to move from \$3 billion to \$4 billion. Why? Because we are having such success, through the SBIC programs that exist in all our States, getting money out to Main Street, to small businesses. So that is included in our bill—and one the Chair has particularly been a lead on, and that is at no cost to the taxpayer. These things do not cost any additional money. There is the SBA 504 refinancing that is going to allow to extend for 1 year the ability of the small business loan program that has thousands of outstanding loans to extend for another year the opportunity to refinance their commercial loans.

So we have added three provisions to the House bill that make it more balanced and better for small business, and we have put a couple oversight measures into their provisions that I think—in the words of many of even the advocates of this bill—“make the bill better.”

I don't know if we will be successful, but this is worth a try because the damage that could be done in venturing out so far into a new way of financing without the proper safeguards could set us back decades. We don't want to go backward; we want to go forward. We don't want to go back to the days of Enron and Bernie Madoff. Why would Republicans, in the face of these scandals, come up with—and some Democrats voted for it. I am not quite sure how that happened, but we are going to find out. Why would they want to go back to those days? We want to go forward with the right protections.

I see my friend Senator LEVIN on the floor. He most certainly understands this issue in many ways better than I do on the technical side of it. He has helped write this bill. I am hoping he will give an even better explanation than I have been able to give, but I think I have covered it pretty broadly, and he can go into a lot more detail about the possibility of fraud in here if it is not locked down.

I am going to end with a word to my community banks because I have tried to become a champion for them. I think they can appreciate it. I am not

100 percent sure. I believe in community banks. The Independent Community Bankers of America sent a letter supporting the House bill. I am going to call them over the weekend and talk with them specifically about my concerns and ask them to reconsider their position. I think our compromise is very good for our community bankers. I don't know whether they will. I know they want to get rid of some of the onerous requirements that were placed on them in the Sarbanes-Oxley legislation, and I appreciate it. I helped sponsor some of the amendments on their behalf.

But I think this House bill is going too far. I am going to reach out to them. We will see what their view is. I do respect the views of my community bankers. We are going to have a lot more to talk about next week.

Again, I thank Senator LEVIN and Senator REED for joining with me and Senator JACK REED for leading this effort to help put a bill before the Senate that is quite balanced and provides the investor protections and also opens some exciting opportunities for capital to create new businesses in America that are the backbone of our extraordinary—and not to be matched—entrepreneurship spirit in the world. We honor that, but we want to do it in the right way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, before the Senator from Louisiana leaves the floor, let me thank her for her leadership in this area and the passion she has brought to it. This is a train which has moved with great speed from the House of Representatives—much too great a speed—and her ability, just by the expression of her will and her determination to bring this to a point where we can debate it at least over a few days and the weekend, is critically important, I believe, to future of investors in this country.

There is no State that has suffered more from the job losses of the great recession than my State of Michigan. We don't have to ask a Michigander twice if he or she believes Congress should take action to increase the speed of the jobs recovery. So I am ready to consider any legislation that promises more opportunity for the workers of this country, but unfortunately the legislation the House has sent to us, which is promoted as a job creation bill, is no such thing. In the name of job creation, the House bill would severely weaken investor and taxpayer protections in our securities laws.

In the name of putting Americans to work, the House bill would hand a series of special favors to influential special interest groups. It also reflects a disturbing failure to learn the lessons of the recent and all-too-painful past.

It defies belief that after the worst financial crisis in generations, a crisis brought on by the failure to effectively police our financial markets, Congress would consider removing vital obstacles to fraud and abuse. The House bill would take a series of steps that would undermine the integrity of our financial markets. We should not go down that road. We need not go down that road. In working with Senator JACK REED, Senator LANDRIEU and Senator SHERROD BROWN and others, I participated in an effort to make some changes in that bill that would give small, innovative companies more tools to access the capital they need. We want to do that. We all want to do that. But we do that in our bill without putting the stability of our economy and the interest of American investors and taxpayers at risk.

I wish to lay out some of the problems with the House bill and how our Reed-Landrieu-Levin amendment would address those problems. The House bill would lower barriers to fraud that are now present in the so-called regulation A stock offerings. These are offerings that are exempt from the SEC registration requirements. The House bill would expose retail investors—those with no expertise and no resources—to assess the risks of participating in the unregulated market to massive potential fraud and abuse.

The bill does not even require that companies making offerings under regulation A provide audited financial statements. The regulation A process is appropriate for very small companies, but the House bill provides few meaningful limits to its use. Instead, it would allow larger companies to avoid meaningful oversight year after year.

I have worked with colleagues to fix this problem by ensuring that these offerings are limited, so they are only used once every 3 years—that is one of the changes we would make—and that investors in the offerings get an accurate picture of the company's finances by requiring audited financial statements.

In the name of giving smaller companies greater access to the initial public offering market, the House bill would create a new class of corporation called an emerging growth company and would strip from investors in such companies more than a dozen important investor protections. Some of the protections involve transparency. The House bill would weaken corporate governance provisions we enacted less than 2 years ago in the Dodd-Frank Act, including disclosures on executive pay. The House bill would exempt these companies from having to comply with changes to accounting standards. It would repeal the protections we put in place after the dot-com bubble burst. These protections require financial firms to separate research analysts

who advise clients on whether to invest in initial public offerings from the sales teams of those same companies.

There is supposed to be a wall between those two parts of any company so the sales teams don't take advantage of what the research teams are telling their customers. There are too many opportunities for conflicts of interest and front-running and other things if we allow that wall to be breached.

The House bill provides that companies with up to \$1 billion in annual revenue would not have to get an outside auditor to check their internal controls. So what happens if one of these companies is cooking the books? Who is going to catch it? We learned with Enron and WorldCom why we need meaningful checks on how companies prepare their financial statements. The vast majority of financial restatements, which are corrections to bad information given to the investing public, are made by medium and small companies. Investors in these companies should have the confidence that the financial statements on which they base their decisions are accurate.

Now, those provisions in the House bill are bad enough given the chronic problem in financial markets with poor and misleading financial disclosure but, to make matters worse, the bill would open this collection of loopholes with companies of up to \$1 billion in annual revenues. That is a level which would include well over 80 percent of all IPOs. So over 80 percent of all the IPOs that will be issued would then be exempt from the protections under the House bill.

Financial regulators, associations of individual investors, many of the largest pension funds in this country, securities experts, and the chamber of commerce have raised alarm bells about that \$1 billion threshold as well as the many problems that would follow from the House bill.

Just this week, the SEC took a series of enforcement actions against fraudsters seeking to victimize investors in pre-IPO offerings. One SEC official noted, "The newly emerging secondary market for pre-IPO stock presents risks for even savvy investors." The House bill threatens to bring the same level of risk and instability that plagues pre-IPO trading to the IPO market itself—changes that, rather than building support for IPOs, might actually make the IPO market so risky that it ends up dampening investor interest.

The amendment some of us have been working on, which is the Reed-Landrieu-Levin, et al., amendment, accepts the premise that some small, newly public companies could benefit from somewhat relaxed requirements as they adjust to the public marketplace. But our amendment would limit these benefits to smaller companies—

those with under \$350 million in annual revenue—and our amendment would not exempt these companies from many of the critical investor protections. For example, we would not remove protections designed to protect the integrity of the research that is available to investors, nor would we exempt them from any new accounting rules, nor would we exempt them from requirements regarding important executive pay disclosures and shareholder input on executive pay packages. Our amendment would provide flexibility for smaller, newly public companies to adjust to the public markets, but we would leave in place the investor protections that ensure our public markets remain the best in the world.

The House bill would also allow companies or fraudsters posing as legitimate companies to solicit investors directly through the Internet. This is one of the really big issues we are going to address next week. As written, the House bill would offer investors almost no protection from fraudulent schemes and fake investment opportunities. Although these Web sites that are often called intermediaries or funding portals are the only entities capable of making sure that a company seeking to sell its stock on its site is real, the House exempts them—exempts the intermediaries and the funding portals—from any real regulation or liability. The same is true with the issuing company. That is why labor groups, seniors organizations, regulators, and security experts all warn us that this measure is an open invitation to fraud. One group calls it the "boiler room legalization act."

So we have many problems with these provisions in the House bill, but we also believe the so-called crowdfunding, in which small startups can access pools of capital from small investors, usually over the Internet, has the potential to provide opportunity for truly small businesses to get additional capital they need to grow. This can be done legitimately. That is why we build on the work of Senators MERKLEY and BENNET to create a platform for raising money through the Internet. But we make sure, as they do, that it has the necessary investor and consumer protections. In fact, legitimate crowdfunding sites have made it clear to us that they, like us, are concerned about the House bill. So we have legitimate crowdfunding interest groups that want to make sure the protections are there for the investors, speaking out against some of the excessive provisions in the House bill. They want the additional protections we provide. So our amendment makes sure that funding portals are subject to meaningful regulation and that the companies that use them to raise capital are also subject to meaningful regulation.

Our amendment would, unlike the House bill, require comprehensive dis-

closures to investors about the company and the risks of such investments. If this new way of investing in small companies is to succeed, then investor protections such as the ones embodied in the Merkley-Bennet provisions, which we have included in our amendment, are vital to giving investors the confidence to participate.

The House bill also attempts to remove regulations on so-called private offerings. By allowing issuers of private offerings to market their stock to the general public—whether it is on billboards and the Internet, in visits to retirement homes or late-night television ads—that provision in the House bill would dangerously lower our defenses against frauds. We have seen this movie before. In the 1990s regulators lowered the barriers to general solicitation for private offerings and within years reversed their error because of widespread fraud and abuse.

Some have complained that the existing restrictions on solicitation for private offerings are too narrow and impede businesses' access to capital. That seems unlikely given the nearly \$1 trillion a year in private offering activity. But if there are yet more worthy investments that are going unfunded because of unneeded investor protections, the SEC regulations should be updated for the Internet age.

The Reed-Landrieu-Levin amendment would direct the SEC to revise its rules to allow companies to offer and sell shares to a credited investor, but it then directs the SEC to make sure those who offer or sell these securities take reasonable steps to verify that the purchasers are actually accredited investors. It requires the SEC to revise its rules to make sure these sales tactics are appropriate. There are not going to be, under our language, billboards or cold calls to senior living centers. I wish I could say the same about the House bill.

There is little evidence that the reduced investor protections and invitations to fraud in the House bill will make any meaningful contribution to job growth. We do not have one study on any one of the provisions in the House bill establishing that even one job would be created. If such a study existed, I am sure we would have seen it. The simple reality is that repealing Federal securities laws—and that is clearly the intent of the House bill—does not create jobs. In fact, the former Chief Accountant to the SEC was quoted recently as saying that this JOBS bill was no jobs bill at all. He said: "This would be better known as the bucket-shop and penny-stock fraud reauthorization act of 2012."

Taken together, these and other provisions in the House bill send a false message: that in order to grow the economy, we must subject our citizens to more fraud, we must put pension funds and church endowments at greater risk of fleecing, we must create

more threats to the financial stability of American families.

The America that I know and that I believe in is capable of growing our economy without these unnecessary risks. Indeed, it is fraud and financial abuse that have repeatedly brought our economy to its knees. We opened the door to fraud and abuse in the savings and loan industry and precipitated a crisis that destroyed 750 financial institutions when we did that. We cut the number of new homes built in this country by nearly half and devastated entire communities. We dropped the barriers to fraud through financial statements and in swaps markets, opening the door to the predations of the so-called "smartest guys in the room"—those are the criminal executives of Enron. We lowered the barriers to heedless risk and conflicts of interest in the financial system, thereby paving the road to the greatest financial crisis since the 1930s.

Over the last 10 years, on a bipartisan basis, my Permanent Subcommittee on Investigations has held hearing after hearing and issued report after report on the Enron crisis, on accounting and securities frauds, and on the more recent subprime mortgage crisis. Our investigation has exposed how some American corporations, and their accountants and banks, were willing to dupe investors and, even after their wrongdoing came to light, walk away with huge paychecks while workers, investors, and the American economy at large paid the price.

Enron was the seventh largest U.S. corporation before its crash bankrupted employees, pensions, and investors. It lied about its earnings and did so with the help of accountants and banks. Goldman Sachs sold securities through public and private offerings that did not fully inform investors about what they were buying. The wrongdoing our subcommittee has uncovered over the years is as powerful a reminder as we can get that investors deserve protection against abuses when they invest their hard-earned dollars in U.S. capital markets.

There is a rising wave of concern among market experts that the effect of the House legislation might be precisely the opposite of its supporters' stated intent and that instead of boosting the ability of companies to find capital so they can grow, these changes would hurt the market for investing in new companies by making that market too risky. If we remove meaningful transparency and safeguards against fraud, SEC Chairman Schapiro wrote just a few days ago that "investors will lose confidence in our markets and capital formation will ultimately be made more difficult and expensive."

The question for the champions of lower regulatory barriers is this: Did those rollbacks of regulatory protections help our economy grow? Did

those rollbacks which we saw so many of and which I have just outlined create jobs? Ask a family who was wiped out in the financial crisis. Ask an investor who lost everything to Enron. Ask one of the many 8.6 million American workers who lost their jobs in a financial crisis created on Wall Street, one we have yet to fully overcome.

In November of 1999 this body debated another piece of financial legislation, one that supporters claimed would lead to boundless new economic opportunities for our country. The bill we were debating repealed the Glass-Steagall Act. It lowered barriers to concentration in the financial industry. It removed the wall that had separated investment banking from commercial banking since the aftermath of the Great Depression.

Senator Byron Dorgan came to this floor and he issued a warning: "It may be that I am hopelessly old-fashioned, but I just do not think we should ignore the lessons learned in the 1930s . . . I also think that we will, in 10 year's time, look back and say: We should not have done that because we forgot the lessons of the past."

Well, that was 1999. Ten years after Senator Dorgan's remarks, almost to the day that he predicted, America's economy hit rock bottom, with the lowest mark of employment during the great recession. Well, old-fashioned sounds pretty good these days. I hope to be as old-fashioned as Senator Dorgan, who warned us that lowering the barriers that protect us from financial catastrophe can only destroy jobs—not create jobs, destroy jobs.

I hope the Senate will turn away from the House bill that threatens more fraud, more abuse, and renewed crisis. I hope the Senate will embrace reforms that are present in our substitute amendment that give our innovative companies the chance to compete without endangering investor confidence or the stability of our economy.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, when I talk to owners, operators, and employees of small businesses in New Hampshire, one thing I hear consistently is that access to capital is a real challenge. While our community banks have increased their lending, capital access from large banks and other entities has been very hard to come by. As a result, small businesses fighting to grow and create jobs continue to be constrained in their efforts.

I am glad the Senate is planning to move forward with this legislation that will address capital formation and will take some additional steps to help those small companies get the financing they need to grow, but as we take that step forward, it is equally important that we do not also take a step back. That is why I believe it is critical for the Senate to extend two venues of small business financing as part of this debate: the Export-Import Bank and the Small Business Administration's 504 refinancing program. These programs, which bring no cost to the taxpayers—let me say that again: these programs bring no cost to taxpayers—provide financing options for so many small businesses in New Hampshire, in West Virginia, and across our country.

We have an important opportunity to ensure that such important avenues to capital remain available in the coming years by extending these programs as part of the small business capital package we are currently debating. So first let me begin with the Export-Import Bank, which is a vital agency that helps many small businesses secure the financing they need for export deals. This is critical because exports are such an important part of the markets that are available to businesses today. Mr. President, 95 percent of markets exist outside of the United States, but only 1 percent of small and medium-sized businesses are doing business outside of the United States. So businesses need access to these international markets.

Last August, Senator AYOTTE and I held a Small Business Committee field hearing in New Hampshire, and it was on small business exporting. We heard how difficult it can be for a small company to sell its products overseas. It is particularly challenging for a small business to get financing for its foreign deals. That is where the Export-Import Bank makes such a significant impact. Mr. President, 87 percent of the Export-Import Bank's transactions support small businesses. So I think there is a misconception about whom the Ex-Im Bank really helps. Eighty-seven percent of their transactions support small businesses.

Last year alone, the bank helped finance more than \$6 billion in export sales from small companies in the United States. It has set a goal of increasing this volume by an additional \$3 billion in the coming years, and it has created a new Global Access for Small Business Initiative which is designed to dramatically increase the number of small companies taking advantage of its programs. In fact, I think this new initiative is terrific. The Ex-Im Bank came to New Hampshire and unveiled this initiative. Again, this bank assists small businesses at no cost to the taxpayer.

Unfortunately, right now this no-cost small business program is in jeopardy.

Unless we act soon to reauthorize the Export-Import Bank, it will hit its lending cap and it will be forced to cut off its support for small businesses. We just cannot afford to let that happen. Without the bank small businesses will lose a significant amount of foreign sales and the jobs they maintain. Last year the bank supported over 288,000 American jobs. As more small companies become aware of the bank's programs, more businesses will be able to access new markets and create new jobs.

So I want to give an example because, as I said, last year we had the Chair of the Export-Import Bank in Portsmouth, NH. They unveiled their new small business initiative, and they met with a number of small businesses that were interested in exporting.

One of those small businesses was a company called Skelley Medical, which is a medical equipment company that is based in Hollis, NH. Before our event, Skelley Medical was unaware of the programs the Export-Import Bank offered. Two weeks later, just 2 weeks after this event, Skelley took out a policy with the bank. That put Skelley in a position to expand its sales overseas. Right now, Skelley Medical is looking to finance deals in as many as five international markets. That is all thanks to the help of the Export-Import Bank. Without the Export-Import Bank, that kind of small business success story will not happen. It would be a real mistake for this Senate to pass a capital access bill without this critical reauthorization.

The second program I would like to talk about is another no-cost program that deserves to be extended. That is the Small Business Administration's section 504 refinancing program.

With bipartisan support, the Senate passed the Small Business Jobs Act 2 years ago—well, about a year and a half ago. That Small Business Jobs Act created this 504 program to help small businesses refinance existing loans under the SBA's 504 lending program.

Again, what we are hearing, as my colleagues know, as I am sure the Presiding Officer knows, is that this difficult real estate market we are in has made it challenging for many successful businesses to refinance their real estate deals. They cannot get access to capital right now, particularly in the real estate industry, which has been so hard hit during this recession. What this SBA program allows is for small businesses to lock in long-term, stable financing so they can free up capital to invest in their companies and hire new workers.

Although this program got off to a slow start, the Small Business Administration has made important changes to ensure that it is working better now for small businesses and for banks. As a result, we are starting to see a significant increase in volume.

In New Hampshire, lenders see this program becoming a real success in the near future. Alan Abraham, who is the president of the Granite State Development Corporation in New Hampshire, has said that "banks and borrowers are now understanding the significant benefits of the program." He told me:

We are starting to field many [more] phone calls requesting information on the policies, and we anticipate dozens of New Hampshire small businesses could benefit from extending this program.

We should not cut this program off at the knees just as we are beginning to see substantial returns—again, without costs to taxpayers.

This program is scheduled to sunset in September. I believe it is important for the lending community to know as soon as possible that the program will continue into 2013 so that they can devote the resources necessary to continue this initiative's budding success and also so that we can provide the certainty so many companies tell us they need.

We should extend this program. We should address the Export-Import Bank's reauthorization. That is why, as we look at the Landrieu-Reed-Levin substitute amendment, it includes these provisions. It includes reauthorization of the Export-Import Bank, and it includes the extension of the SBA 504 program. It also includes a number of other provisions that address some of the concerns that have been expressed by the House-passed capital formation bill.

Senators LANDRIEU, REED, and LEVIN were on the floor earlier and very eloquently elaborated on those changes. I urge my colleagues to support that substitute amendment to reauthorize the Export-Import Bank and to extend SBA's 504 Loan Program.

I ask unanimous consent that I be added as a cosponsor to that Landrieu-Reed-Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHOOL GUN VIOLENCE PROTECTION

Mr. LEVIN. Mr. President, as news reports focus on yet another horrific shooting in an American school, we must again confront the simple and sad truth: tragedies like this are often preventable. On February 27, 17-year-old T.J. Lane opened fire in his high school cafeteria in Chardon, OH, killing three of his classmates and wounding two other students.

This is a narrative we have heard over and over again. Lane is believed to have taken the gun from his grandfather's barn. Similar to what happened 5 days earlier in Port Orchard, WA, when a 9-year-old boy accidentally shot his classmate with a .45-caliber handgun he took from his mother's house. Or in 2009, when a 15-year-old boy was institutionalized after stealing three guns and hundreds of rounds of ammunition from his father as part of a plan to shoot other students at Pottstown High School in Philadelphia. Sadly, these are not rare circumstances. A 2000 study by the U.S. Secret Service found that in more than 65 percent of school shootings, the attacker got the gun from his or her own home or from a relative.

The guardians of these children never intended for their firearms to be used for harm. But they left their loaded guns without any measures to prevent their children—or anyone else—from using them irresponsibly. According to reports by the Legal Community Against Violence, in a nation where approximately one-third of households with minors have a firearm, studies have shown that 55 percent of these households store one or more of their guns unlocked. Another study showed that 22 percent of the parents who claimed their children had never handled their firearms were contradicted by their children. When it comes to gun safety, a young person's curiosity and recklessness can be a dangerous thing.

It is imperative that gun owners across the country safely store their weapons out of the reach of young people. But despite these troubling statistics, there are no Federal laws that prevent adults from leaving firearms easily accessible to children and minors. Some State and local governments around the Nation have adopted child firearm access prevention measures, and these laws work. From 1990 to 1994, in the 12 States where child access prevention laws had been in effect for at least 1 year, unintentional firearm deaths fell by 23 percent among children under the age of 15. Laws that encourage parents to keep their firearms locked and unloaded, to store their ammunition in a locked location separate from their firearms, and to educate their children on proper gun use and safety, would help prevent shootings involving children and teenagers.

We must not wait for the next Chardon High School or the next Virginia Tech or the next Columbine. Commonsense gun safety legislation protects our schools, our universities, our religious institutions, and our homes from gun violence. But despite this evidence, legislation has been introduced in this Congress to dismantle the few Federal gun safety provisions that protect the American people. I urge our colleagues to support sensible gun safety measures that could prevent tragedies like the one unfolding in Ohio.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

Mr. CORNYN. Mr. President, today I come to floor to express concerns about the transportation bill recently voted on by the Senate.

My State of Texas is the fastest-growing State in America, and our economic success has made us a national model and a magnet for talent. But rapid population and economic growth means an ever-increasing strain on our infrastructure.

This legislation takes several positive steps such as consolidating programs, improving project delivery, and expanding the Transportation Infrastructure Finance and Innovation Act, also known as TIFIA, which has been successful in addressing various infrastructure needs in Texas and across our Nation.

Unfortunately, the bill is also deeply flawed. First, it is a 2-year proposal. Changing policy for such a short period of time does not give States like Texas the certainty they need to undertake meaningful long-term transportation projects.

In addition, the Senate bill uses 10 years' worth of revenue to pay for 2 years of spending. This is the type of budget gimmickry that makes Americans suspicious of Washington.

So we have legislation that is short-sighted and relies on accounting tricks. But the problems don't end there. The bill also moves us away from the user-pay principle. While this might work in the short term, closing a large funding gap with non-user tax revenues would ultimately destroy the Highway Trust Fund's protected budget status.

The legislation also does not address the Trust Fund's long-term insolvency problem. Instead, it spends down the balance in the Trust Fund leaving a substantial deficit starting in fiscal year 2014.

Finally, Texas receives significantly less from the Highway Trust Fund than it pays in. In 2009, Texas had the lowest Trust Fund return ratio in the country, according to a Heritage Foundation study. Congress simply must address the equity issue rather than rewarding a few States based on their previous share of highway funding.

I know there are those in my State who favor this legislation, and I share their commitment to finding solutions to our transportation challenges. But I believe the people of Texas and the people of America deserve a better approach. I hope that we can improve the bill during the conference process. Our challenges are difficult, but they are not insurmountable, and there is no reason we can't make 21st-century American infrastructure the very best in the world.

Mr. PRYOR. Mr. President, I would like to commend my colleagues for passing the highway bill yesterday, which included language from Mariah's Act, a bill I introduced last year. This bill reauthorizes the National Highway Traffic Safety Administration, NHTSA, and will improve safety programs on our roadways and safety standards in our vehicles.

Mariah's Act was named after Mariah West, a teen from Rogers, AR. A day before her high school graduation in 2010, Mariah was killed as a result of texting while driving. Mariah's mother, Merry, has since become an advocate against texting and driving and continues to promote safe driving habits across the country.

In part, Mariah's Act will prevent others from a similar tragedy by concentrating resources to prevent distracted driving. In 2010, more than 3,000 people died and thousands were hurt in crashes involving a distracted or inattentive driver.

Along with distracted driving, Mariah's Act addresses NHTSA's two core missions: vehicle safety and highway safety. By improving these areas, we hope to continue to reduce traffic fatalities and reduce damage when accidents do occur.

While I was pleased to hear that the number of traffic fatalities fell 3 percent between 2009 and 2010, there were still over 32,000 traffic fatalities throughout our country in 2011. I believe we can do better to lower the number of deaths on our roadways by consistently improving safety.

Lifesaving protections for children and young drivers are key components of this bill. This is important because motor vehicle crashes are the leading cause of death for all Americans ages 5 to 34. As a parent of two teenagers, I know the fears of first transporting your children, and then seeing them get behind the wheel. Because vehicular accidents are so deadly to our young people, I was pleased to introduce a bill with strong protections for our youth.

Another specific issue that Mariah's Act addresses is a problem we have been facing for a long time, impaired driving. Impaired driving still remains a deadly problem across the country. In 2010, 31 percent of all fatal crashes were alcohol-related, and more than 10,000 people were killed in alcohol-im-

paired driving crashes. We, as a country, should be taking a strong stance for ending this behavior and Mariah's Act helps develop the laws and technology to do it.

Other provisions in this bill include updates and consolidation of highway safety programs; ensuring emerging electronics and technologies in vehicles are safe; and improved transparency and accountability in vehicle investigations.

Along with NHTSA, the Commerce section of this Highway bill includes provisions of two bills I introduced last year, the Commercial Driver Compliance Improvement Act and the Safe Roads Act of 2011.

The Commercial Driver Compliance Improvement Act will help authorities improve compliance with hours-of-service regulations that keep fatigued commercial truck and bus drivers off the road.

The Safe Roads Act will establish a national clearinghouse for verified positive alcohol and drug test results of commercial motor vehicle operators. This will prevent a bad actor from failing a drug test in one State and simply going across a State line to try to beat the test.

Our safety is compromised everyday by those bad acting truck and bus drivers that are fatigued or under the influence of drugs or alcohol. We needed to strengthen our current regulations to ensure these drivers cannot bypass the law. These provisions are a practical way to ensure that the commercial driving industry is reducing the number of unsafe drivers on the road.

Last year, there were over 5 million accidents on our roads resulting in over 32,000 lives lost. That is why we need to continue to fine tune highway safety programs to better target prevention, enforcement and oversight. I am pleased that all three of these provisions were included in this Highway bill and that they will help reduce the number of tragedies families face due to automobile related deaths and injuries.

I would like to thank everyone for their input and believe that we have a bill that will complete the goal of increasing safety on our roadways.

TRIBUTE TO INDIANA CHIEF JUSTICE RANDALL T. SHEPARD

Mr. LUGAR. Mr. President, I wish to recognize Indiana Chief Justice Randall T. Shepard, who is retiring this month after 25 years of distinguished service as Indiana's Chief Justice of the Supreme Court.

Justice Shepard was appointed to the Indiana Supreme Court by Governor Robert Orr in 1985 and became Chief Justice in 1987, then the youngest chief justice in the nation. During his career, he has authored nearly 900 civil and criminal opinions and 68 law review articles. His writings have been

cited hundreds of times by law journals and other courts, including the U.S. Supreme Court.

Justice Shepard's leadership and idealism are recognized beyond his legal opinions. Under his tenure, the court adopted a more balanced workload of civil and criminal cases and began webcasting all of its oral arguments. In 2001, he created the Courts in the Classroom program, which helps students learn about the judiciary, and was a driving force behind the Indiana Conference for Legal Education Opportunity program which promotes diversity in the legal profession. In 2007, Justice Shepard was appointed by Governor Mitch Daniels as co-chair of the Indiana Commission on Local Government Reform, and several of the Commission's recommendations have been implemented.

A seventh-generation Hoosier, Justice Shepard grew up in Evansville, IN, and graduated cum laude from Princeton in 1969. He received his law degree from Yale Law School in 1972. Among other awards, Justice Shepard has received the Indiana Chamber of Commerce Government Leader of the Year, the American Judicature Society's Opperman Award, and the Indiana Black Expo Lifetime Achievement Award. He has honorary degrees from the University of Southern Indiana, the University of South Carolina, the University of Notre Dame, and the University of Evansville.

I appreciate this opportunity to recognize Justice Shepard, and I wish him every continuing success as he pursues new challenges and opportunities.

RECOGNIZING CIRCUS SMIRKUS

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to Circus Smirkus, the award-winning international touring youth circus based out of Greensboro, VT. A treasured Vermont institution, renowned well beyond our borders, this year Circus Smirkus is celebrating its 25th anniversary.

Circus Smirkus was founded by Rob Mermin, who ran away to join the circus at the age of 19 when summer camps for aspiring performers did not exist. Upon moving to Greensboro in 1987, Rob started the program to promote the culture and skills of the circus and to inspire youth to enter the arts and experience the adventure of a traveling show.

Today Circus Smirkus is the only youth circus in America to put on a full-season tour under its own big top, a 750-seat, one-ring, European-style circus tent. Every summer, a company of talented troupers, ages 10 to 18, arrives and rehearses the show at Smirkus's headquarters in the Circus Barn in Vermont's Northeast Kingdom. Then 30 young clowns, aerialists and acrobats take the show on the road, staging

more than 70 performances across New England in just 7 weeks.

The program is a complete immersion in circus life, including long hours, rigorous training, and daily chores. Most graduates—known as Smirkos—describe their experiences as life-changing and as having forged some of their most cherished memories. The young performers come from as far away as Mongolia, New Zealand, and Siberia. Since its founding the circus has fostered youth exchanges with more than 25 nations.

Marcel Marceau, the famed French mime, broke his silence to call Circus Smirkus "an absolutely wonderful task: to bring children hope for the future, to create an entirely new form of circus and make it universal." He was so right. I see the skill they develop in young performers and the joy they bring to every audience—including Marcelle and me when we take our grandchildren each summer in Vermont. I wish Circus Smirkus the best for this special milestone season and in all the years to come.

TRIBUTE TO REVEREND HURMON E. HAMILTON, JR.

Mr. BROWN of Massachusetts. Mr. President, I wish to recognize the Reverend Hurmon E. Hamilton, Jr. of Roxbury, MA, a remarkable pastor, teacher and leader. Reverend Hamilton grew up in Louisiana, the son of a preacher. He attended Grambling State University and went on to earn a Master of Divinity Degree from San Francisco Theological Seminary.

In 1994, Reverend Hamilton began his career in Massachusetts when he was elected Senior Pastor of Boston's Roxbury Presbyterian Church. In this senior ministry position, he led a major capital campaign that renovated the historic church's building. More importantly, he understood that the church was far more than brick, mortar and stained glass and set about expanding the congregation's role in the community through their Social Impact Center. Under Reverend Hamilton's stewardship, the Center, and particularly its Dream Again Program, provided a variety of hands-on programs to help area residents find jobs, learn new skills, continue their education and even purchase and keep homes.

Also under his leadership, the Roxbury Presbyterian Church began a highly successful "Adopt-A-School" program that has been touted as a model of excellence.

Mr. President, if we are known by the fruits of our labor, then Reverend Hamilton's time with us in Boston was bountiful. He was a champion for summer jobs programs for disadvantaged teens; he also helped secure funding for new textbooks for city schools. Yet nowhere was he more effective than in his

efforts to secure access to health insurance for all our citizens. For Reverend Hamilton it was a matter of justice. Thanks in large part to his efforts, 98 percent of Massachusetts residents are now covered by health insurance. The program is not perfect and he understood that, which is why he has helped lead the fight to reduce exploding health care costs in our state.

Shortly after coming to Boston, Reverend Hamilton founded the Greater Boston Interfaith Organization which has been tremendously effective in not just raising awareness of pressing social concerns, but bringing together religious and community organizations to actually improve the lives of our neighbors. Because of the GBIO and Reverend Hamilton's leadership, there are more opportunities for at-risk youth, poor families are better educated and equipped to climb the economic ladder, and the rights of workers in nursing homes are better protected just to name a few of their accomplishments.

Mr. President, Reverend Hamilton leaves a lasting legacy in Massachusetts that expands well beyond his former church's Roxbury neighborhood. His impact can be measured in richer and more fulfilling lives, improved access to health insurance, better job prospects and engaged youth who go on to be productive and effective leaders, parents and workers.

Earlier this year, Reverend Hamilton accepted a new position in his words, God reassigned him to a new ministry in California. I join Reverend Hamilton's former congregation and all the people whose lives he touched in thanking him and wish him and his wife, Dr. Rhonda Hamilton, every blessing with their new opportunities in California.

RECOGNIZING MAJOR GENERALS FRANK VAVALA AND GUS HARGETT

Mr. CORKER. Mr. President, in December, with the distinguished leadership of the Senators from Vermont and South Carolina, we passed the National Guard Empowerment Act as an amendment to the National Defense Authorization Act with truly bipartisan support, as evidenced by its 71 cosponsors here in the U.S. Senate. At the time, we said that the National Guard has performed extraordinary service in the last 10 years alongside their Reserve and Active Duty counterparts as part of a truly integrated total force, but that the changes included by the National Guard Empowerment Act were most important not because of the great work in the past, but because of the essential need for enhanced cooperation in the future.

The Senate recognized that enhanced capabilities for the National Guard, particularly elevating the Chief of the

National Guard Bureau as a statutory member of the Joint Chiefs of Staff, this Nation's highest military planning body, were essential to meeting the threats of the future. And today I am happy to join my friend from Delaware to recognize two men who played a key role in advocating that point of view here in the Senate, two men who approached an idea widely regarded as a nice, but unlikely thought and helped transform it into a reality. They are Chairman of the National Guard Association of the United States NGAUS, MG Frank Vavala, and his highly capable "battle buddy," the president of the NGAUS, retired MG Gus Hargett.

People around Tennessee know Gus Hargett as the former Adjutant General of our State's National Guard, but also as the person responsible for supervising the Tennessee Emergency Management Agency and the Tennessee State Guard. They also know Gus as the kind of guy to get things done when they really matter. Throughout his career he had a healthy mixture of active duty service with the U.S. Army and the precise sort of duty with the National Guard at the state level or Active Guard Reserve status that we put GEN Craig McKinley on the Joint Chiefs of Staff to strategize for.

With the support of General Vavala and Adjutant Generals around the country, General Hargett provided key guidance for this legislation, answered countless questions, and provided the needed impetus to take it over the top and onto the President's desk. He recognized that this transcended simply advocating for the National Guard, it was an essential step for preparing our country's homeland defense strategy.

Mr. COONS. Mr. President, I am pleased to join my friend from Tennessee to show appreciation for the efforts of General Hargett and General Vavala. As he says, it is about much more than recognizing good work done, it is about preparing for the natural and manmade threats to Americans, and I would like to associate myself with his remarks.

My State is particularly blessed to have General Vavala as our world-class adjutant general, providing invaluable leadership to the Delaware National Guard on behalf of our Governor. I think that people who have had just a few minutes to chat with him come away understanding that he is a dynamic force. They would be able to instantly understand how he and General Hargett helped guide a compelling, grassroots campaign of hundreds of thousands of National Guard men and women and their State leadership to make clear to their representatives that their Guard strategy was a national defense concept to be taken seriously. Defense of our homes begins at home, something the National Guard has specialized in for 375 years. At a

time when it seems nothing in Washington works right, General Vavala insisted time and again that the voice of the people matters and worked tirelessly to prove it. Congress recognized the wisdom of investing in the National Guard, and responded appropriately, with the most important piece of legislation since the modern, dual-mission National Guard was established in 1903.

Now, the leadership of the National Guard stands ready to support the President and Secretary of Defense in the new strategic guidance released in January. It is clear that tough decisions have to be made in this budget environment and that we will have a military with a different look and operational approach in the future. However, we are confident that the National Guard will not shrink from its responsibility to defend our Nation and its interests around the world as well as meeting every home State emergency and challenge it faces.

We are grateful to GEN Frank Vavala, GEN Gus Hargett, and the members of NGAUS, for the important roles they played in this momentous legislation.

ADDITIONAL STATEMENTS

TRIBUTE TO RAYMOND J. WIECZOREK

• Ms. AYOTTE. Mr. President, today I wish to honor my dear friend, Raymond J. Wieczorek—a distinguished New Hampshire citizen who has devoted a lifetime of service to his city, State, and Nation. After providing decades of community and civic leadership in and around Manchester, he will retire from public office at the end of this year.

Ray is a father and a grandfather who has also been a loving husband. He has served as a soldier, a volunteer, a small businessman, a mayor, and as a member of New Hampshire's executive council. But to me, Ray is a model public servant whose commitment to improving the lives of others sets the standard for elected officials.

Not long after graduating from high school, Ray answered the call to serve his country. During the Korean war, he was a soldier with the Army's 40th Infantry Division. An advocate for veterans, he remains a proud member of the American Legion and the Veterans of Foreign Wars.

In 1958, Ray's career brought him to his adopted hometown of Manchester. Six years later, he founded the insurance agency that bears his name—now a second generation family business carried on by his sons.

It didn't take long for Ray to realize that a city is only as strong as its citizenry. He once said that the heart and soul of any community is formed by

the people who are willing to give their heart and soul to their community. And that is exactly what Ray has done.

To say that he has given generously of his time and expertise over the past several decades would be an understatement. Ray served as a trustee of the Manchester Boys and Girls Club; director and president of the Manchester Scholarship Foundation; chairman of the Greater Manchester United Way Board of Directors; and as commissioner, and later chairman, of the Manchester Housing and Redevelopment Authority.

In 1989, Ray was elected to his first of five terms as the mayor of Manchester—New Hampshire's largest city. In the midst of an economic downturn, the Queen City faced significant challenges. A once bustling mill town, the city was struggling to reinvent itself. Ray's enormous energy, vision, and optimism made him a perfect fit for the mayor's office—and at just the right time.

While others may have had doubts about the city's future, Ray thought big. To help drive economic activity, he successfully pushed for the approval of a civic center. Today, visitors from across New Hampshire descend on the Verizon Wireless arena—located in the well-named "Raymond J. Wieczorek Square"—for sporting events and concerts. This facility has literally changed the face of Manchester, enlivening downtown and proving that the Queen City is open for business.

Under Ray's leadership, Manchester made a major comeback. The city's iconic Millyard started to flourish once again. The groundwork was laid for a now-thriving Manchester Airport, which today serves as the gateway to northern New England and Boston's northern suburbs. Fittingly enough, the access road to the airport is named in Ray's honor. Also during his mayoralty, a new city charter was adopted. The FIRST program got underway, and city hall was renovated and restored; it is now listed on the National Register of Historic Places.

Ray once said, "I wasn't born in this city. I'm here [be]cause I want to be here." His efforts to improve Manchester were driven by an unwavering devotion to the city he loves. The turnaround Ray led was confirmed in 1998, when Money magazine named Manchester as the Number One Small City in the East.

And after nearly a decade of service as mayor, Ray was honored by the Greater Manchester Chamber of Commerce as the 1999 Citizen of the Year.

It would have been understandable for Ray to enjoy a quiet retirement. Fortunately for the people of New Hampshire, he instead chose to bring his wisdom to the statehouse in Concord.

Serving with Ray in State government, I had a firsthand opportunity to

see his strong commitment to fighting for his constituents. And as New Hampshire has faced challenges during a difficult economic period, there is no question that Ray's experience as a successful mayor and businessman has contributed conspicuously to the work of the executive council. Just as he helped Manchester navigate a challenging chapter in its history, Ray has provided steady and strong leadership at a critical time for our State. Having served on the council for a decade, Ray's voice will be sorely missed after his retirement.

Today, in the Senate, I am honored to recognize Ray Wieczorek for his tireless work to improve the lives of Manchester residents and citizens from across New Hampshire. I am grateful for his leadership, for his good humor, and most of all for his kind friendship. By raising the bar for excellence in public service, Ray Wieczorek has earned his rightful place as one of New Hampshire's great statesmen.●

RECOGNIZING THE NATIONAL WILDLIFE REFUGE SYSTEM

● Mr. CARDIN. President Theodore Roosevelt established Pelican Island in Florida as the first national wildlife refuge on March 14, 1903. He was responding not only to an urgent need to conserve our vulnerable natural resources but also to the passionate advocacy of Americans who understood that our Nation's strength lies in the conservation of our wild lands and unique species.

Over the course of his Presidency, Roosevelt established 53 wildlife refuges, from Key West's mangrove islands and sand flats to Flattery Rock along Washington State's coast.

Today, on the refuge system's 109th birthday, the National Wildlife Refuge spans more than 150 million acres, across 556 wildlife refuges and 38 wetland management districts. The National Wildlife Refuge System is the Nation's premier network of public lands dedicated to the conservation of America's land and waters, its fish, wildlife, and plants.

From the Arctic to the Caribbean, the Atlantic to the Pacific, America's wildlife refuges are in every State and U.S. territory. Wildlife refuges conserve habitat that is essential to more than 700 species of birds, 220 types of mammals, 250 varieties of reptiles and amphibians, more than 1,000 species of fish, and uncounted invertebrates and plants. They sustain nearly 300 of the Nation's more than 1,300 endangered or threatened species.

The National Wildlife Refuge System does not only benefit wildlife. The refuges also play a critical role for our communities. By protecting wetlands, grasslands, forests, wilderness, and other natural habitats, wildlife refuges improve air and water quality, relieve

flooding, improve soil quality, and trap greenhouse gases. Wildlife refuges also benefit local economies, drawing visitors to local communities and supporting jobs tied to conservation and outdoor recreation.

I am especially proud of the Blackwater National Wildlife Refuge in my home State of Maryland. Blackwater contains roughly one-third of all of the tidal wetlands in the State of Maryland and provides critical storm protection to lower Dorchester County, MD. Home to one of the largest breeding populations of American bald eagles on the east coast, Blackwater Refuge is recognized as a "Wetlands of International Importance" by the Ramsar Convention and has been called one of the "Last Great Places" by the Nature Conservancy. Blackwater also plays a critical economic role in Maryland, attracting approximately 200,000 visitors annually and providing an important economic engine for our Eastern Shore communities.

The Blackwater Refuge is a place of great ecological and economic value, but more than that, it is a place of deep historic value. One of the most important heroes in our Nation's history lived and bravely worked within the boundaries of Blackwater. To commemorate this history, I have introduced legislation to create two national historical parks—one within the Blackwater Refuge and one in New York to honor the legacy of Harriet Ross Tubman for her work on the Underground Railroad. Harriet Tubman was born within the Blackwater boundary and conducted much of her courageous work there leading other slaves northward to freedom. I am deeply committed to ensuring that her legacy is celebrated within the Blackwater Refuge. This is part of the beauty of the National Wildlife Refuge System: by preserving the ecological integrity of our treasured lands, we also preserve an important link to our Nation's past.

In an increasingly urban and high-speed world, our national wildlife refuges—lands of natural beauty—offer Americans priceless places to soothe or stir the soul, educate the mind, and invigorate the body. I am pleased today to recognize the anniversary of this valuable system.●

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2191. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5352. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0916)) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5353. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0918)) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5354. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Community Forest and Open Space Conservation Program" (RIN0596-AC84) received in the Office of the President of the Senate on March 13, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5355. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the Department's renunciation of the intent to obligate up to \$30 million in funds for the Cooperative Threat Reduction (CTR) program; to the Committee on Armed Services.

EC-5356. A communication from the Assistant Secretary of Defense (Reserves Affairs), transmitting, pursuant to law, the National Guard Youth Challenge Program 2011 annual report; to the Committee on Armed Services.

EC-5357. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Iran declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC-5358. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to blocking the property of certain persons contributing to the conflict in Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5359. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Private Transfer Fees" (RIN2590-AA41) received in the Office of the President of the Senate on March 13, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5360. A communication from the Director of Insular Affairs, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report entitled "Report to Congress on the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands for Fiscal Years 2009 and 2010"; to the Committee on Energy and Natural Resources.

EC-5361. A communication from the Director of Insular Affairs, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report entitled "First Five-Year Review of the Compact of Free Association, As Amended, Between the Governments of the United States and the Republic of the Marshall Islands"; to the Committee on Energy and Natural Resources.

EC-5362. A communication from the Director of Insular Affairs, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report entitled "First Five-Year Review of the Compact of Free Association, As Amended, Between the Governments of the United States and the Federated States of Micronesia"; to the Committee on Energy and Natural Resources.

EC-5363. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detailed boundary for the Presque Isle Wild and Scenic River in Michigan to be added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-5364. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, a semiannual report detailing telecommunications-related payments made to Cuba pursuant to Department of the Treasury licenses; to the Committee on Foreign Relations.

EC-5365. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-5366. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for permanent export of defense articles, including, technical data, or defense services sold commercially under contract for use by the Iraqi Counter Terrorism Service Iraq Special Forces for military purposes in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-5367. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Rising to the Challenge: A New Era in Victim Services"; to the Committee on the Judiciary.

EC-5368. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance for fiscal year 2010; to the Committee on the Judiciary.

EC-5369. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to Food and Drug Administration Advisory Committee Vacancies and Public Disclosures; to the Committee on Health, Education, Labor, and Pensions.

EC-5370. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report relative to Federal sector equal employment opportunity complaints filed with the Office during fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-5371. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; First Quarter of Fiscal Year 2012"; to the Committee on Veterans' Affairs.

EC-5372. A communication from the Acting Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "National Airspace System Capital Investment Plan Fiscal Years 2013-2017"; to the Committee on Commerce, Science, and Transportation.

EC-5373. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act" (MB Docket No. 11-93; FCC 11-182) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5374. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers, . . . Universal Service Reform—Mobility Fund" ((RIN3060-AF85) (DA-12-147)) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5375. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training" ((RIN3060-AF85) (FCC 12-11)) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5376. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures" (WT Docket No. 05-211; FCC 12-12) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2192. A bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. GRASSLEY, Mr. BENNET, and Mr. KOHL):

S. 2193. A bill to require the Food and Drug Administration to include devices in the postmarket risk identification and analysis system, to expedite the implementation of the unique device identification system for medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Mr. RUBIO, and Mr. BINGAMAN):

S. 2194. A bill to award grants in order to establish longitudinal personal college readiness and savings online platforms for low-income students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Massachusetts:

S. 2195. A bill to require Members and employees of Congress and other Federal employees who file under the Ethics in Government Act of 1978 to disclose delinquent tax liability; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL (for himself, Mr. GRAMM, Mr. LEE, and Mr. DEMINT):

S. 2196. A bill to provide higher-quality, lower-cost health care to seniors; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. INOUE, Mrs. HUTCHISON, Mr. BEGICH, and Mr. AKAKA):

S. 2197. A bill to require the attorney for the Government to disclose favorable information to the defendant in criminal prosecutions brought by the United States, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mr. GRASSLEY):

S. 2198. A bill to implement common sense controls on the taxpayer-funded salaries of government contractors by limiting reimbursement for excessive compensation equal to the pay of the President of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEE:

S. 2199. A bill to spur economic growth and create jobs; to the Committee on Finance.

By Mr. LEE:

S. 2200. A bill to amend the Internal Revenue Code of 1986 to exempt certain family-owned farms and businesses from the estate tax; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. UDALL of Colorado, Mr. BROWN of Massachusetts, Mr. HARKIN, Mr. HELLER, Mr. WYDEN, and Mr. BENNET):

S. 2201. A bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit; to the Committee on Finance.

By Mr. INOUE:

S. 2202. A bill to provide for the establishment of a private, nonprofit entity to assist the Government in providing disaster assistance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Mr. ISAKSON, Mr. DURBIN, Mr. WICKER, and Mr. CARDIN):

S. Res. 397. A resolution promoting peace and stability in Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself, Ms. SNOWE, Mr. DURBIN, Mr. WHITEHOUSE,

Mr. LIEBERMAN, Mr. JOHNSON of South Dakota, Mr. CARPER, Mr. KOHL, Mr. BROWN of Ohio, Mr. INOUE, Mrs. SHAHEEN, Mr. CARDIN, Mr. CASEY, Mr. LEVIN, Mr. REED, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LAUTENBERG, Mrs. BOXER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LUGAR, Ms. COLLINS, Mr. COCHRAN, Mr. COBURN, Mr. ISAKSON, Mr. KIRK, and Mr. CHAMBLISS);

S. Res. 398. A resolution recognizing the 191st anniversary of the independence of Greece and celebrating Greek and American democracy; considered and agreed to.

ADDITIONAL COSPONSORS

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 461

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend financing of the Superfund.

S. 957

At the request of Mr. BOOZMAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 957, a bill to amend title 38, United States Code, to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes.

S. 1119

At the request of Mr. INOUE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1119, a bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes.

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1737

At the request of Mr. BENNET, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1737, a bill to improve the accuracy of mortgage underwriting used by

Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1981

At the request of Mr. HELLER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1981, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 2103

At the request of Mr. LEE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 2103, *supra*.

S. 2112

At the request of Mr. BEGICH, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2122

At the request of Mr. PAUL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2122, a bill to clarify the definition of navigable waters, and for other purposes.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2187

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2187, a bill to remove the sunset date for amendments to the Small Business

Investment Act of 1958, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COONS (for himself, Mr. RUBIO, and Mr. BINGAMAN):

S. 2194. A bill to award grants in order to establish longitudinal personal college readiness and savings online platforms for low-income students; to the Committee on Health, Education, Labor, and Pensions.

Mr. COONS. Mr. President, parents in my home State of Delaware and all across this country worry so much and work so hard for the future of their children—for their health, their safety, their education, and their future. I rise today as a parent of three young children and the son and grandson of classroom teachers to talk about how we can pull together to provide all the tools and resources parents, teachers, mentors, and students need to understand, to afford, and to connect with college opportunities in this country.

Why do we need a new solution to this longstanding problem of college access? Well, let's just look at some statistics from this recent tough recession we are still growing our way out of.

The unemployment rate amongst high school dropouts was 13 percent; amongst those who had finished high school, 8 percent; and amongst those who had a college degree, just 4 percent. That is an enormous difference. That is millions of people unemployed because they didn't finish their high school education and go on to some higher education.

In the new global economy, Americans who don't go on to college have less than \$1 million in lifetime earning potential compared to those who do go to college. That \$1 million difference is something that—if parents and teachers and students were aware of it at the beginning of their education—it might drive them to make very different choices.

As a Senator, I have met with dozens of folks who lead companies or who are innovators and job creators who have said they have vacant positions they can't fill because we are not graduating enough Americans with advanced degrees and training in critical opportunities—engineering, science, technology, and math.

Filling the gap of opportunity by connecting students, teachers, parents, and mentors and creating a new generation of higher education achievers is something we can and should do to help create a competitive economy and workforce for the future. That is why today I am introducing the American Dream Accounts Act of 2012. This legislation encourages partnerships between schools, colleges, local nonprofits, and businesses to develop secure, Web-

based, individual, portable student accounts that contain information about each student's academic preparedness, financial literacy, connects them to high-impact mentoring, and is tied to a college savings account. Instead of having each of these different resources be available to students separately, it connects them across existing silos and across existing education programs at the State and Federal level and, by connecting across these different silos, deploys a powerful new tool and resource for students, teachers, parents, and mentors.

This bill is a modest but I think powerful step toward helping more students of all income levels and backgrounds access, afford, and complete a college education. And I am grateful to Senator RUBIO of Florida and to Senator BINGAMAN of New Mexico in joining me as original cosponsors of this innovative solution.

Too many American kids today are cut off from the enormous potential and value of higher education. Today, just about 1 out of 10 children from low-income families will complete a college degree by the time they are 24. As I have already said, the economic consequences of that are one of the main drivers of unemployment and poverty in our modern economy. But with early action, with early engagement, we can help millions of Americans beat those odds.

Many years ago, early in my career, I had the opportunity to work with something called the national I Have a Dream Foundation, founded by Gene Lang, through which my family and I adopted a whole class of elementary kids from the East Side of Wilmington. All over this country, more than 100 similar groups, motivated individuals, and donors have engaged in sponsoring college education opportunities for kids beginning at a very early age.

What I saw firsthand in the dozen years I was actively engaged with the 50 kids in our I Have a Dream program was that young people who come from a community, a family, a school where there is little to no experience of college education get powerful and negative messages from an early age that college is not for them, that it is not affordable, that it is not accessible, and that it is not part of the plan for their future.

Similarly, kids who grow up in families where their parents went to school, their teachers went to school, went to college, get constant messages—subtle but powerful messages—about the value and importance of college. Folks who come from those backgrounds—whether it is college sports or pride in their own graduation or constant conversations about one's alma mater or visits to college campuses—from childhood hear about college as something that is an expected part of life.

Very few of the 50 Dreamers my family and I worked with had any expecta-

tion of a college education, and the most powerful thing we did was to change that, to open the door to college as a possibility from elementary school on. It showed and this program has shown time and again across the country that exciting and engaging not just young students but their parents, their teachers, and an array of mentors has a cumulative, powerful, positive impact.

The American Dream Accounts Act will expand on this idea and use modern social networking technology to bring together existing programs and deliver ideas that will work for more kids. And the good news is that by utilizing existing Department of Education funds, this legislation comes at no additional cost to taxpayers.

What makes the American Dream Accounts Act work is the unique ability to harness the power of currently available technology to address some of the biggest challenges in college access—first, connectivity. The journey from elementary school to finishing high school is long, and the journey from there to higher education is a longer one. So many students in our public schools all over this country disengage or even drop out along the way because they are not connected. They attend large and sometimes anonymous schools. Their parents are stretched too thin in this tough economy, trying to hang on to their jobs and housing, and, frankly, a dedicated cadre of teachers can only do so much. These kids, as they become less and less connected to a clear vision of their future, drop out or make choices that make it unlikely they will finish high school and go on to college.

American dream accounts take advantage of modern technology. They are a Facebook-inspired opportunity to deliver on secure, personalized hubs of information that would connect these kids, sustain and support them throughout the entire journey of education.

Second, it connects them with college savings opportunities. Senator Roth of Delaware long served as the chairman of the Finance Committee, and one of the greatest pieces of his legacy was the Roth IRA, helping to empower working families to save for retirement. Part of the American dream accounts is the idea of connecting young people to college savings accounts. Virtually every State has college savings programs. Yet they are not accessed by most working- and middle-class Americans. Connecting students to college savings accounts from their earliest ages has a powerful impact. Studies show that students who know there is a dedicated college savings account in their name are seven times more likely to go to college than their peers without one. So this legislation would help open an individual savings account for each en-

rolled student from the beginning of elementary school. It matters less how much money is in the account than that students are aware there is one.

The third piece of this program is early intervention. State and Federal governments already spend billions of dollars on higher education—on Pell grants at the Federal level and in my State of Delaware on SEED grants. We provide these millions of dollars of support to afford college, but we don't tell kids they are there until they are in high school. Most kids have already made decisions by then that make them ineligible to finish high school or attend college. So why not tell them earlier, particularly given the powerful potential impact of that information.

By letting children know these opportunities exist from the earliest age, we can change outcomes.

Last is portability. One of the things I saw in my own experience with my own Dreamers in Delaware was how often they moved and how often overstretched teachers with full classrooms didn't get any information or background on students who moved into their classroom halfway through the year. So instead of being welcomed and engaged in a positive way, they became discipline problems or were difficult to teach. This robust, online, secure account would empower teachers to connect with parents and mentors and understand the students who are before them. That is why portability and persistence is an essential feature of American dream accounts. This way, no matter what disruptions or challenges a student might face as they travel through education, their American dream account would travel with them. Supportive adults, teachers, mentors, and guidance counselors would be able to access this information, and kids would get a consistent understanding of the value and impact of a future college education.

One of my favorite parts of drafting this legislation was the meetings and conversations we had with those on the front lines of education in Delaware. As a community, I heard over and over again: We are hungry for innovative solutions. One of the many groups I met with was the Delaware PTA. In endorsing the American Dream Accounts Act, they said that it "incorporates the school, the parent and the student to ensure each child will be closely monitored with resources and support that is needed to access a postsecondary education."

The fact is our Nation's long-term economic competitiveness requires a highly trained, highly educated workforce. We can meet that challenge by connecting students with a broad array of higher education options—vocational school, job training, community college, or a 4-year university. This legislation will help students identify the type of higher education that is

best for them, the career they most want, and give them the tools to get there.

I have visited with schools across Delaware, and one thing is clear. One vision stays with me from my time at I Have a Dream to my service as a Senator. When you ask a roomful of elementary school kids, what do you dream of being when you grow up, they all shoot their hands in the air and they all answer the question in the same way regardless of their background or income or community. Every child begins with dreams of a full, positive educational experience and career. All of our kids start with big dreams, but the numbers show that not all of our kids get them. The American Dream Accounts Act of 2012 is a modest but powerful bill designed to empower students and parents of all backgrounds to achieve those dreams from an early age.

Mr. President, I welcome support from other of my colleagues to make this bill a reality.

By Ms. MURKOWSKI (for herself, Mr. INOUE, Mrs. HUTCHISON, Mr. BEGICH, and Mr. AKAKA):

S. 2197. A bill to require the attorney for the Government to disclose favorable information to the defendant in criminal prosecutions brought by the United States, and for other purposes; to the Committee on the Judiciary.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fairness in Disclosure of Evidence Act of 2012”.

SEC. 2. DUTY TO DISCLOSE FAVORABLE INFORMATION.

Chapter 201 of title 18, United States Code, is amended by adding at the end the following:

“§ 3014. Duty to disclose favorable information

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered information’ means information, data, documents, evidence, or objects that may reasonably appear to be favorable to the defendant in a criminal prosecution brought by the United States with respect to—

“(A) the determination of guilt;

“(B) any preliminary matter before the court before which the criminal prosecution is pending; or

“(C) the sentence to be imposed; and

“(2) the term ‘prosecution team’ includes, with respect to a criminal prosecution brought by the United States—

“(A) the Executive agency, as defined in section 105 of title 5, that brings the criminal prosecution on behalf of the United States; and

“(B) any entity or individual, including a law enforcement agency or official, that—

“(i) acts on behalf of the United States with respect to the criminal prosecution;

“(ii) acts under the control of the United States with respect to the criminal prosecution; or

“(iii) participates, jointly with the Executive agency described in subparagraph (A), in any investigation with respect to the criminal prosecution.

“(b) DUTY TO DISCLOSE FAVORABLE INFORMATION.—In a criminal prosecution brought by the United States, the attorney for the Government shall provide to the defendant any covered information—

“(1) that is within the possession, custody, or control of the prosecution team; or

“(2) the existence of which is known, or by the exercise of due diligence would become known, to the attorney for the Government.

“(c) TIMING.—Except as provided in subsections (e) and (f), the attorney for the Government shall provide to the defendant any covered information—

“(1) without delay after arraignment and before the entry of any guilty plea; and

“(2) if the existence of the covered information is not known on the date of the initial disclosure under this subsection, as soon as is reasonably practicable upon the existence of the covered information becoming known, without regard to whether the defendant has entered or agreed to enter a guilty plea.

“(d) RELATIONSHIP TO OTHER LAWS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the requirements under subsections (b) and (c) shall apply notwithstanding section 3500(a) or any other provision of law (including any rule or statute).

“(2) CLASSIFIED INFORMATION.—Classified information (as defined in section 1 of the Classified Information Procedures Act (18 U.S.C. App.)) shall be treated in accordance with the Classified Information Procedures Act.

“(e) PROTECTIVE ORDERS.—

“(1) IN GENERAL.—Upon motion of the United States, the court may issue an order to protect against the immediate disclosure to a defendant of covered information otherwise required to be disclosed under subsection (b) if—

“(A) the covered information is favorable to the defendant solely because the covered information would provide a basis to impeach the credibility of a potential witness; and

“(B) the United States establishes a reasonable basis to believe that—

“(i) the identity of the potential witness is not already known to any defendant; and

“(ii) disclosure of the covered information to a defendant would present a threat to the safety of the potential witness or of any other person.

“(2) TIME LIMIT.—The court may delay disclosure of covered information under this subsection until the earlier of—

“(A) the date that the court determines provides a reasonable amount of time before the date set for trial (which shall be not less than 30 days before the date set for trial, absent a showing by the United States of compelling circumstances); and

“(B) the date on which any requirement under paragraph (1) ceases to exist.

“(3) MOTIONS UNDER SEAL.—The court may permit the United States to file all or a portion of a motion under this subsection under seal to the extent necessary to protect the identity of a potential witness, but the United States—

“(A) may not file a motion under this subsection ex parte; and

“(B) shall summarize any undisclosed portion of a motion filed under this subsection for the defendant in sufficient detail to permit the defendant a meaningful opportunity to be heard on the motion, including the need for a protective order or the scope of the requested protective order.

“(f) WAIVER.—

“(1) IN GENERAL.—A defendant may not waive a provision of this section except in open court.

“(2) REQUIREMENTS.—The court may not accept the waiver of a provision of this section by a defendant unless the court determines that—

“(A) the proposed waiver is knowingly, intelligently, and voluntarily offered; and

“(B) the interests of justice require the proposed waiver.

“(g) NONCOMPLIANCE.—

“(1) IN GENERAL.—Before entry of judgment, upon motion of a defendant or by the court sua sponte, if there is reason to believe the attorney for the Government has failed to comply with subsection (b) or subsection (c), the court shall order the United States to show cause why the court should not find the United States is not in compliance with subsection (b) or subsection (c), respectively.

“(2) FINDINGS.—If the court determines under paragraph (1) that the United States is not in compliance with subsection (b) or subsection (c), the court shall—

“(A) determine the extent of and reason for the noncompliance; and

“(B) enter into the record the findings of the court under subparagraph (A).

“(h) REMEDIES.—

“(1) REMEDIES REQUIRED.—

“(A) IN GENERAL.—If the court determines that the United States has violated the requirement to disclose covered information under subsection (b) or the requirement to disclose covered information in a timely manner under subsection (c), the court shall order an appropriate remedy.

“(B) TYPES OF REMEDIES.—A remedy under this subsection may include—

“(i) postponement or adjournment of the proceedings;

“(ii) exclusion or limitation of testimony or evidence;

“(iii) ordering a new trial;

“(iv) dismissal with or without prejudice; or

“(v) any other remedy determined appropriate by the court.

“(C) FACTORS.—In fashioning a remedy under this subsection, the court shall consider the totality of the circumstances, including—

“(i) the seriousness of the violation;

“(ii) the impact of the violation on the proceeding;

“(iii) whether the violation resulted from innocent error, negligence, recklessness, or knowing conduct; and

“(iv) the effectiveness of alternative remedies to protect the interest of the defendant and of the public in assuring fair prosecutions and proceedings.

“(2) DEFENDANT’S COSTS.—

“(A) IN GENERAL.—If the court grants relief under paragraph (1) on a finding that the violation of subsection (b) or subsection (c) was due to negligence, recklessness, or knowing conduct by the United States, the court may order that the defendant, the attorney for the defendant, or, subject to paragraph (D), a qualifying entity recover from the United States the costs and expenses incurred by the defendant, the attorney for the defendant, or the qualifying entity as a result of the violation, including reasonable attorney’s fees (without regard to the terms of

any fee agreement between the defendant and the attorney for the defendant).

“(B) QUALIFYING ENTITIES.—In this paragraph, the term ‘qualifying entity’ means—

“(i) a Federal Public Defender Organization;

“(ii) a Community Defender Organization; and

“(iii) a fund established to furnish representation to persons financially unable to obtain adequate representation in accordance with section 3006A.

“(C) SOURCE OF PAYMENTS FOR COSTS AND EXPENSES.—Costs and expenses ordered by a court under subparagraph (A)—

“(i) shall be paid by the Executive agency, as defined in section 105 of title 5, that brings the criminal prosecution on behalf of the United States, from funds appropriated to that Executive agency; and

“(ii) may not be paid from the appropriation under section 1304 of title 31.

“(D) PAYMENTS TO QUALIFYING ENTITIES.—Costs and expenses ordered by the court under subparagraph (A) to a qualifying entity shall be paid—

“(i) to the Community Defender Organization that provided the appointed attorney; or

“(ii) in the case of a Federal Public Defender Organization or an attorney appointed under section 3006A, to the court for deposit in the applicable appropriations accounts of the Judiciary as a reimbursement to the funds appropriated to carry out section 3006A, to remain available until expended.

“(i) STANDARD OF REVIEW.—In any appellate proceeding initiated by a criminal defendant presenting an issue of fact or law under this section, the reviewing court may not find an error arising from conduct not in compliance with this section to be harmless unless the United States demonstrates beyond a reasonable doubt that the error did not contribute to the verdict obtained.”.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS.—The table of sections for chapter 201 of title 18, United States Code, is amended by adding at the end the following:

“3014. Duty to disclose favorable information.”.

(b) DEMANDS FOR PRODUCTION OF STATEMENTS AND REPORTS OF WITNESSES.—Section 3500(a) of title 18, United States Code, is amended by striking “In” and inserting “Except as provided in section 3014, in”.

By Mr. GRASSLEY (for himself, Mr. UDALL of Colorado, Mr. BROWN, of Massachusetts, Mr. HARKIN, Mr. HELLER, Mr. WYDEN, and Mr. BENNET):

S. 2201. A bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am proud to be joined today by a number of my colleagues in introducing the American Energy and Job Promotion Act, a bill to extend a tax incentive for the production of electricity from a number of renewable sources, including wind. The wind production tax credit is scheduled to expire at end of 2012. This bill would extend the credit for two years, through December 31, 2014. I am joined in this effort by Senators MARK UDALL, SCOTT BROWN, HARKIN, HELLER, WYDEN and BENNET.

The production tax credit is a sensible policy that promotes homegrown energy and American manufacturing jobs. The wind industry currently supports 75,000 American jobs and is driving as much as \$20 billion in private investment. During the past 5 years, 35 percent of all new electric generation in the United States was wind. This expansion has directly led to the growth in domestic wind manufacturing. There are nearly 400 manufacturing facilities today, compared with just 30 in 2004.

The American Energy and Jobs Promotion Act would prevent a lapse in the credit. Without an extension, as many as 37,000 jobs could be lost, including thousands in Iowa. With national unemployment at 8.3 percent, it would be irresponsible to send thousands of Americans employed in the wind industry a pink slip. Unfortunately, because of the long lead time in the production of wind equipment, many manufacturers are already announcing layoffs.

I recognize that some have questioned the need to extend this important credit, particularly in light of the effort to reform the tax code. I fully support tax reform and believe we need a simpler, more efficient tax code. However, we need to take action to support jobs and alternative energy producers in light of the slow pace on tax reform. This 2-year extension will provide certainty for the renewable energy sector while recognizing that tax reform efforts could further modify or address this incentive in the next few years.

Additionally, due to our Nation's dire fiscal situation, many of my colleagues have rightly focused their attention on ensuring that the deficit is not exacerbated. While in the past I have generally opposed permanent tax increases to offset temporary tax incentives, I am willing to work with my colleagues to extend the incentive in a manner that minimizes its impact on the deficit.

Extension of the tax incentive is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, Edison Electric Institute and the American Farm Bureau Federation. A similar extension in the House of Representatives currently has the support of 80 bipartisan cosponsors.

I encourage my colleagues to support this legislation that will continue to grow domestic, renewable electricity, create jobs and provide cleaner air. We must enact this extension as expeditiously as possible. Further delay will harm our economic recovery and our energy security.

By Mr. INOUE:

S. 2202. A bill to provide for the establishment of a private, nonprofit entity to assist the Government in providing disaster assistance, and for other purposes; to the Committee on

Homeland Security and Governmental Affairs.

Mr. INOUE. Mr. President, today, I rise to introduce the Preparedness and Resilience Foundation Act, which establishes an independent non-profit public charity that acts as a philanthropic intermediary between the Federal Emergency Management Agency, FEMA, and the private sector. The lack of appropriate mechanisms make it difficult for FEMA to receive disaster related funds from private sector entities. The Preparedness and Resilience Foundation is intended to bridge this gap and improve the collaboration and coordination between FEMA and private sector entities. The unique roles that both the private and public sectors play is critical not only to the leveraging of private and public resources, but to the development of capacity and innovation models that will improve America's preparedness and resilience to an ever-increasing world of complexity, challenges and dangers both natural and man-made.

The measure will allow FEMA to support and carry out activities that promote the resilience of individuals, communities, structures, and systems against natural disasters, terrorist attacks, and other human caused disasters. Further, the bill would build and sustain the capabilities of the public, private, and civic sectors to work together to prepare for, prevent, protect against, respond to, recover from, and mitigate all such hazards.

Among other things, the proposed Preparedness and Resilience Foundation would function as a 501(c)(3) non-profit private corporation, and not as an agency or instrument of the Federal Government. The Foundation would establish an Endowment Fund consisting of donations from non-federal entities or assets, to provide endowments and grants, and to carry out its mission, and preparedness and resilience activities. The proposed measure requires a seven-person Board of Directors, whose sole responsibility would be to run the Foundation, including management of its employees, and the administering of donations to the Foundation. This legislation requires annual performance evaluations of the Foundation.

The Preparedness and Resilience Foundation Act is modeled after the Centers for Disease Control and Prevention, CDC, Foundation. The CDC Foundation has become not only self-reliant to fund its activities, but also generates millions of dollars every year to operate and award grants to programs that help the agency meet its stated goals. I believe similar achievements can be made under the Preparedness and Resilience Foundation Act. Accordingly, I ask my colleagues to support this measure, and to bring positive change and innovation to disaster management in America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “Preparedness and Resilience Foundation Act”.

(b) **DEFINITIONS.**—In this Act—

(1) the term “Foundation” means the Preparedness and Resilience Foundation established under this Act;

(2) the terms “Board” and “Chair” mean the board of directors of the Foundation and the Chair of the board of directors, respectively;

(3) the terms “Department” and “Secretary” mean the Department of Homeland Security and the Secretary of Homeland Security, respectively;

(4) the term “Fund” means the Endowment Fund established under this Act;

(5) the terms “FEMA” and “Administrator” mean the Federal Emergency Management Agency and the Administrator thereof, respectively; and

(6) the term “Director” means the executive director of the Foundation appointed under this Act.

SEC. 2. ESTABLISHMENT AND DUTIES OF THE FOUNDATION.

(a) **IN GENERAL.**—There is established in accordance with this section a nonprofit private corporation to be known as the “Preparedness and Resilience Foundation”. The Foundation shall not be an agency or instrumentality of the Federal Government, and officers, employees, and members of the board of directors of the Foundation shall not be officers or employees of the Federal Government.

(b) **PURPOSE OF THE FOUNDATION.**—The purpose of the Foundation shall be to support and carry out activities that promote the resilience of individuals, communities, structures, and systems against natural disasters and terrorist attacks and other human caused disasters, and that build and sustain the capabilities of the public, private, and civic sectors to work together to prepare for, prevent, protect against, respond to, recover from, and mitigate all such hazards.

(c) **ENDOWMENT FUND.**—

(1) **IN GENERAL.**—In carrying out subsection (b), the Foundation shall establish an Endowment Fund for providing endowments for positions that are associated with FEMA and dedicated to the purpose described in subsection (b). The Fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the Fund.

(2) **AUTHORIZED EXPENDITURES OF THE FUND.**—The provision of funding and assistance under paragraph (1) shall be the exclusive function of the Fund. Such funds may be expended only for the compensation of individuals holding positions endowed by the Fund, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions endowed by the Fund, and for recruiting individuals to hold the positions endowed by the Fund.

(d) **CERTAIN ACTIVITIES OF THE FOUNDATION.**—In carrying out subsection (b), the

Foundation may provide for, with respect to the purpose described in subsection (b)—

(1) programs of fellowships among State, local, and tribal officials to work and study in association with each other and FEMA or the Department;

(2) programs of international arrangements to provide opportunities for officials of other countries engaged in preparedness or resilience programs and activities to serve in voluntary or reciprocal capacities in the United States in association with FEMA or the Department, or opportunities for employees of FEMA (or other Federal officials in the United States) to serve in such capacities in other countries, or both;

(3) studies, projects, and research (which may include applied research on the effectiveness of prevention activities, demonstration projects, and programs and projects involving international, Federal, State, local, and tribal governments, private sector, or non-governmental organizations);

(4) forums for government officials and appropriate private entities to exchange information, participation in which may include institutions of higher education and appropriate international or non-governmental organizations;

(5) meetings, conferences, courses, and training workshops;

(6) programs to improve the collection and analysis of data on preparedness and resilience programs, practices, activities, and events;

(7) programs for writing, editing, printing, and publishing of books and other materials; and

(8) other activities to carry out the purpose described in subsection (b).

(e) **GENERAL STRUCTURE OF FOUNDATION; NONPROFIT STATUS.**—

(1) **BOARD OF DIRECTORS.**—The Foundation shall have a board of directors, which shall be established and conducted in accordance with subsection (f). The Board shall establish the general policies of the Foundation for carrying out subsection (b), including the establishment of the bylaws of the Foundation.

(2) **EXECUTIVE DIRECTOR.**—The Foundation shall have an executive director, who shall be appointed by the Board, who shall serve at the pleasure of the Board, and for whom the Board shall establish the rate of compensation. Subject to compliance with the policies and bylaws established by the Board pursuant to paragraph (1), the Director shall be responsible for the daily operations of the Foundation.

(3) **NONPROFIT STATUS.**—In carrying out subsection (b), the Board shall establish such policies and bylaws under paragraph (1), and the Director shall carry out such activities under paragraph (2), as may be necessary to ensure that the Foundation maintains status as an organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)); and

(B) is, under section 501(a) of such Code, exempt from taxation.

(f) **BOARD OF DIRECTORS.**—

(1) **CERTAIN BYLAWS.**—In establishing bylaws under subsection (e)(1), the Board shall ensure that the bylaws of the Foundation—

(A) include policies for—

(i) the selection of the officers, employees, agents, and contractors of the Foundation;

(ii) the acceptance and disposition of donations to the Foundation and for, the disposition of the assets of the Foundation, including ethical standards;

(iii) the conduct of the general operations of the Foundation; and

(iv) writing, editing, printing, and publishing of books and other materials, and the acquisition of patents and licenses for devices and procedures developed by the Foundation; and

(B) do not, including with respect to the activities carried out under the bylaws—

(i) reflect unfavorably upon the ability of the Foundation or FEMA to carry out its responsibilities or official duties in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in such a program.

(2) **COMPOSITION.**—The Board—

(A) subject to subparagraph (B), shall be composed of 7 individuals, appointed in accordance with paragraph (4), who—

(i) collectively possess education or experience appropriate for representing the general field of emergency management, preparedness, or resilience, and the general public; and

(ii) each shall be a voting member of the Board; and

(B) may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be a greater number than the number specified in subparagraph (A).

(3) **CHAIR.**—The Board shall, from among the members of the Board, designate an individual to serve as the chair of the Board.

(4) **APPOINTMENTS, VACANCIES, AND TERMS.**—Subject to subsection (j), the following shall apply to the Board:

(A) **VACANCIES.**—Any vacancy in the membership of the Board shall be filled by appointment by the Board, after consideration of suggestions made by the Chair and the Director regarding the appointment. Any such vacancy shall be filled not later than the expiration of the 180-day period beginning on the date on which the vacancy occurs.

(B) **TERM OF OFFICE.**—The term of office of each member of the Board appointed under subparagraph (A) shall be 5 years. A member of the Board may continue to serve after the expiration of the term of the member until the expiration of the 180-day period beginning on the date on which the term of the member expires.

(C) **VACANCY DOES NOT AFFECT AUTHORITY.**—A vacancy in the membership of the Board shall not affect the power of the Board to carry out the duties of the Board. If a member of the Board does not serve the full term applicable under subparagraph (B), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the subject term.

(5) **COMPENSATION.**—Members of the Board may not receive compensation for service on the Board. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(g) **CERTAIN RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR.**—The Director shall—

(1) hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees;

(2) accept and administer donations to the Foundation, and administer the assets of the Foundation;

(3) establish a process for the selection of candidates for holding endowed positions under subsection (c);

(4) enter into such financial agreements as are appropriate in carrying out the activities of the Foundation;

(5) take such action as may be necessary to acquire patents and licenses for devices and

procedures developed by the Foundation and the employees of the Foundation;

(6) adopt, alter, and use a corporate seal, which shall be judicially noticed;

(7) commence and respond to judicial proceedings in the name of the Foundation; and

(8) exercise such other functions as are appropriate, in the determination of the Director.

(h) GENERAL PROVISIONS.—

(1) AUTHORITY FOR ACCEPTING FUNDS.—The Administrator of FEMA may accept and utilize, on behalf of the Federal Government, any gift, donation, bequest, or devise of real or personal property from the Foundation for the purpose of aiding or facilitating the work of FEMA. Funds may be accepted and utilized by the Administrator without regard to whether the funds are designated as general-purpose funds or special-purpose funds.

(2) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES.—

(A) IN GENERAL.—The Administrator of FEMA may accept, on behalf of the Federal Government, any voluntary services provided by the Foundation for the purpose of aiding or facilitating the work of the Federal Government. In the case of an individual, such Administrator may accept the services provided under this subparagraph by the individual until such time as the private funding for such individual ends.

(B) CLARIFICATION.—The limitation established in subparagraph (A) regarding the period of time in which services may be accepted applies to each individual who is not an employee of the Federal Government and who serves in association with FEMA pursuant to financial support from the Foundation.

(3) ADMINISTRATIVE CONTROL.—No officer, employee, or member of the Board may exercise any administrative or managerial control over any Federal employee.

(4) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with FEMA pursuant to financial support from the Foundation, the Foundation shall negotiate a memorandum of understanding with the individual and the Administrator of FEMA specifying that the individual—

(A) shall be subject to the ethical and procedural standards regulating Federal employment, scientific investigation, and research findings (including publications and patents) that are required of individuals employed by FEMA, including standards under this Act, the Ethics in Government Act, and the Technology Transfer Act; and

(B) shall be subject to such ethical and procedural standards under chapter 11 of title 18, United States Code (relating to conflicts of interest), as the Administrator of FEMA determines is appropriate, except that such memorandum may not provide that the individual shall be subject to the standards of section 209 of such chapter (18 U.S.C. 209).

(5) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board may not directly or indirectly participate in the consideration or determination by the Foundation of any question affecting—

(A) any direct or indirect financial interest of the individual; or

(B) any direct or indirect financial interest of any business organization or other entity of which the individual is an officer or employee or in which the individual has a direct or indirect financial interest.

(6) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

(A) provide for biennial audits of the financial condition of the Foundation; and

(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(7) REPORTS.—

(A) ANNUAL REPORTS.—

(i) IN GENERAL.—Not later than February 1 of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year.

(ii) CONTENT.—Each such report required under this paragraph shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation, including—

(I) an accounting of the use of amounts provided for under subsection (i); and

(II) an explanation of how such funding has enhanced, and not supplanted, FEMA core missions.

(B) SPECIFIC DETAILS.—With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts to the Foundation of real or personal property, and the source and amount of all gifts to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts to the Foundation may be used.

(C) AVAILABILITY OF REPORTS.—The Foundation shall make copies of each report submitted under subparagraph (A) available—

(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge not to exceed the cost of providing the copy; and

(ii) to the appropriate committees of Congress.

(8) LIAISON FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Administrator of FEMA shall serve as the liaison representative of FEMA to the Board and the Foundation.

(i) FEDERAL FUNDING.—

(1) AUTHORITY FOR ANNUAL GRANTS.—

(A) IN GENERAL.—The Administrator of FEMA shall—

(i) for fiscal year 2013, make a grant to an entity described in subsection (j)(9) (relating to the establishment of a committee to establish the Foundation);

(ii) for fiscal year 2014, make a grant to the committee established under subsection (j), or if the Foundation has been established, to the Foundation; and

(iii) for fiscal year 2015, and each fiscal year thereafter, make a grant to the Foundation.

(B) LIMITATIONS.—A grant under subparagraph (A) may be expended—

(i) in the case of an entity receiving the grant under subparagraph (A)(i), only for the purpose of carrying out the duties established in subsection (j)(9) for the entity;

(ii) in the case of the committee established under subsection (j)(9), only for the purpose of carrying out the duties established in subsection (j) for the committee; and

(iii) in the case of the Foundation, only for the purpose of the administrative expenses of the Foundation.

(C) LIMIT ON GRANT USES.—A grant under subparagraph (A) may not be expended to provide amounts for the Fund.

(D) UNOBLIGATED AMOUNTS.—For the purposes described in subparagraph (B)—

(i) any portion of the grant made under subparagraph (A)(i) for fiscal year 2013 that

remains unobligated after the entity receiving the grant completes the duties established in subsection (j)(9) for the entity shall be available to the committee established under subsection (j)(9); and

(ii) any portion of a grant under subparagraph (A) made for fiscal year 2014 that remains unobligated after such committee completes the duties established in subsection (j)(9) for the committee shall be available to the Foundation.

(2) FUNDING FOR GRANTS.—For the purpose of grants under paragraph (1)—

(A) there is authorized to be appropriated \$1,500,000 for each fiscal year; and

(B) the Administrator of FEMA may, for each fiscal year, make available not less than \$500,000, and not more than \$1,500,000 from the amounts appropriated for the fiscal year for the programs of FEMA.

(3) CERTAIN RESTRICTION.—If the Foundation receives Federal funds for the purpose of serving as a fiscal intermediary between Federal agencies, the Foundation may not receive such funds for the indirect costs of carrying out such purpose in an amount exceeding 10 percent of the direct costs of carrying out such purpose. This paragraph may not be construed as authorizing the expenditure of any grant under paragraph (1) for such purpose.

(4) SUPPORT SERVICES.—The Administrator of FEMA may provide facilities, utilities, and support services to the Foundation if it is determined by the Administrator to be advantageous to the programs of FEMA or the Department.

(j) COMMITTEE FOR ESTABLISHMENT OF FOUNDATION.—

(1) IN GENERAL.—There is established in accordance with this subsection a committee to carry out the functions described in paragraph (2) (referred to in this subsection as the “Committee”).

(2) FUNCTIONS.—The functions referred to in paragraph (1) for the Committee are as follows:

(A) To carry out such activities as may be necessary to incorporate the Foundation under the laws of the State involved, including serving as incorporators for the Foundation. Such activities shall include ensuring that the articles of incorporation for the Foundation require that the Foundation be established and operated in accordance with the applicable provisions of this Act.

(B) To ensure that the Foundation qualifies for and maintains the nonprofit status described in subsection (e)(3).

(C) To establish the general policies and initial bylaws of the Foundation, which bylaws shall include the bylaws described in subsections (e)(3) and (f)(1).

(D) To provide for the initial operation of the Foundation, including providing for quarters, equipment, and staff.

(E) To appoint the initial members of the Board in accordance with the requirements established in subsection (f)(2)(A) for the composition of the Board, and in accordance with such other qualifications as the Committee may determine to be appropriate regarding such composition. Of the Board members so appointed—

(i) 2 shall be appointed to serve for a term of 3 years;

(ii) 2 shall be appointed to serve for a term of 4 years; and

(iii) 3 shall be appointed to serve for a term of 5 years.

(3) COMPLETION OF FUNCTIONS OF THE COMMITTEE; INITIAL MEETING OF BOARD.—

(A) IN GENERAL.—The Committee shall complete the functions required in paragraph (1) not later than September 30, 2014.

(B) **TERMINATION.**—The Committee shall terminate upon the expiration of the 30-day period beginning on the date on which the Secretary determines that the functions of the Committee have been completed.

(C) **INITIAL MEETING.**—The initial meeting of the Board shall be held not later than November 1, 2014.

(4) **COMPOSITION.**—The Committee shall be composed of 5 members, each of whom shall be a voting member. Of the members of the Committee—

(A) not fewer than 2 shall have broad, general experience in emergency management, preparedness, or resilience; and

(B) not fewer than 2 shall have broad, general experience in nonprofit private organizations.

(5) **CHAIRPERSON.**—The Committee shall, from among the members of the Committee, designate an individual to serve as the chairperson of the Committee.

(6) **TERMS; VACANCIES.**—The term of members of the Committee shall be for the duration of the Committee. A vacancy in the membership of the Committee shall not affect the power of the Committee to carry out the duties of the Committee. If a member of the Committee does not serve the full term, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term subject.

(7) **COMPENSATION.**—Members of the Committee may not receive compensation for service on the Committee. Members of the Committee may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Committee.

(8) **COMMITTEE SUPPORT.**—The Administrator of FEMA may, from amounts available to the Administrator for the general administration of FEMA, provide staff and financial support to assist the Committee with carrying out the functions described in paragraph (2). In providing such staff and support, the Administrator may both detail employees and contract for assistance.

(9) **GRANT FOR ESTABLISHMENT OF THE COMMITTEE.**—

(A) **IN GENERAL.**—With respect to a grant under subsection (i)(1)(A)(i) for fiscal year 2013, an entity described in this paragraph is a private nonprofit entity with significant experience in domestic and international issues of emergency management, preparedness, or resilience.

(B) **CONDITIONS.**—The grant referred to in subparagraph (A) may be made to an entity only if the entity agrees that—

(i) the entity will establish a committee that is composed in accordance with paragraph (4); and

(ii) the entity will not select an individual for membership on the Committee unless the individual agrees that the Committee will operate in accordance with each of the provisions of this subsection that relate to the operation of the Committee.

(C) **GRANT TERMS.**—The Administrator of FEMA may make a grant referred to in subparagraph (A) only if the applicant for the grant makes an agreement that the grant will not be expended for any purpose other than carrying out subparagraph (B). Such a grant may be made only if an application for the grant is submitted to the Administrator containing such agreement, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Administrator determines to be necessary to carry out this paragraph.

SEC. 3. PERFORMANCE EVALUATIONS.

(a) **IN GENERAL.**—To ensure that the Foundation and its grantees are meeting their objectives, the Board shall establish and implement performance evaluations—

(1) that monitor and evaluate the performance and impact of the Foundation program activities in a specific, measurable, achievable, relevant, and timely fashion; and

(2) that assess the financial accountability of appropriated and donated funds.

(b) **IMPACT OR OUTCOME EVALUATIONS.**—The Board shall establish mechanisms to evaluate and assess the effectiveness of individual programs supported by the Foundation. Impact or outcome evaluations such as balanced scorecard, innovations in risk reduction, and return on investment shall be employed and reported through the annual report of the Foundation under section 2(h)(7)(A).

(c) **USE OF EVALUATION RESULTS.**—The Foundation shall—

(1) identify through its annual report under section 2(h)(7)(A) its greatest needs and the ways that the Foundation or others, will use evaluation results; and

(2) use such information to set priorities for the Foundation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 397—PROMOTING PEACE AND STABILITY IN SUDAN, AND FOR OTHER PURPOSES

Mr. COONS (for himself, Mr. ISAKSON, Mr. DURBIN, Mr. WICKER, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 397

Whereas conflict between the Government of Sudan and the Sudan People's Liberation Movement-North (SPLM-N) has been ongoing since June 2011 in Sudan's border state of South Kordofan and since September 2011 in the border state of Blue Nile, resulting in a humanitarian crisis;

Whereas the Government of Sudan has refused repeated requests by the United States Government, the United Nations, the African Union, the League of Arab States, nongovernmental organizations, and others to allow humanitarian access to the conflict areas;

Whereas the Governments of Sudan and South Sudan signed a memorandum of understanding on non-aggression and cooperation in Addis Ababa on February 12, 2012, agreeing to respect each other's sovereignty and refrain from launching any attack against the other, including bombardment;

Whereas the United Nations estimates that more than 130,000 refugees have fled South Kordofan and Blue Nile for South Sudan, Ethiopia, and elsewhere since June 2011, and hundreds of thousands more have been internally displaced or severely affected by conflict;

Whereas the Government of Sudan bombed the Yida refugee camp in South Sudan on November 10, 2011;

Whereas both the Government of Sudan and the Sudan People's Liberation Movement-North have reportedly prevented civilians from leaving Blue Nile and Southern Kordofan;

Whereas the Famine Early Warning Systems Network (FEWSNET), funded by the

United States Agency for International Development, estimated in March 2012 that conflict-affected areas of South Kordofan would deteriorate further in coming weeks to Phase 4 emergency levels of food insecurity (one step before being classified as a famine), due mainly to conflict and government policies that have limited cultivation, displaced the population, restricted trade, and refused access for international humanitarian assistance;

Whereas the United Nations Security Council issued a statement on February 14, 2012, expressing deep and growing alarm with the rising levels of malnutrition and food insecurity in some areas of Southern Kordofan and Blue Nile, calling on the Government of Sudan to allow immediate access to United Nations personnel, and urging the Government of Sudan and the Sudan People's Liberation Movement-North to agree to an immediate cessation of hostilities and return to talks to address the issues that have fueled the current conflict;

Whereas the United Nations High Commissioner for Refugees appealed urgently to donors in February 2012 for \$145,000,000 to assist refugees from South Kordofan and Blue Nile;

Whereas President Barack Obama released a statement in June 2011 calling on the Government of Sudan and the Sudan People's Liberation Movement-North to agree immediately to a ceasefire, end restrictions on humanitarian access and United Nations movements, and agree on security arrangements for Southern Kordofan and Blue Nile States through direct, high-level negotiations as opposed to the use of force;

Whereas President Obama released a statement on February 2, 2012, strongly condemning the bombing by the Armed Forces of Sudan of civilian populations in Southern Kordofan and Blue Nile states in Sudan, which stated that aerial attacks on civilian targets are unjustified, unacceptable, and a violation of international law and compound the ongoing crisis in these areas;

Whereas neither South Kordofan nor Blue Nile were able to complete the popular consultation process with the Government of Sudan as stipulated in the Comprehensive Peace Agreement (CPA) before violence broke out;

Whereas, despite the independence of South Sudan on July 9, 2011, many key issues between Sudan and South Sudan remain unresolved, including transit fees for oil pipeline use, citizenship, the status of Abyei, and border demarcation;

Whereas the goal of democratic governance reform in Sudan as envisioned in the CPA has not been met;

Whereas, in addition to the growing conflict-induced humanitarian and human rights crisis in Sudan's southern border-states, the humanitarian crisis and ongoing insecurity in Darfur continues; and

Whereas the United Nations High Commissioner for Refugees estimates that more than 4,000,000 people in Sudan remain internally displaced, and in 2011, though for the first time since the Darfur conflict began, more Darfuris voluntarily returned to their homes (87,000) than were newly displaced (70,000), and additional tens of thousands are being displaced in southern Sudan: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the memorandum of understanding on non-aggression and cooperation signed between the Governments of Sudan and South Sudan in Addis Ababa on February 12, 2012;

(2) calls on the Government of Sudan and the Sudan People's Liberation Movement-

North to reach a mutually-beneficial political agreement;

(3) urges the Government of Sudan to allow immediate and unrestricted humanitarian access to South Kordofan, Blue Nile, and all other conflict-affected areas of Sudan;

(4) encourages the Government of Sudan and the Sudan People's Liberation Movement-North to declare a cessation of hostilities to allow food and essential supplies to reach affected civilians;

(5) implores the Governments of Sudan and South Sudan to refrain from any support of proxy forces;

(6) urges the Government of Sudan and the Sudan People's Liberation Movement-North to allow civilians to leave the two states voluntarily and seek refuge in more secure areas; and

(7) supports the current efforts of the Obama Administration, working with partners in the international community, to facilitate humanitarian access to affected areas, to encourage all relevant parties to return to the negotiation table to reach agreements associated with the conclusion of the Comprehensive Peace Agreement, to mitigate violence in the interim, and to allow full humanitarian access.

SENATE RESOLUTION 398—RECOGNIZING THE 191ST ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. MENENDEZ (for himself, Ms. SNOWE, Mr. DURBIN, Mr. WHITEHOUSE, Mr. LIEBERMAN, Mr. JOHNSON of South Dakota, Mr. CARPER, Mr. KOHL, Mr. BROWN of Ohio, Mr. INOUE, Mrs. SHAHEEN, Mr. CARDIN, Mr. CASEY, Mr. LEVIN, Mr. REED, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LAUTENBERG, Mrs. BOXER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LUGAR, Ms. COLLINS, Mr. COCHRAN, Mr. COBURN, Mr. ISAKSON, Mr. KIRK, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 398

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and... in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas the Greek national anthem, the "Hymn to Liberty", includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas the people of the United States generously offered humanitarian assistance to the people of Greece during their struggle for independence;

Whereas Greece, in one of the most consequential "David vs. Goliath" victories for freedom and democracy in modern times, refused to surrender to the Axis forces and in-

flicted a fatal wound at a crucial moment in World War II, forcing Hitler to change his timeline and delaying the attack on Russia where the Axis Forces met defeat;

Whereas Winston Churchill said, "If there had not been the virtue and courage of the Greeks, we do not know which the outcome of World War II would have been.";

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested billions in the countries of the region, thereby helping to create many tens of thousands of new jobs, and having contributed more than \$750,000,000 in development aid for the region;

Whereas the Government and people of Greece actively participate in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe, and have more recently provided critical support to the North Atlantic Treaty Organization operation in Libya;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat the Government and people of Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years to further cross-cultural understanding and rapprochement and cooperation in various fields with Turkey, and has also upgraded its relations with other countries in the region, including Israel, thus enhancing the stability of the wider region;

Whereas the Governments and people of Greece and the United States are at the forefront of efforts for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between the people of Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2012, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 191st anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 191 years ago.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1832. Mrs. HAGAN (for herself and Mr. CORKER) submitted an amendment intended

to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table.

SA 1833. Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)) proposed an amendment to the bill H.R. 3606, *supra*.

SA 1834. Mr. REID proposed an amendment to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, *supra*.

SA 1835. Mr. REID proposed an amendment to amendment SA 1834 proposed by Mr. REID to the amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, *supra*.

SA 1836. Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) proposed an amendment to the bill H.R. 3606, *supra*.

SA 1837. Mr. REID proposed an amendment to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, *supra*.

SA 1838. Mr. REID proposed an amendment to the bill H.R. 3606, *supra*.

SA 1839. Mr. REID proposed an amendment to amendment SA 1838 proposed by Mr. REID to the bill H.R. 3606, *supra*.

SA 1840. Mr. REID proposed an amendment to amendment SA 1839 proposed by Mr. REID to the amendment SA 1838 proposed by Mr. REID to the bill H.R. 3606, *supra*.

SA 1841. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1842. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1843. Mr. MORAN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1844. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1845. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1846. Mr. CARDIN (for himself, Ms. LANDRIEU, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1847. Mr. REID (for Mr. BOOZMAN (for himself and Mr. PRYOR)) proposed an amendment to the bill H.R. 886, to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

TEXT OF AMENDMENTS

SA 1832. Mrs. HAGAN (for herself and Mr. CORKER) submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—COVERED BONDS**SEC. 801. SHORT TITLE.**

This title may be cited as the “United States Covered Bond Act”.

SEC. 802. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) **ANCILLARY ASSET.**—The term “ancillary asset” means—

(A) any interest rate or currency swap associated with 1 or more eligible assets, substitute assets, or other assets in a cover pool;

(B) any credit enhancement or liquidity arrangement associated with 1 or more eligible assets, substitute assets, or other assets in a cover pool;

(C) any guarantee, letter-of-credit right, or other secondary obligation that supports any payment or performance of 1 or more eligible assets, substitute assets, or other assets in a cover pool; and

(D) any proceeds of, or other property incident to, 1 or more eligible assets, substitute assets, or other assets in a cover pool.

(2) **CORPORATION.**—The term “Corporation” means the Federal Deposit Insurance Corporation.

(3) **COVER POOL.**—The term “cover pool” means a dynamic pool of assets that is comprised of—

(A) in the case of any eligible issuer described in subparagraph (A), (B), (C), (D), or (E) of paragraph (9)—

(i) 1 or more eligible assets from a single eligible asset class; and

(ii) 1 or more substitute assets or ancillary assets; and

(B) in the case of any eligible issuer described in paragraph (9)(F)—

(i) the covered bonds issued by each sponsoring eligible issuer; and

(ii) 1 or more substitute assets or ancillary assets.

(4) **COVERED BOND.**—The term “covered bond” means any recourse debt obligation of an eligible issuer that—

(A) has an original term to maturity of not less than 1 year;

(B) is secured by a perfected security interest in or other perfected lien on a cover pool that is owned directly or indirectly by the issuer of the obligation;

(C) is issued under a covered bond program that has been approved by the applicable covered bond regulator;

(D) is identified in a register of covered bonds that is maintained by the Secretary; and

(E) is not a deposit (as defined in section 3(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(1))).

(5) **COVERED BOND PROGRAM.**—The term “covered bond program” means any program of an eligible issuer under which, on the security of a single cover pool, 1 or more series of covered bonds may be issued.

(6) **COVERED BOND REGULATOR.**—The term “covered bond regulator” means—

(A) for any eligible issuer that is subject to the jurisdiction of an appropriate Federal banking agency (as defined in section 3(q) of

the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), the appropriate Federal banking agency;

(B) for any eligible issuer that is described in paragraph (9)(F), that is not subject to the jurisdiction of an appropriate Federal banking agency, and that is sponsored by only 1 eligible issuer, the covered bond regulator for the sponsor;

(C) for any eligible issuer that is described in paragraph (9)(F), that is not subject to the jurisdiction of an appropriate Federal banking agency, and that is sponsored by more than 1 eligible issuer, the covered bond regulator for the sponsor whose covered bonds constitute the largest share of the cover pool of the issuer; and

(D) for any other eligible issuer that is not subject to the jurisdiction of an appropriate Federal banking agency, the Board of Governors of the Federal Reserve System.

(7) **ELIGIBLE ASSET.**—The term “eligible asset” means—

(A) in the case of the residential mortgage asset class—

(i) any first-lien mortgage loan that is secured by 1-to-4 family residential property;

(ii) any mortgage loan that is insured under the National Housing Act (12 U.S.C. 1701 et seq.); and

(iii) any loan that is guaranteed, insured, or made under chapter 37 of title 38, United States Code;

(B) in the case of the commercial mortgage asset class, any commercial mortgage loan (including any multifamily mortgage loan);

(C) in the case of the public sector asset class—

(i) any security issued by a State, municipality, or other governmental authority;

(ii) any loan made to a State, municipality, or other governmental authority; and

(iii) any loan, security, or other obligation that is insured or guaranteed, in full or substantially in full, by the full faith and credit of the United States Government (whether or not such loan, security, or other obligation is also part of another eligible asset class);

(D) in the case of the auto asset class, any auto loan or lease;

(E) in the case of the student loan asset class, any student loan (whether guaranteed or nonguaranteed);

(F) in the case of the credit or charge card asset class, any extension of credit to a person under an open-end credit plan;

(G) in the case of the small business asset class, any loan that is made or guaranteed under a program of the Small Business Administration; and

(H) in the case of any other eligible asset class, any asset designated by the Secretary, by rule and in consultation with the covered bond regulators, as an eligible asset for purposes of such class.

(8) **ELIGIBLE ASSET CLASS.**—The term “eligible asset class” means—

(A) a residential mortgage asset class;

(B) a commercial mortgage asset class;

(C) a public sector asset class;

(D) an auto asset class;

(E) a student loan asset class;

(F) a credit or charge card asset class;

(G) a small business asset class; and

(H) any other eligible asset class designated by the Secretary, by rule and in consultation with the covered bond regulators.

(9) **ELIGIBLE ISSUER.**—The term “eligible issuer” means—

(A) any insured depository institution and any subsidiary of such institution;

(B) any bank holding company, any savings and loan holding company, and any subsidiary of any of such companies;

(C) any broker or dealer that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) and is a member of the Securities Investor Protection Corporation, and any subsidiary of such broker or dealer;

(D) any insurer that is supervised by a State insurance regulator, and any subsidiary of such insurer;

(E) any nonbank financial company (as defined in section 102(a)(4) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5311(a)(4))) that is supervised by the Board of Governors of the Federal Reserve System under section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5323), including any intermediate holding company supervised as a nonbank financial company, and any subsidiary of such a nonbank financial company; and

(F) any issuer that is sponsored by 1 or more eligible issuers for the sole purpose of issuing covered bonds on a pooled basis.

(10) **OVERSIGHT PROGRAM.**—The term “oversight program” means the covered bond regulatory oversight program established under section 803(a).

(11) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

(12) **SUBSTITUTE ASSET.**—The term “substitute asset” means—

(A) cash;

(B) any direct obligation of the United States Government, and any security or other obligation whose full principal and interest are insured or guaranteed by the full faith and credit of the United States Government;

(C) any direct obligation of a United States Government corporation or Government-sponsored enterprise of the highest credit quality, and any other security or other obligation of the highest credit quality whose full principal and interest are insured or guaranteed by such corporation or enterprise, except that the outstanding principal amount of these obligations in any cover pool may not exceed an amount equal to 20 percent of the outstanding principal amount of all assets in the cover pool without the approval of the applicable covered bond regulator;

(D) any other substitute asset designated by the Secretary, by rule and in consultation with the covered bond regulators; and

(E) any deposit account or securities account into which only an asset described in subparagraph (A), (B), (C), or (D) may be deposited or credited.

SEC. 803. REGULATORY OVERSIGHT OF COVERED BOND PROGRAMS ESTABLISHED.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by rule and in consultation with the covered bond regulators, establish a covered bond regulatory oversight program that provides for—

(A) covered bond programs to be evaluated according to reasonable and objective standards in order to be approved under paragraph (2), including any additional eligibility standards for eligible assets and any other criteria determined appropriate by the Secretary to further the purposes of this title;

(B) covered bond programs to be maintained in a manner that is consistent with this title and safe and sound asset-liability management and other financial practices; and

(C) any estate created under section 804 to be administered in a manner that is consistent with maximizing the value and the

proceeds of the related cover pool in a resolution under this title.

(2) APPROVAL OF EACH COVERED BOND PROGRAM.—

(A) **IN GENERAL.**—A covered bond shall be subject to this title only if the covered bond is issued by an eligible issuer under a covered bond program that is approved by the applicable covered bond regulator.

(B) **APPROVAL PROCESS.**—Each covered bond regulator shall apply the standards established by the Secretary under the oversight program to evaluate a covered bond program that has been submitted by an eligible issuer for approval. Each covered bond regulator also shall take into account relevant supervisory factors, including safety and soundness considerations, in evaluating a covered bond program that has been submitted for approval. Each covered bond regulator, promptly after approving a covered bond program, shall provide the Secretary with the name of the covered bond program, the name of the eligible issuer, and all other information reasonably requested by the Secretary in order to update the registry under paragraph (3)(A). Each eligible issuer, promptly after issuing a covered bond under an approved covered bond program, shall provide the Secretary with all information reasonably requested by the Secretary in order to update the registry under paragraph (3)(B).

(C) **EXISTING COVERED BOND PROGRAMS.**—A covered bond regulator may approve a covered bond program that is in existence on the date of enactment of this Act. Upon such approval, each covered bond under the covered bond program shall be subject to this title, regardless of when the covered bond was issued.

(D) **MULTIPLE COVERED BOND PROGRAMS PERMITTED.**—An eligible issuer may have more than 1 covered bond program.

(E) **CEASE AND DESIST AUTHORITY.**—The applicable covered bond regulator may direct an eligible issuer to cease issuing covered bonds under an approved covered bond program if the covered bond program is not maintained in a manner that is consistent with this title and the oversight program and if, after notice that is reasonable under the circumstances, the issuer does not remedy all deficiencies identified by the applicable covered bond regulator.

(F) CAP ON THE AMOUNT OF OUTSTANDING COVERED BONDS.—

(i) **IN GENERAL.**—With respect to each eligible issuer that submits a covered bond program for approval, the applicable covered bond regulator shall set, consistent with safety and soundness considerations and the financial condition of the eligible issuer, the maximum amount, as a percentage of the eligible issuer's total assets, of outstanding covered bonds that the eligible issuer may issue.

(ii) **REVIEW OF CAP.**—The applicable covered bond regulator may, not more frequently than quarterly, review the percentage set under clause (i) and, if safety and soundness considerations or the financial condition of the eligible issuer has changed, increase or decrease such percentage. Any decrease made pursuant to this clause shall have no effect on existing covered bonds issued by the eligible issuer.

(3) **REGISTRY.**—Under the oversight program, the Secretary shall maintain a registry that is published on a Web site available to the public and that, for each covered bond program approved by a covered bond regulator, contains—

(A) the name of the covered bond program, the name of the eligible issuer, and all other

information that the Secretary considers necessary to adequately identify the covered bond program and the eligible issuer; and

(B) all information that the Secretary considers necessary to adequately identify all outstanding covered bonds issued under the covered bond program (including the reports described in paragraphs (3) and (4) of subsection (b)).

(4) **FEES.**—Each covered bond regulator may levy, on the issuers of covered bonds under the primary supervision of such covered bond regulator, reasonably apportioned fees that such covered bond regulator considers necessary, in the aggregate, to defray the costs of such covered bond regulator carrying out the provisions of this title. Such funds shall not be construed to be Government funds or appropriated monies and shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or any other provision of law.

(b) MINIMUM OVER-COLLATERALIZATION REQUIREMENTS.—

(1) **REQUIREMENTS ESTABLISHED.**—The Secretary, by rule and in consultation with the covered bond regulators, shall establish minimum over-collateralization requirements for covered bonds backed by each of the eligible asset classes. The minimum over-collateralization requirements shall be designed to ensure that sufficient eligible assets and substitute assets are maintained in the cover pool to satisfy all principal and interest payments on the covered bonds when due through maturity and shall be based on the credit, collection, and interest rate risks (excluding the liquidity risks) associated with the eligible asset class.

(2) **ASSET COVERAGE TEST.**—The eligible assets and the substitute assets in any cover pool shall be required, in the aggregate, to meet at all times the applicable minimum over-collateralization requirements.

(3) **MONTHLY REPORTING.**—On a monthly basis, each issuer of covered bonds shall submit a report on whether the cover pool that secures the covered bonds meets the applicable minimum over-collateralization requirements to—

- (A) the Secretary;
- (B) the applicable covered bond regulator;
- (C) the applicable indenture trustee;
- (D) the applicable covered bondholders; and
- (E) the applicable independent asset monitor.

(4) INDEPENDENT ASSET MONITOR.—

(A) **APPOINTMENT.**—Each issuer of covered bonds shall appoint the indenture trustee for the covered bonds, or another unaffiliated entity, as an independent asset monitor for the applicable cover pool.

(B) **DUTIES.**—An independent asset monitor appointed under subparagraph (A) shall, on an annual or other more frequent periodic basis determined by the Secretary under the oversight program—

(i) verify whether the cover pool meets the applicable minimum over-collateralization requirements; and

(ii) report to the Secretary, the applicable covered bond regulator, the applicable indenture trustee, and the applicable covered bondholders on whether the cover pool meets the applicable minimum over-collateralization requirements.

(C) **REMOVAL AND REPLACEMENT.**—The independent asset monitor appointed under subparagraph (A) may be removed and replaced—

(i) by a covered bond regulator in any case in which such action is in the best interest of the covered bond investors; and

(ii) by covered bond holders who own a majority of the outstanding principal amount of the covered bonds secured by the applicable cover pool, at any time.

(5) **NO LOSS OF STATUS.**—Covered bonds shall remain subject to this title regardless of whether the applicable cover pool ceases to meet the applicable minimum over-collateralization requirements.

(6) FAILURE TO MEET REQUIREMENTS.—

(A) **IN GENERAL.**—If a cover pool fails to meet the applicable minimum over-collateralization requirements, and if the failure is not cured within the time specified in the related transaction documents, the failure shall be an uncured default for purposes of section 804(a).

(B) **NOTICE REQUIRED.**—An issuer of covered bonds shall promptly give the Secretary and the applicable covered bond regulator written notice if the cover pool securing the covered bonds fails to meet the applicable minimum over-collateralization requirements, if the failure is cured within the time specified in the related transaction documents, or if the failure is not so cured.

(c) REQUIREMENTS FOR ELIGIBLE ASSETS.—

(1) REQUIREMENTS.—

(A) **LOANS.**—A loan shall not qualify as an eligible asset for so long as the loan is delinquent for more than 60 consecutive days.

(B) **SECURITIES.**—A security shall not qualify as an eligible asset for so long as the security does not meet any credit-quality requirement under this title.

(C) **ORIGINATION.**—An asset shall not qualify as an eligible asset if the asset was not originated in compliance with any rule or supervisory guidance of a Federal agency applicable to the asset at the time of origination.

(D) **NO DOUBLE PLEDGE.**—An asset shall not qualify as an eligible asset for so long as the asset is subject to a prior perfected security interest or other prior perfected lien that has been granted in an unrelated transaction. Nothing in this title shall affect such a prior perfected security interest or other prior perfected lien, and the rights of such lien holders.

(2) **FAILURE TO MEET REQUIREMENTS.**—Subject to paragraph (1)(D), if an asset in a cover pool does not satisfy any applicable requirement described in paragraph (1) or any other applicable standard or criterion described in this title, the oversight program, or the related transaction documents, the asset shall not qualify as an eligible asset for purposes of the asset coverage test described in subsection (b)(2). A disqualified asset shall remain in the cover pool unless and until removed by the issuer in compliance with the provisions of this title, the oversight program, and the related transaction documents. No disqualified asset may be removed from the cover pool after an estate has been created for the related covered bond program under section 804(b)(1) or 804(c)(2), except in connection with the management of the cover pool under section 804(d)(1)(E).

(d) OTHER REQUIREMENTS.—

(1) **BOOKS AND RECORDS OF ISSUER.**—Each issuer of covered bonds shall clearly mark its books and records to identify the assets that comprise the cover pool securing the covered bonds.

(2) **SCHEDULE OF ELIGIBLE ASSETS AND SUBSTITUTE ASSETS.**—Each issuer of covered bonds shall deliver to the applicable indenture trustee and the applicable independent asset monitor, on at least a monthly basis, a schedule that identifies all eligible assets and substitute assets in the cover pool securing the covered bonds.

(3) **SINGLE ELIGIBLE ASSET CLASS.**—No cover pool described in section 802(3)(A) may include eligible assets from more than 1 eligible asset class. No cover pool described in section 802(3)(B) may include covered bonds backed by more than 1 eligible asset class.

SEC. 804. RESOLUTION UPON DEFAULT OR INSOLVENCY.

(a) **UNCURED DEFAULT DEFINED.**—For purposes of this section, the term “uncured default” means a default on a covered bond that has not been cured within the time, if any, specified in the related transaction documents.

(b) **DEFAULT ON COVERED BONDS PRIOR TO CONSERVATORSHIP, RECEIVERSHIP, LIQUIDATION, OR BANKRUPTCY.**—

(1) **CREATION OF SEPARATE ESTATE.**—If an uncured default occurs on a covered bond before the issuer of the covered bond enters conservatorship, receivership, liquidation, or bankruptcy, an estate shall be immediately and automatically created by operation of law and shall exist and be administered separate and apart from the issuer or any subsequent conservatorship, receivership, liquidating agency, or estate in bankruptcy for the issuer or any other assets of the issuer. A separate estate shall be created for each affected covered bond program.

(2) **ASSETS AND LIABILITIES OF ESTATE.**—Any estate created under paragraph (1) shall be comprised of the cover pool (including over-collateralization in the cover pool) that secures the covered bond. The cover pool shall be immediately and automatically released to and held by the estate free and clear of any right, title, interest, or claim of the issuer or any conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer or any other assets of the issuer. The estate shall be fully liable on the covered bond and all other covered bonds and related obligations of the issuer (including obligations under related derivative transactions) that are secured by a perfected security interest in or other perfected lien on the cover pool when the estate is created. The estate shall not be liable on any obligation of the issuer that is not secured by a perfected security interest in or other perfected lien on the cover pool when the estate is created. No conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer may charge or assess the estate for any claim of the conservator, receiver, liquidating agent, or trustee in bankruptcy or the conservatorship, receivership, liquidating agency, or estate in bankruptcy and may not obtain or perfect a security interest in or other lien on the cover pool to secure such a claim.

(3) **RETENTION OF CLAIMS.**—Any holder of a covered bond or related obligation for which an estate has become liable under paragraph (2) shall retain a claim against the issuer for any deficiency with respect to the covered bond or related obligation. If the issuer enters conservatorship, receivership, liquidation, or bankruptcy, any contingent claim for such a deficiency shall be allowed as a provable claim in the conservatorship, receivership, liquidating agency, or bankruptcy case. The contingent claim shall be estimated by the conservator, receiver, liquidating agent, or bankruptcy court for purposes of allowing the claim as a provable claim if awaiting the fixing of the contingent claim would unduly delay the resolution of the conservatorship, receivership, liquidating agency, or bankruptcy case.

(4) **RESIDUAL INTEREST.**—

(A) **ISSUANCE OF RESIDUAL INTEREST.**—Upon the creation of an estate under paragraph (1),

a residual interest in the estate shall be immediately and automatically issued by operation of law to the issuer.

(B) **NATURE OF RESIDUAL INTEREST.**—The residual interest under subparagraph (A) shall—

(i) be an exempted security as described in section 805;

(ii) represent the right to any surplus from the cover pool after the covered bonds and all other liabilities of the estate have been fully and irrevocably paid; and

(iii) be evidenced by a certificate executed by the trustee of the estate.

(5) **OBLIGATIONS OF ISSUER.**—

(A) **IN GENERAL.**—After the creation of an estate under paragraph (1), the issuer shall—

(i) transfer to or at the direction of the trustee for the estate all property of the estate that is in the possession or under the control of the issuer, including all tangible or electronic books, records, files, and other documents or materials relating to the assets and liabilities of the estate; and

(ii) at the election of the trustee or a servicer or administrator for the estate, continue servicing the applicable cover pool for 120 days after the creation of the estate in return for a fair-market-value fee, as determined by the trustee in consultation with the applicable covered bond regulator, that shall be payable from the estate as an administrative expense.

(B) **OBLIGATIONS ABSOLUTE.**—Neither the issuer, whether acting as debtor in possession or in any other capacity, nor any conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer or any other assets of the issuer may disaffirm, repudiate, or reject the obligation to turn over property or to continue servicing the cover pool as provided in subparagraph (A).

(C) **DEFAULT ON COVERED BONDS UPON CONSERVATORSHIP, RECEIVERSHIP, LIQUIDATION, OR BANKRUPTCY.**—

(1) **CORPORATION CONSERVATORSHIP OR RECEIVERSHIP.**—

(A) **IN GENERAL.**—If the Corporation is appointed as conservator or receiver for an issuer of covered bonds before an uncured default results in the creation of an estate under subsection (b), the Corporation as conservator or receiver shall have an exclusive right, during the 1-year period beginning on the date of the appointment, to transfer any cover pool owned by the issuer in its entirety, together with all covered bonds and related obligations that are secured by a perfected security interest in or other perfected lien on the cover pool, to another eligible issuer that meets all conditions and requirements specified in the related transaction documents. The Corporation as conservator or receiver may not remove any asset from the cover pool, except to the extent otherwise agreed by a transferee that has assumed the covered bond program pursuant to subparagraph (C).

(B) **OBLIGATIONS DURING 1-YEAR PERIOD.**—During the 1-year period described in subparagraph (A), the Corporation as conservator or receiver shall fully and timely satisfy all monetary and nonmonetary obligations of the issuer under all covered bonds and the related transaction documents and shall fully and timely cure all defaults by the issuer (other than its conservatorship or receivership) under the applicable covered bond program, in each case, until the earlier of—

(i) the transfer of the applicable covered bond program to another eligible issuer as provided in subparagraph (A); or

(ii) the delivery to the Secretary, the applicable covered bond regulator, the applica-

ble indenture trustee, and the applicable covered bondholders of a written notice from the Corporation as conservator or receiver electing to cease further performance under the applicable covered bond program.

(C) **ASSUMPTION BY TRANSFeree.**—If the Corporation as conservator or receiver transfers a covered bond program to another eligible issuer within the 1-year period as provided in subparagraph (A), the transferee shall take ownership of the applicable cover pool and shall become fully liable on all covered bonds and related obligations of the issuer that are secured by a perfected security interest in or other perfected lien on the cover pool.

(2) **OTHER CIRCUMSTANCES.**—An estate shall be immediately and automatically created by operation of law and shall exist and be administered separate and apart from an issuer of covered bonds and any conservatorship, receivership, liquidating agency, or estate in bankruptcy for the issuer or any other assets of the issuer, if—

(A) a conservator, receiver, liquidating agent, or trustee in bankruptcy, other than the Corporation, is appointed for the issuer before an uncured default results in the creation of an estate under subsection (b); or

(B) in the case of the appointment of the Corporation as conservator or receiver as described in paragraph (1)(A), the Corporation as conservator or receiver—

(i) does not complete the transfer of the applicable covered bond program to another eligible issuer within the 1-year period as provided in paragraph (1)(A);

(ii) delivers to the Secretary, the applicable covered bond regulator, the applicable indenture trustee, and the applicable covered bondholders a written notice electing to cease further performance under the applicable covered bond program; or

(iii) fails to fully and timely satisfy all monetary and nonmonetary obligations of the issuer under the covered bonds and the related transaction documents or to fully and timely cure all defaults by the issuer (other than its conservatorship or receivership) under the applicable covered bond program.

A separate estate shall be created for each affected covered bond program.

(3) **ASSETS AND LIABILITIES OF ESTATE.**—Any estate created under paragraph (2) shall be comprised of the cover pool (including over-collateralization in the cover pool) that secures the covered bonds. The cover pool shall be immediately and automatically released to and held by the estate free and clear of any right, title, interest, or claim of the issuer or any conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer or any other assets of the issuer. The estate shall be fully liable on the covered bonds and all other covered bonds and related obligations of the issuer (including obligations under related derivative transactions) that are secured by a perfected security interest in or other perfected lien on the cover pool when the estate is created. The estate shall not be liable on any obligation of the issuer that is not secured by a perfected security interest in or other perfected lien on the cover pool when the estate is created. No conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer may charge or assess the estate for any claim of the conservator, receiver, liquidating agent, or trustee in bankruptcy or the conservatorship, receivership, liquidating agency, or estate in bankruptcy and may not obtain or perfect a security interest in or

other lien on the cover pool to secure such a claim.

(4) **CONTINGENT CLAIM.**—Any contingent claim against an issuer for a deficiency with respect to a covered bond or related obligation for which an estate has become liable under paragraph (3) shall be allowed as a provable claim in the conservatorship, receivership, liquidating agency, or bankruptcy case for the issuer. The contingent claim shall be estimated by the conservator, receiver, liquidating agent, or bankruptcy court for purposes of allowing the claim as a provable claim if awaiting the fixing of the contingent claim would unduly delay the resolution of the conservatorship, receivership, liquidating agency, or bankruptcy case.

(5) **RESIDUAL INTEREST.**—

(A) **ISSUANCE OF RESIDUAL INTEREST.**—Upon the creation of an estate under paragraph (2), and regardless of whether any contingent claim described in paragraph (4) becomes fixed or is estimated, a residual interest in the estate shall be immediately and automatically issued by operation of law to the conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer.

(B) **NATURE OF RESIDUAL INTEREST.**—The residual interest under subparagraph (A) shall—

(i) be an exempted security as described in section 805;

(ii) represent the right to any surplus from the cover pool after the covered bonds and all other liabilities of the estate have been fully and irrevocably paid; and

(iii) be evidenced by a certificate executed by the trustee of the estate.

(6) **OBLIGATIONS OF ISSUER.**—

(A) **IN GENERAL.**—After the creation of an estate under paragraph (2), the issuer and its conservator, receiver, liquidating agent, or trustee in bankruptcy shall—

(i) transfer to or at the direction of the trustee for the estate all property of the estate that is in the possession or under the control of the issuer or its conservator, receiver, liquidating agent, or trustee in bankruptcy, including all tangible or electronic books, records, files, and other documents or materials relating to the assets and liabilities of the estate; and

(ii) at the election of the trustee or a servicer or administrator for the estate, continue servicing the applicable cover pool for 120 days after the creation of the estate in return for a fair-market-value fee, as determined by the trustee in consultation with the applicable covered bond regulator, that shall be payable from the estate as an administrative expense.

(B) **OBLIGATIONS ABSOLUTE.**—Neither the issuer, whether acting as debtor in possession or in any other capacity, nor any conservator, receiver, liquidating agent, or trustee in bankruptcy for the issuer or any other assets of the issuer may disaffirm, repudiate, or reject the obligation to turn over property or to continue servicing the cover pool as provided in subparagraph (A).

(d) **ADMINISTRATION AND RESOLUTION OF ESTATES.**—

(1) **TRUSTEE, SERVICER, AND ADMINISTRATOR.**—

(A) **IN GENERAL.**—Upon the creation of any estate under subsection (b)(1) or (c)(2), the applicable covered bond regulator shall—

(i) appoint the trustee for the estate;

(ii) appoint 1 or more servicers or administrators for the cover pool held by the estate; and

(iii) give the Secretary, the applicable indenture trustee, the applicable covered bondholders, and the owner of the residual inter-

est written notice of the creation of the estate.

(B) **TERMS AND CONDITIONS OF APPOINTMENT.**—All terms and conditions of any appointment under paragraph (1), including the terms and conditions relating to compensation, shall conform to the requirements of this title and the oversight program and otherwise shall be determined by the applicable covered bond regulator.

(C) **QUALIFICATION.**—The applicable covered bond regulator may require the trustee or any servicer or administrator for an estate to post in favor of the United States, for the benefit of the estate, a bond that is conditioned on the faithful performance of the duties of the trustee or the servicer or administrator. The covered bond regulator shall determine the amount of any bond required under this subparagraph and the sufficiency of the surety on the bond. A proceeding on a bond required under this subparagraph may not be commenced after two years after the date on which the trustee or the servicer or administrator was discharged.

(D) **POWERS AND DUTIES OF TRUSTEE.**—The trustee for an estate is the representative of the estate and, subject to the provisions of this title, has capacity to sue and be sued. The trustee shall—

(i) administer the estate in compliance with this title, the oversight program, and the related transaction documents;

(ii) be accountable for all property of the estate that is received by the trustee;

(iii) make a final report and file a final account of the administration of the estate with the applicable covered bond regulator; and

(iv) after the estate has been fully administered, close the estate.

(E) **POWERS AND DUTIES OF SERVICER OR ADMINISTRATOR.**—Any servicer or administrator for an estate—

(i) shall—

(I) collect, realize on (by liquidation or other means), and otherwise manage the cover pool held by the estate in compliance with this title, the oversight program, and the related transaction documents and in a manner consistent with maximizing the value and the proceeds of the cover pool;

(II) deposit or invest all proceeds and funds received in compliance with this title, the oversight program, and the related transaction documents and in a manner consistent with maximizing the net return to the estate, taking into account the safety of the deposit or investment; and

(III) apply, or direct the trustee for the estate to apply, all proceeds and funds received and the net return on any deposit or investment to make distributions in compliance with paragraphs (3) and (4);

(ii) may borrow funds or otherwise obtain credit, for the benefit of the estate, in compliance with paragraph (2) on a secured or unsecured basis and on a priority, *pari passu*, or subordinated basis;

(iii) shall, at the times and in the manner required by the applicable covered bond regulator, submit to the covered bond regulator, the Secretary, the applicable indenture trustee, the applicable covered bondholders, the owner of the residual interest, and any other person designated by the covered bond regulator, reports that describe the activities of the servicer or administrator on behalf of the estate, the performance of the cover pool held by the estate, and distributions made by the estate; and

(iv) shall assist the trustee in preparing the final report and the final account of the administration of the estate.

(F) **SUPERVISION OF TRUSTEE, SERVICER, AND ADMINISTRATOR.**—The applicable covered bond regulator shall supervise the trustee and any servicer or administrator for an estate. The covered bond regulator shall require that all reports submitted under subparagraph (E)(iii) do not contain any untrue statement of a material fact and do not omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading.

(G) **REMOVAL AND REPLACEMENT OF TRUSTEE, SERVICER, AND ADMINISTRATOR.**—If the covered bond regulator determines that it is in the best interests of an estate, the covered bond regulator may remove or replace the trustee or any servicer or administrator for the estate. The removal of the trustee or any servicer or administrator does not abate any pending action or proceeding involving the estate, and any successor or other trustee, servicer, or administrator shall be substituted as a party in the action or proceeding.

(H) **PROFESSIONALS.**—The trustee or any servicer or administrator for an estate may employ 1 or more attorneys, accountants, appraisers, auctioneers, or other professional persons to represent or assist the trustee or the servicer or administrator in carrying out its duties. The employment of any professional person and all terms and conditions of employment, including the terms and conditions relating to compensation, shall conform to the requirements of this title and the oversight program and otherwise shall be subject to the approval of the applicable covered bond regulator.

(I) **APPROVED FEES AND EXPENSES.**—Unless otherwise provided in the applicable terms and conditions of appointment or employment, all approved fees and expenses of the trustee, any servicer or administrator, or any professional person employed by the trustee or any servicer or administrator shall be payable from the estate as administrative expenses.

(J) **ACTIONS BY OR ON BEHALF OF ESTATE.**—The trustee or any servicer or administrator for an estate may commence or continue judicial, administrative, or other actions, in the name of the estate or in its own name on behalf of the estate, for the purpose of collecting, realizing on, or otherwise managing the cover pool held by the estate or exercising its other powers or duties on behalf of the estate.

(K) **ACTIONS AGAINST ESTATE.**—No court may issue an attachment or execution on any property of an estate. Except at the request of the applicable covered bond regulator or as otherwise provided in this subparagraph or subparagraph (J), no court may take any action to restrain or affect the resolution of an estate under this title. No person (including the applicable indenture trustee and any applicable covered bondholder) may commence or continue any judicial, administrative, or other action against the estate, the trustee, or any servicer or administrator or take any other act to affect the estate, the trustee, or any servicer or administrator that is not expressly permitted by this title, the oversight program, and the related transaction documents, except for a judicial or administrative action to compel the release of funds that—

(i) are available to the estate;

(ii) are permitted to be distributed under this title and the oversight program; and

(iii) are permitted and required to be distributed under the related transaction documents and any contracts executed by or on behalf of the estate.

(L) SOVEREIGN IMMUNITY.—Except in connection with a guarantee provided under paragraph (4) or any other contract executed by the applicable covered bond regulator under this section 804, the Secretary and the covered bond regulator shall be entitled to sovereign immunity in carrying out the provisions of this title.

(2) BORROWINGS AND CREDIT.—

(A) IN GENERAL.—Any servicer or administrator for an estate created under subsection (b)(1) or (c)(2) may borrow funds or otherwise obtain credit, on behalf of and for the benefit of the estate, from any person in compliance with this paragraph (2) solely for the purpose of providing liquidity in the case of timing mismatches among the assets and the liabilities of the estate. Except with respect to an underwriter, section 5 of the Securities Act of 1933, the Trust Indenture Act of 1939, and any State or local law requiring registration for an offer or sale of a security or registration or licensing of an issuer of, underwriter of, or broker or dealer in a security does not apply to the offer or sale under this paragraph (2) of a security that is not an equity security.

(B) CONDITIONS.—A servicer or administrator may borrow funds or otherwise obtain credit under subparagraph (A)—

(i) on terms affording the lender only claims or liens that are fully subordinated to the claims and interests of the applicable indenture trustee and the applicable covered bondholders and all other claims against and interests in the estate, except for the residual interest, if the servicer or administrator certifies to the applicable covered bond regulator that, in the business judgment of the servicer or administrator, the borrowing or credit is in the best interests of the estate and is expected to maximize the value and the proceeds of the cover pool held by the estate; or

(ii) on terms affording the lender claims or liens that have priority over or are *pari passu* with the claims or interests of the applicable indenture trustee or the applicable covered bondholders or other claims against or interests in the estate, if—

(I) the servicer or administrator certifies to the applicable covered bond regulator that, in the business judgment of the servicer or administrator, the borrowing or credit is in the best interests of the estate and is expected to maximize the value and the proceeds of the cover pool held by the estate; and

(II) the applicable covered bond regulator authorizes the borrowing or credit.

(C) LIMITED LIABILITY.—A servicer or administrator shall not be liable for any error in business judgment when borrowing funds or otherwise obtaining credit under this paragraph (2) unless the servicer or administrator acted in bad faith or in willful disregard of its duties.

(D) STUDY ON BORROWINGS AND CREDIT.—The Comptroller General of the United States shall conduct a study on whether the Federal reserve banks should be authorized to lend funds or otherwise extend credit to an estate under this paragraph (2) and, if so, what conditions and limits should be established to mitigate any risk that the United States Government could absorb credit losses on the cover pool held by the estate. The Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study not later than 6 months after the date of enactment of this Act.

(3) DISTRIBUTIONS BY ESTATE.—All payments or other distributions by an estate shall be made at the times, in the amounts, and in the manner set forth in the covered bonds, the related transaction documents, and any contracts executed by or on behalf of the estate in compliance with this title and the oversight program. To the extent that the relative priority of the liabilities of the estate are not specified in or otherwise ascertainable from their terms, distributions shall be made on each distribution date under the covered bonds, the related transaction documents, or any contracts executed by or on behalf of the estate—

(A) first, to pay accrued and unpaid super-priority claims under paragraph (2)(B)(ii);

(B) second, to pay accrued and unpaid administrative expense claims under paragraph (1)(I), paragraph (2)(B)(ii), section 804(b)(5)(A), or section 804(c)(6)(A);

(C) third, to pay—

(i) accrued and unpaid claims under the covered bonds and the related transaction documents according to their terms; and

(ii) accrued and unpaid *pari passu* claims under paragraph (2)(B)(ii); and

(D) fourth, to pay accrued and unpaid subordinated claims under paragraph (2)(B)(i).

(4) DISTRIBUTIONS ON RESIDUAL INTEREST.—After all other claims against and interests in an estate have been fully and irrevocably paid or defeased, the trustee shall or shall cause a servicer or administrator to distribute the remainder of the estate to or at the direction of the owner of the residual interest. No interim distribution on the residual interest may be made before that time, unless the applicable covered bond regulator—

(A) approves the distribution after determining that all other claims against and interests in the estate will be fully, timely, and irrevocably paid according to their terms; and

(B) provides an indemnity, for the benefit of the estate, assuring that all other claims against and interests in the estate will be fully, timely, and irrevocably paid according to their terms.

(5) CLOSING OF ESTATE.—After an estate has been fully administered, the trustee shall close the estate and, except as otherwise directed by the applicable covered bond regulator, shall destroy all records of the estate.

(6) NO LOSS TO TAXPAYERS.—Taxpayers shall bear no losses from the resolution of an estate under this title. To the extent that the Secretary and the Corporation jointly determine that the Deposit Insurance Fund incurred actual losses that are higher because the covered bond program of an insured depository institution was subject to resolution under this title rather than as part of the receivership of the institution under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), the Corporation may exercise the powers available under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) to recover an amount equal to those losses after consulting with the Secretary.

SEC. 805. SECURITIES LAW PROVISIONS.

(a) SECURITIES LAWS TREATMENT OF COVERED BONDS.—

(1) TREATMENT OF CERTAIN BANKS AND OTHER ENTITIES.—

(A) SECURITIES LAWS COVERAGE.—A covered bond described in subparagraph (C) is and shall be treated as a security issued or guaranteed by a bank under section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)), and section

304(a)(4)(A) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)(A)), as applicable.

(B) SECURITIES EXCHANGE ACT OF 1934 EXEMPTION.—No covered bond described in subparagraph (C) shall be treated as an asset-backed security, as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or a structured finance product, as that term is defined in section 939F of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 78o-9).

(C) APPLICABILITY.—A covered bond described in this subparagraph is a covered bond that is—

(i) issued or guaranteed by a bank; or

(ii) issued by an eligible issuer described in section 802(9)(F) and sponsored solely by 1 or more banks for the sole purpose of issuing covered bonds.

(D) REGULATIONS.—Each covered bond regulator for 1 or more banks shall adopt, as part of the securities regulations of the covered bond regulator, a separate scheme of registration, disclosure, and reporting obligations and exemptions for offers or sales of covered bonds described in subparagraph (C), which regulations shall—

(i) provide for uniform and consistent standards for such covered bond issuers, with respect to any such covered bonds, to the extent possible; and

(ii) be consistent with existing regulations governing offers or sales of nonconvertible debt.

(2) TREATMENT OF CERTAIN ASSOCIATIONS AND COOPERATIVE BANKS.—

(A) SECURITIES LAWS COVERAGE.—A covered bond described in subparagraph (C) is and shall be treated as a security issued by an entity under section 3(a)(5)(A) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)(A)), section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)), and section 304(a)(4)(A) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)(A)), as applicable.

(B) SECURITIES EXCHANGE ACT OF 1934 EXEMPTION.—No covered bond described in subparagraph (C) shall be treated as an asset-backed security, as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or a structured finance product, as that term is defined in section 939F of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 78o-9).

(C) APPLICABILITY.—A covered bond described in this subparagraph is a covered bond that is—

(i) issued by an entity described in section 3(a)(5)(A) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)(A)); or

(ii) issued by an eligible issuer described in section 802(9)(F) and sponsored solely by 1 or more such entities for the sole purpose of issuing covered bonds.

(D) REGULATIONS.—Each covered bond regulator for 1 or more entities described in section 3(a)(5)(A) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)(A)) shall adopt, as part of the securities regulations of the covered bond regulator, a separate scheme of registration, disclosure, and reporting obligations and exemptions for offers or sales of covered bonds described in subparagraph (C), which regulations shall—

(i) provide for uniform and consistent standards for such covered bond issuers, with respect to any such covered bonds, to the extent possible; and

(ii) shall be consistent with regulations governing offers or sales of nonconvertible debt.

(3) CONSTRUCTION.—No provision of this title, including paragraph (1) or (2), may be

construed or applied in a manner that impairs or limits any other exemption that is available under applicable securities laws.

(b) **EXEMPTIONS FOR ESTATES.**—Any estate that is or may be created under section 804(b)(1) or 804(c)(2) shall be exempt from all State and Federal securities laws, except that such estate—

(1) shall be subject to all anti-fraud provisions of such securities laws;

(2) shall be subject to the reporting requirements established by the applicable covered bond regulator under section 804(d)(1)(E)(iii); and

(3) shall succeed to any requirement of the issuer to file such periodic information, documents, and reports in respect of the covered bonds, as specified in section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)) or rules established by an appropriate Federal banking agency.

(c) **EXEMPTIONS FOR RESIDUAL INTERESTS.**—Any residual interest in an estate that is or may be created under section 804(b)(1) or 804(c)(2) shall be exempt from all State and Federal securities laws.

SEC. 806. AUTHORITY TO COLLECT FEES FROM FINANCIAL COMPANIES.

(a) **IN GENERAL.**—On the date immediately preceding the date that is 10 years after the date of enactment of this Act, if the Corporation previously has been appointed under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381 et seq.) as receiver for a covered financial company with a covered bond program, and if the Secretary and the Corporation have jointly determined that the Orderly Liquidation Fund will incur actual losses that are higher because of the covered bond program and that have not yet been recovered under subsection (n) or (o) of section 210 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5390) or other applicable law, the Corporation may assess and collect from financial companies identified in section 210(o)(1)(D)(ii) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5390(o)(1)(D)(ii)) an amount equal to the cost estimate divided by 0.75.

(b) **IMMEDIATE TRANSFER OF FUNDS REQUIRED.**—The Corporation immediately transfer funds collected under subsection (a) to the Secretary for credit to the Orderly Liquidation Fund.

(c) **REFUNDS.**—If, within 180 days of the date of the imposition of fees under subsection (a), the Secretary determines that funds collected under subsection (a) are not needed for or used to repay actual losses incurred by the Orderly Liquidation Fund, as described in subsection (a), the Secretary shall refund the collected funds to the assessed financial companies.

SEC. 807. MISCELLANEOUS PROVISIONS.

(a) **DOMESTIC SECURITIES.**—Section 106(a)(1) of the Secondary Mortgage Market Enhancement Act of 1984 (15 U.S.C. 77r-1(a)(1)) is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by adding “or” at the end; and

(3) by inserting after subparagraph (D) the following:

“(E) covered bonds (as defined in section 802 of the United States Covered Bond Act),”.

(b) **NO CONFLICT.**—The provisions of this title shall apply, notwithstanding any provision of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), title 11, United States Code, title II of the Dodd-Frank Wall Street

Reform and Consumer Protection Act (12 U.S.C. 5381 et seq.), or any other provision of Federal law with respect to conservatorship, receivership, liquidation, or bankruptcy. No provision of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), title 11, United States Code, title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381 et seq.), or any other provision of Federal law with respect to conservatorship, receivership, liquidation, or bankruptcy may be construed or applied in a manner that defeats or interferes with the purpose or operation of this title.

(c) **ANNUAL REPORT TO CONGRESS.**—The covered bond regulators shall, annually—

(1) submit a joint report to the Congress describing the current state of the covered bond market in the United States; and

(2) testify on the current state of the covered bond market in the United States before the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SA 1833. Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)) proposed an amendment to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Innovigate New Ventures and Entrepreneurs to Succeed Today in America Act of 2012” or the “INVEST in America Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL COMPANY CAPITAL FORMATION

Sec. 101. Short title.

Sec. 102. Authority to exempt certain securities.

Sec. 103. Study on the impact of State blue sky laws on regulation a offerings.

Sec. 104. Study and report on effects of exemption.

TITLE II—REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Disclosure obligations.

Sec. 204. Internal controls audit.

Sec. 205. Auditing standards.

Sec. 206. Availability of information about emerging growth companies.

Sec. 207. Opt-in right for emerging growth companies.

Sec. 208. Review of tick size on market liquidity.

Sec. 209. Other matters.

TITLE III—CROWDFUNDING

Sec. 301. Short title.

Sec. 302. Crowdfunding exemption.

Sec. 303. Exclusion of crowdfunding investors from shareholder cap.

Sec. 304. Funding portal regulation.

Sec. 305. Relationship with State law.

Sec. 306. Reports to Congress.

TITLE IV—EXPORT-IMPORT BANK REAUTHORIZATION

Sec. 401. Short title.

Sec. 402. Extension of authority.

Sec. 403. Foreign Credit Insurance Association.

Sec. 404. Technical correction.

Sec. 405. Sub-Saharan Africa Advisory Committee.

Sec. 406. Aggregate loan, guarantee, and insurance authority.

Sec. 407. Dual use exports.

Sec. 408. Modifications to provisions relating to textiles.

Sec. 409. Review and report on domestic content policy.

Sec. 410. Strategic plan.

Sec. 411. Review and report on Bank's information technology infrastructure.

Sec. 412. Study by the Comptroller General on risk management.

Sec. 413. Renewable energy and energy efficiency technologies.

Sec. 414. Transparency and accountability of bank financing.

Sec. 415. Annual competitiveness report.

Sec. 416. Prohibitions on financing for certain persons involved in sanctionable activities with respect to Iran.

TITLE V—SMALL BUSINESS INVESTMENT COMPANIES AND LOAN REFINANCING EXTENSION

Sec. 501. Maximum leverage under title III of the Small Business Investment Act of 1958.

Sec. 502. Low-interest refinancing under the Local Development Business Loan Program.

TITLE VI—PRIVATE COMPANY FLEXIBILITY AND GROWTH

Sec. 601. Short title.

Sec. 602. Threshold for registration.

Sec. 603. Treatment of employee securities.

Sec. 604. Commission rulemaking.

Sec. 605. Commission study of enforcement authority under Rule 12g5-1.

TITLE VII—ACCESS TO CAPITAL FOR JOB CREATORS

Sec. 701. Short title.

Sec. 702. Modification of exemption.

TITLE I—SMALL COMPANY CAPITAL FORMATION

SEC. 101. SHORT TITLE.

This title may be cited as the “Small Company Capital Formation Act of 2012”.

SEC. 102. AUTHORITY TO EXEMPT CERTAIN SECURITIES.

(a) **IN GENERAL.**—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking “(b) The Commission” and inserting the following:

“(b) **ADDITIONAL EXEMPTIONS.**—

“(1) **SMALL ISSUES EXEMPTIVE AUTHORITY.**—The Commission”; and

(2) by adding at the end the following:

“(2) **ADDITIONAL ISSUES.**—The Commission shall, by rule or regulation, add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

“(A) The aggregate offering amount of all securities offered and sold by the issuer within the preceding 36-month period in reliance on such exemption, including the immediate offering, shall not exceed \$50,000,000.

“(B) The securities may be offered and sold publicly.

“(C) The securities shall not be restricted securities, within the meaning of the Federal

securities laws and the regulations promulgated thereunder.

“(D) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

“(E) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

“(F) The Commission shall require the issuer to file audited financial statements with the Commission as part of the offering statement and annually thereafter.

“(G) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

“(i) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements and a description of the issuer’s business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

“(ii) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Investor Protection and Securities Reform Act of 2010 (15 U.S.C. 77d note).

“(3) LIMITATION.—Only equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities, may be exempted under a rule or regulation adopted pursuant to paragraph (2).

“(4) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission, by rule or regulation, shall require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.”

(b) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) in subparagraph (C), by striking “; or” at the end and inserting a semicolon;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

“(D) a rule or regulation adopted pursuant to section 3(b)(2), and such security is—

“(i) offered or sold on a national securities exchange; or

“(ii) offered or sold to a qualified purchaser, as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale; or”.

(c) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5)) is amended by striking “section 3(b)” and inserting “section 3(b)(1)”.

SEC. 103. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.

Not later than 3 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on the impact of State laws regulating securities offerings (commonly referred to as “Blue Sky laws”) on offerings made under Regulation A of the Securities and Exchange Commission (17 C.F.R. 230.251 et seq.); and

(2) transmit a report on the findings of the study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 104. STUDY AND REPORT ON EFFECTS OF EXEMPTION.

The Commission, in consultation with State securities administrators with respect to issues over which they have jurisdiction, shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committees on Commerce and Financial Services of the House of Representatives 5 years after the date of enactment of this Act on—

(1) the nature, timing, and extent of offerings and issuances in reliance on the exemption under paragraph (2) of section 3(b) of the Securities Act of 1933, as added by this title, during each year of that 5-year period;

(2) an assessment of the risks posed and protections available to investors related to offerings or issuances under such exemption;

(3) the incidence of errors, omissions, misstatements, or fraud associated with offerings in reliance on such exemption;

(4) the impact of such exemption on capital formation for small businesses;

(5) any adjustments to such exemption necessary to protect investors and promote capital formation;

(6) an analysis of the effectiveness and limitations of the civil liability provisions under the Federal securities laws applicable to offerings and issuances in reliance on such exemption, and to any reports or other filings required to be filed by the issuers of such securities with the Commission; and

(7) such other factors as the Commission determines appropriate for inclusion.

TITLE II—REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES

SEC. 201. SHORT TITLE.

This title may be cited as the “Reopening American Capital Markets to Emerging Growth Companies Act of 2012”.

SEC. 202. DEFINITIONS.

(a) SECURITIES ACT OF 1933.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended by adding at the end the following:

“(19) The term ‘emerging growth company’ means an issuer that had total annual gross revenues of less than \$350,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year and that has completed a sale of common equity securities pursuant to an effective registration statement under this title shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of \$350,000,000 or more;

“(B) the last day of the fiscal year of the issuer in which the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under this title occurs;

“(C) the date on which such issuer is deemed to be a ‘large accelerated filer’, as defined in section 240.12b-2 of title 17, Code of Federal Regulations (or any successor thereto); or

“(D) the date on which the issuer has, during the previous 3-year period, issued in excess of an aggregate of \$1,000,000,000 of securities, other than common equity, whether or not such securities were issued in transactions registered under this title.”.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) by redesignating the second paragraph designated as paragraph (77) (relating to asset-backed securities) as paragraph (79); and

(2) by adding at the end the following:

“(80) The term ‘emerging growth company’ means an issuer that had total annual gross revenues of less than \$350,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year and that has completed a sale of common equity securities pursuant to an effective registration statement under the Securities Act of 1933 shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of \$350,000,000 or more;

“(B) the last day of the fiscal year of the issuer in which the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933 occurs;

“(C) the date on which such issuer is deemed to be a ‘large accelerated filer’, as defined in section 240.12b-2 of title 17, Code of Federal Regulations (or any successor thereto); or

“(D) the date on which the issuer has, during the previous 3-year period, issued in excess of an aggregate of \$1,000,000,000 of securities, other than common equity, whether or not such securities were issued in transactions registered under this title.”.

(c) OTHER DEFINITIONS.—As used in this title, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the Securities and Exchange Commission.

(2) INITIAL PUBLIC OFFERING DATE.—The term “initial public offering date” means the date of the first sale of common equity securities of an issuer pursuant to an effective registration statement under the Securities Act of 1933.

(d) EFFECTIVE DATE.—Notwithstanding section 2(a)(19) of the Securities Act of 1933 and section 3(a)(80) of the Securities Exchange Act of 1934, as added by this section, an issuer shall not be an emerging growth company for purposes of such Acts if the first sale of common equity securities of such issuer pursuant to an effective registration statement under the Securities Act of 1933 occurred on or before the date of enactment of this Act.

SEC. 203. DISCLOSURE OBLIGATIONS.

(a) FINANCIAL DISCLOSURES.—

(1) SECURITIES ACT OF 1933.—Section 7(a) of the Securities Act of 1933 (15 U.S.C. 77g(a)) is amended by adding at the end the following: “An emerging growth company need not present more than 2 years of audited financial statements in order for the registration statement of such emerging growth company with respect to an initial public offering of its common equity securities to be effective, and in a registration statement for an initial

public offering and in registration statements to be filed with the Commission following an issuer's initial public offering, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations (or any successor thereto) for any period prior to the earliest audited period presented in connection with its initial public offering."

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)) is amended by adding at the end the following: "In any registration statement, periodic report, or other reports to be filed with the Commission, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations (or any successor thereto) for any period prior to the earliest audited period presented in connection with its first registration statement that became effective under this title or the Securities Act of 1933 (15 U.S.C. 77a et seq.)."

(b) OTHER DISCLOSURES.—An emerging growth company may comply with section 229.303(a) of title 17, Code of Federal Regulations (or any successor thereto), by providing information required by such section with respect to the financial statements of the emerging growth company for each period presented pursuant to subsection (b). An emerging growth company may comply with section 229.402 of title 17, Code of Federal Regulations (or any successor thereto), by disclosing the same information as any issuer with a market value of outstanding voting and nonvoting common equity held by non-affiliates of less than \$75,000,000.

SEC. 204. INTERNAL CONTROLS AUDIT.

Section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)) is amended by inserting ", other than an issuer that is an emerging growth company (as defined in section 3 of the Securities Exchange Act of 1934)," before "shall attest to".

SEC. 205. AUDITING STANDARDS.

Section 103(a)(3) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7213(a)(3)) is amended by adding at the end the following:

"(C) TRANSITION PERIOD FOR EMERGING GROWTH COMPANIES.—Any rules of the Board requiring mandatory audit firm rotation shall not apply to an audit of an emerging growth company, as defined in section 3 of the Securities Exchange Act of 1934. Any such additional rules requiring mandatory audit firm rotation that are adopted by the Board after the date of enactment of this subparagraph shall not apply to an audit of any emerging growth company if the Commission determines that the application of such additional requirements to emerging growth companies is not necessary or appropriate in the public interest."

SEC. 206. AVAILABILITY OF INFORMATION ABOUT EMERGING GROWTH COMPANIES.

(a) PROVISION OF RESEARCH.—Section 2(a)(3) of the Securities Act of 1933 (15 U.S.C. 77b(a)(3)) is amended by adding at the end the following: "The publication or distribution by a broker or dealer of a research report about an emerging growth company that is the subject of a proposed public offering of the common equity securities of such emerging growth company pursuant to a registration statement that the issuer proposes to file, or has filed, or that is effective shall be deemed for purposes of section 5(c) and paragraph (10) of this subsection not to constitute an offer for sale or offer to sell a security, provided that any research report published or distributed by a broker or deal-

er that is participating or will participate in the registered offering that is published or distributed in reliance on such exemption complies with such restrictions, disclosure, and filing requirements as the Commission shall determine, including that such research report does not contain any recommendations to purchase or sell such securities. As used in this paragraph, the term 'research report' means a written or electronic communication that includes an analysis of an equity security or an issuer."

(b) EXPANDING PERMISSIBLE COMMUNICATIONS.—Section 5 of the Securities Exchange Act of 1933 (15 U.S.C. 77e) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) LIMITATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, an emerging growth company or any person authorized to act on behalf of an emerging growth company may engage in oral or written communications with potential investors that are qualified institutional buyers, as such term is defined in section 230.144A of title 17, Code of Federal Regulations (or any successor thereto), to determine whether such investors might have an interest in a contemplated securities offering, prior to the date of filing of a registration statement with respect to such securities with the Commission, subject to the requirement of subsection (b)(2).

"(2) WRITTEN COMMUNICATIONS.—All written communications (as such term is defined in section 203.405 of title 17, Code of Federal Regulations (or any successor thereto)) provided to potential investors in accordance with this subsection shall be—

"(A) filed by the issuer promptly with the Commission by the later of the date of the filing of the registration statement or the date on which the written communication is first used; and

"(B) deemed to be a prospectus for purposes of section 12(a)(2) (15 U.S.C. 771(a)(2))."

SEC. 207. OPT-IN RIGHT FOR EMERGING GROWTH COMPANIES.

(a) IN GENERAL.—With respect to an exemption provided to emerging growth companies under this title or an amendment made by this title, an emerging growth company may choose to forgo such exemption and instead comply with the requirements that apply to an issuer that is not an emerging growth company.

(b) SPECIAL RULE.—If an emerging growth company chooses to comply with such standards to the same extent that a non-emerging growth company is required to comply with such standards, the emerging growth company—

(1) shall—

(A) make such choice at the time at which the company is first required to file a registration statement, periodic report, or other report with the Commission under section 13 of the Securities Exchange Act of 1934; and

(B) notify the Securities and Exchange Commission of such choice;

(2) may not select some standards to comply with in such manner and not others, but shall comply with all such standards, to the same extent that a non-emerging growth company is required to comply with such standards; and

(3) shall continue to comply with such standards, to the same extent that a non-emerging growth company is required to comply with such standards, for as long as the company remains an emerging growth company.

SEC. 208. REVIEW OF TICK SIZE ON MARKET LIQUIDITY.

Section 11A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(c)) is amended by adding at the end the following new paragraph:

"(6) TICK SIZE.—

"(A) STUDY AND REPORT.—

"(i) STUDY.—The Commission shall conduct a study examining the transition to trading and quoting securities in one penny increments, also known as 'decimalization', which shall examine—

"(I) the impact that decimalization has had on the number of initial public offerings since its implementation relative to the period before its implementation;

"(II) the impact that such change has had on liquidity for small and middle capitalization company securities; and

"(III) whether there is sufficient economic incentive to support trading operations in these securities in penny increments.

"(ii) REPORT.—Not later than 270 days after the date of enactment of this paragraph, the Commission shall submit to Congress a report on the findings of the study required by clause (i).

"(B) DESIGNATION.—If the Commission determines after the study under subparagraph (A) that the securities of emerging growth companies should be quoted and traded using a minimum increment of greater than \$0.01, the Commission may, by rule not later than 180 days after the date of submission of the report under subparagraph (A)(ii), designate a minimum increment for the securities of emerging growth companies that is greater than \$0.01 but less than \$0.10 for use in all quoting and trading of securities in any exchange or other execution venue."

SEC. 209. OTHER MATTERS.

(a) CONFIDENTIAL SUBMISSION.—Section 6 of the Securities Act of 1933 (15 U.S.C. 77f) is amended by adding at the end the following:

"(e) EMERGING GROWTH COMPANIES.—

"(1) IN GENERAL.—Any emerging growth company, prior to its initial public offering date, may confidentially submit to the Commission a draft registration statement, for confidential nonpublic review by the staff of the Commission prior to public filing, provided that the initial confidential submission and all amendments thereto shall be publicly filed with the Commission not later than 30 days before the date on which the issuer conducts a road show, as such term is defined in section 230.433(h)(4) of title 17, Code of Federal Regulations (or any successor thereto).

"(2) CONFIDENTIALITY.—Notwithstanding any other provision of this title, the Commission shall not be compelled to disclose any information provided to or obtained by the Commission pursuant to this subsection. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. Information described in or obtained pursuant to this subsection shall be deemed to constitute confidential information for purposes of section 24(b)(2) of the Securities Exchange Act of 1934.

"(3) FEES.—The Commission may assess such fees and charges for the submission of a draft registration statement by an emerging growth company pursuant to this section as the Commission determines to be reasonable. Notwithstanding any other provision of law, such fees and charges shall be available for use by the Commission for the purpose of administering the provisions of this subsection."

(b) **STUDY AND REPORT.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of, and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on, the implementation of the provisions of this title, as well as on the state of the public markets for initial public offerings, that includes an evaluation of—

(1) the effect of the framework established under this title on facilitating initial public offerings and, if appropriate, ways to improve such framework; and

(2) the adequacy of safeguards and protections for investors in emerging growth companies and, if appropriate, ways to improve such safeguards and protections.

TITLE III—CROWDFUNDING

SEC. 301. SHORT TITLE.

This title may be cited as the “Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012” or the “CROWDFUND Act”.

SEC. 302. CROWDFUNDING EXEMPTION.

(a) **SECURITIES ACT OF 1933.**—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

“(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

“(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

“(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

“(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

“(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

“(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

“(D) the issuer complies with the requirements of section 4A(b).”.

(b) **REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.**—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

“SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

“(a) **REQUIREMENTS ON INTERMEDIARIES.**—A person engaged in the business of effecting transactions in securities for the account of others pursuant to section 4(6) shall—

“(1) register with the Commission as—

“(A) a broker; or

“(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

“(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

“(3) provide such disclosures, including disclosures related to risks and other investor

education materials, as the Commission shall, by rule, determine appropriate;

“(4) ensure that each investor—

“(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

“(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

“(C) answers questions demonstrating—

“(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

“(ii) an understanding of the risk of illiquidity; and

“(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

“(5) take such measures to reduce the risk of fraud, money laundering, or other misconduct with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

“(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

“(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

“(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

“(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

“(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

“(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

“(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(b) **REQUIREMENTS FOR ISSUERS.**—For purposes of section 4(6), an issuer who offers or sells securities shall—

“(1) be organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

“(2) not be—

“(A) subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78p(d)); or

“(B) treated as—

“(i) an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3);

“(ii) an issuer excluded from the Investment Company Act of 1940 (15 U.S.C. 80a et seq.); or

“(iii) such other company as the Commission, by rule or regulation, determines appropriate;

“(3) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

“(A) the name, legal status, physical address, and website address of the issuer;

“(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

“(C) a description of the business of the issuer and the anticipated business plan of the issuer;

“(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer under section 4(6) within the preceding 12-month period, have, in the aggregate, targeted offering amounts of—

“(i) \$100,000 or less—

“(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

“(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;

“(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

“(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

“(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

“(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

“(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

“(H) a description of the ownership and capital structure of the issuer, including—

“(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

“(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

“(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

“(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

“(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

“(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

“(4) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

“(5) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

“(6) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

“(7) comply with such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—

“(1) ACTIONS AUTHORIZED.—

“(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

“(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

“(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—

“(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

“(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

“(3) DEFINITION.—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any per-

son who offers or sells the security in such offering.

“(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.

“(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—

“(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

“(A) to the issuer of the securities;

“(B) to an accredited investor;

“(C) as part of an offering registered with the Commission; or

“(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

“(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

“(f) RULE OF CONSTRUCTION.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).

“(g) CERTAIN CALCULATIONS.—

“(1) DOLLAR AMOUNTS.—Dollar amounts in section 4(6) and subsections (a)(9) and (b)(2) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(2) INCOME AND NET WORTH.—The income and net worth of a natural person under section 4(6)(B)(ii) and subsection (a)(9) of this section shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”

(c) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) DISQUALIFICATION.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this Act; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) INCLUSIONS.—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of

Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) EXEMPTION.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”

(b) RULEMAKING.—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) EXEMPTION.—

(1) IN GENERAL.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) LIMITED EXEMPTION FOR FUNDING PORTALS.—

“(1) IN GENERAL.—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”

(2) **RULEMAKING.**—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) **DEFINITION.**—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), as amended by title II of this Act, is amended by adding at the end the following:

“(81) **FUNDING PORTAL.**—The term ‘funding portal’ means any person engaged in the business of effecting transactions in securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”.

SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) **IN GENERAL.**—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”.

(b) **CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) **CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.**—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”.

(c) **NOTICE FILINGS PERMITTED.**—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) **FEEES NOT PERMITTED ON CROWDFUNDED SECURITIES.**—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency

or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(d) **FUNDING PORTALS.**—

(1) **STATE EXEMPTIONS AND OVERSIGHT.**—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) **FUNDING PORTALS.**—

“(A) **LIMITATION ON STATE LAWS.**—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) **EXAMINATION AND ENFORCEMENT AUTHORITY.**—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) **DEFINITION.**—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(2) **STATE FRAUD AUTHORITY.**—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

SEC. 306. REPORTS TO CONGRESS.

(a) **IN GENERAL.**—The Commission, after consultation with the securities commission (or any agency or office performing like functions) of the States and State attorneys general, shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 1 year after the date on which the Commission issues final rules under section 2(c), and every 2 years thereafter through the date that is 7 years after that date of issuance.

(b) **REPORTS.**—Each report provided pursuant to subsection (a) shall include—

(1) a description of the material risks posed to investors in securities issued pursuant to section 4(6) of the Securities Act of 1933, as added by this title, including risks related to valuations, subsequent corporate actions by the issuer, dilution of ownership interests or rights, and any other risks to investors that the Commission shall determine;

(2) a description of the performance of investments made in securities issued pursuant to that section 4(6), to the extent that such information is available to the Commission;

(3) a description of fraud or misconduct allegations related to issuances made pursuant to that section 4(6), including a description of actions by and complaints to the Commission involving material misstatements, material omissions, or other material problems associated with offerings in reliance on such exemption, provided that the description shall be limited to concluded enforcement actions or information that is otherwise publicly available;

(4) the approximate number of offerings made pursuant to that section 4(6);

(5) a summary of information relating to purchasers of securities offered pursuant to that section 4(6), including investor income and net worth levels, the number of investments in such offerings made by such investors, and the average sizes of such investments, to the extent that such information is available to the Commission;

(6) a summary of information relating to issuers of securities relying on that section 4(6), including their asset sizes, revenues, numbers of investors, and the amounts raised, to the extent that such information is available to the Commission;

(7) a description of any emerging trends in offerings or issuances made pursuant to that section 4(6);

(8) recommendations regarding enhancements, including additional issuer, broker, dealer, or funding portal requirements, regulatory oversight, or disclosures, that may improve protections for investors purchasing securities issued pursuant to that section 4(6); and

(9) any other information that the Commission deems necessary or appropriate.

(c) **STATE REPORTS.**—

(1) **IN GENERAL.**—If the securities commission (or any agency or office performing like functions) of a State or State attorney general issues a report in writing to the Commission identifying any emerging trends that have undermined investor protections, or other risks pertaining to investor protection, in offerings or issuances relying upon section 4(6) of the Securities Act of 1933, as added by this title, other than in connection with a review conducted by the Commission pursuant to this section, the Commission shall—

(A) conduct a preliminary review of such report; and

(B) respond in writing to such report, not later than 120 days after the date of receipt of such report, with the results of its preliminary review.

(2) **COPIES OF REPORT.**—The Commission shall provide a copy of any report of the securities commission (or any agency or office performing like functions) of a State or State attorney general described in paragraph (1) and the response of the Commission to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 90 days after the date on which such response is provided.

(d) **DEFINITION OF STATE.**—For purposes of this section, the term “State” includes and territory of the United States and the District of Columbia.

TITLE IV—EXPORT-IMPORT BANK REAUTHORIZATION

SEC. 401. SHORT TITLE.

This title may be cited as the “Export-Import Bank Reauthorization Act of 2012”.

SEC. 402. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “2011” and inserting “2015”.

SEC. 403. FOREIGN CREDIT INSURANCE ASSOCIATION.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by striking subparagraph (F).

SEC. 404. TECHNICAL CORRECTION.

Section 2(b)(2)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(ii)) is amended by striking subclauses (I), (IV), and (VII) and by redesignating subclauses (II), (III), (V), (VI), (VIII), and (IX) as subclauses (I), (II), (III), (IV), (V), and (VI), respectively.

SEC. 405. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking “2011” and inserting “2015”.

SEC. 406. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking “2011,” at the end of subparagraph (E) and inserting “2011, \$100,000,000,000;” and

(3) by adding at the end the following:

“(F) during fiscal year 2012, \$110,000,000,000;

“(G) during fiscal year 2013, \$120,000,000,000;

“(H) during fiscal year 2014, \$130,000,000,000; and

“(I) during fiscal year 2015, \$140,000,000,000.”

SEC. 407. DUAL USE EXPORTS.

Section 4 of Public Law 109-438 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking “2011” and inserting “2015”.

SEC. 408. MODIFICATIONS TO PROVISIONS RELATING TO TEXTILES.

(a) REPRESENTATION OF THE TEXTILE INDUSTRY ON ADVISORY COMMITTEE.—Section 3(d)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(1)(B)) is amended by striking “and State government” and inserting “State government, and the textile industry”.

(b) ANNUAL REPORT REGARDING TEXTILE AND APPAREL GOODS.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following new subsection:

“(g) TEXTILE AND APPAREL SUPPLY CHAIN FINANCING.—The Bank shall include in its annual report to the Congress—

“(1) a description of the efforts of the Bank to provide financing to the United States textile and apparel industry for exports of textile and apparel goods manufactured in the United States that are used as components in global textile and apparel supply chains; and

“(2) the amount of support the Bank provided for the export of textiles and apparel goods for each of the 3 years preceding the report.”

SEC. 409. REVIEW AND REPORT ON DOMESTIC CONTENT POLICY.

(a) IN GENERAL.—The Export-Import Bank of the United States shall conduct a review of its domestic content policy for medium- and long-term transactions. The review shall examine and evaluate the effectiveness of the Bank’s policy—

(1) in maintaining and creating jobs in the United States; and

(2) in contributing to a stronger national economy through the export of goods and services.

(b) FACTORS TO CONSIDER.—In conducting the review under subsection (a), the Bank shall consider the following:

(1) Whether the domestic content policy accurately captures the costs of United States production of goods and services, including the direct and indirect costs of manufacturing costs, parts, components, materials and supplies, research, planning, engineering, design, development, production, return on investment, marketing and other business costs and the effect of such policy on the maintenance and creation of jobs in the United States.

(2) The ability of the Bank to provide financing that is competitive with the financing provided by foreign export credit agen-

cies and the impact that such financing has in enabling companies with operations in the United States to contribute to a stronger United States economy by increasing employment through the export of goods and services.

(3) The effects of the domestic content policy on the manufacturing and service workforce of the United States.

(4) Any recommendations the members of the Bank’s Advisory Committee have regarding the Bank’s domestic content policy.

(5) The effect that changes to the Bank’s domestic content requirements would have in providing companies an incentive to create and maintain operations in the United States and to increase jobs in the United States.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Bank shall submit a report on the results of the review conducted under this section to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

SEC. 410. STRATEGIC PLAN.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g), as amended by section 408, is further amended by adding at the end the following new subsection:

“(h) STRATEGIC PLAN FOR THE BANK.—

“(1) IN GENERAL.—The Bank shall include in its annual report to the Congress under subsection (a) of this section, not less than every 4 years, beginning in 2012, a 5-year strategic plan that provides—

“(A) a comprehensive mission statement covering the major functions and operations of the Bank;

“(B) general goals and objectives, including outcome-oriented goals, for the major functions of the Bank;

“(C) a description of the Bank’s highest-priority goals and how they can be achieved within the 5-year plan period, according to clearly defined milestones; and

“(D) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations;

“(2) PROGRESS.—The progress the Bank is making in meeting the milestones established by the strategic plan shall be updated in each annual report the Bank submits to the Congress.

“(3) AVAILABILITY OF ANNUAL REPORT.—The Bank shall make its annual report available on its public website.”

SEC. 411. REVIEW AND REPORT ON BANK’S INFORMATION TECHNOLOGY INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall conduct a review of the Bank’s information technology infrastructure and report to Congress on—

(1) how the Bank will modernize and continue to maintain the technology infrastructure, taking into consideration commercially available technologies or other cost-saving measures; and

(2) how modernization, maintenance, and other cost-saving measures will result—

(A) in improved service delivery to customers of the Bank;

(B) in generally improving the Bank’s performance; and

(C) in mitigating taxpayer exposure to losses.

SEC. 412. STUDY BY THE COMPTROLLER GENERAL ON RISK MANAGEMENT.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act,

the Comptroller General of the United States shall complete and submit to the Export-Import Bank of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report—

(1) on the financial position of the Bank and the risks it poses for American taxpayers; and

(2) that contains recommendations to the Bank on how to properly account for risk and ensure the solvency of the Bank.

(b) REPORT.—The report submitted under subsection (a) shall evaluate—

(1) the effectiveness of the Bank’s risk management;

(2) the adequacy of the Bank’s loan loss reserves;

(3) the exposure and potential for exposure to losses from each of the products offered by the Bank;

(4) the overall risk of the Bank’s portfolio, taking into account—

(A) market risk;

(B) credit risk;

(C) political risk;

(D) industry-concentration risk;

(E) geographic-concentration risk;

(F) obligor-concentration risk; and

(G) foreign-currency risk;

(5) the Bank’s use of historical default and recovery rates to calculate future program costs, taking into consideration cost estimates determined under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and whether discount rates applied to cost estimates should reflect the risks described in paragraph (4);

(6) the fees charged by the Bank for the products the Bank offers, whether the Bank’s fees properly reflect the risks described in paragraph (4), and how the fees are affected by United States participation in international agreements; and

(7) whether the Bank’s loan loss reserves policy is sufficient to cover the risks described in paragraph (4).

(c) RECOMMENDATIONS AND REPORT BY THE BANK.—If the Bank does not adopt the recommendations provided under subsection (a) by the Comptroller General, the Bank shall submit to Congress, not later than 60 days after the Bank receives the report, a report on why the Bank has not adopted the recommendations.

SEC. 413. RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGIES.

(a) IN GENERAL.—The Export-Import Bank of the United States should work to increase the export of renewable energy technologies and end-use energy efficiency technologies with a goal of significantly expanding, year-after-year, the Bank’s annual aggregate loan, guarantee, and insurance authorizations supporting those technologies.

(b) INCREASED REPORTING REQUIREMENTS.—The Export-Import Bank of the United States shall include in its annual report to the Congress an analysis of any barriers to realizing the Bank’s congressional directive to increase the Bank’s financing for renewable energy technology and end-use energy efficiency technology and any tools the Bank needs to assist the Bank in overcoming those barriers. The analysis shall include barriers such as—

(1) inadequate staffing;

(2) inadequate financial products;

(3) lack of capital authority; and

(4) limitations imposed by domestic markets.

SEC. 414. TRANSPARENCY AND ACCOUNTABILITY OF BANK FINANCING.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (3) the following new paragraph:

“(3A) TRANSPARENCY AND ACCOUNTABILITY OF BANK FINANCING.—

“(A) PREAPPROVAL NOTICE.—Not later than 14 days before any meeting of the Board of Directors for final approval of a transaction the value of which exceeds \$100,000,000, and concurrent with any statement required to be submitted under paragraph (3) with respect to the transaction, the Bank shall post a notice on the Bank’s website that includes—

“(i) a description of the transaction proposed to be financed;

“(ii) the identities of the obligor, principal supplier, and guarantor involved in the transaction; and

“(iii) a description of any item with respect to which Bank financing is being sought.

“(B) MANNER OF DISCLOSURE.—Any information required to be disclosed under subparagraph (A) shall be disclosed in a manner that does not disclose any information that is confidential or proprietary business information, that would violate section 1905 of title 18, United States Code (commonly referred to as the ‘Trade Secrets Act’), or that would jeopardize jobs in the United States by supplying information which competitors could use to compete with companies in the United States.

“(C) POST CONSIDERATION.—Not later than 30 days after the final approval of a transaction the value of which exceeds \$100,000,000, the Bank shall post a notice on the Bank’s website that includes the information required under subparagraph (A) in a manner that complies with subparagraph (B).”.

SEC. 415. ANNUAL COMPETITIVENESS REPORT.

Section 8A(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g–1(a)) is amended by adding at the end the following:

“(11) CASE PROCESSING.—A separate section detailing the Bank’s annual survey of exporters, financial institutions, and brokers regarding the Bank’s processing of transactions, timeliness in reviewing transactions and processing applications, adherence to financial standards, clarity and ease of use of applications, and general customer service during the application and approval process for each of the Bank’s major programs.

“(12) OPERATIONS.—A separate section detailing the Bank’s annual survey of exporters, financial institutions, and brokers regarding the Bank’s documentation requirements, certifications, and processing of applications for medium- and long-term program transactions compared to the processing of applications by other export credit agencies.

“(13) PROCESS IMPROVEMENT.—A description of the recommendations made by the Bank’s Advisory Committee and the advisory committee on Sub-Saharan Africa established under section 2(b)(9)(B) regarding improving the Bank’s processing of transactions and customer service. The Bank shall make every reasonable effort to act on the recommendations of the advisory committees and shall include a separate section detailing the actions taken by the Bank to comply with the recommendations.”.

SEC. 416. PROHIBITIONS ON FINANCING FOR CERTAIN PERSONS INVOLVED IN SANCTIONABLE ACTIVITIES WITH RESPECT TO IRAN.

(a) PROHIBITION ON FINANCING FOR PERSONS THAT ENGAGE IN CERTAIN SANCTIONABLE ACTIVITIES.—

(1) IN GENERAL.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States may not approve any transaction that is subject to approval by the Board with respect to the provision by the Bank of any guarantee, insurance, or extension of credit, or the participation by the Bank in any extension of credit, to a person in connection with the exportation of any good or service unless the person makes the certification described in paragraph (2).

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification by a person—

(A) that neither the person nor any other person owned or controlled by the person—

(i) engages in any activity described in section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) for which the person may be subject to sanctions under that Act;

(ii) exports sensitive technology, as defined in section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515), to Iran; or

(iii) engages in any activity prohibited by part 560 of title 31, Code of Federal Regulations (commonly known as the “Iranian Transactions Regulations”), unless the activity is disclosed to the Office of Foreign Assets Control of the Department of the Treasury when the activity is discovered; or

(B) if the person or any other person owned or controlled by the person has engaged in an activity described in subparagraph (A), that—

(i) in the case of an activity described in subparagraph (A)(i)—

(I) the President has waived the imposition of sanctions with respect to the person that engaged in that activity pursuant to section 4(c), 6(b)(5), or 9(c) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note);

(II)(aa) the President has invoked the special rule described in section 4(e)(3) of that Act with respect to the person that engaged in that activity; or

(bb)(AA) the person that engaged in that activity determines, based on its best knowledge and belief, that the person meets the criteria described in subparagraph (A) of such section 4(e)(3) and has provided to the President the assurances described in subparagraph (B) of that section; and

(BB) the Secretary of State has issued an advisory opinion to that person that the person meets such criteria and has provided to the President those assurances; or

(III) the President has determined that the criteria have been met for the exception provided for under section 5(a)(3)(C) of the Iran Sanctions Act of 1996 to apply with respect to the person that engaged in that activity; or

(ii) in the case of an activity described in subparagraph (A)(ii), the President has waived, pursuant to section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515(b)(1)), the application of the prohibition under section 106(a) of that Act (22 U.S.C. 8515(a)) with respect to that person.

(b) PROHIBITION ON FINANCINGS.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Board of Di-

rectors of the Export-Import Bank of the United States may not approve any transaction that is subject to approval by the Board with respect to the provision by the Bank of any guarantee, insurance, or extension of credit, or the participation by the Bank in any extension of credit, in connection with a financing in which a person that is a borrower or controlling sponsor, or a person that is owned or controlled by such borrower or controlling sponsor, is subject to sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) ADVISORY OPINIONS.—

(1) AUTHORITY.—The Secretary of State is authorized to issue advisory opinions described in subsection (a)(2)(B)(i)(II).

(2) NOTICE TO CONGRESS.—If the Secretary issues an advisory opinion pursuant to paragraph (1), the Secretary shall notify the appropriate congressional committees of the opinion not later than 30 days after issuing the opinion.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES; PERSON.—The terms “appropriate congressional committees” and “person” have the meanings given those terms in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) CONTROLLING SPONSOR.—The term “controlling sponsor” means a person providing controlling direct private equity investment (excluding investments made through publicly held investment funds, publicly held securities, public offerings, or similar public market vehicles) in connection with a financing.

TITLE V—SMALL BUSINESS INVESTMENT COMPANIES AND LOAN REFINANCING EXTENSION**SEC. 501. MAXIMUM LEVERAGE UNDER TITLE III OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.**

(a) AUTHORIZATION.—For fiscal year 2013, the Administrator of the Small Business Administration may make \$4,000,000,000 in guarantees of debentures for programs under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(b) FAMILY OF FUNDS.—Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking “\$225,000,000” and inserting “\$350,000,000”.

SEC. 502. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

Section 1122(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 696 note) is amended by striking “2 years” and inserting “3 years”.

TITLE VI—PRIVATE COMPANY FLEXIBILITY AND GROWTH**SEC. 601. SHORT TITLE.**

This title may be cited as the “Private Company Flexibility and Growth Act”.

SEC. 602. THRESHOLD FOR REGISTRATION.

Section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)) is amended by striking “shall—” and all that follows through “register such” and inserting “shall, not later than 120 days after the last day of any fiscal year of the issuer on which the issuer has total assets exceeding \$10,000,000 and a class of equity securities (other than an exempted security) held of record by 750 persons, register such”.

SEC. 603. TREATMENT OF EMPLOYEE SECURITIES.

Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended by

adding at the end the following: "For purposes of determining whether an issuer is required to register a security with the Commission pursuant to paragraph (1), the definition of the term 'held of record' shall not include, subject to such limitations as the Commission shall determine, securities that are held by persons who received the securities pursuant to an employee compensation plan in transactions exempted from or otherwise not subject to the registration requirements of section 5 of the Securities Act of 1933."

SEC. 604. COMMISSION RULEMAKING.

The Securities and Exchange Commission shall, not later than one year after the date of enactment of this Act—

(1) revise its rules at section 240.12g-5.1 of title 17, Code of Federal Regulations to implement the amendments made by sections 602 and 603;

(2) adopt safe harbor provisions that issuers can follow when determining whether holders of their securities received the securities pursuant to an employee compensation plan in a transaction that was exempt from the registration requirements of section 5 of the Securities Act of 1933; and

(3) revise the definition of the term "held of record" pursuant to section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) to include beneficial owners of such class of securities.

SEC. 605. COMMISSION STUDY OF ENFORCEMENT AUTHORITY UNDER RULE 12G5-1.

The Securities and Exchange Commission shall examine its authority to enforce its rules in section 240.12g-5.1 of title 17, Code of Federal Regulations, to determine if new enforcement tools are needed to enforce the anti-evasion provision contained in subsection (b)(3) of that rule, and shall, not later than 270 days after the date of enactment of this Act, transmit any recommendations to Congress.

TITLE VII—ACCESS TO CAPITAL FOR JOB CREATORS

SEC. 701. SHORT TITLE.

This title may be cited as the "Access to Capital for Job Creators Act".

SEC. 702. MODIFICATION OF EXEMPTION.

(a) MODIFICATION OF RULES.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission shall, by rule or regulation, revise its rules—

(1) to permit the general solicitation of accredited investors, either by adopting a new exemption under the Securities Act of 1933 or by revising its rules issued in section 230.506 of title 17, Code of Federal Regulations, to provide that the prohibition against general solicitation or general advertising contained in section 230.502(c) of that title 17 shall not apply to offers and sales of securities made pursuant to that section 230.506, provided that all purchasers of the securities are accredited investors;

(2) to require the offeror and issuer to take reasonable steps to verify that purchasers of the securities are accredited investors, using such methods as are determined by the Commission; and

(3) to include the terms and conditions relating to the forms of permissible solicitation and advertising.

(b) OTHER REQUIRED REVISIONS.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission shall revise subsection (d)(1) of section 230.144A of title 17, Code of Federal Regulations, to provide that—

(1) securities sold under such revised exemption may not be offered to persons other than qualified institutional buyers; and

(2) that securities are only sold to persons that the seller and any person acting on behalf of the seller reasonably believes are qualified institutional buyers.

(c) RULE OF CONSTRUCTION.—Offers and sales of securities under section 230.506 of title 17, Code of Federal Regulations, as revised by the rules and regulations required by this Act, shall not be deemed public offerings under the Federal securities laws as a result of general advertising or general solicitation.

SA 1834. Mr. REID proposed an amendment to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 7 days after enactment.

SA 1835. Mr. REID proposed an amendment to amendment SA 1834 proposed by Mr. REID to the amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; as follows:

In the amendment, strike "7 days" and insert "6 days".

SA 1836. Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) proposed an amendment to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; as follows:

At the end, add the following:

TITLE VIII—EXPORT-IMPORT BANK REAUTHORIZATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Export-Import Bank Reauthorization Act of 2012".

SEC. 802. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2011" and inserting "2015".

SEC. 803. FOREIGN CREDIT INSURANCE ASSOCIATION.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by striking subparagraph (F).

SEC. 804. TECHNICAL CORRECTION.

Section 2(b)(2)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(ii)) is amended by striking subclauses (I), (IV), and (VII) and by redesignating subclauses (II),

(III), (V), (VI), (VIII), and (IX) as subclauses (I), (II), (III), (IV), (V), and (VI), respectively.

SEC. 805. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking "2011" and inserting "2015".

SEC. 806. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking "2011," at the end of subparagraph (E) and inserting "2011, \$100,000,000,000;"; and

(3) by adding at the end the following:

"(F) during fiscal year 2012, \$110,000,000,000;

"(G) during fiscal year 2013, \$120,000,000,000;

"(H) during fiscal year 2014, \$130,000,000,000;

and

"(I) during fiscal year 2015, \$140,000,000,000."

SEC. 807. DUAL USE EXPORTS.

Section 4 of Public Law 109-438 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "2011" and inserting "2015".

SEC. 808. MODIFICATIONS TO PROVISIONS RELATING TO TEXTILES.

(a) REPRESENTATION OF THE TEXTILE INDUSTRY ON ADVISORY COMMITTEE.—Section 3(d)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(1)(B)) is amended by striking "and State government" and inserting "State government, and the textile industry".

(b) ANNUAL REPORT REGARDING TEXTILE AND APPAREL GOODS.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following new subsection:

"(g) TEXTILE AND APPAREL SUPPLY CHAIN FINANCING.—The Bank shall include in its annual report to the Congress—

"(1) a description of the efforts of the Bank to provide financing to the United States textile and apparel industry for exports of textile and apparel goods manufactured in the United States that are used as components in global textile and apparel supply chains; and

"(2) the amount of support the Bank provided for the export of textiles and apparel goods for each of the 3 years preceding the report."

SEC. 809. REVIEW AND REPORT ON DOMESTIC CONTENT POLICY.

(a) IN GENERAL.—The Export-Import Bank of the United States shall conduct a review of its domestic content policy for medium- and long-term transactions. The review shall examine and evaluate the effectiveness of the Bank's policy—

(1) in maintaining and creating jobs in the United States; and

(2) in contributing to a stronger national economy through the export of goods and services.

(b) FACTORS TO CONSIDER.—In conducting the review under subsection (a), the Bank shall consider the following:

(1) Whether the domestic content policy accurately captures the costs of United States production of goods and services, including the direct and indirect costs of manufacturing costs, parts, components, materials and supplies, research, planning, engineering, design, development, production, return on investment, marketing and other business costs and the effect of such policy on the maintenance and creation of jobs in the United States.

(2) The ability of the Bank to provide financing that is competitive with the financing provided by foreign export credit agencies and the impact that such financing has in enabling companies with operations in the United States to contribute to a stronger United States economy by increasing employment through the export of goods and services.

(3) The effects of the domestic content policy on the manufacturing and service workforce of the United States.

(4) Any recommendations the members of the Bank's Advisory Committee have regarding the Bank's domestic content policy.

(5) The effect that changes to the Bank's domestic content requirements would have in providing companies an incentive to create and maintain operations in the United States and to increase jobs in the United States.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Bank shall submit a report on the results of the review conducted under this section to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

SEC. 810. STRATEGIC PLAN.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g), as amended by section 808, is further amended by adding at the end the following new subsection:

“(h) **STRATEGIC PLAN FOR THE BANK.**—

“(1) **IN GENERAL.**—The Bank shall include in its annual report to the Congress under subsection (a) of this section, not less than every 4 years, beginning in 2012, a 5-year strategic plan that provides—

“(A) a comprehensive mission statement covering the major functions and operations of the Bank;

“(B) general goals and objectives, including outcome-oriented goals, for the major functions of the Bank;

“(C) a description of the Bank's highest-priority goals and how they can be achieved within the 5-year plan period, according to clearly defined milestones; and

“(D) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations;

“(2) **PROGRESS.**—The progress the Bank is making in meeting the milestones established by the strategic plan shall be updated in each annual report the Bank submits to the Congress.

“(3) **AVAILABILITY OF ANNUAL REPORT.**—The Bank shall make its annual report available on its public website.”.

SEC. 811. REVIEW AND REPORT ON BANK'S INFORMATION TECHNOLOGY INFRASTRUCTURE.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall conduct a review of the Bank's information technology infrastructure and report to Congress on—

(1) how the Bank will modernize and continue to maintain the technology infrastructure, taking into consideration commercially available technologies or other cost-savings measures; and

(2) how modernization, maintenance, and other cost-saving measures will result—

(A) in improved service delivery to customers of the Bank;

(B) in generally improving the Bank's performance; and

(C) in mitigating taxpayer exposure to losses.

SEC. 812. STUDY BY THE COMPTROLLER GENERAL ON RISK MANAGEMENT.

(a) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete and submit to the Export-Import Bank of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report—

(1) on the financial position of the Bank and the risks it poses for American taxpayers; and

(2) that contains recommendations to the Bank on how to properly account for risk and ensure the solvency of the Bank.

(b) **REPORT.**—The report submitted under subsection (a) shall evaluate—

(1) the effectiveness of the Bank's risk management;

(2) the adequacy of the Bank's loan loss reserves;

(3) the exposure and potential for exposure to losses from each of the products offered by the Bank;

(4) the overall risk of the Bank's portfolio, taking into account—

(A) market risk;

(B) credit risk;

(C) political risk;

(D) industry-concentration risk;

(E) geographic-concentration risk;

(F) obligor-concentration risk; and

(G) foreign-currency risk;

(5) the Bank's use of historical default and recovery rates to calculate future program costs, taking into consideration cost estimates determined under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and whether discount rates applied to cost estimates should reflect the risks described in paragraph (4);

(6) the fees charged by the Bank for the products the Bank offers, whether the Bank's fees properly reflect the risks described in paragraph (4), and how the fees are affected by United States participation in international agreements; and

(7) whether the Bank's loan loss reserves policy is sufficient to cover the risks described in paragraph (4).

(c) **RECOMMENDATIONS AND REPORT BY THE BANK.**—If the Bank does not adopt the recommendations provided under subsection (a) by the Comptroller General, the Bank shall submit to Congress, not later than 60 days after the Bank receives the report, a report on why the Bank has not adopted the recommendations.

SEC. 813. RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGIES.

(a) **IN GENERAL.**—The Export-Import Bank of the United States should work to increase the export of renewable energy technologies and end-use energy efficiency technologies with a goal of significantly expanding, year-after-year, the Bank's annual aggregate loan, guarantee, and insurance authorizations supporting those technologies.

(b) **INCREASED REPORTING REQUIREMENTS.**—The Export-Import Bank of the United States shall include in its annual report to the Congress an analysis of any barriers to realizing the Bank's congressional directive to increase the Bank's financing for renewable energy technology and end-use energy efficiency technology and any tools the Bank needs to assist the Bank in overcoming those barriers. The analysis shall include barriers such as—

(1) inadequate staffing;

(2) inadequate financial products;

(3) lack of capital authority; and

(4) limitations imposed by domestic markets.

SEC. 814. TRANSPARENCY AND ACCOUNTABILITY OF BANK FINANCING.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (3) the following new paragraph:

“(3A) **TRANSPARENCY AND ACCOUNTABILITY OF BANK FINANCING.**—

“(A) **PREAPPROVAL NOTICE.**—Not later than 14 days before any meeting of the Board of Directors for final approval of a transaction the value of which exceeds \$100,000,000, and concurrent with any statement required to be submitted under paragraph (3) with respect to the transaction, the Bank shall post a notice on the Bank's website that includes—

“(i) a description of the transaction proposed to be financed;

“(ii) the identities of the obligor, principal supplier, and guarantor involved in the transaction; and

“(iii) a description of any item with respect to which Bank financing is being sought.

“(B) **MANNER OF DISCLOSURE.**—Any information required to be disclosed under subparagraph (A) shall be disclosed in a manner that does not disclose any information that is confidential or proprietary business information, that would violate section 1905 of title 18, United States Code (commonly referred to as the ‘Trade Secrets Act’), or that would jeopardize jobs in the United States by supplying information which competitors could use to compete with companies in the United States.

“(C) **POST CONSIDERATION.**—Not later than 30 days after the final approval of a transaction the value of which exceeds \$100,000,000, the Bank shall post a notice on the Bank's website that includes the information required under subparagraph (A) in a manner that complies with subparagraph (B).”.

SEC. 815. ANNUAL COMPETITIVENESS REPORT.

Section 8A(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g–1(a)) is amended by adding at the end the following:

“(11) **CASE PROCESSING.**—A separate section detailing the Bank's annual survey of exporters, financial institutions, and brokers regarding the Bank's processing of transactions, timeliness in reviewing transactions and processing applications, adherence to financial standards, clarity and ease of use of applications, and general customer service during the application and approval process for each of the Bank's major programs.

“(12) **OPERATIONS.**—A separate section detailing the Bank's annual survey of exporters, financial institutions, and brokers regarding the Bank's documentation requirements, certifications, and processing of applications for medium- and long-term program transactions compared to the processing of applications by other export credit agencies.

“(13) **PROCESS IMPROVEMENT.**—A description of the recommendations made by the Bank's Advisory Committee and the advisory committee on Sub-Saharan Africa established under section 2(b)(9)(B) regarding improving the Bank's processing of transactions and customer service. The Bank shall make every reasonable effort to act on the recommendations of the advisory committees and shall include a separate section detailing the actions taken by the Bank to comply with the recommendations.”.

SEC. 816. PROHIBITIONS ON FINANCING FOR CERTAIN PERSONS INVOLVED IN SANCTIONABLE ACTIVITIES WITH RESPECT TO IRAN.

(a) PROHIBITION ON FINANCING FOR PERSONS THAT ENGAGE IN CERTAIN SANCTIONABLE ACTIVITIES.—

(1) IN GENERAL.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States may not approve any transaction that is subject to approval by the Board with respect to the provision by the Bank of any guarantee, insurance, or extension of credit, or the participation by the Bank in any extension of credit, to a person in connection with the exportation of any good or service unless the person makes the certification described in paragraph (2).

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification by a person—

(A) that neither the person nor any other person owned or controlled by the person—

(i) engages in any activity described in section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) for which the person may be subject to sanctions under that Act;

(ii) exports sensitive technology, as defined in section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515), to Iran; or

(iii) engages in any activity prohibited by part 560 of title 31, Code of Federal Regulations (commonly known as the “Iranian Transactions Regulations”), unless the activity is disclosed to the Office of Foreign Assets Control of the Department of the Treasury when the activity is discovered; or

(B) if the person or any other person owned or controlled by the person has engaged in an activity described in subparagraph (A), that—

(i) in the case of an activity described in subparagraph (A)(i)—

(I) the President has waived the imposition of sanctions with respect to the person that engaged in that activity pursuant to section 4(c), 6(b)(5), or 9(c) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note);

(II)(aa) the President has invoked the special rule described in section 4(e)(3) of that Act with respect to the person that engaged in that activity; or

(bb)(AA) the person that engaged in that activity determines, based on its best knowledge and belief, that the person meets the criteria described in subparagraph (A) of such section 4(e)(3) and has provided to the President the assurances described in subparagraph (B) of that section; and

(BB) the Secretary of State has issued an advisory opinion to that person that the person meets such criteria and has provided to the President those assurances; or

(III) the President has determined that the criteria have been met for the exception provided for under section 5(a)(3)(C) of the Iran Sanctions Act of 1996 to apply with respect to the person that engaged in that activity; or

(ii) in the case of an activity described in subparagraph (A)(ii), the President has waived, pursuant to section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)), the application of the prohibition under section 106(a) of that Act (22 U.S.C. 8515(a)) with respect to that person.

(b) PROHIBITION ON FINANCINGS.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Board of Di-

rectors of the Export-Import Bank of the United States may not approve any transaction that is subject to approval by the Board with respect to the provision by the Bank of any guarantee, insurance, or extension of credit, or the participation by the Bank in any extension of credit, in connection with a financing in which a person that is a borrower or controlling sponsor, or a person that is owned or controlled by such borrower or controlling sponsor, is subject to sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(c) ADVISORY OPINIONS.—

(1) AUTHORITY.—The Secretary of State is authorized to issue advisory opinions described in subsection (a)(2)(B)(i)(II).

(2) NOTICE TO CONGRESS.—If the Secretary issues an advisory opinion pursuant to paragraph (1), the Secretary shall notify the appropriate congressional committees of the opinion not later than 30 days after issuing the opinion.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES; PERSON.—The terms “appropriate congressional committees” and “person” have the meanings given those terms in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(2) CONTROLLING SPONSOR.—The term “controlling sponsor” means a person providing controlling direct private equity investment (excluding investments made through publicly held investment funds, publicly held securities, public offerings, or similar public market vehicles) in connection with a financing.

SA 1837. Mr. REID proposed an amendment to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; as follows:

At the end, add the following new section:

SEC. ____.

This title shall become effective 5 days after enactment.

SA 1838. Mr. REID proposed an amendment to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; as follows:

SEC. ____.

This Act shall become effective 3 days after enactment.

SA 1839. Mr. REID proposed an amendment to amendment SA 1838 proposed by Mr. REID to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 1840. Mr. REID proposed an amendment to amendment SA 1839 pro-

posed by Mr. REID to the amendment SA 1838 proposed by Mr. REID to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; as follows:

In the amendment, strike “2 days” and insert “1 day”.

SA 1841. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—FOREIGN EARNINGS REINVESTMENT

SEC. ____01. SHORT TITLE.

This title may be cited as the “Foreign Earnings Reinvestment Act”.

SEC. ____. ALLOWANCE OF TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM A CONTROLLED FOREIGN CORPORATION.

(a) APPLICABILITY OF PROVISION.—

(1) IN GENERAL.—Subsection (f) of section 965 is amended to read as follows:

“(f) ELECTION; ELECTION YEAR.—

“(1) IN GENERAL.—The taxpayer may elect to apply this section to—

“(A) the taxpayer’s last taxable year which begins before the date of the enactment of the Foreign Earnings Reinvestment Act, or

“(B) the taxpayer’s first taxable year which begins during the 1-year period beginning on such date.

Such election may be made for a taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.

“(C) ELECTION YEAR.—For purposes of this section, the term ‘election year’ means the taxable year—

“(i) which begins after the date that is one year before the date of the enactment of the Foreign Earnings Reinvestment Act, and

“(ii) to which the taxpayer elects under paragraph (1) to apply this section.”.

(2) CONFORMING AMENDMENTS.—

(A) EXTRAORDINARY DIVIDENDS.—Section 965(b)(2) of such Code is amended—

(i) by striking “June 30, 2003” and inserting “September 30, 2011”, and

(ii) by adding at the end the following new sentence: “The amounts described in clauses (i), (ii), and (iii) shall not include any amounts which were taken into account in determining the deduction under subsection (a) for any prior taxable year.”.

(B) DETERMINATIONS RELATING TO RELATED PARTY INDEBTEDNESS.—Section 965(b)(3)(B) of such Code is amended by striking “October 3, 2004” and inserting “September 30, 2011”.

(C) APPLICABLE FINANCIAL STATEMENT.—Section 965(c)(1) of such Code is amended by striking “June 30, 2003” each place it appears and inserting “September 30, 2011”.

(D) DETERMINATIONS RELATING TO BASE PERIOD.—Section 965(c)(2) of such Code is amended by striking “June 30, 2003” and inserting “September 30, 2011”.

(b) DEDUCTION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.—

(1) IN GENERAL.—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall

not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(c) of such Code, as amended by subsection (a), is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5), as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (4) of section 965(c) of such Code, as redesignated by subparagraph (A), is amended to read as follows:

“(4) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(c) AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (1) of section 965(a) of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “75 percent”.

(2) BONUS DEDUCTION IN SUBSEQUENT TAXABLE YEAR FOR INCREASING JOBS.—Section 965 of such Code is amended by adding at the end the following new subsection:

“(g) BONUS DEDUCTION.—

“(1) IN GENERAL.—In the case of any taxpayer who makes an election to apply this section, there shall be allowed as a deduction for the first taxable year following the election year an amount equal to the applicable percentage of the cash dividends which are taken into account under subsection (a) with respect to such taxpayer for the election year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is the amount which bears the same ratio (not greater than 1) to 10 percent as—

“(A) the excess (if any) of—

“(i) the qualified payroll of the taxpayer for the calendar year which begins with or within the first taxable year following the election year, over

“(ii) the qualified payroll of the taxpayer for calendar year 2010, bears to

“(B) 10 percent of the qualified payroll of the taxpayer for calendar year 2010.”

“(3) QUALIFIED PAYROLL.—For purposes of this paragraph:

“(A) IN GENERAL.—The term ‘qualified payroll’ means, with respect to a taxpayer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by the corporation during such calendar year.

“(B) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—

“(i) ACQUISITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer acquires the trade or business of a predecessor, then the qualified payroll of such taxpayer for any calendar year shall be increased by so much of the qualified payroll of the predecessor for such calendar year as was attributable to the trade or business acquired by the taxpayer.

“(ii) DISPOSITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer disposes of a trade or business, then—

“(I) the qualified payroll of such taxpayer for calendar year 2010 shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer, and

“(II) if the disposition occurs after the beginning of the first taxable year following

the election year, the qualified payroll of such taxpayer for the calendar year which begins with or within such taxable year shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer.

“(C) SPECIAL RULE.—For purposes of determining qualified payroll for any calendar year after calendar year 2011, such term shall not include wages paid to any individual if such individual received compensation from the taxpayer for services performed—

“(i) after the date of the enactment of this paragraph, and

“(ii) at a time when such individual was not an employee of the taxpayer.”.

(3) REDUCTION FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—Paragraph (4) of section 965(b) of such Code (relating to limitations) is amended to read as follows:

“(4) REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

“(A) IN GENERAL.—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer’s prior average employment, an additional amount equal to \$75,000 multiplied by the number of employees by which the taxpayer’s average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)(1)) shall be taken into income by the taxpayer during the taxable year that includes the final day of such period.

“(B) AVERAGE EMPLOYMENT LEVEL.—For purposes of this paragraph, the taxpayer’s average employment level for a period shall be the average number of full-time United States employees of the taxpayer, measured at the end of each month during the period.

“(C) PRIOR AVERAGE EMPLOYMENT.—For purposes of this paragraph, the taxpayer’s ‘prior average employment’ shall be the average number of full-time United States employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1).

“(D) FULL-TIME UNITED STATES EMPLOYEE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘full-time United States employee’ means an individual who provides services in the United States as a full-time employee, based on the employer’s standards and practices; except that regardless of the employer’s classification of the employee, an employee whose normal schedule is 40 hours or more per week is considered a full-time employee.

“(ii) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—Such term does not include—

“(I) any individual who was an employee, on the date of acquisition, of any trade or business acquired by the taxpayer during the 24-month period referred to in subparagraph (A), and

“(II) any individual who was an employee of any trade or business disposed of by the taxpayer during the 24-month period referred to in subparagraph (A) or the 24-month period referred to in subparagraph (C).

“(E) AGGREGATION RULES.—In determining the taxpayer’s average employment level and prior average employment, all domestic members of a controlled group shall be treated as a single taxpayer.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 1842. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—LIQUIDITY PROTECTION FOR PRIVATE COMPANIES

SEC. 801. SHORT TITLE.

This title may be cited as the “Liquidity Protection for Private Companies Act of 2012”.

SEC. 802. CLARIFICATION OF PERMITTED ACTIVITIES FOR MARKET-MAKERS.

Section 13 of the Bank Holding Company Act of 1956 (12 U.S.C. 1851) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

“(g) PROTECTION OF LIQUIDITY.—Rules issued under this section shall not impede the ability of a regulated firm to provide reasonable liquidity to its clients, customers, or counterparties. Any such rules proposed or promulgated prior to the date of enactment of the Liquidity Protection for Private Companies Act of 2012 shall have no force or effect.”.

SEC. 803. ELIMINATION OF PREFERENTIAL TREATMENT OF U. S. TREASURIES AND MORTGAGE BACKED SECURITIES.

(a) IN GENERAL.—Section 13(d)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(d)(1)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (J) as subparagraphs (A) through (I), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 13 of the Bank Holding Company Act of 1956 (12 U.S.C. 1851) is amended—

(1) in subsection (c)(4), by striking “subsection (d)(1)(G)” and inserting “subsection (d)(1)(F)”;

(2) in subsection (f)—

(A) by striking “paragraph (d)(1)(G)” each place that term appears and inserting “subsection (d)(1)(F)”;

(B) in paragraph (3)(A)—

(i) in clause (i), by striking “subsection (d)(1)(G)” and inserting “subsection (d)(1)(F)”;

(ii) in clause (ii), by striking “subsection (d)(1)(G)(v)” and inserting “subsection (d)(1)(F)(v)”.

SA 1843. Mr. MORAN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—FINANCIAL INSTITUTIONS EXAMINATION FAIRNESS AND REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the “Financial Institutions Examination Fairness and Reform Act”.

SEC. 802. TIMELINESS OF EXAMINATION REPORTS.

The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended by adding at the end the following:

“SEC. 1012. TIMELINESS OF EXAMINATION REPORTS.

“(a) IN GENERAL.—

“(1) FINAL EXAMINATION REPORT.—A Federal financial institutions regulatory agency shall provide a final examination report to a financial institution not later than 60 days after the later of—

“(A) the exit interview for an examination of the institution; or

“(B) the provision of additional information by the institution relating to the examination.

“(2) EXIT INTERVIEW.—If a financial institution is not subject to a resident examiner program, the exit interview shall occur not later than the end of the 9-month period beginning on the commencement of the examination, except that such period may be extended by the Federal financial institutions regulatory agency by providing written notice to the institution and the Office of Examination Ombudsman describing with particularity the reasons that a longer period is needed to complete the examination.

“(b) EXAMINATION MATERIALS.—Upon the request of a financial institution, the Federal financial institutions regulatory agency shall include with the final report under this section an appendix listing all examination or other factual information relied upon by the agency in support of a material supervisory determination.”

SEC. 803. EXAMINATION STANDARDS.

(a) IN GENERAL.—The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended by adding at the end the following:

“SEC. 1013. EXAMINATION STANDARDS.

“(a) IN GENERAL.—In the examination of financial institutions—

“(1) a commercial loan shall not be placed in non-accrual status solely because the collateral for such loan has deteriorated in value;

“(2) a modified or restructured commercial loan shall be removed from non-accrual status if the borrower demonstrates the ability to perform on such loan over a maximum period of 6 months, except that with respect to loans on a quarterly, semiannual, or longer repayment schedule such period shall be a maximum of 3 consecutive repayment periods;

“(3) a new appraisal on a performing commercial loan shall not be required unless an advance of new funds is involved;

“(4) in classifying a commercial loan in which there has been deterioration in collateral value, the amount to be classified shall be the portion of the deficiency relating to the decline in collateral value and repayment capacity of the borrower.

“(b) WELL CAPITALIZED INSTITUTIONS.—The Federal financial institutions regulatory agencies may not require a financial institution that is well capitalized to raise additional capital in lieu of an action prohibited under subsection (a).

“(c) CONSISTENT LOAN CLASSIFICATIONS.—The Federal financial institutions regulatory agencies shall develop and apply identical definitions and reporting requirements for non-accrual loans.”

(b) DEFINITION OF MATERIAL SUPERVISORY DETERMINATION.—Section 309(f)(1)(A) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4806(f)(1)(A)) is amended—

(1) in clause (ii), by striking “and” at the end; and

(2) by inserting after clause (iii) the following:

“(iv) any issue specifically listed in an exam report as a matter requiring attention by the institution’s management or board of directors; and”.

SEC. 804. EXAMINATION OMBUDSMAN.

(a) IN GENERAL.—The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended by adding at the end the following:

“SEC. 1014. OFFICE OF EXAMINATION OMBUDSMAN.

“(a) ESTABLISHMENT.—There is established in the Council an Office of Examination Ombudsman.

“(b) HEAD OF OFFICE.—There is established the position of the Ombudsman, who shall serve as the head of the Office of Examination Ombudsman, and who shall be hired separately by the Council and shall be independent from any member agency of the Council.

“(c) STAFFING.—The Ombudsman is authorized to hire staff to support the activities of the Office of Examination Ombudsman.

“(d) DUTIES.—The Ombudsman shall—

“(1) receive and, at the Ombudsman’s discretion, investigate complaints from financial institutions, their representatives, or another entity acting on behalf of such institutions, concerning examinations, examination practices, or examination reports;

“(2) hold meetings, at least once every three months and in locations designed to encourage participation from all sections of the United States, with financial institutions, their representatives, or another entity acting on behalf of such institutions, to discuss examination procedures, examination practices, or examination policies;

“(3) review examination procedures of the Federal financial institutions regulatory agencies to ensure that the written examination policies of those agencies are being followed in practice and adhere to the standards for consistency established by the Council;

“(4) conduct a continuing and regular program of examination quality assurance for all examination types conducted by the Federal financial institutions regulatory agencies;

“(5) process any supervisory appeal initiated under section 1015 or section 309(e) of the Riegle Community Development and Regulatory Improvement Act of 1994; and

“(6) report annually to the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Council, on the reviews carried out pursuant to paragraphs (3) and (4), including compliance with the requirements set forth in section 1012 regarding timeliness of examination reports, and the Council’s recommendations for improvements in examination procedures, practices, and policies.

“(e) CONFIDENTIALITY.—The Ombudsman shall keep confidential all meetings, discussions, and information provided by financial institutions.”

(b) DEFINITION.—Section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by adding “and” at the end; and

(3) by adding at the end the following:

“(4) the term ‘Ombudsman’ means the Ombudsman established under section 1014.”

SEC. 805. RIGHT TO APPEAL BEFORE AN INDEPENDENT ADMINISTRATIVE LAW JUDGE.

The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended by adding at the end the following:

“SEC. 1015. RIGHT TO APPEAL BEFORE AN INDEPENDENT ADMINISTRATIVE LAW JUDGE.

“(a) IN GENERAL.—A financial institution shall have the right to appeal a material supervisory determination contained in a final report of examination.

“(b) NOTICE.—

“(1) TIMING.—A financial institution seeking an appeal under this section shall file a written notice with the Ombudsman within 60 days after receiving the final report or examination that is the subject of such appeal.

“(2) IDENTIFICATION OF DETERMINATION.—The written notice shall identify the material supervisory determination that is the subject of the appeal, and a statement of the reasons why the institution believes that the determination is incorrect or should otherwise be modified.

“(3) INFORMATION TO BE PROVIDED TO INSTITUTION.—Any information relied upon by the agency in the final report that is not in the possession of the financial institution may be requested by the financial institution and shall be delivered promptly by the agency to the financial institution.

“(c) HEARING BEFORE INDEPENDENT ADMINISTRATIVE LAW JUDGE.—

“(1) IN GENERAL.—The Ombudsman shall determine the merits of the appeal on the record, after an opportunity for a hearing before an independent administrative law judge.

“(2) HEARING PROCEDURES.—If a hearing is requested by the financial institution, the hearing shall—

“(A) take place not later than 60 days after the notice of the appeal was received by the Ombudsman; and

“(B) be conducted pursuant to the procedures set forth under sections 556 and 557 of title 5, United States Code.

“(3) JUDGE RECOMMENDATION; STANDARD OF REVIEW.—In any hearing under this subsection—

“(A) the administrative law judge shall recommend to the Ombudsman what determination should be made; and

“(B) in making such recommendation, the administrative law judge shall not defer to the opinions of the examiner or agency, but shall independently determine the appropriateness of the agency’s decision based upon the relevant statutes, regulations, and other appropriate guidance.

“(d) FINAL DECISION.—A decision by the Ombudsman on an appeal under this section shall—

“(1) be made not later than 60 days after the record has been closed; and

“(2) be final agency action, and shall bind the agency whose supervisory determination was the subject of the appeal and the financial institution making the appeal.

“(e) REPORT.—The Ombudsman shall report annually to the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate on actions taken on appeals under this section, including the types of issues that financial institutions have appealed and the results of those appeals. In no case shall such a report contain information about individual financial institutions or any confidential or privileged information shared by financial institutions.

“(f) RETALIATION PROHIBITED.—A Federal financial institutions regulatory agency may not—

“(1) retaliate against a financial institution, including service providers, or any institution-affiliated party, for exercising appellate rights under this section; or

“(2) delay or deny any agency action that would benefit a financial institution or any institution-affiliated party on the basis that an appeal under this section is pending under this section.”.

SEC. 806. ADDITIONAL AMENDMENTS.

(a) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 309 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4806) is amended—

(1) in subsection (a), by inserting after “appropriate Federal banking agency” the following: “, the Bureau of Consumer Financial Protection,”;

(2) in subsection (b)—

(A) in paragraph (2), by striking “the appellant from retaliation by agency examiners” and inserting “the insured depository institution or insured credit union from retaliation by an agency referred to in subsection (a)”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(C) by striking “In establishing” and inserting the following:

“(1) IN GENERAL.—In establishing”;

(D) by adding at the end the following:

“(2) RETALIATION.—For purposes of this subsection and subsection (e), retaliation includes delaying consideration of, or withholding approval of, any request, notice, or application that otherwise would have been approved, but for the exercise of the institution’s or credit union’s rights under this section.”; and

(3) in subsection (e)(2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(D) ensure that appropriate safeguards exist for protecting the insured depository institution or insured credit union from retaliation by any agency referred to in subsection (a) for exercising its rights under this subsection.”.

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(x) of the Federal Deposit Insurance Act (12 U.S.C. 1828(x)) is amended by inserting “the Bureau of Consumer Financial Protection,” before “any Federal banking agency” each place that term appears.

(c) FEDERAL CREDIT UNION ACT.—Section 205(j) of the Federal Credit Union Act (12 U.S.C. 1785(j)) is amended by inserting “the Bureau of Consumer Financial Protection,” before “the Administration” each place that term appears.

(d) TECHNICAL CORRECTIONS.—The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended—

(1) in section 1003(1) (12 U.S.C. 3302(1)), by striking “the Office of Thrift Supervision,”; and

(2) in section 1005 (12 U.S.C. 3304), by striking “One-fifth” and inserting “One-fourth”.

SA 1844. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging

growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CLARIFICATION OF QUALIFIED MORTGAGE EXCEPTION.

(a) IN GENERAL.—Section 129C(b) of the Truth in Lending Act (15 U.S.C. 1639c(b)), as added by section 1412 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended—

(1) in the subsection heading, by striking “PRESUMPTION OF ABILITY TO REPAY” and inserting “EXCEPTION FOR QUALIFIED MORTGAGES”;

(2) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Subsection (a) shall not apply to a residential mortgage loan that is a qualified mortgage.”; and

(3) in paragraph (3), by amending subparagraph (B) to read as follows:

“(B) LOAN DEFINITION.—The following agencies shall, in consultation with the Bureau, prescribe rules defining the types of loans they insure, guarantee, or administer, as the case may be, that are qualified mortgages for purposes of paragraph (2)(A):

“(i) The Department of Housing and Urban Development, with regard to mortgages insured under the National Housing Act (12 U.S.C. 1707 et seq.).

“(ii) The Department of Veterans Affairs, with regard to a loan made or guaranteed by the Secretary of Veterans Affairs.

“(iii) The Department of Agriculture, with regard to loans guaranteed by the Secretary of Agriculture pursuant to section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)).

“(iv) The Rural Housing Service, with regard to loans insured by the Rural Housing Service.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 1376).

SA 1845. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REFORM OF PROHIBITION ON SWAP ACTIVITY ASSISTANCE.

Section 716 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8305) is amended—

(1) in subsection (b), by adding at the end the following:

“(3) COVERED DEPOSITORY INSTITUTION.—The term ‘covered depository institution’ means—

“(A) an insured depository institution; and

“(B) a United States uninsured branch or agency of a foreign bank that has a prudential regulator.”; and

(2) in subsection (c)—

(A) in the subsection heading, by striking “INSURED” and inserting “COVERED”;

(B) by striking “an insured” and inserting “a covered”;

(C) by striking “such insured” and inserting “such covered”; and

(D) by striking “or savings and loan holding company” and inserting “savings and loan holding company, or foreign banking organization (as defined in section 211.21(o) of

title 12, Code of Federal Regulations (commonly known as ‘Regulation K’), or any successor to such regulation)”;

(3) in subsection (e), by striking “an insured” and inserting “a covered”;

(4) in subsection (f)—

(A) by striking “an insured” and inserting “a covered”; and

(B) by striking “the insured” each place that term appears and inserting “the covered”;

(5) in subsection (g), by striking “insured” and inserting “covered”; and

(6) in subsection (m), by striking “An insured” and inserting “A covered”.

SA 1846. Mr. CARDIN (for himself, Ms. LANDRIEU, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REMOVAL OF SUNSET DATES FOR CERTAIN PROVISIONS OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “does not exceed” and all that follows and inserting “does not exceed \$5,000,000.”.

(b) DENIAL OF LIABILITY.—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking “bonds exceeds” and all that follows and inserting “bonds exceeds \$5,000,000.”.

SA 1847. Mr. REID (for Mr. BOOZMAN (for himself and Mr. PRYOR)) proposed an amendment to the bill H.R. 886, to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation’s first Federal law enforcement agency, the United States Marshals Service; as follows:

At the end, add the following:

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government;

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, March 22, 2012 at 10 a.m. in SD-430 Dirksen Senate Office Building to conduct a hearing entitled “Stay-at-

Work and Back-to-Work Strategies: Lessons from the Private Sector.”

For further information regarding this meeting, please contact the committee at (202) 228-3453.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to hold a hearing entitled, “Risk Management and Commodities in the 2012 Farm Bill,” during the session of the Senate on March 15, 2012, at 9 a.m. in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 15, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on March 15, 2012, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled, “Lessons from Fukushima One Year Later: NRC’s Implementation of Recommendations for Enhancing Nuclear Reactor Safety in the 21st Century.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 15, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled, “Russia’s WTO Accession—Implications for the United States.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on March 15, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Indian Water Rights: Promoting the Negotiation and Implementation of Water Settlements in Indian Country.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate, on March 15, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 15, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on March 15, 2012, at 2:30 p.m., to conduct a hearing entitled “Strengthening the Housing Market and Minimizing Losses to Taxpayers.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a member of my staff, Lake Dishman, be granted floor privileges for the remainder of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

HALE SCOUTS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 473.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 473) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 473) was ordered to a third reading, was read the third time, and passed.

UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 886 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation’s first Federal law enforcement agency, the United States Marshals Service.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Boozman-Pryor amendment, which is at the desk, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1847) was agreed to, as follows:

AMENDMENT NO. 1847

At the end, add the following:

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government;

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 886) was read the third time and passed, as follows:

H.R. 886

Resolved, That the bill from the House of Representatives (H.R. 886) entitled “An Act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation’s first Federal law enforcement agency, the United States Marshals Service.”, do pass with the following amendment:

At the end, add the following:

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government;

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials,

dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

RECOGNIZING THE 191ST ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 398, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 398) recognizing the 191st anniversary of the independence of Greece and celebrating Greek and American Democracy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 398

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas the Greek national anthem, the "Hymn to Liberty", includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas the people of the United States generously offered humanitarian assistance to the people of Greece during their struggle for independence;

Whereas Greece, in one of the most consequential "David vs. Goliath" victories for freedom and democracy in modern times, re-

fused to surrender to the Axis forces and inflicted a fatal wound at a crucial moment in World War II, forcing Hitler to change his timeline and delaying the attack on Russia where the Axis Forces met defeat;

Whereas Winston Churchill said, "If there had not been the virtue and courage of the Greeks, we do not know which the outcome of World War II would have been.";

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested billions in the countries of the region, thereby helping to create many tens of thousands of new jobs, and having contributed more than \$750,000,000 in development aid for the region;

Whereas the Government and people of Greece actively participate in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe, and have more recently provided critical support to the North Atlantic Treaty Organization operation in Libya;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat the Government and people of Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years to further cross-cultural understanding and rapprochement and cooperation in various fields with Turkey, and has also upgraded its relations with other countries in the region, including Israel, thus enhancing the stability of the wider region;

Whereas the Governments and people of Greece and the United States are at the forefront of efforts for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between the people of Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2012, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 191st anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 191 years ago.

ORDERS FOR MONDAY, MARCH 19, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday, March 19, at 2 p.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of Calendar No. 334, H.R. 3606, the IPO bill; further, that the filing deadline for first-degree amendments to the Reed of Rhode Island substitute amendment and H.R. 3606 be at 4 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no votes on Monday. The Senate should expect the next vote on Tuesday morning prior to the weekly caucus meetings.

ADJOURNMENT UNTIL MONDAY, MARCH 19, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:33 p.m., adjourned until Monday, March 19, 2012, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15, 2012:

THE JUDICIARY

GINA MARIE GROH, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

MICHAEL WALTER FITZGERALD, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

HOUSE OF REPRESENTATIVES—Friday, March 16, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Blake Johnson, Church of the Advent, Washington, D.C., offered the following prayer:

O Lord our Governor, whose glory is in all the world, we commend this Nation to Your merciful care that, being guided by Your providence, we may dwell secure in Your peace.

Grant to the Members of this House, and to all in authority, wisdom and strength to know Your will.

Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve this people in Your fear.

Where we have failed You, we ask You to be merciful and grant us the grace to turn to paths of righteousness for Your name's sake.

Lord, keep this Nation under Your care and guide us in the way of justice and truth, through Jesus Christ our Lord, who lives and reigns with You and the Holy Spirit, one God, world without end.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, United States House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 15, 2012 at 5:06 p.m.:

That the Senate passed without amendment H.R. 473.

That the Senate passed with an amendment H.R. 886.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

HOOR OF MEETING ON MONDAY, MARCH 19, 2012

The SPEAKER pro tempore. Without objection, when the House adjourns today, it shall adjourn to meet at 4 p.m. on Monday, March 19, 2012.

There was no objection.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 4 p.m. on Monday, March 19, 2012.

There was no objection.

Accordingly (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Monday, March 19, 2012, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5273. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aureobasidium pullulans strains DSM 14940 and DSM 14941; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0099; FRL-9337-3] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5274. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pasteuria nishizawae — Pn1; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0807; FRL-9337-2] received February 14, 2012, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5275. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirotetramat; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0783; FRL-9332-9] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5276. A letter from the Secretary of the Army, Department of Defense, transmitting the U.S. Army Fisher Houses Fiscal Year 2012 Annual Operating Budget Overview; to the Committee on Armed Services.

5277. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0538; FRL-9632-7] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5278. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Greenhouse Gas Reporting Program: Electronics Manufacturing (Subpart I): Revisions to Heat Transfer Fluid Provisions [EPA-HQ-OAR-2011-0512; FRL-9633-5] (RIN: 2060-AR09) received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5279. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources [EPA-HQ-OAR-2010-0873; FRL-9630-7] (RIN: 2060-AH23) received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5280. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-11, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5281. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and pursuant to Executive Order 13313 of July 31, 2003 a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Foreign Affairs.

5282. A letter from the Secretary, Department of Energy, transmitting proposed legislation to amend section 4306 of the Atomic Energy Defense Act; jointly to the Committees on Armed Services and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. UPTON: Committee on Energy and Commerce. H.R. 452. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; with an amendment (Rept. 112-412 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. Supplemental report on H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system (Rept. 112-39 Pt. 3).

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Rules discharged from further consideration. H.R. 452 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself and Mr. BERMAN):

H.R. 4197. A bill to extend the authority to provide loan guarantees to Israel; to the Committee on Foreign Affairs.

By Mr. GOSAR (for himself, Ms. BERKLEY, Mr. FRANKS of Arizona, Mr. SCHWEIKERT, Mr. QUAYLE, Mr. HECK, Mr. AMODEI, and Mr. FLAKE):

H.R. 4198. A bill to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park; to the Committee on Natural Resources.

By Mr. RIGELL:

H.R. 4199. A bill to amend the Internal Revenue Code of 1986 to close the corporate jet depreciation loophole and to increase the work opportunity tax credit for veterans; to the Committee on Ways and Means.

By Mr. SCHWEIKERT (for himself, Mr. MULVANEY, Mr. GOSAR, Mr. FRANKS of Arizona, and Mr. QUAYLE):

H.R. 4200. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities; to the Committee on the Judiciary.

By Mr. TURNER of Ohio (for himself and Mr. ANDREWS):

H.R. 4201. A bill to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. MANZULLO:

H. Res. 586. A resolution expressing the concern of Congress regarding the Argentine Republic's willful and repeated disregard for the rule of law in the United States; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. ROS-LEHTINEN:

H.R. 4197.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution.

By Mr. GOSAR:

H.R. 4198.

Congress has the power to enact this legislation pursuant to the following:

First, Congress has the power to regulate interstate commerce pursuant to Article I, Section 8, Clause 3 of the U.S. Constitution. This clause provides, in relevant part: "The Congress shall have Power To . . . regulate Commerce . . . among the several states . . ." Congress has the power to regulate traffic and intercourse between the states. *Gibbons v. Ogden* (1824). ("Commerce, undoubtedly, is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse . . .")

Second, Congress has the express authority to create rules and regulations with regard to federal property pursuant to Article IV, Section 3, Clause 2 of the U.S. Constitution. This clause provides that "Congress shall have the power to . . . make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . ." This grants Congress the power to act as an ordinary property owner, including the power to regulate who may enter and for what purposes.

By Mr. RIGELL:

H.R. 4199.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1, "The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."

By Mr. SCHWEIKERT:

H.R. 4200.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, § 8, Clause 3 of the Constitution: "To regulate Commerce with foreign Nations, and among the several States," & Art. 1, § 8, Clause 18: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. TURNER of Ohio:

H.R. 4201.

Congress has the power to enact this legislation pursuant to the following:

Military Regulation: Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

Necessary and Proper Regulations to Effectuate Powers:

Article I, Section 8, Clause 18: The Congress shall have Power To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 692: Mr. SCHWEIKERT.
H.R. 721: Mr. CLARKE of Michigan, Mr. DICKS, and Mr. BISHOP of New York.
H.R. 1167: Mr. GOSAR.
H.R. 1244: Mr. KING of Iowa.
H.R. 1370: Mr. BASS of New Hampshire.
H.R. 1575: Mr. ROSKAM.
H.R. 1735: Mr. LARSON of Connecticut.
H.R. 1744: Mr. CRENSHAW.
H.R. 2051: Mr. MICHAUD.
H.R. 2106: Mr. LAMBORN.
H.R. 2479: Ms. SCHWARTZ, Mr. HIGGINS, and Mr. GUTIERREZ.
H.R. 2659: Mr. NADLER, Mr. RANGEL, and Ms. WATERS.
H.R. 2866: Mr. GRIMM.
H.R. 3053: Ms. BASS of California.
H.R. 3307: Mr. RUSH, Mr. VAN HOLLEN, and Ms. HAHN.
H.R. 3356: Mr. LUETKEMEYER.
H.R. 3368: Mr. GEORGE MILLER of California.
H.R. 3643: Mr. LATOURETTE and Mrs. CAPPS.
H.R. 3839: Mr. CARSON of Indiana and Mr. McCAUL.
H.R. 3860: Mr. RUPPERSBERGER.
H.R. 3877: Mr. GRIFFIN of Arkansas.
H.R. 3880: Mr. AUSTIN SCOTT of Georgia.
H.R. 3989: Mr. AUSTIN SCOTT of Georgia.
H.R. 4077: Mr. TURNER of New York, Mr. McCAUL, Mr. PLATTS, and Mr. MCGOVERN.
H.R. 4107: Mr. HUIZENGA of Michigan, Mr. COLE, and Mr. BARLETTA.
H.R. 4134: Mr. RANGEL.
H.R. 4160: Mr. WILSON of South Carolina, Mr. WALBERG, and Mr. WESTMORELAND.
H.R. 4169: Mr. LEWIS of Georgia, Mr. MORAN, Ms. SCHWARTZ, and Mr. MARKEY.
H.R. 4174: Mr. JONES and Mr. KISSELL.
H.J. Res. 71: Mr. BENISHEK.
H. Res. 490: Mr. SCOTT of South Carolina, Mr. CALVERT, Mr. RIBBLE, Mr. GOODLATTE, Mr. BERG, Mr. GRAVES of Missouri, and Mr. CRAVACK.
H. Res. 526: Mr. BURTON of Indiana.
H. Res. 560: Mr. ALTMIRE and Mr. GERLACH.
H. Res. 568: Mr. DENT, Mr. LANDRY, Mr. AKIN, Mr. PETERS, Mr. CARNEY, Ms. RICHARDSON, Mr. SMITH of Texas, Mr. CONNOLLY of Virginia, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. RIGELL, Mr. MARCHANT, Mr. MURPHY of Connecticut, Ms. JENKINS, Mrs. HARTZLER, Mr. BONNER, Mr. McCAUL, Mr. MCKINLEY, Mr. FLAKE, Mr. RUNYAN, Mr. SCHILLING, Mr. McKEON, Mr. ROKITA, Ms. WASSERMAN SCHULTZ, Mr. LUJAN, Mr. KISSELL, Mr. BERG, Ms. WILSON of Florida, and Mr. BISHOP of New York.
H. Res. 583: Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. RIVERA, Mr. MORAN, Mr. CONNOLLY of Virginia, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. SCHOCK, Mr. RUSH, Mr. MEEKS, and Mr. WAXMAN.

EXTENSIONS OF REMARKS

TRIBUTE TO JERRY W.
THROGMARTIN

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Mr. ROKITA. Mr. Speaker, I rise today to recognize and salute an exceptional Hoosier, Jerry W. Throgmartin. Sadly we lost Mr. Throgmartin on January 22. I wish to express my condolences, thoughts and prayers to his family. He was a true model of the entrepreneurial spirit.

As a man of faith, I believe we were put on this earth to love one another and to make the best of the gifts our Lord has provided. We are all blessed to live in a country that allows us to experience freedom, the opportunity to learn, and the ability to succeed. As a Hoosier businessman, Mr. Throgmartin devoted his career to growing the appliance and electronics store founded by his grandfather, Henry Harold Gregg in 1955. Starting with the company in 1975 as a salesman, he worked his way up, succeeding his father, Gerald, as president in 1989. As Chairman and CEO from 2003 to 2009, under his leadership, the company grew rapidly through acquisitions and new store openings. HHgregg expanded to over 200 stores employing hundreds of Americans.

A graduate of the University of Indianapolis, Mr. Throgmartin also served as Chairman of the Board of Trustees. He earned his MBA at Indiana University where he was Chairman of the Indiana University Simon Cancer Center Development Board. His involvement with the Center had personal meaning, as he overcame lymphoma in the early 1980s. He was a regular contributor and adviser to the Shepherd Community Center on the Eastside of Indianapolis. The Executive Director of the Community Center called Mr. Throgmartin a person who weaved his faith, family and career into a beautiful tapestry.

Jerry was the embodiment of the American spirit and I would like to thank his family for sharing him with our Hoosier community.

HONORING THE 70TH ANNIVERSARY
OF SECOND BAPTIST
CHURCH, LAS VEGAS, NEVADA

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Ms. BERKLEY. Mr. Speaker, I rise today to recognize and celebrate the 70th anniversary of Second Baptist Church in Las Vegas, Nevada.

On February 22, 1942, the Second Baptist Church was founded by Verinette Anderson, Willie Harris, F.W. Wilson, Reverend and Sis-

ter B.T. Mayfield, Sisters Lola Hayes and Helen Polk and the Robinson Family. The group met at the home of Mr. and Mrs. Robinson to organize the church, with Reverend Mayfield as the first pastor. Members contributed their own money to purchase a tent for shelter on a parcel of land where the old sanctuary presently stands and where they conducted services for approximately nine months. Under Reverend Mayfield's guidance, the membership grew to more than 300 people and the congregation had the ability to build a church edifice.

Over the past 70 years, membership at Second Baptist Church has increased significantly and continues to grow as they pride themselves on progress, leadership, faith, and love. In 1991, Reverend Jesse L. Jackson named them the "Miracle on Madison Avenue" to honor their service and devotion to Christian values.

In addition to the pastors of Second Baptist Church, there are deacons and deaconesses who help with the preparation of candidates for baptism and also look after the church's widows and orphans. They strive to enhance the spiritual life of the church by visiting the sick and shut-in, offering them prayer, guidance, and financial aid upon request. The deacons and deaconesses of Second Baptist Church strengthen the community by working faithfully together with church members, ministries, and associate ministers.

Ministries also are an invaluable part of Second Baptist Church. They fulfill a wide range of duties including overseeing the Christian education programs, music selection, and greeting guests. These congregants have a love for people, a heart to serve others, and a willingness to be faithful. They serve in ministries for men, youth, women and mothers to ensure that every individual has a place and feels at home.

In 2009, during the 67th Church Anniversary Celebration, Reverend D. Edward Chaney was installed as the seventh pastor of Second Baptist Church. Reverend Chaney came to the church with a wealth of biblical knowledge, high energy, extraordinary vision, and strong outreach. With his guidance and direction, Second Baptist continues to reach for higher ground in its ministry and service to others.

Second Baptist is a beacon of light for its members and the community as a whole. They have flourished as a ministry by leading, teaching, and praying, and honoring the individuals who built the foundation of their church.

As the Representative for Nevada's First Congressional District, I proudly recognize Second Baptist Church for 70 years of dedicated service to the community of Las Vegas and I ask my colleagues to join me in celebrating Second Baptist Church's 70th anniversary.

IN REMEMBRANCE OF SHERIFF'S
DEPUTY WARREN LEWIS III

HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Mrs. ELLMERS. Mr. Speaker, I rise today in remembrance of Sheriff's Deputy Warren Lewis III. I want to personally express my regard for the courage and commitment he made to the citizens of Nash County, North Carolina. Mr. Warren will forever be an up-standing husband, father, and investigator, leaving a legacy of the highest standards for service and integrity that should serve as an example for all American citizens. Those fortunate enough to know Mr. Warren in life are blessed to have been able to share in it with a true American hero.

We live in a country rooted in laws and values. From the principles crafted by our Founding Fathers in the Constitution, stems our Nation's moral code, which has provided America with budding prosperity that radiates throughout the world. However, our success as a nation is limited by those that misinterpret the basic rights that are such an integral part of being an American citizen. Diligent leadership in our local, State, and national government is needed in order to preserve the values that make our country the preeminent model of civil society.

Through years of dedicated service to the citizens of Nash County, Mr. Warren helped us all by ensuring our great Nation's founding principles of freedom and justice. Such valued service in law enforcement can only be implemented through officers with the noblest of character and deepest sense of personal responsibility. Mr. Warren's achievements in life should be honored in the community as it inspires us all to emulate his patriotism and passion for public service.

I hope that you will all continue to find comfort in everything that Mr. Warren selflessly left behind. His life will never be forgotten, as his devotion to his community will always remind us to keep our country a safe place. God bless your family.

RECOGNIZING THE NATIONAL
GROUND WATER ASSOCIATION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Mr. TIBERI. Mr. Speaker, it is a pleasure for me to recognize the efforts of the National Ground Water Association (NGWA), which is headquartered in my district in Westerville, Ohio. NGWA is sponsoring National Ground Water Awareness Week which began on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

March 12. Each year, this event puts the national spotlight on a critically important issue, the preservation and protection of groundwater for human and environmental purposes.

National Ground Water Awareness Week is the pinnacle of NGWA's year-round effort to educate the public about proper groundwater and water well stewardship. The United States uses 349 billion gallons of freshwater daily, 79.6 billion gallons of which is groundwater, serving 90 million Americans.

NGWA is a nonprofit organization composed of more than 12,000 U.S. and international groundwater professionals including contractors, equipment manufacturers, suppliers, scientists, and engineers. The organization is dedicated to advancing groundwater knowledge. NGWA's vision is to be the leading groundwater association that advocates the responsible development, management, and use of water.

Association members are using Ground Water Awareness Week to participate in a variety of activities and events. I want to thank them for their efforts to preserve, protect, and safely utilize this most valuable resource.

RECOGNIZING NATIONAL
TELEWORK WEEK, MARCH 5-9

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, March 5-9 was National Telework Week, a prime opportunity to celebrate the progress we have made implementing telework policy after passage of the Telework Enhancements Act of 2010.

More than 63,000 people pledged to telework last week, eliminating more than 5.7 million pounds of carbon dioxide pollution and are saving \$4.7 million in transportation expenses. As oil speculation and international uncertainty drives gas prices higher, telework becomes a more important tool for consumers to protect themselves against high gas prices.

Although private sector employers like AT&T and IBM pioneered telework, federal agencies are catching up under the direction of the Telework Enhancements Act. More than 95% of the 63,000 people who pledged to telework are federal employees. Agencies like USDA are making great progress expanding telework participation, while agencies like GSA and PTO already are saving taxpayer money by avoiding construction of new offices through use of telework arrangements.

As a result of my amendment to the Telework Enhancement Act, all agencies must incorporate telework into their Continuity of Operations Plans (COOP), which will better prepare us to respond to a natural disaster or terrorist attack. During the record blizzards two years ago, federal employees saved taxpayers \$30 million in a single week by continuing to work through telework arrangements even while the streets and Metro were closed by several feet of snow. By expanding telework participation in other agencies we can create additional cost savings and ensure that the Federal Government keeps operating even in the event of a terrorist attack.

These success stories are only possible because of partnerships between federal agencies, advocacy groups like the Telework Exchange and the Partnership for Public Service, and private sector companies which provide the technology to enable telework. I applaud the collective effort of agencies, advocates, and contractors to implement telework policies. Telework will be one of the essential workforce management tools for recruiting the next generation of federal employees.

Mr. Speaker, I ask my colleagues to join me in congratulating federal agencies and our private-sector partners on the progress being made to expand the use of telework. National Telework Week offers us an opportunity to highlight the success of these efforts and to expand upon them.

THE PASSING OF
REPRESENTATIVE DONALD PAYNE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Mr. BERMAN. Mr. Speaker, I am submitting the attached statement by World Food Program USA regarding the passing of our good friend and colleague, Congressman Payne.

STATEMENT FROM RICK LEACH, PRESIDENT AND CEO, WORLD FOOD PROGRAM USA, ON THE PASSING OF REPRESENTATIVE DONALD PAYNE

The entire staff and board of directors of World Food Program USA mourn the passing of Representative Donald Payne of New Jersey. Representative Payne was a tireless champion on behalf of the world's poorest, hungriest people, and his presence and efforts within the U.S. Congress will be missed.

As Chairman of the House Subcommittee on Africa, Representative Payne played a key role in pushing forward U.S. policies to respond to the protracted crisis in the Darfur region of Sudan, as well as across the African continent. He was one of five members of Congress to accompany President Clinton and Hillary Rodham Clinton on a tour of six African nations, and he headed a presidential mission aimed at finding solutions to the political and humanitarian crisis in Rwanda. Due to his record of outstanding service, Representative Payne was chosen by President George W. Bush to serve for two terms as a congressional delegate to the United Nations from 2003-2007.

Representative Payne travelled many times to countries in the worst throes of humanitarian crises, lending his voice and wielding his influence to help those people most in need. His many years of steadfast support, dedication, and hard work have improved the lives of millions of people in Africa, the United States, and across the globe. He will be remembered for all that he has contributed to the rights, well being, dignity and spirit of people across the world. He was a true humanitarian hero.

TRIBUTE TO WILLYE DENNIS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Ms. BROWN of Florida. Mr. Speaker, to a remarkable woman who will be terribly missed: my heart and prayers go out to the family and friends of the Honorable Willye Dennis. Willye Dennis was a good friend, a political pioneer, a dedicated public servant, and an ardent fighter for the African American community in Jacksonville. An outstanding state House representative and 10 year NAACP—Jacksonville President, she will always be remembered and in the heart of the entire Jacksonville community.

Known as a fearless warrior, Ms. Dennis was a formidable political force who influenced a generation of city leaders. Inspired by her strong belief in equal opportunity, she was a true civil rights champion, who went on to greatly influence the community as a whole, as well as the Duval County school system.

Ms. Dennis lived her entire life in Jacksonville. She studied at Old Stanton High School and was later hired by the city's library system in 1951. She earned a bachelor's degree from Clark College in Atlanta, a Master's in Library Science from Atlanta University, and completed her Doctoral studies in Public Administration at Nova University in South Florida.

While she continued to work for the library until 1980, Mrs. Dennis incorporated her own business, Fam-Co Learning and Development Inc. in 1978. And by 1992, the company was labeled one of America's 10 best daycare centers by Child magazine.

As branch president of the Jacksonville—NAACP from 1984 until 1994, she dedicated a great deal of her time pursuing a court case to complete the desegregation of the Duval County school system. Largely because of her efforts, the school system negotiated an agreement in 1990 that led to the creation of the county's magnet school system.

In the words of one of Jacksonville's finest civil rights activists, Mr. Rodney Hurst, "she (Willye Dennis) was a tireless worker . . . committed to the NAACP . . . she was one of those brave, unsung she-ros that are not given the recognition they deserve."

I will always remember her strong will power, relentless drive, intelligence and energy. And as one of Jacksonville's civil rights pioneers, I am certain that she will serve as an inspiration for others to follow her footsteps in the future.

TRIBUTE TO REVEREND CANON
THOMAS WILSON STEARLY
LOGAN, SR.

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Mr. FATTAH. Mr. Speaker, I rise today to pay tribute to a distinguished member of the Philadelphia clergy who is achieving a milestone that is worthy of recognition and admiration in the people's House.

The Reverend Canon Thomas Wilson Stearly Logan, Sr., will celebrate his 100th birthday on March 19, and even more remarkable, he is still going strong.

Reverend Canon Logan's career as one of Philadelphia's most prominent and honored Episcopal ministers is highlighted by 44 years as Rector of Calvary Northern Liberties Church and its predecessors, St. Michael's and Calvary Monumental churches. Since reaching mandatory retirement age in 1984, he continues to be active and holds the title of Rector Emeritus. He remains on the go, known by all for his lively and friendly manner and a voice that commands attention.

Reverend Canon Logan's life has been one of accomplishment from his birth in Philadelphia in 1912, the son of a minister and a teacher and one of eight siblings who would ultimately finish college. He is a 1935 graduate of Lincoln University, and was ordained for Episcopal Church ministry in 1938 upon graduation from General Theological Seminary. He went on to earn a Master of Sacred Theology from Philadelphia Divinity School, doctorates in divinity and theology, and two honorary doctorates.

Throughout his life, Reverend Canon Logan has been a fighter for civil rights, an NAACP activist, a friend and advocate of Dr. Martin Luther King, Jr., a demonstrator and a trainer in the tactics of non-violence. In addition to his stint at Calvary, Reverend Canon Logan has served the Episcopal Church in numerous leadership and missionary roles. He has been a veritable "Mister Fixit" in Philadelphia as interim priest at five parishes, chaplain for the Philadelphia Presbyterian Hospital and Philadelphia Police Department.

Reverend Canon Logan's contributions to his hometown go beyond the life of the church. He is a past president of the Philadelphia Tribune Charities and Rrafters' Charities and one of the founders of the Afro-American Museum.

He is a life member—and an active member—of Alpha Phi Alpha, the oldest intercollegiate fraternity founded by African-American men, which he pledged in 1933 at Alpha Omicron Chapter as a student at Johnson C. Smith University. Just last summer, the good Canon attended Alpha's 105th anniversary convention in Chicago, accompanied by his wife Hermione, who had reached the century mark a few months ahead of her husband. It goes without saying that Reverend Logan is Alpha's oldest living member.

Even today, as he approaches the century milestone, this remarkable man of God carries the title of associate priest at the African Episcopal Church of St. Thomas, 6361 Lancaster Avenue in Philadelphia, the nation's first to be established by and for black Episcopalians. St. Thomas, under the leadership of the Reverend Dr. Martini Shaw, traces its founding to 1792 and its first pastor, the pioneering Reverend Absalom Jones. It is fitting that St. Thomas will be the venue for Reverend Canon Logan's 100th Birthday Celebration Mass on March 18, 2012—his 99th year, 364th day upon this earth.

I invite my colleagues to join me in honoring this remarkable man, extending best wishes, good health and good times to the Reverend Canon Thomas Wilson Stearly Logan, Sr.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Mrs. MALONEY. Mr. Speaker, on March 8, 2012, I missed rollcall votes Number 109 and 110. Had I been present, I would have voted "yea" on rollcall vote 5, on the Motion to Re-commit to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies and "yea" on rollcall vote 110, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

TRIBUTE TO RANDALL T. SHEPARD

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Mr. ROKITA. Mr. Speaker, I rise today to recognize and honor an incredible seventh generation Hoosier, Randall T. Shepard, upon his retirement as Chief Justice of the Indiana Supreme Court.

Chief Justice Shepard's leadership skills were tested and noticed early in his life when he received his Eagle Scout designation. He received his under-graduate degree from Princeton University in 1969; his Law degree from Yale Law School in 1972; and his Masters of Law degree from the University of Virginia School of Law in 1995. He served as Vanderburgh County Superior Court Judge from 1980–1985. He was appointed by Governor Robert D. Orr as the 99th Justice of the Indiana Supreme Court on September 6, 1985. In March of 1987 Justice Shepard became the youngest State Chief Justice and has served in that capacity since, making him the longest serving Chief Justice in the country.

His love for the Judiciary, coupled with his incredible intellect and quiet thoughtful demeanor, Justice Shepard has forever left his stamp on the Indiana Supreme Court. "C–J", as he is affectionately called on the third floor of the Indiana Statehouse, has opened those imposing doors to television cameras and webcasts during arguments. He also directed changes that led to fewer criminal appeals and more civil cases being heard by the Supreme Court. He stated he is most proud that during his years on the bench Indiana has better court-related programs for children and domestic violence victims; increased professional development for judges; and a wider range of sentencing options.

Indiana has not been able to keep Justice Shepard solely to itself. He is recognized as a national authority on judicial ethics and legal professionalism. In 2006, U.S. Supreme Court Chief Justice and fellow Hoosier, John Roberts, appointed him to the U.S. Judicial Conference Advisory Committee of Civil Rules. In 2009, Justice Shepard was the recipient of the national Dwight D. Opperman Award for Judi-

cial Excellence. As a Justice, Mr. Shepard has authored more than 850 majority opinions and has published more than 40 Law Review articles.

All Hoosiers must now, reluctantly, give "C–J" back to his wife, Amy McDonnell, and their daughter, Martha. We do so knowing that the state of the Judiciary in Indiana has been led by the best of the best these last twenty-five years. We wish him relaxing days with more time to spend on his love of historic preservation and God's richest blessings in his retirement. He will be greatly missed.

CELEBRATING THE 100TH ANNIVERSARY OF THE GIRL SCOUTS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2012

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the achievements of Girl Scouts on the occasion of their 100th Anniversary.

On March 12, 1912, Juliette "Daisy" Gordon Low assembled 18 girls from Savannah, Georgia, for a local Girl Scout meeting. She believed that all girls should have the opportunity to develop physically, mentally and spiritually.

The first Girl Scout troop in Southern Nevada was formed on April 14, 1932, in Boulder City, with just 22 girls. Girl Scouts of Southern Nevada received their charter from Girl Scouts of the USA in 1943.

In 1950, the Girl Scouts of Southern Nevada held their first cookie sale. The Girl Scout Cookie Program is the largest girl-led business in the country and generates immeasurable benefits for the Scouts, their councils and communities nationwide. Girl Scouts set cookie goals to support their chosen activities for the year, to fund community service and leadership projects, to attend summer camp, to travel to destinations near and far and to provide events for girls in their community.

By 1954, the Girl Scouts of Southern Nevada opened Camp Foxtail in Lee Canyon, Toiyabe National Forest. Three years later they moved their headquarters to Las Vegas and by 1961, the Girl Scouts of Southern Nevada dedicated a Service Center.

In the 1980s, the Girl Scouts of Southern Nevada opened the first Drop-In Center. In these centers Girl Scouts get the opportunity to experience hands-on robotics teams, science camps, and career exploration days. Girl Scouts view the world of technology through a lens that inspires them to tackle tomorrow's technological opportunities and challenges.

For 100 years, Girl Scouts have helped girls discover the fun, friendship, and power of girls together. Today, there are 3.2 million Girl Scouts with 2.3 million girl members and 880,000 adult members working primarily as volunteers to help girls grow courageous and strong.

Through participation in Girl Scout programs, girls ultimately will begin to discover their full leadership potential with increased self-confidence, creative decision-making skills, and teamwork. Their organization provides an accepting and nurturing environment

for girls to build character and life skills for success in the real world. Girl Scouts provide safe, stimulating academic and developmental programs designed specifically for girls. Their programs are building blocks to offer age appropriate development skills from 5 to 17 years old. The Girl Scouts model is designed to encourage girls to discover their values, skills and explore the world around them. They connect with others in a multicultural environment and take action to make a difference in the world.

SENATE—Monday, March 19, 2012

The Senate met at 2 p.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of love, give our lawmakers wisdom to know what they ought to do. Create in them a passion to seek the truth, the humility to accept advice, and the courage to act with integrity. Deliver them from the lack of resistance which too easily yields to temptation and from the procrastination which puts things off until it is too late. May Your wisdom motivate them to faithfully follow Your commands. Empower each of them with the grace to seek and to find, to know and to love, to obey and to live the truth.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 19, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks the Senate will be

in morning business until 4:30 this afternoon. The filing deadline for all first-degree amendments to the substitute amendment to H.R. 3606 is 4 o'clock this afternoon.

Following morning business, the Senate will begin consideration of H.R. 3606, the capital formation/IPO bill.

There will be no votes today. We will have a couple of votes in the morning.

EXPORT-IMPORT BANK

Mr. REID. Mr. President, this week the Senate resumes debate on a measure to improve innovators' access to capital. This bill passed the House on a bipartisan vote and has President Obama's support. We could make this legislation even better by passing the modest consumer protections included in the substitute amendment we will consider tomorrow. But Members of both parties agree we should pass it quickly. We will finish work on this legislation this week.

It is nice to see Democrats and Republicans standing on common ground for a change. But while this IPO proposal will be good for business—helping to give startups the flexibility they need to hire and grow—experts agree its impact on job creation will be limited. The IPO bill is a good bill, but we all recognize its job creation impact will be fairly limited.

We want to do something with this legislation to increase the amount of jobs that will be forthcoming soon, which we have done. So as part of this IPO bill, it is important Congress also reauthorize the Ex-Im Bank, and do it now.

Reauthorization of the Ex-Im Bank will help American exporters compete in a global economy and sell more of their products overseas. Last year, Ex-Im Bank financing helped 3,600 private companies and almost 300,000 jobs were added in more than 2,000 communities. That is why the Ex-Im Bank has always enjoyed broad bipartisan support.

The last time this measure came before the body, it was offered by a Republican Senator and was passed by unanimous consent. The reauthorization legislation we will vote on tomorrow is also bipartisan. It passed the Banking Committee unanimously. It has three Republican cosponsors and the strong backing of the U.S. Chamber of Commerce. Yet I read that some of my Republican colleagues don't want to advance this bipartisan measure.

Remember, it does not increase the debt whatsoever. Instead, I have been told that some Republicans want to start another drawn-out, knockdown

fight over a proposal that passed unanimously the last time the Senate considered it. It doesn't make sense.

So let's review what is at stake. Unless Congress acts, Ex-Im Bank may hit its lending limit this month. American exporters could no longer rely on an even playing field with global competitors.

The Ex-Im Bank loans money to American businesses when private lending is not available. Its investments made \$41 billion in U.S. exports possible last year alone. That is why Ex-Im Bank Chairman Fred Hochberg says our competitors abroad "are licking their chops" at the idea that America would stop backing businesses that sell their products overseas.

Many of the businesses that are growing and hiring because of Export-Import Bank financing are small businesses. But the men and women who run large outfits such as Boeing, American Express, Johnson & Johnson, Caterpillar, GE, and Motorola are also on record in supporting the Ex-Im Bank.

American entrepreneurs can't afford Congress to give up on them now. China already provides three to four times as much financing as we do to help Chinese exporters. So we must help American exporters. We must continue to give American businesses a fair shot to compete in a global market. Since Ex-Im Bank doesn't add a penny to the deficit, there is no excuse for Republicans not to support it. The nonpartisan Congressional Budget Office says this commonsense legislation will actually reduce the deficit by about \$1 billion.

It is critical we pass the IPO bill to help businesses access capital, but it is even more important we reauthorize the job-creating Export-Import Bank which helps those companies compete abroad. This proposal will support hundreds of thousands of more jobs in the small business capital bill. Together it will be a real knockout. It will be great for America.

Democrats brought this measure to the floor in an effort to find more common ground, and passing it would be another major accomplishment of which both parties can be proud.

RESERVATION OF LEADER TIME

Mr. REID. Will the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period of morning business until 4:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 45 minutes in morning business, and I will be prepared to yield back such time as I do not use.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

JOBS ACT

Mr. REED. Mr. President, today I rise to discuss H.R. 3606, the so-called JOBS Act. As chairman of the Subcommittee on Securities, Insurance, and Investment of the Senate Banking Committee, I wish all of my colleagues to know this legislation, as it is currently drafted, is not ready to become law—and if it does, it could have unintended consequences that will hurt investors, seniors, and average American families.

One of the supposed premises behind this legislation is that if we just deregulate the securities market, then more companies will choose to issue public stock. The only reason they have been deterred from going to the public markets, according to this view, is the excessive regulatory burdens placed upon them.

The Banking Committee has been holding a series of hearings on different provisions in this legislation, and the reason we have discovered there have been fewer IPOs does not appear to be connected to regulatory burdens in any real way, but it appears to be more connected to economic and geographic factors. That being said, many of us hear on a daily basis, despite the recent financial crisis, about how the American regulatory system is making us less competitive, especially in the context of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

In fact, in testimony before the Senate Banking Committee, Lynn Turner, a former SEC chief accountant, states that the data says otherwise. In his words:

The reason IPOs track the economy is that investors invest to earn a return. When the economy is growing, companies can grow. . . . However, when the economy has stalled or is declining, and companies are not growing, investors simply cannot achieve the types of return they need to justify making an investment. . . . As a result of the downturns in the economy that occurred during much of the 1970s brought on in part by withdrawal from Vietnam, the recession brought on by inflation at the beginning of the 1980s, the dot com bubble and the corporate scandals, and the most recent great recession, investors became concerned about returns that could be earned in the markets and IPOs de-

clined. As the economy and employment have recovered after each of these downturns, so has the IPO market.

Mr. Turner went on to state when he served on a Colorado commission that was exploring why so many small companies were failing in Colorado, he said:

[W]e found that access to capital was not the primary cause of failure. Rather it was lack of sufficient expertise and management within the company including in such areas as marketing and operations. While access to sufficient capital for any company is important, I have found that those emerging companies with better management teams and proven products, or products with great growth potential are able to obtain it. Those are the types of companies VCs and private equities seek out.

VCs are venture capital companies.

As another securities expert, Professor Mercer Bullard, the Jessie D. Puckett, Jr. Lecturer and Associate Professor of Law at the University of Mississippi School of Law, wrote to me in a letter dated March 15 of this year:

The exemption for emerging growth companies would exempt so many companies from key investor protection provisions that the world-leading brand that is the "U.S. public company" would be substantially weakened.

So how do we find the balance between facilitating capital formation while maintaining fair, orderly, and efficient markets and protecting investors?

As chair of the Subcommittee on Securities, Insurance and Investment, I want all of my colleagues to know this legislation, as it is currently drafted, does not have that right balance.

We are getting inundated with letters and phone calls from securities experts from around the country saying: Please slow down and let this legislation be improved and amended. On Friday, Commissioner Luis Aguilar of the Securities and Exchange Commission stated:

It is clear to me that H.R. 3606 in its current form weakens or eliminated many regulations designed to safeguard investors. I must voice my concerns because as an SEC Commissioner, I cannot sit idly by when I see potential legislation that could harm investors. This bill seems to impose tremendous costs and potential harm on investors with little or no corresponding benefit.

The Chairman of the Securities and Exchange Commission, Mary Schapiro, wrote in a letter dated March 13, 2012:

While I recognize that H.R. 3606 is the product of a bipartisan effort designed to facilitate capital formation and includes certain promising approaches, I believe there are provisions that should be added or modified to improve investor protections that are worthy of Senate consideration.

In a Banking Committee hearing we held on March 6, 2012, Professor Jay Ritter, the Cordell Professor of Finance of the University of Florida, also testified that we should be careful because some of these bills could actually decrease capital formation and discourage job growth. He stated:

It is possible that by making it easier to raise money privately, creating some liquidity without being public, restricting information that stockholders have access to . . . restricting the ability of public market shareholders to constrain managers after investors contribute capital, and driving out independent research, the net effects of these bills might be to reduce capital formation and/or the number of small IPOs.

In a hearing before the Securities, Insurance, and Investment Subcommittee in December, Professor John Coates, the John F. Cogan Professor of Law and Economics at Harvard Law School told us some of the proposals in the House bill actually have the potential to harm job growth. He stated:

Whether the proposals will in fact increase job growth depends on how intensively they will lower offer costs, how extensively new offerings will take advantage of the new means of raising capital, how much more fraud can be expected to occur as a result of the changes, how serious the fraud will be, and how much the reduction in information verifiability will be as a result of these changes. . . . Thus, the proposals could not only generate front-page scandals, but reduce the very thing they are being promoted to increase: Job growth.

In other words, if these bills don't protect investors enough more fraud will occur, and it will actually decrease access to capital for smaller companies.

We have also heard from respected business commentators about the shortcomings of the House bill. Steve Pearlstein, the noted business columnist for the Washington Post, wrote:

What we know from painful experience—from the mortgage and credit bubble, from Enron, WorldCom and the tech and telecom boom, from the savings and loan crisis and the junk bond scandal and generations of penny-stock scandals—is that financial markets are incapable of self-regulation. In fact, they are prone to just about every type of market failure listed in economic textbooks.

Pearlstein points out the characteristics of markets that can lead to failures. First, there is the prevailing problem of asymmetric information. Insiders typically know, or should know, a lot about their company. If key information is withheld, investors are denied critical information to make informed judgments. The House bill would, under the guise of "streamlining," undercut necessary disclosures which are essential to protect investors. He further notes the misalignment of incentives between promoters of securities and investors. Once the sale is complete, the promoter typically moves on to other targets.

The investor depends on the performance of the company to validate the investment, and that usually takes time. Indeed, in many respects, it is the issue of the short run versus the long run that distinguishes sound investments from get-rich-quick schemes. The disclosures inherent in the securities laws have, over 80 years, attempted to strike a balance—to provide investors

with the information to make sound long-term investments and to thwart the “fast-buck” promoters in for a quick kill. The House bill seriously undermines these disclosures.

The editors of Bloomberg have also weighed in with telling criticism of the House bill. They point out:

Supporters of the [House] bill point to the falloff in initial public offerings as evidence that regulatory costs are dissuading entrepreneurs from creating businesses or taking them public. And they say rescinding the analyst research restrictions would benefit small companies, which Wall Street otherwise ignores. That sounds great in theory, but the reality offers a different picture. It's true the number of initial offerings has declined, but evidence suggests that has less to do with regulation and more to do with global economic trends.

That is according to the Bloomberg editors.

They go on to point out the conclusions of Professor Jay Ritter, whom I have already cited. Again according to Bloomberg, Professor Ritter “has documented, the decline in IPOs is related to declining profitability of small business. Many are opting to merge with larger companies to quickly get bigger and more profitable, rather than go public.”

The Bloomberg editors further point out:

Many of the rules the [House] bill seeks to upend have helped companies, including the internal controls rule. An SEC study, for example, found that such audits helped companies avoid financial restatements, which are costly exercises that often drive down share prices.

They conclude:

It shouldn't be necessary to gut investor safeguards to promote job creation. If investors lose confidence because of worries about fraud, they will demand a higher return on their money, raising the cost of capital for all.

Floyd Norris, the respected financial writer for the New York Times, struck similar themes and criticisms in an article last week. He asked:

Do you remember the scandals of the dot-com era? Then Wall Street firms got business by promising companies that they would write positive research reports if the company would only hire them to underwrite an initial public offering of stock. Companies went public at a feverish pitch, often rising to amazing heights without much in the way of sales, let alone profits. Then it all came crashing down.

In the aftermath, the brokers were forced by the Securities and Exchange Commission, as well as the New York attorney general, to mend their ways. No longer would analysts be allowed to go on such IPO sales calls.

Norris goes on:

This bill would end that rule for all but the biggest new offerings—those that involved companies with sales of over \$1 billion. And it would go much further. As the law stands now, to keep underwriters from making sales pitches that go beyond what companies are allowed to say, the underwriters are prohibited from publishing research on a company while its initial public offering is under way. This bill would allow such research, and

would say that the company bore no responsibility for what was said in it. Effectively, there would be a second prospectus—one largely immune to securities laws and free to hype the offering by making forecasts not otherwise allowed.

He goes on:

Why is this needed? Advocates point to the fact that there are fewer initial public offerings now than there were during the Internet bubble. That most of those offerings were horrible investments is conveniently ignored. Nor is any consideration given to the idea that once-burned investors might be more wary. The explanation must be excessive and unreasonably expensive regulation.

Norris went on further to remind his readers of the relentless ingenuity of promoters trying to circumvent the disclosure laws under the securities acts. He recalled the recent activities of Chinese companies to gain access to American investors without full disclosure through the process of reverse mergers. He pointed out:

Last year, the SEC, worried about a spate of frauds, required Chinese companies to follow the same rules that American ones do, with prospectuses made public as soon as they were filed. Since last summer, there have been no new Chinese initial public offerings in the United States. That tightening of regulation would be reversed by this bill.

He went on to quote Paul Gillis, a former auditor for PricewaterhouseCoopers in China who is now a visiting professor of accounting at Peking University. Mr. Gillis's words:

If you like those e-mails from Nigerian scammers, wait until you see the new round about to come from shady Chinese companies looking for investment—and they will be legal.

In an interview, Mr. Gillis praised section 404, the part of the Sarbanes-Oxley Act of 2002 that requires companies going public to have effective internal controls and for auditors to certify them. He said:

When companies list, they hire consultants to help them design internal control systems to provide integrity in their reports. These control systems are new to these countries. They have helped significantly. . . .

The second premise behind this legislation is that access to capital, whether through crowdfunding, mini-offerings, advertising private offerings, or more IPOs, will lead to more jobs. In actuality, in this case it is unclear whether more access to capital will temporarily create jobs and then destroy them or have a minimal effect. Most of the experts we have talked to suggest the effects will be minimal. In effect, it could create a bubble like the ones we have seen with mortgages, the ones we have seen with dot-coms.

If this legislation remains unbalanced, then it is likely to result in more unsuccessful investments for investors. Recent history has shown this will result in investors ultimately pulling out of the market, reducing business access to capital and costing families and others money much needed for education and retirement.

Like many of my colleagues on both sides of the aisle, I do believe there are some innovative proposals in the House bill, and I believe the amendment I am proposing along with Senator LANDRIEU and Senator LEVIN—the substitute amendment—includes many of these ideas in a way that better balances market transparency and investor protection with improving small business's access to capital.

One of these ideas with merit is the creation of a financial framework that allows entrepreneurs and small businesses to raise capital through crowdfunding—relatively small investments from many individuals through online platforms. There is a lot of energy around this concept of crowdfunding. However, this proposal needs to be done very carefully. It is critically important to ensure appropriate regulatory oversight for crowdfunding and make sure there is a strong balance between investor protection and improving small business's access to capital.

In our bill, this is the place where we envision the smallest entrepreneurs could obtain much needed seed capital for their good ideas.

I recently visited a company in Rhode Island called Betaspring. Instead of being an incubator for small businesses, Betaspring considers itself to be a “boot camp” for entrepreneurs. Betaspring is constantly trying to help entrepreneurs to access capital, but sometimes it is difficult to find enough friends and family who can help out. But my colleagues, Senators JEFF MERKLEY, MICHAEL BENNET, and SCOTT BROWN, have worked long and hard on structuring a bill in this area, which we have included in the Reed-Landrieu-Levin substitute amendment. I will let them talk to you about this part of our amendment in more detail. However, I believe their crowdfunding language is a vast improvement over the House bill, which would permit investors to invest up to the greater of \$10,000 or 10 percent of their annual income without having to meet any minimum wealth or financial sophistication standards.

Not only are issuers exempt from registration from securities offerings for up to \$2 million in the House bill, it would also exempt the intermediaries who seek to profit from the operation of crowdfunding markets.

I think these House provisions are corrected by the approach taken by my colleagues, Senator MERKLEY, Senator BROWN, and Senator BENNET. I believe the Senate bill they propose addresses many of the concerns expressed by Professor John Coffee of the Columbia University School of Law when he called such crowdfunding provisions the “Boiler Room Legalization Act”—a reference to the bad old days when people gathered in what were called boiler rooms and made cold calls to try to elicit unwary investors into dubious schemes.

There is another section of our bill which will help small and medium-sized companies access larger amounts of money—up to \$50 million—to infuse their businesses with much needed capital.

We have proposed a few but very important improvements to the work of Senators TESTER and TOOMEY in their legislation and to similar language in the House bill.

Let me talk about the improvements to the so-called regulation A or mini-offering section of the bill to achieve a better balance between investor protections and access to capital.

Like the House bill, our bill raises the amount of money that can be raised in a mini-offering process. However, four improvements are made in the Reed-Landrieu-Levin amendment.

We require that audited financial statements be filed with the mini-offering statement so that investors truly know what the financial situation of the company is before they invest.

Let me make a point here. The House proposal would not require audited financials be filed with the offering documents. I would think as a basic premise, if you are making an offering for up to \$50 million, investors deserve to have financial statements signed off on by a third party auditor. Our legislation requires it.

We require periodic disclosures of material information to investors. For example, perhaps the investor of a certain high-tech product the company is making leaves the company or passes away or something else happens. Investors deserve to know about that type of information.

We limit the amount that can be raised through the mini-offering process to \$50 million every 3 years. The House bill would allow investors to raise \$50 million every 12 months, potentially allowing many companies to avoid going fully public and evading more rigorous public reporting requirements.

Finally, we require a study and report on the new mini-offering exemption from Securities Act registration. This study is to be conducted by the SEC, in consultation with the State securities administrators, and submitted to Congress no later than 5 years after the date of enactment, so that we consider whether any changes need to be made to the mini-offering concept created in this legislation.

Although this is still an experiment—to allow general solicitation and advertising to retail investors for what are bound to be risky offerings—I believe the protections we have built in will make it a safer experiment.

We also worked to make some improvements to the initial public offering or IPO on-ramp section of the bill.

The essence of this proposal in the House is to phase in certain securities laws and regulations for, in their

terms, “emerging growth companies” so they can grow more slowly into becoming a public company, with all of its benefits and responsibilities.

There are companies that have or will outgrow either the reg D private placement method of raising capital or the new reg A mini-offering method of raising capital. But the key issue here is what we think the definition of an “emerging growth company” should be.

The way the House bill is written, it would exempt virtually all new public companies from nonbinding shareholder votes on say on pay and executive compensation pay in connection with a merger acquisition; the relationship between executive compensation and the performance of the issuer; the requirement under Securities Act section 7 that more than 2 years of audited financial statements be provided for an IPO; and a requirement that the company’s auditor attest to the effectiveness of the company’s financial systems or internal controls under section 404(b).

After discussions with many experts, it is clear that a company with \$1 billion in annual revenue is not what most of them consider to be an emerging growth company. But that is the level the House has chosen, \$1 billion in annual revenues.

In fact, under this definition, the House bill would have exempted more than 80 percent of current IPOs from registration requirements which, as I mentioned earlier, are requirements that only recently appear to be difficult to manage.

As a result, Senators LANDRIEU, LEVIN, and I decided this definition needed to be much more targeted toward smaller IPO companies with less than \$350 million in annual revenue. Even the House bill would have allowed Enron and WorldCom to be subject to this phase-in, in terms of reporting and auditing requirements.

In addition to focusing this provision on smaller firms, we also took out the provisions in the House bill that were eliminating corporate governance improvement made in the Dodd-Frank bill, such as say on pay and requirements that the company demonstrate the connection between executive performance and company performance. We need to give these provisions more than a year to see how well they are working.

The Reed-Landrieu-Levin amendment also eliminates the provision in the House bill that interferes with independent accounting standards, and would have set up two different sets of rules, one for emerging growth companies and one for other public companies. We agreed with the Chamber of Commerce that these provisions should be taken out. The chamber stated in a letter dated February 15, 2012 that:

The opt-out for new accounting and auditing standards would create a bifurcated fi-

ancial reporting system with less certainty and comparability for investors, while creating increased liability risk for boards of directors, audit committees and Chief Financial Officers.

We also dramatically narrow the provisions in the House bill that would have eviscerated the settlement between all of the securities regulators and 10 Wall Street investment banks regarding the undue influence of the investment banking unit of a firm on the securities research unit affiliated with the same brokerage firm.

We learned at a significant cost through the 1980s and the 1990s the value of independent analysis of markets and securities. Jeff Madrick, a respected journalist, discussed this issue in his book. In his words:

A measure of this practice was the increase in the number of buy recommendations. At the end of the 1980s, after a long run-up in stocks, buy recommendations exceeded sell recommendations by a large and suspect margin of four to one. By the early 1990s, buy recommendations exceeded sells by eight to one. By the late 1990s, only 1 percent of analysts’ recommendations urged an outright sale. The low percentage remained unchanged even when stock prices were falling and the investment community was pessimistic.

After the stock market collapsed in the early 2000s, securities analysts started to admit what was happening inside these firms. Ronald Glantz, a veteran respected analyst from Paine Webber, testified before Congress in 2001 as follows:

Now the job of analysts is to bring in investment banking clients, not provide good investment advice. This began in the mid-1980s. The prostitution of security analysts was completed during the high-tech mania of the last few years. For example, in 1997 a major investment banking firm offered to triple my pay. They had no interest in the quality of my recommendations. I was shown a list with 15 names and asked, “How quickly can you issue buy recommendations on these potential clients?”

We believe that the wall between a financial institution’s research and brokerage units needs to be maintained. Our substitute amendment would allow a research report to be provided by a firm subject to SEC restrictions, disclosure, and filing requirements. In particular, the research cannot contain any recommendation to purchase or sell such security.

In addition, any written communications provided to potential investors must be filed with the SEC so that they can take a look at it. These written communications will become part of the issuer’s prospectus, which should give investors some added protections. This too is a bit of an experiment, given the massive fraud committed on investors that led to the global research analyst settlement in 2003. But we have dramatically narrowed the scope of the experiment from the one in the House version.

Finally, we allow companies to opt out of the emerging growth company

designation and fully comply with all public company regulatory requirements, which very well may improve the price of their stock, since investors will have more information regarding the company.

As I said earlier, if these changes in exemptions go too far, some believe we are doing more harm than good by weakening the value of the public company brand in the United States and actually harming our competitiveness in world markets. That is why we have tried to narrow, appropriately, the proposals in the House legislation.

Next, I want to talk about the most important changes in our bill from the House bill. The House bill effectively eliminated SEC prohibitions against soliciting or advertising about private offerings of securities. Most private placements are offered under SEC rules known as regulation D. These securities are sold without an IPO or registration statement being filed with the SEC, usually to a small number of chosen accredited investors.

In the United States, for an individual to be considered an accredited investor, he or she must have a net worth of at least \$1 million, not including the value of the person's primary residence, or have made at least \$200,000 each year for the last 2 years, or \$300,000 together with his or her spouse, if married, and have the expectation to make the same amount in the current year.

The current net worth and income triggers were adopted 30 years ago. They have never been changed. The share of U.S. households that met the test in 1982 was 1.6 percent. It is now at least four times that share. The largest share of accredited investor households is retirees, many of whom struggled for decades to save their nest egg.

Because accredited investors are eligible for private placement, they can be targeted with slick sales pitches without any SEC review or mandatory disclosure. The House bill removes current prohibitions against general solicitation or advertising for these private offerings, which most securities experts believe will have serious consequences.

Under the current regulatory framework, if the SEC sees unregistered offerings being advertised, they can immediately close down the issuer, since they are breaking the law by publicly advertising or soliciting. Under the House bill, there will be a lot more solicitation of all investors, perhaps on late-night cable or the Internet, with the only protection being after the fact under antifraud principles or ex post inspections of sales records to see if the issuers appropriately sold only to accredited investors.

SEC Commissioner Aguilar stated in his statement on March 16, 2012, that this provision may be a "boon to boiler room operators, Ponzi schemers, buck-

et shops, and garden variety fraudsters, by enabling them to cast a wider net, and make securities enforcement more difficult."

Realizing in a world of the Internet and Twitter that even private communications to accredited investors can be broadly disseminated, our bill takes a much more targeted approach to this issue. In our amendment, we allow for limited public solicitation and advertising that is done only in ways and through methods approved by the SEC. We are sympathetic to the fact that in a world of new media, it is increasingly difficult for issuers to control their outreach efforts to accredited investors. We believe our amendment gives the SEC the tools it needs to formulate a limited exemption to the general solicitation and advertising rules allowing private offerings to still be private. None of us wants this legislation to be a boon to boiler room operators and Ponzi schemers targeting our Nation's retirees or anyone else.

Finally, I want to talk about the shareholder cap issue. What has become clear to me as a result of the capital formation hearings in the Banking Committee is that this issue of the appropriate number of shareholders to trigger routine reporting through the SEC is something that requires very careful consideration. The present 500 recordholder threshold was originally introduced to address complaints of fraudulent activity in the over-the-counter market for securities.

Since firms with fewer than the threshold number of investors were not required to routinely disclose their financial information, outside buyers were not able to make fully informed decisions regarding their investments. The exchange act mandates that investors in over-the-counter securities be provided with equivalent information to that provided to investors trading stocks on the major exchanges if the company has 500 holders of record and at least \$10 million in assets.

Many believe this threshold needs to be updated. But the House bill dramatically increased the threshold from 500 to 2,000. Others believe raising this threshold to 2,000 would impair capital allocation and market efficiency, reducing public information about widely traded companies and denying investors appropriate information about companies.

First, we believe the House bill risks allowing large companies with less than 2,000 recordholders—and listen to some of these companies: Hyatt, Hertz, Chiquita Brands, Adobe Systems, HCA Holdings—Hospital Corporation of America—Kaiser Aluminum, Royal Caribbean Cruises, Towers Watson, Ralph Lauren, and Accenture—and these are just some of them—to delist and go dark without disclosure or regulatory oversight. I think that would frustrate the expectations of many of their investors.

As a result, we decided to take a more prudent approach in our amendment and raise the level from 500 to 750. At the same time, we believe the holder of record actually needs to be the beneficial owner of the security. This means he or she has power to vote the share or dispose of the share. Through our hearings on this matter, it is clear that many big firms are getting around this requirement by pooling shares in a street name, such as an investment company like JP Morgan. These big firms have many thousands or hundreds of beneficial owners that can sell and dispose of their shares and have the right to the dividends. But on the books of the company, it is just one recordholder. Our amendment eliminates this work-around and requires the holder of record to actually be the beneficial owner.

We are also sympathetic to the fact that many more companies are starting to give their employees stock as part of their compensation plan. We are sympathetic to their desire not to have this prematurely trigger the Securities Exchange Act. Companies such as WaWa and Wegmans testified before the Banking Committee that they want to give their employees shares without forcing their company to have to go public. As a result, our amendment exempts employees for the recordholder account, which should allow firms to give as many shares as they want to their employees without forcing them to go public before they are ready.

We think our provision achieves a better balance between market transparency through disclosures and investor protections and the needs of some of our most successful family-owned or privately held firms to reward their employees and maintain their private status.

As we debate H.R. 3606, which could dramatically weaken the world leading brand that is the American public company, we should realize that we are undertaking a dramatic and perhaps unfounded experiment. We should also understand that deregulating our securities markets may have no effect whatsoever on the number of IPOs.

Companies are desperate for funding since we just went through the biggest financial crisis since the Depression and lending is down. Deregulating our capital markets could temporarily infuse our markets with more cash, but at what cost? The cost could be quite great. As Jessie Eisinger stated in his ProPublica column on March 14:

It's been about a year now since Chinese reverse-merger companies collapsed. In that scandal, dozens of those small Chinese companies went public in the United States without having to run the gauntlet of the Securities and Exchange Commission's registration rules. After they blew up by the boatload, the SEC cracked down and tightened its rules. Since then, short-sellers' pickings have been slim. By allowing new public

small companies to not disclose financial information for years, the bill will provide new targets for short-selling hedge funds.

Like Mr. Eisinger, I believe the House bill as currently drafted basically makes markets less transparent and more subject to manipulation. What the House bill clearly does not do is address the needs that I hear about from employers in my State.

The economy consists of a lot of moving pieces. Economic recovery on its own will do more to reverse the decline in business activity than any provision in the House bill. Moreover, the House bill doesn't include provisions that I am hearing from Rhode Island employers would actually be helpful to creating jobs, such as Small Business Administration loans and export assistance. As a result, our amendment actually includes a number of already tried and true, tested job-creating measures. It is estimated, for example, that by reauthorizing the Export-Import Bank, our amendment would support an estimated 288,000 American jobs at more than 3,600 U.S. companies in more than 2,000 communities.

Other provisions in our amendment would expand the Small Business Investment Company Program, supporting more small business startups in communities across the United States.

Finally, we continue a modification to the Small Business Administration 504 Loan Program to allow for the refinancing for short-term commercial real estate debt. This provision has proved essential for many small businesses with short-term debt. As we have been looking at the House bill more closely, I think we have all been learning that it is not doing what it was advertised as doing, which is creating more jobs. We need to slow down and go through an appropriate amendment process in the Senate.

As Barbara Roper, director of investor protection for the Consumer Federation of America, recently stated in a March 11, 2012, San Francisco Chronicle article, the House bill as currently drafted is "completely bipolar." On one hand, we are trying to make it easier and less expensive for companies to go public. On the other hand, by increasing the shareholder threshold in the legislation, the House is actually encouraging and letting companies stay private or go private and avoid an IPO.

I urge all my colleagues on both sides of the aisle to take up the Reed-Landrieu-Levin amendment as the base text of the legislation and engage in both a robust debate and amendment process. Our securities markets deserve just as much attention as our Nation's transportation system, and we spent several weeks dealing with the Transportation bill on the Senate floor. The Reed-Landrieu-Levin amendment is a much better place to start this debate on how to improve access to capital in

our securities markets without opening them up to unnecessary fraud and manipulation.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. JOHNSON of Wisconsin. I ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. JOHNSON of Wisconsin. Mr. President, I wasn't here when they passed the Patient Protection and Affordable Care Act. This week will mark the second anniversary of what I call a very Orwellian name for that piece of legislation because I personally do not believe it is going to protect patients, nor do I believe it is going to improve the affordability of our health care system.

The reason I ran for the Senate was primarily because of this law. I certainly recognized how it was going to result in a lower quality of health care, how it was going to lead to rationing, and how it was going to severely limit the amount of medical innovation we enjoy in this country. In particular, I was offended by the political process demonizing doctors and health care providers, demonizing the health care system in order to pass this health care law.

The reason that offended me is a very personal story. It has to do with my daughter who was born with a very serious congenital heart defect, her aorta and pulmonary artery were reversed. So her first day of life, the doctors—who President Obama said would take out a set of tonsils for a few extra dollars—saved her life within the very first few hours of life. Then, 8 months later, when her heart was only the size of a small plum, another incredibly dedicated and incredibly skilled team of medical professionals totally reconstructed the upper chamber of her heart. Her heart operates backwards now, but she is 28 years old and now she is a nurse herself in a neonatal intensive care unit and she is taking care of those babies.

So when they passed the Patient Protection and Affordable Care Act, I knew the health care system that

saved my daughter was at risk. I also knew this health care law was in no way, shape or form going to reduce our Federal deficit. It is just not possible. How can we expect to add 25 million people to government-run health care and reduce the deficit at the same time?

The reason they were able to put forward that fiction is they proposed a piece of legislation that would have revenue, fees, taxes, and penalties for 10 years, while at the same time only providing benefits for the last 6 years of that time period. Basically, what they did was to say we will raise revenue for 10 years of about \$1.1 trillion, and we will have 6 years' worth of cost, a little under \$1 trillion. That was the fiction.

Half of that revenue generated is going to be in taxes, fees, and penalties. Personally, by increasing taxes and increasing fees on things such as medical insurance, on medical devices, and on pharmaceuticals, I don't see how that bends the cost curve down. It would not bend the cost curve down. It is the same logic this President has used when he is talking about high gasoline prices. He says by increasing taxes on oil companies we will reduce the price of gas. It is just not possible. Increasing fees on providers, reducing reimbursement rates to providers is not going to bend the cost curve down. It is basically not going to happen.

The other half of the pay-fors—the other half of that \$1.1 trillion—was proposed reductions basically in payments to Medicare providers. Congress, I would say wisely, has not enacted the sustainable growth rate cuts to providers because they realize, if they do that, access for seniors to medical care will be reduced. I don't see how, if we reduce Medicare by \$529 billion, that same access also would not be reduced. From my standpoint, I think it is highly unlikely Congress will actually enact that \$529 billion worth of reductions to Medicare. When they do not do that, the \$143 billion reduction in our deficit, that fiction, will totally go away.

Another reason for that fiction being exposed is because, fortunately, Congress realized the CLASS Act portion of ObamaCare simply wasn't going to save the money they said it was going to save. It simply wasn't sustainable. Budget Committee Chairman KENT CONRAD actually called the CLASS Act a Ponzi scheme. So this administration has decided not to move forward with its implementation. In doing so, that is removing \$70 billion of revenue from that budgetary fiction.

I know Senator KYL has been following this very carefully, in terms of what is going to happen to our Federal budget, and I am wondering if Senator KYL would want to comment on how he sees the real effect of the health care law on the Federal budget and why

that is not going to save us \$143 billion in the first year and probably result in far greater costs to the Federal Government if this thing is actually implemented.

Mr. KYL. Mr. President, I would say my colleague from Wisconsin is absolutely right. Let me first of all say, millions of citizens around this country have gotten engaged for the same reason as my colleague did; as a normal citizen, running his business, he saw what was happening here and he decided to get involved. Not everyone can run for the Senate successfully and come back to Washington to bring that message from America right here to the Senate Chamber, but he has done it, and I commend him for his leadership.

Yes, he is absolutely right. It turns out that his predictions and those of us who were on the Senate floor when this bill passed into law saying it was going to cost a lot more than our Democratic friends said; that it was going to cost a lot more than the Congressional Budget Office estimated, well, now the numbers are in and here they are.

The nonpartisan Congressional Budget Office last week just released its updated figures, and it shows that the real cost of the ObamaCare subsidy spending is going to almost double. When ObamaCare was passed, they estimated the cost would be \$938 billion. That is on the Medicaid part as well as the taxpayer-funded health insurance subsidies. As my colleague said, that is a 10-year cost. Of course, part of the game is that they are collecting money over 10 years but only paying benefits over 6 and that can make it look pretty good, as my colleague said. But it turns out, when CBO had to reexamine, now with 2 years' experience, what they found is, looking at the entire 10-year budget window, the true size of this cost was masked. Now that we have a clearer picture, voila, CBO says the projected amount is \$1.7 trillion over 10 years. In other words, ObamaCare is going to cost more than \$700 billion more than CBO estimated at the time the law was passed.

How can they miscalculate by almost double, from \$938 billion to now \$1.7 trillion? It is not CBO's fault. CBO is a bunch of accountants. They take what we give them and do their figuring. As the Senator from Wisconsin said, what the Senate Democrats and the President gave them was just part of the picture. They said: We are going to give you 10 years' worth of revenues, but we are only going to give you 6 years' worth of expenses. See how that works out. I wish we could all do our private budgets at home that way.

Here is another way to look at it. We have all heard of a mortgage with a bubble payment at the end. That is, in effect, what this was. They basically said: Look, we know CBO has to estimate 10-year budgets, so we have a

great idea on how to make this cost less. We will put some of the big expenditures in years 11 and 12. Voila, 10 years of expenditures, not too bad. But now that 2 years have passed and we are now looking at a 10-year budget that goes out 10 more years from now—12 years from when ObamaCare was first calculated—it turns out when we add in years No. 11 and 12, it adds hugely to the cost—\$700 billion worth.

We all said this at the time. It was a trick. It was smoke and mirrors. They were pulling a fast one on the American people. We said that. But we heard: Oh no. You can trust CBO. Sure, we could trust CBO as far as they could calculate it. But if one had said, how about years 11 and 12, they would have had to say: That is another story, but we weren't asked about that.

I say to my friend from Wisconsin, he is exactly right. Now the chickens have come home to roost. Now we know what the real cost of this is going to be and, oh, by the way, if we want to go out over the entire period once the law is fully implemented—remember, ObamaCare has not been fully implemented yet. So what happens when we calculate its full cost when truly implemented? The Budget Committee, on which Senator SESSIONS sits, says total spending under ObamaCare will reach \$2.6 trillion. So these are the real costs we have to pay attention to, not just the estimates that were made at the time they were trying to get the law passed.

I might either ask the Senator from Wisconsin or our ranking member on the Budget Committee, what about this? If we use real numbers and real costs, are the American taxpayers going to be on the hook for something akin to \$2.6 trillion, according to the Budget Committee? That is a lot of money.

Mr. JOHNSON of Wisconsin. I wish to point out, the numbers Senator KYL is talking about are CBO projections, just using a different timeframe. That isn't even taking into account what I have been talking about is an even more significant risk to the deficit, and that is one particular CBO estimate that says, on net, only 1 million Americans will lose their employer-sponsored care.

There are 154 million Americans who get their employer-sponsored care from employer-sponsored plans. To assume that only 1 million people will lose that coverage and get forced into the exchanges is absurd, particularly when we have a study by a very reputable firm, McKinsey & Company, surveying 1,300 employers, which said 30 to 50 percent of employers plan on dropping coverage and having their employees go into the exchanges. It is pretty easy to understand why that might happen. Right now, the health care law is 2,700 pages; there have been another 12,000 pages of rules and regulations. So employers looking at the health care law

are looking at, Do I try and comply with, do I try and understand 15,000 pages of regulations and then pay \$20,000 for a family plan—which is the new CBO estimate for a family plan in the year 2016. Do I do that or pay the \$2,000 penalty?

With ObamaCare, they are not exposing their employees to a financial risk. They are making them eligible for huge subsidies, \$10,000, if they have a household income of \$64,000.

So I will throw it over to Senator SESSIONS on the Budget Committee. My concern is we are not even beginning to contemplate what the effects of that might be. What does the Senator think of that?

Mr. SESSIONS. I couldn't agree more about the concerns the Senator raised.

Senator JOHNSON was a successful businessman. He provided health insurance for his employees. He had to purchase it. I will just ask him one quick question. Based on his experience—a year and a half ago he was doing this business. What are the incentives for a business that is already in existence, providing health care, why might they not continue to provide it? Why might a new company, a startup company, a small business that hopes to grow and have hundreds of employees—why might they never start with employer-based health care?

Mr. JOHNSON of Wisconsin. Again, it is becoming so complex. It is becoming so expensive. Again, the big difference ObamaCare throws into the equation is, in the past, responsible employers—and most employers truly care about the people who work with them—wouldn't have dreamed of exposing their employees to financial risk that would be obvious if they didn't provide health care insurance. But with ObamaCare, that is not what is happening. Now these exchanges will be available as well as huge subsidies.

I am not aware of too many large Federal subsidies that go unused, and that is my concern. So the equation is totally different now. It is going to be totally different under ObamaCare.

My question for CBO—I know they just conducted a study and did some sensitivity analysis, but they didn't go anywhere near far enough, from my standpoint. I think the largest number of employees they took a look at might have been 20 million individuals. But when we have 154 million Americans getting employer-sponsored care and the McKinsey study saying half of those, more than 75 million—I think we need to take a very serious look at what effect on our budget that would have.

Mr. SESSIONS. I think all of us need to be listening to this because it is something that was not sufficiently considered during the debate; that is, that dramatically more employers may quit providing insurance, new companies that get started will not provide

it, people will be on the exchanges, and it will cost far more than was expected. That is an entirely new issue.

Assuming the low numbers the Congressional Budget Office said will go into the exchanges, just taking the numbers they assumed, let me point out what Senator KYL said. President Obama, in an exact quote to the joint session of Congress when he was promoting this legislation, not some off-the-cuff figure, said this:

Now, add it all up. And the plan I'm proposing will cost around \$900 billion over 10 years—

This was a deliberate attempt, as has been suggested, to manipulate the figures because the taxes started right away, but the spending was 4 years delayed essentially, so we only have 6 years of spending under the plan. It also excluded many other provisions.

For example, the bureaucratic implementation costs were not counted. The amount of effort, even the IRS will have to hire people who have to be involved, and this was not counted. New spending to close the Medicare doughnut hole. We didn't have the money in 2002 or 2003 to fund that provision. We have never been in worse shape. We are borrowing 40 cents of every \$1 we spend, far worse than we were. Next year will be the fifth consecutive \$1 trillion deficit. We don't have the money. So now we are spending more on that program that we don't have, the new or early retiree program.

So once we add all the different provisions in the health care law, total gross spending over the original 10 years, when only 6 years is being paid for—over 10 years is actually 1.4 trillion. Those are the numbers we have. So this was a misrepresentation. This is from 2010 through 2019, 1.4 trillion. But when we add all the costs over the first full 10 years of this health care bill, it will be \$2.6 trillion.

The point is, the bill is not good health policy. The American people oppose it overwhelmingly. Absolutely, we do not have the money. We have never had a more systemic death threat to America, and it is so painful to see this happen.

I thank Senator JOHNSON for his energy, for the commitment he has brought to this issue. He has seen it on the other side, the real-world side, and he is helping to motivate us all to explain to the American people the dangers of the bill.

Mr. JOHNSON of Wisconsin. I wish to ask Senator SESSIONS a question. We have talked about this in the past. I know a lot of people talked about the Medicare cuts being double counted, and I never quite understood exactly what that was. Can the Senator maybe explain a little bit to the American people what that means.

Mr. SESSIONS. Yes.

As a part of the funding for the ObamaCare legislation, there was an

increase in Medicare taxes and a cut in Medicare benefits totaling \$400 billion. That money was used to fund the new health care bill by the U.S. Treasury, an entirely new program. But it is Medicare's money. It is not the Treasury's money. Medicare has trustees. Medicare loaned the money to the U.S. Treasury. It was borrowed money that was used to fund this bill, not money that came in new and free of charge. Since Medicare is going into default and going to claim its debt in a few years, the Federal Government is simply going to have to either raise taxes, cut spending somewhere else or, more likely, convert the borrowing from Medicare, borrow money on the open market from China and other places, and then pay Medicare back.

It is, as the CBO Director told me in a letter, December 23, the night before we voted: You are double counting the money.

No wonder this country is going broke. This isn't extra money. Half the original estimate of the bill, \$900 billion, was funded by borrowed money from Medicare. This is how this country is surging in its debt and why we are in danger of the entire economy entering into collapse.

Mr. JOHNSON of Wisconsin. Does the Senator believe those Medicare savings will actually be realized? Does the Senator believe Congress will actually enact those savings?

Mr. SESSIONS. That is a good point, because in the past we have attempted and claimed we were going to make savings in Medicare and they never occurred.

What I am saying is if these savings were to occur and if the new taxes on Medicare go into effect, as they are, that money is what is being used to fund an entirely new health care program. There is real doubt it will ever achieve those savings in Medicare, because if we keep cutting doctors and we keep cutting hospitals, they can't keep doing work. They will start refusing Medicare and Medicaid work. We are in that position already on some of the cuts that we rescind every year because we know the health care system would collapse if those cuts were to go into effect.

Mr. JOHNSON of Wisconsin. That is one of my concerns. Let's say we actually do enact those cuts to Medicare and we don't reimburse providers and doctors in some cases to even cover their costs.

I know this is hard to get to, but I have read where only 60 percent of providers are willing to see and treat Medicaid patients. Now what we are going to be doing is adding 25 million new individuals onto Medicaid rolls, where only 67 percent of providers are seeing those.

I would ask Senator BOOZMAN, because he is not only a new Senator but also a doctor and he ran a business,

would he comment on that as well. I think he has some comments in terms of how this health care law will be affecting employment and jobs.

Mr. BOOZMAN. I appreciate the Senator's leadership in this area. I also appreciate the fact that he jumped out and ran for the office and was elected, because we desperately need people such as Senator JOHNSON, people who were successful businessmen who understand the unintended consequences of much of what we do. I, similar to the Senator, also have a firsthand understanding of this issue from an employer's perspective and maybe a little bit unique perspective.

Before I came to Congress, I practiced optometry and helped run an eye care clinic with my nine other partners for 24 years. So when President Obama's health care bill came before us when I was in the House, I fully understood, from both the medical provider and from the business aspect, that from both accounts, it was the wrong approach to the problem of rising health care costs and, with the Doctors Caucus in the House, worked very hard to highlight the problems and to also highlight the alternative options working through the free market approach.

There is no doubt about it, we are facing a serious crisis. Health care costs are crippling Americans. Many Americans lack access to quality health care. It is stifling our Nation's overall economic development. There are real difficulties with physicians and hospitals that they face when it comes to accessibility and affordability of health care services. But despite all that, there is a right way and a wrong way to address the problem. The President's health care law is simply the wrong approach and the wrong answer.

Coming with a pricetag of \$1.75 trillion, the law causes many more problems than it solves. It is not lowering health care costs, as we are seeing. In fact, it is driving them up. It is not deficit neutral. It is a budget buster.

Because of Medicare cuts, because of the way it is set up, it is going to lead to rationing and decreased quality of care. It will not help the economy. In fact, it is further stalling the recovery.

On that note, specifically, the President's health care law makes it difficult for small business owners to hire more employees. At a time when our economic recovery continues to lag, the concerns over new mandates, confusing rules, and additional taxes in the law have small business owners rightfully concerned. Again, I can appreciate this in the sense of not only being an eye care provider, a health care provider, but somebody who had 85 employees.

Far from getting jobs, as the President promised, it is estimated the law will actually result in 800,000 fewer jobs over the next decade. It is almost as if

the law was written with no input from America's small business owners and the health care providers that will run it.

In the 24 years I was at our clinic in northwest Arkansas, we grew our staff from 5 employees to 85. My colleague from Wisconsin can attest to the fact that guiding one's business to the point where one can add personnel is not an easy task. It takes strategic planning and management, but it also takes an economic environment that allows small businesses to expand, invest, and hire. Instead of doing that, the health care law furthers the climate of uncertainty that our job creators already face.

Small business owners are certainly hurting in this economy. They are worrying about tax hikes that Washington keeps threatening to force upon them. They see an enormous flood of regulations coming their way. Gas prices keep skyrocketing. Profits are way down as a result of the sluggish economy. There is so much uncertainty, what mandates will evolve from this health care law and ultimately what these costs will be for small business owners only adds to that unease.

When interviewed, business owners said that the major concern that keeps them from hiring—and I have been out and about as much as anybody in the last 2 years, and this is exactly what I am hearing—is the uncertainty caused by the cost that they believe they will incur by the new health care law. We need to repeal and replace it with health care reform based on a free market system.

Mr. JOHNSON of Wisconsin. I thank Senator BOOZMAN. I think it is extremely important for us, in the next coming weeks and months, to paint a very accurate picture for the American people about what our health care system is going to look like, what our Federal budget is going to look like, the effect on American jobs and our economy, and the effect on our freedoms that we are going to witness if this health care law is fully implemented. I think it is critical we provide the American people that type of information.

Of course I know Senator ROBERTS has some thoughts in terms of how this health care law will affect jobs and our economy. He has been very good at describing some of the nonsense regulations that are being undertaken by this administration. I want Senator ROBERTS to share his thoughts about what he thinks—paint us a picture of what is America going to look like under this health care law.

Mr. ROBERTS. No. 1, I want to give the Senator a lot of credit for leading this colloquy in regard to where we are 2 years from the passage. It is hard to say what it is. Now it is ACA, the Affordable Care Act; it used to be PPACA, the acronym, which I thought

was very appropriate. Of course if you politicize it, it is called ObamaCare. I don't mean to do that in this debate. But I do thank the Senator for focusing on jobs and costs.

I thank Senator KYL for a CBO truth. He ought to start a new program like the old show "Truth Or Consequences." Senator KYL pointed out the consequences. He pointed out the consequences, when you ask the CBO for a score when you are going to try to pass the bill, they will give you exactly what you want, but the truth is down the road it costs an awful lot more.

There is one person you left out in terms of the CBO telling the truth and that is Richard Foster, who is the Actuary down at the Department of Health and Human Services. That man ought to get a Purple Heart, a Medal of Honor—not a Medal of Honor, just give him a Purple Heart and maybe a Bronze Star for action in the war zone and then maybe a Medal of Freedom later.

Senator SESSIONS, who is our resident bulldog on the budget, hit it on the second counting. I thank him for that. That is a half trillion dollars. The other half of that is that it is a half trillion that goes to all these exchanges and the rules and regulations in setting up the Affordable Health Care Act. Basically, it denies Medicare reimbursement to all sorts of folks—doctors, nurses, hospices, pharmacists, ambulance drivers, hospital administrators—on and on. We had a health care summit in Topeka, KS, and 34 regulations popped out of the woodwork. We could have had 164 but we sent the 34 in to the Secretary of HHS. Then he went out to Hays, KS. That is really out there in the rural health care system. We had seven different regulations. I hope later when we have a colloquy on regulations we can certainly insert those into the RECORD.

Senator BOOZMAN, who is a physician, gave a standpoint of what happens in regard to rationing.

Let me get Senator BOOZMAN's attention for a minute. Do you know who enforces this thing, at the end of the year if you do not sign up, if you do not put on your tax return, which I assume it will be, in terms of what kind of coverage you have? It is the IRS. The IRS is going to be the enforcement entity in regard to whether you have a provider. If you do not, you get fined.

Stop and think a minute about what is going on, and all the waivers that have been going on in terms of who is enforcing this. Your friendly Internal Revenue Service—what—reinforcer? I have a lot of feeling about this.

I took the floor today to discuss something called promises made and promises not kept. I tell the distinguished Senator from Wisconsin, of all the words that come back to bite you, this one has. That is the famous statement prior to passage of the health

care reform law by the President: "If you like your health care plan, you can keep it." I will give him credit, he may have believed it then. But as we pointed out with Senator KYL, Senator SESSIONS, Senator BOOZMAN, Senator JOHNSON—that is not the case. I didn't believe it then and I said so. Neither did Senator SESSIONS. Neither did Senator KYL. Those two are here now, taking a good look at it. They don't believe it either.

Why? It is pretty simple. Employers and health care providers told me that when the majority of the provisions of the health care reform law would take effect, it would be more affordable for an employer to simply stop offering their employee coverage and pay a penalty rather than face the predictable increase in premiums and to continue to offer any coverage.

Now these predictions have turned into facts. A new study just released by McKinsey & Co., a consulting company, predicts large numbers of workers will be shifted into the health exchanges in 2014. That is a shift that folks should be worried about—exactly what you are talking about, Senator JOHNSON. Literally thousands of regulations and waivers are pouring out of the Department of Health and Human Services; in fact, to date, 12,307 pages of additional regulations to restrict personal freedom and micromanage the private market.

To make matters worse, there is the predictable worry that the exchanges would be better described as much like Medicaid HMOs. That is the kind of service we can expect to get and that threatens access, choice of doctors, and not to mention the rationing regime that will be the marching order of the day. I will have a lot to say about that in the colloquy in the next several days.

At the time the President made his promise, the CBO estimated that, as Senator KYL pointed out, only about 7 percent of employees covered by employer-sponsored insurance would make the switch, or be forced to switch, to taxpayer-subsidized exchanges. Now I tell the Senator, study after study is releasing facts and figures that find the health care reform law will cause many or even most employers to quit offering their current health insurance.

In a survey by benefits consultants at Lockton, when asked about the cost of notifying employees of changes required by or resulting from health care reform law, they said each notification will cost \$1 to \$3 per employee. Talk about cost. This would raise costs by tens of thousands of dollars or more for some firms and nearly one in five firms is considering terminating coverage outright, thanks to the law.

With each study the numbers go up. The McKinsey survey found that 45 to 50 percent of employers say they "will

definitely or probably" pursue alternatives to their existing health care plans. Even more alarming, some 30 percent of employers will simply stop offering any coverage. Those are the facts. There are more to come.

I am going on too long here, I understand that. I simply say again I thank my colleagues. Contrary to this administration's seeming belief, there is no such thing as free health care. Somebody does pay. In this case the American taxpayers will be forced to foot the bill for workers whose employer-sponsored coverage has been dropped due to health care reform.

There is another quote I wish to mention. It should be the subject of another colloquy. There is absolutely no rationing in this bill, it is just scare talk. Want to bet? There is nothing that hurts the truth more than stretching it. With PPACA or ACA or ObamaCare, jobs and costs will be stressed beyond the limit.

I truly thank the Senator for sponsoring this colloquy.

Mr. JOHNSON of Wisconsin. I appreciate the comments of the Senator. He mentioned rationing. What is the Independent Advisory Board for? Do you have a clue? To me that would somewhat lead, potentially, to rationing. I would be suspicious of that. Senator KYL stood up here. He may have some additional comments.

Mr. KYL. Yes. I would say when my colleague from Kansas talked about the free care, it reminded me of the old saw: You think insurance is expensive now, just wait until it is free. That is the point. Somebody has to pay for it at the end of the day, and we just happen to have some new statistics how this is working out now that CBO has had a chance to examine how ObamaCare plays out. Here is their newest estimate. We are talking about real costs to real families.

CBO now estimates that ObamaCare will increase premiums by 10 to 13 percent. To make that number real, that is a \$2,100 annual increase in the cost for the average family of purchasing their own insurance coverage. Six separate private actuarial analyses have all indicated ObamaCare will increase premiums with projected increases ranging as high as 60 percent.

Why is that so? It is like a balloon; you push in on one side, it pops out the other. Health care is still going to cost. Doctors still have to treat people, hospitals still have to take care, pay the people who work in the hospitals and so on. It is not free, as our colleague from Kansas is pointing out. Somebody has to pay for it. If the government cannot afford it, then what the insurance companies have to do is charge the extra expense to the people in the private insurance market.

When the President complains about why insurance costs are going so high, he only has himself to blame. If the

government is not going to reimburse the providers adequately, they have to get the money from the private sector. That is why the \$2,100 annual increase in the cost of insurance for the average family, because of the cost shifting that is going on. It is a result of the way the government designs the insurance that is provided for in ObamaCare. It hits the young people especially hard because they are the ones who have to buy insurance they do not need, according to America's Health Insurance Plans. Premiums increase 48 percent for people between 18 and 29 years old. That is in only 42 of the 50 States, premium increases of 48 percent. Then of course they also tax health insurance, which we end up paying for because that cost is passed on to us in the form of higher insurance premiums. That is a \$60 billion tax on health insurance added on top of the new taxes on innovation, on new pharmaceutical products, on new medical devices. The taxes that are included in ObamaCare on those are all passed on to consumers in the form of higher prices.

The bottom line is we are paying for all this one way or the other, either through new taxes, through what we pay to the government, or through what we pay in our private insurance, because the physicians and hospitals have to make up the money one way or the other.

The bottom line is that ObamaCare, which was supposed to have reduced costs, ends up increasing them. By the way, it was supposed to expand the numbers of people who are covered but now we find that, according to Milliman, which is a private association estimating the cost here, actuaries there have estimated the cost shift from government programs, Medicare and Medicaid, totals \$88.8 billion a year, adding \$1,788 to a family's insurance policy. That is on top of what I spoke of before.

This cost shift obviously will greatly increase with ObamaCare's Medicaid and Medicare cuts, which are further on down the road here. That will cause premiums to skyrocket even more.

The bottom line is that we were right when we said it: The law is going to drive up insurance premiums for families, it is going to drive up taxes, it is going to reduce innovation. At the end of the day, it doesn't cover more people. All in all, a great success, I would say.

Mr. JOHNSON of Wisconsin. I remember back in Oshkosh, WI, President Obama famously promised: If you pass this health care law, the average costs per family would decline by \$2,500 per year. That is one of those broken promises that Senator ROBERTS was mentioning earlier.

Mr. ROBERTS. The Senator asked me about IPAB. It is not an iPad or an iPhone or whatever. I am sure Apple has nothing to do with it.

Well, the administration, in response to a lot of concern about rationing, wrote an op-ed and sent it to many different publications and said, "[T]he claims that the board will ration care are simply false." At the time, I repeated my concerns over and over again. Senator KYL will remember those days in the Finance Committee. I think everybody left when I started my rant. And the health care reform law's potential to ration care—I made speech after speech—is not only IPAB; there is the CMS Innovation Center, the new authority granted to the U.S. Preventive Services Task Force, the Patient-Centered Outcomes Research Institute, and finally IPAB, and that is not a toothpaste.

At the time, the American public was told over and over that these provisions of the health care reform law would not result in the rationing of care, loss of access, or reduced quality. But once again the Medicare Actuary, Richard Foster—bravest man in the government—and many others have noted that the kinds of payment reductions contemplated by IPAB will amount to a de facto rationing by reducing access to care. The Actuary has stated that the payment reductions in the law could "jeopardize access to care for beneficiaries"—senior beneficiaries. He also predicted that the IPAB reductions in particular would be difficult to achieve in practice because of the access-related harm to seniors that would result. That is IPAB for you.

Mr. JOHNSON of Wisconsin. Earlier Senator ROBERTS mentioned the U.S. Preventive Services Task Force. Wasn't that the agency that proposed denying women mammograms until they reached the age of 50?

Mr. ROBERTS. That is correct. For every proposal like that, thank goodness there has been a reaction by the public and the medical profession and everybody else to say: Wait a minute, this doesn't make any sense. Again, it is an agenda-oriented board or commission or whatever that comes under the banner of rationing.

I have a wonderful chart I will show to you in the next colloquy in regard to the four rations—and one was just mentioned—and then ask me about IPAB. They are a little benign. I am going to have to change the caricatures. They are like the four horsemen of the apocalypse in regard to the health care system of the United States. As you look at each one of them and what they are doing, they are rationing care. They are rationing care.

Mr. JOHNSON of Wisconsin. If this is implemented, we are just beginning to see the tip of the iceberg of the assault on our freedom that this is going to represent.

Mr. BOOZMAN. I think this rationing is such an important situation. We

are already seeing rationing right now. As an optometrist more than being a Senator, I get calls all the time from people who have moved into town and they can't find a health care provider for their aunt or uncle who is in the Medicare age group. Physicians are definitely cutting back because of the payment plan.

Seniors are smart enough to figure out that you can't add 30 percent more patients under this plan, and along with that, there is no increase in physician fees, no increase in the infrastructure required to take care of them. Something has to give, and that is going to be two things: quality of care and rationing.

The same thing is true of Medicaid. In Arkansas, we are going to have to increase our Medicaid rolls by 250,000 people. Our State only has 3 million people to begin with. Again, something has to give. How do you pay for that? The reality is that will cost us in the neighborhood of \$400 million. Where will that come from? It will come from providers. It will come from decreased funding for education, roads, and things like that. Again, you can't do this without rationing and consolidation.

Mr. JOHNSON of Wisconsin. I think the bottom line of this health care law is that it is basically going to increase demand while at the same time reducing supply, and that is not a good thing. It is certainly not the way you bend the cost curve down.

I understand Senator SESSIONS has a few more comments.

Mr. SESSIONS. Senator KYL and the Senator from Kansas, as he has indicated, were engaged in this cost curve-bending plan. The essence of the President's proposal—it went to the core of other proposals financially—was that by a Federal Government expansion of our authority, we would bend the cost curve and make health care cheaper for all Americans. That was a fundamental principle that was sold to businesspeople, and some businesspeople thought it was a great idea, but it has not happened. Already the premiums in private health care in America have gone up \$2,000, almost \$200 a month, and we are going to see it continue to go up. It does not bend the cost curve down. In fact, we are seeing the opposite occur.

We have to know that our per-person government debt—Senator JOHNSON is on the Budget Committee, and he knows this—is worse than any other Western world nation. Per capita, we have more debt than Greece, Spain, Italy, and Ireland, with \$44,000 per person that every man, woman, and child owes. And if the President submitted a budget and if it were to be enacted—and certainly it will not be—that would go to \$75,000 per person in 10 years.

This health care bill is dramatically adding to that. Every expert we have

had at the Budget Committee has told us that we are on an unsustainable spending and debt path that will lead to financial collapse. Erskine Bowles and Alan Simpson, who chaired President Obama's debt commission, both issued a written statement that America has never faced a more predictable financial crisis. What they told us was that spending and running up debt as we are today guarantees a financial collapse that could impact every person in America and deeply impact our ability to have health care in this country.

So I think we have to recognize that the Republican-controlled House of Representatives will unveil a budget plan tomorrow. The Senate is not going to bring up a budget. The Democratic leader said it is foolish to have a budget, so we will go for the third consecutive year without even attempting to pass a budget. It is supposed to be out of the committee by April 1. It is supposed to be passed by April 15. The House is going to do it. They are going to step up to the plate, and they are going to lay out a plan like they did last year, a plan that will change the debt course of America, a plan that would put us on a sustainable path so that we don't have to fear financial collapse.

They are going to look at this legislation, and it cannot be imposed. We do not have the money. It is going to make health care worse, as we have heard, but more than that, we simply—even if it were a good idea, a nice thing to have, we do not have the money. We are borrowing 40 cents of every dollar we spend, and they misrepresented the cost. It is far higher than anyone has expected, and it is going to continue.

For example, our people have looked at the CBO score—on the Budget Committee—and they have analyzed it fairly, and I am prepared to defend these numbers. Based on CBO's scores, from 2014—the first year the law is really in effect—until 2023, it will cost \$2.66 trillion. It is far more than was projected. How much money is that? Over the same 10-year period, we would spend \$626 billion on Federal highways. We had been fighting over highways, and we finally passed a highway bill. The Federal money for the whole highway system would be \$626 billion, while we are adding a new program that is improperly funded for \$2,600 billion. Over the next 10 years, we expect to spend \$1,000 billion for education, and this health care cost is going to be \$2,600 billion. We have disasters. We spend a lot of money on disasters. It is expected that we will spend \$111 billion on disasters, whereas we will spend \$2.6 trillion on the health care bill.

This is the kind of thing that has the American people asking us: Are you crazy? How can you borrow 40 cents of every dollar you spend, as we are doing today. How can you do that to Amer-

ica? What is the matter with you people?

They say people back home are not smart, they are just angry. Well, aren't they right to be angry? We are adding a program that is financially unsound, that is going to make health care worse, and we don't have the money. This money needs to be used to save Medicare and Social Security—programs that are already in great jeopardy. If we have money, we have to use it to save them, not start a new program of massive proportions that, over 60, 75 years, is going to cost far more than anyone imagines.

I thank Senator JOHNSON for raising this, and I am concerned about the costs. I know Senator BOOZMAN and others have talked about the rationing. There are a lot of reasons why we simply can't go forward with this health care bill. It must be eliminated as we know it. We can make reforms, but this legislation cannot go into effect.

Mr. JOHNSON of Wisconsin. I certainly appreciate Senator SESSIONS' comments and those of Senator ROBERTS, Senator KYL, and Senator BOOZMAN.

There are two points I would like to make. It is important to understand that all these numbers we are talking about are estimates. The Federal Government is not particularly good at making those estimates because if you think back to 1965 when they first passed Medicare, they projected out about 25 years and said that in 1990 it will cost \$12 billion. In fact, it ended up costing \$110 billion—nine times the original cost estimate.

The other point you were making is, Does it make sense for the Federal Government to take over one-sixth of our economy? When I went back to Wisconsin, I asked that question of thousands of individuals. Do you really believe the Federal Government can take over one-sixth of our economy—the health care sector—and do it effectively and efficiently? I asked that to thousands of people. I have had two brave souls raise their hands. The fact is, the American people do not believe the American Government is capable of doing that.

In closing, I would like to remind everybody what Speaker PELOSI very famously said: We have to pass this bill so we can find out what is in it.

I know Senator SESSIONS and Senator BOOZMAN are dedicated to making sure we don't have to fully implement the health care law before we did figure out what it truly costs us because it could bankrupt this Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Connecticut.

GAS PRICES

Mr. BLUMENTHAL. Mr. President, yesterday the average price of gasoline

in Connecticut topped \$4 a gallon—the fifth highest average price in the country. Across the Nation, prices are fast approaching that amount for every American. The rising cost of gasoline is a real, harsh, and unacceptable fact of life for ordinary Americans. It is crushing to the average consumer, it is stifling economic growth, and it is hurting our businesses. For people across the country, ordinary Americans or middle-class, these dramatic increases are not a luxury. It is more than an inconvenience. It threatens their ability to go to work, to do their work, and it drives up the prices of goods for all kinds of commodities, not just gasoline. It threatens to derail our economic recovery.

Many factors contribute to the price of a gallon of gasoline. There is no question that it is complex. There is a growing consensus among energy analysts that a large part of the reason has to do with speculation. I am mindful of the fact that there are a lot of experts and a lot of debate on different sides of this issue, but there is a powerful and growing consensus that speculation is a major cause of the rising cost of gasoline.

In fact, there is a list of businesses, government organizations, and trade associations that have undertaken their own study and investigation of the oil futures market. Let me list them for you: ExxonMobil, the Petroleum Marketers Association of America, Goldman Sachs, the American Trucking Association, the Consumer Federation of America, Delta Airlines, the International Monetary Fund, the St. Louis Federal Reserve. What do they all have in common? They have all indicated that excessive oil speculation significantly increases oil and gasoline prices. In fact, according to a recent article in *Forbes*—that is based on a report from Goldman Sachs—excessive oil speculation “translates out into a premium for gasoline at the pump of \$.56 a gallon.”

The Chairman of the Commodities Futures Trading Commission has stated publicly that Wall Street speculators now control more than 80 percent—in fact, as much as 85 percent—of the energy futures market, a figure that has more than doubled over the last decade. In short, people are buying contracts for future delivery of oil or gasoline they have no intention of ever taking delivery of.

Something is not working in the markets. Demand has dropped; consumption has been reduced; supply is at least at the level it was last year; yet prices are rising. The excessive oil and gasoline speculation is clearly causing market disturbances that prevent the market from accurately reflecting the forces of supply and demand. It is vital that the government use every available resource to protect Americans from markets that are not

working, from price-gouging or price-fixing or illegal manipulation. The causes of the market disruption must be confronted.

Last April, the Attorney General announced the formation of a Financial Fraud Enforcement Task Force working group—I will repeat that—Financial Fraud Enforcement Task Force working group—that was specifically empowered to combat illegality in these markets.

I wrote to the Attorney General last May in the wake of the appointment of that task force, telling him respectfully that “announcing investigations and beginning to issue subpoenas could curb some of the worst speculative activity that may well be underway at this very moment.” I believe now that this task force has the authority, it has the mandate, it has the responsibility, and it has the obligation to be effective.

We have heard virtually nothing about it over this last year. We have heard of no investigation, no action, and certainly no prosecution. Now is the time it should be active. That is the reason I have again written to the Attorney General, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 18, 2011.

HON. ERIC H. HOLDER, JR.,
Attorney General of the United States, U.S. Department of Justice, Pennsylvania Avenue, NW., Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: Just yesterday, the average price of a gallon of gas in my home state of Connecticut topped \$4 a gallon, the fifth-highest average price in the country. The rising price of oil is putting a significant financial strain on millions of Americans. Oil prices are at their highest levels since 2008; gas prices are up an average of 12 percent in 2012, and the national average price of gasoline is now over \$3.74 a gallon.

Given this situation, it is vital that the government make use of every resource available to protect Americans from price-gouging. For many consumers, the dramatic increase in price for a commodity upon which they rely is more than an inconvenience: It limits their ability to get to work, drives up prices for goods of all kinds, and threatens to hinder our nascent economic recovery.

While many factors contribute to the price of a gallon of gasoline, there is a growing consensus among energy analysts, independent observers, and businesses that operate in the oil futures market that excessive speculation is contributing significantly to these spikes in oil prices. I am very troubled by this prospect.

We must make every effort to ensure that Americans pay fair prices for gasoline and heating oil, and that the markets for these commodities operate without manipulation or fraud.

Last April, you announced the formation of a Financial Fraud Enforcement Task Force Working Group, charged with focusing on fraud in the energy markets. I believe that the recent run-up in prices in the oil fu-

tures market requires more aggressive, muscular investigation and prosecutorial action to crack down on possible widespread wrongdoing that distorts the markets and drives prices higher. By making vigorous and judicious use of your Task Force's investigative and regulatory authorities, you can send a signal to speculators that excessive manipulation and fraud in the oil futures market will not be tolerated.

In May of last year, I wrote to you following the creation of this Task Force. Citing the Department of Justice's wide-ranging criminal and civil authority to investigate and prosecute fraud and price manipulation, I maintained that “announcing such investigations and beginning to issue subpoenas could curb some of the worst speculative activity that may well be underway at this very moment.” I continue to believe that is the case, and I am hopeful that a renewed focus by the Task Force will help restore some stability to a market upon which millions of Americans rely.

Thank you for your attention to this important matter. I look forward to your reply.

Sincerely,

RICHARD BLUMENTHAL,
U.S. Senate.

Mr. BLUMENTHAL. I am seeking from the Attorney General that this task force be proactive and effective by beginning investigations and taking whatever action is necessary to combat illegality in these markets.

I believe if the Attorney General of the United States makes vigorous and effective use of his task force's broad investigatory and regulatory authorities, he can send the signal to speculators that manipulation and fraud in the oil futures market will not be tolerated.

These gasoline prices are on the minds of Americans across the country. They have economic effects, but they also have effects on consumer confidence and on the lifeblood of economic recovery. Even more than the share of dollars that go to pay for gasoline at the pump, there is an effect on consumer confidence.

This obligation on the part of our law enforcers is one that goes to the core of their credibility—not just popularity. Credibility of law enforcement demands that the Attorney General of the United States take this action to reenergize and revive the task force. I am hopeful, knowing of his reputation, that he will act accordingly to assure all of us that illegality, whether it is price-fixing or price-gouging or cornering the market, will not be tolerated and that effective action will be taken against it.

Thank you, Mr. President. I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

ORDER OF PROCEDURE

Ms. COLLINS. Mr. President, I ask unanimous consent to proceed for up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL SERVICE

Ms. COLLINS. Mr. President, the majority leader has indicated that the Senate may soon turn to legislation to reform a much needed, much beloved American institution—the U.S. Postal Service.

The Postal Service is nearly as old as our Nation itself. Our Founding Fathers recognized the importance of having a Postal Service. Article I, section 8 of the Constitution gives Congress the power to establish post offices. This is the same section that allows Congress to declare war, to coin money, to borrow money on the credit of the United States, to collect taxes, et cetera. So, clearly, the Post Office was viewed from the very beginning of our Nation as being essential to our economic well-being and to bringing together our country.

The Postal Service is also required by law to provide as nearly as practicable the entire population of the United States with adequate and efficient postal services at fair and reasonable rates. This is what is known as the universal mandate and it ensures that the Postal Service cannot leave behind our rural States or our small towns. Yet, the Postal Service, which has delivered mail to generation after generation of Americans, will not be able to meet its expenses sometime this fall, according to the Postmaster General.

In the past 2 years alone, the Postal Service has lost an astonishing \$13.6 billion. First-class mail volume has dropped 26 percent since 2006, and the trends are not encouraging. Since no one wants the mail to stop being delivered later this year, that means we must pass a postal reform bill and we must do so soon.

The economic impact of the Postal Service is enormous. It is the linchpin of a mailing industry that employs more than 8.5 million people and generates almost \$1 trillion of economic activity every year.

Virtually everyone—from big retailers to small businesses, to online shops—relies on the Postal Service to deliver packages, advertise services, and send out bills. The jobs of Americans in fields as diverse as direct mail, printing, catalog companies, and paper manufacturing are all linked to a viable Postal Service.

Nearly 38,000 Mainers work in jobs related to the mailing industry, including thousands at our pulp and paper mills, such as the one in Bucksport, ME, which manufactures the paper that is used for Time magazine.

My point is, many of us think in terms of the post office by way of the small post office that may be in our community or the friendly letter carrier who comes to our door. Certainly, that is an important part of the service provided by the Postal Service. But the economic impact of the Postal Service is enormous.

The crisis facing the Postal Service is dire. They cannot lose billions of dollars year after year after year and hope to stay in business. The crisis is not, however, hopeless. With the right tools and action from Congress, the administration, and the Postal Service leadership, the Postal Service can reform, rightsize, modernize, and continue to serve our country for generations to come.

My colleagues—Senator LIEBERMAN, Senator CARPER, Senator BROWN—and I have worked extremely hard during the past several months to craft bipartisan legislation to update the Postal Service's business model and give it the tools it needs to survive and succeed.

We have introduced a bill that will help the Postal Service reduce its operating costs, modernize its business model, and innovate to generate new revenue. However, the Postmaster General and I fundamentally disagree on how to save the U.S. Postal Service. I am concerned—indeed, deeply worried—that he continues to make decisions that will severely degrade the service and drive away customers, and that will undermine the opportunity for our bipartisan legislation to be successful.

It is clear we have two very different visions on how best to help the Postal Service. While each of us wants to ensure that the Postal Service is set on a sustainable path, I fear the Postmaster General's approach would shrink the Postal Service to a level that will ultimately hasten its insolvency.

I cannot think of another business that would respond to a loss of customers by further shrinking its service to its existing customers. Most businesses, whether they are large or small, would redouble their efforts to better serve their customers in hopes of retaining them and attracting new businesses.

Yet the current plan by the Postal Service would slow the delivery of first-class mail, close facilities, and ignore Congress. It flies in the face of the good-faith that I and the other negotiators have extended to the Postal Service during the many months we have worked on the reform bill.

We have worked hand in hand over a number of months with the Postmaster General to craft a bill that would save the Postal Service money in a way that prioritizes the lifeblood of the mail: the mailers and the service around which commercial mailers have built their business models and around which individual customers have developed their mailing habits.

Despite these negotiations, the Postmaster General has pushed ahead with plans to abandon the current mail service standards in favor of reduced access, slower delivery times, and higher prices. That will simply force many customers to pursue delivery alternatives. If those adjustments involve shifting to nonpostal alternatives—even in a minority of cases, say, 10 or 20 percent—the Postal Service would face an irreversible catastrophe. For once customers turn to other communications options and leave the mail system, they will not be coming back. The result will be that the Postal Service will be sucked into a death spiral from which it will be unable to recover. We simply cannot allow that to happen.

What do I mean when I say businesses will adjust their business model? Companies large and small that rely on the mail tell me if service continues to deteriorate—if the Postmaster General engages in these wide-ranging closures of essential processing plants—the Postal Service's customers will conduct more business online and encourage their customers to switch to online services for bill paying and other transactions.

Other companies, such as small weekly newspapers or pharmaceutical suppliers, have told me they would seek nonpostal delivery options, such as for local delivery and transport services. Again, let's assume only a small fraction of businesses change their operations by shifting away from the Postal Service. It still could spell the end for the U.S. mail system. Listen to this statistic: For every 5 percent drop in first-class mail volume, the Postal Service loses \$1.6 billion in revenue.

That is why the downsizing of the labor force and excess capacity the Postmaster General states is so critical to saving the Postal Service must be carried out in a way that preserves service and does not inflict avoidable harm on dedicated postal workers.

Too many in the Postal Service leadership have assumed this simply cannot be done, that it is impossible. But the fact is there are many options to cut costs and expand revenue while preserving service. Let me just mention some of them. Several of them are in the bipartisan bill.

First, we could reduce the size of processing plants without closing them. I have suggested this for the processing plant in Hampden, ME, that is on the chopping block. It should not be because it means that mail from northern Maine would have to make a 622-mile round trip for some northern Maine communities in order to be processed. But if the processing plant is too big, reduce its footprint. Rent out part of the plant. That would even generate revenue and rightsize the processing plant without hurting delivery times.

We could move tiny post offices into local grocery stores. We could and

should and must reform an expensive and unfair workers' compensation program that costs the Postal Service more than \$1 billion a year.

We could allow the Postal Service to ship wine and beer the way its competitors can.

We could refund and should refund an overpayment into the Federal retirement system that amounts to between \$10 billion and \$11 billion.

The Postmaster General says he can develop a new health care plan that would greatly decrease the need to prefund future retiree benefits.

We could use buyouts authorized by our bill to encourage employees to retire. Many postal workers are eligible for retirement.

But, sadly, the Postmaster General is, instead, proceeding with a disastrously flawed plan, as is evidenced by the recent announcement of Draconian processing plant closures. This coupled with the still-pending closures of nearly 4,000 mostly rural post offices and the Postmaster General's push to eliminate overnight and Saturday delivery tell me the current postal leadership is gravely underestimating the consequences of lesser service on revenue from customers who depend on the service as it is provided today. That is not to say there is not excess capacity. That is not to say the workforce should not be reduced, but it can be done so in a smart way and a compassionate way.

It also suggests the Postmaster General is prepared to have rural America bear the brunt of severe reductions in service that violates the universal service mandate.

The Postal Regulatory Commission concluded just that in its analysis of the impact of the proposal to end Saturday delivery. It found the savings were far less than the Postmaster General had estimated.

The Postal Service will not be saved by a bare-bones approach that will require massive adjustments by its customers. That will drive more of them out of the Postal Service. Perhaps that might have worked in a time when customers had no alternatives, such as would have been the case decades ago. But today the massive shift to online publications and commerce provides many businesses and individual consumers with alternatives to using the mail. A good portion of them may well explore and settle on those alternatives if the Postal Service makes it harder for them to serve their customers. For customers who simply cannot adjust their business model, they could be forced out of business, taking much needed jobs with them.

The approach taken by our postal reform bill, the 21st Century Postal Service Act, would be to reduce excess capacity while still preserving service for the customers of the Postal Service. Our bill would not ban the closure of

every single postal facility, but it would establish service standards and allow for meaningful public comment procedures that would ensure that delivery delays and the impact on customers are considered. The result would be that most facilities would remain open so as to preserve overnight delivery, Saturday delivery, and easy access to bulk processing for commercial mailers.

Our bill would still allow the Postal Service to reduce the workforce using buyouts, and it would still allow processing capacity to be reduced to match the declining volume. For example, rather than closing a plant that has excess capacity, our plan would allow the plant to downsize its labor and volume capacity. This could mean running one shift instead of two or a half shift instead of a whole shift or using one sorting machine rather than two or using half the space and renting out the rest, and so forth. That way the plant could still process the mail in the region in a timely fashion while saving money and, indeed, in some cases, generating more revenue.

Under the Postmaster General's plan, however, that plant would close, and its volume would be processed much further away, thus degrading service. The loss in revenue due to dramatically reduced service under the Postmaster General's plan would not take place under our plan, and the negative ripple effects on customers, jobs, and the broader economy would be avoided with our bill set to come to the floor very soon.

The Postmaster General has nonetheless moved forward with preparations for sweeping closures and service reductions. That means even if our bill were to pass quickly, get through conference, be sent to the President's desk, and start to be implemented over a matter of just a few months, the Postal Service's ill-conceived actions would already have done damage to its customer base.

After all, customers have to plan now for what they fear may be coming. Customers are already making contingency plans and exploring alternatives. In this way the Postal Service has already triggered the potential hemorrhaging of customers that our bill would prevent should it become law. But on top of the damage already incurred, what this reckless move demonstrates is an attitude that is dead set on letting the Service deteriorate and ignoring what customers want.

That attitude seems to be so stubbornly entrenched among the senior leaders of the Postal Service that I worry that even if our bill were to become law next week, the current Postal Service leadership would not enact it properly. Without an attitude of service first, I am concerned that all the important processes and considerations we put in the bill could just be-

come box-checking exercises for the Postal Service; that it is looking to just maintain the appearance of compliance rather than embarking on a new path.

Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. This approach by the Postal Service is all the more inexcusable given its unfortunate reputation for fuzzy math. By cutting service and raising prices and not fully calculating the resulting disastrous revenue losses, the Postal Service has put forth numbers that we simply cannot rely upon. Unfortunately, this is not new.

The Postal Service's assumptions about the projected losses and savings from service cuts have proven unreliable in the past, as the Postal Regulatory Commission has found. Furthermore, we are relying on the Postal Service's data and projections without giving the Postal Regulatory Commission the opportunity to provide its advisory opinion, which is expected this summer.

I hope my concerns can be addressed. But it raises real questions about whether proceeding with the postal reform bill is futile. If the Postmaster General is eroding the customer base and implementing service cuts before we can enact legislation, are we just wasting time trying to pass a bill? Can we still save the Postal Service?

So I find myself in a quandary, one created by the Postmaster General himself as he shifts from plan to plan, from negotiation to negotiation. This makes it extraordinarily difficult for those of us who are so committed to saving the historic Postal Service so it can continue to be a vital American institution for generations to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STARTUPS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3606, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to public capital markets for emerging growth companies.

Pending:

Reid (for Reed) amendment No. 1833, in the nature of a substitute.

Reid amendment No. 1834 (to amendment No. 1833), to change the enactment date.

Reid amendment No. 1835 (to amendment No. 1834), of a perfecting nature.

Reid (for Cantwell) amendment No. 1836 (to the language proposed to be stricken by

amendment No. 1833), to reauthorize the Export-Import Bank of the United States.

Reid amendment No. 1837 (to amendment No. 1836), to change the enactment date.

Reid motion to recommit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid amendment No. 1838, to change the enactment date.

Reid amendment No. 1839 (to (the instructions) amendment No. 1838), of a perfecting nature.

Reid amendment No. 1840 (to amendment No. 1839), of a perfecting nature.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON of South Dakota. Mr. President, I rise today to speak about an amendment I am cosponsoring with Senator CANTWELL as well as Senator GRAHAM and Senator SHELBY to reauthorize the Export-Import Bank. This amendment is important to thousands of workers in Senator CANTWELL's home State of Washington, and I thank her for offering it with me.

This amendment is not just important to the State of Washington; it is important to our national economy. It will create and support more jobs than any other provision in the underlying bill before us today. I believe this is why there was unanimous bipartisan support last year when Senator SHELBY and I passed this bill out of the Banking Committee, and it is why we should pass it this week.

This legislation would ensure that the bank is able to continue to provide support for U.S. exporters and workers. The amendment extends the authorization of the bank for 4 years and will increase the bank's lending authority to \$140 billion by 2015. It also strengthens transparency and accountability at the bank, strengthens restrictions against companies doing business with Iran, and provides for greater oversight of the bank's financing and any risks it may have to taxpayers.

The Export-Import Bank is the official export credit agency of the United States. It assists in the financing exports of U.S. goods and services to international markets. Following the financial crisis, the bank experienced a dramatic increase in its activities, as many companies struggled to find financing in the private market.

In fiscal year 2010, the bank saw a 70-percent increase in authorizations from 2008. Last year the bank committed to almost \$33 billion in support of U.S. exports, a new record.

The bank has been self-funding since 2008, returning nearly \$2 billion to the Treasury. In fiscal year 2011 alone the bank generated \$400 million to offset Federal spending and bring down the budget deficit. It is not often that we discuss government programs that reduce the deficit. So let me repeat that. The Export-Import Bank returned \$400 million to American taxpayers last year.

We cannot take future success for granted, however. So I am pleased this

legislation will implement reforms to help ensure that the bank is working as efficiently and effectively as possible to protect the taxpayers. We must not forget American companies are competing in a truly global marketplace. The Export-Import Bank plays a vital role in ensuring that the global marketplace is also a fair one. When other countries are helping their own companies with export financing, we cannot afford to unilaterally disarm in the face of this global competition.

Let me be clear. This is the JOBS bill. The Export-Import Bank charter directs it to use exports to create and maintain jobs at home. Last year the Export-Import Bank supported almost 290,000 American jobs. These are jobs in cities and towns across the Nation, at large companies as well as small businesses. In fact last year, the Export-Import Bank financed more than \$6 billion in exports by small businesses, the engine of economic growth.

In my home State of South Dakota, Ex-Im has worked with large and small businesses to help export goods all over the world. In the last 5 years alone it has helped support over \$20 million worth of export sales. This support has been critical to many companies in my State as they look to expand their customer base. More importantly, Ex-Im financing has helped support good-paying American jobs in South Dakota, something we need to make sure there are more of.

I believe while the bank is doing a good job, they can and must do more. I believe this legislation will help the bank reach that goal. This measure was a bipartisan effort in the Senate Banking Committee. I thank Senator SHELBY for his support. In addition, I thank Senator WARNER, Senator BENNET, and Senator HAGAN for their important input into this legislation.

The bank's current authorization expires on May 30, 2012—in just 2 months. It is important that we pass this jobs amendment today. I hope my colleagues will support the Cantwell-Johnson-Graham-Shelby amendment to ensure that the bank continues to carry out its mission of supporting American jobs and exports.

I would also like to briefly address a filed amendment on which Majority Leader REID and Senator UDALL have spoken, the credit union member business lending amendment. As chairman of the Banking Committee, I held a hearing on this issue last June. My staff and I have told the leader and his staff since then that this is a very controversial matter.

From the testimony of the credit union and banking industry witnesses at that hearing, and the ongoing competition over the past month, it is clear there is no consensus. If the Senate chooses to go forward on this issue, I urge the Senate to move forward carefully.

Finally, with respect to the underlying House bill, I would like to make a few comments.

This is not the bill I would have drafted. Over the last several months, I have worked to enhance the investor protections contained in the capital formation proposals passed by the House in a thoughtful manner while helping to support entrepreneurs, grow small businesses, and put Americans back to work.

I will have a separate statement laying out my views in more detail.

I am pleased to have assisted my colleagues in crafting the Senate substitute amendment that addresses investor protection concerns. I urge my colleagues to support the Senate substitute.

If this body chooses to reject the enhanced investor protections in the Senate substitute, we must remember that all Members of Congress have a duty to keep an eye on the effects of these changes. We are plowing new ground here, and we have a shared responsibility to ensure that, going forward, the new changes we enact into law will truly benefit, and not undermine, both startups and investors alike.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I support the chairman of the Banking Committee and his call for us to come together this week to support the expansion of the Export-Import Bank. It is an extremely successful tool to use to help small, medium, and large businesses to be able to compete overseas and to give small businesses—particularly Main Street businesses—the help they need to succeed in overseas markets, which can be very daunting. I thank the chairman for his strong support and the way he worked in a bipartisan manner. I plan to vote for that amendment tomorrow.

The biggest vote we are going to take tomorrow is not on the Ex-Im Bank. That is something that I think there is generally broad support for, a general understanding, and a general level of comfort with, although there will be some who do not vote for the expansion of the bank because they philosophically are opposed to a muscular role of government. Those of us who believe that the private sector, the government, and nonprofits all need to have muscle working together on behalf of the people we seek to serve will most certainly not allow ideology to get in the way of voting for a good idea such as the Ex-Im Bank.

That is not our problem. Our problem is the IPO legislation. I call this the “ill-advised political opportunity” bill, the Jumpstart America bill, the JOBS bill. It has several names, but what it does is deregulate financial markets under the guise of job creation.

Over the weekend, there were literally dozens and dozens of editorials

against the House bill that we are going to vote on tomorrow. I know we are not coming fully into session in the morning, as not all the Senators are back in Washington at this hour on Monday. But I know their staffs are watching the goings-on on the floor. I want to call everyone's attention to this IPO bill flying over here from the House of Representatives. It is not what you think it is. It is not what you have been told it is. It is flying under the guise of job creation. It is flying under the guise of democratizing the credit market. It is flying under the guise of we have to do something to get money into the hands of mom-and-pop operators.

I said this last week. I don't think anyone has spent as much time on the floor of the Senate arguing to get more credit into the hands of small business. I hope my credibility on that issue raises some questions, at least, if I am on the floor saying vote against the House bill; do not vote for cloture on the House bill. I hope Senators can support the substitute, which I have offered in good faith with Senators LEVIN and REED, the second ranking member on the Banking Committee, and Senator LEVIN, who chairs the investigatory committee for the entire Senate, the committee that has looked into financial scandal after financial scandal. And I am chair of the Small Business Committee. We have come together, the three of us, to say: Wait a minute, slow down; this bill coming from the House, which had broad support, no doubt, is not what it looks like. It needs more work. It needs more investor protections. It is a major change in the way people can raise money, which is illegal now, for private companies on the Internet. If you want to start a company in America, you can ask your friends, your parents, your children, or your neighbors—you can do a small circle of investors. But once you sort of make that known publicly, in a public way, such as in a radio announcement, or on a billboard, or in a public way, such as on the Internet, there are rules and regulations you have to follow to make sure you are telling the truth. Those regulations, in large measure, have been taken out of the House bill, generally.

Let me share with you, besides this name "ill-advised political opportunity"—and look, some good people voted for the House bill, people of good will, but I kind of think this bill got cobbled together because the majority on the House side can sort of put something in a Rules Committee and that is the way it will be and, thank you, if you have any opposition, the minority voice is quelled over there. That is the nature of the House. But the minority should not be silent over here, and our rules allow for a more full debate.

This is the time for the Senate to act as the Senate and slow this down, cool

it off, get the right safeguards, and maybe it can be an excellent opportunity for changes to our financial markets. But it has to go through the process. This bill didn't even go through the Banking Committee. It was going to go through the Banking Committee, and then the decision was made to step on the gas, let's go for it, before it went through a markup in the Banking Committee. A part of it came through our committee. We didn't even have a markup, but the two pieces from the SBA are not controversial, and we would be happy to mark up the bill if given a chance. We could do it later this week.

Let me share with you some of the headlines. The New York Times, which, if there was any newspaper in America that understands Wall Street, both its great strengths, its weaknesses—if there was any newspaper that understands the financial markets, the New York Times would be one of them. They said—and they are talking about the House bill—they said the JOBS Act is "Paving a Path to Fraud on Wall Street."

We don't need to go back. We are just leaving the path to fraud. We are moving away from fraud. Now what are we going to do? Turn and go back to it?

The Washington Post said: "Wall Street Credo: Ripping Out Their Eyeballs."

The PC World: "'JOBS Act Would Revive Dot-com Abuses,' official claims."

Investment News: "Job Act Merits Greater Scrutiny."

Most shocking to me was the Bloomberg News: "Small Biz JOBS Act Is a Bipartisan Bridge Too Far: View."

They wrote an excellent piece on this, which I will read some of into the RECORD. Senator JACK REED spoke about this. I am saying, Members, whatever you have been told about this bill, please read the details and please read some of the very credible articles that are being written about the House bill.

There are good parts to it. I am a general supporter of crowdfunding, which is what I described—to make it legal for the first time in history for people to go on the Internet and raise money for private entities. I think the idea is a very good one. With the right safeguards in place, it could be a boon to small businesses and growing businesses that sometimes are shut out of those very fancy boardrooms where decisions are made behind closed doors and in very secretive meetings. I have been an advocate my whole life for opening this, so that ordinary people, middle-class people, can get involved in creating wealth through investing, instead of it being a small club of those who may go to the same school or go to the same social events and have the same social network. We want to move beyond that. America is a great experi-

ment on how to create a middle class and give ordinary people the opportunity to create great wealth. We do that very well.

America has also been a place where we almost took down the whole world financial community with us. That is how big we are, how strong we are, and how careful we must be. We are not being careful; we are being too political with the House bill. We are not being careful.

What does Bloomberg say? They say this:

A spirit of bipartisanship is sweeping Capitol Hill, with lawmakers poised to approve a package of bills aimed at reducing regulatory burdens on small businesses. We wish we could raise a glass. This moment has been too long in coming. But the legislation it has spawned would be dangerous for investors and could harm already fragile financial markets.

This is Bloomberg. Please listen. Bloomberg is not right on everything—no one is, no publication is, no Senator is; but this is Bloomberg, the New York Times, and the Washington Post, and this is the head of the Securities and Exchange Commission saying the bill is good but it lacks investor protections that are essential for its proper implementation.

They go on to say:

We agree that redtape can needlessly tie up small companies. We also agree that security laws that bar start-ups from harnessing the power of the Internet to raise funds could use updating. And it makes sense to allow, as the bill does, an initial public offering onramp, which could give start-ups a chance to grow. But the JOBS Act goes too far. It would gut many of the investor protections established just a decade ago in Sarbanes-Oxley. A wave of accounting scandals had upended Enron and WorldCom and destroyed nest eggs of millions of Americans and upended investor confidence in Wall Street.

We have to be careful. That is why the AARP sent out a strongly worded letter. This is one of the most powerful organizations in the country. Some of their members—the ones who were so grossly hurt by the greed of Wall Street and the insatiable appetite of some of these large investment banks to make more money, because people need to make more than \$5 million a month. I don't know how you spend \$5 million in a month, but some people think they are entitled to make \$60 million or \$240 million a year. It is beyond comprehension. It wasn't enough for them. They had to make more and more and more.

Millions of people whom I represent, and some in New York and in Florida, lost their life savings. Are we going to go back to those days, just because we want a bumper sticker that says we are about creating jobs here? We are creating jobs now in America. Maybe it is not fast enough for everyone, but every month the reports come out. Let's not rush and do something that will set us back.

This is what AARP said:

We are writing to reiterate our opposition to the lack of investment protections in H.R. 3606.

If you vote for cloture on H.R. 3606 tomorrow, I hope when you go back home, the members of AARP—the largest and one of the most politically powerful groups in the country—will ask you why did you vote on that bill? Please don't tell me it is about creating jobs. It is really about pulling the rug out from under investor protections, of which many older Americans who have a lifetime of savings in investments are disproportionately represented among victims of investment fraud.

They go on to say:

We share the concerns raised by SEC Chair Mary Schapiro, the North American Securities administrator, law professors, investor advocates, and others that absent safeguards ensuring proper oversight, the various provisions in H.R. 3606 may well open the floodgates to repeat the kind of penny stock and other frauds that ensnared financially unsophisticated and other vulnerable investors in the past. AARP urges the Senate to take a more balanced approach.

Mr. President, that is what we are trying to do, to take a balanced approach. I am not trying to kill the crowdfunding idea. I am not trying to kill the IPO onramp idea, which is to help fast-growing gazelles, they call them, to grow a little before they have to bear the burden of some of those regulations, which, while important, can be burdensome. I understand that. My committee has been working for months coming up with some very interesting ideas about how to get capital into the hands of small businesses. It is not something that I am unaware of, but the House bill is not the way to go.

Even President Obama sent a statement. The White House sent a statement that I will get in just a minute because I think it is important to see the nuances. Yes, it is true the President supported the House bill. It is true some very good Democrats who are very good watchdogs on this issue voted for the bill. But let me read the last sentence of the President's latest Statement of Administration Policy because the nuance is important.

The administration did say it supports the House passage of the bill—meaning H.R. 3606—but the last sentence says:

The administration looks forward to continuing to work with the House and the Senate to craft legislation that facilitates capital formation and job growth for small business and provides appropriate investor protections.

The nuance is very important. The White House is signaling that while they do support H.R. 3606, they would also welcome additional work to put investor protections into the law. I think that is good. I know this President, this administration has worked hard to clean up Wall Street. They

have kept the automobile industry from the brink of financial collapse and have brought it back. That has restored confidence in Wall Street, under great controversy and great criticism. I know it is one of the proudest achievements of this administration. So under no circumstance would we want to go backward, not at this crucial point. That is why I am afraid, if we don't fix this bill, that is exactly what will happen.

I wish I could have this in a larger format because I don't know if the camera can see this, but this reflects the loss of jobs under the former administration and the loss of jobs when President Obama took office. Now we can see this almost reversing itself, with jobs being created in almost every month and every quarter. More than 3.9 million private sector jobs have been created in the past 24 months. And, yes, we need to do more, but the House bill goes too far.

But don't just take my word for it; listen to the Bloomberg editorial, the Boston Globe op-ed against the House bill, the Investment News editorials—"JOBS Act Merits Greater Scrutiny" from the Business Journal. Now, this is blog 3, but these are pretty reputable blogs. We just don't bring any blogs to the floor of the Senate. These are reputable bloggers that have received some kind of following—"Why the JOBS Act Should Be In Trouble." New York Times column: "Paving Path to Fraud on Wall Street. JOBS Act to Rewrite the Rules of Silicon Valley Investing."

This is very interesting because my staff tells me the "bio community" and the "high-tech community" are for this bill. I get that. But this is what I don't understand, and I am quoting from one of the blogs by Rafi Needleman, and he is writing as if he is in Silicon Valley, and he is:

There is a lot of smart money looking for new places to land, and these funding sources cannot only write sizable checks, they can offer start-ups or other material benefits—connections, tactical and strategic advice, and partnerships with other start-ups in their portfolio.

So the question he is asking is, Why, basically, is it necessary to move outside of these traditional sources when there is plenty of money? They are just looking for some good ideas. Throwing more money through an unregulated financial scheme is not going to create any new ideas. It is just going to create a lot of money that could be taken advantage of by very sophisticated people who understand how to take good ideas and twist them into greed and fraud, if we don't have the right protections.

So there is a lot of capital out there. It is just not necessarily in the right place. There is some opportunity for us to do some things. But the last thing the Senate would want to do is debate this bill on the floor of the Senate.

This needs committee work. This bill needs to go to a markup where it can be, in a few days, debated, negotiated, and there can be amendments back and forth and we can fix some of the problems. The last thing we need to be doing is flying a bill of this nature right through the Senate.

As I said, there has not been a jobs bill where I haven't kind of rushed to the floor. It may not have been perfect, but I have said: Look, we have to create jobs. Let's try it. Let's do it. And we have tried some new things. But when I saw this bill from the House was coming directly to the floor without going through the Banking Committee, that made me nervous. It made my political instincts stand up and say: Wait, wait, why are we rushing? The more I learned and the more I read, it became apparent to me this bill from the House is not ready for prime time. It is not ready to go to the President's desk for signature.

So here we have Senator REED, the ranking member on the Banking Committee, and Senator LEVIN of Michigan, who has been a voice of reason and wisdom on financial deregulation and fraud and the scams that have occurred not just on Wall Street but offshore in secret island accounts where people have ripped off our citizens and then run for the hills and we can't find them or run to the islands. Who knows about these things? And he said: Wait a minute. What is going on here? So that is why we are here.

I know the Senator from Michigan is here to speak, so let me wrap up by saying we have offered, in the spirit of trying to improve the House bill, a substitute. I am going to vote for the substitute. It is the Reed-Landrieu-Levin substitute. I hope our Members and some Republicans—I hope many Republicans; but if we could get a few, that would be good—will vote for our substitute. If we get cloture on that then we will go to a 30-hour debate on our substitute.

I want that bill to be open to amendment. I am not trying to ram anything through. We should be open to amendments—maybe 10 on the Republican side, 10 on our side or whatever the leadership can agree to so that we can address some of the problems even in our own bill. We had to rush so quickly to get in a substitute, there are one or two things we would like to correct in our bill that have been brought to our attention.

In conclusion, if you can't vote for our substitute, please vote no on cloture on the House bill—on the ill-advised political opportunity bill, or whatever they call it, the IPO bill, the JOBS Act bill, the onramp bill. They have a dozen names for it, but what it does is just what the New York Times said: It is a pathway to fraud.

We don't want to go back there. It is just what Bloomberg said. It is bipartisanship that we cannot raise a glass to.

They said: We wish we could toast it, but we cannot raise a glass. It goes too far.

So we have an opportunity to do something good for our markets, and our Presiding Officer, Senator BLUMENTHAL, who is from the State of Connecticut, which has a tremendous amount of financial sophistication—he is well aware, as a former prosecutor, how important some of these issues are. So it is important to get this right.

The bill, again, has come over from the House, rushed over here, and has not gone through our Banking Committee. I will be happy to negotiate with anyone on this floor. I am not wedded to any specific or particular position on the small business pieces. They can be in there—I think they are good—or we can take them out, and it can just be a banking bill, although we have a lot of support for the increase in the SBICs and the 504 lending, which is very important to the small business community.

But I feel so strongly about getting the deregulation part of this correct, I would take that out if it would help my Republican colleagues to negotiate on the other part of the bill.

So I see Senator LEVIN on the Senate floor. I will turn it over to him now. But, please, I am pleading with my colleagues to take a look at this House bill. Just read some of the details. Read some of the comments of some great financial columnists, both on the left and right, who have written us against the House bill and urged further consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator from Louisiana leaves the floor, I just want to commend her for the passion she has brought to this debate, as well as the reason and the wisdom she has brought to this debate. This is a bill that is extremely complex. The House bill comes over and it has had almost zero the attention it deserves because of the complexity in this bill. But Senator LANDRIEU has been a voice appealing to us to do what the Senate should do, which is deliberate.

If there has ever been a bill which cried out for deliberation, it is this bill. The way it stands now, amendments are not going to be in order, and that is not the way we should proceed in this body. We are all grateful—I hope everyone is grateful—to Senator LANDRIEU for kind of blowing the whistle on the 100-mile-an-hour train that is moving through this Senate unless we stop it tomorrow and say: Slow this down. Let's look at the details of the provisions of this bill.

In the years since the financial crisis sent our economy into a tailspin, many of us in the Senate have sought to do

what we could to create the conditions for a rebound in the job market so that American workers could find the jobs they needed. We have fought, we have debated, scratched, and clawed our way to do everything we could to boost job creation. Now before us is a bill called the Jumpstart Our Business Startups Act—the acronym being the JOBS Act. Just because you can come up with an acronym which spells “jobs” should not lead anybody to believe this necessarily makes it a jobs bill. It is obviously a clever acronym that has been picked up by many people in the media, so all of a sudden it is a jobs bill.

But when you look at this bill and when you look at the people who are in this field who have analyzed it, including people who are in the investment world, including the people who protect investors from fraud and abuse, from their perspective and the SEC's perspective and the Council of Institutional Investors' perspective, this is not a jobs bill. This is a bill which threatens jobs in this country.

Its supporters say it will create jobs. But, again, making it possible for an acronym to spell jobs doesn't make it a jobs bill. In “Alice in Wonderland,” Humpty Dumpty could confidently declare to Alice: When I use a word, it means just what I choose it to mean. Well, we don't have that luxury here in the Senate. Calling it a jobs bill doesn't make it a jobs bill. And there is a rising wave of overwhelming concern among those who know this area the best that the ground we are about to tread on, far from helping to create jobs, is going to put jobs in jeopardy.

The House bill before us would, its supporters tell us, allow companies—especially small growing companies that account for a large share of the jobs created in our economy—greater access to the capital they need to grow, market their products, and hire new workers. Its supporters say it will create new links between investors seeking new opportunities and the companies that can put those investments to work.

For that to take place, investors need confidence that the new opportunities we seek to create are sound investments. But what are the investors telling us? They are telling us just the opposite. If this bill will help businesses attract new investors, why is the Council of Institutional Investors and some of the largest pension and investment funds in the Nation telling us it will frighten investors away rather than attract them? If this bill will create new growth opportunities for small businesses, why are business groups from the Main Street Alliance to the U.S. Chamber of Commerce appealing to us for changes? If this bill will allow companies to access capital more easily, why are the current Chairman of the SEC and former SEC Chairmen of both political parties telling us this

legislation will dampen capital formation rather than speeding it?

The problem is that in the guise of job creation, this legislation rolls back important investor protections and transparency requirements that are fundamental to our capital markets. Under the legislation the House has sent us, investors will know less about the companies they are solicited to invest in, they will have less confidence those companies follow standard accounting practices, they will have no assurance that the solicitation they have just received over the Internet or by telephone is for a legitimate company and not for a boiler room fraud operation.

It does not have to be this way. We can remove obstacles to small business growth without creating new opportunities for fraud. We don't need to endanger jobs in the guise of helping to create jobs. Senator JACK REED, Senator LANDRIEU, Senator BROWN, and I believe we can create new opportunities for growing companies without creating a Wild West mentality in our capital markets.

I am now going to outline a few of the ways in which we seek to repair the flaws of the House bill and enable real growth in job creation.

Right now companies that need capital to grow and add jobs are allowed to sell stock in some cases without oversight by the SEC and under looser legal liability rules. But in return for that reduced oversight, the companies must sell almost exclusively to investors who meet high income or asset thresholds that help to ensure they are able to understand and absorb the high risk of these investments. Right now, companies making these largely unregulated offerings are not generally allowed to offer them to the public. The House bill will allow companies to market these unregulated stock sales, known as private offerings, to the general public. They could advertise on billboards or on TV or in cold calls to senior living centers, and offer them to investors regardless of the investor's ability to absorb the risk, and with almost no oversight.

Our substitute would ensure that firms could sell these unregulated offerings only to investors better able to withstand the risks, and we direct the SEC to develop advertising standards. These provisions in our substitute heed the lesson from an earlier mistake. In 1992, the SEC loosened rules on these unregulated stock sales but reestablished restrictions 7 years later in part due to widespread fraud.

That is why groups such as the AARP say:

[The House] legislation represents a very considerable redrawing of the lines between the public and private markets, and should not be enacted without greater attention to the potential risks of such an approach. We urge the Senate to . . . adopt a much more narrowly targeted approach.

The State Securities Administrators say:

State securities regulators are deeply concerned that . . . the Internet will be flooded with new securities offerings, and . . . there will be no way for regulators—or prospective investors—to reasonably determine if the particular issuer is a legitimate business, or a criminal with good computer skills.

There is another problem. Right now companies with more than 500 shareholders and \$10 million or more in assets are deemed large enough and public enough that they must register with the SEC. Registration means they must provide the SEC and the public with regular financial reports and other information to help ensure that investors and regulators have an accurate picture of the company's finances. That is the current situation. It also means that companies must comply with accounting and other transparency standards that help to ensure the integrity of the market.

What does the House bill do? The House bill allows firms with up to 2,000 shareholders—and perhaps significantly more—and with billions of dollars in assets to avoid registration and disclosure requirements, meaning investors in even very large companies would have almost no meaningful information on these firms. It would allow banks of any size to avoid oversight if they have fewer than 1,200 shareholders. This is not a small business bill; this is a big business bill in many key respects.

What do we do in our substitute? We ensure that large companies with wide public stock ownership register with the SEC, file regular financial reports, and follow standard accounting rules. We eliminate a loophole that allows one shareholder to hold shares for many beneficial owners by clarifying, as our substitute does, that when determining whether a stock is widely enough held to trigger the disclosure requirements, what counts is beneficial owners, not just owners of record. And we do ease regulatory requirements, as does the House bill, for growing companies that use stock to recruit and compensate employees by exempting them from shareholder account requirements.

What do some of the outside independent viewers say about this?

Main Street Alliance:

Rolling back basic transparency rules, like SEC registration, won't help small businesses. Instead, it will tilt the playing field toward unscrupulous actors who are looking to game the system.

Americans for Financial Reform:

The House bill would make it possible for companies, including very large companies with a large number of shareholders, to avoid making the periodic disclosures on which market transparency depends.

The House bill's combination of unregulated stock offerings marketed to the general public, along with allowing even large, widely held companies to

dodge meaningful transparency requirements, means that very large companies could market their shares to the general public with no meaningful oversight. They could do so without ever giving investors an accurate picture of their financial condition and without following standard accounting practices.

The House bill is a recipe for widespread fraud that could undermine the integrity of stock markets, frighten investors away from the market, and kill jobs instead of creating them.

What else exists currently that would be changed by the House bill and what would be corrected by our substitute? Right now, rules are in place to prevent conflicts of interest in investment banks by building a wall between research analysts who advise investors and salespeople who try to convince investors to buy new stocks that they are underwriting.

For example, at investment banks competing for the lucrative business of helping companies go public, the current rules help to prevent the investment banks from competing for that business by promising companies that their research analysts will give favorable recommendations on the company's new stock. These rules were put in place based on the lessons of the dot-com bubble of the 1990s.

What would the House bill do? It would largely dissolve the wall, tear down the wall between research analysts and sales staffs for companies in advance of and up to 5 years following an initial public offering of stock. This has raised concern among regulators, investment groups, and businesses that investment banks might issue misleading research in order to attract underwriting business.

What does the Chairman of the SEC say?

The House bill could return us to conflicts of interest which ultimately severely harm investor confidence.

We in our substitute would keep these conflict-of-interest rules in place as they currently exist.

What does the Chamber of Commerce say? This is called a jobs bill, pro-business bill. This is what the Chamber says about this provision:

There may be a blurring of boundaries that could create potential conflicts of interest between the research and investment components of broker dealers.

The SEC Chairman, what does she say?

I am concerned that the House bill could foster a return to those [conflicted] practices and cause real and significant damage to investors.

What do the State Securities Administrators say? These are the folks in each of our States who try to protect us from fraudulent or erroneous representations relative to securities.

[W]eakening the standards applicable to research analysts . . . could create a conflict

of interest resulting in devastating losses for Main Street investors.

That is our State Securities Administrators.

The Financial Analyst Institute:

In particular, we are concerned that the proposal to permit brokerage firm analysts to write and distribute research on companies whose IPO shares their firms are underwriting will lead to the kind of conflicted research that decimated investor confidence in the late 1990s and early 2000s.

In another provision in current law, companies that want to raise money by selling stock to the public must comply with accounting and disclosure rules to help give investors accurate information on company finances. These companies must obey standard accounting rules and have adequate internal controls. Many of these rules were a response to high-profile accounting frauds such as Enron and WorldCom, and some were in the Dodd-Frank act in the wake of the financial crisis.

My Permanent Subcommittee on Investigations investigated Enron. We saw what happened in the absence of these kinds of standard accounting rules being followed by companies. So what does the House bill do? It creates a new class of company called emerging growth companies with up to \$1 billion in annual revenues. How is that for small business, \$1 billion in annual revenues? It would be exempt from many of these accounting standards and financial disclosures. This \$1 billion figure is so high that it would have exempted well over 80 percent of all companies that made initial public stock offerings from meaningful disclosure and integrity rules in recent years. One billion dollars in revenue is not anybody's reasonable definition of a small company.

What would we do in our substitute? We would reduce the House bill's revenue exemption from \$1 billion to \$350 million, making it easier for truly small firms to raise the money to grow, but we maintain important transparency requirements for large companies. And what do the outside independent folks have to say about this particular provision?

The Council of Institutional Investors, again representing the largest investors in this country, pension funds and so forth, says:

The Council is concerned that the threshold may be too high in establishing an appropriate balance between facilitating capital formation and protecting investors.

The Chairman of the SEC says:

The definition of "emerging growth company" is so broad that it would eliminate important protections for investors even in very large companies.

The former SEC chief accountant, Lynn Turner, says:

The House bill's changes for companies of up to \$1 billion in revenues is a "fundamental reduction in the level of transparency and regulation for companies going public."

And, finally, the issue of crowdfunding, so-called, where there are small investments by large numbers of people. Right now, the rules generally prohibit a company from raising very small amounts from ordinary investors without significant costs. Some businesses would like to attract small investments from ordinary investors by selling shares through the Internet through using intermediaries or funding portals—a practice known as “crowdfunding.” If done right, this could be a useful tool of the Internet age that helps innovative companies find the funding they need to grow and add jobs.

But the House bill allows crowdfunding with almost no oversight or investor protections. Under their bill, companies could solicit investors through the Internet with virtually no regulatory oversight, liability for misstatements, transparency, or other investor protections. Senior citizens, state securities regulators, and others worry that this will give rise to money laundering and fraud risks. One expert calls it the “Boiler Room Legalization Act.” By allowing companies and funding intermediaries to solicit small investments with no oversight or accountability, the House bill essentially legalizes the business model of unscrupulous boiler rooms.

Our bill creates new opportunities for crowdfunding but establishes basic regulatory oversight, liability, and disclosure rules that will give investors the confidence to participate in this promising emerging source of money for growing companies.

What do outside groups say about crowdfunding?

AARP:

Crowd-funding web sites could become the new turbo-charged pump-and-dump boiler room operations of the internet age. Meanwhile, money that could have been invested in small companies with real potential for growth would be siphoned off into these financially shakier, more speculative ventures. The net effect would likely be to undermine rather than support sustainable job growth.

Consumer Federation of America:

Allowing direct issuer to investor solicitation over the Internet, and preventing appropriate regulation of crowd-funding portals, as the House bill would do, is a recipe for disaster.

Professor John Coffee, who has written a textbook on this, says:

Without some changes . . . one of these bills [which forms the base text of the JOBS Act] could well be titled the “Boiler Room Legalization Act of 2011.”

Mr. President, the provisions of the House bill send the message that the only way we can grow our economy and create new jobs is to lower the protections that give investors confidence in financial markets. The House bill we must subject investors to greater risk of fraud, that we must put pension funds and church endowments at great-

er peril, that we must endanger the financial stability of families, and indeed the stability of our entire economy, in order to grow.

We have walked this path before. Lowering our defenses to fraud and abuse has repeatedly brought our economy low. We lowered defenses to fraud in the savings and loan industry, and suffered the collapse of hundreds of financial institutions. We dropped defenses against fraud and abuse in financial statements and swaps markets, and created the Enron crisis. We lowered our defenses against heedless risk and conflicts of interest in the financial system, and created the Great Recession.

Did any of those steps help our economy grow? Did lowering those defenses create a single job? There are 8.6 million reasons to believe that eliminating barriers to fraud and abuse destroys jobs instead of creating them—the 8.6 million Americans who lost their jobs in the financial crisis.

We need not make that same mistake. We need not embrace without amendment a House bill that threatens fraud, abuse, investor doubt and renewed crisis. We can embrace reforms that give small companies, the engine of our economy, the chance to grow without endangering the economy.

We need not just to debate but to offer amendments to the House bill. Our substitute is one amendment. We should not deny this Senate, which is supposed to be a deliberative body, the opportunity to amend the bill which will have such major consequences as the House bill would.

I hope tomorrow after we vote on our substitute, assuming it does not pass, we will then vote on the House bill and I do hope we will not make the terrible, tragic mistake of denying ourselves the opportunity to amend that House bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to support the INVEST in America Act—the Senate substitute amendment to H.R. 3606—that would add critical improvements in investor and market protections to the bill that we received from the House.

In order to keep our Nation on the path to economic recovery, we must help small businesses access capital and reduce barriers for start-ups. However, we should not do so at the price of consumer safety or market integrity. We must be very careful to do all we can to promote robust capital investment and at the same time ensure investor protections are securely in place.

Many groups have voiced their staunch opposition to passing an unamended H.R. 3606—for fear of its effects on the investors and the market. Opponents include the: AARP,

AFLCIO, AFSCME, Americans for Financial Reform, Consumer Action, the Consumer Federation of America, Public Citizen, The Economists’ Committee for Stable, Accountable, Fair, and Efficient Financial Reform, US PIRG, and other consumer and investor protection groups.

They have said that the bill “will in fact only make it more difficult for small businesses to access investment capital”—and it “risks exposing investors to a new round of damaging fraud and abuse, while undermining market transparency.”

President Obama recently urged the Senate “to find common ground by supporting the most effective aspects of the House Bill to increase capital formation for growing businesses while also improving the House bill to ensure there are sufficient safeguards to prevent abuse and protect investors.”

I cosponsored the substitute amendment offered by Senators REED, LANDRIEU, and LEVIN because it does precisely what the President asked—it adds essential provisions to the House legislation.

Among other things, the INVEST Act amendment would: retain protections put in place after the Internet stock bubble burst; ensure that banks and other large companies, with lots of shareholders, are subject to basic transparency, integrity, and accountability protections; and reauthorize the Export-Import Bank, which provides crucial funding to American businesses and supports almost 300,000 jobs yearly.

Most importantly, this amendment fulfills the original intent of this bill. It provides new opportunities for small businesses and entrepreneurs to grow by raising capital in a way that protects investors, provides financing so businesses can expand and hire more workers, and encourages U.S. companies to export and compete in a global marketplace.

In short, it truly invests in America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, I rise today to speak in support of the Cantwell-Johnson amendment to the JOBS Act. This amendment, which reauthorizes the Export-Import Bank through 2015, is a critical step in our job-creation efforts here in Congress. We approved this bipartisan legislation out of the Senate Banking Committee by voice vote in October. It is fiscally responsible, bipartisan, and will allow

U.S. businesses to create jobs by leveling the playing field for American exporters.

If we do not act with urgency to pass this reauthorization, the Ex-Im Bank will not be able to guarantee new loans starting May 31. As our economy is finally showing some hopeful signs of recovery, now is not the time to let partisanship tie the hands of our small business owners who are ready to expand their companies and export their products.

For decades, the Export-Import Bank has supported job creation in America. In fiscal year 2011, the bank supported nearly 300,000 American jobs throughout the country and \$41 billion in exports. In North Carolina in 2007, the Ex-Im Bank supported over \$1.8 billion in export sales by 169 companies, and 116 of those North Carolina companies are small businesses—the backbone of our economy.

The Ex-Im Bank has made small business growth a top priority, and this is not just lip service on their part. In conjunction with the bank, I have convened two global access forums in North Carolina, one in Charlotte and one in Greensboro, with bank President and Chairman Fred Hochberg. We had over 400 North Carolina small business owners attend the workshops to learn more about exporting their products. My four favorite words are “made in North Carolina,” and I am proud to work with the Ex-Im Bank to help get that label shipped around the world.

This bill also includes an amendment I sponsored that would add a representative from the textile industry to the bank advisory committee. The textile industry has a rich history in North Carolina, where we have more than 1,500 textile facilities employing over 130,000 people. But the U.S. textile and apparel industry has faced a lack of reliable supply chain financing that has caused them to fall behind. Fortunately, the Export-Import Bank is well positioned to provide liquidity and financing to this industry.

I worked hard with my friend Chairman JOHNSON to include language that would give textile and apparel producers a voice at this important agency. But whether it is a small yarn company in Sanford, NC, a furniture producer in Morganton, NC, or a turbine manufacturer in Charlotte, just to name a few, the Export-Import Bank is truly a lifeline for growth for thousands of businesses that are ready to expand, to hire, and to export.

Given the fiscal situation our country finds itself in right now, I wish to stress the following point for my colleagues on both sides of the aisle and on both sides of the Capitol: The Export-Import Bank does not add a dime to our deficit. It is a self-financed agency that pays for itself. In fact, it more than pays for itself. Since 2005, \$3.7 billion has been sent to the U.S.

Treasury by the Ex-Im Bank, and the nonpartisan Congressional Budget Office estimates that a reauthorization will reduce the deficit by \$900 million over 5 years.

We simply cannot afford to let partisan bickering hold up progress on job creation. The people of North Carolina didn't send me to Washington to sit on my hands while jobs take a backseat to partisan gamesmanship.

Reauthorizing the Export-Import Bank is common sense, it is bipartisan, it is fiscally responsible, and it is necessary for continued job growth.

I urge my colleagues to support the Export-Import Bank reauthorization of 2012.

Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise today to urge my colleagues to support H.R. 3606, Reopening American Capital Markets to Emerging Growth Companies Act of 2011, or JOBS Act, that passed in the House with 390 votes. The components of this legislation have received bipartisan support in the House and broad bipartisan support from the Senate, President Obama, successful entrepreneurs, and a broad coalition of startups, small and large businesses. I urge my colleagues to also support the amendment I offered with Senator LANDRIEU to increase access to capital for small businesses and entrepreneurs.

First, I want to say a few words regarding the JOBS Act. This is a solid measure that would allow more companies to access capital without the burdens of unnecessary compliance. Most of us agree that well-intentioned regulations aimed at protecting the public and investors have unintentionally placed significant burdens on the large number of smaller companies. As a result, fewer high-growth entrepreneurial companies are going public, and more are opting to provide liquidity by selling out to larger companies, thus hurting job creation. At a time when millions of Americans have been unemployed for the longest period in post-WWII history, we simply cannot afford to be in the way of job creation.

The amendment I and Senator LANDRIEU introduced would also help small companies access capital by modifying the Small Business Investment Company, SBIC, Program to raise the amount of SBIC debt the Small Business Administration, SBA, can guarantee from \$3 billion to \$4 billion. It would also increase the amount of SBA guaranteed debt a team of SBIC fund managers who operate multiple funds can borrow. The SBIC provisions in this amendment have bipartisan support, are noncontroversial, come at no cost to taxpayers and will create jobs. We do not get many bills of this kind in the Senate anymore.

One of the most difficult challenges facing new small businesses today is access to capital. The SBIC Program has helped companies like Apple,

FedEx, Callaway Golf, and Outback Steakhouse become household names. As entrepreneurs and other aspiring small business owners well know, it takes money to make money. This legislation ensures that our entrepreneurs and high-growth companies have access to the resources they need so they can continue to drive America's economic growth and job creation in these challenging times. There is no reason why Congress should not approve this amendment to ensure capital is getting into the hands of America's job creators.

This amendment will spur investment in capital-starved startup small businesses, which will play a critical role in leading the Nation out of the devastating economic downturn from which we have yet to emerge. For those who may be unfamiliar, despite significant entrepreneurial demand for small amounts of capital, because of their substantial size, most private investment funds cannot dedicate resources to transactions below \$5 million. The Nation's SBICs are working to fill that gap, especially even during these challenging times.

According to the SBA, over 300 SBICs have more than \$17 billion of capital under management. During fiscal year 2011, the SBA licensed an additional 22 SBICs, which amounts to additional \$840 million in private capital. Further, during fiscal year 2011 SBA issued approximately \$1.8 billion in new debenture commitments to SBICs, a 50-percent increase over the 4-year average from fiscal year 2006 to fiscal year 2009 of \$750 million. In fiscal year 2011, the SBA provided \$2.6 billion in debenture capital to SBICs, which in turn was distributed to over 1,300 small businesses, which SBA estimates supported 61,000 jobs. In the most recent budget request for fiscal year 2013, SBA requested \$4 billion in authority for the SBIC debenture program, which operates at zero subsidy and requires no congressional appropriations.

The amendment I and Senator LANDRIEU introduced would also extend for 1 year the refinancing option provided in the Small Business Jobs Act of 2010 to allow small business owners to use 504 loans to refinance up to 90 percent of existing commercial mortgages. The 504 Loan Program provides approved small businesses with long-term, fixed-rate financing used to acquire fixed assets for expansion or modernization. According to the SBA, as of February 15, 2012, the \$50 billion in 504 loans has created over 2 million jobs. The refinancing option in the Small Business Jobs Act authorized \$7.5 billion in refinancing until September 27, 2012. Unfortunately, because of a delay in promulgating regulations to enable refinancing, the program did not become operational until a few months ago, significantly shortening the period of

time that business could refinance existing 504 loans. Like the SBIC Program, the 504 Loan Program also comes at no cost to taxpayers, has created jobs, and will provide much needed relief to businesses for 1 additional year.

Mr. President, as I mentioned at the outset of my remarks, the SBIC Program is a true job creator that does not receive any appropriated funds. The 1-year extension of the refinancing for the 504 Loan Program will allow businesses to retain employees, and it also comes at zero cost to taxpayers. These are solid measures that will help small businesses at a time when many small enterprises are struggling to keep their employees and run basic operations. I ask my colleagues to support this critical legislation as swiftly as possible, as our Nation's capital-starved small businesses deserve no less.

The PRESIDING OFFICER. The Senator from Illinois.

REMEMBERING LYN LUSI

Mr. DURBIN. Mr. President, we are given an opportunity in the Senate to witness many things that have an impact on our values and on our votes. I have found that, of course, representing my own State and knowing the challenges families face from one end of the State to the other has really driven me in terms of my legislative agenda—the things that are important to me. That is my first priority.

As I have traveled across the United States, I have found other issues that are of great magnitude and have real import when it comes to the lives of people across this Nation. I have also taken some time to visit countries overseas, knowing that the United States is part of a world community and that even though the amount of money we may invest may be small, it can have a profound impact on some of the poorest places on Earth.

It was about 6 years ago that I made my first visit to the Democratic Republic of Congo. This was a part of Africa that I had never seen before, and I went to the city of Goma. Goma, in the eastern reaches of the Democratic Republic of Congo, is remote from the capital of that country and has unfortunately become a site where thousands of innocent people have been killed.

When I visited Goma, it was clear that it suffered from some of the worst problems of the region: poverty, obviously; disease and war; and troops who left Rwanda after the genocide were living in the jungles of Goma. People were being preyed upon and killed, raped, mutilated. Then, on top of all of that, in Goma sits a volcano that erupts with some frequency, so as one walks through the streets and into the refugee camps, one finds this dried crystalline lava that is almost like broken glass, people walking on it, living on it, trying to make a life in little holes dug out in the lava. It is some-

thing one never forgets and I have never forgotten. I went there, of course, taking a look at some of our important programs we deal with. The most important, of course, is trying to bring peace to the region.

One of the most serious issues in the Democratic Republic of Congo is the fact that in these eastern regions are precious minerals which are critical for the development of new technology. We carry in our cell phones minerals which are found more frequently in that part of Africa than in most other places around the world. Because there is little or no government reach in these areas, there are people who have taken over the mining of these minerals and make millions of dollars off of them using slave labor and terrorizing the local people, pushing them into refugee camps.

I am working with Congressman JIM MCDERMOTT of the State of Washington to try to establish some standards, as well as former Senator Sam Brownback of Kansas. The object behind that, of course, is to trace the minerals so that those respectable, law-abiding companies in the West will not be buying these conflict minerals. We are working. It is hard. The Securities and Exchange Commission is trying to promulgate a rule to implement something we passed in Dodd-Frank with Senator Brownback's leadership on a bipartisan basis.

My memory of Goma goes back to a specific scene and a specific visit. It was more than 6 years ago. We were invited to tour a hospital. We went to this hospital. And to say it was a hospital by American standards—no American would agree. Searching inside the hospital, we found one modern surgical suite. It was paid for by the United Nations. Then we went to the wards where the patients were—virtually all women—and found them two to a bed recovering from surgeries.

Outside the hospital, sitting on this lava bed that really covers the city, along the road were dozens of women waiting for their turn. They are the victims of something known as obstetric fistula, which means they have either been brutally attacked, sexually attacked, or were bearing children at such an early age that it caused damage to them, which has left them incontinent. Because of their incontinence, they were rejected by their families and neighbors and forced to walk hundreds of miles to sit in the roadway and pray that they could get inside that hospital for a surgery to repair this obstetric fistula. Many of them, because of the severity of their injuries, went through multiple surgeries, so they would sit on the road and wait for weeks, go in for a surgery, recover, and then go to the back of the line and start over for the next surgery. That was the reality of the hospital we visited. The scene was grim, even horrific. I still remember it well.

The reason I come to the floor today is that I made a return trip 2 years ago with Senator SHERROD BROWN to Goma and to look up this hospital—this small little oasis of hope—to try to find a handful of doctors who had been there when I visited just a few years before to see what had happened. I knew the hospital continued to treat desperately poor and brutalized women of the region who had suffered because of brutal rape and horrific violence.

For two decades now, this war has gone on, which has led to these victims. Regional militias have been fighting over these minerals I mentioned earlier, too often using rape as a weapon of war. According to the United Nations, the Democratic Republic of Congo is the worst place on Earth to be a woman. Regional war and rape leave an estimated 1,000 or more women assaulted every single day, so 1,000 or more rapes and sexual assaults every day, or 12 percent of Congolese women—one of eight—have been victims.

Yet there is hope. That small hospital I saw years ago gave me hope. The two people who started that hospital were Lyn Lusi and her Congolese husband Dr. Jo Lusi. They founded this hospital and called it Heal Africa. It is in one of the most forgotten and dangerous places on the Earth—Goma in eastern Congo. Lyn and her husband Jo provided a place of love, hope, rebirth, and healing.

There was a special on PBS's "NewsHour" recently that talked about Heal Africa, the hospital, and Lyn and Jo Lusi. They survive on \$13 million a year—a huge sum in that part of the world but by global standards or American standards hardly overwhelming. They get private grants from overseas. They provide antiretroviral drugs to those suffering from HIV, and they try to repair the bodies of these traumatized women.

The PBS "NewsHour" special on Heal Africa showed how the hospital works with the American Bar Association—and I want to give a shoutout to them for the work they are doing in Goma—to help rape victims pursue justice against their attackers. The country virtually has no judicial system. It is the only facility offering services to an area population of 8 million people. Eight million people—I try to imagine one hospital in metropolitan Chicago, and that is what Heal Africa is in Goma.

In a moving "NewsHour" interview, Lyn Lusi said:

I have no illusions that we're dealing with major issues that are pulling Congo apart. There is so much evil and so much cruelty, so much selfishness, and it is like darkness. But if we can bring in some light, the darkness will not overcome the light, and that's where faith is, if you believe that. I don't think Heal Africa is going to empty the ocean, but we can take out a bucketful here and a bucketful there.

That sentiment and that hope—amid such cruelty and devastation—summed up Lyn Lusi's heroic work and the work of her husband.

As I reflect on what I saw in my first trip to Goma and what I saw when I returned, there was a dramatic change in just a few short years. This Heal Africa, which was barely existing, with a handful of surgeons, now has become a training hospital, with American universities taking part.

Secretary of State Hillary Clinton visited Goma and Heal Africa—this very hospital—to focus the world's attention on the region. The violence in eastern Congo is part of an ongoing conflict and about 3 million to 5 million people have died there so far—and it continues.

As I said, the roots of the conflict go back to the Rwandan genocide, the fight over minerals, elements of the Ugandan Lord's Resistance Army—this Kony fella, who now people are starting to take notice of, a butcher in his own right—and elements of the Congolese Army who have been involved in human rights abuses.

There is a 20,000 member United Nations peacekeeping force in the region. It has been there for more than 10 years. I do not know how they can maintain any semblance of order without them. I salute the United Nations and those who are on the ground trying to keep a peaceful situation.

We saw sprawling refugee camps on broken lava, human rights workers who bravely documented horrific sexual violence, and dire poverty and warlords amid any semblance of a functional national or local government. Stopping at Lyn and Jo Lusi's hospital was the highlight of the trip.

When I was at Heal Africa on the second visit, I looked and saw a classroom filled with doctors. In fact, standing in front of them was a doctor from the University of Wisconsin. He was wearing a T-shirt which had the Wisconsin Badger on it. That is how I noticed it right off the bat. That is where my daughter went to college. He said: Yes, these are all students from medical schools around the United States, coming here to learn and to help.

Today, the hospital has trained 30 young Congolese doctors and many other health workers. They will have an important job for many years to come.

The reason I come to the floor is because we received sad news. Lyn Lusi—whose picture I show here in the Chamber with her husband Jo—was truly the heart and soul of Heal Africa in Goma. The two of them gave their lives for the poorest people on Earth. They struggled and persevered and conquered so many obstacles that many of us never ever see in life.

We just got word this morning that Lyn passed away from cancer. I wished to come to the floor and remember her

and the great work she has done, which I am sure will be carried on by Jo her husband and all those who have been inspired by our visit.

To think that this woman would go to one of the poorest places on Earth and dedicate her life to help others should inspire every single one of us.

Lyn Lusi was like a mother to 400 employees of Heal Africa and to thousands and thousands of women, children, and even men, for whom Heal Africa was their only source of quality, professional medical care.

Her death this weekend due to cancer is a terrible loss for Goma, it is a terrible loss for the Democratic Republic of the Congo and for Africa, and it is a terrible loss for every single one of us.

We need to make certain that what she gave her life to does not end but continues. We have to make certain her heroic efforts continue through her husband Jo and through all who have participated in making sure this lonely, tragic corner of the world is never forgotten.

I come to the floor to salute Lyn Lusi, her memory, her legacy, and her inspiration.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE MORTIMER FAMILY

Mr. MCCONNELL. Madam President, today I wish to pay tribute to a family who has built their lives around the legacy of their heritage but has not turned a blind eye toward progress in their pursuit for a better future: the Mortimer family of the town of Salyersville, in Magoffin County, KY. Doug, his wife Sue, and their son Ritter have spent the greater part of their lives investing in the future of their local community, to make it not only a better place for themselves, but for all of the residents of their beloved town.

The Mortimer family is active in several different areas of the business world, but they got their start in the media industry. Doug and Sue were photographers for WSAZ-TV in Hun-

tington, WV, for quite some time. But what they found was that Huntington was too far away to be covering Magoffin County news. One day when Ritter told his parents that he wanted to do something "creative" instead of return to school, it sparked a crazy idea in Sue. She thought of the potential that a local TV news station could have, and she proposed her idea to her husband and son. They were sold. And YNT, "Your News Today," took off.

Ritter is the sole proprietor of the 30-minute news show that started in 1998. He operates virtually every part of the show that airs every weekday. The family has found that the town cherishes their local news. Ritter believes its success comes from the fact that the material his news show covers can't be heard anywhere else in the world. The show covers serious topics such as fatal accidents as well as happier topics like Little League softball games, making it really local news for local people.

As the news station continues to grow, so do the other projects of the innovative Mortimer family. The family opened up two restaurant franchise locations, a Dairy Queen and a Lee's Famous Recipe Chicken, on the city's new parkway. The location on the parkway was necessary to bring in business because of the heavy traffic flow in the area. But Doug and Sue remember a time when downtown Salyersville was the place to be. The downtown area has been slowly decaying in the town of Salyersville as businesses move to the parkway, downtown buildings get older, and times change.

Sue, however, believes that downtown still has a lot more potential than one may think. She has headed up a movement called Renaissance on Main that is devoted to renovating and restoring the historic buildings of the once-popular downtown area. The movement has already made major headway in the downtown area, thanks to the superb leadership of Mrs. Mortimer.

Whether it is delivering the news, serving up the day's meal, restoring a building to its former glory, or taking wonderful photographs, the Mortimers have a driving force behind every move that they make, and that force is family. The good of the family is at the heart of every decision they have made, the greatest of these probably being the decision to stay in the small town of Salyersville despite their many chances to move away. Doug, Sue, and Ritter believe they have an obligation to stay and serve the town in which they were born and raised, and they are saddened when young and talented residents move away. The Mortimers are constantly fighting to better their community so that young ones are motivated to take a stake in their heritage and invest in the future of their hometown.

The Mortimer family treasures the past and embraces the future. They have come to understand the importance of their heritage and to respect the legacy of those before them. They have also realized that change is necessary, and if you embrace the future and prepare for it, you can be more in control of the changes brought on by time. The Mortimer family is passionate about bettering their local community, providing jobs, delivering information, and beautifying their surroundings—all things that contribute to helping their fellow residents of Salyersville. That is why I would like to take the time today to give them the credit they most assuredly deserve.

Mr. President, I would ask my Senate colleagues to join me in recognizing the Mortimer family of Salyersville, KY, for honoring and preserving the past, as well as preparing and embracing for the future.

In 2011, an article was included in a publication released by the Southeast Kentucky Chamber of Commerce that highlighted the many accomplishments of this remarkable family over the years. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Southeast Kentucky Chamber of Commerce, 2011]

THE MORTIMERS—A GOOD PLACE TO CALL HOME

Spending time with Salyersville's Mortimer family—Doug, Sue, and their son, Ritter—is almost like being in two time periods simultaneously.

Doug and Sue live in the same home Doug's mother's parents lived in, and Ritter lives in the previous home of Doug's father's parents. Doug and Sue have decorated the first floor of their home with the charming period furnishings; they even have a family tree on display they've created from their study of Doug's North Carolina genealogy. They are enthusiastic supporters of the Magoffin County Historical Society and have recently bought two buildings downtown which they are planning to restore.

Then there's Ritter. Ritter owns his own television news broadcast, YNT (Your News Today), and is getting ready to stream his news show online. The innovative technology of today is something that was not even dreamed about in the era when the homes were built. The Mortimers have seamlessly embraced respect for the past and enthusiasm for the future.

Perhaps the most impressive dynamic among the family is their obviously deep love and admiration for one another, and not just among the three of them, but towards all their family. When asked why, with their talent and business acumen, they chose to stay in Magoffin County, Doug says without hesitation, "It's family first—nothing would matter if we couldn't be near family."

Sue continues, "My siblings had left here and when we married, Doug said, 'Look, there's not going to be anyone here to take care of our parents when they get older. I've tried working away and I don't like it. It'll be hard, but I think we just need to stay

here,'" she laughs. "Whatever it takes, he's going to stay here."

So how did they make it in a small town in eastern Kentucky? "Sue and I have been photographers for 40 years," Doug says, "since just after we were married. My dad was a photographer, too, so it was an outcrop of that."

"Besides photography, we've been in the restaurant business about 25 years with the DQ and Lee's Famous Chicken on the Parkway," Sue continues. "We've tried the oil business, an outcrop of my dad's business, which was always boom and bust. This whole area has been a big part of our success, especially our photography—it's not just our town and county."

Years ago, both Doug and Sue were stringers for WSAZ-TV in Huntington, West Virginia. "During that time," Sue explains, "if something newsworthy happened here, I'd grab a camera, cover the story, and stick it on a Greyhound bus to Huntington. Then when the bus service stopped it finished the whole thing because it wasn't worth the effort to drive it to Huntington—but we still had those connections. They'd call and say, 'We're going to be up there next week and do three or four stories. Can you set something up for us?' Well, then Ritter came around one day and said, 'I'm not going back to school. It might sound crazy, but I know I have to do something creative, and I want to stay here.' I thought, 'Oh, gosh, if we try something and it fails, he could go into a tailspin and never find his way—that can be typical of young people. What could he do that was "guaranteed" to succeed? Then I thought of the news thing. They both thought I was crazy."

Doug agrees. "We both thought it sounded crazy, but Sue was right. She knew the potential."

"Well," Sue explains, "we had done videos of weddings, so we had a lot of the basic equipment."

When asked why he decided to pursue TV, Ritter laughs and says, "Because my mother pushed me! It really was her idea." He continues, "I had a camera and a VCR and a few pieces of equipment and just started doing it."

YNT News, referred to locally as RittTV, first aired on November 2nd of 1998. It's carried on local cable network Howard's Cable, which goes into Magoffin, Morgan, and Johnson counties and averages 3,500 to 3,700 subscribers. The show is 30 minutes long and airs at 6:00 and 11:00 p.m. every weekday. It is now approaching 4,000 broadcasts.

Sue says, "When it started out, the local cable advertised it was coming maybe the week before it started, and people were already like, 'When's the new show going to start? It was the buzz around here.'"

"I don't really know what got it off the ground," Ritter says, "but I think it's successful today because it's material no one can see any other way. I'll cover a court meeting or a child doing well in school. One family has told us they have a 92-year-old grandmother who lives where she can't get TV cable, so they record the show every night and take it to her so she can watch the show."

Ritter does it all—covers and prepares the stories for the air, sells and produces the commercials, everything needed to get the show on and make a living doing it.

"No two days are alike," Ritter says, "and that makes it interesting. One day I might do a reconstruction of a fatal accident. I'm also on the rescue squad, so Thursday I was up helping with emergency service. Then

after that's over, I do pictures and get back to the news. Another day, I'll cover a city council meeting, an ATV story, the softball championship game, or someone knocking down mailboxes!"

"He's very versatile. He's like his daddy—he can do just about anything," Sue says proudly. "All the new technology has made Ritter's station possible. The change from tapes has allowed him to work with less manpower."

The Mortimers' devotion to where they live goes beyond lip-service. They are very involved with the Renaissance on Main program, as well as personally investing in restoring downtown Salyersville.

"We bought a couple of buildings downtown that we're in the process of restoring," Sue says. "When Doug's parents were young, they had the Tavern Restaurant, and people would come and just sit and visit."

"Downtown was a hopping little place then. We'd like to see that again. It does make you stop and think about the need to revitalize downtown."

"The second floor of one of our buildings is going to be the Mortimer Inn—a B&B without the breakfast. There's no place here at all for families to stay who have sold the homeplace and want to come back for a visit, or whatever reason. Paintsville or Prestonsburg are the closest. So we'll try it and see how it works."

Doug explains, "The first floor in one building is rented to a gas company. The other—which we bought just about four months ago—we haven't done much with yet. We couldn't do a lot with the first as far as restoration, but the second one, we may be able to take it back to the original '30s when it was built; it's in good enough shape, we think, to do a true restoration. It was originally a grocery store—the oldest business in town—run by a woman named Grace Howard for as long as she could breathe. She owned the building and lived upstairs."

Sue continues the story. "Eight or 10 years ago, I put together the local Renaissance on Main group and I guess I took myself too seriously. When we saw the building, I thought, 'Oh, we can do something with that.' We put two businesses on the Parkway, but they had to be there to get the traffic. The strip is in the city limits, and the business and restaurant taxes do help different things in the city. Still, we've helped pull things out of the downtown area, so maybe what we're doing now will help bring it back."

"One of the greatest things downtown, I think," says Doug, "is the Pioneer Village, a project of the Magoffin County Historical Society led by Todd Preston. It's just amazing what a handful of people have done. Those are original homes and schools from out in the county that have been dismantled and reassembled. It's very active—open to tourists. At Christmas, we have a beautiful parade, and on that night the cabins are opened up, with fires in the grates, and people come in with banjos. It is really nice."

Sue talks further about the Renaissance on Main program. "Our headquarters are in an old stone building, probably the second location of Salyersville National Bank, and they donated it to Renaissance. They had already made some changes on the first floor added—sheetrock and took out tin—but now we've got it and we're looking at restoring it. We've gotten the money to finish the second floor. Behind the building, there's a garden area that we've had put in using stone from a two-story, hand-carved stone drug store that was being torn down. Renaissance saved

all that stone and used it for the garden area and will use the rest for the base of the stage of a theatre.

"Behind the Judicial Center, there's a mural you can see on your way out of town. We raised money through donations and picked out some historic locations to have painted on the wall. Renaissance also did a water feature when you first come into town," Sue finished. "We've really worked hard."

When looking at the future, it's clear to see that to the Mortimers, the history and heritage of the past is an important part of the future.

When Ritter is asked what lies ahead for him, he smiles and says, "I spend so much time getting stories, I don't have much time to look down the road."

Sue adds, "He was offered a top position at a Knoxville station several years ago, but moving doesn't interest him. A regional station called him also—he told them, 'You don't have enough money.'"

Doug says, "From all of us, we couldn't imagine living anywhere else—we just wouldn't. Right now, there are lots of changes happening. It may not happen overnight, but Salyersville and Magoffin County are only going to keep getting better. It's easy for a community to lose its way, but I think people are realizing they need to be involved and to claim it. When young, talented people think about leaving, we need to tell them, 'You're really going to be sorry if you leave; the bright lights of the big city aren't all they're cut out to be.' They need to understand they have a sort of obligation to stay around and help this region get better. After all, you can travel to wherever you want—you're not that far from Lexington or wherever you want to go—but this is a good place to call home."

"We've taken advantage of opportunities here and we've been successful and happy," Sue goes on. "Take Ritter, not many people his age can say 'I love what I'm doing and I'm making a living out of it—and I stayed home.'"

Ritter's sisters, Kim and Cindy, live in Atlanta and Birmingham. "Their growing-up years were in the South, but they and their children share the same enchantment for this area that we do."

In the midst of the Mortimers, it is easy to see they're a family with both roots and wings—and very comfortable with both.

TRIBUTE TO GERVIS SINGLETON

Mr. McCONNELL. Madam President, today I wish to pay tribute to a man who has shown the utmost compassion and care for Kentucky families who are grieving the death of a loved one. Mr. Gervis Singleton of Laurel County, KY, has been established in the funeral and mortuary services business for over 50 years. He has treated each and every family who has had the unfortunate need for his services as if they were his own.

Mr. Singleton owns Cumberland Memorial Gardens and Mausoleum and is a partner, along with his son, Craig Singleton, of Singleton Embalming Service. Gervis has experienced firsthand the grief process thousands of families have gone through during the death of their loved ones; his father passed away when he was only 11 years

old. He believes that mourning is a very important part of the grieving process, and he takes pride in knowing that he is doing what he can to help them through such difficult circumstances. As someone who is experienced in an area that is new to many of us, he is more than happy to assist the deceased's loved ones in whatever way he can.

Gervis knows that his job is very much linked to emotion, but as a mortician, he understands that he must block out his own emotions while working on the important process of restoring the deceased individual to more closely resemble how their loved ones remember them in life. He feels that if he can assist the family during their time of mourning, that they will more likely gain closure on the loss.

During his half century working in the business, he has seen fads come and go. Mr. Singleton remembers the day when it was almost a requirement to wear all black to a funeral, a custom that he has seen almost completely go away. He has also seen families transition to more cremations in the past few decades. Cremation is a cheaper, sometimes more convenient alternative. The increase in number of cremations sparked an idea for Mr. Singleton, and in 1995 he built a signature addition to the Cumberland Memorial Gardens. The result was a 360-crypt mausoleum along with accommodations for 48 cremains.

Mr. Singleton takes a walk through his 16-acre cemetery every day, and reflects on the lives of the many who have passed away and are buried there. It is inspiring to see someone who is so involved and compassionate in an industry that is an uncomfortable topic for some, but still a vital service. Although the passing of loved ones is something we may prefer not to think about, it will most assuredly befall upon each of us at some point in time, which is why knowing there are those like Gervis to help is a comforting thought. There is a need for individuals like Gervis Singleton, who are so deeply convicted to lend a helping hand in whatever way they can.

I would like to ask my Senate colleagues to join me in commemorating Mr. Gervis Singleton. He is a fine Kentuckian who has made many a family feel comforted at a difficult time thanks to his deep respect for those who have passed away.

Recently, an article appeared in the Laurel County-area publication, the Sentinel Echo, that illustrated the contributions of Mr. Singleton to the people of Laurel County, KY. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Sept. 5, 2011]

SINGLETON TAKES PRIDE IN HELPING FAMILIES

(By Magen McCrarey)

Cemeteries are citadels for those who mourn the death of a lost loved one, and treating them with the ultimate respect is Gervis Singleton's calling.

Singleton is the owner of Cumberland Memorial Gardens and Mausoleum, and is partner in Singleton Embalming Service with his son, Craig Singleton. He was the second born of seven children. His father passed away when he was only 11 years old.

"I don't know if it has something to do with my father passing away," Singleton said about his start in the funeral business. "(But) I grew fascinated."

To embalm a body, Singleton said emotions should never play a part. In order to do his job, he must turn off parts of his limbic system, the primarily emotional core of his brain. After 50 years of being in the funeral and embalming business, he still struggles with the emotions of his job.

"There are certain things you don't let in your mind. You close them out," he said. Although, emotions play a large part in one of the reasons he still finds zeal within his career, comfort.

"I take great pride in being able to do something that makes it easier for families during those times. It's not that you're going to grieve with them, although you may, to some extent," he said. "You are trying to help them through their grief."

Singleton's embalming business handles roughly 1,500 bodies a year. A single body takes about three hours to embalm. In a way, it's an art, he said. His team of five provides services for funeral homes in northeastern Tennessee and southeastern Kentucky.

Families may furnish Singleton with a photograph to preserve the body to its original state, and they may not. It's up to the embalmer to transform the unknown deceased into who they were remembered as. Singleton found that some facial features after death need to be improved on, and he brings them back to life, visually.

But appearance isn't everything, especially when it comes to funeral attire, he said. It's not customary anymore to wear all black. Another uncouth practice that's become popular in the past 30 years is cremation, he said. "It's a growing thing, becoming more popular, and cheaper," he added.

Singleton said mourning the deceased is important to gain closure, not only for children but adults, too. So in 1995, he built a mausoleum to accommodate 360 bodies and 48 cremation ashes.

A Laurel County Medal of Honor recipient is buried at Cumberland Memorial Gardens. There is a flag flown above the grave of Carl H. Dodd, a veteran of World War II and the Korean War.

"It's the only site I'll allow a flag to fly," Singleton said.

Every day, Singleton walks through the 16-acre cemetery behind his office on south U.S. 25. About 80 individuals a year are buried on the grounds that offer three reflection stations and feature Little Laurel River and a wooded area from behind.

BIG GOVERNMENT

Mr. KYL. Madam President, Mark Steyn is one of the most gifted writers of our time. His trenchant analysis appears regularly in National Review. Steyn writes with biting humor and

personal experience with government censorship and has chronicled the concomitant growth in government power and loss of freedom in Europe and North America.

In the March 5, 2012, issue of *National Review* he warns that America, which he calls the “last religious Nation in the Western world,” is in danger of going the way of European nations in replacing faith and family with the all powerful national government as the source of everything we need. He calls his piece “The Church of Big Government.” It reminds me of Barry Goldwater’s warning that “a government big enough to give you everything you want is a government that is big enough to take away everything you have.”

Madam President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *National Review*, Mar. 5, 2012]

THE CHURCH OF BIG GOVERNMENT

LEVIATHAN IS NIBBLING YOUR RELIGIOUS FREEDOM AWAY

(By Mark Steyn)

Discussing the constitutionality of Obamacare’s “preventive health” measures on MSNBC, Melinda Henneberger of the *Washington Post* told Chris Matthews that she reasons thus with her liberal friends: “Maybe the Founders were wrong to guarantee free exercise of religion in the First Amendment, but they did.”

Maybe. A lot of other constitutional types in the Western world have grown increasingly comfortable with circumscribing religious liberty. In 2002, the Swedish constitution was amended to criminalize criticism of homosexuality. “Disrespect” of the differently orientated became punishable by up to two years in jail, and “especially offensive” disrespect by up to four years. Shortly thereafter, Pastor Ake Green preached a sermon referencing the more robust verses of scripture, and was convicted of “hate crimes” for doing so.

Conversely, the 1937 Irish Constitution recognized “the special position of the Holy Catholic Apostolic and Roman Church as the guardian of the Faith.” But times change. In 2003, the Vatican issued a ruminative document on homosexual unions. The Irish Council for Civil Liberties warned Catholic bishops that merely distributing the statement could lead to prosecution under the 1989 Incitement to Hatred Act, and six months in the slammer.

In Canada, Hugh Owens took out an advertisement in the *Saskatoon Star-Phoenix*, and he and the paper wound up getting fined \$9,000 for “exposing homosexuals to hatred or ridicule.” Here is the entire text of the offending advertisement:

Romans 1:26

Leviticus 18:22 and 20:13

I Corinthians 6:9

That’s it. Mr. Owens cited chapter and verse—and nothing but. Yet it was enough for the Saskatchewan “Human Rights” Tribunal. The newspaper accepted the fine; Mr. Owens appealed. That was in 1997. In 2002, the Court of Queen’s Bench upheld the conviction. Mr. Owens appealed again. In 2006, the Court of Appeal reversed the decision. This

time the “Human Rights” Commission appealed. The supreme court of Canada heard the case last autumn, and will issue its judgment sometime this year—or a decade and a half after Mr. Owens’s original conviction. It doesn’t really matter which way their Lordships rule. If you were to attempt to place the same advertisement with the *Star-Phoenix* or any other Canadian paper today, they would all politely decline. So, in practical terms, the “Human Rights” Tribunal has achieved its goal: It has successfully shriveled the public space for religious expression—and, ultimately, for “exercise of religion.”

In the modern era, America has been different. It is the last religious nation in the Western world, the last in which a majority of the population are (kinda) practicing believers and (sorta) regular attenders of church. The “free exercise”—or free market—enabled religion to thrive. Elsewhere, the established church, whether *de jure* (the Church of England, the Church of Denmark) or *de facto* (as in Catholic Italy and Spain), did for religion what the state monopoly did for the British car industry. As the Episcopal and Congregational churches degenerated into a bunch of mushy doubt-ridden wimps, Americans went elsewhere. As the Lutheran Church of Sweden underwent similar institutional decay, Swedes gave up on God entirely.

Nevertheless, this distinction shouldn’t obscure an important truth—that, in America as in Europe, the mainstream churches were cheerleaders for the rise of their usurper: the Church of Big Government. Instead of the Old World’s state church or the New World’s separation of church and state, most of the West now believes in the state as church—an all-powerful deity who provides day-care for your babies and takes your aged parents off your hands. America’s Catholic hierarchy, in particular, colluded in the redefinition of the tiresome individual obligation to Christian charity as the painless universal guarantee of state welfare. Barack Obama himself provided the neatest distillation of this convenient transformation when he declared, in a TV infomercial a few days before his election, that his “fundamental belief” was that “I am my brother’s keeper.”

Back in Kenya, his brother lived in a shack on \$12 a year. If Barack is his brother’s keeper, why can’t he shove a sawbuck and a couple singles in an envelope and double the guy’s income? Ah, well: When the president claims that “I am my brother’s keeper,” what he means is that the government should be his brother’s keeper. And, for the most part, the Catholic Church agreed. They were gung ho for Obamacare. It never seemed to occur to them that, if you agitate for state health care, the state gets to define what health care is.

According to that spurious bon mot of Chesterton’s, when men cease to believe in God, they do not believe in nothing; they believe in anything. But, in practice, the anything most of the West now believes in is government. As Tocqueville saw it, what prevents the “state popular” from declining into a “state despotic” is the strength of the intermediary institutions between the sovereign and the individual. But in the course of the 20th century, the intermediary institutions, the independent pillars of a free society, were gradually chopped away—from church to civic associations to family. Very little now stands between the individual and the sovereign, which is why the latter assumes the right to insert himself into every aspect of daily life, including the provisions

a Catholic college president makes for his secretary’s IUD.

Seven years ago, George Weigel published a book called “The Cube and the Cathedral,” whose title contrasts two Parisian landmarks—the Cathedral of Notre Dame and the giant modernist cube of La Grande Arche de la Défense, commissioned by President Mitterrand to mark the bicentenary of the French Revolution. As La Grande Arche boasts, the entire cathedral, including its spires and tower, would fit easily inside the cold geometry of Mitterrand’s cube. In Europe, the cube—the state—has swallowed the cathedral—the church. I’ve had conversations with a handful of senior EU officials in recent years in which all five casually deployed the phrase “post-Christian Europe” or “post-Christian future,” and meant both approvingly. These men hold that religious faith is incompatible with progressive society. Or as Alastair Campbell, Tony Blair’s control-freak spin doctor, once put it, cutting short the prime minister before he could answer an interviewer’s question about his religious faith: “We don’t do God.”

For the moment, American politicians still do God, and indeed not being seen to do him remains something of a disadvantage on the national stage. But in private many Democrats agree with those “post-Christian” Europeans, and in public they legislate that way. Words matter, as then-senator Barack Obama informed us in 2008. And, as president, his choice of words has been revealing: He prefers, one notes, the formulation “freedom of worship” to “freedom of religion.” Example: “We’re a nation that guarantees the freedom to worship as one chooses.” (The president after the Fort Hood murders in 2009.) Er, no, “we’re a nation that guarantees” rather more than that. But Obama’s rhetorical sleight prefigured Commissar Sebelius’s edict, under which “religious liberty”—i.e., the freedom to decline to facilitate condom dispensing, sterilization, and pharmacological abortion—is confined to those institutions engaged in religious instruction for card-carrying believers.

This is a very Euro-secularist view of religion: It’s tolerated as a private members’ club for consenting adults. But don’t confuse “freedom to worship” for an hour or so on Sunday morning with any kind of license to carry on the rest of the week. You can be a practicing Godomite just so long as you don’t (per Mrs. Patrick Campbell) do it in the street and frighten the horses. The American bishops are not the most impressive body of men even if one discounts the explicitly Obamaphile rubes among them, and they have unwittingly endorsed this attenuated view of religious “liberty.”

The Catholic Church is the oldest continuously operating entity in the Western world. The earliest recorded use of the brand first appears in Saint Ignatius’s letter to the Smyrnaeans of circa A.D. 110—that’s 1,902 years ago: “Wherever Jesus Christ is,” wrote Ignatius, “there is the Catholic Church,” a usage that suggests his readers were already familiar with the term. Obama’s “freedom to worship” inverts Ignatius: Wherever there is a Catholic church, there Jesus Christ is—in a quaint-looking building with a bit of choral music, a psalm or two, and a light homily on the need for “social justice” and action on “climate change.” The bishops plead, No, no, don’t forget our colleges and hospitals, too. In a garden of sexual Eden, the last guys not chowing down on once-forbidden fruits are the ones begging for the fig leaf. But neither is a definition of “religion” that Ignatius would have recognized. “Katholikos” means

“universal”: The Church cannot agree to the confines Obama wishes to impose and still be, in any sense, catholic.

If you think a Catholic owner of a sawmill or software business should be as free of state coercion as a Catholic college, the term “freedom of conscience” is more relevant than “freedom of religion.” For one thing, it makes it less easy for a secular media to present the issue as one of a recalcitrant institution out of step with popular progressivism. NPR dispatched its reporter Allison Keyes to a “typical” Catholic church in Washington, D.C., where she found congregants disinclined to follow their bishops. To a man (or, more often, woman), they disliked “the way the Church injects itself into political debates.” But, if contraceptives and abortion and conception and birth and chastity and fidelity and sexual morality are now “politics,” then what’s left for religion? Back in the late first century, Ignatius injected himself into enough “political debates” that he wound up getting eaten by lions at the Coliseum. But no doubt tut-tutting NPR listeners would have deplored the way the Church had injected itself into live theater.

Ignatius’s successor bishops have opted for an ignoble end, agreeing to be nibbled to death by Leviathan. Even in their objections to the Obama administration, the bishops endorse the state’s view of the church—as something separate and segregated from society, albeit ever more nominally. At the airport recently, I fell into conversation with a lady whose employer, a Catholic college, had paid for her to get her tubes tied. Why not accept that this is just one of those areas where one has to render under Caesar? Especially when Caesar sees “health care” as a state-funded toga party.

But once government starts (in Commissar Sebelius’s phrase) “striking a balance,” it never stops. What’s next? How about a religious test for public office? In the old days, England’s Test Acts required holders of office to forswear Catholic teaching on matters such as transubstantiation and the invocation of saints. Today in the European Union holders of office are required to forswear Catholic teaching on more pressing matters such as abortion and homosexuality. Rocco Buttiglione’s views on these subjects would have been utterly unremarkable for an Italian Catholic of half a century ago. By 2004, they were enough to render him ineligible to serve as a European commissioner. To the college of Eurocardinals, a man such as Signor Buttiglione can have no place in public life. The Catholic hierarchy’s fawning indulgence of the Beltway’s abortion zealots and serial annulers is not reciprocated: The Church of Government punishes apostasy ever more zealously.

The state no longer criminalizes a belief in transubstantiation, mainly because most people have no idea what that is. But they know what sex is, and, if the price of Pierre Trudeau’s assertion that “the state has no place in the bedrooms of the nation” is that the state has to take an ever larger place in the churches and colleges and hospitals and insurance agencies and small businesses of the nation, they’re cool with that. The developed world’s massive expansion of sexual liberty has provided a useful cover for the shriveling of almost every other kind. Free speech, property rights, economic liberty, and the right to self-defense are under continuous assault by Big Government. In New York and California and many other places, sexual license is about the only thing you don’t need a license for.

Even if you profoundly disagree with Pope Paul VI’s predictions that artificial birth control would lead to “conjugal infidelity and the general lowering of morality,” the objectification of women, and governments’ “imposing upon their peoples” state-approved methods of contraception, or even if you think he was pretty much on the money but that the collective damage they have done does not outweigh the individual freedom they have brought to many, it ought to bother you that in the cause of delegitimizing two millennia of moral teaching the state is willing to intrude on core rights—rights to property, rights of association, even rights to private conversation. In 2009, David Booker was suspended from his job at a hostel for the homeless run by the Church of England’s Society of St James after a late-night chit-chat with a colleague, Fiona Vardy, in which he chanced to mention that he did not believe that vicars should be allowed to wed their gay partners. Miss Vardy raised no objection at the time, but the following day mentioned the private conversation to her superiors. They recognized the gravity of the situation and acted immediately, suspending Mr. Booker from his job and announcing that “action has been taken to safeguard both residents and staff.” If you let private citizens run around engaging in free exercise of religion in private conversation, there’s no telling where it might end.

And so the peoples of the West are enlightened enough to have cast off the stultifying oppressiveness of religion for a world in which the state regulates every aspect of life. In 1944, at a terrible moment of the most terrible century, Henri de Lubac wrote a reflection on Europe’s civilizational crisis, *Le drame de l’humanisme athée*. By “atheistic humanism,” he meant the organized rejection of God—not the freelance atheism of individual skeptics but atheism as an ideology and political project in its own right. As M. de Lubac wrote, “It is not true, as is sometimes said, that man cannot organize the world without God. What is true is that, without God, he can only organize it against man.” “Atheistic humanism” became inhumanism in the hands of the Nazis and Communists and, in its less malign form in today’s European Union, a kind of dehumanism in which a present-tense culture amuses itself to extinction. “Post-Christian Europe” is a bubble of 50-year-old retirees, 30-year-old students, empty maternity wards . . . and a surging successor population already restive to move beyond its Muslim ghettos.

Already, Islam commands more respect in the public square. In Britain, police sniffer dogs wear booties to search the homes of suspected Muslim terrorists. Government health care? The Scottish NHS enjoined its employees not to be seen eating in their offices during Ramadan. In the United Kingdom’s disease-ridden hospitals, staff were told to wear short sleeves in the interests of better hygiene. Muslim nurses said this was disrespectful and were granted leave to retain their long sleeves as long as they rolled them up and scrubbed carefully. But mandatory scrubbing is also disrespectful on the grounds that it requires women to bare their arms. So the bureaucracy mulled it over and issued them with disposable over-sleeves. A deference to conscience survives, at least for certain approved identity groups.

The irrationalism of the hyper-rational state ought by now to be evident in everything from the euro-zone crisis to the latest CBO projections: The paradox of the Church

of Big Government is that it weans people away from both the conventional family impulse and the traditional transcendent purpose necessary to sustain it. So what is the future of the American Catholic Church if it accepts the straitjacket of Obama’s “freedom to worship”? North of the border, motoring around the once-Catholic bastion of Quebec, you’ll pass every couple of miles one of the province’s many, many churches, and invariably out front you’ll see a prominent billboard bearing the slogan “Notre patrimoine religieux—c’est sacré!” “Our religious heritage—it’s sacred!” Which translated from the statist code-speak means: “Our religious heritage—it’s over!” But it’s left every Quebec community with a lot of big, prominently positioned buildings, and not all of them can be, as Montreal’s Saint-Jean de la Croix and Couvent de Marie Réparatrice were, converted into luxury three-quarter-million-dollar condos. So to prevent them from decaying into downtown eyesores, there’s a government-funded program to preserve them as spiffy-looking husks.

The Obama administration’s “freedom to worship” leads to the same soulless destination: a church whose moral teachings must be first subordinated to the caprices of the hyper-regulatory Leviathan, and then, as on the Continent, rendered incompatible with public office, and finally, as in that South-ampton homeless shelter, hounded even from private utterance. This is the world the “social justice” bishops have made. What’s left are hymns and stained glass, and then, in the emptiness, the mere echo:

The Sea of Faith
Was once, too, at the full, and round
earth’s shore
Lay like the folds of a bright girdle furl’d.
But now I only hear
Its melancholy, long, withdrawing
roar . . .

ADDITIONAL STATEMENTS

REMEMBERING CHAIRMAN RICHARD MILANOVICH

• Mrs. BOXER. Madam President, I ask my colleagues to join me in honoring the life, work, and legacy of Richard Milanovich, longtime chairman of the Agua Caliente Band of Cahuilla Indians. Chairman Milanovich, my good friend and California neighbor, died in Rancho Mirage on Sunday at age 69 after a courageous fight with cancer.

During his quarter century as tribal chairman, Richard Milanovich worked tirelessly to bring prosperity and security to the Agua Caliente. All the while, he worked closely with surrounding communities and local governments to ensure that Agua Caliente’s success would benefit not just the tribe but also the entire Coachella Valley.

Richard grew up in the Palm Springs neighborhood known as Section 14, where members of the Agua Caliente dreamed of a better future. Richard’s mother, LaVerne Saubel, was a member of the Nation’s first-ever all-female tribal council. In 1957 the council successfully lobbied Congress to enact legislation allowing the Agua Caliente

Band to govern itself, though it would take another 20 years for them to gain full control over tribal lands.

At age 17, Richard left home to join the Army. After serving in Europe, he returned to California and worked in Los Angeles as a door-to-door salesman, honing the persuasive powers that served him so well in later life. Returning to Palm Springs, he joined the tribal council in 1978 and began his lifetime of service to the tribe.

The Agua Caliente owned parcels of land all around Palm Springs, Cathedral City, and Rancho Mirage. As a tribal councilor and then as chairman, Richard turned this checkerboard pattern of land ownership into an asset. He forged mutually beneficial land-use agreements with all three local governments and then worked together to develop commerce and improve infrastructure. After taking over a rundown spa in downtown Palm Springs and turning it into a thriving resort, the Agua Caliente developed casinos and other businesses that brought prosperity to the tribe and hundreds of jobs to the community.

Chairman Milanovich became a State and national leader in business and public policy, but he never forgot his roots or the long-term interests of his people. He worked to ensure that the Agua Caliente preserved its proud heritage while succeeding in the modern world and diversified its interests to maintain growth and prosperity.

Like many other Californians, I am very sad to lose Richard Milanovich's voice for his tribe and for the communities he loved so much. My thoughts and prayers go out to his family, especially his wife Melissa and their six children, and his many friends in the Coachella Valley and across America. He will be deeply missed.●

REMEMBERING JAMES KIMO CAMPBELL

● Mrs. BOXER. Madam President, today I honor the life of James Kimo Campbell, a longtime resident and pillar of the Marin County community, who passed away on February 16, 2012, due to complications from Lou Gehrig's disease. Over the years, Kimo worked with numerous nonprofit organizations and was a tireless advocate for a healthy environment and just world.

Born in Los Angeles in 1947, Kimo was raised in Hawaii, where he attended the Punahou School before going on to begin a career in journalism at the College of Marin and study history at the University of California at Berkeley. As a student, he was recognized by the Marin Independent Journal for his outstanding journalism and later worked for the Journal and several other area papers as a freelance journalist.

As with many of his generation, Kimo became involved in the protest

movement of the 1960s and was drawn to political activism that laid the foundation for his later involvement in philanthropy and community service. At the age of 27, Kimo Campbell was elected to the board of trustees for the College of Marin and served in that capacity for the next 16 years, before being named to the College of Marin Foundation's board of directors, where he remained committed to supporting the school's mission.

The time Kimo spent in Hawaii during his youth left a lasting impression on him. Through his publishing company, Pueo Press, Kimo shared his affinity for his home State by publishing books dedicated to the topic. Through the Pohaku Fund, he supported the promotion of environmental protection, social justice, and respect for the culture of his beloved Hawaii.

Kimo will be deeply missed by all of us lucky enough to have known him. I send my heartfelt condolences to his wife, Kerry Tepperman Campbell, as well as his children, Mahealani and Kawika.●

REMEMBERING HAROLD "HAL" C. BROWN, JR.

● Mrs. BOXER. Madam President, today I ask my colleagues to join me in honoring the life of Harold C. Brown, Jr. The longest serving supervisor in the history of Marin County, Hal was a pillar of the community who embodied the best characteristics of civic leadership: accessibility, honesty, integrity, and compassion. Mr. Brown passed away on March 2, 2012, after a long battle with pancreatic cancer.

Hal grew up in San Francisco, graduating from Lowell High School and receiving a degree in business from the University of San Francisco before moving to Marin County in the early 1970s. While working in the insurance industry, he became involved in his community and began serving on the board of his neighborhood association. In 1982, Gov. Jerry Brown appointed him to replace me on the Marin County Board of Supervisors, following my election to Congress.

For the next 29 years, Supervisor Brown served the people of Marin with extraordinary dedication and focus. He would often say that he had the best job in the world and that he loved the camaraderie of working with others to solve the county's problems: improving fire safety in a county known for towering redwood trees, developing the Safe Routes to Schools Program to promote walking and biking as a safe and healthy way for children to get to school, and working to prevent floods.

His dedication to his community extended beyond his work as a county supervisor. Supervisor Brown established the Marin Valentine's Ball in 1997 as an annual auction and fundraiser to support children, families, and older

adults in need throughout the county. Even in the face of his illness, Hal hosted the 16th annual ball this past February and refused to stop serving the people and community he had represented for decades.

I send my deepest condolences to his family, including Gloria Brown; his children, Michael and Chris; and his grandchildren. The county of Marin has lost a true public servant, and he will be missed by all of us lucky enough to have known him.●

TRIBUTE TO GEORGE R. WHITAKER

● Mr. JOHNSON of South Dakota. Madam President, today I wish to recognize George R. Whitaker of Rapid City, SD, who is retiring from Federal service after a career spanning over 29 years.

George served in the U.S. Army for nearly 2 years in the early 1960s with overseas tours in Germany and Vietnam as a combat military policeman. He then served over 18 years with the U.S. Air Force with tours in Alaska and Turkey as a law enforcement supervisor and personnel technician. He retired from Active Duty in September 1982.

After his military service, George worked with Black Hills Workshop and South Dakota Department of Social Services. He also served as a vocational rehabilitation and addiction counselor with the Fort Meade VA hospital and for the past 7 years has served in various capacities at the Rapid City Vet Center, including readjustment counselor and team leader.

I want to commend George Whitaker for his steadfast and tireless service to our Nation, first for his over 20 years of military service in the U.S. Army and U.S. Air Force, and then for his service to veterans with the Department of Veterans Affairs and Vet Center. Countless veterans have benefitted from George's dedication and commitment. Through his own military experiences and combined with his counseling experiences, George has worked directly with veterans and servicemembers through parts of six decades. This timespan has produced many wars, conflicts, and military operations and with it, changes in health services, problems, and issues that affect our military soldiers and veterans. George has been able to share his own experiences and work with returning servicemembers as they deal with the physical and mental health impacts of their military experiences, as well as the impacts on their families and communities.

George will now have more time in his retirement to enjoy hunting, fishing, leather crafts, and other pursuits. I commend George for his dedicated service to veterans and wish him and his wife Eddie all the best in his retirement.●

TRIBUTE TO ROBIN DOUTHITT

• Mr. KOHL. Madam President, I would like to take time to recognize Robin A. Douthitt, who is stepping down as Dean of the School of Human Ecology at the University of Wisconsin—Madison. I would also like to wish her a happy birthday. As a proud alumnus of UW—Madison, it is an honor to congratulate Dean Douthitt on her outstanding and exemplary service at UW over the years.

For the past 12 years, Dean Douthitt has given her unwavering commitment to students, faculty, staff, campus, the community, and the State. She began as a professor in the Consumer Science Department, was appointed Interim Dean of the School of Human Ecology in 1999, and was named Dean in 2001. She will be leaving a legacy of courage and visionary leadership. Dean Douthitt has been called the “People’s Dean,” because she is always approachable and has touched the lives of many of her colleagues and friends.

Dean Douthitt made countless contributions to the University of Wisconsin during her service. She founded the UW Women’s Faculty Mentoring Program that has led to the university’s retention of female faculty and has become a model for other universities. She helped establish the Nancy Denney House, a cooperative undergraduate residence for single parents and their children. In recognition of her teaching and publishing extensive research on women’s unpaid work and its social value, Dean Douthitt has been named a Vaughan Bascom Professor of Women and Philanthropy and a Vilas Associate in the Social Sciences.

Her contributions at UW do not stop there. Dean Douthitt served on the UW Athletic Board, chairing its Academic Affairs Committee and representing UW faculty to the Big Ten. She has been honored on the School of Human Ecology’s Roster of 100 Women—Wall of Honor, in recognition of her contributions to family, community, and her embodiment of the School’s mission to improve the quality of human life. In addition, Dean Douthitt provided vision in leading a successful \$52 million effort to renovate the School of Human Ecology’s historic 1914 building and build a new addition to ensure the School’s continued presence at the forefront of education, research, creative scholarship, and outreach in the 21st century.

On behalf of my constituents from the great State of Wisconsin, we say a heartfelt thank you and happy birthday to Dean Robin A. Douthitt. We wish her all the very best in her future endeavors.●

RECOGNIZING LAFAYETTE,
LOUISIANA

• Mr. VITTER. Madam President, I wish to recognize the city of Lafayette.

Southern Living magazine has named Lafayette “South’s Tastiest Town.” Lafayette was chosen as the winning city by nearly 35,000 votes in the first annual competition, with more than 500,000 online votes cast for the 10 finalist cities. Lafayette will be formally recognized in Southern Living’s April issue, along with third-place finisher New Orleans. In fact, both Louisiana cities combined to receive nearly half the total votes, and Lafayette received almost 200,000 votes.

Southern Living’s top 10 towns were chosen based on a number of criteria: food as a cultural identity, growth of a culinary-minded community, diverse cuisine at a variety of price points, local sustainable food practices, chefs on the rise, and an abundance of significant food events. Clearly, Lafayette excels in all these categories, and I am proud of this achievement.

Lafayette and its people are at the heart of all the great Cajun and Creole qualities that have made Louisiana’s cuisine unparalleled. Throughout our State’s great history, our unique culinary identity and love of food have been at the center of many of family and friend gatherings. Louisianians take tremendous pride in the dishes that represent our culture, the traditions they symbolize about who we are, and the devotion to preserving our heritage.

It is my pleasure to congratulate the city of Lafayette on this honor.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES DISCHARGED

The following bill was discharged from the Committee on Homeland Security and Governmental Affairs, and referred as indicated:

S. 2076. A bill to improve security at State and local courthouses; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2204. A bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2203. A bill to establish the African Burial Ground International Memorial Museum and Education Center in New York, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 2204. A bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; read the first time.

By Mr. MORAN:

S. 2205. A bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. KIRK, Mrs. BOXER, Mr. LIEBERMAN, Mr. BENNET, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, and Mr. REED):

S. Res. 399. A resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 418

At the request of Mr. HARKIN, the names of the Senator from Florida (Mr. RUBIO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. BROWN), the Senator from Rhode Island (Mr. REED) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people

with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 685

At the request of Mr. LUGAR, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 685, a bill to repeal the Federal sugar program.

S. 740

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 987

At the request of Mr. FRANKEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 987, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1270

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1270, a bill to prohibit the export from the United States of certain electronic waste, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1329

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1329, a bill to amend the Workforce Investment Act of 1998 to establish a pilot program to facilitate the provision of education and training programs in the field of advanced manufacturing.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from New

Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1906

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1906, a bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1981

At the request of Mr. HELLER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1981, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 2032

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2032, a bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2135

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2135, a bill to amend the Child Care and Development Block Grant Act of 1990 to authorize a national toll-free hotline and website, to develop and disseminate child care consumer education information for parents and to help parents access child care in their community, and for other purposes.

S. 2143

At the request of Ms. STABENOW, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2143, a bill to amend the Internal Revenue Code of 1986 to clarify that paper which is commonly recycled does not constitute a qualified energy resource under the section 45 credit for renewable electricity production.

S. 2160

At the request of Mr. MORAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2188

At the request of Mr. BEGICH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2188, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

AMENDMENT NO. 1843

At the request of Mr. MORAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 1843 intended to be proposed to H.R. 3606, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 399—CALLING UPON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, CRIMES AGAINST HUMANITY, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE, AND FOR OTHER PURPOSES

Mr. MENENDEZ (for himself, Mr. KIRK, Mrs. BOXER, Mr. LIEBERMAN, Mr.

BENNET, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, and Mr. REED) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 399

Resolved,

SHORT TITLE

SEC. 1. This resolution may be cited as the "Affirmation of the United States Record on the Armenian Genocide Resolution".

FINDINGS

SEC. 2. The Senate finds the following:

(1) The Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and the elimination of the over 2,500-year presence of Armenians in their historic homeland.

(2) On May 24, 1915, the Allied Powers of England, France, and Russia, jointly issued a statement explicitly charging for the first time ever another government of committing "a crime against humanity".

(3) This joint statement stated that "the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres".

(4) The post-World War I Turkish Government indicted the top leaders involved in the "organization and execution" of the Armenian Genocide and in the "massacre and destruction of the Armenians".

(5) In a series of courts-martial, officials of the Young Turk Regime were tried and convicted, as charged, for organizing and executing massacres against the Armenian people.

(6) The chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal were all condemned to death for their crimes, but, the verdicts of the courts were not enforced.

(7) The Armenian Genocide and these domestic judicial failures are documented with overwhelming evidence in the national archives of Austria, France, Germany, Great Britain, Russia, the United States, the Vatican and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences.

(8) The United States National Archives and Record Administration holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings under Record Group 59 of the United States Department of State, files 867.00 and 867.40, which are open and widely available to the public and interested institutions.

(9) The Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide.

(10) Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as "a campaign of race extermination," and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the "Department approves your procedure . . . to stop Armenian persecution".

(11) Senate Concurrent Resolution 12, 64th Congress, agreed to February 9, 1916, re-

solved that "the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians," who at the time were enduring "starvation, disease, and untold suffering".

(12) President Woodrow Wilson concurred and also encouraged the formation of the organization known as Near East Relief, chartered by the Act of August 6, 1919, 66th Congress (41 Stat. 273, chapter 32), which contributed some \$116,000,000 from 1915 to 1930 to aid Armenian Genocide survivors, including 132,000 orphans who became foster children of the American people.

(13) Senate Resolution 359, 66th Congress, agreed to May 11, 1920, stated in part that "the testimony adduced at the hearings conducted by the sub-committee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered".

(14) The resolution followed the April 13, 1920, report to the Senate of the American Military Mission to Armenia led by General James Harbord, that stated "[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages".

(15) As displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying "[w]ho, after all, speaks today of the annihilation of the Armenians?" and thus set the stage for the Holocaust.

(16) Raphael Lemkin, who coined the term "genocide" in 1944, and who was the earliest proponent of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century.

(17) The first resolution on genocide adopted by the United Nations at Mr. Lemkin's urging, the December 11, 1946, United Nations General Assembly Resolution 96(1), and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide recognized the Armenian Genocide as the type of crime the United Nations intended to prevent and punish by codifying existing standards.

(18) In 1948, the United Nations War Crimes Commission invoked the Armenian Genocide, "precisely . . . one of the types of acts which the modern term 'crimes against humanity' is intended to cover," as a precedent for the Nuremberg tribunals.

(19) The Commission stated that "[t]he provisions of Article 230 of the Peace Treaty of Sevres were obviously intended to cover, in conformity with the Allied note of 1915 . . . offenses which had been committed on Turkish territory against persons of Turkish citizenship, though of Armenian or Greek race. This article constitutes therefore a precedent for Article 6c and 5c of the Nuremberg and Tokyo Charters, and offers an example of one of the categories of 'crimes against humanity' as understood by these enactments".

(20) On May 28, 1951, in a written statement submitted to the International Court of Justice concerning the Convention on the Prevention and Punishment of the Crime of Genocide, the United States Government stated, "The Genocide Convention resulted

from the inhuman and barbarous practices which prevailed in certain countries prior to and during World War II, when entire religious, racial and national minority groups were threatened with and subjected to deliberate extermination. The practice of genocide has occurred throughout human history. The Roman persecution of the Christians, the Turkish massacres of Armenians, the extermination of millions of Jews and Poles by the Nazis are outstanding examples of the crime of genocide. This was the background when the General Assembly of the United Nations considered the problem of genocide. Not once, but twice, that body declared unanimously that the practice of genocide is criminal under international law and that States ought to take steps to prevent and punish genocide."

(21) House Joint Resolution 148, 94th Congress, adopted on April 8, 1975, resolved, "That April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry . . .".

(22) President Ronald Reagan, in proclamation number 4838, dated April 22, 1981 (95 Stat. 1813), stated that, in part "[l]ike the genocide of the Armenians before it, and the genocide of the Cambodians, which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten".

(23) House Joint Resolution 247, 98th Congress, adopted on September 10, 1984, resolved, "That April 24, 1985, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially the one and one-half million people of Armenian ancestry . . .".

(24) In August 1985, after extensive study and deliberation, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities voted 14 to 1 to accept a report entitled "Study of the Question of the Prevention and Punishment of the Crime of Genocide," which stated that "[t]he Nazi aberration has unfortunately not been the only case of genocide in the 20th century. Among other examples which can be cited as qualifying are . . . the Ottoman massacre of Armenians in 1915–1916".

(25) This report also explained that "[a]t least 1,000,000, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death marched by independent authorities and eye-witnesses. This is corroborated by reports in United States, German and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany".

(26) The United States Holocaust Memorial Council, an independent Federal agency, unanimously resolved on April 30, 1981, that the United States Holocaust Memorial Museum would include the Armenian Genocide in the Museum and has since done so.

(27) Reviewing an aberrant 1982 expression (later retracted) by the Department of State asserting that the facts of the Armenian Genocide may be ambiguous, the United States Court of Appeals for the District of Columbia in 1993, after a review of documents pertaining to the policy record of the

United States, noted that the assertion on ambiguity in the United States record about the Armenian Genocide “contradicted longstanding United States policy and was eventually retracted”.

(28) On June 5, 1996, the House of Representatives adopted an amendment to House Bill 3540, 104th Congress (the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997), to reduce aid to Turkey by \$3,000,000 (an estimate of its payment of lobbying fees in the United States) until the Government of Turkey acknowledged the Armenian Genocide and took steps to honor the memory of its victims.

(29) President William Jefferson Clinton, on April 24, 1998, stated: “This year, as in the past, we join with Armenian-Americans throughout the nation in commemorating one of the saddest chapters in the history of this century, the deportations and massacres of a million and a half Armenians in the Ottoman Empire in the years 1915–1923.”.

(30) President George W. Bush, on April 24, 2004, stated: “On this day, we pause in remembrance of one of the most horrible tragedies of the 20th century, the annihilation of as many as 1,500,000 Armenians through forced exile and murder at the end of the Ottoman Empire.”.

(31) President Barack Obama, on April 24, 2010, explicitly employed the expression *Meds Yeghern*, a term used by Armenians to reference the Armenian Genocide. The statement reads in part: “On this solemn day of remembrance, we pause to recall that 95 years ago one of the worst atrocities of the 20th century began. In that dark moment of history, 1,500,000 Armenians were massacred or marched to their death in the final days of the Ottoman Empire. . . . The *Meds Yeghern* is a devastating chapter in the history of the Armenian people, and we must keep its memory alive in honor of those who were murdered and so that we do not repeat the grave mistakes of the past.”.

(32) Despite the international recognition and affirmation of the Armenian Genocide, the failure of the domestic and international authorities to punish those responsible for the Armenian Genocide is a reason why similar genocides have recurred and may recur in the future, and that just resolution of this issue will help prevent future genocides.

DECLARATION OF POLICY

SEC. 3. The Senate—

(1) calls upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide and the consequences of the failure to realize a just resolution; and

(2) calls upon the President in the President's annual message commemorating the Armenian Genocide issued on or about April 24, to accurately characterize the systematic and deliberate annihilation of 1,500,000 Armenians as genocide and to recall the proud history of United States intervention in opposition to the Armenian Genocide.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1848. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table.

SA 1849. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1850. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1851. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1852. Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mr. CARDIN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1853. Mr. REED submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1854. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1855. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1856. Mr. LEE (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1857. Mr. LEE (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1858. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1859. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs.

HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1860. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1861. Ms. SNOWE (for herself, Ms. LANDRIEU, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1862. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1863. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1864. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1865. Mr. REID submitted an amendment intended to be proposed to amendment SA 1864 submitted by Mr. REID and intended to be proposed to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1866. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1867. Mr. REID submitted an amendment intended to be proposed to amendment SA 1866 submitted by Mr. REID and intended to be proposed to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1868. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1869. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1870. Mr. CARDIN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1871. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1872. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1873. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1874. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1875. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1876. Mrs. HAGAN (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1877. Mrs. HAGAN (for herself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1833 proposed

by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1878. Mr. PORTMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1879. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1880. Mr. PORTMAN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1881. Mr. PORTMAN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1882. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1883. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1884. Mr. MERKLEY (for himself, Mr. BENNET, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1885. Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1886. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1887. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1888. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1889. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1890. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1891. Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mr. CARDIN, Mr. FRANKEN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1892. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1893. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1894. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1895. Mr. JOHNSON, of Wisconsin submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1896. Ms. SNOWE (for herself, Mrs. GILLIBRAND, Ms. MURKOWSKI, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1897. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1898. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1899. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1900. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1901. Mr. RUBIO (for himself, Mr. NELSON of Florida, and Mr. CORNYN) submitted

an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1903. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

TEXT OF AMENDMENTS

SA 1848. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

SEC. 304. OCCURRENCE OF FRAUD.

(a) REPORT ON OCCURRENCE OF FRAUD.—

(1) IN GENERAL.—The Commission shall, once every 2 years, beginning on the date of enactment of this Act, submit a report to Congress which includes an affirmative finding that the amount of fraud related to issuances made pursuant to section 4(6) of the Securities Act of 1933, as amended by this title, was not excessive during the reporting period.

(2) FINDING OF EXCESSIVE FRAUD.—If the Commission finds that the amount of fraud related to issuances made pursuant to section 4(6) of the Securities Act of 1933, as amended by this title, was excessive during the reporting period, the Commission shall—

(A) report such finding to the Congress, together with the reports required by this section; and

(B) initiate a rulemaking pursuant to subsection (b).

(b) RULEMAKING.—

(1) IN GENERAL.—If the Commission makes a finding of excessive fraud, as described in subsection (a)(2), the Commission shall amend its rules issued, amended, or enforced under this title, as necessary to reduce the incidence of fraud related to crowdfunding exemptions provided under this title.

(2) TIMING.—Amended rules shall be issued under paragraph (1) as interim final rules not later than 30 days after a finding by the Commission of excessive fraud, with public comments accepted for 30 days after the date of publication of the interim final rules.

SA 1849. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 50, between lines 10 and 11, insert the following:

(e) REPORT ON OCCURRENCE OF FRAUD.—

(1) IN GENERAL.—In addition to the information included under subsection (b), the

Commission shall include in each report to Congress required by this section an affirmative finding that the amount of fraud related to issuances made pursuant to section 4(6) of the Securities Act of 1933, as amended by this title, was not excessive during the reporting period.

(2) **FINDING OF EXCESSIVE FRAUD.**—If the Commission finds that the amount of fraud related to issuances made pursuant to section 4(6) of the Securities Act of 1933, as amended by this title, was excessive during the reporting period, the Commission shall—

(A) report such finding to the Congress, together with the reports required by this section; and

(B) initiate a rulemaking pursuant to paragraph (3).

(3) **RULEMAKING.**—

(A) **IN GENERAL.**—If the Commission makes a finding of excessive fraud, as described in paragraph (2), the Commission shall amend its rules issued, amended, or enforced under this title, as necessary to reduce the incidence of fraud related to crowdfunding exemptions provided under this title.

(B) **TIMING.**—Amended rules shall be issued under subparagraph (A) as interim final rules not later than 30 days after a finding by the Commission of excessive fraud, with public comments accepted for 30 days after the date of publication of the interim final rules.

SA 1850. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 41, line 19, strike “Section” and insert the following:

(a) **DISCLOSURES REQUIRED FOR EMPLOYEE SECURITY HOLDERS.**—Any issuer having equity securities of any class held of record by 500 or more employee security holders shall provide to all such employee security holders—

(1) audited financial statements, if available, or if not available—

(A) financial statements certified by the principal executive officer of the issuer to be true and complete in all material respects; and

(B) income tax returns filed by the issuer for the most recently completed year (if any);

(2) a description of the ownership and capital structure of the issuer, including—

(A) the terms of each class of security of the issuer, including how such terms may be modified and a summary of the differences between such securities, including how the rights of the securities owned by the employee may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

(B) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

(C) the risks to employee security holders—

(i) relating to minority ownership in the issuer; and

(ii) associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

(3) such other information as the Commission may, by rule, prescribe for the protection of employee security holders.

(b) **DEFINITION.**—As used in this section, the term “employee security holder” means an individual who received securities of the issuer pursuant to an employee compensation plan, which securities are exempt from registration requirements by virtue of the provisions of section 12(g)(5) of the Securities Exchange Act of 1934, as amended by this section.

(c) **EXEMPTION.**—Section

SA 1851. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 69, line 16, strike “Section” and insert the following:

(a) **DISCLOSURES REQUIRED FOR EMPLOYEE SECURITY HOLDERS.**—Any issuer having equity securities of any class held of record by 500 or more employee security holders shall provide to all such employee security holders—

(1) audited financial statements, if available, or if not available—

(A) financial statements certified by the principal executive officer of the issuer to be true and complete in all material respects; and

(B) income tax returns filed by the issuer for the most recently completed year (if any);

(2) a description of the ownership and capital structure of the issuer, including—

(A) the terms of each class of security of the issuer, including how such terms may be modified and a summary of the differences between such securities, including how the rights of the securities owned by the employee may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

(B) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

(C) the risks to employee security holders—

(i) relating to minority ownership in the issuer; and

(ii) associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

(3) such other information as the Commission may, by rule, prescribe for the protection of employee security holders.

(b) **DEFINITION.**—As used in this section, the term “employee security holder” means an individual who received securities of the issuer pursuant to an employee compensation plan, which securities are exempt from registration requirements by virtue of the provisions of section 12(g)(5) of the Securities Exchange Act of 1934, as amended by this section.

(c) **EXEMPTION.**—Section

SA 1852. Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mr. CARDIN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the

bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1. ENERGY MARKETS.

(a) **FINDINGS.**—Congress finds that—

(1) the Commodity Futures Trading Commission was created as an independent agency, in 1974, with a mandate—

(A) to enforce and administer the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) to ensure market integrity;

(C) to protect market users from fraud and abusive trading practices; and

(D) to prevent and prosecute manipulation of the price of any commodity in interstate commerce;

(2) Congress has given the Commodity Futures Trading Commission authority under the Commodity Exchange Act (7 U.S.C. 1 et seq.) to take necessary actions to address market emergencies;

(3) the Commodity Futures Trading Commission may use the emergency authority of the Commission with respect to any major market disturbance that prevents the market from accurately reflecting the forces of supply and demand for a commodity;

(4) Congress declared in section 4a of the Commodity Exchange Act (7 U.S.C. 6a) that excessive speculation imposes an undue and unnecessary burden on interstate commerce;

(5) according to an article published in *Forbes* on February 27, 2012, excessive oil speculation “translates out into a premium for gasoline at the pump of \$.56 a gallon” based on a recent report from Goldman Sachs;

(6) on March 9, 2012—

(A) the supply of crude oil and gasoline was higher than the supply was on March 6, 2009, when the national average price for a gallon of regular unleaded gasoline was just \$1.94; and

(B) demand for gasoline in the United States was lower than demand was on June 20, 1997;

(7) on March 12, 2012, the national average price of regular unleaded gasoline was over \$3.82 a gallon, the highest price ever recorded in the United States during the month of March;

(8) during the last quarter of 2011, according to the International Energy Agency—

(A) the world oil supply rose by 1,300,000 barrels per day while demand only increased by 700,000 barrels per day; and

(B) the price of Texas light sweet crude rose by over 12 percent;

(9) on November 3, 2011, Gary Gensler, the Chairman of the Commodity Futures Trading Commission testified before the Senate Permanent Subcommittee on Investigations that “80 to 87 percent of the [oil futures] market” is dominated by “financial participants, swap dealers, hedge funds, and other financials,” a figure that has more than doubled over the past decade;

(10) excessive oil and gasoline speculation is creating major market disturbances that prevent the market from accurately reflecting the forces of supply and demand; and

(11) the Commodity Futures Trading Commission has a responsibility —

(A) to ensure that the price discovery for oil and gasoline accurately reflects the fundamentals of supply and demand; and

(B) to take immediate action to implement strong and meaningful position limits to regulated exchange markets to eliminate excessive oil speculation.

(b) ACTIONS.—Not later than 14 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall use the authority of the Commission (including emergency powers)—

(1) to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commission, on or through which energy futures are traded; and

(2) to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations, or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

SA 1853. Mr. REED submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 5, line 2, strike “may” and insert “shall”.

SA 1854. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—LIMITATION ON CHANGES TO U.S. AND CANADIAN COMPANIES

SEC. 801. LIMITATION OF CHANGES TO U.S. AND CANADIAN COMPANIES.

No issuer of securities (as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)), other than an issuer that is domiciled in the United States or Canada, shall be affected by, subject to, or eligible for any exemption under, this Act, the amendments made by this Act, or any rules or regulations adopted or issued pursuant to this Act.

SA 1855. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 3, before line 1, insert the following:

SEC. 3. PROSPECTIVE REPEAL.

This Act and the amendments made by this Act are repealed effective on the date that is 5 years after the date of enactment of this Act.

SA 1856. Mr. LEE (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . TERMINATION OF EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Notwithstanding any other provision of this Act or any other provision of law, the authority of the Export-Import Bank of the United States under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) terminates on May 31, 2013.

(b) TERMINATION OF AUTHORITY.—Notwithstanding any other provision of this Act or any other provision of law, on and after June 1, 2013—

(1) the Export-Import Bank of the United States may not enter into any new agreement for the provision of a loan, a loan guarantee, or insurance, the extension of credit, or any other form of financing;

(2) the Bank shall continue to operate only to the extent necessary to fulfill the obligations of the Bank pursuant to agreements described in paragraph (1) entered into before June 1, 2013; and

(3) the President of the Bank shall take such measures as are necessary to wind up the affairs of the Bank, including by reducing the operations of the Bank and the number of employees of the Bank as the number of remaining agreements described in paragraph (1) decreases.

(c) REPEAL OF EXPORT-IMPORT BANK ACT OF 1945.—Notwithstanding any other provision of this Act or any other provision of law, effective on the date on which the Export-Import Bank of the United States has fulfilled all outstanding obligations of the Bank pursuant to agreements described in subsection (b)(1) entered into before June 1, 2013, the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is repealed.

SEC. ____ . NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—The President shall initiate and pursue negotiations with other major exporting countries, including members of the Organisation for Economic Co-operation and Development and countries that are not members of that Organisation, to end subsidized export financing programs and other forms of export subsidies.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of the negotiations described in subsection (a) until the President certifies in writing to those committees that all countries that support subsidized export financing programs have agreed to end the support.

SA 1857. Mr. LEE (for himself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment

SA 1833 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE VIII—TERMINATION OF EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 801. TERMINATION OF EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “September 30, 2011” and inserting “May 31, 2013”.

(b) TERMINATION OF NEW FINANCING AUTHORITY.—On and after June 1, 2013, the Export-Import Bank of the United States may not enter into any new agreement for the provision of a loan, a loan guarantee, or insurance, the extension of credit, or any other form of financing.

(c) WIND UP OF AFFAIRS.—

(1) IN GENERAL.—On and after June 1, 2013, the Export-Import Bank of the United States shall continue to operate only to the extent necessary to fulfill the obligations of the Bank pursuant to agreements described in subsection (b) entered into before June 1, 2013.

(2) REDUCTIONS IN OPERATIONS AND PERSONNEL.—The President of the Export-Import Bank shall take such measures as are necessary to wind up the affairs of the Bank, including by reducing the operations of the Bank and the number of employees of the Bank as the number of remaining agreements described in subsection (b) decreases.

(d) REPEAL OF EXPORT-IMPORT BANK ACT OF 1945.—Effective on the date on which the Export-Import Bank of the United States has fulfilled all outstanding obligations of the Bank pursuant to agreements described in subsection (b) entered into before June 1, 2013, the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is repealed.

SEC. 802. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—The President shall initiate and pursue negotiations with other major exporting countries, including members of the Organisation for Economic Co-operation and Development and countries that are not members of that Organisation, to end subsidized export financing programs and other forms of export subsidies.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of the negotiations described in subsection (a) until the President certifies in writing to those committees that all countries that support subsidized export financing programs have agreed to end the support.

SA 1858. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself,

Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. FINANCING OF DOMESTIC FOSSIL FUEL PROJECTS; RESTRICTION ON FINANCING OF FOSSIL FUEL PROJECTS OUTSIDE THE UNITED STATES.

(a) IDENTIFICATION OF DOMESTIC FOSSIL FUEL PROJECTS.—Not later than 90 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall identify projects involving the production of fossil fuels in the United States that could benefit from the provision of financing by the Bank.

(b) FINANCING OF FOSSIL FUEL PROJECTS.—Notwithstanding any other provision of law, if the Export-Import Bank of the United States identifies projects involving the production of fossil fuels in the United States that could benefit from the provision of financing by the Bank under subsection (a)—

(1) the Bank may provide financing (including guarantees, insurance, or extensions of credit, or participation in the extension of credit) with respect to those projects; and

(2) the Bank shall not provide financing with respect to any project that involves the production of fossil fuels in a foreign country until the Bank certifies to Congress that—

(A) all projects identified under subsection (a) have been reviewed; and

(B) with respect to each such project, the Bank—

(i) has provided financing; or

(ii) has determined that the persons conducting the project have no interest in receiving financing from the Bank.

(c) DEFINITION OF FOSSIL FUEL.—In this section, the term “fossil fuel” means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from natural gas, petroleum, or coal.

SEC. 818. PROHIBITION ON, AND REPEAL OF MINIMUM INVESTMENT GOALS FOR, FINANCING OF RENEWABLE ENERGY PROJECTS.

(a) PROHIBITION ON FINANCING OF CERTAIN RENEWABLE ENERGY PROJECTS.—Notwithstanding any other provision of law, the Export-Import Bank of the United States may not provide any guarantee, insurance, or extension of credit (or participate in the extension of credit) with respect to any project that involves the manufacture of renewable energy products in a foreign country.

(b) REPEAL OF MINIMUM INVESTMENT GOAL FOR FINANCING OF RENEWABLE ENERGY PROJECTS.—Section 534(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (12 U.S.C. 635g note) is repealed.

SEC. 819. PROHIBITION ON PROVIDING OR GUARANTEEING LOANS THAT ARE SUBORDINATE TO OTHER LOANS.

Notwithstanding any other provision of law, the Export-Import Bank of the United States may not make or guarantee a loan that is subordinate to any other loan.

SA 1859. Mr. VITTER submitted an amendment intended to be proposed to

amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. PROHIBITION ON PROVIDING OR GUARANTEEING LOANS THAT ARE SUBORDINATE TO OTHER LOANS.

Notwithstanding any other provision of law, the Export-Import Bank of the United States may not make or guarantee a loan that is subordinate to any other loan.

SA 1860. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —NO BUDGET, NO PAY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “No Budget, No Pay Act”.

SEC. 02. DEFINITION.

In this title, the term “Member of Congress”—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the

House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 03 and whether Senators may not be paid under that section;

(B) determine the period of days following each October 1 that Senators may not be paid under section 03; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 03 and whether Member of the House of Representatives may not be paid under that section;

(B) determine the period of days following each October 1 that Member of the House of Representatives may not be paid under section 03; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 1861. Ms. SNOWE (for herself, Ms. LANDRIEU, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —SMALL BUSINESS TAX EXTENDERS

SEC. 01. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the “Small Business Tax Extenders Act of 2012”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 02. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2013”, and

(2) by striking “AND 2011” and inserting “, 2011, AND 2012” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2011.

SEC. 03. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by inserting “, 2011, or 2012” after “2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

SEC. 04. EXTENSION OF ALTERNATIVE MINIMUM TAX RULES FOR GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(5) is amended by inserting “, 2011, or 2012” after “2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

SEC. 05. EXTENSION OF REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Clause (ii) of section 1374(d)(7)(B) of the Internal Revenue Code of 1986 is amended by inserting “or 2012” after “2011”.

(b) CONFORMING AMENDMENT.—The heading for section 1374(d)(7)(B) is amended by striking “AND 2011” and inserting “2011, AND 2012”.

(c) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1374(d)(7) of such Code is amended by striking “The preceding sentence” and inserting the following: “For purposes of applying this subparagraph to an installment sale, each portion of such installment sale shall be treated as a sale occurring in the taxable year in which the first portion of such installment sale occurred. This subparagraph”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 06. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking “2010 or 2011” each place it appears in paragraph (1)(B) and (2)(B) and inserting “2010, 2011, or 2012”,

(2) by striking “2012” each place it appears in paragraph (1)(C) and (2)(C) and inserting “2013”, and

(3) by striking “2012” each place it appears in paragraph (1)(D) and (2)(D) and inserting “2013”.

(b) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(6) is amended by striking “2012” and inserting “2013”.

(c) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(d) ELECTION.—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—Section 179(f)(1) is amended by striking “2010 or 2011” and inserting “2010, 2011, or 2012”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 07. EXTENSION OF SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) IN GENERAL.—Clause (ii) of section 460(c)(6)(B) is amended by striking “January 1, 2011 (January 1, 2012)” and inserting “January 1, 2013 (January 1, 2014)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

SEC. 08. EXTENSION OF INCREASED AMOUNT ALLOWED AS A DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Paragraph (3) of section 195(b) is amended—

(1) by inserting “, 2001, or 2012” after “2010”, and

(2) by inserting “2011, AND 2012” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

SEC. 09. EXTENSION OF ALLOWANCE OF DEDUCTION FOR HEALTH INSURANCE IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) is amended by striking “December 31, 2010” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SA 1862. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

() EFFECTIVE DATE.

This section shall become effective 14 days after enactment.

SA 1863. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

() EFFECTIVE DATE.

This section shall become effective 13 days after enactment.

SA 1864. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

SEC. . EFFECTIVE DATE.

This Act shall become effective 12 days after enactment.

SA 1865. Mr. REID submitted an amendment intended to be proposed to amendment SA 1864 submitted by Mr. REID and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

In the amendment, strike “12 days” and insert “11 days”.

SA 1866. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . EFFECTIVE DATE.

This Act shall become effective 10 days after enactment.

SA 1867. Mr. REID submitted an amendment intended to be proposed to amendment SA 1866 submitted by Mr. REID and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

In the amendment, strike “10 days” and insert “9 days”.

SA 1868. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS**SEC. 801. LIMITATION ON ENTRY INTO FORCE OF CERTAIN TRADE AGREEMENTS.**

Notwithstanding section 303 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 U.S.C. 8113) or any other provision of law, the President may not accept, or provide for the entry into force with respect to the United States of, any legally binding trade agreement that imposes obligations on the United States with respect to the enforcement of intellectual property rights, including the Anti-Counterfeiting Trade Agreement, without the formal and express approval of Congress.

SA 1869. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—TRADE**SEC. 801. DISCLOSURE OF UNITED STATES POSITIONS RELATING TO INTELLECTUAL PROPERTY OR THE INTERNET IN THE TRANS-PACIFIC PARTNERSHIP NEGOTIATIONS.**

(a) DISCLOSURE OF EXISTING DOCUMENTS.—Not later than 30 days after the date of the enactment of this Act, the President shall make available to the public on the website of the Office of the United States Trade Representative each document—

(1) describing a position of, or proposal made by, the United States with respect to intellectual property, the Internet, or entities that use the Internet, including electronic commerce; and

(2) that was shared with other parties to negotiations for a Trans-Pacific Partnership Agreement before such date of enactment.

(b) **ONGOING DISCLOSURE OF DOCUMENTS.**—On and after the date of the enactment of this Act, the President shall make available to the public on the website of the Office of the United States Trade Representative any document describing a position of, or proposal made by, the United States with respect to intellectual property, the Internet, or entities that use the Internet, including electronic commerce, not later than 24 hours after the document is shared with other parties to negotiations for a Trans-Pacific Partnership Agreement.

(c) **WAIVER.**—The President may waive the application of subsection (a) or (b) if the President—

(1) determines that making a document described in subsection (a) or (b) (as the case may be) available to the public would pose a threat to the national security of the United States; and

(2) submits to Congress a report describing the reasons for that determination.

SA 1870. Mr. CARDIN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —OTHER PROVISIONS

SEC. 01. EXTENSION OF REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) **IN GENERAL.**—Clause (ii) of section 1374(d)(7)(B) of the Internal Revenue Code of 1986 is amended by inserting “2012, or 2013,” after “2011.”

(b) **TECHNICAL AMENDMENT.**—Subparagraph (B) of section 1374(d)(7) of such Code is amended by striking “The preceding sentence” and inserting the following: “For purposes of applying this subparagraph to an installment sale, each portion of such installment sale shall be treated as a sale occurring in the taxable year in which the first portion of such installment sale occurred. This subparagraph”.

(c) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendment made by this subsection (a) shall apply to taxable years beginning after December 31, 2011.

(2) **TECHNICAL AMENDMENT.**—The amendment made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

SA 1871. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. RESTRICTIONS ON FINANCING OF CERTAIN FOSSIL FUEL PROJECTS BY THE EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) **IN GENERAL.**—The Export-Import Bank of the United States may not provide any financing (including any guarantee, insurance, extension of credit, or participation in the

extension of credit) with respect to any project that involves the exploration for or production of fossil fuels in a foreign country if similar exploration or production is illegal in the United States or is largely prohibited in certain areas within the United States.

(b) **DEFINITION OF FOSSIL FUEL.**—In this section, the term “fossil fuel” means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from any such material.

SA 1872. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. ELIMINATION OF EXEMPTION FROM SUBSTANTIAL INJURY DETERMINATIONS FOR TRANSACTIONS OF LESS THAN \$10,000,000.

Section 2(e)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)(1)) is amended, in the matter preceding subparagraph (A)—

(1) by striking “credit of financial” and inserting “credit or financial”; and

(2) by inserting “without regard to whether the credit or guarantee relates to a transaction involving more than \$10,000,000,” after “United States.”.

SEC. 818. PUBLICATION OF GUIDELINES FOR ECONOMIC IMPACT ANALYSES AND DOCUMENTATION OF SUCH ANALYSES.

Section 2(e)(7) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)(7)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) **GUIDELINES FOR ECONOMIC IMPACT ANALYSES.**—Not later than 90 days after the date of the enactment of the Export-Import Bank Reauthorization Act of 2012, the Bank shall develop and make publicly available methodological guidelines to be used by the Bank in conducting economic impact analyses or similar studies under this subsection. In developing such guidelines, the Bank shall take into consideration any relevant guidance from the Office of Management and Budget.

“(F) **MAINTENANCE OF DOCUMENTATION.**—The Bank shall maintain documentation relating to economic impact analyses and similar studies conducted under this subsection in a manner consistent with the Standards for Internal Control of the Federal Government issued by the Comptroller General of the United States.”.

SEC. 819. LIMITATION ON ASSISTANCE TO FOREIGN AIR CARRIERS.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(h) **LIMITATION ON ASSISTANCE TO FOREIGN AIR CARRIERS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **HOME COUNTRY.**—A country is the ‘home country’ of an applicant for a loan or financial guarantee if—

“(i) in the case of an individual, the individual is a citizen or resident of that country; and

“(ii) in the case of an entity, the entity is organized under the laws of that country or otherwise subject to the jurisdiction of the government of that country.

“(B) **LONG-RANGE AIRCRAFT.**—The term ‘long-range aircraft’, with respect to an aircraft that may be purchased by an applicant for a loan or financial guarantee, means an aircraft with a range that is equal to or greater than the shortest distance between the home country of the applicant and the continental United States.

“(C) **UNITED STATES AIR CARRIER.**—The term ‘United States air carrier’ means an air carrier organized under the laws of the United States or any jurisdiction within the United States.

“(2) **PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON UNITED STATES AIR CARRIERS AND EMPLOYMENT IN UNITED STATES.**—

“(A) **NOTICE AND COMMENT REQUIREMENTS.**—

“(i) **IN GENERAL.**—Before considering or approving any application for any loan or financial guarantee that may be used in whole or in part to purchase any long-range aircraft, the Bank shall—

“(I) publish in the Federal Register a notice of the application;

“(II) provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic or other potentially adverse effects of the provision of the loan or guarantee; and

“(III) seek comments on the economic or other potentially adverse effects of the provision of the loan or guarantee from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(ii) **CONTENT OF NOTICE.**—The notice published under clause (i)(I) with respect to an application for any loan or financial guarantee that may be used in whole or in part to purchase any long-range aircraft shall include appropriate information about—

“(I) the country to which the aircraft will be shipped;

“(II) the type of aircraft being exported;

“(III) the amount of the loan or guarantee;

“(IV) the number of aircraft that would be produced as a result of the provision of the loan or guarantee;

“(V) the number of available seats on flights that would result from the provision of the loan or guarantee;

“(VI) the percentage of each aircraft that would be manufactured exclusively within the United States;

“(VII) the number of jobs for pilots, flight attendants, and other employees of United States air carriers that would be lost if the aircraft to be purchased using the loan or guarantee were to displace aircraft operated by a United States air carrier on any route between the United States and any foreign country; and

“(VIII) the number of other jobs in the United States that would be lost if the loan or guarantee were approved.

“(iii) **PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.**—

“(I) **IN GENERAL.**—If a material change is made to an application for a loan or guarantee that may be used in whole or in part to

purchase any long-range aircraft after a notice with respect to the application is published under clause (i), the Bank shall publish in the Federal Register a revised notice of the application and shall provide for an additional comment period as described in clause (i)(II).

“(II) MATERIAL CHANGE DEFINED.—For purposes of subclause (I), the term ‘material change’, with respect to application for a loan or guarantee that may be used in whole or in part to purchase any long-range aircraft, includes—

“(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; or

“(bb) a change in the type or number of aircraft to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

“(B) REQUIREMENT TO CONSIDER VIEWS OF ADVERSELY AFFECTED PERSONS.—Before issuing a final commitment for, or otherwise taking final action on, an application for any loan or guarantee that may be used in whole or in part to purchase any long-range aircraft, the Board of Directors of the Bank shall consider the views of any person that submitted comments pursuant to subparagraph (A).

“(C) NOTIFICATION OF FINAL DECISION.—Not later than 7 days after the Board of Directors issues a final commitment for, or otherwise takes final action on, an application for any loan or guarantee that may be used in whole or in part to purchase any long-range aircraft, the Bank shall provide notice of the commitment or action in the Federal Register.

“(D) PUBLICATION OF CONCLUSIONS.—Not later than 30 days after a party affected by a final decision of the Board of Directors to issue a final commitment for, or otherwise take final action on, an application for a loan or guarantee that may be used in whole or in part to purchase any long-range aircraft makes a written request for an explanation of the decision, the Bank shall provide to the affected party a reasoned explanation for the decision that includes a non-arbitrary and noncapricious response to any comments that the party submitted pursuant to subparagraph (A).

“(3) PROHIBITION ON LOANS OR GUARANTEES THAT WILL CAUSE SUBSTANTIAL INJURY TO UNITED STATES AIR CARRIERS OR THEIR EMPLOYEES.—

“(A) PROHIBITION.—Notwithstanding any other provision of this Act, the Bank may not provide any loan or financial guarantee that may be used in whole or in part to purchase any long-range aircraft if the provision of the loan or guarantee will cause substantial injury to any United States air carrier or the employees of any United States air carrier.

“(B) DEFINITION.—For purposes of subparagraph (A), the provision of a loan or guarantee will cause substantial injury to a United States air carrier or its employees if the number of available seats on flights between the United States and the home country of the applicant for the loan or guarantee that will result from the provision of the loan or guarantee will equal or exceed 1 percent of the number of available seats on flights operated by United States air carriers between the United States and the home country of the applicant.

“(C) CALCULATION.—In calculating under subparagraph (B) the number of available seats on flights between the United States and the home country of an applicant for a loan or financial guarantee that will result

from the provision of the loan or guarantee, the Bank shall—

“(i) presume that the applicant will use 20 percent of the long-range aircraft specified in the application, or 20 percent of the total long-range aircraft specified in all applications approved by the Bank for the applicant in the preceding 12 months, whichever is larger, to fly between the United States and the home country of the applicant; and

“(ii) multiply the number of aircraft determined under clause (i) by the average number of seats on all long-range aircraft specified in the application.

“(4) ADMINISTRATIVE PROCEDURE ACT.—The actions of the Bank under this subsection shall comply with, and be reviewable under, chapter 7 of title 5, United States Code. This subsection shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.”.

SEC. 820. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of the Bank in implementing the recommendations contained in the report of the Government Accountability Office entitled “Export-Import Bank: Improvements Needed in Assessment of Economic Impact”, dated September 12, 2007 (GAO-07-1071), that includes—

(1) a detailed description of the progress made in implementing each such recommendation; and

(2) for any such recommendation that has not yet been implemented, an explanation of the reasons the recommendation has not been implemented.

SA 1873. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RESTRICTION ON FINANCING OF EXPORTATION OF AIRCRAFT BY THE EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) IN GENERAL.—The Export-Import Bank of the United States may not provide any financing (including any guarantee, insurance, extension of credit, or participation in the extension of credit), on or after the date of the enactment of this Act, with respect to the exportation of an aircraft unless each entity to which the financing will be provided certifies to the Bank that the entity will not subsequently enter into an agreement with a United States entity for the sale and lease-back of the aircraft.

(b) UNITED STATES ENTITY DEFINED.—In this section, the term “United States entity” means an entity organized under the laws of the United States or any jurisdiction within the United States.

SA 1874. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging

growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 801. ELIMINATION OF EXEMPTION FROM SUBSTANTIAL INJURY DETERMINATIONS FOR TRANSACTIONS OF LESS THAN \$10,000,000.

Section 2(e)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)(1)) is amended, in the matter preceding subparagraph (A)—

(1) by striking “credit of financial” and inserting “credit or financial”; and

(2) by inserting “without regard to whether the credit or guarantee relates to a transaction involving more than \$10,000,000,” after “United States.”.

SEC. 802. PUBLICATION OF GUIDELINES FOR ECONOMIC IMPACT ANALYSES AND DOCUMENTATION OF SUCH ANALYSES.

Section 2(e)(7) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)(7)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) GUIDELINES FOR ECONOMIC IMPACT ANALYSES.—Not later than 90 days after the date of the enactment of the Jumpstart Our Business Startups Act, the Bank shall develop and make publicly available methodological guidelines to be used by the Bank in conducting economic impact analyses or similar studies under this subsection. In developing such guidelines, the Bank shall take into consideration any relevant guidance from the Office of Management and Budget.

“(F) MAINTENANCE OF DOCUMENTATION.—The Bank shall maintain documentation relating to economic impact analyses and similar studies conducted under this subsection in a manner consistent with the Standards for Internal Control of the Federal Government issued by the Comptroller General of the United States.”.

SEC. 803. LIMITATION ON ASSISTANCE TO FOREIGN AIR CARRIERS.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(h) LIMITATION ON ASSISTANCE TO FOREIGN AIR CARRIERS.—

“(1) DEFINITIONS.—In this subsection:

“(A) HOME COUNTRY.—A country is the ‘home country’ of an applicant for a loan or financial guarantee if—

“(i) in the case of an individual, the individual is a citizen or resident of that country; and

“(ii) in the case of an entity, the entity is organized under the laws of that country or otherwise subject to the jurisdiction of the government of that country.

“(B) LONG-RANGE AIRCRAFT.—The term ‘long-range aircraft’, with respect to an aircraft that may be purchased by an applicant for a loan or financial guarantee, means an aircraft with a range that is equal to or greater than the shortest distance between the home country of the applicant and the continental United States.

“(C) UNITED STATES AIR CARRIER.—The term ‘United States air carrier’ means an air carrier organized under the laws of the United States or any jurisdiction within the United States.

“(2) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON UNITED STATES AIR CARRIERS AND EMPLOYMENT IN UNITED STATES.—

“(A) NOTICE AND COMMENT REQUIREMENTS.—

“(i) IN GENERAL.—Before considering or approving any application for any loan or financial guarantee that may be used in whole or in part to purchase any long-range aircraft, the Bank shall—

“(I) publish in the Federal Register a notice of the application;

“(II) provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic or other potentially adverse effects of the provision of the loan or guarantee; and

“(III) seek comments on the economic or other potentially adverse effects of the provision of the loan or guarantee from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(ii) CONTENT OF NOTICE.—The notice published under clause (i)(I) with respect to an application for any loan or financial guarantee that may be used in whole or in part to purchase any long-range aircraft shall include appropriate information about—

“(I) the country to which the aircraft will be shipped;

“(II) the type of aircraft being exported;

“(III) the amount of the loan or guarantee;

“(IV) the number of aircraft that would be produced as a result of the provision of the loan or guarantee;

“(V) the number of available seats on flights that would result from the provision of the loan or guarantee;

“(VI) the percentage of each aircraft that would be manufactured exclusively within the United States;

“(VII) the number of jobs for pilots, flight attendants, and other employees of United States air carriers that would be lost if the aircraft to be purchased using the loan or guarantee were to displace aircraft operated by a United States air carrier on any route between the United States and any foreign country; and

“(VIII) the number of other jobs in the United States that would be lost if the loan or guarantee were approved.

“(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

“(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee that may be used in whole or in part to purchase any long-range aircraft after a notice with respect to the application is published under clause (i), the Bank shall publish in the Federal Register a revised notice of the application and shall provide for an additional comment period as described in clause (i)(II).

“(II) MATERIAL CHANGE DEFINED.—For purposes of subclause (I), the term ‘material change’, with respect to application for a loan or guarantee that may be used in whole or in part to purchase any long-range aircraft, includes—

“(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; or

“(bb) a change in the type or number of aircraft to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

“(B) REQUIREMENT TO CONSIDER VIEWS OF ADVERSELY AFFECTED PERSONS.—Before issuing a final commitment for, or otherwise taking final action on, an application for any loan or guarantee that may be used in whole or in part to purchase any long-range air-

craft, the Board of Directors of the Bank shall consider the views of any person that submitted comments pursuant to subparagraph (A).

“(C) NOTIFICATION OF FINAL DECISION.—Not later than 7 days after the Board of Directors issues a final commitment for, or otherwise takes final action on, an application for any loan or guarantee that may be used in whole or in part to purchase any long-range aircraft, the Bank shall provide notice of the commitment or action in the Federal Register.

“(D) PUBLICATION OF CONCLUSIONS.—Not later than 30 days after a party affected by a final decision of the Board of Directors to issue a final commitment for, or otherwise take final action on, an application for a loan or guarantee that may be used in whole or in part to purchase any long-range aircraft makes a written request for an explanation of the decision, the Bank shall provide to the affected party a reasoned explanation for the decision that includes a non-arbitrary and noncapricious response to any comments that the party submitted pursuant to subparagraph (A).

“(3) PROHIBITION ON LOANS OR GUARANTEES THAT WILL CAUSE SUBSTANTIAL INJURY TO UNITED STATES AIR CARRIERS OR THEIR EMPLOYEES.—

“(A) PROHIBITION.—Notwithstanding any other provision of this Act, the Bank may not provide any loan or financial guarantee that may be used in whole or in part to purchase any long-range aircraft if the provision of the loan or guarantee will cause substantial injury to any United States air carrier or the employees of any United States air carrier.

“(B) DEFINITION.—For purposes of subparagraph (A), the provision of a loan or guarantee will cause substantial injury to a United States air carrier or its employees if the number of available seats on flights between the United States and the home country of the applicant for the loan or guarantee that will result from the provision of the loan or guarantee will equal or exceed 1 percent of the number of available seats on flights operated by United States air carriers between the United States and the home country of the applicant.

“(C) CALCULATION.—In calculating under subparagraph (B) the number of available seats on flights between the United States and the home country of an applicant for a loan or financial guarantee that will result from the provision of the loan or guarantee, the Bank shall—

“(i) presume that the applicant will use 20 percent of the long-range aircraft specified in the application, or 20 percent of the total long-range aircraft specified in all applications approved by the Bank for the applicant in the preceding 12 months, whichever is larger, to fly between the United States and the home country of the applicant; and

“(ii) multiply the number of aircraft determined under clause (i) by the average number of seats on all long-range aircraft specified in the application.

“(4) ADMINISTRATIVE PROCEDURE ACT.—The actions of the Bank under this subsection shall comply with, and be reviewable under, chapter 7 of title 5, United States Code. This subsection shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.”

SEC. 804. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Export-Import

Bank of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of the Bank in implementing the recommendations contained in the report of the Government Accountability Office entitled “Export-Import Bank: Improvements Needed in Assessment of Economic Impact”, dated September 12, 2007 (GAO-07-1071), that includes—

(1) a detailed description of the progress made in implementing each such recommendation; and

(2) for any such recommendation that has not yet been implemented, an explanation of the reasons the recommendation has not been implemented.

SA 1875. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE —FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES

SEC. 01. SHORT TITLE.

This title may be cited as the “Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012”.

SEC. 02. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the

rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

SEC. 03. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

SEC. 04. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “603,” after “601.”;

(2) in paragraph (2), by inserting “603,” after “601.”;

(3) by striking paragraph (3) and inserting the following:

“(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

“(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

“(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.”; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking “, and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.”.

SEC. 05. PERIODIC REVIEW.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, each agency shall establish a plan for the periodic review of—

“(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

“(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

“(2) In reviewing rules and small entity compliance guides under paragraph (1), the

agency shall determine whether the rules and guides should—

“(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

“(B) continue in effect without change.

“(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

“(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

“(b) Each plan established under subsection (a) shall provide for—

“(1) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

“(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

“(B) every 9 years thereafter; and

“(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

“(A) not later than 9 years after the publication of the final rule in the Federal Register; and

“(B) every 9 years thereafter.

“(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the economic impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

“(C) the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

“(A) Congress; and

“(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

“(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

“(1) a brief description of each rule or guide;

“(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

“(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

“(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

“(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

“(B) notify the head of the agency of—

“(i) the results of the determination under subparagraph (A); and

“(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

“(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

“(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

“(i) determine whether the agency has addressed the issues identified in the notice; and

“(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

“(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph (B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

“(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).”.

SEC. 06. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “a covered agency” and inserting “an agency designated under subsection (d)”;

and

(B) by striking “a covered agency” each place it appears and inserting “the agency”;

(2) by striking subsection (d) and inserting the following:

“(d)(1) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, the Environmental Protection Agency, the Bureau of Consumer Financial Protection, and the Occupational Safety and Health Administration of the Department of Labor shall be—

“(A) agencies designated under this subsection; and

“(B) subject to the requirements of subsection (b).

“(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

“(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012;

“(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012; and

“(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012.

“(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.”; and

(3) in subsection (e)(1), by striking “the covered agency” and inserting “the agency”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(B) in paragraph (2), by striking “A covered agency, as defined in section 609(d)(2),” and inserting “The Bureau of Consumer Financial Protection”.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111 203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(ii) by striking “the agency” and inserting “the Bureau”.

SEC. 07. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.

Section 601(2) of title 5, United States Code, is amended by inserting after “public comment” the following: “and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)”.

SEC. 08. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking “but only” and all that follows through the period at the end and inserting “but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.”.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 03 of this title, is amended—

(1) in paragraph (6), by striking “and” at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

“(7) the term ‘collection of information’ has the meaning given that term in section 3502(3) of title 44;

“(8) the term ‘recordkeeping requirement’ has the meaning given that term in section 3502(13) of title 44; and”.

SEC. 09. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking “Each agency” and inserting the following:

“(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency”; and

(B) by adding at the end the following:

“(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.”; and

(2) in subsection (c)—

(A) by striking “Agencies shall report” and all that follows through “the scope” and inserting “Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope”; and

(B) by striking “and the total amount of penalty reductions and waivers” and inserting “the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)”.

SEC. 10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is required—

“(A) a reasonable period before publication of the rule by the agency; and

“(B) in any event, not later than 3 months before the date on which the agency publishes the rule.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (2)—

(i) by inserting “detailed” before “statement” each place it appears; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(C) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111-240; 124 Stat. 2251), by inserting “detailed” before “statement”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by

another law and that satisfies the requirement under section 602, 603, or 604.”.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.”.

SEC. 11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by adding at the end the following:

“(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

“(A) publishing an initial regulatory flexibility analysis for public comment; or

“(B) re-proposing the rule with an initial regulatory flexibility analysis.

“(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

“(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

“(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

“(C) the number of affected small entities for which that cost will be significant.

“(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

“(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

“(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.”.

SEC. 12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.

Section 203 of Public Law 94 305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”;

(3) by inserting after paragraph (6) the following:

“(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.”.

SEC. 13. FUNDING AND OFFSET.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Small Business Administration, for any costs of carrying out this title and the amendments made by this title (including the costs of hiring additional employees)—

(1) \$1,000,000 for fiscal year 2013;

(2) \$2,000,000 for fiscal year 2014; and

(3) \$3,000,000 for fiscal year 2015.

(b) OFFSET.—The amount appropriated for the appropriations account appropriated under the heading “SALARIES AND EXPENSES” under the heading “SMALL BUSINESS ADMINISTRATION” under the heading “INDEPENDENT AGENCIES”—

(1) for fiscal year 2013 may not exceed the amount that is \$1,000,000 less than the amount so appropriated for fiscal year 2012;

(2) for fiscal year 2014 may not exceed the amount that is \$2,000,000 less than the amount so appropriated for fiscal year 2012; and

(3) for fiscal year 2015 may not exceed the amount that is \$3,000,000 less than the amount so appropriated for fiscal year 2012.

SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEADING.—Section 605 of title 5, United States Code, is amended, in the section heading, by striking “Avoidance” and all that follows and inserting the following: “Incorporations by reference and certification.”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”;

and

(2) by striking the item relating to section 607 inserting the following:

“607. Quantification requirements.”.

SA 1876. Mrs. HAGAN (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

SEC. 304. RULE OF CONSTRUCTION.

Notwithstanding any other provision of this title, the amendments made by this title shall not apply to a security offered or sold in any State or territory of the United States or the District of Columbia pursuant to an exemption that is substantially equivalent to a model crowdfunding rule adopted or amended, through the affirmative vote of a majority of duly constituted representatives of State governments, by an association composed of duly constituted representatives of State governments whose primary assignment is the regulation of the securities business within those States.

SEC. 305. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 1877. Mrs. HAGAN (for herself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 46, line 8, strike “in which” and all that follows through line 22 and insert the following: “in which—

“(i) the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission; or

“(ii) the State has established a crowdfunding exemption that is substantially equivalent to a model crowdfunding rule adopted or amended, through the affirmative vote of a majority of duly constituted representatives of State governments, by an association composed of duly constituted representatives of State governments whose primary assignment is the regulation of the securities business within those States.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

(e) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not apply to a security offered or sold in any State or territory of the United States or the District of Columbia pursuant to an exemption that is substantially equivalent to a model crowdfunding rule adopted or amended, through the affirmative vote of a majority of duly constituted representatives of State governments, by an association composed of duly constituted representatives of State governments whose primary assignment is the regulation of the securities business within those States.

SEC. 306. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 307. REPORTS TO CONGRESS.

SA 1878. Mr. PORTMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for

emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —INDEPENDENT AGENCY
REGULATORY PLANNING AND ANALYSIS**

SEC. 1. SHORT TITLE.

This title may be cited as the “Independent Agency Regulatory Planning and Analysis Act of 2012”.

SEC. 2. DEFINITIONS.

In this title—

(1) the term “Administrator” means the Administrator of the Office of Information and Regulatory Affairs;

(2) the term “agency” has the same meaning as in section 3502(1) of title 44, United States Code;

(3) the term “independent regulatory agency” has the same meaning as in section 3502(5) of title 44, United States Code;

(4) the term “rule”—

(A) means a rule, as that term is defined in section 551 of title 5, United States Code; and

(B) does not include a rule of the Board of Governors of the Federal Reserve System or the Federal Open Market Committee relating to monetary policy; and

(5) the term “significant rule” means any rule that the Administrator determines is likely to—

(A) have an annual effect on the economy of \$100,000,000 or more;

(B) adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

SEC. 3. REGULATORY ANALYSIS BY INDEPENDENT AGENCIES.

(a) IN GENERAL.—The President may, by executive order, require an independent regulatory agency to comply with regulatory planning and analysis requirements applicable to other agencies, including the requirements to—

(1) assess the costs and the benefits of a rule;

(2) adopt a rule only upon a reasoned determination that the benefits of the rule justify the costs of the rule;

(3) use the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, a rule;

(4) identify and assess alternative forms of regulation and, to the extent feasible, specific performance objectives, rather than specifying the behavior or manner of compliance that regulated entities are required to adopt;

(5) seek the views, whenever feasible, of appropriate State, local, and tribal officials before imposing regulatory requirements that might significantly or uniquely affect State, local, or tribal governmental entities;

(6) avoid rules that are inconsistent or incompatible with, or duplicative of, other rules of the independent regulatory agency or other agencies;

(7) examine whether an existing rule (or other law) has created, or contributed to, the problem that a new rule is intended to correct and whether the rule (or other law) should be modified to achieve the intended goal of the rule more effectively;

(8) tailor the rules of the independent regulatory agency to impose the least burden on society, consistent with achieving the regulatory objectives, and taking into account, among other factors, and to the extent practicable, the cumulative cost of rules; and

(9) draft each rule to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from uncertainty.

(b) REVIEW BY OFFICE OF INFORMATION AND REGULATORY AFFAIRS.—

(1) REQUIREMENT TO SEEK REVIEW.—The President may, by executive order, require an independent regulatory agency to submit any proposed or final significant rule to the Administrator for review.

(2) NONBINDING DETERMINATION.—An executive order issued under paragraph (1) may require that the Administrator place in the rulemaking record of a significant rule the Administrator’s determination whether the rule complies with any regulatory planning and analysis requirement made applicable to the independent regulatory agency by executive order.

(3) REASONED EXPLANATION BY INDEPENDENT AGENCY.—An executive order issued under paragraph (1) may require that, if the Administrator makes a determination under paragraph (2) that a proposed or final significant rule does not comply with the requirements described in paragraph (2), the head of the independent regulatory agency that issued the rule shall include in the record of the rulemaking—

(A) a reasoned determination that the rule complies with the requirements, notwithstanding the determination of the Administrator; or

(B) a reasoned determination, based on the statute authorizing the rule, why the independent regulatory agency chose not to comply with the requirements.

SEC. 4. LIMITED JUDICIAL REVIEW.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this title shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.

(b) REVIEW.—

(1) JURISDICTION.—Except as provided in paragraph (2), any person that is adversely affected or aggrieved by a determination by the head of an independent regulatory agency under section 3(b)(3) is entitled to judicial review in accordance with chapter 7 of title 5, United States Code.

(2) STANDARD OF REVIEW.—A court reviewing a determination by the head of an independent regulatory agency under section 3(b)(3) shall hold unlawful and set aside the determination if the determination is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the authority of the President with respect to independent regulatory agencies under any other applicable law.

SA 1879. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —INDEPENDENT AGENCY
REGULATORY PLANNING AND ANALYSIS**

SEC. 1. SHORT TITLE.

This title may be cited as the “Independent Agency Regulatory Planning and Analysis Act of 2012”.

SEC. 2. DEFINITIONS.

In this title—

(1) the term “Administrator” means the Administrator of the Office of Information and Regulatory Affairs;

(2) the term “agency” has the same meaning as in section 3502(1) of title 44, United States Code;

(3) the term “independent regulatory agency” has the same meaning as in section 3502(5) of title 44, United States Code;

(4) the term “rule”—

(A) means a rule, as that term is defined in section 551 of title 5, United States Code; and

(B) does not include a rule of the Board of Governors of the Federal Reserve System or the Federal Open Market Committee relating to monetary policy; and

(5) the term “significant rule” means any rule that the Administrator determines is likely to—

(A) have an annual effect on the economy of \$100,000,000 or more;

(B) adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

SEC. 3. REGULATORY ANALYSIS BY INDEPENDENT AGENCIES.

(a) IN GENERAL.—The President may, by executive order, require an independent regulatory agency to comply with regulatory planning and analysis requirements applicable to other agencies, including the requirements to—

(1) assess the costs and the benefits of a rule;

(2) adopt a rule only upon a reasoned determination that the benefits of the rule justify the costs of the rule;

(3) use the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, a rule;

(4) identify and assess alternative forms of regulation and, to the extent feasible, specific performance objectives, rather than specifying the behavior or manner of compliance that regulated entities are required to adopt;

(5) seek the views, whenever feasible, of appropriate State, local, and tribal officials before imposing regulatory requirements that might significantly or uniquely affect State, local, or tribal governmental entities;

(6) avoid rules that are inconsistent or incompatible with, or duplicative of, other rules of the independent regulatory agency or other agencies;

(7) examine whether an existing rule (or other law) has created, or contributed to, the problem that a new rule is intended to correct and whether the rule (or other law) should be modified to achieve the intended goal of the rule more effectively;

(8) tailor the rules of the independent regulatory agency to impose the least burden on society, consistent with achieving the regulatory objectives, and taking into account,

among other factors, and to the extent practicable, the cumulative cost of rules; and

(9) draft each rule to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from uncertainty.

(b) REVIEW BY OFFICE OF INFORMATION AND REGULATORY AFFAIRS.—

(1) REQUIREMENT TO SEEK REVIEW.—The President may, by executive order, require an independent regulatory agency to submit any proposed or final significant rule to the Administrator for review.

(2) NONBINDING DETERMINATION.—An executive order issued under paragraph (1) may require that the Administrator place in the rulemaking record of a significant rule the Administrator's determination whether the rule complies with any regulatory planning and analysis requirement made applicable to the independent regulatory agency by executive order.

(3) REASONED EXPLANATION BY INDEPENDENT AGENCY.—An executive order issued under paragraph (1) may require that, if the Administrator makes a determination under paragraph (2) that a proposed or final significant rule does not comply with the requirements described in paragraph (2), the head of the independent regulatory agency that issued the rule shall include in the record of the rulemaking—

(A) a reasoned determination that the rule complies with the requirements, notwithstanding the determination of the Administrator; or

(B) a reasoned determination, based on the statute authorizing the rule, why the independent regulatory agency chose not to comply with the requirements.

SEC. 4. LIMITED JUDICIAL REVIEW.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this title shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.

(b) REVIEW.—

(1) JURISDICTION.—Except as provided in paragraph (2), any person that is adversely affected or aggrieved by a determination by the head of an independent regulatory agency under section 3(b)(3) is entitled to judicial review in accordance with chapter 7 of title 5, United States Code.

(2) STANDARD OF REVIEW.—A court reviewing a determination by the head of an independent regulatory agency under section 3(b)(3) shall hold unlawful and set aside the determination if the determination is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the authority of the President with respect to independent regulatory agencies under any other applicable law.

SA 1880. Mr. PORTMAN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for

emerging growth companies; which was ordered to lie on the table; as follows:

At the end of title IV of the amendment, add the following:

SEC. 817. REPORT BY THE EXPORT-IMPORT BANK OF THE UNITED STATES ON IMPLEMENTATION OF RECOMMENDATIONS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of the Bank in implementing the recommendations contained in the report of the Government Accountability Office entitled "Export-Import Bank: Improvements Needed in Assessment of Economic Impact", dated September 12, 2007 (GAO-07-1071), that includes—

(1) a detailed description of the progress made in implementing each such recommendation; and

(2) for any such recommendation that has not yet been implemented, an explanation of the reasons the recommendation has not been implemented.

SA 1881. Mr. PORTMAN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of title IV of the amendment, add the following:

SEC. 417. REPORT BY THE EXPORT-IMPORT BANK OF THE UNITED STATES ON IMPLEMENTATION OF RECOMMENDATIONS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of the Bank in implementing the recommendations contained in the report of the Government Accountability Office entitled "Export-Import Bank: Improvements Needed in Assessment of Economic Impact", dated September 12, 2007 (GAO-07-1071), that includes—

(1) a detailed description of the progress made in implementing each such recommendation; and

(2) for any such recommendation that has not yet been implemented, an explanation of the reasons the recommendation has not been implemented.

SA 1882. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

"(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

"(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B)."

SA 1883. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 72, after line 25, add the following:

(d) DEFINITION OF ACCREDITED INVESTOR RULES.—Not later than the date on which the Commission revises its rules pursuant to subsection (a), the Commission shall, by rule or regulation, revise its rules to modify the definition of the term "accredited investor" in section 230.501 of title 17, Code of Federal Regulations—

(1) to include a natural person under section 230.501(a)(5) of title 17, Code of Federal Regulations, only if the person has an individual net worth, or joint net worth with the spouse of that person, at the time of the purchase that exceeds \$3,000,000, or such higher amount as the Commission may determine better serves the public interest;

(2) to include a natural person under section 230.501(a)(6) of title 17, Code of Federal Regulations, only if the person—

(A) had an individual income in excess of \$600,000 in each of the 2 most recently completed calendar years, or joint income with the spouse of that person in excess of \$900,000 in each of those years; and

(B) has a reasonable expectation of reaching the same income level in the current year, or such higher amounts as the Commission may determine better serve the public interest; and

(3) to increase the amounts specified in paragraphs (1) and (2) (or such higher amounts as the Commission may determine better serve the public interest) not less than frequently than annually, at a rate at least equal to the rate of any growth in the gross national product for the preceding year.

SA 1884. Mr. MERKLEY (for himself, Mr. BENNET, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital

markets for emerging growth companies; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—CROWDFUNDING

SEC. 301. SHORT TITLE.

This title may be cited as the “Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012” or the “CROWDFUND Act”.

SEC. 302. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

“(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

“(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

“(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

“(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

“(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

“(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

“(D) the issuer complies with the requirements of section 4A(b).”.

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

“SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

“(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

“(1) register with the Commission as—

“(A) a broker; or

“(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

“(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

“(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

“(4) ensure that each investor—

“(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

“(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

“(C) answers questions demonstrating—

“(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

“(ii) an understanding of the risk of illiquidity; and

“(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

“(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

“(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

“(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

“(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

“(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

“(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

“(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

“(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

“(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

“(A) the name, legal status, physical address, and website address of the issuer;

“(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

“(C) a description of the business of the issuer and the anticipated business plan of the issuer;

“(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer under section 4(6) within the preceding 12-month period, have, in the aggregate, target offering amounts of—

“(i) \$100,000 or less—

“(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

“(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;

“(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

“(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

“(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

“(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

“(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

“(H) a description of the ownership and capital structure of the issuer, including—

“(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

“(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

“(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

“(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

“(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

“(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

“(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

“(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

“(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

“(5) comply with such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—

“(1) ACTIONS AUTHORIZED.—

“(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

“(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

“(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—

“(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

“(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

“(3) DEFINITION.—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

“(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.

“(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—

“(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

“(A) to the issuer of the securities;

“(B) to an accredited investor;

“(C) as part of an offering registered with the Commission; or

“(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

“(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

“(f) APPLICABILITY.—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—

“(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

“(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;

“(3) is an investment company, as defined in section 3 of the Investment Company Act of 1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

“(4) the Commission, by rule or regulation, determines appropriate.

“(g) RULE OF CONSTRUCTION.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).

“(h) CERTAIN CALCULATIONS.—

“(1) DOLLAR AMOUNTS.—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(2) INCOME AND NET WORTH.—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”

(c) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) DISQUALIFICATION.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) INCLUSIONS.—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) EXEMPTION.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”

(b) RULEMAKING.—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) EXEMPTION.—

(1) IN GENERAL.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) LIMITED EXEMPTION FOR FUNDING PORTALS.—

“(1) IN GENERAL.—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”

(2) RULEMAKING.—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) DEFINITION.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(80) FUNDING PORTAL.—The term ‘funding portal’ means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”.

SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”.

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”.

(c) NOTICE FILINGS PERMITTED.—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) FEES NOT PERMITTED ON CROWDFUNDED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(d) FUNDING PORTALS.—

(1) STATE EXEMPTIONS AND OVERSIGHT.—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) FUNDING PORTALS.—

“(A) LIMITATION ON STATE LAWS.—Except as provided in subparagraph (B), no State or po-

litical subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) EXAMINATION AND ENFORCEMENT AUTHORITY.—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

SA 1885. Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . TIMELY PAYMENT OF SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(s) REGULATIONS RELATING TO TIMELY PAYMENTS.—

“(1) REGULATIONS REQUIRED.—

“(A) IN GENERAL.—Subject to subparagraph (B), not later than 12 months after the date of enactment of this subsection, the Federal Acquisition Regulatory Council, in consultation with the Director of the Office of Management and Budget and the Administrator, shall propose regulations to require prime contractors awarded a contract by the Federal Government to make timely payments to their subcontractors that are small business concerns. Such regulations may provide for exemptions, as appropriate.

“(B) OTHER REGULATIONS.—If the Administrator, in consultation with the Federal Acquisition Regulatory Council and the Director of the Office of Management and Budget, determines that the requirements under section 8(d)(12) are sufficient to ensure that prime contractors make timely payments to subcontractors that are small business concerns, the regulations issued under section 8(d)(12)(E) shall be deemed to satisfy the requirement to propose regulations under subparagraph (A) of this paragraph.

“(2) CONSIDERATIONS.—In proposing the regulations under paragraph (1), the Administrator, in consultation with the Federal Acquisition Regulatory Council and the Director of the Office of Management and Budget, shall consider—

“(A) requiring a prime contractor to pay a subcontractor that is a small business concern for satisfactory performance that fulfills the terms of the subcontract not later than 30 days after the date on which the prime contractor receives a payment from the Federal Government, unless the prime contractor has a legal obligation to make an earlier payment;

“(B) developing—

“(i) incentives for prime contractors that pay subcontractors in accordance with the regulations; or

“(ii) late interest payments or penalties for prime contractors that do not pay subcontractors in accordance with the regulations;

“(C) requiring that any subcontracting plan under paragraph (4) or (5) of section 8(d) contain a detailed description of when and how subcontractors will be paid; and

“(D) including data in the Past Performance Information Retrieval System relating to whether contractors have made timely payments to subcontractors that are small business concerns.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 638(d)(6)) is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) in subparagraph (G)(ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(H) any information required to be included under the regulations issued under section 15(s).”.

SA 1886. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKELY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of title IV of the amendment, add the following:

SEC. 417. POLICY OF THE UNITED STATES WITH RESPECT TO FINANCING BY EXPORT CREDIT AGENCIES FOR THE SALE OF LONG-RANGE AIRCRAFT.

(a) IN GENERAL.—It is the policy of the United States, when negotiating export credit arrangements or similar agreements at the Organisation for Economic Co-operation and Development or similar multilateral institutions, to seek the elimination of financial assistance provided by export credit agencies for the sale of long-range aircraft.

(b) LONG-RANGE AIRCRAFT DEFINED.—In this section, the term “long-range aircraft”, with respect to the sale of aircraft for which an export credit agency provides export financing, means aircraft that have a range that is equal to or greater than the shortest distance between—

(1) the country the government of which has primary jurisdiction over the air carrier that receives the export financing; and

(2) the country in which the export credit agency is located.

SA 1887. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKELY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of title IV of the amendment, add the following:

SEC. 417. REPORT ON MEASURES TO REMEDY SUBSIDIES PROVIDED BY FOREIGN EXPORT CREDIT AGENCIES TO UNITED STATES ENTITIES.

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the United States Trade Representative and the Secretary of Commerce shall jointly submit to Congress a report identifying and assessing measures that may be taken by the United States Government to counteract subsidies described in subsection (b).

(b) **SUBSIDIES DESCRIBED.**—A subsidy described in this subsection is a subsidy—

(1) provided by an export credit agency of a foreign country to a United States entity; and

(2) that is inconsistent with the limitations imposed on the Export-Import Bank of the United States—

(A) by the Organisation for Economic Co-operation and Development or any other multilateral institution; or

(B) pursuant to any international agreement.

(c) **UNITED STATES ENTITIES DEFINED.**—In this section, the term “United States entity” means an entity organized under the laws of the United States or any jurisdiction within the United States.

SA 1888. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKELY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

Strike section 413.

SA 1889. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKELY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—STORM SHELTER TAX RELIEF
SEC. 801. DEDUCTION FOR PURCHASE, CONSTRUCTION, AND INSTALLATION OF A SAFE ROOM OR STORM SHELTER.

(a) **IN GENERAL.**—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating section 224 as section 225, and

(2) by inserting after section 223 the following new section:

“SEC. 224. SAFE ROOM OR STORM SHELTER PURCHASE, CONSTRUCTION, AND INSTALLATION EXPENSES.

“(a) **ALLOWANCE OF DEDUCTION.**—

“(1) **IN GENERAL.**—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the qualified storm shelter expenses paid by the taxpayer during the taxable year.

“(2) **MAXIMUM DOLLAR AMOUNT PER SHELTER.**—The deduction allowed by paragraph (1) with respect to each qualified storm shelter shall not exceed \$2,500.

“(b) **DEFINITIONS.**—For purposes of this section—

“(1) **QUALIFIED STORM SHELTER EXPENSES.**—The term ‘qualified storm shelter expenses’ means expenses (including labor) for the purchase, construction, and installation of a qualified storm shelter.

“(2) **QUALIFIED STORM SHELTER.**—The term ‘qualified storm shelter’ means a storm shelter or safe room—

“(A) the design of which is capable of withstanding an EF5 tornado, and

“(B) which is first placed in service by the taxpayer as an attachment to a dwelling—

“(i) which was placed in service prior to the placed in service date of such storm shelter or safe room,

“(ii) which serves as the principal residence (within the meaning of section 121) of the taxpayer, and

“(iii) with respect to which no other qualified storm shelter is attached.

“(c) **SPECIAL RULES.**—

“(1) **DENIAL OF DOUBLE BENEFIT.**—No deduction shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed to the taxpayer under any other provision of this chapter.

“(2) **BASIS REDUCTION.**—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

“(d) **TERMINATION.**—This section shall not apply to taxable years beginning after December 31, 2012.”.

(b) **CONFORMING AMENDMENT.**—Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 224(c)(2).”.

(c) **CLERICAL AMENDMENT.**—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 224 and inserting the following new items:

“224. Safe room or storm shelter purchase, construction, and installation expenses.

“225. Cross reference.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 802. COMMUNITY DEVELOPMENT FUND.

Of amounts made available under the heading “COMMUNITY DEVELOPMENT FUND” under the heading “COMMUNITY PLANNING AND DEVELOPMENT” under the heading “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT” under title II of the Department of Housing and Urban Development Appropriations Act, 2010 (Public Law 111-117; 123 Stat. 3083) and under section 2240 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10; 125 Stat. 195) and not otherwise obligated, \$60,000,000 are rescinded.

SA 1890. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging

growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REGISTRATION AND REPORTING EXEMPTIONS RELATING TO PRIVATE EQUITY FUNDS ADVISORS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3) is amended by adding at the end the following:

“(o) **EXEMPTION OF AND REPORTING REQUIREMENTS BY PRIVATE EQUITY FUNDS ADVISORS.**—

“(1) **IN GENERAL.**—Except as provided in this subsection, no investment adviser shall be subject to the registration or reporting requirements of this title with respect to the provision of investment advice relating to a private equity fund or funds, provided that each such fund has not borrowed and does not have outstanding a principal amount in excess of twice its invested capital commitments.

“(2) **MAINTENANCE OF RECORDS AND ACCESS BY COMMISSION.**—Not later than 6 months after the date of enactment of this subsection, the Commission shall issue final rules—

“(A) to require investment advisers described in paragraph (1) to maintain such records and provide to the Commission such annual or other reports as the Commission taking into account fund size, governance, investment strategy, risk, and other factors, as the Commission determines necessary and appropriate in the public interest and for the protection of investors; and

“(B) to define the term private equity fund for purposes of this subsection.”.

SA 1891. Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mr. CARDIN, Mr. FRANKEN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1 ____ . ENERGY MARKETS.

(a) **FINDINGS.**—Congress finds that—

(1) the Commodity Futures Trading Commission was created as an independent agency, in 1974, with a mandate—

(A) to enforce and administer the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) to ensure market integrity;

(C) to protect market users from fraud and abusive trading practices; and

(D) to prevent and prosecute manipulation of the price of any commodity in interstate commerce;

(2) Congress has given the Commodity Futures Trading Commission authority under the Commodity Exchange Act (7 U.S.C. 1 et seq.) to take necessary actions to address market emergencies;

(3) the Commodity Futures Trading Commission may use the emergency authority of the Commission with respect to any major market disturbance that prevents the market from accurately reflecting the forces of supply and demand for a commodity;

(4) Congress declared in section 4a of the Commodity Exchange Act (7 U.S.C. 6a) that excessive speculation imposes an undue and unnecessary burden on interstate commerce;

(5) according to an article published in *Forbes* on February 27, 2012, excessive oil speculation “translates out into a premium

for gasoline at the pump of \$.56 a gallon" based on a recent report from Goldman Sachs;

(6) on March 9, 2012—

(A) the supply of crude oil and gasoline was higher than the supply was on March 6, 2009, when the national average price for a gallon of regular unleaded gasoline was just \$1.94; and

(B) demand for gasoline in the United States was lower than demand was on June 20, 1997;

(7) on March 12, 2012, the national average price of regular unleaded gasoline was over \$3.82 a gallon, the highest price ever recorded in the United States during the month of March;

(8) during the last quarter of 2011, according to the International Energy Agency—

(A) the world oil supply rose by 1,300,000 barrels per day while demand only increased by 700,000 barrels per day; but

(B) the price of Texas light sweet crude rose by over 12 percent;

(9) on November 3, 2011, Gary Gensler, the Chairman of the Commodity Futures Trading Commission testified before the Senate Permanent Subcommittee on Investigations that "80 to 87 percent of the [oil futures] market" is dominated by "financial participants, swap dealers, hedge funds, and other financials," a figure that has more than doubled over the past decade;

(10) excessive oil and gasoline speculation is creating major market disturbances that prevent the market from accurately reflecting the forces of supply and demand; and

(11) the Commodity Futures Trading Commission has a responsibility —

(A) to ensure that the price discovery for oil and gasoline accurately reflects the fundamentals of supply and demand; and

(B) to take immediate action to implement strong and meaningful position limits to regulated exchange markets to eliminate excessive oil speculation.

(b) ACTIONS.—Not later than 14 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall use the authority of the Commission (including emergency powers)—

(1) to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commission, on or through which energy futures are traded; and

(2) to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations, or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

SA 1892. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PROHIBITION ON FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR PERSONS OR PROJECTS IN COUNTRIES THAT HOLD DEBT INSTRUMENTS OF THE UNITED STATES.

(a) IN GENERAL.—Notwithstanding any other provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States may not provide any guarantee, insurance, or extension of credit (or participate in the extension of credit) to a person or with respect to a project in a country the government or central bank of which holds debt instruments of the United States.

(b) DEBT INSTRUMENTS OF THE UNITED STATES DEFINED.—In this section, the term "debt instruments of the United States" means bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government.

SA 1893. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PROHIBITION ON FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR ENTITIES THAT GENERATE MORE THAN \$1,000,000,000 IN REVENUE ANNUALLY.

Notwithstanding any other provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States may not provide any financing (including any guarantee, insurance, extension of credit, or participation in the extension of credit) to an entity that generated more than \$1,000,000,000 in revenue in the preceding calendar year.

SA 1894. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ LIMITATION ON FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES TO FINANCING EXPORTS BY SMALL BUSINESS CONCERNS.

Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking "20 percent" and inserting "100 percent".

SA 1895. Mr. JOHNSON of Wisconsin submitted an amendment intended to

be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 9, line 8, strike "company" and all that follows through page 10, line 4 and insert the following: "company need not present more than 2 years of audited financial statements in order for the registration statement of such emerging growth company with respect to an initial public offering of its common equity securities to be effective, and in any other registration statement to be filed with the Commission, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations (or any successor thereto), for any period prior to the earliest audited period presented in connection with its initial public offering."

SA 1896. Ms. SNOWE (for herself, Mrs. GILLIBRAND, Ms. MURKOWSKI and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ FAIRNESS IN WOMEN-OWNED SMALL BUSINESS CONTRACTING.

(a) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "who are economically disadvantaged";

(B) in subparagraph (C), by striking "paragraph (3)" and inserting "paragraph (4)";

(C) by striking subparagraph (D); and

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(2) by adding at the end the following:

"(7) **SOLE SOURCE CONTRACTS.**—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A)."

(b) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(o) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—

"(1) **STUDY.**—The Administrator shall periodically conduct a study to identify any United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

"(2) **REPORT.**—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report."

SA 1897. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON AMOUNT OF FINANCING THAT MAY BE PROVIDED TO AN ENTITY BY THE EXPORT-IMPORT BANK OF THE UNITED STATES.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by adding at the end the following:

“(4) LIMITATION.—The Bank shall not have outstanding at any one time loans, guarantees, and insurance in an aggregate amount in excess of 5 percent of the applicable amount in paragraph (2) with respect to exports by a single entity (including any entities owned or controlled by that entity).”.

SA 1898. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROGRAMS OF THE SMALL BUSINESS ADMINISTRATION.

(a) AUTHORIZATION.—For fiscal year 2013, the Administrator may make \$4,000,000,000 in guarantees of debentures for programs under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(b) FAMILY OF FUNDS.—Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking “\$225,000,000” and inserting “\$350,000,000”.

(c) LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—Section 1122(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 696 note) is amended by striking “2 years” and inserting “3 years”.

SA 1899. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____ —JUMPSTARTING SMALL BUSINESSES

Subtitle A—Small Business Administration

SEC. ____11. FAIRNESS IN WOMEN-OWNED SMALL BUSINESS CONTRACTING.

(a) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section

8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “who are economically disadvantaged”;

(B) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(C) by striking subparagraph (D); and

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(2) by adding at the end the following:

“(7) SOLE SOURCE CONTRACTS.—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A).”.

(b) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

“(1) STUDY.—The Administrator shall periodically conduct a study to identify any United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

“(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

SEC. ____12. GUARANTEES OF DEBENTURES UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) AUTHORIZATION.—For fiscal year 2013, the Administrator may make \$4,000,000,000 in guarantees of debentures for programs under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(b) FAMILY OF FUNDS.—Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking “\$225,000,000” and inserting “\$350,000,000”.

(c) LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—Section 1122(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 696 note) is amended by striking “2 years” and inserting “3 years”.

SEC. ____13. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—

(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”; and

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

SEC. ____14. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM TECHNICAL CORRECTION.

Section 7(1)(4)(B) of the Small Business Act (15 U.S.C. 636(1)(4)(B)) is amended by inserting “under the Program” after “to the eligible intermediary by the Administrator”.

SEC. ____15. REMOVAL OF SUNSET DATES FOR CERTAIN PROVISIONS OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “does not exceed” and all that follows and inserting “does not exceed \$5,000,000.”.

(b) DENIAL OF LIABILITY.—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking “bonds exceeds” and all that follows and inserting “bonds exceeds \$5,000,000.”.

Subtitle B—Contracting Fraud Prevention

SEC. ____21. SHORT TITLE.

This subtitle may be cited as the “Small Business Contracting Fraud Prevention Act of 2012”.

SEC. ____22. DEFINITIONS.

In this subtitle—

(1) the term “8(a) program” means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the term “Administrator” means the Administrator of the Small Business Administration;

(3) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this subtitle; and

(4) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 23. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Whoever” and all that follows through “oneself or another” and inserting the following: “A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person”; and

(ii) by amending subparagraph (A) to read as follows:

“(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 35;”;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

“(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’);”;

(C) by adding at the end the following:

“(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

“(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

“(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.”;

(2) by striking subsection (e) and inserting the following:

“(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.”;

(3) by adding at the end the following:

“(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

“(1) in order to allow any person to participate in any program of the Administration; or

“(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

“(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 35, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

“(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

“(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

“(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.”.

SEC. 24. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking “means a veteran” and all that follows and inserting the following: “means—

“(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

“(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.”.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) VETERAN STATUS.—

“(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

“(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

“(B) register with—

“(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

“(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

“(2) VERIFICATION OF STATUS.—

“(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

“(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

“(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

“(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

“(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) INTEGRATION OF DATABASES.—Not later than 1 year after the date of enactment of this Act, the Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

SEC. 25. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).”

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

SEC. 26. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) HUBZONE PROGRAM.—The term ‘HUBZone program’ means the program established under section 31.

“(9) HUBZONE MAP.—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”

SEC. 27. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-

year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (4), and the reason for each such decision.

SA 1900. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—

(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”; and

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

SA 1901. Mr. RUBIO (for himself, Mr. NELSON of Florida, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —OTHER PROVISIONS

SEC. 01. PROHIBITION ON TREASURY REGULATIONS WITH RESPECT TO INFORMATION REPORTING ON CERTAIN INTEREST PAID TO NONRESIDENT ALIENS.

Except to the extent provided in Treasury Regulations as in effect on February 21, 2011, the Secretary of the Treasury shall not require (by regulation or otherwise) that an information return be made by a payor of interest in the case of interest—

(1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986, and

(2) which is paid—

(A) to a nonresident alien, and

(B) on a deposit maintained at an office within the United States.

SA 1902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. THRESHOLD FOR REGISTRATION.

Section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)) is amended by

striking “shall—” and all that follows through “register such” and inserting “shall, not later than 120 days after the last day of any fiscal year of the issuer on which the issuer has total assets exceeding \$10,000,000 and a class of equity securities (other than an exempted security) held of record by 750 persons or more (or, in the case of an issuer that is a bank or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), by 1,250 persons or more), register such”.

SA 1903. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

Strike title V of division C with the heading entitled “Research and Innovative Technology Administration Reauthorization Act of 2012”.

PRIVILEGES OF THE FLOOR

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that Inganni Acosta, an intern for the Banking Committee, be granted floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1813

Mr. REID. Madam President, I ask unanimous consent that notwithstanding passage of S. 1813, the Moving Ahead for Progress in the 21st Century Act, the Boxer amendment No. 1903 be agreed to. The Boxer amendment is technical in nature. It strikes title V of division C with the heading entitled “Research and Innovative Technology Administrative Reauthorization Act of 2012,” which was moved to division E.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1903) was agreed to, as follows:

AMENDMENT NO. 1903

(Purpose: To make a technical correction)

Strike title V of division C with the heading entitled “Research and Innovative Technology Administration Reauthorization Act of 2012”.

DISCHARGE AND REFERRAL—S. 2076

Mr. REID. Madam President, I ask unanimous consent that S. 2076 be discharged from the Committee on Homeland Security and be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2204

Mr. REID. Madam President, S. 2204 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2204) to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Mr. REID. Madam President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 20, 2012

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Tuesday, March 20, at 10 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority the final half; that following that morning business, the Senate resume consideration of Calendar No. 334, H.R. 3606, with the time until 11:30 a.m. equally divided and controlled between the two leaders or their designees, prior to the cloture vote on the Reed of Rhode Island substitute amendment; further, that the filing deadline for second-degree amendments to the Reed substitute amendment, the Cantwell amendment, and H.R. 3606 be at 11 a.m. Tuesday; finally, that the Senate recess subject to the call of the Chair at 12:30 p.m. to allow for the weekly caucus meetings and the official photograph of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, there will be as many as three rollcall votes beginning at approximately 11:30 a.m. tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Tuesday, March 20, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

AFRICAN DEVELOPMENT FOUNDATION

EDWARD W. BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2017. (REAPPOINTMENT)

DEPARTMENT OF STATE

MARK L. ASQUINO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

NATIONAL BOARD FOR EDUCATION SCIENCES

SUSANNA LOEB, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING MARCH 15, 2016, VICE CRAIG T. RAMEY, TERM EXPIRED.

DEPARTMENT OF DEFENSE

DEREK H. CHOLLET, OF NEBRASKA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ALEXANDER VERSHBOW.

KATHLEEN H. HICKS, OF VIRGINIA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE, VICE JAMES N. MILLER, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BURTON M. FIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRUCE A. LITCHFIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CHARLES R. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SALVATORE A. ANGELELLA

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS D. WALDHAUSER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ELIZABETH L. TRAIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JONATHAN W. WHITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD D. BERKEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD P. BRECKENRIDGE

REAR ADM. (LH) WALTER E. CARTER, JR.

REAR ADM. (LH) CRAIG S. FALLER

REAR ADM. (LH) JAMES G. FOGGO III

REAR ADM. (LH) PETER A. GUMATAOTAO

REAR ADM. (LH) JOHN R. HALEY

REAR ADM. (LH) PATRICK J. LORGE

REAR ADM. (LH) MICHAEL C. MANAZIR

REAR ADM. (LH) SAMUEL PEREZ, JR.

REAR ADM. (LH) JOSEPH W. RIXEY

REAR ADM. (LH) KEVIN D. SCOTT

REAR ADM. (LH) JAMES J. SHANNON

REAR ADM. (LH) THOMAS K. SHANNON

REAR ADM. (LH) HERMAN A. SHELANSKI

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral upper half

REAR ADM. (LH) JOHN S. WELCH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C. SECTION 211(A)(2):

To be lieutenant commander

JASON A. BOYER

ERIC A. CAIN

WILLIAM E. DONOHUE

ROY EIDEM

MATTHEW A. PICKARD

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

CAROL A. FENSAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

KELLEY R. BARNES

DAVID L. GARDNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

TROY W. ROSS

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SEAN D. PITMAN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

WALTER S. CARR

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MARC E. PATRICK

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DEMETRES WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ALYSSA ADAMS

DONALD L. POTTS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DAVID T. CARPENTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL JUNGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARC E. BERNATH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JASON D. WEDDLE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEVEN A. KHALIL

HOUSE OF REPRESENTATIVES—Monday, March 19, 2012

The House met at 4 p.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day. We give You thanks for the beauty of this city as the blossoms of spring burst forth with the promise of hope.

May the minds and hearts of the Members of this people's House be similarly filled with beauty and hope as they return to the important work to be done. It is difficult and often contentious work. Bless them with peace, patience, and with good will.

Bless us this day and every day, and may all that is done within these hallowed Halls this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from American Samoa (Mr. FALEOMAVAEGA) come forward and lead the House in the Pledge of Allegiance.

Mr. FALEOMAVAEGA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

VETERANS IN SOUTH LOUISIANA DESERVE BETTER

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, last week, I was furious to learn veterans in south Louisiana must wait even longer to receive an upgrade to promised veterans' clinical services in Lafayette and Lake Charles due to bureaucratic incompetence—or something worse. After years of hard work, effort, and patience, the VA is pressing the reset button on these projects. This is unacceptable. I refuse to stand by and allow Washington to give false assurances of

hope to those who fought so bravely for our country.

As the Lake Charles American Press stated:

It took the United States and its Allies only 45 months to defeat the Axis powers of Germany, Japan, and Italy in World War II. It's obscene that 46 months after the VA announced it would open a clinic in Lake Charles, veterans are still waiting for ground to be broken.

Making broken promises like these to our Nation's veterans is shameful. I will continue to lead the fight to protect our veterans against the broken promises of the VA in Washington. I look forward to bringing specific concerns to Veterans Affairs Secretary Eric Shinseki's attention regarding this absurd incompetence.

IT'S TIME TO ACCELERATE OUR WITHDRAWAL FROM AFGHANISTAN

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Madam Speaker, the time to accelerate our withdrawal from Afghanistan has arrived. Afghanistan has very little to do with the security of most Americans. Osama bin Laden is dead, and al Qaeda is decimated. In fact, there may be 50, at the most, al Qaeda between Afghanistan and Pakistan. There are more in other parts of the world. But the reality is that the Afghans don't want people from Saudi Arabia or Egypt or Yemen or wherever telling them what to do. But neither do they want Americans telling them how to live their lives.

But while our security is not threatened, we owe a responsibility to our brave young men and women in uniform because their security is threatened, largely through reasons that were wholly out of their control. They're waging a valiant fight to do what we have asked them to do, but we have a responsibility to make sure that no lives are lost in vain. It's time to accelerate our withdrawal from Afghanistan.

REPEAL OBAMACARE IN WHOLE OR IN PART

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, this Friday marks the second anniversary of ObamaCare.

Since that day 2 years ago, we've seen multiple reports and heard firsthand the disastrous effects of the law that allowed the Federal Government to take over our health care system. People in the Fifth District of North Carolina tell me they're worried about the cost of health care and about the 15-person board that will be making decisions about their health care.

The President and Democrats said, "If you like your health care plan, you can keep it." But now we know this is not the case. The Independent Payment Advisory Board will pick and choose what should be cut from Medicare medical services. And they will do so without any accountability to the American people, to Congress, or to even the President.

As we prepare to vote on another bill that would repeal another part of this disastrous law, we should remember that Americans should have the freedom to make their own health care decisions, Mr. Speaker, and ObamaCare takes that away.

It's time to repeal ObamaCare for good, either in whole or in part.

PAYING TRIBUTE TO HIS MAJESTY THE LATE KING GEORGE TUPOU V OF TONGA

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today with sadness to pay tribute to His Majesty King George Tupou V of the Kingdom of Tonga, who passed away yesterday. I was privileged to have known His Majesty King George Tupou for many years, and I will remember him as a noble leader who was passionate about serving his people.

King George Tupou V assumed the throne in 2006, and after the death of his father, His Majesty King Taufa'ahau Tupou IV, he led the Pacific's only remaining monarchy into a more democratic form of government, introducing Tonga's first popularly elected Parliament and Prime Minister 2 years ago. He was known as a progressive leader who promoted the private sector, technological advances, and many more as an open economy.

As fellow Polynesians, the people of American Samoa share many historical and cultural ties with the people of Tonga, and we join together in giving our deepest condolences to Her Majesty Queen Mata'aho, the royal family, and the good people of Tonga.

TWO YEARS LATER, AMERICA WANTS A SECOND OPINION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, this week and next, there will be two opportunities for a thoughtful, forward course on health care here in the people's House, and across the street at the highest court of the land.

The Supreme Court next week hears out arguments on the limits to Federal control in health care. A ruling is expected later this summer. Perhaps our long national nightmare will be over. And guess what? Half of America, as reported in *The Hill* today in a poll, thinks the Supreme Court will do just that.

This week, Americans will witness the House embarking on a course of their treatment for the health care law. We are going to vote to repeal the unelected and unaccountable panel that's squeezing out patient access. We will insist on medical justice reform to drive down the costs of liability coverage for doctors who make sound treatment decisions.

Madam Speaker, the last Congress force-fed the American people a new health care law. Americans are demanding a second opinion. After revelations of unrealistic assumptions and cost overruns, Americans want a change of course, and now this Congress will act.

RECESS

The SPEAKER pro tempore (Ms. FOX). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 4 o'clock and 11 minutes p.m.), the House stood in recess.

□ 1703

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOX) at 5 o'clock and 3 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m.

FOREIGN CULTURAL EXCHANGE JURISDICTIONAL IMMUNITY CLARIFICATION ACT

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4086) to amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Cultural Exchange Jurisdictional Immunity Clarification Act".

SEC. 2. CLARIFICATION OF JURISDICTIONAL IMMUNITY OF FOREIGN STATES.

(a) IN GENERAL.—Section 1605 of title 28, United States Code, is amended by adding at the end the following:

"(h) JURISDICTIONAL IMMUNITY FOR CERTAIN ART EXHIBITION ACTIVITIES.—

"(1) IN GENERAL.—If—

"(A) a work is imported into the United States from any foreign country pursuant to an agreement that provides for the temporary exhibition or display of such work entered into between a foreign state that is the owner or custodian of such work and the United States or one or more cultural or educational institutions within the United States,

"(B) the President, or the President's designee, has determined, in accordance with Public Law 89-259 (22 U.S.C. 2459), that such work is of cultural significance and the temporary exhibition or display of such work is in the national interest, and

"(C) the notice thereof has been published in accordance with subsection (a) of Public Law 89-259,

any activity in the United States of such foreign state, or of any carrier, that is associated with the temporary exhibition or display of such work shall not be considered to be commercial activity by such foreign state for purposes of subsection (a)(3) of this section.

"(2) NAZI-ERA CLAIMS.—Paragraph (1) shall not apply in any case in which—

"(A) the action is based upon a claim that the work was taken in Europe in violation of international law by a covered government during the covered period;

"(B) the court determines that the activity associated with the exhibition or display is commercial activity, as that term is defined in section 1603(d) of this title; and

"(C) such determination is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3) of this section.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'work' means a work of art or other object of cultural significance;

"(B) the term 'covered government' means—

"(i) the Nazi government of Germany;

"(ii) any government in any area occupied by the military forces of the Nazi government of Germany;

"(iii) any government established with the assistance or cooperation of the Nazi government of Germany; and

"(iv) any government that was an ally of the Nazi government of Germany during the covered period; and

"(C) the term 'covered period' means the period beginning on January 30, 1933, and ending on May 8, 1945."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4086 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Ohio (Mr. CHABOT), a leader on the Judiciary Committee, for introducing this legislation. I also want to thank Mr. CONYERS and Mr. COHEN for their support as well.

This bill preserves the ability of U.S. museums and educational institutions to continue to borrow foreign government-owned artwork and artifacts for temporary exhibition or display. The United States has long recognized the importance of encouraging a cultural exchange of ideas through exhibitions of artwork loaned from abroad. Cultural exchanges produce substantial benefits to the educational and cultural development of all Americans. The future success of these exchanges depends on foreign lenders having confidence that loaning artwork to U.S. institutions will not open them up to lawsuits in U.S. courts.

For 40 years, the Immunity from Seizure Act provided foreign government lenders with this confidence. However, rulings in several recent Federal cases have caused that confidence to unravel. In these decisions, the courts have determined that the Immunity from Seizure Act does not preempt the Foreign Sovereign Immunities Act, which provides U.S. courts with jurisdiction in cases against foreign countries.

The effect has been to open foreign governments up to the jurisdiction of U.S. courts simply because they loaned artwork to an American museum or educational institution. This has seriously threatened the ability of U.S. institutions to borrow foreign government-owned artwork. It has also resulted in cultural exchanges being curtailed as foreign government lenders have become hesitant to permit their artwork to travel to the United States.

The bill addresses this situation. It provides that if artwork is granted immunity by the State Department under the Immunity from Seizure Act, then the loan of that artwork cannot subject a foreign government to the jurisdiction of U.S. courts under the Foreign Sovereign Immunities Act.

This is very narrow legislation. It only applies to one of the many grounds of jurisdiction under the Foreign Sovereign Immunities Act. It requires the State Department to grant the artwork immunity under the Immunity from Seizure Act before the provisions of the bill apply. And in order to preserve the claims of victims of the Nazi government and its allies during World War II, the bill has an exception for claims brought by these victims.

If we want to encourage foreign governments to continue to lend artwork to American museums and educational institutions, we must enact this legislation. Without the protections this bill provides, rather than lending artwork to U.S. institutions, foreign governments will simply deny American loan requests. So I urge my colleagues to support this bill.

Madam Speaker, at this time I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), who is the author of this legislation and an active member of the Judiciary Committee.

Mr. CHABOT. I would like to thank my colleague, the distinguished chairman of the Judiciary Committee (Mr. SMITH of Texas) for yielding the time. He explained it much better than I can, but I'll take a stab at it myself.

H.R. 4086 is really a straightforward bill which would better clarify the relationship between the Immunity from Seizure Act and the Foreign Sovereign Immunities Act. Since 1965, the Immunity from Seizure Act has provided the executive branch with authority to grant foreign artwork and other objects of cultural significance immunity from seizure by U.S. courts. The purpose of this was to encourage loaning and sharing exhibitions between U.S. and foreign museums.

However, there is now a conflict between the Immunity from Seizure Act and the Foreign Sovereign Immunities Act that has interrupted this friendly exchange. Essentially, a provision of the Foreign Sovereign Immunities Act allows U.S. courts to have jurisdiction over foreign governments when their artwork is temporarily imported into the U.S., putting foreign artwork and artifacts at risk of seizure.

□ 1710

Unfortunately, this has led, in many instances, to foreign governments declining to import into our country artwork and cultural objects for temporary exhibitions. In order to maintain the exchange of government-owned artwork and artifacts, Congress

should clarify the relationship between these two acts in question.

This bill would do just that, ensuring that American museums like the Cincinnati Museum Center and the Cincinnati Art Museum, two in my district, can continue to enjoy international artwork and cultural artifacts. Enacting this legislation will remove a major obstacle to foreign loans and exchanges to American museums.

I urge my colleagues to support H.R. 4086, and I would also thank the gentleman from California (Mr. BERMAN) and the gentleman from Michigan (Mr. CONYERS) for their leadership and their support in this effort.

Mr. SMITH of Texas. Madam Speaker, we have no other speakers on this side, and I yield back the balance of my time.

Mr. BERMAN. Madam Speaker, I rise in strong support of the bill, and I yield myself such time as I may consume.

Madam Speaker, this bill arises from a tension between a 1963 statute providing foreign art collectors immunity from seizure and the Foreign Sovereign Immunities Act. It specifically stems from a 2007 court decision that broadened the expropriation exemption under the FSIA and allowed for suits on artwork already immunized under the 1963 law. The Los Angeles County Museum of Art and other museums have made clear to me the chilling effect of that decision on artistic exchanges.

This bill resolves the inconsistency between the Foreign Sovereign Immunities Act and the 1963 statute and protects critical cultural exchanges. Specifically, the bill would clarify that foreign states are immune from lawsuits that seek damages for artwork that may already be immune from seizure pursuant to a Presidential determination.

I support this bill for several reasons:

First, cultural and artistic exchanges are a powerful form of democracy that foster mutual understanding, and this bill would remove obstacles to such exchanges;

Second, the bill is narrowly crafted. It provides sovereign immunity only in cases in which the President already immunized the artwork in question;

Third, H.R. 4086 includes an exception for Nazi-era claims. This carve-out is consistent with longstanding American policy to seek restitution when possible for victims of the Nazi government, its allied governments and its affiliated governments.

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I strongly support H.R. 4086, the "Foreign Cultural Exchange Jurisdictional Immunity Clarification Act," as amended. This is a bipartisan bill that the Judiciary Committee ordered favorably reported by voice vote.

This bill contains a narrowly tailored fix to the expropriation exception of the Foreign

Sovereign Immunities Act of 1976 that would clarify that the exception is not available in cases where:

artwork or a cultural object is imported into the United States for temporary exhibit or display pursuant to an agreement between a foreign state that owns or has custody of the work and a U.S. cultural or educational institution;

the work has been granted immunity from seizure by the President pursuant to the Immunity from Seizure Act because it is of cultural significance and its temporary exhibit or display is in the national interest; and

the President's determination has been published pursuant to IFSA.

The bill also clarifies that its provisions do not apply to Nazi-era claims regarding the ownership of art or cultural objects.

In short, this bill immunizes foreign states from lawsuits that seek damages for artwork that is already immune from seizure pursuant to a Presidential determination when the work is in the U.S. for temporary exhibition.

I am an original cosponsor of this bill for several reasons.

First, H.R. 4086 will make the FSIA consistent with the purpose underlying the Immunity from Seizure Act.

The IFSA was intended to encourage foreign states to lend their artwork and other cultural property to American museums and educational institutions for the cultural and educational benefit of the American people.

We enacted the IFSA in 1965 at the height of the Cold War to immunize certain artwork owned by the Soviet Union so that the Soviets would lend the artwork to the University of Richmond for a temporary exhibit.

We recognized then, and continue to recognize now, that as a general matter, the benefits of the cultural exchange fostered by temporary exhibits or displays of artwork outweigh the provision of a U.S. forum for disputes about the ownership of cultural property that is held by a foreign government.

The benefits of cultural exchange include an increased understanding of and appreciation for foreign cultures, a decrease in xenophobia and prejudice, and perhaps even some diplomatic benefit in fostering mutual respect between our Nation and other nations.

IFSA worked well for 40 years. Unfortunately, the court's decision in *Malewicz [Malevich] v. City of Amsterdam* broadened the scope of the FSIA's expropriation exception to the point where it undermined IFSA.

The court construed the term "commercial activity" as used in the FSIA to include the temporary exhibit of artwork in the United States. This triggered the expropriation exception to sovereign immunity even though the works at issue in *Malewicz* had been immunized from seizure by the President.

The *Malewicz* case has had a chilling effect on loans of cultural property from foreign states.

According to a letter urging my support for this bill that I received from Graham W.J. Beal, Director of the Detroit Institute of Arts, both the Russian and Czech governments are refusing to lend works of art to American museums in the wake of this court decision.

Additionally, the Metropolitan Museum of Art withdrew a loan request to a Middle Eastern

museum out of fear that once the works were in the U.S., their presence would be used as grounds for a lawsuit.

H.R. 4086 resolves the inconsistency between the IFSA and the FSIA created by the Malewicz decision by ensuring that any work that the President has immunized from seizure pursuant to IFSA will also immunize the foreign government owner of that work from a suit for damages under FSIA.

Second, the sovereign immunity provided for under this bill is limited to a very specific set of circumstances.

H.R. 4086 does not cover every possible claim concerning the ownership of artwork owned by a foreign government. For instance, the expropriation exception could be available for any claim concerning works that have not received immunity from seizure under IFSA.

Similarly, the expropriation exception remains available for a work that is not in the United States on temporary exhibit or display pursuant to an agreement.

Additionally, H.R. 4086 leaves untouched the other exceptions to sovereign immunity provided for in the FSIA, including the general "commercial activity" exception.

Third, I can support H.R. 4086 because it makes an exception for Nazi-era claims.

This carve-out is consistent with longstanding American policy to seek restitution when possible for victims of the Nazi government, its allied governments, and its affiliated governments.

In light of the unique historical sensitivities surrounding the Nazi government's deliberate campaign to steal artwork from its victims, H.R. 4086 rightfully ensures that victims of the Nazis are not foreclosed from pursuing damages for stolen art, even at the cost of foreclosing cultural exchange.

H.R. 4086 is an exceedingly modest bill that will nonetheless foster tremendous benefits for the American people.

I applaud Representative STEVE CHABOT, the sponsor of this bill, as well as my fellow co-sponsors, Judiciary Chairman LAMAR SMITH and Representative STEVE COHEN, for their leadership on this issue.

I urge my colleagues to support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4086, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ALLOWING ISRAELI ELIGIBILITY FOR CERTAIN VISAS

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3992) to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NONIMMIGRANT TRADERS AND INVESTORS FROM ISRAEL.

Israel shall be deemed to be a foreign state described in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) for purposes of clauses (i) and (ii) of such section if the Government of Israel provides similar nonimmigrant status to nationals of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3992 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

H.R. 3992 is legislation that was introduced by our colleague, HOWARD BERMAN, which I have cosponsored, and I appreciate his leadership on this issue. The Judiciary Committee approved this legislation by voice vote. The bill adds Israel to the list of countries eligible for E-2 visas.

E-2 visas are temporary visas available for foreign investors. A foreign national may be admitted initially for a period of 2 years under an E-2 visa and can apply for extensions in 2-year increments. The U.S. has entered into treaties of commerce that contain language similar to the E-2 visas since at least 1815, when we entered into a Convention to Regulate Commerce with the United Kingdom.

Currently, the nationals of over 75 countries are eligible for E-2 status, from Albania to the Ukraine. In fiscal year 2010, over 25,000 aliens, including dependents, were granted E-2 visas.

In the past, countries became eligible for the E-2 program through treaties signed with the U.S. However, in 2003, the Judiciary Committee reached an understanding with the U.S. Trade Representative that, from now on, no immigration provisions were to be included in future trade agreements. As a result, specific legislation would be required to add countries to the E-2 program.

In order to qualify for an E-2 visa, an investor has to have a controlling interest in and demonstrate that they will develop and direct the enterprise. In addition, the investor has to invest and put at risk a substantial amount of

capital. This is measured by a proportionality test: the higher the cost of the business, the lower the proportion of its total value the investment has to represent. In addition, the investment has to be large enough to ensure the investor's financial commitment to the enterprise and that the investor will successfully develop and direct it.

I urge my colleagues to support H.R. 3992, and I again thank my colleague, Congressman BERMAN of California, for introducing a commonsense bill that helps spur job creation and economic growth here at home and also invest in our relationship with one of our closest allies. The investments in business enterprises fostered by this bill benefit the economies of both the United States and Israel, and they also will create jobs and strengthen the already strong friendship between the United States and Israel.

Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I rise in support of H.R. 3992, a bill that places Israel on the list of countries eligible to receive E-2 treaty investor visas, and I yield myself as much time as I may consume.

I would like to begin by thanking Chairman SMITH for his strong support of this bipartisan legislation and for moving it quickly through the Judiciary Committee and to the floor. I also want to thank, along with Chairman SMITH, Chairman GALLEGLY and Ranking Member LOFGREN of the Immigration Subcommittee, as well as Chairman ROS-LEHTINEN of the Foreign Affairs Committee, for their support and authorship of this legislation.

This legislation will encourage further investment by Israeli business leaders in the United States and lead to the creation of more jobs for American workers. The scope of the legislation is narrow, but at a time when so many Americans are looking for work and families are struggling to make ends meet, every little bit helps.

Israel is one of our closest allies and a leading investor in the U.S. economy. H.R. 3992 will further strengthen the bonds between our two countries while helping to create U.S. jobs.

There are many hundreds of Israeli companies present in the United States and hundreds of U.S. companies doing business in Israel. E-2 treaty investor visas will enable the business communities in both countries to expand their bilateral investment flow.

Currently, there are over 75 countries whose nationals are eligible for E-2 treaty investor visas. These nations range from Albania to Togo to the United Kingdom. This bill adds merely one country, which is already a significant business partner and contributor to our economic strength. We should be doing everything we can to bring additional Israeli innovations and technologies to the United States.

Israel is an incubator of entrepreneurship, already a global leader in security and defense technologies, medicine, agriculture, and clean energy. Our Nation will benefit greatly from bringing their innovations and scientific advancements to our shores; it would spur investment and introduce new products to the U.S. market.

Recently, a Tel-Aviv biotechnology company developed an advanced cell therapy product that has been used in Israel to achieve a drastic reduction of the mortality rate in patients with deep wound infections. The company invested in an FDA-approved facility in the United States that is engaged in the clinical production of cells.

□ 1720

This Israeli biotech company needs to temporarily transfer one of their executives to the United States to develop, direct, and to oversee local manufacturing to ensure a successful operation. An E-2 treaty investor visa would facilitate this process and allow other Israeli entrepreneurs to explore similar business opportunities with the confidence and assurance that they will be able to monitor their investments.

By passing this bill, Israeli investors are one step closer to expanding their business to our country and creating jobs for American workers. Israel is a trusted friend and a special ally, and this legislation expands business opportunities that will provide economic benefits for both countries. I urge my colleagues to support its passage.

Madam Speaker, I ask unanimous consent that the remarks of the ranking member of the Immigration Subcommittee, Ms. LOFGREN, be included in the RECORD.

The SPEAKER pro tempore. The gentleman's request will be covered by the earlier general leave order.

Mr. BERMAN. I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Judiciary Committee.

Mr. CONYERS. I thank the gentleman for yielding.

I'm glad that we can make this change of bringing together these deserving countries. I hope the bipartisan efforts coming from the Committee on the Judiciary, from both Chairman SMITH and from senior member HOWARD BERMAN, will be a foundation on which to consider additional immigration reforms, reforms that are desperately needed to help families and businesses across this country.

I rise today in support of H.R. 3992, a bipartisan proposal that would make Israel eligible to participate in the E-2 "Treaty Investor" visa program, which is now available to 79 other countries.

Although larger reform of our immigration laws has remained elusive, there are small places where we can work across the aisle to pass commonsense legislation and achieve incremental, but important, results.

H.R. 3992—introduced by my friend, Representative HOWARD BERMAN, along with Judiciary Chairman LAMAR SMITH, Foreign Affairs Chairwoman ILEANA ROS-LEHTINEN, and Immigration Subcommittee Ranking Member ZOE LOFGREN—is just such a bill.

This bipartisan bill allows citizens of Israel to come to the United States on E-2 visas for "treaty investors" if those individuals make substantial investments in businesses in the United States. And, those visas would only be available if Israel provides similar visas to U.S. citizens seeking to invest in businesses in Israel.

As I just mentioned, the E-2 visa program is currently available to citizens of 79 other countries. This list includes our closest allies and trading partners, including the United Kingdom, Canada, Mexico, Japan, Jordan, and South Korea. And it also includes countries that are perhaps less obvious, such as Pakistan, Honduras, Liberia, and Iran.

With a population of less than 8 million people, Israel is the United States' 22nd largest export market. Yet Israel is not currently eligible for E-2 visas. By expanding eligibility to Israeli citizens, and by Israel's expansion of similar visas to U.S. investors, we should see an increase in trade and investment beneficial to both nations.

I am glad that we can make this change for Israel and I look forward to working with HOWARD BERMAN and Chairman SMITH to afford this same opportunity to perhaps additional, deserving countries.

I also hope today's bipartisan efforts will provide a foundation to consider additional immigration reforms—reforms that are desperately needed to help businesses and families in my district in Michigan and across the country.

I thank Mr. BERMAN for introducing this bill. And I thank Chairman SMITH and Chairwoman ILEANA ROS-LEHTINEN of the Foreign Affairs Committee for their support of this important piece of legislation.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Madam Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BERMAN. I would like to introduce the entire statement of Ranking Member CONYERS and subcommittee Ranking Member LOFGREN into the RECORD. I am unclear whether I am able to do that at this time.

The SPEAKER pro tempore. Permission for all Members to revise and extend their remarks was previously obtained by unanimous consent.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in strong support of H.R. 3992. Introduced by my friend and colleague from California, HOWARD BERMAN, this bipartisan bill will allow Israeli nationals who want to make substantial investments and create jobs in the United States to obtain E-2 "treaty investor" visas, if the Government of Israel extends an equivalent status to U.S. citizens.

An E-2 visa is a temporary, nonimmigrant visa that permits foreign investors to temporarily live and work in the U.S. if they make a substantial investment in an enterprise in the United States. Nationals of 79 countries are now eligible for E-2 visa status, including almost all of the United States' allies and trading partners.

Yet Israel, one of our closest and dearest allies, is not on the list.

Since April 3, 1954, Israel has been eligible for E-1 visas through the E-1 "treaty trader" program, which makes temporary visas available to employees of firms engaged in substantial trade between our two countries. These visas helped increase trade between our two nations, which saw trade exceeding \$36 billion in 2009. In 2009, Israel was the company to invest cash and inventory into a medical equipment company based in Massachusetts.

The E-2 visa program would create an incentive for these investments, and many others. Those investments in the United States will benefit both countries economically, helping to spur economic growth and job creation. And all of this with one of our country's closest and most steadfast allies. This bill is essentially a no-brainer.

It is not easy these days to find common ground on immigration issues. Mr. BERMAN deserves a good deal of credit for finding an area where we can find such common ground and for working with our Republican colleagues to make this a bipartisan bill. I want to extend my thanks to him for identifying this deficiency in our current immigration law, crafting a smart solution and then marshaling broad support for its adoption. Our country will be more prosperous, as will Israel, as a result of his efforts.

I also thank Chairman SMITH and Chairwoman ILEANA ROS-LEHTINEN of the Foreign Affairs Committee for their support of this important piece of legislation.

I urge my colleagues to support the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3992.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 23 minutes p.m.), the House stood in recess.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. POE of Texas) at 6 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2087, REMOVING RESTRICTIONS FOR ACCOMACK COUNTY LAND PARCEL

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-415) on the resolution (H. Res. 587) providing for consideration of the bill (H.R. 2087) to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia, which was referred to the House Calendar and ordered to be printed.

ALLOWING ISRAELI ELIGIBILITY FOR CERTAIN VISAS

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to suspend the rules previously postponed.

The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3992) to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 61, as follows:

[Roll No. 111]

YEAS—371

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishiek
Berg
Berkley
Berman
Biggart
Billbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Doyle
Dreier
Duffy

Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
LoBiondo
Loeb sack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Maloney
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—61

Akin
Bachus
Bishop (GA)
Bono Mack
Brady (PA)
Campbell
Crawford
Davis (IL)
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Ellison
Farr
Filner
Gingrey (GA)
Gonzalez
Grijalva
Gutierrez
Heinrich
Hinchey
Honda
Jackson (IL)
Johnson (IL)
Kinzinger (IL)
Lee (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Mack
Manzullo
Marchant
Marino
Markey
Moran
Murphy (CT)
Pascarell
Paul
Polis
Rangel
Reed
Richmond
Rohrabacher
Rush
Sanchez, Loretta
Schilling
Schock
Shuler
Sires
Speier
Terry
Towns
Turner (NY)
Velázquez
Walsh (IL)
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

□ 1855

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on Monday, March 19, 2012, I had a previously scheduled meeting with constituents in Champaign, Illinois. As a result, I am unable to attend votes this evening. Had I been present, I would have voted "yea" on H.R. 3992, to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House chamber today. Had I been present, I would have voted "yea" on rollcall vote 111.

Mr. DOLD. Mr. Speaker, due to district business, I was unavoidably back in my Congressional District on March 19, 2012. Had I been present, I would have voted "yea" on H.R. 3992, to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

Mr. FILNER. Mr. Speaker, on rollcall 111, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. PASCARELL. Mr. Speaker, I want to state for the record that on March 19, 2012, I missed the one rollcall vote of the day.

Had I been present, I would have voted "yea" on rollcall vote No. 111, on the motion to suspend the rules and pass H.R. 3992—To allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

Ms. WILSON of Florida. Mr. Speaker, on rollcall No. 111, had I been present, I would have voted "yea."

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 2012.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives, U.S.
Capitol, Washington, DC.

DEAR MR. SPEAKER: I write to let you know that I have submitted the attached letter to the Governor of Washington to tender my resignation from the United States House of Representatives effective at 12:01 a.m. Eastern Time on Tuesday, March 20, 2012.

It has been a high honor to serve in the people's House. I have fervent hopes that in the years to come the House will serve to continue America's effort to always bend the arc of the moral universe towards justice.

Very truly yours,

JAY INSLEE,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 2012.

Hon. CHRISTINE GREGOIRE,
Governor of Washington,
Office of the Governor, Olympia, WA.

DEAR GOVERNOR GREGOIRE: I write to tender my resignation from the United States House of Representatives effective at 12:01 a.m. Eastern Time on Tuesday, March 20, 2012.

It has been a high honor to serve in the people's House. I have fervent hopes that in the years to come the House will serve to continue America's effort to always bend the arc of the moral universe towards justice.

Very truly yours,

JAY INSLEE,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2920

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor on H.R. 2920.

The SPEAKER pro tempore (Mr. GIBSON). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 229

Mr. KISSELL. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor from H. Res. 229.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HONORING DR. CHARLES GILCHRIST ADAMS

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. CONYERS. Mr. Speaker, even though he is very much alive, I rise this evening to celebrate the inspired life and contributions of the Reverend Dr. Charles Adams, who, on April 30 of this year, will be completing his teaching at the Harvard Divinity School, where he has for years conducted these important courses that he has taught.

Earlier, he was the head of the largest NAACP chapter in the Nation, the

Detroit chapter. He has inspired countless numbers of people on this planet to a greater faith and in the necessity to follow up with the work to produce the change, the compassion that in some ways, sometimes large and other times small, can dispense hope in a community, a State, a Nation, and sometimes even a world.

DR. CHARLES GILCHRIST ADAMS

PASTOR, HARTFORD MEMORIAL BAPTIST CHURCH
WILLIAM AND LUCILLE NICKERSON PROFESSOR
OF THE PRACTICE OF ETHICS AND MINISTRY,
HARVARD DIVINITY SCHOOL

Charles G. Adams, one of the most prominent ministers in the United States, an acclaimed preacher and leader on faith-based urban revitalization has been Pastor of Hartford Memorial Baptist Church since 1969. From 1962 to 1969 Dr. Adams served as Pastor of the historic Concord Baptist Church in Boston, Massachusetts. He has lectured on homiletics and Black Church Studies at Boston University, Andover Newton School of Theology, Central Baptist Seminary in Kansas City, and Iliff School of Theology in Denver, Colorado.

Charles Gilchrist Adams, was born December 13, 1936, in Detroit, Michigan. He was baptized by his granduncle, the late Gordon Blaine Hancock, of Richmond, Virginia. He attended Fisk University where he was President of the Sophomore Class and Vice President of the Student Council.

He graduated with honors from the University of Michigan and Harvard University and went on to become a doctoral fellow in Union Theological Seminary in New York City. He has been awarded twelve honorary doctorates from such institutions as Morehouse College, Marygrove College, Dillard University, Morris College, Kalamazoo College in Kalamazoo Michigan, and the University of Michigan.

From 1962 to 1969, Dr. Adams served as Pastor of the historic Concord Baptist Church in Boston, Massachusetts, followed by an appointment as the Pastor of Hartford Memorial Baptist Church in Detroit, Michigan, in 1969. He has lectured on homiletics and Black Church studies in Boston University, Andover Newton School of Theology, Central Baptist Seminary in Kansas City, and Iliff School of Theology in Denver, Colorado. He lectured seven times at Boston University School of Theology in a course on the Black Church taught by Professor Preston Noah Williams.

In April 1989, Dr. Adams was invited to speak before the United Nations on South African apartheid. In August 1990, he was a speaker for the World Congress of the Baptist World Alliance in Seoul, Korea. His theme was "Together In Christ We Love."

In 1991, Dr. Adams addressed the Seventh General Assembly of the World Council of Churches in Canberra, Australia, and spoke on the 157 theme, "Come Holy Spirit, Renew The Whole Creation. At this Assembly, he was elected to their organization's Central Committee. He recommended the World Council use its offices and resources to combat racism in the U.S. and around the world, and their response was to join forces with the National Council of the Churches of Christ in the USA. Together, the organizations converged on Los Angeles in 1992 to meet with churches, gang leaders, public officials and citizens in order to bring about a lasting peace after the riots following the verdict in the beating of Rodney King.

Dr. Adams was the 1993-94 Conference Preacher for Hampton University Ministers

Conference held in Hampton, Virginia. He has been awarded twelve honorary doctorates from colleges and universities across the country, has spoken before the United Nations (on South African Apartheid), and has received the coveted "Rabbi Marvin Katzenstein Award" from the Harvard Divinity School. This is given to a Harvard graduate who exhibits "a passionate and helpful interest in the lives of other people, an informed and realistic faithfulness, and an embodiment of the idea that love is not so much a way of feeling as way of acting and has a reliable sense of humor."

Dr. Adams' board affiliations include the Baptist World Alliance, the World Council of Churches, the National Council of Churches, the Congress of National Black Churches, Morehouse College (Atlanta, GA) and Morris College (Sumpter, SC). He is married to Agnes Hadley Adams and is the father of Tara Adams Washington, M.D., and the Rev. Charles Christian Adams.

BOOST OUR ENERGY SUPPLY BEFORE TAPPING SPR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, it seems the administration may open up the emergency strategic petroleum reserves under the economic theory that more supply will lower the price of oil and gasoline.

If the President's theory of supply is correct, then why not allow more oil shale leasing in the West? Why not say yes to more oil and gas lease sales in the Gulf of Mexico? Why not say yes to the Keystone pipeline? Why not remove the slow permitting processes?

If it wasn't for more oil production on nongovernment lands, the situation of supply would be even worse.

The administration wants to save us from the high cost of gasoline by increasing supply. I agree. So I've introduced legislation that would require the administration to do all of the above before it can tap into the SPR.

Let's increase our energy supply and give Americans some relief at the pump. We don't need a temporary fix in supply. We need a long-term energy supply solution.

And that's just the way it is.

□ 1900

THE SUDAN SECURITY, PEACE, AND ACCOUNTABILITY ACT

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I would like to announce that I am going to cosponsor H.R. 4169, the Sudan Security, Peace, and Accountability Act.

I'm doing this, Mr. Speaker, because it has been called to our attention that there are atrocities still taking place in Sudan. People are suffering, people are dying, and there is a possibility of

a humanitarian crisis developing. This bill will allow sanctions to be imposed.

I would also like to thank Mr. George Clooney and his father for calling these atrocities to our attention.

I hope to say more about this in the days to come.

A VOICE FOR THE CUBAN DISSIDENTS

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, ahead of Pope Benedict XVI's visit to Cuba next week, Cuban authorities detained about 70 members of the dissident group Ladies in White over the weekend, including 36 on Sunday morning as they attempted to attend mass.

The Ladies in White demonstrate peacefully in solidarity with their loved ones who were jailed during the Black Spring government crackdown 9 years ago. In recent days, the non-violent efforts of the Ladies in White have been met with the beatings and detentions that have become synonymous with the Castro tyrants. Given that this is occurring on the eve of the Pope's visit, these events are disgraceful and should be universally condemned.

Hopefully, during his visit to Cuba next month, Pope Benedict will meet with dissent leaders like the Ladies in White and Dr. Oscar Elias Biscet, who has publicly called on the Pope to engage them. By doing so, Pope Benedict will give voice to those who long for freedom and speak out in the face of brutal repercussions, and he will give hope to those who risk their lives so that one day Cuba may be free.

OUTCRY FOR SYRIA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, how much longer can we continue to watch the bloodshed and slaughter in Syria without demanding the United Nations' collaborative action providing those rebels, along with states out of the Arab League, the weapons that they need? We know that there is a hesitation to begin air attacks; but when you see the slaughter, the loss of life of women and children, it is outrageous.

We learned today that Russia joined the Red Cross in calling for a daily truce in Syria for humanitarian needs. That is not enough. Russia and China should stop their blocking of the United Nations and the Security Council of providing some aid to save the lives of innocent women and children.

This is a humanitarian crisis and it calls for a quick response. Yes, the Red Cross and humanitarian aid should be

allowed in, but we should provide for those who are trying to defend themselves against oppression the kind of support on the ground that is necessary.

Where is the Arab League? Where is the collaborative effort of the United Nations? Where is the outcry for the bloodshed in Syria?

THE HIGH PRICE OF GAS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I listened to my good friend Congressman Poe from Texas a few minutes ago, and I was wondering if the President at 1600 Pennsylvania Avenue, if he is in town and not campaigning someplace, is paying any attention. If I had a chance—and I know I can't address the President from the well, but if I could address the President from the well, I would say:

Mr. President, the people of this country are hurting; inflation is taking off on all kinds of food products and anything else that is being transported by truck. It is because of the energy costs. Gasoline is at an almost all-time high, and you, Mr. President, should be paying attention to it. We ought to be drilling off the Continental Shelf and in the ANWR and in the Gulf of Mexico, and we ought to be fracking. We ought to be also using coal and oil shale. Mr. President, you're not doing any of those things, and the people are suffering. Stay home. Pay attention, Mr. President. It's your job.

THREAT FROM HUAWEI

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise today to share troubling information that has come to my attention about Huawei, a Chinese telecom firm which is attempting to increase its market share in the U.S.

Yesterday, The Wall Street Journal reported that, "Huawei's network business has thrived at the expense of struggling Western network companies," and is "quietly building and investing in its own brand of high-end smart phones and tablets." But many Americans may not be aware that numerous government reports have linked Huawei's corporate leadership to the People's Liberation Army, raising serious concerns about its products being used for espionage by the Chinese Government.

Last week, respected national security reporter Bill Gertz wrote:

New information about Chinese civilian telecommunications companies' close support of the Chinese military and information warfare programs is raising fresh concerns.

That is why both the Bush administration and the Obama administration have repeatedly intervened to block Huawei's growth. Huawei is controlled by the same government that jails Catholic bishops and Protestant pastors, oppresses the Uyghur Muslims, has plundered Tibet, and that is providing the very rockets that Sudanese President Bashir is using to kill his own people.

Mr. Speaker, the American people have a right to know whether their government is doing everything it can to protect their cell phone and data networks from foreign espionage and cyberattacks. As Huawei increases its lobbying presence in Washington, the American people should be fully aware of the firm's intimate links to the PLA and the serious concerns of our defense and intelligence community.

I rise today to share troubling information that has come to my attention about Huawei, a Chinese telecom firm, which is attempting to increase its market share in the United States and around the world. Numerous government reports have linked Huawei's corporate leadership to the Chinese intelligence services and the People's Liberation Army (PLA), raising concerns about Huawei networks and devices being subject to espionage by the Chinese government.

These connections are particularly noteworthy given Huawei's rapid rise as a telecom giant. According to an article in yesterday's Wall Street Journal, "Huawei Technologies Co. has almost doubled its work force over the past five years as it strives to become a mobile technology heavyweight."

The article also noted that, "Huawei's network business has thrived at the expense of struggling Western network companies such as Alcatel-Lucent Co. and Nokia Siemens Networks. Initially, Huawei supplied low-cost phones to telecommunications operators in the West under their own brand, but over the past year, Huawei has also been quietly building and investing in its own brand of high-end smartphones and tablets."

Huawei executives make no secret of their goal to dominate the telecom market. In a March 6, 2012, interview with the technology news Web site, Engadget, Huawei device chief Richard Yu said, "In three years we want Huawei to be the industry's top brand."

However, Huawei's growth in the U.S. market should give all Americans serious pause. Last week, respected national security reporter Bill Gertz wrote in the Washington Free Beacon that, "New information about Chinese civilian telecommunications companies' close support of the Chinese military and information warfare programs is raising fresh concerns about the companies' access to U.S. markets," according to a report by the congressional US-China Economic and Security Review Commission. "One of the companies identified in the report as linked to the People's Liberation Army (PLA) is Huawei Technologies, a global network hardware manufacturer that has twice been blocked by the U.S. government since 2008 from trying to buy into U.S. telecommunications firms."

The congressional report noted that, "Huawei is a well established supplier of specialized telecommunications equipment, training and related technology to the PLA that has, along with others such as Zhongxing, and Datang, received direct funding for R&D on C4ISR [high-tech intelligence collection] systems capabilities."

The report further added, "All of these [Chinese telecom] firms originated as state research institutes and continue to receive preferential funding and support from the PLA," the report said.

Huawei's efforts to sell telecom equipment to U.S. networks have long troubled the U.S. defense and intelligence community, which has been concerned that Huawei's equipment could be easily compromised and used in Chinese cyberattacks against the U.S. or to intercept phone calls and e-mails from American telecom networks.

According to a 2005 report by the RAND Corporation, "both the [Chinese] government and the military tout Huawei as a national champion," and "one does not need to dig too deeply to discover that [many Chinese information technology and telecommunications firms] are the public face for, sprang from, or are significantly engaged in joint research with state research institutes under the Ministry of Information Industry, defense-industrial corporations, or the military."

In fact, in 2009, the Washington Post reported that the National Security Agency "called AT&T because of fears that China's intelligence agencies could insert digital trapdoors into Huawei's technology that would serve as secret listening posts in the U.S. communications network."

Over the last several years, Huawei's top executives' deep connections to the People's Liberation Army and Chinese intelligence have been well documented. As Gertz summarized in his article, "A U.S. intelligence report produced last fall stated that Huawei Technologies was linked to the Ministry of State Security, specifically through Huawei's chairwoman, Sun Yafang, who worked for the Ministry of State Security (MSS) Communications Department before joining the company."

That is why senior administration officials in the Bush and Obama administrations have repeatedly intervened to block Huawei's access to U.S. networks. "In 2008, the Treasury Department-led Committee on Foreign Investment in the United States (CFIUS) blocked Huawei from purchasing the U.S. telecommunications firm 3Com due to the company's links to the Chinese military," Gertz reported. "Last year, under pressure from the U.S. government, Huawei abandoned their efforts to purchase the U.S. server technology company 3Leaf. In 2010, Congress opposed Huawei's proposal to supply mobile telecommunications gear to Sprint over concerns that Sprint was a major supplier to the U.S. military and intelligence agencies."

It's not just Huawei's longstanding and tight connections to Chinese intelligence that should trouble us. Huawei has also been a leading supplier of critical telecom services to some of the worst regimes around the world. Last year, the Wall Street Journal reported that Huawei "now dominates Iran's government-controlled mobile-phone industry . . . it

plays a role in enabling Iran's state security network."

Gertz reported that Huawei has also been "linked to sanctions-busting in Saddam Hussein's Iraq during the 1990s, when the company helped network Iraqi air defenses at a time when U.S. and allied jets were flying patrols to enforce a no-fly zone. The company also worked with the Taliban during its short reign in Afghanistan to install a phone system in Kabul."

Mr. Speaker, given all of this information, there should be no doubt Huawei poses a serious national and economic security threat to the U.S. It is no secret that the People's Republic of China has developed the most aggressive espionage operation in modern history, especially given its focus on cyberattacks and cyberespionage.

Perhaps that is why Beijing has ensured that Huawei is able to continue its global market growth by "unsustainably low prices and [Chinese] government export assistance," according to January 2011 congressional report on the national security implications of Chinese telecom companies. Due to China's secrecy, the full extent of Huawei's subsidies are not be fully known. But given its unrealistically low prices, it remains unknown whether Huawei is even making a profit as it seeks to dominate the telecom market. Why would the Chinese government be willing to generously subsidize such unprofitable products?

Earlier this year, The Economist magazine published a special report on Communist Party management of Chinese corporations. The Economist reported that, "The [Communist] party has cells in most big companies—in the private as well as state-owned sector—complete with their own offices and files on employees. It holds meetings that shadow formal board meetings and often trump their decisions."

The Chinese even have an expression for this strategy: "The state advances while the private sector retreats."

Author Richard McGregor wrote that the executives at Chinese companies have a "red machine" with an encrypted line to Beijing next to their Bloomberg terminals and personal items on their desks.

Last year, the Financial Times reported that the PLA has even documented how it will use telecom firms for foreign espionage and cyberattacks. A paper published in the Chinese Academy of Military Sciences' journal noted: "[These cyber militia] should preferably be set up in the telecom sector, in the electronics and internet industries and in institutions of scientific research," and its tasks should include "stealing, changing and erasing data" on enemy networks and their intrusion with the goal of "deception, jamming, disruption, throttling and paralysis."

The same article also documented the growing number PLA-led cyber militias housed in "private" Chinese telecom firms. The article reported on one example at the firm Nanhao: "many of its 500 employees in Hengshui, just south-west of Beijing, have a second job. Since 2005 Nanhao has been home to a cybermilitia unit organized by the People's Liberation Army. The Nanhao operation is one of thousands set up by the Chinese military over the past decade in technology companies and

universities around the country. These units form the backbone of the country's internet warfare forces, increasingly seen as a serious threat at a time of escalating global cyber tensions.

Senior U.S. military and intelligence officials have become increasingly vocal about their concerns about the scope of Chinese espionage and cyberattacks. According to recent testimony given before the Senate, Defense Intelligence Agency chief General Ron Burgess said, "China has used its intelligence services to gather information via a significant network of agents and contacts using a variety of methods . . . In recent years, multiple cases of economic espionage and theft of dual-use and military technology have uncovered pervasive Chinese collection efforts."

Last year, the reticent Office of the National Counterintelligence Executive issued a warning that, "Chinese actors are the world's most active and persistent perpetrators of economic espionage." The counterintelligence office took this rare step of singling out the Chinese due to the severity of the threat to U.S. national and economic security.

And March 8, 2012 Washington Post article described how, "For a decade or more, Chinese military officials have talked about conducting warfare in cyberspace, but in recent years they have progressed to testing attack capabilities during exercises . . . The [PLA] probably would target transportation and logistics networks before an actual conflict to try to delay or disrupt the United States' ability to fight, according to the report prepared by Northrop Grumman for the U.S.-China Economic and Security Review Commission."

We are beginning to witness the consequences of this strategy. According to a March 13, 2012 New York Times article, "During the five-month period between October and February, there were 86 reported attacks on computer systems in the United States that control critical infrastructure, factories and databases, according to the Department of Homeland Security, compared with 11 over the same period a year ago."

In an interview with the New York Times, Homeland Security Secretary Janet Napolitano said, "I think General Dempsey said it best when he said that prior to 9/11, there were all kinds of information out there that a catastrophic attack was looming. The information on a cyberattack is at the same frequency and intensity and is bubbling at the same level, and we should not wait for an attack in order to do something."

A 2010 Pentagon report found ". . . In the case of key national security technologies, controlled equipment, and other materials not readily obtainable through commercial means or academia, the People's Republic of China resorts to more focused efforts, including the use of its intelligence services and other-than legal means, in violation of U.S. laws and export controls."

The report also highlighted China's cyber-espionage efforts. The U.S. intelligence community notes that China's attempts to penetrate U.S. agencies are the most aggressive of all foreign intelligence organizations.

Notably, Chinese espionage isn't limited to government agencies. In an October 4 Washington Post article, Rep. Mike Rogers, chairman of the House Intelligence Committee, remarked, "When you talk to these companies behind closed doors, they describe attacks that originate in China, and have a level of sophistication and are clearly supported by a level of resources that can only be a nation-state entity."

This prolific espionage is having a real and corrosive effect on job creation. Last year, the Washington Post reported that, "The head of the military's U.S. Cyber Command, Gen. Keith Alexander, said that one U.S. company recently lost \$1 billion worth of intellectual property over the course of a couple of days—'technology that they'd worked on for 20-plus years—stolen by one of the adversaries.'"

That is why, in February 2012 testimony before the Senate Select Committee on Intelligence FBI Director Robert Mueller said that while terrorism is the greatest threat today, "down the road, the cyber threat will be the number one threat to the country."

Mr. Speaker, I firmly believe that Huawei is one face of this emerging threat. And the American people have a right to know whether their government is doing everything it can to protect their cell phone and data networks.

As Huawei increases its lobbying presence in Washington, members should be fully aware of the firm's intimate links to the PLA and the serious concerns of our defense and intelligence community.

Verizon, Sprint, AT&T, T-Mobile and other U.S. network carriers should not be selling Huawei devices given these security concerns. But if they do, they have an obligation to inform their customers of these threats. This is especially important when carriers are selling Huawei phones and tablets to corporate customers.

They have a right to know that Beijing may be listening.

CBC HOUR: THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, tonight the Congressional Black Caucus again thanks the Democratic leader for allowing us to have this hour to talk about something very important.

As we approach the second anniversary of the Patient Protection and Affordable Care Act, a truly landmark

law that's bringing about health reforms that are helping millions of Americans not only save money but have healthier lives, we want to review some of those facts this evening, not the myths, not the misrepresentations about this great law, the facts.

There's so much that's being spread that is just flat-out wrong, wrong about the facts and wrong to tell our fellow Americans things that are just not true about this law.

At this time, I would like to begin yielding to some of my colleagues. I will begin by yielding such time as she might consume to the gentlelady from Cleveland, Ohio, Congresswoman MARCIA FUDGE.

Ms. FUDGE. Thank you so much. And I want to thank Representative CHRISTENSEN for continuing to host this hour. Thank you very much for your leadership.

Mr. Speaker, for far too long, hard-working Americans have paid the price for policies that handed free rein to insurance companies and put barriers between patients and their doctors. We all want to be in charge of our own care, and it is not too much to ask. The Affordable Care Act forces insurance companies to be responsible, prohibiting them from dropping your coverage if you get sick or billing you into bankruptcy because of an annual or lifetime limit.

For the first time, under Federal law, insurance companies are required to publicly justify their actions if they want to raise rates by 10 percent or more. The law also bans insurance companies from imposing lifetime dollar limits on health benefits, freeing cancer patients and individuals suffering from other chronic diseases from worrying about going without treatment.

The law also ensures that everyone pays their fair share and gets affordable insurance because, when people without insurance get sick, the costs get passed down to the rest of us. Despite other claims, you can keep the coverage you have if you want it, or, if you like your plan, you don't have to keep it. You can pick an affordable insurance option so that you can take responsibility for your health and your family's health.

Having everyone take responsibility for their own care started as a Republican idea, but unfortunately they have abandoned it in an effort to dismantle the new health care law. We know that the American people strongly support what the new health care law does, even though Republican rhetoric has encouraged many not to support the law. When you ask about specific provisions, you get a much clearer picture.

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According to a poll done by the Kaiser Family Foundation, 85 percent of people support the discount seniors

will get in prescription drugs, which began this year. Seventy-nine percent support subsidies to help low- and moderate-income people buy insurance, which is scheduled to start in 2014. Seventy-eight percent support tax credits to small businesses to offer coverage to workers. The credits are available starting this year. Seventy-one percent of people support prohibiting insurers from denying coverage to people with preexisting conditions, a provision that goes into effect in 2014. Sixty-six percent support making insurers meet a threshold of spending on actual medical care as opposed to administrative costs and profits. This provision goes into effect this year. Sixty-five percent support the law's provision making some preventive care services free to Medicare beneficiaries. It's now in effect. I won't keep going, but I could, Mr. Speaker.

Americans support the provisions of the Affordable Care Act because it gives them the reins. It gives them the ability to choose, not the insurance companies. Americans overwhelmingly agree that the health care system we had before was broken.

The Affordable Care Act is already helping millions of Americans as well as small businesses. 105 million Americans have had the lifetime limit on their coverage eliminated. Seventeen million children who have preexisting conditions can no longer be denied coverage by insurers. Two and a half million additional young adults now have health insurance through their parents. 360,000 small employers used the small business health care tax credit to help them afford health insurance for 2 million workers in 2011. \$2.1 billion is the amount that seniors in the doughnut hole have already saved on their prescription drugs. That's an average of \$604 per senior.

Another fundamental element of the law is the support it provides to community health centers. The Affordable Care Act increases the funding available to 179 existing community health centers in Ohio alone. Health centers in Ohio have received over \$53 million to create new health center sites in medically underserved areas and enable health centers to increase the numbers of patients served. The funds can be used to expand preventive and primary health care services. And for so many Ohioans, including my constituents, community health centers are absolutely vital.

For many reasons, this law will improve care and make Americans more healthy. It helps us keep costs under control, encourages prevention, and lets American families focus on things other than whether they will be able to get the type of care they need or go bankrupt. This bill saves lives.

Mrs. CHRISTENSEN. Thank you, Congresswoman FUDGE. And thank you for reminding us that such a large percentage of Americans, once they really

know what's in the bill and what is being provided, support the Patient Protection and Affordable Care Act.

At this time, I would like to yield such time as she might consume to the Congresswoman, the gentlelady from Texas who often joins Congresswoman FUDGE and myself on these Special Orders, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady for her kindness.

As a member of the Congressional Black Caucus, the cochair and founder of the Congressional Children's Caucus, and a member of the Health Care Task Force, it is now time to commemorate—even to celebrate—2 years of the Affordable Care Act, particularly coming from an area that embraces the Texas Medical Center, where so much research has benefited from the passage of the Affordable Care Act and the added commitment to research for any number of diseases that we are still confronted with. So I am baffled by the opposition to this bill and the usage that it has seemingly come upon during the Republican Presidential debates. For, in actuality, if they would read the bill and look at its basic premises, they would take up the cause of saying that it is a very important element of making Americans more healthy.

And I thank the gentlelady from the Virgin Islands for her leadership on health care issues and, of course, for leading this Special Order and, as well, the chairman of the Congressional Black Caucus for making sure that we are focused on how this impacts our community.

Children, in particular, won't lose their coverage just because they were born with preexisting conditions like asthma. And American families are seeing how reform is saving lives and saving money. Medicare is now stronger for seniors, and women can now get lifesaving mammograms at no extra cost. In eliminating racial and ethnic health disparities, which we worked on continuously and, as a caucus, submitted this language to the Affordable Care Act, we find that it would have reduced direct medical care expenditures by \$229.4 billion for the years 2003 to 2006. This bill was passed after that. And even though all the language that the CBC wanted to include in that bill was not included, large steps were made in terms of the elements of that bill.

This bill protects and provides for the fact that if you have an illness that is chronic, you do not have lifetime caps. Eighty-six million Americans receive free preventative care; that means they get lifesaving cancer screenings like mammograms and colonoscopies, and soon women can have their contraceptives covered without paying a copay or deductible. They are living healthier lives.

There is evidence, unfortunately, that over the years has shown that for infant mortality rates of mothers age 20-plus, race, ethnicity, and education makes a difference. For mothers with less than high school, it is high among all populations, including white women. High school, it is almost equally as high: 13.4 African-Americans per 1,000 births; 9.2 American Indians per 1,000 births; 6.5 white/non-Hispanic; 5.6 Asian/Pacific Islander; and 5.3 Hispanic.

It is shameful that we lose our newborns because of lack of health care and education. The Affordable Care Act will change that because it will create greater opportunities for access to health care. 180 million are now protected against the worst insurance abuses, like denying health care to the sick, excessive premium increases, and lifetime caps. An additional 2.5 million young adults now have insurance. That's because the Affordable Care Act allows families, parents, to keep their children on insurance until age 26. I have personally spoken to families who have said, Thank you. And lives have been saved.

What is the Affordable Care Act? It is saving lives. Forty-seven million Americans now benefit from a stronger Medicare program. The solvency of the program has been extended by 8 years. New prescription drug discounts have saved 3.6 million seniors on Medicare an average of \$600, and seniors understand that in just a few years to come, the doughnut hole will be completely closed. The worst Medicare reform we ever saw—and it was not reformed. It was actually a blight on Medicare to have something called the prescription drug part D with a big fat doughnut hole, which most seniors fell in and almost drowned. Thank goodness we are ending that aspect of it.

But let me tell you why it's important to have the Affordable Care Act. Coming from the State that I do and having experienced this past week, over the last 10 days, as we've been fighting this—and it is galvanizing—as Planned Parenthood has gone around the State of Texas, and as we watch various State laws infringe upon women's health care and access to health care—if you can imagine, a sonogram that forces a woman to look at a sonogram along with her physician. This should be a prayerful and private moment where laws do not intrude on a private decision. Or the law that says that you have to tell your employer what reason you are using contraception for. These are outrageous aspects. Or Planned Parenthood affiliates that have nothing to do with abortion in the State of Texas now are eliminated from receiving precious Medicaid dollars in the State of Texas, which has the highest number of uninsured, mostly among young women and single women with children.

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They are denying them access to health care because they are claiming that affiliates are performing abortions. They know that is not true. We're going to fight it, we're going to fight it, and we're going to fight it. One of the reasons is because the Affordable Care Act provides equal opportunity to access health care. It is shameful that the State of Texas is turning away some \$30 million to \$40 million to help women have access to health care. It is shameful that they've already cut \$76.9 million.

So I want to thank Representative Garnet Coleman, Representative Sylvester Turner, Representative Alma Allen, Representative Carol Alvarado, and a number of others who recognize that the State should take a different position and are working with me to turn the clock forward and not backwards in terms of health care for women in the State of Texas. We need all the help we can get. And the Affordable Care Act, a reasoned response to good health care, is providing that legitimate law to say that all Americans deserve access to good health care.

For my district, it improves employer-based coverage for 279,000 residents. That is the 18th Congressional District in the State of Texas. It provides credits to help pay for coverage for up to 186,000 households; improves Medicare for 70,000 beneficiaries—seniors—including closing the prescription drug doughnut hole for 5,300 seniors. It allows 16,600 small businesses to obtain affordable health care.

If we say we care about small businesses—I hear that all the time—then why are you condemning the Affordable Care Act that helps small business provide tax credits to help reduce health care insurance for up to 14,600 small businesses in the 18th Congressional District in Texas? Multiply that by 435 districts. There are millions of small businesses being helped.

It provides coverage for 187,000 uninsured residents. Remember, I said Texas is the State with the highest number of uninsured persons without health care. It protects up to 500 families from bankruptcy due to unaffordable health care costs. And when we were dealing with bankruptcies in the Judiciary Committee, one of the single most difficult elements of bankruptcy was catastrophic illnesses. It provides better health care coverage for the insured. Approximately 41 percent of the district's population of 279,000 will receive coverage from their employer.

There are many other aspects of what this insurance reform, Affordable Care Act, good health care does for Americans. And so I am happy to celebrate the Affordable Care Act because I believe that lives have been saved. Children with diabetes or children with preexisting diseases that would not

have access to health care, other than the emergency room, now can get good coverage and good care.

Finally, I would say something that we collectively supported that has been an asset in my congressional district is that a health clinic has received millions of dollars through the stimulus pursuant to our commitment to community health clinics and now has 20 patient rooms, increased jobs, and is providing good health care in that community. Community health clinics have become first-line responders to providing access to all people.

So I thank the gentlelady for allowing me to share these thoughts, but in particular I thank her for helping me acknowledge the fight we have in Texas, where women's access to health care foolishly has been denied. And incorrectly, I believe, labeling Planned Parenthood and its affiliates—in particular the affiliates, who have over the years through the Bush administration when President Bush was in office—this bill was passed in the State of Texas—but the affiliates were allowed to continue to give good health care, and no question was ever raised that they were mixing Federal dollars in their clinics that might have provided for abortions. It is against the law.

Why we are denying women in the State of Texas their health care, their lifeline, baffles all of us. But we're going to fight to the end, and look forward to working with Health and Human Services to ensure that we can fight for good health care for all Americans and the women of the State of Texas.

I rise today to celebrate the 2nd anniversary of the Affordable Health Care Act. After years of trying to ensure that all Americans will have access to health care, we passed a measure which is a step in the right direction to one day guaranteeing that every American will have access to affordable care. In March 2010, we passed and President Obama signed into law historic health care reform legislation, the Affordable Care Act (ACA).

As the founding member of the Children's Caucus and active member of the Women's Caucus I am keenly aware that having access to affordable health care will result in healthier families. As a Representative from the State of Texas I realize the importance of the ACA. Texas has the highest rate of uninsured individuals in the U.S. including the working uninsured or under insured.

Because of the ACA millions of Americans are already benefitting from this law: insurers are no longer allowed to discriminate against children and others who are sick; small businesses are receiving billions of dollars in tax credits to provide health care coverage for their employees; and seniors are saving money on prescription drugs and receiving free preventive care through Medicare.

In the 2 years since the President signed his health reforms into law, millions of Americans have already experienced firsthand its important benefits and the economic security it provides.

Medicare is now stronger for seniors, and women can now get life-saving mammograms at no extra cost.

Children won't lose their coverage just because they were born with pre-existing conditions like asthma—and American families are seeing how reform is saving lives and saving money.

Since we passed reform almost 2 years ago, Americans have seen its positive impact:

Eighty-six million Americans received free preventive care. That means they got life-saving cancer screenings like mammograms and colonoscopies, and soon women can have their contraception covered without paying a co-pay or deductible. They're living healthier lives while saving money at the same time.

One hundred eighty million are now protected against the worst insurance abuses, like denying health care to the sick, excessive premium increases and lifetime caps on the amount of care a patient can receive, and soon will be protected against gender discrimination.

An additional 2.5 million young adults now have insurance. That's because President Obama's health reform made sure they could stay on parents' plans as they enter the workforce, until they turn 26.

Forty-seven million Americans now benefit from a stronger Medicare program. The solvency of the program has been extended by 8 years, and new prescription drug discounts have saved 3.6 million people with Medicare an average of \$600.

That's just the beginning. As the law continues to phase in over the coming months, so will more of its benefits. New reforms will lower costs and raise the quality of care. Seniors will see their Medicare coverage continue to improve, and see the doughnut hole completely close.

And in 2 years, every single American, regardless of their circumstances—whether they want to change jobs, start a business or retire early, or even if they lose their job—will have access to affordable, quality health insurance. Presidents have been trying to make that happen for 70 years. President Obama got it done.

Since March 23, 2010, every family with insurance has gained important new protections, and by 2014 the law will make sure all Americans have access to affordable health insurance.

PREVENTATIVE CARE—RACIAL DISPARITIES

It is common knowledge that preventive care can save money and save lives, but too often people forego needed preventive services because of cost. Millions of African-Americans have not gotten the preventive services they need.

Twenty percent of African-American women are not up to date on their Pap smear.

Thirty-two percent of African-American women are not up to date on their mammograms.

Forty-five percent of African-Americans have never had a colon cancer screening.

The Affordable Care Act takes important steps to reverse this trend and make sure all Americans can afford the preventive care they need.

The law prohibits private insurance companies from charging a co-pay or deductible for

recommended preventive services, like mammograms, colon cancer screenings, flu shots and other immunizations, regular well-baby and well-child visits with a pediatrician, and soon, contraception. In 2011, 5.5 million African-Americans with private insurance saw their coverage for prevention expanded because of the health care law.

The law also made preventive services available to Medicare beneficiaries with no co-pay or deductible. In 2011, Medicare provided 2.4 million African-Americans with a free preventive service. Altogether, more than 73 percent of those eligible received at least one free service.

INSURANCE COMPANIES

Before the Affordable Care Act, insurance companies could arbitrarily cap and cancel families' benefits, or refuse to cover kids just because they were born with a pre-existing condition.

Before the law, 105 million Americans had lifetime caps on their care, including 10.4 million African-Americans.

Up to 129 million Americans under the age of 65 have a health condition that could make it hard to find their own insurance.

Before the health care law, some insurance companies spent as much as 40 percent of premiums on administrative overhead like marketing and CEO bonuses.

Today, the health care law has put an end to some of the worst insurance industry abuses. The law is making sure that families' insurance is really there for them when they need it by keeping insurance companies from taking advantage of consumers.

Lifetime caps have been banned for good.

Under the law, in 2014 insurance companies will be prohibited from denying coverage or charging more because of anyone's pre-existing condition.

Already because of the health care law, no insurance company can deny coverage to the up to 17 million children with pre-existing conditions like asthma and diabetes.

The health care law requires insurance companies to spend at least 80 percent of premiums on health care and quality improvement.

If an insurance company wants to raise rates by 10 percent or more, they have to justify their actions.

MEDICARE

I believe that Medicare is an essential program that must be kept strong for today's seniors and future generations. That's why the health care law filled gaps and improved coverage for every single person with Medicare, while removing wasteful subsidies for insurance companies.

Medicare provides coverage for more than 47 million Americans, including 4.9 million African-Americans.

The Affordable Care Act is closing the gap in prescription drug coverage. In 2011 alone, 3.6 million people who hit the Medicare donut hole saved an average of \$600 each on their prescription medications thanks to provisions of the Affordable Care Act.

By 2020, the donut hole will be closed for good.

Even as seniors gain these important new benefits, the health care law extended the life of the Medicare Trust Fund by eight years.

UNDER 25—CAN CONTINUE TO HAVE PARENTS

The health care law makes sure that young people who are working hard to begin their careers can stay on their family health insurance plan until they turn 26.

Before health reform was enacted, young adults were the age group most likely to be uninsured.

Today, 410,000 young African-Americans who would otherwise be uninsured have coverage because of this rule.

WOMEN'S HEALTH

Before the health care law, insurance companies were free to discriminate against women.

Women could be charged as much as 50 percent more than men for the same insurance coverage.

Women could be denied coverage because of a pre-existing condition such as cancer or even having been pregnant.

Because of the health care law, within 2 years, insurance companies will no longer be allowed to do this.

Under the Affordable Care Act, insurance companies will no longer be able to deny coverage because of pre-existing conditions nor will they be able to charge higher rates based on an individual's gender.

In 2014, all Americans soon will have access to the security that health insurance provides.

Health care is a cornerstone of economic security, but too many African-American families have gone without insurance. In fact, an estimated 8.1 million African-Americans do not have health insurance.

18TH CONGRESSIONAL DISTRICT

As I have said before it is almost hard to believe that it has only been 2 years since the Affordable Care Act was signed into law, but millions of Americans are already seeing lower costs and better coverage, this includes hundreds of thousands of people living in the 18th Congressional District of the State of Texas.

Residents of my District—ranging from young adults to seniors to children with pre-existing conditions—are all already receiving critical benefits from this new health care law. As the new benefits of the health care law continue to be implemented, I will continue to fight my Republican colleagues' efforts to repeal this critical law. Their efforts to repeal reform will put the insurance companies back in charge and will lead to higher costs and reduced benefits for millions of Americans across the country.

ACA FACTS FOR THE 18TH DISTRICT

Improve employer-based coverage for 279,000 residents.

Provide credits to help pay for coverage for up to 186,000 households.

Improve Medicare for 70,000 beneficiaries, including closing the prescription drug donut hole for 5,300 seniors in my District.

Allow 16,600 small businesses to obtain affordable health care coverage and provide tax credits to help reduce health insurance costs for up to 14,600 small businesses.

Provide coverage for 187,000 uninsured residents.

Protect up to 500 families from bankruptcy due to unaffordable health care costs.

Reduce the cost of uncompensated care for hospitals and health care providers by \$49 million.

Better health care coverage for the insured. Approximately 41 percent of the district's population, 279,000 residents, receives health care coverage from their employer. Under the legislation, individuals and families with employer-based coverage can keep the health insurance coverage they have now, and it will get better.

As a result of the insurance reforms in the bill, there will be no co-pays or deductibles for preventive care; no more rate increases or coverage denials for pre-existing conditions, gender, or occupation; and guaranteed oral, vision, and hearing benefits for children.

Affordable health care for the uninsured. Those who do not receive health care coverage through their employer will be able to purchase coverage at group rates through a health insurance exchange.

Individuals and families with an income of up to four times the federal poverty level—an income of up to \$88,000 for a family of four—will receive affordability credits to help cover the cost of coverage. Currently, there are 186,000 households in my district that could qualify for these affordability credits if they need to purchase their own coverage.

Coverage for individuals with pre-existing conditions. There are 27,600 individuals in the district that I represent who have pre-existing medical conditions that could prevent them from buying insurance. Under the ACA's insurance reforms, they will now be able to purchase affordable coverage.

Health care and financial security. There were 500 health care-related bankruptcies in my district in 2008, caused primarily by the health care costs not covered by insurance. The bill caps annual out-of-pocket costs at \$5,000 for singles and \$10,000 for families and eliminates lifetime limits on insurance coverage, ensuring that no citizen will have to face financial ruin because of high health care costs.

Security for Seniors Improving Medicare. There are 70,000 Medicare beneficiaries in my district. The health care reform legislation improves Medicare by providing free preventive and wellness care, improving primary and coordinated care, improving nursing home quality, and strengthening the Medicare Trust Fund.

Closing the Part D donut hole. Each year, 5,300 seniors in the district hit the donut hole and are forced to pay their full drug costs, despite having Part D drug coverage. The legislation will provide these seniors with immediate relief, covering the first \$500 of donut hole costs in 2010, cutting brand-name drug costs in the donut hole by 50 percent, and completely eliminating the donut hole by 2019.

SMALL BUSINESS

Helping small businesses obtain health insurance. Under the legislation, businesses with up to 100 employees will be able to join the health insurance exchange, benefitting from group rates and a greater choice of insurers. There are 16,600 small businesses in my district that will be able to join the health insurance exchange.

Tax credits for small businesses. Small businesses with 25 employees or less and average wages of less than \$40,000 will qualify for tax credits of up to 50 percent of the cost of providing health insurance. There are up to

14,600 small businesses in the district that could qualify for credits.

I yield back. I thank the gentlelady. Mrs. CHRISTENSEN. Thank you, Congresswoman SHEILA JACKSON LEE. Certainly, we know that Planned Parenthood has always followed the law. And in this Women's History Month, thank you for raising the issue of the unfair treatment of women by some of the laws like the one in Texas, the one in Virginia, and also legislation that has been attempted to be passed in the Congress of the United States.

We're also joined this evening by a Congressman from Texas, Congressman AL GREEN, who often joins us here. We're representing all of the 43 members of the Congressional Black Caucus, who know how important this law is to our communities and, really, to communities across this country. So we thank you for joining us.

I yield such time as he may consume.

Mr. AL GREEN of Texas. Thank you, Dr. CHRISTENSEN. I especially thank you for chairing the Health Care Task Force and for the outstanding job that you've done through the years. You have shown a great deal of dedication to health care for all, and I believe that those who write history will be exceedingly kind to you when they record how you fought so that every person could have health care as a matter of right as opposed to as a matter of wealth. You have done your best to make sure health care doesn't become wealth care.

I would also like to thank my colleague, SHEILA JACKSON LEE, who spoke just ahead of me and you, for the hard work that she is doing across the length and breadth of this country to help us with these issues concerning health care for all as well.

The Affordable Care Act is called the Affordable Care Act for a reason. In 2009, when we were embarking upon this transformation in health care, we were spending about \$2.5 trillion per year on health care. And \$2.5 trillion is a huge number. It is very difficult to grasp \$2.5 trillion. That \$2.5 trillion is about \$79,000 per second. That's what we were spending in 2009. That was 17.6 percent of GDP—\$79,000-plus per second. And it was projected in 2009 that in 2018 we would be spending \$4.4 trillion per year. A big number, \$4.4 trillion. How much is it really? That's \$139,000 per second, which equates to about 20.3 percent of GDP. That's \$139,000 per second.

We needed the Affordable Care Act. In the State of Texas, we were spending huge amounts of money because we had 6 million people who were uninsured—1.1 million in my county, Harris County, uninsured. Twenty percent of the State's children were uninsured. In 2009, we needed the Affordable Care Act. There was a reason why it's called the Affordable Care Act. Because upon passing it, it's projected still that it

will—and this is per CBO—that it will save a trillion dollars-plus over a 20-year period.

This bill, this legislation, reduces the cost of care. It was something that had to be done. But equally as important as reducing the cost of care, it spreads health care, about 50 million people who, but for this bill, probably would not receive some health care. I do believe that it's important that we not have 45,000 people per year die because they don't have insurance. That's a lot of folks who lose their lives. We were losing about one person every 12 minutes, I believe.

This is an important piece of legislation to save lives. It saves money. But equally as important as saving money—in my world, more important—is the fact that it saves lives. It saves the lives of children. It will cause children to have the opportunity to stay on the insurance of their parents until they are 26 years of age.

□ 1930

It closes the doughnut hole for senior citizens with their pharmaceuticals. We had a system that allowed you to pay a copay and a premium up to a certain point, and then you had to pay all of the costs of your health care, and then at another point you would again receive some additional assistance. This bill closes that doughnut hole for those who are in the twilight of life when you need pharmaceuticals the most.

By the way, the insurance companies were not eager to take on persons in the twilight of life when there is much to be spent on health care. They don't go out looking for people to insure in the twilight of life. This bill covers people to make sure they get pharmaceuticals in the twilight of life.

But it does something special for women. It is the discrimination that exists against women who get the same coverage, the same insurance that men get, but pay more because of their gender. There really is a gender bias in the insurance industry, and women pay more for similar coverage. This bill ends it. Women ought not be required to pay more because they are women. This bill ends it.

It also helps us with persons in need of preventive care. And at some point in life, we all need preventive care, so theoretically I suppose it helps everyone. But preventive care is very important. Preventive care can hold down the cost of health care. If you can treat and prevent an illness, you don't pay that inordinate amount of money you have to pay once a person has an illness and has to receive medical attention.

One such area of preventive care has to do with contraception. This is an adult conversation, and I want adults to know that men can receive their contraceptives in their neighborhoods,

bus stops and truck stops. They can receive contraceptives. It is easy for men to acquire contraceptives. If men can get them in their neighborhoods, women should be able to get them at Planned Parenthood. There is no reason why men should have easy access and women be denied access. These are matters for families to consider and individuals to make choices about, and I think that women ought to be able to make the same choices that men can make when it comes to contraception.

I would add, as I close, that this bill is going to make a difference in the lives of a lot of people. And what I regret is that many people really don't understand the positive impact that it will have on them. And it's very unfortunate because there are many people who will benefit from this bill but who do not understand how it will have a positive impact on their lives. It is unfortunate that we sometimes don't know as much about a thing as we should so that we can speak about it in terms of knowledge that we have as opposed to what we have heard.

Read the Affordable Care Act. Look at the summaries of it. No one denies—no one denies—that it allows you to keep your child on your health insurance until your child is 26 years of age. No one denies that it is closing the doughnut hole for senior citizens as it relates to their pharmaceuticals. No one denies that it will allow preventive care to take place such that people can receive treatment that will prevent them from having to go to the hospital, to give them an opportunity to remain healthy and not have to treat an unhealthy person. No one denies that it will help keep people out of the emergency rooms.

We were spending \$100 billion per year in emergency rooms in '09. People were going to emergency rooms for their pharmaceuticals and their treatments that they could receive at a general practitioner's office. This bill would end this.

This is a good piece of legislation that will help people in the dawn of life when they are born with preexisting conditions and in the twilight of life when they're in need of special attention and treatment that the wealthy can now afford.

I do believe that in this country, if we find you to be an enemy combatant and if we should mortally wound you in the process of taking you into custody, if we should wound you, perhaps not kill you but we wound you when we do capture you, if we don't mortally wound you, if we don't kill you, we will give you aid and comfort. We give aid and comfort to our enemy combatants, people who are trying to kill us. We will give them aid and comfort if we wound them in battle.

In this country, if you are a bank robber and if, on the way out of the bank we should harm you physically

when we capture you, we will give you aid and comfort. In this country, we give aid and comfort to criminals.

In this country, if you are on death row and you are on your way to meet your Maker next week, if you get sick this week, we will give you aid and comfort and send you to meet your Maker next week.

If we can give aid and comfort to the enemy combatant, if we can give aid and comfort to the criminal, if we can give aid and comfort to the person who's on death row who's going to die next week, surely we can give aid and comfort to hardworking American citizens who cannot afford health care but for the Affordable Care Act, which, by the way, mandates that every person who can afford health care acquire health care. It does not require people to buy health care who cannot afford health care.

This is the richest country in the world. One out of every 100 persons is a millionaire. In spite of all that you hear, we still are. And in this, the richest country in the world, we cannot allow health care to become wealth care.

I thank you for yielding to me, and I gladly yield back to you.

Mrs. CHRISTENSEN. Thank you, and thank you for making those points and for making them so passionately.

I know you said we'll save \$1 trillion over the next 20 years, but I am confident that the savings will be more than that when we look back on the good that this bill is going to be doing over those 20 years.

I just want to say a few words about the bill. Some of it will be repetitive.

For the first time, the Patient Protection and Affordable Care Act is finally making a significant investment in prevention. We're finally beginning to turn what is supposed to be a health care system into a real health care system and not a sick care system. The old adage, "an ounce of prevention is worth a pound of cure," is still true, and it's no more true than in health care.

In my family practice, I would see patients who had difficulty getting their preventive care, getting their mammograms, their colonoscopy and other preventive services. That will no longer be true. And so they would come in sicker. And some patients would come to me after being sick for a long, long time when they had far advanced disease. So I know that that is the same not only in my district and in my practice, but it's the same for many low- and middle-income people everywhere in this country, but especially for African-Americans, other people of color, of course the poor, and people who live in rural America.

Let's talk about African-Americans and preventive care. Twenty percent of African-American women are not up-to-date on their Pap smears; 32 percent

of African-American women are not up-to-date on their mammograms; and 45 percent of African-Americans have never had a colon cancer screening.

The Affordable Care Act, the Patient Protection and Affordable Care Act, takes important steps to reverse this trend, and makes sure that all Americans can afford the preventive care that they need.

And this will reduce the premature deaths. It is said that in this country, every year, about 88 or more thousand people die in excess numbers that should not have died if they had received the preventive care and the kind of health maintenance that we want them to have and that this legislation will allow them to finally have.

Today the life expectancy for African-American men is 7 years shorter, and for women it's 5 years shorter than our white counterparts.

There's an article I was reading on MedlinePlus. Overall, the national life expectancy was nearly 75 for men, for white men, 68 for black men; 80 for white women, and 74 for black women. Washington, D.C., the Nation's Capital, has the largest life expectancy disparities between blacks and whites: a 13.8-year disparity for men and 8.6 years for women. New Mexico had the smallest disparities.

Let me just mention some of the States with the largest disparities. More than 8 years for men: New Jersey, Nebraska, Wisconsin, Michigan, Pennsylvania, and Illinois.

□ 1940

The ones with the largest disparities for women—more than 6 years—Illinois, Rhode Island, Kansas, Michigan, New Jersey, Wisconsin, Minnesota, Iowa, Florida, and Nebraska.

Surely all Americans, but African-Americans in particular, have a serious stake in the Patient Protection and Affordable Care Act. It's clear that our lives really depend on it, but not our lives alone.

It will also, as has been said, reduce health care costs. The Joint Center for Political and Economic Studies reported about 2 years ago that the direct and indirect costs of health disparities in this country over just a 4-year period was \$1.2 trillion. We could save that money just by reducing health disparities in this country.

Of course, now 26-year-olds can stay on their parents' health insurance for the very first time. I remember when my daughter turned 22 and I had to drop her from my insurance coverage, the insurance coverage I had right here in the House of Representatives. But now, 2.2 million young people—of which 400,000 are African-Americans—are being covered on their parents' insurance.

Seventeen million children can no longer be denied because they have a preexisting disease, just because

they're sick. Children with asthma, children with sickle cell disease, and the children who are increasingly having diabetes, they can no longer be denied health coverage; they have access to health care. In 2014, that will be extended to adults, who also will not be able to be denied health insurance because of preexisting diseases. There are up to 129 million Americans under the age of 65 that have a health condition that could make it hard for them to find health insurance.

Going back to African-Americans again, who suffer disproportionately from multiple chronic diseases, we need this benefit. Deaths from cardiovascular disease were 30 percent higher in African-Americans. The prevalence of diabetes is 70 percent higher. It's also very high in the American Indian population. African-Americans represented about 55 percent of all adult AIDS cases and 65 percent of pediatric cases. And our infant mortality is more than 2.3 times higher than our white counterparts.

As you heard from Congressman GREEN, being a woman will no longer be a preexisting disease. It's amazing, being a woman is almost like having a preexisting disease. They don't deny us the insurance, but they charge more. There's another article from *The New York Times* written by Robert Pear, and I'm reading from it now. It says:

For a popular Blue Cross Blue Shield plan in Chicago, a 30-year-old woman pays \$375 a month, which is 31 percent more than what a man of the same age pays for the same coverage.

In the States that have not banned gender rating—and I think there are about 28 or so that have, 26 or so that have—but in the States that have not banned gender rating, more than 90 percent of the best-selling health plans charge women more than men.

So many testimonies of people that we heard from while we were having the hearings in preparation for developing this bill, of people who lost their coverage because they had a serious illness. I remember one lady with breast cancer. They dropped her coverage. I remember a young girl who had had a liver ailment in her infancy. She could not get coverage. Her parents almost had to sell their home and become destitute to be able to provide coverage for her. That would not happen now under this Patient Protection and Affordable Care Act.

You can't have benefits cut because of lifetime limits anymore. Before the law, 105 million Americans had lifetime caps on their care, including 10.4 million African-Americans. Who wants to go back to those days again? No one wants to go back to those days. We're not going back.

There can be no scrimping on our care to give bonuses to the CEOs, or for fancy ads. At least 80 percent of premiums must be used to provide health

care services. Before the health care law, some insurance companies spent as much as 40 percent of premiums on administrative overhead, like marketing and CEO bonuses. Now that cannot be any more than 20 percent.

I have a pet peeve about Medicare because I keep hearing especially my Republican colleagues saying that Democrats have cut \$500 billion out of Medicare. That's not exactly what happened. I think the American people understand savings. We found savings, \$500 billion worth of savings, and we used most of it to make Medicare stronger. I'll go to some of the facts here:

It reduces prescription drug costs for seniors. The health care law provides a 50 percent discount on brand-name drugs for seniors in the Medicare part D doughnut hole; 3.6 million seniors have already received that discount, saving a total of \$2.1 billion, each senior saving an average of \$604.

It provides free coverage of key preventive services; 32.5 million seniors—25.7 in traditional Medicare and 6.8 in Medicare Advantage—have already received one or more free preventive services.

It provides a free annual wellness visit. It strengthens Medicare. By providing those savings and putting them back into Medicare, we strengthen Medicare and extend its solvency by 8 years, from 2016 to 2024. We have more work to do, but we extended it by 8 years.

It helps seniors remain at home and stay out of nursing homes, and it provides nursing home residents with more protections from abuse.

The average premiums for Medicare Advantage enrollees are 7 percent lower in 2012 than they were last year. Since the health care law was enacted, those premiums have fallen by 16 percent. The Medicare part D deductible has fallen by \$22 in 2012, the first time in Medicare history the deductible has fallen.

So we didn't hurt Medicare. We did not take money out of Medicare. We found savings in Medicare, mostly from fraud and abuse, and also from leveling the reimbursement to providers so that the Medicare Advantage may have that much more reimbursement than other providers. And we made Medicare stronger. So today, 47 million Americans are benefiting from a stronger Medicare program.

We put Medicare on a stronger, more secure course; and we're not going back. We're not going to vouchers where the beneficiary will take on a lot more of the cost. We will not break our commitment to seniors and people with disabilities.

Small businesses also. We've heard that they've done well; 360,000 small businesses used tax credits and covered 2 million employees in 2011. I know those 2 million employees and the people that employ them don't want to

lose that coverage. We don't want to go back. We will oppose any attempt to take us back to the days when we could not provide health care for our small businesses to provide insurance for their employees.

As was said earlier, health care is a right. President Obama led and we worked with him to ensure that that right is there for every American. We also worked very hard, the Tri-Caucus did—the Black, Hispanic and Asian Pacific American Caucus—to include health equity as a part of this important law. In it, discrimination is expressly prohibited. There are core objectives within it to reduce health disparities and to create health equity. There is data collection. You don't know what you don't know you don't know.

There are health profession provisions to increase not only the overall health care workforce, but to make sure that that workforce looks like America, that there's diversity in that workforce, and to support institutions that train underrepresented minorities.

We created Offices of Minority Health in some agencies of the Health and Human Services that did not have them, such as SAMHSA, the Substance Abuse and Mental Health Services Administration. We know that mental health issues often go unnoticed, undiagnosed, or misdiagnosed in people of color or people of different racial and ethnic backgrounds. We need an Office of Minority Health there. We needed one at FDA to make sure that when medicines are approved, that they have been tested in minorities and people with disabilities and other comorbidities.

I've had bad experiences with CMS asking about the impact of changes of medication in end-stage renal disease, where we know that African-Americans and some other subpopulations require more of a certain medication. After a few years, we asked, What was the impact on this population group? They said, well, we don't collect data that way. We can't know what we're doing wrong or where we might have to change things to improve people's health.

I represent a territory. Although the territories did not get State-like treatment under this bill, we will finally be able to cover close to 100 percent of the Federal poverty level in our territories under Medicaid—finally.

We will have an opportunity to have an exchange. In our case, we may only cover up to 200 percent of poverty, but we're making steps. This bill has allowed us to make steps that will allow us to begin to transform our health care system and open up access to care to our constituents that they've never had before.

□ 1950

This is in the United States Virgin Islands, in Guam, American Samoa,

the Commonwealth of the Northern Marianas, and Puerto Rico. As I said, we have a lot more to do, but we made a good start with the Affordable Care Act, and we'll continue to work until all Americans, no matter where they live in this country, have equal access to health care.

And the rising costs of health care are already slowing. The best is really yet to come. In 2014 the exchanges will help to pay premiums for families that are at or below 400 percent of the Federal poverty level. Small businesses will get even more help in the form of tax credits. There will be no denial for anyone because of preexisting disease. The doughnut hole will begin to be closed.

The research that this bill creates will improve the quality of health care and make us safer. And the skyrocketing health care cost increases will stop, will start going down.

I know that there are some in this country that feel that all of this that we talk about in this bill threatens the health care that they already have, but it doesn't. It does not. It makes the health care coverage that you already have more secure. It cannot be taken away just because you're sick. There will be no lifetime limits or annual caps. And the increases in premiums are already beginning to level off, so insurance is already becoming more affordable.

The American people ought to be thanking President Obama, and I know that many do. More than 80 percent support the provisions of this bill, thanking the President for this landmark law, as important as the one that created Medicare. We ought to feel good about the fact that this country is living up to the high ideals on which it was founded, and that we will no longer be shamefully lagging behind so many countries in the health of our population, not in the richest country in the world.

I'm certain that if the Supreme Court decides on law and the Constitution, without any political activism coming into play, as they should, this good law will prevail, and more importantly, the people in our Nation will prevail.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as we celebrate the anniversary of the Affordable Care Act this week, we should reflect on the progress made in this country. It has only been two years since the Affordable Care Act was signed into law, but millions of Americans are already seeing lower costs and better coverage. This includes tens of thousands of people in the 30th District of Texas.

Texans are saving more than \$1.3 million in health care costs, an average of \$639.36 per beneficiary, and 210,700 Texans are directly saving on their Medicare prescriptions. Residents of my district, ranging from young adults

to seniors to children with pre-existing conditions, are all already receiving critical benefits. 9,100 young adults in my district now have health insurance, and 54,000 seniors have received Medicare preventative services without paying any co-pays, coinsurances, or deductibles.

Mr. Speaker, as the many benefits of the health care law continue to be implemented, I will continue to fight efforts to repeal this critical law. Republican efforts to repeal the Affordable Care Act will put the insurance companies back in charge and will lead to higher costs and reduced benefits for millions of Americans across the country.

THE ONGOING HEALTH CARE DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Arkansas (Mr. GRIFFIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. GRIFFIN of Arkansas. Mr. Speaker, I've come here to the floor tonight with my colleague from Wisconsin, Representative DUFFY, to talk about the crisis Medicare faces and to talk about the Independent Payment Advisory Board. Some call it the IPAB. It's a part of the President's health care law, and this House is going to address it this week.

But I want to start out by talking a little bit about the crisis that we're facing in this country over Medicare and what it means to our seniors. My mother is 71, and she's a Medicare recipient. She counts on Medicare. She paid into it and is now using it to take care of herself. And we've got to make sure that future generations are able to rely on, count on Medicare.

This first chart here, Mr. Speaker, shows what a significant portion of the Federal budget Medicare consumes. We have it here, \$555 billion, and that is per year. This is a yearly budget for the Federal Government.

It is widely agreed upon by Democrats and Republicans that Medicare is going bankrupt. Some estimate it's 7 years, 8 years, 10 years, but most everyone agrees, having looked at the numbers, that Medicare is going bankrupt.

I've got a quote here from Senator LIEBERMAN, who addresses a criticism that we hear a lot about the Republican reform plan on Medicare:

We can agree that Medicare is going bankrupt. We then have to ask ourselves, what are we going to do about it?

What are we doing about it? Well, the House has acted to reform Medicare. We acted last year, in 2011, as part of our budget to reform Medicare to save it. The only reason we proposed reforms to Medicare is because we want to save it. We want it to be there for the next generation.

I've heard a lot of criticism: You want to change Medicare as we know

it. I say: No, Medicare, as we know it, goes bankrupt on its own. We have to act to save Medicare, Mr. Speaker.

And in this quote of Senator LIEBERMAN, he says:

The truth is that we cannot save Medicare as we know it. We can save Medicare only if we change it.

Now, like House Republicans, I think it's fair to say, Senator LIEBERMAN is talking about what we must do for the next generation. Like our proposal, I think a lot of us agree that we can make changes to Medicare for the next generation, and for those, for example, 55 and over, leave it as it is. Why? Because people have counted on a particular way the program works, and we won't have to change that to start saving. We can just change it for the next generation.

I have another quote here I want to share with you that shows that President Obama, at least in his words, understands that we have a problem with Medicare.

If you look at the numbers, Medicare, in particular, will run out of money, and we will not be able to sustain that program, no matter how much taxes go up.

This is the President.

He continues:

I mean, it's not an option for us to just sit by and do nothing.

Unfortunately, those are just words because that is precisely what the President has done, sit by and do nothing. It's what the Senate has done. The House has acted to reform to save Medicare.

Now, the President's health care law has a provision in it, the IPAB that I referred to earlier, that impacts Medicare, but it doesn't save Medicare. It rations Medicare.

How does that work? Well, this is an unelected board, it's an unelected board that will make decisions on where Medicare is cut. So the President has had an opportunity to propose reforms to the way Medicare works, so that we can innovate and change it to save it for future generations—reform it, upgrade it, do things better. But instead, the President's approach is simply to cut the levels of spending but leave the overall functioning of Medicare the same. So no innovation, no new approach, no reform, just cut when we run out of money.

Well, what does that result in? It results in seniors not getting the care they need, and not just because services are reduced but because a lot of doctors won't take Medicare patients. This is already a problem today. Today there are seniors looking for a doctor to help them with their particular problem, and doctor after doctor says, I'm sorry; we don't take Medicare. That problem is only going to get worse if the IPAB, the Independent Payment Advisory Board that's in the President's health care law, if it does what it is scheduled to do.

Now, what are we doing about it here in the House? Well, we certainly voted to repeal the President's health care law. That passed the House, did not pass the Senate. But we've tried a lot of other ways to get at the problem, and one that we're going to do this week is to repeal the IPAB, repeal the Independent Payment Advisory Board.

□ 2000

I yield to the gentleman from Wisconsin.

Mr. DUFFY. I appreciate the gentleman from Arkansas yielding.

I want to take a couple of steps back in this conversation and first talk about the national debt.

Many Americans are well aware that today we owe well over \$15 trillion in national debt. This year alone we're going to borrow \$1.3 trillion on top of a trillion dollars last year and the year before that. There are trillion-dollar deficits as far as the eye can see.

Last year, the House Republicans put forward a budget that showed a path to balance telling the American people how we balanced the American budget at some point in the future.

Now, last year and this year, the President put out a budget, neither of which were ever balanced, never telling the American people what his plan is to bring American spending to balance with its revenues.

So we look a couple years back when the President and this House passed the Affordable Care Act, or ObamaCare, which the CBO now states that over 10 years, the rosier of projections say it's going to cost the country nearly \$2 trillion more. Even when they put out that budget or that proposal for health care reform, they're still not willing to put out a budget that says how we're going to pay for it. That concerns me.

I'm a father of six. We're spending today and passing the bill off to the next generation. It's unconscionable.

Let's actually talk about what the President and this House have passed in ObamaCare: \$2 trillion over 10 years in additional spending. It's a bill that is going to empower bureaucrats in this town to make health care decisions for Americans in every part of the country instead of your family, your health care provider, or you making that decision.

Listen, I'm from Wisconsin, and I know the values that we have in central Wisconsin. They're probably a little bit different in Arkansas or Kansas or Kentucky, Minnesota, or Michigan. I think we should allow people to make their health care decisions instead of bureaucrats in Washington.

But what concerns me the most is how ObamaCare impacts Medicare.

Now, listen. ObamaCare takes a half a trillion dollars out of Medicare and uses it to fund ObamaCare. Now, we all know in America that we have some fi-

nancial pressures on Medicare. We know that we have to come together as a country, as a community, both parties, to figure out how we're going to pay for Medicare, keep the promise to our seniors.

At a time when we're still having that debate, to think that this House would pass a bill and take a half a trillion dollars out of Medicare and use it for ObamaCare, I think that's wrong. Let's first figure out how we keep the promise to our seniors before you make a promise to anyone else with their money. That is unconscionable.

What concerns me the most is what the gentleman from Arkansas mentioned, which is the Independent Payment Advisory Board. It's the IPAB, and we haven't heard a lot about it, but I think you'll hear a lot more as the months go on. This is a board of 15 unelected bureaucrats. What they're going to do is look at reimbursement rates with Medicare, and they are going to be able to systematically reduce reimbursements to doctors, hospitals, and clinics for the care for our seniors.

Let's make no mistake. This is reimbursements for our current seniors, not for some future generation. The argument by the President goes like this: Mr. and Mrs. Senior, don't you worry about your quality of care or your access to care. We're just going to pay your doctor, your hospital, and your clinic less for your care. If you believe that, I've got oceanfront land for you in Arizona.

Of course it's going to affect our seniors' access and quality of care. When you pay less for it, you're going to get less of it. Our seniors, they worked a lifetime. They bargained. They retired based on this promise for Medicare. This proposal doesn't meet that obligation. It takes a half a trillion dollars from Medicare, but then is going to ration the care of our current seniors—seniors who can't go back into the workforce and get another job. They retired based on the promise from the Federal Government, and ObamaCare reduces that bargain that's been made with our seniors.

Mr. GRIFFIN of Arkansas. Will the gentleman yield for a quick point?

Mr. DUFFY. Sure.

Mr. GRIFFIN of Arkansas. What really scares me is that this restricted access to health care, to Medicare that you're talking about, it already exists. The IPAB, the Independent Payment Advisory Board, that's in ObamaCare that will cut the amount of reimbursement to doctors when it gets going, it's not even cutting yet and we already have a problem with seniors getting the doctor that they want because so many doctors have said, I'm just not going to take Medicare any more.

Before I yield back, I just wanted to mention an email that I got in my office this week.

There's a constituent of mine, John Pollett. He's the program administrator for the Arkansas Senior Medicare Patrol. He goes around and he talks with seniors about Medicare and how to recognize fraud in Medicare.

He was at the Sherwood Senior Center this past week, this week, in my district, and he was giving a presentation teaching Arkansas seniors about Medicare fraud. A lady, a senior, who's on Medicare, an angry senior, said to him—she wasn't angry at him—but she said with passion, I don't understand why I'm forced to pay my Medicare premium but can't find a doctor who will take me because I'm on Medicare.

So we already have a problem with access to Medicare because more and more doctors are saying, I'm not going to take Medicare. There are a host of reasons: the reimbursement rate, the administrative hassle, what have you.

But IPAB, I hear the gentleman from Wisconsin saying, the Independent Payment Advisory Board that's in ObamaCare is only going to make the problem worse because while some of us are interested in reforming the way Medicare works so that we get more service for our dollar, the President is only interested in saving money by just reducing and cutting without reforming.

We all understand the need to reach solvency; but those of us who back Medicare reform want to do it through innovative, creative, cost-saving approaches that avoid rationing, whereas the President simply wants to cut through an unelected board.

I'm going to yield back now to the gentleman from Wisconsin. I just thought it would be helpful to give you a real-life example of a senior in my district who's been impacted by that.

Mr. DUFFY. I appreciate the gentleman for telling that compelling story. All of us have stories like that from people in our districts, from our own family members, our friends, our constituents; and this is a very important issue. That's why I think we have to have this conversation about what the Independent Payment Advisory Board will do.

I used to be a former prosecutor, and we're used to a system where if you don't like the decision of a court, oftentimes you're able to appeal that decision. This board is unappealable. The decisions that they make, the 15 members when they make a decision, that is going to be the law, that is going to be the rule, and you can't appeal it, and you can't have it overturned.

□ 2010

I just want to close my comments up on the Independent Payment Advisory Board. We on the Republican House side don't believe that we should go forward with a plan that is going to systematically reduce reimbursements for seniors, that's going to affect the

quality and access to care for our seniors. Let's give them what they bargained for. We in the House on the Republican side, we said put back the half a trillion dollars, put that back into Medicare, do away with the IPAB board. If you're going to make changes to Medicare, make it for a future generation, a generation that isn't near their retirement, a generation that will have enough time to plan for the changes in Medicare; but don't pull the rug out from our seniors who have been given a promise and now aren't going to get it because their Medicare is going to be rationed.

We think it's fair to do it for a future generation. But let's make no mistake, when we hear that one party has transformed Medicare or changed Medicare as we know it, there is one party who has done that and that is the Democratic Party in ObamaCare. They have changed the way that Medicare is going to work. They're going to ration it. We believe we should save it, protect it, preserve it. I know my freshmen colleagues in this House are going to fight tooth and nail to make sure that every one of our seniors get exactly what they bargained for in Medicare. If there are changes, it's going to be for a generation that can plan for the change in Medicare in due time and in due course.

Mr. GRIFFIN of Arkansas. I thank the gentleman for joining us here on the floor tonight.

I see my friend Mr. QUAYLE from Arizona here with us on the floor, and I would like to yield to him at this time.

Mr. QUAYLE. I thank the gentleman for yielding, and I was listening to his comments about talking with his constituents back home and about how many doctors are not seeing Medicare patients, not seeing new Medicare patients, or are not seeing the patients that they currently provide services to.

I know, like the gentleman from Arkansas, he does a lot of teletown halls and town halls just like I do. The other week I was on a teletown hall with my constituents back home, and there were a number of people who raised the concerns that their doctors were not going to provide them the medical services that they had in the past because they were uncertain about the payments that the Medicare system would be giving them.

This is a constant refrain that we hear back home from our seniors, that they are consistently getting turned down by their physicians because of the lack of payment from Medicare. This is a system that we need to fix. This is a system that we need to make sure that we keep the promises to our seniors and reform it for future generations so that it will be there to protect them when they reach the retirement age.

If you look at ObamaCare, it is really filled with provisions that confer arbi-

trary power, that raise costs. It cuts benefits, it harms access, and it restricts choice. Against this really sorry backdrop, the Independent Payment Advisory Board, or IPAB, has the dubious distinction of being one of the absolute worst provisions in the entire health care bill. Indeed, this single provision causes all the problems that I just mentioned. This board of 15 unelected, unaccountable bureaucrats would have the power to impose price controls that will cut senior access to care. To make it worse, this board would not have to meet in public or listen to public input. Amazingly, ObamaCare even leaves the door wide open for IPAB members to receive gifts from lobbyists. In other words, the public has no right to talk to IPAB, but lobbyists willing to shower them with gifts do.

President Obama claims his rationing board will solve the real problem of Medicare's rising costs. It doesn't. The only mandate the board has to cut costs is by restricting payments to doctors that provide health care. It is already the case that 12 percent of doctors will not take Medicare patients due to the unreliability of government payouts. That is twice the number of doctors who refused to see Medicare patients in 2004, which is a frightening statistic on how quickly that is rising. Additionally, a recent survey showed that 60 percent of doctors have or will restrict their medical practices as a result of ObamaCare. Of those doctors, 87 percent said they would be forced to restrict the amount of care they offered to Medicare patients.

ObamaCare utterly ignores the laws of economics in this instance. You can't cut the cost of a service by cutting the number of people supplying it, and that's exactly what IPAB would do. By forcing doctors to turn away Medicare patients, the costs will go up as fewer and fewer doctors see to the needs of the growing number of seniors. Either that, or IPAB will directly ration care. It is astounding that the President would look at an important issue like caring for our seniors and decide that the best way to handle rising costs is by attacking senior access to health care and the doctors who provide it.

Medicare does need reform, as my friend from Arkansas knows, and has been on the floor numerous times talking about the reforms that are necessary. It needs real structural reform that protects access for our current seniors and fixes the system for future generations. As with so many other issues, the President punted on making these needed reforms. Instead, he chose to give us a rationing board that would make the problem worse.

Let's repeal IPAB and give our seniors the care they deserve.

Mr. GRIFFIN of Arkansas. I thank the gentleman from Arizona.

I wanted to just point out that 70 House Democrats opposed IPAB when it was being debated in the President's health care law. Before I ever got to Congress, there were 70. In fact, it wasn't in the House version. I'm hopeful that some of the Democrats who have come out against IPAB will join us in repealing it so we can move on to truly reforming Medicare to save it.

We're lucky and fortunate to have some physicians, many physicians, serving with us here in the House of Representatives; and they bring an expertise in this area that really helps us when we're working on solutions to the problems with Medicare and Medicaid. One of them has joined us here on the floor tonight. I would like to yield to my friend from Tennessee.

Mr. DESJARLAIS. I thank the gentleman, and I think it's great that we're taking time tonight to discuss such an important issue that is so near and dear to all of our seniors because this last year, quite frankly, has been a very confusing time as we try to reform and fix the problems that face Medicare today.

We have, without a doubt, a number of seniors who are having trouble finding access to care right now for all the reasons my colleagues have stated, that we have a flawed payment formula in the SGR, sustained growth rate formula, and we've made attempts to correct that this year. But, again, as they so often have done now for the past 13, 14 years, they've just pushed the problem down the road rather than deal with it. I don't think it hurts to review for a minute what problems are facing Medicare.

We can't deny for a second, Mr. Speaker, that Medicare is going broke. You can talk to any number of agencies. Whether it is the CBO, AARP, we all know that Medicare is on an unsustainable course. Medicare is quite simply going to be broke in about 10 years. That's not a Republican problem. That's not a Democrat problem. That's a people problem. What we're here about tonight is to make sure that our seniors don't have to worry where their health care is going to come from.

We must get together and take steps to make sure that their access to care is preserved and protected. We did this earlier last year with the Paul Ryan budget. We put forth a sensible reform that would put Medicare on a path to sustainability. If you're 55 or older, you don't have to worry about any changes to your health care. That was grossly distorted in the press and the media. We were accused of—literally, there were TV ads made of pushing an elderly person off a cliff. This is just plain and simple wrong to create that kind of uncertainty for our seniors.

The bottom line is we have 10,000 new Medicare recipients entering the Medicare pool every day. We have a situa-

tion where when Medicare was first formed in 1965, the average life expectancy of a male was 68. Thanks to advances in medicine, men and women both are living at least 10 years longer. However, this was not managed in the budgeting for Medicare and hence we've gone deeper and deeper into debt. Now our average couple that pays about \$109,000 into the Medicare system over a lifetime extracts about \$340,000. That's about a dollar in for \$3 out. Again, there's no denying that we have a problem and this is going broke.

□ 2020

Well, the Republicans did offer a solution, as my colleagues and I have said. However, right now, the IPAB is the only solution we've seen in President Obama's plan to cut costs, but it is going to gut \$500 billion from our seniors; and that's the fact they need to know about. They need to call their Representatives.

Mr. GRIFFIN of Arkansas. Will the gentleman yield?

Mr. DESJARLAIS. Yes, sir.

Mr. GRIFFIN of Arkansas. I just want to make sure I understand what the gentleman is saying. What you are saying—correct me if I am wrong, but what you are saying is the House has a plan to reform Medicare to save it. As far as I know, I haven't seen any other plan to save Medicare pass the Senate. I haven't seen the President propose a plan to save Medicare. There is only one. Now the President has a plan for Medicare, but it's not to save it, and it really doesn't reduce cost through innovation and what have you; it just cuts. And the cuts are decided upon by unelected bureaucrats who are on this IPAB, the Independent Payment Advisory Board.

You mentioned the television ads. I had television ads run back in my district. They talked about how I and others want to change Medicare as we know it. Well, I quoted Senator LIEBERMAN earlier, who said we can't save Medicare as we know it because it's going bankrupt. So what I say to folks is we have to reform it. And I'm happy to have a discussion and debate and compare this reform with that reform. I'm happy to do that.

What is intellectually dishonest, though, is to compare reforms that I advocate or you advocate, to compare those to the way it is now. That's intellectually dishonest. It's actually deception.

Why is that deception?

Because the way things are now is not going to be that way in 7, 8, 9, 10 years. It's unsustainable, the path we're on with regard to Medicare. So if someone says your reform changes Medicare as we know it, if that is presented to demagogue, that, in and of itself, is intellectually dishonest, because Medicare as we know it goes bankrupt and changes itself.

So I am happy to have a conversation to compare this reform with that reform. I certainly do not have a monopoly on wisdom in this area. I think we ought to be having a free and open debate of reform ideas that save Medicare for seniors. But what we can't do, what we can't do, is mislead people, mislead seniors into believing that Medicare, as it currently functions, is sustainable. That's not true. That's not true.

Folks who continue to talk about Medicare as we know it need to point out that Medicare as we know it ends on its own by itself. The Congress of the United States could do nothing on this for 10, 20, 30 years, whatever, and Medicare would go bankrupt with no congressional action.

So our job, as I see it, is to take affirmative steps to save Medicare, to maintain the quality, to maintain the quality so that doctors still want to take Medicare patients, and reform it to save it for people, seniors like my mother. But we've got to start with the fundamental idea that we could debate reforms. But comparing reform to an unsustainable status quo is intellectually dishonest.

I yield back to the gentleman.

Mr. DESJARLAIS. My friend is absolutely correct. What we need to do here, if nothing else, is we need to agree on the facts; and the facts, as you just stated, are that Medicare is going broke. It is on an unsustainable course. So Medicare must be changed as we know it, as you said.

You mentioned your mother. My mother happens to be having her 73rd birthday today. It's a happy birthday for my mother today, but I hope that she has many more happy birthdays to come. We all have those stories. We all have parents, grandparents, people on Medicare who are counting on us. They are looking at the arguments going on in this Chamber and they are confused. They don't know what to believe.

So I think if we can agree, as you said, to the facts and then sit down and have a meaningful discussion of how we can preserve and protect this program for future generations, then that's half the battle.

Mr. GRIFFIN of Arkansas. Even a bipartisan discussion, I welcome it. In fact, I was proud to see that a Democrat from the Senate joined with a Republican in the House on a Medicare reform plan. And I'm happy to debate all these different plans as long as they have the ability to save Medicare and guarantee quality care for seniors.

If we end up debating reforms on the one hand versus the status quo, the way things are now, Medicare as we know it on the other hand, we can't have that debate because the whole point is that Medicare as we know it, the status quo, Medicare as it is now, it's going bankrupt. So any discussion of the options has to be between the different options that save Medicare.

The problem is there is only one plan that saves Medicare that has passed the House or the Senate or that has been proposed by the President, and that is the House budget plan from last year. And we will, I am confident, have a plan this year that we will vote on shortly that will propose changes to save Medicare.

I want to thank the gentleman for joining us here tonight.

Do you have anything else you want to add?

Mr. DESJARLAIS. I agree with what you are saying; and I guarantee you, any of the seniors watching tonight, listening to this debate, they don't care whether the Republicans win this debate or whether the Democrats win this debate. That's irrelevant. What they want to know is that they are going to have access to care. And I think it's so essential that we repeal this IPAB.

The gentleman was with me earlier today at a press conference when they asked about all the rhetoric last year about these being called death panels. That may sound a little bit theatrical, but I can tell you, as a physician, that if I'm treating a patient who is 78 or 88 and they've got some form of cancer and this IPAB board decides in the government one-size-fits-all mentality to throw a blanket over seniors of a certain age who have a certain disease—and cancer is probably one to pick—that they don't necessarily need to spend that expensive money on chemotherapy or experimental drugs or perhaps they don't even want me to order the MRI to detect the cancer, now if you are 78 or 88—that may sound so old to some people, but I know a lot of people that age that are very active. They have got 15 or 20 grandchildren, and those grandchildren enjoy their company. So if they make a decision that these people shouldn't get that treatment, and that's very well what could happen with this board, then you decide what kind of panel or what kind of name you want to put on it.

Mr. GRIFFIN of Arkansas. I think ultimately the IPAB seeks to save money by simply cutting blindly without regard to innovation, without regard to

structural reform, simply having a board of unelected bureaucrats ration care by making decisions on what Medicare will cover, won't cover, and by how much.

Yes, we need to do what is fiscally right, but we need to keep our promise to our seniors; and the way that you do both is to reform Medicare structurally, not to blindly cut, leaving all the rules the same, just reducing what you are paying doctors.

□ 2030

That's not the path. That's not the path. That is, in effect, rationing, and that will continue to exacerbate the problem of Medicare recipients being unable to find doctors who will take them. The answer is to take Medicare that has been so good to so many seniors and reform it and innovate and make changes that won't just cut costs by reducing the money paid but will actually change the rules so that we are able to get more value and more services for our dollar. And that's the approach we have to take.

Mr. DESJARLAIS. I'll just add one more point. I can tell you that there's not a senior I've talked to that wants a bureaucrat in the exam room with us making their decisions. We build relationships with those patients. There's a trust between the patient and their doctor, and I'll guarantee you the patients don't want bureaucrats overseeing that exam room making those decisions for them. So when we move forward with these reforms, we certainly need to keep that in mind.

I would like to thank the gentleman for leading this hour on such an important topic.

Mr. GRIFFIN of Arkansas. I thank the gentleman from Tennessee for his service here in the Congress and as a physician. I thank him for joining me here tonight. And I just want to reiterate what you said. Whatever solution we come up with has got to be patient-centered and respect the doctor-patient relationship. Patient-Centered, not government bureaucracy-centered—patient-centered.

I thank the gentleman for joining me. I thank all of my colleagues for joining us here tonight.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today and March 20.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Mr. HONDA (at the request of Ms. PELOSI) for today on account of official business.

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of official business.

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today through March 21.

Mr. BACHUS (at the request of Mr. CANTOR) for today on account of minor throat surgery.

Mr. MARINO (at the request of Mr. CANTOR) for today on account of illness.

Mrs. BONO MACK (at the request of Mr. CANTOR) for today through March 21 on account of attending a funeral.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 473. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

ADJOURNMENT

Mr. GRIFFIN of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 20, 2012, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the first quarter of 2012 pursuant to Public Law 95 384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM FOR THE NATO PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 10 AND FEB. 14, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Mike Turner	2/10	2/14	Belgium		1,611.75		(3)				1,611.75
Hon. Jeff Miller	2/10	2/14	Belgium		1,611.75		(3)				1,611.75
Hon. Mike Ross	2/10	2/14	Belgium		1,611.75		(3)				1,611.75
Hon. Jo Ann Emerson	2/10	2/14	Belgium		1,611.75		(3)				1,611.75
Hon. Carolyn McCarthy	2/10	2/14	Belgium		1,611.75		(3)				1,611.75
Tim Morrison	2/10	2/14	Belgium		1,611.75		(3)				1,611.75

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM FOR THE NATO PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 10 AND FEB. 14, 2012—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Riley Moore	2/10	2/14	Belgium		1,611.75		(?)				1,611.75
Kelly Craven	2/10	2/14	Belgium		1,611.75		(?)				1,611.75
Committee total											12,894.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. MICHAEL R. TURNER, Mar. 8, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO KENYA AND SOUTH SUDAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 17 AND FEB. 22, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Daniel Scandling	2/17	2/17	United States				13,753.00				13,753.00
	2/18	2/21	Kenya		119.93						119.93
	2/19	2/21	South Sudan		³ 540.00		1,269.25				1,809.25
	2/21	2/21	Kenya								
	2/22	2/22	United States								
Hon. Frank Wolf	2/17	2/17	United States				13,753.00				13,753.00
	2/18	2/21	Kenya		119.93						119.93
	2/19	2/21	South Sudan		³ 540.00		1,269.25				1,809.25
	2/21	2/21	Kenya								
	2/22	2/22	United States								
Committee total					1,319.86		30,044.50				31,364.36

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Returning \$425.00 via money order to U.S. Treasury #19755623373.

HON. FRANK R. WOLF, Mar. 5, 2012.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5283. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Navy Case Number 11-05; to the Committee on Appropriations.

5284. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Air Force Case Number 10-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5285. A letter from the Acting Assistant Secretary, Department of Defense, transmitting modernization priority assessments for the National Guard and Reserve equipment for Fiscal Year 2012; to the Committee on Armed Services.

5286. A letter from the Assistant Secretary, Department of Defense, transmitting a report entitled, "Combating Terrorism Activities FY 2013 Budget Estimates"; to the Committee on Armed Services.

5287. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's fiscal year 2011 report on the Regional Defense Combating Terrorism Fellowship Program; to the Committee on Armed Services.

5288. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5289. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the deter-

mination that a public health emergency exists and has existed in the State of Missouri since May 22, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

5290. A letter from the Secretary, Department of Health and Human Services, transmitting FY 2011 Performance Report to Congress for the Medical Device User Fee Amendments of 2007; to the Committee on Energy and Commerce.

5291. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5292. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5293. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5294. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-56; Item VIII; Docket 2012-0079; Sequence 1] received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5295. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation: Require-

ments for Acquisitions Pursuant to Multiple-Award Contracts [FAC 2005-56; FAR Case 2007-012; Item III; Docket 2011-0081, Sequence 1] (RIN: 9000-AL93) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5296. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Proper Use and Management of Cost-Reimbursement Contracts [FAC 2005-56; FAR Case 2008-030; Item II; Docket 2011-0082, Sequence 1] (RIN: 9000-AL78) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5297. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Socio-economic Program Parity [FAC 2005-56; FAR Case 2011-004; Item IV; Docket 2011-0004, Sequence 1] (RIN: 9000-AL88) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5298. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; New Designated Country (Armenia) and Other Trade Agreements Updates [FAC 2005-56; FAR Case 2011-030; Item VI; Docket 2011-0030, Sequence 1] (RIN: 9000-AM16) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5299. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Government Property [FAC 2005-56; FAR Case 2010-

009; Item VII; Docket 2010-0009, Sequence 1] (RIN: 9000-AL95) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2009-1221; Directorate Identifier 2008-NM-097-AD; Amendment 39-16881; AD 2011-25-05] (RIN: 2120-AA64) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines [Docket No.: FAA-2011-1341; Directorate Identifier 2011-NE-41-AD; Amendment 39-16891; AD 2011-25-51] (RIN: 2120-AA64) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Rotax Aircraft Engines 912 A Series Engine [Docket No.: FAA-2012-0001; Directorate Identifier 2011-CE-041-AD; Amendment 39-16912; AD 2012-01-01] (RIN: 2120-AA64) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5303. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Models 1900, 1900C, and 1900D Airplanes [Docket No.: FAA-2012-0014; Directorate Identifier 2011-CE-044-AD; Amendment 39-16915; AD 2011-27-15] (RIN: 2120-AA64) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5304. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Corp. (PW) JT9D-7R4H1 Turbofan Engines [Docket No.: FAA-2011-0731; Directorate Identifier 2010-NE-39-AD; Amendment 39-16886; AD 2011-25-10] (RIN: 2120-AA64) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5305. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Apical Industries, Inc., (Apical) Emergency Float Kits [Docket No.: FAA-2010-1190; Directorate Identifier 2010-SW-038-AD; Amendment 39-16877; AD 2011-25-01] (RIN: 2120-AA64) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Airplanes [Docket No.: FAA-2011-1040; Directorate Identifier 2011-CE-029-AD; Amendment 39-16889; AD 2011-26-01] (RIN: 2120-AA64) received March 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5307. A letter from the Secretary, Department of Transportation, transmitting the 2011 Annual Report to Congress and the National Transportation Safety Board Responding to Issues on the National Transportation Safety Board's Most Wanted List; to the

Committee on Transportation and Infrastructure.

5308. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Trade Agreements Thresholds [FAC 2005-56; FAR Case 2012-002; Item V; Docket 2012-0002, Sequence 1] (RIN: 9000-AA17) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5309. A letter from the acting chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Establishment of Global Entry Program [USCBP-2008-0097] (RIN:1651-AA73) received January 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

5310. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "National Coverage Determinations for Fiscal Year 2010"; jointly to the Committees on Energy and Commerce and Ways and Means.

5311. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "National Coverage Determinations for Fiscal Year 2009"; jointly to the Committees on Energy and Commerce and Ways and Means.

5312. A letter from the Director of National Intelligence, Attorney General, Office of the Director of National Intelligence Department of Justice, transmitting a letter requesting the Congress to reauthorize Title VII of the Foreign Intelligence Surveillance Act; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4086. A bill to amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title; with amendments (Rept. 112-413). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON. Committee on Energy and Commerce. H.R. 3309. A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; with an amendment (Rept. 112-414). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 587. Resolution providing for consideration of the bill (H.R. 2087) to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia (Rept. 112-415). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. LEVIN, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. THOMPSON of Cali-

fornia, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, and Mr. CROWLEY):

H.R. 4202. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income of discharges of qualified principal residence indebtedness; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Ms. CLARKE of New York, Ms. CHU, and Ms. HAHN):

H.R. 4203. A bill to amend the Small Business Act with respect to the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. BACA (for himself and Mr. WOLF):

H.R. 4204. A bill to require certain warning labels to be placed on video games that are given certain ratings due to violent content; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana (for himself, Mr. RANGEL, Mr. REYES, Ms. WATERS, Mr. KUCINICH, Mr. WATT, Mr. MICHAUD, Ms. RICHARDSON, Ms. NORTON, and Ms. EDWARDS):

H.R. 4205. A bill to amend the Office of National Drug Control Policy Reauthorization Act of 1998 to increase public awareness about the dangers of synthetic drugs through the national youth anti-drug media campaign; to the Committee on Energy and Commerce.

By Mr. COFFMAN of Colorado (for himself and Mr. GRAVES of Missouri):

H.R. 4206. A bill to amend the Small Business Act to provide for increased penalties for contracting fraud, and for other purposes; to the Committee on Small Business, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 4207. A bill to award grants in order to establish longitudinal personal college readiness and savings online platforms for low-income students; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts (for himself, Mr. GUINTA, Mr. MARKLEY, Mr. TIERNEY, Ms. PINGREE of Maine, Mr. LYNCH, Mr. MICHAUD, Mr. COURTNEY, Mr. KEATING, and Mr. BISHOP of New York):

H.R. 4208. A bill to provide exclusive funding to support fisheries and the communities that rely upon them, to clear unnecessary regulatory burdens and streamline Federal fisheries management, and for other purposes; to the Committee on Natural Resources.

By Mr. MCKINLEY (for himself, Mrs. CAPPS, Mr. YOUNG of Florida, Mr. CUELLAR, and Mr. FRANK of Massachusetts):

H.R. 4209. A bill to amend title XXVII of the Public Health Service Act to limit copayment, coinsurance, or other cost-sharing requirements applicable to prescription drugs in a specialty drug tier to the dollar amount (or its equivalent) of such requirements applicable to prescription drugs in a non-preferred brand drug tier, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LATOURETTE (for himself, Ms. FUDGE, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. STIVERS, Mr. KILDEE, Mr. CONYERS, Ms. SUTTON, Mr. CLARKE of Michigan, Mr. TIBERI, and Mr. TURNER of Ohio):

H.R. 4210. A bill to provide \$4,000,000,000 in new funding through bonding to empower States to undertake significant residential and commercial structure demolition projects in urban and other targeted areas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself and Mr. BURTON of Indiana):

H.R. 4211. A bill to prohibit the drawdown of petroleum from the Strategic Petroleum Reserve unless the President has taken certain actions; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGELL (for himself, Mr. DEUTCH, Mr. POSEY, Ms. WASSERMAN SCHULTZ, Mr. WITTMAN, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. SCOTT of Virginia, Mr. FORBES, and Mr. BUCHANAN):

H.R. 4212. A bill to designate drywall manufactured in China a banned hazardous product, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUNYAN:

H.R. 4213. A bill to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MEEHAN (for himself, Mr. GRIMM, Mr. WAXMAN, Ms. HAYWORTH, and Mr. ISRAEL):

H. Con. Res. 108. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. REED (for himself, Ms. HOCHUL, Mr. HIGGINS, Mr. HANNA, and Ms. SLAUGHTER):

H. Res. 588. A resolution honoring the St. Bonaventure University men's and women's basketball teams for making it to the National Collegiate Athletic Association Tournament and for two great seasons; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RANGEL:

H.R. 4202.

Congress has the power to enact this legislation pursuant to the following:

Article XVI of the Constitution—Congress shall have power to lay and collect taxes on incomes . . .

By Ms. VELÁZQUEZ:

H.R. 4203.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BACA:

H.R. 4204.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. CARSON of Indiana:

H.R. 4205.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the United States Constitution grants Congress the implied power to raise public awareness regarding the dangers of using synthetic drugs in order to provide for the general welfare of the United States.

By Mr. COFFMAN of Colorado:

H.R. 4206.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this legislation pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. FATTAH:

H.R. 4207.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, which states the Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. FRANK of Massachusetts:

H.R. 4208.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution.

By Mr. MCKINLEY:

H.R. 4209.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. LATOURETTE:

H.R. 4210.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. POE of Texas:

H.R. 4211.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. RIGELL:

H.R. 4212.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution, authorizing Congress "To regulate Commerce with foreign Nations, and

among, the several States and with the Indian Tribes."

By Mr. RUNYAN:

H.R. 4213.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. MANZULLO, Mr. POMPEO, and Mr. BARTLETT.

H.R. 100: Mr. BILIRAKIS.

H.R. 104: Ms. HAHN.

H.R. 140: Mr. BILIRAKIS.

H.R. 178: Mr. PERLMUTTER.

H.R. 181: Mr. PALAZZO.

H.R. 186: Ms. PINGREE of Maine.

H.R. 265: Mr. HASTINGS of Florida and Mrs. MALONEY.

H.R. 266: Mr. HASTINGS of Florida and Mrs. MALONEY.

H.R. 267: Mr. HASTINGS of Florida and Mrs. MALONEY.

H.R. 300: Mr. ISRAEL and Mr. DAVID SCOTT of Georgia.

H.R. 361: Mr. BARTLETT.

H.R. 459: Mr. MICA and Mr. GIBBS.

H.R. 575: Mr. CONAWAY.

H.R. 576: Mr. RANGEL.

H.R. 631: Mr. CLEAVER.

H.R. 679: Mr. LOEBACK.

H.R. 692: Mr. BILIRAKIS.

H.R. 711: Mr. POLIS.

H.R. 721: Mr. HONDA.

H.R. 733: Mr. LARSON of Connecticut.

H.R. 787: Mr. MURPHY of Pennsylvania, Mrs. BLACK, and Mr. SCHWEIKERT.

H.R. 891: Mr. BISHOP of New York.

H.R. 895: Ms. LEE of California.

H.R. 942: Mr. CLARKE of Michigan.

H.R. 998: Ms. BONAMICI.

H.R. 1041: Mrs. ELLMERS.

H.R. 1114: Mr. BLUMENAUER.

H.R. 1167: Mr. BARTLETT.

H.R. 1206: Mr. DANIEL E. LUNGREN of California and Mr. BARTON of Texas.

H.R. 1242: Mr. KEATING.

H.R. 1259: Mr. THORNBERRY and Mr. MURPHY of Pennsylvania.

H.R. 1260: Mr. CLAY.

H.R. 1265: Mr. HECK and Mr. KING of Iowa.

H.R. 1284: Mr. RANGEL.

H.R. 1340: Mrs. ELLMERS and Mr. ROE of Tennessee.

H.R. 1416: Mr. KING of New York.

H.R. 1474: Mrs. BLACK and Mr. HUIZENGA of Michigan.

H.R. 1546: Mr. HINOJOSA.

H.R. 1549: Mr. TURNER of New York.

H.R. 1588: Ms. HANABUSA and Mr. CALVERT.

H.R. 1612: Mr. CARTER, Mr. RENACCI, Mr. GUTIERREZ, and Mrs. BLACKBURN.

H.R. 1681: Mr. CLEAVER.

H.R. 1748: Ms. HAHN.

H.R. 1789: Mr. DENT and Ms. LORETTA SANCHEZ of California.

H.R. 1802: Mr. DENT.

H.R. 1847: Mr. ROTHMAN of New Jersey and Mr. LARSEN of Washington.

H.R. 1856: Mr. HARRIS and Mrs. BLACKBURN.

H.R. 2033: Mr. RANGEL, Ms. BONAMICI, and Mr. ALTMIRE.

H.R. 2040: Mr. AKIN.

H.R. 2139: Mr. BURGESS, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. OLIVER, and Mr. TURNER of New York.

H.R. 2159: Mr. GUTIERREZ.

H.R. 2206: Mr. BARLETTA.

H.R. 2288: Mrs. LOWEY.

H.R. 2313: Mr. HENSARLING.
 H.R. 2342: Mr. RANGEL.
 H.R. 2446: Mr. LEWIS of Georgia.
 H.R. 2466: Mr. REED and Mr. ANDREWS.
 H.R. 2514: Mr. BARTLETT and Mr. SCHOCK.
 H.R. 2555: Ms. BONAMICI and Mr. RANGEL.
 H.R. 2655: Ms. KAPTUR and Mr. ROTHMAN of New Jersey.
 H.R. 2672: Mr. LATHAM.
 H.R. 2679: Mr. DOGGETT.
 H.R. 2696: Mr. TIBERI.
 H.R. 2697: Mr. DUFFY and Mr. ROKITA.
 H.R. 2738: Mrs. CHRISTENSEN.
 H.R. 2770: Mr. COFFMAN of Colorado.
 H.R. 2962: Mr. MCKINLEY.
 H.R. 2969: Mr. TURNER of New York, Ms. CASTOR of Florida, Mr. COHEN, Mrs. CAPPS, and Mr. PRICE of North Carolina.
 H.R. 2970: Mr. BLUMENAUER.
 H.R. 2989: Mr. PASCRELL, Mr. STARK, Mr. SCHOCK, Mr. GERLACH, Mr. ROSKAM, and Mr. THOMPSON of California.
 H.R. 3059: Mr. GERLACH, Mr. PASCRELL, and Mr. SCHOCK.
 H.R. 3066: Mr. ROSS of Florida.
 H.R. 3086: Mr. CRENSHAW and Mr. MANZULLO.
 H.R. 3145: Mr. ROTHMAN of New Jersey, Mrs. CAPPS, Mr. DEFazio, Ms. BROWN of Florida, and Mr. RUSH.
 H.R. 3200: Ms. BONAMICI.
 H.R. 3210: Mr. MCCOTTER.
 H.R. 3216: Mr. CAMP.
 H.R. 3264: Mr. ROKITA.
 H.R. 3306: Mr. SAM JOHNSON of Texas.
 H.R. 3307: Mr. ROSS of Arkansas.
 H.R. 3313: Mrs. NAPOLITANO.
 H.R. 3315: Mr. GUTIERREZ.
 H.R. 3341: Ms. HANABUSA and Mr. BLUMENAUER.
 H.R. 3356: Mr. MCCLINTOCK.
 H.R. 3364: Ms. SCHAKOWSKY.
 H.R. 3395: Mr. AKIN.
 H.R. 3481: Ms. FOXX.
 H.R. 3506: Mr. LOESACK.
 H.R. 3523: Mr. FRANKS of Arizona, Mr. LARSEN of Washington, Mr. SIRES, Mr. TOWNS, and Ms. BORDALLO.
 H.R. 3528: Mr. RANGEL and Ms. ROSELEHTINEN.
 H.R. 3586: Mr. CRENSHAW.
 H.R. 3596: Mr. FATTAH, Ms. DELAURO, Mr. COHEN, Mr. FITZPATRICK, Mr. RUPPERSBERGER, Mr. MCGOVERN, Mr. YARMUTH, Mr. FRANK of Massachusetts, Mr. CARNAHAN, Mr. CHANDLER, and Mr. MURPHY of Connecticut.
 H.R. 3612: Mr. MCGOVERN, Mr. PLATTS, Mr. MEEKS, Mr. GRIMM, and Mrs. MILLER of Michigan.
 H.R. 3627: Ms. DEGETTE.
 H.R. 3643: Mr. HURT.
 H.R. 3645: Mr. PETERS.
 H.R. 3648: Ms. SLAUGHTER.
 H.R. 3667: Mr. REICHERT, Ms. BONAMICI, and Mr. STIVERS.
 H.R. 3702: Ms. BASS of California.
 H.R. 3703: Mr. SMITH of Washington.
 H.R. 3767: Mr. ROGERS of Michigan.
 H.R. 3769: Mr. PASCRELL.
 H.R. 3808: Mr. JONES.
 H.R. 3814: Mr. POMPEO.

H.R. 3816: Mr. HANNA.
 H.R. 3831: Mr. KING of Iowa.
 H.R. 3839: Mr. RYAN of Ohio.
 H.R. 3849: Mr. BOREN and Mr. CHANDLER.
 H.R. 3860: Mr. HINOJOSA and Ms. CLARKE of New York.
 H.R. 3867: Mr. DAVID SCOTT of Georgia.
 H.R. 3984: Mr. RANGEL, Ms. WATERS, and Mrs. LOWEY.
 H.R. 4004: Ms. ZOE LOFGREN of California, Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, Mr. CAPUANO, Mr. KUCINICH, Mr. PAUL, Mr. ROTHMAN of New Jersey, Mr. HOLDEN, Mr. RUSH, Mr. CARNAHAN, Mrs. MCMORRIS RODGERS, Ms. NORTON, Mr. CONNOLLY of Virginia, Mr. BLUMENAUER, Mr. POLIS, Mr. GOWDY, Mr. FLEMING, Mr. COLE, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. MANZULLO, Mr. FLORES, Mr. BURTON of Indiana, and Mr. WAXMAN.
 H.R. 4010: Ms. SEWELL, Ms. HANABUSA, Mr. KEATING, and Mr. FALOMAVAEGA.
 H.R. 4026: Mrs. MCCARTHY of New York, Ms. PINGREE of Maine, Mr. ELLISON, Ms. TSONGAS, Mrs. MALONEY, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. CLARKE of Michigan, Mr. DINGELL, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. ACKERMAN, and Mr. GENE GREEN of Texas.
 H.R. 4077: Mr. TOWNS and Mr. JACKSON of Illinois.
 H.R. 4089: Mr. QUAYLE, Mr. KISSELL, Mr. BROUN of Georgia, Mr. COFFMAN of Colorado, Mr. HANNA, Mr. PALAZZO, Mr. HUELSKAMP, and Mr. DUNCAN of Tennessee.
 H.R. 4096: Ms. HIRONO.
 H.R. 4104: Mr. RYAN of Ohio, Mr. BOUSTANY, Mr. ALTMIRE, Mr. KISSELL, Ms. FUDGE, Mr. AMODEI, Mr. HECK, Mr. KUCINICH, Mr. GRIMM, Mr. DESJARLAIS, Mr. YOUNG of Alaska, Mr. THOMPSON of Pennsylvania, Mr. BASS of New Hampshire, Mr. LOBIONDO, Mr. SCHOCK, Mr. UPTON, Mr. BILBRAY, Mr. BURGESS, Mr. OLSON, Mr. BROOKS, Mr. CRAVAAK, Mr. DAVIS of Kentucky, Mr. REED, Mr. WOMACK, Mr. STUTZMAN, Mr. CRAWFORD, Mr. ROONEY, Ms. BUERKLE, Mr. BUCHANAN, Mr. DENT, Mr. PALAZZO, Mr. FLEMING, Mr. RIVERA, Mr. MCCAUL, Mr. GARDNER, Mr. MANZULLO, Mr. RIGELL, Mr. PRICE of Georgia, Mr. MURPHY of Pennsylvania, Mr. TURNER of New York, Mr. DIAZ-BALART, Mr. GIBSON, and Mr. LATTA.
 H.R. 4115: Mr. RANGEL, Mr. COURTNEY, Mr. HIGGINS, Mr. HULTGREN, Mr. JONES, Ms. NORTON, and Ms. WATERS.
 H.R. 4132: Mr. PASCRELL.
 H.R. 4154: Ms. MOORE.
 H.R. 4168: Mr. JOHNSON of Georgia and Mr. HULTGREN.
 H.R. 4169: Mr. FILNER, Mr. POLIS, Ms. DELAURO, and Mr. AL GREEN of Texas.
 H.R. 4170: Ms. BASS of California.
 H.R. 4188: Ms. FOXX.
 H.J. Res. 13: Mr. SCHOCK.
 H.J. Res. 78: Mr. ACKERMAN.
 H.J. Res. 103: Mr. HERGER and Mr. SCHOCK.
 H. Con. Res. 87: Mr. HULTGREN, Ms. CLARKE of New York, Mr. RANGEL, Mr. COSTELLO, Mr. CARTER, and Mr. LOESACK.
 H. Res. 130: Mr. DOGGETT and Mr. BERMAN.
 H. Res. 526: Mr. DREIER.
 H. Res. 583: Mr. BERMAN, Ms. MOORE, and Mr. BURTON of Indiana.

H. Res. 584: Mr. LARSON of Connecticut.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2920: Mrs. MILLER of Michigan.
 H. Res. 229: Mr. KISSELL.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: Ms. BONAMICI

AMENDMENT No. 1: Page 23, line 22, strike “date of enactment” and insert “effective date”.

Page 23, line 24, strike “date of enactment” and insert “effective date”.

Page 24, line 2, insert after “the injury occurred” the following: “This title shall take effect only on the date the Secretary of Health and Human Services submits to Congress a report on the potential effect of this title on health care premium reductions.”.

H.R. 2087

OFFERED BY: Mr. GRIJALVA

AMENDMENT No. 1:

At the end of the bill, add the following:

(d) CONSIDERATION.—Any instrument executed pursuant to subsection (a), shall provide that—

(1) in consideration for the land described in subsection (c), Accomack County, Virginia, shall pay the United States the fair market value of the land (on the date of the enactment of this Act) under terms approved by the Secretary of the Interior from revenues generated by the sale, rent, or lease of the land; and

(2) the land described in subsection (c) shall be appraised in accordance with nationally recognized appraisal standards (including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice) by an independent appraiser selected by the Secretary of the Interior and Accomack County, Virginia.

H.R. 2087

OFFERED BY: Mr. HASTINGS OF FLORIDA

AMENDMENT No. 2: At the end of the bill add the following:

(d) VALUATION OF LAND.—Any instrument executed pursuant to subsection (a) shall provide that, before the restrictions referred to in this Act are removed from the deed referred to in this Act, an independent appraiser shall complete an approximate valuation of the land in each of the following years: 1776, 1865, 2013, 2017, 2032, and 2212.

EXTENSIONS OF REMARKS

HONORING STANLEY KOSTA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to praise Stanley Kosta, a veteran of World War II who was recently honored by the Republic of France with its highest military decoration, the French Legion of Honor. He was named "Chevalier", or Knight, in the National Order of the Legion of Honor and presented with the medal at the French Consulate in San Francisco on January 23, 2012.

The Republic of France is awarding this prestigious honor to United States veterans who helped in the liberation of France in WWII during one of four major campaigns: Normandy, Southern France, Northern France, and the Ardennes (Battle of the Bulge).

Born on May 5, 1917 in San Francisco, California, Mr. Kosta was 26 years old when he was drafted into the United States Army in July 1943. Serving in the 9th Infantry Division, 47th Infantry Regiment, he landed in Normandy in July 1944 about a month after D-Day. For the next nine months he advanced through France, Belgium, and Germany serving as a radio operator on and near the front lines.

He fought courageously in the battle of Saint-Lo and to strategic victory in another key-town in Normandy, Falaise. From there his division crossed the Marne River, just east of Paris for the Ardennes Counteroffensive, also known as the Battle of the Bulge, which was one of the largest and bloodiest of WWII. On January 30, 1944, his unit crossed the Rhine River to enter Germany. Shortly thereafter, he became ill during combat and was sent to a hospital in England.

After the war, Mr. Kosta settled in the West End neighborhood of San Rafael, California. After 35 years of marriage his first wife passed away. Eventually, he found happiness again and remarried. He has two amazing sons, one a former police captain from San Rafael, and the other an artist in Denmark.

Few people discover a lifelong passion at an early age and find time to enjoy it daily, but Stanley was introduced to the accordion by the age of 9 and to this day he plays regularly. Unable to read sheet music, he can still play over 300 songs.

From a young age, he always knew he wanted a job doing physical labor. He was not one cut out for an office. Growing up during the Great Depression, he dropped out of high school during the 11th grade to find a job. He took several odds jobs including selling papers, passing out theater fliers, and constructing mannequins. After the war, he worked for several breweries in San Francisco, California, including Acme, Burgermeister, and Rainier.

In 2004, sixty years after the liberation of France, the Republic of France started recognizing the service of United States Veterans of WWII for their part in the liberation. Mr. Kosta is joined by several other WWII veterans from Marin and Sonoma Counties who have received the French Legion of Honor and they are: Mr. Reginald Alexander of Kenwood, CA (deceased); Mr. Marion Grohoski of Santa Rosa, CA; Mr. Earl Shanken of San Rafael, CA; Mr. John Thomson of Santa Rosa (recently deceased); and Mr. Gerard Cormier of Corte Madera. Many veterans have applications pending, but even more did not live to see this day.

Mr. Speaker, it is with great respect and awe that I extend my gratitude to Mr. Kosta and his comrades for their service to the United States of America during WWII.

RECOGNIZING NATIONAL HISTORY DAY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mrs. LOWEY. Mr. Speaker, I rise today to recognize National History Day, a year-long academic program in the humanities focused on historical research for 6th to 12th grade students. On Monday, February 13, 2012, President Obama awarded National History Day with the prestigious 2011 National Humanities Medal. The White House recognized this program as one that "inspires in American students a passion for history," and today it is our privilege to echo this commendation.

In doing so, we congratulate Dr. Cathy Gorn, Executive Director of National History Day, the entire National History Day Staff, its board, and its honorary advisory council on their distinguished service. It is quite uncommon for a program—rather than an individual—to win this prominent medal, and it is clear this program is deserving of our acknowledgement.

The National History Day program invites students to conduct primary historical research in libraries, archives, museums, and historic sites. Their analysis ultimately results in original conclusions that culminate in papers, websites, exhibits, performances, and documentaries. These products are then entered into local, state, and national competitions.

Each year, more than half a million elementary and secondary school students participate in this not-for-profit program. The organization operates in all 50 states, the District of Columbia, as well as U.S. territories and is currently in the process of expanding internationally.

Students walk away from National History Day with a wealth of information as well as invaluable research, problem solving, and critical thinking skills. The program has been

called "one of the nation's most successful educational efforts in the humanities." In fact, studies have shown that the college and career-ready skills that students acquire through participation in National History Day have resulted in substantially improved performance on standardized tests across all subjects, including science and math.

Mr. Speaker, I am proud to recognize National History Day and to associate myself with its noble cause. I urge my colleagues to join me in honoring this tremendous program in order to demonstrate our gratitude and to encourage the continuation of its good works.

HONORING THE CONTRIBUTIONS TO OUR LOCAL COMMUNITIES MADE BY NANCY DEMBOWSKI

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise to honor the life of a distinguished State Representative, former Mayor and outstanding citizen, Nancy Dembowski of Knox, Indiana. Ms. Dembowski used her background in radio broadcasting to launch a career in public service that has been notable for her ability to communicate with her constituents and understand their concerns. State Representative Dembowski's dedication to community service and her life as the spouse of a steelworker have made her an effective spokesperson for the interests of average working Hoosiers.

Ms. Dembowski began her public life in 1984 as a member of the Starke County Council where her tireless efforts earned her the Starke County Citizen of the Year Award in 1990. After two terms on the Council, she served three terms as mayor of Knox during which her plans for economic development brought 1100 jobs to the area. Also during her service as Mayor, the City of Knox received two Achievement Awards from the Indiana Association of Cities and Towns, a tribute to her efforts to build the Knox Community Center and renovate the historic Gateway Depot.

Ms. Dembowski served as a Senator in the Indiana State Senate from 2002 to 2004 and then moved to the State House in 2006 where she served as the Majority Caucus Chair. While serving in state government, she has championed local education, economic development, pro-life issues and the fight against domestic and child abuses.

As if holding public office was not contribution enough, Ms. Dembowski is also an active member of the Chamber of Commerce, Kiwanis Club, and Saint Thomas Aquinas Catholic Church. She has been the President of the Starke County Junior Achievement Board, Secretary of the Starke County Youth

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Club, Chair of Starke United and a member of the Steelworkers Organization of Active Retirees. She is a former member of the Starke County Coalition Against Domestic Abuse, where she helped inaugurate a plan to build the Phoenix House, a safe haven for families escaping abuse.

Despite her many professional successes, Ms. Dembowski values most her 43 years of marriage to the late Ed Dembowski, her three children, Michael, Rebecca and Patrick and her eight grandchildren.

It is with great pride and honor that I rise on behalf of the citizens of Indiana to salute not only State Representative Nancy Dembowski's personal achievements and her contributions to our community, but also the generosity, courage and spirit that made her a remarkable public servant and a dear friend.

IN RECOGNITION OF ANDREA
GORMAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. STARK. Mr. Speaker, I rise today in recognition of Andrea Gorman for her tireless advocacy for Social Security. Ms. Gorman is a long-time constituent of mine and a leader within the Local 1584 of the International Association of Machinists and Aerospace Workers in the East Bay. She has triumphed over adversity, and her story is a compelling reason to protect Social Security.

As a child in the 1940s, Andrea suffered the loss of her father; her mother unable to financially care for her eight children was forced to surrender Andrea and her siblings to an orphanage and foster homes. Fortunately a safety net was there and Andrea's family qualified for Social Security survivor benefits, which would reunite her with her siblings and their mother. Her first encounter with Social Security saved her family; her second, her home.

Forty-five years later, after fighting for her right to work among the men in the male dominated machinist industry, Ms. Gorman was injured on the job and unable to work. She required Social Security disability benefits in order to survive and keep a roof over her head. Once again Andrea was grateful to a social program she calls "her guardian angel".

Now retired, Andrea continues to advocate for the protection of Social Security and she is a trustee for Local 1584. Andrea's life is a leading example of why Social Security is one of our nation's most vital safety net programs and why we must protect it.

I invite my colleagues to join me in recognizing a woman who has overcome adversity and life's struggles through determination, bravery, and hard work. I urge my colleagues to take Andrea's story to heart and work to protect Social Security for future generations.

HONORING CHIEF MICHAEL
FALESE

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. ROSKAM. Mr. Speaker, I am pleased to rise today to congratulate Bartlett Fire Protection District Chief Michael Falese on being named the Illinois Fire Chiefs Association's "Chief of the Year."

Chief Falese began his career of service and commitment to the community with the Elgin Fire Department in 1983, where he rose to the rank of Fire Chief, and remained until 2007. In 2010, Falese became a Fire Chief at Bartlett Fire Protection District.

For the past two years, Falese has served as one of the Illinois fire service representatives sent to Washington D.C. to discuss Illinois fire service issues with elected officials. He has also served as a member of the Illinois Fire Chiefs Association (IFCA) Board of Directors for the last two years and will become IFCA's President this coming October. In a large scale train derailment that took place last November, which involved more than 30 local, state, and federal agencies, Falese exhibited strong leadership as in command of the response.

Falese continues to devote his time to the community. He is currently President-elect of the Bartlett Rotary Club. He has made sure that the Fire District is represented at every U.S. troop homecoming in Bartlett. He is an esteemed partner to the Village of Bartlett, DuPage County, and Hanover and Wayne Townships.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing Chief Michael Falese for this highly-respected distinction.

HONORING DOROTHY BERTUCCI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dorothy Bertucci, a leading citizen of Petaluma, CA, who passed away February 23, 2012. She died peacefully at home at the age of 93 after a lifetime in her hometown where she was best known for her promotion of libraries and her kind spirit.

Dorothy was born in Petaluma, at home. Her parents, the prominent Mattei family, owned a men's clothing store downtown, not far from the house. She attended St. Vincent de Paul High school and graduated from UC Berkeley (Cal) in 1941. With a degree in library science and history, she then worked in the libraries at both Cal and UCLA.

Later at Cal, she also met her husband Andy Bertucci. In 1949, the two went to a Cal game on a blind date, married in 1950, and enjoyed a 49-year marriage. Andy worked in the family clothing store, and the couple raised their four children in Petaluma. After Andy's retirement in 1977, the two traveled together frequently and enjoyed many games of golf till Andy's death in 1999.

Dorothy was active in the City, including its political campaigns, but libraries were her true mission. She knew libraries represented the heart of the community, a place where everyone had access to information and a gateway into the magic of reading. She was a librarian and a member of the Library Board of Trustees in Petaluma as well as serving on the Sonoma County Library Commission and the California Association of Library Trustees and Commissioners (including a stint as President).

Straightforward, dedicated, and optimistic, she was the ideal person to help in the campaign for a bond measure for a new library in Petaluma. It passed in 1976 on the fourth try, with Dorothy championing the effort all the way. In 1974, she was honored as Petaluma's Citizen of the Year for her involvement.

Dorothy is survived by her four children John, Paul, Tom, and Ann and their partners as well as three grandchildren.

Mr. Speaker, citizens like Dorothy Bertucci remind us what caring people can accomplish for their communities. Please join me in honoring her life and accomplishments.

RECOGNIZING THE CAREER AND
ACCOMPLISHMENTS OF DOUG
SUTHERLAND

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. DUFFY. Mr. Speaker, I rise today to recognize the career and accomplishments of Mr. Doug Sutherland, an alumnus of the University of Wisconsin—Superior.

Doug is one of the most accomplished athletes in the history of the school and was recently named to the Wisconsin Intercollegiate Athletic Conference (WIAC) All-Time Team in football. He has also been chosen recently as a member of the inaugural class of the WIAC Hall of Fame.

In 1970, Doug was chosen in the 14th round of the NFL Draft by the New Orleans Saints. He went on to have a 13-year career with the Saints, the Minnesota Vikings and the Seattle Seahawks. He appeared in three Super Bowls with the Vikings and, in 2010, was named one of the 50 greatest Vikings.

In addition to distinguishing himself on the football field, Doug was a six-time conference champion in track and field throwing events and participated in three National Association of Intercollegiate Athletics meets.

Again, Mr. Speaker, I am pleased to help recognize Doug's incredible athletic record and ask that my colleagues join me in congratulating him on his accomplishments.

OUR HERITAGE FORESTS: AN
AMERICAN LEGACY

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. INSLEE. Mr. Speaker, I submit the following article, which is authored by my friend

Jason Hartke, and discusses the important role of our nation's Roadless Areas. Roadless Areas protect 58.5 million acres of pristine wild forests and provide clean drinking water to over 60 million Americans.

OUR HERITAGE FORESTS: AN AMERICAN LEGACY

(By Jason Hartke)

"If there is one thing that should unite us as a country across generations, parties, an time, it is love of the land." President Clinton made this remark at the National Arbor- etum on January 5, 2001, where he announced the Roadless Area Conservation Rule which protected the last, best wild lands in the nation. This initiative encompassed 58.5 million acres of forests in 39 states. Combining this accomplishment with the 22 National Monuments that he designated and protected, President Clinton left office having saved more land in the contiguous United States than any administration since Theodore Roosevelt.

Yet, like liberty, the price of environmental protection is eternal vigilance. The individuals and organizations who are fighting to protect these magnificent forests have embraced the dream of President Clinton and millions of people across this country. They will not stand aside while the fight for America the Beautiful is in the balance. From the time of Teddy Roosevelt, leaders have stepped forward to ensure that future generations will inherit an epic legacy of timeless beauty.

In this initiative, as in others, President Clinton operated on the principle that economic progress and environmental protection can and must go hand in hand. He made this point clearly in a speech at Reddish Knob in the George Washington National Forest where he called on the Forest Service to formulate a policy to preserve the roadless areas: "It is no longer necessary to grow a modern economy by destroying natural resources and putting more greenhouse gases into the atmosphere. In fact, we can create more jobs by following a path of sustainable development."

President Clinton realized that the country was changing. People were attracted to pristine environments where they saw opportunities for outdoor recreation. Whether it be hiking, camping, fishing, hunting, wildlife photography, or other forms of outdoor activities, people are increasingly seeking out places where they can find solitude, enjoy the wonder and contentment found in nature, and in their own individual way, experience a renewal of the human spirit. To accommodate these popular activities, companies are finding an ever growing and powerful market, giving a helpful hand to local economic interests.

While standing up for the public good is always the right thing to do, it is rarely the easy thing to do. Despite the fact that President Clinton's executive action was steeped in precedent, pioneered by Theodore Roosevelt and other presidents throughout the 20th century, his action was immediately challenged in lawsuits that have spanned the last decade. Some of the opposition may have arisen from the mistaken belief that the Roadless Rule was a last minute action in the final days of the Clinton Administration. In truth, the final adoption of the Rule was the culmination of an exhaustive rule-making procedure, including a thorough and well reasoned environmental impact statement.

As early as December of 1997, one hundred and sixty nine scientists wrote to President

Clinton urging him to develop a science based policy for roadless area protection. The public response was enormous. The forest protection idea sparked the largest grass- roots environmental campaign in US history, eliciting an unprecedented one million six hundred thousand comments from the public. More than 1.2 million Americans provided comments over a 60 day period alone. Of those comments, an amazing 96% of the citizens voiced support for protecting these irreplaceable natural treasures.

Other opposition wrongly assumed that these forests were crucial to the viability of the logging industry. Yet here again, the truth was that these roadless regions accounted for a very small percentage of the logging industry, while the cost of extraction meant that any effort to log in these areas would have to be subsidized.

These old forests are important to people who do not directly use the forests. Scientists have accelerated their documentation of the massive value of free ecological services that are derived from forests. These services help to clean our drinking water, prevent soil erosion, clear the air of pollution, and sequester carbon that otherwise would contribute to climate change.

The old dichotomy between preservationists and utilitarians is increasingly becoming blurred due to the ubiquitous use of these free ecological services. It turns out that everybody has a stake in these ancient forests, because the magnificent landscapes are essential to the integrity of the great life support systems of the planet.

Although forests are under the control of sovereign nations, they also represent a trust responsibility to the world. Deforestation, for example, is one of the biggest contributors to adverse climate change. Forests soak up prodigious amounts of carbon dioxide. Therefore, every person on the earth and all future generations are affected by every forest on earth, regardless of which country they call home.

The eminent historian, Dr. Douglas Brinkley, observed in his book, *The Wilderness Warrior*, that Theodore Roosevelt's conservation record became "the template future presidents followed." His historical perspective rings true.

President Clinton, shortly before he left office, reflected on the environmental policies of his Administration: "We had done our best to be faithful to Roosevelt's conservation ethic and to his admonition that we should always be taking what he called 'the long view . . . Working together, we can ensure that not only our generation, but each generation to come, will have the resources to leave an even better land for those who follow.'"

President Clinton's leadership by example, practicing at home what he advocates abroad, adds to our credibility in the international community and gives hope to people everywhere that living up to our global responsibilities does not impede, but rather sustains economic opportunity and vitality.

Saving the beauty, diversity, and life of the planet is not bad economics; rather, it is fundamental to human survival and the advance of civilization.

CELEBRATING THE LIFE OF POPE SHENOUDA III

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. PETERS. Mr. Speaker, I rise today to mark the passing and celebrate the life of Coptic Christian Pope Shenouda III of Alexandria. For more than forty years, Pope Shenouda was the leader of the Coptic Orthodox Church—a denomination with more than ten million followers in Egypt and throughout the world.

As its religious leader, he ensured that the Egyptian Coptic community was, and is, an integral pillar of Egyptian society. We will miss him, especially during this time of political transition in Egypt, as his voice reminded us of that country's long history of peace and religious tolerance.

I join the members of Michigan's Coptic Community and the St. Mark Coptic Orthodox Church in my district to mourn the passing of Pope Shenouda. As President Barack Obama eloquently stated "we will remember Pope Shenouda III as a man of deep faith, a leader of a great faith, and an advocate for unity and reconciliation."

RECOGNIZING WYNNBROOK ELEMENTARY SCHOOL IN WEST PALM BEACH, FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize Wynnebrook Elementary, a school in my district that exemplifies all that is right with America's public education system. Under the guidance of Principal Jeffrey Pegg and his talented faculty, Wynnebrook has been rated an "A" school by the State of Florida nine years in a row.

I toured this fine school on March 15, 2012 and saw for myself everything that makes it great. I met wonderful teachers and spoke to classroom after classroom of happy children who were clearly excited to learn.

Wynnebrook Elementary's students are overwhelmingly minority children, and most come from low-income families. Despite these challenges, writing scores on the Florida Comprehensive Assessment Test (FCAT) are in the 90th percentile, with reading scores close behind. Scores in nearly all core subjects are over 80 percent as well.

There is no lack of enthusiasm at Wynnebrook. Several teachers were eager to tell me how pleased they are with the continued excellence of Wynnebrook. They are certainly a large part of its success, with several having taught at Wynnebrook for over 30 years. Additionally, the children were eager to ask me questions about my occupation and career. I was especially impressed with the number of students who told me they would like to become doctors or lawyers.

Wynnebrook is proof that when schools get the funding they need, they will turn out intelligent, well-adjusted children who want to succeed in life. What I saw that day served as a reminder of the importance of Title I funding in ensuring that our nation's students receive the education they deserve, regardless of their financial background, and reinforced my determination to work for increased funding for public education as a whole.

Mr. Speaker, I commend Principal Pegg, reading instructor Leslie Millar, and all the fine teachers and staff members I met at Wynnebrook Elementary, and I look forward to even greater success from its administrators, faculty, and students in the years to come.

CELEBRATING STATE REPRESENTATIVE CHET DOBIS'S RETIREMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with immense gratitude and the utmost respect that I take this time to honor a dear friend and one of Indiana's finest citizens, the Honorable Chet Dobis, Indiana State Representative. For his many years of public service and his countless efforts toward improving the lives of Northwest Indiana residents, Chet will be honored at a celebratory reception at Gamba's Ristorante in Merrillville, Indiana, on Monday, March 19, 2012.

Chet Dobis, a resident of Northwest Indiana, attended Merrillville High School and went on to further his education at Indiana University Northwest in Gary. He also studied at the University of Wisconsin, undertaking graduate coursework. In the years to follow, Chet, through hard work and acumen, would become a vice president at Bank One. He has also worked with the Indiana National Guard and the Gary Sportsmen Club. Representative Dobis was elected to the Indiana House of Representatives in 1970 and has represented the people of Indiana House District 13 for the past forty-two years. Over the years, he has been a strong leader in the development of Northwest Indiana and has always been a true advocate for the citizens of his district. Among his major accomplishments, Chet was extremely helpful in the establishment of Merrillville, Indiana as a town. He also played a pivotal role in the creation of the Northwest Indiana Regional Development Authority (RDA). This agency has been charged with implementing catalytic economic development projects throughout Lake and Porter counties. Representative Dobis's hard work has materialized as the RDA works with local communities to transform the south shore of Lake Michigan and to expand the Gary/Chicago International Airport. Throughout his career in the Indiana General Assembly, Chet has served as the House Assistant Minority Floor Leader and Speaker Pro Tempore. His current legislative committees include the Committee on Courts and Criminal Code and the Committee on Financial Institutions, and he serves as Chair of the Select Committee on Govern-

ment Reduction. For his passionate commitment and continuous support to Northwest Indiana, Representative Dobis is to be highly commended.

In addition to his exemplary career, Chet is involved in numerous community and charitable organizations. He has served on the Executive Board of the Northwest Indiana Regional Planning Commission and as a member of the Indiana University Northwest Advisory Board.

Representative Dobis's dedication to Northwest Indiana is noteworthy; however, it is his commitment to his family that is most impressive. Chet and his wonderful wife, Darlene, have two beloved children, Aaron and Ashley, and one adoring granddaughter, Teagan.

I am honored to call Chet Dobis a friend, and we should all be blessed with such wonderful friendships. More importantly, Chet has been a friend to all, a gentleman in the truest sense of that word, and the epitome of a public servant. His is a life we should all seek to emulate.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Indiana State Representative Chet Dobis for his outstanding devotion to Northwest Indiana and in wishing him well upon his retirement. Chet's unselfish, lifelong dedication and exceptional contributions to the community are worthy of the highest praise, and it has been a pleasure to work with him throughout his years in office.

IN MEMORY OF ALEXANDER HILDEBRAND

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. McNERNEY. Mr. Speaker, today I rise with my colleagues Congressman GEORGE MILLER, Congressman MIKE THOMPSON, Congresswoman DORIS MATSUI, and Congressman JOHN GARAMENDI to honor the life of Alexander Hildebrand, who passed away at age 98 on January 23, 2012.

Alex was a father, farmer, engineer, and defender of the Sacramento-San Joaquin Delta. Alex graduated with honors from UC Berkeley with a degree in Physics and Chemistry in 1935. Alex went on to have a lengthy career with Standard Oil, working in refining and other areas. During World War II, Alex contributed to the war effort by serving in the Navy Reserves and then as chief engineer at an oil refinery in the Persian Gulf. He took an early retirement from Standard Oil and moved his family to a farm near Manteca in San Joaquin County, California in 1962. Alex loved the land and was working on his farm into his 90s.

Alex was a champion of Delta water and agriculture as the consulting engineer to the South Delta Water Agency. Additionally, he served on numerous boards and committees including the San Joaquin Farm Bureau board, the California Farm Bureau water committee, the Delta Water Users board, the Water Education Foundation advisory board, and the California Central Valley Flood Control Association board. He worked to create the San

Joaquin River Flood Control Association and was appointed by Governor Wilson to the CalFed Bay Delta Oversight Committee and the CalFed Bay Delta Advisory Committee. Alex also served as president of the McMullin Reclamation District.

Alex was a valued and respected leader whose understanding of the Delta and California's water challenges was unsurpassed. Alex was always generous with his time and eager to teach new generations of leaders about the Delta and its precious waterways. Alex's work as an unwavering voice in defense of the Delta and its farmers leaves a legacy that will continue to benefit the people of San Joaquin County and the Delta. It is for these reasons that I ask my colleagues to join me in honoring the memory of Alexander Hildebrand and sending our thoughts and prayers to his beloved family and friends.

RECOGNIZING FIRST WESLEYAN CHRISTIAN SCHOOL

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mrs. MYRICK. Mr. Speaker, it is a distinct honor to recognize First Wesleyan Christian School in Gastonia, NC, which celebrates 40 years of service and education on April 21, 2012.

First Wesleyan Christian School first opened its doors in 1971 in Gastonia, North Carolina, bringing individualized, Christ-centered education to preschoolers and students of all denominations.

Since 1971, more than 2,000 children have attended First Wesleyan Preschool, and more than 1,800 students have attended First Wesleyan Christian School. Over 250 students have proudly graduated from First Wesleyan Middle School, ready to excel and lead academically and spiritually in high school, college and beyond. Thousands of Gaston-area residents have benefited, and continue to benefit, from the individual instruction, caring and leadership of hundreds of dedicated teachers, staff members, church members and community leaders over the past 40 years.

First Wesleyan students have gone on to serve as outstanding citizens, community partners, professionals, spiritual leaders, missionaries, teachers, parents and grandparents in our region, throughout North Carolina, across the United States and around the world.

I am proud to represent the faculty, student body and community of First Wesleyan Christian School, and congratulate them on their past, present and future success.

CELEBRATING STATE REPRESENTATIVE DAN STEVENSON'S RETIREMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with tremendous respect that I take this time to recognize one of Northwest Indiana's most distinguished citizens, State Representative Dan Stevenson, and to thank him for his service as a member of the Indiana General Assembly. After eighteen years as a member of the Indiana House of Representatives, Dan has decided to retire from elective office. Known for being a great leader and a true public servant, Representative Stevenson's presence in Indianapolis will surely be missed by his colleagues and the people he has so loyally served.

A lifelong resident of Northwest Indiana, Mr. Stevenson graduated from Highland High School in 1977 and later attended Calumet College of Saint Joseph. Later, Dan, like many hardworking people of Northwest Indiana, began working at Inland Steel Company, now ArcelorMittal. It is here where he witnessed the needs of the working class, for whom he tirelessly labored as a public servant. Even outside of his role in the General Assembly, Representative Stevenson has been a steadfast advocate for working men and women. As a member of United Steelworkers of America Local 1010, Dan has served his co-workers as a grievance committee representative. Fully aware of the importance of keeping people informed, Dan has also served as the editor of the union newspaper. Dan Stevenson's dedication to those who toil for a living is to be commended.

First elected to the Indiana House of Representatives in 1994, Dan leaves a lasting impression. Described by his colleagues as a quiet, yet driven leader, it was apparent upon his arrival in Indianapolis that a true champion of working people had arrived. A truly well-rounded legislator, Representative Stevenson currently serves as the Ranking Minority Member on the Utilities and Energy Committee, as well as a member of the Environmental Affairs and the Interstate and International Cooperation Committees. As a member of the House, Representative Stevenson has fought tirelessly for economic justice, earning him many distinguished accolades, including: the Service to Labor Award from the Northwest Indiana Federation of Labor, the Legislative Achievement Award from Indiana University Northwest, the Legislative Award from the Indiana Library Federation, and the Legislator of the Year Award from the Indiana Association of Police Chiefs.

While his constituents will miss his dedicated leadership, I am certain that Dan will treasure the additional time he will get to spend with his beloved wife, Dawn; his children, Michelle, Lola Ann, and Dan, Jr.; and his adoring grandchildren, Erik, Karen, Austin, and Ethan.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Indiana State Representative Dan

Stevenson for his dedicated life of service. Dan's tireless efforts on behalf of those he represented is worthy of our admiration, and it has been a pleasure to work with him throughout his years in office.

RECOGNIZING THE ACHIEVEMENTS OF REVEREND GWENDOLYN BOYD

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. CLEAVER. Mr. Speaker, I proudly rise today to pay tribute to Reverend Gwendolyn Boyd, a community leader, humanitarian and a woman of faith, whose legacy continues to enrich the lives of the people around her. Her dedicated community service has brought professionalism and compassion to every endeavor she has so graciously undertaken. Her dedication and commitment to Delta Sigma Theta Sorority, Inc., and the public is the reason for this recognition and celebration.

Rev. Boyd served as the 22nd National President of Delta Sigma Theta Sorority, Inc., from 2000–2004. She accomplished many things during her time as president including the building of a home for AIDS orphans in Swaziland, establishing the Delta Computer Training Center in Lesotho and establishing the Leadership DELTA training program. Also, she established project SEE, which promotes the learning of math and science for middle school African American girls.

Rev. Boyd is the perfect example of someone who continues to make a difference, as she has never backed away from a challenge that helps her community or those in need. Her imprint can be found in such worthy initiatives as Children's Research Institute, Children's National Medical Center and Education Across the Miles. She is also responsible for the coordination of HBCU initiatives.

As the first African American to earn a Master of Science degree in Mechanical Engineering from Yale University, Rev. Boyd championed issues and worked for solutions. Over the years her stature continues to grow as she is an active member on numerous boards, foundations and committees. Her admirable work is as diversified as her many interests, resulting in a positive impact on the community and greater quality of life.

Rev. Gwendolyn Boyd demonstrates in her everyday actions and words that determination is the pathway to success. She is an ordained itinerant elder in the African Methodist Episcopal Church. She earned her Master's of Divinity degree with honors from Howard University and she serves as the Executive Minister for Church Operations at Ebenezer A.M.E. Church in Fort Washington, Maryland.

Rev. Boyd has dedicated numerous hours to developing and enriching the lives of our youth. She was nominated by President Obama and served on the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation. She is an advocate for young people interested in careers in the engineering, science, and math fields. Rev. Gwendolyn Boyd is a passionate, energetic and highly motivated individual and her public speaking has inspired many.

Mr. Speaker, please join me in saluting Reverend Gwendolyn Elizabeth Boyd, a distinguished ambassador for human rights, a role model for our youth and a true heroine for all of America. I salute her for a lifetime of achievement, and am both proud and honored to call her my friend. Thank you, Rev. Boyd, for all you have done, and for all you contribute to our lives.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,566,570,829,745.94. We've added \$4,939,693,780,832.86 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

REMEMBERING MARGARET KUCHTA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with deep sadness and great respect that I take this time to remember one of Northwest Indiana's most beloved citizens, former Hobart Mayor Margaret Kuchta. Mayor Kuchta, who was very much committed to making improvements within the City of Hobart and improving the quality of life for its residents, devoted a lifetime of service to her community. Margaret was very well known throughout Northwest Indiana and will truly be missed. Margaret passed away on Thursday, February 23, 2012, but her legacy will continue to live on in the hearts of those she served.

Margaret Kuchta's service in an official capacity began when she was elected clerk-treasurer for the City of Hobart, a position she held from 1976 to 1987. Margaret then served as Hobart's first elected female mayor from 1988 to 1991. Following her tenure as mayor, Mrs. Kuchta remained an active member of the community and later served as councilwoman for the fifth district from 1996 to 2000, as well as a member of the Hobart Township Board from 2002 to 2010. At the time of Mrs. Kuchta's election to the city council, she established her place in Hobart's history as the only person to hold all three elected offices: council member, clerk-treasurer, and mayor. Mrs. Kuchta was also a part of many other organizations and boards, dedicating her life to making a difference in the lives of others. Mrs. Kuchta is remembered as a great leader and committed volunteer, but many also recall her as a mentor and trusted political advisor.

When I began my public career I had few resources and minimal chances of success.

Margaret did not care, and her encouragement, tireless effort, and strong public support in the face of great opposition is one reason I am able to address you today as a Member of Congress.

The kindness Margaret showed to me as a friend is illustrative of her caring heart and lifetime of devotion to improving the lives of others; sometimes very privately for one individual or family, sometimes very publically for many, but always selflessly. Each of us, our community, and our nation, are enriched because Margaret Kuchta walked among us.

Margaret is survived by her beloved sons: Robert, Richard, and Michael. She also leaves behind seven beautiful grandchildren, six great-grandchildren, and many other dear friends and family.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in remembering the great life of Mrs. Margaret Kuchta. Her dedication to the people of her community and the city of Hobart is inspirational and most worthy of our admiration and Northwest Indiana will forever be grateful for all that she has done.

TRIBUTE TO REV. GEORGE ST.
ANGELO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. CONYERS. Mr. Speaker, I rise today in memory of Rev. George St. Angelo, a resident of the state of Illinois, who dedicated his life to being a civil rights and social justice advocate.

In 1955, St. Angelo was the first chaplain at North Central College where he encouraged discussion of social justice issues by inviting a variety of important speakers to the college's campus. These speakers included "Freedom Ride" organizer and Committee on Racial Equality founder James Farmer, Morehouse College President Benjamin Mays, and St. Angelo's good friend Rev. Martin Luther King, Jr. Despite local opposition, two weeks after the first historic voting rights march that ended in the "Bloody Sunday" beating of citizens in Alabama, St. Angelo took a group of students from the suburban Chicago college to participate in the third Selma to Montgomery voting rights march, which ended at the state capitol with Dr. King's "How Long, Not Long" speech.

I have profound respect for St. Angelo's devotion to the civil rights movement. He dedicated his life to service and remained personally involved in promoting intercultural understanding until his death.

Thank you, Rev. George St. Angelo, for remaining steadfast in the fight for voter equality in this country. The people of Michigan, and all of those who you helped and fought for, will always remember your kindness, courage, and dedication to this just cause.

CELEBRATING THE GIRL SCOUTS
OF AMERICA 100TH YEAR ANNIVERSARY

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate the Girl Scouts of America on reaching your 100th Anniversary. This is truly a great organization that is dedicated to enriching the lives of girls across the globe. For over a century, the Girl Scouts have promoted strong and successful girls and helped them along the way to becoming proud and prominent women.

New Hampshire is proud to have the Girl Scouts of the Green and White Mountains teach our young ladies new and varied skills from archery and camping, to engineering and banking. With the well rounded merit badge system and great role models, many of these girls discover and explore techniques they would otherwise miss. Our communities have been immeasurably impacted by the good deeds the scouts do while earning badges and working toward the highest achievement of the Gold Award, and I commend them for their great success and the influence they have had on the public.

I congratulate the Girl Scouts of America for their continued dedication and leadership to the girls of our nation and the Granite State. I wish you all the best for continued success in the future.

CELEBRATING WOMEN'S HISTORY
MONTH

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. VISCLOSKEY. Mr. Speaker, it is with great admiration that I rise today to honor Women's History Month and its 2012 theme: Women's Education and Empowerment. Recently, President Barack Obama once again called upon Americans to observe Women's History Month and to celebrate the many contributions and accomplishments of American women throughout our nation's history. During this month, we are also reminded of the many struggles women have faced in search of equality.

The remarkable dedication and strength of influential women from not only the United States but from around the world has shaped today's current state of freedom and equality for every woman. They have played an irreplaceable role in changing our country for the better. In our nation's history, we have fine examples of courageous women who, in the face of tremendous opposition, have paved the way to success, freedom, and equality. We are reminded of women like Elizabeth Cady Stanton, a leading figure in the Women's Rights Movement, Susan B. Anthony, the great leader who helped introduce women's suffrage in the United States, and Sojourner Truth, the women's rights activist and abolitionist who would

not be silenced because of her race or gender. These exceptional women paved the way for great leaders such as Jeanette Rankin, the peaceful Montana native who would become the first woman to serve in the United States Congress, and Sandra Day O'Connor, the first female Justice of the Supreme Court of the United States.

These pioneering figures, as well as many other brave women throughout the United States and beyond, have brought to light the struggle for human rights. Throughout history in America, women have faced enormous obstacles with regard to educational opportunities. Although it was once an unimaginable statistic, in American colleges and universities today, women outnumber men in overall enrollment. Reflecting upon the 2012 Women's History Month theme, Women's Education and Empowerment, it is fitting that we pay tribute to all of the great leaders in the movement to ensure that the opportunity to learn is an opportunity for all. If these individuals had not stood up for what is right, many of the great advances brought about by women in the fields of medicine, business, law, and science, to name a few, would never have become realities. Today, thanks to the outstanding examples that have been set for them in the past, many proud women are empowered to continue their fight.

Mr. Speaker, I am honored to join in celebrating Women's History Month and to recognize the tremendous contributions women have made to improve the lives of generations to follow. In search of equality, these brave women have carried on to create an influential legacy unlike any other. I ask that you and my other distinguished colleagues join me in remembering the countless women that have persevered and those who continue to do so today. They are worthy of the highest praise. We will continue to move forward in our nation and our world due to their dreams of, and struggles for, equality and freedom for women everywhere.

HONORING MAXINE KORTUM
DURNEY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the life of Maxine Kortum Durney, who passed away on January 24, 2012, at her home in Petaluma, California. Durney was a lifelong naturalist, a leader in the Sonoma County conservation movement, and a tireless advocate for the unique natural environment that makes our region such a special place to live.

Durney was born in Santa Cruz in 1921 and raised in Petaluma, a community to which she returned regularly even after her family and career took her elsewhere across Northern California. After studying at Santa Rosa Junior College and UC Berkeley, Durney became a librarian at Petaluma Public Library. She later worked in libraries in Red Bluff, Fremont, and Santa Rosa, where she developed her passion for local history, and public service, and the preservation of our natural heritage.

In 1972, Durney was recruited by her brother, Dr. Bill Kortum, into an active role in the campaign for California's Proposition 20. The successful Proposition led to the establishment of the California Coastal Commission and a landmark change in our approach to conservation and development in threatened public spaces. Durney's work was vital in the hard-fought victory, and in ushering in a new era for environmentalism in California.

Durney brought the same attention to her work locally, where she was instrumental in cleaning up creeks and watersheds, and in engaging the public to better appreciate and care for our shared resources. In her role on the board of the Southern Sonoma County Resource Conservation District, Durney also demonstrated a collaborative approach to environmental stewardship. She understood that everyone has a stake in sustainable water and land management, and she made a particular effort to share that message with Sonoma County youth.

Mr. Speaker, I ask you to join me in recognizing a woman who has made immense contributions to our environment. Maxine Kortum Durney's legacy lives on in the revitalized watersheds and wild California coastline that will be treasured by generations to come.

IN RECOGNITION OF THE 50TH
WEDDING ANNIVERSARY OF
TOBY AND DIANNE MILLER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 50th wedding anniversary of Toby and Dianne Miller. This event will take place on March 13th.

Toby and Dianne were married in Buchanan, Georgia on March 13, 1962, and have three children, Hugh Dudley Miller, II, Alesia Miller Sherrow and Patrick Dean Miller. They have also been blessed with eight grandchildren.

Toby and Dianne first met on at Sunday afternoon at a local restaurant in Anniston, Alabama, The Goal Post. Toby attended school in Oxford and Dianne attended Anniston High.

In 1970, Toby and Dianne established Miller Funeral Home. In 1972, Congressman Bill Nichols selected Toby to be Oxford's Outstanding Young Man of the Year.

Toby also organized the Oxford Rescue Squad which operated out of the funeral home. It is the only independently owned and operated funeral home in Calhoun County. In 2010, Miller Funeral Home was awarded Calhoun County's Sustaining Business Award. Dianne Miller operated Miller Florist which was founded in 1983.

I salute this lovely couple on the 50th year of their life together and join their friends and family in honoring them on this special occasion.

TRIBUTE TO CIRO GIUSEPPE
RANDAZZO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. PASCRELL. Mr. Speaker, I rise today to recognize Dr. Ciro Giuseppe Randazzo, for receiving the prestigious Federazione Siciliana Del New Jersey "Trinacria D'Oro" Award and for his contributions to the State of New Jersey. As a distinguished medical professional, professor, and lecturer, Dr. Randazzo has dedicated his life to bettering the lives of others.

Dr. Randazzo graduated from John's Hopkins University in 1997, receiving his Bachelor's degree in Biology. Not stopping there, Dr. Randazzo went on to receive both his Master's in Public Health and Doctor of Medicine from the University of Medicine and Dentistry of New Jersey.

Upon graduation, Dr. Randazzo started as an intern and ultimately became a fellow at the Thomas Jefferson University Hospital in Philadelphia, Pennsylvania.

Currently, Dr. Randazzo serves as an Assistant Professor at Thomas Jefferson Medical College. Dr. Randazzo also serves as the Division Director for Neurology at the Thomas Jefferson Medical.

Dr. Randazzo is a distinguished lecturer and has been invited to speak on numerous occasions regarding pressing neurological issues and breakthroughs. He is also a published author and a well respected resource on neurological issues throughout his profession.

On March 11, 2012, Dr. Randazzo will be receiving the Federazione Siciliana Del New Jersey "Trinacria D'Oro" Award. This award is the Federazione Siciliana Del New Jersey's highest honor.

Federazione Siciliana Del New Jersey is a non-profit organization based in Bergen County, New Jersey. They aim to promote a harmonious relationship between the Region of Sicily and the State of New Jersey. As the proud Chair of the Italian-American Congressional Delegation, it is a great honor to recognize Dr. Randazzo and Federazione Siciliana Del New Jersey.

Dr. Randazzo and Federazione Siciliana Del New Jersey are shining examples of the continued contributions Italian-Americans make in communities in the State of New Jersey and throughout the country.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing and commemorating the achievements of individuals like Dr. Ciro Giuseppe Randazzo.

Mr. Speaker, I ask that you join our colleagues, Dr. Randazzo's family and friends, all those whose lives he touched, and me, in recognizing Dr. Ciro Giuseppe Randazzo.

CELEBRATING THE ANNIVERSARY
OF THE HUNGARIAN REVOLUTION

HON. ANDY HARRIS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. HARRIS. Mr. Speaker, on the anniversary of the Hungarian Revolution of 1848–1849, I would like to salute the people of Hungary, a trusted ally of the United States, for the great heritage of those freedom fighters who stood up against tyranny and risked their lives in the name of liberty. I know that Hungarians today are no less committed to the principles of freedom, self-reliance and national sovereignty than our heroic ancestors.

As an American of Hungarian origin I recognize that celebrating 1848 is nothing less than celebrating freedom. And indeed, it is the ideals of freedom and liberty that have linked our countries so inextricably together for centuries.

It is a little known fact, that after the Revolution was crushed with the help of the Russians, it was the United States that negotiated Kossuth's release and thanks to this, the great freedom fighter could sail across the Atlantic to raise public awareness about the situation in Hungary. And this year marks the 160th anniversary of his Congressional address which he delivered in these very chambers to U.S. Representatives.

In his address he said: "Your generous part in my liberation is taken by the world for the revelation of the fact, that the United States are resolved not to allow the despots of the world to trample on oppressed humanity." Even in the most difficult times, when domestic affairs in Hungary were hard to decipher, Americans found the proper and prudent way both officially and unofficially to help those who were truly committed to freedom against those who strove to ignore the will of the people.

Hungarians in 1848 took up arms in order to reclaim their national sovereignty, an ideal that I know Hungary's current government values very much. As Kossuth said while in America, "The sovereign right of whatever nation to dispose of itself to alter its institutions, to change the form of its government, is a common public law of nations, common to all, and therefore put under the common guarantee of all." Americans treasure our own independence and share in the celebration of the Hungarian revolution.

FOURTH ANNUAL NACDS
RxIMPACT DAY ON CAPITOL HILL

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. ROSS of Arkansas. Mr. Speaker, the Fourth Annual NACDS RxIMPACT Day on Capitol Hill is a special day where we recognize pharmacy's contribution to the American healthcare system. The event, organized by the National Association of Chain Drug Stores, takes place on March 21–22. Hundreds from

the pharmacy community—including practicing pharmacists, pharmacy school faculty and students, state pharmacy leaders and pharmacy company executives—will visit Capitol Hill to share their views with Congress about the importance of supporting legislation that protects access to neighborhood pharmacies and utilizes pharmacists to improve the quality and reduce the costs of healthcare.

Two of these attendees from more than 40 states who have traveled to Washington are from the University of Arkansas for Medical Sciences College of Pharmacy. These important healthcare providers are here to urge Congress to recognize the value of pharmacists and protect access to these medication experts as a part of our valued healthcare delivery system.

Pharmacists are the nation's most accessible healthcare providers and nearly all Americans live within five miles of a community retail pharmacy. There are 116 chain pharmacies and 108 independent pharmacies in my own Congressional District in Arkansas. Pharmacy has a long history of receiving, filling, billing and dispensing prescriptions in tandem with counseling. But pharmacists, utilizing their specialized education, also play a major role in medication therapy management, disease state management, immunizations, healthcare screenings, and other healthcare services designed to improve patient health and reduce overall healthcare costs.

We have a responsibility to adopt policies in recognition that pharmacists help patients adhere to their medications to improve health outcomes and reduce the risks of adverse events and unnecessary costly hospital readmissions and emergency room visits. Congress recognized the important role of local pharmacists when it included a Medication Therapy Management (MTM) benefit in Medicare Part D. As we have seen the increasing power of this benefit in improving patient health outcomes, I support community pharmacy's efforts to strengthen the MTM benefit so it is available for seniors and others struggling with chronic conditions and other illnesses.

We also have a responsibility to implement fair reimbursement for pharmacies for the cost effective medications that they dispense. Furthermore, we have a responsibility to protect American consumers and the pharmacies that serve them from corporate middlemen known as Pharmacy Benefit Managers (PBMs). Despite their claims to the contrary, PBMs drive up prescription drug costs, restrict consumers' choice of pharmacy, use gimmicks to delay payments to pharmacies and use private and sensitive health information for illegitimate purposes. Nothing is more important to chain pharmacy than the health and safety of their patients and the well-being of the American public.

Today, I celebrate the value of pharmacy and support efforts to protect access to neighborhood pharmacies and utilize pharmacies to improve the quality and reduce the costs of healthcare. In recognition of the Fourth Annual NACDS RxIMPACT Day on Capitol Hill, I would like to congratulate pharmacy leaders, pharmacists, students, and executives and the pharmacy community represented by the National Association of Chain Drug Stores for

their contributions to the good health of the American people.

IN RECOGNITION OF G.W. CARVER
HIGH SCHOOL WOLVERINES BASKETBALL TEAM FOR WINNING
THE 6A STATE CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention today to pay recognition to the G.W. Carver Wolverines Men's Basketball team in Montgomery, Alabama, who recently won the Alabama High School Athletic Association Class 6A State Championship.

After years of state tournament disappointment, including the last two seasons, the Wolverines grasped their first state title since 1984. The Wolverines record was 29 wins and three losses, but ended the season with a 23-game winning streak. Mr. James "J.J." Jackson is the Head Coach. The members of the team are: Jeremy Johnson, Anthony Jarrett, Zachary Rumph, Craig Sword, Brandon Davis, Tony Armstrong, Brandon Murphy-Blackmon, Brandon Austin, Jose Duncan and Tony Cole.

All of us across Montgomery County and east Alabama are deeply proud of these talented young Alabamians. I'd like to congratulate the team, coaches and G.W. Carver High School on this outstanding achievement.

CONGRATULATING THE ALVIS
HOUSE ON ITS 45TH ANNIVERSARY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. STIVERS. Mr. Speaker, I rise today to congratulate the Alvis House on its 45th anniversary of providing exceptional service to the Columbus community.

Since 1967, Alvis House has displayed a genuine commitment to its motto, "Reconnecting Families, Restoring Communities and Reinvesting in Ourselves."

From its programs that help individuals re-enter the community after their involvement in the criminal justice system, to the assistance Alvis House provides to families affected by having relatives in jail or in prison, this facility has definitely proven its ability to have a positive impact on the community.

Alvis House also provides a range of individualized habilitation and behavioral support services to those with developmental disabilities that works to help them engage in our communities. For that, I commend the facility.

The work of Alvis House helps to brighten the future by unlocking each individual's potential and investing in the resources that attain results. Alvis House and its accomplishments benefit the communities in which we all live, and I look forward to its continued tradition of excellence and service.

20TH ANNIVERSARY OF THE U.S.
RECOGNITION OF THE REPUBLIC
OF CROATIA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. GALLEGLY. Mr. Speaker, April 7, 2012, marks the twentieth anniversary of the United States recognition of the Republic of Croatia as a sovereign country.

Two decades later, the Republic of Croatia has shown its firm and steady commitment to freedom, democracy, and prosperity for all its citizens.

The United States has been a consistent supporter of these endeavors, to which the House of Representatives, and especially the Croatian Congressional Caucus, have played a crucial role.

Over the past twenty years, Croatia has come a long way and the House of Representatives has been there to recognize and encourage its integration into Euro-Atlantic institutions. On December 14, 2005, the House of Representatives approved House Resolution 529, which recommended and encouraged Croatia's membership in the North Atlantic Treaty Organization (NATO). In addition, House Resolution 529 commended Croatia for its progress in meeting the political, economic, and military requirements. Finally, the resolution recognized Croatia's contribution to the global war on terrorism and for its constructive participation in the United States-Adriatic Charter.

This was followed up by approval of House Resolution 1266 on July 30, 2008, congratulating Croatia on being invited by NATO to begin accession talks. In the three years since Croatia joined NATO, Croatia has contributed to NATO-led peace-keeping missions and offered its strong support to allied forces, especially in Afghanistan, where Croatian troops are assisting in bringing stability and security to the country.

Currently, we are witnessing another vital moment for our Southeast European ally. They have entered the final phase in its accession negotiations with the EU. Along with forging its Euro-Atlantic future, Croatia has proven to be an ardent advocate for the rest of the Balkan region. Success for Croatia will be success for the region and a beacon for eventual EU and NATO membership for all these countries, once all the conditions and benchmarks have been met.

The 20-year relationship between the U.S. and Croatia has been based on shared values and friendship, and I am confident that it will continue.

I know my colleagues join me in congratulating Croatia on all it has accomplished since becoming a sovereign nation. I look forward to our continuing partnership.

IN RECOGNITION OF STEPHEN
WILLIAMS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. McGOVERN. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating Stephen Williams of Franklin, MA on his 38 distinguished years as a member of the Franklin Police Department, culminating in his recent retirement after 8 years as Chief.

Mr. Williams has been tied to Franklin since birth. He grew up in Franklin, attended Franklin High School, and got an associate's degree at Franklin's Dean College before later earning bachelor's and master's degrees at Westfield State College.

After playing college football for Boston University, Mr. Williams served in the Army as a member of the military police in the Vietnam War, putting him on a lifelong course as an advocate of public service and safety.

In his 38 years working for Franklin, 8 as chief, Mr. Williams was an invaluable, highly respected community leader, not only in public safety matters, but in the school system, and in the veterans' community.

He was an early proponent of E911 in Massachusetts, as well as an instrumental leader for the regional South Suburban Police Institute.

Mr. Speaker, I rise to thank Mr. Williams for his lifelong contributions to his community. His commitment to public safety, and his passion for Franklin is truly remarkable. I ask the House of Representatives to join me in celebrating the lifetime work of Chief Williams upon his retirement.

TRIBUTE TO REV. DR. JAMES A.
KUYKENDALL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. PASCRELL. Mr. Speaker, I rise today to recognize the continued contributions of Rev. Dr. James A. Kuykendall to the State of New Jersey and to our Nation. As a spiritual leader, mentor, and community servant, Dr. Kuykendall has dedicated himself to bettering the lives of others.

Dr. Kuykendall is a native of my hometown, Paterson, New Jersey. He attended Eastside High School, where he was an assistant drum major for the school marching band. Dr. Kuykendall went on to study at Montclair State University and Ramapo College. Ultimately, Dr. Kuykendall obtained his Doctor of Divinity degree from Shiloh Theological Seminary in 1999.

Dr. Kuykendall also proudly and honorably served in the United States Army. He was stationed in Seoul, South Korea and completed his tour of duty as a financial specialist.

In 1987, Dr. Kuykendall established the Agape Christian Ministries Church. He is the founder and pastor of one of the most multi-

cultural and popular ministries in the City of Paterson.

However, Dr. Kuykendall's message and goodwill is not confined to the Agape Christian Ministries Church on 76 Ward Street in Paterson, New Jersey. His weekly ministry broadcast is telecast to over 120 cities throughout New Jersey and New York. The Agape Christian Ministries Church also has one of the most generous college scholarship programs in the State of New Jersey. This has made higher education a reality to countless bright and talented students.

Currently, Dr. Kuykendall serves as Chaplain to the Paterson Police Department and as Chief Chaplain to the Passaic County Jail. He serves on numerous community and civic boards. Dr. Kuykendall has received numerous awards and honorary resolutions for his civic and religious work throughout New Jersey.

Dr. Kuykendall is married to Rev. Kathy Kuykendall of Paterson, New Jersey. They could not be more proud of their daughter Tanisha Vonetta and of their grandchild Te'ras Trae Samuels.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing and commemorating the achievements of individuals like Dr. James Kuykendall.

Mr. Speaker, I ask that you join our colleagues, Dr. Kuykendall's family and friends, all those whose lives he touched, and me, in recognizing Dr. James Kuykendall.

IN RECOGNITION OF JACKSON-
VILLE HIGH SCHOOL LADY
GOLDEN EAGLES BASKETBALL
TEAM FOR WINNING THE 4A
STATE CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention today to pay recognition to the Jacksonville High School Lady Golden Eagles Women's Basketball team in Jacksonville, Alabama, who recently won the Alabama High School Athletic Association Class 4A State Championship.

The Lady Golden Eagles are the first girls' basketball team in Calhoun County history to win a state title. The team began the season unranked, but proved during the season and post-season to be number one. Their overall record was 31 wins and four losses. The Lady Golden Eagles are led by Head Coach Ryan Chambless and his assistants Nate Lyons and Megan Snider.

All of us across Calhoun County and east Alabama are deeply proud of these talented young Alabamians. I'd like to congratulate the team, coaches and Jacksonville High School on this outstanding achievement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4,

1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 20, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 21

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Kosovo, Richard B. Norland, of Iowa, to be Ambassador to Georgia, Kenneth Merten, of Virginia, to be Ambassador to the Republic of Croatia, Mark A. Pekala, of Maryland, to be Ambassador to the Republic of Latvia, and Jeffrey D. Levine, of California, to be Ambassador to the Republic of Estonia, all of the Department of State.

SD-419

Appropriations

Department of Homeland Security Subcommittee

To hold hearings to examine balancing prosperity and security, focusing on challenges for United States air travel in a 21st century global economy.

SD-138

Homeland Security and Governmental Affairs

To hold hearings to examine retooling government for the 21st century, focusing on the President's reorganization plan and reducing duplication.

SD-342

Judiciary

To hold hearings to examine convicting the guilty and exonerating the innocent.

SD-226

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine military construction, environmental, and base closure programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America,

Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

10:30 a.m.

Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Army.

SD-192

2 p.m.

Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine Verizon and cable deals.

SD-226

Commission on Security and Cooperation in Europe

To hold hearings to examine prerequisites for progress in Northern Ireland, focusing on the 1998 Good Friday Agreement, and the current challenges to full implementation of the agreement and the action that is necessary for continued confidence and progress in the peace process.

2247, Rayburn Building

2:30 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Nuclear Security Administration.

SD-192

Appropriations
Financial Service and General Government Subcommittee

To hold hearings to examine strengthening market oversight and integrity, focusing on fiscal year 2013 resource needs of the Commodity Futures Trading Commission.

SD-138

Homeland Security and Governmental Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Homeland Security.

SD-342

Armed Services
Strategic Forces Subcommittee

To hold hearings to examine military space programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-222

MARCH 22

9:30 a.m.

Armed Services
To hold hearings to examine the situation in Afghanistan; with the possibility of a closed session in SVC 217 following the open session.

SD-G50

10 a.m.

Banking, Housing, and Urban Affairs
To hold hearings to examine international harmonization of Wall Street reform, focusing on orderly liquidation, derivatives, and the Volcker Rule.

SD-538

Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Commerce.

SD-192

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Environmental Protection Agency.

SD-406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold a joint hearing with the House Committee on Oversight and Government Reform Subcommittee on Government Organization, Efficiency, and Financial Management to examine problems in Army military pay.

2154, Rayburn Building

Health, Education, Labor, and Pensions

To hold hearings to examine stay-at-work and back-to-work strategies, focusing on lessons from the private sector.

SD-430

Judiciary

Business meeting to consider S. 2159, to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017, and the nominations of Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit, Robin S. Rosenbaum, to be United States District Judge for the Southern District of Florida, Gershwin A. Drain, to be United States District Judge for the Eastern District of Michigan, and Gregory K. Davis, to be United States Attorney for the Southern District of Mississippi, Department of Justice.

SD-226

Small Business and Entrepreneurship

To hold hearings to examine small business investment companies and their role in the entrepreneurship ecosystem.

SR-428A

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

2:15 p.m.

Foreign Relations

To hold hearings to examine the nominations of Scott H. DeLisi, of Minnesota, to be Ambassador to the Republic of Uganda, Michael A. Raynor, of Maryland, to be Ambassador to the Republic of Benin, and Makila James, of the District of Columbia, to be Ambassador to the Kingdom of Swaziland, all of the Department of State.

SD-419

Indian Affairs

To hold hearings to examine S. 1898, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, and H.R. 1560, to

amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

SD-628

2:30 p.m.

Appropriations
Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Secretary of the Senate, the Sergeant at Arms and the U.S. Capitol Police.

SD-124

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 303, to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, S. 1129, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, S. 1473, to amend Public Law 99-548 to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and to extend the authority to purchase certain parcels of public land, S. 1492, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, S. 1559, to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, S. 1635, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 1687, to adjust the boundary of Carson National Forest, New Mexico, S. 1774, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 1788, to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, S. 1906, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 2001, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, S. 2015, to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, and S. 2056, to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

SD-366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

MARCH 27

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Strategic Command and U.S. Cyber Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-106

2:30 p.m.

Armed Services

Airland Subcommittee

To hold a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-222

MARCH 28

9:30 a.m.

Armed Services

SeaPower Subcommittee

To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SVC-217

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Mary-

land, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

2 p.m.

Armed Services

Personnel Subcommittee

To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

Armed Services

Personnel Subcommittee

To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine assessing efforts to combat waste and fraud in Federal programs.

SD-342

MARCH 29

10 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contractors, focusing on how much they are costing the government.

SD-342

CANCELLATIONS

MARCH 21

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine investor risks in crowdfunding.

SD-538

POSTPONEMENTS

2 p.m.

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee

To hold hearings to examine press freedom in Latin America, focusing on the fourth estate under attack.

SD-419

SENATE—Tuesday, March 20, 2012

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, the Psalmist tells us, "You have been our dwelling place throughout all generations. Before the mountains were born or You brought forth the Earth and the world, from everlasting to everlasting to everlasting, You are God!"

On this first day of spring, we applaud Your creative genius and relish the beauty of this land. We are so thankful for Your love and grace.

Lord, we depend on You to make known to our Nation's leaders Your plan to prosper us and to give us a future and a hope. Move in Your mighty power and restore in our Senators a faith in the wisdom of Your Word. Inspire and equip them to seek Your wisdom and to pray for Your favor as we align ourselves with Your perfect will.

Restore faith to the fearful, joy to the broken-hearted, and comfort to the afflicted. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 20, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, every morning I go out to do my exercise. This morning I started out the door and there was a crash of thunder and lightning, so I decided to do my exercise inside. When I got into the gym, I could watch TV and I could see these storms in another part of the country—really violent storms. When I got back to my house, my wife indicated that Senator SCHUMER called. They were stuck on the tarmac in New York, so I knew at that time we were going to have some problems here with scheduling.

Following leader remarks this morning, there will be a period of morning business for 1 hour, with Republicans controlling the first half and the majority controlling the final half. Following morning business, the Senate will begin consideration of H.R. 3606, the capital formation bill. The filing deadline for all second-degree amendments to the Reid substitute and the Cantwell amendment is 11 o'clock today.

ORDER OF PROCEDURE

The reason I am mentioning the storm situation is the votes we had scheduled for 11:30 today are going to have to be moved to this afternoon, because we have a number of people who can't be here, through no fault of their own. So I ask unanimous consent that the cloture votes that are currently scheduled to occur at 11:30 now begin at 4 p.m. this afternoon; that if cloture is invoked on an amendment or the bill, postcloture time be counted as if cloture were invoked at 12 noon today; and that the recess at 12:30 be until 2:15 to accommodate the weekly caucus meetings.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. The official photograph was expected to be today. We will try to do it later this afternoon. We will put everybody on notice about that, and I will consult with the Republican leader about the votes and about the other matters we are going to have to reschedule.

MEASURE PLACED ON THE CALENDAR—S. 2204

Mr. REID. Mr. President, I ask unanimous consent that there be a second reading of S. 2204.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2204), to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Mr. REID. Mr. President, I object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

EXPORT-IMPORT BANK

Mr. REID. Mr. President, for many years now the Ex-Im Bank, which is referred to as the Export-Import Bank, has helped American companies grow and sell their products overseas. For those same years the Ex-Im Bank has enjoyed broad bipartisan support. It was a good idea when it started and it is still a good idea.

When it was last authorized in 2006, the Ex-Im Bank passed the House by voice vote and the Senate by unanimous consent. The unanimous consent request was offered by a Republican Senator. So when Senate Democrats brought the reauthorization of the Ex-Im Bank before the Senate last week, we hoped the legislation would proceed with bipartisan, bicameral support as it did in 2006. After all, the measure will support about 300,000 jobs annually and help American exports continue to compete in the global economy. It passed the Banking Committee here in the Senate unanimously. It had three Republican cosponsors and is backed by the National Association of Manufacturers, the Business Round Table, the U.S. Chamber of Commerce, and various labor unions, including Machinists. It will actually reduce the deficit by \$1 billion.

The Ex-Im Bank is one of the proposals we shouldn't have to argue over. This isn't something that deserves a fight. We should reauthorize it and move on quickly. But I am sorry to say, true to form, the Republican leadership—I am directing that to the House Republican leadership—this morning is once again spoiling for a fight where there shouldn't be a fight. Yesterday House Majority Leader CANTOR called this bill that we are dealing with here to reauthorize the Ex-Im Bank a "partisan amendment."

This bill is cosponsored by the ranking member of the Banking Committee, RICHARD SHELBY. Senator SHELBY has been the chairman of that committee; he is now the ranking member. It is tough to call anything Senator SHELBY puts his name on with a Democrat as partisan.

CANTOR claimed this noncontroversial, commonsense measure is derailing efforts to pass the IPO bill that will expand innovators' access to capital. It is simply not true. Leader CANTOR should check with his Senate colleagues. Many of them understand American exporters need access to Federal financing to stay on a level playing field with global competitors.

Yesterday the senior Senator from South Carolina, LINDSEY GRAHAM, said without the Ex-Im Bank, "Our ability to grow in South Carolina is nonexistent." In 2011, South Carolina exporters sold more than \$130 million worth of goods abroad, thanks to Ex-Im Bank financing.

South Carolina is not the only State relying on the bank to keep business thriving. Nevada companies exported \$33 million of their products last year, thanks to financing from the Export-Import Bank. In 2011, in the Presiding Officer's State of Delaware, the Ex-Im Bank made it possible for firms to sell more than \$39 million worth of goods overseas.

Last year, the Ex-Im Bank supported 300,000 jobs across 49 States and 2,000 cities in America.

China already provides more investment capital to its exporters than the United States, Canada, Germany, and Great Britain combined, as Senator GRAHAM said during his call yesterday. We had a conference call with people concerned about this legislation. So we cannot allow that gulf to widen.

The U.S. Chamber of Commerce says: "Failure to reauthorize Ex-Im would amount to America's unilateral disarmament in the face of other nations' aggressive trade finance programs."

I don't know if ERIC CANTOR has looked at this legislation. What is he talking about? Why does he want to fight about this? Can't we do anything with the Republican-dominated House of Representatives, working together?

The Chamber of Commerce said we do have a choice: We can compete or we can cooperate. We can engage in yet another unnecessary, unproductive battle—and CANTOR is picking a fight, but we are not going to. He has challenged us to a fight. We are not going to fight because this is bipartisan legislation—or we can work together to help American businesses grow and hire. That is what we are going to do. The choice should not be difficult. We do not want a fight.

The Senate will vote on this reasonable proposal today. Almost 300,000 Americans had jobs last year—I repeat—because of this important legis-

lation. I hope those workers come first as Republican colleagues cast their votes today.

RESERVATION OF LEADER TIME

Mr. REID. Mr. President, will the Chair announce the business of the day?

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 20 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Nebraska.

ORDER OF PROCEDURE

Mr. JOHANNIS. Mr. President, I ask unanimous consent to engage in a colloquy with my colleagues Senator PORTMAN and Senator COBURN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. JOHANNIS. Mr. President, we rise today to engage in a colloquy on an issue that is certainly front and center and has been for a long time in our great Nation, and that is the issue of the health care bill. This bill is hurting working Americans and small businesses, and they are the lifeblood of our economy.

Let me, if I might, talk about a company from Nebraska: Toba, Inc. Toba is located in Grand Island, NE. They are a food distributor in central Nebraska. They employ about 200 to 300 people, depending on the time of the year. It is companies such as this that are the heart and soul of the Nebraska economy.

Tony Wald is the chief executive officer of Toba. He shared with me not long ago that their health care premiums recently increased by 26 percent. Tony's insurance agency talked to him. Of course, Tony wanted to know: What is going on here? What is wrong? Well, the insurance agent said to Tony there were several provisions in the health care law that were the reason for the increase.

Let me put this in perspective. That 26-percent increase is an extra \$188,000 increase that ultimately falls in the laps of the employees of Toba. Hundreds of working Americans will see

their premiums go up as a result of this health care law.

Let me point out something that is very obvious. That is a broken promise. Then-Candidate Obama promised that Americans would see their premiums decrease—decrease—by \$2,500 by the end of his first term in office. Well, that has not been the reality. This health care law drives up premiums and Toba is a perfect example of that.

But I need not stop there. Let me talk about Yellow Van Cleaning and Restoration Services in Kearney, NE, just down the road a bit from Grand Island. This small business employs 48 people. The owner is a fine gentleman by the name of Dave Keiter. He believes he has positioned his company correctly to grow it. In fact, some recent market research that was done shows his company is poised for growth. They have done all of the right things to take this small business and lay the right foundation so they can grow.

Dave was faced with a tough choice—a choice not caused by his competitors, a choice not caused by a bad economy. He was faced with a tough choice caused by President Barack Obama and Democrats in the House and Senate who passed the health care bill. What is his tough choice? He had to choose not to expand because he will run smack-dab into the employer mandate if he grows his business.

You see, this mandate requires that employers with at least 50 full-time employees offer government-approved health insurance to their employees or pay a fine of \$2,000 per employee. Dave did the calculation on this—a small business, with tight profit margins, doing everything they can to make the right decisions. Dave's calculation indicates he will be penalized more than \$50,000 a year if he grows beyond his current 48-member staff.

There is no doubt about it. This law is stifling job creation. Not only does this law prevent jobs from being created, it is forcing businesses to actually eliminate jobs.

An Iowa-based insurance company recently decided to exit the individual insurance market, abandoning sales directly to individuals and families. So what happens? Thirty-five thousand policyholders lose that insurance through that company. But it does not stop there. Mr. President, 110 employees will lose their jobs—70 in Nebraska.

A driving factor is the medical loss ratio provision in the law which micro-manages how insurance companies spend their revenues. The CEO of the insurance company said job loss was "a fairly predictable consequence of the regulation."

These are not hypothetical situations. Before the law was passed, I came to the floor many times with my colleagues and pointed out the flaws in this ill-conceived legislation. Now we

are telling real stories, real-life stories and talking about real people who have lost their jobs and are being impacted by this ill-advised law.

There is more. While I can directly point out that 70 Nebraskans lose their job, the Congressional Budget Office says the new law will mean 800,000 fewer jobs over the next decade.

Similar to Yellow Van Cleaning in Kearney, NE, other businesses are holding off on hiring. In a recent Gallup survey, 48 percent of small businesses are not hiring because of the potential cost of health insurance under the health care law.

Financial sector analysts at UBS have stated that the law is “arguably the biggest impediment to hiring, particularly hiring of less skilled workers.” Those are the people who need the jobs most.

The Congressional Budget Office estimates average premiums will increase by 27 to 30 percent under this law largely because the new health care law’s coverage mandates will force premiums up.

It is no wonder Toba in Grand Island, NE, is seeing its health care costs go up by a staggering \$188,000 per year. The Medicare Actuary says this law will increase health care spending by \$311 billion over the next 10 years. Two years have passed and things are only getting worse. This law is suffocating job growth around the country.

Let me, if I might, now turn to my colleagues. I have a question, if I might start with Senator PORTMAN.

Senator PORTMAN joins me on the floor and I appreciate that. I know the Senator has a unique perspective because he has served as the Director of the Office of Management and Budget. Does the Senator see this law increasing costs in his home State? Is it straining job creators as we are seeing in Nebraska?

Mr. PORTMAN. I say to my colleague from Nebraska, I am afraid the answer is yes. It is increasing costs and, therefore, making us less competitive. When we increase the costs of doing business, of course, it impacts the economy. The Senator has laid this out very well. I appreciate the Senator’s comments this morning.

The Senator talked about the 800,000 jobs that are projected to be lost, and that is probably a conservative figure, given the information I am getting from back home and what the Senator just talked about. The Senator talked about the fact that premiums are going to increase dramatically—27 to 30 percent.

Since the Senator mentioned the Office of Management and Budget, I will also say this is about our businesses and their ability to create jobs and get this economy moving. It is about all of us as families and consumers having higher costs. It is also about our Federal budget deficit. We have an expert

on that in Dr. COBURN, who will speak in a moment. But the point is, this is increasing costs to all of us in various ways, and the budget deficit is already at record levels—a \$15 trillion debt. Our country, obviously, is awash in red ink, and one of the reasons, of course, is higher health care costs. So this is impacting us in a lot of different ways.

Let me address the Senator’s question more directly, though, and that is in terms of the impact on business. I will tell the Senator, I have visited over 100 factories in Ohio in the last few years, and in every one I asked this question: What is going on with taxes and regulations and energy and health care? I have not been to a business yet that has not told me their health care cost increases over the past couple years have added to the uncertainty, the unpredictability, and, therefore, the lack of investment into jobs and growth.

I went to a factory in Cleveland, OH, one day, and this is a relatively small business. It is actually seeing its sales increase a little bit. The owner said: ROB, I would like to hire people, but I want to offer health care. Everybody here has health care, which is great. Those costs embedded in adding a new employee are too high; they are prohibitive. So what I am doing instead is I am going to overtime, I am going to part time to avoid hiring a full-time worker.

Luckily, I was there with some members of the media, and they were able to hear this directly from this individual who is making a decision about whether to hire somebody in Ohio during this weak recovery. The health care law and the health care cost increases are directly impacting that. So it is for real.

The U.S. Chamber of Commerce did a study recently, as the Senator knows. This was just a couple months ago. They asked small businesses with fewer than 500 employees all around America: How does this impact you? Seventy-four percent of them say the recent health care law makes it harder for their business to hire more employees. Fifty-two percent of them say economic uncertainty is one of the top reasons they are not hiring. Thirty-six percent say uncertainty about what Washington will do next is one of their two top reasons they are not hiring. Thirty percent say they are not hiring because of the requirements in the health care bill.

This is not just anecdotal evidence we are picking up in our States as we go around and talk to employers. This is information that is out there for the public to see. I hope all the activity that is surrounding this 2-year anniversary of the passage of this law from the Democratic side and from our side will rekindle this debate because, clearly, we did not get it right. We did not affect the fundamental problem, which is

the cost of health care rising to the point that it is affecting us as consumers and families. It is affecting our ability to get this economy moving. It is affecting our budget deficit in such dramatic ways.

Doug Holtz-Eakin, who was the former head of the Congressional Budget Office, testified last year. I thought it was interesting what he said. As you know, the health care reform law says, if someone is an employer with more than 50 employees, they have to offer full-time employees coverage or pay a \$2,000 penalty per worker. He made an interesting point. I see this around Ohio with these small businesses that have maybe 30, 40 workers, and they are hoping to be able to add more. He said—and I think he is right—this creates “a tremendous impediment to expansion.” His example was: Let’s say a company does not offer health care benefits and they have under 50 employees and they want to add another full-time employee. They take it up to 51 employees—a \$2,000-per-worker penalty, after subtracting the first 30 workers. The fine to hire an additional worker would be \$42,000, for that one worker to be added marginally to its workforce.

So businesses have to offset that lost revenue. The burden will be borne, as Doug Holtz-Eakin said, by whom? The workers, with lower wages, fewer jobs, fewer hours to be worked, less job growth.

The Senator talked about the many taxes in this legislation, and the overall burden of the taxation on the economy is one of the problems with it, but there is also a very specific tax on medical device companies, and this is one that I know affects both of the Senators’ States. It certainly affects Ohio. We have a lot of very innovative medical device companies in Ohio, and they tell me they are going to have to cut back on their workforce because of this new tax that is in the health care bill.

So think about this. At a time when we are all proposing we do more on science and technology and math and engineering, the STEM programs, we are trying to encourage more innovation in this country to be able to compete globally, medical device businesses in Ohio and around our country have been able to be strong and we have been able to compete globally and we should be doing all we can to encourage them and to help them. Instead, we are doing the opposite.

There is a 2.3-percent medical device excise tax in this legislation, and it is going to hit next year. They are already planning for it. It is not a 2.3-percent tax on profits. That is what you would expect, right? It is a tax on revenues. So we could have a young startup entrepreneur who says: I am starting this company even though it is a loss leader the first couple years. I am not making any money. But I know

I have a great idea, and I am going to continue to stretch this out to be able to create something of great value for our health care, for the quality of health care, to be able to save lives. Yet I have no profit. So I probably will not be taxed, right? Guess what. They are going to be taxed. They are going to be taxed on their revenue.

Established companies that do have some profit—they are looking at big taxes on their revenues, particularly if they are doing well. There are a couple companies in Ohio and around the country that have already told us what they are going to do.

Let me give you an example. Last year, I visited Mound Laser and Photonics Center outside Dayton, OH. They provide services to the medical device industry—fabrication. They do very technical work. They have machinists there who are specializing in medical device manufacturing. They provide machining services to the device industry.

The CEO is a friend of mine, Dr. Larry Dosser. He told me when I was there—he said: Look, this could be devastating to our business—this 2.3 percent excise tax—because these are our customers. Unfortunately, he has just told me he is going to have to start laying off people. On January 1, 2012—a couple months ago—they laid off people for the first time in their history. It is a 16-year-old company. It is an up-and-coming company. They are adding people every year. Because of this medical device tax, they are having to plan for higher taxes, therefore, a hit to their revenues, and they are starting to lay off people already.

There are other examples. Meridian Bioscience is in Cincinnati. I visited there. I talked to the workers, I talked to the management, and they tell me flat out: This is going to cost us tens of millions of dollars, and this is going to result in us laying off workers. They are not sure if it is 40 workers or 80 workers, but it is an up-and-coming company in our area that is doing the right things, creating jobs and opportunity and creating devices that will, in this case, by the way, also improve the quality and lower the costs of health care. That is what they specialize in—diagnostic services that the Senator, as a doctor, understands, Dr. COBURN, can be incredibly helpful in getting health care costs down.

There are others. Stryker Corporation just announced its intention to lay off 5 percent of its workforce in anticipation of the implementation of this tax at the beginning of next year.

This is what is happening. There is a better way. There is a way to reduce costs and increase competition in health care to make it more patient centered. You all have been leaders in that. We have laid out alternatives. We are not saying the health care system was perfect before this legislation was

drafted—not at all. Of course, it needs to be improved and reformed and it can be. It can be done in a way that both improves quality and improves the ability of people to have access by adding transparency and adding competition and adding the value of quality and outcomes rather than just input and volume to reduce costs in our system.

We have to do that. If we do not do that, this law will continue to affect our economy negatively. One reason we have the weakest recovery since the Great Depression is because of the impact of health care, and this law has made it worse, not better.

I thank the Senator for letting me come by to talk about this issue. I look forward to the continuing dialog.

Mr. JOHANNIS. I thank Senator PORTMAN. The Senator has made so many excellent points.

I believe if we look at the people who have spoken about this legislation, before and after its passage, one would be hard-pressed to find anyone who speaks with greater authority than Dr. TOM COBURN, who is a Member of the Senate.

I would ask Dr. COBURN to weigh in on this health care bill. He has talked through the years so often about what this health care bill is doing to medicine, the impact it is going to have on patients, the impact on the economy, the impact on jobs. I would like the Senator to talk to us today about what he is seeing as we are literally on the time of the second anniversary and tell us how this is panning out. It has been the law now for a couple of years. What is the reality of this legislation?

Mr. COBURN. I, thank the Senator. The reality is we are committing malpractice. Let me describe what I mean by that. In medicine, when a patient comes in, listening is a very important aspect. In fact, there is the axiom in medicine that if you listen to your patient, they will tell you what is wrong with them, completely. The more time you spend, the more effective you are at gaining it. The reason that is the axiom in medicine is because you do not want to treat symptoms of a disease, you want to treat the real disease.

All of America recognizes that we had some difficulties in being competitive and also with access in terms of health care. We know our health care is good, but it is too expensive. As a matter of fact, it is more expensive than anywhere in the world. But we do know some things about that. We know one out of three dollars we spend in health care in this country does not help anybody. It does not help them get well. It does not keep them from getting sick.

The problem with the Affordable Care Act is that it almost always treats the symptoms rather than the underlying disease. Let me give some

examples. I have practiced medicine. I have been a physician for almost 30 years. When I have a contract with a private insurer, they are going to renew that contract in the next year on whether or not I am efficient and effective in taking care of people who have insurance with them. There is no motivation at all in the Medicare Act.

The underlying problem with our \$2.6 trillion is that we all think somebody else is paying for our health care. So I am a practicing physician. I have no motivation not to spend Medicare dollars and avoid the axiom of listening to the patient because maybe the short-term remuneration for my services is low, so I need to see more people. So we have addressed the symptoms of the disease but not the real disease.

The real disease is that we, on both the purchasing and providing side, are not responsible with the available dollars in our economy. When we always assume someone else is paying for it, we cannot get there. We do not have the right incentives. Consequently, when we treat symptoms we actually make it worse.

What are we seeing? What we are going to see is the government jump between the doctor and the patient to make the symptoms worse. We are going to have an IPAB board, which is not coming yet, but it is coming. We are going to have an innovation board—not patients, not doctors—not patients making these decisions but somebody in Washington making the decisions. So the very capability of utilizing that one axiom of medicine, having the freedom to listen to the patient and then acting on what we heard rather than acting on the basis of rules and regulations coming out of an autonomous nonpersonal body in Washington that is going to tell us what we are going to do.

Let me give a great example. In the Affordable Care Act is the money and the incentive to put everything online. Now, by itself that sounds smart. What do the first studies show on the basis of that? The first studies show that when a doctor has online available diagnostic tests versus the doctors who do not, they order 18 percent more tests than the doctors who do not.

In other words, if something is easy to do, we do more of it, and so here is the first—this just came out 2 weeks ago—the first set, when people were looking at radiographic tests such as CTs, MRIs, CAT scans, chest x-rays, ultrasounds, they get the results. They get the results faster. Without the patient being there, without reading them, they automatically order 18 percent more tests.

Well, our problem in our country was we were ordering too many tests. We have all of the incentives to order tests rather than listen to the patient, and now we set up a system where we are going to order more tests. That is what

the first study shows. We are going to give hundreds of millions of dollars to doctors to have an IT system put in their offices so we have an electronic medical record. Well, what are we seeing from the first examples of that? Other than in isolated cases where it is a very refined product, such as Mayo Clinic or Cleveland Clinic or even at the VA, what do we find? People fill out the paperwork, check the boxes, but they do not check it in relationship to the patient. So when the next person looks at the electronic medical record, they do not look at all of the garbage that is there that does not mean anything—but, oh, it might because there is too much information now in terms of the computer screen.

So what is happening? We are doing duplicate things that were not done before. So the impact of the health care bill—just in terms of taxes, does anybody think health insurance premiums are not going to rise enough to offset whatever the increased cost is for the medical loss ratio? They are going to make money. Businesses are going to make money. So if we put a medical loss ratio at 15 percent, what is going to happen is they are going to live within that, but the premiums are going to go up so they can do what they need to do.

Blue Cross-Blue Shield Oklahoma knows my practice parameters. They know what I am good at, what I am efficient at, and what I am not. They are not going to give up that knowledge of whether or not I should be doing a test by simply saying the Federal Government put in a medical loss ratio. They are going to raise premium prices, which we are already seeing in Oklahoma.

So when we continue to treat symptoms instead of the underlying disease, we do not solve a problem; we actually make the problem worse. That is why you get sued as a physician when you miss a diagnosis of a disease, and what I will tell you is Americans are at “disease” about health care in our country. But we have committed malpractice in our approach to it because we are treating the symptoms and not the underlying disease.

Mr. JOHANNIS. Let me express my appreciation, but let me also follow up with a question because I think it is important. The Senator mentioned IPAB. This was a little-discussed provision, although the Senator kept pointing it out. Talk about the powers of this group and where you think it is leading.

Mr. COBURN. The IPAB stands for the Independent Payment Advisory Board. They are a group of individuals who will decide what we pay for and what we do not pay for in terms of health care. They will also decide how much we pay.

Once those 15 people are in place, if they are wrong, people will have no

ability to challenge it in court. They have no ability to see their work product and why they decided on what they did. They have no ability to cut off their funding. In other words, they are an autonomous nondemocratic function whose whole goal will be to control costs.

Well, there are lots of ways to control cost. I call it the “sovietization” of the American medical industry. They are going to control costs. Well, we know how that works. We have already seen it. It is called NICE in England, and we are seeing a revolt. As a matter of fact, in England today they are talking about reforming their health care system and going in the opposite direction of what we are doing because what they know is the rationing of care based on a value of 1 year of life per individual is the way they make that decision.

So if Senator JOHANNIS is 78 years old and has a broken hip and bad diabetes and bad heart disease, they look at the value of what his life expectancy is with that and then the cost of fixing his hip. They say: You are not worth it. So in England they do not fix your hip. Well, that is called rationing.

The fact is it is not bad by the word; it is a loss of liberty. It means people no longer have the ability to decide themselves what will happen to them, and somebody autonomously, very distant from them, makes the decision for them.

IPAB is not the worst—the innovation council. What will not happen that the innovation will not allow to happen? I have a story of a patient—and I will just give an example. Not IPAB, not innovation, but we are also going to have the Preventive Services Task Force that is going to make recommendations on screening.

I want to give an example. This is a true story. I will not use her name, but a young lady came to me with a breast lump. I did the standard protocol, best practices on her. It showed to be a simple cyst, and the point I am making is about the art of medicine, not the science of medicine because everybody gets hung up on the science, but nobody ever talks about the art.

I had an uncomfortable feeling about this cyst. So I aspirated it. It was inflammatory carcinoma of the breast. In other words, had I followed the protocols that are going to be recommended by IPAB and the best practices, I would have never aspirated it.

Well, this patient is now dead. But she lived 12 years. A delay in diagnosis on inflammatory carcinoma would have given her less than a year to live. Because I did not follow what the standard protocol was but followed my history and my knowledge of the patient and my feeling, I diagnosed her early. She got to see her kids get married; she got to see a grandchild. That never would have happened.

So what is coming with IPAB and the Preventive Services Task Force is people making decisions that are not in the room with the doctor and the patient, and that is the biggest danger of the Affordable Care Act: that we are going to take the ability of patients and doctors to make choices and give that choice to a government bureaucrat.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. JOHANNIS. We yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AFFORDABLE CARE ACT

Mrs. MURRAY. Mr. President, 2 years ago health insurance companies could deny women care due to so-called preexisting conditions, such as pregnancy or being a victim of domestic violence. Two years ago women were permitted to be legally discriminated against when it came to insurance premiums and were often paying more for coverage than men. Two years ago women did not have access to the full range of recommended preventive care, such as mammograms or contraception and more. Two years ago the insurance companies had all the leverage, and too often it was women who were paying the price.

Mr. President, that is why I am proud to come to the floor today, 2 years after we passed the Affordable Care Act, to highlight just how far we have come when it comes to making sure women across America get the care they need at a cost they can afford. Because of this law, women will be treated fairly when it comes to health care costs. Deductibles and other expenses will be capped so a health care crisis doesn't cause a family to lose their home or their life savings. Preventive care will be free, so women never have to delay care because they can't afford to see a doctor. Because of this law women will have more options. They can use health care exchanges to pick quality plans that work for them and for their families. And if they change jobs or move, they will be able to keep their coverage. Because of this law maternity care is now covered and women won't have to skip prenatal care because they can't afford it. Because of this law women are now in charge of their health care, not their insurance companies. That is why I feel very strongly that we cannot go back to the way things were. While we can never stop working to make improvements,

we owe it to the women of America to make progress and not allow the clock to be rolled back on their health care needs.

I know some of my Republican colleagues are furiously working to undo all of the gains we have made in the health care reform law for women and for their families. I am disappointed but I am hardly surprised. Republicans have been waging war on women's health since the moment they came into power. After they campaigned across the country on a platform of jobs and the economy, the first three bills they introduced in the House were each direct attacks on women's health care in America. The very first bill they introduced, H.R. 1, would have totally eliminated Title X funding for family planning and teenage pregnancy prevention, and it included an amendment that would have completely defunded Planned Parenthood and cut off support for the millions of women in this country who count on it. Another opening round of their bills would have permanently codified the Hyde amendment and the DC abortion ban, and the original version of their bill didn't even include an exception for the health of the mother. Finally, they introduced a bill right away that would have rolled back every single one of the gains I just talked about in the Affordable Care Act.

This law is a winner for women, it is a winner for men and for children and for our health care system overall. So I am proud to stand here today with so many of my colleagues who are committed to making sure the benefits of this law do not get taken away from the women of America. We will keep fighting attempts to take them away, and I am confident we will win.

EXPORT-IMPORT BANK

Mr. President, while I am on the floor today, I also would like to rise to express my strong support for an amendment that will be considered today which will grow American jobs, help small businesses, generate revenue for taxpayers, and which has strong bipartisan backing.

It is no secret that foreign countries are aggressively trying to seize the global market, and America needs to keep fighting back with a program that works for businesses and taxpayers and does create thousands of jobs. The Export-Import Bank is one of the most important resources America has to keep up this fight. For over 75 years the Ex-Im Bank has supported job-creating U.S. exports by helping American businesses sell to the world. No one knows this better than businesses in my home State of Washington—the largest exporter in the Nation per capita—where one in three jobs in my State is tied to international trade. Reauthorizing the Ex-Im Bank means more than 150 Washington State businesses that rely on this financing to

sell their products overseas can keep their jobs here at home.

At a time when our competitors in the global marketplace provide far more aggressive export credit financing to companies within their borders, the Ex-Im Bank simply levels the playing field for U.S. companies that sell goods overseas. And the Ex-Im Bank helps create U.S. jobs and does not add to our deficit.

U.S. exports have been a bright spot in America's road to recovery, increasing by about 20 percent over the last 2 years and driving about half of all of our economic growth. Given the obvious need for exports to power economic growth, it would be negligent to pull the plug on the Ex-Im Bank. If we do not pass this bill by the end of this month, thousands of jobs will be at risk, not just from our exporters but from businesses large and small across the country.

Reauthorizing the Export-Import Bank would not only be a short-term victory for our exporters, it would also tell our trading partners that the United States is a stable place to do business and that we stand behind our products and our companies. So I urge a "yes" vote on that amendment when it comes to the floor later.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

JOBS ACT

Mr. REED. Mr. President, I rise again today to discuss H.R. 3606, the so-called JOBS Act. As chair of the Subcommittee on Securities, Insurance, and Investment, I want all of my colleagues to know that this legislation, as it is currently drafted, is fundamentally flawed. We need to stop, slow down, carefully amend this legislation, and send something to the President that will not only encourage capital formation, but also protect investors.

I am not alone in my analysis. Some of the most sophisticated security analysts, experts, and commentators in the country are telling the Senate to slow down and work to improve it. We have received letters or testimony or comments from SEC Chairman Mary Schapiro; SEC Commissioner Luis Aguilar; the North American Securities Administrators Association; former SEC Chairman Arthur Levitt; former SEC Chief Accountant Lynn Turner; AARP; Americans for Financial Reform; the Consumer Federation of America; the Council of Institu-

tional Investors; the National Association of Consumer Advocates; Public Citizen; U.S. PIRG; the AFL-CIO; AFSCME; the National Education Association; the American Institute of CPAs; the CFA Institute; and the Main Street Alliance, just to name a few of the broad spectrum of experts who feel this bill is, as they say, not ready for prime time.

In an op-ed in the Washington Post on March 14, two Harvard securities professors, John Coates and Robert Pozen, stated:

[T]his bill does more than trim regulatory fat; parts of it cut into muscle. Small businesses will have a harder time raising capital if investors do not receive sufficient disclosures or other legal protections.

In his "Motley Fool" column on March 19, Ilan Moscovitz states that there are four really problematic things about the JOBS Act. And, as we all recognize, "Motley Fool" is one of the most perceptive in its columns about the securities markets, analyzing the securities markets from many different perspectives. They point out some of the fairly significant faults in the House bill. In sum, they say the legislation as currently written would exempt 90 percent of current IPOs from important corporate governance and accounting requirements because it defines "small companies" as anything valued below \$700 million and earning less than \$1 billion in annual revenues.

Those aren't exactly small companies, and those companies can in fact and should in fact be following the procedures we have laid out in order for a company to go public.

Our amendment recognizes the need to provide more streamlined processes for smaller IPOs, but we restrict these streamlined procedures to companies with less than \$350 million in annual revenues, much closer to the notion of a small company beginning the process of becoming a publicly held entity.

There is also a problem in this legislation with accounting. When investors lose faith in accounting standards, they are less willing to buy stocks. In fact, one of the great strengths of our security markets is the feeling that your money is well protected. It is scrutinized; there are accountants; there are audits. If we lose that, then the investing public worldwide will say the United States is not the place to put their money. Our amendment does not interfere with independent accounting standards, and limits the number of companies that get exempted from accounting rules.

There is another big issue in the House bill. It contains a provision that would increase the number of investors who could own shares in private companies, and excludes employees from the count. That has some merit. But by counting shareholders of record instead of the beneficial shareholders—there is

a legal owner on the books of the company, but that legal owner may represent thousands of actual owners. The beneficial owners are the ones who get the dividends, the ones who get the right to vote on the shares—if we preserve this loophole going forward, this could potentially create a situation where an unlimited number of investors could be involved in a company and that company would still be able to remain private and not have to provide periodic reports under the Exchange Act.

Last year, for example, Goldman Sachs planned to create a special-purpose vehicle, basically a fund that could pool money from its clients, that would count as only one holder of record in Facebook. You can see how this could clearly circumvent the notion of how necessary it is to provide the reporting requirements for large companies, companies with a large shareholder basis. Our bill eliminates this loophole by clarifying that recordholders must be beneficial owners, while at the same time raising the shareholder cap from 500 to 750, to make it more contemporaneous. But we exempt employees from this recordholder trigger for public registration, and that will allow private companies that want to remain private, but want to reward their employees with shares to stock, the ability to do so without triggering the public reporting requirements.

Finally, the House bill sets up a new mechanism for crowdfunding. This is a very interesting concept. My colleagues Senator MERKLEY, Senator BENNETT, and Senator BROWN of Massachusetts have worked very hard in developing a crowdfunding bill much superior to what is included in the House version. In fact, the House version has been described by a noted securities expert as “the boiler room legalization act” for its very lax approach to crowdfunding.

Our amendment requires crowdfunding to be conducted through regulated intermediaries, and provides for basic disclosure requirements, aggregate caps, and other protections to ensure market integrity, and prevent abuse.

The House bill also removes important prohibitions against general solicitation and advertising in regard to private placements that have been on the books for decades. Recognizing that in a world of Internet and Twitter, even private communications with accredited investors about private offerings can be inadvertently broadly disseminated, our bill takes a much more targeted approach to this issue. In our amendment, we allow for limited public solicitation and advertising through ways and means approved by the SEC, so they have a chance to update mechanisms for communicating with investors in this age of Twitter, Internet, and other new media. We believe this

amendment gives the SEC the tools it needs to formulate limited exemptions to the general solicitation and advertising rules, allowing private offerings to still remain private.

There is another section of the House bill that deals with the reg A exemption. Reg A has been on the books of the Securities Exchange Commission, again, for decades. It currently allows an exemption for certain registration requirements for mini-offerings of \$5 million or less. The House bill proposes to raise the ceiling for this exemption to \$50 million, but they do so in a way that could open it up to abuse, allowing companies to avoid rules and reporting requirements for public companies. We limit companies to raising no more than this \$50 million amount every 3 years, truly aiming our provisions at the small companies that are trying to raise capital without triggering all of the requirements of a publicly held company. We also require that a basic set of audited financial statements be filed with the offering statement and require periodic disclosures of material information to investors.

Let me stress what the House bill is proposing. They are proposing to legalize the solicitation of \$50 million a year from retail investors—in fact, it could be \$50 million every year—without requiring audited financial statements be provided to potential investors. If you go to a bank to get a loan for your business, they are going to require audited financials. I think, at a minimum, you need to provide audited financial statements if you are soliciting \$50 million a year from the public and, in fact, that \$50 million could be for successive years.

Finally, this whole discussion about the House bill has been cast in terms of jobs. There is not a lot in the House bill that talks about jobs, particularly jobs in America. There is no requirement that any of these relaxations of the securities laws be correlated with job increases. There is no requirement in the House bill that these jobs be in the United States.

We have just come through a series of enforcement actions in which the SEC had to crack down on reverse mergers by Chinese companies that were taking over American shell companies, putting their money in, and then going ahead and using the benefits of access to our stock markets. Most of those companies' jobs were not here, nor was the intention to create those jobs here. Those are the types of risks we run in the House bill.

Our bill includes reauthorization of the Export-Import Bank, which is something that has already demonstrated its ability to support American jobs. We have also included provisions that Senator SNOWE and Senator LANDRIEU have included from the Small Business Committee that will

increase the SBA's ability to assist American companies—small American businesses. They have done this successfully. With these provisions, they can do more. Our bill actually does help with jobs—jobs here in the United States.

One of the premises behind this House legislation is if we deregulate, the jobs will come right back. Where have we heard that before? All through the 2000s: Just deregulate. Those investment banks such as Lehman don't need regulations. Just give them a lot of leverage and let them run. And they ran—right off the cliff. We don't want to repeat that again. We don't want to repeat the mistakes of the 1990s and 2000s, where we allowed analysts of securities to recommend securities sold by their own investment banking firm. Those provisions are included in the House bill. That is going to undermine the markets.

We should learn from the facts. I urge all of my colleagues to support the Reed-Landrieu-Levin amendment as a base text. We can make improvements on that. We can send a bill—we hope very quickly in collaboration with the House—to the President that not only stimulates capital formation but also protects investors. We can send a bill that learns from the lessons of the last 20 years where, in the guise of deregulation, in the hope for job creation, we saw the greatest financial crisis since the Great Depression. We don't want to see this happen again.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Would the President let me know when 10 minutes has passed?

The PRESIDING OFFICER. The Republican time has expired.

Mr. GRAHAM. I ask unanimous consent to be recognized for 10 minutes.

Mr. PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Reserving the right to object, was there a consent entered into on speaking order earlier?

Mr. GRAHAM. They told me to come at 11:10 is all I know.

Mr. HARKIN. I was told to come at 11:00. I think it is fair to go back and forth. I ask unanimous consent that the Senator from Iowa be recognized to speak after the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized for 5 minutes.

EXPORT-IMPORT BANK

Mr. GRAHAM. Mr. President, this is a defining moment for the Senate in a couple of ways. The Democratic Senators have an alternative to the House-

passed JOBS bill that will get a vote on their alternative. That is good. I believe the House-passed JOBS bill had overwhelming bipartisan support. It is a good document. I will support that version over my Senate Democratic colleagues. But let me tell you what our Senate Democratic colleagues have done that I think is very constructive.

Ex-Im Bank is trying to be made part of the JOBS bill in the Senate. This Export-Import Bank, what does this mean? This is a financing ability by American companies that are selling overseas in volatile or emerging markets. It is a financing system that has been available since 1934. If you are going to try to sell a product made in America to a place in the world where traditional banking is hard to obtain, you can go to the Ex-Im Bank and they will give a letter of credit, they will sometimes give a direct loan to people who want to buy American products. The bank itself made \$3.5 billion for the taxpayer I think since 2005 and 2006.

Here is the reality: Every country we compete with has their version of Ex-Im Bank. We financed \$32 billion worth of American-made products sold overseas through our Ex-Im system last year. Canada, one-tenth our size, financed \$100 billion. France has three Ex-Im Banks. China has more Ex-Im activity than the United States, France, and Germany combined. Every country American manufacturing competes with that produces products has their version of Ex-Im Bank.

At the end of May, our Ex-Im Bank's authorization runs out. Our loan limits run out a few weeks earlier. This would be devastating. Small companies throughout this country depend on the Ex-Im Bank in order to sell American-made products overseas.

Let me give you one good example that has been the topic of conversation. Boeing Aircraft makes airplanes in America, the 787 Dreamliner. It was voted the best new airplane in a long time here recently, something that Boeing is proud of. They make it in Washington and now in South Carolina. The first airplane to be made in South Carolina will roll out in about a month from now. The facility is under budget and ahead of schedule, and we are proud of that airplane.

Eight out of the 10 airplanes being made in South Carolina in the first year were Ex-Im financed. There was a deal between Boeing and Air India where a letter of credit was issued by Ex-Im Bank to allow traditional financing to occur, and Boeing was able to sell a big order of American-made jets to Air India. That is just one example.

GE makes gas turbines to generate power for emerging areas such as Afghanistan, Iraq, the Middle East, Africa. All these distressed areas are going to grow and they are going to need

power. One-third of the sales coming out of Greenville, SC, for the gas turbines made in America and creating American jobs goes through Ex-Im financing.

Here is the issue. If America allows our Ex-Im financing system to go away in May, if that is the will of the Congress, then you have destroyed the ability of many companies in this country to grow their business. As the economy has been weak and stagnant here at home, here is the good news: In terms of exports, we have increased our export sales 20 percent.

Imagine an America that could not continue to increase export sales. Imagine a Boeing manufacturer that could never sell an American-made airplane in a volatile or emerging market because China is now making airplanes and Airbus has access to three or four Ex-Im Banks. It would be an ill-conceived idea. This program has been around a long time. It has helped create thousands of jobs in the United States. Everybody we compete with has a more aggressive form of Ex-Im financing than we do.

To my colleagues who want to eliminate this, I don't understand how American business could ever successfully compete in these emerging markets if we unilaterally disarm.

To my Democratic colleagues, thank you for bringing up Ex-Im Bank. To our majority leader, Senator REID, this is a good idea. What is a bad idea is to not let anybody on the Republican side offer one amendment to this bill. Some of the ideas to reform Ex-Im Bank I would agree to. I think any organization, any entity, can be made better. I want to be able to get back to being in a body called the United States Senate, where people with different ideas on important topics can actually vote.

To my colleagues on this side, I may vigorously oppose some of you who decide the Export-Import Bank should go away because I think that would be the worst thing you could do for the American economy, particularly export jobs being created in this country, and it would be unilaterally surrendering in the world marketplace. Whether you like it or not, other countries are Export-Import Bank on steroids. If we just get out of this business, companies like Boeing will be unable to sell their airplanes, and you will shut down facilities such as those in South Carolina—not a very good idea.

At the end of the day, you do have a right to have your say, and we will have the debate and I am looking forward to the debate about what we should or should not do. But under the process we have now, not one amendment can be offered on our side. We have to do better. We had a transportation bill pass with 74 votes. We have had a good exchange here lately with judges. I am very proud of what our minority and majority leader worked out on judges.

I want to get the Senate back to being the Senate. I think Ex-Im reauthorization should be an integral part of any jobs bill. I want to put it in the Senate bill. I will gladly vote for it. There are a bunch of Republicans over here who will support extension of Ex-Im financing with reforms, but none of us want to be put in a situation where our colleagues cannot have a say where they disagree with us or that we cannot reform the bill. That is not the way to go.

I hope that between now and 4 o'clock, the minority leader and the majority leader can find a way to bring up the JOBS bill, allowing it to be amended in an appropriate way and taking votes some of us don't like, but it is part of democracy—have a robust debate on a jobs package that could not come at a better time, and include in that debate Ex-Im reauthorization at a time when America needs more jobs here at home.

The economy here at home is weak. The one good thing about what is happening here at home is that our export sales have gone up. The way to create export jobs in America is to allow American businesses to compete on a level playing field throughout the world. I wish the world were different. I wish we had completely free markets. Every American business could do fine in that world, but that is not the way it is.

The Ex-Im Bank doesn't cost the taxpayers one dime. It makes money for the Treasury, and it allows American companies to make money. It allows American businesses to be competitive.

I am urging the two leaders of the Senate to allow a jobs bill to come forward, let us have our say, have our differences, let's vote, let's amend, and let's create jobs in America.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STARTUPS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3606, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to public capital markets for emerging growth companies.

Pending:

Reid (for Reed) amendment No. 1833, in the nature of a substitute.

Reid amendment No. 1834 (to amendment No. 1833), to change the enactment date.

Reid amendment No. 1835 (to amendment No. 1834), of a perfecting nature.

Reid (for Cantwell) amendment No. 1836 (to the language proposed to be stricken by amendment No. 1833), to reauthorize the Export-Import Bank of the United States.

Reid amendment No. 1837 (to amendment No. 1836), to change the enactment date.

Reid motion to recommit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid amendment No. 1838, to change the enactment date.

Reid amendment No. 1839 (to (the instructions) amendment No. 1838), of a perfecting nature.

Reid amendment No. 1840 (to amendment No. 1839), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I come to the floor to express my strong disappointment with the so-called small business legislation passed by the House of Representatives which is now coming before the Senate this afternoon for a cloture vote and to express my support for the substitute amendment offered by Senators REED of Rhode Island, LEVIN, LANDRIEU, and others, of which I am a cosponsor.

Quite simply, there is a right way and a wrong way to address some of the legitimate concerns about the ability of small businesses to access capital. Unfortunately, the House bill is completely the wrong approach. In the name of helping small business, the bill takes a meat ax to the very investor protection laws that have allowed our capital markets to flourish.

On Sunday, March 11, the New York Times published an editorial about the House bill titled "They Have Very Short Memories." This title could not be any more appropriate because in the wake of the dot-com bubble, the Enron corporate accounting scandal, and the 2008 financial crisis, advocates of this bill must have very short memories indeed.

The idea that this is the right time to further weaken regulations on Wall Street is simply unconscionable. As we are continuing to dig out of the worst financial crisis since the Great Depression, which has brought so much pain to hard-working middle-class families, the idea that the solution to what ails our economy is to further deregulate the financial sector and to open the door for fraud and abuse simply makes no sense.

According to a recent report from the Center on Retirement Security at Boston College, financial scams against seniors enabled by the Internet are already on the rise. For this reason, AARP wrote that their "primary concern is that these bills . . . inadequately protect against the potential harmful impact on investor protections and market integrity."

Even more, the North American Securities Administrators Association—this is the organization of State securities regulators—said of the House-passed bill:

By placing unnecessary limits on the ability of State security regulators to protect

retail investors from the risks associated with smaller, speculative investments, Congress is poised to enact policies intended to strengthen the economy that will likely have precisely the opposite effect.

"Precisely the opposite effect"—that is from the North American Securities Administrators Association. Who are we listening to around here anyway?

Supporting that view, the AFL-CIO wrote to Congress that "while the proponents of the 'capital formation' bills claimed they would promote jobs . . . they would actually have the perverse effect of raising the cost of capital for all companies by increasing the risk of fraud."

Passing the House bill would be a terrible mistake. I remember well the last time we rushed to deregulate the financial sector in the name of creating jobs. I was here in the Senate then. It was in the late 1990s when we passed a bill to repeal the Glass-Steagall Act that was enacted during the Great Depression.

What happened was Glass-Steagall said: If you are an investment bank, you can be an investment bank. If you are a commercial bank, you are a commercial bank. If you are an insurance company, you are an insurance company. But if you are an investment bank, you can't sell insurance. If you are an insurance company, you can't be an investment bank and you can't be in commercial banking.

That worked well for over half a century in our country. During the boom years of the 1950s, the 1960s, the 1970s, into the 1980s, this worked well for our country. All of a sudden, Wall Street got together and said: Wouldn't it be great if we could break down these walls and put this all together? And they came to Congress in the 1990s and put together a bill to get rid of this Glass-Steagall protection.

Then what happened? These huge financial companies, such as Citigroup and AIG, sort of sprung up because now they have insurance—AIG—AIG now becomes a commercial bank and it becomes an investment bank. They get larger and larger, and they get reckless. They take irresponsible risks because while they might have known about insurance, they didn't really know about investment banking. Investment banking may have known about investment banking, but they didn't know a heck of lot about insurance or commercial banking. So we got into this huge irresponsible financial structure, and it plunged the global economy into the worst financial crisis in generations.

I am proud of the fact that I was one of only eight Senators to vote against the deregulation of Glass-Steagall. I tell you, this bill reminds me so much of that. It was "follow the crowd." Everybody was for it. President Clinton was for it. Secretary Rubin was for deregulating Glass-Steagall. Larry Sum-

mers—I don't know whether he was with the national Council of Economic Advisers at that time—was for it. Republicans were for it. And it just went through here like greased lightning. Wall Street was for it. Glass-Steagall was old, don't you see. That was old stuff back from the Depression. We needed something new, a new regime out there. As I said, I was one of eight who voted against it, and I spoke against it here on the floor at the time. I said: We are going to regret this. And, boy, did we ever learn to regret what we did in deregulating Glass-Steagall.

I bring this up because Simon Johnson, the former Chief Economist at the International Monetary Fund, the IMF, recently wrote:

With the so-called jobs bill, Congress is about to make the same kind of mistake again as in the repeal of the Glass-Steagall Act.

I urge my colleagues to take these words seriously. Unless we do this in the right way, future Members of the Senate will be standing right here lamenting the fact of what we did in a hurry to follow the crowd.

Fortunately, there is an alternative way to make the reforms that are necessary to allow small businesses to grow without jeopardizing our financial markets and hurting consumers.

SEC Chairwoman Mary Schapiro wrote in a March 13 letter to Senators JOHNSON and SHELBY:

I believe there are provisions that should be added or modified to improve investor protections that are worthy of the Senate's consideration.

The substitute amendment offered by Senators REED, LEVIN, and LANDRIEU includes these important reform provisions. Let me list a few of the things the substitute amendment would do.

First, the House bill would allow companies to advertise risky, less regulated, unregistered private offerings to the general public using billboards along the highway, cold calls to senior living centers, or other mass-marketing methods.

Do you know what this means? Let's say an elderly person is living in a senior living center or maybe going there for recreation. All of a sudden they are in a room and a lecture is given to them about how they can take their 401(k) money—maybe they have \$100,000—you can take some of your 401(k) and put it into this small startup, and, guess what, it is going to be like the beginning of Apple Computers or it is going to be the beginning of Microsoft. This is a small company. If you just invested a few hundred dollars, why, you can quadruple your money, probably, in 4 or 5 years.

That is what they can do under the House bill. They can come in with cold calls—anything. The Reed-Landrieu-Levin amendment would allow firms to advertise only to investors with appropriate resources and sophistication to bear the risks.

The House bill would tear down protections put in place after the late-1990s Internet stock bubble burst that prevented conflicts of interest from tainting the quality of the research about companies. We know researchers were involved with the investment bankers doing the initial public offering. They were given all this stuff about how great this was and how much money it was going to make in a short period of time.

What we need is a firewall to keep the investment bankers separate from the researchers. That is what Reed-Landrieu-Levin would do, so there is no conflict of interest there.

The House bill would allow very large companies with up to \$1 billion in revenues to offer stock to the public, yet avoid financial transparency and auditing requirements designed to ensure they are not cooking the books.

The Reed-Landrieu-Levin amendment would ensure that essential investor protections apply to large companies by lowering the exemptions to companies with less than \$350 million in revenues. That number actually came from the SEC, as sort of a reasonable amount—not \$1 billion. That would allow huge companies to not have to have the auditing requirements, for example, that the SEC requires, or the financial transparency. Think about preying on the public with that. We are a big company. We have up to \$1 billion in revenues. You don't have to worry about this. You can invest your money here, and don't worry about auditing and stuff like that, we take care of it ourselves. If we were doing bad things, we would not be so big, right? How many times have we heard that before?

The House bill will allow unregulated Web sites to peddle stocks to ordinary investors without any meaningful oversight or liability, which could give rise to fraud, money laundering, and other risks. That is what is called crowdfunding.

We keep hearing this word "crowdfunding." Whenever I hear that word, I get a little nervous. Whenever the crowd is moving in one direction, you want to ask questions: What is moving the crowd? Why is the crowd moving in that direction? Crowdfunding? The Reed-Landrieu-Levin amendment would protect the integrity of these markets by ensuring that the Web site intermediaries are subject to appropriate levels of oversight. Think about this: Unregulated Web sites can peddle stocks to ordinary investors without any oversight or liability. The House bill would allow extremely large companies with tens of thousands of shareholders to evade the Securities and Exchange Commission oversight. Let me repeat that. The House bill would allow extremely large companies with tens of thousands of shareholders to evade SEC oversight. The Reed-Landrieu-

Levin amendment would ensure that banks and other large companies with lots of shareholders are subject to the basic transparency, integrity, and accountability protections.

Right now, under SEC law, if you have over 500 shareholders, you have to go public. And when you go public, you have to be subject to accounting principles, oversight, and transparency by the SEC. The bill raises that to 2,000 shareholders. Yet they can go out there and—I don't know what Facebook has right now, but I don't think they have 2,000 shareholders; maybe, but I don't know. Let's say they have 1,000 or 1,200 shareholders. They can get by without having any real SEC oversight as long as they have less than 2,000 shareholders. Should that be allowed in this economy with all that we know, with what has gone on in the recent past?

In sum, the substitute amendment is vastly better than the House-passed legislation. It protects investors, it protects consumers, it protects our capital markets that allow small businesses to grow. So let's heed the lesson of the last decade; let's take a step back; let's pause before rushing to deregulate our economy and Wall Street even further. Previous acts of Congress to deregulate our markets in the hope of spurring economic growth may have helped Wall Street, and a lot of people in the last 10 years made a lot of money on Wall Street. You know what. They still have their money. They have taken that money and they bought other things, and now they are sitting pretty. Yet homeowners and average ordinary Americans have lost their shirts in this economy in the last 10 years. But the people who engineered these new devices, these new kinds of derivatives, who worked to do away with Glass-Steagall, made a lot of money on Wall Street.

I can tell you that if the bill passes without the Reed-Landrieu-Levin amendment, you are going to see a new flourish of activity on Wall Street. A lot of Wall Street bankers and a lot of people will make a lot more money. And you know what. A few years from now we are going to hear all kinds of stories about elderly people or people about to retire who have 401(k)s who got sucked into investing someplace without any real knowledge of what the business was, not to mention other people who maybe went on their Web site and were lured into investing a few dollars—\$100, \$200, \$500. You say, well, they lost it. They didn't lose much. But if you add that up, it is thousands and thousands of Americans. It may be a small loss to each individual person, but the money gained by this so-called startup company—that may go under in a year or less—the people who started the company walk away with the money. We are going to be hearing stories about that in the next 5 to 10 years if this bill passes.

Again, Wall Street made out like bandits in the last 10 years, but for the rest of America it was the worst economic crisis in generations.

I close by saying the Senate should not follow the crowd. The House rushed this through without any real due diligence, but isn't the purpose of the Senate to cool and slow it down? Let's take a close look at it.

I urge my colleagues to oppose the House measure and support the substitute amendment when it comes to the floor later today for a vote. Let's not repeat the mistakes of the past.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me begin by thanking Senator HARKIN for his excellent statement and, as usual, his very good judgment on an issue that the Senate is going to be voting on at 4 p.m. and 5 p.m. today as opposed to 20 minutes from now, because this issue needs more debate, and the Senator from Iowa raised some very important questions that need to be answered. I want to start by thanking the Senator for raising the issues that are so important for us as we consider this House bill that was—in your words, and I will add—rushed over to the Senate.

I spoke to BARNEY FRANK yesterday, a very respected Democratic Member, and he assured me we were actually doing the right thing by slowing this down.

Mr. HARKIN. I thank my colleague from Louisiana for her leadership on this issue. We are all busy around here. We have our issues that we look at. I have other issues in my committee that I am so focused on now that I had not really paid attention to this until the Senator from Louisiana brought it up last week, and then I began to ask myself: What is this all about? The more I looked into it, the more devastating I found this piece of legislation that came from the House.

I thank the Senator from Louisiana for having the foresight, courage, and determination to make sure we are all aware of what this legislation does. And, quite frankly, I commend the Senator from Louisiana for slowing this down. Since last week, I have talked to other Senators who had not really focused on it either. We have other responsibilities and duties, but the Chair of the Small Business Committee focused on this, and I thank the Chair for her great leadership on this issue. I hope we can adopt the substitute amendment to this bill later today.

Ms. LANDRIEU. Through the Chair, I thank the Senator from Iowa.

I also recognize the Senator from Oregon, who is on the floor, who has had such an impact on helping us to focus on the details of this bill that was rammed through the House and was on

a fast track to get approved over here. As I have said many times, I am not opposed to the underlying concepts of this bill, which will broaden the opportunity for average people to have some excellent opportunities for investments to help them increase wealth. We on our side of the aisle are not opposed to increasing wealth. We want to make sure that basic investor protections are in the bill, and they are absent from the House bill.

We are not talking about mom-and-pop operations when you are talking about companies with revenues of \$1 billion. The Senator from Iowa is well aware, as is the Senator from Oregon, of mom-and-pop operations. We have them in our States. We have mom-and-pop farmers, office supply companies, shoe repair companies, even substantial businesses. There are families who own three and four and five restaurants. We are very familiar with that. But under no circumstance would those companies meet the \$1 billion in sales, so we are not talking about small business. That is why, as the Chair of Small Business, I am here to say there is nothing small about this bill. This is about big business getting out from underneath regulations that we spent decades trying to put into place for goodreason.

Did we not just have a financial meltdown on Wall Street? Did I miss a chapter in this saga? Didn't we just pull ourselves up from the brink of international financial collapse started not by Korea, not by Japan, not by China, but by the United States of America with our inability to properly regulate our financial system? Didn't we just almost bring the world economy to a halt? Did I miss this? So this little innocuous bill flies over here from the House with a fancy name talking about jobs, and because we are all desperate to create more jobs—we understand our people need more jobs. We understand that government has a role in creating jobs, of course, with the private sector. We know that the policies we drive here, whether it is tax policy or regulatory policy or whether we say this is legal and this isn't, have a real impact on job creation. We look at the title of the bill, it says jobs, and we cannot wait to vote for it. But if we are not careful and we pass the House bill on this subject without an amendment, it will not create jobs, it will kill jobs.

As the Chair of the Small Business Committee, I have to say I don't think any Member has stood on this floor longer or spoken more directly to the issue of getting capital into the hands of business than I have. So I hope I have developed, on both sides of the aisle, some credibility to say: Yes, we want to open capital opportunities to business, but we must have investor protections. If not, we will set ourselves backward several decades as op-

posed to forward, and that is not what we want to do.

I rise to urge Members to consider voting for the substitute that Senator REED, the ranking member on banking, Senator LEVIN, the chairman of the investigative committee who has done extraordinary work rooting out fraud and corruption, a long-serving, well-respected member of this caucus—obviously the senior Senator from Michigan is more concerned about jobs than any of us. He has lost more jobs—well, probably per capita except potentially for the State of California. So why would he be joining us in opposing a jobs bill? Because he knows what I know, what Senator REED knows, what Senator MERKLEY knows, what Senator HARKIN knows—and those who have taken the time to review the bill—that on its surface it looks good, but even the Chair of the SEC has cautioned us not to vote for the bill as it stands, and also says it can be fixed. It can be amended, but we need to oppose cloture so we don't end the debate but we begin the debate and then get to a position which the leadership can most certainly get us to where appropriate amendments could be offered.

I am saying: Please don't let the word "jobs" in the House bill—which sounds so enticing—fool you. In reality this is less about job creation than it is about rolling back key protections for investors. Unfortunately, I have to say that I think there is a little election year politics at play from both the White House's perspective and the Republican caucus that saw this as a good way to position themselves for the election.

Look, I have been guilty of doing that myself. Nobody is perfect around here, but there is a time when you do something like that that it is called to your attention and you say: I am sorry, I shouldn't have done it, and this is the right way to go. And that is what we need to do now.

As Sir Francis Bacon said over 400 years ago: Knowledge is power. The more knowledge we have about this bill will give us the power to advocate against it.

I am here again to tell my colleagues the more you will learn about this runaway freight train, the more red flags are being waved. Red flags are waving because of the unintended consequences of the House bill for investors, small businesses, and our economy in general. That is why Senator JACK REED, Senator CARL LEVIN, Senator MERKLEY, and others have been down here now for days encouraging Senators to review the bill, go back and talk with your staff. Please allow us some time to make some serious changes.

Now, even if my colleagues can't believe me on these issues, I most certainly hope my colleagues can believe the Bloomberg report. The Bloomberg

report comments that have been made—Bloomberg is a very widely read, very reputable wire service and newspaper now, and, of course, they have other interests as well that comment daily on the financial markets of the world. It is one of the most respected sources. They have basically editorialized against the House bill.

Why would they do that? Let me read my colleagues what the Bloomberg editorial said a few days ago. They said:

[T]he JOBS Act simply goes too far. It would gut many of the investor protections established just a decade ago in Sarbanes-Oxley. A wave of accounting scandals—think Enron and WorldCom—have destroyed the nest eggs of millions of Americans and upended investor confidence in Wall Street. The relief would extend beyond small businesses and apply to more than 90 percent of companies that go public.

At a time when we are trying to build investor confidence, to build our economy, and to create jobs, we are about ready to exempt 90 percent of the companies that are going public from full disclosure? I am the sponsor of the amendment that tried to exempt small companies from these regulations—companies of \$50 million or \$100 million in sales. That would cover every mom and pop known to man. But the House bill exempts companies up to \$1 billion in revenues from full public disclosure. Is this what we want to do at a time when we are just regaining investor confidence? I don't think so.

Bloomberg says to put on the brakes:

At the center of the package is a new class of emerging growth companies, defined as those with as much as \$1 billion in annual revenue, which would be exempt from a host of disclosure, reporting and governance rules. These companies would be able to operate up to 5 years without an independent test of their internal controls—the checks and balances that help companies prevent outright fraud and costly accounting mistakes.

It goes on to say:

Emerging companies would also be able to promote public offerings with less-than-complete information by "testing the waters" with fancy PowerPoint slides and other pre-IPO materials. Executives wouldn't be held accountable for any misrepresentations.

I say to my colleagues, what are we thinking? We are not. We have to put on our thinking caps. Let's amend this House bill.

The bill from the House did not even go through our Banking Committee. Had the bill gone through the Banking Committee, had it been under the watchful eye of some of our Democrats and Republicans on the Banking Committee, and had the bill come out of the Banking Committee with a Democratic and Republican vote—or even with the majority of Republicans and one or two or three Democrats—this Senator would not be standing here because this is not my jurisdiction. I am not on the Banking Committee. I am the chair of the Small Business Committee. I would honor the work of the

Banking Committee, and I would have simply said I don't necessarily agree with the bill; I will just vote no. But the bill didn't even go through the Banking Committee. It just flew right here to the Senate floor because somebody wants a bumper sticker for their next campaign.

AARP doesn't think the bumper sticker is a good one because they have come out against it because many of the people who got their bank accounts down to zero were the elderly, the people who can least afford this kind of scam and fraud on Wall Street, let alone on Main Street. They are the ones who saw their 401(k)s go down from \$300,000, which took them their whole lives to save, to \$50,000. How do we think they feel? That is why AARP has come out against the House bill.

I am sure there are some people saying this is just Democrats wanting to regulate everything and not allow capitalism to thrive. Nothing could be further from the truth. I have spent my whole time trying to create jobs and opportunity for small businesses in America that represent 27 million businesses, and 20 million of them are independent operators and 7 million are classified as small businesses below 500 employees. I know them pretty well. I have worked with them very closely. Many of them are Main Street alliances against this bill, small business alliances, and the chamber of commerce has even expressed some concern about the House bill.

We are creating jobs. This is what the President inherited: a freefall of job loss in this Nation. This is what he inherited when he became President in the early part of 2009. He was elected in 2008, but he didn't take office until January 2009. He walked to the captain's chair and sat down after the ship had hit the iceberg, not before. He has battled with us mightily to move these numbers to where we can see jobs being created. The last thing we need to do is to stop this, and the House bill, without investor protections, absolutely has the possibility of doing just that.

Time and time again, I have stood right here on the Senate floor fighting with my colleagues to increase access to capital for America's job creators. I support adding capital and directing it or helping it to be directed to better places, to make the process more democratic.

I understand the system has been basically set up for those who go to the high and mighty Ivy League schools, who join the same clubs, whose families socialize together for years and years. I understand the rules have been written for that group. I would like to write them for everyone, and I am attempting to do that. But we have to write and expand those rules with the right protections, and they are not present in the House bill.

I am a Democrat who used to love what President Clinton would say: Our

job is to create more millionaires in America, not less. I am proud of the book "The Millionaire Next Door," which says most millionaires in America aren't people who inherited their money but people who worked hard for it because of our system. I am proud of that. I have spent my life helping to build it. I am for people getting rich, for people making money. But we have to write these rules fairly or it is the poor people, it is the middle class, it is the people who didn't go to the Ivy League schools who don't have the right insider information who are going to be led down the Primrose path.

So let's be careful. Let's not support the House bill as it has come over here. We scrambled—and I mean the word "scrambled"—last week to try to put a substitute together, and that substitute has my name on it. It has Senator JACK REED first, my name second, Senator LEVIN third, and a group of others who have joined us.

Our substitute is not perfect either. I hope our substitute can get 60 votes and that we can amend a few things the SEC has brought to our attention since we were kind of on a tight timeframe to get something to the leadership. I would rather be more careful with the work I submit to the Senate, but we were under a tight timeframe, and even our bill has to be amended.

I am asking my colleagues, if they can't vote for our bill, which is the substitute bill, then please do not provide cloture to the House bill either. Let's take a few days. We are not asking for weeks. I am not even trying to kill the House bill. I am simply trying to amend it so it works for people who can't go to Harvard and can't go to Stanford and can't go to some of these Ivy League schools; that it works for people who are going to some community colleges and to schools in their States, middle-class families who want to participate in the great American dream and would like to invest in these new rules and regulations on the Internet, to invest in companies that have potential. But, please, let's give them, the investor protections they deserve.

One more thing and I will turn it over to the Senator from Oregon. I wish to say this to the community bankers: You may have some others who support you on this floor, but I don't think you have anybody who does as strongly as I support community bankers. There is a provision in this bill that expands your shareholders from the cap of 500 shareholders that was put there in 1960. In our bill, the substitute, we move it up to 750 shareholders. I am willing to go back up to the House number of 2,000 because banks are regulated. They are over-regulated community banks, in my view. So I am willing to extend that to 2,000 shareholders.

BARNEY FRANK agrees with that. I have talked to Senate Democrats, and

they agree with that. Please don't put your political might in supporting the House bill just because you have your number in there that you want because you will, in my view, undermine investor confidence in this new way we are trying to help people, called crowdfunding on the Internet. We will take care of your issue. I have it in my sights. I know it is important to you, and if you give us time we can try to fix that.

I thank the Senator from Oregon for joining me. He is truly an expert on this particular subject, and he can add some more detail to what I have tried to explain, and we will be happy to answer any questions our colleagues have about this underlying issue which is so important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today to ask my colleagues to give serious consideration to a major piece of legislation that is a crowdfunding amendment introduced by Senator BENNET and myself and has the support of Senator LANDRIEU, Senator BROWN, and a number of others. I thank Senator LANDRIEU for the points she has been making and for her fierce advocacy for creating a highway for Americans to build wealth without creating avenues that essentially send people into either blind alleys or over a cliff.

That is what this conversation is all about today. We want to enable aspiring entrepreneurs to access capital and to do so in ways that allow new opportunities to create, but to make sure investors have the information they need to make reasonable choices.

The amendment I am introducing specifically is a crowdfunding amendment. My colleagues have probably heard this term a number of times. It enables aspiring entrepreneurs to access investment capital via the Internet from small dollar investors across America. This is very exciting stuff. We have seen some similar Internet models. One model, for example, enables individuals across America to look at projects—projects for art and civics, projects across the country—and say: Yes, I want to make a small dollar investment—which is truly, in this case, a donation—to that social project, to that art project. Such a site is kickstarter.com. So on the site is a list of projects, and then people can go in and decide what they want to support to help make it happen. Whereas in the past, someone who wanted to do a documentary film might have had to seek out some substantial dollars, some large dollar funders, now they can go to kickstarter.com, present their project, and possibly raise the capital they need from thousands of small dollar donors.

For instance, in 2010, a filmmaker raised \$345,000 to make a documentary

about jazz from a pool of 3,000 donors, most of whom donated \$100 or less. We also have peer-to-peer lending on the Internet where folks can say this is what they would like to borrow money for, and people can get on and say, yes, they will lend that money.

But what we do not have is a process in which companies can list themselves on the Internet and say: Do you want to invest in my company? Here is my dream. I am going to make a better coffee shop. I am going to make a small wedding cake company. Do you want to invest in my vision, in my dream? Here are the details.

Folks can get on and join and help create that startup capital or create the capital for a small business to expand.

So that is what crowdfunding is. It is parallel to these other efforts. What we have in the House bill is basically a provision which says: No rules. Do whatever you want.

Now, unfortunately, that does not work. It does not work because if we do not require the company to give information about their company, if we do not provide rules that require accountability for the accuracy of that information, then what we are simply doing is saying here is a Web site where predators can put up a fictitious story about what they want to do, make it as exciting as possible, and run away with people's money—no consequences; pay themselves a salary, dump out the money. The House bill requires no information. If folks do put up information, it does not require that information to be accurate. It legalizes predatory scams. It says people can list and close in a single day.

So for those who say: Well, information will get out in some kind of miraculous manner, there will not be the time to get it out because a predator can put up their false story, collect the donations, close the investment in a single day, and walk away, having scammed thousands of Americans out of their hard-earned cash. So we need basic rules of the road.

The possibility for capital formation through the Internet through crowdfunding is enormous. In 2011, Americans had invested \$17 trillion in retirement funds. Imagine if 1 percent of those investments went into crowdfunding. The result would be \$170 billion of investment in our startups and small businesses. That is extraordinarily powerful—more powerful than loans to small businesses across this country. So it has huge potential.

So a small business or startup company would provide basic financial information and vouch for the accuracy of this information. The company would explain its vision of how it is going to invest that money. The projects might range from small- to medium-sized. A small wedding cake company might want to buy an indus-

trial oven. Another company might want to seek a new manufacturing line. And the crowd—that is all of us—surfing the Internet would visit the portal, review the financials, review the vision, and say: I want to be part of that, I am going to invest, and here is the percent of the company I get in return.

The key to this is that the companies provide accurate information; otherwise, as I have described, we simply pave the path for predatory tactics. That would destroy the reputation of crowdfunding. That would destroy the ability to create a powerful capital formation market through the Internet.

The amendment we are presenting does three things: It streamlines the process for setting up a crowdfunding portal; it streamlines the process for companies to list themselves on that portal; and it provides basic investor protections, the most important of which is to provide basic information about the company and for the company's officers and directors to ensure the accuracy of that information.

Let's examine each of the three of these in turn. First, the streamlined registration for Web sites that offer crowdfunding. Our amendment provides two pathways: The first pathway is for a portal to register as a broker-dealer. The second is a streamlined funding portal registration. These portals agree to provide a neutral market environment; that is, they do not solicit purchases, they do not offer investment advice, and they do not handle investor funds. They operate a marketplace, much as the New York Stock Exchange operates a marketplace without recommending particular stocks.

It also creates a unified national framework; otherwise, the portal would have to deal with rules from 50 States. That is an untenable structure. So we create a unified national structure for a portal to thrive in.

Now, turning to the second piece, which is the streamlined process for companies to register, the amendment allows existing small businesses and startup companies to raise up to \$1 million per year. That is a substantial amount for a small business. It also provides flexibility in how a company would do this. A company could basically say: Here is our target. If the target is met, the investment closes.

So if they say: I am seeking \$550,000 to do X, when Americans across the country have put forward enough small investments to reach that goal of \$550,000, the investment would close. But it also allows, if investors decide they are offering more—maybe folks sign up, and they are so excited about this vision, this product, this invention, this strategy, that they say: I am putting up \$750,000, even though you only asked for \$550,000—it would still enable the small company to say: No, we can use that extra \$200,000, thank you very much, if they should choose to do so.

It also provides a very important provision so the small investors do not count against the shareholder number that drives companies to have to become a fully public company. That is critical and interrelates with other parts of the crowd formation bill before us.

Then, turning to the third area, basic rules of the road to protect investors and ensure the accuracy of information companies post, companies participating in this marketplace must disclose their basic financial information: a business plan, a target offering amount, and the intended use.

The Web sites are subject to oversight by the SEC and security regulators of their principal States. There are aggregate annual caps. This is a key predatory protection to prevent pump-and-dump schemes. If you have seen the movie "Boiler Room," you will know what I am talking about, where folks were set to pump up a stock, and the only folks trading it were those who kind of received special information. Then, as soon as they invested—normally they are investing, buying the stock owned by the folks who are doing the pumping—the whole thing collapsed afterwards and their investment was worthless.

So this is an essential part of making sure we establish a responsible marketplace that will succeed in being a foundation for capital formation.

Also, we get rid of this 1-day, list-and-close process. So there is a 21-day period—a very small amount of time in the course of raising capital to create a startup or to advance a small business—21 days, which allows for the opportunity for the sort of oversight that a portal can provide or the SEC can provide to stop known bad actors and fraudsters.

Finally, the officers and directors are accountable for the accuracy of the information. This is essential. Without this sort of accountability, every fraudster out there will spin out a story and try to raise money for their schemes. But by holding them accountable for the accuracy of the information, it says to them: No, I cannot do that. I can be held accountable.

This is exactly the right balance because it provides a due diligence safe harbor. It requires that any information in dispute be material. So it does not put the officers and directors at risk. It simply says, when they provide material information they have to do appropriate due diligence to make sure it is accurate.

Crowdfunding has enormous potential to bring more Americans than ever into the exciting process of powering up startups and expanding small businesses. I hope in the course of the consideration of the capital formation bill before us, we will have a chance to present a variety of amendments, including this crowdfunding amendment.

I certainly encourage my colleagues to listen very carefully to the points Senator LANDRIEU has been making, Senator JACK REED has been making, Senator DURBIN has been making. The point is this: Let's take and make a powerful tool work. Let's not, however, take and destroy a powerful tool by opening it to all kinds of predatory schemes and scams.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to wrap up my comments in about 5 minutes. I see the Senator from Delaware on the Senate floor. He may choose to speak.

I thank the Senator from Oregon for his comments. I think it is telling—very telling, actually—that this is a Tuesday afternoon at 12:10, and normally when there is a bill that is popular on the Senate floor, there are lots of people who come down to speak for it. I understand not one person yet has shown up this morning to speak for the House bill we are going to be voting on today.

I caution the Democrats to raise your awareness. That is highly unusual. Usually, if a bill is well thought through and is popular and can stand on its merit, there are any number of people on the floor speaking for it. The only people who have come to the floor are those of us warning you to read the bill, to reconsider your position, to not be lured by the title—JOBS bill, JOBS bill—but to read the bill and realize there are some far-reaching regulation elimination portions of this bill that are not going to be good for the small businesses described by the Senator from Oregon or the small businesses we advocate for, both Republicans and Democrats, on the Small Business Committee.

Just at a time when investor confidence is increasing, where jobs are being created in the country, why would we go to such a far-reaching bill?

Let me start with statements that have been made just in the last 24 hours. I have quoted from Bloomberg, AARP, the Chamber of Commerce from last week and over the weekend. Today is Tuesday. These are things that have come in just in the last 24 hours.

Steve Pearlstein of the Washington Post from March 18:

What we also know from painful experience—from the mortgage and credit bubble, from Enron, WorldCom and the tech and telecom bubble, from the savings-and-loan crisis and the junk bond scandal and generations of penny-stock scandals—is that financial markets are incapable of self-regulation. In fact, they are prone to just about every type of market failure listed in the economics textbooks.

Regulation is necessary.

I am here to say we need to reduce regulations on community banks that are now heavily regulated by the new Sarbanes-Oxley, by their own State

regulators. I am approving and supporting reducing regulations to bankers in this important legislation. That is not the issue.

The issue is what the Senator from Oregon spoke about: the new developing opportunities for the Internet to be used as a powerful tool to raise money for ideas, for businesses.

We can see this tremendous revolution occurring before our eyes. It does not mean that needs the same regulations as the old-fashioned financial models. But we do need some regulations. What we are saying is that the House bill goes too far.

Listen to what Floyd Norris of the New York Times said:

It gives some flavor of just how far the House bill goes that one of the changes the three senators are pushing would force a company trying to raise money from the public to show investors an audited balance sheet.

One of our amendments is for investors to provide an audited balance sheet. In the House bill we are considering, they can provide their own documentation—not audited by anyone, made up. Then there are no consequences. There are no safeguards—or very few safeguards—in the House bill.

I have quoted Bloomberg now many times. Again, the terrific Bloomberg News editorial:

[T]he JOBS Act goes too far. It would gut many of the investor protections established just a decade ago in the 2002 Sarbanes-Oxley law. A wave of accounting scandals—think Enron and WorldCom—had destroyed the nest eggs of millions of Americans and upended investor confidence in Wall Street. The relief would extend beyond small businesses and apply to more than 90 percent of companies that go public.

John P. Mello, Jr., wrote in PC World on March 18:

During the go-go days of the dot-com era, it was common for analysts to promote IPOs being offered by their investment bank masters, regardless of the worth of the offering.

The existing rules, which would be scrapped by the JOBS Act now before the U.S. Senate, were designed to protect investors from the conflicts of interest that damaged the IPO market after the pop of the dot-com bubble, damage from which it has only recently recovered.

Let's not jump back into the briar patch. We are just getting ourselves untangled from it. What is the rush? This bill from the House has not even gone through the Banking Committee. We have spent a decade arguing about Sarbanes-Oxley. We had multiple hearings. We had multiple debates on the floor. We had people come and testify, pro or con. Whether you are for it, it passed with lots of public debate. I know there are some people who still think those regulations are too onerous.

Yes, we are trying to relax them where we can. But a blanket exception for companies up to \$1 billion in revenue, I think that is going a little too far, a little too fast. We have senior

citizens to give some guidance and protection to. We have the middle class that is struggling from this recession. They depend on us to set the rules of the road.

This is not about Big Brother, Big Sister government. People have to make their own choices. But when people make choices on the Internet based on what looks like an official documentation, they assume someone either in their State capital or their National Capital has framed these rules and regulations in a way that gives them a fighting chance.

We do not want to legalize fraud, and that is about what the House bill does. It legalizes pathways to fraud. That is not what we want to do. How we get out of the mess we are in, I am not 100 percent sure. Because we have a substitute on the floor, which is the Reed-Landrieu substitute—I plan to vote for it. If we can get 60 votes, then we can get on debating that bill which is a substitute to the House bill. Perhaps the leadership will allow us to amend our own substitute, which we would be happy to do. I think we could come to some agreement within less than 2 days about what should be done in the Senate and then send the bill back over to the House for their consideration and then on to the President's desk, a bill we can all be proud of and confident we are trying to do the right thing with this new sort of frontier on Internet investing.

We want to support our entrepreneurs. We want to make this process more democratic. We want to get out of the secret boardrooms and the private conversations on Wall Street. So many more people could take advantage, appropriately, of exciting investments in the entrepreneurial spirit of America. Absolutely we want to do that, but that is not what the House bill does.

So let's take our time. I am urging my colleagues, if they can vote for the substitute and give us cloture on it, we promise we will be open to amendments from both sides. If we do not get cloture—I see the Senator from Delaware—if we do not get cloture, please vote for the Ex-Im Bank amendment, which is a proper amendment to the bill, and then vote no on cloture. We do not want to end this debate today.

Senators will be doing their constituents a great disservice to vote on cloture on that House bill today. We need to fix it. We need to amend it and we can. Then we will have a bill we can all be proud of and at least be confident we have established the right safeguards and that we can be helpful to getting capital to Main Street and increasing opportunities for entrepreneurship in America today.

I thank the Senator from Delaware. He has been so outspoken and comes with such knowledge on these issues. I appreciate his thoughtfulness. I hope

he will agree to join me in voting against the House bill and for his support of a new crowdfunding proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I am glad this Chamber is focused on job creation, on access to capital, on ways we can help strengthen the speed and growth of high promise, startup companies. I am grateful for the input and leadership of the Senator from Louisiana, for her hard work in trying to make sure we pay attention to the matter that is before this body and making sure we strike the right balance between continuing to ensure investor protection, while also providing relief from regulations that may hold the promise of accelerating capital formation and job growth in this country.

When I go home to Delaware every night and when I attend events across our State every weekend, I most frequently hear from those deeply affected by our two long recessions, from which we are still growing and recovering, families who are still dealing with unemployment, with loss of their homes or with the threat to loss of their life savings, businesses that are facing a credit crunch and struggling to expand or to retain their employment.

Americans, I have heard over and over, and Delawareans want us to come together and find solutions in this body. The good news is that today, in a rare bipartisan spirit, that is exactly what we are doing. I am glad we are taking up two different versions of this legislation to create a positive climate for capital formation for early stage companies that have enormous potential to grow, one of which has passed overwhelmingly in the House—and I understand has earned the public support of President Obama—but the other of which, as we have heard a number of Democratic Senators speak to today, tries to mirror those same core provisions but insists on investor protection and on ensuring that we do not overreach in opening markets in ways we may regret later.

Sometimes, as the Chair knows all too well, this body deliberates overly long. In fact, in my first year and a half here, I have been struck at just how long we deliberate before acting and on how many measures have sat on the floor without action that should have been taken up promptly and quickly.

In this case, I am concerned about the opposite; that we are rushing through a measure that deserves some careful consideration and review. In any event, making progress in access to capital for entrepreneurs and startup businesses is something on which I hope we can all agree. In both the versions of the bill that we will consider later today or tomorrow, there

are great ideas. I continue to believe that ensuring investor protection, market transparency, and the vibrancy of our capital markets through preventing fraud and ensuring clarity about what investors are getting is a fundamental principle that all of us should share.

But without the right time to consider this legislation, I am worried about the potential, the potential risks for investors, the potential burden it may place on business. I am worried about a proposal around beneficial ownership in one proposal, and I am worried about concerns that may overly open the market to fraudsters and those who would scam investors on the Internet.

There is much to like about these proposals, though, and let me dedicate the remainder of my time to focusing on two of them. Two of the strongest proposals we will consider today or tomorrow address a critical need for our business community, which is access to capital. Capital is what allows businesses to invest in new technology, new facilities, new workers, and in growth. Credit has, as we all know, been far too hard to come by in the last 2 years. But we can and should take action to make it more available to small business owners with high growth potential.

One option, as we have heard a number of Senators address, is to continue to expand the opportunity for financing from the Export-Import Bank. The other is to make somewhat easier the pathway to initial public offerings. Today's legislation would ease both processes. That is the right kind of positive movement that will help create opportunity all over the United States and for companies in my home State of Delaware.

First, if I can, the Export-Import Bank has long established its record of promoting exports and job growth. It has provided essential capital to help manufacturers and small businesses all over the country export more American-made goods. The reauthorization measure we take up, hopefully later today, has passed unanimously out of the Senate Banking Committee and has already enjoyed broad bipartisan support.

Last year, financing from the Ex-Im Bank supported hundreds of jobs in my home State and thousands more across the country. The bank supported one dozen companies in Delaware. For example, one, Air Liquide, has a proprietary MEDAL membrane, a selectively permeable membrane that turns landfill gas into usable energy; one example of many innovative, local Delaware companies creating high-quality jobs in our communities and able to sell these products by export through Ex-Im Bank financing.

Equally important, the Ex-Im Bank has not added a single cent to the def-

icit. It works to give American businesses a fair share in the global market. If American businesses and workers are going to be competitive, we have to ensure they have the support they need, otherwise they will continue to lose out.

China already provides three to four times as much export financing as we do to help their exporters. Our companies, our manufacturers, our communities, simply ask for a level playing field. In my view, reauthorizing the Ex-Im Bank is especially vital to these companies and our manufacturing sector. Given the realities of the global economy, it is not enough for American companies to just make great products. They also have to be able to sell them to the burgeoning global middle class.

As we all know, 95 percent of current and future customers and consumers live outside the United States. Reaching these consumers who are hungry for American products is essential to the steady growth of businesses of all types. Boosting American exports will be central to creating the kind of growth that will continue to sustain this ongoing economic recovery and allow our businesses to hire new workers.

Financing from Ex-Im can come in at a critical time for businesses in need of capital, but it does not meet the needs of every company. For some other early stage companies, Delaware businesses in particular, when they are in need of capital, one solution is to move toward an initial public offering by becoming a publicly traded company.

Today's legislation also includes an onramp to ease the path to an IPO. By reducing the regulatory burden on highly innovative companies poised for significant growth, we can encourage job creation on a great scale. At the moment, we are simply not seeing the rate of IPOs in our economy that we need to be helpful, and 92 percent of the jobs a company typically creates over its entire life cycle come after it goes public. In the 1990s, nearly half of all global IPOs happened in the United States. Today, that number is less than 10 percent.

There are many reasons companies choose not to go public. But one of them that I have recited repeatedly in Delaware and in Washington is regulatory compliance under Sarbanes-Oxley section 404(b). That is a mouthful, but it essentially requires some auditing, some disclosures, some pre-IPO work, which while the spirit of the law is, in my view, the right one—ensuring transparency and investor protection is the right direction—this particular section has proven, in practice, to be overly burdensome to businesses with potential to be the greatest job creators.

After hearing about this issue many times, I got together last fall with my colleague Senator RUBIO to craft a solution. We found bipartisan agreement

on this and six other issues, which we included in our joint legislation, the so-called AGREE Act, which we introduced last November.

That legislation was chock-full of job-creating potential proposals designed to spur ideas and encourage more of our colleagues to come together on this sort of bipartisan jobs legislation we can and should move to.

In the case of encouraging IPOs, that is exactly what has happened. Senators SCHUMER and TOOMEY have also picked up this particular proposal and moved further along with it. Then, on the House side, my longtime friend and fellow Delawarean Congressman CARNEY worked with his Republican colleague Congressman FINCHER to write and pass legislation on this exact issue which has now come to us as part of this bipartisan jobs package, H.R. 3606.

I wish to specifically congratulate Congressman CARNEY, who with this bill became the first freshman Democrat in the House to pass a major piece of legislation. But as we heard Senator LANDRIEU speak to just a few minutes ago and as several Senators have stood on this floor and raised today and last week, the question we have to ask is: In providing this relief from Sarbanes-Oxley 404(b), what is the appropriate level? What is the appropriate duration? Where do we strike the right balance between investor protection and accelerating capital formation and job growth?

Is it at \$250 million, as we proposed in the AGREE Act, \$350 million as the democratic alternative proposes that is on the floor today or \$1 billion? That is what is provided in the bill that came over from the House. In my view and the view of many Democratic Senators, we need to take the time to debate this, discuss it, and ensure we are striking the balance.

It is worth a few more hours of our time to get this matter right. Creating a favorable environment for businesses to create jobs can and should be our top priority in Washington. Since I arrived a year and a half ago, that has not always been the case. But today it can and should be the primary focus of our work. There is no reason we have to rush to pass this today. We can and should take some time to deliberate, to work through the appropriate process. It is my hope we will reauthorize and

extend the reach of the Export-Import Bank and that we will move to a consensus, bipartisan bill that will strengthen access to capital for entrepreneurs and for early stage companies and that will show all the people of the United States that the House, the Senate, and the President can and will stand together on the side of job creators in this economy.

RECESS

Mr. COONS. Mr. President, I ask unanimous consent that the Senate recess until 2:15 p.m. today.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

BUDGET CONTROL ACT RESOLUTION

Mr. CONRAD. Mr. President, the Budget Control Act of 2011, which was signed into law by the President last August, set in place budget enforcement measures in the Senate for budget years 2012 and 2013, as well as established caps for 10 years to address discretionary spending and established the so-called supercommittee to address entitlement spending and revenues.

Specifically, to provide continued enforcement in the Senate for 2012 and budget year 2013, section 106(b)(2) requires the chairman of the Budget Committee to file not later than April 15, 2012: (1) allocations for fiscal years 2012 and 2013 for the Committee on Appropriations; (2) allocations for fiscal years 2012, 2013, 2013 through 2017, and 2013 through 2022 for committees other than the Committee on Appropriations; (3) aggregate spending levels for fiscal years 2012 and 2013; (4) aggregate revenue levels for fiscal years 2012, 2013, 2013 through 2017, and 2013 through 2022; and (5) aggregate levels of outlays and revenue for fiscal years 2012, 2013, 2013 through 2017, and 2013 through 2022 for Social Security.

In the case of the Committee on Appropriations, the allocations for 2012 and 2013 shall be set consistent with

the discretionary spending limits set forth in the Budget Control Act. Consequently, the initial allocation matches the discretionary levels set in the Budget Control Act and will be revised to reflect adjustments to those levels as authorized by the Budget Control Act.

In the case of allocations for committees other than the Committee on Appropriations and the revenue and Social Security aggregates, the levels shall be set consistent with the Congressional Budget Office's March 2012 baseline. In the case of the spending aggregates for 2012 and 2013, the levels shall be set consistent with the Congressional Budget Office's March 2012 baseline and the discretionary spending limits set forth in the Budget Control Act.

In addition, section 106(c)(2) requires the chairman of the Budget Committee to reset the Senate pay-as-you-go scorecard to zero for all fiscal years and to notify the Senate of this action.

I ask unanimous consent that the following tables detailing enforcement in the Senate for budget year 2013, including new committee allocations, budgetary and Social Security aggregates, and pay-as-you-go scorecard, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES				
[Pursuant to section 106(b)(1)(C) of the Budget Control Act of 2011 and section 311 of the Congressional Budget Act of 1974]				
\$s in millions	2012	2013	2013–17	2013–22
Spending (on-budget):				
Budget Authority	3,075,731	2,828,030	n/a	n/a
Outlays	3,123,589	2,944,872	n/a	n/a
Revenue (on-budget) ...	1,899,217	2,293,339	13,871,251	32,472,564

SOCIAL SECURITY LEVELS				
[Pursuant to section 106(b)(1)(D) of the Budget Control Act of 2011 and section 311 of the Congressional Budget Act of 1974]				
\$s in millions	2012	2013	2013–17	2013–22
Outlays	495,077	633,714	3,722,461	8,772,738
Revenue	556,498	675,120	3,872,899	8,925,443

PAY-AS-YOU-GO SCORECARD FOR THE SENATE		
[Pursuant to section 106(c)(1) of the Budget Control Act of 2011]		
\$s in millions	Balances	
Fiscal Years 2012 through 2017	0	
Fiscal Years 2012 through 2022	0	

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 106(b)(1)(A) AND 106(b)(1)(B) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974—BUDGET YEAR 2012

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
Security discretionary budget authority	816,943	n/a		
Nonsecurity discretionary budget authority	363,536	n/a		
General purpose discretionary outlays	n/a	1,320,414		
Memo:				
on-budget	1,174,581	1,314,517		
off-budget	5,898	5,897		

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 106(b)(1)(A) AND 106(b)(1)(B) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974—BUDGET YEAR 2012—Continued

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Mandatory	752,574	736,733		
Total	1,933,053	2,057,147		
Agriculture, Nutrition, and Forestry	11,263	12,010	120,963	105,872
Armed Services	141,487	137,506	107	105
Banking, Housing, and Urban Affairs	55,448	53,912	0	0
Commerce, Science, and Transportation	15,068	9,797	1,440	1,374
Energy and Natural Resources	3,620	4,512	445	445
Environment and Public Works	41,734	3,349	0	0
Finance	1,464,370	1,459,722	536,698	536,459
Foreign Relations	30,356	25,956	159	159
Homeland Security and Governmental Affairs	99,262	94,484	9,832	9,832
Judiciary	11,324	12,184	767	762
Health, Education, Labor, and Pensions	-16,581	-3,219	14,497	14,361
Rules and Administration	42	131	26	26
Intelligence	0	0	514	514
Veterans' Affairs	2,477	2,650	67,016	66,714
Indian Affairs	3,159	1,311	0	0
Small Business	1,799	1,799	0	0
Unassigned to Committee	-716,252	-743,765	110	110
TOTAL	3,081,629	3,129,486	752,574	736,733

Note: Pursuant to section 106 of the Budget Control Act of 2011, the section 302 allocation to the Committee on Appropriations for 2012 is set consistent with the discretionary spending limits as set forth in the Budget Control Act and in the previous report on discretionary spending limits submitted by the Office of Management and Budget as part of the President's Fiscal Year 2013 Budget of the United States Government. To ensure consistency, for 2012, an offsetting adjustment has been made to "Unassigned to Committee." As such, for purposes of Senate enforcement, the allocations to the Committee on Appropriations and other Committees are set exactly at baseline for 2012.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 106(b)(1)(A) AND 106(b)(1)(B) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974—BUDGET YEAR 2013

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
Security discretionary budget authority	546,000	n/a		
Nonsecurity discretionary budget authority	501,000	n/a		
General purpose discretionary outlays	n/a	1,222,497		
Memo:				
on-budget	1,040,954	1,216,461		
off-budget	6,046	6,036		
Mandatory	815,671	802,183		
Total	1,862,671	2,024,680		
Agriculture, Nutrition, and Forestry	13,397	15,126	124,580	111,791
Armed Services	146,698	146,584	110	108
Banking, Housing, and Urban Affairs	22,167	17,455	0	0
Commerce, Science, and Transportation	15,016	10,043	1,423	1,431
Energy and Natural Resources	5,276	5,832	58	58
Environment and Public Works	41,789	3,446	0	0
Finance	1,337,888	1,328,474	590,738	590,431
Foreign Relations	28,640	26,334	159	159
Homeland Security and Governmental Affairs	102,276	98,148	9,834	9,834
Judiciary	18,545	12,964	787	817
Health, Education, Labor, and Pensions	-15,400	-4,136	15,009	14,883
Rules and Administration	41	8	27	27
Intelligence	0	0	514	514
Veterans' Affairs	999	1,167	72,319	72,017
Indian Affairs	753	1,060	0	0
Small Business	0	0	0	0
Unassigned to Committee	-746,680	-736,277	113	113
TOTAL	2,834,076	2,950,908	815,671	802,183

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 106(b)(1)(A) AND 106(b)(1)(B) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974—5-YEAR: 2013–2017

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	68,505	69,522	621,798	555,464
Armed Services	785,241	789,181	526	518
Banking, Housing, and Urban Affairs	116,992	22,559	0	0
Commerce, Science, and Transportation	80,462	57,377	8,232	7,987
Energy and Natural Resources	27,448	30,418	290	290
Environment and Public Works	208,452	16,701	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 106(b)(1)(A) AND 106(b)(1)(B) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974—5-YEAR: 2013–2017—Continued

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Finance	7,137,214	7,117,022	3,575,357	3,575,244
Foreign Relations	120,995	128,043	795	795
Homeland Security and Governmental Affairs ..	543,020	525,170	48,890	48,890
Judiciary	60,712	61,114	4,181	4,217
Health, Education, Labor, and Pensions	53,890	75,053	83,049	82,705
Rules and Administration	192	273	146	146
Intelligence	0	0	2,570	2,570
Veterans' Affairs	4,410	5,418	379,554	378,044
Indian Affairs	3,070	4,893	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 106(b)(1)(A) AND 106(b)(1)(B) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974—5-YEAR: 2013–2017—Continued

[In millions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Small Business	0	0	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 106(b)(1)(A) AND 106(b)(1)(B) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974—10-YEAR: 2013–2022

(In millions of dollars)

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	140,875	1,40,748	1,246,830	1,108,772
Armed Services	1,720,688	1,724,542	1,040	1,022
Banking, Housing, and Urban Affairs	229,617	–10,992	0	0
Commerce, Science, and Transportation	168,316	118,271	18,930	18,302
Energy and Natural Resources	54,432	58,498	580	580
Environment and Public Works	416,410	32,490	0	0
Finance	17,071,487	17,063,729	8,604,008	3,603,595
Foreign Relations	227,925	238,279	1,590	1,590
Homeland Security and Governmental Affairs	1,183,459	1,146,352	94,635	94,635
Judiciary	112,276	114,750	9,087	9,109
Health, Education, Labor, and Pensions	293,935	316,470	194,653	193,975
Rules and Administration	376	442	326	326
Intelligence	0	0	5,140	5,140
Veterans' Affairs	7,047	9,216	806,272	803,252
Indian Affairs	6,493	8,347	0	0
Small Business	0	0	0	0

Mr. CONRAD. Mr. President, I wish to inform my colleagues that this morning I filed the budget deeming resolution for 2013 pursuant to the Budget Control Act passed last year. This resolution sets forth the spending limits for fiscal year 2013 at the levels agreed to by Democrats and Republicans in last summer's Budget Control Act. It allows the appropriations committees to now proceed with their work in drafting bills for next year, and it ensures the Senate will have the tools to enforce the spending limits we agreed to on a bipartisan basis.

I want to emphasize for my colleagues that we do have a budget. Those who continue to claim we do not have a budget are either unaware of what they voted on last year or are seeking to deliberately mislead the public. The Budget Control Act was passed by the House of Representatives, it was passed by the Senate, and signed into law by the President. It is the law of the land, and it established the key components of the budget for 2012 and 2013.

Here is the language from the Budget Control Act itself. It is very clear the Budget Control Act is intended to serve as the budget for 2012 and 2013. It states:

For the purpose of enforcing the Congressional Budget Act of 1974 through April 15, 2012 . . . the allocations, aggregates, and levels set in subsection (b)(1) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2012.

It goes on to use that exact same language for fiscal year 2013.

In many ways, the Budget Control Act was even more extensive than a traditional budget. It has the force of

law, unlike a budget resolution that is not signed by the President. I think most Members here know a budget resolution is purely a congressional document. The Budget Control Act is actually the law.

No. 2, the Budget Control Act set discretionary spending caps for 10 years instead of the 1 year normally set in a budget resolution.

No. 3, it provided enforcement mechanisms, including 2 years of deeming resolutions which allow budget points of order to be enforced. And No. 4, it created a reconciliation-like supercommittee process to address entitlement and tax reforms, and it backed up that process with a \$1.2 trillion sequester.

So these claims that we do not have a budget can now be put to rest. By filing the deeming resolution provided for in the Budget Control Act this morning, the budget levels have been set for next year.

Last week, we received CBO's updated budget estimates, which allowed me to complete work on the budget deeming resolution for 2013. The filing of this deeming resolution was required under the Budget Control Act. I filed a similar resolution for 2012 back in September. The Budget Control Act is crystal clear that the spending limits in the resolution should be set at the levels agreed to in the Budget Control Act.

Again, here is the language taken directly from the law. It states:

Not later than April 15, 2012, the Chairman of the Committee on the Budget shall file . . . for the Committee on Appropriations, committee allocations for fiscal years 2012 and 2013 consistent with the discretionary spending limits set forth in this Act.

It doesn't say at a level below the limits set forth in this Act, it says at a level consistent with the limits set forth in this Act.

Let's remember what these limits mean. Under the Budget Control Act spending caps, discretionary spending is cut by about \$900 billion below the CBO baseline over the next 10 years, and that is not including the sequester cuts. That is just the results of the Budget Control Act spending limits.

Let me make clear, our House Republican friends now seem to be walking away from these levels, even though they agreed to them last year. Let's look at what they said last summer. Here is what House Budget Committee Chairman RYAN said on the House floor on August 1:

What the Budget Control Act has done is it has brought our two parties together. So I would just like to reflect for a moment that we have a bipartisan compromise here. That doesn't happen all that often around here; so I think that's worth noting. That's a good thing. And what are we doing? We are actually cutting spending while we do this. That's cultural. That's significant. That's a big step in the right direction. We are getting two-thirds of the cuts we wanted in our budget, and, as far as I am concerned, 66 per-

cent in the right direction is a whole lot better than going in the wrong direction.

So last summer our House Republican colleagues were pleased to be getting 66 percent of what they wanted. They made an agreement. They shook on it. They ought to keep the agreement they made.

It seems that our House Republican friends are on their own, because at least so far the Senate Republican leadership has agreed we should keep to the spending limits we took on last year. Here is what Senate Minority Leader McCONNELL said on the floor last month:

We have negotiated the top line for the discretionary spending for this coming fiscal year. . . . We already have that number. . . . There is no good reason for this institution not to move forward with an appropriations process that avoids what we have done so frequently under both parties for years and years: either continuing resolutions or omnibus appropriations. . . . I hope we can join together and do the basic work of government this year and do it in a timely fashion.

I hope so too. I hope our House Republican colleagues are listening. We still must come together on a budget plan that addresses the long-term fiscal imbalances we confront, but the short-term budget is in place and it is in law. It was included in the Budget Control Act that everyone agreed to last summer. It provided for about \$900 billion in discretionary spending cuts.

The Senate is now poised to proceed with its business. I have filed the budget deeming resolution for 2013, and we will be moving forward with appropriations bills at the levels we all agreed to. I believe House Republicans should do the same. If they fail to do so, they will once again threaten to shut down the government and needlessly imperil the economic recovery.

Mr. President, I thank my colleagues for this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise today in opposition to corporate welfare. At a time when our country is borrowing over \$1 trillion a year, I think it makes no sense to loan money to countries we are borrowing from. For example, we borrowed \$29 billion from Mexico, and yet we are sending them \$8 billion of the money we borrowed from them to subsidize trade.

A lot of the subsidized trade goes to very wealthy corporations. When 12 million people are out of work in the United States, does it make sense for the U.S. taxpayer to subsidize loans of major multinational corporations? The President is big on saying, well, these rich companies need to pay their fair share. Well, why then is the President sending loans out to these very wealthy corporations? And he is actually giving them their fair share of our taxpayer money. Why is that occurring?

I have often asked the question, Is government inherently stupid? Well,

you know, I don't think government is inherently stupid, but it is a debatable question. Government doesn't get the same signals your local bank gets. Your local bank has to look at your creditworthiness. Your local bank has to make a profit. Your local bank has to meet a payroll. But once the government gets in charge of these things, Katy-bar-the-door. We don't have a good track record with government banks because they do not feel deep inside the same pain that an individual banker feels when he gives a loan.

We have Fannie Mae and Freddie Mac losing \$6 billion of your money a quarter. And what do they want to do? They want to expand another government bank. So get this right. The Fannie Mae and Freddie Mac that are government banks are losing \$6 billion a quarter, and recently they wanted to give their executives multimillion dollar bonuses. They said, Well, you have to pay people if you want to keep good talent. My question is, How much talent does it take to lose \$6 billion a quarter? I think there are people here today watching the Senate who would take \$19 million a year to run one of these government banks only to have their record be that they lost \$6 billion a quarter. That is outrageous. Then wanting to expand a new government bank and give money to very wealthy corporations that are making a profit? It makes no sense whatsoever.

Jefferson said government is best that governs least. What did he mean by that? He meant he wanted government to be small because government is inherently inefficient. Government doesn't get the same signals. That is why we should only let government do the things the private sector can't do. Banking is something the private sector can do. We are not talking about starting new companies, for the most part; we are mostly talking about subsidizing very wealthy multinational companies.

But let's look at the companies the Export-Import Bank is subsidizing. One of them is called First Solar. You may have heard that a lot of these solar companies are big contributors to President Obama. I wonder if that has something to do with them getting loans. But here is the loan First Solar gets from Export-Import. They get paid and they have a loan that says they are going to make solar panels, and then who is going to buy the solar panels? Themselves. So they made a deal with another company they own and the taxpayer is stuck financing a loan so First Solar can make solar panels and then buy them from themselves. That sounds like a good deal. You get the government to subsidize a loan to buy your own product.

Who else are we subsidizing? We gave \$10 million in loans to Solyndra. You may have heard of Solyndra. Solyndra is owned by the 20th richest man in the

United States, who just happens to be a big contributor to President Obama. Coincidence? I don't know.

Guess who works for the Department of Energy. Solyndra's lawyer's husband works for the Department of Energy, and he was apparently a big fan of these loans and a big fan of restructuring these loans. Do you think people approving the loans should be related to the people getting the loans?

Robert Kennedy, Jr., of the famous Kennedy family, got \$1.8 billion. Just so happens they are big political supporters of the President also. How did they get the loan? Somebody who used to work for Kennedy now works in the loan department at the Department of Energy. Sounds as though there might be a conflict of interest.

This is a real problem. But this is a problem that is endemic to government banks. Once you let the government get hold of the banks, and once you let them make the loan decisions, they do it and they give the money to their favorites. So when one party is in charge, their favorites get them; when the other party is in charge, their favorites get them.

The government shouldn't be in this business. These are large multinational corporations that can find loans for themselves. Guess what. Sometimes they are loaning money to other governments that then compete with our industry. We are loaning money to India, to whom we also owe billions of dollars, but then India subsidizes an airline that competes with U.S. airlines. It doesn't make any sense at all. But we continue to do things that are counterproductive, counterintuitive, at taxpayers' expense. Then we say, well, to keep good talent, we have to pay these guys millions of dollars to run these government banks.

The problem is government banks don't respond the way business does. They respond in a fashion where they do not feel the pain. No one loses their job. No one loses a night's sleep over a government loan. When a bank loans you money, someone has to make a profit and meet a payroll. It is different. You have the checks and balances of the marketplace. You don't need to have the government involved here.

There are a couple questions we should ask before doing what the other side wants to do. They want to expand the size of this corporate welfare. They want more corporate welfare going out to multinational corporations. In doing so, they want you, the taxpayer, to be on the hook for more money.

I would say we have to ask some questions. Should we be dispensing loans based on political favoritism? Should it matter if one is a big contributor to the President? Should that matter in getting a loan? No. I think that ought to be illegal. If it is not immoral, it ought to be. It is immoral. It

should be illegal. We shouldn't be doing that.

Then the other question is, does it make sense to borrow billions of dollars first from China or India and then send it back to them to say: Please, buy our products with it. So we borrow the money from them, and then we send it back to the very same countries. It makes utterly no sense. I ask the Senate to consider seriously whether, at a time we are running a \$1 trillion deficit, it makes sense to be subsidizing profitable, large multinational corporations. I don't think so, and I don't think the taxpayer thinks so.

I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, over the last several days there has been an immense outpouring of concern about the so-called JOBS bill the House has sent to us, and this outpouring should weigh upon us. It should make us question the speed and the lack of deliberation with which we are considering this House bill and question the wisdom of just sending it back to the House if there is one amendment to it, which is on the Ex-Im Bank, and hoping that somehow or another investors are going to be protected in a conference instead of by the Senate. What we are considering should be done with great deliberation, and we should take the time to get this right.

The House majority leader suggested yesterday that those of us who are concerned about the House bill are "creating phantom investor protection issues." We did not create these issues. People who know far more about capital markets than the House majority leader or myself or probably any of us have asked us to reconsider what we are poised to do.

Start with the Council of Institutional Investors. This group's members invest a combined \$3 trillion in our Nation's capital markets. They include the Nation's largest pension funds, university endowments, and foundations. The Council of Institutional Investors, an outside, independent, objective group whose sole purpose in life is to make sure investors are given sound opportunities and are not defrauded, is warning us that rather than boosting investment in our economy, we could frighten investors out of the market. They are asking us, they are pleading with us to reevaluate, and we should.

Next, take a look at the letter from the current SEC Chairman Mary Schapiro to the Banking Committee last week. Chairman Schapiro issues a lengthy list of warnings about provisions in the House bill. She sums up her warnings this way: "If the balances tip to the point where investors are not confident that there are appropriate protections, investors will lose confidence in our markets and capital formation will ultimately be made more difficult and expensive."

That is precisely the opposite of the impact we should want.

We should listen to the American Institute of Certified Public Accountants, which warns us that the House bill “would create marketplace and investor confusion” that dampens rather than strengthens investment in growing companies.

We should listen to the association that represents State securities administrators. What does that association do? They warn us that “Congress is on the verge of enacting policies that although intended to strengthen the economy, will in fact only make it more difficult for small businesses to access investment capital.”

We should listen to the editors of Bloomberg News, one of the most trusted sources of commentary on the markets, who tell us that provisions of the House bill “would be dangerous for investors and could harm already fragile financial markets.”

Can any of us who have lived through the fearful days of the financial crisis, days when we wondered if the entire economy would crumble—can any of us or should any of us vote to rush through this body legislation that threatens harm to fragile financial markets? Do we want to live through that again?

We should amend this flawed House bill so we can create opportunity for American workers, companies and investors and not opportunities for fraudsters, boiler room hucksters, and con artists. We can do that, and we should do that. One way to do that is to invoke cloture on the alternative that Senators JACK REED, MARY LANDRIEU and I have offered and to begin debate and amendments on that alternative so the Senate’s deliberative process can begin.

If that cloture vote fails, the only remaining prudent alternative is to reject the cloture motion on the underlying bill so the Senate can begin to deliberate and consider amendments to a bill that has aroused such concern among so many experts whose very job it is to protect consumers.

Some may fear that by slowing a runaway train, they risk being portrayed as hostile to job creation or to small businesses. After all, how can we oppose legislation titled the “JOBS Act”? It takes more than a clever acronym to create jobs. As the astonishing amount of concern among market experts tells us, this JOBS Act—this so-called JOBS Act is not a jobs act but an invitation to the kind of fraud that destroys jobs.

The Senate is the place where care and deliberation is supposed to rule and is supposed to rein in the excesses of haste and incaution, and I urge my colleagues to undertake that responsibility today.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. SESSIONS. Mr. President, I was a bit surprised—although one is never totally surprised in this body—when my Democratic colleagues were saying this morning that something bad has happened because the historic budget that would change the debt course of America, that has been announced by Congressman PAUL RYAN and his House Budget Committee today, violates the Budget Control Act. It spends a few billion dollars less than what was capped in the Budget Control Act. The Budget Control Act that passed put a cap on the roughly \$1 trillion of discretionary spending only. And from that \$1 trillion-plus cap, the House would reduce spending by \$19 billion in the proposed budget today, and this somehow violates good spirit around here and is the wrong thing. But I would just say that when the Budget Control Act passed in the wee hours of the morning at the eleventh hour and the 59th minute before a government shutdown occurred, we knew it wasn’t enough of a reduction in spending. It wasn’t half of what experts have told us needs to be reduced over the next 10 years to put America on a sound debt path.

We are on a disastrous debt path. We are heading to the most predictable financial crisis this Nation has ever faced because we are spending 40 cents per dollar more than we have. We are borrowing 40 cents of every dollar we spend—borrowing it—just to maintain this level of spending.

So the House made some changes or made a proposal to reduce the spending level below the Budget Control Act, and they also recognized that the \$1 trillion or so in spending that was covered by the Budget Control Act—and that is the discretionary spending—is only a little over 40 percent of total spending. Over half of the spending is in the entitlement mandatory spending category. They proposed really nothing under the Budget Control Act to make any changes.

So the Ryan budget proposed to spend next year \$180 billion less than the President’s budget proposed that he submitted earlier this year. And did the President’s budget adhere to the BCA? My colleagues say, oh, they are mostly disheartened that Republicans would take the spending down below

the level by about \$19 billion or so under the Budget Control Act numbers. But I didn’t hear them complaining when President Obama submitted his budget.

Do my colleagues know what the President’s budget did? It wiped out over half of the spending cuts in the Budget Control Act. Can my colleagues imagine that? We agreed on \$2.1 trillion in spending reductions, and \$1 trillion of that was voted on explicitly, and \$1.2 trillion was an automatic sequester or an automatic cut in spending if the committee didn’t reach a long-term agreement. The committee didn’t reach an agreement, so automatically \$1.2 trillion in cuts was to be imposed. That is the current law. President Obama’s budget wipes it out. Not only does he add, therefore, \$1.2 trillion immediately to spending as a result of wiping out the sequester we agreed on just last August, he adds another \$500 billion in spending. His budget he submitted just a few weeks ago calls for spending increases of \$1.6 trillion more than was in the Budget Control Act.

So my good friend Senator CONRAD, who chairs the Budget Committee, and our Democratic leadership, who are threatening a government shutdown because Congressman RYAN and the responsible House Budget Committee proposed actually taking a few more billion dollars out of discretionary spending, want to complain about that. I didn’t hear them complaining when we had the most astounding event after the President signed the Budget Control Act that passed both Houses at the eleventh hour: a compromise agreement—a compromise we all knew was not sufficient. And 5 months later, before the ink is hardly dry on it, he proposes to wipe it out.

No wonder the American people don’t trust Congress. We say in August: We are going to save \$2.1 trillion—trust us—and we are going to raise the debt ceiling so America can continue to borrow at this extraordinary rate, but we are going to cut spending. We are going to raise the debt ceiling, but don’t worry, we promise to cut spending. And the President of the United States, within 5 months of that agreement being reached, submits to us a budget that wipes out half of it. I am amazed that nobody has been talking about it. I have tried to raise the issue. It just points out to me how silly it is that our colleagues in the Senate would complain about Congressman RYAN.

The American people gave Republicans a majority in the House of Representatives. We are facing the most systemic debt threat this Nation has ever faced, and they knew it, and they proposed last year and again this year a historic budget that would alter the debt course we are on. It would take us from unsustainability to sustainability. It would take us on a path that

we would hope avoids a debt crisis, although we are so close to it, I am not sure we can avoid it. Hopefully, we can avoid a debt crisis, but our debt is tremendous. Our individual, per capita debt is \$44,000 per man, woman, and child—greater than any country in Europe and greater than Greece. We are in the danger zone; clearly, we are.

So they proposed this budget last year and again this year, and it laid out a plan. So what happened? The President of the United States calls out Congressman RYAN and castigates him in a speech, and he is sitting right in front of him. The Senate Democrats, who haven't produced a budget in 3 years because they are afraid to, because they don't have the courage to lay out the tough choices that are going to be necessary to save this Republic financially, attacked Congressman RYAN and his House Members for trying to do the right thing. It is unbelievable to me. I am just amazed. Now we have them complaining that he goes a little below the Budget Control Act numbers. Give me a break.

Does anybody not know what is going on here? The American people do. They gave a shellacking to a lot of the big spenders in the last election. Surely we would have thought Congress got the message. The House did. Apparently, the Senators have not.

Senator REID, our majority leader, said it would be foolish to have a budget. Foolish to have a budget? The law requires us to have a budget. By April 1, we should have one in the committee. We are not going to be meeting before then. We should have one pass both Houses by April 15. That is the law. It is in the United States Code. Unfortunately, I guess, we don't go to jail as a result of not passing one because we haven't passed one here for 3 consecutive years. We haven't passed a budget in 3 years.

Senator REID said it is foolish to pass a budget. Why? I think he meant politically. It would be foolish for him to allow a budget to come to the floor where there is free debate, an opportunity to offer amendments in large numbers, and actually debate the challenges and vote on them. Senators—in public; not in secret meetings but in public—actually vote on these issues that are important to America and held accountable, and the American people can see how tough the choices are because the choices are tough. It is not going to be easy to balance this budget. I am telling my colleagues, I have seen the numbers. I am ranking Republican on the Budget Committee, and I have sat down with my staff, and I wish I could say it would be easier than it is. It is not going to be easy.

So this is a frustrating moment. I am not really surprised. Here we are, going into the summer, trying to deal with a financial systemic threat to America that Admiral Mullen calls the greatest

threat to our national security—our debt. We have done nothing about it. The House has. The Republican leadership in the House has done their duty. They produced a courageous, thoughtful, responsible debt course change that will put us on the road to prosperity, not decline. Their budget includes tax simplifications and tax reductions even, while they are doubling the amount of savings President Obama achieves. The House budget, although it doesn't balance in 10 years—and I wish it did, but it doesn't balance in 10 years—adds half the debt in the next 10 years that President Obama's budget proposes. It cuts it more than half. It puts us on a path. And in the outyears, it is even more positive in its effect and clearly takes us out of this disastrous course we are on. So they should be congratulated for being honest and detailed.

Speaking of details, why don't we see the Democratic Members of this Senate lay out their budget plan?

Last year, Senator REID called up the House budget so all could vote against it. So Senator MCCONNELL called up the President's budget. Every Democratic Member voted against that. Senator TOOMEY's thoughtful budget—

The PRESIDING OFFICER. The Senator has used 11 minutes.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. The net result was that the President's plan was brought up, and voted down 97 to nothing. All Democrats voted against the Toomey plan. All of them voted against the House plan. They voted against everything. Not one plan did they produce that they voted for. That is the course we are on today. I do not think that is a plan and a policy you can be proud of. I think it is unworthy of a party giving leadership in the Senate at this critical time in history.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

GASOLINE PRICES

Mr. VITTER. Mr. President, I have returned to the Senate floor today to talk about what is a true crisis for many Louisianans, many Americans, which is the ever-rising price of gasoline at the pump. This hits everybody in their tough pocketbook in a horrible economy. It is a true crisis for many American families all around the country.

In this debate—and it has been a significant national debate—a lot of Republicans say: Well, President Obama does not have a plan, does not have a policy to address the price at the pump. A lot of supporters of President Obama say: Well, no President can have a significant impact, can determine the price at the pump.

I think both of those statements are equally wrong. I think the President, this administration, does have a policy. They have made specific proposals and it would, if we enact it, have a significant impact on the price at the pump. It would just be the wrong sort of impact. It would drive the price even higher than it is now, not help American families by stabilizing that price.

I want to focus on one very specific, clearly laid out policy of President Obama, and that is to increase taxes on oil and gas and energy producers—increase taxes on that product, which I think clearly is going to only drive up the price at the pump.

President Obama has advocated this very consistently for a long time. He advocated it as a Senator. He laid it out as a central plank of his energy policy when he was originally running for President in 2008. He has fought for it ever since, including it in every budget submission to Congress. He has always advocated increasing taxes on domestic oil and gas energy producers.

To underscore this point, one of the President's biggest supporters in the Senate, Senator MENENDEZ, has introduced this concept in the Senate. Yesterday, Senator MENENDEZ introduced the Repeal Big Oil Tax Subsidies Act, which, again, does exactly the same thing as the President has long advocated. It increases taxes on that product. It increases taxes on those domestic producers.

I think the American people get it. We can argue about fairness. We can argue about other considerations. But in terms of the impact this is going to have on the price at the pump, I think the American people get it. It is economics 101: If you tax something more, you tend to drive the price up in the market, and you decrease supply. Again, that is economics 101.

I could talk about the true facts of this with regard to energy companies—the fact that they pay an effective tax rate of about 41 percent, the fact that they account for enough revenue to cover 10 percent of our entire discretionary budget, that they are not undertaxed at all by any reasonable comparison. But I am not going to focus on that because, quite frankly, I do not care about the direct impact on the companies. I care about the direct impact on Louisianans, on Americans, on consumers, on what so many low or middle-class families are dealing with right now—that real crisis I talked about that you face every time you go to fill up your car; that is, the burden of skyrocketing prices at the pump. That is what we should all be concerned about. As I said, I think it is pretty obvious, it is economics 101, that if you tax something more, the price at the pump, the price in the market goes up, and you get less of it.

But even if that were not so obvious, we have history to look at. There is a

very clear history lesson from the Carter years, when this same experiment was actually enacted. Back then, in 1979, it was called the windfall profits tax. You may remember that debate. Well, that was actually enacted here in Congress, here in Washington—the Crude Oil Windfall Profits Tax Act. It was passed back then, and it went into effect on April 2, 1980. Again, the same arguments, the same policy: Somehow the tax treatment of these companies is unfair. Somehow they are not paying their fair share—even though the facts show otherwise—so we are going to increase the tax on those domestic energy producers.

Well, what happened? The first thing that happened was the price at the pump went up. It went up significantly for several years. There was a lot going on in the world at the same time. I know folks will point to developments in the Middle East and everything else. But that is what happened immediately following the enactment of that law. The price went up by about 50 percent and stayed there for several years.

But let's look at other factors. You can argue about the impact of politics and developments in the Middle East on price. What about things that should not be so impacted by developments in the Middle East? What about things such as domestic production and whether that increased or decreased? Well, in fact, as a direct result of the windfall profits tax, domestic oil and gas production, energy production, went down over that entire period from between 3 percent to 6 percent. If you look at the entire period of the tax, it went down.

In this debate, everyone at least has paid lip service to the idea that we should be producing more energy here at home. Yet in this historical example, in this experiment, increasing the tax on this product did what you would expect it to do, again from economics 101: It decreased that activity here at home. It decreased domestic production.

What else did it do? Well, the second big impact it had was it increased our dependence on foreign oil. Again, you can connect the dots. This is exactly what you would expect. If you increase taxes on domestic production, you decrease that supply, and guess what. We are even more dependent on those unstable foreign sources we want to get away from. That is exactly what happened in the Jimmy Carter experiment. He passed the windfall profits tax, and during the entire tenure of that tax, dependence on foreign oil increased significantly—between 8 percent and 16 percent.

Then something that might be a little less obvious is the impact on revenue. There were enormous promises made about the revenue this windfall profits tax would bring in. Well, at the beginning it did have that impact, but

guess what. Over time that impact declined enormously, down to actually a zero net revenue increase by 1987. The tax was eventually repealed in 1988, but this impact on revenue went down to zero before that repeal, not because of the repeal. It went back to zero in 1987.

This purple, as shown on this chart, is what was promised. This purple is the increase in revenue that was promised and projected by President Carter. This gray, as shown on the chart, is what happened. Sure, there was an immediate spike. Then guess what. Domestic energy producers reacted. They did less activity here. If you tax something more, you get less of it, we are more dependent on foreign sources, we drive out that activity—those jobs and that revenue. So there was a steady decline, until it was actually zero net additional revenue in 1987, leading to the repeal in 1988.

So I would hope, when we look at this proposal—I would hope first we focus on the American people, we focus on their plight every time they go to fill up their gas tank, with these ever-increasing prices, and our top goal is to give them relief.

Increasing taxes on that product, increasing taxes on domestic producers of energy, is not going to give them relief. It is going to do exactly the opposite. Every rule of economics says that. If you tax something more, you get less of it, you increase the price in the market. History proves that—a very clear lesson from the Carter years that some folks on this Senate floor, President Obama, and others, want to repeat. This is not good policy if we truly want to help the American people with their everyday struggle with the price at the pump.

I think what is going on is a completely different agenda. Folks are so set against fossil fuel, folks want to advantage new forms of energy so much that they are willing to resort to actually increasing the price at the pump to do it. That is exactly what Secretary of Energy Chu advocated in late 2008 right before he was appointed to his present position. Let's not do that. The American people cannot afford it. They need relief. They need it now.

An American President can make a difference. Unfortunately, this one has a policy that would make a difference in the wrong direction. Taxing something more increases the price, produces less of it. We need to be doing the opposite. We need to be increasing domestic supply, bringing down the price, helping the American people in their everyday struggles with their family budgets, with how to manage their scant resources in a very tough economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1836

Ms. CANTWELL. Mr. President, I rise to talk about the Cantwell-John-

son-Graham-Shelby amendment that is going to be voted on shortly in this series of votes we are going to be having, and to urge my colleagues to support this important amendment that would reauthorize the Ex-Im Bank for 4 years, until 2015. The current authorization is set to expire in May of this year, so it is very urgent we pass this authorization. It would increase capacity for the bank because there is demand.

The Ex-Im Bank, people may know—or maybe not know—supplies credit stability to foreign purchases of U.S. product, where the purchaser has limited access to private sector capital due to political risk or instability or limited access to capital. It is something we have had since 1934. So this program has been a way for U.S. manufacturers, small businesses, a variety of U.S. companies, to make sure they get sales of their products in international markets. It has been an incredibly important tool. Somebody called it one of the most important toolboxes in U.S. economic capacity to help our economy.

In 2011, the bank supported over \$41 billion in U.S. exports from over 3,600 U.S. companies, and it has supported nearly 290,000 export-related jobs in America. So that is a very big impact. According to the Congressional Budget Office, the reauthorization of this program will help reduce the deficit by over \$900 million over the next 5 years. That is right, a program that is run by the government that actually helps our deficit be reduced, and that is because of the amount of money that is made from these transactions and returned to the Treasury.

I wish to thank my colleagues: Senators JOHNSON, GRAHAM, SHELBY, WARNER, SCHUMER, BROWN, HAGAN, COONS, AKAKA, MURRAY, LANDRIEU, KERRY, KIRK, DURBIN, SHAHEEN, MCCASKILL, LIEBERMAN, and CASEY for all sponsoring this important amendment.

The reason we are out here is to make sure our colleagues know this is the 25th time this legislation has been up for extension since the original Executive order establishing it. I am looking at the record: 1983, passed by voice vote on the reauthorization; passed by unanimous consent in 1992—passed by unanimous consent many of the times.

Here is a program that over the last several decades has been passed by unanimous consent. Yet all of a sudden this legislation is being stalled or held up. What I want to make sure my colleagues know is what an important tool it is for job creation and why it is so important that we not take the capital that is left over in the Ex-Im program and delay it because what is going to happen if we do not get this reauthorization done right away is that they are going to stop the activity that is actually helping job creation in the United States.

As we can see in 2011, the total number of jobs it helped support was nearly 300,000 jobs. That is a pretty good impact by basically saying, as a program of a financing of last resort, the United States is going to make sure U.S. companies can get their products sold in various marketplaces. That is why the chamber of commerce, the National Association of Manufacturers, many companies and organizations are supporting this legislation.

As an added bonus, as I said, it is generating revenue to the U.S. economy. In fact, it has generated a lot of money, \$3.7 billion for U.S. taxpayers since 2005. I know some of my colleagues on the other side of the aisle think the program could have more transparency. I will vote for more transparency for the Ex-Im Bank. But if one of my colleagues can figure out with more transparency how to get more than \$3.7 billion to the U.S. Treasury out of a government program, I would love to hear about it because this is a program that has worked successfully.

Let's talk about some of the places these jobs were created; I mean, actually supported and helped sustain. In Pennsylvania, in 2011, \$1.4 billion in export products were helped to be purchased by the Ex-Im Bank and supported over 9,000 jobs in the State. So there is help and support for those small businesses, those manufacturers in Pennsylvania that want to access international markets, but there are purchasers, just like with the SBA program or other finance programs that needed help and support in getting the financing done.

Let's look at Massachusetts, another robust State: \$566 million in exports in 2011. That was over 4,000 jobs supported through this Ex-Im program. In my State there are many jobs. We can see from looking at the list of the companies that got support through this, we have—obviously, aviation has done very well with having this kind of financing, particularly competing in a big global market where other countries have this kind of financing tool.

But we also have a lot of small businesses. We have clean tech, we have agriculture, we have a lot of different companies. Texas, probably another State that has been a huge winner in having the Ex-Im program, 35,000 jobs supported by the Ex-Im Bank in Texas and almost \$5 billion—\$4.9 billion in business that was done in the State of Texas through this program.

So my colleagues can see this is a very viable and important program to get reauthorized. I know some people think we ought to hold it up, and some are saying let's stop the program altogether—stop it and get rid of it, even though it has been around, it has been a tool, it has been authorized many times on unanimous consent. But now all of a sudden some people think this

program has not served the American public and the American job economy very well.

I would differ with them. It has served us very well. Another example is Florida. It has, in 2011, helped support \$1.1 billion of Florida products sold in international markets and helped support over 7,600 jobs in that State—again, a big boost to that economy.

Let's look at North Carolina. It has helped support over 3,300 jobs and over \$456 million in exports. What I also like about this is that for the first time with this legislation, the textile industry is going to get a member of the Export-Import Bank. That is to further help export products from places such as North Carolina and South Carolina get access to the marketplace and to make sure they are being competitive on an international basis.

The last chart, Ohio, which is over \$398 million and 2,888 jobs. So all these are important jobs for our economy. As I said earlier, this program is expiring in May. If we fail to reauthorize it now, what we are going to run into is the Export Bank cutting off those types of businesses, those types of jobs in the very near future because they are almost at their capacity for this year. So instead of saying: Washington or Florida products or Ohio products or Pennsylvania products ready for sale, basically what we are going to say is: U.S. products in a warehouse waiting for opportunity.

We are basically going to say the door is shut on selling these products because we have not gotten our job done in making sure the export program is reauthorized. I hope my colleagues will realize that around here very few things are getting done very efficiently. There are lots of things being held up, and the U.S. economy is paying the price for it. If we cannot push something such as the Ex-Im Bank through this process that again has been authorized and reauthorized so many times either by unanimous consent or voice vote and all of a sudden we are going to turn it into a political football, then the American economy is going to pay the price for that.

I urge my colleagues to help us get this Cantwell-Johnson-Graham-Shelby amendment passed out of the Senate today and on its way to the House so we can expedite the process of making sure we do not have a sign across America: "U.S. products stuck in warehouse" but instead we have a sign that says: "U.S. exports on the gain. United States making great headway and selling great products and services around the globe."

I know my colleagues earlier today were saying: There are some things people want to change. The amendments people want to offer in this legislation are from people who want to stop this program. This legislation has transparency. It has improvements

that have been recommended on market-based rates, and it puts the United States in a competitive advantage to make sure we are competing in a world in which export market opportunity has grown something like 500 times in the last 25 years.

If we want to be in the jobs game, we have to get our products overseas. The Ex-Im Bank will continue to help us do that. I urge my colleagues to support the Cantwell-Johnson-Graham-Shelby amendment.

Mr. WHITEHOUSE. I wish to express deep concerns about the so-called JOBS Act sent to us by the House and to commend my senior Senator JACK REED and Senators LEVIN and LANDRIEU for putting forth a balanced and thoughtful alternative.

Everyone in this body agrees that Washington should be doing as much as it can to create jobs for middle-class Americans. But if the financial crisis of 2008 taught us anything, it is that smart regulation of our capital markets is a key element of sustained economic growth.

Unfortunately, this legislation would eliminate key investor protections and allow for fraud and abuse to flourish in a shadowy world of unregistered securities. According to John Coates and Bob Pozen of the Harvard Law and Business Schools, respectively, the House bill "could spur more shady deals than new jobs." John Coffee of Columbia Law School has called it the "the boiler room legalization act"—a reference to brokerage operations that profit from unloading questionable securities on unsuspecting and inexperienced investors.

Over the past few days, opposition to the House bill has extended far beyond economists, with investor and consumer protection groups, ranging from the Council of Institutional Investors and the North American Securities Administrators Association to the AARP and Consumer Federation of America, calling for substantial changes. These groups have encouraged the Senate to reexamine many of the House bill's provisions, including ones that would: allow unregulated Web sites to sell unregistered stock to middle-class investors; permit stock brokers to advertise risky private offerings on billboards and in cold calls to seniors' homes; and strip away the corporate governance and executive compensation transparency requirements that we worked so hard to pass in the 2010 Wall Street reform bill.

Senators JACK REED, CARL LEVIN, and MARY LANDRIEU have worked around the clock to produce an alternative that maintains key investor protections. I commend them for their work, and am proud to cosponsor their substitute amendment. I hope we can use this amendment as a starting point to negotiate a compromise final bill—one which achieves the goal of making

capital more accessible to small start-ups, without making the markets riskier for average investors. If we do not take the time to get this important bill right, I fear we will live to regret our haste.

SEC Chairman Mary Schapiro framed well the dangers of undercutting securities regulations when she warned, "if the balance is tipped to the point where investors are not confident there are appropriate protections, investors will lose confidence in our markets, and capital formation will ultimately be made more difficult and expensive." Let's pass a capital formation bill that strikes the right balance between capital formation and investor protections. In my time as U.S. Attorney and Attorney General, I have seen the devastation that financial fraud can inflict on a family, and I have seen how unscrupulous con men, stock jobbers, fraudsters, and boiler room operators can be. It is worth it to take the trouble to protect against the crooks who could take advantage of the loopholes this bill leaves to exploit innocent victims. I urge my colleagues to support the Reed-Levin-Landrieu alternative and to oppose the House-passed bill. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT OF 2012

Mr. REID. Mr. President, as the Senate is aware, there are differences between the Senate and the House work product on the STOCK Act. This legislation limits insider trading by Members of Congress. It certainly would have been my preference to work out these differences between the two Houses through a conference committee. I know that is the preference of the Republican leader. That is the usual practice.

But we have been advised there would be objection to going to conference by consent. I have tried it and tried it and we cannot break through that. That means it would take filing and adopting three separate cloture motions over the course of weeks to get to conference; that is, if we can be successful on the first two. So we need to address this issue more quickly because otherwise we do not address it at all, and we need to address it.

As a consequence, I am going to file cloture in the motion to concur with the House bill on the STOCK Act. It is my hope we can resolve this matter expeditiously, and I hope we can thereby make clear Congress's intent to prohibit insider trading by Members of Congress.

I now ask the Chair to lay before the Senate a message from the House with respect to S. 2038.

The PRESIDING OFFICER. The Chair lays before the Senate the fol-

lowing message from the House, which the clerk will report.

The bill clerk read as follows:

Resolved, that the bill from the Senate (S. 2038) entitled "An Act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes," do pass with an amendment.

(The amendment is printed in the Proceedings of the House on February 9, 2012.)

Mr. REID. Mr. President, I move to concur in the House amendment to S. 2038.

I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to S. 2038, the Stop Trading on Congressional Knowledge Act.

Harry Reid, Jeff Bingaman, Daniel K. Inouye, Joseph I. Lieberman, Tim Johnson, Daniel K. Akaka, Richard J. Durbin, Charles E. Schumer, John Barrasso, Scott P. Brown, Mitch McConnell, Jon Kyl, Richard C. Shelby, Rob Portman, John Cornyn, John Hoeven, Marco Rubio, Lisa Murkowski, Jeff Sessions, Mike Johanns, Tom Coburn, Susan M. Collins

MOTION TO CONCUR WITH AMENDMENT NO. 1940

Mr. REID. Mr. President, I move to concur in the House amendment to S. 2038, with an amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to S. 2038 with an amendment numbered 1940.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1941 TO AMENDMENT NO. 1940

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1941 to amendment No. 1940.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

MOTION TO REFER WITH AMENDMENT NO. 1942

Mr. REID. Mr. President, I have a motion to refer the House message to the Committee on Homeland Security and Governmental Affairs with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message on S. 2038 to the Committee on Homeland Security and Governmental Affairs with an amendment numbered 1942.

The amendment is as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1943

Mr. REID. Mr. President, I have an amendment to my instructions which has also been filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1943 to the instructions of the motion to refer the House message on S. 2038.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1944 TO AMENDMENT NO. 1943

Mr. REID. Mr. President, I have a second-degree amendment to my instructions which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1944 to amendment No. 1943.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived with respect to the cloture motion I have just filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUMPSTART OUR BUSINESS STARTUPS ACT—Continued

Mr. REID. Mr. President, I ask unanimous consent that Senator REED be

recognized for 2 minutes and Senator LANDRIEU for 2 minutes. I ask unanimous consent that those two Senators be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I thank the majority leader. I rise because in a moment we will be voting on the Reed-Landrieu-Levin substitute amendment. This legislation corrects glaring defects in the House-proposed bill on a so-called jobs bill. It protects investors. It allows capital formation, but it does not do that at the expense of investors.

We have taken all the major provisions of the House bill with respect to the IPO onramp. We have not deleted them, we have improved them. We have lowered the threshold in terms of the size of the business so these IPO onramps can be designed for small businesses, not for businesses of \$1 billion in annual revenue.

We have gone ahead and looked at the aspects of regulation A in the House, and we agree there should be an increase in the limit from \$5 million to \$50 million. But we have made improvements. For example, the House bill will allow people to solicit these securities under regulation A without audited financials. I think at a minimum the investing public should have some audited financials to rely upon.

We have taken provisions with respect to the ability to go dark—the ability to stop reporting if you have 2,000 or less record owners—and we have raised the limit from the existing 1 to 750 beneficial owners. But we haven't opened it broadly so that large well-known companies could suddenly stop reporting their financial information on a routine basis.

We have looked at the reg D offerings in terms of a private offering versus a public offering, and we have given the Securities and Exchange Commission the ability, in this age of the Internet and of Twitter, to make adjustments so that a private offering under reg D would not be compromised because it gets into the media through Twitter, et cetera. But we haven't opened it to general solicitation, as the House bill does.

By the way, our bill actually tries to create jobs, not just opportunities to raise funds through Wall Street. With Senator LANDRIEU's help, we have strong small business provisions in there. We include the Ex-Im Bank provisions of Senator CANTWELL. We worked very closely with Senators MERKLEY, BENNET, and BROWN of Massachusetts to include a crowdfunding provision which is much superior.

If we do not achieve cloture, we will see, by default, a bad House bill on its way to becoming law.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator has used 2 minutes.

The Senator from Louisiana.

Ms. LANDRIEU. Following up on the leadership of the good Senator from Rhode Island, let me say there are many reasons—many reasons—to vote against cloture on the House bill, and I will get to that in a minute. But I am urging my colleagues to vote yes on cloture for the Reed-Landrieu-Levin substitute.

We have tried to address the many concerns raised by the House bill in our substitute. If we vote yes on cloture for our substitute, we can then go into some more meaningful debate on the Senate floor, and this bill needs some additional debate.

Mary Schapiro from the SEC said, clearly, the House bill goes too far. The Chamber of Commerce even says there are concerns in the House bill. AARP is opposed to the House bill. Securities and Exchange Commissioner Mary Schapiro wrote last week:

H.R. 3606 would remove certain important measures put in place to enforce separation between the research analysts and investment bankers who work for the same firms. These careful principles were put in after the scandals that ensued on Wall Street.

This bill has flown out of the House. Even BARNEY FRANK said what we are doing in the Senate, by slowing it down and amending it, is the right thing. So I urge my colleagues to give our substitute a chance. They can vote yes on Senator CANTWELL's amendment, and vote no on cloture to the House bill so we can continue this important debate in the Senate.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1833 to H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Mary L. Landrieu, Ben Nelson, Carl Levin, Jon Tester, Mark Begich, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Jeanne Shaheen, Tom Udall, Jim Webb, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1833 to H.R. 3606, an act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—54

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—45

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Snowe
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McCaIn	Wicker

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, we need order in the Senate. People should take their seats. The Republican leader has some words he wants to share with the Senate.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, on my leader time, briefly, there is substantial support on this side of the aisle for the Ex-Im Bank. However, it is important that we get this bipartisan JOBS bill that passed the House overwhelmingly and that the President supports on down to the President. So it is going to be my recommendation to my Members, which I hope they will follow, that we oppose cloture on adding the Ex-Im to this bill.

I say to my friend the majority leader, I have discussed this with virtually all my Members. We believe that if you turn to the Ex-Im matter, we can pass it in a relatively short time with very few amendments related to the subject matter. But I think it is important

that we get this JOBS bill down to the President.

I urge my colleagues at this particular point on this particular bill to oppose cloture.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, at a meeting very recently with people from the Pentagon, their No. 1 issue is not Afghanistan, it is not Iraq, it is not Pakistan, it is not North Korea, it is not Iran, it is cybersecurity. We have to move to that legislation. The post office is going broke as we speak. We have to move to that bill as quickly as we can. The Violence Against Women Act has expired. We have to move forward on that. We have so much to do in such a short period of time.

The Export-Import Bank is a powerful piece of legislation—300,000 jobs this year alone. It saves \$1 billion. And my Republican colleagues, as has been standard procedure around here, even on a bill that is as supported as this by the country, want to have a fight. The fight is on a procedural matter, that they want offered amendments—plural.

As my friend the Republican leader said, we could pass this bill in a relatively short period of time. Think about that. Right now, we could pass that, it would be part of this IPO bill we got from the House, and we could go on about our business. So I think this is a huge mistake by my Republican colleagues.

Everyone, listen. Ex-Im is, for the foreseeable future, not going to be able to be moved forward. I cannot move it to the front of everything else when we have all these things due. I have only talked about a few of the things we have to do, and we have to do them very soon.

So go ahead, my friends. You picked a fight where it is not a necessary fight, but you may be surprised how this winds up. I will say no more. I know what the rules of the Senate are, and I am going to follow them. So have at it, vote no on the Ex-Im Bank.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. This JOBS bill passed overwhelmingly in the House, with only 23 votes against it, supported by the President of the United States. It is ready to go down to him for signature. If we add the Ex-Im Bank to it, we only delay the passage of this bipartisan JOBS bill, and we send it back to the House, and we don't know how they feel about the Ex-Im extension. We do know that here in the Senate, as I just indicated, there is a significant majority in favor of passing this legislation, which we ought to be able to do very quickly.

I do not think there is any particular reason for delaying a jobs bill that is overwhelmingly supported on a bipartisan basis; therefore, I say to my friends on this side who are in favor of

the Ex-Im Bank, I am in favor of moving to that rapidly. I can say to the majority leader, as I said before, we would be willing to agree to very few amendments related to the subject matter. I encourage him to turn to that soon, even though it doesn't expire, I believe, until sometime in May.

With that, I yield the floor.

Mr. REID. Madam President, I say go ahead and vote against a bill you favor. It is very clear. The only way to ensure that this program, the Ex-Im Bank, advances is to see that it is attached to the House measure. Clearly, that is it.

I am very, very tired of this bill, the IPO bill, being referred to as a jobs bill. That takes a lot of gall, to talk about that as a jobs bill. We have a jobs bill that we, on a bipartisan basis, passed after 5 weeks on the Senate floor. Have I heard one word from my Republican colleagues about a real jobs bill, saying, why is the Speaker driving a nail in this bill that we worked on for 5 weeks?

Understand that the surface transportation bill is a jobs bill. The IPO bill is a nice thing to do, if it were done in the right manner and we had some amendments that got rid of some of the bad provisions. Before this is all over, that may be just what happens.

The PRESIDING OFFICER. The Republican Leader.

Mr. MCCONNELL. If I may say to those who are watching and those interested in the Ex-Im Bank, if I had my good friend HARRY REID's job and I were the majority leader, we would be turning to the Ex-Im Bank next, right after this, and we would be doing it with very few amendments because the advantage to being the majority leader, obviously, is you have the ability to schedule. I want everybody who is following this issue to understand that if I were setting the agenda, the next item up, right after this bipartisan jobs bill, would be the Ex-Im Bank.

Mr. REID. Madam President, remember, anyone who can read—we can all do that—the morning press accounts. CANTOR of the House leadership has said he doesn't support the Ex-Im Bank; that my amendment—my amendment, sponsored by Democrats and Republicans—was a partisan maneuver. They are not about to take the Ex-Im Bank unless it is part of the overall package, and that is why we are doing it this way.

Madam President, as my friend the Republican leader said so clearly, he is not the leader. I am. We have a number of very important issues we have to deal with. Even though I believe in the Ex-Im program, it is going to drop to the bottom of the calendar because we have things we have to do.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on amendment No. 1836 to H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Ben Nelson, Mary L. Landrieu, Carl Levin, Jon Tester, Mark Begich, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Jeanne Shaheen, Tom Udall, Jim Webb, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1836 to H.R. 3606, an act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—55

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Warner
Conrad	Manchin	Webb
Coons	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NAYS—44

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sanders
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCaIn	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader.

Mr. REID. Madam President, for my Members, we are going to have a conference at 5:15 in the LBJ Room. I have spoken to the Republican leader. We will have no more votes tonight. We will determine a time in the morning to have the next vote or votes. We will move on from there. So, again, I say to my Senators, 5:15 in the LBJ Room.

I note the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. KEITH RHEAULT

Mr. REID. Mr. President, Dr. Keith Rheault has dedicated his entire career to education, including serving in the Nevada education system for more than 26 years. At the end of this month, Dr. Rheault is retiring from his current position as the Nevada Superintendent of Public Instruction. Today, I am proud to recognize him for his service and his commitment to improving the lives of Nevada's children through education.

As superintendent, Dr. Rheault has been responsible for a school system that educates more than 400,000 students in some of the most diverse school districts in the country. In this capacity, Dr. Rheault has developed a unique understanding of the challenges facing Nevada's districts and schools. Over his 8 years as superintendent, he has helped lead several statewide educational initiatives and has worked hard to ensure that Nevada students are prepared to compete in the global economy.

Most recently, Nevada was one of only six States to be awarded a \$71 million, 5-year competitive grant through the Striving Readers Comprehensive Literacy Program to improve the literacy skills of Nevada students, including students with disabilities and limited English proficiency. In addition, Dr. Rheault oversaw the Nevada Pathway to 21st Century Learning, a statewide professional development program dedicated to helping Nevada teachers successfully integrate and utilize technology in their classrooms.

Nevadans are fortunate to have had the educational leadership of Dr. Rheault. I join with students, teachers, and administrators from across the State in thanking him for his dedication and service. It has been a pleasure to work with Dr. Rheault over the years, and I wish him and his family

the best as he begins this next phase of his life.

RETIREMENT OF BRIAN LAMB

Mr. MCCAIN. Mr. President, as my colleagues know, Brian Lamb, the founder and CEO of C-SPAN, recently announced his decision to retire.

Brian Lamb is a broadcasting legend who made the workings of our government accessible and transparent to every American through C-SPAN, the nonprofit cable network he founded 33 years ago. I have had the privilege of knowing Brian for many years, and there are many people across the country who still believe we were separated at birth.

More seriously, Brian's unquestioned integrity and profound commitment to making government accountable to the people have made a lasting contribution to our democracy. The American people owe Brian Lamb a debt of gratitude, and we wish him all the best in this new chapter of his remarkable career.

DEFENSE OF MARRIAGE ACT

Mr. LEAHY. I am moved today to talk about Frances Herbert and Takako Ueda of Dummerston, VT. This loving couple is legally married under the laws of Vermont. Yet, like many Americans, they are being hurt by the Defense of Marriage Act despite the protections provided them under the laws of the State in which they live. Ms. Ueda is a Japanese citizen. Recently, her petition to become a lawful permanent resident of the United States, as the lawful spouse of a United States citizen, was denied for the sole reason that she and her lawful spouse happen to be of the same gender. This case underscores not only the harm that current Federal law causes to same sex couples, but the additional hardship placed upon same sex binational couples whose marriages are not recognized as the foundation of a spousal-based green card petition.

Last summer, I chaired a hearing before the Senate Judiciary Committee to examine the impact of the Defense of Marriage Act. We heard from many different witnesses about how this Federal law has singled them and their families out and made them less secure than other families protected under State law. That historic hearing reflected steady progress toward a better understanding of the way in which that law hurts Americans and their loved ones. I have experienced profound change in my own views. I voted for the Defense of Marriage Act in 1996. And today I will not hesitate to acknowledge that my views have changed for the better. My own transformation came in part from the State of Vermont's drive towards greater equality for Vermonters. The Vermont Su-

preme Court's opinion in the landmark case of *Baker v. State* first gave rise to legislatively-enacted civil unions in Vermont. In *Baker v. State*, then-Chief Justice Jeffery Amestoy wrote that the court's decision was grounded in Vermont's constitution and was "a recognition of our common humanity." A few years later, the Vermont legislature voted to provide full marriage equality. And other States have now followed this march toward equality for all committed couples.

Our common humanity is what my friend Congressman JOHN LEWIS was describing when he spoke in opposition to the Defense of Marriage Act on the floor of the House of Representatives in 1996, and what he has continued to fight for and protect for so many years. Congressman LEWIS saw this law for what it was with a clarity and conviction that I greatly admire. Congressman LEWIS wrote in 2003 that we must have "not just civil rights for some but civil rights for all." He was speaking of the rights of gay and lesbian Americans. I could not agree more.

Our common humanity is what binds us together. It is what moves neighbors to help neighbors without regard to politics or ideology, and without judgment. It is what inspired the extraordinary generosity and giving spirit of Vermonters who helped each other following the devastation of Hurricane Irene, and which I and my family witnessed all over Vermont. I can think of few things more worthy of protection and respect than the universal bond that human beings form with each other.

Despite Vermont's exercise of its sovereignty and the legislature's expression of the will of the people of Vermont, the Defense of Marriage Act stands as an obstacle to the full realization of the promise Vermont made to its citizens—just as it does to the citizens of every other State that has taken these steps toward justice and fairness.

Frances Herbert and Takako Ueda are two Vermonters who know first hand the harm caused by this discriminatory Federal policy. For them, the issue is not ideological or political, it is deeply personal. They are legally married in the State of Vermont and have been formally committed to one another for more than a decade. Despite the fact that Vermont considers them to be a married couple, the Federal government does not. After many years of lawful presence in the United States, Ms. Ueda was faced with the impossible decision of choosing between her spouse and leaving the United States. Our Federal laws may split their family apart. This is unfair and it is wrong.

Not only does the Defense of Marriage Act infringe upon the States' traditional and historic right to define marriage, it denies many Americans

equal treatment under the law. What good is a Federal law that dictates such a result? Ideological purity alone is not sufficient to overcome the harm that is caused. As I just acknowledged, my own thinking has evolved over the years as I have learned from my constituents and fellow Americans. Yet, repealing the Defense of Marriage Act would not force any State or individual to recognize a marriage they didn't agree with. Instead, it would restore the role that States have historically played in determining who can be married under its laws.

I am confident that justice and fairness will prevail in the end. Our Nation is too noble and our sense of liberty too strong to tolerate injustice without end. I am heartened by the progress that we are seeing across the country. Public consciousness is evolving, and will reach the point at which discrimination based on sexual orientation becomes another sad relic of our past. I believe we will look back at these prejudices with disappointment and regret, just as we have at other points in our history. But the capacity of our Nation to evolve and progress is a defining characteristic of the American spirit. And the American people ultimately come to reject that which is fundamentally unfair and unjust.

Just as Frances Herbert and Takako Ueda are living examples of just how devastating the Defense of Marriage Act is for so many Americans, there are others in Vermont who are facing and have faced the same struggles. Gordon Stewart, who testified before the Judiciary Committee in 2009, was compelled to sell his family's farm in Vermont and move abroad in order to live lawfully with his partner. Nancy Wasserman was compelled to leave Vermont and move to Canada to be able to live with her spouse. She can now legally enjoy the benefits of marriage that would otherwise be denied to her wife in the United States. Michael Upton, a doctor and native of Vermont is forced to live apart from his loved one. No Vermonter, and no American, should be forced to make this choice.

In addition to my strong support for the repeal of the Defense of Marriage Act, I introduced the Uniting American Families Act to help right a part of this wrong. My legislation would grant same-sex binational couples the same immigration benefits provided to heterosexual couples. Passage of this important legislation would help put our country on par with over 25 other developed countries that value and respect human rights.

In the United States, 10 states and the District of Columbia have marriage equality laws. The tide continues to swell in favor of same-sex equality with the New Jersey Legislature passing a marriage equality bill this year, which was vetoed by Governor Christie. It is clear that Americans are increas-

ingly accepting of same-sex loving relationships and marriages, and that more and more Americans are putting aside tired stereotypes and their personal preferences to support individual freedom and the basic rights of all Americans. Now, the Federal Government must respect the sovereignty of these States and the protections those States have provided its citizens.

Having worked over many months to support Takako Ueda and Frances Herbert, it is clear to me that the love and devotion that they have for one another is no different or less sacred than that which I share with my wife, Marcelle. It is no less real, or important, or worthy of protection and recognition. I have been blessed to be married for nearly 50 years. Marcelle and I have been able to enjoy the family unity and the benefits that legal recognition provides, and which I hope all Americans would agree is fundamental.

As the Senate moves through the second session of the 112th Congress, I will keep fighting for Takako Ueda and Frances Herbert, for Gordon Stewart, Nancy Wasserman, and Michael Upton, and for all Americans who face discrimination as the result of the Defense of Marriage Act. I know that justice is on our side.

HEALTH REFORM

Mrs. FEINSTEIN. Mr. President, during this second anniversary of the Patient Protection and Affordable Care Act, I wish to discuss some of the benefits this law has already brought to consumers.

Millions of Americans nationwide and in California have already benefited from this law. For the first time, insurance companies are held accountable they cannot drop coverage just because someone gets sick, they cannot deny coverage because of a preexisting condition, and they cannot impose limits on the amount of care provided in a lifetime.

This law helps women, children, young adults, seniors, families, and individuals living with disabilities and chronic medical conditions.

In California, because of the law, over 12 million people no longer have a lifetime limit on their health insurance plan. This includes almost 4.5 million women and 3.26 million children.

Now, individuals and families with medical expenses do not have to worry that they will reach a point where insurance will no longer provide coverage. Eliminating lifetime caps on coverage and phasing out annual caps will reassure Californians that their health coverage will be there when they need it.

The health reform law is taking great strides to ensure affordable prescription drugs for Medicare beneficiaries.

Before health reform, Medicare beneficiaries were faced with a prescription

drug coverage gap that was unaffordable for many. This so-called doughnut hole forced beneficiaries to pay 100 percent of their drug costs after they exceeded an initial coverage limit. As many as one in four seniors went without a prescription every year because they simply could not afford it.

Now, the law is closing this coverage gap, and already, an estimated 320,000 Medicare beneficiaries in California have saved almost \$172 million on prescription drugs.

Under the health reform law, insurance companies are already banned from denying coverage to children because of a preexisting condition, such as a heart defect, autism, or juvenile diabetes.

Parents no longer have to spend away college funds to cover children with medical conditions.

Beginning in 2014, health insurers are prohibited from denying anyone health insurance coverage because of a preexisting medical condition. This means that being pregnant can no longer be considered a preexisting condition. It means that individuals will no longer be prevented from purchasing affordable insurance simply because they had an accident, are sick, or got cancer.

Under the law, insurance companies have to pay more of the premium dollars they collect on actual medical care, not on profits.

In California, because of this provision, almost 9 million people are getting better value for their premium dollars. Furthermore, California has received over \$5 million in grants from the law to fight unreasonable premium increases and to bolster scrutiny of rates.

Because of the health reform law, young adults can now stay on their family insurance plan up to age 26. Previously, insurance companies could drop coverage for young adults, many times at age 19. Now the law makes it easier and more affordable for young adults to get health insurance.

Already over 350,000 young adults in California have benefited from this provision.

This law takes great strides to equalize insurance coverage for women and to rid the system of discriminatory practices based on gender.

The practice of "gender-rating," or charging more for insurance simply because of gender, is outlawed in the health reform law. This means that women can no longer be charged higher premiums.

Over a recent 3-year period, 7.3 million women 38 percent of women who tried to buy coverage on the individual market were either rejected altogether, charged a higher premium, or sold policies that excluded certain benefit coverage because of a "preexisting condition" like cancer or having been pregnant.

Now, women will be guaranteed coverage at a similar rate to men.

Already, almost 2.3 million Californian women with private insurance have access to no-cost preventive services because of the law. This includes necessary cancer screenings, such as mammograms, annual wellness exams, and contraception.

Additionally, over 1.6 million women in California who are on Medicare now have access to free preventive services because of the law.

These are just a few critical consumer protections that are now in play because of the Patient Protection and Affordable Care Act, signed into law 2 years ago.

We have a long ways to go to improve our health care system and to ensure affordable quality care for all Americans, but these essential consumer protections take great strides to get us there.

RECOGNIZING RxIMPACT DAY

Mr. TESTER. Mr. President, today I wish to recognize the fourth annual RxIMPACT Day on Capitol Hill. This is a day to recognize the contribution of pharmacies to the American healthcare system. Hundreds of pharmacists, pharmacy school faculty and students, State pharmacy leaders and pharmacy company executives will visit the Capitol to share with Congress the importance of supporting legislation that protects access to neighborhood pharmacies and utilizes pharmacists to improve quality and reduce the costs of health care.

Over 260 advocates from 41 States have traveled to Washington to talk about their contributions in over 50,000 community pharmacies operating nationwide. These important health care providers are here to urge Congress to recognize the value of pharmacists and protect access to these medication experts as a part of our valued health care delivery system.

Pharmacists are some of the Nation's most accessible and trusted health care providers. Most Americans live within 5 miles of a community retail pharmacy. They are the ultimate do-it-all providers. Pharmacists prepare, bill, and dispense prescriptions. They offer patient counseling. With their specialized education, they also play a major role in medication therapy management, disease management, immunizations, and health care screenings.

Eighty-six percent of rural Americans reside within a 10-mile radius of a sole community pharmacy. As the face of community health care, pharmacies across the Nation offer these and other cost-saving programs and services to help patients take medicines appropriately to achieve positive results. For more than a century, pharmacies and pharmacists have supported folks in Montana and throughout America

with these important patient care services. It is critical we work to support their unique contributions.

As we continue to make health care better and more affordable, we should adopt policies that recognize the health and financial benefits from helping patients adhere to their medications. This helps to improve health outcomes and reduces the risks of adverse events and unnecessary costly hospital readmissions and emergency room visits. Unfortunately, only half of Americans living with chronic diseases adhere to their drug regimens. Patient nonadherence costs the Nation's economy an estimated \$290 billion each year, not to mention the avoidable loss of quality of life for patients and their loved ones.

Congress recognized the important role of local pharmacists when it included a medication therapy management, MTM, benefit in the Medicare Part D Program. By improving patient health outcomes, we have seen better efficiency and savings in the prescription drug program. That is why I support community pharmacies' efforts to strengthen the MTM benefit so it is available for seniors and others struggling with chronic conditions and other illnesses.

Medicaid beneficiaries also deserve access to the most cost-effective medications. The Affordable Care Act made important changes to pharmacy reimbursement for generic drugs in the Medicaid program. The Centers for Medicare and Medicaid Services recently issued a proposed rule to implement these important changes, and it will be critical for Congress to monitor this rulemaking to ensure it is consistent with congressional intent.

Finally, I would like to acknowledge the vital role pharmacies play in the field of public health. All 50 States recognize the role pharmacists play by supporting their ability to administer immunizations and other important preventative services in Medicare, both Part B and Part D, and other Federal health programs.

Today, as the cochair of the Senate Community Pharmacy Caucus, I celebrate the value of pharmacists and support efforts to protect access to neighborhood and community pharmacies. I appreciate how pharmacies improve the quality and reduce the costs of health care.

In recognition of the fourth annual NACDS RxIMPACT Day on Capitol Hill, I would like to congratulate pharmacy leaders, pharmacists, students, and executives, and the pharmacy community for their contributions to the good health of the American people.

ADDITIONAL STATEMENTS

COLORADO VETERANS RESOURCE COALITION AND CRAWFORD HOUSE

• Mr. BENNET. Mr. President, today I wish to express my support and appreciation for the Colorado Veterans Resource Coalition, CVRC, and Crawford House, which has offered our veterans in Colorado Springs a decade of support and recovery services.

CVRC was first formed on March 9, 2000, operating in a small, three-bedroom house on Cucharrus Street with a live-in house manager and two residents. Its first dormitory was later named in honor of WWII Medal of Honor recipient and proud native son of Colorado, William J. Crawford, with his family's permission.

On February 14, 2012, Crawford House marked its 10th anniversary, completing its first decade of successful veteran recovery services to homeless and disabled veterans in Colorado Springs. In that decade, more than 1,100 veterans successfully completed Veterans Administration programs, and 80 percent of these alumni remain successfully in the community. Many of these veterans reestablished relationships with their spouses, families, and friends; completed secondary and advanced education; and entered in to the workforce as self-sustaining citizens.

On December 1, 2003, the Colorado Veterans Resource Coalition and Crawford House added additional services, and on January 14, 2004, CVRC began purchasing two adjacent houses on Weber Street for graduating veterans to live in inexpensively while restarting their lives. These new facilities freed Crawford House beds to treat more homeless and disabled veterans. Today, both of these houses are fully paid for, which helps lower our future veteran treatment costs. It was my privilege to tour Crawford House and to meet with the staff and residents. The passion and commitment of those who work there, as well as their unending commitment to serving those who have served our Nation, is an inspiration and example to all Coloradans.

Therefore, Mr. President, I want the RECORD to show my deep appreciation and gratitude—along with that of all Coloradans—for the contributions of volunteers, organizations, and individuals who created, expanded, and continually improved the Colorado Veterans Resource Coalition and Crawford House.●

TRIBUTE TO WOODY HARRELL

• Mr. COCHRAN. Mr. President, on the occasion of his upcoming retirement, I want to take this opportunity to commend Mr. Woody Harrell, Superintendent of Shiloh National Military

Park, and a true scholar of the Civil War. On April 6th and 7th, Shiloh National Military Park will commemorate the 150th anniversary of the first major Civil War battle in the western theater. Shortly after the conclusion of these sesquicentennial activities, Woody Harrell will step down as Park Superintendent. His contributions to the State of Mississippi and his leadership within the National Park Service Civil War community will have a significant and long-lasting positive impact on this Nation.

A North Carolina native, Superintendent Harrell began his career at Moores Creek National Military Park in the summer of 1968. After service in the United States Army, he worked at the three parks of the Cape Hatteras group, most famously presenting a "living history" portrayal of aviation pioneer Orville Wright. He later served as Director of Visitor Services under the Gateway Arch in St. Louis, and as an instructor at the Horace Albright Training Center. However, the majority of his career has been spent working on Civil War sites, known by many in the National Park Service as the "Cannonball Circuit." In addition to his time at Shiloh Battlefield, Superintendent Harrell's previous assignments include Historian at Chickamauga and Chattanooga National Military Park for 6 years and for 3 years at Manassas National Battlefield Park. Recently, he represented the National Service as an advisor to several Civil War Sesquicentennial planning groups.

Serving in his current capacity since August 28, 1990, Superintendent Harrell has the distinct honor of having the longest tenure of any manager in Shiloh Park's 117-year history. During a time of budget constraints and limited resources, Superintendent Harrell has not only maintained Shiloh's status as America's best preserved battlefield, he has overseen a major expansion of the park into Mississippi with the creation of a new Corinth Unit. By bringing together local, State, and national stakeholders to identify and prioritize key surviving Civil War resources, Harrell was able to build a consensus for a comprehensive plan to preserve and interpret 18 nationally significant sites in northern Mississippi and southwest Tennessee. This broad support resulted in over 1,000 acres of battlefields, fortifications, and campsites being added to the Corinth Unit.

Superintendent Harrell is credited as the visionary force in planning and constructing the flagship of this addition, the award-winning Corinth Civil War Interpretive Center. While National Park Service Interpretation at Shiloh had formerly concentrated only on the 2-day, 1862 battle, the Corinth facility now allows visitors to fully explore the whole story of the Civil War, from the causes and coming of the war, to the impact of multiple military oc-

cupations of Corinth on the civilian population, and especially to the important first steps towards full citizenship taken by over 6,000 formerly enslaved people at the Corinth Contraband Camp site.

Seeking to establish a natural buffer around historic Shiloh Hill, thus preventing future encroachment and inappropriate development, Superintendent Harrell has partnered with the Civil War Trust on Shiloh Battlefield's most ambitious land acquisition program in over 75 years. Over 300 additional acres within Shiloh's original 1894 authorized boundary are now under National Park Service protection.

Stressing preservation, commemoration, and education, Superintendent Harrell for over 2 decades has partnered with neighboring communities to promote resource protection and heritage tourism. At Corinth, he has worked with the local business community to create an annual Heritage Festival that includes 12,000 luminaries: one for each American soldier killed, wounded, or missing at the Siege and Battle of Corinth.

Even before the advent of the Internet, Superintendent Harrell conceived the Civil War Soldiers and Sailors System, an idea that has grown into a searchable electronic database with 6.2 million records on Civil War veterans. This innovative and ambitious Park Service project allows visitors to access information on relatives and the units in which they fought, enabling families to trace an ancestor's service throughout the war. All of the data entry for this project was done by volunteers, with support groups ranging from the Mormon Church to the United Daughters of the Confederacy.

During the 1990s, Harrell partnered with the Corps of Engineers and the Federal Highway Administration to halt riverbank erosion at the Shiloh Indian Mounds National Historic Landmark, a problem that had plagued the park for over 20 years. During the mitigation archeology phase of this project, Superintendent Harrell worked closely with the Chickasaw Nation to insure the tribe's involvement in preserving key cultural resources in the Shiloh portion of their original homeland.

One of Superintendent Harrell's final duties will be to premier a new Shiloh documentary film as part of the battle's sesquicentennial events. Entitled "Shiloh: Fiery Trial," this new movie replaces "Shiloh: Portrait of a Battle," which has been shown continuously at the park since 1956. Filmed with the participation of over 350 Civil War reenactors, "Shiloh: Fiery Trial" will soon be shown for the first time and then broadcast on many PBS stations on the eve of Shiloh's 150th anniversary. It is fitting that Harrell not only served as executive producer for the project, but also makes a brief cameo appearance handing a message to General Grant.

Since March 2007, Woody has maintained a record of visiting every unit of the National Park System. In the past year, he added Martin Luther King, Jr., Memorial, Paterson Great Falls National Historical Park, and Fort Monroe National Monument to his list, which now stands at 397 parks. I know Superintendent Harrell and his family will enjoy the new opportunities that come with retirement, as I understand his wife Cynthia and he have already made plans to hike the entire length of the Appalachian Trail.

Superintendent Harrell's career with the National Park Service has been marked with unprecedented accomplishments and is a superb legacy. His exceptional leadership qualities and cultural preservation eminence are in the best tradition of the Park Service. He is a consummate professional whose performance in over 43 years of service has personified those traits of competency and integrity that our Nation has come to expect of its senior civilian leaders. On the occasion of his upcoming retirement, I wish the Harrell family all the very best in the years to follow. ●

RECOGNIZING HORTON'S BOOKS & GIFTS

● Mr. ISAKSON. Mr. President, today I wish to honor in the RECORD the 120th anniversary of Horton's Books & Gifts in Carrollton, GA.

In March 1892, N. A. Horton officially opened his business in the northeast section of the public square in Carrollton, GA. During his early years, N. A. Horton and his Carrollton Book Store supplied books and school supplies to local students as well as items such as sewing machines, carpet squares, china, and stationary. As Mr. Horton was an undertaker by training, his store also carried coffins and caskets.

After N. A. Horton died from a stroke in December 1916, his 20-year-old son Hewling, also known as "Hap," took over the operation of the store. The store was relocated several times to different buildings around the town square, but in 1955 Hap moved the store back to its original location. In 1968, Doris Shadrix, a longtime employee, became a partner in the business and eventually the sole owner of the store. After spending a total of 42 years as an employee and owner, Mrs. Shadrix sold the business to Larry Johnson. In 1997, Mr. Johnson sold the business to the present owner, Dorothy Pittman.

Although Horton's has had five owners in its 120-year history, each proprietor has stamped his or her brand of creative individualism on the store, which has become a beloved institution in the community. Horton's has been an active participant in the continued vitality of the Carrollton downtown

business district, supporting its employees as leaders and active participants in civic affairs and helping with community projects, education, and organizations.

Just as in the past, Horton's Books & Gifts continues to adapt and change to meet the needs of its customers and the community. In 2000, the store was featured as one of the Nation's bookstores over 100 years old, and it has been the subject of many magazine and newspaper articles in the past 15 years. When the store mascot, Chloe the cat, died at age 15, she was featured on the front page of the local newspaper, the Times-Georgian. One of the first book signings for Atlanta Journal-Constitution writer Celestine Sibley was held at Horton's, as was her last. Other authors who have visited the store include Mary Kay Andrews, Terry Kay, former Georgia Governor and U.S. Senator Zell Miller, and former U.S. House Speaker Newt Gingrich.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the Senate Horton's Books & Gifts as we honor its place in Georgia history as one of the oldest bookstores in Georgia and in the Nation.●

TRIBUTE TO DR. RICHARD E. WYLIE

● Mr. KERRY. Mr. President, today I wish to bring attention to Dr. Richard E. Wylie, Endicott College's fifth and current president. Through this post and a variety of other positions in higher education, Dr. Wylie has fully devoted himself to academic excellence.

Before assuming his role as president of Endicott College in Beverly, MA, Dr. Wylie served as a professor and administrator at a variety of other institutions, including the University of Connecticut, Temple University, and Lesley College, and served on the board of New England Association of Schools and Colleges and the board at the Association of Independent Colleges and Universities in Massachusetts. Outside of the classroom, he has written articles on higher education, authored a monograph on bilingual and multicultural education, and published a variety of children's books.

Most recently, Dr. Richard Wylie has overseen the tremendous growth and transformation of Endicott College. When he assumed his role in 1987, Endicott was a small, two-year women's college; through his efforts, the College earned four-year status, became coeducational, tripled its enrollment, and greatly expanded its academic offerings. Today, Endicott College is recognized for its variety of degree programs, including its brand new doctoral program.

Some of our country's greatest assets are educators like Dr. Wylie who go above and beyond the call of duty

every single day to instill a love of knowledge in our country's citizens. His commitment to education will inspire his students well beyond graduation and will improve the sense of community and citizenship that is vital to any educational institution, and to this Nation.

I congratulate Dr. Richard E. Wylie on the occasion of his 25th Anniversary Scholarship Gala, thank him for his service in the Commonwealth of Massachusetts, and salute all that he's accomplished.●

TRIBUTE TO GLADE SANDERS

● Mr. LEE. Mr. President, today I wish to congratulate Mr. Glade Sanders, a fine Utah resident who was recently honored with the prestigious Outstanding Eagle Scout Award. Only 150 such awards have been bestowed upon individual scouts in the entire country.

Sanders also deserves congratulations for reaching the age of 100. He has spent many of those years working tirelessly in his community, including the period during the Great Depression when he led his local Boy Scouts in Troop 133 as scoutmaster. Troop 133 recently celebrated Sanders and his accomplishments during a Court of Honor.

Sanders joined the scouting program at 17 years of age. Once there, however, he spent 29 years as an active scoutmaster. In those days, scoutmasters could become Eagles, and Sanders became the first Eagle Scout in Nephi, UT, in 1934. He also received Scouting's Silver Beaver Award. Sanders would serve as scoutmaster for 9 years, toughing out the hard times of the Great Depression and helping his scouts do the same in whatever way he could.

Today, Sanders' name is engraved at the top of a plaque recognizing all of the Eagle Scouts of Troop 133. He has dedicated his life to helping others and has earned his reward many times over by seeing young men attain the rank of Eagle. As a fellow Scout, I deeply thank him for his service.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 473. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 10:57 a.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3992. An act to allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel.

H.R. 4086. An act to amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3992. An act to allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel; to the Committee on the Judiciary.

H.R. 4086. An act to amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2204. A bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5377. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Department of Defense counternarcotics support activities (OSS Control No. 2012-0397); to the Committee on Armed Services.

EC-5378. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan for fiscal year 2013 and the succeeding 4 years, fiscal years 2014-2017; to the Committee on Armed Services.

EC-5379. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; Commonwealth of Puerto Rico; Administrative Changes" (FRL No. 9645-8) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5380. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Final Response to Petition From New Jersey Regarding SO₂ Emissions From the Portland Generating Station" (FRL No. 9648-9) received in the Office

of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5381. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Regional Haze" (FRL No. 9648-3) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5382. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Enhanced Inspection and Maintenance Program" (FRL No. 9635-5) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5383. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; Ozone; Nitrogen Dioxide; Technical Amendments" (FRL No. 9649-1) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5384. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OHIO: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9646-5) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5385. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Determination of Attainment of the One-hour Ozone Standard for the Greater Connecticut Area" (FRL No. 9648-5) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5386. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 53" (FRL No. 9647-3) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5387. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oklahoma: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9647-7) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5388. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Transportation Conformity Rule Restructuring Amendments" (FRL No. 9637-3) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5389. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Title V Operating Permits Program; Southern Ute Indian Tribe" (FRL No. 9646-8) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Environment and Public Works.

EC-5390. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Ongoing Review of Operating Experience" (LR-ISC-2011-05) received in the Office of the President of the Senate on March 15, 2012; to the Committee on Environment and Public Works.

EC-5391. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production" (FRL No. 9636-2) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Environment and Public Works.

EC-5392. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of TSCA Section 4 Testing Requirements for Certain High Production Volume Chemical Substances" (FRL No. 9335-6) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Environment and Public Works.

EC-5393. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Transactions Regulations" (31 CFR Part 560) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5394. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "2011 Actuarial Report on the Financial Outlook for Medicaid"; to the Committee on Finance.

EC-5395. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Finance.

EC-5396. A communication from the Chair of the Medicaid and CHIP Payment Access Commission, transmitting, pursuant to law, a report entitled "Report to Congress on Medicaid and CHIP"; to the Committee on Finance.

EC-5397. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health

Plans; Exchange Standards for Employers" (RIN0938-AQ67) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5398. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities; Swimming Pools" (RIN1190-AA68) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5399. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, a correspondence from the Minister of Foreign Affairs for the Government of the Kyrgyz Republic; to the Committee on Foreign Relations.

EC-5400. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal entitled "National Defense Authorization Act for Fiscal Year 2013"; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. RUBIO, Mr. BROWN of Massachusetts, Mr. MERKLEY, Ms. MIKULSKI, and Mr. HARKIN):

S. 2206. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide educational counseling to individuals eligible for educational assistance under laws administered by the Secretary before such individuals receive such assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHUMER (for himself and Ms. COLLINS):

S. 2207. A bill to require the Office of the Ombudsman of the Transportation Security Administration to appoint passenger advocates at Category X airports to assist elderly and disabled passengers who believe they have been mistreated by TSA personnel and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND:

S. 2208. A bill to amend the Export Apple Act to permit the export of apples to Canada in bulk bins without certification by the Department of Agriculture; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURR (for himself, Mrs. HAGAN, Mr. WICKER, and Mr. COCHRAN):

S. 2209. A bill to amend the Internal Revenue Code of 1986 to provide that the value of certain historic property shall be determined using an income approach in determining the taxable estate of a decedent; to the Committee on Finance.

By Mr. TESTER:

S. 2210. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during 2013; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 2211. A bill to ban the exportation of crude oil produced on Federal land, and for

other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mr. HATCH):

S. 2212. A bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. VITTER, Mr. BARRASSO, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRASSLEY, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. MCCONNELL, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. SESSIONS, Mr. TOOMEY, Mr. WICKER, Mr. COCHRAN, Mr. HATCH, Mr. LUGAR, Mr. GRAHAM, Ms. AYOTTE, and Mr. LEE):

S. 2213. A bill to allow reciprocity for the carrying of certain concealed firearms; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2214. A bill to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mr. BEGICH, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. COCHRAN, Mr. JOHNSON of South Dakota, Ms. CANTWELL, and Ms. LANDRIEU):

S. Res. 400. A resolution supporting the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 543

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1350

At the request of Mr. COONS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1925

At the request of Mr. HELLER, his name was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2010

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2051

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2193

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2193, a bill to require the Food and Drug Administration to include devices in the postmarket risk identification and analysis system, to expedite the implementation of the unique device identification system for medical devices, and for other purposes.

S. 2204

At the request of Mr. REID, his name was added as a cosponsor of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

S. RES. 380

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 397

At the request of Mr. COONS, the names of the Senator from Connecticut

(Mr. LIEBERMAN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 397, a resolution promoting peace and stability in Sudan, and for other purposes.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 399, supra.

AMENDMENT NO. 1833

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1833 proposed to H.R. 3606, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

AMENDMENT NO. 1836

At the request of Ms. CANTWELL, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1836 proposed to H.R. 3606, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. HATCH):

S. 2212. A bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join with my colleague and good friend Senator HATCH to introduce this bill, which will resolve an unsettled issue that is making it difficult for museums and universities to obtain works of art for temporary exhibition from foreign countries.

Cultural exchange with foreign nations enables the sharing of ideas and history across the globe. When foreign works are shown at American museums, they expose our people to the richness of world history and culture.

In 2011, the San Diego Museum of Art hosted an exhibition of 64 works of famous Spanish artists, such as El Greco, Pablo Picasso, Francisco Goya, and Salvador Dalí.

Also in 2011, the De Young Museum in San Francisco hosted an exhibition of more than 100 Picasso masterpieces from Paris, as well as more than 100 objects from the Olmec civilization in Mexico.

In 2009, the Los Angeles County Museum of Art hosted an exhibit containing artifacts from the Ancient Roman city of Pompeii, which was buried by a volcanic eruption and rediscovered in the 18th Century.

In 2007, the Los Angeles County Museum of Art hosted an exhibit with approximately 250 works of art created in more than seven different Latin American countries between 1492 and 1820.

Without these exhibitions coming to American museums, many Americans simply would not have the chance to see such important cultural and historical works in person. Exhibitions of such works also draw countless visitors each year, helping museums—which are vital to the preservation of our own culture and heritage—survive and thrive in difficult economic times.

For decades, American law has offered legal protection for these exhibitions. Passed in 1965, a law called the Immunity from Seizure Act, 22 U.S.C. 2459, is designed to provide the legal certainty necessary for American museums to organize such exhibitions with their foreign counterparts.

This law empowers the President or his designee to approve a foreign work for temporary exhibition or display in the United States, a process now handled by the State Department. If approval is granted, then the work of art is essentially protected from judicial process—such as a court-ordered seizure—while it is in the United States.

Unfortunately, this important law has been undermined by a decision of the U.S. District Court for the District of Columbia in a case called *Malewicz v. City of Amsterdam*.

In this case, the City of Amsterdam had made a temporary loan of works of art for educational and cultural purposes to the Guggenheim Museum in New York and the Menil Collection in Houston Texas.

Even though the State Department's approval was sought and received for the temporary loan, the court held that the City of Amsterdam's temporary loan nevertheless subjected the City to Federal court jurisdiction in a lawsuit over the work of art.

The reason was that—even though the loan was for educational and cultural purposes, for works to be shown at museums—the City's activities nevertheless qualified as “commercial activity” under a provision of the Foreign Sovereign Immunities Act, 28 U.S.C. 1605(a)(3).

The result of this decision, unsurprisingly, is that foreign museums have been more reluctant to lend their art works to our museums in the United States.

The Executive Branch during the Bush administration recognized this problem and tried to correct it. It urged the D.C. Circuit to reverse the decision, saying in an amicus brief that the District Court's ruling was wrong, that it “substantially undermine[d] the purposes” of the Immunity from Seizure Act, and that it would “discourage foreign states and other lenders from providing their artwork for temporary exhibit in the United States.” Unfortunately the appeal was dismissed before the D.C. Circuit had a chance to correct this problem. That is why this bill is necessary.

Several museums in my home state—including the San Francisco Museum of Modern Art, the Asian Art Museum in San Francisco, the Los Angeles County Museum of Art, the Cantor Center for Visual Arts at Stanford University, and the Santa Barbara Museum of Art—have asked me to help restore the legal certainty that existed prior to the *Malewicz* decision. I know that institutions in Senator HATCH's home State of Utah have sought his help in this regard as well.

I am very pleased to say that Senator HATCH and I have worked together—along with House Judiciary Committee Chairman LAMAR SMITH, Ranking Member JOHN CONYERS, and Representatives STEVE CHABOT and STEVE COHEN—to draft a narrow bill that we hope can be enacted quickly this year.

This bill is simple. It relies on the State Department's approval process. If the State Department approves a loan of a foreign art work—essentially immunizing the work from judicial seizure under existing law—then the foreign state's activities associated with the work's exhibition cannot be used to assert jurisdiction over the foreign state under the Foreign Sovereign Immunities Act, 28 U.S.C. 1605(a)(3).

This narrow approach does only what is necessary to fix the problem created by the *Malewicz* decision—nothing more, nothing less.

It is important to note that this bill would not apply if the foreign state does not seek or receive the State Department's approval. The State Department requires detailed certifications and independent investigations about an art work's provenance before it grants approval. The bill also expressly would not apply to any work taken in Europe by the Nazis or their collaborators.

Once again, I thank Senator HATCH and my colleagues in the House for working with me on this important legislation, which has already passed the House of Representatives by voice vote. I urge my colleagues to join us in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Cultural Exchange Jurisdictional Immunity Clarification Act”.

SEC. 2. CLARIFICATION OF JURISDICTIONAL IMMUNITY OF FOREIGN STATES.

(a) IN GENERAL.—Section 1605 of title 28, United States Code, is amended by adding at the end the following:

“(h) JURISDICTIONAL IMMUNITY FOR CERTAIN ART EXHIBITION ACTIVITIES.—

“(1) IN GENERAL.—If—

“(A) a work is imported into the United States from any foreign country pursuant to an agreement providing for the temporary exhibition or display of such work entered into between a foreign state that is the owner or custodian of such work and the United States or 1 or more cultural or educational institutions within the United States;

“(B) the President, or the President's designee, has determined, in accordance with Public Law 89-259 (79 Stat. 985; 22 U.S.C. 2459), that such work is of cultural significance and the temporary exhibition or display of such work is in the national interest; and

“(C) notice has been published in the Federal Register in accordance with Public Law 89-259,

any activity in the United States of such foreign state or any carrier associated with the temporary exhibit or display of such work shall not be considered to be commercial activity for purposes of subsection (a)(3).

“(2) NAZI-ERA CLAIMS.—Paragraph (1) shall not apply in any case in which—

“(A) the action is based upon a claim that the work was taken in Europe in violation of international law by a covered government during the covered period;

“(B) the court determines that the activity associated with the exhibition or display is commercial activity; and

“(C) a determination under subparagraph (B) is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3).

“(3) DEFINITIONS.—For purposes of this subsection

“(A) the term ‘work’ means a work of art or other object of cultural significance; and

“(B) the term ‘covered government’ means—

“(i) the Nazi government of Germany;

“(ii) any government in any area occupied by the military forces of the Nazi government of Germany;

“(iii) any government established with the assistance or cooperation of the Nazi government; and

“(iv) any government that was an ally of the Nazi government of Germany; and

“(C) the term ‘covered period’ means the period beginning on January 30, 1933, and ending on May 8, 1945.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to cases commenced after the date of the enactment of this Act.

Mr. HATCH. Mr. President, I join the Senator from California, Senator FEINSTEIN, in introducing legislation to clarify the legal protections for art that is loaned from overseas for exhibition in the United States. This bill passed the House yesterday by voice vote and I hope it can soon become law.

We are blessed in this country to have so many fine institutions that provide exposure to the art, culture, and history of other lands. Both public and private art museums can be found all over America, including at many of our fine universities. We must ensure that the exhibitions hosted by these museums continue to benefit all Americans.

A major exhibition can take years to develop and potential overseas lenders must be assured that their art will be legally protected while it is in the United States. Many exhibitions simply will not be possible without that assurance. We have had laws in place for decades that did just that, and they worked exactly the way they were supposed to. Specifically, the Protection from Seizure Act guaranteed that once the State Department reviewed and certified an exhibition as being in the national interest, the art was immune from legal judgments or court orders while in this country.

This legal protection was thrown into doubt by a Federal court decision several years ago. The U.S. District Court here in the Washington considered a case involving the Foreign Sovereign Immunities Act, which allows certain kinds of lawsuits against foreign countries in American courts. One of those categories is when art allegedly taken in violation of international law is present in this country in connection with a commercial activity. The court construed that condition of being present "in connection with a commercial activity" in a way that could include art that is here for exhibition under the Protection from Seizure Act.

The dilemma here is easy to see. These statutes are not supposed to be in conflict. Bringing art here under the protection of one statute is not supposed to create jurisdiction for a lawsuit against the lender under another statute.

The solution is also easy to see. The bill we introduce today is very short and very simple. It clarifies that the presence in this country of art under the Protection from Seizure Act does not create jurisdiction for a lawsuit under the Foreign Sovereign Immunities Act. It simply returns these two statutes to the harmony they were intended to have all along and to lift the cloud of doubt that has hung over the art exhibition process for the last several years.

I want to thank the Brigham Young University Museum of Art for bringing this issue to my attention. The BYU

museum is the premier art museum in the Mountain West and the most attended university art museum in North America. BYU is the organizing institution for a major exhibition titled *Beauty and Belief: Crossing Bridges with the Art of Islamic Cultures*. This amazing event, which will be at BYU through September and is free to the public, includes art from a dozen foreign countries. As this project was in development, the museum director raised with me the need to clarify the law protecting art loaned for exhibition. Thankfully, the BYU exhibition was not hindered, but the Association of Art Museum Directors has documented that this is a problem elsewhere.

This is a problem that is easy to fix. It is not a partisan or an ideological issue. It is not a spending program. It involves neither regulations nor taxes. Each of our States has institutions that can benefit from this clarification. As my colleagues will see, we did put a caveat in the bill so that it will not apply to the ongoing efforts to identify and recover art and cultural objects seized by the Nazis during the World War II era.

Again, I want to applaud the BYU Museum of Art for its triumphant exhibition and for bringing this issue to my attention so that Americans can continue to enjoy this enriching and educational experience. I thank my colleague from California for introducing this bill, and for working to refine its language so that we can solve this specific problem. This short bill proves that good things can come in small packages and I hope the Senate will follow the House and quickly pass this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 400—SUPPORTING THE GOALS AND IDEALS OF PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

Ms. STABENOW (for herself, Mr. BEGICH, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. COCHRAN, Mr. JOHNSON of South Dakota, Ms. CANTWELL, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 400

Whereas the social work profession has been instrumental in achieving advances in civil and human rights in the United States and across the globe for more than a century;

Whereas the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable;

Whereas the programs and services provided by professional social workers are essential elements of the social safety net in the United States;

Whereas social workers make a critical impact on adolescent and youth development, aging and family caregiving, child protection and family services, health-care navigation, mental- and behavioral-health treatment, assistance to members and veterans of the Armed Forces, nonprofit management and community development, and poverty reduction;

Whereas social workers function as specialists, consultants, private practitioners, educators, community leaders, policy-makers, and researchers;

Whereas social workers influence many different organizations and human-service systems and are employed in workplaces ranging from private and public agencies, hospices and hospitals, schools and clinics, to businesses and corporations, military units, elected offices, think tanks, and foundations;

Whereas social workers seek to improve social functioning and social conditions for people in emotional, psychological, economic, or physical need;

Whereas social workers are experts in care coordination, case management, and therapeutic treatment for biopsychosocial issues;

Whereas social workers have roles in more than 50 different fields of practice;

Whereas social workers believe that the strength of a country depends on the ability of the majority of the people to lead productive and healthy lives;

Whereas social workers help people, who are often navigating major life challenges, find hope and new options for achieving maximum potential; and

Whereas social workers identify and address gaps in social systems that impede full participation by individuals or groups in society: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Professional Social Work Month and World Social Work Day;

(2) acknowledges the diligent efforts of individuals and groups who promote the importance of social work and observe Professional Social Work Month and World Social Work Day;

(3) encourages the people of the United States to engage in appropriate ceremonies and activities to promote further awareness of the life-changing role that social workers play; and

(4) recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1904. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table.

SA 1905. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1906. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1937. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)).

to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1938. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1939. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3606, *supra*; which was ordered to lie on the table.

SA 1940. Mr. REID proposed an amendment to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

SA 1941. Mr. REID proposed an amendment to amendment SA 1940 proposed by Mr. REID to the bill S. 2038, *supra*.

SA 1942. Mr. REID proposed an amendment to the bill S. 2038, *supra*.

SA 1943. Mr. REID proposed an amendment to amendment SA 1942 proposed by Mr. REID to the bill S. 2038, *supra*.

SA 1944. Mr. REID proposed an amendment to amendment SA 1943 proposed by Mr. REID to the amendment SA 1942 proposed by Mr. REID to the bill S. 2038, *supra*.

TEXT OF AMENDMENTS

SA 1904. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND; PROHIBITION ON LOANS TO THE FUND FOR EUROPEAN FINANCIAL STABILITY.

(a) REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND AND INCREASE IN THE UNITED STATES QUOTA.—

(1) REPEAL OF AUTHORITIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 *et seq.*) is amended—

(A) in section 17—
(i) in subsection (a)—
(I) by striking “(1) In order” and inserting “In order”; and
(II) by striking paragraphs (2), (3), and (4); and

(ii) in subsection (b)—
(I) by striking “(1) For the purpose” and inserting “For the purpose”;
(II) by striking “subsection (a)(1)” and inserting “subsection (a)”; and

(III) by striking paragraph (2);
(B) by striking sections 64, 65, 66, and 67; and
(C) by redesignating section 68 as section 64.

(2) RESCISSION OF AMOUNTS.—

(A) IN GENERAL.—The unobligated balance of the amounts specified in subparagraph (B)—

(i) is rescinded;
(ii) shall be deposited in the general fund of the Treasury to be dedicated for the sole purpose of deficit reduction; and
(iii) may not be used as an offset for other spending increases or revenue reductions.

(B) AMOUNTS SPECIFIED.—The amounts specified in this subparagraph are the amounts appropriated under the heading

“UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND”, and under the heading “LOANS TO INTERNATIONAL MONETARY FUND”, under the heading “INTERNATIONAL MONETARY PROGRAMS” under the heading “INTERNATIONAL ASSISTANCE PROGRAMS” in title XIV of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1916).

(b) PROHIBITION ON UNITED STATES LOANS TO THE INTERNATIONAL MONETARY FUND TO BE USED FOR FINANCING FOR EUROPEAN FINANCIAL STABILITY.—

(1) IN GENERAL.—Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e-2), as amended by subsection (a)(1), is further amended by adding at the end the following:

“(e) RESTRICTION ON LOANS TO MEMBER STATES OF THE EUROPEAN UNION.—A loan may not be made under this section in a calendar year to enable the International Monetary Fund to provide financing, directly or indirectly—

“(1) to any member state of the European Union, until the ratio of the total outstanding public debt of each such member state to the gross domestic product of the member state, as of the end of the most recent fiscal year of the member state ending in the preceding calendar year, is not more than 60 percent; or

“(2) for any new credit or liquidity facility, or any new special purpose vehicle, related to European financial stability.”.

(2) UNITED STATES OPPOSITION TO INTERNATIONAL MONETARY FUND FINANCING FOR EUROPEAN FINANCIAL STABILITY.—The Bretton Woods Agreements Act (22 U.S.C. 286 *et seq.*), as amended by subsection (a)(1), is further amended by adding at the end the following:

“SEC. 65. OPPOSITION OF UNITED STATES TO INTERNATIONAL MONETARY FUND FINANCING FOR EUROPEAN FINANCIAL STABILITY.

“The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to use the voice and vote of the United States to oppose the provision of financing by the Fund, directly or indirectly—

“(1) to any member state of the European Union in a calendar year, until the ratio of the total outstanding public debt of each such member state to the gross domestic product of the member state, as of the end of the most recent fiscal year of the member state ending in the preceding calendar year, is not more than 60 percent; or

“(2) for any new credit or liquidity facility, or any new special purpose vehicle, related to European financial stability.”.

(c) SENSE OF CONGRESS ON IMPLEMENTATION OF DOUBLING OF UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND.—It is the sense of Congress that Congress should not approve any legislation to implement the December 15, 2010, vote of the Board of Governors of the International Monetary Fund to double the quota of the United States in the Fund.

SA 1905. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for

emerging growth companies; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE VIII—INTERNATIONAL MONETARY FUND

SEC. 801. REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND; PROHIBITION ON LOANS TO THE FUND FOR EUROPEAN FINANCIAL STABILITY.

(a) REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND AND INCREASE IN THE UNITED STATES QUOTA.—

(1) REPEAL OF AUTHORITIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 *et seq.*) is amended—

(A) in section 17—
(i) in subsection (a)—

(I) by striking “(1) In order” and inserting “In order”; and
(II) by striking paragraphs (2), (3), and (4); and

(ii) in subsection (b)—
(I) by striking “(1) For the purpose” and inserting “For the purpose”;
(II) by striking “subsection (a)(1)” and inserting “subsection (a)”; and

(III) by striking paragraph (2);
(B) by striking sections 64, 65, 66, and 67; and
(C) by redesignating section 68 as section 64.

(2) RESCISSION OF AMOUNTS.—

(A) IN GENERAL.—The unobligated balance of the amounts specified in subparagraph (B)—

(i) is rescinded;
(ii) shall be deposited in the general fund of the Treasury to be dedicated for the sole purpose of deficit reduction; and
(iii) may not be used as an offset for other spending increases or revenue reductions.

(B) AMOUNTS SPECIFIED.—The amounts specified in this subparagraph are the amounts appropriated under the heading “UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND”, under the heading “LOANS TO INTERNATIONAL MONETARY FUND”, under the heading “INTERNATIONAL MONETARY PROGRAMS” under the heading “INTERNATIONAL ASSISTANCE PROGRAMS” in title XIV of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1916).

(b) PROHIBITION ON UNITED STATES LOANS TO THE INTERNATIONAL MONETARY FUND TO BE USED FOR FINANCING FOR EUROPEAN FINANCIAL STABILITY.—

(1) IN GENERAL.—Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e-2), as amended by subsection (a)(1), is further amended by adding at the end the following:

“(e) RESTRICTION ON LOANS TO MEMBER STATES OF THE EUROPEAN UNION.—A loan may not be made under this section in a calendar year to enable the International Monetary Fund to provide financing, directly or indirectly—

“(1) to any member state of the European Union, until the ratio of the total outstanding public debt of each such member state to the gross domestic product of the member state, as of the end of the most recent fiscal year of the member state ending in the preceding calendar year, is not more than 60 percent; or

“(2) for any new credit or liquidity facility, or any new special purpose vehicle, related to European financial stability.”.

(2) UNITED STATES OPPOSITION TO INTERNATIONAL MONETARY FUND FINANCING FOR EUROPEAN FINANCIAL STABILITY.—The Bretton

Woods Agreements Act (22 U.S.C. 286 et seq.), as amended by subsection (a)(1), is further amended by adding at the end the following:

“SEC. 65. OPPOSITION OF UNITED STATES TO INTERNATIONAL MONETARY FUND FINANCING FOR EUROPEAN FINANCIAL STABILITY.

“The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to use the voice and vote of the United States to oppose the provision of financing by the Fund, directly or indirectly—

“(1) to any member state of the European Union in a calendar year, until the ratio of the total outstanding public debt of each such member state to the gross domestic product of the member state, as of the end of the most recent fiscal year of the member state ending in the preceding calendar year, is not more than 60 percent; or

“(2) for any new credit or liquidity facility, or any new special purpose vehicle, related to European financial stability.”.

(c) SENSE OF CONGRESS ON IMPLEMENTATION OF DOUBLING OF UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND.—It is the sense of Congress that Congress should not approve any legislation to implement the December 15, 2010, vote of the Board of Governors of the International Monetary Fund to double the quota of the United States in the Fund.

SA 1906. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF PPACA.

(a) IN GENERAL.—

(1) JOB-KILLING HEALTH CARE LAW.—Effective as of the enactment of Public Law 111-1148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(2) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

(b) BUDGETARY EFFECTS OF THIS ACT.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this section, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

SA 1907. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs.

HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE ____ MISCELLANEOUS PROVISIONS

SEC. 1. REPEAL OF PPACA.

(a) IN GENERAL.—

(1) JOB-KILLING HEALTH CARE LAW.—Effective as of the enactment of Public Law 111-148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(2) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

(b) BUDGETARY EFFECTS OF THIS ACT.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this section, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

SA 1908. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. INFORMATION AND CERTIFICATIONS ABOUT WORKFORCE NUMBERS REQUIRED FROM ENTITIES SEEKING OR RECEIVING FINANCING FROM THE EXPORT-IMPORT BANK OF THE UNITED STATES.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(i) INFORMATION AND CERTIFICATIONS ABOUT WORKFORCE NUMBERS REQUIRED FROM ENTITIES SEEKING OR RECEIVING FINANCING.—

“(1) INFORMATION REQUIRED FROM ENTITIES SEEKING FINANCING.—The Board of Directors of the Bank may not approve an application submitted on or after the date that is 90 days after the date of the enactment of the Export-Import Bank Reauthorization Act of 2012 for financing (including any guarantee, insurance, or extension of credit, or participation in any extension of credit) by the

Bank for a transaction that is subject to approval by the Board unless, as a condition of providing such financing, the Bank requires the applicant to submit the following information:

“(A) The number of individuals employed by the primary exporter involved with the transaction in the United States.

“(B) The number of individuals employed by the primary exporter involved with the transaction outside the United States.

“(2) CERTIFICATIONS FROM ENTITIES RECEIVING FINANCING.—

“(A) IN GENERAL.—Not later than 1 year after the Board of Directors of the Bank approves an application submitted by an entity for financing for a transaction described in paragraph (1), and annually thereafter until the entity no longer receives financing from the Bank, the entity to which the financing was provided shall submit to the Bank a written certification of—

“(i) the percentage of the workforce of the primary exporter involved with the transaction employed in the United States that was separated from employment by the exporter during the year preceding the submission of the report; and

“(ii) the percentage of the total workforce of the primary exporter involved with the transaction that was separated from employment by the exporter during the preceding year.

“(B) TERMINATION OF ASSISTANCE TO CERTAIN ENTITIES.—If an entity to which financing was provided for a transaction described in paragraph (1) submits a certification to the Bank under subparagraph (A) in which the percentage described in clause (i) of that subparagraph is greater than the percentage described in clause (ii) of that subparagraph, the Bank may not provide any additional financing to that entity until the entity submits a certification under subparagraph (A) in which the percentage described in clause (i) of that subparagraph is not greater than the percentage described in clause (ii) of that subparagraph.

“(C) FAILURE TO SUBMIT CERTIFICATIONS; FALSE CERTIFICATIONS.—If an entity to which financing was provided for a transaction described in paragraph (1) does not submit a certification required by subparagraph (A) to the Bank by the date on which the certification is due, or submits a false certification under that subparagraph, the Bank—

“(i) shall terminate all financing provided to the entity on and after the date that is 60 days after the date on which the certification was due; and

“(ii) may not provide any additional financing to that entity.”.

SA 1909. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 24, between lines 11 and 12, insert the following:

(d) DEFINITION OF ACCREDITED INVESTOR RULES.—Not later than the date on which the Commission revises its rules pursuant to subsection (a), the Commission shall, by rule or regulation, revise its rules to modify the definition of the term “accredited investor” in section 230.501 of title 17, Code of Federal Regulations—

(1) to include a natural person under section 230.501(a)(5) of title 17, Code of Federal

Regulations, only if the person has an individual net worth, or joint net worth with the spouse of that person, at the time of the purchase that exceeds \$3,000,000, or such higher amount as the Commission may determine better serves the public interest;

(2) to include a natural person under section 230.501(a)(6) of title 17, Code of Federal Regulations, only if the person—

(A) had an individual income in excess of \$600,000 in each of the 2 most recently completed calendar years, or joint income with the spouse of that person in excess of \$900,000 in each of those years; and

(B) has a reasonable expectation of reaching the same income level in the current year, or such higher amounts as the Commission may determine better serve the public interest; and

(3) to increase the amounts specified in paragraphs (1) and (2) (or such higher amounts as the Commission may determine better serve the public interest) not less than frequently than annually, at a rate at least equal to the rate of any growth in the gross national product for the preceding year.

SA 1910. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 10, line 1, strike “\$350,000,000” and all that follows through page 11, line 22 and insert the following: “\$200,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year and that has completed a sale of common equity securities pursuant to an effective registration statement under this title shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of \$200,000,000 or more;

“(B) the last day of the fiscal year of the issuer in which the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under this title occurs;

“(C) the date on which such issuer is deemed to be a ‘large accelerated filer’, as defined in section 240.12b-2 of title 17, Code of Federal Regulations (or any successor thereto); or

“(D) the date on which the issuer has, during the previous 3-year period, issued in excess of an aggregate of \$1,000,000,000 of securities, other than common equity, whether or not such securities were issued in transactions registered under this title.”.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) by redesignating the second paragraph designated as paragraph (77) (relating to asset-backed securities) as paragraph (79); and

(2) by adding at the end the following:

“(80) The term ‘emerging growth company’ means an issuer that had total annual gross

revenues of less than \$200,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year and that has completed a sale of common equity securities pursuant to an effective registration statement under the Securities Act of 1933 shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of \$200,000,000 or more;

SA 1911. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 13 line 14, strike “2 years” and insert “3 years”.

SA 1912. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. EXPORT-IMPORT BANK EXPOSURE LIMIT BUSINESS PLAN.

(a) IN GENERAL.—Not later than August 31, 2012, the Export-Import Bank of the United States shall submit to Congress and the Comptroller General of the United States a written report that contains the following:

(1) A business plan that—

(A) includes a proposal by the Bank that recommends the appropriate exposure limit of the Bank for 2012, 2013, 2014, 2015 and beyond;

(B) justifies the recommendations of the Bank for the appropriate exposure limit; and

(C) details any anticipated growth of the Bank for 2012, 2013, 2014, 2015, and beyond—

(i) by industry sector;

(ii) by whether the products involved are short-term loans, medium-term loans, long-term loans, insurance, medium-term guarantees, or long-term guarantees; and

(iii) by key market.

(2) An analysis of the potential for increased or decreased risk of loss to the Bank as a result of the proposed exposure limit, including an analysis of increased or decreased risks associated with changes in the composition of Bank exposure, by industry sector, by product offered, and by key market.

(3) An analysis of the ability of the Bank to meet its small business and sub-Saharan Africa mandates and comply with its carbon policy mandate under the proposed exposure

limit, and an analysis of any increased or decreased risk of loss associated with meeting or complying with the mandates under the proposed exposure limit.

(4) An analysis of the ability of the Bank to process, approve, and monitor authorizations, including the conducting of required economic impact analysis, under the proposed exposure limit.

(b) GAO REVIEW OF REPORT AND BUSINESS PLAN.—Not later than December 31, 2012, the Comptroller General of the United States shall submit to Congress a written analysis of the report and business plan submitted under subsection (a), which shall include such recommendations with respect to the report and business plan as the Comptroller General deems appropriate.

SA 1913. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

Strike section 809 of the amendment and insert the following:

SEC. 809. CONTENT GUIDELINES FOR THE PROVISION OF FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(i) CONTENT GUIDELINES FOR THE PROVISION OF FINANCING.—

“(1) IN GENERAL.—The Bank shall, after notice and comment and Board approval, establish clear and comprehensive guidelines with respect to the content of the goods and services involved in a transaction for which the Bank will provide financing, which shall be aimed at ensuring that the Bank enables companies with operations in the United States to maintain and create jobs in the United States and contribute to a stronger national economy through the export of their goods and services.

“(2) REQUIRED CONSIDERATIONS.—In establishing the guidelines, the Bank shall take into account such considerations as the Bank deems relevant to meet the purposes described in paragraph (1), including the following:

“(A) The needs of different industry sectors to obtain financing from the Bank for exporting their products or services in order to create and maintain jobs in the United States.

“(B) The ability of companies with operations in the United States to compete effectively for export opportunities that will create and maintain jobs in the United States, particularly with respect to the Bank’s content requirements and co-financing arrangements.

“(C) The totality of support, including financing and subsidies, extended by export credit agencies to support the exports of goods and services, as well as key differences in, types of trade-offs among, and national trade promotion strategies of OECD member countries and of non-OECD member countries.

“(D) Recommendations from the advisory committee established under section 3(d), including any dissenting views.

“(E) Any findings or recommendations of the Government Accountability Office pertaining to the ability of the Bank to provide financing that is competitive with the financing provided by foreign export credit agencies, to enable companies with operations in the United States to contribute to a stronger United States economy by maintaining or increasing the employment of workers in the United States through the export of goods and services.

“(F) The effects of the guidelines on the manufacturing workforce and service workforce of the United States.

“(G) The effect of changes to current Bank content requirements on the incentive for companies to create and maintain operations in the United States in order to increase the employment of workers in the United States.

“(3) SEPARATE GUIDELINES.—

“(A) The Bank may establish separate guidelines under this subsection for services and for goods.

“(B) The Bank may establish separate guidelines under this subsection for small business concerns (as defined in section 3(a) of the Small Business Act).

“(C) The Bank may continue separate guidelines under this subsection with respect to different terms and products.

“(4) CERTIFICATION THAT DOMESTIC CONTENT HAS NOT BEEN REDUCED BECAUSE OF THE GUIDELINES.—In determining whether to provide financing for a proposed transaction, the exporter shall certify that the domestic content of a good has not been reduced solely as a result of the guidelines.

“(5) PROCEDURAL PROVISIONS.—Within 60 days after the date of the enactment of this Act, the Bank shall publish a notice with respect to the issuance or modification of guidelines under this subsection. Within 60 days after the end of the public comment period otherwise required by law with respect to the issuance or modification of the guidelines, the Bank shall submit to the Congress, for its review, the guidelines in proposed final form. At the end of the 60-day period that begins with the date the proposed final guidelines are so submitted, the proposed final guidelines shall be considered a final agency action for all purposes and shall take effect and be implemented immediately.

“(6) TERM.—Every 2 years, the Bank shall review and, as appropriate, modify the guidelines, subject to paragraph (5).

“(7) REPORT TO CONGRESS.—Within 1 year after the implementation of new or modified guidelines under this subsection, the Inspector General of the Bank shall submit to the Congress a report evaluating the guidelines, which shall include—

“(A) a discussion of the considerations required to be taken into account in establishing the guidelines, a comparison of how the guidelines reflect each consideration, and a description of the extent to which the guidelines enabled companies with operations in the United States who submitted an application for financing from the Bank to maintain and create jobs in the United States and contribute to a stronger national economy through the export of their goods and services;

“(B) a description of the effect of the guidelines on the number of domestic jobs to be supported, the kinds of domestic jobs to be supported, including their duration and geographic location, and the existence and nature of any transfers of technology or production; and

“(C) recommendations for how the guidelines could be modified to better facilitate exports of goods and services from the United States in order to maintain and create jobs in the United States and contribute to a stronger national economy.”

SA 1914. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. NON-SUBORDINATION REQUIREMENT.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(i) NON-SUBORDINATION REQUIREMENT.—In entering into financing contracts, the Bank shall seek a creditor status which is not subordinate to that of all other creditors, in order to reduce the risk to, and enhance recoveries for, the Bank.”

SA 1915. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. IMPROVEMENT OF METHOD FOR CALCULATING THE EFFECTS OF FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES ON JOB CREATION AND MAINTENANCE IN THE UNITED STATES.

(a) GAO STUDY.—The Comptroller General of the United States shall conduct a study of the process and methodology used by the Export-Import Bank of the United States (in this section referred to as the “Bank”) to calculate the effects of the provision of financing by the Bank on the creation and maintenance of employment in the United States, determine and assess the basis on which the Bank has used that methodology, and make any recommendations the Comptroller General deems appropriate.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress and the Bank the results of the study required by subsection (a).

(c) IMPLEMENTATION OF RECOMMENDATIONS.—If the report submitted pursuant to subsection (b) includes recommendations, the Bank may establish a more accurate methodology of the kind described in subsection (a) based on the recommendations.

SA 1916. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. PERIODIC AUDITS OF TRANSACTIONS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and periodically (but not less frequently than every 4 years) thereafter, the Comptroller General of the United States shall conduct an audit of the loan and guarantee transactions of the Export-Import Bank of the United States to determine the compliance of the Bank with the underwriting guidelines, lending policies, due diligence procedures, and content guidelines of the Bank.

(b) REVIEW OF FRAUD CONTROLS.—The Comptroller General of the United States shall review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees, including by auditing a sample of Bank transactions, and submit to Congress a written report that contains such recommendations with respect to the controls as the Comptroller General deems appropriate.

SA 1917. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. FOREIGN AIR CARRIERS ECONOMIC IMPACT ANALYSES.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(i) FOREIGN AIR CARRIERS ECONOMIC IMPACT ANALYSES.—

“(1) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES.—

“(A) NOTICE AND COMMENT REQUIREMENTS.—

“(i) IN GENERAL.—Before considering or approving any application for a loan or financial guarantee that may be used in whole or in part to purchase large air carrier aircraft, the Bank shall—

“(I) publish in the Federal Register a notice of the application;

“(II) provide a period of not less than 14 days (which, on request by any affected

party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic or other potentially adverse effects of the provision of the loan or guarantee; and

“(III) seek comments on the economic or other potentially adverse effects of the provision of the loan or guarantee from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(ii) CONTENT OF NOTICE.—The notice published under clause (i)(I) with respect to an application for a loan or financial guarantee that may be used in whole or in part to purchase large air carrier aircraft shall include appropriate information about—

“(I) the country to which the aircraft will be shipped;

“(II) the type of aircraft being exported;

“(III) the amount of the loan or guarantee;

“(IV) the number of aircraft that would be produced as a result of the provision of the loan or guarantee.

“(B) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—If a material change is made to an application to which subparagraph (A)(i) applies, after a notice with respect to the application is published under subparagraph (A)(i)(I), the Bank shall publish in the Federal Register a revised notice of the application and provide for an additional comment period as provided in subparagraph (A)(i)(II).

“(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application to which subparagraph (A)(i) applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments on the application pursuant to this paragraph.

“(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee to which subparagraph (A)(i) applies makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study with respect to the loan or guarantee, that was submitted to the Board of Directors.

“(2) DEFINITIONS.—In this subsection:

“(A) LARGE AIR CARRIER AIRCRAFT.—The term ‘large air carrier aircraft’, means an aircraft designed to hold seats for at least 31 passengers.

“(B) MATERIAL CHANGE.—The term ‘material change’, with respect to an application for a loan or guarantee that may be used in whole or in part to purchase large air carrier aircraft, includes—

“(i) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

“(ii) a change in the type or number of aircraft to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.”.

SA 1918. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY,

and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. PUBLICATION OF GUIDELINES FOR ECONOMIC IMPACT ANALYSES AND DOCUMENTATION OF SUCH ANALYSES.

(a) PUBLICATION OF GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall develop and make publicly available methodological guidelines to be used by the Bank in conducting economic impact analyses or similar studies under section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)). In developing the guidelines, the Bank shall take into consideration any relevant guidance from the Office of Management and Budget.

(b) MAINTENANCE OF DOCUMENTATION.—Section 2(e)(7) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)(7)) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and inserting after subparagraph (D) the following:

“(E) MAINTENANCE OF DOCUMENTATION.—The Bank shall maintain documentation relating to economic impact analyses and similar studies conducted under this subsection in a manner consistent with the Standards for Internal Control of the Federal Government issued by the Comptroller General of the United States.”.

SA 1919. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. DISCLOSURE REQUIREMENT FOR BOARD MEETINGS.

Section 3(c)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(9)) is amended by adding at the end the following new sentence: “Not later than 25 days before any meeting of the Board for final consideration of a transaction the value of which exceeds \$75,000,000, and concurrent with any statement required to be submitted under section 2(b)(3) with respect to the transaction, the Bank shall post a notice on the website of the Bank that includes a description of the item proposed to be financed, the identities of the obligor, principal supplier, and guarantor, and a description of any item with respect to which Bank financing is being sought, in a manner that does not disclose any information that is confidential or proprietary business information, that would violate the Trade Secrets Act, or that would jeopardize jobs in the United States by supplying information which competitors could use to compete with companies in the United States.”.

SA 1920. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

Strike section 812 of the amendment and insert the following:

SEC. 812. REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES ON THE ROLE OF THE EXPORT-IMPORT BANK OF THE UNITED STATES IN THE WORLD ECONOMY AND THE BANK'S RISK MANAGEMENT.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete and submit to the Export-Import Bank of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report that evaluates—

(1) the history of the rate of growth of the Bank, and its causes, with specific consideration given to—

(A) the capital market conditions for export financing;

(B) increased competition from foreign export credit agencies;

(C) the rate of growth of the Bank from 2008 to the present;

(2) the effectiveness of the Bank's risk management, including—

(A) potential for losses from each of the products offered by the Bank; and

(B) the overall risk of the Bank's portfolio, taking into account—

(i) market risk;

(ii) credit risk;

(iii) political risk;

(iv) industry-concentration risk;

(v) geographic-concentration risk;

(vi) obligor-concentration risk; and

(vii) foreign-currency risk;

(3) the Bank's use of historical default and recovery rates to calculate future program costs, taking into consideration cost estimates determined under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and whether discount rates applied to cost estimates should reflect the risks described in paragraph (2);

(4) the fees charged by the Bank for the products the Bank offers, whether the Bank's fees properly reflect the risks described in paragraph (2), and how the fees are affected by United States participation in international agreements; and

(5) whether the Bank's loan loss reserves policy is sufficient to cover the risks described in paragraph (2).

SA 1921. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to

increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. CATEGORIZATION OF PURPOSE OF LOANS AND LONG-TERM GUARANTEES IN ANNUAL REPORT.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g), as amended by sections 808 and 810, is amended by adding at the end the following:

“(i) CATEGORIZATION OF PURPOSE OF LOANS AND LONG-TERM GUARANTEES.—In the annual report of the Bank under subsection (a), the Bank shall categorize each loan and long-term guarantee made by the Bank in the fiscal year covered by the report, and according to the following purposes:

“(1) ‘To assume commercial or political risk that exporter or private financial institutions are unwilling or unable to undertake’.

“(2) ‘To overcome maturity or other limitations in private sector export financing’.

“(3) ‘To meet competition from a foreign, officially sponsored, export credit competition’.

“(4) ‘Not identified’, and the reason why the purpose is not identified.”.

SA 1922. Mr. MCCAIN (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —FOREIGN EARNINGS
REINVESTMENT**

SEC. 01. SHORT TITLE.

This title may be cited as the “Foreign Earnings Reinvestment Act”.

SEC. —. ALLOWANCE OF TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM A CONTROLLED FOREIGN CORPORATION.

(a) APPLICABILITY OF PROVISION.—

(1) IN GENERAL.—Subsection (f) of section 965 is amended to read as follows:

“(f) ELECTION; ELECTION YEAR.—

“(1) IN GENERAL.—The taxpayer may elect to apply this section to—

“(A) the taxpayer’s last taxable year which begins before the date of the enactment of the Foreign Earnings Reinvestment Act, or

“(B) the taxpayer’s first taxable year which begins during the 1-year period beginning on such date.

Such election may be made for a taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.

“(C) ELECTION YEAR.—For purposes of this section, the term ‘election year’ means the taxable year—

“(i) which begins after the date that is one year before the date of the enactment of the Foreign Earnings Reinvestment Act, and

“(ii) to which the taxpayer elects under paragraph (1) to apply this section.”.

(2) CONFORMING AMENDMENTS.—

(A) EXTRAORDINARY DIVIDENDS.—Section 965(b)(2) of such Code is amended—

(i) by striking “June 30, 2003” and inserting “September 30, 2011”, and

(ii) by adding at the end the following new sentence: “The amounts described in clauses (i), (ii), and (iii) shall not include any amounts which were taken into account in determining the deduction under subsection (a) for any prior taxable year.”.

(B) DETERMINATIONS RELATING TO RELATED PARTY INDEBTEDNESS.—Section 965(b)(3)(B) of such Code is amended by striking “October 3, 2004” and inserting “September 30, 2011”.

(C) APPLICABLE FINANCIAL STATEMENT.—Section 965(c)(1) of such Code is amended by striking “June 30, 2003” each place it appears and inserting “September 30, 2011”.

(D) DETERMINATIONS RELATING TO BASE PERIOD.—Section 965(c)(2) of such Code is amended by striking “June 30, 2003” and inserting “September 30, 2011”.

(b) DEDUCTION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.—

(1) IN GENERAL.—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(c) of such Code, as amended by subsection (a), is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5), as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (4) of section 965(c) of such Code, as redesignated by subparagraph (A), is amended to read as follows:

“(4) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(c) AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (1) of section 965(a) of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “75 percent”.

(2) BONUS DEDUCTION IN SUBSEQUENT TAXABLE YEAR FOR INCREASING JOBS.—Section 965 of such Code is amended by adding at the end the following new subsection:

“(g) BONUS DEDUCTION.—

“(1) IN GENERAL.—In the case of any taxpayer who makes an election to apply this section, there shall be allowed as a deduction for the first taxable year following the election year an amount equal to the applicable percentage of the cash dividends which are taken into account under subsection (a) with respect to such taxpayer for the election year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is the amount which bears the same ratio (not greater than 1) to 10 percent as—

“(A) the excess (if any) of—

“(i) the qualified payroll of the taxpayer for the calendar year which begins with or within the first taxable year following the election year, over

“(ii) the qualified payroll of the taxpayer for calendar year 2010, bears to

“(B) 10 percent of the qualified payroll of the taxpayer for calendar year 2010.”.

“(3) QUALIFIED PAYROLL.—For purposes of this paragraph:

“(A) IN GENERAL.—The term ‘qualified payroll’ means, with respect to a taxpayer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by the corporation during such calendar year.

“(B) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—

“(i) ACQUISITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer acquires the trade or business of a predecessor, then the qualified payroll of such taxpayer for any calendar year shall be increased by so much of the qualified payroll of the predecessor for such calendar year as was attributable to the trade or business acquired by the taxpayer.

“(ii) DISPOSITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer disposes of a trade or business, then—

“(I) the qualified payroll of such taxpayer for calendar year 2010 shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer, and

“(II) if the disposition occurs after the beginning of the first taxable year following the election year, the qualified payroll of such taxpayer for the calendar year which begins with or within such taxable year shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer.

“(C) SPECIAL RULE.—For purposes of determining qualified payroll for any calendar year after calendar year 2011, such term shall not include wages paid to any individual if such individual received compensation from the taxpayer for services performed—

“(i) after the date of the enactment of this paragraph, and

“(ii) at a time when such individual was not an employee of the taxpayer.”.

(3) REDUCTION FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—Paragraph (4) of section 965(b) of such Code (relating to limitations) is amended to read as follows:

“(4) REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

“(A) IN GENERAL.—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer’s prior average employment, an additional amount equal to \$75,000 multiplied by the number of employees by which the taxpayer’s average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)(1)) shall be taken into income by the taxpayer during the taxable year that includes the final day of such period.

“(B) AVERAGE EMPLOYMENT LEVEL.—For purposes of this paragraph, the taxpayer’s average employment level for a period shall be the average number of full-time United States employees of the taxpayer, measured at the end of each month during the period.

“(C) PRIOR AVERAGE EMPLOYMENT.—For purposes of this paragraph, the taxpayer’s ‘prior average employment’ shall be the average number of full-time United States employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1).

“(D) FULL-TIME UNITED STATES EMPLOYEE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘full-time United States employee’ means an individual who provides services in the United States as a full-time employee, based on the employer’s standards and practices; except that regardless of the employer’s classification of the employee, an employee whose normal schedule is 40 hours or more per week is considered a full-time employee.

“(ii) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—Such term does not include—

“(I) any individual who was an employee, on the date of acquisition, of any trade or business acquired by the taxpayer during the 24-month period referred to in subparagraph (A), and

“(II) any individual who was an employee of any trade or business disposed of by the taxpayer during the 24-month period referred to in subparagraph (A) or the 24-month period referred to in subparagraph (C).

“(E) AGGREGATION RULES.—In determining the taxpayer’s average employment level and prior average employment, all domestic members of a controlled group shall be treated as a single taxpayer.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 1923. Mr. MCCAIN (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —FOREIGN EARNINGS
REINVESTMENT**

SEC. 01. SHORT TITLE.

This title may be cited as the “Foreign Earnings Reinvestment Act”.

SEC. —. ALLOWANCE OF TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM A CONTROLLED FOREIGN CORPORATION.

(a) APPLICABILITY OF PROVISION.—

(1) IN GENERAL.—Subsection (f) of section 965 is amended to read as follows:

“(f) ELECTION; ELECTION YEAR.—

“(1) IN GENERAL.—The taxpayer may elect to apply this section to—

“(A) the taxpayer’s last taxable year which begins before the date of the enactment of the Foreign Earnings Reinvestment Act, or

“(B) the taxpayer’s first taxable year which begins during the 1-year period beginning on such date.

Such election may be made for a taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.

“(C) ELECTION YEAR.—For purposes of this section, the term ‘election year’ means the taxable year—

“(i) which begins after the date that is one year before the date of the enactment of the Foreign Earnings Reinvestment Act, and

“(ii) to which the taxpayer elects under paragraph (1) to apply this section.”.

(2) CONFORMING AMENDMENTS.—

(A) EXTRAORDINARY DIVIDENDS.—Section 965(b)(2) of such Code is amended—

(i) by striking “June 30, 2003” and inserting “September 30, 2011”, and

(ii) by adding at the end the following new sentence: “The amounts described in clauses (i), (ii), and (iii) shall not include any amounts which were taken into account in determining the deduction under subsection (a) for any prior taxable year.”.

(B) DETERMINATIONS RELATING TO RELATED PARTY INDEBTEDNESS.—Section 965(b)(3)(B) of such Code is amended by striking “October 3, 2004” and inserting “September 30, 2011”.

(C) APPLICABLE FINANCIAL STATEMENT.—Section 965(c)(1) of such Code is amended by striking “June 30, 2003” each place it appears and inserting “September 30, 2011”.

(D) DETERMINATIONS RELATING TO BASE PERIOD.—Section 965(c)(2) of such Code is amended by striking “June 30, 2003” and inserting “September 30, 2011”.

(b) DEDUCTION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.—

(1) IN GENERAL.—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(c) of such Code, as amended by subsection (a), is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5), as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (4) of section 965(c) of such Code, as redesignated by subparagraph (A), is amended to read as follows:

“(4) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(c) AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (1) of section 965(a) of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “75 percent”.

(2) BONUS DEDUCTION IN SUBSEQUENT TAXABLE YEAR FOR INCREASING JOBS.—Section 965 of such Code is amended by adding at the end the following new subsection:

“(g) BONUS DEDUCTION.—

“(1) IN GENERAL.—In the case of any taxpayer who makes an election to apply this section, there shall be allowed as a deduction for the first taxable year following the election year an amount equal to the applicable percentage of the cash dividends which are taken into account under subsection (a) with respect to such taxpayer for the election year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is the amount which bears the same ratio (not greater than 1) to 10 percent as—

“(A) the excess (if any) of—

“(i) the qualified payroll of the taxpayer for the calendar year which begins with or within the first taxable year following the election year, over

“(ii) the qualified payroll of the taxpayer for calendar year 2010, bears to

“(B) 10 percent of the qualified payroll of the taxpayer for calendar year 2010.”.

“(3) QUALIFIED PAYROLL.—For purposes of this paragraph:

“(A) IN GENERAL.—The term ‘qualified payroll’ means, with respect to a taxpayer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by the corporation during such calendar year.

“(B) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—

“(i) ACQUISITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer acquires the trade or business of a predecessor, then the qualified payroll of such taxpayer for any calendar year shall be increased by so much of the qualified payroll of the predecessor for such calendar year as was attributable to the trade or business acquired by the taxpayer.

“(ii) DISPOSITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer disposes of a trade or business, then—

“(I) the qualified payroll of such taxpayer for calendar year 2010 shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer, and

“(II) if the disposition occurs after the beginning of the first taxable year following the election year, the qualified payroll of such taxpayer for the calendar year which begins with or within such taxable year shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer.

“(C) SPECIAL RULE.—For purposes of determining qualified payroll for any calendar year after calendar year 2011, such term shall not include wages paid to any individual if such individual received compensation from the taxpayer for services performed—

“(i) after the date of the enactment of this paragraph, and

“(ii) at a time when such individual was not an employee of the taxpayer.”.

(3) REDUCTION FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—Paragraph (4) of section 965(b) of such Code (relating to limitations) is amended to read as follows:

“(4) REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

“(A) IN GENERAL.—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer’s prior average employment, an additional amount equal to \$75,000 multiplied by the number of employees by which the taxpayer’s average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)(1)) shall be taken into income by the taxpayer during the taxable year that includes the final day of such period.

“(B) AVERAGE EMPLOYMENT LEVEL.—For purposes of this paragraph, the taxpayer’s average employment level for a period shall be the average number of full-time United States employees of the taxpayer, measured at the end of each month during the period.

“(C) PRIOR AVERAGE EMPLOYMENT.—For purposes of this paragraph, the taxpayer’s ‘prior average employment’ shall be the average number of full-time United States employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in

which the taxpayer first receives a distribution described in subsection (a)(1).

“(D) FULL-TIME UNITED STATES EMPLOYEE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘full-time United States employee’ means an individual who provides services in the United States as a full-time employee, based on the employer’s standards and practices; except that regardless of the employer’s classification of the employee, an employee whose normal schedule is 40 hours or more per week is considered a full-time employee.

“(ii) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—Such term does not include—

“(I) any individual who was an employee, on the date of acquisition, of any trade or business acquired by the taxpayer during the 24-month period referred to in subparagraph (A), and

“(II) any individual who was an employee of any trade or business disposed of by the taxpayer during the 24-month period referred to in subparagraph (A) or the 24-month period referred to in subparagraph (C).

“(E) AGGREGATION RULES.—In determining the taxpayer’s average employment level and prior average employment, all domestic members of a controlled group shall be treated as a single taxpayer.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 1924. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1884 submitted by Mr. MERKLEY (for himself, Mr. BENNET, and Mr. BROWN of Massachusetts) and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 1, strike line 2 and all that follows through page 24, line 14 and insert the following:

SEC. 301. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

“(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

“(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

“(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

“(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

“(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

“(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

“(D) the issuer complies with the requirements of section 4A(b).”.

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

“SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

“(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

“(1) register with the Commission as—

“(A) a broker; or

“(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

“(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

“(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

“(4) ensure that each investor—

“(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

“(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

“(C) answers questions demonstrating—

“(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

“(ii) an understanding of the risk of illiquidity; and

“(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

“(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

“(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

“(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

“(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

“(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

“(10) not compensate promoters, finders, or lead generators for providing the broker or

funding portal with the personal identifying information of any potential investor;

“(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

“(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

“(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

“(A) the name, legal status, physical address, and website address of the issuer;

“(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

“(C) a description of the business of the issuer and the anticipated business plan of the issuer;

“(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer under section 4(6) within the preceding 12-month period, have, in the aggregate, targeted offering amounts of—

“(i) \$100,000 or less—

“(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

“(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;

“(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

“(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

“(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

“(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

“(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

“(H) a description of the ownership and capital structure of the issuer, including—

“(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

“(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

“(iii) the name and ownership level of each existing shareholder who owns more than 20

percent of any class of the securities of the issuer;

“(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

“(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

“(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

“(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

“(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

“(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

“(5) comply with such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—

“(1) ACTIONS AUTHORIZED.—

“(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

“(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

“(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—

“(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

“(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

“(3) DEFINITION.—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and

the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

“(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.

“(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—

“(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

“(A) to the issuer of the securities;

“(B) to an accredited investor;

“(C) as part of an offering registered with the Commission; or

“(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

“(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

“(f) APPLICABILITY.—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—

“(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

“(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;

“(3) is an investment company, as defined in section 3 of the Investment Company Act of 1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

“(4) the Commission, by rule or regulation, determines appropriate.

“(g) RULE OF CONSTRUCTION.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).

“(h) CERTAIN CALCULATIONS.—

“(1) DOLLAR AMOUNTS.—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(2) INCOME AND NET WORTH.—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”

(c) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying

out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) DISQUALIFICATION.—

(1) IN GENERAL.—Not later than 271 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) INCLUSIONS.—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 302. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) EXEMPTION.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”

(b) RULEMAKING.—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 303. FUNDING PORTAL REGULATION.

(a) EXEMPTION.—

(1) IN GENERAL.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) LIMITED EXEMPTION FOR FUNDING PORTALS.—

“(1) IN GENERAL.—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the

requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”

(2) RULEMAKING.—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) DEFINITION.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(80) FUNDING PORTAL.—The term ‘funding portal’ means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”

SEC. 304. RELATIONSHIP WITH STATE LAW.

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the fol-

lowing: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”

(c) NOTICE FILINGS PERMITTED.—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) FEES NOT PERMITTED ON CROWDFUNDED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”

(d) FUNDING PORTALS.—

(1) STATE EXEMPTIONS AND OVERSIGHT.—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) FUNDING PORTALS.—

“(A) LIMITATION ON STATE LAWS.—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) EXAMINATION AND ENFORCEMENT AUTHORITY.—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

SA 1925. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1884 submitted by Mr. MERKLEY (for himself, Mr. BENNET, and Mr. BROWN of Massachusetts) and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 1, strike line 2 and all that follows through page 24, line 14 and insert the following:

SEC. 301. SHORT TITLE.

This title may be cited as the “Capital Raising Online While Deterring Fraud and

Unethical Non-Disclosure Act of 2012” or the “CROWDFUND Act”

SEC. 302. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

“(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

“(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

“(B) the aggregate amount sold to any investor by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

“(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

“(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

“(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

“(D) the issuer complies with the requirements of section 4A(b).”

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

“SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

“(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

“(1) register with the Commission as—

“(A) a broker; or

“(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

“(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

“(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

“(4) ensure that each investor—

“(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

“(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

“(C) answers questions demonstrating—

“(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

“(ii) an understanding of the risk of illiquidity; and

“(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

“(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check

on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

“(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

“(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

“(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

“(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

“(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

“(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

“(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

“(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

“(A) the name, legal status, physical address, and website address of the issuer;

“(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

“(C) a description of the business of the issuer and the anticipated business plan of the issuer;

“(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer under section 4(6) within the preceding 12-month period, have, in the aggregate, target offering amounts of—

“(i) \$100,000 or less—

“(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

“(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;

“(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

“(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

“(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

“(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

“(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

“(H) a description of the ownership and capital structure of the issuer, including—

“(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

“(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

“(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

“(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

“(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

“(1) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

“(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

“(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

“(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

“(5) comply with such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—

“(1) ACTIONS AUTHORIZED.—

“(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration

paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

“(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

“(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—

“(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

“(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

“(3) DEFINITION.—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

“(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.

“(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—

“(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

“(A) to the issuer of the securities;

“(B) to an accredited investor;

“(C) as part of an offering registered with the Commission; or

“(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

“(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

“(f) APPLICABILITY.—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—

“(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

“(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;

“(3) is an investment company, as defined in section 3 of the Investment Company Act of 1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

“(4) the Commission, by rule or regulation, determine appropriate.”

“(g) **RULE OF CONSTRUCTION.**—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).”

“(h) **CERTAIN CALCULATIONS.**—

“(1) **DOLLAR AMOUNTS.**—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(2) **INCOME AND NET WORTH.**—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”

(c) **RULEMAKING.**—Not later than 271 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) **DISQUALIFICATION.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) **INCLUSIONS.**—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the pur-

chase or sale of any security or involving the making of any false filing with the Commission.

SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) **EXEMPTION.**—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) **EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.**—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”

(b) **RULEMAKING.**—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) **EXEMPTION.**—

(1) **IN GENERAL.**—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) **LIMITED EXEMPTION FOR FUNDING PORTALS.**—

“(1) **IN GENERAL.**—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) **NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.**—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”

(2) **RULEMAKING.**—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) **DEFINITION.**—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(80) **FUNDING PORTAL.**—The term ‘funding portal’ means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”

SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) **IN GENERAL.**—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”

(b) **CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) **CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.**—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”

(c) **NOTICE FILINGS PERMITTED.**—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) **FEEES NOT PERMITTED ON CROWDFUNDED SECURITIES.**—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”

(d) **FUNDING PORTALS.**—

(1) **STATE EXEMPTIONS AND OVERSIGHT.**—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) **FUNDING PORTALS.**—

“(A) **LIMITATION ON STATE LAWS.**—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) **EXAMINATION AND ENFORCEMENT AUTHORITY.**—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is

located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

SA 1926. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1884 submitted by Mr. MERKLEY (for himself, Mr. BENNET, and Mr. BROWN of Massachusetts) and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE III—CROWDFUNDING

SEC. 301. SHORT TITLE.

This title may be cited as the “Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012” or the “CROWDFUND Act of 2012”.

SEC. 302. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

“(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

“(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

“(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

“(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

“(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

“(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

“(D) the issuer complies with the requirements of section 4A(b).”.

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

“SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

“(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

“(1) register with the Commission as—

“(A) a broker; or

“(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

“(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

“(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

“(4) ensure that each investor—

“(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

“(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

“(C) answers questions demonstrating—

“(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

“(ii) an understanding of the risk of illiquidity; and

“(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

“(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

“(6) not later than 20 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

“(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

“(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

“(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

“(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

“(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

“(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

“(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

“(A) the name, legal status, physical address, and website address of the issuer;

“(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

“(C) a description of the business of the issuer and the anticipated business plan of the issuer;

“(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer under section 4(6) within the preceding 12-month period, have, in the aggregate, target offering amounts of—

“(i) \$100,000 or less—

“(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

“(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;

“(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

“(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

“(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

“(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

“(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

“(H) a description of the ownership and capital structure of the issuer, including—

“(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

“(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

“(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

“(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

“(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

“(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

“(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

“(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

“(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

“(5) comply with such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(c) **LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.**—

“(1) **ACTIONS AUTHORIZED.**—

“(A) **IN GENERAL.**—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

“(B) **LIABILITY.**—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

“(2) **APPLICABILITY.**—An issuer shall be liable in an action under paragraph (1), if the issuer—

“(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

“(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

“(3) **DEFINITION.**—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

“(d) **INFORMATION AVAILABLE TO STATES.**—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like

functions) of each State and territory of the United States and the District of Columbia.

“(e) **RESTRICTIONS ON SALES.**—Securities issued pursuant to a transaction described in section 4(6)—

“(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

“(A) to the issuer of the securities;

“(B) to an accredited investor;

“(C) as part of an offering registered with the Commission; or

“(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

“(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

“(f) **APPLICABILITY.**—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—

“(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

“(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;

“(3) is an investment company, as defined in section 3 of the Investment Company Act of 1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

“(4) the Commission, by rule or regulation, determines appropriate.

“(g) **RULE OF CONSTRUCTION.**—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).

“(h) **CERTAIN CALCULATIONS.**—

“(1) **DOLLAR AMOUNTS.**—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(2) **INCOME AND NET WORTH.**—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”

(c) **RULEMAKING.**—Not later than 271 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) **DISQUALIFICATION.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) **INCLUSIONS.**—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) **EXEMPTION.**—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) **EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.**—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”

(b) **RULEMAKING.**—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) **EXEMPTION.**—

(1) **IN GENERAL.**—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) **LIMITED EXEMPTION FOR FUNDING PORTALS.**—

“(1) **IN GENERAL.**—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) **NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.**—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the

Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”.

(2) **RULEMAKING.**—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) **DEFINITION.**—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(80) **FUNDING PORTAL.**—The term ‘funding portal’ means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”.

SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) **IN GENERAL.**—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”.

(b) **CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) **CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.**—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”.

(c) **NOTICE FILINGS PERMITTED.**—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) **FEEES NOT PERMITTED ON CROWDFUNDED SECURITIES.**—Notwithstanding subparagraphs

(A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(d) **FUNDING PORTALS.**—

(1) **STATE EXEMPTIONS AND OVERSIGHT.**—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) **FUNDING PORTALS.**—

“(A) **LIMITATION ON STATE LAWS.**—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) **EXAMINATION AND ENFORCEMENT AUTHORITY.**—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) **DEFINITION.**—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(2) **STATE FRAUD AUTHORITY.**—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

SA 1927. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1884 submitted by Mr. MERKLEY (for himself, Mr. BENNET, and Mr. BROWN of Massachusetts) and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 1, strike line 2 and all that follows through page 24, line 14 and insert the following:

SEC. 301. SHORT TITLE.

This title may be cited as the “Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012” or the “CROWDFUND Act”.

SEC. 302. CROWDFUNDING EXEMPTION.

(a) **SECURITIES ACT OF 1933.**—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

“(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

“(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

“(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

“(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

“(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

“(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

“(D) the issuer complies with the requirements of section 4A(b).”.

(b) **REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.**—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

“SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

“(a) **REQUIREMENTS ON INTERMEDIARIES.**—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

“(1) register with the Commission as—

“(A) a broker; or

“(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

“(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

“(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

“(4) ensure that each investor—

“(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

“(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

“(C) answers questions demonstrating—

“(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

“(ii) an understanding of the risk of illiquidity; and

“(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

“(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

“(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

“(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering

amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

“(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

“(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

“(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

“(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

“(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

“(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

“(A) the name, legal status, physical address, and website address of the issuer;

“(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

“(C) a description of the business of the issuer and the anticipated business plan of the issuer;

“(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer under section 4(6) within the preceding 12-month period, have, in the aggregate, targeted offering amounts of—

“(i) \$100,000 or less—

“(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

“(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;

“(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

“(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

“(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

“(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

“(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

“(H) a description of the ownership and capital structure of the issuer, including—

“(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

“(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

“(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

“(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

“(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

“(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

“(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

“(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

“(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

“(5) comply with such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—

“(1) ACTIONS AUTHORIZED.—

“(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

“(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

“(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—

“(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral commu-

nication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

“(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

“(3) DEFINITION.—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

“(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.

“(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—

“(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

“(A) to the issuer of the securities;

“(B) to an accredited investor;

“(C) as part of an offering registered with the Commission; or

“(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

“(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

“(f) APPLICABILITY.—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—

“(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

“(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;

“(3) is an investment company, as defined in section 3 of the Investment Company Act of 1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

“(4) the Commission, by rule or regulation, determines appropriate.

“(g) RULE OF CONSTRUCTION.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).

“(h) CERTAIN CALCULATIONS.—

“(1) DOLLAR AMOUNTS.—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(2) INCOME AND NET WORTH.—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”

(c) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) DISQUALIFICATION.—

(1) IN GENERAL.—Not later than 271 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) INCLUSIONS.—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) EXEMPTION.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”

(b) RULEMAKING.—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) EXEMPTION.—

(1) IN GENERAL.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) LIMITED EXEMPTION FOR FUNDING PORTALS.—

“(1) IN GENERAL.—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”

(2) RULEMAKING.—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) DEFINITION.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(80) FUNDING PORTAL.—The term ‘funding portal’ means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”

SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering require-

ments, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”

(c) NOTICE FILINGS PERMITTED.—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) FEES NOT PERMITTED ON CROWDFUNDED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”

(d) FUNDING PORTALS.—

(1) STATE EXEMPTIONS AND OVERSIGHT.—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) FUNDING PORTALS.—

“(A) LIMITATION ON STATE LAWS.—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) EXAMINATION AND ENFORCEMENT AUTHORITY.—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

SA 1928. Mr. MERKLEY submitted an amendment intended to be proposed to

amendment SA 1884 submitted by Mr. MERKLEY (for himself, Mr. BENNET, and Mr. BROWN of Massachusetts) and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 1, strike line 6 and all that follows through page 24, line 14 and insert the following: “of 212” or the ‘CROWDFUND Act of 2012’.

SEC. 302. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

“(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

“(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

“(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

“(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

“(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

“(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

“(D) the issuer complies with the requirements of section 4A(b).”.

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

“SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

“(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

“(1) register with the Commission as—

“(A) a broker; or

“(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

“(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

“(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

“(4) ensure that each investor—

“(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

“(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

“(C) answers questions demonstrating—

“(i) an understanding of the level of risk generally applicable to investments in

startups, emerging businesses, and small issuers;

“(ii) an understanding of the risk of illiquidity; and

“(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

“(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

“(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

“(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

“(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

“(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

“(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

“(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

“(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

“(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

“(A) the name, legal status, physical address, and website address of the issuer;

“(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

“(C) a description of the business of the issuer and the anticipated business plan of the issuer;

“(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer under section 4(6) within the preceding 12-month period, have, in the aggregate, target offering amounts of—

“(i) \$100,000 or less—

“(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

“(II) financial statements of the issuer, which shall be certified by the principal ex-

ecutive officer of the issuer to be true and complete in all material respects;

“(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

“(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

“(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

“(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

“(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

“(H) a description of the ownership and capital structure of the issuer, including—

“(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

“(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

“(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

“(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

“(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

“(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

“(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

“(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

“(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

“(5) comply with such other requirements as the Commission may, by rule, prescribe,

for the protection of investors and in the public interest.

“(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—

“(1) ACTIONS AUTHORIZED.—

“(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

“(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

“(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—

“(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

“(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

“(3) DEFINITION.—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

“(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.

“(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—

“(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

“(A) to the issuer of the securities;

“(B) to an accredited investor;

“(C) as part of an offering registered with the Commission; or

“(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

“(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

“(f) APPLICABILITY.—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—

“(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

“(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;

“(3) is an investment company, as defined in section 3 of the Investment Company Act of 1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

“(4) the Commission, by rule or regulation, determines appropriate.

“(g) RULE OF CONSTRUCTION.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).

“(h) CERTAIN CALCULATIONS.—

“(1) DOLLAR AMOUNTS.—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(2) INCOME AND NET WORTH.—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”

(c) RULEMAKING.—Not later than 271 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) DISQUALIFICATION.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) INCLUSIONS.—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) EXEMPTION.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”

(b) RULEMAKING.—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) EXEMPTION.—

(1) IN GENERAL.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) LIMITED EXEMPTION FOR FUNDING PORTALS.—

“(1) IN GENERAL.—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”

(2) RULEMAKING.—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) DEFINITION.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(80) FUNDING PORTAL.—The term ‘funding portal’ means any person acting as an intermediary in a transaction involving the offer

or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”.

SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”.

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”.

(c) NOTICE FILINGS PERMITTED.—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) FEES NOT PERMITTED ON CROWDFUNDED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(d) FUNDING PORTALS.—

(1) STATE EXEMPTIONS AND OVERSIGHT.—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) FUNDING PORTALS.—

“(A) LIMITATION ON STATE LAWS.—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) EXAMINATION AND ENFORCEMENT AUTHORITY.—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

SA 1929. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1848 submitted by Mr. LAUTENBERG and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page strike line 3 and all that follows through page 3, line 2 and insert the following:

SEC. 304. OCCURRENCE OF FRAUD.

(a) REPORT ON OCCURRENCE OF FRAUD.—

(1) IN GENERAL.—The Commission shall, once every 2 years, beginning on the date of enactment of this Act, submit a report to Congress which includes an affirmative finding that the amount of fraud related to issuances made pursuant to section 4(6) of the Securities Act of 1933, as amended by this title, was not excessive during the reporting period.

(2) FINDING OF EXCESSIVE FRAUD.—If the Commission finds that the amount of fraud related to issuances made pursuant to section 4(6) of the Securities Act of 1933, as amended by this title, was excessive during the reporting period, the Commission shall—

(A) report such finding to the Congress, together with the reports required by this section; and

(B) initiate a rulemaking pursuant to subsection (b).

(b) RULEMAKING.—

(1) IN GENERAL.—If the Commission makes a finding of excessive fraud, as described in subsection (a)(2), the Commission shall amend its rules issued, amended, or enforced under this title, as necessary to reduce the incidence of fraud related to crowdfunding exemptions provided under this title.

(2) TIMING.—Amended rules shall be issued under paragraph (1) as interim final rules not later than 30 days after a finding by the Commission of excessive fraud, with public comments accepted for 31 days after the date of publication of the interim final rules.

SA 1930. Mr. MERKLEY submitted an amendment intended to be proposed to

amendment SA 1884 submitted by Mr. MERKLEY (for himself, Mr. BENNET, and Mr. BROWN of Massachusetts) and intended to be proposed to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 20, line 1, strike “270” and insert “271”.

SA 1931. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following: “The Commission shall revise the definition of the term ‘held of record’ pursuant to section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) to include beneficial owners of such class of securities.”.

SA 1932. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 37, line 21, strike “may” and insert “shall”.

SA 1933. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

On page 39, line 5, strike “may” and insert “shall”.

SA 1934. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR ENTITIES THAT ARE CONTROLLED BY FOREIGN GOVERNMENTS.

Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States may not provide any financing (including any guarantee, insurance, extension of credit, or participation in the extension of credit) to an entity—

(1) in which a foreign government holds interests representing at least 50 percent of the capital structure of the entity or otherwise holds a controlling interest in the capital structure of the entity; or

(2) that is otherwise controlled in effect by a foreign government.

SA 1935. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 817. NEGOTIATIONS TO SUBSTANTIALLY REDUCE SUBSIDIES FOR AIRCRAFT FINANCING.

(a) IN GENERAL.—The President shall initiate and pursue negotiations with all countries that finance large air carrier aircraft with funds from a state-sponsored entity, to substantially reduce export credit financing for the aircraft, with the ultimate goal of eliminating financing for the aircraft by state-sponsored entities. Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of the negotiations until the President certifies in writing to the committees that all countries that finance large air carrier aircraft with funds from a state-sponsored entity have agreed to end the financing with funds from such an entity.

(b) LARGE AIR CARRIER AIRCRAFT DEFINED.—In subsection (a), the term “large air carrier aircraft”, means an aircraft designed to hold seats for at least 31 passengers.

SA 1936. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following: “The rules shall include the terms and conditions relating to the forms of permissible solicitation and advertising.”.

SA 1937. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)) to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:
SEC. 602. THRESHOLD FOR REGISTRATION.

Section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(1)) is amended by striking “shall—” and all that follows through “register such” and inserting “shall, not later than 120 days after the last day of any fiscal year of the issuer on which the issuer has total assets exceeding \$10,000,000 and a class of equity securities (other than an exempted security) held of record by 750 or more persons (or, in the case of an issuer that is a bank or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), by 2,000 or more persons), register such”.

SA 1938. Ms. AYOTTE submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FIDUCIARY EXCLUSION.

Section 3(21)(A) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(21)(A)) is amended by inserting “and except to the extent a person is providing an appraisal or fairness opinion with respect to qualifying employer securities (as defined in section 407(d)(5)) included in an employee stock ownership plan (as defined in section 407(d)(6)),” after “subparagraph (B),”.

SA 1939. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ____ . NATIONAL RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “; *Provided, That*” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3)”;

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 1940. Mr. REID proposed an amendment to the bill S. 2038, to prohibit Members of Congress and employ-

ees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 5 days after enactment.

SA 1941. Mr. REID proposed an amendment to amendment SA 1940 proposed by Mr. REID to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

SA 1942. Mr. REID proposed an amendment to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 3 days after enactment.

SA 1943. Mr. REID proposed an amendment to amendment SA 1942 proposed by Mr. REID to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 1944. Mr. REID proposed an amendment to amendment SA 1943 proposed by Mr. REID to the amendment SA 1942 proposed by Mr. REID to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 20, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 20, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 20, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 20, 2012, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 20, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT
AND THE COURTS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on March 20, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Looming Student Debt Crisis: Providing Fairness for Struggling Students."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS,
SAFETY, AND SECURITY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 20, 2012, at 2:45 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Commercial Airline Safety Oversight."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR
SAFETY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 20, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, "Oversight, Review of the Environmental Protection Agency's Mercury and Air Toxics Standards (MATS) for Power Plants."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND
CAPABILITIES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on March 20, 2012, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISCAL RESPONSIBILITY AND
ECONOMIC GROWTH

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Responsibility and Economic Growth of the Committee on Finance be authorized to meet during the session of the Senate on March 20, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tax Fraud by Identity Theft, Part 2: Status, Progress, and Potential Solutions."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on March 20, 2012, at 2:30 p.m. to conduct a hearing entitled, "A Review of the Office of Special Counsel and the Merit Systems Protection Board."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jenna Nizamoff and Madeline Shepherd be granted the privilege of the floor during the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH
21, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow, March 21 at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for an hour; that during that period of time, Senators be allowed to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the final half, the majority the first half; that following morning business, the Senate resume consideration of H.R. 3606; finally, that the time from 2:30 p.m. until 3 p.m. be as in morning business to acknowledge the milestone reached by Senator BARBARA MIKULSKI of Maryland as the longest serving woman in Congress in the history of our country.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:21 p.m., adjourned until Wednesday, March 21, 2012, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, March 20, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TIPTON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 20, 2012.

I hereby appoint the Honorable SCOTT R. TIPTON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

CRACKDOWN ON CUBAN DISSIDENTS AND POPE'S VISIT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, in the last year we have witnessed dramatic changes in the Middle East and north Africa. There was vast media coverage detailing the brutality of oppressors like Assad in Syria. Yet very little has been said about the escalation of violence against Cuba's internal opposition, a peaceful group that is being attacked by Castro tyrants and their agents of terror, as we can see in these photos in this poster right next to me, and they're operating just 90 miles from U.S. shores.

But there is an opportunity to correct this wrong, to join forces and shed light on the systematic abuses against freedom-loving Cubans, and to call on Pope Benedict XVI as he prepares to visit the island gulag to publicly support the aspirations of the enslaved Cuban people to exercise their God-given rights.

The Cuban dictatorship has ramped up its use of short-term detentions in

order to intimidate and silence the voices of these brave Cubans; and you see here the Ladies in White, and I will explain who they are. They're standing up against tyranny and oppression.

The Castro regime has continued its assault on fundamental freedoms, including the freedom of religion and the freedom of speech. The Cuban people are reminded daily that no dissent is ever allowed as they live under constant threat and surveillance by Cuban state security forces. Regime sympathizers and security forces have actually barred opposition leaders from leaving their homes and have violently attacked other peaceful, pro-democracy protesters on the streets.

Just 48 hours ago, the Castro regime detained about 70 members of the peaceful Ladies in White movement, including 18 women who were arrested in Havana on their way to mass. Berta Soler, an important leader in Ladies in White, was detained during the crackdown.

The Ladies in White, as we can see here, they're a peaceful group, founded by wives, mothers, and daughters of political prisoners who have suffered in Castro's gulags. These ladies are advocates of freedom; and by silently marching as they do through the streets, they convey a powerful message of peace and a voice for all the oppressed. The Ladies in White have expressed their interest in meeting with the Pope during his visit next week but have not been able to confirm that meeting.

A few days ago, 13 members of Cuba's opposition staged a peaceful sit-in at a Catholic church in Havana to call attention to their request for Pope Benedict XVI to meet with pro-democracy advocates during his visit to the island. Reports indicate that Castro agents forcibly removed these human rights defenders from the church, detained them, and subjected them to severe interrogation.

It is my hope, Mr. Speaker, that Pope Benedict will meet with these brave dissidents—as you can see in this new poster, they were dragged through the streets—and shine a light on the struggles of the Cuban people who are living under the rule of the oppressive Castro brothers.

I urge the Catholic church to express its support and solidarity with the internal peaceful opposition and hear the voices of the dissidents who are yearning for freedom. As you can see here, they're being attacked; they're dragged through the streets in Cuba.

The passionate struggle of the internal opposition will not be deterred by the abuses that are occurring daily at the hands of the Castro regime. These recent crackdowns by the regime illustrate its fear, its paranoia, its concern that the Cuban people are no longer afraid of the regime and are demanding a democratic change on the island.

The citizens of Cuba are denied basic human rights by the Castro regime, including the freedom of speech, freedom of assembly, and due process of law. These fundamental freedoms should not be reserved for the citizens of some countries while denied to those in other nations.

I urge free nations, responsible nations, to condemn the recent action by the Castro brothers, as shown here, to speak out against the atrocities that are committed daily in Cuba, and to reaffirm unconditional support for the Cuban people who seek to break free from the shackles of the Castro tyranny.

THE PRICE OF WAR IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I rise today to ask the American people to consider the price of the Afghan war, not only its unsustainable financial toll, but also the psychological cost to those on the front lines as well as those here at home, because this war, fought on the ground by a tiny percentage of Americans and largely ignored by the greater majority of us, nonetheless, has had powerful effects on each one of us.

In the past 3 months, there have been several high-profile incidents in Afghanistan that have forced us to reflect on the mental state of the men and women who put their lives on the line every day in Afghanistan.

In January, four soldiers in combat gear urinated on three bloodied corpses. In February, American soldiers burned copies of the Koran, which triggered 6 days of riots across Afghanistan. And this month, a soldier went on a murderous rampage in Kandahar province, killing 16 Afghans, including nine children. These events have shocked us, but they remain remote to most of us.

I want to talk today about what this war has done to our national psyche, that is, our sense of connectedness to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

one another and our sense of mutual obligation to this country.

The war in Afghanistan is being fought primarily by a small group from the Army and Marine Corps who serve multiple tours because we do not have adequate replacements for them. This has allowed most of us to disengage ourselves from the terror, the suffering and despair endured by those who are sent to war. Retired General Robert Scales wrote in the Washington Post last week: "We are fighting too many wars with too few soldiers." He's right.

More than 100,000 of our soldiers have been deployed three or more times since 9/11. Many of them are overused, exhausted, demoralized, and unprepared to come home to a country that has little personal investment in the war and does not fully understand its objectives. Is it fair or reasonable to send these courageous citizens to war four, five, and six times?

I was a doctor who treated combat soldiers returning from Vietnam, and I know that no one escapes multiple tours of combat duty without trauma. There have been almost 100,000 new cases of PTSD among our servicemembers since 9/11. The military suicide rate in some months has been higher than the casualty rate. We are wrong to subject such a small group—fewer than one-half of 1 percent of all Americans—to such a disproportionate share of the consequences of war.

I felt this way in 2007 when I supported fellow veteran Charlie Rangel's bill, declaring it an obligation of every American citizen between the ages of 18 and 42 to perform a 2-year period of national service either as a member of the national forces or in civilian capacity that promotes national defense in times of war. Several weeks ago, my constituent, Sergeant William Stacey, became the 399th resident from Washington State to be killed since the war on terror began following 9/11. In his letter, which soldiers write in case they die, Sergeant Stacey wrote:

My death did not change the world, but there is a greater meaning to it. There will be a child who will live because men left the security they enjoyed in their home country to come to his.

□ 1010

If more Americans sacrificed their time and energy toward our country's ideals, perhaps Sergeant Stacey's dream of a more peaceful Afghanistan could become a reality.

As the overwhelming majority of the Nation stands by while 23-year olds die in a distant war zone, our national psyche has been frayed, and our shared identity is diminished. We have become immune, immune to the traumas of war, and we have lost our sense of common purpose.

In the Vietnam War, when everybody served, you had no immunity because everybody knew somebody, but now it's not that way. We must face the

true cost of war on not only our soldiers, but ourselves and our ideals.

USING USA ENERGY TO MEET OUR NEEDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Mr. Speaker, when GenOn announced it would close its coal-fired power plant in Elrama, in my district in southwestern Pennsylvania, my community didn't just lose the 50 remaining jobs; it also lost a vital component to economic growth: affordable energy.

We should be cleaning up, not shutting down these power plants, but new regulations aimed squarely at coal, oil, and natural gas are making it harder for families to get by, for manufacturers to prosper, and making it more difficult for our country to become energy independent.

The Elrama plant is one of 57 nationwide slated to close because of a multitude of costly and unworkable EPA rules set to take effect over the next 5 years. Already utilities are preparing to retire almost 10 percent of coal power in the country. That's 25 megawatts of energy that supports 18.8 million homes.

That lost capacity, which is five times greater than what the EPA predicted it would be, is why the North American Electric Reliability Corporation is warning of blackouts and service disruptions.

The EPA's new coal regulations will cost the economy \$184 billion and 1.4 million jobs in mining, transportation, manufacturing, and power generation. Of course, the expense will be passed along to consumers. Families in my State could see about \$400 more a year in their electric bills.

And it begs the question, is the President trying to make good on his promise to bankrupt utilities that use coal?

These new costs would come at a time when higher oil prices already mean families are paying \$2,400 more per year for gasoline than they were just 3 years ago. And if gasoline approaches \$5 a gallon, the average family will pay over \$3,000 more per year. That's a couple of months worth of groceries, or college loans, or payments on a new car.

Unfortunately, instead of increasing oil supplies to bring down prices, domestic oil production on Federal lands has fallen 13 percent in the last year. The President said we have only 2 percent of the world's proven reserves, conveniently overlooking the technically recoverable oil that is under lock and key in the gulf and the shale oil States. We have more oil reserves—800 billion barrels—than Saudi Arabia.

By the way, that means for a family that makes less than \$10,000 a year,

they'll be spending 81 percent of their income on energy. For a family that makes between \$10,000 and \$30,000 a year, they'll be spending 24 percent of their income on energy.

And for every dollar of gasoline, 76 cents is tied up in crude oil. To bring down the price of gas, we don't need higher taxes on oil companies or penalties on speculators. What we need to do is send signals to the world that the United States is serious about using North American energy. We can start with building the Keystone pipeline.

Now, many of my colleagues argue that we can count on plentiful natural gas to replace the demand for coal and oil. But while deposits are being unlocked from the Marcellus shale and the Utica shales with new fracturing technologies, natural gas is also threatened with costly overregulation. Eight different Federal agencies are there to stop it. The EPA, the Departments of the Interior, Energy, Transportation, and Agriculture, the Centers for Disease Control, the Army Corps of Engineers, and the Securities and Exchange Commission are all working on new regulatory burdens.

One national energy organization predicts an EPA natural gas regulation for well sites specifically written to combat "global warming" will cut shale gas drilling by between 31 and 52 percent. That means higher energy bills to heat our homes.

With our know-how and resources in coal, natural gas and nuclear, America can still become an energy-independent Nation. That's why I introduced an all-of-the-above energy plan that wouldn't raise taxes, borrow from China, or buy from OPEC. The Infrastructure Jobs and Energy Independence Act, or H.R. 1861, expands safe offshore oil and gas exploration, creates over a million new jobs annually, and launches \$8 trillion in economic output. It dedicates a portion of its up to \$3.7 trillion in new Federal oil and gas revenues for investments in rebuilding our aging infrastructure, power generation, and grid modernization, and helps put us on a path to energy independence.

And rather than shutting down coal-fired power plants, my bill invests in the kind of cutting-edge technology being developed at the National Energy Technology Laboratory to clean up coal.

So we can either continue to build the wealth of OPEC countries that use our money to fund terrorism, nuclear weapons, and unfriendly policies, or build jobs here at home with energy independence. We can let OPEC pick the winners and losers, or make the USA the winners again. I choose the USA.

We have the energy resources to unleash prosperity, but first and only if the Federal Government gets out of the way. The Federal Government should be a partner in prosperity, not build

bureaucracies and barriers to stop our energy independence and hurt the American family.

ENDING OUR DEPENDENCE ON FOREIGN OIL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, everyone in Washington is trying to arrive at the same destination. We seek to end our dependence on foreign oil, a dependence that endangers our environment, hurts our economy, and weakens our national security.

Importantly, there is a right way to get there. That includes cracking down on oil speculators, ending Big Oil handouts, investing in public transportation and green energy, and increasing corporate average fuel economy standards.

There's also a wrong way: ransacking our coastlines for oil. But you don't have to take my word for it. You can take a page from the history books on this one. For 8 years under the previous administration, the number of oil leases on public lands almost tripled. It didn't help gas prices, which doubled in 2008, and it didn't make us energy independent.

Why not?

The simple fact is the U.S. has less than 3 percent of the world's oil reserves. No matter how much we drill in the U.S., that number is not expected to change. We will never have enough oil to satisfy domestic demand for energy. After all, we currently use 25 percent of the world's oil, and we will never have enough to sufficiently impact prices on the world market.

The U.S. Energy Information Administration has said as much, noting that increases in U.S. domestic production could be neutralized by a corresponding decrease in production among international oil producers, namely, OPEC.

What's really to blame for high gas prices? Is it a lack of domestic production of oil?

Ken Green, a resident scholar with the conservative American Enterprise Institute, doesn't think so. Ken said:

The world price is the world price. Even if we were producing 100 percent of our oil, we probably couldn't produce enough to affect the world price of oil.

Well then, who's really to blame for high gas prices? Is it this administration?

Michael Canes, the former chief economist for the oil industry's American Petroleum Institute, says otherwise:

It's not credible to blame the Obama administration's drilling policies for today's high prices.

What's really to blame for high gas prices is excessive speculation by entities that have no consumption interest in the underlying commodities and that profit by doing nothing more than forecasting price trends.

Our primary focus should be on countering the growing impact of energy speculation rather than simply promoting the oil industry's priorities of increasing domestic drilling.

Experts, including oil industry officials and investment firms, estimate that excessive oil speculation could be inflating prices by up to 30 percent. But increasing domestic drilling would impact prices by only about 1 percent, and that would happen only after a decade or more.

So then where do we go from here?

We learn from those who are reaping the economic benefits of transitioning to development within a booming green industry, countries like India and China.

Right now, in this Chamber, we neglect to consider a host of incentives for international and domestic investment in renewable energy production. Just last week a measure failed to pass the Senate that would have extended production tax credits for wind, solar, and the like.

□ 1020

At a time when we're rolling back, governments in Southeast Asia are refining targets for renewable energy expansion, extending subsidies, and dangling tax breaks. This does not a domestic competitive advantage make, and, frankly, we're better than that.

Gas prices are still below the peak they reached under the previous administration in 2008; crude oil is at \$107 a barrel today compared to \$145 a barrel back then. But listening to the news, you'd have a hard time believing these cold, hard facts.

Even if we were to drill a hole everywhere in the country we know to have oil and drain out every drop of proved reserves, we would have just enough to last us 1,094 days, just 3 years. That trickle won't ease gas prices.

Raising average fuel efficiency for cars to 60 miles per gallon by 2025 would reduce gasoline consumption by 2.8 million barrels per day by 2030. A combined investment in more efficient cars and trucks, cleaner fuels, and more transportation options for Americans could cut our oil imports in half by 2030. The administration is currently developing the next phase of standards covering vehicles sold through the model year 2025, a strong and laudable goal.

We can and must end our dependence on foreign oil, a dependence that endangers our environment, hurts our economy, and weakens our national security. We can and must do better.

TAYLOR TOWNSEND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. HARPER) for 5 minutes.

Mr. HARPER. Mr. Speaker, I rise today to acknowledge the work that

Taylor Townsend, a 19-year-old Mississippian and the reigning Miss Mississippi College, is doing to eradicate human trafficking.

Taylor is passionate about the worldwide problem of human trafficking, which has lured millions of people into forced labor. Taylor Townsend is lending her support for the Blue Heart Campaign to bring awareness to human trafficking and the exploitation of people, especially children and teenagers.

In addition to her work in building awareness worldwide with the Blue Heart Campaign, Taylor Townsend has been offering her support in the great State of Mississippi. She has promoted the passage of two bills pending before the Mississippi Legislature and is involved in educational efforts bringing awareness to Mississippians.

Mr. Speaker, young people like Taylor Townsend who volunteer their time to help make our country and world a better place should be applauded. They should give us great hope for the future.

MARCH 20, 2012—SECOND ANNIVERSARY OF THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Mr. Speaker, I stand here in the same spot where I was about 2 years ago, March 23, 2010, to celebrate the passage of one of the most important acts that this body has ever passed: the Affordable Care Act.

On March 23, we will celebrate the 2-year anniversary of that landmark decision. Of course, next week the Supreme Court will hear arguments on whether the individual mandate is permissible or not. Let us hope that the Supreme Court will act according to the law.

The Affordable Care Act will change the landscape of our Nation's health care delivery system for the better. I hosted a telephone town hall last night with my constituents on the Affordable Care Act and was joined by the Deputy Secretary of Health and Human Services, Bill Corr, to answer questions from folks in my district about how it will affect them.

We listened to comments and stories about people who have been in the doughnut hole, seniors, that cost them a lot of money. We told them about the fact some of them knew that once they go into the doughnut hole—after they spend about \$2,500 or \$2,700 and up to about \$5,000 you go into that hole—that the moneys will be paid for, for generic drugs, with a 50 percent discount because of the Affordable Care Act. That is extremely important for citizens and others with high drug prices.

Children will be able to stay on their parents' insurance, if they choose to, up to the age of 26, which didn't happen

before; and that's so important for young people and for parents to know the security that their children will be insured if they have a health care crisis.

Doctors will be able to see seniors for preventative care without cost. That's happening right now for those on Medicare and will happen for everybody in 2014 when the law goes into effect for all—mammograms, colonoscopies, shots for children, vaccinations, et cetera.

The insurance companies will no longer be able to have lifetime limits on how much people can use their insurance in case of illness.

There will be a consumer-friendly exchange where you can shop for prices for insurance and compare insurance policies to get what's best for you.

You can't arbitrarily be dropped from coverage by your insurance company simply because you get sick, and pre-existing conditions will no longer be a basis to deny somebody insurance. Already today, for children up to the age of 19, preexisting conditions cannot stop you from getting insurance.

I had polio when I was a child. I would not like to think of any child that gets an illness such as that today, whether it be diabetes or cancer or any other illness, to be denied insurance because of a preexisting condition. That, because of the Affordable Care Act, will not occur in the future in this country.

Insurance companies have taken people off of insurance because they've used too much in a year or too much in a lifetime, and that's going to stop.

The idea of getting preventative care, which Medicare provides now and all will have in the future, will lead to lower health care costs because, if you catch illnesses early, it's much more cost efficient to treat them, and lives will be saved as well.

Insurance companies are required to spend at least 80 percent of their monies on treating patients, not on executive pay, advertising, administrative costs, or other such costs to the consumer; and if they go over that in any way whatsoever, the consumer will get a rebate. Insurance companies must now publish justifications for any premium increases they are seeking of more than 10 percent on the Internet, and outside experts will evaluate whether those increases are justified. The consumer will be protected.

The doughnut hole ending, which I talked about earlier, has helped 3.6 million seniors receive discounts of \$2.1 billion, each senior saving an average of \$604.

The preventative care services I mentioned under Medicare, 32.5 million seniors have already received one or more of those preventative services; and youngsters have received them as well because they get preventative care in their vaccinations without having to have a copay, which might stop their

parent from taking them to the doctor to get those vaccinations which can prevent illnesses later.

Seniors are now receiving free annual wellness visits under Medicare, and 2.3 million seniors in traditional Medicare have already taken advantage of the new annual wellness visit.

Young adults stay on their insurance, as I mentioned; 2.5 million additional young people have gained insurance over the last year.

Paul Krugman wrote in yesterday's New York Times that what is called by the Republican Party ObamaCare—which really, if you think about it, is a good thing, Obama cares, but it's not intended to be by them as, really, Obama-RomneyCare, because the plan we adopted is based upon what Mitt Romney did in Massachusetts to make sure that the people of Massachusetts bought insurance and the burden was shared in an appropriate way.

Thank you, Mitt Romney. Thank you, President Obama. Thank you, United States American Congress.

SENSELESS DEATHS BECAUSE OF RACE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WILSON) for 5 minutes.

Ms. WILSON of Florida. Mr. Speaker, I am tired of burying young black boys. I am tired of watching them suffer at the hands of those who fear them and despise them. I'm tired of comforting mothers, fathers, grandparents, sisters, and brothers after such unnecessary, heinous crimes of violence.

In Florida, almost 3 years ago, as I served in the Florida Senate, a young black boy, Martin Lee Anderson, was beaten to death at a Florida boot camp. It was all captured on a State of Florida Corrections video and shown all over the world. Martin Lee Anderson was beaten and tortured until his lifeless body couldn't take any more, and then Martin Lee Anderson was dead at the hands of several boot camp guards—a young boy who wanted to be somebody, a young boy who was trying to turn his life around.

After they beat him to death on international TV as the world watched, over and over again, not one guard was sent to prison. Not one was even reprimanded. In fact, after we closed down every boot camp in Florida, many of the accused received promotions.

□ 1030

Well, guess what? In Florida, we have another Martin, Trayvon Martin. Trayvon Martin was shot to death by a renegade wannabe policeman neighborhood watchman.

Trayvon Martin lived in Miami, Florida, in District 17, my congressional district.

Trayvon, a 140-pound young black boy, 17 years old, was just trying to

live and reach 18. In spite of that, the accused killer, George Zimmerman, has not been charged and is using the term of self-defense.

The 911 audiotapes tell it all. They tell the story of the last moments of Trayvon Martin's life, just as the videotapes told so visibly the story of Martin Lee Anderson's last moments. Trayvon was running for his life. He was screaming for help, fighting for his life, and then he was murdered, shot dead.

Today I applaud the Florida Department of Law Enforcement, the FBI, and the Federal Department of Justice for their intervention. I encourage the citizens of Florida and the citizens from around the world to continue to fight for justice for Trayvon Martin. Justice must be served. No more racial profiling. I'm tired of fighting when the evidence is so clear, so transparent.

Twenty years ago while serving as a school board member, I founded the 5000 Role Models of Excellence Project. It is a million-dollar nationally recognized and honored foundation that specifically addresses the trials and tribulations of young black boys and sends them to college. It impacts almost 20,000 young men throughout Florida.

In spite of that, we still have to march and demonstrate and write letters and protest and fight and have prayer vigils and sue and sit in just to be heard. No more. No more, Florida. No more, America. No more hiding your criminal racial profiling by using self-defense to get away with murder.

Stand up for Trayvon Martin. Stand up for justice. Stand up for our children. I'm tired, tired, tired of burying young black boys.

THE AFFORDABLE CARE ACT IS MAKING A DIFFERENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, the Affordable Care Act is styled such for a reason. Let us look back to 2009, at the time we embarked upon passing the Affordable Care Act. At that time in 2009, we were spending \$2.5 trillion per year on health care—\$2.5 trillion. That is a lot of money, and it is very difficult to understand \$2.5 trillion. Well, \$2.5 trillion is \$79,000 per second. That's what we were spending on health care, \$79,000 per second. I'll be quite candid with you: these numbers are so huge that sometimes I do confuse them myself. That's \$79,000 per second.

We were spending 17.6 percent of GDP on health care. It was projected that by 2018, we would be spending \$4.4 trillion per year on health care. That would be \$139,000 per second. As I said, big numbers. It's hard to always get them correct because they are so huge and they can be confusing. That's \$139,000 per second.

We had 45,000 persons per year dying because they didn't have proper health care. We had 21 million people who were working full time and did not have insurance. That is 21 million people. In my State of Texas, 6 million people were uninsured. Twenty percent of the State's children were uninsured. In Harris County in my State of Texas, 1.1 million people were uninsured.

It was time for this Congress to act, and act we did. By passing the Affordable Care Act, we have reduced the cost of health care over the long term. It doesn't happen immediately, because the rising cost, as I've explained to you, was exponentially huge. It was almost unimaginable. To bring it down doesn't mean it comes down instantly, but over the next 20 years we will save a trillion dollars.

Here's what we've done. Aside from lowering the cost, which is important, we also impact lives. Preventive care is there. We also do away with pre-existing conditions. For those who did not know, pregnancy is a preexisting condition. We also make sure that women are not discriminated against. Women won't be charged more simply because they are females, because they are women. We equalize health care as it relates to the genders. We close the doughnut hole as it relates to senior citizens. I might also add that in '09, we were spending about \$100 billion a year on uninsured persons, much of that in emergency rooms where persons had to go to the emergency room to get the care that they did not have by virtue of not having insurance. They were getting their primary care in emergency rooms. They were also getting their pharmaceuticals through emergency rooms. It was a time to act, and act we did. We passed the Affordable Care Act.

I will close with this. We live in the richest country in the world. One out of every 100 persons is a millionaire. In this country, if you are an enemy combatant and we should capture you and wound you in the process, we will give you aid and comfort. In this country, if you are a bank robber and you're robbing the bank and on the way out we should harm you, when we capture you, we will give you aid and comfort. In this country, if you're on death row and scheduled to meet your Maker next week and you get sick this week, we give you aid and comfort this week and we send you to meet your Maker next week. In this country, if we can give aid and comfort to the enemy combatant, if we can give aid and comfort to the criminal who robs the bank, if we can give aid and comfort to the person on death row, surely we can give aid and comfort to hardworking Americans who do not earn enough to afford insurance.

The Affordable Care Act does this. It does not require people who cannot afford insurance to buy it, but it does say

that every person who can should buy insurance.

The Affordable Care Act is making a difference in the lives of people. Children can stay on their parents' policies until they're 26 years of age. This was a good piece of legislation. I supported it then and I still support it now. The Affordable Care Act is affordable, and that is why we passed it.

REAUTHORIZE THE WORKFORCE INVESTMENT ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. TIERNEY) for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I rise today to urge my colleagues to support legislation that I, along with Congressman GEORGE MILLER of California and RUBÉN HINOJOSA of Texas, are introducing later today to reauthorize the Workforce Investment Act.

The Workforce Investment Act, or WIA as it is commonly known, is the primary Federal law governing how employment and training services are provided to adults, youth, and dislocated workers. It was enacted in 1998 when unemployment was below 5 percent and before many of today's high growth industries even existed. It is long past time for WIA to be modernized and retooled to address our country's current challenges.

The bill I'm introducing today does just that. This bill increases access to training and improves the delivery of employment services. It strengthens the law's accountability standards to better evidence program effectiveness and provide assurances that our taxpayer dollars are being well spent.

My bill ensures that the kind of innovative work that's being done by the North Shore Workforce Investment Board in my district and elsewhere across the country can be replicated and taken to scale, and it expands the role of community colleges in job training.

□ 1040

This is the kind of commonsense legislation on which this Congress should be acting. We need to make sure we provide the training and education so that Americans have the skills to fulfill the jobs of today and tomorrow. Too many businesses have job vacancies because they can't find qualified candidates. Working together to help workers and those looking to hire them should not be a partisan issue. We need to find those qualified candidates and put them to work.

Modernizing and strengthening WIA will help both workers and employers, and it will ensure that our country can remain competitive in this global economy. I urge my colleagues' support for it.

PROTECTING AMERICA'S YOUTH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise this morning on a number of issues that I think are enormously important, and I am delighted to join initially my colleague from Texas to again emphasize and truthfully tell the story about the Affordable Care Act that is now 2 years old. But as a founder and the cochair of the Congressional Children's Caucus, and because our children are our presents and our tomorrows, I think it's important to ask the question: Do we want healthy children? And should health care be a question of wealth and status? Or should it be open to all of our beautiful and precious children and youth?

The Affordable Care Act allows our young college students to remain on their parents' health insurance until the age of 26. The Affordable Care Act allows a baby that has a proclivity to asthma as a preexisting condition to be able to be covered by insurance. It provides an opportunity for extensive research into some of the unsolved childhood diseases, such as pediatric cancer. And, of course, it provides greater access to health care by expanding what we call community health clinics, something that I have been a proponent of since coming to Congress and throughout the Bush administration, when I asked President Bush directly about the number of community health clinics not only in the Nation but in my State of Texas, where we have the highest number of uninsured persons.

So I don't know why our Republican Presidential candidates and many think that the rising pathway to victory is to condemn an opportunity for our children. I find that curious, at best. And I would applaud and celebrate President Obama and his administration, the Secretary of Health and Human Services, Secretary Sebelius, and all of those who are contributing to the implementing of this legislation. I can tell you, in Texas today, as I stand, women are being denied access to health care. Thank God for the Affordable Care Act for its constitutional or its Federal premise of providing access to health care for all Americans. At least we have something that we can use to question the denial of access to health care to women in the State of Texas.

I indicated that I chair the Congressional Children's Caucus, so I rise today to applaud the Justice Department decision to investigate the death, the murder, of Mr. Trayvon Martin in Sanford, Florida. A youngster, the child of two loving parents, minding his own business, wearing the attire of youthful people, hoodies, sneakers. I understand that he had his earphones in his ear and may have been bopping along to a little music.

I support Neighborhood Watch. I come from local government. Neighbors should watch out for each other but not a neighborhood vigilante. If the 911 call said to that individual, Mr. Zimmerman, "Don't follow him," then get in your car and sit quiet. The police are on the way.

Every one of us, as parents—I have a son—this is not an issue that should strike us as color. It should be anyone that has a teenager, bopping along with a hoody on and sneakers and earphones in his ear, just going to get candy, to be able to sit in front of the all-star game, and he winds up with a gunshot to the chest that kills him dead in his tracks.

Thank you Justice Department for recognizing that the harsh law in the State of Florida that says that you can stand your ground and defend yourself, this man should have retreated. He should have never been out there after that boy. That boy was not found coming out of a window, going through a door. He was on a sidewalk. And it is an outrage. Thank you to President Obama's Justice Department for recognizing that his civil rights are now in question of having been violated. And the Federal law preempts Florida's law, which is the harshest law in this Nation. Every parent should think at least that if their child is just being a child, just being a teenager, a youngster who liked to babysit and play football, that he still had life ahead of him.

I also want to say that I support moving the "R" status from the bullying bill. I held a major hearing in my district. Bullying is an epidemic. And I have introduced major legislation, H.R. 83, and I am encouraging the Judiciary Committee to pass this legislation dealing with bullying. It is an epidemic. We can reauthorize the block grant to give money for best practices to help parents, to help schools, to help children learn about bullying. I believe in our children. I want this Congress to believe in our children, and this Nation to believe in our children.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GINGREY of Georgia) at noon.

PRAYER

Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, D.C., offered the following prayer:

On a day when leaders of Irish and American nations meet to celebrate common heritage and mutual dreams, may our spirits be united in the one spirit.

May this day bring the memory of shared anguish and struggle to stir appreciation for times when comfort and peace are our companions.

May this day awaken within us wonder and imagination that inspire us beyond the confines of routine and ritual.

May the contemplations, conversations, and decisions of the day be undergirded by wise thoughts, kind words, and humane actions.

May we find God-given goodness within ourselves and within those whom we encounter that we may defend and nurture the worth and dignity of every human being.

May we find success on our journey.
Go n-eiri an bothar leat, meaning, "May the road rise with us."

May the wind be always at our back.
May the sun shine warm upon our face,

The rains fall soft upon our fields,
And until we meet again,
May God hold us in the hollow of God's hand.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5 (d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Washington (Mr. INSLEE), the whole number of the House is 432.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests

for 1-minute speeches on each side of the aisle.

CAPTAIN THOMAS "BILL" DILLION—HOUSTON FIRE FIGHTER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, as the bagpipes played in the background, the black cloth of sacrifice was draped over the badges of Houston first responders yesterday.

Senior Captain Thomas "Bill" Dillion of the Houston Fire Department was rushing into a house fire on March 14 when he apparently died of a heart attack. Captain Dillion was 49 years of age and had spent 23 years with the Houston Fire Department. He had three children.

With somber respect, hundreds of Texas firefighters, police officers, emergency medical technicians, and citizens attended his funeral. Mr. Speaker, 300 firefighters from other towns in Texas volunteered their time to fill in at Houston Fire Department stations so Houston firefighters could attend the funeral.

Firefighters are a family of dedicated, loyal public servants. Captain Dillion and other firefighters spend their lives rescuing people they do not know and protecting property they have never seen from fire. Most of us flee danger; firefighters rush to the smell of smoke and the heat of danger.

Bill's crew at Station 69 spoke yesterday about him, saying he was a devout Christian, had a contagious happy mood, loved to fish and, of course, liked country music.

Captain Dillion and his fellow firefighters are a remarkable breed, a rare breed, the American breed. We thank them, one and all.

And that's just the way it is.

AMERICAN WOMEN'S HEALTH

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, this week marks the second anniversary of the Affordable Care Act, legislation that makes quality health care more affordable for everyone. March is also Women's History Month, so I would like to talk about how this act affects women's health.

Instead of just imposing government mandates on health care for women, I believe the Affordable Care Act empowers women and their families because the Affordable Care Act bans insurance companies from requiring women to obtain authorization before getting OB/GYN care. The Affordable Care Act keeps insurance companies from denying coverage for conditions such as breast or cervical cancer, pregnancy, having had a C-section, or being the

victim of domestic violence; and it ends the practice of gender rating, so women will no longer be charged higher rates for simply being a woman.

The Affordable Care Act does all of this while preserving Americans' right to choose their own doctor and the health coverage that they want. Women's health, Americans' health is better because of the Affordable Care Act.

ALLOWING ELECTION-YEAR POLITICS TO DICTATE POLICY IS NO WAY TO GOVERN

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute.)

Mr. BOUSTANY. Mr. Speaker, since this administration took office, the price of gasoline has more than doubled. In January of 2009, the national average price for a gallon of gasoline was \$1.79. Today, that same gallon of gasoline will set you back \$3.84. Yet this administration continues to let election-year politics dictate policy.

Since 2010, I have led the charge at fighting President Obama's assault on offshore drilling. The moratorium, a knee-jerk reaction by Washington liberals, harmed many local oil and gas producers on the Gulf Coast. According to a recent study conducted by the Louisiana State University, the moratorium resulted in the loss of 8,000 Gulf State jobs and \$487 million in lost wages. And to make matters worse, the administration continues to push higher taxes on American independent energy producers, leading to higher costs and higher unemployment rates.

The past 3 years were marred with poor decisions relating to domestic energy production, with consequences falling directly on south Louisiana families. Now is the time to promote sensible energy policies that put Americans back to work while fully utilizing the resources we have right here at home.

THE AFFORDABLE CARE ACT'S IMPACT ON WOMEN

(Ms. FUDGE asked and was given permission to address the House for 1 minute.)

Ms. FUDGE. Mr. Speaker, the National Women's Law Center recently reported that 90 percent of the best selling health plans charge women more than men for the same coverage. In addition, insurers have classified millions of women as having pre-existing conditions because of a previous cesarean section or having been pregnant, even for being a victim of domestic violence.

For decades, women have unfairly been charged excessive costs for their health care. Well, that changes now. Because of the Affordable Care Act, the discriminatory practice known as "gender rating," or charging women

more than men for care, will be prohibited starting in 2014; and women in private plans can obtain free lifesaving procedures, such as mammograms and colonoscopies.

The Affordable Care Act bans insurance companies from imposing lifetime limits on care, so Americans will not go bankrupt simply because they are trying to be healthy.

And in 2014, because of health care reform, women cannot be denied access because of a preexisting condition.

There is no better time than today to stand up and demand quality, accessible health care for women.

THE PRESIDENT'S POLICIES BRING HIGHER PRICES AT THE PUMP

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over the past month, the price of gas per gallon has increased by 31 cents, with an average cost of \$3.83 per gallon. This weekend the President said that his administration could not do much to provide relief at the pump, but, actually, earlier he promised to increase energy costs, which destroys jobs. The President also claims to support an all-of-the-above energy plan; however, due to his decision to reject the Keystone pipeline, it is clear these claims are not being fulfilled.

The President's solution to help with rising energy costs is to delay smog regulations that will mandate that more sulfur be stripped from gasoline. The delay of this policy will not lower prices but simply keep them from increasing due to more government regulation.

I urge the President to work with House Republicans and begin enacting policies which will help Americans feel relief at the pump.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

DISCRIMINATORY INSURANCE PRACTICES

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, this week the National Women's Law Center issued a report, an online survey of insurance brokers across the country; and what they found is something that every woman who owns a small business or tries to buy a policy on the individual market knows, which is that 90 percent of the best selling insurance plans charge women more than men simply because of the fact that they are women. This is a fact which is not denied by any of the major insurers—Blue Cross, WellPoint, Humana—which were all interviewed in a story in the

New York Times a few days ago on this issue. This is not a debating point; this is a fact.

In addition to higher costs, many insurance companies in some jurisdictions around this country deny women coverage entirely because of conditions which are characteristic of women, which is breast or cervical cancer, pregnancy, having a C-section, or even being a victim of domestic violence. As I said earlier, the Affordable Care Act will abolish all of these barbaric discriminatory practices starting in 2014.

We are going to hear a lot of hooting and hollering this week about repealing ObamaCare, but those people who say that should look women in the eye in this country and tell them what you are going to do to end these discriminatory practices. The fact of the matter is they have no answer.

It is time to stand up for this act.

□ 1210

REPEAL THE IPAB

(Mr. HARRIS asked and was given permission to address the House for 1 minute.)

Mr. HARRIS. Mr. Speaker, as a physician, you know that buried very deep in the President's 2,000-page health care bill was the Independent Payment Advisory Board, or IPAB, an unelected, unaccountable 15-member rationing board appointed by the President for the sole purpose of cutting Medicare.

Who will the 15 members of the board be? Well, the law actually forbids them from being active health care providers. It only allows 7 members of the board to even have a health care provider background. In short, a majority of the board will be composed of people who have no experience in actually caring for patients.

Patients across the country, especially those in rural areas like my district, are already struggling to find physicians who will accept new Medicare patients. The IPAB will only make this worse. If Medicare beneficiaries are lucky enough to find a physician who will see them, the IPAB will place a government-rationing bureaucrat between them and their physicians. That government bureaucrat has no place in the physician-patient relationship in America.

We need to repeal the IPAB now.

COMPENSATION FOR BETHLEHEM STEEL EMPLOYEES

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, the Bethlehem Steel plant in Lackawanna, New York, was once the center of western New York's industrial sector, employing thousands of people. Tragically, these workers were unknowingly exposed to residual toxic uranium dust

and high levels of radiation, leaving many suffering from cancer and other health problems. Thanks to the efforts of the employees' families, Congress established a program to compensate former Bethlehem Steel employees for their illnesses. However, this process is a difficult one to navigate.

I am proud to have worked with the individual families and help countless of them receive the compensation they are owed. But, Mr. Speaker, there's still more to be done. There are families who deserve to be compensated for their suffering. And that's why I, along with New York Senators CHUCK SCHUMER and KIRSTEN GILLIBRAND, are calling on the National Institute of Occupational Safety and Health to expand the eligibility period.

Mr. Speaker, western New Yorkers have long been recognized as some of the most dedicated in this country. I will not rest until those who worked so hard for Bethlehem Steel are compensated for the undeserved suffering.

FIXING MEDICARE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, you've heard on our side of the aisle this morning a number of Members talk about saving Medicare and protecting our precious seniors. What we're wanting to save them from is the most egregious aspect of ObamaCare, and that's called the IPAB law, which is the 15-member bureaucrat agency that's going to actually come between a doctor and his or her patient and interfere with that sacrosanct doctor-patient relationship and make decisions to cut and slash their Medicare opportunity to see their doctors.

This is not the way to fix Medicare, Mr. Speaker. We know how to fix Medicare, and we will talk about that in our budget this year as we did last year, but we must strike down this egregious section of this 2,700-page bill. And we will do that this week.

WOMEN'S HEALTH CARE

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Let's get to the facts on women's health care under the Affordable Care Act, which is 2 years old this week.

First, good news: The Affordable Care Act outlaws discrimination based on gender in copayments and premiums for the same coverage. Women have generally been charged more for health insurance. A recent report shows that more than 90 percent of the best-selling health plans still charge women more than men for the same coverage. The Affordable Care Act ends that discrimination.

Second: Women can no longer be denied coverage by an HMO or health insurance company because they have a preexisting condition like breast cancer that's in remission, because they had a C-section when they delivered their child, or even because they had injuries from domestic violence.

Third: Women no longer have to jump through the bureaucratic hoop of obtaining permission to see their OB/GYN.

Fourth: Because prevention works and saves money, women in new health insurance plans will automatically be covered for screenings, mammograms, colonoscopies, and birth control.

Finally, health insurance companies can no longer cancel your policy if you get sick.

These are important consumer protections for women across America, for our mothers, for our daughters, and for our families.

ELIMINATING IPAB

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute.)

Mr. DESJARLAIS. Mr. Speaker, because the President cannot stand by his record of failed policies and broken promises, he has resorted to the policies of envy and division—all in the name of "fairness." However, is it "fair" that, to pay for his health care bill, President Obama cut \$500 billion from Medicare, thereby threatening seniors and their access to health care?

As a doctor for over 20 years, I know how important Medicare is to our seniors. That's why I'm proud to join House Republicans this week in introducing a bill to eliminate the new Medicare rationing board created in ObamaCare.

While President Obama thinks 15 unelected Washington bureaucrats should decide the value of medical services, my fellow physicians and I believe that power should remain between the Nation's doctors and their patients. Fifteen unelected bureaucrats. That's one crowded exam room.

Let us pass this bill and get rid of this health care law that we didn't ask for, we can't afford, and we just plain don't want.

EQUAL ACCESS TO HEALTH CARE

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to join my colleagues in speaking up about women's health. As we approach the anniversary of the passage of the Affordable Care Act, I want to remind all of us about some of the challenges that women have faced before health reform was signed into law.

Before health reform was signed into law, insurance companies could deny coverage to women due to so-called preexisting conditions like cancer or even simply having been pregnant. Insurance companies could force women to pay more for their coverage simply because of their gender. And now, thanks to the Affordable Care Act, women will be able to see their OB/GYN without a referral. You've heard that repeatedly today because that's critical and important to women. Women will have access to critical preventive services like birth control with no out-of-pocket costs. And that ultimately saves health care expenses.

Already, hundreds of men and women from all across San Diego have shared with me how important affordable access to contraception is for them and for their families. They can't afford to have it stripped away by this Congress.

I urge my colleagues to build on these reforms to ensure that all women have equal access to health care.

□ 1220

COMMENDING PRESIDENT OBAMA'S LANDMARK HEALTH CARE REFORM

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, in the 2 years since President Obama signed the Affordable Care Act into law, millions of Americans have already experienced firsthand its important benefits and the economic security it provides. Because of President Obama's bold reforms, Medicare is now stronger for seniors, and women can now get lifesaving mammograms at no extra cost. Children won't lose their coverage just because they were born with preconditions like asthma.

Altogether, families across the Nation are seeing how health reform is saving lives and saving money. For example, 86 million Americans have received free preventive health care, and 180 million are now protected from some of the worst health insurance abuses. An additional 2.5 million young adults now have health insurance, and 47 million Americans now benefit from a stronger Medicare program. Now prescription drug discounts have saved 3.6 million Medicare recipients an average of \$600.

Mr. Speaker, President Obama's landmark health care reforms are already helping millions of Americans save lives and live healthier lives. I commend President Obama for making the tough decisions that have given more Americans access to an affordable quality health care program.

HEALTH CARE REFORM

(Mr. JOHNSON of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, we lead busy lives here, and I don't want to blame my colleagues for being forgetful, nor do I want to accuse anyone of just not caring. But I do have to remind the House that before the health care law, insurance companies were free to discriminate against women, and they did so with reckless abandon. Women were charged 50 percent more than men for the same insurance coverage, and pregnancy could be considered a preexisting condition.

Reform ends this discrimination, but, unfortunately, many in Congress and people on the campaign trail have forgotten the past, and they seem to be determined to repeal it. Reform put women in control of their health, and shame on those who put insurance companies back in charge.

HONORING THE CLOONEY FAMILY

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I rise today to give a great expression of gratitude to the Clooney family. Mr. George Clooney and his father, Nick, were among the many who were arrested on Friday, March 16, protesting over at the Sudanese Embassy. I am saluting them, and am grateful to them because not only of what they did that day but of what Mr. Clooney did when he went into Sudan, at some considerable risk I might add, to secure evidence of what was taking place there and what is taking place.

Those who would like to see some of the evidence can go to www.enoughproject.org. You can actually see the video.

I believe what he and those others who were arrested have done merits having a flag flown over the Capitol. We will fly a flag over the Capitol in honor of those who participated in the protest movement.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY of Georgia). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

EXCESS FEDERAL BUILDING AND PROPERTY DISPOSAL ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 665) to establish a pilot program for the expedited disposal of Federal real property, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Excess Federal Building and Property Disposal Act of 2012".

SEC. 2. FEDERAL REAL PROPERTY DISPOSAL PILOT PROGRAM.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

"§ 621. Federal real property disposal pilot program

"(a) IN GENERAL.—The Administrator of General Services (in this subchapter referred to as the 'Administrator'), in consultation with the Director of the Office of Management and Budget (in this subchapter referred to as the 'Director'), shall conduct a pilot program to be known as the 'Federal Real Property Disposal Pilot Program', under which the Administrator, in consultation with the Director, shall determine which 15 Federal Government real properties that are excess or surplus and have the highest fair market value and the greatest potential to sell and shall dispose of such properties in accordance with this subchapter and through an expedited disposal of real property.

"(b) DISPOSAL.—During the five-year period beginning on the date of the enactment of the Excess Federal Building and Property Disposal Act of 2012, the Administrator, in consultation with the Director, shall dispose of real property under the Federal Real Property Disposal Pilot Program through a public auction.

"(c) ADDING PROPERTIES TO THE PILOT PROGRAM.—Not later than 15 days after a property is disposed of under subsection (b), the Administrator, in consultation with the Director, shall designate an additional property, in accordance with subsection (a), to be disposed of under the Federal Real Property Disposal Pilot Program.

"(d) EXCEPTIONS.—The Administrator shall not include for purposes of the Federal Real Property Pilot Program any of the following types of property:

"(1) A parcel of real property, building, or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

"(2) Properties that are excluded for reasons of national security by the Director of the Office of Management and Budget.

"(3) Indian and Native Eskimo properties including—

"(A) any property within the limits of any Indian reservation to which the United States owns title; and

"(B) any property title which is held in trust by the United States for the benefit of any Indian tribe or individual or held by an Indian tribe or individual subject to restriction by the United States against alienation.

"(4) Properties operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.).

"(5) Postal properties owned by the United States Postal Service.

"(6) Properties used in connection with river, harbor, flood control, reclamation, or power projects.

"(7) Properties that the Administrator has determined are suitable for assignment to the Secretary of the Interior for transfer to a State, a political subdivision or instrumentality of a State, or a municipality for use as a public park or recreation area under section 550(e) of this title. In making such determination, the Administrator may consider the appraised value of the property and the highest and best use.

"(8) Properties used, as of the date of the enactment of this subchapter, in connection with Federal programs for recreational and conservation purposes, including research for such programs.

"(e) GAO REPORT.—Not later than 24 months after the date of the enactment of this subchapter, the Comptroller General of the United States shall submit to Congress and make publicly available a study of the effectiveness of the Federal Real Property Pilot Program.

"(f) TERMINATION.—The Federal Real Property Disposal Pilot Program shall terminate on the date that is five years after the date of the enactment of the Excess Federal Building and Property Disposal Act of 2012.

"§ 622. Selection of real properties

"The head of each executive agency shall recommend properties to the Director for disposal under the Federal Real Property Pilot Program. The Director, in consultation with the Administrator, shall then select properties for disposal under the pilot program and notify the recommending executive agency accordingly.

"§ 623. Expedited disposal requirements

"(a) EXPEDITED DISPOSAL OF REAL PROPERTY DEFINED.—For purposes of this subchapter, an 'expedited disposal of real property' is the sale of real property for cash that is conducted pursuant to the requirements of section 545(a) of this title.

"(b) FAIR MARKET VALUE REQUIREMENT.—Real property sold under the Federal Real Property Pilot Program may not be sold at less than the fair market value as determined by the Administrator, in consultation with the Director. Costs associated with disposal may not exceed the fair market value of the property unless the Director approves incurring such costs.

"(c) MONETARY PROCEEDS REQUIREMENT.—Real property shall be sold under the Federal Real Property Pilot Program only if the property will generate monetary proceeds to the Federal Government, as provided in subsection (b). A disposal of real property under the Federal Real Property Pilot Program may not include any exchange, trade, transfer, acquisition of like-kind property, or other non-cash transaction as part of the disposal.

"(d) RULE OF CONSTRUCTION.—Nothing in this subchapter shall be construed as terminating or in any way limiting authorities that are otherwise available to agencies under other provisions of law to dispose of Federal real property, except as provided in subsection (e).

"(e) EXEMPTION FROM CERTAIN REQUIREMENTS.—Any expedited disposal of a real property conducted under this subchapter shall not be subject to—

"(1) subchapter IV of this chapter;

"(2) sections 550 and 553 of this title;

"(3) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411);

"(4) any other provision of law authorizing the no-cost conveyance of real property owned by the Federal Government; or

“(5) any congressional notification requirement other than that in section 545 of this title.

“§ 624. Special rules for deposit and use of proceeds from expedited disposals

“The proceeds from an expedited disposal of real property under this subchapter shall be deposited into the General Fund of the Treasury. Two percent of such proceeds is authorized to be appropriated until expended to fund the grant program under section 625.

“§ 625. Homeless assistance grants

“(a) GRANT AUTHORITY.—To the extent amounts are made available pursuant to section 624 for use under this section, the Secretary of Housing and Urban Development shall make grants to eligible private nonprofit organizations under subsection (b) to purchase property suitable for use to assist the homeless as provided in subsection (c).

“(b) ELIGIBLE GRANTEEES.—To be eligible to receive a grant under subsection (a), a private nonprofit organization shall be a representative of the homeless, as such term is defined in section 501(i)(4) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

“(c) USE OF PROPERTIES FOR HOUSING OR SHELTER FOR THE HOMELESS.—

“(1) ELIGIBLE USES.—A nonprofit organization that receives a grant under subsection (a) shall use the amounts received under such grant only to acquire or rehabilitate real property for use to provide permanent housing (as such term is defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360)), transitional housing (as such term is defined in such section 401), or temporary shelter, for persons who are homeless.

“(2) TERM OF USE.—The Secretary of Housing and Urban Development may not make a grant under subsection (a) to a private nonprofit organization unless the organization provides the Secretary with such assurances as the Secretary determines necessary to ensure that any property acquired or rehabilitated using the amounts received under such grant is used only as provided in paragraph (1) of this subsection for a period of not fewer than 15 years.

“(d) PREFERENCE.—In awarding grants under subsection (a), the Secretary of Housing and Urban Development shall give preference for such grants to private nonprofit organizations that operate within areas in which Federal real property is being sold under the Federal Real Property Disposal Pilot Program under this subchapter.

“(e) NONPROFIT ORGANIZATION.—For purposes of this section, the following definitions shall apply:

“(1) HOMELESS.—The term ‘homeless’ has the meaning given such term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)), except that subsection (c) of such section shall not apply for purposes of this section.

“(2) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ has the meaning given such term in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

“(f) REGULATIONS.—The Secretary of Housing and Urban Development may issue any regulations necessary to carry out this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“621. Federal real property disposal pilot program.

“622. Selection of real properties.

“623. Expedited disposal requirements.

“624. Special rules for deposit and use of proceeds from expedited disposals.

“625. Homeless assistance grants.”.

SEC. 3. DUTIES OF THE GENERAL SERVICES ADMINISTRATION AND EXECUTIVE AGENCIES.

(a) IN GENERAL.—Section 524 of title 40, United States Code, is amended to read as follows:

“§ 524. Duties of the General Services Administration and executive agencies

“(a) DUTIES OF THE GENERAL SERVICES ADMINISTRATION.—

“(1) GUIDANCE.—Not later than 6 months after the date of the enactment of this section, and when necessary thereafter, the Administrator of General Services shall issue guidance for the development and implementation of executive agency real property plans. Such guidance shall include recommendations on—

“(A) how to identify excess properties;

“(B) how to evaluate the costs and benefits associated with disposing of real property;

“(C) how to prioritize disposal decisions based on agency missions and anticipated future need for holdings; and

“(D) how best to dispose of those properties identified as excess to meet the needs of the agency.

“(2) ASSISTANCE.—The Administrator shall assist executive agencies in the identification and disposal of excess real property.

“(b) DUTIES OF EXECUTIVE AGENCIES.—

“(1) IN GENERAL.—Each executive agency shall—

“(A) maintain adequate inventory controls and accountability systems for property under its control;

“(B) continuously survey property under its control to identify excess property;

“(C) promptly report excess property to the Administrator;

“(D) perform the care and handling of excess property; and

“(E) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

“(2) SPECIFIC REQUIREMENTS WITH RESPECT TO REAL PROPERTY.—With respect to real property, each executive agency shall—

“(A) develop and implement a real property plan in order to identify properties to declare as excess using the guidance issued under subsection (a)(1);

“(B) identify and categorize all real property owned, leased, or otherwise managed by the agency;

“(C) establish adequate goals and incentives to reduce excess real property in such agency’s inventory; and

“(D) when appropriate, use the authorities in section 572(a)(2)(B) of this title in order to identify and prepare real property to be reported as excess.

“(3) ADDITIONAL REQUIREMENTS.—Each executive agency, as far as practicable, shall—

“(A) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;

“(B) transfer excess property under its control to other Federal agencies and to organizations specified in section 321(c)(2) of this title; and

“(C) obtain excess properties from other Federal agencies to meet mission needs before acquiring non-Federal property.”.

(b) CLERICAL AMENDMENT.—The item relating to section 524 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

“524. Duties of the General Services Administration and executive agencies.”.

(c) GSA REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Administrator of General Services shall submit a report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of section 524, as amended by subsection (a), and each of the following:

(A) The efforts of each executive agency to reduce such agency’s real property assets, based on data submitted from such agency.

(B) For each excess and surplus real property facility/installation disposed of, an indication of—

(i) the date and method of disposal;

(ii) the proceeds obtained from the disposition of such property;

(iii) the amount of time required to fully dispose of excess and surplus real property under the custody and control of all executive agencies; and

(iv) the cost to dispose of surplus and excess real property under the custody and control of all executive agencies.

(2) DEFINITIONS.—The terms “excess property”, “executive agency”, and “surplus property” have the meanings given those terms in section 102 of title 40, United States Code.

SEC. 4. ENHANCED AUTHORITIES WITH REGARD TO PREPARING PROPERTIES TO BE REPORTED AS EXCESS.

Section 572(a)(2) of title 40, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

“(B) ADDITIONAL AUTHORITY.—(i) From the fund described in paragraph (1), subject to clause (iv) of this subparagraph, the Administrator may obligate an amount to pay the direct and indirect costs related to identifying and preparing properties to be reported excess by another agency.

“(ii) The General Services Administration shall be reimbursed from the proceeds of the sale of such properties for such costs.

“(iii) Net proceeds shall be dispersed pursuant to section 571 of this title.

“(iv) The authority under clause (i) to obligate funds to prepare properties to be reported excess does not include the authority to convey such properties by use, sale, lease, exchange, or otherwise, including through leaseback arrangements or service agreements.

“(v) Nothing in this subparagraph is intended to affect subparagraph (D).”.

SEC. 5. ENHANCED AUTHORITIES WITH REGARD TO REVERTED REAL PROPERTY.

(a) AUTHORITY TO PAY EXPENSES RELATED TO REVERTED REAL PROPERTY.—Section 572(a)(2)(A) of title 40, United States Code, is amended by adding at the end the following:

“(iv) The direct and indirect costs associated with the reversion, custody, and disposal of reverted real property.”.

(b) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 550.—Section 550(b)(1) of title 40, United States Code, is amended—

(1) by inserting “(A)” after “(1) IN GENERAL.—”; and

(2) by adding at the end the following: “If the official, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property, and, subject to subparagraph (B), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

“(B) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 553 and 554 of this title.”

(C) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 553.—Section 553(e) of title 40, United States Code, is amended—

(1) by inserting “(1)” after “THIS SECTION.—”; and

(2) by adding at the end the following: “If the Administrator determines that reversion of the property is necessary to enforce compliance with the terms of the conveyance, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

“(2) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 554 of this title.”

SEC. 6. AGENCY RETENTION OF PROCEEDS.

The text of section 571 of title 40, United States Code, is amended to read as follows:

“(a) PROCEEDS FROM TRANSFER OR SALE OF REAL PROPERTY.—

“(1) DEPOSIT OF NET PROCEEDS.—Net proceeds described in subsection (d) shall be deposited into the appropriate real property account of the agency that had custody and accountability for the real property at the time the real property is determined to be excess.

“(2) EXPENDITURE OF NET PROCEEDS.—The net proceeds deposited pursuant to paragraph (1) may only be expended as authorized in annual appropriations Acts, for activities described in sections 543 and 545 of this title, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this title.

“(3) DEFICIT REDUCTION.—Any net proceeds described in subsection (d) from the sale, lease, or other disposition of surplus real property that are not expended under paragraph (2) shall be used for deficit reduction.

“(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b), 573, or 574 of this title.

“(c) DISPOSAL AGENCY FOR REVERTED PROPERTY.—For the purposes of this section, for any real property that reverts to the United States under sections 550 and 553 of this title, the General Services Administration, as the disposal agency, shall be treated as the agency with custody and accountability for the real property at the time the real property is determined to be excess.

“(d) NET PROCEEDS.—The net proceeds described in this subsection are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a) of this title, from a—

“(1) transfer of excess real property to a Federal agency for agency use; or

“(2) sale, lease, or other disposition of surplus real property.

“(e) PROCEEDS FROM TRANSFER OR SALE OF PERSONAL PROPERTY.—

“(1) IN GENERAL.—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

“(2) PROCEEDS.—The proceeds described in this paragraph are proceeds under this chapter from—

“(A) a transfer of excess personal property to a Federal agency for agency use; or

“(B) a sale, lease, or other disposition of surplus personal property.

“(3) PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.—Subject to regulations under this subtitle, the expenses of the sale of personal property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This paragraph applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.”

SEC. 7. FEDERAL REAL PROPERTY DATABASE.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 40, United States Code, is amended by adding at the end the following new section:

“§ 530. Federal real property database

“(a) DATABASE REQUIRED.—Not later than one year after the date of the enactment of this section, the Administrator of General Services shall publish a single, comprehensive, and descriptive database of all Federal real property under the custody and control of all executive agencies, other than Federal real property excluded for reasons of national security, in accordance with subsection (b).

“(b) REQUIRED INFORMATION FOR DATABASE.—The Administrator shall collect from the head of each executive agency descriptive information, except for classified information, of the nature, use, and extent of the Federal real property of each such agency, including the following:

“(1) The geographic location of each Federal real property of each such agency, including the address and description for each such property.

“(2) The total size of each Federal real property of each such agency, including square footage and acreage of each such property.

“(3) The relevance of each Federal real property to the agency’s mission.

“(4) The level of use of each Federal real property for each such agency, including whether such property is excess, surplus, underutilized, or unutilized.

“(5) The number of days each Federal real property is designated as excess, surplus, underutilized, or unutilized.

“(6) The annual operating costs of each Federal real property.

“(7) The replacement value of each Federal real property.

“(c) ACCESS TO DATABASE.—

“(1) FEDERAL AGENCIES.—The Administrator shall, in consultation with the Director of the Office of Management and Budget, make the database established and maintained under this section available to other Federal agencies.

“(2) PUBLIC ACCESS.—To the extent consistent with national security, the database shall be accessible by the public at no cost through the website of the General Services Administration.

“(d) TRANSPARENCY OF DATABASE.—To the extent practicable, the Administrator shall ensure that the database—

“(1) uses an open, machine-readable format;

“(2) permits users to search and sort Federal real property data; and

“(3) includes a means to download a large amount of Federal real property data and a

selection of such data retrieved using a search.

“(e) APPLICABILITY.—Nothing in this section may be construed to require an agency to make available to the public information that is exempt from disclosure pursuant to section 552(b) of title 5.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 529 the following new item:

“530. Federal real property database.”

SEC. 8. SUSTAINABLE DISPOSAL OF PROPERTY.

(a) IN GENERAL.—Subchapter III of chapter 5 of title 40, United States Code, is amended by adding at the end the following new section:

“§ 560. Sustainable disposal of property

“The head of each Federal agency shall divert at least 50 percent of construction and demolition materials and debris by the end of fiscal year 2015.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 559 the following new item:

“560. Sustainable disposal of property.”

SEC. 9. STREAMLINING THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) in subsection (a), by adding at the end the following new sentence: “Agencies shall not be required to submit information to the Secretary regarding properties located in an area for which the general public is denied access in the interest of national security.”;

(2) in subsection (c)(1)(A), by striking “in the Federal Register” and inserting the following: “on the website of the Department of Housing and Urban Development or the General Services Administration”; and

(3) in subsection (d)(3), by adding at the end the following new sentence: “If no such review of the determination is requested within the 20-day period, such property will not be included in subsequent publications unless the landholding agency reclassifies the property as available and the Secretary subsequently determines the property is suitable.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Illinois (Mr. QUIGLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

H.R. 665, the Excess Federal Building and Property Disposal Act of 2012, was favorably reported by voice vote by the Committee on Oversight and Government Reform in November of last year.

I'm proud to be one of the sponsors of this bill. There are 39 cosponsors of this bill, and, in particular, I want to thank my colleague, the gentleman from Illinois (Mr. QUIGLEY) for his great and passionate work on this, Mr. CONNOLLY, and Ms. NORTON. There are a number of people on both sides of the aisle that have passionately worked on this issue.

I'm proud to report, Mr. Speaker, that this is very bipartisan in its nature. I also want to thank our chairman, Chairman ISSA, who was very instrumental in passing it out of committee to the floor, as well as Ranking Member CUMMINGS and certainly our majority leader, Mr. CANTOR, for allowing and encouraging this bill to come to the floor. So I appreciate the bipartisan nature.

These are the types of things that we should be doing as a body to make sure that we're improving the process and streamlining the disposal of real property that happens in this country. Most are somewhat amazed to understand that our Federal Government has roughly 900,000 buildings and structures under its ownership. The GAO in 2011 estimated that the Federal Government holds 45,000 underutilized properties that cost nearly \$1.7 billion annually in order to operate. And, again, these are underutilized. In fact, more recently, OMB Controller Daniel Werfel testified before a Senate subcommittee that the government controls 14,000 excess and 76,000 underutilized buildings and structures. That's going to happen when you consume and have so many Federal buildings. We have to make sure that we, as a government, are also streamlining and moving forward with the disposal of these properties when they become something that is not as frequently used.

The Federal Government has accumulated excess properties because the disposal process is, in many ways, flawed. In 2003 and in 2011, the GAO designated Federal real property management as a high-risk area to the Federal Government. Thus, I think, as an independent group, going out, looking and assessing the situation, have come to the conclusion that we as the Federal Government believe this is a high-risk area that costs well over \$1 billion a year, is starting to approach \$2 billion a year and that it certainly is in need of some restructuring.

So the Excess Federal Building and Property Disposal Act would streamline the disposal of high-valued properties while also overhauling the existing disposal process. The bill creates a 5-year pilot program that would expedite the disposal of Federal properties with the goal of maximizing profit. Ninety-eight percent of the proceeds under the pilot would be directed to the United States Treasury General Fund, and 2 percent would be author-

ized for use by homeless assistance providers, as has been the history of this government in the past.

The bill also permanently streamlines the existing disposal process by reducing administrative overhead, creating new agency incentives, and requiring greater transparency and accountability from the federal agencies. Again, this bill is bipartisan; it will direct revenue to the United States Treasury; it reduces operating and maintenance budgets; and it's presented in a bipartisan way.

I would encourage all of my colleagues to support this bill. The nature and the approach that we're taking here, I think, is just good government. It's smarter, more streamlined, more efficient, and moves the ball in the right direction.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 20, 2012.

Hon. DARRELL E. ISSA,

Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with respect to the jurisdictional interest of the Committee on Transportation and Infrastructure in matters being considered in H.R. 665, the Excess Federal Building and Property Disposal Act of 2011, which was referred to the Committee on Oversight and Government Reform.

Our Committee recognizes the desire of the Committee on Oversight and Government Reform to move H.R. 665 expeditiously. Therefore, while we have a valid claim to jurisdiction over a number of provisions in the bill related to public buildings and improved grounds of the United States and waivers of certain no-cost conveyances, including those related to aviation and highways, I do not object to bringing the legislation to the floor without action by this Committee. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego any referral waivers, reduces or otherwise affects the jurisdiction of the Committee on Transportation and Infrastructure.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference. I would appreciate it if you would include a copy of this letter and of your response acknowledging our jurisdictional interest as part of the Congressional Record during consideration of the bill by the House.

Thank you for your cooperation in this matter.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, March 20, 2012.

Hon. JOHN L. MICA,

Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: Thank you for your letter of March 19, 2012, regarding H.R. 665, the Excess Federal Building and Property Disposal Act of 2011. Your assistance in expediting consideration of the bill is very much appreciated.

I agree that there are provisions in the bill that are of jurisdictional interest to the Committee on Transportation and Infrastructure and I agree that by foregoing a referral the Committee on Transportation and Infrastructure is not waiving its jurisdiction.

I would be pleased to support the representation of your Committee in any conference on H.R. 665 on matters within the jurisdiction of the Committee on Transportation and Infrastructure. And, as you have requested, I will include this exchange of letters in the Congressional Record. Thank you for your cooperation and your continued leadership and support in surface transportation matters.

Sincerely,

DARRELL ISSA,
Chairman.

I reserve the balance of my time.

Mr. QUIGLEY. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman of the full committee, Mr. ISSA, for his staunch support of this bill, and I also want to thank my good friend Mr. CHAFFETZ for working so closely with us to craft this bipartisan bill and in working to get it to the floor today. Finally, I want to thank the ranking member of the full committee, Mr. CUMMINGS, for working with me on this important bill.

There could not be a better time to move a measure like this one through the Congress. We are facing an unsustainable budget deficit, and we must get our fiscal house in order. One of the best ways to achieve much-needed reductions in spending is to create efficiencies and cut waste. This is exactly what this bipartisan measure accomplishes.

□ 1230

The Federal Government is the largest property owner in the world, with an inventory of over 900,000 buildings and structures and 41 million acres of land. Yet we waste billions of tax dollars each year in maintaining properties we no longer need.

The Federal Government currently maintains 14,000 buildings and structures deemed "excess" and over 76,000 properties identified as "underutilized." In fiscal year 2009, these underutilized buildings cost us \$1.7 billion to operate annually.

The GAO has continuously found that many properties are no longer relevant to their Agencies' missions and that Agencies could do a better job of identifying and disposing of unneeded properties. H.R. 665, as amended, will finally give Agencies the tools they need to quickly and efficiently dispose of unneeded Federal properties, resulting in huge savings to the government.

First, H.R. 665 creates a 5-year pilot program to expedite the sale of unused, high-value properties. The Office of Management and Budget, also with the General Services Administration, will work with Agencies to dispose of 15

high-value properties. This list of properties for disposal will be a rolling list, meaning, as properties are sold, additional properties will be added to the list for disposal. Ninety-eight percent of the proceeds from the sale of these high-valued properties will go straight to the Treasury for deficit reduction while 2 percent will be set aside for a grant to fund homeless assistance programs.

In addition to the 5-year pilot, H.R. 665, as amended, modernizes the existing property disposal process and removes barriers to disposal. H.R. 665 empowers GSA to provide agencies with much needed technical expertise to dispose of unused and unneeded properties.

The bill also allows all Agencies to use the proceeds generated from the sale of property, as authorized by Congress, to cover the costs of disposal. Currently, property disposal costs can be hugely expensive. Without the ability to use the proceeds of a sale to cover the costs of disposal, Agencies have little incentive to dispose of these properties. Any funds not used to prepare and dispose of property would be paid to the Treasury for debt reduction.

H.R. 665, as amended, will also provide unprecedented transparency and accountability to the Federal Government's property portfolio. The bill will require GSA to report to Congress annually on the number, value, and maintenance costs of all Federal property. This information will be made available to the public at no cost in an on-line database.

Finally, this bipartisan bill reforms our property disposal process without creating a new bureaucracy, and is at no cost to the Federal Government.

H.R. 665, as amended, passed unanimously through the Oversight and Government Reform Committee. I encourage my colleagues to support this commonsense bill designed to improve government efficiency and save the taxpayers billions.

Again, I want to thank Mr. CHAFFETZ for his good work on a bipartisan effort toward this extraordinary bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers. I just want to simply thank the gentleman from Illinois. He's truly one who will stand on principle and work on both sides of the aisle, and for that we're very grateful and appreciative. This is what we are supposed to be doing, working in a bipartisan way.

H.R. 665, as amended, is a good bill. It's good government, it's something we should do, and I would urge all of my colleagues to support it. I appreciate all the support from our leadership in making this point happen.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I am in support of important legislation on Federal real property disposal. I believe that we have found a bipartisan solution to the deficiencies that currently exist in real property management in H.R. 665.

The Federal Government has costly and pressing problems disposing of its unneeded real property, which includes its public buildings and lands. As a result, the GAO has placed this issue on its "high risk" list. Unneeded and under-utilized buildings are languishing in the Federal inventory when their sale could generate much-needed revenue for the national treasury. Maintenance of these buildings costs the government nearly \$1.7 billion in fiscal year 2010 alone. In tough times like those we face today, this waste is simply unacceptable.

In this Congress, four separate pieces of legislation have been introduced to help solve the problem. H.R. 665 combines the best elements of these legislative proposals and creates a timely and workable method of disposing of excess Federal property while generating the highest possible financial returns.

The bill would establish a five-year pilot program to dispose of the 15 highest value unneeded Federal real properties.

The Federal Government will clearly gain from the disposal of these properties. Not only will the fair market value generate income, but we will realize significant savings by eliminating maintenance and operating costs.

I also support H.R. 665 because it will provide aid to organizations dedicated to helping those most vulnerable among us, the homeless. This legislation permits Congress to appropriate the equivalent of two (2) percent of the proceeds from the sale of these properties to fund grants to eligible organizations that serve the homeless. This requirement preserves our commitment to the goals of the McKinney Vento Homeless Assistance Act.

This bill will also expand transparency surrounding the disposal of Federal property. It requires that GSA report annually to Congress on the number, market value and deferred maintenance costs of all executive branch real property assets. The report would also include ongoing operating costs of surplus properties so that we are always aware of the expenses that empty, unused properties are incurring. The public will also be able to access information on all real Federal property through a database required to be established by GSA.

Agencies will also be allowed to retain the net proceeds from the disposition of real property, and use those funds to maintain, repair, and dispose of their other properties. Net proceeds not used for such costs would be used for deficit reduction. This provision will incentivize agencies to move properties quickly through the disposal process and will keep revenues moving into the Treasury.

I am pleased that we have been able to produce a bipartisan solution to a problem that wastes taxpayer dollars maintaining unneeded Federal buildings. I support H.R. 665 as amended and I hope that we can get this legislation working for America as soon as possible.

Mr. STEARNS. Mr. Speaker, I rise today in strong support of H.R. 665, the Excess Federal Building and Property Disposal Act of

2011. This important bipartisan legislation will decrease the deficit by selling excess federal buildings and property by empowering the executive branch to more quickly dispose of excess federal property. This bill would also permanently modernize the existing disposal process through reductions in administrative overhead. This bill also requires greater accountability from those responsible for federal property disposal.

The federal government owns a staggering one-third of the United States and owns more real property than any other entity in America: 900,000 buildings and structures covering 3.38 billion square feet. According to a February 10, 2011 Government Accountability Office (GAO) report, 24 federal agencies identified 45,190 underutilized buildings that cost \$1.66 billion annually to operate. More recently, Office of Management and Budget Comptroller Daniel Werfel testified before a Senate Subcommittee that the government controls even more, with 14,000 excess buildings and structures and 76,000 underutilized properties. This large inventory of underutilized federal property is the product of a convoluted and inefficient disposal process.

H.R. 665 works to correct this by establishing a five-year pilot program, beginning on the date that the legislation is enacted, to dispose of excess federal property. The Director of the Office of Management and Budget and the Administrator of the General Services Administration (GSA) would identify, with input from federal agencies, the 15 excess properties with the highest market value. These properties will be disposed of through public auction, and after one property is sold, the GSA will have 15 days to identify another property to replace the auctioned property on the list for disposal. Ninety-eight percent of profits will be deposited into the Treasury and 2 percent will be directed toward the Department of Housing and Urban Development to provide grants for homeless assistance.

Selling off unused federal property would allow the federal government to focus our limited fiscal resources on maintaining the property the United States currently owns. I strongly urge my colleagues to support the Excess Federal Building and Property Disposal Act to begin prioritizing the public auction of unused federal property and reducing the nation's \$15 trillion national debt.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 665, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 34 minutes p.m.), the House stood in recess.

□ 1347

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GINGREY of Georgia) at 1 o'clock and 47 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2087, REMOVING RESTRICTIONS FOR ACCOMACK COUNTY LAND PARCEL

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 587 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 587

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2087) to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated March 19, 2012, and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

POINT OF ORDER

Mr. GRIJALVA. Mr. Speaker, this proposed rule seeks to waive House

rules requiring disclosure of any earmarks in the underlying bill, H.R. 2087. Therefore, pursuant to clause 9 of rule XXI of the rules of the House, I make a point of order against consideration of this rule.

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates clause 9(b) of rule XXI.

Under clause 9(b) of rule XXI, the gentleman from Arizona and the gentleman from Utah each will control 10 minutes of debate on the question of consideration.

Following the debate, the Chair will put the question of consideration as follows: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Speaker, the majority frequently congratulates itself for adopting a policy "banning" earmarks. Republican leadership often points to the earmark ban as an important accomplishment in improving the legislative process.

It should be noted, for the record, the provision requiring the disclosure of earmarks was inserted into the rules of the House during the 110th Congress, under a Democratic majority.

The American people might be surprised to learn that, despite claims of strict opposition to earmarks, the majority is bringing a proposed rule to the House floor that would not only allow an earmark in the underlying bill, but even waives the basic requirement that such an earmark be disclosed.

Clause 9 of rule XXI of the rules of the House specifically states that it shall not be in order to consider a rule that waives the requirement to disclose earmarks, and yet the rule the majority is seeking to call up specifically states, "All points of order against consideration of the bill are waived."

And the question of whether the underlying bill, H.R. 2087, contains an earmark is critical. If enacted, the bill would transfer full ownership of Federal land to a county in Virginia. All parties agree the land has an appraised value of \$815,000, but the bill would transfer this Federal land to the county for free. The county is in the congressional district represented by the sponsor of the legislation.

This is not county land; this is Federal land. The county has been granted limited authority to control this land as long as it is used for public recreation. According to the deed, the county cannot sell the land or rent it or lease it or develop it. Only H.R. 2087 will give the county this land with no limitation.

I suspect that every Member of this House would like to be able to pass legislation giving his or her constituents an \$815,000 windfall.

Mr. Speaker, either this is an earmark, and the majority should follow

its own rules and not bring this rule or the underlying bill to the floor, or this is not an earmark, and the waiver should be removed from the rule. Either way, the proposed rule is a clear violation of House rules and should not be taken up by this House.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I am obviously in favor of consideration of this resolution.

The question before the House is: Shall the House now consider House Resolution 587?

While the resolution waives all points of order against consideration of the bill, the committee is not aware of any point of order. The waiver is a complete waiver in nature.

Note, there is not a specific waiver against an earmark simply because the bill contains no earmarks. It is in compliance with the earmark definition provided for us in the House Rules, a rule that goes back to, actually—to make the record complete—the 109th Session of Congress and the earmark ban instituted by the House Republicans when they took the majority in January of last year.

As is required by House Rules, the committee report filed for this bill on January 18 includes a specific determination and statement that the bill does not contain an earmark. I will quote from page 5 of the report: The bill does not contain any congressional earmarks or limited tax benefits or limited tariff benefits as defined by the Rules of the House of Representatives.

With all due respect to my friend from Arizona, each person may have his own perception of what an earmark is, but, with all due respect, the term "congressional earmark" means a provision that provides or authorizes or recommends a specific amount of discretionary budget authority, credit authority, or other spending authority or expenditures with or to an entity. It has to have money involved in it.

Specifically, the definition of an earmark requires that there be spending in the form directed to an entity or targeted geographically. This bill does not involve the spending of money or loan authority or credit authority or any other form of payment of funds.

The land in question is already with the county. It will remain with the county. Whether we pass this bill or not, it is still with the county. The only issue is the deed restriction, not the value of the land, not the transfer of money.

This parcel is with Virginia on Federal land that at one time had a deed restriction. It simply removes that deal.

The CBO viewed and scored this bill, and concluded it would not cost money, stating it "would have no significant impact on the Federal budget."

Moreover, this type of bill, clearing the title to land, has repeatedly been approved when the House has been controlled by both Republicans and Democrats. The definition of an earmark is clear. There has not been a fiscal impact, and this bill does not meet the House rules definition used by either Democrats or Republicans.

This is really a red herring to stop economic development and the creation of jobs caused by lingering Federal bureaucratic red tape.

This county is one of the poorest counties in the Commonwealth of Virginia, with more than 16 percent of its population living in poverty and a higher rate of unemployment than the rest of Virginia. This very small bill, at no cost to the Federal taxpayer, will help to turn that around.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, under current law, the county controls these 32 acres of Federal land, but the deed clearly states that the county may not sell or lease the land or use it for anything other than public recreation. The county received control of the land with those restrictions in 1976, free of charge.

The underlying bill, H.R. 2087, will remove all restrictions from the deed. The county would be free to sell the land or lease it or do whatever it wants with it and pocket any and all revenue. This is clearly an \$815,000 windfall for the county created specifically by this bill.

Regardless of whether you agree the bill is an earmark, the proposal from the Rules Committee to waive the earmark disclosure rule should also be cause for concern. If H.R. 2087 contains no earmarks, why is the waiver necessary? Why have an earmark disclosure rule if you just waive it every time you bring a bill to the floor?

Any Member who has ever claimed to oppose earmarks should insist that the rule waiving the disclosure requirement be rejected.

With that, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, once again, the rule does not waive an earmark, because there are no earmarks. It is a general waiver that is in there. If one were to look back at the past three Congresses, official bills that have been prepared that are very similar to this have also included the same type of language and were determined as not to have an earmark. Specifically, go back to H.R. 944 in the 112th Congress, H.R. 86 in the 111th Congress, H.R. 356 in the 110th Congress, H.R. 2246 in the 110th Congress, and S. 404 in the 112th Congress—same language, same situation, same condition.

Once again, the rules of our House say this is not an earmark. The CBO says it's not an earmark, because it is

not an earmark. There is no transfer of money. The county has the land. The county will continue to have the land. The only thing this is about is the deed restriction. Deed restrictions are not earmarks.

I reserve the balance of my time.

□ 1400

Mr. GRIJALVA. Mr. Speaker, reading from the remarks to the Natural Resources subcommittee from Thursday, September 15, by the sponsor of this legislation, he stated a recent appraisal valued the land at \$815,000, which is more than \$25,000 per acre.

There is economic gain for the county, and waiving the disclosure only adds to the confusion that the public feels when we say we have a ban on earmarks and yet we are waiving rules that would disclose that and fully be transparent as to the kinds of decisions we're making with public lands.

The CBO is unable to value what public land is worth. It's certainly here in the testimony of the sponsor of this legislation. The appraisal value is listed, and that, to me, leads to the conclusion that this is an earmark and that the rule that is presently before us should be rejected.

I yield back the balance of my time.

Mr. BISHOP of Utah. Let me try and once again put this in perspective.

The Federal Government, in and of itself, owns no land, especially in one of the original 13 States.

Virginia had the land and gave it to the Federal Government. In 1976, the Federal Government gave this back to the county with a lease for a park and restrictions, a deed restriction only. There is no transfer of money if we take away the deed restriction. There is no transfer of authority. The county has it. The county will continue to have it.

The dollar value that was given was made up in the minds of the Department of the Interior. This county actually said, if you really want more parkland, we will create 32 acres somewhere else for more parkland. The Department of the Interior said, No, let's have cash instead. They are the ones that determined that this land was worth 25 grand an acre, asking almost a million dollars from one of the poorest counties. They came up with that on their own. That does not mean it's reality.

The reality is the county has the land. The county will continue to have the land. There is no transfer of dollars. There is no loss from taxpayers in America. Actually, these guys who live in Virginia are taxpayers, too. Transferring from one pocket to the other is a ridiculous requirement to place on them, and all we're talking about is a deed restriction—how can we best use the land to actually help people.

Now, if the other side does not care about this county, does not care about the 16 percent of the population living

in poverty, does not care about the unemployment rate, does not care that they actually use this land in a logical, rational manner, I can understand that. It still doesn't mean that's an earmark.

The point of order is a delay tactic of today's consideration of this legislation.

Sometimes in the past, a couple of other Members who have declared what I think are earmarks as non-earmarks have always used the old cliché if it walks like a duck, quacks like a duck, it's probably a duck. But as Hans Christian Andersen told us, sometimes those ducks you perceive are actually the honking of a swan. This bill is a swan. This bill will help these people to produce themselves.

This point of order has no merit to it. In order to allow the House to continue its scheduled business of the day, I urge Members to vote "yes" on the question of consideration of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 172, not voting 32, as follows:

[Roll No. 112]

YEAS—227

Adams	Cravaack	Griffin (AR)
Aderholt	Crawford	Griffith (VA)
Alexander	Crenshaw	Grimm
Amash	Culberson	Guinta
Austria	Davis (KY)	Guthrie
Bachmann	Denham	Hall
Barletta	Dent	Hanna
Bartlett	DesJarlais	Harper
Barton (TX)	Diaz-Balart	Harris
Bass (NH)	Dreier	Hastings (WA)
Benishek	Duffy	Hayworth
Berg	Duncan (SC)	Heck
Biggart	Duncan (TN)	Hensarling
Billray	Ellmers	Herger
Bilirakis	Emerson	Herrera Beutler
Bishop (UT)	Farenthold	Huelskamp
Black	Fincher	Huizenga (MI)
Blackburn	Fitzpatrick	Hultgren
Bonner	Flake	Hunter
Boustany	Fleischmann	Hurt
Brooks	Fleming	Issa
Broun (GA)	Flores	Jenkins
Buchanan	Forbes	Johnson (IL)
Bucshon	Fortenberry	Johnson (OH)
Buerkle	Fox	Johnson, Sam
Burgess	Franks (AZ)	Jones
Burton (IN)	Frelinghuysen	Jordan
Calvert	Gallegly	Kelly
Camp	Gardner	King (IA)
Campbell	Garrett	King (NY)
Canseco	Gerlach	Kingston
Cantor	Gibbs	Kissell
Capito	Gibson	Kline
Carter	Gingrey (GA)	Labrador
Cassidy	Gohmert	Lamborn
Chabot	Goodlatte	Lance
Chaffetz	Gosar	Landry
Coble	Gowdy	Lankford
Coffman (CO)	Granger	Latham
Cole	Graves (GA)	LaTourette
Conaway	Graves (MO)	Latta

LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri

Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Waters
Watt

Akin
Amodei
Bachus
Bass (CA)
Bono Mack
Brady (TX)
Davis (IL)
Doggett
Dold
Gonzalez
Hartzler

Waxman
Welch

Hirono
Honda
Jackson (IL)
Kinzinger (IL)
Larson (CT)
Lee (CA)
Lewis (CA)
Lipinski
Manzullo
Marino
McCarthy (NY)

Wilson (FL)
Woolsey

NOT VOTING—32

□ 1432

Messrs. WELCH, HEINRICH, Mrs. MALONEY, and Mr. DAVID SCOTT of Georgia changed their vote from “yea” to “nay.”

Messrs. BILBRAY and MCCARTHY of California changed their vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. HIRONO. Mr. Speaker, on rollcall No. 112, had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 111 and 112, I was delayed and unable to vote. Had I been present I would have voted “yea” on both.

The SPEAKER pro tempore (Mr. YODER). The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. For purposes of debate only, I yield the customary 30 minutes to the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. The resolution provides for a modified open rule for the consideration of H.R. 2087, a bill to remove certain restrictions from a parcel of land that's situated in the Atlantic District of Accomack County, in Virginia. It provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. This rule makes in order all amendments that were preprinted in the CONGRESSIONAL RECORD and which otherwise comply with the rules of the House.

So this modified rule is a very fair rule. It is a generous rule. It will provide for a balanced and open debate on the merits of this bill that is not an earmark.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Utah, my colleague (Mr. BISHOP), for yielding me the customary 30 minutes, and yield myself such time as I may consume.

We begin yet another week of inaction in the House of Representatives. Last week, our colleagues in the Senate, working together in a bipartisan fashion, approved a transportation bill that would be the biggest job creation measure this body has considered in this Congress. But are we talking about a bipartisan job creation bill in the House? No.

Instead of creating thousands of jobs through a bipartisan transportation bill that has already passed the Senate, and just awaits our action, we are talking about an \$800,000 earmark to benefit a single county in a single State. And if somebody talked about the day's work that we were getting around to, this is it.

In other words, instead of creating the millions of new jobs that would result from a strong bipartisan transportation bill, we're spending the entire day debating a bill that affects 32 acres of land in a single State. No other community in America has received the kind of special treatment that is provided to a single community in this bill. This earmark hardly seems like a fiscally responsible way to create jobs and to protect the tax dollars of our hardworking American citizens.

This is not the first time the Federal Government has had to make decisions about transferring public lands to new uses. Fortunately, there is an established procedure in existing law to ensure that the taxpayers get just compensation in such cases. We are being asked today to ignore that. Instead of letting the National Park Service and the local community handle the transfer of this land in the tried-and-true way, the majority proposes making a one-time exception—an \$800,000 earmark for a single community.

If this majority were serious about job creation, we would right now be discussing the Senate-passed transportation bill. But instead, as I said before, we've spent an entire day of this week debating 32 acres of land.

I urge my colleagues to vote “no” on the rule and the underlying legislation.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 4 minutes to the sponsor of this bill, who will once again try to describe to this body how this county land should stay with the county and needs to be dealt with by the county and all we have to do is remove an unnecessary restriction on its deed.

With that, I yield 4 minutes to the gentleman from Virginia (Mr. RIGELL).

Mr. RIGELL. I thank the gentleman from Utah.

Mr. Speaker, it's a real privilege today to speak on behalf of the bill

NAYS—172

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards
Ellison
Engel

Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Levin
Lewis (GA)
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran

Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Visclosky
Walz (MN)
Wasserman
Schultz

that I'm introducing. It is indeed a jobs bill. It is a bill that reflects common sense. It's a bill that reflects common ground. And I think, importantly, it reflects the wisdom and the will of the good, hardworking residents of Accomack County in Virginia, whom I have the privilege of representing. It enjoyed bipartisan support in coming out of committee, and it enjoys and should enjoy and merits today bipartisan support when it comes before the full House for a vote.

Here's why if it's passed it will work toward job creation. Unlike so many measures that some have proposed, instead of looking to Washington to actually spend more money or for Washington to do something, the folks of Accomack County are simply asking for the Federal Government to get out of the way and allow the greatest job-producing engine the world has ever known, Mr. Speaker, the American entrepreneur, to go forward and to put hardworking folks to work and put precious and limited capital to work.

This bill simply removes a deed restriction. That's all it does. And this deed restriction is, in effect, a restriction on job creation. It's a restriction on much needed tax revenue that this county so desperately needs. Sixteen percent unemployment; sixteen percent of the folks there live at the poverty level.

Accomack County is 90 percent agricultural, a bit of tourism, and then the NASA Wallops Facility. This piece of property is adjacent to the NASA Wallops Facility; and presently, with this deed restriction, they can't use it at all for any economic growth or opportunity. Removing this deed restriction will allow the board of supervisors there to move forward with their Wallops Research Park. They are desperate to get this done, and I am ready to help them today.

Mr. Speaker, as I mentioned earlier, this bill enjoyed bipartisan support in committee. It does not require any money coming from the Federal Government. We're simply asking for the Federal Government to get out of the way and let the hardworking folks of Accomack County get on with job creation.

Ms. SLAUGHTER. I just wish to make a comment or two. The most unusual thing about this bill is that when we have a Federal land swap and a deed that goes with it, they're always the same—you can use this land for public purposes. Should you decide not to use this land for public purposes, it reverts to the government. It's as simple as that.

So what we're doing now is giving away \$800,000 that belongs to my constituents, your constituents, and everybody else's constituents. We're giving away the tax money. I have got a good idea because there's a Democrat amendment today that can remedy

that, and it says the county can pay for the land with the revenues they get from developing the land and renting it out. That way we'll get our money back; the county should be very happy; and we hope that a lot of jobs are created there.

□ 1440

May I inquire, Mr. Speaker, if my colleague is ready to close?

Mr. BISHOP of Utah. I would be more than happy to close at any time you are ready.

Ms. SLAUGHTER. I am ready.

In closing today, let me reiterate what I've said all along: This is not a jobs bill. It does nothing to put millions of unemployed Americans back to work. By considering this bill, the majority has made a decision that it is more important to vote on an earmark than to vote on a transportation bill that would create thousands of jobs, perhaps millions, throughout the United States and had strong, bipartisan support. We must do something because, as we know, the current legislation will expire at the end of this month.

If the House passes today's legislation, we will have taken a vote, but we will not have helped the American people. We all know we were not sent here to avoid solving the pressing problems facing our constituents, and we certainly weren't sent here to spend our days giving away public land so one county in one State could receive a windfall while all the rest of the taxpayers get nothing.

I urge my colleagues to get back to the single biggest problem facing the country—the lack of jobs—and to vote on the bipartisan Senate transportation bill, which easily passed the Senate 74-22. Until we do, we are just treading water as our roads, bridges, and highways crumble and our constituents are neglected.

I urge my colleagues to vote “no” on today's rule and the underlying legislation, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am very pleased to speak in favor of the underlying bill. The gentleman from Virginia (Mr. RIGELL) knows his constituents; he knows the needs there and has worked very hard for their benefit.

This, as we already discussed and voted, is not an earmark. The gentleman from New York introduced a heritage area for Niagara Falls that got \$10 million sent from the Federal Government to that place. That was officially not an earmark. This bill has no money going anywhere. The land is the county's, no exchange of profit whatsoever. There is no earmark, and there is no money being exchanged.

This land was originally Virginia's land. They gave it to the Federal Government for a Federal purpose. Thirty-

six years ago, the Federal Government, in no longer needing the land, gave it back to this county for a public park. As a public park, it is useless. Now that's the common bond here. It is not needed as a park; it is not used as a park; there is no parking; it is inaccessible; and it is lousy for that purpose. The county, though, would like to use their land to do economic development because that is where it is and for what it would best be used, how it would help the public and the general good if it were used for economic development. All they need is the Federal Government to graciously grant a deed restriction, which they refuse to do—for whatever purpose, no one really knows, but they won't do it. That is why the county needs to keep the county land, to do something that is common sense, simply use the land for the purpose in which it best suits the needs of the people.

I don't know why the Department of the Interior, in its infinite wisdom, decides they want to tell the county in Virginia what is best for Virginia, but that is exactly what they are trying to do by being hard-nosed, not on a law, but on an internal rule from the Department of the Interior.

Look, this government already controls 1 out of every 3 acres in this Nation. One-third of America is controlled by the Federal Government. That means the Federal Government's in-holdings are larger than any country's in the world, with the exception of Russia's and Canada's. That's what we already have. And yet the Department of the Interior is straining over 32 acres that shouldn't be a park and that need to be used to help the people of this particular county, and that is simply illogical. It is irrational.

I have faced similar circumstances in countless bills that we have had and passed before this body. There was public land in the middle of Park City in my district that was controlled by the Bureau of Land Management. They didn't need it; they didn't want it; they didn't use it. It was actually being occupied by squatters. The city had no control over it because it was public land, and yet the Department of the Interior did not want to let go of that land because the control was already there.

We passed another bill earlier that went through the House and the Senate that transferred land that the Forest Service had that they didn't even know they had. We had to do a title search to remind them, oh, yeah, that actually is ours. They didn't need it; they didn't want it; they didn't use it; and after 6 years, we finally got them to give it up so it could be used for a better purpose.

We have another bill for 2 acres in Alta that the Park Service doesn't want to give up, for whatever reason, even though on that 2 acres there is already the city building, a public safety

building, and public bathrooms for the community and those that go to that ski resort; and yet the Forest Service, in this case, doesn't want to give that up for whatever reason there may be.

Mr. Speaker, we were just in a hearing earlier this morning that dealt with a proposed Eisenhower memorial. In all due respect, I just recently read a biography of Eisenhower. When he was just a lieutenant in the Army, he had his first child, and he applied for and received permission for a housing increase that he thought he deserved and so did the commanding officer who approved that housing increase. A little while later, they did an audit, and the acting inspector general did an audit and found out that there was a technicality to which General Eisenhower was not entitled to that housing increase. When he was confronted with that, he immediately apologized and said he was more than willing to pay back the \$250.67 that he owed the government.

But that wasn't good enough for the inspector general. That acting inspector general wanted a court-martial because that was what the rules were. That acting inspector general had this blind fetish for fealty to follow rules because that's what bureaucrats always want to do. Fortunately, there was a commanding officer that realized that this young Army officer had a talent and an ability and intervened and allowed General, then Lieutenant, Eisenhower simply to pay the \$250.67 and get on with it.

It is amazing to consider what this Nation and what this world would be like if Lieutenant Eisenhower had actually been court-martialed over \$250.67 because that was the rule.

We have the same situation, 32 acres that is useless. Right now it has no purpose. It sits there, and the Federal Government wants to deny a county in Virginia the ability to do something useful to help people on 32 acres because it violates their internal rule. There has to be some time when common sense takes over and we actually do things because it's the right thing to do, because it is the better thing to do.

Fortunately, there was an officer in Texas that realized, in the case of General Eisenhower, common sense should take over. It would be nice, it would be wonderful if, within the Department of the Interior, there were some element of common sense that said it is stupid what we are doing with this land. We need simply to use common sense and use the land for a better, better purpose.

There is no transfer of land. The county has it. If we don't pass this bill, the county will still have it. They just can't use it effectively.

If we pass this bill, there will be no transfer of money. All you're saying is the county can use the county's land to

do something the county needs to help the people in that county. And, honestly, should that not be our goal? Is that not our purpose, to actually use common sense? Or do we have the bureaucratic blood running through our veins that we put these little blinders on and, unless we check the right box, it doesn't matter if it helps, it doesn't matter if it's good, it doesn't matter if it's possible, we won't do it because of our internal rules?

That is, indeed, where this country and this Congress has come. There is something definitely wrong with us.

This rule is a fair rule. It will provide for a good debate. It provides for all those amendments that were preprinted and are in order to be debated here on the floor.

Let us proceed forward with this bill. Let's help this county that desperately needs our help and that desperately needs us just to use some good, old-fashioned common sense. Vote "yes" on this amendment.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 587 will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 665.

The vote was taken by electronic device, and there were—yeas 232, nays 170, not voting 29, as follows:

[Roll No. 113]

YEAS—232

Adams	Canseco	Flores
Aderholt	Cantor	Forbes
Alexander	Capito	Fortenberry
Amash	Carter	Fox
Amodei	Cassidy	Franks (AZ)
Austria	Chabot	Frelinghuysen
Bachmann	Chaffetz	Gallagher
Barletta	Coble	Gardner
Bartlett	Coffman (CO)	Garrett
Barton (TX)	Cole	Gerlach
Bass (NH)	Conaway	Gibbs
Benish	Cravack	Gibson
Berg	Crawford	Gingrey (GA)
Biggart	Crenshaw	Gohmert
Bilbray	Culberson	Goodlatte
Bilirakis	Davis (KY)	Gosar
Bishop (UT)	Denham	Gowdy
Black	Dent	Granger
Blackburn	DesJarlais	Graves (GA)
Bonner	Diaz-Balart	Graves (MO)
Boustany	Dreier	Griffin (AR)
Brady (TX)	Duffy	Griffith (VA)
Brooks	Duncan (SC)	Grimm
Broun (GA)	Duncan (TN)	Guinta
Buchanan	Ellmers	Guthrie
Bucshon	Emerson	Hall
Buerkle	Farenthold	Hanna
Burgess	Fincher	Harper
Burton (IN)	Fitzpatrick	Harris
Calvert	Flake	Hartzler
Camp	Fleischmann	Hastings (WA)
Campbell	Fleming	Hayworth

Heck	McIntyre	Ros-Lehtinen
Heinrich	McKeon	Roskam
Hensarling	McKinley	Ross (FL)
Herger	McMorris	Royce
Herrera Beutler	Rodgers	Runyan
Huelskamp	Mica	Ryan (WI)
Huizenga (MI)	Michaud	Scalise
Hultgren	Miller (FL)	Schilling
Hunter	Miller (MI)	Schmidt
Hurt	Miller, Gary	Schweikert
Issa	Mulvaney	Scott (SC)
Jenkins	Murphy (PA)	Scott, Austin
Johnson (IL)	Myrick	Sensenbrenner
Johnson (OH)	Neugebauer	Shimkus
Johnson, Sam	Noem	Shuster
Jones	Nugent	Simpson
Jordan	Nunes	Smith (NE)
Kelly	Nunnelee	Smith (NJ)
King (IA)	Olson	Smith (TX)
King (NY)	Palazzo	Southerland
Kingston	Paulsen	Stearns
Kissell	Pearce	Stivers
Kline	Pence	Stutzman
Labrador	Petri	Sullivan
Lamborn	Pitts	Terry
Lance	Platts	Thornberry
Landry	Poe (TX)	Tiberi
Lankford	Pompeo	Tipton
Latham	Posey	Turner (NY)
LaTourette	Price (GA)	Turner (OH)
Latta	Quayle	Upton
LoBiondo	Reed	Walberg
Long	Rehberg	Walden
Lucas	Reichert	Webster
Luetkemeyer	Renacci	West
Lummis	Ribble	Westmoreland
Lungren, Daniel	Rigell	Whitfield
E.	Rivera	Wilson (SC)
Mack	Roby	Wittman
Marchant	Roe (TN)	Wolf
Matheson	Rogers (AL)	Womack
McCarthy (CA)	Rogers (KY)	Woodall
McCauley	Rogers (MI)	Yoder
McClintock	Rohrabacher	Young (AK)
McCotter	Rokita	Young (FL)
McHenry	Rooney	Young (IN)

NAYS—170

Ackerman	DeLauro	Lofgren, Zoe
Altmire	Deutch	Lowe
Andrews	Dicks	Lujan
Baca	Dingell	Lynch
Barrow	Donnelly (IN)	Maloney
Bass (CA)	Doyle	Markley
Becerra	Edwards	Matsui
Berkley	Ellison	McCarthy (NY)
Berman	Engel	McCollum
Bishop (GA)	Eshoo	McDermott
Bishop (NY)	Farr	McGovern
Blumenauer	Fattah	McNerney
Bonamici	Filner	Meeks
Boren	Frank (MA)	Miller (NC)
Boswell	Fudge	Miller, George
Brady (PA)	Garamendi	Moore
Braley (IA)	Green, Al	Moran
Butterfield	Green, Gene	Murphy (CT)
Capps	Grijalva	Nadler
Capuano	Gutierrez	Napolitano
Cardoza	Hahn	Neal
Carnahan	Hanabusa	Oliver
Carney	Hastings (FL)	Owens
Carson (IN)	Higgins	Pallone
Castor (FL)	Himes	Pascrell
Chandler	Hinchey	Pastor (AZ)
Chu	Hinojosa	Pelosi
Ciçilline	Hirono	Perlmutter
Clarke (MI)	Hochul	Peters
Clarke (NY)	Holden	Peterson
Clay	Holt	Pingree (ME)
Cleaver	Honda	Polis
Clyburn	Hoyer	Price (NC)
Cohen	Israel	Quigley
Connolly (VA)	Jackson Lee	Rahall
Conyers	(TX)	Reyes
Cooper	Johnson, E. B.	Richardson
Costa	Kaptur	Richmond
Costello	Keating	Ross (AR)
Courtney	Kildee	Rothman (NJ)
Critz	Kind	Roybal-Allard
Crowley	Kucinich	Ruppersberger
Cuellar	Larsen (WA)	Ryan (OH)
Cummings	Larson (CT)	Sanchez, Linda
Davis (CA)	Levin	T.
DeFazio	Lewis (GA)	Sanchez, Loretta
DeGette	Loeback	Sarbanes

Schakowsky	Slaughter	Visclosky
Schiff	Smith (WA)	Walz (MN)
Schrader	Speler	Wasserman
Schwartz	Stark	Schultz
Scott (VA)	Sutton	Waters
Scott, David	Thompson (CA)	Watt
Serrano	Thompson (MS)	Waxman
Sewell	Tierney	Welch
Sherman	Tonko	Wilson (FL)
Shuler	Towns	Woolsey
Sires	Tsongas	

NOT VOTING—29

Akin	Johnson (GA)	Rangel
Bachus	Kinzing (IL)	Rush
Baldwin	Langevin	Schock
Bono Mack	Lee (CA)	Sessions
Brown (FL)	Lewis (CA)	Thompson (PA)
Davis (IL)	Lipinski	Van Hollen
Doggett	Manzullo	Velázquez
Dold	Marino	Walsh (IL)
Gonzalez	Meehan	Yarmuth
Jackson (IL)	Paul	

□ 1517

Mr. LUJÁN, Ms. HAHN, and Mr. HONDA changed their vote from “yea” to “nay.”

Mr. BRADY of Texas changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXCESS FEDERAL BUILDING AND PROPERTY DISPOSAL ACT OF 2012

The SPEAKER pro tempore (Mr. GARDNER). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 665) to establish a pilot program for the expedited disposal of federal real property, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 28, as follows:

[Roll No. 114]

YEAS—403

Ackerman	Bilirakis	Camp
Adams	Bishop (GA)	Campbell
Aderholt	Bishop (NY)	Canseco
Alexander	Bishop (UT)	Cantor
Altmire	Black	Capito
Amash	Blackburn	Capps
Amodei	Blumenauer	Capuano
Andrews	Bonamici	Cardoza
Austria	Bonner	Carnahan
Baca	Boren	Carney
Bachmann	Boswell	Carson (IN)
Baldwin	Boustany	Carter
Barletta	Brady (PA)	Cassidy
Barrow	Brady (TX)	Castor (FL)
Bartlett	Braley (IA)	Chabot
Barton (TX)	Brooks	Chaffetz
Bass (CA)	Brown (GA)	Chu
Bass (NH)	Brown (FL)	Cicilline
Becerra	Buchanan	Clarke (MI)
Benishkek	Bucshon	Clarke (NY)
Berg	Buerkle	Clay
Berkley	Burgess	Cleaver
Berman	Burton (IN)	Clyburn
Biggert	Butterfield	Coble
Bilbray	Calvert	Coffman (CO)

Cohen	Herrera Beutler	Nadler
Cole	Higgins	Napolitano
Conaway	Himes	Neal
Connolly (VA)	Hinchee	Neugebauer
Conyers	Hinojosa	Noem
Cooper	Hirono	Nugent
Costa	Hochul	Nunes
Costello	Holden	Nunnelee
Courtney	Holt	Olson
Cravaack	Honda	Olver
Crawford	Hoyer	Owens
Crenshaw	Huelskamp	Palazzo
Critz	Huizenga (MI)	Pallone
Crowley	Hultgren	Pascarell
Cuellar	Hunter	Pastor (AZ)
Culberson	Hurt	Paulsen
Cummings	Israel	Pearce
Davis (CA)	Issa	Pelosi
Davis (KY)	Jackson Lee	Pence
DeFazio	(TX)	Perlmutter
DeGette	Jenkins	Peters
DeLauro	Johnson (IL)	Peterson
Denham	Johnson (OH)	Petri
Dent	Johnson, E. B.	Pingree (ME)
DesJarlais	Johnson, Sam	Pitts
Deutch	Jones	Platts
Diaz-Balart	Jordan	Poe (TX)
Dicks	Kaptur	Polis
Dingell	Keating	Pompeo
Donnelly (IN)	Kelly	Posey
Doyle	Kildee	Price (GA)
Dreier	Kind	Price (NC)
Duffy	King (IA)	Quayle
Duncan (SC)	King (NY)	Quigley
Duncan (TN)	Kingston	Rahall
Edwards	Kissell	Reed
Ellison	Kline	Rehberg
Ellmers	Kucinich	Reichert
Emerson	Labrador	Renacci
Engel	Lamborn	Reyes
Eshoo	Lance	Ribble
Farenthold	Landry	Richardson
Farr	Langevin	Richmond
Fattah	Lankford	Rigell
Filner	Larsen (WA)	Rivera
Fincher	Larson (CT)	Roby
Fitzpatrick	Latham	Roe (TN)
Flake	LaTourette	Rogers (AL)
Fleischmann	Latta	Rogers (KY)
Fleming	Levin	Rogers (MI)
Flores	Lewis (GA)	Rohrabacher
Forbes	LoBiondo	Rokita
Fortenberry	Loebuck	Rooney
Fox	Lofgren, Zoe	Ros-Lehtinen
Frank (MA)	Long	Roskam
Franks (AZ)	Lowey	Ross (AR)
Frelinghuysen	Lucas	Ross (FL)
Fudge	Luetkemeyer	Rothman (NJ)
Galleghy	Luján	Roybal-Allard
Garamendi	Lummis	Royce
Gardner	Lungren, Daniel	Runyan
Garrett	E.	Ruppersberger
Gerlach	Lynch	Ryan (OH)
Gibbs	Mack	Ryan (WI)
Gibson	Maloney	Sánchez, Linda
Gingrey (GA)	Marchant	T.
Gohmert	Matheson	Sanchez, Loretta
Goodlatte	Matsui	Sarbanes
Gosar	McCarthy (CA)	Scalise
Gowdy	McCarthy (NY)	Schakowsky
Granger	McCaul	Schiff
Graves (GA)	McClintock	Schilling
Graves (MO)	McCollum	Schmidt
Green, Al	McCotter	Schrader
Green, Gene	McDermott	Schwartz
Griffin (AR)	McGovern	Schweikert
Griffith (VA)	McHenry	Scott (SC)
Grijalva	McIntyre	Scott (VA)
Grimm	McKeon	Scott, Austin
Guinta	McKinley	Scott, David
Guthrie	McMorris	Sensenbrenner
Gutierrez	Rodgers	Serrano
Hahn	McNerney	Sewell
Hanabusa	Meeks	Sherman
Hanna	Mica	Shimkus
Harper	Michaud	Shuler
Harris	Miller (FL)	Shuster
Hartzel	Miller (MI)	Simpson
Hastings (FL)	Miller (NC)	Sires
Hastings (WA)	Miller, George	Slaughter
Hayworth	Moore	Smith (NE)
Heck	Moran	Smith (NJ)
Heinrich	Mulvaney	Smith (TX)
Hensarling	Murphy (CT)	Smith (WA)
Herger	Murphy (PA)	Southerland
	Myrick	Speier

Stark	Towns	Welch
Stearns	Tsongas	West
Stivers	Turner (NY)	Westmoreland
Stutzman	Turner (OH)	Whitfield
Sullivan	Upton	Wilson (FL)
Sutton	Visclosky	Wilson (SC)
Terry	Walberg	Wittman
Thompson (CA)	Walden	Wolf
Thompson (MS)	Walz (MN)	Womack
Thompson (PA)	Wasserman	Woodall
Thornberry	Schultz	Woolsey
Tiberi	Waters	Yoder
Tierney	Watt	Young (AK)
Tipton	Waxman	Young (FL)
Tonko	Webster	Young (IN)

NOT VOTING—28

Akin	Kinzing (IL)	Rangel
Bachus	Lee (CA)	Rush
Bono Mack	Lewis (CA)	Schock
Chandler	Lipinski	Sessions
Davis (IL)	Manzullo	Van Hollen
Doggett	Marino	Velázquez
Dold	Markley	Walsh (IL)
Gonzalez	Meehan	Yarmuth
Jackson (IL)	Miller, Gary	
Johnson (GA)	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1526

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 113 and 114, I was delayed and unable to vote. Had I been present I would have voted “yea” on both.

RESIGNATIONS AS MEMBERS OF COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

The SPEAKER pro tempore (Mr. WEST) laid before the House the following resignations as members of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES,

WASHINGTON, DC,

March 20, 2012.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER: In order to rejoin the Committee on Energy and Commerce, I hereby resign my seat on the Science, Space, and Technology Committee and the Natural Resources Committee, effective today.

Sincerely,

JOHN P. SARBANES,
Member of Congress.

HOUSE OF REPRESENTATIVES,

WASHINGTON, DC,

March 20, 2012.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Please accept my resignation from the House Committee on Science, Space, and Technology (SST), effective immediately. I have been pleased to serve on the SST Committee during the 112th Congress. However, this resignation is necessitated by the recent vacancy on, and my assignment to, the House Committee on Education and the Workforce.

Thank you.

Best Regards,

MARCIA L. FUDGE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 590

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Ms. Fudge.

(2) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Sarbanes.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVING RESTRICTIONS FOR ACCOMACK COUNTY LAND PARCEL

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 2087.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 587 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2087.

□ 1529

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2087) to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia, with Mr. GARDNER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 2087, an authentic, no-cost jobs bill aimed at removing government hurdles to economic development.

This bill by the gentleman from Virginia (Mr. RIGELL) would allow Accomack County in Virginia to move forward with plans to develop—and, Mr. Chairman, I want to say this very explicitly—not 32 million, not 320,000, not 320—a 32-acre parcel of land adjacent to a NASA airstrip into a technology and research facility.

Currently, the parcel has a restriction limiting use of the property to recreational purposes. This was a condition placed on the property when the county obtained the deed through the Federal Land to Park program in 1976. Unfortunately, the park has been of little benefit to the community. Though the county has made diligent efforts, the park has fallen out of use and is currently overgrown and unmaintained.

Now Accomack County has found a better way to serve its citizens, and has determined that with this legislation they can create hundreds of short-term and long-term jobs.

□ 1530

Mr. Chairman, again, this property is already owned by Accomack County, not the Federal Government. Congress created the program that allowed the county to take title to this land. The purpose at that time was to help communities like this do exactly what the bill says it should do. Congress has the authority to do this, and it should have the common sense to allow the county to do this.

But there have been concerns raised that this bill would create a precedent leading to an avalanche of these types of requests. Let's be clear: This is simply one specific proposal dealing with one parcel of land totaling 32 acres—not 32,000, not 320 million, just 32 acres.

To put this into perspective, there are nearly 170,000 acres of land that have been transferred to State and local governments through the Federal Lands to Park program. Nothing in this bill would affect those other acres. This bill is narrowly focused, involves an extremely small area of land, and, frankly, it's unfortunate that this bill is even before us today.

However, I will state that there absolutely are instances in which communities and States would be better off if the Federal red tape on private land ownership was lifted, just as there are instances where reducing Federal land-

ownership would be beneficial to local communities and States. Yet here we are debating this specific bill, and it is simply not reasonable to argue that the sky is going to fall if this bill affecting, again, Mr. Chairman, just 32 acres in Accomack County becomes law.

With unemployment still over 8 percent, Congress should be looking for every opportunity possible, no matter how big or how small, to create new American jobs. Gas prices are rapidly rising and families and businesses are struggling to make ends meet. Now more than ever, Congress should make it a priority to eliminate hurdles to economic development; and, Mr. Chairman, that's exactly what this bill does.

The gentleman from Virginia has given us an opportunity to immediately help a community with a plan to create jobs. We need to pass this legislation today, and I urge my colleagues to support H.R. 2087.

With that, I reserve the balance of my time.

Mr. GRIJALVA. I yield myself as much time as I may consume.

Mr. Chairman, I rise in opposition to the legislation.

The Federal Lands to Parks program is one of the most successful parts of our National Park Service. For those parts of the country that are not blessed with the Grand Canyon or Sonoran Desert, this program provides local government with excess Federal lands at no cost, provided the land is used for recreational purposes.

Over the years, nearly 1,500 parcels of land have gone to local governments for free but with deeds that ensure they are used for the public good. This land isn't foisted upon these local governments. Instead, local governments actively work with the Park Service to obtain land for "historical, natural, or recreational interest."

I should note for clarification, as we go forward with this debate, that this is not county land. This is Federal land. The county is allowed to control this land as long as it is used for the recreational purposes in the agreement. If this were county land, we would not be here. The county can't sell the land. The county can't lease the land. The county can't rent the land. The county does not own the land. This bill gives Federal land away for free.

Examples of successful projects include: 195 acres that went to the City of Ogden, Utah, for the Ogden Nature Center, Rodeo, and Fairgrounds; 97 acres that went to Brigham City, Utah, for the Brigham Intermountain Golf Course; 103 acres to the County of Walla Walla, Washington, for the Fort Walla Walla Park; 307 acres to the City of Aurora, Colorado, for the Aurora Reservoir Park; and 2.57 acres to the Town of Hot Sulfur Springs, Colorado. All of these entities took the same deal

as Accomack County in 1976. They expressed their desire for the land, advocated for the transfer, and freely agreed to a deed that ensured that the land would be used for recreation or revert back to Federal ownership.

Over the years, as local governments have fought development pressures and budget shortfalls, the Park Service and the General Services Administration have developed a land exchange process to enable some flexibility for communities. They can enter into a land exchange that requires the replacement land be of equal recreation and fair market value. Alternatively, the county can return the land to the Federal Government and purchase it for fair market value through the GSA process. The sponsor of the legislation and the county involved have rejected both of these options. Instead, the county is actively promoting a development plan that includes these lands in question while waiting for an act of Congress to clear the deed.

The enactment of this bill creates an unacceptable and dangerous precedent for every other project out there.

The reason the Federal land management agencies refuse to give away Federal land is because Congress requires the agencies to seek legislation to sell or transfer Federal land. Do you know why? Because a pesky little document called the United States Constitution requires Congress to make laws with respect to the disposition of Federal land. This would encourage local governments to run to Congress and cash in on a gift the Federal Government shared with local communities.

This legislation should be rejected. I urge a "no" vote on this bill, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 5 minutes to the author of this legislation, the gentleman from Virginia (Mr. RIGELL).

Mr. RIGELL. I thank my friend, the gentleman from Washington.

I appreciate the opportunity, Mr. Chairman, to come before this body today and make the case that this is wonderful and strong legislation that should be moved forward for one purpose: job creation in the Commonwealth of Virginia and, specifically, in Accomack County.

It, indeed, is a jobs bill. It reflects common sense. It reflects common ground. It came out of committee with bipartisan support. And I think most importantly, Mr. Chairman, it reflects the collective wisdom and the will of the hardworking taxpayers of Accomack County.

Here is why, Mr. Chairman, this bill, if passed and enacted, will create jobs: You see, the folks of Accomack County have not asked the Federal Government for something. They've simply asked the Federal Government to get out of the way so that the greatest job-

producing engine the world has ever known, the American entrepreneurs, and Accomack County can get to work in a very responsible way of developing this property that is immediately adjacent to the Wallops NASA facility there.

It is, I think, a clear contrast of two basic philosophical approaches to job creation. One looks to this institution and to Washington to see that this institution is the primary driver of job creation. As a lifetime entrepreneur, Mr. Chairman, I reject that approach and, instead, have adopted all of my life and believe we need to bring to this body the mindset that the best thing to do to get our economy going again is to eliminate the hurdles. This is a very practical hurdle that is holding back job creation in a county that desperately needs jobs.

Mr. Chairman, 16 percent of the hardworking families in Accomack County live under the poverty line. About 90 percent of the property that's in Accomack County is agricultural.

□ 1540

It is without a doubt a poor county, and this bill simply removes a deed restriction. My friend behind me just a few moments ago said, Do you have a picture of this? I said, Well, we didn't bring it down to the floor, but we could have. It's just overgrown. There's nothing there. There's a dilapidated dugout facility, and that's it. There's no parking, there's no infrastructure, there's no buildings.

Accomack County has a plan. Americans are resourceful. They'll figure their way out of this in spite of Washington. The board of supervisors has a wonderful plan for the Wallops Research Park; but it only works, Mr. Chairman, if this deed restriction is removed. Thirty-two acres. Great potential for the folks in Accomack County.

I want to close, Mr. Chairman, by recounting a conversation that I had just a few moments ago. I actually called the person back. I wanted to make sure I had her permission to share this story. I trust she's listening now.

Mr. Chairman, her name is Kathy Wert. Her husband is a builder in Accomack County, and their business has been hurting because of the economy. Jim's a friend of mine, and I know his business is hurting. Kathy used to work for him in accounting. She's been out looking for work because the construction business is so depressed. And we all know that. I called Kathy and said, I would like to reference you here. Do I have your permission? And she said, Yes, you do.

This is just one family. There are hundreds and hundreds of families in Accomack County. I wish my colleagues on the other side who are opposing this bill could look them in the eye and explain to them why we can't remove this deed restriction. It's a

classic example, Mr. Chairman, of a paternalistic Federal Government, an oppressive Federal Government, holding back job creation.

We're all American taxpayers. This idea of transferring it from one to another, \$800,000 or more from a poor county, this is what is wrong with America, Mr. Chairman. Even though this is a relatively small bill in the big scheme of things—32 acres—when the Federal Government owns almost one-third of all the land in the United States, that, too, is a problem. Maybe we'll get around to that one day, Mr. Chairman; but until then we're just talking about 32 acres.

So I would ask my colleagues on the other side to reconsider, and I would ask them to vote in favor of this, and let's get some hardworking folks in Accomack County back to work.

Mr. GRIJALVA. I yield 5 minutes to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, it's inconceivable to me that with all the challenges we have that are facing our Nation, this body is taking up legislation today having to do with a 32-acre parcel of land in Virginia. Is this really the best we can do at a moment when our economy is still underperforming? At a moment when we're still sending brave Americans to die in an immoral war that's gone on for nearly as long as my grandson Teddy has been alive?

We still have more than 8 percent unemployment in this country. We still have families and entire communities wondering what happened to the American Dream. We have people losing their home through no fault of their own. We have people wondering how they're going to pay next month's bills, never mind the daunting cost of sending their child to college. We have families wondering why the very health care reforms they needed are about to go on trial at the U.S. Supreme Court. We also have people who, more than ever, are depending on safety-net programs like Medicare and Medicaid, which have a big fat target on their backs put on by the Republican budget plan that was just unveiled today.

A good start would be to pass the Senate transportation bill to rebuild our infrastructure and put our people back to work. And then, how about getting down to the business of ending the war in Afghanistan, which is killing our people, undermining our national security, and diverting the money that we need to meet human needs right here at home. I can't believe that the American people want us to debate a bill about 32 acres of land in Virginia—not when we still have thousands of troops in harm's way, fighting a war that is doing nothing to keep America safe and nothing to protect our vital interests.

We have important issues to debate, Mr. Chairman, big problems to tackle,

Americans who need our help, and an overseas conflict that must end. This is a moment of great urgency. Why isn't the majority acting like it?

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the cosponsor of this legislation, the gentleman from Maryland (Mr. HARRIS).

Mr. HARRIS. I want to thank the chairman of the committee for giving me the opportunity to speak and the gentleman from Virginia for giving me the opportunity to cosponsor this bill. The gentleman from Virginia, of course, is from the southern end of the Delmarva Peninsula. I represent the middle part adjoining Accomack County.

We heard a lot during the State of the Union Address. The President stood just a few feet in front of you, Mr. Chairman, and talked about shovel-ready jobs and infrastructure. Mr. Chairman, there are shovel-ready jobs ready to go. This land adjoins Wallops Island, the launch facility which now is one of the places that launched private and public vehicles into space. It doesn't get any better than that for a poor county like Accomack.

The chairman of the committee mentioned an 8 percent unemployment rate. Well, Mr. Chairman, I wish that Worcester County, where half the employees in this industrial park will work, had an 8 percent rate. The unemployment rate was 15.6 percent in Worcester County.

The President stood there and said, We've got to get Americans back to work. Mr. Chairman, we need to cut through the red tape, just like the President said, and get projects like this going. There's no loss of recreation area. Accomack County has offered to, in fact, find another 32 areas to have the recreation area. So let's not pretend there's a loss. Let's not pretend this land doesn't belong to Accomack County. They hold the title. Like a poor stepchild they are coming to Uncle Sam begging for permission to create some jobs in Accomack County. And like the mean old uncle, Uncle Sam has said, No. There's red tape involved. We have a bureaucracy. You have to fill in all the blanks. You have to do this. Mr. Chairman, the 15.6 percent of Worcester County who are unemployed don't have the time for this red tape. We must do it.

The gentleman called this unacceptable and dangerous. Mr. Chairman, you're right, 15.6 percent unemployment is unacceptable. It's dangerous to our economy. The gentlelady said it's inconceivable that we're here. I couldn't have said it better. How could our Federal bureaucracy have failed so poorly?

We need to pass this bill, Mr. Chairman.

Mr. GRIJALVA. I yield 4 minutes to my colleague from Minnesota (Mr. ELLISON).

Mr. ELLISON. I would like to thank the gentleman for yielding time.

I have no doubt that these issues are important to the people involved. I have no doubt that the people who support and oppose this bill care deeply about it. It's a local issue, and I come from a locality and therefore understand. But the fact of the matter is that our country is in some seriously grievous harm because, yes, we do have an exorbitant unemployment rate. It's been going down. We've been adding private sector jobs. But there's still too many people unemployed. And yet the majority has not taken the time on the floor today to deal with how we're going to get all Americans back to work. They're taking time to figure out how they're going to do an earmark after they've said there's no earmarks.

This is remarkable. I'm actually not against earmarks, Mr. Chairman. I'm for them—I think they're a good thing—but the majority has said no earmarks. Yet this is about the second time in the last couple of weeks we see them floating their earmarks right on through.

H.R. 2087 would allow a county in a particular Representative's district to acquire full ownership of a little less than 32 acres of Federal land worth more than \$800,000 for free. That's an earmark. Yet the rest of us can't get them. But if you are among the favorite few, you can. That's wrong. That's unfair. That's unjust. And it's particularly unjust, given the grievous problems that we're facing as a Nation.

We should be voting on a real jobs bill to create good jobs all across America, but apparently that's not what we're going to be doing with our time today. We're going to be talking about a narrow provincial interest and trying to give away Federal land for free for a particular interest in a particular locality. We should be talking about how we're going to save and protect Medicare guaranteed for all Americans, which is a threat, given the Ryan budget. But, no, we're talking about a narrow, small-town interest, which I think is important but that the majority in their infinite wisdom has said we can't do because that's an earmark.

The GOP has wasted the last 441 days that they've been in charge, and has failed to produce a single jobs bill.

□ 1550

In fact, they're trying to cut jobs. The transportation bill would lead to losses of over 500,000 jobs. Now, I definitely sympathize with the folks who are out of work in the Member's district, I mean in the county where this earmark is going to be taking place. I do. I'm very concerned about the unemployed. That's why I wish we had a real jobs bill as opposed to these giveaways of Federal land, and we really

don't know who it's going to be benefiting at the end of the day.

The bottom line is we have real problems in America. We've got transportation needs, we've got environmental needs, and we've got health care needs. We've got real debate to take care of. But if we're going to be debating those things, we've got to be on the floor, taking the time up to do those things, not dealing with disguised earmarks for certain people because they happen to—I don't know. I don't know why they get privileged treatment over people like me who don't get to offer earmarks anymore.

I'll say this, Mr. Chairman: at the end of the day, America is a country that needs the attention of this Congress so that everybody can get a job that pays well across this country. And we're not doing that. We're failing. What we're doing is we're allowing one county in one Member's district to acquire the full ownership of a valuable piece of land for free. And that's wrong.

Mr. GRIJALVA. I yield 5 minutes to the gentleman from Washington, Congressman MCDERMOTT.

Mr. MCDERMOTT. Mr. Chairman, when we came into this session, there was a lot of talk in this House about the fact that we needed jobs, lots and lots of talk on the other side about how they were going to take care of this economy and we were going to finally get some jobs. There hasn't been one single bill put out here in 441 days. We are still waiting for a jobs bill from the Republican leadership.

Now, I don't want to dismiss the piece of legislation we're discussing here. I'm sure it's very important to have 32 acres of Virginia, and perhaps maybe there will be 100 jobs there. Those are important jobs for those people. We are in favor of that.

What's hard to understand is the Republicans' idea of priorities. Mr. Chairman, I can't understand how the Republican leadership could let the highway bill expire in 11 days and end highway construction in the United States of America and bring out instead a bill for 32 acres in rural Virginia that—most of us would have a tough time finding Accomack County on a map. There are 550,000 people working on rebuilding infrastructure in this country in the highway system, and the Republican leadership won't bring it out because they've got a fight inside. They've got a fight inside. They've got a bill that is so bad that it bankrupts the highway trust in 2016 and creates a \$78 billion funding shortfall over the next 10 years. That's the highway bill that they won't bring out here. I understand why they won't bring it out here. They'd get chewed up by the fiscal irresponsibility.

They have a bill sitting on the desk from the Senate they could bring up tomorrow, and we could ensure construction jobs all over this country for

550,000 people. But no, we're out here with this little—the last speaker said, it's really interesting, all the jumping, shouting, and waving of arms, we're not going to have any more earmarks in the House of Representatives. Earmarks are evil. They're evil things created by the devil, and we have wiped them out.

Now, if this ain't an earmark, I don't know what is. If you put a bill out here for 32 acres in two Members' districts, that's an earmark, folks. That's an earmark. And I'm not saying earmarks are bad. Frankly, I went to three of them last weekend in my district. One was the restoration of the King Street Station in the railroad system. Another one was an addition to the Wing Luke Museum, which is a national monument. These kinds of things make sense, and I think this piece of legislation makes sense, and it will probably go out of here without a single vote against it.

But it can't go out without somebody saying, where are your priorities? Where are they? Why is it that the leadership of the Republicans can't get their people in line to get a highway bill out here when it's 11 days from the day it expires? What is the matter? Well, I think really what it is, it's driven by the ideology that is creating most of the problems in this 2 years in terms of recovery. Nobody wants to give President Obama one single success, and they will kill the highway department and the highway construction fund and everything else if they can just make sure they don't reelect President Obama. That's what it's all about. It's very clear.

We see it going on tomorrow. It begins over across the street in the Supreme Court. They've spent 3½ years fighting providing health care for all Americans—3½ years fighting it, not trying to improve it, not trying to make it work better, but trying to repeal it. That's what's going on in this city. In fact, thousands of people have got health care now that didn't have it. The fact that you can now keep your kids on your policy to the age of 26 has added millions of young people to those who are insured against health problems. There are people who have health care in spite of the fact that they have a preexisting condition.

The CHAIR. The time of the gentleman has expired.

Mr. GRIJALVA. I yield the gentleman 1 additional minute.

Mr. McDERMOTT. They've got their health insurance because the bill that the President got through the Congress with our help was one that made it possible for you to get insurance if you have a preexisting condition. Now there are thousands of people who have benefited from that in this country, but not one single attempt has been made by the Republicans in 3½ years to do anything to make that work better. All they want to do is destroy it.

This is the party of destruction—the destruction of the infrastructure of the country, the destruction of an attempt to do the health care. You can go right down the list—441 days, no jobs bill—and what we get out here is this earmark. It would really be kind of laughable if it weren't so serious.

Mr. HASTINGS of Washington. Mr. Chairman, I advise my friend that I have no requests for time. If he is prepared to close, I'll close.

Mr. GRIJALVA. I am prepared to close.

Mr. Chairman, as we have heard continually from my friends on the other side of the aisle, before us we have a seemingly innocent piece of legislation that would allow Accomack County to develop a mere 32 acres of land for an aerospace park. One might even wonder why we are taking up valuable time on the House floor in debating this measure.

This is not innocent legislation. This is a Federal land giveaway that under any other circumstance would be considered an earmark. It is also the opening shot of a larger effort on the part of the Republicans to privatize our Federal lands. In 1976, Accomack County made a deal. They received 32 acres of Federal property free of charge. In return, they promised to use the land for public recreation purposes. Now they want a different deal, only they don't want to pay for it. The deal they want is to commercially develop the land they got for free and relocate the displaced recreation activity to a former landfill.

While it is “just” 32 acres, it represents what appears to be the Republican platform: that our parks, forests, and wildlife areas are cash cows, assets to sell and develop during these tough economic times.

□ 1600

Presidential candidate Mitt Romney told a Nevada newspaper that he doesn't know what the purpose is of public lands. While in Idaho, Presidential candidate Rick Santorum told the crowd that public lands in Idaho should go back to the hands of the private sector. This theme is not new. In 2005, then-chairman of the House Committee on Natural Resources, Richard Pombo, proposed selling national parks to mining companies.

Today, part of the Ryan budget was released. Again, it is proposing to sell off 3.3 million acres of public land. Most recently, an Energy and Commerce subcommittee chairman suggested selling off some of our national parks. We can't get through a meeting of the House Committee on Natural Resources without someone from the majority suggesting that lands need to be transferred to the States, or sold, or fully developed for gas and oil.

My view, and the view of most Americans, is completely different. As re-

nowned documentary filmmaker Ken Burns put it, our National Park System is America's best idea. Our forests and desert lands represent what is the best in America—a long-term view that we should protect and value the majesty that God has blessed our Nation with for this generation and the generations to come.

I urge my colleagues to join with me to defeat this legislation. We need this Congress to affirm to the American people that we value our parks, our forests, and wildlife areas for their inherent value. We value them as places to recreate with our family. We value them as places to hunt and fish. Sometimes we value them for just knowing that they are there, in hopes that one day we can visit.

I urge a “no” vote, a vote to protect our public lands from this precedent that is being set by H.R. 2087.

Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, the rhetoric on the other side of the aisle on the debate on this issue is rather interesting. Let me take a couple of the issues that were brought up and try to address them.

First, the issue of an earmark. Now, just to remind our body—we must have a very short attention span—but this House acted not too long ago on the question of earmarks and said we should proceed. That's why we are debating this bill. Why? Because H.R. 2087 does not contain an earmark. It is in full compliance with the earmark definition provided for in House rule 21 in the earmark ban that was instituted by the House Republicans in January of 2011.

Why is that or how is that? Because the House definition of an earmark requires that there be spending in some form directed to an entity. In H.R. 2087, we do not direct any spending of any money in any form. It has no fiscal impact. So, Mr. Chairman, to repeat once again—we had this debate earlier, and the House confirmed that debate, by the way—there is no earmark in this bill. Let me make a couple other observations of the previous speakers that have spoken.

One of my colleagues on the other side of the aisle came down here and said it's been X number of days—I forget how many he said—without one job bill. Well, he's right, Mr. Chairman. There is not just one job bill. There are a multitude of job bills that have been addressed by this body, generally on a bipartisan basis. I might add, if you go back just prior to our last district work period, we passed some bills, which were a series of bills that had passed with bipartisan support, over to the Senate. I'd advise my colleagues on the other side of the aisle, rather than talking here about a lack of activity,

go talk to your colleagues on the other side of the Rotunda over there and say: Move these jobs bills. That's what we ought to be doing.

Furthermore, if there are two big issues that the American people are confronted with today, it's jobs and energy. Way last year, we passed energy bills that created American jobs. Don't come down to the floor and say we have not addressed energy jobs. This House has done its work, generally with bipartisan support, but I will note that those that spoke on that voted "no." I don't know what they want to do—create government jobs? Is that the idea?

So, Mr. Chairman, I just want to point out that, I guess in rhetoric and debate on the floor, you get all sorts of different takes, but the facts are the House has passed job-creating bills. They have passed energy job-creating bills. This bill here potentially falls in line with that. I urge my colleagues to support it.

With that, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF RESTRICTIONS.

(a) **REMOVAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall execute such instruments as may be necessary to remove all deed restrictions described in subsection (b) relating to the parcel of land described in subsection (c).

(b) **DEED RESTRICTIONS.**—The deed restrictions referred to in subsection (a) are those restrictions, including easements, exceptions, reservations, terms, conditions, and covenants described in Quitclaim Deed No. 17808A from the United States to Accomack County, Virginia, executed on December 20, 1976, and recorded among the real estate records of Accomack County, Virginia, by the Clerk of the Circuit Court, on pages 292 through 296 of Deed Book 381.

(c) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (a) consists of approximately 31.6 acres situated in the Atlantic District, Accomack County, Virginia, more particularly described in the metes and bounds description recorded on page 292 of the quitclaim deed described in subsection (b).

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the CONGRESSIONAL RECORD of March 19, 2012, and except

pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or a designee and shall be considered read.

AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. LUCAS). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

(d) **CONSIDERATION.**—Any instrument executed pursuant to subsection (a), shall provide that—

(1) in consideration for the land described in subsection (c), Accomack County, Virginia, shall pay the United States the fair market value of the land (on the date of the enactment of this Act) under terms approved by the Secretary of the Interior from revenues generated by the sale, rent, or lease of the land; and

(2) the land described in subsection (c) shall be appraised in accordance with nationally recognized appraisal standards (including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice) by an independent appraiser selected by the Secretary of the Interior and Accomack County, Virginia.

The Acting CHAIR. The Chair recognizes the gentleman from Arizona for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, I rise today in support of my amendment to H.R. 2087.

This is a very simple amendment. It ensures that Federal taxpayers are compensated for the land that is moving out of public ownership and into private development.

The Federal Land to Parks program provides Federal land to local governments with the agreement through the deed that the lands will stay in public use, primarily for recreation.

Accomack County, Virginia, is actively marketing the development of the land in question to the aerospace industry for hangars and other types of commercial development. The land is valued at over \$800,000. Meanwhile, the county is asking Congress to intervene so they can take the land they got for free and develop it without compensating the Federal Government.

The underlying bill is the legislative equivalent of writing Accomack County a check for \$815,000. It is only because this is cloaked through a deed amendment that it isn't called an "earmark."

My amendment simply requires the county to repay the Federal Government for the fair market value of the lands from the proceeds of the development.

By ensuring the taxpayer is protected, we also send a signal to other local governments that are facing economic or development pressures that their parks, developed through the Federal Lands to Parks program, are not piggy banks to tap into when times get tough.

I understand the challenges that Accomack County faces, but they want this land to not necessarily put unemployed people back to work; they want this land to attract the lucrative aerospace industry to the Eastern Shore, not to build a job-training facility.

I urge support for the amendment. It assures that the taxpayer is protected.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, the amendment offered by the gentleman from Arizona does not help Accomack County create jobs, and that is the underlying purpose of this bill.

Recall that this property was obtained by Accomack County because the Federal Government did not need it or want it anymore. The Federal Government washed their hands of this land. Indeed, there was a deed restriction, but the underlying intent was to benefit the citizens of Accomack County. Today, we are acting again to help those same citizens by allowing them to use the property as they see appropriate.

This deed restriction was put in place 36 years ago, and it no longer serves as a benefit to the county. Just because we could demand that they give the land back to the Federal Government does not mean that we should do it, and demanding that they buy the land they already own makes even less sense. In the same vein in which Accomack County requested this land in 1976, they're back asking us again to help their citizens.

I understand the gentleman is looking out for the Federal Government—and I respect that—out of fear that somehow a small county in rural Virginia might take advantage of it. But I do want to assure my good friend from Arizona that the Federal Government and its countless millions of acres of land can and will go on without these 32 acres.

□ 1610

We hear time and again how grateful we should be for massive Federal ownership in the West and of the bounty of tourist dollars it produces. Now, in this very narrow example of 32 acres, perhaps you will see the blessing of local control and what you can do without Washington's central planning and land management.

I urge my colleagues to oppose this amendment because it is unwarranted and does nothing to produce much needed jobs.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS
OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk, and it is preprinted.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill add the following:

(d) VALUATION OF LAND.—Any instrument executed pursuant to subsection (a) shall provide that, before the restrictions referred to in this Act are removed from the deed referred to in this Act, an independent appraiser shall complete an approximate valuation of the land in each of the following years: 1776, 1865, 2013, 2017, 2032, and 2212.

The Acting CHAIR. The gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Chairman, I'd like to preface my remarks by indicating, at the close of my remarks and when the debate is concluded on this amendment, I do not intend to call for a vote, largely for the reason that I believe that the ranking member, Mr. GRIJALVA's amendment covers much of what I have offered in this amendment; and second, out of respect for my colleague from Accomack, Mr. RIGELL, who I believe has brought this matter, as many of us may be wont to do in the future, regarding the economic concerns that exist in his community.

I would only add, he cited to 16 percent unemployment earlier today in his presentation on the floor. I could take him to some places in the congressional district that I'm privileged to serve and show him 40 percent unemployment in a rural area that happens to be in the same contiguous area as the Everglades National Park. And I'm sure that I could come back here and offer some measures that would allow for Belle Glade and Clewiston and South Bay and Canal Point to have an opportunity to convert land that is in a national park that was given for that purpose, to leave the reversionary restriction aside and to go about the business of allowing for those counties, Hendry and Palm Beach County and Broward, to be able to utilize the land as they see fit.

Land has a market value at some point. As I understand it—and I stand to be corrected certainly by my good friend and colleague from Washington—the original deed in this property allowed that if the parcel was no longer used for recreational purposes that it would revert to the Federal

Government. Well, clearly, that reversionary clause is what we are seeking in this particular measure, in this specific one, to overturn. I believe it's wholly unnecessary but, more importantly, I think it sets a bad precedent of involving Congress in consensually entered agreements.

As I've explained, the county was granted the land on the condition that it be used as a park. And I understand, and understood further, from my good friend Mr. HASTINGS' comments yesterday at the Rules Committee, that the land can't even be accessed—if it were not Mr. HASTINGS, then it was Mr. BISHOP—and, therefore, it is important that they make this change.

Congress shouldn't grant special treatment of something as erratic as market value because the market value of land is always changing. And all I have to do is look at my mortgage and look at how the prices have gone down, as they have all over this country.

I heard the statement yesterday in the Rules Committee that the land is useless. I don't think any land is useless. Mark Twain said that we ain't going to have much more land, just to paraphrase him. They're not manufacturing it; although, I think Singapore may very well take issue with that comment.

It's a park, and it is important that the Federal Government conditioned the transfer of the land to the county in the first place on the promise that it would be used as a park. The county agreed to those terms when it initially received the land, and now, in all due respect, they want to back out.

It's not unexpected to want to alter an agreement when conditions surrounding the deal change. In fact, if the county no longer wants to use the land as a park, there are remedies readily available within the Federal Lands to Parks program that it could choose from.

Consequently, changing the agreement today because of a shift in market value sets a bad precedent. We don't know what the market value of the land will be a year from now; we don't know what it will be 5 years from now; and we certainly have no idea what it will be 200 years from now. Before you know it, every county and every State—and this is why I feel very strongly about this—will be here, asking Congress for the same special treatment as soon as the market shifts in their favor.

My amendment requires appraisals of the land, and I believe that Mr. GRIJALVA's does as well. All I ask is that if we don't want it to be a park anymore, as the county doesn't, then the county should look to the remedies it already has available to them.

I believe the market value will shift. I hope Mr. RIGELL is successful. I believe the measure will pass.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I would really like to commend my good friend from Florida on his very unique approach to this bill with this very unique amendment. But make no mistake. If it were to pass, the effect would be to hobble and to kill this job-creating bill, so let's set that aside.

Mr. Chairman, this amendment would require appraisals to be conducted in each of the following years: 1776, 1865, 2013, 2017, 2032, and 2212. In this amendment as the amendment is written, these appraisals must be done in those years.

We did not have a Federal Government in 1776, for example. In 1865, Virginia was part of the Confederacy. That means, however, if we have a requirement to have an appraisal in each of these years, that would require that we go back 236 years and into the future 200 years before this legislation would go into effect.

Now, there may be a misconception or maybe a misidentification, I would tell my friend. I am DOC HASTINGS. I am not Doc Brown, the mad scientist from "Back to the Future." I do not own, nor do I have access to, a plutonium-powered DeLorean that will allow me or Michael J. Fox to complete the complexities of this amendment. I can't go back 236 years; I can't go forward 200 years.

So, notwithstanding some new technology, I have to say, Mr. Chairman, in all sincerity, we should defeat this amendment.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent to speak for just 15 seconds.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Chairman, my good friend, DOC HASTINGS—that is, not Doc Brown—is mindful that we are going to have a future. I just want to comment that there is a future, and we tend to do it around here. As a matter of fact, we do it in budgetary matters; we do it all around.

I appreciate very much my friend pointing out that creativity that I offered. At the very same time, I think Mr. GRIJALVA's amendment is deserving of serious consideration, and I support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was rejected.

□ 1620

AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 226, not voting 27, as follows:

[Roll No. 115]

AYES—178

Ackerman	Fitzpatrick	Olver
Altmire	Frank (MA)	Owens
Amash	Fudge	Pallone
Andrews	Garamendi	Pascarell
Baca	Gerlach	Pastor (AZ)
Baldwin	Green, Al	Pelosi
Becerra	Green, Gene	Perlmuter
Berman	Grijalva	Peters
Bishop (GA)	Gutierrez	Peterson
Bishop (NY)	Hanabusa	Pingree (ME)
Blumenauer	Hastings (FL)	Polis
Bonamici	Heinrich	Price (NC)
Boren	Higgins	Quigley
Boswell	Himes	Rahall
Brady (PA)	Hinchee	Reyes
Braley (IA)	Hinojosa	Richardson
Brown (FL)	Hirono	Richmond
Burton (IN)	Hochul	Ross (AR)
Butterfield	Holden	Rothman (NJ)
Capps	Holt	Roybal-Allard
Capuano	Honda	Ruppersberger
Cardoza	Hoyer	Ryan (OH)
Carnahan	Israel	Sánchez, Linda
Carney	Jackson Lee	T.
Carson (IN)	(TX)	Sanchez, Loretta
Castor (FL)	Johnson (GA)	Sarbanes
Chandler	Johnson, E. B.	Schakowsky
Chu	Kaptur	Schiff
Cicilline	Keating	Schrader
Clarke (MI)	Kildee	Schwartz
Clarke (NY)	Kind	Scott, David
Clay	Kissell	Serrano
Cleaver	Kucinich	Sewell
Clyburn	Langevin	Sherman
Cohen	Larsen (WA)	Sires
Connolly (VA)	Larson (CT)	Slaughter
Conyers	Levin	Smith (WA)
Cooper	Lewis (GA)	Speier
Costa	Loeb sack	Stark
Costello	Lofgren, Zoe	Sutton
Courtney	Lowey	Thompson (CA)
Critz	Lujan	Thompson (MS)
Crowley	Lynch	Tierney
Cuellar	Maloney	Tonko
Cummings	Matheson	Towns
Davis (CA)	Matsui	Tsongas
DeFazio	McCarthy (NY)	Van Hollen
DeGette	McCollum	Velázquez
DeLauro	McDermott	Visclosky
Deutch	McGovern	Walz (MN)
Dicks	McIntyre	Wasserman
Dingell	McNerney	Schultz
Donnelly (IN)	Meeks	Waters
Doyle	Miller (NC)	Watt
Edwards	Miller, George	Waxman
Ellison	Moore	Welch
Engel	Moran	Wilson (FL)
Eshoo	Murphy (CT)	Woodall
Farr	Nadler	Woolsey
Fattah	Napolitano	
Filner	Neal	

NOES—226

Adams	Gowdy	Nunnelee
Aderholt	Granger	Olson
Alexander	Graves (GA)	Palazzo
Amodei	Graves (MO)	Paulsen
Austria	Griffin (AR)	Pearce
Bachmann	Griffith (VA)	Pence
Barletta	Grimm	Petri
Barrow	Guinta	Pitts
Bartlett	Guthrie	Poe (TX)
Barton (TX)	Hahn	Pompeo
Bass (NH)	Hall	Posey
Benishak	Hanna	Price (GA)
Berg	Harper	Quayle
Berkley	Harris	Reed
Biggart	Hartzler	Rehberg
Bilbray	Hastings (WA)	Reichert
Bilirakis	Hayworth	Renacci
Bishop (UT)	Heck	Ribble
Black	Hensarling	Rigell
Blackburn	Herger	Rivera
Bonner	Herrera Beutler	Roby
Boustany	Huelskamp	Roe (TN)
Brady (TX)	Huizenga (MI)	Rogers (AL)
Brooks	Hultgren	Rogers (KY)
Broun (GA)	Hunter	Rogers (MI)
Buchanan	Hurt	Rohrabacher
Bucshon	Issa	Rokita
Buerkle	Jenkins	Rooney
Calvert	Johnson (IL)	Ros-Lehtinen
Camp	Johnson (OH)	Roskam
Campbell	Johnson, Sam	Ross (FL)
Canseco	Jones	Royce
Capito	Jordan	Runyan
Carter	Kelly	Ryan (WI)
Cassidy	King (IA)	Scalise
Chabot	King (NY)	Schilling
Chaffetz	Kingston	Schmidt
Coble	Kline	Schweikert
Coffman (CO)	Labrador	Scott (SC)
Cole	Lamborn	Scott (VA)
Conaway	Lance	Scott, Austin
Cravaack	Landry	Sensenbrenner
Crawford	Lankford	Shimkus
Crenshaw	Latham	Shuler
Culberson	LaTourette	Shuster
Davis (KY)	Latta	Simpson
Denham	LoBiondo	Smith (NE)
Dent	Long	Smith (NJ)
DesJarlais	Lucas	Smith (TX)
Diaz-Balart	Luetkemeyer	Southerland
Dreier	Lummis	Stearns
Duffy	Lungren, Daniel	Stivers
Duncan (SC)	E.	Stutzman
Duncan (TN)	Mack	Sullivan
Elmiers	Marchant	Terry
Emerson	McCarthy (CA)	Thompson (PA)
Farenthold	McCaul	Thornberry
Fincher	McClintock	Tiberi
Flake	McCotter	Tipton
Fleischmann	McHenry	Turner (NY)
Fleming	McKeon	Turner (OH)
Flores	McKinley	Upton
Forbes	McMorris	Walberg
Fortenberry	Rodgers	Walden
Fox	Mica	Webster
Franks (AZ)	Michaud	West
Frelinghuysen	Miller (FL)	Westmoreland
Gallely	Miller (MI)	Whitfield
Gardner	Miller, Gary	Wilson (SC)
Garrett	Mulvaney	Wittman
Gibbs	Murphy (PA)	Wolf
Gibson	Myrick	Womack
Gingrey (GA)	Neugebauer	Yoder
Gohmert	Noem	Young (AK)
Goodlatte	Nugent	Young (FL)
Gosar	Nunes	Young (IN)

NOT VOTING—27

□ 1649

Messrs. PRICE of Georgia, POSEY, COFFMAN of Colorado, BILIRAKIS, ROE of Tennessee, and Mrs. ROBY changed their vote from “aye” to “no.”

Messrs. AMASH and DAVID SCOTT of Georgia changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mr. LUCAS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2087) to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia, and, pursuant to House Resolution 587, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1650

MOTION TO RECOMMIT

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Ms. LORETTA SANCHEZ of California. In its present form I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Loretta Sanchez of California moves to recommit the bill H.R. 2087 to the Committee on Natural Resources with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. 2. PROHIBITION ON SALE OR USE OF LAND FOR ADULT ENTERTAINMENT OR BY FOREIGN GOVERNMENTS.

Any instrument executed pursuant to section 1(a) shall specify that the land described in section 1(c) shall not be sold, leased, or rented to—

(1) an owner or operator of an adult book, novelty, video, arcade, or live entertainment facility; or

(2) any foreign government that might pose a security threat to the NASA Wallops Flight Facility.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Thank you, Mr. Speaker.

I rise today to offer a final amendment to H.R. 2087 that, if passed, would bring the bill promptly back for a vote on final passage. Mr. Speaker, this final amendment is noncontroversial, and it aims to do one simple thing—and that is to protect the land of taxpayers.

The bill, itself, goes against so many things that the majority has said that they would fight for in this Congress. This legislation would provide a local county in Virginia an \$800,000 windfall by allowing the county to violate a contractual agreement without any justification. That's the current bill. That's what the bill that you want to pass does. I'm against that. Here in this Congress we did away with earmarks. But when I look at this \$800,000 windfall that you are voting on, I say that's an earmark.

This is a very small step in the larger Republican plan to sell off our valuable Federal land, such as National Parks, forests, and public lands to developers. However, even if you're for giving away land the way that's done in this bill, my final amendment would give us the opportunity to ensure that this land would not be owned and used for adult entertainment facilities or sold to or used by a foreign government that could use this to steal our national security secrets.

So I ask my colleagues on the other side: Will you join us in protecting taxpayer-owned land?

The final amendment is very simple and would outlaw the sale or the use of the land for any ownership or operation of an adult book store, a novelty adult store, a video adult store, an arcade or live entertainment facility. I think we can all agree that we should not be giving away Federal property to facilitate adult live entertainment.

In fact, if you're not convinced of that, then let me tell you the second thing we don't want to happen close to that land, and that is that land adjoining this piece of property we're talking about today should not fall into the hands of those who would want to spy on our top secrets. As you probably know, I'm a senior member of both the House Armed Services Committee and the Homeland Security Committee, and every day, I deal with the issues of national security threats.

The issue is the proximity of the NASA Wallops spaceflight facility to the land in question, so my final amendment is aimed at protecting national security secrets from countries like China or Iran. What if a country like Iran or China would purchase that land and eavesdrop on our NASA spaceflight facility?

I am sure that my colleagues would agree that this land is worth protecting. In fact, to remind my colleagues on the other side, this is the final amendment to this bill. It's not going to kill the bill, and it won't take

it back to committee. So, if adopted, the bill would be amended and it would go to final passage.

I ask my colleagues to do the right thing to protect our taxpayer-owned land. Regardless of how you feel about the bill, this amendment is one that I believe we should all be behind. I believe that we can all vote "yes" on this final amendment.

I yield back the balance of my time. Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, the author of this motion to recommit clearly did not hear the debate. This land is owned by Accomack County in Virginia. It is not a transfer. It's a deed restriction lift. That's all it is. The land is owned by a county in Virginia.

Mr. Speaker, when we had testimony on this bill in the committee, the government of Accomack County testified, obviously, in favor of it, and they said they wanted this for industrial use. Now, this is local control. Doesn't the other side even trust local control, for goodness sake, in testimony in front of a committee?

I have to say also that history tends to repeat itself. In this body, it tends to repeat itself, it seems like, on a weekly basis. Now, why do I say that? Because the two issues that are facing the American people are jobs and the price of energy. Yet here we have a bill in front of us that would certainly create jobs. And what does the other side do? They want to put up more impediments to it.

I urge my colleagues to vote "no" on the motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 180, noes 226, not voting 25, as follows:

[Roll No. 116]

AYES—180

Ackerman
Altmire
Andrews

Baca
Baldwin
Barrow

Bass (CA)
Becerra
Berkley

Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene

Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal

Oliver
Owens
Pallone
Pascarelli
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradner
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey

NOES—226

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter

Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly

Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Issa
Jenkins

Johnson (IL)	Myrick	Scalise	Blackburn	Hanna	Pence	Fattah	Lofgren, Zoe	Rothman (NJ)
Johnson (OH)	Neugebauer	Schilling	Bonner	Harper	Petri	Filner	Lowey	Roybal-Allard
Johnson, Sam	Noem	Schmidt	Boren	Harris	Pitts	Fitzpatrick	Lujan	Ryan (OH)
Jordan	Nugent	Schweikert	Boswell	Hartzler	Platts	Frank (MA)	Lynch	Sanchez, Loretta
Kelly	Nunes	Scott (SC)	Boustany	Hastings (WA)	Poe (TX)	Fudge	Maloney	Sarbanes
King (IA)	Nunnelee	Scott (VA)	Brady (TX)	Hayworth	Pompeo	Garamendi	Markey	Schakowsky
King (NY)	Olson	Scott, Austin	Brooks	Heck	Posey	Gerlach	Matheson	Schiff
Kingston	Palazzo	Sensenbrenner	Broun (GA)	Heinrich	Price (GA)	Green, Al	Matsui	Schwartz
Kline	Paulsen	Shimkus	Buchanan	Hensarling	Quayle	Green, Gene	McCarthy (NY)	Serrano
Labrador	Pearce	Shuster	Buerkle	Herger	Reed	Grijalva	McCollum	Sewell
Lamborn	Pence	Simpson	Burgess	Herrera Beutler	Rehberg	Gutierrez	McDermott	Sherman
Lance	Petri	Smith (NE)	Burton (IN)	Huelskamp	Reichert	Hahn	McGovern	Shuler
Landry	Pitts	Smith (NJ)	Calvert	Huizenga (MI)	Renacci	Hastings (FL)	McNerney	Sires
Lankford	Platts	Smith (TX)	Camp	Hultgren	Ribble	Higgins	Meeks	Stewart
Latham	Poe (TX)	Southerland	Campbell	Hunter	Rigell	Himes	Miller (NC)	Slaughter
LaTourette	Polis	Stearns	Issa	Hurt	Rivera	Hinchey	Miller, George	Smith (WA)
Latta	Pompeo	Stivers	Jenkins	Issa	Roby	Hinojosa	Moore	Speier
LoBiondo	Posey	Stutzman	Johnson (IL)	Johnson (IL)	Roe (TN)	Hirono	Murphy (CT)	Stark
Long	Price (GA)	Sullivan	Johnson (OH)	Johnson (OH)	Rogers (AL)	Hochul	Nadler	Sutton
Lucas	Quayle	Terry	Cassidy	Johnson, Sam	Rogers (KY)	Holden	Napolitano	Thompson (CA)
Luetkemeyer	Reed	Thompson (PA)	Chabot	Jones	Rogers (MI)	Holt	Neal	Thompson (MS)
Lummis	Rehberg	Thornberry	Chaffetz	Jordan	Rohrabacher	Honda	Olver	Tierney
Lungren, Daniel	Reichert	Tipton	Chandler	Kelly	Rokita	Hoyer	Owens	Tonko
E.	Renacci	Turner (NY)	Coble	King (IA)	Rooney	Israel	Pallone	Towns
Mack	Ribble	Turner (OH)	Coffman (CO)	King (NY)	Ros-Lehtinen	Jackson Lee	Pascrell	Tsongas
Marchant	Rigell	Upton	Cole	Kingston	Roskam	(TX)	Pastor (AZ)	Van Hollen
McCarthy (CA)	Rivera	Walberg	Conaway	Kissell	Ross (FL)	Johnson (GA)	Pelosi	Velázquez
McCaul	Roby	Webster	Crawford	Kline	Royce	Johnson, E. B.	Peters	Visclosky
McClintock	Roe (TN)	West	Crenshaw	Labrador	Runyan	Kaptur	Peterson	Walz (MN)
McCotter	Rogers (AL)	Westmoreland	Culberson	Lamborn	Ruppersberger	Keating	Pingree (ME)	Wasserman
McHenry	Rogers (KY)	Whitfield	Davis (KY)	Landry	Ryan (WI)	Kildee	Polis	Schultz
McKeon	Rogers (MI)	Wilson (SC)	DeFazio	Lance	Scalise	Kind	Price (NC)	Waters
McKinley	Rohrabacher	Wittman	Denham	Schilling	Schmitt	Kucinich	Quigley	Watt
McMorris	Rokita	Wolf	Dent	Schmidt	Schrader	Rahall	Rahall	Waxman
Rodgers	Rooney	Womack	DesJarlais	Schweikert	Levin	Larson (CT)	Reyes	Welch
Mica	Ros-Lehtinen	Woodall	Diaz-Balart	Scott (SC)	Lewis (GA)	Richardson	Richmond	Wilson (FL)
Miller (FL)	Roskam	Yoder	Dreier	Scott (VA)	Loeb sack	Richmond	Ross (AR)	Woolsey
Miller (MI)	Ross (FL)	Young (AK)	Duffy	Scott, Austin				
Miller, Gary	Royce	Young (FL)	Duncan (SC)	Scott, David				
Mulvaney	Runyan	Young (IN)	Duncan (TN)	Sensenbrenner				
Murphy (PA)	Ryan (WI)		Ellmers	Lummi				

NOT VOTING—25

Akin	Jackson (IL)	Rangel
Bachus	Kinzing (IL)	Rush
Bono Mack	Lee (CA)	Schock
Burgess	Lewis (CA)	Sessions
Davis (IL)	Lipinski	Tiberi
Doggett	Manzullo	Walsh (IL)
Dold	Marino	Yarmuth
Gohmert	Meehan	
Gonzalez	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1716

Mr. POLIS changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GARAMENDI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 164, not voting 27, as follows:

[Roll No. 117]

AYES—240

Adams	Barletta	Berkley
Aderholt	Barrow	Biggart
Alexander	Bartlett	Bilbray
Amodel	Barton (TX)	Bilirakis
Austria	Benish	Bishop (UT)
Bachmann	Berg	Black

NOES—164

Ackerman	Capuano	Courtney
Altmire	Cardoza	Critz
Amash	Carnahan	Crowley
Andrews	Carney	Cuellar
Baca	Carson (IN)	Cummings
Baldwin	Castor (FL)	Davis (CA)
Bass (CA)	Chu	DeGette
Becerra	Cicilline	DeLauro
Berman	Clarke (MI)	Deutch
Bishop (GA)	Clarke (NY)	Dicks
Bishop (NY)	Clay	Dingell
Blumenauer	Clyburn	Donnelly (IN)
Bonamici	Cohen	Doyle
Brady (PA)	Connolly (VA)	Edwards
Braley (IA)	Conyers	Ellison
Brown (FL)	Cooper	Engel
Butterfield	Costa	Eshoo
Capps	Costello	Farr

NOT VOTING—27

Akin	Kinzing (IL)	Rush
Bachus	Lee (CA)	Sánchez, Linda
Bass (NH)	Lewis (CA)	T.
Bono Mack	Lipinski	Schock
Cleaver	Manzullo	Sessions
Davis (IL)	Marino	Tipton
Doggett	Meehan	Walsh (IL)
Dold	Paul	Yarmuth
Gonzalez	Perlmutter	
Jackson (IL)	Rangel	

□ 1725

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 115, 116 and 117, I was delayed and unable to vote. Had I been present I would have voted “no” on No. 115, “no” on No. 116, and “aye” on No. 117.

PERSONAL EXPLANATION

Mr. DOLD. Mr. Speaker, due to district business, I was unavoidably back in my Congressional District on March 20, 2012. Had I been present, I would have voted “yea” on H.R. 665, the Excess Federal Building and Property Disposal Act of 2011, and “yea” on H.R. 2087, “To remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia.”

APPOINTMENT OF MEMBERS TO THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to Senate Concurrent Resolution 35, 112th Congress and the order of the House of January 5, 2011, of the following Members of the

House to the Joint Congressional Committee on Inaugural Ceremonies:

Mr. BOEHNER, Ohio
Mr. CANTOR, Virginia
Ms. PELOSI, California

REPEAL THE AFFORDABLE CARE ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, just last week the non-partisan Congressional Budget Office served a devastating blow to President Obama's most frequently uttered promise during debate over the Affordable Care Act: "If you like your present coverage, you can keep it."

The CBO predicted the law would lead to a net loss of employer-based insurance coverage for between three and five million people each year between the years of 2019 and 2022, with as many as 20 million Americans losing their current insurance plans.

Now, as we approach the second anniversary of the Affordable Care Act, the full impact of this law remains unknown. However, a few things are quite clear. Supporters said it would lower costs. It hasn't. They said it would improve quality. It hasn't. The President said you can keep your current plan if you like it. This clearly is not the case.

By the administration's own estimates, the new health care regulations will force most firms, and up to 80 percent of small businesses, to give up their current plans by 2013.

Mr. Speaker, the American people can't afford another year of the so-called Affordable Care Act.

RECOGNIZING THE BETH DAVID CONGREGATION'S 100TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I rise to recognize the 100th anniversary of the Beth David Congregation in my congressional district. This Saturday, March 24, Beth David will hold its centennial celebration to honor its congregation and its founding members.

For the last century, Beth David has been the cornerstone of the south Florida Jewish community. What started out as a congregation of just a handful of dedicated Jewish families has become a dynamic, thriving institution that is the cultural and educational epicenter for Judaism in south Florida.

But Beth David does not just have an incredibly rich history of outstanding service to the Jewish community. No, the congregation has been at the forefront and actively engaging our entire

community, tirelessly working to repair the community one mitzvah at a time. And for that I congratulate Beth David, and I thank all of the congregation for everything they have done and everything they have meant to our south Florida community.

I wish them continued success and 100 more years.

REPEAL IPAB

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, we now have reached a landmark, 2 years since the passage of ObamaCare. More and more, the American people have been hearing about something called IPAB, the Independent Payment Advisory Board—the centerpiece to ObamaCare and its inevitable rationing of health care.

This is a board of 15 unelected, unaccountable and not necessarily health care-experienced individuals who will have more power than even Congress, itself, when it comes to deciding what care every American will receive. The board members will not be under congressional oversight and will not answer the phone when you call to complain. Americans agree by 57 percent to 38 percent margins ObamaCare and IPAB should be fully repealed.

So far, Democrats have been unwilling to listen to the outcry from the American people. They will have yet another chance to respond to "we the people's" unhappiness with ObamaCare by voting with Republicans this week to repeal IPAB. And, hopefully, they will be willing to vote to repeal ObamaCare, itself, in its entirety when it is brought up for a vote sometime in the future.

□ 1730

IPAB

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE of Tennessee. Mr. Speaker, tomorrow we begin debate on a bill that would eliminate the Independent Payment Advisory Board, one of the most toxic components of President Obama's Affordable Care Act. This denial-of-care board is comprised of 15 unelected, unaccountable bureaucrats that will be empowered to cut Medicare in order to meet arbitrary spending targets.

Not only will this result in seniors being denied access to medical care they need, it will also put the government in the middle of the patient-doctor relationship.

Spending cuts proposed by the IPAB will automatically go into effect unless Congress finds alternative cuts of the

same amount. And because implementation of the board's recommendations is exempted from judicial review, citizens can't even turn to the courts for help.

As a physician with over 30 years in practice, I can tell you that the President's proposal, which he has repeatedly defended, is wrongheaded and dangerous.

We must act to save Medicare from bankruptcy, which will come as soon as 2016, but IPAB is not and must not be the answer.

ONGOING HEALTH CARE DEBATE

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. I appreciate the majority leader giving me the time to come down here today, because I've got IPAB on my mind, Mr. Speaker. I say that like everybody knows what that is because we talk about it here in this Chamber all day long. IPAB, a word that was not even in the lexicon of America until the President passed his health care bill.

What is IPAB? I happened to bring down with me today, Mr. Speaker, the front page of the President's health care bill, the Patient Protection and Affordable Care Act as he describes it. This was the 900-page law that was passed that completely restructured a sixth of the American economy.

The question then is, when we're talking about the Patient Protection and Affordable Care Act and we're talking about how we change the individual health care decisions that every American gets to make, what do we get for it? What's the value added there? Because I think, Mr. Speaker, at the end of the day, when folks are talking about what motivates them, it really is affordable care. That's why we named the bill this way, the Patient Protection and Affordable Care Act. We want patients to be protected, to be able to make their own health care choices. We want care to be made available to folks at prices that American families can afford. There are 900 pages in that health care bill, Mr. Speaker.

Now, IPAB, how would we describe it? We would call IPAB the hammer in the health care bill, because there are lots of ways to save money, Mr. Speaker. You can save money by introducing competition into a system.

I'm from Atlanta, Mr. Speaker. I've got a soft spot in my heart for the Coca-Cola Company. But how many Coca-Cola machines do you pass on the street where the Coke is selling for \$3 a can while the Pepsi right beside it is selling for \$1.50? How many? Have you ever seen that happen? The answer is "no" because competition completely

moves those machines out of the marketplace. If the Pepsi is a dollar, the Coke's going to be a dollar, too. If the Pepsi is \$2, the Coke is going to be \$2. Competition controls those prices.

What controls prices in the Patient Protection and Affordable Care Act? Because we've heard time and time again, Mr. Speaker, on the floor of this House that the Patient Protection Act restricts my choices as a consumer. We've heard time and time again on the floor of this House, Mr. Speaker, that the Patient Protection Act restricts doctors and the services that they provide. We've heard time and time again, Mr. Speaker, that the Patient Protection Act restricts the choices that insurance companies can provide. So, if it's all of these restrictions on competition, how in the world does the Patient Protection Act save the money that needs to be saved to make health care affordable?

The answer is this: It's in section 3403. Again, I don't encourage folks at home to read this bill, Mr. Speaker, unless they've got time on their hands. There's lots of good summaries out there. It's over 900 pages long, and it's signed into law. I don't think folks are going to be able to read this back in their offices, Mr. Speaker.

This is about 46 pages that I've put up here just on one in case we needed to reference it, but 46 pages of law defining this brand-new thing that we've never had before in America, the Independent Payment Advisory Board.

If you read these 40 pages, Mr. Speaker, what you're going to find is that the Congress that passed the President's health care bill—and it was not this Congress, Mr. Speaker. You were not here in that Congress. I was not here in that Congress. It did not pass the Congress under normal rules and procedures. It passed in a manipulated reconciliation process designed intentionally to thwart the will of the House and of the Senate. But in that bill, they said Congress can't control these costs; and, candidly, I'm glad. I don't want Congress controlling my health care costs.

So what did they do? They went to an independent commission. The President is going to appoint this commission, Mr. Speaker. The President will appoint members to sit on this independent Medicare advisory board, and what they will do is decide where Medicare should save money.

Now, my mom and dad just went on Medicare, Mr. Speaker. I sit down with them. I look at their statement of charges that they get back when they go to the doctor's office. It's not always easy to understand, but we go through it together. It occurs to me that if Medicare is going to save money, there is only one way Medicare can do that. If we don't allow competition in the system, if we don't allow patient choice in the system, if we

don't allow provider choice in the system, there is only one way that Medicare can save a dime; that is by restricting services. Now, that comes in lots of different ways, and I want to make sure I'm absolutely candid, Mr. Speaker, and accurate, because this is the panel.

Do you remember the death panel discussions? Do you remember that becoming a part of the lexicon in America, the death panels that Congress was going to create? This is that. I mean, this is where that idea came from, because what we have here is a board that makes decisions, recommendations about how to change Medicare spending.

Well, if we're not going to provide competition, if we're not going to allow doctors more decisions, if we're not going to allow other providers more decisions, then the only way to change the financing structure of Medicare is to restrict either the services that Medicare provides or the amount of money that is being paid to providers.

Now, I want to give my friends who passed this bill the benefit of the doubt, Mr. Speaker. I don't believe there is a single Member of this body who would stand here in the well and say that their decision about how to save the Medicare program is to restrict the services that Medicare beneficiaries can access, not one. I don't think one Member, Republican or Democrat, will come to the well of this House and say that their proposal for saving Medicare is to find seniors in need of health care and tell them "no." Not one. But, Mr. Speaker, what's the effect, then, of the Independent Payment Advisory Board?

Let's look at what folks have said.

This is GEORGE MILLER, one of my colleagues here on the floor of the House, a Democrat from California. We're taking up, tomorrow, a bill that will repeal this Independent Payment Advisory Board, this Medicare board. We're going to repeal it tomorrow, I believe, here on the floor of the House. When talking about that, my colleague from California said this:

IPAB is a critical measure for lowering health care costs.

He's absolutely right. I'm not picking on him at all. I'm endorsing what he has to say. That's what these 40 pages of law, Mr. Speaker, do. They are all designed to cut costs. But we've talked about it. If we're not going to introduce competition, if we're not going to introduce choices, if we're not going to introduce options, how are we going to cut costs? We all agree, Republicans and Democrats alike, that the IPAB board is a critical measure for lowering health care costs.

Peter Orszag, the OMB Director, the first one that President Obama used, said this about health care costs in Medicare:

The core problem is that health care costs are concentrated among expensive treat-

ments for chronic diseases and for end-of-life care.

□ 1740

Mr. Speaker, let me reflect on that a minute. I've just shown you the 40 pages of law in the President's health care bill that are the cost-saving mechanism that the President has proposed and that has been passed into law. The OMB Director, the Office of Management and Budget Director, for the Obama administration said this:

The core problem is that health care costs are concentrated among expensive treatments for chronic diseases and for end-of-life care.

Mr. Speaker, what choices, then, does that give us? If we agree that IPAB is a critical measure for lowering health care costs and if we agree that health care costs are primarily concentrated with expensive treatments for chronic diseases and end-of-life care, how exactly is this unelected board going to lower those costs?

It's an honest question. If that's what has to happen for Medicare to be saved, exactly how is this board going to do that? Every American on Medicare and every American approaching Medicare needs to have that on their mind. What is it that IPAB, this unelected board, is going to do to save costs? We all—Republicans and Democrats alike—agree that the only purpose of IPAB is to control costs. We agree—Republicans and Democrats alike—that the money in Medicare is concentrated among expensive treatments for chronic diseases and end-of-life care. So if IPAB is going to control costs and the costs are here, what choice do we have but to deny individuals expensive treatments for chronic diseases and end-of-life care? What else is there?

To me, that's common sense, that this is where the President's proposal is going. I do not endorse this proposal. I was not here in this Congress, Mr. Speaker, when this proposal passed. Had I been here, I would have voted an enthusiastic "no."

Nevertheless, it is the law of the land as we sit here today, and our seniors are at risk. How many times have we heard supporters of the President's health care bill say, No, IPAB is not a Medicare rationing board. In fact, if you want to dig deep into these 40 pages, you'll find that said over and over again. Folks continually say, this is not a Medicare rationing board. But we know where the costs are, and the question is how do we control them.

What my friends who support the President's health care bill say is, no, we're not going to deny care to Medicare beneficiaries; we're just going to clamp down on payments to doctors. That's what they say: We're just going to change the payment schedules for doctors.

I've got news for you, Mr. Speaker. That's been the Medicare plan for decades, upon decade, upon

decade; and this is what you get. This is from a CNN Money article from January 6 of this year titled "Doctors Going Broke." It recounts the many changes that have happened in the Medicare system as we continue to do nothing about choices, nothing about options, nothing about getting the consumer involved in health care decisions, but continuing to use the same old broken tools to solve the Medicare issue. It says this:

In 2005, Medicare revised the reimbursement guidelines for cancer drugs, which effectively made reimbursements for many expensive cancer drugs fall to less than the actual cost of the drugs.

You can tell me you don't want a Medicare rationing board, Mr. Speaker. I don't want a Medicare rationing board either. But if what we're going to have is a board that is going to cut the costs of Medicare and they're going to do that by cutting reimbursements to providers and what we already see is that we're cutting reimbursements to providers to the point that those reimbursements fall below the cost of the service, what do you think is going to happen to Medicare beneficiaries when they go to seek services? I'll tell you.

The President's health care bill, Mr. Speaker, primarily solved the challenge of the uninsured by dumping them onto State Medicaid policies. I don't think that is a particularly creative solution, but it is certainly an option.

My uncle is a primary care doc down in central Georgia. There used to be a bunch of docs who would see Medicare patients in that part of the world. Today he's the only one who will see Medicaid. He is the only one. In five counties, Mr. Speaker, he is the only doc that will see Medicaid patients. Don't tell me that our goal here in Congress is to help patients find care if we're going to lower reimbursement rates to a place where no doctor will accept them. I don't care that you have an insurance policy if you can't find a doctor who will take it. It does not matter that the government says you're guaranteed health care if you can't find a doctor who will provide it.

Mr. Speaker, that's not news to anyone who has had a job in the private sector; that's not news to anyone who has had to write paychecks from their business; and it's not news to anyone who has been a consumer.

I'm a coupon clipper, Mr. Speaker. I cut them out of the Sunday paper. I go into the store, I've got a big old coupon, I think I'm going to get a good deal, and the store doesn't carry the product. What is that coupon worth to me if I can't find the product, Mr. Speaker? Not a thing. That's what we're doing when we clamp down on costs. Don't you dare believe that we can continue to cut docs year after year after year after year and that your family and my family, who are on

Medicare, are going to be able to find care. They cannot.

From that same article, Mr. Speaker, "Doctors Going Broke." Again, January 6, 2012, from CNN Money Magazine. Dr. William Pentz said:

Recent steep 35 percent to 40 percent cuts in Medicare reimbursements for key cardiovascular services, such as stress tests and echocardiograms, have taken a substantial toll on revenue.

He also says:

These cuts have destabilized private cardiology practices. A third of our patients are on Medicare.

So these Medicare cuts are by far the biggest factor. Then, Mr. Speaker, he says private insurers follow Medicare rates. Those reimbursements are going down as well. You know, he is right about that. When the Federal Government pays two-thirds of all the health care costs in this country, Mr. Speaker, and the Federal Government decides it can get away with paying less, guess what? Everybody else wants to get away with paying less too. That is a good capitalist system. I don't fault folks for that. What I fault folks for is standing on the floor of this House and promising the American people a program that they pay into all of their life so it will be available for them in their time of need and then cutting rates to a place where you cannot find a doctor who will serve you. Mr. Speaker, the hypocrisy of saying that we're going to care about people in their time of need and putting the people out of business who provide for them in that time of need is deafening.

I go again to that same article of January 6, 2012, "Doctors Going Broke." The same doctor, William Pentz, a cardiologist there in Philadelphia:

If this continues, I might seriously consider leaving medicine. I can't keep working this way.

He goes on to talk about how the law of the land is going to provide even further cuts. He said:

If that continues, it will put us under.

My dad is going in for heart surgery in about 30 days, Mr. Speaker. We shopped long and hard to find a doctor that we would trust to do that surgery, just as every American family does.

Who are folks going to trust, Mr. Speaker? Who are folks going to find if we put the people who provide the care out of business?

IPAB, Mr. Speaker, these 40 pages from the President's health care bill, the only 40 pages that are designed to reduce costs, do not reduce costs through competition, do not reduce costs by providing consumer choices, do not reduce costs by getting consumers involved in their own health care. They reduce costs by either rationing services or by cutting reimbursements to a place where the marketplace rations those services on its own.

Don't believe for a moment, Mr. Speaker, that cutting reimbursements to doctors doesn't equal cutting services. That's really the hypocrisy, Mr. Speaker, for lack of a better word, that I hear on the floor of this House:

Oh, we're going to go out there and we're going to save all this money. How are you going to do it?

We're going to go out there and cut those reimbursements to docs.

All right. It sounds like you're liable to end up rationing services.

Oh, no. IPAB, that's not going to ration any services. No, no, no. They don't have the authority to cut out services. That's not what they do.

Well, what are they going to do?

Well, they're going to cut the reimbursement rates.

Well, what's going to happen?

Well, docs will just keep providing those services.

□ 1750

We saw it here.

Money magazine tells you, when you are only reimbursing folks at the cost of the service or less, they're going to quit providing. According to factcheck.org—those folks who go around and look at all the claims politicians make and try to figure out which ones are real and which ones are full of hot air—this is what they said: "31 percent of primary physicians restricted Medicare patients in their practices." You know what that means. That means that 31 percent of all the doctors in the land who provide primary care services, those most-needed services, said they do not take every Medicare patient that comes knocking on their door. They can't. They restrict how many Medicare patients they'll take into their practice.

We've already seen that we're putting docs out of business. We're forcing docs into retirement. Who is going to provide the care, Mr. Speaker? Who is going to provide the care if we force the people who do it today out of business tomorrow?

Back to factcheck.org: "62 percent of family practitioners would stop accepting Medicare patients if reimbursement rate cuts follow current law." Hear that, Mr. Speaker. Hear that. Let me say it again: If reimbursement rates follow the current law. I'm not talking about if some new draconian procedure gets put in place. I'm not talking about if some crazy future Congress comes in here and tries to further socialize health care. No, no. If the current law of the land, as passed before you and I came to Congress, Mr. Speaker, if the current law of the land continues, 62 percent of family practitioners would stop accepting Medicare patients.

What is IPAB going to do? It's going to control costs. How's it going to do it? It's going to do it by cutting reimbursements to providers. What happens

when you cut reimbursements to providers? Sixty-two percent of all of America's family practitioners will stop accepting Medicare patients.

Mr. Speaker, what we do here has consequences. This isn't some think tank downtown that has the freedom to just pontificate, to make recommendations, to wonder how things could have been. This is a body where every single thing that we do has the potential to affect—positively or negatively—the lives of every single citizen of the land.

There are no free lunches in America, Mr. Speaker. There is no something for nothing. You can control costs through competition. You can control costs through getting consumers involved in their own health care. You can control costs by providing folks with more choices. You cannot control costs responsibly by putting providers out of business and rationing care through the long lines that are then going to result.

We are going to deal with this bill tomorrow, in fact, and I would be happy to yield to my friend from the Rules Committee to help make that happen.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5, PROTECTING ACCESS TO HEALTHCARE ACT

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-416) on the resolution (H. Res. 591) providing for consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, which was referred to the House Calendar and ordered to be printed.

ONGOING HEALTH CARE DEBATE—Continued

The SPEAKER pro tempore. The gentleman from Georgia may proceed.

Mr. WOODALL. Mr. Speaker, I appreciate that.

I was very lucky when my friend from Florida came to file that rule because that's another example that what we're doing down here isn't just howling at the Moon. It isn't just blowing hot air.

What I'm talking about here on the floor right now is repealing this Independent Payment Advisory Board to stop this cycle of destruction that has already been put into place. And no sooner do we come down here to do it than my colleague from the Rules Committee comes down to file this rule, Mr. Speaker, so that we can do this bill not 2 years from today, not after the next election, not 6 months from now, kicking the can down the road, but so that we can bring this bill to the floor tomorrow to address the concerns that we're talking about

today. That's why you and I came to Congress, Mr. Speaker. That's why this whole freshman class came to Congress.

You know, I've only been here now about, what, 14, 15 months, Mr. Speaker. And what I have found is that each and every day, my colleagues in this freshman class do not evaluate their success by how many favorable newspaper articles are written about them. They don't evaluate their success by how many times they've seen their face on TV. And they certainly don't evaluate their success based on what the mass media writes about them in this town. They evaluate their success based on whether or not the promises they made to folks before they got elected are the priorities that they've set for themselves now that they have been elected. And each and every day, I see people making that a reality. Republicans and Democrats alike, Mr. Speaker, in this freshman class came to this Congress for a different purpose, with a different mission, with a different vision. And I see them implementing it every day. It makes me proud.

Speaking of being proud, Mr. Speaker, you know, folks back home say, ROB, how come we don't see you on FOX News preaching the good conservative news? I tell them, Mr. Speaker, that anybody who is watching FOX News already knows the good conservative news. They don't need to hear it from me. The folks who need to hear from me are the folks who are watching MSNBC. That is who needs to hear my message. And I happened to bring some MSNBC knowledge down here with me today.

This is a headline recently from the Web page, Mr. Speaker. This is what it said: "In risky election year move, Republicans offer Medicare alternatives." Ooh. It kind of sounds ominous, doesn't it, Mr. Speaker? Ominous. "In risky election year move, Republicans offer Medicare alternatives." Why? Why? For the reason I just talked about, Mr. Speaker, where we have this freshman class, where we have these senior Members of Congress who didn't come here to pontificate, who didn't come here to grandstand, who came here to make a difference.

I don't care that it's an election year. In fact, if anything, Mr. Speaker, in an election year, we ought to do more of the right things. We ought to spend even more time each and every day getting it right. "Risky election year move" is what folks say. I tell you, Mr. Speaker, I would be disappointed if we did anything else. Medicare is in crisis. This IPAB board is further destabilizing the Medicare program. You are doggone right it may be a risky move, but we did it anyway because it's the right thing to do.

I sit on the Budget Committee. That is actually what they are talking

about. This is a March 15 article. And they're talking about the plan that we in the Budget Committee are going to hold a markup on tomorrow, which does what? All of these things I've been talking about, Mr. Speaker: bringing choices to consumers, bringing competition to the Medicare system, investing consumers in Medicare outcomes. It does all of those things, Mr. Speaker, that we believe can control costs using the power of the marketplace, using the power of the American people, using the power of the American family, and not just by rationing care, as this IPAB board does.

This is the headline. I'm going to read it again, Mr. Speaker, just because I like it so much: "In risky election year move, Republicans offer Medicare alternatives." They go on to say this: "Running a political risk during an election year, Republicans continue to offer proposals to cut future Medicare outlays." Medicare outlays, that's this dramatic rise we see in Medicare spending, Mr. Speaker. It's not a rise associated with quality of care. It's not a rise that's associated with whether or not people get the services they need. It's a rise that's associated with an out-of-control Federal health care program that has absolutely no consumer involvement at all, absolutely no competition at all, absolutely no free market involvement at all. And it's going broke.

We have a proposal to fix it. What is our proposal? Well, I didn't just bring our proposal, Mr. Speaker. But I brought our proposal, and I want to compare it to the President's approach. There are two things we need to talk about when we talk about changes to Medicare, Mr. Speaker, and you know this better than most. There are changes to the Medicare program that save it for future generations, and then there are changes to the Medicare program that destabilize today's seniors. A big difference in those two things.

□ 1800

I'm in my forties, Mr. Speaker. My Uncle Sam has to come to me today and say, ROB, I know you've been paying your Medicare taxes in every single paycheck since you were 16 and I know we promised you that Medicare was going to be there for you like it was there for your grandparents and your parents; but ROB, we've got bad news. It turns out we overpromised and we're underdelivering and we've got to renegotiate our Medicare contract with you.

We do.

That is the bad, bad news for your generation, Mr. Speaker, for my generation, and for everybody younger. The government—surprise, surprise—has overpromised and underdelivered. And the time to tell me that is now, not when I'm 65 and I can't make any more choices about my life, but today

while I can still make accommodations.

So I've divided this chart, Mr. Speaker, up into two categories—what are our proposals for current seniors and what are our proposals for future seniors—and I've done the same thing for the President's plan, because it is important that we do keep our promises here. It's no senior's fault in this country that they're dependent on Medicare. They paid into it their entire life for the part A through the Medicare taxes. They were promised it would be there for them in their time of need. They didn't ask for it. They didn't solicit it. The money was taken from them and now they deserve those benefits.

So here's what we do. The program that's coming out of the House Budget Committee, the program similar to what was passed on the floor of the House last year and it's coming before the House next week, Mr. Speaker, has absolutely no changes—no changes, Mr. Speaker—for today's seniors. If you're on Medicare today, no changes, no disruptions in our plan, Mr. Speaker. That service, it's already begun for you and it is going to continue uninterrupted for as long as you need to utilize the program. But the program is going bankrupt, Mr. Speaker, and so we're making some changes that will preserve and protect it for this current generation of seniors. If we do nothing, bankruptcy looms on the horizon. And if current seniors want it, we'll allow them to get what I'll call personalized Medicare like what Members of Congress have.

Mr. Speaker, folks often think—in fact, my mom sends me that email about once a week that says, ROB, I can't believe you're getting all that free health care in Congress. You know that's nonsense, Mr. Speaker. We have exactly the same health care plan in Congress that every Federal employee across the country has. And that plan is this: You open up a book that has about 30 plans to choose from and you choose the one that works best for you. Imagine that.

Imagine that our seniors today have had a lifetime of health care choices, and the day they turn 65, Mr. Speaker, they surrender their freedom as an American and they are forced into a health care system that they cannot opt out of—cannot opt out of. Oh, you're in it. You can opt out of Medicare part D, you can opt out of Medicare part B, but you cannot opt out of Medicare part A. You are in it.

And if you want a doctor that won't take you—he'll take other Medicare patients but he won't take you—the Federal law of the land prohibits you, Mr. Speaker, from paying cash out of your pocket to see your doctor. That's the law of the land where? Russia? China? It's the law of the land in America.

You turn 65, you enter the Big Government health care program, suddenly your freedoms begin to be eroded. We say no. We say let's make Medicare have the choices that we as Members of Congress have, and let's make those available to current seniors.

So to recap, Mr. Speaker, no changes or disruptions in our plan. We preserve and protect the program for current seniors for the 30-year life of the program and we personalize Medicare to make it more like what we have in Congress so that we can give those folks choices.

What does the President do for current seniors? He empowers 15 unelected bureaucrats to cut Medicare in ways that will most certainly deny seniors care. Do I need to go back to the 40 pages, Mr. Speaker, of the Patient Protection and Affordable Care Act, section 3403, the advisory board, IPAB? This is what it does. It's the 15 unelected bureaucrats that have the power to cut Medicare in ways that, as we have discussed, will most certainly deny care.

If your plan is to cut reimbursements to doctors, fair enough. I think it's shortsighted; I think it's destructive. But if that is your plan, embrace that plan, I say to folks who support the President's health care bill. Embrace it and defend it. But be honest with the American people who most certainly know that if you cut those reimbursement rates to a level that doctors cannot see patients, they will not see patients.

And here's one that doesn't get talked about much, Mr. Speaker. The President's plan raids the Medicare program and removes \$682 billion. This is a program that's already going bankrupt. This is a program that already needs substantial reform to protect it and preserve it for another generation.

The President's health care bill, which isn't something that might happen, it's something that's already the law of the land, takes \$682 billion that was intended for Medicare beneficiaries and cuts it out—"saves it" is the term of art they use around here, Mr. Speaker, as you well know—cuts it and saves it. What do they save it for? So they can bring it over here and spend it on the President's new health care plan for the rest of America; the nonseniors.

The program is already in trouble. Current law under the President's health care plan removes \$682 billion designated for Medicare beneficiaries, takes it out, moves it to the rest of the population, again, exacerbating the challenge.

Future seniors, what are we going to do? Well, our plan, Mr. Speaker, coming out of the Budget Committee, coming here to the floor as passed by the House last year, is personalized Medicare not just for current seniors but for future seniors, Mr. Speaker. For folks like you and me and our generation,

when we get to Medicare age, we would have choices. All Americans would have choices to choose the plan that works best for them.

Do you need a plan that covers prescription drugs? Choose that. Do you need a plan that is flexible so you can summer in Florida and winter in New Jersey? Though I suspect, Mr. Speaker, they'd probably be summering in New Jersey and wintering in Florida; but if they travel like that, maybe they need that plan. Maybe they still have young kids in the house and so need a plan that speaks to youngsters as well.

Folks could choose the plan, Mr. Speaker. Personalized health care, just like what we have here in Congress. Our plan, Mr. Speaker, means that wealthy families will get less and sick and low-income families will get more.

Mr. Speaker, we talk about shared sacrifice around here all the time, and I am not in favor of raising taxes on the American people. The American people can't afford it. The economy can't survive it. But what we can do is start giving away less from Washington, D.C.

And so what we say for future seniors—folks in my generation, your generation, Mr. Speaker—is that your support from the Medicare program is going to be less than low-income families. If you've done well in your life and you can afford to help with the cost of your Medicare, we're going to ask you to do that. We're going to means-test these things.

We're still going to be there for you; the Medicare program is still going to be there for you. The promises we made to you are still going to be kept. But in the renegotiation, we're going to confess what America already knows, which is that this program is going bankrupt and cannot be sustained, and that in order to sustain it, we're going to ask folks who can't afford it to pay more and recognize that folks who can't afford it will pay less. That's our program for the future to save and strengthen Medicare.

What does the President propose? And this is so important, Mr. Speaker. Can I go back to what my good friends at MSNBC said? This is how they described this plan that I'm just describing to you: In a risky election year move, Republicans offer Medicare alternatives.

The President, for future seniors, offers no serious plan to save Medicare. If I had the President's budget down here with me, Mr. Speaker, it would be about 12 inches tall. And it's a serious budget. I don't fault him for submitting the budget. I'm glad he did. It lays out his priorities and his strategy for saving America. But there's not one Medicare reform proposal in those 12 inches of budget. Not one. Not one.

Why?

Because traditional politicians, Mr. Speaker, think it's risky in an election

year to propose things that shake up the status quo. Mr. Speaker, it ought to be risky in an election year to maintain the status quo when you know a program depended on by millions upon millions upon millions of seniors is going bankrupt today.

□ 1810

Not tomorrow, not 10 years from now. It's happening today. It's under way today. The time to stop it and save it is today. And I don't care if folks think it's scary to propose it; that's what we came here to do.

What happened, Mr. Speaker? What happened to folks that caused them to believe the reason they came to Congress is to get reelected? What happened? You didn't come here to get reelected. I didn't come here to get reelected. We came here to make a difference for families back home, we came here to draw a line in the sand for saving America, and we came here to get the American Dream of a successful economy and freedom back on track. It ought to be risky to sit here and do nothing, Mr. Speaker. That ought to be the risky thing.

What has happened to this country that the risky thing for those who call themselves public servants is to do something instead of nothing? Because that's what the President proposes in his 10-year budget plan: nothing, nothing that does one thing, that takes one baby step forward toward saving Medicare. In the Budget Committee, we are proposing serious alternatives. Are they going to be frightening to folks in my generation? I don't think so, Mr. Speaker. You and I have a long time until retirement. Despite all our gray hair, we've got a couple of decades left before we get there; and we've got time to prepare, and we will, and America will. But it is our responsibility to offer those alternatives. The President offers nothing, and Medicare goes bankrupt.

This chart says it all, Mr. Speaker. There is a path to prosperity for America that we are proposing here in this House, and there is the President's approach, and they could not be more different.

Our approach tells the American people the truth. There are a lot of political pundits out there that believe telling people the truth is a risky thing to do in an election year. Mr. Speaker, I tell you it's our solemn obligation. I tell you the oath we took requires us to tell folks the truth. I tell you the responsibility that our voters back home have entrusted us with requires us to be bold.

And if the consequence for trying to save the Medicare program—not just for this generation of seniors, but for a generation to come—if the consequence of that is that I frighten voters back home and I get defeated, so be it. So be it. No one sent us here to get reelected

year after year. They sent us here to do the work that they asked us to do. They sent us here to follow through on the promises that we made during the last campaign. They sent us here to offer serious solutions to what we all know, Democrats and Republicans alike, are serious problems threatening the future of our Republic. And none is more serious when it comes to a social safety net here in this country than the giant fiscal crisis looming in Medicare.

I'll leave you with this, Mr. Speaker. We have the law of the land that's already on the books. It's in the President's Patient Protection and Affordable Care Act, that bill that raids Medicare in order to fund his other social priorities, that bill that hastens the demise of Medicare rather than preventing it. And in that they find 15 unelected bureaucrats that they say will not ration services; they'll just cut reimbursements for docs. And we have testimony after testimony after testimony after testimony that says, go ahead, if you think you need to cut docs, cut docs; but just know those docs will not be there for you when you need them to be because they can't—because they can't.

Do you really believe it, Mr. Speaker? Does anybody in America really believe it? Find your primary care doctor that lives down the street from you. You know him or her. They're in your Sunday school class and they coach your kids' soccer team. You know who they are. Do you really believe that they're the ones that are driving the Medicare program into bankruptcy? Do you really believe it? Or does the Washington establishment just use our docs, the healers in our community, those folks who are there for us when we need them the most? Does the Washington establishment just use those folks as the scapegoats for what is a much more serious, much more systemic underlying problem with the way that we finance federally funded health care systems in this country?

Competition has served this country well, Mr. Speaker. Individual responsibility has served this country well. Entrepreneurship and innovation have served this country well. And we have a choice now to embrace those functions that are so indicative of who we are as Americans and where we've come from, and use those tools to set Medicare on a new and sustainable course; or we can go back to business as usual, more pages of Federal regulation, more blaming other people for the problems we've created, more unelected boards of bureaucrats who make health care decisions for us instead of letting us make those decisions within our family.

The choice for me is clear. Mr. Speaker, you know these aren't things that we're just down here to talk about. You know these aren't just

ideas that are being brainstormed. We have a real opportunity to make this change not 2 years from now, not after the next election, not 6 months from now, but tomorrow. Tomorrow we'll bring a rule to the floor of this House to allow for a consideration of a measure that will repeal IPAB once and for all. IPAB, this word that was not in our lexicon 2 years ago but now threatens to control the health care decisions of every senior in America.

With a successful vote tomorrow, Mr. Speaker, we can make that a thing of the past.

And with that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACHUS (at the request of Mr. CANTOR) for today on account of minor throat surgery.

Mr. MARINO (at the request of Mr. CANTOR) for today and the balance of the week on account of illness.

ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 21, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5313. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Peter W. Chiarelli, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

5314. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Edgar E. Stanton III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5315. A letter from the Acting Under Secretary of Defense, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Jeffery A. Remington, United States Air Force, and his advancement on the retired list to the grade of lieutenant general; to the Committee on Armed Services.

5316. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5317. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final

Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5318. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-B-8217] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5319. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5320. A letter from the Assistant Secretary, Office of Electricity Diversity and Energy Reliability, Department of Energy, transmitting a report entitled "2010 Smart Grid System Report"; to the Committee on Energy and Commerce.

5321. A letter from the Secretary, Department of Health and Human Services, transmitting Annual Report to Congress on FDA Foreign Offices Provisions of the FDA Food Safety and Modernization Act, pursuant to Public Law 111-353, section 201(b); to the Committee on Energy and Commerce.

5322. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act [MB Docket No.: 11-93] received March 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5323. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Interpretation of Protection System Reliability Standard [Docket No.: RM10-5-000; Order No. 758] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5324. A letter from the Director, Office of Congressional Affairs, Federal Energy Regulatory Commission, transmitting the Commission's final rule — International Nuclear and Radiological Event Scale (INES) Participation MD 5.12 received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5325. A letter from the Program Manager, Internal Revenue Service, transmitting the Service's final rule — Summary of Benefits and Coverage and Uniform Glossary — Templates, Instructions, and Related Materials; and Guidance for Compliance [CMS-9982-FN] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5326. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to Existing Validated End-User Authorizations for Applied Materials (China), Inc., Boeing Tianjin Composites Co. Ltd., CSMC Technologies Corporation, Lam Research Corporation, and Semiconductor Manufacturing International Corporation in the People's Republic of China, and for GE India Industrial Pvt. Ltd. In India [Docket No.: 110525297-1476-01] (RIN: 0694-AF26) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5327. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal

Authority To Reflect Continuation of Emergency Declared in Executive Orders 12947 and 13224 [Docket No.: 120124063-0261-01] (RIN: 0694-AF55) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5328. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period October 1, 2011 through November 30, 2011; to the Committee on Foreign Affairs.

5329. A letter from the Assistant Director for Policy, Department of the Treasury, transmitting the Department's final rule — Iranian Financial Sanctions Regulations received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5330. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5331. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5332. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5333. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5334. A letter from the Inspector General, Railroad Retirement Board, transmitting fiscal year 2013 Congressional Justification of Budget for the Office of the Inspector General; to the Committee on Oversight and Government Reform.

5335. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates [Docket No.: 110781394-2048-02] (RIN: 0648-BB09) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5336. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status and Designations of Critical Habitat for Spikedace and Loach Minnow [Docket No.: FWS-R2-ES-2010-0072] (RIN: 1018-AX17) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5337. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the 2012 biennial report on the "Deep Sea Coral Research and Technology Program"; to the Committee on Natural Resources.

5338. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico

and South Atlantic; Trip Limit Increase [Docket No.: 001005281-0369-02] (RIN: 0648-XA974) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5339. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Savannah River Site in Aiken, South Carolina, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5340. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's "Major" final rule — Temporary Non-Agricultural Employment of H-2B Aliens in the United States (RIN: 1205-AB58) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5341. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a report on the proposed fiscal year 2013 budget; jointly to the Committees on Agriculture and Oversight and Government Reform.

5342. A letter from the Board Members, Railroad Retirement Board, transmitting Congressional Justification of Budget Estimates for Fiscal Year 2013, including the Performance Plan, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUGENT: Committee on Rules. H. Res. 591. A resolution providing for consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system (Rept. 112-416). Referred to the House Calendar.

Mr. BACHUS: Committee on Financial Services. H.R. 4014. A bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection (Rept. 112-417). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMPBELL (for himself and Mr. DeFAZIO):

H.R. 4214. A bill to amend the Toxic Substances Control Act to prohibit the use, production, sale, importation, or exportation of the poison sodium fluoroacetate (known as "Compound 1080") and to prohibit the use of sodium cyanide for predator control; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McMORRIS RODGERS:

H.R. 4215. A bill to amend title XVIII of the Social Security Act to provide for pharmacy benefits manager standards under the Medicare prescription drug program to further fair audits of and payments to pharmacies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself and Mr. CHABOT):

H.R. 4216. A bill to provide for the exchange of information related to trade enforcement; to the Committee on the Judiciary.

By Mr. GRIMM (for himself and Mr. KING of New York):

H.R. 4217. A bill to support and promote community financial institutions in the mutual form, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ:

H.R. 4218. A bill to preserve affordable housing opportunities for low-income families, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ:

H.R. 4219. A bill to amend section 1451 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to establish programs to provide counseling to homebuyers regarding voluntary home inspections and to train counselors to provide such counseling, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ:

H.R. 4220. A bill to establish a pilot program to train public housing residents as home health aides and in home-based health services to enable such residents to provide covered home-based health services to residents of public housing and residents of federally-assisted rental housing, who are elderly and disabled, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself and Mr. RUSH):

H.R. 4221. A bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 4222. A bill to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. SENSENBRENNER (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. COBLE, Mr. GALLEGLY, Mr. PIERLUISI, and Mr. MEEHAN):

H.R. 4223. A bill to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H.R. 4224. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, to amend the Internal Revenue Code of 1986 to repeal the percentage floor on

medical expense deductions, expand the use of tax-preferred health care accounts, and establish a charity care credit, to amend the Social Security Act to create a Medicare Premium Assistance Program and reform EMTALA requirements, and to amend the Public Health Service Act to provide for cooperative governing of individual and group health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, Rules, Appropriations, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. BLUMENAUER, Mr. CARNAHAN, Mrs. CHRISTENSEN, Ms. DEGETTE, Mr. ELLISON, Mr. GRIJALVA, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. KUCINICH, Ms. MCCOLLUM, Mr. MEEKS, Mr. POLIS, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, and Ms. SLAUGHTER):

H.R. 4225. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management programs to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture.

By Ms. MOORE:

H.R. 4226. A bill to amend the Internal Revenue Code of 1986 to make permanent the full exclusion applicable to qualified small business stock; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. HINOJOSA, and Mr. GEORGE MILLER of California):

H.R. 4227. A bill to reauthorize the Workforce Investment Act of 1998 to strengthen the United States workforce investment system through innovation in, and alignment and improvement of, employment, training, and education programs, and to promote national economic growth, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself and Mr. ROYCE):

H. Con. Res. 109. Concurrent resolution expressing the sense of Congress that the People's Republic of China should not repatriate the North Korean refugees detained in China, subjecting them to torture, imprisonment, and execution, but allow their resettlement in the Republic of Korea and other countries; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Ms. CLARKE of New York, Mr. NADLER, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. MOORE, Mr. TOWNS, Mr. RANGEL, Ms. SPEIER, Mr. LEWIS of Georgia, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, Ms. NOR-TON, Mr. STARK, Ms. MCCOLLUM, Mr. CONYERS, Mr. ELLISON, Mr. FILNER, Mr. MCGOVERN, Ms. JACKSON LEE of Texas, Mr. RAHALL, and Mrs. DAVIS of California):

H. Res. 589. A resolution supporting the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut:

H. Res. 590. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. HAHN (for herself, Mr. BISHOP of New York, Mr. TOWNS, Mr. MCINTYRE, Mrs. NAPOLITANO, Mr. FARENTHOLD, Mr. MCDERMOTT, Mr. RANGEL, Ms. BORDALLO, Ms. LEE of California, Mr. SABLON, Ms. MOORE, Ms. LINDA T. SÁNCHEZ of California, Mr. LARSEN of Washington, Mr. BOUTSTANY, Mr. CARNEY, Mr. STARK, Ms. WILSON of Florida, Mr. SCOTT of Virginia, Mr. SIREN, Mr. SCALISE, Ms. HIRONO, Mr. CASSIDY, Mr. SMITH of Washington, Mr. YOUNG of Alaska, Mr. DEFazio, Mr. MCNERNEY, Mr. NADLER, Mrs. CHRISTENSEN, Ms. LORETTA SANCHEZ of California, Mr. CARNAHAN, Mr. AL GREEN of Texas, Mr. COURTNEY, Mr. ROTHMAN of New Jersey, Mr. LYNCH, Mr. CLARKE of Michigan, and Mr. FILNER):

H. Res. 592. A resolution recognizing the importance of ports to the economy and national security of the United States; to the Committee on Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CAMPBELL:

H.R. 4214.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution of the United States.

By Mrs. McMORRIS RODGERS:

H.R. 4215.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce among the several States.

By Mr. POE of Texas:

H.R. 4216.

Congress has the power to enact this legislation pursuant to the following:

Clause 8 of section 8 of Article I of the Constitution

By Mr. GRIMM:

H.R. 4217.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. VELÁZQUEZ:

H.R. 4218.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. VELÁZQUEZ:

H.R. 4219.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. VELÁZQUEZ:

H.R. 4220.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. SMITH of New Jersey:

H.R. 4221.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. GRIJALVA:

H.R. 4222.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 4223.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BROUN of Georgia:

H.R. 4224.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 [the Spending Clause] of the United States Constitution states that 'The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States.' This bill restores the proper balance of power between the federal and state governments as intended under the 10th Amendment to the Constitution by devolving the responsibilities related to health care to the states and individuals.

It reinforces the founding constitutional principle that state governments and individuals are properly situated with attending to their own health, safety, and general welfare.

By Mr. HOLT:

H.R. 4225.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the U.S. Constitution.

By Ms. MOORE:

H.R. 4226.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. TIERNEY:

H.R. 4227.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. CLAY.

H.R. 374: Mr. GARDNER and Mr. OLSON.

H.R. 376: Mr. WALZ of Minnesota.

H.R. 469: Mr. TIERNEY.

H.R. 607: Mr. RUNYAN.

H.R. 632: Mr. HENSARLING.

H.R. 735: Mr. FRELINGHUYSEN.

H.R. 749: Mr. PAULSEN and Mr. SMITH of Nebraska.

H.R. 780: Mr. LOEBSACK and Mr. MARKEY.

H.R. 834: Ms. BONAMICI.

H.R. 854: Ms. WASSERMAN SCHULTZ and Ms. CASTOR of Florida.

H.R. 941: Mr. KISSELL, Mrs. McMORRIS RODGERS, and Mr. MATHESON.

H.R. 972: Mr. LONG.

H.R. 1080: Mrs. McMORRIS RODGERS.

H.R. 1164: Mr. MURPHY of Pennsylvania and Mr. BERG.

H.R. 1172: Mr. POLIS.

H.R. 1244: Mr. LONG.

H.R. 1288: Mr. PAUL, Mrs. NAPOLITANO, Mr. LOEBSACK, and Mr. CARNEY.

H.R. 1316: Mr. FITZPATRICK.

H.R. 1332: Ms. HAHN, Mr. HONDA, Mr. KUCINICH, Mr. HINOJOSA, Mr. SIREs, and Mr. PETERS.

H.R. 1381: Mrs. LOWEY, Mr. HONDA, and Mrs. MALONEY.

H.R. 1391: Mr. LIPINSKI and Mr. KISSELL.

H.R. 1412: Mr. MARCHANT.

H.R. 1445: Mr. MCCOTTER.

H.R. 1451: Mr. LOEBSACK.

H.R. 1488: Mr. COHEN.

H.R. 1533: Mr. VISCLOSKEY.

H.R. 1549: Mr. LUETKEMEYER.

H.R. 1575: Mr. TOWNS.

H.R. 1639: Mr. MARINO.

H.R. 1675: Mr. RYAN of Ohio, Mr. MCHENRY, Mr. BILBRAY, Mr. JONES, and Mr. DAVID SCOTT of Georgia.

H.R. 1700: Mr. BROOKS.

H.R. 1780: Mrs. CAPPS.

H.R. 1792: Mr. ISRAEL.

H.R. 1842: Mrs. DAVIS of California, Ms. BONAMICI, and Ms. DELAURO.

H.R. 1860: Mr. THOMPSON of Mississippi.

H.R. 1876: Mr. CLEAVER.

H.R. 1909: Mr. THOMPSON of Mississippi and Mr. SENSENBRENNER.

H.R. 1955: Mr. DEGETTE, Mr. GUTIERREZ, and Mr. SIREs.

H.R. 2003: Ms. BONAMICI.

H.R. 2051: Mr. ROE of Tennessee, Mr. KLINE, Mr. MULVANEY, Mr. PETERS, Mr. PAULSEN, and Mr. SCOTT of South Carolina.

H.R. 2086: Mr. BACA, Mr. GEORGE MILLER of California, and Ms. MOORE.

H.R. 2119: Mr. FITZPATRICK.

H.R. 2288: Mr. RANGEL.

H.R. 2406: Mr. DENHAM.

H.R. 2479: Mr. MCGOVERN, Mr. RANGEL, and Ms. BONAMICI.

H.R. 2517: Mrs. DAVIS of California.

H.R. 2541: Mr. BONNER and Mr. TIPTON.

H.R. 2547: Mr. TIERNEY.

H.R. 2569: Ms. ZOE LOFGREN of California.

H.R. 2595: Mr. STARK.

H.R. 2695: Mr. STIVERS.

H.R. 2827: Mr. ROSS of Arkansas.

H.R. 2926: Mr. LAMBORN.

H.R. 2959: Ms. JENKINS.

H.R. 3000: Mr. CULBERSON.

H.R. 3048: Mr. JONES.

H.R. 3057: Mr. GUTIERREZ and Mr. FILNER.

H.R. 3061: Mr. WEST and Mrs. ADAMS.

H.R. 3125: Mr. BERMAN and Mr. HONDA.

H.R. 3145: Ms. MOORE, Mr. BOSWELL, and Mr. CONYERS.

H.R. 3164: Mr. JOHNSON of Georgia and Mr. POSEY.

H.R. 3187: Mr. LOEBSACK, Mr. MORAN, Mr. CRENSHAW, Mr. DOGGETT, Mr. CONAWAY, Mr. PASTOR of Arizona, Mr. MCCOTTER, Mr. STARK, Mr. DINGELL, Mr. FITZPATRICK, and Mr. REICHERT.

H.R. 3202: Mr. BISHOP of New York.

H.R. 3264: Mr. GINGREY of Georgia.

H.R. 3364: Mr. BLUMENAUER, Mr. GUTIERREZ, Mr. ROSS of Arkansas, Mr. MATHESON, Mr. WALDEN, and Mr. FALLONE.

H.R. 3418: Ms. BASS of California.

H.R. 3423: Mr. SCHOCK, Ms. HAYWORTH, Mr. KILDEE, Mr. SCHILLING, Mr. CARSON of Indiana, Mr. HOLDEN, Ms. BUERKLE, Mr. PETERS, Mrs. NOEM, and Ms. BONAMICI.

H.R. 3425: Ms. HAHN.

H.R. 3461: Ms. ROS-LEHTINEN, Mr. BUCHANAN, Mr. BERG, Mr. LUJAN, Mr. SMITH of Nebraska, Ms. BERKLEY, Mrs. MILLER of Michigan, Mr. DIAZ-BALART, Mr. GOSAR, and Mr. CUELLAR.

H.R. 3485: Mr. HIMES.

H.R. 3491: Mr. LOEBSACK.

H.R. 3596: Mr. MCINTYRE and Ms. MCCOLLUM.

H.R. 3612: Ms. CLARKE of New York and Mr. ISRAEL.

H.R. 3625: Ms. BASS of California and Mrs. MALONEY.

H.R. 3633: Mr. CULBERSON.

H.R. 3661: Mr. McDERMOTT.

H.R. 3670: Mr. JOHNSON of Ohio.

H.R. 3687: Mr. FRANK of Massachusetts.

H.R. 3692: Mr. BLUMENAUER.

H.R. 3728: Mr. HUIZENGA of Michigan and Mr. SHIMKUS.

H.R. 3767: Mr. SCOTT of South Carolina and Ms. SLAUGHTER.

H.R. 3770: Mr. FLORES.

H.R. 3858: Ms. PINGREE of Maine.

H.R. 3875: Mr. CONYERS and Mr. RANGEL.

H.R. 3895: Mr. KISSELL, Mr. TURNER of New York, Mr. MCGOVERN, and Mr. SMITH of New Jersey.

H.R. 3981: Mr. LOEBSACK, Mr. KISSELL, Mr. FRANKS of Arizona, and Mr. BROUN of Georgia.

H.R. 3991: Mr. QUAYLE and Mr. GOWDY.

H.R. 3993: Mr. BACA.

H.R. 4010: Mr. TIERNEY.

H.R. 4030: Mr. LOEBSACK.

H.R. 4045: Mr. JONES, Mr. RYAN of Ohio, Mr. TURNER of Ohio, and Mr. LOEBSACK.

H.R. 4046: Mr. LANKFORD.

H.R. 4049: Mr. RANGEL.

H.R. 4060: Mr. LAMBORN.

H.R. 4077: Mr. WALBERG.

H.R. 4083: Ms. ROYBAL-ALLARD.

H.R. 4125: Mr. JOHNSON of Ohio.

H.R. 4128: Mr. MANZULLO and Mr. CRAVAACK.

H.R. 4134: Mr. KIND.

H.R. 4136: Mr. LANDRY and Mr. LONG.

H.R. 4171: Mr. PAUL.

H.R. 4174: Mr. MCHENRY.

H.R. 4176: Mr. WHITFIELD and Mr. PETERS.

H.R. 4185: Mr. KEATING.

H.R. 4196: Mr. PRICE of Georgia, Mr. CROWLEY, Mr. BLUMENAUER, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. BRADY of Texas, Mr. LEVIN, and Mr. OLSON.

H.R. 4202: Mr. DOGGETT.

H.R. 4203: Mr. PETERS, Mr. CRITZ, and Mr. CICILLINE.

H.J. Res. 103: Mr. SMITH of Nebraska and Mr. LAMBORN.

H.J. Res. 104: Mr. GUINTA.

H. Con. Res. 87: Mr. LATTI and Mr. TOWNS.

H. Res. 16: Mr. HULTGREN.

H. Res. 25: Mr. LOEBSACK.

H. Res. 111: Mr. SESSIONS, Mr. GRIJALVA, Mrs. MILLER of Michigan, Mr. MCHENRY, Mr. WHITFIELD, and Mr. MCCOTTER.

H. Res. 134: Mr. BUCHANAN.

H. Res. 282: Mr. ROYCE, Mrs. DAVIS of California, Mr. FILNER, Mr. ROTHMAN of New Jersey, and Ms. SPEIER.

H. Res. 509: Mr. FLORES.

H. Res. 526: Mr. KLINE.

H. Res. 560: Mr. POLIS.

H. Res. 561: Mr. POSEY.

H. Res. 564: Mr. MARKEY and Ms. CHU.

H. Res. 583: Mr. OLIVER, Mr. McDERMOTT, Ms. JACKSON LEE of Texas, Mr. PITTS, Mr. ENGEL, Mr. CROWLEY, Mr. LANCE, Mr. STARK, Mr. DEFazio, Mr. DEUTCH, and Mr. GARAMENDI.

EXTENSIONS OF REMARKS

HONORING THE CAREER OF LOIS
ROCKHILL

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. PENCE. Mr. Speaker, I rise to celebrate the long and distinguished career of a true community leader in east central Indiana. After more than two decades in service to those within our community who need a helping hand, Lois Rockhill will be retiring as the executive director of the Second Harvest Food Bank of East Central Indiana.

Before coming to Indiana, Lois had already distinguished herself while serving in Turkey as a member of the Peace Corps. When she came to Second Harvest in 1989, the organization had distributed 450,000 pounds of food to those in need. Under her leadership, that amount has grown to more than 9.5 million pounds of food this past year, which exceeded their goal for 2011.

The Second Harvest Food Bank of East Central Indiana is now the region's largest charity dedicated to alleviating hunger. Each year, the organization provides food assistance to more than 69,000 low-income Hoosiers facing hunger. That includes nearly 31,000 children and more than 5,000 senior citizens.

The leadership Lois has shown over the last 23 years will be sorely missed, but I am confident that the proud legacy she built at Second Harvest will continue. And though her retirement plans include spending more time with her grandchildren and traveling with her beloved husband Erv, Lois will always be a voice for those in our community who are less fortunate.

Mr. Speaker, Lois Rockhill dedicated her career to serving the most vulnerable of our fellow citizens. Her career at Second Harvest and tireless advocacy for those in need will long be remembered as a blessing to Eastern Indiana.

PERSONAL EXPLANATION

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. KINZINGER of Illinois. Mr. Speaker, unfortunately, I was unable to cast my vote on H.R. 3992, the E-2 Nonimmigrant Visas for Israeli Nationals. Had I been able to I would have cast an "aye" vote in favor of the legislation.

HONORING THE SERVICE AND CONTRIBUTIONS OF MR. GEORGE
RAZ AUTRY JR.

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. KISSELL. Mr. Speaker, I rise today to honor Mr. George Raz Autry, Jr., a proud veteran, a defender of education and a dedicated, lifelong contributor to the great State of North Carolina.

Enlisting in the Marine Corps out of High School, Mr. Autry honorably served our country in World War II. Upon his return, he attended East Carolina Teachers College where he served as Student Body President. Raz married his wife Ireni Tumaras Autry in 1951.

Mr. Autry then moved to my home county of Montgomery County, North Carolina, and helped open East Montgomery High School, my alma mater. Mr. Autry found further opportunity in Hoke County in 1967, where he became Hoke High School Principal and later School Superintendent. He continues his life of service today in Hoke County as a peach farmer, author, columnist, speaker, auctioneer and respected community leader.

An ambassador for education in North Carolina for more than 45 years, Mr. Autry has served in a multitude of prominent and important roles in support of youth, farmers and our community as a whole. Mr. Autry's impact on North Carolina will last for generations. His selfless service has inspired countless others, including myself. Mr. Autry has led through both example and instruction, and continues to serve as inspiration to all of us who know him. I was honored to nominate Mr. Autry for The Order of the Long Leaf Pine, the highest order that can be bestowed in our State of North Carolina. Raz received that recognition recently, and he is certainly deserving of such a distinction.

I ask my colleagues to join me in honoring the life and work of my friend, a mentor, and my former High School principal, Mr. Raz Autry. Let us thank him for his life of continued service to the future of our Nation.

PERSONAL EXPLANATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Ms. SPEIER. Mr. Speaker, I was unfortunately delayed by a meeting and was unable to cast a vote on rollcall 111 on the evening of March 19, 2012. I would have voted "aye" on H.R. 3992—"To allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nation-

als are eligible for similar nonimmigrant status in Israel."

COMMENDING THE 2012 SUBURBAN
CHAMBER OF COMMERCE SERVICE
AWARD

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. LANCE. Mr. Speaker, I rise today to congratulate the honorees of the 2012 Suburban Chamber of Commerce Service Awards. The Chamber is an accomplished partnership of business and professional people working together to build a healthy economy and improve the quality of life in our communities. The Chamber, which represents the communities of Summit, New Providence and Berkeley Heights, New Jersey, brings people together who live or work in the area and who want to better their community. I congratulate the 2012 honorees for "Tying the Communities Together."

President's Award—The Honorable Jordan Glatt, Former Mayor of Summit, New Jersey.
Beautification Award—McGrath's Hardware, New Providence, NJ.

Business of the Year—Investors Bank.

Public Service Award—The Honorable Jon Bramnick, Minority Leader in the New Jersey State Assembly.

Public Service Organization—The Summit Area YMCA.

Silver Service Award—Karen Olson, Family Promise.

I thank these public servants and organizations for their tremendous public service.

CELEBRATING THE DISTINGUISHED
CAREER OF CURTIS
MEEDER

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. CRITZ. Mr. Speaker, I rise to congratulate a skilled engineer, devoted public servant and faithful patriot, on a distinguished 33-year career with the Army Corps of Engineers.

On March 31st, 2012, Curtis Meeder will retire from the Corps to begin a new chapter in his life. Since 1979, he has used his extensive knowledge of economics and water resources management to improve the navigability of our Nation's waterways, to aid in disaster relief efforts and to reduce the risk of flooding in our local communities.

Curt began his career with the Corps in the Detroit District as an economist and water resources planner. From there, he went on to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

work as a study coordinator and technical reviewer in the North Central Division for 5 years, and then as a supervisor in the St. Paul District for 6 years.

Since moving to Pennsylvania in 1988 to work out of the Pittsburgh District, Curt has taken leadership roles in a number of projects aimed at improving existing water navigation systems, including the Upper Ohio Navigation Study, the Nation's largest such study on an inland river system. He has also demonstrated a clear commitment to helping communities in need. In the wake of Hurricane Katrina, he served two deployments in New Orleans, during which he coordinated requests for Federal debris removal assistance with parish and local municipal officials, monitored contractor curb-side collection from private properties, and worked with regulatory agencies to reduce the environmental impacts of disposal operations.

Currently, Curt serves as the Pittsburgh District's Chief of Planning and Environmental Branch. One of his most critical responsibilities in this capacity is to be a leader in the Corps' public outreach efforts. He has demonstrated a flair for concise and effective communication in his interactions with private citizens, regional organizations and government agencies. He consistently articulates esoteric engineering concepts and flood repair processes in easily understandable terms.

Curt's laudable service has earned him a number of well-deserved Army Civilian Service honors. These include the Superior Civilian Service Award; two Commander's Awards for Civilian Service; and three Achievement Medals for Civilian Service.

Mr. Speaker, I have worked closely with Curtis for over a decade. He's a first-class public servant whose experiences and expertise will surely be missed.

I wish Curt the best of luck as he transitions into retirement. I share in the pride that his devoted wife Cindy and two sons feel in his accomplishments, and have the utmost confidence that he will continue to be successful in whatever he chooses to do next.

HONORING ALFRED L. MARDER AS
HE CELEBRATES HIS 90TH
BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Ms. DeLAURO. Mr. Speaker, it is a pleasure for me to rise today to join the many friends, family, and community leaders who have gathered to celebrate the outstanding contributions of Alfred L. Marder as he celebrates his 90th birthday. Al is one of our community's most active advocates—dedicating much of his life to fighting for social justice and the improvement of the quality of life for all.

Al Marder is an institution in our community. He is perhaps best known for his work to promote peace, social justice, worker's rights and equality. His commitment to these issues is unwavering—regardless of controversy, he always stands firm in his fight to protect human rights.

Over the course of his 90 years, Al has made innumerable contributions to our community and our nation. In his early years, Al served as Executive Director of the Connecticut CIO Youth and Sports Organization and was President of the New Haven Youth Conference. He served in the United States Infantry during World War II and was stationed in the European Theater where he received the Bronze Star. Following the war, Al completed his college education at the University of Connecticut and soon found a passion that he would pursue for the rest of his life. During the McCarthy era, Al was one of those singled out for proudly sharing his thoughts and ideas. Standing firm in his support of civil liberties and the right of every American to freely express themselves, Al discovered his passion for civil and workers rights—two issues to which he has dedicated a lifetime of advocacy.

Here in New Haven, Al has made many contributions that have changed the face of our community. One of those outstanding efforts was his work to bring light to story of the Amistad captives and its lessons of unity to achieve freedom. The Amistad story has a special connection to the New Haven community and its resurrection and celebration has become a great source of pride. It has led to the erection of a statue of Sengbe Pieh at City Hall, the re-creation of the Amistad ship at Mystic Seaport, and the formation of the Connecticut African American Freedom Trail. Through each of these efforts, the story of the Amistad and its captives' fight for freedom teaches new generations of the fundamental liberties on which our nation was built. It has had an extraordinary impact on our community and would not have been possible without Al's commitment to ensuring its success.

I am honored to have this opportunity to join all of those gathered today in wishing Alfred L. Marder a very happy 90th birthday. At 90 years young, Al continues his work on behalf of those whose voices are too often silenced. Al has left an indelible mark on our community and a legacy of advocacy and compassion that will certainly inspire generations to come. I extend my very best wishes to him, his children, Rebecca and Kenneth, and his grandchildren, Emily and Adam, for many more years of health and happiness.

125 REASONS TO CELEBRATE THE
GREATER ORANGE CHAMBER OF
COMMERCE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. BRADY of Texas. Mr. Speaker, I rise to honor the Greater Orange Area Chamber of Commerce.

Tonight, this vibrant Chamber will be celebrating its 125th anniversary. This great advocate for small business began back in 1887 as a citizens committee and then became the city's Board of Trade just before the turn of the 20th century.

The city of Orange was born the same year Texas won its Independence, but its history goes much further back. The area first settled

around 1600 by the Atakapas tribe is now a shining jewel in the Golden Triangle's crown.

Following up on Orange's proud heritage of ship building for America's military, it was this Chamber that saw the future of petrochemicals and brought jobs to the area just as our soldiers, sailors and marines were returning from World War II.

This Chamber has a long history of bringing civic leaders and business leaders together to make Orange a better place to live and work. The community, led by a vibrant Chamber of Commerce, has taken on the tough tasks from building better roads, a first rate port, strong local schools and a growing college.

Named for its Orange groves, the modern Orange boasts its very own Shangri-La and the world class Lutchter Theater as well as the renowned Stark Museum of Art. This is a community that doesn't shy away from a challenge. Hurricanes Rita and Ike only hardened the resolve of this Golden Triangle treasure and I expect more great things from Orange in the next 125 years as this community continues to grow, while maintaining its signature small town charm mixed with world-class culture.

Today, I honor all those who have made this Chamber great and look forward to meeting those who will lead it in the future.

HONORING JESSIE BENTON
FREMONT

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. DENHAM. Mr. Speaker, I rise today, during Women's History Month, to acknowledge and honor the life and legacy of Jessie Benton Fremont, a California resident, who helped inspire and lead efforts to preserve and protect what is now a very significant part of Yosemite National Park.

Jessie Benton Fremont was born May 31, 1824, near Lexington, Virginia to United States Senator Thomas Hart Benton and his wife, Elizabeth. Her father, a Senator from Missouri, was very influential in the development of her independent and visionary nature. While in Washington, Mrs. Fremont met her husband, United States Army Lieutenant John Charles Fremont. John Fremont became a great explorer of the Western United States after he was assigned to lead expeditions reaching from the Midwest to California.

In the late 1850s, the Fremonts and their children settled in Bear Valley, near Mariposa, California. While living there, Mrs. Fremont fell in love with Yosemite Valley. Like all who view the valley for the first time, she was awestruck by the grand rock formations, Giant Sequoia trees, waterfalls, and impressive scenery. She shared her love for Yosemite Valley with those who visited her home. She took visitors on tours and hosted afternoon teas and Sunday dinners at her Bear Valley and Black Point homes for well-known authors, editors, photographers, and military and political leaders. Some of her guests included Horace Greeley, Thomas Starr King, Carleton Watkins, Richard Henry Dana, Jr., and United States Senator Edward Baker of Oregon.

During these social gatherings, Mrs. Fremont shared her concern for the need to preserve Yosemite Valley and the Giant Sequoias. Many of her friends and acquaintances joined her effort to lobby Congress and President Abraham Lincoln to protect Yosemite Valley and what would later become known as the Mariposa Grove of Giant Sequoias.

Mrs. Fremont's passionate leadership in preserving Yosemite Valley was an instrumental first step in a long chain of activism that resulted in designating the land as a National Park. In 1864, Mrs. Fremont and her associates encouraged their friend, Israel Ward Raymond, to send United States Senator John Conness of California photographs and a letter asking Congress to pass a bill to protect Yosemite Valley and the Mariposa Grove of Giant Sequoias. Their successful effort culminated on June 30, 1864, when President Abraham Lincoln signed an Act of Congress that granted Yosemite Valley and the Mariposa Grove to the State of California. This was the first time the national government set aside scenic lands for future generations.

The Yosemite Grant gave the State of California 36,111 acres of Yosemite Valley and 2,500 acres that contained the Mariposa Grove of Giant Sequoias. The establishment of this grant was significant in preserving Yosemite for activists like John Muir, who first visited Yosemite in 1868 and subsequently led a 20-year campaign to establish the area outside the existing park as Yosemite National Park.

Jessie Benton Fremont passed away December 27, 1902. Less than four years later, Yosemite National Park was established as it is today. One hundred ten years after her death, Yosemite National Park remains the crown jewel of California's Sierra Nevada Mountains. Both the Park and the Mariposa Grove are visited by upwards of 4 million tourists per year, who come to enjoy the awe-inspiring vistas, waterfalls, glaciers, meadows, rock faces, and Giant Sequoia trees.

Mr. Speaker, please join me in posthumously honoring Jessie Benton Fremont for her unwavering leadership and activism to preserve the beauty and grandeur of Yosemite Valley for generations to come. Her legacy serves as an example of excellence, and her accomplishments and contributions to Yosemite National Park will never be forgotten.

MARKING 2ND ANNIVERSARY OF PASSAGE OF THE AFFORDABLE CARE ACT

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. CARNAHAN. Mr. Speaker, on this two year "check up" of the Affordable Care Act, I'd like to share with you some real life examples of how this important legislation is helping Missourians not only stay healthier personally, but improve the health of their small businesses as well.

Last week I took part in a workshop for small businesses, to help arm them with solid information on how the Act can help their bot-

tom line. Lew Prince is a co-owner of Vintage Vinyl, a St. Louis record store. It's a landmark. He's been in business for some 30 years and he's always provided health insurance for his employees. BUT, he said for the first time EVER, his health care costs went down, went DOWN to the tune of 25 percent. With the money he saved, he was actually able to give out a few raises, and he's hired a couple of new people.

The Act has also made a difference for the Wells Family. Sharon Wells and her husband Russell have dealt with inordinate expense for his medicine for Parkinson's disease for years. Thanks to the donut hole coverage provided in the Affordable Care Act, Sharon tells me they have more money in the household budget now for groceries and gas, maybe even a movie from time to time.

Even though these are just two small examples, they contribute to the overall ripple effect of the profound difference this law is making in real people's lives all over the country. In closing, when it comes to helping Americans be more healthy, the Affordable Care Act is precisely what Americans needed. Let's not do anything to interrupt this healthy course of action.

CONGRATULATING DR. WILLIAM EVANS ON RECEIVING THE 2012 REMINGTON HONOR MEDAL

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. COHEN. Mr. Speaker, I rise today to congratulate William Evans, PharmD, Director and CEO of St. Jude Children's Research Hospital in Memphis, Tennessee, on receiving the Remington Honor Medal from the American Pharmacists Association (APhA). The Remington Honor Medal was established in 1918 to recognize those who have contributed long periods of distinguished service on behalf of American pharmacy. Dr. Evans was honored by APhA for his innovative research with anticancer agents and pharmacogenomics as well as his work for the advancement of St. Jude Children's Research Hospital. The Remington Honor Medal is the highest honor bestowed by the American Pharmacists Association.

Dr. Evans received his PharmD from the University of Tennessee in 1975. While at the University of Tennessee, he established the Center for Pediatric Pharmacokinetics and Therapeutics as a Center of Excellence. This program provided training for new investigators and served as a structure to advance interdisciplinary laboratory-based clinical research that addressed questions central to children's health. Dr. Evans continues to make significant contributions to the University of Tennessee as a Professor and the Endowed Chair at the school's Colleges of Medicine and Pharmacy.

Dr. Evans has an expansive career with St. Jude Hospital. He served as Chair of the Department of Pharmaceutical Sciences from 1986 to 2002. From 2002 to 2004, he served as the Scientific Director and Executive Vice

President before being named the hospital's fifth Director and CEO. Under his leadership, St. Jude has been ranked the #1 Children's Cancer Hospital by US News and World Report, #1 in The Scientist magazine's best places to work in academia and was listed among Fortune magazine's 100 Best Places to Work.

Dr. William Evans is an active member of the medical community and has amassed an impressive list of awards over the course of his profession. He is an elected fellow of the American Association for the Advancement of Science (AAAS), the American Association of Pharmaceutical Scientists, the American college of Clinical Pharmacy (ACCP) and the Institute of Medicine of the National Academy of Sciences. He serves on the Board of Scientific Counselors of the National Cancer Institute (NCI) and has served as President of the ACCP, Chair of AAAS's Pharmaceutical Sciences Section and President of APhA-Academy of Pharmaceutical Research and Science.

Dr. Evans has received three consecutive NCI MERIT Awards from the National Institutes of Health, several national and international awards including the Rawls Palmer Progress in Medicine Award, the Therapeutic Frontiers Lecture Award, the Volwiler Research Award, and the APhA's Research Achievement Award and Tyler Prize. In addition to his many awards, Dr. Evans is widely published in the field of medical research dating back to 1986. Mr. Speaker, I ask the House to join me in congratulating Dr. William Evans on receiving the 2012 Remington Honor Medal.

CONGRATULATING RICHARD E. MOORE, FORMER PRESIDENT OF THE UNION LEAGUE CLUB, ON HIS RETIREMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate Richard E. Moore, following his retirement on February 1, 2012 from Robert W. Baird & Company, Inc. in Chicago, Illinois. A hardworking and successful financial advisor for the company since 1971, he has fostered loyal partnerships with many colleagues and clients throughout his 40-year career. Among his professional peers he has earned industry-wide recognition while acting as the president of the Bond Club of Chicago and chairman of the Securities Industry Association Central States District.

Born on September 8, 1943, Mr. Moore grew up in the Chicago area. He earned his bachelor's degree from Loyola University and honorably served his country in the United States Marine Corps Reserve from 1964 to 1970. His dedication to service continued with his extensive involvement in community organizations throughout Chicagoland. In 1974, he joined the Union League Club of Chicago, a social club that helps sustain many of the city's most important cultural organizations, and has since served on several of the club's

committees. His dedication to civic responsibility earned him election as president of the Union League Club in June 2005. In addition to these roles, he has advocated for children's education and empowerment in Chicago by serving as a trustee of both the Marine Math and Science Academy and Union League Boys & Girls Club.

Mr. Moore married his beloved wife, Patricia, in 1994. He plans to spend his well-earned days of retirement with his wife, three sons, and six grandchildren.

On behalf of all the Chicagoland residents who have benefited from his dedication to philanthropy, I am proud to congratulate Mr. Moore on his retirement from Robert W. Baird & Company. His commitment to improving his community makes him a model citizen in his community. I am thankful for his extensive volunteer and military service contributions, and I wish him the best in this next chapter in his life.

HONORING THE CAREER OF
WILLIAM J. PIENTA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. HIGGINS. Mr. Speaker, I rise today to honor the remarkable career of William J. Pienta, the United Steelworkers District 4 Director.

Bill began his 41-year career as a labor leader in my Western New York Community working at the former Allegheny Ludlum steel mill in Dunkirk, NY as an electrician. He became a union activist in 1970 and eventually was elected President of Local 2693.

Throughout Bill's career he tirelessly represented the working families in the public and private sectors of organized labor. He joined the USW International staff as an organizer in 1990 and was appointed Director in 2004.

As Director of USW District 4, Bill was responsible for all USW activities in New York, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the island of Puerto Rico.

In addition to his duties as director of USW District 4 Bill held elected positions in multiple labor organizations. He served as a Vice President of the Buffalo, NY Central Labor Council and as Secretary to the Western New York Area Labor Federation. Additionally he represented the USW as a Vice President of the New York State AFL-CIO. He was also a director of the New York State Workforce Development Institute, Inc and was a member of the Univera Advisory Board.

Mr. Speaker, it is with pride that I am able to honor Bill Pienta on an exemplary career and celebrate his retirement. I thank him for his service to our community and wish him the best of luck in his future endeavors.

CONGRATULATING CHIEF R. STEVEN BAILEY ON HIS 60TH BIRTHDAY

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mrs. SCHMIDT. Mr. Speaker, I rise today to celebrate the 60th birthday of a very dear friend of mine, Chief R. Steven Bailey, the Chief of the Miami Township Police Department.

To call Chief Bailey a public servant would be an understatement. His biography reads like a to-do list for an entire police department, but let me point out a few of the many significant accomplishments Chief Bailey has achieved throughout his career.

Since May of 1995, R. Steven Bailey has been the Chief of the Miami Township Police Department where under his watch, the Miami Township Police Department has been accredited by the Commission on Accreditation for Law Enforcement Agencies an astounding five times. Additionally, the Miami Township Police Department achieved CALEA's flagship status in 2007 and 2010—something less than 1% of police departments do.

In 1999, after 27 years, Chief Bailey retired from the Ohio Army National Guard where he held the rank of Lieutenant Colonel. He is a graduate of the U.S. Army Command and General Staff College, the Defense Logistics Executive Development Program, the National Defense University National Security Program, and the U.S. Army War College Defense Strategy Studies program.

Chief Bailey is also a Certified Law Enforcement Executive—one of just 100 in the State of Ohio. In December of 2000, he graduated from the FBI National Academy, is a graduate of the Northwestern University Traffic Institute School of Police Staff and Command, and is also a graduate of the Ohio Police Executive Leadership College.

Mr. Speaker, Chief Bailey's accomplishments don't stop there. Since 1986, he has been a Reserve Police Officer for the City of Middletown where he currently holds the rank of Reserve Captain. He was President of the Clermont County Chiefs of Police and Sheriff's Association for eight years, and has been President of the Ohio Law Enforcement Foundation as well as President of the Ohio Association of Chiefs of Police.

If that wasn't enough, Chief Bailey has somehow found time to be an Adjunct Instructor in the Criminal Justice Program at the University of Cincinnati and for Northwestern University in the School of Business, and has been a Visiting Instructor of Political Science at Miami University.

I could go on and on about Chief Bailey's awards from the Boy Scouts of America, his extensive experience with local government, or the numerous and well deserved accolades he has received throughout his career.

It was a privilege to call Chief Bailey a colleague when I was a Miami Township Trustee. It is an even higher honor to call him my friend.

Mr. Speaker, I want to thank Chief Bailey for his years of service to our community.

Additionally, I want to send my gratitude to his wife of over 30 years, Sharon, to his two children, Caryl and Matthew, and to his grandson, Logan, for the sacrifices they've made.

Chief Bailey is the epitome of a true public servant. His career and commitment to our community is something every public official should strive for, and I ask my colleagues to join me in congratulating Chief R. Steven Bailey on his 60th birthday.

COMMENDING ROSCOE BOLTON,
WORLD'S LONGEST-SERVING ROTARIAN

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I have the opportunity to recognize deep-rooted Alexandria businessman, Roscoe Bolton, who was recently named the world's longest-serving Rotarian.

On March 7, Mr. Bolton celebrated his 99th birthday, and is currently serving his 77th year as a Rotarian. To celebrate the occasion, the local club dubbed him the longest-serving among the world's 1.2 million members.

Bolton is a true product of the Alexandria community, having being born here as well as attending Bolton High School and Louisiana College before graduating from the University of Pennsylvania's Wharton School of Finance. In 1933, he began work for the insurance agency Alexander & Bolton, where he continued to work into his 90s. During his tenure at the agency, Mr. Bolton served as chairman of the board and only took leave to serve his country in World War II.

A bona fide member of the Greatest Generation, Mr. Bolton has earned the respect and regard of everyone he's met along the way. Mr. Speaker, I ask my colleagues to join me today in commending Roscoe Bolton. His dedication and contributions to the Rotary Club and to the citizens of Alexandria warrant this laudable recognition.

IN RECOGNITION OF LANCE CORPORAL JONATHAN LEE BEDWELL

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. ROE of Tennessee. Mr. Speaker, I rise today to honor one of Tennessee's heroic Marines, 22-year-old Lance Corporal Jonathan Lee Bedwell of Morristown.

Lance Corporal Bedwell was nearly killed in an IED explosion while on patrol in Afghanistan, protecting a position on a mission that he volunteered for. After losing his leg and sustaining multiple other injuries in the explosion, he is well on his way to a full and healthy recovery. It is because of the heroic actions such as this one that our brave service members make every day that we are able to enjoy the freedoms this great nation has to offer.

I salute Lance Corporal Bedwell as he not only exemplifies the best of America, but also the best of the United States Marine Corps. For this reason I ask you to join me in commemorating the valor of this extraordinary Marine. Also, I ask that a poem by Albert Caswell, written in honor of Lance Corporal Bedwell, be entered into the RECORD.

BECAUSE OF THESE

Because of these . . .
 Because of all of these this night . . .
 Our nation's future looks very bright!
 And as you lay your head down to sleep, all
 in your prayers so to keep . . .
 All in this golden peace, all because of their
 heroism that which does so speak . . .
 All in your hearts of love so very deep, but
 remember . . . remember all of these
 . . .
 Magnificent men, who all in such shades of
 green who carry on that fight . . .
 Southern Sons, who so defend . . . and live
 and die, all in honor's light!
 Men of honor, and such faith . . .
 Whose most magnificent hearts shall never
 so wave!
 And oh what a most brilliant sight they so
 cast!
 The United States Marines,
 One of the greatest things in our nation that
 which has come to pass!
 And your support is all they ask!
 So sleep well this very night, while far
 across our shores such fine men of
 might . . .
 All for us carry on that fight!
 Men like Jonathan, who so live and die . . .
 And so give up their strong arms and legs,
 and yet do not ask why!
 Men who so rest in peace this very night,
 All in such soft quiet cold graves this sad
 sight!
 While, all across our nation their mother's
 cry!
 For they have lost their greatest of all loves,
 Their most blessed of all sons for us who
 have so died . . .
 As some have lost their strong legs, arms
 and even eyes . . .
 While awake in the middle of the night, as
 PTSD rules their lives . . .
 Sleep well this night . . .
 Upon the Bed of Freedom that they so pro-
 vide!
 And as you lay yourself so down to sleep . . .
 All because of our brave sons from Ten-
 nessee, ones like Jonathan . . .
 Who his fine promises did so keep!
 Whose fine blood has so run red,
 All for us so very deep!
 This Volunteer, from this great state . . .
 Jonathan whose courage so makes us weep!
 As even the angel's too so cry . . .
 All at selfless sacrifice,
 All for God and Country as he did not so ask
 why!
 As it was on that day, out on his patrol . . .
 When his fine life almost went away . . .
 When, an IED . . . went off putting him so
 close to the grave . . .
 With his leg lost and dying, as death just
 minutes away so lying . . .
 As when he so made a choice, listening to his
 most inner voice . . .
 As when Jonathan woke up on that next day
 . . .
 Telling him go forth marine,
 For you have mountains to so climb all out
 upon your way!
 As when his new battle would begin,
 As his fine heart would so command him to
 win!
 Command him, to a recovery . . .

Step by step, day by day . . .
 As this United States Marine how so makes
 his way . . .
 As this Tennessee Titan,
 So teaches us all in his actions upon each
 new day . . .
 As he so beseeches, so deep down as he so
 reaches us . . .
 All in what his fine heart so to convey!
 As if I ever had a son, I wish he could have
 the heart half as this one . . .
 As I watch in awe, all in what I saw . . . as
 this marine gets up and so runs!
 For heaven so holds a place,
 All for such men or honor and of such grace
 . . .
 As Thy will be done . . .
 Sleep well this night,
 All in your hearts ever so hold these heroes
 and their families so tight . . .
 These fine women and men,
 Who but country tis of thee do so defend!
 United States Marines, like Jonathan who so
 gallantly fight that fight!
 That kind of man,
 That Andrew Jackson would love and so un-
 derstand,
 And hold up to such great heights!
 So as you lay your heads down to rest,
 Remember all of these, our very best . . .
 and sleep well this night!
 All because of these . . .

HONORING LEE COLLEGE ON RE- CEIVING AN OFFICIAL TEXAS HISTORICAL MARKER

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commend Lee College on receiving an Official Texas Historical Marker. Lee College is known as one of the fastest growing community colleges in the Nation. It currently ranks 6th in the Nation for degrees awarded in science and technologies; and offers more than 130 degrees and certificates. I am proud to honor Lee College, located in Baytown, Texas, for receiving this marker.

On Friday, March 23, 2012, the Texas Historical Commission will dedicate the Historical Marker with the following text:

In 1934, during the Great Depression and after several years of planning, the residents of the Goose Creek Independent School District voted to establish Lee Junior College, stressing the importance of higher education opportunities for area residents. One hundred seventy-seven students registered during the fall 1934 semester, and paid less than \$15 per semester in fees. The junior college first shared facilities with Robert E. Lee high school, and classes met at night. In 1935 four women made up the first graduating class, and vocational education was inaugurated with a non-credit class in child psychology. The school's name was changed to Lee College in 1948, and a separate campus was first utilized in 1951. In 1965, the college separated from Goose Creek C.I.S.D. and obtained its own board of regents.

Lee College instituted a college level program in Huntsville at the Texas Department of Corrections in 1966, becoming a pioneer in prison education. The program was designed to reduce recidivism of inmates by offering them educational opportunities, and remains

a vital part of the college's programming. The Lee College Honors Program was established in 1974 to serve gifted and highly motivated students by preparing them for success in education and employment opportunities. Classes in the program are taught in a seminar format, and several scholarships are awarded through the program based on academic excellence. Lee College continues today to offer academic as well as vocational-technical and continuing education classes to the residents of Baytown and the surrounding area.

I congratulate the past and present administration, faculty, staff, and students of Lee College for all of their hard work and dedication to education. And so it is with great pleasure that I recognize Lee College on receiving an Official Texas Historical Marker.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Ms. WOOLSEY. Mr. Speaker, on March 19, 2012, I was unavoidably detained and was unable to record my vote for rollcall No. 111. Had I been present I would have voted: rollcall No. 111: "yes"—To allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

RECOGNIZING MRS. MIRIAM V. HENSON ON THE OCCASION OF HER 105TH BIRTHDAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. CROWLEY. Mr. Speaker, I rise today to acknowledge and honor a beloved leader in the Co-op City community, Mrs. Miriam V. Henson, on her 105th birthday.

Mrs. Henson, affectionately called Mother Henson by her neighbors, is an inspiration to me and to many of my constituents, so I'd like to take this opportunity to discuss her life and achievements.

Mrs. Henson was born in Bainbridge, GA in 1907, but her family shortly thereafter moved to Harlem, NY, where she graduated from Wadleigh High School.

She had one daughter, Virginia Henson, with her late husband, Mr. Wallace Henson. After her husband's passing in 1969, Mrs. Henson moved into Co-op City with Virginia and began working for Macy's Department store.

Mrs. Henson might now live alone, but she is never truly alone—since she is such an active member of her community.

From a young age, she has been involved with philanthropic efforts such as the Young Women's Christian Association, YWCA, and the moment she moved into Co-op City, she began to reach out to help her neighbors.

She is one of the founding members of the Community Protestant Church, and also

served as a Board Trustee, President, and founding member of the Community Protestant Church's Willing Workers Organization.

The ambitious Mother Henson is also a founder of the Dreiser Loop Retirees and a member of the local AARP Chapter, serving each organization with love, compassion, and understanding. And to continue serving others, she represents the needs of seniors in our state capital in Albany.

A woman of many hobbies, Mrs. Henson is a real globe-trotter. She has visited countries throughout the world including Canada, Aruba, Switzerland, Australia, France, Germany and Brazil, just to name a few.

She especially loves cruises, and has been on many in her lifetime. Mrs. Henson recharges her batteries at home with card games, and bridge is among her favorites.

Throughout her 105 years, Mother Henson has survived the stock market crash, the Great Depression, two World Wars, and the World Trade Center attacks on September 11, 2001. Despite these tragic events, she still has a positive outlook on the world.

Mr. Speaker, I think we can all learn a lesson from her.

There's no doubt that Mrs. Henson has seen and done a lot in her lifetime, but she says the greatest thing she's done was having the opportunity to vote for our 44th President—something she did not think would ever happen in her lifetime. Not only did she experience it, but now she is looking forward to voting in the next presidential election.

Mrs. Henson, as one may imagine, is no ordinary woman. Her philosophy in life is to keep the "pep in her step" with "good living, good friends, trusting in God, and a little tonic twice a day." And clearly, it's working.

A woman of strong religious faith, Mrs. Henson has said she would not have made it through her life's tragedies without the Lord on her side.

But made it she has, and it is my great honor to recognize her now.

And with that, I hope all my colleagues will join me in wishing Miriam Henson a happy 105th birthday, and continued health and happiness.

Her unwavering leadership and accomplishments serve as an example of excellence to us all and will forever resonate in the community.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, George W. Bush was inaugurated, the national debt was \$5,727,776,738,304.64. When Barack Obama was inaugurated, the national debt was \$10,626,877,048,913.08. This was a \$4,899,100,310,608.44 increase in 8 years. Last week, the debt climbed to \$15,574,238,368,104.89, which means that President Obama has raised the debt more in just over 3 years than President Bush did in 8 years.

This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING THE LIFE OF LCDR DALE TAYLOR

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise to honor the life of LCDR Dale Taylor of the United States Coast Guard. Lieutenant Commander Taylor was a native of Snow Hill, North Carolina, which is in my Congressional District. Lieutenant Commander Taylor was one of four Coast Guardsmen that tragically lost their lives when Coast Guard Helicopter 6535 went down off the coast of Alabama while conducting a training exercise on February 28, 2012.

Lieutenant Commander Taylor was a source of great pride in his hometown of Snow Hill. He exemplified to the community what was possible with hard work and determination. Lieutenant Commander Taylor graduated from Greene Central High School and later Appalachian State University. After receiving his bachelor's degree he joined the United States Coast Guard and completed Officer Candidate School. Shortly thereafter, he received his wings of gold, making him a naval aviator.

Lieutenant Commander Taylor epitomized what it meant to serve with honor and distinction. These facts were demonstrated in December of 2003 when Lieutenant Commander Taylor jumped from a Coast Guard helicopter into the Atlantic Ocean during a violent winter storm to save the final person aboard a sinking sailboat. He was awarded the Coast Guard Medal for these heroic actions, and later earned two Coast Guard Achievement Medals and Five Commandant's Letter of Commendation Ribbons, along with numerous unit and service awards. In only 36 years, Lieutenant Commander Taylor accomplished more than most people do in a full lifetime.

Lieutenant Commander Taylor is survived by his two sons, Evan D. Taylor and Emmet J. Taylor; his wife, Teresa D. Taylor; and his parents Larry T. Taylor and Judy L. Taylor. I offer my sincere appreciation to his loved ones for his service in the United States Coast Guard and his selfless efforts in the defense of our great nation. I ask that my colleagues join me in offering heartfelt condolences to Lieutenant Commander Taylor's family. I pray that his life serves as a guiding force in his sons' lives. Their dad gave them an example that is paralleled by no other.

HONORING THE LIFE ACHIEVEMENTS OF MR. RAY MAHMOOD ON HIS 60TH BIRTHDAY

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Ms. BERKLEY. Mr. Speaker, today I join with my distinguished colleagues, Congress-

man HOWARD BERMAN of California and Congressman JIM MORAN of Virginia, to honor the outstanding life achievements of Mr. Ray Mahmood, as he celebrates his 60th birthday on March 23, 2012.

Ray began his "American Dream" story when he moved from Pakistan to Alexandria, Virginia in the early 1970s, bringing with him a belief that anything is possible in America. Starting out with nothing, Ray saved \$5,000 to invest in a gas station in Alexandria. His hard work turned the business venture into a success, and he seized the opportunity to earn his real estate license and establish Mahmood Investment Corporation. Ray proved to have the genius and creativity to rapidly expand his enterprises into a broad array of developments. His projects have revitalized numerous locations, creating economic activity and employment through his developments in the residential, hotel, and commercial sectors of the real estate industry.

We congratulate Ray on his remarkable success in business, but we believe his greatest achievements are found in his tireless dedication to civic, political, and diplomatic work. Ray and his wife, Shaista, have made it their mission to bring people together to meet the challenges of United States-Pakistan relations. Ray's passion for this important diplomatic work and his ability to unite people of many backgrounds, have made him an indispensable factor in efforts to strengthen ties between America and south Asia. His unique talent to work with community leaders, and with all levels of government make him a legend as a problem-solver and as a citizen-statesman. As Ambassador-at-Large for Pakistan to the United States, Ray is an integral part of crafting effective foreign policy, and building person-to-person relationships between the two countries.

Ray and Shaista have turned their home into a hub of political discussion, hospitality, and a place where countless friendships are made. We are proud to be among the many, many friends of Ray Mahmood. On the occasion of his birthday celebration, Congressman BERMAN, Congressman MORAN and I honor Ray's innumerable achievements in business and political life, and wish Ray and Shaista all the best in the coming years.

CONGRATULATIONS TO NEW HAMPSHIRE EXECUTIVE COUNCILOR RAYMOND J. WIECZOREK ON 22 YEARS OF EXEMPLARY SERVICE TO THE STATE OF NEW HAMPSHIRE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. GUINTA. Mr. Speaker, last month, one of New Hampshire's greatest citizens and political figures announced his retirement after nearly twenty-two years of continuous public service to the State of New Hampshire and his home city of Manchester. It is my honor and privilege to thank and pay tribute to my personal friend and predecessor, former Manchester Mayor and current New Hampshire Executive Councilor Raymond J. Wieczorek.

Councilor Wieczorek is among the finest examples of the selfless public servant who has served his country, state, and city in various capacities for many years. Raised in rural Connecticut in a tight knit Polish family, Ray Wieczorek learned from an early age the importance of honesty, generosity and hard work. Ray applied these lessons throughout his life beginning with his service in the U.S. Armed Services during the Korean Conflict and later opening the Wieczorek Insurance Agency in his adopted home of Manchester, New Hampshire. Throughout his professional career, Ray gave back to his community by volunteering for over 20 community clubs and non-profit organizations like the United Way and the Boys and Girls Club of Manchester. However, his professional career is most noted by his leadership and service as Mayor of Manchester for 5 consecutive terms and 6 subsequent terms as an elected Member of the New Hampshire Executive Council.

Over the years, Ray has been recognized by numerous groups for his citizenship and leadership by such organizations as the Manchester Chamber of Commerce, the Granite State Taxpayers, the United States Small Business Administration and the New Hampshire State Republican Committee, just to name a few. However, far surpassing these recognitions is Ray's great love for both family and friends. He dutifully served as loving husband to his late wife Susan and continues to be a loving father to his children, stepchildren and grandchildren.

TRIBUTE TO RICHARD
MILANOVICH

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mrs. BONO MACK. Mr. Speaker, I rise today to pay respect to a dear friend and great leader who was taken from us far too soon, Agua Caliente Band of Cahuilla Indians Tribal Chairman Richard M. Milanovich.

For those who knew Richard, and for the countless others who did not but were touched by his impact on our community and nation, his passing leaves an enormous void. We shall greatly miss Richard's warmth, humor, humility, compassion and leadership. But most of all, we will miss the man: a beloved and caring leader whose dedication to his people was unmatched and never wavered.

Richard Milanovich's character, and also his vision for a more prosperous future for his people, were shaped by the experiences of his youth and the circumstances confronting the Agua Caliente during an era when the fortunes of the tribe he would come to lead for over a quarter of a century were far more challenging and the future far more daunting. In his youth, he was profoundly influenced by the strong leadership of several remarkable women tribal council members, especially Chairman Viola Olinger and Vice Chairman LaVerne Saubel, who helped the Agua Caliente tribe reclaim control of its destiny and establish a model for future tribal land use agreements throughout our nation. Richard al-

ways felt a great connection to the Agua Caliente leaders who came before him, and the strength of his will and keen political insight were reflections of their determination and commitment to the tribe.

As tribal chairman, Richard Milanovich earned the respect of not only his tribe but of all those who witnessed his tireless work ethic, sharp mind and gracious nature. He was revered throughout the nation as a tribal leader who achieved historic accomplishments that directly benefitted his people and numerous other tribes. He rose to become a legendary figure within Indian Country, and yet, he never lost his common touch and remained deeply grounded in the traditions and spiritual connection to the ancestral lands and heritage of his people.

Richard loved life and lived it to the fullest. Even when fighting his last great battle, he deflected concern for his condition and looked first to the welfare of others. I recall his last visit to my office in Washington on behalf of his tribe, only days after he had undergone one of the grueling treatments he endured to keep the cancer at bay, and how the strength of his spirit willed the body to soldier on. I suspect that his comportment during this painful and exhausting time was a reflection of his distinguished service in the U.S. Army; service that provided him with an opportunity to travel the world and experience other cultures and political institutions, and reinforced his fierce love of country.

Of course, one cannot speak of Richard without mentioning his love of family and friends. He was dedicated to his family, his wife Melissa and children Tammy, Travis, Scott, Trista, Sean and Reid, and he made friends wherever he went. Equally comfortable in jeans and boots or black tie, Richard instantly connected with people and was a much in demand guest at any social gathering—not merely due to his stature as a leader in our community but also for the good times that were sure to follow wherever he went. Witty and charming, he could disarm foes and captivate friends with a kind word or clever remark—all delivered with that trademark twinkle in his eye.

The legacy Richard leaves will not be measured simply by the number of hotels and casinos the tribe operates or the political battles he won on behalf of his people. Richard Milanovich's legacy will be measured by the impact his indomitable spirit had on the tribe he led, the community in which he lived, and the country he loved so deeply.

The Agua Caliente believe that the strength of their people is drawn from the sacred origins of the tribe in the mountains, canyons and desert in which they have resided for millennia. Richard Milanovich's spirit has passed from his physical body to reside with the spirits of the great tribal leaders who went before him. When I walk in the Indian Canyons of the Agua Caliente people, I shall feel strongly the spirit of my dear friend in the breeze on my face and the rustle of the wind in the palm fronds.

My deepest condolences go out to Richard's family, the Agua Caliente people and the many others who loved him. Richard will be deeply missed by us all, but he will also remain with us forever in our hearts and memo-

ries. Mr. Speaker, I urge all my colleagues to take a moment and join me in paying tribute to the memory of a truly great American and the late leader of the Agua Caliente Band of Cahuilla Indians, Chairman Richard Milanovich.

TRIBUTE TO DR. JEFFREY
MARXEN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. HUNTER. Mr. Speaker, it's an absolute privilege that I rise today to pay tribute to Dr. Jeffrey Leonard Marxen, who died at the age of 60 on Thursday, February 23, 2012.

Dr. Marxen was a dedicated, loving father, and renowned orthopedic surgeon. After graduating from college and completing his residency at Henry Ford Hospital in Detroit, Michigan, he moved to San Diego to begin his orthopedic practice. He specialized in replacement and reconstruction of the knee, hip and shoulders.

Anyone who knew Dr. Marxen is aware that he was an extremely respected and accomplished surgeon who took great satisfaction in forming lifelong relationships with his patients over the course of his 32-year practice. He was president of the San Diego chapter of the Western Orthopedic Association and held numerous leadership positions within Sharp Grossmont Hospital in La Mesa, California.

Dr. Marxen was interested in community service, sports and pursuing his passion and love for music. He loved playing in evening sports leagues, including softball and tennis, within the community. In addition he was an avid fan of the Chargers, Padres and Aztec Basketball. Along with sports, he enjoyed playing the coronet and the trumpet with the Acme Rhythm and Blues band, which performed all over venues in the San Diego area.

My condolences go to Dr. Marxen's wife and best friend, Dr. Annette Conway Marxen; his children, Philip, Jeffrey Christopher and Marissa.

Dr. Marxen was truly an inspiration to the San Diego community. I am honored to have the opportunity to recognize such a great American and I ask that my colleagues join me in paying tribute to Dr. Jeffrey Marxen.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Ms. LEE of California. Mr. Speaker, I was not present for rollcall vote 111. Had I been present, I would have voted "yes" on H.R. 3992.

HONORING ROBERT JAMES ZINK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Robert James Zink. Robert is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 38, and earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many scout activities. Over the many years Robert has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Robert has also contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Robert James Zink for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE IMPORTANCE
OF SEAPORTS TO THE ECONOMY
AND NATIONAL SECURITY OF
THE UNITED STATES

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Ms. HAHN. Mr. Speaker, even before coming to Congress last July, ports have been a top priority for me. I served on the Los Angeles city council for 10 years and represented the Port of Los Angeles—that, with the Port of Long Beach, are America's ports.

When I arrived in Congress, I wanted to raise awareness of ports and their impact on our nation's economy. So, I started the bipartisan PORTS Caucus to work with my colleagues over the past couple months to educate my colleagues and include ports in our national dialogue. This week, I took the next step in that mission by introducing a resolution honoring our ports.

The United States is served by more than 350 commercial sea and river ports that support 3,200 cargo and passenger handling facilities. Each day United States ports move both imports and exports totaling some \$3.8 billion worth of goods through all 50 states. Additionally, ports move 99.4 percent of overseas cargo volume by weight and generate \$3.95 trillion in international trade. These numbers speak for themselves: ports are a crucial component of our national economy, and they deserve Congress' attention.

This resolution honors both the tremendous contribution ports make to our national economy and the extraordinary service of Americans employed at our nation's ports. I urge my colleagues to support this resolution in order to advance our national dialogue on ports.

HONORING U.S. ARMY STAFF SERGEANT JORDAN L. BEAR'S SERVICE IN AFGHANISTAN

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. RIBBLE. Mr. Speaker, I rise today to remember and honor the life and sacrifice of Staff Sergeant Jordan L. Bear. A resident of Elton, Wisconsin, Staff Sergeant Bear died while serving our country in the Kandahar Province of Afghanistan in support of Operation Enduring Freedom. He was assigned to B Company, 2nd Battalion, 508th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, North Carolina. Jordan Bear died protecting the freedoms we take for granted every day. His heroic sacrifice will not soon be forgotten.

Mr. Speaker, Staff Sergeant Bear embodied the best qualities of a true American soldier. He served this country with honor and exhibited profound bravery and selflessness. Staff Sergeant Bear was a loving son, a devoted father and now he will forever be known as an American hero. He is remembered by friends and family as a man with a courageous and strong spirit who earned the unwavering respect of his peers. Although the loss of Staff Sergeant Bear left a void in the hearts of many, his dedication and exemplary service has made Northeast Wisconsin and his country proud.

It is my honor to commemorate him and I urge my colleagues to join me today in honoring the life of Staff Sergeant Bear for the sacrifice he made for the United States of America.

DYESS AIR FORCE BASE
MILESTONES

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. NEUGEBAUER. Mr. Speaker, today I rise to honor the work of the men and women of Dyess Air Force Base in Abilene, Texas.

Mr. Speaker, we are a country that has been at war for over 10 years. Whether it is the 317th Airlift Group delivering troops and supplies to the front lines, or the 7th Bomb Wing putting metal on target, the missions at Dyess have played indispensable roles in the war against terror. Today I would like to honor two recent major milestones that have been achieved by these exemplary airmen.

Earlier this month the B-1 bomber flew its 10,000th combat mission. Since 2001, the B-1 has been providing intelligence, surveillance, reconnaissance, and close air support to our troops on the ground nearly 24 hours a day, 7 days a week. In fact, at this very moment, there is a B-1 in the air over southwest Asia. Able to carry a larger payload than any other aircraft in the military, one supersonic B-1 can do the same job of multiple aircraft. It is truly a workhorse in our military.

Additionally, March 7th marked the 3,000th consecutive day of deployment for the 317th

Airlift Group. Since December of 2003, more than 7,000 airmen from this unit have been put in harm's way. The air mobility mission is one of the most important missions in the modern military. Operations that used to take weeks or months now take days or hours. The 317th has often been labeled the "busiest C-130 unit" in the Air Force, and this current deployed streak is another honored mark in the long history of Dyess Airlifters.

Mr. Speaker, I have come to the floor today to recognize and celebrate these achievements, and to honor the sacrifices the men and women of Dyess have made. And I am a firm believer that when one member of the family serves this country—the whole family serves. Deployments across the globe over the last decade have meant many missed birthdays, holidays, and special moments for our soldiers and their families. May we never take for granted the sacrifices our men and women in uniform make every day for our freedom and security.

I ask that the two attached articles also be made a part of the RECORD.

[Feb. 27, 2012]

THE BONE NOTCHES 10,000 COMBAT MISSIONS
(By Philip Ewing)

America's favorite low-flying, long-loitering, wing-swinging bomber has flown its 10,000th combat mission, Boeing announced Monday.

The B-1B Lancer in question flew its sortie over Afghanistan—where the Bone has had a second career supporting troops on the ground—and returned to its base in, er, "Southwest Asia," Boeing announced. (The bases in Qatar and the UAE aren't actually there, and the Air Force clings to that non-fact like a vise.)

Here's more of what Big B said:

The heavy bomber entered service with the U.S. Air Force on June 29, 1985, and has been in nearly continuous combat for the past 10 years. The milestone mission took off from a base in Southwest Asia and was flown in support of operations over Afghanistan before returning to base.

"The B-1 brings tremendous flexibility to our nation's defense," said Lt. Col. Alejandro Gomez, mission team lead. "In any mission, the B-1 has the ability to loiter, dash, positively identify targets, show force, and strike targets precisely. Whatever our aircrews are asked to do, they can perform with this aircraft."

B-1 crews in Southwest Asia fly a variety of missions, including close air support for troops on the ground, giving them cover and alerting them to threats they cannot see. On-site maintainers keep the fleet ready to fly.

"10,000 conventional combat missions for a relatively small fleet of 66 B-1s is a major milestone and a testament to the men and women who built, sustain and modernize the fleet, including the U.S. Air Force, Boeing and our subcontractors," said Rick Greenwell, Boeing B-1 program director. "We continue to draw on expertise and experience from across Boeing to enhance our support of this amazing aircraft."

The B-1 bomber has advanced over the years as it is modified for current needs. The aircraft began as a nuclear bomber and moved into a solely conventional role in the 1990s. It carries the largest payload in the Air Force's long-range bomber fleet—during Operation Iraqi Freedom, it dropped 40 percent of all weapons while flying only 5 percent of the sorties.

Today's B-1 can carry a mixed load of weapons in each of its three bays. Its long range allows it to base far from the conflict and loiter unrefueled for long periods. Its swept wings allow it to fly fast, slow, low or high as the situation demands. With only four crewmembers required, missions can rapidly be adjusted in flight to keep up with adversaries. The radar and targeting pod can be used for positive target identification and the aircraft can employ a variety of other weapons, including Joint Direct Attack Munitions (JDAMs), Laser JDAMs, Joint Air-to-Surface Standoff Missiles-Extended Range, and BLU-129 warheads.

"The B-1 fleet and crews have readily adapted to an ever-changing environment to accomplish this 10,000th combat sortie milestone," said Greenwell. "This aircraft has proven its ability to continue to evolve and be effective well into the future."

And as the B-1's adopted parent, Boeing isn't the only one pleased with its performance. The Air Force appears to have quietly shelved its onetime idea of beginning to pare back bombers to save money, at least in the near term. Its fiscal 2013 budget submission this month included this unambiguous sentence: "The Air Force does not plan to retire any bomber aircraft in FY 2013."

That will mean ever more combat missions for the Lancer fleet, at least for now.

DYESS' 317TH AIRLIFT GROUP CELEBRATES 3,000 CONTINUOUS DAYS OF DEPLOYMENT TODAY

(By Brian Bethel)

They call Dyess Air Force Base's 317th Air-lift Group "purple ops" these days, said Maj. Jason Anderson, who bears the lengthy title of 317th operation support squadron assistant director of operations.

"We called the 40th blue squadron, the 39th red squadron," Anderson said, musing about the tail colors that once graced the C-130s of the base's 39th and 40th Airlift Squadrons.

But now the 317th, which today at the base marked 3,000 days of continuous deployment, is one. Since Dec. 20, 2003, Dyess' 317th has had "folks in the theater fighting the war," Anderson said.

"The tails changed," Anderson said. "They're now both red and blue. And the attitudes changed. It's one team fighting for one another."

It takes a four-month on, four-month off rotation to keep up that tempo, he said, with both squadrons, a "maintenance package," and numerous others, from tactics to intelligence, working together to keep planes flying and missions running smoothly.

In general, "a little over 200" people from the 317th Airlift Group are deployed at any time, with more than 7,000 airmen deployed over the 3,000-day period, Anderson said.

"There's always a squadron that's out there at any given time," he said.

Gray Bridwell, an honorary commander for the 317th Airlift Group, said that when the initial deployment began, he was honorary commander for the 317th Maintenance Squadron and "as a civilian" had little understanding about "massive deployments of this nature."

"Little did I know 3,000 days later this routine would be the normal mode of operations," he said.

Typically, deployments are a little more than 120 days, Anderson said, meaning that there have been more than a million "airmen days" of deployment since the first.

Dyess' C-130s have been key in providing combat and humanitarian aid in overseas operations, most recently in Operation New

Dawn since the withdrawal of combat troops from Iraq, said Master Sgt. Matt Rossi, 39th Airlift Squadron loadmaster superintendent.

"But when we're not doing that, we answer the nation's call with humanitarian aid, whether it's in South America, Japan, Africa or wherever it's needed," Rossi said.

Anderson said that the airdrop and medical evacuation are essential pieces of what the 317th's planes are regularly called to do.

"The airlift piece is probably something you could equate to the air-land mission of FedEx or UPS," he said. "We are delivering goods, but with us, we're delivering what the military needs. So it's not only beans, bullets and water but people, as well, to different locations. And a lot of the time, we do that in harm's way, so that's where we're different."

The airdrop portion of the C-130 mission is primarily dropping "air packages, supplies, sometimes even special reconnaissance teams" to forward-operating bases, such as those in the mountains of Afghanistan.

The medical evacuation component is "the saving lives piece" of the mission, Anderson said.

"You can think of us as a hospital in the sky," he said.

Wounded soldiers, "even wounded Iraqis," are served by that part of the mission, he said, while other humanitarian missions, such as providing aid to those affected by flooding in Pakistan, are another vital component.

Time away from home can be tough, said Rossi, who once spent a year deployed in Afghanistan as an air adviser.

Being away from home for a year, and working with individuals of an at-times profoundly different culture, proved challenging but rewarding, he said.

"You're not only building an air force but a good relationship between the Americans and the Afghans, and not just the soldiers but the civilians," he said.

When squadron members come home, their work doesn't end, Rossi said.

"We have to maintain proficiency in the aircraft," he said. "We're constantly training, and we train like we fight."

Such training can include low-level flying, tactical approaches and landings, Rossi said, with a goal of becoming proficient in such before being in a deployed environment, especially if facing combat.

For Anderson, training also is time to prepare for "a multitude of different types of contingencies."

"We have to be forward-looking at what could happen and make sure our military is ready," he said. "If we fight in other theaters, like we're down in South America or we're in a different theater, it's a very different scenario."

Looking back on the accomplishment of 3,000 deployment days Tuesday, Bridwell said he was exceptionally proud of all the Dyess personnel "who serve our country so well."

"I especially want to thank the families for their daily contributions to our nation's hard-earned security," he said.

Anderson said that the support of the community is essential in achieving the milestone.

"Living in Abilene, folks here understand what we go through and support us, and they do that in a million different venues," he said.

Rossi said that the accomplishment was important not only to highlight what troops had done but also to "highlight the support that we've received."

"People on the base would be lying if they say they don't get a warm spot in their heart

when someone out in the public thanks them for their service," he said.

A seven-aircraft launch is among activities scheduled today, a day of storytelling and remembrances, Anderson said.

"When you're running so hard, a lot of the time you don't remember how far you've gone," he said of the need to stop and reflect. And then? Back to work.

"We know this is not stopping," Anderson said of the 317th's future. "And we know we are ready and will be ready to answer the nation's call."

HONORING DR. BERNARD SIEGEL FOR HIS CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Ms. DeLAURO. Mr. Speaker, it is my privilege to stand today to join the many family, friends, colleagues and community members who have gathered to pay tribute to an outstanding member of our community and my good friend, Dr. Bernard Siegel, as he is honored by the Connecticut Children's Center of Hamden. Bernie, an Oncologist who earned national and international acclaim for his focus on the correlation between a patient's emotional state and the healing process, has not only brought a powerful voice to patient empowerment, but has also devoted much of his time to supporting local organizations like the Children's Center of Hamden. His work has touched countless lives around the world and I am honored to have this opportunity to join our community in recognizing his remarkable career and invaluable contributions.

Bernie has dedicated a lifetime to teaching those facing the most difficult of life's challenges about the healing power they hold within themselves. Well before its time, Bernie recognized that the better a patient was able to cope with the emotional complexities of health issues, the more improved their overall health outcome was—the mind-body connection. Upon this simple, yet innovative idea, Bernie has built a distinguished career. He is the founder of ECaP, an individual and group therapy program for recovering cancer patients, the author of twelve books which have been invaluable resources to patients and loved ones alike, and retired from Yale-New Haven Hospital as the Assistant Clinical Professor of General and Pediatric Surgery.

I would be remiss if I did not extend a personal note of thanks to Bernie for his many years of special friendship and counsel. During my tenure in Congress, I have focused much of my attention on health issues and I have often sought Bernie's expertise and guidance. He has always made himself available, proving to be a wealth of knowledge on even the most complex of matters. I, like so many others, consider myself fortunate to call him my friend.

Physician, author, advocate, mentor, community leader, and friend, Dr. Bernard Siegel has changed the face of how we view the relationship between the patient and the healing process. His compassion and generosity has also gone a long way in helping those most in

need in our community. For his many invaluable contributions, I am proud to rise today to join the Children's Center of Hamden and all of those who have gathered in extending my deepest thanks and appreciation to Bernie Siegel as well as my very best wishes to him, his wife, Bobbie, and their five children and eight grandchildren for many more years of health and happiness.

HONORING THE DISTINGUISHED
MILITARY SERVICE OF LIEUTENANT
COLONEL MICHELLE
GREENE

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. CRITZ. Mr. Speaker, I rise to recognize Lieutenant Colonel Michelle Greene, an exceptional Army officer and true patriot, in honor of her upcoming retirement. For over twenty years, Lieutenant Colonel Greene has worn her nation's colors with grace and honor. Her career-long steadfast commitment to the defense of liberty is a testament to her inherent courage and selflessness.

Lieutenant Colonel Greene began her distinguished career in the Army at Fort Stewart in Georgia, where she served as the C Company Ambulance Platoon leader and Battalion S-1/Adjutant in the 24th Forward Support Battalion, 24th Infantry Division, and then as the Patient Administration Officer at Winn Army Community Hospital. From there, she went on to work at Walter Reed Medical Center as the A Company Commander of the Medical Center Brigade, before going to work within the North Atlantic Regional Medical Command, first in the Office of Clinical Operations, and then as Secretary to the General Staff.

After earning a Master's of Science in Health Evaluation Sciences from the University of Virginia in 2001 through the Army's Long Term Health Education and Training program, Lieutenant Colonel Greene moved to Hawaii, where she served in the Patient Administration Division at Tripler Army Medical Center in Honolulu.

Lieutenant Colonel Greene's most recent assignments have been in Washington, DC. In 2004, she became the Executive Assistant to the Deputy Surgeon General. After two years in this capacity, she went to work as a Legislative Liaison in the Army Budget Congressional Liaison Office. It was here that then-Major Greene began working with my boss and predecessor, the late-Congressman John P. Murtha—and she soon became a capable and trusted liaison between the Chairman and the Army. Most recently, she has served as Chief of Congressional Affairs for the Office of the Army Surgeon General.

Lieutenant Colonel Greene moves on to the next chapter of her life bolstered by the abiding love and support of her husband, Lieutenant Colonel (Retired) Craig Greene, her two sons, Jackson and Austen, and her parents, Ken and Linda Snow.

Mr. Speaker, the strength of Lieutenant Colonel Greene's character will ensure that she is successful in whatever she chooses to

do next. I congratulate her on a distinguished career, and I thank her for her many years of service.

COMMENDING THOMAS GILMORE
FOR HIS SERVICE TO THE NEW
JERSEY AUDUBON SOCIETY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. LANCE. Mr. Speaker, I rise today to congratulate Mr. Thomas Gilmore for nearly three decades of leadership and dedication to the New Jersey Audubon Society. Tom Gilmore is a known conservation visionary and respected voice for wildlife and I congratulate him on this well deserved retirement.

Under Tom's dedicated watch, thousands of acres of threatened and endangered species habitats have been protected and open space, farmland and historic preservation became a priority in our great Garden State.

Throughout Tom's tenure, wildlife research and environmental education blossomed across the state. Tom's leadership paved the way for the Audubon Society's Citizen Science program to flourish. This important program empowers volunteers of all skill levels and backgrounds to engage in wildlife conservation and leverages the strengths and talents of hundreds of individuals while training our state's future conservation leaders.

Tom's passion, skill and perseverance have transformed New Jersey, marshalling in the preservation of our most significant and beloved natural treasures.

I honor this remarkable leader and welcome the new era of conservation talent that will guide the Garden State's environmental future.

TRIBUTE TO THE LIFE OF DR.
DOROTHY INGRAM

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. BACA. Mr. Speaker, I stand here today to pay tribute to a great educator, pioneer, mentor, and role model, Dr. Dorothy Ingram.

Dr. Dorothy Ingram, the first African American teacher in San Bernardino County, passed away March 14, 2012, at the age of one hundred six.

Dr. Ingram was the youngest of 7 children, born on November 9, 1905, to Henry and Mary Ingram in San Bernardino, California. She started school in 1911 at Mt. Vernon Elementary School and graduated from San Bernardino High School in 1923.

Dr. Ingram later attended San Bernardino Valley College from 1928 until 1933, where she wrote the school's alma mater, which is still in use today. Dr. Ingram was the first African American student to attend the University of Redlands. She graduated with a bachelor's degree in music education in 1934.

After graduating from college, and teaching in Texas for a few years, Dr. Ingram moved

back to San Bernardino in 1939 to continue her teaching career. In 1951, Dr. Ingram was promoted to the position of principal of Mill School. In 1953, Dr. Ingram was elevated to the position of the San Bernardino School District Superintendent. That made her the first African American school district superintendent in the State of California.

Based on her childhood experiences and the strong example set by her parents, Dr. Ingram was an outspoken advocate for underprivileged children to have an equal opportunity to succeed. She stood above the racial prejudices of her time and served as an excellent role model for others to emulate. Dr. Ingram was seen as a mentor for her tireless work and dedication to the children of San Bernardino.

As a community leader, Dr. Ingram encouraged others to always do their personal best and to work towards making a positive contribution to society. In recognition of her numerous contributions, the City of San Bernardino honored Dr. Ingram in 1977 by naming one of the city's libraries after her. At age 97, she was again recognized for her outstanding work by receiving an honorary doctorate degree from California State University San Bernardino.

Dr. Ingram's siblings also left their mark on San Bernardino. Her brother, Howard, was the first African American physician in San Bernardino. Another brother, Ben, worked as a chef at one of the finest restaurants, the Chocolate Palace. And her sister Ruth worked as a nurse.

My thoughts and prayers, along with those of my wife, Barbara, and my children, Rialto City Councilman Joe Baca, Jr., Jeremy, Natalie, and Jennifer are with Dr. Ingram's family at this time. Mr. Speaker, I ask my colleagues to pay tribute to Dr. Dorothy Ingram.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE CRAWFORD HOUSE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. LAMBORN. Mr. Speaker, I rise today to recognize an exemplary organization in Colorado Springs that provides shelter and services for homeless veterans in Southern Colorado.

The Colorado Veterans Resource Coalition is celebrating the 10th Anniversary of its Crawford House this year. The House provides emergency shelter to veterans in downtown Colorado Springs.

Established in 2002, the House is named after World War II Medal of Honor recipient, retired Master Sergeant William J. Crawford.

The Colorado Veterans Resource Coalition takes great pride in offering safe, healthy, alcohol and drug-free emergency housing. The group also offers VA-sponsored substance abuse rehabilitation.

The Crawford House and the transitional homes can take in up to 25 residents at a time. Currently, the House has a waiting list of 100 veterans. The Crawford House is very

unique in homeless programming in that they provide job placement assistance through coordination with workforce centers, compensated work therapy and numerous other partners including the Department of Veterans Affairs.

The Colorado Veterans Resource Coalition has served more than 1,100 homeless veterans since it was established.

Eighty-one percent of veterans who successfully completed the 90-day homeless program were gainfully employed and moved into their own housing.

I thank the Colorado Veterans Resource Coalition for their compassionate service to our veterans in Colorado Springs and congratulate them on the 10th Anniversary of the Crawford House.

TRIBUTE TO THE LIFE OF
RICHARD MILANOVICH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2012

Mr. BACA. Mr. Speaker, I stand here today to pay tribute to a great tribal leader, role model, and veteran Richard Milanovich. Richard, Chairman of the Agua Caliente Band of Cahuilla Indians, passed away on March 11, 2012, at the age of 69.

Richard was born on December 4, 1942, and spent his childhood living with his mother, LaVerne Saubel, who was a strong advocate for Indian rights in her own right. LaVerne set an outstanding example for her son, and was a member of the all-female tribal council that persuaded Congress to allow self-governance for the Agua Caliente Band of Cahuilla Indians in 1957. Richard's upbringing in his mother's home instilled in him a passion for the Indian community.

Richard lived with his mother until the age of 17, when he left home to join the United States Army. After his time in the service, Richard worked as a door-to-door salesman, selling items such as vacuum cleaners and encyclopedias, until joining the tribal council at age 35.

Richard was one of the earliest patriarchs of Indian gaming in California. During his first few years on the council, he convinced the tribal council to purchase the Spa Hotel in downtown Palm Springs in 1992. This purchase helped to revitalize downtown Palm Springs and paved the way for the future economic stability of the Agua Caliente band of Cahuilla Indians, as well as other tribes in California.

At the time of his passing, Richard was the Chairman of the Agua Caliente band of Cahuilla Indians. Richard's 30 years of service to the tribe left a lasting impact not only on his tribe, but California at large. Richard was not only passionate about protecting the future and sta-

bility of the Agua Caliente Band of Cahuilla Indians, but he also gave back to his surrounding community through his advocacy for the gaming industry. Indian gaming is one of the surest ways to create economic development in a region; proving jobs and revenue for tribal self governance, maintenance, and education.

Richard's strong advocacy at the state and national level for the rights of the Indian people and gaming allowed his tribe to gain respect and high standing among tribes across the country.

Richard was known as a great mentor to the younger leaders; his tireless work on behalf of the Indian community left younger tribal leaders with a strong example of hard work and dedication. He taught young tribal members the importance of cherishing and understanding the past, in order to pave the way for a bright future for the Indian community.

Richard is survived by his wife, Melissa, and their six children. He leaves with cherished memories and a loving family. My thoughts and prayers, along with those of my wife, Barbara, and my children, Rialto Councilman Joe Baca, Jr., Jeremy, Natalie, and Jennifer are with Ruben's family at this time. Mister Speaker, I ask my colleagues to join me in honoring a beloved community member and tireless advocate, Richard Milanovich.

SENATE—Wednesday, March 21, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who loves us without ceasing, we turn our thoughts toward You. Remain with our Senators today so that for no single instance they will be unaware of Your providential power.

We thank You for Your infinite love that permits us to make mistakes yet still grow in grace and a knowledge of You. Lord, save us from any evil course or idle path that leads away from Your will. Today, we pray for the President of the United States and for the leaders in every land. Help them to bear their responsibilities with honor, and, Lord, today we also thank You for the amazing career of Senator BARBARA MIKULSKI.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks the Senate will be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business the Senate will resume consideration of the capital formation bill. At approximately 10:40 this morning, there will be a cloture vote on the IPO bill.

RESERVATION OF LEADER TIME

Mr. REID. Will the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the minority controlling the final half.

The Senator from Illinois.

AFFORDABLE HEALTH CARE ACT

Mr. DURBIN. Madam President, there has been a lot of discussion about the affordable health care act passed by Congress. In fact, just next week, across the street, the Supreme Court will take up this bill and decide whether it is constitutional. It is an important decision. It is one that will affect millions of Americans, and scarcely anyone understands the impact of this law and what it means to their daily lives.

The first aspect I wish to speak about is the most controversial aspect of it, the so-called individual mandate. What is it? From my point of view, it is a basic method of saying to everyone in America: You have a personal responsibility. You cannot say you are just not going to buy any health insurance; that you don't think you are ever going to need it and are not going to worry about it.

The problem is, of course, those people who make that statement get sick. Some of them get involved in accidents. Some go to a doctor and are diagnosed with terrible illnesses and diseases that require treatment and surgery, and that costs a lot of money.

The uninsured people show up at hospitals. They are not pushed away; they are invited in. They receive the treatment. Then they can't pay for it.

It turns out that 63 percent of the medical care given to uninsured people in America isn't paid for—not by them. It turns out the rest of us pay for it. Everyone else in America who has health insurance has to pick up the cost for those who did not accept their personal responsibility to buy health insurance.

So, so what? What difference does that make? It makes a difference. It adds \$1,000 a year to our health insurance program. In other words, you and me and everyone with health insurance is subsidizing those people who say: Don't mandate anything on me. Don't tell me I have a personal responsibility. But when I get sick, you can pay for it. That is what the individual mandate comes down to.

I listen to those who say, well, this is just too darn much government to say that people who can afford it need to have health insurance. Keep in mind, this health care bill says if people cannot afford it—if they are too poor or their income is limited—there is a helping hand, not only in the Tax Code but even through Medicaid to make sure they have affordable health care insurance which will never cost them more than 8 percent of their income. A lot of American families would jump at health insurance that would only cost 8 percent of their income. But the law says people have to be willing to pay up to 8 percent of their income to have health insurance. The reason, of course, is if they don't pay, everyone else pays. If they get sick, they cost us \$116 billion a year in uncompensated health care coverage paid for those who do not accept their personal responsibility to buy health insurance.

Ruth Marcus has an article in this morning's Washington Post, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 2012]

116 BILLION REASONS TO BE FOR THE
INDIVIDUAL MANDATE
(By Ruth Marcus)

The most compelling sentences in the Obama administration's brief defending the constitutionality of the health-care law come early on. "As a class," the brief advises on Page 7, "the uninsured consumed \$116 billion of health-care services in 2008."

On the next page, the brief drives the point home: "In 2008, people without insurance did not pay for 63 percent of their health-care costs."

Those figures amount to a powerful refutation of the argument that the individual mandate—the requirement that individuals obtain insurance or pay a penalty—exceeds the government's authority to regulate interstate commerce. To me, \$116 billion seems like a whole lot of commerce.

But let's leave the Supreme Court justices to hack their way through the underbrush of the Commerce Clause. Because those numbers are not only relevant to Commerce Clause jurisprudence, they illuminate the fundamental irrationality of public opposition to the individual mandate.

The mandate is by far the most unpopular feature of a law on which Americans are otherwise evenly divided. A Kaiser Family Foundation poll this month found that two-thirds of those surveyed disliked the mandate. Even among Democrats, a majority (53 percent) opposed the requirement; independents (66 percent) and Republicans (77 percent) were even more hostile.

Yet this is a provision that the overwhelming majority—those with insurance—should support, for the simple reason that these people currently end up footing the bill for much of that \$116 billion.

As the government's brief notes, "Congress found that this cost-shifting increases the average premium for insured families by more than \$1,000 per year."

In other words, those worried about having to pay ever-higher premiums should be clamoring for the individual mandate, not agitating for repeal.

Indeed, for all the bristling over the mandate, it will be irrelevant to the 80 percent of non-elderly Americans who already have insurance, either through their employers, government programs, or purchased on their own.

The biggest real-world risk to these people would be if the court were to overturn the mandate yet allow the rest of the health-care law to remain in place, driving premiums ever upward.

Amazingly, Republicans have managed to transform the mandate from an exemplar of personal responsibility into the biggest public policy bogeyman of all time.

The irony of the fight over the mandate is that President Obama was against it before he was for it. During the 2008 campaign, one of the signature differences between Obama and Hillary Clinton was that Clinton's health plan included an individual mandate whereas Obama's mandate covered only children.

Once elected, Obama quickly recognized the inescapable truth: An individual mandate was essential to make the plan work. Without that larger pool of premium-payers, there is no feasible way to require insurance companies to cover all applicants and charge the same amount, regardless of their health status.

In part, hostility to the mandate reflects a broader uneasiness with the perceived encroachment of big government.

In the Kaiser poll, 30 percent of those who opposed the mandate cited government overreach as the biggest reason. Not surprisingly, twice as many Republicans (40 percent) cited that reason as did Democrats (18 percent).

But opposition to the mandate also stems from the public's failure to understand—or, alternatively, the administration's failure to communicate—basic facts.

For example, Kaiser found that when people were told that most Americans "would automatically satisfy the requirement because they already have coverage through

their employers," favorability toward the mandate nearly doubled, to 61 percent.

Favorable attitudes rose to nearly half when people were told that without the mandate, insurance companies would still be allowed to deny coverage to those who are sick; that without the mandate people would wait until they were sick to purchase insurance, driving up premium costs; or that those unable to afford coverage are exempt.

"People don't understand how the mandate works at all and they don't understand why it's there," Kaiser's polling director, Mollyann Brodie, told me.

Brodie suspects that it's too late to change minds. "This law as a whole has really become a symbolic issue to people and they really aren't open to information," she said.

Maybe, but the administration must keep trying—not only to sell the law's goodies but to explain how the mandate makes them possible. Otherwise, they could end up winning the minds of the justices, yet losing the hearts of the people whose votes they need to keep the law in place.

Mr. DURBIN. Madam President, this article spells it out. This issue of an individual mandate is an issue of personal responsibility. If you believe someone should be able to walk away from their responsibility to have health coverage they can afford and that their medical bills should be your family's responsibility, then cheer on all these folks who are saying we are going to repeal ObamaCare. That is what it boils down to. Do you want to pay their bills? I don't think we should have to. I think everyone in this country should accept that responsibility.

There are some other aspects of the affordable health care act which we don't hear talked about from those who are calling for its repeal. Let me tell my colleagues one. Do you have a child graduating from college, looking for a job? I have been in that circumstance. My wife and I raised three children. Some of them found a job, but it took a little while. While they were looking for a job, did you ever say to your son or daughter fresh out of college: How about health insurance. They probably said to you: Sorry, Mom; sorry, Dad. I can't do that now. When I get a job, I will get back to it. But I feel just fine. I feel just fine.

It doesn't work that way, and any responsible parent knows it. So we changed the law, and here is what we said: If you have family health insurance, it can cover your son or daughter up to the age of 26. That expanded the reach of health insurance coverage. It covered these young college graduates and young people looking for work so they had that protection even when they were unemployed.

So did it make any difference? Thanks to this provision, 2.5 million young people have gained coverage nationwide, and 102,000-plus in my State of Illinois. That means for 2.5 million parents, some peace of mind, knowing their kids are covered by the family plan. That was part of this bill which many Republican Presidential candidates are saying they want to repeal.

Really? Do you want to explain that to 2.5 million families who have the peace of mind that their son or daughter is covered with health insurance up to the age of 26?

How about the seniors paying for their Medicare prescription drug bills. There was this doughnut hole, which means if seniors have prescription drugs covered by Medicare and they are expensive, they will reach a point during the course of a year when they have to go into their savings to pay for about \$2,000 worth of prescription drugs before the government comes back and starts helping them again. We started closing that doughnut hole, closing that gap, giving \$250 of that \$2,000 they have to pay back to people in a rebate initially, and then providing a discount on drugs for seniors. That is part of affordable care. That is part of what the Republicans scream is ObamaCare.

Is it a good idea? Well, just ask 152,000 Medicare recipients in Illinois who have received this rebate to help pay for their prescription drugs. Ask 144,000 seniors in Illinois who have received a 50-percent discount on drug costs, and then ask the millions across America who have benefited. We are giving people on fixed incomes and limited savings a helping hand so they can have the prescription drugs they need to be healthy and strong and safe and independent. Is that what you want to be when you are a senior? Most of us do, and this bill helps.

Third, this bill basically covers preventive services. We all know the story: Get in and see a doctor for a colonoscopy or a mammogram. Early detection and treatment is money saved and lives saved. We extended preventive care under Medicare. For 1.3 million Medicare recipients in Illinois—just in my State, 1.3 million; more in the Presiding Officer's State—they have preventive care now that they didn't have before. It means they are likely to stay healthy longer and cost less to our health care system. This is another aspect they want to repeal, those who are running against the affordable care act, running against the health care bill President Obama has pushed for.

There is also a provision which says insurance companies have to spend 80 percent of the premiums they collect—80 percent—on actual medical care. They can take 20 percent for profits and administrative costs and the like but 80 percent on actual medical care. The State of Minnesota already had that on the books, and it worked. So we said let's do it nationwide so if premiums go up, it is to reimburse health care—not to take out in profits, not to take it out in bonuses, not to spend on an advertising budget for an insurance company. That is a big change. The insurance companies hate it like the devil hates holy water, and the Republican Presidential candidates want to

repeal it. I think it is a sensible change to ensure coverage and one that we ought to protect, not prohibit.

There are other provisions in this law as well, but one that affects me personally and has affected, I am sure, thousands of Americans is the question of preexisting conditions. Do you have one? A lot of people do. A lot of people don't even know they have one. Sometimes insurance companies dream them up. They would deny coverage for health insurance if somebody had—get ready—acne, a preexisting condition so no coverage. If there is a history of suicide in a family, they would deny them health care coverage, preexisting condition.

Let me just say to every parent listening: Thank the Lord if your child doesn't have asthma, diabetes, or something more serious because until the affordable care act was passed, that was enough to disqualify your child and maybe your family from health insurance coverage. Oh, they can't wait to repeal that. They say: Let's repeal ObamaCare. Let's get rid of that preexisting condition provision, and let those insurance companies deny coverage.

America, is that what you want? Is that what you are looking for? Is that too much government to say to insurance companies: You can't deny children under the age of 18 health insurance coverage if they are victims of diabetes, if they have had a bout with cancer, if they have asthma? Oh, some of these folks are for the Wild West: Get government out of my life.

I will tell my colleagues this: We know sensible regulation of insurance coverage gives people peace of mind and gives families a chance to know their child with a challenge or a problem is still going to get the very best medical care.

There is something called lifetime limits, which is another change. You go to the doctor, and the doctor says: Well, sorry to tell you, but you have been diagnosed with a form of cancer. We can treat it. It is going to take aggressive chemo, radiation, maybe even surgery. It is going to take some time, and it is going to cost some money, but at the end of the day we are going to save your life, and you are going to live. You are going to live to see your daughter's wedding, and you are going to live to see your grandchildren.

Then you get into it. You say: I am determined, my family is with me. I am going to pray for it and get the right outcome.

Guess what happens. It turns out the cost blows the lid off your health insurance coverage. You had a lifetime limit on how much they would pay, which you never thought you would use until that diagnosis came down. So now we have basically said we are removing lifetime limits on health care. That is part of ObamaCare. That is part of the affordable care act.

So I say to my Republican friends and those running for President: You want to go to the American Cancer Society and enter into a debate with them about whether lifetime limits are the right thing to do? They are going to explain to you thousands and thousands of American examples of why people with lifetime limits end up in a tragic situation where they need more coverage, they need more care. Their lives can be saved, but their health care coverage is cut off. That was the old days. That was before the affordable care act.

So those who want to repeal it stand up and get cheering crowds. In those cheering crowds are cancer patients. They ought to stop and think before they start cheering and know what they are cheering for.

The affordable care act is a sensible, reasonable step in a direction toward containing health care costs and making health care insurance coverage fairer for Americans all across our Nation.

Is it a perfect law? Of course not. As I have said many times, the only perfect law I am aware of was carried down a mountain on clay tablets by Senator Moses. Ever since, we have done our best. We can always do better, and I am open to change, I am open to improvement. But for those who want to walk away from the affordable care act, listen to what they are walking away from.

They are imposing a \$1,000 premium on families to pay for the uninsured who will not accept their personal responsibility to buy health insurance. They are walking away from helping seniors pay for their Medicare prescription drugs. They are turning their back on families with young children fresh out of college looking for jobs, with no health insurance coverage. They are inviting the insurance companies to once again turn down your child and your family because of a preexisting condition. They are saying, once again: Let's get into the world of lifetime limits on insurance no matter how much health care costs.

That is their idea of a future—not mine, not my family's. I have lived through part of this. Many others have as well. So when you hear their cheering crowds about repealing the affordable care act, hoping the Supreme Court finds some aspect unconstitutional, step back and ask those cheering crowds about their own health insurance.

The last thing I want to say is this. It is interesting that Senators are debating this. You ought to see our health insurance. You ought to see what we have as Members of Congress. We have the Federal Employees Health Benefits Program. Guess what. It is a government-administered program. Oh, my goodness. You mean Republican Senators are part of a government-ad-

ministered health care program? Yes. And you mean to tell me they have to deal with an insurance exchange? Yes. That is what the Federal Employees Health Benefits Program is.

Eight million Federal employees and their families choose once a year—in my case from nine different plans that cover Illinois. We like our coverage in my family. Federal employees like their coverage. Senators like their coverage. But when it comes to extending this same benefit to every other American, oh, what a horror story; that is too much government. Really? If you are a person of principle and believe a government-administered health care plan is too much government, step up here in the well and tell people: I am giving up my Federal health insurance. I have not heard a single Republican Senator say that—not one. So let's find out. When we come down to the question about health care insurance for all Americans, I think they deserve at least the kind of coverage that Members of Congress have.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOBS ACT

Mr. MCCONNELL. Madam President, for the past several months, I and others have been calling on the Democratic majority here in the Senate to take up and pass the various bipartisan jobs bills that House Republicans have been sending across the dome. These bills on their own certainly will not solve the jobs crisis, but they will make it a lot easier for entrepreneurs and innovators to get the capital they need to build businesses and create jobs. And because these bills are more concerned with getting Washington out of the way than getting it more involved, these bills also send an important message that the economy and the country are a lot better off when folks have more control over their economic destinies, not less.

Last night, we were on the cusp of passing a collection of bills known as the JOBS Act. This bill had overwhelming bipartisan support in the House. Nearly 400 Members voted for it. And the President himself says it will create jobs, he supports it and would sign it into law.

Unfortunately, a handful of Democrats here in the Senate wants to slow it down. They denied Americans this bipartisan victory for jobs that we could have had last night.

So this morning I would ask our friends on the other side to reconsider. I would ask them to put the politics aside and allow this bipartisan bill to

actually move forward. We could pocket this achievement and move on to other measures, including the reauthorization of the Export-Import Bank, which I suggested yesterday. One bill alone cannot undo the damage inflicted on the economy by this administration, but it sure could help, and we need to show the American people we can do this.

This bill is exactly the kind of thing Americans have been asking for: greater freedom and greater flexibility. That is one of the reasons it has had such overwhelming bipartisan support. At a moment when millions are looking for work and Democrats say they want more bipartisan action on jobs, this is it.

We are in the middle of March Madness here. To use a basketball metaphor: This is a layup. Let's get it done.

HEALTH CARE

Mr. MCCONNELL. Madam President, this week marks the 2-year anniversary of the President's health care law—one that is often described as his signature legislative achievement. But you would not know it based on the President's schedule this week. For a President who is not particularly shy about taking credit even for things he did not have anything to do with, he is curiously silent this week about a bill he talked about for more than a year before it passed. According to news reports, the President does not even plan to mark the occasion.

Well, we are happy—Republicans are very happy—to talk about it for him, even though he is reluctant. We are happy to point out the ways in which this law has failed to live up to the promises the President made about it. We are happy to make the case for why this unconstitutional infringement on America's liberties needs to be repealed and replaced with the kind of commonsense reforms Americans actually want.

Two years ago, then-Speaker PELOSI said:

We have to pass the bill so that you can find out what is in it.

Well, 2 years later, here is what we have found so far.

The Democrats' health care law has led and will continue to lead to higher costs and hundreds of thousands of fewer jobs over the next decade.

We now know it is loaded with broken promises, such as the one the President made over and over during the health care debate. He said:

If you like your current plan, you will be able to keep it.

According to the independent Congressional Budget Office, 3 million to 5 million Americans will lose their current plan each year under the most likely scenario.

The health care law will strip billions out of Medicare and increase the Med-

icaid rolls in States by nearly 25 million, costing already cash-strapped States an additional \$118 billion and almost certainly lowering the quality of care for millions of Americans who depend on this vital program.

In my State of Kentucky, an estimated 387,000 more people will be forced into Medicaid—at a time when Kentucky's Medicaid Program is already facing huge deficits just trying to provide benefits to current Medicaid recipients. As a result of this law, more than a million Kentuckians or 29 percent of my State's population will soon be on Medicaid. Kentucky's Governor, a Democrat, is on record saying he has no idea—no idea—how Kentucky will meet its responsibilities if the law forces several hundred thousand more people into the State's Medicaid Program. The math simply does not add up.

This is just one example of how the law is unsustainable and hurts the most vulnerable the most. The bottom line is this: This health care law is an absolute mess—a mess—and the American people do not want it. According to a Washington Post-ABC News poll out this week, more than a half of Americans do not like it—a figure that has not changed much at all since the Democrats forced it through Congress 2 years ago. Two-thirds believe the Supreme Court should throw out the individual mandate or the whole law.

When it comes to the cost of health care, this law makes everything worse. Two and a half years ago, the President said his health care plan would “slow the growth of health care costs for our families, our businesses, and our government.” Yet the Obama administration itself now admits total spending on health care will increase by \$311 billion under the President's health care law. According to the CBO, it increases net Federal health spending and subsidies on health care by \$390 billion, and drives up premiums on families by \$2,100 per year.

Americans wanted lower costs and to have more control of their health care decisions, and they got the opposite instead. They wanted lower premiums; they got higher premiums. They wanted a government that lives within its means, and they got a new entitlement instead. They wanted more options; they got fewer. They wanted better care; it is going to be worse. That is why Americans want this bill repealed.

Look, this bill would be unconstitutional even if it did the things the President said it would. But the fact that it did the opposite of what he promised means it should be repealed either way, whether the constitutionality of it is upheld or not.

It should say something when the President himself is not talking about this bill except in closed campaign events.

It is time to repeal this bill and replace it with the kind of commonsense

reforms people want—reforms that actually lower costs, protect jobs and State budgets, and return health care decisions back to individuals and their doctors. That is a reform that both parties and all Americans could support.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

HEALTH CARE REFORM

Mr. DURBIN. Madam President, those who have followed this debate know Members can disagree, and, obviously, I disagree with the Republican leader on the issue of health care reform. I would say there are a couple elements I would add.

Yes, we expand the Medicaid rolls. That is health insurance for those in low-income categories. But the Federal Government picks up the tab. It is not an added expense to the State governments for 4 or 5 years, and we are hoping their economy gets better.

What about the 1 million Kentuckians who are going on the Medicaid rolls? Those 1 million Kentuckians have no health insurance today. Will they ever get sick? Will they show up at a hospital? Yes, they will. Who will pay for their bills? The rest of the folks living in Kentucky with health insurance and the rest of us.

Is that fair? Do these people have a personal responsibility to have health insurance, as long as we help them, if they are in lower income categories, pay the premiums with tax breaks and enrolling them in Medicaid? Of course they do.

Accepting personal responsibility used to be the first thing the Republicans told us about their family values. Why don't people have to accept personal responsibility and have health insurance so the cost of their care is not borne by their neighbors and the rest of America?

Let me also add again, Members of the U.S. Senate have a government-administered health care program that protects them, their family, and their children. They sign up for it every single year. Not a single one has come to the well here and said: I am so opposed to government-administered programs I am going to stop enrolling in the health insurance program for Members of Congress—not a one.

JOB CREATION

Mr. DURBIN. Madam President, I see my colleague from Colorado is on the floor, and he is going to speak to an amendment which is very important. The Republican leader addressed an aspect of it. I will make a brief comment.

If we want to create jobs in this country, we know how to do it. We passed a bill here last week, 74 to 22—a bipartisan bill. What a miracle. A bipartisan bill passes the Senate, a bill

that would create 2.6 million, maybe 2.8 million jobs—create and save that many jobs in this economy—a bill that will help the American economy expand in the 21st century. What could it possibly be? It is called the Federal transportation bill. We do it every 5 years. If we do not do it—if we do not build the roads, the bridges, the airports, sustain passenger rail service and Amtrak, make certain we have mass transit and buses around America—our economy starts to contract instead of grow.

We passed this bill with a strong bipartisan vote, thanks to Senators BOXER and INHOFE. A Democrat and a Republican, a progressive and a conservative, came together on the bill. We sent it over to the House of Representatives and they said: Sorry, we are not going to take it up. We will not vote on it. We are going to send you a bill that allows people to create new startups, these new private companies, and we are going to eliminate the regulation that makes sure investors do not get fleeced. That is how we want to create jobs.

Well, that is like hoping America has amnesia. We remember the subprime mortgage mess when a lot of unsuspecting people were dragged into offices and into mortgages they had no idea were going to explode when the balloon burst.

Now, once again, the Republicans have said: The best way to create jobs in the future is to let that happen when it comes to the sale of stock in new companies. I am with Mary Schapiro, the Commissioner of the Securities and Exchange Commission. She has warned us, we need to put protections in this bill. It is not going to create the jobs they talk about. It is going to endanger investors.

I yield the floor for the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. BENNET. Thank you, Madam President. And I thank the Senator from Illinois for his leadership and agree it is vital we pass the transportation bill.

CROWDFUNDING

Mr. BENNET. Madam President, in my townhalls we talk about a lot of things that are very different from what people argue about in this place. One of the issues we talk about is the economy. And we talk about these four lines, as shown on this chart.

The first line is our gross domestic product, the economic output of the United States of America, which is higher today than it was before we went into this recession. A lot of people do not know that. We are producing more than we were producing before we went into the recession.

Our productivity has gone up dramatically since the early 1990s, as we

have responded to competition from China and India and other places, as we have used technology to enhance our economic output. We have the most productive economy we have ever seen.

But we also face some very potentially catastrophic circumstances in this economy, one of which is that median family income has fallen for the last 10 years—the first time that has happened in our country's history.

And the other is that we have 23 or 24 million people who are unemployed or underemployed in an economy that is producing what it was producing before the recession happened. That is a structural issue. I have spoken on this floor about the importance of education in that context because the worst the unemployment rate ever got for people with a college degree during the worst recession since the Great Depression was 4½ percent. That is a pretty good stress test of the value of a college education.

The other thing we need to make sure we are doing as a country is continuing to innovate and drive innovation across the United States because it is those companies—the ones that are created tomorrow, the ones that are created next week—that are going to create new jobs in this country. That is going to drive our median family income up instead of down.

That is why I am on the floor today to talk about a bipartisan bill, a bill Senator MERKLEY and Senator BROWN and I have worked on, on crowdfunding. It is an amendment that I hope will come to the floor. I hope we can get to a vote. Over the past months, we have worked together in a bipartisan way on a crowdfunding proposal that would allow crowdfunding to thrive but would also create an appropriate level of oversight and investor protection.

We have done something very unusual in this town: we took time to listen to people. We listened to crowdfunding platforms, entrepreneurs, and investor protection advocates. Many of them support this bill and have endorsed this bill. We worked hard to incorporate their ideas. As a result, we have a bipartisan amendment that has the support of both businesses and consumer advocates. That is something which does not happen frequently in this town.

I hope we will have a chance to vote on it. I will urge my colleagues on both sides of the aisle to see this as a real opportunity to take one step—not a huge step but one important step—forward to filling this gap we see, to creating an economy again where rising economic output also means rising wages, and that rising economic output also means growing jobs. This crowdfunding amendment is a chance to do it. It is bipartisan.

I have some letters of support, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SMALL BUSINESS ASSOCIATION,

Washington, DC, March 15, 2012.

Hon. HARRY REID,
Majority Leader, Hart Senate Office Building,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, Russell Senate Office Building,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: The National Small Business Association (NSBA) supports the Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012 (CROWDFUND Act, S. 2190), which would promote entrepreneurship, job creation and economic growth by making it much easier for small companies to raise capital and get new ideas off the ground. This legislation represents a reasonable effort to accommodate differing points of view and to move this important idea forward.

Representing over 150,000 small-business owners across the nation, NSBA is the country's oldest small-business advocacy organization and greatly appreciates your leadership on such an important issue for America's entrepreneurs and small-business community.

This legislation creates a crowdfunding exemption allowing a company to raise up to \$1 million with reasonable per investor limits. It also pre-empts state level registration requirements, which is critical if crowdfunding legislation is to have a meaningful positive impact. Furthermore, it adds additional regulations designed to safeguard investors.

Under current law, equity markets are largely closed to entrepreneurs and small businesses because they are generally only permitted to raise capital from people with whom they have a pre-existing relationship or through investment bankers who demand a large share of the company for their services. Even private placements (usually Regulation D offerings) involve high legal fees and generally require that the offering be limited to accredited investors (those with incomes over \$300,000 or a residence exclusive net worth over \$1 million).

The costs associated with starting and growing a business are significant. According to the Bureau of Labor Statistics (BLS), from March 2009–March 2010, only 50 5,473 new businesses were created in the United States, the lowest rate of growth since the BLS started compiling data. This bill would facilitate job creation, incentivize entrepreneurs, and promote long term economic growth.

Despite our general support for S. 2190, there are a few areas where we hope this legislation could be further improved as it moves forward:

We would hope and recommend that the \$1 million annual limit could be increased to \$2 million in conference. There are many small business ideas that require more than \$1 million to get off the ground.

Although we regard most of the investor safeguards as reasonable, there are a few provisions that we believe should be amended, as they may increase legal risk and administrative costs considerably. In particular, the provision requiring an explanation of the valuation method used by the issuer creates substantial legal risk and uncertainty since in retrospect almost any valuation method will prove incorrect. It is not clear what "valuation" would meet this requirement

and protect issuers from litigation risk given the fact that any valuation is going to prove wrong either on the upside or, more relevantly, on the downside.

In addition, the provisions granting the Securities and Exchange Commission almost unfettered discretion to issue additional regulations governing crowdfunding could prove highly problematic. The legislation should contain a provision limiting this discretion and requiring the Commission to consider the costs of any additional regulation and its likely impact on the crowdfunding marketplace.

Small businesses are America's economic engine and are the most dynamic and innovative sector of the U.S. economy. They comprise 99.7% of all domestic employer firms, employ approximately 50% of all private sector employees, and have created roughly 65% of America's new net jobs over the past 17 years.

NSBA is pleased to support the Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012 (CROWDFUND Act, S. 2190) and thanks Senators Merkley, Bennet, Brown and Landrieu for their tireless efforts to improve small-business capital access. We look forward to working with you to address the concerns outlined and, ultimately, together help to enact this critical piece of legislation.

Sincerely,

TODD O. MCCracken,
President.

SOMoLEND,
Cincinnati, OH, March 16, 2012.

Senator JEFF MERKLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MERKLEY: It is with great pleasure that I, on behalf of my company, SoMoLend, write to you today in support of your most recent compromise bill with Senators Brown and Bennett. As a platform that has been developed to eventually allow peer to peer lending (debt only), we applaud your efforts to allow for new small business borrowing opportunities while also protecting the lender and borrower.

Specifically, we appreciate the language that lifts the financial limits on investment to be robust enough to support the borrower industries we serve. Additionally, the new disclosure/regulatory requirements are robust enough to provide guidance to a new industry, but will also benefit the crowd-funding industry in the long-term (as compared to a possible race to the bottom with a "no regulatory" approach). Finally, we believe the disclosure/regulatory requirements will provide adequate information to investors, advising of risk but also deterring fraud. Again, this has long-term benefits to the industry as a whole.

We also recognize a shift from your original bill and thank you for removing the requirement for audited and reviewed financials for businesses raising small amounts of money, as this requirement would have been so cost-prohibitive that it would have served as a dis-incentive for small business participation.

While I believe that your legislation is much stronger than previous bills, I do still have concerns regarding requirements that do not adequately consider the different role debt plays in the capital structure, and hope that we have the opportunity to address these differences in the rule making process (we appreciate your guidance in drafting potential legislative history to this effect). We also believe that the current requirements

still take a one size fits all approach, and we ask that the rule makers consider the cost/benefit of additional disclosure for very small offerings. In addition, the existing requirement for portals to belong to a national securities association provides a potential obstacle to our industry (time/cost), with no real benefit, since existing associations do not have any specific rules for crowd funding sites. We do realize, however, that our industry will need to quickly form its own self-regulatory association.

We believe that rule making should permit portals/issuers to rely on investor representations to comply with funding limits. Finally, the rule making process with the Securities and Exchange Commission will take time—we believe that someone should address what occurs in transition.

Overall, we are very supportive of your most recent legislation, and we are happy to help in any way to assist in advocating its passage.

Please let me know if I can do any more to be of assistance, and we look forward to working with your team to create an exciting new opportunity for small business access to capital.

Sincerely,

CANDACE KLEIN,
Founder/CEO.

FUND DEMOCRACY,
March 14, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH McCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER McCONNELL: I am writing on behalf of Fund Democracy to express my support for the Capital Raising Online While Deterring Fraud and Unethical Disclosure Act of 2012 ("CROWDFUND Act"). As the Act's title suggests, an exemption from registration requirements for very small securities offerings creates significant potential for fraud and unethical conduct. The CROWDFUND Act addresses this concern by providing significant regulatory relief to very small issuers without unreasonably compromising the investor protection provisions on which the federal securities laws are grounded and the long-term success of the U.S. securities markets has been based.

In particular, I note the substantial improvements over the crowdfunding exemption contained in Title III of the Jumpstart Our Business Startups Act ("JOBS Act") recently approved by the House. The JOBS Act's crowdfunding exemption, aptly referred to by Columbia Law School Professor John Coffee as the "The Boiler Room Legalization Act," removes fundamental investor protection measures that are essential to the successful operation of the U.S. securities markets.

Most notably, the JOBS Act would grant broker-dealers who act as intermediaries in crowdfunding offerings a complete exemption from registration as brokers. Such an exemption is grossly overbroad and removes an entire regulatory structure for precisely the kind of small offerings where experience has demonstrated a high risk of fraud. In contrast, the CROWDFUND Act provides a reasonable alternative to broker registration by permitting crowdfunding intermediaries to be lightly regulated as "funding portals." These portals would continue to be subject to essential investor protection rules while relieving them of regulation that is unnecessary in the crowdfunding context.

Furthermore, the CROWDFUND Act requires that issuers provide appropriately limited financial disclosures depending on the size of the offering, whereas the JOBS Act provides a one-size-fits-all blanket exemption from providing any financial information for offerings of up to \$1 million. The CROWDFUND Act also provides regulators with 21-day advance notice of crowdfunding offerings. In contrast, the JOBS Act allows for notice with the making of the first offer, at which point regulatory action will often be too late.

Notwithstanding the CROWDFUND Act's significant improvements over the JOBS Act's crowdfunding exemption, I remain concerned regarding the potential for fraud in crowdfunding markets. I strongly encourage the reconsideration of the \$2,000 investment limit as applied to low-income individuals and recommend that investments not exceed the greater of \$500 or 5% of income. I also encourage a thoroughgoing re-evaluation of the operation of the crowdfunding exemption in practice following the delivery of each of the SEC 09reports required in Section 6 of the Act.

In conclusion, I applaud the CROWDFUND Act's reasonable balancing of the costs of raising capital for the smallest issuers, and the benefits of adequately protecting both investors and the integrity of the U.S. securities markets.

Sincerely,

MERCER BULLARD,
President and Founder.

THE STARTUP EXEMPTION,
Miami Beach, FL, March 14, 2012.

Senator HARRY REID,
Senate Majority Leader, Hart Senate Office
Bldg., Washington, DC.

DEAR SENATOR REID: We began this process over a year ago with the goal of creating a system under which entrepreneurs can raise capital to create jobs. We understand there are major differences between the House and Senate versions of the Crowdfunding bills and we desire for the Senate Banking Committee to have a chance to work these issues out there so that both Houses of Congress can pass this legislation.

In January 2011, we proposed the regulatory framework, which is the basis for all the Crowdfunding bills currently under consideration in Washington, DC. After a year of dedicated work we are comforted by the fact that the Senate, House and President understand how important capital is to our nation's entrepreneurs for innovation and job creation. The passage of the House Crowdfunding Bill (H.R. 2930), coupled with the President's very strong leadership and support was a great demonstration of bipartisanship. The active debate in the Senate, further reinforces the commitment to updating securities regulations that were written at a time when we didn't have the technology to better enable the free flow of information and investor protection. Once legalized, Crowdfund Investing (CFI) will allow a limited amount of community-based capital to flow into the hands of our nation's job creators and innovators, while providing prudent investor protections.

We are three successful MBA entrepreneurs having raised in excess of \$100M in venture and private equity capital and deeply understand the capital markets, and their risks and rewards. In drafting our framework, we worked hard to balance the interests of the entrepreneur, investor, intermediary and regulator. We endorsed H.R. 2930, as it is aligned with our framework. Since then, we

worked closely with the Senate to understand their concerns and work on a bill to include provisions that can yield bipartisan support while creating an regulatory environment in which a Crowdfund Investing industry can grow and succeed.

It is with this in mind that we write to suggest that if you consider the House version of the bill you consider adding the following crucial components:

1. Crowdfund Investing intermediaries that are SEC-regulated to provide appropriate oversight

2. All or nothing financing so that an entrepreneur must hit 100% of his funding target or no funds will be exchanged

3. State notification, rather than state registration, so the states are aware of who is crowdfunding in their states. This ensures they retain their enforcement ability while creating an efficient marketplace.

Senators Merkley, Bennett, Brown and Landrieu should be commended for their thoughtfulness in crafting a bipartisan compromise bill. Passage of Crowdfund Investing legislation this session will create the American jobs and innovation that our economy so desperately needs. Please consider taking up this bill.

Sincerely,

SHERWOOD NEISS, JASON BEST &
ZAK CASSADY-DORION,
Co-founders.

MARCH 15, 2012.

Senator HARRY REID,
Senate Majority Leader, Hart Senate Office
Building, Washington DC.

DEAR SENATOR REID: I write to express support for the bipartisan CROWDFUND Act recently proposed by Senators Merkley, S. Brown, Bennet and Landrieu.

CrowdCheck, Inc. was formed to support entrepreneurs seeking crowdfunding by giving them a way to establish their legitimacy in a field that many have predicted will be vulnerable to fraud, and to give investors a tool to recognize and avoid fraud. Our founders include several business lawyers, and I am a securities lawyer with three decades of experience helping companies comply with SEC disclosure requirements. I thus understand the burdens such regulations can impose on entrepreneurs, and also the information investors need to make an informed investment decision. I am therefore pleased to see the careful balance in the bill between investor protection and burden on the entrepreneur.

While we have some concerns with respect to interpretation of certain provisions in the bill, we look forward to working with the sponsors of the bill to address these. We therefore urge you to support this bipartisan effort to pass the CROWDFUND Act.

Sincerely,

SARA HANKS,
CEO, CrowdCheck, Inc.

Mr. BENNET. It moves this ball down the field. I hope it establishes a model for how we can work together to make sure that we are actually addressing things I am hearing about in the townhalls and that we are driving wage growth and job growth here in the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Mississippi.

Mr. WICKER. Madam President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are.

ORDER OF PROCEDURE

Mr. WICKER. Madam President, I rise to speak on the second-year anniversary of the Patient Protection and Affordable Care law. I will be joined shortly by a few of my colleagues. I ask unanimous consent that at that point we engage in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. WICKER. Madam President, on Friday of this week 2 years will have passed since President Obama signed the Patient Protection and Affordable Care Act into law. This is actually a sad anniversary because more than enough time has gone by to reveal the failures of this massive, burdensome piece of legislation.

The fact that 26 of our 50 States—more than half of the States—are part of the legal challenge currently under review by the Supreme Court points out the inevitable truth: This is a law that simply does not work.

The case that will be heard in a few days will be one of the most consequential Supreme Court cases of my lifetime—consequential not only because it deals with this massive, burdensome piece of legislation but because the implications go so much further. The Supreme Court case will decide the scope of the commerce clause. Indeed, my colleagues, if the Supreme Court decides this law can withstand constitutional scrutiny, then this large, massive Federal Government can, in fact, do almost anything, and there will be hardly any limitations under the Constitution and the Bill of Rights on the power of the U.S. Federal Government.

Americans are right to be disappointed with Obamacare, and they are right to want it repealed. And regardless of the outcome of the Supreme Court case, this Congress can decide and, as a matter of fact, the people of the United States will have a chance in November, as we do every 2 years, to decide.

A recent Gallup poll shows that twice as many Americans think the law will make things worse for their families than those who believe it will make things better. Seventy-two percent of Americans believe the individual mandate is unconstitutional.

The truth is that Americans deserve affordable, high-quality health care, not a 2,700-page, big-government piece of legislation that taxes, spends, and regulates. The President's health care law has not lowered the cost of health care as promised. It has not created jobs as promised. It has not reduced the deficit as promised. So this week we mark the anniversary not with progress but with bitter realities.

President Obama, in his joint session speech to Congress in 2009, asserted

that his plan “will slow the growth of health care costs for our families, our businesses, and our government.” In fact, last week the nonpartisan Congressional Budget Office and Joint Committee on Taxation updated their outlook of the health care law's impact on the Federal budget. Not surprisingly, their latest analysis says Obamacare will cost even more than anticipated. And the anticipated costs were high, indeed, but they say the health care law will cost nearly \$1.8 trillion over the next decade or double the estimated cost that accompanied the bill when Democratic supermajorities passed it in 2010. This is hardly the relief President Obama promised.

During his campaign, the President said the plan would reduce health care premiums by an average of \$2,500 per family. Instead, premiums have grown by nearly that much since he was elected.

I see I am joined by two of my colleagues, the distinguished Senator from Wyoming and the distinguished Senator from Kansas.

There are a number of other promises we are talking about today, and I know we don't impugn motives around here—that is against the rules—but one has to wonder, did advocates of this massive law actually believe these promises or were they simply duped and misled? And I don't know which is worse, but I know that my colleague Dr. BARRASSO, himself a physician who is on the front line of this issue, has given this a great deal of thought, so at this point I ask him to join in this colloquy.

Mr. BARRASSO. Madam President, I stand here with my friend and colleague from Mississippi because he and I both attended, in his home State of Mississippi, a meeting at a hospital where we met with doctors, also met with patients, and met with people from the community while the debate and discussion was being conducted about this health care law. At the time, people were asking all sorts of questions because they had heard the promises. Would this actually lower the cost of insurance by \$2,500 a family? That is what people wanted. That is what they expected. The other question: Will I really be able to keep the care I have and the doctor I have if I like it?

Now here we are a couple of years later, the second anniversary of this health care law being passed, and I am here with my friend and colleague from Mississippi, and it just seems to me that the questions that were asked by his constituents, by the doctors in those communities who take care of the patients, by the patients, the hospital administrators whom we talked to that day in his home State of Mississippi—it does seem that many of these promises have been broken.

The costs seem to go up higher than had this health care law not been

passed at all. The numbers and the statistics we are hearing now from the budget office on the cost seem to be much, much higher than what the President promised. Parts of this health care law—the so-called CLASS Act—it now comes out were accounting gimmicks, budget schemes to make it seem as though the cost of this health care law would be much less than what American people now know it to be.

So it is no surprise to me—and I see this in Wyoming, and I am sure the Senator sees it in Mississippi, and I would imagine the Senator from Kansas who is on the floor has seen the same thing at home because I know he has gone to hospitals and just—maybe almost every hospital in the State of Kansas as he has traveled around. We are all seeing that this health care law is less popular now than when it was passed. That is what I hear at townhall meetings. When I ask, do you think you are actually going to pay more under the health care law, every hand goes up. And when I say, do you think the quality and availability of your own care at home is going to go down, again, every hand goes up.

So if I could ask my colleague from Kansas if he is hearing the same things. And I see we are also joined by the Senator from Arizona.

Mr. MORAN. I appreciate the opportunity to be on the floor today, especially with the Senator from Wyoming, a doctor who is such an expert on the topic of really not just the moment, not just the day, but the topic of what our country faces.

I will say that I do spend a lot of time in hospitals across our State talking to health care providers, talking to patients, doctors, to administrators, trustees. In fact, there are 128 hospitals in our State. I have visited all of them, and there is genuine concern about the future of the ability for health care to be delivered in communities across our State. And you add to that the physician and other health care provider community, and this health care reform act is creating significant challenges.

My interest in public service started a long time ago with the belief that we live our lives in rural America, in my State of Kansas, in a pretty special way. When I came to Congress, it became clear to me that if our communities were going to have a future, it was dependent upon the ability to deliver health care close to home. And those rural communities across our Nation often have high proportions of senior citizen populations where Medicare is the primary determining factor of whether they can access health care.

When the affordable care act was passed, many promises were made, but one of the things that was told to the American people—or at least the attempt was made to sell to the American people—was that there would be

greater access. And I would certainly say that one of the promises that is not being kept about the affordable care act is the likelihood that there is going to be greater access for Americans across our country to health care because this bill is underfunded, it is not paid for. The consequences are that the administration is already proposing and Congress will always be looking for ways to reduce spending when it comes to health care, and the most likely target is the payment Medicare makes to health care providers, which in many instances already doesn't cover the cost for providing the service. So when we look for access to health care, every time we make a decision, every time a decision will be made in order to try to make this more affordable, we are going to see fewer and fewer providers able to provide the services necessary to folks across the country but especially in rural communities where 60, 70, 80, even 90 percent of the patients admitted to the hospital are on Medicare.

So one of the problems with the affordable care act is the reality that it will reduce access to health care for people who live in rural America and we will see fewer physicians accepting patients on Medicare, we will see fewer hospital doors remain open; as this bill takes \$500 billion out of Medicare to begin with, the Congress that passed and the President who signed this legislation set the stage for there to be less affordable health care available to Americans across the country but especially for constituents of mine who live in a rural State such as Kansas.

Mr. WICKER. If I could jump in on the issue of Medicare because I have a quote here from President Obama, July 29, 2009: “Medicare is a government program, but do not worry, I am not going to touch it.” As a matter of fact, only months later he signed into law ObamaCare, which takes \$½ trillion from Medicare. And it touches on the very issue the Senator from Kansas was referring to with regard to Medicare access for people in rural Kansas.

Mr. MCCAIN. Madam President, I might point out to my friend from Mississippi that the first amendment we had on the floor of the Senate when we were considering ObamaCare was to restore that \$500 billion, and it was voted down on a party-line basis.

I thank my friends for allowing me to engage in this colloquy. I want to discuss this with my friends. In my view, probably what encapsulates the problems with this legislation—the commitment began that we would provide affordable health care to all Americans, which meant we had to put the brakes on inflation in health care because health care was becoming unaffordable—the highest quality health care in the world. Nothing, in my view—and I ask my colleagues this—describes more how this whole

plan went awry than the so-called CLASS Act.

Late in the debate, the CLASS Act was thrown in to provide long-term care for seniors, which seems like a worthy cause, but the whole thing was a gimmick. It was described by Senator CONRAD, our chairman of the Budget Committee, as a “Ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of.”

They foisted that off on us. Why? Initially, because of CBO scoring, it would show an increase in finances into revenues and into the whole ObamaCare program. But as soon as those people who were paying in became eligible, obviously, the reverse happened. Thank God for former Senator Gregg of New Hampshire, who had an amendment adopted that required the Secretary to certify that the program would be solvent for over 75 years before the program could be implemented. If it hadn't been for that, the CLASS Act would be here today.

Then, last October, the Secretary of Health and Human Services issued a report confirming what many of us knew was inevitable: that the Secretary could not certify the CLASS Act's solvency as required under law. So we went through this exercise of frantically searching for ways to increase revenue, at least the way CBO does scoring. So we did the CLASS Act and, thank God, Senator Gregg of New Hampshire put in an amendment that they had to certify that it would be viable over 75 years. There was not a snowball's chance in Gila Bend, AZ, that they were able to certify that for over 75 years it would be a viable program.

It was kind of entertaining, but late on a Friday night the Secretary of Health and Human Services said she could not certify that the program would be solvent throughout a 75-year period. The result of this was, obviously, that they didn't have the false revenues that CBO could score. They didn't have a program that could provide long-term care for seniors. Again, as the Senator from North Dakota aptly pointed out, this “Ponzi scheme of the first order” faced and met a well-deserved death.

That is why an overwhelming majority of the American people disapprove of this whole exercise of ObamaCare. They want it repealed. They don't support it. I am proud to say in this election we will decide whether we repeal and replace ObamaCare. The American people care about that.

Mr. WICKER. Madam President, to summarize what the Senator from Arizona has just said, the CLASS Act was sold to the American people as a budget deficit reducer. It was going to reduce the deficit. No sooner was it signed and they started looking at it that the administration itself said: We know it is unworkable, and we abandon

it. We are not even going to try to enforce it.

Mr. MCCAIN. They could have kept it on the books. If it had not been for the amendment of Senator Gregg from New Hampshire which said they had to certify its solvency over a 75-year period, we would have the CLASS Act today, a Ponzi scheme where people would be paying in, and that is scored as revenues, and some years later when they retire, obviously, the reverse would have been true.

I have yet to hear one of my colleagues come over and admit that they were wrong about the CLASS Act. I would love to hear some of those who strongly advocated for it. My friend from Iowa, Senator HARKIN, said:

So we get a lot of bang for the buck, as one might say, with the CLASS Act that we have in this bill.

Senator WHITEHOUSE said this:

Certain colleagues on the other side of the aisle have argued that the CLASS plan would lead to a financially unstable entitlement program and would rapidly increase the Federal deficit. That is simply not accurate.

I look forward to my colleagues who supported and voted for the CLASS Act to come over and agree that it was, as Senator CONRAD pointed out, a Ponzi scheme.

Mr. WICKER. Madam President, I know our friend from South Dakota has joined us and is eager to join in this discussion. I wonder if he has anything to add about the broken promises that were made during the passage of ObamaCare.

Mr. MCCAIN. Before that, the whole point of reforming health care was to reduce the cost of health care. That was the goal. We all know Medicare cannot be sustained for the American people if the inflation associated with health care continues. The whole object of this game was to reduce the cost of health care and preserve the quality of health care.

Does anybody think that was achieved with this legislation? That is why the American people have figured it out. I yield for the Senator from South Dakota.

Mr. THUNE. Madam President, I echo what the Senator from Arizona said about the CLASS Act. He was here, as was I and many others, debating this bill and saying this was a program destined to be bankrupt. In fact, if we look at the independent Actuary, he was saying the CLASS Act was unworkable. They said it would collapse in short order.

Within the HHS Department, there was a nonpartisan career staff that called it a "recipe for disaster." There was plenty of advance warning this wasn't going to work.

The Senator from Arizona correctly pointed out it was used as a gimmick to make the overall cost look less and, therefore, bring it into balance. As we

know now, the CLASS Act could not work. They have had to acknowledge that, and the amendment put on by Senator Gregg, which would have forced them to certify, made that abundantly clear.

To the point of the Senator from Mississippi, the purpose of the exercise was that we have to do something about the cost of health care. In fact, the President of the United States, when he was running, said this:

If you've got health insurance, we are going to work with you to lower your premiums by \$2,500 per family per year. We will not wait 20 years from now to do it, or 10 years from now to do it; we will do it by the end of my first term as President of the United States.

I am sure the Senator from Arizona probably remembers very well many of these statements. But the facts tell a different story. If we look at what health care costs are doing, and even what was predicted by the Congressional Budget Office, they said the law was going to increase health insurance premiums by 10 to 13 percent, which means families purchasing coverage were going to pay an additional \$2,100 because of the new law. That has actually been borne out.

If we look at the cost of health insurance for people in this country today, it has gone up, not down; it has gone up dramatically—since the President took office, about 25 percent for most Americans. All these promises about getting costs under control, the promises about keeping what people have, the promises about this being done in a way that would protect Medicare—we all know Medicare was going to be slashed when this was fully implemented, to the tune of \$1 trillion, and there would be \$1 trillion in new taxes also.

The American people got a bad deal, and they know it. That is what the public opinion polls show.

Mr. MCCAIN. I ask the Senator, even though we have shut down the office of the CLASS Act, even though the Secretary of Health and Human Services said they can't certify that it will be fiscally solvent over 75 years, it is still on the books. Isn't the CLASS Act still on the books? Does the Senator think it might be appropriate, since we cannot comply with the law, to maybe repeal that portion of the law? Is that something we might think about? It might be a pretty good amendment.

Mr. THUNE. It would be, and, by the way, we have that amendment and would be happy to offer it. We tried to call up the bill, but it was objected to by the Democrats. The thing about bad ideas around here is that they tend to come back. This idea ought to be put away once and for all. Yet it is on the books, as the Senator pointed out. I don't know why, after all the evidence out there now that has been put forward, including the Health and Human Services Secretary saying this will not

work. But we continue to maintain it on the books in the hopes of some in the administration, I am sure, that it can be resurrected in the future. It was a bad idea then, and it will be in the future. It just doesn't pencil out. We cannot make it work. It saddles future generations of Americans with massive amounts of debt.

Mr. WICKER. Madam President, let me ask my colleagues about another promise. They will call time on us soon.

Does anybody recall hearing this statement from the President of the United States in 2009? He said this:

If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

That was the President on June 15, 2009. What happened to that?

Mr. BARRASSO. Madam President, when we look at it, even the administration admits that wasn't true. Small businesses—people who get their insurance in small businesses—will have a difficult time continuing to provide coverage for people because of the mandates that say they have to provide Washington-approved insurance. That is the problem: that people have what they like, and it may be something they want, need, and can afford. Now they are being mandated to have something they may not want, need, or be able to afford.

So, again, we have another broken promise, which is why Senator COBURN, who practiced medicine for a quarter century, as I did, and I have come out with a report, released yesterday called, "Warning, Side Effects, a Checkup on the Federal Health Law: Fewer Choices."

That means people cannot choose to keep what they have. There are fewer choices, higher taxes, more government, and less innovation. None of that is what the American people have been promised by the President.

Mr. MCCAIN. In addition, I ask the Senator how many new regulations have been issued, and how many new regulations do we anticipate as a result of this exercise?

Mr. BARRASSO. This over 2,000-page law will result in over 100,000 pages of regulations. There is one part of the law where, for a couple of pages—4 to 6 pages—they had 400 pages of regulations and 50 pages of legal guidance.

When we talk to hospitals—I know those of us who visit with hospitals in our States—they say they are spending money on consultants and lawyers to help them understand the law. They say: It is money we ought to spend on patients and equipment and technology for our hospital, to provide care in our community.

I know the Senator from Kansas has visited over 100 hospitals in his State. He has heard the same thing.

Mr. MORAN. That is true. The point made earlier about the goal of the legislation bending the cost curve down—

it didn't do it, it doesn't do it, and it cannot do it. That created the problem we all face now. How can we have access to affordable health care if we are not reducing the cost of health care?

The end result, in my view, is that Americans will have less options for their own plans. As employers, they will provide either less options or no options for their employees. So the idea that people are going to get to keep what they have, that begins to disappear. If they are a senior citizen and Medicare has been their primary provider, we go back to the idea that we didn't bend the cost curve. So in order to make health care affordable—when the legislation fails to do that, we find other gimmicks to do that. One of the things this bill creates is IPAB, an independent agency that will make decisions about what is covered by people's health care plans. The goal will not be to have better quality health care; the goal of the IPAB will be to reduce expenditures.

As the promise was made that people get to keep what they have, it becomes totally different than what they have experienced in their health care plans—either in their own private health care insurance or as a beneficiary of Medicare. Even the President's own Medicare Actuary estimates that the law will increase overall national health care expenditures by \$311 billion during the first 10 years alone, and that private health care insurance premiums will rise 10 percent in 2014.

So if we are complaining today about the increase in premium costs, there is more to come. In 2014, the Medicare Actuary says there will be another 10 percent increase in your health care premiums. At the Center for Medicare and Medicaid Services, their economists found the increasing growth rate in health care spending will occur in every sector of health care. More recently, the Congressional Budget Office, our neutral provider of analysis, says the cost of the health care law may be substantially higher than earlier estimated.

One of the things I would suggest we should have done and that never happened—if we want folks to be able to keep what they have, if we want access to health care in rural and urban and suburban places in the country—we should have done something about fixing permanently the reduction of payments to physicians—the so-called doc fix. One would have thought, in health care reform, that would have been front and center. Because if we don't have a physician providing a service, we don't have health care. Yet we have a Medicare system that is going to reduce the payments. In fact, expected this year, the reduced payments to physicians was going to be 30 percent.

The reality is, no longer will physicians accept Medicare patients. The option the American people were prom-

ised about keeping what they have disappears one more time. In fact, at a townhall meeting in Parsons, KS, this year, a physician in the front row said: Senator, you need to know I no longer accept Medicare and Medicaid. I will take cash, but I cannot afford to provide the services based upon the Medicare reimbursement rate I get. When you add in all the paperwork, trying to comply with Medicare and Medicaid, it is no longer financially feasible for me in this small town to provide the services my patients need under Medicare.

So we are going to see a lot less access because, once again, this is a failure. The promise that was made to bend down the cost curve, to reduce health care costs, to reduce premiums was totally false.

Mr. WICKER. So the promise was not to touch Medicare, and that promise has not been fulfilled. The promise was to reduce the deficit, and that turned out to be an empty promise.

Also, we were told by the President and by Speaker PELOSI this bill would create jobs. The President said it was a key pillar for a new foundation for prosperity. How has that turned out? Former Speaker PELOSI said in its life the health care bill will create 4 million jobs—400,000 almost immediately.

Of course, neither of those promises has come true. The nonpartisan CBO has estimated the health care law will reduce America's workforce. This is the bipartisan CBO. They said it will reduce America's workforce by 800,000 jobs over the next 10 years. That fact has been confirmed by the U.S. Chamber of Commerce.

Mr. THUNE. I would say to my colleague from Mississippi that one of the areas where jobs may be created is in the Federal Government because it is going to take an awful lot of Federal bureaucrats to oversee and lots of new IRS agents to implement this legislation. That would be the only place we will see job creation.

But when it comes to private sector job creation, the thing about this is, it raises the cost for health insurance coverage for employers, and it raises taxes on a lot of people who are involved in health care.

The ACTING PRESIDENT pro tempore. The minority's time has expired.

Mr. THUNE. The combination of those things is only going to cost jobs. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

ORDER OF BUSINESS

Mr. HARKIN. Madam President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 7½ minutes.

Mr. HARKIN. Madam President, I would like to be notified when I have 1 minute remaining.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. HARKIN. I appreciate that.

HEALTH CARE

Mr. HARKIN. Madam President, 2 years ago President Obama signed into law what I believe was the most forward-thinking and humane reform of our health care system since Medicare. Just like the Republicans opposed Medicare when it came in, they still want to get rid of it. If we look at the Ryan budget that came out, what do they want to do? They want to privatize Medicare. They have been at it ever since. They do not want this humane reform we passed 2 years ago.

When the affordable care act became law, I said we have made America a more compassionate and a more just society. I believe this with even greater conviction now. In listening to my colleagues, my friends on the other side of the aisle, one would think this is all just about little nuts and bolts and this and that, but it is about humaneness. It is about compassion and about justice and, yes, it is about making the system work better for patients, not just for insurance companies and the insurance industry.

Now that we have moved ahead to implement the law, the results have been striking. Every American now is protected against the abusive insurance company practices of the past. Let me put it another way. Because of the health care reform law, Americans now have protections that every Senator in this Chamber has enjoyed for years under the Federal Employees Health Benefits Program. We now have extended that to all Americans. Listening to my friends on the other side of the aisle, they want to take it away from Americans but keep it for themselves. Oh, no; they do not want to give it up. I think what is good for Senators ought to be good for the American people.

The young lady shown on this chart is Emily Schlichting. She testified before my committee last year, and this is what she said:

Young people are the future of this country and we are the most affected by reform—we're the generation that is most uninsured. We need the Affordable Care Act because it is literally an investment in the future of this country.

Why does she say that? Because she suffers from a rare autoimmune condition which insurance companies would not even cover. But because we have said they cannot now discriminate if someone has a preexisting condition, Emily gets insurance coverage. Plus, she can stay on her parents' health insurance program.

So far, the law has extended coverage to more than 2½ million young people such as Emily. Yet the Republicans want to take it away. They want to take away Emily Schlichting's insurance coverage. That is what this is all

about. They want to repeal the affordable care act—ObamaCare. What that will mean is that 2½ million people similar to Emily will lose their insurance. But they do not talk about that. They do not talk about that.

Here is the coverage Americans have right now. We have banned lifetime limits. Let me tell everyone about Ross Daniels and Amy Ward from West Des Moines, IA. After developing a rare lung infection on a summer trip, Amy needed intensive treatment, including a course of medication costing—get this—\$1,600 a dose—\$1,600 a dose. Her insurance policy had a \$1 million lifetime limit. Without our health care reform's ban on lifetime limits, this couple would have had to declare bankruptcy. After this experience, Ross said he can't understand why opponents of the law want to repeal it. He said:

It is hard for us to believe that so many of the GOP candidates would have us go back in time where an illness like this would have forced us, or any other family for that matter, into bankruptcy.

Listen to what Republicans are saying. They want to take this protection away from Amy Ward and Ross Daniels and millions of other Americans. There are 100 million people being helped by the ban on lifetime limits.

We have also covered vital preventive services free of charge. That has benefited more than 80 million people who now get free preventive care. It allows young people to remain on their parents' insurance plans until they are age 26. I can't tell you how many families I have talked to in my State of Iowa who have said this has been a godsend to them and to their kids.

Here is the preventive portion. We all know prevention is the best thing we can do to change our sick care system into a health care system. Here is what we did. Here is what the affordable care act does on prevention. Before health care reform, colorectal cancer screening was covered only 68 percent by insurance companies, cholesterol screening was only covered by 57 percent, tobacco cessation only 4 percent. Under the affordable care act, colorectal cancer screening, cholesterol, and tobacco cessation all are covered at 100 percent by every insurance company. Madam President, 100 hundred percent, not 57 percent or 68 percent but 100 percent. We all know that early screening means people live longer and it cuts down on health care costs.

So millions now receive free preventive care, and 86 million Americans had at least one free preventive service in 2011. Almost 1 million Iowans, in my State, received at least one free preventive service in 2011. Yet Republicans want to take this away. That is what this is about.

But Americans now have preventive care. They now are able to keep their kids on their policies until they are age 26. They now have a ban on lifetime

limits. We now have a ban for children up to age 19 on preexisting conditions. That is all they want to do; they want to take this away. I say, don't let them take this away from the American people.

The ACTING PRESIDENT pro tempore. The Senator has 50 seconds remaining.

Mr. HARKIN. I yield the remainder of my time to the Senator from Michigan.

JOBS ACT

Mr. LEVIN. Madam President, in a few minutes, we are going to vote on whether we should end debate on a House bill which carries the false label of a jobs bill—a bill which cries out for debate and amendment.

If we continue down this track, we will approve legislation that endangers America's senior citizens, its small investors, and its large pension funds and foundations. In doing so, we would, far from encouraging job growth, endanger job growth, by endangering the investments that help America's businesses grow and create new jobs. The jobs bill before us, as it now stands, is anything but a jobs bill. And if we invoke cloture, we will end debate and the opportunity to remedy this bill's flaws. The Senate should not take that step.

Its flaws are deeply worrisome. It threatens to dampen investment, and therefore dampen job growth, in at least six ways.

First, investors are now protected by federal securities laws that generally prevent companies from making largely unregulated stock offerings to the public. By limiting such unregulated stock offerings to investors who can better withstand the substantial risk of these investments, we discourage fraud while allowing companies to access capital. But the House bill does away with these restrictions. They could market them with cold calls to senior centers. This would expose Americans with few protections against fraud and little ability to analyze complex, risky investments to devastating losses.

It gets worse. The House bill changes when a company is large enough to warrant SEC disclosure and transparency requirements—from one with fewer than 500 shareholders to one with 2,000 or more shareholders, and perhaps many more. Those could be very large companies. In fact, the House bill maintains a loophole that allows shareholders of record, on paper, to hold shares for potentially hundreds of real owners as a way of evading this shareholder limit. They would be exempt from filing regular financial reports and other measures that give investors the confidence they need to invest their hard-earned dollars.

Taken together, these first two flaws would allow even large companies to

make largely unregulated stock offerings to potentially unwary investors, and to evade even the most basic requirements to accurately inform shareholders of their financial condition. Combined, these provisions are a recipe for fraud, abuse, financial crisis and reduced investment to grow our economy.

The House bill has other deep flaws. It erases barriers, erected after the dotcom bubble of the 1990s, that prevent conflicts of interest in which investment banks could promote the stock offerings that they underwrite by having their research analysts provide pumped-up assessments on the stock.

This provision would mean that nearly 90 percent of all IPOs would be exempt from providing basic protections that help investors commit their money with confidence.

Now, it has been said by supporters of this bill that we should approve this bill because the President supports it. I would remind my colleagues of two things. First, the President's support would not dissolve our own responsibility. We are in danger of rubber-stamping a bill simply because someone slapped a clever acronym with the word "jobs" on it. If this bill threatens, rather than encourages, investment and job creation, we should repair its flaws. That is our responsibility. Madison told us two centuries ago:

A senate, as a second branch of the legislative assembly, distinct from, and dividing the power with a first, must be in all cases a salutary check on the government.

We should be that check today.

Second, those who point to the President's support fail to mention another aspect of his position: support for common-sense fixes that protect the integrity of our markets. The White House said this week:

The President strongly supports the efforts of Senate Democrats to find common ground by supporting the most effective aspects of the House bill to increase capital formation for growing businesses, while also improving the House bill to ensure there are sufficient safeguards to prevent abuse and protect investors.

The President supports this bill, yes—but he also supports improving it. And we should have the chance to do so.

This is not a bill to promote investment in our economy. This bill will discourage investment. As SEC Chairman Schapiro wrote:

If the balance is tipped to the point where investors are not confident that there are appropriate protections, investors will lose confidence in our markets, and capital formation will ultimately be made more difficult and expensive.

Unless we protect investors, they will not invest in our economy. We can only add those protections if we slow this rush, debate this bill, and amend it. If we invoke cloture now, we end debate rather than beginning it. If we invoke cloture, we restrict amendment rather

than allowing it. That would be a grave mistake, one that puts American investors, American workers and the stability of our economy at risk, and I urge my colleagues not to walk that path.

Again, this bill would allow companies to advertise these virtually unregulated stock offerings on television or on billboards. This House bill would allow large companies with thousands of shareholders to avoid SEC 09regulation. The House bill would allow banks of any size to avoid SEC 09regulation if they have fewer than 1,200 shareholders. The House bill would allow companies with annual sales of up to \$1 billion to evade the most basic transparency, accountability, and disclosure requirements in making initial public offerings.

This is not a bill which will promote investment in our economy. This bill will discourage investment. As SEC Chairman Schapiro wrote us:

If the balance is tipped to the point where investors are not confident that there are appropriate protections, investors will lose confidence in our markets.

That is why the Council of Institutional Investors warns us "this legislation will likely create more risks to investors than jobs."

This is not a bill which will allow new opportunities for American workers but one which will create new opportunities for fraudsters and boiler-room crooks. I urge defeat of cloture. We should not end debate on this bill and make it more difficult to amend this bill by restricting amendments.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

JUMPSTART OUR BUSINESS STARTUPS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3606, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Pending:

Reid (for Reed) amendment No. 1833, in the nature of a substitute.

Reid amendment No. 1834 (to amendment No. 1833), to change the enactment date.

Reid amendment No. 1835 (to amendment No. 1834), of a perfecting nature.

Reid (for Cantwell) amendment No. 1836 (to the language proposed to be stricken by amendment No. 1833), to reauthorize the Export-Import Bank of the United States.

Reid amendment No. 1837 (to amendment No. 1836), to change the enactment date.

Reid motion to recommit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid amendment No. 1838, to change the enactment date.

Reid amendment No. 1839 (to (the instructions) amendment No. 1838), of a perfecting nature.

Reid amendment No. 1840 (to amendment No. 1839), of a perfecting nature.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Ben Nelson, Jon Tester, Charles E. Schumer, Joe Manchin III, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Tom Udall, Jim Webb, Barbara Boxer.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 3606, an act to increase American job creation and economic growth by improving access to public capital markets for emerging growth companies, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 76, nays 22, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—76

Alexander	Hagan	Nelson (FL)
Ayotte	Hatch	Paul
Barrasso	Heller	Portman
Begich	Hoeven	Pryor
Bennet	Hutchison	Reid
Bingaman	Inhofe	Risch
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Brown (MA)	Johanns	Rubio
Burr	Johnson (SD)	Schumer
Cantwell	Johnson (WI)	Sessions
Carper	Kerry	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kohl	Snowe
Coats	Kyl	Stabenow
Coburn	Lee	Tester
Cochran	Lieberman	Thune
Collins	Lugar	Toomey
Coons	Manchin	Udall (CO)
Corker	McCain	Udall (NM)
Cornyn	McCaskill	Vitter
DeMint	McConnell	Warner
Durbin	Moran	Wicker
Enzi	Murkowski	Wyden
Graham	Murray	
Grassley	Nelson (NE)	

NAYS—22

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Blumenthal	Harkin	Reed
Boxer	Landrieu	Sanders
Brown (OH)	Lautenberg	Webb
Cardin	Leahy	Whitehouse
Conrad	Levin	
Feinstein	Menendez	

NOT VOTING—2

Crapo	Kirk
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The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 22. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to commit falls as being inconsistent with cloture.

Mr. REID. Mr. President, I raise a germaneness point of order against the pending Cantwell-Graham amendment.

The PRESIDING OFFICER. The point of order is well taken, and the amendment falls.

Mr. REID. Mr. President, I raise a germaneness point of order against the Reed-Landrieu-Levin-Brown of Ohio substitute.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

AMENDMENT NO. 1884

Mr. REID. Mr. President, I call up amendment No. 1884, offered by Senators MERKLEY, BENNET, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Nevada [Mr. REID], for Mr. MERKLEY, Mr. BENNET, and Mr. BROWN of Massachusetts, proposes an amendment numbered 1884.

(The amendment is printed in the RECORD of Monday, March 19, 2012, under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1931 TO AMENDMENT NO. 1884

Mr. REID. Mr. President, I call up the second-degree amendment, No. 1931, offered by Senator REED of Rhode Island.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, proposes an amendment numbered 1931 to amendment No. 1884.

The amendment is as follows:

At the end, add the following. "The Commission shall revise the definition of the term 'held of record' pursuant to section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 781(g)(5)) to include beneficial owners of such class of securities."

Mr. REID. Mr. President, the bill before this body had broad bipartisan support, bicameral in nature. The bill we are considering today is the IPO bill, of course. The bill passed the House by an overwhelming majority. President Obama supports it.

I want everybody to know that the bill is imperfect, and that perhaps is an understatement. What we are trying to do with amendments offered by Senators MERKLEY and REED is to improve this bill, which has a lot of problems. These two amendments would go a long way toward correcting those.

This is an important piece of legislation, and we are confident that it will improve innovators' access to capital and give startups the flexibility they need to hire and grow. But it is not perfect, I repeat. As with any other piece of legislation, there are ways we can improve it. On this bill, there are many ways we can improve it. I am sorry we cannot do more.

To that end, the Senate will consider two germane amendments to this IPO bill that will protect investors and prevent fraud.

The first amendment is sponsored by Senator MERKLEY and others. It deals with companies that raise capital online from small investors. This amendment will ensure that watchdogs are in place to protect the small investors and their money from fraudulent companies and abuse of the system.

People are lurking out there waiting for ways to cheat. I am sorry, but it is true. These are people who are either amoral or immoral, looking for opportunities to make money. I appreciate very much the work that a number of Senators have put into this amendment. It is an important amendment, and it is so important to improving this bill. You will hear much more this afternoon from the sponsors of the amendment about why it is so important.

The second amendment is sponsored by Senator REED of Rhode Island. All Senators have stature, but JACK REED, with his military background, his experience in the House, and his experience in the Senate, is a man we all look to for leadership. His amendment will ensure fair and honest disclosure by companies raising capital. It will stop businesses from gaming the system and avoiding oversight by hiding thousands—or maybe tens of thousands—of investors. This will stop when this amendment passes.

Democrats and Republicans agree that we need to pass the IPO bill and make it easier for American companies to raise capital, to grow operations, and to hire new workers, but we must do so in a way that balances the needs and rights of investors and prevents fraud and abuse.

These two amendments will accomplish that. These two amendments are not going to make the bill perfect, but it will be a lot better.

While the IPO measure before the Senate today is an important piece of legislation, experts agree its impact on job creation will be somewhat limited.

This legislation is something that is before this body. Yesterday, Senate Re-

publicans blocked a bill that would create, in 1 year, as it did this year that we are in, 300,000 jobs. It is hard to comprehend, but people who sponsored the amendment voted against it. But this isn't anything new. I think it is such callous disregard for what is fair and right.

The Republican leader has been talking nonstop about how important it is for Congress to continue to create jobs. So I am disappointed—and that is an understatement—that yesterday Senate Republicans, led by my friend the Republican leader, rejected an opportunity to help American exporters grow and hire.

The Ex-Im Bank helps American exporters compete in a global economy, and it has always enjoyed broad, bipartisan support—until this Republican minority stepped in here. The last time it was offered, in 2006, a Republican offered it. It got unanimous consent to pass. This legislation has been going since the 1930s. It is backed by the National Association of Manufacturers, the Chamber of Commerce, the Business Roundtable, and labor unions. All my Republican friends can explain to the Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable that not only did they kill this bill but they stopped the deficit from going down by \$1 billion, because the Ex-Im Bank bill reduces the deficit by \$1 billion. Of course, it had Republican cosponsors.

In fact, my Republican colleagues, including many who voted against this amendment yesterday, admitted they support the legislation. I had a number of Senators come to me saying, we like it. As I said yesterday in my remarks, they are voting against a bill they say they like. The Republican leader said a number of things yesterday, but he said he wanted to vote down this worthy proposal because he wants to pass it separately.

We understand what is going on here. The Republican-dominated House of Representatives wants to send over here a hollow shell of the Ex-Im Bank, and they would look to us and say that we now have an Ex-Im Bank bill. What they have come up with is so foolish, and that is a good description of it. Their offer is hollow. They want to appear to support the Ex-Im Bank and at the same time kill it.

Democrats actually do support the Ex-Im Bank, and we made that very clear to everybody and voted accordingly. We want it to become law.

House Republicans have shown no desire to even consider this important jobs measure—let alone pass it. The only way to ensure the Ex-Im Bank can continue to help American companies grow and create jobs is for the Senate to attach it to this IPO bill, and that failed.

Yesterday, Senate Republicans had an opportunity to join with Democrats

to create hundreds of thousands of jobs in this country over the next many years. They passed up that opportunity. Once again, they chose to pick an unnecessary fight instead. They want to fight over even things they agree with. How do you like that one? They love this bill, but they want to fight about it.

Our No. 1 priority is to create jobs, and we have shown that. It is obvious that the Republicans don't have their priorities straight. But this is something we have had to live with.

We are going to work with the minority to come up with a time to have a vote. The time expires around 6 o'clock tonight. Because of a number of things going on here today, I hope we can have a vote earlier than that. We will do our best to work with the Republican leader to try to come up with a vote. There will be three votes: Merkley, Reed, and final passage.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I ask to speak for up to 10 minutes, with Senator MERKLEY following me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I rise to speak in strong support of the capital formation bill that we received cloture on a few minutes ago.

In a place where we too often get bogged down by politics, this legislation reflects a strong, bipartisan commitment to creating jobs by ensuring that small businesses have access to critical capital that they need. This legislation has tremendous potential to create jobs and spur economic growth and innovation. The key component to achieving all of these goals is ensuring that small businesses have access to the capital they need to grow their businesses and create jobs.

This legislation is a rare instance in Congress where both Chambers in both parties come together to focus on this Nation's most urgent priority, and that is jobs. The President has already expressed his support for it. So let's get this bill done and off to him for his signature.

Over the past few years, I have held 12 small business opportunity workshops all over the State of Montana. Without a doubt, access to capital is always one of the most critical issues that I hear from small business owners. Access to capital makes all the difference for a small business. If the money is there, so is the expansion; so is the capacity to do more research and development; so is the next great idea. Without capital, though, there is no growth, no risk-taking, and there are no jobs.

Montana is a State of entrepreneurs. It is a frontier State. It has a tradition of self-reliance, which is clearly reflected in the entrepreneurs and the successful and innovative small businesses they have created and grown in

this great State. They clearly reflect America's entrepreneurial spirit, which helps keep rural America strong and makes our economy the most innovative in the world.

Our small businesses in Montana vary from family farms, ranches, and one-man manufacturing shops, to innovative biotech companies and cutting-edge information analytics firms. Many of these newer firms have the opportunity to change the landscape when it comes to diversifying Montana's economy.

According to research from the Kauffman Foundation, nearly all net jobs created since 1980 have come from firms 5 years or younger. The role of startups in creating jobs and driving innovation has been well documented, but that ability to create jobs is limited if these firms do not have access to financing to scale and to grow their companies. So central to job creation is making sure investors and capital markets are accessible for startups.

Because of this potential for growth, we need to do all we can to empower these businesses with the tools they need to survive and thrive at every stage of their development. These young companies must be able to access the capital they need to bring innovative ideas and products to the marketplace.

Back in July I held the first of a series of hearings in the Banking Committee to examine the challenges and opportunities facing innovative small businesses as they try to access capital. A major take-away from the hearing was the need to ensure that capital markets remain within reach of startups at various stages of their development, particularly in the stages before they may be ready to go public.

A key recommendation offered at the hearing came from Rob Bargatze of Ligocyte Pharmaceuticals in Bozeman, MT. He said we should take a closer look at updating SEC regulation A to better enable small businesses to raise capital through these public offerings. The regulation A exemption was created in the Securities Act of 1933 to provide small companies with an opportunity to raise capital without being subject to full registration with the SEC.

Ligocyte is developing a new norovirus vaccine with the potential to prevent hospitalization and save significant health care costs—and to create those jobs of the future. Working through the FDA approval process is not easy. It requires years of hard work and tens of millions of dollars. It can be tough for any company to stick it out for that long or for that much money, but for a small firm in Bozeman, MT, it can be especially difficult. Access to capital to fund their clinical trials will be the determining factor in their ability to gain FDA approval.

Back in September, Senator TOOMEY and I introduced the Small Company

Capital Formation Act to update regulation A by increasing the total amount of capital that can be raised through these offerings to \$50 million, while protecting new investors. Currently, the businesses can only raise \$5 million under regulation A—a limit that has not been updated in nearly 20 years and one that many view as too low to be a valuable tool in raising capital.

The bill maintains the most attractive elements of regulation A, including the ability for issuers to test the waters before registering with the SEC. It also preserves the nonrestricted status of securities sold through a reg A offering so that these securities can be resold to investors after the initial offering.

New investor protections include a requirement that issuers file an audited financial statement with the SEC—a requirement that has been included in the legislation that I introduced as well as the House bill before us today. The bill also directs the SEC to establish additional disclosure requirements and requires issuers to electronically file offering statements with the Commission.

Additionally, the bill subjects those offering or selling securities under regulation A to negligence-based liability under section 12(a)(2), and it includes disqualification provisions to prevent bad actors from making these offerings in a way that is consistent with Dodd-Frank.

From what I have heard said about the House version of regulation A, you would presume none of these investor protections are included. Let me clarify that the bill I introduced with Senator TOOMEY, S. 1544, is identical to the language included in the House bill, H.R. 3606, that is before us today.

The truth is that the substitute amendment that was voted on yesterday made very minor changes to this portion of the House bill, such as changing a "may" to a "shall" and adding a study by the SEC 5 years after implementation of these changes.

We should have been able to pass this bill by a voice vote here in the Senate since this bill has enjoyed strong bipartisan support in the Senate, with six bipartisan cosponsors. Regardless of that, I am pleased that this balanced bill also enjoyed a 420-to-1 vote in the House—420 for, 1 against. Imagine that—all but one voting Member of the House of Representatives agree on this bill.

I would also note the SEC's recently released recommendation from its Forum on Small Business Capital Formation increasing the regulation A exemption to \$50 million was one of the top recommendations at this forum.

By the way, this is an idea which has been in the SEC's Forum on Small Business Capital Formation recommendations almost every year since

1993, the year after the limit was last raised to \$5 million. So the idea that this is some risky new idea is not correct. In fact, at a briefing with the SEC 09a few weeks ago, SEC lawyers suggested that there was absolutely nothing scary about S. 1544 and that they felt very comfortable with the existing investor protections included in that bill.

The bottom line is that I am thrilled we will finally have an opportunity to pass this legislation—hopefully very soon—and get it to the President's desk.

What does this legislation mean for Montana entrepreneurs? Let me cite a few examples.

For Brett Baker, president and CEO of Microbion Corporation in Bozeman, lifting the cap on regulation A offerings will provide him with broader opportunities to raise capital. Instead of worrying about where the next phase of financing will come from, he can focus on discovery and research, working with the Department of Defense to use compounds Microbion discovered to treat antibiotic-resistant wounds. These changes will also allow a company such as Microbion to access capital at an earlier stage without diluting its earlier investors who believed in them from the earliest days of that company. And raising capital publicly through regulation A would also give folks in Bozeman who know about the company an opportunity to share in its success, something that is not possible now unless they are an accredited investor.

More broadly, this legislation is going to provide small businesses in Montana's emerging data and biotech industries with new tools and options to access capital at different stages of development, and it will also provide necessary updates to existing regulations. For example, changes to the SEC's 500 shareholder rule would ensure companies, such as investment brokerage D.A. Davidson in Great Falls, can continue to provide their employees with stock in the company without having to go through a costly and time-consuming registration process with the SEC. This Montana-grown company dates back over 75 years and has always believed in rewarding its employees so they can have a stake in the success of the firm, which now operates in 16 States. Without these changes, a company such as D.A. Davidson would be faced with the choice of costly public registration or potentially eliminating existing employee shareholders.

For companies such as Rivertop Renewables in Missoula, this legislation will provide them with an onramp to going public if that is an option they choose to take one day. Rivertop has begun full-scale production of their groundbreaking green biochemical products used in commercial products

such as dishwashing detergents and de-icer. These changes will ensure that Rivertop will have multiple strategies at their disposal so they can go public at a time that is right for them and take advantage of the public markets as they continue commercialization of their products.

For Lance Trebesch of ticketprinting.com and Ticket River, this legislation will enable him to grow his ticket printing, event management, and online ticket printing firm. Since 1997 this company has expanded its reach internationally, with over 25 employees in Bozeman and Harlowton, MT.

This bill will ensure that entrepreneurs across the State of Montana will have a whole new set of tools at their disposal so they can make smart decisions about their future to develop and expand their businesses. They will have more choices and better access to capital markets, which should also give them more leeway to create and innovate.

We have seen ecosystems of support for small businesses such as these as they spring up in virtually every county in Montana. Obviously, the success of these companies has implications for job creation and growth, but there are also tremendous opportunities for innovation.

It is not surprising that in Montana so many startups have located near universities in Missoula and Bozeman. In fact, many of these firms got their start with discoveries in the labs at Montana State and the University of Montana. With this legislation, the possibilities are endless for Montana and for entrepreneurs and innovators across Montana and this Nation.

Mr. President, I look forward to voting on this legislation and getting it to the President for his signature.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that at the conclusion of the remarks of Senator MERKLEY and Senator BENNET, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1884

Mr. MERKLEY. Mr. President, I rise to speak to amendment No. 1884. Specifically, this is the crowdfunding amendment. That might be a term that is new to many, so let me explain.

The Internet provides new opportunities for capital to reach small businesses and startup entrepreneurs, and what this crowdfunding amendment does is to say that when the crowd; that is, all of those who are surfing the Internet, goes to a funding portal on the Internet, a Web site, to support a company, to invest in a company, there

is an orderly process that adequately facilitates this type of opportunity while providing fundamental investor protections. So this will be an effective instrument of capital formation because, indeed, if crowdfunding becomes a situation where inaccurate information is put forward, where there is no accountability, where there are pump-and-dump schemes, then the reputation of crowdfunding will be deeply damaged and the opportunity for capital formation will be equally affected.

This follows on a model that is already on the Internet in some other contexts. For example, you can visit a Web site called kickstarter.com, and you as an individual can look at a host of concepts that are being put forward for social and artistic activities across this country. You can say: Yes, I want to help that artist build that sculpture or so on and so forth. They may say how much money they want to raise, and you would decide what you want to donate. That is a donation model. You also can go to Web sites such as prosper.com or kiva.com, and these are peer-to-peer lending Web sites. If you go to prosper.com, you will see a whole list of folks who are saying: Yes, I want to consolidate my credit cards, I would like to borrow X amount and I am offering an interest rate of such-and-such, and here is a little bit of background, and you can decide if you want to lend to that individual or not. That is peer-to-peer lending.

Well, what crowdfunding does is to create an equal opportunity for folks to invest in early-stage businesses, startup businesses, small businesses. Imagine, for example, you run into someone at a cafe who says: I have this new idea for a coffee shop called Starbucks. I am going to call it Starbucks. Would you like to help me launch this?

And you say: Well, another coffee shop—I don't know if the world needs another coffee shop.

Maybe you jump in and maybe you don't. Then years later, you say: Oh, I should have seized that opportunity.

Well, through a crowdfunding portal, you get to hear those stories. You get to read those stories being presented by folks from across the country about their efforts, and you can decide if you want to participate.

Now, crowdfunding is in the larger capital formation bill that comes to us from the House, but that particular formulation is deeply flawed, and I am going to walk through a series of differences between the House bill and the Senate bill for my colleagues so they can understand why we need to pass amendment 1884.

The first factor is that the House bill does not require someone listing themselves or asking for startup money to provide any financial information. Well, that is a huge mistake. If there is no information, there is nothing to

guide, if you will, the wisdom of the crowd.

What we do in this Senate amendment is to create a simplified format. If you are seeking less than \$100,000, then your CEO simply certifies what the financials are for the company. If you are seeking from \$100,000 to \$500,000, then you need to have a CPA review the financial statements. If you are seeking more than \$500,000, then you need to have audited financial statements. So, as the amount of money you are asking for increases, the degree to which you need to do due diligence financially and present the details increases as well.

There is certainly nothing that would prevent a particular Web site from establishing its own standards above and beyond these particular levels.

A second thing is it is critical there be accountability for the accuracy of the information. The House bill not only doesn't even require information, but they put out information and there is no accountability. Basically, it is an invitation to spin any story one likes.

What the Senate bill says is, in order for this capital market to work well one has to stand behind the accuracy of their information. It has basic liability accountability; that is, as a director or officer of this organization, they are standing behind the accuracy of what they put out. It has a due diligence protection so this is very balanced. It has a requirement that the information be relevant or germane to the conduct of the company. So that is another protection for the business itself. So it is balanced between the two. But this can give investors a basic belief that what is being set up are reasonable amounts of information proportional to the request and that the officers and directors are standing behind this information. That creates the foundation for an effective marketplace.

A third distinction between the House bill and our amendment No. 1884 is the House bill does not require companies to go through an intermediary. In other words, under the House bill, if someone wants to promote their company, they can simply put out an e-mail. An e-mail can say anything they want because they are not responsible for the accuracy, and they can send it to everyone in the world. They can proceed to put up popup ads that simply promote their company—again, with no accuracy required. But by creating an Internet intermediary and that intermediary has to register, we create a streamlined formulation so they have a funding portal registration much simpler than a broker dealer. But in doing so, they agree they are not going to take any position on the various investment opportunities they are listing. So you truly are the marketplace. They are not saying, by the way, that particular offering by that company is

a sweet deal. They can't pump it; they can't favor it. So you are a neutral marketplace, again, enabling the investor to know they are getting straightforward information, not something that is spun.

Another distinction is the House bill has no aggregate caps. The result of that is that a person could lose their entire life savings in one fell swoop. The Senate bill puts on very reasonable proportional caps that say if one's income is \$40,000 or less, their cap is \$2,000; if they are between \$40,000 and \$100,000, their cap is 5 percent of their annual income; if they are over \$100,000, it is 10 percent. So it allows for larger amounts of money from those who have much higher incomes but provides basic aggregate cap protections so we don't end up with folks who are on public services because they were swindled out of everything they had.

Another key distinction is that under the House bill one can list their offering and close their offering within a single day, which provides absolutely no feedback loop for any type of detected deception. Under the Senate bill, we create a 3-week period from one's listing to their closing. So one lists their idea. If enough people sign up to reach one's funding request level—say one has requested to raise \$600,000. If enough people sign up and they are investing \$100,000 here, \$1,000 there that one reaches their goal, as soon as the 21-day period expires, then they close. So that does give time for some sort of feedback loops regarding any sort of fraudulent activity.

Another distinction is that the House bill allows a company to pay promoters and not disclose it. That is called pumping. If one has ever seen the movie "Boiler Room," one can see a basic classic pump-and-dump scheme, where a roomful of folks on the phone are calling people, cold-calling them, and they are saying: Hey, I am calling because I am giving you this incredible investment opportunity and here is the story. They can say anything they want and they can talk people into buying that stock and then the stock is actually being purchased from the folks who own the boiler room. Then, as soon as they sell all the stock they have, they quit making phone calls, the value of the stock drops, and everybody who invested loses out. That is a classic boiler room. That is a classic pump and dump. The House bill allows paid promotion with no disclosure.

The Senate bill says if they are going to get on the blog's site within a Web site portal and say favorable things about a stock and if they are paid by the company to do it, they have to disclose that. They simply say: Hey, I am employed by such and such, but I want to bring to your attention some merits of this. But at least the public knows where they are coming from.

Another essential issue is the issue of dilution. Dilution is not a solution in this world; it is a problem. Those are folks who get in on the front end and think: I got in on this idea early. I am going to benefit from having made this effort, and find out later a bigger investor came in and the stock was diluted in a fashion in which they are basically written out of their share of the ownership. So the Senate bill directs the SEC 09to provide investor protections in this area.

These are key distinctions. These are the distinctions between a solid foundation for capital formation in this incredibly exciting new opportunity, new market, and simply a path to predatory schemes that the House is providing. That is why I am encouraging my colleagues to support the amendment Senator BENNET, who will be speaking next, and I have put together and a number of our colleagues have joined us, including Senator LANDRIEU and Senator SCOTT BROWN. This is a credible foundation for an exciting idea.

Let me close with this notion; that is, that across America, Americans have \$17 trillion invested in their retirement accounts. If they were to put 1 percent of those funds into this type of crowdfunding startup, they would be providing \$170 billion of investment potential for small companies and startup companies. That is an incredibly powerful potential form of capital to put America forward. It is small businesses that create most of the jobs, and this capital formation idea will help in that. Let's get it done.

I certainly deeply appreciate the contributions of my colleague from Colorado, Senator BENNET, who will make his points.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I wish to recognize the Senator from Oregon, Mr. MERKLEY, for his leadership on this issue and for his willingness, when times got tough, to dig even deeper and make sure we get to the balanced approach that is reflected in this amendment. It is a bipartisan amendment, which around this place I think is worthy of all of us taking a moment to recognize, and it is an amendment the people who know most about crowdfunding support. I wish to read several paragraphs from some of those folks.

From Launcht, which is a crowdfunding platform, they note that our compromise:

[i]s important because, unlike previous bills, for the first time, we have a Senate bill with bipartisan sponsorship, a balance of state oversight and federal uniformity, industry standard investor protections, and workable funding caps.

From the National Small Business Association, we hear that our compromise:

[w]ould promote entrepreneurship, job creation and economic growth by making it much easier for small companies to raise capital and get new ideas off the ground. This legislation represents a reasonable effort to accommodate differing points of view and to move this important idea forward.

One prominent investor protection advocate wrote that:

[t]he CROWDFUND Act addresses this concern by providing significant regulatory relief to very small issuers without unreasonably compromising the investor protection provisions on which the federal securities laws are grounded and the long-term success of the U.S. securities markets has been based.

The Senator from Oregon did an excellent job of describing the provisions in this bill, so I am not going to go over that ground again. But I do wish to talk for a moment before I yield to the Senator from Rhode Island about what it is we are trying to solve. Too often I think we don't ask ourselves what the nature of the problem is we are trying to solve before we actually set about solving it, and then—no surprise—we end up actually making matters worse.

In my townhalls the chief concern of the people who come is that median family income has continued to decline in this country. For the first time in this country's history, the middle class is earning less at the end of the decade than they were at the beginning of the decade. That has never happened before in the United States.

So person after person has come and said: MICHAEL, I have done what I was supposed to do. I kept working at my job. Nobody said I didn't do a good job. But my wage is actually less in real dollars today than it was at the beginning of the decade, but the cost of health insurance continues to go up, the cost of college. I have had at least half a dozen people say to me they cannot afford to send their kid to the best college they got into. I can't think of anything that is more of a waste of our productivity than that.

The essential problem we are facing in this economy is structural. Our gross domestic product, believe it or not, as we stand here, is higher than it was when we went into this recession, the worst recession since the Great Depression. Productivity is also way up. The efficiency with which we are driving that economic growth is way up because we have had to respond to competition from abroad. We can't take anything for granted anymore. We have employed technology to drive productivity from the cotton pickers in my wife's hometown to the largest Fortune 500 companies that we have, and we have 23 or 24 million people who are either unemployed or underemployed in this economy.

The economic output is back, but it has decoupled from wages and it has decoupled from job growth and that was true before we went into the worst

recession. You see, the last period of economic growth in this country's history is the first time our economy grew and wages fell, that our economy grew and that we lost jobs. It was a decoupling of economic growth from wage growth and from job growth. There is something terribly wrong with that picture, and it is creating an enormous downward pressure on the middle class in this country.

There are a bunch of things we need to do, but there are two major things that I think we need to do; one is, we need to educate our people for the 21st century. The worst the unemployment rate ever got for people with a college degree in the worst recession since the Great Depression, the one we just went through, was 4.5 percent. That is a pretty good stress test, it seems to me, of the value of a college education in the 21st century. But as a country today, if someone is a child living in poverty, their chances of getting a college degree are 9 in 100. If we don't change the way we educate people in this country, we will continue to see 91 of 100 children living in poverty constrained to the margin of our economy and the margin of this democracy. That is an important piece of work. We have a vital national interest in that, and we are not paying attention to it here.

But also we have to create the conditions in this country where we are driving innovation and driving job growth because the days of just expecting the largest companies in this country to create jobs are over. The jobs that went away in the 20th century, many of them are not coming back in the 21st century. It is about businesses that are started tomorrow and next week and the week after that and the month after that. In order to create those sorts of conditions, the amendment we have presented, this crowdfunding amendment, could unleash billions of dollars, as the Senator from Oregon said, of local investment, investment on Main Street—or on someone else's Main Street through the Internet—that could allow people with great innovative ideas for the first time to raise capital from our middle class and from other people who would like to participate in this kind of new business venture.

This is not all we need to do. There are many things we need to do, and I think there are things in this overall bill we need to fix. But this bipartisan amendment represents a real step forward. As we look to the future, it is the reason we need to do comprehensive tax reform in this Congress. It is the reason we need to fundamentally think differently in this Congress about our regulations. We should be asking ourselves the question: Are we more or less likely to be creating jobs in the United States with rising wages? I think we should put the politics of this

aside because there isn't a person in this Chamber who doesn't want to do this. We start, though, with the recognition that we have structural issues we need to resolve.

I hope everybody who hasn't had the chance to get a look at the amendment will look at it. I hope people on both sides of the aisle will support this amendment. I am very pleased it is bipartisan, with Senator MERKLEY and Senator BROWN, and I look forward to voting on this amendment this afternoon.

I see the Senator from Rhode Island is here. I thank him for his leadership on this legislation, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. REED. Mr. President, I commend Senator MERKLEY and Senator BENNET for their extraordinary work, indeed, in collaboration I believe with our colleague Senator BROWN from Massachusetts to make significant improvements in the crowdfunding provisions of the House bill. As Senator BENNET and Senator MERKLEY have indicated, this represents a potentially very productive way to raise capital, and they have provided protections that will ensure investors in this process are not disadvantaged, and I commend them for that.

It addresses one of the significant issues in the House bill but, frankly, not all the significant issues. There are some extremely glaring, I think, provisions in the House bill that we attempted to address in the Reed-Landrieu-Levin substitute. That substitute amendment, although it received a majority of votes, did not receive enough to achieve cloture to be the bill we are now considering. We are now considering the House bill.

I have an amendment to that House bill that addresses one of several difficulties with the House legislation. Investors, when they buy stock in public companies, expect routine disclosures. They expect to know on a quarterly basis, and in a very real sense on an annual basis, what is the company doing? What are the prospects of the company? All that goes hand in hand with the widely dispersed ownership of a public company. The House legislation would allow many companies with a substantial number of beneficial shareholders, the actual owners, the real owners of the stock, the ones who can vote the stock, the ones who get the dividends, the ones who vote on the proxies or directly for the leadership of the corporation—it would allow them to remain dark. This might be appropriate for some companies that have a relatively small base of real owners, but the way the House has drafted this legislation it could risk allowing a significant number of larger companies to go or remain dark.

The Securities Exchange Act of 1934 set up a system of public reporting. Be-

ginning in 1964, the SEC required that companies with at least 500 holders of record—and at least \$10 million in assets, to follow the routine reporting requirements under the securities laws. The decision was made that at that point a company does have a size that is adequate and necessary so that they should be disclosing.

The issue that is motivating the House is this 500-person requirement. It was adopted, as I said, in 1964. There is a sense that the limit is probably too low. The House version is 2,000. We make no attempt to change the House limit of 2,000 now, the new limit. But what we want to be sure of is that the individuals who are being counted are not the record holders, they are the real owners, the beneficial owners. In fact, many companies are very astute and assiduous in assuring that these record holders fall beneath this 500 level.

There are many large companies, well-known companies, as I mentioned in my previous remarks, that have thousands of beneficial owners but still have, on their own records, less than 500 holders of record. The SEC defines record holders as "each person who is identified as the owner of such securities on records of the security holders maintained by or on behalf of the issuer."

Holder of record is very direct. It is the shareholders who are recorded as such on the books of the company. This is where the term "beneficial owner" comes from. In such instances, the shares are held of record by a third party, usually a broker, on behalf of the shareholder. For example—and this is one of many examples—if you buy shares from Charles Schwab, that discount brokerage firm would likely serve as the record holder and you would be the beneficial owner. It is your money; you paid for it. It is your vote because you are a beneficial owner. It is your right to sell the shares. But as far as the company is concerned, the holder of record is the broker, Charles Schwab.

I think we have all been familiar and all received in the mail a big package of proxy materials from our broker. It is not, in many cases, directly from the company. It is from the Wells Fargo Advisors, it is from Schwab Advisors, et cetera, because they are on the records of the company as the ones who are the record holders. They distribute the material to beneficial owners.

The consequence is that for companies that may have a very few or relatively few record holders, they have thousands and thousands of beneficial owners. Those are the individuals who will lose out if the company decides, under the House bill, to suddenly go or remain dark, to avoid public reporting.

As I have indicated before, most investors today do so through intermediaries—through brokers, through

others. As a result, they would not necessarily be counted as a record holder. Record holders—the brokers, the large entities—are increasingly purely passthroughs. They are agents with no economic interest in the company, no voting rights. Those are held by the beneficial owners. That is why I believe that beneficial ownership should be the test for whether companies have to report under the Securities Exchange Act. It should encompass those who have the power to sell and/or the power to vote the shares. They are the actual shareholders. They are the individuals who management is committed by fiduciary duties to work for. So I think it is appropriate that when we raise this level to 2,000 we also ensure that it is not simply record holders, it is the beneficial owners—the real owners, for want of another term.

There also could be, for example, two identical companies with identical numbers of beneficial owners but they might have different numbers of record holders because of the way the shares are held—in trust or by a broker, et cetera. And one company reporting and one not reporting does not seem to be to be a fair or efficient way to do business.

Companies already have to obtain numbers of beneficial owners from brokers and banks in order to know how many copies of annual reports and proxy materials they have to print, so every company knows about how many beneficial numbers they have. They have to provide the proxy material through the brokerage or bank to the beneficial owners, so they know very well—in fact, quite precisely—their beneficial ownership, their real shareholders.

But using record level as the trigger to remain private, to avoid public reporting, to me again is the wrong approach. My amendment would clarify the definition in this new shareholder threshold section of the underlying bill, and ensure that companies are not avoiding these public reporting requirements by using a threshold of 2,000 record holders if they have 2,000 or fewer beneficial owners. If this is a truly small business that has 1,500 individual shareholders, beneficial owners, and they want to remain dark—that seems to be something that we certainly would countenance, and with my language it would be possible to do so.

I think this approach makes it fair for everyone. It also doesn't frustrate the expectations of a person who buys a share of nationally known stock that is publicly reported and gets a 10-Q and every year the 10-K, and suddenly they don't get anything. They wonder what is going on at the company. Maybe the company merges with another company, creates a new company, and now has less than 2000 holders of record. I think that is not an approach we should countenance. I think trans-

parency and accurate information are critical to the success of our capital markets, and I think this legislation will do that. Requiring quarterly reporting of firms with a large number of shareholders—real shareholders, beneficial shareholders—protects investors while at the same time improving overall market transparency and efficiency. From this information, those individual analysts and brokers who follow companies are able to determine their recommendations, are able to advise clients that you should buy this company, it is a good company.

When the company goes dark, that information source dries up and it is harder for individuals, brokers, investment advisors to give advice. I think this would not be helpful to the market. In fact, I think it might, ironically, impede capital formation, not facilitate capital formation.

There is one important point that has to be stressed, and that is my amendment does not affect the employee exemption in the underlying bill. The House bill has a blanket exemption for counting owners of the company for employees. We have reviewed this exemption in our legislation with eminent experts, including Prof. John Coates at Harvard Law School, and he concurs that employees would not be swept up into being counted because they happen to receive compensation through stock in their company.

There are many companies—WaWa, Wegmans—that want to have active employee participation in the company through stock plans but are private companies and want to remain private. This should allow them to do so.

Again, my legislation makes no attempt to change the underlying House bill, which gives a very broad blanket exemption for employees, who are exempted from the shareholder threshold.

There is another aspect here, too, and that is ESOPs, employee stock option plans, because they do acquire stock on behalf of employees. We specifically asked Professor Coates, one of the preeminent experts in securities law, whether this would inadvertently trigger or inadvertently complicate the beneficial ownership rule. His opinion is that ESOPs typically count as one record holder and one beneficial owner because they do not pass through the votes or the right to direct sales. They do not have the characteristics which are typical of the beneficial owner: the right to vote and the right to sell the stock. They maintain those rights. They do not delegate those to the individual employees who might be part of the pool. So Professor Coates' view is that ESOPs also would be exempt from being counted, if you will, as more than one entity.

We have also reached out to the Securities and Exchange Commission and we have received some assurances,

from talking to Meredith Cross of the SEC, that, given their rulemaking power, they have within the ambit of their power in implementing this legislation the ability to clarify any of these points. So that not just employees who receive stock through an employee plan, but an ESOP and other entities that hold stock—not on behalf of their investors but have the right as an entity such as a venture capital fund or a private equity fund—have the right at that fund level to vote and to direct the sale of the shares and receive the dividends—that they, too, would be counted as one entity.

Professor Coates, as I said, believes this will not affect the venture capital/private equity firm structures, which would typically count as one shareholder, whether of record or beneficially. The VC firm or PE firm does not pass through votes or the right to direct sales to its own investors, and the same might be said with mutual funds, pension funds, et cetera—the primary passthrough which would be counted as brokers and banks, who hold on behalf of beneficial owners.

What we have, I think, is legislation that recognizes the need to increase the number adopted in 1964, but also to recognize that the real owners of companies far exceed, in many cases, the holders or record, and that these real owners depend upon the routine reporting that is required under the Securities Exchange Act so they can be informed, so they can follow their stock. Indeed, the analysts who look closely at these companies, who make recommendations to buy and sell, also need this type of information. For this reason I have proposed this amendment. I think it is something that improves the bill. It was included in our substitute which did not receive 60 votes to pass cloture but did receive the majority of votes in this body. I think it is something, again, that will improve this legislation. I would not hesitate to add that many more improvements are necessary, but certainly this would be an improvement.

I would note the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. BARRASSO. Mr. President, on the Senate floor this morning Senator DURBIN called on Republican Members to offer to give up what he called their Federal health care. I heard his comments, and he makes an interesting argument. But, once again, Democrats in the Senate are ignoring history, as the Senator did today. They are ignoring the facts and ignoring the Democrats' record on this issue.

The truth is, Republicans in this body have already offered to give up their health insurance coverage. In fact, here is the rest of the story:

During the debate on the health care law—almost 2 years ago today—Republicans offered to forego their private coverage and instead enroll all Members of Congress in Medicaid, the government's safety-net program for low-income individuals. The Democrats in this body unanimously rejected this idea. Every Democrat voted no. This was on an amendment by former Senator LeMieux from Florida, an amendment that asked to enroll all Members of Congress in the Medicaid Program. Yet at least 50 percent of the newly covered individuals under the Democrats' new law are going to get coverage, and they will get their coverage through Medicaid.

So the President's solution for health care in this country is to put 50 percent of the newly covered individuals under Medicaid. Yet the Democratic Members of the Senate unanimously voted no. If Democrats believe Medicaid is good enough for the 24 million people they will soon force onto the rolls, my question is, Why isn't it good enough for the Democratic Members of Congress?

So I am joined today by my colleagues on the Senate floor who continue to raise questions about the health care law and so many broken promises made by this President. I am fortunate to be joined by a senior member of the Senate Finance Committee, Senator GRASSLEY.

I would ask my colleague from Iowa, as a senior member of the Senate Finance Committee, who spent a lot of time studying and debating President Obama's health care law, my question to the Senator is, Do you think the President's promises match the reality?

Mr. GRASSLEY. I say to the Senator from Wyoming, definitely not, and Americans are seeing every day that is not the case. If I could respond a little bit more in length, I would go back to 1994 and point out a problem President Clinton had, and in turn that President Obama tried to avoid about 14 years later. It was in 1994 that the health care reform issue came before the Congress—promoted by President Clinton at that time—and it failed in large part because it fundamentally changed the health care coverage for nearly every American.

We know the bill that is now law has fundamentally changed, but President Obama, in 2009—and throughout his campaign in 2008—decided he would combat the failure of the Clinton administration on health care reform, and not being successful there, by repeating over and over to Americans: "If you like what you have, you can keep it." That is basically what we heard at least 47 different times while the bill on health care reform was being debated.

We heard that from the President himself. We probably heard it from Members of this Congress hundreds of times. While it may have been politically useful to make that promise to the American people, it remains a promise he cannot keep and he did not keep.

The fact is, millions of Americans are seeing changes in their existing health plans due to the health reform law. So, basically, when the President said, "if you like what you have, you can keep it," it is not turning out that way, and Americans are seeing it every day.

The administration's regulations governing so-called "grandfathered health plans" will force most firms—up to 80 percent of the small businesses—to give up their current health care programs, and that is happening fairly regularly. When those businesses lose their grandfathered status, they immediately become subject to costly new mandates and increased premiums that follow. So the economics of health care costs and health care insurance dictate that people are not going to be able to keep what they have, as the President promised.

Families in 17 States no longer have access to child-only plans as a result of the health care law. So if you were a voter in 2008, and the President said to you "if you like what you have, you can keep it," and you wanted only health insurance for your children, you cannot do that today in these 17 States. It is not known how many families who lost coverage for their children because of the law have been able to find an affordable replacement.

Medicare Advantage covers about 20 percent of the senior citizens of America. There is a study that shows the Medicare Advantage enrollment is going to be cut in half. The choices available to seniors are going to be reduced by two-thirds. Then there is the open question about Americans who receive their health care through large employers. The CBO recently released a report that constructed a scenario where as many as 20 million Americans could lose their employer coverage.

While I acknowledge that the Congressional Budget Office report provided the number that I just mentioned as only one possible scenario, there are many who believe that is very plausible given the incentives in the health care law created for large businesses.

So I say to the Senator from Wyoming, 47 times—just while we were debating it; I don't know how many times during the campaign—this President said, "If you like what you have, you can keep it." It is a promise that was not kept.

Mr. BARRASSO. Well, I say to my colleague from Iowa, it is interesting that we take a look at this and so many promises that reflect one specific promise, "if you like what you have, you can keep it."

I practiced orthopedic surgery for 25 years, taking care of families in Wyoming. Many of those families included family members who were on Medicare, the program for our seniors. Senator GRASSLEY has made some reference in his earlier comments about seniors, people who are on Medicare, people who are having a harder time finding a doctor. This health care law clearly had an impact on seniors as well.

So I would ask my colleague from Iowa, are there specific things the Senator has been hearing as he travels around the State and visits with folks at home in terms of perhaps promises made specifically to seniors and those broken promises related to Medicare?

Mr. GRASSLEY. That is not only a promise that has been broken, that is a promise that is very easy to quantify because, on July 29, 2009, during the consideration of this health care reform law, the President said:

Medicare is a government program. But don't worry: I'm not going to touch it.

So let's take a look at the health care law and see if that promise was kept. The health care law made significant cuts in Medicare programs. This is what we can quantify in dollars and cents.

On April 22, 2010, the Chief Actuary of Medicare analyzed the law and found that it would cut Medicare by \$575 billion over 10 years. The President said, about Medicare, as I told you, "I'm not going to touch it." But the President has touched it in a big way: \$575 billion out of Medicare.

Medicare is on a path to go broke by 2021; \$575 billion is not going to guarantee Medicare for everybody in the future. We have to reform and change Medicare if that promise is going to be kept. We all want to do that, but the President has made that more difficult.

The Congressional Budget Office wrote that over \$500 billion in Medicare reductions "would not enhance the ability of the government to pay for future Medicare benefits." You know what the President said during the debate on this bill: "I'm not going to touch it." But he has touched it in a big way.

The Chief Actuary had this to say about the Medicare reductions:

Providers—

Meaning hospitals and doctors—

Providers for whom Medicare constitutes a substantive portion of their business could

find it difficult to remain profitable and, absent legislative intervention, might end their participation in the program.

So not only touching 500-and-some billion dollars, but also touching it in a way of limiting access for senior citizens of America when the President said, "I'm not going to touch it," he misled the American people.

The CM Actuary said, in essence, these cuts could drive providers from the Medicare Program. I have a hard time understanding how these massive cuts to Medicare count as somehow: I'm not going to touch Medicare.

On the other hand, the biggest problem facing Medicare in the near term is a physicians payment update problem that we constantly have to address and could have been addressed in the health care reform bill. You know what. It was not addressed. Of course nothing was done about it. Perhaps that is what the President meant when he said about Medicare, I say to the Senator from Wyoming, "I'm not going to touch it."

Mr. BARRASSO. That clearly points out to the people around the country what they know, and if they are on Medicare that it is that much more challenging for them to even find a doctor because of the \$500 billion of cuts to Medicare—and not to save Medicare, not to strengthen Medicare, but to start a whole new government program for other people. So those are several of the promises the President made.

We just heard from my colleague from Iowa, "if you like what you have, you can keep it." We know that promise has been broken, and now the promises by the President—I will protect Medicare—which is clearly not the case, as the American people have seen, which is why this health care law is even more unpopular today than it was when it was passed.

But thinking back to the time it was passed, the Senator from Missouri Mr. BLUNT, who is joining us on the floor, was very actively involved in the debate and the discussions in pointing out the concerns people in his home State had with regard to the health care law and the objections he heard. My recollection is that there was even an issue on the ballot about the health care law and mandates and related issues.

So I ask my friend and colleague from Missouri if there are comments he would like to add to help with this discussion of the broken promises of the Obama health care law.

Mr. BLUNT. Mr. President, I thank the doctor for his leadership on this issue during the debate on the health care law itself and right up to now, the second anniversary of it being signed into law. Certainly Missouri voters were the first voters who went to the polling place and registered their views on this. As I recall, 72 percent said they

did not want to be a part of it. The famous comment made on the other side of the building by the Speaker—we will know what is in the bill once we pass it—has proven to be very true and not very positive from the point of view of that bill.

The Senator from Wyoming and Senator GRASSLEY have talked about the promises made already—the promise not to touch Medicare, the promise that if you like what you have, you can keep it—surely nobody can say that with a straight face anymore—and the promise during the campaign that there wouldn't be a mandate.

Four years ago this was the big division of the two principal candidates for the nomination on that side. Senator Obama's view was that there would be no mandate, that there was no need for a mandate. In fact, at one point he said that having a mandate would be like solving homelessness by mandating that everybody buy a house. Now, that is not my quote, that is President Obama's quote when he was Senator Obama—having a mandate on health care would be like solving the housing problem by saying we are going to require that everybody buy a house.

This plan does not work. It doesn't come together. The parts of the plan that were supposed to pay for the plan are one by one being discarded.

Remember the so-called CLASS Act, the long-term care act, which technically, I guess, would have produced some money because it collected money the first 10 years; the first 10 years, we are counting the money and we are not allowed to spend any of it for the first 10 years. So, sure, that would be a net income to the Federal Government. We are not spending and money is coming in. But even the Secretary of Health and Human Services said what many of us said at the time, which is that this plan won't work, so we are not even going to collect the money because we know there is no way this particular structure will do what it is supposed to do.

It is just one broken promise after another, it is just one set of provisions after another, and the more the American people look at it, the more they realize this just doesn't add up. Not only does it not add up financially, it doesn't add up to better health care.

We are going to see lots of people—the Congressional Budget Office recently estimated that I think 20 million people who get insurance now at work would lose that insurance at work once this goes into effect, and that was not a calculation in the original bill. Everybody was at least calculating that anybody who has insurance now would keep what their employer would continue to pay for. Well, for 20 million of them, apparently, that is not going to be the case.

I yield to the Senator from Wyoming on that topic of just what employers

are going to have to decide to do once they are faced with this new mandated policy that covers not only what they think they can afford but whatever some government official decides is the perfect policy for all Americans. Now, imagine that—the perfect policy for all Americans. One-size-fits-all almost always means that one size doesn't fit anybody. And these employers, it is now understood, are in many cases just going to take the option that they will pay the penalty that is less than they are paying now for insurance or they are going to have to require their employees to go get their insurance in a subsidized exchange. That means taxpayers will be helping buy insurance for people who today have insurance through their employers at the rate of at least 20 million, and I think that number will be a lot higher than that.

Mr. BARRASSO. Well, it does seem that way to me, to the point that now, 2 years out, Senator COBURN and I put together a report on what we are finding. It is a checkup on the Federal health law, and the title is "Warning: Side Effects." That is because there are huge side effects from this health care law. The four that we have written out on the prescription pad, as we see it, on the prescription pad handed out by President Obama, No. 1 is fewer choices; No. 2, we have higher taxes; No. 3, more government; and No. 4 is less innovation. That is what the American people are seeing as the side effects of this health care law. People don't want few choices, they want more choices. People don't want higher taxes, they want lower taxes. They don't want more government, they want less government. They don't want less innovation, they want more innovation. That is what the American people asked for.

There was a reason to do health care reform—because people wanted the care they need from a doctor they want at a cost they can afford. I know that is what my colleague from Iowa sees when he goes home every weekend and talks to people in his home communities.

Mr. GRASSLEY. Mr. President, if I could add one thing at this point, we don't really know how bad this law is yet. I am going to add something to what Senator BLUNT said when he quoted the Speaker of the House saying that we don't really know what is in this bill and we are going to have to pass it to find out what is in it. That is what she had to say to get a majority vote even within her own party to get it through the House of Representatives. But, in a sense, she is right. One could understand every letter of this law, but it has 1,693 delegations of authority for the Secretary to write regulations, and until they are written, we aren't really going to know what is in it. We remember the accountable care organization rules that came out. Six

pages out of 2,700 in the bill dealt with accountable care organizations, but the first regulations that were written were 350 pages long. So we really won't know how bad this legislation is maybe for a few years down the road, and hopefully we never get that far down the road.

Mr. BARRASSO. My understanding of the accountable care organization component is that the very health programs the accountable care organizations were modeled after, the ones the President held up as the models across the country—one was in Utah, one was Geisinger in Pennsylvania, and I believe the Mayo Clinic may have been a third—once those 350 pages of regulations came out, the programs the President said were the models we want to follow, they all said: We can't comply with these regulations. They are too stringent. They are too confining. They will not work in our program.

So if it is not going to work in the places where the President said they are doing it well, to me that means they are not going to work anywhere in Wyoming and very likely not anywhere in Iowa or anywhere in Missouri as we try to make sure patients get the care they need from the doctor they want at a cost they can afford.

That is why I continue to look at this health care law and go home every weekend and talk to people, and I continue to hear that this bill is bad for patients, bad for providers—the nurses and the doctors who take care of the patients—and bad for taxpayers.

When we take a look at Medicare—and Senator BLUNT made a comment about Medicare and some of the changes—who is going to make these decisions? It looks to me as though, from reading through this law, it is about 15 unelected bureaucrats with this so-called Independent Payment Advisory Board who will decide what hospitals will get paid for providing various services. So in small communities, the hospital may say: Well, we can no longer offer that service. I have heard my colleagues talk about the specific loss of the ability of hospitals to even stay profitable with some of the cuts, from taking \$500 billion away from Medicare, again, not to save and strengthen Medicare but to start a whole new government program for others.

Those are the things we are dealing with and why, at townhall meeting after townhall meeting, people continue to tell me they want this repealed and they want it replaced with patient-centered health care—not government-centered, not insurance company-centered, but patient-centered health care. That is what people are asking for, and they get tired of all these broken promises the President has made.

I remember the President said he was going to bring down the price of pre-

miums by \$2,500 per family per year. What family wouldn't want that? The whole purpose of the health care law initially was to get the costs of health care under control. This didn't do it.

If I go to a townhall meeting, as I did not too long ago in Wyoming, and say: How many of you under the new health care law are finding that you are paying more for health insurance, not the \$2,500 less a year the President promised, but how many are paying more, every hand goes up. Then we ask the question: How many of you believe the quality and the availability of your own care is going to go down as a result of this health care law, and every hand goes up. I know that in the Show Me State of Missouri, that is not what people want. They don't want to pay more and get less. I don't know if my colleague has been hearing things similar to that at home.

Mr. BLUNT. I think that is what we are all hearing. Whether you are for this bill or not, my guess is that you are hearing that if you are asking that question.

Another of the President's promises was that an average family, if this health care plan went into effect, would pay \$2,500 less, as the doctor just said, per year. In fact, since he became President, insurance premiums have risen by \$2,213 a year—not a \$2,500 cut but a \$2,213 increase, according to the Kaiser Family Foundation. The survey says that in 2008, for employer-provided insurance, the average family premium was \$12,860. Last year it was \$15,073. These are incredible increases for families, coupled with the bad energy policies and other policies that put families into a condition they would hope not to be in and we hope for them not to be in. So you have increased costs to families, increased costs to the system.

That is the other thing the President said. Another broken promise was that this health care bill would control costs. Recently, according to the Medicare Actuary—the person who calculates these costs—the estimate was that national health spending would go up at least \$311 billion over 10 years under this plan. Now, that is not cost control; that is \$311 billion, almost one-third of \$1 trillion in increases.

Payment reductions to hospitals—the Senator from Wyoming mentioned this board that will make these decisions. I am not sure there will be enough people on that board who understand rural hospitals and understand why it is critical that rural hospitals that are critical-care hospitals continue to have different arrangements with the government than others do for the government-provided health care, such as Medicare and Medicaid. And if they understand that, there may not be enough people on the board who understand the unique needs of urban hospitals that have a heavily uninsured population.

How is this 15-member board going to be better than the 500 Members who serve people in Washington now, trying to look at specifics and then be accountable? To whom is this board accountable? What decision do they make that somebody can challenge in a meaningful way, in a way that they would be really concerned about?

So it doesn't control costs as the President said it would. It doesn't reduce insurance costs as the President said it would. I think it will wind up with maybe even more people uninsured as long as the penalty paid is less than the premiums paid, particularly for young workers who are outside the system today. Under the President's plan, we eliminate the advantage they have for being young and healthy by saying: No, you can't really classify groups, whereas if a person gets life insurance, that person will certainly pay more if they are 75 than if they are 27. They are just going to pay less. It is the same way today for health insurance as well because it is clear that the likelihood of a person using that plan at 26 is different than it is at 62. So all of these things just don't add up, and people are beginning to figure that they don't add up.

I thought Senator GRASSLEY made a very good point about even when we passed the bill, we wouldn't know all of the costs of this bill until it actually goes into effect. I am very much in support of his view that we never want to let this get so far down the road where we would know how much it would really cost or all the rules and regulations we would really have because it will head health care in a direction where we might not be able to reverse course and get to a health care system that is really focused on patients and health care providers rather than government bureaucrats deciding what is the best health care for everybody. I want my doctor to decide. I want to be part of that discussion. I do not want some government bureaucrat deciding what procedure is the only procedure that is acceptable for me.

Mr. BARRASSO. It is interesting—because I know the Senator goes home, as I do, very often to talk to many of the small business owners in the State of Missouri, as I do in Wyoming, and as Senator GRASSLEY does in Iowa—one of the promises the President made is, he said 4 million small businesses may be eligible for tax credits. Well, it turns out that the key word there by the President is “may”—may be eligible.

Even the fact that the White House has sent out postcards to all these small business—the IRS spent over \$1 million of taxpayers' money to send out millions of postcards promoting the tax credit—the Treasury Department's inspector general recently testified that “the volume of credit claims has been lower than expected”—as a matter of fact, only 7 percent of the 4

million firms the administration claimed.

Why? Well, because of the complexity and the whole way the system was set up, the President was able to talk big and deliver very small. That is why so many people are very unhappy with the claims in the health care law because they know these promises have been broken.

With regard to NANCY PELOSI's famous quote—that first you have to pass it before you get to find out what is in it—that is why I come to the floor every week with a doctor's second opinion because it does seem just about every week we do learn some new unintended consequence, something new about the health care law and another reason why Americans are unhappy with it, why it remains as unpopular, if not more unpopular, today as when it was passed, and why so many people believe the Supreme Court should find this bill unconstitutional, for the reasons that do have Americans at home in an uproar, and very unhappy that the government can come into their homes and mandate that they buy a government-approved product and pay for it or pay a fine. Nothing like this has happened before, and people are, frankly, offended.

We do not know what the Supreme Court is going to do, but I know what this body ought to do. This body ought to vote to repeal and replace this broken health care law and get a health care law in place which is what the American people wanted, which is, the care they need, from the doctor they want, at a price they can afford.

We have not seen that yet. But that is why we are here on the second anniversary of the President's health care law, to continue to point out the flaws of this legislation. Quite interestingly, when you take a look at some of the national poll numbers, for people who have talked to a health care provider—whether that be a nurse, a doctor, a physician's assistant, a physical therapist, a nurse practitioner, no matter who—they are even less supportive of it than the general public.

Mr. HATCH. Mr. President, this Friday the Nation observes an anniversary that most Americans would prefer to see removed from its calendar. I am talking about the second anniversary of the passage of the President's health care law. Rather than celebrate this day, it is one that citizens and taxpayers have come to rue and regret. The process by which Obamacare became law was an affront to republican principles of democratic self-government. The substance of this law is an historic threat to the liberties our Constitution was designed to secure.

A decent respect for the opinions of the American people cautioned against passing this law on a purely partisan basis. Yet in spite of the clear opposition of the American people to this

massive expansion of government power, and to its historic spending and tax increases, the President and his congressional allies were determined to jam this bill through the Congress.

The architects of this strategy, if not the party loyalists who carried it out against the wishes of their constituents, sleep easy at night having done so, because they knew that this was a once-in-a-generation opportunity, the crowning achievement of the liberal bureaucratic state. A takeover of the Nation's health care sector and its top-down regulation by Washington had eluded Democrats for over 70 years.

The economic downturn of 2008 changed that. With the election of President Obama and significant majorities in the Congress, the left was not going to, in the words of the President's Chief of Staff, "let a crisis go to waste." What this strategy meant in practice was that Democrats would advance a radical liberal agenda whether the American people supported it or not. That is the anniversary we are observing this week, and it is a dark spot on our Nation's history, in my opinion.

The Obamacare episode showed a fundamental disrespect for the opinions and constitutional common sense of the American people. Faced with growing unrest and real concerns about the impact of this law on families, the economy, and access to health care, the law's proponents assumed that the American people were too dumb to get it; that once Obamacare became law, the American people would come to love it, as well as the benefactors who gave it to them. That is what they thought. As Speaker PELOSI explained: We have to pass the bill so you can find out what is in it.

The great liberal conceit was on full display in the process that led to this bill becoming law. We know better than you, they said. We can plan one-sixth of the American economy, and you will eventually come to like it.

Well, as we all know, the American people had something else in mind. They reminded Congress and the President that in this country the people are sovereign. They stood up as free men and women rejecting Obamacare before it became law and refused to embrace it afterwards. And as their understanding of the law has deepened, they have remained constant in their commitment to full repeal. According to a Rasmussen poll this week, over half of Americans support the full repeal of Obamacare.

Next week, the Supreme Court will hear oral argument on the constitutionality of this misguided law. In arriving at their decision later this year, they will consider Obamacare through the prism of past precedents and the Constitution's original historic meaning. But the Justices of the Supreme Court are not the only ones evaluating the constitutionality of this law. The

American people and citizens of this Nation have their own obligation to consider whether this law comports with our Constitution and principles of limited government, and on that the verdict is already in. According to a recent Gallup poll, 72 percent of American adults, including 56 percent of self-professed Democrats, believe that the law's individual mandate is unconstitutional.

The average American who opposes this law on constitutional grounds might not be a law professor or an appellate advocate, but those citizens and taxpayers understand our Constitution was designed to guarantee liberty and that it did so, in part, by limiting the powers of the Federal Government and maintaining the sovereign powers of the States.

They know the unconstitutionality of the ObamaCare runs far deeper than the onerous individual mandate. The law is, at its core, a violation of our most deeply held constitutional principles.

It undermines personal liberty and puts more power in the hands of the Federal Government. In the interest of advancing what the left views as a constitutional right to health care, they undermine actual constitutional rights to life, liberty, and property.

The law's mandate for abortion-inducing drugs undermines sacred rights of personal conscience and religious liberty.

Its expansion of Medicaid fundamentally transforms the relationship of the States to the Federal Government, undercutting the ability of those sovereign communities to make basic decisions about the welfare of their citizens by crowding out spending for police, infrastructure, and education.

The American people might not have submitted complex legal briefs in the Supreme Court litigation, but their conclusions about ObamaCare possess a unique and powerful wisdom. The people of Utah and the rest of this country understand the very DNA of ObamaCare—a commitment to more government control, the empowering of an already unaccountable administrative state, and an assault on free markets—is unconstitutional.

This was not what President Obama promised the American people. The President couched this government takeover of the Nation's health care sector as a modest reform designed to reduce costs.

When he spoke before a joint session of Congress in September of 2009 to push for his plan, the President promised it would "slow the growth of health care costs for our families, our businesses, and our government."

The President swung and missed on all three. According to the President's own Actuary at CMS, national health expenditures would increase by \$311 billion over the law's first 10 years. This comes as no surprise to the American

people. The President's health care law promised all sorts of new free care. But we all know, contrary to the repeated assertions of President Obama and his administration, nothing in life is free.

The bill will eventually come due for all this so-called "free care," and it is taxpayers who will pay that bill.

According to the Congressional Budget Office, "Rising costs for health care will push Federal spending up considerably as a percentage of GDP."

This is not what the President and his allies promised. We were promised lower costs. What we got were higher costs, more Federal spending on health care and, with it, more taxes and more debt.

When fully implemented, ObamaCare authorizes \$2.6 trillion in new Federal spending over 10 years. It will increase premiums by \$2,100 for families forced by ObamaCare to purchase their own insurance. Its Medicaid expansions will impose \$118 billion in new costs on the States.

It will increase spending on prescription drugs, physician and clinical services, and hospital spending. It will increase the deficit by \$701 billion over its first 10 years.

How does the President propose to pay for this? Here is how: He will pay for it by selling more Treasuries to China. He will pay for it by increasing taxes and penalties by over \$500 billion, and American workers will ultimately pay for it with 800,000 fewer jobs than would have otherwise existed.

This is not the story the President or the Democrats in Congress responsible for this law want the American people to hear. So they will attempt to spin their way out of it.

In a memo obtained by the press last week, the advocates of ObamaCare laid out their strategy to sell the merits of this misguided law prior to oral arguments at the Supreme Court.

This week was designed to lay out all the great things provided by ObamaCare. But, naturally, that memo mentions absolutely none of the costs. It doesn't mention the cost of these benefits for Federal taxpayers. It doesn't mention the costs for employers and workers. It doesn't mention that the law could lead to as many as 20 million Americans losing employer-sponsored health benefits by 2019. It doesn't mention the impact the $\frac{3}{2}$ trillion in tax increases and penalties will have on the economy, and it doesn't mention the harm this law does to our Constitution and its principles of republicanism, personal liberty, and limited government.

I wish I could say I was surprised, but I am not. ObamaCare is merely the capstone to a generations-long liberal project that has attempted to convince citizens that they can have their cake and eat it too. They can have all the benefits of an ever-expanding welfare state, and nobody—or only the very

rich—would have to pay for it. ObamaCare exploded this myth. It is the culmination of generations of government expansion, and it shows once and for all that we are all going to be paying for the liberal welfare state.

Taxing Warren Buffet is not going to cut it. All American families will pay for this \$2.6 trillion spending law one way or the other. After centralizing control of the Nation's health care system in Washington, DC, and putting health care decisions into the hands of government bureaucrats, we will all pay for it through higher taxes, less opportunity, and diminished access to care.

Our children are going to have to pay for it, as a nation conceived in liberty is increasingly burdened by an unsustainable national indebtedness; that is, unless the American people get the final word on this. They certainly should.

I believe in the American people. I know what my fellow Utahans think about the President's health care law. No less than legislators or Justices, they take the Constitution seriously. They know this law is unconstitutional. They know what it does to free markets and to free men and women. They know that if this law is constitutional, then there are effectively no limits on what the Federal Government can do. They know this law has to go. I look forward to showing it the door.

THE PRESIDING OFFICER. The Senator has used 30 minutes.

MR. BARRASSO. Thank you very much, Mr. President.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Massachusetts is recognized.

MR. BROWN of Massachusetts. Mr. President, I enjoyed the preceding presentation by the Senators dealing with issues surrounding health care. I think it is a very relevant discussion we need to all pay attention to.

AMENDMENT NO. 1884

I want to talk on two issues today. I will start first with the crowdfunding amendment that has been offered by Senators BENNET, MERKLEY, and me—something we have been working on in a truly bipartisan manner, as it should be done here, and as I do many of my actions.

For those of you who may be listening either up in the gallery or on television, crowdfunding is an opportunity for individuals to invest money upwards of \$1,000, upwards of \$1 million total—so \$1,000 per person, totaling \$1 million—not dealing with a lot of the traditional SEC filings that are in place and a lot of the other problems in which only very wealthy people in years past have been able to participate in these types of offerings.

For example, right now, if I had a good idea, and I wanted some of my friends to invest in it, and then we go

and start marketing, we could not do that. That is illegal. One of the President's objectives in his jobs speech was to talk about these new opportunities, and crowdfunding is one of them. He supports it. The House has done a similar crowdfunding bill. We are actually taking this crowdfunding opportunity and putting a little bit more safeguard in it.

I think our bill is different—well, I know our bill is different than the House bill in that the House bill does not require that you actually are a legal business or even some kind of incorporated legal forum before you try to issue stock. That bothers me somewhat in that you could have somebody in their living room taking people's money and issuing stock with no check and balance, and I think that is important.

It also does not require that you offer securities through an intermediary. You could put up your own Twitter site: Buy shares is my great idea. Come on and buy shares.

All the experts agree that we would need to require an intermediary, say, like an eBay, where the crowd can help identify the good and bad players, the way that eBay uses identified bad sellers on their site.

But also, as I said, it allows investments to take place that cannot be done right now, and allows those entities, those groups, to take that money and either use it as the investment seed money to create those new ideas and new jobs—as we know, startup businesses are the entities that are actually looking to create jobs at this point—and/or use that money as seed money to go to a more traditional lender and say: Hey, we have a great idea and we also have some money to back it up, and we would ask you to sign on with us.

I am hopeful the amendment comes up. I understand it is. I am looking forward to having that very important vote. I would appreciate, obviously, the Presiding Officer and everyone else giving strong consideration to that.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

MR. President, I wish to shift gears for a minute and talk about the Violence Against Women Act. As we know—you may not know—Jessica Pripstein of Easthampton, Lisa Stilkey of Douglas, Belinda Torres of Worcester, Kristin Broderick of Haverill, Patricia Frois of Marshfield, Edinalva Viera of Brighton, Milka Rivera of Lawrence, Nazish Noorani of East Boston, Casey Taylor of Winthrop, Alessa Castellon of Roslindale, Lauren Astley of Wayland, Michael Trusty of Edgartown, Janice Santos of Worcester, Beth Spartichino of Easton, Son Tran of Lowell, Jettie Lincoln of Plymouth, David Walton of Tauton, Elaine McCall of Wakefield, Jennifer Freudenthal of Webster, Brian

Bergeron of Malden, Lancelot Reid of Dorchester, Joel Echols of Springfield, Maria Avelina Palaguachi-Cela of Brockton, Troy Burston of Medford, Joseph Scott of Worcester, and Aderito Cardoso of Brockton—are constituents of mine who have been killed by their husbands, wives, partners, girlfriends, or boyfriends in domestic violence incidents in 2011 and 2012 alone, and it is only March of this year.

It is unacceptable. The loss of those lives is tragic. But in addition to the people who have lost their lives, the lives of the victims' children, families, and friends have been destroyed. I know because I was a victim of domestic violence. As a child, I watched as my mother was beaten by abusive stepfathers. I did what I could to protect my mom and my sister, but as a young boy there was only so much I could do.

I remember vividly being a 6-year-old boy going to protect my mom and getting beaten on until the police came. It is something that still lives with me, and I try to use that experience and knowledge to help in many different ways.

When I was growing up, quite frankly, there were not the resources that are available to victims today. I wish my mother had known back then that she was not alone. I wish she could have used one of the fantastic support providers that now exist in Massachusetts today. Since being elected to the Senate, I have been moved by the organizations in my State that are stepping to the plate—and continuously step to the plate each and every day—to provide support to victims of domestic violence.

Quite frankly, as a government, we have made tremendous progress in helping victims get their lives back in order—not only the victims themselves but the family members of those victims.

The Violence Against Women Act was first signed into law in 1994, as you know, and made a bold statement that we would redouble our efforts to support law enforcement efforts to crack down on offenders and assist those working in our communities to provide assistance to victims seeking a new life away from the violence they had been subjected to.

In each reauthorization we have improved upon the previous bill and made it stronger and made stronger commitments to those who have been abused. Now is not the time—let me repeat: now is not the time—to take our foot off the gas and avoid dealing with this problem.

The landmark Violence Against Women Act must be reauthorized this year. I am incredibly proud to have cosponsored this reauthorization when it first came to my attention. I believe it makes critical commitments against this horrific problem.

Historically, VAWA has been a bipartisan effort, where both parties locked

arms in support of our enforcement and victims against perpetrators of domestic violence. It was a glimmer of hope for an otherwise contentious and overly partisan atmosphere. I have to tell you—this is not the first time I have said this—but there is no Democratic bill that is going to pass, there is no Republican bill that is going to pass, for those listening. It needs to be a bipartisan, bicameral bill that the President will sign.

I have been deeply troubled to see that this year's reauthorization has become, once again, partisan. There is no reason for it. There is no excuse for it. We just did the Hire a Hero veterans bill, we did the 3-percent withholding, we are doing the insider trading, we did the highway bill. There is no reason we cannot do the VAWA bill on a completely nonpartisan basis.

I am on the floor today to call on my colleagues to band together and pass this reauthorization and send a very strong signal to Americans that the Senate—yes, the Senate—stands united in recognizing victims from across the country, to give them the help they need and, obviously, deserve.

In Massachusetts, VAWA is supported by law enforcement and many service providers that are on the front lines in assisting domestic violence victims. I know. Previously, as an attorney, I dealt with family law matters. I know of the yeoman's work these entities do.

On Friday, I will be visiting Voices Against Violence in Framingham, MA. They receive VAWA funding to support direct services to victims and survivors of sexual assault and ensure that a trained rape crisis counselor is available after hours and on weekends.

The YMCA in central Massachusetts in Worcester uses those funds for a proactive program that has service providers working very closely with law enforcement to provide information to domestic violence victims and advocate on their behalf—at a time when, quite frankly, these folks need advocates.

Because of VAWA, REACH Beyond Abuse in Waltham has supported many cutting-edge prevention efforts with teens and the placement of advocates in police departments as a symbiotic, a give-and-take relationship in those departments.

The Jeanne Geiger Crisis Center in Newburyport, where my dad lives, used VAWA funds to establish a high-risk homicide prevention project and was recently recognized by the White House for their work.

I could go on and on and on about the tremendous involvement and great organizations not only in my State but throughout this country that are making a difference in the lives of victims. We need to stand as a body and not get into party rhetoric, and declare to women across America that they are

not alone in this fight. We need to do everything in our power to help the millions of women like my mom who were once in this situation and are now survivors. And we need to help them become survivors, not victims. So I call upon my colleagues to join me in sending a very strong bipartisan vote and get this done.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). Will the Senator withhold his request?

Mr. BROWN of Massachusetts. Yes. I am sorry. I did not see the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Massachusetts for his remarks in support of the Violence Against Women Act. I believe the bill will be before us shortly. We will count on Senator BROWN's vote. So we look forward to that.

TRIBUTES TO SENATOR BARBARA MIKULSKI

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a public servant, a social worker, and a tenacious advocate for vulnerable Americans. I rise today to honor a trailblazer and a mentor for me and countless others. I rise today to honor an outstanding U.S. Senator from Maryland and the dean of the Senate women, my friend BARBARA MIKULSKI.

I am privileged to have represented California in this body for almost 20 years. When I first ran for the Senate, back in 1992, I received a call from BARBARA MIKULSKI, personally urging me on and reaching out to provide encouragement.

I have relied on her advice, her friendship, and the Mikulski brand of candor ever since. As a matter of fact, one of my fondest evenings was a three-onion martini right down the street.

It is hard to believe, but when Senator MIKULSKI took office in 1987, there was only one other woman in this body, Senator Nancy Kassebaum, later Nancy Kassebaum Baker, the great Republican Senator from Kansas. Increasing the number of women in the Senate has been painfully slow. In 1991, the ranks of women in this body rose to three, then later to seven after the 1992 election. Today we have 17 women in this body and 76 in the House. As Senator MIKULSKI reflected in the Washington Post last year:

Women were so rare even holding statewide political office [back then] . . . I was greeted with a lot of skepticism from my male colleagues. Was I going to go the celebrity route or the Senate route? I had to work very hard.

And she has. BARBARA has worked very hard to become an outstanding legislator and a trailblazing public official. Let me list a few of her firsts. She was the first female Democrat to serve

in both Chambers of Congress—that in itself is impressive—the first female Democrat to be elected to the Senate without succeeding her husband or her father; the first woman to chair a Senate appropriations subcommittee; the first woman to serve a quarter century in the Senate; and the first woman elevated to a Senate leadership position.

She is the only current Member of Congress in the National Women's Hall of Fame. And she is not done yet. Just last week, BARB achieved another historic first. According to the Senate Historical Office, she reached 12,858 days of service, becoming the longest serving female Member of Congress in our Nation's history.

Senator MIKULSKI was born and raised in Baltimore. Determined to make a difference in her community—and you know that well, Mr. President—and guided by her Catholic belief and a belief in social justice, she became a social worker, helping at-risk children and educating seniors about Medicare. She once said, "I feel that I am my brother's keeper and my sister's keeper." Social work evolved into community activism when BARB successfully organized communities against a plan to build a highway through Baltimore's Fells Point neighborhood.

Shortly thereafter, in 1971, she was elected to the Baltimore City Council where she served 5 years. That was about the time I was elected to the Board of Supervisors in 1970 in San Francisco. In 1976, she ran for Congress and won, representing Maryland's 3rd District for a decade. She was then elected to the Senate and has won reelection in 1992, 1998, 2004 and 2010 by large majorities.

As I said, BARB is an accomplished legislator. She is also one of the very best. She cares passionately about quality education and ensuring every student has access to higher education. She is a fighter for stem cell research to cure our most tragic and debilitating diseases. She is a tireless advocate for the National Institutes of Health. And she is a leader on women's health, writing law requiring Federal standards for mammograms, and a fearless proponent of breast and cervical cancer screenings and treatment for uninsured women.

We serve together on the Intelligence Committee. She asks some of the most prescient questions. I have seen her commitment to the FBI, to fighting terrorism, and also to cybersecurity where she headed a task force for our committee that has resulted in the cybersecurity legislation newly pending.

Finally, she has led the way to strengthen pay equity for women. The Lilly Ledbetter Fair Pay Restoration Act is the law of the land today because of BARBARA MIKULSKI's effort. As BARB said when we passed the bill:

I believe that people should be judged solely by their individual skills, competence,

unique talent and nothing else in the workplace. Once you get a job because of your skill and talent, you better get equal pay for equal work.

Or, in a manner that best captures BARB's candor, she said, "Women of America, square your shoulders, put on your lipstick, suit up, and let's close that wage gap once and for all." To me, that is classic BARBARA MIKULSKI.

Let me close with a story. Every so often at BARBARA's leadership, the Senate women get together for dinner. There is no agenda or staff, just Republican women, Democratic women, and a lot of lively conversation. We talk about our families, we talk about the workplace, we talk about the world, and, of course, we even talk, to some extent, about this place. Sometimes we enjoy Senator MIKULSKI's world-famous crab cakes, the best you will ever taste, and second only to the Dungeness crab of the west coast, I might add. If you have not, make sure you try the recipe on her Web site. We talk about our families and the way we can work together. It is a throwback to the civility of the Senate. These dinners are when BARB really stands out as the dean of Senate women.

Women in this country have always had to fight for the most basic of rights. I think young women forget that it was not until 1920 that we were able to vote in this country, and it was only because women fought for it. BARB will be the first to say her milestones are symbols of how far she has come. But she will also show us how much farther women have to go.

Today we take it for granted that a woman can be Secretary of State—we have had two—or Speaker of the House—we have had one or a candidate for President. Not quite yet. Oh, no, I take that back. We have had one. And one day soon, a woman will sit in the Oval Office of this great country. When she does, she will owe a great deal to BARBARA MIKULSKI.

But on this day, let the CONGRESSIONAL RECORD of this Senate reflect and forever record that Senator BARBARA MIKULSKI is the longest serving woman in the history of the United States Congress, and this country is forever better because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I came here to talk on another matter, but I wish to take a few minutes to talk about my friend BARBARA MIKULSKI. We have served a long time together. When she came to this body, I think I may have been chairman of what was then called the Labor and Human Resources Committee, now the Health, Education, Labor and Pensions Committee.

From the day she got on that committee, she made a difference in every way, not just for women but for every

single American in this country. I have a tremendous amount of profound respect for Senator MIKULSKI and what she has been able to accomplish.

Let me mention one thing. Back in the early 1990s, she and I worked together on what was called the FDA Revitalization Act. That act was a very important one, because we had the FDA spread out all over the Greater Washington, DC, area, probably 30, 35 different offices, some of which were in converted chicken coops. It was ridiculous to have these top scientists in anything but a centralized location with top computerization and all of the other scientific instruments they need to do this work for the American people. I have to say that BARBARA MIKULSKI played a pivotal role in helping to develop that tremendous facility. I want you to know that I do not think it would have been developed without her effort and her dogged work to make sure that we now have a centralized—and it still needs improvement but centralized FDA campus that literally is saving the lives of millions of people and making the lives of millions of people better.

I could go on and on. But I have a lot of respect for my distinguished colleague from Maryland. I would feel badly if I did not get up and tell people how much I do respect her. She believes in what she does. She loves this body, most of the time, I think. And she cares for her fellow Senators. We care for her. I want her to know that.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to join my colleagues in honoring our friend and colleague who is often regarded as the dean of the women in the Senate, BARBARA MIKULSKI.

Earlier this week Senator MIKULSKI added to her already long list of accomplishments the distinction of being the longest serving female Member of Congress in the history of the United States of America.

Senator MIKULSKI's life is a story of the American dream. Raised in a working-class immigrant family in the east Baltimore neighborhood of Highlandtown, Senator MIKULSKI learned at a young age about the struggles of working families and ethnic Americans and the value of paying it forward.

She helped at her father's grocery store, which opened early in the morning so that steelworkers could buy lunch before their morning shift. She delivered food to seniors and families when parts of her neighborhood were set on fire after the assassination of Dr. Martin Luther King. At one point she even rode on the top of a tank to deliver the groceries.

Senator MIKULSKI's roots helped shape her role today as a mentor, fighter, and true public servant. She worked as a social worker for Catholic Charities, helping at-risk children and

counseling seniors on Medicare. She had her start in politics as a community organizer and social worker.

In 1970—one side of BARBARA MIKULSKI her colleagues have certainly seen is her dogged determination—she organized Marylanders to stop a 16-lane highway project that would have threatened Fells Point and another neighborhood in Baltimore. She got the job done. Many people say that work helped to save Fells Point and the Inner Harbor, two of the showcase areas in the great city of Baltimore. She gave a speech at Catholic University to a Catholic conference on the ethnic American. It caught the attention not only of people in Baltimore but far beyond its reach as she talked about her family story and the story of millions just like her.

One year later, she ran for and won a seat on the Baltimore City Council—the first step in her now 41-year career in public service.

Over the course of the Senate's 223-year history, there have only been 38 female Members; the first, Rebecca Latimer Felton, of Georgia, was appointed for political reasons to fill a vacancy, and she served only a single day in 1922.

Senator MIKULSKI has so many firsts in her story of public service. She was the first woman elected to the Senate in her own right—the first—and not because of a husband or father or someone who served before her in higher office. She was the first woman Democrat to serve in both Chambers of Congress—the first. Last year, she was inducted into the National Women's Hall of Fame for her trailblazing political career, including, with this recognition today, becoming the longest serving woman Senator in the history of our Nation.

Given her years of experience, it is no wonder other Members of Congress have turned to her for guidance, men and women alike.

I can recall so many meetings of our Democratic caucus when, after a long debate involving many people saying many things, BARBARA MIKULSKI would stand and, in a few terse words, get it right. At the end of the day people would say: That is what we ought to do. She has this insight based on her life experience and her ability to try to peel through the layers of the political onion and get to the heart of the issue.

Following the election of a number of esteemed women into the Senate, a lot of reporters deemed 1992 as "The Year of the Woman." Senator MIKULSKI's response was so typical and so right. This is what she said:

Calling 1992 the "year of the woman" makes it sound like the "year of the caribou," or the "year of asparagus." We are not a fad, a fancy, or a year.

That was typical BARBARA. Senator MIKULSKI rises above and beyond all that. From her first days in the Senate

in 1987, she has fought an uphill battle to address the most important issues of national importance.

First and foremost for her is her family, next is her great State of Maryland. She is a fearless advocate, and I know the Presiding Officer knows that better than most as her colleague from that great State.

She has supported educational initiatives, veterans causes, interstate commerce, access to health care and women's health and fair pay.

The Chair knows the answer to this question, but some of those listening to the debate might not. What was the first bill that the newly elected President Barack Obama signed in the White House with a public ceremony? It was a bill BARBARA MIKULSKI pushed hard for, the Lilly Ledbetter Fair Pay Restoration Act, so women going to work all over the United States—not just in the Senate—would get a fair shake when it comes to the compensation for the jobs they did. It was President Obama's first bill. When he signed it, the very first pen he handed over to Senator BARBARA MIKULSKI. I was there and I saw it.

Championed by Senator MIKULSKI, the long-awaited and much needed bill clarifies time limits for workers to file unemployment discrimination lawsuits, making it easier for people to get the pay they deserve regardless of race, age or gender.

I wish to start here—but I don't know where I would end—to talk about the important issues she has worked for. Let me talk about health care for a minute. When we set out to pass this historic affordable health care act, BARBARA was assigned the job to make sure it connected with the families and workers across America in a very real way, to make sure that at the end of the day we weren't talking to ourselves or engaged in political gibberish but passing a law that could literally change a life for the better. She led that effort and made invaluable contributions to the substance of that bill.

We knew those provisions would be important and that they would work because we knew where BARBARA MIKULSKI came from and we knew where her political heart resides. While it is a milestone to celebrate Senator MIKULSKI's distinction as the longest serving woman in the Congress, there is a much greater cause for celebration; Senator MIKULSKI's decades of service to this Nation is an admirable feat for any man or woman.

I extend my congratulations to my colleague and friend Senator MIKULSKI for this milestone. Thank you for what you have done for the Senate, for the State of Maryland, and for our great Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the hour of 2:30 having arrived, it is my honor and my pleasure to rise to honor a patriot, a pioneer, and now the longest serving woman in the Congress of the United States ever, and that is the senior Senator from Maryland BARBARA MIKULSKI.

BARBARA and I served together in the House, and we came to the Senate together in 1986. I remember that day so well, when we had our first appearance in the Senate as new Senators. It was quite a moving event for me. But one of the events I remember about that day is the presentation of Senator MIKULSKI.

We all said a word or two, and everything we said will be long forgotten. But what BARBARA MIKULSKI said, in the way she has of saying things, will not be forgotten.

Here is this woman who is not even as tall as my wife, who is 5 feet tall, but she said, "I slam-dunked Linda Chavez," her opponent. That said it all.

That was the beginning of my working closely with this good woman. She has been a friend, an inspiration to me in so many different ways in the time we have served together. When we got on the Environment and Public Works Committee, she was here, and I was here. She was always ahead of me in seniority because of her longer service in the House. On the Appropriations Committee, for more than two decades, I was here, she was here. She was always one ahead of me.

BARBARA was the first Democratic woman elected to the Senate in her own right. Last year, she surpassed the legendary Margaret Chase Smith of Maine as the longest serving woman in the history of the Senate. On Saturday, she officially surpassed Congresswoman Edith Nourse Rogers of Massachusetts, who, by the way, served in the House from 1925 to 1960 as the longest serving woman in the history of the Congress.

Senator MIKULSKI's service—and the service of many female Members of Congress—has paved the way for girls of today to know they can become Senators, they can become professional basketball players, and they can be engineers and doctors. The sky is the place they need to go, and that is where they believe they can go because of the work that has been done by BARBARA MIKULSKI.

When I came to the Senate with her, she was the only woman who served in the Senate as a Democrat. There was one other Republican at the time. Now, since then, Mr. President, I have watched very closely on this side of the

aisle. Now we have 12 Democrats, and if the elections turn out the way I hope they do—and I am cautiously optimistic they will—we will have 17 women who are Democrats in the Senate.

She has been truly a trailblazer. We recognize BARBARA's achievements today and her outstanding record as a tireless advocate for the State of Maryland. She grew up in the Highlandtown neighborhood of east Baltimore. She learned the value of hard work by working in and watching her dad, especially, open that family grocery store and work from early in the morning until night. He sold lunch to steelworkers and other people who came by that little grocery store.

In high school she was educated by the nuns at the Institute of Notre Dame. She credits the nuns with instilling in her faith and a thirst for justice. She went on to study at Mount Saint Agnes College, which is now part of Loyola College in Maryland. She earned her master's degree in social work from the University of Maryland.

BARBARA was a social worker and has always been proud of the fact that she has been a social worker. She was employed by Catholic Charities and the City of Baltimore's Department of Social Services. I can imagine what a dynamo she was—and she still is. There is no work harder than being a social worker. The problems one sees and has to deal with are extremely difficult.

During her years as a social worker, she was a powerful voice for children and seniors in need of an advocate. BARBARA MIKULSKI then and now is an advocate. It was there the spark for service and activism was lit, but it was a plan to build a 16-lane highway that fanned the flames that had been lit by her activism.

The highway would have gutted historic Fells Point, a neighborhood that she believed should have been protected. It would have uprooted homeowners in a majority African-American neighborhood. She organized the residents of Fells Point and Baltimore's Inner Harbor and stopped the construction of that highway.

That is a testament to the power of democracy that she believes in with all her soul. Looking back on that triumph, Senator MIKULSKI said:

I got into politics fighting a highway. In other countries, they take dissidents and put them in jail. In the United States of America, because of the First Amendment, they put you in the United States Senate. God bless America.

She has always been an advocate for the disenfranchised and disadvantaged in this country, but she has also been an advocate for dissidents in other countries, of whom she has spoken so eloquently on so many occasions. Her family was Polish. She has heard all the Polish jokes, and she has withstood a little of the "barbs" when neighbor-

hoods were different than they are now. But she took special pleasure and was so proud of her heritage.

BARBARA took a special interest in the plight of Polish people oppressed under communism. We know in 1980 the people of Poland started a fledgling little group called Solidarity—a movement to engage in nonviolent resistance against communism and in support of social change.

Senator MIKULSKI and I had the wonderful pleasure of traveling under the guidance of a trip led by John Glenn—a world famous man then and now. It was a wonderful trip for a couple of new Senators. The Iron Curtain was down, and it was down hard, but we went to Poland on a codel. I can remember we had the opportunity to meet with members of the Solidarity movement. We met in secret with them, in a secret location, and Senator Glenn talked, Senator Stevens, then a senior member of the Senate at the time spoke, and I said I would like to hear from Senator MIKULSKI.

Now, Mr. President, I am not articulate enough to explain the presentation she made extemporaneously, but this powerful woman stood and talked about her heritage and her religion and what that meant to the people of America and what it should mean to the people of Poland. It was truly—and I have told her this personally over the years on several occasions to remind her—one of the most heart-warming, stirring speeches I have ever been present to listen to. She spoke to the people assembled there—there weren't many of them—as a fellow activist. She spoke as an American of Polish descent and a fellow Catholic. She spoke as one of them. When that presentation was completed, everyone knew she was one of them.

It took almost a decade for the Solidarity movement to strike victory in Poland, and I know Senator MIKULSKI's speech was not the reason, but I guarantee you it was one of the reasons they had the audacity and the courage to proceed as they did.

Remember, Poland was an interesting country. It was the only country behind the Iron Curtain where the Communists could not destroy their educational system, and that was because of the strength of the Catholic Church in Poland at that time. Solidarity's victory in Poland inspired a stream of peaceful anti-Communist revolutions that eventually caused the fall of communism entirely all over Eastern Europe.

BARBARA's Polish ancestry and the Polish community in which she grew up in Baltimore were very important to her, but I never knew it until that moment in Warsaw with those few members of Solidarity who were assembled to honor us.

Her great-grandmother had come here from Poland with just a few pen-

nies in her pocket—literally—but she had a dream of a better life for her and her family. This is what BARBARA MIKULSKI said about her great-grandmother.

She didn't even have the right to vote, and in this great country of ours, in three generations, I joined the United States Senate.

It was a remarkable feat for her. But, more importantly, it was a confirmation of the American dream. For BARBARA, what began as community activism, a fight against a highway, grew into a successful career in public service.

I just want to add a side note, Mr. President, and talk about something very personal to me. When Senator David Pryor got sick, he was the Democratic conference secretary in the Senate. That opened up a spot in the Senate leadership. That was something I thought would be interesting to me. It was known who was interested in filling that spot, and I knew BARBARA was interested.

I went to BARBARA and said: BARBARA, if you want it, it is yours. Two years later, Wendell Ford decided he was going to retire. He was the whip. I can still remember that morning walking from the Hart Building over to the Russell Building, in that long walkway there, and I saw BARBARA MIKULSKI. I didn't say a word to her.

She said: I want to talk to you. She said: You supported me when I wanted to be the conference secretary. You want to be the whip, I am supporting you. But for BARBARA MIKULSKI, I would not have had that leadership position. Once the Democratic caucus knew BARBARA MIKULSKI supported me, it was all over. I won. And I won because she came to me, as she did that morning.

So, Mr. President, my respect, admiration, and love for this woman is difficult for me to describe, but it is there. BARBARA MIKULSKI ran for Congress and won after serving on the city council of Baltimore for 5 years. She represented Maryland's Third District for 10 years before winning the seat in the Senate she now holds.

Again, I appreciate all she has done for me—so many different things she has done for me. As a very able member of the Appropriations Committee and somebody who loves this institution, I am in awe of the legislative record of this amazing woman.

She has been a dedicated representative not only for the State of Maryland but the State of Nevada. One thing she did for me—and there have been a lot of them—when we were new Senators and she was on one of the subcommittees of the Appropriations Committee concerning veterans benefits and affairs, as a favor to me she traveled to Reno, NV, to look at an old veterans hospital. She went through it and said: This is not the way a veterans hospital should be, and I, BARBARA MIKULSKI, am going to change it. And she did.

Through the appropriations process we renovated and improved that hospital so it was one of the better hospitals at the time. So I am grateful for this good woman, an advocate for parity for women on everything from salary to health care access. But for BARBARA MIKULSKI the National Institutes of Health would not have a center for women. She got a little upset when she learned they had done a study of the effect of aspirin on people's hearts and she realized they had tested 10,000 people and they were all men.

I had a situation that arose in Nevada about at the same time where three women came to me who had something called interstitial cystitis, a devastating, debilitating, painful disease that is described as running slivers of glass up and down your bladder. It was said to be a psychosomatic disease. These women had nowhere to go. I talked to BARBARA MIKULSKI about this, and now 40 percent of these women have medicine that takes away their symptoms totally.

I could go on here a long time, as everyone can see. But I do it because I congratulate BARBARA on this milestone, which is so important to me and the Senate, and to tell her how much Nevada appreciates her. It is not just for Maryland. She has done things for the entire country.

I wish her well for years to come.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, it is my honor to be here this afternoon to extend, on behalf of the Republican Conference of the U.S. Senate, our respect and admiration for the senior Senator from Maryland on achieving this important milestone.

I am sure she would be the first to tell you that becoming the longest serving woman in the Congress wasn't easy. A life in public service is filled with many highs and lows. But BARBARA is nothing if not both tough and resilient.

BARBARA would point to her upbringing as the daughter of a Baltimore grocer, where she learned firsthand how hard work, honesty, and determination can lead to a successful and rewarding life. She later learned, while fighting a freeway that would have destroyed several Baltimore communities, including her own, that if you fought hard enough for something you believed in, you too can make a difference. So if you knew BARBARA back then, it wouldn't surprise you we are honoring her today.

Last year, when Senator MIKULSKI became the longest serving female Senator, she said she never saw herself as a historical figure. To me, BARBARA said, history is powdered wigs and Jane Addams and Abigail Adams, both pioneers in their own right.

However, BARBARA is a pioneer. She is only the second woman to be elected

to both the Senate and the House. When first elected in 1986, she was only the 16th woman to serve. Today, in Congress, there are 76 women in the House and 17 in the Senate. As dean of the Senate women, she served as a role model and a mentor to many of these women. To put this in perspective: When she first arrived in the Senate, there weren't any natural mentors to teach her the ways of the Senate. At the time, even the Senate gym was off limits. A lot has changed since then, and BARBARA had a lot to do with it.

Later, as more women were elected to the Senate, BARBARA worked with them to help them understand the Senate and how best to be an effective Senator, both here and back home. She wanted to give back.

Most importantly, regardless of party or issue, BARBARA would push her female colleagues in the Senate to think differently, encouraging them to think of themselves as a force—a force of good and, oft times, a force for change. I know many are grateful not only for BARBARA's leadership and courage but for her willingness to take the time to share her experiences with them. I don't want to just be a first, BARBARA once said. I want to be the first of many.

In 35 years, nearly 13,000 days as a Member of Congress, BARBARA has been a champion of the space program, science research, welfare reform, major transportation, homeland security, and environmental issues in Maryland.

I wish to recognize BARBARA not only for the tremendous accomplishment as the longest serving female in the history of the United States in Congress but also for all of her many accomplishments in the House and the Senate. As she once said herself, it is not how long you serve, but it is how well you serve.

I wish to recognize BARBARA for the pioneering model she has been to so many women in her distinguished career.

Congratulations, Senator MIKULSKI.

The PRESIDING OFFICER (Ms. STABENOW). The majority leader.

Mr. REID. Madam President, Senator MCCONNELL and I have tentatively worked out something so we will have votes tomorrow, not today. That being the case, we are not under a crunch for time here today.

We have a number of Senators here who wish to say something regarding Senator MIKULSKI, and I wish to set up an orderly time to do that. So I ask that Senator MIKULSKI be recognized. Following that, we have Senator CARDIN to be recognized for 10 minutes; Senator BOXER, 10 minutes. Senator KAY BAILEY HUTCHISON has been here since before anybody else. So following Senator BOXER, I ask that she be recognized. And Senator GILLIBRAND?

Mrs. GILLIBRAND. At the conclusion of my colleagues' remarks, 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Madam President, I know there are a lot of us who want to pay our tribute and respect to the senior Senator from Maryland, Senator MIKULSKI. I want to make sure everybody has their opportunity. Are we operating under a consent order?

Mr. REID. Yes.

The PRESIDING OFFICER. The consent order to this point has Senator CARDIN, followed by Senator BOXER, and then Senator HUTCHISON. Senator KERRY is asking to be recognized.

Mr. KERRY. I believe he included my name for 10 minutes at the same time. Madam President, I believe Senator REID included my name in that list for 10 minutes—I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered. Senator KERRY will be added, and a complete list will be put together.

Mr. CARDIN. Madam President, I am glad we could get that straight.

Let me first thank all of our colleagues who are here to pay honor to the senior Senator from Maryland, Senator MIKULSKI.

This is March Madness in basketball. Sweet 16 is starting. We are very proud in Maryland of our Lady Terps. They are in the Sweet 16. But I want you to know that we are all getting our fantasy teams, and I want Senator MIKULSKI on my fantasy basketball team because she is a true leader, she understands the importance of working together, and she is a winner.

We are proud of her roots in Maryland. She is the great-granddaughter of Polish immigrants who owned a bakery. She began her public service in high school, where she helped deliver groceries to seniors who were locked in their apartments and she helped the homebound seniors get the food they needed. She went to the University of Maryland School of Social Work because she wanted to be a social worker. She wanted to help other people. She knew that she was good at that and she could make a difference in people's lives. She worked for Catholic Charities and dealt with children at risk and helping seniors with Medicare.

As you have heard from several of my colleagues already, she gained her reputation by taking on a highway that was scheduled to be built that would have gone through Canton and Fells Point, disrupting a neighborhood in Baltimore. This was a 16-lane highway. It was considered to be a done deal; it was going to happen. The powers that be said we are going to have a highway coming through downtown Baltimore. The powers to be did not know BARBARA MIKULSKI. That highway never happened. Senator MIKULSKI stopped that highway from being built.

She then went on to serve in the Baltimore City Council with great distinction. Then in 1976 she was elected to

the Congress for the Third Congressional District, a seat that was vacated by our esteemed colleague Paul Sarbanes, who then came into the Senate, and BARBARA MIKULSKI followed in the great tradition of Senator Paul Sarbanes. In 1986, when Senator "Mac" Mathias's seat became vacant, Senator BARBARA MIKULSKI was elected to the Senate.

She has many firsts: The first female Democrat elected in her own right to serve the United States Senate. At the time she was elected to the Senate, she was only one of two female Senators. Today, we have 17 female Senators in the Senate in large part because of Senator BARBARA MIKULSKI. I know the Presiding Officer was part of that expansion. You will hear how Senator MIKULSKI was not only a role model and an inspiration but an incredible help to get more women elected to the Senate.

Last year we joined in this body to celebrate Senator MIKULSKI becoming the longest serving woman in the history of the Senate, surpassing Margaret Chase Smith from the State of Maine. Then on this past Saturday, on St. Patrick's Day, she became the longest serving woman in the history of the Congress, replacing Edith Nourse Rogers from Massachusetts who served, as the majority leader pointed out, from 1925 to 1960.

Marylanders understand longevity records. We are very proud of Cal Ripken and the record he held in baseball. Senator MIKULSKI's, like Cal Ripken's, legacy is what she has done in office to make a difference, not the length of her service. She is a fierce and effective advocate for so many causes. We have heard about her accomplishments in education and health care, what she has done to advance sensible health care to improve quality for the people of this country. That was her mission in the Affordable Care Act, to make sure that we had the delivery systems in place that would deliver quality health care, and Senator MIKULSKI's leadership was critical in that regard.

She has been a leader in women's health care issues. I will never forget her reminder to all of us in the caucus: Don't forget women's health care issues when you bring that bill to the floor. And we didn't. We put that in under Senator MIKULSKI's leadership. We talked about breast cancer and cervical cancer screenings. Senator MIKULSKI has been in the leadership on all those issues.

We in Maryland are proud to be where the National Institutes of Health is headquartered. Its growth in large measure has been the result of Senator BARBARA MIKULSKI. We are proud of HOPE VI and housing. Senator MIKULSKI has been in the forefront of that program, making it possible for many people in our community to have decent, affordable, and safe housing.

Senator MIKULSKI has been critically important to America's space program. I have been with her many times at Goddard and seen firsthand the results of her advocacy and what it has meant. The Hubble space telescope is another legacy of which Senator MIKULSKI can be rightly proud.

We in Maryland are also proud to house NSA, the National Security Agency, with its new mission with the cyber command located in Maryland. Senator MIKULSKI, as Senator FEINSTEIN pointed out, has been one of the real leaders on national security issues. We can't issue press releases on this. She is a member of the intelligence committee. She works behind closed doors to keep us safe. But we all know that she is one of the key leaders in this Nation on national security issues.

We know about pay equity and the Lilly Ledbetter law, the first bill signed by President Obama. It was Senator MIKULSKI's leadership that got that bill to the President's desk, recognizing that we are still not where we need to be on gender pay equity in America.

In our region, the Chesapeake Bay is center to our way of life and our economy. Senator MIKULSKI has been one of the real champions on water quality and the Chesapeake Bay. She understands the respect for State and local government, that we have to work together as a team. I know the Governor of Maryland, Governor O'Malley, would agree with me that there is no better friend to the people of Maryland working with the State than Senator BARBARA MIKULSKI, getting the Federal Government on the same page as the State and local governments to get things done for the people of Maryland. That is true with what she has been able to do for all of us working across the Nation.

I think the Baltimore Sun put it best when it said:

There is nobody more feisty, more willing to take on big business, big government, or anyone when it is time to look out for the interests of her constituents.

I think all of us would agree.

On a personal note, I thank Senator MIKULSKI for her friendship, I thank her for being my buddy and my adviser. Whether she is with Presidents or Kings or the patrons at Jimmy's Restaurant in Fells Point, you get the same common sense, the same down-to-earth person—you get Senator BARB. We are so proud of her.

Thank you, Senator BARB, for what you have done to make this Nation a better place to live. Thank you for being such a role model for young people, especially young women, to get involved, to make a difference. Thank you on behalf of my two granddaughters. Their future is much brighter, their opportunities are much greater because of you, Senator BARB.

Congratulations. Your colleagues here want to express our love and respect and admiration for your incredible service.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from California.

Mrs. BOXER. Mr. President, what an incredible milestone Senator MIKULSKI has reached. The words of her colleagues and the love they feel for her are coming through. It is a wonderful thing for me to be part of this tribute. I don't know how many Senators would have the Governor of their State here—Your Honor; and the former distinguished, incredible Senator Paul Sarbanes is here. That in itself, Senator MIKULSKI, is testimony to your status among all of us.

So many of us are here in the Senate because BARBARA MIKULSKI knocked down the barriers one by one—the first Democratic woman ever elected to the Senate in her own right, the first woman to serve in both Chambers, the longest serving woman in the Senate. Now she has made history once again. This past Saturday, after 12,858 distinguished days of service, no other woman in history has served in Congress longer than Senator MIKULSKI—ever.

Some trailblazers make history, and they are content to stand proudly alone. "Aren't I great? I did it." But not Senator MIKULSKI. She always made clear that she was honored to be the first Democratic woman, but she never wanted to be the last.

I will never forget her saying:

Some women stare out the window waiting for Prince Charming. I stare out the window waiting for more women Senators.

Well, 17 women, Republicans and Democrats, now serve in the Senate. I know all of us have stories to tell about how Senator MIKULSKI helped us along the way, reaching out to mentor us, encourage us, lead us and organize our regular meetings filled with folders and pens and pencils, and organizing dinners. She and Senator HUTCHISON teamed up. We are so fortunate to have them working together. We get together now and then. Just in the heat of debate, we sit down and break bread together.

When I considered running for the Senate in 1992, Senator MIKULSKI was the very first person I went to see, after my husband. I was conflicted. I had a good House seat. I was told I could hold it for as long as I wanted, and I was not sure I should give it up for the Senate. I was considered a long shot. Senator MIKULSKI told me the following: "If you run, and I want you to run," she said, "it will be the toughest thing you will ever do and the best thing you will ever do." And she was right.

Those of us of a certain age have probably seen the play or the movie "A Man For All Seasons." Today we celebrate a woman who is truly a Senator

for all seasons. Some Members have passion, others have policy skills, some are brilliant negotiators, others great advocates for the least among us, some are very serious students of history, and others are flatout hilarious. But I do not think our country has ever seen so many incredible traits combined in one Senator. Whatever the issue, she will address it. Whatever the problem, she will solve it. Whatever the wrong, she will fix it. Whatever the need, she will meet it. Whenever and wherever people without a voice need a champion with a keen mind, a sharp wit, and an unparalleled ability to speak from the heart and get things done, BARBARA MIKULSKI is there. A lot of us have been there with her, and we have watched her and we love it and we marvel at her. And she does it with a sense of humor that is unparalleled. Anyone who has ever listened to a speech or interview with Senator MIKULSKI has heard her utter these incredible quips, which I fondly called "Mikulski-isms."

She has called us women into battle by asking us to go "earring to earring" with our opponents. She has challenged us to square our shoulders, suit up, put our lipstick on, and fight. She has said often that women do not want to talk about gender but an agenda that helps America's families.

When asked by Glamour Magazine how she felt about being named Glamour's Woman of the Year along with singer Madonna, Senator MIKULSKI replied, "She's got her assets, I have mine, and we both make the best of what God has given us."

When asked about the different perspective women bring, she often says, "Women, we are not so much about macro issues but, rather, the macaroni and cheese issues." Who else could say that better?

When discussing the challenges women face in politics with a group of female parliamentarians from around the world, this is what BARBARA MIKULSKI explained to them when they asked about what is it like and is it tough. She said:

Let's put it this way. In an election, if you are married, you are neglecting him; if you are single, you couldn't get him; if you are divorced, you couldn't keep him; and if you are widowed, you killed him.

Then there was one of my favorite Mikulski moments. This is a treasured moment. The women of the House still hadn't managed to integrate the House gym, so we were relegated to this tiny room with old-fashioned, hooded hair dryers and hardly any room to move. But there were very few of us, and we decided to make the most of it by having an aerobics class. Of course, coming from California, I organized it.

In came Geraldine Ferraro, Barbara Kennelly, OLYMPIA SNOWE, BARBARA MIKULSKI, and me. Our instructor started the class by asking us to stretch our arms way up, and we do.

Groans.

"Put your hands on your hips."

More groans.

Now she says, "Bend from the waist."

Suddenly, a voice bellows from the back of the room: "If I had a waist, I wouldn't be here."

We all turned around to see Senator MIKULSKI, and we just cracked up. Needless to say, that was the end of the aerobics class.

As funny as she can be, I can't think of anyone more resilient than BARBARA MIKULSKI. I remember when she was mugged a few years back, one evening outside her home in Baltimore. A man pushed her to the ground and grabbed her purse. It was terrifying—for the mugger. He had no idea whom he was dealing with. At 4 feet 11, Senator MIKULSKI fought back and defended herself, just like she defends the people she represents, just like she defends women and families, just like she defends equal pay and equal rights and civil rights and the health care of our citizens and the dignity of our seniors.

The truth is, the Senate used to be a very lonely place for women, but Senator MIKULSKI changed that. From the day she was first sworn in, she has carried the challenges, the hopes, and the dreams of millions of women with her. BARBARA MIKULSKI has inspired generations of young women everywhere. She has given them the confidence that they can do it, too, because even as we celebrate this incredible milestone, I know Senator MIKULSKI's greatest hope is that a young girl growing up today will be inspired to follow in her footsteps and one day to break her record. When that happens, it will be because BARBARA MIKULSKI—our dean, our cherished leader, our Senator for all seasons—opened the doors of the Senate wide enough to let the women of America walk in.

Thank you, BARBARA MIKULSKI.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am pleased to stand and add my experiences with and admiration for Senator BARBARA MIKULSKI. It is fitting that she is now the longest serving woman in the U.S. Congress.

When I first got here—I was elected in 1993—BARBARA MIKULSKI, as the dean of the women in the Senate, had a workshop the previous year for the newly elected Democratic women Senators. When I arrived in 1993, she expanded it to include all new women Senators, and her sort of opening comment was, civility starts with us.

Surely, she has carried through as the dean of the women of the Senate to ensure that all the new women get their bearings in the Senate, that they get the advice of the ones who have been here before. It has been a huge help and really a fun opportunity for us to get to know each other on a personal level as we have our women Senators' dinners.

From this came a book Senator MIKULSKI and I worked on together. The genesis of the book—which became "Nine and Counting," the nine women Senators who were here in the year 2000—came from a meeting called by Senator MIKULSKI to meet with the women of Northern Ireland, along with the women of Ireland, when there was so much strife in that country. BARBARA MIKULSKI called all of the women Senators together, our nine, to give encouragement and advice to the women who were trying to bring the people of Ireland and Northern Ireland together so that there could be a peaceful conclusion to the conflicts in Northern Ireland. From that, as we were sharing our stories to show the women of Northern Ireland how much they could do, from our experiences and our overcoming of obstacles, BARBARA MIKULSKI and I sat down and said:

You know, I think we have a book here. If each of the nine women Senators could write a chapter about our obstacles and our beginnings in politics and help encourage other young women and girls to aspire to and be able to succeed in politics, then we ought to do it.

So we worked with a publisher. We got together and decided how we would lay it out. We then decided as a group that we would give all of the proceeds to the Girl Scouts of America because almost each of us had been a Girl Scout at one point.

So from that we put a book out, which is still being sold here in the Senate bookshop called "Nine and Counting." It has given a lot of money to the Girl Scouts of America, to a leadership fund so that they can continue to create girls who will be leaders in our country. But that started with the meeting BARBARA put together for those of us who could maybe give advice and help these women of Northern Ireland.

When I came into the Senate in 1993, the first thing I wanted to do was give equal treatment to women who work at home in their ability to save for retirement as those who workout outside the home. I had the experience, as a single working woman, of putting aside some money for my IRA, and then when I married my husband Ray, I found out I could put aside only \$250 in an IRA. I said: Wait a minute. Why would someone working inside the home—a woman who is probably going to need retirement security more than any of us—not be able to save for her own retirement security if she is a married woman? So I authored the Homemaker IRA, and of course I wanted to have a Democrat lead because we had a Democratic Congress. So I asked Senator MIKULSKI, and she said she would absolutely sign on—as she always does—when it is something that is going to benefit women. So it became the Hutchison-Mikulski bill. I said to BARBARA: I want this bill to pass. I don't

care if my name is first. I would love to put your name first if you think that will help us get it through. She said: Absolutely not. I would not take your name off that bill for anything because it was your idea. There are not very many people in this body who would make that gesture and also put her weight behind the passage of the bill.

Of all the things I have done and that we have done together, BARBARA, and of all the things that bill is going to affect the most people in our country because now we have the Homemaker IRA that passed in 1996 that allows women—whether they are married and working at home or outside the home and single or married—they will be able to set aside the same amount. Fortunately, that amount has grown, and so it is not \$2,000, but it can be \$2,500 or \$3,000 or \$5,000, depending on their age. It is a wonderful thing we were able to do together.

Senator MIKULSKI and I also worked on behalf of Afghan women. When we started hearing the atrocities that were happening to the women of Afghanistan that were brought back by great women's organizations, such as Vital Voices, that told stories of not only unequal treatment of women in Afghanistan but inhumane treatment of women in Afghanistan. Senator MIKULSKI, Senator Clinton, and I introduced the Afghan Women and Children Relief Act, which was signed into law in December of 2001, which authorized funding for women in Afghanistan and Afghan refugee women. Political participation was supported for Afghan women, and we followed up with appropriations. I have to say our Republican President, President Bush, and our Democratic President, President Obama, have always said American money will go into Afghanistan or Iraq or anywhere else to support equally the education of girls and boys; that we would support women where they are not being treated as equals on a human rights basis. So our Presidents have stood and, of course, our bipartisanship in Congress has done the right thing. Again, Senator MIKULSKI is a leader in that area.

I cannot think of a stronger supporter in this Senate than BARBARA MIKULSKI in the area of NASA. I wish to say Senator BILL NELSON also has been such a strong supporter, as well as Senator LAMAR ALEXANDER, but Senator MIKULSKI and I now are the—she is the chairman and I am the ranking Republican on the committee that is appropriating for NASA. We are also fortunate to have Chairman JAY ROCKEFELLER on the authorizing and oversight committee for NASA. He, too, has been such a strong leader in assuring that we continue America's preeminence in space.

When the rubber hits the road in appropriations, Senator MIKULSKI has been there to say: We are going to have

the science in the Hubble telescope, which has given us so much information, as well as the James Webb telescope. Now, of course, we have the human space flight issues and BARBARA MIKULSKI has been right there saying, of course we are going to utilize the International Space Station, of course we are going to keep America's priorities in space because it has done so much for our economy and our jobs and our technology and our health care improvements, but it has also been a national security issue that BARBARA MIKULSKI recognizes, first and foremost.

I cannot match a lot of the stories about BARBARA MIKULSKI and her personality, but I can tell you I took BARBARA MIKULSKI to tour the Johnson Space Center in 2001, and we did a wonderful event at Baylor College of Medicine to talk about the research that is being done in the biomedical sciences and on the space station. I thought, I am going to bring BARBARA where we can show her a little bit of Texas.

We know Texas has a lot of personality and sometimes we are thought to have a little too much fun, but I will tell you what, BARBARA is one of us. I brought her to the Houston rodeo. During the month of the Houston rodeo, everybody is "Go Texas," and everybody dresses Texan, which means cowboy, and we have a great time. So I took BARBARA MIKULSKI into the steer auction, where just this past Saturday a steer was sold for \$460,000.

It is a grand champion steer, I might say. All of that money goes for scholarships for our young people to go to college.

BARBARA came into the steer auction, and she looked around. There were 2,000 people at the breakfast before all these people are going to go and bid on the steers so we can fund scholarships. We were all dressed appropriately for Texas, and she reached over to my ear and she whispered: Now, KAY, if we were here on Monday morning and we went to a chamber of commerce meeting, do these people look like this? I love to tell that story in Houston because it gets huge laughs. She won over everybody in Houston. They adored her from the beginning. She put on her cowboy hat, she rode in the grand entry on a buckboard and she became an honorary Texan in our hearts. So BARBARA MIKULSKI knows how to win over others.

Let me mention one of my early experiences when I first came into the Senate. There was an effort to have health care reform. A program was put forward and this particular program had some things that were good, but one of the things in it was that no health insurance coverage would be required for women to have mammograms if they were 40 or below. I will tell you something, the biggest eruption in the Senate was BARBARA MIKULSKI saying: Are you kidding? I will not

let this go by me in the Senate. We are not going to say that a woman who is 40 or under is not going to be eligible for insurance coverage for a mammogram. It is not going to happen. BARBARA MIKULSKI took the lead, and I am going to tell you, the first thing that came out of that plan was that provision, and it will never be in a plan as long as BARBARA MIKULSKI is in the Senate. So I am just going to tell anybody who is looking at health care reform, take a little advice, don't mess with BARBARA MIKULSKI because we are going to have mammograms.

Not only that, BARBARA MIKULSKI came forward in the next month and passed unanimously in the Senate a mammogram standards bill. During this process she learned that there were varying degrees of standards of mammography. She was going to make sure there were standards that every clinic would have, that every piece of equipment would have and she led the effort. It is law today.

I will end with yet another accomplishment; that is, single-sex education in public schools. Senator Jack Danforth of Missouri started looking at the issue and said: We need to allow our public schools to offer single-sex education—meaning girl schools and boy schools—because so many of us have seen that we have to adapt education for the needs of each individual child to the best of our ability. We know there are so many wonderful private schools for boys and girls, but we could hardly have a public school that would be single sex in this country in the 1990s.

So Jack Danforth started the effort, and when he left the Senate, I picked it up. The more I looked at it, the more I saw the benefits to boys and to girls—particularly in the middle and high school grades—were palpable. Senators Clinton, BARBARA MIKULSKI, SUSAN COLLINS, the three of them, had gone to an all-girls school. I had not, but they knew the benefits firsthand of single-sex education. BARBARA was the product of single-sex education, having gone to a parochial school.

I first introduced the amendment in 1998, but it was in 2001—when the four of us came together—that we actually got the bill passed through an amendment and that amendment then not only made public single-sex education an option and legal, it also made it eligible for Federal funding grants similar to all our public schools.

I wish to say it has been one of the joys of my time in the Senate to work with Senator BARBARA MIKULSKI, and I think this 4-foot-11-inch mighty-might has 10 times the impact. She has made an impact on Congress and an impact on America because she is relentless, she is reasonable, she understands an issue, and she understands the importance of listening as well as talking. She is effective and she is respected. If

there is anyone in the Senate who doesn't like her, respect her, and work well with her, I have not met them. When one is the longest serving woman in the Senate and Congress, they have worked with a lot of people. She is unanimously so well regarded, I have never met an enemy of hers.

I will close by saying the people who know her best love her most, and I cannot think of a finer thing to say about any person.

Thank you.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, first of all, I wish to say what a pleasure it is to welcome Senator Sarbanes back. I had the pleasure of sitting beside him on the Foreign Relations Committee for 24 years. We miss his judgment and wisdom. We could use it these days.

I wish to welcome Governor O'Malley. I can't think of a time, when people have stood up to laud a fellow Senator, that a Governor of their State is sitting and listening. All of the comments to this moment and beyond will undoubtedly echo the remarkable affection that everybody has for BARBARA MIKULSKI and particularly the high regard in which she is held.

This is a very special celebration for the longest serving woman in the history of the Congress, 12,862 days today and counting. In that time—I recall when I first came here there was one woman serving, and that was Senator Nancy Kassebaum—it is fair to say BARBARA MIKULSKI has been one of the pivotal forces in creating and assembling what I would call a true “band of sisters”—the women with whom she has served in the Senate, each of whom makes extraordinary contributions to this institution.

We have heard from other colleagues that her career is filled with milestones, and it is. She is the first Democratic woman to serve in both Houses of Congress. She is the first Democratic woman elected to Senate leadership. She is the first woman elected to statewide office in Maryland. These are just a few.

When BARBARA came to the Senate in 1986 after 10 years in the House of Representatives, women were still, as she describes it—these are her words—“a bit of a novelty” in the Senate. Indeed, then, it was only BARBARA and Senator Nancy Kassebaum. But now BARBARA says:

We're not viewed as novelties. We're not viewed as celebrities. We're viewed as U.S. Senators.

One of the reasons for that is that BARBARA MIKULSKI has demonstrated a seriousness of purpose, an ability to legislate, and an ability to make friends and bring people together that has defined her role as the dean of the women in the Senate.

Some of her women colleagues in the Senate call her Dean. Others call her

Coach BARB. But no matter what they call her, she has brought them together in this bipartisan sisterhood, as we just heard from the Senator from Texas. She holds workshops and serves as a mentor to all newcomers and organizes regular monthly dinners. They don't always agree on everything, but the dinners are what some of them have called a “zone of civility,” which is something the Senate could use a little more of these days. Again, it is BARBARA MIKULSKI's example that helps point us in that direction.

But for all of her firsts, I would say to my colleagues that BARBARA MIKULSKI's career has never been about gender as much as it has been about agenda. I have had the privilege of working with her enough on different issues of being what she calls one of her Galahads. I have seen her laser focus on what is right, on her conscience, on her gut, on her sense of what the people of Maryland want, and what she thinks is her duty as a Senator. That is why I wanted her on the Speaker's platform in 2004 in Boston at the convention, and she delivered just the right message in her forceful and commanding way. She stood up there and declared:

When women seek power, we don't seek it for ourselves; we seek it to make a difference in the lives of other people.

There is no arguing, as we heard from a number of colleagues, about what an extraordinary difference BARBARA MIKULSKI has made in the lives of other people, not just Marylanders but all Americans. She has been an extraordinary advocate for the Goddard Space Center, for the Wallops Flight Facility, and for Johns Hopkins Applied Science Lab in Maryland, as well as the Port of Baltimore and Chesapeake Bay cleanup efforts.

For decades, she proudly worked beside my colleague of 26 years Ted Kennedy. She loved Ted Kennedy and Ted Kennedy loved her. Together, on the Health Committee, they worked to make universal health care a reality. Her role when Senator Kennedy was sick was an extraordinary role of picking up that baton and helping to bring it across the finish line.

Along the way she became a leader on women's health, fighting for equality in health research and making sure women get the quality of care they deserve. She was one of the chief sponsors of Medicaid financing of mammograms and Pap smears.

Personally, I will never forget how BARBARA reacted when the National Institutes of Health said it would not include women in trials of aspirin as a preventive for heart attacks because “their hormones present too many biological variables.” BARBARA fired back: “My hormones rage because of comments like that.”

Her proudest accomplishment, she says, is the Spousal Anti-Impoverishment Act, which helps to keep seniors

from going bankrupt while paying for a spouse's nursing home care. But throughout her career, BARBARA MIKULSKI has fought to strengthen the safety net for children, for seniors, and for anyone who needed somebody to stand for them or push open a door for them.

That fight started in east Baltimore where her Polish immigrant grandparents ran a bakery and her father a grocery store. She says she often watched her father open the doors to his grocery store for local steelworkers so they could buy their lunches before the morning shift. She got it in her head at that time that she would rather be opening doors for others on the inside than knocking on doors from the outside.

So no surprise, after college she got a job as a social worker helping at-risk children and educating seniors about Medicare. She got involved in politics by organizing community groups to stop a highway from going through the Highlandtown neighborhood where she grew up. Let me tell my colleagues, nobody had ever seen anything like her. At one rally, she jumped up on a table and cried:

The British couldn't take Fells Point, the termites couldn't take Fells Point, and goddamn if we'll let the State Roads Commission take Fells Point.

As they say on ESPN, the crowd went nuts, and the roads commission never knew what hit them. And I assure my colleagues, that was a nonprofane use of our Lord's name.

Again, no surprise, that led to her election to the Baltimore City Council. I think that explains a lot about just how good a politician she is—how well she knows the street. I think every one of her colleagues, all of us, are in awe of BARBARA's ability to focus on the street emotion, on the simplicity of an argument, and to be able to sum it up in a razor-like comment that just cuts to the quick and makes the rest of us who search around for the words seem pretty inept in the process. Whether it is at Camden Yards, Fells Point, the Eastern Shore, the Washington suburbs, or up along the Mason Dixon Line, BARBARA has her finger on the political pulse of Marylanders. She understands their concerns, shares their aspirations, and sums up their hopes and their dreams in a few short sentences that nobody else can parallel.

If anyone expected BARBARA MIKULSKI to accept being just a novelty or a celebrity in Congress, they obviously had no understanding of her deep roots as an immigrant, being an American, and the values she learned about hard work in her family.

If anyone expects her to slow down just because she is now the longest serving woman in the history of Congress, they don't know BARBARA MIKULSKI. A couple of years ago, BARBARA and I talked—I think it was at one of

our retreats—about how similar Maryland and Massachusetts are in certain ways, especially their rural and fishing histories which we actually both have. She told me she wasn't much of a fisherman, but she liked to hunt. The only problem she cited was the recoil of the rifle given that she stands 4 feet 11 inches tall.

Well, it is clear from the record, clear from the comments of all of her colleagues, and clear from this extraordinary longest serving record in the Congress and all that she has accomplished that she stands as one of the tallest Senators and packs a punch way beyond her 4 feet 11 inches.

We are proud to have her as a colleague, and we are in awe of her ability to galvanize action, which is what this institution should be all about.

Mr. LEVIN. When you read over the long list of Senator BARBARA MIKULSKI's accomplishments, one word keeps coming up, "first." First woman to be elected to the Senate from Maryland, first woman of her party to serve in both the House of Representatives and in the Senate, first woman to serve in the Senate leadership. Today we gather to honor Senator MIKULSKI, who in addition to her many firsts, now stands as the longest serving woman in the history of the Congress.

Senator MIKULSKI began her service in Congress in 1976, and in all her time here since, she has championed the causes dearest to her—causes dear to the needs of her constituents and to our Nation's most vulnerable citizens.

As chairwoman of the Children and Families Subcommittee, Senator MIKULSKI has been a determined champion of the young, the old, and the sick. She has fought for access to higher education for every child because she believes ours is a nation where every young boy and girl should have the chance to reach his or her true potential. She has fought for secure pensions for seniors because she believes ours is a nation where, after a lifetime of work, every person should have the chance to enjoy their retirement. And she has fought for preventive screening and treatment for every woman because she believes ours is a nation where no one should lose a mother, daughter, or wife from a preventable illness.

As chairwoman of the Commerce-Justice-Science Appropriations Subcommittee, Senator MIKULSKI has led the charge to promote economic development, equip our first responders, and invest in science and research. Senator MIKULSKI understands the importance of the private sector, particularly small businesses, in creating job opportunities. That is why she has fought for legislation making it easier for businesses to make investments and hire new workers. No one has fought harder to support our emergency first responders than BARBARA MIKULSKI, who said:

We must protect our protectors with more than just words—we must protect them with the best equipment, training and resources.

Senator MIKULSKI is also committed to the promotion of scientific research and laying the groundwork for maintaining U.S. leadership in the area. She has advanced legislation to substantially increase the number of students earning degrees in science, technology, engineering, and math.

As a Senator from Maryland, Senator MIKULSKI understands the importance of the Federal workforce. Many of her constituents are responsible for the high quality of life many of us take for granted every day. Whether its food inspectors, air traffic controllers, or medical researchers, many Marylanders who make up the Federal workforce contribute to our Nation's health and safety. Fortunately for them, and the rest of us, they have a powerful advocate in the Senate. Senator MIKULSKI said, "I want every Federal employee to know I am on their side." Indeed she is—not only because it is in the interests of her State, but because she knows well that an effective Federal workforce is in the interests of every citizen in every State. Throughout her career, Senator MIKULSKI has fought off misguided efforts to privatize essential functions of the Federal workforce, and fought for fair pay and benefits for these committed public servants.

Fair pay has been a focus for Senator MIKULSKI, and women across the country can be grateful for that. In 2007, the Supreme Court considered the case of Lilly Ledbetter, a woman who for nearly 20 years had been paid less than her male coworkers for equal work. In its decision, the Court ruled that Ms. Ledbetter could not proceed with her case, not because it had no merit, it did; but because of a technicality. Once the Supreme Court rules against you, where can you turn? Just ask Ms. Ledbetter; she will tell you. Senator BARBARA MIKULSKI introduced the Lilly Ledbetter Fair Pay Act to address the flawed Supreme Court decision; and on January 29, 2009, it was signed into law.

In the Book of Genesis, the first question asked of God is "Am I my brother's keeper?" Senator BARBARA MIKULSKI has spent a lifetime and built a career in answer of that question. She said:

I feel that I am my brother's keeper and my sister's keeper. I think that's why I am shaped by the words of Jesus himself: Love thy neighbor. And I took it seriously.

The Senate is better off because she did. The people of Maryland are better off. Our Nation is better off. I am grateful not just because she has become the longest serving woman in the history of Congress, but because she has served her Nation so well.

Ms. COLLINS. Mr. President, today I wish to offer my heartfelt congratulations to my esteemed colleague and

dear friend, Senator BARBARA MIKULSKI, on becoming the longest serving woman in the history of the United States Congress. This milestone, reached on March 17, marks 12,858 days—more than 35 years—of dedicated service to her beloved State of Maryland and to our Nation.

A little more than a year ago, in January of 2011, Senator MIKULSKI began her 25th year in the Senate, surpassing my personal role model in public service, Senator Margaret Chase Smith, the Great Lady from Maine. Adding in her 10 years in the House, Senator MIKULSKI now establishes the record for longevity in either chamber, set by Congresswoman Edith Nourse Rogers, who represented Massachusetts but was born in Maine.

For me, the special meaning of this occasion goes far beyond such coincidences. Just as Congresswoman Rogers and Senator Smith inspired young women in the past to lives in public service, Senator MIKULSKI inspires the young women of today. As a new Senator in 1997, I was welcomed by her kindness and helped by her wisdom. She taught me the ropes of the appropriations process and instituted regular bipartisan dinners for the women of the Senate.

It has been a privilege to work with Senator MIKULSKI for 15 years. During that time, I have come to know her as a fighter and a trailblazer.

Senator MIKULSKI is, above all, a hard worker. Growing up in east Baltimore, she learned the value of hard work at her family's grocery store. Her commitment to making a difference in her neighborhood led her to the path of service, first as social worker, then as a city councilor and as a Member of Congress.

Senator MIKULSKI's longevity is only the preface to her story of exceptional accomplishment. She has fought for increased access to higher education for our young people and for improved health care for our seniors. I am proud to have fought at her side on those issues, as well as for increased Alzheimer's research, improved women's health care, and enhanced educational opportunities for nurses.

As House colleagues during and after World War II, Margaret Chase Smith and Edith Nourse Rogers were instrumental in achieving full recognition for women in uniform. Senator MIKULSKI carries on that legacy as a determined advocate for all who serve our country. Working with her on the Appropriations Committee, I have witnessed firsthand how seriously she takes her responsibility to the American taxpayers.

Throughout her life in public service, Senator MIKULSKI has lived by one guiding principle: to help our people meet the needs of today as she helps our Nation prepare for the challenges of tomorrow. It is an honor to congratulate Senator BARBARA MIKULSKI

for her many years of service, and to wish her many more.

Mr. COCHRAN. Mr. President, it is heartwarming to see such a spontaneous outpouring of respect and appreciation for the distinguished Senator from Maryland, Ms. MIKULSKI. It is certainly well deserved.

She is one of the hardest working and most effective Senators serving in the Senate today. It has been a great pleasure working closely with her on the Appropriations Committee.

Mr. HATCH. Mr. President, today I wish to pay tribute to our dear friend and colleague, the senior Senator from Maryland, BARBARA MIKULSKI. This week, Senator MIKULSKI became the longest-serving woman in the history of the United States Congress. That is quite a milestone and I want to congratulate her on her many years of devoted service to the people of her home State.

Senator MIKULSKI is a Maryland native. Descended from Polish immigrants, she was born and raised in Baltimore. She attended college at both St. Agnes College in Baltimore and the University of Maryland.

After several years of working as a social worker in the Baltimore area, Senator MIKULSKI began her political career in 1971 when she was elected to the Baltimore City Council. She served there for 5 years before running for Congress in 1976. For 10 years, she represented the Third Congressional District of Maryland. Then, in 1986, she was elected to serve here in the Senate.

Although the milestone we are recognizing today is a significant one, it is not the first for Senator MIKULSKI. Indeed, throughout her time in the Senate she has been a pioneer for women in public service.

For example, Senator MIKULSKI was the first woman elected to statewide office in Maryland. She was also the first Democratic woman elected to a Senate seat that was not previously held by her husband. And, she was the first woman to serve in both the Senate and the House of Representatives.

I have known Senator MIKULSKI a long time, having served with her in the Senate for over 25 years now. While she and I have often found ourselves on opposite sides of many issues, I have long admired her commitment to her principles and, most importantly, her devotion to the people of her home State. Indeed, she has been a stalwart and often times fierce advocate for the interests of Marylanders.

I want to congratulate Senator MIKULSKI on this important milestone and I am grateful for this opportunity to pay tribute to her and to her many years of public service.

Mr. ENZI. Mr. President, I greatly appreciate having this opportunity to join my colleagues in expressing our congratulations to BARBARA MIKULSKI as she reaches another great milestone

in her career of service to the people of Maryland in the United States Congress.

Senator MIKULSKI is now the longest serving woman in the history of the United States Congress. Although outstanding in and of itself, it is an achievement that represents far more than the number of years she has served in the nation's Capitol. It is also a testament to her outstanding public service and her commitment to our future that has made it possible for her to help to make our great Nation both stronger and more secure.

Back home, Senator MIKULSKI's constituents have come to appreciate her more and more as they have seen how hard she works to represent them every day. That is why they always come out in such great numbers every election day to make sure she will continue to do so. They can see the difference she has made all around them and they appreciate the way she has made their cities and towns better places to live.

I have often heard Senator MIKULSKI referred to as the Dean of the Senate women, a title she has earned that was conferred upon her with the great admiration, affection and appreciation of those with whom she has served. Over the years so many of them have acknowledged the difference she has made in their lives with her support, her encouragement, her guidance and her direction. She has been such a great mentor to them because she has always led the best way—by example. It is another mark of distinction that has come to her as, each day, she has helped to write another chapter of the history of Maryland and this great Nation of ours.

Looking back, she has played an active role in a long list of changes that have come to our country over the years. Because she has been at the forefront of so many of them she has been a role model not only for those with whom she has served, but for those who have been watching her in action back home. I have no doubt, in the years to come, many more women will serve in the House and the Senate who will credit Senator MIKULSKI for first giving them the idea of serving in the Congress. Her own record of success then assured them that it would be possible for them to do the same if they were willing to work hard and take their case to the people for their consideration.

In the end, that is what our service in the Senate is all about—doing everything we can so that the current generation will have the tools they will need to succeed and then take their place as the next generation of our nation's leaders. Thanks to good people like BARBARA MIKULSKI the people back home know that someone cares. She has given them a voice and it is heard and heard clearly whenever she

takes to the Senate floor to make their concerns known.

I have often heard it said that the meaning of public service is found in the definition of the word "service." That is why we are taking a moment today to thank Senator MIKULSKI for putting her principles and her beliefs into action all these many years for her beloved Maryland and the United States of America. If I may paraphrase the words of Abraham Lincoln, it isn't so much her years of service that matters so much as the service of her years. Through the years she has made a difference in so many ways that will be long remembered and celebrated.

Congratulations, BARBARA. You are setting a record pace here in the Senate. From this day on, you will be setting a new record every day. Thank you for your service, but most of all, thank you for your friendship. Diana and I have appreciated having the chance to come to know you and to work with you.

Mr. BINGAMAN. Mr. President, I rise today in tribute to Senator BARBARA MIKULSKI of Maryland, who has just become the longest serving woman in Congress, and to applaud the pioneering role that she has played in the evolution of the Senate.

Things have certainly changed since 1986, when Senator MIKULSKI was elected to the Senate. When Senator MIKULSKI joined the Senate as the first Democratic woman elected in her right as opposed to filling the term of a spouse, the Senate looked very different. There was only one other woman senator, Nancy Kassebaum, a Republican from Kansas. The Senate had just begun to televise their proceedings the year she was elected. And, obviously, there were no women in leadership positions in the Senate.

Senator MIKULSKI set out to change all that. She became the first woman in the Democratic leadership. She became the first woman to serve on the Appropriations Committee. And then she became the first woman to chair the Senate CJS Appropriations subcommittee.

And things certainly have changed. Now, in the 112th Congress, there are 17 women, both Republican and Democrat, in the Senate overall. There are seven women on the Appropriations Committee alone. Five women chair Senate committees. Women have had significant roles in both the Democratic and Republican Senate leadership.

While all of these changes were clearly not solely a function of Senator MIKULSKI's pioneering leadership, she blazed a trail as bright and as wide as anyone could possibly hope for. With her impassioned speeches, her plain spoken delivery, and her commitment

to fairness and justice, Senator MIKULSKI could not be ignored or pigeonholed. She stood up for what she believed in, and she would not allow her voice to be silenced.

Senator MIKULSKI cared deeply about health care issues, and women's health in particular. When she learned that many Federally-funded research protocols did not include women, she led the fight to insure that would never happen again. She established the Office of Women's Health at NIH to ensure women would always have a voice in critical health issues.

One of her proudest accomplishments was working to pass the spousal impoverishment law, which changed the rules that forced elderly couples to spend all their assets and give up their home before the Government would help one member of the couple pay for a nursing home.

Finally, I would be remiss if I didn't mention Senator MIKULSKI's efforts on behalf of her beloved State of Maryland. From the crabbers of the Chesapeake Bay to the steelworkers at Sparrows Point to the scientists at Goddard to all the other families all across the State, no one has worked harder to give them a voice on Capitol Hill than BARBARA MIKULSKI. On this historic day, I wish her the best, and I know that as long as she is a United States Senator, she will never stop fighting for what she believes is right.

Mr. BAUCUS. Mr. President, we mark March as Women's History Month, as a time of year for us to remember the valiant female leaders of our great Nation. One of them is very special to Montana. In 1916 Jeannette Rankin was the first woman elected to the United States Congress, 4 years before women were granted the right to vote.

As a member of the House of Representatives, her daring and vocal stance on controversial issues such as war and peace brought critical recognition from the press. In every situation, the strength of her values persisted, even under the pressures of unanimous opposition to a war with Germany. Jeannette Rankin said, "I may be the first woman Member of Congress, but I won't be the last," and helped to pave the way for future generations of women leaders.

This past Saturday, March 17, 2012, marked a monumental day in American history. The Senator from Maryland, Ms. BARBARA MIKULSKI, celebrated her 35th year in the United States Congress.

That important accomplishment is a milestone for American culture and female leaders in Congress. Senator MIKULSKI is now the longest serving female in the Senate and in the history of the U.S. Congress. She spent her first 10 years in the House of Representatives, followed by the next 25 years here in the Senate. She has

worked every day to make America a better place for the next generation.

When Senator MIKULSKI began her work in the House of Representatives, there were 18 female Members of the House and three female Members of the Senate. When she began her first term in the Senate, there were 23 female Members of the House and only one other female Member of the Senate. Now, she is a leader among our 17 female Senators and 76 female Members of the House of Representatives.

Her strong sense of community and instinctive nature pertaining to the needs of Americans is exemplified by her action-oriented attitude. Even before her tenure in Congress, as a social worker for the people of Maryland, Ms. MIKULSKI was active in local issues in and around the Baltimore area and worked to help at-risk children and seniors. She continues working passionately to address those issues throughout her tenure in Congress.

Her advocacy for justice and contributions to social issues are evident with her work to fight for women's rights and improved access to health care, to better education, and to volunteering and national service opportunities. She offers tremendous leadership for the Senate both as the chairwoman of the Health, Education, Labor, and Pensions Subcommittee on Primary Health and Aging, and as the chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies.

Like Jeannette Rankin, Senator MIKULSKI has been a leader and an exemplar for strong and courageous women leaders in America.

Senator MIKULSKI gets things done, and I have enjoyed our friendship during our work together in the Senate. Her brave spirit is one that sets the bar for new and incoming Senators, both male and female. I congratulate Senator MIKULSKI on her special day and I look forward to continuing our work in the Senate together.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, let me say I am enormously touched and gratified by the warm words my colleagues have spoken on both sides of the aisle. I am particularly moved by the fact of the men of Maryland who are here today. I am moved by the wonderful words of Senator CARDIN, my colleague. I am moved as well that Governor O'Malley is here today.

When I came to the Senate, Senator Paul Sarbanes was my senior colleague, and he is here today as well. Governor O'Malley and Senator Sarbanes are on the bench, but these men are certainly not back-benchers. I must say about the Governor and Senator Sarbanes and Senator CARDIN, they prove the old adage that men of quality

will always support good women who seek equality. I have enjoyed their support, their wise counsel, and their collegial efforts on behalf of the people of Maryland during my years in Maryland politics.

It is a great honor to be here today passing this significant benchmark of becoming the longest serving woman in the history of the Congress, both in the House where I served for 10 years, and in the Senate. It is a great honor for me to be able to pass into the history books along with such an esteemed person as Senator Margaret Chase Smith. We spoke about that in January 2011 when I was sworn in. There were tributes that day and wonderful words from our two women Senators from Maine. Today—actually over the weekend—I surpassed the record of Edith Norse Rogers who was the longest serving woman in the House. Both of those women came from New England. They were both hardy, resilient, and fiercely independent. I, as I have read their histories, so admired them. They were known for devotion to constituent service, an unabashed sense of patriotism, and kind of telling it like it is. I hope that as I join them in the history books, I can only continue with the same spirit of devotion to duty and that fierce independence and patriotism.

I didn't start out wanting to be a historic figure. To, "What do you want to be when you grow up?" you don't say, "I want to be a historic figure." When I was growing up, it was about service. For me, it is not how long I serve, it is not about history. For me, history books were Jane Adams and Abigail Adams and powdered wigs. I just welcome a day when I have time to even powder my nose, let alone powder my wig. But the fact is, when I grew up, I wanted to be of service. I learned that in my home, in my family, in my community, and with the wonderful nuns who taught me.

Today my colleagues have spoken about my wonderful mother and father. I had a terrific mother and father. I am so happy my two sisters and my fantastic brothers-in-law are joining me today. I only wish my mother and father could be here with me because they worked so hard to see that my sisters and I had an education at significant sacrifice to them. But they were really wonderful people where others saw them in a life of business. Every day my father would open his grocery store and say, "Good morning, can I help you?" When he did, he wanted to assure that his customers got a fair deal.

My father opened his grocery store during the New Deal because he believed in Roosevelt and because, as my father said, "Barb, I know Roosevelt believed in me."

I also had the benefit of the wonderful Catholic nuns who educated me. I

had the benefit of going to a school called the Institute of Notre Dame and then Mount St. Agnes College, the Sisters of Notre Dame and the Sisters of Mercy. These women, who concentrated their lives on the message of Christianity and the message of Jesus Christ, wanted to make sure that women in America could learn and be a part of our society. They didn't only teach us our three Rs, they taught us about leadership and service. But they also taught us about other values—the values of love your neighbor, care for the sick, worry about the poor, and be hungry and thirsty for justice.

When I was at the Institute of Notre Dame, a school that NANCY PELOSI went to as well, there was something called the Christopher movement after St. Christopher. The motto was, "It is better to light one little candle than to curse the darkness." That is what I wanted to do. I wanted to be a social worker. I even thought about being a doctor. One time I even thought about being a Catholic nun, but that vow of obedience kind of slowed me down a little bit.

In this country wonderful things happen. When my great-grandmother came to this country, she had little money in her pocket but a big dream in her heart: that she could be part of the American dream, that she could own a home in her own name, in her own right; that she could have a job and so could the people in her own family; and that based on merit and hard work you could be something. Well, in three generations, I have become a Senator. Only in America the story of my family could have occurred—modest beginnings, hard work, effort, neighbor helping neighbor.

Much has been said about my fight for the highway. I was thinking about getting a doctorate, a doctorate in public health at Johns Hopkins. But they were going to run that highway through the neighborhoods, the older ethnic neighborhoods, the African-American neighborhoods. We were viewed in some of those neighborhoods as the other side of the tracks. I wanted to fight to keep those neighborhoods on track. So I took on city hall, and I did fight them.

In this country, what happened? In another country, they would have taken a protester like me and put me in jail. Instead, in the United States of America, they sent me to the city council. I worked hard there, and 5 years later, when Senator Paul Sarbanes, who was a Congressman, ran for the Senate, I ran for his House seat, and I got the job.

When I arrived in the House in 1976, only 19 women were serving: 14 Democrats and 5 Republicans; only 5 women of color. In 2012, there are 74 women in the House: 50 Democrats, 24 Republicans; 26 women of color. In the Senate, there are now 17 women serving: 12

Democrats, 5 Republicans. Today, we saw visiting us Senator Carol Moseley-Braun, a woman of color who served well while she was here.

Those are the numbers and those are the statistics. And though I join this long number of firsts, for me it is not how long I have served but how well I have served. When I came to Congress, I became a Member for the fabulous Third Congressional District of Maryland. My job was to represent a blue-collar community that was in economic transition. What did we do? We were a community that built things here so we could ship them over there. We built cars. We built ships. We made steel. We knew if a country did not make something and build something, it could not make something of itself.

I fought for those blue-collar people. I fought to keep those jobs in manufacturing. We fought for the Port of Baltimore, its dredging, so we could bring in the big ships so we could have exports. We worked again for those people in those manufacturing areas while we saw jobs go overseas. Then we worked very hard for cities to make sure our cities were safe, that we had great schools, and that they had a chance of making it.

I fought hard for health care. One of my greatest pieces of legislation was the Spousal Anti-Impoverishment Act, so that if one spouse went into a nursing home, the other spouse would not have to spend down their life's savings and lose their home. AARP tells me my legislation of so many years ago, that stands today, has kept 1 million people—1 million people—from losing their home or their family farm.

Those were the battles then. Those were the battles when I changed my address and I came to the Senate. Although I changed my address, the battles are still the same: jobs, social justice, opportunity, based on hard work, peace in the world, and I continue to fight for this.

But for me, it is not only about issues. Issues are so abstract. Issues can be so bloodless when we talk about it. For me, issues are about people—the people I represent in my own hometown, the people I represent in my State, and the people who live in the United States of America.

My favorite thing is being out there talking to the people, going into diners, going table to table, listening to their stories, holding roundtables with parents whose children have special needs, meeting with scientists who have discoveries they think will lead to new ideas and new products that will bring new jobs, meeting with universities that train our workforce. For me, it is about the people.

So as I pass this important benchmark, which I am so honored to do, I want people to know I am still that young girl who watched her father open that grocery store every day and

say: "Good morning. Can I help you?" I am still that young girl who went to the Institute of Notre Dame and Mount St. Agnes College who said: I am going to light one little candle. I do not want to curse the darkness. I want to continue to fight for a stronger economy, a safer America, the people of Maryland.

In conclusion, I want to say thanks. I am going to thank the Dear Lord for giving me the chance to be born in the greatest country in the world, to be able to work hard and serve in one of the greatest institutions in the United States of America. But nobody gets to be a "me" without a whole lot of "thee."

I thank my family. I thank the religious women who educated me. I thank all of my staff who have worked so hard to help me do a good job. And I thank the countless volunteers who believed in me and worked for my election when nobody else did. Most of all, I thank the people of the Third Congressional District and the State of Maryland for saying: BARB, we are going to give you your shot. Don't ever forget this. Don't ever forget us. I want them to know, though I have now served in the Senate 12,892 days, I will never forget them. Every morning I am saying in my heart: Good morning. Can I help you?

Mr. President, I yield the floor.

(Applause. Senators rising.)

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am so honored to join so many of my Senate colleagues and people from Maryland and across this country in recognizing and congratulating the amazing woman you just heard from, my good friend from Maryland Senator BARBARA MIKULSKI, who, as you have just heard, has just become the longest serving female Member of Congress in the history of the United States.

This is an achievement that takes courage, it takes passion, and it takes commitment. Those are three attributes all of us who know her so well know she has in abundance. But my good friend, Senator MIKULSKI, has not just served long, she has served well.

The senior Senator from Maryland, over her 35 years in Congress, has established herself as a trailblazer, as a leader, and as a fighter for the people of her State. It is fitting that this milestone was reached during Women's History Month because Senator MIKULSKI has given so much of herself in support of other women in Congress. She has guided us, she has shown us how to stand and fight, and she has taken all of us under her wing.

Senator MIKULSKI realized when she arrived here that there was no rule book for women in Congress. So she took it upon herself to guide the way. She drew on her own experiences to make the transition easier for all of us.

She organized seminars that you have heard about. She taught us how to work together. She taught us about the legislative process, the rules on the floor, and the many more subtle rules off the floor.

In short, Senator MIKULSKI showed us the ropes, and she has done it every day I have been here for all the women who have come since she has been here. While she knows it is important and courageous to lead the charge, she also understands the first ones have to be responsible and successful so others can follow. It is because Senator MIKULSKI has done her job so well that other women have been able to follow in her footsteps.

She is here today as the longest serving woman in Congress, not by accident or by happenstance. She is here because she has earned it, because the people of her State know she is an indispensable champion of their causes, because she does work across party lines, and because she delivers results.

I know many years from now when women have achieved a larger, more representative role in our Nation's Capital, Senator MIKULSKI will be at the very top of the list of people to thank—the person who not only forged the path but who went back and guided so many of us down it.

I know many of my colleagues are on the floor today to thank Senator MIKULSKI. But I am here especially to thank her, as one of those women who have followed in her footsteps, for her more than 35 years of service to her State and to her country. Those of us who know her well know she is not even close to being finished.

So, Mr. President, my very best to my very good friend, Senator MIKULSKI. I wish her very well in her next 35 years.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President I too want to speak of my dear friend BARBARA MIKULSKI, who is just precious. She is precious to her family. She is precious to the people of the Third Congressional District that she represented for 10 years. She is precious to the people of Maryland, precious to the people of the United States, and precious to those of us who have the privilege of serving with her in this body.

She has been affectionately known as a few things: The dean of women; the breaker of the ceiling, as PATTY MURRAY just said; setting the stage, setting the rule book—writing the rule book—for women in the Senate.

There will be 51 women in the Senate 1 day—there will be—and it will come much more quickly because BARBARA MIKULSKI was the first. There is no question about that. The Senate will be a better place for it in so many different ways.

She is also not only known as the dean of women, we love her. She is

known as BARB. I love calling her on the phone late at night and having her say: This is BARB. Please call me. Make sure you say the words and leave your phone number twice.

Of course, when BARB says something, we all do it. So I always leave the phone number twice.

I admire so much about her. But one of the things at the top of the list is who she is. She is the real deal. She knows where she came from. She has never forgotten where she came from. As I have told her personally, she has that internal gyroscope of who she is, what she should do, and how she should do it that guides her almost instinctively, and it is probably the most precious thing a politician can have. Not very many people have it, but hers is about the best I have ever witnessed.

It started from her upbringing and her faith, which she mentioned. We have talked about Willy. She has mentioned Willy. But you never forget how she reminds us because it is with her, and you can see it in her actions every day—how when people would come into the store that Willy had, the grocery store in east Baltimore, when they had lost their job or someone was very sick and Willy would say: Take the groceries and pay me later.

It reminded me of my grandfather Jake—we have talked about this—who was an exterminator, not quite the same as Willy and not providing the same services, but he would tell people: If you have roaches and rats in your house and you can't pay, I will still exterminate. Pay me when you have the money. So I understood that instinctively.

I would have loved Willy to have met my grandfather Jake because I am sure they were kindred souls in a lot of ways. And the guidance of Willy and BARB's mom—you can see it every day in the way she acts.

I just want to say another thing about BARB. She got into public service as a community activist. There was a highway that was going to tear up an important and historic part of her community, and she got involved. Being schooled by her and many of my colleagues, many women believed, oh, they would be excluded from politics if they went into politics directly. But when you are a community activist and you take a lead because something is bothering you about your home or your neighborhood, politics just followed sort of naturally. It is a little bit like PATTY MURRAY's story as well.

These days, because of what BARB has done, I think my daughters can aspire—I do not know if they do, but they can aspire to go into political life directly. In those days, it was much harder. But there she was. She led this fight. She went on to the city council, of course the Third Congressional District in Maryland, and now to this august Chamber. She has done so much.

It has been cataloged by all my colleagues.

Medical research: There are probably millions of people alive today because of the 35 years she has pushed to make that happen. They do not know who they are, but they are there; and they are living happy and healthy because of BARB MIKULSKI.

How about veterans and health care needs? Again, literally tens of thousands, maybe hundreds of thousands, of our veterans are living much better lives because they were able to get the health care that BARB MIKULSKI spearheaded, particularly in the earlier days when this was not a popular cause.

The list goes on and on and on. She has done so much. In our Chamber she is beloved. Beloved. People are sometimes afraid of her when she gets mad. People want her approval. But most of all, I think what most of us seek is her advice, because after so many years in politics, she has that gift to understand what the average person needs and to talk directly to them. She does not talk through her colleagues or does not talk through the media or does not talk through some community leader or other politician. She still is talking to that family sitting in east Baltimore or in Hagerstown or in Annapolis. She almost has them in front of her eyes wherever she goes. That is why her speeches are so effective. She does not try to polish them. That is not her. She speaks from the heart directly to the people, and she cares so much about them that it comes through. It is an amazing trait.

I most admire people in political life who never forget where they came from. She is one of the most powerful people, not just women, one of the most powerful persons in America. I did not know BARB MIKULSKI when she was a community activist in East Baltimore, but my guess is she is exactly the same today. All the power and the accomplishments and the emoluments and the praise, all deserved, have not changed her a whit. That to me says an amazing thing about an individual.

BARB, I know my colleagues are waiting, but we love you. We cherish you. And as PATTY MURRAY said, I will put it my own way, I am sure that BARBARA MIKULSKI, knowing her as well as I do, the best is yet to come.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I wish to join my colleagues in a tribute to Senator MIKULSKI.

I am delighted to join my colleagues in joining in this tribute to perhaps our favorite colleague, BARBARA MIKULSKI, on her becoming the longest serving woman in congressional history. Her work in these Halls has made our country stronger. In a place where partisan rancor too often rules the day, she has established a legacy of service to her

constituents and to all of us in this body that stands as an example to every one of us.

Her political career began in the late 1960s when she launched a campaign to stop the construction of a highway over a historic neighborhood she wanted to protect in Baltimore. She won that battle and went on to run for the Baltimore City Council in 1971. More than 40 years later and following a successful stint in the House of Representatives, BARBARA MIKULSKI continues to blaze an impressive trail.

During her 27 years in the Senate, she became the first woman to sit on the Senate Appropriations Committee, the first woman to chair an appropriations subcommittee, and the first Democratic woman elected to Senate leadership. Last year, we celebrated BARBARA as she became the longest serving female Senator. Now she has crossed yet another milestone, passing Congresswoman Edith Nourse Rogers of Massachusetts, having served in the Congress longer than any woman in history.

Of course, we do not just celebrate the quantity of BARBARA's service but its quality. No one is better at drilling down to the heart of an issue and expressing it in punchy, unforgettable terms. No one cheers us up more than BARBARA when she tells us to: Stand tall, square our shoulders, put on our lipstick, and rise to the occasion. We do not all put on lipstick, but we all get the message.

No one better combines the idealism of politics with the proactive abilities of government. She told me once with a twinkle in her eye, "I am a reformer, but I am a bit of a wardheeler too." Practicality and passion combined is what makes politics successful, and no one does it better than BARBARA.

When she was first elected to the House in 1977, she was 1 of 21 women in Congress; 18 in the House and only 3 in the Senate. Today there are 93 women serving including 17 Senators. BARBARA has earned the distinction of dean of the Senate women. But she never, never forgot her roots as a champion for those who need a voice in this building.

In her years in the Senate, BARBARA MIKULSKI's dedication to her constituents and women's rights has been clear, from becoming a champion of women's health issues to organizing training seminars for women of both parties elected to the Senate, to sponsoring and pushing through with a force that we all remember the Lilly Ledbetter Fair Pay Act of 2009.

During my much shorter tenure as a Senator, I have had the great privilege and pleasure to work with BARBARA to pass landmark health care reform legislation out of the HELP Committee. I have also served with her on the Intelligence Committee, and worked closely with her on the Senate Intelligence

Committee's cyber task force to evaluate cyber threats and issue recommendations to the full committee. I have taken from those experiences great affection and respect for Senator BARBARA MIKULSKI. These are issues that are complex, complicated, difficult, and abstruse, and she brought to them the verve and the vigor and the vision to move on them. And those really are her hallmarks: verve, vigor, and vision.

I know all of us here in this Chamber are proud to call Senator BARB our colleague and friend as she makes history yet again. Her hard work and collegial spirit have enriched this Senate. I wish her all of the best in the accomplishments ahead. On behalf of all Rhode Islanders, Senator MIKULSKI, I congratulate you for this milestone in your history, the Senate's history, and our Nation's history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I consider it an honor and a privilege to rise for a moment to pay tribute to Senator MIKULSKI from the State of Maryland. And in so doing, I think it is only appropriate that I quote from a speech made on November 22 in 1922 by the first woman ever to serve in the Senate.

Rebecca Latimer Felton was the first woman Senator. She was appointed for 1 day. Governor Brown had run against Walter George for the Senate. Walter George won. And because of Ms. Felton's unending help to him in his race, he asked the Governor if he would appoint her for a day to his seat before he took it and was sworn in.

She came to Washington, DC, to serve for 1 day and she made one speech. In that speech she had a paragraph that to me exemplifies BARBARA MIKULSKI. She said, "Let me say, Mr. President, that when the women of the country come and sit with you, though there may be but very few in the next few years, I pledge you that you will get ability, you will get integrity of purpose, you will get exalted patriotism, and you will get unstinted usefulness."

That was Rebecca Felton in 1922. Today, in March of 2012, we honor a Senator who has lived up to every one of those promises Ms. Felton made almost 100 years ago. I have had the privilege to serve on the HELP Committee with the Senator, worked very closely on the Alzheimer's legislation which she has been such a leader on, worked with her on many other projects, including one I am happy to remind her about, and that was the confirmation of Wendy Sherman a few months ago when together on the floor of the Senate, we worked together to see that she was appointed and named and confirmed Under Secretary of State for the United States of America, serving under Hillary Clinton.

On that night when we worked on getting that UC done, and it was not easy, I saw the tenacity, I saw the grace, I saw the patriotism, and I saw the integrity of BARBARA MIKULSKI. It is an honor for me to rise today and commend her on a great individual achievement, not just for herself but for all of the women who have gone before her and all the women who will come later on, and to my five granddaughters and my daughter.

She has led the life in the Senate exemplary of the contributions that all women can make to our society. I commend her on her service, her compassion, her integrity, and all that she has done for the State of Maryland, the United States of America, and peace on this Earth.

BARBARA, congratulations to you on a great achievement. It is an honor for me to be here.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Delaware is recognized.

Mr. COONS. Madam President, I am honored to follow my good friend and colleague from the State of Georgia in recognizing the remarkable contributions of Senator MIKULSKI, now the longest serving woman in the history of the Congress.

Today we have been joined by many great Marylanders. We have had Governor O'Malley and Senator CARDIN, and former Senator Sarbanes, and Senator MIKULSKI's own family, her sisters and brother-in-law in attendance. I am also pleased that we have got two of her favorite constituents, my father and my brother, who are with us today as well. They live in Annapolis and they have known what I have known since childhood when I lived in the suburbs of Baltimore, that Senator MIKULSKI is a remarkable, a tireless, a passionate, and an effective Senator.

Reference has been made to her start as a community organizer, someone who saved Fells Point from a 16-lane superhighway, someone who was not afraid to get into the gritty issues of a local community and standing up for folks who did not have anyone to fight for them. We have also heard about her early years as a social worker, helping folks in need understand the programs available to them and then fighting for the programs that should have been available to them.

It is no surprise to any of us that the district she first represented in the House of Representatives, the Third, was known as the "steel district" where lots of men and women worked in the Bethlehem Steel plant. It is no surprise that she has earned a reputation here in the Senate as a woman of steel, who fights for manufacturers, who fights for Federal workers, who fights for Western Maryland, who fights for poultry on the peninsula of the Eastern Shore of Maryland, who fights for her constituents day in and day out.

It is indeed just that in this Woman's History Month we would be recognizing Senator BARBARA MIKULSKI, who has stood up for Maryland each and every day. And though like me she comes up a little short every time she stands, she stands incredibly tall in the company of Senators throughout American history. She is someone who is passionate for people, who has determination to continue in the tradition of her father, that fair deal grocer, who asked every day that simple question: How can I help, and then gets busy answering it.

She is a role model for me, for all of us, for my daughter, for my family, for our community. She is the only Senator I have heard say to me, fiercely, before going on a vote on the floor: To the barricades. And she is the only person who could say that and mean it. For a lifetime, she has been at the barricades of justice. She has been at the barricades of service. She has been at the barricades of making a difference. And for that, we are all grateful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I too stand today to pay recognition to a friend, a colleague, and truly a woman who brings a smile to my face. Because for as many years as she has served her State of Maryland, for as many years as she has served in the Halls of Congress, she has the enthusiasm, the spontaneity, the excitement when she approaches an issue as a brand new rookie freshman coming into this body.

That is quite remarkable because around here we can get kind of dragged down by the day-to-day politics, the partisan nature, and the conflicts that are inherent in this process.

BARBARA MIKULSKI is one who embraces life and the responsibilities that are put before her. She has an opportunity to represent her constituents, and she embraces it with an enthusiasm that should be a reminder to us all of why we are here to serve.

I have so many different stories and quips and quotes about Senator MIKULSKI, whose name sounds somewhat similar to mine—MURKOWSKI. Every now and again, we have an opportunity to share the same stage, the same podium, and the individual who is introducing us will trip on his or her tongue and refer to us wrongly. There was one occasion where we were being recognized by the National Geographic Society, and she pointed out to the individual making the introduction: She is the vertical one, and I am the not so vertical one.

This is just a recognition again that regardless of the situation, BARBARA MIKULSKI has a good comeback, a quick quip. She is a quipmeister if there ever was one. It speaks again to the enthusiasm and passion she brings to the job she has in front of her.

With names such as MURKOWSKI and MIKULSKI, we clearly have a Polish heritage we look to with pride. She reminds me of mine because she is perhaps a little more connected to those Polish roots. Again, there is a sense of pride with whom she is, where she has come from, and what her family has done preceding her that allows her to go on and do so much for so many.

We have had the opportunity to work together on issues that, coming from different parts of the country—truly different ends of the country—and one would not think we would have as much commonality on some of the issues. As the chairmen on the Commerce, Justice, Science Appropriations Subcommittee, we have worked closely on issues that relate to our fisheries, coastal issues, and judiciary issues. She is always reminding me that we have to take care of our fishermen out there and make sure our families who rely on our waters are appropriately cared for.

We have worked together on women's health issues. We were recently at the Sister to Sister event. I do feel a kinship and a relationship with this Polish sister as we talk about those issues that are so important to women's health.

We share the same concerns about how we do more for our first responders, our servicemembers, and our veterans. Just this past week, as Senator—I almost called her MURKOWSKI myself—Senator MIKULSKI was chairing a committee, and I brought up an issue as it related to the late Senator Ted Stevens and the Department of Justice investigation that failed so miserably—and we are now pursuing it, through different avenues, to make sure nobody should have to go through what Senator Stevens did—Senator MIKULSKI literally stopped the committee hearing to remind the Attorney General that, in fact, this was not a partisan issue; this was an issue where we all should be concerned and that if there is no justice within the Department of Justice, what does that mean for us as a nation.

She is never hesitant to speak and stand and make very clear, when these issues are important to the Nation, it should know no bounds by party. BARBARA MIKULSKI has held true to that.

In many different ways, that makes this milestone we are recognizing even more important because I think there is a kind of a piling on of events that can happen in the Halls of Congress, where the weight of what we do on a daily basis gets to be a load. To a certain extent, one can get tired, one can get worn, but BARBARA has not let the weight of that responsibility bring her down.

I was joking with her a little bit ago when all the accolades were coming her way. I said: BARBARA, with all these kind words that are being said about

you, by the time the tributes are done, you are going to be 7 feet tall. That woman is 7 feet tall in the minds of so many of us. She is a giant for the people of Maryland. She has proven herself to be a giant in so many ways as she works to do good for so many.

I am proud to stand with so many colleagues in recognizing her tenure, recognizing this historic place she has carved for herself within the Congress, and to call her my friend.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to honor the service of one of our most distinguished and long-serving colleagues, the tireless, sometimes relentless, and often spirited senior Senator from Maryland, Ms. BARBARA MIKULSKI.

To say she is a trailblazer for women in politics is an understatement. She has blazed a bold trail not just for women in politics but for all women in every endeavor. She is a fighter, an advocate, someone whom one is hopefully on the same side with because she is a formidable opponent when one is on the opposite side. She is a role model for leadership and getting things done.

Her impressive list of accomplishments is far too long to recite in a few minutes or even a few hours. It would not adequately do justice to her incredible service to Maryland and the people of this Nation. Senator MIKULSKI has dedicated her career to serving Marylanders and has dedicated her life to public service.

She began as a social worker in the neighborhoods of Baltimore, working every day on the street helping at-risk children find their way and giving seniors the help they needed.

She was not, and is not, a bleeding heart, but there is no one who has a fuller heart, a more open heart to the deepest needs of the least powerful among us than Senator MIKULSKI. She is someone one wants on their side.

Senator MIKULSKI came to public service with what I like to call the long view. She can see beyond herself to the needs of society as a whole, and she has fought for those needs and won on far more occasions than she has lost.

When she first ran for public office in 1971, I know she had in her heart the deep and abiding memories of those kids and seniors she met in Baltimore when she began her career. I know she carries those memories with her to this day. To this day, she has never forgotten the people of Maryland who need her the most and have had the wisdom to elect her time and time again.

Her political career has taken her from the Baltimore City Council to the House of Representatives and to this Chamber, where she has honorably served for the past 26 years. For 7 years, I have had the opportunity to work with her in this Chamber, and

there has been no stronger, more knowledgeable, more committed colleague on this side of the aisle. She is an example for all her colleagues, determined to work across the aisle when possible and ready to fight for her beliefs when necessary.

She was the first woman elected to statewide office in Maryland, the first Democratic woman elected to the Senate in her own right, the first woman to serve in both Houses of Congress, and the longest serving female Member of the Senate.

As we all know, this past Saturday, Senator MIKULSKI became the longest serving woman in the history of the Congress, serving more than 35 years in the House of Representatives and the Senate.

It is only fitting that she achieve this milestone during Women's History Month because she has not only paved the way for women in politics but she has helped pave the way for women everywhere.

I had the opportunity to work with Senator MIKULSKI during the long and difficult debate and negotiations on health care reform. Her work was instrumental in ensuring that women have access to the comprehensive health care they are now guaranteed under the law. During that debate, no one's voice was clearer, no one's voice was stronger, no one was more convincing than she in the fight for a woman's right to comprehensive health care coverage.

She fought for mandatory insurance coverage of essential services, such as mammograms and maternity care, services that many insurance companies refused to cover. She fought to end gender discrimination by insurance companies.

As a result of the affordable care act and, in large measure because of Senator MIKULSKI's tireless efforts on behalf of women, being a woman is no longer a preexisting condition, as insurance companies used to say, that can be discriminated against.

Those insurance companies that routinely denied coverage of basic women's health services—essential services—are now required to cover those services under the comprehensive women's health services provision of the law.

Whenever there is a need in the Chamber for a strong voice for women, whenever there is a need for an advocate to stand for the powerless against the powerful, whenever there is a child who needs a friend or a senior citizen who needs a hand, BARBARA MIKULSKI is there.

I believe there are many times she comes to this floor remembering, as she said, her days back in Baltimore, and she is right there—an advocate's advocate—fighting for those children and seniors she met along the way.

The rest of us are better off because she comes here with a full heart, ready

to do what is right, not just what is politically expedient.

Her bill, the Lilly Ledbetter Fair Pay Act, was signed into law by President Obama just days after his inauguration. I was proud to work with her on that bill and on so many other efforts as well that make a difference in the lives of average Americans.

Finally, Senator MIKULSKI has been a tireless advocate for something that is near and dear to my own heart—for those who suffer from Alzheimer's and their families.

As the son of a mother who battled Alzheimer's for 18 years and lost her life to it, I understand firsthand the unique challenges of providing long-term care for a loved one. Senator MIKULSKI has come to this floor on countless occasions advocating for increased research, education, and programs for individuals with Alzheimer's. She has found support from her colleagues on both sides of the aisle.

It is estimated that 5.4 million Americans are currently living with Alzheimer's and millions more have been touched in some way by this debilitating disease.

I thank the Senator from the bottom of my heart for her passion for helping those who suffer from this disease. I look forward to continuing to work with her on this issue until we find a cure for Alzheimer's.

The bottom line: BARBARA MIKULSKI is a deeply committed public servant. The State of Maryland has rightly recognized her invaluable service for many years. Because of her efforts, those Maryland families know their interests are protected and their voices are heard.

It has been an honor to serve with her. All of us in this Chamber can only hope to serve our States with the same conviction, selflessness, and pride as Senator MIKULSKI has throughout her 35 years of service to the State of Maryland.

I am reminded of what Mother Teresa said when she got the Congressional Gold Medal:

It is not the awards and recognition that one receives in life that matters; it is how one has lived their life that matters.

In that respect, BARBARA MIKULSKI has lived an extraordinary life. We thank her for what she has done and not just for the people of Maryland but for all the people of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am proud to be able to join my colleagues on the floor this afternoon in honoring Senator BARBARA MIKULSKI for her service to Maryland and for the endless contributions she has made to the people of this country.

It is very hard to adequately describe a political icon such as BARBARA MIKULSKI. For all of us women in politics,

she is a model of what we can aspire to or what we would hope to aspire to. I just want to tell a simple story about BARB that I think reflects her ability to get along with people, her zest for life, as so many of my colleagues have described, and the connection she makes that makes a difference for people.

She and I were on a flight with four other Senators to the security forum in Halifax, Nova Scotia, a couple of years ago, and the weather was bad, so our flight was diverted to Bangor, ME. It was winter in New England, and of course, when there is bad weather in New England in the winter, it sticks around for a while, so we were trapped overnight in Bangor. Most of us just sort of sat there waiting to figure out what was going to be done while we waited for a flight the next day, but not BARBARA because she doesn't sit still. She is never afraid to pick up the phone and take action, and that is exactly what she did. BARBARA dialed up her old friend and colleague—the colleague of all of us—Senator SUSAN COLLINS, and said: Guess where I am. And that is how those of us who were on that flight—the six Senators and the Secretary of Homeland Security—wound up joining Senator COLLINS and the legendary Troop Greeters of Bangor, ME, in welcoming troops at the airport as they returned home from overseas. So what had earlier seemed like an inconvenience turned into a fabulous opportunity to thank our brave men and women in uniform and to have a good time while we were doing it.

You find those kinds of things happening if you spend time with BARBARA MIKULSKI. It is a byproduct of her relentless energy, her drive to better her community and our Nation as a whole, her deep commitment to fighting for women's health, and her unfailing grace and gumption as a legislator, a colleague, and a friend.

As has been said, she got her start as a social worker trying to make the lives of men and women in her native Baltimore a little easier to bear. She was working in the service of values that were taught to her by her family, who owned the neighborhood grocery store. And as so many have commented, she often tells the story of her father opening the store early so that steelworkers coming in for the early-morning shift would have time to buy their lunch. BARB has carried that spirit, those values she learned from her family in that grocery store here to the Senate, and often those values are sorely needed here.

As dean of the Congressional Caucus for Women's Issues, she has built a sense of community within the caucus. Her bipartisan women's dinners are legendary. And, of course, what happens at those dinners stays at those dinners. Those are MIKULSKI's rules.

But we really don't need to look any further than that wintry night in Maine to know how effective she has been in making things happen for people.

I look forward to more of her dinners, to more conversations with the Senator, to more chances to work with her as she fights on behalf of women and seniors and veterans and all those who don't have a voice in government and at the table. I thank the Senator for her friendship, for her leadership, and for her many years of service.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I too am honored to be able to rise today to speak of our dear friend BARBARA MIKULSKI. So many good things have been said, so many accolades have been shared about what BARBARA has done and what she means to all of us. I can only tell you there is not a better ally, mentor, neighbor, and, most important, friend to have in the Senate than BARBARA MIKULSKI.

My State shares a border with BARBARA's State. Maryland and West Virginia have had a long and illustrious relationship. As Governor, I had always known of BARBARA and had met her a few times when I served the great State of West Virginia. But as a Senator, I have had the privilege of being her colleague and working with her and becoming friends, listening to her and watching her in how she works with her constituents, how she considers the issues, how she fights for issues. I don't think anyone has ever had to guess where BARBARA stands on an issue because we all know.

In the 15 months we have worked together, I can say it has been extremely rewarding to serve alongside her, whether it is her wisdom she shares on the train ride over to our sessions here or whether we talk about our both being raised in a grocery store. My grandfather had a little grocery store and, as you know, BARBARA was raised with her father in a grocery store. I think, basically, if you have retail in your blood, you understand the people of America.

Her sense of humor is something to behold. Every day I have the privilege of serving with her is a good day in the Senate.

I know colleagues have all shared their stories about BARBARA, and they have had more experience with her in the Senate. As a freshman, being here only a little over a year and a half, I have not had that many personal experiences, but I can tell you this: If there is a fight that breaks out, if there is something going wrong, you want BARBARA on your side. She is the person to have in that foxhole when the shooting starts. And I have been so appreciative to have her as my friend and always counting on her.

As we have all heard, she has been an advocate for women's health, the space program, and her most beloved State of Maryland, which she fights for every day.

Last year she became the first woman to reach the milestone of serving a quarter of a century in the Senate. Madam President, I have staffers who are younger than her years of service. But I also have young staffers, especially my female staffers, who have said they see a world of possibility because of the trail Senator BARBARA MIKULSKI has left for them. With all of that, she has blazed a trail for all of us. No one will be able to fill the shoes of BARBARA MIKULSKI. We will all be lucky enough to follow in her footsteps.

When she began serving on the Hill in 1977, there were 20 other women in all of Congress. She and 17 others served in the House, while there were 3 in the Senate. Today, 35 years later, there are 17 women serving in the Senate. If there is anything we can learn from Senator BARBARA MIKULSKI, it is that 17 women is far too few. We need more women like you, BARBARA, and, just as important, we need more Senators like you.

I can honestly say that I know the State of Maryland is much better off because of BARBARA MIKULSKI, but I can tell you that the United States of America is a better country because of BARBARA MIKULSKI. So I say thank you to my dear friend BARBARA for her service to this great country and to all the constituents in Maryland who must be extremely proud of her and have a right to be so. I too am so proud to call her my friend and my neighbor.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, we have listened with interest and total accord as the life of BARBARA MIKULSKI in the Senate has been reviewed by so many people. We have heard the friendship and good will we all share toward her.

Her record is quite well known. She is determined to get things done. She never lets minutia stand in the way or block an accomplishment. And I have noticed one thing: When BARBARA MIKULSKI starts to talk during a debate, the noise around the room quiets down. And if it doesn't, beware; BARBARA will call your attention to it and say it in a way that demands attention.

BARBARA and I arrived in the Senate in fairly close proximity. I came here in 1983 and BARBARA arrived in 1986, as I recall. We were both on the Appropriations Committee. I had some slight seniority over her, and one of the things that were being dealt with was seniority. BARBARA asked for my help in the choice of subcommittee, and I tried to step out of the way and help BARBARA obtain the chairmanship of a

subcommittee in Appropriations, which she managed so well and so effectively. She once called me her Galahad, and I was proud of the moniker because it was intended to be a compliment and a sign of friendship.

Strikingly, BARBARA MIKULSKI and I have backgrounds that are not dissimilar. I came from Polish heritage. My grandparents on my paternal side were born in Poland, as BARBARA's family was. They were immigrants. My parents were brought as children from Europe and went through the traditional immigrant absorption.

My folks found it very hard to make a living as they grew up here in America. My grandparents were essentially poor people with a kind of blue-collar background. They had to resort to storekeeping to keep food on the table, a roof overhead, and clothes on their backs.

The one thing that threaded through those years for me—and I heard it coming from BARBARA MIKULSKI so many times when she spoke—was there was always dignity in the house, there was always a positive outlook.

As I heard, my parents, like hers, were not able to do much with presents and valuables. But they did something else, and you see it so fundamentally clear in BARBARA MIKULSKI's demeanor and her behavior: that what she learned at home, the same thing that I learned at home, was the meaning of values not valuables but values. And values included a character obligation for hard work and honesty and decency. They were the yardsticks by which we were measured as children and as adults.

I worked very closely with BARBARA. I left the Senate, as is known, for 2 years and my seniority slipped as a consequence. BARBARA's seniority continued to grow, and she is chairman of the appropriations subcommittee. BARBARA always brought a degree of strength and energy to the things that she said and to the things she did. Although BARBARA during a presentation wanted to make sure that she was heard, and heard correctly, she would also pop up with humor. She had a facility with words and a facility with expression that would have you engrossed in what she was saying and caught off guard when a joke or a humorous statement would pop up.

When we note that BARBARA MIKULSKI, from this modest background, was always on the side of working people, it was never a mask; it was the truth and it was where she wanted to be. I must say that she, for me, was always a steadfast beacon that would remind us: Don't get carried away too much with your personal importance. Get carried away with the things you have to do in your responsibility as a Senator.

When BARBARA MIKULSKI came these years ago, as was noted, she was the first among the women to come to the

Senate and ultimately, as we now know, became the longest serving and carried herself through all of the difficulties we have had. But always, always you could depend on BARBARA MIKULSKI. When BARBARA stood up, people stopped talking about things that were extraneous and they would listen carefully, because BARBARA MIKULSKI always made so much sense and she didn't let you get by without a challenge if she believed you were wrong.

We have heard about her record, we have heard about her accomplishments, and everybody had wonderful things to say about her. I listened carefully to the statements that were being made and thought about our days together and how wonderful it was to be able to hear BARBARA MIKULSKI make sense out of what often escaped that challenge. She would offer the challenge and she would offer solutions.

I, like our other colleagues, stand here in awe and respect and note that BARBARA MIKULSKI, the storekeeper's daughter, is so much like that which I saw in my own life and we have seen in America in the past century; and BARBARA MIKULSKI who, in all due modesty, without any impression of a smug satisfaction, is always ready to take up the battle for the people she served, not only in the State of Maryland but across the country. She is an inspiration for women coming to government, and she serves so well as a demonstration of what could be.

I am delighted to be here, to stand here as a friend and an admirer of BARBARA MIKULSKI, and wish her many more years of service. I know that with BARBARA around, you can always count on sense and good judgment to result.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Madam President, I associate myself with the remarks of my colleague, the Senator from New Jersey.

It is with great admiration that I rise today to join all of my colleagues who have spoken before me and who will continue to speak honoring the Senator from Maryland, BARBARA MIKULSKI, as the longest serving woman in the history of the Congress.

It has been such an honor to serve with Senator MIKULSKI. In my 3 years in the Senate, she has quickly become a dear friend and an invaluable mentor, as she has been for all of the other female colleagues as the dean of women Senators.

It wasn't until 1932 that Hattie Caraway became the first woman ever elected to the Senate, and it wasn't until a half century later in 1986 that, against all odds, BARBARA MIKULSKI became the first Democratic woman elected to the Senate. That is right. When she arrived in the Senate, she was just one of two women serving in this body. Now the longest serving

woman in congressional history, Senator MIKULSKI is showing what is possible when you ignore conventional wisdom, never stop fighting for what is right, and honor our commitment to families who elect us every single day.

One of her hallmark battles has been the fight for equal pay for work for women. This is not only an issue of equality and justice but an economic imperative, because as we stand here today, with more dual income households than ever, women only make 78 cents on the dollar compared to men. For women of color, the disparity is even greater, African-American women earning 62 cents on the dollar, and Latinas 53 cents on the dollar. I know Senator MIKULSKI won't give up until we correct this outrageous injustice, and I am honored to be fighting alongside her.

Senator MIKULSKI has also led the fight to strengthen our laws against domestic violence, and open access to health screenings and treatment that saves women's lives. Close to my heart, she was among the first to stand up to insurance companies that said that being a woman was a preexisting condition. You can always count on Senator MIKULSKI to lead the charge in drawing a line in the sand in the Senate when it comes to protecting women's health and women's right to choose. We saw it yet again when she stood up to the dangerous overreach of the Blunt amendment that would have denied women of this country the ability to choose which medications to take and leave that decision to their boss.

She embodies the words of Eleanor Roosevelt:

The battle for individual rights of women is one of long standing and none of us should countenance anything that undermines it.

It is that spirit—making your voice heard, never backing down in the face of injustice—that has made Senator MIKULSKI one of the strongest voices we have for women in this country and women around the world. Every single day she is paving the way for more women leaders in America by showing the young women and girls of this country that women's voices matter and are needed in our public debate.

I close by expressing my personal debt of gratitude to her for her vision, her leadership, and her pioneering spirit. I simply could not imagine working in this body without her leadership. She has taught me so much in such a short period of time. And, as importantly, she has fostered an unbreakable bipartisan spirit among our colleagues that has resulted in important victories for the American public.

Thank you, Senator MIKULSKI, and congratulations on your historic achievement. It is an honor to serve with you, and I hope to continue to serve with you for many years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Both Senator SESSIONS and Senator SNOWE are here, and I don't know if they wanted to speak. I know we have had a flow of speakers on this side, and if one of you wants to speak before I speak, I think it is the fair thing to do.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, my understanding was that Senator DURBIN is going to make a UC request, which I plan to object to, and there might be some brief discussion of that. But I don't see Senator DURBIN on the floor.

Mr. UDALL of New Mexico. I am probably going to be the concluding remarks on celebrating Senator MIKULSKI, so I am going to proceed with that.

Madam President, we have been here now for almost 3 hours—I was down here when we started. Senator FEINSTEIN started about 2:00 and we are approaching 5:00 now—for an incredible celebration of BARBARA MIKULSKI's career. I have listened to a lot of it both at my office and here on the floor, and it is pretty remarkable to hear the kinds of things she has done with her life and I rise today to honor my colleague, Senator BARBARA MIKULSKI.

As has been noted, this month Senator MIKULSKI becomes the longest serving woman in the history of Congress. With her perfect sense of timing, BARBARA reaches this historic milestone during Women's History Month. And it is for the history books. But, as BARBARA has said: It is not how long I serve but how well I serve. And she has served very well. She has served her beloved State of Maryland very well, and she served this country in a number of capacities on the Appropriations Committee and on various committees in the Congress.

We celebrate this historic occasion but, more deeply, we celebrate BARBARA's record of achievement—a record that transcends gender, a record that is rooted in a life dedicated to public service.

Since she was first elected to public office in 1971 to the Baltimore City Council, BARBARA has been setting milestones. Think about that for a minute—1971. This is 40 years plus of public service. As the Chair knows, this is pretty remarkable. She served in public service for a while. I have served for a while. But 41 years of public service is remarkable—the first woman elected to statewide office in Maryland; the first Democratic woman elected to the Senate in her own right; the first woman in the Senate Democratic leadership; and the first Democratic woman to serve in both Houses of Congress. Yet it is not her being first that is the most impressive; it is her commitment to putting others first. BARBARA has shown that commitment time and again.

In over 35 years in the Congress, she has never wavered in her service to our

Nation and her dedication to the people of Maryland. She has fought for quality education. She has fought for American seniors. She has fought for women's health and for veterans. For women facing unequal pay, BARBARA championed the Lilly Ledbetter Fair Pay Act. For senior citizens facing bankruptcy because of a spouse's nursing home care, BARBARA wrote the Spousal Anti-Impoverishment Act. Yes, she is a trailblazer, but she blazes those trails to help others—for young people who dream of going to college, for families facing devastating illness, for opportunity for all Americans. That has been her passion, that has been her true achievement, and that will be her greatest legacy.

When BARBARA was first elected to the Senate in 1986, there was only one other female Senator. Now there are 17. BARBARA is, rightly so, the dean of the women. She is a mentor to her female colleagues, but no less so she is an inspiration to all of us.

I admire BARBARA's remarkable determination and her tenacity, but also her ability to work with others to get things done. She will fight for what she believes, but she will sit down to dinner with her colleagues across the aisle. And she has never forgotten where she came from. The daughter of a Baltimore grocer, each night she returns home to Baltimore. She has never forgotten the values she learned there: hard work, helping one's neighbor, patriotism.

She is diminutive in height only. That was evident early on. The story is well known how, as a young community activist, BARBARA stopped that 16-lane highway from coming through Baltimore's Fells Point neighborhood. She is not afraid to stand up to power, and she is not afraid of speaking strongly to power. In all the ways that count, Senator BARBARA MIKULSKI is a towering figure.

Albert Schweitzer once said: I don't know what your destiny will be, but one thing I know for sure. The only ones among you who will be truly happy are those who have sought and found how to serve. This BARBARA MIKULSKI has done. From her early days as a social worker to her years in Congress, she has served. She has served long and well.

Congratulations, BARBARA. It is an honor to be your colleague.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I couldn't be more pleased as well as privileged to join all of my colleagues today in congratulating a very good friend and colleague, the dean of the women of the Senate, Senator BARBARA MIKULSKI, on overtaking Congresswoman Edith Nourse Rogers as longest serving woman in the history of the Congress.

As someone who has had the privilege of knowing Senator MIKULSKI since 1978 when I was first elected to the House of Representatives, for me, this milestone represents a watershed moment in the life of American politics.

For nearly 35 years, I have witnessed BARBARA MIKULSKI summon and harness a seemingly limitless reservoir of energy as a fierce advocate and a champion on behalf of the people of Maryland as well as the country. With equal parts vigor and vigilance, she has demonstrated a devotion to her constituents that has been unerring in its promise and ironclad in its purpose.

It is precisely that caliber of service that the people of Maryland have rewarded time and time again.

As I stated on this very floor at the outset of this Congress when she surpassed the length of service of Maine's legendary Senator Margaret Chase Smith, Senator MIKULSKI is synonymous with "the special bond of trust which should exist between the governing and the governed." She has "recognized injustice and acted boldly to quell it . . . giving a voice to the voiceless . . . power to the powerless."

What Senator Margaret Chase Smith and Congresswoman Edith Nourse Rogers exemplified as standard bearers in the last century for length of service, Senator MIKULSKI embodies in this century—that the commitment to advancing the common good is bound neither by geographic region nor political affiliation but, rather, by an undaunted desire to serve others.

A consummate role model and admired mentor, Senator MIKULSKI always stands as a shining example that the robust pursuit of policy and the willingness to hear and consider dissenting views are not mutually exclusive. As I have often said, Senator MIKULSKI knows only one speed, and that is full speed ahead. But by the same token, she only knows one way to govern—through what she aptly referred to as the zone of civility. That approach, so integral to making this institution work, is indisputably one of the hallmark measures of Senator MIKULSKI's longstanding success in public life. Indeed, it is the blueprint for interaction that she has imbued in all of us who are women serving in the Senate. She has worked to establish a tone of respect that infuses our conversations, our collegiality, our collaboration. It is a personal cause to Senator MIKULSKI that is exemplified by the monthly dinners for women Senators that she initiated along with the Senator from Texas Mrs. HUTCHISON, a tradition that has become a catalyst for camaraderie and central to what Senator MIKULSKI calls our "unbreakable bond."

There has been no greater friend for women who have come to serve in the Senate, and I am sure it is a result of

Senator MIKULSKI having arrived here as the second woman to serve in the Senate, along with the Senator from Kansas, Senator Kassebaum, as she said at the time—and that is why she was so willing to serve as a mentor for other women who arrived in the Senate, because she was only one of two women who were serving in this institution. As she said, the Senate had a long tradition of every man for himself. She was determined, she said, that it would not be every woman for herself while she was in the Senate.

As my colleagues also well know, when it comes to having an ally in the legislative foxhole, there is none more feisty, none more formidable, and certainly none better than Senator BARBARA MIKULSKI. I have witnessed her tenacity firsthand, having worked with her side by side over the decades, whether on matters of equity for women in the workplace, ensuring gender-integrated training in the military, working on cybersecurity, working on every other issue where we are bringing justice to those who have borne the brunt of injustice.

Nowhere has her leadership been more unmistakable, of course, or more monumental than in the area of women's health. I well recall, when I arrived in the U.S. House of Representatives in 1979, I joined what was then known as the Congresswomen's Caucus on Women's Issues, which is where I ultimately became the cochair for a better part of the decade. Senator BARBARA MIKULSKI, at that time being in the House of Representatives, served in that caucus as well.

When I arrived in the House of Representatives in 1979, there were only 16 women serving in that institution. That is why the congresswomen's caucus was formed, to focus on those issues that mattered to women and to family and to children. We recognized that it was our obligation and responsibility to work, to focus on those issues because otherwise they would languish on the back burner rather than being on the front burner. We also understood that if we did not focus on these issues, if we did not advance these issues, no one else would. So we began to tackle systematically many of the discriminatory laws or inequities that were embedded in Federal law that failed to recognize the dual role women were playing, both at home as well as in the workplace.

We began to work on these issues one by one because there were so many issues across-the-board that were affecting women, where they were ultimately bearing the burden and the consequences of these inequitable laws. We did that with respect to pensions, for example, where women discovered that after their husbands died, their pensions had been canceled.

We discovered it when it came to family and medical leave, which took

us the better part of 7 years to enact that legislation. But, again, women were bearing the burden of taking care of their ailing parents or their children at home and paying the consequences in the workplace.

Then, of course, there was the issue we discovered of discriminatory treatment in our clinical study trials. Regrettably, at the time our National Institutes of Health were actually discriminating against women and minorities, excluding them from clinical study trials because it was too complicated to include women in these study trials because we were biologically different. As a result, any of those treatments that were developed as a result of those trials could not be applied to women. Ultimately, this could make the difference between life and death because the kinds of procedures and treatments that were derived from these clinical study trials could not be applied to women.

When we discovered that these inequities and this discriminatory treatment existed, we set to work on how to redress this wrong. It is hard to believe there was a time in America where women and minorities were systematically excluded from these trials that, as I said, had lifesaving implications. Who would have thought that women's health would have been the missing page in America's medical textbooks or merely an afterthought.

So I, as a cochair along with Congresswoman Pat Schroeder in the House, on behalf of the caucus, and, of course, then-Senator BARBARA MIKULSKI in the Senate teamed up in a close bipartisan, bicameral collaboration to establish the groundbreaking Office of Research on Women's Health at the National Institutes of Health so that never again would women be overlooked when it came to key clinical study trials that were underwritten by the Federal taxpayers and Federal funds. In fact, Senator MIKULSKI, as I well recall, launched the key panel of stakeholders at Bethesda to give this initiative critical national attention and momentum—as only she could—as well as fundamental policy changes that ultimately resulted from that panel that reverberate to this day, resulting as well in lifesaving medical discoveries for America's women.

That is the passion and power of Senator MIKULSKI that has led her to this historic day. BARBARA is not about legacy, she is about problem-solving. As somebody described it, her ideology is grounded in the practical, and that is so true. It is not only the practical but giving power to the people and developing practical solutions in their everyday lives.

She is a guardian of the common good, a woman who redefines the word "trailblazer," a pioneer of public policy. Senator MIKULSKI continues to shape the landscape of our Nation for

the better, with a force and a might and a stature, one of the giants of public service, not just in our time but for all time.

On the occasion of Senator MIKULSKI's recordbreaking service, we congratulate her, we salute her, and we are honored to be able to express a profound appreciation for her extraordinary and legendary tenure in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come to the floor this afternoon to celebrate BARBARA MIKULSKI's service to this country. I had the honor of presiding for the last hour and heard the statements of so many of my colleagues. I heard them talk about how, when she joined this Chamber in 1986, BARBARA MIKULSKI was the first woman elected to the Senate who was not preceded by a husband or a father, the first woman elected to the statewide office to serve the State of Maryland, and only the 16th woman to have served in the Senate ever.

Today she is truly the dean of women Senators. She is a mentor and a friend to the rest of us, and she has always set the bar high. This is a woman who took on city hall as a young social worker in Baltimore—and won. This is a woman who has championed landmark legislation that has touched the lives of millions on issues ranging from health care to education to civil rights. She has shattered glass ceilings, not just in the Senate but in the Congress as a whole.

If that is not enough, she has even graced the glossy pages of Vogue magazine. Most of you may not have seen the photos that were taken in front of the Capitol Building with a number of other women leaders, including Meryl Streep, who was in town for a screening of her film "The Iron Lady." So I think it is fitting, to borrow a phrase from the Iron Lady herself, Margaret Thatcher, who famously said, "In politics, if you want anything said, ask a man; if you want anything done, ask a woman."

I don't think my male colleagues who are here today will take offense at that one since anyone who has ever worked with BARBARA MIKULSKI knows she is a force of nature. She may not be the tallest Member of the Senate, but she is certainly the most tenacious. She is a tireless advocate for the people of her State, and she has a fierce and enduring love for those she represents. She knows where to pick her battles, and we have seen her face some tough debates in the Senate over the past few years. Whether it was working to take C-sections off lists of preexisting conditions at insurance companies or fighting to ensure equal pay for equal work for women or promoting better educational opportunities for children

with special needs or ensuring that our troops and families receive the benefits that they have earned and that they deserve, she has never stopped working for fairness, justice, and decency.

The daughter of a smalltown grocery store owner, she has made strengthening the middle class the centerpiece of her economic agenda because, as she always puts it, the women in the Senate understand issues not just at the macro level but also at the macaroni-and-cheese level.

When BARBARA MIKULSKI came to the Senate 26 years ago, she lit a torch that has brightened the path for so many of us, for the 16 other women Senators who serve today and for all the future generations of women leaders who will lead our country forward. I am humbled to call her a colleague and a friend, and I am honored to celebrate her incredible service to our country today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there are several of my colleagues here who are continuing their tributes to Senator MIKULSKI. I have a statement that was scheduled at 5 p.m. that will take all of 10 minutes, and then I will yield the floor at that point. I don't know if Members who are on the floor want to establish a queue of who will follow, but if anyone wants to make that unanimous consent request, I see that Senator CARPER and Senator CANTWELL are here on this side, Senator COATS is on the other side. I don't know if Senator SESSIONS is planning to speak after I have spoken on a substantive matter beyond the UC request.

Mr. SESSIONS. No, although I wouldn't mind seizing the opportunity to speak about Senator MIKULSKI for a minute, but otherwise, if the Senator has no—

Mr. DURBIN. Mr. President, I am going to give a statement and make a UC request that I planned at 5 p.m. And if I could suggest I be followed by Senator SESSIONS, and then Senator CARPER, Senator COATS—

Mr. COATS. If the Senator will yield on that, I don't want to interrupt the tribute to Senator MIKULSKI, and I know the Senator has some business he has arranged. I will give mine another time. You don't have to include me in the queue. I don't want to spoil the party. The tribute is worthwhile, and I will find another time to do this.

Mr. DURBIN. Mr. President, I wish to make an admission. I have spoken about Senator MIKULSKI earlier and this is a different issue. I suggest after Senator SESSIONS that Senator CARPER and Senator CANTWELL follow. I ask unanimous consent that the Senators be recognized in the order I have noted.

The PRESIDING OFFICER. Without objection, it is so ordered. Would the

Senator wish to request that the non-tribute-related portion of the discussion be put in a separate place in the RECORD?

Mr. DURBIN. That is what I was about to ask the Chair, to have permission that my statement not related to Senator MIKULSKI be placed in a separate part of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN and Mr. SESSIONS are printed in the RECORD under "Cameras in the Courtroom.")

Mr. SESSIONS. Mr. President, although I do not have prepared remarks, I wish to join with my colleagues in making a few comments about Senator MIKULSKI.

Senator MIKULSKI is a great Senator. She is a delight to work with, a formidable adversary, and a formidable ally in any important debate. She is someone whom all of us respect and admire. It surprises me she has been at this business so long. It doesn't seem as though it is possible. She certainly hasn't lost her enthusiasm for the job and she has played an important role in quite a number of issues with which the country has had to deal.

I remember her leadership on an important issue during the post-9/11 time, when we were wrestling with how to deal with security for our country. She spoke firmly and strongly in favor of firm action to defend America from attack.

Another issue I don't think has been mentioned but is exceedingly important—something I have observed her deal with and provide leadership on for some time—is space and NASA. She is one of the absolutely most knowledgeable and experienced Members of this Senate and the entire Congress in dealing with the complexities and the needs of NASA and she is a champion and advocate for exploration of space. This is an area where America has led the world, and for all her time in the Senate, she has been a champion of advocating that the United States maintain this leadership because I think we share the view that America is a nation of explorers. We are a nation that leads the world in exploring and it is part of our DNA. So I appreciate her leadership in that particular area, as I have watched her with great admiration in her activities.

I didn't realize this tribute would be going on this afternoon and I didn't have prepared remarks, but I wish to join with my colleagues to say how much I appreciate her efforts. We celebrate her great accomplishment in the Senate. I believe that as we go forward, we will find that on issue after issue she will play a critical and a positive role in making America a better place.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wish to follow my colleague from Alabama and speak for just a few minutes about our friend and colleague, Senator MIKULSKI, who celebrates her milestone through her public service to the people of Maryland.

I asked my staff to go to the Web page for Senator MIKULSKI, her Senate office, and I came across one paragraph which I wish to read to my colleagues, if I may. It says:

Barbara Mikulski has never forgotten her roots. Throughout her career she has returned each night to her home State of Baltimore, Maryland. From community activist to U.S. Senator, she has never changed her view that all politics is indeed local and that her job is to serve the people in their day-to-day needs as well as prepare this country for the future.

Sometimes people have come to Congress over the years and they come understanding clearly that our job is to serve. Over time, somehow they lose that thought a little bit and it is less clear who is to be served and who is to be the servant. She has never forgotten who the servant is. She knows she came as a servant, and she will leave someday as a servant—hopefully, not anytime soon.

If we ask most people around here what are maybe one or two words that best describe BARBARA MIKULSKI, I think a lot of people would say she is a fighter. Let me just say, if someone is an advocate for a particular cause, she is the person one wants in the foxhole with them. There is no better advocate, and there is no better or more able opponent on an issue. It is a lot better to have her on your side than it is to have her against you.

I take the train home at night. I go through Baltimore on my way to Wilmington, DE. Along the route, we go by a place called Aberdeen. Sometimes the train stops there; sometimes it does not. We have seen Aberdeen Proving Grounds literally consolidated from around the country. Much of the important research activity the Army does is at the Aberdeen Proving Grounds. The person more than anybody else who has made that possible is BARBARA MIKULSKI. It is a vast facility, with tens of thousands of employees who I think are mostly civilian and a campus of over 100,000 acres that does great work, helping to provide for our defense against all kinds of attack, foreign and domestic. She is a great person to have on your side in leading that fight.

One of the other things I love about BARBARA is her devotion to first responders. There is a big national fire school in a town called Gaithersburg, MD. She has helped make that place possible to not only train folks who are first responders for the people of Maryland, but they train as well first responders for virtually every State in every corner of this Nation. People will go to bed tonight knowing that if there

is a fire or a problem or an incident in their community, it will be responded to, and they can thank BARBARA MIKULSKI for helping to ensure the folks trained there are ready to do that.

As much as anybody I know, she is a person who values service. AmeriCorps is an organization that encourages young people—really people of all ages—to volunteer and to serve. Volunteers are the ages of our pages and a whole lot older and the ages of guys like me. We all have an obligation to serve and to bring that spirit of service, whether or not we are in public life.

I was struck by the fact that she often opened the store as a kid, beginning a lot of her days as her dad opened the family grocery store, early in the morning in east Baltimore. I was born in West Virginia in a town called Beckley. I lived there for about the first 6 years or so of my life, but I would go back many summers, and I had the opportunity to work there for a supermarket, a mom-and-pop supermarket, with my own grandfather who opened the store almost 6 days a week, and I had the opportunity to see him and his work and what he brought to that store every day as the butcher. I think I know more about serving by working my summers in that store than anything else I have ever done. I suspect one of the reasons BARBARA has adopted and retained the spirit of a servant is because of her childhood and growing up and seeing her own family, her own dad, in that particular store.

I mentioned my grandfather in West Virginia. His wife, my grandmother, suffered from Alzheimer's disease. My grandmother's mother suffered from Alzheimer's disease. My own mother suffered from Alzheimer's disease. I don't think there is anybody in this body who has done more to lead the fight to ensure that this scourge of our society—and the scourge of people all over the world—is reined in and overcome. When that day comes, people will stand and say: I did something about this. Nobody in this body I think can take more credit for conquering Alzheimer's disease and dementia than BARBARA MIKULSKI.

Finally, when people think of BARBARA, they think of a fighter, an advocate for voluntarism, and some of the other things I talked about. I don't know that many people think of her as an athlete, but I will say that she is very a big advocate for leveling the playing field. She wants to make sure people not just in athletic endeavors have a level playing field in which to compete, but she wants to make sure young people coming from the most impoverished backgrounds have an opportunity and have a real shot at life to get a decent education as a child, the chance to go to college and to increase their potential to not just earn money and support their families but

to live productive lives. Those are just some of the things I think about when I think of BARBARA MIKULSKI.

I will close by saying she had been in the House I think for 6 years when I arrived in 1982, 1983, and for all the time we served there together, she was always very encouraging of me, very supportive of me as her Delmarva buddy, as we shared the Delmarva Peninsula. Even to this day we work together to make sure we have a strong, vibrant poultry industry on the Delmarva Peninsula. I like to say we are still Delmarva buddies as we look out for the mutual concerns of our respective States.

With that having been said, let me yield back my time. I see Senator CANTWELL is ready to speak. My guess is, she is going to say some more things about BARBARA. But those are some things I am glad I had a chance to say.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I do rise to celebrate the remarkable achievements of my colleague from Maryland, Senator MIKULSKI.

Last January we celebrated an obvious achievement of her becoming the longest serving female Senator. And last Saturday that milestone entered another chapter, with her 12,858 days of serving the people of Maryland in Congress, which means she is now the longest serving female Member of Congress.

I know BARBARA MIKULSKI started her career fighting for Fells Point, a particular location in the Baltimore area that she thought deserved and needed to be protected, and that galvanized her to 35 years of service, where she has been a trailblazer on so many issues.

Many people have talked about those today—about being the first woman elected to statewide office in Maryland, the first Democratic woman to serve in both Houses of Congress; the first Democratic woman to sit in a Senate leadership position, and the first Democratic woman to be elected to the Senate in her own right.

Throughout her career, she has faithfully provided a very strong voice for the people of Maryland. But it is here in the Senate we have all gotten to see BARBARA MIKULSKI, the dean of the women Senators, and to see her incredible work as a trailblazer on so many important issues.

She has been a tireless champion on issues from pay equity to increasing access to college education, for women's health, for women's health care law, and time and time again she has proven she knows how to fight on the right side of the issues.

For the women of the Senate, she is an incredibly important ally. When it comes to each of us who comes to the U.S. Senate, to find our way and to make our own mark, BARBARA MIKUL-

SKI is the Senator who is always there with you to make sure you can achieve what you want to for the State you represent.

I know for me I am very excited—my colleague from Alabama was mentioning Senator MIKULSKI's love of NASA and space exploration—in that I can say Senator MIKULSKI is certainly interested also in sci-fi, and I would call her a “techie” Senator because she certainly has shown a great deal of interest in technology and science.

As the Chair of the Commerce, Justice, and Science Appropriations Subcommittee, she was a key partner in the funding of key science and technology issues, and for us in the State of Washington, when we needed a new Doppler radar technology system, she was there to help ensure that those people who lived in coastal regions were going to have the appropriate protections they needed for understanding inclement weather.

She also has helped in prioritizing efforts such as the cleanup of the Chesapeake Bay in Maryland—something we in the Northwest relate to because we strive to have the same cleanup of Puget Sound.

We have worked together on important legislation, such as passing the Lilly Ledbetter legislation.

But it is BARBARA MIKULSKI—when it comes to protecting women's access to health care or standing up to any attack on Medicare—who is the most articulate, the most determined, the most persevering advocate to make sure women's issues and their cause are understood in the U.S. Senate.

I was proud to stand with her when she went up against the House plan to defund critical women's health care access and there was a near shutdown of government. As people tried to pressure Planned Parenthood, she was there to make sure we continued important programs such as breast cancer screening.

So today I join my colleagues from the Senate to thank her for those years of service in the U.S. Congress, both in the House and the Senate. While she may represent Maryland, we all want to claim that we are better off as a country having BARBARA MIKULSKI in the U.S. Senate.

And to my colleagues—or to the young people who are here with us on the Senate floor—to understand this moment and achievement, you have to understand that in the whole history of our country, there have only been 39 women Senators, and a good number of those women Senators only served a few days or a few years. So the fact that somebody has achieved not just a seat in the U.S. Senate but a leadership position in the U.S. Senate is an incredible achievement.

We are glad she has represented a time when women have ascended to leadership in the U.S. Senate, where

she is considered one of the wise Members when it comes to strategy on so many policy issues.

We are better off as a body because BARBARA MIKULSKI has served with us, and we are looking forward to many more years of wisdom and, hopefully, many more women Senators joining the ranks of BARBARA MIKULSKI in their tenure.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today also to pay tribute to my colleague, the senior Senator from Maryland, BARBARA MIKULSKI.

As everyone has said, this is a landmark, this is a milestone: the longest serving woman Senator and Member of Congress in the history of Congress, serving more than 35 years.

As a relatively junior Member of this body, I love BARBARA MIKULSKI. I love her because she calls me “FRANKEN.” That is music to my ears. We are in the caucus lunch, I may be in her way, and she says: FRANKEN.

I am not only a relatively junior Senator, I actually kind of recently was a comedian at one point. And she is really funny—BARBARA. I remember the first time I saw her speak—it was years ago, years ago; I cannot remember what the event was—and I am going to try to quote her joke. It was her joke, remember, about herself. She talked about her first campaign effort. I think it was for city council or something like that. She said: I knocked on 7,387 doors, and I walked a total of 372 miles, and I didn't lose a pound.

So I love BARBARA. And she is a force—a force—of nature. Being the dean of women here is not her most commanding title. Her most commanding title is: a fighter. She is a fighter. When she commits herself to a cause, she is a true champion.

She is a true champion for America's seniors, preserving pensions; of Medicare, defending Medicare—boy, do not attack Medicare around BARBARA MIKULSKI—and combating poverty. No one works harder for quality education, fighting to make sure every child has a quality education, so that child can pursue the American dream. And she is committed to fulfilling our country's promises to our veterans, which is so important, and to increasing community service and voluntarism.

As anyone who has watched proceedings here in the Senate knows, BARBARA MIKULSKI, as my colleague from Washington stated, is the greatest champion in the body for women's health. Here is something that is pretty amazing to understand. I want the pages to hear this. She fought to include women in NIH clinical trials. Women were not included in the National Institutes of Health clinical

trials until she made sure they were. This is hard to believe, isn't it? But in your 16 years of life, you—at 16, you cannot conceive of this. This is how backward we were. Think of what she did. That is who we are talking about today.

She has improved access for women to mammograms and cancer screenings—for all women. She has fought for women to have their own say over their own body and reproductive system. Basically what I am saying is, when you have BARBARA MIKULSKI on your side, you have a strong voice in the U.S. Senate.

We have heard reference to her accomplishment on the Lilly Ledbetter Fair Pay Act. When advocating for this bill, Senator MIKULSKI said:

Women earn just 77 cents for every dollar [their] male counterparts make. Women of color get paid even less. The Lilly Ledbetter Fair Pay Act will empower women to fight for fair pay by once again making employers accountable for pay discrimination. I will fight on the Senate floor to get this bill passed.

And the bill was passed. It was the first bill President Obama signed in office.

Senator MIKULSKI and I share a number of passions. One of them is early childhood education. Increasing early childhood education—access to it—is one of my top priorities because we know over and over that the benefits of early childhood education have been demonstrated. And BARBARA knows this.

I wanted to have a hearing on just the economic benefits of early childhood education—just the economic benefits—because a child who has a quality early childhood education is less likely to be a special ed kid, is less likely to be left back a grade, has better health outcomes; a girl is less likely to get pregnant before she graduates from high school, a child is more likely to graduate high school, more likely to go to college, more likely to graduate college, more likely to get a good-paying job and pay taxes, and much less likely to go to prison. It has been shown over and over that the cost-benefit is, for every \$1 spent, like \$16 in return.

I wanted to get a hearing just on this. Because we were talking about education, I thought this needed to be discussed, and we needed experts, economists who were credible on this. So I went to BARBARA and she, of course, said: Oh, yeah. OK. Let's do it. She is Chair of the Subcommittee on Children and Families. I thought that would be a good place to do it, except I am not on that subcommittee. I am on the HELP Committee, which this is a subcommittee of, but I am not on that subcommittee. She said: OK, that doesn't matter. You come anyway. And not only that but: What witness do you want?

She let me pick a witness, Art Rolnick, an expert in early childhood

education—on the economics of it—who started out as an economist at the Federal Reserve in Minneapolis and got into the economic benefits of it.

She is a true ally. She is someone who used her resources as chairwoman of a committee to make sure something you feel strongly about will be aired, will be discussed.

You learn from BARBARA that what we do around here is not so much about policy, it is about people. For her, it is about the people of Maryland. She goes to bat for them time and time and time again. It is about kids. And it is about women, who often have to be both the breadwinner and the caregiver, and who should have every right and every opportunity at work and in society that men have.

As both a Member of the Senate and as a father of a wonderful daughter, I am enormously grateful to Senator MIKULSKI for being a tremendous role model to women in this country, for having fought her way to the Senate, and for proving that legislating was not a man's job—or only a man's job—it is a man's job too.

This body is so much the richer for her, and Americans are so much better off as a result. But her work, our work is not over. Out of 100 Senators, there are still only 17 women. Our Nation is facing tremendously difficult challenges, and having more women like Senator MIKULSKI in the room will help us solve those problems. I am glad she is here leading the way.

With that, I would like to thank BARBARA for her leadership, her friendship, and for being such a fierce advocate. Congratulations, BARBARA, on your achievements thus far and on this milestone. I look forward to many years fighting alongside you.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise, along with so many colleagues, to pay tribute to Senator BARBARA MIKULSKI, an extraordinary woman and Senator, someone who has become the longest serving woman in the history of the Senate, indeed, in the history of the Congress. She surpassed, on January 5, 2011, the record of Republican Senator Margaret Chase Smith as the longest serving Senator. Just this Saturday, she became the longest serving woman in the history of the Congress, surpassing the tenure of Edith Nourse Rogers, a Republican Congresswoman from Massachusetts, who served in the House from 1925 to 1960.

Senator MIKULSKI is the first female Democrat to be elected to the Senate in her own right in 1986. She is a woman of many firsts. She is indeed the dean of the Senate women—I would actually say a dean of the Senate, with her great energy, her great eloquence, and her great passion, particularly for those who are often overlooked in our society. She comes at it honestly. She

was a social worker in Baltimore, helping at-risk children and educating seniors about Medicare before being elected to the House of Representatives.

She has taken that concern for the vulnerable and a particular passion for the State of Maryland forward every day she has served in the House and Senate. She has served on numerous committees. She is a subcommittee chairperson on the Appropriations Committee—Commerce-Justice-Science. She has devoted herself to those issues, and many more. She serves on the Select Committee on Intelligence and has been a key member of the Senate Health, Education, Labor, and Pensions Committee. She has left her mark on a broad range of programs that touch each and every American family. She has been particularly active in women's health, ensuring that women were included in NIH clinical trials, where in the past they were ignored.

Since one cannot ignore BARBARA MIKULSKI—which is virtually impossible—she made it a reality that they cannot ignore women in NIH clinical trials, requiring Federal standards for mammographies, ensuring uninsured women have access to screenings and treatment for breast and cervical cancer. She increased research dollars for Alzheimer's and enhanced the Older Americans Act.

She has been, since her first days in the House of Representatives, at the forefront in advocating for better health care and education particularly for the most vulnerable among us. She has been a champion of national service, understanding that in a great country one has to contribute as well as benefit.

She said one of the things she is most proud of—in her words—"strengthening the safety net for seniors by passing the Spousal Anti-Impoverishment Act. This important legislation helps keep seniors from going bankrupt while paying for a spouse's nursing home care."

That is a fitting and representative example of her service. Throughout her service, she has maintained national priorities but has never taken her eye off Maryland. She commutes every evening back to Baltimore. She works hard to ensure that the people in Maryland benefit because of her activities.

I also thank her for the kindness and help she has given me personally—her concern, for example, with the fishing community in Rhode Island, which is under her jurisdiction on the Appropriations Committee, and in other ways. She has been terribly important and kind to us. She was instrumental in helping us to secure funding for the HOPE VI project in Newport, RI, which has created extraordinary beneficial housing for a mix of incomes in Newport. It is one of the most attractive as well as one of the most stable communities I think anywhere in the Nation.

She has been there to help us constantly.

I could go on and on, as my colleagues have said. I simply want to say at this special moment in Senator MIKULSKI's career, we thank her, admire her, respect her, and she has set a great example for us. In the days ahead, she will not only continue to inspire and sustain us, she will continue to sustain and lead in her State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, some time ago, I was reading a book about the beginnings of the interstate highway system in our country. I came across a paragraph when the highway builders and the Federal Government were going to run the interstate highway through some stable middle-class, working-class neighborhoods of Baltimore. The highway administration was greeted by an organizer who, on behalf of citizens of this neighborhood, said this is not the place to put this highway. She was successful in convincing them that the highway should go elsewhere so it would not be disruptive of so many homes, well-established small businesses, and the cohesive community in that part of Baltimore. The woman who led that effort several decades ago was BARBARA MIKULSKI. She was not yet on the city council. She was a citizen who spoke for her neighbors and has continued to do that as a member of the city council and then as a Member of the House of Representatives and for many years—3½ decades—of the Senate.

We heard Senator REID and others earlier today talk about Senator MIKULSKI being the first female Democrat to serve in both the House and Senate—to be elected to the Senate without succeeding a husband or a father and first to chair an Appropriations subcommittee. Most important, she helped to blaze this path. In 1987, there were only two female Senators. One was the daughter of a Presidential nominee a generation earlier, and the other was BARBARA MIKULSKI. Today, there are 17 female Members of the Senate. It doesn't look like America yet. There is not anything close to the number of minority members as a percentage of the population, but I hope that changes. I think it will. It doesn't come close to representing the gender makeup of our society. But to go from 2 female Senators, when she first came, to 17 today—and if I can predict elections, which none of us can, and we certainly cannot try—I think there is a good chance there will be a number of additional women in this body this time next year.

I wish to say a couple more things about Senator MIKULSKI on a less serious note. I have been privileged to serve on two committees with Senator MIKULSKI—one being the Health, Edu-

cation, Labor, and Pensions Committee. During the health care legislation, she was so helpful to so many of the causes we care about and to justice in this country, and on the Appropriations Committee, where she cuts a wide swathe of involvement for Maryland and this country, she champions women's health and many talked about this earlier. She cares so much about the National Institutes of Health, not just because it is located in Maryland but because it matters so much for scientific research, for curing a whole host of diseases and preventing diseases, and the number of jobs NIH creates, not just government jobs but the jobs that come out of commercialization of scientific research.

My State is one of the leaders; whether the jobs come out of Cincinnati Children's Hospital, Southwest Hospital, and where Case Western Reserve University is and its medical center around Cleveland, we see that kind commercialization.

I often call her Coach B because she is someone who has been around here a long time and is always willing to advise newer and younger Members. She has been following, especially in my State, what is important, the issue of health care. My State has some of the leading health care institutions in America. Also, what she has done with the space program—the only NASA facility north of the Mason-Dixon line is in Cleveland, with a satellite in Sandusky, NASA Glenn, named after former Senator and astronaut, John Glenn. She has been one of the strongest advocates for the space program, and science, technology, and R&D. She has been particularly helpful to me as I fight for the kind of work NASA Glenn does in Cleveland, and I am appreciative of her for that.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 2219 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

OHIO'S COLLEGE BASKETBALL EXCELLENCE

Mr. BROWN of Ohio. Mr. President, I rise to talk about a new record that has been set. It has nothing to do with the number of votes the highway bill garnered last week in the Senate, and it has nothing to do with length of service of Senator MIKULSKI.

For the first time in history, this year one State has four teams in the Sweet 16 of the NCAA Men's Division I basketball tournament: Ohio.

A special congratulations to the Ohio State University, in Columbus; the University of Cincinnati, in Hamilton County; Ohio University, in Athens, OH; and Xavier University, also in Cincinnati, for their outstanding run so far and making our entire State proud.

I am hosting, for the fifth time, an annual Ohio College President's Conference next week. We bring in 50 to 60 college presidents to meet with each other and with me and we bring in people from the administration, Republicans and Democrats, House and Senate Members, who lead on higher education issues. We bring 55 or 60 college presidents in from Ohio for a day and a half, and there are public and private institutions, 2-year community colleges, and 4-year colleges and universities. They learn best practices from one another. They build relationships that help all 55 or 60 of these college Presidents to do better.

Perhaps, we will talk more about college sports this year because of these four Ohio teams that made the Sweet 16.

We also know another point of reference for Ohio this year was that March Madness started in Dayton, in what has become an important tradition to Miami Valley and our country. This weekend, before the games started, Dayton's Oregon District hosted the First Four Festival, where 15,000 people crowded local restaurants and bars, listened to live music, and watched games on big screens.

A few days later, President Obama and British Prime Minister David Cameron came to the same city where the Dayton peace accords were negotiated and joined the Dayton community and teams from Kentucky, Mississippi, New York and Utah and their fans to watch the first rounds of the NCAA Division I men's tournament at the UD Arena. The UD—University of Dayton—Arena now holds the national record for the number of NCAA basketball tournament games held in a single venue.

The business community in Dayton, one of the most active in the country—the Dayton Development Coalition—rallied together to make sure military families from Wright-Patterson Air Force Base were able to attend, and \$3.5 million was pumped into the local economy, showcasing the Miami Valley's world-class tourism infrastructure of hotels, parks, entertainment, and recreation.

We saw the same thing later in the week in the Arena District of Columbus, where the city hosted games on the opening weekend. Local Columbus leaders and businesses hosted teams from St. Louis, North Carolina, Michigan, New York, Tennessee, California, and Washington, DC, with their fans.

The city expected a \$10 million impact on the local community, with tens of thousands of people staying at hotels, eating in restaurants, and enjoying one of the fastest growing cities in

America, where, I might add, the Presiding Officer once lived. We saw a boost in tourism in northern Ohio, where Bowling Green hosted the first and second rounds of the NCAA women's basketball tournament. Organizers in Bowling Green said the games were more than about basketball, it was about people from across the Nation coming to town and boosting the sales of small businesses.

All the excitement and economic activity goes to show that Ohio is a tremendous attraction of basketball tourism and basketball talent. As the tournaments continue, and Ohio's teams continue to win, I look forward to working with our communities and our business leaders to further leverage our assets in tourism and recreation to help create jobs throughout our State and to promote economic development.

I thank the Presiding Officer, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that following morning business on Thursday, March 22, the Senate resume consideration of H.R. 3606; that the time until 12:30 p.m. be equally divided between the two leaders or their designees; that at 12:30 p.m., the postcloture time be considered expired and the Senate proceed to votes on the following: Reed No. 1931, Merkley No. 1844, as amended, if amended, and passage of H.R. 3606, as amended, if amended; that there be 2 minutes, equally divided in the usual form in between the votes; that upon disposition of H.R. 3606, the Senate then proceed to the consideration of the House message to accompany S. 2038, the STOCK Act; that there be 4 minutes of debate, equally divided in the usual form prior to the vote on the motion to invoke cloture on the motion to concur in the House message to accompany S. 2038; that if cloture is invoked on the motion to concur, that all postcloture time be yielded back, the motion to concur with an amendment be withdrawn, and the motion to concur be agreed to; that the motions to reconsider relative to the above items be considered made and laid upon the table; and that all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMERAS IN THE COURTROOM

Mr. DURBIN. Mr. President, by this time next week, the Supreme Court will have finished hearing oral arguments in the case challenging the constitutionality of the Patient Protec-

tion and Affordable Care Act. How important is this Supreme Court case on health care reform? Well, health care is such an important issue that Congress spent 1 year drafting and debating a bill that the Court is going to consider next week.

Health care has been a critical issue for so long in our country that in the last century, nine different Presidents have spent time, energy, and political capital fighting for reform. It is so important that the Supreme Court reserved 6 hours for oral argument over the course of 3 days to consider the act's constitutionality. The last time the Court dedicated that kind of time to any one case was in 1966—if I am not mistaken, that was 46 years ago—when it considered *Miranda v. Arizona*. Not even the health care case is important enough for the Supreme Court to justify breaking its antiquated tradition of allowing cameras to televise the proceedings, so the American people are not going to have a chance to see and hear these historic arguments for themselves as they take place.

I cannot predict the outcome of the case, but I can tell you what to expect just outside the doors of the Supreme Court. It is a scene we have seen over and over again for decades. Thousands will gather outside the Court. Many are going to camp overnight, sleeping on the sidewalk in the hopes of getting about 1 of 200 seats available to the public. The vast majority of those wanting to see the Supreme Court argument on one of the most important cases of our time will be told: No, you are not allowed to come inside the Court. We don't have room for you. In a democratic society that values transparency and participation, there cannot be any valid justification for such a powerful element of government to operate largely outside the view of the American people.

For too long the American people have been prevented from observing open sessions of the Supreme Court. Except for the privileged few, the VIPs, the members of the Supreme Court bar or the press, the most powerful Court in our land—some might argue in the world—is inaccessible to the public and shrouded in mystery.

I am pleased to stand in the Judiciary Committee with Senator GRASSLEY, the ranking member of the Judiciary Committee, asking that the Senate pass our bipartisan bill that would require televising open Supreme Court proceedings. With the benefit of modern technology, the Supreme Court proceedings can be televised using unobtrusive cameras and the Court's existing audio recording capability. Our bill respects the constitutional rights of the parties before the Court and respects the discretion of the Justices. The Court can decline to televise any proceeding where the Justices determine by a majority vote that doing so

would violate due process rights of one or more parties.

In our view—Senator GRASSLEY and myself—this is a reasonable approach that balances the public's need for information and transparency, the constitutional rights of those before the Court, and the discretion of the Justices.

It is no secret that Senator GRASSLEY and I have strong disagreements about the actual law that is going to be considered by the Court. We have taken to the floor many times to explain our positions. Despite our disagreement on the substance of the health care bill, Senator GRASSLEY and I agree on a bipartisan basis to stand united in full support of S. 1945, which would finally bring transparency and open access to Supreme Court proceedings.

We are not the only Members of this body who believe these proceedings would produce greater accountability. In past years the Cameras in the Courtroom Act enjoyed bipartisan support. The last sponsor of the act before he left the Senate was Senator Arlen Specter of Pennsylvania. This version of the bill, very similar to his own, has the support of Senators CORNYN, KLOBUCHAR, SCHUMER, BLUMENTHAL, GILLIBRAND, HARKIN, and BEGICH. As Senator GRASSLEY would note, Democrats and Republicans from both Chambers have written to the Supreme Court asking it to permit live televised broadcasts of the health care reform arguments.

In November, Senators BLUMENTHAL, SCHUMER, and I wrote a letter to the Chief Justice making a request to open the Supreme Court for this historic argument and let America hear the arguments made before the Court and the questions asked by the Justices in open court. Chief Justice Roberts responded to our request last week, and it sounds as though he sent the same letter to Senator GRASSLEY. The Chief Justice informed us that the Supreme Court has respectfully declined to televise the health care arguments, but that the Court would graciously offer an alternative.

Here is the alternative: The Court will post the audio recordings and unofficial transcripts to the Court's Web site a few hours after the arguments are over. For that gesture, I guess we can congratulate the U.S. Supreme Court for entering the radio age. America entered the radio age 90 years ago. The Supreme Court is catching up with a delayed broadcast-audio only. But I think America deserves better.

Decisions that affect our Nation should be accessible by the people who are affected by those decisions and they should be produced in a way that Americans can both see and hear. The day of the fireside chat is gone. The day of radio transmissions exclusively is gone. Television—and increasingly even the Internet—is the dominant medium for communicating messages and

ideas in modern America. It is not too much to ask the third branch of government at the highest level to share the arguments before the Court with the people of America. Understand, there will be hundreds of people present and watching this as it occurs. It is not confidential or private. It is only kept away from the rest of America because this Court doesn't want America to see the proceedings.

The Supreme Court is an elite institution in our government. Every member of the Supreme Court went to one of two Ivy league law schools. Most of the clerks before the Court come from one of seven law schools. None of the current Justices has run for public office. None of the current Justices has tried a death penalty case. And the lawyers who appear before the Supreme Court are part of a small and exclusive club. Perhaps this limited exposure is why many on the Court don't seem to fully appreciate the impact its decisions have on everyday America, and why the American people deserve to have more access to the Court's public proceedings. Since the Supreme Court is the final word on constitutionality, on issues that impact the lives of every American, the American people should have full and free access to its open proceedings on television.

Let's be clear about one thing: Our bill only applies to court sessions that are already open to the public. Supreme Court Justices should be able to consult with each other, review cases, and deliberate privately. No one in this bill, or otherwise, is calling for those private deliberations to be televised. I believe that televising private deliberations or closed sessions of the Court would cause harm to our judicial system. Our bill does not require that and I would not support that. Open sessions of the Court, however, where members of the public are already invited to observe are a different matter. They should be televised in real time and widely available.

Some who oppose our bill say that the elite cadre of seasoned lawyers with the rare opportunity to argue before the highest Court in the land will grandstand in front of the cameras, risking their professional reputations and even their clients' cases. Some say that the Court's Justices, who have been subjected to the most rigorous vetting process known to man and the most widely covered confirmation hearings, will shrink from the camera's glaring lens. I don't buy it. The experience of the State and Federal courts that have allowed the open proceedings to be televised proves these fears are unfounded.

While the Federal courts of appeals have not permitted cameras to broadcast all appellate proceedings, there was a 3-year pilot project in 1990 that assessed the impact of cameras in the Federal courts. Listen to what hap-

pened as a result of the pilot program. At the end of the day 19 of the 20 judges most involved concluded that the presence of cameras in the Federal courts "had no effect on the administration of justice."

Don't take my word for it. Kenneth Starr, former Solicitor General and independent counsel, supports our bill and said this:

This fear seems groundless . . . The idea that cameras would transform the [Supreme Court] into "Judge Judy" is ludicrous.

For more than 30 years State courts have broadcast their proceedings and, in fact, what they found hasn't detracted at all from the pursuit of justice. Every State in our Nation permits all or part of the appellate court proceedings to be recorded for broadcast on television or streaming on the Internet. Expanding access to the Supreme Court by televising its proceedings should not be controversial. Public scrutiny of the Supreme Court proceedings produces greater accountability, transparency, understanding, and access to the decision-making in government. Congressional debates have been fully televised for more than three decades.

There are people who follow the C-SPAN broadcast religiously. I know. I meet them regularly. As I said in the Judiciary Committee, people will come up to me and say: One of your colleagues looks a little bit under the weather. Does he have the flu? Is he sick? By observing C-SPAN or following the floor of the Senate and knowing each of us, they think on a more personal basis. They hear these statements, they listen to the debates, and they feel better informed about their government. Wouldn't the same apply across the street in the Supreme Court?

Opponents of our bill say the public will be misinformed because all they see are brief clips of the Court's proceedings that could be misconstrued. As I said, this argument sounds a lot like an editorial from a few years ago, and it said:

Keeping cameras out [of the Supreme Court] to prevent people from getting the wrong idea is a little like removing the paintings from an art museum out of fear that visitors might not have the art history background to appreciate them.

In 1986, Chief Justice Burger wrote the following words in the Supreme Court's *Press-Enterprise Company v. Superior Court* opinion. These words are as true today as they were in 1986:

[P]eople in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.

The time has long since come for the Supreme Court—for the highest Court in our land—to open its doors and allow the American people to finally observe its proceedings.

UNANIMOUS CONSENT REQUEST—S. 1945

Mr. DURBIN. Mr. President, at this point I wish to make a unanimous consent request relative to this bill that would open the Supreme Court proceedings to be televised.

I ask unanimous consent the Senate proceed to the consideration of Calendar No. 319, S. 1945, a bill to permit the televising of Supreme Court proceedings; that the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object, I want to congratulate my colleague Senator DURBIN for his able articulation of his view. This is a matter that the Senate and the Congress has considered for quite a number of years. It has not decided to take this step to direct a coequal branch of government on how to conduct their business, and I don't think we should. So I think it would be inappropriate to pass this on a UC without a full debate and discussion and a full vote on it.

So I would say that.

Also, I would note the Justices have opposed this policy. I think we have a duty to respect the coequal branch of our government. They feel as though it would impact adversely the tenor and tone of the oral arguments. The Justices would also have to feel a burden and explain why they are asking a question, perhaps citing a case by name that all the lawyers would know but having to explain to nonlawyers now what is on their minds as a part of their process of questioning. So I think that is a factor.

I would also note it raises constitutional questions. Why would we want to push to the limit and perhaps push over the limit and try to dictate to a coequal branch how to conduct the adjudicative process? Not the political process; we are the political branch. There is the nonpolitical branch, where Justices are given lifetime tenure so as to insulate them from pressure and to allow them to dispassionately decide complex issues. I would also note that in terms of what is said and how an argument goes, there is no difference, I suppose, between that and what goes on in chambers when the Justices meet in private and talk about what issues are before the Court and how they should be decided.

What is important in the adjudicative branch? What is the criteria and the fundamental essence of a judicial proceeding? Ultimately, it is the judgment. The judgment speaks. The arguments don't speak. The in camera discussions don't speak. The judgment itself represents the opinion of the Court. It is the law and the defining process.

I appreciate very much the work of my esteemed colleague. I know he

loves the law; we both do. He believes this would improve justice in America. I can't conclude that to be correct. I believe Justices should be given the responsibility to conduct their branch consistent with their best judgment of how do to it. Therefore, I object. I thank and respect my colleague for his different opinion.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 247, S. 671; that the committee-reported amendment to S. 671 be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, it is my understanding the Judiciary Committee staff has been working on a package of important Judiciary Committee bills, including the very bill Senator SESSIONS has asked unanimous consent to move to—a bill which I quite likely will support.

Would the Senator be willing to modify his request to include the passage of other bills which are part of that package and have similarly important elements to them in terms of keeping America safe? They include the following: Calendar No. 246, S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act; Calendar No. 233, S. 1793, the Investigative Assistance for Violent Crimes Act; and discharging the Judiciary Committee from further consideration of S. 1696, the Dale Long Public Safety Officers' Benefits Improvements Act; agreeing to a substitute amendment which is at the desk, and passing the bill, as amended?

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. SESSIONS. Mr. President, I appreciate the suggestion by the Senator from Illinois, as I believe I will be able to support all those bills, but I have information that Senators on our side oppose or have objections to two of them and would like to offer amendments or modify them. So I am not able to agree on behalf of colleagues that all the bills would be passed as written.

Mr. DURBIN. Mr. President, until the time comes—and I hope it is soon—when we can reach an agreement on all four bills, I will object to moving one bill in the package.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would note that the Presiding Officer is a cosponsor with myself of S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act of 2011, and perhaps we will be able to

make that work sooner or later. I am sure we will.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING FURMAN BISHER

Mr. ISAKSON. Madam President, this past weekend, Georgia lost a great citizen. Furman Bisher died in Fayetteville, GA, on Sunday afternoon of a tragic heart attack. He was the premier sports writer in the United States of America, covered every Super Bowl, every Masters, was at every major heavyweight fight.

From the day he started on his Royal manual typewriter until the day he died, he typed on that same manual typewriter that was over 60 years old. He was a brilliant writer, a compassionate individual, a great friend, and someone I looked up to very much. He was a pacesetter. He actually got the only interview of Shoeless Joe Jackson ever done by a reporter. He did it because of his cunning ability to be in the right place at the right time, and that twinkle in his eye that always made you want to take to Furman Bisher.

So as on the floor of the Senate today I pay tribute to Furman and his life, to all of his accomplishments in terms of the writing of sports in our State and around the world. To his family and loved ones, I extend my sympathy on behalf of not just myself but all of the citizens of Georgia.

IRISH E3 VISA BILL

Mr. DURBIN. Mr. President, yesterday afternoon I had the honor of attending the annual Speaker's Luncheon celebrating the long and enduring partnership between the Irish and American people. Among the guests of honor were the President and Vice President and Irish Prime Minister Enda Kenny. And this past Saturday, St. Patrick's Day, I joined Prime Minister Kenny, Illinois Governor Pat Quinn and Chicago Mayor Rahm Emanuel to march in Chicago's annual St. Patrick's Day parade. As one of the 40 million Americans of Irish descent, the chance to celebrate St. Patrick's Day with the Prime Minister of Ireland twice in 4 days is a rare joy.

At the parade on Saturday, Prime Minister Kenny hailed Chicago as "the most American of American cities." It is also the most Irish of American cities, home to the largest population of Irish-Americans in the United States.

On St. Patrick's Day in Chicago, the river and the beer both run green and it seems that everyone is Irish either by heritage or simply by osmosis.

There is good reason that Americans of all backgrounds embrace St. Patrick's Day with such enthusiasm. From our earliest days as a nation, America and Ireland have been united by unbreakable bonds of friendship and family and by a shared commitment to liberty and freedom.

In fact, there might not be a United States of America were it not for the Irish. That is not just my opinion. That was the assessment of General George Washington and of Britain's Lord Mountjoy, who, in a speech to Parliament declared plainly, "We have lost America through the Irish."

The largest ethnic group to sign the Declaration of Independence were those with Irish roots, Charles Dunlop of County Tyrone printed the first copies, and the first man to read it before Congress was Charles Thomson of Derry, Secretary of the Continental Congress. When the Continental Congress was in desperate need of finances, supporters in Dublin, Cork, and other Irish cities took up collections to help the struggling new nation. Irish-born generals ranked among Washington's most trusted officers and Irish soldiers formed the backbone of Washington's army. At Valley Forge, it is estimated that almost half the army was Irish.

In the more than 2 centuries since then, America has been enriched immeasurably by the contributions of the Irish and Irish-Americans in every field and every walk of life.

Twenty American Presidents—nearly half—can trace their lineage to Ireland, from George Washington to Barack Obama of the Kearneys of Moneygall. And the contributions go both ways. Just as the sons of Erin helped make George Washington America's first President, it was a son of America, Brooklyn-born Eamonn deValera, who, in 1921, became the first president of a free Ireland.

In December, Senators SCHUMER, LEAHY and I introduced an amendment that recognizes the special relationship between the United States and Ireland. Our Irish E3 visa amendment would allow a small number of Irish citizens—10,500 a year—to work in America for 2 years, pay taxes and contribute to Social Security.

Our proposal is an amendment to the Fairness for High-Skilled Immigrants Act, which passed the House last November with overwhelming bipartisan support. Shortly after we introduced our amendment, my colleague from Illinois, Senator KIRK, and Senator BROWN of Massachusetts introduced a similar measure.

Our proposal is a common-sense measure that would improve the fairness and efficiency of our immigration

system and further strengthen America's special relationship with Ireland, a nation to which we owe so much.

Our proposal has the support of the Ancient Order of Hibernians, the Irish Lobby for Immigration Reform, Chicago Celts for Immigration Reform headed by my friend Billy Lawless of Chicago, and many other organizations.

All 53 Democratic Senators—a solid majority of this Senate—have also pledged their support for our proposal. Despite this broad support inside and outside of Congress, at this time there is an objection on the Republican side to passing our bill.

We want to work with our Republican colleagues to break this impasse and create the Irish E3 visas this year. As Prime Minister Kenny has said, Ireland's economy will recover from its current difficulties. But with Irish emigration higher than it has been in decades, it is in the interests of both Ireland and America that we act now, without delay, to create a fair and legal way for Irish citizens to work temporarily in America.

Twenty-nine years ago, Speaker Tip O'Neill hosted the first St. Patrick's Day luncheon in Congress. His special guest at that first Speaker's St. Patrick's Day Luncheon was another Irish American leader who said, when he visited Ireland, "Today I come back to you as a descendant of people who were buried here in pauper's graves."

That special guest was President Ronald Reagan and that first Speaker's Luncheon was arranged to try to ease tensions between the two leaders, who embodied very different political traditions, but who shared a love of Ireland and of their Irish heritage.

The plan worked. While Ronald Reagan and Tip O'Neill never did see eye-to-eye on politics, they formed a respectful relationship that enabled them to work together in America's interest. So I ask our Republican friends: Let us walk in the footsteps of Ronald Reagan and Tip O'Neill and work together to pass the Irish E3 visa bill this year.

60TH NATIONAL PRAYER BREAKFAST

Mr. SESSIONS. Mr. President, on behalf of Senator PRYOR and myself, I ask unanimous consent that the transcript of the 60th Annual National Prayer Breakfast be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator MARK PRYOR: Good morning. Thank you all for being here. It's great to have you here. I want to thank all of you for making your way to this very special event in the life of our country and our world. We invited you, and you came, and we appreciate it. When I say "we" I mean co-chair

JEFF SESSIONS of Alabama and many of the members of the U.S. Congress who are the real life hosts of this breakfast this morning. On behalf of all of us, the House and the Senate members, we certainly want to say thank you for joining us here this morning and thank you for praying and for building friendships and to try to make this a better world.

Senator JEFF SESSIONS: As with all our Prayer Breakfasts over the last six decades, we are gathering in the Spirit of Jesus of Nazareth. He was open, curious, compassionate, inclusive and humble—a good example for all of us in public life and for all of us living anywhere for that matter. He was loving, in a word, and that is the way to describe the spirit in which we attempt to gather in today.

Senator PRYOR: Let us just join together in the spirit of reverent prayer: God of the universe and of each and every one of us, we welcome your presence, your truth and your love to our event. Bless us we pray with the change of heart and change of mind we all need today. We love you and we want to draw near to you this morning.

Senator SESSIONS: In the spirit of love, I pray that everything we do and say from this head table and from around each table would be pleasing to you. Thank you for the good food and fellowship we enjoy at this breakfast and may your Spirit fill this great hall, Amen.

MARK and I and many, many others have been working on, and praying for, this remarkable breakfast for months now and we are all excited to share it with you. I think we have all had two different experiences of what can happen when we bring faith into the world of government and business. Sometimes it creates conflict and when we look at our planet's history, even wars. But at other times, more often really, true faith can be a reconciling force of amazing power, a power that can make an entire society better. As Ambassador Andrew Young said last night at the Southeastern dinner, the civil rights movement, the non-violent movement that overcame bigotry and hatred in a way that could not have been done any other way, was done in the Spirit of Jesus.

We all have somewhat different religious histories. In my faith walk as I studied the life of Jesus, it seems His approach was always to see the people who are considered to be outsiders, or who had withdrawn. He tried to bring them all in. All those lepers, Samaritans and disabled people and poor people and folks like the woman at the well—they had been pushed out, or had withdrawn, but Jesus brought them in. I think that is the kind of approach we want to embrace in this breakfast and everything that flows out of it. We want to bring everyone in and to be in harmony with God's will and to share in God's love.

Senator PRYOR: Senators have been meeting in a breakfast group for over six decades now. As friends, we gather to pray every Wednesday when the Senate is in session. To give you a picture of how long that group has been in existence, the Senate breakfast group has met about one time for every person in this room. We come together to pray for each other and work for the Senate and of course for the country. Once a year we invite you all into the fellowship together to pray for world leaders and especially for our President.

Some of you have heard that things can be better in Congress and that is true. I think a good place to start would be to remember just a few simple, yet powerful words. Love

one another as I have loved you. Forgive and you will be forgiven. Love your enemies and pray for those who persecute you. We don't need a constitutional amendment or some big Congressional reform, we just need to start acting better and Jesus gives us the place to start. It's simple but it's hard. We need to love and pray for people who disagree with us. We hope you will be loving and be praying for us and with us this morning in this special time today and when you return home.

I have a letter from a very special friend of ours and he writes to the folks who are attending the National Prayer Breakfast.

Letter from Rev. Billy Graham read by Senator PRYOR:

I want to convey my personal greetings to each of you assembled this morning for the National Prayer Breakfast. I miss being with you all, having been a part of this annual event sponsored by the House and Senate prayer group since the very beginning, often as a speaker. Though age and health prevent me from being there in person, I am with you in spirit and you are in my heart.

I want to say a special word of encouragement to the many friends meeting today from across the country and across the world, especially President Obama and his wife Michelle and Vice President JOSEPH BIDEN and his wife Jill for whom I pray every day as the Scriptures command us to do. The National Prayer Breakfast is one of the most amazing gatherings as people from most of the nations of the world, representing every race, color, creed, religion and political affiliation, or none, come together in the name of Jesus to focus on his teachings and follow his example of how to live and love each other.

Throughout my ministry spanning more than 60 years, I have tried to lift up the name of Jesus to audiences and individuals in many of the countries you represent today against the backdrop of polarization in our nation this election year and the tensions across the globe due to war, disease, poverty and other problems. I pray that foundation of unity you embody around the person of Jesus may be an example to the world and a catalyst for peace, freedom and reconciliation as each of us discovers in our own hearts the love and forgiveness He offers to those who seek and turn to him in repentance and faith. May God richly bless your time of fellowship and inspiration this morning. And may the Lord give each of you a special sense of the Spirit as you pray together and pray in Jesus' name, signed Billy Graham.

Senator SESSIONS: Jesus said that if we had faith as small as a mustard seed, we could move mountains. We experience a similar miracle when we hear the size of the voice that comes out of the relatively small body of our singer, Jackie Evancho. She is eleven. God has given her an extraordinary gift and we are thrilled she is here to share it with us. Please welcome Jackie Evancho.

Song "To Believe", sung by Miss Jackie Evancho

Senator PRYOR: Wow, thank you Jackie. That was phenomenal. Thank you so much. We have quite the head table here. We have the runner up to America's Got Talent, the winner of the Heisman Trophy, the winner of the Nobel Prize and the most powerful woman in American history, so thank you all for being here.

Senator SESSIONS: Pretty impressive but when we come before God, all the fancy titles are brought down and the humble regular people are raised up. We are all equally

of value before our Creator. Allow me to introduce some of our presenters who will come to the podium when their turn arises. As a Senator representing the national champion Alabama—I never get tired of slipping that in—I get to introduce the football player. We are proud to have a Baylor Bear with us, Mr. Robert Griffin III, RG3, the winner of the 2011 Heisman Trophy. He excelled at finishing drives and games so we have asked him to do our closing prayer.

We always honor our nation's military each year by asking one of their own to be a part of the program. Today we are proud to have Colonel Kelly Martin, an active duty Air Force officer who serves in the operations directorate of the Joint Staff at the Pentagon. During her career as a pilot, she did countless in-flight refueling, so she knows a thing or two about prayer. She will lead us in a prayer for American national leaders.

Next is Congressman and Dr. PAUL BROWN from Georgia. Both he and Congressman MCINTYRE lead the House breakfast group. Every ship has an anchor and in our Senate breakfast prayer group, Senator DANIEL AKAKA of Hawaii has been our anchor for many years. We are going to miss him when he retires. We have asked him to say our prayer for world leaders. I have not known anyone, from Alabama or elsewhere, who has better lived their life in the Spirit of Jesus than has DANNY AKAKA. DANNY, thank you for all you do to make the Senate and our government and nation a better place.

We are also joined by our colleague, Dr. TOM COBURN who passionately represents the people of Oklahoma and the Senate. He will give us a reading from the Scriptures. If you know TOM, you know that his faith impacts his life, and we all know that. Next, I have the honor and privilege of introducing my wife, Mrs. Mary Sessions, my partner for 42 years who has enabled me to be able to serve, and has provided us with three children and five grandchildren.

We are very grateful once again to welcome the First Lady of the United States, Michelle Obama. None of us can even imagine the burdens that you carry as the spouse and the leader of our nation. We thank you and pray for you and honor your work on the behalf of the health of our nation's children and all Americans.

Senator PRYOR: Mr. President, did you hear the little thing about the national championship? This year it was Alabama, last year it was Auburn, it never stops. You see what I have to put up with?

What most people don't fully realize is that the government is a team sport. We are all thankful to have our tireless and passionate Vice President running all over the country and all over the world to accomplish our country's most important work, Vice President JOE BIDEN.

The next person I want to introduce is my wife, Jill Pryor, the best person in the world.

You have already met Jackie Evancho. She is going to sing one more song in a few minutes but I think after that she has to leave here and go study for a spelling test. Sitting next to her is her mother, the proudest mother in the room, Mrs. Lisa Evancho. Thank you both for being here.

Shortly we are going to hear a greeting from our counterparts who lead the House prayer breakfast group. They make those of us at the head table feel extra safe because one is a doctor and the other is a black belt in Tae Kwando. One kind of tears you up and one tears you down, namely Congressman MACINTYRE of North Carolina and Congress-

man BROWN of Georgia. Thank you for being here.

One of the people in the room who needs no introduction is Minority Leader NANCY PELOSI. We thank her for her inspiring service to the country and her support for the prayer breakfast over the years. We look forward to the Scripture that she is about to read. Madam Leader.

Representative NANCY PELOSI: Thank you very much to Senator PRYOR for the invitation to read from the Holy Scriptures this morning. Let us all be grateful for the fellowship that brings us all together with our President of the United States and the First Lady, the Vice President—who said after Jackie finished singing, “now I know how the angels sound, so beautiful”—the fellowship that brings us together as colleagues, our international guests and of course most of all our men and women in uniform who give us the opportunity to exercise freely our faith.

I am honored for the opportunity to read from the Holy Scriptures, from the Old Testament. When I was asked by Senator PRYOR to do so, I went right to Solomon. We all know over the ages that King Solomon has been recognized for his great wisdom, but it is really important to note that his wisdom sprang from humility, and that must be our prayer. Solomon's prayer is heralded in at least two books of the Bible, the Second Book of Chronicles and the First Book of Kings: A reading from the First Book of Kings:

God appeared to Solomon in a dream during the night. God said, “ask what you would like me to give to you.” Solomon replied, “You showed most faithful love to your servant David, my father. When he lived his life before you in faithfulness and uprightness and in integrity of heart, you have continued this most faithful love to him by allowing his son to sit on the throne today. Now my God, you have made me your servant king in succession to David, my father.

“But I am a very young man, unskilled in leadership and here is your servant surrounded by your people whom you have chosen, of people so numerous that its number cannot be counted or reckoned.” So Solomon said, “give your servant a heart to understand how to govern your people, how to discern between good and evil, for how could one otherwise govern such a great people as yours?” It pleased God that Solomon should have asked for this. “Since you have asked for this,” God said, “and not asked for long life for yourself or riches or vengeance upon your enemies, but have asked for discerning judgment for yourself here and now, I do what you ask. I give you wisdom and understanding as no one has ever had before and no one will have after you.” The whole world sought audience with Solomon to know the wisdom God had put in his heart.

May our message from this reading be that we have the humility to ask God for what pleases him so that we can do his work. Amen.

Representative PAUL BROWN: Good morning. I am Dr. PAUL BROWN. I am a physician and a Representative from the 10th Congressional District in Georgia, and a Republican. And this is my friend, MIKE MCINTYRE. As Senator PRYOR just told you, he is a black belt so I am going to be careful with what I am going to say about him. He is a Democrat, a blue dog Democrat, who represents North Carolina.

I am also a member of the Gideons, so if you didn't have a Bible in your hotel room, please let me know and we will be sure to get

you one. In fact, I am a Gideon because it was a Gideon Bible that led me to the Lord. I accepted Him as my Lord and Savior some time ago. We thank you for coming to the breakfast today, especially our honored guests from all around the world. We are up here to bring greetings from our weekly Congressional House breakfast group and to give you a bit of a sense of what goes on there.

We pray, we study the Scriptures, we share our family struggles and needs and our personal needs. We even try to sing sometimes. We call it the best hour of the week because it absolutely is. It is where Democrats and Republicans can come together, put politics aside, put partisanship aside. And we are just personal friends, brothers and sisters in Christ. And we worship our God together.

Over 25 years ago Jesus Christ changed my life when I accepted him as my personal Lord and Savior. He gave me not only a personal peace but he gave me a purpose in my life to serve him and to live for him. There is no rule that says I have to check my faith when I go through the doors of the House chambers. I could not do that if I wanted to. I am always eager to talk about what God has done for me and in my life and how he has changed me, how he saved me and made me a child of God. I am thankful for our House group. The people who founded the United States were people who prayed, they knew the Scriptures. It is good for the whole nation to follow their example in honoring the God that created each and every one of us and his Son who died for us all.

Representative MIKE MCINTYRE: Thank you PAUL. I am MIKE MCINTYRE. Serving in Congress is a great privilege but it is also a tremendous challenge. I am very thankful that I get to meet with my colleagues from both sides of the aisle to come together in our breakfast group where we can share heart to heart.

Washington, D.C. usually focuses just on the surface, on the labels and where you come from and who you are supposed to be identified with. Our weekly group allows us to go deeper and to build friendships. I also want to tell you about a new tradition. During the first vote of each week on Monday or Tuesday night, depending on when we go into session, several House members step across the hall in room 219 and leave labels at the door and pray like Solomon of the Old Testament for wisdom for that week so that we will make the right decisions.

When I am back in my district, I often have people come up to me and express concerns or complain about Washington, D.C. Can you imagine that? They will go on for 30 minutes and usually after I have listened carefully to all that they are saying, I will say: “Would you pray for us that we will make the right decisions; if it's that important to you or to your family or to your business or to your school or our country, would you take the time to pray for us that we will make the right decision?” I have never had anybody refuse to do that when I have asked them. Like Nehemiah in the Old Testament, we want to build a wall of prayer around our nation's capital. You can put a stone or a brick in that wall of prayer if you would take five minutes each week to join us in prayer, and you could choose the time. If you go to the Congressional Prayer Caucus' website and say, “You know what, MIKE, I will pray for you and for our President and all our leaders at all levels of government.” It is that important. Because you see, the true source of power is not found in the halls of Congress or in the Oval Office of the West Wing or in the chambers of the Supreme

Court. It is found when we are on our knees before the throne of grace, before all mighty God asking for his help. Would you please join us in that effort? That is something you can do that would go beyond today. I think you will agree that our country is worth it. God bless you all and thank you very much.

Colonel Kelly Martin, U.S.A.F.: Please join me now in a prayer for our national leaders. Lord, it is with a humble heart that we come before you today and ask for a special measure of grace and wisdom to be given to the men and women who lead our nation. For you know that it is the fear of the Lord that is the beginning of wisdom and understanding. And it is by your grace and love that you arm us with the strength and guide our steps towards what is perfect. Leadership is not easy and good leadership is rare and of great value, but great leadership comes only from you. Throughout our nation's history, you have blessed us with a legacy of leaders who served with excellence and we are grateful that this blessing continues today. Thank you for each and every one of our leaders and their willingness to serve our nation, its people, and, ultimately, to serve you. I ask that in the heat of battle, you give our leaders clarity of mind and the courage to make right decisions especially when it is not convenient or expedient. Give them the faith to always seek you, a hope that will always sustain them and, most importantly, give them a love that will unite them. We ask that you bless our leaders, protect and watch over them, give them a peace that passes understanding; bless their families and continue to bless the United States of America. I pray this in your Son's name, amen.

Senator TOM COBURN: Good morning. I have the privilege of reading from the New Testament Scriptures. The passage that I want to read today has to do with the most powerful force the world has ever known, love. In this room, we have people from well over 100 different countries, all colors, all aspects of faith and maybe from a few different points of view.

Jesus said to him, "you shall love the Lord your God with all your heart, with all your soul and with all your mind." This is the first and the greatest commandment and the second is like it, that you should love your neighbor as yourself. On these two commandments hang the law and the prophets. A new commandment I give to you that you love one another as I have loved you, that you also love one another. This is my commandment to you that you love one another as I have loved you, greater love has no one than this than to lay down one's life for his friends.

The power of love is manifested in the subtleness and the happiness of our heart because as we give love and sacrificial love, that is the only way, our lives are truly fulfilled, by giving away our life. We have great examples of that in our military, in our leaders as they sacrifice their life and time and families, but the fact is, we are commanded to do that. May God bless the reading of his Word.

Senator DANIEL AKAKA: Let me add my aloha and welcome to all of you gathered here at the 60th National Prayer Breakfast. Let us pray. Holy, holy, holy, Lord God of hosts, heaven and earth are filled with your glory. We come to you to pray for world leaders. Give them your wisdom to deal with the challenging problems of our time; may your Spirit rest upon them as they seek to empower people to lead quiet and peaceful lives in all Godliness and honesty. Send out your light and lead our world leaders with

your truth. Bring them through strife and warfare to lasting peace, uniting them for the glory of your name. As they put aside selfish ambition, make them instruments of your will to carry out your purposes in our world. We pray this in your sovereign name, amen.

Senator PRYOR: When we take the long view of history, it is pretty clear that ideas are more powerful than money or guns or even governments. So if we follow that logic, ideas about God would be the most powerful of all. One of the most precious resources of the community of faith are those women and men who help us think deeply and clearly about God, about truth and about responsibility. Eric Metaxas has been a friend of this breakfast for many years, so let that be a warning to all of you, if you come too often, we may ask you to speak. He has written two New York Times best sellers, 30 children's books, has been part of the Veggie Tale series, and he has also debated the existence of God in academic settings all over the world. I first became aware of him through his book, "Amazing Grace," about William Wilberforce whose life makes a great guide book for anyone who is serving in government. I just finished another book of his, about another great public role model, "Dietrich Bonhoeffer: Pastor, Martyr, Prophet, Spy". Ladies and gentlemen, Eric Metaxas.

Mr. Eric Metaxas: Good morning to all of you, honored guests from around the world, from this great nation, mostly to our President and First Lady. What an honor to be here. Now, I have to ask, I want to know how many people are here if you don't mind, just indulge me, would you raise your hand if you are here and I just want to get a quick . . . okay, well that was four. All right, well they said four thousand.

Let me just say up front, I am not a morning person but it is nonetheless an honor to speak at this august extraordinarily early gathering. I know it is an august gathering because they charged 175 dollars for breakfast. I don't want to start out by being negative but I think there may be some kind of money laundering thing kind of happening here. I am speaking truth to power people, the price gauging, it needs to stop. Even as a member of the elite one per cent, I cannot afford this.

We joke, but I know who puts this event on. They are a highly secret, indeed a nefarious organization. They call themselves "the family." You see, the family not only runs this event, they run everything that is happening in the world. We, and of course I mean the President and I most specifically, are all their puppets. The President knows what I mean. He cannot admit this publicly, obviously, but appearing here this morning we are simply doing their bidding. Every U.S. President has been elected by them except for Warren G. Harding. No one knows how Warren Harding was able to buck that trend but we know that he paid dearly for it, most notably by being saddled with the name Warren G. Harding.

I am not a politician so when I see a dais like this, I immediately think of those wonderful Dean Martin roasts from the 70's. That was my favorite show next to Sanford and Son. I am being honest with you now and forgive me if I pretend that I am up here with Ruth Buzzi, Bob Hope, Jimmy Stewart, Red Buttons, Charlie Callas, Foster Brooks and Rich Little. I am being honest, that is who I wish were up here. And to those of you who are actually up here, I apologize from the bottom of Don Rickles' heart, I am sorry.

Okay, it is a National Prayer Breakfast, maybe we should get serious and say something about prayer . . . nah. Okay, seriously though, what is prayer? The real question is what is prayer? Prayer is real faith in God, it is not phony religiosity. It is not, 'oh wouldst thou who art sovereign of the universe take this arcane verbiage as evidence that we believe that thou art an old fashioned and unpleasant and easily annoyed and even cranky deity, and that to get thy magnificent attention and so as not to annoy thee, we must needs employ wooden and archaic and religious sounding language.'

That, my friends, is not prayer. That is, to use the current terminology, a lot of pious baloney. Who said that, I believe it was NANCY PELOSI? It was someone on the couch, but I can't remember. But the point is, pious baloney is not prayer, it is not faith in the God of Scripture. Imagine talking to Jesus that way—he would almost laugh at you. Imagine if we talked to him that way. Prayer is from the heart. We don't try to fool God with phony religiosity. Adam and Eve tried that with a fig leaf once that did not go so well.

And this gets to my theme this morning—the difference between religion or religiosity and real faith in God. We all know people who go to church but who do not show the love of Jesus. We know people who know Scripture but sometimes use it as a weapon. Real prayer and real faith is not religious, it is from the heart. It is honest, it is real. I have had the privilege of writing about two men, Wilberforce and Bonhoeffer, whose lives illustrate the difference between what mere religiosity and actually knowing what serving God is. Let me first quickly tell you personally how I came to see the difference between these two utterly different things.

First of all, I am the son of European immigrants who met in an English class in New York City in 1956. And I thank the Lord that my parents are in the room this morning. My dad is Greek, hence my surname, Metaxas. My mom is German, hence my deep love for Siegfried and Roy. Now, when you have one Greek parent, you are raised Greek, forget about the German stuff. Greeks believe that being Greek is the most important thing in the world. Now I am 50 per cent Greek but I have always tried to be more than 50 per cent Greek but I have never been able to break the fifty per cent barrier, a little bit like brother Mitt.

I grew up of course in the Greek Orthodox Church. I was an altar boy and had a modicum of faith, a mostly nominal, cultural faith. I thought of myself as a Christian but then I went to Yale University. Of course, it is the dream come true for every son of working class European immigrants. But the reality is that Yale, and most of our other universities but especially Yale, is a very secular place, aggressively secular. What little modicum of faith I had was seriously challenged. The idea of God really is ignored or even sneered at. By the time I graduated I was quite sure that it was wrong to be serious about the Bible or to take Jesus seriously, that it was hopelessly parochial and divisive. I was not sure what was supposed to replace it but I was confused. I guess I was lost. I wanted to be a writer. I was not terribly successful. I floundered and then I drifted, then I floundered some more, then I drifted and floundered together, which you think is easy.

Eventually things got so bad I moved back in with my parents, which I do not recommend. I specifically do not recommend moving in with my parents. I joke, but it was

in fact a very tough time for me. I am being serious now. I suffered then, during that period, from real, genuine depression. I still struggle with that. This was a very painful, soul searching time in my life. I took a really depressing job which my parents forced me to take, thank you very much. And while I was at this job, this miserable job, thank you mom and dad, I met a man of some faith. And he begins to share his faith with me, this secular Yale agnostic, and I was in enough pain that I was willing to listen a little bit to what he had to say. He was an Episcopalian and I figured it was safe—they don't really believe that stuff anyway. So I said "yeah, you can keep talking." But he turned out to be one those Episcopalians who actually believed this stuff and knew the Bible backwards and forwards and I was really challenged. We would have a lot of conversations.

I was not ready to accept what he was saying, not ready to pray, to attend a Bible study, to go to church or to become a weird born again Christian. But I was in enough pain to keep listening. This friend of mine said to me that I should pray that God would reveal himself to me—which seemed absurd because I thought: I don't know if he's there so I don't really want to pray to the oxygen in the room, to whom shall I pray if he is not there? It is a conundrum you see. But sometimes when you are in enough pain, and I was, you do silly things—and I did pray. And I said, in my anguish, and it was very real anguish. I said, "God if you are there, please reveal yourself to me; punch a hole through the sheetrock, wave to me, say hello, show yourself to me." I was desperate. Every now and again I would pray that prayer, I would be jogging and I would pray that prayer, "God help me, I need help." It was an honest prayer. And prayers come from a place of honesty, not religiosity. If you can say "help me Lord," God hears that prayer.

Then one night during this time, around my 25th birthday, I had a dream. We don't have time to go into it this morning but it was an amazing dream. If you want to hear the story of this amazing dream you can go to my website: EricMetaxas.com. It is an amazing thing and it changed my life. God came into my life, Jesus came into my life, and it is all true except the part about the UFO and the Sasquatch which I made up. But seriously, watch that if you don't mind because it really happened, it is not made up.

And when God came into my life overnight and He answered that prayer, I wondered why hadn't I heard this before? Why did I have to suffer not knowing? Why? I think part of the reason is that I had rejected a phony religious idea of God. Not God as he really is because when I encountered God as he really is, I knew that is what my heart is longing for. That is the answer. He is the answer to my pain and all my questions. He is real and He loves me despite everything I have done. He is not some moral code. He is not some energy force. He is alive. He is a person. He knows everything about me and about you. He knows my story; He knows your story, every detail. He knows your deepest fears. He knows the terrible selfish things you have done that have hurt others and He still loves you. And He knows the hurt that others have caused you. He knows us. He is alive. He is not a joy killing bummer or some moralistic church lady. He is the most wonderful person, capital "P", imaginable. In fact, his name is Wonderful. Now, who would reject that?

So at that point, I realized everything I rejected about God was actually not God. It

was just dead religion. It was phoniness. It was people who go to church and do not show the love of Jesus. It was people who know the Bible and use it as a weapon, people who do not practice what they preach, people who are indifferent to the poor and suffering, people, who use religion as a way to exclude others from their group, people who use religion as a way to judge others. I had rejected that, but guess what? Jesus had also rejected that. He had railed against that and called people to real life and to real faith. Jesus was and is the enemy of dead religion. Jesus came to deliver us from that. He railed against the religious leaders of his day because he knew that it was all just a front, that in their hearts they were far from God his Father. When he was tempted in the desert, who was the one throwing Bible verses at him? Satan. That is a perfect picture of dead religion. Using the words of God to do the opposite of what God does. It is grotesque when you think about it. It is demonic.

That summer as I came to faith, the guy who shared his faith with me, Ed Tuttle, gave me a copy of "The Cost of Discipleship" by Dietrich Bonhoeffer. And he asked me if I had ever heard of Dietrich Bonhoeffer. I said, "no." He said, "Bonhoeffer was a pastor who because of his faith in Jesus stood up for the Jews of Europe." I was shocked. My mother is German. She grew up during this period. Why had I never heard this amazing story about Bonhoeffer before? I remember thinking somebody really ought to write a book about Bonhoeffer.

I was not interested in writing biographies. I am far too self-centered to spend that much time focusing on someone besides myself. I went on to have a strange career writing children's books, I wrote humor for the New York Times, I worked for Veggie Tales. And then I wanted to share my faith and I wrote a book with the ridiculous title "Everything You Always Wanted to Know about God but Were Afraid to Ask". Actually now it's a trilogy, three books. And one day I found myself being interviewed on CNN about this book and I was expecting one of those tough questions like, how can a good God allow evil and suffering? But instead, I got a softball question. The host on CNN said to me, "you know there is something here about Wilberforce"—and I had two sentences in the book about Wilberforce—"Can you talk about that?" Suddenly I am on CNN being asked to talk about Wilberforce. All I knew about Wilberforce was in the book—that he was someone who took the Bible so seriously that he changed the world forever.

So I start talking about him briefly and next thing I know a publisher calls me up and says "there's a movie coming out called 'Amazing Grace'." And I was asked to write a book about Wilberforce. Amazingly, I wrote a biography about Wilberforce and everywhere I go talking about Wilberforce people would say to me, "who are you going to write about next? Who are you going to write about next?" Some people asked me about "whom will you next write?" As a Yale English major, I want to recommend the word whom. If English is your first language, you may want to use the word whom. You can get it free as an app on your iPhone, you just download it. You use it as much as you want. "Eric, about whom will you next write?" And I thought well, there is only one person besides Wilberforce, only one about whom I would write if I were to write a second biography. I remembered Bonhoeffer and I did write that book. And I have to tell you, nobody is more shocked by the reception of the book than I. No one is more grateful to

the Lord for the people who are reading and talking about this book. I know that it was read even by President George W. Bush who is intellectually incurious as we have all read. He read the book. No pressure. [Hands President Obama a book.] I just want to say no pressure. I know you are very busy, Mr. President, but I know sometimes you take plane rides and you have got time to kill, so here. [Hands President Obama another book.] No pressure. No pressure at all. Who am I to pressure you?

Nonetheless, the lives of both of these men illustrate the difference between phony religiosity and really believing in God in a way that is real—that changes your life, that must change your life, and the lives of others. Wilberforce is best known for leading the movement to end the slave trade. Now, why did he take that on? Do you know why? I am here to tell you it is not because he was just a churchgoer, because there were plenty of churchgoers in England in the day of Wilberforce. And everybody in that day seemed to have no problem with the slave trade or slavery, people who went to church. The reason Wilberforce fought so hard was because around his 26th birthday, he encountered Jesus. England paid lip service to religion in those days. Everybody said "I am a Christian, I am English, yeah, we are Christians." But they really seemed to think—most of them—that the slave trade was a fine thing. So keep in mind that when someone says, "I am a Christian", it might mean absolutely nothing. But for Wilberforce it became real. It was not about Christianity, it was about the living God and serving Him. And Wilberforce suddenly took the Bible seriously—that all of us are created in the image of God. He took this idea seriously—that it was our duty to care for the least of these. And he said, "Lord, I will obey."

Now he fought politically, he fought hard and you know the only people really fighting with him at this point were the fanatical Christians. Did you know that? All the churchgoers, all the religious people, they were not alongside him. Who was alongside him in those days? The born again nuts, the Quakers, the Methodists that people made fun of. They were in the trenches because they knew they had no choice but to regard the Africans as made in the image of God and worthy of our love and respect. Everyone else was just going with the flow, all the people who just went to church. As I say, they got it wrong. They had not seen Jesus.

Wilberforce took these ideas, these foreign ideas, from the Bible and brought them into culture. You can read about it, and not just in my book, which the President may read. But you can read about it. This is historical fact. This is not my spin, this is true. Wilberforce, because he believed what the Bible said and because he obeyed what God told him to do, changed the world.

Today we argue about how to help the poor. Some say, "Oh, the public sector, government, is the answer." Others say, "The private sector, free enterprise." But today, we argue about how to help the poor, not whether to help the poor. Praise the Lord. The idea to care for the poor, the idea that slavery is wrong; these ideas are not normal human ideas. These are Biblical ideas imported by Wilberforce at a crucial time.

Human beings do not do the right thing apart from God's intervention. We always do the phony religious thing. We go with the flow. In Wilberforce's day going with the flow meant supporting slavery, that Africans are not fully human. In Bonhoeffer's world, in Nazi Germany, it meant supporting the

idea that Jews are not fully human. So whom do we say is not fully human today? Who is expendable to us? My mother lived through this. There are people in this room who lived through this. I was in Germany last week; I met people who lived through this period. It was an extraordinary thing to be there, to meet people who were the sons of heroes fighting against Hitler. This was a moment ago that this horror happened.

Bonhoeffer was born in 1906 and he was born into an amazing family. His father was the most famous psychiatrist in Germany. This was a big, important amazing family. At 14, he announces he wants to be a theologian. He got his doctorate at age 21. Bonhoeffer was a great theologian but he decided in the midst of being a great theologian that he wanted to get ordained as a Lutheran pastor. And then one day at age 24, he went to America to spend a year in New York City. And he went to study at Union Theological Seminary. One Sunday a fellow student named Frank Fisher, an African American from Alabama, invited Dietrich Bonhoeffer to Harlem to a church called Abyssinian Baptist Church. He said, "why don't you come with me?" And Bonhoeffer went with him and for the first time in his life, in that church, he saw something that was clearly not mere phony religion. He saw people worshipping a living God. He saw people who understood suffering and whose worship was real. Bonhoeffer said that in New York, in America, he did not hear the gospel proclaimed. Think about this, he visited many, many churches, yet he did not hear the gospel proclaimed except, in his words, in the Negro churches. That was the only place he saw the true gospel. He saw true faith, living faith, people living it, preaching the gospel of Jesus, living the gospel of Jesus. He saw this among the suffering in Harlem and it changed his life.

When he got back to Germany, people could see that he was different. He was not intellectually different, but his heart had been changed. He began to speak publicly about the Bible as the word of God, the living word of God through which God who is alive wishes to speak to us. So, he understood from the black church in Harlem the idea of a personal faith, that God is alive and wishes to speak to you. And it had a political component because it is now 1932, the Nazis are rising. Bonhoeffer begins to say things that you would not hear in Germany, even in the churches in those days. He spoke of Jesus as the man for others. He said "whoever does not stand up for the Jews has no right to sing Gregorian chants, God is not fooled." His whole life was about this idea that you have to have a living relationship with God and that it must lead you to action—that you must obey God, that you will look different.

Now of course dead religion demonizes others, I just said that, and apart from God's intervention, that is what we do. So don't think that you won't do that. You will do that. We are broken, fallen human beings so apart from God—that is what we do. Do you think that you are better than the Germans in that era? You are not. Not in God's eyes you're not. We are the same. We are capable of the same horrible things. Wilberforce somehow saw what the people in his day did not see, and we celebrate him for it. Bonhoeffer saw what others did not see, and we celebrate him for it. Now how did they see what they saw? There is just one word that will answer that, it is Jesus. He opens our eyes to his ideas which are radical and which are different from our own. Person-

ally, I would say the same thing about the unborn. That apart from God we cannot see that they are persons as well so those of us who know the unborn to be human beings are commanded by God to love those who do not yet see that.

We need to know that apart from God we would be on the other side of that divide fighting for what we believe is right. We cannot demonize our enemies. Today, if you believe that abortion is wrong, you must treat those on the other side with the love of Jesus. Today, if you have a Biblical view of sexuality, you will be demonized by those on the other side who will call you a bigot. Jesus commands us to love those who call us bigots; to show them the love of Jesus. If you want people to treat you with dignity, treat them with dignity.

So finally, Jesus tells us that we must love our enemies. That, my friends, is the real difference between dead religion and a living faith in the God of the Scriptures, whether we can love our enemies. Wilberforce had political enemies but he knew that God had commanded him to treat them with civility. He knew that he had been saved by grace. He was not morally superior to the people on the other side of the aisle. Martin Luther King told the people on the buses that you must not fight back, that you must be willing to turn the other cheek or get off the bus. Branch Rickey told Jackie Robinson that if you want to win the battle, you need to do as Jesus commanded and to be strong enough to not fight back; that is how your enemies will know that there is someone, capital "S", standing behind you, that it is not just you.

So if you can see Jesus in your enemy, then you can know that you are seeing with God's eyes and not your own. So, can you love your enemy? If you cannot pray for those on the other side, if you cannot actually feel the love of God for your enemies, political and otherwise, my friends, that is a sure sign that you are being merely religious. That you have bought into a moral system but you do not know the God who has forgiven you. Only God can give us that supernatural agape love for those with whom we disagree. That is the test. It is an impossible standard apart from the grace of God. We all fail that test. But thank God for the grace of God. The grace of God is real. God wants to shed it abroad in every heart, not just on some, on every heart. It is the only thing, the grace of a living God, that can bring left and right together to do the right thing.

So can we humble ourselves enough to actually ask him in a real prayer to show himself to us, to lead us to do what is right? Can we do that for our country? For the world? This is a Bonhoeffer moment. If we will humble ourselves, ask God, cry out, *Cri du coeur*, cry from the heart, Lord lead us, will you ask him to help you? The amazing grace of God is there for everyone. You know Jesus is not just for so called "Christians", Jesus is for everyone. The grace of God is for everyone. I hope you know that.

When I was 21 years old, I worked at the Boston Opera House and Garrison Keeler showed up and he gave a talk. And at the end of his talk he asked the audience if they wanted to sing. They didn't, but he made them anyway. He led them in a song called "Amazing Grace" and that a capella rendition has stuck with me my whole life. I thought maybe some day I will get some people to do that, not today of course. But then I thought you know, if the President can sing Al Green, then maybe you can sing with

him. So we are going to try this, if it goes well I will leave with my head up. You ready? If you don't know the lyrics, pretend that you do. I want to hear harmonies.

All singing: Amazing grace how sweet the sound that saved a wretch like me. I once was lost but now am found. Was blind but now I see.

God Bless you.

Senator SESSIONS: Thank you Eric, you have indeed blessed us. You got our attention and gave us spiritual food. Now it is my great honor to introduce the President of the United States. Mr. President, we thank you for your one hundred percent support that you have given to this prayer breakfast; being here every single year and when you were a member of the Senate with us. Mr. President, I personally want to thank you for the way you strive for the betterment of all Americans. You give your life to that. It was Abraham Lincoln who first used the phrase that we are a nation under God. If we are going to be a nation under God, then we have to recognize the precious worth of every single person. Thank you for your leadership. Ladies and gentlemen, the President of the United States, Barack Obama.

President Barack Obama: Well, good morning everybody. It is good to be with so many friends united in prayer. And I begin by giving all praise and honor to God for bringing us here together today.

I want to thank our co-chairs, MARK and JEFF; to my dear friend, the guy who always has my back, Vice President BIDEN. All the members of Congress and my Cabinet who are here today, all the distinguished guests who have traveled a long way to be a part of this. I am not going to be as funny as Eric but I am grateful that he shared his message with us. Michelle and I feel truly blessed to be here.

This is my fourth year coming to this prayer breakfast as President. As JEFF mentioned, before that I came as senator. I have to say, it is easier coming as President. I don't have to get here quite as early. But it has always been an opportunity that I have cherished. And it is a chance to step back for a moment, for us to come together as brothers and sisters and seek God's face together. At a time when it is easy to lose ourselves in the rush and clamor of our own lives, or get caught up in the noise and rancor that too often passes as politics today, these moments of prayer slow us down. They humble us. They remind us that no matter how much responsibility we have, how fancy our titles, how much power we think we hold, we are imperfect vessels. We can all benefit from turning to our Creator, listening to Him, avoiding phony religiosity and listening to Him.

This is especially important right now, when we are facing some big challenges as a nation. Our economy is making progress as we recover from the worst crisis in three generations, but far too many families are still struggling to find work or make the mortgage, pay for college, or, in some cases, even buy food. Our men and women in uniform have made us safer and more secure, and we are eternally grateful to them, but war and suffering and hardship still remain in too many corners of the globe. And a lot of those men and women who we celebrate on Veteran's Day and Memorial Day come back and find that, when it comes to finding a job or getting the kind of care that they need, we are not always there the way that we need to be.

It is absolutely true that meeting these challenges requires sound decision-making,

requires smart policies. We know that part of living in a pluralistic society means that our personal religious beliefs alone cannot dictate our response to every challenge we face.

But in my moments of prayer, I am reminded that faith and values play an enormous role in motivating us to solve some of our most urgent problems, in keeping us going when we suffer setbacks, and opening our minds and our hearts to the needs of others.

We cannot leave our values at the door. If we leave our values at the door, we abandon much of the moral glue that has held our nation together for centuries, and allowed us to become somewhat more perfect a union. Frederick Douglass, Abraham Lincoln, Jane Addams, Martin Luther King, Jr., Dorothy Day, Abraham Heschel—the majority of great reformers in American history did their work not just because it was sound policy, or they had done good analysis, or understood how to exercise good politics, but because their faith and their values dictated it, and called for bold action—sometimes in the face of indifference, sometimes in the face of resistance.

This is no different today for millions of Americans, and it is certainly not for me.

I wake up each morning and I say a brief prayer, and I spend a little time in Scripture and devotion. And from time to time, friends of mine, some of who are here today, friends like Joel Hunter or T.D. Jakes, will come by the Oval Office, or they will call on the phone, or they will send me an email, and we will pray together, and they will pray for me and my family, and for our country.

But I don't stop there. I would be remiss if I stopped there; if my values were limited to personal moments of prayer or private conversations with pastors or friends. So, instead, I must try—imperfectly, but I must try—to make sure those values motivate me as one leader of this great nation.

And so when I talk about our financial institutions playing by the same rules as folks on Main Street, when I talk about making sure insurance companies are not discriminating against those who are already sick, or making sure that unscrupulous lenders are not taking advantage of the most vulnerable among us, I do so because I genuinely believe it will make the economy stronger for everybody. But I also do it because I know that far too many neighbors in our country have been hurt and treated unfairly over the last few years, and I believe in God's command to "love thy neighbor as thyself." I know that a version of that Golden Rule is found in every major religion and every set of beliefs—from Hinduism to Islam to Judaism to the writings of Plato.

And when I talk about shared responsibility, it is because I genuinely believe that in a time when many folks are struggling, at a time when we have enormous deficits, it is hard for me to ask seniors on a fixed income, or young people with student loans, or middle-class families who can barely pay the bills to shoulder the burden alone. And I think to myself, if I am willing to give something up as someone who has been extraordinarily blessed, and give up some of the tax breaks that I enjoy, I actually think that is going to make economic sense.

But for me as a Christian, it also coincides with Jesus's teaching that "for unto whom much is given, much shall be required." It mirrors the Islamic belief that those who have been blessed have an obligation to use those blessings to help others, or the Jewish doctrine of moderation and consideration for others.

When I talk about giving every American a fair shot at opportunity, it is because I believe that when a young person can afford a college education or someone who has been unemployed suddenly has a chance to retrain for a job and regain that sense of dignity and pride, and contributing to the community as well as supporting their families—that helps us all prosper.

It means maybe that research lab on the cusp of a lifesaving discovery, or the company looking for skilled workers is going to do a little bit better, and we will all do better as a consequence. It makes economic sense. But part of that belief comes from my faith in the idea that I am my brother's keeper and I am my sister's keeper; that as a country, we rise and fall together. I am not an island. I am not alone in my success. I succeed because others succeed with me.

And when I decide to stand up for foreign aid, or prevent atrocities in places like Uganda, or take on issues like human trafficking, it is not just about strengthening alliances, or promoting democratic values, or projecting American leadership around the world, although it does all those things and it will make us safer and more secure. It is also about the Biblical call to care for the least of these—for the poor, for those at the margins of our society.

To answer the responsibility we are given in Proverbs to "speak up for those who cannot speak for themselves, for the rights of all who are destitute." And for others, it may reflect the Jewish belief that the highest form of charity is to do our part to help others to stand on their own.

Treating others as you want to be treated; requiring much from those who have been given so much; living by the principle that we are our brother's keeper; caring for the poor and those in need. These values are old. They can be found in many denominations and many faiths, among many believers and among many non-believers. And they are values that have always made this country great—when we live up to them; when we don't just give lip service to them; when we don't just talk about them one day a year. And they are the ones that have defined my own faith journey.

And today, with as many challenges as we face, these are the values I believe we are going to have to return to in the hope that God will buttress our efforts.

Now, we can earnestly seek to see these values lived out in our politics and our policies, and we can earnestly disagree on the best way to achieve these values. In the words of C.S. Lewis, "Christianity has not, and does not profess to have a detailed political program. It is meant for all men at all times, and the particular program which suited one place or time would not suit another."

Our goal should not be to declare our policies as Biblical. It is God who is infallible, not us. Michelle reminds me of this often. So instead, it is our hope that people of goodwill can pursue their values and common ground and the common good as best they know how, with respect for each other. And I have to say that sometimes we talk about respect, but we don't act with respect towards each other during the course of these debates.

But each and every day, for many in this room, the Biblical injunctions are not just words, they are also deeds—every single day, in different ways, so many of you are living out your faith in service to others.

Just last month, it was inspiring to see thousands of young Christians filling the Georgia Dome at the Passion Conference, to

worship the God who sets the captives free and work to end modern slavery. Since we have expanded and strengthened the White House faith-based initiative, we have partnered with Catholic Charities to help Americans who were struggling with poverty, worked with organizations like World Vision and American Jewish World Service and Islamic Relief to bring hope to those suffering around the world.

Colleges across the country have answered our Interfaith Campus Challenge, and students are joined together across religious lines in service to others. From promoting responsible fatherhood to strengthening adoption, from helping people find jobs to serving our veterans, we are linking arms with faith-based groups all across the country.

I think we all understand that these values cannot truly find voice in our politics and our policies unless they find a place in our hearts. The Bible teaches us to "be doers of the word and not merely hearers." We are required to have a living, breathing, active faith in our own lives. And each of us is called on to give something of ourselves for the betterment of others—and to live the truth of our faith not just with words, but with deeds.

So even as we join the great debates of our age—how we best put people back to work, how we ensure opportunity for every child, the role of government in protecting this extraordinary planet that God has made for us, how we lessen the occasions of war—even as we debate these great issues, we must be reminded of the difference that we can make each day in our small interactions, in our personal lives.

As a loving husband, or a supportive parent, or a good neighbor, or a helpful colleague—in each of these roles, we help bring His kingdom to Earth. And as important as government policy may be in shaping our world, we are reminded that it is the cumulative acts of kindness and courage and charity and love. It is the respect that we show each other and the generosity that we share with each other that in our every day lives will somehow sustain us during these challenging times. John tells us that, "If anyone has material possessions and sees his brother in need but has no pity on him, how can the love of God be in him? Dear children, let us not love with words or tongue but with actions and in truth."

MARK read a letter from Billy Graham, and it took me back to one of the great honors of my life, which was visiting Reverend Graham at his mountaintop retreat in North Carolina, when I was on vacation with my family in a hotel not far away.

And I can still remember winding up the path, up a mountain to his home. Ninety-one years old at the time, facing various health challenges, he welcomed me as he would welcome a family member or a close friend. This man who had prayed great prayers that inspired a nation, this man who seemed larger than life, greeted me and was as kind and as gentle as could be.

And we had a wonderful conversation. Before I left, Reverend Graham started to pray for me, as he had prayed for so many Presidents before me. And when he finished praying, I felt the urge to pray for him. I didn't really know what to say. What do you pray for when it comes to the man who has prayed for so many? But like that verse in Romans, the Holy Spirit interceded when I didn't know quite what to say.

And so I prayed—briefly, but I prayed from the heart. I don't have the intellectual capacity or the lung capacity of some of my

great preacher friends here who have prayed for a long time. But I prayed. And we ended with an embrace and a warm good-bye.

And I thought about that moment all the way down the mountain, and I have thought about it in the many days since. Because I thought about my own spiritual journey—growing up in a household that was not particularly religious; going through my own period of doubt and confusion, finding Christ when I was not even looking for him so many years ago; possessing so many shortcomings that have been overcome by the simple grace of God. And the fact that I would ever be on top of a mountain, saying a prayer for Billy Graham—a man whose faith had changed the world and that had sustained him through triumphs and tragedies, and movements and milestones—that simple fact humbled me to my core.

I have fallen on my knees with great regularity since that moment—asking God for guidance not just in my personal life and my Christian walk, but in the life of this nation and in the values that hold us together and keep us strong. I know that He will guide us. He always has and He always will. And I pray his richest blessings on each of you in the days ahead.

Thank you very much.

Senator PRYOR: Thank you, Mr. President, for sharing your heart and your faith with us. You have a room full of people here who are praying for you and your family. God bless the President of the United States of America.

Speaking of powerful people, let's hear one more time from Jackie Evancho.

"The Lord's Prayer" sung by Miss Jackie Evancho.

Senator SESSIONS: Thank you, Jackie, and may God's blessings continue with you. My thanks to the President, Eric, all our speakers up here this morning. You have given us a lot to think about. Now it is our job to ponder these things in our hearts and to turn those good ideas into action.

Senator PRYOR: Being a part of this National Prayer Breakfast is a great privilege and now it becomes a great responsibility. I believe God is counting on you and me to love and pray where we are. Let's complain a lot less and let's pray and love a lot more so God can use us to make a better world. And now to close us in prayer is Robert Griffin III of Baylor University.

Mr. Robert Griffin, III: Before I close in prayer, I would just like to say, "Sic em, Bears." And to the President, if you ever get a little tired of running the country or anything like that, a little bored, I would love to play you in basketball. It would be a friendly competition because I wouldn't want anyone to feel like I was trying to hurt you or anything, so I wouldn't dunk on you at all. This has been a really long breakfast. The longest I have ever been a part of. I guess everyone up here got the memo except for me because both of my cups are empty because I drank them. No one else drank anything and I really have to use the bathroom. So will go ahead and close this out so we can all go ahead and do that.

If you could bow your heads, please. Father God, we thank you for this day as a day you have made and we rejoice and we are glad in it. Today has truly been a great day, many great speakers and a lovely singer who has blessed all of our hearts and brought many to tears. Father God, in Jesus' name, we thank you that we could sit up here and thank you for so many different things and be here all day. But most of all, we thank you above all for having the ability to make

a difference in everyone's lives and giving us the power to go out and change the world. And we thank you for your love, your grace and your mercy and as we leave today, we thank you that we take those qualities that can show the world not only with our words but with our actions. In Jesus' name we pray, Amen.

CONVICTION OF DHARUN RAVI

Mr. LEAHY. Mr. President, last week, a jury in New Jersey convicted Dharun Ravi for violations of New Jersey criminal laws against bias intimidation and invasion of privacy. Mr. Ravi had used a Webcam to spy on and then publicize an intimate encounter between his college roommate, Tyler Clementi, and another man. Tragically, Mr. Clementi became so distraught that he took his own life.

Young men and women should not be bullied or shamed because of their sexual orientation. It is incumbent on every segment of society to do what we can to stop bullying in schools and in our communities. As Tyler Clementi's father said after the jury verdict was announced:

To our college, high school and even middle school youngsters, I would say this: You're going to meet a lot of people in your lifetime. Some of these people you may not like. But just because you don't like them does not mean you have to work against them.

I can only imagine the Clementi family's grief and suffering over their loss. I applaud the efforts they are making to raise awareness about the real dangers of bullying on American campuses.

The Senate is also taking steps to address the growing problem of bullying. I am pleased to be a cosponsor of Senator CASEY's Safe Schools Improvement Act, which requires schools to establish bullying prohibition policies and would help educators identify and address any conduct based on a student's actual or perceived race, color, religion, gender, disability, or sexual orientation. Another bill that I support is the Student Non-Discrimination Act introduced by Senator FRANKEN, which would define harassment as a form of discrimination in our public schools. Both bills have more than 35 cosponsors and deserve full consideration by the Senate. It has been well documented that students who are paralyzed by fear of bullying cannot effectively learn. Congress should help ensure that States and schools have the tools they need to prevent or punish bullying in any form. We must do more to ensure that all students are protected and can thrive in their schools.

In the aftermath of Dharun Ravi's conviction in New Jersey, there has been some commentary on hate crimes laws generally. Some have wondered whether hate crimes laws criminalize thoughts or beliefs and have the effect of chilling free speech. Others have ex-

pressed confusion whether Mr. Ravi could have been prosecuted under our recently passed Federal hate crimes law.

As chairman of the Senate Judiciary Committee, let me clarify the scope of Federal hate crimes statutes. First, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act protects the constitutional right of every individual to have her own thoughts and beliefs and express them in a lawful manner. The law does not prohibit or punish speech, expression, or association in any way—even hate speech. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it.

The Matthew Shepard Act punishes physical violence, not speech. The law requires the defendant to have caused or attempted to cause bodily injury to the victim while being motivated by the victim's sexual orientation or another defined characteristic. Importantly, the defendant in a Federal hate crimes case must have acted willfully. In other words, the defendant must have voluntarily and intentionally caused bodily injury to the victim. From what we know of the Ravi case, the defendant could not have been prosecuted under the Matthew Shepard Act because Mr. Ravi did not willfully cause bodily injury to Tyler Clementi, nor did he willfully cause the victim to take his own life.

We know that the consequences of bias-motivated violence extend beyond the victim. Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic such as race, religion, national origin, gender, disability, or sexual orientation. Preventing such consequences is the reason I offered the Matthew Shepard Act as an amendment to the Defense authorization bill more than 2 years ago. The law has already resulted in several Federal criminal convictions. For example, two Arkansas men were convicted after they targeted five Hispanic victims at a gas station and rammed their car off the road causing serious injuries. Two other men in New Mexico were convicted under this statute for branding a disabled Navajo man with a swastika while writing the words "KKK" and "white power" on his body.

The Ravi prosecution was brought under New Jersey's laws, which are different from our Federal hate crimes laws.

TRIBUTE TO ADMIRAL ROBERT F. WILLARD

Mr. MCCAIN. Mr. President, today I rise to honor a distinguished naval officer and a true patriot. Having just passed the torch of command for U.S. Pacific Command, Admiral Robert F. Willard will hang up one last time the

uniform he first donned almost four decades ago. On the eve of his retirement, it is fitting to memorialize in the annals of this chamber Admiral Willard's years of selfless service to our Nation.

A Los Angeles native, Admiral Willard graduated from the United States Naval Academy and was commissioned in 1973. After he completed flight training and qualified as a naval aviator, he served in F 14 fighter squadrons operating off of the aircraft carriers USS *Constellation*, USS *Ranger*, and USS *Kitty Hawk*. Admiral Willard's proficiency in the cockpit led to his assignment to Navy Fighter Weapons School, more commonly known as TOPGUN, where he served as the operations and executive officer. Many may not know that Admiral Willard was the aerial coordinator for the 1986 movie *Top Gun* and also appeared in it as a flight instructor. Admiral Willard later commanded the famous Screaming Eagles Fighter Squadron operating off of the USS *Carl Vinson*.

In 1992, following his successful completion of nuclear power training, Admiral Willard rejoined the USS *Carl Vinson* as its executive officer. He went on to command the amphibious flagship USS *Tripoli* and the aircraft carrier USS *Abraham Lincoln*. As a flag officer, Admiral Willard twice served on the Joint Staff, was deputy and chief of staff for U.S. Pacific Fleet, commanded Carrier Group Five embarked upon the USS *Kitty Hawk*, and commanded Seventh Fleet in Yokosuka, Japan. In March 2005, Admiral Willard became the 34th Vice Chief of Naval Operations, and in May 2007, he became Commander of the United States Pacific Fleet.

On October 19, 2009, Admiral Willard was appointed as Commander, U.S. Pacific Command. He assumed command when much of our focus was still on the Middle East and North Africa, and rightly so. Conflicts there, however, in no way diminished the importance of the Asia-Pacific, where strategically important events unfolded during Admiral Willard's command. As the United States rebalances its national security strategy and realigns its forces with a greater focus on the Asia-Pacific, Admiral Willard's leadership over the last 2 years has laid a critical foundation for our security and that of our allies, now and in years to come.

Pacific Command is personally resonant with me. Between 1968 and 1972, my father held the position, then known as Commander-in-Chief, Pacific Command, that Admiral Willard has just relinquished. The running joke between Admiral Willard and me has been that he was living in my father's old house. And so, of all the praise and accolades I could bestow on Admiral Willard for his service to our Nation, the best and most appropriate would be: the command undertaken by my fa-

ther and other great men has been admirably served by the leadership of Admiral Willard.

Admiral Willard has always paid tribute to his spouse of 38 years Donna, who has been a tireless advocate for the men and women of the commands in which she and her husband have served, and a wonderful ambassador for the United States and the Navy. And so I extend a grateful Nation's thanks to the Willards and their children Jennifer, Bryan, and Mark for their exceptional service, best wishes for the next chapter in their life, and fair winds and following seas.

50TH ANNIVERSARY OF THE UNITED STATES SENATE YOUTH PROGRAM

Mr. BLUMENTHAL. Mr. President, for 50 years, the United States Senate Youth Program, USSYP, has selected 2 remarkable high school students from each State, the District of Columbia, and the Department of Defense Education Activity program to visit our Nation's capital for an inspiring week-long immersion in the workings of the Federal government and a mirror into public service. The students that participate in the USSYP have gone on to dedicate their lives to our country, including Senator SUSAN COLLINS, New Jersey Governor Chris Christie, and former presidential advisor Karl Rove.

Started in 1962 through the adoption of S. Res. 324, this program is as crucial now as it was when it was first created. The USSYP acknowledges our country's need to encourage inspired and proactive youth. It takes a stand against complacency and apathy when it comes to learning, gives students a chance to see firsthand the hard work and dedication of appointed and elected officials, and sustains and heightens their passion for helping others after the program is finished. It also aims to instill a true understanding of the democratic process "and the vital importance of democratic decision making not only for America but for people around the world" (S. Res. 324), creating a cadre of young ambassadors who promote representative government in their own communities.

I wish to recognize the partners of the USSYP, most especially the Hearst Foundations, and my Senate colleagues who participated in Washington Week a few weeks ago. I thank the Hearst Foundations for their generous offer to fund this program as long as the Senate keeps it alive. Also, I express my gratitude for nonprofit organizations that are innovatively addressing the deficit of civic knowledge and public responsibility in our Nation's students. For example, iCivics, a project started by Justice Sandra Day O'Connor, aims to use video games and other web-based tools to engage students and teach them about our government on all lev-

els, including the importance of participation as a citizen, the power of a vote, the checks and balances of our three branches, and our founding documents. We must continue to remain invested in the knowledge and ideals our future generations bring forth.

The USSYP understands the importance of fostering the genuine interest in public service held by our Nation's youth, and only selects high schoolers to participate who have demonstrated a commitment to their student government or local civic organizations. I hope the USSYP's strong 50 years can serve as a model for similar programs—especially to reach those who may not have the support or resources to define or act on their passion for public service. The USSYP has created an alumni fund to assist delegates, who are entering college or the work force in a low-paying, public service capacity, by providing scholarships. This great first step provides support to our young constituents who are striving to realize their dreams, but are worried about the costs involved.

I enjoyed meeting with the Connecticut delegates during the annual Senate reception during Washington Week and appreciated our thoughtful dialogue. Their visit has left me inspired and hopeful about our country's future.

I know my colleagues will join me in recognizing the importance of the United States Senate Youth program for the next 50 years.

ADDITIONAL STATEMENTS

JACKSON'S SUGAR HOUSE AND VEGETABLE STAND

• Ms. SNOWE. Mr. President, each year as winter makes way for spring, across my home state of Maine you will see maple trees lined with metal buckets poised to collect delectable maple syrup. Maine is the third largest producer of maple syrup in America, and last year experienced a 14 percent increase, generating a remarkable 360,000 gallons. As maple sugar season commences and Maine looks forward to celebrating the time-honored Maple Sugar Sunday, I rise to commend Jackson's Sugar House & Vegetable Stand located in Oxford, ME.

Often times a small request sparks a marvelous business enterprise. For Roger Jackson, owner of Jackson's Sugar House & Vegetable Stand, his passion for maple syrup was reignited a few years ago when his granddaughter sought help for a school project on how to make the sweet liquid. Although Roger had been producing maple syrup on and off since he was 6 years old, his granddaughter's question renewed his love for this New England staple. And the results have been incredibly sweet.

As a veteran in maple syrup production, Roger is familiar with the trials

and tribulations that go along with this endeavor. While it is often hard to turn a profit as a small producer, the smiles on his customers' faces truly make it all worthwhile. Further, compared to when Roger was a child, improvements in technology have certainly enhanced and eased the process of turning sap into maple sugar. For example, today Jackson's Sugar House uses a stainless steel evaporator—equipment that enables them to easily remove water and ensure better control over the quality of their product. This evaporation process is a vast improvement over Roger's childhood maple making experiences involving boiling sap over an open flame.

Roger's expertise in maple syrup has certainly not gone unnoticed. He was recently appointed by the Maine Department of Agriculture Commissioner, Walter Whitcomb, to the Maine Maple Task Force Study Group to represent producers of maple sugar products with 1,000 or fewer taps. This Task Force was created in May of 2011, as part of the State's legislation "To Study the Promotion and Expansion of the Maine Maple Sugar Industry." Roger's participation on the task force has been instrumental in ensuring that the needs of small producers and mom and pop sugarhouse operations are vigorously advocated.

Maple syrup and all maple sugar products are certainly among the sweetest commodities produced in Maine. Thanks to the proficiency and resolve of individuals such as Roger Jackson, Maine continues to produce the highest quality maple products. I am proud to extend my congratulations to Roger Jackson and everyone at Jackson's Sugar House & Vegetable Stand for their dedication to excellence, and offer my best wishes for their continued success.●

TRIBUTE TO RACHEL BRISTOL

● Mr. WYDEN. Mr. President, today I wish to recognize someone who has spent the last 30 years in the front ranks of the fight against hunger in my State.

Rachel Bristol, president and CEO of the Oregon Food Bank, has devoted her life to making sure that Oregonians in need are able to put nutritious food on the table. She has spent every minute of every day of her career doing everything in her power to eliminate hunger.

As Rachel retires, she leaves behind a legacy of determination and hard work that has guided the Oregon Food Bank and seen it expand into a professional organization that reflects her vision of what a community should do to help those in need.

Last year alone, the Oregon Food Bank Network distributed more than 81 million pounds of food. I am proud to say that I have stood beside the food bank's employees and volunteers and

packaged my share of pancake mix or other food. So, I know firsthand how dedicated they are in making sure that no one goes to bed hungry.

Whether we call it hunger, food insecurity or something else, what we are really talking about is the tragedy of having hungry families in the richest country in the world.

Rachel saw that inequity and spent her life doing something about it. Because of that fewer people in Oregon went hungry because she gave them a place to go—a place to look to—for basic nutritious food to put on their table.

Because of Rachel Bristol, the food bank is a better organization and Oregon is a better community.

While she may be retiring, something tells me that the fight against hunger will always be a part of who she is.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:42 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 665. An act to establish a pilot program for the expedited disposal of Federal real property.

H.R. 2087. An act to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia.

The message also announced that pursuant to Senate Concurrent Resolution 35, 112th Congress, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Joint Congressional Committee on Inaugural Ceremonies: Mr. BOEHNER of Ohio, Mr. CANTOR of Virginia, and Ms. PELOSI of California.

At 4:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 108. Concurrent resolution permitting the use of the rotunda of the Capitol

for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 665. An act to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2087. An act to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; to the Committee on Commerce, Science, and Transportation.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Energy and Natural Resources, and referred as indicated:

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5401. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "2010 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance"; to the Committee on Commerce, Science, and Transportation.

EC-5402. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Fisheries; 2012 Annual Catch Limits and Accountability Measures" (RIN0648-XA674) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5403. A communication from the Acting Division Chief, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Overflight Regulations for the Channel Islands, Monterey Bay, Gulf of the Farallones, and Olympic Coast National Marine Sanctuaries" (RIN0648-AX79) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5404. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod By Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XA988) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5405. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA992) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5406. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA987) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5407. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Augusta S.p.A. Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1454)) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5408. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Community Development Quota Program" (RIN0648-AV33) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5409. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection" (RIN0648-BA80) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5410. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 2 for the South Atlantic Region; Correction" (RIN0648-BB26) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5411. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 32"

(RIN0648-AY56) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5412. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine Winter Flounder Catch Limit Revisions" (RIN0648-XA913) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5413. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (29); Amdt. No. 3461" (RIN2120-AA65) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5414. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (82); Amdt. No. 3460" (RIN2120-A65) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5415. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0382)) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5416. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eclipse Aerospace, Inc. Airplanes Equipped with Pratt and Whitney Canada, Corp. PW610F 09A Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0199)) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5417. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (4); Amdt. No. 498" (RIN2120-AA63) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5418. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Conductor Certification" (RIN2130-AC36) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5419. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce plc (RR) RB211 Trent 800 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0755)) received in the Office of the President of the Senate on March 12,

2012; to the Committee on Commerce, Science, and Transportation.

EC-5420. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lycoming Engines Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0533)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5421. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Transport Category Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0956)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5422. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Turboshift Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0889)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5423. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0725)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5424. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc., Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1092)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5425. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011 0571)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5426. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1067)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5427. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DASSAULT AVIATION Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1166)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5428. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1227)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5429. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2006-25001)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5430. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0994)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5431. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH Airplanes)" ((RIN2120-AA64) (Docket No. FAA-2011-0912)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5432. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc (RR) RB211-535 Series Turbofan Engine" ((RIN2120-AA64) (Docket No. FAA-2009-0994)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5433. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lycoming Engines Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0691)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5434. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thielert Aircraft Engines GmbH Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0956)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5435. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Superior Air Parts, Lycoming Engines (Formerly Textron Lycoming), and Continental Motors, Inc., Fuel-Injected Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0547)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5436. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0068)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5437. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. TPE331-10 and TPE331-11 Series Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0789)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5438. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0037)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5439. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0946)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5440. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2012-0004)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. BOOZMAN, and Mr. COONS):

S. 2215. A bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; to the Committee on Foreign Relations.

By Mr. MERKLEY (for himself and Mr. LUGAR):

S. 2216. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement cost-effective energy efficiency measures to promote energy cost savings and rural development; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. JOHNSON of South Dakota, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. ENZI, Mr. NELSON of Nebraska, and Mr. HARKIN):

S. 2217. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, Mr. MCCAIN, and Mr. BROWN of Massachusetts):

S. 2218. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. FRANKEN, Mr. SCHUMER, Mr. BENNET, Mr. MERKLEY, Mrs. SHAHEEN, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. SANDERS, Mr. BEGICH, Mrs. MURRAY, Mr. MENENDEZ, Mr. LEVIN, Mr. KERRY, Mr. BINGAMAN, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Ms. STABENOW, Mr. ROCKEFELLER, Mrs. GILLIBRAND, Mr. REED, Mr. BLUMENTHAL, Mr. DURBIN, Ms. KLOBUCHAR, Mr. COONS, Mr. CARDIN, Mr. UDALL of Colorado, Mr. BROWN of Ohio, Mr. WEBB, Mr. CONRAD, Mrs. MCCASKILL, Mr. CASEY, Mr. AKAKA, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 2219. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; to the Committee on Rules and Administration.

By Mr. LEVIN:

S. 2220. A bill for the relief of Momo Krcic; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. MORAN, Mr. MCCAIN, Mr. TESTER, Mr. RUBIO, Mr. PAUL, Mr. TOOMEY, Mr. WICKER, Mr. SESSIONS, Mr. VITTER, Mr. LEE, Mr. MCCONNELL, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COATS, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. CORNYN, Mr. GRASSLEY, Mr. COBURN, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. HATCH, Mr. KIRK, Mr. KYL, Mr. LUGAR, Mr. JOHNSON of Wisconsin, Mr. RISCH, Mr. ROBERTS, and Mr. ALEXANDER):

S. 2221. A bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mr. CARDIN, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. NELSON of Florida, Mr. BROWN of Ohio, and Mrs. FEINSTEIN):

S. 2222. A bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. COCHRAN, Mr. WICKER, Mr. BURR, and Mr. SHELBY):

S.J. Res. 38. A joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself and Mr. KERRY):

S. Res. 401. A resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe; to the Committee on Foreign Relations.

By Mr. COONS (for himself, Mr. INHOFE, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. HATCH, Mr. DURBIN, Mr. LEAHY, Mr. SCHUMER, Mr. AKAKA, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. TESTER, Mr. NELSON of Nebraska, Mr. FRANKEN, Ms. LANDRIEU, Mr. REED, Mr. MORAN, Mr. GRAHAM, Mr. LEVIN, Ms. COLLINS, Mr. ISAKSON, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BEGICH, Mrs. BOXER, Mr. WICKER, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. MERKLEY, Mr. COATS, Mr. CARDIN, Mr. CORNYN, and Mr. BLUNT):

S. Res. 402. A resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 403. A resolution to authorize testimony, document production, and legal representation in *United States v. Richard F. "Dickie" Scruggs*; considered and agreed to.

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 418

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1039

At the request of Mr. CARDIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1086

At the request of Mr. HARKIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of men-

toring programs, and for other purposes.

S. 1129

At the request of Mr. BARRASSO, the names of the Senator from Utah (Mr. LEE) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1129, a bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 2090

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2090, a bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

S. 2122

At the request of Mr. PAUL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2122, a bill to clarify the definition of navigable waters, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2201

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2201, a bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit.

S. 2204

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. NELSON), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Minnesota (Mr. FRANKEN), the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

S. 2213

At the request of Mr. LUGAR, his name was withdrawn as a cosponsor of S. 2213, a bill to allow reciprocity for

the carrying of certain concealed firearms.

At the request of Mr. THUNE, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2213, supra.

S. RES. 356

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

S. RES. 397

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 397, a resolution promoting peace and stability in Sudan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BOOZMAN, and Mr. COONS):

S. 2215. A bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Increasing American Jobs Through Greater Exports to Africa Act of 2012".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Export growth helps United States business grow and create American jobs. In 2010, 60 percent of American exports came from small- and medium-sized businesses.

(2) On January 31, 2011, the President mandated an executive review across agencies to determine where the United States Government could become more competitive and helpful to business, including help with promoting exports.

(3) Several United States Government agencies are involved in export promotion. Coordination of the efforts of these agencies through the Trade Promotion Coordinating Committee lacks sufficient strategic implementation and accountability.

(4) Many other countries have trade promotion programs that aggressively compete against United States exports in Africa and around the world. For example, in 2010, medium- and long-term official export credit general volumes from the Group of 7 countries (Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States) totaled \$65,400,000,000. Germany provided the largest level of support at \$22,500,000,000, followed by France at \$17,400,000,000 and the United States at \$13,000,000,000. Official export credit support

by emerging market economies such as Brazil, China, and India are significant as well.

(5) Between 2008 and 2010, China alone provided more than \$110,000,000,000 in loans to the developing world, and, in 2009, China surpassed the United States as the leading trade partner of African countries. The Export-Import Bank of the United States substantially increased lending to United States businesses focused on Africa from \$400,000,000 in 2009 to an anticipated \$1,000,000,000 in 2011, but the Export-Import Bank of China dwarfed this effort with an estimated \$12,000,000,000 worth of financing.

(6) Other countries such as India, Turkey, Russia, and Brazil are also aggressively seeking markets in Africa using their national export banks to provide concessional assistance.

(7) The Chinese practice of concessional financing runs contrary to the principles of the Organization of Economic Co-operation and Development related to open market rates, undermines naturally competitive rates, and can allow governments in Africa to overlook the troubling record on labor practices, human rights, and environmental impact.

(8) The African continent is undergoing a period of rapid growth and middle class development, as seen from major indicators such as Internet use and clean water access. In 2000, only 6.7 percent of the population of Africa had access to the Internet. In 2009, 27.1 percent of the population had Internet access. Seventy-eight percent of Africa's rural population now has access to clean water.

(9) Economists have designated Africa as the "next frontier market", with profitability and growth rates among many African firms exceeding global averages in recent years. Countries in Africa have a collective spending power of almost \$9,000,000,000 and a gross domestic product of \$1,600,000,000,000, which are projected to double in the next 10 years.

(10) Sub-Saharan Africa is projected to have the fastest growing economies in the world over the next 5 years, with 7 of the 10 fastest growing economies located in sub-Saharan Africa.

(11) When countries such as China assist with large-scale government projects, they also gain an upper hand in relations with African leaders and access to valuable commodities such as oil and copper, typically without regard to environmental, human rights, labor, or governance standards.

(12) Unless the United States can offer competitive financing for its firms in Africa, it will be deprived of opportunities to participate in African efforts to close the continent's significant infrastructure gap that amounts to an estimated \$100,000,000,000.

(b) **PURPOSE.**—The purpose of this Act is to create jobs in the United States by expanding programs that will result in increasing United States exports to Africa by 200 percent in real dollar value within 10 years.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AFRICA.**—The term "Africa" refers to the entire continent of Africa and its 54 countries, including the Republic of South Sudan.

(2) **AFRICAN DIASPORA.**—The term "African diaspora" means the people of African origin living in the United States, irrespective of their citizenship and nationality, who are willing to contribute to the development of Africa.

(3) **AGOA.**—The term "AGOA" means the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(4) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

(5) **DEVELOPMENT AGENCIES.**—The term "development agencies" includes the Department of State, including the United States Agency for International Development (USAID), the Millennium Challenge Corporation (MCC), the Overseas Private Investment Corporation (OPIC), and the United States Trade and Development Agency (USTDA).

(6) **TRADE POLICY STAFF COMMITTEE.**—The term "Trade Policy Staff Committee" means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations, and is composed of representatives of Federal agencies in charge of developing and coordinating United States positions on international trade and trade-related investment issues.

(7) **MULTILATERAL DEVELOPMENT BANKS.**—The term "multilateral development banks" has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(8) **SUB-SAHARAN REGION.**—The term "sub-Saharan region" refers to the 49 countries listed in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706) and includes the Republic of South Sudan.

(9) **TRADE PROMOTION COORDINATING COMMITTEE.**—The term "Trade Promotion Coordinating Committee" means the Trade Promotion Coordinating Committee established by Executive Order 12870 (58 Fed. Reg. 51753).

(10) **UNITED STATES AND FOREIGN COMMERCIAL SERVICE.**—The term "United States and Foreign Commercial Service" means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

SEC. 4. STRATEGY.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall establish a comprehensive United States strategy for public and private investment, trade, and development in Africa.

(b) **FOCUS OF STRATEGY.**—The strategy required by subsection (a) shall focus on—

(1) increasing exports of United States goods and services to Africa by 200 percent in real dollar value within 10 years from the date of the enactment of this Act;

(2) coordinating United States commercial interests with development priorities in Africa;

(3) developing relationships between the governments of countries in Africa and United States businesses that have an expertise in such issues as infrastructure development, technology, telecommunications, energy, and agriculture;

(4) improving the competitiveness of United States businesses in Africa, including the role the African diaspora can play in enhancing such competitiveness;

(5) exploring ways that African diaspora remittances can help governments in Africa tackle economic, development, and infrastructure financing needs;

(6) promoting economic integration in Africa through working with the subregional

economic communities, supporting efforts for deeper integration through the development of customs unions within western and central Africa and within eastern and southern Africa, eliminating time-consuming border formalities into and within these areas, and supporting regionally based infrastructure projects;

(7) encouraging a greater understanding among United States business and financial communities of the opportunities Africa holds for United States exports; and

(8) monitoring—

(A) market loan rates and the availability of capital for United States business investment in Africa;

(B) loan rates offered by the governments of other countries for investment in Africa; and

(C) the policies of other countries with respect to export financing for investment in Africa that are predatory or distort markets.

(c) **CONSULTATIONS.**—In developing the strategy required by subsection (a), the President shall consult with—

(1) Congress;

(2) each agency that is a member of the Trade Promotion Coordinating Committee;

(3) the multilateral development banks;

(4) each agency that participates in the Trade Policy Staff Committee;

(5) the President's National Export Council;

(6) each of the development agencies;

(7) any other Federal agencies with responsibility for export promotion or financing and development; and

(8) the private sector, including businesses, nongovernmental organizations, and African diaspora groups.

(d) **SUBMISSION TO CONGRESS.**—

(1) **STRATEGY.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(2) **PROGRESS REPORT.**—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by subsection (a).

(3) **CONTENT OF REPORT.**—The report required by paragraph (2) shall include an assessment of the extent to which the strategy required by subsection (a)—

(A) has been successful in developing critical analyses of policies to increase exports to Africa;

(B) has been successful in increasing the competitiveness of United States businesses in Africa;

(C) has been successful in creating jobs in the United States, including the nature and sustainability of such jobs;

(D) has provided sufficient United States Government support to meet third country competition in the region;

(E) has been successful in helping the African diaspora in the United States participate in economic growth in Africa;

(F) has been successful in promoting economic integration in Africa; and

(G) has made a meaningful contribution to the transformation of Africa and its full integration into the twenty-first century world economy, not only as a supplier of primary products but also as full participant in international supply and distribution chains.

SEC. 5. SPECIAL AFRICA STRATEGY COORDINATOR.

The President shall designate an individual to serve as Special Africa Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by section 4; and

(2) to coordinate with the Trade Promotion Coordinating Committee, (the interagency AGOA committees), and development agencies with respect to developing and implementing the strategy.

SEC. 6. TRADE MISSION TO AFRICA.

It is the sense of Congress that, not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct a joint trade mission to Africa.

SEC. 7. PERSONNEL.

(a) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Commerce shall ensure that not less than 14 total United States and Foreign Commercial Service officers are assigned to Africa.

(2) ASSIGNMENT.—The Secretary shall, in consultation with the Trade Promotion Coordinating Committee and the Special Africa Export Strategy Coordinator, assign the United States and Foreign Commercial Service officers described in paragraph (1) to United States embassies in Africa.

(3) MULTILATERAL DEVELOPMENT BANKS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Commerce shall assign not less than 1 full-time United States and Foreign Commercial Service officer to the office of the United States Executive Director at each multilateral development bank.

(B) RESPONSIBILITIES.—Each United States and Foreign Commercial Service officer assigned under subparagraph (A) shall be responsible for—

(i) increasing the access of United States businesses to procurement contracts with the multilateral development bank to which the officer is assigned; and

(ii) facilitating the access of United States businesses to risk insurance, equity investments, consulting services, and lending provided by that bank.

(b) EXPORT-IMPORT BANK OF THE UNITED STATES.—Of the amounts collected by the Export-Import Bank that remain after paying the expenses the Bank is authorized to pay from such amounts for administrative expenses, the Bank shall use sufficient funds to do the following:

(1) Assign, in consultation with the Trade Promotion Coordinating Committee and the Special Africa Export Strategy Coordinator, not less than 3 full-time employees of the Bank to geographically appropriate field offices in Africa.

(2) Increase the number of employees of the Bank assigned to United States field offices of the Bank to not less than 30, to be distributed as geographically appropriate through the United States. Such offices shall coordinate with the related export efforts undertaken by the Small Business Administration regional field offices.

(3) Upgrade the Bank's equipment and software to more expeditiously, effectively, and efficiently process and track applications for financing received by the Bank.

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) STAFFING.—Of the net offsetting collections collected by the Overseas Private Investment Corporation used for administrative expenses, the Corporation shall use sufficient funds to increase by not more than 5 the staff needed to promote stable and sustainable economic growth and development

in Africa, to strengthen and expand the private sector in Africa, and to facilitate the general economic development of Africa, with a particular focus on helping United States businesses expand into African markets.

(2) REPORT.—The Corporation shall report to the appropriate congressional committees on whether recent technology upgrades have resulted in more effective and efficient processing and tracking of applications for financing received by the Corporation.

SEC. 8. TRAINING.

The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than 1 year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country shall receive that training.

SEC. 9. EXPORT-IMPORT BANK CAPITALIZATION.

(a) IN GENERAL.—Section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2011,” and inserting “2011, \$95,000,000,000;” and

(3) by adding at the end the following:

“(F) during fiscal year 2012 and each fiscal year thereafter through fiscal year 2016, \$150,000,000,000; and

“(G) subject to paragraph (4), during fiscal year 2017 and each fiscal year thereafter, \$175,000,000,000.”

(b) SPECIAL RULE FOR INCREASE IN APPLICABLE AMOUNT.—Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by adding at the end the following:

“(4) SPECIAL RULE FOR INCREASE IN APPLICABLE AMOUNT.—

“(A) IN GENERAL.—Beginning in fiscal year 2017, and each fiscal year thereafter, the applicable amount under paragraph (1) shall be \$175,000,000,000, if the Comptroller General of the United States determines pursuant to subparagraph (B) that the increase in the applicable amount under paragraph (1)(F) has been effective in increasing viable loans to further United States exports, including to Africa.

“(B) REPORT BY GAO.—The Comptroller General of the United States shall conduct a study of the operations of the Bank and the effectiveness of increasing the applicable amount under this subsection. Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress regarding the Comptroller General's determination on the effective use by the Bank of the increase in the applicable amount under this subsection.”

(c) PERCENT TO BE USED FOR PROJECTS IN AFRICA.—Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)), as amended by subsection (b), is amended by adding at the end the following:

“(5) PERCENT OF INCREASE TO BE USED FOR PROJECTS IN AFRICA.—Not less than 25 per-

cent of the amount by which the applicable amount under paragraph (1) is increased under paragraph (2) (F) or (G) over the applicable amount for fiscal year 2011 shall be used for loans, guarantees, and insurance for projects in Africa.”

(d) AVAILABILITY OF PORTION OF CAPITALIZATION TO COMPETE AGAINST FOREIGN CONCESSIONAL LOANS.—Not less than \$250,000,000 of the total bank capitalization of the Export-Import Bank shall be available annually for loans that counter below-market rate, preferential, tied aid, or other related non-market loans offered by other nations for which United States companies are also competing or interested in competing.

SEC. 10. TIED AID CREDIT FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Export-Import Bank should use its Tied Aid Credit Fund to aggressively help United States companies compete for projects in which a foreign government is using any type of below market, preferential, or tied aid loan. The Bank shall make use of any loan products available, including pursuant to section 9(d), to counter these foreign offerings.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Export-Import Bank shall report to the appropriate congressional committees if the Bank has not used at least \$220,000,000 in tied aid credit during the preceding fiscal year. The report shall include—

(1) a description of all requests for grants from the Tied-Aid Credit Fund or other similar funds (established under section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3)) received by the Bank during that fiscal year;

(2) a description of similar concessional (below market rate) loans made by other countries during that fiscal year; and

(3) a description of any such grant requests that were denied and the reason for such denial.

SEC. 11. SMALL BUSINESS ADMINISTRATION.

Section 22(b) of the Small Business Act (15 U.S.C. 649(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting “the Trade Promotion Coordinating Committee,” after “Director of the United States Trade and Development Agency;” and

(2) in paragraph (3), by inserting “regional offices of the Export-Import Bank,” after “Retired Executives.”

SEC. 12. BILATERAL, SUBREGIONAL AND REGIONAL, AND MULTILATERAL AGREEMENTS.

Where applicable, the United States Trade Representative and officials of the Export-Import Bank shall explore opportunities to negotiate bilateral, subregional, and regional agreements that encourage trade and eliminate nontariff barriers to trade between countries, such as negotiating investor friendly double-taxation treaties and investment promotion agreements. United States negotiators in multilateral forum should take into account the objectives of this Act. To the extent any such agreements exist between the United States and an African country, the Trade Representative shall ensure that the agreement is being implemented in a manner that maximizes the positive effects for United States trade, export, and labor interests as well as the economic development of the countries in Africa.

By Mr. GRASSLEY (for himself,
Mr. JOHNSON of South Dakota,

Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. ENZI, Mr. NELSON of Nebraska, and Mr. HARKIN):

S. 2217. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, today I am introducing the Rural America Preservation Act of 2012. I appreciate Senators JOHNSON of South Dakota, ENZI, BROWN of Ohio, GILLIBRAND, HARKIN, and NELSON of Nebraska for joining on this bill, and in this effort.

As the Senate Agriculture Committee continues working on the next Farm Bill, one thing seems to be clear. The title one safety-net is going to look quite different than current programs. It appears the direct payment program may be done away with entirely. Some of my colleagues and agriculture groups have proposed a variety of new ideas as possible replacements to the current commodity title.

No matter what commodity program we create, my bill sets the marker on payment limitations. I introduced a similar payment limits bill last year, but this bill should better address whatever type of safety-net program we adopt going forward. The premise remains the same. We need firm payment limit. We need to close loopholes.

I support having a safety-net for farmers. This nation enjoys a safe and abundant food supply. Certainly a lot of that can be attributed to the ingenuity and hard work of the American farmer. But the farm safety-net helps small and medium-size farmers get through tough times that are out of their control.

We need an effective safety-net to assist farmers. But equally important is for Congress to develop a defensible safety-net. I will continue to work with my Agriculture committee colleagues to figure out what type of program will be most effective.

But we already know the steps that need to be taken to make it more defensible. Defensible means setting firm caps on the farm payments any one farmer can receive. The current approach does not have any overall cap. There is nothing wrong with farmers growing their operations. But big farmers shouldn't be using taxpayer dollars to get even bigger. When the largest 10 percent of farmers receive 70 percent of farm payments, something is wrong. There comes a point where some farms reach levels that allow them to weather the tough financial times on their own. Smaller farms do not have the same luxury, but they play a pivotal role in producing this nation's food.

If you want to witness how farm payments to big farmers creates a barrier for small and beginning farmers, look at land prices. The current system puts

upward pressure on land prices making it more difficult for small and beginning farmers to buy ground. This is not unique to Iowa. This upward pressure on land prices is occurring in many other states.

This bill proposes an overall cap of \$250,000 for a married couple. In my State, many people would say this is still too high. But I recognize that agriculture can look different around the country, and so this is a compromise. Strong payment limits will ensure farm payments are helping those who payments were originally created for, the small and medium-size farmers.

Having an overall cap is more defensible from a Federal budget standpoint as well. This Nation needs to make tough decisions regarding all government programs. We need to find savings across the board. Setting strict caps on all commodity programs should be a no-brainer as we look to find savings and increase accountability in farm programs. Having a defensible safety-net also means closing loopholes in the current law.

For all the rhetoric that comes out of Washington, D.C. about eliminating fraud, waste, and abuse, making sure non-farmers don't game the system is a common sense step to take. It's simple, if you are not a farmer, you shouldn't get a farm payment. The bill I introduced last year, and this bill, has language that closes the loopholes.

After I introduced the bill last year, we received some questions regarding the language from two camps of people. The first camp of people I would say were critical because they don't want the loopholes closed. They would have us turn a blind eye to the fact people game the system. They would have us turn a blind eye to the fact we have nonfarmers who claim to help "manage" the farm by participating in one or two conference calls a year. To those people, I cannot satisfy your concerns. I will not turn a blind eye to abuses. These are loopholes that need to be closed.

To the other camp of people, who have provided constructive feedback, I would say, we have listened. The revisions we made addressed the issues raised. We have improved the language closing the loopholes. This bill provides a tangible, workable, and fair approach. Closing these loopholes is the right thing to do for the American taxpayer. It is the right thing to do for the American farmer.

Hard caps on farm payments and closing loopholes should be supported by anyone who wants an effective and defensible farm safety-net. As the Senate Agriculture Committee heads toward a mark-up of the Farm Bill, I invite my Senate colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural America Preservation Act of 2012".

SEC. 2. PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

“(3) LEGAL ENTITY.—

“(A) IN GENERAL.—The term ‘legal entity’ means—

“(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d);

“(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

“(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

“(B) EXCLUSION.—The term ‘legal entity’ does not include a general partnership or joint venture.”;

(2) by striking subsections (b) through (d) and inserting the following:

“(b) LIMITATION ON PAYMENTS FOR COVERED COMMODITIES.—The total amount of payments received, directly or indirectly, by a person or legal entity for any crop year for 1 or more covered commodities (except for peanuts) under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) (or a successor provision) may not exceed \$125,000, of which—

“(1) not more than \$75,000 may consist of marketing loan gains and loan deficiency payments under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731 et seq.) (or a successor provision); and

“(2) not more than \$50,000 may consist of any other payments made for covered commodities under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.) (or a successor provision).

“(c) LIMITATION ON PAYMENTS FOR PEANUTS.—The total amount of payments received, directly or indirectly, by a person or legal entity for any crop year for peanuts under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) (or a successor provision) may not exceed \$125,000, of which—

“(1) not more than \$75,000 may consist of marketing loan gains and loan deficiency payments under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731 et seq.) (or a successor provision); and

“(2) not more than \$50,000 may consist of any other payments made for peanuts under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.) (or a successor provision).

“(d) SPOUSAL EQUITY.—

“(1) IN GENERAL.—Notwithstanding subsections (b) and (c), except as provided in paragraph (2), if a person and the spouse of the person are covered by paragraph (2) and

receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the person and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b) and (c).

“(2) EXCEPTIONS.—

“(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate person with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

“(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b) and (c) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.”;

(3) in paragraph (3)(B) of subsection (f), by adding at the end the following:

“(iii) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term ‘legal entity’ as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.”; and

(4) in subsection (h), in the second sentence, by striking “or other entity” and inserting “or legal entity”.

SEC. 3. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

The Food Security Act of 1985 is amended by striking section 1001A (7 U.S.C. 1308-1) and inserting the following:

“SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

“(a) SUBSTANTIVE CHANGE.—

“(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of persons or legal entities to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

“(2) SEPARATE EQUIPMENT AND LABOR.—For the purpose of paragraph (1), any division of a farming operation into 2 or more units under which the equipment and labor are not substantially separate shall not be considered bona fide and substantive.

“(3) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

“(4) PRIMARY CONTROL.—To prevent a farming operation from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 person or legal entity, including the person or legal entity that exercises primary control over the farming operation, including to respond to—

“(A)(i) any instance in which ownership of a farming operation is transferred to a person or legal entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more legal entities at less than fair market value; and

“(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

“(B) a sale or exchange of any asset or ownership interest in 1 or more legal entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.

“(b) PAYMENTS LIMITED TO ACTIVE FARMERS.—

“(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) or (c) of section 1001 with respect to a particular farming operation, a person or legal entity shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).

“(2) GENERAL CLASSES ACTIVELY ENGAGED IN FARMING.—

“(A) DEFINITION OF ACTIVE PERSONAL MANAGEMENT.—In this paragraph, the term ‘active personal management’ means, with respect to a person, management duties carried out by the person for a farming operation that are personally provided by the person on a regular, continuous, and substantial basis, including the supervision and direction of—

“(i) activities and labor involved in the farming operation; and

“(ii) onsite services directly related and necessary to the farming operation.

“(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

“(i) A person shall be considered to be actively engaged in farming with respect to a farming operation if—

“(I) the person makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

“(aa) capital, equipment, or land; and

“(bb) personal labor or active personal management;

“(II) the share of the profits or losses of the person from the farming operation is commensurate with the contributions of the person to the operation; and

“(III) a contribution of the person is at risk.

“(ii) A legal entity shall be considered to be actively engaged in farming with respect to a farming operation if—

“(I) the legal entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

“(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the legal entity each make a significant contribution of personal labor or active personal management to the operation; or

“(bb) in the case of a legal entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the legal entity makes a significant contribution of personal labor or active personal management; and

“(III) the legal entity meets the requirements of subclauses (II) and (III) of clause (i).

“(C) CERTAIN ENTITIES MAKING SIGNIFICANT CONTRIBUTIONS.—If a general partnership, joint venture, or similar entity (as determined by the Secretary) separately makes a

significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i) shall be considered to be actively engaged in farming with respect to the farming operation involved.

“(D) EQUIPMENT AND PERSONAL LABOR.—In making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

“(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

“(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), a person shall be considered to be providing, on behalf of the person or a legal entity, a significant contribution of personal labor or active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

“(I) 1,000 hours; or

“(II) a period of time equal to—

“(aa) 50 percent of the commensurate share of the total number of hours of personal labor or active personal management required to conduct the farming operation; or

“(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in a legal entity in which all of the beneficial interests are held by family members who do not collectively receive payments directly or indirectly, including payments received by spouses, of more than twice the applicable limit, 50 percent of the commensurate share of hours of the personal labor or active personal management of all family members required to conduct the farming operation.

“(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of a person or legal entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.

“(3) SPECIAL CLASSES ACTIVELY ENGAGED IN FARMING.—Notwithstanding paragraph (2), the following persons shall be considered to be actively engaged in farming with respect to a farm operation:

“(A) LANDOWNERS.—A person or legal entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

“(i) the landowner share-rents the land at a rate that is usual and customary; and

“(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.

“(B) FAMILY MEMBERS.—With respect to a farming operation conducted by persons who are family members, or a legal entity the majority of the stockholders or members of which are family members, an adult family member who makes a significant contribution (based on the total value of the farming

operation) of active personal management or personal labor and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i).

“(C) SHARECROPPERS.—A sharecropper who makes a significant contribution of personal labor to the farming operation and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1651).

“(D) FARM MANAGERS.—A person who otherwise meets the requirements of this subsection other than paragraph (2)(E) if—

“(i) the individual—

“(I)(aa) provides more than 50 percent of the commensurate share of the total number of hours of active personal management required to conduct the farming operation; and

“(bb) is, with respect to the commensurate share of the individual, the only party who is providing active personal management and who is at risk, other than a landlord, if any, described in subparagraph (A); or

“(II)(aa) is the only individual qualifying the farming operation (including a sole proprietorship, legal entity, general partnership, or joint venture) as actively engaged in farming; and

“(bb) qualifies only a single sole proprietorship, legal entity, general partnership, or joint venture as actively engaged in farming; and

“(ii) the individual does not provide active personal management to meet the requirements of this subsection for persons or legal entities that collectively receive, directly or indirectly, an amount equal to more than the applicable limits under subsections (b), (c), and (d) of section 1001; and

“(iii) the individual manages a farm operation that is not jointly managed with persons or legal entities that collectively receive, directly or indirectly, an amount equal to more than the applicable limits under subsections (b), (c), and (d) of section 1001.

“(4) PERSONS AND LEGAL ENTITIES NOT ACTIVELY ENGAGED IN FARMING.—For the purposes of paragraph (1), except as provided in paragraph (3), the following persons and legal entities shall not be considered to be actively engaged in farming with respect to a farm operation:

“(A) LANDLORDS.—A landlord contributing land to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for such use of the land.

“(B) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity, or class of persons or legal entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.

“(5) PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—No stockholder or other member of a legal entity or person may provide personal labor or active personal management to meet the requirements of this subsection for persons or legal entities that collectively receive, directly or indirectly, an amount equal to—

“(A) more than the applicable limits under subsections (b) and (c) of section 1001; or

“(B) in the case of a stockholder or member in conjunction with the spouse of the stockholder or member, more than the applicable limits described in subparagraph (A).

“(6) CUSTOM FARMING SERVICES.—A person or legal entity receiving custom farming

services will be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on paragraphs (1) through (3).

“(7) GROWERS OF HYBRID SEED.—To determine whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

“(c) NOTIFICATION BY LEGAL ENTITIES.—To facilitate the administration of this section, each legal entity that receives payments or benefits described as being subject to limitation in subsection (b) or (c) of section 1001 with respect to a particular farming operation shall—

“(1) notify each person or other legal entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

“(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires such a beneficial interest.”.

SEC. 4. FOREIGN PERSONS AND LEGAL ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.

Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308-3) is amended—

(1) in the section heading, by striking “PERSONS” and inserting “PERSONS AND LEGAL ENTITIES”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “CORPORATION OR OTHER” and inserting “LEGAL”;

(B) in the first sentence, by striking “a corporation or other entity shall be considered a person that” and inserting “a legal entity”; and

(C) in the second sentence, by striking “an entity” and inserting “a legal entity”; and

(3) in subsection (c), by striking “person” and inserting “legal entity or person”.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, Mr. MCCAIN, and Mr. BROWN of Massachusetts):

S. 2218. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, as a co-chair of the Congressional Fire Caucus, I am pleased to join Senator Lieberman in introducing legislation to reauthorize the U.S. Fire Administration. We appreciate Senators MCCAIN, CARPER and SCOTT BROWN becoming cosponsors of this bill. The Congressional Fire Services Institute, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the National Volunteer

Fire Council back this measure. I am proud to have their support.

Reauthorization of the U.S. Fire Administration means that first responders around the country will get the essential training, education, and research they need to help prevent fire-related deaths and protect their communities from disasters of all kinds—man-made and natural.

Since its creation in 1974, the Fire Administration and its Fire Academy have helped prevent fires, protect property, and save lives among firefighters and the public. Today, the Fire Administration is also integrated into our national, all-hazards preparations against natural disasters and terrorist attacks.

America's firefighters play a vital role in the security of our nation and it is important that, as a nation and a Congress, we support them. We can do so by reauthorizing the United States Fire Administration. Whether it is in response to a terrorist attack, a wildland fire, or a house fire the community, America has come to rely on firefighters. America's firefighters—whether career or volunteer—always answer the call.

In a report released in September, the United States Fire Administration found that, over the past 10 years, the overall number of fires reported in the United States has declined by 18 percent. During this same time period, there was also a 20 percent decline in civilian deaths and a 22 percent drop in civilian injuries. We can be proud of this progress.

According to the report, however, “although America's fire death rate is improving, it continues to be higher than more than half of the industrialized countries of the world.” Sadly, during this same time period, there has been an average of 3,570 deaths and nearly 18,300 injuries per year. The Fire Administration must work tirelessly to improve these statistics, which represent loss and pain to American families.

We must also continue to educate and train current and future generations of firefighters. The USFA plays an important role in the professional development of fire services personnel through the National Fire Academy, by providing courses in Fire Prevention Management, Hazardous Materials, Incident Management, and Arson, as well as many other critical courses.

My home State of Maine is keenly aware of the dangers of fire and the importance of effective fire services. According to the Maine Department of Public Safety, nearly 50 Mainers died in fires every year through the 1950s, '60s, and '70s. The average for the past decade is 17 per year, and 2011 sadly produced 23 fire-related deaths, up from only nine in 2010—both are too many.

With the continued work of the U.S. Fire Administration and the valiant efforts of our brave fire services personnel, I believe we can make further

progress in lowering the number of fire related deaths in our nation.

I ask that my colleagues support this legislation.

By Mr. WHITEHOUSE (for himself, Mr. FRANKEN, Mr. SCHUMER, Mr. BENNET, Mr. MERKLEY, Mrs. SHAHEEN, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. SANDERS, Mr. BEGICH, Mrs. MURRAY, Mr. MENENDEZ, Mr. LEVIN, Mr. KERRY, Mr. BINGAMAN, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Ms. STABENOW, Mr. ROCKEFELLER, Mrs. GILLIBRAND, Mr. REED, Mr. BLUMENTHAL, Mr. DURBIN, Ms. KLOBUCHAR, Mr. COONS, Mr. CARDIN, Mr. UDALL of Colorado, Mr. BROWN of Ohio, Mr. WEBB, Mr. CONRAD, Mrs. MCCASKILL, Mr. CASEY, Mr. AKAKA, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 2219. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; to the Committee on Rules and Administration.

Mr. WHITEHOUSE. Mr. President, I am here today to introduce the DISCLOSE Act of 2012, and we are informally closing DISCLOSE 2.0 in recognition of the original bill that Senator SCHUMER worked so hard to get passed a few years ago.

The Supreme Court's 2010 decision in *Citizens United v. Federal Election Commission* opened the floodgates to unlimited corporate and special interest money in elections, bringing about an era where corporations and other wealthy interests can drown out the voices of voters in our political system.

Worse still, much of this spending is anonymous so the public does not even know who is spending millions to influence our elections. Here is how my home State newspaper, the *Providence Journal*, explained the *Citizens United* decision:

The ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

I think events have proven the *Providence Journal* correct. Senator JOHN MCCAIN recently described these events. He said:

I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down [the McCain-Feingold campaign finance law], that there would be a flood of money into campaigns, not transparency, unaccounted for, and this is exactly what is happening.

If we look at the 2006 and 2010 congressional elections where there was not a Presidential race going on after

Citizens United in 2010, there was a fourfold increase in expenditures from super PACs and other outside groups compared to what occurred in 2006, with nearly three-quarters of that political advertising coming from sources that were prohibited from spending money in 2006—three-quarters of it.

Also, in 2010, those 501(c)(4) and (c)(6) organizations spent more than \$135 million in unlimited and secret contributions. Anonymous spending rose from 1 percent of outside spending in 2006 to 47 percent of outside spending in 2010. Nearly half of the money spent through these outside organizations is anonymous and secret.

If we look at the 2012 race that we are in right now, a Presidential race, and compare it to the last Presidential race, we are already seeing similar ominous signs about the influence of money. The Federal Election Commission predicts that over \$11 billion will be spent on the 2012 elections, about double what was spent in 2008.

Super PACs, mostly linked to individual candidates, spent about \$100 million through the Super Tuesday contest in the Republican Presidential primary, again, about twice what was spent over the same period in 2008. In the two weeks leading up to Super Tuesday, outside PACs that supported the Republican Presidential candidates spent three times as much as the candidates themselves.

Our campaign finance system is broken. Immediate action is required to fix it. Americans of all political stripes, whatever their persuasion, are disgusted by the influence of unlimited anonymous corporate cash in our elections and by campaigns that succeed or fail depending on how many billionaires the candidates have in their pockets.

Editorial boards across the country decry this new pollution of our politics. Republicans, such as former Governors Mike Huckabee and Tom Ridge, have concluded that super PACs are, in Mr. Huckabee's words, "one of the worst things that ever happened in American politics."

Seven in ten Americans, including a majority of both Republicans and Democrats, believe super PACS should be illegal. Countless Rhode Islanders are fed up with the influence of corporate money in elections. I hear them at my community dinners; I read their mail. Charles in Little Compton wrote to me,

[I]t is wrong that someone who shouts louder or further, in this instance solely because they have more money, should drown out another person . . . [C]orporations have no problem getting their views aired.

Hope-Whitney in Bristol wrote,

[J]ust the idea that a corporation is considered an individual in regards to politics goes against everything American to me. . . . [T]hey have become the Emperors as they have the financial ability to be heard everywhere. . . . I'd be willing to bet that a

majority of their own employees do not agree with their political representation.

Elizabeth in Wakefield wrote:

Big business should not control our elections. It is bad enough that they deeply influence our politicians through lobbyists.

But because of a 5-to-4 decision by the conservative Justices in *Citizens United*, Congress cannot prohibit super PACs from drowning out the voices of ordinary Americans in our elections. That leaves us with one weapon left in the fight against the overwhelming tidal wave of money from special interests. That weapon is disclosure, daylight, information.

Today, along with 34 other Senators, I am introducing legislation that will shine a bright light on these powerful shadowy interests. With this legislation, every citizen will know who is spending these great sums of money to get their candidate elected. I am delivering this speech at a time that Senator BENNET, the distinguished junior Senator from Colorado is presiding. I am very conscious and aware as I deliver it of the immense amount of work that he has put in in the process of preparing this legislation, working on a strategy for going forward, working with our leadership to commence that strategy.

I am grateful to him and the other Senators I will mention later. For now I will give the Presiding Officer the lead. In 2010, under Senator SCHUMER's leadership and guidance, we came within one vote of passing his original DISCLOSE Act. Since then, the problem of anonymous and unaccountable corporate money has become dramatically worse, and Americans are losing faith in our political system as a result.

More and more people believe their government responds only to wealthy and powerful corporate interests. As they see their jobs disappear and their wages stagnate, and bailouts and special deals for the big guys, they lose faith that their elected officials are listening to them. For our democracy to remain strong, this trend cannot continue. We must redouble our efforts and pass the DISCLOSE Act of 2012.

The bill we are introducing today has been trimmed down so it just does two simple things: One, if you are an organization such as a corporation, a super PAC or a 401(c)(4) group spending money in an election campaign in support of or in opposition to a candidate, you have to tell the public where that money came from and what you are spending it on in a timely manner. That should not be a controversial idea to anyone, at least to anyone who is not seeking special influence.

If you are a top executive or a major donor of an organization spending millions of dollars on campaign ads, you have to take responsibility for those ads by having your name on the ad, and in the case of an executive appearing in the ad yourself. That is it. Two simple

provisions. Disclosure and a disclaimer. These are reasonable provisions that should have wide support from Democrats and Republicans alike.

The DISCLOSE Act of 2012, the DISCLOSE 2.0 Act, trims down the original DISCLOSE Act in another way. We have raised the threshold for donations that require disclosure from \$600 to \$10,000. It may sound as though \$10,000 is a ridiculously high threshold, as though that is an awful lot of money, but when we look at what is happening in these super PACs, \$10,000 in this particular world is no big deal.

Ninety-three percent of money raised by super PACs in 2010 and 2011 that can be traced to specific donors came in contributions of \$10,000 or more. So we will catch probably 93 percent of the money in this reporting provision, while leaving smaller donations and dues payments to membership organizations private.

The act also does not require the disclosure of nonpolitical donations, affiliate transfers, business investments, and other transfers of money that have nothing to do with electioneering.

At the same time, however, the bill also contains strong provisions to prevent the use of dummy organizations or shell corporations to hide their donations from public view. The way this bill is drafted, if somebody sets up a phony organization to take a contribution and, in turn, make that contribution to another phony organization and, in turn, make that contribution to another phony organization, before it finally lands in a super PAC that is benefiting a candidate, we will be able to trace that series of transactions.

So it is a good law, a simpler law, an effective law. It only goes after high-dollar givers. Passing it would prove to the American people that Congress is committed to fairness, that we are committed to equality, and that we are committed to the fundamental principle of a government "of the people, by the people, and for the people."

In closing, I thank Senator SCHUMER for his exemplary leadership and determination on this vitally important issue, as well as Senators MICHAEL BENNET, AL FRANKEN, JEFF MERKLEY, JEANNE SHAHEEN, and TOM UDALL, all of whom have worked very closely on this legislation. I also thank the act's other cosponsors—all 35—who, similar to myself, understand that the legitimacy of our democratic process and the integrity of our democratic elections are at stake.

I look forward to working with any of my colleagues in the Senate who believe the voices of American citizens should be defended, and I hope all will join me in supporting this critical piece of legislation to restore integrity to our elections.

Mr. LEAHY. Mr. President, today, I join with Senator WHITEHOUSE, Senator SCHUMER and many other Senate

Democrats as we renew our efforts to curtail some of the worst abuses now allowed because of the Supreme Court's decision in *Citizens United*. The Democracy Is Strengthened by Casting Light On Spending in Elections, DISCLOSE, Act of 2012 will help to restore transparency in the campaign finance laws gutted by the narrow, conservative, activist majority of the Supreme Court in *Citizens United*.

Two years ago, with the stroke of a pen, five Supreme Court justices overturned a century of law designed to protect our elections from corporate spending. They ran roughshod over longstanding precedent to strike down key provisions of our bipartisan campaign finance laws, and ruled that corporations are no longer prohibited from direct spending in political campaigns. I was troubled at the time and remain troubled today that in that case, the Supreme Court extended to corporations the same First Amendment rights in the political process that are guaranteed by the Constitution to individual Americans.

Corporations are not the same as individual Americans. Corporations do not have the same rights, the same morals or the same interests. Corporations cannot vote in our democracy. They are artificial legal constructs meant to facilitate business. The Founders understood this. Americans across the country have long understood this. A narrow majority on the Supreme Court apparently did not.

When I cosponsored the first DISCLOSE Act after the Supreme Court's decision in 2010, I hoped Republicans would join with Democrats to mitigate the impact of the *Citizens United* decision. I hoped that Senate Republicans who had once championed the bipartisan McCain-Feingold campaign finance law would work with us to help ensure that corporations could not abuse their newfound constitutional rights.

Regrettably, Senate Republicans filibustered that DISCLOSE Act, preventing the Senate from even debating the measure, let alone having an up-or-down vote in the Senate. By preventing even debate on the DISCLOSE Act, Senate Republicans ensured the ability of wealthy corporations to dominate all mediums of advertising and to drown out the voices of individuals, as we have seen and will continue to see in our elections.

By blocking the DISCLOSE Act, Senate Republicans ensured that the flood of corporate money flowing into campaigns from undisclosed and unaccountable sources since the *Citizens United* decision would continue. The risks we feared at the time of the decision, the risks that drove Congress to pass bipartisan laws based on longstanding precedent, have been apparent in the elections since. The American people have seen the sudden and dra-

matic effects in the Republican primary elections this year and in the 2010 mid-term elections. Instead of hearing the voices of voters, we see a barrage of negative advertisements from so-called Super PAC's. This comes as no surprise to the many of us in Congress and around the country who worried at the time of the *Citizens United* decision that it turns the idea of government of, by and for the people on its head. We worried that the decision created new rights for Wall Street at the expense of the people on Main Street. We worried that powerful corporate megaphones would drown out the voices and interests of individual Americans. It is clear those concerns were justified.

By reintroducing the DISCLOSE Act, we continue to try to fight the effects of corporate influence unleashed by *Citizens United*. The DISCLOSE Act of 2012 is focused on restoring transparency and accountability to campaign finance laws by ensuring that all Americans know who is paying for campaign ads. This is a critical step toward restoring the ability of American voters to be able to speak, be heard and to hear competing voices, and not be overwhelmed by corporate influence and driven out of the governing process. I hope that Republicans who have seen the impact of waves of unaccountable corporate campaign spending will not renew their obstruction of this important legislation. Even Senator MCCAIN, a lead co-author of the McCain-Feingold Act, has conceded that Super PAC's are "disgraceful."

Vermont is a small state. It is easy to imagine the wave of corporate money that has been spent on elections around the country lead to corporate interests flooding the airwaves with election ads, and transforming even local elections there or in other small States. It would not take more than a tiny fraction of corporate money to outspend all of our local candidates combined. If a local city council or zoning board is considering an issue of corporate interest, why would those corporate interests not try to drown out the views of Vermont's hard-working citizens? I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on Election Day. Like all Vermonters, I cherish the voters' role in the democratic process and am a staunch believer in the First Amendment. Vermont refused to ratify the Constitution until the adoption of the Bill of Rights in 1791. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending. I hope all Senators, Republican or Democratic, will support the DISCLOSE Act of 2012 and help us take an important step to ensure the ability of every American to be heard and participate in free and fair elections.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 401—EX-
PRESSING APPRECIATION FOR
FOREIGN SERVICE AND CIVIL
SERVICE PROFESSIONALS WHO
REPRESENT THE UNITED
STATES AROUND THE GLOBE

Mr. WHITEHOUSE (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 401

Whereas the United States Foreign Service was established by Congress in 1924 to professionalize the country's diplomatic and consular services and advance freedom, democracy, and security for the benefit of the people of the United States and the international community;

Whereas the United States Agency for International Development was established in 1961 to support the foreign policy goals of the United States through economic, development, and humanitarian assistance;

Whereas the Department of State and the United States Agency for International Development together employ more than 27,000 United States nationals in the Foreign Service and Civil Service dedicated to promoting United States interests around the world;

Whereas Foreign Service personnel deploy to Asia, Africa, the Americas, Australia, Europe, the Middle East, and Southeast Asia on a permanent, rotating basis to defend and promote United States priorities abroad;

Whereas many Foreign Service employees spend months or years away from families and loved ones on assignment to dangerous or inhospitable posts where family members are not permitted;

Whereas numerous Department of State and United States Agency for International Development employees have lost their lives while serving abroad;

Whereas strong and purposeful United States diplomacy and development, carried out by a diverse, professionally educated, and well-trained force of Foreign Service and Civil Service professionals, are the most cost-effective means to protect and advance United States interests abroad;

Whereas the promotion of commercial engagement by United States businesses in foreign markets and targeted international development projects support economic prosperity, job creation, and opportunities for United States business and industry;

Whereas United States diplomats are often the first line of defense against international conflict and transnational security threats;

Whereas Foreign Service and Civil Service professionals have worked to support the members of the United States Armed Forces involved in critical national security missions and military engagements in dangerous and unstable regions;

Whereas Foreign Service and Civil Service professionals administer emergency assistance in crisis situations; and

Whereas the contributions of Foreign Service and Civil Service professionals to the global advancement of international understanding, American ideals, and the promotion of freedom and democracy around the world should be commended: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and gives special appreciation to the Foreign Service and Civil Service personnel of the Department of State, the

United States Agency for International Development, and other United States Government agencies that promote and protect United States priorities abroad; and

(2) owes a debt of gratitude to these individuals, and their families, who put public service and pride in their country ahead of comfort, convenience, and even safety in service to the United States and the global community.

SENATE RESOLUTION 402—CON-
DEMNING JOSEPH KONY AND
THE LORD'S RESISTANCE ARMY
FOR COMMITTING CRIMES
AGAINST HUMANITY AND MASS
ATROCITIES, AND SUPPORTING
ONGOING EFFORTS BY THE
UNITED STATES GOVERNMENT
AND GOVERNMENTS IN CENTRAL
AFRICA TO REMOVE JOSEPH
KONY AND LORD'S RESISTANCE
ARMY COMMANDERS FROM THE
BATTLEFIELD

Mr. COONS (for himself, Mr. INHOFE, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. HATCH, Mr. DURBIN, Mr. LEAHY, Mr. SCHUMER, Mr. AKAKA, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. TESTER, Mr. NELSON of Nebraska, Mr. FRANKEN, Ms. LANDRIEU, Mr. REED, Mr. MORAN, Mr. GRAHAM, Mr. LEVIN, Ms. COLLINS, Mr. ISAKSON, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BEGICH, Mrs. BOXER, Mr. WICKER, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. MERKLEY, Mr. COATS, Mr. CARDIN, Mr. CORNYN, and Mr. BLUNT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 402

Whereas the Lord's Resistance Army (LRA) wreaked havoc in northern Uganda for two decades, during which time the World Bank estimates that they abducted some 66,000 youth of all ages and sexes and forced them to serve as child soldiers and sex slaves and commit terrible acts;

Whereas, under increasing pressure, Joseph Kony ordered the Lord's Resistance Army in 2005 and 2006 to withdraw from Uganda and to move west into the border region of the Democratic Republic of the Congo, the Central African Republic, and what would become South Sudan;

Whereas, since September 2008, Joseph Kony has directed the Lord's Resistance Army to commit systematic, large-scale attacks against innocent civilians in the Democratic Republic of Congo, the Central African Republic, and the Republic of South Sudan that have destabilized the region and resulted in the deliberate killing of at least 2,400 civilians from the Democratic Republic of Congo, the Central African Republic, and the Republic of South Sudan, many of whom were targeted in schools and churches; the rape and brutal mutilation of an unknown number of men, women, and children; the abduction of over 3,400 civilians, including at least 1,500 children, many of them forced to become child soldiers or sex slaves; and the displacement of more than 465,000 civilians from their homes, many of whom do not have access to essential humanitarian assistance;

Whereas insecurity caused by the Lord's Resistance Army has undermined efforts by the governments in the region, with the as-

sistance of the United States and the international community, to consolidate peace and stability in each of the countries affected, particularly the Democratic Republic of Congo and the Republic of South Sudan;

Whereas, since December 2001, the Department of State has included the Lord's Resistance Army on its "Terrorist Exclusion List" and in August 2008, Lord's Resistance Army leader Joseph Kony was designated a "Specially Designated Global Terrorist" by President George W. Bush pursuant to Executive Order 13224;

Whereas, on October 6, 2005, the International Criminal Court issued arrest warrants against Joseph Kony and four of his top commanders for war crimes and crimes against humanity, yet they remain at large;

Whereas, in May 2010, Congress passed and President Barack Obama signed into law the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172), which made it the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord's Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield, and to disarm and demobilize the remaining Lord's Resistance Army fighters;

Whereas, on November 24, 2010, as mandated by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, President Obama issued the Strategy to Support the Disarmament of the Lord's Resistance Army, which provides a comprehensive strategy for supporting regional efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army;

Whereas, on October 14, 2011, President Obama notified Congress that he had authorized approximately 100 combat-equipped members of the Armed Forces to deploy to central Africa to provide assistance to regional forces that are working toward the removal of Joseph Kony and senior leadership of the Lord's Resistance Army from the battlefield;

Whereas the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) authorized the Secretary of Defense, with the concurrence of the Secretary of State, to provide logistic support, supplies, and services for foreign forces participating in operations to mitigate and eliminate the threat of the Lord's Resistance Army;

Whereas the Consolidated Appropriations Act, 2012 (Public Law 112-74) directed the President to support increased peace and security efforts in areas affected by the Lord's Resistance Army, including programs to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former Lord's Resistance Army combatants, especially child soldiers;

Whereas the United Nations and African Union, acting with encouragement and support from the United States Government, have renewed their efforts to help governments in the region address the threat posed by the Lord's Resistance Army, and on November 22, 2011, the African Union designated the Lord's Resistance Army as a terrorist group and authorized a new initiative to help strengthen the coordination among the affected governments in the fight against the Lord's Resistance Army; and

Whereas targeted United States assistance and leadership can help prevent further mass atrocities and curtail humanitarian suffering in central Africa: Now, therefore, be it

Resolved, That the Senate—

(1) condemns Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supports ongoing efforts by the United States and countries in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield;

(2) commends continued efforts by the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Central African Republic, and other countries in the region, as well as the African Union and United Nations, to end the threat posed by the Lord's Resistance Army;

(3) welcomes the ongoing efforts of the United States Government to implement a comprehensive strategy to counter the Lord's Resistance Army, pursuant to the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, and to assist governments in the region to bring Joseph Kony to justice and end atrocities perpetuated by the Lord's Resistance Army;

(4) calls on the President to keep Congress fully informed of the efforts of the United States Government and to work closely with Congress to identify and address critical gaps and enhance United States support for the regional effort to counter the Lord's Resistance Army;

(5) commends the Department of Defense, United States Africa Command (U.S. AFRICOM), and members of the United States Armed Forces currently deployed to serve as advisors to the national militaries in the region seeking to protect local communities and pursuing Joseph Kony and top Lord's Resistance Army commanders;

(6) supports continued efforts by the Secretary of State and representatives of the United States to work with partner nations and the international community—

(A) to strengthen the capabilities of regional military forces deployed to protect civilians and pursue commanders of the Lord's Resistance Army;

(B) to enhance cooperation and cross-border coordination among regional governments;

(C) to promote increased contributions from donor nations for regional security and civilian efforts to address the Lord's Resistance Army; and

(D) to enhance overall efforts to increase civilian protection and provide assistance to populations affected by the Lord's Resistance Army;

(7) calls on the Secretary of State, the Secretary of Defense, the Administrator of the United States Agency for International Development, and the heads of other government agencies to utilize existing funds for ongoing programs—

(A) to enhance mobility, intelligence, and logistical capabilities for partner forces engaged in efforts to protect civilians and apprehend or remove Joseph Kony and his top commanders from the battlefield;

(B) to expand physical access and telecommunications infrastructure to facilitate the timely flow of information and access for humanitarian and protection actors;

(C) to support programs to encourage and help non-indicted Lord's Resistance Army commanders, fighters, abductees, and associated noncombatants to safely defect from the group, including through radio and community programs; and

(D) to rehabilitate children and youth affected by war, which are tailored to address

the specific trauma and physical and mental abuse they may face as a result of indoctrination by the Lord's Resistance Army, and serve to reconnect these children and youth with their families and communities;

(8) calls for the President to place restrictions on any individuals or governments found to be providing training, supplies, financing, or support of any kind to Joseph Kony or the Lord's Resistance Army;

(9) urges that civilian protection continue to be prioritized in areas affected by the Lord's Resistance Army and that steps be taken to inform potentially vulnerable communities about known Lord's Resistance Army movements and threats;

(10) welcomes the recent defections of men, women, and children from the ranks of the Lord's Resistance Army, and calls on governments in the region and the international community to continue to support safe return, demobilization, rehabilitation, and reintegration efforts; and

(11) urges the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Republic of Sudan, and the Central African Republic to work together to address the ongoing threat posed by the Lord's Resistance Army.

SENATE RESOLUTION 403—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. RICHARD F. "DICKIE" SCRUGGS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 403

Whereas, in the case of United States v. Richard F. "Dickie" Scruggs, Case No. 3:09-CR-00002-GHD-SAA, pending in the United States District Court for the Northern District of Mississippi, the defense has served a subpoena for testimony on Hugh Gamble, a former employee of Senator Trent Lott, and a subpoena for testimony and document production on Brad Davis, an employee of Senator Thad Cochran;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Hugh Gamble, Brad Davis, and any other employee from whom testimony may be necessary are authorized to testify, and Brad Davis is authorized to produce documents, in the case of United States vs. Richard F. "Dickie" Scruggs, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Hugh Gamble, Brad Davis,

and any other employee of the Senate from whom evidence may be sought, in connection with the testimony and document production authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1945. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1945. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the House amendment, add the following:

TITLE II—PUBLIC CORRUPTION PROSECUTION IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Public Corruption Prosecution Improvements Act of 2012".

SEC. 202. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: "or in any district in which an act in furtherance of the offense is committed".

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

"SEC. 3237. OFFENSE TAKING PLACE IN MORE THAN ONE DISTRICT."

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

"Sec. 3237. Offense taking place in more than one district."

SEC. 203. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) by striking "10 years" and inserting "20 years";

(2) by striking "\$5,000" the second place and the third place it appears and inserting "\$1,000";

(3) by striking "anything of value" each place it appears and inserting "any thing or things of value"; and

(4) in paragraph (1)(B), by inserting after "anything" the following: "or things".

SEC. 204. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

SEC. 205. BRIBERY AND GRAFT; CLARIFICATION OF DEFINITION OF "OFFICIAL ACT"; CLARIFICATION OF THE CRIME OF ILLEGAL GRATUITIES.

(a) DEFINITION.—Section 201(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) by amending paragraph (3) to read as follows:

“(3) the term ‘official act’—

“(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official’s official capacity or in such official’s place of trust or profit; and

“(B) may be a single act, more than one act, or a course of conduct; and”; and

(3) by adding at the end the following:

“(4) the term ‘rule or regulation’ means a Federal regulation or a rule of the House of Representatives or the Senate, including those rules and regulations governing the acceptance of gifts and campaign contributions.”

(b) **CLARIFICATION.**—Section 201(c)(1) of title 18, United States Code, is amended to read as follows:

“(1) otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—

“(A) directly or indirectly gives, offers, or promises any thing or things of value to any public official, former public official, or person selected to be a public official for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official;

“(B) directly or indirectly, knowingly gives, offers, or promises any thing or things of value with an aggregate value of not less than \$1000 to any public official, former public official, or person selected to be a public official for or because of the official’s or person’s official position;

“(C) being a public official, former public official, or person selected to be a public official, directly or indirectly, knowingly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value with an aggregate value of not less than \$1000 personally for or because of the official’s or person’s official position; or

“(D) being a public official, former public official, or person selected to be a public official, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value personally for or because of any official act performed or to be performed by such official or person.”

SEC. 206. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) **DIRECTIVE TO SENTENCING COMMISSION.**—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of an offense under section 201, 641, 1346A, or 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties meet the requirements in subsection (b) of this section.

(b) **REQUIREMENTS.**—In carrying out this subsection, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress’s intent that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 207. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) **IN GENERAL.**—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“§ 3302. Corruption offenses

“Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

“(1) section 201 or 666;

“(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official or when charged in connection with section 1346A;

“(3) section 1951, if the offense involves extortion under color of official right;

“(4) section 1952, to the extent that the unlawful activity involves bribery; or

“(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

“3302. Corruption offenses.”

(c) **APPLICATION OF AMENDMENT.**—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 208. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) **SOLICITATION OF POLITICAL CONTRIBUTIONS.**—Section 602(a)(4) of title 18, United

States Code, is amended by striking “3 years” and inserting “5 years”.

(b) **PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.**—Section 600 of title 18, United States Code, is amended by striking “one year” and inserting “3 years”.

(c) **DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.**—Section 601(a) of title 18, United States Code, is amended by striking “one year” and inserting “3 years”.

(d) **INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.**—Section 606 of title 18, United States Code, is amended by striking “three years” and inserting “5 years”.

(e) **SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.**—Section 607(a)(2) of title 18, United States Code, is amended by striking “3 years” and inserting “5 years”.

(f) **COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.**—Section 610 of title 18, United States Code, is amended by striking “three years” and inserting “5 years”.

SEC. 209. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting “section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds),” after “section 224 (bribery in sporting contests);”; and

(2) by inserting “section 1031 (relating to major fraud against the United States)” after “section 1014 (relating to loans and credit applications generally; renewals and discounts).”

SEC. 210. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) **IN GENERAL.**—Section 1512(i) of title 18, United States Code, is amended to read as follows:

“(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected.”

(b) **PERJURY.**—

(1) **IN GENERAL.**—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

“§ 1624. Venue

“A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

“1624. Venue.”

SEC. 211. PROHIBITION ON UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.

(a) **IN GENERAL.**—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following new section:

“§ 1346A. Undisclosed self-dealing by public officials

“(a) **UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.**—For purposes of this chapter, the term ‘scheme or artifice to defraud’ also includes a scheme or artifice by a public official to engage in undisclosed self-dealing.

“(b) **DEFINITIONS.**—As used in this section:

“(1) **OFFICIAL ACT.**—The term official act—

“(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official’s official capacity or in such official’s place of trust or profit; and

“(B) may be a single act, more than one act, or a course of conduct.

“(2) PUBLIC OFFICIAL.—The term ‘public official’ means an officer, employee, or elected or appointed representative, or person acting for or on behalf of the United States, a State, or a subdivision of a State, or any department, agency or branch of government thereof, in any official function, under or by authority of any such department, agency, or branch of government.

“(3) STATE.—The term ‘State’ includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“(4) UNDISCLOSED SELF-DEALING.—The term ‘undisclosed self-dealing’ means that—

“(A) a public official performs an official act for the purpose, in whole or in material part, of furthering or benefitting a financial interest, of which the public official has knowledge, of—

“(i) the public official;

“(ii) the spouse or minor child of the public official;

“(iii) a general business partner of the public official;

“(iv) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;

“(v) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

“(vi) an individual, business, or organization from whom the public official has received any thing or things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

“(B) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or knowingly fails to disclose material information in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.

“(5) MATERIAL INFORMATION.—The term ‘material information’ means information—

“(A) regarding a financial interest of a person described in clauses (i) through (iv) paragraph (4)(A); and

“(B) regarding the association, connection, or dealings by a public official with an individual, business, or organization as described in clauses (iii) through (vi) of paragraph (4)(A).”

(b) CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by inserting after the item relating to section 1346 the following new item:

“1346A. Undisclosed self-dealing by public officials.”

(c) APPLICABILITY.—The amendments made by this section apply to acts engaged in on or after the date of the enactment of this Act.

SEC. 212. DISCLOSURE OF INFORMATION IN COMPLAINTS AGAINST JUDGES.

Section 360(a) of title 28, United States Code, is amended—

(1) in paragraph (2) by striking “or”;

(2) in paragraph (3), by striking the period at the end, and inserting “; or”; and

(3) by inserting after paragraph (3) the following:

“(4) such disclosure of information regarding a potential criminal offense is made to the Attorney General, a Federal, State, or local grand jury, or a Federal, State, or local law enforcement agency.”

SEC. 213. CLARIFICATION OF EXEMPTION IN CERTAIN BRIBERY OFFENSES.

Section 666(c) of title 18, United States Code, is amended—

(1) by striking “This section does not apply to”; and

(2) by inserting “The term ‘any thing or things of value’ that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include,” before “bona fide salary”.

SEC. 214. CERTIFICATIONS REGARDING APPEALS BY UNITED STATES.

Section 3731 of title 18, United States Code, is amended by inserting after “United States attorney” the following: “, Deputy Attorney General, Assistant Attorney General, or the Attorney General”.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 22, 2012, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct legislative hearings on S. 1684, the Indian Tribal Energy Development and Self-Determination Act Amendments of 2011; S. 1898, A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; and H.R. 1560, A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirements for membership in that tribe.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, March 29, 2012 at 10 a.m. in SD-430 Dirksen Senate Office Building to conduct a hearing entitled “FDA User Fee Agreements: Strengthening FDA and the Medical Products Industry for the Benefit of Patients.”

For further information regarding this meeting, please contact the committee on (202) 224-7675.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on March 21, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 21, 2012, at 10 a.m. to conduct a hearing entitled “Retooling Government for the 21st Century: The President’s Reorganization Plan and Reducing Duplication.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 21, 2012, at 2:30 p.m. to conduct a hearing entitled “The Homeland Security Department’s Budget Submission for Fiscal Year 2013.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 21, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Justice for All: Convicting the Guilty and Exonerating the Innocent.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on March 21, 2012, in room G-50 of the Senate Dirksen Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on March 21, 2012, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Verizon/Cable Deals: Harmless Collaboration or a Threat to Competition and Consumers?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on

Armed Services be authorized to meet during the session of the Senate on March 21, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 21, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that following disposition of the House message to accompany S. 2038, the STOCK Act, the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 441, 462 and 463; that there be 2 minutes of debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 441, 462, and 463, in that order; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SENATE LEGAL REPRESENTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 403, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 403) to authorize testimony, document production, and legal representation in United States v. Richard F. "Dickie" Scruggs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns testimony, document production, and representation in a criminal matter pending in the United States District Court for the Northern District of Mississippi. In this post-conviction proceeding, the defendant, Richard F. "Dickie" Scruggs, is seeking to have his honest-services fraud conviction vacated based on the Supreme Court's intervening decision in the case of United States v. Skilling.

The criminal conviction, which resulted from a guilty plea, involved the

defendant's scheme to bribe a State judge by agreeing to ask Senator Lott to consider the State judge's application to fill a federal judicial vacancy. The defense is seeking testimony from a former staffer of Senator Lott about a brief phone conversation between the Senator and the State judge. Neither Senator Lott nor anyone on his staff was aware of the defendant's scheme.

The defense is also seeking testimony and document production from a staffer of Senator COCHRAN about contacts with Senator COCHRAN's office by or on behalf of the State judge in his efforts to obtain a federal judgeship.

Both Senators Lott and COCHRAN would like to assist by providing relevant evidence from their staff in this proceeding. This resolution would accordingly authorize Senator Lott's and COCHRAN's employees, and any other Senate employee from whom evidence may be necessary, to provide evidence in this action, with representation by the Senate Legal Counsel.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 403) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 403

Whereas, in the case of United States vs. Richard F. "Dickie" Scruggs, Case No. 3:09-CR-00002-GHD-SAA, pending in the United States District Court for the Northern District of Mississippi, the defense has served a subpoena for testimony on Hugh Gamble, a former employee of Senator Trent Lott, and a subpoena for testimony and document production on Brad Davis, an employee of Senator Thad Cochran;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Hugh Gamble, Brad Davis, and any other employee from whom testimony may be necessary are authorized to testify, and Brad Davis is authorized to produce documents, in the case of United States vs. Richard F. "Dickie" Scruggs, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Hugh Gamble, Brad Davis, and any other employee of the Senate from whom evidence may be sought, in connection with the testimony and document production authorized in section one of this resolution.

DISCHARGE AND REFERRAL—H.R. 306

Mr. DURBIN. Mr. President, I ask unanimous consent that H.R. 306 be discharged from the Committee on Energy and Natural Resources and referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF TRIBUTES AND STATEMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent there be printed as a Senate document a compilation of materials from the CONGRESSIONAL RECORD in tribute to Senator BARBARA MIKULSKI, and that Members have until Thursday, March 29, to submit such tributes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 22, 2012

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Thursday, March 22, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 3606, the IPO bill; further, that the filing deadline for second-degree amendments to the Reid motion to concur with respect to S. 2038, the STOCK Act, be 10:30 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, there will be a series of up to seven rollcall votes tomorrow, beginning at 2:30 p.m., including completion of the IPO bill, the STOCK Act, and confirmation of three judicial nominations.

ORDER FOR ADJOURNMENT

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order following the remarks of Senators WYDEN and LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mr. WYDEN. Mr. President, I have been able to listen a bit to the wonderful tributes over the last few hours to Senator MIKULSKI. We all know of her wonderful service all these years, the record that is being shattered—a very special record.

As I listened to some of the comments, I was struck that tributes usually come in the Senate when one of our colleagues is leaving office or sometimes one of our colleagues passes away. And what I am struck by this afternoon is how glad I am and colleagues on both sides of the aisle are that Senator MIKULSKI is very much alive, and next week and next month and in the years ahead she is going to continue to bring this kind of wellspring of conscience and energy and passion and expertise to the Senate.

I am going to have more to say in terms of a lengthier speech, but she and I have had a special relationship for almost three decades. We served together in the other body on the Energy and Commerce Committee. We would often show up at meetings together, and this is still a tradition that continues now because we both have the honor of serving on the Senate Select Committee on Intelligence. Senator MIKULSKI and I would walk in together, and she would smile and say: Now the long and short of it are arriving. And I guess that is true in a literal sense, but while Senator MIKULSKI may be modest in stature, she has one very large record on behalf of the public interest, and I am especially grateful for all she has done for people without power and people without clout.

When we think about what has so angered the American people—and I have heard the Senator from Colorado, the Presiding Officer, talk about this—it is that people feel so disconnected from government; that you can have a community meeting in Oregon or Colorado or Maryland or some other part of the country, and somehow there is this sense what goes on in Washington really has nothing to do with people in their home community.

Senator MIKULSKI doesn't practice public service that way. Senator MI-

KULSKI has always felt, since the days when she was a community organizer and they were dealing with those community problems and where are you going to locate a freeway or something of that nature, that public service and community service were always about being connected to people. She understood right away what people may say at a townhall meeting now in Colorado or Oregon about government being removed from their lives, and for decades she has practiced a very different kind of public service. She did it when she was a community organizer, she did it in the House of Representatives, and she continues to do it today.

Very often when we take the subway to a vote and I ask her what she has done over the weekend, she will talk about families. She knows I was co-director of the Gray Panthers for many years before I was elected to Congress, so we will talk about aging issues. And everybody knows what she has done in the aging field and her interest in fighting Alzheimer's. So it always comes back to people, and that connection she brings to public service that is so lacking from what Americans see is the big problem in government today, that much of what goes on here is simply disconnected from their lives.

What I see in BARBARA MIKULSKI is the real measure of what we want in a public servant. We want someone who is conscientious, we want someone who is smart, we want someone who has good values and someone who always tries to be a coalition builder.

I have watched Senator MIKULSKI in lots of instances. We had one just recently where Senator MIKULSKI was trying to find a balance on a difficult and contentious issue between industry and the environment, and I watched how she was trying to listen to both sides. Maryland has some communities where they have older plants, and if she can't take steps to protect those plants and have the workers keep their jobs, a lot of people are going to hurt, and Senator MIKULSKI always tries to keep that from happening. She has also said clean air and the environmental laws are important. And that last quality of trying to bring people together, which I have heard the Senator from Colorado talk about, is what Senator MIKULSKI's public service career has been all about.

So tonight and through the day we have heard colleagues pay tribute. I made mention of the fact that so often I hear these tributes when a colleague is leaving the Senate. I would like to close these brief remarks by saying that I am especially grateful that the cause of good government is enhanced by the fact that Senator MIKULSKI is very much alive. This is not a tribute to someone who is leaving office, this is a tribute to someone who is going to be here next week, next month, and the years ahead, continuing to shatter

those records as she advocates for people who don't have big lobbies, who don't have lots of political clout and can't go out and hire PR firms and well-paid and well-tailored advocates to walk the halls of the Senate. She is there for those people who don't have a voice. She has been there for those people ever since she was a community organizer in those early days in Baltimore.

When I think about trying to give public service a good name, I think about BARBARA MIKULSKI—our wonderful friend, Senator BARBARA MIKULSKI, the senior Senator from the State of Maryland. We thank her for giving public service a good name. We thank her for taking on the battles and the fights she has in the past. And we are all especially grateful that at the end of this tribute she will be back at her post a few seats from me, standing for those values and standing for those causes that are so important to the well-being of this country.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I may be the last speaker of the day, but I did not want to leave the Chamber or the building without taking a moment to come to the floor, as so many of our colleagues did today, to honor one of our own, one of our favorites. Not only is she a favorite to us, but I am certain beyond the shadow of a doubt that she is one of the favorite Senators ever to represent the State of Maryland. She is respected, she is beloved, and she is admired by millions of her constituents from Maryland, but I can promise you that is true of constituents in Louisiana, potentially in your home State, Madam President, and throughout the world.

Last Saturday our friend and colleague Senator BARBARA MIKULSKI of Maryland became the longest serving woman in the history of the Congress. I can only say that we have come a long way since the first woman was appointed, as I recall, back in the 1920s. She was only allowed to serve 1 day and was not going to be given a paycheck but insisted that she be paid for her service. I think she might have been paid \$1 for her service.

Of course, the record of that 1 day on the floor speaks for itself. We have come a long way since that day. But BARBARA MIKULSKI was first elected to the House in 1976, and then to the Senate 10 years later. When she first entered this Chamber, there was only one other woman here, her friend and her

good, strong, supportive colleague, Nancy Kassebaum, a Republican from Kansas. So a Democrat from Maryland and a Republican from Kansas, but the two of them were quite a team and BARBARA MIKULSKI speaks fondly of her days with Senator Nancy Kassebaum. Today there are 17 of us, and proudly we continue that tradition of respect and bipartisanship set in large measure by two of the women we greatly admire.

The late Representative Edith Nourse Rogers of Massachusetts, who served from 1925 to 1960, had previously held the record for the longest serving woman in Congress. Breaking this record is only one of the many milestones Senator MIKULSKI has accomplished during her tenure in the Senate. But, as she would so quickly say, it is not how long you serve but how well you serve. It is not the length of your service, as she said to us so many times, but the quality of your service. We could not have a better role model—in terms of effectiveness, strength, tenacity, courage, boldness—than in our own Senator BARBARA MIKULSKI.

She was the first female Democrat, the first in the history of our country, to serve in both Chambers of Congress, the first female Democrat to be elected to the Senate without succeeding a husband or a father, and the first female to chair an Appropriations Committee.

I serve on the Appropriations Committee. It is one of the most powerful committees in our Congress. When I think about the fact that it took over 225 years for a woman to get the gavel on just one of the 14 subcommittees—that number has changed over the decades—but if you think about it, from the beginning of our country's history, those early days through the expansion out West, through the Civil War, post-Civil War history, the early part of the 1900s, World War I, World War II—never did a woman hold a gavel to write one budget for one committee in the entire country, until BARBARA MIKULSKI received one of those gavels.

I can tell you from personal experience serving with her on that committee, our country is a better place—in health, in welfare, our space program, our science and technology programs—because BARBARA MIKULSKI has used that gavel not to promote herself but to promote the people she serves and the principles for which she fights.

She is well respected for her wisdom, for her tenacity and her strength. She is respected by female and male peers who serve with her. As most of my female colleagues in the Senate have also experienced, Senator MIKULSKI took me under her wing when I was first sworn in as a Senator. She extended her hand to help me in every way possible, to help me find my footing here as a Senator and to navigate

through the intricacies of the Senate process. She was never too busy to hold out a helping hand or for a pat on the shoulder. She was always willing to give that extra advice and, I might say, was always willing to suggest that you might have made a mistake—try it a little different way the next time—not one to mince words, but as a good big sister would take us under her wing and help us out as any good big sister would do.

In addition to that wonderful, helpful, and thoughtful gesture that she shared with me and so many, she has been an inspiration to many women, particularly young women who have looked up to her, trying to follow in her footsteps.

I can only say that this Senate and this Congress—the people of Maryland, the people of our country and women throughout the world—have been blessed by her leadership.

What has touched me the most about watching her is the fearlessness in which she serves. She does not back down. She knows herself, she is comfortable in her own skin, and she doesn't try to be someone she is not. She is very proud of her Polish-American background, always proud to talk about the bakery her parents owned, her immigrant background, and always so willing to share from her heart as well as her mind some of what she believes.

She has been nothing but an inspiration to me and to many. I am so glad I could come to the floor today, I am so glad. I think almost every one of our colleagues has made it to the floor to honor her. When God made BARBARA MIKULSKI, he threw away the mold. I don't think there will ever be one like her. There most certainly isn't anyone in politics today who is like her. That is good, to be unique in that way. She will be long remembered. I hope she will serve here for many wonderful years to come.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:10 p.m., adjourned until Thursday, March 22, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RAINEY RANSOM BRANDT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JOAN Z. MCAVOY, RETIRED.

DEPARTMENT OF JUSTICE

JOHN S. LEONARDO, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE DENNIS K. BURKE, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE, AND APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 803B:

To be lieutenant general

MAJ. GEN. JAMES F. JACKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ANDREW E. BUSCH

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT B. BROWN

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 303B:

To be lieutenant general

MAJ. GEN. JEFFREY W. TALLEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DOUGLAS G. MORTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TERRY J. MOULTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID R. PIMPO

CAPT. DONALD L. SINGLETON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES M. VEAZEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 306A:

To be major

SHARI F. SHUGART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

DANIEL A. GALVIN
SEAN V. KELLEHER
JOHN P. KUNSTBECK
THOMAS J. SEARS

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANTHONY R. CAMACHO
CARLTON C. CLEVELAND II
KEVIN R. KICK
RICHARD J. SLOMA

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES M. BLEDSOE
ALBERT A. CITRO III
CHRISTOPHER P. CMIEL
HARRISON B. GILLIAM
MANUEL R. MEDINA
MARK K. OHANLON
JOSEPH P. STEPHENS

DANIEL J. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES ARMY
UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN R. ABELLA
TIMOTHY M. ADAIR
ELIZABETH A. ADAMS
BRIAN J. ADKINS
RANDALL D. AGNEW
ROMAINE M. AGUON
BRIAN J. AHLERS
JACOB W. ALFORD
DESHAUNDA R. ALLEN
MICAH E. ALLEN
XAVIER C. ALLEN
MATTHEW L. ALVAREZ
BRAD D. ANDERSON
DESIREE L. ANDERSON
SEAN M. ANDERSON
REYNA J. ANDREL
JORGE A. APONTE
TOBIAS S. APTICAR
MIGUEL A. AQUINO
ADAM N. ARAUJO
JAIME L. ARIZMENDI 09AROCHO
DARRELL R. ARNDT
NATHANIEL J. ARNOLD
SAUL A. ARROYO
MICHAEL E. ASHTON
STEVEN D. ATWOOD
CODY M. AUTREY
GEORGE M. AUTRY
JAHREN D. BAEZ
KYLE P. BAIR
CHRISTOPHER M. BALDWIN
TIMOTHY J. BALLAS
EMERSON F. BAMBA
SHELLA A. BANKS
STEPHEN F. BARKER
MICHAEL J. BARNETT
JONATHAN BARRETO
JOSE V. BARROS
MATHEW A. BAUMGARTEN
CHRISTOPHER S. BAY
AARON J. BECKER
JEFFREY M. BELCOURT
BRIDGETTE R. BELL
SEAN M. BELL
STACY L. BEQUER
NOEL P. BERGERON
DAVID H. BERGMANN
CHRISTOPHER L. BERRY
DALE E. BERRY
LILLIAN A. BERRY
DAVID S. BEST
TRAVIS W. BLASCHKE
WILLIAM D. BOISVERT
ANGELA C. BORDEN
EDWARD L. BOULDIN
JEREMY M. BOURQUE
ELLHUE S. BOWLES, JR.
BROOKS D. BOYD
DERWIN BRADLEY
TONEY M. BRANTLEY
GRANT J. BRAYLEY
LARRY D. BRINSON, JR.
WILLIAM O. BRITT III
CRAIG L. BROE
ARTHUR G. BRONG
AARON S. BROWN
CHRISTOPHER A. BROWN
JONATHAN L. BROWN
MICHAEL C. BROWN
MORRIS BROWN, JR.
TONI N. BROWN
LEE M. BRUNER III
MIA P. BRUNER
CHARLES V. BUIE
CORRIS L. BULLOCK
QUINTON B. BURGESS
MICHAEL A. BURGETT
JEFFREY L. BUTTARS
KEVIN D. CAESAR
JOE D. CALDWELL, JR.
STEVEN E. CAMACHO
NAYARI N. CAMERON
TAMIKO M. CAMPBELL
HILARY C. CAMPHOUSE
TIFFANY L. L. CARLISLE
ANDREW S. CARPENTER
ESTHER CASARI
ADAM R. CATES
LEANDER B. CATES
BRAD A. CATON
FRANK A. CENKNER
NATACHA CERISIER 09WHETSTONE
BRANDON M. CHAPMAN
HELEN M. CHEARS
SEAN M. CHERMER
CARLSON D. CHOW
KENT L. CHRISTOPHER
DAVID M. CHUDY
DAVID S. CLARK
NICOLE L. CLARK
COURTNEY G. CLAYTON
ANTONIO C. COFFEY
JOSHUA D. COLLINS
PATRICK A. CONFER
TORRANCE L. CONNER
COREY A. COOPER

ERIK A. CORCORAN
TRAVIS E. COREY
AMY M. CORY
JASON L. COWAN
THERESA B. COX
REBECCA J. COZAD
MIRANDA R. CRAIG
JASON P. CRIST
JASON S. CRITZER
CASSANDRA S. CROSBY
MARK W. CROWDER
JOSE J. CRUZ
CHRISTEE S. CUTTINO
CASSANDRA E. DAILEY
REBECCA A. DANGELO
CLAUDIA I. DANIEL
GREGORY L. DARDEN
JUSTIN L. DARNELL
MOLLY C. DAVIDSON
BRIAN D. DAVIS
MARCUS D. DAVIS
OCTAVIA L. DAVIS
SCOTT M. DAVIS
THOMAS S. DAVIS
TY G. DAWSON
CARTER G. DEEKENES
JAMES W. DEER
JOHN D. DEGIULIO
ROSA V. DELAGARZA
DAVID W. DENNETT
JOSEPH F. DENNING, JR.
JERRY A. DEQUASIE
LATIKA S. DIXON
MICHAEL J. M. DIZON
MAX W. DONALDSON
CHARMAINE R. DOUCETTE
LONNY L. DOUTHITT
THADDEUS J. DOUTHITT
DAVID DUNCAN
JEREMY R. EBBRUP
EARL L. ELAM
GERVELINE ELIASSAINT
MARK A. ELLIS
BARRICK K. ELMORE
JONATHAN ENGROOS
LARRY L. EPPS, JR.
CHRISTY L. ERWIN
JOHN C. FAUST
GINA M. FERGUSON
VICTORIA L. FERREIRA
ANDRE R. FIELDS
GREGORY D. FINN
TAMMY D. FISHEL
DAVID P. FLEMING
JAMES E. FLOTT
KEITH L. FORD
BENVERREN H. FORTUNE
ANTHONY L. FREDA
JONATHAN T. FREDRITZ
MICHAEL H. FULLMER
BURTON FURLOW, JR.
MATTHEW F. FURTADO
CHARLES G. FYFFE
SHANE L. GAINAN
TARONE L. GALLOWAY
TIMOTHY L. GALLOWAY
DUSTIN D. GAMACHE
LYDIA C. GANDARA
EFRAIN A. GARCIA-COLON
BRENT D. GARGUS
PROSPERO J. GATUS
KENNETH J. GAUSE
WAYNE GENDRON
TAWOFIK M. GHAZAL
DUSTIN M. GILFOIL
JARROD D. GILLESPIE
ALPHONSO A. GILMORE
NAQUAVA E. GLENN
AMAURY A. GOMEZ
MICHAEL G. GOODKNIGHT
CHAON P. GORDON
CHRISTOPHER J. GORDON
GABRIEL GRANADOS
LESLIE A. GRAYHAM
JEDMUND W. GREENE
JACQUELINE M. GREGG
MARIA M. C. GREGORY
DOUGLAS GRIFFITH
WILLIAM F. GRIFFITHS
DANIEL W. HADDOX
NATHAN L. HADLOCK
KRIS B. HALEY
ANTHONY L. HALL
JERON W. HALL
JEFFREY P. HALLADAY
MICHAEL A. HALLINAN
DENNIS L. HAN
KEVIN M. HARPER
NICOLE L. HARRELL
SHAUNAREY HARRIS
TONY L. HARRIS
W. N. HARRIS
JOSHUA S. HARTWICK
JOSHUA L. HEADLEY
ROBERT A. HEDGE, JR.
KENNETH R. HEBNER
BRIAN S. HEISE
CHAD M. HENDERSON
JEROME HENDERSON
LAWRENCE E. HENDERSON
ANTIWAN M. HENNING
EVERETT M. HENRY II

KENNETH E. HERNDON
CHRISTOPHER M. HILL
PAUL E. HOLT, JR.
JUSTIN T. HORSFALL
KATHRYN Z. HOSTETLER
ALEX J. HOUSTON III
GREGORY HOWARD, JR.
DANIEL L. HOWSER
ALLEN J. HUGHES
ALFRED E. HUNTE III
JANAY L. HURLEY
MATTHEW J. HURLEY
BRYAN C. HUTCHERSON
JESSE J. IGLESIAS
MARIO M. IGLESIAS
EDDIE L. IAMS
EUGENE IRBY
CHRISTOPHER D. ISBELL
ALLAN S. JACKMAN
MATTHEW P. JACOBS
LATOYA M. JAMES
WILLIAM M. JAMIESON
HARLEY P. JENNINGS
NICOLE L. JEPSSEN
RAPHAEL A. JIMENEZ-RAMIREZ II
ALFONSO T. JOHNSON
DEREK G. JOHNSON
EDWARD B. JOHNSON, JR.
JASON L. JOHNSON
MARTIN A. L. JOHNSON
MELISSA E. JOHNSON
NAOMI S. JOHNSON
TEZSLYN L. JOHNSON
RACHEL J. JOSHUA
FELICIA JOYNER
JOHNNY J. JUN
MATTHEW P. KENT
JOSHUA T. KERTON
STEPHEN J. KILDOW
SARA D. KIMSEY
ERIC K. KING
STACY L. KING
VALERIE KNIGHT
BRANDON M. KOAY
JOSEPH D. KOMANETZ
BONNIE S. KOVATCH
KELLI J. KULHANEK
AMANDA R. LAM
JOHN D. LAMKIN
DANIEL E. LANDRUM
MARIEJANE V. LARIMER
MELINDA LATTING
CLEOPATRA W. LAWSON
ALBERT J. LEE
MICHAEL J. LEE
KATHERINE A. LEIDENBERG
RONALD C. LENKER
WILLIAM A. LESLIE, JR.
DENNIS M. LEUNG
JASON M. LOGAN
HANS J. LOKODI
EDGAR A. LOPEZ
MIREYA K. LUMPKIN
JOSHUA H. LUNSFORD
JOEL M. MACHAK
CHARLIE MACK III
JAMAAL A. MACK
JASON S. MALONE
THOMAS J. MARBURY
MARGARET J. MARCELLO
CHRISTIAN C. MARKS
JOSEPH C. MARSHALL
WALTER L. MARSHALL
JEFFREY L. MARSTELLER
ROBERT P. MASSEY
CHRISTOPHER J. MASSON
IRMA M. MATOS
ERIK D. MATTES
ROBERT A. MATTHEWS
JOHN V. MAUNTEL
ERIC S. MCCALL
MICHAEL R. MCCARTY
MARY K. MCCRAY
AARON M. MCCULLOUGH
RONNIE D. MCCULLOUGH
RYAN P. MCDONALD
PAUL D. MEDLEY
GERARDO MENAL
JOAQUIN M. MENO
RENEE M. MICHEL
MICHAEL A. MIGNANO
KORY C. MILLER
MICHAEL R. MILLER
NICHOLAS J. MILLER
RENNA C. MILLER
JAE K. MIN
MATTHEW W. MISKOWSKI
JEANNETTE M. MOLINA
DONALD MOORE, JR.
DONWAYGO R. MOORE, SR.
JODIE M. MOORE
AYANNADJENABA A. MORALES
CARL M. MOSES
DAVID C. MOSES
KIRK E. MOSS
JAMES D. MULLIN
AVA W. MURPHY
PATRICIA C. MURPHY
SHANE L. MURPHY
LASHONDA C. NAIRN
JACOB T. NAYLOR
ANTHONY P. NEWMAN

CHRISTIAN S. NEWTON
 TYLER D. OLSEN
 HADIYA E. ONEAL
 STEPHEN F. OSTRANDER
 WILLIAM OWEN
 MICHAEL O. OZOLS
 TIMOTHY N. PAGE
 MATTHEW P. PANEPINTO
 NICHOLAS P. PANEPINTO
 CATHERINE Z. PAPOULOGLOU
 THOMAS A. PARKER
 VANESSA M. PARKER
 MICHELLE L. PARLETTE
 ALICIA M. PARTIN
 JEAN P. PAUL
 JON J. PEARL
 AARON D. PEARSALL
 STEPHANIE M. PEGHER
 ERIC C. PENA
 YVONNE V. PERDOMO
 RYAN D. PERUSICH
 GEOFFREY A. PETERS
 DWAYNE A. PETERSON
 RICKY PHAN
 ERIX S. PHILLIPS
 JON T. PHILLIPS
 JEFFREY A. PHILLIPY
 LANELLE J. PICKETT
 OBADIAH J. PILKINGTON
 CRISTIAN A. PINZON
 EDUARDO G. PLASCENCIA
 ADRIAN L. PLATER
 RICHARD R. PLESS
 DEOSARAN POKHAI
 DREW T. PONIVAS
 LEVITICUS D. POPE
 TIMOTHY J. POWLAS
 MANUEL PRADO
 KEITH N. PRATT
 ROBERT T. PREMO
 PATRICK B. PRESTON
 KENNETH D. PRICE
 ALIM A. QAASIM
 JEFFREY J. QUAIL
 NEROLIZA QUILLES
 ANGELA M. QUINN
 AGUSTIN QUINONESVARGAS
 ERIK QUIRALTE
 EUPHEMIA S. RAMEY
 SCOTT A. R. RAMIREZ
 TINA L. RAMIREZ
 RAMON G. RAMOS
 PAUL H. RAMSEY
 WILLIE R. RAMSEY
 JIBRIL B. RASHAD
 ADAM D. RAY
 KALIN M. REARDON
 PATRICK J. REARDON
 MARK C. REED
 ZAMBIA S. REMLEY
 ARLENE C. RILEY
 MATTHEW C. RIVERA
 MELODY D. ROBINSON
 NARVO N. ROBINSON
 STEVEN C. ROBINSON
 DANIEL RODRIGUEZ, JR.
 JEREMY J. ROGERS
 CHRISTOPHER J. RONALD
 BENJAMIN ROSARIO-CAMACHO
 WILFORD A. RUFFIN
 EDWARD R. RUNYAN
 AMY A. SAAL
 JEFFREY L. SACKS
 RODRICK C. SALTER
 DAVID A. SANCHEZ
 JAYSON A. SANCHEZ
 ADIA H. SANDERS
 GARY E. SANDERS II
 JAMES C. SANDERS
 KENNETH E. SCATTERGOOD
 RALPH E. SCHNEIDER IV
 SCOTT M. SCHOEN
 JOHN B. SCHULKE, JR.
 JONATHAN M. SEITER
 PAUL D. SELL
 ROBERT S. SHAW
 ALAN W. SHOLES, JR.
 JOHN D. SHORT
 JAIME L. SIMMONS
 BRADLEY C. SINES
 MICHAEL S. SJOSTROM
 DENNIS I. SLATTERY
 ALLY M. SLEIMAN
 CHER C. SMITH
 CRYSTAL V. SMITH
 EDWARD J. SMITH
 GREGORY S. SMITH
 JOEL D. SMITH
 JOSHUA J. SMITH
 KELLEY A. SMITH
 OLIVER D. SMITH
 SHANNON I. SMITH
 STANTON W. SMITH
 EUNICE H. SORRELL
 JOSHUA D. SOUTHWORTH
 TREVOR A. SPARKS
 JAMIE M. STAHL
 AMANDA K. STAMBACH
 BRIAN S. STANLEY
 NICOLE R. STARR
 VICTORIA S. STAUFFER
 JERRY STECHER

DAKOTA R. STEEDSMAN
 MELISSA M. STEVENSON
 MATTHEW A. SUHAR
 MATTHEW B. SULLIVAN
 VIRGINIA A. SUPANICK
 ROBERT J. SUTTON
 CAMILLA M. SWAIN
 RYAN D. TACKETT
 JUAN TALAMANTES, JR.
 MARILYN TAMATAVE
 VERNON D. TAYLOR
 KEISHA A. TEIXEIRA
 DWAYNE M. TERRY
 MUHAREM TERZIC
 GRANT T. THIMSEN
 CHRISTOPHER D. THOMAS
 DRENNAL L. THOMPSON
 JERMON D. TILLMAN
 ROSLYN D. TILLMAN
 TONY D. TINDERHOLT
 DANIEL P. TONE
 KEITH O. TONEY
 ORLANDO L. TORRES
 ROBERT J. TREMBLAY
 WILLIAM N. TRENOR
 DANIEL T. TROST
 KENNETH M. TWITTY
 VIC J. UNDERWOOD
 CHRISTOPHER J. URYNOWICZ
 KATIE M. UTLEY
 MIKLOS S. VAJDA
 PLOURDE VALLON
 PATRICK S. VANKIRK
 EDISON H. VARGAS
 IAN J. VARGAS
 MELODY L. VARNER
 DOMINIC T. VAUGHAN
 JUAN A. VEGA
 SOL A. VELEZ
 ERIC VERBURG
 JUAN A. VILLATORO
 THOMAS M. VIRNIG
 JOHNNY H. VUONG
 LINDA C. WADE
 ROBERT L. WALLS
 SHAREEFAH J. WATERS
 ASHLEY L. WATSON
 LATASHA WATSON
 CAREY E. WAY
 ANTHONY J. WEILBACHER
 JOHN D. WEISSENBOERN
 BRIAN J. WELCH
 ALLEN S. WELLMAN
 BRANDY L. WEST
 ROBERT J. WEST
 BRETT C. WHEELER
 ALEX B. WHITE
 CHRISTOPHER M. WHITTEN
 CORNELIUS D. WILBERT
 BRANDON J. WILKINS
 AGNITA M. WILLIAMS
 ANDREA WILLIAMS
 BRIAN M. WILLIAMS
 DAVID C. WILLIAMS
 JACQUELINE R. WILLIAMS
 JAMES M. WILLIAMS
 JAY A. WILLIAMS
 KELSEY R. WILLIAMS
 NICHOLAS I. WILLIAMS
 YOLANDA M. WILLIAMS
 BENJAMIN E. WILSON
 NICKOLA R. WILSON
 RICHARD S. WILT, JR.
 CHANCE L. WIREY
 JEFFREY L. WITHERSPOON
 DEWAYNE G. WOOD
 EDWARD M. WOODALL
 PHILLIP G. WOODEN
 SHANON B. WOODS
 JAMES E. WORD
 LAURILEAN C. WRIGHT
 CHAD D. WRIGLESWORTH
 DANIEL M. YABLONSKI
 TRACY L. YATES
 STANLEY M. YOUNG
 WILLIAM Y. YUN
 AMBER R. ZEIGLER
 ALAN ZERO
 ADAM C. ZIEGLER
 JASON S. ZMIJSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DREW Q. ABELL
 JOHN C. ACOSTA
 BRADY C. ADAMS
 MATTHEW J. ADAMS
 BRADLEY K. ALLBRITTEN
 ERNEST A. ALMAZAN
 PETER P. ALMIREZ
 IVAN M. ALVARADO
 HUMBERTO A. ALVAREZ
 DARIUS D. ANANIA
 ANN S. ANDERSON
 JUDITH ANTOINE
 DANIEL B. ANTON
 SIDDHARTH G. ARIAS
 MATTHEW J. ARNOLD

DALLEN R. ARNY
 TERRY L. ARVA
 BRETT J. ASHWORTH
 CHARLES T. AUSTIN
 CARLO U. AVERGAS
 GINA M. AVILES
 CHARLES R. BAILEY
 JONATHAN N. BAILEY
 MARK J. BALBONI
 MICHAEL J. BALLARD
 CHRISTIE E. BANNER
 LAWRENCE E. BARBER
 MATTHEW S. BARGER
 STEPHEN W. BATEMAN
 AARON D. BEAM
 JOSHUA P. BEARD
 RICHARD D. I. BECKER
 CHARLES J. BELL
 NICOLE A. BELL
 TRAVIS M. BELLER
 BENJAMIN K. BENNETT
 ARTHUR J. BENSON
 DANNY L. BERNDT
 WYMAN T. BEY
 SPENCER BIAH
 CHRISTOPHER S. BILLINGSLEY
 MARTY W. BISHOP
 COLLIN A. BISSELL
 JUSTIN T. BLADES
 MELISSA A. BLONDIN
 SCOTT M. BOBIER
 DAVID G. BOCK
 CHRISTOPHER B. BOER
 BEN M. BORJA
 BLAKE C. BOTILL
 ROBERT H. BOTSFORD
 BENJAMIN S. BOWDEN
 GREGORY J. BOWLES
 SIMON A. BOYD
 TRAVIS B. BRASHERS
 MATTHEW J. BRENNAN
 KENNETH N. BROCK
 JAMES M. BROGAN
 KENNETH B. BROOKS
 THOMAS V. BROOKS
 DAVID C. BROWN
 SEAN C. BROWN
 TEKEITHIA C. BROWN
 MATTHEW O. BRUNDAGE
 JOHN W. BRUSHABER
 ALICIA E. BRYANT
 STEPHANIE M. BUCK
 JERRY D. BUCKLES
 DANE W. BUCKLEY
 WILLIAM N. BURGOS, JR.
 DAVID W. BUTLER
 JOHN A. BYRD
 FELIX K. CANETE
 ENRIQUE T. CANIZALES-PYLES
 JEFFREY L. CANNING
 KENNETH W. CAREL
 JUAN F. CARLETON
 CHAD E. CARR
 DERRICK P. CARVER
 MARY C. CASSIDY
 ALBERTO CASTRO
 ALLAN J. CATINDIG
 STEVEN R. CAVIN
 JESUS CEJA
 MICHELLE F. CENDANA
 ANTHONY E. CERULLO
 ALEX B. CHANEY
 KAREN CHARCHAN
 BRIAN CHEN
 BRUCE E. CHOJNACKI
 ANDREW E. CHOIVANCEK
 NORMAN R. CHRISTIE
 YOUNG H. CHUN
 JONATHAN M. CINTRON
 DOMINICK G. CLEMENTE, JR.
 SHARMAN J. CLINCY
 JASON C. COAD
 TRAVIS L. COFFMAN
 JAMES V. COLLADO
 VICTOR COLLADO
 ROBERT N. COLLIER
 CHRISTOPHER A. COLLINS
 CHRISTOPHER M. COLLINS
 JUSTIN E. COLLINS
 CHRISTOPHER U. COLUMBRES
 DENNIS J. COMPTON
 JOHN M. COMSTOCK
 JOSHUA S. CONARY
 WILLIAM J. CONSTANTINO
 JEREMY A. COOPER
 CASEY J. CORCORAN
 ERIC B. CORDAS
 STEPHEN P. CORPUS
 LUCAS P. COTTRELL
 JOHN M. CRAIGHEAD
 MATTHEW S. CROSBY
 WILLIAM R. CROSS
 TIMOTHY P. CULLERS
 JONATHAN P. CURTIS
 GREGORY E. CZYZYK
 CHARLES G. DAILEY
 PAUL A. DALEN
 DEREK A. DALY
 DONALD J. DANGLEW
 CHAD S. DANIELS
 BOBBY E. DAVIS, JR.
 ELDONA L. DAVIS

MARK A. DAVIS
 MATTHEW B. DAVIS
 STEVEN A. DAVIS
 ROBERT A. DAY
 AARON M. DEAN
 DAVID E. DEHART
 TRAVIS D. DELKER
 LEONARD B. DELLA-MORETTA III
 DAVID S. DIETZ
 TIFFANY L. DILLS
 HARRY L. DINGLE
 CHRISTOPHER W. DISTIFENO
 PAUL D. DOLEZAL
 TIMOTHY M. DOLL
 MICHAEL L. DONEGAN
 ANDREW X. DOWNEY
 JACKSON DRUMGOOLE II
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 CHRISTOPHER R. DZIADOS
 ETRIK J. EDDY
 PAUL D. EGGIE
 ASHLEY R. ELLIS
 MICHAEL J. EMERSON
 PAUL A. ESCOBAR
 CHARLES D. ESTER
 LUIS A. ETIENNE
 JULIANNA M. EUM
 KEVIN L. EVANS
 CHRISTINA A. FANITZI
 LEMAR A. FARHAD
 CHRISTOPHER D. FELIX
 ANTHONY J. FENNELL
 JAY G. FIGURSKI
 JUSTIN L. FINCHAM
 NATHAN K. FINNEY
 PHILIP J. FISHER
 ANTHONY D. FISIC
 SHAWN M. FITZGERALD
 IAN W. FLEISCHMANN
 JANIS D. FLEMING
 CHARLES M. FLORES
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 AARON C. FORD
 KYLE D. FORD
 MICHAEL M. FORESTER
 ADAM FORREST
 JACOB P. FOUTZ
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 YASMIN J. FRANCIS
 JOHANNA M. FRANCO
 MAIL L. E. FRANCO
 WILLIAM P. FREDERICK
 SEAN A. FRERKING
 CHRISTOPHER M. FRISBIE
 MALLORY A. FRITZ
 WILLIAM P. FROST
 MAXWELL E. FULDAUER
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 JASON J. GENARD
 KURT L. GERFEN
 DAVID E. GERVAIS
 MATTHEW L. GETTINGS
 MATTHEW C. GILL
 JOSHUA L. GLENDENING
 EDWARD F. GOLDNER
 MICHAEL D. GORE
 RANDALL T. GRAHAM
 LEE P. GRAY
 GEORGE C. GREANIAS
 CHRISTOPHER R. GREEN
 JOHN D. GREEN
 NEAL R. GREEN
 TERRENCE R. GRIFFIN
 BRENDA L. GRUSING
 REGINALD GUILLET
 GORDON F. GUILLOT
 ZACHARY L. HADFIELD
 RICHARD E. HAGNER
 CHRISTOPHER M. HALL
 GERALD S. HALL
 ZENIN J. HAMAGUCHI
 BRYAN T. HAMILTON
 ANTHONY J. HAMMON
 LUCAS J. HARAVITCH
 KENNETH D. HARDY
 EVERETT HARRIS
 NANCY K. HARRIS
 MARCUS A. HARRISON
 SETH R. HARTMANN
 JAMES H. HARVEY
 SIMEON M. HARVEY
 JAMES N. HARVILLE
 JACK HATFIELD III
 ROBBY A. HAUGH
 AUSTIN T. HAYES
 PATRICK R. HEIM
 JONATHAN M. HEIST
 WILLIAM L. HEITZMAN
 RUSSELL W. HENNESSEY
 HERSHEL L. HENRY
 DEAN K. HERMAN
 SHAWN R. HERRICK
 DANIEL D. HICKEY
 NATHAN L. HICKS
 LIESL K. HIMMELBERGER

MATTHEW R. HINZE
 ROBERT C. HOFFMAN
 GREGORY L. HOLIMAN
 DEBORAH L. HOLLAND
 BARBARA M. HORNE
 DARNELL H. HOWARD
 DEMETRIUS D. HOWARD
 DAVID H. HOYT
 GEORGE W. HUGHBANKS
 KEN M. HUGHES
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 SCOTT D. HUNTLEY
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 KARL T. IVEY
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 ERIC T. JACKSON
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 THOMAS P. JACOBS
 BRIAN JAMES
 TRAVIS W. JAMES
 BRIAN M. JANTZEN
 TIMOTHY L. JENKINS
 MICHAEL T. JESSEE
 EVAN D. JOHNSON
 JEFFREY E. JOHNSON
 JOEL M. JOHNSON
 KHALI D. JOHNSON
 SETH A. JOHNSTON
 TERRY L. JOINER
 JAMES M. JONES
 JENNIFER D. JONES
 RYAN D. JONES
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 JASON E. KALOW
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 DAVID F. KEITHAN
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 JASON P. KENDZIERSKI
 SEAN K. KENEALLY
 PHILLIP J. KERBER
 BRETT T. KETCHUM
 DANIEL K. KILGORE
 EZRA Y. KIM
 JAMES H. KIM
 JAMES E. KING
 COLIN M. KINSELLA
 JARED R. KITE
 BENJAMIN H. KLIMKOWSKI
 KRAIG M. KLINE
 DUSTIN M. KNAUS
 WESLEY N. KNIGHT
 DONALD D. KOBAN
 WILLIAM L. KOCH
 DEREK J. KOCHER
 MICHAEL A. KOTICH
 MAXIM A. KREKOTNEV
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 AARON J. KUYKENDALL
 STEVE S. KWON
 DARRELL C. LADNIER
 JAMES R. LALLY
 CLAUDE A. LAMBERT
 BRIAN H. LAMPERT
 BRADLEY T. LANG
 FRANCES P. LANG
 JEFFREY J. LANG
 KEVIN S. LARRABEE
 NICOLE B. LAUENSTEIN
 JOSEPH A. LAVALLE-RIVERA
 CLARENCE L. LAWSON, JR.
 ANDREA L. LEAMAN
 LUCAS J. LEASE
 MICHAEL L. LECCLIER
 GREGORY M. LECLAIR
 AUVIE R. LEE
 CHRISTOPHER S. Y. LEE
 JAMES A. LEIDENBERG
 TRACY B. LEON
 JARROD L. LESLIE
 WILLIAM C. LEWIS
 CHRISTY A. R. LICKLIDER
 JENNIFER D. LILES
 TOMEKA LILLY
 DONALD W. LINCOLN
 GEORGE J. LINDSEY
 MARCUS E. LOPEZ
 DEBBIE C. LOVELADY
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 CHRISTOPHER D. LUNDIN
 WESLEY H. LUTHER
 JAMES C. MACHADO
 JEFFREY N. MACKINNON
 MICHAEL A. MADDOX
 BRANDY L. MALONE
 KELLY L. MARKIN
 JAE C. MARQUIS
 MICHAEL A. MARTIN
 CLARE MARTINEZ
 JONATHAN MARTINEZ
 KIRSTIN S. MASSEY
 JOHN P. MAYO
 JOHN J. MCALLISTER
 ALTON R. MCCALLUM

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 MICHAEL K. MCCOY
 MICHAEL B. MCCRANIE
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 JACOB I. MEYER
 SEAN P. MICHAELSON
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 MATTHEW L. MILLER
 PATRICK G. MILLER
 RYDER S. MILLER
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 EDWARD J. MINOR
 GARRICK P. MINOR
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 DUANE A. MONTTOYA
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 BENJAMIN T. MOREHEAD
 KYLE V. MOSES
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 PATRICK R. MUGG
 DAVID A. MULLINS
 CHRISTOPHER U. MUNAR
 KEVIN C. MURNYACK
 BRIAN P. MURPHY
 JASON P. MURPHY
 BRIAN S. MURRAY
 JASON M. MUSGROVE
 DAVID C. MUSICK
 MICHELLE T. MYERS
 MICHAEL E. NAAS
 JEFFERY S. NASON
 TYRONE L. NELSON
 SEAN P. NEWCOMB
 BRAD A. NEWNUM
 DAT T. NGUYEN
 VINH Q. NGUYEN
 GLIDDEN NIEVES
 EDWARD F. NORRIS
 STEPHEN M. NOTERY
 DONALD J. NUNEMAKER
 ROBERTO NUNEZ
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 DARRELL E. PEEK
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 BRYAN W. PLASS
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 MARTHA A. PLUMLEY
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 MICHAEL T. POPE
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 STEVEN E. PRESSLEY
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 RYAN E. PURDY
 JASON W. PYSKA
 JASON A. QUASH
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 CARLOS A. RAMOS
 ANDREW J. READY
 THOMAS E. REDDICK, JR.
 MICHAEL R. REDINGTON
 ANDREW C. REED
 KETTY N. REED
 SANDRA E. REEVES
 JOHN A. REGAN
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 CORY S. REITER
 JESUS REYES
 ALBERTO J. REYNOSO
 BRAD A. RICE
 DAVE C. RICHARDS

AMANDA B. RIFFER
 ADAM L. RIGGS
 ALBERT RIOS
 BRADLEY R. RITZEL
 JOHN A. RIZZUTO
 OMAR M. ROBERTO-CAEZ
 CHRISTOPHER C. ROBERTSON
 JOHN B. ROBERTSON
 STEVEN L. ROBERTSON
 DAVID RODRIGUEZ
 MINERVA A. RODRIGUEZ
 KENNETH W. ROEDL
 GUILLERMO ROJAS, JR.
 PETE ROONGSANG
 MATTHEW T. ROSEN
 KRISJAND A. ROTHWEILER
 JOHN A. ROUSSEAU
 BRYAN A. RUCKNAGEL
 RAMON A. RUIZ, JR.
 MORGAN R. RUST
 JAMES D. RYAN
 ALPHIE G. SACHNIK
 ANGELICA M. SALAZAR
 DAVID SALAZAR
 KYLE SALTZMAN
 PEDRO R. SANABRIA
 PABLO SANCHEZ
 KELLY J. SANDERS
 GREGORY E. SANDIFER
 ERASMO SANDOVAL
 PHILLIP J. SANTOLI
 JEFFREY J. SANTOS
 STEPHEN J. SAPOL
 ERICH J. SAUER
 KALE D. SAWYER
 PAULA J. SCHEMMEL
 ROBERT W. SCHMOR
 BRIAN T. SCHNEIDER
 BENJAMIN A. SCHNELLER
 CLINTON R. SCHOFIELD
 DAVID V. SCHULZ
 JASON D. SCHWAB
 GAVIN D. SCHWAN
 BLAKE E. SCHWARTZ
 TERI E. SCROGGINS
 ELIZABETH A. SEATON
 LEWIS F. SEAU
 MICHAEL S. SENFT
 ZACHARIAH SEPULVEDA
 SCOTT A. SEWELL
 NICHOLAS J. SHALLCROSS
 JESSE L. SHAW, JR.
 CHRISTOPHER T. SHERBERT
 BRAD K. SHIMATSU
 JASON S. SHIN
 JARROD S. SHINGLETON
 MATTHEW D. SHIRLEY
 THOMAS J. SILIO
 STEVEN R. SIMMONS, JR.
 MICHAEL D. SIMPSON
 ORLANDO C. SIMS
 DANIEL M. SINGLETON
 THOMAS P. SIRICO
 ASHANTI M. SKINNER
 RONNIE L. SLACK
 CHARLOTTE E. SMART-MCGHEE
 DANIEL K. SMIT
 JEROMIE D. SMITH
 JOSEPH A. SMITH
 KEMIELLE D. SMITH
 MICHAEL SMITH
 OCTAVIA R. SMITH
 GAETANO M. SNOW
 BRENT SOELBERG
 JUNG S. SOH
 JUDITH SOTO
 PATRICK S. SOUTHERLAND
 AMBER SPAIN
 CONRAD D. SPANGLER
 LOUIS J. STANGLAND
 CHRISTOPHER L. STANGLE
 JAMES S. STEWART
 SEAN A. STEWART
 MICHAEL B. STOKES
 GLORIA E. STRINGER
 NAKIA J. SUMMERS
 KELLY K. SUNDERLAND
 CHRISTOPHER M. SUTTLES
 ERICK C. SUTTON
 JOY C. SWANKE
 JAYSON L. SWEET
 EUGENE SZYMANSKI
 MARGARET D. TAAFE-MCMENAMY
 ELMER W. TAKASH III
 KENNETH S. TAKEHANA
 KEVIN R. TANQUARY
 RYAN G. TATE
 JESUS A. TAVARES, JR.
 BRYAN T. TAYLOR
 THOMAS W. TAYLOR II
 MARCELO C. TEALDI
 ELIZABETH A. TEDRICK
 ROBERT P. TEXTER
 DARREN J. THOMAS
 JAMES H. THOMAS
 KAI J. THOMPSON
 KEVIN G. THOMPSON
 ROBERT L. TINDALL
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 PAUL W. TOMLINSON II
 WILFORD A. TONEY
 ROBERT H. TOPPER, JR.

FELIX TORRES
 IVAN TORRES
 MICHAEL B. TOWNER
 NADIA L. TRAYLOR
 SERGIO R. TREJO, JR.
 ADAM C. TUMBLIN
 JENNIFER M. TUREK
 AARON S. TURNER
 JAMIESON L. TWIST
 TIMOTHY D. TYNER
 BENJAMIN K. ULLRICH
 MATTHEW P. UPPERMAN
 BRYAN M. VADEN
 JENNIFER E. VALDIVIA
 BENJAMIN J. VANMETER
 BRANDON L. VANORDEN
 STEPHAN A. VARGA
 JORGE E. VARGAS
 THOMAS W. VOGAN
 ALEXANDER M. VUKCEVIC
 TRUNG N. VUONG
 DENIS M. WAGNER
 ROMELL WARD
 JESSICA D. WATSON
 WESLEY P. WATSON
 SCOTT J. WEEMAN
 WILLIAM F. WEILAND
 JONATHAN W. WELBORN
 SHAIN R. WERTHER
 WILLIAM W. WESSLING
 FREDERICK J. WEST
 TYRONE O. WEST
 TRENT M. WESTON
 DARRELL T. WHITE
 MATTHEW N. WHITE
 CLAY T. WHITMAN
 VANCE K. WHITT
 BENJAMIN T. WILLIAMS
 BRENT S. WILLIAMS
 DONYEL L. WILLIAMS
 KARIF T. WILLIAMS
 SONIA S. WILLIAMS
 ADLAI W. WILLIAMSON
 ERIC N. WILSON
 JASON P. WILSON
 KENTRELL R. WILSON
 DARA L. WINNEY
 CHRISTIAN R. WOLLENBURG
 SETH M. WOMACK
 JUSTINE R. WONG
 LOREN Y. WONG
 ADAM C. WOODBURY
 ERIK J. WRIGHT
 ERIK R. WRIGHT
 JAMIE R. WRIGHT
 BENJAMIN J. WU
 KELLY M. YARD
 ALEX H. YI
 YONG YI
 VICTOR M. YINH
 PHILIP T. ZAPIEN
 JASON A. ZERUTO
 BRYAN D. ZESKI
 MICHAEL D. ZIBERT
 NIKOLAUS ZIEGLER
 MATTHEW A. ZIMMERMAN
 DANIEL N. ZISA
 JEREMY M. ZOLLIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EDWARD C. ADAMS
 MICHAEL M. ADAMS
 RANDALL J. ADAMS
 ALLISON C. AGUILAR
 ANTHONY B. AGUILAR
 MELISSA A. AGUILAR
 MARTIN AGUIRRE
 ARNALDO C. ALBORNOZ
 BILLY J. ALEXANDER
 JASON M. ALEXANDER
 WALTER T. ALLARD
 JASON D. ALLEN
 KIMBERLY N. ALLEN
 RONALD M. ALLEN
 TIMOTHY L. AMBROSE
 MARTIN D. ANDERS
 DANIEL J. ANDERSON
 JON C. ANDERSON
 KARO M. ANDERSON
 NICHOLAS K. ANDERSON
 PATRICK J. ANDERSON
 RICHARD H. ANDERSON
 RICHARD S. ANDERSON
 GRAYSON F. ANGUS
 ADAM D. ANTONINI
 ANTHONY APPLEGATE
 ALEX A. AQUINO
 BAUDELIO ARIAS, JR.
 DAMON T. ARMENI
 ADAM W. ARMSTRONG

DOUGLAS A. ARMSTRONG
 MICHAEL C. ARNONE
 DAVID E. ARROYO-BURDETT
 NIKOLAS J. ASARO
 GEORGE J. ATHANASOPOULOS
 JAMES A. ATTAWAY
 FREDERICK J. BABAUTA
 JUSTIN L. BABCOCK
 SEAN M. BADWOUND
 STEWART D. BAILEY
 MICAH I. BAKER
 MARIUS B. BALAS
 ANDREW K. BARHAM
 JAMES P. BARNHART
 ANDREW T. BASQUEZ
 CRYSTAL B. BATEY
 JAMES A. BATTLE
 AARON B. BATY
 CHRISTOPHER O. BEAL
 STEVEN W. BEARD
 ADAM BEATON, JR.
 HERBERT F. BECK
 MICHAEL F. BECK
 CRAIG T. BEESE
 SCOTTIE J. BENSON
 GEORGE E. BERNDT
 TRAVIS BETZ
 TIMOTHY P. BIART
 RAYMOND H. BIJOLLE
 AARON L. BILLINGSLEY
 JAMES C. BITHORN
 JOSEPH C. BLACK
 DAVID W. BLACKWELL
 CHRISTIAN D. BLEVINS
 KWAME O. BOATENG
 JENNIFER J. BOCANEGRA
 STEPHAN R. BOLTON
 ROBERT E. BONHAM
 JEFFREY P. BOTTRELL
 JEREMY J. BOUDREAUX
 MATTHEW J. BOWMAN
 KEVIN L. BOYD
 STEPHEN R. BOZOVICH
 BRANDON D. BRADLEY
 PATRICK M. BRADLEY
 JOSEPH W. BRADSHAW
 EVAN W. BRAINERD
 ROBERT M. BRANDSTETTER
 SCOTT L. BRANDT
 ELLINORE S. BRANDY
 RICARDO BRAVO
 JOSEPH O. BREEDLOVE
 CHARLES S. BRINK
 JONATHAN M. BRITTON
 JIM A. BROCKINGTON
 CURTIS E. BROOKER
 CLINTON E. BROOKS
 CLINTON W. BROWN
 CODY H. BROWN
 DAVID L. BROWN
 MARK L. BROWN, JR.
 MACKLAND H. BROWNELL
 MARQUES A. BRUCE
 LARRY BRUEGGEMEYER
 DAVID A. BRUNAIS
 STEPHEN W. BRUNK
 MARK A. BUCK
 BRIAN W. BURBANK
 JOHN L. BURBANK
 JEFFERSON D. BURGESS
 MEGAN T. BURKE
 NEYSA N. BURKES
 SEAN C. BURNETT
 NATHANAEAL O. BURNORE
 COREY L. BURNS
 THOMAS W. BURNS
 CHRISTOPHER L. BURTON
 MARK E. BUSH
 PAUL S. BUTTON
 JOHN W. CAHILL
 BRIAN L. CALDWELL
 KEVIN J. CAMARATA
 DAVID R. CAMPBELL
 KYLE I. CAMPBELL
 NATASHA N. CAMPBELL
 JUAN C. CANCEL
 DANIEL B. CANNON
 JACOB W. CAPPS
 YOVANA CARDENAS
 STEVEN M. CARMICHAEL
 SEAN T. CARMODY
 CHRISTIAN A. CARR
 THOMAS CARROLL
 JAMES E. CARSON, JR.
 CHRISTOPHER J. CARTER
 CORY J. CARTER
 ADAM V. CARUSO
 SEAN M. CASE
 BILLY B. CASIDAY
 PABLO CASTRO
 MAX E. CAYLOR
 THOMAS CHAE
 CHRISTOPHER S. CHAFFIN
 NICHOLAS B. CHALLEN
 BENJAMIN T. CHANNELS
 JESSE R. CHAPIN
 DAVID T. CHAPMAN
 COLIN D. CHAPPELL
 CHAUNCEY M. CHAPPELLE
 NORVEN J. CHARLES
 ADRIAN M. CHEN
 JIMMY T. CHEN

LUIS M. CHESHIRE
TIMYIAN CHEUNG
LUKE T. CHIVERS
HONG N. CHOE
COLLEEN K. CHRIST
PEARL H. CHRISTENSEN
KRISTOPHER P. CHRISTL
JOSHUA T. CHRISTY
THOMAS R. CHURCH
DANIEL J. CICCARELLI
SCOTT D. CLARE
JOSEPH A. CLARK
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CHARLES W. CLAYPOOL
ADAM C. CMEREK
CHRISTOPHER L. COATES
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MICHAEL D. COLBURN
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ARIS J. COMEAUX
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BRANDON J. COOK
KENNETH D. A. COOK
MICHAEL D. COOKEY
ASHA S. COOPER
JAMES A. COPP
BRIAN L. CORBIN
JAMES P. CORBIN
WILLIAM B. CORDELL
AVON D. CORNELIUS II
JAMES L. COVINGTON
WARRICK G. CRAIG
JOHN D. CRAVEN
KEVIN E. CRONIN
JACOB M. CROSS
RONALD S. CROWTHER
DAVID M. CULVER
RUSSELL O. CUMMINGS
WILLIAM T. CUNNINGHAM
MATTHEW E. CURL
EDWARD M. CUSTER
ROBERT C. CUTHBERTSON
PAUL A. CUTTS
WADE M. CZAJKOWSKI
MICHAEL G. DABBS
KEVIN E. DAGON
JENNIFER A. DAHL
TODD A. DANA
CLAY E. DANIELS
MORISSE L. DANIELS, SR.
NICHOLAS S. DAUGHERTY
STEVEN C. DAVIES
DAMASIO DAVILA
ANDREW L. DAVIS II
MARVIN D. DAVIS
NANSHANTA B. DAVIS
NATHANIEL M. DAVIS
MATTHEW J. DAY
CASEY A. DEAN
TODD A. DECA
TIMOTHY J. DECKER II
TIMOTHY W. DECKER
RENE M. DELAFUENTE
DUSTIN E. DELCOURE
PAUL N. DELEON
HENSON DELTANG
PHILIP A. DEMME
CHRISTOPHER DENATALE
JONPAUL E. DEPREO
MICHAEL G. DESTEFANO
SCOTT C. DEWITT
JAMIE D. DOBSON
KEVIN S. DODSON
MICHAEL G. DOLAN
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DANIEL B. DOWNS
DERRICK G. DRAPER
DERRICK S. DRAPER
MATTHIAS W. DREHER
DENNY D. DRESCH
RAYMOND E. DRESCH
TIMOTHY J. DRISCOLL
DEREK G. DROUIN
ANTHONY G. DUNAT
FRANK R. DUVERGER III
PAILY EAPEN
TROY D. ECK
HAROLD G. EDDY
CHRISTOPHER R. EIDMAN
DEREK J. ELDER
LINDSEY M. ELDER
GREGORY R. ELDRIDGE
DAVID M. ELLIOTT
RICHARD S. ELLIOTT
TRAVIS W. ELOLF
JORDAN D. ENGER
MICHAEL J. ENGLUND
ALAN J. ENKE
VINCENT P. ENRIQUEZ
DEREK E. ENSLOW
ANDREW S. EVANS
PHILLIP J. EWELL
CASSANDRA V. FACCIPONTI
ANTHONY B. FALCON
BRYAN G. FANNING
KITE S. FAULKNER
SCOTT T. FEATHERS
TROY A. FELTIS
JEFFREY S. FERGUSON
JERALD M. FERGUSON
VASHON W. FERGUSON
ENNIS C. FERRELL

DAVID J. FERRY
ROBERT A. FERRYMAN
MICHAEL FILANOWSKI
ANGELINE D. FIMBRES
MARK N. FINNEGAN
CANDACE N. FISHER
BRENDAN D. FITZGERALD
HERBERT H. FLATHER
WILLIAM M. FLATHER
TOBIN C. FLINN
RUFINO B. FLORES
HERIBERTO FLORES-SANCHEZ
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BENJAMIN H. FOLLANSBEE
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JOHNNY R. FRY
WALTER FUATA
JEREMIAH L. FURNIA
BRIAN K. GADDIS
RYAN J. GAINNEY
DONALD F. GALSTER
BRETT A. GAMBACORTA
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COLIN J. GANDY
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SHAWN P. HUTSON
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 JAKE L. TURNER
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 COLIN E. VANCE
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 JASON S. VELASCO
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 CHARLES R. WALKER
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 LAURA R. WEIMER
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 MICHAEL J. WEISMAN
 KEVIN E. WELBORN
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 WADE W. WELSH

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 JOSHUA WEST
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 DANIEL M. WILLIAMS
 DENNIS R. WILLIAMS
 FREDERICK D. WILLIAMS
 CHRISTOPHER A. WILSON
 ROBERT G. WILSON
 JASON A. WINKELMANN
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 BONNIE L. WOOD
 BRITTANY Y. WOODS
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 JOHN J. WORLAND
 JEFFREY S. WRIGHT
 TIMOTHY C. WYCOFF
 ANDREW K. YANG
 DERRICK A. YOHE
 CHAD A. YOUNG
 PETER J. YOUNG
 MICHAEL E. ZIEGELHOFER
 MATTHEW D. ZIOBRO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ASHLEY A. HOCKYCKO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JASON A. LANGHAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

WILL J. CHAMBERS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PATRICK J. FOX, JR.
 RUOHONG LIU
 JOEL B. SOLOMON
 LESLIE H. TRIPPE

HOUSE OF REPRESENTATIVES—Wednesday, March 21, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. ELLMERS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 21, 2012.

I hereby appoint the Honorable RENEE L. ELLMERS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

WORLD WATER DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, for many, tomorrow is just an ordinary Thursday, like any other day. But for hundreds of millions of people who lack access to clean water and billions who lack access to adequate sanitation, this ordinary Thursday is part of the daily struggle.

But this Thursday is World Water Day, where those of us fortunate enough to live in developed countries are encouraged to reflect on just how fundamental freshwater is to our health, our children's well-being, and how much we take for granted. We've never had to try to work that hard to find drinking water. We don't have to choose between drinking dirty water and going thirsty. For many of us, freshwater is so safe, abundant, it's hard to even imagine life without it.

But on this World Water Day, we should reflect that every 20 seconds a child dies needlessly from waterborne disease. Today, and every day, women will spend 200 million hours collecting

water. This week, 3 million students will miss school because they lack access to clean water or sanitation. Indeed, half the people who are sick around the world today are sick needlessly from waterborne disease.

There is a vision, there is a knowledge to do something about it, but, sadly, we don't have the resources, and we actually don't have the plan. The United States does not only have an obligation to do the right thing and save lives, but it's also in our self-interest to provide access to safe water.

United States security experts testified before this Congress that water problems will contribute to the instability in states important to United States national security interests.

With all the problems the world faces, Congress needs to prioritize programs that deliver the highest return on investment with substantial multiplier effects. And when it comes to foreign assistance, increasing access to clean water is perhaps the most effective use of taxpayer dollars. The World Health Organization estimates that up to \$34 is saved for every dollar invested, saved from health care costs and resulting in increased economic productivity.

Indeed, it affects other efforts of our aid. We're involved with trying to eradicate diseases like HIV/AIDS and tuberculosis, but taking the medicine with dirty water compounds the problems in terms of diarrheal diseases that result from that dirty water.

Madam Speaker, since we've passed the Water for the World legislation 7 years ago, where Chairman of the Foreign Relations Committee Henry Hyde, Senator REID, and Senator Frist were my partners, we've increased our leadership globally. We owe a debt of gratitude to Secretary Clinton, who has made water a cornerstone of her work while at the helm of the State Department. But we do need to do more; and one simple step, an area where we find broad bipartisan support, is the Water for the World Act that is cosponsored with my friend and colleague from Texas (Mr. POE).

This legislation strengthens the capacity of USAID and the State Department, increases aid effectiveness, transparency, accountability for sanitation water and hygiene, and it has no net cost, according to the CBO.

I strongly urge my colleagues to cosponsor this legislation and hope that we can move it forward in this Congress, as there has been movement in the Senate. Millions of lives will be transformed.

JOSEPH KONY AND THE LORD'S RESISTANCE ARMY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to begin my remarks by commending all the citizens and young students in my congressional district and, indeed, throughout the country who have worked so hard to raise awareness about Joseph Kony and his brutal crimes. As we can see in this poster, there's Kony, and these are just a few of the photos of so many innocents who have been mutilated by Kony and his thugs.

Joseph Kony is a mass murderer, whose campaign of violence against innocent civilians spans decades. The predatory forces doing his bidding are known as the Lord's Resistance Army, or LRA, and they have perpetrated some of the worst human rights abuses of our time.

Under the direction of Kony, the LRA has murdered, raped, mutilated, and abducted tens of thousands of innocent people, many of whom are children. They target remote villages, butchering civilians, abducting women and children to serve as sex slaves and fighters. Kony's bloody reach now extends to the Democratic Republic of the Congo, the Central African Republic, and the newly formed Republic of South Sudan.

One measure that we could accomplish would be for the U.N. peacekeeping missions in the region to more effectively coordinate their actions and share information related to Kony and the LRA, because this is a threat that crosses many international borders.

I'd like to thank my colleague, Congressman ED ROYCE, for introducing a new bill, H.R. 4077, which I proudly support. H.R. 4077 would authorize the Secretary of State to use the State Department's Rewards Program to gain intelligence and strengthen the capacity of those who are actively engaged in fighting transnational organized crime and also apply it to the search for Kony and the LRA.

This program has served as a valuable incentive for those with crucial information to come forward and help round up foreign nationals wanted for a range of brutal crimes and activities that threaten regional and global security and stability and U.S. national security interests. It will be an important tool in helping bring Kony and his circle of thugs, the Lord's Resistance Army, to justice.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I'd also like to thank Congressman JIM MCGOVERN for introducing House Resolution 583, of which I am also a proud cosponsor. Mr. MCGOVERN's resolution echoes current law and puts the House on record in strong support of U.S. efforts to counter the Lord's Resistance Army. It urges the President to work closely with Congress to address critical gaps in U.S. strategy and to enhance U.S. support for the regional measures already there to fight the Lord's Resistance Army.

As we have seen over the past 25 years, Kony's assault on innocent lives has no limits. Now is the time to help bring Joseph Kony and his fellow criminals to justice. As a Nation, let us assure that we have done all that we can to end this ongoing tragedy and hold this evil man accountable for all of his crimes.

I thank all of the young people throughout my district who have communicated through Twitter and Facebook and different modes of social media to express their outrage over Kony's evil deeds; but now, let's take action. Let's pass these bills.

□ 1010

BRING PEOPLE TOGETHER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Last Thursday, a different kind of March madness took place in the NCAA basketball tournament. In a game between Kansas State and Mississippi State, Angel Rodriguez, a Puerto Rican point guard for Kansas State, was met with taunts from Mississippi State students while he was getting ready to shoot a free throw. The taunt: "Where's your green card?"

That wasn't the only March madness. Earlier this month in San Antonio, Texas, a white high school in San Antonio chanted during the regional basketball championship trophy presentation. Their chant: "USA, USA, USA." Why did they chant USA? Because their team had defeated San Antonio's Thomas Edison High School, a team of mostly Latino players.

One U.S. citizen asked to produce his green card, one entire team of Americans taunted as if they were foreigners.

These young people, subjected to hatred and bigotry, handled it well.

Angel Rodriguez ignored the taunts and played a great game. If he hadn't been busy helping Kansas State win the game, he might have mentioned to everybody that he was from Miami or that all Puerto Ricans are citizens of the United States.

I'm impressed that the kids from Thomas Edison High School kept their cool. They deserve our praise not only for being good basketball players, but just for being great kids.

Mississippi State and Alamo Heights have apologized for the taunts. That's an important step in the right direction. That's not the issue. The issue is why people think it's okay to treat Latinos as if they are second-rate Americans, why so many people think being Latino means being a suspect in our own country, why they look at a young man named Rodriguez and think he doesn't belong in this country. It's because misguided kids taunting Latinos is not really the disease. It's the symptom.

The heart of the sickness is more troubling. The truth is, when it comes to Latinos and immigrants, far too many so-called leaders in our Nation are starting the taunts.

On the campaign trail and on talk radio and on TV, and even here in this Chamber, there are leaders that act like the biggest bullies in the schoolyard. If elected officials have no boundaries when it comes to scapegoating and demonizing immigrants and Latinos, then why should young people at a basketball game know any better? Why does an American, a Puerto Rican citizen basketball player, get taunted about a green card?

It's easier to understand when you hear the frontrunner for the Republican nomination of President promoting a national immigration policy that makes all Latinos look like suspects and all immigrants look like criminals.

Mitt Romney has said that Arizona's anti-immigrant law—a law that essentially demands racial profiling of anyone who looks like they might be undocumented—is a model for our Nation. But that's not all Mitt Romney has said to American Latinos. He has said all 11 million immigrants, most of them Latinos, should self-deport, even if they've lived here since they were children and have American citizen families.

Mitt Romney has even gone as far to attack the first Latino Supreme Court justice. He believes that Justice Sotomayor is unqualified to serve on the Supreme Court. He's proud of the support of anti-immigrant extremists, including the author of Arizona's anti-immigrant law. He has attacked the DREAM Act, a perfectly reasonable bill. And Mitt Romney is hardly a lone voice. It is sad.

One Member of this House said he would be for any measure to stop illegal immigrants "short of shooting them." Even hanging them? gassing them? One other colleague of ours here called undocumented immigration a slow-rolling, slow-motion terrorist attack on the United States.

Pat Buchanan wrote a book entitled "State of Emergency: The Third World Invasion and Conquest of America." Folks like Buchanan and Limbaugh regularly use words like "hordes" and "swarms" to describe immigrants.

Maybe Mitt Romney thinks he's just saying what he needs to say to get the Republican nomination, and maybe some elected officials think their extreme rhetoric doesn't really carry outside the Halls of Congress. But America knows better. So does a group of Kansas State basketball players and a group of good kids from San Antonio, Texas. They know that words matter very much.

Here's my advice to the Romneys and the Buchanans of the world and a few of my colleagues here in the House: Instead of bullies, why don't you be leaders? And why don't you try some words that bring people together instead of insults that tear our Nation apart.

A THREAT TO OUR HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Madam Speaker, this Friday, March 23, marks the second anniversary of President Obama's health care law after 2 years. It's clear the law has already left more victims in its path than people it was meant to help. And unfortunately, along with the 20 million employees who will probably lose employer-sponsored health care, it may be our seniors who take the hardest hit.

Millions of seniors and disabled Americans rely on Medicare, yet the program is in danger. According to the Centers for Medicare and Medicaid Services, with the baby boomer generation about to retire, if nothing is done to the program, the program will be bankrupt in 10 years.

Instead of making Medicare stronger through transparent and responsible reform, the President has decided to cut more than \$500 billion from the program, money which will then be used to fund his new health care law.

If taking nearly half a trillion dollars from the already crippled program weren't bad enough, the President has handpicked a special panel to slash away at the program even more. He knows our country is facing a budget shortfall. Instead of implementing responsible and transparent reforms, the President wants to take away benefits from Medicare recipients to fund his agenda for new entitlements.

The panel, known as the Independent Payment Advisory Board, or IPAB, is a group of unelected and unaccountable bureaucrats who will essentially be given power to ration care and even deny seniors lifesaving treatments. Its members are not required to hold public hearings or disclose their meetings. Their salaries will be paid directly out of trust funds used to pay Medicare beneficiaries' health care claims.

Worse yet, doctors and patients can not challenge the IPAB's decision in court. Without a three-fifths majority in both Chambers, Congress has no

power to change decisions. While this select group rakes in the perks, it will be the seniors left holding the short end of the stick.

The health care law—and IPAB in particular—will threaten their access to quality care. Medicare is already known for its low reimbursement rates. Physicians receive about 20 percent less from Medicare than private health plans, forcing many to stop accepting patients just to stay in business. Seniors will be left with fewer options, and they may even be told they can no longer see their own doctors.

That's why, when I talk to seniors in my district, they are scared of this law. They're worried about being left with fewer options; they are worried about not being able to see their own doctors; and they are worried about the government cutting even more from the program. It's not just in my district where this concern is prevalent. According to a recent nationwide poll, 60 percent of our Nation's seniors have an unfavorable view of the law.

Access to quality care for seniors should be a top priority and will remain so with me. I believe health care decisions should be made by patients, families, and their doctors, and not by bureaucrats in Washington, who are burdening seniors and future generations with less choice, fewer services, and more debt.

House Republicans remain committed to strengthening and reforming Medicare to protect today's seniors and to make sure the program is still there for the next generation.

MONICA PEARSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. DAVID SCOTT) for 5 minutes.

Mr. DAVID SCOTT of Georgia. Madam Speaker, ladies and gentlemen of the Congress, Monica Pearson, with WSB Television in Atlanta, Georgia, is indeed a true pioneer and a trailblazer in television news. She broke barriers as an African American and as a woman news anchor for WSB Television starting in 1975.

The year 1975 was an important turning point, especially in the South. So it is very important for us to understand the significance of Monica often appearing as a nightly anchor, as the first African American and first woman in the South at WSB Television in 1975. Now, 38 years later, Monica is retiring.

Monica Pearson brought a special talent, a sparkling personality, hard work, and a high nobility of purpose that appealed to everybody, to people of all races, and she became endeared to everybody from every walk of life. What a great American story is Monica Pearson.

She paved the way for other African Americans and women to become news

anchors and to become television journalists throughout the South. So it is most fitting as she announces her retirement that we gather here today on the part of the United States Congress to give her this special commendation. We also give a special commendation to WSB Television and Cox Enterprises management for making that critical decision at that important time in the history of the United States. Because of her talent, because of her hard work, we in the Congress of the United States recognize with high distinction an outstanding American: Monica Pearson, an outstanding American.

Madam Speaker, Monica Pearson is a familiar face to metro Atlanta's residents, though most know her by her former name—Monica Kaufman. For the past 37 years, Monica has anchored WSB-TV's Channel 2 Action News. The character and amount of trust she has built as Channel 2's nightly newscaster is laudable, but perhaps more important are the barriers she broke as she developed that reputation. Born and brought up in the Civil Rights era, Monica became not only the first African-American, but also the first woman to anchor a daily evening newscast on WSB in 1975.

Throughout her long career, Monica has accumulated an even longer list of awards and achievements. All in all, she has won thirty Local and Southern Regional Emmy awards. When she saw injustice or a story that needed to be heard, she was there reporting on it—first at the 6 pm and 11 pm segments, and later at 4 pm. Her hard-hitting investigative journalism cuts at all different issues. In 1992 she spoke out on behalf of women and girls in Georgia when she found out that the Georgia High School Association's all-male executive committee did not have a state-wide competition for girls' soccer or cheerleading. She was awarded the Women's Sports Journalism Award for Local Television Reporting from the Women's Sports Foundation and Miller Lite for her report.

Monica has been honored for bringing attention to a wide range of issues—from the "HOT FLASH! The Truth about Menopause" documentary that won local and national awards in 1994 to the "Prejudice and Hate: Georgians and the Holocaust" documentary that lead to win the Georgia Commission on the Holocaust's Humanitarian Award in 1977. Her sense of civic duty, compassion and curiosity has distinguished her from her peers, winning an Emmy Award for Best Feature Program—"Monica Kaufman Closeups", the National Foundation for Women Legislators' "Media Excellence Award" and the Georgia Commission of Women's "2004 Georgia Woman of the Year".

While devoting her life to journalism, she has also deeply involved herself in the community. She remains a passionate supporter of the Metropolitan United Way, the organization that helped her move beyond her poor background to become an award-winning newscaster. Since then, she has served as Chair of Atlanta's United Way board, the first African-American and only the second woman. Her dedication to the organization might be due in no small part to the fact that her daughter was

adopted through a United Way agency. In her own words, "United Way literally unites people."

United Way is not the only organization that has touched Monica's heart. For many years, Monica ran in the Susan G. Komen's Race for the Cure. She continued to run in the race and volunteer for the organization until the year she herself was diagnosed with breast cancer. Her reaction to this cancer is a story that truly touched my heart. A very religious woman, Monica did not let fear cripple her—instead she left everything to God. She prayed, "Thy will be done, O Lord, not mine." "If you are really strong in your faith, then you don't worry about the outcome", she said. The outcome is obvious—Monica remains to this day a strong, dedicated woman. She is both an inspiration and a role model. Monica will be retiring in July, but I know her character, personality and spirit will not let her keep still. I wish her the very best in her future endeavors, and may we continue to hear of her excellent work for her community. God Bless.

□ 1020

IN RECOGNITION OF MONICA KAUFMAN PEARSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. GINGREY) for 5 minutes.

Mr. GINGREY of Georgia. Madam Speaker, you will notice that Members from Georgia on both sides of the aisle have taken the opportunity this morning during Special Orders time to recognize Monica Kaufman.

We just heard from our colleague, Representative DAVID SCOTT. I want to commend my friend DAVID SCOTT for organizing this tribute on behalf of one great lady.

I rise today, as well, to recognize Monica Kaufman for her historic and outstanding achievements in broadcast journalism. Atlanta is sad to see her resigning from WSB; but we are very, very proud of her.

For the past 37 years, she has brought Atlanta the news, from her coverage of the 1996 Olympics, to her famous "Monica Kaufman's Closeups" of world leaders and celebrities," to her award-winning work on issues such as the Holocaust and domestic abuse.

As the first woman and African American news anchor in Atlanta, Ms. Kaufman broke both race and gender barriers. She has won more than 30 Southern and local Southern Regional Emmy Awards for talent, reporting, and close-up interviews. Ms. Kaufman has already been named University of Georgia's Broadcaster of the Year in 2001 and the Georgia's Association of Broadcaster of the Year in 2001 and the Georgia Association of Broadcasters 1992 Citizens Broadcaster.

Madam Speaker, I will always remember, however, one evening in July 2002—it was actually November of 2002—when I was first running for Congress. That election night was a very,

very close race. It went deep in the night; and finally, at about 11 o'clock, it was news time at WSB. Sure enough, I had to go downstairs and get ready to be interviewed by Monica Kaufman in regard to my race for Congress.

At this point, we were behind. All counties except one had reported, and I was behind. Monica was very sweet and kind to me. She could tell that I was a little nervous and worried and scared. She said, Have you picked up your phone yet to congratulate your opponent on your victory? I said, Monica, I won't do that until the last vote is counted. Shortly after that, I got a phone call telling me congratulations. Finally, those precincts came in, and Dr. GINGREY, from the 11th District in Georgia, was elected.

I always remember Monica Kaufman from that night. I ask Members to recognize the accomplishments of the great Monica Kaufman.

MONICA KAUFMAN PEARSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BISHOP) for 5 minutes.

Mr. BISHOP of Georgia. I am honored to join my colleagues in the Georgia delegation in paying tribute to one of our Nation's most tenured and pre-eminent broadcast television news anchors, Monica Kaufman.

For more than 30 years she served as the Channel 2 "Action News Nightbeat" anchor at WSB-TV in Atlanta where she used her superior media talents to educate, inform, and enlighten millions of viewers about current events that impacted our lives and influenced activities all around the world. Prior to becoming one of Atlanta's most watched and influential television journalists, Monica worked as a reporter at the Louisville Times and at WHAS-TV in Kentucky.

Madam Speaker, Monica is an award-winning journalist who has been recognized on numerous occasions for her outstanding professional abilities and remarkable occupational achievements. However, she is much more than just an accomplished journalist. She is a loving wife, mother, mentor, friend, and role model to me.

I would like to extend our personal congratulations to Monica Pearson and her family as they celebrate and reflect upon her outstanding career as one of our Nation's leading broadcast journalists and admired media personalities. Kentucky may have named her, but Georgia claimed her, and we are all better because she came our way.

Congratulations to you, Monica Kaufman Pearson.

CAPTAIN NICK WHITLOCK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Madam Speaker, I come to the floor this morning with great sadness and also with great honor to honor the service of one of Georgia's own, Captain Nick Whitlock. On February 18, 2012, at Camp Lemonnier in Djibouti, Africa, he gave the ultimate sacrifice while returning from a mission in support of Operation Enduring Freedom.

Captain Whitlock was born to the proud parents of Jimmy and Clare Whitlock on December 10, 1982. Even at a young age, Nick showed his maturity and that he was full of integrity. In one of his high school assignments, Nick was asked to define a leader. He wrote:

A leader is a person that is in charge of a group, someone that everyone looks up to and wants to be like. A leader is also someone that is willing to complete their goals and give 100 percent no matter what. A leader is willing to stand up for what he believes in even if he is alone. I want to be a leader because I think that is what God has called me to be.

For the young people that might be watching, we're always looking for a hero, and I think that Nick decided in his life that he would be a hero.

Nick lived by his own words, and to say he was a leader was an understatement. He understood that success is achieved through hard work, faith, and dedication, and he lived every day as an opportunity to improve himself and the lives of others.

□ 1030

Nick graduated from Newnan High School in 2001 as an honor graduate and was recognized for his outstanding achievements in both football and baseball. Nick achieved his Eagle Scout rank and strove to use the skills he learned to influence every aspect of his life.

He attended Mercer University, and he caught for the Mercer Bears baseball team. Most notable of Nick's many campus activities were his leadership roles as Mercer ambassador; president of his fraternity, Sigma Alpha Epsilon; and senator-at-large for the student government association. In 2005, Nick graduated with a bachelor of business administration degree; and in 2011, he went on to earn his master's degree in business administration from the University of Florida.

While studying at Mercer, Nick earned his private pilot's license and was accepted into the United States Air Force in 2006. Nick trained with the Euro-NATO Joint Jet Pilot Training program. In 2008, he received his wings and was assigned to the Air Force Special Operations. He became a member of the 34th Special Operations Squadron, which we have all heard about in the paper and on the news, and was promoted to captain in November of 2010, where he was assigned to the U-28A aircraft.

November proved to be one to celebrate, as Nick married the love of his

life, Ashley, the same month as his promotion. Nick spread the happiness he found in both his marriage and life through his involvement with organizations such as Alaska's Healing Hearts, a nonprofit organization enabling disabled military veterans to participate in outdoor activities.

Nick was serving on his fifth deployment in Djibouti, Africa, when an accident occurred while his aircraft was returning from a mission, taking not only his life but three of his fellow comrades. Nick was laid to rest at Forest Lawn Cemetery in his hometown of Newnan, Georgia, following a heartfelt ceremony at First Baptist Church.

Friends of Nick's say he made them proud to be an American and to want to become a better man of God and a better father, better husband, a better son. His wife, Ashley, described Nick as loving, thoughtful, honest, considerate, and generous. He was a true gentleman and a steadfast man of God. They both prayed for God to shape their lives for His purpose so that their blessings would not stop with them but extend to everyone they met.

His parents' love and pride for Nick's unwavering faith, integrity, and intelligence is never ending. They talk often of how, although he was never the smartest, biggest, or fastest, he used every ounce of what he was given to his highest potential. He was physically strong, mentally awake, and morally straight. In the eyes of his wife, family, and friends, there was no finer man or leader than Nick Whitlock.

I am both honored and proud that a soldier from my district served with such courage and conviction. Nick embodied all the qualities of an ideal husband, son, brother, and friend. He was an extraordinary captain, and America has truly lost one of its finest. I am proud to stand here and thank him for sacrificing his life so that my family and I, and everyone else across this great Nation, can live free.

Joan and I extend our deepest sympathies to the family and friends of Nick Whitlock's, and we will never forget the service and sacrifice that he made for our great country.

Nick, we miss you. And until we meet again in the presence of our Lord, I want to use a nice Southern saying: Nick, you done good. Thank you, sir.

NATIONAL TRANSPORTATION POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. This is a photograph from 1956, before we had a national transportation policy in the United States of America; and if the Republicans are successful with their budget and with their vision, this will be the future for the United States of America.

There are a substantial number of Republicans on that side who have drunk the Kool Aid of a guy named Grover Norquist, who says that he wants government so small, he can strangle it in the bathtub, and that we should devolve—devolve—this is interesting—not evolve—devolve transportation to the States. That's right. Our national transportation policy will be set by the 50 different States.

Well, this is 1956, before we had a national transportation policy. This is the brand spanking new Kansas Turnpike. Isn't that beautiful. Well, look where it ends—in a farmer's field in Oklahoma because Oklahoma chose not to build its section, which they had promised to build. That's the way things used to be, and that's the way they want things to be again.

We're now on the precipice of basically walking away from investing in our Nation's infrastructure. There are 150,000 bridges that need replacement or repair in the national system; 40 percent of the pavement needs total replacement, not just an overlay. We have a \$70 billion backlog in our 19th- and 20th-century transportation systems in our major urban areas, in our transit. And that's not even talking about building an efficient 21st-century transportation system to deliver people and goods more efficiently.

And what's their proposal? A 31 percent cut in an already inadequate budget or maybe no money at all. Actually, it's a bit odd. Mr. RYAN's budget, according to the Congressional Budget Office, would not be enough to fund the uncontrollable outlays, i.e., projects already under way by the States for which the Federal Government has contracted to reimburse at the end of the construction of these projects. His budget wouldn't even meet that number. And in terms of authorizing the bill, they decided for the first time in history to make this a partisan issue.

Dwight David Eisenhower, a Republican President, he came up with the idea of a national transportation network. Ronald Reagan put transit into the highway trust fund. They want to take out Ronald Reagan's step of putting transit in the highway trust fund as an interim step before they do away with the program altogether. That's pretty extraordinary stuff. Their vision is that we will go back to this state of affairs in America. We cannot afford that.

Next week or the week after, the temporary highway funding expires. The Senate has passed a bipartisan bill by an overwhelming majority. The Republican leadership has threatened that their right-wing devolutionists will do away with Federal transportation by saying, We might make you vote on that Senate bill. That passes for a threat in the Republican Caucus. We might make you vote on a good bill

that would continue the current system with some improvements for a couple of years—that's what passes for a threat—unless you vote for our crazy H.R. 7, which does away with transit funding and basically dismantles the program over a longer term, or the Ryan budget, which would immediately end the program next year.

But they won't let us vote on that because they know that a bunch of Democrats—just like in the Senate, where Democrats and Republicans came together with an overwhelming majority and passed a transportation bill, they know that would happen here. So they got 80 or so ultraright-wingers who wouldn't vote for it. Big deal. I could match that with 150 Democrats, and we could have a bipartisan bill next week, putting millions of Americans back to work, rebuilding the crumbling infrastructure in this country. But instead, they want to devolve us back to the future.

Smaller government. Smaller government. Yes, that's great, guys. A transportation policy for the United States of America, competing in a world economy, set by the 50 States without funding. What a great vision.

WORLD DOWN SYNDROME DAY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Mrs. McMORRIS RODGERS) for 5 minutes.

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today, on March 21, a very special day, to celebrate the many contributions of those with Down syndrome, also known as trisomy 21. Today, March 21, has been officially designated by the United Nations as World Down Syndrome Day. The date is significant in and of itself because the origins of Down syndrome and the underlying cause is a duplicate 21st chromosome. We are all born with 23 pairs, an X and a Y. Those with Down syndrome have an extra 21st—therefore, three and 21. And today is March 21. The reason it's called Down syndrome is because these characteristics were discovered by a doctor by the name of Dr. Langdon Down. He had a wonderful heart, a caring heart, for those with disabilities; and, therefore, we call it Down syndrome today.

Five years ago, my husband, Brian, and I gave birth to a beautiful little baby boy whose name is Cole, and he was born with that extra 21st chromosome. Cole has given me a whole new perspective for being a mother and also for being a Member of Congress. Cole's birth has given me a whole new purpose for serving in Congress, and he reminds me every day of the significance, the tremendous positive impact that every single person has on this world. And the fact that he has Down syndrome today only makes me more curious as to the impact he's going to

have both on our lives and this world. He is an inspiration, and he makes me a better person.

Through Cole, I've been introduced and welcomed by the disabilities community, a wonderful group of people in America who every day also celebrate the tremendous impact and the potential of every life in this world.

□ 1040

I find myself grateful to so many who have walked this path before me and have improved the opportunities that Cole, as well as anyone with disabilities, is going to have. Today, there's greater opportunities through early intervention, education, advanced education, and lots of opportunities for independent living. However, there's so much more that needs to be done, and so today is my turn to help carry the baton to help work to unleash the potential of all those living with disabilities.

I'm proud to cochair the Congressional Down Syndrome Caucus with Representative PETE SESSIONS, Representative CHRIS VAN HOLLEN, and Delegate ELEANOR HOLMES NORTON. We are committed to working on policies that are going to enhance the quality of life for those living with Down syndrome and other disabilities. It's within the walls of Congress that we will do just that. We're working to pass legislation, hold briefings, and promote policies that will help those with Down syndrome all across the country.

So today is World Down Syndrome Day. A few minutes from now at the United Nations headquarters there's going to be a poem read. It's called, "Welcome to Holland." The author is Emily Perl Kingsley. I thought I wanted to read it to all of you today.

WELCOME TO HOLLAND

I am often asked to describe the experience of raising a child with disability—to try to help people who have not shared that unique experience to understand it, to imagine how it would feel. It's like this:

When you're going to have a baby, it's like planning a fabulous vacation trip—to Italy. You buy a bunch of guidebooks and make your wonderful plans: the Coliseum, the Michelangelo David, the gondolas in Venice. You may learn some handy phrases in Italian. It's all very exciting.

After months of eager anticipation, the day finally arrives. You pack your bags and off you go. Several hours later, the plane lands. The stewardess comes in and says, "Welcome to Holland."

"Holland?" you say. "What do you mean, Holland? I signed up for Italy. I'm supposed to be in Italy. All my life I've dreamed of going to Italy."

But there's been a change in the flight plan. They've landed in Holland and there you must stay.

The important thing is that they haven't taken you to a horrible, disgusting, filthy place, full of pestilence,

famine, and disease. It's just a different place.

So you must go out and buy new guidebooks, and you must learn a whole new language, and you will meet a whole new group of people you would never have met.

It's just a different place. It's slower-paced than Italy, less flashy than Italy. But after you've been there for a while and you catch your breath, you look around, and you begin to notice that Holland has windmills and Holland has tulips. Holland even has Rembrandts.

But everyone you know is busy coming and going from Italy, and they're all bragging about what a wonderful time they had there. And for the rest of your life you will say, "Yes, that's where I was supposed to go. That's what I had planned."

The pain of that will never, ever, ever, ever go away because the loss of that dream is a very, very significant loss. But if you spend your life mourning the fact that you didn't get to go to Italy, you may never be free to enjoy the very special, the very lovely things about Holland.

SUDAN: STOP USING FOOD AS A WEAPON OF MASS STARVATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Madam Speaker, in about 6 weeks, the rainy season will begin in Sudan. Villagers will no longer be able to plant or harvest their crops. The roads will become impassible. It is the time of the year when people live off their harvests, their orchards, and the land. But there is no food in the states of South Kordofan and Blue Nile inside Sudan—not because of drought, not because locusts have destroyed the crops. No, Madam Speaker. This is a deliberate, man-made catastrophe created by Sudanese President Bashir.

For months, Khartoum has been launching rockets and dropping bombs on villages and fields throughout South Kordofan and Blue Nile. The people of the Nuba Mountains, primarily of black African descent, cannot work their fields for fear of being bombed. They hide in caves as bombers and helicopters fly overhead. Rockets bombard their villages. Sudanese soldiers march into their villages, killing, raping, setting fire to their homes, carrying out a "scorched earth" policy.

The people of South Kordofan and Blue Nile are already suffering from malnutrition and a severe shortage of food. Thousands are fleeing south, crossing into the newly independent nation of South Sudan, setting up refugee camps along the northern borders. Mainly women and children, they arrive traumatized, exhausted, and malnourished.

President Bashir has denied humanitarian access to South Kordofan and

Blue Nile for the delivery of desperately needed food aid. He wants no witnesses to his deliberate use of mass starvation as a weapon against his own people. And the clock is ticking, Madam Speaker, because the rainy season is coming soon, and then no one will be able to get food into these areas, but the bombs will continue to fall from the sky.

Take a look at these photographs. The first one is a remarkable satellite image of villages being bombed in South Sudan. You see the Antonov bomber flying north, back towards the Sudanese military airbase. You see the smoke plumes rising up from civilian villages. You see fields and orchards being bombed. These are not military targets, Madam Speaker. There's not even a truck or a pickup that might be used for military purposes. All you see are villages, huts, orchards, and fields. Antonovs don't do precision bombing, Madam Speaker; they just open up the back bay of the airplane and roll out barrels of explosives.

This is an image, Madam Speaker, of the indiscriminate bombing of civilians. This is a war crime. It took place on March 8. And here, Madam Speaker, are the targets of the bombs and rockets: children, Madam Speaker, hiding and starving in caves.

This photo was taken by John Prendergast, of the Enough Project, and George Clooney, who were in South Kordofan on March 8. They saw the planes and rockets striking villages. The satellite picture is from the Satellite Sentinel Project, set up by Mr. Clooney and DigitalGlobe, which has donated millions of dollars of imagery from its satellites in an effort to provide an early warning system for human security in this region of Sudan.

Last Friday, I stood on the steps of the Sudanese Embassy with George Clooney and my House colleagues, Congressman JOHN OLVER, JIM MORAN, and AL GREEN. We were all arrested protesting the humanitarian crisis in Sudan. We were joined by George's father and journalist, Nick Clooney; John Prendergast of the Enough Project; our former colleague Tom Andrews, now with United to End Genocide; Martin Luther King III; Ben Jealous, president of the NAACP; Nicole Lee, president of TransAfrica Forum; Faye Williams, chair of the National Congress of Black Women; Activist Dick Gregory; Rabbis David Saperstein and Steve Gutow; Fred Kramer, with the Jewish World Watch; and Ian Schwab, with American Jewish World Service.

We had a simple message: Let food and humanitarian aid reach the suffering people of South Kordofan and Blue Nile. Stop raping, killing, bombing, and starving innocent women, children, and men.

I commend the Obama administration for pressuring Khartoum to let

food reach these desperate people, but more must be done. I urge the President to engage China at the very highest levels to also demand unfettered access for humanitarian aid.

Madam Speaker, the world must increase the pressure on President Bashir or watch another crime against humanity take place in Sudan. We must not be silent.

□ 1050

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Madam Speaker, I rise again today to highlight the epidemic of rape and sexual assault in the military. This is the 17th time that I've stood here on the House floor to tell the story of a brave member of our military who has been raped or sexually assaulted by a fellow servicemember.

Today I will tell you the story of Elle Helmer, who served at the prestigious Marine Barracks in Washington, D.C., at 8th and I from 2005 to 2006. The Marines who serve here in Washington are known throughout the military as the tip of the sword. They perform ceremonial roles and participate in the silent drill platoon. They are the *creme de la creme*.

You will notice that Elle's story follows the exact same pattern as the dozens of stories I've told before and probably the same pattern of the estimated 19,000 rapes and sexual assaults that occurred in the military in 2010. This is the pattern of the epidemic.

This is Elle's story: The harassment started as soon as she arrived in Washington. Lieutenant Helmer was told that she was selected to be the public affairs officer for the barracks based on her appearance. She was told that Command wanted a good-looking female officer to serve as a "poster child." In addition to her role in public affairs, Lieutenant Helmer was also notified by mail that she was made a sexual assault and response coordinator. No one told her what the role required, and the only thing she knew about the position was that she'd been appointed to do it.

In March of 2005, a captain continually commented on her appearance and began to harass her. He told Lieutenant Helmer that he picked her to be a Public Affairs Officer because she was the "prettiest." He made sexual advances and kept sending her social emails. She spurned his advances and complained to the Marine Barracks' equal opportunity officer, and provided copies of the emails and details about the harassment. The Marine Corps did nothing.

The following year, the Marine Corps named Lieutenant Helmer to serve as

the first female ceremonial parade flanking officer. Part of her responsibilities was to attend a pub crawl for St. Patrick's Day that had been endorsed by the colonel. When she objected to going, her superior, a major, told her it was a mandatory work event. The pub crawl involved a group of Marine officers identified in T-shirts going from bar to bar to bar on Capitol Hill, drinking excessive amounts of alcohol, all paid for by the Marine Corps. Lieutenant Helmer was required to drink shots at the same pace as the large male officers. On those occasions when she drank water to try to keep herself from becoming intoxicated, she was required by her boss to drink an extra shot as punishment.

As a result of the forced consumption of alcohol that night, Lieutenant Helmer became very intoxicated and left to find a cab to go home. Her superior, the major, followed her out and told her that she needed to come with him to his office to discuss a business matter.

When they reached his office, the major tried to kiss her. Lieutenant Helmer resisted, and the major grabbed her, knocking her over and hitting her head against the wall. She lost consciousness at that point.

When she awoke, she found herself lying on the floor in the major's office and was wearing his shorts. The major was found naked from the waist down, passed out on the floor nearby. After Lieutenant Helmer left the major's office, she reported it to her command that she had been raped. Her colonel discouraged her from asking for a rape kit examination, saying it would be "out of his hands." In spite of the colonel's objections, Lieutenant Helmer sought and obtained a rape kit and medical examination.

Despite the medical and circumstantial evidence of the rape, the Navy Criminal Investigative Services initially refused to investigate, claiming Lieutenant Helmer's inability to recall her rape precluded any investigation. After a delay that destroyed the crime scene, the NCIS eventually conducted a very brief investigation and concluded that nothing could be done in light of Lieutenant Helmer's lack of consciousness during the assault.

In addition, the Marine Corps "lost" Helmer's rape kit. Lieutenant Helmer complained to the major's superior. Although that Marine officer admitted the NCIS investigation was "woefully inadequate" and removed the major from his command position, he refused to press charges or take any further steps to punish the rapist. Instead, he told Lieutenant Helmer, "You're from Colorado. You're tough. You need to pick yourself up and dust yourself off." He then remarked, "I can't babysit you all the time."

Instead of the perpetrator being prosecuted, Lt. Helmer became the subject of investigation

and prosecution. She was forced to leave the Marine Corps while her rapist remains a Marine in good standing. Elle, like so many victims I've heard from, report a culture of acceptance and a culture that blames victims. This must stop. We must pass H.R. 3435.

COMMENDING PRESIDENT BARACK OBAMA'S PROPOSALS REGARDING HIGHER EDUCATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from American Samoa (Mr. FALEOMAVAEGA) for 5 minutes.

Mr. FALEOMAVAEGA. Madam Speaker and to my colleagues here in the great Chamber of the people's House, the House of Representatives, I know of no other place in the world, only in America, that a man whose father was a devout Muslim from Kenya, Africa, who was married to a white woman from the great State of Kansas—and with all due respect to our birther friends, this man was born in the great State of Hawaii; this man is none other than Barrack Hussein Obama—could become our President, Madam Speaker, our President of all of the United States of America and its territories.

I want to share with my colleagues one of the most critical issues as advocated seriously by President Obama, and that is in the field of education.

I commend President Obama for his commitment to providing every child in America access to a complete and competitive education all the way from cradle to career.

In recent years, the United States has drastically fallen behind other countries when it comes to education. In the most recent Programme for International Student Assessment Report published in 2009, researchers ranked the performance of 15-year-olds internationally and found that the United States ranked 17th in reading, 24th in science, and 30th in math. To make America competitive once again, Madam Speaker, President Obama has introduced several key initiatives that focus on early childhood education, that reform and invest in K-12 education and restore America's leadership in higher education.

In his first major action of his Presidency, President Obama signed the American Recovery and Reinvestment Act, which makes significant investments in education. The act included \$5 billion for early learning programs as well as programs for children with special needs. The President has also introduced accountability standards for Head Start to ensure that early childhood programs are continuing to deliver quality services. In addition, nine States have also received approximately \$500 million from the Race to the Top-Early Learning Challenge fund to create systems of high quality early learning and development programs.

The President has also set a goal for the United States to have the highest proportion of college graduates in the world by the year 2020. To reach this goal, the President focused on K-12 teaching and learning. The American Recovery and Reinvestment Act provided \$77 billion to strengthen elementary and secondary education, including \$48.6 billion to stabilize State education budgets and to encourage States to ensure that all schools have highly qualified teachers, improve achievement in low-performing schools, and ensure college and career readiness.

The President also has invested to make sure that teachers are supported as professionals in the classroom, while also holding them more accountable. Effective teachers will be rewarded, and States will be encouraged to remove ineffective teachers from the classroom.

The President has also supported innovation in the classroom, such as the expansion of high quality charter schools, investments in the Race to the Top competition between States, and also providing flexibility for States who are looking for greater relief under the No Child Left Behind Act. The President also introduced the "Educate to Innovate" campaign, which is aimed to improve the participation and performance of America's students in science, technology, engineering, and mathematics.

President Obama has also introduced measures to make college more affordable. Under the President's leadership, the maximum Pell Grant amount has been raised to \$5,500. The new "Pay As You Earn" proposal will also give about 1.5 million students the ability to cap their loan payments at 10 percent of their monthly income and allow debt forgiveness balance after 20 years of payments. The President's plan will enable an estimated 6 million students and recent college graduates to consolidate their loans and reduce their interest rates. Colleges and universities will also be rewarded based on their ability to offer relatively lower tuition costs and provide value to especially low-income students.

Madam Speaker, if we prepare America's children with a high quality education, we enable them to succeed in today's global economy. Furthermore, our ability to educate America's children will determine the economic competitiveness of our great Nation. And as our President has recently stated, no issue will have a bigger impact on the future performance of our economy than education.

Once again, Madam Speaker, I commend President Obama for his commitment to helping our children succeed from cradle to career. I thank him for his bold leadership and vision for the future of our children and our great Nation.

□ 1100

HONORING MONICA PEARSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. LEWIS) for 5 minutes.

Mr. LEWIS of Georgia. Madam Speaker, for more than 30 years, Monica Pearson has been a voice of WSB-TV, the Atlanta ABC station. She is a sensitive, caring individual, and one of the most loved and admired television anchors in the Nation. You can always see her out in Metro Atlanta somewhere, serving and sharing, giving back to the community of people who have supported her for many, many years.

When Monica delivers the news, people believe it because they believe in her, and they know she believes in them. She didn't just read the news, but as a member of a community she tried to discover the truth, and we trusted what she said. Though she may be leaving the airwaves, she is not retiring from her involvement in our city, our State, and our Nation.

I wish Monica and her husband, John, the very best. We love her. She's been good for our city, for our State, and for our Nation.

A TRIBUTE TO MONICA KAUFMAN PEARSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Madam Speaker, today I rise in tribute to retiring WSB-TV anchor Monica Kaufman Pearson, who brought Atlanta the evening news for almost four decades.

Before I go into that, something is compelling me to extol the virtues of a glass of cold iced tea in the middle of the day. After a hard morning at work outside and you come in for your meal, for your lunch, and you enjoy that lunch with a glass of iced tea, it's a Southern tradition, and I want to use that in talking about Monica Pearson.

Monica is the recipient of numerous awards, including more than 35 Emmys. She broke the color barrier and the gender barrier by becoming the first black female to serve as evening news anchor in the Atlanta broadcast market. She is known for her commitment to excellence, her commitment to professionalism, and also for her optimism and her compassion.

She is also known for sharing her talents by mentoring aspiring female news anchors across the Nation. It was Marian Pittman, news director of WSB-TV who worked with Monica for more than 15 years, who said, "Monica is to WSB what sweet tea is to Atlanta."

Yes, she was a quenching force when she arrived in Atlanta. It was at a time where Atlanta had recently elected a blunt-spoken man of action, Mayor

Jackson, as the mayor of Atlanta. It was a time of transformation. At those kinds of periods you have a lot of turmoil going on among people—one group losing control, the other group taking control. They were difficult moments during that time politically, and people were polarized and divided. Then Monica arrived on the scene, a young, beautiful, personable, non-threatening, cheerful person. WSB-TV did something that was revolutionary: they made her the first African American and the first female to have that evening news slot. And boy, I'll tell you, you're talking about a glass of iced tea in a hot time, that's what she was.

Monica was so enthusiastic—she still is—upbeat, and she just lit up the TV screens. I personally just couldn't keep my eyes off of her. She was so cheerful. Her laugh and her smile are still infectious. She continues to light up Atlanta. She created and hosted one of the most remarkable interview programs in the Nation—"Monica Pearson Closeups." She interviewed world leaders, elected officials, and celebrities. Many of the people that she interviewed were just astonished at the depth of her preparation for the interviews.

While we are all wishing her God-speed in her well-deserved retirement, we can take heart that she will continue to be a fixture on the Atlanta scene, always ready with a smile and an insightful word.

Monica Pearson is and will remain an Atlanta treasure and a glass of good, cold iced tea.

AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. SARBANES) for 5 minutes.

Mr. SARBANES. Madam Speaker, this week, we're marking the second anniversary of the passage of the Affordable Care Act. I wanted to take a few minutes to speak to a number of groups that have benefited from the health care reform, a reform which I strongly supported.

If you think back to the time of the debate 2 years ago, it was at the height of hearing stories about people across the country, millions of people, who were struggling to access the health care system. So let me speak to the struggles of two or three particular groups.

Many adults across the country had had the experience of trying to get health care coverage, health care insurance, and discovering that because they had a "preexisting condition," as it's so called, that they would be denied that coverage. If you look at some of the policies even today, you can see that the list of preexisting conditions is a long one. You don't have to have

some kind of exotic disease or condition. Diabetes, hypertension, other things that plague millions of Americans across the country could be the basis for an insurance company denying coverage to you.

As difficult as that experience was for many adults to have when they went to try to purchase coverage because they had a preexisting condition, the most heart-wrenching stories we heard were of parents who had a child that suffered from a preexisting condition, and that child was unable to get health insurance coverage. It literally was tearing the hearts out of families across this country. One of the things that the Affordable Care Act put in place was a prohibition against denying coverage for children based on a preexisting condition. That is now law as a result of the Affordable Care Act.

Those who argue that we should repeal the Affordable Care Act, I cannot believe that they want to go back to a time when a family would have to look at their child who had a preexisting condition and know that they couldn't get coverage, couldn't provide health care for that child. I can't believe that we want to go back to that.

A second group that benefited are young people, many of whom after they graduated from college could no longer stay on the health insurance plan of their parents because it wasn't provided for. Under the Affordable Care Act, if you're a young person, you can now stay on your parents' health insurance plan until age 26.

□ 1110

This is making a huge difference for millions of Americans across the country. Already hundreds of thousands have taken advantage of the opportunity to stay on the insurance plan of their parents, which means that young people, many of whom think that they're invincible but then something happens to them and they need that health insurance coverage, now they'll have it. It's still in place because, under the Affordable Care Act, there's now a requirement that health insurance plans cover young people until age 26.

I cannot believe that those who want to repeal the Affordable Care Act want to go back to a situation where millions of young people can't access that health insurance coverage.

And let me talk about the third group, our seniors who, 2 years ago, were dealing with the situation of having to come out of pocket for prescription drugs because of the so-called doughnut hole under the prescription drug benefit program. Under the Affordable Care Act, we put in place the opportunity now to begin closing the doughnut hole and making sure that seniors who are in the doughnut hole have access to a 50 percent discount on prescription drugs, brand-name prescription drugs.

So now our seniors, many of whom before were having to make a choice between do I cover the cost of food, do I pay the rent, or do I cover the cost of my prescription drugs because they were having to come out of pocket, now, many of them don't have to make that terrible choice because of the assistance provided by the Affordable Care Act.

I cannot believe that those who are urging the repeal of health care reform want to take our seniors back to a place where they have to make that terrible choice between whether to cover the rent, buy food, or pay for their prescription drugs.

Madam Speaker, there are so many good things already in place as a result of the health care reform, and I cannot believe that those who want to repeal it want to deny our children, want to deny our young people, want to deny our seniors the benefits that it provides.

JUSTICE FOR TRAYVON MARTIN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WILSON) for 5 minutes.

Ms. WILSON of Florida. Madam Speaker, Trayvon Martin was a 17-year-old young boy who lived in my district and attended school within walking distance of my home. I have known his family most of my life, and they are pleading, begging, crying for justice. The whole city of Miami is pleading for justice as they try to remain calm.

Every day, every day I will come to this floor and announce to America how long justice for Trayvon Martin has been delayed by using this charge.

Today marks the 25th day. Trayvon Martin was murdered 25 days ago, and still there has been no arrest. The evidence is overwhelming. Every single day new evidence emerges, and still there is no arrest.

To date, the FBI, the DOJ, the Florida Department of Law Enforcement, FDLE, and the State Attorney's Office are all involved in investigations surrounding his death. And still there has been no arrest.

What does it take? What more does it take?

The eyes of people pleading for justice in this Congress and everywhere I go are watching Sanford, Florida. The grand jury has been selected, and the grand jury is not reflective of Trayvon's family nor Trayvon. That must be corrected immediately.

I've heard from Trayvon's family. I've heard from his brother, his uncle, his classmates, his teachers, community leaders, the school superintendent. I even spoke to his mother again late last night. Everyone is calling for justice.

What happened to Trayvon was a classic example of racial profiling,

quickly followed by murder of our dear, sweet Trayvon Martin.

Do you know that it took 3 days, 3 whole days, for the police to release Trayvon's body from the morgue to be shipped to Miami for burial and the funeral simply because the Police Department would not submit the necessary paperwork?

Sanford Police, do your duty. Arrest the murderer today. Twenty-five days is much too long.

We must stand up for justice. We must stand up for Trayvon. And we must stand up for our children.

JUSTICE FOR TRAYVON MARTIN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. BROWN) for 5 minutes.

Ms. BROWN of Florida. Before I begin, let me just mention that today, visiting us in the Capitol, is the former mayor of Jacksonville, Mr. Peyton, and I want to welcome him to his Capitol.

I want to thank the gentlewoman from Miami for her comments and, really, all of our colleagues from both sides of the aisle.

This is a very tough time for us, being the Representative from Sanford, Florida.

I want to commend, first of all, the mayor, Mayor Triplett, and the county commissioner, Ms. Williams, and the city manager. We met Friday for over 5 hours, discussing what we could do to bring some kind of clarity to this situation.

This is a tragic situation. In having met with the family, met with the mother, it was very, very difficult to talk with the mother and father and know that I truly feel that justice has not taken place.

In the society that we live in, it's very important that we have to feel that the criminal justice system is fair and is fair to all parties. I cannot stand before you today and say that I feel that the system has operated fairly.

One of the first things I asked to happen is that there be an arrest. Well, we don't have an arrest. It's 25 days.

The second thing I asked is that we release the tapes, and we have released the 911 tapes. I've got to tell you, it has taken on a life of its own, because the things that were told to me in the meeting are not the things that were reflected in the tapes.

So you have the media looking into it, and I call them the fourth branch of the government. They can verify what's on the tapes. They can verify whether or not you would take someone's comment as to what they said happened when this young man is not there to tell his side of the story.

We have a person that everyone talks about was over the Neighborhood Watch. I want to point out, self-appointed over the Neighborhood Watch—self-appointed. That means, was not trained.

Clearly, if you listen to the tapes, the police dispatcher told him to stand down. Less than 5 minutes later, this young man was dead. He was just walking at the time. He was a black African American that on the tape said looked suspicious. It was raining, and you're looking suspicious in a neighborhood when just walking on the sidewalk.

He started following him, and the dispatcher said clearly, more than once: We need you not to follow this young man. We are on the way. We will handle it.

Less than 5 minutes later, this young man is dead.

This is not acceptable in this society. I have asked that the Justice Department—and I want to thank all of the tri-caucuses for weighing in on the importance of having an independent investigation, and that's the Justice Department. They've committed that there will be no stones unturned and that they will look into what has happened as far as the violation of his civil rights, whether it's a hate crime. But, in addition, we want to make sure that we have an independent review of how the police force has handled this situation.

□ 1120

I have some grave concerns when I discuss some of the things that have happened. For example, he was drug tested. He was tested. He had alcohol in his system. Yet, the person that did the shooting was not tested in any manner—no drug tests, no alcohol tests, no lie detector tests. It is just his word that he felt threatened. So, therefore, he shot to kill. That's unacceptable.

We are a better society than that, and we are going to work to make sure that this will never happen again. To whom God has given much, much is expected.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at noon.

PRAYER

Reverend Dr. Carl Hickerson, Springfield Baptist Church, Washington, D.C., offered the following prayer:

O God, we confess our hope for the future is challenged by present circumstances. As we read or watch the news, our faith often falters.

Thank you, God, for examples of steadfastness and belief in the future. We thank You for people who plant trees though they may not live to enjoy them. We thank You for public servants and grassroots folks who struggle to preserve our society so that our children and grandchildren may inherit an inhabitable world.

We know, O God, that all people who believe and hope for the future are not necessarily doing it in Your name; but we acknowledge them as Yours, and we pray that You help us, each of us, to join their ranks.

Restore our faith. Remind us that You are our hope. For the sake of Him who died young so that we all might have a future, we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of North Carolina. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of North Carolina. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Ms. SLAUGHTER) come forward and lead the House in the Pledge of Allegiance.

Ms. SLAUGHTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

CONGRATULATING MONICA KAUFMAN

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, great communities are made up of wonderful people, and Atlanta is a great community.

Monica Kaufman has been an integral champion in making Atlanta a great community. For nearly 40 years, she's been an anchor on WSB-TV in Atlanta. Now, sadly, she's retiring.

From her warm smile, to her anxiously anticipated hair style, to her passion and her warmth for our beloved metro Atlanta, we all love Monica Kaufman. What a great champion of goodwill, southern charm, and spirit she has been.

And for all the wonderful work she's given to our region and our State and our Nation, Monica, we love you, and we wish you Godspeed in your future activities and your future happiness.

HAZING HEARING

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. A year ago, on April 3, on a Marine base in Afghanistan, Harry Lew was the victim of hazing. He was punched and kicked by his peers as they poured the contents of a sandbag over his face and mouth. This physical torture and hazing lasted a full 3 hours and 20 minutes. Twenty-two minutes after his abusers stopped, Harry killed himself. He was my nephew.

The perpetrators were let off with virtually no punishment. That is why, for months after his death, I have been calling for congressional hearings to look into the prevalence of hazing in the military. The military must implement a zero tolerance policy and must change the culture of hazing that is not only accepted but encouraged.

Tomorrow, almost on the anniversary of his needless and avoidable death, Congress will act. I urge all of you to watch online the Armed Services Committee hearing on hazing in the military.

We can and we must hold the military accountable so no one will ever again have to go through what Harry endured.

WHERE HAVE ALL THE C-130S GONE?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the gulf coast is known for its whip-whirling tropical storms, devastating hurricanes, wildfires, and floods; and whenever such storms hit, C-130 aircraft sweep in from Fort Worth, Texas,

at a moment's notice. They bring life-saving supplies and cargo to rescue civilians. The C-130s have carried out 423 gulf storm response missions, evacuated 300 storm victims, and transported over 900 tons of emergency supplies to the gulf region alone.

But, Madam Speaker, for some reason, the Air Force wants to remove the C-130s from Texas and send them to Montana. Madam Speaker, when is the last time you heard of a hurricane in Montana?

The expensive, unwise transfer of the C-130s would cost taxpayers \$100 million.

The C-130s have come to the rescue in Hurricanes Katrina, Rita, Ike, and Gustav. When I served in a C-130 unit at Houston's Ellington Field in the seventies, I came to know how efficient these aircraft are. That's why they are nicknamed the "Hercules."

Keep these lifesaving planes in the gulf where they are needed. Don't send them to Montana.

And that's just the way it is.

COMMEMORATING THE 51ST ANNIVERSARY OF THE PEACE CORPS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise to commemorate the 51st anniversary of the United States Peace Corps.

Since its founding in 1961, the Peace Corps has sent 200,000 American men and women to serve in 139 countries. Among the 9,000 serving around the world today are residents of Rhode Island's First Congressional District: Sara Chace, Jenna de St. Jorre, Andrew Egan, Frank Hoder, Daniel Malin, Peter Pagonis, and Daniel Restivo.

Peace Corps volunteers create new opportunities, expand development, and encourage progress around the world. Year after year, these selfless men and women immerse themselves in the day-to-day life of a developing nation, connect with local residents, and work with them to share information. With the implementation of new policies this year for the Peace Corps Response program, even more volunteers will be eligible to help those most in need.

I applaud the Peace Corps for its accomplishments, and offer my thanks to the dedicated volunteers that make it so successful, and I thank them for the difference they're making in the world.

TRUE COSTS OF OBAMACARE ARE EXPOSED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, during the President's effort to lobby for the government

takeover of health care, he promised the American people his proposal would cost \$940 billion and “won’t add a dime to the deficit and is paid for upfront.”

The Washington Examiner editorialized last week the President “knew the funny numbers his administration was putting out,” but delivered a speech with blunders anyway.

Last week, the Congressional Budget Office released a report stating that ObamaCare will cost \$1.76 trillion, a figure almost double the initial price tag that he promised.

Based on these reports, it is clear that the false claims are being exposed. House Republicans have already voted to repeal the unconstitutional government takeover of health care, which the NFIB has said it will destroy 1.6 million jobs. The Senate now needs to vote.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

WOMEN’S HEALTH WEDNESDAY: AFFORDABLE CARE ACT’S BENEFITS FITS FOR WOMEN

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas, Madam Speaker, for decades, women in this country have unfairly borne the burden of excessive health care costs. Fortunately, through the Affordable Care Act, millions of women no longer have to worry about going bankrupt if they get sick.

The Affordable Care Act ensures that being a woman will no longer be treated as a preexisting condition. The Affordable Care Act bans insurance companies from requiring women to obtain a referral for access to necessary OB/GYN care and bans insurance companies from dropping women when they get sick or pregnant.

Despite these accomplishments in women’s health, the war on women continues in Texas. Governor Perry’s political decision to forgo nearly \$40 million in Federal funding for the Texas Medicaid Women’s Health Program will leave 130,000 women without access to preventative health services.

Despite these obstacles, I will continue to fight for the increased access to quality health care for women in Texas.

□ 1210

PROTECTING ACCESS TO HEALTHCARE ACT

(Mr. BASS of New Hampshire asked and was given permission to address the House for 1 minute.)

Mr. BASS of New Hampshire. Madam Speaker, today the Congress will take up H.R. 5, Protecting Access to

Healthcare Act. Amongst other things, this bill will repeal the Independent Payment Advisory Board, one of the many ill-conceived provisions that was part of the so-called Affordable Care Act. This independent advisory board basically has charged 15 unelected individuals with making decisions about what’s covered for both patients below the age of 65 and Medicare recipients. It is the Affordable Care Act’s way of reducing costs, i.e., telling doctors and patients what they can do and what they can’t do. Fifteen unelected bureaucrats in Washington, D.C., are going to tell you what you can do. They stand ahead of you and your doctor.

Now, this bill did not make it to the floor last year. It will make it to the floor this year with bipartisan support. It costs \$3.1 billion, which is made up with a tort law reform provision which has been added. But that shows that \$3.1 billion is what’s saved by denying Americans access to health care that they’ve purchased or that they deserve. Join me in repealing the Independent Payment Advisory Board.

HEALTH CARE REFORM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, I thank the gentlewoman from New York for yielding time. I’m proud to stand with her and with other Democratic Members in support of women’s access to comprehensive, affordable health care, access that was greatly expanded by the Affordable Care Act which passed 2 years ago this week and which my Republican colleagues want to repeal.

Thanks to health care reform, over 13 million previously uninsured women will gain access to health insurance. Thanks to health reform, insurance companies will no longer be allowed to discriminate against women by charging them higher premiums than men for the same exact policy or by denying them coverage altogether simply because they are women. Thanks to health care reform, millions of women with private insurance will no longer have to pay for preventive services like mammograms, cervical cancer screening, contraception, and a host of other services.

As a dad of three daughters, as a grandfather of two granddaughters, and as a great grandfather of one great granddaughter, I am glad we did that. And thanks to the Affordable Care Act, preventive services are already free for Medicare beneficiaries.

If I had the time, I’d say the other benefits of this bill that we ought to keep, and I will not join my friend from New Hampshire in trying to repeal a provision of this act.

PAYING TRIBUTE TO MONICA PEARSON

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. I rise today to give a tribute to a friend, a television broadcast icon, the talented and eloquent Monica Kaufman Pearson.

In 1975, Monica became the first African American, in fact, the first female, to anchor a daily evening newscast in Atlantic. Years later, it was revealed that she beat out Jane Pauley and Oprah Winfrey for the coveted position. And just like these high-profile women, Monica has risen to achieve extraordinary success.

For her diligent reporting and superb storytelling, she has won 30 Emmy Awards and numerous honors. However, Monica does not simply report the evening news. I can confidently say that she is one of Georgia’s finest. Throughout the years, she has lent her voice to efforts and charitable causes within her community, living out her motto: It’s what you do with what you have that makes you what you are.

On behalf of the United States Congress, it is my privilege to honor America’s and Atlanta’s top news leader, Monica Kaufman Pearson, for her outstanding career and significant contributions to broadcast journalism.

We love you, Monica, and we’ll miss you. God bless you.

THE AFFORDABLE CARE ACT

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Madam Speaker, I rise today to support the provisions in the Affordable Care Act that close the gender gap in health care. Beginning in 2014, health insurers cannot charge women more just because of their gender. Health insurers cannot deny coverage because of preexisting conditions like having survived cancer or having been pregnant or having been a victim of domestic violence, a condition that is almost as disproportionately experienced by women as pregnancy. And health care will have to cover preventive services like mammograms, screening for cervical cancer and, yes, contraception.

Republicans in Congress are trying to block these and other reforms so that health insurers or employers or Members of Congress can make women’s health and reproduction decisions rather than trust those decisions to women. Madam Speaker, women can make those decisions. They really don’t need help from insurers or employers or politicians or radio talk-show hosts. Women want to make those important personal decisions for themselves, and they should.

PROTECTING ACCESS TO HEALTHCARE ACT

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, I rise to speak in strong support of H.R. 5, the PATH Act, which will fix two of the worst problems with ObamaCare. It repeals the Independent Payment Advisory Board, a group of 15 bureaucrats who will ration health care for seniors on Medicare.

H.R. 5 enacts medical liability reform. Each year, one-fourth of America's doctors are hit with lawsuits, and 90 percent of them are later found innocent. These frivolous lawsuits drive up costs and limit patients' time with their doctors. In 2003, my home State of Texas enacted liability reforms, bringing more than 14,000 new physicians to the Lone Star State. Many of these doctors moved to rural areas, filling a critical gap in care.

Madam Speaker, these reforms have lowered costs and increased access to care in Texas and will do the same for America. I urge my colleagues to listen to the American people and support H.R. 5.

WOMEN'S HEALTH AND THE AFFORDABLE CARE ACT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, among the many beneficial reforms for women in the Affordable Care Act passed 2 years ago this week is an end to the discriminatory practice of gender rating in which individual women are charged more than men for the same coverage. We know for a fact that these sorts of discriminatory policies are not something that insurers would just change on their own.

According to a report that the National Women's Law Center released earlier this week, over 90 percent of the best-selling plans in States that have not already banned gender rating still charge women more than men for the very same coverage. This costs women and their families approximately \$1 billion a year. Because we fought—and we fought hard 2 years ago—gender rating will be a thing of the past in 2014. At long last, a woman's health will be put on equal footing with that of her spouse, her son, or her brother.

This is just one of the many benefits for women in the Affordable Care Act. I could not be more proud to have helped pass this piece of legislation, which will transform women's health in this country.

CONGRATULATING MONICA KAUFMAN PEARSON

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Madam Speaker, I would like to join with my other Georgia colleagues today in congratulating Monica Kaufman Pearson on a distinguished career.

Ms. Pearson, known to most of us that have been watching her for a long time as Monica Kaufman, is retiring after more than 30 years as a "Nightbeat" anchor for WSB-TV's and Channel 2 News in Atlanta.

I, along with many Georgians, have welcomed Ms. Pearson into my home every night while watching the news. Although her retirement is well deserved, she will be missed by us all.

After graduating from the University of Louisville, Ms. Pearson began her career as a reporter for the Louisville Times. Later she took part in the Summer Program for Minority Groups at the Graduate School of Journalism, Columbia University of New York. Before coming to Atlanta, Ms. Pearson worked in the public relations field and as an anchor for WHAS-TV in Louisville.

Even with her retirement, I know she will continue to be a role model for the citizens of Georgia and continue using her helping hands to raise money for charity and local community organizations.

I wish Ms. Pearson the best in her future endeavors.

And, Monica, the nightly news will not be the same without you. Thank you very much.

□ 1220

AFFORDABLE CARE ACT AND WOMEN

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Madam Speaker, 2 years ago, I was really honored to serve as the chair of the House Committee on Rules and bring this historic Affordable Care Act to the House floor. It was one of my proudest moments. I'm standing here today, equally proud to defend that law from the ongoing war on women.

When it comes to health care, women are classified as a preexisting condition. For decades, women have been routinely charged more for health insurance than a man who seeks the very same coverage.

Did you know that if a business employs more women than men, it can choose to raise everybody's premiums, regardless of gender, to cover the higher cost, which is, in their mind, of insuring women?

Women not only pay for standard insurance coverage, but they also pay a separate cost for maternity coverage. In Illinois, a 30-year-old woman must pay \$278 a month and an additional \$270 a month for maternity coverage in case she needs it.

Insurance companies claim that these added costs are because women are more likely to visit doctors, get checkups, take prescription drugs, and have illnesses. Everyone knows that preventative care—everyone but the insurance companies, apparently—saves us money in the long run. We women in the majority of the United States are tired of being second-class citizens.

IPAB

(Mr. CASSIDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASSIDY. Madam Speaker, I'm a doctor. And as a doctor who still treats patients, I understand how important it is to have health care for the millions of Americans who depend upon it, particularly Medicare. Therefore, I fully support the repeal of the Independent Payment Advisory Board, a new government bureaucracy of 15 unelected, unaccountable officials created by the President's health care law.

Now, as it turns out, the IPAB can only save money by slashing payments to physicians, to Medicare Advantage plans and prescription drug plans—things that our seniors depend upon daily. I cannot imagine why my Democrat colleagues support making it more difficult for a senior to obtain the care that she needs and deserves.

The faith that centralized planning of the IPAB will be successful in controlling costs brings to mind Samuel Johnson's quote regarding second marriages: "It is the triumph of hope over experience."

REMEMBERING THE REVEREND MAURICE MOYER

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Madam Speaker, I rise today to remember the Reverend Maurice Moyer, who died Tuesday, March 6, at age 93.

Rev. Moyer was one of Delaware's most respected and beloved citizens, and a prominent civil rights leader.

As president of the Wilmington Branch of the NAACP from 1960 to 1964, Rev. Moyer led the fight for open public accommodations and fair housing. He was part of the 1963 March on Washington, and participated in the voting rights march from Selma to Montgomery in 1965.

Rev. Moyer fought tirelessly for equal rights for all and was an inspiration to everyone who knew him. He did

so much to make Delaware and our country a better place for all of us.

It was a privilege for me to know him personally and to join his family and friends for his 90th birthday party, where we celebrated his incredible life and legacy.

I will always remember Rev. Moyer's broad smile, his strong voice, and his kind heart. My thoughts and prayers go out to his family and friends.

IPAB

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Madam Speaker, I rise today to express my concern with the Independent Payment Advisory Board. This unelected bureaucracy is another example of the extreme flaws in the massive health care overhaul. The power that would be wielded by the IPAB is unprecedented. More troubling, it diminishes the oversight ability of Congress—a fundamental element of our Nation's system of checks and balances.

Many doctors and care providers in my home State of Florida are already unable to accommodate the new Medicare beneficiaries. The IPAB will create further uncertainty and could certainly harm seniors' ability to access care.

Madam Speaker, this health care bill is not working. We hear about major problems from every facet of the health care system, both patients and providers. Repealing the IPAB is an important step in rolling back this deeply flawed and unpopular health care bill.

RYAN BUDGET PLAN

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, I feel as if it's *deja vu* all over again. Just 1 year ago, Washington Republicans proposed a plan to kill Medicare by turning it over to private insurance companies. It passed the House and luckily failed in the Senate.

Now, just 1 year later, Republicans are pushing yet another plan to kill Medicare and devastate Nevada seniors by forcing them to pay thousands more out of their own pockets for health care. Madam Speaker, it was a bad idea for Nevada seniors when it was first proposed, it's a bad idea for Nevada seniors now.

Unfortunately, these are the kinds of priorities we have come to expect from Washington Republicans. Instead of strengthening Medicare, Washington Republicans have spent this year trying to undermine it in order to pay for massive taxpayer giveaways to big oil

companies making billions in profits and tax breaks for corporations who are shipping our jobs overseas. It's a matter of getting our priorities straight, and the Republicans in Washington just don't get it.

We need to put Nevada's seniors first, not Big Oil executives, not Wall Street billionaires. We must focus on creating jobs, not on killing Medicare by turning it over to greedy insurance companies.

MEDICAL MALPRACTICE REFORM

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Madam Speaker, I rise in strong support of H.R. 5, the bill that we're bringing to the floor today to repeal the Independent Payment Advisory Board, this group of 15 unelected bureaucrats here in Washington, D.C., that, under the President's health care law, would be able to ration care for our Nation's seniors.

I think most hardworking American families out there would much rather the decisions on health care to be made between a patient and a doctor, not some unelected bureaucrats to be allowed to ration our grandmother's care. So that's why we're repealing this law. Hopefully, it's going to be sent over to the Senate, and we'll finally be able to get some good bipartisan support over there.

As part of this reform, we are also not just repealing, we're replacing with real commonsense medical liability reform. This is something that should have been in the President's law, but of course his law wasn't about reform; it was about a government takeover. We are actually putting in place legislation that would put commonsense medical liability reform in place.

According to the Harvard School of Public Health, 40 percent of medical malpractice suits filed in the United States are "without merit." Well, what does that do? That dramatically increases the cost of health care because so many doctors out there will tell you that many of the tests they run on us are not because of our health, to look at health outcomes; it's to avoid frivolous lawsuits. We finally addressed that, lowering the costs and improving quality of care.

WAR ON WOMEN'S HEALTH

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, over the past several months, we have seen Republicans wage war on women's health. Nowhere can the Republican zeal for limiting women's access to affordable quality health care be seen more clearly than in their attempt to dismantle the Affordable Care Act.

Improving health care has long been a priority for women, reflecting their experiences as patients, mothers, and caregivers. For decades insurance companies have been able to deny coverage and charge higher rates for women simply because of their gender. Thanks to the Affordable Care Act—the greatest advancement for women's health in a generation—this will no longer be legal. This law moves us closer to the day when essential women's health services are covered, prevention is a priority, and care is coordinated.

On the eve of the 2-year anniversary of the Affordable Care Act, I join my colleagues in protecting health care reform for women, and I rebuke all attempts to continue discriminatory health insurance policies that result in women paying more than men.

□ 1230

THE HEALTH ACT OF 2011

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Madam Speaker, I rise in support of H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare Act of 2012, which also contains H.R. 452, the Medicare Decisions Accountability Act of 2012. I'm a co-sponsor of both of these very important pieces of legislation.

The Independent Payment Advisory Board, IPAB, must be repealed, as this board will have extremely negative consequences on American families' health care. This board of unelected members will be making decisions for tens of thousands of Medicare patients. The power to control the purse strings will give enormous power to control what type of care a patient receives. I strongly believe that physicians and patients are in the best position to decide their own health care, and IPAB must be repealed.

In addition, the HEALTH Act is absolutely needed. I've been working on medical malpractice issues since my time in the Ohio General Assembly when we passed successful tort reform. The current system is broken and places a \$210 billion burden on our Nation's health system each year. H.R. 5 will bring savings for patients and doctors, and is an important step in helping to make sure our Medicare liability system works in this country.

I support both bills.

BENEFITS OF THE AFFORDABLE CARE ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise to recognize the ways that young people in my congressional district and

around the country are benefiting from the Affordable Care Act.

Before health reform, young adults were the age group most likely to be uninsured, losing their coverage right after they left home and entered the workforce; but thanks to the health reform law, 2½ million young people, including nearly 10,000 in my communities, now have health insurance. And some of them have reached out to tell us how the law is working for them and for their families.

Jamie from Santa Barbara wrote:

I got back on my parents' insurance and was finally able to visit the dentist and get a new prescription for eyeglasses that I desperately needed.

Maria from Oxnard says:

As a recent graduate, I felt completely vulnerable. With health care reform, I am now able to stay with my parents' health insurance, which has given me peace of mind while I search for employment.

Madam Speaker, health reform is working for young people on California's central coast. We must ensure the law stays strong to keep them and their families healthy, and I'll say the same for this entire Nation.

HONORING THE 40TH ANNIVERSARY OF TAN HOLDINGS CORPORATION

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Madam Speaker, 40 years ago, Dr. Tan Siu Lin founded what is known as Tan Holdings, the largest private employer in the Northern Mariana Islands.

Over four decades, Dr. Tan, together with his wife and their children, nurtured their small, homegrown business into an international powerhouse. Tan Holdings has become one of the region's most important tourism businesses, with hotels, booking agencies, and, soon, an airline, Saipan Air. The company also provides personal and corporate insurance, distributes some of the world's best known consumer goods in our islands, is active in real estate, and publishes a newspaper.

In addition to these business accomplishments, Tan Holdings has established the Tan Siu Lin Foundation, which has donated millions of dollars to deserving causes and activities in our islands, setting an example of social responsibility.

Please join me in congratulating Tan Holdings for its 40 years helping to build the economy of the Northern Mariana Islands and economies throughout Micronesia.

THE AFFORDABLE CARE ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Madam Speaker, in the 2 years since its enactment, the Affordable Care Act has truly improved health care for families in Maine:

It has given 190,000 seniors access to free preventative care and saved them over \$5 million in prescription drug costs; it has allowed 7,000 young adults to stay on their parents' insurance; and, in Maine, it has helped 1,300 small businesses provide their employees with health coverage.

More critical benefits are on the way, including banning insurance companies from charging women more simply because of their gender.

Yet here we are again, debating how to undo these successes, debating how to block women's access to contraceptives, and, this week, considering proposals to dismantle Medicare and shift the cost back to seniors.

This must stop. We can't afford to go back to the status quo—denying women equal access to care, or telling seniors they're on their own, or letting families go bankrupt just because someone got sick.

We must let the Affordable Care Act stand so more Americans have the chance to reap the benefits of true health care reform.

DO NOT TURN THE CLOCK BACK

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, it's been about 236 years since we declared independence, but it's only been 92 years since women could vote. We have fought for equality, fighting our way from being second-class citizens. One such battle is the discrimination in health care.

For so long, insurance companies have denied coverage for preexisting conditions like pregnancy, breast cancer, C-sections, and domestic abuse. Ninety percent of the best-selling plans charge women more. Some plans require women to even get a pre-authorization before they can seek OB-GYN services.

From 2014, that will not be the case because of the Affordable Care Act. But just a few months ago, efforts by Republicans were to block contraception. Now the attempts are to repeal the Affordable Care Act. This is the act that's been the great equalizer for women and children.

Don't let them turn the clock back. We should not have to do another hundred years of battle for equality.

THE CRISIS IN KORDOFAN AND BLUE NILE

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Madam Speaker, today, in Sudan, tens of thousands of men, women, and children are huddled in caves in the Nuba Mountains of South Kordofan and at Blue Nile state, where they're hiding from aerial bombardment and rocket attacks unleashed by the Sudanese Government in Khartoum.

They have nothing to eat because they've not been able to plant crops this year. And although the world stands ready to provide lifesaving assistance, that same government in Khartoum refuses to allow them access to it. When the rainy season descends on Sudan in the coming weeks, it will be too late to get food in and these people will face starvation.

Madam Speaker, for decades, this Congress and successive U.S. administrations have expressed the will of the American people that we will not allow so many innocent people to die in a struggle for land and power.

I ask my colleagues to condemn the Sudanese Government's assault on innocent people and denounce President Omar al-Bashir's decision to use food as a weapon of war.

We have little economic or political interest in this situation, but we do have a profound moral obligation to speak out. Khartoum must withdraw its armed forces, stop attacking civilians, and allow humanitarian access immediately.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. NUGENT. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 108, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 108

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 19, 2012, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. NUGENT. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

□ 1240

UNITED STATES MARSHALS SERVICE
225TH ANNIVERSARY
COMMEMORATIVE COIN ACT

Mr. STIVERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

At the end, add the following:

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government;

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. STIVERS) and the gentleman from North Carolina (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. STIVERS. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STIVERS. I yield myself as much time as I may consume.

I rise today to urge the House to concur in two minor amendments made by the Senate to H.R. 886, introduced by the gentleman from Arkansas (Mr. WOMACK) and passed by the House last December with more than 300 cosponsors.

The amendments, which are unobjectionable, merely certify that the coins produced under the program outlined in the bill will comply with existing law requiring that they be produced at no cost to the taxpayers.

Madam Speaker, 112 Congresses ago, during the first session of the first Congress, George Washington signed into law the Judiciary Act and appointed the first 13 men who formed the basis for the Nation's first Federal law enforcement agency. The Marshals Service will celebrate its 125th anniversary in 3 years. This legislation authorizes issuance of coins recognizing that anniversary.

Surcharges on the coin sales will generate funds for a number of law enforcement-related entities, primarily the U.S. Marshals Museum. I urge adoption of the bill as amended.

I reserve the balance of my time.

Mr. MILLER of North Carolina. Madam Speaker, I yield myself such time as I may consume.

The Offices of the U.S. Marshals and Deputy Marshal were created by the first Congress in the Judiciary Act of 1789, the same legislation that established the Federal judicial system. The marshals were given extensive authority to support the Federal courts within their judicial districts and to carry out all lawful orders issued by judges, by Congress, or by the President.

Their first duty was to support the Federal courts, and they served summons, subpoenas, writs, warrants, and other processes issued by the courts, made any arrests necessary, and handled the prisoners. They disbursed the money. The marshals paid the fees and expenses of the court clerks, the U.S. Attorneys, the jurors, the witnesses. They rented the courtrooms, the jail space, hired the bailiffs, the criers—what we probably would now call a bailiff—the janitors, and on and on. They ensured the courts functioned smoothly. They took care of the details so that the judges and the lawyers could concentrate on the cases before them. They made sure that the water pitchers were filled, the prisoners were present, the jurors were available, and the witnesses were on time.

But that was really only part of what the marshals did.

When George Washington set up his first administration and Congress first convened, they both quickly discovered

a gap in the constitutional design of our government. It had no provision for any administrative structure throughout the country. Both the Congress and the Executive were housed in the Nation's capital, and no agency was established or designed to represent the Federal Government anywhere else. The need for a national organization quickly became apparent.

Congress and the President solved that in part by creating specialized agencies, like customs and revenue collectors to levy taxes and tariffs, but there were still many other jobs in the Federal Government that needed to be done and no one to do them. The only officers available to do it were the marshals and their deputies.

So the marshals were pretty much the Federal Government throughout much of the country, and they pretty much did everything. They took the national census every 10 years until 1870; they distributed Presidential proclamations, collected a variety of statistical information on commerce and manufacturing; they supplied the names of government employees for the national register; and they performed other routine tasks that were really necessary for the central government, the Federal government, to function effectively.

Over the past 200 years, Congress and the President have called on the marshals to do all manner of things: to carry out unusual and extraordinary missions like registering enemy aliens in time of war, capturing fugitive slaves from that lamentable period of our history, sealing the American border against armed expeditions aimed at foreign countries, and swapping spies with the Soviet Union. They remained a law enforcement agency.

Within the last decade, the marshals retrieved North Carolina's, my State's, copy of the Bill of Rights in a sting operation. North Carolina's copy had been stolen by Sherman's men when Sherman's army came through Raleigh after they went through Atlanta and treated Raleigh with the same loving attention and care that they had shown Atlanta. We are proud now to have our copy back and thank the marshals for having done it.

Madam Speaker, I support this deserved honor for our Marshals service.

I reserve the balance of my time.

Mr. STIVERS. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. WOMACK).

Mr. WOMACK. Madam Speaker, I thank the gentleman for his time, and I thank the gentleman from North Carolina for his kind remarks, too.

I want to thank the Speaker of the House and Leader CANTOR and Chairman BACHUS for giving me the honor and privilege of helping shepherd this important piece of legislation through the House.

As was already mentioned in previous remarks, this bill, H.R. 886, passed overwhelmingly through this House with only a single dissenting vote late last year in the first year of the 112th Congress. It's gone over to the Senate, and it's come back with an amendment that simply reassures the American people that none of the production costs or other costs associated with the minting of this coin that commemorates the 225th anniversary of the Marshals service will be borne by the taxpayers.

So it just further assures the discerning public out here that the effort that we're doing today in honoring a great law enforcement agency in the U.S. Marshals Service at the same time does not cost the taxpayers any money. So I urge strong support for this bill, as amended.

Mr. MILLER of North Carolina. Madam Speaker, we have no further speakers.

I yield back the balance of my time.

Mr. STIVERS. Madam Speaker, I have no further speakers. I urge adoption.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. STIVERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 886.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MILLER of North Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 5, PROTECTING ACCESS TO HEALTHCARE ACT

Mr. NUGENT. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 591 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 591

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed six hours equally divided among

and controlled by the respective chairs and ranking minority members of the Committees on Energy and Commerce, the Judiciary, and Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-18 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

□ 1250

Mr. NUGENT. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself as much time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Madam Speaker, I rise today in support of this rule, House Resolution 591.

H. Res. 591 provides a structured rule so that the House may consider H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare Act of 2012. The rule provides for 6 hours of debate on this vital issue.

In my opinion, the HEALTH Act is one of the most imperative pieces of legislation to come to the floor of the House in the 112th Congress thus far.

The bill repeals a particularly egregious part of the government takeover of health care: the Independent Payment Advisory Board, or IPAB.

In case you're not aware, IPAB is the 15-member panel created by ObamaCare to rein in Medicare costs. IPAB is made up of 15 unelected bureaucrats. The majority are not doctors, and their decisions will have the force of law and will go into effect automatically without the consent of Congress. We'll get back to IPAB in a moment.

H.R. 5 also implements long-needed medical malpractice tort reform. I hear all the time that we need to bring down the cost of health care. My colleagues on the other side of the aisle claim that the government takeover of health care would do just that, reduce the cost of health care.

In fact, President Obama claimed it would lower premiums by \$2,500 per family per year. We know that's just not the case. Since inauguration day in 2009, premiums have risen by \$2,213, almost the same amount the President promised he was going to save us. The annual Kaiser Foundation survey of employer-provided insurance found that average family premiums totaled \$12,860 in 2008 and are now \$15,073 in 2011. Moreover, the CBO, the Congressional Budget Office, projects the law's new benefit mandates will force premiums to rise on top of that \$15,000 by \$2,100 per year per family.

Malpractice reform, on the other hand, will most definitely reduce the cost of health care. We've seen what defensive medicine is: CAT scans ordered, antibiotics prescribed, blood tests conducted—not because the doctor thought they were necessary, but because he or she was scared that if they didn't order them they would be sued for not prescribing them.

A Department of Health and Human Services study said that defensive medicine costs between \$70 billion to \$126 billion a year. That's billions. The CBO estimate takes a little more moderate stance, putting that number around \$54 billion. Let me tell you, \$54 billion, \$70 billion, \$126 billion, that's a lot of money in anybody's terms.

I've heard from a lot of folks they are opposing the legislation because it defies States' rights. I have to say I'm particularly surprised to hear so many of my colleagues on the other side making this argument. I'm happy to see they've come to recognize the importance of States' rights and of State sovereignty. I hope that means that we can count on them for their support and efforts in moving forward to take Federal power away from Washington, D.C., and return that power back to the States, where it belongs and where our Founding Fathers envisioned it to be.

I want to take a moment to make it clear to my colleagues on both sides of the aisle why this bill, H.R. 5, does not trample on the rights of our States.

In the modern era, Congress has enacted many Federal tort reform statutes to supersede contrary State laws, including recent Federal tort reform protecting the vital domestic firearms industry, and judicial precedents leave little doubt as to their constitutionality. Even President Reagan, who was an unabashed champion for the States, established a special task force to study the need for tort reform, which concluded that the Federal Government should address tort reform across the board.

I fear that the folks who are claiming the 10th Amendment and States' rights aren't looking at the entirety of H.R. 5. They aren't looking at all of the provisions that make it clear that the caps created in this bill only apply to States that don't already have their own caps.

These provisions—"flexi-cap" they are called—recognize that any State amount on caps takes precedence to this piece of legislation. That means if a State has a billion-dollar cap, good for them, let them keep it. It also means that if a State has a \$100,000 cap, they can keep it, too. If a State decides to pass a law and establish a cap on their own to change their existing cap, they should go ahead and do it because H.R. 5 isn't going to do anything to stop them from doing that.

H.R. 5 clearly ensures that it is a State's right to set its caps where it wants them. I understand that trial lawyers won't like the Federal limit. Luckily, I really worry about the American people as a whole, not just what trial lawyers have to say.

I know this may be speculation, but I think that special interest groups and, perhaps, some of the new converts to the 10th Amendment are hiding behind the States' rights argument because, in fact, they just don't want to see their own profits go down. But I fear that the States' rights discussion is a red herring that only gets us off the most important issue, the issue that I started off with, the Independent Payment Advisory Board. Plain and simple, IPAB is going to cut the health care that our Nation's seniors can receive.

This Medicare-rationing board, which is what this is, will decide the value of medical services and impose price controls that will slash senior access to doctors and other health care providers. We see this happening already.

The Centers for Medicare & Medicaid Services actuary has confirmed that large reductions in Medicare payment rates to physicians would likely have serious implications for beneficiary access to care, utilization, intensity, and the quality of that care. As Donald Berwick, President Obama's appointee as the Medicare administrator, said:

The decision is not whether or not we will ration care. The decision is whether we will ration with our eyes open.

H.R. 5 takes that choice away from Administrator Berwick, from IPAB,

and from President Obama. H.R. 5 sets forth a new way forward, a way that says we don't need Washington bureaucrats, who haven't even practiced medicine, telling us what's best for us.

We need to sit down with our doctors and come up with individual treatment plans, a way that actually does something about health care costs by removing frivolous lawsuits from the equation, a way forward that means States' rights are still protected while also protecting seniors' rights to the best health care options available.

□ 1300

Madam Speaker, I support this rule, and I support the underlying legislation, and I encourage all of my colleagues to do the same.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 5. Not only does this bill overlook the rights of injured patients, but it's also an attempt by the House Republican leadership to dismantle the Affordable Care Act.

I would remind my friend from Florida that there is no example that allows for any of us to have it both ways. This matter violates the Constitution and, clearly, not just for those who argue the 10th Amendment from a conservative or a liberal perspective. It is all of us that feel very strongly that this measure usurps the power of States.

I'm fond of saying what Randy Barnett, constitutional law professor at Georgetown, said, that people seem to be fair-weather federalists, and they abandon federalism whenever it is inconvenient to someone's policy preferences.

H.R. 5 combines two completely unrelated measures. The first one is the reform of our Nation's medical malpractice system. The second one is the repeal of the Independent Payment Advisory Board, which was established by the Affordable Care Act. Please don't get me wrong; I'm fully aware of the challenges inherent to our medical liability system. The excessive cost of medical malpractice insurance faced by physicians seriously impairs our Nation's health care system by encouraging the practice of defensive medicine. This contributes to higher health care costs for both doctors and patients as well as diminished access to care for consumers.

But while I agree that our medical liability system needs to be changed, I do not believe that it should be at the expense of the fundamental rights of patients, including their ability to seek compensation for wrongful injuries. Indeed, this bill imposes an arbitrary and unfair cap on noneconomic damages that injured patients can receive. Such

limitations will extinguish our rights and have devastating consequences for individuals harmed by physicians and medical products.

In addition, this bill seriously encroaches on the 10th Amendment of the Constitution by preempting State laws. And I'm not buying the confusion offered in the Rules Committee yesterday nor by my good friend from Florida. I know preemption when I see it. I know the 10th Amendment, and I know that people have stood for the 10th Amendment. I need not remind my colleagues that countless Republicans have made statements regarding this particular matter not fitting within the framework of the 10th Amendment's commerce provision.

My Republican colleagues like to talk about frivolous lawsuits and unreasonably large jury awards. But I asked the question yesterday of the maker of this particular provision, what is his leg worth? It's easy for us here inside the beltway, and it's easy for us on the Republican or Democratic side, liberal or conservative, to be about the business of talking about somebody's harm. Then what happens is, all of the lawyers that are the bad people of the world, everybody wants the best lawyer when it is them and their problem that is a problem.

I asked the maker of the bill, how much is his leg worth? When you cut off the wrong leg, who can stand among us and say that \$250,000 is enough? So where did that cap come from? It came from a 1978 provision, \$250,000. This is 2011, moving fast with costs rising.

I ask anybody here or that is within the range of this particular measure at this time, please tell me, when did your health care insurance costs go down? I don't know of any example. I have been paying health care insurance for 49 years, and it's gone up repeatedly during that period of time. And I don't care whether there was a Republican President or a Democratic President, health care costs went up, and I don't think that this little measure here is going to bring it down.

What do you think about the family in Chicago whose perfectly healthy baby was born lifeless because the hospital team failed to provide him with proper oxygenation during labor and to perform an emergency cesarean section on the mother? The boy is now 5 years old, suffers from permanent neurological damage, and is totally dependent on the care of his parents for all his daily activities. You ask his parents if \$250,000 is enough for a lifetime of care. Oh, no.

Then you say, well, thrust it on the States. Let Medicaid take care of it. And then what you do under the Ryan budget, my good friend, is you say block-grant Medicaid. I saw that movie in Florida when they block-granted Medicaid, and it was used for everything else other than for poor people. Something is wrong with that movie.

What about the judge in Palm Beach County who had a surgical sponge left in his stomach after having abdominal surgery and had to wait 5 months to have it removed? By then, the pus and bile-stained mass measured more than a foot long and a foot wide, and the rotted part of his intestine had to be removed. Ask him if a lawsuit was frivolous.

Each case and each injury is different. It is not the role of Congress to decide the fate of these individuals and families devastated by malpractice by establishing arbitrary limits on the financial compensation that they are entitled to.

As you all know, the medical malpractice portion of this bill is actually a pay-for, meant to offset the repeal of the Independent Payment Advisory Board, IPAB. IPAB is a board of 15 physicians and experts established by the Affordable Care Act to find ways to control health care costs associated with Medicare.

Under the act, IPAB will make recommendations to slow the growth rate in Medicare spending if spending exceeds a certain target rate. The Congressional Budget Office estimates that the repeal of IPAB would increase direct spending by \$3.1 billion over 10 years—\$3.1 billion. Now is not the time to repeal measures that can save our Nation money and reduce our deficit without offering any substitute, and that's the take-away from this.

My friends say don't do IPAB; and I say to my friends, well, what do you do? And you do nothing. That's what you do, and that's what you've been doing here in the Congress since we came here. We have given "do-nothing Congress" a new meaning. Rather than dealing with jobs, the things that people are completely interested in, rather than passing the infrastructure measure that the Senate has passed that will deal immediately with jobs in America, we are here passing a measure—and it will pass the floor of the House of Representatives—that will go to the Senate and go nowhere. So then what did we do? We did nothing.

The Congressional Budget Office also estimates that, thanks to the cost-saving mechanisms in place in the Affordable Care Act, IPAB will not likely be required to act for the next 10 years.

I heard my colleague, just a minute ago, say that health care costs have gone up since President Obama has been in office. My mom is fond of saying that if we're going to keep pointing back to the other President—if Obama says Bush did it, and Bush says that Clinton did it, and then Clinton said that Bush did it, and Bush said that Nixon did it, and Nixon said that Carter did it—then we could just point back to George Washington and say George Washington did it then and get it all over with rather than continuing this charade before the people, making

them think that somehow or another we have the solution here.

□ 1310

Health care costs have gone up, and they're going to continue to go up until we as men and women in the House of Representatives and in the United States Senate and as the American people sit down and decide that this is a solvable problem which will allow us to address those things that are vital in this country.

The bill is a complete waste of time. It does nothing in addition to going nowhere. It does nothing to help the American people. It contains nothing to improve the affordability and accessibility of health care. And repealing IPAB, if you want to talk about frivolous, that's what frivolous is. Let us give the American people what they really need right now—and that's jobs. How many times do we have to say that down here for people to finally get it?

Frankly, I'm appalled by the hypocrisy of my Republican colleagues who keep stating that Federal spending needs to be kept under control. But at the first opportunity they wind up rejecting one of the most serious tools in place to actually tackle Medicare spending and find ways to make care more affordable.

What are the Republicans offering to replace IPAB? Nothing. Since the beginning of the 112th Congress, the Republican majority has sought to repeal as many provisions of the Affordable Care Act as possible without providing any replacement and absolutely no long-term solution. If we do nothing, Medicare costs will continue to increase, thereby increasing the burden on millions of seniors, disabled individuals, and their families all across this country.

What is the Republican plan? What is the plan? It is to replace Medicare with the new Ryan budget introduced yesterday. It is to replace it with some kind of premium that is nothing but a voucher system that would certainly result in increased costs for seniors and reduced benefits.

The truth is that the Republicans have no plan to reduce Medicare, and I defy them to present it. If you look at the budget that was released yesterday, it's all filled with blank spaces—and I'll fill in the line—nothing, nothing, nothing. So, instead of just repealing IPAB, let us improve it, reform it or replace it. By doing nothing, it's surely not going to fix the problem.

I reserve the balance of my time.

Mr. NUGENT. Madam Speaker, I yield 3 minutes to my fellow member of the Rules Committee, a freshman, ROB WOODALL from Georgia.

Mr. WOODALL. Madam Speaker, I very much appreciate that. I thank my colleague on the Rules Committee for yielding.

I wanted to come down here and talk about the rule. My colleague from Florida has just made a very impassioned case for why he is likely going to be voting "no" on the underlying legislation. If I understood his comments correctly, I'm guessing that it's going to be a "no" vote after we have finished 6 hours of debate on this bill—6 hours of debate—which is the kind of debate that a bill of this nature demands. And I'm very proud that the Rules Committee set aside that kind of time. I was fortunate enough to have one of my amendments made in order by the Rules Committee, as was my friend from Florida, but a lot of Members were not.

I wanted to come down here, Madam Speaker, to speak to the authorizers, the chairmen out there who are sending this legislation to the floor. Because what we have in this House is called the CutGo rule, which says if you bring a bill to the floor that's actually going to do some reducing of the Federal deficit, if you're going to be bold enough in this House to send a bill to the floor that's going to reduce the burden that we're placing on our children and grandchildren everyday, then nothing that happens on the floor of the House as we try to amend that bill will be allowed to reduce that savings.

So when a bill comes to the floor, as this bill has, H.R. 5, that has a very high CutGo number in it, we're in a box. It cannot be amended with different ideas because those ideas are either not germane—germaneness means that it has to be relevant to the underlying legislation—or they can't cut any additional funds. So what we had to do in the Rules Committee yesterday was reject amendment after amendment after amendment that our colleagues offered that we would ordinarily have made in order here on the House floor in what has been the single most open Congress that I have seen in my lifetime. I'm a freshman on the floor of this House, but I've been watching this institution. This is the single most open Congress I've seen in my lifetime, but we were not able to make more amendments in order because they were not germane or they violated CutGo. To the Rules Committee's credit, we did not waive CutGo. We complied with the rules of this House.

But I just say to my friends who are on those authorizing committees, if you want to take advantage of the Rules Committee in this Congress that is providing more opportunity for more debate and more amendment and more discussion than we have seen in decades, you need to be cognizant when you send those bills to the Rules Committee that we are not inclined to waive CutGo—and rightfully so—and we are not inclined to waive the germaneness rules—and rightfully so.

What that means today is we're going to have the narrow discussion,

that my friend from Florida has laid out, on the merits of this bill for over 6 hours today. I want to thank my friend on the Rules Committee for his leadership in bringing such an open rule to the floor, in bringing such an expansive rule to the floor and in genuinely providing the kind of opportunity for debate, even though I disagree with my friend from Florida on his underlying assertions, providing the opportunity for debate the likes of which America has not seen in decades.

Mr. HASTINGS of Florida. Madam Speaker, my friend from Georgia—and he is my friend—pointed out that his amendment was made in order yesterday. I might add, in keeping with the notion if you can't have it both ways, he would strike all the findings. And it seems to me that that's admitting justification for the authority to pass Federal tort reform. But it directly contradicts the same constitutional arguments they will be making next week before the United States Supreme Court in their effort to repeal the Patient Protection and Affordable Care Act, a bill which many of the same conservative lawmakers argue that Congress did not have the constitutional authority to pass.

I am very pleased to yield 3 minutes to my very good friend from New Jersey, a member of the Budget Committee, the distinguished gentleman (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Whether you're a Republican or a Democrat, a liberal or conservative, no matter where you live, I think most people agree that the number one issue confronting our country is the lack of jobs for the American people. It is the central issue of our times, central problem of our times. The American people want us to look forward and work together and solve that problem rather than looking backward and relitigating political debates.

One hundred ninety-five days ago, the President of the United States came to this Chamber and set forth a series of specific ideas to put Americans back to work. One of those ideas was to put construction workers back to work in repairing and building our roads and bridges, building schools, wiring schools for the Internet, and in putting our construction industry and transportation industry back to work. We're going to spend 6 hours debating whether to repeal part of the health care bill—again. We're not going to spend 6 minutes debating a bill that would put our construction workers back to work fixing our roads and bridges.

The Republican leadership of the House is kind of isolated on this because Democrats in the other body voted for a bill to put our construction workers back to work; and Republicans in the other body voted for the same

bill. Three-quarters of the Senate voted for a bill to put our construction workers back to work.

The Democrats are ready to vote for that bill. We introduced a version of that yesterday that says let's do that here, but the House Republican leadership won't put this bill on the floor. So instead what we're going to do is have what are recurring debates about whether to repeal the health care bill.

People feel very strongly about the health care bill, pro and con; but I think most people feel even more strongly it's the wrong thing for us to be talking about right now. If there's a bill that three-quarters of the Senate voted for to put Americans back to work, why don't we vote on that here today? Instead, what we're going to do is vote on repealing part of the bill that talks about a committee that might or might not take action 5 years from now to do something about the way Medicare money is spent.

□ 1320

I think if you said to a Republican or a Democrat, a liberal or a conservative anywhere in this country, What would you like your House of Representatives to be voting on today: a bill that three-quarters of the Senate agreed to to put construction transportation workers back to work, or a bill that will decide whether a body will or won't act 5 years from now on the way Medicare is going to be run? I think we all know the answer to that.

The right thing to do is to oppose this rule and instead put on the floor the Senate transportation bill that three-quarters of the Senate voted for. Let's approve it, let's put it on the President's desk, and let's finally work together to put Americans back to work.

Mr. NUGENT. Madam Speaker, I love the hyperbole. I love my friend from Florida's passionate discourse earlier in this conversation. But he was right. You can't have it both ways.

Here's the problem. In their idea of having it both ways, they talk about medical malpractice as if, if we do nothing, things get better. If we ignore tort reform, things get better. If we ignore tort reform, costs of health care will stay the same. Well, in fact, it hasn't. It continues to rise.

We talk about higher health care costs, but when we talk about that and we talk about IPAB in particular, 15—15—unelected bureaucrats. The maximum number that can be on that panel is seven physicians—seven—so they're outvoted already. They're outvoted 8–7. No matter what they think is the proper care for a patient, they're going to be overridden by eight other bureaucrats that have nothing to do with providing health care to our seniors—not a thing.

It's all going to be about costs. And they're right: that's how you're going

to contain costs, by removing the options for seniors to get the medical care that they deserve and that they need.

This independent panel is a rationing board. It's going to ration health care out because that's the only way that panel can save money for the Affordable Care Act. It was designed that way. It was designed to keep us—the American people that are going to use that service, that medical care—from getting it because physicians, when they get their payments cut, will no longer offer service. So where are we supposed to go? That is rationing. That's taking away service from people that need it the most, from those seniors that have paid into this system for their lifetimes and who are now depending on it to be there when they medically need it the most.

This is about the seniors that are in my district. I have 250,000 seniors, a quarter of a million, that rely upon Medicare. And if we're going to start rationing care to them, I think it's immoral, it's unethical, and it's not the way we should be doing it. We should be doing it by the free market. We should be talking about tort reform. Everybody agrees we need tort reform. Even the gentleman from Florida talked about the high cost of medical malpractice insurance. Well, where does that come from? It doesn't just spring up out of the Earth. It comes up because of a reason: because of the increased cost to provide medical malpractice. And, particularly for doctors, where it drives up the cost of medical care is that defensive medical care. That's what's driving up the cost along with the premiums that they have to pay because of the lack of tort reform.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume, and I will be very brief before yielding to my friend from the Rules Committee.

My friend from Florida says that he appreciates the hyperbole. I hyperbole on occasion when I find that my friends who are taking positions that are going to hurt people require everything from hyperbole to passion to try to get the American people to readily understand. And to demonstrate what I'm talking about, my friend just stood and said that the IPAB board will be rationing. The statute, the provision giving rise to it, if it ever comes into existence in the future, specifically says that they cannot ration. I don't know whether my friend read that provision or not.

But I am pleased to yield 1 minute to my friend on the Rules Committee, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentleman from Florida.

We're in an unusual situation here where the same people on the other side of the aisle who decry the regulation of what insurance providers have

to provide to those they insure across State borders and who want to interfere with our requirement that insurance companies not be allowed to discriminate based on preexisting conditions, on the other hand they say we need to replace the State tort systems, all 50 of them, with one overarching Federal approach with regard to malpractice.

So whereas there is no Federal role in protecting patients from being dropped by their insurers, from preventing insurance companies from excluding individuals because they had childhood asthma, because they're a breast cancer survivor, and in many cases even because they have a child, while there is no Federal role for that, somehow there is a Federal role in micromanaging the way in which somebody who was wrongfully injured by a botched procedure can seek recourse.

I ask my colleagues, not only where is the consistency, but how can we reconcile this with our values as Americans?

Mr. NUGENT. Madam Speaker, I have to agree with my good friend from Florida on one issue, and that's in regard to rationing. You're right, it's not in the act. But if it walks like a duck, quacks like a duck, then it's a duck, because this board, this unelected board, is going to make decisions that Congress can't even touch. This board is going to say, this is the amount of money we will pay for this procedure. It doesn't matter if that's what the procedure costs. It doesn't matter that this doesn't cover the cost of the physician. It doesn't matter that what's going to happen is our physicians are going to refuse to see those patients.

Madam Speaker, that is rationing. Call it what you want. That is rationing when you have an independent board that can make decisions in regard to the cost of services that you're going to make or decisions for you to have services by a particular doctor. We see it already today. In my physician's office it already says, "We do not take new Medicare patients."

It's going to get worse. And this board, while it may not call it "rationing"—I give them great credit for not putting that in the terminology of the Affordable Care Act—it is rationing no matter what you call it.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

I would be happy to yield to my friend just for a moment. So then what you're saying is, the IPAB board, which may bring down costs—and I might add you just said that Congress could not touch it, quoting you—that's not true. Congress could change it as long as it stays within the prescribed limits, and that is simply what the law, itself, says.

But what is the Republican plan? As I understand it from Mr. RYAN's budget

as offered yesterday, it would be a premium system for Medicare. Now you've just said that rationing by any other name or that you know it when it's a duck, and all of that kind of stuff. Well, a voucher by any other name is still a voucher, and you're going to tell me that that's a good system?

I yield to my friend.

Mr. NUGENT. If you look at what the Ryan plan said, it also talks about what we currently have today and that, if you want to keep what you have today in the way of Medicare, you keep it. But if you want to go out and buy your own insurance through a select group, you can do it, just as you can today, in regards to Medicare Advantage, but that's a choice that I can make.

I thank you for giving me the time.

Mr. HASTINGS of Florida. I reclaim my time only to say that you had it right, "select." For example, our Governor in the State of Florida had one of those select provisions, and he's one of those people that wants us to turn everything over.

I happened to have had the good fortune yesterday of having the chairman of Blue Cross Blue Shield visit me, who thinks that this particular measure is something that would be helpful in his industry, but that's something for another day.

Madam Speaker, if we defeat the previous question, I'm going to offer an amendment to the rule to provide that immediately after the House adopts this rule that it bring up H.R. 14, the House companion to the bipartisan Senate transportation bill.

□ 1330

I am pleased now to yield 3 minutes to my good friend, the distinguished gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank my friend from Florida for yielding.

Time and time again over the last several months, we have heard from Republican leadership. We've heard their talk about the highway bill, H.R. 7, and they've talked about it as their principle jobs bill for the 112th Congress. Well, here we are, March 21, 10 days before the expiration of the current extension of the surface transportation bill, and where are we with respect to this incredibly important jobs legislation? We're nowhere. We're absolutely nowhere.

As of today, House Republicans have yet to put forward a credible highway reauthorization that puts Americans back to work. Their only attempt, H.R. 7, the Boehner-Mica authorization, was passed on February 14 in the Transportation Committee—passed on a party-line vote with, in fact, a couple of Republicans voting against it. Then something happened on the way to the floor. On the way to the floor, the Republican leadership realized that they didn't

have the votes on their side of the aisle to pass it.

And what about this bill? Well, Secretary Ray LaHood, a former distinguished Member of this body, Republican from Illinois, current Transportation Secretary, described it as the worst highway bill he's ever seen. He's been in public life for 35 years; he said it was the worst he's ever seen.

The bill was drafted in the dark of night without any Democratic input. Remarkably, it removed transit from the highway trust fund—removed the guaranteed Federal funding that's been in place on a bipartisan basis for 30 years, removed it. It couldn't attract, understandably, a single Democratic vote; but they found out on the way to the floor that they couldn't get enough Republican votes to pass it either.

Now, I'm proud to be offering the Senate bill, MAP-21. We're calling it H.R. 14 here in the House. This bipartisan legislation should refocus the discussion on jobs and economic opportunities rather than the Republican message this week of tearing down Medicare and protecting the 1 percent at the expense of middle class families.

MAP-21, or H.R. 14, represents a bipartisan path forward that makes meaningful reforms and provides certainty to States. MAP-21 passed overwhelmingly in the Senate with a bipartisan majority. As you heard Mr. ANDREWS say, three-quarters of the Senate voted for this bill. It's fully paid for—something that the House Republicans seem unable to come close to achieving—and the MAP-21, H.R. 14, pay-fors are less controversial than the pay-fors in the House Republican bill.

It's been estimated that this bill will save 1.8 million jobs and create up to 1 million more jobs. During a weak economic recovery looking for a jumpstart, why aren't we passing this bill? Why aren't we even debating this bill? Why are we 10 days away from the expiration of the current extension and there is no plan in this House to move forward?

Is H.R. 14 the silver bullet to our surface transportation needs? No, it's not. The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman 1 additional minute.

Mr. BISHOP of New York. I appreciate the gentleman for yielding.

There is no silver bullet when it comes to our infrastructure needs. I, and a great many others, would prefer a 5-year bill; but given the hyper-partisan fashion in which the House Republicans have advanced H.R. 7 and some of the deeply flawed proposals included in their bill, H.R. 14 is the only proposal out there that currently Democrats and Republicans can stand behind. Democrats will not wait around for House Republicans to pander to their base and chase ideological extremes. Americans want jobs and safe roads and safe bridges.

The Senate passed the biggest job-creating bill in this Congress by an overwhelming bipartisan margin. The House has done nothing. Let's get this country moving again by passing H.R. 14 so the President can sign it. Let's create jobs. Let's make it in America, and let's pass this bill.

Mr. NUGENT. Madam Speaker, may I inquire of my good friend from Florida how many more speakers he may have.

Mr. HASTINGS of Florida. I appreciate the gentleman for asking.

Madam Speaker, would you advise both of us how much time each has.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 6 minutes remaining, and the gentleman from Florida (Mr. NUGENT) has 14 minutes.

Mr. HASTINGS of Florida. I have more speakers than I have time; but I know that during that period of time, I'm going to have at least two more speakers and possibly three.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to my good friend, the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Repeal and replace, that's what the Republicans said they will do. Well, what's the replacement? Apparently, it's the Ryan voucher plan, which will stick it to seniors in the future—not too good of a replacement.

But the other thing they're repealing that they don't want to talk about is they're repealing restrictions on age discrimination by the insurance industry. They would be repealing the restrictions on preexisting conditions to discriminate against people—redline them, essentially, by the insurance industry—and they would be repealing the provision of reviewing excessive rate increases which has been already successful in California this year.

So the Republicans have come forward with this one part of the bill. They've already repealed all of ObamaCare, but now they're going to repeal it bit by bit because they don't want to do real things like deal with our transportation system and that.

But there is one particularly objectionable part of this. They're going to pretend that they're taking away the antitrust protection of the insurance industry. Remember, this is an industry that can and does get together and collude to drive up our premiums. And after the Republicans do away with age discrimination, preexisting conditions, and rate increases, the industry is going to have a field day.

So they're pretending that they're going to allow suits against the industry for antitrust violations. Unfortunately, not really. If someone wants to bring a suit, they can't do it as a class action. Well, more than 90 percent of

antitrust suits are brought as class actions. Individuals do not have the resources to take on the insurance industry.

So they're going to take something that in the last Congress was bipartisan—a bill I had to take away, really take away, the antitrust immunity in the insurance industry and give a benefit to all consumers in this country, passed this House by 406-19—and now they're going to fake out, they think, the American people by pretending they're taking on the insurance industry while they're filling their pockets with contributions from them.

Good work, guys.

Mr. NUGENT. Madam Speaker, I'm a little confused because I thought we were talking about other issues than what the gentleman was just speaking to, particularly as relates to IPAB and about tort reform.

I'll be happy to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to my good friend, the distinguished gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. I thank the gentleman for yielding so that I might speak to the House companion bill to MAP-21, or H.R. 14, of which I'm a co-sponsor.

MAP-21, which we call H.R. 14 going forward, will generate jobs, repair roads and bridges, and invest in our infrastructure. This surface transportation authorization bill passed by the Senate with a majority and with bipartisan support.

I come before you today to urge my colleagues to bring this bill forward, H.R. 14, so that we might establish some consistency, unlike what we saw with the FAA reauthorization, consistency for States, for companies, for workers, for projects that need to get done. This bill will maintain current funding levels for highways and public transportation; it will consolidate and streamline highway programs; and will establish a much-needed national freight program, which is something I've been advocating for my entire time in Congress.

This bill will authorize \$1 billion for projects of national significance, which many of us feel in our own particular districts.

H.R. 14 also improves safety, institutes performance measures, and improves accountability for transportation infrastructure investments.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlelady an additional 30 seconds.

Ms. RICHARDSON. Now is the time for swift action by this House on a bipartisan Senate bill that will create and save at least 132,000 jobs in my area alone.

Transportation has always been bipartisan. Let's keep it that way in this House. I urge the support of H.R. 14.

Mr. NUGENT. Madam Speaker, I continue to reserve the balance of my time.

□ 1340

Mr. HASTINGS of Florida. Madam Speaker, would you tell me just how much time I do have.

The SPEAKER pro tempore. The gentleman from Florida has 2½ minutes remaining.

Mr. HASTINGS of Florida. Madam Speaker, I thank my friend for the debate and the time that he's allowed us. I thank all of our colleagues who came here.

This H.R. 5 is going to be devastating to medical malpractice victims. Patients shouldn't have to pay the price for excessive malpractice insurance.

If we want to reform the medical liability system, let us start with addressing insurance costs and physicians' premiums. Let us start with finding strategies to reduce and prevent mistakes and crack down on repeat offenders. Today, 5 percent of all doctors are responsible for 54 percent of malpractice claims paid.

Let's not start with penalizing patients for injuries due to no fault of their own. Let's not give the American people another reason to believe that Congress is out of touch. Thousands of people die each and every year due to medical malpractice. This is not frivolous.

We had 16 of our Members come forward yesterday to offer amendments. We're going to have 6 hours of debate on six, ostensibly, because we, in the Rules Committee who have the power, refused to waive the power to allow those amendments to come in, some that included things such as not being able to allow a child 3 years old who may have a matter that doesn't manifest itself until he or she is 8 be barred because of time constraints, measures that deal with, like the pediatrician in Delaware who raped 100 or more children, babies, and that position would not be allowed for.

I know that one would argue that some lawsuits are frivolous, and they are. I am a lawyer. I am a trial lawyer, and so I clearly support the trial lawyers, so as how that's understood with my bona fides. But when people are dying, that's not frivolous; and, as I said, people want the best lawyer that they can find.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I urge my colleagues to vote "no" and to defeat the previous question. I urge a "no"

vote on the rule, and I do so for the reason that this measure does nothing, is going nowhere, will go to the Senate and will not pass, and everybody in this House knows it.

We have to stop doing nothing and do something for the American people and jobs.

I yield back the balance of my time.

Mr. NUGENT. Madam Speaker, in closing, I appreciate my good friend's confession about being a trial lawyer. I'm not. I'm not an attorney. So what I'm worried about is not how attorneys enrich themselves; I'm worried about the people that I represent, the 250,000-plus that are on Medicare. I'm concerned about them.

You hear from the other side, well, don't worry about it. It could be 5, 10 years from now. Well, you know what? I'm concerned now because why would you have something put in place that's going to ration care to our seniors when they need it the most? That's when they need it the most. We should be advocating for them, not for trial lawyers. We should be here talking about tort reform to lower the cost. If you look at what California did, they're a model. They set up a model program. Their liability insurance for doctors is lower than the average across the board in the United States. This act, the HEALTH Act, is modeled after that.

In regards to the noneconomic damages, limits on contingency fees for lawyers, big one there; about fair share, about proportional, whoever's at fault. It's a proportion of that reference to how the claim gets paid out. And I heard this talked about before: But will the health care act work to reduce health care costs and lower the deficit? According to the CBO, it will. It will be an average of 25 to 30 percent below what it would be under current law, which is IPAB today, 25 to 30 percent less than what the current law, IPAB, calls for.

Is this important? I think the relationship between a patient and a doctor should be between a patient and a doctor and not have a middleman, called the United States Government, stepping in between you to say, "You know what? We don't think that that service deserves a certain level of payment," and by reducing that payment we know that that service is not going to be provided. I truly don't believe that that's where we should be as a government, and I certainly don't believe that we should be in between the patients and their physicians.

I also worry about—and I hear this from docs all the time back in my district—RICH, you know what's going to happen? We're just going to close our doors. Those that are entering the profession, there's less and less because they're concerned about how they're going to make a living, how they're going to pay back those student loans

that they have, because they really want to pay it back. They want to do the right thing. But how are they going to do that if they can't open a practice and if they can't take Medicare patients because this board makes a decision to lower the cost of reimbursement?

We've seen it already. Every time we do a doc fix, we have more and more doctors that are in trouble because of the fact they don't know what tomorrow's going to bring, and I don't want our seniors to worry about what tomorrow is going to bring. I don't want to balance the budget on the back of our seniors. That's not where we need to be.

As we move along here, the reason I stand here today is that I support and I will defend our seniors, which is why I support H.R. 5, because it's common sense.

Like I said, I'm not an attorney. I'm not a lawyer, so I have but one constituency that I worry about at this point on this particular issue, and it is this issue. You put all kinds of other stuff out there about transportation and all these things, but this is the pressing issue today in front of us. The issue is about tort reform. The issue is about IPAB and repealing IPAB so our seniors can have a direct relationship with a physician of their choice, and that's the important part.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 591 OFFERED BY
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text of the bill (H.R. 14) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the *Republican Leadership Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In *Deschler's Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 48 minutes p.m.), the House stood in recess.

□ 1415

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 2 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 591;

Adopting H. Res. 591, if ordered;

Suspending the rules and concurring in the Senate amendment to H.R. 886; and

Agreeing to the Speaker's approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5, PROTECTING ACCESS TO HEALTHCARE ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 591) providing for consideration of the bill (H.R. 5) to im-

prove patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 231, nays 179, answered “present” 1, not voting 20, as follows:

[Roll No. 118]

YEAS—231

Adams	Gardner	Mica
Aderholt	Garrett	Miller (FL)
Akin	Gerlach	Miller (MI)
Alexander	Gibbs	Miller, Gary
Amash	Gibson	Mulvaney
Amodei	Gingrey (GA)	Murphy (PA)
Austria	Gohmert	Myrick
Bachmann	Goodlatte	Neugebauer
Barletta	Gosar	Noem
Bartlett	Gowdy	Nugent
Barton (TX)	Granger	Nunes
Bass (NH)	Graves (GA)	Nunnelee
Benishek	Graves (MO)	Palazzo
Berg	Griffin (AR)	Paulsen
Biggart	Griffith (VA)	Pearce
Bilbray	Grimm	Pence
Bilirakis	Guinta	Petri
Bishop (UT)	Guthrie	Pitts
Black	Hall	Platts
Blackburn	Hanna	Poe (TX)
Bonner	Harper	Pompeo
Boren	Harris	Posey
Boustany	Hartzler	Price (GA)
Brady (TX)	Hastings (WA)	Quayle
Brooks	Hayworth	Rehberg
Broun (GA)	Heck	Reichert
Buchanan	Hensarling	Renacci
Buchson	Herger	Ribble
Buerkle	Herrera Beutler	Rigell
Burgess	Huelskamp	Rivera
Burton (IN)	Huizenga (MI)	Roby
Calvert	Hultgren	Roe (TN)
Camp	Hunter	Rogers (AL)
Campbell	Hurt	Rogers (KY)
Canseco	Issa	Rogers (MI)
Cantor	Jenkins	Rohrabacher
Capito	Johnson (OH)	Rokita
Carter	Johnson, Sam	Rooney
Cassidy	Jones	Ros-Lehtinen
Chabot	Jordan	Roskam
Coble	Kelly	Ross (FL)
Coffman (CO)	King (IA)	Royce
Cole	King (NY)	Runyan
Conaway	Kingston	Ryan (WI)
Cravaack	Kline	Scalise
Crawford	Labrador	Schilling
Crenshaw	Lamborn	Schmidt
Culberson	Lance	Schock
Davis (KY)	Landry	Schweikert
Denham	Lankford	Scott (SC)
Dent	Latham	Scott, Austin
DesJarlais	LaTourette	Sensenbrenner
Diaz-Balart	Latta	Sessions
Dold	Lewis (CA)	Shimkus
Dreier	LoBiondo	Shuster
Duffy	Long	Simpson
Duncan (SC)	Lucas	Smith (NE)
Duncan (TN)	Luetkemeyer	Smith (NJ)
Ellmers	Lummis	Smith (TX)
Emerson	Lungren, Daniel	Southerland
Farenthold	E.	Stearns
Fincher	Mack	Stivers
Fitzpatrick	Matheson	Stutzman
Flake	McCarthy (CA)	Sullivan
Fleischmann	McCaul	Thompson (PA)
Fleming	McClintock	Thornberry
Flores	McCotter	Tiberi
Forbes	McHenry	Tipton
Fortenberry	McKeon	Turner (NY)
Foxx	McKinley	Turner (OH)
Franks (AZ)	McMorris	Upton
Frelinghuysen	Rodgers	Walberg
Galleghy	Meehan	Walden

Walsh (IL)
Webster
West
Westmoreland
Whitfield

Wilson (SC)
Wittman
Wolf
Womack
Woodall

Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—179

Ackerman	Fudge	Pallone
Altmire	Green, Al	Pascarell
Andrews	Green, Gene	Pastor (AZ)
Baca	Grijalva	Pelosi
Baldwin	Gutierrez	Perlmutter
Barrow	Hahn	Peters
Bass (CA)	Hanabusa	Peterson
Becerra	Hastings (FL)	Pingree (ME)
Berkley	Heinrich	Polis
Berman	Higgins	Price (NC)
Bishop (GA)	Himes	Quigley
Bishop (NY)	Hinchee	Rahall
Blumenauer	Hinojosa	Reyes
Bonamici	Hirono	Richardson
Boswell	Hochul	Ross (AR)
Brady (PA)	Holden	Rothman (NJ)
Braley (IA)	Holt	Roybal-Allard
Brown (FL)	Honda	Ruppersberger
Butterfield	Hoyer	Rush
Capps	Israel	Ryan (OH)
Capuano	Jackson Lee	Sánchez, Linda
Carnahan	(TX)	T.
Carney	Johnson, E. B.	Sanchez, Loretta
Carson (IN)	Kaptur	Sarbanes
Castor (FL)	Keating	Schakowsky
Chandler	Kildee	Schiff
Chu	Kind	Schrader
Cicilline	Kissell	Schwartz
Clarke (MI)	Kucinich	Scott (VA)
Clarke (NY)	Langevin	Scott, David
Clay	Larsen (WA)	Serrano
Cleaver	Larson (CT)	Sewell
Clyburn	Levin	Sherman
Cohen	Lewis (GA)	Shuler
Connolly (VA)	Lipinski	Sires
Conyers	Loeback	Slaughter
Cooper	Lofgren, Zoe	Smith (WA)
Costa	Lowey	Speier
Costello	Lujan	Stark
Courtney	Lynch	Sutton
Critz	Maloney	Terry
Crowley	Markey	Thompson (CA)
Cummings	Matsui	Tierney
Davis (CA)	McCarthy (NY)	Tonko
DeFazio	McCollum	Towns
DeGette	McDermott	Tsongas
DeLauro	McGovern	Van Hollen
Deutch	McIntyre	Velázquez
Dicks	McNerney	Visclosky
Dingell	Meeks	Walz (MN)
Doggett	Michaud	Wasserman
Donnelly (IN)	Miller (NC)	Schultz
Doyle	Miller, George	Waters
Edwards	Moore	Watt
Ellison	Moran	Waxman
Engel	Murphy (CT)	Welch
Eshoo	Nadler	Wilson (FL)
Farr	Napolitano	Woolsey
Fattah	Neal	Yarmuth
Finler	Oliver	
Frank (MA)	Owens	

ANSWERED “PRESENT”—1

Johnson (IL)

NOT VOTING—20

Bachus	Gonzalez	Marino
Bono Mack	Jackson (IL)	Olson
Cardoza	Johnson (GA)	Paul
Chaffetz	Kinzing (IL)	Rangel
Cuellar	Lee (CA)	Reed
Davis (IL)	Manzullo	Thompson (MS)
Garamendi	Marchant	

□ 1442

Messrs. CARSON of Indiana, TONKO, PASCRELL, COSTA, LEWIS of Georgia, LARSON of Connecticut, and VAN HOLLEN changed their vote from “yea” to “nay.”

Mrs. HARTZLER, Messrs. COFFMAN of Colorado and PRICE of Georgia changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. REED. Mr. Speaker, on rollcall No. 118 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 182, answered "present" 1, not voting 15, as follows:

[Roll No. 119]

AYES—233

Adams	Fortenberry	Marchant
Aderholt	Fox	Matheson
Akin	Franks (AZ)	McCarthy (CA)
Alexander	Frelinghuysen	McCaul
Amash	Gallegly	McClintock
Amodei	Gardner	McCotter
Austria	Garrett	McHenry
Bachmann	Gerlach	McIntyre
Barletta	Gibbs	McKeon
Bartlett	Gibson	McKinley
Barton (TX)	Gingrey (GA)	McMorris
Bass (NH)	Goodlatte	Rodgers
Benishek	Gosar	Meehan
Berg	Gowdy	Mica
Biggert	Granger	Miller (FL)
Billbray	Graves (GA)	Miller (MI)
Bilirakis	Graves (MO)	Miller, Gary
Bishop (UT)	Griffin (AR)	Mulvaney
Black	Griffith (VA)	Murphy (PA)
Blackburn	Grimm	Myrick
Bonner	Guinta	Neugebauer
Boren	Guthrie	Noem
Boustany	Hall	Nugent
Brady (TX)	Hanna	Nunes
Brooks	Harper	Nunnelee
Broun (GA)	Harris	Olson
Buchanan	Hartzler	Palazzo
Bucshon	Hastings (WA)	Paulsen
Buerkle	Hayworth	Pearce
Burgess	Heck	Pence
Burton (IN)	Hensarling	Peterson
Calvert	Herger	Petri
Camp	Herrera Beutler	Pitts
Campbell	Huelskamp	Platts
Canseco	Huizenga (MI)	Pompeo
Cantor	Hultgren	Posey
Capito	Hunter	Price (GA)
Carter	Hurt	Quayle
Cassidy	Issa	Reed
Chabot	Jenkins	Rehberg
Coble	Johnson (OH)	Reichert
Coffman (CO)	Johnson, Sam	Renacci
Cole	Jones	Ribble
Conaway	Jordan	Rigell
Cravaack	Kelly	Rivera
Crawford	King (IA)	Roby
Crenshaw	King (NY)	Roe (TN)
Culberson	Kingston	Rogers (AL)
Davis (KY)	Kissell	Rogers (KY)
Denham	Kline	Rogers (MI)
Dent	Labrador	Rohrabacher
DesJarlais	Lamborn	Rokita
Diaz-Balart	Lance	Rooney
Dold	Landry	Ros-Lehtinen
Dreier	Lankford	Roskam
Duffy	Latham	Ross (FL)
Duncan (SC)	LaTourette	Royce
Ellmers	Latta	Runyan
Emerson	Lewis (CA)	Ryan (WI)
Farenthold	LoBiondo	Scalise
Fincher	Long	Schilling
Fitzpatrick	Lucas	Schmidt
Flake	Luetkemeyer	Schock
Fleischmann	Lummis	Scott (SC)
Fleming	Lungren, Daniel	Scott, Austin
Flores	E.	Sensenbrenner
Forbes	Mack	Sessions

Shimkus	Thornberry
Shuster	Tiberi
Simpson	Tipton
Smith (NE)	Turner (NY)
Smith (NJ)	Turner (OH)
Smith (TX)	Upton
Southerland	Walberg
Stearns	Walden
Stivers	Walsh (IL)
Stutzman	Webster
Sullivan	West
Thompson (PA)	Westmoreland

NOES—182

Ackerman	Filner	Pallone
Altmire	Frank (MA)	Pascarell
Andrews	Fudge	Pastor (AZ)
Baca	Garamendi	Pelosi
Baldwin	Gohmert	Perlmutter
Barrow	Green, Al	Peters
Bass (CA)	Green, Gene	Pingree (ME)
Becerra	Grijalva	Poe (TX)
Berkley	Gutierrez	Polis
Berman	Hahn	Price (NC)
Bishop (GA)	Hanabusa	Quigley
Bishop (NY)	Hastings (FL)	Rahall
Blumenauer	Heinrich	Reyes
Bonamici	Higgins	Richardson
Boswell	Himes	Richmond
Brady (PA)	Hinchee	Ross (AR)
Braley (IA)	Hinojosa	Rothman (NJ)
Brown (FL)	Hirono	Roybal-Allard
Butterfield	Hochul	Ruppersberger
Capps	Holden	Rush
Capuano	Holt	Ryan (OH)
Cardoza	Honda	Sanchez, Linda
Carnahan	Hoyer	T.
Carney	Israel	Sanchez, Loretta
Carson (IN)	Johnson (GA)	Sarbanes
Castor (FL)	Johnson, E. B.	Schakowsky
Chandler	Kaptur	Schiff
Chu	Keating	Schrader
Cicilline	Kildee	Schwartz
Clarke (MI)	Kind	Scott (VA)
Clarke (NY)	Kucinich	Scott, David
Clay	Langevin	Serrano
Cleaver	Larsen (WA)	Sewell
Clyburn	Larson (CT)	Sherman
Cohen	Levin	Shuler
Connolly (VA)	Lewis (GA)	Sires
Conyers	Lipinski	Slaughter
Cooper	Loebach	Smith (WA)
Costa	Lofgren, Zoe	Speier
Costello	Lowe	Stark
Courtney	Lujan	Sutton
Critz	Lynch	Terry
Crowley	Maloney	Thompson (CA)
Cuellar	Markley	Tierney
Cummings	Matsui	Tonko
Davis (CA)	McCarthy (NY)	Towns
DeFazio	McCollum	Tsongas
DeGette	McDermott	Van Hollen
DeLauro	McGovern	Velazquez
Deutsch	McNerney	Visclosky
Dicks	Meeks	Walz (MN)
Dingell	Michaud	Wasserman
Doggett	Miller (NC)	Schultz
Donnelly (IN)	Miller, George	Waters
Doyle	Moore	Watt
Duncan (TN)	Moran	Waxman
Edwards	Murphy (CT)	Welch
Ellison	Nadler	Wilson (FL)
Engel	Napolitano	Woolsey
Eshoo	Neal	Yarmuth
Farr	Oliver	
Fattah	Owens	

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—15

Bachus	Jackson Lee	Paul
Bono Mack	(TX)	Rangel
Chaffetz	Kinzinger (IL)	Schweikert
Davis (IL)	Lee (CA)	Thompson (MS)
Gonzalez	Manzullo	
Jackson (IL)	Marino	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1451

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. JACKSON LEE of Texas. Mr. Speaker, on rollcall No. 119 on H. Res. 591, the Rule on H.R. 5, I was unavoidably detained. Had I been present, I would have voted "no."

UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. STIVERS) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 2, answered "present" 2, not voting 18, as follows:

[Roll No. 120]

YEAS—409

Ackerman	Burgess	Davis (CA)
Adams	Burton (IN)	Davis (KY)
Aderholt	Butterfield	DeFazio
Akin	Calvert	DeGette
Alexander	Camp	DeLauro
Altmire	Campbell	Denham
Amodei	Canseco	Dent
Andrews	Cantor	DesJarlais
Austria	Capito	Deutsch
Baca	Capps	Diaz-Balart
Bachmann	Capuano	Dicks
Baldwin	Cardoza	Dingell
Barletta	Carnahan	Doggett
Barrow	Carney	Donnelly (IN)
Bartlett	Carson (IN)	Doyle
Barton (TX)	Carter	Dreier
Bass (CA)	Cassidy	Duffy
Bass (NH)	Castor (FL)	Duncan (TN)
Becerra	Chabot	Edwards
Benishek	Chandler	Ellison
Berg	Chu	Ellmers
Berkley	Cicilline	Emerson
Berman	Clarke (MI)	Engel
Biggert	Clarke (NY)	Eshoo
Billbray	Clay	Farenthold
Bilirakis	Cleaver	Farr
Bishop (GA)	Clyburn	Fattah
Bishop (NY)	Coble	Filner
Bishop (UT)	Coffman (CO)	Fincher
Black	Cohen	Fitzpatrick
Blackburn	Cole	Flake
Blumenauer	Conaway	Fleischmann
Bonamici	Connolly (VA)	Fleming
Bonner	Conyers	Flores
Boren	Cooper	Forbes
Boswell	Costa	Fortenberry
Boustany	Costello	Fox
Brady (PA)	Courtney	Frank (MA)
Brady (TX)	Cravaack	Franks (AZ)
Braley (IA)	Crawford	Fudge
Brooks	Crenshaw	Gallegly
Broun (GA)	Critz	Garamendi
Brown (FL)	Crowley	Gardner
Buchanan	Cuellar	Garrett
Bucshon	Culberson	Gerlach
Buerkle	Cummings	Gibbs

Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján

Lummis
Lungren, Daniel
E.
Lynch
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen

NAYS—2

Amash
Polis

Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

ANSWERED “PRESENT”—2

Duncan (SC)
Mulvaney

NOT VOTING—18

Bachus
Bono Mack
Chaffetz
Davis (IL)
Dold
Frelinghuysen
Gingrey (GA)
Gonzalez
Green, Gene
Jackson (IL)
Kinzinger (IL)
Lee (CA)
Manzullo
Marino
Paul
Rangel
Thompson (MS)
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1458

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Started for:

Mr. DOLD. Mr. Speaker, on rollcall No. 120, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 120, had I been present, I would have voted “yea.”

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 101, answered “present” 3, not voting 19, as follows:

[Roll No. 121]

YEAS—308

Ackerman
Aderholt
Akin
Alexander
Altmire
Austria
Baca
Bachmann
Barletta
Berkley
Berman
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Crawford
Crenshaw
Crowley
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dreier
Duncan (SC)

Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Hinojosa
Hirono
Hochul
Holden
Hoyer
Huelskamp
Hultgren
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján

NAYS—101

Adams
Amodeli
Andrews
Baldwin
Benishek
Bilbray
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capuano
Castor (FL)
Chu
Clyburn
Coffman (CO)
Conaway
Costa
Costello
Courtney
Cravaack
Critz
Cuellar
Dent
DesJarlais
Dold
Donnelly (IN)
Doyle
Duffy
Filner
Fitzpatrick
Forbes
Foxx
Garamendi
Gardner
Gerlach
Gibson
Graves (MO)
Green, Gene
Griffin (AR)
Grijalva
Hanna
Hastings (FL)
Heck
Herrera Beutler
Himes
Hinchey
Holt
Honda

Huizenga (MI)	Oliver	Sánchez, Linda
Hunter	Pallone	T.
Israel	Pastor (AZ)	Sarbanes
Jackson Lee	Pelosi	Schakowsky
(TX)	Peters	Schilling
Johnson (OH)	Peterson	Shuler
Keating	Poe (TX)	Slaughter
Latham	Quayle	Stark
LoBiondo	Rahall	Stivers
Lynch	Reed	Thompson (CA)
Marchant	Renacci	Thompson (MS)
Markey	Reyes	Tipton
McCotter	Ribble	Visclosky
McDermott	Roe (TN)	Walsh (IL)
McGovern	Rooney	Waters
Meehan	Ros-Lehtinen	Woodall
Miller (FL)	Rothman (NJ)	Yoder
Miller, George	Ryan (OH)	Young (AK)
Neal		

ANSWERED "PRESENT"—3

Amash	Gohmert	Owens
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NOT VOTING—19

Bachus	Jackson (IL)	Rangel
Bass (CA)	Kinzinger (IL)	Rogers (MI)
Bono Mack	Lee (CA)	Rokita
Canseco	Manzullo	Shuster
Chaffetz	Marino	Young (IN)
Davis (IL)	Neugebauer	
Gonzalez	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1505

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 3697

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor on H.R. 3697.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 3359

Mr. CLAY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor from H.R. 3359.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROTECTING ACCESS TO
HEALTHCARE ACT

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 591 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5.

□ 1505

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, with Mr. WESTMORELAND in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in House Resolution 591 and shall not exceed 6 hours equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I yield myself such time as I might consume.

I rise today in support of the PATH Act, which addresses two of the most glaring deficiencies in the President's overhaul of the health care system.

By what it does and also by what it fails to do, the health care law threatens access to quality health care for literally millions of Americans.

Section 3403 of the Affordable Care Act established the Independent Payment Advisory Board, or IPAB. A panel of 15 unelected, unaccountable bureaucrats will be given the power to make major decisions regarding what goods and services are valuable. These decisions will then be fast-tracked, essentially bypassing the legislative process, with almost no opportunity for discussion or review. The PATH Act prevents this by repealing IPAB.

I suspect that most Americans still believe that patients and their doctors should have a voice and should be able to decide what health care services that they find valuable. I think that they still believe that major policy decisions affecting the Medicare program and the health care system in general need to go through the regular legislative process and be subject to the normal system of checks and balances according to the Constitution.

It is encouraging that the cosponsors of legislation to repeal IPAB include 20 Democrats and that the bill was favorably reported out of the Energy and Commerce Committee earlier this month without any recorded opposition—a voice vote.

I encourage my colleagues on both sides of the aisle to support repealing IPAB and not to block its passage at the expense of our seniors in a blind effort to defend the President's signature legislation.

The legislation today also includes reforms that will actually lower the cost of health care, a glaring omission

in the President's health care law. The health care law failed to provide any meaningful reform to the broken and costly medical liability system, which is currently one of the largest cost drivers of our health care system.

The current system is responsible for as much as \$200 billion a year in unnecessary spending on defensive medicine. It fails to compensate injured patients in a fair and timely matter, and it threatens access to quality health care by driving good doctors out of high-risk specialties such as obstetrics and neurosurgery.

□ 1510

According to the CBO, these commonsense reforms will reduce the Federal deficit by \$48.6 billion over the next 10 years.

How have opponents proposed to fix this present system? They want to spend more; \$50 million in grants for State demonstrations, as called for in the health care law, is not a solution. It's an abdication of responsibility. The President promised to look at Republican ideas for medical liability reform. Passing this legislation is the very first step towards allowing the President to make good on that promise.

Health care decisions should be made between a doctor and a patient. That relationship doesn't work when bureaucrats and trial lawyers come between them. So I urge my colleagues to vote in support of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 5. It combines two very bad ideas into one terrible bill that is anti-senior, anti-consumer, and anti-health.

It's no accident that we're considering the legislation during the second anniversary of the Affordable Care Act, because this is a thinly veiled, partisan attempt to confuse the public and obscure the law's success in covering young people, reducing costs for seniors, and providing improved health benefits.

Title I of the bill before us, the medical malpractice provisions, have been around for over a decade. They have not been enacted under Democratic or Republican Congresses and Presidents because they are an extreme intrusion on the authority of the States to set their own liability rules and would shield bad actors from accountability when they cause injury and death.

Let's be clear: this bill is much broader than traditional medical malpractice legislation. It protects manufacturers, distributors, suppliers, marketers, even promoters of health care products. And it gives them protection even if they intentionally cause harm. Insurance companies and HMOs are protected as well. The bill shields drug

and device manufacturers with complete immunity from punitive damages, no matter how reckless their conduct, so long as their products were at one time approved by the FDA.

This bill preempts State action in an area that has traditionally been left to the States. To the extent that we do have a medical malpractice problem in this country, it should be addressed at the State level. But this bill not only strips away State law; it puts in place a Federal scheme that will not reduce medical errors, will not award appropriate and adequate compensation when an injury occurs, and will not lower health care costs.

The second part of the bill would repeal the Independent Payment Advisory Board, which helps keep Medicare costs under control if they rise more than anticipated. IPAB's role is to recommend evidence-based policies to improve Medicare without harming patients.

Repealing IPAB is the height of hypocrisy. The main Republican attack on Medicare and the Affordable Care Act is that we cannot afford them. House Republicans are proposing changes that would destroy Medicare because they say taking care of our seniors just costs too much. Yet today they will vote for a bill that eliminates one of Medicare's cost-saving innovations and saddles Medicare with over \$3 billion in unnecessary costs. It's no wonder that the public holds Congress in so little regard.

The Republican master plan for Medicare is to end the guarantee coverage and shift more costs on to seniors and people with disabilities. They don't hold down the costs; they simply shift them on to seniors and disabled people. Under Medicare, they pay more for it out of their own pockets. This is part of the Republican assault on Medicare. It would repeal the backstop in Medicare that keeps Medicare affordable for seniors.

I want to be clear about what the IPAB is and what it isn't. The board is explicitly in statute prohibited from rationing. It also is prohibited from making recommendations that increase costs to seniors or cut benefits. IPAB also doesn't take away the role of Congress. IPAB makes recommendations, but Congress can and should act on those recommendations.

We hear a lot about these unelected bureaucrats. Let me tell you that, around this place, there are a lot of elected bureaucrats. Here is the fundamental difference between the Democratic approach to Medicare and the Republican approach: Democrats in Congress are committed to preserving Medicare and protecting seniors' benefits; Republicans have proposed ending Medicare's guarantee of coverage so they can pay for tax breaks for oil companies and millionaires. Let me underscore that. They want to take

money out of Medicare so they can give more tax breaks to billionaires and oil companies.

Like some of my colleagues, I have concerns about some aspects of the IPAB. I don't agree with the premise that we need IPAB to make Congress do its job. But no one should think that the hyperbole of IPAB's Republican critics—rationing, death panels, and faceless bureaucrats pulling the plug on sick patients—represents reality. That came from their propaganda word masters.

House Republicans are voting to repeal the Independent Payment Advisory Board because they simply want to eliminate Medicare. They want to provide vouchers instead of benefits. They want to shift costs to the beneficiaries. They want to put Medicare into a death spiral and leave insurance companies in charge of seniors' care. Then it would be the insurance companies that could then ration care, cut benefits and, according to the Congressional Budget Office, likely increase out-of-pocket costs by \$6,000.

Does anybody doubt insurance companies ration care? Try to get an insurance policy if you have a previous medical condition. They won't even cover you, or they will charge you so much you can't afford it. Is that what we want, to let the insurance companies make these decisions for our seniors and disabled people?

H.R. 5 is a partisan assault on Medicare and an assault on patients who are injured by careless doctors and drug companies and an assault on States' rights.

I urge my colleagues to vote "no" on H.R. 5.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the chairman emeritus of the Energy and Commerce Committee, Mr. BARTON, the gentleman from Texas.

Mr. BARTON of Texas. I thank the distinguished chairman.

We have just heard an argument from one of the authors, if not the chief author, of the new health care law. So it's understandable that former Chairman WAXMAN would rise in indignant defense of his product and opposed to this bill.

H.R. 5, the PATH bill, is in actuality a reasoned response to an irrational attempt to socialize health care in the United States of America. The Independent Payment Advisory Board, which this legislation repeals, is an independent 15-member panel appointed by the President, unless the President doesn't appoint it, in which case three of the President's chief advisers become the board. And if they don't decide to do it, then one person, the Secretary of Health and Human Services, has the authority when this kicks in in 2014 to make all kinds of de-

cisions that directly impact health care in America.

I don't think, and a majority of my colleagues don't think, that that's the way it should be done. So this bill in one paragraph—I think on page 24—repeals that section. That is a good start. It is not the end-all be-all, but it is a good start to regaining control of health care by individuals and the marketplace.

□ 1520

The other thing this bill does is it puts in a medical malpractice reform that has been long overdue. The President, in his State of the Union, said he was for medical malpractice reform, but I am told that he has said he is not for this medical malpractice reform, just like he is not against the Keystone pipeline, but he called Senators to oppose it when it came up in the other body.

We need medical malpractice reform. Independent observers have said that this bill, which Congressman GINGREY of Georgia is the original sponsor of, would save \$48 billion over, I think, a 10-year period if enacted—\$48 billion. That's real reform. It does not preempt States. It allows the States to continue their medical malpractice laws that they've already enacted.

So I ask that we vote for this piece of legislation.

And I thank the chairman and the subcommittee chairman and all of the Members who have made it possible.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 3 minutes to the distinguished ranking member and soon-to-be chairman of the Health Subcommittee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank the gentleman from California.

I have a great deal of respect for my former chairman and colleague from Texas, but as I listen to him, the problem is that it's always the same: It's my way or the highway. And it's just very unfortunate, because there have been many opportunities in the committee where we could have worked together to come up with legislation on things like malpractice reform and IPAB, but that's not what we get from the Republican side of the aisle. They just constantly want to do their own thing.

And as he said, the President may be for malpractice reform, but if he's not for this malpractice reform, then he's a bad guy. And that's the point: We need to get together. If we're ever going to accomplish anything, we need to work together; and I don't see that happening on the Republican side of the aisle today.

I am very disappointed in the process of considering H.R. 5. I am disappointed and frustrated that my Republican colleagues had an opportunity to bring to the floor a bill that I and

some of my Democratic colleagues supported, but what they decided to do instead is to simply play political games, political games over and over again.

All sectors of the health care industry agree that the Independent Payment Advisory Board, IPAB, should be repealed. I am the first one to tell you how much I am opposed to IPAB. In fact, during the Energy and Commerce Committee's Subcommittee on Health markup, I voted in favor of its repeal. But, unfortunately, my Republican colleagues have no interest in truly repealing IPAB. They only care about defacing the Affordable Care Act and continuing their political game of repealing the law piece by piece. How do I know that? Because they've decided to pay for the IPAB repeal with H.R. 5, one of the most controversial and historically partisan bills of the past decade.

We've been through this same debate. Every time, every year, H.R. 5, on the floor again. Each year the Republicans have been in charge, we're forced to consider identical legislation that contains the exact same areas over which we remain divided. In fact, the Republicans weren't even able to enact this bill into law when they had the majorities in the House and Senate and the Presidency, and the reason is because they have zero desire to solve the problems of this country. All they are interested in accomplishing is a political message to take home to their districts.

I have said again and again that I would work with my colleagues on truly addressing malpractice reform, but those calls have gone unanswered. Over the years, there has been little effort on the part of Republicans to reach across the aisle and to work with Democrats on a satisfactory solution to medical liability reform.

I do understand that medical malpractice and liability is a very real problem for doctors in my home State and in the country, but H.R. 5 is not the answer. Any true reform must take a balanced approach and include protections for the legal rights of patients and be limited to medical malpractice.

Today my vote on this package is a "no" vote on H.R. 5 alone. As I have stated, it's too controversial and extreme in its current form. Although it's described as a medical malpractice measure, H.R. 5 extends far beyond the field of malpractice liability.

I am just extremely disappointed. I am being honest in saying this. I am very disappointed that the Republican leadership has robbed many Democrats of their ability to vote cleanly on IPAB repeal and have, instead, yet again, politicized this body.

When will you learn?

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentlelady from North Carolina, the vice chairwoman of the Energy and Commerce Committee, Mrs. MYRICK.

Mrs. MYRICK. I thank the chairman.

Mr. Chairman, this is Washington, so we have to have an acronym for everything up here. The IPAB isn't a new techie device but is an example of one of the many misguided parts of the budget-busting health care reform law.

What is this debate really about? We all know that Medicare is headed toward financial catastrophe, and the health reform law only succeeded in putting the program in a more precarious position. There is no easy solution to this problem, but Republicans have put forward a plan that would actually set the program on a healthy fiscal path again, without hurting those who are already on the program.

Of course, because this is Washington, rather than having a hearty debate, this proposal continues to be demagogued and derided. Instead, the health reform bill gave us IPAB, an unaccountable board tasked with limiting procedures and treatments in order to control costs. It's a top-down, unconstitutional, ineffective, and inefficient way to solve Medicare's fiscal problems. And if you think that this board won't make recommendations to limit the use of expensive but life-sustaining treatments, you haven't been paying attention.

But here's something that gets lost in this debate: IPAB doesn't just apply to Medicare benefits for seniors who are on a government program.

First off, those of us who have been here for a while know that private insurers tend to follow Medicare. We see it all the time. Once Medicare changes coverage for a treatment, those decisions push private payers to also move in that direction, because so much of our health care system relies on Medicare's policies. The government already controls so much of our health care sphere that inefficiencies abound.

If that weren't enough, starting in 2015, the IPAB can make decisions about what private plans will cover. Yes, 15 people will be deciding what private companies will be covering. That's what is fundamentally wrong with the health care reform law, and we should repeal the whole thing. But in the meantime, let's repeal this ill-conceived board and address this country's medical malpractice problems while we're at it.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield to an important member of our committee, the gentleman from Texas (Mr. GREEN) for 2 minutes.

Mr. GENE GREEN of Texas. I thank my colleague, the ranking member on our Energy and Commerce Committee.

I rise in opposition to this bill. I am not opposed to all of it; in fact, I am a strong supporter of the repeal of the IPAB provisions. However, we can't undermine Americans' rights in court through placing arbitrary limits on malpractice cases. That's what this bill before us does. We shouldn't solve a

bad policy problem by implementing more bad policy. We should be passing good legislation, not trying to pass something that has no chance of becoming law, and that's what this bill does.

The Affordable Care Act, the underlying statute that this bill is amending, has had an enormous positive impact on the constituents I represent, and the law hasn't totally taken effect yet. But it's getting better. I was proud to support this landmark legislation as part of the Energy and Commerce Committee and on the Health Subcommittee.

Before the passage of the Affordable Care Act, my congressional district had the largest percentage of uninsured of any district in our country. We still have a lot of work to do, but things are getting better. For the last 2 years, 53,000 children in my district can't lose the security offered by health insurance due to preexisting conditions; 3,400 seniors have saved an average of \$540 on prescription drugs; 9,000 young people now have health insurance that they didn't have before the Affordable Care Act.

The Affordable Care Act is not perfect, but no bill is perfect. The bill before us today is far from perfect. I support the repeal of IPAB. I opposed IPAB in 2009 when it came up in our committee markup of the Affordable Care Act. I do not believe a panel of outsiders appointed by the President should take responsibility for what Congress needs to do in making decisions on Medicare payment rates. That's part of our job as Members of Congress. However, this bill has stepped too far; and I want to the opportunity to vote on a freestanding IPAB repeal, but I cannot support H.R. 5 because it's a bridge too far.

□ 1530

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank the distinguished chairman.

This bill, contrary to what the gentleman from Texas said, is an opportunity for him to vote to not let bureaucrats make the decision. He has a chance to do this. I'm a little surprised why he's saying he's against the bill. Of course, I think many of us are going to repeat the same arguments.

The fundamental point is that this bill will save almost \$50 billion over 10 years. How many people on this side don't want to save money? I think everybody on both sides of the aisle would like to save money. So this is stopping defensive medicine and untold amount of litigation by passing this bill. This could effectively create lower premiums for everybody and lower the cost of health care.

This bill would eliminate, as pointed out even by the gentleman from Texas,

the Independent Payment Advisory Board, given the colloquial name of IPAB. Just this morning, as chairman of the Oversight and Investigation Committee, we held a hearing on the President's failed health care law. It's clear that countless pages of regulation, rules, and requirements for ObamaCare have been incredibly confusing. When we had this hearing, it was brought up clearly that this bill, over 2 years old, has given almost 1,700 waivers to entities who cannot comply with this health care bill.

So my constituents and individuals throughout this country view these massive new rules and regulations as increasing interference by the Federal Government into their lives. And, obviously, business communities are seeking waivers. Seventeen hundred entities are asking for waivers because they can't comply. It creates uncertainty in the marketplace.

So for all these reasons we must pass this bill. In fact, IPAB is SGR on steroids. Rather than fixing the SGR problem in the health care law, Democrats are happy to allow continued cuts to physician payments and then double down on further cuts through IPAB. This is a group of 15 unelected bureaucrats who would save Medicare by making draconian cuts to provider payments. Democrats wanted to control the future cost of Medicare by giving unelected, bureaucrats the power to cut payments to hospitals and to our doctors.

If Democrats were serious, they would support this bill. NANCY PELOSI, the former Speaker and minority leader said, "We have to pass this bill so you can find out what's in it." Remember that quote?

I am determined to make sure we don't have to fully implement the bill so we can see what it costs.

Mr. WAXMAN. Mr. Chairman, I'm always amused when I hear people talk about government interference in our lives. If people think Medicare is an unjust government interference in their lives, they can forgo their Medicare, but I don't know too many people who would like to do that. What the Republicans are proposing is to take that Medicare away from them and turn it over to private insurance. Put that to a vote. I don't think the American people would support that either.

I am pleased to yield 2 minutes to a very important member on our committee, especially the Health Committee, the Representative from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank you for yielding.

Mr. Chair, I rise today during a time when we should all be celebrating the many great successes of the Affordable Care Act on its second-year anniversary. Democrats have rightly been applauding the health and economic benefits of affordable, reliable access to

high-quality health care services brought about by that landmark law. Not so with our Republican colleagues, who choose to ignore or misrepresent the many benefits millions of people have been enjoying because of the Affordable Care Act.

Then comes this disastrous marriage between two bills—one that will repeal the Independent Payment Advisory Board—which some Democrats like myself support—and the other malpractice bill, which I strongly oppose because it will trample States' rights, providing extraordinary protections for drug and medical device and health insurance companies, making it nearly impossible for those harmed to seek and achieve justice.

I support the IPAB repeal because in its current form it will not achieve significant savings or ensure quality access to health care under Medicare. Additionally, as a physician who practiced for more than two decades, I'm opposed to its broad authority to make recommendations that would detrimentally affect health care providers and eventually Medicare beneficiaries. However, attaching at the very last minute a medical malpractice bill that provides protection to every entity involved in medical malpractice and health care lawsuits except the victim is just plain wrong.

And, no pun intended, but adding insult to injury is the fact that their medical malpractice bill is completely outdated. The bill was designed more than two decades ago. Back then we did have challenges with malpractice insurance, but today those challenges have been addressed. Today, we do not have a malpractice insurance crisis in this country.

I strongly oppose H.R. 5, and encourage my friends on the other side of the aisle in the future, if it's more than just political rhetoric, to quit while they're ahead.

Mr. PITTS. Mr. Chair, at this time I yield 2 minutes to the distinguished vice chairman of the Health Subcommittee, the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the chairman for the recognition.

Mr. Chairman, I will focus my remarks on the Independent Payment Advisory Board because it encompasses all that is wrong with the Affordable Care Act. The health law itself contains policies that will disrupt the practice of medicine. Along with the many excesses and constrictions within the law, the Independent Payment Advisory Board represents the very worst of the worst of what will happen.

As a physician, as a Member of Congress, as a father, as a husband, as a patient in his sixties, I am offended by the Independent Payment Advisory Board. This board is not accountable to any constituency, and it exists only to cut provider payments to fit a mathe-

matically created target. The board throws the government into the middle of what should be a sacred relationship between the doctor and the patient. The doctor and the patient should have the power to influence prices and guide care, not this board.

Beyond controlling Medicare, the Independent Payment Advisory Board's rationing edicts will serve as a benchmark for private insurance carriers' own payment changes. Although Mr. WAXMAN bemoaned the fact that private insurance would be part of Medicare, this thing will actually dictate the behavior of private insurances in this country.

The board will have far-reaching implications beyond Medicare for our Nation's doctors. Because of the limitations on what the control board can cut, the majority of spending reductions will come from cuts to part B, the doctors' fees. Doctors will become increasingly unable to provide the services that the board has decided are not valuable.

Is the answer to squeeze out doctors? Sounds like rationing to me.

So which sounds like the better—Medicare bankruptcy and an unelected board deciding the care of Medicare beneficiaries or doctors and patients deciding and defending the right of the care that they receive?

The future of American health care should not be left up to this board, to this panel. It's an aloof arbiter of health care for seniors who depend on Medicare. I support the repeal of the Independent Payment Advisory Board.

I'll just leave you with a quote from the American Medical Association:

It puts our health policy and payment decisions in the hands of an independent body with no accountability. Major changes in the Medicare program should be decided by elected officials.

The American Medical Association.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to my colleague from California, one of the key people in the authorship of the Affordable Care Act, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chair, I came to Congress in 1975. Since that time, I've been involved in the debate over national health reform proposals. Throughout these debates, lawmakers struggled with how to control costs without sacrificing quality care. Unfortunately, for decades, Congress chose to kick the can down the road while costs continue to climb and to soar. This trend ended with Affordable Care Act.

For the first time, Congress put in place specific and identifiable measures that will make our health care system more transparent and efficient. This includes the creation of the Independent Payment Advisory Board. This board will be a backstop to ensure that Federal health programs operate efficiently and effectively for both seniors

and taxpayers. We need to give these innovations a chance to work. Because without these innovations, there's little hope to get health care costs under control.

Five hundred thirty-five Members of Congress cannot be nor should they be the doctors who think they know best of the practice of every medical field. Five hundred thirty-five Members of Congress are not immune to special interests that have a financial stake in the decisions that are made—not necessarily in the best interest of the seniors, the taxpayers, or the delivery of medicine in this country, but perhaps in the best interest of their companies. That's why the Affordable Act created an independent board of health experts to make the recommendations to improve the system. It does not usurp the role of Congress. It simply acts as a fail-safe in case government spending exceeds benchmarks. Under the law, doctors will retain full authority to recommend the treatments they think are best for patients. The law also prohibits recommendations that would ration care, change premiums, or reduce Medicare benefits.

In short, this independent board is about strengthening Medicare with evidence-based decisionmaking. Without innovative reforms like the board, Medicare's future will be put in jeopardy. Kicking this can down the road any further will only bolster those who seek to kill Medicare. We must strengthen Medicare, not end the Medicare guarantee.

The Affordable Care Act strengthened Medicare. It extended the life of the trust fund and has already lowered costs for millions of seniors. However, without innovation, our current system will be unsustainable for our Nation's families, businesses, and taxpayers.

The Republican plan to end the Medicare guarantee is no alternative. Innovation is the alternative. I urge my colleagues to support the Independent Payment Advisory Board and reject this legislation.

□ 1540

Mr. PITTS. Mr. Chairman, I would much rather hear from some of our doctor friends who are speaking so eloquently. I have another doctor, a member of the Health Subcommittee, from Pennsylvania. I yield 2 minutes to the distinguished gentleman, Dr. TIM MURPHY.

Mr. MURPHY of Pennsylvania. I thank the gentleman.

Last decade, when I was a State senator of Pennsylvania, I took on HMOs and plans that made decisions by accountants and MBAs and not MDs. It was important to do that because we found that doctors could not make decisions even though they were supposedly empowered to do that. Instead, there were boards that would make decisions for them.

And now here we are with *deja vu* all over again. We're about to have 15 Presidential appointees—even under the advice of both Chambers of Congress—none of whom are involved with medicine, making decisions with regard to who makes decisions for you in terms of what gets paid and how much gets paid to doctors and hospitals. But as it goes through, what happens if there's a decision that says it's not going to be covered? Can you call the board, itself? No. Can your doctor call the board? No. Can your hospital call the board? No. Can your Member of Congress call the board? No. But, in fact, it would take an act of Congress passed by the House and Senate and signed by the President to override them.

So who is this panel, and what decisions can they make? By law, it's people who are involved with finance, economics, hospital administration, reimbursements, some physicians, health professionals, pharmacy benefit managers, employers, people involved with outcome research and medical health services and economics.

What's missing from that is any requirement that it might be people who have knowledge of such things as oncology, endocrinology, pediatrics, obstetrics, geriatric medicine, family medicine and surgery, and the list goes on and on. So, in other words, what's going to happen here is not only if you like your doctor you may not be able to keep him or her, but if your doctor doesn't like what's going to be covered, there is nothing he or she can do about that. This is not the practice of medicine; this is the practice of government overtaking medicine.

While Americans were begging for us to fix a broken system, what they got was half a trillion in new taxes, half a trillion in Medicare cuts, trillions in new costs, and massive mandates—1,978 new responsibilities of the Secretary of Health and 150 boards, panels, and commissions yet to be appointed. And we don't know what's going to happen. We need to return health care to where it really is going to be fixed.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

We're talking about the Independent Payment Advisory Board—advisory board.

The appointed membership of the Board shall include physicians and other health professionals, experts in the area of pharmaco-economics or prescription drug benefit programs, employers, third-party payers, individuals skilled in the conduct and interpretation of biomedical, health services.

Dot, dot, dot. These are people who will give us some recommendations, but they can't give us recommendations to take away services. They can't give us a recommendation to impose more costs on the Medicare beneficiaries. And when they give us their recommendations, Congress can act on

it. And if we don't like it, we can change them.

I think we have the Republicans trying to scare people. They come in and say "Medicare costs too much." Well, if it costs too much, that's why we need this backup, to be sure that we're holding down costs. They say, "it costs too much and therefore let's end it." That doesn't make any sense. I think Americans should not be fooled.

Mr. Chairman, I would like to now yield 3 minutes to my colleague from California, the ranking member of the Subcommittee on Health of the Ways and Means Committee, Mr. STARK.

Mr. STARK. I want to thank Mr. WAXMAN for yielding to me at this time.

I rise in opposition to H.R. 5, brought to the floor by my Republican colleagues. It does two things. It repeals IPAB as created in the Affordable Care Act, and it enacts a medical malpractice reform long sought by my Republican friends as a way to protect pharmaceutical companies, medical device companies, and health care providers from any liability or full liability when they cause harm or death.

The medical malpractice part of this bill is so bad that the California Medical Association rejects the bill and says to vote "no" unless they had a decent medical malpractice reform part in it. And when the doctors will reject medical malpractice reform issues, you know it's got to be bad.

This extreme proposal is really not needed. I happen to agree with the part of the bill that repeals IPAB. We refused to include it in the House version of health reform. And Congress has always stepped in in its congressional manner to strengthen Medicare's finances when needed, and I see no need for us to relinquish that duty. We only have to look at the health reform law. It has extended solvency; it has slowed spending growth; it has lowered beneficiary costs; it has improved benefits, modernized the delivery system, created new fraud-fighting tools. We've done a good job. In fact, the CBO projects that IPAB won't even be triggered until the next 10 years, proving we've already done our job here in Congress of strengthening Medicare's finances.

Today's Republican support to repeal IPAB isn't a sincere interest in providing Medicare for all. They still want to give us an unfunded or underfunded voucher, slash and burn funding. And despite my opposition to IPAB, it's far less dangerous to Medicare than the Republican voucher plan put forth in the House Republican budget this week. IPAB doesn't undermine Medicare's guaranteed benefits and its ability to reduce Medicare spending. It has guardrails to prevent it. It doesn't permit costs to come from reducing Medicare and increasing costs on beneficiaries. It prohibits rationing, and it

has annual limits on the cuts. The Republican voucher plan has none of these protections.

The Republicans are continuing their march begun by Newt Gingrich to have Medicare “wither on the vine.” I urge my colleagues to vote “no” on yet another political stunt, which really, thankfully, is not destined to become law at this time.

Sacramento, CA, Mar. 15, 2012.

RE. H.R. 5 Protecting Access to Healthcare Act.

CMA Position. Oppose Unless Amended.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER AND LEADER PELOSI: The California Medical Association has adopted a position of Oppose Unless Amended on H.R. 5 the “Protecting Access to Healthcare Act.” While we strongly support the repeal of the Medicare Independent Payment Advisory Board (IPAB) and appreciate the state preemption of medical liability laws that will preserve California’s successful MICRA law, we have serious concerns with two additional medical liability provisions that will expose California physicians to even greater liability despite the bill’s stated legislative intent to reduce health care costs and insurance premiums.

SUPPORT REPEAL OF THE MEDICARE INDEPENDENT PAYMENT ADVISORY BOARD (IPAB)

CMA strongly opposes the Medicare Independent Payment Advisory Board (IPAB) which thwarts Congress’ stewardship of the Medicare program and gives fifteen unaccountable individuals the power to make significant cuts to Medicare. We believe it is Congress’ responsibility to ensure the Medicare program meets the needs of their communities. The IPAB is mandated to make draconian cuts if Medicare spending exceeds unrealistic budget targets in 2014. While we appreciate the necessity to control the growth in health care spending, the IPAB mandate does not leave room to actually reform the program, particularly because hospitals and other providers are exempt from the cuts until 2020. It disproportionately harms physicians who are already challenged to provide care to Medicare patients with limited resources. As you know, physicians are facing large Medicare SGR payment cuts over the next decade as well.

These measures are already forcing more California physicians to limit the number of Medicare patients they can accept. If additional cuts take effect, physicians will be forced to leave the program—harming timely access to quality care for California’s seniors and military families.

The IPAB was not part of the House Health Care Reform bill because most of the leaders in the California delegation opposed it. Please continue to stand against an IPAB that takes important decisions out of your hands.

MEDICAL LIABILITY: OPPOSE UNLESS AMENDED

For the last several decades, California’s medical liability law—MICRA—has successfully protected patients and physicians. It has kept medical liability insurance affordable and thus, protected access to care for California patients while reducing health care costs. CMA appreciates the provisions in H.R. 5 that allow state preemption and the preservation of California’s important

MICRA law. While we agree with the intent of H.R. 5—to provide MICRA-like protections for physicians in other states—we have serious concerns with two provisions that will increase physician liability costs not only in California but across the country. We believe these provisions are inconsistent with the stated intent of the legislation to reduce insurance premiums and overall health care costs.

1. Fair Share Rule

California has a joint and several liability law that governs economic damages and allows claimants to recover the full amount of economic damages from any defendant. The Fair Share Rule in H.R. 5 will preempt California’s law and put full recovery by injured patients at risk. As written, the Fair Share Rule will dramatically increase the potential for physicians to face enforcement proceedings against their personal assets. This will force physicians to purchase increased medical professional liability insurance coverage, which will significantly increase liability premiums in California for physicians.

Therefore, CMA requests the following amendment that would allow states with joint and several liability laws to maintain those important laws.

Page 23, line 4 Add: (b) Protection of States’ Rights and Other Laws.

(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this title or create a cause of action or any State law that governs the allocation or recovery of damages among joint tortfeasors.

2. No Punitive Damages for Medical Products and Devices That Comply With FDA Standards

The CMA has serious concerns with granting complete immunity from punitive damages to medical product and device manufacturers, distributors and suppliers. We believe this will force plaintiffs to look only to physicians and other providers to seek relief and will significantly increase physician exposure and liability costs. CMA believes that the United States Supreme Court decision on this issue in *Levine v. Wyeth* was correct and should remain the law because the alleged benefits of providing immunity to pharmaceutical companies through preemption are far outweighed by the harm to patient care and physicians.

Therefore, CMA urges that subdivision (c) of Section 106 of Title I of the Protecting Access to Healthcare Act be stricken in its entirety.

At the very least, if Title I, Section 106(c) remains in the bill, the CMA requests the following amendments to protect physicians from punitive damages liability that would otherwise be that of the manufacturers and suppliers of medical products and devices.

Page 10, line 14: (c) No punitive damages for products that comply with FDA standards

(1) In General (A) No punitive damages may be awarded against the manufacturer, distributor, or prescriber of a medical product, or a supplier of any component or raw material of such medical products, based on a claim that such product caused the claimant’s harm where—

Page 16, Lines 24–25: “. . . or the manufacturer, distributor supplier, marketer, promoter, [or] seller, or prescriber of a medical product. . . .”

Page 17, Lines 15–16: “. . . or the manufacturer, distributor supplier, marketer, promoter, [or] seller, or prescriber of a medical product. . . .”

Page 17, Line 25: “. . . or the manufacturer, distributor supplier, marketer, promoter, [or] seller, or prescriber of a medical product. . . .”

The CMA urges you to accept these important amendments. We appreciate the efforts to repeal the IPAB, to protect California’s MICRA law with a state preemption, and to bring liability relief and lower health care costs to the rest of the nation.

Thank you for this important work.

Sincerely,

JAMES T. HAY, MD,
President.

Mr. PITTS. Mr. Chairman, I’d just like to take 30 seconds to respond to the distinguished ranking member before I yield to Mr. BASS.

He mentioned that this so-called expert panel could have physicians and health care professionals. I refer him to section 3403(g) of PPACA on page 423, specifically on the majority for the panel. There’s a specific prohibition that you can’t have a majority of health care providers or physicians on IPAB. And as far as these being recommendations, you can’t appeal; you can’t sue this board. Only with three-fifths vote in both Chambers with commensurate cuts can you overturn their recommendation.

I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. I thank my friend from Pennsylvania for yielding to me.

Mr. Chairman, I rise in support of the bill consisting of two previous bills—tort law reform and a repeal of the Independent Payment Advisory Board.

I wasn’t here when the Obama health care, the Affordable Care Act law, was passed. In listening to the debate over the last half hour, you would have thought that nobody supported this bill. Of all the speakers we’ve had, I think three have admitted they supported it then, and now you’d think that it never existed. Well, any agency that’s scored by CBO to save \$3.1 billion is not going to do it by providing more services for seniors or innovation or preservation. It’s going to do it by cutting payments to providers or by cutting services to beneficiaries. It’s as simple as that.

This is the beginning of, perhaps, the core of what represents a Federal Government takeover of health care services in this country. Sure, there may be a process whereby recommendations could go to the Congress; but instead of the relationship being between a patient and a doctor, it is going to be governed more by a Federal bureaucracy that will make these decisions.

I urge support of the pending bill, H.R. 5.

□ 1550

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

We hear these things now, but we heard them in 1965 when Medicare was being proposed—socialized medicine, an unfair government intrusion into our lives.

Medicare is a popular, successful program. I support it. But the Republicans didn't support it then, and they don't support it now.

The Affordable Care Act is an excellent bill. I proudly voted for it because as a result of that legislation we're already seeing young people being able to get insurance up to 26 years of age on their parents' policies. We're already seeing seniors getting help to pay for their prescription drugs. We are seeing insurance companies prohibited from the abuses where they put lifetime limits, and they're going to be stopped from denying people health insurance because of preexisting medical conditions. This is good, and we're going to get even more benefits for over 30 million Americans when the bill is fully in place.

It's a good bill. The Republicans would like to repeal it. But let's not forget, they didn't want Medicare in the first place.

Mr. Chairman, now that I've used my minute, I would like to yield 3 minutes to a member of our committee from the State of Illinois (Ms. SCHAKOWSKY), who has been very involved in helping seniors on all of these programs, whether it's Social Security or Medicare or Medicaid. She is very knowledgeable and highly respected—a little shorter than the podium, but I'm pleased to yield to her.

Ms. SCHAKOWSKY. I thank the gentleman very much for yielding to me.

I hope the American people understand what's going on here today. H.R. 5 represents another in a long line of partisan political attacks on the Affordable Care Act.

Since its passage 2 years ago, this historic law has been under attack. Today's bill would repeal the Independent Payment Advisory Board. The Affordable Care Act is replete with provisions to lower Medicare costs, from unprecedented tools to fight fraud to efficiency reforms. The IPAB is a backstop to those provisions.

What the Affordable Care Act does not do—and what the IPAB is prohibited from doing—is increase costs to seniors and people with disabilities or cut benefits. That may be why my Republican colleagues don't like it. If you look at their proposal to take away the Medicare guarantee and turn it into a voucher program, you can see why. Instead of lowering costs for everyone as the Affordable Care Act does, the Republican plan just shifts costs onto the backs of those who can least afford it—seniors, disabled people, and their families. These are the same people who

are harmed by the tort-reform provisions of H.R. 5—Federal intrusion coupled with disregard for injured consumers.

Instead of working to improve health care quality, as the Affordable Care Act does, H.R. 5 simply restricts the rights of patients harmed by dangerous drug companies, nursing homes, medical device manufacturers, doctors, and hospitals.

I am especially opposed to arbitrary caps on noneconomic damages. Economic damages provide compensation for lost wages. Noneconomic damages provide compensation for injuries that are just as real and damaging, injuries liking excruciating pain, disfigurement, loss of a spouse or a grandparent, inability to bear children. These arbitrary caps are particularly discriminatory for seniors and children who don't have lost wages and are not worth much.

H.R. 5—higher costs to seniors and disabled people and fewer legal rights for injured consumers. It's a bad deal on both counts.

I hope the American people understand what is going on here today. H.R. 5 represents another in a long line of partisan political attacks on the Affordable Care Act.

Yesterday, my colleagues on the other side of the aisle released their FY 2013 budget proposal. Once again they propose to repeal the Affordable Care Act and once again they propose to end the Medicare guarantee.

I find it ironic that my colleagues on the other side of the aisle criticize the Medicare program because they claim cost growth is out of control and the program is going bankrupt.

The Medicare provisions of the Affordable Care Act are replete with provisions from cutting fraud to improving the efficiency of health care delivery that will lower costs—without shifting costs to seniors and people with disabilities or cutting the Medicare guarantee. The Independent Payment Advisory Board is designed as a backstop to those provisions—which CBO tells us will be effective enough that we will not even need IPAB for the next decade.

And, here we are today set to consider legislation to repeal the Independent Payment Advisory Board not because my colleagues on the other side of the aisle have a better idea but because they want to get rid of the entire Affordable Care Act and eliminate Medicare.

If IPAB has to act, the Affordable Care Act explicitly states that it can only make recommendations regarding Medicare and cannot make recommendations that would ration care, raise premiums, increase cost-sharing, restrict benefits or modify eligibility. IPAB is also supposed to consider the effect of its recommendations on Medicare solvency, quality and access to care, the effect on changes in payments to providers, and the impact on those dually eligible for Medicare and Medicaid.

There are certainly ways to improve IPAB and the Affordable Care Act—but the bill before us doesn't make improvements—it just repeals. I wish my colleagues on the other side of the aisle would be honest with seniors, peo-

ple with disabilities and the American public about their replacement plan.

What exactly is the Republican alternative? My colleagues on the other side of the aisle have talked a lot about Medicare costs and sustainability, but what is their plan? If the alternative is anything like the proposals included in the Republican budget—which shifts costs to seniors and empowers insurance companies—then I choose IPAB.

My colleagues on the other side of the aisle have strategically paired IPAB repeal with medical malpractice reform.

We do have a medical malpractice crisis in this country—but it is not that injured consumers are suing too much—in fact, the number of suits has declined. It is not that injured consumers are receiving exorbitant compensation—in fact, the size of settlements and awards have been stable—tracking the rate of medical inflation.

The crisis we are facing in America is that too many patients are the victims of medical errors and too many good doctors are being overcharged by private insurers. We cannot make this a fight between doctors and trial lawyers and lose sight of the fact that too many Americans will be affected by malpractice. Their lives and the lives of their families will never be the same. It is their interests that we must protect.

One in three patients admitted to a hospital experiences an "adverse event"—they get the wrong prescription, receive the wrong surgical procedure, acquire an infection. But this goes far beyond preventable medical injuries in hospitals. This legislation is so broadly drafted that it will apply to medical devices, pharmaceutical products, nursing homes and for-profit health insurers.

We haven't any assurance that this bill will reduce the incidence of medical malpractice—nor has anyone given us any assurance that it will lower medical liability premiums. But one thing is certain—it will trample on states' rights and take away long-standing civil justice rights. Taking away patient rights does not improve the quality of our health care system—it just leaves injured consumers without recourse.

I especially oppose arbitrary caps on noneconomic damages and other restrictions on the rights of medical malpractice victims to seek accountability and compensation for their injuries. We are going to hear from proponents of H.R. 5 that these caps are not harmful because economic costs—medical bills and lost wages—are left uncapped.

But what about injuries that are just as painful but less quantifiable—the inability to bear children, the loss of a spouse or child or grandparent, excruciating pain, permanent and severe disfigurement.

Non-economic damages compensate injured victims for very real injuries—and those who suffer those injuries deserve their full and fair day in court.

H.R. 5 is an attack on victims who, for the rest of their lives, will suffer as a result of negligence and malpractice. We should not add to their pain by denying them their legal rights.

I urge my colleagues to reject H.R. 50.

Mr. PITTS. Mr. Chairman, at this time I yield 1 minute to another distinguished member of the Health Subcommittee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I thank the gentleman for yielding.

I rise today in support of H.R. 5, legislation to repeal the IPAB and make critical reforms to our medical liability system.

The IPAB was created in the health care law as a way to contain growing costs, but the reality is those savings will likely be found by removing health care decisions from patients and doctors and placing them in the hands of unelected and unaccountable bureaucrats.

H.R. 5 also addresses the critical issue of medical liability reform. Our current tort system is driving doctors out of the practice of medicine. Those who remain are forced to practice defensive medicine, further increasing health care costs.

The Congressional Budget Office has estimated that medical-liability reform will save hardworking taxpayers over \$40 billion. H.R. 5 makes two commonsense reforms to protect doctors and patients. I urge my colleagues to support the bill.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time each side has.

The Acting CHAIR (Mr. HASTINGS of Washington). The gentleman from California has 36 minutes remaining, and the gentleman from Pennsylvania has 44 minutes remaining.

Mr. WAXMAN. Mr. Chairman, at this time I'd yield 5 of our 36 minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank the gentleman for yielding.

Mr. Chairman, here we go again. My conservative friends are once more trying to take away rights of American citizens that are as old as the Declaration of Independence and the Bill of Rights. They're doing it by talking about taking away the rights of patients without ever mentioning the words "patient safety."

This issue has been with us for a long time. In fact, about 10 years ago, the highly regarded Institutes of Medicine did three studies on the issue of patient safety and the alarming cost it adds to our overall health care delivery system.

The first of their studies was called "To Err is Human: Building a Safer Health System." On this cover it says: "First, Do No Harm." The study concluded that every year up to 98,000 people die in this country due to preventable medical errors. It also talked in this study about the cost of those medical errors. It estimated that the cost of failing to stop these preventable medical errors is between \$17 billion and \$29 billion a year. Now, if you multiply that over the 10 years of the Affordable Care Act, that means if we eliminated those errors, we would save \$170 to \$290 billion a year.

So do we focus on patient safety and preventing medical errors? No, we focus on taking away the rights of the

most severely injured. Because it's what caps on damages do, they penalize those with the most egregious injuries and those who have no earning capacity. So who are those people? They're seniors, they're children, and they are stay-at-home mothers. They're the ones most severely penalized when you take away rights guaranteed in the Bill of Rights and the Declaration of Independence. So I oppose this bill in the name of the Tea Party, not just the current Tea Party, but the original Tea Party, which was founded in opposition to taxation without representation.

If you go to Thomas Jefferson's Declaration of Independence, you will see that grievance against King George listed. Right below it in the Declaration of Independence is this grievance, that he has taken away the right to trial by jury. That right was so important, ladies and gentlemen, that it was embedded in the Seventh Amendment to the Bill of Rights. It says very clearly that in suits at common law, which is what a medical negligence claim is, the jury gets to decide all questions of fact and no one else. Well, one of the most important questions of fact in a jury trial is the issue of damages. My friends are trying to take away that right from the jury—the very same people who elected us to Congress—because they apparently think that Congress knows more than the people who sent us here, those who go into jury boxes all over this country in your State and listen to the actual facts of the case before deciding what's fair, including the all-important issue of what are fair and reasonable damages.

So they're talking a lot today about defensive medicine. I want to tell you about the myth of defensive medicine. Every time a health care provider submits a fee-for-services, they represent that that medical procedure or that medical test was medically necessary. If they don't make that representation, they don't get paid. Well, guess what, folks? If something is performed and billed as "medically necessary," that, by definition, is not defensive medicine, because defensive medicine is when you're doing something that's not medically necessary to protect yourself from litigation. So you can't have it both ways. You can't take the money and claim you are practicing defensive medicine.

□ 1600

We also heard about the myth of setting these caps 30 years ago and never adjusting them for inflation. They always want to talk about the California bill that was passed in the mid-seventies and impose the very same cap in this bill, \$250,000.

What they don't tell you is, if you adjust that cap based on the rate of medical inflation over that same period of time, the cap would now be worth almost \$2 million and that, if you reduce

that \$250,000 cap to present value, those people in today's dollars are only getting the equivalent of \$64,000, no matter how serious their injury is.

That's why I oppose this legislation, and that's why people who believe in the Constitution and in the States' rights, under the 10th Amendment, to decide what their citizens will receive as justice should be outraged that this bill is on the floor today.

Mr. PITTS. Mr. Chairman, at this time I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), another valued member of the Health Subcommittee.

Mr. LANCE. Mr. Chairman, I rise today in support of H.R. 5 that combines the repeal of the Independent Payment Advisory Board with significant medical malpractice reforms that will help reduce health care costs and preserve patients' access to medical care.

Today marks the 2-year anniversary of the House passage of the President's health care law. During that debate 2 years ago, I joined Members from both sides of the aisle in calling on the President to address one of the drivers of the high cost of health care by reforming the current medical liability system. Unfortunately, the President's health care bill passed the House on March 21, 2010, absent any real or meaningful medical liability reform.

The new law did include the Independent Payment Advisory Board, or IPAB, and this cost-control board, made up of 15 unelected and, might I add, unconfirmed officials, has the power to make major cost-cutting decisions about Medicare, with little oversight or accountability.

The IPAB has been criticized by both Republicans and Democrats, and its repeal is supported by nearly 400 groups representing patients, doctors, and employers.

Today, on the 2-year anniversary of the House passage of the health care law, we have an opportunity to move to the future and enact real health care reform that will help bring down health care costs that are escalating at unsustainable rates while, at the same time, protecting needed care for our senior citizens.

As a member of the House Energy and Commerce Committee, I am pleased to have the opportunity to work on this important legislation, and I urge all of my colleagues to support H.R. 5.

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. PITTS. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Georgia, Dr. GINGREY, another distinguished member of the Health Subcommittee.

Mr. GINGREY of Georgia. Mr. Chairman, I thank the gentleman for yielding. And, of course, I stand in strong

support of H.R. 5, the PATH Act, having authored half of the legislation, that is, the HEALTH Act, the medical liability reform act.

But I'm also strongly in favor of repeal of IPAB, the Independent Payment Advisory Board created under ObamaCare. We know and our colleagues on the other side of the aisle, many of them, know that this is the most egregious part of this 2,700-page piece of legislation, which is now the law of the land. But what it is, Mr. Chairman, IPAB, is their way of saving Medicare.

I'll ask them time after time: What is your plan to save Medicare? They have no answers. All they want to do is continue to criticize our side of the aisle when we have meaningful, thoughtful plans to save and protect and strengthen, not just for these current recipients under the Medicare program, those who are seniors, those who are disabled, but also our children and our grandchildren.

What do we get from this side of the aisle, from the Democratic side? We get IPAB.

The language says no rationing, yet the provisions call for cutting reimbursements to providers; and eventually, without question, just as it has in Canada and the UK, Mr. Chairman, that leads to the denial of care. If that's not rationing, I don't know what it is.

Let me, in the remaining part of my time, speak a little bit in regard to H.R. 5, the HEALTH Act, the medical liability reform act.

The gentleman from Iowa, the trial attorney, was just up here trying to imply that we would take away a person's right to a redress of their grievances if they had been injured by a medical provider or a health care facility because of practice below the standard of care.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman another 1 minute.

Mr. GINGREY of Georgia. And I thank the gentleman.

The gentleman from Iowa knows, in fact, that that is absolutely not true.

What we do in this HEALTH Act is limit the awards for so-called pain and suffering at \$250,000. And, Mr. Chairman, indeed, a number of States, after California enacted this law 35 years ago—Texas, Florida, my own State of Georgia—have enacted caps higher than that, and, no doubt, other States will do so in the future, because this bill specifically says—and it's called the flex caps—that if a State wants to enact a limit on noneconomics of \$1 million and have it applicable to multiple defendants, they can do that. They have the right to do that. And in regard to the injury to a patient, there are no caps whatsoever. There are still suits that are awarded to injured pa-

tients that are in the millions of dollars.

So the gentleman from Iowa was totally disingenuous in what he was trying to explain—a very smooth talking, very convincing lawyer. That's what we expect.

But we want to end frivolous lawsuits so that those who are truly injured get their day in court, and that's what this bill does.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I thank the gentleman, who is a physician, for his comments.

He said he wants to save Medicare. He said the Republicans want to save Medicare. They want to save Medicare, but their budget proposal would end Medicare.

Let's just understand, those who are on Medicare know they can go to the doctor or the hospital or other health care provider and Medicare will pay. Under the Republican proposal, they'd be given a voucher and told to go buy a private insurance policy, as much as they could afford by adding additional money. To save it, they want to end it.

And we hear the statement, so-called pain and suffering. For people who are living their lives with constant pain and suffering from a medical malpractice problem, it's not so-called to them. It's a real, terrible situation that they have to live with.

I think that, because one of our speakers happens to be a trial lawyer, I want to point out that the past speaker is a medical physician, as if that should make a difference. Let's base our arguments on the points that are made.

I, at this point, want to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), an important Member whom we hope will come back to our committee in the very near future.

Mr. WELCH. I thank the gentleman.

In Vermont, we faced the challenge that we face in this Nation: We want to have access to health care, and we want it to be affordable.

When we had legislation, the Democrats were pushing access. The Republican Governor was concerned about cost. We sat down and realized we're both right. If Democrats want to achieve the goal of access to health care for everybody, we have to control cost. Our Republican Governor was right. We worked to do that. This Congress has failed to do that.

Health care costs are rising beyond our ability to pay. Whether it's the taxpayer, whether it's the business that's paying the premiums, whether it's an individual who is self-pay, you cannot have health care costs rising at 6.5 percent a year, as they have for the past 10 years, higher than the rate of inflation, profits, or the economic growth. It can't be sustained. IPAB is a tool to help us control health care costs. We have to do that for our tax-

payers, for our employers and for our citizens.

□ 1610

It's advisory. These 15 people who have experience in economics and in medicine will look at data, will look at information. What's there to fear in their doing that? They'll make recommendations to Congress. Congress will retain the right to have the final say as to whether these recommendations will work or not or if we want to substitute something else. That makes sense.

The alternative is what has been put forward to essentially shift the burden of rising health care costs onto seniors and citizens by turning Medicare into a voucher. It would cap what the taxpayer would pay by exempting this Congress from making reforms in how we deliver care that could result in costs coming down and simply saying to seniors on Medicare that if costs go up 6.5 percent a year, another 6.5 percent—you know what, folks?—you are on your own. Figure out how to pay for it. Congress is AWOL on this.

So to the extent that we claim we want access but we won't control costs and take steps that are required to make health care spending sustainable, we're shirking our responsibility. IPAB is not the answer, but it's a good tool.

To reject it and instead replace it with a voucher system where the full burden of runaway health care costs are simply imposed on seniors is the wrong way to go in a continuation of Congress ducking its responsibility for the reforms in the health care system that our citizens need and deserve.

Mr. PITTS. Mr. Chairman, I am pleased at this time to yield 3 minutes to one of our leaders, the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, regrettably the President's policies have failed and continue to harm our economy.

We were told if we would pass the stimulus plan, unemployment would never exceed 8 percent, and instead it's exceeded 8 percent for 37 straight months. We were told that the President would cut the deficit in half, and instead we have the worst debt in our Nation's history. We were told he would take steps to reduce the price of oil, and instead gas prices have doubled at the pump. One more of his policies that has failed is clearly his health care plan.

We were told that it would create jobs, but instead every day I hear from job creators in the Fifth District of Texas who write me things like:

ObamaCare will put a tremendous burden on my company. I can't put a 5-year plan in place. I therefore have to withhold cash for expansion.

I also hear things like:

I could start two companies and hire multiple people, but based on this administration and the lack of facts with ObamaCare, I will continue to sit and wait.

We know now that the Congressional Budget Office says that the health care plan will cost us almost a million jobs from this economy.

We were also told that if we pass this that health care would be more affordable and lower premiums, but instead the Congressional Budget Office now tells us that the new benefit mandates will force premiums to rise in the individual market by \$2,100 per family.

Any way you look at it, the President's health care law is harming job growth; it's harming our economy. But perhaps even more ominously, it's the infamous Independent Payment Advisory Board, section 3403 of the act, that will harm our seniors.

The IPAB is going to be comprised of 15 unelected, unaccountable bureaucrats handpicked by the President. Their sole job is going to be to ration health care to our seniors and impose Federal price controls. This will undoubtedly slash senior access to doctors and to other providers. They literally will be making decisions about the health of our loved ones, our parents, and our grandparents.

The Centers for Medicare and Medicaid Services actuary has confirmed that large reductions in Medicare payment rates to physicians would likely have serious implications for beneficiary access to care utilization, intensity, and quality of services.

Mr. Chairman, when it comes to my parents, both of whom are on Medicare, no government acronym, no government bureaucrat, no government board can ever substitute for the good judgment of their chosen family doctor. That's why today I'm proud to stand with my colleagues here to vote to repeal the IPAB.

Once again, we need to repeal the President's health care plan and do it today.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 4 minutes to the distinguished Democratic whip, Mr. HOYER, from the State of Maryland.

Mr. HOYER. I want to speak about this bill, but I also want to respond to the chairman of the Republican Conference, who apparently fails to realize that we've created 4 million jobs, 3.96 million to be exact, over the last 24 months. We've had 10 quarters of growth in America. As opposed to losing 786,000 jobs the last month of President Bush's term, we added 257,000 last month in the private sector.

So to say that the President's program is not working is simply inaccurate.

Now, ladies and gentlemen, this is a wolf in sheep's clothing. They don't like the health care bill. That's what the chairman of the conference just

said. He wants to vote to repeal that. We understand that. They want to pick it apart piece by piece.

Let me talk about it. Two years ago, we passed a comprehensive health care reform package that is already lowering costs, expanding access, and contributing to deficit reduction. The Affordable Care Act was a significant moment when Congress once again took bold action to constrain the growth in health care spending and make insurance more accessible and affordable for all Americans. As the wealthiest country on the face of the Earth, we ought to make sure that people can get insurance and have affordable, accessible health care.

Insurance companies can no longer deny coverage to children with pre-existing conditions. I bet they think that's a benefit, a protection that will be extended to all Americans by 2014. I've had a lot of people talk to me about that provision. They like it.

Insurance companies can no longer drop Americans from their policies when they get sick or impose arbitrary and unfair caps on coverage. You buy insurance to make sure when you get sick you have coverage. If you get very sick and need more coverage, it says you can't cancel because you're really sick. I think Americans like that.

Since the Affordable Care Act was signed into law, over 32 million seniors on Medicare have access to free preventative services. The Medicare part D doughnut hole is on the path to close completely by 2020. Seniors who fall into this coverage gap are right now getting a 50 percent discount on their brand drugs. They like that.

Now 360,000 small businesses have already taken advantage of tax credits that are helping them provide more affordable coverage to over 2 million workers. Lifetime limits on over 105 million Americans with private insurance have been eliminated. Over 2,800 employers have already received financial assistance that helps them provide affordable insurance to 13 million retirees who are not yet eligible for Medicare.

The CBO continues to project that the Affordable Care Act will reduce the deficits by tens of billions of dollars by the end of this decade.

Despite all of these benefits, today Republicans will take yet another vote to repeal part of the Affordable Care Act. But what they want to do is repeal the act. That's what the chairman said of the conference. I take him at his word. I appreciate his honesty.

Today their focus is on the Independent Payment Advisory Board, or IPAB, which couldn't be a less timely issue. IPAB is a backstop mechanism to ensure that the Affordable Care Act's savings and cost-containment provisions will be achieved. But CBO has already said they don't expect it to be triggered at all over the next dec-

ade. That's because the Affordable Care Act's cost-containment provisions are already having a significant impact on slowing the growth of health care and Medicare spending.

This proves that the Medicare spending can be constrained without turning Medicare into a voucher program as the chairman has said. That forces seniors to spend more and ends the Medicare guarantee. Americans don't want that.

The Republican plan does exactly that and tries to mask the end of Medicare as we know it by talking about choices and competition.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional minute.

Mr. HOYER. But both competition and choice already exist in the Medicare program.

□ 1620

Of beneficiaries, 99.7 percent have access to at least one Medicare Advantage plan, and in the majority of counties, they have an average of 26 private plans to choose from. In spite of all these choices, about 75 percent of all seniors still choose to remain in traditional Medicare.

The Republican budget, released just yesterday, paints a clear picture of their priorities, showing once again they stand for ending the Medicare guarantee, shifting ever-increasing costs on to our seniors and repealing all of the Affordable Care Act's patient protections.

I stand behind the cost-containment provisions, the delivery-system reforms, the improvement to Medicare, and the new benefits and protections that were enacted under health reform. And I stand with my fellow Democrats and America's seniors in support of preserving the Medicare guarantee and ensuring that Medicare remains available and affordable for generations to come.

I appreciate the ranking member's leadership on this issue and all of those who were critically responsible in ensuring that Americans have access to affordable quality health care.

Mr. PITTS. Mr. Chairman, 2 years ago, they said PPACA would cost less than \$1 trillion. The CBO's new estimate says it's going to cost over \$1.7 trillion. Stay tuned.

I now yield 2 minutes to the author of the IPAB repeal, the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the chairman for yielding.

I guess, if the Affordable Care Act is so popular with the American people, that's why 60 percent want it overturned. I'll start by saying that. That's the latest that I've seen.

Let me just go over briefly what the IPAB is and why I'm so vehemently opposed to it.

As an over-30-year practicing physician, I've looked at this, and I've seen two examples already of why I know and what I know is going to happen here.

We have the model in the SGR, the sustainable growth rate, which is what we pay Medicare physicians today. As has been stated multiple times, we have a board with 15 appointed people to it. Over half of them cannot be health care providers or cannot be health care-related folks that are going to make decisions based on a formula for Medicare spending. We're going to set limits. If you exceed those limits, then cuts will come to providers. We've done that with SGR. And guess what the Congress has had the ability to do during that time? To override those cuts, because everybody in here, both Republicans and Democrats, understand if we cut our providers, we're going to decrease access for those patients.

What has happened with SGR? Just 2 weeks ago, we passed an SGR temporary fix to the end of this year to avoid a 27 percent cut in physician payments. Guess what would happen with IPAB? Mr. Chairman, there would be a 27 percent cut to Medicare providers and in 5 years—also, the hospitals are included. I can tell you our rural hospitals where I live will not survive those cuts. Those cuts will occur with minimal overlook from this U.S. Congress and no judicial review.

Let me read this right here: IPAB is the single biggest yielding of power to an independent entity since the creation of the Federal Reserve. This is not me. This is Peter Orszag, the former budget director for President Obama.

My concern as a practicing physician is that if we cut physician payments so far, our patients will not have access to us. Right now, Mr. Chairman, in the primary care group I'm in, that access is already being limited, and we see it around the country.

One final thing. I started practicing as an obstetrician in 1977. I've delivered almost 5,000 babies. I paid \$4,000 a year for malpractice coverage. When I left, the young physician who replaced me was paying \$74,000 a year. The patient has got no more value.

In 1975, when I got back home from the Army, every single malpractice carrier had left the State of Tennessee. Almost all 10,000 physicians in Tennessee get their insurance from a mutual company. Since 1975, over half the premium dollars that every doctor has paid into the State of Tennessee has gone to attorneys, not to the injured party. Less than 40 cents of every dollar has gone to the people who have actually been injured.

We have a terrible system of paying people who have been injured, compensating them. This will allow us to do that and will allow us to get some cer-

tainty so that those costs don't keep rising beyond anybody's ability to pay. What has happened in a lot of places, Mr. Chairman, is access to OB doctors and high-risk doctors has been limited because of the liability.

I strongly support H.R. 5, and urge my colleagues to do the same.

Mr. WAXMAN. Mr. Chairman, nobody is going to deny that there is a problem with medical malpractice. The issue is whether the State of Tennessee can adopt a law to solve its own problem the way the State of California has done, the way the other States have acted. Let the States operate in this area which has been traditionally reserved for them. Washington does not have all the answers. Imposing one system on the whole country is not the way to go.

I would like to at this point yield 3 minutes to the gentleman from the State of Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, you might ask why we're having this debate. Well, the Republicans have never wanted to solve the Americans' problem with health care access and cost; and the Congress passed, with the President's help, a bill that gave access to many millions of people and put in place some mechanisms to control costs.

The Republicans have tried to repeal it again and again, Mr. Chairman; and they know next Wednesday it's going to be in the Supreme Court. So today is press release time, and they have a formula for press releases in this House. The Members are going home to their districts, so they select a straw man and they put him up here. The straw man in this case is the IPAB. Then they scare seniors. They say: this IPAB is going to take away your health care. Then all the seniors are supposed to crawl under the chair or under the bed because the Republicans are out scaring people again. They do it by telling half truths.

This commission will make recommendations that the Congress can adopt, change, or if they don't want to do it, they can let them go into play. They have three choices, and the Congress can do either to change them or adopt them. We're not to giving away our power. That is a half truth to say that we are.

Secondly, as you heard from the whip, it's 10 years before this happens. Folks, if you're sitting at home watching this—Mr. Chairman, they are probably all scared and have quit eating their dinner because they're worried about what's going to happen. We're talking about something that's going to happen in 10 years. This is simply a scare tactic, and it is directly related to the attempt to derail the President's reelection. If they can take down this health care bill, they will have him. They will have shown he hasn't done anything. But the fact is he got it

through here, and it's going to be implemented in 2013.

You can spend all the time you want passing bills in here that are absolutely kabuki theater, because this bill is going to go over to the Senate. You all know it has to pass both the Senate and the House. The Senate put this in. Does anybody think that the United States Senate is going to take away seniors' rights to health care? I mean, does anyone think that? You're accusing the United States Senate of putting this in the bill, setting it up to take away health care benefits from seniors. That is nonsense. If you think the Senate is going to walk away from this provision, well, more kabuki theater. We will be back on another day.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from California.

□ 1630

Mr. WAXMAN. We want to hold down the costs in health care for Medicare, itself. The cost of health care is going up for all health care coverage; but Medicare, if it goes up too much, it's a real problem. So in the Affordable Care Act, we try to put in place ways to hold down costs by reorganizing the delivery of care. We have some other strategies. We hope it will work. But for a backstop, if it doesn't work, there is this Independent Payment Advisory Board, and they will give us some idea as to how to hold down health care costs.

Now, it seems to me, the biggest objection is, once they give their recommendations, we can accept them, we can change them, or we can let them go into effect. I think the biggest problem is that if nothing happens, those health care costs go up; and that's what preserves the right of Congress, is to let nothing happen. And this is not how to hold down costs. This is to let the costs go up.

I thank the gentleman for yielding.

Mr. PITTS. Mr. Chairman, at this time, I yield 3 minutes to another doctor, Dr. HARRIS, from the State of Maryland.

Mr. HARRIS. Mr. Chairman, I think the gentleman from California just said what this is all about: The IPAB is about cutting expenditures for our seniors on Medicare when they need their health care.

The IPAB is no straw man. It's a health care policy bureaucrat's dream and a Medicare patient's nightmare. It's 15 bureaucrats—and the gentleman from California called it right—insurance company representatives, pharmacy company representatives, benefit managers, employers, all those people who really have the care of an individual patient in mind.

In fact, that rationing board limits the number of health care professionals who can serve to a minority, a minority of people, and then goes further and says, And, oh, by the way, they have to actually stop practicing health care for the 6 years they sit on the board. How close are they going to be to knowing what's going on in the care of a patient?

The gentleman from Iowa talked about the myth of defensive medicine. I want to ask anyone who cares to go in a labor and delivery suite and look what's happened to obstetric care, to our women in America over the past 40 years because we don't have effective tort reform.

I'm an obstetric anesthesiologist. I spent 30 years in a labor and delivery suite. In 1970, the cesarean section rate in this country was 5 percent. One in 20 women going to a hospital to have a baby would have a cesarean section. Last year it was 33 percent. I will tell you, not much has changed about childbirth in that time, but now a woman going into the hospital to have a baby has a one in three chance of having a cesarean section. Not only that, but 40 years ago—those of you who want to, ask people you know who delivered 40 years ago. Most obstetrics was delivered by a one- or two-person group where a woman got to know the obstetrician who was going to deliver her baby.

Go ask the folks in your district now what happens. You go into a group of about 10 or 12 people because they can't afford the malpractice insurance. They have to go into a big group so someone else can pay it. It's impersonal service. Go and try to find an obstetrician who is in their fifties or sixties and practicing obstetrics. They gave it up long ago because they can't afford the premiums. The most experienced obstetricians are no longer delivering care to American women.

The C-section rate is one in three, and a woman can't even expect to see her obstetrician every time she goes to those prenatal visits because there are eight or 10 in the group, and they all have to have a chance to see that patient. That's what the lack of tort reform has done to the delivery of care to women in this country.

We need to pass this bill and pass it now.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time each side has remaining in the general debate.

The Acting CHAIR. The gentleman from California has 17½ minutes remaining, and the gentleman from Pennsylvania has 29¾ minutes remaining.

Mr. WAXMAN. I will reserve the balance of my time.

Mr. PITTS. Mr. Chairman, at this time, I yield 2 minutes to another doctor, the gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Chairman, I rise today in support of repealing the Independent Payment Advisory Board, or the so-called IPAB; and I urge President Obama and our colleagues in the U.S. Senate to join us, the House Republicans, in saving access to quality care for America's seniors.

I've been a practicing physician for over 15 years, and I don't think I have seen anything potentially more detrimental to seniors' health care than the Independent Payment Advisory Board created under the Affordable Care Act. As has already been said, this group of 15 unelected Washington, DC, bureaucrats, appointed by the President, will be making decisions on the funding of Medicare with little oversight from your elected officials. This is not a partisan issue. Whether it's this President, the next President, or a President 20 years from now, no President should have the power to create a board with this much control over health care.

Doctors provide critical care to our Nation's seniors, but they also run a business. They have to receive proper reimbursement to keep their doors open or they will lose their ability to provide care for America's seniors.

The Affordable Care Act has already cut over \$500 billion from the Medicare program, and then the President doubled down by proposing over \$300 billion more in his budget. Medicare cannot sustain further cuts if we are to keep access for America's seniors.

Without any chance of judicial or congressional oversight, IPAB will become one of the most powerful agencies within our government.

I ask the American people: What part of the government operates this way? When people in Washington, DC, make decisions you don't agree with, you can vote them out of office, but when IPAB makes a decision, the American people most likely will have no recourse.

If the President and the U.S. Senate really are concerned about saving Medicare, which they claim to be, I urge them to get serious and work with us, because according to CBO, Medicare may be insolvent as early as 2016. We need to reform Medicare in order to strengthen and preserve it for future generations, and true reform is not continuing to cut funding of the program.

Again, I urge the President and the Senate to join us in eliminating IPAB.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. PITTS. Mr. Chairman, at this time I yield 2 minutes to another doctor, the gentleman from Michigan, Dr. BENISHEK.

Mr. BENISHEK. I thank the chairman for yielding.

Mr. Chairman, as my good friend, the chairman, knows, before I came to this House, I served as a general surgeon for three decades. So 2 years ago this week, while President Obama was

pitching his 2,000-page health care overhaul, I was back home in Michigan, taking care of patients and wondering how this law was going to change the relationship between a physician and his patients.

Now the President's broken promises have shown us: Instead of providing real solutions to strengthen the doctor-patient relationship or improving the way we deliver health care to patients, the President gave us the Independent Payment Advisory Board. IPAB is a 15-member commission of unelected bureaucrats charged with cutting Medicare spending, specifically reimbursement for physicians. It's a very Washington-type solution to take something as personal as a doctor seeing a patient in his office and creating a panel of Washington bureaucrats to determine how that's going to be paid for.

As a physician, I can tell you that when you set up an unelected board and give them unprecedented power and little government oversight, the results will be clear. This will lead to arbitrary cuts to the Medicare program, less access to care, and rationing. Today we are voting to stop that from happening.

Mr. Chairman, we've already heard the other side of the aisle accusing the majority of pushing Grandma off a cliff. But instead of scare tactics and hyperbole, I ask Members on both sides of the aisle to support this effort to repeal the IPAB. Support this effort to eliminate what seniors are really concerned about: a group of unelected bureaucrats making health care decisions for them.

As a physician, I am proud to support the repeal of this ill-conceived rationing board on behalf of all my patients and constituents in northern Michigan.

□ 1640

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. PITTS. Mr. Chairman, at this time I yield 2 minutes to another health care professional—a nurse—the gentlelady from North Carolina, RENEE ELLMERS.

Mrs. ELLMERS. I thank the chairman for this opportunity to speak with my colleagues as a nurse and a wife of a general surgeon.

Mr. Chairman, IPAB was created under ObamaCare to slash Medicare spending by restricting health care services for seniors in need. Repealing IPAB will restore the doctor-patient relationship.

Mr. Chairman, when someone goes to the doctor, they reveal the most personal experiences of their lives and engage in a relationship with a dedicated health care professional who puts his or her career on the line for the purpose of making that individual whole again. Left alone, President Obama's government-knows-best mentality will

force our seniors to cede this relationship to a board of unelected and unaccountable bureaucrats who will have the power over the health and the lives of millions of other Americans. Each patient is unique, and their care rests on the doctor's ability to provide the best treatments available, regardless of the cost of their liability.

One of the greatest challenges facing our Nation's health care system, including Medicare, is the rapidly rising costs. This legislation recognizes that. This legislation repairs and repeals the IPAB with commonsense medical liability reform that will save billions of dollars.

I have sat and listened to the debate today, and I have listened intently over the 2 years since ObamaCare went into effect, and I still have one question to my Democrat colleagues across the aisle: What is your solution for Medicare? We know it is not sustainable as it is now. What is your solution?

Mr. Chairman, Federal bureaucrats should not dictate to doctors how to provide care, force them to provide medication regardless of their known complications, and make them liable with no limits or protections.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. PITTS. I yield the gentlelady an additional 30 seconds.

Mrs. ELLMERS. We have got to move forward on malpractice reform. Our colleagues ask the question, How can malpractice be put in place at the Federal level? And yet they have put Federal health care as an issue and put control as an issue.

We must provide patients and medical professionals with the security and the safety net.

Mr. WAXMAN. I yield myself such time as I may consume.

Mr. Chairman, our idea for Medicare for the future is to make it better, not to eliminate it. In the Affordable Care Act, we provide help for seniors to pay for their prescription drugs, especially when they're in the doughnut hole. We provide money so they will be sure to have preventive services without having to pay for them so that we know we can prevent diseases that we otherwise have to pay to treat. We have extended the life of the Medicare trust fund. We're always looking for ways to hold down costs in a reasonable, rational way.

One of the reasons we have very high costs in Medicare is, when a doctor and a patient get together, the doctor decides on how many services are going to be paid for, especially when that doctor gets paid more money for more services. Therefore, we've got to look for alternatives to that. Now I have a feeling the doctors like the idea of deciding how many services are going to be paid for, but we just can't afford that.

So we have ways to hold down health care costs by trying to bring people to-

gether in affordable care organizations, ways for doctors to manage the care from physician to physician in a more efficient way, and we have a backup if these other things don't work—to have an advisory committee to give us their ideas; but their ideas cannot lead to rationing health care or making people have to pay more money for their insurance or to restrict benefits or modify eligibility. That's what we propose to do.

The Republicans propose to take away the assured guarantee of services under Medicare and require people to go find a private insurance plan, if they can afford it, over and above the voucher, which would never keep pace with the increase of health care costs.

At this time, I yield 2 minutes to my California colleague (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

I rise today in opposition to this legislation. Whether or not you're a fan of the IPAB, I strongly urge you to oppose the bill. This bill is not about IPAB. This bill is nothing more than a political maneuver to attack the Affordable Care Act on the 2-year anniversary of its enactment.

I challenge anyone to talk to one of the over 7,000 young adults in my district who now have health care insurance coverage and ask them if the Affordable Care Act should be repealed. Or maybe the 6,000 seniors in my district who have saved over \$3 million on the cost of prescription drugs. Or the 30,000 children and 120,000 adults who now have health care insurance that actually covers preventive services without burdensome copayments. Or the thousands of children with pre-existing health conditions who will no longer be denied coverage by health insurers or told they've hit their lifetime cap for services because of a disease with which they were born. Ask them if they'd like to repeal the Affordable Health Care Act.

No one has ever suggested that this bill was the perfect solution to health care, but we should be working together to fix it, not trying to repeal it for cheap political points. And to add the medical malpractice provision that they added in this bill, that is so wrong-headed that the doctors in California have come out in opposition to this bill. Any doctor will tell you there's work that needs to be done in regard to medical malpractice, but the way this was done has even brought the doctors to the table in opposition.

So, on behalf of the millions of Americans who are already benefiting from the Affordable Care Act, I ask you to join with me and with the California doctors in opposition to this legislation that does no one any good at all.

Mr. PITTS. I yield myself such time as I may consume.

Mr. Chairman, I find it interesting that the gentleman who just spoke

signed a letter to former Speaker PELOSI on December 17, 2009, that says the IPAB provisions severely limit the congressional oversight of the Medicare program and eliminate the transparency of congressional hearings and debate. Moreover, the creation of a Medicare board would effectively eliminate State community input in the Medicare program, removing the ability to develop and implement policies expressly applicable to different patient populations. So IPAB or an equivalent commission, they said, could not only threaten the ability of Medicare beneficiaries but of all Americans to access the care they need.

I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I appreciate the opportunity to speak on this legislation, H.R. 5.

One of the most trusted sources of information in my Mom's life—she's in her eighties—is her physician. We just got a history lesson, a civics lesson, from our friends across the aisle just a moment ago expressing how the Democrat Congress passed, the Democrat Senate passed, and a Democrat President signed into law a bill that puts into place ways to control the costs. It took \$500 billion from Medicare in order to pay for the bill that they passed. Then in addition to the civics lesson, we were given a political reality that the Senate is not going to take the bill up—therefore, we should not be discussing it.

I think, for the peace of mind of people like my mom who are going to have the IPAB, this independent board, inserted between them and their doctors—Mom won't even get to talk to her doctor if this board decides she can't. The scheduler will simply say you have to come back next month or next year, and we're told we shouldn't bring that up because it might scare seniors. Seniors have a right to be scared. They have a right to wonder.

□ 1650

If some board does not even answer to Congress, it can change laws without coming to us, and it can write its own rules; and we're to be told that we should not be discussing this issue because it might frighten seniors. It just might, and they very well should be told.

The Obama health care legislation did not bring one new doctor into service, but it brought millions of new patients in. The real truth is that we have increasing demand for doctor services because of these new patients and no new supply. You're going to have to limit it somewhere. They wanted to hide this limitation under the IPAB. We're simply saying, let's restore the relationship between 86-year-old moms and the doctors. Let's get rid of the IPAB. This bill would do it.

Mr. WAXMAN. I yield myself such time as I may consume.

Mr. Chairman, if you listen to the comments that were just made on the House floor, it would be better to leave over 30 million people without health insurance because they want to see doctors when they get sick.

The legislation, the Affordable Care Act, provides more training for doctors and higher reimbursement for primary care doctors, and it provides for the opportunity to get a medical education with a payback in underserved areas. We're going to get more doctors, but we shouldn't say that those who have health insurance should turn their backs as the Republicans, I feel, are doing to all of those who have no insurance whatsoever.

I want to yield, at this point, 5 minutes to the distinguished gentleman from the State of Virginia (Mr. SCOTT) so he can further speak on this legislation.

Mr. SCOTT of Virginia. Mr. Chairman, I rise today in opposition to H.R. 5. There are several troublesome provisions with the bill.

For example, it sets an arbitrary and discriminatory \$250,000 cap on non-economic damages; it reduces the amount of time an injured patient has to file a lawsuit; and it also repeals IPAB, the board created by the Affordable Care Act to control Medicare costs while preserving access to care.

Although there are many troublesome provisions in the bill, I'd like to speak at length about one provision, the so-called fair share provision.

The fair share provision would repeal the general rule of joint and several liability. Joint and several liability is a common law principle that enables an injured patient to seek compensation from any or all of the parties responsible for the patient's injuries. Joint and several liability provides that each of the guilty defendants are jointly responsible and individually responsible for the total damages, and, if they want, they can agree in advance on how to apportion fault among themselves; thus they can purchase and share the cost of insurance and charge their fees for services based on that agreement.

The general rule of joint and several liability does not burden the injured patient with the requirement of assigning proportional fault. This PATH Act creates a bizarre and impossible standard for the patient by eliminating joint and several liability. It requires that the plaintiff, who is the patient, demonstrate each negligent party's proportional responsibility. This is often impossible for the plaintiff because frequently all the patient knows is he woke up as the victim of malpractice. Why should he then be required to find out what each and everybody did? And how does he do that when everybody is denying any liability?

Unfortunately, this bill essentially requires the plaintiff to conduct a sepa-

rate case against each defendant, each case requiring a finding of duty of care, a breach of that duty, a proximate cause, a finding of damages, and then a determination of what part of the damages are attributable to what malpractice.

Each of those cases requires an expensive expert witness, depositions, and the full expense of complicated litigation. It also complicates any settlement that might take place because a patient can't take a chance of settling with one defendant without knowing what, ultimately, the other defendants might have to pay.

What's most disturbing about this bill is it eliminates joint and several liability for all kinds of damages, including economic damages. In doing so, H.R. 5 is more extreme than most States' laws. Economic loss compensates injured parties for their out-of-pocket expenses, such as the hospital bills, the doctor bills, and lost wages. Even though the proponents of H.R. 5 claim to use California's Medical Injury Compensation Reform Act as a model, not even California eliminates joint and several liability for economic damages.

Mr. Chairman, over centuries, each State has balanced judicial procedures between defendants and plaintiffs. Some provide longer and some shorter statutes of limitations. Some have large, some have small, and some have no caps at all on damages. Some deny recovery in cases of contributory negligence. Others allow recovery based on comparative negligence. Most have joint and several liability—a few do not—but the interests of plaintiffs and defendants have been balanced over the years in each State. We should not override centuries of the State-level balancing of these interests by preempting some parts of tort law with this Federal bill.

Mr. Chairman, we usually hear that tort reform is necessary to address three problems: defensive medicine, high malpractice premiums, and frivolous lawsuits.

This bill will not prevent, will not do anything to deal with defensive medicine, because the lawsuits are not eliminated. There will still be defensive medicine, and because it increases expenses for defendants, it may actually increase total malpractice premiums.

Finally, the bill does not target frivolous lawsuits. The Institute of Medicine estimates that approximately up to 100,000 patients die every year due to medical mistakes, and yet there are only about 15,000 medical malpractice payments each year, so there's a question of whether or not frivolous lawsuits are even a problem. But to the extent that it is a problem, this bill will not target frivolous lawsuits; it will increase the cost of litigation and may reduce all lawsuits, but it will not target frivolous lawsuits.

So, Mr. Chairman, I would hope that we will not pass a Federal law to abolish joint and several liability at the State level, and I would urge my colleagues to oppose this legislation.

Mr. PITTS. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. Mr. Chairman, I rise today in support of this bill.

The unelected and unaccountable bureaucrats of the Independent Payment Advisory Board pose a threat to the ability of seniors in my district and around this country to get the health care they need.

Across my district, I hear from doctors who are deeply concerned about their ability to accept more Medicare recipients because reimbursement rates are already too low; but if the IPAB bureaucrats are allowed to ration care, rates will be driven even lower. Fewer doctors will be able to afford to treat Medicare patients. It's cruel to tell our seniors that they have Medicare but refuse to tell them that there will be no doctors who will be able to treat them.

IPAB will be the end of Medicare as we know it and the end of seniors' ability to get treatment from their preferred doctors. That's why we must act now to repeal IPAB—to protect seniors and to protect Medicare.

I hope my colleagues on both sides of the aisle will join me in supporting this bill.

Mr. PITTS. May I ask the gentleman how many speakers he has remaining?

Mr. WAXMAN. We have one.

Mr. PITTS. I'll yield to myself at this time, then, such time as I may consume.

Mr. Chairman, H.R. 5, the Protecting Access to Healthcare Act, the PATH Act, not only fixes our broken medical liability system; it also repeals the Independent Payment Advisory Board, one of the most ominous provisions in the President's sweeping overhaul of health care.

Medical liability reform will preserve access to quality health care in States like Pennsylvania by allowing doctors in high-risk specialties, such as obstetrics and neurosurgery, to practice without the fear of frivolous lawsuits and, according to the Congressional Budget Office, to reduce the Federal deficit by \$48.6 billion over the next 10 years.

According to the President's health care law, the purpose of IPAB is to reduce Medicare's per capita growth rate. The board is made up, as we've heard, of 15 unelected, unaccountable bureaucrats who will be paid \$165,300 a year to serve 6-year terms on the board. If Medicare growth goes over an arbitrary target, the board is required to submit a proposal to Congress that would reduce Medicare's growth rate.

□ 1700

These recommendations will automatically go into effect unless Congress passes legislation that would achieve the same amount of savings. In order to do so, Congress must meet an almost impossible deadline and clear an almost insurmountable legislative hurdle.

The board has the power to make binding decisions about Medicare policy with no requirement for public comment prior to issuing their recommendations. Individuals and providers will have no recourse against the board because its decisions cannot be appealed or reviewed. In other words, the board will make major health care legislation essentially outside the usual legislative process.

The board is also limited to how it can achieve the required savings. Therefore, IPAB's recommendations will be restricted to cutting provider reimbursements. In many cases, Medicare already reimburses below the cost of providing services, and we're already seeing doctors refusing to take new Medicare patients—or Medicare patients at all—because they cannot afford to absorb the losses.

Any additional provider cuts will lead to fewer Medicare providers. That means that beneficiary access will suffer. Seniors will be forced to wait in longer and longer lines to be seen by an ever-shrinking pool of providers or will have to travel longer and longer distances to find a provider willing to see them. Clearly, Medicare growth is on an out-of-control trajectory that endangers the solvency and continued existence of the program. IPAB, however, is not the solution.

I urge my colleagues to support H.R. 5.

With that, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my friend from California.

Mr. Chairman, I rise in opposition to H.R. 5, which would repeal the Independent Payment Advisory Board, which I think is one of the good features of the health reform law.

I have real concerns about H.R. 5. We're talking about undoing work instead of doing the work that this Congress should do—repealing IPAB in the pretext of protecting Medicare just one day after the Republican budget was released that would end Medicare and shift the costs of health care to our seniors while giving tax breaks to millionaires. There's just no logic to this.

The bill would also make significant changes to the Federal health care liability system, making it difficult for legitimately injured patients to hold health care providers accountable, including even limiting the ability of vic-

tims of sexual abuse from getting justice from the institutions and providers who had harmed them.

The health reform law, which the Republicans want to repeal, included malpractice reforms, like grant programs for States. While I support improvements to the medical malpractice process, it's important to note that malpractice is not the primary—not even really a significant reason—for the escalating health care costs. States that have passed stringent limits on medical malpractice claims like the ones in H.R. 5 have in fact some of the most expensive health care in the country.

This bill is irresponsible and unnecessary. Where is the transportation bill? Where are the jobs bills? Why are we on the floor talking about undoing good work instead of doing the work that this Congress should be doing? This bill is irresponsible and unnecessary. I urge my colleagues to vote “no” on this political theater.

The Acting CHAIR (Mr. WOMACK). The time of the gentleman has expired.

Mr. WAXMAN. I'd like to yield 1 additional minute to the gentleman and ask him to yield to me.

Mr. HOLT. I am pleased to yield to my friend from California.

Mr. WAXMAN. The problem that we keep facing is rapidly rising health care costs. It's not just for Medicare; it's for private insurance. It's for anybody who has health coverage that costs of health care are going up rapidly. The approach of Medicare has always been to look for ways to hold down the cost.

There was a time when ophthalmologists would charge a fee for removing the cataract and then ask for another fee for inserting the lens. Well, that made sense when that surgery was brand new, but they didn't want to give up the two fees that they were receiving because it would be a reduction in their reimbursement. But Medicare said no, that really doesn't make sense. Medicare does a lot of things to hold down cost, and then private insurance picks them up because so often they make sense.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman another 30 seconds.

Mr. HOLT. And I yield that to the gentleman.

Mr. WAXMAN. The way to hold down cost is to try to reform the way health care is delivered. Medicare tries to do that. If we don't do it that way, the Republicans would say that private insurance will be able to control it because that's all people are going to be able to get. No more Medicare. They will have to buy private insurance and let the insurance company tell the doctor and the patient what they will be able to do with their trying to hold down cost, without regard to the Medicare patient.

I thank the gentleman for yielding to me.

Mr. Chairman, I yield back the balance of my time.

Mr. PITTS. Mr. Chairman, before I yield to the gentleman from Georgia, Dr. GINGREY, for our close, I just want to remind him of a statement by the chairman. Representative STARK of the Ways and Means Subcommittee on Health, during the debate and passage of PPACA, he called the establishment of the board “a dangerous provision that sets Medicare up for unsustainable cuts.” We should be reminded of that.

At this time, I yield the balance of my time to one of the authors of the legislation, a distinguished member of the Health Subcommittee and a doctor, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Madam Chairman, as a physician Member and coauthor of the bill, I am truly honored that Chairman PITTS is allowing me to close the debate on H.R. 5, the PATH Act—appropriately named. For meaningful medical liability reform and the elimination of IPAB together will put Medicare in specific, and health care in general, back on the right path: a path to fiscal solvency for one-sixth of our economy; a path to compassionate, cost effective, efficient, and timely health care for all who call this great country home; a path to fairness in our court systems so that those injured by malpractice get their day before a jury of their peers and they are justly compensated, not crowded out by the growing problem of frivolous claims and out-of-control legal fees; a path to a bipartisan and a bicameral solution to one of the most pressing issues that this Nation will ever again face, that is, to save Medicare for our current seniors and strengthen it for all future generations.

Let's get started right now. Our country cannot wait any longer. Vote “yes” on H.R. 5, the right PATH Act.

□ 1710

Mr. CAMP. Madam Chairman, I yield myself such time as I may consume.

Today I come to the floor to speak in support of H.R. 5, the Protecting Access to Healthcare Act, which, among other things, will repeal yet another poorly designed provision from the Democrats' health care law.

Specifically, this legislation would repeal the Independent Payment Advisory Board. IPAB, as it's commonly known, is a dangerous new government agency made up of unelected bureaucrats who can meet in total secrecy to decide what seniors will pay and what health care services will be available to seniors. This unaccountable board has but one objective: to save money by restricting access to health care for Medicare beneficiaries.

Nearly 2 years since its passage, the Democrats' health care law remains

deeply unpopular, with an Associated Press poll recently revealing that nearly half of the American people oppose the law. IPAB, which is a critical component of the law, illustrates why those concerns are still so strong.

A separate poll confirms that opposition far outweighs support with 73 percent expressing concern that Medicare cuts recommended by IPAB could go into effect without congressional approval. Even IPAB's recommendations overturn a law previously passed by Congress. Seventy-one percent expressed concern that changes made to Medicare based on IPAB's recommendations cannot be challenged in court, and 67 percent worry that IPAB could choose to limit which specific health services are covered by Medicare.

The American people have every reason to be worried. We should be protecting and empowering our seniors, not jeopardizing their access to health care. Yet IPAB removes seniors, physicians, and families from the decision-making process about how best to meet their health care needs. Instead of giving seniors more choices, these unelected bureaucrats will take away choices from patients, from doctors, and from families. This government-knows-best approach is why Americans across the country support repeal, and it's also why there's strong bipartisan support here in Congress to repeal IPAB.

When the Ways and Means Committee considered this legislation, we received numerous letters from groups across the Nation representing employers, patients, doctors, and health care professionals who voiced strong support for IPAB repeal. The groups span across the political spectrum and include the Easter Seals, the Alliance of Specialty Medicine, the Veterans Health Council, FreedomWorks, and Americans for Tax Reform. In total, over 390 groups have signed letters asking that Congress repeal IPAB, and I will insert these letters into the RECORD.

America's seniors deserve better. Without reform, the Medicare trustees have said that Medicare will soon go broke and not be able to provide the benefits seniors rely on. With more and more Americans becoming eligible for Medicare each day, no time is more urgent than now to secure the future of beneficiaries' access to care. IPAB does just the opposite. It threatens seniors' access to health care, and that is why it must be repealed.

Madam Chairman, the Democrats got it right when they named the IPAB. It truly is the Independent Payment Advisory Board. It's independent from seniors, independent from people with disabilities, independent from the voters, independent from legal challenges and appeals, and independent from any accountability.

It's time to give that independence back to doctors, to patients, and to Congress by voting to repeal this Washington power grab. I urge my colleagues to join me in supporting repeal of the Independent Payment Advisory Board and to vote "yes" on this legislation.

MARCH 7, 2012.

DEAR MEMBER OF CONGRESS: The organizations listed below represent a breadth of entities including all sectors of the healthcare industry, employers of different sizes and geographic locations, as well as purchasers of care, consumers and patients. We all share the conviction that the Independent Payment Advisory Board (IPAB) will not only severely limit Medicare beneficiaries' access to care but also increase healthcare costs that are shifted onto the private sector. While we all recognize the need for more sustainable healthcare costs, we do not believe the IPAB is the way to, or will, accomplish this goal.

As you know, the Patient Protection and Affordable Care Act (PPACA [P.L. 111-148]) created the IPAB, a board appointed by the President and empowered to make recommendations to cut spending in Medicare if its spending growth reaches certain measures. The IPAB will have unprecedented power with little oversight, even though it has the power to literally change laws previously enacted by Congress. Further, the law specifically prohibits administrative or judicial review of the Secretary's implementation of a recommendation contained in an IPAB proposal.

We are deeply concerned about the impact the IPAB will have on patient access to quality healthcare. The bulk of any recommended spending reductions will almost certainly come in the form of payment cuts to Medicare providers. This will affect patient access to care and innovative therapies. In the past five years for which data is available, the number of physicians unable to accept new Medicare patients because of low reimbursement rates has more than doubled. According to an American Medical Association survey, current reimbursement rates have already led 17 percent of all doctors, including 31 percent of primary care physicians, to restrict the number of Medicare patients in their practices. In all likelihood, the IPAB will only exacerbate this problem.

While we are all supportive of improving the quality of care in this country, we are concerned that the IPAB will not be able to focus on improving healthcare and delivery system reforms, as some of its proponents have suggested. Requiring the IPAB to achieve scoreable savings in a one-year time period is not conducive to generating savings through long-term delivery system reforms. According to a recent Kaiser Family Foundation issue brief, "[w]hile the requirement to achieve Medicare savings for the implementation year provides a clear direction and target for the Board, it may discourage the type of longer-term policy change that could be most important for Medicare and the underlying growth in health care costs, including delivery system reforms that MedPAC and others have recommended which are included in the ACA—and which generally require several years to achieve savings. If these delivery system reforms are not 'scoreable' for the first year of implementation, the IPAB may be more likely to consider more predictable, short-term scoreable savings, such as reductions in pay-

ment updates for certain providers." The Congressional Budget Office (CBO) has in fact stated that the Board is likely to focus its recommendations on changes to payment rates or methodologies for services in the fee-for-service sector by non-exempt providers. Again, this will have a severe, negative impact on Medicare beneficiaries.

Last, we believe that the IPAB sets a dangerous precedent for overriding the normal legislative process. Congress is a representative body that has a duty to legislate on issues of public policy. Abdicating this responsibility to an unelected and unaccountable board removes our elected officials from the decision-making process for a program that millions of our nation's seniors and disabled individuals rely upon, endangering the important dialogue that takes place between elected officials and their constituents.

We do not believe the IPAB is the right way to achieve savings in Medicare and strongly urge Congress to eliminate this provision.

Sincerely,

Abigail Alliance, Action CF AdvaMed, Advocates for Responsible Care, AIDS Delaware, AIDS Drug Assistance Programs Advocacy Association, AIDS Housing Association of Tacoma, AIDS Institute, Alabama Orthopaedic Society, Alabama Podiatric Medical Association, Alaska State Chamber of Commerce, Alaska State Grange, Alder Health Services, Inc., Alliance for Aging Research, Alliance of Specialty Medicine, ALung Technologies, Inc., Alzheimer's & Dementia Resource Center, Alzheimer's Arkansas, American Academy of Facial Plastic & Reconstructive Surgery, American Academy of Neurology.

American Academy of Otolaryngology—Head and Neck Surgery, American Academy of Physical Medicine and Rehabilitation, American Association for the Study of Liver Diseases, American Association of Clinical Endocrinologists, American Association of Clinical Urologists, American Association for Homecare, American Association for Marriage and Family Therapy, American Association of Neurological Surgeons, American Association of Orthopaedic Executives, American Association of Orthopaedic Surgeons, American Autoimmune Related Diseases Association, American College of Emergency Physicians, American College of Emergency Physicians—Indiana Chapter, American College of Mohs Surgery, American College of Osteopathic Surgeons, American College of Radiology, American College of Surgeons—Missouri Chapter, American Congress of Obstetricians and Gynecologists, American Gastroenterological Association, American Liver Foundation—Allegheny Division.

American Osteopathic Academy of Orthopedics, American Physical Therapy Association, American Podiatric Medical Association, American Society of Anesthesiologists, American Society of Breast Surgeons, American Society of Cataract and Refractive Surgery, American Society of General Surgeons, American Society of Plastic Surgeons, American Society of Radiation Oncology, American Urological Association, Americans for Prosperity, Amigos por la Salud, Arizona BioIndustry Association, Arizona Medical Association, Arizona Podiatric Medical Association, Arizona Urological Society, Arkansas Medical Society, Arkansas Orthopaedic Society, Arkansas Podiatric Medical Association, Associated Industries of Florida.

Association for Behavioral Healthcare, Association of Nurses in AIDS Care, Asthma & Allergy Foundation of America—California

Chapter, Asthma & Allergy Foundation of America—New England Chapter, Bay Bio, BEACON (Biomedical Engineering Alliance & Consortium), Connecticut, BIOCUM, BioNJ, BioOhio, Biotechnology Industry Organization (BIO), Bismarck-Mandan Chamber of Commerce, California Healthcare Institute, California Hispanic Chambers of Commerce, California Medical Association, California Orthopaedic Association, California Podiatric Medical Association, California Rheumatology Alliance, California Urological Association, Capital Region Action Against Breast Cancer!, Center of the American Experiment.

Children's Rare Disease Network, Coalition for Affordable Health Coverage, Coalition of State Rheumatology, Council of University Chairs of Obstetrics & Gynecology Organizations, Colorado Academy of Family Physicians, Colorado BioScience Association, Colorado Cross-Disability Association, Colorado Gerontological Society, Colorado Podiatric Medical Association, Colorado Retail Council, Colorado Springs Health Partners, Community Health Charities of Florida, Community Health Charities of Nebraska, Congress of Neurological Surgeons, Community Oncology Alliance, Connecticut Orthopaedic Society, Connecticut Podiatric Medical Association, Connecticut State Urology Society, Delaware Academy of Medicine, Delaware Ecumenical Council on Children and Families.

Delaware HIV Consortium, Delaware Podiatric Medical Association, Delaware State Orthopaedic Society, Docs 4 Patient Care, Easter Seals, Easter Seals Crossroads, Easter Seals Iowa, Easter Seals of Arkansas, Easter Seals of Maine, Easter Seals of Massachusetts, Easter Seals of New Jersey, Easter Seals of Southeastern PA, Easter Seals of South Florida, Easter Seals UCP North Carolina, Elder Care Advocacy of Florida, Florida Chamber of Commerce, Florida Medical Association, Florida Podiatric Medical Association, Florida Society of Neurology, Florida Society of Rheumatology.

Florida Society of Thoracic & Cardiovascular Surgeons, Florida State Hispanic Chamber of Commerce, Florida Transplant Survivor's Coalition, Florida Urological Society, Georgia Association for Home Health Agencies, Georgia Bio, Georgia Orthopaedic Society, Georgia Podiatric Medical Association, Global Genes, Global Healthy Living Foundation, Grand Rapids Area Chamber of Commerce, HEALS of the South, Healthcare Institute of New Jersey, Healthcare Leadership Council, HealthHIV, Hemophilia Foundation of Maryland, Heart Rhythm Society, Hoosier Owners and Providers for the Elderly, Idaho Medical Association, Idaho Podiatric Medical Association.

Illinois Association of Orthopaedic Surgeons, Illinois Biotechnology Industry, Organization—iBIO®, Illinois Chamber of Commerce, Indiana Association of Cities and Towns, Indiana Health Care Association, Indiana Health Industry Forum, Indiana Medical Device Manufacturers Council, Inc., Indiana Neurological Society, Indiana Podiatric Medical Association, Indiana State Medical Association, InterAmerican College of Physicians & Surgeons, International Franchise Association, International Institute for Human Empowerment, International Society for the Advancement of Spine Surgery, Iowa Orthopaedic Society, Iowa Podiatric Medical Association, Kansas Medical Society, Kansas Podiatric Medical Association, Kansas Urological Association.

Kentucky BioAlliance, Kentucky Medical Association, Kentucky Podiatric Medical As-

sociation, Kidney Cancer Association of Illinois, Large Urology Group Practice Association, Latino Diabetes Association, Licensed Professional Counselors Association of Georgia, Louisiana State Medical Society, Lupus Alliance of America—Hudson Valley Affiliate, Lupus Alliance of America—Queens and Long Island Affiliate, Lupus Alliance of America—Southern Tier Affiliate, Lupus Alliance of America—Upstate New York Affiliate, Lupus Foundation of Arkansas, Lupus Foundation of America, DC/MD/VA Chapter, Lupus Foundation of Florida, Lupus Foundation of Mid and Northern New York, Lupus Foundation of the Genesee Valley, Lupus Foundation of Pennsylvania, Mabel Wadsworth Women's Health Center, Maine Health Care Association.

Maine Osteopathic Association, Maine Podiatric Medical Association, Maine State Council of Vietnam Veterans of America, Maryland Orthopaedic Association, Maryland State Medical Society, Massachusetts Association for Behavioral Health Systems, Massachusetts Association for Mental Health, Massachusetts Biomedical Initiatives, Massachusetts Medical Device Industry Council, Massachusetts Orthopaedic Association, Massachusetts Podiatric Medical Society, Medical Association of Georgia, Medical Association of the State of Alabama, Medical Society of Delaware, Medical Society of the District of Columbia, Medical Society of the State of New York, Medical Society of New Jersey, Men's Health Network, Mental Health America of Indiana, Mental Health America of Greater Houston.

MichBio, Michigan Chamber of Commerce, Michigan College of Emergency Physicians, Michigan Podiatric Medical Association, Michigan Orthopaedic Society, Michigan Society of Anesthesiologists, Minnesota Podiatric Medical Association, Minnesota State Grange, Mississippi Arthritis and Rheumatism Society, Mississippi Orthopaedic Society, Mississippi Podiatric Medical Association, Missouri State Medical Association, Missouri Urological Association, Montana Orthopaedic Society, National Alliance on Mental Illness, National Alliance on Mental Illness Colorado, National Alliance on Mental Illness Florida, National Alliance on Mental Illness Georgia, National Alliance on Mental Illness Indiana, National Alliance on Mental Illness Maine.

National Alliance on Mental Illness Michigan, National Alliance on Mental Illness NC, National Alliance on Mental Illness Texas, National Association for Home Care & Hospice, National Association for Home Care & Hospice—Indiana Chapter, National Association for Home Care & Hospice—Ohio Chapter, National Association for Uniformed Services, National Association of Manufacturers, National Association of Nutrition and Aging Services Programs, National Association of People with AIDS, National Association of Social Workers NC, National Association of Spine Specialists, National Council of Negro Women, National Council of Negro Women—Los Angeles View Park Section, National Council for Community Behavioral Healthcare, National Health Foundation, National Hemophilia Foundation—Delaware Valley Chapter, National Kidney Foundation—Ohio Chapter, National Medical Association, National Minority Quality Forum.

National Retail Federation, NCPIO, Nebraska Academy of Physician Assistants, Nebraska Medical Association, Nebraska Orthopaedic Society, Nebraska Urological Association, Neurofibromatosis Mid-Atlantic, Nevada Orthopaedic Society, Nevada Podiatric Medical Association, Nevada State

Medical Association, New Hampshire State Grange, New Horizons Home Health Services, New Jersey Academy of Ophthalmology, New Jersey Mayors Committee of Life Science, New Jersey Podiatric Medical Society, New Mexico Podiatric Medical Association, New York Podiatric Medical Association, New York State Rheumatologists Society, New York State Urological Society, North Carolina Association on Aging.

North Carolina Psychological Association, North Carolina Rheumatology Association, North Carolina Urological Association, North Dakota Chamber of Commerce, North Dakota Medical Association, North Dakota Policy Council, Northwest Urological Society, Ohio Association of Ambulatory Surgery Centers, Ohio Association of County Behavioral Health Authorities, Ohio Association of Medical Equipment Services, Ohio Hospital Association, Ohio Orthopaedic Society, Ohio State Grange, Ohio State Medical Association, Ohio Urological Society, Ohio Veterans United, Oklahoma Podiatric Medical Association, Oklahoma State Medical Association, Oklahoma State Orthopaedic Society, Oklahoma State Urologic Association.

Old North State Medical Society, Oregon Medical Association, Oregon Podiatric Medical Association, Partners in Care Foundation, Partnership for Drug Free North Carolina, Pennsylvania BIO, Pennsylvania Chamber of Business & Industry, Pennsylvania Medical Society, Pennsylvania Orthopaedic Society, Personal Coaching & Psychotherapy for Women, PhRMA, Premier healthcare alliance, RARE Project, RetireSafe, Rhode Island Medical Society, Rio Grande Foundation, New Mexico, Rocky Mountain Stroke Center, Rural Health IT, Sanfilippo Foundation for Children, Society for Cardiovascular Angiography and Interventions.

Society for Vascular Surgery, Society of Gynecologic Oncology, Society of Urologic Oncology, South Carolina BIO, South Carolina HIV/AIDS Care Crisis Task Force, South Carolina Medical Association, South Carolina Orthopaedic Association, South Carolina Podiatric Medical Association, South Carolina Urological Association, South Dakota Podiatric Medical Association, South Dakota State Orthopaedic Society, South Jersey Geriatric Care PC, South Jersey Senior Networking Group, Southeastern Medical Device Association (SEMDA), Southwest Michigan Pharmacist Association, Stockton Center on Successful Aging, Syndicus Scientific Services, Team Sanfilippo Foundation, Tennessee Medical Association, Tennessee Orthopaedic Society.

Tennessee Podiatric Medical Association, Texas Healthcare & Bioscience Institute, Texas Podiatric Medical Association, Texas Urological Society, The Center for Health Care Services, The G.R.E.E.N. Foundation, The National Grange, U.S. Chamber of Commerce, U.S. Pain Foundation, Urology Society of New Jersey, Utah Medical Association, Utah Podiatric Medical Association, Utah State Orthopaedic Society, Vascular Society of New Jersey, Vermont Medical Society, Vermont Podiatric Medical Association, Veterans Health Council, VHA Inc., Vietnam Veterans of America, Virginia Biotechnology Association.

Virginia Podiatric Medical Association, Visiting Nurse Association of Ohio, Washington Biotechnology & Biomedical Association, Washington Free Clinic Association, Washington Osteopathic Medical Association, Washington State Podiatric Medical Association, Washington Rheumatology Association, Washington State Medical Association, Washington State Urology Society,

WERAK Foundation, West Virginia Academy of Otolaryngology, West Virginia Chapter of the American College of Cardiology, West Virginia Manufacturer's Association, West Virginia Orthopaedic Society, West Virginia State Medical Association, William "Hicks" Anderson Community Center, Wisconsin Hospital Association, Wisconsin Urological Society, Wyoming State Grange, Women Against Prostate Cancer.

HEALTH CARE FREEDOM COALITION,
March 19, 2012.

DEAR MEMBER OF CONGRESS: On behalf of the 26 undersigned members of the Health Care Freedom Coalition and our ally organizations, representing industry, policy, taxpayer, and medical professional groups, and their millions of patients and members, we are writing to express our concerns regarding the Independent Payment Advisory Board provision of the Patient Protection and Affordable Care Act and the disastrous impact of its implementation on both patient care as well as Congressional authority.

Section 3403 of the Patient Protection and Affordable Care Act (PPACA) established the Independent Payment Advisory Board (IPAB) to reduce Medicare spending. But ultimately this panel of 15 independent, unelected bureaucrats with unilateral authority and whose decisions are freed from judicial and administrative review will most certainly cut payments to physicians under Medicare, will limit patient access to, and quality of, medical care.

INDEPENDENT, UNELECTED, POLITICALLY-
APPOINTED BUREAUCRATS

Of the 15 members, twelve will be appointed by the President, and the law actually prevents practicing medical professionals—like doctors—from membership. The rules almost guarantee that the members will be academics. The highly-paid bureaucrats will likely be paid more than many of the doctors they are second-guessing. These six-year terms come with an anticipated paycheck of \$165,300—more than the average family practice physician earns in many cities in Ohio, Pennsylvania and Florida.

UNDEMOCRATIC, UNILATERAL AUTHORITY AND
LACK OF REDRESS OR REVIEW

The decisions cannot be challenged in the courts and are freed from the normal administrative rules process—require no public notice, public comment or public review. IPAB "recommendations" carry the full force of the law, unless 2/3 of the House and Senate vote to override. In essence, Congress has given this Board the authority to legislate.

DECISIONS WILL IMPACT PHYSICIANS & PATIENTS

The board is specifically forbidden from "any recommendations to ration health care", but PPACA fails to define the word "ration." Instead, it allows IPAB to pay doctors reimbursement rates below costs, which in essence would constrict a physician's ability to treat patients. Longitudinal studies already show that about one-fourth of doctors already refuse new Medicare patients, and as many as 50% restrict the services they are willing to perform for their current patients. And this is expected to worsen, as even more doctors will be unable to afford to take Medicare patients.

ABSOLVES CONGRESS FROM OVERSIGHT &
DECISION-MAKING

IPAB is intended to take tough decisions about Medicare spending out of the purview of Congress, in effect, delegating away its legislative responsibilities under the Con-

stitution to either a 15-member Board, or by default, the Secretary of Health and Human Services. IPAB was simply created to absolve Congress of having to make decisions that directly impact the quality and access of care for Seniors, and also insulate them from having to make tough decisions.

The ill-advised quest for "cost effectiveness" is doomed to failure. As we have seen in Great Britain, any de facto price controls are likely to do nothing to control the growth of spending. Further, this one-size-fits-all approach to dictating medical care in a country of more than 300 million is ill-advised.

If Congress believes that these decisions handed over to IPAB are too much of a hot political potato for it to decide, then perhaps it is a clear indication that this is the wrong course of action.

Sincerely,

Kathryn Serkes, CEO & Chairman Doctor Patient Medical Association; Grover Norquist, President Americans for Tax Reform; Dean Clancy Legislative Counsel & VP, Health Care Policy Freedom Works; Jim Martin, Chairman 60 Plus Association; Heather Higgins, President & CEO Independent Women's Voice; Colin A. Hanna, President Let Freedom Ring; Ken Hoagland, Chairman Restore America's Voice Foundation; Christopher M. Jaarda, President American Healthcare Education Coalition; HSA Coalition; Tim Phillips, President Americans For Prosperity; Amy Ridenour, Chairman The National Center for Public Policy Research; Mario H. Lopez, President Hispanic Leadership Fund; David Williams, President Taxpayers Protection Alliance; Andrew Langer, President Institute for Liberty; Jane Orient, MD, Executive Director Association of American Physicians & Surgeons; Eric Novak, MD US Health Freedom Coalition; Andrew F. Quinlan, President Center for Freedom and Prosperity; Grace-Marie Turner, President Galen Institute; Hal C. Scherz, MD, FACS, FAAP President & CEO Docs 4 Patient Care; Amy Kremer, Chairman Tea Party Express; Penny Nance, CEO and President Concerned Women for America; Dr. Joseph L. Bridges, President & CEO The Seniors Coalition; Pete Sepp, Executive Vice President National Taxpayers Union; Judson Phillips Tea Party Nation; Stephani Scruggs, President Unite In Action, Inc; Ana Puig, Co-Founder Kitchen Table Patriots.

I reserve the balance of my time.

Mr. LEVIN. Madam Chairman, I yield myself such time as I may consume.

I hope everybody's been listening to this. What has become clear is this: the Republicans have a 3-act play. First, repeal IPAB; next, repeal the rest of health care reform; and, finally, repeal Medicare.

It is so hypocritical to come forth and say that the efforts of Republicans is to protect Medicare when the purpose of it is to destroy it. That's what would happen if they had prevailed before. That's what would happen if they prevail today with their voucher plan.

So the third act really came forth before the first act. They rolled out, yesterday, their budget plan that essentially would repeal Medicare, would destroy it. There would be a voucher and, over time, the end of Medicare.

It's an essential commitment to the seniors of this country, and we Democrats are determined to thwart every effort to destroy it.

Now, as to the first act, repeal IPAB. You know, it's interesting that Medicare is a major instrumentality for ensuring that over time the costs of Medicare are brought under control, protecting the health care opportunities of seniors. Indeed, there have been efforts already under the Affordable Care Act to bring under control the costs of Medicare, to make sure it survives.

So being an essential part of controlling health care costs over the long term, the Republican proposal, essentially, would go in the opposite direction. And that's why the CBO, last year projected—and I want everybody to listen to this—that health care costs would jump by 39 percent under the Republican plan to end the Medicare guarantee. That's why 300 economists have said that health reform puts into place, essentially, every cost-containment provision policy that analysts have considered. It's because of those policies that CBO has given this estimate that IPAB isn't going to be triggered until some time after 2022.

So what happens is, the Republicans come forth with the repeal of IPAB as a first step towards repealing Medicare when they have never presented an alternative in terms of the Affordable Care Act. So, today, we hear all the scare tactics about a board whose operation effectively won't be triggered for a decade. That's a scare tactic that is not worthy of this floor, so I urge very much that we oppose.

It's interesting that the Republican budget has a cap that is more severe, if you want to put it that way, more strenuous than the provision that relates to IPAB. And so they come forth, and they say that IPAB, which won't be triggered until 2022, is something that they should oppose, while they want to put in place a budget this year that would have a more severe cap than is in IPAB. Let me also say the notion that there is some agency here that could act without any role for Congress is simply untrue. It's not true. You shouldn't say it.

We have an opportunity, once IPAB goes into operation, to review any recommendation that comes forth, and to replace it, as long as the various targets are met. So I urge very much that we reject this proposal in part because the repeal, in and of itself, I think, is a mistake but mainly because of what the aim is here, and that has been so clear from the debate, because people who come here on the Republican side, some of them talk about IPAB; some don't even discuss IPAB. They talk about the Affordable Care Act.

□ 1720

The polling data we have is essentially relating to the Affordable Care

Act as well as to IPAB. I think the more people understand what has been going on, the more they see the benefits of health care reform, the more they will be supportive of it. We're going to take that case to the American people.

Let me just give you a few numbers that everyone should know about ACA.

It's been only 2 years since it was signed into law, but Americans are already receiving the benefits of lower costs and better coverage.

Let me give you a few facts:

86 million Americans have received one or more free preventative services such as checkups and cancer screenings;

105 million Americans no longer have a lifetime limit on their coverage;

Up to 17 million children with pre-existing conditions can no longer be denied coverage by insurers. Up to 17 million kids. You repeal this Act, you put them into total jeopardy;

2½ million additional young adults up to 26 now have health insurance through their parents' plan. If you had succeeded in past efforts of repealing health care reform, those 2½ million people would have been out in the cold;

Also, 5.1 million seniors in the doughnut hole have saved \$3.2 billion on their prescription drugs, an average of \$635 per senior. If you had succeeded with repeal, over 5 million seniors would have been essentially with increased costs;

Over 2 million seniors have had a free annual wellness visit under Medicare;

Already under the small business health care tax credit, over 350,000 small employers have used it to help provide health insurance for 2 million workers.

Republicans come here using scare tactics about IPAB, 10 years away from being triggered according to CBO. You essentially say repeal health care reform though you've never had a comprehensive plan to replace it. That's been the bankruptcy of your position.

I finish, reminding everybody that we're the only industrial nation on the globe which has tens of millions of people who go to bed every day without a stitch of health insurance coverage.

The administration's brief before the Supreme Court has illustrated what the result is in terms of the added costs of the uninsured who go to emergency rooms. Billions and billions of dollars that are essentially shifted to people who have insurance and shifted to taxpayers who have to cover the costs of emergency coverage.

So we come here with a passion. We worked hard to support and to pass this act. We worked hard to put it together. A major piece of legislation like that always needs continued work, but not its repeal. That would be a grave, grave, grave mistake.

So I think it's time to pull down the curtain on this three-act play of the

House Republicans trying first to repeal IPAB, then to repeal the rest of health care reform, and then to repeal Medicare. Fortunately, if we're mistaken and the majority passes it here, it will deserve a death in the Senate of the United States.

I reserve the balance of my time.

Mr. CAMP. Madam Chairman, I yield myself 15 seconds just to say that our Republican alternative, our Republican health care bill, prevented unlawful rescissions, had no lifetime caps on coverage, did not deny coverage to those with preexisting conditions, and was the only bill that was scored by CBO as lowering premiums. Also, we did it without spending \$2 trillion and 2,400 pages and did not create a board of 15 unelected bureaucrats.

With that, I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chairman, I rise in strong support of H.R. 5.

Today's debate goes to the heart of the question of what kind of health care system we want to have. House Republicans believe the solution to making health care more affordable and strengthening the Medicare program is more freedom, empowering innovation and competition to reduce costs and improve quality, giving seniors the opportunity to choose the health care that's best for them.

The Independent Payment Advisory Board, IPAB, represents a very different approach to controlling health care costs, a one-size-fits-all plan in which unelected and unaccountable bureaucrats decide what kind of health care you should get. Physicians, patient advocates, and respected scholars, Democrats and Republicans alike, have warned that the IPAB threatens access to care for seniors and people with disabilities. The board has the authority to meet and make decisions in secret without considering the perspective of patients and their doctors and without judicial review. Madam Chairman, this is the wrong approach. IPAB must be repealed.

H.R. 5 also includes important reforms to reduce the cost of frivolous medical lawsuits. The President's health care overhaul has not fulfilled his promise to reduce health insurance premiums by \$2,500, but commonsense medical liability reforms will truly bring down health costs both for American families and the Medicare program.

I urge the passage of this legislation.

Mr. LEVIN. I now yield 3 minutes to the distinguished member of our committee, Mr. BLUMENAUER, from the proud State of Oregon.

Mr. BLUMENAUER. Madam Chairman, I come to the floor coming from the Budget Committee, where my Republican colleagues are busy at work breaking the commitment that we all

made to one another establishing a path forward on deficit reduction. It wasn't just a commitment that was made amongst legislative leaders; we wrote it into law. Now they're breaking that commitment.

They are involved with the budgets that are going to actually reduce health care in this country, and yet they would come to the floor and ask us to get exorcised about something that may happen 10 years from now.

I find the language curious. You could just as easily say, instead of the Supreme Court, you could talk about nine unelected judicial hacks meeting in secret that have no judicial review. They're a power unto themselves.

Get a grip, people.

IPAB comes into play only if we are unable to deal with controlling costs. Remember, our Republican friends—I voted against it—set up the SGR so that we have to have a doc fix every year, putting cost control on automatic pilot, because they didn't have the gumption year after year to deal with the policy changes to make a difference.

We have MedPAC for Medicare that gives us recommendations, but Congress blinks.

□ 1730

What's going to happen maybe 10 years from now, if costs are not under control, then there will be 15 people who are experts, who are recommended by congressional leaders, nominated by the President, confirmed by the Senate, who will make recommendations if Congress doesn't do its job. Then Congress will be able to take those recommendations and put in place alternatives. Nothing is going to happen here without Congress having the ability to match and do better.

But because Congress historically hasn't had a backbone and has failed miserably in areas of cost control and reform, we put into the health care reform act a fail-safe, not unlike what we've had to do to take base closing out of the hands of the logrolling in Congress and have a streamlined procedure. This is a fail-safe. This makes sense. It's not going to happen unless Congress fails in its task.

I strongly suggest that what we ought to do—rather than trying to unravel health care reform on this floor and in the Budget Committee—is accelerate it.

The Acting CHAIR (Ms. HERRERA BEUTLER). The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 2 minutes.

Mr. BLUMENAUER. Remember, the elements in the health care reform, when you unwind them, virtually without exception, have their roots in a bipartisan consensus of what needs to happen to make our health care system more efficient.

Many of these pilot projects, these demonstrations have actually already been at work in States across the country, including some that have Republican Governors. We're doing some of it in the State of Oregon. It has the dreaded mandate, which was a Republican think tank option that was an alternative to HillaryCare 20 years ago, and, in fact, was put in place by Governor Romney, who is going to be, by all accounts, the Republican standard bearer for President.

This is an example of Congress at its worst, making up a problem, attacking something that would help us do our job better. They are trying to demonize it in a way that you could do with virtually any other board or commission, ignoring the safeguards, ignoring the fact that the statute says specifically that it shall not ration. Instead, they are willing to allow insurance companies to ration and ignore the need for reform.

I strongly urge rejection of this misguided proposal. Let's get back to work. Let's do our job. It will never come into play if Congress does its job, and Congress will always have the last say.

Mr. CAMP. Madam Chairman, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the chairman for yielding.

The President's health care law is chock full of pitfalls, tax increases, government overreaches, and newly created bureaucracies. But perhaps the most outrageous and dangerous manifestation is the Independent Payment Advisory Board.

This board of 15 arbitrarily appointed bureaucrats is charged with slashing Medicare reimbursement rates, which will drastically impact the medicine and procedures available to our seniors.

The IPAB has no mandate to improve patient care. Its mandate is to meet a budget, and it may ultimately lead to the rationing of care for our senior citizens. The IPAB gives these bureaucrats unprecedented power with no accountability, no judicial review, and no requirement for transparency. The simple fact is that the American people don't want and certainly don't need bureaucrats coming between us and our doctors.

Today we ask for the repeal of the IPAB, but we will also make up for any amount of lost savings this absurd board would have been able to find by strengthening our health care system with honest and straightforward medical liability reform.

Frivolous lawsuits have caused malpractice insurance rates to skyrocket. As a result, the price of health care for patients has followed the same trajectory, and we've seen dramatic health

care access issues for our rural communities.

If we repeal the IPAB and enact these commonsense medical liability reforms, this legislation will reduce the deficit by over \$45 billion, according to the CBO. These are commonsense, bipartisan, fiscally responsible reforms that strengthen the doctor-patient relationship and put the American people back in charge of their health care decisions.

I urge all of my colleagues to support this.

Mr. LEVIN. I yield 4 minutes to a member of our Ways and Means Committee, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman from Michigan for yielding me this time.

Madam Chair, I rise in opposition to H.R. 5.

Two years ago, the Affordable Care Act was passed, and I was a proud supporter of that legislation. Not because I thought it was the perfect bill, but because I thought it gave us the tools and the potential to reform a health care system that was in desperate need of reform, of putting things in place that could deliver better quality of care that is given for a better price, and also increasing access to health insurance throughout the country, and to finally address the 52 million uninsured Americans that we have living in our own communities.

Yet the ultimate verdict on whether health care reform works or fails for everyone in this country is whether we can figure out creative ways of bringing down those costs in health care.

One thing I do know under the health care reform bill that has been enacted is that in my congressional district in western Wisconsin, this year alone 4,200 young adults are able to stay on their parents' health care plan; whereas, before they couldn't. What a relief that has been to those families, making sure that those kids, many of whom are in school, can stay on the family plan.

Of the 5,800 seniors this year who have fallen into the doughnut hole, they are seeing a cost savings of roughly \$610 apiece because of the 50 percent price discount they now get under this legislation. That's not peanuts in western Wisconsin. There are 86,000 seniors now that are able to go and get preventive care services without copays, without deductibles, without out-of-pocket expenses. We want them to go in and get those tests so something worse doesn't happen to them, which will inevitably drive up the cost for everyone in the Medicare system.

There are 15,000 small businesses in western Wisconsin that now qualify for tax credits for providing health care to their employees to make it more economically feasible for them to do what they want to do, and that is provide

health care coverage for their workers. That 35 percent tax credit goes up to 50 percent in 2014, when we're able to move forward on the creation of the health insurance exchanges. And 39,000 children in western Wisconsin who have a preexisting condition can no longer be denied healthcare coverage in their lives.

This is the right thing to do, and yet we have to figure out some cost-containment measures to make sure that it's sustainable and affordable in the future.

The Independent Payment Advisory Board is a backstop in that effort. It's not the first thing we go to in order to find cost savings, but if costs do exceed target growth rates, the Independent Payment Advisory Board is able to come forward—with Congress—with recommended cost savings that will be implemented only if Congress refuses to act ourselves. And that has been the problem around here for too long. We get recommendations from MedPAC and other entities on where we can find cost savings, but because of the inability of Congress to stand up to some powerful special interests, quite frankly, it's very difficult for this institution to act by itself in order to implement those cost savings.

I find it a little bit humorous that my colleagues on the other side are so fearful of this payment advisory board making some decisions when it comes to the rising health care costs when they feel perfectly comfortable turning these decisions over to private insurance companies who are motivated by profit and trying to maximize their margin of gain by providing health care coverage. I think that's nonsensical.

Ultimately, if health care reform is going to work, we have to change the way health care is delivered in this country so that it is more economical in how we pay for it, so that it is value- and not volume-based anymore.

I come from an area of the country with health care providers that have models of care that are highly integrated, they are very coordinated, they are patient-focused, and they are producing some of the best results in the Nation. Yet a Medicare recipient in La Crosse, Wisconsin, receives on average about \$5,000 a year compared to \$17,000 in Miami. Yet the results in La Crosse are much better than the results in Miami, and there are studies out there showing there is over-utilization in the delivery of health care, which is driving up costs for everyone.

The Acting CHAIR (Ms. HERRERA BEUTLER). The time of the gentleman has expired.

Mr. LEVIN. I yield to the gentleman 2 additional minutes.

□ 1740

Mr. KIND. I thank the gentleman.

The studies show that one out of every three health care dollars is going

to tests, they are going to procedures, they are going to things that don't work. They're not improving health care. And oftentimes, because of the over-utilization that patients are receiving, many of these patients are being left worse off rather than better off. So we've got to reform the delivery system, which the Affordable Care Act puts in place. But ultimately, we have to change the way we pay for health care. We need to end and destroy the fee-for-service system, which is all volume-based payments, and move to a value-based reimbursement system. The IPAB commission can help us get to that promised land.

And this has been a bipartisan issue for a long time. Dr. Frist has been talking about payment reform that's value-based for as long as I can remember. My own former Governor, former HHS Secretary Tommy Thompson, has said repeatedly that if we do anything, make sure that we change the payment system so it is value- and not volume-based anymore. Mark McClellan, President Bush's CMS Director, the same thing. So there's been bipartisan recognition that we have to do it. IPAB gives us an opportunity to do that, but it's not the final say. They merely come forward with their recommended cost savings and challenges the Congress to come up with an alternative cost savings.

So, folks, this is gut-check time. This is whether we are serious about trying to bend the cost curve. Their plan would get rid of Medicare. It turns it into a private voucher and a voucher that's inadequate to address the costs that seniors face. They don't reform the way health care is delivered. They're not reforming how we pay for health care. They're merely changing who pays for health care under Medicare, and those costs are going to be shifted on the backs of our seniors. That's no way of reforming a health care system that's in need of reform, that only address the Medicare portion within our budget.

What we need to be working on and what the Affordable Care Act gives us the tools to do is to reform the entire health care system, both public programs and private programs. And that's something that we fundamentally have to do to get our economy back on track, creating good-paying jobs. Because if you just repeal it now, we go back to the status quo, which means more uninsured, higher costs, and our businesses are less able to compete globally. I encourage my colleagues to reject H.R. 5.

Mr. CAMP. I yield myself 15 seconds.

I would just say that with regard to IPAB, the 15 unelected people appointed by the President, Congress can't simply reject the IPAB findings. Congress has to reject and find those savings somewhere else within the program, unlike the Base Closure Commis-

sion, which some Members have cited. And these are all people appointed by the President.

So with that, I would yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding.

Madam Chair, the very foundation of our health care system is that relationship between a patient and their doctor. But the President's new health care law inserts government bureaucracy in the middle of that longstanding relationship. One clear example of this is the establishment of the Independent Payment Advisory Board, this 15-member board of unelected, unaccountable bureaucrats who will soon have the authority to dictate our Nation's Medicare policy by effectively deciding what health care seniors can receive. And since its inception, IPAB has been the focus of vocal and sustained opposition from doctors, physicians, and patients because it does threaten to reduce beneficiaries' access to treatments and services that are included in the Medicare program.

Madam Chair, the repeal of IPAB has strong bipartisan support. Given the widespread concern about the impact that IPAB will have to deny quality health care services, it's no wonder that about 350 organizations that represent veterans, seniors, employers small and large, as well as doctors and physicians and consumers in all 50 States, support its repeal. Although a majority of us here in Congress have registered our concerns about IPAB and support its repeal, it is the American public, including many folks from my community, who remain the most vocal about ending this program before it is implemented.

The American people have every reason to be worried about this IPAB board. The unchecked powers of IPAB have been explained by my colleagues already at length. Simply put, IPAB is a dangerous new government agency that will be made up of unelected bureaucrats with no oversight, no accountability, and no recourse for seniors to appeal any of IPAB's decisions. The decision-making, the deliberations, the meetings that IPAB hold do not have to be held in public.

Madam Chair, rather than endangering Medicare beneficiaries, we should be empowering them. Rather than making decisions behind closed doors, we should be having these discussions in public in our hearing rooms between doctors, patients, and consumers. Let's do the right thing and protect American seniors by repealing this overreaching provision.

Mr. LEVIN. I now yield 4 minutes to the gentleman from Texas, a member of our committee, Mr. DOGGETT.

Mr. DOGGETT. I thank the gentleman.

Many an American family has been wrecked by soaring health care costs. We know it's been a leading cause of personal bankruptcy. We know that spiraling health care costs have been a leading cause of credit card debt, and now Republicans have continued their sustained effort to wreck the Affordable Care Act.

As we have been witnessing at the same time that this debate is going on within the Budget Committee, on which I also serve, the Republican plan to end the guaranteed benefits of Medicare, they think that our seniors pay too little, so they offer a voucher plan that would result in our seniors having to pay much more for their health care. They would tell the senior or the individual with disabilities, Go out and fish for insurance with this voucher. But they won't find any fish biting, though they will continue to be bitten with rising health care costs. That's why President Lyndon Johnson created Medicare in the first place, because private insurance companies weren't interested in covering the old and the infirm.

Today's approach is the same approach that Republicans took last year when they had their signature accomplishment. Right in the first month of their takeover of this Congress, they came out here with this page-and-a-half bill that I call the "12 platitudes." They repealed what they said they didn't like, and they came forward with 12 lines of what they said they would replace the Affordable Care Act with. But all we've gotten since then are bills that began after they did the total repeal—repealing individual sections, like school health care clinics, like this proposal dealing with the question of health care costs.

We know they don't like it. We know they don't like President Obama and anything that he is for. They tell us everything that is wrong with the Affordable Care Act, but they sure can't come up with a better idea that they have the courage to bring to a vote in the Ways and Means Committee or bring to a vote on the floor of this House. It's all about what they're against, but they haven't brought any of the 12 platitudes that they approved last year into a legislative form to deal with this issue of spiraling cost for our government and families or to deal with any other aspect in the Affordable Care Act.

Now, I have to say, quite frankly, that I wish the Affordable Care Act were as good as they think it is bad. It's not. It is a compromise of a compromise—it has many inadequacies—but compared to the Republican alternative of doing nothing and compared to the broken health care system that has wrecked so many American families who are faced with a health care crisis, this approach is far superior.

This board's opponents tell us that Congress should be able to make all

these decisions. Well, I've served on the Ways and Means Committee and on the Health Subcommittee previously for a number of years. I wish it could be so, and I think we could play a more constructive role. But, frankly, the history is that Congress hasn't done a very good job of controlling costs. When we have taken steps to control costs, as we did with the \$500 billion in cost control that we put into the Affordable Care Act that increases the solvency, extends the solvency of the Medicare trust fund by 12 years, all we've gotten is attack and criticism from them for the steps that we took that did limit cost.

So I don't view this aspect of the Affordable Care Act as necessarily the best way to do it or the only way to do it. But when all they offer us is nothing except vouchering Medicare for our seniors and similar, I think we should stick with the reform that we have until a better alternative is presented, and that alternative is not being presented tonight.

Republicans don't have a plan to make the hard decisions to lower health care costs. They just want our seniors, individuals with disabilities, and families across America to pay more so that they can preserve all these tax breaks for the wealthiest and most economically successful people in our society and, for all of those corporations that export jobs abroad, to continue to provide them incentives to do just that.

□ 1750

I believe that this bill should be rejected just like their other repeal efforts until they come up and present on the floor a better idea, and I don't think they have one. They just have all the retreads of the Bush-Cheney years. Until then, I say stick with the Affordable Care Act.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, thank you for yielding.

Madam Chairman, did you notice something? The gentleman from Oregon—and I took a note and I'm kind of paraphrasing, but he basically was arguing from the other side of the aisle that IPAB, this cost control board, will basically never come into play as long as Congress does its job. During the health care hearing that we had in the Ways and Means Committee, the gentleman from Wisconsin on the other side of the aisle characterized IPAB as a leap of faith, and now we just heard from the gentleman from Texas who acknowledged it's not the best solution, but let's stick with it.

Here's the problem with sticking with this failed solution, Madam Chairman. They're asking seniors to bear the brunt of this.

We had an expert witness, Madam Chairman, who came into the Ways and Means Committee, and I posed this question to him. I said: There's no rationing *per se*. It's defined out of the bill, although it's not defined in the bill. But the bill says there can't be rationing, but can there be *per se* rationing? In other words, if coverage is denied based on cost, is that rationing?

And he said: Absolutely, Congressman.

So think about what the other side of the aisle is asking. Take a leap of faith, a leap of blind faith, that somehow Congress is going to come up with the remedy and that seniors are not going to be held at risk.

The gentleman from Texas said that we're only here criticizing things. Let me tell him, Madam Chairman, what we are for.

We're for the repeal of IPAB. We're for the repeal of something that is going to put such downward pressures on seniors, it will make people's heads spin. What we've got to do is make sure that we put remedies in place that empower seniors, that create patient-centered health care and don't deny care and put more out-of-pocket costs on the backs of seniors.

We can't repeal this thing fast enough. We need to vote "aye" and get this done.

Mr. LEVIN. It's curious. You're talking about, according to CBO, a board whose operation would be triggered in 2022. You come here and scare people. It doesn't work. You talk about rationing. You're talking about an operation 10 years from now.

Right now, health care is being rationed. You have 50-plus million people who have no insurance, 50-plus million people who have no insurance at all, and you haven't come up with a bill that would address that.

I am proud to yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), who has been so key in the health care debates.

Mr. ANDREWS. I thank my friend for yielding and for his compliment.

When our mothers and fathers go to the doctor or the hospital, we want to be sure they get the best health care that can possibly be delivered and that their doctor and their family think they ought to get; and that health care should never be subject to the strategic plan of any insurance company or the whims of the marketplace.

Because it is not profitable, as a general rule, to take care of the aged and the infirm, President Johnson and this Congress, in 1965, created the Medicare guarantee, and they guaranteed that our seniors and people with disability would get the care they need irrespective of the whims of the marketplace. The majority brings this bill to the floor today because they raise fears about what might happen to the Medicare guarantee 10 years from now.

There is a very important question about Medicare before this Congress, but it's coming about 8 days from now, not 10 years from now, when the majority will bring yet another budget that systematically unravels and ends the Medicare guarantee.

Call it what they will, when you have a system where the healthiest and the most prosperous and, in some cases, the youngest retirees can opt into a private insurance system, those that will be left in regular Medicare will be the aged and the infirm and the poor. Medicare will then go the way of Medicaid, which their budget cuts by nearly 40 percent, according to some estimates.

Frankly, as a diversion from the real threat to Medicare, which is yet another Republican budget coming to this floor 8 days from now that will end the Medicare guarantee, we now have a series of wild accusations about the Independent Payment Advisory Board, which the Congressional Budget Office says, based on current cost performance, would have no role for at least 10 years.

So we hear all these things about these unelected bureaucrats making decisions. I would say, Madam Chair and fellow House Members, consider the source.

Two years ago, we heard that everyone in America would be in a government-run health plan if the Affordable Care Act passed. It hasn't happened.

Two years ago, we heard that every small business in America would be forced to buy unaffordable health insurance for their employees. It hasn't happened.

Two years ago, we heard that every American family would have to bear a crushing tax increase because of the Affordable Care Act. It hasn't happened.

Two years ago, we heard there would be drastic cuts in benefits to Medicare beneficiaries because of the Affordable Care Act. Not only has it not happened, benefits have increased. Seniors pay a lower share of their prescription drug costs and Medicare pays more. Seniors have access to annual preventive checkups without copays and deductibles. It hasn't happened.

Finally, lest we forget, those who say the IPAB is such a virulent threat to Medicare and said there were death panels in the Affordable Care Act, where are they? Can anyone on the other side point to one person who has gone before a government committee and been denied health care since the Affordable Care Act and as a result of that act?

The Acting CHAIR. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 2 additional minutes.

Mr. ANDREWS. It is a fiction—it is a distortion—and here we are at it again.

Now, in the first 2 weeks of their majority, the majority came here and

made a promise to the American people. They said: Yes, we're going to try to repeal the Affordable Care Act, but then we're going to replace the Affordable Care Act. It was repeal and replace.

We've had the repeal as a recurring scenario on the floor. This is just another chapter in it. Where's the replace?

For the provision that says that people 26 and under can stay on their parents' plans, if you repeal the Affordable Care Act, where is your bill to replace it?

For the provision that says that no person can be denied health insurance or charged more for it if they're diabetic or if they have breast cancer or asthma, where is their replacement?

For the provision that says that seniors who fall into the doughnut hole get significantly greater help in paying for their prescription drugs, where is their replacement?

For the provision that says that small business people who voluntarily provide health insurance to their employees get a significant tax cut, where is their replacement?

There's a saying that our friend from Texas says about being all hat and no horse. The majority is all repeal and no replace.

So this is yet another example of a debate that's tired, worn out, and seen its day. The Affordable Care Act is helping improve the lives of Americans. An empty political debate like this one isn't, and certainly ending the Medicare guarantee, as the Republicans will try to do in 8 days, is the wrong way to go, and so is this bill.

□ 1800

Mr. CAMP. I yield myself 30 seconds.

I would just say to my friend from New Jersey who says "consider the source"—and the source is the American people—73 percent have expressed concern that the Medicare cuts recommended by IPAB would not only go into effect without congressional approval, but would also hurt their ability to get the Medicare services they need.

Let me just say I hear from my friends on the other side how important IPAB is to the integrity of Medicare. It is not effective until 2022. And let me just say with regard to the Medicare cuts that are in your health care bill, most of them don't take place until 2014. And I would just say that our health care bill included provisions that covered preexisting conditions, included many of the provisions the gentleman mentioned, and we did it without a tax increase, and we did it as the only health care bill that was scored by the Congressional Budget Office as decreasing premiums for American citizens.

With that, I yield 2 minutes to a distinguished member of the Ways and

Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Let's, first of all, start with the simple fact that no one in this room can deny, and that is there are 10,000 baby boomers that are added to the rolls each day. Medicare's exponential growth will cause the program to go bankrupt in 10 years. The Congressional Budget Office and the Medicare and Medicaid trustees have been ringing these alarm bells about Medicare's dwindling finances, and we must act now.

Over 46 million Americans rely on Medicare for their health care, and something must be done soon to save this program for future generations. Unfortunately, the President's budget proposal failed to address Medicare's grim future. Instead, what we have on the law books now is a 15-member board that is charged with cutting costs and denying care to our seniors. The Independent Payment Advisory Board established in the health care law would cut physician payment rates, forcing many doctors to stop seeing Medicare patients. This board makes senior care harder to access and puts bureaucrats between the patients and their doctors.

Now, it's been said here today there's not another plan. Let me correct that. There is another way. As a matter of fact, there is a bipartisan way. The plan for Medicare that is a bipartisan proposal does three things. It does not make any changes for those at or near retirement, it offers guaranteed coverage options to seniors regardless of their preexisting conditions or health history, and it is financed by a premium-support payment that's adjusted to provide additional financial assistance to those who are low-income and less-healthy seniors, and more wealthy seniors will pay.

So the choice is clear: we can continue to stick our heads in the sand and go on with a program that takes away choice for our seniors, limits their care and supports the status quo, or we can improve a plan to save Medicare and provide more choice. For me, the choice is clear.

Mr. LEVIN. Let me just say it is strange to say you save something by destroying it. That is 1984 in 2012.

I now yield 2 minutes to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend from Michigan for yielding, and I want to comment on something, Madam Chair, that my dear friend from Michigan, the chair of the Ways and Means Committee, said. As has become part of the Republican catechism, he talked about the so-called Medicare cuts that were in the Affordable Care Act. It is correct that in the Affordable Care Act we reduced Medicare spending by \$495 billion by cutting corporate welfare to insurance companies, by cutting overpayments to medical equipment sup-

pliers, and cracking down on fraud and abuse of the Medicare program. The majority must agree with these ideas because in the budget they are marking up today in the Budget Committee, every penny of that \$495 billion in savings is included in the majority's budget. The majority must agree with these savings, and I commend them for it, because the budget resolution that passed here last year that essentially every member of the majority voted for included every penny of that \$495 billion in savings.

So I would ask my friends on the other side that if they're so in objection to those cuts, why did you vote for them last year? And why are they in your budget this year? I would be happy to yield.

Mr. CAMP. Since the gentleman has asked, we are using those dollars to protect the Medicare program. You used those dollars to create a new entitlement which we can't afford.

Mr. ANDREWS. Reclaiming my time.

Mr. CAMP. Certainly you would reclaim your time.

Mr. ANDREWS. Because the gentleman's point was there was something wrong with the cuts. Obviously, he would contradict that point. Every dollar of the cuts in the Affordable Care Act have been embraced, supported and voted for by the Republican majority for which you deserve credit.

Mr. CAMP. I yield 2 minutes to a distinguished Member from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Madam Chair, I thank the chairman for his leadership in this area. I thank you for yielding.

I find it fascinating as I listen to the debate that even while discussion is going on on the budget, we're hearing accusations that say Republicans want to end Medicare. In reality, 2 years ago when the national health care bill passed, that ended Medicare as we know it. That cut half a trillion dollars out of Medicare spending. That put in place this unelected group of bureaucrats that will make health care decisions for seniors.

And I hear this afternoon suggestions that say, well, it may not even go in effect for 10 years; let's wait and see. Well, we have a saying in Mississippi: Do you know when is the best time to kill a snake? That's the first time you see it. This IPAB is a snake, and the best time to kill it is today. The club and the vehicle by which we'll kill it is this bill, and that's why I'm going to vote for it, and I urge all of my colleagues to do the same.

Mr. LEVIN. It is now my privilege to yield 3 minutes to the distinguished gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the gentleman from Michigan for yielding.

Madam Chair, my friends on the other side of the aisle want to repeal the Affordable Care Act. Since straight-out repeal didn't work, they

are trying to dismantle it bit by bit. I'd like to focus on the effects of the ACA, or the Affordable Care Act, on women's health.

The ACA is the greatest improvement for women's health in decades. The health care needs of women are greater. Historically, women have played a central role in coordinating health care for family members. Here are just some of the ways that the ACA, a bill that I am proud to have helped pass, will improve women's health:

Women will not have to pay more than men for the same insurance policies. Imagine that. Women will not be denied coverage because they are sick or have preexisting conditions. Oh, that's an improvement. Women will be guaranteed preventive services with no deductibles or co-pays. More low-income women will have timely access to family-planning services. Wow, miracle of miracles. Nursing mothers will have the right to a reasonable break time and a place to express breast milk at work. Pregnant and parenting women on Medicaid will get access to needed services. That would be an improvement. Senior women will save thousands of dollars as reform closes the Medicare prescription drug coverage gap. And women will be able to comparison shop when choosing health plans for their families. Family caregivers, who are typically women, will benefit from new supports that help them care for their loved ones while also taking care of themselves.

Madam Chair, as a son, as a father, and as an American, I strongly support the ACA and its improvements to health care for everyone, especially women. Dismantling the act, whether through immediate repeal, lawsuits, or piece by piece, means losing those improvements, and that is unacceptable.

□ 1810

Mr. CAMP. Madam Chairman, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington State (Mr. REICHERT).

Mr. REICHERT. Madam Chair, 2 years ago, the President's massive health care plan came before us, and then-Speaker PELOSI said we had to pass this bill to find out what was in it. Well, you know what? We're finding out what's in this bill.

In the last 2 years, we've had 47 committee hearings in six different committees. We've taken 25 floor votes to repeal, defund, or dismantle harmful elements of this massive \$1 trillion, 2,000-page government takeover of our Nation's health care system. We're finding out what's in this bill.

We've already repealed the 1099 requirement with bipartisan support. We've already repealed the CLASS Act with bipartisan support. Now we're awaiting the Supreme Court's decision

on whether the individual mandate is constitutional.

I think the public is now beginning to learn a little bit about this bill themselves. I think they know there is a 3.8 percent tax on small businesses, our job creators. There's another 2.3 percent tax on medical devices—wheelchairs for our seniors, hearing aids for our disabled folks. These are things that are in this bill. There's a 40 percent tax on your health care plans.

Now they keep telling us, too, that if you like your health care plan, you can keep it. Well, President Obama, himself, said, you know, there may have been some language snuck into this bill that runs contrary to that premise. Who do we believe here? What do we believe?

Here we are again. One more thing to add to the list of what we're finding out, IPAB, the Independent Payment Advisory Board. This unelected board makes decisions and gives recommendations to Congress for cutting Medicare payments. So this panel of unelected bureaucrats unilaterally decides what kind of care is now available and allowable to our seniors, to our veterans, and to our Americans with disabilities—not doctors, not nurses, not anybody who has medical or scientific training. These are bureaucrats.

Just what we need, more bureaucrats.

If we don't vote to repeal this provision, a gang of 15 unelected bureaucrats will have the ability to cause cuts to Medicare payments without anyone else's input.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. REICHERT. So this rationing board will threaten seniors' access to care in secret. There is absolutely no requirement for openness or transparency or for those bureaucrats to hold public meetings or consider input on its proposals. The IPAB, this board of bureaucrats, is unaccountable; it's secretive and threatens patients' care.

Mr. LEVIN. I yield myself such time as I may consume.

We're talking about a board whose operations trigger, according to CBO, 10 years from now.

I just want to say to those who say it's unaccountable: Every one of their recommendations will come before the Congress of the United States, every single one. What's unaccountable are the statements that are made on this floor that are not true.

I reserve the balance of my time.

Mr. CAMP. Madam Chairman, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Chairman, many Members of Congress didn't have the time or the choice to read this

new health care law before it became law. After it was passed, I asked our economists of the Joint Economic Committee—they spent 4 months going through every page and provision of this new law—to show the American public just what this new health care takeover looked like. They went through all 2,300 pages of the bill, and this is what the new health care law in America looks like—well, actually, not completely. We could only fit one-third of all that new bureaucracy on one page.

Here are the physicians, over in that corner are the patients, and in between are 159 new Federal agencies and bureaucrats in between you and your doctor.

We can do better for the American public than this horrible health care law, and we're doing that today.

Today, we're going to take on—this chart, the way it works, everything in dark blue is a new expansion of government; everything in orange, potential rationing boards; everything in green is \$1 trillion of new tax increases or slashing cuts to Medicare. All the light blue provisions deal with expansion of government into the free market.

But today, we're going to act. We're not going to wait. We're going to act to repeal one of the key rationing boards. This Independent Payment Advisory Board, you've heard today, 15 unelected bureaucrats, will make life-or-death decisions about treatment in the future.

My mom is one of those Medicare seniors who I have no doubt, if this is not repealed, will someday see her treatments limited by these unelected bureaucrats. Our Democratic friends say, We're not rationing, because the government will not actually say "no" to a senior who needs care. They just won't reimburse the doctor or the local hospital or the local hospice care to take care of them.

I don't know what you call that, but I call that rationing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. BRADY of Texas. I thank the chairman. I will be very brief.

This board has unlimited power to slash even more than that, and Congress is virtually powerless to stop it.

This is America. We don't allow these bureaucrats to make these life-or-death decisions. Republicans in this House are going to repeal this dangerous bureaucracy, and we are, when we get a chance, replacing it with affordable health care for America.

Mr. LEVIN. No. What the Republicans would do would be to send the decisions already there in large measure to insurance companies.

I reserve the balance of my time.

Mr. CAMP. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Madam Chairman, the bill we're considering today, H.R. 5, the Protecting Access to Healthcare Act, or PATH, is about patient access to care, plain and simple.

In the months leading up to the passage of the health care law and since the law was enacted, Congress has spent countless hours talking about the need to increase access to health care. The health care law signed nearly 2 years ago was the wrong direction for our country and for our citizens, and it will negatively impact access to care.

The two issues that we're going to address here today in this legislation—repealing the Independent Payment Advisory Board, or IPAB, and enacting meaningful medical liability reforms—are key to ensuring that all Americans have access to quality care.

Now, as to the first piece of this legislation, the IPAB, the Independent Payment Advisory Board, let's be very clear: nothing about these advisory rulings are advisory. Good luck to anybody; good luck if you try to ignore the advice of the IPAB. It's going to be more like a medical IRS than an advisory panel.

Let's be clear: the very purpose of this IPAB is to save money by restricting access to health care for Medicare beneficiaries. It will achieve these savings by ratcheting down payments to providers who are already underpaid by Medicare. This will lead to fewer doctors who are willing to see Medicare beneficiaries, and, undeniably, this will lead to delays and denials of care.

This board, as has been said many times, is made up of 15 unelected bureaucrats—and unaccountable ones at that—that will wield enormous power, and there are no checks and balances in place to ensure that authority is being used appropriately. This abdicates Congress' responsibility, and it threatens care for our Nation's seniors.

Make no mistake that IPAB must be repealed. We don't need a medical IRS.

The second part of this legislation is going to reform our medical liability system. Across our country, our medical profession has practiced defensive medicine out of fear of frivolous lawsuits. This not only drives up health care costs, but it creates serious doctor recruitment and retention problems, especially in the so-called "high-risk" disciplines such as orthopedics, neurosurgery, emergency medicine, and obstetrics.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. DENT. This medical liability crisis has had serious implications in my State of Pennsylvania. It's time we act on this issue.

I live in a State where we train a lot of doctors, but we can't retain them and we can't recruit them. It's a very serious problem for us.

It's time we pass this legislation. We'll say more about medical liability tomorrow in the amendment process.

Support the legislation.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. Madam Chairman, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

□ 1820

Mr. BOUSTANY. I thank the chairman of the full committee for yielding time to me.

I had a great career as a cardiac surgeon in treating thousands of Medicare patients in my career. And my career ended prematurely because of a disability.

But I learned something a long time ago from my father, who's a family doctor, who went before me, who taught me about the art of medicine. And the most important thing he taught me, despite all the technology we have, is that trust in the doctor-patient relationship is the most important thing, the most important foundation of good health care, high quality health care.

Look at this chart. What's wrong with this?

Clearly, you could see all the bureaucratic entities. But where's the doctor, and where's the patient?

The doctor is down here in the corner, and I think way off in the other corner are the patients. So all this stuff in the middle is what undermines the trust in the doctor-patient relationship.

Now, we had Health and Human Services Secretary Kathleen Sebelius in front of our committee recently, and we were asking about this Independent Payment Advisory Board. We asked the question about rationing, and what came out was, number one, there's no definition of rationing in the statute, so the Department will have to write rules. And she admitted in committee—very tacitly but effectively admitted—that they're not going to be able to write rules that can actually protect seniors from IPAB.

Even the left-leaning Kaiser Family Foundation admits, IPAB must issue cuts to meet spending targets "even if evidence of access or quality concerns surfaced." AARP warns IPAB's Medicare cuts "could have a negative impact on access to care."

Both of those are really understatement. According to Medicare's own actuaries, Medicare physician payments could fall to less than half of projected Medicaid rates under current law.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. BOUSTANY. We won't control costs by cutting Medicare provider re-

imbursements below the cost of providing care. And if left on the books, IPAB will endanger the lives of seniors and delay access to providers. It's very clear.

This undermines the doctor-patient relationship. It undermines trust in our health care system. It undermines quality, and we will not control costs with IPAB. That's why we must repeal it.

Mr. LEVIN. I yield myself 1 minute.

The present system doesn't have enough primary care. I know from my own experience that there's a lack of family physicians and primary care physicians. The Affordable Care Act strengthens that program, will strengthen the relationship between the physician and the patient. And for anybody to come here and scare patients and seniors into thinking that there is some kind of a wall that will be replaced is really not true.

Mr. BOUSTANY. Will the gentleman yield?

Mr. LEVIN. I yield to the gentleman.

Mr. BOUSTANY. We have a severe shortage of physicians in this country today, and it's getting worse, worse by the month and by the year. And as a physician who stays close to the physician community around this country, I am hearing all kinds of stories about physicians nearing retirement moving up that retirement date. We're seeing fewer people going to medical school. All of this is creating a major disruption in our health care system.

The Acting CHAIR. The time of the gentleman has expired.

Mr. LEVIN. I yield myself an additional 1 minute.

Look, I respect that. But the primary fact, the basic fact is that the Affordable Care Act addresses this issue more effectively than has been addressed before. There is more money for primary care physicians, for family physicians. That's what we need. That's what we need.

And to come here and raise the specter that this bill is going to diminish it, when its major purpose, among others, is to increase the availability, to have a linkage between the patient and the specialty care—

Mr. BOUSTANY. Will the gentleman yield for one more point?

Mr. LEVIN. I yield to the gentleman.

Mr. BOUSTANY. We have a severe shortage in cardiothoracic surgeons, in neurosurgeons, other key specialists that are very essential for the care of Medicare patients, and it's getting worse. We need both primary care and specialty physicians to deal with this patient population. It's getting worse.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. LEVIN. I yield myself an additional 30 seconds.

Look, we need to address it, but destroying Medicare is not the way to address it. That's what you do. You destroy it. You destroy it when you say you're saving it.

I reserve the balance of my time.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the chairman for yielding.

I rise today in support of the Protecting Access to Healthcare Act. This bill will take an important step forward in dismantling the government takeover of health care that was passed by this body some 2 years ago.

The PATH Act essentially would repeal the Independent Payment Advisory Board included in ObamaCare, and I strongly support it.

Now, quite frankly, the IPAB that is the acronym that's been used often on the floor in this debate is probably something that most Americans are unfamiliar with. But they deserve to know that buried in section 3403 of ObamaCare, there's a powerful board of unelected bureaucrats, this so-called Independent Payment Advisory Board, whose sole job will be to save money by restricting access to health care for Medicare beneficiaries. That's the purpose of IPAB.

IPAB is required to achieve specific savings in years where Medicare spending is deemed to be too high. It will lead, inexorably, to rationing. It will take medical decisions out of the hands of doctors and patients, and it will reduce patient choice, unambiguously.

Furthermore, ObamaCare doesn't even require that IPAB do all of this in the public domain. There's no requirement that IPAB hold public meetings or hearings, consider public input on its proposal, or make its deliberations open to the public.

Unaccountable Washington bureaucrats meeting behind closed doors to make unilateral decisions that should be made by patients and doctors is unacceptable, and this IPAB must be repealed.

It was 2 years ago that we passed this government takeover of health care into law. It's important to note that the first act of this Congress in January 2011 was a full repeal of ObamaCare.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. PENCE. I thank the gentleman.

You'll never convince me that the Federal Government, under the Constitution, has the authority to order the American people to buy health insurance whether they want it or need it, or not. My hope is that in the days ahead, the Supreme Court will come to that conclusion.

I believe we must not rest, we must not relent until we repeal ObamaCare, lock, stock and barrel. But, for now, let's take the path that is before us. Let's pass the Protecting Access to Healthcare Act, and let's repeal this onerous Independent Payment Advisory Board once and for all.

Mr. LEVIN. I yield myself the balance of my time.

Look, the Supreme Court will be hearing the case about the individual mandate next week, and I don't think we want to argue this now. We don't have any judges here.

But let me say, on the individual mandate, it really is ironical that the more conservative, apparently, you are, the more you dislike the individual mandate, when the individual mandate was the central point within the health care reform proposal of conservatives in this country several decades ago. It was their central point in the eighties and in the nineties. And now they've reversed course and claim, I guess, what they proposed in the seventies and eighties was constitutional then is unconstitutional today. Talk about a flip-flop. That is, I think, maybe an unconstitutional flip-flop, but the Court will decide that.

□ 1830

Let me just say a word about cost containment and the importance of our addressing that and the importance of our reforming the present system, how we reimburse the fee-for-service system. I don't think it's been noticed that, in addition to IPAB, ACA has a number of provisions that will go into effect long before IPAB could become operational. Those systems are beginning to work.

For conservatives who talk about the importance of cost containment, they want to repeal an act that has within it not only the seeds of cost containment, but the instrumentalities of it. In fact, they're beginning to work well enough. That's why CBO says that it's going to be 10 years before IPAB is triggered.

So, those who come here who claim to be concerned about cost containment essentially are undermining their own position.

Well, this is act one of the Republican three-act play.

The second is to eliminate health care reform altogether, and the third is to take away Medicare.

I want to close reporting the views of AARP in terms of the Ryan budget proposal. It says:

It lacks balance, jeopardizes the health and economic security of older Americans. A number of proposals in this budget put at risk millions of individuals by prioritizing budget caps and cuts over the impact on people.

Those who talk about the cap that would essentially be within the structure of IPAB's operation, that proposed cut is less than in the Ryan budget, which would be more severe, and essentially the implementation would be by insurance companies who are nameless, who are unaccountable.

So let me continue with another quote from the AARP:

By creating the premium support system for Medicare beneficiaries, the proposal is

likely to simply increase costs for beneficiaries while removing Medicare's promise of secure health coverage—a guarantee the future seniors have contributed to through a lifetime of hard work.

The premium support method described in the proposal, unlike private plan options that currently exist in Medicare, would likely 'price out' traditional Medicare as a viable option, thus rendering the choice of traditional Medicare as a false promise.

So this is what I think we should do in terms of this three-act play of the House Republicans. That is to start by rejecting act one, this repeal of IPAB.

This may be a vote, but it's not going to be an act.

I finish with this. In a sense, you are acting because this isn't going to become law. You have not come up in all of these months with a comprehensive alternative to the Affordable Care Act. There's not been a comprehensive bill put forth. We haven't voted on a comprehensive bill in these days on the Ways and Means Committee. Instead, there has been a piece-by-piece effort to dismantle what was health care reform to address a serious situation, including over 50 million people who go to sleep every night without health care coverage in the United States of America.

We should be ashamed of that. We should be ashamed. A couple years ago, we acted to lift that shame off of the shoulders of all of us in the United States of America.

I urge we vote "no" on this bill.

I yield back the balance of my time.

Mr. CAMP. Madam Chairman, I yield myself the balance of my time.

Nearly 70 percent of seniors are worried that IPAB will limit their Medicare choices and the coverage that's available to them under Medicare. I think this is the most troubling part of the health care law that the Democrats rammed through the Congress, and that is because this secret rationing board is given enormous power with no accountability.

The 15 unelected board members of IPAB are free to cut reimbursement rates for certain procedures or for services that they deem unnecessary. They can cut those rates so low that physicians will no longer be able to offer those services. That's pretty clearly the ability to ration.

We have had countless physician groups warn us about the IPAB. They're warning us that these cuts will force them to stop seeing Medicare patients, and the real problem is, because TRICARE reimbursement rates are tied directly to Medicare, that will have health care for our military personnel negatively impacted by the IPAB as well.

The Democrats gave IPAB blanket authority to operate in secret. There is no requirement that their deliberations, their reasonings for their conclusions must be made public. Also, the health care bill states directly that IPAB, and I'm quoting here, "may accept, use, and dispose of gifts or donations of services or property." That's

not a very subtle invitation for lobbyists and others with interests in issues before the Congress to impact these unelected and unaccountable IPAB members with cash, with gifts, with other items.

So not only do they have enormous power that if the Congress can't override automatically becomes law. But they have the ability to do it in secret, and the legislation states directly that they can accept gifts and donations.

So this is a troubling piece of ObamaCare that we need to repeal, and I urge my members to vote for repeal of this.

I yield back the balance of my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield myself such time as I may consume.

Madam Chairwoman, America's medical liability system is broken and in desperate need of reform.

□ 1840

Frivolous lawsuits drive physicians out of the practice of medicine. Limitless liability discourages others from high-risk medical specialties and substantially increases the cost of health care.

The solutions to this crisis are both well known and time tested, but the President's recent health care legislation did nothing to address the problems in our medical liability system.

We cannot wait any longer to fix the problem. We should pass this bipartisan medical liability reform legislation to cut health care costs, spur medical investment, create jobs, and increase access to health care for all Americans.

H.R. 5, the HEALTH Act, is modeled after California's decades-old and highly successful health care litigation reform. According to the National Association of Insurance Commissioners, the rate of increase in medical professional liability premiums in California since 1976 has been nearly three times lower than the rate of increase experienced in other States.

By incorporating California's time-tested reforms at the Federal level, the HEALTH Act saves taxpayers billions of dollars, encourages health care providers to maintain their practices, and reduces health care costs for patients. It especially helps traditionally underserved rural and inner-city communities and women who seek obstetrics care.

The reforms in H.R. 5 include a \$250,000 cap on noneconomic damages and limits on the contingency fees lawyers can charge, and it allows courts to require periodic payments for future damages in order to ensure that injured patients receive all of the damages they are awarded without bankrupting the defendant.

The HEALTH Act also includes provisions that create a fair share rule by which damages are allocated fairly in

direct proportion to fault, and it provides reasonable guidelines on the award of punitive damages.

The HEALTH Act allows for the payment of 100 percent of plaintiffs' economic losses. These unlimited economic damages include all their medical costs, their lost wages, their future lost wages, rehabilitation costs, and any other economic out-of-pocket loss suffered as a result of a health care injury.

The HEALTH Act also does not preempt any State law that otherwise caps damages.

This bill is a commonsense and constitutional approach to reducing the cost of health care.

Whereas, the HEALTH Act allows doctors to freely practice nationwide, the ObamaCare individual mandate dictates that all people buy a particular product, whether they want it or not.

Unlike ObamaCare, the HEALTH Act saves the American taxpayers money. The Congressional Budget Office recently determined that the President's health care law will cost almost double its original \$900 billion price tag. Another CBO report estimates that premiums for medical malpractice insurance ultimately would be an average of 25 percent to 30 percent below what they would be under current law. These are just a few reasons why organizations like Americans for Tax Reform support this legislation.

The HEALTH Act also reduces the cost of health care as it decreases the waste in our system caused by defensive medicine. This practice occurs when doctors are forced by the threat of lawsuits to conduct tests and prescribe drugs that are not medically required.

According to a Harvard University study, 40 percent of medical malpractice lawsuits filed in the United States lack evidence of medical error or any actual patient injury. That's 40 percent. Many of these suits amount to legalized extortion of doctors and hospitals. But because there are so many lawsuits, doctors are forced to conduct medical tests simply to avoid a lawsuit in which lawyers claim not everything possible was done for the patient. This wasteful defensive medicine adds to our health care costs without improving the quality of patient care.

In his 2011 State of the Union address, President Obama said:

I'm willing to look at other ideas to bring down costs, including one that Republicans suggested last year: medical malpractice reform to rein in frivolous lawsuits.

Let's help the President keep his word and put this legislation on his desk.

Madam Chairwoman, I reserve the balance of my time.

Mr. CONYERS. Madam Chair, I yield myself such time as I may consume.

Ladies and gentlemen of the House, when we passed the landmark Afford-

able Care Act, some derisively termed it "ObamaCare." I believe that some day this bill will be famous because it is named after the President.

We were proud to have taken up an important step in realizing a goal that we've been striving for for quite a long time. But today, we're confronted with a leader in the House, himself a medical doctor, who is urging that we take a step backward and roll back our progress.

The measure before us will repeal the Independent Payment Advisory Board, which would save us millions of dollars and pay for itself by pushing through malpractice legislation that undermines State sovereignty and enriches corporations that surely don't need it.

Congress established the advisory board to slow Medicare's growth costs. The Independent Payment Advisory Board does not undermine our role in Medicare policy nor does it cut access to care. Its repeal, however, removes critical oversight and efficiency and paves the way for the majority's plans to replace guaranteed health care for seniors with corporate voucher systems.

How many of us have constituencies that you could go back home and tell your constituents that you're going to replace this health care bill that is praised from one end of the country to the other, that has taken decades to enact, that we're now going to use vouchers for health care?

When we passed President Obama's landmark Affordable Care Act, we were proud to have taken an important step in realizing that ideal.

But today, the Majority takes a step backwards. They seek to roll back our progress. H.R. 5, the so-called "Help Efficient, Accessible, Low-cost, Timely Healthcare Act," will repeal the Independent Payment Advisory Board, IPAB, which saves us millions, and pay for it by pushing through malpractice legislation that undermines State sovereignty and enriches insurance companies.

Congress established the IPAB to slow Medicare's growth costs. The IPAB does not undermine our role in Medicare policy or cut access to care. Its repeal, however, removes critical oversight and efficiency, and paves the way for the Majority's plans to replace guaranteed healthcare for seniors with corporate voucher systems.

Rolling back these cost-cutting measures will cost the Federal Government money, and so to pay for this costly repeal, the Majority has offered up the same tired old medical malpractice proposals they have been pushing for the last two decades. In fact, this is the fourteenth time that the full House will have considered this measure since 1995. It wasn't a good idea 20 years ago, and it isn't a good idea today.

Rather than helping doctors and victims, the bill before us represents a windfall for the health care business. It pads the pockets of insurance companies, HMOs, and the manufacturers and distributors of defective medical products and pharmaceuticals. And it does so

at the expense of innocent victims—particularly women, children, the elderly, and the poor.

The malpractice liability provisions before us today would supersede the law in all 50 states to cap non-economic damages, cap and limit punitive damages, limit access to the courts for poorer victims of medical malpractice, shorten the statute of limitations for claims, eliminate protections for children, and eliminate joint and several liability.

We need to cut the charades and get to the heart of the problem.

The malpractice insurance industry is plagued by collusion, price fixing, and other anticompetitive activities. Yet this bill does nothing to respond to this problem.

It is also clear that a legislative solution largely focused on limiting victims rights available under our state tort system will do little other than increase the incidence of medical malpractice—already the sixth leading cause of preventable death in our nation.

Under the proposed caps on damages, Congress would be saying to the American people that we don't care if you lose your ability to bear children, we don't care if you are forced to bear excruciating pain for the remainder of your life, we don't care if you are permanently disfigured or crippled.

The proposed new statute of limitations takes absolutely no account of the fact that many injuries caused by malpractice or faulty drugs take years or even decades to manifest themselves and trace the root cause.

The bill would allow insurance companies teetering on the verge of bankruptcy to delay and then completely avoid future financial obligations. And they would have no obligation to pay interest on amounts they owe their victims.

And guess who else gets a sweetheart deal under this legislation? Drug companies—most of which are foreign. This bill makes drug and device manufacturers immune from punitive damages, so long as the FDA has approved their products or their products are generally considered "safe," no matter how egregious their behavior.

The bottom line is that this legislation doesn't prevent terrible things from happening in hospitals. The bill's takeover of state courts won't help judges throw out frivolous lawsuits, and a ceiling of a quarter of a million dollars won't stop bad actors from looking for a pay-out.

Instead, this legislation lifts legal and financial risk from hospitals, drug manufacturers, and insurance companies, and drops that burden onto real people, the victims of medical malpractice.

This bill helps the powerful at the expense of the injured, the elderly, and the very young. It raises serious federalism concerns and overturns the law in all 50 states. And it hurts real people with real injuries, blocks them from the courts and limits their rights to legal redress, all in the name of a dangerous, unnecessary, and unfair theory about malpractice liability.

I urge my colleagues to reject this anti-patient, anti-victim legislation.

Madam Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield such time as he may

consume to the gentleman from California (Mr. LUNGREN), who is the chairman of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

The idea that 15 unelected individuals on the Independent Payment Advisory Board have been empowered by the so-called Patient Protection and Affordable Care Act to ration health care for seniors—and that's for all seniors—is as Orwellian as these titles crafted by the previous Congress to divert attention from what's really being done here.

Delegating such authority to a government board to make such decisions with such a dramatic impact on the health care alternatives available to Medicare recipients raises the most serious ethical concerns about respect for the dignity of our seniors. This is the unfortunate consequence of a world view which favors the notion of bureaucratic expertise and efficiency as a solution to the challenges facing our health care system today. The purpose of providing quality health care to our Nation's seniors is simply incompatible with the idea that the delivery of health care services can be achieved through some sort of algorithm contrived by a panel of experts.

Rather than empowering seniors to play a more active role in their own health care decisions, the IPAB moves in the opposite direction by empowering an unaccountable government panel to make these decisions. In this regard, the inclusion of legislative language to repeal IPAB could not be better placed than with a medical liability reform bill, for IPAB is itself, per se, malpractice.

□ 1850

Now, H.R. 5 contains many important reforms concerning our health care litigation system. These health care reforms are modeled after my own State of California's Medical Injury Compensation Reform Act, better known as MICRA. This important initiative was signed into law over three decades ago by then- and now, again, California Governor Jerry Brown.

I practiced under this law for several years. I practiced under the law that preceded MICRA. I did a good deal of medical malpractice defense in the courtroom. I appeared before juries, before judges. I settled cases. I had the opportunity to defend doctors and hospitals. About 90 percent of the cases I did were on the defense side, about 10 percent on the plaintiff's side. I believe I had the first successful medical malpractice suit against an HMO in the State of California. I had an opportunity to view the system close up.

And the fact of the matter is, without the MICRA reforms, the California

medical system, the health care system would have collapsed. We had doctors leaving the State of California—particularly in specialties such as obstetrics and gynecology, neurosurgery, anesthesiology—moving to other States because the premiums that were required to be paid by our doctors had become so exorbitant that they either had to leave the State or no longer be able to practice medicine.

Information received by our Judiciary Committee from the National Association of State Insurance Commissioners indicates that since 1976, when it was adopted, California's medical professional liability premiums have risen at less than half the pace of the rest of the country. While I would caution that MICRA must not be perceived as a silver bullet, it was, nonetheless, an important step forward taken by our State and a sound model for reform. This is, once again, evidence that as laboratories of democracy, our States more often than not serve as incubators of reform.

At the same time, I do believe that it is important to recognize that the American legal system and our civil justice system, in particular, contains vagaries unique to each of the States which operate within the context of a system of federalism. In this regard, we need to be cautious on the Federal level in making assumptions about the impact of our actions. Even in California, itself, the effort to adopt a Federal medical liability reform statute has raised some questions about possible unintended consequences.

Even though one aspect of the impetus behind H.R. 5 is to bring relief to medical practitioners from the trap of defensive medicine, as suggested by the chairman of our committee—and I do believe that is true—physicians are, unfortunately, expressing some concerns over some of the provisions contained in H.R. 5.

Specifically, the California Medical Association, while they support getting rid of the board as we previously discussed, have expressed some opposition to the fair-share rule contained in section 4(d) of the HEALTH Act. They have expressed that the fair-share rule in H.R. 5 will preempt California's law and put full recovery by injured patients at risk. They inform us, "As written, the fair share rule will dramatically increase the potential for physicians to face enforcement proceedings against their personal assets. This would force physicians to purchase increased medical professional liability insurance coverage, which will significantly increase liability premiums in California for physicians."

Secondly, the California Medical Association has expressed "serious concerns with granting complete immunity from punitive damages to medical produce and device manufacturers, distributors, and suppliers." They state,

"We believe this will force plaintiffs to look only to physicians and other providers to seek relief and will significantly increase physician exposure and liability costs."

So I'm somewhat on the horns of a dilemma here. I do believe that we absolutely, as the physicians of the California Medical Association believe, ought to rid ourselves of the Independent Payment Advisory Board for fear that its implementation will, in fact, interfere with the doctor-patient relationship, interfere with the availability of medical care, interfere with the availability of physicians to seniors and others. But they have expressed some concerns that we have to give other States the benefit of MICRA. And I understand some of their concerns. I think we may be very well able to address that in further language.

Although it is my intention to vote for passage of H.R. 5, my hope is that before it would return to us from the Senate, we would specifically address the concerns raised by the physicians from my State. The necessary repeal of IPAB is an important reform. Some of these others contained in the further section of the health care act warrant support. But I do believe we need to have some changes, and I would look forward to those changes in a conference report or any bill which is returned to the body by the Senate.

I would like to say this, that for someone who practiced law for a number of years in the area of medical malpractice, with doctors and hospitals, and saw what a failure to limit non-economic damages was doing to the availability of health care—not just the cost of health care, but the availability of health care in my home State—I do believe MICRA is a model that ought to be replicated by other States in the Union.

I do believe that the facts are in. Over 30 years, we've been able to see that it has improved access to health care, improved the number of physicians, particularly in difficult specialties, and it has brought down the overall cost of premiums and, therefore, the cost of medical care in my State.

The idea that somehow medical malpractice premiums have no effect either on the cost of care or the accessibility of care flies in the face of the experience of 30 years in my home State of California.

Mr. CONYERS. Madam Chair, I am pleased now to yield 1 minute to the former Speaker of the House of Representatives, our leader, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding. I appreciate his leadership for helping us honor what our Founders put forth in our founding documents, which is life, liberty, and the pursuit of happiness. And that is exactly what the Affordable Care Act helps to guar-

antee: a healthier life, the liberty to pursue happiness free of the constraints that the lack of health care might provide to a family. If you want to be a photographer, a writer, an artist, a musician, you can do so. If you want to start a business, if you want to change jobs, under the Affordable Care Act, you have that liberty to pursue your happiness.

So that is why I am so pleased that this week we can celebrate the 2-year anniversary of the Affordable Care Act; and I want to mention some of the provisions that are in it but not before mentioning that the legislation on the floor today is a feeble attempt to unravel legislation that makes a big difference in the lives of America's families.

You be the judge: if you are a family with a child with asthma, diabetes, is bipolar, has a preexisting medical condition, up until this bill, your child could be discriminated against for life of ever receiving affordable health insurance and, therefore, care. The full thrust of the law does not take place until 2014; but already, for months now, no child in America can be denied health coverage because of a preexisting condition, and soon all Americans will have that same protection.

For the first time in American history, millions of American women and seniors have access to free preventive health services, services that prevent, that are better early intervention to detect a possible illness in a person.

□ 1900

Eighty-six million Americans have already received key preventive health benefits under the law, and more than 5 million seniors have saved over \$3.2 billion in prescription drug expenses. Already, \$3.2 billion in prescription drug benefits because of provisions of the law that are already in effect.

So if you're a senior and you're caught in the doughnut hole, or you would have been, you are already benefiting from this law. And that's what the Republicans are trying to take away from you, from your family, from your life, from your liberty, from your pursuit of happiness.

The last point about seniors and prescription drugs is particularly important because it fits in with our consistent commitment from day one as authors of Medicare in the sixties, fits with our consistent commitment to always strengthen Medicare for American seniors, never weaken it. Indeed, as I mentioned, Democrats created Medicare, sustained Medicare, and Democrats will always protect Medicare even from language that is so misleading as to make one wonder.

Republicans, on the other hand, have voted to end Medicare. End the Medicare guarantee. They have said that their goal for Medicare is for it to wither on the vine. And tonight's legis-

lation is a part of the withering on the vine. It's important for you to know that if you care about Medicare, if you depend on Medicare, this is the wither-on-the-vine scenario.

In fact, just yesterday, the Republicans released their budget, which would end the Medicare guarantee and shift cost to seniors. End the guarantee. What does that mean? Shift cost to seniors—perhaps up to \$6,400 for most seniors a year—and, again, let Medicare wither on the vine. That's why today's legislation is such a cynical political ploy. And I know that American seniors will not be fooled by it.

Today brought legislation to repeal what is known as IPAB, the Independent Payment Advisory Board. Independent. Independent of political influence over decisions that are made. This piece of the legislation was a bend-the-curve to reduce the cost of health care in America.

Republicans are desperate to distract seniors from their real record on Medicare, and that's what they're trying to do today. I say that without any fear of contradiction and without any hesitation because nothing less is at stake than the well-being of our seniors, their personal health, and their economic health. And that means their security.

Further, in this bill Republicans have recycled their old medical malpractice liability legislation that undermines states' rights and hurts the rights of injured patients to obtain just compensation.

Because of the impact on American States of what they're trying to do in this bill, the bipartisan National Conference of State Legislatures has strongly opposed this bill. That bipartisan group says that after a careful review it had reached "the resounding bipartisan conclusion that Federal medical malpractice legislation is unnecessary."

Again, Madam Speaker, this week we celebrate the 2-year anniversary of the Affordable Care Act for what it embodies. It's about innovation. It's about not just health care in America but a healthier America. It's about prevention and innovation. It's about customized, personalized care. It's about electronic medical records. It's about lowering costs, expanding access, and improving quality.

So much misleading information is put out there about it that it's important to keep repeating the difference, the transformative nature of the legislation. In fact, it has already begun to transform the lives of America's children by saying no longer will they be denied coverage because they have a preexisting medical condition. And soon we can fully say that no longer being a woman is a preexisting medical condition, where women are discriminated against to the tune of a billion

dollars a year, and cost of premiums, not to mention exclusion from obtaining coverage.

And so I proudly celebrate the 2-year anniversary, and I emphatically oppose the legislation on the floor. If you want to unravel Medicare, vote "aye." If you want to support Medicare, if you think health care is a right for the many, not just a privilege for the few, vote "no."

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Chairman, most Americans still oppose ObamaCare yet support medical liability reform of the kind that we are considering tonight. A recent survey found that 83 percent of Americans believe that reforming the legal system needs to be part of any health care reform plan.

As the Associated Press recently reported, most Americans want Congress to deal with malpractice lawsuits driving up the cost of medical care, says an Associated Press poll. Yet Democrats are reluctant to press forward on an issue that would upset a valuable political constituency—trial lawyers—even if President Barack Obama says he's open to changes.

The AP poll found that support for limits on malpractice lawsuits cuts across political lines, with 58 percent of independents and 61 percent of Republicans in favor. Democrats were more divided. But still, 47 percent said they favor making it harder to sue while 37 percent are opposed. The survey was conducted by Stanford University with the nonprofit Robert Wood Johnson Foundation. In the poll, 59 percent said they thought at least half the tests doctors order are unnecessary—ordered only because of fear of lawsuits.

In a poll done by the Health Coalition on Liability and Access in October, 2009, 69 percent of Americans said they wanted medical liability reform included in health care reform legislation. Seventy-two percent said their access to quality medical care is at risk because lawsuit abuse forces good doctors out of the practice of medicine.

Mr. Chairman, let's support a bill that is so strongly endorsed by the American people.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as he may consume to a member of the House Judiciary Committee, JERROLD NADLER, who has worked on this subject matter for quite a long time.

Mr. NADLER. I thank the gentleman for yielding, and I rise in opposition to this deeply flawed and deceptively named legislation.

Contrary to the bill's title, this bill will not promote access to better health care nor will it make health care more affordable. If the wishes of many of the proponents of this legislation come true and the Affordable Care Act is repealed and Medicare and Medicaid as we know them are curtailed or

eliminated, then decent, affordable health care will remain out of reach for millions of Americans, including many who now have access to health care services.

I urge all Members to keep one fact in mind as we debate the medical malpractice aspects of this bill. These provisions would apply only to people who had meritorious claims of malpractice against them. You don't have to limit people's recoveries or attorneys fees for people without meritorious claims. So whatever we're doing here today will be done only to those who have been injured, whose injuries have been inflicted by someone else's wrongdoing, and who need and should be entitled to compensation.

The argument we hear, which is not a new one, is that if we allow the players in the health care industry, including Big Pharma, the manufacturers of defective medical devices, and even big insurance companies and HMOs that routinely pay for health care services, to escape the consequences of the harm they inflict, then somehow we'll all be better off.

□ 1910

This is not true, has never been true, and, despite the extravagant claims of the proponents of this bill and the industries lobbying for it, that will not be true if this multibillion dollar gift to bad actors in the health care industry were to become law.

Just how pricey a gift to industry are we talking about here? According to the Congressional Budget Office, \$45.5 billion over the next decade. Now, anyone who believes that those savings will be passed along directly to consumers, health care providers, and victims of medical malpractice is living in a dream world. Some of us will remember the debates we had in this House for the 8 years preceding enactment of the 2005 Bankruptcy Code rewrite. We will no doubt remember the argument that abuse of the bankruptcy system was a hidden tax of \$400 a year for every American and that tightening the rules would be of interest to all consumers. Well, we passed that huge giveaway to the big banks. Consumers have not seen a nickel of that \$400. The banks pocketed all the money. If you think that this bill will lower costs for consumers, that the big insurance companies will not simply pocket the money, there's a famous bridge in my district that I might be willing to sell to you.

So keep in mind just who will be bearing the burden of this legislation: people who are subject to limitations on damages and on their ability to obtain competent counsel—something not imposed on insurance companies, drug companies, or HMOs. That may be good for the insurance companies, for the manufacturers of defective drugs and medical devices and all the other

wrongdoers walking these Halls with open checkbooks, but it will come at the expense of their victims.

Nowhere does CBO, or their sponsors, explain why their belief that insurance companies, Big Pharma and medical device manufacturers will pass any savings along, nor do they account for the cost of the care needed by people who have been injured and who will be unable to receive adequate compensation.

This bill is not limited to suits against individual health care service providers, doctors and other licensed health care professionals. It would provide protection against malpractice claims for large corporations, insurance companies, health maintenance organizations, and pharmaceutical giants when they deal in defective products or when someone else's health is destroyed because an insurance company refused to pay for necessary care.

Mr. Chairman, we heard the gentleman from California refer to the California legislation that is the model for this legislation passed in 1976, 36 years ago. That legislation enacted a limit and said for noneconomic damages you can only get a recovery of \$250,000 because you lost a leg when they removed the wrong leg. They felt in 1976 that \$250,000 was an appropriate amount to limit it to. In today's dollars, that's \$38,000.

But there's no inflator in that legislation, and there's no inflator in this legislation. That \$250,000 in 1976 today is \$1.4 million. So if we were modeling this on that, we should say the limit is \$1.4 million, but we're not doing that. We're saying 250, and we're not putting an inflation adjustment in here, so it will be \$250,000 this year, and 5 years from now it will be the equivalent of \$100,000, and 10 years from now \$35,000 and eventually zero.

I submit that it is very wrong. It may be that if malpractice causes a woman to lose her fertility, causes her to lose the ability to bear children, the medical costs to her may be minor, the lost wages, the economic damages may be minor. But the inability to bear a child should be limited to \$250,000 and eventually to almost nothing because there's no inflation in this? If someone is put in a wheelchair for life, the pain and suffering is worth almost nothing? That's what is wrong with this legislation, and that's what's immoral about this legislation. That's why we ought to vote against this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Mr. Chairman and Members of the House, first of all, let me thank the chairman for his willingness to allow me to speak on an issue on which we do not agree. I appreciate the courtesy; I appreciate the lively debate that has preceded me in, I think, probably a far more articulate

way than I'm going to be able to articulate. But let me just, Mr. Chairman and Members of the House, address this in a bigger sense and then maybe in a specific sense from the standpoint of a Republican Member of the United States Congress.

To begin with, I believe that this addition is largely unrelated and almost entirely disconnected from the underlying bill. I believe it demonstrates some concern—or I believe it reveals some lack of concern—for sensitivity, and I think in a lot of ways reveals the dupliciousness that I think is inherent in a discussion of this issue. I think it is statist and antithetical to our beliefs, at least my beliefs and I think most of the Members' on this side of the aisle, with respect to what America is all about.

I look at this from the standpoint of a Republican Member in a Republican Party who has been a forerunner and who has dealt with the issue of states' rights and, quite frankly, has attacked this health care bill—and the Attorneys General—on a states' rights and interstate commerce basis. It is a classic example, Mr. Chairman and Members of the House, of what has historically been an area for states' rights. Whether it's the criminal justice or domestic law or civil justice, our Founding Fathers set in place a Federal level and a State level of government, and this strikes at the core of states' rights.

In addition to that, Mr. Chairman and Members of the House, separation of powers. We have been critical—and I think legitimately—from this side of the aisle with respect to HHS waivers that have been granted. We've been critical of the EPA and the U.S. DOT and so forth for their administration and their promulgation of rules without legislative authorization. And yet this entirely desecrates, in some ways, our whole judicial function, our whole judicial function regarding liability and damages. It is an intrusion into the judicial arena, which is something that is sacrosanct, and I think that's essential to our viewpoint of what the Constitution is all about.

It also strikes at the core of our free market system. I have been involved from a number of standpoints in the law practice; and I see a system that, in an overwhelming number of cases, works to effect justice. Two attorneys or more, witnesses, jurors, a judge, and the common law of 200 or 250 years almost inevitably results in just results. And now we have a situation, despite that commitment to free market that we have, where we're now proposing that the Federal Government dictate an imprimatur to override this whole system that's already in place and I think infringes on our constitutional right to a trial by jury.

It also strikes, I think, Mr. Chairman and Members of the House, what we

Republicans say we believe in in terms of individual worth. One of our attacks, quite frankly, on the passage of this bill, which I largely subscribe to the attacks, is one that deals with the deep personalization of the individual inherent in President Obama's health care approach. This bill is a collectivist attack on personal realities and is a disregard for age, circumstances, State or community of residence; and I think that addresses in a very serious way the concept that we have constitutional worth of the individual.

In conclusion, this bill has essentially nothing to do with revenue production. We all know that. It obfuscates the underlying purpose of the bill, which is, quite frankly, to dismantle the inherent bureaucracy in the health care bill, which I largely subscribe to. It injects politics into a legitimate debate on a substantive public policy and prevents Republican and Democrat Members from an up-or-down vote and strikes, I think, at our fundamental beliefs of states' rights, of individualism and on constitutional premise.

In summary, I believe that a "no" vote is a vote to preserve individual dignity. Our "no" vote is one to maintain constitutional values, and it is to safeguard states' rights and the separation of powers. I know this is well intended, but this is not the vehicle to do it in. The vehicle is Austin, Texas, or Albany, New York, or Springfield, Illinois. I have some serious concerns about State legislation that would also interfere with separation of powers, but this is not the arena to do it in; it is not the bill to do it in; and I think, quite frankly, it is one that, unfortunately for me, strikes at the core of why I'm here. I'm not here to dismantle our common law system; I'm not here to dismantle the free market system; and I'm not here to dismantle states' rights. I'm here to stand up for what I think the American people sent us here for.

I don't think the health care bill was well considered. I think it should be substantially addressed in terms of this and other legislation. But this bill doesn't do it, ladies and gentlemen; and I, with all due respect, ask my colleagues on both sides of the aisle to join with me in a "no" vote on what I think may be a well intended, but certainly misdirected, effort. And I join with my colleagues over here and some over here in urging a "no" vote.

Mr. CONYERS. Mr. Chairman, I ask if the distinguished gentleman from Illinois (Mr. JOHNSON) would like additional time. If he requires any, I would be glad to arrange to yield him further time.

If you require more time, I would be delighted to yield it to you.

Mr. JOHNSON of Illinois. You are very kind to do that, Mr. CONYERS.

□ 1920

I think I probably pretty well addressed it. I think between myself and my inarticulate comments and your opposition and some opposition over here, I think the debate has been very good and good for the process. And this is one I'm with you on, sir.

Mr. CONYERS. I thank you, Mr. JOHNSON.

Mr. Chairman, I am pleased now to yield 4 minutes to the Judiciary Committee member from Florida (Mr. DEUTCH), who has worked very carefully with us on this subject matter.

Mr. DEUTCH. Mr. Chairman, it's no surprise that I am disappointed with the content of this bill before us today. I join with my colleagues who have expressed their disappointment, but I'm also disappointed with the process behind it.

Yesterday, for a totally bogus reason, the Rules Committee declared an amendment I offered out of order. They claimed it would add to the cost of the bill despite having no numbers. The amendment did not create some new regulation. It did not create new judicial proceedings. It did not set aside money for a new program.

Let me tell you what it did do, Mr. Chairman. It would have made a terrible bill slightly better. It's simple.

My amendment ensured that doctors who intentionally—not accidentally, but intentionally—harm their patients are not exempt from medical malpractice liability. If this Congress wishes to tell a child made blind by the negligence of his doctor that those in this Chamber know better than a jury, if my colleagues wish to pretend that the Seventh Amendment of the United States Constitution, guaranteeing a trial by jury, was somehow omitted from the Bill of Rights, I disagree, but so be it. The very least we can do is ensure that if a doctor intentionally abuses his patients that he will not evade justice.

Surely, the sponsors of this bill did not intend to extend liability caps to a pediatrician who sexually abused a child or a dentist who raped his patients under sedation. I'm disgusted to say that those are both real examples of the kind of abhorrent behavior H.R. 5 may mistakenly immunize without clarification.

Is it too much to ask that we simply think this through? Can someone explain to me how this amendment costs a penny? Better yet, will someone explain to the 103 children who were molested by a Delaware pediatrician that Washington wants to make it easier for sexual predators to evade justice?

My friends, differentiating between medical errors and intentional harm is not some wild and crazy new idea being pedaled by the left. Many States—blue States, red States, and in between—limit malpractice awards but make distinctions for intentional torts.

The majority could have considered my small change and protected the commonsense State laws that are already on the books. Instead, under the 112th Congress, relentless partisanship has poisoned this well and impeded our ability to write good laws. Perhaps, Mr. Chairman, perhaps the reason Americans are so disenchanted with Congress is because they know that it doesn't have to be this way.

I urge my colleagues to vote "no" on this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, lawsuit abuse drives doctors out of their practices. There's a well-documented record of doctors leaving the practice of medicine and of hospitals shutting down, particularly practices that have high liability exposure. This problem has been particularly acute in the fields of OB/GYN and trauma care as well as in rural areas.

The absence of doctors in vital practice areas is, at best, an inconvenience; at worst, it can have deadly consequences. Hundreds or even thousands of patients may die annually due to a lack of doctors.

According to one State study, 38 percent of physicians have reduced the number of higher-risk procedures they provide, and 28 percent have reduced the number of higher-risk patients they serve, all out of fear of liability.

The American College of Obstetricians and Gynecologists has concluded that:

The current legal environment continues to deprive women of all ages, especially pregnant women, of their most educated and experienced women's health care providers.

A study from Northwestern University School of Medicine polled residents and found that many wished to leave the State to avoid its hostile malpractice environment. The study concluded that:

Approximately one-half of graduating Illinois residents and fellows are leaving the State to practice. The medical malpractice liability environment is a major consideration for those that plan to leave Illinois to practice.

Without a uniform law to control health care costs, many States will continue to suffer under doctor shortages.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield as much time as he may consume to the distinguished gentleman from Georgia (Mr. JOHNSON), a member of the House Judiciary Committee.

Mr. JOHNSON of Georgia. Today, Mr. Chairman, I rise in opposition to this harmful bill, H.R. 5, the so-called Protecting Access to Healthcare Act.

Now, this bill is premised upon what I would call a story, because that's what my mamma used to tell me. My

mamma and my grandmamma, as I was growing up, used to say that's wrong to say that someone is lying. Don't say that. You say that they're telling a story. So I grew up plagued with the guilt that comes from calling somebody a liar. I still have that sense of shame associated with that word "liar."

I'm not here to accuse anybody of lying, but I will say that H.R. 5, the so-called Protecting Access to Healthcare Act, is a story, is premised on the story that runaway frivolous lawsuits, medical malpractice lawsuits are a major cause of driving the cost of medical care through the roof. That's not true.

This bill restricts a patient's ability to recover compensation for damages caused by medical negligence, defective products, and irresponsible insurance companies. It also sets a cap of \$250,000 for noneconomic compensatory damages which are awarded to victims for emotional pain and suffering, physical impairment and disfigurement.

I'm so sorry to have not had this photograph blown up. It's a photo of Caroline Palmer of Marietta, Georgia. Ms. Palmer was in an automobile accident back on March 23, 2007. She sustained two broken legs, a broken shoulder, abrasions on her arms, and a collapsed lung. While she was at the hospital, recuperating, they noticed that her left hand was swollen, dusky blue, and cool to the touch. But after so noting on her medical record, the doctor left work that day, and no further action was taken about that. That was a clear sign that blood was not flowing to that limb and that something was wrong.

□ 1930

Nothing was done. No followup. The next day they found that the IV line had been misplaced in her arm, and they referred her in for some treatments to try to reinvigorate the circulation in that arm, and there was nothing they could do.

They tried everything. They even subjected Caroline to a procedure on both arms to relieve the pressure and treat the loss of circulation by producing a large gaping hole in both arms, and that procedure failed. Whereupon, she then was subjected to the cutting off of her left arm and the cutting off of her right arm.

Now, we've talked a lot about, well, how much is a leg worth? How much is a leg worth when you lose a leg? Well, how much are two legs worth? How much are two arms worth?

This picture shows Caroline Palmer in this horrendous state; and under this amendment, under this bill, H.R. 5, this woman, this victim, would be limited to \$250,000 for her pain and suffering and disfigurement, and that's not right.

How do you put a cap on someone's pain and suffering? How heartless is it to cap noneconomic damages when one has lost a limb? becomes blind?

How much is vision worth? How much is the ability to see? How much is that worth? \$250,000, under this legislation.

If you become paralyzed at the hands of a negligent health care provider, can no longer walk, how much is that worth? \$250,000.

These caps hurt the most vulnerable among us: children, senior citizens, and working poor. They can't even recover for economic losses such as lost wages. They may not be working. A child doesn't work. A child left with no arms is limited in noneconomic damages to \$250,000. He's got to roll with that for the rest of his life—\$250,000. It's not right.

Medical malpractice is about real people with real injuries. The Institute of Medicine estimates that 98,000 people die each year in the United States from preventable medical errors. Tort reform proposals, such as H.R. 5, fail to address the deaths and injuries associated with preventable medical errors every year.

Now, this, H.R. 5, is an unholy alliance between two stories: the one story which I just outlined to you and the other story being the repeal of the 15-person Independent Payment Advisory Board, also known as IPAB, which was created under RomneyCare. Oops, I mean ObamaCare. Oops, I mean, the Affordable Care Act.

Now, while I do believe that there are some good reasons to be opposed to the IPAB and to vote to abolish it—I believe there are some good reasons for that—the rationing of medical care is not one of them. Anyone who says that this IPAB board has the power to cut the benefits paid to Medicare recipients has either not read the bill or is telling you a story.

Just for the record, I want to read 42 U.S.C. section G, 1395kkk. I'm not going to comment on the kkk right now, but that's the subsection of the subsection of 42 U.S.C. where the law that was passed, RomneyCare—I mean ObamaCare, I mean Affordable Health Care Act—is stated, the law, 42 U.S.C., and it says:

The proposal shall not include any recommendation to ration health care, raise revenues or Medicare beneficiary premiums under section 1818, 1818A, or 1839, increase Medicare beneficiary cost-sharing (including deductibles, coinsurance, and copayments), or otherwise restrict benefits or modify eligibility criteria.

That is what ObamaCare, RomneyCare—I mean the Affordable Health Care Act—provides for. That's the law. Anybody who tells you otherwise is telling you a story.

Going back to the first story, I really oppose it for the reasons that I've previously stated. This bill is another example of the Republican majority bringing a partisan bill to the House floor that has virtually no chance of becoming a law. H.R. 5 does not create any jobs or grow the economy. It's a

slap in the face, also, of states' rights—something we've heard—that the other side has depended on for a long time, states' rights, the 10th Amendment.

H.R. 5, ladies and gentlemen, denies States their right to have their own tort laws. The State of Georgia, for instance, in its constitution, says that all citizens are entitled to a jury trial. The legislature imposed a \$350,000 cap on noneconomic damages in medical malpractice and other cases. The case went up to the Georgia Supreme Court, which ruled that to limit noneconomic damages deprives one of their constitutional right to a jury trial. This bill, H.R. 5, would do away with what the Georgia Supreme Court has ruled insofar as Georgia law is concerned. It's a gross overstepping of Federal legislation into the affairs of the State, and I oppose it.

I understand that there was a meeting yesterday, a specially called meeting that Majority Leader ERIC CANTOR called of the Tea Party Republican Caucus to kind of tighten some screws and twist some arms to get the caucus to go along with H.R. 5 so that no one would get embarrassed. Now, we've yet to see what will happen, but I believe that all of the Tea Party Republicans will fall into line and vote in favor of H.R. 5, which has absolutely no chance of passing once it goes to the other body.

□ 1940

I want to thank the ranking member of the Judiciary Committee, JOHN CONYERS, for giving me this time.

Mr. SMITH of Texas. Mr. Chairman, I am pleased to yield such time as he may require to the gentleman from Georgia, Dr. GINGREY, who happens to be the sponsor of the legislation we're considering tonight, the HEALTH Act.

Mr. GINGREY of Georgia. Mr. Chairman, I thank the chairman of the Judiciary Committee for yielding to me and the opportunity to follow directly my colleague from Georgia on the other side of the aisle.

A number of things were said. I feel grateful to have the opportunity to address those.

One of the comments that the gentleman made, the gentleman is my good friend, and he would agree with that. But in regard to this emergency caucus meeting with the Tea Party Caucus on the Republican side with our majority leader, ERIC CANTOR, I am an original member of the Tea Party Caucus in the House of Representatives. If there had been any emergency-called meeting, Mr. Chairman, I can assure you that I would have been right there with MICHELE BACHMANN and STEVE KING and others, the 20 of us that were original members of the House GOP Tea Party Caucus. There was no such meeting.

Let me refute that statement, although I greatly respect my friend from Georgia, from DeKalb.

Mr. JOHNSON of Georgia. Will the gentleman yield?

Mr. GINGREY of Georgia. I will be glad to yield to my friend.

Mr. JOHNSON of Georgia. I certainly don't want to misstate what actually happened, and I think I said that it's my understanding that that meeting was held. That's the information that I received.

Mr. GINGREY of Georgia. Reclaiming my time, and he did say that. He said it was his understanding. He didn't say it was a matter of fact. I appreciate that comment.

But another thing, Mr. Chairman, that I want to address, he named names. I think the lady's name was Ms. Palmer of Marietta, Georgia. I live in Marietta, Georgia, and have for the last 36 years. I represent Marietta, Georgia, in the 11th Congressional District and have for the last 9½ years.

The description of this unfortunate soul's injuries and the things that happened to her, the broken bones, the collapsed lung, the lack of blood flow to the extremities because of an improper placement of an intravenous line, maybe instead of in a vein in an artery, that resulted in amputations of her upper extremities. When the general public hears stuff like that, Mr. Chairman, they're horrified.

To think that we on this side of the aisle with H.R. 5, the HEALTH Act, which is part of the PATH Act that we are discussing on the floor today, to suggest that a person that suffers like that could only recover \$250,000 in non-compensatory pain and suffering is absolutely untrue.

The gentleman, my friend from DeKalb, is an attorney. He knows the legal system. He's been in the courtroom. I'm not sure whether he's tried on the side of the plaintiff or the defense in regard to medical malpractice cases, but he clearly knows the difference in noneconomic pain and suffering in regard to this particular bill, and, on the other hand, recovery for severe losses, medical compensation, loss of wages, loss of extremities, what this poor soul suffered.

Let me just read, Mr. Chairman, this comment: Nothing in the HEALTH Act denies injured plaintiffs the ability to obtain adequate redress, including compensation for 100 percent of their economic loss. Essentially, anything to which a receipt can be attached. Believe me, the plaintiff's attorney will attach every receipt, including the medical costs, the cost of pain relief medication, their loss of wages, their future lost wages, rehabilitation costs, and any other economic out-of-pocket loss suffered as a result of a health care injury.

Economic damages include anything whose value can be quantified, including lost wages, home services, au pair, companion to go shopping, medical costs, rehabilitation of a home, access

for someone who has an incapacity, an inability to access a normal home.

So, the gentleman, just like the gentleman from Iowa, the plaintiff's attorney that spoke on the floor earlier in regard to misleading statements, to suggest that in this legislation we would take away the ability of a person like Ms. Palmer of Marietta, Georgia, for a full and complete redress of grievances if a medical practitioner or a facility has performed below the standard of care for that local community—my colleague, the chairman of the Judiciary Committee, the distinguished chairman, gave me some statistics in regard to some of the economic losses that people have incurred and judgments that have been awarded by a jury of their peers.

Listen to this, Mr. Chairman. In August of 2010, Contra Costa County, a judgment for \$5,500,000. These are California cases, by the way, Mr. Chairman. It's California law that H.R. 5 is based on. MICRA passed back in 1975.

But these are cases in 2010. This one in February 2010, Riverside County, \$16,500,000; November, 2009, Los Angeles County, \$5 million; October, 2009, Sacramento County, \$5,750,000. I will go down to the last one, although there are several others on the list. July, 2007, Los Angeles County, an award of \$96,400,000. This, Mr. Chairman, is in 2007. MICRA was passed in 1975.

This case in 2007, this plaintiff may have been awarded \$250,000 noneconomic because there was a cap. But the cap is there not to deny them their day in court, their ability to be judged by a jury of their peers and a decision made in regard to just compensation.

There are 21 members of the House GOP Doctors Caucus. It includes 16 physicians, a psychologist, several dentists, several registered nurses. I'll guarantee you, Mr. Chairman, in every one of these cases I mentioned coming out of California, we would be sitting there fighting for those plaintiffs. Maybe even a witness for the plaintiff, for Mrs. Palmer, to say the sky is the limit, and, Mr. Plaintiff's Attorney, you tack on every economic cost that you can dream up, and we'll vote in favor of it.

But what we are opposed to, Mr. Chairman, is this opportunity for people to come in to court and clog up the court system and crowd out Mrs. Palmer and maybe many of these cases from California with frivolous lawsuits where there is no justification for the claim, where people are just hoping with a lottery mentality that some sympathetic jury will just simply say, Oh, gosh, we know there's no damage here. But after all, the doctor has \$10 million worth of insurance. It's not coming out of his pocket. Let's award the plaintiff \$6 million or \$8 million worth of noneconomic pain and suffering—if you want to call it that—in damages.

□ 1950

That's the thing that's got to stop. That's what's causing the price of health care to rise astronomically. That's why doctors are ordering all of these unnecessary tests and practicing defensive medicine. Every time a patient comes to the emergency room with a headache, even though the doctor is skilled in physical diagnosis, in taking a history, and can examine that patient and look in their eyes, making sure there is no bulge of the pupils or the optic discs, they know that patient has a tension headache. They know it's perfectly safe to send him or her home with a prescription to return in 24 hours. But, no, because of these frivolous lawsuits, they're going to order a CAT scan that costs \$1,500. You multiple that time and time and time again, that's what this is all about. That's the problem we're trying to solve.

For my friend from DeKalb—and he is my great friend—or my friend from Iowa or, indeed, the former Speaker, the minority leader, Ms. PELOSI, to come to the floor and very eloquently—and she is eloquent and speaks with a lot of passion, great ability, a great communicator—but to mislead is downright wrong.

The truth needs no adjectives, Mr. Chairman. The truth is what is in the PATH Act, H.R. 5. And I say to my colleagues: We need to pass this and do this in a bipartisan way and not worry here about what's going to happen in the Senate. Let's do the right thing in the House of Representatives, and let's do the people's work.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute to ask my friend and distinguished medical practitioner and Member of Congress, Mr. GINGREY, is he aware that his bill, H.R. 5, eliminates joint and several liability for both economic and noneconomic damages?

I yield to the gentleman for that purpose.

Mr. GINGREY of Georgia. I thank the gentleman for yielding. This is his time, and I appreciate him yielding. It gives me an opportunity to explain in regard to joint and several liability.

Mr. Chairman, it's important for our colleagues on the House floor and anyone within shouting distance to understand what we're talking about in regard to joint and several liability.

Under current law, anyone who is named as a defendant in a medical malpractice suit is liable for whatever judgment is rendered. It matters not how much they participate in the case.

Let me give my good friend from Michigan, the ranking member of the Judiciary Committee, an example. Of course he knows this. Let's say it's an OB/GYN case and the surgeon who has done a hysterectomy on Friday is going to church on Sunday morning and asks his colleague to stop by and

see the patient and to tell her that he'll be around that afternoon to check on her. The doctor says, sure, I'll be glad to.

He peeks his head in the door and Mrs. Jones said, I'm fine.

Okay. Your doctor will be around this afternoon to check on you.

Things go to heck in a hand basket. The operating physician maybe has practiced below the standard of care. But that doctor that covered, that peeked in the door, that really had nothing to do with the case, surely, as Mr. CONYERS knows, will be named in the lawsuit. And if he or she happens to have the deepest pockets under the current law, they could be liable for the entire judgment; whereas the doctor who practiced below the standard of care, who has a shallow pocket, would get off scot-free.

I yield back to my friend, and I thank you for the opportunity.

The Acting CHAIR (Mr. NUGENT). The time of the gentleman from Michigan has expired.

Mr. CONYERS. I yield myself an additional minute, and I thank Dr. GINGREY for his response.

I ask the author of this bill, H.R. 5, if the answer to my question of whether H.R. 5 eliminates joint and several liability for both economic and noneconomic damages is "yes"?

Mr. GINGREY of Georgia. The answer is "yes."

Mr. CONYERS. I thank the gentleman very much.

Mr. Chairman, I am now pleased to yield as much time as she may consume to the gentlewoman from Houston, Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Let me thank the ranking member and also the chairman of the Judiciary Committee and the leadership for giving us the opportunity to celebrate, as we debate H.R. 5, the Affordable Care Act, which is 2 years in the making.

Clearly, it speaks to where we are today. So in celebration of the Affordable Care Act, let me first of all wish it a happy anniversary.

Before I start on the Affordable Care Act, let me indicate to my good friend from Georgia and the Physicians Caucus that many of us do not take a back seat to our support for physicians. How can I help myself, coming from a community where the Texas Medical Center is fighting for a permanent doctor fix, which we've not been able to secure from this Congress, and as well, being a champion of physician-owned hospitals. Because I do believe that physicians have a high level, an acuteness of their concern for their patient. Maybe it is also because in the last decade I've had to tend to ailing parents, both of whom I lost, and have seen doctors up close and personal dealing with one of the most difficult times in any child's life.

This is not about a fight of one side or another regarding doctors, and my

constituents have been kind enough to give me time here to have gone through these debates over and over again. Let me just say very quickly: I am glad the Affordable Care Act is in place, because what we're celebrating today, as we talk about H.R. 5, is that women will not be dropped from insurance when they get sick or pregnant; insurance companies will not require women to obtain preauthorization for referral for access to an OB/GYN; millions of older women with chronic conditions will not be banned from care; 279,000 constituents in the 18th Congressional District will have improved employee health care; 187,000 uninsured in the 18th Congressional District will now have access to health care; and my hospitals, my public hospitals, my Texas Children's Hospital, St. Luke's, Methodist, Ben Taub, M.D. Anderson will be able to secure compensation in uncompensated care. I celebrate the Affordable Care Act.

But today we're discussing legislation that has already received a veto notice from the President, but we're here on the floor of the House discussing H.R. 5 and ignoring the fact that the Affordable Care Act has already confirmed health care is vital to America, and we in the Congress must protect it.

By the way, the Affordable Care Act is a preserver of Medicare and strengthens Medicare.

□ 2000

But let me tell you what we are facing with this legislation that is anchored with the component dealing with medical malpractice. We have seen documentation across States that, in fact, medical malpractice is an insurance issue. And even when there is an attempt to, in essence, dumb down the recovery, we have seen that the insurance companies do not, in essence, reward the physicians. Insurance premiums are still high, high, high, high, high. How do I know? You can go to the State of Texas and ask physicians are their insurance premiums such that they're celebrating today. Yes, there were some measured declines, but they are paying high insurance premiums.

Now, in the findings of H.R. 5, our friends cite the Commerce Clause and indicate that Congress has a right to write this bill on health care because of the Commerce Clause. As I understand it, many are pursuing the challenge of the Affordable Care Act, suggesting we had no authority. But in their own bill, the findings cite interstate commerce as the basis of writing this bill. But there are some friends over there that just caught it, and one of the amendments from another gentleman from Georgia strikes the findings. This is a case of "have your cake and eat it too" because they know that tort law has, for a long time, been the prerogative of States.

So to cite President Reagan when he gave this seminal talk on tort law in 1986, his words:

So over the years, tort law has helped us drive the negligent out of the marketplace. This, in turn, has permitted legitimate economic innovation to take its course and raise living standards throughout the Nation.

So the President agrees that tort law drives the negligent out of the arena. He then goes on to say, as he put together this task force:

To be sure, much tort law would remain to be reformed by the 50 States, not the Federal Government. And in our Federal system of government, this is only right.

So my friends cannot deny that H.R. 5 implodes State law. It takes away the authority of States. And removing it by some late amendment is not going to make it right. You are going to violate the rights of Colorado, Florida, Illinois, Maryland, Michigan, Texas, and West Virginia that have enacted their own medical malpractice damage caps. You are going to implode the rights of Connecticut, Iowa, New York, Oregon, and Tennessee that have expressly chosen not to limit. And in this bill, if you have not limited it, then you are capped. In this bill, you rid the rights of those States that have not capped, and the flexibility only comes if you have capped and it is higher than what we have, and you obliterate constitutional State law that has its own caps.

So this is not as black-and-white as my good friends would like to make it. We are riding in on the high horse, and we are not?

For example, in my State of Texas, on May 29, 2010, Connie Spears went to a hospital reporting excruciating leg pain. This was all too familiar due to her previous blood clots. The emergency room doctor ran tests and discharged her with a bilateral leg pain. But what really happened is that she had blood clots around a vein filter. She got kidney failure. She went unconscious. To save her life, two legs were amputated. There was definitive negligence. And it is important to note that she sits today with no legs.

What we are suggesting is that we are now intruding into State law, that this individual now, under Federal law, loses noneconomic damages for pain and suffering and the extent of the negligence that was promoted and, as well, faces a Federal hard hat to prevent her from having relief. Now, this is in the State of Texas, and we have tort law reform that many oppose, but it is a State decision.

I offered an amendment that would have carved out an exemption for health care lawsuits for serious and irreversible injury, supported by two of my colleagues, Congressman HANK JOHNSON and Mr. QUIGLEY. It exempted victims of malpractice that resulted in irreversible injury, including loss of limbs and loss of reproductive ability,

from the \$250,000 cap. This was not accepted.

What we say today is people like Connie Spears, children, seniors who are limited in their noneconomic damages, now have no basis for punishing those who were blatant in their negligence, no way of dealing in a punitive manner to prevent these kinds of acts from happening and recognizing the loss of limbs of someone who may have been unemployed.

My friends cannot have it both ways, that is, challenging the Affordable Care Act because they say that interstate commerce does not allow us to do good, but yet coming back in their findings to suggest they have the upper hand.

Well, I'm going to join my friend on the other side of the aisle, Mr. JOHNSON, on states' rights. Today, on H.R. 5, you literally quash and extinguish states' rights; and in the course of doing so, you quash the rights of injured patients, for those that Ronald Reagan said to get negligence out of the marketplace, out of the way of those who need care so that the good can rise up.

So I would make the argument that we're now debating in a conflicted manner. I don't know what the positions of Republicans are. They want to get rid of the Affordable Care Act, which was premised on interstate commerce, the authority of Congress. They come right back at our 2-year anniversary, celebrating people who are living because of the Affordable Care Act, and now want to place their hat on doing this on interstate commerce. I want to know where all the states' rights advocates are and why you are abolishing and eliminating constitutional State law, why you are eliminating statutory law where individual States have expressed their will.

I believe this bill, along with the component that wants to dash the Affordable Care Act, is a bill destined for the President's veto. But more importantly, let me try to understand how we can have our good friends on the other side of the aisle have their cake and eat it too.

I'm celebrating with the celebratory cake of the Affordable Care Act. I don't mind celebrating this Congress' right to help save lives.

How do you put a bill on the floor of the House where you have argued that there is no right for us to be involved in health care, and now you want to dash the rights of those who have been injured through interstate commerce and the Congress of the United States of America? Frankly, the complexity of your argument is such that it makes no sense; and, frankly, I hope that my colleagues will join me and applaud the Affordable Care Act, celebrate the expanded life that we have provided, and also recognize that those individuals who seek remedy in the marketplace, who have been injured by negligence

and acts that have been dastardly, are compensated in a fair and just manner. That is all we ask under the Constitution: due process and the rights of all Americans.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I appreciate Chairman SMITH yielding to me. And, of course, with great hesitation do I rise, because the gentlewoman who just spoke was recently rated one of the most eloquent, if not the most eloquent, Members of this body.

But even though she is eloquent, with all due respect, I think she is wrong. And with regard to the issue of the Commerce Clause and the issue of the Affordable Care Act, PPACA, and as is sometimes referred to, and not really pejoratively—if successful, it will be his legacy—ObamaCare.

□ 2010

This bill, Mr. Chairman, was created by forcing individuals to engage in commerce; that is, to purchase health insurance, under the penalty or a tax—I'm not sure from day to day how they're going to describe it, but without question that's not constitutional. And I expect maybe it will be a 5-4 decision in June of the Supreme Court, but maybe 9-0, because that is clearly unconstitutional. It is not applicable under the Commerce Clause to force people to engage in commerce. The Constitution says to regulate interstate commerce.

Of course, that is very much applicable in H.R. 5, in the Medical Liability Reform Act. Because when you have a situation in health care where there is no provision for certain medical specialties in a high-risk area like neurosurgery, obstetrics and gynecology, cardiovascular surgery, where babies have to be delivered beside the road.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman 2 additional minutes.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

But clearly the gentlelady from Texas—and I think she knows this. Texas has enacted tort reform. They have caps that are different in fact than originally existed in California 35 years ago. The result in Texas, if all of my colleagues from Texas on this side of the aisle are truthful with me, is that the problem in Texas has stabilized. Physicians are coming back to Texas. There's no shortage of specialists because of the law that was passed in Texas.

And I want to point out to the gentlewoman, too, that in this bill there is a provision called flexi-caps that basically says whatever a State does preempts Federal law in regard to caps on noneconomic, as well as contingency

fees for plaintiffs' attorneys, or any other provision of the law. State law prevails if they address that either before this bill is passed or after the bill is passed.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. GINGREY. The gentlelady is eloquent but she's wrong on this issue, and I will yield to her.

Ms. JACKSON LEE of Texas. Dr. GINGREY, thank you for your kindness and your kind words. I would say that rather than being wrong, we disagree.

But what I would say is, if you do not have a cap, then this bill will supersede the laws in States that say they have no caps. And the only thing I would conclude on is that your bill is premised, even though you're citing the individual mandate—and we can quarrel about that as to whether or not it is a forced-upon mandate or whether there are options of that individual having employer-based insurance, et cetera—but it is premised on interstate commerce. And therefore you have an amendment being offered by one of your members to strike that.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chair, I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. I thank the gentleman.

The premise of this bill is interstate commerce, which in the initial arguments being made by my friends on the other side of the aisle, they argued vigorously that we couldn't even do health care under this premise, even though we have Medicare. The premise you have in this bill is under interstate commerce. But you have an amendment that is seeking to strike your findings because you were caught with a conflict between dealing with this question congressionally, which we're saying is legitimate from the perspective of the Affordable Care Act—you're trying to use it now—but you realize that there are Members who are now arguing the question of states' rights.

We have existing State law on tort reform—hundreds of years of tort reform—and you're trying to abolish it, and with this added legislation on medical malpractice you're now trying to supersede existing State law.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. Where the amounts of moneys are not capped, where there are no caps, this bill places the \$250,000 in. If there are no caps. That is an overriding of State law. No matter how you cut it, it's an overriding of State law enforcement. And you can't have your cake and eat it, too. I'm willing to celebrate the Affordable Care Act and eat the cake because it saves lives. But what you're doing here now is not. You're overriding State laws. Many States.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. QUAYLE), who is an active member of the Judiciary Committee.

Mr. QUAYLE. I thank the gentleman for yielding and for his work on this important piece of legislation.

Mr. Chairman, I rise in support of H.R. 5, the PATH Act, because our country is in urgent need of medical malpractice reform. Currently, we have a jackpot justice system that is not based in reality, and it's badly damaging our country's health care system. Profiteering attorneys know this. And that's why the number of malpractice suits has been precipitously rising year after year.

Back in the 1960s, one out of seven physicians would have had a malpractice claim over their entire lifetime. Today, it's one in seven physicians are sued each year. That is an astronomical jump in the number of claims that are being put on doctors. And the doctors are now being forced out of the profession even when they haven't done anything wrong. The practice of defensive medicine is harming the quality of care and pushing up costs. The enormous expense of ensuring a doctor against liability is making health care inflation much worse, not to mention the fact that the current system is damaging the doctor-patient relationship. It damages it in a way because every doctor has to see every interaction with the patient as a potential lawsuit. That is not what the doctor-patient relationship should be built on. It should be built on mutual respect and trust. And until we have something that actually addresses the medical malpractice problems that we have and we get the reforms that are much needed, that actual relationship is never going to improve.

So I urge the House to pass the PATH Act because it will do two vital things to get health care costs under control: First, it would eliminate ObamaCare's Independent Payment Advisory Board and thereby keep a board of unelected, unaccountable bureaucrats from restricting senior access to health care. It also brings medical malpractice lawsuits under control by capping non-economic damages and limiting attorneys' fees so more money will actually go to the victims rather than overzealous trial lawyers.

These reforms will save taxpayers over \$40 billion over the next decade. Everyone knows that we need to do something about rising health care costs, and this bill and taking care of the medical malpractice problems that we have will go a long way in getting those costs under control. This bill will give every Member of this House the opportunity to be part of the solution. I urge my colleagues to vote "yes" on H.R. 5.

Mr. CONYERS. I yield such time as she may consume to a senior member

of the Judiciary Committee, MAXINE WATERS of California.

Ms. WATERS. Thank you very much, Mr. CONYERS, former chair of the Judiciary Committee, ranking member, and a gentleman who has provided superb leadership in opposition to H.R. 5.

Mr. Chairman, I rise in strong opposition to H.R. 5, poorly titled Protecting Access to Healthcare, the so-called PATH Act, an unconstitutional, Big Government bill that violates the 10th Amendment and states' rights.

□ 2020

At the very start of the 112th Congress, my colleagues on the opposite side of the aisle declared that all business conducted in the House would be consistent with the Constitution. Yet if you read the constitutional authority statement attached to H.R. 5, the Republican sponsors seem to believe that the Commerce Clause magically creates a path for Congress to mandate nationwide caps on punitive damages in all medical malpractice lawsuits. The Republicans are telling all Americans, no matter how severe the injury or egregious the mistake by the doctor, hospital or drug manufacturer, that their losses are going to be capped at \$250,000.

And with all due respect to the gentleman from Georgia, Representative GINGREY, who introduced H.R. 5, even his own State supreme court has found caps on punitive damages to be unconstitutional. In 2010, the Georgia supreme court unanimously struck down limits on jury awards in medical malpractice cases. The Georgia court determined that a \$350,000 cap on non-economic damages violates the right to a jury trial as guaranteed under the Georgia Constitution.

Section 110(a) of H.R. 5 would impose an even lower cap on damages in Georgia, effectively overturning the court's decision by an act of Congress. The section reads:

The provisions governing health care lawsuits set forth in this Act preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this Act.

In addition to Georgia, other States like Arizona, Pennsylvania, Wyoming and Kentucky whose State constitutions specifically prohibit damage limitations will have their constitutions overruled by Congress.

For Members who have for years now questioned the constitutionality of the Affordable Care Act, you need but take a look at H.R. 5. H.R. 5 goes far beyond anything passed by the Democratic majority. If you don't believe me, just listen to Tea Party Nation founder Judson Phillips. In slamming H.R. 5 he wrote:

Whether you think tort reform is a good idea or not, it is an issue that belongs to the States, not to the Federal Government. Tort law has always been governed by the States.

Now, I didn't say that, Mr. CONYERS didn't say that, and Ms. JACKSON LEE didn't say that. None of those who have been over here this evening opposing H.R. 5 and laying out the facts and the consequences of H.R. 5 said this. Let me repeat. I am quoting Tea Party Nation founder Judson Phillips:

Whether you think tort reform is a good idea or not, it is an issue that belongs to the States, not to the Federal Government. Tort law has always been governed by the States.

Even some of my Republican colleagues on the Judiciary Committee have expressed concerns. Congressman POE, Republican from Texas said:

I believe that each individual State should allow the people of that State to decide—not the Federal Government. If the people of a particular State don't want liability caps, that's their prerogative under the 10th Amendment.

Well, let's listen to what Congressman LOUIE GOHMERT, Republican of Texas, said:

The right of the States for self-determination is enshrined in the 10th Amendment. I am reticent to support Congress imposing its will on the States by dictating new State law in their own State courts.

To my conservative colleagues in this Chamber, don't be tricked. Don't be fooled. H.R. 5, simply and clearly put, violates states' rights. Reject this unconstitutional piece of legislation, protect States' constitutional rights to set tort law and just vote "no" on H.R. 5.

Now, let me just wrap this up by saying that the gentleman from Georgia referred over and over again, constantly, this evening about frivolous Californians. And he talked about these juries who didn't take into consideration the facts on these negligence cases, but rather looked at the insurance and said, oh, just give them whatever, they didn't care. Well, I came to defend California and to tell you the difference between what happened in tort reform in California and what you have been told by the gentleman from Georgia.

Supporters of H.R. 5 claim that it is the same as MICRA, a medical malpractice liability law passed in California in 1975. H.R. 5 is far different from MICRA, except that neither law delivered on lower insurance premiums. The differences are clear:

H.R. 5 applies damage caps in all "health care lawsuits," including cases against drug companies, nursing homes, insurance companies and HMOs. MICRA only applies to malpractice cases against a doctor or a hospital.

Punitive damages are reserved for only the most egregious medical malpractice; they are meant to deter future dangerous conduct. H.R. 5 limits punitive damages. MICRA does not cap punitive damages.

H.R. 5 gives total immunity from punitive damages to drug and device

manufacturers if their products have been approved by the FDA or are "generally recognized as safe and effective." MICRA does not provide this kind of sweeping immunity for the drug industry.

H.R. 5 caps noneconomic damages at \$250,000 in the aggregate, no matter how many parties have been damaged by medical malpractice, even when an injury results in loss of a marital relationship. California law recognizes a separate claim for loss of consortium—claims brought by the spouse of an injured patient. MICRA does not limit these claims.

Joint and several liability, which my leader asked you about, Mr. GINGREY, enables an individual to bring one claim against any of the parties involved in a medical malpractice injury and ensures that injured victims are fully compensated. H.R. 5 completely eliminates joint liability for both economic and noneconomic losses. California law only limits joint liability for noneconomic damages.

H.R. 5 and MICRA are alike in one main respect—by themselves, neither law can deliver on lower medical malpractice insurance premiums.

H.R. 5 includes unprecedented legal protections for the insurance industry, but no guarantee that any future savings will be passed onto doctors or patients.

Following the passage of MICRA, insurance premiums for doctors increased in California by 450 percent over the next 13 years. Premiums only decreased after California enacted Proposition 103, a ballot initiative that mandated a 20 percent rollback in premium rates. I was in the California legislature when that happened.

H.R. 5 does not guarantee lower premium rates for doctors. In fact, the bill only mentions insurance companies when giving them protection from liability.

So, again, I say, don't be fooled, don't be tricked. I don't really mean to imply, Mr. GINGREY, that you are trying to fool or trick anybody, but you're simply wrong. We have given our opposition in more ways than one this evening to H.R. 5. But since you alluded to or talked about or pointed directly to California and all of these people who simply have frivolous lawsuits and these poor juries who sit and don't take into consideration the facts and simply look at how much insurance is available and just award these tremendous amounts, I had to add to my testimony this evening a defense and an explanation and show the difference between MICRA and H.R. 5.

I think I have done that, and I think I have done that with the facts that exist. I am very pleased that I have been able to join with my colleagues this evening to not only reveal what H.R. 5 is and is not, but I think we have made the case. I think that we have

put the facts forward in such a way that we're going to win on this issue. I ask you to oppose H.R. 5.

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia, Dr. GINGREY.

□ 2030

Mr. GINGREY of Georgia. Mr. Chairman, I thank Chairman SMITH for yielding to me.

As good a communicator as the gentlewoman from California is, I would be quick to state that she is not the Great Communicator. The Great Communicator, of course, was President Ronald Reagan.

The gentlewoman from California talked about comments that were made on my side of the aisle, members of the Judiciary Committee, and named a couple of Members on my side of the aisle that were concerned about federalism and the 10th Amendment and states' rights. I just want to remind her that, at least from our perspective—and the gentlewoman may not agree with this at all—but from our perspective on this side of the aisle, the Great Communicator was President Ronald Reagan.

In a speech in 1986 to the U.S. Chamber of Commerce, after a commission had reported to him on this issue of medical liability reform and the need for same, the President very clearly outlined almost the identical provisions that are part of MICRA, the Medical Injury Compensation Reform Act, that was passed in his State that he governed for 8 years, the great State of California. So, again, the gentlelady makes her points well; but, quite honestly, I think there's a bit of embellishment on their side of the aisle.

Who do you trust? The gentleman from Arizona (Mr. QUAYLE) just spoke moments ago, Mr. Chairman, about who do we trust. Well, right above you, as you sit there, first of all, "In God We Trust." In mom and dad we trust. In Dr. Bailey, Augusta, Georgia, we trust. In uncle we trust, but that's way down the line, way down the line.

I think our colleagues on the other side of the aisle think that Big Government should control everything, that they should make the decisions. That's where ObamaCare came from. To do it, they had to proffer a 2,800-page bill that is clearly unconstitutional.

H.R. 5 is not unconstitutional. You look at article I, section 8, clause 3, the Commerce Clause, and clearly it's constitutional. Requiring someone, forcing someone to engage in commerce, indeed, to purchase health insurance under the penalty of a tax is unconstitutional, and that will be determined by the Supreme Court.

Mr. CONYERS. Mr. Chairman, we have no further requests for time. With the agreement of the chairman of the committee, I would like to close at this point.

Mr. SMITH of Texas. Mr. Chairman, we have no other speakers as well, and I am prepared to close on this side.

The Acting CHAIR. The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. I'd like to thank all of the Members on both sides of the aisle that have participated in this important debate. There has been a lot of clarity, even though there has been a great difference in opinion.

I return the balance of my time with this thought in mind, that even though the author of this bill is a well-regarded medical practitioner and a distinguished Member of the body, he is a doctor, but he is not a lawyer.

I commend him on the fact that he agreed with the statement that to me determines a lot of people's point of view about this very controversial bill that is now before the floor, H.R. 5. That is, he agreed and answered in the affirmative that H.R. 5 eliminates joint and several liability for economic, non-economic, and punitive damages. To me, with all the cases that have been of human suffering, of injury to women and children, of how wrong it would be to limit all of these kinds of damages to \$250,000 in this 21st century is an insult to common sense and fair play.

Mr. GINGREY of Georgia. Will the ranking member yield?

Mr. CONYERS. I will yield to the gentleman.

Mr. GINGREY of Georgia. I appreciate very much you yielding to me for that, because clarification needs to be made.

You're suggesting that what I said was there would be a limitation of \$250,000 because of the elimination of joint and several liability. That's not true at all. Whatever the judgment is, the \$250,000 in noneconomic, the \$10 million in economic, would be apportioned to the defendants in proportion to their liability. That's what the elimination of joint and several liability means, eliminating this deep-pocket mentality of plaintiff's attorneys.

Mr. CONYERS. Well, through the Chairman, I accept the comments of the gentleman from Georgia. I assume that his response to my question earlier is still "yes." If that is the case, then all I can say is that I think there are very few people in the Federal legislature or among our citizenry who would say that there should not be an unlimited amount of recovery. The gentleman must have some feeling for the fact that \$250,000 for the rest of the person's life, if they lose arms or legs, eyes, it's just unacceptable. I won't say that it's immoral, but it's unfair.

It's my hope that most of our colleagues, as we continue this debate tomorrow, will realize that that is the fatal flaw in a bill that may have some justification in other parts of it, but that limitation of damages cannot be rationalized nor justified by the collective body of this legislature. For that

reason, sir, I am urging all of our colleagues to consider this one point that I make tonight, as I close, as to be controlling in their decision that they will make as we vote tomorrow on this bill.

I thank all of the Members that have joined in this debate this evening.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to reemphasize again that, under this bill, awards are possible that far exceed the \$250,000 cap in noneconomic damages. That's because under the economic damages provision, there is simply no cap. As a result of that, States like California and Texas, which have adopted reforms very similar to the reforms in this particular piece of legislation, there have been numerous awards of multimillion dollars awarded to individuals who have been injured.

□ 2040

So even though we had that \$250,000 noneconomic cap, that is not an absolute cap on the awards that have been made.

A minute ago, Dr. GINGREY mentioned that in California, for example, several years ago, I believe it was 2007, there was a \$96 million award. And in the last year for which we have records, in 2010, there were awards, I think, for over \$6 million, over \$10 million, over \$14 million. So an individual is able to be reimbursed for the costs and the injuries that that individual may have incurred.

Mr. Chairman, I also want to say that America's medical liability system increases the cost of health care and decreases access to care as doctors abandon their practices and avoid high-risk specialties out of fear of being sued. Medical liability reform, this bill tonight will solve this problem.

According to the Journal of the American College of Surgeons, 5 years after tort reform legislation passed in my home State of Texas, the number of physicians in the State increased by 24 percent. That is twice the rate of growth in population over the same period of time. Other States have seen similar results.

But most States have not enacted meaningful reforms and, as a result, frivolous lawsuits have created a medical liability crisis. This crisis has forced women to drive great distances to deliver their babies because their local hospital doesn't have an OB-GYN.

It has resulted in those who need complicated procedures being placed on waiting lists for months because the only available specialist has too many patients who seek care, and it has caused accident victims to lose their lives because their local emergency room no longer has a trauma center. America's broken medical liability system has caused patients to lose access to high-quality health services.

The liability reforms contained in the HEALTH Act will do these things: lead to a significant savings in health care expenses, reduce the practice of defensive medicine, halt the departure of doctors from high-litigation States and medical specialties, improve access to health care, and increase the affordability of health insurance. Also, according to the Congressional Budget Office, this legislation will reduce the Federal deficit by more than \$45 billion over the next 10 years. This is a significant savings in a time of escalating deficits and debt.

We've seen the positive effects that similar medical liability reforms have had at the State level. Reforms in States like California and Texas have enhanced patient care, reduced doctor shortages, and decreased cost. It's time for Congress to enact these reforms for the benefit of all Americans.

Mr. Chairman, before I yield back the balance of my time, I'd like to thank the gentleman from Georgia, Dr. GINGREY, who has spoken so well so many times tonight, for introducing this piece of legislation that is going to help so many people across America.

With that, I yield back the balance of my time.

Ms. SCHWARTZ. Mr. Chair, I rise in opposition to the bill before us.

H.R. 452, the Medicare Decisions Accountability Act, had clear bipartisan support.

As a co-sponsor, I am deeply disappointed by Republicans' decision to link this legislation to an unrelated and partisan issue. This rule ensured that repealing IPAB would not be given serious consideration in the House.

My support for IPAB repeal reflects my confidence in and commitment to Medicare payment and delivery system reforms in the Affordable Care Act that will improve quality, increase efficiency and care coordination, and not only save lives but reduce costs.

IPAB is not a "death panel" or a "rationing board." IPAB is simply the wrong approach to the right goal.

Abdicating responsibility for legislating sound health care policy, whether to an unelected commission or private insurers, undermines our ability to represent the needs of our constituents.

Republicans have once again demonstrated that political showmanship trumps legitimate concerns expressed by seniors and the medical community.

Linking IPAB repeal to tort reform—an unrelated, divisive, and polarizing issue—has brought what was once a bipartisan effort to a screeching halt.

I urge my colleagues to vote against this partisan stunt and put our Nation's seniors first.

Mr. FITZPATRICK. Mr. Chair, over the course of the last 2 years since the President signed the so called Affordable Care Act into law, bipartisan opposition to many portions of this legislation has steadily grown in this Chamber.

I have called for a full repeal of the law, however, it is vital that the most damaging sections be repealed here and now. One of

the most clearly flawed aspects of the Affordable Care Act is the creation of the Independent Payment Advisory Board.

As the House puts forward ideas to protect and save Medicare, the Administration has decided it can better serve seniors by cutting Medicare by more than \$575 billion to create a panel of unelected, unaccountable Washington bureaucrats tasked with cutting Medicare even further.

More than 230 of my colleagues in the House and over 380 groups representing doctors, patients and employers have joined us in opposition to the IPAB. I urge the Senate and President to stand with us against this overreach of government power and pass the Protecting Access to Healthcare Act.

Mr. COURTNEY. Mr. Chair, since 1965, Medicare has provided seniors guaranteed health benefits and today, close to 50 million Americans who have paid into the system now rely on the program for care. While the program's sustainability is stronger than in recent past, this Congress, like those before it, has an obligation to ensure sustainability of the program for current enrollees and future beneficiaries. The Independent Payment Advisory Board, IPAB, was created with this objective in mind. However, despite best intentions, I believe that IPAB is the wrong approach to achieve this shared goal.

Relinquishing control of Medicare provider reimbursements to an unelected IPAB is problematic to me for a number of reasons. Congress has helped shape a Medicare system that reflects unique care needs of varying demographics as well as differences between regions and states. Further, this system has been developed with transparency and accountability in congressional debates. Implementing IPAB would limit the strengths of the current system, and would continue a trend of ceding congressional authority to the Executive branch. This is, in part, why I cosponsored the Medicare Decisions Accountability Act, H.R. 452, legislation to repeal IPAB.

The fact is that the Affordable Care Act will contain spending growth in the Medicare program—independent of proposed IPAB reforms—through integrated and coordinated care models and modest reimbursement changes. The Congressional Budget Office, CBO, estimates that the law will slow annual Medicare growth from seven to four percent over the next decade. And, over the past year, the S&P has measured the lowest rate of growth in the history of Medicare—below three percent.

Today, the House considered legislation to repeal IPAB, a goal that I support. Unfortunately, a calculated choice to polarize the vote by incorporating the HEALTH Act (H.R. 5)—an unrelated and divisive bill—emphasizes the cynical gamesmanship of Republican leadership who clearly are not interested in forging a partisan coalition to repeal IPAB. The HEALTH Act, in part, limits intentional torts or cases where harm is deliberate. A recent case in Connecticut, which involved victims of sexual assault, underscores the harm in these restrictions. Under H.R. 5, these victims would be denied their day in court.

Over the next ten years, Medicare will cost between \$8 trillion and \$9 trillion and there are a whole host of offsets which would easily

counter the costs of IPAB repeal without injecting scorched earth partisan politics. For example, MedPAC has recommended rescinding duplicative bonus payments to private insurance providers that administer Medicare Advantage plans, which have historically been overpaid by 14 percent. At the very least, this option provides a more tempered approach to offset H.R. 452 and build an honest consensus on repealing IPAB.

Despite my long-standing support for the repeal of IPAB, I cannot support H.R. 5 as presented to the House today. It is my sincere hope that this chamber can debate the repeal of IPAB through a more measured, balanced, and reasonable approach in the future.

Mr. CROWLEY. Mr. Chair, today, the House is considering legislation that would repeal the Independent Payment Advisory Board, or IPAB. To be clear, I am not a big fan of IPAB—I had concerns with this new entity when it was first being discussed, and I remain concerned with it today.

I do find it interesting, however, that my colleagues on the other side of the aisle are suddenly so troubled about IPAB's effect on Medicare, when their plan to end Medicare is so much worse.

I fear that today's floor action is less about a real concern for seniors, hospitals and physicians in the Medicare program, and more about trying to win a battle in the war against health insurance reform.

They have shown with their words and their actions, even down to their choice of offsets, that this yet another political exercise.

But that is a game that I refuse to play. Our seniors deserve real answers and real solutions, not yet another repeal-but-not-replace attempt.

So even though I don't think that IPAB is the best answer to strengthening Medicare, I can't in good conscience vote for this bill, at this time, with this kind of clear and blatant political agenda at the core of this debate.

What we need is a real, substantive discussion about solutions to keep Medicare costs, and medical malpractice costs as well, under control for the long term. But with today's floor action, these needed discussions are too likely to get lost in a sea of shouting.

And that's not what we need right now.

If my colleagues on the other side of the aisle want to work with us to address the concerns that many of us have with IPAB, to make changes, then I'm willing to meet them halfway.

But if they want to blame the Affordable Care Act for everything wrong in the world, even when it has controlled costs so well that IPAB won't even come into play for years to come, and even when it has given millions of American families control back over their health care, I can't join them in these political attacks.

So I have to oppose passage of this bill today.

Mr. DINGELL. Mr. Chair, the people have sent us up here to legislate and pass laws that will benefit and protect the American public and move our country forward. It is more than disheartening, it is shameful that once again we find ourselves here today wasting time to vote on a piece of partisan, Republican legislation that has no hope of moving beyond this

chamber. H.R. 5 does nothing to benefit the American people, nor does this Act do anything to protect access to healthcare as its name declares.

Even worse, this misguided legislation is being considered during the same week we are celebrating the second anniversary of the Affordable Care Act (ACA). I am unbelievably proud of that fact that the bill I authored has guaranteed that 105 million Americans no longer face lifetime limits on their insurance, 2 million young adults are now insured under their parents' plans, and seniors no longer find themselves lost in the "coverage gap" and lacking access to prescription drugs. With all of these tangible, quantifiable benefits, why are my colleagues on the other side of the aisle spending their time attempting to dismantle a law that is already being implemented? Why do they spend their time trying to chip away at it piece by piece when they could be working on legislation that would benefit their constituents? Working to repeal the Independent Payment Advisory Board (IPAB) and not even bothering to come up with any sort of replacement seems dubious and makes no sense to me. But then again, I am just a poor, Polish lawyer from Detroit.

Not only are my Republican friends attempting to repeal IPAB, they have added it to their medical malpractice legislation, H.R. 5, which contains provisions that they have brought time and again to this floor, failing every time. Each time they resurrect the same language. In doing so, they do not demonstrate genuine interest in legislating on behalf of the American people. The Republicans know the Senate will not vote for such a bill. Nor will I. I will not approve a bill that caps non-economic medical malpractice damages at \$250,000. Apparently, this is the price the Republicans put on a lifetime of physical impairment, pain, suffering and even wrongful death.

I know our medical malpractice system needs improvement. If only my Republican friends would come to me with a third way, a new fair and workable way, to approach this problem. I would be more than happy to work with them on a bipartisan basis, which this Congress so desperately needs right now.

But, until that time, I am forced to vote against this piece of legislation. I will not approve of a bill that rehashes the same old medical malpractice language. I will not vote for a bill that attempts to wear down bits of the Affordable Care Act. If they had their way, the Republicans would repeal the entire ACA, and take away insurance from over 30 million Americans. Instead, we are busy granting insurance coverage to 17 million children with pre-existing conditions.

Mr. DUNCAN of Tennessee. Mr. Chair, I am caught between a rock and a hard place on this bill. I spoke and voted against the health care bill that is most frequently referred to as "ObamaCare."

I am strongly opposed to this Independent Payment Advisory Board, which many see as being a major step towards rationing of medical care.

I strongly favor protecting access to healthcare which is the title of H.R. 5.

However, legislators have been talking about \$250,000 caps probably since the late 1970s, if not earlier.

I can assure you that \$250,000 in the 70s is far more than \$250,000 today.

Secondly, it does not seem fair to me to tell all of my constituents—or at least more than 99 percent—that they can be sued for everything they have, but we are going to limit suits against this one small, privileged segment of our society.

I have great admiration and respect for physicians, but I also believe they should not be placed on a pedestal way above everyone else.

Third, every trial judge sits as a 13th juror and can set aside or reduce a ridiculous or unjust judgment. If the trial judge does not act, then there are courts of appeal. There are safeguards throughout the system, and most really excessive judgments have been reversed in some way by a trial court or at a higher level.

Fourth, USA Today published a box 4 or 5 years ago which showed that for the then most recent five-year period, medical malpractice judgments had gone up only 1.8 percent while medical malpractice premiums had gone up 131 percent.

A few big insurance companies have given the public a very false impression of what is really happening in the courts so that they can impose very exorbitant rate increases.

Last, some members, including me, believe that this should be handled by the states under our Constitution and that this malpractice part of the bill goes against the spirit and intent of our tenth amendment.

Mr. FITZPATRICK. Mr. Chair, over the course of the last two years since the President signed the Affordable Care Act into law, bipartisan opposition to many portions of this legislation has steadily grown in this chamber.

Today, the House of Representatives passed the Protecting Access to Healthcare Act as part of a deliberate, transparent, and comprehensive plan to fix America's broken and expensive health insurance system.

While I favor a full repeal of the Affordable Care Act, this effort represents removal of the most harmful provisions of President Obama's flawed law. The PATH Act does this by enacting much needed medical malpractice tort reform to reduce healthcare costs and it repeals President Obama's unaccountable Independent Payment Advisory Board, IPAB, which would limit Medicare patient access to health care services.

As the House puts forward ideas to protect and save Medicare, the Administration has decided it can better serve seniors by cutting benefits for seniors by more than \$575 billion, and creating a panel of unelected, unaccountable Washington bureaucrats tasked with cutting Medicare even further.

More than 230 of my colleagues in the House from both parties and over 380 groups representing doctors, patients and employers have joined us in opposition to the IPAB.

I urge the Senate and President to stand with us against this overreach of government power and make the Protecting Access to Healthcare Act law. Congress must work to reform health care in a way that reduces costs for both patients and providers while preserving the quality of care that Americans deserve.

Ms. HIRONO. Mr. Chair, this week we celebrate the 2nd anniversary of the Affordable Care Act.

The Affordable Care Act is designed to fix so many of the things that ail our health care system and burden everyday families. The new law has already had a major impact on families in Hawaii.

Senior citizens in Hawaii now have some relief from the high cost of prescription drugs. In 2010, over 24,000 people with Medicare in Hawaii received tax rebates to cover prescription drug costs.

One senior from Waimea on Hawaii Island told me her \$250 Medicare rebate check was "a blessing" in these tough economic times. She was able to use that money to pay for her other medical bills.

In 2011, more than 21,000 people in Hawaii with Medicare saved close to \$7 million on prescription drugs. The "donut hole" gap in coverage will be closed by 2020.

A mother in Kailua told me that because of the Affordable Care Act, she could now add her 21 year-old son and 24 year-old daughter to her work-sponsored insurance plan.

These are just two of the over 5,000 Hawaii young adults who can now stay on their parents' plan until age 26. This Kailua family is now using the thousands of dollars saved on health insurance each year for other household needs, including paying down past medical debt.

The old saying is true, that "an ounce of prevention is worth a pound of cure." Preventive services like mammograms, colonoscopies, and wellness visits can detect problems early and prevent higher costs later.

Thanks to the Affordable Care Act, nearly all 210,000 Hawaii people with Medicare can now get preventive services without a co-pay or deductible. In addition, 240,000 people in Hawaii with private insurance are now eligible for preventive services—including women's health services such as domestic violence screenings and contraception—without a co-pay or deductible.

The Hawaii Prepaid Health Care Act already covers employees who work for more than 20 hours per week. As a result, a large percentage of our people can get the healthcare they need to stay healthy. We have a low rate of uninsured. And that saves all of us money.

This is why I fought hard to preserve the Hawaii Prepaid Health Care Act in the House bill. I offered an amendment to preserve Hawaii's law and defended my amendment in committee, convincing my colleagues to support my amendment. Then, all of us in the delegation worked together to make sure the final Affordable Care Act law maintained Hawaii's law.

Because of Hawaii's Prepaid Health Care Act, most employers in Hawaii already provide health coverage. The Affordable Care Act makes it easier for Hawaii small businesses by providing tax rebates to help pay for health care costs. Nearly 29,000 Hawaii businesses are eligible for tax credits under the law.

Today I also met with leaders from eight of Hawaii's Community Health Centers. The Affordable Care Act helps fund these 73 health center sites that serve our highest-need rural and underserved communities, especially on the Neighbor Islands and rural Oahu. These health centers care for over 130,000 people and provide nearly 1,300 jobs throughout the state. The message these health leaders

shared with me today is that the Affordable Care Act has made a positive difference in the lives of so many.

Given how much the Affordable Care Act is already helping Hawaii, it is unfortunate that some in Congress want to repeal it. Because they can't repeal the law all at once, they have continued to try to de-fund the law or repeal one piece at a time.

Today we're seeing another example of this, with H.R. 5. This bill would repeal the law's Independent Payment Advisory Board, also known as the IPAB.

This board is a panel of experts that will make recommendations so taxpayers aren't paying for unnecessary Medicare procedures. This will save taxpayers billions of dollars, while protecting Medicare patients. The board would not be allowed to recommend any cuts to reimbursement rates that ration or harm patient care. Congress would vote on the board's recommendations, or come up with an alternative that reduces cost growth by more.

In fact, because the Affordable Care Act has already reduced the growth in Medicare costs, the Board's recommendations wouldn't even be triggered until 2022 at the earliest.

I have heard from some medical providers in Hawaii who are worried the IPAB will recommend cuts to their specialty. These providers say they might choose not to see Medicare patients. I can understand their concerns, but here's the thing: Medicare costs are going up partly because of expensive and sometimes unnecessary procedures. Most members of Congress aren't scientists or health care researchers, so a panel of experts would be better suited to use the best research to recommend reforms. I will vote against a bill to repeal IPAB that doesn't put a better system in its place.

Unfortunately, this week the House Majority released a budget plan (the Ryan Budget) that would end the Medicare guarantee for our seniors. The Ryan Budget would again turn Medicare into a voucher system where seniors would have to purchase private plans. Private plans could deny and delay coverage, without Medicare's consumer protections our seniors get today. Last year's House budget tried this same plan, and the Congressional Budget Office said it would increase costs to people on Medicare by \$6,000 per person starting in 2022.

The bill we're voting on today, H.R. 5, also recycles an old misguided proposal for medical negligence reform. Someone who is harmed by misconduct by a health professional should not be barred from appropriate compensation for a permanent disability or loss of a loved one.

The reality is that most medical providers are doing the right thing. A small percentage of doctors are responsible for over half the medical malpractice cases. We shouldn't be protecting this minority of providers over the rights of patients injured through these providers' negligence. Today's bill would deny justice to those who have been harmed by a small number of medical providers.

Today's bill, H.R. 5, would also hurt states' rights by preempting state medical malpractice laws. A cap on damages for physical impairment, pain, suffering, and even death could not exceed \$250,000, regardless of individual states' existing limits.

Today's bill also extends far beyond medical malpractice. It would also apply to limit patients' rights in all "health care lawsuits," which could include cases against pharmaceutical and medical device manufacturers, nursing homes, HMOs, insurance companies, and hospitals.

While proponents of medical malpractice reform argue that frivolous lawsuits are driving up insurance premiums, the fact is, economic studies have shown that medical malpractice payouts are not the cause of higher premiums for consumers. Instead, premium increases are caused by other factors, such as too little competition in the private insurance market.

I urge my colleagues to reject H.R. 5.

On the second anniversary of the Affordable Care Act, we should be fighting to make healthcare more accessible for our people, not less.

Mahalo nui loa (thank you very much).

Ms. JACKSON LEE of Texas. Mr. Chair, today we again are considering H.R. 5, the "Help Accessible, Efficient, Low-cost, Timely Healthcare (HEALTH) Act." This bill is intended to change what some of my colleagues on the right believe to be a broken medical malpractice liability system.

Quite paradoxically, many supporters of H.R. 5 are vocal opponents of the recently passed health-related federal law, the Affordable Care Act, whose anniversary we celebrate here tonight. It must be stated that many Americans celebrate with us and dine in good health—thankful that this Congress came together to pass health care 2 years ago.

Foes of healthcare reform claim that the Commerce Clause of the U.S. Constitution, which gives the Federal Government some authority over states, was abused to pass the healthcare law. Under the rules of this Congress, House sponsors of any bill must explain Congress' constitutional authority to pass it.

Rather ironically, H.R. 5's sponsor, Representative PHIL GINGREY (R-GA), cites the Commerce Clause as he tries to enact sweeping legislation that would completely overhaul State tort law and undermine hundreds of years of precedent.

Yet, for my colleague, Mr. GINGREY, his statement represents a complete reversal from his position on the Affordable Care Act, which he has called "the government takeover of our healthcare system."

Which might explain why my colleague Mr. WOODALL from Georgia submitted an 11th hour amendment during the Rules Committee Hearing on the rule for H.R. 5, striking the Commerce Clause mention from this bill.

The Woodall Amendment struck almost two pages from their bill—and reading it I can see why. It reads:

EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

This sounds strikingly similar to the arguments being advanced against the Affordable Healthcare Act. You cannot have your cake and eat it too. Either health care affects inter-

state commerce or it doesn't. Which is of course the impetus for the amendment offered by my colleague from Georgia. What a dilemma to find oneself in? Trying to gut the Affordable Healthcare Act, but using the precise argument supporting Congress' power to regulate.

While the U.S. Constitution and Supreme Court interpretations do not identify a constitutional right to health care for those who cannot afford it, Congress has enacted numerous statutes, such as Medicare, Medicaid, and the Children's Health Insurance Program, that establish and define specific statutory rights of individuals to receive health care services from the government.

As a major component of many health care entitlement statutes, Congress has provided funding to pay for the health services provided under law.

The Commerce Clause of the U.S. Constitution empowers Congress "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." The Supreme Court developed an expansive view of the Commerce Clause relatively early in the history of judicial review.

This power has been cited as the constitutional basis for a significant portion of the laws passed by the Congress over the last 50 years, and it currently represents one of the broadest bases for the exercise of congressional powers.

The Supreme Court accords considerable deference to a legislative decision by Congress that a particular health care spending program provides for the general welfare.

If enacted, H.R. 5 would, among other things, cap the noneconomic damages that a plaintiff in a health care lawsuit could recover. It would also preempt existing State laws on proportionate liability, allow courts to reduce contingent fees, and abolish the collateral source rule.

Studies and empirical research have shown that caps diminish access to the courts for low wage earners, like the elderly, children and women. In fact, the American Bar Association has studied this issue for over 30 years.

If economic damages are minor and noneconomic damages are capped, attorneys are less likely to represent these potential plaintiffs. And frankly Mr. Chair, many of these plaintiffs are not very likely to be able to afford access to legal services. The equal scales of justice would be tipped.

Those affected by caps on damages are the patients who have been most severely injured by the negligence of others. These patients should not be told that, due to an arbitrary limit, they will be deprived of the compensation determined by a fair and impartial jury.

The courts already possess and exercise their powers of remittitur to set aside excessive verdicts, and that is the appropriate solution rather than an arbitrary cap. Let the courts and judges do their jobs and judge.

While the system may need some tweaks to help control ballooning medical malpractice insurance premiums paid by doctors, it is imperative that as we make changes, we are careful not to remove incentive for doctors to perform their duties at the highest standard. We must not leave victims of malpractice without viable recourse.

The bill before us today is not new; in fact, it was first introduced in 2005. As written, the HEALTH Act would severely limit the ability of injured patients and their families to hold health care and medical products providers accountable.

The bill is so broadly drafted that it would also limit remedies against the for-profit nursing home, insurance and pharmaceutical industries, and even against doctors who commit intentional torts, such as sexual abuse.

Let's take a look at the collateral source rule which is the common-law rule that allows an injured party to recover damages from the defendant even if he is also entitled to receive them from a third party. Common third parties, that is, collateral sources, include a health insurance company, an employer, or the government.

To abolish the collateral source rule would be to allow or require courts to reduce damages by amounts a plaintiff receives or is entitled to receive from collateral sources.

But there is a reason that the common law adopted it: it is preferable for the victim rather than the wrongdoer to profit from the victim's prudence, for example buying health insurance or the good fortune in having some other collateral source available.

One commentator has also noted that, when the collateral source is the government, and the benefit it provides are future services, such as physical therapy, there is no guarantee that it will provide such services for as long as they are needed, as government programs may be cut back.

Moreover, I don't many people willing to literally give an arm or leg for cash, but accidents happen due to negligence. Awards serve to educate the public but also serve the added purpose of providing a disincentive for bad actors.

There are a number of reasons why this bill is flawed though, and not just the collateral source rule. Its scope is extremely broad and encompasses much more than necessary to simply protect doctors from high insurance premiums. It contains a sweeping preemption of state law. It reduces the statute of limitations on malpractice claims.

It severely restricts contingency fees, discouraging lawyers from taking on malpractice cases. And it essentially strips victims of the right to bring a claim against drug and medical device manufacturers.

According to a November 2010 study by the Office of Inspector General of the U.S. Department of Health and Human Services about 1 in 7 patients experience a medical error, 44 percent of which are preventable.

These errors cost Medicare \$4.4 billion annually. U.S. Dept. of HHS, Office of the Inspector General, "Adverse Events in Hospitals: National Incidence Among Medicare Beneficiaries" (November 2010.)

AMENDMENT: EXEMPTION FOR IRREVERSIBLE INJURY

Because this bill is so overbroad, I introduced an amendment in the Rules Committee Hearing on H.R. 5, with my colleagues, Congressmen QUIGLEY and HANK JOHNSON, which would have helped to close the wide gaps created by this bill.

My amendment carved out an exemption for healthcare lawsuits for serious and irreversible injury. This would have exempted victims of

malpractice that resulted in irreversible injury, including loss of limbs and loss of reproductive ability, from the \$250,000 cap that H.R. 5 imposes on non-economic damages.

As individuals who are blessed to have all of our limbs and use of all of our senses, it is difficult to understand how challenging day-to-day life can be for someone who lacks these things.

However, it is nearly impossible to imagine the stress and challenges faced by someone who has suffered irreversible bodily injury because of the negligence of another.

Imagine going to the hospital for minor pain and leaving with no limbs because of thoughtless mistakes made by the trained experts who are supposed to take care of you.

For Connie Spears, a Texas woman from Judiciary Chairman SMITH's district, this exact nightmare is a reality. As a patient who had dealt with blood clots in the past, and had a filter installed in one of her heart's main arteries, Ms. Spears went into a San Antonio hospital complaining of leg pain. She was made to wait, eventually treated, and was discharged.

However, three days later, when her legs were the color of a cabernet and she was delirious, she called 911. When Spears, who was rendered unconscious, was treated at a different hospital, they determined that the filter in her artery was severely clotted and had caused tissue death in her legs, as well as kidney failure. Weeks later, Connie Spears regained consciousness, and learned that doctors had to amputate not one, but both of her legs in order to save her life.

As a result of negligence by the emergency room doctors who initially treated Ms. Spears, she lost her legs, and nearly her life. To make matters worse, when she attempted to seek the aid of a lawyer to handle her case, she was unable to find an attorney to represent her. She was repeatedly told, "You have a great case, but not in Texas."

In 2003, state lawmakers in Texas passed tort reform laws, similar to the one proposed today, that make it extremely difficult for patients to win damages in any health care setting, but especially emergency rooms. It caps damages at \$250,000, like H.R. 5, and requires patients to prove that emergency room doctors acted with "willful and wanton" negligence—a near impossible standard to prove. A plaintiff would essentially have to show the medical professional or company had a vendetta against them to recover.

This nightmare has also become a reality for Jennifer McCreedy, a San Antonio single mother who fell and severely injured her ankle and sought treatment at an emergency room. Despite the severity of the break, the bone in her ankle was never set, a common practice done to prevent excess swelling, and she was not seen by an orthopedic surgeon. She was sent home and told to wait until the swelling went down.

However, the swelling did not go down, and a surgery that should have only taken one hour, took four. Because of the swelling, the surgeon had to slice her Achilles tendon, and wounds that refused to heal required grafts.

To date, Ms. McCreedy has endured five surgeries and has been rendered permanently disabled, curbing her ability to work and pro-

vide for her family. As a result of the negligence of those emergency room doctors, Ms. McCreedy went from a hard working, financially secure mother and homeowner, to dodging creditors and nearly losing her home to foreclosure.

For victims of malpractice who have suffered irreversible injury, like Connie Spears and Jennifer McCreedy, it is impossible to put a price tag on the stress and pain and suffering they have already endured.

Furthermore, it is outrageous that we would attempt to pass a law that puts a cap on the future challenges they are sure to face. It is inhuman to neglect the emotional price paid by victims of egregious acts that result in such serious, irreparable harm.

We should not deprive patients who have suffered injury as a result of one of these drugs or devices of the right to receive compensation from the manufacturer or distributor of such.

As we strive to become a healthier, more competitive nation, we need all the outstanding doctors, nurses and other health care providers we can get. They must be unconstrained by excessive health care liability premiums. We also need our nation's students to be excited and encouraged to enter the life sciences without the fear of being crushed under the weight of excessive liability premiums.

Placing caps on medical liability recovery does not necessarily lead to lower liability insurance premiums for doctors and health care providers. In fact, there is evidence that insurance companies have raised premiums in states like my home State of Texas and in California which use medical liability caps to reap an unearned profit at a time when health care lawsuits and the damages from those lawsuits were declining.

If it is the intention of this House to pass legislation that will reform the system of medical malpractice liability in a sensible manner, then it is imperative that we strongly consider the amendments offered by myself and my Democratic colleagues last night.

Let's not send a flawed bill to the Senate.

Again, I would like to thank the Chairman and Ranking Member for their work on these bills—though I hold out hope that Members of the Judiciary Committee and this body could come together for the good of the American people.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today in opposition to H.R. 5, legislation which makes it more difficult for injured patients to hold medical providers, the drug industry, insurance companies, and nursing homes accountable for patient deaths and injuries. The so-called "Protecting Access to Healthcare Act," is simply the same, repackaged tort reform proposal that has been considered on the House floor many times. This "medical malpractice" bill is a one-size-fits all, anti-individual rights bill that denies individuals their rights to redress when injured.

The medical liability components of H.R. 5 do little to control health care costs and do more to undercut the rights of patients. The \$250,000 cap and high standard of proof for punitive damages would severely weaken the deterrent effect that punitive damages have on egregious misconduct. Forever freezing the

damage caps further weakens future deterrent effects while further reducing benefits to injured parties.

According to the Institute of Medicine, approximately 98,000 people die each year in the United States from preventable medical errors. The best way to lessen healthcare costs associated with malpractice is to reduce incidents of malpractice, not bargain away the legal rights of injured patients and consumers. This bill does nothing to address patient safety, quality measurement, and care improvement strategies that could actually reduce costs.

Mr. Chair, H.R. 5 will not do anything to lower the cost of health care. If the compensation for injured patients is not sufficient, American tax payers will be left to pick up the tab. I urge my colleagues to consider very carefully who will end up paying at the end of the day.

Mr. PASCRELL. Mr. Chair, I rise today in reluctant, but strong, opposition to this bill. I say reluctant, because I support repealing the Independent Payment Advisory Board, as do many Democrats.

Now, make no mistake, I strongly support the Affordable Care Act. This bill will lower costs, strengthen Medicare, and provide 33 million uninsured Americans with health insurance. This is a tremendous accomplishment. But I have concerns with IPAB, including how it will operate and that it gives up important Congressional authority over pricing. Abdicating our responsibility is not the right thing to do for our seniors. I was elected by my constituents to protect Medicare.

I supported this bill in the Ways and Means Committee, and I would love to support it on the floor. That's why it's so disappointing that the majority would abandon any semblance of compromise by attaching this sharply partisan medical malpractice proposal. Capping malpractice settlements limits patient protection. There's no question that we need to protect health care providers from frivolous litigation, and I am willing to work in a bipartisan way to develop those protections. But not at the expense of the vast majority of Americans who have, for too long, lived without access to affordable quality health care, and who should also be afforded the fullest protection of our legal system.

I urge a no vote and I hope that the Majority comes to its sense, embraces bipartisanship, and comes back with a bill I can support.

Mr. POE of Texas. Mr. Chair, ObamaCare is unconstitutional and must be repealed in its entirety. That is why I voted for the full repeal of the President's nationalized healthcare bill, including the Independent Payment Advisory Board (IPAB). I have also introduced legislation to defund the individual mandate provision of ObamaCare. Although I fully support the repeal of IPAB and have cosponsored legislation to repeal it (H.R. 452), I cannot support final passage of H.R. 5 because the bill includes provisions that I believe violate States' rights and the 10th Amendment. As a strict constitutionalist and a fierce defender of States' rights, I cannot accept replacing one unconstitutional law with another.

H.R. 5 imposes a Federal medical liability cap on the States. In effect, this allows the Federal Government to overrule the State governments that have decided to prohibit liability

caps. Five States already have constitutional prohibitions on liability caps. I believe that H.R. 5 will supersede these State constitutions and override the will of those legislatures. I myself believe in medical liability caps, like we have in Texas; however, if another State's voters do not want such reform, that is their decision to make. And, their doctors are welcome to keep coming to Texas.

Mr. SENSENBRENNER. Mr. Chair, I rise today to recuse myself from consideration of H.R. 5, the Protecting Access to Healthcare, PATH, Act.

I have long supported medical liability reform as a way to control rising health care costs and save taxpayer money. I also have deep concerns regarding the establishment of the Independent Payment Advisory Board and the potential it has to restrict access to health care services. However, because of my holdings in at least two corporations that would benefit directly if H.R. 5 is enacted into law, I have concerns that my involvement could present a conflict with my private economic affairs. While my participation in legislative consideration of H.R. 5 would not appear to violate current House Rules and established precedent, I want to dispel any appearance of conflict. I therefore recuse myself from consideration of this legislation.

Mr. TERRY. Mr. Chair, I support full repeal of the Independent Payment Advisory Board. The health reform law takes away power that has traditionally been left to Congress, and places health care decisions in the hands of an unelected, board of bureaucrats.

Unfortunately, the House has decided to attach a bipartisan bill to repeal the IPAB, with legislation that is unconstitutional and I believe a federalization of our tort reform system. This is a blatant violation of Article 1, Section 8 and a violation of the 10th Amendment.

Tort law is an area of law traditionally left completely to states discretion. In fact, it's one of the few rights left to the states. Most states have implemented some form of medical liability laws. It is not the federal government's role to say that one state's laws are better than another's or even mandate one state's beliefs on another.

Many of us believe the health reform law is a government takeover of our health care system. If one considers themselves to be a true state's rights person, why do we give states the latitude and ability to do it, and then take it away with a one-size-fits all mandate from the federal government.

Mr. TOWNS. Mr. Chair, I rise today to express my objections to the inclusion of H.R. 5, the HEALTH Act into H.R. 452, Medicare Decisions Accountability Act of 2011. Medical malpractice tort reform does not belong as a part of the repeal of the Independent Payment Advisory Board, or IPAB.

The HEALTH Act is an inherently flawed bill that should not be considered by the House and should not be included with H.R. 452. It does not fix the problem of medical malpractice or the supposed insurance "crisis". Instead, it takes control away from the states, where it belongs. This legislation was originally conceived over 20 years ago and has yet to pass both houses. There is a reason for that.

The cap imposed by H.R. 5 is both unjust and unfair. It does not take into account the

severity of a patient's injury or whether negligence is at issue.

The real problem we are facing is patient safety. If we fix that, then there will be no need to try and take away from the states their right to legislate this issue. In a Wall Street Journal article, it was found that by focusing on patient safety, anesthesiologists went from being one of the most risky specialties to insure to having one of the lowest malpractice insurance premiums. In fact, their premiums are lower now than they were 20 years ago. We should not focus on medical malpractice tort reform, but rather education and training for medical professionals.

I am a strong proponent of repealing the IPAB, but cannot in good conscience vote for this bill because it is not a clean repeal.

The IPAB takes away from Congress the ability to determine Medicare payments to doctors and hospitals. It consists of 15 members who are unelected by the People, but rather are appointed by the President. The members of the IPAB are not accountable to anyone once appointed and therefore Congress loses much of the power it has to shape Medicare payment policies. By repealing the IPAB, the ACA will be strengthened, not weakened.

If this bill was as it was passed in both the Energy & Commerce and Ways & Means committees, there would be no controversy from many of my colleagues on the Democratic side. While I supported a clean repeal of IPAB in Energy & Commerce, I cannot support a bill that will have such a profoundly negative impact on the 74,000 Medicare eligible constituents in my district. I advise my colleagues on both sides of the aisle to vote "no" on this bill as currently written.

Mr. ISRAEL. Mr. Chair, I rise today to speak in opposition to the Protecting Access to Healthcare Act.

The Protecting Access to Healthcare Act is a wolf in sheep's clothing. Unfortunately, this bill is a blatant attempt to protect the profits of special interests and restrict the rights of patients. The facts are right on the pages in black and white. H.R. 5 reduces access to courts for individuals injured by medical negligence like removing the wrong leg, faulty medical devices or dangerous drugs. It imposes a one size fits all approach on the damages in medical negligence cases and goes further than any state law in place today.

In fact, H.R. 5 includes provisions that violate States' rights by mandating a federal cap on all fifty states for medical liability. By including this poison pill, the House Republicans have prevented consensus in the House on changes to the Independent Payment Advisory Board. The American people want Congress to focus on commonsense, bipartisan legislation, but the House Republicans refuse. It appears some Members on the other side of the aisle won't stop until they abolish healthcare for all people, and especially low-income individuals, women and seniors. They can try to hide behind any piece of legislation they want, but they can't hide from the facts: their goal is to end the Medicare guarantee and increase costs for seniors.

I will continue to urge my Republican colleagues to stop their war on women and seniors, I will continue to protect quality

healthcare for Americans and I will continue to push for compromise in the House of Representatives.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to this bill because it is a misguided attempt at scoring political point that combines two bad policies and puts them into one piece of legislation. First, it is obvious that the House Republican leadership has brought this bill to the floor the day after introducing their budget in an attempt to distract American seniors from the damaging effects it would have on Medicare. That budget proposes to end the Medicare guarantee, and shifts the rising costs of healthcare onto seniors and disabled individuals.

Second, let's look at the facts. Medicare costs already grow at a slower rate than the private insurance industry. We took a huge step in strengthening Medicare and the overall health system in the Affordable Care Act (ACA), which includes virtually every cost containment provision recommended by health care experts. The Independent Payment Advisory Board (IPAB) is simply one of the tools in the ACA to help contain costs. It is a failsafe provision that only comes into effect if other reforms in the ACA do not contain costs or Congress chooses not to act to implement new measures that would build upon the kind of changes we made in the Affordable Care Act. Those reforms have already begun to lower Medicare growth rates to historically low levels, which prompted the CBO to project that IPAB will not even become necessary until sometime after 2022.

Everyone here knows that IPAB is prohibited by law from rationing health care, increasing premiums, initiating cost-sharing, and recommending benefits cuts—and we also all know that rationing by the insurance industry is precisely what the Republican budget proposes to do. Republican attacks on IPAB are simply a diversion from the fact that House Republicans want to put insurance companies back in charge of American's health care choices. We should not be trying to repeal helpful provisions of the ACA to divert attention from the larger issue: the House Republican budget and its attack on the Medicare guarantee.

Ms. MCCOLLUM. Mr. Chair, I rise in strong opposition to H.R. 5, the so-called HEALTH Act. This misguided legislation undermines Medicare, raises deficits and restricts states' rights.

Last year, House Republicans voted to end the Medicare guarantee for seniors. Fortunately, Senate Democrats blocked this dangerous proposal from becoming law. Now, House Republicans are trying again to dismantle the program in their fiscal year 2013 budget proposal.

The Republican proposal would end the Medicare guarantee by pushing future seniors into the private insurance market with a voucher that fails to keep up with the rising costs of health care. According to the non-partisan Congressional Budget Office, the Republican voucher proposal could force future seniors to pay \$6,400 more for health care every year. Republicans claim that shifting rising health care costs onto future seniors will save billions of dollars. What do House Republicans proposed do with those savings?

Reinvest in Medicare? Increase funding for education? Reduce the national debt? Remarkably, House Republicans are proposing to take Medicare dollars from future seniors to give a new \$150,000 tax cut to the wealthiest individuals and corporations in America today. House Republicans introduced H.R. 5 to distract attention from their radical plans to dismantle Medicare and give more handouts to billionaires.

H.R. 5 repeals the Independent Payment Advisory Board (IPAB) created by the Affordable Care Act. IPAB was established in the new health care law to protect Medicare's long-term sustainability. The Board will do this by keeping program costs at a manageable level and preventing special interests from delaying implementation of reforms that strengthen Medicare.

IPAB will be composed of fifteen non-political experts, including doctors, consumers and senior advocates recommended by Congressional leaders, nominated by the President and confirmed by the Senate. If Medicare costs exceed certain targets, these experts will make recommendations to Congress on ways to stabilize Medicare by reforming payment and delivery systems. Congress retains the power to reject these recommendations and pass their own reforms to reduce Medicare spending. IPAB experts are prohibited by law from recommending changes to Medicare that ration care, increase seniors' costs, reduce benefits or restrict eligibility. IPAB does not harm Medicare or seniors, but eliminating IPAB would weaken Medicare and raise the deficit.

The Congressional Budget Office found that repealing IPAB will add \$3 billion to deficits over the next ten years. To offset this cost, House Republicans impose new federal rules to legal cases involving medical malpractice, product liability, health insurance and related issues. The broad provisions of this bill would offer new protections to drug companies, nursing homes, insurance companies and HMOs. These new restrictions would severely limit a patient's ability to recover damages suffered as a result of medical negligence, defective products or irresponsible insurance products. Every year, approximately 200,000 severe medical injuries are caused by negligence. Only seventeen percent of these patients ever file a malpractice claim. Patients who do seek legal recourse may not obtain full and just compensation for their injuries due to the caps on awards imposed by H.R. 5.

The National Conference of State Legislatures strongly opposes this federal mandate on states arguing that federal medical malpractice legislation is unnecessary. In fact, the Congressional Budget Office analysis of H.R. 5 noted the new medical malpractice caps "might cause providers to exercise less caution, resulting in an increase in the number of medical injuries attributable to negligence."

I urge my colleagues to reject these extreme and unprecedented changes mandated to state medical malpractice laws that will result in less justice for victims, less patient safety, and less flexibility for states to make their own laws.

Further, I urge my colleagues to stand up for seniors and protect Medicare by opposing H.R. 5.

The Acting CHAIR. All time for general debate has expired.

Mr. SMITH of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. NUGENT, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, had come to no resolution thereon.

THE AFFORDABLE CARE ACT: KEEPING SENIORS HEALTHY AND REDUCING HEALTH CARE COSTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. PALLONE) is recognized for 38 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I don't plan to use the entire time, but I come to the floor this evening basically to talk about the Affordable Care Act. Some call it the health care reform.

This Friday will be the second anniversary of the President's signing of the Affordable Care Act, or health care reform, and I'd like to talk a little bit about how it's helping so many people with patient protections and added benefits, whether you're talking about seniors or young people or women or just the general public.

The main thing that is heralded, if you will, by the Affordable Care Act is the opportunity over the next few years to expand health insurance to so many Americans who do not have health insurance now. We estimate there are variously between 40, maybe 45 million Americans that simply have no health insurance; and what that means is they either don't go to a doctor or they don't get any kind of health care unless they get very sick and end up going to the emergency room. The consequences of that is that they take no preventative care. They end up in the emergency room. Oftentimes, they can't afford to pay the cost of the emergency room, and that cost simply gets passed on to the hospital or, ultimately, to everyone else who is paying for health insurance.

So basically, what the Affordable Care Act does over the next few years is try to expand insurance coverage to something like 98, 99 percent of all Americans, taking up those 45 million people and, for the most part, making sure that they have health insurance. It does that in two basic ways:

First of all, it expands Medicaid, which is the health insurance program

for people below a certain income. About 15 million Americans who have no health insurance now would be eligible for Medicaid under the Affordable Care Act over the next few years when it kicks in.

In addition to that, for the rest of the Americans who have no health insurance, most of them are people that either don't get it on their job, they're not eligible, or they're not offered health insurance by their employer, or they may be individuals who are employed on their own or at home or not employed in some capacity. They have a very hard time buying a health insurance policy on what we call the individual market. So what the Affordable Care Act does, it sets up exchanges in every State, or throughout the country, where you can get a very good package for a reasonable price, a very low-cost price, and, at the same time, it provides a subsidy through tax credits to many Americans, depending upon their income.

We estimate for a family of four making up to \$70,000 or \$80,000 a year would be eligible for some sort of subsidy or tax credit that would make their health insurance policy more affordable. So essentially, what we do is, between expansion of Medicaid and the subsidies, if you will, and the low-cost insurances offered now on these exchanges around the country, most people would end up with health insurance.

Now, what I wanted to talk about today are some of the benefits, if you will, that have already kicked in for various groups of people, particularly seniors. I wanted to start with seniors because many seniors, as you know, because they're on a fixed income, have a hard time making ends meet. Oftentimes, they can't afford their rent, they can't afford food, and for them to take extra money out of pocket to pay for health care costs is oftentimes very difficult, and they have to make choices between heat or food as opposed to health care.

One of the things that I really want to stress today, because I listened in the last few nights, because of the anniversary of the Affordable Care Act coming up on Friday, I've heard some of my colleagues on the Republican side of the aisle actually suggest that somehow the Affordable Care Act was going to negatively impact Medicare. Nothing could be further from the truth. In fact, the Affordable Care Act expands benefits for seniors under Medicare in many significant ways.

But it's particularly interesting that I hear that from the other side of the aisle, from the Republican side of the aisle this week because, on Tuesday, the Republicans unveiled their budget for the next fiscal year.

□ 2050

Once again as they did last year in last year's budget, the Republican

budget this year essentially gets rid of Medicare, or what I would say ends traditional Medicare. So it's kind of strange to hear the Republicans talk about Medicare and the Affordable Care Act since the Affordable Care Act actually expands benefits for seniors under Medicare, whereas they unveiled their budget this week that actually abolishes, for all practical purposes, Medicare as we know it.

What the Republican budget does, once again, is say to seniors, Well, we're going to give you a voucher. We're going to give you a certain amount of money through a voucher, if you will, and you can take that and go out and buy private insurance instead of getting the guaranteed benefit under Medicare that seniors now have.

The problem with a voucher is that it's a fixed amount of money, and it's not all clear that seniors can buy health insurance with a voucher. But even if they could, because it's a fixed amount of money and it doesn't increase significantly over the years, what you'll find with that voucher is that more and more seniors would have to pay out of pocket either to purchase the insurance because the voucher is not enough or because they probably can't get a decent package equivalent to the Medicare guarantee, and therefore would have to pay out of pocket for certain costs that are not covered by the health care plan that they purchased with the voucher.

So it's sort of ironic to hear the Republicans talk about the Affordable Care Act and suggest that the Affordable Care Act should be repealed because of its impact on Medicare when in fact they're doing their best under the budget to basically end Medicare as we know it.

Let me talk a little bit about some of the benefits.

I want to talk about how the Affordable Care Act helps seniors, and then a little bit about how it helps women, and then a little bit about how it helps young people.

Of course, it helps everybody by simply expanding health care coverage for those who don't have health insurance.

But the benefits, in particular, I want to talk about and start with seniors.

I mentioned before that no group has been hit harder by soaring health care costs than seniors. With the economy struggling over the last several years, seniors have suffered even more as they've watched many of their pensions and investments dwindle, making the cost of addressing their health care needs even more challenging.

Now, as a result of the Affordable Care Act, some of the financial burdens plaguing seniors trying to manage their health care needs have been alleviated.

For example, all Medicare beneficiaries now have access to preventa-

tive care and services without any copay, coinsurance, or deductible. Many times you will find that seniors won't even access health care because of the copay, which is about 20 percent in most cases.

So now services like annual wellness visits, cholesterol and other cardiovascular screenings, mammograms, cervical cancer screenings, prostate cancer screenings are completely free of charge to seniors. No copay. The fact of the matter is that the Affordable Care Act expands benefits for seniors, makes it so seniors pay less.

More than 32.5 million seniors nationwide have received one or more free preventative services, and 2.3 million seniors have already received a free annual wellness visit to their doctor, which again is a critical step in preventing a more serious illness because if the senior citizen goes for the annual checkup or has some of these preventative services free of charge, then that avoids them having to get sicker, ending up in a nursing home or ending up in a hospital.

The most important thing, though, in terms of expansion of benefits under the Affordable Care Act for seniors is the closing of the Medicare part D doughnut hole.

Seniors before the Affordable Care Act would run out of their part D benefits on the average by September of the year. In other words, if they spent more than \$2,500 approximately on drugs, they wouldn't get any help under Medicare part D until they got to a higher catastrophic level of \$5,000. So that was the doughnut hole, that gap when they weren't getting any money to help pay for their prescription drugs.

What the Affordable Care Act does is it closes the Medicare part D doughnut hole and provides a 50 percent discount on brand name drugs. 3.6 million seniors have already received the discount, saving a total of \$2.1 billion, with each senior saving an average of \$604.

Now, by 2020 that doughnut hole is closed completely. Now it's a 50 percent discount, but gradually that will close by 2020 when all their drugs are covered and the doughnut hole ceases to exist.

I also want to stress that the Affordable Care Act has cracked down on fraud in Medicare. In fiscal year 2011, a joint anti-Medicare fraud task force of the Health and Human Services Department, Department of Justice, recovered more than \$4.1 billion in fraudulent Medicare payments on behalf of taxpayers.

A lot of times, my senior citizens will say to me well, there's a lot of fraud in Medicare. There is. But the Affordable Care Act has significantly cracked down on a lot of that fraud, \$4.1 billion in fiscal year 2011.

Now, I mention this again by way of contrast. Here we are in the Affordable

Care Act expanding benefits, making it so seniors don't have to pay more, and what are the Republicans doing with their budget? They have a budget that basically says we'll give you a voucher. You go out and buy your health insurance. If you can't afford it, you have to pay the difference. The basic guarantee of Medicare and a good benefit package simply won't be there, and seniors will just end up paying more out of pocket.

Now, I wanted to talk a little bit about how the Affordable Care Act levels the field for women's health care because we know that traditionally in health care there has been a huge gender gap.

A report issued this week from the National Women's Law Center shows that more than 90 percent of the best selling health plans still charge women more than men for the same coverage just because women use more health services. The health care law, the Affordable Care Act, will prohibit this discriminatory practice, which we call gender rating, beginning in 2014. So that when the Affordable Care Act fully kicks in, this gender gap will simply disappear.

Now, you might say to yourself, well, how is that possible? It's mainly because insurers have considered millions of women as having what we call preexisting conditions. In other words, they were denied coverage or they were charged more for having had breast cancers, Cesarean-section childbirth, having even been pregnant. Some policies would charge women more because they were pregnant or consider that a preexisting condition. Or for being victims of domestic abuse, for example.

So denying women insurance on these grounds is unconscionable, and thanks to the Affordable Care Act, beginning in 2014, women will no longer be denied coverage by any insurers based on these preexisting conditions, and they can't be charged more because of the preexisting conditions.

Now, we've seen again by contrast, what have the Republicans been doing? They say repeal the Affordable Care Act, which would let these preexisting conditions and this gender gap continue. But beyond that, over the last year or so, we've seen the Republicans essentially declare war on women, and I just want to give you an example.

One of the ones that has received the most attention lately are these attempts by the Republicans to block access to contraception. I don't know how far they're going to go in terms of denying women coverage, but that's one of the things that we've seen in the headlines for the last few months or so.

Let me give you some other examples under the Affordable Care Act. Insurance companies are now prohibited from requiring women to obtain a preauthorization or referral for access to OB-GYN care. Health care reform also

requires insurance plans to cover important preventative services, including critical immunizations, numerous health screenings, and counseling services, with no cash cost-sharing by women.

Women in new private plans under the Affordable Care Act, they provide free coverage of important lifesaving preventative services.

But the other thing that would often happen is that many health insurance plans have what they call lifetime dollar limits on health benefits so that if a woman—this would be true for anyone if they have that lifetime dollar limit in it—but oftentimes it was applied to women in particular; that if you spent a certain amount of money on your health care over your lifetime, that was it. You didn't get any more coverage under your plan. So that is also prohibited under the Affordable Care Act.

Now, I just mentioned those few things that apply to women because there really continues to exist a gender gap but that will be closed and eliminated under the Affordable Care Act when it completely kicks in.

Now, the last group I wanted to mention just because I always felt that many times in Congress we don't pay a lot of attention to kids, and I felt that it's very important for us to recognize the fact that policies and the practices and the laws don't necessarily help children, and children are very vulnerable. It's like, the seniors are vulnerable, the children are vulnerable.

One of the things that's significant about the Affordable Care Act, it really makes a difference for children in terms of keeping them healthy and also keeping them insured.

□ 2100

And a lot of times Americans have to make choices with regard to their kids about whether they can afford health care services because of the prohibitive cost of insuring children.

Under the old system, before the Affordable Care Act, sick children were often denied health coverage if their parents were forced to change insurance because they either switched or lost their jobs. Insurance companies declined or dropped coverage for children when young adults got sick or had an accident. That's no longer the case. Under the Affordable Care Act, basically there is a prohibition on insurers denying coverage of children under age 19 for having a preexisting condition.

Up to 17 million children with preexisting conditions are now protected from that type of discrimination. Currently, there are 7.3 million American children without any health insurance. Beginning in 2014, the law will provide access to quality coverage. That's accomplished again by expanding Medicaid coverage and also by providing affordable insurance on these exchanges

with a tax credit or some kind of help from the Federal Government to pay for the insurance.

The other thing I wanted to point out, though—and this is really significant because, again, it has kicked in and I've had many of my constituents come up to me and mention it—is that the Affordable Care Act requires health plans to allow parents to keep children under age 26 without job-based coverage on their family's coverage and give millions of parents and young adults the peace of mind that they can start their lives and careers without being crippled by health care expenses.

What happens is that because of the economy and the difficulties we've had with the economy over the last few years, a lot of kids or young adults, when they graduate high school, when they graduate college, are not able to find a job, or while they are in college they can't afford health insurance on their own because they have to go out and buy it on the individual market. What the Affordable Care Act says is you can be kept on your parents' policy and the insurance company has to provide that option up to the age of 26. That's very significant. Millions of young people that did not have coverage are now covered by that under their parents' policy.

I just wanted to take a couple more minutes. I wanted to give some examples of the numbers of people in my district, the Sixth Congressional District in New Jersey, that have been impacted in a positive way by the Affordable Care Act.

These statistics come from my committee that I serve on, the Committee on Energy and Commerce. And just to give you some idea, in my district, in the Sixth District of New Jersey:

6,800 young adults in the district now have health insurance that didn't have it before;

9,100 seniors in the district received prescription drug discounts worth \$6.9 million, an average discount of \$760 per senior. This is for their prescription drug coverage;

There were 63,000 seniors in the Sixth District in New Jersey that received Medicare preventive services without paying any copays, coinsurance, or deductibles;

31,000 children and 130,000 adults now have health insurance that covers preventive services without paying any copays, coinsurance, or deductibles;

There are 620 small businesses in the Sixth District that received tax credits to help maintain or expand health insurance coverage for their employees;

There have been \$1.8 million in public health grants that have been given to community health centers, hospitals, doctors, and other health care providers to improve the community's health. Community health centers have really expanded in the district because of the Affordable Care Act; and

There are 8,000 to 35,000 children with preexisting health conditions who can no longer be denied coverage by health insurers.

I can give you more statistics, but I just want to point out that these benefits under the Affordable Care Act are impacting constituents in every district in the country, not just mine. Not only the thousands of people in my district, but all over the country, millions of people.

I just wanted to talk a little bit about the cost issue, because I always hear the Republicans say, Oh, your costs are going to go up because of the Affordable Care Act. In fact, costs for health insurance now without the Affordable Care Act have gone up, but the Affordable Care Act actually is reducing costs for health insurance. Whatever cost increases that are being exhibited now are because the Affordable Care Act hasn't gone into effect completely. It kicks in gradually over the next few years.

I also hear some of my Republican colleagues say, Oh, your health insurance went up. That's because it hasn't kicked in yet. Once it kicks in, there are a lot of positive impacts on costs that will make a difference.

Let me just talk about some of the statistics in terms of costs that I think are significant.

Since enactment of the health care law, the reform, the ACA, premiums are generally lower or stable. Average premiums for Medicare Advantage enrollees are 7 percent lower in 2012 than they were in 2011. Since the health care law was enacted, these premiums have fallen by 16 percent. Average premiums for Medicare part D, the prescription drug program, in 2012, have seen no increase from the 2011 level. The Medicare part B deductible has fallen by \$22 to \$144 in 2012, the first time in Medicare history that the deductible has actually fallen. For most Medicare part B enrollees, the standard part B premium in 2012 is quite stable. It's 3.6 percent higher than the premium they paid in 2011, matching the 3.6 percent COLA increase seniors are receiving in their Social Security checks.

The growth in private plan premiums has also slowed. In September 2011, Mercer, an independent benefits consulting firm, released a survey of employers showing that health insurance premium increases will average 5.4 percent in 2012, the smallest increase measured since 1997. Despite Republican claims, the health care law has played essentially no role in recent private plan premium increases. In fact, the premium increases have taken effect only because the ACA has not fully kicked in at this point.

There are two provisions that I wanted to mention that deal with cost and that address cost in the Affordable Care Act that I think are significant and that put downward pressure on premiums.

One is the rate review, and that is, under the health care law, there is a new transparency and accountability for insurers, with insurers being required to publicly justify on the Internet any premium increases they are seeking that are over 10 percent. And the Department of Health and Human Services has rate review authority to publicly deem these increases to be unreasonable, and they've done that in a number of States. The health care law also provides \$250 million in health care insurance rate review grants to the States to make them enforce and keep premiums down.

Finally, under the health care law, insurers must spend at least 80 percent of premiums on medical care and quality improvement rather than CEO pay, profits, and administrative costs. If insurers don't meet these standards, they have to pay rebates to their consumers starting this summer. These are significant ways of cutting back on costs.

What do we see from the other side of the aisle? Again, repeal the Affordable Care Act. If the Affordable Care Act were repealed, all the things that I talked about would disappear. Costs would climb. More and more people would have no insurance. All the benefits for seniors—the fact that you can have your children on the policy until 26, the gender gap for women, all these things, all the benefits would disappear and only the bad impacts from insurance companies being able to do whatever they want would remain.

The Republicans talk about repealing the Affordable Care Act. They don't say what they would substitute for it. What we do know—and I'm going to close with this, Mr. Speaker—this week we heard from the Republicans in terms of what they want to do with their budget. Again, what does their budget do? It essentially privatizes Medicare. It makes it into a voucher program, causing seniors to spend more money out of pocket for the type of guaranteed benefits they receive now under Medicare. It even goes and impacts Medicaid.

A lot of people are not aware of the fact that Medicaid, which most people see as a program for poor people, actually pays most of the costs for nursing home care in this country. What happens is that if you have to go to a nursing home, you have to spend all your assets essentially—with few exceptions—on paying for that nursing home care; and then after you have no assets left, the Medicaid kicks in and pays for your nursing home care.

What do the Republicans do in their budget? They basically slash Medicaid. They block-grant it to the States. They slash it from 20 percent to 30 percent based on different accounts. That's a 20 percent to 30 percent slash, and that money goes back to the States because the States have to match Medicaid. They also abolish the

expansion of Medicaid, that I mentioned before, under the Affordable Care Act because they assume under the budget that the Affordable Care Act is going to be repealed.

So not only is there a negative impact on Medicare because it becomes a voucher and essentially traditional Medicare disappears and seniors pay more out of pocket, but with regard to Medicaid, which pays for nursing home care, the States are going to get so much less money that the quality of nursing home care will seriously diminish.

□ 2110

I remember back in the seventies when you would go to many nursing homes, and they were terrible places. Because we upgraded them and we provided money to the States to pay for Medicaid, which they matched, the quality of nursing homes improved significantly. Well, what happened—and I'm not just telling this. The nursing home industry has said this—with these types of cuts that are being proposed in the Republican budget, a lot of nursing homes will close, and their quality of care will diminish. They won't have as many nurses on staff. They won't be able to do a lot of the things they do now to make people's lives in nursing homes more comfortable.

And the budget assumes the repeal of the Affordable Care Act, which means that the expansion of Medicaid, the subsidy to pay for health insurance, all the things that I have talked about before would simply disappear.

So I know I make a stark contrast between what the Republicans are proposing and what we're doing with the Affordable Care Act and trying, on the Democratic side, to shore up and expand Medicare benefits. But the fact of the matter is that it is a stark contrast, a very stark contrast in terms of a world view of what we are going to do in terms of health insurance coverage and what we're going to do to protect seniors in Medicare. And I think it's very important for my colleagues to understand these differences as we proceed over the next few weeks.

So I am very proud of the fact that on Friday, we will be celebrating the second anniversary of President Obama signing the Affordable Care Act. And I am also proud of the fact that, as a Democrat, we are going to oppose the Republican budget. When the Republican budget was proposed last year, it passed the House, but it didn't pass the Senate; and we heard nothing more about it.

And that's exactly what we plan on doing this year because we can't allow Medicare to be destroyed. We can't allow the Medicare guarantee to disappear. We can't allow Medicare to basically wither on the vine, as former Speaker Gingrich said, as it's

vouchered and as it's privatized, as the Republicans suggest in their budget.

With that, Mr. Speaker, I yield back the balance of my time.

THE AFFORDABLE CARE ACT: A REBUTTAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GINGREY) is recognized for 47 minutes as the designee of the majority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you, and I thank the majority leader for allowing me this opportunity to take the leadership hour this evening and, quite honestly, the opportunity to respond to my colleague, Representative FRANK PALLONE, who is a colleague on the Energy and Commerce Committee—in fact, the ranking member of the Health Subcommittee—as he talked about the benefits of the Patient Protection and Affordable Care Act. And he spent the last 35, 40 minutes talking about what a great piece of legislation that was and about all of the wonderful things that it has already done.

Well, I'm going to take my leadership time, Mr. Speaker, to give the other side of this viewpoint and to suggest that this is not a good bill, that this is not helpful. Certainly my colleagues on the Democratic side, when they were in the majority—and 2 years ago this coming Friday they passed into law the Affordable Care Act, ObamaCare—they felt like this was the best thing since sliced bread, like this was the solution to all of our problems.

Yet we spent 2 years cramming that bill—literally cramming that piece of legislation, all 2,811 pages of it, down the throats of the American people when our unemployment rate was 9.5 percent, when 15 million Americans were out of work and another 15 million were underemployed. This was our number one priority, national health insurance, a complete government takeover of one-sixth of our economy? This is what the Democratic majority in the 109th, 110th Congresses have forced upon the American people.

The gentleman from New Jersey can talk about all the wonderful things that have occurred since the passage of ObamaCare. But let me just point out some truths that, Mr. Speaker, don't need any adjectives to explain. The truth is, there were never 47 million people in this country who could not afford health insurance. There may have been 47 million who didn't have health insurance. But how many million people of that 47 million estimate were making more than \$50,000 a year? Mr. Speaker, how many were making more than \$75,000 a year? And how many of the 47 million uninsured were in this country illegally? How many were eligible for one of our safety-net

programs, like Medicaid or the SCHIP program for their children, in their respective States? And when you crunch all of those numbers, there may have been and may be 15 million people in this country who do not have health insurance because they can't afford it or because they don't want it. They would rather pay as they go.

Now, I'm not going to stand here and suggest—particularly as a physician Member—that that's a wise thing to do. The expression is "to go bare" in regard to health insurance coverage. I wouldn't recommend that. But certainly as an individual in this country, the land of the free, we have the constitutional right to make that decision for ourselves and our families.

And what the Democratic majority did with ObamaCare, the way they made it work, when you cut right to the chase, so they could cover people with preexisting conditions, whether they were nearly seniors or children, to eliminate yearly or lifetime caps, to provide preventive health services that didn't previously exist, the way they did that, colleagues—and you know this—they cut \$550 billion out of the Medicare program. They virtually gutted Medicare Advantage. Twenty percent of seniors select Medicare Advantage.

The title, Mr. Speaker, speaks for itself. It's an advantage because that program covers many of these preventive services that the gentleman from New Jersey was talking about that are now available under ObamaCare. They were available under Medicare Advantage, but now that program has been gutted. It's been cut 14 percent per year over a 10-year period of time. So you rob from Peter to pay Paul.

And who is Paul? Paul is this 15 million to 20 million that are left in that group who have no insurance, many of whom who don't want it. And now we have created a whole new entitlement program that we cannot afford when 15 million people are out of work and the unemployment rate, Mr. Speaker, for—what is it—38 straight months now has been above 8 percent. That, despite the fact that the stimulus bill and its \$875 billion on shovel-ready projects that promised—that promised when the unemployment rate was 7.6 percent that this would solve the problem, and it would not go above 8 percent. It hasn't been below 8 percent since we've spent the money.

□ 2120

So I say to the gentleman from New Jersey and my Democratic colleagues in this Chamber, you fiddled for 2 years; you fiddled while Rome was burning. And so, yes, now you can beat the drum and celebrate the 2-year anniversary of ObamaCare while 60 percent of this country continues to tell you they hate it. They hate it. And they're going to tell you that loud and clear,

as they did 2 years ago. They're going to tell you that loud and clear November 6, 2012.

I take no pleasure in that. I enjoy being in the majority. Mr. Speaker enjoys being in the majority. But our responsibility is to the American people, especially to our seniors—our moms and dads—and those folks who are struggling, who are on a fixed income. But to suggest that we're helping them when we cut their program \$550 billion, to suggest that closing the doughnut hole is a good thing and lowers the cost of health care and lowers the cost of prescription drugs, no, it doesn't.

Because what this Federal Government, what Uncle is doing is forcing the pharmaceutical industry to pay for that doughnut hole, and to pay for it with brand drugs when prior to ObamaCare we were filling that doughnut hole with generics.

And so what is going to happen? This pharmaceutical industry, it's whack-a-mole. You squeeze that balloon, it's going to bulge out on another side. And it's going to bulge out when they raise the premiums for prescription drug coverage for everybody else.

The gentleman talked about these wonderful exchanges that are going to be set up for the people who don't have health insurance. I don't object, Mr. Speaker, to the idea of setting up State exchanges. That's an idea that's been around for a long time. It didn't just originate with ObamaCare. But when you hear my good friend from New Jersey, the ranking member of the Health Subcommittee on Energy and Commerce—and he certainly should know of what he says—that in these exchanges people are going to get a subsidy, in other words, that's a government handout. They're going to get a check if they make \$75,000 to \$80,000 a year. You heard him say it. Colleagues, you heard him say it.

Now, I would like to ask the 700,000 people in the 11th Congressional District of Georgia what they think of \$70,000, \$75,000, \$80,000 a year and getting a government handout, a subsidy. My people, the people I represent, would feel wealthy if they made \$75,000 a year, and they would not be expecting a government handout.

What this administration has done with this piece of legislation—Mr. PALLONE criticized the Republican idea in the Republican budget of block-granting the Medicaid program. The Medicaid program, colleagues, it's been around since 1965. It's a good program. It's shared between the Federal Government and the States. But under ObamaCare, States are told that they cannot be innovative in regard to designing a Medicaid program that best fits the needs of the citizens of their State.

It's called maintenance of effort. ObamaCare says to the Governors of the respective States: You can't do

anything. You can't make any changes whatsoever in your Medicaid program. You can't check on eligibility. You can't check to make sure that an individual that applies is in this country legally. You can't drug-test these individuals. You can't do anything to make sure that that program for your State is going to those who need it, who are eligible for it, and to who deserve it, because of this maintenance of effort restriction under ObamaCare.

Not only do we put handcuffs on the chief executives of our States, but we also mandate that they now cover under the Medicaid program people up to 133 percent of the Federal poverty level. Prior law, the requirement was 100 percent. Yes, some States went above that when times were good, when unemployment was 6 percent instead of 9.5 percent, as it is in my current great State of Georgia. But States can't afford to do that.

But the Federal Government comes along and says, because of ObamaCare, we're going to force you to stay where you are. You can make no changes. You cannot go down to 115 percent or 100 percent. Oh, no. You have to stay at 133 percent. And we are looking at an additional cost to the States over the next 10 years of \$15 billion.

That's why this is part of the lawsuit that the Supreme Court will hear next week in the 6 hours of testimony—that and this individual mandate in ObamaCare that forces individuals to engage in commerce, the Federal Government regulating commerce as provided for in article 1, section 8, clause 3 of our great Constitution. Oh, no. This says whether you are engaging in commerce or not, Mr. Speaker, you have to participate.

I know my colleagues have heard the expression and the comments from me and others, What's next? Everybody has to eat broccoli? It's absolutely absurd. It's patently absurd for the Federal Government to tell people they have to engage in commerce. We understand the Constitution and the right constitutionally to regulate existing commerce between States, but not to force people.

So as I have these moments tonight to talk about as a counterpoint to Mr. PALLONE in regard to the Patient Protection and Affordable Care Act, Mr. Speaker, it could not be more unaffordable. The CBO just came out with a new score. Originally, 2 years ago, that score was something like \$950 billion and, according to smoke-and-mirror accounting, completely paid for. Now the cost—the adjusted cost—is about twice that. It's about twice that.

□ 2130

So it's not the Affordable Care Act but the Patently Un-Affordable Care Act. For my colleague to criticize the Republican majority for coming forward with a budget that includes a

plan to save Medicare and Medicaid, legacy programs, programs that our seniors and our poor are so dependent on, for us to have a plan to save that and for the gentleman from the other side of the aisle to criticize that, I would ask him if he were still in the Chamber, and I ask all of my colleagues on the Democratic side of the aisle: What is your plan? What is your plan to save the Medicaid program? What is your plan to save the Medicare program? How many different studies do we need from how many different commissions over how many years before we accept the plain, hard, cold truth that the hospital trust fund and Medicare program will be insolvent at the very latest by the year 2024 and by the earliest at the year 2016 as estimated by the Medicare actuaries?

Nobody denies that. But what are my Democratic friends doing about it? Mr. Speaker, they're doing two things. They're whistling past the graveyard and they're enacting IPAB, the Independent Payment Advisory Board.

Colleagues, you've heard it all evening as we've discussed the repeal of IPAB and H.R. 5, the HEALTH Act. IPAB is 15 unelected bureaucrats—unelected but appointed by the President, this President—at a salary of \$176,000 a year for a 6-year term, renewable for another 6. So we're stuck with them for 12 years and that fat salary and benefit package so they can say, We're going to save Medicare by cutting reimbursement to health care providers and prescription drug companies. We can't change the age of Medicare eligibility. We can't increase the annual deductible or copay. No, we can't do anything, any of those things. We can only cut provider reimbursement. Oh, but there's no rationing. It says there in that section regarding IPAB that no rationing will occur.

Well, give me a break. If you cut reimbursement to providers and they stop providing the care, then the senior does not get that knee replacement and does not get that stent put in. You can spell it any way you want to, but, Mr. Speaker, that's rationing. That's rationing. And the American people don't want that. Our seniors don't want that. That's no compassion.

You can provide all these preventive services you want to that Mr. PALLONE was speaking about, and that's fine if you can afford to do it. But to suggest that that saves money, it might save an individual life, and that's a wonderful thing, but don't stand up here and tell me and tell my colleagues on both sides of the aisle that preventive services save money. No economist, no health economist would agree with that. It doesn't save money. It costs money. And every time you add another "free" preventive service to a program, it's going to increase the health insurance premiums for everybody else. These are called mandates.

The gentleman from New Jersey talked about direct access without prior approval, whether it's to see your OB-GYN doctor, your dermatologist, or your general surgeon without having to go through a gatekeeper. I understand that. I practiced medicine 31 years. I think my colleagues know that. I understand that. But these things definitely cost money. They don't save money. I think it's important for people to understand that.

He talked about the wonderful things that have already occurred under ObamaCare, allowing adult children—I realize that's a bit of an oxymoron, but I've got four of those oxymorons—to allow adult children to stay on their parents' health insurance policy until they're 26 years old without regard to whether or not they're students.

Now, the prior policy of most health insurance companies, if you were over 21 years old, maybe in the third or fourth year of college, then you were no longer eligible to be covered under your parents' health insurance policy. The expectation, of course, is that you would have a job. Well, the reason it's so important now to have them covered up to age 26 on their parents' health insurance policy is because they have no jobs. And that's the thing that this administration and this—now, at least in the House of Representatives—Democratic minority, they just don't seem to understand that what the American people care about first and foremost is a job. They want health insurance, of course they do. If they have to, they'll pay for it out of their own pocket. But they've got to have a job first. They've got to put food on the table. They've got to put clothing on the backs of their children. They have to have the pride, dignity, and respect of having a job.

As we go into these elections this fall, and all 435 of us in this body and 100—well, in fact, I guess it's one-third of the other body stand for reelection and we elect a 45th—and, indeed, I think we will elect a 45th and not reelect the 44th—President of the United States, it's going to be based on jobs and the economy. That's the thing that this President, since he took office in January of 2009, has just totally missed the point of. And really, it started in January of 2007 with the Democratic majority in this Chamber when we spent another 2 years wasting time, fiddling while Rome was burning, trying to force and cram down the throats of the American people this cap-and-trade regime which would have cost every family \$2,500 a year in increased utility costs. Thank goodness the other body stopped that, because the American people didn't want it.

And they don't want national health care. That's why we voted in this body, H.R. 2, to repeal ObamaCare. And that repeal passed in the House of Representatives. We finally had a vote in

the Senate. We couldn't get them to pass a budget. They haven't done that in 3 years. But after about a year and a half, we finally got them to vote on repeal of ObamaCare. The Democratic majority rejected that.

So, Mr. Speaker, now we're dealing with plan B, and plan B is to chip away at the most egregious aspects of ObamaCare. It would be a mistake for us to assume the Supreme Court will strike down that individual mandate and will strike down that Medicaid expansion, that unfunded mandate, a \$12 billion burden placed on the budgets of our respective States. I think they will strike it down, but I'm not going to stand here in this Chamber holding my breath waiting for that to happen. That would be irresponsible. That would not be representing the people of the 11th of Georgia the way they deserve to be represented.

□ 2140

So, we are going to fight. That's what this is all about today and the vote tomorrow in regard to repealing IPAB, this Independent Payment Advisory Board that literally takes legislative responsibility away from the Congress. Talk about unconstitutional; clearly, that is unconstitutional.

We're going to vote it down tomorrow. And we're going to send that to the Senate, and I expect HARRY REID and the Democratic majority to do the responsible thing. They don't like it either. They don't like it either. Let's just do the right thing for the American people.

Mr. Speaker, it's been a long day. We have had a lot of discussion on the floor of the House of Representatives, a lot of eloquence on both sides of the aisle. I feel very strongly that we should respect one another, and I think we do. This is not personal, but when you feel that you have the right idea, it's your responsibility to stand strong, not to pander to anybody, but to stand strong and do the right thing, do the right thing for the American people.

With that, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today and March 22.

Mr. BACHUS (at the request of Mr. CANTOR) for today and the balance of the week on account of minor throat surgery.

ADJOURNMENT

Mr. GINGREY of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 42 minutes

p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 22, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5343. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Dairy Product Mandatory Reporting [Doc. #: AMS-DA-10-0089; DA-11-01] (RIN: 0581-AD12) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5344. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2011-2012 Marketing Year [Doc. Nos.: AMS-FV-10-0094; FV11-985-1A FIR] received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5345. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NOP); Amendments to the National List of Allowed and Prohibited Substances (Crops and Processing) [Document Number: AMS-NOP-10-0079; NOP-09-02FR] (RIN: 0581-AD06) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5346. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Revision of Cotton Futures Classification Procedures [Doc. #: AMS-CN-10-0073; CN-10-005] (RIN: 0581-AD16) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5347. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS) Case 2012-D024 (RIN: 0750-AH59) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5348. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS) Case 2012-D026 (RIN: 0750-AH60) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5349. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Richard P. Zahner, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5350. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of Colonels Christopher P. Hughes and Paul A. Ostrowski, United States Army, to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

5351. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports

to the Kingdom of Morocco pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5352. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedure for Commercial Refrigeration Equipment [Docket No.: EERE-2010-BT-TP-0034] (RIN: 1904-AC40) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5353. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5354. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5355. A letter from the Associate Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting FY 2011 Annual Report Regarding NASA's Equal Employment Opportunity and Whistleblower Protection Act Complaints Activity; to the Committee on Oversight and Government Reform.

5356. A letter from the General Counsel and Acting Executive Director, Election Assistance Commission, transmitting Fiscal Year 2011 Activities Report; to the Committee on House Administration.

5357. A letter from the United States Trade Representative, Executive Office of the President, transmitting the 2012 Trade Policy Agenda and the 2011 Annual Report on the Trade Agreements Program as prepared by the Administration; to the Committee on Ways and Means.

5358. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Duty-Free Treatment of Certain Visual and Auditory Materials [USCBP-2011-0030] (RIN: 1515-AD75) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5359. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Source of Income from Qualified Fails Charges [TD 9579] (RIN: 1545-BJ78) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5360. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Time to File an Estate Tax Return Solely to Elect Portability of a Deceased Spousal Unused Exclusion Amount [Notice 2012-21] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5361. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rewards and Awards for Information Relating to Violations of Internal Revenue Laws [TD 9580] (RIN: 1545-BJ89) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5362. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act [TD 9578] (RIN: 1545-BJ60) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5363. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: United States and Area Median Gross Income Figures (Rev. Proc. 2012-16) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5364. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — March 2012 (Rev. Rul. 2012-9) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5365. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Protecting the Public and our Employees in our Hearing Process [Docket No.: SSA-2011-0008] (RIN: 0690-AH29) received February 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5366. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — How We Collect and Consider Evidence of Disability [Docket No.: SSA 2010-0044] (RIN: 0960-AG89) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas Committee on the Judiciary. H.R. 4119. A bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels (Rept. 112-418, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on Ways and Means and Homeland Security discharged from further consideration. H.R. 4119 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CANTOR:

H.R. 9. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. RAHALL, Mr. DEFAZIO, Ms. BROWN of Florida, Mr. ACKERMAN, Mr. RANGEL, Mr. FILNER, Mr. SIREs, Ms.

RICHARDSON, Mr. CUMMINGS, Ms. NOR-TON, Mr. RUPPERSBERGER, Mr. LARSEN of Washington, Mr. WELCH, Mr. HOLDEN, Mrs. NAPOLITANO, Ms. HIRONO, Mr. HOLT, Mr. VAN HOLLEN, Ms. EDWARDS, Mr. BOSWELL, Ms. HAHN, Mr. THOMPSON of California, Mr. ISRAEL, Mr. HIGGINS, Mr. CICILLINE, Ms. WILSON of Florida, Mr. RICHMOND, Ms. MOORE, Mr. MORAN, Mr. BLUMENAUER, Ms. SPEIER, Mr. OWENS, Mr. JACKSON of Illinois, Mr. DOYLE, Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS of Georgia, Mr. LARSON of Connecticut, Mr. BERMAN, Mr. CONNOLLY of Virginia, Mr. LIPINSKI, Ms. TSONGAS, Mr. MICHAUD, Mr. PRICE of North Carolina, Mr. LANGEVIN, Mr. ALTMIRE, Mr. CLAY, Mr. MCNERNEY, Mr. WALZ of Minnesota, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mrs. LOWEY, Ms. DEGETTE, Mr. TOWNS, Mr. COURTNEY, Mr. QUIGLEY, Mr. STARK, Mr. CARNAHAN, Mr. SMITH of Washington, Ms. MCCOLLUM, Ms. SLAUGHTER, Ms. ZOE LOFGREN of California, Mr. THOMPSON of Mississippi, Mr. HOYER, Mr. LUJÁN, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mr. SHERMAN, Ms. SCHWARTZ, Ms. CLARKE of New York, Mr. CLARKE of Michigan, Mr. ANDREWS, Mr. COSTELLO, Ms. VELÁZQUEZ, Mr. CONYERS, Mr. TONKO, Mr. GARAMENDI, Mr. SCOTT of Virginia, Mr. FÁLEOMAVAEGA, Mr. COSTA, Ms. DELAURO, Mr. COHEN, Mr. LYNCH, Mr. RUSH, Ms. PINGREE of Maine, Mr. WAXMAN, Mr. SHULER, Ms. WASSERMAN SCHULTZ, Ms. CHU, Mr. CHANDLER, Mr. CRITZ, and Mr. GEORGE MILLER of California);

H.R. 14. A bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Energy and Commerce, Agriculture, Science, Space, and Technology, the Budget, Oversight and Government Reform, Financial Services, Education and the Workforce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL (for himself and Mr. KING of New York):

H.R. 4228. A bill to direct the Secretary of State to designate Iran's Islamic Revolutionary Guard Corps Qods Force as a foreign terrorist organization, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Ms. ROSELEHTINEN, Mr. ACKERMAN, Mr. CHABOT, Mr. CICILLINE, and Ms. BUERKLE):

H.R. 4229. A bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system; to the Committee on Foreign Affairs.

By Mr. MCKINLEY (for himself and Mr. WELCH):

H.R. 4230. A bill to provide for the establishment of a Home Energy Savings Retrofit Rebate Program, and for other purposes; to the Committee on Energy and Commerce,

and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. STARK, Mr. JACKSON of Illinois, Mr. RANGEL, Ms. HAHN, Mr. RYAN of Ohio, Mr. SCHIFF, Mr. FILNER, Mr. VAN HOLLEN, Mr. CARSON of Indiana, Mr. MCNERNEY, and Ms. CHU):

H.R. 4231. A bill to amend the Internal Revenue Code of 1986 to repeal certain tax breaks for gas and oil companies and to refund the revenue savings to registered vehicle owners; to the Committee on Ways and Means.

By Mr. TURNER of Ohio (for himself, Mr. RYAN of Ohio, and Mr. BURTON of Indiana):

H.R. 4232. A bill to amend section 552 of title 5, United States Code (popularly referred to as the Freedom of Information Act), to provide that the exemptions to that section shall not apply to matters relating to certain transactions executed by an instrumentality of the Federal Government operating in a commercial manner; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN:

H.R. 4233. A bill to establish the National Geospatial Technology Administration within the United States Geological Survey to enhance the use of geospatial data, products, technology, and services, to increase the economy and efficiency of Federal geospatial activities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, Science, Space, and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LABRADOR (for himself, Mr. BISHOP of Utah, Mr. COSTA, Mr. GOSAR, Mr. HARRIS, Mrs. LUMMIS, Mrs. NOEM, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. SIMPSON, and Mr. WALDEN):

H.R. 4234. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOLD (for himself and Ms. MOORE):

H.R. 4235. A bill to amend the Securities Exchange Act of 1934 and the Commodity Exchange Act to repeal the indemnification requirements for regulatory authorities to obtain access to swap data required to be provided by swaps entities under such Acts; to the Committee on Agriculture, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 4236. A bill to withhold funds if a motorist illegally passes a stopped school bus; to the Committee on Transportation and Infrastructure.

By Mr. FLEISCHMANN:

H.R. 4237. A bill to strengthen employee cost savings suggestions programs within

the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. PASCRELL (for himself and Mr. PLATTS):

H.R. 4238. A bill to amend the Public Health Service Act to reauthorize certain programs for individuals with traumatic brain injury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YARMUTH (for himself, Mr. GRIJALVA, and Ms. SLAUGHTER):

H. Res. 593. A resolution supporting the goals and ideals of "National Safe Place Week"; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

182. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 173 memorializing Congress to extend the Chemical Facility Anti-Terrorism Standards (CFATS) program; to the Committee on Energy and Commerce.

183. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution No. 107 urging the Department of Labor to withdraw the proposed regulations for agricultural child labor; to the Committee on Education and the Workforce.

184. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 185 memorializing Congress to enact the Respect for Rights of Conscience Act of 2011; to the Committee on Energy and Commerce.

185. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 97 memorializing the Congress to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways; jointly to the Committees on Transportation and Infrastructure and Rules.

186. Also, a memorial of the Senate of the State of Oregon, relative to Senate Memorial 201 requesting that the Congress reintroduce and pass the Trade Reform, Accountability, Development and Employment (TRADE) Act of 2009; jointly to the Committees on Ways and Means and Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CANTOR:

H.R. 9.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI to the Constitution regarding the power to lay and collect taxes on incomes.

By Mr. BISHOP of New York:

H.R. 14.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, 7, and 18

By Mr. McCAUL:
H.R. 4228.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. BERMAN:
H.R. 4229.
Congress has the power to enact this legislation pursuant to the following:

the authority delineated in Article I section I, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Mr. MCKINLEY:
H.R. 4230.
Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. YARMUTH:
H.R. 4231.
Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution.

By Mr. TURNER of Ohio:
H.R. 4232.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the United States Constitution

By Mr. LAMBORN:
H.R. 4233.
Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3—
Article IV—The States
Section 3—New States

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. LABRADOR:
H.R. 4234.
Congress has the power to enact this legislation pursuant to the following:

Article IV, Sec. 3, Clause 2: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

By Mr. DOLD:
H.R. 4235.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power to "regulate commerce with foreign Nations and among the several States."

By Mr. BRALEY of Iowa:
H.R. 4236.
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FLEISCHMANN:
H.R. 4237.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clauses 1 & 18.

By Mr. PASCRELL:
H.R. 4238.
Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. WAXMAN.
H.R. 121: Mr. FINCHER.
H.R. 157: Mr. GUTHRIE and Mr. LANGEVIN.
H.R. 196: Mr. KUCINICH and Mr. COHEN.
H.R. 365: Mr. JOHNSON of Ohio.
H.R. 721: Mr. GINGREY of Georgia.
H.R. 895: Mr. MCCOTTER.
H.R. 964: Mrs. CAPPS.
H.R. 997: Mrs. HARTZLER and Mr. GRAVES of Missouri.

H.R. 1017: Mr. VAN HOLLEN.
H.R. 1063: Mr. PETRI.
H.R. 1089: Mr. RANGEL.
H.R. 1284: Ms. CLARKE of New York.

H.R. 1339: Mr. THORNBERRY, Mr. LOBIONDO, Mr. TURNER of Ohio, Mr. KLINE, Mr. PLATTS, Ms. LORETTA SANCHEZ of California, Mr. COOPER, Ms. PINGREE of Maine, Mr. HEINRICH, Mr. OWENS, Mr. LOEBACK, Mr. RUPPERSBERGER, Mr. KISSELL, Ms. HANABUSA, and Ms. HOCHUL.

H.R. 1386: Mr. ROSS of Arkansas.
H.R. 1410: Mr. GENE GREEN of Texas.
H.R. 1418: Ms. BASS of California, Mr. HECK, and Mr. HUIZENGA of Michigan.

H.R. 1513: Mrs. CHRISTENSEN and Mr. ENGEL.

H.R. 1581: Mr. PETERSON.
H.R. 1653: Mr. THORNBERRY and Mr. NEAL.
H.R. 1739: Mr. BARLETTA.
H.R. 1748: Mrs. CAPPS.
H.R. 1789: Mr. JOHNSON of Ohio.

H.R. 1821: Ms. BONAMICI, Mr. BOSWELL, and Mr. CHANDLER.

H.R. 1956: Mr. SCHWEIKERT.
H.R. 2020: Mr. BISHOP of New York.
H.R. 2104: Ms. ESHOO, Mr. FILNER, and Mr. ROTHMAN of New Jersey.

H.R. 2106: Mrs. MILLER of Michigan.
H.R. 2179: Ms. NORTON, Mr. BOSWELL, and Mr. RUSH.

H.R. 2252: Mr. MANZULLO.
H.R. 2311: Mr. KILDEE.

H.R. 2697: Mr. BERG.
H.R. 2706: Mr. RIVERA.

H.R. 2717: Mr. LATOURETTE and Mrs. MYRICK.

H.R. 2738: Mrs. LOWEY.
H.R. 2765: Mr. GALLEGLY.

H.R. 2787: Mrs. MALONEY.
H.R. 2827: Mr. OWENS and Mr. HOLT.

H.R. 2834: Mr. CANSECO.
H.R. 2981: Mr. RANGEL and Mr. ELLISON.

H.R. 3046: Ms. BALDWIN.
H.R. 3059: Mr. SULLIVAN, Mr. WESTMORELAND, and Mr. LARSON of Connecticut.

H.R. 3135: Mr. POMPEO and Mr. LAMBORN.
H.R. 3145: Ms. JACKSON LEE of Texas.

H.R. 3187: Ms. ZOE LOFGREN of California.
H.R. 3200: Mrs. LOWEY.

H.R. 3264: Mr. JORDAN.
H.R. 3269: Ms. CASTOR of Florida and Mr. COFFMAN of Colorado.

H.R. 3283: Mr. DAVID SCOTT of Georgia.
H.R. 3307: Mr. PLATTS.

H.R. 3308: Mr. MULVANEY.
H.R. 3316: Mr. COHEN.

H.R. 3364: Mr. HECK, Mr. SCHIFF, Mr. LEWIS of Georgia, Mr. ROHRBACHER, Mr. SIRE, Mr. COURTNEY, and Mr. DEFazio.

H.R. 3444: Mr. MURPHY of Pennsylvania.
H.R. 3461: Mr. SIMPSON, Mr. ROTHMAN of New Jersey, Mr. SIRE, Mr. WITTMAN, Mr. HANNA, and Mr. LANDRY.

H.R. 3485: Ms. BONAMICI.
H.R. 3510: Ms. JACKSON LEE of Texas.
H.R. 3591: Mr. TOWNS and Ms. ZOE LOFGREN of California.

H.R. 3596: Ms. FUDGE, Mr. RUNYAN, Ms. HANABUSA, Mr. DEUTCH, Mr. HASTINGS of Florida, Ms. BALDWIN, Mr. ANDREWS, and Mr. BRADY of Pennsylvania.

H.R. 3608: Mrs. HARTZLER.
H.R. 3643: Mr. FITZPATRICK and Mr. ROONEY.

H.R. 3658: Mrs. MALONEY, Ms. WOOLSEY, Ms. BORDALLO, Mr. GEORGE MILLER of California, Ms. PINGREE of Maine, Mr. GRIJALVA, Mr. KEATING, Ms. MCCOLLUM, Mr. GUTIERREZ, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. MORAN, and Mr. ELLISON.

H.R. 3707: Mr. MULVANEY.
H.R. 3766: Mr. DENT.

H.R. 3767: Ms. NORTON, Mr. RYAN of Ohio, and Mr. RUSH.

H.R. 3798: Mr. McDERMOTT, Mr. KUCINICH, and Ms. LEE of California.

H.R. 3803: Mr. HARPER, Mr. FLEISCHMANN, Mr. SIMPSON, Mr. FLORES, Mr. CAMPBELL, Mr. GINGREY of Georgia, Mr. SMITH of Nebraska, and Mr. YOUNG of Indiana.

H.R. 3821: Ms. JACKSON LEE of Texas.
H.R. 3826: Mr. TIERNEY, Ms. SCHWARTZ, and Mr. MICHAUD.

H.R. 3839: Mr. BOSWELL.
H.R. 3849: Mr. RENACCI, Mr. THOMPSON of Mississippi, and Mr. HARPER.

H.R. 3878: Mr. WALDEN.
H.R. 3883: Mr. LANDRY.

H.R. 3897: Mr. LANKFORD.
H.R. 3974: Mrs. NAPOLITANO.

H.R. 3993: Mr. ROTHMAN of New Jersey, Mr. CLARKE of Michigan, Mr. CAMPBELL, and Mr. CARNAHAN.

H.R. 3994: Mr. MANZULLO.
H.R. 4036: Mr. CHABOT and Mr. MULVANEY.

H.R. 4040: Ms. BALDWIN, Mr. BARTLETT, Ms. BASS of California, Mr. BERG, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUMENAUER, Mr. BROOKS, Mr. CARNAHAN, Mr. CASSIDY, Ms. CLARKE of New York, Mr. CONAWAY, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, Mr. DUNCAN of South Carolina, Ms. EDWARDS, Mrs. EMERSON, Mr. ENGEL, Mr. FATTAH, Mr. FILNER, Mr. FORBES, Ms. FUDGE, Mr. GINGREY of Georgia, Mr. GRIFFITH of Virginia, Mr. GUINTA, Ms. HANABUSA, Mr. HINOJOSA, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mrs. LOWEY, Mr. MCCOTTER, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. QUIGLEY, Mr. REED, Mr. ROGERS of Michigan, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. AUSTIN SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. SMITH of Nebraska, Mr. STUTZMAN, Ms. SUTTON, Ms. WILSON of Florida, Mr. WITTMAN, Mr. WOMACK, Ms. WOOLSEY, Mr. BILIRAKIS, Mr. GOODLATTE, Mr. HANNA, Mr. KING of New York, Mr. LANGEVIN, Mr. NADLER, Mr. PALONE, Ms. RICHARDSON, Mr. RIVERA, Mr. RUSH, Mr. SARBANES, Ms. SCHWARTZ, Mr. STARK, Mr. STEARNS, and Mr. WELCH.

H.R. 4066: Mr. BLUMENAUER.
H.R. 4070: Mr. SCOTT of South Carolina.

H.R. 4077: Mr. REYES and Mr. ROSS of Florida.

H.R. 4115: Mr. JOHNSON of Ohio, Mr. SCOTT of South Carolina, and Mr. WITTMAN.

H.R. 4124: Mr. HANNA.
H.R. 4133: Mrs. BACHMANN, Mr. BUCHANAN, Mr. RUNYAN, Mr. PLATTS, Mr. GARDNER, Mr. PEARCE, Mr. MURPHY of Pennsylvania, Mr. SCHILLING, Mr. BURGESS, Mr. BISHOP of New York, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mrs. DAVIS of California, Mr. ISRAEL, Ms. JACKSON LEE of Texas, Mrs. LOWEY, Mr. MCINTYRE, Mr. RUPPERSBERGER, Ms. LINDA T. SANCHEZ of California, Mr.

DAVID SCOTT of Georgia, Mr. SHULER, Mr. THOMPSON of Mississippi, Mr. WALZ of Minnesota, Ms. SEWELL, Mr. TIPTON, Mr. LONG, Mr. BARLETTA, Mr. HUIZENGA of Michigan, Mr. SMITH of New Jersey, Mr. BROOKS, Mr. POMPEO, Mr. BERG, Mrs. HARTZLER, Mr. ROSKAM, and Mr. PRICE of Georgia.

H.R. 4134: Mr. COBLE and Mr. MARINO.

H.R. 4174: Mr. MCINTYRE and Mr. COBLE.

H.R. 4178: Mrs. MYRICK.

H.R. 4197: Ms. WASSERMAN SCHULTZ and Mr. DEUTCH.

H.R. 4206: Mr. TIPTON.

H.J. Res. 103: Mr. BACHUS and Mr. SENSENBRENNER.

H. Con. Res. 87: Mr. HANNA and Mr. KING of New York.

H. Res. 177: Mr. KEATING.

H. Res. 351: Mr. VAN HOLLEN, Mr. RANGEL, Mr. ROTHMAN of New Jersey, and Mr. CARDOZA.

H. Res. 526: Mr. DEUTCH.

H. Res. 560: Mrs. LOWEY.

H. Res. 568: Mr. GARY G. MILLER of California, Mr. PLATTS, Mr. PAULSEN, Mr. TIBERI, Mr. BACA, Mr. GARDNER, Mr. MCCLINTOCK, Mr. PEARCE, Mr. MURPHY of Pennsylvania,

Mr. LATHAM, Mrs. MILLER of Michigan, Mr. MARINO, Ms. BROWN of Florida, Mr. THORNBERRY, Mr. TIPTON, Mr. LONG, Mr. BARLETTA, Mr. HUIZENGA of Michigan, Mr. COSTA, Mr. BARTON of Texas, Mr. FORBES, Mr. TERRY, Mr. RUPPERSBERGER, Mr. CASSIDY, Mr. ROSKAM, Mr. HULTGREN, Mr. QUIGLEY, Mr. CULBERSON, Mr. LUETKEMEYER, Mr. BILIRAKIS, Mr. LEWIS of California, Mr. HECK, Mr. MCCOTTER, Mrs. DAVIS of California, Mr. BARROW, Mr. POMPEO, Mr. FLEMING, Mr. BROOKS, Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. MICHAUD, Mr. ISRAEL, Mr. BUCHANAN, Mr. YODER, and Mr. WESTMORELAND.

H. Res. 583: Ms. SCHAKOWSKY, Mr. CARNAHAN, Mr. GRIFFIN of Arkansas, and Mr. CARTER.

H.R. 3359: Mr. CLAY.

H.R. 3697: Mr. BUCSHON.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

38. The SPEAKER presented a petition of The Legislature of Rockland County, New York, relative to Resolution No. 59 of 2012 urging the Congress to pass H.R. 1084 and S. 587; to the Committee on Energy and Commerce.

39. Also, a petition of the Council of the City of New York, New York, relative to Resolution No. 892 urging the Congress to pass and the President to sign H.R. 873 and S. 453; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

EXTENSIONS OF REMARKS

TRIBUTE TO WILLIAM J.
BOARMAN, 26TH PUBLIC PRINTER
OF THE UNITED STATES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. HOYER. Mr. Speaker, today I urge all Members to join in commending William J. "Bill" Boarman, who honorably and skillfully led the Government Printing Office, GPO, as the 26th Public Printer from January 3, 2011, to January 3, 2012.

Bill slashed agency spending dramatically by eliminating nonessential hires, cutting needless travel, restricting use of overtime and reducing the GPO's annual spending plan for 2011 by 15 percent. He held the line on salary increases consistently with the President's government-wide pay freeze. Bill created a specialized task force to collect funds owed to GPO and within months collected over a third of the money due, some outstanding for seven years.

To avoid potential lay-offs in the future, Bill authorized a buyout of up to 15 percent of his workforce, but excluding from eligibility employees in mission-critical positions. Together with his restrictions on new hires, the buyout plan achieved 94 percent of its goal and reduced the GPO's staffing to its lowest level in a century. This achievement will save GPO and taxpayers tens of millions of dollars in future years.

Bill also worked with the two appropriations committees to provide GPO with funding 15 percent below the prior year but which nonetheless assures GPO's ability to perform its essential functions. To address questions about the work GPO performs for Congress, Bill provided persuasive testimony on the value of the printing services that the GPO performs while at the same time ordering the first-ever survey of Congress's printing requirements. This precedent-setting work, which was commended by the House Appropriations Committee, resulted in the largest single-year percentage reduction in the number of printed CONGRESSIONAL RECORDS delivered to Congress since the GPO began to transition to online versions in 1994.

As a result of these and other efforts, Bill's annual report to Congress reported that the GPO ended the year with a net income of \$5.6 million, a positive result validated by an external auditor. Yet Bill's leadership at the GPO was about more than cutting costs and improving financial returns. He made customer service GPO's primary strategic goal, a direction that earned the agency applause in a government-wide agency survey. He put GPO on Facebook and ordered the development and release of the GPO's first mobile Web application. While continuing the development of GPO's online Federal Digital System and the

GPO's plan for a new automated composition system, he emphasized efficiency and agency control over the GPO's digital systems rather than ceding operations to contractors. He devised and won approval for a new annual investment and spending plan for the GPO that is 6 percent less than his previous year's plan, and which puts the GPO on a path finally to begin retiring several presses that are more than 30 years old.

In other areas of the GPO, Bill's achievements were equally impressive. For example, he pushed forward with aggressive plans to make more GPO space available for lease to other agencies, and at the end of the year the GPO was in active negotiations with several organizations. As a former proofreader at the GPO, his return to the agency restored confidence and bolstered employee morale. Under his watch the GPO observed its 150th anniversary, opening an exhibit of its history to the public and issuing a new book on its past, *Keeping America Informed*. Last month Bill made GPO history by appointing a highly qualified senior manager, Ms. Davita Vance-Cooks, as Deputy Public Printer, the first woman ever to hold that post, and with Bill's departure, she is today the first woman ever to head the agency.

Mr. Speaker, Bill Boarman's tenure as Public Printer set a new standard of achievement for his successors to emulate. In my judgment, the actions of a handful of Senators to block an up-or-down vote on the President's nomination of Bill Boarman deprived Congress, Federal agencies, and the American public of his faithful service during this time of difficult transition when most needed.

Regardless what may come next, Bill Boarman can leave the Government Printing Office confident that GPO is better than when he found it, and that he has left it in good and capable hands. Please join me in offering the thanks of a grateful Nation to a dedicated public servant. We wish Bill only the best.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 113, had I been present, I would have voted, "yea."

HONORING KEVIN KOPP

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Kevin Kopp. Kevin

is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1412, and earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many scout activities. Over the many years Kevin has been involved with scouting, he has not only earned 31 merit badges, but also the respect of his family, peers, and community. Most notably, Kevin served as his troop's Patrol Leader and Bugler. Kevin also contributed to his community through his Eagle Scout project. Kevin restored a walking trail around St. Luke's Northland Hospital in Smithville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Kevin Kopp for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF FREDERICK J.

GIORGI

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. HOLDEN. Mr. Speaker, it is with great sadness that I rise today to remember and honor the life of my good friend, Frederick J. Giorgi. Fred died on February 18, 2012, of natural causes at St. Joseph Medical Center in Reading, Pennsylvania.

Frederick Giorgi was born on December 3, 1930. He was the son of the late Pietro and Elvira Giorgi, natives of Ascoli Piceno, Italy. Fred was a proud 1948 graduate of Reading Central Catholic High School and received a Bachelor of Science degree in 1952 from Villanova University where he majored in Pre-Law/Accounting. He later received a Juris Doctor degree from Dickinson School of Law in 1955.

After earning his law degree, Fred served two years in the U.S. Navy before becoming a founding partner in the law firm of Austin, Boland, Connor, & Giorgi in Reading. During this time he worked part-time at the family business, Giorgio Foods Inc., and its related companies. In 1975, he left public practice to fully dedicate his time to the family business.

Until his passing, Fred was the chairman of F&P Holding Company with subsidiaries Giorgio Foods, Inc., Giorgi Mushroom, Co., Can Corporation of America, Maiden Creek Plaza Co., and other companies in the U.S.A. and Can Pack S.A., with operations in Poland, the United Kingdom, Russia, Ukraine, India, UAE, Spain, France, Morocco, Romania, the Czech Republic, Slovakia, Turkey, and Brazil.

Fred's many personal and professional accomplishments were recognized with a number of awards, including a Career Achievement Award from Dickinson School of Law, an

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Award of Merit from Penn State University Department of Mushroom Science, and a 2005 Officer's Cross of the Order of Merit by the President of the Republic of Poland for outstanding contribution to the development of the Polish economy. In 2008, he was presented with a 50-year Membership Award by the Berks County Bar Association.

Fred's wisdom and energy instilled in his employees the desire and will to achieve well beyond expectations. He regarded his employees so highly that he never missed an opportunity to let them know they were his stars and rewarded them with company trips all around the world.

The charitable contributions Fred so quietly contributed to his local community, the international community, and his beloved church are too numerous to mention.

Fred will be greatly missed by his family, colleagues, friends, and all of the lives that he touched with his loyalty, compassion, generosity and humor.

Mr. Speaker and fellow colleagues, please join me in remembering my dear friend, Fred Giorgi.

TRIBUTE TO CHAIRMAN LARRY HYLAND AND THE SENIOR CITIZENS LEAGUE BOARD OF TRUSTEES

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. MCINTYRE. Mr. Speaker, I am here to congratulate Larry Hyland, the Chairman of The Senior Citizens League (TSCL) and its Board of Trustee members for their work in educating the public and Congress about issues of utmost importance to America's seniors. The Senior Citizens League represents over 1 million members nationwide and 3,844 in my Congressional district.

The Senior Citizens league is a non-profit, non-partisan organization headquartered in Alexandria, Virginia, that strives to educate millions of seniors and Members of Congress through senior faxes, e-alerts, Public Service Announcements, newspapers ads, direct mail, and publications such as a monthly newsletter—The Advisor.

Five members of The Retired Enlisted Association (TREA) work tirelessly for The Senior Citizens League as non-paid volunteers to help our most elderly and low income seniors: TSCL Chairman Larry Hyland, Vice Chairman Thomas O'Connell, Treasurer Edward Cates, Secretary Charlie Flowers, and PAC Treasurer Michael Gales. In addition, TREA Liaison Arthur Cooper and Past TSCL Chairman Daniel O'Connell also serve on the Board of Trustees.

Chairman Larry Hyland retired from the U.S. Air Force as a senior master sergeant. During the Vietnam War era, Hyland was an aircraft crew chief flying on missions into and out of Vietnam and flew in the evacuations of 1975. After active duty, he launched a small business and later entered Federal civil service working for 16 years before retiring from the office of the Air Force Director of Operations,

Deputy Chief of Staff for Operations, Plans and Requirements, Headquarters U.S. Air Force, Washington DC.

Vice Chairman Thomas O'Connell served in the U.S. Army including service as Division Logistics NCO. His experiences as a high school teacher, author, and librarian have facilitated his work on the TSCL Board of Trustees. He participates in many local community organizations in Westerly, RI.

Treasurer Edward Cates served in the U.S. Army National Guard, U.S. Air Force from 1965 to 1996. He serves as the principal financial officer for TSCL and also as the Treasurer of the TREA Memorial Foundation. Cates is 1st Vice President of TREA Chapter 1 in Colorado Springs, CO.

Secretary Charlie Flowers served in the U.S. Air Force for over 21 years. He has served as the National President of TREA. Also, he served on the TREA National Board as a Director and as National Parliamentarian. He resides in Denver, CO.

Michael Gales served in the U.S. military for 27 years and is a lifetime member of TREA since 1988. He is active in his community and he serves as President of the Patterson Avenue Improvement Association in Baltimore, MD.

TREA Liaison Arthur Cooper served in the U.S. Army for over 20 years, completing his last tour as a Department of Nursing Education NCOIC. He currently serves as the National President of TREA. Cooper resides in Gambrills, MD.

Immediate Past TSCL Chairman Daniel O'Connell served in the U.S. Air Force for 29 years, retiring as a chief master sergeant. His U.S. Air Force career included service as the Training NCO for the Queens College ROTC Program. O'Connell also worked in protocol at the Air Force Space Command in Colorado Springs where he retired as Director of Protocol.

The TSCL Board visits Capitol Hill in Washington several times a year to personally meet with Members of the U.S. House and Senate to consult with them about seniors' issues. TSCL is especially interested in Social Security remaining solvent and preserved for future generations.

Under the leadership of Chairman Larry Hyland, The Senior Citizens League has strictly adhered to its non-partisan status. Most notably, Chairman Hyland has guided TSCL in its movement toward a more broad-based and multi-issue organization. TSCL has become a leader on issues such as U.S.-Mexico Totalization (via FOIA documents), a Social Security COLA to be based on a Consumer Price Index for the Elderly, Social Security Guarantee, Social Security Trust Fund Lock-Box, and Social Security Notch Fairness.

Each of the Board members has rendered military service to their country, and each has worked tirelessly to speak in behalf of seniors and The Senior Citizens League. Several Members of Congress thanked them personally for showing up in their offices, saying: "we never see representatives of some other senior groups, but your organization always visits us."

Their determination to assist the most worthy and needy of our citizens is commendable.

HONORING TIMOTHY M. MATTHEWS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Timothy M. Matthews. Tim is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 28, and earning the most prestigious award of Eagle Scout.

Tim has been very active with his troop, participating in many scout activities. Over the many years Tim has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Tim contributed to his community through his Eagle Scout project. Tim planned and constructed a flag pole for all veterans of the United States military and to honor their service and sacrifice.

Mr. Speaker, I proudly ask you to join me in commending Timothy M. Matthews for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE HONOREES OF THE MID-MAINE CHAMBER OF COMMERCE AWARDS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Honorees of the 2012 Mid-Maine Chamber of Commerce Annual Awards Dinner. The Mid-Maine Chamber of Commerce serves the people and business community of the greater Waterville area, working with the business community to strengthen economic opportunity throughout the region and the state.

Each year, the Mid-Maine Chamber recognizes some of the outstanding businesses and individuals that make Maine "the way life should be" for all Mainers and Maine businesses. These individuals and businesses are committed to strengthening opportunity and prosperity in Maine.

This year's award recipients include Gil Pelletier, recipient of the Distinguished Community Service Award; Central Maine Disposal, Business of the Year; Pamela Kick of Pinnacle IT, Business Person of the Year; Dr. Barbara Covey of the MaineGeneral SAFE Program, Outstanding Professional of the Year; the Waterville Public Library, Community Service Project of the Year; Bruce Harrington of the Bank of Maine, "Rising Star" Award; and Darla Frost of Kennebec Federal Savings, the Customer Service Stardom Award.

These recipients are among the best that Maine has to offer. Through their leadership and incredible commitment to their communities and the region, Maine is a better place to live and do business.

Mr. Speaker, please join me in congratulating the Mid-Maine Chamber of Commerce and these individuals on their outstanding service and achievement.

HONORING BAHER MICHEL

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Baher Michel is a senior at Clements High School in Fort Bend County, Texas. His essay topic is: Select an important event that has occurred in the past 50 years and explain how that event has changed our country. Baher chose *Marbury v. Madison*.

The United States Supreme Court is often a spring of controversy. With *Marbury v. Madison* the Court has "judicial review", power to deem any type of legislation as constitutional or unconstitutional, and thus, void. In other words, any government action or law can be challenged, brought in front of the Court, and whatever the Justices decide is final. The fact that it holds such enormous power in government but yet is comprised of a few unelected appointed Justices is perplexing. How can five, nine, or even ten individuals possibly reflect the American public opinion?

To claim that the Supreme Court is insular if not isolated of the real world would not be so outlandish of a claim. The fact that Justices are appointed and not elected by the general public is one indicator of a direct deviation from the public's opinion. Another is the fact that Justices serve in the Supreme Court for life (unless they are convicted and impeached or they retire). Thus, while public society and opinion may and inevitably evolves, appointed Justices remain in power, succeeding to not reflect nor mirror the public's changing opinion. Contenders might claim that such "insularity" is actually beneficial because the Supreme Court is not designed to reflect public opinion, but rather to merely interpret the Constitution. But then again, how can only nine people decide on what the Document meant as it relates to today's cases?

While the Supreme Court does seem sovereign of public opinion, it is not completely secluded from it. A Justice appointee cannot make it to the Court unless voted on by the United States Senate, comprised of directly elected senators. So in essence, Justices should reflect public opinion not only because the elected President chooses them, but also because the Senate confirms them.

In conclusion, it may appear undemocratic and thus paradoxical that one of our most powerful branches in government is comprised of unelected officials. However, it

must also be stated that such sovereignty actually shields Justices from faltering with the public's ceaseless waves of ever-changing beliefs, emotions, and culture.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 116, had I been present, I would have voted "nay."

A TRIBUTE TO THE MCCLUER NORTH HIGH SCHOOL STARS, WINNERS OF THE MISSOURI CLASS 5 STATE TITLE FOR BASKETBALL AND STATE CHAMPIONS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Missouri's own Class 5 State Basketball Champions, the McCluer North High School Stars.

McCluer North basketball and winning championships have become synonymous with one another, thanks to the tireless leadership of head coach Randy Reed and his group of determined and talented young men. High school students Alex Bluiett, Greg Brown, Galen Brown, Terrance Bush, Damon Clemons, Jacari Finley, Tremayne Garrett, Jordan Granger, Dorian Holland, Keith Jones, Mario McCoy, Bryon Ray, Zac Taylor, and Latron Thomas are now State champions.

The Stars' run of excellence is unparalleled. In the past 6 years, McCluer North has won no fewer than 3 State championships and played for the State title 4 times, winning the State's most daunting district tournament 6 of the past 7 years. This season alone, the Stars won 26 straight games, culminating in their heroic victory over their rivals, the Nixa Eagles. Their recent victory marks a fitting end to a season of hard work and perseverance. Their combination of athleticism, experience, depth, and talent proved to be more than their most challenging competitors could handle.

Mr. Speaker, Coach Reed and the men of the McCluer North Stars are true examples of sportsmanship and character, and I urge my colleagues to join me in honoring their remarkable achievement.

HONORING CONTRA COSTA COUNTY DISTRICT 2 SUPERVISOR GAYLE UILKEMA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise with my colleague Congress-

man JOHN GARAMENDI to take this opportunity to recognize and congratulate Contra Costa County District 2 Supervisor Gayle Uilkema as she retires after 37 years of public service.

Supervisor Uilkema began her long career in 1975 as a Lafayette Parks and Recreation Commissioner, and was soon elected to the Lafayette City Council. She served five subsequent terms on the City Council, where she left a strong legacy, after which she proudly served four terms as Mayor of Lafayette.

As the longest serving member of the Contra Costa County Board of Supervisors, Gayle Uilkema has worked tirelessly on behalf of her constituents. Her knowledge and experience was integral in developing Lafayette's Veterans Memorial Building and the Lafayette Library and Learning Center, two projects which provided access to resources previously unavailable to many in the community. She was also instrumental in establishing the Lafayette Redevelopment Agency, which helped pass the first Road and Drain Bond in the area.

Gayle has accumulated numerous awards in the course of her career, including recognition from the Metropolitan Transportation Commission and the American Association of University Women. Gayle was named Alumna of the Year by California State University—East Bay and was honored as Co-Citizen of the Year by the West County Business & Professional Association. Most recently she was recognized as the 2012 Lafayette Citizen of the Year Award for her outstanding dedication and contributions to the community.

Mr. Speaker, I invite my colleagues to join me in commending Supervisor Gayle Uilkema for her committed and diligent service to Lafayette and Contra Costa County. I am pleased to join her family, colleagues, and friends in congratulating her on an outstanding career and wish her the very best as she begins a well-deserved retirement.

HONORING TODD MATTHEW CALTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Todd Matthew Calton. Todd is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Todd has been very active with his troop, participating in many scout activities. Over the many years Todd has been involved with scouting, he has not only earned 53 merit badges, but also the respect of his family, peers, and community. Most notably, Todd is a member of the Order of the Arrow and earned the rank of Tom-Tom Beater in the Tribe of Mic-O-Say. Todd has also contributed to his community through his Eagle Scout project. Todd built an outdoor volleyball court at Kearney Bible Church in Kearney, Missouri, a project that took Todd and his team of volunteers 340 hours to complete. Todd also

plans on serve our country in the United States Marine Corps beginning in September 2012.

Mr. Speaker, I proudly ask you to join me in commending Todd Matthew Calton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. KINZINGER of Illinois. Mr. Speaker, unfortunately I was unable to have my vote in the House recorded on H.R. 665 the Excess Federal Building and Property Disposal Act of 2011. If present, I would have voted "aye." Additionally, on final passage of H.R. 2087, legislation to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia, I would have voted "aye."

HONORING WALTER ALCORN, 2011
FAIRFAX COUNTY CITIZEN OF
THE YEAR

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. MORAN. Mr. Speaker, I rise today to congratulate Walter Alcorn, an exceptional constituent, on his receipt of the 2011 Fairfax County Citizen of the Year. Walter will receive this distinguished honor at the organization's 62nd Annual Awards Banquet on March 25, 2012. Walter has exhibited outstanding civic service and selfless volunteerism, and this honor is rightfully awarded.

Walter's recognition by the Fairfax County Citizens Association offers only a glimpse into his committed service to the residents of Northern Virginia. Most recently, Walter's involvement in Tyson's Corner helped a great deal in solving many of the complex planning issues.

As the Chair of the Planning Commission's Tysons Corner Committee, Walter led work to translate the vision and recommendations of the Tysons Corner Task Force into language appropriate for the Fairfax County Comprehensive Plan. For more than two years, Walter led the Committee and worked with all concerned stakeholders to develop consensus recommendations that were ultimately adopted by the Board of Supervisors in June 2010. In March of last year, the Board of Supervisors requested that the Planning Commission develop an all-encompassing method to address infrastructure financing, along with other Tysons-related implementation issues. Walter has diplomatically made sure that this has remained transparent throughout the entire process.

Walter's service goes back decades. He has served on the Fairfax County Planning Commission since 1997. He has chaired the Plan-

ning Commission's Tysons Corner Committee since 2008 and has served as its Vice Chairman since 1997. He was first appointed by Board Chairman Kate Hanley, and reappointed 3 times on motions of Board Chairmen Gerry Connolly and Sharon Bulova. He also chaired the Planning Commission's Environment Committee from 1997 to 2006. Walter has been a Virginia Certified Planning Commissioner since December 1997.

Along with his service to the Fairfax County Planning Commission, he is an enthusiastic coach for Reston Little League, manager of the Reston Warriors 12U baseball team and serves on the steering committee of his Sunday School class at the United Christian Parish in Reston. When not volunteering, he is employed as the Vice President for Environmental Affairs and Industry Sustainability at the Consumer Electronics Association in Crystal City, where he commutes daily via the Fairfax Connector and Metro. Previously, he worked as an environmental consultant specializing in the development of a national system for recycling electronic equipment, co-founded the 501(c)3 National Center for Electronics Recycling in 2005, and was a Deputy Division Manager in the Technology Research Group for Science Applications International Corporation (SAIC). Prior to his private sector employment, Walter was a Policy Aide in the Providence District Supervisor's office.

Walter is a model of the best kind of civil servant. I'm proud to congratulate him on his well-deserved award, and give my sincere thanks for his unwavering service to Northern Virginia.

CONGRATULATING MILES
SAFFRAN, RECIPIENT OF THE
2012 PRUDENTIAL SPIRIT OF
COMMUNITY AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to recognize Miles Saffran for exemplary volunteer service in his community. Miles, age 15, of Winter Park, has been named one of the top honorees in Florida by The 2012 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Miles is a sophomore at Trinity Preparatory School and has helped raise more than \$60,000 to fund three medical trips to Mexico where he has served as the surgical youth coordinator for cleft lip and palate repair for Florida Hospital's mission trips. While in Mexico, Miles was responsible for assisting surgeons, organizing medicine, cleaning masks, and comforting patients and their families.

The Prudential Spirit of Community Award was created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to encourage youth volunteers in their contributions to society, to emphasize the value of volunteerism, and to inspire other young people to follow their example. Over the past 17 years, the

program has become the nation's largest youth recognition effort based solely on community service, and has involved more than 100,000 young volunteers at the local, state and national level.

It is my pleasure to commend Miles for his energy and initiative in seeking to make his community and world a better place to live. His commitment and accomplishment is extraordinary in today's world and deserves recognition. His actions remind us that young Americans can play an important role in our communities.

On behalf of the citizens of Central Florida, I am pleased to recognize Miles Saffran's selflessness and enthusiasm for serving others and for making a difference. The kind of altruism evident in Miles's efforts represents our brightest hopes for a better tomorrow. May his efforts inspire others to follow in his footsteps.

“STARS AND STRIPES: NO PROBLEMS WITH ‘DON’T ASK, DON’T TELL’ REPEAL”

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, whenever a legislative body deals with measures to prohibit or lessen discrimination against any group, opponents who do not wish to affirm that they are prejudiced against that group often assert that there will be negative consequences if the antidiscrimination measure is adopted. Most recently, we heard dire predictions from many supporters of the policy of discriminating against gay, lesbian, bisexual and transgender members of the military that allowing these patriotic Americans to serve their country openly would be terribly disruptive. Apparently, there were many who believed that young Americans who serve in the military shared their prejudice.

Despite their arguments, the repeal was voted by the Congress in 2010 and very efficiently put into place by Defense Secretary Panetta after full consultation with the Military Chiefs of Staff. It has now been about six months since the ban on honesty among gay, lesbian, bisexual and transgender military personnel was dropped. And, as in many other cases—for example our laws protecting people with disabilities, or our laws banning discrimination against women—the predictions of social chaos from opponents of fairness have proven to be baseless.

Stars and Stripes, the widely regarded newspaper that serves our military, and has a long record of independence and integrity, summed it up in an article on March 19th as follows: “Six months after the military ended the controversial ‘don’t ask, don’t tell’ law barring gays from serving openly, Pentagon officials and gay rights advocates say the policy change has largely been a non-issue, with few complaints and no major headaches resulting from the new rules.”

It is true that there are some of those who were opposed to this end to a discriminatory policy who continue to argue that there would have been problems if the Pentagon had not

somehow mysteriously suppressed it. The notion that there is any significant degree of dissatisfaction but there is no way that anyone has been able to voice it—even anonymously—is of course highly suspect. The fact is that it turns out that the young people in the military do not share the prejudices of some of their would-be defenders, and the notion that military effectiveness has in any way been damaged, or that we would see people leaving the military, have been shown to have no basis.

Mr. Speaker, because it is important to have this further example of the inaccuracy of the predictions that are made when we seek to ban discrimination against particular groups, and because this was such an important issue debated in this Congress, I ask that the article from Stars and Stripes be printed here.

[From the Stars and Stripes, Mar. 19, 2012]

(By Leo Shane III)

SIX MONTHS AFTER REPEAL, MILITARY SAYS
DADT DIED QUIETLY

WASHINGTON.—Sgt. Pepe Johnson was surprised by the reaction he received when his fellow soldiers learned that he is gay.

"They've pretty much shrugged it off," said Johnson, who rejoined the Army last fall after nearly a decade away. "Most of them were wondering why I had a nine-year gap in service. When I told them it was because of 'don't ask, don't tell,' they shrugged it off.

"That was a pleasant surprise."

Six months after the military dropped the controversial "don't ask, don't tell" law barring gays from serving openly, Pentagon officials and gay rights advocates say the policy change has largely been a non-issue, with few complaints and no major headaches resulting from the new rules.

Pentagon spokeswoman Eileen Lainez said the repeal is "proceeding smoothly across the Department of Defense," which officials there credit to the "enforcement of standards by our military leaders" and "servicemembers' adherence to core values that include discipline and respect."

Officials at the Servicemembers Legal Defense Network, a pro-repeal group which offers free legal assistance to troops on discrimination issues, said they've heard only a few minor complaints from military members about the implementation of the repeal.

"We had thought this would be largely a non-event, and that has been the case," said Aubrey Sarvis, executive director of the group. "I think the new regulations permitting gays and lesbians to serve are unambiguous, and the commands have all made it abundantly clear that this is the direction the force is going."

Military leaders have seen pushback from conservative groups on some high-profile post-repeal stories—such as a picture of a gay Marine kissing his boyfriend which circulated earlier this month—but haven't faced any lawsuits or mass resignations predicted by some opponents.

Last month's White House dinner honoring Iraq War veterans included several same-sex couples among the invitees, but in their remarks military leaders didn't even note that such a public display would have resulted in those troops' dismissal just a few months earlier.

Johnson was booted out of the Army in 2003 under "don't ask, don't tell." After he shared his secret with some friends, others in his unit started grilling them about his sexual orientation. Feeling pressure from both

his friends and others, Johnson eventually came clean to his superiors.

As the political winds changed last year, Johnson said he was speaking with recruiters about returning even before the repeal went into effect last September.

"Their biggest issue was asking when I could start, not worrying about my personal life," he said. "There has been no backlash, nothing to worry about."

Repeal opponents remain skeptical. Elaine Donnelly, president of the conservative Center for Military Readiness, said plenty of troops remain opposed to serving with openly gay colleagues, but fear they'll lose their job if they object to the military's new pro-gay agenda.

"The entire administration . . . has imposed 'zero tolerance' policies against persons who are not enthusiastic supporters of LGBT law," she said. "This is what we predicted, but the effects will not be seen quickly, especially in an election year."

Much of the repeal fight has already shifted to the next rights battlefield, whether same-sex couples should receive the same housing and medical benefits as their straight peers.

Sarvis said the current benefits rules create two different classes of servicemembers. Opponents argue that the rights groups are trying to use the military to force radical social changes.

Meanwhile, Donnelly said that she has heard from a number of troops unhappy with the changes, who are simply waiting for their contracts to expire before leaving the service. That could cause major problems in coming months and years, she said.

Petty Officer 1st Class Jeremy Johnson, a member of active-duty gay-rights group OutServe, said he anticipates more problems in the future, although nothing to the extent of Donnelly's predictions. Many of the gay troops he knows have not yet talked about their personal lives with their work colleagues, somewhat delaying the cultural impact of the repeal.

"This was never about having people come flying out of the closet," he said. "It was about knowing you can't be fired for being found out. There's going to be a natural transition as more people become comfortable with the idea."

Johnson, who was forced from the military in 2007, became the first openly gay person to reenlist after the repeal was finalized. He said his commanders have warned him that he could be singled out for his public role, but so far it hasn't caused any real conflicts.

"I anticipate that this isn't over, but I don't anticipate major problems, either," he said.

HONORING THE LIFE OF STATE SENATOR GARY W. KUBLY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Ms. McCOLLUM. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life of Senator Gary W. Kubly, public servant and Lutheran Pastor. Senator Kubly passed away earlier this month at the age of 68, after a hard-fought battle with Lou Gehrig's Disease. As our community mourns the loss of this beloved civic leader, we must pause to celebrate Gary's legacy and reflect upon his years of service.

Gary's lifelong career of service began when he joined the United States Air Force during the late 1960s. After leaving the military, Gary became a public school teacher prior to moving to Minnesota in 1970 to attend Luther Theological Seminary in Saint Paul. After graduating from Luther Seminary in 1974, Gary began his career as a Lutheran Pastor, serving two churches near Granite Falls, Minnesota prior to his election to the Minnesota House of Representatives in 1996.

Throughout his 15 years in the Minnesota Legislature, Gary touched many lives, and his absence will be felt by all who had the privilege of knowing him. I was honored to serve with him for four years in the Minnesota House of Representatives prior to his election to the Minnesota Senate. He was a constant voice for the residents of the counties he served in southwestern Minnesota, making sure rural communities had an advocate at the Capitol.

Whether serving our country, his Church or his constituents, Gary's dedication to serving others was remarkable. His sense of duty and honor are irreplaceable, and his voice will be missed at the Capitol.

Mr. Speaker, please join me in this tribute to Senator Gary W. Kubly.

CAPTAIN THOMAS "BILL" DILLION AND THE FIREFIGHTER'S PRAYER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. POE of Texas. Mr. Speaker, Monday morning I attended the funeral of Captain Thomas "Bill" Dillion of the Houston Fire Department. Captain Dillion was rushing into a house fire on March 14 when he apparently died of a heart attack. Captain Dillion has three children, was 49 years of age, and had spent 23 years with the Houston Fire Department. Bill's crew at Station 69 spoke about his courage and how his contagious happy mood was so infectious. He was a firemen's firefighter.

Mr. Speaker, the firefighters have a prayer to the Great Almighty about their public service, saving lives and saving property. Here is how the prayer reads:

When I am called to duty, God
Wherever flames may rage
Give me strength to save a life
Whatever be its age.

Let me embrace a little child
Before it is too late
Or save an older person from
The horror of that fate.

Enable me to be alert
And hear the weakest shout,
And quickly and efficiently
To put the fire out.

I want to fill my calling
To give the best in me,
To guard my friend and neighbor
And protect their property.

And, if, according to Your will,
I must answer death's call,
Please bless, with Your protecting hand,
My family one and all.

And that's just the way it is.

HONORING MILAN DOSHI

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Milan Doshi is a junior at Elkins High School in Fort Bend County, Texas. His essay topic is: In your opinion, what role should government play in our lives?

Abraham Lincoln once said that this is a "government of the people, by the people, for the people." Government is an entity that plays just as much a role in our lives as we allow it to play. As the current election is just around the corner, many of the issues that have prevailed in the presidential debates include what role the government should play in our economy, foreign policy, and our daily lives.

Many Americans believe that if the United States had learned from the past, they would have realized that the greater the country got involved in the economy, with countries around the world, and in our daily lives, the greater the magnitude of the problems in the status quo would become. Many Americans believe that our government has not learned from the past and continues to make the same mistakes that once made its population distraught. Even though our country's interaction with foreign policy and the economy may not directly impact us, the interaction somehow influences a majority of America's population in their daily lives. This impact on the status quo and on the population's mindset is indicative through stories in the news, through personal experiences, and through observations of our surroundings.

Overall, our government should understand that the role that they play in our lives should be in balance. Foreign policy has made our country one of the most powerful countries around the world. We have a prestigious navy, a strong air force, and, most importantly, the most dominating army that money can buy; however, in this case, America's dedication towards the development of its army has preoccupied them to a point where it has reallocated funds from other areas that desperately need them. This reallocation would allow the government to play a more conservative role in our lives. If the funds that were dedicated towards foreign policy were reevaluated, I'm sure there are places where cuts can be made and the money saved be reallocated to other sectors. This begs the question of which sector requires the money the most, based on its influence on our daily lives. The education sector consists of the building blocks of this country and preoccupies most teenagers' daily lives. If more money was invested in this sector, we would be able to hire more experienced teachers, give teachers more free-

dom to construct their courses, create more effective ways of assessment, as well as pay our teachers more. What this would inevitably lead to is lesser involvement in education, for kids my age, most of our daily lives, and more freedom for teachers to foster growth and meet the needs of individual students, as well as give students the freedom to express themselves without being restricted to the methods of the government. This is important in demonstrating the balance that is necessary of government in our daily lives. If the government allowed students to embrace education, the United States would be able to be competitive with the education systems of other countries around the world. With smarter future generations, America would not make the same mistakes it made in the past that led to economic collapses such as the one that occurred during the Great Depression. Individuals in the American government would finally realize that they ought to play a smaller role in the economy by allowing it to be the one that causes its own downfall and also its own rebuilding. Over the past few years, it has become evident that the greater the role that government plays in the economy, the further it goes into shambles and the more jobs that are lost. This is important because even though I have been fortunate enough to have a family that has not had to go through the stresses of job loss, the effects of thousands of jobs going away are being felt by families all across the United States, affecting their daily lives, in how they live and how they interact with the people around them. If the government did not play as large a role as it is playing right now, we would probably see the economy collapse and then gradually begin to rebuild itself, creating more jobs, steadying the economy, and more importantly, bringing stability to families across the country.

Thus, the role that government ought to play in our lives should be one in balance and it ought to be the government's responsibility to make sure their actions are properly affecting their population. However, in situations where the government loses sight of the problems that lay ahead due to their actions, it becomes the peoples' responsibility to speak and make sure their voice is heard. Because, after all, as Abraham Lincoln once said, this is a "government of the people, by the people, for the people."

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 114, had I been present, I would have voted "yea."

IN RECOGNITION OF THE SECOND ANNIVERSARY OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the second anniversary of

the enactment of the Patient Protection and Affordable Care Act. In the two years since its enactment, the Affordable Care Act has been good for seniors, good for women, good for small businesses, and good for all Americans.

As the Affordable Care Act is implemented, it will continue to expand access to affordable, quality health care for over 30 million Americans and will work to reign in the ever-escalating costs of health care. Passage of the Affordable Care Act was a major step toward fulfilling the promise all Americans were pledged: the promise of unalienable rights to life, liberty and the pursuit of happiness which quality healthcare embodies.

For the people I represent in the 37th District of California, the Affordable Care Act will improve coverage for 299,000 residents who already have insurance. It will give tax credits and other assistance to up to 146,000 families and 15,100 small businesses to help them afford coverage. Health care reform will also improve Medicare for 63,000 beneficiaries in my district, including closing the prescription drug "donut hole" once and for all.

In 2010, the Affordable Care Act made it possible for 354,592 Medicare beneficiaries in California to receive a \$250 rebate to help cover the cost of their prescription drugs when they hit the donut hole. In 2011, 319,429 Medicare beneficiaries received a 50 percent discount—an average savings of \$538 per person—on brand-name prescription drugs when they hit the coverage gap. That's a total savings of over \$171 million for seniors in California alone! In my district, 3,200 seniors received prescription drug discounts worth \$1.5 million, an average discount of \$460 per senior.

The Affordable Care Act extends coverage to 92,500 uninsured residents of the 37th District and will guarantee that 17,500 residents with pre-existing conditions can obtain the health insurance they need. Since enactment, health care reform has extended insurance coverage to 5,599 Californians through the new Pre-Existing Condition Insurance Plan.

The Affordable Care Act protects 1,100 families from bankruptcy due to unaffordable health care costs and currently allows 59,000 young adults to obtain coverage on their parents' insurance plans. The new law provides millions of dollars in new funding for 11 community health centers in my district. And finally, it will reduce the cost of uncompensated care for hospitals and other health care providers by \$125 million annually.

Mr. Speaker, as we approach the two year anniversary of the enactment of the Affordable Care Act, an attack on women's access to affordable, quality, and necessary healthcare services is underway. From the comments made by Rush Limbaugh about Georgetown Law Student Sandra Fluke, to Republican attempts to roll back coverage and restrict access to birth control, the GOP's war on women stands in stark contrast to the Administration's goal of ensuring that women have access to the healthcare services they need to remain healthy.

As a female Member of Congress, I understand that women have unique health care needs, and are often the ones who make health care decisions for their families. I voted for and strongly support the Affordable Care

Act because it provides important benefits for women and their families. The Affordable Care Act helps women by eliminating the discriminatory gender rating system, making sure that insurance companies do not consider pregnancy grounds for denying coverage, and doing away with all pre-existing conditions.

Thanks to the Affordable Care Act, all Americans joining new insurance plans have the freedom to choose from any primary care provider, OB-GYN, or pediatrician in their health plan's network, or emergency care outside of the plan's network, without a referral. Under the Affordable Care Act, women joining a new health care plan can receive recommended preventive services, like mammograms, new baby care and well-child visits, and an annual wellness visit with no out-of-pocket costs. In 2011, over 6 million people with private insurance coverage in California gained preventative service coverage with no cost sharing as a result of the Affordable Care Act.

Before enactment of the Affordable Care Act, women could be charged more for individual insurance policies simply because of their gender. A 22-year-old woman could be charged 150 percent the premium that a 22-year-old man paid. In 2014, insurers will not be able to charge women higher premiums than they charge men. The law takes strong action to control health care costs, including helping states crack down on excessive premium increases and making sure most of your premium dollars go toward your health care.

The Affordable Care Act also allows young adults under the age of 26 to stay on their parents' health insurance plan. This provision has expanded access to health insurance coverage for 2.5 million young people nationwide. In my district, 7,000 young adults have taken advantage of this provision and are now covered under their parents' plan.

This week, the House will consider a bill to repeal the Independent Payment Advisory Board established under the Affordable Care Act. Having previously garnered bipartisan support, the majority's decision to attach a medical liability provision to the underlying piece of legislation amounts to nothing short of a partisan ploy to score points with their base.

The language attached to the bill would place caps on medical malpractice awards for pain and suffering at \$250,000 and would override most state tort laws. Unfortunately, the majority's decision to include tort reform language on a completely unrelated measure demonstrates their refusal to work with Members across the aisle in order to further strengthen the Affordable Care Act.

Mr. Speaker, the Affordable Care Act provides American families with stability and peace of mind. Never again will they have to choose between their health and their livelihood. As a result of the Affordable Care Act, 23,000 children and 90,000 adults in my district now have health insurance that covers preventive services without paying any copays, coinsurance, or deductibles.

I am proud to be a part of this historic health care policy change, and to be part of the days ahead in which we will work to further strengthen it.

CONGRATULATING ELIZABETH TRAN, RECIPIENT OF THE 2012 PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to recognize Elizabeth Tran for exemplary volunteer service. Elizabeth, age 17, of Orlando, has been named one of the top honorees in Florida by the 2012 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State and the District of Columbia.

Elizabeth is a junior at Cypress Creek High School and has raised more than \$20,000 to support the Children's Miracle Network in the first two years of the "Miss Miracle" charity pageant, an annual event that she created. The "Miss Miracle" pageant is conducted in cooperation with Teens Go Green, an organization co-founded by Elizabeth and dedicated to raising public awareness for protecting the environment. All "Miss Miracle" contestants raise money to support the organization, and those contestants who raise the most are crowned "Miss Miracle."

The Prudential Spirit of Community Award was created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to encourage youth volunteers in their contributions to society, to emphasize the value of volunteerism, and to inspire other young people to follow their example. Over the past 17 years, the program has become the Nation's largest youth recognition effort based solely on community service, and has involved more than 100,000 young volunteers at the local, State, and national level.

It is my pleasure to commend Elizabeth for her energy and initiative in seeking to make her community and world a better place to live by supporting organizations such as the Children's Miracle Network. Her commitment and accomplishment is extraordinary in today's world and deserves recognition. Her actions remind us that young Americans can play an important role in our communities.

On behalf of the citizens of central Florida, I am pleased to recognize Elizabeth Tran's selflessness and enthusiasm for serving others and for making a difference. The kind of altruism evident in Elizabeth's efforts represents our brightest hopes for a better tomorrow. May her efforts inspire others to follow in her footsteps.

A TRIBUTE TO MONICA PEARSON

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. DAVID SCOTT of Georgia. Mr. Speaker, Monica Pearson is a familiar face to metro Atlanta's residents, though most know her by her former name—Monica Kaufman. For the

past 37 years, Monica has anchored WSB-TV's Channel 2 Action News. The character and amount of trust she has built as Channel 2's nightly newscaster is laudable, but perhaps more important are the barriers she broke as she developed that reputation. Born and brought up in the Civil Rights era, Monica became not only the first African-American, but also the first woman to anchor a daily evening newscast on WSB in 1975.

Throughout her long career, Monica has accumulated an even longer list of awards and achievements. All in all, she has won thirty Local and Southern Regional Emmy awards. When she saw injustice or a story that needed to be heard, she was there reporting on it—first at the 6 p.m. and 11 p.m. segments, and later at 4 p.m. Her hard-hitting investigative journalism cuts at all different issues. In 1992 she spoke out on behalf of women and girls in Georgia when she found out that the Georgia High School Association's all-male executive committee did not have a state-wide competition for girls' soccer or cheerleading. She was awarded the Women's Sports Journalism Award for Local Television Reporting from the Women's Sports Foundation and Miller Lite for her report.

Monica has been honored for bringing attention to a wide range of issues—from the "HOT FLASH! The Truth about Menopause" documentary that won local and national awards in 1994 to the "Prejudice and Hate: Georgians and the Holocaust" documentary that led her to win the Georgia Commission on the Holocaust's Humanitarian Award in 1977. Her sense of civic duty, compassion and curiosity has distinguished her from her peers, winning an Emmy Award for Best Feature Program—"Monica Kaufman Closeups," the National Foundation for Women Legislators' "Media Excellence Award" and the Georgia Commission of Women's "2004 Georgia Woman of the Year."

While devoting her life to journalism, she has also deeply involved herself in the community. She remains a passionate supporter of the Metropolitan United Way, the organization that helped her move beyond her poor background to become an award-winning newscaster. Since then, she has served as Chair of Atlanta's United Way board, the first African-American and only the second woman. Her dedication to the organization might be due in no small part to the fact that her daughter was adopted through a United Way agency. In her own words, "United Way literally unites people."

United Way is not the only organization that has touched Monica's heart. For many years, Monica ran in the Susan G. Komen's Race for the Cure. She continued to run in the race and volunteer for the organization until the year she herself was diagnosed with breast cancer. Her reaction to this cancer is a story that truly touched my heart. A very religious woman, Monica did not let fear cripple her—instead she left everything to God. She prayed, "Thy will be done, O Lord, not mine." "If you are really strong in your faith, then you don't worry about the outcome," she said. The outcome is obvious—Monica remains to this day a strong, dedicated woman. She is both an inspiration and a role model. Monica will be retiring in July, but I know her character, personality and

spirit will not let her keep still. I wish her the very best in her future endeavors, and may we continue to hear of her excellent work for her community. God Bless.

CONGRATULATORY REMARKS FOR
OBTAINING THE RANK OF EAGLE
SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Joshua Beard for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Joshua has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

HONORING THE SERVICE OF
SENATOR BARBARA MIKULSKI

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. FATTAH. Mr. Speaker, I rise today to pay tribute to an accomplished and distinguished member of the United States Senate who is achieving a milestone worthy of recognition in this body.

Senator BARBARA MIKULSKI is the longest-serving woman in congressional history. Before being sworn into the Senate in 1986, Senator MIKULSKI served in this chamber for five terms. She has now served the people of Maryland for more than 35 years.

Senator MIKULSKI is the daughter of Polish American small-business owners, who taught her the meaning of hard work. She attended Mount Saint Agnes College and the University of Maryland, where she earned a degree in Social Work. The inequities she observed during those years are what drove her to become a voice for her community. An activist, she organized community members to stand up against a local plan to build a 16-lane highway through neighborhoods in Baltimore, indeed she was successful.

Her career as a government leader began in 1971, when she was elected a member of Baltimore's City Council. Prior to becoming the first Democratic woman sworn into the Senate in 1986, she served ten years as a Representative of Maryland's 3rd Congressional District.

Without a doubt, Senator MIKULSKI's admirable leadership trajectory is reflected through the varied roles she has held in Congress. She has advanced initiatives involving women's reproductive rights and women's health issues. She is currently a senior member of the Health, Education, Labor and Pensions Committee and Chairwoman of the Sub-

committee on Children and Families. She is also a senior member of the Senate Appropriations Committee and Chairwoman of the Commerce, Justice, and Science Subcommittee. In my work as the House CJS Subcommittee's leading Democrat, I have been grateful for the partnership of my companion in the other chamber.

Senator MIKULSKI is a pioneer who has paved the way for many women. Throughout her career she has served as a mentor for women in congressional leadership and continues to create partnerships to focus the spotlight on women.

Her contributions go beyond the walls of Congress and she continues to be an integral part of her community, greeting constituents and lending a hand to empower and help make a difference. She continues to fight to give Maryland the resources necessary to compete in a global economy.

I invite my colleagues to join me in honoring this notable woman who is making history and extend our gratitude for her service and wish the senior Senator from the State of Maryland good health and good times.

STEPHANIE GLANCE NAMED MVC
COACH OF THE YEAR

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor Stephanie Glance, Illinois State University's women's basketball coach, for being named the 2012 Coach of the Year in the Missouri Valley Conference. Glance guided ISU to an 18-12 record in advance of their appearance in the Women's National Invitation Tournament on March 15th. She is in her second year as head coach of the Redbirds, after 15 seasons as an assistant at North Carolina State and one at Tennessee.

The ISU women's team finished second in the regular season this year after returning just one of its top six scorers and landing sixth in the MVC preseason poll. Glance was named Maggie Dixon Division I Rookie Coach of the Year in 2011.

Glance credited her players for being eager to learn and improve. "They respond so positively to anything you talk to them about," she said. "It's really a special group." She also pointed to assistant coaches Sheila Roux, Danielle Santos, and Ryan Bragdon for their contributions. "My staff works really hard. They are very driven," said Glance. "They are people who want to be their best. This is not some kind of individual award. It's about the whole program."

I would like to congratulate Stephanie Glance on a great year at the helm of the Redbirds. The players and their families, as well as Redbird fans and the entire Illinois State University community are extremely proud of her accomplishments and contributions.

HONORING THE OUTSTANDING
PUBLIC SERVICE CONTRIBUTIONS OF
LONGTIME JOHNSTOWN, PA ADMINISTRATOR JIM
WHITE

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. CRITZ. Mr. Speaker, I rise to honor Jim White, a true champion of the people and small businesses of Johnstown, PA. Next month, Jim will retire from his post as Johnstown's Director of Community and Economic Development. In this capacity, he manages millions of dollars in federal subsidies supporting homeowner assistance, street paving and annual demolitions, and oversees the city's planning, zoning, code enforcement and economic development efforts.

Jim became Johnstown's Economic Development Coordinator in March of 1998. Since then, he has helped to revitalize the city's downtown storefronts and improve the city's infrastructure by stimulating investment in neighborhood businesses and cultivating strong relationships with local entrepreneurs. Thanks to Jim's outstanding leadership, the American promise of opportunity is alive and well for all those who live and work in Johnstown.

Jim is the sort of visionary leader our cities need more of. No matter how much he has accomplished for the city of Johnstown, he has never stopped seeing it for what it could be, rather than for what it is. In 2009, Jim played a key role in formulating a master plan for the future of the city. Not even three years later, officials have already begun to implement several of the projects this document proposed, including a plan to comprehensively improve access to Main Street, one of the city's main thoroughfares.

Mr. Speaker, on behalf of a grateful community, I want to wish Jim the best of luck as he prepares to begin a new chapter in his life. Having worked with him for over a decade, I know that his strong leadership skills and eternal optimism will serve him well in whatever he chooses to do next.

TRIBUTE TO THE "WELCOME
HOME" VIETNAM VETERANS
CELEBRATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in paying tribute to the valiant service of Vietnam War and Vietnam-Era Veterans who are being honored at the "Welcome Home" Vietnam Veterans Celebration in San Antonio, Texas.

This celebration is an important opportunity to thank the veterans of the Vietnam War and provide them with the welcoming that many did not receive at the completion of their noble service to our country. It is important and fitting that our nation recognizes the brave service men and women who made profound sacrifices in the Vietnam War including the more

than 58,000 Americans who lost their lives and the more than 300,000 who were wounded during the Vietnam War.

The celebration is to be held on March 30, 2012 commemorating the historic withdrawal of United States troops from Vietnam on March 30, 1973. The celebration will recognize veterans in attendance with a presentation of the colors and full military honors.

Throughout American history, our brave men and women have answered the call to protect and defend our democracy. And while our nation may be divided on other issues, we must always stand together in honoring the service and valor of our veterans. I would again ask you to join me in recognizing this celebration for those who honorably served and sacrificed for our country.

HONORING EDWARD "DUANE"
CANTRELL AND HIS DAUGHTERS
ISABELLA AND NATALIA

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. MCINTYRE. Mr. Speaker, I rise today in honor, at the laying to rest of Special Forces Edward "Duane" Cantrell and his two lovely daughters Isabella and Natalia, who were 6 and 4 years old, respectively, at Arlington National Cemetery. Duane was, and will always be an American Hero, serving 7 tours in Iraq and Afghanistan before perishing with his two daughters in a house fire in North Carolina. He was a wonderful father and husband. Our hearts wave heavy for him and his family, and especially for his wife Louise who has lost the three greatest loves of her life and his son Kenny from his first marriage. Our prayers lie with this great American family on this day. Fortunately, Duane got a chance to come on a wounded warrior tour a few months before his death, and raved to his family and had planned to come back with the rest of his family. He got to see this great Temple of Freedom that him and his brothers had fought and died for. I ask that this poem penned in their honor by Albert Caswell be placed in the RECORD.

Our Faith This Day
Our . . .
Our Faith This Day . . .
Somehow!
Some way!
Must show us all the way!
And as we lay your fine bodies down to sleep!
So very deep . . .
So down to rest, we pray to our Lord God to
all of these to bless . . .
Let now our courage somehow crest . . .
Give us the strength, to but so take just one
more step!
All in our faith this day . . .
All in our gravest of all pain, so very deep!
For one of America's very best, and his most
beloved daughters oh so very sweet!
As upon all of our faces our most swollen
tears, we now so weep!
Our faith this day . . .
Must somehow, show us all the way!
From such heartache, and such death!
The way to hope and faith, so to our hearts
to bless!
The same kind of faith that which so led,
this fine hero off towards death!

Who so left his greatest loves of all,
to go off to war, to so answer that most
noble of all calls!

That call to faith and honor, and so death,
that which so stands above all else, no less!
Armed, but with only his fine faith . . .
which so let him march off to war, him so
led!

As he walked through that valley of death,
as his loved ones at home cried and prayed!
As a most magnificent member of The Spe-
cial Forces yet . . .

7 tours no less!
As Freedom Fighter, was but his most heroic
course so stepped!

And came back home to such a wonderful
family . . .
a wife and two beautiful little daughters, to
be so blessed!

Oh it's not fair, please Lord God but hear our
prayers!

How much more pain, can but one family so
bear?

Let somehow this pain give way from here
. . .

But, some answers to some questions can
only be found but in our faith!

So listen closely on the wind . . .

Can you but not so hear our Lord from up
above so then . . .

As when there comes a gentle rain,
all in your heartache, all in his love to so
ease your pain . . .

And you his lovely wife, must somehow let
your soul burn bright . . .

And for you and them somehow so carry on
this night!

And sometime into the future start a new
life!

And you his son, as thy will be done!
Will grow up to be, such a fine man as he . . .

For you have his heart you indeed!
In you, him we will always see!

For this you must believe!
For a child not to live its full life!

Is but the greatest of all curses, that which
does not seem right!

But, take comfort on this night!

For these children lie in our Lord's arms,
with smiles so very bright!

For Heaven, don't we all pray for such the
sight?

So hush little babies, and don't you cry . . .
For you are up with our Lord on high!

And your Father is right there, all by your
side . . .

In The Army of our Lord, this very night!
And one day too,

your Mother and your Grandparents . . .
My children, will so rise all to meet you!

As they wipe those tears from their eyes . . .
All because of their faith this day, so very
deep down inside . . .

Our faith this day!
Is but the only way . . .

To Heaven we shall all so rise!
And now as we lay them down to sleep!

Daddy, and his little girls all in our souls we
will so keep!

As all in our hearts of love, now so buried so
very deep!

As on this day, because of all of this heart-
ache we now so weep!

And for them, and us . . . Our Faith This
Day, we all shall keep! Amen!

In loving memory of CW2 Edward "Duane"
Cantrell, Isabella, and Natalia

—by Albert Caswell

FOURTH ANNUAL NATIONAL ASSO-
CIATION OF CHAIN DRUG
STORES RxIMPACT DAY ON CAP-
ITOL HILL

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. TERRY. Mr. Speaker, this week is the Fourth Annual National Association of Chain Drug Stores RxIMPACT Day on Capitol Hill, where we recognize the pharmacy's contribution to the health care system. Hundreds of representatives from the pharmacy community—including practicing pharmacists, pharmacy school faculty and students, state pharmacy leaders, and pharmacy company executives—will visit Capitol Hill to share their views about the importance of supporting legislation that protects access to neighborhood pharmacies and utilizes pharmacists to improve the quality of care and reduce the cost of health care.

Pharmacists are the nation's most accessible healthcare providers, and are important providers in communities across America. Pharmacists serve an important role in our health care system as they help improve quality and lower health care costs. For over a century, they have made a difference in the lives of my fellow citizens in Nebraska, as well as Americans throughout the nation.

Pharmacists received specialized educational training that allows them to play a major role in our health care system. These important services include medication therapy management, disease state management, immunizations, and healthcare screenings. Pharmacists are also uniquely qualified to educate and help patients manage their medications, which is extremely important to helping keep our population healthy and control costs.

On this day, I hope you will join me in celebrating the value of pharmacy and support efforts to protect access to neighborhood pharmacies.

IN OPPOSITION OF H.R. 3606—THE
JUMPSTART OUR BUSINESS
STARTUPS ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Ms. SCHAKOWSKY. Mr. Speaker, on March 8, I voted against H.R. 3606, the Jumpstart Our Business Startups Act. H.R. 3606 has the admirable goal of increasing access to capital for small businesses, a goal that I strongly support. Unfortunately, I cannot support the legislation because, at the same time that it seeks to help small businesses, it takes away critical protections for investors.

In the wake of the Enron scandal, Congress acted to improve corporate transparency and give potential investors—particularly small investors—access to the information they need to make sound financial decisions. H.R. 3606 eliminates many of those provisions and, by doing so, leaves unsophisticated investors vulnerable. We can and should promote the interests of American entrepreneurs and small

business owners without taking away recently passed rights for small investors. It is the wrong medicine for American small business growth.

The bill would give new companies up to five years to raise money from the public, eliminating the current requirements that an assessment of the soundness of the company's internal controls be included as part of the financial statement audit and made available to investors. That allows companies to raise money from unsophisticated investors without reasonable oversight of a company's operations.

It would enable crowd-funding, mass solicitations to investors who will now lack basic information about a company's financial soundness, a practice that is not currently allowed.

H.R. 3606 would increase the amount of capital that companies can raise from the public without triggering the full reporting and other obligations that are required under current law. That reporting includes compensation—including golden parachute compensation—of executives, making it incredibly difficult for even sophisticated shareholders to understand the status of their investment. In addition, it eliminates the Dodd-Frank requirement that shareholders approve compensation packages for emerging growth companies.

The JOBS Act would promote uncertainty, undermine capital markets, and therefore increase the cost of capital for the same small businesses it is meant to help. It would put us on a return course toward laissez-faire economics that previously led to the collapse of enormous companies to the economic ruin of their employees and investors. It is for these reasons that H.R. 3606 is opposed by the Council of Institutional Investors, the Consumer Federation of America, AARP, Americans for Financial Reform, the North American Security Administrators Association, and other consumer and investor organizations.

I urge my colleagues in the Senate to consider the ramifications of this legislation if it comes up for consideration.

HONORING REV. DR. CARL QUE
HICKERSON

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. REICHERT. Mr. Speaker, I rise today to thank our guest chaplain, Rev. Dr. Carl Que Hickerson for dedicating his life to the faith and to his community.

Rev. Hickerson has been preaching the word of God his entire life and has made it his goal to share his passion with others.

Rev. Hickerson grew up in a religious household where he received guidance from his father, Rev. Dr. Willis M. Hickerson and was called to become a preacher at a young age.

Through his ministry, he has many accomplishments. The Reverend helped revitalize the youth ministry of his home church in Pennsylvania, significantly increased church membership wherever he has served, established various mission ministries and invigorated the

commitment to God in every community he has served.

Chaplain Hickerson is a proud husband of Mrs. Hickerson, where they live a happy life raising their daughter, Octavia Belle. He has learned, served, preached and taught nationally and internationally and is currently the seventh pastor of the historic Springfield Baptist Church of Washington, DC.

On behalf of Washington's Eighth Congressional District, it is my pleasure to introduce our Guest Chaplain for today, Rev. Dr. Carl Que Hickerson.

RECOGNIZING THE VICTIMS AND TRAGEDY CAUSED BY RECENT STORMS

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in solemn recognition of a tragedy that took place in my home State of Illinois and throughout the Midwest last week. On February 29th, storms ravaged homes and businesses leaving 39 people dead due to the severe weather that swept through the middle of the country.

I offer my condolences to the families who have lost loved ones in this tragedy. I know that my words offer little in the way of comfort, but I must offer them, for the families that have been affected are in my thoughts and prayers. The lives taken in these recent events are truly a misfortune to behold. I mourn the lives lost and feel heartfelt sorrow for the families that have been denied future time with their loved ones. I ask my countrymen for their assistance to help alleviate the anguish of the victims of this disaster, either through volunteering or by being there for your neighbor in their time of need.

While it is difficult to find positives amidst such a catastrophe, upon further examination, admiration and honor should be recognized. As we can see across the country, there are stories of courage, generosity, selflessness, and kindness. These acts deserve our praise. At this moment, there are people volunteering to help rebuild communities that have been damaged and destroyed. Such communities are a representation of a cause greater than one's self. By helping to rebuild a neighborhood people are demonstrating their belief in an altruistic form of living. I offer my admiration to the volunteers' courage and sacrifices made in the face of extreme adversity. I thank the Red Cross, the Salvation Army, Team Rubicon, and other organizations for their efforts during this crisis. Their support has proven to me that these storms may destroy homes, level businesses, and take valuable lives in the process, but they cannot destroy the human spirit. One person's willpower is stronger than wooden buildings, brick foundations, and steel structures. During times of great hardship, Americans have routinely made a determined effort to move forward. So, to all those that have been affected by this tragedy: victims, rescuers, and volunteers alike, may God bless you all.

ON THE RETIREMENT OF C-SPAN FOUNDER AND CEO BRIAN LAMB

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize and honor Brian Lamb, the founder and CEO of C-SPAN, who recently announced his decision to retire.

Mr. Lamb founded the non-profit educational network 34 years ago and since then has worked tirelessly to bring live coverage of government and politics to the American people. Before Mr. Lamb created C-SPAN, most Americans had to rely exclusively on news reports about what their representatives said and did in Washington. Because of his vision, millions of Americans everyday can see and hear government in action for themselves. I have had the privilege of working with Mr. Lamb over the years and I am a proud supporter of his efforts to make government transparent and accessible.

I commend Mr. Lamb for his vision, humility and his commitment to educating Americans about history and the government. I wish him all the best in his future career endeavors. I commend the following article to my colleagues.

C-SPAN FOUNDER LAMB STEPS DOWN AFTER 34 YEARS

(By Paul Farhi)

Want to know just how purposefully unglamorous and resolutely non-partisan is C-SPAN, the pioneering public-affairs TV network founded by Brian Lamb in 1978?

Consider this: In countless appearances spanning thousands of hours of interviews and call-in programs, Lamb has never once uttered his own name on the air. Too showy. Too much like regular TV, which is what Lamb, a stolid Hoosier, has always sought to avoid.

"No one does that here," he protested on Monday. "We just don't do it. It's always been part of our mission not to make us the center of attention . . . We're the antithesis of everything you see on commercial television."

So Lamb, typically, also wasn't making a big deal about the news C-SPAN buried in the second paragraph of a news announcement it issued in the dead of Sunday evening: that after 34 years as C-SPAN chief executive, he's stepping down from running the Washington-based operation he conceived and built.

Lamb, 70, isn't fading away entirely. He'll continue as executive chairman of the non-profit organization and as host of "Q & A," his Sunday interview program. He also plans to continue teaching, primarily at Purdue University, his alma mater.

But he's handing over day-to-day operations to two successors-in-waiting: current co-presidents Rob Kennedy, 55, and Susan Swain, 57, both longtime C-SPAN hands.

"This has been something I've wanted to do for a while," Lamb said. "I wanted an orderly transition when everyone was ambulatory and standing up, with some thought behind it."

Lamb was a young naval officer in the 1960s who used to slip over to the Capitol from the Washington Navy Yard to watch floor debates in the House and Senate. He later served as a telecommunications staffer

in the Johnson and Nixon administrations and as a press secretary for Colorado Sen. Peter Dominick (R).

As the Washington bureau chief of the cable TV trade magazine Cablevision in the 1970s, Lamb cooked up the idea for a network that would cover, with utter dispassion, the congressional debates that he'd witnessed during his Navy days. Lamb rustled up the money from some public relations-conscious cable barons and set about convincing the House to let TV cameras onto the floor.

C-SPAN, which stands for Cable Satellite Public Affairs Network, was among the first nationally distributed cable channels, following after the debut of HBO, Showtime, Pat Robertson's CBN Network, and WTBS, Ted Turner's "super station." It is now composed of three networks, plus a Washington radio station (WCSP, 90.1 FM), and a massive and historically rich video archive of congressional sessions, hearings, speeches, campaign rallies, think-tank conferences, author interviews and what-have-yous from C-SPAN over the years.

Lamb holds the distinction of being the only one of those early network founders not to become a billionaire from his creation. On the other hand, he says, "I never wanted to be rich. I wasn't the slightest bit interested in that."

He had to settle instead for helping to revolutionize the political culture of Washington. What MTV did for popular music—that is, helped make it theatrical and visual—C-SPAN did for Congress and the wonks who follow it.

C-SPAN's gavel-to-gavel coverage of the House changed the spontaneous, free-wheeling debates on the floor into more scripted and polished speeches played for the TV cameras, said Charles Johnson, a former House parliamentarian. Members became conscious that their words weren't just going into the Congressional Record; they now had an audience at home, leading to charts and props and camera-friendly displays that hadn't existed before.

It also led to an increase in grandstanding. In 1984, the fiery, after-hours speeches of a young Republican backbencher named Newt Gingrich (R-Ga.) so angered House Speaker Tip O'Neill (D-Mass.) that he ordered the House cameras (then as now under House control) to pan the empty chamber in an effort to embarrass Gingrich.

Nevertheless, after disdaining to follow the House for more than six years, the Senate finally relented and let C-SPAN carry its proceedings live in 1986.

Having the cameras on hand "changed the quality of the oratory," said Johnson, avoiding direct judgment on whether it did so in a good or bad way.

Lamb says he doesn't care either way: "If there's a public meeting, there ought to be cameras there," he says. "Those meetings are paid for by we, the taxpayers. People should be able to see what [the elected officials] look like, what the buildings look like, what language they're using."

Through all those decades, Lamb has been the continuous thread: unflashy, unemotional, "a video Buddha, television's most stationary being," in the words of one magazine writer. In 23 years of hosting "Booknotes," his author-interview show, for example, he notes that he never missed a single Sunday night, for 52 weeks every year. In total, he's logged more hours on national TV than perhaps any person in America.

He's not bragging about that, of course. Or much else.

"I never thought the person on top here mattered all that much, except to keep the

rhythm of the place going," he said. "We've established a good transition. I don't think my departure will be more than a blip on the radar screen."

HONORING ROHAIL DADWANI

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Rohail Dadwani is a senior at Clements High School in Fort Bend County, Texas. His essay topic is: In your opinion, what role should government play in our lives?

Government is crucial in our lives. Without government, we would all be barbarically fighting for the limited amount of resources we have available. Government helps our society function the way it is, but just like anything else, too much of a good thing can be bad. Therefore, government intervention should be limited on our lives. Too much government control can lead to dictatorships or the government playing a "Big Brother" kind of role. This "Big Brother" type of rule would be bad in the long run because the people would lose faith in the government, so the citizens would try to find any way they can to overthrow the government. Government's role should be to help society but within its boundaries set by society. Crossing these boundaries can lead to too much government intervention in our society. I think the boundary that the government should never cross would be the boundary of the government tracking your every move and everything you do. The government's main role should be to lay down the expectations, make laws that people should follow, help society when needed, but don't interfere in society so much that it makes the people dependent on the government to run effectively. The government's role is important to how this society functions. Therefore, the government needs to let society work in a way so that it isn't making the society completely dependent on them. Every individual should be able to speak their mind, without control, to promote new ideas that better society. That can only happen with a limited government role, to make society work on its own. The government should do nothing except give a little push to society every now and then to keep it running. With this, the government isn't running our everyday lives but just helping us to be able to run it ourselves. We should all follow the government's laws but, at the same time, be able to have a mind of our own. To conclude, the government shouldn't play a huge role in our every day lives, rather a limited one, so we can be more effective on our own and be able to think for ourselves.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 115, had I been present, I would have voted "nay."

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, when George W. Bush was inaugurated, the national debt was \$5,727,776,738,304.64. When Barack Obama was inaugurated, the national debt was \$10,626,877,048,913.08. This was a \$4,899,100,310,608.44 increase in 8 years. Today, the debt is \$15,583,383,846,149.34, which means that President Obama has raised the debt more in just over 3 years than President Bush did in 8 years.

This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING THE 40TH ANNIVERSARY OF TAN HOLDINGS CORPORATION

HON. GREGORIO KILILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SABLAN. Mr. Speaker, forty years ago—on July 24, 1972—Tan Siu Lin, arrived in Guam from Hong Kong with a young family, one cargo ship, and plenty of ambition. He began buying surplus materials from the military in Guam and shipping those goods around the Western Pacific while distributing American movies, an especially prized commodity, to the islands.

Over the years, Doctor Tan, along with his wife Lam Pek Kim, and their children, Henry, Willie, Lilly, Raymond, Jerry, and Sunny, nurtured their small, homegrown enterprise into the 40,000-employee, international powerhouse of affiliated companies that it is today. From tourism, to insurance, logistics, information, and entertainment, Tan Holdings is vital to the economies and communities of the island Pacific.

The Tan family has not only brought employment and economic opportunity to our islands, they have brought our islands to the world. Tan Holdings is our region's premier exporter of tourism and importer of tourists. Starting with Century Travel Agency in 1992, then with the addition of the Fiesta Resort and Spa Saipan, the Fiesta Resort and Spa Guam, and the Saipan Grand Hotel, the Tans have contributed significantly to the islands' economic mainstay of tourism. Even when times

have been difficult, Tan Holdings President Jerry Tan has declared, as he did this past January keynoting the Saipan Chamber of Commerce's annual gala, his company's campaign to "Believe in CNMI," and backed up that declaration by confirming that Tan Holdings would soon be launching a new airline. Saipan Air will initially bring tourists from Japan and China to the Mariana Islands, but no doubt with Tan Holding's business acumen, the airline will soon be a force throughout the Asia-Pacific Region. Tan Holdings is no stranger to the airline industry. In 1991, the company established POI Aviation to provide ground-handling services for Northwest Airlines, Asiana Airlines, United Airlines, Korean Air, and other private airlines. And in 1999, the company began operating Asia Pacific Airlines, which provides air cargo services to the region's tuna fishing industry.

Nor is Tan Holdings limited to tourists and airplanes. Through its subsidiary Century Insurance Groups the company is the number one property and casualty underwriter in the Marianas. Tan Holding's Realty Management Services owns and operates approximately 150 residential apartment units on the island of Saipan. And Tan Holdings developed one of the preeminent buildings in our islands: TSL Plaza, which is a flagship for their commercial real estate holdings in Micronesia.

The Tan portfolio includes Cosmos Distributing and Dickerson & Quinn International Distributors, bringing some of the world's best-known consumer brands to island businesses and residents, names such as Procter & Gamble, Campbell's, Gillette, Nabisco, Cadbury, and General Mills. In Guam the public benefits from the company's investment in Tango Theaters, which provide world-class movie viewing at seventeen screens in the Micronesia Mall and Agana Shopping Center. And in Saipan the community gets its daily news from the Saipan Tribune, which has been a trusted outlet of information since 1993.

One of the greatest contributions of the Tan family and Tan Holdings to our community, however, has been the establishment of the Tan Siu Lin Foundation. Although the Tan family has been generous to the island community throughout all of Tan Holdings' 40 years, the formal establishment of the Tan Siu Lin Foundation in 2009, heralded a new beginning in regional philanthropy. The TSL Foundation has donated millions of dollars to deserving, nonprofit, educational, athletic, and community ventures in our islands. Guided by its motto of "iServe. iGive back." the Foundation has not only donated from its corporate proceeds, but has also encouraged philanthropy at the grass-roots level—through its employees. The social responsibility practiced and taught by the TSL Foundation will be as enduring in our islands as any of the Tan Holdings businesses.

Please join me in congratulating Dr. Tan Siu Lin, and his family, for their 40 years of contribution to the commerce, economy, and livability of the Northern Mariana Islands and all of Micronesia.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Ms. LEE of California. Mr. Speaker, I was not present for rollcall vote 112 117. Had I been present, I would have voted "no" on #112, "no" on #113, "yes" on #114, "yes" on #115, "yes" on #116 and "no" on #117.

HONORING THE LIFE OF VIRGIL WIKOFF

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor the life of Virgil Wikoff.

The Champaign-Urbana community grieves at the loss of Virgil Wikoff. This former Champaign mayor and State Representative was a rock of strength and stability through some of the most tumultuous times in local history. Virgil Wikoff saw us through those times with courage and a steadfast temperament.

His passing follows in far too short an order the passing of former Champaign Mayor Bill Bland, and former Urbana Mayors Jeff Markland and Hiram Paley. I served with Mayors Markland and Paley on the Urbana City Council, and with Mayor Wikoff in the General Assembly. The loss of these men hits close to home. One is always reminded of one's own mortality with the loss of friends and colleagues.

But the losses of these individuals, each of them exceptional, is even more profound. They represented the best of our two cities, selfless in their public service and passionate in executing the duties of their offices.

HONORING THE LIFE AND LEGACY OF JUDGE ISIAH COURTNEY SMITH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life and legacy of an outstanding human being. Isiah Courtney Smith, a former judge, pioneer and, personal friend of mine, passed away on February 29, 2012 at the age of 89.

Judge Smith, also known to many as "I.C." was born on September 15, 1922 in Lake Helen, Florida. In 1940, after graduating from Euclid High School in Deland, he went on to enroll at Florida A&M College, where I also attended law school. Judge Smith's education at Florida A&M was interrupted by World War II, when he volunteered and was assigned to an intake facility near Raiford. It was at this facility where Judge Smith demonstrated his first acts of courage by marching through a segregated camp to inform the white officers of his resignation. A year later, Judge Smith was

officially drafted. After his service, Judge Smith returned to his studies and graduated with a degree in history. At this point, he had also met and fallen in love with Henrietta Mays and together they moved to New York while Judge Smith attended Brooklyn Law School. They were married on January 1, 1949.

In 1954, Judge Smith received his law degree and started a practice with his college friend William Holland. This partnership would be the catalyst for the civil rights movement in Palm Beach County. Judge Smith lived in a time where there were many barriers to social mobility for those of color. Institutionalized discrimination prevented many African Americans in this country from reaching their potential, but my dear friend Judge Smith possessed skills and abilities that could not be suppressed and that he used to fight for the civil rights of others.

As the third African American lawyer in Palm Beach County, Judge Smith was well aware of the injustices occurring in his community. He became a champion of civil rights and was a voice for those who were treated as second class citizens based on the color of their skin. Judge Smith and his partner William Holland orchestrated the movement to desegregate Palm Beach County's public schools after the Supreme Court's ruling of "separate but equal" being unconstitutional was largely ignored throughout the county. In his own words, Judge Smith wisely stated that: "Nothing separate can ever be equal"—a sentiment that I strongly agree with. In addition to his quest for equal access to public education, Judge Smith and Mr. Holland fought together to integrate the West Palm Beach municipal golf course and to eliminate separate eating and bathroom facilities on Florida's turnpike. It is hard to fathom the amount of courage required to combat bigotry and hatred, but Judge Smith faced these challenges head-on and spent his life taking a stand against those who sought to keep the status quo.

After spending many years in a successful private practice with Mr. Holland, he was appointed as a Palm Beach County Court judge in 1986 by Governor Bob Graham. During his time on the bench, Judge Smith was known for his professionalism. After serving in this capacity for six years, he retired at the age of 70.

Mr. Speaker, I would like to take this opportunity to offer my sincere condolences to all those who have been impacted by the loss of such a great man. My thoughts are with Judge Smith's wife Dr. Henrietta Smith, their two children Robin Smith and Reverend Cynthia Smith Jackson, and all of their family and friends during this most difficult time. I was truly honored to have known Judge Smith. He was a tremendous individual whose commitment to bettering South Florida, and working selflessly to ensure equal rights for all Americans will never be forgotten.

TRIBUTE TO BEVERLY D.
CLYBURN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a tremendous public servant, a passionate educator, and a dear friend and relative. Beverly Clyburn is being honored on March 23, 2012 for her service on Aiken City Council. She retired in November 2011 after 22 years of dedicated service to the City of Aiken.

Beverly LaVerne Dozier was born in Georgetown, South Carolina to Maggie and William Dozier. She was the fifth of eight children and one of seven girls. From an early age, Beverly loved to learn and she graduated in 1961 as Salutatorian of Howard High School.

She went on to attend Allen University in Columbia, South Carolina, and graduated with honors in 1965, with a degree in Chemistry and Mathematics. It was there that she met her husband, and my cousin, William "Bill" Clyburn. In 1978, Beverly earned a Masters Degree in Secondary Guidance from the University of South Carolina.

Beverly's first love is education, and she spent 42 years as an educator in both Aiken and Allendale counties. She served as a guidance counselor at Midland Valley High School and guidance director at South Aiken High School, a position she retired from in 1999. Following retirement she was drawn back into education to help improve the Allendale County schools after a State take-over. Today she continues to work in education at the Aiken Performing Arts Academy as a part-time assistant director and guidance counselor.

In 1988, Beverly was urged by members of the community to run for Aiken City Council. She took on the challenge, and won the District 1 seat. She is known for her thoroughness on council, diligently studying every issue and visiting the sites that would be impacted before she cast her vote.

During her tenure on council, she has participated in numerous development projects including the 10-year renewal plan for Aiken's Northside, the Crosland Park redevelopment project, the Center for African American History, Art and Culture, and the Aiken Visitors Center and Train Museum. She served as Mayor Pro Tem from 2002–2004, and has been honored for her work in chairing the first four NLC Diversity Breakfasts. She has also served as the chair of the Aiken County DSS Board.

In 2001, the South Carolina General Assembly honored Beverly for her work in Aiken and Allendale counties and the State of South Carolina. The Greater Aiken Chamber of Commerce named her the 2009 Woman of the Year for her commitment to the Aiken area. She has also earned the honor of Woman of Distinction from her church, Cumberland African Methodist Episcopal.

Beverly and Bill have been married for 47 years, and are the parents of three adult children—William, Jr., Wilson, and Courtney. They also served as foster parents to daugh-

ter, Carmen. Today they have three grandchildren, and spending more time with her beloved family was the impetus for her retirement from Aiken City Council.

Mr. Speaker, I ask you and our colleagues to join me in congratulating Beverly Dozier Clyburn on a job well done. She has spent her entire career in public service whether as an educator or an elected official. Her efforts have made Aiken County a better place, and she has been a positive influence on countless lives along the way. I wish her all the best in this new chapter in her life, and knowing Beverly as I do, look forward to her continued work on behalf of others.

PERSONAL EXPLANATION

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SCHILLING. Mr. Speaker, on Monday, March 19, 2012, due to an unexpected flight delay in Chicago, Illinois that prevented my travel, I was unable to cast my vote for roll Number 111.

Had I been present, I would have voted "yea" on H.R. 3992 which passed by an overwhelming bipartisan vote of 371–0. I believe by allowing our allies, such as Israel, to invest in businesses in the United States, we are encouraging job creation and bringing more innovative ideas that will benefit all Americans.

Currently, citizens in 75 countries are eligible to apply for E–2 visas which are non-immigrant visas valid for up to two years and allow visa holders to oversee businesses in which they have considerable capital invested. Prior to 2003, countries could become eligible if specified in trade agreements but now separate legislation is required to add countries to the program.

Countries eligible for E–2 visas span from Albania to Pakistan to the United Kingdom and in Fiscal Year 2010, more than 25,000 E–2 visas were granted. Israel has a reciprocal program allowing United States investors the same ability. E–2 visas invest in our economy and foster working relationships with other countries. Adding Israel to this list will only continue these efforts.

Again, had my flight from Chicago to Washington, DC had not been delayed, I would have voted in support of H.R. 3992.

HONORING SAYDI WOLLNEY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the impor-

tance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Saydi Wollney is a senior at Pearland High School in Brazoria County, Texas. Her essay topic is: In your opinion, what role should government play in our lives?

Although the United States government provides services such as roadways, protection from harm—both foreign and domestic—and regulation of food and drugs, I believe the government has, at times, stepped over their boundaries and infringed upon the rights of the people.

The recent SOPA (Stop Online Piracy Act) and the Protect IP Act wanted to shut down websites which illegally provided services such as making music, videos, and movies available for free download. In doing this, the government also restricted and suppressed websites which were informational and helpful to the public. In this way, the government inadvertently infringed upon the rights of citizens of the United States. After the incident of SOPA closing down Wikipedia for a short while, I noticed it was a popular conversation being held around school. My peers were unhappy and disliked the fact that the government seemed to have overstepped their boundaries. I realize that the government was doing what they think was best for United States citizens at this point in time, but I believe their actions could have been delivered in a more friendly and informative way.

The issues with Medicaid and Medicare have citizens of the United States disagreeing with one another. Some people believe that Medicaid is a system that simply takes the money that citizens pay in taxes and utilizes it to care for people with a lower level of income. On the other hand, the other people believe that Medicaid is a good cause and is beneficial to those who are in need. The recent health care reform laws have been viewed by many as the government slowly taking control of the health care system. However, other people believe that the health care reform is beneficial and helpful to the American people, including those who could not previously afford health care.

Recently, there have been many debated issues over whether or not the government of the United States is overstepping its own boundaries and regulations of the country. I believe that most of the actions that I have discussed have been beneficial for the United States citizens, with exception of the SOPA and PIPA acts.

A TRIBUTE TO THE SOLDAN HIGH SCHOOL TIGERS, WINNERS OF THE MISSOURI CLASS 4 STATE TITLE FOR BASKETBALL AND STATE CHAMPIONS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Missouri's own Class 4 State Basketball Champions, the Soldan High School Tigers.

Soldan High School's convincing 55–42 victory over Springfield Hillcrest at the Mizzou Arena in Columbia was the culmination of

three years hard work and dedication, resulting in the Tiger's first state championship in basketball in 31 years. Under the leadership of Head Coach Justin Tatum, the Tigers defeated some of the best teams in the nation, outscoring their playoff opponents by an unbelievable average of 24 points a game.

The men of the Soldan High School Tigers are more than merely teammates, they are a band of brothers. Many of the Tigers have played on the same teams since grade school, their recent victory a fitting reward for years of dedication to both each other and the sport of basketball. Especially for Soldan's nine-man senior class of Devin Booker, Aaron Diamini, Kawan Griffin, Randy Holmes, Paul McRoberts, Jibreel Muhammad, Partice Sanders, Elva Shelton, and Rashad Simmons, the season, and their high school careers, ended exactly how they hoped they would.

Mr. Speaker, Coach Tatum and the men of the Soldan High School Tigers are true examples of character and sportsmanship, and I urge my colleagues to join me in honoring their remarkable achievement.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 117, had I been present, I would have voted "yea."

HONORING LARRY SLY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, it is with great pleasure that I rise today to recognize and congratulate Larry Sly, Executive Director for the Food Bank of Contra Costa and Solano, as he retires after 35 years of public service.

A graduate of the University of California, Berkeley, Larry began his career as an Executive Director with the Food Bank of Contra Costa in 1976. Starting with just two employees, Larry brought the organization a truck and trailer, where he stored bread that he picked up from a local grocery store. Soon, people in the area from local churches began distributing this bread to underprivileged people of the community.

In Larry's first year as Executive Director of the Food Bank of Contra Costa, the organization distributed approximately 36,000 pounds of food to people in need of assistance in the local area. Eventually, the Food Bank would merge with a struggling Solano County Food Bank and develop a greater outreach program within the region. Every year, with Larry's leadership, the Food Bank steadily increases the number of families who received food donations and groceries; last year they distributed over 14 million pounds of food.

During his time with the Food Bank, Larry has developed successful programs to help

locals and agencies distribute food in a cheaper, more efficient manner. One such program, the Senior Food Program, provides low income senior citizens the opportunity to receive free groceries each month. Another, the Farm to Kid Program, provides five pounds of food every week for low income families as well as three to five pounds of fresh produce for every child in after school programs at low-income schools.

Throughout his career in public service, Larry has served at a number of statewide and national organizations. He served as Vice Chair of the Board of Directors of Feeding America and the National Food Bank Network, as well as on the Board of Directors at the California Association of Food Banks and the Emergency Food and Shelter Board in Contra Costa County. In 2009, Larry also served as Interim Executive Director for Feeding America San Diego, where he helped improve and manage the organization.

Mr. Speaker, I invite this chamber to join me in recognizing Larry Sly for his commitment and significant service to the people of Contra Costa and Solano Counties. I applaud Larry's contributions on behalf of the underprivileged, and his efforts to increase awareness of hunger and food security issues throughout California and the Nation. Larry's leadership throughout his career provides a positive example for those planning to serve their communities. I am pleased to join his family, colleagues, and friends in congratulating him as he retires from the Food Bank of Contra Costa and Solano.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 22, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 27

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Strategic Command and U.S. Cyber Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC 217 following the open session.

SD-106

10 a.m.

Environment and Public Works

Green Jobs and the New Economy Subcommittee

Oversight Subcommittee

To hold a joint oversight hearing to examine the Environmental Protection Agency's (EPA) work with other Federal entities to reduce pollution and improve environmental performance.

SD-406

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine the economic imperative for promoting international travel to the United States.

SD-226

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Defense and the Department of the Army.

SD-124

10:30 a.m.

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine the choice neighborhoods initiative, focusing on a new community development model.

SD-538

2 p.m.

Joint Economic Committee

To hold hearings to examine monetary policy going forward, focusing on why a sound dollar boosts growth and employment.

SH-216

2:15 p.m.

Foreign Relations

Business meeting to consider S. Res. 356, expressing support for the people of Tibet, S. Res. 395, expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012, S. Res. 397, promoting peace and stability in Sudan, S. Res. 80, condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights, S. Res. 391, condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria, S. Res. 344, supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua, the nominations of Julissa Reynoso, of New York, to be Ambassador to the Oriental Republic of Uruguay, and Gina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, both of the Department of State, and lists in the Foreign Service.

S-116, Capitol

2:30 p.m.

Armed Services

Airland Subcommittee

To hold a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-222

Armed Services Emerging Threats and Capabilities Subcommittee To hold hearings to examine the Department of Defense's role in implementation of the National Strategy for Counterterrorism and the National Strategy to Combat Transnational Organized Crime in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program. SR-232A	Veterans' Affairs To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims. SR-418	MARCH 29 9:30 a.m. Armed Services To hold hearings to examine the nominations of Frank Kendall III, of Virginia, to be Under Secretary for Acquisition, Technology, and Logistics, James N. Miller, Jr., of Virginia, to be Under Secretary for Policy, Erin C. Conaton, of the District of Columbia, to be Under Secretary for Personnel and Readiness, Jessica Lynn Wright, of Pennsylvania, and Katharina G. McFarland, of Virginia, both to be an Assistant Secretary, and Heidi Shyu, of California, to be an Assistant Secretary of the Army, all of the Department of Defense. SD-G50
Intelligence To hold closed hearings to examine certain intelligence matters. SH-219	10:30 a.m. Inaugural Ceremonies—2012 Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules and procedure for the 112th Congress. S-216, Capitol	
2:45 p.m. Finance Energy, Natural Resources, and Infrastructure Subcommittee To hold hearings to examine renewable energy tax incentives, focusing on how have the recent and pending expirations of key incentives affected the renewable energy industry in the United States. SD-215	2 p.m. Appropriations Commerce, Justice, Science, and Related Agencies Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Aeronautics and Space Administration. SD-124	
MARCH 28	2:30 p.m. Commerce, Science, and Transportation To hold hearings to examine the science and standards of forensics. SR-253	10 a.m. Homeland Security and Governmental Affairs Contracting Oversight Subcommittee To hold hearings to examine contractors, focusing on how much they are costing the government. SD-342
9:30 a.m. Armed Services SeaPower Subcommittee To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program. SVC-217	Banking, Housing, and Urban Affairs Economic Policy Subcommittee To hold hearings to examine retirement, focusing on examining the retirement savings deficit. SD-538	Health, Education, Labor, and Pensions To hold hearings to examine Food and Drug Administration (FDA) user fee agreements, focusing on strengthening FDA and the medical products industry for the benefit of patients. SH-216
10 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine Department of Defense health programs. SD-192	Appropriations Energy and Water Development Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Army Corps of Engineers and Bureau of Reclamation. SD-192	Small Business and Entrepreneurship To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Small Business Administration. SR-428A
Foreign Relations To hold hearings to examine United States policy on Iran. SD-419	Homeland Security and Governmental Affairs Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee To hold hearings to examine assessing efforts to combat waste and fraud in Federal programs. SD-342	2:30 p.m. Intelligence To hold closed hearings to examine certain intelligence matters. SH-219
Homeland Security and Governmental Affairs Business meeting to consider pending calendar business. SD-342		APRIL 18 2:30 p.m. Armed Services Readiness and Management Support Subcommittee To hold hearings to examine financial management and business transformation at the Department of Defense. SD-G50
Judiciary To hold hearings to examine the Special Counsel's report on the prosecution of Senator Ted Stevens. SD-226	Appropriations Financial Service and General Government Subcommittee To hold hearings to examine enhancing economic growth, focusing on the Department of the Treasury's responses to the foreclosure crisis and mounting student loan debt. SD-138	APRIL 25 2 p.m. Armed Services Personnel Subcommittee To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program. SD-106
Appropriations Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Institutes of Health. SD-124	Judiciary To hold hearings to examine certain nominations. SD-226	

HOUSE OF REPRESENTATIVES—Thursday, March 22, 2012

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, through Whom we see what we could be and what we can become, thank You for giving us another day.

Send Your Spirit upon the Members of this people's House to encourage them in their official tasks. Be with them and with all who labor here to serve this great Nation and its people.

Assure them that whatever their responsibilities, You provide the grace to enable them to be faithful to their duties and the wisdom to be conscious of their obligations and fulfill them with integrity.

Remind us all of the dignity of work and teach us to use our talents and abilities in ways that are honorable and just and are of benefit to those we serve. May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. DOLD) come forward and lead the House in the Pledge of Allegiance.

Mr. DOLD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side.

IPAB MUST BE REPEALED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, every American should be given the freedom to make his or her own decisions regarding health care. When the government takeover health care bill was passed, the liberal control of Congress took away this right and instead created the Independent Payment Advisory Board, IPAB. This board is comprised of 15 unelected and unaccountable bureaucrats who will be responsible for making major cuts to Medicare which are likely to lead to waiting lists, deferral of service, and denial of care.

Today, House Republicans will vote on a bill that will eliminate IPAB and help strengthen our Medicare system for a doctor-patient relationship.

Our country cannot afford to spend \$1.8 trillion on an unconstitutional government mandate which the NFIB reveals will destroy 1.6 million jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

REPEAL OF IPAB WRONGLY TIED TO MEDICAL MALPRACTICE

(Mr. HOLDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDEN. Madam Speaker, I rise today in support of repealing IPAB. However, I speak in opposition to tying this repeal to H.R. 5. This is another act of political theater and disingenuous at best.

IPAB relinquishes congressional responsibility to care for our seniors. Passing these decisions off, whether it is to insurance companies or an unelected commission, undermines Congress' ability to represent the needs of our seniors and make decisions on health care policy for Medicare beneficiaries.

We must preserve access to quality Medicare while containing costs and

replacing the flawed payment system. Simply cutting reimbursements is not the answer. If we truly want to rein in the cost of Medicare and repeal IPAB, we should do it as a stand-alone bill.

The Senate has no intention of bringing H.R. 5 up for a vote. Why then are we wasting our time on legislation that has no chance of becoming law?

Americans want their elected leaders working together to find solutions to the problems facing our country, not to be active participants in political theater.

I urge my colleagues to have an open and honest debate on Medicare reform by bringing an independent IPAB repeal bill to the floor.

HEALTH ACT OF 2011

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, I rise today in support of the legislation we'll vote on shortly to repeal the Independent Payment Advisory Board created under the Patient Protection and Affordable Care Act. This is something that simply should not have been done. These are unelected board members, 15 of them, appointed by the President, tasked for finding savings and making recommendations.

Unfortunately, because of the limitations of what the board can cut, the majority of spending reductions will come from cutting reimbursements for doctors and those who care for Medicare patients. The ultimate result will be fewer options for patients when doctors are driven out of the Medicare system.

We were told when the Affordable Care Act was passed that it would lead to a reduction in premiums. It's done exactly the opposite.

This kind of board and these kinds of decisions made by unelected officials will simply drive the cost up further, and we cannot afford to do that.

My only regret in today's action is that we're not repealing the entire act. I hope that comes soon.

WOMEN'S HEALTH

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, today I rise to speak of the need to protect the health care of American women.

Last week, I hosted a women's conference focused on the benefit of the

Affordable Care Act for women. The historic health care reform is a step in the right direction for the health of mothers, sisters, daughters, and granddaughters.

Thanks to affordable health care, women can no longer be dropped from insurance coverage when they get sick or become pregnant. Twenty million women have already used free preventive services offered through health care reform, including mammograms and colonoscopies.

Beginning in 2014, women will no longer be denied coverage for having a preexisting condition. The health care law finally ends gender rating, in which women are forced to pay higher premiums than men for the same coverage.

American women are the foundation of our families. We must protect the benefit of health care reform and ensure that all women have better access to health care.

□ 1010

THE NATIONAL DEBT

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Madam Speaker, our national debt now exceeds \$15.5 trillion. I think it's fair to say that Washington has a spending problem. Republicans and Democrats alike have overspent over the years.

In the past 4 years, Washington has spent over \$5 trillion of taxpayer money that we don't have. The degree of how much this actually means to the American public, I think, is incomprehensible. Most people that I talk to just say that's a heck of a lot of money. I talk about the deficit of \$1.5 trillion that we spent this last year and they say I just think it's a lot of money. It works out to be about \$3.4 million a minute in deficit spending.

But if we take eight zeros off these numbers, to put it in perspective for the American family, I think it gives them a good idea about what their budget would look like. The annual family income would be about \$22,280. The money the family would spend in a given year would be \$37,080. New debt on the credit card would be \$14,800. The outstanding balance, which I think is important, is \$155,000, and the total discretionary budget cuts that were put in for 2011 for this family, \$398.

Madam Speaker, that's what we're facing. We must pass a budget that takes the step necessary to rein in the out-of-control spending that our country has today and put ourselves on a path to economic prosperity. We have no other choice.

THE ADVANCES FOR WOMEN IN HEALTH CARE REFORM

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Madam Speaker, tomorrow marks the second anniversary of the landmark health care reform bill being signed into law by President Obama.

Many of the important reforms under the new law benefit women, who for years have faced discriminatory practices by insurance companies and borne higher health care costs simply as a result of their gender.

Because of the new law, women can no longer be denied coverage or charged more for such preexisting conditions as breast or cervical cancer, pregnancy, or, of all things, being a victim of domestic abuse.

Women no longer have to share the cost of critical and potentially lifesaving preventive services such as mammograms and colonoscopies.

These reforms for women not only make care more equitable, but they also help to reduce the cost of care by insuring that many diseases are detected early or prevented before their onset through vaccinations and regular screenings.

While additional reforms will be implemented in stages, many advances, as a result of health care reform, are already making a difference in the lives of women across this country.

JOEL SHRUM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, on Sunday in the Yemeni city of Tah-izz, al Qaeda terrorists viciously gunned down American Joel Shrum.

Joel grew up in Lancaster County, Pennsylvania, in Mount Joy and was a football star at Donegal High School.

He leaves behind a wife and two young sons who lived with him in Yemen.

Joel worked as a teacher at the International Training Development Center, which focused on giving vocational training to the poor.

Joel was a Christian, but he was not in the country to proselytize. According to his father, Joel was there to teach and break down barriers. The organization he worked for is staffed by both Christians and Muslims and has worked in the country for over 40 years.

The people of Yemen are appalled at this violence. Hundreds of activists took to the streets yesterday to demand justice for the killers. They carried photos of Joel and chanted: "Yemen is not a place for terrorism" and "We love you, Joel."

Joel Shrum selflessly served the poor in a country far from home. He will be

dearly missed by his family and by the people he came to serve.

CHARLES DARWIN WOULD BLUSH

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, yesterday by one vote the Republican Budget Committee passed a fend-for-yourself budget that gives Darwinism a bad name. It breaks a bipartisan compromise not even a year old. It voucherizes Medicare, in effect jeopardizing health care for tens of millions of American seniors. It essentially guts Medicaid and jeopardizes nursing home care for millions more. It block-grants the safety net programs led by food stamps, threatening to reverse decades-old progress in lowering poverty and malnutrition rates in America.

This is a budget that needs to be rejected, Madam Speaker. It is a budget that would make Charles Darwin blush.

IT'S UNCONSTITUTIONAL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the nationalized health care bill will soon go before the Supreme Court.

The issue: Does the Federal Government have the constitutional authority to force Americans to buy government ordained and approved health insurance, or else? Or else face the wrath and punishment of government.

The government does not have the authority to force citizens to buy any product, whether it is health insurance, a car, or a box of doughnuts.

If the Supreme Court allows this government invasion of choice, what is next?

Is the government, under the guise of it knows best, going to force citizens to buy only government approved green cars, only government houses, only government food?

The health care individual mandate is a denial of liberty.

Yes, we need to fix health care, but does anyone really want to turn over the Nation's health care to the government? The government seldom does anything better.

If you like the compassion of the IRS, the efficiency of the post office, and the competency of FEMA, you will love the unconstitutional, nationalized health care bill.

And that's just the way it is.

TRAYVON MARTIN

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, I rise this morning to thank the many persons across the length and breadth of this country who have spoken up with reference to the injustice that has occurred in Florida with reference to the young man, Trayvon Martin.

I want to single out two people, however. The first, Joe Scarborough of MSNBC Morning Joe. When he spoke this morning, I literally had tears to well in my eyes as he took a strong position on this injustice. I beg that others would do likewise.

I would also like to thank the Reverend Al Sharpton. He has lost his mother; and I along with other people of goodwill would like to extend our condolences and our sympathies. But I am so grateful to Reverend Sharpton. He has indicated that he will be at the rally tonight in Sanford, Florida. And I thank him for what he has done and is doing.

May God continue to bless you, Reverend, and I look forward to being there with you.

Mr. CONYERS. Will the gentleman yield?

Mr. AL GREEN of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. I would like to proudly associate myself with your remarks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. POE of Texas). Members are advised to address their remarks to the Chair.

PROTECTING ACCESS TO HEALTHCARE ACT

Mr. GINGREY of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 591 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5.

□ 1019

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, with Mrs. MILLER of Michigan (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednes-

day, March 21, 2012, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-18 is adopted and the bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Access to Healthcare Act”.

TITLE I—HEALTH ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2012”.

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) **EFFECT ON HEALTH CARE ACCESS AND COSTS.**—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) **EFFECT ON INTERSTATE COMMERCE.**—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) **EFFECT ON FEDERAL SPENDING.**—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) **PURPOSE.**—It is the purpose of this title to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and ade-

quate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 103. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 104. COMPENSATING PATIENT INJURY.

(a) **UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.**—In any health care lawsuit, nothing in this title shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) **ADDITIONAL NONECONOMIC DAMAGES.**—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) **NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.**—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of \$250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed \$250,000, the future noneconomic damages shall be reduced first.

(d) **FAIR SHARE RULE.**—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 105. MAXIMIZING PATIENT RECOVERY.

(a) **COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.**—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) Forty percent of the first \$50,000 recovered by the claimant(s).

(2) Thirty-three and one-third percent of the next \$50,000 recovered by the claimant(s).

(3) Twenty-five percent of the next \$500,000 recovered by the claimant(s).

(4) Fifteen percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) **APPLICABILITY.**—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 106. PUNITIVE DAMAGES.

(a) **IN GENERAL.**—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) **DETERMINING AMOUNT OF PUNITIVE DAMAGES.**—

(1) **FACTORS CONSIDERED.**—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) **MAXIMUM AWARD.**—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as \$250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

(c) **NO PUNITIVE DAMAGES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.**—

(1) **IN GENERAL.**—

(A) No punitive damages may be awarded against the manufacturer or distributor of a medical product, or a supplier of any component or raw material of such medical product, based on a claim that such product caused the claimant's harm where—

(i) (I) such medical product was subject to pre-market approval, clearance, or licensure by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(II) such medical product was so approved, cleared, or licensed; or

(ii) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling, unless the Food and Drug Administration has determined that such medical product was not manufactured or distributed in substantial compliance with applicable Food and Drug Administration statutes and regulations.

(B) **RULE OF CONSTRUCTION.**—Subparagraph (A) may not be construed as establishing the obligation of the Food and Drug Administration to demonstrate affirmatively that a manufacturer, distributor, or supplier referred to in such subparagraph meets any of the conditions described in such subparagraph.

(2) **LIABILITY OF HEALTH CARE PROVIDERS.**—A health care provider who prescribes, or who dispenses pursuant to a prescription, a medical product approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such product and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such product. Nothing in this paragraph prevents a court from consolidating cases involving health care providers and cases involving products liability claims against the manufacturer, distributor, or product seller of such medical product.

(3) **PACKAGING.**—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be sub-

stantially out of compliance with such regulations.

(4) **EXCEPTION.**—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval, clearance, or licensure of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval, clearance, or licensure of such medical product; or

(C) the defendant caused the medical product which caused the claimant's harm to be misbranded or adulterated (as such terms are used in chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.)).

SEC. 107. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) **IN GENERAL.**—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments, in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) **APPLICABILITY.**—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 108. DEFINITIONS.

In this title:

(1) **ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.**—The term "alternative dispute resolution system" or "ADR" means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) **CLAIMANT.**—The term "claimant" means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) **COMPENSATORY DAMAGES.**—The term "compensatory damages" means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term "compensatory damages" includes economic damages and non-economic damages, as such terms are defined in this section.

(4) **CONTINGENT FEE.**—The term "contingent fee" includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(5) **ECONOMIC DAMAGES.**—The term "economic damages" means objectively verifiable monetary

losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(6) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(7) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(8) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(9) **HEALTH CARE ORGANIZATION.**—The term “health care organization” means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(10) **HEALTH CARE PROVIDER.**—The term “health care provider” means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(11) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(12) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(13) **MEDICAL PRODUCT.**—The term “medical product” means a drug, device, or biological product intended for humans, and the terms “drug”, “device”, and “biological product” have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(14) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(16) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 109. EFFECT ON OTHER LAWS.

(a) **VACCINE INJURY.**—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) **OTHER FEDERAL LAW.**—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 110. STATE FLEXIBILITY AND PROTECTION OF STATES’ RIGHTS.

(a) **HEALTH CARE LAWSUITS.**—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) **PROTECTION OF STATES’ RIGHTS AND OTHER LAWS.**—(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this title or create a cause of action.

(c) **STATE FLEXIBILITY.**—No provision of this title shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this title) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 4(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 111. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

TITLE II—REPEAL OF INDEPENDENT PAYMENT ADVISORY BOARD

SEC. 201. SHORT TITLE.

This title may be cited as the “Medicare Decisions Accountability Act of 2012”.

SEC. 202. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

Effective as of the enactment of the Patient Protection and Affordable Care Act (Public Law 111–148), sections 3403 and 10320 of such Act (including the amendments made by such sections, but excluding subsection (d) of section 1899A of the Social Security Act, as added and amended by such sections) are repealed, and any provision of law amended by such sections is hereby restored as if such sections had not been enacted into law.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 112–416. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1020

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–416.

Mr. WOODALL. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, strike line 9 through page 3, line 8 and insert the following:

SEC. 102. PURPOSE.

It is the purpose of this title to implement reasonable, comprehensive, and effective health care liability reforms designed to—

The Acting CHAIR. Pursuant to House Resolution 591, the gentleman from Georgia (Mr. WOODALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Madam Chairman, my amendment is a very straightforward amendment. But before I actually talk about the text of it, I want to speak about the real accomplishment of my friend from Georgia, who is the sponsor of the underlying legislation, H.R. 5.

The Washington Times did an article on this Congress and called it one of the most ineffective Congresses in history because they looked at how many laws we passed. But then they went on, and they looked at how many days of debate we'd had, how many votes we'd had, how many issues that were important to the American people have we been able to expose in this Congress that we have not been able to expose in Congress before Congress before Congress before Congress in the past, and, Madam Chair, that's what we have today.

This bill, introduced by my good friend from Georgia, gives the American people an opportunity to discuss something that is on every single family's mind in this country when it comes to health care, and that is controlling the cost of medical malpractice litigation.

Now, in this body, I'm sure we could disagree about the myriad ways there are to control it, but we can agree, I suspect—man and woman, Democrat and Republican—that it has to be controlled. And I thank my colleague from Georgia for having the courage and the stick-to-it-ness to bring this bill to the floor after so many years of silence on this issue.

Madam Chair, my amendment simply strikes the findings section of the bill. As you know, findings are nonbinding parts of the legislation that speak to the intent of Congress. And this issue is, again, such a passionate one, not just for the 435 Members of this House, but for the 300 million Americans across this country. I choose to let the legislation speak for itself.

This legislation has been carved out with states' rights provisions in it, to make sure the States have the flexibility that they need. It has been carved out with input from physicians,

from attorneys, from families, from providers all across the board.

So my amendment, Madam Chair, would not change the substance of the bill but would simply eliminate the findings section to allow the substance of the bill to speak for itself.

And with that, I reserve the balance of my time.

Mr. CONYERS. I rise in opposition to the Woodall amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Madam Chair, we're striking the findings. By striking statements of constitutional authority for the bill, the amendment recognizes that many Members of the House question Congress' constitutional authority to pass H.R. 5. So for that reason, my colleagues, the findings are all important. Supporters of states' rights ought to take the next step and eliminate the section of the bill that preempts State law. Indeed, many supporters of the underlying bill have spent years arguing that decisions about health care are fundamentally prerogatives of the State.

So I have only 18 conservative or Republican scholars and leaders that agree with me, including the Heritage Foundation; the Virginia attorney general, Mr. Cuccinelli; the constitutional law professor at Georgetown Law Center; the distinguished Senator from Oklahoma, Mr. COBURN; some of our colleagues, including Judge TED POE of Texas, our colleague from Nebraska, LEE TERRY, former judge LOUIE GOHMERT, in particular, RON PAUL; the founder of the Tea Party Nation, Judson Phillips.

It goes on and on, where we are all in agreement that the findings are, indeed, critical and ought to be left in the bill. To take the findings out is incredible because we say that the Federal Government shouldn't be involved, that it's a State matter, and tort law, itself, is a State matter.

So for those reasons, Madam Chair, I am pleased to represent a bipartisan group of Members and scholars that very strenuously object to the findings being removed in this Woodall amendment.

Here's what conservative scholars and leaders have to say about this hypocrisy:

Heritage Foundation: Despite H.R. 5's reliance on the Commerce Clause, Congress has no business (and no authority under the Constitution) telling states what the rules should be governing medical malpractice claims.

Ken Cuccinelli, Virginia Attorney General: Senate Bill 197 takes an approach that implies "Washington knows best" while trampling states' authority and the 10th Amendment. The legislation is breathtakingly broad in its assumptions about federal power, particularly the same 1 power to regulate commerce that lies at the heart of all the lawsuits (including Virginia's) against

the individual mandate of the 2010 federal health-care law. I have little doubt that the senators who brought us S. 197 oppose the use of the commerce clause to compel individuals to buy health insurance. Yet they have no qualms about dictating to state court judges how they are to conduct trials in state lawsuits. How does this sort of constitutional disconnect happen?

And if [S. 197, a medical malpractice bill] it were ever signed into law—by a Republican or Democratic president—would file suit against it just as fast as I filed suit when the federal health-care bill was signed into law in March 2010.

Randy Barnett, Constitution law professor at Georgetown Law Center and senior fellow at the Cato Institute: This bill [H.R. 5] alters state medical malpractice rules by, for example, placing caps on noneconomic damages. But tort law—the body of rules by which persons seek damages for injuries to their person and property—have always been regulated by states, not the federal government. Tort law is at the heart of what is called the 'police power' of states. What constitutional authority did the supporters of the bill rely upon to justify interfering with state authority in this way?

Constitutional law professors have long cynically ridiculed a 'fair-weather federalism' that is abandoned whenever it is inconvenient to someone's policy preferences. If House Republicans ignore their Pledge to America to assess the Constitution themselves, and invade the powers 'reserved to the states' as affirmed by the Tenth Amendment, they will prove my colleagues right.

Senator Tom Coburn (R-OK): What I worry about as a fiscal conservative and also as a constitutionalist, is that the first time we put our nose under the tent to start telling Oklahoma or Ohio or Michigan what their tort law will be, where will it stop? In other words, if we can expand the commerce clause enough to mandate that you have to buy health insurance, then I'm sure nobody would object to saying we can extend it enough to say what your tort law is going to be. Then we are going to have the federal government telling us what our tort laws are going to be in healthcare, and what about our tort laws in everything else? Where does it stop?

One of the things our founders believed was that our 13 separate states could actually have some unique identity under this constitution and maybe do things differently, and I think we ought to allow that process to continue as long as we are protecting human and civil rights.

Congressman Lee Terry (R-NE): If you're a true believer in the 10th Amendment, then why are we not allowing the states to continue to create their own laws and decide what's in their best interest for their residents?

Congressman Ted Poe (R-TX): The question is: does the federal government have the authority under the Commerce Clause to override state law on liability caps? I believe that each individual state should allow the people of that state to decide—not the federal government. . . . If the people of a particular state don't want liability caps, that's their prerogative under the 10th Amendment. . . . But I have concerns with the current bill as written.

Congressman Louie Gohmert (R-TX): The right of the states for self-determination is enshrined in the 10th Amendment. . . . I am reticent to support Congress imposing its will on the states by dictating new state law in their own state courts.

Congressman Ron Paul (R-TX): The federal government shouldn't be involved. It's a state matter; tort law is a state matter.

Congressman John Duncan (R-TN): I have faith in the people—I have faith in the jury system. It's one of the most important elements of our freedom, and it was so recognized in the Constitution, was felt to be so important, it was specifically put into the Constitution in the Seventh Amendment. And I'll tell you, it's a very dangerous thing to take away rights like that from the people.

Senator Mike Lee (R-UT) on tort reform: Congress needs to be very careful when it enters into a uniquely state law area like tort. So tort reform needs to be undertaken very carefully insofar as it done at the federal level.

Judson Phillips, founder of Tea Party Nation: Some conservatives complain opposing unconstitutional tort reform rewards the trial lawyers. The trial lawyers may benefit from stopping unconstitutional tort reform, but we fight to protect the Constitution. In this case, the trial lawyers are with us supporting the 10th Amendment.

Robert Natelson, senior fellow at the Independence Institute: To be blunt: H.R. 5 flagrantly contravenes the limitations the Constitution places upon Congress, and therefore violates both the Ninth and Tenth Amendments. . . . During the debate over ratification of the Constitution, leading Founders specifically represented that the subject-matter of H.R. 5 was outside federal enumerated powers and reserved to the states.

John Baker, Catholic University law professor: House Republicans hope to nationalize medical malpractice law, which is traditionally a matter of state tort law, by passing H.R. 5, a bill that would wipe out all state medical malpractice laws and complete the nationalization of healthcare. Passage of H.R. 5 would undercut arguments that Obamacare is unconstitutional.

Carrie Severino, chief counsel and policy director at the Judicial Crisis Network: Among other things, S. 197 sets a statute of limitations for claims, caps damages and creates standards for expert witnesses . . . but they are not within the constitutional powers granted to the federal government for the very same reasons Obamacare is not.

The law's own justification for its constitutional authority should be chilling to anyone committed to limited federal power. The bill's findings state that health care and health insurance are industries that 'affect interstate commerce,' and conclude that Congress therefore has Commerce Clause power to regulate them—even when it involves an in-state transaction between a doctor and patient, governed by in-state medical malpractice laws.

I yield back the balance of my time.

Mr. WOODALL. Madam Chair, I yield myself such time as I may consume to say that, as a freshman in this body, I've had to learn a few things over the last 15 months here serving in this body, and what I have learned is that I haven't been able to get every bill that I want out of this House the exact way I want it when it leaves here. It has been much to my chagrin. I thought I was going to be able to come here and make every bill perfect before it leaves here. But not only can I not make it perfect before it goes, but then I have to deal with that United States Senate, and that has proved to be the most complicated part of this process.

There are absolutely, as the gentleman has listed, folks who have concerns about the underlying nature of this bill. But if not for this Gingrey bill, we wouldn't be able to have this conversation at all. If not for the courage of folks to step out on the ledge and begin this conversation, we wouldn't be able to have it at all.

If we are to advance the cause of litigation reform in this country, if we are to control the inaccessibility of health care that comes from rising costs, then we have to be willing to come to the floor of this House and have the kinds of debates that my friend from Georgia has made possible today. That's true.

I may disagree with some of the ways that we've gotten here—and by striking the findings, we make no conclusions today about why we're here—but we make the certain conclusion today that if we don't begin this process, we will never bring it to conclusion. If we don't have this discussion today, Madam Chair, we will never solve these issues.

Mr. CONYERS. Would the gentleman yield?

Mr. WOODALL. I would be happy to yield to the ranking member.

Mr. CONYERS. I thank the gentleman for his courtesy. But why, as a new Member—and we welcome you to this body—why would we strike all the findings from H.R. 5?

Mr. WOODALL. Reclaiming my time, and I thank the ranking member for his question. And that's a good way to conclude, Madam Chair.

The reason is because the language of the bill speaks for itself. The language of the bill speaks for itself. When this bill passes the House today, Madam Chair, we will have the U.S. House of Representatives on record about solutions to the malpractice challenges that face this Nation. But there is no need to be on the record today, Madam Chair, about all of the different ways that we got here. Because I might disagree with my friend from Georgia about how we got here. I would certainly disagree with my friend from Michigan about how we got here.

But what is important is that we begin to take those steps forward. And with the removal of these findings, we are going to be able to let that language stand on its face for this House to have the free and open debate that I'm looking forward to today.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONYERS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1030

AMENDMENT NO. 2 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-416.

Ms. BONAMICI. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 22, strike "date of enactment" and insert "effective date".

Page 23, line 24, strike "date of enactment" and insert "effective date".

Page 24, line 2, insert after "the injury occurred" the following: "This title shall take effect only on the date the Secretary of Health and Human Services submits to Congress a report on the potential effect of this title on health care premium reductions."

The Acting CHAIR. Pursuant to House Resolution 591, the gentlewoman from Oregon (Ms. BONAMICI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. My amendment to H.R. 5 simply requires the Secretary of Health and Human Services to submit a report to Congress detailing the effect that the tort reform provisions in this bill would have on health care premiums and delays the effective date of title I of the bill until that report is submitted.

For years, proponents of tort reform have tried to convince Americans that skyrocketing health care costs are entirely attributable to greedy plaintiffs and runaway jury awards. They recite anecdotes about doctors closing their practices, refusing to deliver babies or perform surgeries, for fear of being sued. But, Madam Chair, we should not be making Federal policy based on anecdotes.

If recent independent research is any indication, the report that the Secretary submits to Congress under this amendment is unlikely to find that the bill will have any meaningful effect on health care premiums. Recent analysis in States adopting restrictions similar to those in this bill has found no substantial impact on the consumer cost of health care, nor has access to health providers improved as a result.

Proponents of tort reform claim that capping damages will drive down the cost of medical malpractice insurance and that doctors will pass this savings along to patients. But 2 years ago, CBO found that malpractice insurance premiums, settlements, and awards account for just a tiny fraction of total health care expenditures. In 27 States where damages have been capped, the medical malpractice premiums are not lower on average than in States without caps.

My amendment asks for data on how this bill will affect the cost of health care for all Americans. Now, I want to

be very clear—no one should be compensated for a frivolous lawsuit. But there are ways to address frivolous lawsuits without infringing on the rights of those who truly have been injured by medical mistakes.

What this bill does accomplish ought to frighten anyone who believes in the rights of States to govern themselves and the rights of individuals to be compensated for loss. This bill tramples over the rights of States to enact laws governing their own tort systems, and it severely restricts individuals' rights to be compensated for all the losses caused by health care providers.

In my home State of Oregon, for example, our supreme court has held that most statutory caps on noneconomic damages are unconstitutional. And Oregon is not alone. At least 12 other States have some constitutional prohibition against these types of restrictions. This bill not only overrides State laws and constitutions governing punitive and noneconomic damage awards; it also addresses States' statutes of limitations, pleading standards, attorney-fee provisions, and joint liability. But it does not stop there.

Although this bill is being presented as medical malpractice reform, it reaches far beyond professional malpractice against doctors to include product liability cases against drug and device manufacturers, bad-faith claims against HMOs and insurance companies, and negligence suits against nursing homes. And it would take away all of the State and individual rights in far-reaching areas of the health care industry without evidence that doing so will lower the premiums for Americans. This is an unwarranted intrusion in personal liberty and a giveaway to insurance companies. So we should know if it's going to lower health care premiums.

If this Congress is going to enact a sweeping bill nullifying longstanding State law and trampling on State constitutional rights, it's not too much to ask that we arm ourselves with the knowledge of how this will actually affect American families. This amendment simply requires the Secretary of Health and Human Services to submit a report to Congress with that information before title I of this bill takes effect—a reasonable requirement.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Madam Chair, I rise in opposition to the Bonamici amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GINGREY of Georgia. I rise in opposition to the Bonamici amendment because it would indefinitely delay critical medical liability reforms that will save American taxpayers tens of billions of dollars and save our health care system upwards of \$200 billion a year in unnecessary spending.

The amendment before us would delay enactment of the tort reforms

outlined in H.R. 5 until the Secretary of Health and Human Services submits a report to Congress on the potential effects of medical liability reform on health care premiums. However, the amendment does not require the Secretary to produce a report by a date certain. In fact, the Secretary could simply choose to never issue a report and forever delay the reforms at the heart of this underlying bill.

Regardless of what one thinks about H.R. 5, I do not believe it is appropriate to vest the Secretary of Health and Human Services with the authority to permanently block enactment of a law based on the inability to produce a report. I realize that there are some who might disagree because they would like to provide the Secretary with the authority under IPAB to unilaterally dictate the medical choices of seniors. Given the track record of this administration on liability reform and their failure to address the issues in ObamaCare, HHS should not be given the power to bob and weave on this issue once again.

I do find the amendment somewhat ironic, and I actually wish the author of the amendment was in Congress during debate over PPACA. Maybe if we had this type of amendment then, we would not be saddled with a law that has taken away people's health care choices and raised their health care premiums. We were promised that the law would reduce health care premiums by \$2,500 a year. During debate on PPACA we knew that that was not true, and the CBO told Congress that it was not true. What was common sense is coming to fruition now. The law has given us a billion-dollar new bureaucracy, and it's fueling ever-increasing health care and premium costs.

In this case, Madam Chairman, this amendment is not needed because we have seen that real medical liability reform can and will reduce costs. It will stop the vicious cycle of frivolous lawsuits and defensive medicine. It will make our health care system more efficient and actually reduce unnecessary spending in the health care system, another thing the health care law failed to do. We do not need this amendment.

With that, Madam Chairman, I yield 1 minute to the distinguished majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

Madam Chair, I rise in opposition to this amendment, which would simply delay the implementation of what we know is a cost-savings measure to so many millions of seniors—and so many millions of Americans, not just seniors.

Madam Chair, today we will vote to repeal one of PPACA's most harmful provisions, the Independent Payment Advisory Board. IPAB is emblematic of the two very different visions held by Republicans and Democrats about the path to quality care and how to control costs in our health care system.

Madam Chair, the President and his party want a centralized board of bureaucrats to control decisions about how health care is allocated to our Nation's seniors. He proposes to restrict health care choices in order to lower cost. Our American system of free enterprise, innovation, and ingenuity has made our health care centers the best in the world. Our doctors transform dire health care conditions into promising outcomes and healthy lives. We produce the world's lifesaving drugs, disease-prevention regimens, biologics, and devices. But IPAB hamstringing the best available care for our seniors by imposing artificial and arbitrary constraints on cost.

Neither the President nor congressional Democrats have proposed a solution to strengthen Medicare. Instead, the President gives 15 bureaucrats the power to make fundamental decisions about the care that seniors will have access to. Not to be deterred, the President has proposed expanding this board numerous times over the past year, vastly growing the board's scope and ability to fix prices and ultimately ration care for our Nation's seniors.

Madam Chair, the President and I do agree on this: the current Medicare reimbursement system is broken. But we don't need a board of unelected bureaucrats to control costs. As we have proposed today, there is a better path forward.

During the health care debate, the President agreed with our Nation's doctors that defensive medicine practices are driving up costs. Yet meaningful medical liability reform was not included in the 2,000-page health care law.

Madam Chair, as my colleagues have proposed today, we can model medical liability reforms on State-based laws. California, Texas, and Virginia have all implemented working solutions that drive down the cost of care. We can even propose more creative medical liability reform solutions. We're always open to new ideas and suggestions. But not delay. Moving forward with commonsense medical liability reforms will mean that doctors can continue serving patients.

□ 1040

It means that injured patients will be compensated more quickly and fairly. It means health care costs will go down.

Madam Chair, you don't need a new rationing board to save \$3 billion. You simply need to enact liability reform policies that are so commonsense even States like California and others have had them on the books for decades.

When the entire medical community stands opposed to an idea, I would hope that our colleagues on the other side of the aisle and the President would listen. ObamaCare's IPAB is not the solution our seniors are expecting us to deliver. Our seniors deserve better.

Madam Chair, I thank Dr. PHIL ROE, the gentleman from Tennessee, and Dr. PHIL GINGREY, the gentlemen from Georgia, for sponsoring the PATH Act. I'd also like to recognize Chairman FRED UPTON, Chairman DAVE CAMP, and Chairman LAMAR SMITH for working to strengthen Medicare for our seniors. Under their leadership, our House committees are advancing policies that will deliver the quality of health care the American people deserve.

Ms. BONAMICI. Madam Chair, I yield 15 seconds to my colleague from Michigan (Mr. CONYERS).

Mr. CONYERS. Just to get the facts into this debate, I rise in strong support of the Bonamici amendment. I include for the RECORD the Congressional Budget Office letter to Chairman DREIER on March 19 in which the CBO estimates that enacting the provision will increase the deficits, if you use IPAB, by \$3.1 billion.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, March 19, 2012.

Hon. DAVID DREIER,
Chairman, Committee on the Rules, House of
Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011, as posted on the Web site of the House Committee on Rules on March 12, 2012. CBO estimates that enacting the bill would reduce direct spending and increase revenues; therefore, pay-as-you-go procedures apply. Together, the changes to direct spending and revenues would reduce future deficits by \$13.7 billion over the 2013-2017 period and by \$45.5 billion over the 2013-2022 period.

Federal spending for active workers participating in the Federal Employees Health Benefits program is included in the appropriations for federal agencies, and is therefore discretionary. H.R. 5 would also affect discretionary spending for health care services paid by the Departments of Defense and Veterans Affairs. CBO estimates that implementing H.R. 5 would reduce discretionary spending by \$1.1 billion, assuming appropriations actions consistent with the legislation.

H.R. 5 would impose limits on medical malpractice litigation in state and federal courts by capping awards and attorney fees, modifying the statute of limitations, and eliminating joint and several liability. It also would repeal the provisions of the Affordable Care Act (ACA) that established the Independent Payment Advisory Board (IPAB) and created a process by which that Board (or the Secretary of the Department of Health and Human Services) would be required under certain circumstances to modify the Medicare program to achieve certain specified savings.

CBO estimates that the changes in direct spending and revenues resulting from enactment of the limitations on medical malpractice litigation would reduce deficits by \$48.6 billion over the 2013-2022 period. CBO also estimates that implementing those provisions would reduce discretionary spending by \$1.1 billion, assuming appropriations actions consistent with the legislation. The basis for that estimate is described in the cost estimate CBO transmitted on March 10, 2011, for the HEALTH Act as ordered reported by the House Committee on the Judi-

ciary on February 16, 2011. The estimated budgetary effects have been updated to assume enactment near the end of fiscal year 2012 and to reflect CBO's current budgetary and economic projections.

CBO estimates that enacting the provision that would repeal the Independent Payment Advisory Board would increase deficits by \$3.1 billion over the 2013-2022 period. The basis for that estimate is described in the cost estimates CBO transmitted on March 7 and March 8, 2012, for H.R. 452 as ordered reported by the House Committee on Energy and Commerce and by the House Committee on Ways and Means, respectively.

H.R. 5 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt state laws that provide less protection for health care providers and organizations from liability, loss, or damages (other than caps on awards for damages). CBO estimates the cost of complying with the mandate would be small and would fall well below the threshold established in UMRA for intergovernmental mandates (\$73 million in 2012, adjusted annually for inflation).

H.R. 5 contains several mandates on the private sector, including caps on damages and on attorney fees, the statute of limitations, and the fair share rule. The cost of those mandates would exceed the threshold established in UMRA for private-sector mandates (\$146 million in 2012, adjusted annually for inflation) in four of the first five years in which the mandates were effective.

Mr. GINGREY of Georgia. Madam Chair, I respect my colleague from Oregon, and I know she is well meaning and very thoughtful, but I must oppose her amendment. At this time, I urge my colleagues to vote against the amendment, and I reserve the balance of my time.

Ms. BONAMICI. Madam Chairman, this is a reasonable amendment. It simply asks that before we make sweeping Federal policy that overrides State and individual rights we know what we're getting in return.

I urge my colleagues to support this very reasonable amendment. I yield back the balance of my time.

Mr. GINGREY of Georgia. Madam Chair, I yield back the balance of my time as well.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. BONAMICI. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon will be postponed.

The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. DENT

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-416.

Mr. DENT. Madam Chair, I rise for the purpose of offering an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, insert the following:

**TITLE III—HEALTH CARE SAFETY NET
ENHANCEMENT**

SEC. 301. SHORT TITLE.

This title may be cited as the "Health Care Safety Net Enhancement Act of 2012".

SEC. 302. PROTECTION FOR EMERGENCY AND RELATED SERVICES FURNISHED PURSUANT TO EMTALA.

Section 224(g) of the Public Health Service Act (42 U.S.C. 233(g)) is amended—

(1) in paragraph (4), by striking "An entity" and inserting "Subject to paragraph (6), an entity"; and

(2) by adding at the end the following:

"(6)(A) For purposes of this section—

"(i) an entity described in subparagraph (B) shall be considered to be an entity described in paragraph (4); and

"(ii) the provisions of this section shall apply to an entity described in subparagraph (B) in the same manner as such provisions apply to an entity described in paragraph (4), except that—

"(I) notwithstanding paragraph (1)(B), the deeming of any entity described in subparagraph (B), or of an officer, governing board member, employee, contractor, or on-call provider of such an entity, to be an employee of the Public Health Service for purposes of this section shall apply only with respect to items and services that are furnished to an individual pursuant to section 1867 of the Social Security Act and to post stabilization services (as defined in subparagraph (D)) furnished to such an individual;

"(II) nothing in paragraph (1)(D) shall be construed as preventing a physician or physician group described in subparagraph (B)(ii) from making the application referred to in such paragraph or as conditioning the deeming of a physician or physician group that makes such an application upon receipt by the Secretary of an application from the hospital or emergency department that employs or contracts with the physician or group, or enlists the physician or physician group as an on-call provider;

"(III) notwithstanding paragraph (3), this paragraph shall apply only with respect to causes of action arising from acts or omissions that occur on or after January 1, 2012;

"(IV) paragraph (5) shall not apply to a physician or physician group described in subparagraph (B)(ii);

"(V) the Attorney General, in consultation with the Secretary, shall make separate estimates under subsection (k)(1) with respect to entities described in subparagraph (B) and entities described in paragraph (4) (other than those described in subparagraph (B)), and the Secretary shall establish separate funds under subsection (k)(2) with respect to such groups of entities, and any appropriations under this subsection for entities described in subparagraph (B) shall be separate from the amounts authorized by subsection (k)(2);

"(VI) notwithstanding subsection (k)(2), the amount of the fund established by the Secretary under such subsection with respect to entities described in subparagraph (B) may exceed a total of \$10,000,000 for a fiscal year; and

"(VII) subsection (m) shall not apply to entities described in subparagraph (B).

"(B) An entity described in this subparagraph is—

"(i) a hospital or an emergency department to which section 1867 of the Social Security Act applies; and

“(ii) a physician or physician group that is employed by, is under contract with, or is an on-call provider of such hospital or emergency department, to furnish items and services to individuals under such section.

“(C) For purposes of this paragraph, the term ‘on-call provider’ means a physician or physician group that—

“(i) has full, temporary, or locum tenens staff privileges at a hospital or emergency department to which section 1867 of the Social Security Act applies; and

“(ii) is not employed by or under contract with such hospital or emergency department, but agrees to be ready and available to provide services pursuant to section 1867 of the Social Security Act or post-stabilization services to individuals being treated in the hospital or emergency department with or without compensation from the hospital or emergency department.

“(D) For purposes of this paragraph, the term ‘post stabilization services’ means, with respect to an individual who has been treated by an entity described in subparagraph (B) for purposes of complying with section 1867 of the Social Security Act, services that are—

“(i) related to the condition that was so treated; and

“(ii) provided after the individual is stabilized in order to maintain the stabilized condition or to improve or resolve the condition of the individual.

“(E)(i) Nothing in this paragraph (or in any other provision of this section as such provision applies to entities described in subparagraph (B) by operation of subparagraph (A)) shall be construed as authorizing or requiring the Secretary to make payments to such entities, the budget authority for which is not provided in advance by appropriation Acts.

“(ii) The Secretary shall limit the total amount of payments under this paragraph for a fiscal year to the total amount appropriated in advance by appropriation Acts for such purpose for such fiscal year. If the total amount of payments that would otherwise be made under this paragraph for a fiscal year exceeds such total amount appropriated, the Secretary shall take such steps as may be necessary to ensure that the total amount of payments under this paragraph for such fiscal year does not exceed such total amount appropriated.”.

SEC. 303. CONSTITUTIONAL AUTHORITY.

The constitutional authority upon which this title rests is the power of the Congress to provide for the general welfare, to regulate commerce, and to make all laws which shall be necessary and proper for carrying into execution Federal powers, as enumerated in section 8 of article I of the Constitution of the United States.

The Acting CHAIR. Pursuant to House Resolution 591, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Madam Chair, I'm pleased to join my colleague, PETE SESSIONS from Texas, on the floor this morning to support a very important amendment that we've introduced that would address the crisis in access to emergency care by extending liability coverage to on-call and emergency room physicians.

The underlying bill we're debating here today is about patient access to

care. Now I recognize that ideology may divide the House on the underlying bill. But common sense should unite the House on this particular amendment. Our former colleague, Bart Gordon of Tennessee, had introduced this legislation with me last year. In this session, we have bipartisan support for this concept. Mr. MATHESON, Mr. LANGEVIN, and Mr. RUPERSBERGER all have cosponsored this legislation that I am offering as an amendment. They cosponsored the original bill.

There's a growing shortage of physicians and specialists willing to work in emergency rooms. We've seen it all over the country. A 2006 Institute of Medicine report, “The Future of Emergency Care,” noted that the availability of on-call specialists is an acute problem in emergency departments and trauma centers. Emergency and trauma care is delivered in an inherently challenging environment. Every day, physicians providing emergency care make life-and-death decisions with little information or time about the patients they're treating.

I've spoken with surgeons who've told me they dread a Code Blue out of fear of a lawsuit. They want to serve these people who are coming into these emergency centers but are fearful for their families of a lawsuit. That's what medicine has become, unfortunately, because of this out-of-control litigation system.

As a result, these physicians providing emergency and trauma care face extraordinary exposure to medical liability claims. Forty percent of hospitals say the liability situation has resulted in less physician coverage for their emergency departments. According to a report from the GAO, soaring medical liability premiums have led specialists to reduce or stop on-call services to emergency departments. This trend threatens patients' access to emergency surgical services. Neurosurgery, orthopedics, and general surgery are the most impacted. They also are the services that emergency departments most frequently require. Trauma centers across the country have closed. In my home State of Pennsylvania, this has been a very serious problem.

This is an urgent issue that needs to be addressed. This amendment would protect access to emergency room care and reduce health care costs by allowing emergency and on-call physicians who deliver EMTALA-related services medical liability protections. EMTALA, the Emergency Medical Treatment and Active Labor Act, ensures that any person who seeks emergency medical care at a covered facility is guaranteed an appropriate screening exam and stabilization treatment before transfer or discharge, regardless of their ability to pay. EMTALA is a Federal mandate that

protects all our citizens, the insured and the uninsured alike. This amendment will provide a backstop for the doctors who provide these critical services.

Specifically, the amendment would ensure medical services furnished by a hospital, emergency department, or a physician or on-call provider under contract with a hospital or emergency department pursuant to the EMTALA mandate are provided the same liability coverage currently extended to community health centers and health professionals who provide Medicaid services at free clinics.

This amendment will not impact the rights of individuals who have been harmed to seek redress. What this amendment will do is ensure medical professionals are available to provide critical, timely, lifesaving emergency and trauma medical care to all Americans when and where it is needed.

Please join me and Representative SESSIONS in supporting this amendment. If an accident ever happened to any of us, Heaven forbid, we want to make sure that there are people in these trauma centers and those emergency rooms ready to deal with us and who have nothing on their mind but saving our lives, not worrying about lawsuits. So I urge adoption of this amendment.

At this time, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. To my colleague, Mr. DENT, hold up. You're giving complete immunity to hospitals, physicians, and providers for any emergency activity. Do you want to do away with all liability whatsoever because it's in an emergency room? Of course, you don't. But this amendment requires the Federal Government to pay for the medical errors committed and denies our government any ability to address or reprimand those who commit medical errors. You don't want to do that. You don't want to go that far.

The Federal Government would be responsible for all occurrences of negligence in an emergency room. Please. Ninety-eight thousand patients die every year due to preventable medical errors.

I reserve the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are advised to address their remarks to the Chair.

Mr. DENT. Madam Chair, just very briefly in answer to my colleague's comments, I want to say very briefly that this does not waive liability. It simply says that when care is federally mandated under EMTALA that there will be Federal liability protection provided to those who are providing the

care. That's only fair. People still can bring action, but there will be Federal liability protection, as there should be, because this care is being required under Federal law. I think it's completely reasonable.

At this time, I reserve the balance of my time.

Mr. CONYERS. But what we're doing in the amendment is to provide immunity to all hospitals and physicians and require the Federal Government to pay for medical errors committed by them.

Look, we have 98,000 patients dying every year due to preventable medical errors. I'm not slamming the docs and the hospitals. I'm saying that we don't want to provide complete immunity.

□ 1050

This Dent amendment, Madam Chairman, does just that: it provides complete immunity.

So I'm asking my colleagues to please slow down and realize that irreparable harm due to negligence in the emergency room—and we've got pages and pages of examples—would be not subject to adjudication because of this amendment. It's a very dangerous amendment. It goes way too far. It's overbroad. And I urge my colleagues to carefully examine the consequences of this provision.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Pennsylvania has 30 seconds remaining.

Mr. DENT. The only thing I would like to say in response, once again, is this immunity protection only applies to care provided under EMPALA, and that's federally mandated care. Other activities going on in that emergency room or trauma center would not be given this exemption from liability, only federally mandated care. It can't be any more clear.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 2 minutes remaining.

Mr. CONYERS. Madam Chairman, this amendment would actually lower the incentive to practice safe medicine, and I say this on careful examination.

I'm surprised that my colleague, the leader on the other side, himself a distinguished doctor, would be silent on this provision because it shields hospitals, employed physicians, even physicians who are already covered by private insurance; and physicians working in an emergency room setting will never be held accountable when they wrongfully injure their patient. That is my only reservation and objection to what is otherwise an honorably intended revision of this measure.

When hospitals and emergency room departments are not held accountable for medical errors and for negligence, then they have no incentive to offer quality care or hire competent physicians. Please, I beg you to carefully ex-

amine the dangers implicit in the Dent-Sessions amendment.

I yield back the balance of my time. The Acting CHAIR. The gentleman from Pennsylvania has 15 seconds remaining.

Mr. DENT. In conclusion, this amendment has bipartisan support. As I said, our former colleague, Bart Gordon, who was a cosponsor, introduced this bill along with me last session. Mr. LANGEVIN is a cosponsor of the bill, Mr. MATHESON, Mr. RUPPERSBERGER. It makes sense. This is important to make sure our citizens have access to emergency care should they ever need it.

At this time, I urge support of the amendment, and I yield back the balance of my time.

Mr. SESSIONS. Madam Chair, I rise to support the amendment to H.R. 5 that I have cosponsored with my good friend Congressman CHARLIE DENT of Pennsylvania. The amendment extends critical liability coverage to emergency room and on-call physicians and physician groups.

Madam Chair, we are at a crisis point in this country. In these difficult economic times, our emergency rooms have become a source of primary care to many of our fellow citizens. At the time that we need them the most, nearly half of all emergency rooms in medical liability crisis states are under staffed. We face this shortage not because of a lack of trained specialists, but because liability coverage costs too much due to the unique set of medical challenges that are seen in emergency situations.

By law, emergency rooms must treat anyone who needs care regardless of if they have insurance or can afford it. Over the past several years, emergency rooms have seen an increase in patients due to the number of unemployed and/or uninsured people needing care. We have found that our emergency room cases are becoming more complicated and frequent, and our doctors do not have the luxury of a complete patient history.

Our emergency physicians are the first line of defense for the health care community. As such, we must provide basic liability protections to these emergency and on-call physicians. This liability protection is critical to maintaining the state of the art emergency facilities that we have at our disposal today.

The Dent-Sessions amendment would deem hospitals, emergency rooms, physicians and physicians groups that provide emergency care to individuals to be employees of the Public Health Service for purposes of any civil action that may arise due to health care items and services provided under the Public Health Service Act.

I commend Congressman DENT for his leadership on this issue and would ask my colleagues to support this amendment which is critical for patient care.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT). The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. GOSAR

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-416.

Mr. GOSAR. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE III—RESTORING THE APPLICATION OF ANTITRUST LAWS TO HEALTH SECTOR INSURERS

SEC. 301. SHORT TITLE.

This title may be cited as the "Health Insurance Industry Fair Competition Act of 2012".

SEC. 302. APPLICATION OF THE ANTITRUST LAWS TO THE BUSINESS OF HEALTH INSURANCE.

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

"(c) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition. For the purposes of this subsection, the term 'business of health insurance' shall—

"(1) mean 'health insurance coverage' offered by a 'health insurance issuer' as those terms are defined in section 9001 of the Patient Protection and Affordable Care Act, which incorporates by reference and utilizes the definitions included in section 9832 of the Internal Revenue Code (26 U.S.C. 9832); and

"(2) not include—

"(A) life insurance and annuities;

"(B) property or casualty insurance, including but not limited to, automobile, medical malpractice or workers' compensation insurance; or

"(C) any insurance or benefits defined as 'excepted benefits' under section 9832(c) of the Internal Revenue Code (26 U.S.C. 9832(c)), whether offered separately or in combination with products described in subparagraph (A)."

(b) RELATED PROVISION.—For purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition, section 3(c) of the McCarran-Ferguson Act shall apply with respect to the business of health insurance without regard to whether such business is carried on for profit, notwithstanding the definition of "Corporation" contained in section 4 of the Federal Trade Commission Act.

(c) LIMITATION ON CLASS ACTIONS.—

(1) LIMITATION.—No class action may be heard in a Federal or State court on a claim against a person engaged in the business of health insurance for a violation of any of the antitrust laws (as defined in section 3(c) of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act).

(2) EXEMPTION.—Paragraph (1) shall not apply with respect to any action commenced—

(A) by the United States or any State; or

(B) by a named claimant for an injury only to itself.

The Acting CHAIR. Pursuant to House Resolution 591, the gentleman

from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Madam Chair, I rise to address the House today in support of my amendment to H.R. 5 to amend the McCarran-Ferguson Act. This act exempts the business of insurance from many Federal antitrust laws. In this modern day and age, it is hard to see why this exemption still persists.

One of the original reasons to carve this exemption for the industry, which dates all the way back to 1945, was that insurance companies needed to share actuarial information in order to balance risk when setting premiums. However, since 1945, our Federal law has evolved to include safe harbors to permit companies to share this data as needed. I believe that violations of antitrust law cannot always be dealt with on the State level anymore as cash-strapped States lack the resources to enforce the law against these large, multi-state insurance companies. Therefore, it is time for this exemption to be repealed so that we can empower health insurance companies to compete more aggressively for the consumer dollar, increase competition, increase insurance options, empower patients to a patient-centered system, and they decrease premiums. Therefore, we all win.

Lowering the cost of health insurance is a goal we should all share. That is why the House passed a very similar measure, H.R. 4626, with over 400 votes in 2010.

There is one key difference between H.R. 4626 and this amendment, a difference of which I am proud. My amendment includes a prohibition on class action lawsuits in Federal court against these health insurance companies.

The FTC should have the power to investigate bad actors in the health insurance industry, but it helps no one if these companies—or for that matter, any American businesses—get mired in lawsuits that will cost millions. Class action lawsuits often result in big bucks in attorney fees for greedy trial attorneys, while leaving only pennies in the hands of plaintiffs who are allegedly wronged in the first place.

For example, let's take the Cobell settlement. Fifteen years ago, a group of Native Americans sued the Federal Government and Secretary of the Interior, Bruce Babbitt, for mismanagement of their funds and won a \$3.4 billion settlement only to find out that their attorneys were petitioning the judge for over \$200 million in fees. This is outrageous.

When the poorest of poor are wronged in this country and are awarded a settlement in court, they shouldn't have to split pennies amongst themselves as their lawyers walk away with a big fat

check. That is the spirit behind the tort reform piece of my amendment. I am pleased to see this House ready to pass significant tort reform today and encourage all my colleagues to support my amendment as well as the underlying bill.

I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I rise in strong opposition to this amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. It is my position that within the good that this does is a poison pill. The good is that consumers would also benefit from a repeal of McCarran-Ferguson. We salute you. But the poison pill is that this measure would ban class actions on a claim for violation of antitrust law, which is the cleverest way of ending antitrust law. Unless you have a class action—well, my doctor-Congressman is not a lawyer, but without class actions, you can't bring a claim because nobody's going to file a suit on a \$30 issue, 1 million people suing for \$30 each. So it's a poison pill.

I'd like to yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO), who had an amendment that had huge bipartisan support.

Mr. DEFAZIO. I thank the gentleman for yielding.

We had, at the end of last Congress, a tremendous bipartisan vote—406-19—on repealing straight up the antitrust immunity of the insurance industry.

The American people, no matter where they are on the Affordable Care Act, agree on one thing: insurance companies should not be able to get together and collude to either exclude people from coverage or drive up prices. Yet they do. They have an exemption under a law from the 1940s.

Now, what the gentleman is offering sounds pretty good, but it won't get us there because 90 percent of the antitrust cases are private, and almost every single one of those cases is a class action. So if you preclude class actions, you can pretend you're being tough with the insurance industry while you can wink and nod and say, hey, don't worry about it because there really won't be any litigation under this; and you're still going to be able to skate, and you're still going to be able to collude, and you're still going to be able to drive up prices.

Think of the context in what we're doing. We're talking about IPAB today, but they've already voted to repeal the entire Affordable Care Act. That means no more restrictions on rescissions—the dirty little practice where you've been paying your premium for years and you get sick and the insurance company says, sorry, we're not going to renew your policy. That's been outlawed.

□ 1100

They're going to do away with the prohibitions on age discrimination. They're going to do away with the prohibitions on preexisting conditions. So now we're going to have an insurance industry that is, essentially, free from antitrust law, that can take away your policy when you get sick, that can discriminate against you because you're old, can discriminate against you because you're sick or you have been sick, and it would take away the protections and the review of excessive rate increases.

So if we were doing a straight-up, take away their antitrust immunity, make them play by the same rules as every other business in America, except for professional sports, who are exempt from antitrust law, that would be fine. But let's not have this phony fig leaf so you can wink and nod to the insurance industry and say, "Hey, don't worry about it; it won't have any impact," but we can say to consumers we're with them.

Mr. GOSAR. We failed to realize that what we did here in repeal of McCarran-Ferguson is the FTC. It is the FTC. It is the FTC and the Department of Justice.

Right now, privately, yes, you're right. Without the repeal of McCarran-Ferguson, there is more coming from the private aspect, but that's because we have limited the Federal oversight in the FTC and the Department of Justice.

This compromise is weighted very carefully to make sure that we get back to a balance, both Federal and State, and does not oversee the states' rights as well.

I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield myself the balance of my time.

We are here debating an overwhelming proposition offered by the gentleman from Oregon (Mr. DEFAZIO), which would have corrected this problem so beautifully. But now comes the poison pill, which says no more class actions. If you can't bring class actions in this matter, then there's no way people with small, valid claims can go into court and sue for 30 bucks.

Now, I think most people understand this without going to law school. If you eliminate class actions, you have effectively destroyed the McCarran-Ferguson repeal that we are bragging about. So it's a kind of undercover scheme. We pretend we're doing something good. We ignore DEFAZIO's overwhelmingly bipartisan supported provision, and we let the insurance company through, and they live to continue the vile practices that have been revealed and discussed in this debate.

I yield back the balance of my time.

Mr. GOSAR. Once again, I want to make sure that everybody understands that you're giving Federal oversight of collusion and monopoly. In class action

lawsuits, what you're doing is not giving it all away, but you're limiting the vast improprieties that occur right now with class action.

This is carefully manipulated so that we're moving the balance down the field and it balances it out with competition and having some oversight over our jurisdiction of judgements that are impugned with class action. Class action has gotten way out of line, and most American people do understand that classification.

I yield back the balance of my time. Mr. SMITH of Texas. Madam Chair, 2 years ago, during the debate over the Obama administration's unconstitutional health care bill, this House considered a measure similar to this amendment.

During that debate, I argued that the repeal of the McCarran-Ferguson antitrust exemption for health insurers had "all the substance of a soup made by boiling the shadow of a chicken." However, I reluctantly supported that bill because I believed that it would have no meaningful effect. Compared to the administration's health care bill, a bill that does nothing looked like a great idea.

As I noted during the debate 2 years ago, the repeal of the McCarran-Ferguson exemption for health insurers will not bring down premiums.

The Congressional Budget Office (CBO) says that "whether premiums would increase or decrease as a result of this legislation is difficult to determine, but in either case the magnitude of the effect is likely to be quite small."

The effects of the repeal of this exemption will be small. The CBO says, "State laws already bar the activities that would be prohibited under Federal law if this bill was enacted." Every State's insurance regulations ban anticompetitive activities like bid rigging, price fixing and market allocation. Every State has insurance regulators who already actively enforce these prohibitions.

This amendment, like the bill we considered 2 years ago, will have no meaningful impact and may have minor negative unintended consequences.

But I will once again reluctantly support this measure because this amendment takes important steps to limit its unintended consequences and to reaffirm the McCarran-Ferguson exemption for non-health lines of insurance.

This amendment contains language that clearly limits its application to the business of health insurance. While the repeal of the McCarran-Ferguson exemption for health insurance does essentially nothing, repealing it for other types of insurance could be disastrous.

One of the main benefits of the McCarran-Ferguson exemption is that it allows insurance companies, subject to state regulation, to share historical and actuarial data.

The antitrust laws generally frown on competitors that share data. But in the insurance market, sharing data improves competition. This is because a shared pool of data about the risks and loss rates of various kinds of insurance allows small- and medium-sized insurers to enter the market and compete.

If insurance companies did not pool data, only the largest insurers would have access to

enough data to account for risk and price their policies.

For a number of reasons, which include the size of most health plans, the availability of health care data from various public and private sources, and the relative predictability of health care costs, health insurers rely much less on sharing data than other insurers.

This amendment contains a clear definition that limits its application to the business of health insurance. It clarifies that the McCarran-Ferguson exemption continues to apply to life insurance, annuities, property and casualty insurance, and other non-health types of insurance. It is an improvement over other proposals that are not so limited, defined and clear about their intent.

This amendment also prevents private class action antitrust lawsuits against health insurers. This limits the possible unintended negative effects.

Because this amendment is much improved in ways that will limit its unintended consequences, and because it reaffirms the importance of the McCarran-Ferguson exemption to non-health lines of insurance, I support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-416.

Mr. STEARNS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE III—PROTECTIONS FOR GOOD SAMARITAN HEALTH PROFESSIONALS

SEC. 301. SHORT TITLE.

This title may be cited as the "Good Samaritan Health Professionals Act of 2012".

SEC. 302. LIMITATION ON LIABILITY FOR VOLUNTEER HEALTH CARE PROFESSIONALS.

(a) IN GENERAL.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 224 the following:

"SEC. 224A. LIMITATION ON LIABILITY FOR VOLUNTEER HEALTH CARE PROFESSIONALS.

"(a) LIMITATION ON LIABILITY.—Except as provided in subsection (b), a health care professional shall not be liable under Federal or State law for any harm caused by an act or omission of the professional if—

"(1) the professional is serving as a volunteer for purposes of responding to a disaster; and

"(2) the act or omission occurs—

"(A) during the period of the disaster, as determined under the laws listed in subsection (e)(1);

"(B) in the health care professional's capacity as such a volunteer; and

"(C) in a good faith belief that the individual being treated is in need of health care services.

"(b) EXCEPTIONS.—Subsection (a) does not apply if—

"(1) the harm was caused by an act or omission constituting willful or criminal

misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the health care professional; or

"(2) the health care professional rendered the health care services under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or an intoxicating drug.

"(c) STANDARD OF PROOF.—In any civil action or proceeding against a health care professional claiming that the limitation in subsection (a) applies, the plaintiff shall have the burden of proving by clear and convincing evidence the extent to which limitation does not apply.

"(d) PREEMPTION.—

"(1) IN GENERAL.—This section preempts the laws of a State or any political subdivision of a State to the extent that such laws are inconsistent with this section, unless such laws provide greater protection from liability.

"(2) VOLUNTEER PROTECTION ACT.—Protections afforded by this section are in addition to those provided by the Volunteer Protection Act of 1997.

"(e) DEFINITIONS.—In this section:

"(1) The term 'disaster' means—

"(A) a national emergency declared by the President under the National Emergencies Act;

"(B) an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

"(C) a public health emergency determined by the Secretary under section 319 of this Act.

"(2) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(3) The term 'health care professional' means an individual who is licensed, certified, or authorized in one or more States to practice a health care profession.

"(4) The term 'State' includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

"(5)(A) The term 'volunteer' means a health care professional who, with respect to the health care services rendered, does not receive—

"(i) compensation; or

"(ii) any other thing of value in lieu of compensation, in excess of \$500 per year.

"(B) For purposes of subparagraph (A), the term 'compensation'—

"(i) includes payment under any insurance policy or health plan, or under any Federal or State health benefits program; and

"(ii) excludes—

"(I) reasonable reimbursement or allowance for expenses actually incurred;

"(II) receipt of paid leave; and

"(III) receipt of items to be used exclusively for rendering the health services in the health care professional's capacity as a volunteer described in subsection (a)(1)."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This title and the amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this title

(2) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a health care professional where the claim is filed on or after the effective date of this title, but only if the harm that is the subject of the claim or the conduct that caused such harm occurred on or after such effective date.

The Acting CHAIR. Pursuant to House Resolution 591, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. I yield myself such time as I may consume.

I have a very simple amendment today. It's the Good Samaritan Health Professionals Amendment. This amendment would allow trained medical professionals to volunteer across State lines to assist in Presidentially declared Federal disaster sites.

My colleagues, in the aftermath of Hurricane Katrina, we saw firsthand how much of a demand there is for trained professionals at disaster sites and how there is a need to provide liability protection for these very experienced individuals.

According to the Council of State Governments, the most pressing need immediately after Katrina was the availability of medical volunteers. However, out-of-state practitioners providing medical treatment face the real possibility of noncoverage under their medical malpractice policies. Those that volunteer and treat the sick are at risk of violating existing statutes and potentially facing criminal or administrative penalties or civil liabilities.

A Baton Rouge newspaper, *The Advocate*, ran a story in September 2005 that talked about Dr. Mark Perlmutter, who was in the midst of giving a woman chest compressions when FEMA asked him to stop because of issues of liability protection.

CNN ran a story about a doctor who was evacuated to the New Orleans' airport. The doctor was amazed to see hundreds of sick people and wanted to help them. He wanted to ply his professional talents and heal the sick, but was prevented from doing so because of legal liability. "They told us, you know, you could help us by mopping the floor," and that's what he was forced to do. And so he mopped the floor while people died all around him.

What was the cost of inaction because of the litigious society that we have? It's incidents like these, my colleagues, that's why I introduced the Good Samaritan Health Professionals Act, H.R. 3586. It's a very simple bill, and it's the foundation for this amendment to the PATH Act.

This amendment would allow medical professionals to volunteer at disaster sites. It would provide limited civil liability protection to medical volunteers who act on a good faith effort.

This is limited protection. It still allows victims to sue for serious acts such as criminal misconduct, reckless misconduct, or gross negligence. It does not cover criminal acts by health volunteers.

You shouldn't have someone that spent years in college, years in medical school, through residency, spent years as a practicing physician, push a mop when there's clear need for their services. This is wrong, and my amendment will correct that.

My colleague from Utah Mr. MATHESON and myself have a very simple amendment today. It is the Good Samaritan Health Professional Amendment. This amendment would allow trained medical professionals to volunteer across State lines to assist at presidentially declared disaster sites.

In the aftermath of Hurricane Katrina, we saw first hand how much of a demand there is for trained professionals at disaster sites and how there is a need to provide liability protection.

According to the Council of State Governments, the most pressing need immediately after Katrina was the availability of medical volunteers.

However, out-of-State practitioners providing medical treatment face the real possibility of non-coverage under their medical malpractice policies. Those that volunteer and treat the sick are at risk of violating existing statutes and potentially facing criminal or administrative penalties or civil liability.

A Baton Rouge newspaper, *The Advocate*, ran a story in September 2005 that talked about Dr. Mark Perlmutter, who was in the midst of giving a woman chest compressions when FEMA asked him to stop because of issues of liability protection.

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What was the cost of inaction because of our litigious society?

Its incidents like this, that's why I introduced the Good Samaritan Health Professional Act, H.R. 3586. It's a very simple bill, and it's the foundation for this amendment to the PATH Act.

This amendment would allow medical professionals to volunteer at disaster sites. It would provide limited civil liability protection to medical volunteers who act on a good faith effort.

This is limited protection. It still allows victims to sue for serious acts such, as criminal misconduct, reckless misconduct or gross negligence. It does not cover criminal acts by health volunteers.

But for everyone working in good faith and doing the right thing, it will provide this basic protection to any trained medical volunteer. It will protect:

Doctors, nurses or physician assistants that treat the injured;

The psychiatrist, psychologist or therapist that provide emotional assistance to those grieving, and;

The pharmacists or respiratory therapists that helps treat chronic conditions like diabetes or COPD.

You shouldn't have someone that spent years in college, years in medical school,

been through residency, and spent years as a practicing physician, push a mop when there is a clear need for their services.

This is wrong, and my amendment will correct this.

The Good Samaritan Health Professional Amendment has a broad coalition of supporters. They include:

- The American College of Surgeons
- The American Medical Association
- The American Hospital Association
- The College of Emergency Physicians
- The Neurologists
- The Physician Insurers Association
- The Roundtable of Critical Care

These are just a sample; there are more medical groups that support this amendment. I also would like to submit these letters of support into the RECORD.

This is a good amendment. It will save lives.

AMERICAN COLLEGE OF SURGEONS,
March 21, 2012.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On behalf of the more than 78,000 members of the American College of Surgeons (ACS), I would like to express our support for amending H.R. 5, the Protecting Access to Healthcare (PATH) Act of 2011 to include H.R. 3586, the Good Samaritan Health Professionals Act of 2011 (Stearns/Matheson Amendment). The ACS supports this amendment which would ensure disaster victims' access to medically necessary care in a declared emergency.

Rapid medical response in a disaster can greatly decrease loss of life and improve outcomes for patients who desperately need assistance. Surgeons in particular, with their training in trauma and critical care, play a major role in the health care community's response to most disaster situations. Properly trained volunteers are critical in such circumstances.

However, due to inconsistent state laws and lack of federal policy, it is often unclear whether protections against unnecessary lawsuits exist for medical volunteers who cross state lines. Sadly, this lack of uniformity has greatly hindered the ability of volunteer health professionals to provide care; in some cases, volunteer health professionals have even been turned away due to uncertainty about potential liability.

Enactment of the Stearns/Matheson amendment would provide volunteer health professionals with the same level of civil immunity that they have in their home state when they provide urgently needed care in a declared emergency. Removing barriers that prohibit licensed surgeons and other qualified health care professionals from voluntarily administering medically necessary care during disasters will ensure citizens access to high-quality surgical services in the event of a crisis.

Again, we strongly support the Stearns/Matheson amendment to H.R. 5 and look forward to working with you to ensure its enactment.

Sincerely,
DAVID B. HOYT, MD, FACS,
Executive Director.

MARCH 21, 2012.

DEAR MEMBER OF CONGRESS: The undersigned organizations strongly support the Stearns/Matheson amendment to the Protecting Access to Healthcare Act (H.R. 5) and urge you to vote for the amendment when it is considered on the House floor.

The Stearns/Matheson amendment will provide liability protections to health professionals, including physicians, who volunteer to help victims of federally-declared disasters. The medical profession has a long history of stepping forward to assist disaster victims. Rapid medical response in a disaster can greatly decrease loss of life and improve outcomes for patients who desperately need care.

Thousands of health professionals volunteered in the aftermath of Hurricanes Katrina and Rita to help the hurricane victims with their medical needs. Unfortunately, much needed medical volunteers were turned away due to inconsistent Good Samaritan laws as well as confusion and uncertainty about the application of these laws. Sadly, this lack of uniformity has greatly hindered the ability of volunteer health professionals to provide care; and in many cases, health care providers could not provide these critical services, even if they wanted to, due to lack of liability protections.

The Stearns/Matheson amendment will help ensure that health professionals who volunteer their services in future disasters will not face similar uncertainties, thereby allowing them to focus on providing aid to victims. We urge a "Yes" vote on the Stearns/Matheson amendment.

Sincerely,

Advocates for EMS, American Association of Neurological Surgeons, American Association of Orthopaedic Surgeons, American College of Emergency Physicians, American College of Surgeons, American Medical Association, American Trauma Society, Congress of Neurological Surgeons, Orthopaedic Trauma Association, Physician Insurers Association of America, The Roundtable on Critical Care Policy, Trauma Center Association of America.

I reserve the balance of my time.

Mr. CONYERS. I rise in opposition to the Stearns amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Madam Chairman, the problem here is we don't have a problem. The 1997 law, which is called the Volunteer Protection Act, which I don't recall being mentioned, already provides immunity to all volunteers, not just doctors, to everybody, all volunteers, and has worked very effectively to ensure that nonprofit or government entities remain responsible for background checks.

I remind my colleagues of the Tenth Amendment to the Constitution, which is violated in H.R. 5, which preserves our system of federalism that allows States to legislate their own State tort laws and the qualifications of health care professions. What could be more simple than that?

This is one of the least debated provisions of our great Constitution. And so amendments that limit liability of health care professionals by our Congress and provide a virtual blanket immunity to any individual for any harm while acting in a volunteer capacity during a disaster violates the Tenth Amendment to the Constitution.

Madam Chairman, I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, how much time do I have left on my side?

The Acting CHAIR. The gentleman from Florida has 2 minutes and 15 seconds remaining, and the gentleman from Michigan has 3 minutes remaining.

□ 1110

Mr. STEARNS. The one thing I would say to the gentleman, this is not unlimited. As I pointed out, there are provisions to allow for stipulations.

I yield 1 minute to the cosponsor on the Democrat side, Mr. MATHESON from Utah.

Mr. MATHESON. Madam Chair, I stand in strong support of this amendment, as I do to the underlying bill.

The amendment before us will provide much-needed liability protections to medical professionals to ensure that they are able to do what they are trained to do, which is save lives.

As Mr. STEARNS indicated, in the aftermath of Hurricane Katrina, it became clear that a uniformity of Good Samaritan laws is needed in this country. In several instances, qualified and certified physicians and other medical professionals from across the country were turned away from providing much-needed and critical care to victims of this disaster even when it was plainly apparent that the medical resources in the communities that were affected by the disaster were far beyond the capacity to provide adequate emergency care.

Yet doctors from Utah who volunteered to provide emergency care in situations such as this shouldn't fear unnecessary lawsuits and, above all else, should not be turned away due to uncertainty about liability protections.

I want to thank my friend and colleague, Mr. STEARNS, for his work and his partnership on this amendment. This commonsense measure to provide sensible protections to those Good Samaritans who volunteer their medical services to help those struck by disaster is an amendment we should all support. I urge colleagues on both sides of the aisle to support this bipartisan amendment.

Mr. CONYERS. Madam Chair, I raise a question to my good friend from Florida.

If you feel strongly about this, why don't we modify the Volunteer Protection Act of 1997 rather than go into the business of a constitutional violation by changing all of the State laws with this wholesale limitation of liability? Why not do it in a more appropriate way, which we would be bound to consider with you?

I yield to the gentleman if he cares to make a comment on that.

Mr. STEARNS. Mr. CONYERS, the point is this is a Federal disaster, and

a Federal disaster like Katrina, in which the Federal Government is involved, you want to have a bill that's a Federal bill.

Mr. CONYERS. The Volunteer Protection Act, I say to my colleague from Florida, is a Federal bill enacted in 1997, and that's the one that I would urge you to want to join with me and others to modify if there is a problem.

What you're doing by Stearns-Matheson is that you are now changing the law in all 50 States without going through the Volunteer Protection Act over which we have jurisdiction. That's the reason that I urge my colleagues that there is no need to upend existing State laws to provide unnecessary immunity.

I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, I'd just say that the 50 State laws are not allowing a physician to help. He has to mop the floors.

I yield 45 seconds to Mr. FRANKS from Arizona. He's chairman of the Constitution Subcommittee of the House Judiciary Committee.

Mr. FRANKS of Arizona. Madam Chair, I just rise in strong support of this very commonsense amendment by my friend, Mr. STEARNS from Florida.

This amendment is to provide liability protection to health care workers who volunteer to help in disaster response for their fellow human beings.

Madam Chair, rescue efforts often can be chaotic; and without the help of volunteers, government Agencies cannot always help everyone effectively. Many State tort laws, including those of Louisiana, the State hardest hit by Hurricane Katrina, are unclear in regards to who is covered under State Good Samaritan protections.

Madam Chair, this is a country of Good Samaritans. We should encourage our fellow human beings to help their fellow human beings and not offer impediments to them. I think this amendment does that, and I support it with the strongest conviction.

Mr. CONYERS. Madam Chair, that's what we're doing under the Volunteer Protection Act is protecting our volunteers, our good citizens that come forward.

Please, I would like to focus on the amendment here that provides a lesser degree of liability protection while allowing weaker State standards to remain in place.

What we need to do is to preserve our system of federalism and support the Volunteer Protection Act which is constitutional, which does not violate the prerogative of the States to manage and legislate on their own tort laws and determine the qualifications of health care professionals.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. STEARNS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-416 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. WOODALL of Georgia.

Amendment No. 2 by Ms. BONAMICI of Oregon.

Amendment No. 6 by Mr. STEARNS of Florida.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WOODALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 173, answered “present” 2, not voting 22, as follows:

[Roll No. 122]

AYES—234

Adams	Cantor	Fleming
Aderholt	Capito	Flores
Akin	Carter	Forbes
Alexander	Cassidy	Fortenberry
Amash	Chabot	Fox
Amodei	Coble	Franks (AZ)
Bachmann	Coffman (CO)	Frelinghuysen
Barletta	Cole	Gallely
Bartlett	Conaway	Gardner
Barton (TX)	Costa	Garrett
Bass (NH)	Cravaack	Gerlach
Benishek	Crawford	Gibbs
Berg	Crenshaw	Gibson
Biggert	Cuellar	Gingrey (GA)
Bilirakis	Culberson	Gohmert
Black	Davis (KY)	Goodlatte
Blackburn	Denham	Gosar
Blumenauer	Dent	Gowdy
Bonner	DesJarlais	Granger
Boustany	Diaz-Balart	Graves (GA)
Brady (TX)	Doggett	Graves (MO)
Braley (IA)	Dreier	Griffin (AR)
Brooks	Duffy	Grimm
Broun (GA)	Duncan (SC)	Guinta
Buchanan	Duncan (TN)	Guthrie
Buchson	Ellmers	Hall
Buerkle	Emerson	Hanna
Burgess	Farenthold	Harper
Burton (IN)	Fincher	Harris
Calvert	Fitzpatrick	Hartzler
Camp	Flake	Hastings (WA)
Canseco	Fleischmann	Hayworth

Heck	McKinley	Royce
Hensarling	McMorris	Runyan
Herger	Rodgers	Ruppersberger
Herrera Beutler	Meehan	Ryan (WI)
Huelskamp	Mica	Scalise
Huizenga (MI)	Miller (FL)	Schilling
Hultgren	Miller (MI)	Schmidt
Hunter	Miller, Gary	Schweikert
Hurt	Mulvaney	Scott (SC)
Issa	Murphy (PA)	Scott, Austin
Jenkins	Myrick	Sessions
Johnson (IL)	Neugebauer	Shimkus
Johnson (OH)	Noem	Shuler
Johnson, Sam	Nugent	Shuster
Jones	Nunes	Simpson
Jordan	Nunnelee	Smith (NE)
Kelly	Olson	Smith (NJ)
King (IA)	Palazzo	Smith (TX)
King (NY)	Paulsen	Southerland
Kingston	Pearce	Stearns
Kissell	Pence	Stivers
Kline	Petri	Stutzman
Labrador	Pitts	Sullivan
Lamborn	Poe (TX)	Thompson (PA)
Lance	Pompeo	Thornberry
Landry	Posey	Tiberi
Lankford	Price (GA)	Tipton
Latham	Quayle	Turner (NY)
LaTourette	Reed	Turner (OH)
Latta	Rehberg	Upton
Lewis (CA)	Reichert	Walberg
Lipinski	Renacci	Walden
LoBiondo	Ribble	Walsh (IL)
Long	Rigell	Webster
Lucas	Rivera	West
Luetkemeyer	Roby	Westmoreland
Lummis	Roe (TN)	Whitfield
Lungren, Daniel	Rogers (AL)	Wilson (SC)
E.	Rogers (KY)	Wittman
Mack	Rogers (MI)	Wolf
Matheson	Rohrabacher	Womack
McCarthy (CA)	Rokita	Woodall
McCaul	Rooney	Yoder
McClintock	Ros-Lehtinen	Young (AK)
McCotter	Roskam	Young (FL)
McHenry	Ross (AR)	Young (IN)
McKeon	Ross (FL)	

NOES—173

Altmire	Deutch	Levin
Andrews	Dicks	Lewis (GA)
Baca	Dingell	Loeb
Baldwin	Dold	Lofgren, Zoe
Barrow	Donnelly (IN)	Lujan
Bass (CA)	Doyle	Lynch
Becerra	Edwards	Maloney
Berkley	Ellison	Markey
Berman	Eshoo	Matsui
Bilbray	Farr	McCarthy (NY)
Bishop (GA)	Fattah	McCollum
Bishop (NY)	Filner	McDermott
Bonamici	Frank (MA)	McGovern
Boren	Fudge	McNerney
Boswell	Garamendi	Meeks
Brady (PA)	Green, Al	Michaud
Butterfield	Green, Gene	Miller (NC)
Campbell	Grijalva	Miller, George
Capps	Gutierrez	Moore
Capuano	Hahn	Moran
Cardoza	Hanabusa	Murphy (CT)
Carnahan	Hastings (FL)	Nadler
Carney	Heinrich	Napolitano
Carson (IN)	Higgins	Neal
Castor (FL)	Himes	Olver
Chandler	Hinchey	Owens
Chu	Hinojosa	Pallone
Cicilline	Hirono	Pascarella
Clarke (MI)	Hochul	Pastor (AZ)
Clarke (NY)	Holden	Pelosi
Clay	Holt	Perlmutter
Cleaver	Honda	Peters
Clyburn	Hoyer	Peterson
Cohen	Israel	Pingree (ME)
Connolly (VA)	Jackson Lee	Polis
Conyers	(TX)	Price (NC)
Cooper	Johnson (GA)	Quigley
Costello	Johnson, E. B.	Rahall
Courtney	Kaptur	Reyes
Critz	Keating	Richardson
Crowley	Kildee	Richmond
Cummings	Kind	Rothman (NJ)
Davis (CA)	Kucinich	Roybal-Allard
DeFazio	Langevin	Rush
DeGette	Larsen (WA)	Ryan (OH)
DeLauro	Larson (CT)	

Sanchez, Linda	Sherman	Van Hollen
T.	Sires	Velázquez
Sanchez, Loretta	Slaughter	Visclosky
Sarbanes	Smith (WA)	Walz (MN)
Schakowsky	Speier	Wasserman
Schiff	Stark	Schultz
Schock	Sutton	Waters
Schrader	Terry	Watt
Schwartz	Thompson (CA)	Waxman
Scott (VA)	Tierney	Welch
Scott, David	Tonko	Wilson (FL)
Serrano	Towns	Woolsey
Sewell	Tsongas	Yarmuth

ANSWERED “PRESENT”—2

Griffith (VA) Sensenbrenner

NOT VOTING—22

Ackerman	Engel	Marino
Austria	Gonzalez	McIntyre
Bachus	Jackson (IL)	Paul
Bishop (UT)	Kinzing (IL)	Platts
Bono Mack	Lee (CA)	Rangel
Brown (FL)	Lowey	Thompson (MS)
Chaffetz	Manzullo	
Davis (IL)	Marchant	

□ 1145

Messrs. BRADY of Pennsylvania, BARROW, GEORGE MILLER of California, BERMAN, KEATING, BUTTERFIELD, NADLER, and TONKO changed their vote from “aye” to “no.”

Mr. PETRI, Mrs. CAPITO, Messrs. HUELSKAMP, HERGER, Mrs. LUMMIS, and Mr. YODER changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. BONAMICI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 228, answered “present” 1, not voting 23, as follows:

[Roll No. 123]

AYES—179

Altmire	Cardoza	Courtney
Andrews	Carnahan	Critz
Baca	Carney	Crowley
Baldwin	Carson (IN)	Cuellar
Barrow	Castor (FL)	Cummings
Bass (CA)	Chandler	Davis (CA)
Becerra	Chu	DeFazio
Berkley	Cicilline	DeGette
Berman	Clarke (MI)	DeLauro
Bishop (GA)	Clarke (NY)	Deutch
Bishop (NY)	Clay	Dicks
Blumenauer	Cleaver	Dingell
Bonamici	Clyburn	Doggett
Boswell	Cohen	Donnelly (IN)
Brady (PA)	Connolly (VA)	Doyle
Braley (IA)	Conyers	Edwards
Butterfield	Cooper	Ellison
Capps	Costa	Engel
Capuano	Costello	Eshoo

Farr	Loeb	Ruppersberger	Nunnelee	Rohrabacher	Stutzman	Camp	Heck	Pompeo
Fattah	Lofgren, Zoe	Rush	Olson	Rokita	Sullivan	Campbell	Hensarling	Posey
Filner	Lujan	Ryan (OH)	Palazzo	Rooney	Thompson (PA)	Canseco	Herger	Price (GA)
Fudge	Lynch	Sánchez, Linda	Paulsen	Ros-Lehtinen	Thornberry	Cantor	Herrera Beutler	Quayle
Garamendi	Maloney	T.	Pearce	Roskam	Tiberi	Capito	Hochul	Reed
Gibson	Markey	Sanchez, Loretta	Pence	Ross (FL)	Tipton	Cardoza	Huelskamp	Rehberg
Green, Al	Matsui	Sarbanes	Peterson	Royce	Turner (NY)	Carson (IN)	Huizenga (MI)	Reichert
Green, Gene	McCarthy (NY)	Schakowsky	Petri	Runyan	Turner (OH)	Carter	Hultgren	Renacci
Grijalva	McCollum	Schiff	Pitts	Ryan (WI)	Upton	Cassidy	Hunter	Reyes
Gutierrez	McDermott	Schrader	Poe (TX)	Scalise	Walberg	Chabot	Hurt	Ribble
Hahn	McGovern	Schwartz	Pompeo	Schilling	Walden	Coble	Issa	Rigell
Hanabusa	McHenry	Scott (VA)	Posey	Schmidt	Walsh (IL)	Coffman (CO)	Jenkins	Rivera
Harper	McNerney	Scott, David	Price (GA)	Schock	Webster	Cole	Johnson (OH)	Roby
Hastings (FL)	Meeks	Serrano	Quayle	Schweikert	West	Conaway	Johnson, Sam	Roe (TN)
Heinrich	Michaud	Sewell	Reed	Scott (SC)	Westmoreland	Connolly (VA)	Jones	Rogers (AL)
Higgins	Miller (NC)	Sherman	Rehberg	Scott, Austin	Whitfield	Costa	Jordan	Rogers (KY)
Himes	Miller, George	Shuler	Reichert	Sessions	Wilson (SC)	Cravaack	Kelly	Rogers (MI)
Hinchey	Moore	Sires	Renacci	Shimkus	Wittman	Crawford	King (IA)	Rohrabacher
Hinojosa	Moran	Slaughter	Ribble	Shuster	Wolf	Crenshaw	King (NY)	Rokita
Hirono	Murphy (CT)	Smith (WA)	Rigell	Simpson	Womack	Cuellar	Kingston	Rooney
Hochul	Nadler	Speier	Rivera	Smith (NE)	Woodall	Culberson	Kissell	Ros-Lehtinen
Holden	Napolitano	Stark	Roby	Smith (NJ)	Yoder	Davis (KY)	Kline	Roskam
Holt	Neal	Sutton	Roe (TN)	Smith (TX)	Young (AK)	DeFazio	Labrador	Ross (AR)
Honda	Oliver	Thompson (CA)	Rogers (AL)	Southerland	Young (FL)	Denham	Lamborn	Ross (FL)
Hoyer	Owens	Tierney	Rogers (KY)	Stearns	Young (IN)	Dent	Lance	Royce
Israel	Pallone	Tonko	Rogers (MI)	Stivers		DesJarlais	Landry	Runyan
Jackson Lee	Pascarella	Towns				Diaz-Balart	Lankford	Ruppersberger
(TX)	Pastor (AZ)	Tsongas				Dold	Larsen (WA)	Ryan (WI)
Johnson (GA)	Pelosi	Van Hollen				Dreier	Latham	Scalise
Johnson (IL)	Perlmutter	Velázquez				Duffy	LaTourette	Schilling
Johnson, E. B.	Peters	Visclosky				Duncan (SC)	Latta	Schmidt
Kaptur	Pingree (ME)	Walz (MN)				Duncan (TN)	Lewis (CA)	Schock
Keating	Polis	Wasserman				Ellmers	LoBiondo	Schrader
Kildee	Price (NC)	Schultz				Emerson	Long	Schweikert
Kind	Quigley	Waters				Farenthold	Lucas	Scott (SC)
Kucinich	Rahall	Watt				Fattah	Luetkemeyer	Scott, Austin
Langevin	Reyes	Richardson				Fincher	Lummis	Sessions
Larsen (WA)	Richardson	Welch				Fitzpatrick	Lungren, Daniel	Shimkus
Larson (CT)	Richmond	Wilson (FL)				Flake	E.	Shuler
Levin	Ross (AR)	Woolsey				Fleischmann	Lynch	Shuster
Lewis (GA)	Rothman (NJ)	Yarmuth				Fleming	Mack	Simpson
Lipinski	Roybal-Allard					Flores	Matheson	Slaughter

NOES—228

Adams	Dold	Hurt
Aderholt	Dreier	Issa
Akin	Duffy	Jenkins
Alexander	Duncan (SC)	Johnson (OH)
Amash	Duncan (TN)	Johnson, Sam
Amodei	Ellmers	Jones
Bachmann	Emerson	Jordan
Barletta	Farenthold	Kelly
Bartlett	Fincher	King (IA)
Barton (TX)	Fitzpatrick	King (NY)
Bass (NH)	Flake	Kingston
Benishek	Fleischmann	Kissell
Berg	Fleming	Kline
Biggart	Flores	Labrador
Bilbray	Forbes	Lamborn
Bilirakis	Fortenberry	Lance
Black	Fox	Landry
Blackburn	Franks (AZ)	Lankford
Bonner	Frelinghuysen	Latham
Boren	Gallegly	LaTourette
Boustany	Gardner	Latta
Brady (TX)	Garrett	Lewis (CA)
Brooks	Gerlach	LoBiondo
Broun (GA)	Gibbs	Long
Buchanan	Gingrey (GA)	Lucas
Buchson	Gohmert	Luetkemeyer
Buerkle	Goodlatte	Lummis
Burgess	Gosar	Lungren, Daniel
Burton (IN)	Gowdy	E.
Calvert	Granger	Mack
Camp	Graves (GA)	Matheson
Campbell	Graves (MO)	McCarthy (CA)
Canseco	Griffin (AR)	McCaul
Cantor	Griffith (VA)	McClintock
Capito	Grimm	McCotter
Carter	Guinta	McKeon
Cassidy	Guthrie	McKinley
Chabot	Hall	McMorris
Coble	Hanna	Rodgers
Coffman (CO)	Harris	Meehan
Cole	Hartzler	Mica
Conaway	Hastings (WA)	Miller (FL)
Cravaack	Hayworth	Miller (MI)
Crawford	Heck	Miller, Gary
Crenshaw	Hensarling	Mulvaney
Culberson	Herger	Murphy (PA)
Davis (KY)	Herrera Beutler	Myrick
Denham	Huelskamp	Neugebauer
Dent	Huizenga (MI)	Noem
DesJarlais	Hultgren	Nugent
Diaz-Balart	Hunter	Nunes

ANSWERED “PRESENT”—1

Sensenbrenner

NOT VOTING—23

Ackerman	Frank (MA)	Marino
Austria	Gonzalez	McIntyre
Bachus	Jackson (IL)	Paul
Bishop (UT)	Kinzing (IL)	Platts
Bono Mack	Lee (CA)	Rangel
Brown (FL)	Lowey	Terry
Chaffetz	Manzullo	Thompson (MS)
Davis (IL)	Marchant	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1150

Messrs. JOHNSON of Georgia and WALZ of Minnesota changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 157, answered “present” 1, not voting 22, as follows:

[Roll No. 124]

AYES—251

Adams	Benishek	Boustany
Aderholt	Berg	Brady (TX)
Akin	Berkley	Brooks
Alexander	Biggart	Buchanan
Amodei	Bilbray	Buchson
Bachmann	Bilirakis	Buerkle
Barletta	Black	Burgess
Bartlett	Blackburn	Burton (IN)
Barton (TX)	Bonner	Butterfield
Bass (NH)	Boren	Calvert

Altmire	Capuano	Crowley
Amash	Carnahan	Cummings
Andrews	Carney	Davis (CA)
Baca	Castor (FL)	DeGette
Baldwin	Chandler	DeLauro
Barrow	Chu	Deutch
Bass (CA)	Cicilline	Dicks
Becerra	Clarke (MI)	Dingell
Berman	Clarke (NY)	Doggett
Bishop (GA)	Clay	Donnelly (IN)
Bishop (NY)	Cleaver	Doyle
Blumenauer	Clyburn	Edwards
Bonamici	Cohen	Ellison
Boswell	Conyers	Engel
Brady (PA)	Cooper	Eshoo
Brady (IA)	Costello	Farr
Broun (GA)	Courtney	Filner
Capps	Critz	Fudge

Green, Al	Markey	Sánchez, Linda
Grijalva	Matsui	T.
Gutierrez	McCarthy (NY)	Sanchez, Loretta
Hahn	McCollum	Sarbanes
Hanabusa	McDermott	Schakowsky
Hastings (FL)	McGovern	Schiff
Heinrich	McNerney	Schwartz
Higgins	Meeks	Scott (VA)
Himes	Michaud	Scott, David
Hinchey	Miller (NC)	Serrano
Hinojosa	Miller, George	Sewell
Hirono	Moore	Sherman
Holden	Murphy (CT)	Sires
Holt	Nadler	Smith (WA)
Honda	Napolitano	Speier
Hoyer	Neal	Stark
Israel	Oliver	Sutton
Jackson Lee	Owens	Thompson (CA)
(TX)	Pallone	Tierney
Johnson (GA)	Pascarell	Tonko
Johnson (IL)	Pastor (AZ)	Towns
Johnson, E. B.	Pelosi	Tsongas
Kaptur	Peters	Van Hollen
Keating	Peterson	Velázquez
Kildee	Pingree (ME)	Visclosky
Kind	Poe (TX)	Walz (MN)
Kucinich	Price (NC)	Wasserman
Langevin	Quigley	Schultz
Larson (CT)	Rahall	Waters
Levin	Richardson	Watt
Lewis (GA)	Richmond	Waxman
Lipinski	Rothman (NJ)	Welch
Loeb sack	Roybal-Allard	Wilson (FL)
Lofgren, Zoe	Rush	Woolsey
Lujan	Ryan (OH)	Yarmuth
Maloney		

ANSWERED "PRESENT"—1

Sensenbrenner

NOT VOTING—22

Ackerman	Gohmert	Marino
Austria	Gonzalez	McIntyre
Bachus	Jackson (IL)	Paul
Bishop (UT)	Kinzing er (IL)	Rangel
Bono Mack	Lee (CA)	Terry
Brown (FL)	Lowe y	Thompson (MS)
Chaffetz	Manzullo	
Davis (IL)	Marchant	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1156

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KINZINGER of Illinois. Madam Chair, on March 22, 2012, I was unavoidably detained because fog delayed my return flight from Illinois and I was unable to cast a vote on H.R. 5, the Protecting Access to Healthcare Act. Had I been able to I would have cast an "aye" vote in favor of final passage of this legislation. I would also have cast an "aye" vote in favor of Amendment No. 1 by Representative WOODALL; a "no" vote against Amendment No. 2 by Representative BONAMICI; and an "aye" vote in favor of Amendment No. 6 by Representative STEARNS.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mrs. MILLER of Michigan, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the li-

ability system places on the health care delivery system, and, pursuant to House Resolution 591, she reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LOEB SACK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LOEB SACK. I am opposed, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Loeb sack moves to recommit the bill H.R. 5 to the Committees on Ways and Means and Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

Add at the end the following new section:
SEC. 203. PROHIBITING ELIMINATION OF MEDICARE PROGRAM AND INCREASED COSTS OR REDUCED BENEFITS TO SENIORS AND PEOPLE WITH DISABILITIES.

(a) The repeal of section 1899A of the Social Security (42 U.S.C. 1395kkk) pursuant to section 202 of this Act shall not, with respect to the Medicare program under title XVIII of the Social Security Act, be construed as furthering or promoting any of the following:

(1) Eliminating guaranteed health insurance benefits for seniors or people with disabilities under such program.

(2) Establishing a Medicare voucher plan that provides limited payments to seniors or people with disabilities to purchase health care in the private health insurance market or otherwise increasing Medicare beneficiary costs.

(b) The repeal of section 1899A(c)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395kkk(c)(2)(A)(ii)) pursuant to section 202 of this Act shall not, with respect to seniors or people with disabilities, be construed as providing for or promoting any of the following:

(1) Rationing health care.

(2) Raising revenues or premiums for seniors or people with disabilities under section 1818 of the Social Security Act, section 1818A of such Act, or section 1839A of such Act.

(3) Increasing cost-sharing (including deductibles, coinsurance, and copayments) under the Medicare program for seniors or people with disabilities.

(4) Otherwise restricting benefits or modifying eligibility criteria under such program for seniors or people with disabilities.

Mr. ROE of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. LOEB SACK. Mr. Speaker, while I oppose the underlying bill, I'm offering this final amendment on a topic that I know is important to all of us here in this Chamber: our Nation's seniors. I grew up in poverty, and my grandmother took care of my siblings and me during my childhood. She relied on Social Security survivor benefits to put food on the table, and because of her, I know firsthand how important programs like Social Security and Medicare are to our seniors. In my grandmother's case, it meant the difference between putting food on the table and my family going hungry.

□ 1200

Before these historic programs were enacted, far too many seniors struggled just to meet their basic needs, let alone access the appropriate medical care to keep them safe and healthy. These important safety net programs have been incredibly successful as well in lowering senior poverty rates in America.

Just like my grandmother, today's seniors made sacrifices big and small to pave the way for a better life for future generations. Our country is what it is today because of them. That is why I believe that seniors who worked hard all of their lives should have access to the best medical care available. We need to care for them just like they cared for us.

If my colleagues join me in passing this amendment, it will be incorporated into the bill and the bill will be immediately voted on. It would ensure that the underlying bill does not eliminate guaranteed health insurance benefits for seniors or people with disabilities on Medicare. It would also ensure that the underlying bill does not lead to a voucher system, ration health care, raise premiums and copayments, or otherwise restrict Medicare benefits.

I recently held senior listening sessions around my district in Iowa. When I talk to Iowa seniors, I hear far too often that many of them are struggling just to make ends meet. That is unacceptable. No hardworking American should ever have to retire into poverty, and they certainly shouldn't see their hard-earned savings wiped out because of medical bills.

During my listening sessions, I heard time and again from seniors about how much they rely on Medicare in order to stay healthy and stay afloat financially. Seniors' medical and prescription drug costs already eat up a growing portion of their income, and many of them are stretched thin even without rising gas prices, utility costs, and an economic downturn that has hit

savings hard. They pay attention to what is happening here in Washington—we should all be reminded of that—and they're upset about proposals to cut and weaken Medicare.

Our seniors did not get us into the fiscal mess that we're in today in the first place, and I think it's unfair to punish them for Washington's irresponsible behavior. They cannot and they should not bear more of this burden. Unfortunately, the Republican plan for Medicare would force seniors to do just that. It would end the Medicare guarantee, replacing it with a voucher system. The voucher would not keep up with health care inflation, and it would force seniors to pay more and more of their health care costs out of pocket.

In these tough economic times, we need to find ways to be more efficient while maintaining quality of care. There are ways to do that, such as moving Medicare from a fee-based to a value-based payment system, something that I have supported all along since I've been in this Congress. However, the Republican plan for Medicare ignores these options and, instead, undermines traditional Medicare while doing nothing to reduce health care costs. This would shift costs to beneficiaries.

For low-income seniors like my grandmother was, enacting this plan could be disastrous. That is why my final amendment would ask the Members of this Chamber simply to uphold their commitment to America's seniors.

From my listening sessions, I know that seniors don't want a voucher that forces them to buy insurance in the private market. They don't want higher costs or reduced benefits, and they don't want some newfangled program. They want to keep Medicare the way it is: a guaranteed benefit they can count on when they need it.

Seniors in my district and across the country know we have big problems, but we can strengthen and preserve Medicare without ending the guarantee—a guarantee, by the way, that is neither Republican nor Democratic, but it's an American guarantee. I think we all need to keep that in mind and remember that.

Mr. Speaker, I urge all of my colleagues in the House to join me in voting for this final amendment to preserve and to strengthen the most successful health insurance program our Nation has ever created, namely, Medicare.

Our grandparents have stood by us, folks; I think it's time that we stand by them.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I rise in opposition to the motion to recommit and strongly support H.R. 5.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Speaker, 2½ years ago in this body, we debated

the Affordable Care Act, and I remember being part of that debate here on the House floor. Part of that debate was to increase access for American citizens and to maintain the physician-patient relationship.

I have a letter here that was signed by 75 of us, both Democrats and Republicans, opposing, in part, because in the House version of the Affordable Care Act the Independent Payment Advisory Board was not there.

This bill is very simple. H.R. 5 is to repeal the Independent Payment Advisory Board and to vote for malpractice reform, a very simple bill, one that should be easy to support. Let's just discuss and see what occurred.

Based on the Independent Payment Advisory Board—most seniors don't know about this—after the \$500 billion has been taken out to pay for a new benefit. The Independent Payment Advisory Board are 15 unelected bureaucrats, appointed by the President and approved by the Senate to oversee Medicare spending.

Why does this bring angst to a physician? I practiced medicine for 31 years in Tennessee. My concern is I've already seen two examples of this, and this will be the third.

The first is a sustainable growth rate, a formula based on how to pay doctors in Medicare. This was established in 1997. Each year—almost every year since then—the Congress has had the ability to change this because, why? We were afraid if reimbursements to physicians were cut, access to our patients would be denied.

Let's look at what's going on right now.

Two weeks ago in this body, we extended the SGR for 10 months, preventing a 27 percent cut to physicians. Well, as a doctor, what would this mean for me in providing care for my patients? Well, what this would mean is you couldn't afford to see the patients. With IPAB, a formula based on spending, not quality or access, what would happen, I believe, is that this would occur, this 27 percent—at the end of this year, a 31 percent cut, which would be catastrophic for our Medicare patients.

So it's a very simple bill. We don't want Washington-based bureaucrats getting in between the physician-patient relationship. Medical decisions should be made between not an insurance company, and certainly not 15 unelected bureaucrats in Washington. It should be made between a patient, the doctor, and that family.

The second part of this bill, very simply, is medical-legal malpractice reform.

When I began my medical practice in Tennessee, my malpractice premiums were \$4,000 a year. When I left 4 years ago to come to Congress, \$74,000 a year. During that time, from 1975 until I left to come here, there's basically one in-

surance company in Tennessee, and over half the premium dollars that were paid during that time went to attorneys, not to the injured party. Less than 40 cents of the malpractice premium dollar in that State have gone to people who have actually been injured. It's a very bad system.

The tort system we have for medical liability now is a very bad system. It needs to be reformed. No one has ever argued about paying actual damages. No one has ever argued about paying medical bills. It's the unintended consequences of this bill that have run the cost up at no value to patients.

I strongly encourage my colleagues to support this bipartisan bill, and I yield back the balance of my time.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 17, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Capitol Building, Washington, DC.

DEAR MADAM SPEAKER: In July, 75 members of the U.S. House of Representatives wrote to express strong opposition to proposals, such as the "Independent Medicare Advisory Council (IMAC) Act of 2009" and the "Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009" (H.R. 2718, S. 1110, S. 1380), that would divest Congress of its authority for Medicare payment policy and place this responsibility in an executive branch commission or board. This letter clearly stated opposition to the inclusion of these or any other similar proposals in health reform or any other legislation, but with recent developments, we, the undersigned members, believe it is imperative to restate our strong opposition to any proposal or legislation that would place authority for Medicare payment policy in an unelected, executive branch commission or board.

Consistent with the July letter, on November 7, 2009, the House passed the "Affordable Health Care for America Act" (H.R. 3962) did not include provisions to create an unelected Medicare board. Yet, at present, the Senate is considering the "Patient Protection and Affordable Care Act of 2009," which includes provisions to create an "Independent Medicare Advisory Board" (IMAB) that would effectively end Congress's authority over Medicare payment policy.

To create an unelected, unaccountable Medicare commission as envisioned in the Senate's IMAB proposal would end Congress's ability to shape Medicare to provide the best policies for beneficiaries in our communities around the country. Through the legislative process, and from Medicare's beginning, Members have been able to represent the needs of their communities by improving benefits for seniors and the disabled, affecting policies that fill the health care workforce pipeline, and ensuring that hospitals are equipped to care for diverse populations across our individual districts. Such a responsibility is one that is not taken, nor should be given away, lightly.

These proposals would severely limit Congressional oversight of the Medicare program, and to place this authority within the executive branch, without Congressional oversight or judicial review, would eliminate the transparency of Congressional hearings and debate. Without the open and transparent legislative process, Medicare beneficiaries and the range of providers who care for them would be greatly limited in their ability to help develop and implement new

policies that improve the health care of our nation's seniors. An executive branch Medicare board would also effectively eliminate Congress's ability to work with the Centers for Medicare and Medicaid Services to create and implement demonstration and pilot projects designed to evaluate new and advanced policies such as home care for the elderly, the patient-centered medical home, new less invasive surgical procedures, collaborative efforts between hospitals and physicians, and programs designed to eliminate fraud and abuse.

The creation of a Medicare board would also effectively eliminate state and community input into the Medicare program, removing the ability to develop and implement policies expressly applicable to different patient populations. Instead, national policies that would flow from such a board would ignore the significant differences and health care needs of states and communities. Geographic and demographic variances that exist in our nation's health care system and patient populations would be dangerously disregarded. Furthermore, all providers in all states would be required to comply even if these policies were detrimental to the patients they serve. Such a commission could not only threaten the ability of Medicare beneficiaries, but of all Americans, to access the care they need.

Finally, as the people's elected representatives, we much oppose any proposal to create a board that would surrender our legislative authority and responsibility for the Medicare program to unelected, unaccountable officials within the very same branch of government that is charged with implementing the Medicare policies that affect so many Americans. Therefore, we must strongly oppose the creation of IMAB, IMAC, a reconstituted MedPac or any Medicare board or commission that would undermine our ability to represent the needs of the seniors and disabled in our own communities. Again, we urge you to reject the inclusion of these or any like proposal in health reform or any other legislation.

Sincerely,

Richard E. Neal; Mary Bono Mack; Patrick J. Tiberi; Phil Gingrey; Marsha Blackburn; Joe Courtney; Stephen F. Lynch; Michael C. Burgess; John Lewis; Jerry McNeerney; James P. McGovern; G. K. Butterfield; Bill Cassidy; Jim McDermott; John W. Oliver; Doris O. Matsui; Fortney Pete Stark; Timothy H. Bishop; Allyson Y. Schwartz; Shelley Berkley.

David P. Roe; Brett Guthrie; Mike Rogers; Henry C. "Hank" Johnson, Jr.; Linda T. Sánchez; Eric J. J. Massa; Michael E. Capuano; Donna M. Christensen; Susan A. Davis; Daniel Maffei; Michael M. Honda; Laura Richardson; John Hall; Sam Farr; John Fleming; Yvette D. Clarke; Kendrick B. Meek; Alan Grayson; Mike Thompson; Edward J. Markey.

Eliot L. Engel; Gary L. Ackerman; John F. Tierney; Edolphus Towns; Carolyn B. Maloney; Nita M. Lowey; Donald M. Payne; Gregory W. Meeks; Lynn C. Woolsey; Ken Calvert; Bob Filner; Pete Sessions; Steve Buyer; Jerrold Nadler; Dana Rohrabacher; Brian P. Bilbray; Gene Green; Barney Frank; Wm. Lacy Clay; Maurice D. Hinchey.

William D. Delahunt; Bill Pascrell, Jr.; Steve Kagen; Steve Israel; Joseph Crowley; Ginny Brown-Waite.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LOEBSACK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 229, answered "present" 2, not voting 20, as follows:

[Roll No. 125]

AYES—180

Altmire	Frank (MA)	Neal
Andrews	Fudge	Oliver
Baca	Garamendi	Owens
Baldwin	Green, Al	Pallone
Barrow	Green, Gene	Pascrell
Bass (CA)	Grijalva	Pastor (AZ)
Becerra	Gutierrez	Pelosi
Berkley	Hahn	Perlmutter
Berman	Hanabusa	Peters
Bishop (GA)	Hastings (FL)	Peterson
Bishop (NY)	Heinrich	Pingree (ME)
Blumenauer	Higgins	Polis
Bonamici	Himes	Price (NC)
Boren	Hinche	Quigley
Boswell	Hinojosa	Rahall
Brady (PA)	Hirono	Reyes
Braley (IA)	Hochul	Richardson
Butterfield	Holden	Richmond
Capps	Holt	Ross (AR)
Capuano	Honda	Rothman (NJ)
Cardoza	Hoyer	Roybal-Allard
Carnahan	Israel	Ruppersberger
Carney	Jackson Lee	Rush
Carson (IN)	(TX)	Ryan (OH)
Castor (FL)	Johnson (GA)	Sánchez, Linda
Chandler	Johnson, E. B.	T.
Chu	Jones	Sánchez, Loretta
Cicilline	Kaptur	Sarbanes
Clarke (MI)	Keating	Schakowsky
Clarke (NY)	Kildee	Schiff
Clay	Kind	Schrader
Cleaver	Kissell	Schwartz
Clyburn	Kucinich	Scott (VA)
Cohen	Langevin	Scott, David
Connolly (VA)	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sewell
Cooper	Levin	Sherman
Costa	Lewis (GA)	Sires
Costello	Lipinski	Slaughter
Courtney	Loeback	Smith (WA)
Critz	Lofgren, Zoe	Speier
Crowley	Lujan	Stark
Cuellar	Lynch	Sutton
Cummings	Maloney	Thompson (CA)
Davis (CA)	Markey	Tierney
DeFazio	Matheson	Tonko
DeGette	Matsui	Towns
DeLauro	McCarthy (NY)	Tsongas
Deuch	McCollum	Van Hollen
Dicks	McDermott	Velázquez
Dingell	McGovern	Visclosky
Doggett	McNeerney	Walz (MN)
Donnelly (IN)	Meeks	Wasserman
Doyle	Michaud	Schultz
Edwards	Miller (NC)	Waters
Ellison	Miller, George	Watt
Engel	Moore	Waxman
Eshoo	Moran	Welch
Farr	Murphy (CT)	Wilson (FL)
Fattah	Nader	Woolsey
Filner	Napolitano	Yarmuth

NOES—229

Adams	Alexander	Bachmann
Aderholt	Amash	Barletta
Akin	Amodei	Barton (TX)

Bass (NH)	Griffith (VA)	Pence
Benishek	Grimm	Petri
Berg	Guinta	Pitts
Biggert	Guthrie	Platts
Bilbray	Hall	Poe (TX)
Bilirakis	Hanna	Pompeo
Black	Harper	Posey
Blackburn	Harris	Price (GA)
Bonner	Hartzler	Quayle
Boustany	Hastings (WA)	Reed
Brady (TX)	Hayworth	Rehberg
Brooks	Heck	Reichert
Broun (GA)	Hensarling	Renacci
Buchanan	Herger	Ribble
Bucshon	Herrera Beutler	Rigell
Buerkle	Huelskamp	Rivera
Burgess	Huizenga (MI)	Roby
Burton (IN)	Hultgren	Roe (TN)
Calvert	Hunter	Rogers (AL)
Camp	Hurt	Rogers (KY)
Campbell	Issa	Rogers (MI)
Canseco	Jenkins	Rohrabacher
Cantor	Johnson (IL)	Rokita
Capito	Johnson (OH)	Rooney
Carter	Johnson, Sam	Ros-Lehtinen
Cassidy	Jordan	Roskam
Chabot	Kelly	Ross (FL)
Coble	King (IA)	Royce
Coffman (CO)	King (NY)	Runyan
Cole	Kingston	Ryan (WI)
Conaway	Kline	Scalise
Cravaack	Labrador	Schilling
Crawford	Lamborn	Schmidt
Crenshaw	Lance	Schock
Culberson	Landry	Schweikert
Davis (KY)	Lankford	Scott (SC)
Denham	Latham	Scott, Austin
Dent	LaTourette	Sessions
DesJarlais	Latta	Shimkus
Diaz-Balart	Lewis (CA)	Shuler
Dold	LoBiondo	Shuster
Dreier	Long	Simpson
Duffy	Lucas	Smith (NE)
Duncan (SC)	Luetkemeyer	Smith (NJ)
Duncan (TN)	Lummis	Smith (TX)
Ellmers	Lungren, Daniel	Southerland
Emerson	E.	Stearns
Farenthold	Mack	Stivers
Fincher	McCarthy (CA)	Stutzman
Fitzpatrick	McCaul	Sullivan
Flake	McClintock	Terry
Fleischmann	McCotter	Thompson (PA)
Fleming	McHenry	Thornberry
Flores	McKeon	Tiberi
Forbes	McKinley	Tipton
Fortenberry	McMorris	Turner (NY)
Fox	Rodgers	Turner (OH)
Franks (AZ)	Meehan	Upton
Frelinghuysen	Mica	Walberg
Gallegly	Miller (FL)	Walden
Gardner	Miller (MI)	Walsh (IL)
Garrett	Miller, Gary	Webster
Gerlach	Mulvaney	West
Gibbs	Murphy (PA)	Westmoreland
Gibson	Myrick	Whitfield
Gingrey (GA)	Neugebauer	Wilson (SC)
Gohmert	Noem	Wittman
Goodlatte	Nugent	Wolf
Gosar	Nunes	Womack
Gowdy	Nunnelee	Woodall
Granger	Olson	Yoder
Graves (GA)	Palazzo	Young (AK)
Graves (MO)	Paulsen	Young (FL)
Griffin (AR)	Pearce	Young (IN)

ANSWERED "PRESENT"—2

Bartlett Sensenbrenner

NOT VOTING—20

Ackerman	Davis (IL)	Marchant
Austria	Gonzalez	Marino
Bachus	Jackson (IL)	McIntyre
Bishop (UT)	Kinzinger (IL)	Paul
Bono Mack	Lee (CA)	Rangel
Brown (FL)	Lowey	Thompson (MS)
Chaffetz	Manzullo	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1229

Messrs. CARNEY and BECERRA changed their vote from “no” to “aye.” So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 181, answered “present” 4, not voting 23, as follows:

[Roll No. 126]

AYES—223

Adams	Fortenberry	Lungren, Daniel
Aderholt	Fox	E.
Akin	Franks (AZ)	Mack
Alexander	Frelinghuysen	Matheson
Amodei	Gallely	McCarthy (CA)
Bachmann	Gardner	McCaul
Barletta	Gerlach	McClintock
Bartlett	Gibbs	McCotter
Barton (TX)	Gibson	McHenry
Bass (NH)	Gingrey (GA)	McKeon
Benishek	Goodlatte	McKinley
Berg	Gosar	McMorris
Biggart	Gowdy	Rodgers
Bilbray	Granger	Meehan
Bilirakis	Graves (GA)	Mica
Black	Graves (MO)	Miller (FL)
Blackburn	Griffin (AR)	Miller (MI)
Bonner	Grimm	Miller, Gary
Boren	Guinta	Mulvaney
Boustany	Guthrie	Murphy (PA)
Brady (TX)	Hall	Myrick
Brooks	Hanna	Neugebauer
Buchanan	Harper	Noem
Buohon	Harris	Nugent
Buerkle	Hartzler	Nunes
Burgess	Hastings (WA)	Nunnelee
Burton (IN)	Hayworth	Olson
Calvert	Heck	Palazzo
Camp	Hensarling	Paulsen
Campbell	Herger	Pearce
Canseco	Herrera Beutler	Pence
Cantor	Hochul	Peterson
Capito	Huelskamp	Petri
Cardoza	Huizenga (MI)	Pitts
Carter	Hultgren	Platts
Cassidy	Hunter	Pompeo
Chabot	Hurt	Price (GA)
Coble	Issa	Quayle
Coffman (CO)	Jenkins	Reed
Cole	Johnson (OH)	Rehberg
Conaway	Johnson, Sam	Reichert
Cravaack	Jones	Renacci
Crawford	Jordan	Ribble
Crenshaw	Kelly	Rigell
Culberson	King (NY)	Rivera
Davis (KY)	Kingston	Roby
Denham	Kissell	Roe (TN)
Dent	Kline	Rogers (AL)
DesJarlais	Labrador	Rogers (KY)
Diaz-Balart	Lamborn	Rogers (MI)
Dold	Lance	Rohrabacher
Dreier	Landry	Rokita
Duncan (SC)	Lankford	Rooney
Ellmers	Latham	Ros-Lehtinen
Emerson	LaTourette	Roskam
Farenthold	Latta	Ross (FL)
Fincher	Lewis (CA)	Royce
Fitzpatrick	LoBiondo	Runyan
Flake	Long	Ryan (WI)
Fleischmann	Lucas	Scalise
Fleming	Luetkemeyer	Schilling
Flores	Lummis	Schmidt
Forbes		Schock

Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns

NOES—181

Altmire
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge

ANSWERED “PRESENT”—4

Broun (GA)
King (IA)

NOT VOTING—23

Ackerman
Austria
Bachus
Bishop (UT)
Bono Mack
Brown (FL)
Castor (FL)
Chaffetz

Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)

West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1236

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DUFFY. Mr. Speaker, on rollcall No. 126, I was unavoidably detained. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Ms. LEE of California. Mr. Speaker, I was not present for rollcall votes 122–126. Had I been present, I would have voted “no” on No. 122, “yes” on No. 123, “no” on No. 124, “yes” on No. 125, and “no” on No. 126.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

□ 1240

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I am pleased to yield to my friend from Virginia (Mr. CANTOR), the majority leader, for the purpose of inquiring of the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Tuesday and Wednesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business, and the last votes of the week are expected no later than 3 p.m. No votes are expected in the House on Friday.

Mr. Speaker, the House will consider a few bills under suspension of the rules, which will be announced by the close of business tomorrow. The House will also consider H.R. 3309, the Federal Communications Commission Process Reform Act, authored by Congressman GREG WALDEN of Oregon. And for the second year in a row, the House will consider and pass a budget resolution. Mr. Speaker, we also expect to take further action on our Nation's infrastructure, with authority expiring at the end of next week. Finally, I am

Manzullo
Marchant
Marino
McIntyre
Paul
Rangel
Thompson (MS)

hopeful that the Senate will clear the House's bipartisan JOBS Act today. This bill has been delayed too long, but I look forward to the President signing it into law.

I thank the gentleman from Maryland, and I yield back.

Mr. HOYER. I thank the gentleman for his information with respect to the legislation that is going to be considered next week.

I would note that he talks about the highway bill, the infrastructure bill that is pending. Obviously, we had expected to consider that bill on the House floor. On our side, at least, our expectation was that it was going to be considered a number of weeks ago. It has not come to the floor here. As I understand it, we are now talking about an extension of some period of time. We are concerned that you rightfully, personally and as a party, made it very clear that certainty was an important aspect of growing our economy. That's a proposition on which I agree. I think you are absolutely right. I think that we need to create certainty and, clearly, we need to create jobs.

I said this morning, Mr. Leader, to the press—and I'm sure you get it as well—that the public says to me: When are you guys going to start working together? When are you going to get something done in a bipartisan way?

The Senate has done that, I will say to my friend. The Senate has done it in an overwhelming fashion. They had 74—it would have been 75, but Mr. LAUTENBERG was absent but was for the bill. So 75 percent of the Senate, three-quarters of the Senate voted for what was a very bipartisan bill. And, as a matter of fact, half the Senate Republicans essentially voted for that bill.

As you know, it had a technical flaw in the bill in that it had revenues which need to be initiated in the House of Representatives. Representative TIM BISHOP of New York has introduced the Senate bill, which has overwhelming support in the United States Senate and, very frankly, in my view, would have at least 218 votes in this House if it were put on the floor.

The Speaker has said in the past that he is committed to letting the House work its will, obviously referring to the open amendments process. But if a bill doesn't come to the floor, we have no opportunity either to amend or to vote. That's been one of our problems, of course, with the jobs bill that the President proposed that we had hoped would have been brought to the floor which has not been to the floor.

But I ask my friend, rather than continue to delay—and both sides have done that on the highway bill—to give that confidence, of which you have spoken and others on your side of the aisle have spoken I think absolutely correctly, in order to give the confidence that we can, in fact, act, that we can work in a bipartisan fashion, I would

ask my friend whether or not he, as the majority leader, would be prepared to bring the Bishop bill to the floor, which, again, is the Senate bill, supported by 75 Members of the United States Senate, half of the Republican caucus in the Senate, and which will give some degree of certainty for a highway program which clearly is also a jobs bill and will have an impact on almost 2 million jobs and maybe another million jobs along the way.

We think that's the way that would be good for our country to proceed, and it would send a message—because I think it would get bipartisan support if you brought it to the floor—that it would send a good message to the country that, yes, from time to time, we can work together. And, very frankly, Mr. Leader, if we did that, it would be consistent with every transportation bill that we have passed since 1956 under Dwight Eisenhower, where we worked together in a bipartisan fashion. This is the first time that I have experienced a partisan divide—I mean, people have had differences of opinion, but a partisan divide on the highway bill.

As you know, Senator BOXER and Senator INHOFE came together to agree. I think that's a pretty broad ideological spectrum of the United States Senate. They came together, they agreed, and they led the effort to pass that bipartisan bill.

I would very much hope that, Mr. Majority Leader, that you could bring that bill to the floor and see whether or not, in fact, it could pass. I think that would be good for the country.

And I yield to my friend for his comments.

Mr. CANTOR. I thank the gentleman.

And I would respond by saying to him that, no, I'm not prepared to bring that bill to the floor because I differ with him in his assumption that there would be enough bipartisan support to pass that bill in the House. And from all that I know about what's in the Senate bill, there is a lot of disagreement over how that bill was constructed, as far as House Members are concerned.

I would say to the gentleman, our plan is very clear. We have been outspoken on this. We do not want to disrupt the flow of Federal transportation dollars, which is why we will be bringing to the floor next week a bill to provide for an extension of 90 days so that perhaps, as the gentleman would like, as would I, we could come together as two bodies and two parties on an agreement to provide more certainty.

But as to the gentleman's suggestion that we need to be doing this to be consistent with what has been done historically, I would say to the gentleman, he knows, as well as I, that we are in very, very difficult economic times. We have never faced the kind of problems that we face today as a country, from a fiscal standpoint. Unfortu-

nately, transportation funding is no different. We're just out of money. So we're trying to take the approach that most American families and businesses would take, that is, to try to spend within our means, to come up with some innovative ways to look at transportation needs and demands in the future and our being able to meet them, and we look forward to working with the gentleman in a bipartisan fashion to try to effect that end.

Mr. HOYER. I thank the gentleman for his comments. But I will say again to the gentleman, we've been down this path before. We've been down this path before where the Senate was able to reach a bipartisan agreement on legislation very important to jobs, to the economy, and to the confidence of America.

□ 1250

That bipartisan piece of legislation would have enjoyed the support, I think, of certainly the overwhelming majority, almost the unanimous support on our side on a bipartisan agreement. I don't mean a Democratic proposal from the Senate, but a bipartisan agreement that came from the Senate. That dealt, of course, with payroll taxes and extending those, and ultimately we did that. We took that bill.

But I would say to my friend that the Speaker indicated he wanted a bill on this floor. I've been asking you for approximately a month now if it was going to come to the floor. That bill hasn't come to the floor. We all know it hasn't come to the floor because there's very substantial disagreement within your party about that bill. The papers report that. Everybody talks about it. We understand that.

I say to my friend that he and I do have a disagreement. I think it would enjoy bipartisan support on this floor if you brought the Bishop bill, the Senate bipartisan bill, to the floor. But the only way we're really going to be able to find that out—it's not by me saying, I think it would and you saying, I think it wouldn't. There's a very easy way to see whether it would, and that is to bring it to the floor next week.

I don't think there is anybody, hopefully, that wants to disrupt and have literally hundreds of thousands of people thrown out of work or not have opportunities for work. We know the construction trades in particular have been very badly hit by the lack of construction that's going on.

You can have your opinion and I can have my opinion, but there is a way to determine whether or not, in fact, we can get bipartisan agreement; and that is, as I said, and as the Speaker has indicated, let the House work its will. The only way the House can work its will—having been majority leader—is for the majority leader to bring the legislation to the floor for a vote. Then you may be right, I may be right, but

we will know and it won't have to be speculation. We will know.

If I'm right and we do pass that bill, then next week, before March 31, before the expiration of the current highway authorization, we can send a bill to the President of the United States, and he will sign the Senate bill. We don't know that he will sign a bill that's still languishing in your committee because we haven't seen the final parameters of that bill because it is obviously pretty controversial on your side of the aisle.

Again, if you want certainty, we have an opportunity for certainty. We have an opportunity with a bipartisan bill that the Senate has passed. I don't know why we're rejecting that bipartisanship. The gentleman says, well, this is a unique economic time. He's right. It seems to me that's a greater argument for trying to embrace a bipartisan agreement and move forward with giving certainty to the construction industry, to States, to municipalities, and to counties on what is going to be available to them to plan and to pursue infrastructure projects critical to commerce and to their communities.

I regret that the gentleman has indicated that's not an option that he will consider, but a short-term extension seems to be the continuation of uncertainty, not the allaying of uncertainty. I don't know whether the gentleman wants to make another comment on that or not.

Mr. CANTOR. Mr. Speaker, I would just say to the gentleman, I guess we are going to agree to disagree. We're dealing with the reality that we don't have the money, and we're trying to fashion a path forward that both sides can agree upon.

Obviously, we cannot agree upon that next week with all the differences that still exist, which is why we're creating the construct of a 90-day extension, which then gives us the possibility to get into conference with the Senate to try and produce a longer-term transportation funding bill.

Mr. HOYER. Well, I won't pursue it any further, Mr. Leader, but you've been unable to get agreement within your party on this side of the Capitol for well over a month. I hope you can get there. I would hope you would get there in a bipartisan fashion so that Mr. RAHALL and Mr. MICA could agree on a bill, which has been my experience in the 31 years I've been here. It's not my experience this year. That hasn't happened. But almost invariably—and I think for the years you've been here, you've experienced that as well.

Let me ask you now with respect to the budget. Do you expect the budget to come to the floor? You indicated that. If so, would that be Wednesday?

Mr. CANTOR. Mr. Speaker, the gentleman is correct. We will be beginning debate on the budget Wednesday and likely concluding that debate and vote on Thursday.

Mr. HOYER. Normally, as you know, we've had alternatives made in order. We, of course, want to make in order an amendment which will guarantee that Medicare will be available to our seniors and that we will not decimate Medicaid, which we think is appropriate for our seniors. We also want to make sure that we have revenues that can sustain health care for seniors, education for kids, help for our communities.

Will the gentleman be able to tell me whether or not, in fact, alternatives will be made in order by the Rules Committee that would be offered either by the minority ranking member of the committee and/or others as historically has been the case?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman, yes, we expect that to be the case. Obviously, I disagree with his characterization of our budget. We are, in fact, saving the Medicare program in a bipartisan fashion.

Mr. HOYER. Was there a bipartisan vote in the committee on that? I thought it was a totally partisan vote in the committee. Was I incorrect?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that the gentleman knows very well what I refer to, that the disproportionate cause of our deficit has to do with health care entitlements. And actually, as the gentleman knows, last year and this year we are proposing a solution, a plan, that does not resolve the issue overnight, but it puts us on a path towards balancing the budget.

This year, our budget chairman has worked together with the Senator from Oregon on the gentleman's side of the aisle in the Senate to propose a solution that responds to some of the complaints about the path that was taken before. Again, it is a bipartisan solution. It is a plan to save Medicare. Unlike the gentleman's party or his President, we are actually proposing a solution to the problem and saving the program for this generation and the next.

Again, I'm sure the gentleman disagrees with my characterization and I with his. But to answer his question, to get back on track as far as the schedule and the fashion in which these bills are going to be brought to the floor, yes, consistent with precedent, we will be allowing full substitutes to be offered on both sides of the aisle.

Mr. HOYER. I thank the gentleman for his comment.

The last thing I would ask the gentleman: Am I correct that the agreement that was reached between our parties, which led to the passage of the Budget Control Act in a bipartisan fashion, does not reflect the substance of that agreement as it relates to the discretionary spending number for fiscal year 2013? Senator MCCONNELL is quoted, as you know, as saying that that was an agreement that was

reached and that he expected it to be pursued.

I want to make it clear that he was not referring to the action of the Budget Committee, but he was referring to the agreement on the discretionary number.

Am I correct that the agreement that was reached, in order to get a bipartisan vote on the Budget Control Act, which we passed, which made sure that this country did not default on its debts for the first time in history, am I correct that that number is not the number that is reflected in the budget?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I respond to the gentleman by saying it is our view that the agreement reached in August at the top line was that, a cap. We all know we've got to do something about spending in this country, and the top line, or 302(a), within our budget resolution will reflect that top line provided in the budget resolution for the second year of the budget that we posed last year.

□ 1300

Again, we view it very much that we need to continue to try—at least try—to save taxpayer dollars when we are generating over \$1 trillion of deficits every year, and I think the taxpayers expect no less.

Mr. HOYER. I thank the gentleman for his comments, but I will tell the gentleman that if we're going to have negotiations, and we have one number and you have another number, and we agree on a number, and then we pass a bill which reflects that number, put it in law—it doesn't say it's a cap; it says that will be the number. As we pass the budget, we said that will be the number. Now this is the law. And as was observed by others on the other side of the Capitol, but I will observe it here as well, if we're going to have those kinds of negotiations, it's sort of like the guy who comes up to you and says, look, I've got something to sell you, do you want to buy it? And you say, yes, let's negotiate on price. And you come to a price of \$100. And then you come to settle, and the guy says, well, that was my top number. I'm going to give you \$92 for that item. You don't have a meeting of the minds as a contract requires.

Very frankly, nobody on our side, and frankly I don't think anybody on your side that negotiated the deal—I don't mean that didn't vote for it—and as a matter of fact, I know for a fact the Speaker, and I believe yourself, have been quoted that that was the number and we ought to stick with it. Clearly, Mr. ROGERS believes that's the number that was agreed to.

Now, we're not going to be able to agree on things if all of a sudden it becomes, well, that was a notional thing that we did, not an agreement. A lot of our people voted on that to make sure,

A, we didn't go into default as a country, and, B, that was not the number we wanted. It clearly was not the number your side wanted. But it was a number we agreed upon. And it seems to me that if we're going to try to keep faith with one another and with the law that we passed that we should stick with what we agreed to.

I understand that we want to bring the budget deficit down. As a matter of fact, on this side of the aisle, I've made those comments, and I've been criticized by some on my side, as you well know. Yes, we do need to get a handle on the budget. We're going to have a real debate on the deficit and debt, and I've been working very hard on that. We're going to have a debate, a fulsome debate, hopefully, on whether or not your budget does that. We've had disagreements all the years I've been here on that, and performance has not reflected, from my standpoint, that the representations made have always worked out, perhaps on either side.

But I regret, I regret deeply, Mr. Majority Leader, that we've reached an agreement, and based upon that agreement, this House took an action, it took a bipartisan action, and it passed a piece of legislation that was critically important to make sure that America did not go into default. And now we see 7 months later, crossed fingers, well, we really didn't mean that, it was a cap. Nobody on our side—there was no mention in the law nor was there any mention in the negotiations that that was a cap, not a number.

Unless the gentleman wants to say something further, I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'd just say to the gentleman this is somewhat of an academic discussion given that the Senate is not going to pass a budget. And I remind the gentleman, again, it takes two Houses to go and reconcile a budget, and it takes two Houses and two parties to actually go forward. So we look forward to working with the gentleman. I told him it is our belief that we need to respond to the urgency of the fiscal crisis and do everything we can to bring down the level of spending in this town. I look forward to working with the gentleman towards that end.

Mr. HOYER. I look forward to next week debating how we bring that deficit down, and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, MARCH 27, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. GRIMM). Is there objection to the request of the gentleman from Virginia?

There was no objection.

REPEAL IPAB

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, I support H.R. 5, the legislation to repeal the Independent Payment Advisory Board, or IPAB. As we've heard, this unelected board of 15 was created under the administration's health overhaul to take critical decisions on Medicare spending and hide them under a bureaucratic veil. As a result, it has the power to step between seniors and their doctors with no accountability.

Even Medicare's Chief Actuary indicated that the payment reductions required of IPAB are unrealistic and could drive doctors out of Medicare and limit seniors' access to care. That's hardly an answer to rising costs.

Today's legislation repeals IPAB and reduces costs through bipartisan medical liability reform. This common-sense reform curbs junk lawsuits and stops forcing doctors to practice costly, defensive medicine. This important bill eliminates IPAB and protects health care for America's seniors. I'm really glad that it has passed this House, and I hope that the Senate will take it up.

JUSTICE FOR TRAYVON MARTIN

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, yesterday I promised that every day I would come to the floor of this House and announce to America just how long justice for Trayvon Martin has been delayed. As of today, Trayvon Martin was murdered 26 days ago, and still there has been no arrest. There has been no arrest, and everyone is suffering. His parents are suffering, his classmates are suffering, and his whole Miami community is suffering.

A psychologist once described to me what it feels like to lose a child. She says it is as if someone cuts your chest open, rips out your heart, throws it on the ground, stomps on it, picks it up, places it back in your chest, and then sews you back up. She said the parents carry that pain inside of their heart forever.

So, today, this is for Sybrina and Tracy, Trayvon's parents. As they fight for justice, I stand with them. We demand justice for Trayvon. We demand justice for all murdered children. Stay strong, Sybrina and Tracy, stay strong. I'll be with you at the rally this evening just as soon as votes here are done. Keep one hand in God's hand, and stay strong, my friends, stay strong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

REMEMBERING NORTH CAROLINA STATE SENATOR JIM FORRESTER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today in remembrance of a friend, former colleague and public servant, North Carolina State senator Dr. Jim Forrester.

Jim was a lifelong public servant. He was a brigadier general with the U.S. Air Force and the North Carolina Air National Guard. He served as a flight surgeon during the Vietnam War.

He was a small town doctor and community leader. He and his wife of 51 years, Mary Frances Forrester, shared the values that made our country great, were committed to the community, and worked tirelessly for the betterment of their city and State. Together they sold Bibles to pay for his education at Wake Forest Medical School. He made time from his successful practice and family to serve on the Gaston County Board of Commissioners in 1982 before being elected to the State senate, where he served 11 terms.

Today we pay tribute to his life and service. My heart goes out to Mary Frances, his three daughters and son, and his eight grandchildren. May God's peace be with them and the many people who mourn his death and celebrate his life of service.

IN RECOGNITION OF DR. BYUNG WOOK YOON AND NATIONAL KOREAN AMERICAN DAY

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I rise today in honor of Korean American Day. I would like to recognize the 109th anniversary of the first Korean immigrants to arrive in the United States and the achievements of the Korean American responsible for bringing both this day and the importance of the contributions of Korean Americans to light, Dr. Byung Wook Yoon.

In 2003, Dr. Yoon, then-president of the Southern California Centennial Committee of Korean Immigration to the United States, began the campaign to establish a National Korean American Day. In 2004, when Dr. Yoon became president of the Korean American Foundation, he formed the National Committee of Korean American Day. Under his leadership in 2005, the committee claimed victory when the United States Senate and U.S. House of Representatives passed resolutions supporting the goals and ideals of Korean American Day and established an annual celebration recognizing the many contributions of Americans of Korean descent to the life and cultural fabric of the United States.

Aside from spearheading the campaign to establish Korean American

Day, Dr. Yoon has accomplished a great deal in his lifetime. He is the recipient of the Presidential Award from the Republic of Korea, the Grand Award for World Korean Day from the World Korean Interchange and Corporation Association, and the Grand Award for Korean American Day from the Korean American Foundation.

□ 1310

CONGRATULATING KRISTI HOUSE FOR ITS PARTNERSHIP WITH MIAMI INTERNATIONAL AIRPORT AND THE PORT OF MIAMI

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as a popular tourist destination, south Florida is known for its nightlife and sandy beaches, but unfortunately this has also made our area a destination for human trafficking. Thankfully, Kristi House has been a beacon of hope for our community by providing abused children the care they so desperately need.

Recently, Kristi House saw the need to try to identify and intercept traffickers and their victims as they use our air- and seaports. As a result, Kristi House has teamed up with Miami International Airport and the Port of Miami in an unprecedented partnership. MIA and Port of Miami employees will undergo special training that will allow them to identify child victims of human trafficking and hold their traffickers accountable. Approximately 750 personnel at MIA will be trained, as well as 1,500 trained by the Port Authority.

This unique collaboration is positioned to become a national model that will be invaluable in the fight against human trafficking. I again congratulate Kristi House on this tremendous achievement.

TRAYVON MARTIN

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I am before the House with a very heavy heart. I am very much concerned about the circumstances in Florida involving Trayvon Martin.

We live in a world, Mr. Speaker, where it's not enough for things to be right; they must also look right. And it just doesn't look right for a 17-year-old child to lose his life under the circumstances that have been announced.

I would like to thank all of the many colleagues here for the bipartisan support that has been shown in calling for the Justice Department to investigate. I also thank those who say they sup-

port what the Justice Department is doing in terms of an investigation. It doesn't look right, and I believe it is not right.

REPEAL IPAB

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to voice my support for the Medicare Decisions Accountability Act that passed this body today.

The measure will repeal the controversial Independent Payment Advisory Board, or IPAB, that would limit seniors' access to Medicare.

In my rural Arkansas district, senior citizens rely on Medicare to see their doctor and get their prescriptions filled. Without the coverage, they would be in a world of hurt. IPAB has the real threat of limiting seniors' access to treatment. I won't stand idly by while the IPAB board of 15 unelected and unaccountable bureaucrats tries to deny Medicare services to my constituents.

Members of IPAB are not subject to any real checks and balances. A huge amount of power is being given to this Medicare-cutting board that will be tasked with deciding who can and can't receive health care benefits. I am committed to strengthening Medicare for today's seniors and the next generation of Americans for this program. The Independent Payment Advisory Board will not protect seniors; it will only deny care.

Mr. Speaker, the Medicare Decisions Accountability Act gives seniors in my Arkansas district the security of knowing that their Medicare benefits will not be denied by faceless bureaucrats. I hope the Senate will now take action and pass this important bill.

HONORING THE LIFE OF HIS HOLINESS POPE SHENOUDA III

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, this week, the world laid to rest in the Egyptian desert a holy and wise spiritual giant, Pope Shenouda III, the 117th Pope of Alexandria and the patriarch of all Africa of the Coptic Orthodox Church. He passed on March 17.

His Holiness Pope Shenouda III presided more than 40 years over a worldwide expansion of the Coptic Orthodox Church. During his papacy, he appointed the first-ever bishops to preside over North American dioceses. When His Holiness became Pope in 1971, there were only four churches in North America. Today, there are over 100.

He championed a deep commitment to ecumenism interfaith dialogue, not just with Catholic groups—meeting the

Roman Catholic Pope of Rome for the first time in over 1,500 years in the year of 1973—but he joined with Protestant churches as well as Islamic leaders and Muslim clerics. He was a man for the world.

I had the honor of meeting the Pope at our local Coptic Christian church when it was being constructed. He was a man of immense faith, unforgettable. I never will forget his steady, strong, peaceful countenance when I asked him what it would take to achieve unity among the faith confessions, and he said: It would take love.

His contributions to world understanding and bridging horizons yet unmet will flower in decades ahead and progress will move forward in his memory.

[From the New York Times, Mar. 17, 2012]

COPTIC POPE DIES IN EGYPT AMID CHURCH'S STRUGGLES

(By Kareem Fahim)

CAIRO.—Pope Shenouda III, who led the Coptic Orthodox Church in Egypt for four decades, expanding the church's presence around the world as he struggled, often unsuccessfully, to protect his Christian minority at home, died on Saturday after a long illness, state media reported.

Pope Shenouda, who was 88, had suffered from cancer and kidney problems for years.

His death comes at a time of rising fears for Egypt's to million Coptic Christians, who have felt increasingly vulnerable since the fall of President Hosni Mubarak and amid attacks on churches by hard-line Islamists and repression by Egypt's security forces.

The rise to power of conservative Islamist parties has also raised concerns that Egyptian national identity is becoming more closely bound to Islam.

"It's an injection of uncertainty for Copts at a time of transition in the country," said Michael Wahid Hanna, a fellow at the Century Foundation. "Whether people were fond of him or not, this will cause anxiety."

On Saturday night, hundreds of Coptic Christians gathered at Cairo's main cathedral to grieve.

Samir Youssef, a physician, called the pope "an intellectual, a poet—strong, charismatic."

"On a personal level, I'm worried about the future. I think there will be a conflict, the same chaos that followed the 25th of January," he added, referring to the start of the uprising last year.

In a statement, President Obama praised Pope Shenouda as a beloved "advocate for tolerance and religious dialogue." Egypt's interim rulers, the Supreme Council of the Armed Forces, called on Egyptians to "come together in solidarity and be tolerant, to take Egypt toward security and stability."

Pope Shenouda, who became patriarch in 1971, was known as a charismatic, conservative leader for Egypt's Copts, who make up about 10 percent of the population in the majority Sunni nation.

He filled a leadership vacuum as Copts—along with most Egyptians—retreated from public life under authoritarian rule, and he expanded the church's reach, especially in North America. At the same time, he was criticized for what were seen as his autocratic tendencies, which stifled internal church changes, and his support for Mr. Mubarak's government, given in return for a measure of protection that Copts increasingly felt was insignificant.

The failure to distance the church from Mr. Mubarak led to greater disillusionment with the pope after the revolution, especially among younger and more secular Copts.

Pope Shenouda was born on Aug. 3, 1923, as Nazeer Gayed in the city of Asyut, Egypt, according to a biography of the patriarch posted on the church's Web site. He attended Cairo University and became a monk in 1954.

In 1981, Pope Shenouda was sent into internal exile by President Anwar Sadat, with whom he clashed after complaining about discrimination against the Copts. Mr. Mubarak ended that exile in 1985, with an informal understanding that Pope Shenouda would be less vocal in pointing out discrimination, according to Mariz Tadros, a researcher at the University of Sussex and the author of a forthcoming book on the Copts.

That understanding was severely strained in the past decade after a series of deadly clashes between Copts and Muslims, and charges that the state, and especially its security services, stoked the sectarian divide. After 21 people were killed in a church bombing last year, some Copts criticized the pope for not confronting the government.

The Coptic Church's own policies, including its almost total ban on divorce, have also increased tensions. Some have left the church specifically to divorce, either choosing another denomination or officially converting to Islam, then sometimes converting back after the split.

The conversions have incited rumors that have led to episodes of Muslim-Christian violence.

The next pope will face a growing desire among many Copts to expand the community's leadership, analysts said. Under Pope Shenouda, "the church became the de facto political representative of the Copts," Mr. Hanna said. "That became increasingly problematic."

OCTOBER BABY: EVERY LIFE IS BEAUTIFUL

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, I rise today to call attention to one of the most important issues of our time and to remind my colleagues and my fellow Americans that "every life is beautiful."

This weekend, a film called "October Baby" will be in theaters across the country to tell the beautiful, heartfelt story of Hannah, a young woman who learns she was adopted after a failed abortion. While this film captures her journey to discover her hidden past and find hope for her unknown future, it takes a clear stand for life, something we often don't see at the movies.

I believe protecting unborn life is a universal issue and has become one of the most unifying causes in recent decades. I'm grateful to all those that are involved in the making of the movie, especially the Erwin brothers from Alabama for making "October Baby" and their willingness to put this important issue in the spotlight.

A FAREWELL TRIBUTE TO JOHN W. ROWE AS HE RETIRES FROM EXELON

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, Mr. John Rowe, as the chairman and CEO of Exelon, is retiring upon closing of the company's merger with Constellation Energy.

John joined Unicom, the parent company of Commonwealth Edison, in 1998. He was hired to help fix its troubled nuclear fleet and prepare the company for deregulation.

In both 2008 and 2009, Institutional Investor named John the best electric utility CEO in America. In the 14 years of John's leadership, Exelon has been named by Forbes as one of "America's Best Companies," a "Global 2000 Company," the "Best Managed Utility Company," to Fortune's list of the World's Most Admired Companies, one of Businessweek's Top 50 companies, and Utility of the Year by Electric Light and Power.

Throughout John's career, he has been an active leading voice in energy and environmental policy, delivering policy addresses and testifying before Congress, the Federal Energy Regulatory Commission, and State regulators.

John and his wife, Jeanne, are committed participants in civic and cultural activities. They are committed to a wide range of a variety of civic activities, with a focus on education and diversity. The Rowes are particularly proud of their substantial commitment to founding the Rowe-Clark Math and Science Academy. And he is a board of trustees chairman of the Illinois Institute of Technology.

Mr. Speaker, I have come to know John Rowe during my tenure in Congress. I can say that his impact on the energy industry will be long felt by both policymakers and Exelon customers. I wish him and his family well in their future endeavors.

Mr. Speaker, I rise today to talk about someone that I have come to know through my work on the Energy and Commerce Committee over the years, John W. Rowe. Mr. John Rowe, the chairman and CEO of Exelon, is retiring upon closing of the company's merger with Constellation Energy. His retirement marks the end of nearly 14 years at Exelon and his 28-year tenure as the longest-serving electric utility CEO. It also brings to a close a long career in the utility business in which Rowe has distinguished himself as both an industry and civic leader.

John joined Unicom, the parent company of Commonwealth Edison in 1998. He was hired to help fix its troubled nuclear fleet and prepare the company for deregulation. He shepherded the merger of Unicom and PECO Energy and has led the combined company, Exelon, since its formation in 2000. The Unicom-PECO merger is widely regarded as

the most successful merger in the industry's history. The combined company serves 5.4 million customers and operates the largest fleet of nuclear power plants in the country.

In both 2008 and 2009, Institutional Investor named Rowe the best electric utility CEO in America. He has also received the Edison Electric Institute Distinguished Leadership Award, Keystone Center Leadership in Industry Award, Chicagoland Chamber of Commerce Burnham Award for Business and Civic Leadership, induction into the Chicago Business Hall of Fame, University of Arizona Eller College of Management Executive of the Year Award and the Union League of Philadelphia Founder's Award for Business Leadership.

In the 14 years of John Rowe's leadership, Exelon has been named by Forbes as one of "America's Best Companies," a "Global 2000 Company," and "Best Managed Utility Company" to Fortune's list of the "World's Most Admired Companies," one of BusinessWeek's "Top 50" companies, and "Utility of the Year" by Electric Light and Power.

Mr. Rowe served as chairman of the Nuclear Energy Institute, the Edison Electric Institute (EII), the Commercial Club of Chicago, and the Massachusetts Business Roundtable.

Rowe and his management team succeeded in turning around the ComEd nuclear fleet—increasing the capacity factor from less than 50% in 1997 to more than 92% in every year since 2000 and average refueling outage days were reduced by half. Exelon today is the largest and widely regarded as the best nuclear plant fleet in the U.S.

Responding to massive reliability issues in ComEd's service territory in 1998 and 1999, Rowe spearheaded the effort to improve system reliability that has helped reduce the frequency and duration of customer outages by 20% since 2001. ComEd has spent more than \$5 billion on improving the system since 1998. ComEd now performs in the top quartile of its peer companies for reliability.

Under Rowe's leadership, PECO has been an industry leader in reliability performance, moving from the top quartile to top decile in infrastructure modernization and the use of equipment to eliminate and reduce the length of outages for customers.

Throughout his career, John has been a leading voice on energy and environmental policy delivering policy addresses and testifying before Congress, the Federal Energy Regulation Commission, state regulators and other. He was a pioneer on industry efforts for utility restructuring and a fierce advocate for environmental stewardship and diversity.

Perhaps more than any other CEO, Rowe has made environmental stewardship a hallmark of his tenure at each of his companies. While at CMP, he refocused its energy procurement strategy to conservation, energy efficiency and cogeneration.

John and his wife Jeanne are committed participants in civic and cultural activities. They are committed to a wide variety of civic activities with a focus on education and diversity.

The Rowes have established the Rowe Family Charitable Trust. Over the past decade, the Rowes and the family Trust have contributed more than \$19.7 million to organizations including the University of Wisconsin,

the Illinois Institute of Technology, the Chicago History Museum, the Field Museum, Misericordia, the Chicago Shakespeare Theater, Metropolitan Family Services and Northwestern Hospital.

The Rowes are particularly proud of their substantial commitment to founding the Rowe-Clark Math and Science Academy, and is a Noble Street operated charter school and the Rowe Elementary School, a Northwestern University Settlement Association operated charter school. In addition, John Rowe serves as Chairman of New Schools Chicago, an organization that promotes and funds Charter Schools in the City of Chicago.

Rowe also serves as Chairman of the board of trustees of the Illinois Institute of Technology and as President of the Wisconsin Alumni Research Foundation. He is a Vice Chairman of the Field Museum and has previously served as Chairman of the Commercial Club of Chicago and its Civic Committee and as Chairman of the board of the Chicago History Museum. While CEO of CMP, Rowe served as the Chairman of the Fort Western Museum capital campaign. At NEES, Rowe served as President of the USS Constitution Museum, Chairman of the Mechanics Hall capital campaign, a member of the board of the Massachusetts Natural Conservancy and on the board of Trustees at Bryant University.

Under Rowe's leadership and strong belief that utilities can and must have a commitment to their communities, Exelon has become a major part of the social fabric of the communities it serves. Exelon companies granted over \$270 million to non-profit organizations serving our communities over the last eleven years including a \$70 million donation to fund the Exelon Foundation.

Since the program's inception in late 2005 Exelon employees have tracked over 318,000 hours of community service. Exelon employees serve on over 350 non-profit boards across the service area, making an impact at the community level.

In recognition of Rowe's dedication to the community he has received the Civic Federation of Chicago's Gage Award for Outstanding Civic Leadership, the Citizen of the Year award from the City Club of Chicago, and the Heart of Mercy Award from Misericordia. Under his leadership, Volunteer Match has recognized Exelon as the Corporate Volunteer Program of the Year. Exelon has also received the Ron Brown Award for Corporate Leadership and was named to Corporate Responsibility Magazine's Best Corporate Citizens.

Mr. Speaker, I have come to know John Rowe over my tenure in Congress and I can say that his impact on the energy industry will be long felt by both policy makers and Exelon's customers. I wish him and his family well in their future endeavors.

DOWN SYNDROME AWARENESS DAY

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Mr. Speaker, I rise to call attention to a very special day in our country. Yesterday marked the

seventh anniversary of Down Syndrome Awareness Day.

There are over 400,000 people living in the United States with Down syndrome. This equates to one out of every 700 new babies born in America.

Many of us personally know friends and loved ones with Down syndrome. Those with Down syndrome lead active and productive lives, attend school and work, participate in decisions that affect them, and contribute to society in so many wonderful ways. That's why I am a proud supporter of the Achieving a Better Life Experience Act, the ABLE Act, and I will continue to do my part to spread the word about this and other important legislation that will help those with Down syndrome have the tools to succeed.

Please help me celebrate the importance of Down Syndrome Awareness Day, and let's join together to champion every individual in this country, especially those with Down syndrome.

□ 1320

JUST SAY "NO"

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, we've just had a vote on H.R. 5, something very important. It's one of the horrible parts of the ObamaCare bill that we would have a board that would dictate to people what they could or could not have in the way of treatment or care.

The Federal Government has no business getting between people and their doctor. They have no business taking over health care, because if the Federal Government has the right to take over people's health care, then they'll have the duty to tell people how to live, what they can eat, what they must do.

But I had to vote "no" on this bill for this reason: in order to pay for this bill, under our rules, they added a provision that has the Congress dictating to every State in the country what their State med-mal tort laws have to be.

In Texas, we did tort reform, and we have doctors coming back. Some say, well, LOUIE, other States don't have it. That's fine. It's their right. Their doctors can come to Texas.

But when Congress wants to usurp State law, I have to say, "No."

THE AFFORDABLE CARE ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as the 2-year anniversary of the President's so-called Affordable Care Act approaches, we're reminded of the unkept promises. It almost seems

like yesterday when we heard the line, "We have to pass the bill so we can find out what's in it." That prediction today stands as one of the few justifications for passage of the law to still hold much truth or credibility.

Then supporters said it wouldn't cost a dime; yet last week, the nonpartisan Congressional Budget Office stated they now expect the law to cost \$1.76 trillion over 10 years. That's nearly double the \$940 billion originally claimed.

Supporters said it would bring down costs; yet these new mandates have helped result in premium increases of up to 9 percent in my home State of Pennsylvania.

Today we remain committed to repealing and replacing this costly and dangerous law, piece by piece, if necessary. We take a great step today by repealing a provision that would otherwise cede the responsibility of Congress to an unelected and unaccountable Medicare rationing board. This measure is yet another facet of that commitment.

THE PRESIDENT NEEDS TO GET WITH THE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, last week President Obama was in an oilfield in New Mexico, and the President said:

Under my administration, America is producing more oil today than at any time in the last 8 years. That's a fact. That is a fact.

He went on to say:

You have my word that we will keep drilling everywhere we can, and we'll do it while protecting the health and safety of the American people.

And he said:

A recent independent analysis showed that over the last 36 years, there's been no connection between the amount of oil that we drill in this country and the price of gasoline.

"There's no connection," he went on to say. And then the President added:

Even if we drilled every square inch of this country, we'd still only have 2, 3, or 4 percent of the world's known oil reserves.

That's just not true. It's just simply not true. Today, on television, the former president of Shell Oil, John Hofmeister, said—and he ought to know, he was in the oil business. He says that there is a trillion—a trillion, get that; not a billion, but a trillion-plus barrels of oil in America, more oil than there is in Saudi Arabia, and it's not counted by the President, and he's misleading the American people.

The reason he said that is because when the President talked about the increase in oil production, he was talking about the increase in oil production

on private land outside the Federal Government's grip.

When you talk about the Federal lands, where we know there's tons of oil, oil production fell by 11 percent last year. It went down. So we're not drilling for that oil. We're not drilling off the Continental Shelf. We're not drilling in the Gulf of Mexico. We're not drilling in Alaska and the ANWR. We're not using coal oil shale for oil.

And so we could have another trillion barrels of oil, much more than we'll ever need, more than in Saudi Arabia, if we just did what the President says that we're already doing. But we're not doing it.

I'm going to be down here on the floor next week, and I'm going to show that the applications for permits to drill in this country have gone down, gone down by 36 percent since President Obama took office in 2008. So he says we're drilling everywhere. The permits that have been requested by the oil companies and those who will produce gasoline in this country have gone down by 36 percent since the President took office.

Now, let me just end up by saying this: the price of gasoline, from 2000 to 2009, was an average of \$2.09 a gallon. The average retail price of gasoline when President Obama took office was \$1.85 a gallon. And the average price of gasoline today is \$3.88 a gallon, and everybody in America knows that. That's an increase of 86 percent.

So when the President goes on these trips around the country to make statements to the American people about the great things they're doing for energy production in this country, he should get his facts correct. Either he's misleading us intentionally or somebody's giving him the wrong information. But we have an abundance of energy in this country that's not being tapped.

I have no problem with us looking at alternative energy sources like solar, wind, geothermal, all those things, nuclear, but those things are going to take a long time, and we're still going to have to depend on oil and fossil fuels for many years to come. And the President needs to tell the truth and get with the program.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. BURTON of Indiana. Mr. Speaker, let me just say, if I may, that I try my best not to direct any comments to the President. When I speak on the floor, I usually say, "If I were talking to the President." So I always qualify that.

Thank you very much. With that, Mr. Speaker, I yield back the balance of my time.

THE 21ST CENTURY BATTLEFIELD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Florida (Mr. WEST) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. WEST. Mr. Speaker, throughout the history of the world, there has always been conflict between nations and among people. Wars have been fought to conquer land. Wars have been fought to acquire resources. Wars have been fought to spread ideas.

What is constant is that with each succeeding battle, both the tools and the techniques of warfare have progressed. From the earliest days of using rocks and sticks to the advancement of bows and arrows to flintlock and then automatic weapons, to TNT, atomic and nuclear bombs, man has continued to find ways, new ways of inflicting greater destruction on each other.

My father served in World War II. My older brother served in Vietnam. I, myself, served in Operations Desert Shield and Desert Storm, Iraqi Freedom, and Enduring Freedom, and my nephew continues to serve in the United States Army and has already been deployed to Afghanistan twice.

The only thing we know for sure is that the enemies my nephew has faced and will face in the future are altogether different from the enemy my father found in Europe and my brother found in Southeast Asia. Unlike any conflict this Nation has ever undertaken, from Lexington and Concord to Gettysburg and Antietam, from Belleau Wood and the Marne to Normandy and Iwo Jima, from the Chosin Reservoir to Khe Sanh, to the Persian Gulf, this 21st century battlefield is not defined by columns, fronts, uniforms, or borders but, rather, about one ideology against another.

Today, Mr. Speaker, I want to speak about this 21st century battlefield, one that is vastly different from any we have faced before. If we are not as prepared to fight in this new virtual environment as we would be to fight in unfamiliar physical surroundings, it will be just as likely to effect our downfall as the jungles in Indochina were to the colonial French troops.

□ 1330

Mr. Speaker, it is clear the United States Congress, the media, and Americans are truly focused on the dire economic situation here at home, and I share those concerns.

I also recognize the importance of not turning our backs on the principal obligation vested in us as elected leaders to protect and defend the United States of America against enemies, foreign and domestic.

The wars that my father and brother fought in and the Cold War we were engaged in when we first put on those

uniforms 30 years ago, all of them were clearly defined. We knew our enemy. We knew his tactics. We knew his weapons and the uniform he wore. We even, at times, Mr. Speaker, laid down our arms temporarily to observe religious holidays like Christmas and Tet. But with the advent of the 21st century battlefield, that paradigm no longer exists. If we are going to achieve our objectives, we must be ready to adapt to changing circumstances. We cannot simply understand our enemy; we must define it.

In 2012, more than 10 years after the Twin Towers fell in the city of which you, Mr. Speaker, represent, there is still a debate in this country about whom we're fighting.

So today, let us set aside political correctness in order to fully define the enemy we've been at war with for decades, since years before commercial airliners slammed into the Pentagon, crashed in a field in Pennsylvania, and took the lives of over 2,000 citizens in New York.

Let me be perfectly clear: the free world is not engaged in a war on terror. Terrorism is a tactic, Mr. Speaker, and no nation or coalition of nations can go to war against a tactic.

For instance, the United States was not engaged in a war against the Blitzkrieg or the Kamikaze in 1941 through 1945. Al Qaeda and the Taliban are indeed our enemy, but we are not at war with al Qaeda or the Taliban. They are simply the regiments and battalions of the ideological army to which they belong.

The United States was not at war with the 12th German Panzer Division or the 55th Japanese Infantry Regiment from 1941 to 1945. In fact, before the rise of al Qaeda, the terrorist group that had inflicted the most damage on the United States was Hezbollah. And let us never forget the loss in the Beirut bombing of those 240-some-odd marines. Today, Hezbollah has evolved into a highly capable military force, albeit one without state or uniform. So capable, in fact, they have armed missiles within striking distance of every city in Israel. Yet several American Presidential administrations have failed to clearly identify Hezbollah as an enemy.

Until we as a Nation are able to correctly and openly identify our enemy, we will continue to put our men and women on the ground in harm's way without a clear mission for success.

On this 21st century battlefield, we are not fighting against a single organization, a single leader, or a single nation. We are, Mr. Speaker, fighting against a radical Islamic fundamentalism which knows no country, recognizes no borders, and wears no uniform. It is Islamism, a theocratic political totalitarian ideology, no different from Nazism, fascism, and communism, which threatens the free world. Our

enemy does not distinguish between combatants, be them lawful combatants, unlawful combatants, or even noncombatants, as required by the Geneva Convention. Our enemy does not distinguish between military and civilian targets.

So, Mr. Speaker, how do we understand the complexities of this global conflagration in which we are engaged, and how do we make the changes necessary to defeat it? With the appropriate strategic level of perspective, because we will never lose at the tactical level on the ground because the United States has the best soldiers, sailors, airmen, marines, and coastguardsmen the world has ever known. But without the correct strategic and operational goals, we'll be on the proverbial hamster wheel. No matter how much effort we exert, we will not make forward progress.

So, now that we have defined the enemy, we must develop strategic imperatives.

Mr. Speaker, I believe that there are three strategic imperatives: to engage, to deter, and to strike. We must clearly, then, identify specific strategic level objectives, and there are four.

First, Mr. Speaker, we must deny the enemy sanctuary. The number one asset our military has is its strategic mobility. When that is curtailed by a focus on nation-building or occupation-style warfare, we eliminate our primary advantage and, worse, turn our military forces into targets, because this enemy truly indeed has no respect for those borders and boundaries. Therefore, we must be willing to take the fight directly to him.

Second, we must interdict the enemy's flow of men, material, and resources. We have to cut off the enemy's ability to fund, supply, and replenish his ranks. As my colleague just spoke, our own energy independence is a vital part of that goal.

Third, we must, Mr. Speaker, win the information war. Unfortunately, the enemy is far more adept at exploiting the power of the Internet, broadcast media, and dissemination of powerful imagery. In addition, I fear that there are some in our media who now see themselves as an ideological political wing. If we cannot fully utilize information as a resource and part of our national power, we will lose this battle, if not our country.

The great example of this occurred during the Tet Offensive, when the North Vietnamese used information to their benefit against a superior American fighting force. Despite their own troops being badly depleted in the attack, our enemies were able to paint the outcome as a devastating loss for the United States. A former Vietcong Minister of Justice, Truong Nhu Tang, would later write:

It is a major irony of the Vietnam War that our propaganda transmuted this mili-

tary debacle into a brilliant victory, giving us new leverage in our diplomatic efforts, inciting the American antiwar movement, and disheartening the Washington planners.

Today, the Islamic fundamentalist enemy collectively portrays themselves as the victims of imperialism. Just as the Axis and Communist powers defined the free world as aggressors in order to cover up their crimes and designs for global domination, totalitarian Islam seeks to replicate the exact same strategy.

The now-deceased Osama bin Laden incited violence against Americans by invoking just such language when he said:

U.S. soldiers only fight for capitalists, usury takers, and the merchants of arms and oil, including the gang of crime at the White House. Under these circumstances, there will be no harm if the interests of Muslims converge with the interests of socialists in the fight against the crusaders.

Mr. Speaker, fourth, as far as strategic objectives, we must cordon off the enemy and reduce his sphere of influence. We have to shrink the enemy's territory and not allow any political, cultural, educational, and financial infiltration into the United States.

What happened with Major Malik Nadal Hasan at Fort Hood, Texas, should not have been possible in this country. We must not turn a blind eye to a bold enemy who is telling us exactly what he wants to do and who is willing to bring the battle to our doorsteps.

Furthermore, for us to classify this jihadist attack as workplace violence defies sanity.

It is important that we must not hamstring our troops through the rules of engagement. Let us trust our men and women who are fighting for the preservation of this great constitutional Republic, and that includes our domestic law enforcement.

These should be our goals: deny the enemy sanctuary, cut off his flow of resources, use information to our advantage, and reduce his sphere of influence.

We must recognize that Iraq and Afghanistan are not wars but combat theaters of operation. It is up to our elected leaders and strategic-level military officials to identify and agree on the correct goals and objectives.

Beyond identifying the enemy and defining our objectives in kinetic battle, we must also understand and recognize the truly nonkinetic conflicts of the 21st century battlefield. One need only review the collapse of the Soviet Union to understand great nations can be toppled economically as well as militarily.

In fact, one country paid particular close attention to the fall of the Soviet Union, and that was China. In fact, China's efforts to modernize its economy were taken explicitly from the playbook of Lenin during the period of the New Economic Policy.

Lenin sought to place market mechanisms in a Communist economy to preserve the rule of the party and modernize this war's industries. It also sought to deceive the West into believing that communism had been weakened and was, therefore, a less formidable opponent.

□ 1340

China, Mr. Speaker, has been mimicking this tactic for decades. It's time that we took notice. Currently, the United States is providing a great economic advantage to China by allowing them to have an incredible trade surplus and hold nearly 30 percent of our debt. We must recognize that China is not using that advantage to improve the standard of living of its citizens. Instead, it is taking its economic edge to the 21st century battlefield. Within 10 years, the world's largest blue-water Navy will fly not under a United States but a Chinese flag.

Why is that important?

Because no matter how technology changes in the future, the Earth's surface will still be covered 70 percent by water. All of the great civilizations—from the Venetians, to the Romans, to the Portuguese, Spanish, Dutch, English, and the Japanese—understood that the power and reach of a nation is extended not through a great army but through a strong navy. In 1990, the United States possessed 570 naval war vessels. Today, we have 285—projected to go even lower. If we cannot protect the sea lanes of commerce, we leave ourselves vulnerable, not just militarily, but economically to a power in China that continues to seek world communism as its ultimate goal, irrefutably so.

Mr. Speaker, I could spend the entire Special Order talking about China, because I believe, in this century, China could become the premier dominant nation in the world. And while the relationship between China and the United States is based on mutual needs at this moment, I am concerned for the day when China realizes this relationship is more of a hindrance than a need, and we always need to prepare if that day is to come.

As a veteran of Operation Iraqi Freedom, who served during the initial battles of that conflict, I am proud to be among the more than 1 million Americans who served in Iraq. What my fellow comrades in arms achieved in that country is nothing short of historic. Together, we defeated one of history's most tyrannical dictatorships and replaced it with what could be a free and democratic Muslim government. American soldiers, sailors, airmen, and marines beat back a radical Islamic insurgency and helped create what we hope for—an ally and partner in freedom.

I will never forget those with whom I served and those who served after I left that battlefield. I will always remember the sacrifice borne by so many

servicemembers and their families. However, I have to question the motives of President Barack Obama in announcing a full withdrawal of American forces in October of 2011. Did the President press the commanders on the ground before making that decision? What kind of message does our sudden withdrawal send to our allies, such as the Kurds in the northern part of Iraq? Do they feel abandoned yet again? My fear is that political expediency drove that decision, not recommendations from the military leadership, not a strategic understanding of the 21st century battlefield.

For over 10 years, our Nation has been on the offensive against Islamic totalitarianism, radical Islamic terrorism, and specific individuals who want to harm our country and kill our citizens. Ten years ago, a band of thugs declared war on the United States, our fellow Americans, and our way of life. The last decade in Afghanistan has seen peaks and valleys, triumph and tragedy, unspeakable horror and unimaginable bravery during our long and difficult march towards victory.

While a decade may seem like a long period of time, we must remember that our enemies have been at war with our way of life for nearly a generation. From Beirut to the Khobar Towers, from the USS *Cole* to the first bombing of the World Trade Center, from the total destruction of the United States Embassies in Kenya and Tanzania to September 11, we must never forget that we did not choose this fight—the fight chose us.

While we may not have executed this combat operation perfectly—but then no war ever has been—we cannot pretend that radical Islam does not exist. The killings of Osama bin Laden and other radical terrorist leaders are significant victories. However, the fight continues. There is evil in this world that must be confronted lest our Nation sees more of its citizens maimed and killed in acts of terror.

I will continue to urge our President and his administration, my colleagues on Capitol Hill, and our congressional leadership to pressure Pakistan to crack down on terrorists within their borders. A particular concern is the Haqqani network, which is responsible for so much violence and bloodshed. I urge our leaders on both sides of the aisle to finish what was started in this part of the world.

Ten years after September 11, it remains absolutely vital to our national security that we succeed in Afghanistan. And how do we define “success”? We cannot grant the enemy another opportunity to use that country as a home base for planning strikes against our Nation. Deny the enemy sanctuary. Unconditional withdrawal from Afghanistan, as we have done in Iraq, without considering the ground situation or the advice of top military ad-

visers, would be absolutely reckless. Allowing Afghanistan to revert to its previous condition under Taliban control overturns the progress made so dearly by our forces, and it creates new threats to all Americans and this world.

Let me be clear. If we exit without delivering a crushing blow to the Taliban and other extremists therein, they will bring the fight to us. And while I believe the men and women serving in Afghanistan are performing bravely, above and beyond, it is vital that they are given all the tools necessary to succeed. We must ensure that they have the proper equipment, the proper weapons systems, a clearly defined mission, but, most importantly, flexible rules of engagement that do not needlessly put their lives at risk.

Mr. Speaker, recently Prime Minister Benjamin Netanyahu was in the United States, delivering remarks that reinforce that the State of Israel is a bright light in a dark ocean of tyranny and oppression. Israel must be allowed to defend itself from external and internal aggression. The Israeli people must be allowed to continue to build within their own borders, and Jerusalem must be recognized, irrefutably, as the Nation’s only capital. Furthermore, the United States must stand by Israel’s side in the face of a United Nations which clearly views the State of Israel through a lens tinged with anti-Semitic hatred, which, unfortunately, we just saw played out in France.

Anything less than full support for Israel and its citizens at the United Nations by the United States Government is simply unacceptable. I am concerned that Israel, America’s strongest and most loyal ally in the Middle East, has become more isolated and vilified since Barack Obama became President than ever before in its existence, and I believe the United States Congress has a solemn duty to ensure that the homeland of the Jewish people remains as such.

The United States and Israel share the common bonds of freedom, liberty, and democracy, and the right to worship in the name of any religion as you see fit. We share a common enemy, though, in radical Islam, and we have both seen our citizens murdered by these terrorist thugs. We are, indeed, each other’s greatest ally, for without the United States Israel would not exist, and without Israel the United States would soon fall.

Today, the bonds between us must be stronger than ever because those bonds are threatened as never before. Israel, Mr. Speaker, is a small country surrounded by enemies. The United States, however, is a large country being infiltrated by the same enemies. Like us, the Israelis seek only to be one nation under God, with liberty and justice for all. And as the Bible makes clear in Leviticus, chapter 25, verse 10,

our purpose is “to proclaim liberty throughout all the land unto all the inhabitants thereof.”

The bottom line is this: our Judeo-Christian faith heritage calls us to duty to stand beside the modern-day State of Israel. Therefore, Mr. Speaker, if we discuss Israel, we must discuss the Palestinian Authority. It is quite simple. No entity that aligns itself with a group that calls for the complete and total destruction of another country should ever be granted statehood.

I will never support funding for the Palestinian Authority or the recognition of a Palestinian state as long as they are reconciled and connected with Hamas. Further, I have cosponsored House Resolution 394, to support Israel’s right to annex Judea and Samaria, if the Palestinian Authority continues to press for the unilateral recognition of Palestinian statehood at the United Nations.

A United Nations-recognized Palestinian state could place Israelis under the sovereignty of a group that actively seeks their destruction. This is unacceptable, Mr. Speaker, and in the absence of a negotiated peace agreement, Israel has the right to protect its citizens living in Judea and Samaria by annexing those territories.

□ 1350

There cannot be peace without a growing peace party. Now more than ever is a time to stand with our ally Israel. And thanks in large part to the so-called Arab Spring of democratic revolutionaries, Israel is beleaguered and surrounded by hostility on all sides. The Israeli Embassy in Cairo, Egypt, was almost seized. And Turkey, once a prominent ally, has even shown intimations of threatening Israel with war. All the while, Hamas terrorists in Gaza fire rockets into Israeli cities on a pretty much daily basis.

There is a realistic chance that many European countries will recognize a Palestinian state. Russia is already offering enthusiastic support for a declaration of statehood. And last year, President Obama expressed his hope for such an outcome. The Palestinians are now using that support as part of their media campaign.

Even the Democrat Party is opposing Congresswoman ILEANA ROS-LEHTINEN’s commonsense legislation, House Resolution 2829. This bill seeks more transparency and accountability within the United Nations, an organization that allows countries like China, Cuba, Saudi Arabia, and others to control the Human Rights Council.

The bill also requires steps to be taken to dismantle terrorist infrastructures and arrest terrorists, control Palestinian security organizations, and end the incitement of violence and hatred in the Palestinian media, educational institutions, and mosques.

And most importantly, it requires the United Nations to recognize Israel's right to exist as a Jewish state.

I am pleased to support this legislation and commend my Florida colleague, the chairwoman of the Committee on Foreign Affairs, for introducing this legislation.

Mr. Speaker, let's be clear: there is no greater threat to Israel and the United States today than the development of nuclear weapons by Iran. President Obama has tried to take the diplomatic route when negotiating with Iran, but that is an effort that has indisputably failed. Iran has twice sent their warships through the Suez Canal within the last year in a blatant message to Israel. And recently, an Iranian defense official threatened to send warships to the east coast of the United States of America.

I believe Iran poses a genuine threat to democracies around the world. Iranian President Mahmoud Ahmadinejad spouts hatred against freedom of speech and religion everywhere while opposing his own people at home. Further, he denies the Holocaust ever happened and has stated that anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.

Iran continues to push for nuclear weapons and has the capability to enrich uranium. It remains a state sponsor of terrorism and has aided internationally recognized terrorist organizations like Hezbollah. Hezbollah, along with organizations like Hamas and al Qaeda, is committed to seeing the destruction of the democratic freedoms that we treasure, along with the State of Israel in its entirety.

As a Member of the United States House of Representatives, one of my objectives is to protect the safety and security of Israel. A stable Israel is important to a stable United States, and Iran is a constant threat to that stability. We must stop lying to ourselves about Iran, for we are barreling toward a point at which we won't be able to prevent that nation from acquiring nuclear weapons without a massive military strike. It must not come to that. Iran is merely months away from producing sufficient weapons-grade uranium for a 15-kiloton bomb, a development which will put American naval vessels and the Strait of Hormuz at risk.

As you know, I have spent a lot of my adult life in uniform, some of it on that field of battle in Iraq. Those of us who fought in Operation Iraqi Freedom knew that our enemies received considerable assistance from the Islamic Republic of Iran. Many of the terrorist thugs who targeted American troops in that combat operation, just as many of those who target our troops in Afghanistan today, received guidance, training, weapons, money, and an untold number of explosives that have killed or terribly maimed so many of our Na-

tion's finest, our comrades. We knew it without a doubt. We knew it because the components of those bombs bore irrefutable proof of Iranian manufacture. Yet to this day, most Americans are unaware of the support the Iraqi insurgency received from the Iranians.

Iran declared war on the United States of America nearly 33 years ago and has waged that war ever since. The Iranian war against America is not limited to our troops. Indeed, as we have recently learned from the Attorney General and the director of the FBI, the Iranians are prepared to kill American civilians right here in Washington if they happen to be in the same place at the same time as an intended target of assassination.

Our dealings with Iran are not a partisan political matter. A failure to respond to their murderous attacks is a national failure, not a failure of one party or another or one leader or set of leaders. This is a war, whether we decide to fight it or not.

They are waging war against us; yet our public discourse rarely, if ever, bothers to mention that fact. Every so often, someone will remind us that Iran is the world's leading sponsor of terrorism; but even that does not encapsulate the truth of the matter. They are killing us every single day.

If you want to see what the consequences of an Iranian victory would look like, just observe what life is like for the citizens of Iran. Anyone who voices opposition to the government or complains about the oppressive treatment of the Nation's women is arrested, tortured, and often killed. Independent newspapers have long since been silenced. Access to the Internet is blocked or filtered with the same technology used in the People's Republic of China.

The Washington Post editorialist writing about the Iranians' feverish efforts to construct atomic weapons put it very bluntly when they wrote:

By now, it should be obvious that only regime change will stop the Iranian nuclear program, and only regime change will stop the Iranian war against America. Only regime change will bring an end to the mullahs' global dream.

The Washington Post thinks that sanctions can help, provided they are serious sanctions that strike at the heart of Iran's financial system. Mr. Speaker, I have no problem supporting such an effort, but I doubt that that will be enough because sanctions are only effective when a regime cares for its people.

Iran is a theocracy. An acquisition of a nuclear weapon will enable them to achieve their goal, the restoration of the Islamic caliphate.

We have another, even more powerful, weapon to aim at the Islamic dictatorship of Iran: the Iranian people. And it's time to use it. There can be no doubt that the people of Iran are

yearning for new leaders; 2½ years ago, millions of them took to the streets to protest against election fraud and to call for an end to the Islamic dictatorship. There can be little doubt that, unlike so many of the uprisings in the Muslim world, the overwhelming majority of the Iranians do not want radical jihadist overlords. They want a separation of mosque and state, with the mullahs in the mosque, not running the state.

Of all the opposition movements in the Muslim Middle East, the Iranian one is the closest to us, the only one that surely wants to be part of the Western world. So why, then, Mr. Speaker, has the Iranian opposition movement not been explicitly endorsed by our government? Why do the President and the Secretary of State continue to talk about reaching an agreement with the Tehran regime? Why does the President not say that Ahmadinejad and Khomeini must go? If Qadhafi had to go and Mubarak had to go and Assad must go, why not the Iranian terror masters?

Since the President and the Secretary of State are unwilling to spell it out, I will offer my assistance. Ahmadinejad and Khomeini have to go, along with their evil henchmen. We need clear language from our leaders that states, Down with the Islamic Republic of Iran, which, Mr. Speaker, represents a clear and present evil in our world. We, hereby, call for a free Iran, and we are willing to support an effort by the Iranian people to liberate their country.

President Ronald Reagan recognized the threat of inaction, and he laid out a road map on how to confront evil in our world three decades ago. First, tell the truth. Tell it often. Tell it everywhere. The truth is that Iran is in the clutches of evil people who kill Iranians and support the killing of Israelis and Americans every day and who will kill even more, if and when they get nuclear atomic bombs and warheads.

□ 1400

The truth is that we have tried to reach some sort of reasonable agreement with them for more than 30 years. The truth is they don't want it. They want to destroy us. And that's what they mean when they chant, "Death to America."

Second, our leaders and representatives must call for the release of political prisoners being persecuted in that country, to include the Iranian Christian minister being threatened with execution. When our diplomats attend international conferences, they should arrive with lists of victims in Iran, and they should read those lists. It's harder for totalitarian regimes to kill people with names than to slaughter faceless victims.

Third, we should broadcast the facts to the Iranian people. They need to

know that we stand with them. They need to know what's going on inside their country. This is based on our experience during the Cold War when it turned out people inside the Soviet Union knew more about events in London and Paris and Washington than inside their own borders. That's why Radio Free Europe and Radio Liberty were such potent instruments of peace. Our broadcasts are often jammed by the Iranian regime. We must defeat their censorship.

Finally, we have to track down the killers of Americans and bring them to justice. The world must know anyone that takes an American life will be targeted and taken out in any country on the planet. Those who kill our citizens will not find safe haven in Iran.

Mr. Speaker, a majority of the America media did not feel it was important to report that Iranian President Ahmadinejad visited Cuba, Venezuela, Ecuador, and Nicaragua this past January. President Ahmadinejad threatened almost 200 years of precedent established by the Monroe Doctrine when he declared that "from now on, Latin America will no longer be in the backyard of the United States."

President Ahmadinejad is assisting Hugo Chavez with missile sites and has joked with that South American dictator about pointing a warhead at the United States. And, Mr. Speaker, there are Hezbollah camps in South America. Chavez himself has offered to send troops to fight with the Taliban and has reportedly funded al Qaeda. President Ahmadinejad has recruited the Mexican drug cartels for an attempted assassination of a Saudi ambassador in the United States.

Mr. Speaker, President Ahmadinejad's sphere of influence is not limited to the Middle East. He is entering our hemisphere and showing the influence that he has in this region. And that goes back to our fourth strategic objective.

President Obama seems to be uninterested in the principles of the Monroe Doctrine because, after all, he did take the wrong side in Honduras, and he has laughed it up with Hugo Chavez.

Mr. Speaker, the Syrian government, meanwhile, is continuing its vicious crackdown on innocent Syrian civilians seeking only freedom and democracy. According to available figures, almost 10,000 Syrians have lost their lives and thousands more have been injured. Many more have been forced to flee. The International Atomic Energy Agency also recently concluded that the secret Syrian facility destroyed by Israel in September of 2007 was "very likely a nuclear reactor" based on a North Korean model capable of producing plutonium for nuclear weapons.

The Syrian government has become a conduit in Iran's arming of Hezbollah Shiite forces in Lebanon and Hamas in Gaza. They have provided a safe dock-

ing station for Iranian warships, and they possess an arsenal of chemical weapons and missiles that I fear could end up in the hands of terrorists with which they are associated.

The threat posed by the Assad regime to the United States, to our allies, and the Syrian people is stark and growing. The time to increase pressure on that regime is now. That is why I joined other Members of Congress in sending a letter to President Obama requesting that he implement additional sanctions on Syria. The people of that country deserve a government that represents their aspirations and respects their basic human rights. It is clear that Bashar al-Assad is not willing to implement genuine reforms and that he lacks the legitimacy to lead the Syrian people.

The United States and all responsible nations must hold the regime accountable and the brutality must end. Additional sanctions would show the Syrian people that we stand with them in their struggle for democratic freedoms while also making it clear to the Syrian regime that it will pay an increasingly high cost for its gross violations of human rights and dignity, which is why, Mr. Speaker, UNESCO should expel Syria and strongly condemn them, and not repeatedly attack Israel. But, however, we must realize that there's an interesting turn in Syria with the Iranian and Russian presence evolving.

Mr. Speaker, it was not too long ago the American people watched a transition in Egypt, with this administration claiming we were witnessing a new dawn of democracy. Today, instead we are witnessing the nightmare of one of the greatest threats to the stability in the Middle East, a new Egyptian government under the Muslim Brotherhood. The Egyptian Parliament is now controlled by a majority of radical Islamists, and the Muslim Brotherhood is turning Egypt into a radical Islamic state. The Muslim Brotherhood also maintains active ties to Hamas, a terrorist organization that openly calls for the destruction of Israel.

Of course, America should stand with the Egyptian people. However, if the radical elements of the Muslim Brotherhood are left unchecked in that country, the security of the citizens of Israel, Egypt, and the United States all will be in jeopardy.

On July 19, 2011, I wrote a letter to the House Committee on Armed Services Chairman BUCK McKEON on the troubling revelation of a possible U.S. military sale to the government of Egypt. It stated in my letter:

It has come to my attention that the Defense Security Cooperative Agency notified Congress on July 1, 2011, of a possible foreign military sale to the government of Egypt for 125 M1A1 Abrams tank kits for coproduction and associated weapons, equipment, and parts, training, and logistical support.

America must continue to stand with the Egyptian people and encourage

them to build their own democracy with new political parties and freedoms. However, we must exercise caution with regard to military sales and support to the Egyptian government until a government is formed absent of the radical elements of the Muslim Brotherhood that would maintain an active peace with Israel.

Speaking of the Muslim Brotherhood, Mr. Speaker, I would like to quote to you directly from a former Supreme Guide of the International Muslim Brotherhood. In December of 2005, Mohammed Akef said:

The Brotherhood is a global movement whose members cooperate with each other throughout the world, based on the same religious world view—the spread of Islam until it rules the world.

Three years ago, a court found a Muslim charity right here in the United States guilty of funneling millions of dollars to the terrorist group Hamas. That was the Holy Land Foundation trial. The Council of Islamic Relations, CAIR, was named as an unindicted coconspirator. That case included testimony that Hamas' parent organization, the Muslim Brotherhood, planned to establish a network of organizations to spread the militant Islamist message right here in the United States. In its own "Explanatory Memorandum" for North America, the Muslim Brotherhood stated that its strategic goal is to establish an Islamic center in every city in order to "supply our battalions."

Through its various front organizations in the United States, the Muslim Brotherhood is succeeding in cultural "whitewashing" to eliminate all references to Islamist terrorism in our public discourse. After the 9/11 Commission identified "Islamic terrorism" as a threat in this country, the Muslim Public Affairs Council recommended the United States Government find other terminology. As a result, the FBI Counterterrorism Lexicon and the 2009 National Intelligence Strategy included not a single reference to Islam, Muslim, the Muslim Brotherhood, Hamas, or Hezbollah.

Furthermore, after Major Nidal Hasan's attack on Fort Hood, the Department of Defense Report used the terms "violent extremism" and "Islam" only once in a footnote. Again, that incident was officially classified as workplace violence.

Mr. Speaker, we must also be concerned about North Korea. I was stationed in North Korea in 1995 along the demilitarized zone. I stood on the 38th parallel and looked through the barbed wire and landmines. And there, Mr. Speaker, you can see a repressed Nation. I saw for myself what a ticking timebomb that country can be. Sooner or later, North Korea will either implode or it will explode. The situation in North Korea most closely resembles a street gang, where the leader of the

gang is killed and a young guy must step up.

□ 1410

In that instance, it is critical for the newly appointed “top dog” to establish his credibility by proving himself. And today, North Korea is ruled by a 28-year-old appointed four-star general.

Now, Mr. Speaker, it took me 22 years to become a lieutenant colonel. You can begin to understand how dangerous a situation is brewing just west of the Sea of Japan. The tactics do not change, and the game is getting tired. Anytime North Korea finds itself in need of money, it saber rattles with the threat of a secret nuclear arms program. It has fired artillery onto the South Korea island and sunk five South Korean Naval vessels.

Again and again, the international community responds with misguided attempts to “buy” the country off. Threaten to go nuclear and get funding in exchange? I call that international extortion. The DPRK newspaper, Nodong Sinmun, and other mouthpieces for the Workers’ Party of Korea sensed this policy of weakness and referred to the disbursement of food and aid as “tribute.” If there’s one thing we’ve learned, it’s that the North Koreans cannot be trusted to voluntarily disarm. They are playing our country and the entire Western world for fools. Sooner or later, we’ll need to step up and stand up to this simmering menace just a few hundred miles from Japan.

Mr. Speaker, in conclusion, if we miss this opportunity to recognize the 21st century battlefield—and understand, we did not talk about Africa, we did not talk about Somalia, and we did not talk about our own border security. I thank my colleague from Indiana for speaking about energy independence. But if we miss this opportunity for understanding what this battlefield truly is, to understand the threats and to lay out a strategic vigil for victory, we will lose the opportunity to ensure that our children and grandchildren of America will have a secure future.

As a country, we must roll up our sleeves and devise a roadmap for security. We must be mindful of the wise words penned by Sun Tzu in the book “The Art of War” more than 25 centuries ago:

To know your enemy and to know yourself and to know your environment, in countless battles, you will always be victorious.

If we do not understand this simple maxim, we face dark days ahead indeed. And that shadow could not only fall on this country, but on the entire world. Because no matter what our detractors may think, we are that beacon, we are that lighthouse. We are, as President Ronald Reagan said, “the shining city that sits upon a hill.”

For the sake of our Nation and of all nations that seek freedom for their citizens, we must be prepared to fight

on this 21st century battlefield, and we can settle for no less than victory upon it.

Mr. Speaker, those of us who have served in battle are the last to desire it. But as John Stuart Mill once wrote:

War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse.

Policymakers and those of us here in Washington, D.C., should heed the wise words of George Santayana:

He who does not learn from history is doomed to repeat it.

I will always stand by the men and women of the Armed Forces, and I am proud to represent them as a combat veteran in the United States Congress. I will always continue to protect our Nation, as I once did on the battlefield, and as I am now honored to do in this, the people’s House, steadfast and loyal.

And I yield back the balance of my time.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. The Chair announces the Speaker’s appointment, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), as amended, and the order of the House of January 5, 2011, of the following member on the part of the House to the Commission on International Religious Freedom for a term effective March 23, 2012, and ending May 14, 2014:

Mr. Robert P. George, Princeton, New Jersey

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Mr. Speaker, my name is KEITH ELLISON. I will claim the time over the next several minutes, and I want to talk about the issues before us today, namely, the budget. The budget is the issue today, Mr. Speaker.

As you may know, the House majority has come out with their budget, and, of course, the Progressive Caucus has come out with its budget, and that’s what I want to talk about tonight.

The Congress, Mr. Speaker, is made up of a lot of diverse interests. We have people who span the spectrum of political thought. On the far right, those folks are present here and they allow themselves to be heard.

But we have other folks who have different points of view and believe that the best of America is the idea of liberty and justice for all. That’s the Pro-

gressive Caucus—the idea that all Americans, no matter what their color is, no matter what their religion is, no matter whether they are male or female, no matter who they may be, have a right to live in a safe, free country with an opportunity to make a good, decent living with a retirement and with good, solid services like public schools, like police, fire and all these things, and we should live in a nation where we can really promote the common welfare. What that means is that the public sector and the private sector together—we have a mixed economy—need to work together to elevate the best interests of all American people.

To that end, the Progressive message, which I want to share tonight, is going to be about this budget, this Budget for All. The Progressive Caucus budget is called the Budget for All, and that’s the Progressive Caucus message. Tune in at cpc.grijalva.house.gov to learn more about it, Mr. Speaker. Now, this is the hashtag for the Budget for All. It’s #Budget4all. We want people to check it out and read about it.

It’s very different from the Ryan budget. It’s very different because we have a different vision for our country. It’s very different because the Progressive Caucus believes that responsibility and the benefits of being an American should be shared; whereas, I think it’s fair to say that the Ryan budget believes that if you give rich people a lot of money, maybe they’ll start some businesses and maybe they’ll hire someone and maybe people who are working class and middle class might benefit. It’s called trickle-down economics, and I’ll talk about that in a minute. But this is a very sharp contrast to the Progressive Caucus budget, which is the Budget for All.

Let me tell you a little bit about it, Mr. Speaker, because I think you’re going to like it.

The Budget for All makes the American Dream a reality again. By putting Americans back to work, the Budget for All enhances our economic competitiveness by rebuilding the middle class and investing in innovation and education. Our budget, the Progressive Caucus budget, Budget for All, protects the basic social safety net, which is Medicare, Medicaid, and Social Security.

Now, it’s very important to protect these programs, Mr. Speaker, because these programs go to help the people who basically made America for those of us living now. Let America never be a nation where our senior citizens who literally forged a way for younger people like me and those younger will have to eat dog food, have to choose between their medication and their meal, won’t have enough to make their basic ends meet.

We need to support Medicare, Medicaid, and Social Security. That’s what the Budget for All does. The Ryan

budget, which is really the Republican budget, does something very, very different, and we're going to talk about that in a minute.

Now, it's important, Mr. Speaker, to bear in mind that when you talk about the budget of a nation, what you're really talking about are the priorities of that nation, the values of that nation.

If you show me a family budget and that family spends a lot of money on potato chips and soda pop and none on the gym, I'll tell you what they value. If you show me a family that puts money into their kids' education and spends on making sure that they live in a neighborhood that's safe, then I'll tell you what their values are. If you show me a family that buys nutritious foods, I'll tell you what their values are.

Our budget is a reflection of what we believe, and our budget as a nation is also a reflection of what we believe.

□ 1420

Our Budget for All, here's what it reflects:

First of all, it puts Americans back to work. That is the number one thing the Budget for All of the Progressive Caucus does. Our budget attacks America's persistently high unemployment levels with more than \$2.4 trillion over 10 years in job-creating investment. This plan utilizes every tool at the government's disposal to get the economy working again, including—and Mr. Speaker, this is important—direct-hire programs that create a School Improvement Corps; also a Park Improvement Corps, a Student Job Corps, and others.

So, right now, when we have literally 14 million people out of work looking for jobs, why don't we send them to our schools and make these schools top-quality institutions and make the facility well painted, well cared for, well taken care of so that when the boiler breaks, the principal doesn't have to say, oh, my goodness, do I take it out of the maintenance budget to fix the boiler? What do I do?

We've got aging infrastructure in this country, and our schools are part of that. They're crumbling, and we've got to do something about it. Under the Progressive Caucus Budget for All, we spend money to hire people to help rejuvenate and improve our schools, School Improvement Corps.

Also, in many districts where State and local governments have been cutting back, you have teachers who are trying to service 50 kids, 40 kids. This program can help teach kids and give the teacher some real help in the classroom so that they will not be overburdened.

Also, we invest in a Park Improvement Corps. Now, in my great city of Minneapolis—and I'm going back there today, I hope—you can walk around

our beautiful lakes. One of the lakes we have is called Cedar Lake, and everybody loves Cedar Lake. You can walk through the paths there. And recently, Mr. Speaker, I stopped at a picnic table along the paths of Cedar Lake and stamped on this—Mr. Speaker, you'd be surprised to see—it said "WPA 1934." Now, that's the Works Progress Administration, a great American institution that put people back to work at a time when Americans were, in high numbers, out of work.

I think that if that generation at that time could respond to the needs of Americans who weren't working back then in the Depression, given the high rate of unemployment, our generation should not do less. A Park Improvement Corps to help take care of the paths, take care of the parks, make sure that these great national monuments dedicated to the enjoyment of all Americans are cared for and we hire people in the process, this is a good idea.

Also, the Student Job Corps. Mr. Speaker, one of the things that our unemployment numbers reflect is that a lot of young people are out of work. A lot of people who just got out of college are still looking for their first job. A lot of young people who decided that they didn't want to go to college but wanted to just jump right into the workforce are having a very tough time. So the Student Job Corps would be a program to put students to work.

You know, Mr. Speaker, there's lots of work to be done around America. According to the American Society of Civil Engineers, there's \$2 trillion worth of maintenance that needs to be done all across America. I'm talking about the roads, the bridges, the transit, all kinds of stuff. There's young people who need intervention. There's tutoring that needs to happen. There's all kinds of things that need to happen. And between the School Improvement Corps, the Park Improvement Corps, and the Student Job Corps, we will be able to literally hire millions of people. This would be great. It would spur our economy; it would increase aggregate demand; and it would give a lifeline to some people who've been out of work for a long time.

People would really rather work, Mr. Speaker. Of course, I'm a very firm believer in our social safety net for the non-elderly. I believe in it. I think Medicaid is very important. I believe that food stamps is a critical program. I believe in all these programs. But I do know—and everyone knows—that folks would rather work. So let's set up a work program so that people can do their job in jobs that need doing.

Also, Mr. Speaker, I talked about some of our direct-hire programs. But what about the other aspect of the Budget for All, which focuses on the targeted tax incentives that spur clean energy, manufacturing, and cutting-

edge technological investment in the private sector?

Now, Republicans, if the economy is doing great, they want a tax cut. If the economy is doing bad, they say, Tax cut. If the economy is kind of up and down, they say, Tax cut. These guys think that we should always cut taxes all the time, except when working people want a tax cut. They really fought us tooth and nail over the payroll tax cut. But if ever some really rich people want a tax cut, they're all for that. And it's not that they're bad people. It's because they mistakenly assume that trickle-down economics works. They think that if you give rich people money, then rich people will maybe hire somebody, or at least that's what they're hoping for.

The tax cuts we're talking about are targeted so that we can spur clean energy, manufacturing and cutting-edge technological investment in the private sector. Of course, President Obama has presided over America now with 23 straight months with private sector job growth—long way to go, but definitely the right direction.

The third aspect that we need to spend on for jobs is in a surface transportation bill. We propose a \$556 billion surface transportation bill spread out over a number of years. But when we think about the potholes, the roads, the bridges that are old—I mean, I was at a bridge recently in St. Louis Park in my district. This was a 73-year-old bridge. This bridge needed some care and needed to be refurbished to make sure that it stays safe. There are bridges like that all over my district, all over America. So this \$556 billion surface transportation bill and the approximately \$1.7 trillion in widespread domestic investment.

The Budget for All, Mr. Speaker, is all about putting Americans back to work first. But here's something about the Budget for All that people need to know, and it's that our budget is more fiscally responsible than the Republican budget.

Now, if you ask Republicans, they think, oh, well, liberals, you know, they may not be bad people, but they're not realistic. They just want to give all the money away; they don't want to hold people responsible. Well, you know what? Our budget is more fiscally disciplined than the Republican Ryan budget.

Unlike the Republican budget, the Budget for All substantially reduces the deficit and does so in a way that does not devastate or set back our recovery. We achieve these notable benchmarks by focusing on the true drivers of our deficit—unsustainable tax policies, overseas war, and policies that help the recent recession—rather than putting America's middle class social safety net on the chopping block.

Our budget creates a fairer America.

We end tax cuts for the wealthiest 2 percent of Americans on schedule at the year's end, which are set to expire; and we let them expire for the top 2 percent.

Extends tax relief for the middle class households and the vast majority of Americans.

Creates new tax brackets for millionaires and billionaires in line with the Buffett Rule.

Eliminates the Tax Code's preferential treatment of capital gains and dividends.

Abolishes corporate welfare for oil, gas, and coal companies.

Eliminates loopholes that allow businesses to dodge true tax liability.

Creates a publicly funded Federal election system that gets corporate money out of politics for good.

Now, it has always bothered me, Mr. Speaker, that two-thirds of American corporations don't pay any taxes, because there's one-third that do. Because we have this system of loopholes everywhere, some corporations have to pay full freight and others don't have to. GE, for example, was said to have paid no or very low taxes, but there's a lot of big ones that didn't pay. Bank of America didn't pay. There's a lot of them that didn't pay. I don't think Boeing paid.

I'm saying that for the one-third of American corporations that do pay, we've got to make sure that everybody ponies up something. If more people pay, the burden on the ones that do pay will be lower. The Budget for All recognizes this important truth, unlike the Ryan budget, which protects coal, oil and those dirty polluting industries—oil, gas, and coal companies.

Now, another aspect of the budget driver, another big budget driver are these overseas wars.

□ 1430

Let's face it, in Iraq they told us that we were supposed to be getting rid of weapons of mass destruction. There weren't any. They told us that Saddam Hussein was connected to al Qaeda. He wasn't. They said that we had to go there to make sure that there would be peace. We're leaving now, and the Iraqis—it's their country, and they are managing the best they can. Still, it's not that peaceful, but the fact is 10 years couldn't solve that problem.

It was right to get out of Iraq, but it's also right to get out of Afghanistan. We need to responsibly and expeditiously end our military presence in Iraq and Afghanistan, leaving America more secure at home and abroad.

Our budget adapts our military to 21st century threats because we definitely believe that America should be strong, but we should be adapting ourselves to the reality that we're in.

One of the attributes of our bill, one of the very important components is a piece of legislation called the SANE

Act. This excellent piece of legislation reduces our nuclear weapons arsenal because this is all Cold War stuff designed to fight the Soviet Union, and there is no more Soviet Union. What are we doing with these 20th century weapons systems in the 21st century? We need to bring some sanity to that. We reduce the budget so that it reflects the modern reality.

The Budget for All protects American families by providing a make work pay tax credit for families struggling with high gas and food costs. This make work pay tax credit for families that are struggling with high gas and food costs is the kind of thing that incentivizes work, which is what we want to do. We extend the earned income tax credit and child dependent care credit.

I'm very happy to say I've just been joined, Mr. Speaker, by a good friend of mine from the great State of Texas, SHEILA JACKSON LEE. Whenever she is ready, she can just stand on up and hold forth. But I'm looking forward to sharing some mike time with her, because her insights are always very important.

Moving forward on this issue of protecting American families, the Budget for All invests in programs to stave off further foreclosures to keep Americans in their homes. This is very important. A lot of the economists who look at the problems with our economy have concluded that until we get our hands around this foreclosure crisis, we're going to continue, Mr. Speaker, to have very slow growth.

The Budget for All addresses this problem. We deal with investing in programs that stave off further foreclosures. We also invest in children's education by increasing in education, training, and social services.

The Budget for All is a good budget. It's a budget that makes sense. It's a budget for America. It's a budget designed to help the middle class and to put Americans to work. It's a budget that really reflects what Americans want, which is to get out of Afghanistan and Iraq. And we're already out of Iraq, but we're still kind of there. But we don't have a military presence there; we've got contractors there.

This is a good budget that I hope that people will take a very strong look at. It is more fiscally responsible than the Ryan budget. We spend more upfront to get the economy moving, but then we save money on the back end, and we end up getting to primary surplus in the year 2016. This is an important thing that we need to do.

Let me just pass the microphone and yield to Congresswoman JACKSON LEE, who has distinguished herself in many areas, not the least of which is fighting for a fair budget for our Nation.

Ms. JACKSON LEE of Texas. I thank the cochair of the Progressive Caucus for once again reminding America of

America's greatness. That's why over 90-plus Members join together to be members of the Progressive Caucus. We have a sense of optimism that reflects our commitment to investing in human capital.

Earlier today, I had the opportunity of listening to a discourse about the transportation bill, and I will point to what we've done with infrastructure. There was the representation by the majority leader that we're living in hard times, we don't have money, that we can't be looking, for example, at the Senate bill and we can't move forward. And I just listened as our minority whip spoke about the urgency of moving forward on an infrastructure bill.

What I think is important, and really the theme that I wanted to focus on as I listened to you in my office—I just left about 12 constituents who are the beneficiaries of community health clinics, one of the items that we've supported as a Progressive Caucus for a very long time and championed along with the Tri-Caucus, to put in the Affordable Care Act, which, by the way, the 2-year anniversary is tomorrow.

The point is that we have optimism. We have the sense that America can get it done. You've just put up a very telling poster that when our Republican friends begin to talk, we're headed toward a pathway of devastation: no Medicare, no Medicaid, allowing reckless investments or speculation to occur, jobs overseas, and not focusing on our recovery.

By the way, we understand a balanced budget. We are using war savings for the people of the United States of America. Our troops come home, and we realign our national security focus. I think most Americans will understand that, even national security experts will tell us that it is probably a challenge to think we will have a ground war invasion like we've had years past ever again, that we're now fighting a war on terrorism or acts of terrorism.

Certainly, as we look to tell others to, in essence, become unnuclearized, we too must join the world's family because it's only one-upmanship.

I would just say that we do not disarm our Nation. We believe in defending our Nation, but we believe in doing it in a smart way. What we have done is that we have these words, "comprehensive economic recovery," but I'd like to say this is a smiley-faced optimistic pathway for Americans.

Don't you think young people who are now sophomores, juniors, and seniors in college looking for their bright day—does anyone remember as we come upon May how exciting it was to look forward to a college graduation, a trade school graduation? You were just tickled pink. You were making sure your invitations were out. You were hoping that all relatives could make sure they had no conflicts. You really

wanted Grandma there or your aunt there or your favorite brother there or Mom and Dad there or family there. This was an exciting time. The Progressive Caucus budget speaks to that excitement and optimism and hopefulness.

Our budget has an infrastructure bank that allows the private sector to come together and effectively bring about infrastructure projects in all manner of areas, from the hamlets that are so small, to the villages, to the county governments, to the city governments and State governments.

I introduced a surface transportation bill that has been slowed, another bill that would generate income and transportation security and recognize that we must secure our surface transportation. In this bill, we proposed a 6-year \$556 billion reauthorization bill that, over 10 years, would lead to a \$213 billion increase in transportation funding. What it would also do is create many jobs that provide for small contractors, minority-owned contractors, women-owned contractors. It would create work. It's an optimistic view.

The making work pay tax credit from 2013–2015 is about let's let folks who are working, let those get a benefit that makes sense. Then we have more than \$2 trillion in domestic investment packaging.

Just let me mention the idea of when you work with emergency jobs to restore the American Dream, getting people out where improvement is needed—student improvement, park improvement, student jobs, neighborhood heroes, community health clinics, federally qualified clinics, and child care corps—getting folks to work.

□ 1440

In my town, Mr. ELLISON, in the Southwest as you well know, we had a great drought in the last year. Volunteers are trying to plant trees, but I tell you we could stand for a Heroes Corps, we could stand for a Community Corps to get out there and help us reseed America, if you will. We know that. We know the Job Corps. But this is a concept that gets folks out working.

I also want to congratulate the University of Houston-Downtown that is heavily minority that just won the distinguished honor roll recognition for the largest amount of community service done by a campus across the Nation, cited by the Department of Education. That means people are ready to put that to work.

Tax credits for investment in advanced energy. I've got a company right in my community that's been awarded for its new, innovative work on energy, manufacturing, capital access for entrepreneurs of small business.

Now, let me just say this. I am excited about the 3 million Apple 3s that

were sold because I think that is optimistic, and it employs the genius of America and it goes against the sad, deflated concept.

Now, let me be very clear. I am not ignoring the unemployed Americans. I want to be very clear on that. I don't think the Progressive Caucus has for a moment. We did a job tour. We're going back out again. We have no reason to dismiss the person who is now sitting unemployed.

What I want to say is there is some optimism. We've got to get all of those folks to be part of this new surge of optimism which this Progressive Caucus budget, if passed, would generate.

But I want to just say this to my good friends at Apple. Bring the jobs home. You are manufacturing Apple 3 in China. I certainly believe in an international framework. I know that everything can't be made in America, made at home. But I do know that aspects of the talent that you're using in China can be found here in the United States. And the cost of shipment—I can tell you you can save some dollars. Let's put our thinking caps on for companies like Apple and find a way that you can balance those resources.

I'm just going to cite General Electric. I know that we had put a real heavy heat on General Electric. I am told by their employees they are bringing jobs home. I met with some employees in my district who have indicated that they have been bringing them on home. I looked at them. They were real. They were alive. So, they have jobs, and they said they work for General Electric. Let's have a number of companies looking that way.

Let me quickly just mention because this is all exciting, and I think people need to hear about excitement and opportunity.

We already talked about the manufacturing community's tax credit, tax credit for the production of advanced technology vehicles. Again, everybody is saying we're slow on the hybrid, we're slow on the electric car. But all of that can create opportunity, tax credits for alternative fuel commercial vehicles, which is very possible. Double the amount of expense startup expenditures. So that means that if you've got a startup, we're going to double what you can expense. I think that makes a lot of sense.

Young people are the ones that are always starting startups. We need to encourage that. Enhance and make permanent the research and experimentation tax credit. That is right in the line of the Texas Medical Center. Many of our medical research hospitals, MD Anderson in the 18th Congressional District, while it's our neighbor, is working on new technology. This fits an optimistic view on how we can cure the worst of the worst.

Let me also say that I want to make mention that we are dealing with tax

brackets, and we are looking, I think, at sensible policies dealing with capital gains and State policy. What I would say to people who are listening to us: Get on our Web site and give us your input. We're interested in what you have to say.

As well, let me just put in a pitch that no one likes the season when April 15 comes around. But we've tried to make our tax reform palatable. As far as I can see, we have left alone the charitable tax exemption. I tell you there are those who are very concerned that we leave little room for those who have that on the table, have everything on the table; that they would attack the charitable tax exemption and not go to some of the ones that the Progressive Caucus has focused on, because this nonprofit, this foundation, said they would be stopped in their tracks.

I had one foundation, one nonprofit talk to me today and say how challenging it is to get funding for the disadvantaged and programs that deal with intercity. So I want you to know that the Progressive Caucus recognizes the value of the charitable tax deduction, and you don't find that on our table.

I want to say something to Mr. ELLISON. I wanted to mention, for a moment, Trayvon Martin.

Mr. ELLISON. By all means I yield time.

Ms. JACKSON LEE of Texas. He is certainly a lawyer who's practiced law, but I have met Mr. ELLISON's wonderful family of youth and young people, a young man. That's what happens. People don't realize that we have families on both sides of the aisle. Good Republican friends who've been with our families. So whatever you see us saying here on the floor of the House, we are particularly sensitive and warm toward Members' families because we are, in essence, despite our policy debates, we are a family here.

So I simply wanted to indicate first to give good wishes to Congresswoman CORRINE BROWN, who is now with her constituents in a major protest in Florida on this sad and tragic incident. I wanted to say that we will gather on Tuesday to present an opportunity for the case to be heard on this issue and the Federal Government's responsibility or authority.

One of the things that in this budget we are very keenly sensitive to are the needs of the Department of Justice. Again, an optimistic budget, because the Department of Justice is the armor in many instances that will come in and help a community when they cannot get help locally.

Mr. Martin was killed on February 26. He was buried on March 1. Today is March 22. It was only when his parents came out or used their grief that they're still grieving to start asking why, law-abiding citizens who were

waiting for the city attorney and waiting on the chief of police, waiting on the Governor of the State of Florida to say something. Nothing was said.

So, as the voices began to raise and the astonishment and outrage began to percolate, Mr. ELLISON, it was not isolated to Florida or Sanford. If you listen to the various media outlets, parents, no matter what their background, were calling and asking, What about my child?

I think it is important that we show this young man. It could be any of our family members. Can we imagine our youngsters wearing the clothing of the day—hoodies, sneakers, jeans. Do I need to remind you that Mr. Trayvon Martin was simply getting some Skittles, on the phone with his girlfriend, walking back to where his father was and going to look at some games. In this instance, it was basketball.

I come from local government. You come from State government. We know about Neighborhood Watch. We have this Community Night Out, Police Night Out, whatever it is, and all of us have gone to it. We tell neighbors to watch out for each other. It's important for it to be said this was not watching out for each other.

The basic 911 tape, if you frame it, the call came in, that's the right thing to do. The description I may not adhere to, some of the words in the description, but so be it, you described this individual as such. But it came back and asked the specific question, "Are you following him?" "Yes." "Do not do that."

□ 1450

This youngster, football player, babysitter—likes to babysit, eating Skittles—a fun food to eat with a basketball game—was on the sidewalk. Not coming out of a window, not knocking on a door, not standing in front of a door, not on a lawn—walking on a sidewalk, which the Progressive Caucus has stood many times on that First Amendment right, we've stood many times. He was walking, and we are now in an abyss of darkness in terms of what next happened, but the description is, this young boy was shot point-blank in the chest.

We have to call upon the Federal resources. We've called for a Federal investigation. We've been joined by many colleagues. We have tapes of witnesses, meaning people inside their homes, saying they heard shouting and crying for help. We've heard people ask the question: Why didn't the neighborhood watcher stand down in the car? Move away? We've also heard the author of the "stand your ground" bill—which, by the way, is in 20 or so States—a Republican State representative, articulate in newspaper clips that it is not a pursue and attack. It is that you can

stand your ground upon someone coming, but it is not a pursue and attack.

I just wanted to indicate that it is important for Members of Congress—and I believe there is a sense of outrage. We are not taking this to the level that does not respect the family that is mourning. We're not creating hysteria. We are only begging for the relief of others whose names have not come up. There are people calling in and telling us about cases from the west coast to the east coast, to the North and the South. So I wanted to indicate that we will be joining as Members of Congress in hearing the circumstances, as much as we can, on the theory of the Federal Government's responsibility or authority. I think that is the more appropriate approach to take.

I want to thank the gentleman for letting me articulate, I think, just the sheer horror of having our kids leave our home—for innocence—and not come back. As a mother, I believe that, and as one who sees this, I believe we owe that family a response.

Mr. ELLISON. It's funny you should make that particular point about your family tie, because, when I first heard about the case of Trayvon, I mean, my thought went immediately to my own 17-year-old son. We live in Minneapolis, and he could very well be running to go get some Skittles, and could be talking on his cell phone. It's horrifying to me, deeply disturbing and troubling, that somebody would think that, first of all, he was some sort of a problem because he was walking down the street, and then to follow him. Then even after 9/11, when people say don't follow, they still follow.

You're right. Much has been said about the Florida law, the "stand your ground" law, but this gentleman did not stand his ground. There is no evidence to suggest that that is what happened. He went after this kid. Then you hear the tape of the boy as he was screaming. Somebody said to me earlier today, Well, don't call Trayvon a boy. Hey, he was 17. He was a boy.

Ms. JACKSON LEE of Texas. He was a boy.

Mr. ELLISON. He was killed by a grown 28-year-old man. It's deeply disturbing. I wish the people who don't quite get it yet could feel how some of us feel about this case. I mean, I spent 16 years in the criminal justice system. I know that horrible things happen, and it's heartbreaking any time we lose anyone, but to think that law enforcement would operate and treat this person with impunity is absolutely an abandonment of every principle of serve and protect. If a cop did what this guy did, they would take his gun, they would make him give a urine sample, and they'd put him on administrative leave until this thing was sorted out. This guy walked away.

Here is another thing. As a criminal defense lawyer, I find it nothing short

of shocking that this man's representation—shooting him in self-defense—was good enough. I mean, if you've got a self-defense claim, then after you're charged with murder, you can raise that and see if you can convince a jury of it. We have a dead young man here, and the chief of police is like, Well, these things happen. No, there needs to be accountability. Do you know what I don't want to see happen? I hope people don't think this is only because this kid is black. You know, this could be a kid of any color.

Ms. JACKSON LEE of Texas. That's right.

Mr. ELLISON. Any parent should be shocked. Any 17-year-old who's walking the streets ought to be worried that some overzealous wannabe police officer would just shoot him down. This case is a national outrage.

Do you know what? You know and I know, because we've both worked in the system, that if the police would have made the arrest and processed this case in the ordinary course, it probably wouldn't have even hit the national news. But because nothing was done—cold-blooded murder; it looked like first-degree murder—we're all horrified.

Ms. JACKSON LEE of Texas. You're speaking as a parent, and I think everyone can appreciate that. You really highlighted it. In this instance, of course, we have to look and see whether there was a hate crime or if his civil rights were violated.

But you're absolutely right. We had nothing to go on. We had a person walking. We have the police, themselves, and so many of us have worked to ensure that the guns on these streets don't go after our law enforcement officers because, obviously, there are many who believe the more guns the better off we are—guns, guns, guns. This has nothing to do with the Second Amendment. It's just guns, guns, guns. So he has a concealed weapon. I'm not here to cast any aspersions, but as the reports are coming out, he has some challenges—meaning Mr. Zimmerman—to his record. He has some challenges.

With that in and of itself, the officer should have brought him in, but there is no evidence of that. Maybe they did, but there is no evidence of that, and they should have done, as you indicated, the normal police work. He has a defense, so be it—that of a concealed weapon permit and "stand your ground." But you have a dead person, and you have no witnesses, at least not that the police have offered to say Mrs. Jones, Mr. Smith, Mrs. Gonzalez said that they were in a knockdown, drag-out. There is not any glimmer of information that has come out. The young man happened to be a person of color. We have placed to a bipartisan vote both hate crimes laws, the 1964 Civil Rights Act, and other bills that have

been voted on in a bipartisan manner simply because we don't want America to violate those very precious rights.

I want to just share with you, because, as I said to you, I've got a neighborhood watch, *The Washington Post* says, Experts say neighborhood watches shouldn't be police.

Mr. ELLISON. They should watch.

Ms. JACKSON LEE of Texas. That is correct.

What I don't understand, and what we will be, if you will, perusing is, where did this case go wrong and the fact that the Federal Government has to come in when things go wrong.

Someone said to me in my office that this case has riveted like Emmett Till's case riveted.

Mr. ELLISON. Yes.

Ms. JACKSON LEE of Texas. And you're right. There are cases across America. Members have raised cases in conversations that we've had, and we need to have all of that in an inventory so we can, out of this tragedy, say to those parents: Trayvon counts. We care. Young people count. Children count. Your community counts and our communities count.

I wanted to share that. I'm not going to let this go. As for the Judiciary Committee; the Congressional Black Caucus; the Tri-Caucus, which involves the Asian Caucus and the Hispanic Caucus; letters that have been written by a number of Members of Congress; the work of Congresswoman BROWN—and the Progressive Caucus, I know, is a willing partner when it comes to issues of justice—we are not going to let this rest without finding some relief and rest for this family.

□ 1500

And I thank the chairman for his personal story. I met the young man, and we've all traveled together, our family, at the Dem caucus events where families come together.

I will just conclude by simply holding up, again, this picture. And for those who don't know the terminology, let me just show. He is in football attire here; and we don't know what college he would have gone to or what football team, if that had been his choice, that he would have played on.

Let me just put this up. If you can see it, this is an innocent face. But he is wearing a hoody. And if anyone needs to know, I have a hoody. It's my local college's paraphernalia that you buy, and you wear it to the game, and it has a hoody. And it's something that I think everybody has seen in this country. I see nothing on here that says: Bad guy. Criminal. Shoot me. That's not what we do in America. I want to thank the gentleman for allowing me to share and to say that we will find some resolution to this.

I will simply conclude by saying that I do believe in an optimistic America. Revealing my pain about this young

man is pain for all those whose names we have not called. But in believing in an optimistic America, I want to be a problem solver. I want to solve this problem or answer this problem with respect to Trayvon Martin.

I want to say that as I perceive this product that has been produced, this Budget for All, I am so grateful that over 90-plus members of the Progressive Caucus saw that the right route to take was the optimistic upturn, positive, open opportunity budget to give to all of America. That's what we should be supporting, not the downturn, the "no way out," but really that there is a new day for America.

I yield back to the gentleman and thank him for his courtesy.

Mr. ELLISON. I thank the gentlelady for joining me tonight.

We talked about the Budget for All, and the hashtag again is #Budget4all. People can check it out on Twitter or on anywhere else. It will be on U.S. Progress. We want people to look at the Budget for All. We want your ideas.

But I think it's also important to draw a contrast. The recently released Ryan budget, the Republican budget, does some critical things that Americans should know about. It ends Medicare. It devastates Medicaid, rewards Wall Street, punishes Main Street, protects corporations that ship jobs overseas, threatens the recovery. It preserves tax breaks for the people who don't need them and actually cuts into the social safety net for America's everyday heroes, police, fire, job training, small business, infrastructure, college affordability.

I think the facts show that in the course of the last couple of months, I guess 18 months or thereabouts, I believe that the Republican majority really hasn't been working on solving problems.

People can say whatever they want about Dodd-Frank, or they can say whatever they want about the Affordable Care Act or the Lilly Ledbetter Fair Pay Act for women, or they can say anything they want about the credit cardholders' bill of rights. But in the last Congress, these are bills the Democratic House majority passed that were designed to try to solve problems for Americans.

Now, some people say, Well, it should have done this more. It shouldn't have done so much of that. Fine. That's what we do here. We debate stuff. But I'm not aware of any single piece of legislation we looked at since they took the majority designed to solve a problem. It's all been: cut everything; whack everything. Let's not take a surgical look at what should be cut, what's not working. Just cut everything.

They have created budget crisis after fiscal crisis after debt limit crisis. I mean, this is the Congress of crisis.

And the Speaker may be aware that because the Ryan budget basically goes

below the nonmilitary discretionary in the Budget Control Act, which was a deal, when the Senate comes in with their budget and this bill and theirs don't match, we're going to have another standoff.

Oh, and by the way, we're going to have a standoff in 10 days because the transportation bill is expiring. The House majority, the Republican Caucus, will not agree with the Senate to pass a 2-year transportation bill. So the transportation bill within 10 days is looking to expire. They say, We'll only do a 3-month bill. Three months? This is putting everybody's lives in jeopardy. They just did it with the FAA not more than a few months ago. This is the crisis Congress, where they will not make long-term decisions because they are playing politics.

I believe that since the Republicans have put defeating the President as their primary goal, therefore, of course, they're not operating on the basis of trying to solve any problems.

But before any Republicans get upset with me for saying these things that I honestly believe to be true, don't get mad at me. Americans believe that that's what they're doing. Now here's a question put to Americans. Republicans would rather see President Obama lose than see America win. Half of Americans believe the Republicans are sabotaging the recovery to win an election. This is a Washington Post poll: fifty percent responded positively to that; 44 percent said no.

If you've got most people thinking that your main goal is to get rid of the President and not help them, that's a problem. And look, some folks might say, Oh, look, KEITH, that's not true. That's just you politicians arguing again. Well, MITCH MCCONNELL said it. He said, Our main priority is to defeat the President, make the President a one-term President.

So at the end of the day, this budget reflects that politics-playing theme that they seem to be on. They are rigging the system even more heavily in favor of the richest 1 percent. Their budget gives generously to the rich and protects existing tax breaks for those at the top of the income scale.

Also, the reality is that the only way to pay for such huge tax cuts for the 1 percent is to make the 99 percent pay the tab. Their budget would weaken the middle class of America. First and foremost, the plan ends the Medicare guarantee of decent, affordable health insurance in retirement. It also slashes critical middle class investments, such as education and infrastructure by 45 and 24 percent. It cuts education by 45 percent, infrastructure by 24 percent. It includes not a single new measure to help the nearly 13 million unemployed. Though we've recently enjoyed several months of solid jobs growth, our current economic recovery is by no means assured; and we still have a long way to go.

Not only does the House Republican majority's budget fail to propose a single new idea for spurring job growth, but it would even force us to swerve into severe austerity. The Ryan budget, which is the Republican budget, cuts the following: it kills even more jobs by cutting the Federal workforce by over roughly 210,000 over 3 years, cuts food stamps and welfare, cuts retiree benefits from Federal employee pensions, cuts support for farmers, cuts antipoverty programs and uses the proceeds to give rich people even more tax cuts.

As I said before, the Republicans, who believe—and so many of them believe in it. They believe in trickle-down economics. This is the idea that rich people don't have enough money and poor people have too much. The problem is that that belief system has never succeeded.

□ 1510

One of the best economies since World War II was in the 1990s. One of the best. We had the Clinton-era tax rates, which we hope we'll return to, at least for the top 2 percent. The top 2 percent were doing great during Clinton's time. And yet the Republicans say that unless we give rich people more money, the economy is not going to be good. Well, it's not good now, and they have been in charge for a long time.

So the bottom line is the Ryan budget proposal is bad for America, cutting basic criteria for seniors and not investing in jobs. The Budget for All invests in America and puts Americans as the top priority, not just winning some election.

With that, I yield back the balance of my time.

BROKEN PROMISES IN OBAMACARE

The SPEAKER pro tempore (Mr. HULTGREN). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Louisiana (Mr. FLEMING) for 30 minutes.

Mr. FLEMING. Thank you, Mr. Speaker. It is indeed a pleasure to come to the floor today to speak to this Chamber about a subject that I think is very important on the minds of the American people, and that is the 2-year anniversary of the Patient Protection and Affordable Care Act, also known as PPACA, and certainly more commonly known as ObamaCare.

I want to give you a little context, Mr. Speaker, of where I come from. I'm a Congressman from Louisiana in the 4th District, centered in Shreveport Bossier. I have been a family physician for 36 years. I still see patients when I have the opportunity. I also have businesses on the side that are not related to health care.

So in my world for many years, and in raising a family, the responsibilities of meeting payrolls have included not only running a small medical practice but also a growing business dealing with all of the regulations, the taxation, and the many different issues—personnel problems, human resource problems—that we must deal with. And certainly providing health care has been a great challenge over the years. And there's no question that the system has not been what it should be prior to this time.

In fact, one of the reasons why I ran for Congress—and many other of my colleagues who were physicians—we have 15 just in the Republican section alone, and I think we'll have more next year—the reason why we've become so activated, if you will, when it comes to Federal policy on health care is because of all the failures that we've seen over the years and the problems with government trying to micromanage health care.

So what I want to talk about today is broken promises with regard to ObamaCare. You may recall that Candidate Obama, Senator Obama, says you will not have to change your health care plan if his health care plan is brought into law. For those of you, he said, who have insurance now, nothing will change under the Obama plan except that you will simply pay less.

Another quote from him is this. This is President Obama in June of 2009:

And that means that no matter how we reform health care, we will keep this promise to the American people. If you like your doctor, you will be able to keep your doctor. If you like your health care plan, you will be able to keep your health care plan.

Well, what is the truth of this? By the administration's own estimates, new health care regulations will force most firms and up to 80 percent of small businesses to give up their current plans by 2013. Grandfather plans would be subject to the costly new mandates and increased premiums under the President's health care plan.

Again, my own business is back home. We still cover our employees, and we would fall under the grandfather. But here's what we're up against. If we change just one dotted "i," one crossed "t," that totally nullifies the grandfather rule that applies to our plan. So what that means is if we change anything—the cost structure, anything—then simply we will fall into the government-mandated plan in which we have to choose among the three specified, certified government plans that would be chosen for us.

Now you could say, Well, we could keep exactly what we have without changing one scintilla of it. The problem is, what if the cost continues to go up—and it will—and we say maybe let's raise the deductible, raise copayments, cut some coverage someplace, change

the way we cover pharmaceuticals, do something to lower that cost so we can afford it as a company and our patients can afford it. No. It then nullifies the grandfather clause and then it activates, of course, ObamaCare, and we will be required to be in it.

Let's go to broken promise number two. I have many broken promises but I'm going to focus on six today.

Broken promise number two. President Obama in September of 2009 says:

First, I will not sign a plan that adds one dime to our deficits either now or in the future. I will not sign it if it adds one dime to the deficit now or in the future.

Well, is that true? An honest accounting of the health care plan finds that it will increase the deficit by hundreds of billions in the first 10 years alone. For instance, the law double-counts the Medicare savings.

It's interesting the way we have something in Washington, in Congress, called the CBO, the Congressional Budget Office. It uses a scoring mechanism. It works out of a 10-year budget window. So whatever we do, it either costs more or costs less, based on what happens for it in the next 10 years.

And so this was a big challenge for the Obama administration to get this bill passed because they saw what we saw, and that is it will add billions of dollars to the deficit. So what did they do? They manipulated the budget window to make it look like it paid for itself. And how did they do that? Well, for one thing, the way the bill is set in motion and the way it's implemented is that for the first 4 years—you've noticed that even though it passed in March of 2010, it hasn't been implemented. Why? A very good reason. Because the costs don't begin until it's implemented. However, the revenues already began soon after the bill passed. So the way it was scored is we have 10 years of revenue—that's income—and 6 years of costs.

Well, Mr. Speaker, I could run any business profitably that way if I have 10 years of revenue and only 6 years of cost. That's precisely what happened here. However, the law has been rescored and in fact what was supposed to be a \$900-some billion bill over 10 years is now rescored at \$1.75 trillion. And next year, which will then stretch it out the full 10 years, it will be well over \$2 trillion.

Former CBO Director Douglas Holtz-Eakin has written that:

Under a realistic set of assumptions, the law will increase the deficit by at least \$500 billion in the first 10 years and more than \$1.5 trillion in the second decade.

Mr. Speaker, let's go back to where we are with government health care pre-ObamaCare. Back in the nineties, the last time that we balanced a budget was under President Clinton and after, of course, a Republican-controlled House and Congress in general sent a balanced budget three times in a

row. He vetoed it twice and finally signed it the third time.

□ 1520

How did they do it and we can't do it today? Well, one reason is very important, and that is that at that time 30 percent of the budget was made up of mandatory spending, that's entitlement spending, which would be Medicare, Medicaid, Social Security, and other forms of mandatory spending such as welfare, section 8 and so forth. So that meant that 70 percent was discretionary spending, which means that you could cut budgets out of certain departments and agencies and you could begin to balance a budget once again.

Well, today it is 60 percent of the budget that's mandatory or entitlement spending—and growing—which means that we have certainly much less to work with in order to balance the budget, and it continues to grow. The largest piece of that is Medicare itself.

Mr. Speaker, I guarantee you that most Americans do not realize that today Medicare is very much a subsidized and entitlement program. Even though its recipients and those of us who are in the workforce paying into it, even though we pay premiums into it, the return on those premiums are threefold; that is to say, for every dollar you put into Medicare, you get \$3 back in benefit. And that applies no matter what your income. Warren Buffett is old enough to be on Medicare, and as a result of that, Warren Buffett, with his \$40 billion, gets the same subsidies as the little lady who barely gets by each month.

So it's important for us to understand that we already have a government-run health care system—that is, Medicare—that actuaries, the CBO and everyone says becomes insolvent, runs out of money in 4 to 8 years; it just depends upon which estimate you believe in. And to be honest with you, with each year that estimate comes closer and closer rather than farther and farther away.

So, I hate to say it, but promise number one was broken. The President promised that there would be nothing to change about your health care plan or your doctor. We know that not to be true.

Broken promise number two is it would not add one dime to the deficit. And we know now that it's going to be at least \$500 billion, perhaps as much as \$1.5 trillion over the coming decade.

So let's move to broken promise number three. President Barack Obama said in September 2009:

And one more misunderstanding I want to clear up. Under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.

Well, is that true? There was a whole lot of drama around here during the de-

bate, the original ObamaCare bill—and, by the way, I want to point out something about the term "ObamaCare."

I'm often asked in my town halls, Why do you call it ObamaCare? Isn't that being derogatory or in some way denigrating to the bill itself or to the President? Of course the rhetorical response I have is, Well, if it's a law or a bill that you can be proud of, then why are you ashamed to name it after President Obama? If it were a bill I was proud of, a law I was proud of, I would love it if it were called FlemingCare.

But, quite honestly, I don't think even the President is proud of this bill. And how do I know that? Because on the 2-year anniversary, where are the cakes and the candles? Where's the celebration? Remember that Speaker PELOSI, when she was Speaker right here in this Chamber, said that we have to pass it to know what's in it.

Well, Mr. Speaker, we now know what's in it, and we're not happy about it. Fifty-seven percent of the American people say we want it repealed, and only 38 percent—and these are consistent numbers since the passage of the law. In fact, they've actually gotten a little worse over time. The vast majority of Americans do want it repealed.

But back to this. What about the funding of abortions?

When the bill first passed this House, we had protections and guarantees. We had a few pro-life Members from the Democrat side, we had a vast number of pro-life Members on the Republican side, and we came together and said, okay, they're not going to vote for this bill. No Republican voted for it. But the Democrats who were pro-life said, We're not going to support this bill unless it has protections not to prevent abortions but to prevent taxpayer funding of abortions.

Today we're in a divided Nation when it comes to the question of abortions. About half of Americans, 51 percent, are pro-life. They do not believe that we should take innocent life. Something near that say, Well, we think it's a woman's right to choose. But by a margin of around 75 percent, Americans say we do not want to pay for—through our taxpayer money, we do not want to pay for abortions.

And so we were given certain guarantees that that wouldn't happen. However, when the bill came back to us from the Senate, all the protections, conscience clause protections, protections against taxpayer funding of abortions, all of that was stripped away.

Now, the President would say, even today, and many Democrats would say, there's not any taxpayer funding of abortions. Well, again, is that true?

Just recently, the Department of Health and Human Services, under Secretary Sebelius, issued a final rule on the State health care exchanges providing for taxpayer funding of insur-

ance coverage that includes elective abortion. The rule confirms that abortions on demand will be included in publicly funded insurance plans. This means that it is absolutely required that insurance companies provide abortion services.

Now, even among the pro-choice Americans, they would suggest to you and admit to you that while they think a woman should have the right to choose, they also would agree we need to reduce the number of abortions whenever possible. But while making abortions more and more convenient, more and more available and cheaper and cheaper, that's not going to be the case. Even though abortions have been coming down year after year because young ladies have been deciding for life instead of against life, we're going to be seeing those numbers go back up again because of the wholesale subsidy of the industry.

What do I mean by that?

To comply with the accounting requirement of ObamaCare, plans will collect a \$1 abortion surcharge for each premium payer. The enrollee will make two payments, \$1 per month for abortion and another payment for the rest of the services. As described in the rule, the surcharge can only be disclosed to the enrollee at the time of enrollment. Furthermore, insurance plans may only advertise the total cost of the premiums without disclosing that enrollees will be charged a \$1 per month fee to pay and directly subsidize abortions.

Now, that's kind of technical jargon. What does it mean?

It basically means that in the most technical sense, the premium dollars will not be used to fund abortions. What will happen is that you, as Americans, will be charged an extra fee, a surcharge, if you will. It will be booked separately, but it still flows directly to abortion services. You'll be required to do that.

Under ObamaCare, all insurance plans must cover, at no charge—to the patient, that is; charged to the taxpayer, but not to the patient—abortion-inducing drugs, contraceptives, sterilization, and patient education and counseling for women of reproductive age. Religious employers such as Catholic hospitals, Christian schools, and faith-based pregnancy care centers will have to provide and pay for such coverage for their employees regardless of their religious beliefs.

Now, Mr. Speaker, that is a direct violation of the First Amendment to the Constitution. The First Amendment to the Constitution provides that government shall establish no religion and that you should have the freedom to practice religion in any way you see fit. And we've seen this played out over the many years of this country.

For instance, the Amish are against war. It's against their conscience to

fight in a war. And if, indeed, an Amish person is asked to join the military, to pick up a rifle and go fight, if he declares that it's against his religious conscience, then he is not forced to fight. And that is a well-respected and a well-observed tradition, and it's certainly right down to the very beginning of the core of the Constitution.

But for some reason we're suspending that constitutional right. That is to say that a hospital owner, an insurance company owner, a physician, even, or nurse who may choose not to provide abortion-inducing pills, certainly provide abortions themselves, or perhaps for whatever fundamental religious reasons, such as in Catholicism it's against their religion to practice sterilization or even provide birth control pills, that they cannot refuse to provide those. Now the question, of course, comes from Democrats on this, well, that means that those services will be cut off from Americans.

Well, today these institutions are not required to produce that. And does anybody have a problem finding these services and in an affordable way?

Every State has a program—it's funded both by the State and federally—to get free services with regard to obstetrical, gynecological care and prevention of pregnancy. So it already exists today. It's completely available. There's no reason that we have to force health care providers to participate in something that is against their religious or moral convictions.

□ 1530

Now, we recently had a mandate, a rule provided by the President that said, look, doesn't matter who you are or where you are or what kind of religion you practice, you're going to have to provide the abortion or abortion-related services that we dictate to you. Then, as a result of the pushback of the Catholic Church, they said, well, we'll make an accommodation. But, Mr. Speaker, that accommodation never occurred. That was only a statement made by the President. The actual rule that was propagated is still the rule today and, in fact, it's now been finalized. Nothing was changed. It was certainly just spin put on the entire discussion of the rule.

Let's move along to broken promise number four.

President Barack Obama, September 2009, in an address to a Joint Session of Congress—and I was here—says: "I will protect Medicare."

Now, did he protect Medicare? Well, the first thing that ObamaCare does is it cuts \$500 billion—a half a trillion dollars—from Medicare itself. I repeat, ObamaCare, the first thing it does to finance the services that it provides, it cuts \$500 billion from Medicare. Part of that is taken out of the so-called Medicare Advantage program, which is a private part of Medicare where private

plans like Humana Gold are provided funds. But half or more of that is simply taken out of direct services, such as home health, hospice services, many other kinds of services. So I don't see how you can remove \$500 billion from Medicare and begin to say that you're going to protect it.

In fact, we Republicans have been criticized in the last year that for some reason we want to end Medicare. Nothing could be further from the truth. Republicans want to save Medicare. But because Medicare—you heard me say Medicare will become insolvent in 4 to 8 years, the experts tell us. Don't take my word for it. Go to the experts, the actuaries and the CBO. They tell us that the system runs out of money, the checks start bouncing in 4 to 8 years.

So what have our Democratic colleagues done to save Medicare? Whenever you ask them, all you hear is crickets. What is the Republican's answer to that? Well, we submitted in 2011 a budget that would not only protect Medicare, but sustain it indefinitely by the use of premium support, means testing, and many other things, and opening up Medicare to market forces so it would drive costs down and increase services. So whether you like the Republican solution or not, we do have a solution. Our Democrat friends offer no solution.

So their plan is no plan. Their plan is sticking your head in the sand. And, therefore, their plan is the one that would end Medicare.

On to broken promise number five. Senator Barack Obama, Candidate Obama, said: "Under my plan, no family making less than \$250,000 a year will see any form of tax increase."

Well, is that true? Well, let me go down the list and you decide for yourself, Mr. Speaker:

\$52 billion in fines on employers who do not provide government-approved coverage;

\$32 billion in taxes on health insurance plans—not a penalty, just, simply straightforward, an excise tax which adds up to \$32 billion. Mr. Speaker, if you think that your premiums are going to go down when the taxes on those companies go up, then we need to sit down and talk about it;

\$5 billion in taxes from limits on over-the-counter medication;

\$15 billion in taxes from limiting the deduction on itemized medical expenses—and that's to everybody, not just people who make over \$200,000, \$250,000 a year;

\$13 billion in taxes from new limits on flexible spending accounts;

\$60 billion in taxes on health insurance plans;

\$27 billion in taxes on pharmaceutical companies;

\$20 billion in taxes on medical device companies. We already hear of medical device companies either going out of business or moving their business overseas;

\$3 billion in taxes on tanning services;

\$3 billion in taxes on self-insured health plans; and

\$1 billion in new penalties on health savings account distributions.

Remember that one of the most useful tools in limiting cost that has been well received by beneficiaries of private insurance has been health savings accounts, which allows you to keep your own money and spend your own money and save the first dollar expenses to insurance companies, which ultimately lowers your premiums. I know that because we instituted that about 7 years ago in our companies; and instead of having 15 percent increase year over year in our premiums, they flattened out and have never been above 3 percent per year. That means more money we can pay our employees and more benefits that they can enjoy.

But here's a couple of really important ones I think everyone needs to understand, Mr. Speaker.

In 2013, the payroll tax will increase .9 percent going to Medicare for those making \$200,000 to \$250,000 a year—that is to say, single filers, \$200,000; a couple, \$250,000.

Now, Mr. Speaker, most people hearing this might say, Well, that doesn't apply to me because I don't make \$200,000 a year. But this is not indexed, which means that in a few years, through inflation, Mr. Speaker, everyone will be included in this, virtually; certainly the middle class would be.

Already today we have a similar problem called AMT, alternative minimum tax. It was designed years ago to hit the wealthy, the high-income earners. Who is it hitting today? It's hitting the middle class because it hasn't been indexed.

But that isn't the worst of it when it comes to taxes. There is a 3.8 percent tax on the sale of your assets—again, for people who make \$200,000 for singles, \$250,000 for a couple. Again, the question is, Well, what do I care? I sell my house, I make some money on it, but I don't make \$200,000 a year. I sell my stocks, maybe I sell a business, I sell some other sort of asset. Should I worry about that? Well, maybe today you don't. The average American doesn't make \$200,000, \$250,000 a year. But in a few years, through inflation—and the way we're printing money these days, that should be very soon—average Americans will easily be making \$200,000, \$250,000. As a result, they will be captured in that. The middle class will be hurt the most by this tax.

The law also forces people to buy insurance. Then the Federal Government taxes employer-provided plans at a 40 percent rate. This tax will hit middle-income families especially hard.

So, you see, Mr. Speaker, we have a bevy of taxes, at least 10 or more that I've listed here. The vast majority of them hit the middle class and even

lower than that. There's no way that this promise was ever kept, and, in my opinion, it was ever intended to be kept.

Broken promise number six, Senator Barack Obama, February 2008—again, Candidate Obama—said in Columbus, Ohio: "If you've got health insurance, we're going to work with you to lower your premiums by \$2,500 per family per year." I think this is perhaps the cruelest promise of all.

What has actually happened?

The annual Kaiser Family Foundation survey of employer-provided insurance found that average family premiums totaled \$12,860 in 2008, \$13,375 in 2009, \$13,770 in 2010, and \$15,073 in 2011. Premiums have already risen by \$2,213 since President Obama took office, and much of that increase was as a direct result from ObamaCare. Why? Because the mandates create more cost.

Oftentimes, Mr. Speaker, folks will say to me, Well, look, if you Republicans want to repeal ObamaCare, will you keep coverage for preexisting illness? Will you keep coverage for folks who are up to 26 years old and living in their household? My answer is this: We certainly can, and, in fact, we could have been doing that all along.

□ 1540

But if, Mr. Speaker, we add more mandates, we take caps off, all that does is raise the premium. The marketplace has to deal with that one way or another. So you have to decide for yourselves, as consumers, do you want more benefits, less caps, or do you want less benefits, more caps? You're going to have to pay for it either way.

So I would say, Mr. Speaker, yes, we would love to keep those. But what we'd rather do, more than that, is to make it a choice for the American citizens. They can choose whichever one they want. If you want a plan that, for instance, has no lifetime caps, fine. But you are going to have to pay incrementally more in your premiums in order to receive that benefit.

The CBO projects that the law's new benefit mandates will raise premiums in the individual market by \$2,100 per family. The increase is because people will be forced to buy richer coverage, which will encourage them to consume even more health care.

So, you see, Mr. Speaker, the President, when he was a candidate, promised that the cost of premiums would go down by \$2,500 per year per family. It has already gone up that much, so that's a spread of about \$5,000 per year, and it's expected to go up even another \$2,100 as ObamaCare fully kicks in.

Mr. Speaker, these are the main six points that I wanted to bring out today. In closing, I would just like to say that we'll be posting, Mr. Speaker, on our Web site these promises and the others that have been broken. And I pledge, with many of my colleagues

here in the House, that we will, hopefully, the beginning of next year fully repeal ObamaCare and replace it with something that's common sense, that's market-driven, that re-establishes the doctor-patient relationship and puts the choice back into the hands of the American citizen.

With that, I yield back the balance of my time.

PRESERVING OUR RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, a couple of issues I want to address. I appreciate so much my friend, Dr. FLEMING, who has the adjoining district to mine, across the Sabine River over in Louisiana. He makes great points. We need to get the Federal Government out of the business of controlling people's health care. We need to get them back in the business of being a referee, making sure insurance companies and health care providers do the right thing, but out of the business of dictating and controlling health care.

Very clear from ObamaCare, the IPAB, we got a board of 15 people going to dictate people's medical decisions for them, and, of course, all of the pandering back during the debate on ObamaCare how you can, as my friend Dr. FLEMING pointed out, the President, all those who mirror his comments, all those that read from the same teleprompter and say, oh no, you like your health care, you can keep it. You like your doctor, you can keep it. Well, we knew they were wrong. They were wrong.

So most people have already lost their health care exactly as they had it before if they liked it, and if they haven't yet, they will. That's why it was a good idea, not only to repeal the provision on that board that will dictate people's lives, what health care they can have, what they can't have. That was a good idea.

We need to repeal the whole bill. It is unconstitutional, and of course the President did us a wonderful favor by showing what many of us knew, that if ObamaCare is considered constitutional—it's not, but if the courts considered it that way—then it is very clear, the President believes, and I think, under the bill, he has the authority to step on, suppress, override people's individual liberties and freedoms.

We were assured by our Founders that we were endowed by our Creator with certain unalienable rights, among those, life, liberty, and the pursuit of happiness. Well, ObamaCare modifies that to the extent that you can have life, liberty, and pursuit of happiness only if it meets with the approval of

the administration in power and the people they've put on IPAB, and what they have to say about whether you're too old to have a treatment, whether, or, like the President said in one of his town halls to a lady that said, will you at least consider the quality of life on people like my mother and whether she could get a pacemaker since she'd lived for 10 years with the pacemaker. And he said, ultimately, you know, maybe we're just better off telling your mother just take a pain pill. The part that he didn't say is take the pain pill and die. Don't live 10 years, because that's what ObamaCare will do for us.

So, hopefully, the Supreme Court Justices that will take this up and consider it will also realize that since ObamaCare gives the President the power to override the Constitution and prohibit the free exercise of religion—I'm Baptist, but, obviously, it does clearly restrict the free exercise of individual Catholics, of Catholic institutions, and that's because the President says so, because ObamaCare gives him the power to do that.

I hope that the Supreme Court Justices will take note of that. They could take judicial notice of what has been publicly done and by order, and take note of the fact that since our freedom of religion is clearly expressed in the first part of the First Amendment, and it's there in black and white, the government's not to prohibit the free exercise of religion.

And since the "privacy rights," as the Supreme Court has come to call them, are not written in the Constitution, they were somehow found in the shadow of a penumbra somewhere and, gee, if ObamaCare gives the President the power to override people's constitutional rights, for rights that are put in stated words in the Constitution, then it's certainly going to give some redneck President down the road the right to just say, you know what, the privacy rights aren't even there, and so we're setting those aside too. Just like I set aside Catholics and other religious beliefs, now we have the power to set aside a right that's not even mentioned in the Constitution.

And it ought to scare every thinking liberal—we won't get the ones that don't think—but every thinking liberal ought to have that go to their core and give them goose bumps.

Oh, my goodness. I didn't think about some redneck person possibly getting—becoming—President because at some point the American people are going to get so fed up with having Washington dictate all of their individual decisions that they may just elect the biggest redneck they can get.

And because the Supreme Court, if it were to do the unthinkable and rule ObamaCare as constitutional, then the administration will have not only a right, they will have a duty to dictate to people how they can live, because if

the Federal Government has the right, under the Constitution, to control all our health care, putting some providers out of business, picking winners and losers, telling who gets a pain pill, who gets a pacemaker, if they have the right to do that, the government has a duty to tell every person how they can live.

We're told that the Federal Government, if it wanted to, could look at every debit purchase, every credit card purchase. I mean, I got in this discussion with some government attorneys back before I ever got to Congress; and they were saying, look, if banks have the right to review all of your banking records, why shouldn't the government? I explained because the government can put us in jail and a bank can't. That's why there are protections against the government.

But ObamaCare will give the government control of our health care; and, therefore, at some point it will only make sense that they live up to their duty to say, you know what? Of course, under ObamaCare the Federal Government will have every person's health care records. It becomes the repository for everyone's most private information about their lives.

□ 1550

There's nothing in mine I'm worried about, but it is quite bothersome to think that there is nothing that can be private from the Federal Government once they have all of everybody's health care records.

Well, if they've got everybody's health care records, wouldn't it make sense at some point down the road to say: You know what? You're costing us too much money. You're not living properly. And we noted that in your health care records, you've got a 280 cholesterol level, and then we noticed you went to the grocery store and bought a pound of bacon this weekend, so we're going to have to change your health care, change the charges.

Folks, that is a reasonable conclusion of where ObamaCare has to take us if it's ruled constitutional. It's got to stop.

One other thing I want to mention, Mr. Speaker. It's been reported today in a couple of places, one in my friend Breitbart's online news blurb from A.W.R. Hawkins; another is from The Washington Post. Two different ends of the spectrum, perhaps. They're both reporting the same thing: that this administration, through Secretary Hillary Clinton, is going to announce that it could care less what Congress has ordered about helping the enemies of Israel, about helping those who are terrorizing and persecuting Christians in Egypt and destroying churches and eliminating freedom of religion, and are saying they want to rethink their peace accord with Israel and setting themselves up to be the enemy of

Israel. And now this administration, knowing that Congress passed a law that says you can't give people money in Egypt unless you can certify to certain facts—and they cannot, not honestly. If they do so now with what we know publicly, we know they will not be honest in doing so, and they're going to give \$1.5 billion, not in humanitarian aid, according to this story, not food—military aid.

So forget all of those speeches that this President gave at AIPAC: Oh, gosh. We're Israel's best friend. We're going to help them. Because, oh, no, we're going to give people who have the power to destroy Israel, on the border with Israel, military aid, as they are planning—many there make it clear they hate Israel, they hate us, and I've said over and over: We don't have to pay people to hate us. They'll do it for free.

We have to quit funding the enemy of us and the enemy of our friends. This is insane. And I hope somewhere in this administration is a cooler head that will say, Mr. President, Madam Secretary, Israel is our friend. Remember the speeches you've both given about what a friend they are? And it's time that we do not provide military aid, abetting, and assistance to people that want to destroy Christians, that want to destroy Israelis, and that want to put the world in turmoil and have everyone living exactly as they dictate. We want to keep some freedoms here and in Israel, and the way to do that is not to fund and provide military assistance to anyone unless we know they are our friend, they're Israel's friend, they're the friends of our friends.

To do otherwise will bring calamity on this country like they will not realize until it's too late.

With that, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today on account of travel delays.

Mr. MARCHANT (at the request of Mr. CANTOR) for today on account of the death of his father.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 886. An act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reported that on March 08, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 4105. To apply the countervailing duty provisions of the Tariff Act of 1930 to non-market economy countries, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, March 26, 2012, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5367. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyroxasulfone; Pesticide Tolerances [EPA-HQ-OPP-2009-0717; FRL-9334-2] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5368. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No. FEMA-8219] received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5369. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Removal of the Indian HOME Investment Partnerships Program Regulation [Doc. No.: FR-5568-F-01] (RIN: 2577-AC87) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5370. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priority; Safe and Healthy Students Discretionary Grant Programs received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5371. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received March 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5372. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services [Docket No.: EEWAP0130] (RIN: 1904-AC16) received February 29, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

5373. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Application, Review, and Reporting Process for Waivers for State Innovation [CMS-9987-F] (RIN: 0938-AQ75) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5374. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program: Review and Approval Process for Section 1115 Demonstrations [CMS-2325-F] (RIN: 0938-AQ46) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5375. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Cardiovascular Devices; Classification of the Endovascular Suturing System [Docket No.: FDA-2012-N-0091] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5376. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; Determinations of Attainment of the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Washington, DC-MD-VA 8-Hour Ozone Moderate Nonattainment Area [EPA-R03-OAR-2010-0986; FRL-9634-6] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5377. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arkansas; Regional Haze State Implementation Plan; Interstate Transport State Implementation Plan to Address Pollution Affecting Visibility and Regional Haze [EPA-R06-OAR-2008-0727; FRL-9637-4] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5378. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Enhanced Inspection and Maintenance Program [Docket No.: EPA-R02-OAR-2011-0687; FRL-9635-4] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5379. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2011-0995; FRL-9634-8] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5380. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R04-OAR-2010-0696-201202; FRL-9635-6] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5381. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration; Greenhouse Gases-Automatic Rescission Provisions [EPA-R04-OAR-2010-0696-201202(a); FRL-9636-8] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5382. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for 1997 8-Hour Ozone Standards [EPA-R09-OAR-2011-0589; FRL-9624-5] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5383. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 8-Hour Ozone Standards [EPA-R09-OAR-2011-0622; FRL-9624-6] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5384. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada, Nevada Division of Environmental Protection [EPA-R09-OAR-2012-0117; FRL-9635-7] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Idaho: Final Approval of State Underground Storage Tank Program [EPA-R10-UST-2011-0896; FRL-9640-1] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2012-0020; FRL-9634-3] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9636-5] (RIN: 2060-AR03) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5388. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Women-Owned Small Business (WOSB) Program [FAC 2005-56; FAR Case 2010-015; Item I; Docket 2010-0015, Sequence 1] (RIN: 9000-AL97) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5389. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule

— General Services Administration Acquisition Regulation; Acquisition-Related Thresholds [GSAR Amendment 2012-02; GSAR Case 2011-G502; (Change 54) Docket No. 2012-0003, Sequence 1] (RIN: 3090-AJ24) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5390. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Rayed Bean and Snuffbox Mussels Throughout Their Ranges [Docket No.: FWS-R3-ES-2010-0019] (RIN: 1018-AV96) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5391. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Models 1900, 1900C, and 1900D Airplanes [Docket No.: FAA-2012-0014; Directorate Identifier 2011-CE-044-AD; Amendment 39-16915; AD 2011-27-51] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5392. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turbofan Engines [Docket No.: FAA-2011-0599; Directorate Identifier 2011-NE-19-AD; Amendment 39-16922; AD 2012-01-10] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5393. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Airplanes [Docket No.: FAA-2011-1212; Directorate Identifier 2011-CE-034-AD; Amendment 39-16923; AD 2012-01-11] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5394. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Airplanes [Docket No.: FAA-2011-0995; Directorate Identifier 2010-NM-243-AD; Amendment 39-16920; AD 2012-01-08] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airlines [Docket No.: FAA-2011-0219; Directorate Identifier 2010-NM-228-AD; Amendment 39-16921; AD 2012-01-09] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5396. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Marine Sanitation Devices (MSDs): Regulation to Establish a No Discharge Zone (NDZ) for California State Marine Waters [EPA-R09-OW-2010-0438; FRL-9633-9] (RIN: 2009-AA04) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the Matter Regarding Arrests of Members of the House During a Protest Outside the Embassy of Sudan in Washington, DC., on March 16, 2012 (Rept. 112-419). Referred to the House Calendar.

Mr. HALL: Committee on Science, Space, and Technology. H.R. 3834. A bill to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes, with an amendment (Rept. 112-420). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MICA (for himself, Mr. CAMP, and Mr. DUNCAN of Tennessee):

H.R. 4239. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. FALCOMA, Mr. ROHRBACHER, Mr. MANZULLO, Mr. SHERMAN, Mr. ROYCE, Mr. SIRE, Mr. WOLF, Mr. DEUTCH, Mr. CHABOT, Mrs. SCHMIDT, Mr. POE of Texas, Mr. TURNER of New York, Mr. MCGOVERN, Mr. KELLY, Mr. FORTENBERRY, Mr. MEEKS, and Mr. ENGEL):

H.R. 4240. A bill to reauthorize the North Korean Human Rights Act of 2004, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SAM JOHNSON of Texas (for himself and Mr. LARSON of Connecticut):

H.R. 4241. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Ways and Means.

By Mr. HECK:

H.R. 4242. A bill to repeal the Patient Protection and Affordable Care Act, to amend the Public Health Service Act to provide individual and group market reforms to protect health insurance consumers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio (for himself and Mr. MILLER of Florida):

H.R. 4243. A bill to strengthen the North Atlantic Treaty Organization; to the Committee on Foreign Affairs.

By Mr. BILBRAY:

H.R. 4244. A bill to direct the Secretary of the Interior to issue a final decision whether or not to issue a permit under the Endangered Species Act of 1973 authorizing construction of an elementary school in San Diego, California; to the Committee on Natural Resources.

By Mr. DEFAZIO:

H.R. 4245. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse eligible veterans who are entitled to Medicare benefits for Medicare deductibles and other expenses that are owed by the veterans for emergency medical treatment provided in non-Department of Veterans Affairs facilities; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO:

H.R. 4246. A bill to amend title 38, United States Code, to provide for the expansion of eligibility for veteran reimbursement for emergency treatment provided in non-Department of Veterans Affairs facilities; to the Committee on Veterans' Affairs.

By Mr. ENGEL (for himself, Ms. NORTON, and Mr. NADLER):

H.R. 4247. A bill to amend the Communications Act of 1934 to prohibit mobile service providers from providing service on mobile electronic devices that have been reported stolen and to require such providers to give consumers the ability to remotely delete data from mobile electronic devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK:

H.R. 4248. A bill to authorize the burial at Arlington National Cemetery of members of the Army who served honorably in the Tomb Guard Platoon of the 3d United States Infantry Regiment, which provides the sentinels at the Tomb of the Unknowns at Arlington National Cemetery; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOCHUL (for herself, Mr. KISSELL, Mr. PETERS, Mr. CARSON of Indiana, Mr. NADLER, and Mr. CARNAHAN):

H.R. 4249. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax as an incentive to partner with educational institutions to provide skills training for students; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California:

H.R. 4250. A bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the exclusion of income from the discharge of indebtedness on qualified principal residences; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan (for herself, Mr. KING of New York, Mr. CUELLAR, Mr. MCCAUL, and Mr. CLARKE of Michigan):

H.R. 4251. A bill to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. PALLONE:

H.R. 4252. A bill to amend the Internal Revenue Code of 1986 to expand and simplify the

credit for employee health insurance expenses of small employers; to the Committee on Ways and Means.

By Mr. PAULSEN (for himself and Mr. GRIMM):

H.R. 4253. A bill to amend the Low-Income Housing Preservation and Resident Homeownership Act of 1990; to the Committee on Financial Services.

By Mr. STARK:

H.R. 4254. A bill to amend title XVIII of the Social Security Act to enhance Medicare Advantage program integrity; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself, Mr. BARTON of Texas, Mr. BARROW, Mr. SULLIVAN, Mr. COBLE, Mr. CARTER, Mr. GRIFFITH of Virginia, Mr. HARRIS, Mrs. LUMMIS, Mr. LONG, Mr. CRAVAACK, Mr. LATTI, Mr. BURGESS, Mr. MCKINLEY, Mr. ROGERS of Michigan, Mrs. CAPITO, Mr. GUTHRIE, Mr. POMPEO, Mr. WESTMORELAND, and Mr. BROOKS):

H.R. 4255. A bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity to occur outside the United States and its territories and possessions; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ADAMS (for herself, Mr. ROSS of Florida, Mr. WEST, Mr. KING of Iowa, Mr. SOUTHERLAND, Mr. NUGENT, Mr. AUSTIN SCOTT of Georgia, Mr. SCHILLING, Mr. BUCSHON, Mr. BARLETTA, Mr. REED, Mr. FLORES, Mr. GOHMERT, and Mr. AMODEI):

H. Con. Res. 110. Concurrent resolution expressing the sense of Congress that the President should not interpret or construe the Defense Production Act of 1950 to authorize the President or any Federal department or agency to confiscate personal or private property, to force conscription into the Armed Forces on the American people, to force civilians to engage in labor against their will or without compensation, or to force private businesses to relinquish goods or services without compensation; to the Committee on Financial Services.

By Ms. HOCHUL (for herself, Mr. SHIMKUS, Mr. MICHAUD, Mr. KIND, Mr. HARPER, and Mr. YOUNG of Indiana):

H. Con. Res. 111. Concurrent resolution expressing the sense of Congress that a site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 14 members of the Army's 24th Infantry Division who have received the Medal of Honor; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. GENE GREEN of Texas, Mr. YOUNG of Alaska, Ms. LEE of California, Mr. GRIMALVA, Mr. TOWNS, Mr. COHEN, Mr. SMITH of Washington, Ms. SCHKOWSKY, and Mrs. MALONEY):

H. Res. 594. A resolution commending the progress made by anti-tuberculosis programs; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MICA:

H.R. 4239.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Ms. ROS-LEHTINEN:

H.R. 4240.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SAM JOHNSON of Texas:

H.R. 4241.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HECK:

H.R. 4242.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

and

Article I, Section 8, Clause 18: . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. TURNER of Ohio:

H.R. 4243.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1, 14, and 18 of Section 8 of Article I of the Constitution

By Mr. BILBRAY:

H.R. 4244.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Powers of Congress

By Mr. DEFazio:

H.R. 4245.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution

By Mr. DEFazio:

H.R. 4246.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 the United States Constitution

By Mr. ENGEL:

H.R. 4247.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the Constitution. Congress has the power to enact this legislation, as well, under Article 1, Section 8, Clauses 1, 3 and 18.

By Mr. FITZPATRICK:

H.R. 4248.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the United States Constitution

(clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the Service of the United States.

By Ms. HOCHUL:

H.R. 4249.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact the Workforce-Ready Educate America Act pursuant to Clause 1 of Section 8 of Article I of the Constitution of the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 4250.

Congress has the power to enact this legislation pursuant to the following:

The amendment to the Internal Revenue Code to amend the Internal Revenue Code 1986 to provide a 3 year extension of the exclusion of income from the discharge of indebtedness on qualified principal residences is authorized by Article 1 Section 8 to Lay and collect taxes.

By Mrs. MILLER of Michigan:

H.R. 4251.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1; Article I, Section 8, Clause 3; and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. PALLONE:

H.R. 4252.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. PAULSEN:

H.R. 4253.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8.

By Mr. STARK:

H.R. 4254.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 7.

By Mr. WHITFIELD:

H.R. 4255.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of §8 of Article I of the Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. SCHILLING, Mrs. BIGGERT, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. REED, Mr. CAMP, Mr. McCaul, Mr. GUINTA, Mr. LATTA, Mr. GRAVES of Missouri, and Mr. SCHOCK.

H.R. 14: Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. LEVIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. MARKEY, Mr. SARBANES, Ms. LEE of California, Mr. HEINRICH, Mr. SCHRADER,

Mr. ELLISON, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. PETERS.

H.R. 104: Mr. REYES.

H.R. 198: Mr. BUCHANAN.

H.R. 324: Ms. LORETTA SANCHEZ of California and Mr. JOHNSON of Ohio.

H.R. 327: Ms. LORETTA SANCHEZ of California.

H.R. 329: Mr. HASTINGS of Florida.

H.R. 531: Mr. ISRAEL, Mr. HASTINGS of Florida, and Mr. COURTNEY.

H.R. 718: Mr. HINOJOSA, Ms. DEGETTE, and Mr. CONYERS.

H.R. 719: Mr. RAHALL, Mr. ALTMIRE, Ms. BROWN of Florida, Ms. SLAUGHTER, Mr. BOSWELL, Mr. SMITH of Nebraska, and Mrs. NOEM.

H.R. 750: Mr. ROONEY.

H.R. 885: Mr. GENE GREEN of Texas.

H.R. 890: Mr. BLUMENAUER and Ms. SPEIER.

H.R. 893: Mr. SCHRADER.

H.R. 927: Mr. MURPHY of Connecticut.

H.R. 1005: Mr. FITZPATRICK and Mr. DENT.

H.R. 1048: Mr. FATTAH, Mr. HINOJOSA, Mr. DOYLE, Mr. COHEN, Ms. BONAMICI, and Mr. REYES.

H.R. 1236: Mr. HINOJOSA.

H.R. 1265: Mr. BERG.

H.R. 1325: Mr. ALTMIRE.

H.R. 1339: Mr. BASS of New Hampshire, Mr. TIBERI, and Mr. CULBERSON.

H.R. 1340: Mr. GALLEGLY.

H.R. 1398: Mr. SCHILLING.

H.R. 1418: Ms. ESHOO.

H.R. 1479: Mr. THOMPSON of California.

H.R. 1483: Ms. KAPTUR.

H.R. 1505: Mrs. BACHMANN.

H.R. 1575: Mr. CONNOLLY of Virginia.

H.R. 1648: Ms. VELÁZQUEZ.

H.R. 1675: Mr. THORNBERRY.

H.R. 1739: Mr. BUCSHON.

H.R. 1742: Mr. WHITFIELD, Mr. SCOTT of Virginia, Ms. PINGREE of Maine, and Mr. ROTHMAN of New Jersey.

H.R. 1747: Mr. TERRY.

H.R. 1781: Ms. DEGETTE.

H.R. 1860: Mr. BOREN.

H.R. 1876: Mr. REYES.

H.R. 1895: Ms. WOOLSEY, Ms. DELAURO, Mr. WELCH, Mr. GONZALEZ, Mr. OLVER, and Mr. ELLISON.

H.R. 1917: Mr. STARK.

H.R. 1919: Ms. SPEIER, Mr. MORAN, Mr. THOMPSON of California, Mr. MCGOVERN, and Ms. BONAMICI.

H.R. 1960: Mr. LOESACK and Mr. FORTENBERRY.

H.R. 1996: Mrs. CAPITO.

H.R. 2020: Mr. DEUTCH.

H.R. 2033: Mr. ROTHMAN of New Jersey.

H.R. 2051: Mr. WALBERG and Ms. NORTON.

H.R. 2088: Ms. DEGETTE.

H.R. 2229: Mr. LUJÁN, Mr. MCDERMOTT, and

Mr. HASTINGS of Florida.

H.R. 2248: Mr. TIERNEY.

H.R. 2310: Mr. COHEN.

H.R. 2311: Ms. JACKSON LEE of Texas.

H.R. 2335: Mr. HASTINGS of Washington and Mr. CAMP.

H.R. 2502: Mr. KILDEE.

H.R. 2541: Mr. COFFMAN of Colorado and Mr. SOUTHERLAND.

H.R. 2543: Mr. DEUTCH.

H.R. 2593: Mr. COHEN.

H.R. 2655: Mr. JOHNSON of Ohio.

H.R. 2659: Mr. GUTIERREZ and Mr. ELLISON.

H.R. 2688: Mr. QUIGLEY.

H.R. 2697: Mr. SCHRADER.

H.R. 2765: Mr. COSTA.

H.R. 2925: Mr. THOMPSON of California.

H.R. 2960: Mr. BISHOP of New York and Mr. TOWNS.

H.R. 2969: Mr. HASTINGS of Florida and Mr. DEUTCH.

H.R. 3059: Mr. SHUSTER, Mr. MARCHANT, and Mr. BUCHANAN.

H.R. 3098: Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. LANKFORD, Mr. SAM JOHNSON of Texas, and Mr. WESTMORELAND.

H.R. 3145: Mr. RANGEL.

H.R. 3179: Mr. QUIGLEY Mr. LATOURETTE, Mr. GRIMM, Mr. CRENSHAW, Mr. OLSON, and Mr. RIGELL.

H.R. 3187: Ms. BERKLEY.

H.R. 3252: Mr. ENGEL.

H.R. 3264: Mr. SOUTHERLAND and Mr. LABRADOR.

H.R. 3269: Mr. GUTIERREZ, Mr. DOLD, and Mr. BARTLETT.

H.R. 3283: Mr. MEEKS and Mr. CARNEY.

H.R. 3286: Ms. SEWELL.

H.R. 3313: Ms. PINGREE of Maine.

H.R. 3364: Mr. BISHOP of Georgia, Mr. MICHAUD, Mr. CARNAHAN, Ms. ROS-LEHTINEN, Ms. LINDA T. SÁNCHEZ of California, Mr. OLVER, Mr. FILNER, and Mr. THOMPSON of California.

H.R. 3365: Mr. ROTHMAN of New Jersey.

H.R. 3395: Mr. MORAN.

H.R. 3461: Mr. CAMP, Mr. GIBSON, Mr. WILSON of South Carolina, and Mr. GERLACH.

H.R. 3486: Mr. SCHOCK.

H.R. 3523: Mr. ROSS of Arkansas, Mr. COOPER, Mr. PITTS, and Mr. RUNYAN.

H.R. 3596: Ms. SCHWARTZ, Ms. ROYBAL-ALLARD, and Ms. ESHOO.

H.R. 3609: Mr. POE of Texas.

H.R. 3612: Mr. AL GREEN of Texas.

H.R. 3661: Mr. KIND.

H.R. 3695: Ms. BASS of California.

H.R. 3713: Mr. PETERS, Ms. WOOLSEY, and Mr. FARR.

H.R. 3735: Mr. RIVERA.

H.R. 3767: Mr. WALBERG and Mr. COOPER.

H.R. 3783: Mr. GOWDY.

H.R. 3798: Mr. ACKERMAN, Mrs. CAPPS, Ms. NORTON, Mr. GRIJALVA, Mr. RIVERA, and Mr. MICHAUD.

H.R. 3826: Ms. VELÁZQUEZ and Mr. PERLMUTTER.

H.R. 3828: Mr. BACHUS and Mr. GOODLATTE.

H.R. 3831: Mr. BRALEY of Iowa.

H.R. 3849: Mr. CALVERT.

H.R. 3873: Mrs. MALONEY.

H.R. 4011: Mr. POLIS.

H.R. 4018: Mr. DENT, Ms. SCHWARTZ, and Mr. MICHAUD.

H.R. 4032: Ms. FUDGE.

H.R. 4040: Mr. BROUN of Georgia, Ms. BUERKLE, Mr. COLE, Mr. DESJARLAIS, Mr. DEUTCH, Mr. GARDNER, Ms. KAPTUR, Mr. LATHAM, Mr. MCNERNEY, Ms. MOORE, Mr. POE of Texas, and Ms. TSONGAS.

H.R. 4045: Mr. THORNBERRY, Mr. LATHAM, Mr. ANDREWS, Mr. SIMPSON, Mr. COLE, Mrs. EMERSON, Ms. BORDALLO, Mr. FORBES, Mr. WITTMAN, Mr. COFFMAN of Colorado, Mr. COOPER, and Mr. WILSON of South Carolina.

H.R. 4070: Mr. RUNYAN, Ms. SCHWARTZ, and Mr. FORBES.

H.R. 4076: Mr. GARY G. MILLER of California and Mr. STARK.

H.R. 4077: Mr. CARTER.

H.R. 4081: Ms. HERRERA BEUTLER.

H.R. 4089: Mr. WITTMAN.

H.R. 4094: Mr. FORBES.

H.R. 4099: Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. LATHAM, Mr. LOEBSACK, Mr. MURPHY of Connecticut, Mr. PETRI, and Mr. WOLF.

H.R. 4103: Mr. FALEOMAVAEGA, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. GRIMM, and Mr. NADLER.

H.R. 4107: Mr. CRITZ.

H.R. 4120: Mr. BACHUS, Mr. MORAN, Mr. BOSWELL, Mr. MCGOVERN, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. SCHRADER, and Ms. NORTON.

H.R. 4124: Mr. GERLACH.

H.R. 4125: Mr. FORBES.

H.R. 4132: Mr. BURGESS.

H.R. 4134: Mr. SCHRADER.

H.R. 4157: Mr. LUETKEMEYER and Mr. ROONEY.

H.R. 4158: Mr. AKIN, Mrs. BIGGERT, Mr. WALSH of Illinois, Mr. SESSIONS, and Mr. DOLD.

H.R. 4160: Mr. LAMBORN and Mrs. HARTZLER.

H.R. 4168: Mr. HECK.

H.R. 4169: Mr. GONZALEZ, Ms. BUERKLE, and Ms. PINGREE of Maine.

H.R. 4171: Mr. WESTMORELAND.

H.R. 4192: Mr. ROTHMAN of New Jersey, Mr. KEATING, Mrs. MALONEY, and Mr. DEUTCH.

H.R. 4196: Ms. LINDA T. SÁNCHEZ of California, Mr. BOUSTANY, Mr. PETERS, Mr. GINGREY of Georgia, Mr. SULLIVAN, and Ms. BERKLEY.

H.R. 4212: Ms. WILSON of Florida, Mr. RIVERA, and Mr. ROSS of Florida.

H.R. 4221: Mr. McDERMOTT.

H.R. 4231: Mr. WELCH.

H.R. 4235: Mr. CRAWFORD and Ms. SEWELL.

H.J. Res. 80: Ms. ZOE LOFGREN of California.

H. Con. Res. 87: Mr. SABLÁN.

H. Con. Res. 101: Mr. BONNER.

H. Con. Res. 107: Mr. DUNCAN of Tennessee.

H. Res. 333: Mr. PETRI.

H. Res. 484: Ms. ROS-LEHTINEN, Mr. WOLF, Ms. SCHAKOWSKY, Mr. CALVERT, Ms. ESHOO, Mr. OLVER, and Mr. GENE GREEN of Texas.

H. Res. 490: Mr. GUTHRIE.

H. Res. 560: Mr. KUCINICH.

H. Res. 583: Mr. SHERMAN, Mr. VAN HOLLEN, Mr. CAPUANO, Ms. BUERKLE, Mr. MILLER of North Carolina, and Ms. BASS of California.

SENATE—Thursday, March 22, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the captain of our souls, You know every temptation and trial we face. Give our lawmakers today the wisdom to be good stewards of the bounties You have given and to trust You to deliver them from evil. Make them pure enough to use wisely the wealth we call ours, as they remember that to whom much is given, much will be required. Allow no hunger for attainment nor thirst of ambition to drive them to align themselves with wrong. Lord, strengthen them to serve You this day with right choices and unswerving loyalty.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 22, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business for 1 hour. The majority will control the first half, the Republicans the final half.

Following that morning business, the Senate will resume consideration of the capital formation bill.

The filing deadline for second-degree amendments to the motion to concur with respect to the STOCK Act is 10:30 this morning.

At about 12:30 p.m. today, there will be seven rollcall votes, including completion of the IPO bill, the STOCK Act, and three judicial nominations.

JOBS CREATION

Mr. REID. Mr. President, I was disappointed to see in the newspaper this morning and hear on the news that Republicans in the House have decided to not mess with our highway bill—a bill on which we spent 5 weeks. The highway bill is a piece of bipartisan legislation that will save a great 2.8 million jobs. The House of Representatives is so disorganized and in such a state of disrepair that they can't even extend the highway bill. I don't know what is in their minds.

This program was started by a radical liberal Dwight Eisenhower, who decided after having brought—as a major under orders from his commander—a caravan of military vehicles across the country that the roads were awful. So he remembered that all during his military service. When he became President of the United States, he decided something needed to be done about that. The Interstate Highway System was the brainchild of Dwight Eisenhower. Now the Republicans in the House are talking as if it is some socialist program that was developed at Harvard or some other radically liberal place. I can't imagine what their mindset is.

BARBARA BOXER, one of the most liberal Members of this body, and JIM INHOFE, one of the most conservative Members, came together on a bill that we passed on a bipartisan basis in the Senate. The vast majority of the Democrats voted for it, and the vast majority of Republicans voted for it. It is a good bill that will save or create 2.8 million jobs. But over in that big dark hole we now refer to as the tea party-dominated House of Representatives, they couldn't do it. They couldn't agree on it. They couldn't agree even on their own bill. They destroyed their own bill. Now they will not even agree to take up our bill.

The funding for our highway system terminates at the end of this month. I am not inclined to go for the short-

term extension they are going to send to us. They are going to have to feel the heat of the American people—they meaning the tea party-driven House of Representatives.

The initial public offering legislation will be on the floor and debated for the last time in just a short time. It will pass. The bill is far from perfect, but it is a good bill. It will help capital formation, and I am glad we are able to pass it on to the House. I am hopeful, with the good work done by Senator MERKLEY, Senator WARNER, Senator BENNET and others, the minority will wrap their arms around this and pass it. I hope they will agree to pass the Reed amendment. We will soon know about that. The bill is going to be gone and sent to the President soon if the House agrees to pass this legislation.

HEALTH CARE

Mr. REID. Mr. President, 2 years ago tomorrow President Obama signed the Patient Protection and Affordable Care Act into law. It was the greatest single step in generations toward ensuring access to affordable quality health care for every American, regardless of where they live or how much money they make.

Millions and millions of Americans have already felt the benefit of this law. Seniors are saving money—millions and millions of dollars—on their prescriptions and their free checkups. The doughnut hole is rapidly disappearing because of this law.

Insurance companies can no longer set arbitrary lifetime caps on benefits, putting millions of Americans one car accident or heart attack away from bankruptcy. People think they are in good shape; they have a health insurance policy. Then they get into a car accident or they get cancer or some other dread disease and they are in the process of being taken care of and they are told their bills are not going to be paid anymore; their limit is \$10,000 or \$50,000 and insurance stopped paying the benefits.

Under this legislation that can no longer be done. That is why the President signed the bill. Under this legislation that is now law, children can no longer be denied insurance because they have preexisting conditions. The protection will soon extend to all Americans, and in 2 short years—in fact, less time than that—virtually every man, woman, and child in America will have access to the health insurance they can afford and the vital care they need. They will have the same kind of insurance the Presiding

Officer and I have—basically the same insurance. People rail against this plan of President Obama's. I haven't seen a single one of the Republicans rail against this law saying: We don't want our insurance because it is government insurance.

Every Member of the Senate has the same insurance that we are by law giving to everyone in America. So my Republican colleagues who berate this bill, let them drop their government insurance. If they hate this coverage so much that we are trying to give to the American people, they can drop what they have because it is the same thing basically.

No longer will hundreds of millions of Americans live in fear of losing their insurance because they lose their jobs, and no longer will tens of millions rely on the only care they know exists—an emergency room. The most expensive care in America is an emergency room visit. Some people go without care because they have no insurance at all.

This is not just a story I have heard from other people. There are people today who have no insurance just like my family had no insurance when I was growing up. We didn't go to the doctor. We had no insurance. The only time I can remember going to the doctor was when I was deathly ill—literally deathly ill.

My parents had no car, and I had something wrong. I had been sick for a long time. My brother had somebody visit him, and my mother asked if they would be good enough to take us over to the hospital, which was 50 miles away. They did, and I had a growth on one of my intestines. I was very, very sick.

There are many people today just like I was as a little boy; they have no insurance, and they may have the same situation I had, with no transportation and having a visitor take them to the nearest emergency room. That is what happened to me. In my case, the emergency room was 50 miles away.

Unfortunately, Republicans continue to target the rights and benefits guaranteed under that law. If Republicans have their way, insurance companies will once again be allowed to deny care to sick children because they have asthma or diabetes or some of the other situations young people get. In Nevada, thousands of children with preexisting conditions would once again be at the whim of insurance companies that care more about making money than about making people better. If Republicans have their way, young adults just out of college will be kicked off their parents' insurance plans. That is also something I know exists today.

In the little town of Searchlight, where I have my home, a young man named Jeff wanted to go to school. He started at community college and was doing pretty well when he got pain in

his groin. At first it started out as a little ache, and then it got to the point that he couldn't take it anymore. But because he was at an age where he was no longer able to stay on his parents' insurance policy, he didn't know where to go. So he went to the so-called county hospital, indigent hospital. He was diagnosed with having testicular cancer. He had been on his dad's insurance policy, but he arrived at an age where he was no longer eligible. His parents certainly did not have much. His mother worked part time in a post office, and his dad worked at a steam-generating plant 50 miles away from Searchlight. So they begged—I am stretching a little bit—but they borrowed and borrowed and borrowed to take care of his two surgeries, a number of hospital visitations, chemotherapy. They paid for that—thousands and thousands of dollars that they had to find a way to pay for for their boy.

Under the law that is now in existence, young people can stay on their parents' insurance policy for 3 or 4 years more, allowing many who are finishing college to go find a job while staying on their parents' insurance policy.

In Nevada, thousands of children with preexisting conditions would, once again, as I have indicated, be without the ability to be taken care of when they are sick.

Almost 23,000 young adults in Nevada would once again have to defer their dreams to take a job or, as I just indicated, go to college or risk going without any care.

If Republicans have their way, our seniors will pay for more prescriptions and checkups. We have had about a quarter of a million Nevada seniors who now get wellness visits, cancer screenings, and other preventive services. If this goes away, it will not happen anymore.

Tens of thousands of seniors who saved millions and millions of dollars in Nevada alone on prescription drugs last year will once again be forced to choose between buying food and buying medicine. If Republicans have their way, taxes will increase for small businesses. So will the deficit. Repealing health care reform would add almost \$1.5 trillion to the Federal debt—not billion, trillion. But when Democrats undertook health care reform, it wasn't just about saving money, it was about saving lives, and we did that.

While the numbers I have just discussed are very important, there is one number that matters more than all the others: 45,000. In the year 2011, 45,000 Americans died because they lacked health insurance. That is almost 1,000 a week. That doesn't include the tens of thousands more who are sick or dying because they have health insurance but still can't afford the care they need.

After the rest of the affordable care act has taken effect over the next 1½

or 2 years, no American will have to bear what President Lyndon Johnson called "the injustice which denies the miracle of healing to the old and to the poor." President Johnson knew that living in a country with the best medical care in the world doesn't matter if people can't access that care.

That is why almost 47 years ago he signed Medicare into law. On that day in July, President Johnson celebrated an American tradition that "calls upon us never to be indifferent toward despair. It commands us never to turn away from helplessness. It directs us never to ignore or to spurn those who suffer untended in a land that is bursting with abundance."

So we saved \$500 billion in wasteful programs and other things in Medicare, we extended the life of it for a dozen years, and gave seniors the things I have talked about today: Filling the doughnut hole, prescription drugs, wellness checks, and all the other things that are so important to them.

The affordable care act continues the tradition President Johnson celebrated because it calls upon us never to be indifferent toward despair, commands us to never turn away from helplessness, and directs us to never ignore or to spurn those who suffer untended in a land that is bursting with abundance.

The law makes certain that the richest Nation in this great world of ours never again turns its back on the despair, helplessness, and many times hopelessness and suffering of the least among us. It guarantees no insurance company will ever again be putting a pricetag on human life.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator GRASSLEY be allocated 45 minutes of the Republican time during the debate on H.R. 3606.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOBS ACT

Mr. McCONNELL. Mr. President, later today the Senate will take up and

attempt to pass the JOBS Act. So we find ourselves once again on the cusp of passing a bipartisan jobs package that will make it easier for entrepreneurs and innovators to get the capital they need to build businesses and create jobs.

As I said yesterday, this bill had overwhelming bipartisan support over in the House. Nearly 400 Members voted for it, and the President himself says it will create jobs. He supports it, and he would sign it when we get it to him.

Yet for some reason some in the Democratic-controlled Senate seem intent on slowing it down. Others want to essentially take a step actually backward and undermine a critical provision sponsored by Senators TOOMEY, CARPER, and HUTCHISON included in the House bill, and that was just this week, endorsed by the SEC's Forum on Small Business Capital Formation. The Reed amendment could subject thousands of businesses to SEC regulation unnecessarily, and the Senate should reject it.

So, once again, I ask them to reconsider. Let's put politics aside and pocket this important bipartisan jobs bill.

The JOBS Act is a great example of the type of legislation we should all be able to agree on, and there is simply no good reason for delay. Let's get this done. Let's get it to the President's desk and have him sign it into law.

HEALTH CARE

Mr. MCCONNELL. Mr. President, yesterday I outlined a number of the broken promises we have seen in connection with the new ObamaCare law: from the promise of being able to keep the plan you have and like, to the promise of protecting Medicare, to the promise of lowering premiums, to the promise of lowering health care costs. Democrats also said taxes would not go up and existing conscience protections would be respected.

Looking back, it seems like there was not anything our Democratic friends, including the President, were not willing to promise in order to get the bill across the finish line. But there is another category of disappointments too; that is, in all the aspects of this bill Democrats did not even talk about before it passed.

We all remember when Speaker PELOSI famously said: We have to pass this bill so we can find out what is in it. One of the things Americans found out about was something called the IPAB—the Independent Payment Advisory Board. This is an unelected, unaccountable board of bureaucrats empowered by this law to make additional cuts to Medicare based on arbitrary cost control targets. As a result of this new board, 15 bureaucrats would now have the power—without any accountability whatsoever—to make changes to Medicare.

What is more, there is no judicial or administrative review of IPAB personnel or recommendations. In other words, they are accountable to no one. IPAB is not answerable to voters, and it cannot be challenged in the courts.

Its main role, as the Wall Street Journal editorial board put it, will be “the inevitable dirty work of denying care”—“the inevitable dirty work of denying care.”

In an effort to control spending, IPAB will limit patient access to medical care. It is that simple and, frankly, it is totally unacceptable.

Republicans recognize the problem with Medicare spending and the need for reform. We also recognize that IPAB is not the answer.

This is just one more reason ObamaCare needs to be repealed and replaced, and that is why even Democrats are cosponsoring a bill to repeal it over in the House, calling it “a flawed policy that will risk beneficiary access to care.” So this is not just a Republican issue; there is strong bipartisan opposition to this new law.

Look, if the President himself does not even want to talk about this law anymore, and even Democrats in the House are sponsoring repeal of parts of their own law, it should be pretty obvious there is a fundamental problem.

We need to reform health care. But this reform made things worse. The evidence and broken promises are all around us. It is time the President acknowledged it, and it is time the two parties came together and did something about it.

It is time to repeal ObamaCare and replace it with the kind of common-sense reforms Americans want—reforms that actually lower costs and which put health care back in the hands of individuals and their doctors rather than bureaucrats in Washington.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Iowa is recognized.

AFFORDABLE CARE ACT

Mr. HARKIN. Again, Mr. President, tomorrow we celebrate the second an-

niversary of the signing of the affordable care act into law. Our Democratic leader, Senator REID, in his opening remarks today, outlined the tremendous progress we have made. I listened to the comments made by our distinguished Republican leader, and all I heard was: Repeal ObamaCare, repeal ObamaCare.

But I never heard what they want to replace it with. They just want to go back to the old system where the insurance companies ran everything before, where people were thrown off their policies because they had an illness, where because of preexisting conditions people could not get health care coverage, where we had this big doughnut hole which we are now closing for the elderly?

The one aspect I want to focus on this morning in my brief time is an extraordinary element of the affordable care act that is not being talked about a lot but which members of the committee I now am privileged to chair, the HELP Committee, worked so hard to include in the affordable care act; that is, the array of provisions that promote wellness, disease prevention, and public health.

Taken together, these provisions have begun to jump-start America's transformation into a genuine wellness society. They are transforming our current sick care system into a true health care system. I have said this many times: We do not have a health care system in America. We have a sick care system. If people get sick, they get care—one way or the other. But there is very little out there to help people keep healthy and to maintain wellness and to keep them from going to the hospital in the first place. Now, that would be a true health care system, and that is what we have begun to establish with the affordable care act, by preventing chronic diseases, enabling people to stay healthy, and stay out of hospitals in the first place.

Right now in the United States about 75 percent of all our health care spending—75 percent of the Nation's health care spending—is on chronic diseases. Only 4 percent is spent for prevention. So during the last year we have data for—2005—the United States spent about \$2 trillion on health care. Of every \$1 spent, 75 cents went toward treating patients with chronic diseases, many of which are preventable. Only 4 cents went toward prevention. That ought to tell us something right there. That is the old system, and that is the system the Republicans want us to go back to: Spending more and more to treat people after they get sick rather than trying to put something forward to keep people healthy.

Well, in the affordable care act we have tremendous opportunities to again move us to more prevention and wellness. We have made historically new investments in this area of

wellness, prevention, and public health. Here is one example of that, as shown on this chart.

Before our health care reform bill, our law, was passed, just take the issue of colorectal cancer screening; we know, if people get it early and detect it early, their chances of survival are tremendous. If people detect it too late, then they are going to be in the hospital, and they are going to have cancer, they are not going to live. But we know, by people getting a colorectal cancer screening early, we can prevent a lot of unnecessary deaths and illnesses and treatments later on.

Cholesterol screening: We know if people get good cholesterol screening, they can get on either a drug or a good diet, an exercise program, reducing the prevalence of heart disease.

Tobacco cessation: Need we keep repeating around here how much it costs our society from the plague of tobacco use?

Well, here is where we were before health care reform, as shown on this chart. About 68 percent were covered for colorectal cancer screenings, about 57 percent were covered for cholesterol screenings, and only 4 percent were covered for tobacco cessation.

After health care reform, now there is 100 percent—100 percent—coverage for colorectal screenings with no copays and deductibles, I might add; 100 percent coverage for cholesterol screenings, and 100 percent coverage for tobacco cessation.

That is prevention, that is wellness, keeping people healthy in the first place. What do the Republicans want? They want to go back to what it was. We have made too much progress in prevention and wellness to go back to the old ways of just treating people after they get sick.

Now, again, we have been able to promote a lot of activities around the country to promote health and wellness. For example, in Illinois, the State made improvements to its sidewalks and marked crossings to increase student physical activity levels. You might say: Well, big deal.

Well, it is a big deal. Because of these improvements, the number of students who are walking to school has doubled—doubled—and it is expected to save the school system about \$67,000 a year just on bus costs. So kids are healthier and we save money.

In Alabama, Mobile County is using funds from this prevention fund to support tobacco quit lines to help residents live tobacco free—again, under the Tobacco Cessation Program.

Officials enacted a comprehensive smoke-free policy expected to protect 13,000 of their residents—this is in Mobile County, AL—from being exposed to secondhand smoke. All across America, more and more is being invested in prevention. We know that, for example, a 5-percent reduction in the obesity

rate—just a 5-percent reduction in the obesity rate—will yield more than \$600 billion in savings on health care costs over 20 years.

Again, our prevention fund is out there getting people the necessary support and information they need to reduce obesity. So with the misguided efforts to repeal the health care reform law, again, most Americans know what is at stake. They are going to lose a lot of these prevention activities that enable us to take charge of our own health care to make sure we get our colonoscopies on time, our mammogram screenings.

Every woman in America now over age 40 gets a free mammogram screening—no copays, no deductibles. The Republicans want to take that away from the women of this country. Colonoscopies, as I said, without copays or deductibles, Republicans want to take that away. Annual physicals. We know a lot of people do not get annual physicals because it costs money. It costs them. Now they can get an annual physical free—no copays, no deductibles. Republicans want to take that away.

Again, I think we have to ask the question—every time I hear the Republicans talking about doing away with ObamaCare or the affordable care act, we have to ask: Are we going to cut short this transformation into a wellness society in preventing diseases, keeping people healthy in the first place? I think the answer is clear. Americans are not going to allow all these hard-earned protections and benefits in the affordable care act to be taken away. We are not going to be dragged backward. We are going to continue our march forward to make ourselves more healthy. We are not going back to the old system, where only a little over half the people in this country got cholesterol screening, 68 percent got colorectal cancer screening.

We want people to get early screening, early support services for preventive care so they stay healthy. Not only is it going to help our family budgets, it is going to help our Federal budget if we have people healthier and not going to the hospital in the first place. This is one of the big aspects of the affordable care act that is not talked about a lot. But to me it is one of the most important aspects of moving us, again, to a society where we are not just relying on people going to the hospital and paying for high hospital bills and things such as that in the future.

I am going to yield the floor. I just wanted to make those comments about one aspect of the affordable care act. Of course, we do know there are many other benefits in the affordable care act people do not want to lose. Right now, we ban lifetime limits, which helps more than 100 million people.

They want to take that away. Republicans want to take that away. We cover vital preventive services, which I just went over; young people remaining on their parents' coverage up to age 26—more than 2.5 million helped so far. Republicans want to take that away. They want to end all that. I do not think the American people want to end it. I think the American people want to move forward with health care reform because we have made too much progress—too much progress in making sure health insurance is affordable, available.

I guess I have just one more thing to say, if my friend from Rhode Island will let me.

Everyone in this Senate body belongs to the Federal Employees Health Benefits Program. Do you know what. We have coverage for preexisting conditions. We have no lifetime bans in our policies. Yet that is what we did. Remember the debate? We wanted to say to the American people: Whatever we have, we want you to have too. We put that in the affordable care act.

The Republicans say: We are going to take that away from the American people but keep it for ourselves. I do not think so. I do not think so. I do not think the American people want to say: You Senators and you Congressmen can keep all that, but you can take it away from all of us. We are not going to do it. We are not going to go backward.

I yield the floor for my distinguished friend from Rhode Island who played such a pivotal role in getting the affordable care act through on our committee and has been one of the more eloquent spokespersons on this health care bill in the last couple years.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WHITEHOUSE. Let me first congratulate Chairman HARKIN for his remarks today but more than that the work that has preceded today on the health care bill. He was an ardent advocate for the prevention programs that save lives and money. It was a real pleasure to work with him at that time.

Today is the second anniversary of the passage of the affordable care act. I wish to describe how the law is already making a difference for families in Rhode Island and across the country by drastically improving access to higher quality care, by addressing rising health care costs, and by protecting consumers.

Look at the changes. Children with preexisting conditions were denied coverage—no longer. Lifetime limits on

insurance policies left many American families struggling to pay medical care bills on their own—no longer. Insurers could cancel coverage for individuals who became sick—no longer.

In addition, the law helps kids just out of school who all too often cannot get that first job with health insurance. It helps them to stay on their parents' insurance policies until age 26. For seniors, prescription drug costs are down as the Medicare doughnut hole begins to close. This is real change, and it hits home in my home State of Rhode Island. I hear from Rhode Islanders and I listen.

I heard from Greg, a father in Providence, who told me about his 16-year-old son Will. Will spends 2 hours every day undergoing treatment to keep his cystic fibrosis in check. In addition to his daily treatment and prescriptions, Will sees a specialist four times a year to monitor the disease. Greg said he often thinks about his son Will's future and whether his son will be able to maintain health insurance coverage and receive the treatment he needs.

Thanks to the affordable care act, Will does not have to worry about insurance companies denying him coverage because he has a preexisting condition or fear that he will have to go without treatment because his medical bills will have pushed him over some arbitrary lifetime limit.

As many as 374,000 Rhode Islanders, including 89,000 children similar to Will, can now receive the treatments they need free from lifetime limits on coverage. People who want to repeal ObamaCare should be ready to look Greg in the eye and tell him why they want to take that away from him and his son.

Olive, a senior from Woonsocket, shared with me that her husband takes several medicines to help treat his Alzheimer's disease. A 3-month supply for two of his medications costs close to \$1,000. As Olive said: Those months go by quickly. Last year, Olive and her husband fell into the prescription drug doughnut hole in July. Without the affordable care act, they would have been responsible for paying the full cost of his medications out of pocket, but because of health care reform, Olive and her husband received a discount on their prescription drugs and saved \$2,400 last year.

Olive and her husband are 2 of the over 14,800 Rhode Islanders who received a 50-percent discount on brand-name prescription drugs when they hit the doughnut hole. This discount resulted in an average savings of over \$550 per person, for a total savings of more than \$8.2 million for seniors in Rhode Island alone.

People who want to repeal ObamaCare should be ready to look Olive in the eye and tell her why that \$8.2 million should go back into the drug companies' pockets, why she and

her husband should have to cough up an extra \$2,400 for the drug companies.

Brianne, a 22-year-old graduate of the University of Rhode Island, currently works part time as a physical therapy aid in Providence. Her job does not offer health insurance. Brianne suffers from several seasonal and food allergies. She makes frequent trips to her allergist. Because of the affordable care act, Brianne can stay on her mother's health insurance so she can continue to get the treatment she needs. Without this coverage, Brianne said, she would be hard-pressed to afford the treatments necessary to address her allergies.

As of June of last year, Brianne was 1 of over 7,500 young adults in Rhode Island who gained insurance coverage as a result of the reform law. People who want to repeal ObamaCare need to explain to Brianne why she and those other 7,500 Rhode Island kids should be kicked off their parents' policy.

The affordable care act has also brought needed relief to employers that are still the leading source of health coverage in the United States. Geoff is a small business owner in Providence. He provides health care insurance for his employees because, as he said, "It's the right thing to do." But the rising costs of his employees' health insurance have placed increased pressure on his business. Geoff's business qualified for the health care law's small business health care tax credit, which covers up to 35 percent of premiums paid by a small business owners for its employees' coverage. These credits are a lifeline for small businesses that are struggling in today's difficult economy and for the people those small businesses employ. People who want to repeal ObamaCare need to look Geoff in the eye and tell him why they want to take away that tax credit lifeline that lets him provide coverage for his employees.

The affordable care act also provided support for community health centers. In Rhode Island, similar to elsewhere in the country, community health centers fill a critical gap in our health care system, delivering comprehensive, preventive, and primary care to patients, regardless of their ability to pay.

Dennis Roy is the CEO of the East Bay Community Action Program in Rhode Island. He tells me the affordable care act has provided critical support for his community health center's mission. East Bay has received \$3 million through this law to construct a new community health center in Newport which, despite its international reputation, is one of Rhode Island's poorer cities. The new community health center will triple the available patient care space for needy Newport County residents.

To date, Rhode Island community health centers have received \$14.8 mil-

lion to create new health center sites in medically underserved areas. This is important American infrastructure, and we should not tear it down to make a political point or to assuage a political ideology. These stories are just a few of many that show how the affordable care act is working for Rhode Island families, seniors, and small businesses.

Although we have made great progress, the work continues. Over the last 2 years, a tremendous effort has been made by the health care industry, by State and local leaders, and by the Obama administration to develop a better model of health care delivery, to shift from a system that is disorganized and fragmented to one that is coordinated, is efficient, and delivers the high-quality care Americans deserve.

Private health care providers, such as Geisinger, Intermountain, and the Marshfield Clinic, are already focusing on quality rather than quantity, efficiency rather than volume, to better serve their patients and their bottom line. Because of the affordable care act, the Federal Government now has the opportunity to support and encourage their focus and to deliver much needed savings in the most patient-centered way, by improving the quality of care and health outcomes.

There is tremendous potential for improved care and cost savings in five key areas: payment reform, primary and preventive care, measuring and reporting quality, administrative simplification, and health information technology.

Savings, from a range of responsible viewpoints, run from \$700 billion to \$1 trillion a year, all without compromising the quality of care Americans have come to expect—indeed, likely improving the quality of care.

I will shortly release a report to Chairman HARKIN and the HELP Committee on the Obama administration's implementation of the delivery system reform provisions of the affordable care act. When I say "delivery system reform," I mean those provisions that improve the quality of care, avoid medical errors, coordinate care better, reward prevention and primary care, reduce administrative overhead, and reward who gets the best health outcomes, not who orders the most treatment procedures.

I worked with Senator MIKULSKI on this project. She authored the key delivery provisions of the law and has great expertise in this area.

These changes will make a real difference for millions of Americans, and I look forward to sharing the report and its findings with my colleagues next week.

Before I close, I would like to acknowledge Rhode Island's work on a State health insurance exchange provided for by the affordable care act. Rhode Island is leading the way as the

first State to receive level two grant funding to set up the exchange. The exchanges are commonsense, local, competitive marketplaces where individuals and small businesses will be able to purchase health insurance, with the prices and benefits out there on display. When insurance companies compete for your business on a transparent, level playing field, it will drive down costs. Exchanges will let individuals and small businesses use their purchasing power to drive down costs, much like big businesses are able to do.

Progress has been made by State leaders such as our Lieutenant Governor Elizabeth Roberts, who is leading this effort to get to this point. They are remarkable. I urge them to keep up the good work.

Whether it is changing the lives of Greg and Will or Olive or Brianne or Geoff and his employees or whether it is building our community health center infrastructure or supporting the private sector leaders who are pivoting to a new and better and more efficient delivery system or whether it is something as simple as a marketplace for health insurance that is open, fair, and on the level, the affordable care act has made a real difference for hard-working families in Rhode Island. I will continue to work hard alongside these leading health care providers, alongside the Obama administration, and alongside my colleagues in the Congress to see the full promise of the affordable care act realized for this great Nation's advantage.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ENZI. Mr. President, it is my understanding that the other side will not have their speakers use the last minutes, so we will start on our side.

I ask unanimous consent that we be allowed to do a colloquy and have several Senators join in.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. ENZI. Mr. President, we are going to talk about Medicare today and the way the Patient Protection and Affordable Care Act cuts into Medicare, destroys Medicare.

Two years ago the President wanted a health care bill in the worst way, and that is exactly what he got, and that is exactly what America got.

Anybody out there on Medicare or about to be on Medicare or young enough that someday they will be on Medicare should be very concerned about what happened under this act. All of you, I am sure, are aware of somebody who is on Medicare who has already been denied a doctor; they are being denied because they are not being paid what they ought to be paid.

To call it the "patient protection" and "affordable" care act is a major mistake. It neither protects Medicare patients nor makes it more affordable. In fact, one of the things we will bring out today is that there has been a theft of \$500 billion from Medicare to fund other parts of the program. There is some fraud in it because it was spent, but it still shows up in the account. That is how they show that this really doesn't add to the debt. To solve the whole thing, they have a whole new board of unelected bureaucrats to make additional cuts to Medicare to make it look as though it is OK. And then there is the accounting sleight of hand. I am one of the two accountants in the Senate now, and you have to pay attention to see it. It goes back to the fraud because if this same sort of thing were being done in the private sector, people would go to jail.

There are a number of ways that we will bring out how that is not just budget gimmicks and sleight of hand but is actually taking advantage of seniors.

The Chief Medicare Actuary said that Medicare will go broke in 2024. That is 5 years earlier than last year's report by the Chief Medicare Actuary. He is the guy who works for Medicare; he doesn't work for us. He has to figure out each year how much in the hole it is and what needs to be done to fix it.

My contention, of course, is that you can't steal \$500 billion out of a program that is already going broke and expect it to be fine. We warned about that as we were going through the passage of this Patient Protection and Affordable Care Act, which, as already mentioned, was passed 2 years ago tomorrow. It could have been fixed. There were three plans on the Republican side that would have done what is claimed to be done by this act. Those ideas were largely rejected.

Today we are going to talk about some thefts, fraud, unelected bureaucrats, and accounting sleight of hand. I have some people here who want to respond to some of the things that have been said.

Senator COBURN has listened to some comments made on the other side celebrating this great day.

Mr. COBURN. Mr. President, I listened very intently to the first two speakers this morning. As somebody who has now been a physician for almost 30 years—I practiced full time for over 25 years—I heard the Senator from Iowa and what his desire would be on

the chart he showed. He said that 100 percent screening is occurring now in three areas. That isn't true. We are not screening. We hope to screen, and we hope to screen 100 percent, but the facts on screening that are available are that it is only used 5 percent by Medicare patients on the screening that was already available with no cost to Medicare patients. So we have to distinguish between what we desire and what is actually going to happen.

Let's take the example of colon screening. I am a colon cancer survivor. I was diagnosed, through colonoscopy, with colon cancer. Let's take that example, and then let's take the example of the other aspect of the affordable care act, called the Independent Payment Advisory Board. What is the purpose of that Independent Payment Advisory Board? Its purpose is to cut the cost of Medicare through the decreasing of reimbursements—first, for the first 8 years, physicians and outside providers, and then, starting in 2019, hospitals. What do you think the first thing to be cut will be? It is the reimbursement rate for a colonoscopy. So when the reimbursement rate for a colonoscopy goes below the cost—and it is very close right now, by the way, the cost to perform a colonoscopy versus what Medicare reimburses—when that is cut, what do you think will happen on screening?

The goal of changing health care is an admirable goal. We know that \$1 in \$3 doesn't help anybody get well or prevent them from getting sick today. But what the American people need to understand is that what is coming about is a group of 15 unelected bureaucrats, who cannot be challenged in court, who cannot be challenged on the floor of the Senate or the House, mandating price reductions to control the cost of Medicare. What does that ultimately mean? They will do their job. We won't be able to do anything about it. But what it means is that they will reimburse at levels less than the cost to do services, and so, consequently, what will happen is the services won't be there.

They also are going to do what is called comparative effectiveness research. We know about comparative effectiveness research. If you are a practicing physician today, you have to do continuing medical education. Part of that medical education is knowing the latest comparative effectiveness research. It is as if they are reinventing something that already exists. But the point is that they are going to use that to deny or change payments for procedures that patients need.

What is wrong with all of this? It is that we are inserting a government board and government bureaucrat between the patient and the doctor.

Think about that for a minute. When I go to my doctor, I don't want him concentrating about anything except

me. If he is looking over his shoulder about whether he met the IPAB's comparative effectiveness study on what he is doing for me, when, in fact, the art of medicine as well as the science may say they are wrong, and he is going to do what the government says rather than what he thinks is best for me, what am I getting for that?

I will be on Medicare next year, much to my regret, because my choices will now be limited in terms of who I can see. The greatest threat to the quality of care—it wasn't intended to be this way, it was intended to be helpful, and I don't doubt the motives of anybody who set this board up—but the greatest threat to quality of care for seniors in this country is the Independent Payment Advisory Board and their non-caring position. Because they are going to be looking at numbers and words. They are never going to lay their hands on the patient, they are never going to impact a patient directly, they are never going to listen to a patient, but they are going to make the ultimate decisions based on what that patient is going to get.

With that, I yield back to my colleague.

Mr. ENZI. But that board was made essential by decisions that were made in the health care bill. In the health care bill, we took \$500 billion—\$½ trillion—that should have stayed with Medicare to solve Medicare problems.

The doc fix is one of the big problems we need to solve. It is up to about, I think, \$230 billion that we need to do that. That would be a pretty good chunk out of this. And unless that is done, people won't be able to see a doctor.

I keep saying, if you can't see a doctor, you really don't have health insurance, and that is what we are going to be doing to our seniors. We cut \$135 billion from hospitals, we cut \$120 billion from the 11 million seniors who are on Medicare Advantage, we took \$15 billion from nursing homes, and we took \$7 billion from hospices to spend on programs that have nothing to do with Medicare or those things. That is fraud, and it shouldn't have happened.

The CBO Actuary and the Chief Medicare Actuary have acknowledged this reality. Incidentally, the Chief Medicare Actuary says the program is going to go broke in 2024, and CBO says it will happen in 2016. Now 2016 is pretty short term to be fixed. I think 2024 is short term. So whichever estimate you want to take, Medicare is in trouble and \$500 billion should not have been taken out of it. That \$500 billion should have been dedicated to fixing Medicare.

We still have to fix Medicare, and the only solution we have come up with is the one Senator COBURN mentioned, which is to form this new board, with surprising powers, that is going to be able to cut some more in Medicare so it doesn't look as though we stole \$500 billion from Medicare.

Senator BURR is on the committee. He has had to sit through a lot of the hearings and a lot of the amendments that were never passed from our side that would have fixed this, and I am sure he has some comments.

Mr. BURR. I thank the Senator from Wyoming and my colleague from Oklahoma. We have worked on this, spent tireless hours trying to save not just Medicare but health care as we know it in America today. I think what my colleague has already mentioned is that we have put in place mechanisms in law that will dismantle a health care system the American people feel comfortable with and that has served them well but that we agree is way too expensive. Look at the examples Dr. COBURN has talked about—IPAB, the independent board that will make coverage decisions and reimbursement decisions. When you cut reimbursements, you are going to chase doctors out of the system. As you cut reimbursements, you are going to defund the hospital's ability to keep the doors open in rural America.

But let's look at the things that are not obvious. What does that effort by IPAB do to innovation in health care? What companies are going to go out and put \$1 billion on the line for development of a new drug or a device given they do not think they can recover enough through the reimbursement system to cover their research and development, much less the approval process of the products? It would be a vastly different America if in fact all these drugs that are breakthroughs and the devices that are so effective at keeping us living longer are sold in Europe and South America and Asia but not in the United States because we have now developed a health care system that doesn't allow them the ability to recover that money. Now match that with the lack of choice today.

In this country, we have choice. As a matter of fact, as a Federal employee, I can pick from probably 30 different health care plans—the same ones every Federal employee can choose from. But all of a sudden, in this health care bill, we have said to seniors: You know that Medicare Advantage which allowed you choice, where you could choose a provider other than the Federal Government? Well, we are going to take that away from you. Now, we didn't take it away, we just said we are not going to reimburse them to the degree that allows them to offer the plans.

Let's look at what Medicare Advantage provided for seniors. It provided a wider array of benefits than does traditional Medicare. It is good for some. They have chosen it. It won't be good for them in the future, if this health care bill is not reversed, because through the actions of IPAB and through the explicit language of the bill, Medicare Advantage will not be an advantage anymore, and everybody

will have to default to the government plan that probably won't be as expansive with preventive care.

I know the Senator from Wyoming knows that in North Carolina we sort of lead the country as the model of medical homes. We are on the verge there of trying to put seniors into medical homes. We have already done it with a Medicaid population. We have saved money. But my State of North Carolina this year has a gap of about \$500 million in Medicaid—the people we are responsible for and the money we have allocated for it, even though the last 3 years we have saved almost \$1 billion by being creative at how we designed our Medicaid. This health care initiative, with no input from any State, will double the population of Medicaid beneficiaries in North Carolina. So what have we done? We have shifted the responsibility down to the State at the State taxpayer level.

We didn't magically change anything in health care. We are reallocating where we are collecting the money from, and every State is the same. They underpay for reimbursements under Medicaid, doctors limit the number of patients they see that are Medicaid patients. Imagine what happens when we double the size of the Medicaid population in America. Hospitals don't have the ability to limit. They are under Federal law that says when someone shows up, they have to see them.

What we are going to do is probably attempt to bankrupt the infrastructure that we have for health care for the simple reason that rather than fix health care, we came up with creative ways to pay for it. Or in the case of IPAB—the Independent Payment Advisory Board—we figured out an external way from Congress to cut the reimbursements to doctors and to hospitals and to limit the coverage of all plans where it doesn't have to go through a legislative process in Washington. We are not always the finest example of legislation becoming law, but this is the mechanism our Founding Fathers set up to make sure bad things didn't happen.

I have to say this is one that slipped through, and now we have the responsibility to go back and fix the pieces of it that would be devastating to the future of health care in this country.

I thank the Senator from Wyoming for letting me share some time.

Mr. ENZI. I think the Senator too would be interested in the accounting and some of the sleight of hand involved in the prescription Part D. We put a prescription Part D in so people would have a little better chance of paying for their prescriptions—a very difficult program. It was very expensive.

I know in my State we were looking at only two people who were selling pharmaceuticals to seniors. I thought,

boy, when this program goes in, there probably won't be any. But when it was opened to a wide choice, I found out there were 46 companies that wanted the business in Wyoming, and it turned out to be a very successful program at helping people.

In this affordable care act, of course, they do some things with the doughnut hole which are a little sleight of hand, because some of the companies that sell brandname prescription drugs agreed they would reimburse people for a part or up to all of their medications while they went through that doughnut hole, knowing when they got out of the doughnut hole they would stay with that brandname and it would cost the whole program a lot more.

So in an area where we were saving money and could have fixed it so seniors had a better chance at it but not giving an advantage to the brandname drug users would have actually saved some money in the program, but that didn't happen. I know since my colleague is involved a lot in the pharmaceutical area, and has done a tremendous job at making sure we are safe from terrorist attacks and pandemic flus and worked with vaccinations, and is probably the foremost person at both ends of the building at knowing how to do that, he may have some comments on this prescription Part D.

Mr. BURR. Well, I thank my colleague for that acknowledgment, and that is why the thought that innovation would leave the American health care system terrifies me. Innovation is the answer to the threats, both natural and intentional, that could come to this country and everywhere in the world. We never know what is around the corner. But our ability to innovate in this country has always kept us one step ahead, and I believe we are on the cusp of a new era of innovation that can only be thwarted if in fact this health care bill is fully implemented. Because the incentive will now be gone for entrepreneurs to take risks. There is no longer going to be an incentive that says take a risk and there is an opportunity at a reward.

As the Senator from Wyoming pointed out very well, we created Medicare Part D. What a novel approach, to take a health care benefit that didn't exist in the 1960s, when we created Medicare and matched it up with the coverage of the rest of the delivery system. What was the result of creating market-based coverage? Today, Medicare Part D costs 50 percent less than the estimate we made years ago when we created it in terms of what the annual premium cost was going to be. Why? It is because we created private sector competition. We didn't create government plans. It probably would have been much easier to say, okay, we are going to supply a benefit for every senior in the country. I can assure you, had we done that, we would have been

well over what we projected the annual cost to be. But we are 50 percent under because we have private sector entrepreneurial companies out there competing for the business, and they are smart enough to look at the types of coverage needed and they are custom designing that to meet the needs of seniors in this country.

I daresay the current health care plan that is going to be implemented and fully executed by 2014 was not personalized for anybody in this country. It looks at a 17-year-old the same way as it does a 77-year-old. Yet the health challenges and the incomes are different for both ends of the spectrum, and that is because government can't look at us as individuals. They can't group us and design something that addresses not just the coverage needs but the costs long term and the solvency.

So we only have one choice, and that is to fix what is broken. It is amazing how there is great agreement on those things that would be damaged long term and those things that are actually positive and move the ball in the right direction.

Mr. ENZI. So that prescription Part D actually drove down the cost of medication, and now we are ending up in a situation where part of that will be in trouble because of what has happened to Medicare, with \$500 billion being stolen.

I see we are joined by Senator LEE of Utah, and I know that Utah has had a health care system that has been a model for other States and now is possibly in jeopardy. I don't know if the Senator would care to comment on Medicare or on that, but we appreciate his coming.

Mr. LEE. I thank my colleague. And he is correct, Utah does indeed have a health care system that functions well, and functions well notwithstanding the fact it is not managed, it is not governed by the Federal Government.

This is one of the great wonders of our Federal system. When we became a country about 200-plus years ago, we did so against a backdrop that is informative for us still today. We became a country, in part, because we discovered through trial and error, through our experience as British colonies, that local self-rule works best. People govern themselves much better than a large distant government can govern them. That is exactly why we became a country, because we learned that local self-rule works.

We learned also that there is great danger to our individual liberty with any government, because whenever any government acts, whenever it does anything to regulate our lives, it does so at the expense of our individual liberty. We become less free by degrees whenever government does just about anything.

But the risk to our liberty is especially great—it is at its highest—when

the acting government is a large one, when it is a national government. National governments, as we learned in our experience with our national government before we became a country—our national government that was then based in London—national governments tend to tax us too much, they tend to regulate us too heavily, they tend to be inefficient, they tend to be slow to respond to our needs in part because they are operating so distantly from where many of the people reside.

So when we became a country, we left most of the powers at the State and the local level. We eventually came up with this document, this almost 225-year-old document that has fostered the development of the greatest civilization the world has ever known. And in that document we came up with a list of powers that a national government must have in order to survive, and we kept that list fairly limited. We said the national government needs to have the power to provide for our national defense, to regulate commerce or trade between the States and with foreign nations and with the Indian tribes, to protect trademarks, copyrights, and patents, to establish a uniform system of weights and measures, to come up with a system of bankruptcy laws, laws governing immigration and naturalization, and a few other powers. But that is basically it.

There is no power in this document that gives our national government, that gives us—Congress, as a national legislature—the power to regulate anything and everything. There is nothing in this document that gives Congress what jurists and political scientists refer to as general police powers; that is, the power to come up with any law that Congress might deem just and good and appropriate and advisable at any moment. That, again, was because of the calculated assessment made by the founding generation that we needed a government possessing only limited enumerated powers: to protect individual liberty, and to assure that we in America would continue to live as free individuals.

Over time we have drifted somewhat in our understanding of what those powers mean. Over the last 75 years, the Supreme Court has been applying a deferential standard toward Congress in reviewing laws enacted under the commerce clause, clause 3 of article 1, section 8. The Supreme Court has, since about 1937—at least since 1942—said that Congress may regulate without interference from the courts under the commerce clause activities that, when measured in the aggregate, when replicated across every State, can be said substantially to affect interstate commerce. That is more or less the guideline the Court has given us. They are not necessarily saying that everything and anything that fits within that is necessarily within the letter

and the spirit of the Constitution, but that, at least so far as the courts are concerned, so far as the courts have been willing to step in and validate or invalidate, that will be what guides the courts in making that assessment. Beyond that, the debate has to be hammered out within the Halls of Congress.

The affordable care act—also known as Obamacare—contains an individual health insurance mandate that takes Congress's powers to a whole new level. For the first time in American history, our national legislature has required every American in every part of this country to purchase a particular product; not just any product but health insurance; not just any health insurance but that specific kind of health insurance that Congress, in its wisdom, deemed appropriate and necessary for every American to buy. This is absolutely without precedent. It is also, I believe, not defensible even under the broad deferential standard that has been applied by the U.S. Supreme Court since the late 1930s and early 1940s.

Among other things, the limits that have been maintained by the Supreme Court, notwithstanding its deference to Congress under the commerce clause, have been limited by a few principles.

First, the Supreme Court has continued to insist that although some intrastate activities will be regulated by Congress under the commerce clause, some activities occurring entirely within one State—activities that historically would have been regarded as the exclusive domain of States, activities such as labor, manufacturing, agriculture and mining—although some activities might be covered by Congress, those activities at a minimum have to be activities that impose a substantial burden or obstruction on interstate commerce or on Congress's regulation of interstate commerce.

The Supreme Court has also continued to insist that the activity in question that is being regulated needs to be activity, first of all, and not inactivity. But it also needs to involve economic activity in most circumstances, unless, of course, it is the kind of activity that, while ostensibly noneconomic, by its very nature undercuts a larger comprehensive regulation of activity that is itself economic.

Finally, the Supreme Court has continued to insist time and time again that Congress cannot, in the name of regulating interstate commerce, effectively obliterate the distinction between what is national and what is local.

The affordable care act through its individual mandate effectively blows past each and every one of these restrictions, restrictions that even under the broad deferential approach the Supreme Court has taken toward the regulation of commerce by Congress over the last 75 years or so—even the Su-

preme Court, even under these broad standards, isn't willing to go this far. There are very good reasons for that, and those reasons have to do with our individual liberty. They have to do with the fact that Americans were always intended to live free, and they understood that they are more likely to be free when decisions of great importance need to be hammered out at the State and local level; that is, unless those decisions have been specifically delegated to Congress, specifically designated as national responsibilities. This one is not.

Decisions about where you go to the doctor and how you are going to pay for it are not decisions that are national in nature, according to the text and spirit and letter and history and understanding of the Constitution. They are not, and they cannot be.

If in this instance we say, well, this is important so we need to allow Congress to act—if we do that, we do so at our own peril. We stand to lose a great deal if all of a sudden we allow Congress to regulate something that is not economic activity; in fact, it is not activity at all. It is inaction. It is a decision by an individual person whether to purchase anything, whether to purchase health insurance or, if so, what kind of health insurance to purchase. Our very liberties are at stake, and that is why I find this concerning.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I thought I had 2 more minutes. I appreciate the comments.

This is the 2-year anniversary of passing what is the so-called affordable patient care act. The Supreme Court has chosen next week to begin the deliberations on it, and they are going to take three times as long as they do on any case so that they can divide this into pieces, and that mandate piece will be the second one.

One that they probably won't be going into is this Medicare problem. We are going to have seniors who are going to be without care because we have taken \$500 billion out of Medicare when it needed a doc fix and it needed a whole bunch of other things, and particularly in rural areas where there are critical access hospitals, rural health clinics. Can any reasonable person believe that you can cut \$½ trillion from a program and not affect its impact on patient care?

I wish to have more time to show that there is a theft of this \$500 billion, there is fraud involved, that there are bureaucrats and accounting sleight of hand.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STARTUPS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3606, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Pending:

Reid (for Merkley) Amendment No. 1884, to amend the securities laws to provide for registration exemptions for certain crowd-funded securities.

Reid (for Reid) Amendment No. 1931 (to Amendment No. 1884), to improve the bill.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders or their designees.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be yielded 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, in a few hours, after votes on two amendments that I hope we will pass, we are going to vote on final passage of the House of Representatives-passed bill, the so-called JOBS bill. I am going to vote against passage of this bill because it would remain far too deeply flawed even if the two amendments were passed to justify passage by the Senate. I am going to vote no on this bill because it will significantly weaken existing protections for investors against fraud and abuse.

The supporters of this bill claim it will help to create jobs. They have even titled it the JOBS Act, but there is no evidence it will help create new jobs. There is not one study that its proponents have shown us how repealing provisions that protects us from conflicts of interest in the research coverage of companies with up to \$1 billion in revenue will create jobs; nor is there evidence that removing transparency and disclosure requirements for very large companies will create jobs; nor is there evidence that allowing unregulated stock sales to those unable to assess or withstand high-risk investments will create jobs; nor is there much else in this bill that will, even arguably, help create jobs. It will, however, take the cop off the beat relative to the activities of some huge banks, and it will threaten damage to the honesty and integrity of our financial markets.

That is a mistake in its own right. We should value honesty and integrity in markets, as in all things. And legislation that creates new opportunities

for fraud and abuse should be amended or rejected. But the damage done by this bill to the integrity of our markets will also work against the purported goal of this bill—the encouragement of investment to create jobs.

By making our financial markets less transparent, less honest, and less accountable, this legislation threatens to discourage investors from participating in capital markets. That damage would make it harder—not easier—for companies to attract the capital that they need and to hire new workers.

Our capital markets are the envy of the world, and that is in part because we recognize that efficient markets that help businesses raise capital and aim to match up investors in companies need transparency and they need financial integrity. But this bill will allow companies to make fewer disclosures and will remove important investor safeguards. This bill will increase many types of risks to investors, including the risk of outright fraud. I want to focus on a few of the many serious flaws in this bill.

First, it harms investors by allowing a wide range of companies to avoid basic requirements for disclosure and transparency. It does that by changing the threshold at which companies are considered large enough and their stock is widely enough held to trigger those disclosure requirements. Today, companies are generally required to register with the SEC and meet basic requirements for financial transparency and accountability if they have 500 or more shareholders. The bill before us would raise that exemption to 2,000 or even more shareholders. It would even raise the level at which banks can deregister from 300 to 1,200 or more shareholders regardless of the bank's size in terms of assets. These changes will allow even very large companies with several thousand shareholders to avoid telling regulators, shareholders, and potential shareholders even the most basic information about their finances, and to avoid important accounting standards.

Second, this bill harms investors by allowing companies to make largely unregulated private stock offerings to members of the public. Today, such inherently risky, unregulated offerings cannot be advertised to the public and are generally limited to shareholders who are financially able to absorb the risks involved. But the House bill allows advertisement of these unregulated offerings to the general public. It will allow TV ads for get-rich-quick schemes with almost no oversight. Advertisers could pitch these risky investments in cold calls to senior citizen centers. That is why groups such as AARP are deeply concerned about what these changes will do to senior citizens who are often the targets of financial fraud and abuse.

Third, this bill abandons a lesson that we learned all too painfully during the dot-com crisis of the 1990s. At that time, investment banks seeking to underwrite initial public offerings—which is a lucrative line of business—engaged in brazen conflicts of interest. They sought this business by promising companies about to go public that their research analysts—whom investors depend on for honest and impartial advice—would give favorable coverage to their stocks in exchange for the underwriting business.

In company after company, investors were misled about the strength of new stocks by investment banks engaging in this conflict of interest. This abuse helped to feed a stock bubble that, when it burst, wiped out investors, evaporated companies, and it devastated the economy. The Nasdaq index still, to this day, has not recovered from that bubble. As a result, regulators put up barriers designed to end these conflicts, but the House bill before us knocks down those barriers. It is astonishing that we would forget these lessons and allow the return of such blatant conflicts of interest.

Fourth, this bill will allow very large companies, companies with up to \$1 billion in annual revenue, to make initial public offerings without complying with basic disclosure and accountability standards. These companies would be able to avoid compliance with accounting and disclosure rules to help give investors accurate information on the company's finances. They would not have to obey standard accounting rules or have auditors certify that they have adequate internal controls. Many of these rules were adopted in response to high-profile accounting frauds, such as Enron and WorldCom. Some were recently enacted in the Dodd-Frank Act in the wake of the financial crisis.

Yet while our economy is still recovering from the damage of the most recent crisis that arose, in large part, as a result of deregulation, we are about to consider undoing safeguards we created in its wake. The \$1 billion limit of the House bill will allow nearly 90 percent of the IPOs to avoid even the most basic disclosure standards. With these provisions, we will essentially ask America's investors to place their capital at risk almost blindly, with little if any reliable information about the companies seeking their investment. It defies common sense to argue that investors will be more likely to put their money at risk and therefore help to create jobs in that kind of environment.

This is a bad bill. Because debate was closed off and amendments severely limited, we will not be able to fix nearly enough of it. But we will hopefully remedy a few of its flaws in amendments we are going to be voting on. Change to the crowdfunding provisions of the House bill is welcome, and I

commend Senators MERKLEY, BENNET, and others who crafted that provision which Senators REED, LANDRIEU, and I also incorporated in our substitute bill, which was defeated yesterday. This amendment will give investors somewhat greater confidence in a new and potentially useful method in establishing capital and in support of Senator REED's amendment to close important loopholes in the current law—one the House bill fails to address. With this amendment, it will be harder to evade registration and disclosure requirements by using shareholders of record who exist only on paper but who hold shares for large numbers of actual beneficial owners. This, too, is part of our substitute, and its inclusion in the bill would represent an improvement.

But we should not fool ourselves. These improvements, if adopted, though welcome, are far from sufficient. We are about to embark upon the most sweeping deregulatory effort and assault on investor protection in decades. The Council of Institutional Investors warns us that "this legislation will likely create more risks to investors than jobs."

If we pass this bill, it will allow new opportunities for fraud and abuse in capital markets. Rather than growing our economy, we are courting the next accounting scandal, the next stock bubble, the next financial crisis. If this bill passes, we will look back at our votes today with deep regret.

We should not adopt this bill today. We should return it to committee. We should have hearings. We should have opportunities to amend this bill. Adopting this bill will put us in a position of the most massive and mistaken deregulation of our capital markets in decades.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from Iowa is recognized.

STOCK ACT

Mr. GRASSLEY. Mr. President, soon, around the 12:30 hour or on one of the seven votes this afternoon, we are going to be voting on cloture on the STOCK Act. I have 45 minutes allotted to me to speak about the disappointment I have with the way this has been handled and why I think the parliamentary procedure is wrong and why the whole process irritates me.

Bipartisanship happens to be alive and well in Washington, DC, where most of our constituents believe it is never working. Earlier this week, we had the Republican majority leader of the House and the Democratic majority leader of the Senate—that is bipartisanship—work together to thwart the will of 60 Senators and 286 Members of Congress. The end result is, as well-meaning as the people behind this maneuver might be—the end result is that 60 Members of the Senate are going to be denied an opportunity to pursue

what they had previously voted for and 286 Members of the House of Representatives, cosponsoring the language of my amendment, are not going to have a chance to do what 286 Members of the House want to do. As I said, this is bipartisanship, but it is not the kind of bipartisan cooperation, intended or not, this Nation deserves.

I will not ascribe motives to anyone in this body, but I know that today's action only serves the desires of obscure and powerful Wall Street interests, and it undercuts the will of the overwhelming majority of Congress I just described. Once again, it is an example of Wall Street being heard in Washington and maybe the common persons throughout the United States not having their will expressed.

With this process, they took a commonsense provision, supported by a majority of both Houses of Congress, and they simply erased it. In other words, we have to remember, when we have a 60-vote requirement in the Senate, we know what that 60-vote requirement is meant to do; that no amendment under a 60-vote requirement is ever going to be adopted. That was surely the motive behind the 60-vote threshold on the amendment I got adopted when this bill was first up, because the Democratic leader voted against it, the Republican leader voted against it, the Democratic manager spoke against it, and the Republican manager was against it. Common sense tells us, if we study the Senate, an amendment such as that is never supposed to get adopted. But we got the 60 votes to get it adopted. Frankly, I was surprised we got the 60 votes to get it adopted. But that is taken out of the bill we are going to be voting on this afternoon.

My amendment simply says that if someone seeks information from Congress or the executive branch to trade stocks, Congress, the executive branch, and the American people ought to know who they are. Nobody is saying they cannot do it, but we ought to know who they are. We do that through the process where everybody ought to know who lobbyists are—not that lobbying is illegal or wrong, but it ought to be transparent. With transparency comes accountability. The same way this amendment asks these people who are involved in seeking information to register so we know who they are. The amendment makes nothing illegal. But we ought to know who these people are who seek political and economic espionage. We ought to bring all that out of the shadow, into the public's information.

But the leadership of both parties—the majority in the House and the majority in the Senate—went behind closed doors and made that provision magically disappear. What they did was truly amazing because a handful of Senators and Congressmen overrode

the will of 60 Senators and 280-plus backers of my amendment in the other body. First, the majority leader in the House said the definition of political intelligence was so vague he could not possibly figure out how to define it. That is the excuse given for stripping any regulation of political intelligence, my words, or political and economic espionage from the STOCK Act when it was taken up in the House of Representatives.

Let me tell you why that excuse is truly amazing to me and quite a surprise. It is because the House of Representatives put in a diluted provision that uses the very same definition I had in my bill of what political intelligence gathering is. Then, by taking out my language and putting in theirs, they got it done because it was an excuse, that the language I had in my amendment was so vague. But you know what. They took that very same language and put it in their amendment, calling for a study of political and economic espionage and political intelligence and used it.

Let me go back to section 7, part b, and quote:

Definition—for purposes of this section, the term "political intelligence" shall mean information that is derived by a person from direct communications with an executive branch employee, a Member of Congress, or an employee of Congress; and provided in exchange for financial compensation to a client who intends, and who is known to intend, to use this information to inform investment decisions.

That is the definition that they thought we don't know what political intelligence is, so we should not be passing this amendment, even though 286 Members of the House of Representatives have sponsored a bill to do it and take that very same definition that they say is so vague and put it in a bill for the purposes of studying something. That seems pretty straightforward, doesn't it? That definition seems pretty straightforward. Of course, now that definition will only be applied to a study, not to legislation with real teeth—because the powerful interests of Wall Street are winning out.

If you think that is bad, this is what happened to the STOCK Act in the Senate. By now, I think just about everybody in this body knows how strongly I feel about this amendment that was adopted by this body 60 to 40, under a rule requiring 60 votes because that kills any amendment—but it did not kill this one because we were right. I have spoken many times about the dangers of unregulated political and economic espionage. I have reached out to the leadership to express my concern and written a letter with Senator LEAHY, the chairman of the Judiciary Committee, on the importance of our STOCK Act provisions. I said that I was willing, if necessary, to negotiate on the language of my amendment, and

that would be on the question of what is political intelligence. But it seems to me one doesn't need to negotiate that if we pass something with that definition in it. The House already has 286 cosponsors with that definition in it, but they take that same definition and put it in the amendment in the other body for a study, not an amendment with any real teeth.

So when I said I was willing to negotiate, what was the response? Nothing. I was not even given the courtesy of being notified before cloture was filed. So it was kind of like an ambush, plain and simple. Just like those people who traffic in political and economic espionage, this process has been cloaked in a great deal of secrecy.

Now the claim is made that the Senate was forced to take up the House bill because an unnamed Republican was threatening to object to a conference. However, no Republican—or any Senator, for that matter—has publicly owned up to trying to stop this bill from going to conference. But even if we accept this fact, there are still more questions. Supposedly we are taking up the House bill because the Senate does not have time to take two or more cloture votes. Throughout this Congress, we have spent weeks in nothing but quorum calls, but suddenly we have run out of time.

Of course, in less than 10 days we will be leaving Washington, DC, for a 2-week recess. I intend to go home and have town meetings, but we are not going to be doing business here in Washington, DC. So I have an idea for people to consider. With congressional approval ratings in the near single digits, why can't we spend part of that time getting the STOCK Act right? And by getting it right, I see nothing wrong with the basic underlying piece of legislation, but when there is a chance to bring transparency and accountability through the registering of people who are involved in political and economic espionage, I think we ought to do it, and that is what I mean by getting the STOCK Act right.

The Washington Post said that my amendment, combined with Senator LEAHY's political corruption amendment, "transformed the [STOCK Act] into the most sweeping ethics legislation Congress had considered since 2007." Maybe you don't agree with the Washington Post all the time, and I don't agree with them all the time, but they are looking at things on a wider scale, and they are saying that a Congress that doesn't have a very good approval rating has a chance, for the first time in 5 years, to do sweeping ethics legislation that we need in order to improve the Congress's reputation by the public.

So isn't it worth taking just a couple of extra votes to get it done right and to make Congress look better? I think so, but apparently a small handful of

people in the House and the Senate who make the decisions on how we are going to do business around here—not taking into consideration the votes of 60 Senators supporting this—have other ideas.

Well, at the end of the day, here is what will happen if we don't proceed. There are about 2,000 people working in the completely unregulated world of political intelligence or political and economic espionage. Right now, these people have to be celebrating because they are in the shadows. They want to stay in the shadows. They are celebrating because they know it is business as usual. They can continue to pass along tips that they get from Members of Congress, Senators, and staff, and no one will be the wiser. They pass along these tips to hedge funds, private equity firms, and other investors who pay them top dollar. The lobbyists get rich, Wall Street traders get rich, but the American people lose.

At one time, these folks who set up these meetings for Members of Congress or even in the executive branch—and I have examples to show that—used to charge \$10,000 for just setting up a meeting. They don't charge \$10,000 anymore because that information got out and it was too embarrassing to them. So now there is kind of a relationship built up here between the people who know their way around Congress and people who want this information that if there is investment in stock as a result of this and there is an increase in the value of the stock, that one will do their trading through the company. That is a tragic result of this decision by the leadership to leave out the amendment that was adopted by 60 Members of this Congress and would do nothing more—not make anything illegal—than let us know who these people are.

Through my oversight investigations, I have learned that political intelligence gathering for Wall Street is a growing field ripe for abuse. Here are two examples of the type of activity that will continue to be kept in the dark.

In the course of my investigations of a whistleblower's claim, I learned that the Center for Medicare and Medicaid Services has closed-door meetings with Wall Street firms where CMS policies are discussed. No record is kept of the meetings, and employees are essentially on the honor system to make sure they are not giving investors inside information. As an example, the whistleblower who came to us claimed that over a dozen CMS employees spent nearly 2 hours briefing Wall Street analysts and investigators on the taxpayers' dime. A member of the public could not walk in and get that kind of access to that information. CMS is supposed to be working for us. Instead, we found out that they are working for Wall Street. If my amendment fails, we

won't know how many of these meetings occur throughout the government and who profits from these meetings.

Another example is an investigation I conducted into the Obama administration's Department of Education. The Department of Education was getting set up to issue regulations on gainful employment that would affect not-for-profit colleges. Several hedge funds had bet big that those new regulations would make it harder for for-profit colleges to do business. Then news began to leak that those regulators were not going to be as tough as was expected. Suddenly, for-profit stocks began to rise, and these hedge fund investors reached out to their friends in the Department of Education.

This is from an actual e-mail my investigators uncovered. It was sent from Steve Eisman, a hedge fund investor, to David Bergeron. He was part of a team in charge of writing these regulations. The e-mail reads:

I know you cannot respond, but FYI education stocks are running because people are hearing DOE is backing down on gainful employment.

To translate that Wall Street jargon, the term "running" means that a stock is going up.

Within minutes this e-mail was marked "high importance" and forwarded to senior-level political appointees. These appointees included James Kvaal, the Deputy Under Secretary, and another policy expert at the Department and Phil Martin, the Secretary of Education's confidential assistant. To this day we do not know why the Department's higher education policy experts needed to know that a hedge fund investor was losing money. What we do know is that for-profit stock dropped significantly, and if you bet big that these stocks would drop, you likely made a lot of money.

When the Department of Education answered my questions, they admitted to my staff that this e-mail was not a proper contact.

In addition, the Department of Education inspector general is investigating the gainful employment rule-making process.

These are just two examples in government agencies where reports such as these are just the tip of the iceberg. The more power Washington, DC has, the more it affects financial markets, and the more it affects financial markets, the more people on Wall Street want to pay for information about what is going to happen here on this island surrounded by reality that we call Washington, DC.

Usually, the only way any sort of ethics reform gets done around here is if someone gets caught. With political intelligence, we have the opportunity to create transparency before the next scandal occurs. As government grows, this industry is going to grow, with the

potential for corruption. The question is, What are we going to do about it? Transparency is the simplest and least intrusive solution, and if transparency doesn't do the job, then you can legislate. But I have found out through so many of my investigations over the last 20 years that if you bring transparency to something and get it out in the open, it tends to correct itself—maybe not completely but to a great degree.

Originally, in starting investigations, you think you are going to have to have a massive amount of legislation, but when you get transparency involved and the accountability that goes along with it, you find that you don't have to pass a lot of laws, that a lot of people know that if somebody is looking over their shoulder, they are going to do what is right.

Now, we can commission another study, as the House of Representatives wants to do and we are going to be voting on when we vote on cloture here, but that is kicking the can down the road for another year. We can act today by defeating cloture and getting to some of these amendments that have such widespread support in the Congress of the United States. With 60 votes in the Senate and 286 cosponsors in the House of Representatives, this is our last chance to make sure the Senate speaks with a unified voice against secrecy for political and economic espionage people and for transparency in government. We must not allow the special interests to operate in the dark. Just bring them out of the shadows—not that what they are doing is illegal, but we ought to know what it is.

For these reasons, and to support transparency, to support open government, and to support good government, I will oppose cloture on the bill, and I hope a lot of my colleagues—in fact, I hope all 60 of my colleagues who voted for the amendment in the first place—will oppose cloture.

If cloture is invoked, which is likely, I intend to vote for this bill anyway because the underlying bill is a very necessary piece of legislation, but it is not much of a victory for the American people. As the Washington Post said, if it included the Leahy amendment, if it included the Grassley amendment, it would be the most sweeping ethics reform in the last 5 years.

I yield the floor and reserve the remainder of my time. I suggest the absence of a quorum.

The assistant legislative clerk called the roll.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. REED. Mr. President, this is a critical moment. The Senate is on the

verge of adopting legislation that could cost the American people dearly in the future. The House bill with respect to capital formation, which is labeled a jobs bill, but goes more to fundamentally changing security laws, is, in effect, another regulatory race to the bottom. There has not been a normal committee process in terms of weighing this legislation. This is a complicated bill involving the interaction of many different securities laws, interactions which have not been sorted out or analyzed. As a result, we are rushing to justice—or rushing to conclusions.

Hasty deregulation has repeatedly been the source of financial crises—including the savings and loans crisis, the Enron-era crisis, the great recession of 2008, and the list goes on. Those who are impacted by those crises—those who lost their savings or dealt with cleaning them up, experts in this field, and many more—have come out in strong opposition to the House proposal: from the Chairman of the Securities and Exchange Commission, Mary Schapiro, the North American Securities Administrators Association, the State officials charged with enforcing securities laws, auditors, financial analysts, pension fund managers, and organizations like AARP, all who have spoken out against this legislation and supported my efforts to protect investors.

This capital formation bill is fundamentally flawed, and it should not become law in its present form. It undercuts and dilutes investor protections and has no real requirements to protect American jobs in order to use these new capital raising procedures. That is what is so ironic. We have a jobs bill, but actually I see nothing in this bill that requires creating American jobs in order to earn the benefits of this bill. I think it is, again, misnamed as a jobs bill.

In addition to the substitute amendment I offered with Senators LANDRIEU, LEVIN, and others that received a majority vote earlier this week, I offered an amendment that we will be voting on later today to clarify the shareholder trigger for Exchange Act reporting so that all companies count their actual shareholders so they cannot avoid periodic reporting requirements.

Adoption of this amendment would achieve one of the stated goals of the legislation, which is ostensibly to have more companies into a transparent marketplace, disclosing and/or listing on stock exchanges. That was the whole essence of this IPO onramp idea: encourage more people to go public so they can disclose information to shareholders, so the market can follow them, and so investment advisers can advise investors about purchasing the stocks on the market.

This proposed amendment would close one glaring loophole, but, frank-

ly, too many others remain, and I have grave concerns about the impact this underlying bill will have on the middle class. Backers say it is needed because initial public offerings are down since the 1990s. They blame regulation, ignoring evidence that the dot-com bubble bursting—which shook the confidence of many investors through lots of new IPOs coming on the market quickly with huge multiples in their prices and then quickly disappearing and leaving the scene altogether—and the biggest financial collapse since the Great Depression, beginning in 2008 and lingering with us today, have shaken the confidence and, frankly, shaken the business calculation of many small businesses.

These small businesses are looking to expand when they see the demand out there for their products. If the demand is there, they will, even in this environment, go forward with initial public offerings. They also repeatedly blame the lack of IPOs on accounting costs and all other compliance costs brought on by Sarbanes-Oxley and other laws. They conveniently ignore that the single largest cost, by a large multiple, is not the Sarbanes-Oxley audit costs or the attorney costs; they are the investment bankers' fees, and there is nothing in this legislation that will affect those fees whatsoever.

In the case of Groupon, for example, the investment bankers were paid 28 times what the auditors were paid. If we ask the shareholders of a company's stock whether they would prefer solid auditing practices going forward to ensure their investment is being wisely used, I think they would say they prefer that to paying large fees to investment bankers. In the case of LinkedIn, the underwriters were paid 18 times what the auditors were. Groupon paid their accountants and auditors \$1.5 million, and their investment bankers received \$42 million. So the notion that these Sarbanes-Oxley auditing costs and accounting procedures are what is stopping a business person from deciding to go ahead ignores the fact that compared to the investment banking fees which they will still have to pay, these costs are somewhat insignificant in comparison.

Theoretically, this bill is supposed to promote the flow of capital to emerging businesses. But in practice it will likely promote and continue to promote the flow of big fees to investment bankers and others to bring these companies public. There is nothing wrong with that, but there is nothing in this underlying legislation that is going to require discounts in the cost of an IPO because of the reductions in accounting costs. There is nothing in this legislation that will change that dynamic. However, this legislation could give insiders more ways to manipulate the market while average investors are left out in the cold.

There is a difference between cutting redtape and allowing insiders to cut corners—undoing the commonsense safeguards that protect people who play by the rules. The House bill lowers standards for taking companies public and lowers standards for protecting the public from investment fraud.

This so-called IPO onramp desperately needs an offramp, through more careful consideration by the Senate and the House in conference so that we can improve some provisions which have great merit but need improvement. This bill would allow very large companies with up to \$1 billion in revenues per year to avoid financial transparency and auditing disclosure designed to ensure they are not manipulating their books while enjoying lighter regulation for up to 5 years after the IPO.

If this unbalanced bill becomes law without these needed improvements, it could weaken oversight of Wall Street—oversight that in the past has provided investors protections that are extremely important. Again, there is merit to the idea of giving small start-up companies more financing options, but the devil is in the details, and the way this bill is written and packaged could have the opposite effect and ultimately make it harder to raise capital.

It opens the spigot to general solicitation and mass marketing of what have traditionally been private securities offerings, and we could fully expect to have senior citizens and others—through nightly cable advertisements, through billboards, cold calls by brokers, or other individuals telling them about the special opportunities for investing their cash, fall for some of these tactics.

Retail investors can be solicited through this bill's reg A process to raise up to \$50 million capital for small businesses. They will hear the pitches to make their investment now and get rich.

Again, there is potential for expanding the use of regulation A—it is on the books already at the Securities and Exchange Commission—but not without safeguards. For example, as the bill is currently drafted, these solicitations can be made without audited financial statements. I think as a point of departure, if someone is trying to sell a security, they should at least have to provide ordered financials from the company they are soliciting on behalf of.

Now, the crowdfunding amendment, I hope, will be improved dramatically by the work of Senator MERKLEY and Senator BENNET and Senator BROWN. We will be voting on that later today too. It is a substantial improvement, but I think even they themselves will admit this is an experiment and perhaps could be improved even further. But I commend them and salute them for what they have done, and I hope our

colleagues will accept the amendment and move forward.

Over the last few days we have spent a great deal of time talking about the shortcomings in this legislation. With the exception of the proposals before us, many of these shortcomings still exist, and I think they will lead potentially to difficulties and harm to investors.

People understand investing is risky. They try to make an informed choice, and they win some and lose some. But most Americans would agree that U.S. financial markets work best when investors have access to timely, comprehensive, and accurate public information that allows people to make solid investment decisions. In fact, one of the principles of the competitive market, if we refer to an economics 101 textbook, is perfect information.

That is the assumption for competitive markets: perfect information.

Well, there is never perfect information. But there has to be adequate information. Otherwise it is not a market, it is a casino. This legislation undermines some of the decades-long protections we have had in place to provide at least adequate information to investors.

By stripping away auditing standards and giving the investing public less information in almost every setting, sophisticated players and investment banks will have all the advantages. The average investor will be operating in much more challenged circumstances.

Middle-class America will be particularly affected. As USA Today noted:

Banks that manage IPOs will be able to use inside access to past financial results to dominate research on new companies, with incentives to promote their firm's banking clients.

The American people want big banks and large companies to play fair and comply with the basic rules and responsibilities that go with being a public company. That is not too much to ask.

I believe history will judge this misnamed bill quite harshly. Instead of rushing to pass this bill, we should be working together to protect the interests and economic well-being of the American public. We should be focused on creating jobs and helping working families. In my estimate, this bill does not do that and, indeed, ironically, it could harm our constituents by shattering their faith—and it has been tested quite recently by the financial crisis and other crises—in the market, rather than reinforcing their confidence that they will be protected against fraud and manipulation.

I believe we are capable of writing better legislation without sacrificing important investor protections. I hope we can go forward. I am disappointed the substitute amendment, authored by myself and Senator LANDRIEU and Senator LEVIN, was not accepted. As

such, I would urge, when we get to final passage, people think very seriously about the consequences of the bill. Despite the efforts of Senator MERKLEY and Senator BENNET, Senator BROWN of Massachusetts and others, despite my efforts, I am afraid the final version of this legislation will not protect investors as it should and, therefore, should be rejected.

Mr. President, I ask unanimous consent that any time remaining in quorum calls be equally divided between my Republican colleagues and my Democratic colleagues.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. TOOMEY. Mr. President, I would like to yield myself 5 minutes to discuss the JOBS Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, I think we are on the verge of doing something very constructive in this body, something very constructive for our economy, for the American people, for economic growth, and for job creation. After being in a Congress that has thus far been a little frustrating for the lack of progress we have made on this front, today is a very big day.

We have a chance to pass a bill that has passed the House overwhelmingly with a huge bipartisan majority—a bill that the President of the United States has said he will sign into law. We have a chance to pass this, to have it signed into law, and to, thereby, enable small and growing businesses across America greater access to the capital they need to grow, to hire new workers, to help expand this economy, to really make some progress at a time when we need it badly.

The bill I am talking about, of course, is the JOBS Act. It has passed the House 390 to 23—an overwhelming majority. It consists of a series of component measures I will talk about in a little bit in some detail—each of which has either passed the full House almost unanimously or at least in committee by overwhelming majorities. This is very broad bipartisan support.

It is important, however, that to get to this point we need to defeat the amendment offered by my friend and colleague, whom I respect a great deal, the Senator from Rhode Island, who is offering an amendment that would have devastating unintended consequences—an amendment that does not merely weaken the progress we are going to make with this bill but would actually take us backwards from where we are today.

The way in which it would do that—and I doubt this is the intent, but I am sure this is the consequence of this amendment—if it were enacted, this amendment would cause companies

that are organized as private companies, for good and sufficient reasons—many for many years; they choose to be private companies because it is what is best for their business, their employees, and their customers—it would force many of them to become public companies against their will.

Because a change in the rules, in the regulations by which we count the number of shareholders—as the amendment from the Senator from Rhode Island would do—would trigger this change in the status of these companies, having an enormously detrimental impact on many companies, raising their costs of compliance dramatically, making them less profitable.

I am very concerned, for instance, among the many ways this could happen—one could be through ESOPs, the employee stock ownership plans. I know the Senator from Rhode Island believes they would not trigger this. I think it is very likely they would. Not only would this force private companies to go public against their will, but it would discourage the creation of employee ownership in companies. I think the last thing we want to do is discourage a very constructive way of compensating employees.

So if we can defeat the Reed amendment, then we can move on to—I think we will have another amendment that will deal with crowdfunding. I do not know whether that passes. But either way we will be able to expand the opportunity of small companies to raise capital through crowdfunding mechanisms. Then we will have a final passage vote on what I think might be the most pro-growth measure this body will consider perhaps this whole year.

Let me walk through a couple of specific items.

This is a chart I have in the Chamber that shows just a sampling of the organizations and institutions that support this bill. It is a wide range of businesses and business associations, folks who are in the business of launching new companies, of growing small companies. It is a long list. This is an incomplete subset of that list.

As shown on this next chart, this is an important point I want to make; that is, there is a very vast range of investor protections that are completely unaddressed, completely unaffected by this legislation.

The legislation is actually modest in the regulations it changes, and the categories it leaves in place to protect investors who are choosing to invest in companies—be they public or private—are quite extensive. A whole range of antifraud provisions that remain in full force are unaffected.

A full range of SEC disclosure and reporting obligations remain entirely still in full force. There are governance rules that are unaffected by any of this

legislation—proxy statements, reporting obligations. We have a very extensive body of law and regulation that very precisely controls all kinds of reporting and disclosure requirements designed to protect investors. It all stays in place.

Investors remain very well protected if this legislation is enacted.

I want to touch on the three aspects I think I am most excited about, and I will acknowledge my bias. These are three bills I introduced with Democratic cosponsors in the Senate, each of which has been rolled up into this package, in addition to the crowdfunding piece I alluded to earlier and a bill introduced by Senator THUNE and others that is also part of this package.

One of the pieces in this jobs package that is very constructive is a bill I introduced with Senator TESTER. This is a bill that takes the existing regulation A in the securities law, the body of law—regulation A allows companies to issue a security in a streamlined regulatory fashion. It streamlines the process. It reduces costs somewhat. The problem is, the current limit is only \$5 million, making it not very practical for the vast majority of companies. Our bill would take that limit to \$50 million and make this an option to raise capital and grow a business that would be available to far more companies.

A second piece that I introduced with Senator CARPER, and I am very grateful to Senator CARPER for his work, is to lift the permissible number of shareholders that a small privately held business can have without triggering the full, very expensive, and onerous SEC compliance regime. Our bill would take that from a current level of 500 up to 2,000. There are many companies throughout Pennsylvania, across the country, that are successful. They are thriving, they are growing, but they have a number of shareholders that is bumping up against their limit. They are close to 500. They need to raise capital. They do not want to go public, and they have plenty of people who would like to invest in their successful business so they can grow. But they cannot do it because they are so close to the threshold. We would lift that threshold to 2,000 so they can raise more money in the private markets which is available to them.

Then, finally, what is in some ways the centerpiece of this legislation in my mind is a bill I introduced with Senator SCHUMER, and I thank him for his work. This is a bill that facilitates going public. When a company reaches that point in its growth where—in order to grow further, in order to hire more workers, in order to expand—it needs to become a publicly traded company, we make it more affordable for more companies to do that, so they can do it sooner, they can grow sooner,

they can hire the additional workers sooner.

We do it with what we call an onramp. It is a process by which a company—if it has less than \$1 billion in sales, less than \$750 million in market flow—such a company would be able to do a public offering without being subject to all of the most expensive parts of the SEC regulatory regime. They would be required to comply with a big majority of all of the existing reporting requirements, but there would be some pieces—especially section 404(b) of the Sarbanes-Oxley Act, which is extremely complex and expensive to comply with—they would not have to fully comply with that for 5 years or until they reached \$1 billion in sales or \$750 million in market flow, whichever came first.

So what we are doing with this part of the JOBS Act is we are giving small and growing companies an opportunity to grow into the ability to afford the most expensive regulation to which they would be subject. Nobody is exempted permanently. Everybody who goes public would be subject to the full panoply of regulations within 5 years or sooner if they grow faster, and it is only available to companies that have sales, as I said, of less than \$1 billion. But that describes a great number of companies.

I can tell you from personal experience, when a company is approaching that threshold of asking themselves: Should we go public—we could grow, we could use the capital, we could deploy it to hire more workers, we could make constructive use of it—they also have to weigh the cost. The cost of compliance right now is huge, and we have seen a huge dropoff in the number of IPOs. We have seen a huge extension in the period of time between the successful launch of a company and the moment they do an IPO. We have seen that lengthen dramatically since we passed Sarbanes-Oxley. It is, in part, because it is so expensive to comply.

So what we will be doing, if we pass this legislation today—which I certainly hope we will—is making it a little bit more affordable for companies to make that decision sooner, which means hiring workers sooner, which means growing sooner, which means more growth for our economy, more opportunities for all of the people we represent.

So I am very optimistic. I am very pleased that we have been able to pull together such broad bipartisan support—this overwhelming vote in the House, the endorsement of the President of the United States, the support and cooperation with individual Democratic Senators who have cosponsored key pieces of this legislation.

I do think it is equally important we defeat the Reed amendment so we do not actually go backwards in this process and have the unintended con-

sequence of forcing currently private companies to become public against their will, forcing them to incur all kinds of costs that are actually counterproductive. If we can do that today, then I think we can pass this legislation. We know the President of the United States will sign it. We should do it as soon as we can. I wish to thank all my colleagues who played a role in advancing us to the point we are at today.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. DURBIN. Madam President, how much time is remaining in the debate on this measure?

The PRESIDING OFFICER. There is 23 minutes total; 18 minutes on the majority side.

Mr. DURBIN. Madam President, I see the floor is vacant. I assume the time is being taken from both sides at this moment.

The PRESIDING OFFICER. In the quorum call, the time is being charged equally. Right now, it is being charged to the majority.

Mr. DURBIN. Thank you. I will try to fill that time with something interesting. The United States has the best markets in the world. Because of strong regulation and oversight by the Securities and Exchange Commission and other agencies, our markets are transparent and investors get accurate detailed information. One hundred million Americans depend on the strong regulated markets when they are making their savings for retirement or college. This is a creation that began back after the Great Depression, when Franklin Roosevelt said we needed to establish the appropriate regulatory agencies to set the economy on the right track and keep it there.

Strong oversight has helped pension fund managers who count on safety and transparency so they can provide pension benefits to millions of American retirees, and investors from around the world bring their money here because of our investor protections. Yet the Senate is considering a House-passed capital formation bill that rolls back the very protections that make our markets the best in the world.

Supporters of this bill claim investors will jump at the opportunity to invest in a company as soon as we reduce disclosure, auditing, and accounting standards. They say this is a perfect way to create jobs. But why should investors choose to invest in companies under conditions that do less to protect

their money? Why should investors who were burned during the dot-com crash put more capital in companies that are exempt from the same rules we put in place to ensure it would never happen again? Why would investors who were left with nothing after the financial crisis because of risky behavior by executives with golden parachutes find companies exempt from compensation standards more attractive?

The answer is they will not. The ones who do will be more exposed to deceit and fraud. The result will not be more jobs, it will be less transparency, less accountability. Professor John Coates of Harvard Law School agrees. Here is what he said: “[T]he proposals could not only generate front-page scandals, but reduce the very thing they are being promoted to increase: job growth.”

Listen to what SEC Chief Accountant Lynn Turner said:

The proposed legislation is a dangerous and risky experiment with US capital markets. . . . I do not believe it will add jobs but may certainly result in investor losses.

The House-passed bill, as written, will not create jobs, but let me tell you what it will do. It will exempt firms with more than \$1 billion in revenue—that is 90 percent of the newly public companies—more than \$1 billion of annual revenue exempted from the standards that help ensure audits based on facts, not on who is managing the auditor's contract. These are the same internal controls we just adopted after Enron, after we were burned there, after investors lost their money, after pension funds lost their investment, after people lost their jobs. We set up standards and said: Let it never happen again.

In this euphoria, we are going to repeal the Enron standards for these companies. This bill would allow companies to use billboards and cold calls to lure unsophisticated investors with the promise of making a quick buck investing in new companies.

According to the New York Times, it will allow anyone with an idea to post that idea online and raise \$1 million without ever providing financial statements. This is a scam. How many times have we picked up our cell phones to see there is a Nigerian opportunity out there? Be prepared after this bill passes. They will not be from Nigeria; they may be from next door. We are giving them the opportunity to ask people all across America for their hard-earned savings on investments that are not backed with financial statements.

Last Friday, SEC Commissioner Aguilar joined the Chairman of the SEC Mary Schapiro in raising concerns about this House-passed bill. Is that not fair warning that we ought to at least have a hearing on this bill before it passes?

I ask unanimous consent to have Commissioner Aguilar's statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Securities and Exchange Commission, Mar. 16, 2012]

INVESTOR PROTECTION IS NEEDED FOR TRUE CAPITAL FORMATION

(By Commissioner Luis A. Aguilar)

Last week, the House of Representatives passed H.R. 3606, the “Jumpstart Our Business Startups Act.” It is clear to me that H.R. 3606 in its current form weakens or eliminates many regulations designed to safeguard investors. I must voice my concerns because as an SEC Commissioner, I cannot sit idly by when I see potential legislation that could harm investors. This bill seems to impose tremendous costs and potential harm on investors with little to no corresponding benefit.

H.R. 3606 concerns me for two important reasons. First, the bill would seriously hurt investors by reducing transparency and investor protection and, in turn, make securities law enforcement more difficult. That is bad for ordinary Americans and bad for the American economy. Investors are the source of capital needed to create jobs and expand businesses. True capital formation and economic growth require investors to have both confidence in the capital markets and access to the information needed to make good investment decisions.

Second, I share the concerns expressed by many others that the bill rests on faulty premises. Supporters claim that the bill would improve capital formation in the United States by reducing the regulatory burden on capital raising. However, there is significant research to support the conclusion that disclosure requirements and other capital markets regulations enhance, rather than impede, capital formation, and that regulatory compliance costs are not a principal cause of the decline in IPO activity over the past decade. Moreover, nothing in the bill requires or even incentivizes issuers to use any capital that may be raised to expand their businesses or create jobs in the U.S.

Professor John Coates of Harvard Law School has testified that proposals of the type incorporated into H.R. 3606 could actually hurt job growth:

“While [the proposals] have been characterized as promoting jobs and economic growth by reducing regulatory burdens and costs, it is better to understand them as changing . . . the balance that existing securities laws and regulations have struck between the transaction costs of raising capital, on the one hand, and the combined costs of fraud risk and asymmetric and unverifiable information, on the other hand. Importantly, fraud and asymmetric information not only have effects on fraud victims, but also on the cost of capital itself. Investors rationally increase the price they charge for capital if they anticipate fraud risk or do not have or cannot verify relevant information. Anti-fraud laws and disclosure and compliance obligations coupled with enforcement mechanisms reduce the cost of capital.

“ . . . Whether the proposals will in fact increase job growth depends on how intensively they will lower offer costs, how extensively new offerings will take advantage of the new means of raising capital, how much more often fraud can be expected to occur as a result of the changes, how serious the

fraud will be, and how much the reduction in information verifiability will be as a result of the changes.

“Thus, the proposals could not only generate front-page scandals, but reduce the very thing they are being promoted to increase: job growth.”

Similarly, Professor Jay Ritter of the University of Florida has testified before the Senate banking committee that such proposals could in fact reduce capital formation:

“In thinking about the bills, one should keep in mind that the law of unintended consequences will never be repealed. It is possible that, by making it easier to raise money privately, creating some liquidity without being public, restricting the information that stockholders have access to, restricting the ability of public market shareholders to constrain managers after investors contribute capital, and driving out independent research, the net effects of these bills might be to reduce capital formation and/or the number of small [emerging growth company] IPOs.”

As drafted, H.R. 3606 would have significant detrimental impacts on the U.S. securities regulatory regime, including the following:

First, the bill will reduce publicly available information by exempting “emerging growth companies” from certain disclosure and other requirements currently required under the Federal securities laws. The bill's definition of “emerging growth company” would include every issuer with less than \$1 billion in annual revenues (other than large accelerated filers and companies that have issued over \$1 billion in debt over a three year period) for five years after the company's first registered public offering. It is estimated that this threshold would pick up 98% of IPOs and a large majority of U.S. public companies for that five year period.

An emerging growth company would only have to provide two years (rather than three years) of audited financial statements, and would not have to provide selected financial data for any period prior to the earliest audited period presented in connection with its initial public offering. It would also be exempt from the requirements for “Say-on-Pay” voting and certain compensation-related disclosure. Such reduced financial disclosure may make it harder for investors to evaluate companies in this category by obscuring the issuer's track record and material trends.

“Emerging growth companies” would also be exempt from complying with any new or revised financial accounting standards (other than accounting standards that apply equally to private companies), and from some new standards that may be adopted by the PCAOB. Such wholesale exemptions may result in inconsistent accounting rules that could damage financial transparency, making it difficult for investors to compare emerging companies with other companies in their industry. This could harm investors and, arguably, impede access to capital for emerging companies, as capital providers may not be confident that they have access to all the information they need to make good investment decisions about such companies.

Second, the bill would greatly increase the number of record holders a company may have, before it is required to publish annual and quarterly reports. Currently, companies with more than 500 shareholders of record

are required to register with the SEC pursuant to Section 12(g) of the Securities Exchange Act and provide investors with regular financial reports. H.R. 3606 would expand that threshold to 2000 record holders (provided that, in the case of any issuer other than a community bank, the threshold would also be triggered by 500 non-accredited investors). Moreover, the bill would exclude from such counts any shareholders that acquire securities through crowdfunding initiatives and those that acquire securities as eligible employee compensation. Thus, a company could have a virtually unlimited number of record stockholders, without being subject to the disclosure rules applicable to public companies. This effect is magnified by the fact that the reporting threshold only counts records holders, excluding the potentially unlimited number of beneficial owners who hold their shares in "street name" with banks and brokerage companies, and thus are not considered record holders.

This provision of the bill raises concerns because it could significantly reduce the number of companies required to file financial and other information. Such information is critical to investors in determining how to value securities in our markets. Regular financial reporting enhances the allocation of capital to productive companies in our economy.

Third, the bill would exempt "emerging growth companies" from Section 404(b) of the Sarbanes-Oxley Act, which requires the independent audit of a company's internal financial controls. Section 404(b) currently applies only to companies with a market capitalization above \$75 million; companies below that threshold have never been subject to the internal controls audit requirement and were exempted from such requirement in the Dodd-Frank Act. The internal controls audit was established following the accounting scandals at Enron, WorldCom and other companies, and is intended to make financial reporting more reliable. Indeed, a report last year by Audit Analytics noted that the larger public companies, known as accelerated filers, that are subject to Section 404(b), experienced a 5.1% decline in financial statement restatements from 2009 to 2010; while non-accelerated filers, that are not subject to Section 404(b), experienced a 13.8% increase in such restatements. A study by the SEC's Office of the Chief Accountant recommended that existing investor protections within Section 404(b) be retained for issuers with a market capitalization above \$75 million. With the passage of H.R. 3606, an important mechanism for enhancing the reliability of financial statements would be lost for most public companies, during the first five years of public trading.

Fourth, the bill would benefit Wall Street, at the expense of Main Street, by overriding protections that currently require a separation between research analysts and investment bankers who work in the same firm and impose a quiet period on analyst reports by the underwriters of an IPO. These rules are designed to protect investors from potential conflicts of interests. The research scandals of the dot-com era and the collapse of the dot-com bubble buried the IPO market for years. Investors won't return to the IPO market, if they don't believe they can trust it.

Fifth, H.R. 3606 would fundamentally change U.S. securities law, by permitting unlimited offers and sales of securities under Rule 506 of Regulation D (which exempts certain non-public offerings from registration under the Securities Act), provided only that

all purchasers are "accredited investors". The bill would specifically permit general solicitation and general advertising in connection with such offerings, obliterating the distinction between public and private offerings.

This provision may be unnecessary. A recent report by the SEC's Division of Risk, Strategy and Financial Innovation confirms that Regulation D has been effective in meeting the capital formation needs of small businesses, with a median offering size of \$1,000,000 and at least 37,000 unique offerings since 2009. Regulation D offerings surpassed \$900 billion in 2010. The data does not indicate that users of Regulation D have been seriously hampered by the prohibition on general solicitation and advertising.

I share the concerns expressed by many that this provision of H.R. 3606 would be a boon to boiler room operators, Ponzi schemers, bucket shops, and garden variety fraudsters, by enabling them to cast a wider net, and making securities law enforcement much more difficult. Currently, the SEC and other regulators may be put on notice of potential frauds by advertisements and Internet sites promoting "investment opportunities." H.R. 3606 would put an end to that tool. Moreover, since it is easier to establish a violation of the registration and prospectus requirements of the Securities Act than it is to prove fraud, such scams can often be shut down relatively quickly. H.R. 3606 would make it almost impossible to do so before the damage has been done and the money lost.

In addition others have noted that the current definition of "accredited investor" may not be adequate and that the requirement that purchasers be accredited investors would provide limited protection. For example, an "accredited investor" retiree with \$1 million in savings, who depends on that money for income in retirement, may easily fall prey for a "hot" offering that is continually hyped via the internet or late night commercials.

These are just a few observations regarding H.R. 3606. It also includes other provisions that require substantial further analysis and review, including among other things the so-called crowdfunding provisions.

The removal of investor protections in this bill are among the factors that have prompted serious concerns from the Council of Institutional Investors, AARP, the North American Securities Administrators Association, the Consumer Federation of America, and Americans for Financial Reform, among others.

QUESTIONS RE: H.R. 3606

As H.R. 3606 is considered, the following is a non-exhaustive list of questions that should be addressed:

1. The bill would define "emerging growth company" as any company, within 5 years of its IPO, with less than \$1 billion in annual revenue, other than a large accelerated filer or a company that has issued \$1 billion in debt over a three-year period.

What is the basis for the \$1 billion revenue trigger?

Why is revenue the right test? Why is \$1 billion the right level?

It has been estimated that this definition would include 98% of all IPOs, and a large majority of all public companies within the 5-year window. Was such a broad scope intended?

2. As provided in the bill, financial accounting standards, auditing and reporting standards, disclosure requirements, and the period for which historical financial state-

ments is required, could all differ as between "emerging growth companies" and all other public companies—including all companies that went public before December 8, 2011.

How will these differences affect the comparability of financial reporting for these two classes of issuers?

Will reduced transparency, or lack of comparability, affect the liquidity of emerging growth companies?

Will reduced transparency or reduced liquidity affect the cost of capital for emerging growth companies? Will investors demand a "discounted price" to offset any perceived higher risk resulting from reduced disclosures and protections?

Will emerging growth companies be required to include risk factors or other disclosure in their registration statements and other filings, regarding transparency, comparability and any potential effects thereof?

3. The bill would expand the threshold for the number of shareholders an issuer may have, before it is required to file annual and other reports under Section 12(g) of the Exchange Act, from 500 to 2000 (of which no more than 500 may be non-accredited investors, for issuers other than community banks), and would exclude from such counts shareholders that acquire securities through crowdfunding initiatives and those that acquire securities as eligible employee compensation.

How was the new threshold of 2000 holders determined?

Is that the right threshold for determining whether the public interest in such securities justifies regulatory oversight?

How many companies would be exempted from registration and reporting by the bill?

When shares are held in "street name" the number of beneficial owners may greatly exceed the number of record holders. How will the new threshold of 2000 record holders be applied in such cases?

How would the exclusion of employees and crowdfunding purchasers be applied, if such holders transfer their shares to other investors? How would this be tracked?

4. To the extent the bill results in reduced transparency and/or reduced liquidity for emerging growth companies, or for companies exempted from Exchange Act reporting by the new thresholds under Section 12(g), such results may impact investment decisions by institutional investors.

How would mutual fund managers, pension fund administrators, and other investors with fiduciary duties address such reduced transparency or lack of liquidity in making investment decisions?

Could reduced transparency or reduced liquidity impact the ability of fund managers to meet applicable diversification requirements?

Could such effects cause managers to increase concentration into fewer US reporting companies? How would such concentration affect market risk? Would the bill result in investor funds being redirected to companies overseas?

5. The bill is being promoted as a jobs measure, on the grounds that reducing regulation will improve access to capital for small and emerging businesses, allowing them to grow and add employees.

What is the evidence that regulatory oversight unduly impedes access to capital?

What is the evidence that companies that are otherwise prepared to grow (that is, they have the appropriate business model, management team, and aspirations) are prevented from growing by an inherent lack of access to potential sources of capital?

I understand that the costs of complying with regulatory requirements are a factor underpinning H.R. 3606. How do such costs compare to other costs of raising capital, such as investment banking fees? How do such costs compare to other administrative costs? If reduced transparency, lack of comparability, and other consequences of the bill result in a higher cost of capital for emerging growth companies, will the money saved on compliance be worth it?

6. Evidence shows that the public companies that are currently exempt from internal controls audit requirements have a higher incidence of financial reporting restatements, and that companies that have restated their financial results produce substantially lower returns for investors.

How do any perceived benefits from H.R. 3606's exemption of emerging growth companies from the audit of internal controls compare to the likelihood of increased restatements? Would an increase in restatements hamper capital formation?

Will the lack of an internal controls audit result in greater financial and accounting fraud?

7. The bill requires the Commission to revise its rules to provide that the prohibition against general solicitation or general advertising contained in Regulation D shall not apply to offers and sales of securities pursuant to Rule 506, provided that all purchasers are accredited investors.

Given the success of Regulation D as a capital raising mechanism, including its successful use by small and emerging companies, is there any evidence that general solicitation and general advertising are necessary for capital formation?

Given the current definition of "accredited investor", is that the right test for determining who issuers may target, in offers made by general solicitation or advertising?

CONCLUSION

H.R. 3606 would have a significant impact on the capital markets and raises many questions that have yet to be satisfactorily resolved. I have yet to see credible evidence that justifies the extensive costs and potential harm to investors this bill may impose.

I urge Congress to undertake the review necessary to resolve these questions, and to ensure that investors, as the providers of the capital that companies need to grow and create jobs, have the protections they need and deserve.

Mr. DURBIN. Commissioner Aguilar said he shares concerns expressed by many that provisions of this bill would be a boon to boiler room operators, Ponzi schemers, bucket shops, and garden variety fraudsters by enabling them to cast a wider net and make securities law enforcement that much more difficult.

Others have raised concerns. The North American Securities Administrators Association, the Consumer Federation of America, the Americans for Financial Reform, the Council of Institutional Investors, securities experts such as Professor John Coffee and former SEC Chief Accountant Lynn Turner, the AARP, concerned that seniors will be bilked out of their savings with these phony solicitations for companies that may not even exist.

I share the concerns. I believe there is a path forward to protect investors and make it easier for small firms to

come up with capital. Several of my colleagues had a substitute amendment—Senator JACK REED, Senator CARL LEVIN, Senator MARY LANDRIEU—which would have done just that, made it easier to raise capital but kept the safeguards in place.

It was defeated virtually on a party-line vote. It was defeated. It would have preserved the Dodd-Frank say-on-pay provisions to allow investors to weigh in if executives are getting exorbitant compensation and golden parachutes. The amendment would have prohibited companies from advertising and selling stock to the unsophisticated, unsuspecting investors. It would have included minimum requirements for crowdfunding Web sites so investors are not blindly giving money to someone with a good-looking Web site that promises a good return that will never ever happen.

In short, the amendment would have responded to investors' concerns—the very same investors some of my colleagues claim the underlying bill will encourage to invest.

That is not all we have done. The amendment also included a reauthorization of the Export-Import Bank, which makes loans to major companies and smaller companies too who want to export American-made products made by American workers.

The reauthorization increased the bank's lending cap to \$140 billion. This is the same Export-Import Bank that received bipartisan support in the Banking Committee and was reported out on a voice vote. A similar reauthorization was introduced by a Republican the last time around in 2006. It passed the Senate without even the requirement of a record vote.

However, yesterday, both the Landrieu-Reed-Levin amendment, which was the substitute that included the Export-Import Bank reauthorization, and the Cantwell amendment failed to obtain enough votes to invoke cloture, mostly on a party-line vote. Two Republicans voted to extend the Export-Import Bank authorization—two. This is a bank which gives our companies in America a fighting chance around the world to compete with those companies in other countries that are subsidized by their government. We have the Export-Import Bank to help our companies, companies in my State such as Boeing and Caterpillar. Good-paying jobs right here in America, sustained by exports, helped by the Export-Import Bank, defeated on the floor of the Senate. Only two Republican Senators would step up and vote for that bank, and it used to be noncontroversial. We did it because we knew it was so good for our economy. It turned out to be a partisan issue.

Too many things turn out to be partisan issues on the Senate floor lately. That is the latest casualty. It is clear that politics and theoretical jobs cre-

ated by a bill that significantly reduces investor protections are more important to some of my colleagues than the real jobs that would have been created by the Export-Import Bank.

The Export-Import Bank is responsible for supporting 288,000 American jobs at more than 2,700 U.S. companies. One would think it would have won more than two Republican votes. Madam President, 113 of these companies are located in my State of Illinois and 80 are small businesses.

One of those companies, Holland LP, in Crete, IL, employs 250 people and completed a major export transaction with assistance from the Export-Import Bank. Holland was able to sell two complete in-track welding systems to a company in Brazil.

The CEO of Holland said: "Without [the Export-Import Bank], this transaction would not have come to life."

That is how the Ex-IM Bank can help companies in my State and companies around the United States.

I have to say, there will be an amendment offered soon, this afternoon, within the hour, the Merkley-Bennet-Scott Brown amendment, which is bipartisan. It would allow small businesses to raise up to \$1 million through crowdfunding Web sites but will put in protections for investors from those posing as a business and selling a lot more hope than substance.

The amendment would require all crowdfunding Web sites to register with the SEC. That is a step in the right direction. It is one of the most important elements that needs to be changed in this bill out of about eight elements, and it is the only one we are likely to address this afternoon.

I urge my colleagues to support the amendment of JACK REED of Rhode Island requiring the SEC to revise the definition of "holder of record." The financial industry has been working overtime to beat this amendment. They have been on the phones calling everybody saying, "Stop the Reed amendment."

According to John Coffee, a professor at Columbia Law School, the shareholder of record concept is archaic and can be gamed.

State securities regulators also share that same concern. The American Securities Administrators Association said in a recent letter that it makes little sense to exclude any investor from the count of beneficial holders.

The Reed amendment would require the SEC to update the definition of "holder of record" to revise an outdated definition that may hide the true number of shareholders a company might have.

While I believe the bipartisan Merkley-Bennet and the Reed amendments will significantly improve parts of this bill, it doesn't make this a good bill. That is why I am prepared to vote no on final passage.

This bill, as much as any bill we have ever considered on the Senate floor, should have at least had a hearing. We should have at least brought in some expert witnesses. I will tell you, we will rue the day we ran this thing through the House and Senate without the appropriate oversight. I can already predict, having seen this happen time and again, there will come a time, after we pass this bill, when we start hearing from Americans who are being lured into phony investments, losing their life savings and their retirement in the process, and we will step back and say: My goodness. How did that happen? Remember, on March 22, 2012, we had a chance to make a difference to slow down and stop this bill until there was an adequate hearing, until we could put safeguards into place, which Americans deserve.

I am not against investment. I know there is risk associated with it. We have said since the 1930s—1932—under the creation of the SEC, that we owe to Americans, when they make a decision about an investment, two basic elements: Make sure the salesman is telling the truth and make sure what he said can be backed up with audited financial statements.

We can all remember stories about the people who used to blow in, sit down and sell penny stocks and \$5 stocks and unsuspecting investors losing their savings as these folks caught the next train out of town. We don't need to return to that in the name of job creation. If we are creating the jobs of new charlatans who are offering these investments, these are not the kinds of jobs America should encourage.

I believe the House-passed bill should be defeated today. We should take the time to get it right and listen to the Chairman of the SEC and put the protections in the law so we can move forward with a bill that all of us can be proud of.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Madam President, I rise to address the amendment on crowdfunding that we will be considering shortly on the floor of the Senate. Specifically, the goal is to create a solid foundation for success of enabling Americans to invest in startup companies, invest in small companies through the Internet, and to do so in a fashion that does not result in predatory scams but results in capital formation that helps small business thrive across our Nation.

The House bill, as it came over to us, has crowdfunding provisions that are simply a pathway to predatory scams, a paved highway to predatory scams. What do I mean by that? They say basically that a company seeking to raise investment capital doesn't have to give any financial information of any kind

about their company. If they do provide information, they don't have to have accountability for the accuracy of that information. By the way, they can hire people to pump their stock, and that is OK under the law. In other words, everything we associate with the worst boiler rooms, the worst pump-and-dump schemes, is made legal by the House legislation. That is why we need to fix this on the floor of the Senate.

We lay out a provision that says, if you raise less than \$100,000, you as the CEO assert the accuracy of the information you are putting out—simple financial statements. If you raise a larger amount of funds, you proceed to have an accountant-reviewed statement that you can vouch for. If you raise yet more funds, at a higher level, then you have an audited financial statement. So it is adjusted in degrees and it streamlines it to the appropriate levels, based on the amount of investment you are asking.

This amendment says directors and officers should take responsibility for the accuracy of that information. That will give investors a great deal more confidence that what they are reading is actually and truly the case. That is a foundation for successful investment.

There are many folks across the country who have looked at these crowdfunding positions, different measures. I thought I would read from Motaavi, a crowdfunding intermediary based out of North Carolina. On the House bill, they say:

The crowdfunding language in the [House bill] lacks critical investor protection features. It does not require offerings to be conducted through an intermediary, which opens the door to fraudulent activity. . . . It also does not require appropriate disclosures or inspections. The bill does not require the issuer to inform investors of dilution risk or capital structure.

Crowdfunding is premised on openness. Without disclosure, investors cannot protect themselves or accurately price the securities they are buying. If issuers are not willing to provide information over and above what is required, the [House] language does not provide investors with other alternatives short of giving up on crowdfunding altogether.

They then comment on the bipartisan amendment we are presenting on the floor of the Senate, and they note:

It strikes the right balance between disclosure and flexibility. The language is tightly integrated with existing securities laws to provide investor protection. It places easily met obligations on the issuer and the intermediary to ensure that investors have the information they need to make sound decisions. The bill has many provisions for appropriate rulemaking, and is written in a way that reflects how crowdfunding actually works.

Remember, this is a crowdfunding intermediary based in North Carolina—one working to occupy this Internet space and wants a platform, a structure, that works and makes crowdfunding a legitimate strategy for capital formation.

The letter continues:

We think crowdfunding can be a valuable and integral part of the capital formation process. The Crowd Funding Act is the right bill [the amendment we are considering today] to make this happen.

Launcht is a crowdfunding portal provider. They say:

For the first time, we have a Senate bill with bipartisan sponsorship, a balance of state oversight and Federal uniformity, industry standard investor protections, and workable funding caps.

Let's turn to the startup exemption—three entrepreneurs who have led the charge in our Capitol for flexible provisions for crowdfunding:

We write to suggest that if you consider the House version of the bill, you consider adding the following crucial components:

1. Crowdfunding investing intermediaries that are SEC-regulated to provide appropriate oversight.

2. All or nothing financing so that an entrepreneur must hit 100 percent of his funding target, or no funds will be exchanged.

3. State notification, rather than state registration, so the states are aware of who is crowdfunding in their states. This ensures they retain their enforcement ability while creating an efficient marketplace.

These provisions are in the amendment we are considering and the amendment they have endorsed.

Finally, we have SoMoLend, a peer-to-peer lending site. Here is their commentary, where they say this amendment is:

. . . robust enough to provide guidance to a new industry, but will also benefit the crowdfunding industry in the long-term, as compared to a possible race to the bottom with a "no regulatory" approach. The disclosure and regulatory requirements will provide adequate information to investors, advising of risk but also deterring fraud.

It continues:

Again, this has long-term benefits to the industry as a whole.

This hits at the heart of why these investor protections are so important. Not only do they deter scams and fraud, not only do they protect vulnerable investors, such as seniors and others, who have little experience in the investing market, but they build a strong capital formation market, a successful platform for capital formation, a market that puts capital where citizens would like to put it—the wisdom of the crowd, if you will—a market that allows good ideas to rise to the top, a market that will create jobs now and in the future.

I urge my colleagues to support amendment No. 1884 to provide the right balance of streamlining and investor protection.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I ask unanimous consent to speak up to 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1931

Mr. REED. Madam President, shortly, we will be voting on my amendment, which will maintain the House's increase in the number of shareholders at 2,000 in order to remain private. But what I do is actually ensure that the shareholders are the real shareholders; that there is not an intermediary holding the stock in the name of perhaps literally hundreds of shareholders, but they are the real shareholders.

There has been some criticism about the effect it will have on ESOPs, private funds, mutual funds, and others. We have been assured by legal experts it doesn't affect any of these funds or entities.

In addition, the SEC has assured us that it, through rulemaking, can clarify that ESOPs, mutual funds, private funds, and other entities similar to these will not be affected. I believe if a company has 2,000 real shareholders, those shareholders should have access to routine information on a regular basis, and that is the thrust of this amendment.

SHAREHOLDER THRESHOLD

Mrs. HUTCHISON. Madam President, one of the six components of the House-passed JOBS Act is a measure I sponsored here in the Senate to foster capital formation in the community banking industry. I appreciate the support of Senator TOOMEY and twelve additional cosponsors, including Senators PRYOR, MCCASKILL and BILL NELSON. Our bill would update the threshold before a bank must register its securities with the Securities and Exchange Commission from 500 shareholders to 2,000. It is Title 6 in the JOBS Act before us today. My colleague Senator TOOMEY has a bill contained in the JOBS Act as well that would raise the shareholder threshold for all companies. Senator TOOMEY's legislation is contained in Title 5 of the JOBS Act.

On this point, my understanding is that Sections 501 and 601 of the JOBS Act address two distinct classes of issuers. One is a general provision for all issuers other than banks and bank holding companies—and the other one applies to banks and bank holding companies. I ask the Senator, is this correct?

Mr. TOOMEY. Yes, that is my understanding. I thank Senator HUTCHISON for all of her hard work on the bank shareholder bill, and for clarifying this point.

Mrs. FEINSTEIN. Madam President, I rise today in strong opposition to the JOBS Act. Supporters of this bill insist it will help small businesses looking to raise capital, but instead its primary

effect would be to strip away critical investor protections.

The House-passed bill applies to more than just small businesses. It also exempts large corporations—those with annual revenues up to \$1 billion—from important financial reporting requirements.

There are many good reasons why public companies are required to undergo periodic examinations and disclose financial information, and this bill undercuts those protections.

I remember the massive fraud and financial chicanery that led Enron to intentionally shut down powerplants in California in order to pump up profits. And all of us remember the lasting damage from the collapse of the dot-com bubble.

Let me go over some of the problems with the House bill.

It would eliminate the requirement that many companies audit their internal controls, a requirement put in place specifically in response to the Enron debacle.

Companies with virtually no operating history could sell stock directly to the public over the Internet without going through any registered intermediary.

The bill has no meaningful protections to prevent investors' savings from being wiped out on risky investments. Investors could bet 10 percent of their annual income on any one company, with no limit to how much income or savings they could invest in multiple companies' stock sold over the Internet with little financial disclosure.

The JOBS Act would reduce the number of years of audited financial statements that companies must publicly disclose.

It would abolish shareholder advisory votes on executive compensation and golden parachutes.

And it would eliminate the disclosure requirement of CEO-to-median-worker salary ratio required under the Dodd-Frank Wall Street Reform Act.

It remains unclear why the supporters of the JOBS Act believe disclosing executive compensation is an obstacle to companies going public.

Under the JOBS Act, a fraudster could raise up to \$1 million in small increments from mom-and-pop investors without having to disclose any significant financial or legal disclosures. Candidly, this could lead to the greatest proliferation of get-rich-quick schemes in history.

It is a shame this process has unfolded in this manner and at this breakneck speed. There are some merits to the underlying goal of the bill.

Reducing compliance costs on actual small businesses seeking to go public is a laudable goal. But instead of debating the issues, we are rushing through this bill.

It is important to note that, even under the Sarbanes-Oxley law, finan-

cial game-playing by big public companies has not gone away. This bill would invite even more of that harmful activity, under the guise of being good for the public marketplace.

Congress's recent track record on financial deregulation isn't very good. In the past decade or so Congress has eliminated the Glass-Steagall firewall between commercial and investment banking and deregulated the over-the-counter derivatives market. We are still paying for those mistakes.

I had hoped the Senate would be humbled by that experience. Instead, we are rushing through changes to decades-old securities laws that could have significant negative effects on investor protections.

I voted against the JOBS Act so we can take the time to truly understand the ramifications of this bill for the marketplace, small businesses, and investors.

Mrs. BOXER. Madam President, I wish to explain my opposition to H.R. 3606, a bill that would undermine regulation of our financial markets and leave investors vulnerable to fraud.

The underlying spirit of this legislation is one that I support: improving the ability of smaller companies, especially startups, to raise capital. Small companies are essential to our economy, and it is critical that they be able to raise capital efficiently. Our financial regulations should be up-to-date and pragmatic, realistically reflecting the size of new public companies in modern times, and new methods of reaching out to potential investors.

However, I am deeply concerned that the bill goes too far in rolling back investor protections. These rules were created for a reason, often after hard lessons learned from scandals like Enron and WorldCom. They protect ordinary people from losing their retirement savings to corporate fraud and mismanagement, and help our markets function efficiently, ensuring that investors of all types have meaningful and accurate information. All companies benefit when investors have confidence in the safety and fairness of the marketplace.

SEC Chair Mary Schapiro and SEC Commissioner Luis Aguilar have raised concerns that this bill will hinder securities law enforcement and reduce investor protection. Bloomberg News editorialized that it "would be dangerous for investors and could harm already fragile financial markets." The New York Times Editorial Board said this legislation "would undo essential investor protections, reduce market transparency and distort the efficient allocation of capital." CalPERS and CalSTRS have expressed concerns, as have Americans for Financial Reform, AARP, AFL-CIO, AFCSME, Consumer Federation of America, the Main Street Alliance, the Sustainable Business Council, and many other well-respected organizations.

It is a mistake to rush this important piece of legislation when the possibility of a genuinely bipartisan compromise exists. The Reed-Landrieu-Levin amendment, which was blocked by Senate Republicans despite bipartisan support from 54 Senators, would have greatly improved the bill. It would have allowed smaller companies to raise capital more easily, without going as far as the underlying bill in providing exemptions for companies with annual gross revenue of up to \$1 billion. I thank my colleagues for their efforts in drafting that carefully balanced proposal.

I am pleased that the bipartisan Merkley-Bennet-Brown amendment became part of the bill. It will allow companies to reach investors through social media, but with sensible rules to reduce fraud and provide meaningful regulatory oversight. Nevertheless, significant investor protection problems remain in the other sections of the bill, and I cannot support its passage.

I was also disappointed that reauthorization of the Export-Import Bank, which was offered as an amendment by a group of bipartisan cosponsors, was blocked by Senate Republicans.

The Ex-Im Bank keeps American businesses competitive worldwide, especially in countries with challenging economic and political conditions, and sustains American jobs in the process. The Bank's investments helped to support 290,000 export-related American jobs last year, including 21,025 in California. As the economic recovery continues, now is not the time to take away this support and put our companies at a disadvantage.

This bill clearly was rushed; this bill is risky for investors, and that is why I voted no.

Mr. JOHNSON of South Dakota. Madam President, I rise today to express my views on the bill that is before us—H.R. 3606—the Jumpstart Our Business Startups Act. This bill is a package of measures intended to increase capital formation a goal which I believe Democrats and Republicans share. Banking Committee members on both sides of the aisle, including Senators SCHUMER, CRAPO, TESTER, VITTER, MERKLEY, TOOMEY, BENNET and JOHANNES, teamed up to introduce a number of bipartisan legislation on this issue, and I commend them for their hard work.

Small businesses are the engine of the American economy. Start-ups and small businesses create a majority of new jobs, and they deserve every opportunity to take an idea and turn it into an exciting, new venture that could lead to the next great American company.

Investments are often necessary resources that allow start-ups and small businesses to grow. Unfortunately, the recent trend is that fewer emerging growth companies are entering the

U.S. capital markets through IPOs. According to the IPO Task Force, 92 percent of job growth occurred after a company's IPO, so it makes sense to consider ways to facilitate more IPOs in a manner that protects investors. There are also novel ideas to help start-ups raise money over the Internet, reaching out to their friends through social media and inviting them to invest small amounts to help them grow their business.

So in considering these new ideas to spur job creation in a balanced and thoughtful way, the Banking Committee held four hearings since last summer. We heard a wide range of views on how best to modernize our securities laws to allow new and growing companies to raise capital, but in a way that does not undermine investor protections so that people will still be willing to invest.

At our hearings and through our efforts to explore this subject, members of the Banking Committee heard concerns about provisions in the House bill before us from a number of experts, including the Chairman of the Securities and Exchange Commission. One piece of the legislation attempts to encourage more companies to pursue an IPO by creating a so-called "on-ramp." The House bill determines that companies under \$1 billion in annual revenue should be exempt from disclosures for up to 5 years. Witnesses at the Banking Committee's hearings raised concerns about whether this threshold is appropriate and accurately reflects those companies that need relief most. The House bill contains a provision to restrict the independence of accounting standard-setting by the Financial Accounting Standards Board. For many years Congress has debated whether we should legislate accounting standards or leave it to the experts. I remain unconvinced that interfering with the independence of FASB would be an appropriate action for Congress to take or would inspire more people to invest in IPOs.

It is also unclear that eliminating safeguards to reduce conflicts of interest between stock research analysts and firms selling stock, as the House bill does, will on the whole be beneficial. The absence of such safeguards a decade ago led analysts to write conflicted stock recommendations which too many Americans believed and relied upon to invest, and ultimately lose, their money. Those misleading and fraudulent stock recommendations caused many Americans to pull out of the market and lose confidence in the integrity of the financial system. We must closely monitor this area going forward.

Crowdfunding is a concept with potential, but I do not think that the House bill provides appropriate oversight of the online funding platforms to ensure that unsuspecting investors are

not ripped off by an online scam. Operators of online funding platforms are not required to register with the SEC. While there is some information these operators are required to share with regulators, it remains unclear if this modest sharing of information will be sufficient for regulators to monitor these new equity-raising platforms in the same way investments on the stock market are monitored. The House bill needlessly limits the involvement of State securities regulators to help the SEC oversee new crowdfunding operations.

In response to these concerns on crowdfunding, I was pleased to assist Senators MERKLEY, BENNET and others in crafting an alternative approach that strikes a better balance between capital formation and investor protection. The Merkley-Bennet amendment requires crowdfunding companies to provide basic disclosures, including a business plan and financial information to potential investors. It also requires companies offering stock online to either register as a broker-dealer with the SEC, or pursue a "funding portal" registration. This will provide greater oversight than the House bill. Among other key improvements, the Merkley-Bennet amendment provides for stronger Federal-State oversight coordination, and it allows for properly scaled investment limits as well as an aggregate investment cap across all crowd-funded companies, further protecting investors. For these reasons and more, I urge my colleagues to correct the weak House crowdfunding title and join me in supporting the Merkley-Bennet amendment.

Another provision in the underlying House bill modernizes the Regulation A threshold by raising the cap on how much money can be raised in the capital markets without registering with the SEC. The House bill transfers authority away from Congress by requiring the SEC to review and potentially raise the threshold every 2 years. This has the potential to preclude a rigorous public debate about when and why the Regulation A threshold should be raised again.

The House bill would also expand the ability of companies to advertise private offerings to accredited investors, referred to as Regulation D. Some have raised concerns that there are not enough protections for our seniors, who could be misled into investing in a company without a full appreciation of the level of risk they are taking on. This will also warrant close attention moving forward to ensure seniors are not taken advantage of.

Finally, while I believe the current 500 Shareholder Rule should be updated, it is unclear if the House approach to dramatically raise the threshold to 2,000 shareholders of record is a balanced approach. A more modest increase seems more appropriate to balance investor protection

and transparency with capital formation.

Throughout this process I have sought to help address needed investor protections in a thoughtful manner while helping to support entrepreneurs, grow small businesses, and put Americans back to work.

But I did not write the underlying House bill before us today, and I was pleased to help support my colleagues in drafting the Senate substitute amendment. I believe the Senate substitute addresses each of the concerns I raised. I am disappointed more of my colleagues did not support this alternative that would have increased protections for investors.

That said, no piece of legislation is perfect, and this bill contains innovative new solutions that have the potential to boost the economy. Small businesses and startups deserve the opportunity to test these new ideas, but Congress has chosen to act quickly.

The House bill received 390 votes in the House, including most House Democrats, and the President and the Majority Leader support it. So despite my misgivings over a number of these provisions, I will support my Leader and the President and vote for this legislation.

That said, we must all keep an eye on the effects of these changes as we plow this new ground. As lawmakers, we seek out the appropriate balance in writing laws, doing our best to promote a strong economic recovery while protecting the public from abuse and fraud which would undermine the confidence in our financial system.

While I will support this underlying package today, I believe we all have a shared responsibility to ensure that going forward the new changes that we pass today will truly benefit, and not undermine, both start-ups and investors alike.

Mr. BAUCUS. Madam President, in *Taming of the Shrew*, William Shakespeare wrote:

There is small choice in rotten apples.

I am here to talk about the choice we have this afternoon, on voting for final passage of H.R. 3606.

Over the past week, the Senate has been debating a bill the House has called the JOBS Act. But as former Securities and Exchange Commission chief accountant Lynn E. Turner said recently:

It won't create jobs, but it will simplify fraud.

I fully support finding ways to help the private sector create good-paying jobs.

Last year, I worked with my colleagues on both sides of the aisle to pass the Vets Jobs bill, cutting taxes for small businesses while helping veterans get back to work. This Chamber also passed three free trade agreements, setting the stage to increase American exports to Korea, Colombia,

and Panama by an estimated \$13 billion a year, resulting in tens of thousands of new jobs. And just last week, the Senate passed overwhelmingly the highway bill, which will create and sustain more than 14,000 American jobs per year.

But our choice today leaves much to be desired. While this bill includes some very positive changes to enhance and encourage small business investment, it includes several rotten apples that roll back important investor protections and put the integrity of our markets into question.

So quickly we forget the past. Just over a decade ago, a company called Enron revealed one of the largest corporate and accounting scandals of our time. We all remember the stories of documents shredded, shell companies, exaggerated profits, and lax accounting rules.

Within 1 month, shareholders lost nearly \$11 billion as Enron stock plummeted. Families and employees lost their entire savings in a matter of days. Investor confidence in the entire system evaporated.

Just a few years earlier, the dot-com boom hit a fever pitch. Wall Street firms worked frantically to put together initial public offerings for fledgling Internet companies. At the same time, these firms would agree to release upbeat research reports supporting the upcoming IPO in exchange for the company's underwriting business. Unassuming investors relied on this public research touting the IPOs, while firms failed to fully disclose the inherent conflicts of interest.

Congress and the Securities and Exchange Commission responded to these scandals by putting investor protections in place to restore confidence in the markets and ensure companies provide comprehensive and honest information to the public. Thanks to these protections, investors no longer have to wonder whether the accounting and auditing disclosures are, in fact, independent and accurate. We can't afford to go backward.

Still, these rules are not perfect. Congress should be looking at ways to ensure small businesses are given a level playing field.

I hear from Montana small businesses that rules under the Sarbanes-Oxley Act can be costly and time-consuming for small companies which simply lack capacity to handle the extra regulation. I agree we must also look at what these rules may be doing to hamper growth of U.S. small businesses. But we should not forget the past. We should not exempt big business carte blanche without fully discerning the implications.

There are several pieces of this legislation with which I agree. I commend my colleague and friend from the State of Montana, Senator TESTER, for his tireless effort to address legitimate

concerns with the current cap on small business public offerings.

Senator TESTER introduced his bipartisan measure after meeting and talking to growing companies in Montana and elsewhere that could benefit greatly from raising the cap on regulation A small public offerings. Rob Bargatze, founder and CEO of Ligocyte, in Bozeman, MT, and chairman of the Montana Bioscience Alliance, testified in the Banking Committee last year on ideas to improve access to capital for the emerging bio industry.

Rob rightly points out that the current \$5 million cap "does not allow for a large enough capital influx for companies to justify the time and expense necessary to satisfy even the relaxed offering and disclosure requirements." Senator TESTER has done extraordinary work to shepherd this bill forward. It received considerable support in the House, and was included in the Senate substitute amendment that I supported on Tuesday.

However, this straightforward update to regulation A has been folded into a broader House package. This package includes enough rotten apples to spoil the whole bunch. The House fails to take heed of past history. This bill goes too far in relaxing investor protections critical to preserving the integrity and transparency our markets depend on to function.

For example, this bill includes a new IPO process to exempt companies from many SEC rules for a period of 5 years. The idea is to give small emerging companies time to comply with new auditing and reporting requirements. However, the House bill applies to all offerings by companies with sales less than \$1 billion. At this level, even the very large, well-established companies will have a free pass for 5 years before complying with the very rules put in place to protect investors and the markets from another Enron-type scandal.

Furthermore, the House creates a gaping hole in the rules set up after the dot-com bubble to prevent an underwriting bank from publishing research reports in support of the upcoming IPO. The House bill would now allow underwriting banks to issue such research to unsuspecting investors. And it limits the company's responsibility to make sure such research is accurate and comprehensive.

We have seen too many examples lately of what can happen when we don't protect the little guys from Wall Street greed—just look at how MF Global took advantage of Montana ranchers, and that is when there were rules in place. We can't afford to go back to the days when Enron was able to swindle thousands of Americans out of their life savings.

I appreciate the work of my colleagues on this matter, but we owe it to American workers and families to

see to it that this bill preserves investor confidence and integrity in our markets.

I simply cannot support the House package containing so many bad apples.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is on agreeing to the Reed amendment No. 1931.

The amendment (No. 1931) was rejected.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

AMENDMENT NO. 1884

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the Merkley amendment No. 1884.

Who yields time?

The Senator from Oregon.

Mr. MERKLEY. Madam President, I have 1 minute?

The PRESIDING OFFICER. The Senator is correct.

Mr. MERKLEY. Colleagues, I want to encourage you to adopt amendment No. 1884. The House bill, as it came to us, on crowdfunding is a pathway to predatory scams. It requires no information to be provided by a company; and if the company provides information, it requires no responsibility or accountability for the accuracy of that information. It allows companies to hire people to pump the stocks, which is exactly what we all know, from pump-and-dump schemes, is very devastating to any sort of solid financial foundation for capital aggregation, capital formation.

I want to applaud my colleagues Senator BENNET, Senator LANDRIEU, and Senator BROWN of Massachusetts, who have worked together to bring this bipartisan amendment forward. It provides the right amount of streamlining for the companies, the right amount of streamlining for portals on the Internet, and the right set of investor protections, information, and accountability necessary to make crowdfunding fulfill the exciting potential it has.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. KYL. I yield back.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1884.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—64

Akaka	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inouye	Reid
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Coats	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wicker
Cornyn	Merkley	Wyden
Durbin	Mikulski	
Feinstein	Moran	

NAYS—35

Alexander	Hatch	Paul
Ayotte	Heller	Portman
Barrasso	Hoeven	Risch
Boozman	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Corker	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McCain	Webb
Graham	McConnell	

NOT VOTING—1

Kirk

The amendment (No. 1884) was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on passage of H.R. 3606, as amended.

The Senator from Rhode Island.

Mr. REED. Madam President, the House bill has some very promising concepts about providing access to capital. What it fails to do is adequately protect investors.

We have tried, through our alternative, to protect investors. That alternative has been rejected on a cloture vote by the Senate. We have made some improvements with the Merkley proposal, but we are not quite to the point yet where I think we can be confident that investors will be protected. As such, I think we should vote against this legislation, and that we should in fact try again and get it right. That is why the head of the Securities Exchange Commission opposes this, and the state securities regulators, and former heads of the Securities Exchange Commission, and the Council of Institutional Investors, and many others.

We are opening up vast loopholes in our securities laws without adequate disclosure for investors. I think we will regret this vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I claim the time in support of the legislation.

I suggest that we are on the verge of doing something very constructive for our economy, for small businesses, and for job growth, and it might be one of the most constructive things we are going to do this year in that area.

This legislation makes it easier and more affordable for young and growing companies to go public, to raise the capital they need to grow, to hire more workers. It also actually makes it easier for those who want to remain private and to attract more investors, and to do so without triggering the very onerous and expensive regulations attendant to being a public company.

This is going to create more jobs and more growth in the economy. That is why it passed the House with a vote of 390 to 23. That is why the President of the United States has endorsed this bill and said he will sign it into law. That is why there are dozens and dozens of organizations and groups and companies and trade associations that support this legislation, so that we can do something right here, right now, today, that the President will sign into law, which will help small and growing companies raise the capital they need to grow.

I urge my colleagues to vote yes.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—73

Alexander	Coburn	Hoeven
Ayotte	Cochran	Hutchison
Barrasso	Collins	Inhofe
Bennet	Coons	Inouye
Bingaman	Corker	Isakson
Blunt	Cornyn	Johanns
Boozman	Crapo	Johnson (SD)
Brown (MA)	DeMint	Johnson (WI)
Burr	Enzi	Kerry
Cantwell	Graham	Klobuchar
Carper	Grassley	Kohl
Casey	Hagan	Kyl
Chambliss	Hatch	Lee
Coats	Heller	Lieberman

Lugar	Portman	Stabenow
Manchin	Pryor	Tester
McCain	Reid	Thune
McCaskill	Risch	Toomey
McConnell	Roberts	Udall (CO)
Menendez	Rubio	Vitter
Moran	Schumer	Warner
Murkowski	Sessions	Wicker
Nelson (NE)	Shaheen	Wyden
Nelson (FL)	Shelby	
Paul	Snowe	

NAYS—26

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Begich	Gillibrand	Reed
Blumenthal	Harkin	Rockefeller
Boxer	Landrieu	Sanders
Brown (OH)	Lautenberg	Udall (NM)
Cardin	Leahy	Webb
Conrad	Levin	Whitehouse
Durbin	Merkley	

NOT VOTING—1

Kirk

The bill (H.R. 3606), as amended, was passed.

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to concur in the House amendment to S. 2038, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the bill.

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 1940, to change the enactment date.

Reid amendment No. 1941 (to amendment No. 1940), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Homeland Security and Governmental Affairs, with instructions, Reid amendment No. 1942, to change the enactment date.

Reid amendment No. 1943 (to (the instructions) amendment No. 1942), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate, equally divided in the usual form.

Mr. LIEBERMAN. I thank the Chair. I urge my colleagues on both sides of the aisle to support this bipartisan and now bicameral congressional ethics measure. This started as a response to stories and allegations that Members of Congress would not be held liable for insider trading. It then developed into what I think is the most significant congressional ethics legislation we have adopted in at least 5 years. It has been in a lot of other public disclosure and good government measures.

I wish to give particular thanks to Senator KIRSTEN GILLIBRAND and SCOTT BROWN, who led the effort and took the initiative that got this ball rolling.

I yield the rest of my time to Senator GILLIBRAND.

Mrs. GILLIBRAND. I thank the Chairman.

We are certainly taking a significant step forward, on behalf of the American people, toward restoring some faith our country has in their government. I wish to thank Leader REID for his leadership, Chairman LIEBERMAN, Ranking Member COLLINS, Senator BROWN, and all our colleagues on both sides of the aisle who worked so hard to pass this legislation.

I wish to thank my colleague from New York, LOUISE SLAUGHTER, who fought so hard and so long toward this effort.

This legislation was a rare instance where 96 Senators came together to deliver results for the American people. We passed a strong bill with teeth that will clearly and expressly make it illegal for Members of Congress, their staff, and their families to gain personal profits from nonpublic information gained through their service.

I strongly believe we have to make it clear no one is above the law and that Members of Congress need to play by the exact same rules as every other American. It is simply the right thing to do.

This is a commonsense bill and Americans can be assured our only interest is in their interest. When President Obama signs the STOCK Act, we will have begun to restore the public's faith in Washington.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maine.

Ms. COLLINS. Madam President, I ask that I be notified after 1 minute.

The PRESIDING OFFICER. The Senator will be notified.

Ms. COLLINS. Mr. President, I rise to speak in favor of the STOCK Act, which we will be voting on very shortly. This legislation is based on a bill that was first introduced in the Senate last fall by Senator SCOTT BROWN, and a similar one introduced by Senator GILLIBRAND. I wish to commend them both for their work on this legislation. As a cosponsor of Senator BROWN's bill, I especially want to recognize his leadership on this issue.

I also wish to recognize Chairman LIEBERMAN for all the work he has done in moving this important bill through our committee, through a robust debate here on the Senate floor, and to final passage today.

Last fall, press reports on "60 Minutes" and elsewhere raised the question of whether lawmakers are exempt, either legally or practically, from the insider trading laws.

The STOCK Act is intended to affirm that Members of Congress are not exempt from our laws prohibiting insider trading. As we saw when we first considered this legislation, despite reassurances from legal experts and the

SEC that no such exemption exists, there has been persistent disagreement about the issue. That's why we feel it is important to send a very clear message that Members of Congress are not exempt from the insider trading laws, and that is exactly what this bill does.

Last month the Senate passed its version of the STOCK Act by an overwhelming bipartisan margin of 96 to 3. That bill had, at its heart, the affirmation of a duty arising from the relationship of trust and confidence already owed by Members and their staff to the Congress, the U.S. Government, and the citizens we serve.

As I explained when we considered the Senate version, this is not a new fiduciary duty, in the traditional sense, but the recognition of an existing duty. The bill we passed also affirmed that the employees of the executive and judicial branches owe a similar duty, and must also comply with the insider trading laws.

There are differences, of course, between the bill we passed last month and the House version before us today. I believe we could have quickly resolved those differences in conference, and would have preferred that route. Still, this is a strong bill that has received overwhelming bipartisan support. It preserves the core of the bill passed by the Senate: to make absolutely clear that elective office is a place for public service, not for private gain. Underscoring that important message is the chief purpose of the STOCK Act, and that is why I support it.

The PRESIDING OFFICER. The Senator has 1 minute.

Ms. COLLINS. We need to send a strong message that elective office is the place for public service and not private gain.

Mr. LEAHY. Mr. President, I, again, filed a carefully drafted version of the bipartisan Public Corruption Prosecution Improvements Act as an amendment to the STOCK Act. Despite near unanimous approval for this amendment just a few short weeks ago, there was an objection by the House Republican leadership to the anti-corruption measure and Senate Republicans objected to going to conference to restore this important anti-corruption provision which had been stripped out of the bill. I am deeply disappointed that the Senate is taking up the House version of the bill that stripped out our bipartisan anti-corruption measure without consideration or a vote.

My amendment reflects a bipartisan, bicameral agreement and would strengthen and clarify key aspects of Federal criminal law to help investigators and prosecutors attack public corruption Nationwide. The House stripped this amendment from the STOCK Act after a flurry of misinformation about what the amendment actually does. Senator CORNYN and I

took concerns very seriously and addressed them effectively when we drafted the amendment. The amendment I seek to offer includes a further belt-and-suspenders modification to address any legitimate concern. It is carefully and narrowly drawn and will only reach clearly corrupt conduct.

The Senate Judiciary Committee has now reported the Public Corruption Prosecution Improvements Act with bipartisan support in three successive Congresses and it has passed the Senate by voice vote. The House Judiciary Committee reported a companion bill unanimously. It is past time for Congress to act to pass serious anticorruption legislation. That is what the Public Corruption Prosecution Improvements Act amendment would be.

Public corruption erodes the trust the American people have in those who are given the privilege of public service. Loopholes in existing laws have meant that corrupt conduct goes unchecked. The stain of corruption has spread to all levels of government and victimizes every American by chipping away at the foundations of our democracy. My amendment would help us to take real steps to restore confidence in government by rooting out criminal corruption.

In *Skilling v. United States*, the Supreme Court sided with a former executive from Enron and greatly narrowed the honest services fraud statute, a law that had been appropriately used for decades as a crucial weapon to combat public corruption and self-dealing. The Court's decision leaves open the opportunity for State and Federal public officials to secretly act in their own financial self-interest, rather than in the interest of the public. This amendment, in a precise manner without ambiguity, closes this gaping hole in our anticorruption laws.

If we are serious about addressing the kinds of egregious misconduct we have seen too often in recent years, Congress should enact meaningful legislation to give law enforcement the tools necessary to enforce our anticorruption law. The STOCK Act is much less meaningful without this important, substantive reform. I am deeply disappointed that the Senate apparently will not take the opportunity to support taking these modest steps to bring those who undermine the public trust to justice.

Mr. LEVIN. Mr. President, today the Senate has the opportunity to vote in support of the STOCK Act. If we vote for the House amendment to the Senate bill, we can send this legislation right to President Obama to be signed into law. That is exactly what we should do.

The lifeblood of our democratic government is the contract between the people and their elected representatives, a contract that must be based on

trust that elected officials will act for the good of our Nation and in the interests of their constituents, and not for personal gain. To ensure that we maintain that trust, our Nation has laws and our Congress has rules that establish clearly the responsibilities of government officials, Members of Congress and their staffs and provide for the enforcement of violations.

The legislation before us is, in a way, preventative maintenance to protect that trust. It is a tightening up of our legal and ethical guidelines as part of what must be a constant effort to assure that the interests of our Nation and our constituents come first. Our constituents must have confidence that Members of Congress and our staffs will not use our positions for our personal financial benefit.

To be clear, as it stands now, it is a violation of the trust our constituents place in us, a violation of the democratic process, a violation of the securities laws, and a violation of congressional ethics rules for Members of Congress or their employees to engage in insider trading—the use of information not available to the public to make investment decisions. But questions have been raised about insider trading by Members of Congress. The legislation before us today is designed to ensure that those questions are answered. It removes any doubt that insider trading by Members and employees of Congress is against the law and against Congressional rules. It is important to remove that doubt because any appearance of a breach in trust between Congress and our constituents is corrosive to honest, open and effective government.

Back in December, the Homeland Security & Governmental Affairs Committee, of which I am a member, held extensive discussions on the need to preserve that trust, including a very productive hearing on December 1. Later in December, our committee held a markup and approved the Stop Trading on Congressional Knowledge Act, or STOCK Act. I want to commend our chairman, Senator LIEBERMAN, and our ranking member, Senator COLLINS, for their leadership, and the many members of the committee, Democratic and Republican, who made contributions to that process.

Two things became clear during our hearings and our markup. The first is that there was consensus that we should remove any uncertainty about the prohibition against insider trading. The second thing that became clear was significant bipartisan desire to avoid any unintended consequences as we sought to remove any uncertainty. We reported out the legislation because of widespread agreement on our goals, but there remained concerns about the means, and it was understood that we would attempt to address those concerns before the bill came to the floor.

And so a number of us worked in the weeks after the markup to make sure

that our goals and our means were in concert. We met that objective, and our consensus was reflected in the language of the bill that passed the Senate by a vote of 96 to 3. The House amendment before us today retains the key language from the Senate bill that Senator LIEBERMAN, Senator COLLINS and I, among others, worked so hard to get right. While some provisions that I supported have been removed by the House amendment, the central purpose of this bill remains the same. The House amendment, like the Senate bill it replaces, removes any uncertainty over the prohibition on insider trading, and it avoids unintended harmful consequences that concerned some of us.

I would now like to discuss two critical provisions in the bill before us today. The first reassures the American people that there are no barriers to prosecuting Members and employees of Congress for insider trading. It does so through language establishing that Members and employees of Congress have a duty arising from “a relationship of trust and confidence” with the Congress, the government, and most importantly, with the American people. Establishing such a duty removes any doubt as to whether insider trading prohibitions apply to Congress. It is also important that the bill's language makes clear that in offering this new language it does not in any way prevent enforcement of the anti-insider trading provisions contained in current law. Again, I am confident that under current law, Members of Congress and our staffs are prohibited from insider trading. This bill will ensure that the current prohibition is unambiguous, and thereby strengthened.

The second major provision of the legislation instructs the Ethics Committees of both chambers to issue clear guidance to members and staffs regarding the prohibition on profiting from inside information. This guidance will clarify that existing rules in both chambers relative to gifts and conflicts of interest also prohibit the use of non-public information gained in the conduct of official duties for private profit.

Let me briefly mention one other provision, unrelated to insider trading but nonetheless an important step forward in terms of gaining the confidence of our constituents. As one of the originators of the Lobbying Disclosure Act of 1995, I am well aware of the value of transparency in government. The bill before us improves congressional transparency by requiring that personal financial disclosure filings required of members and certain staff are made available electronically to the public. But because this bill also significantly expands the number of officials required to file public disclosures, including law enforcement, military, and intelligence officers, it is critical that this provision be implemented in a way

that is consistent with our national security interests. Care should be taken to ensure that public filers are not made unnecessarily vulnerable to malicious use of personal information.

The House amendment also removes a provision of the Senate bill that would have required political intelligence consultants to register in a way similar to how lobbyists are required to register currently. Instead, the House amendment, like the version of the Senate bill that was reported by the Homeland Security and Governmental Affairs Committee, requires the Comptroller General of the United States to study the role of political intelligence in financial markets and report back to Congress. It is corrosive of open government for political intelligence consultants to sell their access to officials. Before Congress acts to address this issue, we must learn more about it, which is why I support this study. I look forward to working with my colleagues to address this issue once we have the benefit of the Comptroller's report.

In addition to the insider trading and disclosure provisions, this bill contains numerous other important improvements to our ethics laws. I urge my colleagues to join together today, to pass this legislation and send it to President Obama for his signature.

I ask unanimous consent that my statement appear in the RECORD at the appropriate place before the vote on the STOCK Act.

CLOTURE MOTION ON THE STOCK ACT, S. 2038

Mr. LIEBERMAN. Madam President, I rise today to support cloture on the motion to concur in the House amendment to the "Stop Trading on Congressional Knowledge Act," the "STOCK Act"—S. 2038.

We have come a long way in a short time in a bipartisan fashion on this bill, which does many good things.

I want to start by thanking my colleagues, Ranking member COLLINS and Senators GILLIBRAND and BROWN for all their work on this bill.

And I want to thank Majority Leader REID for making the STOCK Act the first bill the Senate debated after the winter recess.

Mr. President, this problem received a jolt of momentum late last year when "60 Minutes" aired allegations that some Members of Congress and their staffs used information gained on their jobs to enrich themselves with time-sensitive investments in the stock market and nothing could be done because Congress had exempted itself from insider trading laws.

We took the issue up at a hearing of the Homeland Security and Governmental Affairs Committee in December and established that the charge that Congress had exempted itself from insider trading laws was just not true. However, it was also clear that existing laws needed to be clarified.

At our committee hearing, several securities law experts told us that there was ambiguity in the law and they could not be sure how a court would rule if there was a challenge to the SEC's authority to bring an insider trading case against a Member of Congress.

That is because, as the experts explained, a person may be found to have violated the insider trading laws only if he or she breaks a fiduciary duty, a duty of trust and confidence owed to somebody—to the shareholders of the company, or to the source of the non-public information, for example.

The experts told us that it is possible that a judge looking at existing case law might conclude that Members of Congress owe no duty to anyone with respect to the nonpublic information they receive while carrying out their duties. Now, if I were a judge, I would not see it that way. It seems self-evident that public office is a public trust, and that Members of Congress have a duty to the institution of Congress, to the government as a whole, and to the American people not to use information gained during their time in Congress—and unavailable to the public—to make investments for personal profit.

But the fact is that there are some very smart legal experts who are concerned that a judge would not see it that way. And this lack of clarity could in fact shield a Member of Congress from prosecution for insider trading.

The STOCK Act clarifies this ambiguity in the Security Exchange Act of 1934 by explicitly stating that Members of Congress and our staffs have a duty of trust to the institution of Congress, to the U.S. Government, and to the American people—a duty that Members of Congress violate if they trade on non-public information they gain by virtue of their position.

The bill also requires the Ethics Committees of both houses of Congress to issue guidance to clarify that Members and staff may not use non-public information derived from their position in Congress to make a private profit.

Besides these changes aimed at insider trading, the STOCK Act includes other significant Congressional ethics legislation. For example, it requires Members of Congress and their staffs to file public reports on their purchases or sale of stocks, bonds, commodities futures or other financial transactions exceeding \$1,000 within 30 days of the transaction. Currently these trades are reported once a year. Timelier reporting will allow the SEC and the public to assess whether there is anything suspicious about the timing of the trade.

The bill also contains important language that requires financial disclosure forms filed by Members and staff

be filed electronically and—perhaps even more significantly—be available online for public review.

There really is no sensible reason to make someone come physically into the House or Senate to see a copy of one of these financial disclosure forms, which are public records.

The bill will also require the Government Accountability Office to study and report back to Congress on so-called "political intelligence" consultants who sell information derived from government officials to investors.

The STOCK Act also contains several provisions that were added in the Senate or House to strengthen the bill, including language offered by Senator BLUMENTHAL related to the denial of Congressional benefits to Members who commit public corruption crimes; language offered by Senator BOXER that will, for the first time, require Members of Congress and senior Executive Branch officials to disclose their mortgages on their annual financial disclosure forms; and language offered by Senator MCCAIN to prohibit executives of Fannie Mae and Freddie Mac from receiving bonuses while the firms remain in federal conservatorship.

This is a very strong bill, in fact, the strongest Congressional ethics reform bill that has been passed by Congress since we passed the Honest Leadership and Open Government Act in 2007.

This bill was reported as an original bill out of the Committee on Homeland Security and Governmental Affairs on December 13 by a vote of 7 to 2. Then, after thorough debate on the Senate floor, including the consideration of 20 amendments, the bill passed the Senate on Feb. 2 by a vote of 96 to 3.

The bill was sent to the House, which moved quickly and approved the STOCK Act just a week later by a lopsided majority of 417 to 2.

This is Congress at its best. A problem was identified that cut directly to the public's faith in this institution and we dealt with it quickly and on a bipartisan basis in both Houses.

This should not only be applauded but serve as a model as we take up other crucial legislation, such as Postal reform and cybersecurity. This shows we can work together rather than engage in a perpetual partisan tug of war.

Mr. President, in his farewell address to the Nation, President Washington said that "virtue or morality is a necessary spring of popular government" and that we cannot "look with indifference" at anything that shakes that foundation.

The STOCK Act offers us a chance to restore trust in our elected government and to show those who, with their votes, gave us the honor of representing them here, that the only business we do here is the people's business.

DUTY PROVISIONS

Mr. REID. There are many important issues facing our country today and solutions will require bipartisan cooperation. The STOCK Act has enjoyed overwhelmingly bipartisan support because it addresses a key issue, namely government accountability to the American people.

Members of Congress and those we employ must be held accountable to the same standards and laws as the citizens we represent. We owe a duty of trust and loyalty to the American people to conduct our private lives with the highest integrity and to never abuse our office to gain unfair or unethical financial advantages. I am pleased that we have voted overwhelmingly to pass a bill that closes any loopholes, real or perceived, in this regard.

I would note specifically that the STOCK Act requires that Members of Congress and their staffs abstain from profiting on any nonpublic information derived from a person's position or gained in the performance of official responsibilities. The bill also makes absolutely clear that Members and staff are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

However, and I think my distinguished colleague from Connecticut will agree, the STOCK Act should not be interpreted as limiting government transparency in any way. Discourse with the public, whether privately or publicly, is vital to maintaining a healthy democratic society.

Mr. LIEBERMAN. I thank the Senator from Nevada. I am happy about the reforms that Congress has adopted, and I agree that the STOCK Act is not intended to limit government transparency or hinder dissemination of information to interested parties regarding Congressional activities and deliberations.

In the interest of clarity for the record, I would like to state that the STOCK Act does not turn information regarding Congressional activities and deliberations that was previously not material, into material information with respect to securities laws. I would also note that a Member or employee of Congress who, in the course of performing their duties, has a nonpublic conversation with a citizen or constituent does not automatically violate the duty imposed by Section 4(b)(2) of the STOCK Act.

Mr. REID. I thank the Senator from Connecticut for his comments. With regard to the Chairman's last remark, I would like to point out that my office has fielded concerns from multiple sources that the duty language may be interpreted by the SEC as creating liability for public officials and their staff when communicating privately

with constituents. There is concern that a threat of this would have a significant chilling effect on government transparency. I understand however that in conversations with my leadership staff the SEC has explicitly clarified that it does not view the STOCK Act as creating new limitations on the disclosure of Congressional information in conversations with constituents. I also understand that leadership staff has been assured by the SEC that any case brought under the insider trading prohibitions would still require the SEC to prove that a Member of Congress or their staff acted with scienter, which means acting corruptly, knowingly, recklessly or in bad faith.

Mr. LIEBERMAN. The Democratic leader is correct. As the Director of Enforcement at the SEC, Robert Khuzami, stated in his testimony before the House Financial Services Committee: "You have to be acting with corrupt intent, knowledge, or recklessness. If you act in good faith, you're not going to be guilty." My staff had detailed conversations with the SEC while drafting the duty provisions and raised these concerns specifically. Our goal in drafting the duty provisions of the STOCK act was to ensure that insider trading restrictions apply to government officials no differently than they do to the rest of the public, but at the same time, avoid unintended consequences that could curtail interaction between Congress and the public.

Mr. REID. Furthermore, it is my understanding that Section 11 of this bill is not intended to override the authority of the President to exempt from public availability the financial disclosure reports of individuals engaged in intelligence activities, which is contained in section 105(a)(1) of the Ethics in Government Act. As to the executive branch, section 105(a)(1) applies to all of the public availability requirements of this bill.

Mr. LIEBERMAN. That is correct. It is not the intent of the STOCK Act to override the President's authority for necessary exemptions for intelligence activities.

Ms. COLLINS. I yield the remainder of my time to Senator SCOTT BROWN.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, today, we put America first and we passed a bipartisan and now bicameral bill the President will sign, and we took a step to ending the deficit of trust hurting our democracy. I wish to thank Senator GILLIBRAND and the leadership of Senator COLLINS and Senator LIEBERMAN for marking this up so quickly. Today is a good day.

The STOCK Act will affirm that Members of Congress are not above the law and will increase transparency by requiring Members of Congress and

highly compensated Federal employees to disclose all their trading activity within 45 days. Today, America is a government by the people and for the people, and that means our elected officials must follow the same laws as everybody. We have taken a step toward reestablishing trust, and today we are one step closer to making every seat the people's seat.

I encourage everybody to support this passage.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to S. 2038, the Stop Trading on Congressional Knowledge Act.

Harry Reid, Jeff Bingaman, Daniel K. Inouye, Joseph I. Lieberman, Tim Johnson, Daniel K. Akaka, Richard J. Durbin, Charles E. Schumer, John Barasso, Scott P. Brown, Mitch McConnell, Jon Kyl, Richard C. Shelby, Rob Portman, John Cornyn, John Hoeven, Marco Rubio, Lisa Murkowski, Jeff Sessions, Mike Johanns, Tom Coburn, Susan M. Collins.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur on the House amendment to S. 2038, an act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—96

Akaka	Coats	Hoeven
Alexander	Cochran	Hutchison
Ayotte	Collins	Inhofe
Barrasso	Conrad	Inouye
Baucus	Coons	Isakson
Begich	Corker	Johanns
Bennet	Cornyn	Johnson (SD)
Bingaman	Crapo	Johnson (WI)
Blumenthal	DeMint	Kerry
Blunt	Durbin	Klobuchar
Boozman	Enzi	Kohl
Boxer	Feinstein	Kyl
Brown (MA)	Franken	Landrieu
Brown (OH)	Gillibrand	Lautenberg
Cantwell	Graham	Leahy
Cardin	Hagan	Lee
Carper	Harkin	Levin
Casey	Hatch	Lieberman
Chambliss	Heller	Lugar

Manchin	Portman	Snowe
McCain	Pryor	Stabenow
McCaskill	Reed	Tester
McConnell	Reid	Thune
Menendez	Risch	Toomey
Merkley	Roberts	Udall (CO)
Mikulski	Rockefeller	Udall (NM)
Moran	Rubio	Vitter
Murkowski	Sanders	Warner
Murray	Schumer	Webb
Nelson (NE)	Sessions	Whitehouse
Nelson (FL)	Shaheen	Wicker
Paul	Shelby	Wyden

NAYS—3

Burr	Coburn	Grassley
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NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer falls as inconsistent with cloture.

Under the previous order, all postcloture time is yielded back, the motion to concur in the House amendment with amendment No. 1940 is withdrawn, and the motion to concur in the House amendment is agreed to.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

EXECUTIVE SESSION

NOMINATION OF DAVID NUFFER TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

NOMINATION OF RONNIE ABRAMS TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF RUDOLPH CONTRERAS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The bill clerk read the nominations of David Nuffer, of Utah, to be United States District Judge for the District of Utah; Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York; and Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Madam President, the Senate is about to vote on the nomination of David Nuffer to fill a judicial

emergency vacancy on the Federal trial court for Utah. This is not a nomination that should have been filibustered or required the filing of a cloture motion in order to be scheduled for consideration by the Senate. This is a nomination, reported unanimously by the Judiciary Committee over 5 months ago, that we should have voted on and confirmed last year.

Today's consideration was facilitated when the majority leader and the republican leader came to an understanding last week. With a judicial vacancies crisis that has lasted years, and nearly one in 10 judgeships across the Nation vacant, the Senate needs to work to reduce judicial vacancies significantly before the end of the year.

Unlike the nearly 60 district court nominees of President Bush who were confirmed within a week of being reported by the Judiciary Committee during President Bush's first term, qualified, consensus nominees to fill vacancies on our Federal courts have been needlessly stalled during President Obama's first term. The five-month delay in the consideration of Judge Nuffer is another example of the needless delays that were occasioned by Republicans' unwillingness to agree to schedule the nomination for a vote. The application of the "new standard" the junior Senator from Utah conceded Republicans are applying to President Obama's nominees continues to hurt the America people all over the country who are being forced to wait for judges to fill these important Federal trial court vacancies and hear their cases. Justice is being delayed for millions of Americans.

This nomination is one of the 20 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations, as is Judge Nuffer. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture motions to get agreement to schedule votes on these qualified, consensus judicial nominations.

Judge Nuffer has been serving over the last 17 years as a magistrate judge for the very court to which he was nominated by the President. By any sensible standard he should be confirmed. No "new standard" should be used to oppose his confirmation. Like Judge Nuffer, the other nominees awaiting votes by the Senate are qualified judicial nominees. They are nominees whose judicial philosophy is well within the mainstream. These are all nominees supported by their home State Senators, both Republican and Democratic. The consequence of these months of delays is borne by the millions of Americans who live in districts and circuits with vacancies that could

be filled as soon as Senate Republicans allow votes on the judicial nominations currently before the Senate awaiting their final consideration.

We must continue with the pattern set by last week's agreement. The Senate needs to make progress beyond the 14 nominations in that agreement and beyond the 20 nominations currently on the calendar. There are another eight judicial nominees who have had hearings and are working their way through the committee process. There was another needless delay when Republicans boycotted the Judiciary Committee meeting last week and prevented a quorum while insisting on a meeting to hold over nominees. We will overcome that and have those nominations before the Senate this spring.

I hope the committee will hold hearings on another 11 nominations in the next few weeks. One of those nominees, Robert Shelby, is to fill the other vacancy on the United States District Court for the District of Utah. Whether he is included depends in large measure on the Senators from Utah.

I have assiduously protected the rights of the minority in this process. I have only proceeded with judicial nominations supported by both home State Senators. That has meant that we are not able to proceed on current nominees from Arizona, Georgia, Nevada, Florida, Oklahoma and Utah. I even stopped proceedings on a circuit court nominee from Kansas when the Kansas Senators reversed themselves and withdrew their support for the nominee.

I have been discussing with the junior Senator from Utah whether he will support the nomination of Robert Shelby. I have yet to receive assurance that he will. His vote today on the Nuffer nomination may provide a clue.

When the Judiciary Committee considered the nomination of David Nuffer, both Republican home State Senators, Senator HATCH and Senator LEE, strongly supported the President's nomination. This is another nomination on which President Obama reached out and consulted with Republican home State Senators. The Senators from Utah supported this nomination when the President made it last year and when after hearing and study it was voted on by the Senate Judiciary Committee. They both serve on the Committee. Had either of them opposed this nomination, I would not have proceeded with it. They supported it. I hope this will not be another occasion on which either switches his vote from yes to no. That is another new practice and new standard that Senate Republicans have seemed to adopt.

By working steadily and by proceeding with the regular consideration of judicial nominations, I hope the Senate ensures that the Federal courts have the judges they need to provide

justice for all Americans without needless delay. In the two most recent presidential election years, 2004 and 2008, we worked together to reduce judicial vacancies to the lowest levels in decades. In 1992, with a Republican President and a Democratic Senate majority, we confirmed 66 judicial nominees.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

I went back and checked my recollection of how we considered consensus Federal trial court nominees in President Bush's first term. Nearly 60 were confirmed within a week of being voted on by the Senate Judiciary Committee. By contrast there have only been two judicial nominees voted on so promptly since President Obama took office. I said at the time we were able to vote on the Alabama nominee supported by Senator SESSIONS, who was at that time the Committee's Ranking Republican member, and on Judge Reiss of Vermont, that I hoped they would become the model for regular order. Instead, they stand out as isolated exceptions to the months of delay Senate Republicans have insisted on before considering consensus Federal trial court nominees of this President. Today, the Senate will vote on the nominations of Ronnie Abrams and Rudolph Contreras to fill judicial vacancies in the U.S. District Courts for the Southern District of New York and the District of Columbia. These are both nominations that were reported unanimously by the Judiciary Committee over 4 months ago. They are among the many nominations that could and should have been voted on and confirmed last year.

Today's votes are pursuant to the agreement reached by the majority leader and the Republican leader last week. Although I commend the step forward, the Senate must continue to vote on judicial nominations reported by the Judiciary Committee beyond the dozen encompassed by that agreement, if we are to make significant progress in reducing the vacancies across the Nation that number nearly one in 10.

Just yesterday, I read an article about the crushing caseload that the Federal courts in Arizona currently face. I will ask unanimous consent to include a copy of the article, entitled "Federal courts in Arizona face crushing caseload," in the RECORD at the

conclusion of my remarks. In the article, the chief judge of Arizona's Federal trial court noted that they are in "dire circumstances" and that they are "under water" from all the cases on their docket. The report notes that the Federal court not having its full complement of judges "lessens the quality of justice for all parties involved." They are relying on visiting judges from other courts around the country to assist with their court proceedings. In too many places around the country, our Federal courts have to rely on senior judges. Their dedication is commendable but they should not be carrying such heavy workloads.

The needless 4-month delays in the consideration of Ronnie Abrams and Rudolph Contreras are just more examples of the delays that have been occasioned by Republicans' unwillingness to agree to schedule the nominations for a vote. The Senate must return to the practice of moving forward on consensus nominees and of "build[ing] bridges instead of burn[ing] them," as Senator COBURN urged.

The nominations today are two of the 20 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations, as are Ms. Abrams and Mr. Contreras. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture petitions to secure agreement to schedule votes on these qualified, consensus judicial nominations.

Ronnie Abrams is nominated to serve as a Federal trial judge on the Southern District of New York. She is an experienced attorney who spent 10 years as a Federal prosecutor in the district to which she has been nominated. She served as Chief of the General Crimes Unit and Deputy Chief of the Criminal Division. Since 2008, Ms. Abrams has worked as Special Counsel for Pro Bono at the New York law firm Davis Polk & Wardwell, where she began her legal career after clerking for Chief Judge Thomas Griesa in the U.S. District Court for the Southern District of New York.

Rudolph Contreras is nominated to serve as a Federal trial judge in the District of Columbia. Born to Cuban immigrants, Mr. Contreras has devoted his career to public service for the last 17 years. He worked as an Assistant U.S. Attorney in the District of Columbia and in Delaware. He has risen to be the chief of the Civil Division of the U.S. Attorney's Office for the District of Columbia, where he currently serves. The delay in considering his nomination recalls the 4-month filibuster against the nomination of Judge Adalberto Jordan of Florida. On that nomination, Senate Republicans de-

layed the vote for another 2 days after cloture was invoked and the filibuster brought to an end. Judge Jordan was then finally confirmed as the first Cuban-American to serve on the U.S. Court of Appeals for the Eleventh Circuit.

The consequences of these months of delays are borne by the nearly 160 million Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans agree to up or down votes on the 20 judicial nominations currently before the Senate awaiting a confirmation vote.

The Senate must continue the actions allowed by last week's agreement. The Senate needs to make progress beyond the nominations included in that agreement, and beyond the 20 nominations currently on the calendar. There are another eight judicial nominees who have had hearings and are working their way through the Committee process. Several of those were needlessly delayed last week when Republicans boycotted the Judiciary Committee meeting and prevented a quorum after insisting on a meeting only to hold over nominees. There are another 11 nominations on which the Committee should be holding additional hearings during the next several weeks. By working steadily and by continuing the regular consideration of judicial nominations represented by last week's understanding between the leaders, the Senate can do its part to ensure that the Federal courts have the judges they need to provide justice for all Americans without needless delay.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

Today's votes are steps in the right direction.

I ask unanimous consent that the article I referenced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From YumaSun.com, Mar. 17, 2012]

FEDERAL COURTS IN ARIZONA FACE CRUSHING CASELOAD

(By Victoria Pelham)

Federal courts in Arizona are still in "dire circumstances" as an emergency declaration that was supposed to help judges keep pace with a crushing caseload is set to expire.

The judicial emergency declared last year in the wake of the shooting death of Chief

Judge John Roll runs out Monday, but officials say the U.S. District Court for the state still faces many of the same challenges.

"The reason that existed last year still prevails this year," Chief Judge Roslyn Silver said recently. "We are still in dire circumstances. We are under water."

The judicial emergency more than doubled the time allowed for the government to bring a case to trial, giving the court some relief from a rising caseload and judicial vacancies in the district.

Through "lots of hard work" and the help of visiting judges, the district court has managed to stay within the original 70-day time frame for cases to come to trial under the Speedy Trial Act and has not had to invoke the 180-day limit allowed under the emergency.

But that balancing act could be thrown off, Silver said, without the extra help the court has been receiving.

"If we don't have that, which is the fail-safe, then we're in big trouble, because there's just no way we could handle this caseload," Silver said.

Arizona had the highest number of per-judge felony filings in the nation in fiscal 2011, at 554 criminal felony filings for each district court judge, according to the U.S. District Court Judicial Caseload Profile for Arizona. That load was fueled in part by the large number of immigration cases handled in the court, experts said.

The court also saw the total number of cases per judge grow by 22 percent in the fiscal year, from 793 to 969, the fourth-highest judicial caseload in the country, the report said.

It came as three of the 13 district judgeships allotted to the state were vacant. Two were empty last January when Roll was killed in the shooting spree at a Tucson supermarket that killed five others and wounded 13, including former Rep. Gabrielle Giffords.

The judicial emergency was declared by Silver after Roll's death. It was extended last February to this March by the Judicial Council of the Ninth Circuit, in an effort to buy the district some breathing room.

President Barack Obama nominated two candidates in June to fill the vacancies, but only one, Judge Jennifer Guerin Zipp, has been appointed. The other nominee, attorney Rosemary Marquez, has been stalled in the Senate.

Brian Karth, the clerk for the district, said filling those vacancies is the minimum needed. He claimed that, according to judicial standards, the district's caseload is high enough to warrant 10 additional judgeships.

In the meantime, the district has had to rely on visiting judges from other districts across the country, Karth said. One to two judges come each week to assist with court proceedings.

"We continue to struggle to keep within standards, and everybody's basically forced to work harder and try to be resourceful in pulling together resources, sometimes from outside our district, to perform well," Karth said.

"There's certainly a wear and tear on anybody who has to sustain that sort of a pace for lengthy periods," he said.

Walter Nash, a trial lawyer and partner with Nash & Kirchner in Tucson, said the "crushing" caseload in the district is having a serious impact on trials.

"It lessens the quality of justice for all parties involved," Nash said.

Prosecutors have less time to prepare arguments, while victims' cases aren't resolved

"as fast as they should be." And judges could be rushed into a decision, meaning some guilty defendants may be acquitted, he said.

The need for new judges will be even greater when Speedy Trial Act provisions are re-instated next week after the emergency expires, Nash said.

"You get the best result . . . if everyone has time to handle a case properly," Nash said.

Silver agreed that slow trials affect all sectors of the public and courts have an "obligation to ensure justice for all." But with limited resources, space problems in courtrooms, large numbers of criminal cases and other concerns, trials could suffer, with civil trials in particular lagging behind or not getting the attention they deserve.

"So far we're OK, but it will present a problem at some time," Silver said. "We are required to act fairly in every criminal case, but there's only so much we can do."

The emergency cannot be renewed for six months after it expires. Silver said that if things don't improve, officials will have to consider the possibility of renewing.

"There was a reason for it last year, and I expect there'll be a reason for it this year," she said.

Mr. GRASSLEY. Madam President, again, we are moving forward under the regular order and procedures of the Senate. This year, we have been in session for about 32 days, including today. During that time we will have confirmed 12 judges. That is an average of better than 1 confirmation for every 3 days. With the confirmations today, the Senate will have confirmed nearly 74 percent of President Obama's Article III judicial nominations.

Today, we turn to three more judicial nominations. Ronnie Abrams is nominated to be United States District Judge for the Southern District of New York. She graduated with a B.A. from Cornell University in 1990. She received her J.D. from Yale Law School in 1993. Upon law school graduation, she clerked for Honorable Thomas P. Griesa of the United State District Court for the Southern District of New York. From 1994 to 1998 she worked as an associate on civil matters at David Polk and Wardwell. In 1998, Ms. Abrams joined the United States Attorney's Office for the Southern District of New York as an Assistant United States Attorney in the Criminal Division. She handled a variety of criminal cases, including ones involving the sexual exploitation of children, bank robbery, immigration, identity theft and money laundering. She also served in the Narcotics, Violent Crime and Public Corruption Units. From 2004 to 2008, Ms. Abrams served in a supervisory role at the United States Attorney's Office, as either Deputy Chief or Chief of the Criminal Division. In 2008, Ms. Abrams returned to David Polk and Wardwell as Special Counsel for Pro Bono and represents those without means to represent themselves.

Rudolph Contreras is nominated to be United States District Judge for the District of Columbia. He is a 1984 graduate from Florida State University and

received his J.D. in 1991 from the University of Pennsylvania Law School. After graduating from law school, Mr. Contreras joined the litigation department of the law firm Jones Day. In 1994, he became an Assistant United States Attorney in the District of Delaware and the District of Columbia. In that capacity, he has represented the United States and its departments at both the trial level and appellate levels in civil actions. In 2003, Mr. Contreras became Chief of the Civil Division in the District of Delaware. There, he supervises 40 Assistant United States Attorneys, 6 Special Assistant United States Attorneys, and 31 support staffers.

David Nuffer is nominated to be United States District Judge for the District of Utah. He received his B.S. in 1975 and his J.D. in 1978 from Brigham Young University. He began his legal career as an associate at Allen Thompson & Hughes. From 1982 to 1992, Judge Nuffer practiced both criminal prosecution and criminal defense. From 1995 to 2002, he represented municipalities, individuals and businesses in civil litigation. He also served as a part-time United States Magistrate Judge during this time. In 2003, he was appointed to serve as a full-time magistrate judge. In 2009, he became Chief Magistrate Judge. He has presided over 30 cases that have gone to verdict or judgment. While some may complain about the time it has taken to confirm Judge Nuffer, I would note that the President took over a year and a half—576 days—to submit this nomination, once the vacancy occurred.

Mr. HATCH. Madam President, I am pleased that the Senate today will confirm U.S. Magistrate Judge David Nuffer to the U.S. District Court in Utah. Two of the five judicial positions on that busy court have been vacant for some time, and Judge Nuffer will be a welcome addition.

Judge Nuffer has been involved in virtually all aspects of the legal community in Utah. He was in private practice for more than 20 years and has been an adjunct professor at Brigham Young University's J. Reuben Clark Law School since 2001. He has chaired the Utah Judicial Conduct Commission and served on advisory and study committees, task forces, and councils appointed by the Utah Supreme Court. This diversity of experience and commitment to both the bar and the bench make him well qualified to join the U.S. District Court.

Judge Nuffer has also worked to promote the rule of law internationally, as a consultant and lecturer with the Ukraine Rule of Law Project. I was pleased last year to meet with a group of judges from Ukraine who were in the United States, both Washington and in Utah, as part of this educational program. Our independent judicial system and commitment to the rule of law is unparalleled anywhere in the world.

I also want to note Judge Nuffer's efforts to promote access to the courts through technology. He has definitely been ahead of the curve on this issue. Back in the 1990s, Judge Nuffer directed the Utah Electronic Law Project and served on the Utah Supreme Court's Ad Hoc Committee on Access to Electronic Court Records. As Chairman of the Senate Republican High-Tech Task Force, I appreciate how such cutting edge efforts can benefit all Americans at low cost.

As I travel throughout Utah talking to lawyers and judges, the unanimous opinion is that Judge Nuffer has the experience, temperament, and integrity to be a great Federal judge. It was no surprise when the American Bar Association unanimously gave him its highest rating. I thank my colleagues for their support of this fine nominee.

Mr. LEAHY. I would note, on this side, at least—I know we have to have a rollcall on this first nominee. I will have no objection if there are voice votes on the next two. That would be up to others. But on the first one I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of David Nuffer, of Utah, to be United States District Judge for the District of Utah.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 57 Ex.]

YEAS—96

Akaka	Crapo	Lugar
Alexander	Durbin	Manchin
Ayotte	Enzi	McCain
Barrasso	Feinstein	McCaskill
Baucus	Franken	McConnell
Begich	Gillibrand	Menendez
Bennet	Graham	Merkley
Bingaman	Grassley	Mikulski
Blumenthal	Hagan	Moran
Blunt	Harkin	Murkowski
Boozman	Hatch	Murray
Boxer	Hoeven	Nelson (NE)
Brown (MA)	Hutchison	Nelson (FL)
Brown (OH)	Inhofe	Paul
Burr	Inouye	Portman
Cantwell	Isakson	Pryor
Cardin	Johanns	Reed
Carper	Johnson (SD)	Risch
Casey	Johnson (WI)	Roberts
Chambliss	Kerry	Rockefeller
Coats	Klobuchar	Rubio
Coburn	Kohl	Sanders
Cochran	Kyl	Schumer
Collins	Landrieu	Sessions
Conrad	Lautenberg	Shaheen
Coons	Leahy	Shelby
Corker	Levin	Snowe
Cornyn	Lieberman	

Stabenow
Tester
Thune
Toomey

Udall (CO)
Udall (NM)
Vitter
Warner

Webb
Whitehouse
Wicker
Wyden

NAYS—2

DeMint

Lee

NOT VOTING—2

Heller

Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will be now be 2 minutes of debate equally divided prior to a vote in relation to the Abrams nomination.

Who yields time?

The majority leader.

Mr. REID. Madam President, we expect this to be the last vote. I am told that we have worked something out so the next judge we can do by voice. This will be the last vote of the week.

Mrs. GILLIBRAND. Madam President, I am honored to offer my strong support for the nomination of Ronnie Abrams to the United States District Court for the Southern District of New York. I also want to thank President Obama for acting on my recommendation and nominating another superbly qualified woman jurist to the Federal bench.

I have had the privilege of knowing Ms. Abrams for many years. I know her as a fairminded woman of great integrity. Throughout her distinguished legal career, she has proven herself as an exceptional attorney. As Deputy Chief of the Criminal Division for the United States Attorney's Office of the Southern District of New York, she supervised hundreds of prosecutions, including violent crime, organized crime, white-collar crime, public corruption, drug trafficking, and crimes against children.

Her record shows her commitment to justice. I can tell you she has a deep and sincere commitment to public service. There is no question that Ms. Abrams is extremely well qualified and well suited to be a Federal judge.

I strongly believe our Nation needs more women such as her serving on the Federal judiciary, an institution that I believe needs more exceptional women. I believe it is incredibly important that we do reach the point of balance in the judiciary. I recommend her most highly.

The PRESIDING OFFICER (Mr. SANDERS). Who yields time in opposition?

Mr. GRASSLEY. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York?

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 58 Ex.]

YEAS—96

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Risch
Boozman	Inouye	Roberts
Boxer	Isakson	Rockefeller
Brown (MA)	Johanns	Rubio
Brown (OH)	Johnson (SD)	Sanders
Burr	Johnson (WI)	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Cochran	Levin	Toomey
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	Manchin	Vitter
Corker	McCain	Warner
Cornyn	McCaskill	Webb
Crapo	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden
Feinstein	Mikulski	

NAYS—2

DeMint

Lee

NOT VOTING—2

Heller

Kirk

The nomination was confirmed.

The PRESIDING OFFICER. The question is on agreeing to the nomination of Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

REPEAL BIG OIL TAX SUBSIDIES ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 337, S. 2204.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2204) to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Reid motion to proceed to Calendar No. 337, S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Richard J. Durbin, Patrick J. Leahy, Patty Murray, Carl Levin, Charles E. Schumer, Bernard Sanders, Amy Klobuchar, Al Franken, Benjamin L. Cardin, Sheldon Whitehouse, Sherrod Brown, Mark Udall, Daniel K. Akaka, Debbie Stabenow, John F. Kerry.

Mr. REID. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

21ST CENTURY POSTAL SERVICE ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to calendar No. 296, S. 1789.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1789) to improve, sustain, and transform the United States Postal Service.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 296, S. 1789, the 21st Century Postal Service Act.

Harry Reid, Thomas R. Carper, Sherrod Brown, Mark Begich, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Patty Murray, Charles E. Schumer, Mark L. Pryor.

Mr. REID. Mr. President, this is an extremely important bill, the postal reform legislation, that we have been waiting to get to for a long time.

I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

NFL DISCLOSURE

Mr. DURBIN. Mr. President, I rise to speak about a disturbing disclosure made recently by the National Football League. Their investigation revealed that the New Orleans Saints had allegedly been operating an illegal "bounty" program.

Under this bounty program, players were reportedly given significant sums of money in direct exchange for intentionally injuring opposing players, disabling them, and for having them carried off the field in an ambulance.

According to reports, compensation started at \$1,000 for causing an opponent to be "carried off" the field. This was called a "cart-off." The price was \$1,500 for causing an opponent to be unable to continue the game. This was known as a "knockout." These "bounties" reportedly reached high sums of money, as large as \$10,000 and even \$50,000.

What is even more troubling is that reports suggest that these bounty systems might have reached far beyond the New Orleans Saints. Reports surfacing as a result of the NFL's investigation have indicated that other teams may have also been engaged in this practice.

One former professional football player recently tweeted:

Why is this a big deal now? Bounties have been going on forever.

Another stated:

Prices were set on Saturday nights in the team hotel. . . . We laid our bounties on opposing players. We targeted big names, our sights set on taking them out of the game.

Let me tell you why this is important and reprehensible. A spirit of aggressiveness and competitiveness is an integral part of many sporting contests, but bribing players to intentionally hurt their opponents cannot be tolerated. We have to put an end to this.

Just yesterday, to its credit, the NFL announced historically stiff penalties for those involved in the New Orleans Saints bounty program. The team's head coach, general manager, former defensive coordinator, and assistant head coach were suspended for long periods of time. The team will forfeit selections in upcoming drafts and the team was fined.

I commend the National Football League for taking swift and decisive action to discipline those involved in the Saints' bounty program, but we

need to make sure this never happens again on any team, in any team sport. For that reason, I will be convening a hearing of the Senate Judiciary Committee. I spoke to Senator PAT LEAHY about this this morning, and he has given me his permission as chairman to move forward. We will have a hearing and put on the record what sports leagues and teams at the professional and collegiate levels are doing to make sure there is no place in athletics for these pay-to-maim bounties. I want to hear the policies and practices in each of the major sports and collegiate sports that are being put in place, and I want to explore whether Federal legislation is required.

Currently, bribery in a sporting contest is a Federal crime. It is illegal to carry out a scheme in interstate commerce to influence a sporting contest through bribery. This goes back to a law enacted almost 50 years ago by Senator Kenneth Keating of New York. Here is what he said at the time about bribery that would influence the outcome of a sporting contest:

We must do everything we can to keep sports clean so that the fans, and especially young people, can continue to have complete confidence in the honesty of the players and the contest. Scandals in the sporting world are big news, and can have a devastating and shocking effect on the outlook of our youth, to whom sports figures are heroes and idols.

As the Department of Justice stated at that time, when the Federal law making it a crime to engage in bribery to influence the outcome of a sporting contest was enacted, Federal legislation was necessary to deal with the inadequacies and jurisdictional limitations of State law.

Mr. President, most of us are sports fans. I would have to list my favorite sports as football, with baseball a close second. I know football is a contact sport. I still have a bum knee to show from my football experience in high school. Accidents will happen and injuries will happen. That is a part of the game. I knew it when I put on my uniform and went out on the field. But I never dreamed there would be some conspiracy, some bribery involved and some other player trying to intentionally hurt me or take me out of the game. That goes way beyond sports.

I am heartened by the fact that many of the leaders in sports are now sensitized to the injuries that are being caused to players, particularly in the football arena. We know concussions can be devastating and ultimately take the life of a player. The National Football League and others are more and more sensitive to this phenomena. I commend them for this. But this disclosure involving the New Orleans Saints goes to an outrageous level that none of us ever anticipated.

I think it is time, whether we are talking about hockey, football, baseball, basketball, or any collegiate team contest, that we have clear rules to

make certain that what happened with the New Orleans Saints never, ever happens again.

This hearing will invite representatives and witnesses from the major sporting leagues and the NCAA. So they will have time to prepare, we will call the hearing after the Easter break, but I hope to have it in a timely fashion.

I want fans all across America and I want players all across America to know that what happened in New Orleans that led to this action by the NFL is not going to be repeated.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAP 21

Mrs. BOXER. Mr. President, you know very well, because you are such a leader on the issue of jobs for America, that the Senate passed a very important bill last week. It is called MAP 21, Moving Ahead for Progress in the 21st Century. What it did was reauthorize our transportation programs as they relate to highways, our bridges, and our transit systems.

This was a very difficult bill to get done because it took a lot of compromise. My friend in the chair knows this. He comes from Vermont where they have had a lot of issues with rebuilding their roads after disasters, and he knows how important it is, especially in those rural areas, to make sure we have a good transportation system both in our roads, our freeways, and our mass transit.

We got this bill done. It was remarkable, 74 votes. Actually, it would have been 75 votes. One of our colleagues was at a funeral and he was for the bill. So three-quarters of the Senate supported that bill. We excitedly found out some House Members were very happy with it and they have introduced it and that bill, MAP 21, is sitting over in the House. There is a lot at stake, and they are not moving this bill.

They could take that bill off the desk and they could pass it in 15 minutes. I served in the House. I know the rules. It is not like the Senate, where we can filibuster and do amendments and all the rest. It is a very quick process. They have not done that. Instead, they are talking about putting together a bill just with the Republican Party and not including Democrats in that at all. So they would have a very partisan bill, and they are not interested in going to the Democrats. They want to turn that bill into some offshore oil

drilling, drilling in the Arctic, drilling in the lakes, drilling, drilling, drilling, when it has nothing to do with the bill and would only add contentious, non-germane issues to what is a very clear statement by the Senate, in a bipartisan way, that in order to be a great nation and in order to have a strong economy, we need to move goods, we need to move people.

This idea of a national transportation system came to us from a Republican President named Dwight Eisenhower. He was a war hero and a general. He knew logistics, and he knew that if someone is in a war zone and they have to move their artillery, they have to move their equipment and all the rest, they need to have a logistics plan. When he became President, he knew: We are moving products from one State to the next. It is commerce. We had better get it right. And he started the highway system.

Since that time, we have had bipartisan support for transportation legislation. Whether it was Bill Clinton or whether it was George Bush or George Bush's father or it was Jimmy Carter or it was Ronald Reagan or it was Richard Nixon, we have had bipartisan support.

The American people must be really happy to hear that we were able to carry out that bipartisan spirit. Senator INHOFE and I, working in our committee; Senator HUTCHISON and Senator ROCKEFELLER, working in their committee—these are Republicans and Democrats working together—Republicans and Democrats in Finance, Republicans and Democrats in four committees worked on this bill and voted it out.

We asked the House to take up the bill and pass it. So far we have heard nothing at all to lead us to the belief that that is what they are going to do. This entire program expires at the end of next week. If they just send us an extension without funding, if they send us an extension without change in law, it is going to wreak havoc in our States. We already have letters from the States saying that they are very fearful because this is the construction season. You cannot enter into an agreement if you only have a short-term agreement to keep the highway program operating for 30 days or 90 days or 60 days. We call on them to pass this bill.

I did a press conference today with Democrats, Leader PELOSI and STENY HOYER and friends over there who work on transportation issues—NICK RAHALL, the ranking member of the committee, and Mr. BISHOP, who has introduced the Senate bill, and Mr. DEFAZIO from Oregon. We had one message, and the message was this: Speaker BOEHNER, do what every great Speaker has done before you—reach out to the other party, come to the table and get 218 votes and pass this.

So far we do not hear anything like that. I am very worried and I am concerned. Why?

Mr. President, 1.4 million construction workers are unemployed. That would fill 14 football stadiums. Fourteen Super Bowl stadiums filled with unemployed workers—that is what we have in construction because we have had such a downturn in housing. We ask Speaker BOEHNER respectfully, take up the bill. Put these people to work. Our bill will save 1.9 million construction jobs, and it will create up to 1 million more. We can take this 1.4 million, hire 1 million workers, and you would bring down that unemployment rate—way, way down. It is 17.1 percent.

How about our businesses? Our businesses need help. Mr. President, 1,075 organizations—the vast majority of them are businesses—have begged us to do this bill. We say to Speaker BOEHNER respectfully, listen to more than 1,000 organizations. Pass the bill.

I am going to read an amazing array of editorials. I will not read them in whole, I will read them in part. The idea is that maybe Speaker BOEHNER isn't listening, maybe he is not paying attention, but the country is.

Here is an editorial—not from a blue State but from a bright red State called Oklahoma, the Tulsa World:

Bipartisanship in the Senate Moves Transportation Bill.

This is what they said:

With rare bipartisanship, the U.S. Senate on Wednesday passed a much-needed and much-delayed national transportation bill that could create jobs and fund road projects. . . .

They finish by saying:

House Speaker John Boehner has called for the House to either take action on its bill or close it. That could clear the House to consider the Senate bill.

The country's infrastructure has been ignored for too long, and it is in dire straits. This is an important and necessary extension of the Transportation bill. It will make needed improvements to our transportation infrastructure and, just as important, it is a real job-creator.

This is an editorial from Oklahoma—far from a blue State. They want us to finish our work, and they are calling on Speaker BOEHNER to do it.

Here is another red State, the Fort Worth Star-Telegram:

What an exciting thing to see the U.S. Senate pass a surface transportation funding bill last week on a 74-22 vote. Such bipartisan support for maintaining and improving this crucial part of the national infrastructure makes it almost seem like the good old days in Washington. . . .

At one point, [House Speaker John Boehner] said he would put the Senate bill before the House. . . .

Now he says:

It's beginning to look like Boehner doesn't have a clue what the House will do. . . .

If the Star-Telegram is right and BOEHNER doesn't have a clue as to what

to do, I would like to respectfully ask him to take up the Senate bill and pass it.

We just passed a bill they sent us with 73 votes. Our bill passed with 74. We did it. They should do it. In their bill that we passed, there is not one estimate of how many jobs will be created by it—not one. We are hoping there will be. It is the IPO bill. This one is 3 million jobs, unequivocal. They name a bill the “JOBS bill,” they send it over here, and it gets 73 votes. We are going to pass it. We took it up. Now they should pass the bill we passed. They call it the “congressional follies” if he doesn’t act.

This is from the Oregon Register Guard. It is entitled “A Solid Transportation Bill.”

By an impressively bipartisan 74-22 vote, the U.S. Senate on Wednesday passed a two-year blueprint for transportation. The House should pass this massive bill swiftly after setting aside an outrageous Republican version that would link highway, bridge and other transit spending to an expansion of oil drilling from the Arctic National Wildlife Refuge. . . .

It praises our bill and points out that our bill is supported by labor and business, and it will create 3 million jobs.

I am going to read a few more of these. I hope somebody in Speaker BOEHNER’s office is watching, I really do, because we are showing what is happening in the country. Everybody is calling on Speaker BOEHNER to pass the bill.

This is the Sacramento Bee. Who could say it better? “Stop dithering, pass transportation bill.”

The Senate’s two-year bill, while not ideal, would provide states stability through the end of 2013. It also would give lawmakers a year to work on long-term funding. . . .

Some House Republicans are saying they won’t act on a multiyear bill until . . . after the Easter break.

That is unacceptable, that is what I think.

They quote something I said, and I am going to repeat it because I think it is important.

This was a bill that brought us together, and Lord knows, it’s hard to find moments when we can come together.

Isn’t that true, Mr. President? It is hard to find times when we come together, when we came together, three-quarters of the Senate.

Speaker BOEHNER, what more do you want? You had 22 Republicans vote aye. Take up our bill and pass it.

Here is another one: “Highway bill would boost stability.” How important is that as we climb out of this recession?

A two-year, \$109 billion highway bill that passed the Senate this week buoys the hope of interest groups like roadbuilders and the travel industry that the House can be prod by the senators’ action to pass its own bill before a March 31 expiration. . . .

The bill has no earmarks.

This is from Mississippi, another red State.

Mississippi could derive major benefits from a part of the bill called the RESTORE Act amendment, supported by Wicker and Cochran. It would establish a restoration fund for Mississippi, Alabama, Louisiana and Texas—

Et cetera—the gulf coast—to restore the damage caused in the calamitous oilspill.

Here we have newspaper after newspaper.

I will be finished in about 6 minutes. Here is another Chicago Sun-Times editorial: “For a Better Commute, Pass Transportation Bill.”

How about this:

The U.S. Senate just delivered a gift to the House: a bipartisan transportation bill at a time when America really could use a lift. Here’s hoping the House Republicans don’t mess it up. . . .

News for them: Right now, they are messing it up. All they have to do is take our bill from the desk and pass it, and, guess what, that would mean 3 million jobs; thousands of businesses relieved that they know they can enter into contracts to build our roads and fix our bridges. There are 70,000 bridges in a state of disrepair, deficient, meaning they could have serious consequences. We saw bridges collapse. That is not a game. And infrastructure is aging.

I love this editorial. Essentially, it says:

A spokesman for Speaker John Boehner tells us that “the hope is that the House can coalesce around a more responsible, long-term extension” of the transportation bill.

That is a hope. That is a prayer. They tried it for more than a year. Guess what. They got nowhere. They will not talk to the Democrats over there.

I served in the House for 10 years. It was a wonderful experience. Tip O’Neill was a great Speaker. They have had a lot of great ones over there, but Tip O’Neill knew that the way to get things done was to get to 218. He didn’t care if the people voting were Democrats or Republicans; if he saw a need, he got to 218. He would go to his friend Bob Michel on the other side, like I went to JIM INHOFE, and they worked together the way we did.

Speaker BOEHNER, reach your hand out to Leader PELOSI. She is ready to go. She will work with you.

Here is one from Ohio. This is the State of Speaker BOEHNER, from the Akron Beacon, an editorial: “Road to Compromise.”

On Wednesday, 74 Senators, Republicans and Democrats, joined together in a real accomplishment. They approved a two-year, \$109 billion transportation bill. . . . The timing couldn’t have been better. Authorization for federal highway spending ends on March 31. Without action, construction, repair and maintenance will halt across the country.

What will the House do? It should take the cue of the Senate, and quickly approve the legislation that won bipartisan support. . . .

This is Speaker BOEHNER. You know, in Speaker BOEHNER’s State, at a minimum,

55,000 jobs are at stake—at a minimum. That is without our new program that leverages funds. That could be doubled, but right now there are 55,000 jobs we protect and we could create about another 40,000. In Leader CANTOR’s State, it is 40,000 jobs and we could create another 30,000. I don’t know what they are thinking about over there. I honestly don’t know. What are they thinking about?

Here is one. This is from Florida, an editorial: “Pass This Transit Bill.”

How could you get it clearer?

In an all too rare display of bipartisanship, the Senate by a vote of 74 to 22 last week passed a transportation bill of vital interest to South Florida and the rest of the country.

Unfortunately, House members apparently haven’t gotten the word. The Senate bill extends funding for federal highway, mass transit and other surface transportation projects for two years. That would save or create three million jobs. . . .

Speaker John Boehner appears to have recognized that this version favored by some GOP hard-liners in his caucus doesn’t stand a chance of becoming law, but there’s no immediate plan to go forward with a reasonable compromise.

This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their job-killing intransigence and accept the bipartisan Senate version. . . .

Let me repeat that.

This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their job-killing intransigence and accept the bipartisan Senate version before funding runs out.

Let’s hold this here. I am going to conclude here because I know Senator FRANKEN has been waiting and I so respect his right to speak. But I did want to point out that this particular editorial comes from the newspaper that is home to the chairman of the committee over there, JOHN MICA, the chairman of the T and I Committee, Transportation Infrastructure, and this is what they say:

Congress is gridlocked again—surprise!—this time over Federal transportation funding.

Last week a bipartisan majority in the Senate passed a \$109 billion measure that would maintain Federal funding for highway and mass transit projects for two years. But a five-year bill . . . drafted by . . . John Mica, has stalled amid opposition from Democrats and some Republicans.

Rather than let transportation projects grind to a halt, lawmakers should pass the Senate bill as the only bipartisan vehicle available. Then, they should get started on fixing the problems . . . [in the long run]—before the next bill becomes due.

Let’s put up the last one. This is from the Tampa Bay Times. This is a part of Florida that is pretty red, so I will close with this one.

House Should Fix Partisan Potholes and Pass Transit Bill.

With new signs every week that the recovery is taking hold, Congress should be relishing the chance to pass a transportation

bill. But House Republicans are more keen to continue waging ideological wars in the run-up to elections than to bring some much-needed relief to America's commuters and to workers hard hit in the construction industry. The House should follow the Senate's lead and pass a transportation bill without further delay. . . .

So everybody seems to be getting the message, but I am not so sure Speaker BOEHNER or Leader CANTOR are listening, and they have to listen. Because if they don't listen and as a result of their inability to pass this bill—or not want to pass it—what will happen is there will be another jolt to this economic recovery. Because we are talking 3 million jobs at stake. Thousands of companies are hurting, and I am hearing from States all over this great Nation that they are in chaos because they don't know what the House is going to do.

So we took up a House bill, we didn't play partisan games, we passed it in a couple days, and it got 73 votes. Our jobs bill for highways and transit and roads and bridges got 74 votes. I say they wanted us to do this, we did it. How about they take a look at this bill. How about they save 3 million jobs. How about they do the people's work before they go off on their break. They owe it to the American people. BOEHNER, CANTOR, MICA, all of them owe it to the American people. They said it is a priority, and they do nothing. They are dithering, as the papers have expressed. Today, they can stop dithering. Tomorrow, they can get our bill ready for a vote. Next week, they could pass it, we can go home, and we can all celebrate with our businesses and our construction workers and know we have done something great for the American people.

Thank you very much. I yield the floor.

Mr. FRANKEN. Madam President, I would like to associate myself with the words of the Senator from California for the tremendous work she did on the Transportation bill, which is a bipartisan bill that passed overwhelmingly in the Senate.

HEALTH CARE

Mr. FRANKEN. Madam President, I would like to join many of my colleagues who are each talking a little bit about the affordable care act, which celebrates its second anniversary of being signed into law by the President tomorrow. Even though the law will not be fully implemented until 2014, millions of Americans and Minnesotans are already enjoying the benefits from important provisions in the law.

For example, no child in Minnesota, no child in New Hampshire, and no child in America can now be denied health insurance coverage because he or she has a preexisting condition. Parents across Minnesota and around the country can sleep a little bit easier

knowing that if their child gets sick, they will still be able to get the health care coverage they need. That is a big deal.

Speaking of parents, young adults can now stay on their parents' health insurance until they are 26. Thanks to the affordable care act, 32,189 young adults in Minnesota are now insured on their parents' policy. Because of this law health insurance companies can no longer impose lifetime limits on health care benefits.

Just a few weeks ago, I heard from a Minnesotan in his thirties who has hemophilia. He had already hit his lifetime cap three times, but because of the health care reform law he still has insurance. No American can ever again have their health insurance taken away from them because they have reached some arbitrary lifetime limit, and I am proud of that.

Let's talk about seniors. I go to a lot of senior centers around my State. I know the Presiding Officer goes to senior citizen centers around New Hampshire. Because of the health care law more than 57,000 seniors in Minnesota receive a 50-percent discount on their covered brand-name prescription drugs when they hit the doughnut hole, at an average savings of \$590 per senior. By 2020, the law will close the doughnut hole entirely. You know who likes that—seniors. You know what else seniors like—the fact that in 2011, 424,000 Minnesotans with Medicare received preventive services without copays, such as colonoscopies and mammograms and free annual wellness visits with their doctors. I could go on and on with what we have already gained, but I wish to talk a little bit about a provision I wrote with the catchy name “medical loss ratio,” which is sometimes called the 80/20 rule because of my medical loss ratio provision which I based on a Minnesota law.

Health insurance companies must spend 80 to 85 percent of their premiums on actual health care. This is 85 percent for large group policies, 80 percent for small group and individual policies on actual health care, not on administrative costs, marketing, advertisements, CEO salaries, profits but on actual health care. We have already heard the medical loss ratio provision is working. The plan is already lowering premiums in order for companies to comply with the law. For example, Aetna in Connecticut lowered their premiums on an average of 10 percent because of this provision in the law.

Another key provision in the law is the value index. The value index rewards doctors for the quality of the care they deliver, not the quantity—for the value of the care, not the volume.

My home State, Minnesota, is a leader—if not the leader—in delivering high-value care at a relatively low cost. Traditionally, in Minnesota, our health care providers have been well

underreimbursed for it. For example, Texas gets reimbursed 50 percent more per Medicare patient than Minnesota does. This isn't about pitting Minnesota against Texas or Florida, it is about rewarding those low-valued States to become more like Minnesota.

Imagine if we brought down Medicare expenditures by 30 percent around the country while increasing its effectiveness. It will bring enormous benefits not just to Minnesota but across the country because it will bring down the cost of health care delivery nationwide, and that is what we need to be addressing, the cost of health care delivery, because we all know bringing down the health care costs is key to getting our long-term deficits in order. In fact, there is probably nothing more important that we can do. That is where the value index is so important.

I have gone over a number of the benefits from health care reform that have already kicked in, but I obviously didn't mention them all. According to the Wall Street Journal, health care reform has already added jobs to our economy. I barely touched on the great stuff that kicks in, in 2014, such as the exchanges which will allow individuals and small businesses to pool with others to get more affordable health insurance that is the right fit for them. Of course, while presently no child can be denied health insurance for preexisting conditions, starting in 2014 no American will be denied health insurance or penalized for having a preexisting condition.

The Congressional Budget Office, a nonpartisan agency of Congress, has crunched the numbers and reported that the affordable care act will insure 31 million additional Americans and bring down our national deficit by billions of dollars in its first 10 years and by approximately \$1 trillion in its second 10 years.

I ask the American people not to fall victim to disinformation. There are no death panels. The affordable care act cuts the deficit. Under this law, businesses under 50 employees don't have to provide insurance for their employees and will not suffer penalties if they don't. They will not have to pay fines and they will not be dragged into prison. There is so much junk out there that is just plain false, and it is doing everyone in this country a giant disservice.

My colleagues and I disagree on many things. Can we all at least agree to talk about this law in a factual manner? The benefits of this law are tremendous and Americans across the country are already experiencing it. I urge all my colleagues to acknowledge these benefits and to support the continued implementation of the Patient Protection and Affordable Care Act.

(The remarks of Mr. FRANKEN pertaining to the introduction of S. 2225 are printed in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Mr. FRANKEN. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNIS. Madam President, the anniversary of any new law should be a time to celebrate accomplishments and new landmarks. But the almost constant flow of bad news, unfavorable reports, and broken promises makes the second anniversary of the health care law anything but a celebration. Rather, it is something that even the White House seems embarrassed to mention.

The truth is the policy behind the bill was flawed. The truth is that the law is fundamentally flawed. It raises taxes and health care costs for working Americans. It puts bureaucrats between patients and their doctors. It tangles our Nation's job creators in regulations and redtape, and it defies our country's most sacred document—the Constitution of the United States.

Next week, the U.S. Supreme Court begins hearings to determine whether the health care law violates the Constitution. It is one of the most important cases reviewed in recent history. The Court has set aside a remarkable 6 hours for oral arguments—more time than has been devoted to a case in over four decades. Its ruling will have a far-reaching impact on our health care system, but it doesn't stop there. It will have a far-reaching impact on our economy, and fundamentally on the expanse of congressional authority over the individual citizen.

I hope the Supreme Court will resolve the countless problems in this law for good by striking it down in its entirety.

The facts tell us that with the passage of time, things have not gotten better with this law; they have, in fact, gotten worse. Take last week's report from the nonpartisan Congressional Budget Office as one example. We learned something about the cost of this bill. Before the bill was passed, many of us were saying this bill was filled with budget gimmicks to make it look cheaper to the American people than it was. Well, we learned that the cost of the law's coverage provisions alone is projected to balloon to \$1.7 trillion.

The problem is that CBO only does 10-year projections, so the major provisions of this law were delayed until 2014. Why? Well, the reason for that is it was done to mask the true costs of this bill when it was fully implemented. When we eliminate gimmicks such as this and consider the law's first 10 years of full implementation, I fully expect the total cost of this legislation

will not be the \$900 billion promised by President Obama, it will be \$2.6 trillion. This law certainly doesn't bend the cost curve down.

CBO concludes that families buying insurance on their own will pay an astounding \$2,100 more a year for that insurance. Yet then-Candidate Obama promised that Americans would see their premiums decrease by \$2,500 by the end of his first term.

The recent CBO report also noted that the Federal Government will spend \$168 billion more on Medicaid compared to last year's estimate.

The truth keeps coming out. That means more people will be trapped in a broken program where waiting lines will, in fact, be longer, emergency room visits will be more frequent, because that is the only place they can find care, health care outcomes will get worse, and 40 percent of physicians today won't even see patients in this program.

This law does not deliver better quality health care either. Imposing Medicaid on more people is like giving someone a ticket to ride a bus that has broken down hundreds of miles away but claiming they have a ticket so, in fact, they have the opportunity for transportation. Not only that, the law puts all the pressure and burden on our States to implement the Medicaid Program's largest expansion since 1965, placing \$118 billion in unfunded mandates on States, when our States are struggling to figure out how they balance their budgets today. As a former Governor who has balanced budgets, I believe this expansion dumped on our States to manage is a critical and fatal flaw of this legislation.

CBO also recently projected that up to 20 million more working Americans could lose their employer-sponsored health care coverage because of this health care law. That is an incredible shift, especially when we consider that our President promised no fewer than 47 different times: "If you like your plan, you can keep it."

In addition to a potential 20 million employees losing their current coverage, 7 million seniors are likely to lose their Medicare Advantage plans. According to the Congressional Budget Office Director, more than 3,200 Nebraskans enrolled in Medicare Advantage will, in fact, have their benefits cut in half. Families in 17 States, including Nebraska, no longer have access to child-only health insurance because of mandates in the law.

Wait a second. I just said in 17 States they no longer have access to a child-only health insurance policy because of this law's effect. That is incredible.

Our Nebraska insurance commissioner called this collapse of the child-only market "an example of the unintended consequences of this imperfect law."

Here we see the President's promise, again, flipped on its head: This law

forces you to say goodbye to the coverage you like for children.

Over the past 2 years, I have traveled across the great State of Nebraska hosting townhalls, roundtables, and meetings, and I am finding that the more folks know about this law, the more they detest it. Religious schools and hospitals and charities are troubled because the law will force them to violate their deeply held beliefs. Seniors are concerned that the law will limit access to care because it siphons \$500 billion from Medicare and uses it as a piggy bank to spend on other government programs.

The administration's own Medicare Actuary has projected "the prices paid by Medicare for health services are very likely to fall increasingly short of the costs of providing these services." The CMS Actuary continued that these Medicare cuts could result in "severe problems with beneficiary access to care."

Let me translate that. That means this law will make it more difficult for senior citizens to get health care because the Federal Government is not paying its way. Others wonder what the 159 new boards established by this law will mean for access to health care, and hard-working Nebraskans question how the law's $\frac{1}{2}$ trillion in taxes will affect their families. Approximately 428,000 Nebraskan households making less than \$200,000 will pay higher taxes—approximately 428,000. That is based on estimates by the Joint Committee on Taxation.

Small businesses across Nebraska have shared with me that they are holding off on hiring because of the mandates in this legislation. At a roundtable last week, business men and women expressed their concerns about the law's tax on health insurance companies in the fully insured market, and with good reason. The health insurance tax alone could impose \$87 billion in costs on businesses and their employees over the law's first 10 years alone.

An analysis by the National Federation of Independent Business indicates this law will force the private sector—to cut between 124,000 and 249,000 jobs between now and 2021. That is not just a statistic, those are families who will lose a job because of this health care bill.

It is remarkable that in the midst of our economic situation, the President's signature legislation actually reduces jobs. These are some of the many reasons Nebraskans are demanding louder than ever that this law be repealed.

Now, some of the law's supporters have taken up the mantra: Well, don't repeal it, repair it. That is a nice slogan. This law, though, is so fatally flawed no bandaid is ever going to fix it.

I experienced firsthand how difficult it is to change this law when I worked to repeal the 1099 reporting requirement, which nearly everybody agreed

was idiotic. It would have increased paperwork burdens on our Nation's job creators by up to 2,000 percent.

The administration even agreed this pay-for in their law needed to go, and, in the end, 87 Senators supported full repeal of the provision. But it took 9 months and 7 votes before my efforts to repeal a provision that everybody agreed was idiotic was finally successful. So anyone who tells you we can tinker with the law to fix it might as well offer you ocean-front property in the State of Nebraska.

The 2,700-page law is one of the largest pieces of legislation ever passed in this Nation's history. Its provisions are interconnected, ill-fated, and far-reaching, and they will affect every single American economically, socially, and physically. We cannot sit idly by and allow for the negative consequences to continue unraveling, and they will.

As I said, I hope the Supreme Court strikes down this entire law. But if it does not, we will continue our fight to repeal it, as Nebraskans demand that I do. We must protect the rights of Americans to choose their doctors, to select their insurance, to trust their care, and to protect their conscience rights. We must ensure employers see reforms that reduce regulations and redtape and instead increase efficiencies and address the underlying costs. We must give States the flexibility to run their Medicaid Program in the best way that serves the needs of those vulnerable populations in that State.

This law is misguided. It stifles job growth and does not improve health care for millions of Americans, and it should be wiped off the books. Americans are demanding it, Nebraskans are demanding it, and they deserve that.

Mr. LEAHY. Mr. President, 2 years ago this week, President Obama signed into law the affordable care act. This landmark act will extend health insurance coverage to 30 million uninsured Americans in the next few years. Reform based on good-quality and affordable health insurance, talked about for decades, is finally becoming a reality. Over 15 months, Congress debated and then passed the most sweeping and comprehensive reforms to improve the everyday lives of every American since Congress passed Medicare in 1965. It was an arduous process, but in the end this achievement proved that change is possible and that the voices of so many Americans who over the years have called on their leaders to act have finally been heard.

Americans are already beginning to see some of the benefits of insurance reform. Seniors on Medicare who have high-cost prescriptions are starting to receive help when trapped within a coverage gap known as the "doughnut hole." The affordable care act completely closes the coverage gap by 2020, and the new law makes it easier for

seniors to afford prescription drugs in the meantime. In 2010, more than 7000 Vermonters received a \$250 rebate to help cover the cost of their prescription drugs when they hit the doughnut hole. Last year, nearly 6800 Vermonters with Medicare received a 50-percent discount on their covered brand-name prescriptions, resulting in an average savings of \$714 per person. Since the affordable care act was signed into law, more than 4000 young adults in Vermont have gained health insurance coverage under these reforms, which allow young adults to stay on their parents' plans until their 26th birthdays. The improvements we are seeing in Vermont go on and on: 81,649 Vermonters on Medicare and more than 100,000 Vermonters with private insurance gained access to and received preventative screening coverage with no deductible or copay. These are just a few of the dozens of consumer protections included in the law that are benefiting Vermonters and all Americans every day.

Now that the law is in effect, many of the essential antidiscrimination and consumer protections of the affordable care act are being implemented, allowing consumers to take control of their own health care decisions. Known as the Patients' Bill of Rights, these rules protect consumers against the worst health insurance industry abuses that have prevented millions of people from receiving the health care they need. Going forward, insurance plans can no longer deny children coverage because of a preexisting health condition; insurance plans are barred from dropping beneficiaries from coverage simply because of an illness; dozens of preventive care services must be covered at no cost and with no copay; and Americans will have access to an easier appeals process for private medical claims that are denied.

Yet another major reform now protects hard-working Americans from one of the most egregious insurance industry practices: setting lifetime or annual limits on health insurance coverage. Before this change in the law, wherever I traveled in Vermont, I was often stopped in the grocery store, at church, on the street, or at the gas station by Vermonters who shared their personal, wrenching stories about how they could no longer get medical treatment because they had met their annual or lifetime maximum. Many of these Vermonters were perfectly healthy before being diagnosed with cancer or diseases that can cost well beyond their means for treatment. Instead of being able to focus on getting healthy, patients instead had to worry about whether their next doctor's visit will push them above the insurance company's arbitrary limit.

Beginning in 2014, insurance companies will no longer be allowed to deny coverage to individuals with pre-

existing health conditions or to charge higher premiums based on health status or gender. We learned in a report issued by the National Women's Law Center this week that until these reforms are implemented, insurance companies are continuing to charge women higher premiums than men. In States where this practice is not prohibited, women can pay substantially more than men solely because of their gender. Those who wish to turn back the clock and repeal the affordable care act threaten to return the American people to a broken health insurance system where women can be charged more than men, children can be denied insurance coverage because they were born with a health condition, and individuals risk losing their health insurance solely for getting sick.

In addition to these improvements to our health insurance system, over time the affordable care act will insure 93 percent of our population and make a substantial investment in our economic vitality in the years ahead. I was proud to work with Senator GRASSLEY and others to include strong antifraud provisions in the law that have already helped prevent and detect fraudulent activities that in the past have cost American taxpayers millions of dollars each year. Despite the specious arguments from opponents of reform, this bill is the largest deficit reduction measure upon which many in Congress will ever cast a vote. The Congressional Budget Office estimated that comprehensive reform will reduce the Federal deficit by \$143 billion through 2019, and by more than \$1 trillion in the decades to come.

Regrettably, opponents of the affordable care act have sought to continue their political battle by challenging the landmark legislation in the courts, right from the moment President Obama signed it into law. These opponents seek to achieve in the courts what they could not in Congress. They want judges to override legislative decisions properly assigned by the Constitution to Congress, the elected representatives of the American people.

In my view, the partisan legal challenges to the affordable care act depend on legal theories so extreme they would not only undo the progress we have made in the affordable care act for kids, families, and senior citizens, they would turn back the clock even farther to the hardships of the Great Depression. They seek to strike down principles that have been settled for nearly three quarters of a century and have helped us build and secure the social safety net through Social Security, Medicare and Medicaid. These challenges to Congress's constitutional authority to enact the affordable care act have been rejected by three courts. Judges appointed by Republican Presidents and Democratic Presidents have rejected these challenges, and they

were right to do so. Now the case is before the Supreme Court, which will hear arguments next week.

I have joined congressional leaders in filing an amicus brief defending the affordable care act. I did so not only because I have fought for decades to secure affordable health care for all Americans but because I am convinced that Congress acted well within the limits of Article I of the Constitution in doing so. Before passing the affordable care act, Congress expressly considered and rejected arguments that the law, including the requirement that individuals have health insurance, is not constitutional. I believe we must defend the enumerated powers given to Congress by the Constitution so that our ability to help protect hard-working American workers, families, and consumers is not wrongly curtailed by the courts.

What is telling about the partisan nature of these challenges is that many of those who now claim that the requirement that Americans have health insurance or face a tax penalty is unconstitutional are the very ones who proposed it. Republican Senators like Senator HATCH, the former chairman of the Judiciary Committee, and Senator GRASSLEY, the ranking member of the Judiciary Committee, proposed a health insurance requirement as an alternative when they opposed President Clinton's plan to provide access for all Americans to health care. They were for the individual mandate until President Obama was for it, and now they are against it. Their views may have changed, but the Constitution has not. What they fail to mention are the consequences of removing this provision. If individuals are not required to have health insurance, then they will wait until they are sick to get coverage, driving up the costs for everyone else in the meantime. This will mean that many of the consumer protections in the law, such as the ban on preexisting health conditions, would disappear, once again leaving millions uninsured. For sake of the health and security of our Nation, the Supreme Court should not cast aside this landmark law and Congress's time-honored ability to act on behalf of the American people.

The affordable care act is a tremendous achievement that will improve the lives of Americans for generations to come. For decades, we have heard heartbreaking stories about the enormous challenges Americans face because they are uninsured or underinsured. With each year that we move forward to implement the features of the affordable care act, these stories are becoming fewer and fewer and are being replaced by stories of the success of these reforms, one family at a time, all across Vermont and all across America.

There is still much more to accomplish, and there are still millions of

Americans who are struggling to buy or keep adequate health insurance coverage for their families or themselves. As these reforms are implemented over the next few years, I will continue to work with Vermonters and the Department of Health and Human Services to help Americans have the access to the quality, affordable health insurance that each and every American needs and deserves.

I yield the floor.

VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Madam President, I note in morning business that the bipartisan Violence Against Women Act reauthorization now has 61 cosponsors. I thank Senator CRAPO for his leadership and commend the Senators from both parties who came to the floor last week to speak about the importance of reauthorizing the Violence Against Women Act.

I want to thank Senators MIKULSKI, MURRAY, MURKOWSKI, KLOBUCHAR, HAGAN, SHAHEEN, FEINSTEIN and BOXER for coming to the Senate floor last week to express bipartisan support for the Violence Against Women Reauthorization Act and to emphasize the importance of reauthorizing this landmark legislation. I hope that their statements will point the way for the Senate to act soon to pass this important legislation.

Senator KLOBUCHAR spoke about her time as a prosecutor in Hennepin County, MN, and her efforts to put the focus on children's needs in domestic violence cases. She spoke about the dangers faced by law enforcement and the loss of a young officer who was killed while responding to a domestic violence call and who left behind a wife and three young children.

We heard from the respected senior Senator from Alaska, Senator MURKOWSKI, who spoke of the message we need to send so that victims can have confidence and muster the courage to leave an abusive situation. She spoke about the important commitment we make against sexual assault and domestic violence in this legislation and our expanded efforts in rural communities such as the villages of rural Alaska.

The Senate heard last Thursday, as well, from Senator MIKULSKI, Senator MURRAY, Senator HAGAN, Senator SHAHEEN, Senator FEINSTEIN and Senator BOXER, the author of a House bill in 1990 that was an important part of this effort. Eight Senators came to the floor to remind us all why this measure is important and that the Senate should proceed to pass it.

For almost 18 years, the Violence Against Women Act—VAWA—has been the centerpiece of the Federal Government's commitment to combating domestic violence, dating violence, sexual assault, and stalking. The impact

of this landmark law has been remarkable. It has provided life saving assistance to hundreds of thousands of women, men, and children, and the annual incidence of domestic violence has fallen by more than 50 percent since the law was first passed.

Support for the Violence Against Women Act has always been bipartisan, and I appreciate the bipartisan support that this reauthorization bill has already received. Senator CRAPO and I introduced the reauthorization of the Violence Against Women Act in November. With Senators HELLER and AYOTTE joining the bill this week, it is now cosponsored by 61 senators from both sides of the aisle, reaching a critical level of bipartisan support.

The Violence Against Women Act is not about partisan politics. It is about saving women's lives and responding to the scourge of domestic and sexual violence. We should consider the bill and pass it because it is vitally important legislation. The legislation now before the Senate is informed by the experiences and needs of survivors of domestic and sexual violence all around the country, and by the recommendations of the tireless professionals who serve them every day. It builds on the progress that has been made in reducing domestic and sexual violence and makes vital improvements to respond to remaining, unmet needs, as we have each time we have authorized and reauthorized the Violence Against Women Act.

Our legislation includes key improvements that are needed to better serve the victims of violence. Because incidence of sexual assault remains high, while reporting rates, prosecution rates, and conviction rates remain appallingly low, this reauthorization increases VAWA's focus on effective responses to sexual assault. It also encourages the use of new, evidence-based methods that can be very effective in preventing domestic violence homicide. The provisions of the bill are described and explained in the committee report, which was also filed last week.

The provisions that a minority on the Judiciary Committee labeled controversial are, in fact, modest changes to meet the genuine, unmet needs that service providers, who help victims every day, have told us they desperately need. As every prior VAWA authorization has done, this bill takes steps to recognize those victims whose needs are not being served and find ways to help them. This is not new or different. It should not be a basis for partisan division. The provisions are not extreme, and they are not political.

This reauthorization seeks to ensure that services provided under the Violence Against Women Act are available for all victims, regardless of sexual orientation or gender identity. Research has proven that domestic and sexual violence affects all communities, but

victims of different sexual orientations or gender identities have had a more difficult time obtaining basic services. There is nothing radical or new about saying that all victims are entitled to services. This is what the Violence Against Women Act has always done. It reaches out to help all victims. As Senator FEINSTEIN said last week: “[T]hese are improvements. Domestic violence is domestic violence.”

Domestic and sexual violence against Native women continues to be a problem of epidemic proportions. Just as we made strides when we enacted the Tribal Law and Order Act two years ago, we can take responsible steps to more effectively protect Native women. Working with the Indian Affairs Committee, we have included a provision to fill a loophole in jurisdiction in order to allow tribal courts jurisdiction over perpetrators who have significant ties to the tribe in a very limited set of domestic violence cases involving an Indian victim on Indian land. This provision would allow prosecution of cases that currently are simply not addressed, and it would do so in a way that guarantees defendants comprehensive rights.

The bill would allow a modest increase in the number of available U visas. Law enforcement is authorized to request visas for immigrant victims who are helping their investigations. These visas are key law enforcement tools that allow perpetrators of serious crimes to be brought to justice. They were created in VAWA previously with bipartisan support. The Department of Homeland Security and the Fraternal Order of Police strongly support this provision because it serves law enforcement purposes.

We all know that while the economy is now improving, these remain difficult economic times, and taxpayer money must be spent responsibly. That is why in our bill, we consolidate 13 programs into four in an effort to reduce duplication and bureaucratic barriers. The bill would cut the authorization level for VAWA by more than \$135 million a year, a decrease of nearly 20 percent from the last reauthorization. The legislation also includes significant accountability provisions, including audit requirements, enforcement mechanisms, and restrictions on grants and costs.

Our bipartisan bill is the product of careful consideration and has widespread support. I have reached out to those who have opposed these provisions to work out a time agreement to govern amendments. The Judiciary Committee passed this bill after considering the amendments offered by the minority. That is what the Senate should do. Then we should move forward and pass this important measure with strong bipartisan support. These problems are too serious for us to delay. We should reauthorize this law now.

This is crucial, commonsense legislation that has been endorsed by more than 700 State and national organizations. Numerous religious and faith-based organizations as well as our law enforcement partners have endorsed this VAWA reauthorization bill. The Violence Against Women Act should not be a partisan matter. The last two times the Violence Against Women Act was reauthorized, it was unanimously approved by the Senate. Although it seems that partisan gridlock is too often the default in the Senate over the last couple of years, it remains my hope working with our Republican cosponsors and if those who have voted for VAWA in the past come forward to support it, we can pass our VAWA reauthorization with a strong bipartisan majority.

Domestic and sexual violence knows no political party. Its victims are Republican and Democrat; rich and poor, young and old, male and female. Let us work together and pass strong VAWA reauthorization legislation without delay. It is a law that has saved countless lives, and it is an example of what we can accomplish when we work together.

TRIBUTE TO HERBERT S. VERRILL

Mr. MCCONNELL. Madam President, I rise today to pay tribute to a man who has made a great sacrifice to protect and defend the liberties of his beloved United States, and the Republic of France as well: 2LT Herbert S. Verrill of Laurel County, KY. Mr. Verrill is a veteran of World War II and served a tour of duty in Europe in 1945. Today he is 92 years old and resides on Old Whitley Road in Laurel County.

Mr. Verrill, or “Herb” as many call him, served in the U.S. Army, Company E, 399th Infantry Regiment, 100th infantry division. Near Reyersviller, France, on March 15, 1945, he commanded a small troop. He was just a lieutenant, and at the time he and his men ventured into the midst of an attack that day. To Herb’s horror, his unit found themselves trapped in a maze of barbed wire and landmines while bullets whizzed around them. Herb accidentally set off one of the buried mines, and the explosion took off his foot in a nearly fatal wound. In a superhuman act of courage, Herb ignored the pain and forgot the wound he had just received. All the 24-year-old lieutenant would think about was the safety of his troop. Using the one foot he had left, Herb directed his men safely out of the middle of the heated skirmish.

After the war, Herb returned home to Kentucky and settled down. He married, fathered three successful children, and found his way back to civilian life. For the next many years Herb, like many other World War II veterans, kept the courage and selflessness he

had shown on the battlefield to himself. He sat by quietly and humbly, watching those around him enjoy the freedoms and liberties he and many others had made such a great sacrifice to preserve. Although Herb had done his best to move on, the world would not forget the great heroism that he had shown.

Herb received a letter from the Consul General of France, based in Chicago, IL, in July of 2011. He had been named a Knight of the Legion of Honor by the President of the French Republic, one of the highest awards one can receive in the country of France. The letter read:

My fellow countrymen will never forget your sacrifice. Their children and grandchildren are as proud of your courageous actions as can be your own children and grandchildren. This outstanding distinction is the highest honor that France can bestow upon those who have achieved remarkable deeds for France. It is also a sign of gratitude for your invaluable contribution to the liberation of France during these difficult times in the history of our nation.

The award was authorized on July 4, 2011.

Herb was also recognized by the country whose flag he had worn on his uniform in Europe—the United States of America. He received the Distinguished Service Cross. The letter he received from GEN Donald Storm recalled the “indomitable courage and resolution” displayed by Herb during the battle in Reyersviller that “prevented confusion and consequent casualties among the men, which made possible the capture of the objective.”

Herb’s nephew, Randy Stanifer, is in awe of the great sacrifice that was made by the service men and women during the Second World War. “The men from those wars were pre-cell phones and pre-Internet,” he says. “They were out in the field and would go months without hearing from their families. They went through many things and when most of them came home, they didn’t talk about it.”

Randy went on to declare, “I think we should all pause for a few minutes and recognize the things they had to go through and appreciate their sacrifices.”

Herb was extremely pleased to receive both awards. He is one of the few remaining veterans of World War II; sadly, our country loses more every day. He answered his country’s call to serve, and he did so valiantly. Herbert Verrill undoubtedly deserves every recognition.

Mr. President, at this time I would like to ask my Senate colleagues to join me in commemorating the service and sacrifice made by 2LT Herbert S. Verrill in World War II on behalf of the United States of America and the French Republic.

Recently an article appeared in the Laurel County-area publication the Sentinel Echo. The article highlighted

the courageous life of Mr. Verrill and reported on the awards bestowed upon him by the French Republic and the United States in July, 2011. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Aug. 26, 2011]

LAUREL MAN RECEIVES FRENCH MILITARY HONOR

(By Nita Johnson)

A local veteran of World War II recently received two honors for his military service, one of which is the highest honor bestowed by the French government.

Herbert Verrill of Old Whitley Road was presented with the Knight of the Legion of Honor on behalf of the President of the French Republic through the Consul General of France, based in Chicago. He also received the Distinguished Service Cross for his valor in leading his men away from harm during a battle in France and for directing his company to continue an attack, despite being injured himself.

Verrill served with the United States Army Company E, 399th Infantry Regiment, 100th Infantry Division near Reysersviller, France, on March 15, 1945. Verrill, a lieutenant at the time, was leading his troops through an attack by enemy forces—through mines and barbed wire—when he accidentally set off one of the mines. The explosion blew Verrill's foot off. In spite of the pain and trauma, Verrill kept his fellow comrades and their safety foremost, and ordered them away from the minefield. He continued to ensure their safety and defense by continuing to direct the men by hand and arm signals.

Verrill received the letter from Graham Paul, Consul General of France in Chicago, Ill., last month.

"It is my pleasure . . . to inform you, on behalf of the people of France, the President of the French Republic has named you Knight of the Legion of Honor for your valorous action during World War II," the citation reads. "My fellow countrymen will never forget your sacrifice. Their children and grandchildren are as proud of your courageous actions as can be your own children and grandchildren. This outstanding distinction is the highest honor that France can bestow upon those who have achieved remarkable deeds for France. It is also a sign of gratitude for your invaluable contribution to the liberation of France during these difficult times in the history of our nation."

The award was authorized through a decree from the President of the French Republic on July 4, 2011.

Verrill was also presented with the Distinguished Service Cross by the American government for his courageous acts. The citation outlining Verrill's heroic act reads: "The President of the United States of America, authorized by Act of Congress, July 9, 1918, takes pleasure in presenting the Distinguished Service Cross to Second Lieutenant (Infantry) Herbert S. Verrill, United States Army, for extraordinary heroism in connection with military operations against an army enemy.

"The indomitable courage and resolution which he displayed prevented confusion and consequent casualties among the men, which made possible the capture of the objective. Second Lieutenant Verrill's intrepid actions, personal bravery and zealous devotion to duty exemplify the highest traditions of the

military forces of the United States and reflect great credit upon himself, the 100th Infantry Division, and the United States Army," reads the citation.

The award was recently presented by Adjunct General Donald Storm, who said, "It is an honor and privilege to give him the award. Those soldiers in Afghanistan now will be the next generation of heroes."

Verrill is one of the few remaining veterans from World War II, and although nearly bedfast now at age 92, he was pleased to receive the honor. His nephew, Randy Stanifer, praised his uncle for his valiant contributions to his country, not only during wartime but also after returning home from the war.

Verrill, a mere 24 years old while doing his military service in France, watched the war rage throughout Europe and made his sacrifices like thousands of other servicemen and women. "Herbert came back home, married and raised three children, all of whom are successful. Herbert and the men from those wars were pre-cell phones and pre-Internet. They were out in the field and would go months without hearing from their families. They went through many things and when most of them came home, they didn't talk about it," he said.

Stanifer mentioned two other local World War II veterans, of whom he learned information about their wartime activities.

"Vernon Hedrick, who died a few years ago, escaped from a German POW camp and walked over 100 miles to get away from enemy lines," he said. "I didn't know that until recently. Bill Moore (owner of London Tire until his death) was given his last rites on the battlefield. They both survived and came back home, but they didn't talk about these things."

"Herb (Verrill) never talked about any of (his experience)," he continued. "That generation has sat back and watched the country do what it's doing now. I think we should all pause for a few minutes and recognize the things they had to go through and appreciate their sacrifices."

TRIBUTE TO WILMER LEE BOGGS

Mr. MCCONNELL. Madam President, I rise today to pay tribute to a man who has not only valiantly served his country but has also been a devoted husband and a loving father and grandfather, Mr. Wilmer Lee Boggs of Laurel County, KY. Mr. Boggs served in the U.S. Army Air Corps for over 3 years, and upon returning home he contributed to the Nation in a different way, by serving with the U.S. Postal Service for a quarter of a century.

Wilmer was drafted into the U.S. Armed Forces in 1942. He was 21 years old. Shortly after receiving glowing scores on his entrance exam, he was pulled out of basic training in Ft. Thomas, KY, after only a few days and transferred to the Air Corps, the Army service division from which the Air Force would later come. At the time, the Army Air Corps was in need of mechanics, specifically supercharger mechanics. Superchargers were built onto plane engines to provide the vehicle with more power and speed. The skills displayed by the young Wilmer Boggs showed that he was the man for the job.

Wilmer Boggs, along with the rest of his supercharger class No. 21, graduated from the Aviation Institute of Technology in 1943. Based in England, Wilmer spent the next 7 months going wherever the Corps called him to repair, service, stock, and fuel the airplanes.

Born and raised in Laurel County, Wilmer Boggs had never lived anywhere else. While he was in the Army Air Corps he traveled through 19 different countries and made sure to hold onto a little piece of home the entire time: his dear friend Wilma Vaughn. Mr. Boggs had promised Wilma, whom he had met at Sue Bennett College, that he would write to her faithfully each month, and that is exactly what he did. The two kept up until the soldier returned home in January 1946.

Just 6 months later, in July of 1946, Wilmer went to pick Wilma up from her house with the idea of marriage in the back of his mind. The unsuspecting Wilma was no doubt surprised by Wilmer's request. But love prevailed, and later that day the two were wed, and according to Wilmer, "She was the best wife there ever was."

Wilmer went on to become a postmaster in the U.S. Postal Service while Wilma taught elementary school. They retired together in 1981. Sadly, his beloved Wilma passed away in 2011 but not before the two had seen almost the entire western part of the United States together.

Wilmer has spent his 89 years on Earth forging a legacy that is matched by few. His character is upstanding, and he is a man driven by principle. He is deeply loved and admired by his family, and he is greatly respected by those who know him. It is men like Wilmer whom we can all look up to. Underneath the loyalty and service he has shown his country in its time of need, there is a deep and humble appreciation for his fellow man and local community, which he has conveyed throughout his lifetime.

Mr. President, at this time I would like to ask my Senate colleagues to join me in commemorating Mr. Wilmer Lee Boggs for his upstanding character and devoted service to country and community throughout his prosperous lifetime.

An article was published in the Sentinel Echo Silver Edition in the fall of 2011. The story observed the phenomenal life and times of Wilmer Lee Boggs and his dedication to the U.S. Postal Service, the U.S. Army, and his local economy. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo Silver Edition, Fall 2011]

WORLD WAR II: TAKING THE LEAD
(By Carrie Dillard)

After 25 years with the United States Postal Service, Wilmer Lee Boggs retired as postmaster in 1981. The 89-year-old has worked in banking and the family business, in farm machinery and dairy. He's volunteered for more than four decades with soil conservation and the Gideons.

With his natural leadership abilities, Boggs could've been a politician like his father, Boyd Boggs, who served as both judge and sheriff during his lifetime, but he preferred tinkering with tools instead.

It's why his job in the U.S. Army Air Corps suited him perfectly. Boggs was an airplane engine mechanic, specializing in superchargers.

"It was pretty fortunate to get to do something I liked to do," he said.

Boggs was drafted into the military in 1924. He was 21 years old.

"I got a notice to go into London to the draft board. I was expecting in," he said.

Although Boggs was drafted into the Army, his entrance exam quickly showed an aptitude for more, and he was chosen for the Air Corps, a predecessor to the Air Force.

He was supposed to do his basic training at Fort Thomas, Kentucky, but after just a couple of days there, he was selected to go to mechanics school.

"I took a test," he said, "and they pulled me out it. They was needing people to go to mechanics school."

Boggs was then selected to specialize in superchargers, which gave the airplane engine more power, and became a graduating member of supercharger class No. 21 from the Aviation Institute of Technology in 1943.

During the war, Boggs's home base was England. Boggs has lived his whole life in Laurel County, except for his time in the service when he traveled to 19 countries, including Scotland, Casablanca, Algeria, and Russia.

"It was my first time away from home," he said. He remembers the damp cold of Ireland, the beauty of Switzerland, and being bombed out in Russia.

Supercharger mechanics were scarce. Boggs said he'd be moved from base to base as needed. "Our job was to service the planes, put bombs in them, fuel them up and repair them," he said.

At his highest rank, he was a sergeant. "That's the highest I wanted to go," Boggs said. "If you went any higher, you had more responsibility."

In total, Boggs was in the Air Corps for 38 months, spending seven months overseas.

During his time across the ocean, he'd write home to family and to an "acquaintance," Wilma Vaughn.

Boggs met Wilma, who would later become his wife, while he was attending Sue Bennett College, but the first time he saw her was at Lily High School. Boggs went to school at Lily for 15 weeks before transferring to Hazel Green, but he would remember Wilma.

"I don't think I even spoke to her then," he said, "but that was the first time I saw her."

Although they were not dating at the time, Boggs said he would write her faithfully once a month.

"I couldn't tell (her) much about what I was doing," he said. Although Boggs went overseas on a ship—the Queen Mary—he came back in a boat one-third of the size.

"I was seasick," he said. After their departure, they encountered a storm and were

forced to wait it out. "For 17 days, we didn't move, just rocked. Everyone was sick."

Upon leaving military service, he made short work about marrying Wilma Vaughn.

"I came home in January 1946. We were married in July 1946."

On the day that would end up being his wedding day, Boggs asked to borrow his father's Chevy. He didn't have a car at the time. He drove over to Wilma's house and picked her up.

"She didn't know we was going to get married until I picked her up," Boggs said. "She was the best wife there ever was. A real Christian woman."

The couple's first car was a '36 Ford they bought in 1947. They'd been married for six months and needed a car because Wilma was teaching school.

Boggs said it seems odd by today's standard that you'd have to buy a nearly decade-old car, but that's the way it was back then.

"You couldn't get a car back then, new or used. We were lucky to get that one," he said.

While at Sublimity Elementary, Wilma retired from teaching in 1981, the same year Boggs retired from the post office, in order to travel. Before Wilma's passing earlier this year, the two had seen most of the western United States together.

Boggs enjoys woodworking, having built his home in the Sublimity area. He keeps his family close, as a majority live just a stone's throw away, including his daughter, Libby Smallwood.

He has three grandchildren and two great-granddaughters.

TRIBUTE TO "CHIP" JAENICHEN

Mr. MCCONNELL. Madam President, I rise today in honor of Captain Paul "Chip" Jaenichen, United States Navy, who is retiring this month after three decades of dedicated service to our great Nation. Captain Jaenichen has spent the last 2 years of his career serving the U.S. Congress as the Navy's Deputy Chief of Legislative Affairs. In this role, Captain Jaenichen maintained oversight of the Navy team that provides Members and committees of Congress with information concerning the programs of the Department of the Navy.

Captain Jaenichen's Kentucky roots run deep. He spent his formative years in Brandenburg, graduating from Meade County High School in 1978. During his senior year he was selected as one of 50 football players from across the Commonwealth to play in the 1978 East-West All-star game. Chip's wife Paula was born in Morganfield, grew up in Louisville and later attended Meade County High School with him. After her graduation from Western Kentucky University, Paula and Chip were married in Brandenburg. The couple then moved to Louisville, where they lived until he began the Nuclear Training pipeline. Their daughter Rachael attended Murray State University and is now an English teacher at Reidland High School in Paducah. Chip and Paula's son Nathan currently serves as a Marine Corps pilot.

Chip was able to pay homage to his Kentucky heritage in his career as the Executive Officer of the USS *Kentucky*, an Ohio Class ballistic missile submarine. During this tour he started a Namesake State school partnership with Raceland Elementary School near Ashland. Through this program, which continues to thrive, he coordinated several visits for the crew of the Kentucky to work on humanitarian projects in the Commonwealth. Chip's efforts led to his nomination and selection to the Honorable Order of Kentucky Colonels in 1996, an organization with which he remains active.

Captain Jaenichen's naval career began in 1978 with an appointment to the U.S. Naval Academy from Representative William Natcher. Upon graduation, he was commissioned as a submarine officer and spent the majority of his career on sea duty. He honorably served on four different submarines before assuming the role of Executive Officer aboard the USS *Kentucky*. After three strategic deterrent patrols with the *Kentucky*, Captain Jaenichen assumed command of the USS *Albany*. Captain Jaenichen served the final 2 years of his career with the Navy's Legislative Affairs office here in Washington.

I thank Captain Jaenichen for his 30 years of loyal service to this Nation. He has made a lasting and significant contribution to the United States Navy and our Nation. I wish him and his family all the best as they begin this new chapter in their lives.

TRIBUTES TO SENATOR BARBARA MIKULSKI

Mr. LIEBERMAN. Madam President, I rise today to join my colleagues in congratulating Senator BARBARA MIKULSKI from Maryland on becoming the longest-serving woman in the history of Congress. Senator MIKULSKI has thus reinforced her distinctive mark on this institution and her unmistakable place in our Nation's history.

Those who have worked beside Senator MIKULSKI know her to be a dynamic force of nature. While she is not the tallest senator, she reaches the greatest heights with her strong principles, indomitable spirit, and steely resolve.

From the neighborhoods of east Baltimore to the Halls of Congress, she has spent her career in the political trenches fighting for others—for women, for working Americans, and for her beloved Maryland. Senator MIKULSKI has been a practical leader for better women's health care. She fought to have women included in clinical trials and medical research at the National Institutes of Health and helped establish federal standards for mammograms.

Her impact is not only felt in the lives of those she serves, but also in her

relationships with those she serves with. At this time in our politics when the partisanship pulls us apart, when tribal instincts have coarsened our discourse and weakened our bonds, Senator MIKULSKI is a unifying force of comity in the Senate. She brings a sense of civility and a sense of humor to this institution at a time when both are sorely needed.

Women senators fondly know Senator MIKULSKI as their Dean. She hosts regular bipartisan dinners for them and is a trusted mentor. She understands that while many of us come to Congress with competing goals, at the end of the day, we are colleagues. We have to work together. Unless we can affirm our bonds as colleagues and fellow humans, the work we are tasked with by the American people will not get done, and the public interest will suffer as a result.

Senator MIKULSKI's remarkable career continues to inspire women across our country on the nobility of public service and the ability for one person to bring about positive change in the lives of others. It is a pleasure to serve beside her, and I wish her my very best for many more productive years here in the Senate.

Mr. BENNET. Madam President, today I want to honor Senator BARBARA MIKULSKI, who has represented the people of Maryland for more than 35 years, and who earlier this week became the longest-serving female Member of Congress. Senator MIKULSKI is a fighter, a fearless leader and a role model for women and young girls everywhere, including my three daughters, Caroline, Halina and Anne.

During the course of her distinguished career, Senator MIKULSKI has been an incredibly effective advocate, and in particular has taken a leadership role in mentoring other women as they follow in her footsteps to the halls of Congress. She has represented Maryland exceptionally well—on issues ranging from civil rights and the environment, to issues affecting working families and our criminal justice system.

Tracking Senator MIKULSKI's career is also a good way to follow the progress of women in our country. When first elected to Congress for Maryland's 3rd district in 1976, Senator MIKULSKI was one of 21 women serving in Congress. Today there are 92 women serving, thanks in large part to the trailblazing efforts of Senator MIKULSKI.

Through her work in an array of roles, from the women's amendment in the Affordable Care Act to her leadership on the Senate Subcommittee on Children and Families, Senator MIKULSKI is known as a coalition builder. This role has led her to cultivate personal and professional partnerships among the members of the Senate. Likely some of the country's most im-

portant work is done during the bipartisan dinners she frequently hosts for her female Senate colleagues.

I am proud that my first vote as a Senator in January 2009 was in favor of one of Senator MIKULSKI's bills, the Lilly Ledbetter Fair Pay Act, which guarantees women equal pay for equal work. And I have thoroughly enjoyed working with her in the Senate HELP Committee on Elementary and Secondary Education Act reauthorization and passage of the Affordable Care Act. I look forward to continuing to work with Senator MIKULSKI on these and other important issues in the Senate.

March is Women's History Month, and I can think of no better time to honor and reflect on what Senator MIKULSKI's work has meant to the United States Senate and to her constituents in Maryland. Let us follow the leadership of Senator BARBARA MIKULSKI and continue to fight for a better America.

Mr. WARNER. Madam President, I want to join my colleagues in today's well-deserved accolades for my friend, BARBARA MIKULSKI.

The other day, as often happens to most of us here, I found myself temporarily waylaid by an informal scrum of reporters in one of the Capitol hallways. And, unknown to me, I was blocking Senator MIKULSKI's path. She made me aware of that fact in her distinctive and typically endearing way: "Hey, Tall and Lanky—make way for Short and Stocky!" she said.

But it is not just that humor and good nature that makes BARBARA MIKULSKI such a great colleague and friend. As a resident and colleague from an adjoining State, I respect all she has done at the local level, in the U.S. House and now in the Senate, to move the National Capital Region forward in terms of the regional ties that join together this special region where we live and work.

You see, Virginia and Maryland share more than just a common border. Our two States are home to hundreds of thousands of hard-working and underappreciated Federal workers and retirees. Our States share safety and funding concerns related to Metro. We each have a shared responsibility in our stewardship of the Chesapeake Bay. Maryland and Virginia also share world-class NASA facilities on the Eastern Shore.

As a friend, I appreciate her leadership role in helping this first-time legislator—and recovering former Governor—make the sometimes difficult adjustment to this body. As the father of three daughters, I am grateful for the doors Senator MIKULSKI has opened—and sometimes kicked-open—for young women.

Senator MIKULSKI truly is a force of nature. She is tough, focused and extremely effective. And as these testimonials demonstrate, Senator MIKULSKI is widely respected and loved by

current and former members of this body.

I am pleased to join these colleagues in thanking Senator MIKULSKI for her service, her leadership and her friendship.

INTENT TO OBJECT

Ms. MIKULSKI. Madam President, I intend to object to proceeding to the 21st Century Postal Service Act, a bill to improve, sustain, and transform the United States Postal Service, dated March 22, 2012.

I ask unanimous consent that a letter of March 20, 2012, sent by myself to Majority Leader REID, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
WASHINGTON, DC,
March 20, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: I write to notify you that I am putting a hold on S. 1789, the Postal Reform bill, dated March 20, 2012. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 2 session days and I give my permission to the objecting Senator to object in my name.

While I absolutely agree that the United States Postal Service (USPS) must be reformed to meet the country's needs in the 21st Century, I must object to moving forward on consideration of this legislation while the USPS continues a rushed study to close a needed mail processing center on the Eastern Shore of Maryland. Making matters worse, USPS plans no public hearings and no opportunity for written comment in this study process. This is totally unacceptable.

The half a million residents who live on the Eastern Shore and rely on the mail service must have a voice in this process. These residents include farmers, small businesses and a significant rural and elderly population that relies heavily on mail delivery for life saving medications, daily newspapers, and important business documents.

The Easton area mail processing center is the only mail processing center on the Eastern Shore of Maryland and its ongoing operation is critically important to the economy of the shore. Relaxing delivery standards by moving mail processing from Easton to Delaware is simply not a practical or sustainable option.

My constituents have a right to be heard, they have a right to maintain the standard of delivery service that they currently receive, and they deserve a fair and transparent process for decisions about the Easton area mail processing center.

I'm grateful for your leadership, and I look forward to working with you to ensure that the Postal Service remains financially solvent and ready for the 21st Century. But I must object to consideration of S. 1789 while this issue remains outstanding and I grant permission for you (or your designee) to object in my name.

Sincerely,

BARBARA A. MIKULSKI,
United States Senator.

THE INVEST ACT

Mr. FRANKEN. Madam President, I would like to discuss the votes that we have taken over the last few days. Tuesday, along with 53 of my colleagues, I voted in support of the INVEST In America Act as a substitute for H.R. 3606. In fact, I was an original cosponsor of the INVEST In America Act because it strikes the right balance between promoting entrepreneurship and protecting investors.

But before I go into a long explanation, I would like to begin with a story. Bemidji is a town of about 14,000 people in northern Minnesota and might not be the first place you would think of as being a hotbed for start-up investment. But you would be wrong. Three entrepreneurs there, Tina, Bud and Tim, harnessed the power of the Internet and the crowd-sourcing website Kickstarter to raise over \$17,000. With that money, they are opening a micro-brewery—the Bemidji Brewing Company.

Two hundred and fifty individuals contributed to their efforts—about half of them were friends and family, and half of them were strangers. Many contributors gave \$20—and in return, Bemidji Brewing is sending them a bottle opener and decal, and will carve their name into the walls of the future brewery. Bemidji Brewing hopes to have batches out to local establishments this summer.

This is an amazing story. And there are thousands of others just like it. I support efforts to promote these types of crowd-sourced endeavors. But we don't need H.R. 3606 to produce more success stories like Bemidji Brewing. Instead, we need a balanced approach—one that limits investor risk and keeps our markets transparent and stable. When the public has the opportunity to contribute to start-up businesses, they should be aware of the risks—what are they getting in return for their money? Investing in securities comes with risks, but those risks are balanced with SEC requirements to provide full information and investor disclosure.

H.R. 3606 just has too many problems. H.R. 3606 opens the door for large companies to more easily cook their books. It lets companies with tens of thousands of shareholders evade SEC oversight. It eliminates provisions to prevent conflicts of interest in company research that contributed to the dot com bubble. There are so many downsides and dangers to H.R. 3606 that it will destroy more jobs than it creates.

The INVEST In America Act, however, promotes the same ideas contained in H.R. 3606—providing for investment opportunities for small business start-ups, easing the regulatory burden for emerging companies—but does so in a way that protects investors and our markets.

Don't take it from me—take it from securities law experts. I have heard

from Richard Painter, a professor of corporate law at the University of Minnesota, a former Associate Counsel to President George W. Bush, and Chief White House Ethics Lawyer from 2005 to 2007. Here is what he said about this debate:

I strongly support these amendments to the JOBS Act. Reckless and fraudulent conduct in connection with the offer and sale of securities is a large part of what got us into our present economic difficulties. Lowering the bar for the offer and sale of risky securities to the public is no way to get us out. If Congress changes the securities laws at all in this Act, these amendments should be included.

The current Chairman of the SEC, Mary Schapiro, has said that one component of H.R. 3606 is “so broad that it would eliminate important protections for investors in even very large companies.” Former SEC Chairman Arthur Levitt went much further, calling H.R. 3606 “a disgrace” and the “most investor-unfriendly bill that I have experienced in the past two decades.” Lynn Turner, former Chief Accountant at the SEC said, “It won't create jobs, but it will simplify fraud.”

And this is what Mike Rothman, the Commissioner of Minnesota's Department of Commerce, had to say:

Too many Minnesotans have suffered too long from unemployment. With nearly 170,000 Minnesotans out of work, our State's highest priorities are supporting economic and business growth and creating jobs. The Jobs bill passed recently by the U.S. House of Representatives strives to achieve much-needed job growth, but contains unwarranted reduction in significant investor protections.

The Minnesota Department of Commerce works to prevent securities fraud. Last year, the Commerce Department registered over 7,000 new licenses to broker dealers, agents, and investment advisers and has over 125,000 individuals and entities currently licensed. Through our State registration process, we work to ensure that those selling securities and advising consumers about securities are both knowledgeable and capable. This essential level of oversight helps ensure basic protection of Minnesota investors and consumers.

The House version of the Jobs bill threatens to unravel what years of experience teaches us is required to protect investors by curtailing state oversight and, in the interest of protecting our State's capital market, I urge you to support the substitute amendment. Working together, we can make every reasonable effort to create jobs while safeguarding the need for basic and essential measures of consumer protection.

That is from Minnesota's Department of Commerce, the primary watchdog for securities in the state of Minnesota.

Minnesota's AARP State President, Dr. Lowery Johnson, summarized the issues this way:

Older Americans who have saved their entire lives by accumulating savings and investments are disproportionately represented among the victims of investment fraud. This legislation before the Senate undermines vital investor protections and threatens market integrity. Older Minneso-

tans deserve safeguards that ensure proper oversight and investor protection.

We must not repeat the kind of penny stock and other frauds that ensnared vulnerable investors in the past. The absence of adequate regulation in the past has undermined the integrity of the markets and damaged investor confidence while having no positive impact on job creation. Please preserve essential regulations that protect older investors from fraud and abuse, promote the transparency, and ensure a fair and efficient marketplace. We believe the amendment to be offered by Senators Reed, Landrieu and Levin moves closer to achieving this balance and deserves your support.

I have also heard from other consumer groups from around the country. The Consumer Federation of America supports the INVEST In America Act, and cautions against H.R. 3606, noting that it would “undermine market transparency, roll back important investor protections, and, if investors behave rationally, drive up the cost of capital for the small companies it purports to benefit.”

All of these voices—from Minnesota and across the country—shaped my position on these bills. That is why I supported the INVEST In America Act. That is why 54 Senators voted in favor of it. The INVEST In America Act also included reauthorization of the Export-Import Bank, which has supported almost \$1.2 billion in export sales in Minnesota over the last 5 years, and well over half of those exporters are small businesses. That is a lot of jobs in Minnesota.

We have made some improvements to this bill. The amendment passed in the Senate is better than the language in the House bill. But it still leaves too many opportunities for harm. Here is the bottom line: I strongly support entrepreneurs, I support innovation, and I support job creation. The INVEST In America Act struck the right balance between promoting jobs and entrepreneurship while preserving the integrity that our markets have historically enjoyed.

American public companies have benefited from the lowest cost of capital in the world, and this is because of the low risks associated with investing in transparent, well-regulated markets. America is a great place to invest because the entire world has confidence in our markets. If H.R. 3606 increases fraud, or even just investment losses, this bill runs the risk of backfiring completely—decreasing investor confidence and ultimately increasing the cost of doing business. And this will ultimately destroy jobs, not create them.

In the end, I couldn't support H.R. 3606 for all those reasons. It is a bill that is going to enable fraud, a bill that turns our securities market into a lottery game, and a bill that will lead to many Minnesotans, especially seniors, losing their hard-earned savings and investments.

HEALTH CARE

Mr. HATCH. Madam President, in defending the Constitution and arguing for its ratification, Alexander Hamilton stated plainly in the first of the Federalist Papers the challenge and the promise of American democracy.

He explained:

It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

The challenge identified by Hamilton and our Founding Fathers remains with us today.

Will American citizens and will our political institutions maintain our Constitution and adhere to the rule of law or will we succumb to force and the whims of the moment?

Will the law be supreme and will the Constitution endure or will politics prevail?

This is a choice that Americans and public officials face every day.

But some moments present this choice in bolder terms. And the legal challenge to the President's health care law is one of those moments that present a stark choice.

Will we support the Constitution or will we throw in with the passing wishes of temporary majorities?

That is the choice that we as Americans face and that the Supreme Court will face when it hears oral arguments on this case next week.

There are a number of issues before the Court, but at the top of the list is the constitutionality of the individual mandate.

Like many critical constitutional questions that come before the American people, particularly those of first impression, it often takes some time for a consensus to emerge.

The answer is not always immediately clear. But through public dialogue and argument, the constitutionality of these actions comes into greater focus.

That is what happened with ObamaCare's individual mandate. As the implications of this sweeping exercise of Federal power became clear, the American people's initial hesitation about this provision solidified into an enduring bipartisan consensus that this mandate violates our constitutional commitment to limited government.

The American people came to understand that if the individual mandate is permissible, then anything is permissible.

If the individual mandate is allowed to stand, then there are no effective limits on the Federal Government.

And if there are no limits on the Federal Government, then our constitutional liberties are in jeopardy.

The American people came to understand that the question about the individual mandate runs far deeper than any debate about health care. They understand that the mandate presents us with a pivotal question.

Will we maintain the Constitution as our supreme law, one which puts effective limits on the powers of the Federal Government, or will we abandon the Constitution bequeathed to us by our Founding Fathers and, instead, accept a new constitutional order where the only restraints on the Federal Government are those it deigns to place on itself?

The American people—and certainly the people of Utah—have made clear at every opportunity their deep skepticism about the individual mandate.

Presidential candidate Barack Obama understood these concerns about the individual mandate. The media noted during the Presidential campaign that while then-Senator Hillary Clinton's plan would require all Americans to purchase health insurance, then-Senator Obama declined to go down that road.

One writer predicted that an economic mandate requiring Americans to purchase a particular product “would give the inevitable conservative opposition a nice fat target to rally around.”

That nice fat target was an historically unprecedented expansion of Federal power in violation of the Constitution's commitment to limited government.

Unfortunately, President Obama put the politics of health care reform over any concerns about the constitutionality of the individual mandate.

This is how the journalist Ron Suskind explained the President's conversation:

Obama, never much for the mandate, was concerned about legal challenges to it but was impressed by DeParle's coverage numbers. Without the mandate, the still-sketchy Obama plan would leave twenty-eight million Americans uninsured; with the mandate, the estimates of the number left uninsured were well below ten million.

And so he made his decision.

The President of the United States takes an oath to support and defend the Constitution. As a candidate, and as President, it appears that President Obama was aware of the constitutional concerns with the individual mandate.

But like his progressive forebears, he put his policy desires before the long-term integrity of our Constitution.

Fortunately, the American people were not so quick to put the Constitution second.

Along with a number of my colleagues here in the Senate, I made the case for the mandate's unconstitutionality a priority.

On the first day of the Senate Finance Committee's markup of what would become ObamaCare, I raised doubts about the constitutionality of the individual mandate.

Those doubts were dismissed.

I offered an amendment that would have provided for expedited judicial review of any constitutional challenges to the legislation.

That amendment was ruled out of order.

But the constitutional concerns with this mandate would not be buried.

The people of this country would get their say on this sweeping assertion of Federal power, one far in excess of anything the Founders contemplated.

My State of Utah helped to lead the way, signing on as an original plaintiff in the litigation that is now before the Supreme Court. And I was honored to work with the Republican leader, my friend and colleague, Senator McCONNELL, in developing friend-of-the-court briefs filed at the trial level, at the initial appellate level, and now before the Supreme Court.

Putting aside all of the precedents, this really is a matter of simple logic and common sense.

Our Constitution is one of limited powers. The powers of Congress are few and enumerated. Yet if this mandate is allowed to stand, then there are effectively no limits on the Constitution any longer.

Something has to give.

Either this mandate will stand or our Constitution will stand.

But both cannot survive this litigation.

The Eleventh Circuit got it right in its analysis of this law. This is what they concluded:

Economic mandates such as the one contained in the Act are so unprecedented, however, that the government has been unable, either in its briefs or at oral argument, to point this Court to Supreme Court precedent that addresses their constitutionality. Nor does our independent review reveal such a precedent.

The partisan supporters of ObamaCare will say that this is just the opinion of a conservative court.

But it is also the opinion voiced by the liberal writer Timothy Noah as far back as 2007.

And there is some evidence that it was the opinion of Senator Obama when he declined to endorse a sweeping individual mandate when running for President.

But once elected, President Obama put politics first. In the interest of supercharging the welfare state and passing his signature legislative initiative, he put aside any concerns with the individual mandate and endorsed this unprecedented regulation of individual decisionmaking.

The President should have stuck with his original position.

Those who defend the constitutionality of the individual mandate make an astounding claim—that the decision not to buy something, in the aggregate, substantially affects interstate commerce. Those who defend this position stand for the proposition that

the Federal Government can regulate your decision not to do something, that it can regulate not just economic activity but economic inactivity, and that Congress can regulate not just physical activity but mental activity.

If Congress can do these things, Congress has no limits.

A Constitution that creates a limited Federal Government has been transformed into a Constitution that gives plenary, and unconstrained, power to the Federal Government.

This is not only something that the American Founders worked hard to prevent, but it is something that contemporary Americans continue to reject.

There are many reasons to oppose ObamaCare. Today, the administration's allies are touting the benefits of the law for small business. This is laughable.

The administration promised that ObamaCare's small business credit would help more than 4 million small businesses. This was a pretty paltry concession to the businesses that would be harmed by the employer mandate, new regulations, and half a trillion dollars in taxes and penalties imposed by ObamaCare.

And as could be expected from such a top-down, Washington-centered approach, businesses have been less than eager to take up this complex credit. The administration claimed that 4 million small businesses would use this credit. Yet according to a report from the Treasury Inspector General, after 2 years, only 309,000 taxpayers, or 7 percent of qualified entities, have claimed this credit.

But as bad as ObamaCare's policies are—confusing benefits, heavyhanded mandates, and enormous economic costs for families and businesses—it is the profound unconstitutionality of the law that remains paramount in the minds of most Americans.

Next week, almost 2 years to the day after ObamaCare became law, the Supreme Court will consider arguments in this historic case.

I am confident that when the dust settles, our Constitution will emerge standing and strong.

And I am equally confident that the American people will have the last word on those politicians who chose to look the other way, rather than acknowledge the deep constitutional shortcomings of this unprecedented intrusion on the liberty of America's citizens and taxpayers.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ED COULTER

• Mr. BOOZMAN. Mr. President, today I wish to honor Dr. Ed Coulter, who is retiring from his position as Chancellor of Arkansas State University Mountain

Home (ASUMH) after 16 years of service and a lifetime of dedication to higher education.

Dr. Coulter devoted his life to education and began his career serving as a public school principal for 3 years. He spent the next 25 years working at Ouachita Baptist University as an assistant to the President and Vice President for Administration before joining ASUMH as Chancellor in 1995.

In his 16 years at ASUMH, Dr. Coulter expanded the campus from a small community college into the innovative institution it is today. His enthusiasm and leadership made him a very effective fundraiser which resulted in the expansion of facilities on the 140-acre campus. Under his watch, the \$24 million, 65,000 square-foot Vada Sheid Community Development Center was built, which has become an icon to the campus and community alike.

Along with his commitment to education, Dr. Coulter has worked with numerous professional associations. His roles have included serving as a Chair of the American Association of Community Colleges Board of Directors, American Cancer Society Board of Directors, Arkansas State Chamber of Commerce Board of Directors, and was corporate board member of the Baptist Medical Center System. He currently serves on the Board of Directors of First National Bank and is a member of the Mountain Home Rotary Club.

I congratulate Dr. Ed Coulter for his outstanding achievements in education and I ask my colleagues to join me in honoring his accomplishments. I wish him continued success in his future endeavors and I am grateful for his years of service and leadership to Arkansas.●

TRIBUTE TO GEORGE MOSES

• Mr. CASEY. Mr. President, today I wish to congratulate George Moses of Pittsburgh, PA, on his selection by the National Low Income Housing Coalition for the Cushing Niles Dolbear Lifetime Service Award. Mr. Moses has dedicated his life to helping others and this award serves as recognition of a lifetime of service to those in need.

Mr. Moses' life has been one of service, perseverance, and leadership. He served his country as a soldier in the United States Army from 1963 until his honorable discharge in 1965. He then returned to work in Pittsburgh, including as a laborer in the city's steel mills. In 1990, his life underwent a significant change. Following a major surgery, he was unable to climb stairs and as a result moved into an apartment in the East Liberty section of Pittsburgh. Mr. Moses took a leadership role, working to help his fellow residents, and together with them founding an organization called the Federal American Coalition of Tenants, which focused on educating residents to fight for fair and equal housing practices.

Mr. Moses has continued his work on behalf of low-income residents to this day. His leadership and advocacy were instrumental in assisting hundreds of people who lived in Pittsburgh's Northside avoid eviction. When a HUD-Assisted rental housing development tried to evict many of its residents, Mr. Moses stepped in and helped to organize the Northside Coalition for Fair Housing. The Northside Coalition's actions were successful in helping keep many of the residents in their homes, and to this day, the Northside Coalition helps to manage the properties and provide social services to the residents.

For the past 12 years, Mr. Moses has been a strong advocate for affordable housing at the national level, serving on the Board of Directors of the National Low Income Housing Coalition. For the last 6 years he has served as Chairman of that board. The Lifetime Service Award being given to him by the Coalition is a fitting tribute to the leadership and service he has devoted to it. I thank him for his service to Pennsylvania and the Nation, and offer him my warmest congratulations on this well-deserved award.●

TRIBUTE TO LT. COL. DAREN S. SORENSON

• Mr. HELLER. Mr. President, it is my privilege to recognize Lt. Col. Daren S. Sorenson, an extraordinary American, whose heroic acts to defend his country and fellow servicemembers has earned him a second Distinguished Flying Cross, DFC. The State of Nevada and the U.S. Air Force are proud to commend Lieutenant Colonel Sorenson for all of his accomplishments.

I am grateful and humbled to honor Lieutenant Colonel Sorenson for his dedication and sacrifice to this Nation. He has been deployed seven times and served as the deputy mission commander during the first preemptive strike on the inaugural night of Operation Iraqi Freedom in 2003. During this combat operation, Lieutenant Colonel Sorenson earned his first DFC for targeting and assisting the destruction of an armored unit of the Iraqi Republican Guard. Not only has Lieutenant Colonel Sorenson been recognized for this prestigious award once, but he received his second DFC during his deployment to Afghanistan for air support in Operation Enduring Freedom.

On May 25, 2011, during an operation in Eastern Afghanistan, Lieutenant Colonel Sorenson implemented techniques and strategies learned at Nevada's Nellis Air Force Base to defend and save the lives of nearly 50 coalition members. Lieutenant Colonel Sorenson's valiant aeronautic techniques drew away opposing fire and enabled air controllers and ground forces to locate combatants and defeat the enemy. His devotion to duty in the face of perilous flying conditions is admirable

and maintains the highest standards and traditions of the U.S. Air Force.

As America's oldest military aviation award, the DFC was created by Congress more than 85 years ago to award individuals for acts of heroism or achievement in aeronautics. I applaud Lieutenant Colonel Sorenson for earning this prestigious award twice during his service. His continuous acts of bravery are a testament to his commitment to the United States.

Today, we commend Lieutenant Colonel Sorenson's acts of valor and the continuous sacrifices made by all of our servicemembers to ensure the safety and security of our Nation. We owe them and their families a great deal of gratitude for their personal sacrifices. I am proud to join the citizens of Nevada in recognizing Lieutenant Colonel Sorenson's accomplishments. I ask my colleagues to join me in honoring and congratulating him for his incredible bravery on behalf of his comrades and this great nation.●

TRIBUTE TO ROBIN A. DOUTHITT

● Mr. KOHL. Mr. President, I would like to take time to recognize Robin A. Douthitt, who is stepping down as dean of the School of Human Ecology at the University of Wisconsin-Madison. I would also like to wish her a happy birthday. As a proud alumnus of UW-Madison, it is an honor to congratulate Dean Douthitt on her outstanding and exemplary service at UW over the years.

For the past 12 years, Dean Douthitt has given her unwavering commitment to students, faculty, staff, campus, the community, and the State. She began as a professor in the Consumer Science Department, was appointed interim dean of the School of Human Ecology in 1999, and was named dean in 2001. She will be leaving a legacy of courage and visionary leadership. Dean Douthitt has been called the "People's Dean" because she is always approachable and has touched the lives of many of her colleagues and friends.

Dean Douthitt made countless contributions to the University of Wisconsin during her service. She founded the UW Women's Faculty Mentoring Program that has led to the university's retention of female faculty and has become a model for other universities. She helped establish the Nancy Denney House, a cooperative undergraduate residence for single parents and their children. In recognition of her teaching and publishing extensive research on women's unpaid work and its social value, Dean Douthitt has been named a Vaughan Bascom Professor of Women and Philanthropy and a Vilas Associate in the Social Sciences.

Her contributions at UW do not stop there. Dean Douthitt served on the UW Athletic Board, chairing its Academic

Affairs Committee, and representing UW faculty to the Big Ten. She has been honored on the School of Human Ecology's Roster of 100 Women—Wall of Honor, in recognition of her contributions to family, community, and her embodiment of the school's mission to improve the quality of human life. In addition, Dean Douthitt provided vision in leading a successful \$52 million effort to renovate the School of Human Ecology's historic 1914 building and build a new addition to ensure the school's continued presence at the forefront of education, research, creative scholarship, and outreach in the 21st century.

On behalf of my constituents from the great State of Wisconsin, we say a heartfelt thank you and happy birthday to Dean Robin A. Douthitt. We wish her all the very best in her future endeavors.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 886. An act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 3:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

The message also announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note) as amended, and the order of the House of January 5, 2011, the Speaker appoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom for a term effective March 23, 2012, and ending May 14, 2014: Mr. Robert P. George of Princeton, New Jersey.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5. An act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 2230. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

S. 2231. A bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5441. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0112)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5442. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amdt. No. 3465" (RIN2120-AA65) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5443. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amdt. No. 3464" (RIN2120-AA65) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5444. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland Model EC135 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-0453)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5445. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CPAC, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1128)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5446. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mooney Aviation Company, Inc. (Mooney) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0182)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5447. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aviation Communications and Surveillance Systems (ACSS) Traffic Alert and Collision Avoidance System (TCAS) Units" ((RIN2120-AA64) (Docket No. FAA-2010-1204)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5448. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1245)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5449. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1171)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5450. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Considerations for Lavatory Oxygen Systems" (RIN2120-AJ92) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5451. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D and Class E Airspace; Hawthorne, CA" ((RIN2120-AA66) (Docket No. FAA-2011-0610)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5452. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; South Bend, IN" ((RIN2120-AA66) (Docket No. FAA-092011-090250)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5453. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Newport, RI" ((RIN1625-AA01) (Docket No. USCG-2011-0443)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5454. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; HITS Triathlon; Corpus Christi Bayfront, Corpus Christi, TX" ((RIN1625-AA08) (Docket No. USCG-2011-0785)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5455. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Water-

way, Vicinity of Marine Corps Base, Camp Lejeune, NC" ((RIN1625-AA00) (Docket No. USCG-2011-1166)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5456. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; M/V Del Monte Live-Fire Gun Exercise, James River, Isle of Wight, Virginia" ((RIN1625-AA00) (Docket No. USCG-2012-0010)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5457. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Mississippi River, Mile Marker 230 to Mile Marker 234, in the Vicinity of Baton Rouge, LA" ((RIN1625-AA00) (Docket No. USCG-2011-0841)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5458. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ice Rescue Exercise; Green Bay, Dyckesville, Wisconsin" ((RIN1625-AA00) (Docket No. USCG-2011-1161)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5459. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Gulf Intracoastal Waterway, Mile Marker 35.2 to Mile Marker 35.5, Larose, Lafourche Parish, LA" ((RIN1625-AA00) (Docket No. USCG-2011-1128)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5460. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Potomac and Anacostia Rivers, Washington, D.C." ((RIN1625-AA87) (Docket No. USCG-2011-1165)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5461. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; 24th Annual North American International Auto Show, Detroit River, Detroit, MI" ((RIN1625-AA87) (Docket No. USCG-2011-1157)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5462. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Moving Security Zone Around Escorted Vessels on the Lower Mississippi River Between Mile Marker 90.0 Above Head of Passes to Mile Marker 110.0 Above Head of Passes" ((RIN1625-AA87) (Docket No. USCG-2011-1063)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5463. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 800 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0836)) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5464. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Authorization to Use Lower Than Standard Takeoff, Approach and Landing Minimums at Military and Foreign Airports; Confirmation of Effective Date of Effective Date" ((RIN2120-AK02) (Docket No. FAA-2012-0007)) received in the Office of the President of the Senate on March 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5465. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Category IIIa, IIIb, and IIIc Definitions" ((RIN2120-AK03) (Docket No. FAA-2012-0019)) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5466. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XB049) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5467. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-BB88) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5468. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XB035) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5469. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure" (RIN0648-XA990) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5470. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone

Off Alaska; Shallow-Water Species by Amendment 80 Vessels in the Gulf of Alaska" (RIN0648-XB044) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5471. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands" (RIN0648-XB038) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5472. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XB036) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5473. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Cod by Catcher Vessels Less Than 50 Feet (15.2 Meters) Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XB062) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5474. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XB051) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Peter R. Masciola, to be Brigadier General.

Air Force nomination of Brig. Gen. Mark A. Ediger, to be Major General.

Air Force nomination of Lt. Gen. Janet C. Wolfenbarger, to be General.

Air Force nominations beginning with Colonel Ondra L. Berry and ending with Colonel Thad L. Myers, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Air Force nominations beginning with Brigadier General Steven A. Cray and ending with Brigadier General Eric W. Vollmecke, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Air Force nominations beginning with Brigadier General David W. Allvin and ending with Brigadier General Kenneth S.

Wilsbach, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Air Force nominations beginning with Colonel Steven M. Balser and ending with Colonel Sallie K. Worcester, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012. (minus 1 nominee: Colonel Robert C. Bolton)

Air Force nomination of Lt. Gen. Clyde D. Moore II, to be Lieutenant General.

Air Force nomination of Col. Douglas D. Delozier, to be Brigadier General.

* Army nomination of Lt. Gen. Thomas P. Bostick, to be Lieutenant General.

Army nomination of Brig. Gen. Michael X. Garrett, to be Major General.

Army nominations beginning with Brigadier General Robert P. Ashley, Jr. and ending with Brigadier General Darrell K. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2012.

Army nomination of Brig. Gen. Craig A. Bugno, to be Major General.

Army nomination of Maj. Gen. David D. Halverson, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Matthew R. Gee and ending with Victor G. Soto, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

Air Force nominations beginning with Kerry L. Lewis and ending with Lynn M. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2012.

Army nomination of Richard M. Scott, to be Lieutenant Colonel.

Army nominations beginning with Keith J. Andrews and ending with Douglas W. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2012.

Army nominations beginning with Dwight Y. Shen and ending with Carol J. Pierce, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Army nomination of Shane T. Taylor, to be Major.

Army nominations beginning with Patricia A. Loveless and ending with Jerome M. Benavides, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

Army nomination of Robert S. Taylor, to be Major.

Army nomination of Casey D. Shuff, to be Major.

Army nominations beginning with John B. Hill and ending with Stephen M. Radulski, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2012.

Marine Corps nomination of William J. Wrightington, to be Major.

Marine Corps nomination of Mark A. Mitchell, to be Lieutenant Colonel.

Marine Corps nominations beginning with Robert F. Emminger and ending with Michael G. Marchand, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Paul H. Atterbury and ending with Donald A. Ziolkowski, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Navy nominations beginning with Jay R. Friedman and ending with Donna Raja, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

Navy nomination of Steven J. Porter, to be Lieutenant Commander.

* Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself, Mr. WARNER, Mr. TOOMEY, Mrs. HAGAN, Mr. CORKER, and Mr. CARPER):

S. 2223. A bill to address the implementation of certain prohibitions under the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORKER (for himself and Mr. WEBB):

S. 2224. A bill to require the President to report to Congress on issues related to Syria; to the Committee on Foreign Relations.

By Mr. FRANKEN (for himself and Mr. HARKIN):

S. 2225. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve the Rural Energy for America program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PAUL:

S. 2226. A bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity carried out outside the United States, including the territories and possessions of the United States; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Ms. LANDRIEU):

S. 2227. A bill to amend the Internal Revenue Code of 1986 to expand and simplify the credit for employee health insurance expenses of small employers; to the Committee on Finance.

By Mr. HELLER:

S. 2228. A bill to convey certain Federal land to the city of Yerington, Nevada; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 2229. A bill to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other

purposes; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BEGICH, Mr. LEAHY, Mr. HARKIN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. SCHUMER, Mr. REED, Mr. ROCKEFELLER, Mr. FRANKEN, Mrs. BOXER, Mr. DURBIN, and Mr. LEVIN):

S. 2230. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; read the first time.

By Mr. UDALL of Colorado (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. LIEBERMAN, Mr. BEGICH, Mrs. BOXER, Mr. BROWN of Ohio, Ms. COLLINS, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. INOUE, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. PAUL, Mr. REED, Mr. REID, Mr. SANDERS, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 2231. A bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes; read the first time.

By Mr. BROWN of Massachusetts (for himself and Mr. WARNER):

S. 2232. A bill to decrease the deficit by realigning, consolidating, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. BOXER, Mr. DURBIN, Mrs. GILLIBRAND, Mr. HARKIN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. MIKULSKI):

S.J. Res. 39. A joint resolution removing the deadline for the ratification of the equal rights amendment; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. WYDEN):

S. Res. 404. A resolution recognizing the life and work of war correspondent Marie Colvin and other courageous journalists in war zones; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 405. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 803

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 803, a bill to implement a comprehensive border security plan to combat illegal immigration, drug and alien smuggling, and violent activity in the southwest border of the United States.

S. 1168

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1168, a bill to authorize a national grant program for on-the-job training.

S. 1700

At the request of Ms. KLOBUCHAR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1700, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to device review determinations and conflicts of interest, and for other purposes.

S. 1763

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1763, a bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from New Hamp-

shire (Ms. AYOTTE) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1933

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1933, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2137

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2137, a bill to prohibit the issuance of a waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2165

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2177

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2177, a bill to strengthen the North Atlantic Treaty Organization.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2215

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

S. 2219

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2219, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 2221

At the request of Mr. THUNE, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 2221, a bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.

S. 2222

At the request of Mr. SANDERS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 402

At the request of Mr. COONS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

AMENDMENT NO. 1945

At the request of Mr. LEAHY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1945 intended to be proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself and Mr. HARKIN):

S. 2225. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve the Rural Energy for America program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FRANKEN. I rise to introduce the Rural Energy for America Program Reauthorization Act, along with my friend Senator HARKIN from Iowa.

Farmers and rural businesses form the backbone of this country, and rural communities are particularly crucial to Minnesota's culture and economy. In fact, in my State, one out of every five jobs is related to the agricultural economy.

We all rely on farmers for our food. It is thanks to farmers that when we go to the grocery store there is an abundance of fresh food at cheaper prices than in many other countries. While family farmers and rural businesses work hard to keep our shelves stocked, they do so under difficult conditions. Weather and disease can wipe out a crop, profit margins can be small, and fluctuating market prices for their products can be devastating to a family farmer.

Farm work is also very energy intensive, so when energy and gas prices rise, farmers have to make tough choices. High energy prices mean laying off farm workers, increasing crop prices, if they can, and squeezed budgets all around. To make matters worse, many of our government programs that help manage rising energy prices are under attack and on the budget chopping block.

REAP, or the Rural Energy for America Program, can help farmers manage the cost of energy. The bill I am introducing today will reauthorize this important farm bill program that will help farmers and rural small businesses continue to cut energy bills and generate electricity on site.

Let me go through a few examples of what REAP projects can look like. It is putting solar panels on barns. It is wind turbines in fields. There are wind turbines all over Minnesota. It is anaerobic digesters on dairy farms which actually use waste to create methane gas and electricity. It means energy efficiency improvements in poultry houses and geothermal pumps in factories. It means agricultural producers and businesses can reduce their costs and generate an additional stream of income. It means rural America can make high-tech investments, create jobs, and lead the world in producing clean energy. I know in the Presiding Officer's State of New Hampshire there is tremendous biomass and potential for energy biomass and the low carbon footprint that represents.

The Rural Energy for America Program is a modest program, but it is a

wise investment that effectively leverages private funds. Since it was created in 2002, this program has helped almost 6,000 farmers and small businesses across the Nation invest in alternative energy projects. The program has generated or saved enough energy to power about 600,000 homes a year. By providing just \$192 million in grants and \$165 million in loan guarantees, the program has brought in \$800 million in private and State investments. Plus, the Rural Energy for America Program helps create demand for new jobs in rural economies. These are jobs in installation and operations and maintenance work—good jobs that rural America needs. It also bolsters American energy independence and fosters homegrown energy sources such as wind and solar and biomass and geothermal instead of foreign oil.

Shirley Hovda's rural wood finishing and coating business, Quality Decorating, in Roseau, MN, is one of the 6,000 that benefited from the Rural Energy for America Program over the years. Roseau, in northern Minnesota, is cold in the winter and in the fall and in the early spring. When Shirley's heating bills spiked, she decided it was time to invest in a geothermal heating and cooling system to reduce costs in her newly constructed 6,000 square foot facility.

With the help of a \$7,920 grant from the Rural Energy for America Program, she was able to purchase and install the geothermal system in 2008. Over the past 5 years, Shirley has seen her energy bills reduced by 40 percent, saving thousands of dollars she has invested in more productive parts of her business.

The bill we are introducing today reauthorizes the Rural Energy for America Program to continue helping farmers and small business owners such as Shirley to make smart investments in renewable energy and energy efficiency. It makes improvements to the program too. While the program has had a fantastic impact on the country's rural economy, farmers tell me they are facing challenges accessing it. So our bill removes barriers while ensuring taxpayer dollars are spent wisely.

First, our bill simplifies the application process, making it easier for farmers and small businesses to access the program's grants and loans. The new application process matches the complexity of the application to the size of the project. That way, farmers and the USDA can avoid unnecessary and costly paperwork if the project doesn't warrant it.

Second, my bill removes a regulation that currently requires farmers to use the program's funding to install a second electric meter that currently goes unread. In these tight fiscal times, I think it is important that every taxpayer dollar is well spent, so the bill

will eliminate this redundancy and remove an unnecessary burden on program participants.

Third, our bill requires the USDA to include stronger health and environmental criteria when evaluating potential projects, and it expands startup support and funds for feasibility studies so that farmers and businesses can start projects with sound planning.

We are very grateful for the strong support from the agricultural community, including the National Farmers Union, the Minnesota Farmers Union, the Environmental Law and Policy Center, the National Sustainable Agriculture Coalition, the Agriculture Energy Association, the Distributed Wind Alliance, the Minnesota Corn Growers, and the Minnesota Soybean Growers.

With the Chair's indulgence, I have about 30 seconds left. I have an inner clock. I think I am up against my 2 minutes, so I wish to say I am proud to introduce this legislation with Senator HARKIN, who is a true champion to farmers here in the Senate. Going forward, I look forward to working with all of my colleagues from both sides of the aisle to pass this reauthorization as part of the farm bill.

I see Senator JOHANNIS, the former Secretary of Agriculture, on the floor, whom I hope to work with on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RURAL ENERGY FOR AMERICA PROGRAM.

Section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking “and” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

“(D) a nonprofit organization; and”;

(2) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

“(1) LOAN GUARANTEE AND GRANT PROGRAM.—

“(A) IN GENERAL.—In addition to any similar authority, the Secretary shall provide loan guarantees and grants to agricultural producers and rural small businesses—

“(i) to purchase renewable energy systems, including—

“(I) systems that may be used to produce and sell electricity, such as for agricultural or residential purposes; and

“(II) unique components of renewable energy systems; and

“(ii) to make energy efficiency improvements.

“(B) TIERED APPLICATION PROCESS.—

“(i) IN GENERAL.—In providing loan guarantees and grants under this subsection, the

Secretary shall use a 3-tiered application process that reflects the sizes of proposed projects in accordance with this subparagraph.

“(ii) TIER 1.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is not more than \$80,000.

“(iii) TIER 2.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is greater than \$80,000 but less than \$200,000.

“(iv) TIER 3.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is equal to or greater than \$200,000.

“(v) APPLICATION PROCESS.—The Secretary shall establish an application, evaluation, and oversight process that is most simplified for tier 1 projects and more comprehensive for each subsequent tier.”;

(B) in paragraph (2)—

(i) in subparagraph (C), by inserting “and public health” before “benefits”; and

(ii) by striking paragraph (F) and inserting the following:

“(F) the natural resource conservation benefits of the renewable energy system; and”;

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting “in an amount not to exceed \$100,000 per grant” after “in the form of grants”; and

(ii) by striking subparagraph (C);

(D) in paragraph (4)(C), by striking “75 percent of the cost” and inserting “all eligible costs”; and

(E) by adding at the end the following:

“(5) REQUIREMENT.—In carrying out this section, the Secretary shall not require a second meter for on-farm residential portions of rural projects connected to the grid.”;

(3) in subsection (f)—

(A) by striking “Not later” and inserting the following:

“(1) IN GENERAL.—Not later”; and

(B) by adding at the end the following:

“(2) SUBSEQUENT REPORT.—Not later than 4 years after the date of enactment of this paragraph, the Secretary shall submit to Congress a report on activities carried out under this section, including the outcomes achieved by projects funded under this section.”; and

(4) in subsection (g)—

(A) in paragraph (1)(D), by striking “for fiscal year 2012” and inserting “for each of fiscal years 2012 through 2017”; and

(B) in paragraph (3)—

(i) by striking “this section \$25,000,000” and inserting “this section—

“(A) \$25,000,000”;

(ii) by striking the period at the end and inserting a “; and”; and

(iii) by adding at the end the following:

“(B) \$100,000,000 for each of fiscal years 2013 through 2017.”.

By Mr. CARDIN (for himself, Mrs. BOXER, Mr. DURBIN, Mrs. GILLIBRAND, Mr. HARKIN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. MIKULSKI):

S.J. Res. 39. A joint resolution removing the deadline for the ratification of the equal rights amendment, to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I am introducing a joint resolution

which would remove the deadline for the states' ratification of the equal rights amendment, ERA. I thank Senators BOXER, DURBIN, GILLIBRAND, HARKIN, LANDRIEU, LAUTENBERG, MENENDEZ, and MIKULSKI for joining me as original cosponsors.

When Congress passed the ERA in 1972, it provided that the measure had to be ratified by ¾ of the States, 38 States, within 7 years. This deadline was later extended to 10 years by a joint resolution enacted by Congress, but ultimately only 35 out of 38 States had ratified the ERA when the deadline expired in 1982.

Congress can and should give the States another chance. In 1992, the 27th Amendment to the Constitution prohibiting immediate Congressional pay raises was ratified after 203 years. Article V of the Constitution contains no time limits for ratification of constitutional amendments, and the ERA time limit was contained in a joint resolution, not the actual text of the amendment.

The Fourteenth Amendment of the Constitution requires “equal protection of the laws,” and the Supreme Court has so far held that most sex or gender classifications are subject to only “intermediate scrutiny” when analyzing laws that may have a discriminatory impact. In 2011 Supreme Court Justice Antonin Scalia gave an interview in which he stated that “certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't.” Ratification of the ERA by state legislatures would provide the courts with clearer guidance in holding gender or sex classifications to the “strict scrutiny” standard.

The ERA is a simple and straightforward constitutional amendment. It reads: “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.” The amendment gives power to Congress to enforce its provisions by appropriate legislation, and the amendment would take effect two years after ratification by the States.

March is Women's History Month. And today is the 40th anniversary of passage by the Senate of the joint resolution to extend the ERA ratification timeline on March 22, 1972. Today, nearly half of the States have a version of the ERA written into their State constitution. My own State of Maryland's constitution reads that “Equality of rights under the law shall not be abridged or denied because of sex.”

I am therefore pleased to introduce this joint resolution today, which is endorsed by a wide variety of groups, including United 4 Equality, the National Council of Women's Organizations, the National Organization for Women, and the American Association

of University Women. I urge my colleagues to support this joint resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 404—RECOGNIZING THE LIFE AND WORK OF WAR CORRESPONDENT MARIE COLVIN AND OTHER COURAGEOUS JOURNALISTS IN WAR ZONES

Mr. WHITEHOUSE (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 404

Whereas The Sunday Times reporter Marie Colvin was killed during the shelling of a makeshift media center in the Baba Amr neighborhood of the besieged Syrian city of Homs on February 22, 2012, along with French photographer Rémi Ochlik;

Whereas Ms. Colvin leaves behind a beloved family where she grew up in the State of New York, was educated and began her journalistic career in the United States, and throughout her career as one of the foremost war correspondents of her generation exemplified American values of humanity, accountability, decency, transparency, and courage;

Whereas Ms. Colvin worked with relentless bravery to report on the recent uprising in Syria and to expose crimes against humanity, human-rights violations, and the ravages of war in conflict zones throughout the world, including the Balkans, the Chechen Republic, Libya, and Sri Lanka, where she was seriously wounded and lost vision in 1 eye;

Whereas Ms. Colvin shed light on human-rights violations through her courageous reporting on how these conflicts affected the lives of individuals;

Whereas the actions of Ms. Colvin in Timor-Leste are widely credited with averting a massacre;

Whereas Ms. Colvin said, "Covering a war means going to places torn by chaos, destruction, and death, and trying to bear witness. It means trying to find the truth in a sandstorm of propaganda when armies, tribes or terrorists clash. And yes, it means taking risks, not just for yourself but often for the people who work closely with you.";

Whereas the work of Ms. Colvin exemplifies the best qualities of journalism;

Whereas Ms. Colvin was awarded the 2000 Courage in Journalism Award from the International Women's Media Foundation for behind-the-lines action in Kosovo and the Chechen Republic, twice named Foreign Reporter of the Year at the British Press Awards, named the Journalist of the Year by the Foreign Press Association in 2000, and named Woman Journalist of the Year by the Foreign Press Association in 2010; and

Whereas Ms. Colvin and brave journalists have lost their lives serving as the conscience of the world: Now, therefore, be it

Resolved, That the Senate—

(1) extends its sympathy to the families of Ms. Colvin and other reporters who have died reporting from conflict zones;

(2) recognizes the bravery of Ms. Colvin and other correspondents and photographers who have lost their lives while exposing the truth;

(3) calls on the world community to honor the memories of Ms. Colvin and other reporters; and

(4) calls on the government of Syria to halt the brutal attacks against the people of Syria and to respect their human rights.

SENATE RESOLUTION 405—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 405

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, March 27, 2012, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator BARBARA MIKULSKI intend to object to proceeding to S. 1789, a bill to improve, sustain, and transform the United States Postal Service, dated March 22, 2012.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 29, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on current and near-term future price expectations and trends for motor gasoline and other refined petroleum fuels.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Allison.Seyferth@energy.senate.gov.

For further information, please contact Hannah Breul at (202) 224-4756 or Allison Seyferth at (202) 224-4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 22, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 22, 2012, at 9:45 a.m., to conduct a hearing entitled "International Harmonization of Wall Street Reform: Orderly Liquidation, Derivatives, and the Volcker Rule."

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 22, 2012, at 10:15 a.m., in room SD-406 of the Dirksen Senate Office Building to conduct a hearing entitled "Environmental Protection Agency Fiscal Year 2013 Budget Hearing."

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate to conduct a hearing entitled "Stay-at-Work and Back-to-Work Strategies: Lessons from the Private Sector" on March 22, 2012, at 10:15 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 22, 2012, at 2:15 p.m.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on March 22, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate, on March 22, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON SMALL BUSINESS AND
ENTREPRENEURSHIP

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 22, 2012, at 10 a.m. in room 432 of the Russell Senate Office building to conduct a roundtable entitled "A Spotlight on Small Business Investment Companies and Their Role in the Entrepreneurship Ecosystem."

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 22, 2012. The Committees will meet in room 345 of the Cannon House Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 22, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 22, 2012, at 10 a.m., to conduct a hearing entitled, "New Audit Finds Problems in Army Military Pay."

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON HEALTH CARE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Health Care of the Committee on Finance be authorized to meet during the session of the Senate on March 22, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Prescription Drug Abuse: How are Medicare and Medicaid Adapting to the Challenge?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Sub-

committee on Public Lands and Forests be authorized to meet during the session of the Senate on March 22, 2012, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tyler Bischoff, Sam Jones, and Nicole Burda of my staff be granted floor privileges for the duration of today's proceedings.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the HELP Committee be discharged from any further consideration of PN1376, a list of 201 nominees in the Public Health Service; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the Record; that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE PUBLIC HEALTH SERVICE

To be surgeon

Peter S. Airel
Leanne M. Fox
Edith R. Lederman
Suzette W. Peng
Tiffany M. Snyder
Daniel S. Vanderende

To be senior assistant surgeon

Andrew H. Baker
Eli T. Lotsu

To be dental officer

Carol J. Wong

To be senior assistant dental officer

Ann N. Truong

To be assistant dental officer

Melissa L. Aylworth

To be assistant nurse officer

Brutrinia S. Arellano
Jason J. Brown
Patricia K. Carlock
Kristen M. Cole
James A. Daugherty
Ellen I. Dieuluste
Symphosia A. Forbin
Marcus S. Foster
Rebecca Garcia
Cynda G. Hall
Dustin K. Hampton
Anastasia A. Hansen

Temika N. Hardy-Lovelock
Carita K. Holman
Ick H. Kim
Patrice M. Leflore
Stephanie K. Marion
Myrtle Massicott
Randa K. Merizian
Randoshia M. Miller
Gustavo N. Miranda
Nicole A. Mitchell
Vera C. Moses
Nathan A. Moyer
Damian P. Parnell
Bryan Smith
Juula Stutts
Linda A. Tondreau
Wayne A. Weissinger
Paul A. Wong
Katrin E. Wood

To be junior assistant nurse officer

Jessica M. Allen
Nicholas R. Bahner
Trevor A. Baird
Jason E. Bauer
Shannon D. Braune
Kendall G. Brown
Stacey L. Bruington
Kassidy L. Burchett
Andrew J. Colburn
Aida Coronado-Garcia
Marlene Corrales
John F. Ehrhart II
Sharice N. Elzey
Lindsay J. Gregory
Jeremy V. Hyde
Everard A. Irish
Marthania Jean-Baptiste
Billye R. Jimerson
Lynn C. Johnson
Jeremy J. Liesveld
Yvette E. Macklin
Bryce A. May
Matthew A. Meyers
Alexander N. Njunge
Joyce E. Ogbu
Okenzie N. Okoli
Ignatius E. Otteh
Vanessa S. Parrish
Leslie J. Poudrier
Pilar M. Prince
Gina L. Ryan
Josue S. Sanchez
Celeste M. Seger
Christopher D. Snyder
Ini B. Upke
Candice R. Wells

To be assistant engineer

Kenneth Chen
Peter Littlehat, Jr.
Lindsay Q. Quarrie

To be junior assistant engineer

Rafael Gonzalez

To be assistant scientist

Shane T. Eynon
Nelson H. Guadalupe
Madeline I. Maysonet-Gonzalez
Leah R. Miller
Sara A. Villarreal

To be assistant environmental health officer

Christopher D. Dankmeyer
Kai E. Elgethun
Michelle E. Kenney

To be junior assistant environmental health officer

Elizabeth A. Smith

To be assistant veterinary officer

Yandace K. Brown

To be assistant pharmacist

Adewale A. Adeleye
Todd D. Angle

Nabeel Babaa
Jonathan R. Boress
Mitchell W. Bowen
Kevin L. Cummings
Chaka N. Cunningham
Jordan C. Davis
Melanee M. Davis
Lindsay E. Davison
Tyler C. Dreese
Kendra N. Ellis
Gustave A. Gabrielson
Carlisha S. Gentles
Andrews A. Gentles
Monica M. Haddican
Susan E. Hagy
Shane E. Henry
Cindy C. Hong
Lindsay R. Krahmer
Benjamin N. Le
Gina L. Luginbill
Justin A. Mathew
Regina L. Miller
John P. Mistler
Vanessa R. Muller
Trami T. Nguyen
Uchechukwu A. Nwobodo
Bum-Jun Oh
Long T. Pham
Forge X. Pham
Kelly H. Pham
Joseph S. Smith
Brian C. Tieu
Ruby Tiwari
Allen R. Tran
Jayson L. Tripp
Jeffrey Vang
Jason K. Vankirk
Phuong-Anh T. Vu
Jason R. Wagner
Corinne M. Woods
Peng Zhou

To be assistant therapist

Russell J. Case
William A. Church
Andrew M. Hayes
Amanda C. McDonald
Jeffrey G. Middleton

To be assistant health services officer

Cara Alexander
Henry J. Allen
Ayana R. Anderson
Melka F. Argaw
Shenena A. Armstrong
Tyson J. Baize
Kimberly U. Blackshear
Monique M. Branch
Onieka T. Carpenter
Jeffrey M. Cox
Emily T. Crarey
Jessica L. Damon
Terri C. Davis
Ginelle O. Edmondson
Alyson B. Eisenhardt
Jason W. Engel
Laura M. Erhart
Aisha S. Faria
Juana F. Figueroa
Mia L. Foley
Israel Garcia
Michael H. Hansen
Paul D. Hoffman
Keemia S. Hurst
Margaret A. Kemp
Brian L. Lees
Travis J. Mann
Leticia M. Manning
Michelle A. Matthey
Christopher J. Meyer
Ethny Obas
Dustin J. Oxford
Victoria L. Parsons
Seraphine A. Pitt Barnes
Phillip K. Pope

Kristin M. Racz
Diyo R. Rai
Marquita D. Robinson
Alyson S. Rose-Wood
Jeffery R. Showalter
Sarah E. Swift
Devin N. Thomas

To be junior assistant health services officer

Kelly Abraham
Matthew R. Beymer
Chawntel M. Cartee
Jana L. Caylor
Louis R. Corbin
Kimisha L. Griffin
Richard W. Kreutz
Shawn M. Nickle
Carloyn L. Noyes
Raymond A. Puerini
Jezaida Rivera
Yolanda L. Rymal
Letisha S. Secret
Jerome R. Simpson II
Donnamarie A. Spencer
Jason E. Stevens
Katie R. Watson
Tracee R. Watts
Shambrekia N. Wise

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nomination: Calendar No. 226; that the nomination be confirmed, the motion to reconsider be laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (1h) Cynthia A. Covell

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PERMITTING USE OF CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration H. Con. Res. 108, which was received from the House and is at the desk.

The PRESIDING OFFICER.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 108) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 108) was agreed to.

RECOGNIZING THE LIFE AND WORK OF COURAGEOUS JOURNALISTS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 404.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 404) recognizing the life and work of war correspondent Marie Colvin and other courageous journalists in war zones.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 404) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 404

Whereas The Sunday Times reporter Marie Colvin was killed during the shelling of a makeshift media center in the Baba Amr neighborhood of the besieged Syrian city of Homs on February 22, 2012, along with French photographer Rémi Ochlik;

Whereas Ms. Colvin leaves behind a beloved family where she grew up in the State of New York, was educated and began her journalistic career in the United States, and throughout her career as one of the foremost war correspondents of her generation exemplified American values of humanity, accountability, decency, transparency, and courage;

Whereas Ms. Colvin worked with relentless bravery to report on the recent uprising in Syria and to expose crimes against humanity, human-rights violations, and the ravages of war in conflict zones throughout the world, including the Balkans, the Chechen Republic, Libya, and Sri Lanka, where she was seriously wounded and lost vision in 1 eye;

Whereas Ms. Colvin shed light on human-rights violations through her courageous reporting on how these conflicts affected the lives of individuals;

Whereas the actions of Ms. Colvin in Timor-Leste are widely credited with averting a massacre;

Whereas Ms. Colvin said, "Covering a war means going to places torn by chaos, destruction, and death, and trying to bear witness. It means trying to find the truth in a

sandstorm of propaganda when armies, tribes or terrorists clash. And yes, it means taking risks, not just for yourself but often for the people who work closely with you.”;

Whereas the work of Ms. Colvin exemplifies the best qualities of journalism;

Whereas Ms. Colvin was awarded the 2000 Courage in Journalism Award from the International Women's Media Foundation for behind-the-lines action in Kosovo and the Chechen Republic, twice named Foreign Reporter of the Year at the British Press Awards, named the Journalist of the Year by the Foreign Press Association in 2000, and named Woman Journalist of the Year by the Foreign Press Association in 2010; and

Whereas Ms. Colvin and brave journalists have lost their lives serving as the conscience of the world: Now, therefore, be it

Resolved, That the Senate—

(1) extends its sympathy to the families of Ms. Colvin and other reporters who have died reporting from conflict zones;

(2) recognizes the bravery of Ms. Colvin and other correspondents and photographers who have lost their lives while exposing the truth;

(3) calls on the world community to honor the memories of Ms. Colvin and other reporters; and

(4) calls on the government of Syria to halt the brutal attacks against the people of Syria and to respect their human rights.

AUTHORIZING SENATE CHAMBER PHOTOGRAPH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 405, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 405) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 405) was agreed to as follows:

S. RES. 405

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, March 27, 2012, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

MEASURES READ THE FIRST TIME—H.R. 5, S. 2230, AND S. 2231

Mr. REID. Mr. President, I am told there are three bills at the desk due for

a first reading, and I ask unanimous consent that the clerk report all three.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (S. 2230) to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

A bill (S. 2231) to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

Mr. REID. Mr. President, I now ask for a second reading on each of the three bills but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The chair, on behalf of the President pro tempore, upon the recommendation of the Republican leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, Public Law 107-228, and Public Law 112-75, appoints the following individual to the United States Commission on International Religious Freedom: Dr. M. Zuhdi Jasser of Arizona, Vice Richard D. Land.

AUTHORITY FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, the RECORD remain open until 7:15 p.m. this evening for the submission of written colloquies.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 26, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday, March 26, at 2 p.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business the Senate resume consideration of the motion to proceed to Calendar No. 337, S. 2204, the Repeal Big Oil Tax Subsidies Act, with

the time until 5:30 p.m. equally divided and controlled between the two leaders or designees; further, that the cloture vote on the motion to proceed to S. 2204 be at 5:30 p.m. on Monday, and that if cloture is not invoked, there be 2 minutes of debate, equally divided in the usual form, prior to the cloture vote on the motion to proceed to S. 1789.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be up to two rollcall votes on Monday at about 5:30. The first vote will be a cloture vote on the motion to proceed to S. 2204. If cloture is not invoked, there will be a second cloture vote on the motion to proceed to S. 1789, the postal reform bill.

ADJOURNMENT UNTIL MONDAY, MARCH 26, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Monday, March 26, 2012, at 2 p.m.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH PETER S. AIREL AND ENDING WITH SHAMBREKIA N. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2012.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 22, 2012:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CYNTHIA A. COVELL

THE JUDICIARY

DAVID NUFFER, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

RONNIE ABRAMS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

RUDOLPH CONTRERAS, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH PETER S. AIREL AND ENDING WITH SHAMBREKIA N. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2012.

EXTENSIONS OF REMARKS

ON THE OCCASION OF THE RETIREMENT OF ROBERT GRACELY FROM GENISYS CREDIT UNION AFTER YEARS OF FINANCIAL SERVICE TO THE COMMUNITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to recognize Mr. Robert Gracely on the occasion of his retirement from Genisys Credit Union after more than three decades of dedicated and passionate service to its members and the greater Southeast Michigan community. A member of Genisys since October 1967, his work has been significantly focused on Genisys' role as a steward of the Southeast Michigan community.

Within the varied positions he has served during his time with Genisys Credit Union, Mr. Gracely has been a passionate advocate of its mission as a not-for-profit, member-owned financial institution that has been committed to helping its members since its formation in 1936. Based out of Auburn Hills, Michigan, Genisys is one of the largest credit unions in Michigan and one of the strongest in the country with over \$1.4 billion in assets. Genisys and its members are deeply involved in altruistic work which supports local charities, organizations and events that enrich the lives of many throughout Michigan. These endeavors have earned Genisys and its members not only considerable praise but numerous awards for their commitment to community service and volunteerism.

Throughout his tenure with Genisys, Mr. Gracely's colleagues have routinely praised his exceptional talent for recognizing client needs and recommending the right services. With his focus on building community partnerships, Mr. Gracely has leveraged his leadership within Genisys Credit Union to partner with and support local businesses, which has cultivated a vibrant small business community. Furthermore, Mr. Gracely has been praised for his ability to work within a team, to work with his staff and to identify issues and find innovative solutions. His strong command of financial issues, dedication to high quality customer service, and focus made him an invaluable asset. Genisys continues to develop its partnerships within the community and could not have been done without the help of Mr. Gracely.

Mr. Speaker, as a leader within Genisys Credit Union Mr. Gracely has done so much to guide it and its members in their philanthropic activities within the communities that Genisys serves. Like so many of his colleagues in senior leadership positions at Genisys, he has worked tirelessly to provide the credit union's members with quality customer service and financial advising. His spirit of collegiality, dedi-

cation to his employees and the greater community, and his creativity will be sorely missed. I wish Mr. Gracely many happy years in retirement and I know he will continue to be involved in volunteer efforts here in Southeast Michigan for years to come.

HONORING BLAKE HUDDLESTON

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Blake Huddleston is a senior at Pasadena Memorial High School in Harris County, Texas. His essay topic is: In your opinion, what role should government play in our lives?

The American form of Democracy is built upon the principle that every man has the right to have his voice heard, yet today many Americans revoke this right. Neither Congress nor the President can adequately govern such a vast land and people as the United States without participation in government, which has been declining in recent years due to an increase in American apathy.

Adequate governance does not require petitions, marches, or protest; simply voting for issues and candidates is enough to ensure that the American voice is heard in the white halls of the Capitol. But in order to create a sense of honor in participating in our centuries old processes, both those who are in positions of power and those who seek office must offer their constituents something worth speaking for.

In times of discord and partisanship the American people become disillusioned with what is perhaps the greatest Democracy to ever exist. By compromising, by understanding not only their own personal beliefs, but the beliefs of those opposed to them, congressmen and presidents inspire the people they represent to become involved in the American process because their electors believe that the system does work; that the system can solve serious problems without mindless bickering over irrelevant issues. There exist a social bond between electors and the elected in America: when the elected rise above politics and become statesmen, Americans will rise as well. When the elected fall, so too does the will of Americans to participate.

CONGRATULATING THE MY POSSIBILITIES HIPSTORE: OPEN FOR BUSINESS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am glad to recognize the great staff, board of directors, and Hugely Important People—or HIPsters—of My Possibilities in Plano, Texas as they celebrate the organization's newest venture, the HIPstore.

My Possibilities is a non-profit organization that provides daytime, year-round vocational training and other programs for adults with special needs. The first organization of its kind in Collin County, My Possibilities opened its doors in June of 2008 when caring moms joined forces to create a safe, social atmosphere for young adults who had "aged out" of secondary education. Today, ten full-time staff members serve 125 HIPsters each week.

Inspired by the My Possibilities motto, staff and HIPsters alike work hard to "Make every day count." The new HIPstore provides a great enterprise opportunity to do just that.

The store is a 3,000 square-foot facility that features gift items like candles, jewelry, and artwork all handmade by HIPsters. The HIPsters not only learn creative skills, put them into practice, and watch their handiwork make a profit, but learn the ins and outs of operating a retail outlet. For instance, they help to stock the shelves, monitor inventory, interact with customers, and operate the cash register.

To the folks whose hard work and forward thinking have made the HIPstore possible:

Thank you for your efforts. It is my pleasure to join you in celebrating this exciting new chapter of My Possibilities' service to the North Texas community. I'm glad to help announce that the HIPstore is "open for business!"

RECOGNITION OF IDA MAE BYRD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Ida Mae Byrd. A native of Waycross, Georgia, Ms. Byrd has enjoyed a very active life looking after her family and her community. We celebrate your 100th birthday.

Ms. Byrd was born to Maebelle and Jack Smith in Waycross, Georgia, on March 13, 1912. She is the third of six children. At the young age of 16, Ms. Byrd was looking for more opportunities so she moved to Brooklyn, New York. Once in New York City, Ms. Byrd

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

worked diligently to bring her immediate family with her.

At the age of 19, Ms. Byrd married Willy Byrd, forming a strong union that produced five children. The family was a close knit group held together by her strict control and discipline. She set an example for her siblings on how to properly raise children—supporting a strict environment with a loving and warm personality.

In her younger days, Ms. Byrd loved to dance and one of her favorite places to dance was the Savoy Manor in the Bronx. Along with dancing, Ms. Byrd enjoyed her occasional Miller High Life beer and her beloved New York Mets. As an avid fan, she was rewarded with two World Series championships. Through the years she was an active member of Pilgrim Baptist Church under the leadership of Bishop Roy E. Brown. Ms. Byrd enjoyed these church events most with her family who attempted to make every moment a memorable one.

Ms. Byrd has lived through an incredible century that has witnessed two World Wars, the Jim Crow South, the invention of the television and the computer, and the Civil Rights movement. She has also lived to see apartheid end in South Africa and the election of the first African American President of the United States.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Ms. Ida Mae Byrd on the celebration of her 100th birthday.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE FLORA-BAMA AND GULF COAST RESIDENTS SUPPORT OF NEW YORK CITY AND HARLEM AFTER SEPTEMBER 11, 2001

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RANGEL. Mr. Speaker, I rise today in recognition of the 10th Anniversary of the Flora-Bama and Gulf Coast support of New York City and Harlem after September 11, 2001.

In 2002, Joe Gilchrist, owner of the Flora-Bama Lounge in Pensacola, Florida brought to New York a group of more than 100 visitors, including musicians and songwriters, to pay respect to the ground zero site and support New York. Gilchrist also encouraged the group to spend money to help uplift New York City's economy and provide moral and spiritual support to the victim's families. The group also toured New York City fire houses, the Empire State Building and Central Park. The visit culminated in a great celebration at the Waldorf Astoria, which included performances by Chuck Jackson, and other musicians and singers who participated in the Frank Brown International Songwriters Festival.

On Saturday February 4, the Harlem community, along with Joe Gilchrist and the Frank Brown Songwriters Festival celebrated the 10th Anniversary of the Flora-Bama and Gulf Coast historic visit to New York. Musicians, songwriters, business leaders and residents from the Flora-Bama and Gulf Coast toured

the 911 Memorial site and performed in lower Manhattan and in Harlem. This Cultural Exchange was promoted with the theme of, "Merging Manhattan Music with Southern Sounds." Kicking off the diverse musical tribute were original songs by "Lil Man," an eight year old "Hip Hop" artist who writes his own songs; stellar performances by Michael Jackson impersonator, Jesse Valenca; and Urica Rose, an electrifying singer and songwriter, representing the "New Generation of Rock" performers.

The group attended Open House events at the world famous Apollo Theater, including performances by Ballet Hispanico, the Dance Theatre of Harlem, Amateur Night winners and was given a tour by Apollo historian Billy Mitchell. The group joined Commander E. Randy Dupree at Harlem's historic Colonel Charles Young American Legion Post 398, where Flora-Bama musicians joined Hammond B3 Organist and Jazz legend Seleno Clark, Percussionist Don Eaton and the Harlem Groove Band for a jam session to commemorate the 10th Anniversary of their visit to New York City.

As Dean of the New York Congressional Delegation, I want to extend my thanks to Joe Gilchrist and the Frank Brown Songwriters Festival for their outstanding economic, moral and spiritual support to Harlem and the great State of New York.

HONORING THE LIFE OF HIS HOLINESS POPE SHENOUDA III

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Ms. KAPTUR. Mr. Speaker, this month, the world laid to rest a holy and wise spiritual leader, His Holiness Pope Shenouda III, the 117th Pope of Alexandria and the Patriarch of All Africa on the Holy Apostolic Seat of Saint Mark the Evangelist of the Coptic Orthodox Church of Alexandria and head of The Holy Synod of the Coptic Orthodox Patriarchate of Alexandria, who passed from this life on March 17, 2012.

His Holiness Pope Shenouda III presided more than 40 years over a worldwide expansion of the Coptic Orthodox Church. During his papacy, he appointed the first-ever bishops to preside over North American dioceses. When His Holiness became pope in 1971, there were only four churches in North America. Today there are over 100.

Pope Shenouda III was well known for his deep commitment to ecumenism and interfaith dialogue. He believed that Christian unity was a matter of faith rather than of jurisdiction. In 1973, Pope Shenouda III became the first Coptic Orthodox Pope of Alexandria to meet the Roman Catholic Pope in over 1500 years. In this visit, Pope Shenouda III and Pope Paul VI signed a common declaration on the issue of Christology and agreed to further discussions on Christian unity. He led dialogues with various Protestant churches as well as Islamic clerics and Muslim leaders worldwide.

In an address he gave at an ecumenical forum during the International Week of Prayer

in 1974, he declared, "The whole Christian world is anxious to see the church unite. Christian people, being fed up with divisions, are pushing their church leaders to do something about church unity and I am sure that the Holy Spirit is inspiring us."

A biographer aptly described Pope Shenouda III as "A distinguished and prominent religious leader, a profound theologian, a gifted preacher, a talented author, a spiritual father, a man of God his entire life. He devoted his writings, teachings and actions to spread and propagate for the rules of understanding, peace, dialogue and forgiveness."

I had the unforgettable honor of meeting Pope Shenouda III as our local Coptic Christian Church in Northern Ohio was being constructed. He was a man of immense faith, great humanity, and deep intellect. When I asked him about future unity among various faith confessions, I will never forget his steady, strong countenance as he advised me "that would take love." He was a very profound man.

President Obama called Pope Shenouda III "a beloved leader of Egypt's Coptic Christians and an advocate for tolerance and religious dialogue," and said he will be remembered "as a man of deep faith, a leader of a great faith, and an advocate for unity and reconciliation." The faith community around the world and people of good will everywhere joins the Coptic Orthodox Church in mourning the passing of Pope Shenouda III from this life. We extend our sympathy to church members worldwide and in our own community. His contributions to world understanding and bridging horizons yet unmet will flower in decades hence. May God bless his soul and allow his unfinished work to progress in his memory.

[From the New York Times, Mar. 20, 2012]

THOUSANDS MOURN COPTIC POPE IN CAIRO

(By Kareem Fahim)

CAIRO—In front of a tearful crowd of thousands including members of Egypt's emerging political class, a funeral service was held on Tuesday for Pope Shenouda III, the popular and charismatic leader of the Coptic Orthodox Church, who died on Saturday.

The pope's body lay in an open white casket through the emotional two-hour ceremony in St. Mark's Cathedral, where he was remembered as a "wise captain" who built bridges to Muslims and other Christian denominations and who strengthened the identity of the church, especially among its younger members. Hundreds more people stood outside the cathedral, unable to gain entry to the invitation-only service.

The scene turned to pandemonium later in the day when thousands of people mobbed a van carrying the pope's body to his burial site, in a monastery in northern Egypt. Red-faced military policemen wrestled with mourners carrying the pope's portrait who were straining for a last glimpse of him through the dark windows of the white van.

The flood of grief for the only pope many Egyptian Copts had ever known—he was enthroned in 1971—underscored feelings of unease that many Christians have felt in the ongoing tumult of Egypt's political transition. Roughly 1 in 10 Egyptians belong to the Coptic Orthodox Church, which was founded in the first century and was the majority religion here before the coming of Islam. In recent years, long-held complaints about anti-Coptic discrimination have been replaced by

deeper fears that Islamist parties will further marginalize the Christian population as they try to refashion Egypt into a more observant Muslim state.

For most of his four decades as patriarch, Pope Shenouda managed a delicate balancing act, strongly supporting President Hosni Mubarak in exchange for a measure of protection as the pope strengthened the church's power and reach. He was broadly popular among Egyptians, and was especially well-known for his wit. He was also seen as rigid defender of a conservative church, and some Copts faulted him for resisting reform.

Criticism of Pope Shenouda's relationship with Mr. Mubarak became more pronounced after the popular uprising against Mr. Mubarak's rule took hold in January 2011, with attacks on churches and Coptic protesters, by hardline Islamists and the government's troops following behind. Since the pope's death, though, that criticism has been laid with sadness.

"I don't disagree that he interfered with politics," said Mina Samy, a 30-year old physician outside St. Mark's on Tuesday. "But when he spoke, he did it for Egypt's best interest, not for his personal interests, like others do."

"I'm hoping for another copy of him," he said. "Nothing is too much for God. He was a great scholar, and he led the church through major crisis. He left us at a time when Egypt needed him."

HONORING BILL KEFFLER OF RICHARDSON, TEXAS FOR 35 YEARS OF OUTSTANDING PUBLIC SERVICE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, with great appreciation for his selfless public service, I rise to recognize before the U.S. House of Representatives Bill Keffler of Richardson, Texas on the occasion of his retirement.

Bill's résumé of accomplishments closely matches that of the City of Richardson itself. During his 35-year career with the City, 17 as city manager, he has played an integral role in bringing first-rate transportation entities, higher education institutions, healthcare providers, and corporations to Richardson. Under his watch, the City has also received countless awards for its responsible, transparent, and innovative administration.

Those of us who have been fortunate enough to work with Bill know him as a true leader not just in Richardson, but in the entire North Texas region. A current member of the Board of Directors and Executive Committee for the North Texas Commission, Bill is also the immediate past-president of the Texas City Manager's Association and an advisory board member for Methodist Richardson Medical Center, Leadership Richardson, and the University of Texas at Dallas Development Office, to name a few.

Bill, a mix of Irish Green and Raider Red, kicked off his stellar career back in 1977 having already obtained a bachelor's degree in government at Notre Dame and a master's degree in public administration at Texas Tech

University. He and his wife, Chrissie, raised five great kids in Richardson. Bill's family and friendliness are considered staples in the community—as are his famous striped ties.

To Bill, thank you for all you've done to build Richardson into the city it is today. It is a pleasure to know you, and I wish you the very best in the years to come. God bless you, and I salute you.

VOTE ON THE SENATE TRANSPORTATION BILL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the motion to move the previous question to allow for debate and a vote on the Senate transportation bill.

With millions of Americans still unemployed through no fault of their own, what is the House considering today? In the Budget Committee, we are discussing a budget that slashes targeted investments in transportation, scientific research, and education to give additional tax breaks to the wealthiest Americans. The proposed budget also dismantles the Medicare guarantee, transferring rising costs of care to seniors. And on the House floor, we have another attempt to repeal parts of the Affordable Care Act, this time targeting a provision in the law that would address real, systemic health care costs. This is not an agenda that creates jobs or grows our economy.

Instead, we should bring forward the Senate transportation bill that received an overwhelming bipartisan vote of 74–22 last week. This bill would invest in critical infrastructure projects, supporting over 1.8 million jobs nationwide and over 28,000 in my home state of Maryland. It would help revive the construction industry, which continues to face 17.1 percent unemployment. And it would make our Nation's transportation system safer and more efficient.

Mr. Speaker, we must focus our agenda on improving the economy and putting Americans back to work. We have a bipartisan solution to do just that—let's bring it to the Floor.

SENSELESS ACTS OF VIOLENCE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mrs. CHRISTENSEN. Mr. Speaker, yesterday we laid to rest a young man, Daniel Brow who was killed after he turned away from an argument—shot as he began to walk away.

Every time our children are out, not only in the Virgin Islands but across the country, and certainly as we now see in Florida, we worry that they will be injured or killed in some senseless act of violence.

In the case of young Trayvon Martin, he was not killed because of an argument with a peer which would have been bad enough, it appears he was pursued by an adult, alleg-

edly, a self appointed overly aggressive neighborhood watch person who seemed to be just looking for trouble, and who even after being told by dispatchers to leave the boy alone pursued him and in the midst of his pleas for help heard on the 911 tape, shoots and kills him.

I am glad the Justice Department has begun its investigation and I thank our colleague CORRINE BROWN for getting involved and being the strong advocate she is on behalf of the grieving Martin family and his community.

But you know the blame for this incident goes beyond the shooter. All who have engaged in violent rhetoric against racial and ethnic minorities, who have been contributing to the poisonous environment in which we now find ourselves in this country and who have been encouraging this kind of vigilante activity are also responsible for young Trayvon's death and his family's loss.

I hope this incident will be a wake-up call and have us come to our senses and sense of fairness, justice and community—the kind of community that looks out for and takes care of its children, not kills them or fosters an atmosphere where this kind of action is encouraged.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF SAN JACINTO COLLEGE AND GULF COAST PASS GRANT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize the contributions of San Jacinto College, a Hispanic-Serving Institution and community college located in our district which is celebrating its 50th anniversary this year.

The mission of San Jacinto College is to deliver accessible, affordable, high-quality post-secondary education programs designed to meet the needs of the residents of Harris County.

The primary focus of the College is helping students to achieve their personal and professional goals, create seamless transitions among educational levels, and to prepare students to enter the job market or transfer to senior institutions. Through its programs and services, and partnerships with industry, the College supports the economic growth of the community and the region.

San Jacinto College recently received a grant that will fund collaborative programs with local secondary school districts focused on increasing college readiness and completion of community college developmental education courses. The grant, provided through the Community College Leadership Program at the University of Texas at Austin, was made possible by The Houston Endowment.

The \$1.2 million, three year grant, known as the Gulf Coast Partners Achieving Students Success, or Gulf Coast PASS, will help San Jacinto College and its partners, Pasadena and Sheldon Independent School Districts, ISDs, expand existing projects and implement new partnerships. Special focus will aim to increase college readiness and completion of

community college development education courses where necessary.

With the help of these funds, San Jacinto College is partnering with local ISDs to start up two early college high schools, one with Pasadena ISD and another with Sheldon ISD. The Sheldon ISD Early College High School will open in Fall 2012.

The Texas Education Administration states that early college high schools must provide access to under-represented populations, lower socio-economic students, and first-in-college students to provide a pathway for higher education attainment for these students who would be less likely to pursue higher education.

Our nation must do more to close the gaps between secondary and post-secondary education in the areas of academic experiences, expectations, and curriculum. San Jacinto College is committed to bridging these gaps by facilitating communication and collaboration between high school and college faculty to identify these gaps locally.

In order for our students to make the successful transition from high school to some kind of post-secondary experience, the College and our school districts must intentionally design programs that address those gaps. We must commit to creating multiple pathways to student success and completion of post-secondary credentials.

I am proud to rise to commend the work of San Jacinto College, which provides a model of excellence in higher education for the people of Harris County and the nation.

PERSONAL EXPLANATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. MARCHANT. Mr. Speaker, due to the sudden passing away of my father, I was unable to participate in House floor votes on March 22, 2012.

THE CURRENT SITUATION IN AFGHANISTAN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HONDA. Mr. Speaker, tragic events in the last few weeks in Afghanistan have underscored the messages I have continuously emphasized in Congress in the past. As long as we pursue military solutions to the unrest in Afghanistan while foregoing attention to economic, political and social solutions, security will remain elusive. Our military service officers are heroes, but we are failing them as we continue to pursue a strategy that lacks proper understanding of both the social constructs of the Afghan people and the meaning of peace.

It is our duty as Americans to give the people of Afghanistan what they want, not what we want to give them. Afghan citizens want peace, they want security and they want the

right to self-determination based on their own social, cultural, and religious values. Afghans do not want to be at the constant risk of night raids and air strikes that could kill their friends and neighbors, checkpoints and security barriers that keep their families apart, or incidences of violence which sometimes involve International Security Assistance Force (ISAF) troops and contract security forces. And they certainly do not want foreigners burning the Holy Quran, which all Muslims hold as dear as life, or have their very own safety compromised by foreign forces who should be there to protect them.

As members of the United States government, we also owe the American people what they want, and not what we want to give them. In this regard, we are failing our own people as they face the difficulties brought on by the global economic crisis while lives, money and resources are being wasted abroad in an effort which has, sadly, led to resentment and the incitement of hatred against America.

Last week, the Department of Defense Comptroller confirmed one of our worst kept secrets—that the deployment of one soldier to Afghanistan for one year costs \$850,000. We currently have 90,000 soldiers deployed in Afghanistan. Additionally, we have 1,142 U.S. civilians from the State Department and other non-defense agencies currently in Afghanistan, and each civilian costs taxpayers \$570,000 per year, according to the most recent estimate from the Special Inspector General for Afghanistan Reconstruction. Furthermore, in 2011, our taxpayers spent \$11.2 billion to pay, train and equip Afghanistan's security force. Over the past ten years the U.S. has spent more than \$550 billion in Afghanistan alone, or about \$1 billion per week.

A new Washington Post poll finds that sixty percent of American voters feel that the war was not worth fighting. It also finds that, for the first time, Republican voters are "evenly split" on the wisdom of continuing this war. This is what America wants, and it is our duty to respect that.

Last year, as co-chairman of the Congressional Progressive Caucus's Peace and Security Taskforce, I urged President Obama to bring about the swift, safe and responsible withdrawal of U.S. troops and military contractors from Afghanistan. We asked for plans for a significant drawdown, beginning no later than July of this year.

We welcome the news that Congress's calls to the White House have finally been heard. On February 1, 2012, Defense Secretary Leon Panetta said that while American troops will still leave Afghanistan by the end of 2014, plans were laid out so that by late next year, U.S. and NATO troops in Afghanistan will switch from a combat role to a training mission. The Administration may further want to take heed of the same Washington Post poll which revealed that fifty-four percent of all voters want the U.S. to withdraw troops even faster than the President's 2014 timetable.

As we look forward to our future role as global leaders of peace and security, we must not forget our past and present mistakes. Our international affairs priorities must be anchored in the recognition that our national security is inextricably linked to our economic vitality. We cannot fight for global security but

ignore the economic security of the people of America. We need a budget that reflects the fact that diplomacy and development prevents wars, because smart security can lead to global stability at a fraction of the cost, freeing up funds to engage in nation building here at home. As we look forward to the question of how to handle future matters in the Middle East, these are the priorities that we simply cannot afford to forget.

Mr. Speaker, Peace and Security are created through a well-functioning government, a fair and prosperous economy, and a harmonious society. We have failed the Afghan people on each and every one of these fronts, and in so doing, we, we have also failed ourselves and our constituents. As we reflect on the recent military tragedies in Afghanistan, we must ask ourselves how many more apologies we can afford to offer.

IN RECOGNITION OF THE
TOWNSQUAREBUZZ FOUNDATION
AND PARTNERS: HONORING
THOSE WHO SERVE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am proud to recognize the TownSquareBuzz Foundation and the City of McKinney, Texas, as they join forces to declare Red Shirt Fridays in McKinney.

The Foundation's "Paint McKinney Red!" campaign was launched last year to raise awareness about the unique challenges veterans face when they return from war.

To date, TownSquareBuzz has printed 500 red t-shirts that are being sold by 10 local partner businesses. The shirts remind us, "Honor Those Who Serve: Past, Present, Future," and all sale proceeds go directly to the local Community Lifeline Center in McKinney.

The Lifeline Center's great operation serves folks in need in 17 cities across Collin County. Its veterans-support initiative, funded in part by a grant from the Texas Veterans Commission, helps local veterans and their families with housing, utilities, medical and dental treatment, transportation, counseling, and job training, to name a few.

Inspired by the nationwide Red Shirt Fridays project, the local efforts of TownSquareBuzz and the City of McKinney will provide direct assistance to our friends, family members, and neighbors who are the returning heroes of today's military campaigns.

These brave men and women put their lives on the line to keep America strong, proud, and free. Through partnerships like Red Shirt Fridays, the North Texas community is reminded of the privilege and duty we bear to honor, thank, and give back.

To the TownSquareBuzz Foundation, City of McKinney, Community Lifeline Center, and every individual and business helping to paint McKinney red:

Thank you for your efforts. May God continue to bless the United States of America through great folks like you. I salute you!

JACK SILLIMAN

HON. RANDY HULTGREN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HULTGREN. Mr. Speaker, it is with great pride that I rise today in honor of U.S. Marine, Jack Silliman. Tragically, Jack was killed during the Vietnam War. In 1961, when Jack was still a boy in the 7th grade he wrote a winning speech that was presented to President John F. Kennedy.

I submit Jack's speech.

WHAT I CAN DO FOR MY COUNTRY

Madam president, honorable judges, fellow C.Y.C.L. members, parents, teachers and friends, The subject of my speech is, "What I Can Do For My Country".

First of all I can be a good citizen. I can honor and respect the flag of the United States in which I live. I can be proud of our president and his ten cabinet members.

When I am ready to vote I should know and understand the rules of voting. I should think of the privilege I have of being able to cast a free and secret ballot.

In being a good citizen I should allow each person to speak his own opinion.

I can give help to the ill and friendless.

I must help make safety rules for my community and endeavor to carry them out.

Second, I should get the best education possible by learning the principles of my classroom.

I can learn to enjoy the company of others.

I must do my best to understand the governmental problems of my nation.

I can read and listen to the news and current events of my state and nation.

I can take an active part in political affairs and learn all I can about them.

I must learn all I can about the science and progressiveness of other nations as well as my own.

I must be able to contribute to the defense effort.

Third, I must keep myself physically fit by eating the right kinds of food, getting the right amount of sleep and correct exercise, and avoiding the use of those things harmful to me.

I must train myself so as to make a real contribution to the defense of my country in the fields of science and education.

In conclusion, I can be a good citizen, get the best education possible and keep myself physically fit.

Thank you.

IN RECOGNITION OF MR. ROBERT
E. CASEY, JR.

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Mr. Robert E. Casey, Jr., the Special Agent in Charge of the Federal Bureau of Investigation's Dallas Field Office. Mr. Casey is retiring from the FBI on April 30, 2012.

Upon graduation from Indiana State University, Mr. Casey joined the Houston Police Department in 1981. During his tenure, he served as a patrol officer and an investigator on the organized crime squad and earned the pres-

tigious "Police Officer of the Year" Award in 1983. In September 1986, he joined the Federal Bureau of Investigation (FBI) as a Special Agent in the Phoenix Field Office and began working on organized crime and drug investigations. Throughout his tenure with the FBI, Mr. Casey served in a variety of offices including Washington, D.C., Chicago, Miami, and Dallas. Due to his exemplary service, he was promoted to the ranks of Senior Executive Service and was the recipient of the prestigious 2006 Presidential Rank Award for Meritorious Executive.

I have had the privilege of knowing and working with Mr. Casey. He is a principled man with a keen sense of civic duty. He has dedicated his life to public service and proven to be a great leader and a true patriot. Our Nation is a better and safer place because of individuals like him.

As he retires from the FBI, I know Mr. Casey will be delighted to spend more time with his wife, Leslie, and their two children, Gayle and Drew, who have faithfully supported him throughout his career. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Mr. Casey on twenty-six years of dedicated service to the FBI and this great Nation. I wish him all the best in his future endeavors. May God bless him and his family.

CHILDREN'S SERVICE CENTER**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor the Children's Service Center, which will celebrate its 150th anniversary on April 11, 2012. The Children's Service Center has been serving families of the Wyoming Valley in Northeastern Pennsylvania since it was incorporated on April 11, 1862, to create a sanctuary in order to provide shelter, food, and instruction to a number of underprivileged children in the Wyoming Valley.

The Children's Service Center was originally called The Home for Friendless Children. As its programs grew and developed, it became a nationally renowned shelter and educational center for infants and children. By 1929, the Home for Friendless Children had become the Children's Home. As time went on, it appeared the children needed more than a shelter—they needed a home. Two cottages were built, the Martha Bennet Home and the Children's Home, and they became the first two open psychiatric residential settings for children in North America. During this time, the Martha Bennet Estate and Children's Home Foundation requested that a newly formed organization called the Children's Service Center become established in order to manage the residential program. The creation of the Children's Service Center occurred in 1938.

As a mental health care system, the Children's Service Center is deeply committed to the wellness of young people in our community. Their services are designed to meet the individual needs of children, adolescents, and their families. Children's Service Center assessment, crisis, and referral services are

working 24 hours a day, seven days a week, to help these children lead a better lifestyle.

Mr. Speaker, today, Children's Service Center stands as ray of hope for young people in the Wyoming Valley of Pennsylvania. I commend this agency for its 150 years of dedicated service to our children, to community, and to country.

**RECOGNIZING THE ACHIEVEMENTS
OF TAMARA C. CANSLER****HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Tamara C. Cansler on the occasion of being honored with the Sixth Annual Rebecca Lukens Award by The Greystone Society. As an outstanding candidate for this recognition, Tamara was chosen for this honor as she has demonstrated the same love of community as the award's namesake, Rebecca Lukens.

Tammy began her career as a high school and elementary school teacher in South Carolina, but moved with husband, Dale, to Pennsylvania where she took positions with Lukens Steel and Merck Pharmaceuticals. Employed by Merck from the mid 1970s to 1985, Tammy served as the first female production supervisor in the company's history. She then started her own development company, Cansler Investment Group, and focused on creating clean and safe living environments for underprivileged adults in the City of Coatesville.

Over the years, Tammy's efforts have resulted in the creation of successful complexes such as Coatesville's North Second Avenue Redevelopment Project, Penn's Crossing Townhomes, and the Brandywine Health Center. Such projects are examples of entire communities established for the benefit of economically-challenged adults, helping to give these folks more secure, more attractive places to live. Philabundance and others donate food to these complexes, and quality used clothing from Freedom Village Senior Living Community is sold to the residents for a very nominal fee.

Mr. Speaker, in light of her years of contributions to the community and litany of outstanding accomplishments, I ask that my colleagues join me today in recognizing Tamara C. Cansler on the occasion of her being honored with The Greystone Society's Rebecca Lukens Award.

**TRIBUTE TO BISHOP J. DREW
SHEARD ON THE CELEBRATION
OF HIS OUTSTANDING LEADERSHIP
IN THE CHURCH OF GOD IN
CHRIST****HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to salute Bishop J. Drew Sheard, Pastor of

Greater Emmanuel Institutional Church of God in Christ of Detroit, for his exceptional leadership in the great State of Michigan.

A Detroit native and Wayne State University graduate, Bishop Sheard was called to the Ministry under the guidance of his father, Bishop John H. Sheard.

He has worked diligently and dutifully in several positions in the Church on both the local and national level, including serving as choir director, and chairman of local and State youth departments.

In addition to his Church Of God In Christ ministry, Bishop Sheard has served as Executive Director of the Michigan Chapter of the SCLC, and a Board Member of the Michigan Anti-Apartheid Council.

He currently leads Greater Emmanuel Institutional Church of God in Christ, one of the largest churches in the Church of God in Christ denomination.

Exhibiting a genuine concern for our community's children and young adults, Bishop Sheard has initiated the Greater Emmanuel TV Ministry, annual Youth and Women Conferences, the Greater Emmanuel Men's Society (GEMS), as well as annual programs such as "Sanctified Men in Black" and "Holy Women in Red."

In December of 2002, Bishop Sheard received an honorary Doctor of Divinity degree by the St. Thomas Christian College. He is married to Grammy Award-winning gospel artist Karen Clark-Sheard and they have two children, Kierra Valencia and J. Drew, II.

Mr. Speaker, I ask my colleagues to join me today in saluting and congratulating Bishop J. Drew Sheard, Pastor of Greater Emmanuel Institutional Church of God In Christ, on the celebration of his outstanding leadership in the great State of Michigan.

HONORING BRANT MEREDITH

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Brant Meredith is a sophomore at Clements High School in Fort Bend County, Texas. His essay topic is: In your opinion, why is it important to be involved in the political process?

Our government is what represents each citizen of the United States. It is important to be politically active because we all have a voice in the path that our country takes. It is necessary to express your governmental opinion so that the best choices for the majority may be made. Because our government

represents us, it should play a major role in our lives. Our representatives voice our opinion so it is important that we elect them and advocate who we think will do the best job so they will in return play an active duty in our own lives.

The government of the United States should regularly exercise its powers. The people elected their representatives to represent them in the government. Therefore, they should represent the people by enacting decisions that would satisfy who they are representing. In order to please the masses our government should play an active role by satisfying the popular goals. The needs of the public are very numerous. In order to meet all of them, it is necessary for our government to play an active part in our lives. If they do not play a crucial part then many needs will not be met.

As an American it is very important to be involved in the political process. It is necessary to vote for an official that will best meet your needs. If you are not involved with elections then officials who will not meet your needs could come to office. If the majority of our country does not vote a politician who should not be in office could come to it because the vote would be lopsided due to political inactivity. By not being politically active, your needs will not be met. That is why everyone needs to be involved in the political process.

One of the most memorable events that has greatly impacted our history were the terrorist attacks on September 11, 2001. This marked the beginning of the war on terrorism. We also began to enter a recession. These attacks marked the beginning of hard economic times. America has encountered many problems and potential threats since 9/11. This one day was the most significant event in the 21st century.

In conclusion, we are represented in our government by people who represent us and make decisions for us. It is important for us to be involved with this political process so we can choose leaders who will do a good job representing us and getting through hard times.

RECOGNITION OF WILLETT THOMAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Thomas. A native of Macon, Georgia, Ms. Thomas has enjoyed nearly a century of good health with the love of her family and her deep faith in God. We celebrate your 100th birthday.

Ms. Thomas was born Willett Evelyn Smith on March 19, 1912, in Macon, Georgia. She is the oldest of three daughters born to her mother. During the early years of her life, Ms. Thomas grew up in Macon, Georgia in the household of her grandparents, Lucinda Jackson (Mamma Lucinda) and Papa Dudda. Ms. Thomas has said, "Her family was very poor people, but she lived a rich and privileged life surrounded by lots of love."

Ms. Thomas completed her elementary education at Rutland Station School, a public school with grades one through seven. She attended high school at Hudson High located in the city limits of Macon, Georgia, but she had

to walk a long distance to reach the bus line, where she then took a bus through the city to the school. She was motivated by her cousin Mary Washington, who was also determined to get an education. They, along with a few others, weathered many a stormy days in triumph of a better life.

Ms. Thomas moved to New York where she would meet and marry the late Nelson Brown. They had one son, Thomas Brown, but the marriage would later fall apart. Ms. Thomas continued to attend Antioch Baptist Church and served at Brooklyn Hospital until she met and fell in love with Army officer, Leroy Thomas.

Ms. Thomas struggled with her husband's post war syndromes but they weathered the storm and raised her son together. When her son took ill becoming disabled in 1976, she and her husband needed to share sacrifice. For several years, she continued to work her night shift while her husband worked during the day. This worked out great for them because one of them was at home at all times to be of assistance to their son.

Ms. Thomas took advantage of new opportunities and landed a position as a Nurses Aide at Brooklyn Hospital. She was a devoted, prompt and competent worker until her reluctant retirement after 60 years of service in 1996.

As her son's health continued to decline, Ms. Thomas turned to worship and began attending New Faith Community Baptist Church every Sunday. Over time his health improved and together they attended fundraising events and became very active at the church. On December 29, 2005, her son passed quietly in his sleep.

Today, Ms. Thomas remains in good spirits enjoying every moment of every day. She enjoys going out for a ride, taking in the sights of the city and various cultural events.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Ms. Willett Thomas on her 100th birthday. She continues to live a life full of joy and is a model citizen to us all.

IN REMEMBRANCE OF LEON EARL WYNTER IN HONOR OF NATIONAL BLACK HISTORY MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RANGEL. Mr. Speaker, I rise today in honor of writer, journalist, former commentator and dear friend Leon Earl Wynter who passed away on Tuesday, January 18, 2011 at the age of fifty-seven. Born in 1953, Leon grew up in the Bronx, New York and was fond of saying that he arrived "just in time for most of the things that mattered: the space race, the triumph of the civil rights movement, disco, cable, and the Macintosh computer".

He described himself as "first a Christian, then American and black by way of his Jamaican heritage". He is survived by his daughter Grace Alexandra, his mother Sylvia, and his brother Stephen. Leon left behind an abundance of those who knew him personally and loved him, as well as those who knew him

professionally and respected him. Leon created a legacy of friendship, a body of work to be proud of, and a lifetime of vivid memories of those of us who have been privileged, like me.

Leon had an extraordinary career, which began in commercial banking, and continued in journalism as a Washington Post staff reporter in 1980. At the Washington Post, he covered education and racial change in suburban Prince George's County, Maryland. He later joined the Wall Street Journal's bureau in 1984, and covered the federal banking beat on Capitol Hill, as well as federal telecommunications and technology policy. He then created and wrote a monthly column for the Wall Street Journal called "Business & Race". He considered the title alone as a victory, and he wrote it for ten years, from 1989–1999. In his twenty-years as a journalist, essayist, commentator, speaker and an author, Leon developed into an acclaimed voice on the racial and ethnic transformation of American identity.

As a sought-after public speaker in business, Leon shared his expertise and perspectives with strategic marketers at Time Warner, Pepsico, GlaxoSmithKline, Cox Cable, and the Strategic Research Institute. His commentaries on race, pop culture, and life were frequently heard on National Public Radio's "All Things Considered". Leon published dozens of essays in newspapers and magazines, including the Wall Street Journal, Savoy, Washington Post, and New York Newsday, among a few.

In August 2002, Leon realized his goal in life after publishing his first book, "America Skin: Big Business, Pop Culture and the End of White America". In 2007, Leon helped co-write my memoirs, "And I Haven't Had a Bad Day Since." Later, Leon would begin a new career with the Harlem Community Development Corporation where he served as Director of Communications.

Leon was known by many as one of the Valley elite, a committed Christian, professor of journalism, an Elder of the Presbyterian Church, an enthusiastic blogger, an evolving musician, a lover of Public Radio, a tireless debater, and someone capable of great passions. He once wrote, "I'm just in time to discover that life is not about being current it's about being present with God for my child and my loved ones".

Mr. Speaker, in celebration of National Black History Month, I ask my colleagues to join me in remembrance of my dear friend, Leon Earl Wynter. If you knew him, these are the facts and the celebration of his life. If you did not know him . . . you missed something very special.

HONORING THE 125TH ANNIVERSARY OF THE AMERICAN PHYSIOLOGICAL SOCIETY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise today to salute the outstanding achievements of the

American Physiological Society as it celebrates its 125th anniversary. The APS is a scholarly association dedicated to fostering scientific research, education, and the dissemination of information about human and animal physiology. Its headquarters are in Bethesda in Maryland's Eighth Congressional District.

Physiology is the study of how living systems function and plays a pivotal role in advancing medical discovery. The APS is an outstanding example of a not-for-profit organization that supports the advancement of science in the public interest.

APS publishes research findings on physiology in its 13 peer-reviewed journals. These journals—the oldest of which has been publishing since 1898—collectively publish about 3,000 research articles each year. All of this scientific content is made freely available on the web 12 months after initial publication.

The APS also sponsors scientific meetings and conferences throughout the year where physiologists can share their latest findings with their colleagues.

The APS offers educational outreach programs for students beginning at the elementary school level and provides support to students of physiology in graduate school and beyond. The APS has been recognized with a Presidential Award for Excellence in Scientific, Mathematics, and Engineering Mentoring, PESMEM, for its long-standing effort to increase diversity in physiology and to encourage the progress of underrepresented minority students and professionals.

Over the course of 125 years, the APS has grown from 28 founding members to more than 11,000 members. These physiologists teach and conduct research in medical schools, hospitals, colleges, universities, industry, and government throughout the U.S. and 66 other countries.

Mr. Speaker, I urge my colleagues to join me in recognizing the APS on its 125th anniversary and honoring this organization for its many accomplishments.

TRIBUTE TO DR. CHARLES
EDWARD GUNNOE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a good friend of mine, Dr. Charles "Chuck" Gunnoe. Dr. Gunnoe passed away March 10, 2012, in Corona, California, with his wife Becky and his family at his side. Chuck was a pillar of the community in Corona, California, and he will be deeply missed.

Chuck was born September 25, 1928, in Chicago, Illinois, the son of Andrew Benton and Anna Gunnoe. After honorably serving in the United States Air Force, Chuck earned his medical degree from Indiana University. Chuck worked as a family physician for 54 years. Chuck, and his wife Becky, were known throughout the community and Dr. Gunnoe was the longest practicing physician in Corona. Chuck considered himself a country doc-

tor and was inspired by his hometown doctor in Indiana who would make house calls. Dr. Gunnoe moved to Corona in 1956 after completing his residency at Riverside General Hospital and took over the practice of a local doctor.

Chuck was a visionary in Corona; he immediately saw the need for more medical services in the community and purchased land that would become the site for the second hospital in Corona. After many years of work, that hospital would become part of the Corona Regional Medical Center. As a physician, Dr. Gunnoe never rushed with his patients, would visit some at home if they were unable to come to the office, and gave many his home telephone number. That kind of service and commitment to the health of his patients is rare today. Dr. Gunnoe retired in 2010, having been a doctor to three generations of Corona residents. He would still see some patients in his home after he retired; his dedication to his patients as steadfast as ever.

It is hard to imagine that Chuck would have any free time on his hands yet he always found time for his community. He was past president of the Corona Chamber of Commerce, its Citizen of the Year in 1996, founder of the local Jaycees, and owner of Deerfield Station, a gourmet restaurant. In his free time, Chuck enjoyed spending time with his family, traveling in his motor home, playing tennis, golf and bowling.

Chuck is survived by his wife, Becky Gunnoe of 35 years; daughters, Dawne (David) Malone, Janis Tedesco, Laura Leigh (Michael) Gunnoe-Pass; sons, Bryan A. Gunnoe, Charles E. (Susan) Gunnoe, Jr.; sister, Mabel Pugh; seven grandchildren, Dylan and Nicolas Tedesco, Jessica, Danielle and Jake Gunnoe, Michael Benton and Sean Christian Pass, and three great-grandchildren, Sienna, Jonah and Sebastian.

On Friday, March 16, 2012, a memorial service was held celebrating Chuck's extraordinary life. Chuck will always be remembered for his unwavering care for his patients, incredible work ethic, generosity, contributions to the community and love of family. His dedication to his work, family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Chuck's family and friends; although Chuck may be gone, the light and goodness he brought to the world remain and will never be forgotten.

SUPPORTING JOBS WITH THE
JONAS SALK ELEMENTARY CAP
UNDO REGULATORY ENVIRON-
MENTAL DELAY (CURED ACT)

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. BILBRAY. Mr. Speaker, today I am introducing legislation that will place a 90-day deadline on the U.S. Fish and Wildlife Service to issue a final decision for a permit to build an elementary school in my district. After nearly 10 years of delays, it is time to move forward on this critical school for the children in

my congressional district. The bill does not sidestep environmental review. Endangered species and habitat will be protected. It is time to recognize and place the impact of delay to the community on equal footing.

Jonas Salk Elementary is a proposed school site within the community of Mira Mesa in San Diego, California. With nearly one in 10 San Diego residents out of work, this is a "shovel-ready" project that has been the victim of nearly a decade of bureaucratic regulatory delays. This has hurt students, deprived the community of park amenities and much needed jobs.

This school is needed to ease existing overcrowding at Mason Elementary, Hage Elementary and other San Diego-area schools. The proposed project is located within an existing community, on a lot that has been vacant and graded since 1978. Along with the school, the project envisions a park and joint-use facilities to benefit the region.

The San Diego Unified School District Board approved the plans to build Jonas Salk Elementary in 2003, with the intent of serving students in 2006. Unfortunately, the elementary school has been indirectly delayed by an environmental lawsuit and various agency delays for nearly a decade. If enacted, my legislation will help ensure that students will be able to attend this long delayed school in 2014.

At a time when schools are overcrowded and the resources to build schools are scarce, to delay a project with both the need and the resources to construct with no real impact to the environment is unacceptable. The intent of this bill is to not allow the opening of the school to slip any further. The San Diego Unified School District has done its due diligence to protect the environment and provide for students. My bill recognizes the school district's efforts and ensures that the final determination is issued in a timely manner so that the school can finally be built and begin servicing the community. Projects that provide an obvious community benefit and produce much needed jobs should be encouraged, not punished with costly and pointless delays.

NATIONAL SAFE PLACE AWARENESS WEEK

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. YARMUTH. Mr. Speaker, I rise today in honor of National Safe Place Awareness Week. Every year in America, as many as 2.8 million young people run away from or are pushed out of their homes. Almost half of them do so because of a family conflict.

A young person in crisis is often scared and confused. The distinctive yellow-and-black sign that marks a Safe Place location is a universal symbol of safety and assistance. It signifies a place—a business, school, fire station, library, or many others—where a young person in crisis can get help.

There are almost 20,000 Safe Place locations throughout the country, in 40 states and 1,562 communities. During the past 12 years, National Safe Place agencies have counseled

nearly 90,000 young people in person and more than 110,000 via telephone.

Sadly, the need for Safe Place services continues to grow. In response, National Safe Place is seeking to give more young people a place to turn for help—regardless of their circumstance.

[Mr.] Speaker, I have introduced a resolution recognizing March 18–24 as "National Safe Place Awareness Week." The goal is not only to have more signs hanging across the country, it is to raise awareness and support of the vital programs National Safe Place provides for young people in the most vulnerable of situations.

I urge my colleagues to join me in supporting this resolution.

EXPRESSING CONDOLENCES TO THE VICTIMS OF THE RECENT TORNADOES IN THE MIDWEST AND SOUTH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise to express my heartfelt sympathy for the people who have been struck by the recent tornadoes in the Midwest and South. These disasters have caused the deaths of more than 30 people in five States and left several communities in need of support, including volunteers, food, clothing, and monetary contributions. Although we will be able to rebuild these communities, we can never replace the lives lost, and my thoughts and prayers are with those families today.

These disasters are a reminder that the needs of relief and recovery efforts are constant. When disasters—be they hurricanes, earthquakes, fires, floods, or tornadoes—wreck entire communities and drive whole families from their homes, rapid and generous outside assistance is essential to preserving lives and property. I hope that we can learn from this disaster—and other recent natural disasters around the country—that we need to better coordinate and find Federal disaster relief efforts.

Mr. Speaker, I once again extend my deepest sympathies to the people who have been affected by these tornadoes. I urge all the appropriate Federal agencies to ensure that these communities receive the help they need.

RECOGNIZING THE 60TH ANNIVERSARY OF THE ARC OF CHESTER COUNTY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate The ARC of Chester County, Pennsylvania on its 60th anniversary of improving the quality of life for individuals with developmental and intellectual disabilities.

The history of The ARC of Chester County is a long and storied one, extending back to

1952 when local Chester County parents founded the organization as an affiliate of The ARC U.S., which was founded in Philadelphia and counted this group among its first local chapters. When The ARC was founded, there were few programs and services for the special needs population it served, and in fact many were institutionalized at the state institutions of Pennhurst and Embreeville. The founders of The ARC defied the conventional wisdom of the time by advocating and working for public education and community inclusion for their children.

The only group in Chester County whose services are completely community-based, The ARC of Chester County has celebrated many significant firsts in its illustrious 60 year history. It is responsible for the first sheltered workshop in Chester County, the first community-based classrooms for children with developmental or intellectual disabilities, the first and only recreation program of its kind in Chester County for folks with such disabilities, the first organization in Pennsylvania to advocate for public education for children with special disabilities, the first group home in Pennsylvania, and the first community-based job coaching and employment program.

Mr. Speaker, I ask that my colleagues join me today in congratulating The ARC of Chester County on the occasion of its 60th anniversary and to extend best wishes for the agency's continuing work to meet the needs of the community through the 21st century and beyond.

HONORING JOSH HURLBERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Josh Hurlbert for his dedicated service over the past three years as a member of my staff. Josh will be leaving my staff to pursue his dream of serving the people of Missouri in elected office.

Josh has been an invaluable part of my office. His was the first voice that many constituents heard when they called my office. Josh gave them the information they asked for whether it was information about a bill, a way to contact a government agency or if the latest email going around was true. He also worked with the people of Clinton, Caldwell and Daviess Counties to make sure their voices were heard in Washington.

Josh also cheerfully took on additional office duties or tasks without being asked. His professionalism and dedication to serving my constituents was a great example of how government should work.

While I am losing a valuable member of my team, I am excited for Josh to begin the next chapter of his career in public service. He knows that the best way to truly represent someone is to listen to their ideas and their concerns. Josh will be a voice for common sense and limited government the rest of his life.

Mr. Speaker, I proudly ask you to join me in commending Josh Hurlbert for his service to

the people of the Sixth Congressional District. I, and the rest of my staff, wish him success in his future endeavors.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Ms. LEE of California. Mr. Speaker, I was not present for rollcall votes 118–120. Had I been present, I would have voted “no” on #118, “no” on #119, and “yes” on #120.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. MANZULLO. Mr. Speaker, I missed votes this week because of the primary election in Illinois. If I had been here, I would have voted “Yea” on Rollcall No. 111; “Yea” on Rollcall No. 112; “Yea” on Rollcall No. 113; “Yea” on Rollcall No. 114; “Nay” on Rollcall No. 115; “Nay” on Rollcall No. 116; “Yea” on Rollcall No. 117; “Yea” on Rollcall No. 118; “Yea” on Rollcall No. 119; “Yea” on Rollcall No. 120; “Yea” on Rollcall No. 121; “Yea” on Rollcall No. 122; “Nay” on Rollcall No. 123; “Yea” on Rollcall No. 124; “Nay” on Rollcall No. 125; “Yea” on Rollcall No. 126.

A TRIBUTE TO DUANE AND PATRICIA OHLRICH

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor two distinguished Nebraskans, Duane and Patricia Ohlrich of Columbus. Their company, Industrial Systems & Supply, Inc., was named the Nebraska Small Business of the Year for 2012 by the U.S. Small Business Administration.

Small businesses like theirs are the engine of our economy. Over their more than 20 years in business together, Duane and Patricia built their company from \$391,000 in sales to nearly \$6 million in 2011. All the while, they successfully expanded their business into additional products to account for the changing economic climate.

Duane and Patricia's success didn't just stop with their business—they also gave back to their community. Among the many examples of their generosity was their collaboration with other Columbus area small businesses to provide seed money for Central Community College's entrepreneurship program, which offers workshops, seminars and other events to educate and promote business ownership.

The success the Ohlrich's have earned through their hard work and perseverance is what the American Dream is all about. It is

stories like theirs which make both Nebraska and our nation strong and proud. I ask my colleagues to join me today in congratulating Duane and Patricia for their achievement.

SECOND ANNIVERSARY OF OBAMACARE

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to highlight the serious state of health care in our country as we approach the second anniversary of ObamaCare.

When ObamaCare was drafted behind closed doors without bipartisan input and slammed through the legislative process in 2010, President Obama and NANCY PELOSI promised us that this government takeover of health care would allow people who like the health care plan they have now to keep it.

But I and my Republican colleagues knew better when we voted against the bill—and we were right. In the two years since ObamaCare was signed into law, Americans have already experienced significant increases in premiums, loss of choice in medical coverage, and less access for seniors to obtain quality health care.

In addition, Mr. Speaker, a recent report by the Congressional Budget Office stated that as many as 20 million Americans could lose their employer-provided health care coverage as a result of ObamaCare—half of who are low-wage workers whom depend on their employer health coverage. Even the Department of Health and Human Services admitted that portions of the President's health care law, which were originally projected to lower costs, would in fact increase taxes on hardworking American taxpayers.

Americans deserve access to the quality health care they need when they need it and at a cost they can afford. Improvements must be made, but reforms need to focus on putting patients first and lowering costs. Lowering costs for hardworking American taxpayers can be achieved by expanding health care choices and tools to help families save, making it easier for small businesses to afford to offer care, ending lawsuit abuse, and protecting the doctor-patient relationship from government intrusion.

After several years of uncertainty and stagnant economic conditions, the American people need real solutions and real results. This cannot be achieved by budget tricks or accounting gimmicks that do nothing to help hardworking American taxpayers and only result in higher taxes and burdensome federal government mandates.

Efficient, effective government that spends less and serves better is the only answer to restoring genuine accountability and faith in our government. The House of Representatives has voted 25 times to repeal, defund or dismantle this law. It is my hope that before the next anniversary of ObamaCare, the Senate and President will join the House to repeal this trillion-dollar government takeover of health care and work on real reforms that lower costs for the American people.

MARKING THE 9TH ANNIVERSARY OF THE START OF THE IRAQ WAR

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to mark the 9th anniversary of the start of the Iraq War. Nine years ago this month, members of the U.S. Armed Forces invaded Iraq in what became one of the bloodiest and most protracted missions in our military's history. Today, our country is still paying the extraordinary price for the nine years in Iraq, both in terms of lives lost and trillions of dollars that could have gone toward nation building here at home.

For many veterans, coming home marks the beginning of another fight—fight for treatment, care, and integration into civilian life. Invisible wounds of war, such as posttraumatic stress disorder, affect one in five veterans returning from Iraq and Afghanistan.

Mr. Speaker, I also submit an article by Jon Soltz, a former Iraq War veteran, on the need for my colleagues on the other side of the aisle to own up to the promise to care for veterans instead of paying lip service. The title of his article, “GOP Budget Doesn't Even Say The Word ‘Veteran,’” speaks for itself.

[Published in the Huffington Post, Mar. 22, 2012]

GOP BUDGET DOESN'T EVEN SAY THE WORD “VETERAN”

(By Jon Soltz, Co-Founder of VoteVets.org and Iraq War veteran)

Do Republicans care about keeping our promise to veterans?

Looking at the recently released GOP budget, written by Rep. Paul Ryan, it's hard to see how they do. In fact, looking at the nearly 100 page document, the word “veteran” doesn't appear once. Not once.

Today is the 9th anniversary of the start of the Iraq War. Last night, I spoke with someone who served with me in Iraq during my first tour. And for the first time in almost nine years, she wanted to talk to me about an incident where she drove through an IED and a soldier was killed. It was a profound moment that shows how war and sacrifice stay with us, always. For those of us who served, in many ways, yesterday is today. And today, we read that the GOP doesn't even talk about veterans in their budget.

But, without saying the word “veteran,” the budget tells us a lot about what they think about veterans. The budget calls for across the board spending freezes and cuts. If enacted, the Ryan GOP budget would cut \$11 billion from veterans spending, or 13 percent from what President Obama proposes in his own plan.

It's unconscionable that they'd do this at a time when so many Iraq veterans have just come home and rely on veterans care. Over 45,000 US troops were wounded in Iraq and Afghanistan, and more will come who will rely on VA services, on top of veterans of other wars and eras who depend on the VA. But, this shortsightedness isn't new.

Back in 2005, President Bush underfunded the Department of Veterans Affairs by about a billion dollars, despite its need. The result? Secretary Jim Nicholson was forced to crawl before Congress and plead with it to pass emergency supplemental spending, just so it

could keep the doors open. After that debacle, I have to admit, I never thought Republicans would do the same thing again, if for no other reason than that it just looks bad politically, leaving aside the horrible effect it would have on veterans in need.

Additionally, after the backlash against ending Medicare the last time Paul Ryan released a budget, they're at it again. That, too, affects veterans. I was speaking with one veteran in Missouri, who lost both of his legs in Iraq. His entire primary care now relies on Medicare. It pays for all of his primary care, as it does for so many veterans with 100 percent disability. So, no, I couldn't believe that Paul Ryan and the GOP would again propose ending Medicare.

Yet, here we are. A budget from the GOP that short changes veterans, horribly. And where does that money go? Not to reducing the debt. The debt as a share of GDP would actually increase under the Ryan plan. The money doesn't go towards anything, really. But it does go towards some people. As in \$3 trillion in tax giveaways to the richest Americans and corporations. People like Mitt Romney, who already pays a tax rate lower than most of our troops.

That's the choice the Ryan plan presents to America—do we want to fund the wealthiest Americans and corporations, or keep our promise to our veterans? Ryan and the GOP say the former. I can't believe that most Americans wouldn't say the latter.

CELEBRATING THE SERVICE OF MS. SYLVIA WHEELING OF THE BALDWIN CENTER

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to salute Ms. Sylvia Wheeling, Baldwin Center Director of Food Services, on the occasion of her retirement from the human service agency, located in the great city of Pontiac, Michigan.

A 30-year volunteer at Baldwin Center, Sylvia Wheeling truly epitomizes what it means to be a dedicated servant to the community. In 1981, as a member of the former Baldwin Avenue United Methodist Church, Sylvia was the first person to respond to her pastor's appeal to the church that it reach out to the surrounding community and be a good friend and neighbor. She started by cooking a few meals. Now, some 30 years later, Sylvia manages a kitchen that served more than 65,000 meals to men, women and children.

Baldwin Center has grown significantly during Sylvia Wheeling's tenure there and she has been an integral volunteer dutifully supporting its many programs and services.

As testament to her impact on the lives of many neighbors in the Pontiac community, one person recalled how a man, who was trying on a pair of pants at the center's Clothes Closet, had his size 13 pair of boots stolen from him. Within a half hour, a compassionate Sylvia had driven to a store and purchased a new pair for him.

Another person remembered how Sylvia stayed in the Intensive Care Unit with a homeless woman until her father could be found.

Similarly, others can recite many times when her influential presence defused con-

flicts, and how even when she had to be stern, Sylvia nonetheless showed grace under fire.

In a December 31, 2009 Oakland Press feature story titled, "Soup kitchen volunteer feels 'blessed'" Sylvia Wheeling said the following: "I am very grateful I could be a part of that. I have been very blessed."

We are very grateful and blessed that she has shared her time, her talent and her treasure with Pontiac, Michigan's Baldwin Center for 30 wonderful years.

Mr. Speaker, I ask my colleagues to join me today in saluting and congratulating, Ms. Sylvia Wheeling, Director of Food Services at Baldwin Center of Pontiac, Michigan. We wish her all the best in her well-deserved retirement.

HONORING DANIEL CASAS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Daniel Casas is a freshman at Clear Brook High School in Galveston County, Texas. His essay topic is: Select an important event that has occurred in the past 50 years and explain how that event has changed our country. Daniel chose September 11, 2001.

An important event that has occurred in the last 50 years was September 11, 2001. September 11, 2001, was a big disaster for the United States of America. Thousands of people died from this tragic event, people were scared when they boarded airplanes, which were the vehicle by which this much of this destruction was brought on the United States of America. Islamic terrorists that were linked to Osama bin Laden and Al Qaeda hijacked four American airliners. The terrorists crashed all four planes into different locations on the east coast of America, two crashed into the World Trade Center towers located in financial district of New York City, one into the Pentagon in Arlington, Virginia, and the final one crashed into a rural field in Pennsylvania. The passengers on flight 93 fought to regain control of the aircraft from the hijackers but did not succeed. More than 3,000 people in total were killed during these attacks. Most of the people killed were located in the World Trade Center. New York Army National Guard units were quickly called up to restore order and provide disaster relief in the wake of this tragedy. At the Pentagon, 74 military and civilian personnel were killed. President Bush called approximately 10,000 soldiers up to active duty in Iran. Due to this terrorists act which occurred many American's were

enraged and then enlisted in the military to retaliate for what the terrorists had done to our country. In December 2001, more than 17,000 soldiers from reserve components from various home land security functions were called to service. The Department of Defense called this effort "Operation Noble Eagle". Because of what these terrorists did a lot of Americans now refer to all Muslims as terrorists. Due to these events the United States has created more effective metal detectors and improved the security around our airports, ports and other points of entry into the country. The United States was bought together as a nation in this great time of despair.

RECOGNITION OF LYNCH SYNDROME AWARENESS DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Lynch Syndrome Awareness Day. Lynch Syndrome is a hereditary condition that exposes families to a higher risk of contracting aggressive cancers at a younger than average age.

First identified in 1966 by Dr. Henry T. Lynch, Lynch Syndrome is a genetic disorder caused by a mutation in mismatch repair genes MLH1, MSH2, MSH6, EPCAM, and PMS2. Mismatch genes typically protect the body from cancers by repairing the errors in DNA replication, but due to the mutation, those mismatch genes have stopped functioning properly. Consequently, the defective gene causes individuals affected by Lynch Syndrome to sustain a lifetime risk of up to eighty-two percent of developing Colorectal Cancer, sixty-five percent of contracting Endometrial Cancer, a nineteen percent of contracting Gastric Cancer and a much higher than average risk of contracting many other cancers, most often at a younger than average age.

The only accurate method of diagnosing Lynch Syndrome is through genetic testing and a comprehensive assessment of the family's medical history. To be diagnosed with Lynch Syndrome, a patient must meet the Amsterdam Criteria II—three relatives must have Lynch Syndrome associated cancers, two must be directly related to the third, and one must be under the age of 50.

In the U.S. alone, there are approximately 600,000 people who are carriers of Lynch Syndrome mutation, yet only five percent of those carriers have been diagnosed. In comparison to the general population, in a lifetime, people affected by Lynch Syndrome are up to eighty-two percent more susceptible to Colon Cancer, up to sixty percent more prone to Endometrial Cancer, eleven to nineteen percent more disposed to Stomach Cancer, nine to twelve percent more vulnerable to Ovarian Cancer, and the list continues.

While researchers have not been able to determine a cure for Lynch Syndrome, there are still various ways to manage and treat this condition. Through screenings and medical management programs, polyps and growths can be detected and removed before becoming life-threatening. In addition to annual

colonoscopies, EGDs, endometrial samplings, urinalyses, dermatological examinations, pathological testing of all colorectal tumors in accordance with NCCN guidelines, and abdominal hysterectomies, Lynch Syndrome can be effectively managed.

Mr. Speaker, I urge my colleagues to join me in recognizing today as Lynch Syndrome Awareness Day. Although researchers have yet to find a cure, hopefully, through our support and recognition more people will become educated about this extremely life-threatening disease and a cure will shortly be on its way.

IN RECOGNITION OF THE THIRD
ANNUAL 2012 HARLEM FINE
ARTS SHOW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RANGEL. Mr. Speaker, I rise today in celebration of National Black History Month to recognize the prestigious Third Annual 2012 Harlem Fine Arts Show at Harlem's historic cathedral, The Riverside Church. The Harlem Fine Arts Show, HFAS, is one of the nation's largest and most prominent collections of works, paintings, photographs and sculptures by both established and emerging African American artists from around the world. The HFAS always takes place during National Black History Month and this year's exhibition kicked-off with a Diversity Prep Youth Day/ Fine Arts Exhibit and Opening Preview Reception on Friday, February 3, with exhibitions on Saturday, February 4 and Sunday, February 5.

Created by Dion Clarke, the Harlem Fine Arts Show was built upon the tradition of the long-established Black Fine Arts Show, which for fourteen years was the premiere show for exhibiting modern and contemporary art and highlighting some of the most diverse and exciting contemporary popular art. As stated by Mr. Clark, "Our event is one of the largest collections of African American art ever assembled for a fine arts show, representing more than 100 artists—a dramatic reminder during Black History Month of the tremendous contribution of African and Caribbean American artists to the global fine arts landscape."

This year's theme, "A Global Celebration" shines a spotlight on artists around the world. The HFAS will feature the art produced by African Americans within our community and from around the world illustrating shared ancestries, injustices, and shared pride. Our Afrocentric art provides a deep sense of connection between generations of Americans and events they may have only heard about. The art of our people demonstrates the struggle, the pain, and the hardships we have endured, and celebrates the joy, the accomplishments and achievements of our past, present and future.

The three day global celebration will showcase the explosion of culture that began with the Harlem Renaissance in the early nineteen hundreds and will include contemporary artist exhibitors and nationally renowned regional galleries. The Harlem Fine Arts Show is pleased to have John Martin, a seasoned ex-

hibition designer of the JP Martin Group, bring together the artwork of some of the most accomplished and influential American artists of African and Hispanic descent.

The renowned photography of James Van Der Zee (June 29, 1886–May 15, 1983), a prominent documentarian of Harlem, New York from 1915 to 1960, will be among the featured artists who also include:

Héroid Alvares, a Haitian artist born without arms due to a congenital birth defect who began painting at the age of eight, who teaches art to disabled children at St. Vincent's Center for Handicapped Children in Port-au-Prince, Haiti.

Stacey Brown, a visual artist whose creations on glass are inspired by his background in graphic design, with flowing shapes and contours that express contemporary and edgy artistic style, whose work has garnered acclaim from the Atlanta Journal Constitution, Décor Magazine, and BET's hit reality show, College Hill.

Frank Frazier, a Harlem native whose art career spans over 50 years of perseverance and inspiration, whose genius works depict everything from antagonistic war to jovial jazz concerts.

George Nock, a self-taught artist and former running back with the New York Jets and Washington Redskins, who has distinguished himself among the greatest sculptors of the twentieth and twenty-first centuries through his highly original bronzes.

Kerream Jones, whose work possesses a multifaceted and timeless quality that has led this prolific artist to receive commissions from Verizon Wireless, Pepsi, Upscale Magazine, Atlanta Tribune: The Magazine, the City of Chicago, and various non-profit organizations.

Gwendolyn E. Redfern, a North Carolina native and multi-talented artist who expresses life experiences through her pottery, painting, and mixed media collages.

Najee Dorsey, Founder of Black Art in America and a mixed media artist whose work pays homage to a cast of colorful characters, folk legends and heroes, as well as critiquing aspects of contemporary times.

In accordance with HFAS's commitment to our young scholars, the show will host Diversity Prep Day to give students the opportunity to explore the visual arts, mingle with the artists, and participate in a Youth Information Fair by the show's sponsors and partners.

Mr. Speaker, let me congratulate along with Founder Dion Clark, this year's Mistress and Masters of Ceremony, Barbara Smith and Dan Gasby for your ongoing contributions to Black and American culture. On behalf of my colleagues and a very grateful nation and in celebration of National Black History Month I salute and recognize all of our participating Harlem and world renowned artists and exhibitors of the 2012 Harlem Fine Arts Show.

HONORING AERAS AND THE NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES (NIAID) OF THE NATIONAL INSTITUTES OF HEALTH (NIH)

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. VAN HOILEN. Mr. Speaker, I rise today to commend Aeras and the National Institute of Allergy and Infectious Diseases (NIAID) of the National Institutes of Health (NIH) for their innovative partnership to conduct clinical trial research on a tuberculosis vaccine candidate. Aeras and NIAID are leveraging established NIAID-funded clinical trial networks in Africa including the HIV Vaccine Trials Network (HVTN), the HIV Prevention Trials Network (HPTN) and the International Maternal Pediatric Adolescent AIDS Clinical Trials Network (IMPAACT) to accelerate a multi-center Phase II clinical trial of a tuberculosis vaccine candidate.

The two partners are working together in a novel way that capitalizes on existing infrastructure and displays responsible stewardship of U.S. government resources. The partnership also showcases the innovative capacity of U.S.-based researchers and the willingness of the American people to engage in solving global health problems such as the TB epidemic.

Tuberculosis is the second leading infectious disease killer worldwide, taking the lives of 1.4 million children, women and men each year. It is extremely deadly for people living with HIV. As drug-resistant strains of tuberculosis evade the best tools we have to fight this disease, new tuberculosis vaccines hold promise to finally help eliminate this disease as a public health problem in a cost-effective way.

Aeras is a nonprofit product development partnership leading efforts to develop new vaccines against tuberculosis, with laboratory, vaccine manufacturing and office facilities in Rockville, MD. Aeras works globally with partners in government, foundations, academia and industry to advance the world's most promising TB vaccine candidates. I am proud to serve the Congressional district where both Aeras and NIH are engaging in cutting-edge research at the forefront of solving devastating health problems. I hope to see the continuation and expansion of important research partnerships that hold promise to save millions of lives, create a world free from TB and secure our country's place at the forefront of world-class research.

A TRIBUTE TO JIM LEWIS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Mr. Jim Lewis on the occasion of his retirement. Mr. Lewis has contributed over thirty-three years of faithful service to the School District of Philadelphia.

Since 1981, Jim has worked for the School District of Philadelphia in various capacities, serving as a Maintenance Mechanic, Foreman, Supervisor, and Compliance Officer; an Assistant to the Chief Operating Officer, and eventually as Senior Vice President for Facilities and Operations and for Special Projects. A registered Master Plumber for twenty-five years, Jim is also the President and CEO of "Just in Time" Plumbing and Heating. He benefitted greatly from this body's enactment of the 1973 Comprehensive Employment Training Act, which helped give him the skills he needed to succeed.

Mr. Lewis's accomplishments and contributions to his community stretch far beyond his employment. He is a past President and current board member of the Emerald Education Committee, of which he has been a member for 32 years; and a current member of the Masons. Jim has been involved in politics for the past thirty years, and serves as a Committeeman for the 58th Ward, 41st Division. He has been married for thirty-two years to Eileen Lewis, with whom he has raised two children, Jim and Christine.

Mr. Speaker, I encourage my colleagues to join me in thanking Jim Lewis for his years of service and dedication to the School District of Philadelphia and for his greater service to his community.

RECOGNIZING THE 191ST ANNIVERSARY OF THE INDEPENDENCE OF GREECE

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GRIMM. Mr. Speaker, today, as we honor the 191st Anniversary of Greek Independence, it gives me great pride as a member of the Congressional Hellenic Caucus in celebrating the ties that connect our two great democracies together as both friends and allies.

In celebrating this day we also honor the accomplishments of Greek Americans, many of which first immigrated to our country and made their homes in New York, and the fantastic contributions they have brought to our country as a whole. I represent the 13th Congressional District of New York and am proud to have a large and thriving Greek American community in my district. Anyone who visits the remarkable cultural festivals thrown by the Holy Cross Orthodox Church in Bay Ridge, or the Holy Trinity/St. Nicholas Greek Orthodox Church on the West Shore of Staten Island, can attest to the strength of, and support for, the Greek-American community in Staten Island and Brooklyn.

Greek Independence Day is an opportunity for all Americans to reflect on our nation's own freedom. We must not forget that when the United States was first conceived, many of its ideals and laws were based on those of the Greeks. Just seeing the artwork right here in the United States Capitol or reading through our constitution exemplifies the profound impact the people of Greece have made on our modern society.

It is with great pride that I rise today to honor the independence of a nation that, for centuries, has protected the fundamental rights of liberty and participation in the democratic process. I have seen the positive cultural heritage Greek-Americans bring to local communities firsthand in Staten Island and Brooklyn, and I am sure that the shared bond between our two great nations will remain rock solid for many years to come.

ON THE INTRODUCTION OF THE MEDICARE ADVANTAGE PROGRAM INTEGRITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Advantage Program Integrity Act. My legislation will make commonsense payment reforms to the Medicare Advantage (MA) program to ensure that taxpayers get the best bang for their buck. The Medicare Advantage Program Integrity Act requires that Medicare Advantage payments more accurately reflect the health status of their enrollees. In addition, the bill ends the ability for Medicare Advantage plans to game the system by retaining investment income from pre-payments. Taken together, these policies will save over \$20 billion over ten years, protecting both taxpayers and beneficiaries.

The MA program has grown substantially in recent years, increasing from \$65.2 billion in plan payments in 2006 to \$116.1 billion in 2010. Today, 25 percent of Medicare beneficiaries are enrolled in a private health insurance plan through MA. Congress took action through the Affordable Care Act (ACA) in 2010 to substantially reduce historical excessive base payment rates in MA. However, these plans continue to be overpaid relative to traditional Medicare, both in terms of base rates that exceed the cost of traditional Medicare in many geographic areas and because payments do not accurately reflect the health status of enrolled beneficiaries.

Because plan payments are adjusted for health states such that plan payments are increased as anticipated service use increases, plans have an incentive to "up code" and report less healthy patients. In fact, documented independent evidence shows that Medicare Advantage plans do tend to report higher patient severity than is supported by medical records. The data also show that reported patient severity in MA plans increased faster than for comparable patients in traditional fee-for-service Medicare (FFS) over the same time period.

In an attempt to address this issue, CMS reduced MA beneficiary risk scores (which are used to adjust base payments) by 3.41 percent when calculating payment rates in 2010 and 2011. However, a Government Accountability Office (GAO) report, Medicare Advantage: CMS Should Improve the Accuracy of Risk Score Adjustments for Diagnostic Coding Practices (January 12, 2012) found the Medicare program continues to overpay MA plans

despite the Centers for Medicare and Medicaid Services' (CMS) effort to adjust payments to more accurately reflect the health status of plan enrollees. GAO estimated that in 2010, MA beneficiary risk scores were at least 4.8 percent, and perhaps as much as 7.1 percent higher than they would have been if the same beneficiaries had been continuously enrolled in traditional Medicare. GAO recommended that CMS take additional steps to improve the accuracy of these scores and estimated that the recommended methodological improvements would have saved the Medicare program \$1.2 to \$3.1 billion in MA plan payments in 2010 alone.

My legislation implements the GAO recommendations by codifying and phasing in the higher coding intensity adjustment over several years to prevent disruption in the market. The policy in this legislation would culminate in a 7.1 percent downward adjustment by 2019. GAO's findings indicate that a coding adjustment of up to 7.1 percent is warranted now and would yield billions of dollars in federal savings.

Under current law, CMS makes advanced capitated payments to Medicare Advantage plans at the beginning of every month for each beneficiary enrolled in their plan. MA plans often then invest these Medicare funds in interest-bearing accounts until the money is needed to pay for services. Current law does not prohibit Medicare Advantage plans from retaining the investment income on the pre-payments. However, the HHS Office of Inspector General (OIG) points to the Federal Employees Health Benefits Program (FEHBP) as a model, noting that in contrast to Medicare Advantage, insurance companies' ability to earn investment income is limited under FEHBP. The HHS OIG conducted audits in 2000 and 2011 and concluded that if Medicare delayed pre-payments to Medicare Advantage plans by 46 days (similar to FEHBP), the Medicare Part A and B trust funds would have earned \$450 million in interest income in Calendar Year 2007—rather than allowing that interest income to go to private health insurance plans. The Inspector General recommended that the Medicare program follow the FEHBP policy of delaying pre-payments to Medicare Advantage plans.

My legislation implements the Inspector General's recommendations by phasing-in a delay in the payments to Medicare Advantage plans. Taken together, these two policies will save federal taxpayers more than \$20 billion while protecting beneficiary access to Medicare Advantage plans.

The Medicare Advantage Program Integrity Act has been endorsed by the Medicare Rights Center, the Center for Medicare Advocacy, AFL-CIO, Families USA, the National Committee to Preserve Social Security and Medicare and the Alliance for Retired Americans. This is a commonsense piece of legislation that attacks waste at its source and improves the program without hurting real people. I urge all of my colleagues to support the bill.

HONORING THE LIFE AND SERVICE
OF MARINE CORPS CAPTAIN MICHAEL QUIN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. WOLF. Mr. Speaker, today I rise to honor the life and service of Marine Corps Captain Michael Quin, who tragically lost his life, along with others, during the final training mission before his unit's scheduled deployment to Afghanistan. Captain Quin is a native of Purcellville, Virginia where his parents, Brad and Betsy still reside.

Captain Quin graduated from Loudoun Valley High School and received an appointment to the United States Naval Academy, where he graduated in 2006. Michael went on to successfully complete flight school and receive his wings in 2008, graduating at the top of his flight school class. Michael rose quickly as a pilot from 2nd Lieutenant to Captain and was in command of a helicopter.

On February 22, Captain Quin was conducting a training mission at the Yuma Training Range Complex in Arizona when his helicopter collided with another, killing six out of the seven pilots in his squadron. Captain Quin was remembered by the commanding officer and gunnery sergeant of the 3rd Marine Aircraft Wing as "one of those rare young captains" who inspired admiration from all those with whom he served.

Captain Quin's service has been reported on by the Leesburg Today, which I submit for the record, as well as the Loudoun Times Mirror, Purcellville Gazette, and the Blue Ridge Leader. Captain Quin was honored by residents of Purcellville when his body made the return trip from Arizona to Reagan National Airport and finally back home to his family. Marines old and young, police, firefighters, and Boy and Girl Scouts turned out to show their respects for Captain Quin and to show support for his parents, siblings and fiancée.

Captain Quin was an example of leadership and patriotism of which we all can be proud. He chose to serve his country during extremely difficult times and was prepared to wear the uniform of the United States Marine Corps into battle to protect his family and his country. That he lost his life in service to his country is a testament to his bravery.

Mr. Speaker, I ask that the thoughts and prayers of the full House of Representatives go out to the Quin family as they honor the exceptional life of their son, Marine Corps Captain Michael Quin.

CAPT. QUIN REMEMBERED: "HE WAS THE BEST"

The tragic impacts of the nation's war effort again are being felt in Loudoun, with the death of U.S. Marine Corps Capt. Michael Quin. The Purcellville resident and 2002 Loudoun Valley High School graduate was killed last week when two helicopters collided while training in Arizona in advance of a deployment to Afghanistan.

Mourned by his parents, sisters and fiancée, the death of the 28-year-old naval aviator also has hit the Purcellville community, one that just two years ago paid tribute to another fallen serviceman, Army Spe-

cialist Stephan Lee Mace, who was killed in Afghanistan in a fierce firefight with the Taliban. Flags in town will fly at half staff until Quin's burial service at Arlington Cemetery. As of Tuesday, plans for services in Purcellville and at Arlington had not yet been finalized.

Michael lost his life, along with six others, in a remote area of the 1.2 million-acre Yuma Training Range Complex in Arizona during the two-week "Scorpion Fire" training mission that was to have been his last before being deployed to Afghanistan in April.

After graduating Loudoun Valley High School, he graduated from the U.S. Naval Academy in 2006 and joined the Marine Corps.

The tragedy of Quin's death was compounded in that he was in the last stages of his training before his deployment to Afghanistan. It was the last qualification that he needed to emerge with "top gun" status for helicopters.

Quin had recently become engaged, and had planned to spend a week away with his fiancée before coming home for four or five days with his family before leaving in early April for Afghanistan.

His parents Brad and Betsy Quin had seen the report of the fatal crash and when they didn't get a reassuring phone call from their son that all was well, they began to worry.

When the Marine officers were sent to deliver the news, both parents were at work, his father in Reston, and his mother in Leesburg.

Brad Quin was at lunch, so the officers waited. When he was told there were officers waiting to see him: "I knew," he said.

The town has rallied around the Quins and their daughters, Phoebe and Sarah. Brad Quin is a former president of the Locust Grove Homeowners Association and Betsy Quin serves on the board of the HOA's Architectural Review Board. He has been in the college and university world all his life and in admissions and worked for the College Board. Betsy Quin was in the reference department at Rust Library in Leesburg.

Mayor Bob Lazaro and his wife Carolyn are friends and neighbors of the Quins, whom Lazaro called "pillars of the community." He credited Brad Quin with being "the horse power" behind the Purcellville Volunteer Fire Department's recruitment effort that has led to a doubling of the size of the company.

This week, the support of the 100-strong company, the town and area residents are helping the Quins deal with the loss of their first-born child.

Capt. Quin's squadron will have a memorial service for him Friday, which his parents will attend before returning to Purcellville. Brad Quin said he hopes the Corps will release his son's body soon. He will return home with a Marine Corps escort, flying into Reagan National Airport where the Washington detachment of the Marine Corps will hold an arrival ceremony before the long trip back to Purcellville to Hall Funeral Home.

Looking back on his son's life, "He was the kind of kid who didn't really require much correction from us," his father said, noting Michael Quin seemed to have the ability to naturally make good choices in life. Before 9/11 patriotism welled up in the country, Michael was like other kids of his generation—dedicated to his family, sisters, studies and his soccer team.

Brad Quin has been in the college world all his career, but was somewhat surprised by

his son's choice of the Naval Academy, not the most obvious fun and typical fraternity college opportunity. "But he wanted to express what he wanted to be as a person," he said.

Michael Quin seemed to have this sense of looking at "something else down the road," to his decision to join the Marine Corps, his father said. When Brad Quin asked him why he had applied to join the Corps, his son seemed to appreciate the support system the force represented, the way its members gave each other total support no matter their function or level within the Corps.

At the Naval Academy, it was tough going at first. The curriculum is heavy on science, and students graduate with bachelors of science degrees, even if you're studying history and Spanish, as Michael Quin did. But he sucked it up, did what he was supposed to be as a plebe—invisible.

"I could see he was growing, and he had this sense of something else coming down the road," his father said, noting that perception has been borne out by statements posted on the website set up to collect memories and tributes, www.michaelquin.com.

As a 2nd lieutenant, Michael Quin chose to be a naval aviator. He learned to fly planes first at the naval base at Pensacola, FL, before moving on to helicopters.

Intermittently, during training, he hooked up with a squadron in Atlanta, GA, and there was a mutual adoption. When after two years the young 2nd Lieutenant was "winged" Dec. 2, 2008, they all supported him. His parents' pride in those naval aviator's wings of gold "is more than you can imagine," Brad Quin said.

From there, Capt. Quin immediately went to the West Coast where the Marine Corps were forming new squadrons. He rose through the ranks to 1st Lieutenant in command of his first ship, then to captain. He was No. 1 in the Marine Corps' flight school, where he chose to fly Hueys.

His closeness to and support of others was noticeable during a tough time in which additional training and certifications were needed to join a helicopter "fraternity of very capable guys," his father said.

His commanding officer was a "tough, square-jawed Marine, with a call sign of 'Beast,'" Brad Quin said. When the CO called him last Friday, after introducing himself, he revealed he had lost six of seven pilots from his squadron.

There were 100 Marines working on the aircraft. When the lieutenant colonel said he had asked the crews to tell him about Capt. Quin, the officer himself became choked with emotion. There was enormous support and liking for Michael Quin, whom the crews thought one of "those rare young captains," who didn't denigrate them but lived out the tradition that everyone supports those who do the dirty work.

For Brad and Betsy Quin, it is comforting to know that a wizened gunnery sergeant told his CO that in all his life in the force, "he was the best."

For now, it is the support of the Purcellville community that is a huge comfort. Brad Quin is a volunteer certified firefighter, vice president and chairman of membership for the company.

"How supportive everyone has been, the fire department and the town, just like a big family."

The loss has hit home in Purcellville and in the fire company. To lose your life when you're "training to do what you do is horrific," Purcellville Volunteer Fire Company

Chief Bob Dryden said. To be one of the top students in flight school, as Michael Quin was, and "this is the way you go out after spending all that time—it's not fair."

Dryden has been in constant touch with the Quins. "Once we know the final date [for burial in Arlington], the company will begin its planning in earnest," something along the lines of the plans and ceremony for Mace two years ago.

"We'll welcome him home in the proper way," Dryden said.

Mace was killed Oct. 3, 2009, along with seven other U.S. soldiers, defending the Camp Keating outpost in the Nuristan province of Afghanistan against more than 300 Taliban and other insurgents. Mace was a 2005 Loudoun Valley graduate.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HEINRICH. Mr. Speaker, on March 19, 2012, I unfortunately missed rollcall vote No. 111. If I had been present, I would have voted in favor of rollcall vote No. 111, Representative BERMAN's (CA-28) bill, H.R. 3992.

CELEBRATING STEVE TOTH, THE EXECUTIVE DIRECTOR OF THE BOYS AND GIRLS CLUB OF TROY, MI

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to recognize Steve Toth, the Executive Director of the Boys and Girls Club of Troy, on the occasion of his retirement, after 16 years of service.

Steve's service to the Troy community has extended well beyond the walls of the Boys and Girls Club. He has been a leader—taking action and bringing elements of Troy's diverse groups together to build a stronger, more connected community. For the last 15 years, he has been a member of the Troy Kiwanis Club and served terms as its Treasurer and President. Furthermore, he has volunteered his time mentoring youth in sports and spent the last eleven years as a soccer referee and trainer for middle school students. Steve has also been active in his church and has taken time each of the last three years to deliver food containers to seniors living in Troy.

Steve's passion and dedication for helping others have not only earned him the respect and praise of other community leaders, but a number of awards and recognitions. Among those honors is a 2004 Rev. Dr. Martin Luther King, Jr., "Keep the Dream Alive Award" from the Archdiocese of Detroit for his support of the South Oakland Shelter project and his Parish's Giving Tree Programs. Steve has also been recognized by Leadership Troy as Troy's Outstanding Citizen of the Year in 2009 for his volunteer work in the community.

However, among all of his endeavors in the last 16 years, there is nowhere Steve's pas-

sion, vision and service have been more profoundly felt than at the Boys and Girls Club of Troy. When Steve arrived at the Club, he brought with him his 18 years of prior experience as an Executive Director for two of the YMCA's centers in Michigan. In 2006, after a decade of work at the Boys and Girls Club, Steve used his knowledge and experience to engage its board and the broader community in a campaign to construct a new 18,000 square foot, state-of-the-art, facility. This facility had allowed the Club to offer an innovative and comprehensive set of programs that help its 30,000 annual attendees build their leadership skills and take an active role in shaping their futures for the better.

Mr. Speaker, I ask my colleagues to join me in celebrating Steve's impact not only on the Troy community, but on the youth whose futures he has helped to build. I know he will surely be missed by all who have benefitted from his wisdom, his passion and his determination to engage our youth. I wish Steve many years of happiness in retirement, with his wife Ann and their family and I know he will continue to heed the call to serve the Troy community.

CELEBRATING THE 200TH ANNIVERSARY OF BOYER LODGE NO. 1 FREE AND ACCEPTED MASONS PRINCE HALL AFFILIATION OF NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RANGEL. Mr. Speaker, I rise today in recognition of National Black History Month to celebrate the 200th Anniversary of Boyer Lodge No. 1 of the Free and Accepted Masons Prince Hall Affiliation of New York City. February 16, 1812, marked the birth and beginning of Prince Hall Freemasonry in the State of New York. The Charter was issued by Peter Lew, Grand Master of the Prince Hall Grand Lodge of Massachusetts.

History notes that Boyer Lodge No. 1 was named after Jean Pierre Boyer, a native of Saint-Domingue, who was born around February 15, 1776. He was a courageous soldier and leader of the Haitian Revolution, who served as a General under Toussaint L' Ouverture in the Haitian War of Independence against the French Government. Jean Pierre Boyer served as the fourth President of Haiti from 1818 to 1843, and managed to rule for the longest period of time of any of the revolutionary leaders of his generation. He reunited the north and south of Haiti in 1820 and also invaded and took control of Santo Domingo, which brought all of Hispaniola under one government by 1822. Under President Boyer's leadership, Haiti declared independence from France in 1825, becoming the only free Black nation, then in existence.

As stated by Worshipful Master Carlo Smith-Ramsay, "The daring price that our ancestors paid to boldly and audaciously decide to become Freemasons at a time in history when men of color were not entirely free men and the laws of the land provided them very little

protection is the reason why we should humbly and reverently celebrate our Bi-centennial Anniversary of Boyer Lodge No. 1."

President Jean Pierre Boyer recruited freed American blacks to immigrate to the Republic of Haiti, using advertisement opportunities in newspapers, promising free land and political opportunity to black settlers. He sent agents to black communities in the United States to convince them that Haiti was a sovereign state and open to immigration only for blacks. In September of 1824, nearly 6,000 Americans, mostly free people of color, migrated to Haiti within a year, with ships departing from New York, Baltimore and Philadelphia. Unfortunately, due to the poverty of the island and the inability of President Boyer's administration to help support the new immigrants in the transition most returned to the United States. Boyer ruled the island of Hispaniola until 1843, when he lost the support of the ruling elite and was ousted. He was later exiled to France where he died in 1850.

Since its founding, Boyer Lodge #1 has met continuously for One Hundred and Ninety Four years. In 1826, The Prince Hall Grand Lodge of Massachusetts helped further expand Black Freemasonry in New York State by the Chartering of Celestial Lodge, Rising Sun Lodge and Hiram Lodge. On March 14, 1845, further progress was achieved when Boyer Lodge #1, Celestial Lodge #2, Rising Sun Lodge #3 and Hiram Lodge #4 convened and erected Boyer Grand Lodge of New York. Thus becoming, "The Most Worshipful Prince Hall Grand Lodge of the State of New York."

Prince Hall Freemasonry derives from historical events which led to a tradition of separate predominantly African-American Freemasonry in North America. It consists of independent Grand Lodges, which are considered regular by the United Grand Lodge of England. Prince Hall was born in 1735 and was a tireless abolitionist and a leader of the free black community in Boston. Hall tried to gain New England's enslaved and free blacks a place in some of the most crucial spheres of society, Freemasonry, education and the military. He is considered the founder of "Black Freemasonry" in the United States, known today as Prince Hall Freemasonry. Prince Hall formed the African Grand Lodge of North America.

On March 6, 1775, Prince Hall was made a Master Mason in Irish Constitution Military Lodge No. 441, along with fourteen other African Americans: Cyrus Johnston, Bueston Slinger, Prince Rees, John Canton, Peter Freeman, Benjamin Tiler, Duff Ruform, Thomas Santerson, Prince Rayden, Cato Speain, Boston Smith, Peter Best, Forten Howard, and Richard Titley, all of whom apparently were free by birth. Prince Hall was unanimously elected its Grand Master and served until his death in 1807. Most Worshipful Grand Master Prince Hall is considered the first black community activist of his time, who made many appearances before the Boston City Council and Massachusetts Colony Legislature. Prince Hall had a passion for learning and education and operated a school in the basement of his home. He also lobbied tirelessly for education rights for black children and a back-to-Africa movement. Many historians regard Prince Hall as one of the more

prominent African American leaders throughout the early national-period of the United States.

The Prince Hall Lodge, formerly known as the African Lodge is the oldest fraternal organization in the country and has been a leading influence in the lives of black men in America. During the abolitionist movement, African American churches and the Prince Hall Lodges emerged at the forefront of the struggle. As stated by Most Worshipful Grand Master Reverend Dr. Gregory R. Smith, "In essence, and more often than not, members and church members were one and the same. This was the case with both Lattion, who was the First Worshipful Master of Boyer Lodge and a member of Mother African Methodist Episcopal Zion Church, and James Varrick, the first Bishop of the African Methodist Episcopal Zion Church and charter member of the Boyer Lodge."

Both the church, particularly the Mother AME Zion Church, formerly known as the "Freedom Church" and the Masons played prominent roles in the Underground Railroad. Many Masons were captains and conductors on the Railroad and Mother Zion earned its "Freedom Church" name by being one of the major stops on this complex network, which contributed to the freedom of more than 100,000 slaves. Today, the Mother AME Zion Church is the oldest existing African American institution in New York—and Boyer Lodge is the oldest lodge in the Prince Hall fraternity and the third oldest African American institution in New York State.

Mr. Speaker, let me join my fellow brethren and a very grateful nation as we celebrate during National Black History Month, the 200th Anniversary of Boyer Lodge No. 1, the first established Lodge of the Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons. Let me congratulate and recognize Worshipful Master Carlo Smith-Ramsay, leader of Boyer Lodge No. 1 and our 55th Grand Master of the Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of the State of New York, Most Worshipful Reverend Dr. Gregory Robeson Smith, 33°, EdD, DMin, MBA, MDiv.

CELEBRATING THE GRAND OPENING OF MAXIM INTEGRATED PRODUCTS' FARMERS BRANCH CAMPUS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I celebrate the grand opening of Maxim Integrated Products Inc.'s new campus in Farmers Branch, Texas on March 23, 2012.

As a semiconductor company headquartered in Silicon Valley, California, Maxim's presence in North Texas began in 2001 when it acquired Dallas Semiconductor. Maxim is an impressive Fortune 1000 business with annual revenues of \$2.5 billion and approximately 9,300 employees worldwide, of which nearly 1,400 operate in Texas. The

Farmers Branch campus will employ 800 people and is Maxim's second-largest site in the United States. It is the centerpiece for the design of integrated circuits and engineering as well as business management functions such as finance, marketing and customer service.

The 18.5-acre campus will be home to the 138,000 square-foot, employee-named Lone Star Building. The Lone Star Building will house 528 employees with the potential to accommodate a total of 650 people. The building is unique and features state-of-the-art, energy-efficient technology that includes automated lighting and control systems to reduce energy consumption by 37 percent. It also enjoys double-paned insulated windows with low e-coating, a chilled water air conditioning system and a roof that reflects heat.

Maxim has been active in the community by sponsoring the October 2011 Dallas Susan G. Komen "Race for the Cure," with 80 employees participating. Through proactive environmental efforts, the site also recycled more than 90 tons of materials in 2010, including glass, cardboard, paper, metal, plastic and batteries.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Maxim Integrated Products on the grand opening of its Farmers Branch campus. I am proud to represent Farmers Branch, and I am grateful for the hundreds of jobs the company provides to the North Texas community.

HONORING THE CAREER OF SERGEANT TOM BERGREN OF THE SAINT PAUL POLICE DEPARTMENT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Ms. McCOLLUM. Mr. Speaker, today I rise to honor Sergeant Tom Bergren of the Saint Paul Police Department, and his retirement after 32 dedicated years of service.

Sergeant Bergren represents the finest example of a dedicated community law enforcement professional. His interest in public safety began early. As a child, he would visit his grandparents' home in Saint Paul to pick up local calls on the police scanners, longing to be the responder on the other end. His career formally began in Circle Pines, Minnesota, when in 1976 at 19 years old, he became a reserve officer. After 3 years of service to the residents of Circle Pines as a reserve officer, and later as a full time community-service officer, he entered the Saint Paul Police Academy.

After graduation, Sergeant Bergren served a number of different roles in the Saint Paul Police Department, including time as an officer in the K-9 unit and as an investigator in auto theft. Bergie, as he became known by those close to him, became a homicide investigator in 2004, ultimately this would be the role that would shape his career. This job demands the utmost dedication, and he not only exceeded these expectations, but inspired those he worked with to do so as well. It was this unre-

lenting dedication that would help him solve the biggest case of his career.

In 2007, a triple homicide took place in the North End Neighborhood of Saint Paul. Over 4 long years and hundreds of interviews, Sergeant Bergren tirelessly sought to bring closure to the families and bring the assailants to justice. It was this dedication that not only saw the conviction of the two perpetrators, but created a bond between Bergren and families of the victims.

Sergeant Tom Bergren's unparalleled commitment to serving the public has earned him many awards through the years. In 2007, he earned the Detective of the Year award from the Saint Paul Police Department, and just recently, he received a fourth Medal of Commendation from the city.

On his desk sits a sign from the mother of one of the victims of the 2007 homicide, which states "never, never, never give up." On behalf of myself and all of the residents of Saint Paul, I want to thank Sergeant Tom Bergren for never giving up in his efforts to protect and serve the public.

Mr. Speaker, in honor of Sergeant Tom Bergren's 32 years of valiant and dedicated service, I am pleased to submit this statement for the CONGRESSIONAL RECORD.

H.R. 5 PROTECTING ACCESS TO HEALTHCARE ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RAHALL. Mr. Speaker, I rise today to voice the concerns raised by my constituents regarding the Independent Payment Advisory Board (IPAB).

Though I voted against H.R. 5, the Protecting Access to Healthcare Act, I, too, have concerns about an unelected, unaccountable board tasked with creating cost-cutting plans if Medicare spending exceeds certain levels. Though the Board is prohibited by law from cutting beneficiary policies, and the Congressional Budget Office predicts that a cost-cutting plan will not be triggered during this budget cycle, I urge my House colleagues to revisit this issue. We, as elected representatives of the people, have a Constitutional responsibility to ensure the voices of our constituencies are heard when it comes to the future of Medicare. Walling off those decisions, in order to expedite cost cutting efforts that lack sufficient popular support, is the surest way to a budgetary debacle.

We must preserve access to quality care, while containing costs, but we also must ensure an opportunity for the voice of the people to be heard and their needs to be taken into consideration.

CELEBRATING PASTOR EDWARD L. BRANCH AND THE CONGREGATION OF THIRD NEW HOPE BAPTIST CHURCH IN DETROIT, MICHIGAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to recognize Pastor Edward L. Branch and the congregation of Third New Hope Baptist Church in Detroit, Michigan on the occasion of its 56th anniversary.

Over 50 years ago, Deacon John Cunningham and residents of Detroit came together in the fellowship of Christ to carry out the work of the Lord. Under its first leader, Pastor John L. Davis, the congregation found its first home on Carpenter Street in Detroit. As a testament to Pastor Davis' focus on missionary and outreach programs which guided lost souls, the congregation prospered and grew so extensively that Third New Hope had to move to a bigger space on Russell Street.

Following the departure of Pastor Davis in 1961, Third New Hope came under the ministry of Reverend G.P. Chapman. Reverend Chapman led the congregation with great passion, kindness and a strong conviction of faith. As a true servant to the Lord and his community, he was known as a compassionate man that, "would give you the shirt off his back." Under his guide, Third New Hope created a youth choir, usher board, nurses guild, and more social outreach programs. Again, in recognition of the strong spiritual bond of the congregation to its community, Third New Hope saw its congregation expand and had to find a new, larger home on Linwood Street.

In 1977, after 16 years of service, Reverend Chapman retired and the call to lead Third New Hope was heeded by Pastor Edward L. Branch. A young, energetic and spiritually inspired leader, Pastor Branch placed renewed emphasis on the fellowship of the congregation and serving the needs of the community. Under his tenure, the congregation expanded its outreach with the Heritage Center for African American Religious Studies, Men's and Women's Ministry, Marriage Ministry and Pastoral Care. In addition to moving to its current site on Plymouth Road in Detroit, Pastor Branch led a campaign to raise money for a community center, paved three parking lots near the church, established The Watchmen (a ministry of men who are aimed at protecting the community from harm) and expanded the church to a second location, the Third New Hope West Campus.

Mr. Speaker, I ask my colleagues to join me today in recognizing the accomplishments of the congregation of Third New Hope Baptist Church in Detroit. Today, Third New Hope's two locations provide Metro-Detroit residents with spiritual guidance and vital social services. Over its 56-year history, the Church and its congregation's profound impact have been felt across our communities. I know that Third New Hope will continue to prosper under the leadership of Pastor Branch and I wish him and the congregation many more years of vibrant spiritual fellowship in Christ and service to the community.

SUPPORT OF H. RES. 568

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. COURTNEY. Mr. Speaker, I rise today in support of H. Res. 568, a bipartisan resolution reaffirming U.S. resolve to prevent Iran from acquiring nuclear weapons capability. I co-sponsored this resolution because of the critical importance to U.S. national security and regional stability to deny Iranian nuclear weapon capability through every diplomatic tool and pressure to avoid resorting to military force.

Reports of progress in Iran's nuclear program have been disconcerting. The November 2011 International Atomic Energy Agency report presented "serious concerns regarding possible military dimensions to Iran's nuclear programme" and asserted that "Iran has carried out activities relevant to the development of a nuclear device."

There would be devastating consequences for a nation that has threatened Israel's existence and poses significant security threats to its neighbors to acquire nuclear weapons. As President Obama said during his January 24, 2012 State of the Union Address, "Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon."

Since I entered Congress in 2007, I have stood firmly against nuclear proliferation to Iran. In 2010, I co-sponsored and supported through passage the Comprehensive Iran Sanctions, Accountability, and Divestment Act, which enacted sanctions against companies investing in Iran's energy sector. In addition, I am a cosponsor of legislation to expand sanctions against Iran, the Iran Threat Reduction Act (H.R. 1905).

It has been under President Obama's leadership and reinvigorated cooperation with allies and other nations that has ramped up the pressure to deny Iran weapons capability. President Obama entered office with the international effort to challenge Iran divided and in shambles. Immediately, the President rallied the international community to apply pressure in conjunction with the United States as a diplomatic force multiplier. Russia and China joined in a 2010 the U.N. Security Council comprehensive sanctions effort. These sanctions slowed the Iranian nuclear program and have levied damaging effects on the Iranian economy. The coalition held as we expanded a sanctions offensive against Iran's Central Bank and their oil exports.

These efforts make it clear that Iran must change its recent behavior and instead fulfill its obligations under the Nuclear Nonproliferation Treaty. The longer it takes Iran to change its course, the further cut-off it will grow diplomatically and the more strangled its economy will become. Now we must expand these efforts to increase sanctions, further isolate Iran, and explore every outlet to undermine the Iranian regime politically and seek real change in that country's leadership and political direction.

This resolution communicates Congressional unity with the Administration and determination to the international community to

maximize every diplomatic and economic tool available to pressure and deny Iran nuclear weapon capability. To be clear, other options—such as the use of United States military force against Iran—require the deliberate and thoughtful consideration of this Congress, a power which I believe this resolution clearly preserves. I am co-sponsoring this resolution to continue our nation's effective, ratcheting pressure to force Iran on a new path and to avoid a subsequent request from the Administration some day to authorize the use of military force against Iran.

HONORING LONG-TIME LOS ANGELES RESIDENT AND DEDICATED COMMUNITY SERVANT: MS. IRENE PORTILLO

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Ms. CHU. Mr. Speaker, I rise today to recognize a great loss to our community, Ms. Irene Portillo, who passed away on March 13, 2012, after a valiant battle with cancer. My heart goes out to her two children, Desiree Portillo Rabinov and Darren Rae Portillo; her son-in-law, Paul Rabinov; her grandchildren Paloma Irene and David Darren Rabinov; her brothers Henry Jr., Armando, Mario and Arturo Esparza; her nieces and nephews; and all of her family and friends.

Irene was an extraordinary citizen of the city and county of Los Angeles. Born and raised in East Los Angeles and Boyle Heights, she led a life dedicated to community service and improving the lives of her fellow Angelinos.

Ms. Portillo's most lasting legacy was her service as founding member and Executive Director of Project Amiga, a non-profit, community based organization that provides education and computer training, support services, job placement and other assistance to at-risk youth and adults in Los Angeles County. Irene personally oversaw Project Amiga's training programs, and mentored many Welfare to Work participants and at-risk youth to help improve their lives and become self-sufficient.

Irene truly loved her community. Not only did she create a whole new organization in Project Amiga to provide badly needed support services for our most economically disadvantaged and vulnerable populations, but she also dedicated much of her life to educating and molding our youth. She did this through many different avenues, as a tenured instructor at Rio Hondo College and as a Presidential Appointee on the National Advisory Councils on Vocational Education and Women's Educational Programs.

Irene also worked hard to give folks a second chance at life, as the first Hispanic woman to manage one of the largest California State Employment Development Department offices. Through the EDD, she worked with felons recently released from the penal system and transitioning back into the community. Irene received many awards for her work, from L.A. Mayor Antonio Villaraigosa, Secretary of Labor Hilda Solis and many others.

I urge my House colleagues to join me in honoring Ms. Irene Portillo for her record of

community service, her indomitable spirit and her remarkable service and contributions to her community and to our nation.

RECOGNIZING GILBERT HOLMES,
EXECUTIVE DIRECTOR OF THE
ACLU OF INDIANA, FOR A LIFE
OF PUBLIC SERVICE

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. CARSON of Indiana. Mr. Speaker, on the occasion of his retirement, I would like to congratulate Gilbert Holmes for a lifetime of trailblazing leadership and devoted public service.

From humble roots growing up in Sparta, Illinois, Gil ascended to the rank of Lieutenant Colonel in the U.S. Army, where he served valiantly for twenty years, including in Vietnam and as aide-de-camp to Major General Fred-eric Davison.

Upon leaving the service, Gil applied his organizational acumen with venerable Hoosier organizations, including the Indianapolis Museum of Art, Methodist Hospital, and Lincoln National Corporation.

From 1989 to 1996, Gil rendered distinguished public service as Commissioner of the Indiana Bureau of Motor Vehicles, and later, as President and CEO of IndyGo.

Gil's career culminated in his selection as executive director of the American Civil Liberties Union of Indiana, where he has served ably for the past three years as both steward and advocate.

Gil has spent his life combating prejudice, proving skeptics wrong, and empowering those with whom he works to achieve great things. On March 31, 2012, Gil will retire, leaving behind a legacy of lives bettered by his mentorship and leadership. On behalf of the 7th Congressional District of Indiana, I wish him well in his retirement and extend to him our gratitude for his commitment to his fellow Hoosiers and to the advancement of civil rights for all.

TRIBUTE TO PETE P. PETERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. COSTA. Mr. Speaker, I rise to pay tribute to the life of one of our Nation's most principled and generous business leaders, Mr. Pete P. Peters. Sadly, Mr. Peters passed away on March 13, 2012 at the age of 94. His remarkable impact on California's San Joaquin Valley will ensure that his legacy lives on for years to come.

The son of Armenian immigrants, Pete was truly a shining example of the American Dream. With hard work and perseverance, he and his family were able to become business leaders and generous community benefactors.

Mr. Peters, and his brother Leon, were both notable entrepreneurs; he was a self-trained

engineer who pioneered a design for a stainless steel circular tanks that have been used for decades by winemakers worldwide. His innovative spirit and passion allowed the brothers to run Valley Foundry and Machine Works as a family operation.

Upon his retirement in 1989, Mr. Peters immersed himself in our community and was active in a number of organizations. He oversaw the Leon S. Peters Foundation and served as chairman of the Pete P. Peters Foundation. While he did not have the opportunity to go to college, Mr. Peters was an ardent advocate for higher education and felt it was necessary for young Americans have the opportunity to go to college, regardless of their financial circumstances. As a result, he was an enthusiastic supporter of colleges and universities in the San Joaquin Valley, including: California State University, Fresno (CSU Fresno), Fresno City College, and Reedley College.

Mr. Peters was also a supporter of Community Regional Medical Center, Valley Public Television, the San Joaquin River Parkway and Conservation Trust, and the San Joaquin Valley Winemaking Association. His numerous gifts to our Valley enhanced thousands of lives.

Recognizing his immense contributions to the San Joaquin Valley, California, and our Nation, CSU Fresno conferred on him an honorary doctoral degree—the CSU's highest honor.

Mr. Speaker, I ask my colleagues to join me in celebrating the life of Mr. Pete P. Peters. His humility and unwavering commitment to the improvement of our community not only made him an asset to the San Joaquin Valley, but a role model for our entire Nation.

PERSONAL EXPLANATION

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. KINZINGER of Illinois. Mr. Speaker, unfortunately, I was unable to cast my vote on H.R. 886, which would request Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the United States Marshal Service. Had I been able to, I would have cast an "aye" vote in favor of the legislation.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,574,428,564,198.34. We've added \$4,947,551,515,285.26 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO RICHARD MILANOVICH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a community leader and friend of mine, Richard Milanovich. Richard was the longtime chairman of Riverside County's Agua Caliente Band of Cahuilla Indians. On Sunday, March 11, 2012, Richard passed away at the age of 69 with his family at his bedside at Eisenhower Medical Center in Rancho Mirage. He will be deeply missed.

In 1942, Richard was born on the Soboba Reservation in the San Jacinto area and grew up in subsidized housing in Palm Springs. At that time, the tribe was almost entirely dependent on government help, eating out of government-issued cans. As a boy, he attended Cahuilla Elementary School and Palm Springs High School. After high school, he served honorably in the United States Army and in 1972 he returned to the Palm Springs area. He unsuccessfully ran for Tribal Council three times between 1972 and 1978. Finally, in 1978 he was elected to the Tribal Council and in 1984 he was elected Chairman. From 1984 to 1989, Chairman Milanovich helped craft groundbreaking land-use agreements with city of Cathedral City, city of Rancho Mirage, and Riverside County, modeled on an agreement struck with city of Palm Springs in the late 1970s, while he was a member of the Tribal Council. The intergovernmental deals were among the first of their kind and served as a model for Tribes throughout the rest of the country.

Richard Milanovich was an early proponent of allowing California tribes to have gambling on tribal lands. After the successful negotiation of the land-use agreements with local cities, Richard moved forward and in 1998 the Agua Caliente tribe, along with other tribes, pushed and passed Proposition 5 which allowed for gambling on tribal lands. Although the proposition was ruled unconstitutional, the tribes were able to later negotiate pacts with then-Governor Gray Davis and a subsequent proposition passed which put the pacts in place. Richard would later win another battle in 2008 when the voters approved a casino-expansion deal.

Richard never lost sight of the poor conditions that he grew up in and early on decided to become a champion for his people. He led the Agua Caliente tribe for nearly three decades and helped California tribes become self-sufficient moving many out of poverty through the success of the Indian casinos. Richard successfully negotiated on the local, state and federal level to advance the priorities of the Agua Caliente tribe and throughout his career he remained humble, compassionate, and engaging.

Richard Milanovich changed the course of history for California and, most importantly, for the Indian community in California. He saw circumstances that disadvantaged the Indian people and set about to change them. Milanovich never wavered in his commitment, and despite all obstacles persevered for the

betterment of his tribe and the entire Indian community in California. His leadership, vision and uncompromising compassion were truly an inspiration to his people and testimony to his character.

On Wednesday, March 21, 2012, a memorial service celebrating Richard Milanovich's extraordinary life was held at the Palm Springs Convention Center. Milanovich will always be remembered for his incredible work ethic, generosity, contributions to the Indian Community and love of family. His dedication to his work, family, and tribe are a testament to a life lived well and a legacy that will continue. I extend my condolences to his family and friends; although Richard may be gone, the light and goodness he brought to the world remain and will never be forgotten.

SALUTE TO BISHOP JOHN HENRY SHEARD ON THE CELEBRATION OF HIS EXCEPTIONAL LEADERSHIP IN THE CHURCH OF GOD IN CHRIST

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to salute Bishop John Henry Sheard, Pastor of Greater Mitchell Church of God in Christ of Detroit, for his exceptional leadership in the great state of Michigan.

From humble beginnings in a rural town in Mississippi to a leadership position in the International Church of God In Christ (COGIC), Bishop John Henry Sheard has been a great spiritual leader and true pioneer.

Bishop Sheard moved to Detroit at a very early age. Under the tutelage of the Bishop John Seth Bailey, he moved up through the ranks of the Church. After being ordained, Bishop Sheard was installed as pastor of Mitchell Street COGIC in January, 1982. Displaying great leadership skills, he moved his growing congregation to a larger location in the city of Detroit. It is currently known as Greater Mitchell Church on God in Christ.

Bishop Sheard was later elevated to District Superintendent, Jurisdictional President of the Youth Department, and to the Jurisdiction's prestigious Executive Board. Ultimately, he was consecrated Bishop of the First Ecclesiastical Jurisdiction of Michigan Southwest by the General Board of the Church of God In Christ, with Bishop L.H. Ford as Presiding Bishop. For more than nearly 20 years, Bishop Sheard has presided over the First Ecclesiastical Jurisdiction of Michigan Southwest and during this time the Jurisdiction has made tremendous strides.

Known as a man of impeccable integrity and great leadership, Bishop Sheard has traveled throughout the country. His peers have twice elected him overwhelmingly as the Chairman of the Board of Bishops for the Church of God In Christ, Inc. He humbly chairs this prestigious Board, which is comprised of about 200 Bishops worldwide. He has earned many awards and accolades, including being honored by the Ohio Southern Christian Leadership Conference as "Bishop of the Year for 2009."

Mr. Speaker, I ask my colleagues to join me today in recognizing and paying tribute to Bishop John H. Sheard, Pastor of Greater Mitchell Church of God In Christ, on the celebration of his exceptional leadership in the great state of Michigan.

SENATE—Monday, March 26, 2012

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, look beyond the harmful paths on which we have walked and see our spirits created in Your likeness and longing to commune with You.

Speak to our lawmakers today and teach them to listen through earthquakes, wind, and fire for Your still small voice. Guide them to learn the language of prayer and daily experience its power in their lives. May they be calm when You would have them listen and obedient when You would have them act, always eager to receive directions from You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 26, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks the Senate will be

in a period of morning business until 4:30 p.m. today. Following that morning business the Senate will resume consideration of the motion to proceed to S. 2204, the Repeal Big Oil Tax Subsidies Act. At 5:30 p.m. there will be up to two rollcall votes. The first vote will be a cloture vote on the motion to proceed to S. 2204. If cloture is not invoked, there will be a second cloture vote on the motion to proceed to the postal reform bill.

MEASURES PLACED ON THE CALENDAR—H.R. 5, S. 2230, AND S. 2231

Mr. REID. Mr. President, there are three bills at the desk due for a second reading. I would like the clerk to report them if you so order.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for a second time.

The legislative clerk read as follows:

A bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (S. 2230) to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

A bill (S. 2231) to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with regard to these three pieces of legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

TRANSPORTATION JOBS

Mr. REID. Mr. President, tens of thousands of bridges—70,000, to be exact—and millions of miles of roads across the country are in a state of disrepair. But rather than putting Americans to work fixing these roads and bridges—and, of course, repairing the crumbling train tracks, highways, and sidewalks across this country—House Republicans are pandering to the tea party. They cannot do a bill. They cannot do a bill. They have tried. They cannot do a bill. They are now not fighting us, they are fighting among themselves. As if putting the tea party ahead of efforts to repair our Nation's crumbling infrastructure was not bad enough, House Republicans are risking almost 3 million jobs in the process.

I was very disappointed last week to hear that the House Republican leaders hope to pursue a 3-month extension of

the highway bill. That is, at this stage, without any suggestion that they would go to conference with us. It would seem to me that is the most practical thing to do—have a short-term extension and during the process work to see what we can come up with, working together. I know this is foreign language to what has gone on in the House in the last year and a half, but that would be a good idea—to try that, to work together to come up with a bill, a 2-year bill, a 3-year bill. Working together, we could do that on a bipartisan basis, as we did here. Their short-term bandaid bill is no solution. Communities and contractors need certainty—especially going into the summer construction season. We want to make sure projects do not grind to a halt in 3 months because the House once again refuses to act.

The American people certainly know at this stage whom to blame because of the problems over there. It is a crisis. It is a chaotic place we find over there. They are looking to cost us 3 million jobs. One week remains until these projects around the country lock their gates and lay off their workers. It is time for House Republican leaders to do what is responsible: take up the Senate-passed Transportation bill and pass it. The American people are watching and time is wasting.

FORGING A PATH FORWARD

Mr. REID. Mr. President, while House Republicans are squandering precious time and risking American jobs, the Senate will now move forward with a bill to repeal billions in subsidies to big oil companies.

Last year, Big Oil raked in \$137 billion in profits—more than ever before—but still received billions in taxpayer-funded giveaways. It does not make sense. Even with domestic oil production at its highest level in almost a decade, prices at the pump are rising. Oil companies are making money hand over fist.

When the price of a gallon of gas goes up by a single penny, quarterly profits for the five major oil companies go up \$200 million. I heard on the news this morning that the price of gas in the last couple weeks has gone up 12 cents. Well, that is more than \$2 billion for the oil companies.

This country continues to give taxpayer dollars to some of the most profitable corporations in the world—not some of the most profitable, the most profitable. They are doing better than Google and Microsoft and all of them.

They are the No. 1 profitable corporations in the world. It is time to end this careless corporate welfare.

The only real way to bring down prices at the pump is to reduce U.S. dependence on foreign oil. That will take additional responsible domestic oil production and smart investments in clean energy technology.

The Senate will vote this evening to advance the Repeal Big Oil Tax Subsidies Act. This legislation ends more than \$2 billion a year in tax breaks for Big Oil, and it invests the savings in the clean energy industry, where it will grow our economy and create jobs.

Repealing wasteful subsidies will not cause oil prices to go up. Repealing wasteful subsidies, I repeat, will not cause oil and gas prices to rise. But reducing America's dependence on foreign oil will cause prices to fall for sure. But if Republicans continue to follow in lockstep to the drums of oil companies making record profits, one thing will be obvious: Republicans care less about bringing down gas prices than about helping oil companies that do not need help. Congress should pass this legislation and do it quickly before another taxpayer dollar is spent on wasteful handouts to Big Oil.

How do the American people feel about this? Of course, by an overwhelming margin, they agree with us.

The Senate must also quickly move to reform our postal system, and in the coming weeks, we also must reauthorize the Violence Against Women Act, pass additional job-creation measures, and take up the crucial cybersecurity bill.

The Pentagon says passing cybersecurity legislation is the single most important action Congress can take to improve national security. That is why I will bring a bill to the floor very soon. Bipartisan efforts to craft comprehensive cybersecurity legislation have been ongoing for years. It is now time to act. It is time for Republican colleagues who have been involved in this effort from the start to sit down and help us move this matter forward. We are going to move this bill onto the floor. We have had hard work done by Senator LIEBERMAN and Senator COLLINS. It is a bipartisan bill. I would hope both parties would agree this legislation is a priority. I hope so.

As always, Mr. President, I hope Democrats and Republicans will be able to work together to forge a path forward on these most important issues.

RESERVATION OF LEADER TIME

Mr. REID. Mr. President, would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. JOHANNIS. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. JOHANNIS. Mr. President, I rise today to once again speak about a topic I have spoken to many times over the last 2 years; that is, the health care law.

Today I would like to focus on a number of aspects of the health care law, but to start I would point out that this law actually enacted the largest expansion of Medicaid since its inception in 1965. The law dramatically increases government spending, it ties the hands of States, it is going to bankrupt State budgets, and it traps nearly 26 million more Americans in a broken system.

Last week's Medicaid Actuary report indicates that 25.9 million more Americans will be dumped on Medicaid under the new law. The week before, the non-partisan Congressional Budget Office pointed out that Federal spending on Medicaid will increase by \$168 billion. That is just compared to last year's projection. That means this expansion alone is projected to cost the Federal taxpayers \$795 billion through 2021.

That is at a time when not only our Federal budget is struggling, but in addition to that our State budgets are in trouble. Added up, the Federal Government will spend \$4.6 trillion on Medicaid over the next 10 years, a staggering number—\$4.6 trillion.

Medicaid spending is projected to increase 35 percent once the law is fully implemented. So with our national debt now approaching \$16 trillion and compounding exponentially, as we borrow 42 cents of every \$1 we spend every day, instead of reining in costs, the health care law is doubling down with spending.

But the Medicaid expansion did not stop with wrecking Federal budgets. It hammers State budgets as well. This program already consumes 24 percent of State budgets. The law's Medicaid expansion will force \$118 billion in additional unfunded mandates on our States through 2023. The National Governors Association has weighed in on this issue. They said: "Spending on Medicaid is expected to consume an increasing share of State budgets and grow much more rapidly than State revenue growth, resulting in slow or no growth in education, transportation, or public safety."

The Nebraska impact tells the story. The Governor commissioned a study in Nebraska to see what the impact would be on the health care law on the State budget. Nebraska will spend an additional \$526 million to \$766 million over the next 10 years on its Medicaid Program. The expansion could add up to 145,000 Nebraskans to the Medicaid Program over the next decade.

Currently, one in nine Nebraskans is enrolled in Medicaid. The new provisions of the law will expand eligibility to one in five Nebraskans, 20 percent. Governor Heineman addressed this issue. He said: This unfunded and unparalleled expansion of Medicaid is an unfair and unsustainable mandate on Nebraska and other States. The Federal health care law is an extraordinarily large and excessive unfunded mandate for States. It is potentially devastating to our State budget.

Today, with me on the floor, I am joined by two former Governors. All three of us have had to deal with balancing budgets, and we had no choice but to make sure that at the end of our legislative sessions, our budgets were, in fact, balanced.

Senator ALEXANDER was vocal in speaking out against this policy during the health care debate. He has a rather unique perspective because not only is he a former Governor, he is a former U.S. Secretary of Education. I would like the Senator to take a few minutes and explain how this law is going to effect the health care system, our educational system, our States, and for that matter our country.

Mr. ALEXANDER. I thank the Senator. He has a unique perspective himself as a former Cabinet member, Governor, and now Senator. But all three of us here today, including the former Governor of North Dakota, have wrestled with this business of the rising costs of Medicaid, paid for partly by the States, according to rules set in Washington, and how do we deal with public education, especially higher education.

I remember during the debate two years ago, I suggested to our colleagues on the other side of the aisle who were supporting the health care law, which I thought was an historic mistake because it expanded a health care delivery system we already knew was too

expensive, instead of taking steps to reduce it. I suggested to them that they go home and run for Governor. They ought to be sentenced to go home and run for Governor if they vote for it and see whether they can implement it over an 8-year-period of time.

Here is what the Senator from Nebraska is suggesting. Let me try to be very specific on the effect of the health care law on higher education in the States. This is not all President Obama's fault. Some 30 years ago, when I was a young Governor, I was still struggling with saying: We get down to the end of the budget process and we have money either to put in higher education or into Medicaid, and the rules from Washington say it has to go to Medicaid.

I remember going to see President Reagan and saying: Why do we not just swap it, Mr. President? You take all of Medicaid. Let the States take elementary and secondary education. I wish we had done that. But we did not do it. Gradually, the increasing Washington-directed costs have distorted State budgets until, as the Senator from Nebraska said, 24 percent of the State budgets go to the Medicaid program.

Now we are in a process where because of the health care law, we are going to add 25.9 million more Americans onto Medicaid, according to the Medicaid Chief Actuary. Employers are going to decide: I would rather pay my \$2,000 penalty and allow my employees to go into the exchange or, if they are lower income, into Medicaid. Then the costs to States are going to go up.

The Senator from Nebraska talked about what the current Governor of Nebraska said. Our former Governor, Governor Breidenbach, a Democratic Governor, estimated that between 2014 and 2019 it would be \$1.1 billion in new costs for the State of Tennessee from the Medicaid expansion.

What most people do not realize is the effect this has on higher education and student tuition. I hear a lot of talk about let's see if we can lower student tuition. One way we can lower it is not take money from student loans and spend it to pay for the health care bill. Most people are not aware we spent \$8.7 billion of so-called profits the government makes when it borrows money at 2.8 percent and loans it to students at 6.8 percent. The government took some of that money and spent it to pay for the health care bill.

If it did not do that, it could lower the interest rates on student loans, according to the Congressional Budget Office, to 5.3 percent and save \$2,200 per student over 10 years on the basis. So the health care law is costing students who borrow money more on their loans.

In addition, and I will close with this example, it is raising college tuition. You say: How could the health care law cause tuition to go up in California or

Tennessee? If in Tennessee, as last year, the increase for Medicaid went up 15.8 percent. That is how much more State tax dollars it had to go up. Spending for the University of Tennessee and community colleges went down 15 percent. Then the result of that was tuition went up in our State by about 8 percent. That was true all across our country.

So the effect—and I will come back to this later if we have more time—is that the health care law mandates that the States spend more money on Medicaid, and, as a result, the State cuts the money it is spending for the University of Tennessee or Nebraska or North Dakota. In order to keep the quality of education up, tuition goes up. So students are paying more for tuition and they are paying more for interest rates on their student loans directly because of the health care law.

President Obama should not be blamed for the last 30 years of rising costs of Medicaid. But he should be held responsible and this health care law should be held responsible for making it worse.

Mr. JOHANNIS. Senator ALEXANDER has raised some excellent points there because Governors only have so much revenue they can deal with; they cannot invent it, if you know what I am saying. So Governors have to figure out what the needs of the State are. If the Federal Government is taking that decision away from Governors by forcing them into expanding their Medicaid, there is going to be less money available for programs such as K 12 education, higher education.

Let me, if I might, turn to our colleague Senator HOEVEN. He was a Governor for 10 years in the State of North Dakota. Will the Senator please explain the impact Medicaid expansion would have on budget decisions as a Governor and the impact the health care bill is going to have on the Senator's State.

Mr. HOEVEN. I thank Senator JOHANNIS. It is good to be with him. Also, to Senator LAMAR ALEXANDER from the great State of Tennessee, it is great to be with him as well. We share, I guess, the common experience of serving as Governors and certainly bring that perspective to our work in the Senate.

As Senator ALEXANDER just said, there is no question ObamaCare is making the health care challenge in the United States worse, is making it worse. We have to find a way to empower our people. In our roles as Governors, before serving in the Senate, that is what we tried to do. When it came to Medicaid, when it came to health care, it was how do we empower our people, whether it is health care or anything else, in a way that not only makes their lives better but that makes sure we are fulfilling our responsibility as good stewards of the

State's treasury on behalf of the citizens of our respective States.

Last week was the second anniversary of the Obama health care legislation—the second anniversary. The fact is, since that law was passed—and just 1 minute ago, Senator ALEXANDER expressed some of the things he talked about when that debate was had in the Congress. But since that law was passed, over the past 2 years, Americans have become more unhappy with the legislation. The Obama health care legislation has actually become more unpopular over the last few years as time has gone by because, quite simply, Americans do not want government-run health care. Americans do not want government-run health care. That is what ObamaCare is.

Americans want to be free to choose their own health care provider, their own doctors, their own hospitals. They also want to be able to be free to choose their own health care insurance. Frankly, they are going to do a lot better job than having the Federal Government do it for them. That is just a fact. Of course, that is very much at issue now with the Supreme Court deliberations, the judicial review they are undertaking now on the constitutionality of the individual mandates in the Obama health care legislation.

Of course, the question is, Is that individual mandate constitutional? If it is, if they find that individual mandate is constitutional, then is there any limit to the government's ability to intrude into the lives of our citizens? This is a huge question. If so, what happened to the concept of limited government, which was so carefully developed by our Founding Fathers in our Constitution?

It seems to me that concept of limited government is gone. That is an incredible problem for all of us that extends far beyond health care. As former Governors, we understand the need to limit government, whether it is the local level—and the Senator was a mayor. Senator JOHANNIS was a mayor in Lincoln, NE, before he was the Governor of Nebraska, now a Senator from Nebraska, and he understands that one of the fundamental responsibilities of a mayor, of a Governor, of a Senator is to make sure we honor the Constitution and we limit the power of government, at the local, the State, and the Federal level, to intrude into the lives of our citizens. That is exactly what our Founding Fathers were striving to do in the Constitution, the whole concept of checks and balances.

We have a legislative branch and a judicial branch and an executive branch because that creates checks and balances on the respective powers of each branch. Why? To protect our citizens, to limit the reach of government. We have a bicameral Congress, the House and the Senate, to make it harder to pass laws, not easier—to make it

harder to pass laws. Again, it is to protect the people of this country.

We have the 10th amendment that reserves powers to the State not expressly provided to the Federal Government; again, to limit the power of government and protect the people of this great country. Of course, that is what we have in our Bill of Rights. That is what it is all about.

So we have ObamaCare; it raises taxes by $\frac{1}{2}$ trillion. It raises taxes \$500 billion. It cuts Medicare $\frac{1}{2}$ trillion, \$500 billion. Yet, at the same time, it places huge costs, a huge burden on the States. The CBO now estimates that over the next 10 years it will cost the States \$118 billion. That is \$118 billion in costs to the States who are trying to balance their budgets. They are already facing challenges in doing that, and we will put that kind of huge cost on them.

At the same time, think of what it does to our small businesses. Again, as a Governor, I know how it was in my State. I think it was true when the Senator from Nebraska was Governor and when Senator ALEXANDER was Governor of Tennessee. We understood that job creation was job one. We had to make sure businesses were able to work effectively, to compete, and to employ people. That is the engine that drives our economy, the small businesses.

When we look at ObamaCare, we look at what it does to the States—the \$118 billion over 10 years—and look at the costs it creates for small businesses and look at the confusion it creates in trying to comply with all of this. What do small businesses do? The Senator from Nebraska talked a minute ago about, OK, what does the small business do?

Well, either, A, they try to comply, and that drives up their costs or, B, they cancel their insurance and default to the government-run insurance. But it not only creates a problem for them in determining whether they are going to continue health care for their employees—and our citizens have shown they want the employer to continue doing that, and it goes to whether they hire more people.

Here we are with 8.3 percent unemployment, 13 million people looking for work, and we are going to make it harder for small businesses to put them to work because they don't know if they can comply with ObamaCare, let alone withstand the cost. That affects every single American.

We need to change the approach. That is what we are talking about today. We are talking about an approach where we can empower people to choose their own health insurance and provider, an approach that encourages competition, which will help bring costs down, giving our consumers more choice. We are here to talk about how we work with States and small busi-

nesses to reduce costs, reduce fraud, waste, and abuse.

The President of AARP, Barry Rand, estimates that \$100 billion is lost annually in waste, fraud, and abuse under Medicaid. Think what our States could do on behalf of their citizens in all 50 States if we in the Congress, working with an administration that will work with us, would empower the States to go after that waste, fraud, and abuse by giving their citizens more say over their health care and by encouraging competition among insurance companies to provide more choice, access, and to go after that waste, fraud, and abuse.

There are so many things we can do, but it is not through a big, monolithic, government-run insurance program that puts costs on the States and costs on its citizens. That is what we need to change. We need to change it now.

Again, I thank Senator ALEXANDER for being here and for his work to empower our people when it comes to health care. Also, I particularly thank Senator JOHANNIS for calling us together to discuss this very important issue on behalf of the people of America.

Mr. JOHANNIS. Mr. President, I thank Senator HOEVEN for his comments. He mentioned that job one for every Governor is job creation. Before I turn to Senator ALEXANDER, let me congratulate Senator HOEVEN. Whatever he did in that capacity worked. He has the lowest unemployment rate of any State. I am proud to say Nebraska is No. 2 in that regard.

I will guarantee one thing you learn: You don't create jobs by putting a big wet blanket of more regulations on the job creators. I worry that all these rules and regulations are going to have a very damaging impact on job creation.

I would like Senator ALEXANDER to talk about that, what he sees as the impact of this health care bill on job creation in our States.

Mr. ALEXANDER. I thank the Senator. I listened with interest to the former Governor of North Dakota and the former Governor of Nebraska. Let me give a specific example. In response to the question, after the passage of the health care law, I met with a number of representatives from chain restaurants. Chain restaurants are the kind at which we go out to dinner for a modest cost. They are among the largest employers in America. They employ largely low-income and young people—people who are the waiters and waitresses we see when we go into Ruby Tuesday or O'Charley's or one of these other places, and usually it is someone with a part-time job or somebody who is working his or her way up.

Many of those companies offer some health insurance to their employees. At one of the companies, Ruby Tuesday, headquartered in Tennessee, the

chief executive officer told me the cost of the health care law to his company would equal the profit of the company that year. This is a company with several billion dollars in revenue.

One of the companies that is even more successful than Ruby Tuesday in terms of profit, and is larger, told me their goal was to have 90 employees per store. But after the health care law, they said they would have 70 employees per store in order to comply with the cost of the health care law. This not only raises the cost of business, but it reduces employment in the United States.

Unfortunately, I am afraid what we may find is these restaurant companies, after 2014—we are about 1 year away from a ticking time bomb for State budgets and businesses and also for people with employer health insurance. I am afraid these companies will look at the penalty and say they would rather pay \$2,000 per employee and let them find their way into one of these State exchanges or into the Medicaid Program.

Millions of Americans, because of the health care law, are going to lose their employer-sponsored insurance, and millions of Americans will not have as many jobs because of the costs imposed on businesses such as these restaurants.

Mr. JOHANNIS. The Senator raises a good point. I am mindful of our time limit. I am going to take a minute or two to wrap up. I do think Senator ALEXANDER and Senator HOEVEN both raised very good points.

I look at the health care law and I often think, whoever wrote this law, who were they talking to? They certainly were not talking to our small- and medium-sized businesses across this country. Why? Because just as Senator ALEXANDER points out, there is going to be a point where that business owner, large or small, and in each and every spot in between, will look at the penalty of \$2,000 per employee and say it is vastly cheaper for them to drop coverage and pay the penalty. In fact, we figured out what that savings would be for a large retailer in the United States. It was over \$1 billion a year.

Does anybody believe for a moment that they are not going to do what is right by their shareholders and pay that penalty and save \$1 billion a year by dropping health care coverage? Once that dam breaks, the dam breaks.

Then do you remember that promise so often made—47 times? The President said, "If you like your plan, you are going to be able to keep it." Well, people are not going to be able to keep it. They will lose their plans.

They certainly were not talking to Governors when they wrote this bill. Any Governor would tell us that Medicaid is a broken system. It is literally bankrupting State budgets under current circumstances. Then when we add

26 million more people to Medicaid, we begin to realize they are going to have a serious access problem.

Forty percent of doctors do not take Medicaid patients. Where are they going to find their health care? As many of us pointed out, it is like saying to someone: Here is your bus ticket, travel anywhere you want—oh, by the way, there are not enough buses to haul all the people we have given tickets to.

That is what we are going to be facing—a growing access problem. Then, with the cuts to Medicare, they sure could not have been talking to Medicare providers because when they start cutting reimbursement rates, which is exactly what they are doing with \$½ trillion cut out of Medicare, they are going to have access problems there too.

All of a sudden senior citizens cannot find a doctor. Don't believe my statement on that. Read the reports from Richard Foster, the Chief Actuary at CMS, who studied this and said these are the consequences of this legislation.

At the end of the day it is pretty clear to all of us that this is a failed policy that was quickly put together, rammed through to roll over the minority and get this done. We ended up with a very failed piece of legislation.

The American people do not like this legislation any better than the day it was passed. In fact, they like it less. The more they learn about this legislation, the less they like it.

I will wrap up with one thought. We all know the Supreme Court is hearing arguments on this case these days. It is my hope the Supreme Court will intervene and decide that this law is in fact unconstitutional, and then we can build a health care law the way it should be done—a step at a time, consulting with medical providers and Governors all across this country to build a policy that makes sense for the health care system and our citizens. That is what should have been done in the first place. That is what we need to do.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

STAFF SERGEANT JERRY REED II

Mr. BOOZMAN. Mr. President, we are reading in the news about the violence in countries all around the world and are reminded about the tremendous

sacrifice of American troops as they protect and preserve the interests of our Nation. These men and women serve with courage and honor and it is our duty to honor and stand for those who have stood for us.

Today, I am here to pay my respects to SSG Jerry Reed II, an Arkansas soldier who sacrificed his life for the love of his country while in support of Operation Enduring Freedom.

Staff Sergeant Reed graduated from Russellville High School in 2000 and enlisted in the Army. He served 4 years and then reenlisted in 2008 and served in Iraq, Germany, Korea, and Afghanistan. Staff Sergeant Reed served as a tank driver and gunner with the Army's 28th Infantry Brigade, 2nd Battalion, A Company at Grafenwoehr, Germany.

His sister Katherine, in an interview with the Russellville Courier, spoke of how he loved the military and planned to make it a career. Staff Sergeant Reed's family and friends describe him as a man who would have had no trouble fitting into the military, for he was one who faced danger head on. He was a protector and looked out for his friends. He loved being outdoors and fishing and spending time with his family.

On February 16, 2012, Staff Sergeant Reed passed away while serving in Afghanistan. Staff Sergeant Reed made the ultimate sacrifice for his country. He is a true American hero.

I ask my colleagues to keep his family and his friends in their thoughts and prayers during this very difficult time, and I humbly offer thanks to SSG Jerry Reed for his selfless service to the security and well-being of all Americans.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mr. BAUCUS. Mr. President, the British statesman Edmund Burke said:

All government—indeed every human benefit and enjoyment, every virtue, and every prudent act—is founded on compromise and barter.

Compromise and barter. That means give-and-take in order to work things out.

I want to apply Burke's famous aphorism to the two leaders of the Environment and Public Works Committee, the chairman, Senator BARBARA BOXER of California, and the ranking member, Senator JIM INHOFE of Oklahoma—one

of the Senate's leading liberals and one of the Senate's most dyed-in-the-wool conservatives.

While Senators BOXER and INHOFE openly acknowledge there is much they do not agree on, they both agree transportation infrastructure is a smart investment in America's road safety and jobs. So they worked hard to craft a consensus highway bill that three-quarters of the Senate could agree to support. I have always believed this kind of cooperation is the key to success. We can do great things for this country when we work together.

When I had the honor of leading the Environment and Public Works Committee, I also had the truly distinct pleasure of working with Senators from both parties who understood Burke's principle of barter and compromise, such as John Warner of Virginia and John Chafee of Rhode Island. So it is very gratifying to know that tradition on the Environment and Public Works Committee continues to be strongly upheld by the chairman and the ranking member today.

In working to craft the highway bill, both of these leaders faced pressures not to compromise. Each had ample opportunity to give into those pressures and give up on the bill. But instead of drawing lines in the sand and pointing fingers, they chose to reach out their hands and meet in the middle. They talked to each other and, more importantly, they listened. They opted for pragmatism over ideology. They disagreed without being disagreeable. They worked closely with Senator VITTER and myself to incorporate the best ideas from all sides. Ultimately, those good-faith efforts prevailed when the committee reported our highway bill title with unanimous support.

We continued working together to meld that product with contributions from the Banking Committee and the Commerce Committee, along with a fiscally responsible plan to pay for this investment from the Finance Committee.

Earlier this month, 75 percent of the Senate came together to pass a highway bill that will create or sustain approximately 1.8 million American jobs each year. That is according to the Department of Transportation. What a tremendous achievement reached by working together—creating or sustaining 1.8 million jobs a year. For my State of Montana, this bill will create or sustain 14,000 jobs each year, and it cuts through redtape to put people to work on those jobs even faster. It gives the State of Montana and our local communities the flexibility they need to fund the alternative transportation projects that work best for them. It invests in the Land and Water Conservation Fund and continues a vital program to support our timber communities. It does it all without adding one single dime to the Federal deficit.

Simply put, this bill is an investment in jobs we can't afford to pass up. That is why this weekend Montana's largest newspaper, the Billings Gazette, called on the House to pass the Senate bill, and I join that call today.

The current highway bill expires at the end of this month, and the construction season is starting soon. As the Gazette notes, a short-term extension doesn't provide the certainty we need to get highway projects off the ground and workers on the job. We cannot afford to put these jobs on hold by kicking the can down the road—especially when we don't have to, and, also, especially when we don't have much more road to kick the can.

The Senate bill is the product of months of debate and cooperation, of give-and-take from all sides, carefully crafted into a bipartisan investment we can all be proud to support. It has already passed the test of overwhelmingly bipartisan support in the Senate, and there is no reason the House should not take up this bill and pass it right away.

The House should understand that we need to work together to achieve solutions upon which the American people can rely. Edmund Burke understood that. Thankfully, Senators BOXER and INHOFE clearly understand it too. I thank them for that.

AFFORDABLE CARE ACT

Mr. BAUCUS. Mr. President, President Truman once said, "Healthy citizens constitute our greatest national resource."

Two years ago last week we passed the affordable care act. We passed it to help give every American access to quality affordable health care.

People such as Cece Whitney from Helena, MO, know exactly how much help this law provides. Doctors diagnosed Cece with cystic fibrosis by age 7. By high school she carried an oxygen tank. By the end of college she received a double lung transplant. Even with insurance coverage Cece and her family paid tens of thousands of dollars out of pocket. But things looked even worse when she hit an arbitrary coverage limit, and if she had lost her insurance before health reform she might not have been able to find any insurance coverage at all.

Insurance companies could have turned her away simply because she was born with cystic fibrosis. But now, thanks to the affordable care act, Cece will always be covered. She will always have access to the care she needs.

A year ago, on the affordable care act's first anniversary, Cece shared her story about seeing health reform signed into law with her local newspaper. She said she cried tears—tears of extreme joy. She wrote:

I knew that I no longer had to worry about losing or being denied coverage because of

my 'preexisting condition.' And I no longer was going to be denied coverage for exceeding arbitrary caps set by insurance companies.

Cece's story is not unique. Health reform is working for people in Montana and across the country, and it is saving them money. The law improved our health care system and enabled it to focus on prevention and keeping Americans healthy. We have reforms to pay for quality of care rather than quantity of services. In just 2 years, health reform has lowered costs for millions of Americans. Parents can now afford to cover their entire family, including children up to the age of 26. More than 2.5 million young adults have been able to stay on their parents' plan thanks to health reform.

Prescription drugs are now cheaper for seniors because of the act. Already more than 5 million Medicare beneficiaries have saved more than \$3 billion on drugs. Again, that is \$3 billion saved by seniors on drugs, and health reform eliminates the so-called Medicare prescription drug doughnut hole. This puts dollars back in seniors' pockets—dollars they can use for groceries or electricity bills.

Seniors now receive free annual wellness visits and free screenings. This focus on prevention leads to better health outcomes, and it keeps them healthier. It saves money by allowing seniors and their doctors to catch conditions such as high blood pressure and diabetes before they become serious and costly.

Health reform also helps those who wish to retire early to afford insurance until they qualify for Medicare. The law has provided almost \$4.5 billion in aid to businesses to give early-retiree coverage to these employees. Let me repeat that. The law has provided almost \$4.5 billion in aid to businesses to enable them to give early-retiree coverage for their employees.

Health reform is also saving Americans money through new consumer protections. It is ending insurance company abuses. Medical loss ratios is one that comes to my mind. Because of health reform, parents can now keep their kids who have preexisting conditions on their plan, and insurance companies can no longer exclude these children. Insurance companies can no longer place lifetime and restrictive yearly limits on their health coverage that can cost Americans such as Cece Whitney tens of thousands of dollars, and insurance companies can no longer go back and scrutinize applications for tiny errors as a way to deny payments after a customer gets sick.

Health reform has also created the Medicare and Medicaid Innovation Center to put good ideas from the private sector into action. The center is already working with more than 7,100 organizations—hospitals, physicians, consumer groups, and employers in-

cluded—to reduce costly hospital readmissions.

Health reform provides law enforcement with new tools and resources to protect Medicare and Medicaid from fraud and abuse. These efforts recovered more than \$4 billion last year. New antifraud provisions in the act, in the health care bill, helped recover more than \$4 billion in fraud last year. Just a few weeks ago, Federal agents made the largest Medicare fraud bust in U.S. history. Ninety-one people were charged with defrauding taxpayers for nearly \$300 million.

More parts of the affordable care act that will help consumers will start in the year 2014, including the State-based affordable insurance exchanges. On these exchanges people will be able to save money. How? By shopping for an insurance plan that is right for them. It is like getting on Expedia or Orbitz: you just get on and shop around and find the one that is best for you.

For too long, individuals and small businesses shopping for insurance on their own have had very limited options. The plans that were available were often too expensive. Now, for the first time, insurance companies will have to compete against each other for business on a level playing field. That will mean lower premiums, better coverage, and more choices.

Health reform has also reduced government costs by dramatically slowing the growth in spending. According to our nonpartisan scorekeeper, the Congressional Budget Office, health reform slowed the growth in health spending by 4 percent. That will save taxpayer dollars and help get our deficit problem under control.

We need to let the law keep working to save families and taxpayers more money. The Congressional Budget Office tells us that repealing the affordable care act—repealing it now—would increase the Federal deficit by nearly \$143 billion over the next decade. Repeal would cost the Federal deficit \$143 billion over the next decade according to the Congressional Budget Office, and it would increase the deficit by more than \$1 trillion in the decade after that.

Repealing health reform would also leave tens of millions of Americans without insurance. Studies have shown this would cost every American family an extra \$1,000 a year. That is something we cannot afford. The affordable care act has already saved millions of Americans money and helped them get affordable health care, and millions more will gain access in the coming years. Healthy citizens are, indeed, the greatest asset our country has. We need to let health reform keep working for all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

CHENEY WELL WISHES

Mr. KYL. Mr. President, first I would like to take a moment to wish Vice President Cheney well as he recovers from his big-time heart transplant surgery. My wife Caryll and I have him in our thoughts and prayers, and we send our best wishes to him and to his entire family. I am sure "the Angler," as he was called, would rather be out fishing in Wyoming on the Snake River, where I know he has been very happy. I hope he can get back out West soon. In the meantime, I know he is fortified by his wonderful family, his wife Lynn, his two daughters, and his grandchildren. We wish him all the best.

RYAN BUDGET

Mr. KYL. In a recent column in the Arizona Republic, my friend Bob Robb laid out a very thoughtful contrast between President Obama's budget and the alternative put forth by House Budget Committee chairman PAUL RYAN, which the House of Representatives will be acting on this week. In his column Robb notes that the Ryan budget would get the Federal deficit below 3 percent of GDP by 2015 and after a decade would reduce our debt-to-GDP ratio from today's 100 percent to about 87 percent or just under the share many economists believe affects private sector economic performance and casts doubt on the government's ability to even repay its obligations. Robb explains that "despite the caterwauling of critics, Ryan doesn't achieve this through brutal budget cuts. Quite the contrary." He explains why the Ryan budget would allow spending to increase about 3 percent each year, compared to the Obama budget's about 5 percent annual increases, and he concludes that low interest rates are currently muting the effects of our growing debt on the economy, but it could change overnight. "And if it changes, the federal government will have to take action much more drastic and quicker than the relatively gentle and gradual pathway provided by the Ryan budget."

I hope Senators will take a few moments to review this column in its entirety. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Mar. 23, 2012]

RYAN HAS A LESS-PAINFUL DEBT PLAN

(By Robert Robb)

Critics of Rep. Paul Ryan's proposed budget resolution are almost universally unserious about getting federal debt and deficits under control. The country will be very lucky if it gets a chance to implement as gentle and gradual a path to fiscal sobriety as the Ryan plan outlines.

Economists believe there are two red lines for debt and deficits. If accumulated debt exceeds 90 percent of GDP, it begins to affect

private-sector economic performance and raise questions about the ability of the government to pay it back. And annual deficits of more than 3 percent of GDP are regarded as a sign of a government that has lost control of its finances.

Right now, total federal debt exceeds 100 percent of GDP. The deficit is 8.5 percent of GDP. And that's the lowest it's been in four years.

The Ryan budget would get the annual deficit below 3 percent of GDP by 2015. At the end of the 10-year planning horizon, total federal debt would be an estimated 87 percent of GDP, barely out of the red zone.

Despite the caterwauling of critics, Ryan doesn't achieve this through brutal budget cuts. Quite the contrary.

Under Ryan's budget, federal spending would increase from \$3.6 trillion today to \$4.9 trillion 10 years from now. That's an average annual rate of increase of around 3 percent. Hardly a starvation diet.

What is the alternative to Ryan's plan to get the federal government out of the red zone on debt and deficits? It certainly isn't President Barack Obama's budget.

Under Obama's budget, the annual deficit wouldn't get under 3 percent of GDP until 2017. That would mean eight consecutive years of exceeding the deficit speed limit. That's not a country in control of its finances.

Under Obama's budget, the country would never get below 100 percent of GDP in terms of total debt. After 10 years, the country would still be deep in the red zone.

Rather than increase federal spending to \$4.9 trillion over 10 years, Obama would increase it to \$5.8 trillion—or nearly 5 percent a year, compared with Ryan's 3 percent.

Obama's tax increases aren't really to reduce the deficit, as he claims. They are to support his higher rate of growth in spending.

Right now, there's not a political urgency to do something meaningful about debt and deficits because the federal government can borrow a seemingly unlimited amount of money at very low interest rates.

But that could change. And it could change overnight. And if it changes, the federal government will have to take action much more drastic and quicker than the relatively gentle and gradual pathway provided by the Ryan budget.

The most controversial parts of the Ryan budget—tax reform and Medicare reform—are actually irrelevant to the task of getting out of the red zone for debt and deficits. The tax reform is intended to be revenue-neutral. The Medicare reform doesn't kick in until after the 10-year planning horizon of the budget resolution. It's intended to reduce the debt problem of the future, not get us out of our current hole.

If Democrats were serious about doing something about debt, there would be room for discussion about changes to the Ryan blueprint. The Simpson-Bowles Commission proposed tax reform similar to what Ryan advocates, lower rates on a broader base, but in a way that increases revenues to the government. Ryan proposes spending \$440 billion more on defense over 10 years than does Obama. The relative allocations within the Ryan spending limits are certainly arguable.

But Democrats aren't serious, so the Ryan budget is the only current alternative to just waiting for the credit markets to start saying no. If that day arrives, the Ryan plan will look awfully lovely in retrospect.

HEALTH CARE

Mr. KYL. Mr. President, as we know, today the Supreme Court began hearing arguments about the constitutionality of the affordable care act. It is one of the most critically important Supreme Court cases of our time. A Wall Street Journal editorial noted last Friday:

Few legal cases in the modern era are as consequential, or as defining, as the challenges to [this law]. . . . The powers that the Obama administration is claiming change the structure of the American government as it has existed for 225 years. . . . The Constitutional questions the Affordable Care Act poses are great, novel, and grave.

The editorial, entitled "Liberty and ObamaCare," lays out the constitutional problems with the affordable health care act and focuses on the bill's centerpiece: the individual mandate to purchase health insurance. As the editorial notes, the case against this provision is anchored in ample constitutional precedent, and I quote their conclusion:

The Commerce Clause that the government invokes to defend such regulation has always applied to commercial and economic transactions, not to individuals as members of society. . . . The Court has never held that the Commerce Clause is an ad hoc license for anything the government wants to do.

I urge my colleagues to read this article, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Wall Street Journal, Mar. 22, 2012]

LIBERTY AND OBAMACARE

Few legal cases in the modern era are as consequential, or as defining, as the challenges to the Patient Protection and Affordable Care Act that the Supreme Court hears beginning Monday. The powers that the Obama Administration is claiming change the structure of the American government as it has existed for 225 years. Thus has the health-care law provoked an unprecedented and unnecessary constitutional showdown that endangers individual liberty.

It is a remarkable moment. The High Court has scheduled the longest oral arguments in nearly a half-century: five and a half hours, spread over three days. Yet Democrats, the liberal legal establishment and the press corps spent most of 2010 and 2011 deriding the government of limited and enumerated powers of Article I as a quaint artifact of the 18th century. Now even President Obama and his staff seem to grasp their constitutional gamble.

Consider a White House strategy memo that leaked this month, revealing that senior Administration officials are coordinating with liberal advocacy groups to pressure the Court. "Frame the Supreme Court oral arguments in terms of real people and real benefits that would be lost if the law were overturned," the memo notes, rather than "the individual responsibility piece of the law and the legal precedence [sic]." Those non-political details are merely what "lawyers will be talking about."

The White House is even organizing demonstrations during the proceedings, including a “‘prayerful witness’ encircling the Supreme Court.” The executive branch is supposed to speak to the Court through the Solicitor General, not agitprop and crowds in the streets.

The Supreme Court will not be ruling about matters of partisan conviction, or the President’s re-election campaign, or even about health care at all. The lawsuit filed by 26 states and the National Federation of Independent Business is about the outer boundaries of federal power and the architecture of the U.S. political system.

The argument against the individual mandate—the requirement that everyone buy health insurance or pay a penalty—is carefully anchored in constitutional precedent and American history. The Commerce Clause that the government invokes to defend such regulation has always applied to commercial and economic transactions, not to individuals as members of society.

This distinction is crucial. The health-care and health-insurance markets are classic interstate commerce. The federal government can regulate broadly—though not without limit—and it has. It could even mandate that people use insurance to purchase the services of doctors and hospitals, because then it would be regulating market participation. But with *ObamaCare* the government is asserting for the first time that it can compel people to enter those markets, and only then to regulate how they consume health care and health insurance. In a word, the government is claiming it can create commerce so it has something to regulate.

This is another way of describing plenary police powers—regulations of private behavior to advance public order and welfare. The problem is that with two explicit exceptions (military conscription and jury duty) the Constitution withholds such power from a central government and vests that authority in the states. It is a black-letter axiom: Congress and the President can make rules for actions and objects; states can make rules for citizens.

The framers feared arbitrary and centralized power, so they designed the federalist system—which predates the Bill of Rights—to diffuse and limit power and to guarantee accountability. Upholding the *ObamaCare* mandate requires a vision on the Commerce Clause so broad that it would erase dual sovereignty and extend the new reach of federal general police powers into every sphere of what used to be individual autonomy.

These federalist protections have endured despite the shifting definition and scope of interstate commerce and activities that substantially affect it. The Commerce Clause was initially seen as a modest power, meant to eliminate the interstate tariffs that prevailed under the Articles of Confederation. James Madison noted in *Federalist* No. 45 that it was “an addition which few oppose, and from which no apprehensions are entertained.” The Father of the Constitution also noted that the powers of the states are “numerous and infinite” while the federal government’s are “few and defined.”

That view changed in the New Deal era as the Supreme Court blessed the expansive powers of federal economic regulation understood today. A famous 1942 ruling, *Wickard v. Filburn*, held that Congress could regulate growing wheat for personal consumption because in the aggregate such farming would affect interstate wheat prices. The Court reaffirmed that precedent as recently as 2005, in *Gonzales v. Raich*, regarding homegrown marijuana.

The Court, however, has never held that the Commerce Clause is an ad hoc license for anything the government wants to do. In 1995, in *Lopez*, it gave the clause more definition by striking down a Congressional ban on carrying guns near schools, which didn’t rise to the level of influencing interstate commerce. It did the same in 2000, in *Morrison*, about a federal violence against women statute.

A thread that runs through all these cases is that the Court has always required some limiting principle that is meaningful and can be enforced by the legal system. As the Affordable Care Act suits have ascended through the courts, the Justice Department has been repeatedly asked to articulate some benchmark that distinguishes this specific individual mandate from some other purchase mandate that would be unconstitutional. Justice has tried and failed, because a limiting principle does not exist.

The best the government can do is to claim that health care is unique. It is not. Other industries also have high costs that mean buyers and sellers risk potentially catastrophic expenses—think of housing, or credit-card debt. Health costs are unpredictable—but all markets are inherently unpredictable. The uninsured can make insurance pools more expensive and transfer their costs to those with coverage—though then again, similar cost-shifting is the foundation of bankruptcy law.

The reality is that every decision not to buy some good or service has some effect on the interstate market for that good or service. The government is asserting that because there are ultimate economic consequences it has the power to control the most basic decisions about how people spend their own money in their day-to-day lives. The next steps on this outbound train could be mortgages, college tuition, credit, investment, saving for retirement, Treasuries, and who knows what else.

Confronted with these concerns, the Administration has echoed Nancy Pelosi when she was asked if the individual mandate was constitutional: “Are you serious?” The political class, the Administration says, would never abuse police powers to create the proverbial broccoli mandate or force people to buy a U.S.-made car.

But who could have predicted that the government would pass a health plan mandate that is opposed by two of three voters? The argument is self-refuting, and it shows why upholding the rule of law and defending the structural checks and balances of the separation of powers is more vital than ever.

Another Administration fallback is the Constitution’s Necessary and Proper Clause, which says Congress can pass laws to execute its other powers. Yet the Court has never hesitated to strike down laws that are not based on an enumerated power even if they’re part of an otherwise proper scheme. This clause isn’t some ticket to justify inherently unconstitutional actions.

In this context, the Administration says the individual mandate is necessary so that the Affordable Care Act’s other regulations “work.” Those regulations make insurance more expensive. So the younger and healthier must buy insurance that they may not need or want to cross-subsidize the older and sicker who are likely to need costly care. But that doesn’t make the other regulations more “effective.” The individual mandate is meant to offset their intended financial effects.

Some good-faith critics have also warned that overturning the law would amount to

conservative “judicial activism,” saying that the dispute is only political. This is reductive reasoning. Laws obey the Constitution or they don’t. The courts ought to defer to the will of lawmakers who pass bills and the Presidents who sign them, except when those bills violate the founding document.

As for respect of the democratic process, there are plenty of ordinary, perfectly constitutional ways the Obama Democrats could have reformed health care and achieved the same result. They could have raised taxes to fund national health care or to make direct cross-subsidy transfers to sick people. They chose not to avail themselves of those options because they’d be politically unpopular. The individual mandate was in that sense a deliberate evasion of the accountability the Constitution’s separation of powers is meant to protect.

Meanwhile, some on the right are treating this case as a libertarian seminar and rooting for the end of the New Deal precedents. But the Court need not abridge *stare decisis* and the plaintiffs are not asking it to do so. The Great Depression farmer in *Wickard*, Roscoe Filburn, was prohibited from growing wheat, and that ban, however unwise, could be reinstated today. Even during the New Deal the government never claimed that nonconsumers of wheat were affecting interstate wheat prices, or contemplated forcing everyone to buy wheat in order to do so.

The crux of the matter is that by arrogating to itself plenary police powers, the government crossed a line that Justice Anthony Kennedy drew in his *Lopez* concurrence. The “federal balance,” he wrote, “is too essential a part of our constitutional structure and plays too vital a role in securing freedom for us to admit inability to intervene when one or the other level of government has tipped the scale too far.”

The constitutional questions the Affordable Care Act poses are great, novel and grave, as much today as they were when they were first posed in an op-ed on these pages by the Washington lawyers David Rivkin and Lee Casey on September 18, 2009. The appellate circuits are split, as are legal experts of all interpretative persuasions.

The Obama Administration and its allies are already planning to attack the Court’s credibility and legitimacy if it overturns the Affordable Care Act. They will claim it is a purely political decision, but this should not sway the Justices any more than should the law’s unpopularity with the public.

The stakes are much larger than one law or one President. It is not an exaggeration to say that the Supreme Court’s answers may constitute a hinge in the history of American liberty and limited and enumerated government. The Justices must decide if those principles still mean something.

Mr. KYL. Finally, continuing on the point about the argument on *ObamaCare* and referring to a different piece that appeared in the *Wall Street Journal*, I wanted to talk just a little bit in more detail about the justification of this mandate to purchase health insurance, the requirement that every individual in the United States be the recipient of a specifically defined policy by the U.S. Government.

The rationale the government has provided is that if we do not do this, then free riders or people who do not have insurance but might get sick will end up shifting all of the burden of their care onto the rest of us, and

therefore the government needs to regulate that by forcing everybody to buy insurance. On March 20 the Journal published a piece by Douglas Holtz-Eakin and Vernon Smith, a former CBO Director and an economics professor, respectively, which I think really debunks this argument on the merits. It explains the real reason this mandate, as well as a dramatic expansion of Medicaid, is unconstitutional. I just wanted to highlight the points they make.

First, Holtz-Eakin and Smith address this individual mandate question. States, of course, have general police power to regulate the conduct of their citizens, but Federal power, by contrast, is very limited over individuals.

The authors make the important point that health care policy has traditionally been a State function. Health care needs relate to individuals and vary from person to person and region to region. As a policy matter, States have a better understanding of what kind of improvements to health care access are needed.

Here is what they wrote:

The administration's attempt to fashion a singular, universal solution is not necessary to deal with the variegated issues arising in these markets. States have taken the lead in past reform efforts. They should be an integral part of improving the functioning of health-care and health-insurance markets.

If the States have the legal power to address health issues and are better equipped to do so, then where does the justification for Federal jurisdiction come from? The authors note that the administration's argument is that the Federal Government mandate is needed to address the cost-shifting, the thing I talked about before. But they note that this is a red herring. "In reality," the authors write, "the mandate has almost nothing to do with cost-shifting." That is because, in actuality, the young and the healthy—the people who are not buying health insurance—aren't imposing much of a burden on the system because they do not get sick that often. They do not need as much insurance because they do not need as much health care. The authors say that "the insurance mandate cannot reasonably be justified on the ground that it remedies costs imposed on the system by the voluntarily uninsured." In other words, as I said, there is not that much free-riding going on.

The authors conclude that the real purpose of the mandate is not to decrease the costs of uncompensated care, it is meant to force the young and the healthy to buy health insurance at rates far above the amount and scope of coverage they actually need because they are generally healthy individuals. But this extra money will help fund health insurance companies and therefore offset the huge increased costs imposed upon them by ObamaCare's many new regulations. This is the real reason

for the individual mandate. In fact, as an amicus brief by over 100 economists points out, "The [Affordable Care] Act is projected to impose total net costs of \$360 billion on health insurance companies from 2012 to 2021." With the mandates, however, "insurance companies can be expected to essentially break even." This is no coincidence.

If this is the real justification for the mandate to purchase health care, I submit it should have been done through an enumerated power—perhaps under the tax power of the Federal Government, which is at least one of the powers the Constitution explicitly provides.

In any event, this individual mandate cannot be justified to regulate interstate commerce. The supporters of the mandate have therefore introduced a second argument. They say health care is just different from all other commerce. It is bigger. Everybody has to have health care—as if they did not have to have food on the table or shelter over their head or clothes on their back and so on. In any event, they say health care is different and somehow this difference gives Congress the right to force people to buy government-mandated health insurance under its power to regulate interstate commerce. But the argument that "this particular market is just different" is beside the point even if it were true because it does not articulate a constitutional limitation that is judicially enforceable.

The question before the Court is whether there is any limit to Congress's power to regulate commerce. Obviously, the Framers would never have countenanced a Federal requirement to purchase a product so that the government could then regulate it. So what limit on constitutional power is suggested by the health care market? None. That is precisely the point. The government cannot draw a line, and, as a result, it would have to argue that there is no limit to its powers, and that, of course, would run counter to the reason the Framers put limitations into the Constitution.

The individual mandate is not the only provision in ObamaCare that is constitutionally impermissible. The Medicaid expansion is also violative. While Congress has well-established power to use its purse strings to encourage the States to adopt certain Federal policies, it cannot force them or compel them to do so. ObamaCare's Medicaid expansion essentially coerces the States into complying with new Medicaid policies.

This occurs in two different ways. First, if a State does not comply with the ObamaCare eligibility expansion, it would lose all of its Federal Medicaid funds—even for patient populations that the State had already covered long before ObamaCare was passed. Few if any States would be able to con-

tinue their existing Medicaid Programs if they lost all of this Federal funding.

An amicus brief signed by over 100 economists examined Medicaid data to determine the economic impact of States losing all of their Medicaid funds, and it found that if States were forced to absorb Federal Medicaid expenditures into their own State budgets, "the State's total budgetary expenditures would jump by 22.5 percent." In other words, there is no real choice. The options for States are to do as the Federal Government says or leave Medicaid, which by now is so engrained in the care for the indigent that unwinding it, in effect, disentangling it from existing Federal-State relationships, would be virtually impossible and would obviously jeopardize care for the population without other health coverage. This is coercion, plain and simple. It is unconstitutional.

Second, ObamaCare expands Medicaid eligibility to everyone under 138 percent of the Federal poverty level. For individuals who make less than 138 percent of the poverty level, ObamaCare provides no means for complying with the individual mandate other than enrolling in Medicaid. In their brief to the Supreme Court, the States suing over the Medicaid expansion said it best:

When Congress mandates that Medicaid-eligible individuals maintain insurance, but provides no alternative means for them to obtain it, it is impossible to label the States' participation in Medicaid voluntary.

If it is the only way someone can get it, it is not voluntary.

Well, ObamaCare, as a whole, cannot survive without these unconstitutional provisions, and these are the reasons I believe it will and can be struck down as unconstitutional.

MISSILE DEFENSE

Mr. KYL. Mr. President, the last subject I would like to comment on is an unrelated subject. It has to do with comments the President was overheard making in a meeting he was holding with Russian President Dmitri Medvedev at the Nuclear Security Summit in South Korea. He had a hot mike which captured comments he was making privately to President Medvedev. He requested a little space, as he put it, in negotiations over missile defense issues until after the election when he said he would have more flexibility.

Well, obviously, this presents a problem that is going to have to be discussed with the Congress because if the President is, in effect, saying he would like to make a deal to limit U.S. missile defenses now, but he would be accountable to the American public if they became aware of it before his reelection bid, it would be very difficult for him to make the kind of concessions that President Medvedev wants.

But if the Russian President would just wait until after the next election, then the President will have more flexibility to work with the Russians on what they want.

Well, President Medvedev very helpfully said: I will pass this on to Vladimir.

Here are a few things we know: We know President Obama canceled plans to station antiballistic defense systems in Poland and the Czech Republic. We know the President supported language in a new START treaty to link missile defense to nuclear reduction. We know the administration is sharing information with Russia, including plans to deploy missile defenses in Europe. We know the President has significantly reduced funding for and curtailed development of the U.S. national missile defense system, undermining our ability to effectively intercept long-range ballistic missiles, and we know the President has doubled down on efforts to reduce our nuclear arsenal while failing to honor his promises to modernize the aging nuclear weapon complex.

What we don't know is what President Obama has in mind for working with the Russians after his reelection when he would—as he put it—have some flexibility in negotiating with them. Perhaps the Russians in whom the President confided could shed some light on missile defense plans. Then perhaps the President should shed that light on these negotiations with the American people before discussing them with the Russians.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FACING THE ISSUES

Mr. McCONNELL. Mr. President, as Americans filled up their cars with gas this weekend, I am sure a lot of them wondered how much higher gas prices could actually go. Well, today the Democratic-controlled Senate plans to send these folks a message: If they had their way, gas prices would be even higher.

Today Democrats will propose raising taxes on America's energy manufacturers, something common sense and basic economics tell us will lead to even higher prices at the pump. This is the Democratic response to high gas prices, and, frankly, I cannot think of a better way to illustrate how completely and totally out of touch they are on this issue. That is why Republicans plan to support moving forward on a debate over the legislation because it is a debate the country deserves.

We are going to use this opportunity to explain how out of touch Democrats are on high gas prices and put a spotlight on the commonsense ideas Republicans have been urging for years—ideas that reflect our genuine commitment to the kind of “all of the above” approach the President claims to support but actually doesn't.

Look, this isn't terribly complicated. Americans from Maine to California are frustrated at high gas prices. What do they see in Washington? They see Democrats pushing legislation that even they admit doesn't have a thing to do with lowering gas prices. At least seven Democrats are on record saying this bill doesn't do a thing to lower gas prices. Last year its own sponsor said nobody has made the claim this is about reducing gas prices—all of which raises an obvious question: What are we doing it for? How does this help the American people now?

Of course it doesn't. In response to record-high gas prices, Democrats in Congress want to raise taxes on the very people who produce it. Meanwhile the President is blocking a pipeline that would decrease our dependence on Middle East oil and create literally thousands of American jobs.

Americans see the Democratic response to high gas prices to make them even worse. That is the Democrats' response to high gas prices, to make them even worse. They are starting to wonder if this might as well be the Democrats' official slogan: Vote for us, and we will make things worse. Because whether it is jobs or debt or spending or gas prices, that is the Democratic record, which leads me to health care.

Today, as we all know, the Supreme Court began hearing arguments on the President's health care law. Among other things, the Court will consider whether the mandate at the core of this law is constitutional. As one of the many public officials who filed a brief before the Court opposing this law, I believe strongly the law is, in fact, unconstitutional, and I hope the Court agrees.

Even if the Court ends up disagreeing with me, the case for repeal becomes increasingly difficult to refute. The President was right to seek reform, but the bill he gave us and the Democrats forced through Congress on a party-line vote is not working. Instead of lowering costs, it is increasing them. Instead of strengthening Medicare, it raided Medicare. Instead of helping States, it has created financial burdens they cannot even bear. Instead of lowering insurance premiums, it has caused them actually to go up.

When it comes to jobs, some have called the law the single biggest detriment to job creation in America right now, and most Americans believe it is unconstitutional. This law is a mess, an absolute mess, and regardless of

what the Court decides, it needs to be repealed and replaced with commonsense reforms that actually lower costs and that Americans really want.

So we will keep one eye on the Supreme Court this week, and we are basing our opinion on something simpler than the legal arguments we will hear this week. We are looking at whether this law helped or hurt. On that question the verdict is already in, just like so much else this President has done over the past few years.

Look, we need health care reform, but this law has made things worse. On that basis alone it should be repealed and replaced. That is what Americans want, and that is what we plan to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

OIL MARKET SPECULATION

Mr. LEVIN. Mr. President, once again, oil prices have spiked to high levels threatening our economic recovery. Prices are now nearing \$110 a barrel, up nearly 30 percent since October 2011, only 5 months ago. For years now the commodity markets have taken the American people on an expensive and damaging roller coaster ride with rapidly changing prices for crude oil.

In 2007, a barrel of crude oil started out costing \$50 a barrel. By the end of the year, the price had nearly doubled. In 2008, oil prices shot up in July to nearly \$150 a barrel, and then by the end of the year crashed to \$35. In the beginning of 2011, oil prices took off again, climbing to over \$110 per barrel in May. Then they began falling. In October oil traded at \$75 per barrel, a drop of more than 30 percent over 4 months.

Now 5 months later oil prices are back up to nearly \$110 a barrel. This unpredictable and incessant price volatility is burdening American consumers and businesses with both uncertainty and expense.

Some in the media are blaming recent events in the Middle East for the latest oil price spikes, but Middle East instability cannot explain these large gyrations. We have seen uncertainty, unrest, and armed conflict in that region for more than 50 years without seeing this same pattern of extreme price volatility in oil prices. That volatility has become a feature of U.S. oil markets over the last 7 years.

There is something else at work behind the spikes and sudden drops in the price of oil and other commodities in recent years, and we have strong evidence showing what it is. It is the increasing role of market speculators betting on price swings.

For years now the Permanent Subcommittee on Investigations, which I chair, has been digging into the problem of excessive speculation in the commodity markets. Since 2002, the

subcommittee has conducted a series of investigations into commodities pricing, in particular focusing on how speculators have changed the game. Our investigations have used specific case histories involving oil, natural gas, and wheat prices to show how excessive speculation in the futures and swaps markets have distorted prices, overwhelmed normal supply-and-demand factors, and pushed up prices at the expense of consumers and American businesses.

For example, in 2006 the subcommittee released a report that found that billions of dollars of commodity index trading by speculators in the crude oil market had helped push up futures prices in 2006, causing a corresponding increase in cash prices and was responsible for an estimated \$20 out of the then \$70 cost for a barrel of oil. Since then even more speculators have entered the commodities markets. Today we have commodity index traders, exchange-traded products, even mutual funds betting billions of dollars on crude oil prices on a daily basis.

Speculators have now come to dominate our futures and swaps markets, overwhelming the commercial users and producers who use and need these markets to set fair prices and hedge risks.

At a November hearing before my subcommittee, the Chairman of the Commodity Futures Trading Commission, Gary Gensler, testified that over 80 percent of the outstanding futures contracts for crude oil are now held by speculators. That fact is new, it is significant, and we cannot ignore it.

It used to be that prices were determined primarily by fundamental market forces of supply and demand for physical commodities. When commodities were tight and demand high, prices generally went up. In contrast, when supplies were ample and demand low, prices generally went down. Nowadays that relationship is largely absent.

Here are some startling facts from recent press and government reports that show how U.S. crude oil prices today have become disconnected to supply and demand. First is the fact that the United States has ample oil supplies in the neighborhood of 350 million barrels in storage, which is toward the higher range since 2008. World supplies are also adequate with the Saudi Arabian oil minister recently stating that world supplies are stronger today than they were 4 years ago in 2008.

In addition, the United States is producing more domestic oil than it has in years. In 2010, U.S. domestic crude oil production increased to 5.5 million barrels per day, up from 5.1 million barrels in 2007, and is still climbing. In 2011, overall U.S. refining capacity also increased. Perhaps most surprising of all in 2011, for the first time since 1949, the

United States exported more gasoline, diesel, and other petroleum products than it imported. The United States is projected to do the same in 2012 and 2013. At the same time U.S. oil supplies stayed steady and production increased, U.S. demand went down. In 2011, U.S. fuel consumption actually sank and oil demand in North America contracted by 0.5 percent. Some of that drop was due to lower economic activity, some to greater energy efficiencies, and some to higher energy costs.

For example, U.S. demand for gasoline sank nearly 3 percent last year. More broadly, in 2011, total U.S. demand for all types of oil products fell to 18.8 million barrels a day, from 20.8 million barrels a day in 2005. That is a drop of 10 percent. The end result is that over the last year oil demand was down and supply was up in the United States. Under normal economic conditions, both factors should have led to lower oil prices. Instead, despite steady or improving oil supplies and steady or dropping demand, U.S. crude oil prices became more like a roller coaster than ever.

What explains the price volatility and escalation? The answer is pretty clear to me after 10 years of investigations by our subcommittee: It is the large amount of speculation in oil markets which is a major contributing factor to high prices. Speculators who now comprise more than 80 percent of the U.S. futures oil market are bidding on contracts, speculating on price swings, and helping to drive up price volatility and crude oil prices. Higher crude oil prices translate directly into higher gasoline prices. According to a February 27, 2012 article in *Forbes* magazine citing a recent report by Goldman Sachs, oil speculation “translates out into a premium for gasoline at the pump of 56 cents a gallon.” In other words, speculation is adding 56 cents to the price of each gallon of gas bought at the pump.

Here is a Reuters chart that uses CFTC data. It focuses on the crude oil holdings of speculators, the group of traders that the CFTC refers to as “managed money” and which includes commodity index funds, hedge funds, commodity pool operators, and commodity trading advisers. The chart uses CFTC data to track the ratio of their long to short crude oil futures holdings over time. Last month, there was a spike, way over here to the right. Speculators held more longs than shorts by a 12-to-1 ratio, the largest recorded difference in 5 years. That same week, U.S. crude prices hit a 9-month high of \$110. And it is no surprise that when more than 80 percent of the market suddenly bets 12 to 1 on prices going up, oil prices do just this.

As we can see from this chart, these spikes occurred in the last year or two. Before that, we did not have the spikes.

Before this, there was this huge amount of speculation in the oil futures market and we did not have these large spikes which we have had in the last few years.

The reality is that oil prices again are not just affected by physical supply and demand but by speculative pressures on prices. That means if we are to get a handle on oil prices, excessive speculation must be curbed. There is a lot we can do to combat excessive speculation, and I will spell out some of these steps.

Congress has already taken the first steps. In July 2010, Congress enacted the Dodd-Frank Act which, in Section 737, directed the CFTC to establish speculative position limits on energy and other previously exempted commodities, and broadened CFTC authority to apply those limits to all types of commodity-related instruments, including futures, options, and swaps. The Dodd-Frank Act also required all large commodity traders to begin reporting their trades in real time to a central repository, increasing transparency, producing new detailed trading data, and strengthening regulatory oversight.

In November 2011, in compliance with the Dodd-Frank requirements, the CFTC issued a new position limits rule. The rule sets limits that are not as tough as they should be, but the real problem is that they are not yet fully in force. That means this important new tool to clamp down on excessive speculation lies dormant.

One big roadblock is that, within a month of the rule's issuance, the financial industry filed a lawsuit to stop it from taking effect. The lawsuit claims Dodd-Frank didn't require the CFTC to impose position limits, although those of us in the Senate who fought for the law know position limits were made mandatory by Dodd-Frank and were regarded as vital to curbing excessive speculation. The court is considering the case now and hopefully will not allow the lawsuit to delay or thwart the legal protections needed to stop American families and businesses from being whipsawed by excessive speculation in oil and other commodities.

In the meantime, what should Congress do? First, we should stop pretending that \$110 per barrel of oil is caused solely by Mideast unrest or physical supply and demand factors, and acknowledge a major contributing role played by speculators in crude oil prices. Second, we ought to urge the CFTC to find that current U.S. oil prices, which do not reflect physical supply and demand factors, are evidence of a severe market disturbance. That finding would allow the CFTC to exercise its emergency authority, without waiting any longer, to clamp down on excessive speculation in the oil markets. Among other options, the CFTC could tighten position limits for oil

traders, make those limits immediately effective in the futures, options, and swap markets, strengthen margin requirements, and take other actions needed to bring oil prices back into alignment with supply and demand.

Third, on a longer term basis, we should revamp the rules that enable commodity index traders, exchange traded products, and mutual funds to flood U.S. commodity markets with speculative bets on commodities to the detriment of American families and businesses. Legislation is needed to require the SEC and CFTC to impose joint registration and reporting obligations for traders that use securities to gain exposure in commodities, joint regulation of hybrid products that combine securities and commodities trading, and increased margin and capital requirements for risky speculative bets. The Internal Revenue Service needs to stop allowing mutual funds to use phony offshore corporations to circumvent a longstanding 10 percent limit on their commodity investments. Additional restrictions on commodity index trading should also be considered, since it is the largest root cause of modern day excessive speculation.

Finally, we should ask more of the President's task force on commodity speculation. In March 2011, a year ago, Senator JACK REED and I sent a letter asking President Obama to convene a task force to investigate and combat excessive speculation and manipulation of oil prices. While the Attorney General did convene a task force, it has concentrated principally on detecting a few cases of alleged criminal activity, instead of tackling the broader issue of excessive speculation cases in which no one is committing a crime, but aggregate commodity trading tactics are driving up prices and price volatility to the point where they damage the U.S. economy. The task force needs to urgently refocus and bring its firepower to the battle to stop excessive speculation.

In closing, until we limit excessive speculation in commodity markets, the American economy will continue to be vulnerable to violent price swings and American consumers and businesses will continue to be whipsawed by oil prices unconnected to actual supply and demand. American families cannot afford the current price of oil and gas and neither can our economy, which, after 4 years, is beginning to turn a corner toward real growth. Today's prices—\$110 for a barrel of oil and \$4 for a gallon of gasoline—are a clarion call to action that Congress and the CFTC ignore at the Nation's peril.

Mr. President, I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

HEALTH CARE

Mr. COATS. Mr. President, this past Friday marked the 2-year anniversary of when the president's health care law, the affordable care act, otherwise known as ObamaCare, was signed in to law. I wasn't in the Senate at the time; I was actually in the State of Indiana campaigning to be in the Senate as a representative of that State. As such, I had spent a considerable amount of time crisscrossing the State and talking to Hoosiers about the health care plan. From diners and restaurants all across Indiana to small businesses, large businesses, medium-size businesses, big industrial giants, small mom-and-pop operations, medical providers, and ordinary citizens, we in Indiana join the nearly two-thirds—or perhaps even more than two-thirds—of the country that oppose this law.

Hoosiers didn't then, and they don't now, want to have a one-size-fits-all nationalized health care system. They want a healthier health care system. They want reforms to the current problems and excessive rising costs of health care. This is the first of many attempts I will make to discuss why we need to address this law, which is moving toward ever and ever greater implementation and particularly kicks in over the next two years. Hoosiers, as I said, did not want the plan then and they don't want it now. They don't want to have Federal bureaucrats making their health care decisions for them. They want less government intervention and higher quality of care, and they don't want a health care system that increases costs and premiums while hurting job creators with fines and penalties. They want affordable care and good job opportunities.

Two years after passage of that act, I continue to hear these messages from the people of Indiana and from others as we discover more and more information about what is contained in this massive 2,700-page bill that was passed in early 2010. I wish to discuss a few of the impacts of the ObamaCare law today. The first is the individual mandate, and of course that is one of the issues the Supreme Court is hearing right now and will be making a determination on.

ObamaCare is the biggest example of government intrusion in the everyday lives of Americans, whether by forcing individuals to buy health insurance, enacting onerous regulations on small businesses, or by raising taxes and imposing penalties. The health care law forces every American to purchase a health insurance plan or, if they choose not to do so, to pay the government a fine. This is unprecedented in American history. It is the first time the Federal Government is forcing citizens to purchase a product or a service they may or may not want or pay a fine for their decision to say no.

This administration basically is saying to Americans: We know what is

better for you than you know for yourself. We know what is better for you than what your doctor suggests is needed, and if you don't get a government-approved health care plan, we are going to assess you a fine.

That is a basic, fundamental principle of constitutional law and the Supreme Court will be making that determination. But I suggest that this Congress needs to continue to debate this and be prepared to act depending on what the Supreme Court decision is, which will come down several months from now.

The second thing I wish to talk about briefly is the higher costs that emanate from this particular piece of legislation. In addition to mandating that all Americans have health insurance, ObamaCare hits individuals and families with increased costs at higher premiums. The Nation's nonpartisan budget experts at the Congressional Budget Office estimate that when fully implemented, this law will increase insurance premiums on a family policy by an average of \$2,100 a year. Therefore, the affordable care act is hardly affordable and increases the already high premiums people have to pay for insurance.

The President's own Chief Actuary at the Center for Medicare Services reported that the law will increase national health care costs by \$311 billion in the first 10 years alone—*increase* is the key word here. The goal of reforming the Nation's health care system initially was to reduce the skyrocketing costs for Americans, not increase them. Yet, we are now being told by the experts and the President's own people that Obamacare will increase costs.

I also wish to speak about the impact of this law on businesses. I talked to dozens if not hundreds of businesses across the State of Indiana, both in the campaign year of 2010 and then last year traveling as a Senator throughout the State. The President's health care prescription results in bad side effects for American businesses by hitting job creators with new taxes and new regulations that they desperately don't need at this point in our struggle to regain economic growth. Take the employer mandate. The law penalizes businesses that do not provide employees with government-approved health care plans. Beginning in 2014, American businesses with more than 50 employees will be fined \$2,000 per employee if they do not offer a health insurance plan approved by the Federal Government.

I have talked to a number of business people who have gone through painful negotiations with their workers and with their laborers and with staff. They have put together a health care plan that is accepted by both management and by employees who recognize that if they cannot maintain some

semblance of control over costs, the jobs might not be available in the future because the company cannot afford to keep people at work. So in recognition of all of this negotiation that goes on and the contractual obligations that both sides work to achieve, understanding that if the business is hit with too much tax and too many regulations the business may not survive, those plans now come under the scrutiny of the Federal Government, and the Federal Government will determine whether those plans are sufficient and adequate. If it determines they are not, then a fine is levied against the business.

I cannot tell my colleagues how many business people told me: Look, I would rather pay the fine than have the government impose all of these new regulations on us when we are working carefully with each employee to make sure they have their basic insurance needs covered. Yet, if we are forced into a set plan of set procedures for every employee, then I have two choices, the business people say: I can either refuse to do so and pay the penalty of about \$2,000 per employee, or I can let people go. The bottom line is, if I can't make my bottom line, I cannot keep these people employed.

The arbitrarily fixed basis that small businesses under 50 employees will not be subject to this leaves manufacturers and business people who are slightly below that level—say at 45 or 40 or 35—a dilemma as they are seeking to expand their business. “As soon as I hire No. 50, then my business is no longer exempt. So what do I do? I freeze out hiring more people and look to double up people's salaries or put people on overtime.” At a time when we have over 12 million people looking for a job and millions of people underworked or working two and three part-time jobs to make ends meet, we are imposing this law on them. It could not have come at a worse time.

Then there is a medical device tax and several other taxes that are included in this bill that we continue to find as we read the fine print.

Indiana is a State that is home to a lot of medical device manufacturers. In fact, there are over 300 registered medical device manufacturers that employ 20,000 Hoosiers in the State of Indiana and another 28,000 people who benefit from that employment. There are more than 400,000 workers employed nationwide by this industry.

So what did the ObamaCare plan propose? Well, we need some pay-fors. To pay for the law, the administration decided to impose a 2.3 percent tax on these medical device manufacturers.

The PRESIDING OFFICER (Mr. TESTER). The Senator's time has expired.

Mr. COATS. Mr. President, I sense I am approaching a deadline in time. I am wondering if I could, with the con-

sent of my colleague, ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Thank you, Mr. President.

These medical device manufacturers are employing people at an average rate of about 41 percent greater than the average worker rate of pay in my State, so these are desired jobs. But, again, employers and manufacturers of medical devices are telling me they are being forced to go overseas because of the burden of regulation and a tax that has nothing to do with the essential program of the health care plan.

That is not the only tax that is imposed in this law. There are many hidden taxes here that we are just learning about. Let me name five: the excise tax on charitable hospitals; the drug industry tax, separate from medical devices; the health insurance industry tax; the insurer excise tax; and a Blue Cross-Blue Shield tax hike.

The Joint Committee on Taxation found that the health care law imposes more than \$550 billion in new taxes and penalties, most of which will fall on the middle class.

Third, the impact on the State of Indiana.

ObamaCare forces States to expand Medicaid rolls so significantly that it will be imposed—and this has been talked about earlier today—upon the States in a way that can cripple their ability to try to find some balance in their budgets. In Indiana, where our budget is in far better shape than many other States, we still cannot afford the current Medicaid Program, let alone the projected new costs that will be required under the ObamaCare law.

An outside group has estimated that \$3.1 billion in new costs over the next decade will be imposed on Indiana taxpayers if the 1.5 eligible Hoosiers enroll in Medicaid as a result of this health care law. This added expense does not include any payment relief to providers and, therefore, shifts costs to patients by driving up premiums for all Hoosiers.

In conclusion, we have to ask the question: What is the remedy for this fatal disease called ObamaCare? Well, the remedy may lie with the Supreme Court. They are hearing arguments on this today, and will for the next 2 days, and we will have a decision on the constitutionality of this law by the summer. But the health care debate also, most likely, will end up back here in Congress one way or another, and that leaves us the responsibility of addressing this.

From forcing individuals to purchase insurance, to taxing successful job creators and burdening State budgets, I believe the health care law is so deeply flawed that it must be scratched and replaced with real reform, reform that lowers the cost of care, allows the doc-

tor—your doctor, not the government—to decide the kind of medical care you need, and provides flexibility to States.

Real health care reform lowers costs, it improves access to quality care, empowers individuals, and preserves personal liberties; and that is not what we have in the law that currently is on the books. So whether through congressional legislation or court action, ObamaCare needs to be overturned and replaced with commonsense provisions that put patients—not government, not bureaucrats—in charge of health care decisions.

ObamaCare has proven to be the wrong prescription, and it is time for a new treatment. Americans want reform that remedies our ailing health care system, not one that weakens it and drives it deeper and drives us deeper as a Nation into debt.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, since this is the 2-year anniversary of the passage of the health care reform law, the affordable care act, and since the Supreme Court, of course, is meeting across the street hearing various arguments attacking the legislation—they heard arguments this morning; they are going to hear arguments again tomorrow morning; and they are going to hear arguments again Wednesday morning—I believe it is a crucial time to remind all Americans why this law was needed, why it still is needed, and how it will benefit families across this country.

In my view, there is considerable confusion about what the health care reform legislation will accomplish. And I am not surprised. The opponents of the legislation have worked hard in the last couple of years trying to confuse many Americans into thinking the bill contains all kinds of nefarious provisions.

The Kaiser Family Foundation did a poll, however, that demonstrated when Americans are asked about the actual provisions that are contained in the law, there is strong bipartisan support for those reforms. So I wish to take a little time to straighten out what the provisions in the law are and how I see them impacting on our health care system.

Health care reform was needed when it was enacted 2 years ago for two important reasons. First, before reform—and even today—one in six Americans was uninsured. That number was growing, is still growing. In my home State of New Mexico, the situation was even worse. We had more than one in five people in my State uninsured. That is the second highest rate of any State in the Nation. The large majority of the uninsured are working people. They have low incomes. They cannot afford to pay the very high cost of health insurance.

The second important reason we enacted health care reform was that the cost of health care was continuing to grow at an unreasonable rate.

As you can see on this chart I have in the Chamber—this is based on data from the Centers for Medicare and Medicaid Services, Office of the Actuary—they estimate that national health expenditures per capita increased from 5 percent of gross domestic product in 1960 to 18 percent in 2010. So absent any intervention, this figure was projected to exceed 40 percent by 2080.

The affordable care act significantly improves the situation. It does not solve all the problems in our health care system, but it substantially improves the situation. Due to the affordable care act, over the next 10 years, the rate of uninsured will be reduced by more than half. That is according to the Congressional Budget Office estimate. Low-income families will be able to afford health insurance, so they will not have to worry about going broke because they get sick. The rest of America will not see their insurance premiums rise to absorb the cost of expensive hospital care when the uninsured have nowhere else to turn.

With full implementation of this law, Americans will get higher quality health care while at the same time we begin to rein in the growing costs of health care. The law does so while protecting key parts of the health care system, such as Medicare. It extends the solvency of Medicare from 2017—prior to the enactment of this legislation—to 2024. Despite claims to the contrary, these reforms are fiscally responsible. They decrease Federal health care spending by well over \$1 trillion over the next two decades.

Stated simply, the law protects the aspects of our health care system that are working well and fixes many of those aspects that are broken, and it does so in a fiscally responsible way. It achieves this through provisions that are intended to support three main goals. Let me go through those briefly.

The first of those goals is to expand coverage and ensure health insurance is affordable. The second of those goals is to improve the quality of health care. The third is to begin reining in the rapidly rising costs of health care and create efficiencies in our health care system.

Let me start with this coverage expansion under the affordable care act. Under the law people who need health care can get health insurance coverage. There is financial assistance to those who cannot afford it. According to the Congressional Budget Office's most recent projections, 93 percent of Americans will have affordable health insurance coverage by 2016 with full implementation of this act. That is 30 million more Americans who will be covered who are currently uninsured.

Some of these provisions have already taken effect and have had a significant impact. For example, young adults up to the age of 26 can now receive health insurance coverage under their parents' insurance regardless of their marital or school or employment situation. Since the implementation of this provision, 2.5 million uninsured young people across the country have gained health insurance coverage. This includes over 21,000 young people in my home State of New Mexico.

In addition, 20,000 seniors in my State who are in the so-called coverage gap for prescription drugs under Medicare are now saving on their prescription drugs because that so-called doughnut hole is decreasing in size as a result of this legislation. This is already benefiting 3.6 million seniors nationwide.

Children with preexisting conditions are no longer able to be discriminated against, and adults with preexisting conditions who cannot get insurance have the option for coverage in a high-risk pool. With full implementation of the law, those adults will be in the same circumstance as children with preexisting conditions in that they will not be able to be discriminated against.

What is more, the major coverage provisions are still to come. They begin in 2014. Medicaid will be expanded to cover more low-income Americans, those whose incomes go up to 133 percent of the Federal poverty level. This is a critical provision since experts tell us the expansion of Medicaid coverage is the most cost-effective way to provide insurance to low-income uninsured individuals and families.

Seventeen percent of the nonelderly population nationwide benefit from the Medicaid expansion and the tax credits in this legislation. In New Mexico, as well as the States of Texas and Louisiana and California, which have high rates of uninsured, the estimate is that 36 percent to 40 percent of residents could benefit.

Lower and middle-class income families will be eligible for health insurance tax credits to help purchase health insurance. While most Americans will still get health insurance through their employers, those who do not can purchase health insurance through the health insurance exchanges. These will be virtual insurance shopping malls in each State that will offer an easy-to-understand menu of options with which to compare insurance plans. So we will have informed and empowered consumers who can choose the plan that is right for them and their family. The intent of the health insurance exchange is to level the playing field, increase competition among insurers, and thereby keep rates competitive.

Contrary to much of the rhetoric we have heard, States will not shoulder the fiscal burden of this coverage ex-

pansion. Limiting costs to States was a priority when we drafted this health care reform legislation. In fact, the Federal Government commits to assume 100 percent of the cost of the Medicaid expansion for newly eligible individuals during the first 3 years, beginning in 2014. Federal contributions are going to phase down after that slightly over the following years, so that by 2020 the Federal Government will be responsible for 90 percent of the cost of those newly covered individuals.

For example, my State of New Mexico is expected to receive \$4.5 billion in 2014, 2015, and 2016, as we expand coverage to more enrollees. This will allow access to Medicaid for about 180,000 newly eligible New Mexicans.

Let me refer to this chart that is beside me. This shows the Congressional Budget Office's estimate of the expansion impact on State spending on Medicaid. As we can see, contrary to a lot of the statements that are made on the Senate floor and elsewhere, this increase is less than 3 percent. This is additional spending on expansion. It is a small fraction, 2.8 percent, of State Medicaid spending. This is for the period 2014 through 2022.

While reform expands Medicaid, it also makes it possible for some current Medicaid enrollees to become eligible to participate in the health insurance exchanges and brings them into the private market. According to the Urban Institute analysis, the net effect of enactment of the affordable care act on State budgets, in the worst case scenario, will see States realizing net budgetary savings of at least \$40 billion during the period 2014 to 2019. It is possible those gains could be as high as \$131 billion.

With respect to affordability—and I know my colleague who was just on the floor was talking about affordability—the impact on New Mexico families is a good example. On average, families in my State will see a decrease in insurance premiums, perhaps as much as 60 percent. In addition, two-thirds of New Mexicans could potentially qualify for subsidies or Medicaid, and nearly one-quarter could qualify for near full subsidies or Medicaid.

THE PRESIDING OFFICER. The Senator's time has expired.

MR. BINGAMAN. I see a colleague who wishes to speak. Therefore, I will ask unanimous consent that the balance of my statement be printed in the RECORD as if read.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. INHOFE. Does the Senator wish to continue?

MR. BINGAMAN. Mr. President, my colleague has said I could proceed for a few more minutes. Let me just—

MR. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator

from New Mexico, I be recognized for up to 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I thank my colleague from Oklahoma for his courtesy. Let me talk a little about the second and the third goals I outlined earlier.

The second goal of the affordable care act is to improve the quality of care. There is not a lot of discussion about that, but that is a main thrust of this legislation. A strong, well-trained health care workforce is essential if we are going to have quality health care in this country.

Many provisions of the bill will strengthen the health care workforce. One obvious question is, What is the need we are trying to address? Let me point out that 25 percent of the counties in the United States are designated as health care professional shortage areas. In my State, 32 of the 33 counties are designated as health care professional shortage areas. We are absolutely last. New Mexico is absolutely last in all States with regard to both access to health care and the utilization of preventive medicine.

The affordable care act contains key provisions to improve access and delivery of health care services to these areas. We train a great many additional physicians, nurses, pediatric specialists, and other health care providers. There is a major push to improve the quality of care by focusing on outcomes and effectiveness of medical treatments. All this is very positive and should have been done many years ago in this country. I am glad we are finally doing it as part of this health care reform legislation.

The third and final goal of the legislation, as I mentioned earlier, is to begin to rein in costs and eliminate waste and inefficiency. Experts agree there is a tremendous amount of waste and inefficiency in our health care system. Anyone who has gone to a hospital can see that. Estimates indicate that as much as one-third of medical care does not, in fact, improve anyone's health. I think this bears repeating. A full one-third of all dollars spent on health care in this country does not contribute to the overall health of the population.

We are trying to deal with that in a variety of ways in this legislation, to get more cost-effective treatment and to get more efficiency in our health care system.

The law provides for savings by stopping investments in so-called Cadillac insurance plans. Second, there is new transparency and accountability for insurers to justify premium increases. Third, the law requires that insurers spend at least 80 percent of the premiums they collect on actually providing medical care rather than on CEO salaries and shareholder profits and administrative costs. Fourth, the

affordable care act increases competition and price transparency through these health insurance exchanges we established. Fifth, the law establishes an independent body to recommend policies to Congress to help Medicare lower costs while providing better care. I can go into quite a discussion of the advisory board we established to try to control growth in the cost of Medicare. I think it is a very meritorious provision and one about which a great deal of bad information has been provided.

In conclusion, the facts demonstrate clearly to me that these reforms will move us forward toward more affordable health care, with greater choice for American families. We will see less waste. We will see less inefficiency in our health care system. We will see higher quality of care. We will start to bring rising health care costs under control.

These are worthy goals. They are the goals of this health care reform legislation. I look forward to seeing them achieved in the coming months and years.

Again, I thank my colleague for his courtesy in allowing me to continue longer than was planned.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

ENERGY

Mr. INHOFE. Mr. President, we are going to have a vote this afternoon. It is going to be a procedural vote. Some will be voting different ways. There is a substance behind the issue at large.

Last week, President Obama visited Cushing, OK. It may have been the first time he has ever been to Oklahoma. I do not know. He claimed that under his watch, he said, "America is producing more oil today than at any time in the last 8 years." It seems that in the midst of \$4- to \$5-a-gallon gasoline, he is trying to convince the American people he is not one to blame. Clearly, he is the one to blame.

That is why I think it is important to set the record straight. After all, it was Obama's Energy Secretary Steven Chu—we cannot forget this—who said: "Somehow we have to figure out how to boost the price of gasoline to the levels in Europe." That was his Energy Secretary who was speaking on behalf of President Obama.

So the motive is to raise the price of gas. Right now, we are almost over halfway there. We all remember the President's statement during the 2008 campaign when he said: "Under my plan, electric rates will necessarily skyrocket." His policy agenda has been in lockstep with this goal.

President Obama has had a 4-year war on fossil fuels, and now we are paying for that at the pump. As to the oil and gas taxes, nowhere has the President been more resolute in stopping oil

and gas development than in his tax proposals, every budget since he was sworn in. Now we are talking about four budgets this President has presided over. Keep in mind, when a budget is designed by a President, whether he is a Democrat or Republican, it is the President, not the Democrats, not the Republicans, not the House, not the Senate, it is the President who is responsible for that budget.

In every budget the President has called for the elimination of all tax provisions made available to the oil and gas industry. This year these tax increases totaled about \$40 billion over 10 years. So while the President was going around the country last week trying to convince everyone he is actually pro oil and gas, he laid the groundwork for Senator MENENDEZ to push a bill through the Senate to raise taxes on the industry.

Senator MENENDEZ's bill, S. 2204, proposes to either modify or outright cancel the following tax provisions for major integrated oil and gas firms. First, the section 199 manufacturer's tax deduction; secondly, intangible drilling costs, sometimes referred to as IDC; third, the percentage depletion; and, four, the foreign tax credit for oil and gas firms.

Last time we actually had a vote in the Senate on these provisions was in June of 2010. I remember it very well because that was when the distinguished Senator from Vermont Mr. SANDERS offered an amendment that would have raised taxes on oil and gas producers by \$35 billion over 10 years by repealing section 199—same thing he is trying to do—percentage depletion and IDC.

While the Menendez bill is a little different, it applies to the larger companies, those with substantial production levels. It is important to point out that the Sanders amendment—and I led the opposition to the Sanders amendment—was defeated almost 2 to 1, 35 to 61.

The President insists these tax and accounting provisions are actually subsidies, but nothing can be further from the truth. This has not been done yet, to my knowledge—been explained. It is so important people understand what these provisions are.

Section 199 is the manufacturer's tax deduction. Section 199 was added to the Tax Code as a part of President Bush's 2004 tax law. It was designed to support domestic manufacturing, and it did this by providing a 9-percent tax deduction for manufacturers, effectively lowering their tax rates from 35 to 32 percent.

The provision was phased in between 2005 and 2010. But, in 2008, something strange happened. The oil and gas industry was singled out so it could only claim a portion of that deduction. In other words, all other manufacturers of all other goods in America could claim that deduction, except oil and gas.

The Menendez proposal would repeal section 199 from major integrated oil companies. In the President's budget, a similar proposal was scored at \$11.6 billion. I am going to add all these in a minute and let everyone know why we are paying so much at the pump. What is most interesting to me about the section 199 tax deduction is that it is available to any company in the United States that creates any kind of manufactured goods here at home.

Firms that build and sell refinery equipment, airplanes, washing machines can all claim the deduction. It may be surprising, however, that the deduction is also available for movie producers—not oil and gas producers but movie producers. That is right. The American film industry can claim a deduction for making movies. So President Obama and Senator MENENDEZ are putting their Hollywood friends and movie stars ahead of an industry that makes us less reliant upon oil imports from the Middle East. There is no surprise there.

The next thing is—that was section 199. That is a manufacturer's deduction, applies to all, and benefits all manufacturers to encourage domestic manufacturing.

The second thing is intangible drilling costs, IDC. This is a little bit more complicated. But the intangible drilling costs are expenses oil and gas firms incur when they drill and prepare new wells. These costs often total between 60 and 80 percent of a well's cost. They are generally not recoverable and include things such as site preparation, labor, design.

Intangible drilling costs are firmly grounded in sound accounting principles. Every basic accounting course discusses the principles of cost recovery. It is safe that businesses should be allowed to write off their expenses from the revenue they earn to account for the cost of doing business. That is logical. No one is going to disagree with that.

When purchasing substantial capital equipment, depreciation is often used to recover the costs of an investment over its useful life. But things such as wages are nearly always deducted immediately because once a company has paid an employee for work, it has no lasting value. To retain the value, they have to keep paying the employee. Hence, it is an immediate expense, and it is deducted from the revenue when determining the net profit.

The IDC deduction has been on the books since 1913. This is not anything new. We have lived with it for almost a century.

Most of the costs associated with the preparation of new wells should be classified as an immediate expense—things such as labor. The expenses of IDCs make sense. To claim it is a subsidy is totally dishonest. Every company, regardless of whether it is an oil

or gas firm or any other company, is allowed to recover costs associated with their investments in business operations. If this is going to be labeled a subsidy for the entire economy, then we have big problems.

Current law allows most oil and gas firms to write off these expenses as an alternative to capitalizing their costs into the total value of the asset being developed and then depreciated. But at some point along the way, the law was changed so that major integrated oil firms are required to capitalize 30 percent of their IDCs and amortize them over a 60-month period.

The Menendez bill would eliminate this option and require oil and gas firms to capitalize all of their IDCs. A similar proposal was in the President's budget scored as a \$13.9 billion tax increase. We are going to add that up in a minute. Together with the repeal of section 199, an IDC should compromise 10 percent of America's oil and gas production capacity by 2017. This translates into a potential loss of 59,000 jobs, 600,000 barrels of oil a day in domestic production, and the loss of \$15 billion in capital expenditures in 2012, and potentially \$130 billion over the next 10 years.

Percentage depletion is very similar. It has been with us. Since 1926, small producers and millions of royalty owners have had the option to utilize percentage depletion to both simplify their tax filing and to account for the decline in the value of the minerals produced from their properties. Current law allows small producers to take a 15 percent deduction from the gross income from a given producing property in lieu of a complicated depreciation deduction. This tax provision is particularly important for the production of America's nearly 700,000 low-value, marginal wells, making it essential to Oklahoma.

Even though the small marginal wells only produce about two barrels a day, they account for 28 percent of the total production. We are one of the, if not the, largest marginal States out there. These are truly the little guys, and the President wants to go after them and destroy the incentives that keep the older wells producing by repealing percentage depletion. If he were able to do this, it would increase taxes on the industry by \$11.5 billion.

What is most interesting about the Menendez proposal is that it only applies to major integrated oil companies, which are not even allowed to claim percentage depletion, proving that 2204 is nothing more than political theater.

As to the modification of the foreign tax credit for dual capacity taxpayers, the United States is one of the only developed—I think it is the only developed country in the world that has a global corporate tax system. This means the IRS and Uncle Sam reach all

over the world to tax profits made by U.S. companies outside of our borders.

When we combine this with our 35-percent corporate tax rate, which is one of the largest and highest on Earth, our corporate tax policies are the worst in the world.

The global corporate tax system works like this: When a U.S. firm is operating overseas, they pay taxes on those profits in the country in which they are operating. For example, a U.S. company makes a product in South Korea, sells it to the South Koreans, and they make a \$1 million profit. Because their corporate rate is 22 percent, as opposed to ours at 35 percent, the firm pays \$220,000 in taxes. That makes sense.

If a U.S. firm has made the same product and profit in the United States, it would be subjected to a 35-percent tax, which would be \$350,000 in corporate taxes. This also makes sense except it is too high. However, because of our global corporate tax system, if a firm does this same thing in Korea, they have to pay the differential between 22 percent and 35 percent when they bring the money back into the United States.

Wait, we want to bring the money back. We want to stimulate our economy. Why would they have a disincentive to bring that money to invest in America? In this example, a U.S. firm would have to pay an additional \$130,000. They would be doing a great thing for foreign countries but certainly not for us. It doesn't make any sense at all.

Senator MENENDEZ's bill makes this awful policy even worse by limiting the ability of major integrated oil firms to account for the taxes they pay in other countries when they calculate what they owe the United States.

The President made a similar proposal in his budget this year, and if enacted it would raise taxes by about \$10 billion over 10 years. You would pay for more of this at the pump. Instead of making the corporate tax system even less competitive than it is today, we should aim to completely reform it so we move to a territorial system that doesn't reach outside our borders to collect more taxes.

Those are the major provisions of the Menendez-Obama bill. If they were enacted to the extent proposed by President Obama's budget, they would be a tax hike of \$47.1 billion.

Again, that relates to the cost of gas at the pump. The President claims he is doing this in the name of forcing the oil and gas industry to pay its fair share. He claims it would not harm domestic oil production. But this claim rejects the well-known process companies follow when making investment decisions. Successful oil and gas companies, like those in all industries, are

faced with seemingly endless opportunities. To sort through the opportunities they have to have a way to rationally decide which projects are in the best interest of their investors and which are not. Most companies do this by determining which investments will give the highest rate of return given the risk.

Taxes play an incredibly important role in this matter. If taxes increase, then cash flow from the project decreases. Therefore, taxes in the United States increase; the competitiveness of domestic projects decreases significantly relative to the opportunities available abroad.

When the rubber meets the road, this means the U.S. oil and gas firms—especially the big ones—targeted by the Menendez-Obama bill will be more likely to select international projects than U.S.-based projects, and this is bad for our economy.

As to the other ways Obama is killing oil and gas, the taxes aren't the only thing the President is doing. They are significant. I mentioned four of them that are significant. But look at the Keystone Pipeline.

I just got back from Oklahoma, a visit there. It is another example of why he was in Cushing, OK, the central part of Oklahoma. For those who are not familiar with it, that is sort of the intersection of all of the pipelines. He said he was going to expedite the permitting of the southern leg of Keystone. That would be the leg going from Cushing, OK, down to the Houston area. What he didn't say is that this is the part he doesn't have any control over.

In other words, he has no control over the southern half. The reason he does over the northern half is because that crosses a country boundary from Canada to the United States. But he doesn't have a say in this. He could not stop it if he wanted to. Obviously, he would want to because he has demonstrated that. Moreover, his action to block the northern leg is preventing the immediate creation of over 20,000 jobs and up to 465,000 jobs by 2035. I don't think anybody argues with that analysis.

The President's effort to stop hydraulic fracturing is another example. Much of today's renaissance in oil and gas production is the result of the advancements in this technology. He has done everything he can to paint a nasty and suspicious picture of it. He has 10 Federal agencies, including the EPA, the Department of Energy, and the Bureau of Land Management looking at ways to regulate hydraulic fracturing at the Federal level. In addition, he has also kept millions of Federal lands off-limits to oil and gas.

As far as the hydraulic fracturing, I know a little about that; we had the first hydraulic fracturing that took place in Duncan, OK, in 1949. There has

not been one documented case of ground water contamination using hydraulic fracturing. The only reason he is opposed to it is that this is part of his war on fossil fuels. If he can stop hydraulic fracturing, he will stop all of these types of production, and everybody knows that. We have already done that.

So we have the tax problems, the pipeline, and hydraulic fracturing. In addition to that, his attempt has been to stop production on Federal lands and make Federal lands off-limits to oil and gas exploration, and even through some lease-sales conducted during the Bush administration, citing the need for more environmental review.

Today—and this is significant—83 percent of Federal onshore lands are inaccessible or restricted to drilling. No drilling is allowed on the entire east and west coasts. No drilling is allowed in ANWR, in Alaska, and very limited drilling is in the gulf.

Oil and gas production is skyrocketing in States such as North Dakota and Texas simply because the President has very little control over the drilling there. That is not Federal land. This is in Texas, Oklahoma, and North Dakota. The Congressional Research Service concurs, stating in a recent report that about 96 percent of the increase in oil and gas production since 2007 took place on nonfederal lands. In other words, it has happened in spite of the President's efforts. The President imposes all of these punitive taxes because he doesn't have control over private lands. He tries to say: In my administration we expanded production. That has happened in spite of his policies.

At end of the day, all of President Obama's oil and gas policies make it harder for U.S. firms to justify projects at home. This is to the detriment of our economy. Just look at the increase in taxes, the killing of the pipelines, the stopping of hydraulic fracturing, making drilling off-limits. To let you know what States are missing out on, a Friday New York Times front-page article ran about oil and gas development going on in west Texas describes how this helped the local economy, saying new-found wealth is spreading beyond the fields in nearby towns.

Petroleum companies are buying so many pickup trucks that dealers are leasing parking lots the size of city blocks to stock their inventory. Housing is in such short supply the drillers are importing contractors from Houston. The hotels are leased out before they are even built. Two new office buildings are going up in Midland, a city of just over 110,000 people—the first in 30 years—while the total value of downtown real estate has jumped 50 percent since 2008, with virtually no unemployment.

Restaurants cannot be found. They cannot find people to work because

they are fully employed. One of the individuals from Oklahoma, a great producer, went up to North Dakota. He is up there right now. I talked to him yesterday and he said: The biggest problem we have is that we cannot hire anyone. It is full employment. Things are great.

That is what the rest of the country is missing out on. When we make the United States less competitive for U.S. oil and gas firms, as the President's tax policies propose, this sort of red-hot growth goes to places such as Azerbaijan and Nigeria instead of Midland, TX, and Oklahoma City. Rather than help our economy, the President's tax policies make us more reliant on foreign oil imports from unstable regions of the world.

I don't know about you, but I would rather see pickup truck dealerships running out of vehicles to sell in Cushing, OK, than in Caracas, Venezuela.

The President will not admit this, but we have seen what punitive tax hikes do to the oil and gas industry. They hurt our economy. President Carter, way back in the early eighties, confirmed this with the windfall profits tax. He was going to punish the bad oil companies. As a result of that, it decreased domestic production by 3 to 6 percent, which increased American dependence on foreign oil sources by 8 to 16 percent. Almost all of it was from the Middle East. It doubled our dependence by putting taxes on the oil industry here. A side effect was also declining, not increasing, tax collections.

Since we know what happens when we do this sort of thing, we don't need to try the experiment again. Regardless, the President and most on the left insist that taxpayers are subsidizing oil and gas firms. But, apparently, they have not been reading the facts.

The Tax Foundation recently estimated that between 1981 and 2008, oil and gas companies sent more money to Washington and State capitols than they earned in profits for shareholders.

The administration's own Energy Information Administration reported that the industry paid about \$35.7 billion in corporate taxes in 2009.

The oil and gas industry sends \$86 million per day to Federal and State governments, and their effective income tax rate is over 41 percent, which may be the highest of any industry in America. But the President and congressional Democrats want them to pay more.

In addition to these tax increases, Secretary Salazar recently told Congress his department is planning to raise the onshore royalty rate by 50 percent. These are the royalty rates to ensure taxpayers get a fair return on the development of oil and gas leases on public lands. If what we are trying to do is raise more revenue, we should get it by growing the economy.

We have used the figure over and over that with each 1 percent increase

in economic activity that translates into about \$50 billion in new revenue. We can do that by unlocking more domestic supply for development, and this will lower prices at the same time. We have plenty of it. The CRS report recently stated we have the largest combined oil, natural gas, and coal recoverable reserves on Earth—more than any other country, more than Saudi Arabia, more than any other country. This means we have a 50-year supply of oil in present consumption in the United States, for 50 years, just exporting our own development or 90 years' supply of natural gas.

At the end of the day, this bill, and the rest of the President's proposals, will only make U.S. oil firms less competitive compared to their international peers. It will raise the cost of energy by restricting global prices. It will force us to become more reliant on others, which will make us more vulnerable from a defense and economic security perspective. The only way to resolve this problem and to do something about reducing the price at the pump is to start developing our own resources.

A minute ago I talked about what is happening in Midland, TX, and North Dakota, and what is happening in some areas in Oklahoma. I can remember when I was a little kid I worked on cable-and-tool rigs. That was very difficult at the time.

A man by the name of A.W. Swift had 18 cable-and-tool rigs. At that time, instead of rotaries, they would pound down. Sometimes I would work two shifts. One night I was working the second shift, and the well blew up. The owner had one son named Burt. Burt was killed and I wasn't. When I stop to think about the prosperity in those days of the oil and gas industry in Oklahoma, I think about the nearby town of Pawhuska, where people had to wait in line to pay their lunch bill. It was full employment and not an empty storefront. But up until we started producing again in Oklahoma, it was very much almost a ghost town.

Now things are coming back, and we can take advantage of that. In spite of the tax policies of President Obama, we are coming back, and we can do this throughout the United States. The most important thing we can do is make sure the Menendez-Obama bill to increase taxes on the oil and gas companies in the United States is defeated. We hope we have the opportunity to do that.

With that I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REPEAL BIG OIL TAX SUBSIDIES ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2204, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 337, S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided between the two leaders or their designees.

Mr. INHOFE. Mr. President, I ask unanimous consent that the time on each side be equally divided during the quorum calls.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I come to the floor today to express concerns about the rising cost of gasoline and the Obama administration's efforts to further increase the American consumers' pain at the pump.

As we all know, the average price of gasoline has now more than doubled since the first week of the President's inauguration in January 2009, from \$1.84 a gallon to \$3.86. Furthermore, the Associated Press has reported the typical American household spends about \$4,155 a year filling up at the pump—an all-time high—and 8.4 percent of the median household income, the highest percentage spent for gasoline since 1981 when oil prices soared due to the crisis in the Middle East.

The Energy Information Administration estimates that 72 percent of the price of a gallon of gasoline is made up from the cost of crude oil, which is a globally traded commodity. Although some would like to distract from the fundamentals, Congress cannot repeal the law of supply and demand.

Indeed, President Obama used to agree with us. Last March, for example, he said "producing more oil in America will help lower oil prices." However, his administration has adopted policies that directly conflict with our goal of lowering gasoline prices. To add insult to injury, with the public outcry, the President is out to further

confuse the facts and actually take credit for increasing production when those increases have been on private lands outside of his control, and while opposing greater exploration on Federal lands under his purview. At the same time he is even seeking now to push prices even higher by raising taxes in his fiscal year 2013 budget.

This week the Senate will be debating a bill by Senator MENENDEZ of New Jersey to increase taxes on oil producers. I don't know of anyone who could reach any other conclusion than that by raising taxes on the people who produce oil and gas, it will raise, not lower, the cost of oil, thus the refined petroleum product known as gasoline. So, actually, by punitively and in a discriminatory sort of way raising prices on an unpopular sector of the economy, we will actually make matters worse, not better.

The Tax Code supports the energy sector by providing a number of targeted tax incentives—or tax incentives only available to the energy industry. In addition to targeted tax incentives, there are a number of broader tax provisions that are available for energy- and nonenergy-related industries. For example, the section 199 domestic production deduction incentive is available to most domestic manufacturers with income derived from production property that was manufactured, produced, grown, or extracted within the United States.

So this section 199 provision applies to a whole host of American businesses, not just the oil and gas business. Yet the Menendez bill and the Obama administration continue to single out oil producers for tax increases, even though oil-related activities are already limited from claiming the deduction compared to other industries.

Analysis by the Congressional Research Service for the energy targeted tax incentives shows that while the majority of U.S. primary energy production comes from fossil fuels, the majority of energy tax-related revenue losses are associated with provisions designed to support renewables.

During 2009, 77.9 percent of U.S. primary energy production could be attributed to fossil fuels—77.9 percent in 2009. Of the Federal tax support targeted to energy in 2009, an estimated 12.6 percent went toward fossil fuels. In contrast, in that same year, more than 10 percent of U.S. primary energy sources came from renewable fuels.

In other words, just to repeat: 10.6 percent from renewable, 77.9 in that same year from oil and gas, but notwithstanding the fact only 10 percent of energy produced came from renewable fuels, 77.4 percent of energy targeted Federal tax support went toward supporting renewable fuels.

If we want to put all these tax provisions on the table, I think we should do that. As a matter of fact, the Simpson-

Bowles study identified more than \$1 trillion of tax expenditures. But let's not just pick out one sector of the economy and, in the process, raise taxes and increase the price of gasoline at the pump as an unintended but clearly likely outcome.

We know the Menendez bill is not about tax reform. This is about mixing the message and trying to drive a wedge between the American people and the people who actually create jobs. Unfortunately for the administration, raising taxes will, in fact, translate into higher prices.

It is a fair question to ask whether this administration can defend its policies, such as their budget proposal to raise taxes where they argued these tax provisions should be repealed because they "encourage overproduction of oil" and are thereby "detrimental to long-term energy security."

I am not sure most Americans understand that the official policy of this administration is that tax deductions should be removed because they encourage overproduction of oil in America. I thought the goal—one of our goals—was to produce more at home so we would depend less on imported energy from abroad.

Then there is the Keystone Pipeline, which is well-known. The President is the primary obstacle to the completion of that pipeline which will create more than 20,000 new jobs and produce 700,000 barrels of oil at refineries in the United States from a safe and friendly source—the nation of Canada. Because the President is blocking completion of the Keystone XL Pipeline, they are looking for alternative customers. Indeed, the Prime Minister of Canada has visited China to prospect that potential purchase.

What is worse, it is not just that the President hasn't acted, it is that the President has actually lobbied in the Senate to defeat efforts to bypass his obstruction to the completion of the Keystone XL Pipeline.

Well, the President must be feeling the heat because he showed up in Cushing, OK, to celebrate and to say he would expedite about one-third of the pipeline, which, ironically, doesn't require him to do anything. It certainly doesn't turn on the spigot in Canada to get the oil in that pipeline to come from Canada down to the United States.

So we can see our Nation has no coherent energy policy. We see that not only is this an area that has been neglected to the detriment of the American consumer, but actually the sorts of policies being pursued by the administration—particularly with regard to the Keystone XL Pipeline and raising taxes on domestic oil producers—are designed to make matters worse for American consumers at a time when they are struggling to recover from this recession, with historically high

rates of unemployment and too few jobs.

Looking at all the evidence on energy prices, it is hard to come to any conclusion other than that high energy prices are part of President Obama's plan. The policies he has put in place have intentionally elevated the price of gasoline, much to the detriment of the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from the State of New Jersey.

Mr. MENENDEZ. Mr. President, I rise in support of S. 2204, which is my legislation to repeal Big Oil subsidies.

This bill is pretty simple. We end wasteful subsidies to the big five oil companies, and we use those proceeds to invest in clean energy, in creating jobs, and reducing the deficit. I think the American people are sick and tired of paying ridiculously high gasoline prices at the pump and then paying Big Oil again with our collective taxpayer subsidies. I think that money is better spent keeping our economy going and developing alternatives to oil that will create competition in the marketplace and help to reduce gas prices.

We are poised to waste \$24 billion over the next 10 years subsidizing only five companies that are poised to make over \$1 trillion in profits—not proceeds, in profits—over the same time frame. And as we all pay more at the pump, Big Oil rakes in more money.

Exxon boasts in its Securities and Exchange Commission filings that for every \$1 increase in the price of oil, their profits rise by \$375 million. For every \$1 the price of oil goes up, they boast in their filings that their profits—not proceeds, profits—rise by \$375 million. The American driver's pain is Big Oil's profit.

What is Big Oil doing with its profits? Well, the answer is not useful. As you can see in this chart, the profits from the big five oil companies were \$137 billion in 2011. That is an impressive 75-percent increase from 2010. Did they use that extra money to produce more oil, as some of my colleagues here would suggest? No, they didn't. They took your money and actually in that time frame didn't produce a drop more of oil. As you can see, despite the fact that overall U.S. production is higher now than it has been in the last 8 years, last year these five companies actually produced 4 percent less oil.

So it is fair to ask: If they did not invest to produce more oil, then what are they doing with this \$137 billion in profits, this 75-percent increase in profits in 1 year? Well, they spent about \$38 billion repurchasing their own stock to enrich themselves, and they spent nearly \$70 million on campaign contributions and lobbying to protect their billions of dollars in subsidies. As you can see here, it was a pretty smart investment. For every \$1 they spent in lobbying, they got about \$30 in sub-

sidies. One might say that is not a bad return on their investment.

So instead of giving these subsidies to Big Oil so they can enrich themselves and seek to affect and control our political system, I think we could use some of those funds to reduce the deficit. I think we can all agree we need to reduce the deficit, but there seems to be some considerable disagreement on how to do it. Last week, those on the other side of the aisle came out with what I call the Romney-Ryan budget, their proposed budget, and it would drastically cut funding for wounded soldiers, for seniors, for students, but it leaves in place these wasteful subsidies even though we have this enormous profit.

Through some political sleight of hand they defy reality when they tell us with a straight face that we have to make tough choices, and then they cut funding for wounded soldiers, for seniors, and students but won't touch the subsidies for Big Oil.

Somehow, in this Republican parallel universe, logic is turned on its head and we are asked to believe that fairness doesn't mean treating everyone equally. It means more for the very rich and more for Big Oil. But we don't live in a parallel universe. We live in the real world. Fairness means that working families should not be the only people sacrificing. And we can't lower the deficit while we give taxpayer dollars away to Big Oil companies that are making record profits and not producing more energy. It is amazing to me that anybody can come and make that argument.

What makes these subsidies even more ridiculous is that when we pressed those who have supported the industry or those who have come from the industry, everyone seems to admit that oil companies do not need these subsidies. Former President Bush, who was very good with the oil industry, said that oil companies do not need incentives to drill when oil hits \$55 per barrel. Those were his remarks. Now it is over \$100 a barrel. So if they didn't need incentives to drill when it was at \$55 a barrel, how does anybody come to the floor and suggest they need incentives now when it is over \$100 a barrel?

Then the former CEO of Shell said that subsidies are not necessary for drilling and production. That is pretty much probably clear when they are making \$137 billion in that 1 year, and where they will make \$1 trillion over the next decade.

Of the \$24 billion we save by cutting these subsidies to the big five, we can use over \$11 billion to extend a series of critically important expiring energy tax incentives. These clean energy technologies will cut demand for oil, they will drive economic growth, will create jobs, and will allow America to lead the global clean energy market.

Despite Big Oil's rhetoric—let me tell you, it is amazing. I see they are

spending a lot of that money, all this money here not making oil, but they are spending it on television to scare everybody and to say that, Oh, if you take any of those subsidies away, somehow prices will rise. Well, we know that, despite Big Oil's rhetoric, cutting subsidies will not raise gas prices. We know that. Why? Because experts from the U.S. States Treasury Department, from the nonpartisan Congressional Research Service, and from oil executive testimony that came before the Finance Committee that I sit on, made it very clear that is not the case.

But more than that, some of the most important tax policies that will be extended in this bill will help drive down gas prices by creating competition for oil as a transportation fuel. These incentives include the one for biofuels such as cellulosic ethanol, biodiesel, also incentives for natural gas and propane used as a transportation fuel. There are also incentives for alternative fuel refueling infrastructure and for electric vehicles. Taken together, these incentives are laying the groundwork for a truly competitive market where we are not beholden to one type of fuel to power our vehicles. But the good news doesn't even end there. There are also tax incentives that will help the United States compete for the renewable industries of the 21st century.

For example, the section 1603 Treasury grant program has helped finance renewable energy projects around the country. It has leveraged over \$35 billion in investments to create tens of thousands of energy projects. In my home State of New Jersey alone, 750 grants were given for solar, geothermal, landfill gas, hydropower, wind projects. These projects are worth over \$350 million, creating many jobs, and will help New Jersey on energy bills for decades to come.

Another important renewable energy incentive is the production tax credit for wind. Since the last reauthorization of PTC in 2005, wind power capacity has more than tripled. But if that production tax credit is not extended, it is estimated that annual installations of wind will drop by more than 75 percent and wind-supported jobs will decline from 78,000 in 2012 to 41,000 in 2013, and total wind energy investment will drop by nearly two-thirds. So it is time to get back to reality. It is time to tell middle-class families struggling to make ends meet that fairness means everyone—everyone—pays their fair share when it comes to reduce the deficit. It means ending ridiculous taxpayer giveaways to the five most profitable companies in the world.

I cannot understand how the oil industry is spending money on radio and other forms of media to say, Oh, my God, If you take any of our subsidies away—and these aren't even all of the

subsidies they have. These are just a couple, the \$24 billion over 10 years. They are going to make \$1 trillion over 10 years. So you are telling the American people that when you are going to make \$1 trillion over 10 years, we collectively as taxpayers must still give you \$24 billion or else somehow \$1 trillion minus \$24 billion wouldn't be enough for you in profits that you would gouge the consumer at the pump? I don't think the American people are going to accept that.

It is time for us to stop wasting taxpayer money on oil subsidies and use this money to invest in clean energy, in jobs, in lowering the deficit. All of that can be done on this opportunity when we vote in favor of moving forward on S. 2204, the Repeal Big Oil Subsidies Act. It is time to put the interests of the American people ahead of the money interests in this Congress with this vote, and then moving forward.

I hear my colleagues may very well vote for us today to have a debate—which I more than welcome. I am looking forward to it. I have got a lot more to talk about in this regard—but then won't vote at the end to repeal the subsidies. So I guess what we will hear is a chorus of voices that will speak about defending Big Oil and defending its \$24 billion in subsidies, and justifying that even with \$1 trillion in profits they still need to get their hands into the pockets of taxpayers and take another \$24 billion in addition to what they get at the pump so they can make even more profits. And, somehow, there will be a justification to that. I hope the American people will be watching, because that type of justification is beyond comprehension. I know it as I hear it from families in New Jersey.

I hope we will have this debate. I hope we will be able to move forward. I want to be able to talk about how I hear my colleagues talk about drill, baby, drill. Well, I was incredulously amazed that actually we are now exporting from the United States millions of gallons of gasoline and refined petroleum products every day to other places in the world. It seems to me that if we drill it here, particularly on Federal lands and water, we should keep it here because obviously the bigger the supply we have, the more we are going to create downward pressure on prices. But I think most Americans would be pretty shocked to know that we are actually exporting. They think everything that is created here is kept here, which is why I found it interesting—I keep hearing my colleagues talk about the Keystone Pipeline. Well, there are those of us who said, You know what. If you will make it with materials made in America so that we can ensure American jobs are created with it, and if you keep the energy here and not export it someplace around the world, then there are a lot of people

who would say: Yes, along with the right environmental safeguards, let's consider it. But overwhelmingly that was voted against. So so much for American jobs. So much for securing American energy. Because what is the use of a pipeline to bring an energy source and then have it sent to other places in the world? That doesn't help us.

I am a big believer if we are going to drill it on Federal lands and water, we are going to keep it here, we are going to help us lower prices. I am a big believer if we are going to do something such as Keystone, let's make sure it is made with American materials and made with American hands and, at the end of the day, the energy is kept in the United States. I am a big believer in saying at a time of shared sacrifice, it is wrong to ask working families to do more and yet give the oil companies \$24 billion, when they will make \$1 trillion in profits. It is wrong to say to a wounded soldier we are going to cut programs in his long-term health care that will ultimately help him get back on his feet, but we are going to give Big Oil \$24 billion. It is wrong to tell students who are trying to determine their future and get access to that college education and who will encumber themselves with significant costs along the way, no, they pay more, but we are going to give Big Oil \$24 billion. It is wrong to tell seniors we are going to end Medicare as we know it, but we are going to give Big Oil \$24 billion. That is beyond my comprehension.

I look forward to the debate because it is going to be very interesting to see some of the remarkable ways in which people are going to have to explain that. I don't think it is explainable to the American people. Tonight's vote starts a process: Which side are we on? Are we on the side of the American taxpayer or are we on the side of Big Oil? I hope an overwhelming number of our colleagues will, starting tonight and moving toward final passage, say we are on the side of the American taxpayer and the American consumer. If we do that, we can create some justice in this process. We can help create competition in the energy market to drive down prices, we can reduce the deficit by another \$12 billion, and we can be a lot more fair to working families in this country. That is the choice before us. That is a choice the Senate will make in a positive way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to proceed to Calendar No. 337, S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Richard J. Durbin, Patrick J. Leahy, Patty Murray, Carl Levin, Charles E. Schumer, Bernard Sanders, Amy Klobuchar, Al Franken, Benjamin L. Cardin, Sheldon Whitehouse, Sherrod Brown, Mark Udall, Daniel K. Akaka, Debbie Stabenow, John F. Kerry.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. LEE), and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 92, nays 4, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—92

Akaka	Durbin	McCaskill
Alexander	Enzi	McConnell
Ayotte	Feinstein	Menendez
Barrasso	Franken	Merkley
Baucus	Gillibrand	Mikulski
Bennet	Graham	Moran
Bingaman	Grassley	Murkowski
Blumenthal	Hagan	Murray
Blunt	Harkin	Nelson (FL)
Boozman	Heller	Paul
Brown (MA)	Hoeven	Portman
Brown (OH)	Hutchison	Pryor
Burr	Inouye	Reed
Cantwell	Isakson	Reid
Cardin	Johanns	Risch
Carper	Johnson (SD)	Roberts
Casey	Johnson (WI)	Rockefeller
Chambliss	Kerry	Rubio
Coats	Klobuchar	Sanders
Coburn	Kohl	Schumer
Cochran	Kyl	Sessions
Collins	Lautenberg	Shaheen
Conrad	Leahy	Shelby
Coons	Levin	Snowe
Corker	Lieberman	Stabenow
Cornyn	Lugar	Tester
Crapo	Manchin	Thune
DeMint	McCain	Toomey

Udall (CO)
Udall (NM)
Vitter

Warner
Webb
Whitehouse

Wicker
Wyden

NAYS—4

Begich
Inhofe

Landrieu
Nelson (NE)

NOT VOTING—4

Boxer
Hatch

Kirk
Lee

The PRESIDING OFFICER. On this vote, the yeas are 92 and the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTE EXPLANATION

• Mrs. BOXER. Madam President, I was absent from the vote to invoke cloture on the motion to proceed to S. 2204, the “Repeal Big Oil Subsidies Act.” Had I been present, I would have enthusiastically vote “aye.”

Mr. SCHUMER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mr. HARKIN. Madam President, I join with the entire Senate family in congratulating my great friend, the distinguished senior Senator from Maryland, BARBARA MIKULSKI, on becoming the longest serving female Member of Congress in our Nation's history. She reached that milestone recently, having served in Congress for 12,858 days—more than 35 years—surpassing the previous longest serving Member of Congress, the late Representative Edith Nourse Rogers.

Representative Rogers famously quipped, “The first 30 years are the hardest.” But I dare say that Senator MIKULSKI has had a somewhat different experience. As with other pathbreaking women, she has encountered sexism and discrimination. But from her first day in the House in 1977 right up to today, in her much respected role as dean of women Senators, BARBARA MIKULSKI has been a singularly formidable and forceful public servant. Pity the Representative or Senator who has made the mistake of in any way underestimating this remarkable person.

For three and a half decades in Congress, BARBARA MIKULSKI has been an outspoken and proud progressive—a tireless advocate for quality public education, access to health care, and a strong safety net for those she calls “the least of these our sisters and brothers”—including the elderly, people with disabilities, and the poor. Her passion for social and economic justice was nurtured by the nuns who taught her at Catholic school in working-class east Baltimore.

Senator MIKULSKI's legislative accomplishments are too numerous to cite here. But I am particularly grateful for the lead role that she played in early 2009 in passing the Lilly Ledbetter Fair Pay Restoration Act—the very first bill signed into law by President Obama. This law reversed an outrageous Supreme Court decision that allowed discrimination against women to go unpunished. But, as Senator MIKULSKI knows all too well, even the Lilly Ledbetter Act leaves in place an outrageous status quo where women are paid only 78 cents for every \$1 that their male counterparts are paid. That is why she and I have continued to work closely together to advance the cause of equal pay. We are the respective leads on the two Democratic equal pay bills in the Senate.

As chair of the Health, Education, Labor, and Pensions Committee, I want to pay special tribute to the extraordinary role she has long played on our committee.

Senator MIKULSKI's legislative skills and leadership were critically important in crafting and passing the Patient Protection and Affordable Care Act 2 years ago—an achievement that she calls one of the “greatest social justice initiatives” of our time. She led the team that wrote the quality title in the bill, insisting that higher quality care does not have to be higher cost care. Thanks to Senator MIKULSKI, the health care reform law includes a whole range of provisions that shift the emphasis—rewarding providers not for quantity of service but for quality of service. I would add that throughout the debate on health care reform and during the many months the bill was being written, Senator MIKULSKI was a fierce advocate for women's health and for ending the brazen discrimination against women by health insurance companies.

On the HELP Committee, and also in her role as chair of the Appropriations subcommittee that funds the Legal Services Corporation, Senator MIKULSKI has been a great leader on another issue near and dear to my heart: legal services for the poor. She has fought hard—and it has always been an uphill struggle—to provide adequate funding so that people without resources are not barred from the courthouse door.

Of course, Senator MIKULSKI has also been one of the Senate's leading proponents of national and community

service. In 2009, she was the Senate manager for the Edward M. Kennedy Serve America Act, which retooled our national service programs for the 21st century and provided expanded opportunities for young people to gain valuable skills and experience by helping neighbors in need.

Let me share a brief anecdote that illustrates the remarkable role that Senator MIKULSKI plays in the body and the respect that she commands among her colleagues. We all remember the debate, in late February, on the Blunt amendment, which would have allowed employers to deny health insurance coverage for contraception. In my role as chair of the HELP Committee, I was invited to attend a press conference in the LBJ Room of the Capitol organized by Senator MIKULSKI to speak out against the amendment. Let me tell you, this was a remarkable event. Senator MIKULSKI spoke first, with tremendous power and passion. One by one, other Senators spoke—women who, over the decades, have been counseled and mentored by Senator MIKULSKI: Senator PATTY MURRAY of Washington, Senators BARBARA BOXER and DIANNE FEINSTEIN of California, and Senator JEANNE SHAHEEN of New Hampshire. Senator MIKULSKI's message, echoed by the other Senators, was characteristically loud and clear: Decisions about medical care should be made by a woman and her doctor, not a woman and her boss. Needless to say, Senator MIKULSKI carried the day; the amendment was defeated.

Other Senators have noted Senator MIKULSKI's many firsts, including the first woman elevated to a leadership position in the Senate. I would simply add that BARBARA MIKULSKI is also first when it comes to a Senator being true to her roots, a fierce and effective champion for her State and passionate fighter for social and economic justice. Again, I salute the Senator on reaching the historic milestone as the longest serving female Member of Congress, and I wish her many more years of distinguished service to our Nation.

RECOGNIZING GRACE EPISCOPAL CHURCH

Mr. BURR. Madam President, I am very proud to extend my recognition and congratulations to the congregation and administration of the Grace Episcopal Church in Plymouth, NC, as this wonderful institution celebrates 175 years of providing spiritual guidance and community service to Washington County and the State of North Carolina.

This year marking the 175th anniversary of the founding of Grace Church, we give the citizens of Washington County as well as the State of North Carolina the opportunity to pay tribute and homage to a place of worship that has impacted many and assisted those in need of spiritual guidance.

Plymouth, NC traces its historical roots back to the 18th century and the beginnings of our Nation. It has served as a port on the Roanoke River off the Albemarle Sound for over two centuries, acting as a place of trade for much of North Carolina and the United States. By 1837, Plymouth had grown into an important port in North Carolina and with that growth came the establishment of the Grace Episcopal Church.

Plymouth was one of the ports targeted for blockade by Union forces during the Civil War and in that time it is believed that only 11 buildings survived the war, 1 of them being the Grace Episcopal Church.

Grace Episcopal Church has provided the town of Plymouth and the surrounding areas in Washington County spiritual guidance and leadership for the last 175 years. This institution has been a beacon of light and hope to many people in the region and the world.

Grace Episcopal Church has provided many charitable services and events for citizens in need, for example one guild at the church is comprised of a group of knitters and other handcrafters that make goods for distribution to those in need locally and abroad. Grace Episcopal Church has also been an active partner in the Washington County Habitat for Humanity projects, providing financial donations in addition to donating office space for the organization.

I ask my colleagues to join me in paying tribute to the Grace Episcopal Church in Plymouth, NC for the countless acts of charity and good will this institution has provided and will continue to provide eastern North Carolina. May their work be recognized and forever appreciated by the citizens of North Carolina as well as this Congress.

ADDITIONAL STATEMENTS

TRIBUTE TO PATRICK DOYLE

• Mr. THUNE. Madam President, today I recognize Patrick Doyle, an intern in my Rapid City, SD, office for all of the hard work he has done for me, my staff, and the State of South Dakota over the past few months.

Patrick is a graduate of Stevens High School in Rapid City, SD. Currently, he is attending the University of South Dakota, where he is majoring in political science and history. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Patrick for all of the fine work he has done and wish him continued success in the years to come. •

NOTIFICATION OF THE PRESIDENT'S INTENT TO ADD THE REPUBLIC OF SOUTH SUDAN (SOUTH SUDAN) TO THE LIST OF BENEFICIARY DEVELOPING COUNTRIES UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 502(f)(1)(A) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(1)(A)), I am notifying the Congress of my intent to add the Republic of South Sudan (South Sudan) to the list of beneficiary developing countries under the Generalized System of Preferences (GSP) program. South Sudan became an independent nation on July 9, 2011. After considering the criteria set forth in section 502(c) of the 1974 Act (19 U.S.C. 2462(c)), I have determined that South Sudan should be designated as a GSP beneficiary developing country.

In addition, in accordance with section 502(f)(1)(B) of the 1974 Act (19 U.S.C. 2462(f)(1)(B)), I am providing notification of my intent to add South Sudan to the list of least-developed beneficiary countries under the GSP program. After considering the criteria set forth in section 502(c) of the 1974 Act, I have determined that it is appropriate to extend least-developed beneficiary developing country benefits to South Sudan.

BARACK OBAMA.
THE WHITE HOUSE, March 26, 2012.

NOTIFICATION OF THE PRESIDENT'S INTENT TO SUSPEND DESIGNATION OF ARGENTINA AS A BENEFICIARY DEVELOPING COUNTRY UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to suspend designation of Argentina as a beneficiary developing country under the Generalized System of Preferences (GSP) program. Section 502(b)(2)(E) of the 1974 Act (19 U.S.C. 2462(b)(2)(E)) provides that the President shall not designate any country a beneficiary developing country under the GSP if such country fails to act in good faith in enforcing arbitral awards in favor of U.S.-owned companies. Section 502(d)(2) of

the 1974 Act (19 U.S.C. 2462(d)(2)) provides that, after complying with the requirements of section 502(f)(2) of the 1974 Act (19 U.S.C. 2462(f)(2)), the President shall withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b)(2) of the 1974 Act.

Pursuant to section 502(d) of the 1974 Act, having considered the factors set forth in section 502(b)(2)(E), I have determined that it is appropriate to suspend Argentina's designation as a beneficiary country under the GSP program because it has not acted in good faith in enforcing arbitral awards in favor of U.S.-owned companies.

BARACK OBAMA.
THE WHITE HOUSE, March 26, 2012.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2230. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

S. 2231. A bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

H.R. 5. An act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2237. A bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. LEE, Ms. MIKULSKI, Mr. BLUNT, Ms. KLOBUCHAR, Mr. KIRK, Mr. RUBIO, and Mr. COONS):

S. 2233. A bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. PORTMAN, Mr. FRANKEN, Mr. RUBIO, Ms. COLLINS, Mr. LIEBERMAN, and Mrs. MCCASKILL):

S. 2234. A bill to prevent human trafficking in government contracting; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska:

S. 2235. A bill to prohibit the establishment by air carriers and airport operators of expe-

ditioned lines at airport screening checkpoints for specific categories of passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNET (for himself, Mr. HATCH, and Mr. BURR):

S. 2236. A bill to provide for the expedited development and evaluation of drugs designated as breakthrough drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 2237. A bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. LUGAR, Ms. COLLINS, Mr. PRYOR, and Mr. UDALL of Colorado):

S. Res. 406. A resolution commending the achievements and recognizing the importance of the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 418

At the request of Mr. HARKIN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 550

At the request of Mr. LIEBERMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 550, a bill to improve the provision of assistance to fire departments, and for other purposes.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 835

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 835, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and reg-

ulations, protect the community from criminals, and for other purposes.

S. 960

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 1309

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1309, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1872

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2060

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2060, a bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment Respite Absence program for days of nonparticipation due to Government error.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

S. 2085

At the request of Mr. PAUL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2085, a bill to strengthen employee cost savings suggestions programs within the Federal Government.

S. 2103

At the request of Mr. LEE, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2155

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 2155, a bill to amend the Farm Security and Rural Investment Act of 2002 to promote biobased manufacturing.

S. 2160

At the request of Mr. MORAN, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2204

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. WYDEN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Maryland (Mr. CARDIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

S. 2219

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2219, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 2221

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 2221, a bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S.J. Res. 39, a joint resolution re-

moving the deadline for the ratification of the equal rights amendment.

S. RES. 356

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

S. RES. 370

At the request of Mr. CASEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 370, a resolution calling for democratic change in Syria.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from Montana (Mr. TESTER), the Senator from Kansas (Mr. ROBERTS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 402

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2237. A bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Jobs and Tax Relief Act".

SEC. 2. TEMPORARY TAX CREDIT FOR INCREASED PAYROLL.

(a) IN GENERAL.—In the case of a qualified employer who elects the application of this section, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year which includes December 31, 2012, an amount equal to 10 percent of the excess (if any) of—

(1) the sum of the wages and compensation paid by such qualified employer for qualified services during calendar year 2012, over

(2) the sum of such wages and compensation paid during calendar year 2011.

(b) LIMITATION.—The amount of the excess taken into account under subsection (a) with

respect to any qualified employer shall not exceed \$5,000,000.

(c) **WAGES AND COMPENSATION.**—For purposes of this section—

(1) **WAGES.**—The term “wages” has the meaning given such term under section 3121 of the Internal Revenue Code of 1986 for purposes of the tax imposed by section 3111(a) of such Code.

(2) **COMPENSATION.**—The term “compensation” has the meaning given such term under section 3231 of such Code for purposes of the portion of the tax imposed by section 3221(a) of such Code that corresponds to the tax imposed by section 3111(a) of such Code.

(3) **APPLICATION OF CONTRIBUTION AND BENEFIT BASE TO CALENDAR YEAR 2011.**—For purposes of determining wages and compensation under subsection (a)(2), the contribution and benefit base as determined under section 230 of the Social Security Act shall be such amount as in effect for calendar year 2012.

(4) **SPECIAL RULE WHEN NO WAGES OR COMPENSATION IN 2011.**—In any case in which the sum of the wages and compensation paid by a qualified employer for qualified services during calendar year 2011 is zero, then the amount taken into account under subsection (a)(2) shall be 80 percent of the amount taken into account under subsection (a)(1).

(5) **COORDINATION WITH OTHER EMPLOYMENT CREDITS.**—The amount of the excess taken into account under subsection (a) shall be reduced by the sum of all other Federal tax credits determined with respect to wages or compensation paid in calendar year 2012.

(d) **OTHER DEFINITIONS.**—

(1) **QUALIFIED EMPLOYER.**—For purposes of this section—

(A) **IN GENERAL.**—The term “qualified employer” has the meaning given such term under section 3111(d)(2) of the Internal Revenue Code of 1986, determined by substituting “section 101 of the Higher Education Act of 1965” for “section 101(b) of the Higher Education Act of 1965” in subparagraph (B) thereof.

(B) **AGGREGATION RULES.**—Rules similar to the rules of sections 414(b), 414(c), 414(m), and 414(o) of such Code shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary of the Treasury or the Secretary’s designee (in this section referred to as the “Secretary”).

(2) **QUALIFIED SERVICES.**—The term “qualified services” means services performed by an individual who is not described in section 51(i)(1) of such Code (applied by substituting “qualified employer” for “taxpayer” each place it appears)—

(A) in a trade or business of the qualified employer, or

(B) in the case of a qualified employer exempt from tax under section 501(a) of such Code, in furtherance of the activities related to the purpose or function constituting the basis of the employer’s exemption under section 501 of such Code.

(e) **APPLICATION OF CERTAIN RULES.**—Rules similar to the rules of sections 280C(a) and 6501(m) of the Internal Revenue Code of 1986 shall apply with respect to the credit determined under this section.

(f) **TREATMENT OF CREDIT.**—For purposes of the Internal Revenue Code of 1986—

(1) **TAXABLE EMPLOYERS.**—

(A) **IN GENERAL.**—The credit allowed under subsection (a) with respect to qualified services described in subsection (d)(2)(A) for any taxable year shall be added to the current year business credit under section 38(b) of

such Code for such taxable year and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

(B) **LIMITATION ON CARRYBACKS.**—No portion of the unused business credit under section 38 of such Code for any taxable year which is attributable to an increase in the current year business credit by reason of subparagraph (A) may be carried to a taxable year beginning before the date of the enactment of this section.

(2) **TAX-EXEMPT EMPLOYERS.**—

(A) **IN GENERAL.**—The credit allowed under subsection (a) with respect to qualified services described in subsection (d)(2)(B) for any taxable year—

(i) shall be treated as a credit allowed under subpart C of part IV of subchapter A of chapter 1 of such Code, and

(ii) shall be added to the credits described in subparagraph (A) of section 6211(b)(4) of such Code.

(B) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “or due under section 2 of the Small Business Jobs and Tax Relief Act” after “the Housing Assistance Tax Act of 2008”.

(g) **TREATMENT OF POSSESSIONS.**—

(1) **PAYMENTS TO POSSESSIONS.**—

(A) **MIRROR CODE POSSESSIONS.**—The Secretary shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of subsections (a) through (f). Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession of the United States.

(B) **OTHER POSSESSIONS.**—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary as being equal to the loss to that possession that would have occurred by reason of the application of subsections (a) through (f) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit allowed under such subsections.

(2) **COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.**—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 against United States income taxes for any taxable year determined by reason of subsection (f)(1)(A) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) **DEFINITIONS AND SPECIAL RULES.**—

(A) **POSSESSION OF THE UNITED STATES.**—For purposes of this subsection, the term “possession of the United States” includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) **MIRROR CODE TAX SYSTEM.**—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income

tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) **TREATMENT OF PAYMENTS.**—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(h) **REGULATIONS.**—The Secretary shall prescribe such regulations or guidance as are necessary to carry out the provisions of this section.

SEC. 3. EXTENSION OF ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) **EXTENSION OF 100 PERCENT BONUS DEPRECIATION.**—

(1) **IN GENERAL.**—Paragraph (5) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(A) by striking “January 1, 2012” each place it appears and inserting “January 1, 2013”, and

(B) by striking “January 1, 2013” and inserting “January 1, 2014”.

(2) **CONFORMING AMENDMENTS.**—

(A) The heading for paragraph (5) of section 168(k) of such Code is amended by striking “PRE-2012 PERIODS” and inserting “PRE-2013 PERIODS”.

(B) Clause (ii) of section 460(c)(6)(B) of such Code is amended by striking “January 1, 2011 (January 1, 2012)” and inserting “January 1, 2013 (January 1, 2014)”.

(3) **EFFECTIVE DATES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amendments made by this section shall apply to property placed in service after December 31, 2011.

(B) **CONFORMING AMENDMENT.**—The amendment made by paragraph (2)(B) shall apply to property placed in service after December 31, 2010.

(b) **EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.**—

(1) **IN GENERAL.**—Paragraph (4) of section 168(k) of the Internal Revenue Code of 1986 is amended to read as follows:

“(4) **ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.**—

“(A) **IN GENERAL.**—If a corporation elects to have this paragraph apply for any taxable year—

“(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer in such taxable year,

“(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

“(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

“(B) **BONUS DEPRECIATION AMOUNT.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

“(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

“(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year

if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(D), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

“(ii) **LIMITATION.**—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

“(I) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2011, reduced (but not below zero) by the sum of the bonus depreciation amounts for all taxable years ending after such date for which an election under this paragraph was made which precede the taxable year for which the determination is made (other than amounts determined with respect to property placed in service by the taxpayer on or before such date), or

“(II) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis).

“(iii) **AGGREGATION RULE.**—All corporations which are treated as a single employer under section 52(a) shall be treated—

“(I) as 1 taxpayer for purposes of this paragraph, and

“(II) as having elected the application of this paragraph if any such corporation so elects.

“(C) **ELIGIBLE QUALIFIED PROPERTY.**—For purposes of this paragraph, the term ‘eligible qualified property’ means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this paragraph—

“(i) ‘March 31, 2008’ shall be substituted for ‘December 31, 2007’ each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

“(ii) ‘April 1, 2008’ shall be substituted for ‘January 1, 2008’ in subparagraph (A)(iii)(I) thereof, and

“(iii) only adjusted basis attributable to manufacture, construction, or production—

“(I) after March 31, 2008, and before January 1, 2010, and

“(II) after December 31, 2010, and before January 1, 2013, shall be taken into account under subparagraph (B)(ii) thereof.

“(D) **CREDIT REFUNDABLE.**—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

“(E) **OTHER RULES.**—

“(i) **ELECTION.**—Any election under this paragraph may be revoked only with the consent of the Secretary.

“(ii) **PARTNERSHIPS WITH ELECTING PARTNERS.**—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation’s distributive share of partnership items under section 702—

“(I) paragraph (1) shall not apply to any eligible qualified property, and

“(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

“(iii) **CERTAIN PARTNERSHIPS.**—In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) at all times during the taxable year by one corporation

(or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), for purposes of subparagraph (B), each partner shall take into account its distributive share of the amounts determined by the partnership under subclauses (I) and (II) of clause (i) of such subparagraph for the taxable year of the partnership ending with or within the taxable year of the partner. The preceding sentence shall apply only to amounts determined with respect to property placed in service after December 31, 2011.

“(iv) **SPECIAL RULE FOR PASSENGER AIRCRAFT.**—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (B)(i)(I) and (C).”

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to taxable years ending after December 31, 2011.

(3) **TRANSITIONAL RULE.**—In the case of a taxable year beginning before January 1, 2012, and ending after December 31, 2011, the bonus depreciation amount determined under paragraph (4) of section 168(k) of the Internal Revenue Code of 1986 for such year shall be the sum of—

(A) such amount determined under such paragraph as in effect on the date before the date of enactment of this Act—

(i) taking into account only property placed in service before January 1, 2012, and

(ii) multiplying the limitation under subparagraph (C)(ii) of such paragraph (as so in effect) by a fraction the numerator of which is the number of days in the taxable year before January 1, 2012, and the denominator of which is the number of days in the taxable year, and

(B) such amount determined under such paragraph as amended by this Act—

(i) taking into account only property placed in service after December 31, 2011, and

(ii) multiplying the limitation under subparagraph (B)(ii) of such paragraph (as so in effect) by a fraction the numerator of which is the number of days in the taxable year after December 31, 2011, and the denominator of which is the number of days in the taxable year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 406—COM- MENDING THE ACHIEVEMENTS AND RECOGNIZING THE IMPOR- TANCE OF THE ALLIANCE TO SAVE ENERGY ON THE 35TH AN- NIVERSARY OF THE INCORPORA- TION OF THE ALLIANCE

Mr. WARNER (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. LUGAR, Ms. COLLINS, Mr. PRYOR, and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 406

Whereas March 18, 2012, marks the first day of a year-long celebration of the 35th anniversary of the Alliance to Save Energy, which was incorporated as a nonprofit organization in accordance with section 501(c)(3) of the Internal Revenue Code of 1986 on March 18, 1977;

Whereas the Alliance to Save Energy was founded by Senators Charles H. Percy and Hubert H. Humphrey;

Whereas the Alliance to Save Energy is a unique national, nonprofit, bipartisan pub-

lic-policy organization that works with prominent leaders in the fields of business, government, education, the environment, and consumer affairs to promote the efficient and clean use of energy throughout the world to benefit the economy, environment, and security of the United States;

Whereas the Alliance to Save Energy operates programs and collaborative projects throughout the United States, and has worked in the international community for more than a decade in more than 30 developing and transitional countries;

Whereas the Alliance to Save Energy leverages international relationships with government and industry leaders to promote energy efficiency throughout the world and has worked to launch affiliate organizations such as the European Alliance to Save Energy and the Australian Alliance to Save Energy;

Whereas the Alliance to Save Energy has shown that energy efficiency and conservation measures taken by the United States during the past 35 years have caused annual energy consumption in the United States to decrease by more than 52 quads;

Whereas the Alliance to Save Energy is recognized across the United States as an authority on energy efficiency, and regularly provides testimony and resources to the Federal Government, State governments, and members of the business and media communities;

Whereas the Alliance to Save Energy contributes to a variety of educational and outreach initiatives, including—

(1) the award-winning Green Schools and Green Campus programs;

(2) award-winning public service announcements; and

(3) a variety of targeted energy-efficiency campaigns; and

Whereas the Alliance to Save Energy collaborates with other prominent organizations to form partnerships and create groups that advance the cause of energy efficiency, including—

(1) the Building Codes Assistance Project (commonly known as “BCAP”);

(2) the Southeast Energy Efficiency Alliance (commonly known as “SEEA”);

(3) the Clean and Efficient Energy Program (commonly known as “CEEP”);

(4) the Efficient Windows Collaborative; and

(5) the Appliance Standards Awareness Project (commonly known as “ASAP”); Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance; and

(2) recognizes the important contributions that the Alliance to Save Energy has made to further the cause of energy efficiency.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1946. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

SA 1947. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1948. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1949. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, *supra*; which was ordered to lie on the table.

SA 1950. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, *supra*; which was ordered to lie on the table.

SA 1951. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, *supra*; which was ordered to lie on the table.

SA 1952. Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. TESTER, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. LEVIN, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2204, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1946. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —FOREIGN EARNINGS REINVESTMENT

SEC. 01. SHORT TITLE.

This title may be cited as the “Foreign Earnings Reinvestment Act”.

SEC. 02. ALLOWANCE OF TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM A CONTROLLED FOREIGN CORPORATION.

(a) **APPLICABILITY OF PROVISION.**—

(1) **IN GENERAL.**—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

“(f) **ELECTION; ELECTION YEAR.**—

“(1) **IN GENERAL.**—The taxpayer may elect to apply this section to—

“(A) the taxpayer’s last taxable year which begins before the date of the enactment of the Foreign Earnings Reinvestment Act, or

“(B) the taxpayer’s first taxable year which begins during the 1-year period beginning on such date.

Such election may be made for a taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.

“(C) **ELECTION YEAR.**—For purposes of this section, the term ‘election year’ means the taxable year—

“(i) which begins after the date that is one year before the date of the enactment of the Foreign Earnings Reinvestment Act, and

“(ii) to which the taxpayer elects under paragraph (1) to apply this section.”.

(2) **CONFORMING AMENDMENTS.**—

(A) **EXTRAORDINARY DIVIDENDS.**—Section 965(b)(2) of such Code is amended—

(i) by striking “June 30, 2003” and inserting “September 30, 2011”, and

(ii) by adding at the end the following new sentence: “The amounts described in clauses (i), (ii), and (iii) shall not include any amounts which were taken into account in determining the deduction under subsection (a) for any prior taxable year.”.

(B) **DETERMINATIONS RELATING TO RELATED PARTY INDEBTEDNESS.**—Section 965(b)(3)(B) of such Code is amended by striking “October 3, 2004” and inserting “September 30, 2011”.

(C) **APPLICABLE FINANCIAL STATEMENT.**—Section 965(c)(1) of such Code is amended by

striking “June 30, 2003” each place it appears and inserting “September 30, 2011”.

(D) **DETERMINATIONS RELATING TO BASE PERIOD.**—Section 965(c)(2) of such Code is amended by striking “June 30, 2003” and inserting “September 30, 2011”.

(b) **DEDUCTION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) **IN GENERAL.**—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 965(c) of such Code, as amended by subsection (a), is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5), as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (4) of section 965(c) of such Code, as redesignated by subparagraph (A), is amended to read as follows:

“(4) **CONTROLLED GROUPS.**—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(c) **AMOUNT OF DEDUCTION.**—

(1) **IN GENERAL.**—Paragraph (1) of section 965(a) of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “75 percent”.

(2) **BONUS DEDUCTION IN SUBSEQUENT TAXABLE YEAR FOR INCREASING JOBS.**—Section 965 of such Code is amended by adding at the end the following new subsection:

“(g) **BONUS DEDUCTION.**—

“(1) **IN GENERAL.**—In the case of any taxpayer who makes an election to apply this section, there shall be allowed as a deduction for the first taxable year following the election year an amount equal to the applicable percentage of the cash dividends which are taken into account under subsection (a) with respect to such taxpayer for the election year.

“(2) **APPLICABLE PERCENTAGE.**—For purposes of paragraph (1), the applicable percentage is the amount which bears the same ratio (not greater than 1) to 10 percent as—

“(A) the excess (if any) of—

“(i) the qualified payroll of the taxpayer for the calendar year which begins with or within the first taxable year following the election year, over

“(ii) the qualified payroll of the taxpayer for calendar year 2010, bears to

“(B) 10 percent of the qualified payroll of the taxpayer for calendar year 2010.”.

“(3) **QUALIFIED PAYROLL.**—For purposes of this paragraph:

“(A) **IN GENERAL.**—The term ‘qualified payroll’ means, with respect to a taxpayer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by the corporation during such calendar year.

“(B) **EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.**—

“(i) **ACQUISITIONS.**—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer acquires the trade or business of a predecessor, then the qualified payroll of such taxpayer for any calendar year shall be increased by so much of the qualified payroll of the predecessor for such calendar year as

was attributable to the trade or business acquired by the taxpayer.

“(ii) **DISPOSITIONS.**—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer disposes of a trade or business, then—

“(I) the qualified payroll of such taxpayer for calendar year 2010 shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer, and

“(II) if the disposition occurs after the beginning of the first taxable year following the election year, the qualified payroll of such taxpayer for the calendar year which begins with or within such taxable year shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer.

“(C) **SPECIAL RULE.**—For purposes of determining qualified payroll for any calendar year after calendar year 2011, such term shall not include wages paid to any individual if such individual received compensation from the taxpayer for services performed—

“(i) after the date of the enactment of this paragraph, and

“(ii) at a time when such individual was not an employee of the taxpayer.”.

(3) **REDUCTION FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.**—Paragraph (4) of section 965(b) of such Code (relating to limitations) is amended to read as follows:

“(4) **REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.**—

“(A) **IN GENERAL.**—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer’s prior average employment, an additional amount equal to \$75,000 multiplied by the number of employees by which the taxpayer’s average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)(1)) shall be taken into income by the taxpayer during the taxable year that includes the final day of such period.

“(B) **AVERAGE EMPLOYMENT LEVEL.**—For purposes of this paragraph, the taxpayer’s average employment level for a period shall be the average number of full-time United States employees of the taxpayer, measured at the end of each month during the period.

“(C) **PRIOR AVERAGE EMPLOYMENT.**—For purposes of this paragraph, the taxpayer’s ‘prior average employment’ shall be the average number of full-time United States employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1).

“(D) **FULL-TIME UNITED STATES EMPLOYEE.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘full-time United States employee’ means an individual who provides services in the United States as a full-time employee, based on the employer’s standards and practices; except that regardless of the employer’s classification of the employee, an employee whose normal schedule is 40 hours or more per week is considered a full-time employee.

“(ii) **EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.**—Such term does not include—

“(I) any individual who was an employee, on the date of acquisition, of any trade or

business acquired by the taxpayer during the 24-month period referred to in subparagraph (A), and

“(II) any individual who was an employee of any trade or business disposed of by the taxpayer during the 24-month period referred to in subparagraph (A) or the 24-month period referred to in subparagraph (C).

“(E) AGGREGATION RULES.—In determining the taxpayer’s average employment level and prior average employment, all domestic members of a controlled group shall be treated as a single taxpayer.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 1947. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS

SEC. 401. WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS.

(a) IN GENERAL.—Section 12112 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “A coastwise” and inserting “Except as provided in subsection (b), a coastwise”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) WAIVER FOR OIL AND GASOLINE TANKERS.—The requirements of subsection (a) shall not apply to an oil or gasoline tanker vessel and a coastwise endorsement may be issued for any such tanker vessel that otherwise qualifies under the laws of the United States to engage in the coastwise trade.”.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commandant of the United States Coast Guard shall issue regulations to implement the amendments made by subsection (a). Such regulations shall require that an oil or gasoline tanker vessel permitted to engage in the coastwise trade pursuant to subsection (b) of section 12112 of title 46, United States Code, as amended by subsection (a), meets all appropriate safety and security requirements.

SA 1948. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS

SEC. 401. WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS.

(a) IN GENERAL.—The Commandant of the United States Coast Guard may issue a coastwise endorsement to a oil or gasoline taker vessel that does not meet the requirements of section 12112(a) of title 46, United States Code.

(b) PERIOD.—A coastwise endorsement issued under subsection (a) shall expire no

later than the date that is 6 months after the date of the enactment of this Act.

(c) REGULATIONS.—The Commandant shall ensure that a tanker vessel issued a coastwise endorsement under subsection (a) meets all appropriate safety and security requirements.

SA 1949. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—COASTWISE TRADE

SEC. 401. REPEAL OF JONES ACT LIMITATIONS ON COASTWISE TRADE.

(a) IN GENERAL.—Section 12112(a) of title 46, United States Code, is amended to read as follows:

“(a) IN GENERAL.—A coastwise endorsement may be issued for a vessel that qualifies under the laws of the United States to engage in the coastwise trade.”.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commandant of the United States Coast Guard shall issue regulations to implement the amendment made by subsection (a). Such regulations shall require that a vessel permitted to engaged in the coastwise trade meets all appropriate safety and security requirements.

(c) CONFORMING AMENDMENTS.—

(1) TANK VESSEL CONSTRUCTION STANDARDS.—Section 3703a(c)(1)(C) of title 46, United States Code, is amended by striking “Coast Guard and is qualified for documentation as a wrecked vessel under section 12112 of this title.” and inserting “Coast Guard.”.

(2) LIQUIFIED GAS TANKERS.—Section 12120 of title 46, United States Code, is amended by striking “United States,” and all that follows and inserting “United States.”.

(3) SMALL PASSENGER VESSELS.—Section 12121(b) of title 46, United States Code, is amended by striking “12112.”.

(4) LOSS OF COASTWISE TRADE PRIVILEGES.—Section 12132 of title 46, United States Code, is repealed.

(5) TABLE OF SECTIONS.—The table of sections for chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12132.

SA 1950. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—WAIVER OF JONES ACT REQUIREMENTS

SEC. 401. WAIVER OF JONES ACT REQUIREMENTS.

(a) IN GENERAL.—The Commandant of the United States Coast Guard may issue a coastwise endorsement to a vessel that does not meet the requirements of section 12112(a) of title 46, United States Code.

(b) PERIOD.—A coastwise endorsement issued under subsection (a) shall expire no later than the date that is 6 months after the date of the enactment of this Act.

(c) REGULATIONS.—The Commandant shall ensure that a vessel issued a coastwise endorsement under subsection (a) meets all appropriate safety and security requirements.

SA 1951. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. PROHIBITION ON USE OF FEDERAL FUNDS RELATING TO ETHANOL BLENDER PUMPS AND ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law shall be expended to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility (unless the funds are expended to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility for use by motor vehicle fleets operated by a Federal agency), including—

(1) funds in any trust fund to which funds are made available by Federal law; and

(2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1952. Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. TESTER, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. LEVIN, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. ENERGY MARKETS.

(a) FINDINGS.—Congress finds that—

(1) the Commodity Futures Trading Commission was created as an independent agency, in 1974, with a mandate—

(A) to enforce and administer the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) to ensure market integrity;

(C) to protect market users from fraud and abusive trading practices; and

(D) to prevent and prosecute manipulation of the price of any commodity in interstate commerce;

(2) Congress has given the Commodity Futures Trading Commission authority under the Commodity Exchange Act (7 U.S.C. 1 et seq.) to take necessary actions to address market emergencies;

(3) the Commodity Futures Trading Commission may use the emergency authority of the Commission with respect to any major market disturbance that prevents the market from accurately reflecting the forces of supply and demand for a commodity;

(4) Congress declared in section 4a of the Commodity Exchange Act (7 U.S.C. 6a) that excessive speculation imposes an undue and unnecessary burden on interstate commerce;

(5) according to an article published in *Forbes* on February 27, 2012, excessive oil speculation “translates out into a premium

for gasoline at the pump of \$.56 a gallon" based on a recent report from Goldman Sachs;

(6) on March 9, 2012—

(A) the supply of crude oil and gasoline was higher than the supply was on March 6, 2009, when the national average price for a gallon of regular unleaded gasoline was just \$1.94; and

(B) demand for gasoline in the United States was lower than demand was on June 20, 1997;

(7) on March 12, 2012, the national average price of regular unleaded gasoline was over \$3.82 a gallon, the highest price ever recorded in the United States during the month of March;

(8) during the last quarter of 2011, according to the International Energy Agency—

(A) the world oil supply rose by 1,300,000 barrels per day while demand only increased by 700,000 barrels per day; but

(B) the price of Texas light sweet crude rose by over 12 percent;

(9) on November 3, 2011, Gary Gensler, the Chairman of the Commodity Futures Trading Commission testified before the Senate Permanent Subcommittee on Investigations that "80 to 87 percent of the [oil futures] market" is dominated by "financial participants, swap dealers, hedge funds, and other financials," a figure that has more than doubled over the past decade;

(10) excessive oil and gasoline speculation is creating major market disturbances that prevent the market from accurately reflecting the forces of supply and demand; and

(11) the Commodity Futures Trading Commission has a responsibility —

(A) to ensure that the price discovery for oil and gasoline accurately reflects the fundamentals of supply and demand; and

(B) to take immediate action to implement strong and meaningful position limits to regulated exchange markets to eliminate excessive oil speculation.

(b) ACTIONS.—Not later than 14 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall use the authority of the Commission (including emergency powers)—

(1) to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commission, on or through which energy futures or swaps are traded; and

(2) to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations, or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

NOTICE OF HEARING

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. SCHUMER. Mr. President, I wish to announce that the Joint Congressional Committee on Inaugural Ceremonies will meet on Wednesday, March 28, 2012, at 10:30 a.m., to conduct its organization meeting.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224-6352.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of today's session and the debate on S. 2204: Juan Machado, David Sklar, Harun Dogo, and Avital Barnea.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2237

Mr. DURBIN. Madam President, I understand that S. 2237, introduced earlier today by Senator REID of Nevada, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2237) to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Mr. DURBIN. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 615, 616, 617, 618, 619, 620, 621, 622, 623, 625, 626, 627, and 628, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Peter R. Masciola

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Mark A. Ediger

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Janet C. Wolfenbarger

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Colonel Ondra L. Berry
Colonel Allen D. Bolton
Colonel William D. Cobetto
Colonel Wade A. Lillegard
Colonel Thad L. Myers

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General Steven A. Cray
Brigadier General William J. Crisler, Jr.
Brigadier General Jon F. Fago
Brigadier General Michael A. Loh
Brigadier General Eric W. Vollmecke

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General David W. Allvin
Brigadier General Howard B. Baker
Brigadier General Thomas W. Bergeson
Brigadier General Charles Q. Brown, Jr.
Brigadier General Darryl W. Burke
Brigadier General Richard M. Clark
Brigadier General Dwyer L. Dennis
Brigadier General Mark C. Dillon
Brigadier General Carlton D. Everhart, II
Brigadier General Samuel A. R. Greaves
Brigadier General Morris E. Haase
Brigadier General Garrett Harencak
Brigadier General Paul T. Johnson
Brigadier General Randy A. Kee
Brigadier General Jim H. Keffer
Brigadier General Michael J. Kingsley
Brigadier General Jeffrey G. Lofgren
Brigadier General James K. McLaughlin
Brigadier General Kurt F. Neubauer
Brigadier General John F. Newell, III
Brigadier General Craig S. Olson
Brigadier General John N. T. Shanahan
Brigadier General Michael S. Stough
Brigadier General Scott D. West
Brigadier General Kenneth S. Wilsbach

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Colonel Steven M. Balser
Colonel Mark H. Berry
Colonel Walter A. Bryan, Jr.
Colonel Gregory S. Champagne
Colonel Sean T. Collins
Colonel John L. D'Errico
Colonel Dawne L. Deskins
Colonel Scott A. Dold
Colonel Gary L. Ebben
Colonel Kenneth L. Gammon
Colonel Bruce R. Guerdan
Colonel Leonard W. Isabelle, Jr.
Colonel Clifford W. Latta, Jr.

Colonel Paul C. Maas, Jr.
Colonel Edward P. Maxwell
Colonel David M. McMinn
Colonel Thomas C. Patton
Colonel Braden K. Sakai
Colonel Janet I. Sessums
Colonel Peter J. Siana
Colonel Jeffrey M. Silver
Colonel James K. Vogel
Colonel Sallie K. Worcester

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Clyde D. Moore, II

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Douglas D. Delozier

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Michael X. Garrett

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Robert P. Ashley, Jr.
Brigadier General Jeffrey L. Bailey
Brigadier General Jeffrey N. Colt
Brigadier General Kenneth R. Dahl
Brigadier General Gordon B. Davis, Jr.
Brigadier General Joseph P. DiSalvo
Brigadier General Robert M. Dyess, Jr.
Brigadier General Karen E. Dyson
Brigadier General Paul E. Funk, II
Brigadier General Harold J. Greene
Brigadier General William C. Hix
Brigadier General Stephen R. Lyons
Brigadier General Herbert R. McMaster, Jr.
Brigadier General John M. Murray
Brigadier General Richard P. Mustion
Brigadier General Michael K. Nagata
Brigadier General Bryan R. Owens
Brigadier General James F. Pasquarette
Brigadier General Lawarren V. Patterson
Brigadier General Aundre F. Piggee
Brigadier General Ross E. Ridge
Brigadier General John G. Rossi
Brigadier General Thomas C. Seamands
Brigadier General Michael H. Shields
Brigadier General Leslie C. Smith
Brigadier General John Uberti
Brigadier General Bryan G. Watson
Brigadier General Darrell K. Williams

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Craig A. Bugno

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David D. Halverson

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1415 AIR FORCE nominations (2) beginning MATTHEW R. GEE, and ending VIC-

TOR G. SOTO, which nominations were received by the Senate and appeared in the Congressional Record of February 29, 2012.

PN1444 AIR FORCE nominations (3) beginning KERRY L. LEWIS, and ending LYNN M. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2012.

IN THE ARMY

PN1166 ARMY nomination of Richard M. Scott, which was received by the Senate and appeared in the Congressional Record of December 1, 2011.

PN1364 ARMY nominations (53) beginning KEITH J. ANDREWS, and ending DOUGLAS W. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2012.

PN1396 ARMY nominations (2) beginning DWIGHT Y. SHEN, and ending CAROL J. PIERCE, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2012.

PN1417 ARMY nomination of Shane T. Taylor, which was received by the Senate and appeared in the Congressional Record of February 29, 2012.

PN1418 ARMY nominations (3) beginning PATRICIA A. LOVELESS, and ending JEROME M. BENAVIDES, which nominations were received by the Senate and appeared in the Congressional Record of February 29, 2012.

PN1419 ARMY nomination of Robert S. Taylor, which was received by the Senate and appeared in the Congressional Record of February 29, 2012.

PN1420 ARMY nomination of Casey D. Shuff, which was received by the Senate and appeared in the Congressional Record of February 29, 2012.

PN1445 ARMY nominations (3) beginning JOHN B. HILL, and ending STEPHEN M. RADULSKI, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2012.

IN THE MARINE CORPS

PN1282 MARINE CORPS nomination of William J. Wrightington, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1288 MARINE CORPS nomination of Mark A. Mitchell, which was received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1295 MARINE CORPS nominations (2) beginning ROBERT F. EMMINGER, and ending MICHAEL G. MARCHAND, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2012.

PN1333 MARINE CORPS nominations (73) beginning PAUL H. ATTERBURY, and ending DONALD A. ZIOLKOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2012.

IN THE NAVY

PN1422 NAVY nominations (3) beginning JAY R. FRIEDMAN, and ending DONNA RAJA, which nominations were received by the Senate and appeared in the Congressional Record of February 29, 2012.

PN1423 NAVY nomination of Steven J. Porter, which was received by the Senate and appeared in the Congressional Record of February 29, 2012.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the majority leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, and 112-75, appoints the following individual to the United States Commission on International Religious Freedom:

Katrina Lantos Swett of New Hampshire, vice Dr. Don H. Argue.

ORDERS FOR TUESDAY, MARCH 27, 2012

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Tuesday, March 27, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 337, S. 2204, the Repeal Big Oil Tax Subsidies Act postcloture; and that all time during adjournment, recess, and morning business count postcloture on the motion to proceed to S. 2204; and finally that at 12:30 p.m. the Senate recess subject to the call of the Chair to accommodate the weekly caucus meetings and the official photograph of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Madam President, we hope to begin consideration of the Repeal Big Oil Tax Subsidies Act during Tuesday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Tuesday, March 27, 2012, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 26, 2012:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE

OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. PETER R. MASCIOLA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MARK A. EDIGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JANET C. WOLFENBARGER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COLONEL ONDRA L. BERRY
COLONEL ALLEN D. BOLTON
COLONEL WILLIAM D. COBETTO
COLONEL WADE A. LILLEGARD
COLONEL THAD L. MYERS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL STEVEN A. CRAY
BRIGADIER GENERAL WILLIAM J. CRISLER, JR.
BRIGADIER GENERAL JON F. FAGO
BRIGADIER GENERAL MICHAEL A. LOH
BRIGADIER GENERAL ERIC W. VOLLMECKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DAVID W. ALLVIN
BRIGADIER GENERAL HOWARD B. BAKER
BRIGADIER GENERAL THOMAS W. BERGESON
BRIGADIER GENERAL CHARLES Q. BROWN, JR.
BRIGADIER GENERAL DARRYL W. BURKE
BRIGADIER GENERAL RICHARD M. CLARK
BRIGADIER GENERAL DWYER L. DENNIS
BRIGADIER GENERAL MARK C. DILLON
BRIGADIER GENERAL CARLTON D. EVERHART II
BRIGADIER GENERAL SAMUEL A. R. GREAVES
BRIGADIER GENERAL MORRIS E. HAASE
BRIGADIER GENERAL GARRETT HARENCAK
BRIGADIER GENERAL PAUL T. JOHNSON
BRIGADIER GENERAL RANDY A. KEE
BRIGADIER GENERAL JIM H. KEFFER
BRIGADIER GENERAL MICHAEL J. KINGSLEY
BRIGADIER GENERAL JEFFREY G. LOFGREN
BRIGADIER GENERAL JAMES K. MCLAUGHLIN
BRIGADIER GENERAL KURT F. NEUBAUER
BRIGADIER GENERAL JOHN F. NEWELL III
BRIGADIER GENERAL CRAIG S. OLSON
BRIGADIER GENERAL JOHN N. T. SHANAHAN
BRIGADIER GENERAL MICHAEL S. STOUGH
BRIGADIER GENERAL SCOTT D. WEST
BRIGADIER GENERAL KENNETH S. WILSBACH

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COLONEL STEVEN M. BALSER

COLONEL MARK H. BERRY
COLONEL WALTER A. BRYAN, JR.
COLONEL GREGORY S. CHAMPAGNE
COLONEL SEAN T. COLLINS
COLONEL JOHN L. D'ERRICO
COLONEL DAWNE L. DESKINS
COLONEL SCOTT A. DOLD
COLONEL GARY L. EBBEN
COLONEL KENNETH L. GAMMON
COLONEL BRUCE R. GUERDAN
COLONEL LEONARD W. ISABELLE, JR.
COLONEL CLIFFORD W. LATTA, JR.
COLONEL PAUL C. MAAS, JR.
COLONEL EDWARD P. MAXWELL
COLONEL DAVID M. MCMINN
COLONEL THOMAS C. PATTON
COLONEL BRADEN K. SAKAI
COLONEL JANET I. SESSUMS
COLONEL PETER J. SIANA
COLONEL JEFFREY M. SILVER
COLONEL JAMES K. VOGEL
COLONEL SALLIE K. WORCESTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CLYDE D. MOORE II

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DOUGLAS D. DELOZIER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MICHAEL X. GARRETT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL ROBERT P. ASHLEY, JR.
BRIGADIER GENERAL JEFFREY L. BAILEY
BRIGADIER GENERAL JEFFREY N. COLT
BRIGADIER GENERAL KENNETH R. DAHL
BRIGADIER GENERAL GORDON B. DAVIS, JR.
BRIGADIER GENERAL JOSEPH P. DISALVO
BRIGADIER GENERAL ROBERT M. DYESS, JR.
BRIGADIER GENERAL KAREN E. DYSON
BRIGADIER GENERAL PAUL E. FUNK II
BRIGADIER GENERAL HAROLD J. GREENE
BRIGADIER GENERAL WILLIAM C. HIX
BRIGADIER GENERAL STEPHEN R. LYONS
BRIGADIER GENERAL HERBERT R. MCMASTER, JR.
BRIGADIER GENERAL JOHN M. MURRAY
BRIGADIER GENERAL RICHARD P. MUSTION
BRIGADIER GENERAL MICHAEL K. NAGATA
BRIGADIER GENERAL BRYAN R. OWENS
BRIGADIER GENERAL JAMES F. PASQUARETTE
BRIGADIER GENERAL LAWRENCE V. PATTERSON
BRIGADIER GENERAL AUNDRE F. PIGGEE
BRIGADIER GENERAL ROSS E. RIDGE
BRIGADIER GENERAL JOHN G. ROSSI
BRIGADIER GENERAL THOMAS C. SEAMANDS
BRIGADIER GENERAL MICHAEL H. SHIELDS
BRIGADIER GENERAL LESLIE C. SMITH
BRIGADIER GENERAL JOHN UBERTI
BRIGADIER GENERAL BRYAN G. WATSON
BRIGADIER GENERAL DARRELL K. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CRAIG A. BUGNO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID D. HALVERSON

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MATTHEW R. GEE AND ENDING WITH VICTOR G. SOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 29, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH KERRY L. LEWIS AND ENDING WITH LYNN M. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2012.

IN THE ARMY

ARMY NOMINATION OF RICHARD M. SCOTT, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH KEITH J. ANDREWS AND ENDING WITH DOUGLAS W. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2012.

ARMY NOMINATIONS BEGINNING WITH DWIGHT Y. SHEN AND ENDING WITH CAROL J. PIERCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2012.

ARMY NOMINATION OF SHANE T. TAYLOR, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH PATRICIA A. LOVELESS AND ENDING WITH JEROME M. BENAVIDES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 29, 2012.

ARMY NOMINATION OF ROBERT S. TAYLOR, TO BE MAJOR.

ARMY NOMINATION OF CASEY D. SHUFF, TO BE MAJOR. AND ENDING WITH STEPHEN M. RADULSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2012.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF WILLIAM J. WRIGHTINGTON, TO BE MAJOR.

MARINE CORPS NOMINATION OF MARK A. MITCHELL, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT F. EMMINGER AND ENDING WITH MICHAEL G. MARCHAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2012.

MARINE CORPS NOMINATIONS BEGINNING WITH PAUL H. ATTERBURY AND ENDING WITH DONALD A. ZIOLKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JAY R. FRIEDMAN AND ENDING WITH DONNA RAJA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 29, 2012.

NAVY NOMINATION OF STEVEN J. PORTER, TO BE LIEUTENANT COMMANDER.

HOUSE OF REPRESENTATIVES—Monday, March 26, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. DENHAM).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 26, 2012.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

MURRAY LENDER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

Ms. DELAURO. Mr. Speaker, it's with the heaviest of hearts that I rise today to pay tribute to the life and legacy of one of our community's most outstanding entrepreneurs and my dear friend, Murray Lender, whom we lost on March 21, at the age of 81.

Murray Lender was a bagel baker, food executive, and philanthropist who helped bring the bagel to kitchens across the Nation.

Murray was a close friend, and I was deeply saddened to learn of his passing.

Murray, the son of immigrant parents, never forgot his roots and humble beginnings in New Haven while he worked to foster goodwill and humanitarianism. He was a special person and leader, part of a special family that takes care of each other, bringing jobs to networks and friends and serving the larger community.

From counting bagels in the family's backyard bakery before he was 11, Murray rose to become a food marketing innovator who took what was formerly

only an ethnic product and made it a national staple available to all.

In more recent years, Murray directed his focus toward philanthropic work. His energy and creative thinking had a major impact on anything he undertook, particularly in his hometown of New Haven.

Active in both the local Jewish community as well as his alma mater, Quinnipiac University, Murray's influence can be seen throughout the city, which has recognized him with a school playground in his name, the ADL Torch of Liberty Award, and an honorary doctor of humane letters from Quinnipiac University, to name a few.

Murray Lender was an extraordinary human being, and I consider myself fortunate to have called him my friend. He leaves such a legacy that we celebrate even as we mourn his passing.

I extend my deepest sympathies to his wife, Gillie; his children, daughter Haris and her husband, Evan, and sons, Carl and Jay; his grandchildren Olivia, Adam, Jessie, Raquel, Sheva, Julian, Diego, and Claudia; as well as his brother Marvin and his wife, Helaine.

We can see the unfailing smile in the face of adversity and all his work that carries on. Murray Lender lit up the world. We will miss him.

Mr. Speaker: It is with the heaviest of hearts that I rise today to pay tribute to the life and legacy of one of our community's most outstanding entrepreneurs and my dear friend, Murray Lender, who we lost on March 21st at the age of eighty-one. A bagel baker, food executive and philanthropist, who helped bring the bagel to kitchens across the nation, Murray was a close friend and I was deeply saddened to learn of his passing. Murray never forgot his roots and humble beginnings in New Haven while he worked to foster good will and humanitarianism. He was a special person and leader, part of a special family that takes care of each other, bringing jobs to networks of friends and serving the larger community.

Along with his two brothers, Marvin and Sam, Murray turned the dream of "bagelizing" America into a reality through the process of freezing the bagel, which the family pioneered in the early 1960s. Murray, who began counting bagels in the family's backyard bakery before he was eleven, became a food marketing innovator. He took what was formerly only an ethnic product and made it a national staple, available to all. In 1963, Lender's introduced a branded retail pack of frozen bagels. Murray saw frozen foods, which was a new category of products, as an opportunity for greater distribution and expanding the market to new users.

Free publicity was also a key to their success. Murray could be seen presenting a life-

sized bagel on the Tonight Show to Johnny Carson, or on Capitol Hill presenting Tip O'Neill with a giant green bagel on St. Patrick's Day. Whether in animated form, or live, lying on the bread shelf in the supermarket, there wasn't much that Murray wouldn't do to sell his product. Lender's Bagels was sold to Kraft food in 1985, but Murray remained with the company to continue his work as spokesman.

Murray was forever passionate about the concept of frozen foods and became involved in all associations directed at strengthening its image. He was Chairman of the National Frozen Food Association (NFFA), as well as the chairman of the 50th Anniversary of Frozen Foods, a national promotion staged in 1980. He pioneered and co-chaired the first National Frozen Food Month in March of 1984, an industry wide month of promotional retail and foodservice activity among frozen food manufacturers. Murray would never go a day dressed without a penguin—the frozen food marketing symbol—whether it be a tie, a pin, socks or a hat. He was recognized by this industry with numerous awards throughout his lifetime.

In more recent years, Murray directed his focus toward philanthropic work. His energy and creative thinking had a major impact on anything he undertook, particularly in his hometown of New Haven. Active in both the local Jewish community, as well as his Alma Mater, Quinnipiac University, Murray's influence can be seen throughout the city, which has recognized him with a school playground in his name, the ADL Torch of Liberty Award, and an honorary Doctor of Humane Letters from Quinnipiac University, to name a few.

Murray Lender was an extraordinary human being and I consider myself fortunate to have called him my friend. He leaves such a legacy that we celebrate, even as we mourn his passing. I extend my deepest sympathies to his wife, Gillie; his children, daughter Haris and her husband, Evan, and sons Carl and Jay, grandchildren Olivia, Adam, Jessie, Raquel, Sheva, Julian, Diego, and Claudia, as well as his brother Marvin and his wife Helaine. We can see the unfailing smile in the face of adversity and all his work that carries on. He lit up the world. We will miss him.

TWO YEARS LATER, HEALTH CARE LAW'S BROKEN PROMISES CONTINUE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today the Supreme Court will begin hearing oral arguments on the constitutionality of the President's health care overhaul, the so-called Affordable Care Act of 2010.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

While the Court is still months away from this decision, in many ways the verdict has already been cast by countless American families and small businesses negatively impacted by the law.

In 2007, then-Speaker NANCY PELOSI suggested: "We have to pass the bill so you can find out what's in it."

Two years since passage, American families have found out the hard way with increased taxes, looming regulations, and a slew of broken promises from fictitious cost controls to limitations on consumer choice.

Most recently, the nonpartisan Congressional Budget Office served a devastating blow to President Obama's most frequently used tagline: "If you like your present coverage, you can keep it."

The CBO report suggested there will be a net loss of employer-based insurance coverage between 3 and 5 million people per year from 2019 to 2022. This has the potential for 20 million Americans to lose their insurance coverage over just a 4-year span.

On the first anniversary of the Affordable Care Act, I joined the U.S. House Energy and Commerce Committee for a congressional field hearing in Harrisburg, Pennsylvania, in order to review the law's impact throughout the Commonwealth of Pennsylvania. During the hearing, Pennsylvania's acting insurance commissioner, Michael Consedine, testified that new mandates on insurance coverage had resulted in premium increases of up to 9 percent.

These figures mirror the national trend as outlined in a recent study by the Kaiser Family Foundation. The Kaiser report shows that the average annual premium for family coverage through an employer reached \$15,073 in 2011, an increase of 9 percent over the previous year. This is a far cry from Barack Obama's 2008 proposition that his law would cut family premiums by \$2,500 before the conclusion of his first term in office.

President Obama had also promised that he will not sign a health care plan that adds one dime toward deficits either now or in the future. However, an honest accounting of the health care law finds that it will increase the deficit by hundreds of billions of dollars in the first 10 years alone.

Former Congressional Budget Office Director Douglas Holtz-Eakin has testified the law will increase the deficit by at least \$500 billion in its first 10 years and more than \$1.5 trillion over the decade thereafter.

At a time of severe budgetary constraints, there's only one place to turn in order to keep up with this spending: the wallets of Americans, in the form of tax increases.

Having spent almost 30 years in the nonprofit health care field, I am acutely aware of the challenges many face when it comes to obtaining reasonably priced health care.

While many of us agree there are portions of the law that are beneficial, such as the ability of adult dependent children up to age 26 to stay on their parents' insurance, the elimination of excluding those with preexisting conditions from the plan and the expansion of low-cost clinics into underserved areas, the approach of the Affordable Care Act is fundamentally flawed. The law places Uncle Sam between doctors and patients when it should be the American people, not Washington bureaucrats, determining the kind of health care coverage that best suits their needs.

Over the past 2 years, as the regulations have rolled out and the American people continue to learn what really is in the law, the broken promises have continued to pile up, weighing on the backs of small businesses and families. That's why we must repeal the law and toss out the negatives; move forward with reforms that actually lower costs without sacrificing quality and liberty.

This week, just blocks away from this Chamber, the Supreme Court will hear arguments on the constitutionality of this law. While the Court's decision is months away, the verdict has already been cast by the countless American families and small businesses in congressional districts across this great country that simply cannot afford the so-called Affordable Care Act.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STUTZMAN) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear Lord, we give You thanks for giving us another day. We use this moment to be reminded of Your presence and to tap the resources needed by the men and women of this assembly to do their work as well as it can be done. May they be led by Your spirit in the decisions they make. May they possess Your power as they steady themselves amid the pressures of persistent problems.

The issues facing our Nation this week are monumental to us, but a part of the long history of political and policy debate that have created a great narrative of participative democracy.

Send Your spirit of wisdom to the Justices of the Supreme Court, as well as the Members who serve in this people's House, that the rulings and bills that lead forward might prove to be beneficial to our Nation and its people.

And may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SABLON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SABLON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from the Northern Mariana Islands (Mr. SABLON) come forward and lead the House in the Pledge of Allegiance.

Mr. SABLON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPREME COURT OBAMACARE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today, the Supreme Court began its deliberations on the Patient Protection and Affordable Care Act. Clearly, with 3 days of deliberations, this is the most important case the Court has considered in decades.

I had the pleasure of being able to attend this morning's deliberations considering whether the Court should rule immediately or wait until the penalties are assessed a few years from now. Tomorrow, they will consider the heart of the matter, whether the Constitution allows the government to

compel individuals to purchase health insurance—the so-called “individual mandate.”

At this time, it is critical to remember that the Supreme Court is not the only body charged with protecting and defending the United States Constitution. This Congress, we've been working to restore rights to the American people. We have passed legislation to fully repeal this law, to eliminate many of its harmful provisions, and to defund irresponsible spending.

No matter how the Court rules, we must continue the fight to restore our constitutional liberties.

HONORING 40TH ANNIVERSARY OF MARIANAS VARIETY

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, 40 years ago, on March 16, 1972, a young couple in the Northern Mariana Islands, Abed E. Younis and Maria Paz Castro Younis, wrote, edited, printed, and distributed the very first issue of the Marianas Variety News & Views, now the oldest local newspaper on our islands.

The Variety provides its readers with extensive local news and views. It also carries reports of the region, the United States, the world, as well as interesting and in-depth feature stories and a thought-provoking opinion section.

These days, the community served by the Variety has expanded beyond the shores of the Northern Marianas. The paper is published and circulated locally, regionally, nationally, internationally, and online. For its journalistic excellence, the Variety is the winner of numerous awards.

The Variety is also a strong community partner, contributing to numerous nonprofit organizations, events and activities, and encouraging those interested in the business and craft of journalism and publishing.

Please join me in congratulating Abed and Paz Younis, their family, and all of their past and current employees and colleagues at the Marianas Variety News & Views for the newspaper's 40 years of service to our community.

OBAMACARE DESTROYS JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today marks an extremely important day in our Nation's history. The Supreme Court is scheduled to begin hearing oral arguments on the constitutionality of the President's government health care takeover legislation that was forced upon the American people by the President and his

liberal allies, in a liberal-controlled Congress, by deals and kickbacks.

Several weeks ago, the Congressional Budget Office released a report that ObamaCare will destroy almost 1 million jobs from our current workforce. According to a recent Gallup poll, 85 percent of small business owners are not hiring due to the government regulations and rising health care costs imposed by the Big Government mandate restricting freedom. America's largest association of small businesses, the National Federation of Independent Business, estimates 1.6 million jobs will be eliminated.

House Republicans have voted to repeal ObamaCare 26 times. With a record unemployment rate of over 8 percent for the last 3 years, it is necessary for the President and Congress to enact laws providing for job creation through private sector growth rather than supporting legislation that destroys jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

CONGRATULATING JAMES CAMERON

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, filmmaker James Cameron is known for captivating us with his great films like “Avatar,” “Aliens,” “The Abyss,” and “Titanic.” But yesterday, he really fascinated and captivated the world. He went down 36,000 feet under the sea to the lowest, deepest part of the world in a ship that he designed over the last 7 years privately—a 24-foot capsule—that took him down to visit and learn about the deep recesses of the sea.

Eighty percent of the world's biosphere is under the sea. We know less about that than we know about the Moon's surface. James Cameron, with the help of National Geographic and Rolex as a sponsor, and his friend, Mr. Allen, took that voyage and showed what man can do when he has curiosity and bravery. His activities that took a 6-hour trip to the bottom of the sea remind me of Charles Lindbergh, an individual who conquered new territories and opened up new vistas.

Before that, nobody had been that deep since 1960. They were there for 20 minutes, and they didn't see much. He was there for 6 hours. He's going to bring back a lot of information about the sea and about sea life. I thank him for his work. I congratulate him. The fulfillment of his dream sparks the imagination of the world and challenges us to explore our own creativity and ingenuity.

I thank Mr. Cameron for his courage, his imagination, and his daring.

COMMENDING PRESIDENT OBAMA'S COMMITMENT TO AMERICA'S AUTO INDUSTRY

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, 3 years ago, the American auto industry was on the verge of collapse, and millions of American jobs were in jeopardy.

When President Obama decided to rescue the American auto industry, many critics opposed him. But, today, the auto industry is resurging thanks to the tough decisions our President made in times of economic crisis.

President Obama stood by the American business community and our auto industry. As a result of his firm commitment and demonstration of leadership, jobs were saved. Some 1.4 million jobs were going to be lost up and down the supply chain of the auto industry if President Obama had not taken action to provide for the needs of millions of American families at a time of such great economic insecurity in our Nation. And now it's paying off. The auto industry has added more than 200,000 jobs in the last 2½ years.

Last but not least, General Motors Company is once again the world's top auto manufacturer. In 2011, profits were \$7.6 billion, its largest ever.

Mr. Speaker, I commend President Obama for the bold decisions he made to rescue our Nation's auto industry, and I thank him for standing with our country's workers and for leading our Nation out of the most serious economic recession since the Great Depression of 1929.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Pate, one of his secretaries.

□ 1410

NOTIFICATION OF INTENTION TO SUSPEND DESIGNATION OF ARGENTINA AS BENEFICIARY DEVELOPING COUNTRY UNDER GENERALIZED SYSTEM OF PREFERENCES PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-94)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2462(f)(2)), I am

providing notification of my intent to suspend designation of Argentina as a beneficiary developing country under the Generalized System of Preferences (GSP) program. Section 502(b)(2)(E) of the 1974 Act (19 U.S.C. 2462(b)(2)(E)) provides that the President shall not designate any country a beneficiary developing country under the GSP if such country fails to act in good faith in enforcing arbitral awards in favor of U.S.-owned companies. Section 502(d)(2) of the 1974 Act (19 U.S.C. 2462(d)(2)) provides that, after complying with the requirements of section 502(f)(2) of the 1974 Act (19 U.S.C. 2462(f)(2)), the President shall withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b)(2) of the 1974 Act.

Pursuant to section 502(d) of the 1974 Act, having considered the factors set forth in section 502(b)(2)(E), I have determined that it is appropriate to suspend Argentina's designation as a beneficiary developing country under the GSP program because it has not acted in good faith in enforcing arbitral awards in favor of U.S.-owned companies.

BARACK OBAMA.
THE WHITE HOUSE, March 26, 2012.

NOTIFICATION TO ADD REPUBLIC OF SOUTH SUDAN TO LIST OF BENEFICIARY DEVELOPING COUNTRIES UNDER GENERALIZED SYSTEM OF PREFERENCES PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-95)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 502(f)(1)(A) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(1)(A)), I am notifying the Congress of my intent to add the Republic of South Sudan (South Sudan) to the list of beneficiary developing countries under the Generalized System of Preferences (GSP) program. South Sudan became an independent nation on July 9, 2011. After considering the criteria set forth in section 502(c) of the 1974 Act (19 U.S.C. 2462(c)), I have determined that South Sudan should be designated as a GSP beneficiary developing country.

In addition, in accordance with section 502(f)(1)(B) of the 1974 Act (19 U.S.C. 2462(f)(1)(B)), I am providing notification of my intent to add South Sudan to the list of least-developed beneficiary countries under the GSP

program. After considering the criteria set forth in section 502(c) of the 1974 Act, I have determined that it is appropriate to extend least-developed beneficiary developing country benefits to South Sudan.

BARACK OBAMA.
THE WHITE HOUSE, March 26, 2012.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3 p.m. today.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska) at 3 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the voting incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

TREATMENT OF AFFILIATE TRANSACTIONS UNDER THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2779) to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF AFFILIATE TRANSACTIONS.

(a) COMMODITY EXCHANGE ACT AMENDMENTS.—Section 1a(47) of the Commodity Exchange Act (7 U.S.C. 1a(47)), as added by section 721(a)(21) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following:

"(G) TREATMENT OF AFFILIATE TRANSACTIONS.—

"(i) IN GENERAL.—For the purposes of any clearing and execution requirements under section 2(h) and any applicable margin and capital requirements of section 4s(e) and for purposes of defining 'swap dealer' or 'major swap participant', and reporting require-

ments other than those set forth in clause (ii), the term 'swap' does not include any agreement, contract, or transaction that—

"(I) would otherwise be included as a 'swap' under subparagraph (A); and

"(II) is entered into by parties that report information or prepare financial statements on a consolidated basis, or for which a company affiliated with both parties reports information or prepares financial statements on a consolidated basis.

"(ii) REPORTING.—All agreements, contracts, or transactions described in clause (i) shall be reported to either a swap data repository, or, if there is no swap data repository that would accept such agreements, contracts, or transactions, to the Commission pursuant to section 4r, or to a swap data repository or to the Commission pursuant to section 2(h)(5), within such time period as the Commission may by rule or regulation prescribe. Nothing in this subparagraph shall prohibit the Commission from establishing public reporting requirements for covered transactions between affiliates as described in sections 23A and 23B of the Federal Reserve Act in a manner consistent with rules governing the treatment of such covered transactions pursuant to section 2(a)(13) of this Act.

"(iii) PROTECTION OF INSURANCE FUNDS.—Nothing in this subparagraph shall be construed to prevent the regulator of a Federal or State insurance fund or guaranty fund from exercising its other existing authority to protect the integrity of such a fund, except that such regulator shall not subject agreements, contracts, or transactions described in clause (i) to clearing and execution requirements under section 2 of this Act, to any applicable margin and capital requirements of section 4s(e) of this Act, or to reporting requirements of title VII of Public Law 111-203 other than those set forth in clause (ii) of this subparagraph.

"(iv) PRESERVATION OF FEDERAL RESERVE ACT AUTHORITY.—Nothing in this subparagraph shall exempt a transaction described in this subparagraph from sections 23A or 23B of the Federal Reserve Act or implementing regulations thereunder.

"(v) PRESERVATION OF FEDERAL AND STATE REGULATORY AUTHORITIES.—Nothing in this subparagraph shall affect the Federal banking agencies' safety-and-soundness authorities over banks established in law other than title VII of Public Law 111-203 or the authorities of State insurance regulators over insurers, including the authority to impose capital requirements with regard to swaps. For purposes of this clause, the term 'bank' shall be defined pursuant to section 3(a)(6) of the Securities Exchange Act of 1934, 'insurer' shall be defined pursuant to title V of Public Law 111-203, and 'swap' shall be defined pursuant to title VII of Public Law 111-203.

"(vi) PREVENTION OF EVASION.—The Commission may prescribe rules under this subparagraph (and issue interpretations of such rules) as determined by the Commission to be necessary to include in the definition of swaps under this paragraph any agreement, contract, or transaction that has been structured to evade the requirements of this Act applicable to swaps."

(b) SECURITIES EXCHANGE ACT OF 1934 AMENDMENTS.—Section 3(a)(68) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)), as added by section 761(a)(6) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following:

"(F) TREATMENT OF AFFILIATE TRANSACTIONS.—

“(i) IN GENERAL.—For the purposes of any clearing and execution requirements under section 3C and any applicable margin and capital requirements of section 15F(e), and for purposes of defining ‘security-based swap dealer’ or a ‘major security-based swap participant’, and reporting requirements other than those set forth in clause (ii), the term ‘security-based swap’ does not include any agreement, contract, or transaction that—

“(I) would otherwise be included as a ‘security-based swap’ under subparagraph (A); and

“(II) is entered into by parties that report information or prepare financial statements on a consolidated basis, or for which a company affiliated with both parties reports information or prepares financial statements on a consolidated basis.

“(ii) REPORTING.—All agreements, contracts, or transactions described in clause (i) shall be reported to either a security-based swap data repository, or, if there is no security-based swap data repository that would accept such agreements, contracts, or transactions, to the Commission pursuant to section 13A, within such time period as the Commission may by rule or regulation prescribe.

“(iii) PRESERVATION OF FEDERAL RESERVE ACT AUTHORITY.—Nothing in this subparagraph shall exempt a transaction described in this subparagraph from sections 23A or 23B of the Federal Reserve Act or implementing regulations thereunder.

“(iv) PROTECTION OF INSURANCE FUNDS.—Nothing in this subparagraph shall be construed to prevent the regulator of a Federal or State insurance fund or guaranty fund from exercising its other existing authority to protect the integrity of such a fund, except that such regulator shall not subject security-based swap transactions between affiliated companies to clearing and execution requirements under section 3C, to any applicable margin and capital requirements of section 15F(e), or to reporting requirements of title VII of Public Law 111-203 other than those set forth in clause (ii).

“(v) PRESERVATION OF FEDERAL AND STATE REGULATORY AUTHORITIES.—Nothing in this subparagraph shall affect the Federal banking agencies’ safety-and-soundness authorities over banks established in law other than title VII of Public Law 111-203 or the authorities of State insurance regulators over insurers, including the authority to impose capital requirements with regard to security-based swaps. For purposes of this clause, the term ‘bank’ shall be defined pursuant to section 3(a)(6) of the Securities Exchange Act of 1934, ‘insurer’ shall be defined pursuant to title V of Public Law 111-203, and ‘security-based swap’ shall be defined pursuant to title VII of Public Law 111-203.

“(vi) PREVENTION OF EVASION.—The Commission may prescribe rules under this subparagraph (and issue interpretations of such rules) as determined by the Commission to be necessary to include in the definition of security-based swap under this paragraph any agreement, contract, or transaction that has been structured to evade the requirements of this Act applicable to security-based swaps.”

SEC. 2. IMPLEMENTATION.

The amendments made by this Act to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public com-

ment will be sought before a final rule is issued, and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. GARRETT) and the gentlewoman from Ohio (Ms. FUDGE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GARRETT. Mr. Speaker, I yield myself 2 minutes.

The legislation that is before us today ensures that American businesses will not be needlessly forced to use up the capital that they need to create jobs simply to satisfy some duplicative regulations. Under H.R. 2779, the inter-affiliate trades would be only exempt from costly margin, clearing, and real-time reporting requirements. Swap trades facing non-affiliated counterparties would still be subject to all the other regulatory requirements under proposed agency rules. So, without this bill, companies could face double—yes, double—the margin and regulatory cost.

To my point, last June the office of the OCC—that’s the Comptroller of the Currency—estimated that margin requirements under proposed prudential regulator margin rules could conservatively cost over \$2 trillion, which could increase substantially if regulators force affiliates to post margins on trades between themselves.

Without the relief of this bill, American companies face the prospect of having to post double margins on swap trades: once on a swap trade with themselves and secondly when they trade outside. So the Stivers-Fudge bill provides this needed relief.

This bill strengthens the ability of the regulators to oversee the affiliate swaps marketplace because those transactions must be reported still to a swap depository, or the CFTC or the SEC. Either way, Mr. Speaker, regulators will be able to monitor these transactions very closely. The bill also gives the SEC and CFTC the power to regulate swap transactions that are structured as affiliate trades only for purposes of evading regulation.

To conclude, Mr. Speaker, I commend the efforts of my colleagues from both sides of the aisle this morning, and I urge my colleagues to support this bipartisan bill.

I reserve the balance of my time.

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that 10 minutes of my time be controlled by Ms. MOORE of the Financial Services Committee.

The SPEAKER pro tempore. Without objection, the gentlewoman from Wisconsin will control 10 minutes.

There was no objection.

Ms. FUDGE. Mr. Speaker, I yield myself such time as I may consume.

Today, we debate and will vote on H.R. 2779, a bill that addresses a critical issue facing American businesses.

I want to thank my fellow Ohioans, STEVE STIVERS and Ms. MOORE, and our collective staffs for all their hard work on this important piece of legislation.

This bill that I co-introduced with my colleague Mr. STIVERS will exempt derivatives trades between two affiliates of the same corporation from clearing, execution, and margin requirements. This legislation would prevent internal, inter-affiliate swaps from being subject to requirements that were designed to apply only to certain external swaps. These internal swaps are used by many American corporations in multiple sectors of our economy.

Under the Dodd-Frank financial reform law, there is no distinction between inter-affiliate and external swaps. The regulation of inter-affiliate trade should reflect the economic reality that internal trades do not increase systemic risk. As our Nation’s economic recovery is getting underway, we need to ensure American businesses remain competitive. We all remember the financial crisis and the pain of recovery that is still evident today. We cannot and should not return to the wild days of Wall Street. That is why I voted for the Dodd-Frank law and why I continue to support it.

However, we should allow American businesses acting in good faith to effectively manage risk. By failing to clarify these important distinctions within Dodd-Frank, we run the risk of stalling job growth and potentially passing costs on to consumers.

Together with our colleagues in the Committee on Financial Services and the Committee on Agriculture, we have strengthened the language of the bill to ensure it cannot be used to evade other financial regulations. H.R. 2779 was approved by the House Financial Services Committee by a vote of 53-0, and the House Agriculture Committee passed it by unanimous voice vote.

It is possible for Democrats and Republicans to work together on legislation that stands to benefit American businesses and our Nation’s economy. I urge my colleagues to vote “yes” on H.R. 2779, and I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, at this point, I yield 5 minutes to the sponsor of the underlying legislation, the gentleman from Ohio (Mr. STIVERS).

Mr. STIVERS. I would like to thank the gentleman from New Jersey for yielding me time. I would also like to thank my fellow Ohioan, Ms. FUDGE, for her hard work and support on this bill, and I would like to thank Ms. MOORE from Wisconsin for her hard work as I recognize that she improved the bill. I would also like to thank the chairs and ranking members of the Financial Services and Agriculture Committees and their staffs for their hard work on this bill.

Mr. Speaker, this is bipartisan legislation that clarifies the Dodd-Frank Financial Reform Act by recognizing that there is an important distinction between inter-affiliate swaps and market-facing swaps. While market-facing swaps carry risk, inter-affiliate swaps do not. They're simply an accounting practice used within corporate families to assign the ownership of derivatives inside the corporate umbrella. Without providing this distinction, corporations using inter-affiliate swaps that manage their risk in a central way would be forced to pay up to three times for the way they do business. In fact, they would collateralize their derivatives against the market on one side and then on both sides of the inter-affiliate swap, so they would actually pay three times what you would pay if you didn't manage your risk in a centralized way.

The irony of that is, in managing your risk in a centralized way, it actually provides better protection and allows for experts to manage your risk. The problem with that also is it would tie up working capital that could be used to create jobs here in the United States and get our economy moving and focusing on our recovery.

There are important protections in this bill, as well, that the lady from Ohio already alluded to. We put protections in this bill to make sure that businesses that utilize this provision are, indeed, truly affiliated. We also made sure that there were reporting requirements so that these swaps adhere to transparency in the marketplace. We also made sure that it's very clear that any attempt to use these provisions to evade provisions under the Dodd-Frank bill for someone who is just trying to evade the law and does not have true inter-affiliate swaps would not be allowed. We also ensured that regulators keep their authority to manage the safety and soundness of America's financial institutions.

The bottom line is we should not overcharge businesses for an accounting method they use that does not generate additional risk. By passing this legislation, we are preventing these internal transactions from being subject to duplicative regulations that could drive jobs overseas and increase costs for consumers.

This bill was reported unanimously in the Financial Services Committee 53-0, and it passed by unanimous voice

vote in the Agriculture Committee. I urge my colleagues to vote in favor of this legislation.

□ 1510

Ms. FUDGE. Mr. Speaker, I want to thank my friend and colleague from Ohio for all of his work. I think it's an excellent bill, and I'm certainly happy to have cosponsored it with him.

I would now, Mr. Speaker, yield to my colleague and friend from the great State of Wisconsin (Ms. MOORE), a member of the Financial Services Committee.

Ms. MOORE. Thank you, Ms. FUDGE.

I would, first of all, like to thank Chairman BACHUS and Ranking Member FRANK and, on the subcommittee, Chairman GARRETT and Ranking Member WATERS, Mr. STIVERS and Ms. FUDGE from the Ag Committee, for their leadership that kept the bill moving; other members of the Financial Services Committee—Mr. PERLMUTTER, Mr. HIMES, Mr. MILLER, Mr. DOLD, Mr. GIBSON, among others—for all of their input on this legislation.

This is a bill—and some people here today, Mr. Speaker, may be surprised to know that it enjoys bipartisan support because it ensures, number one, the vitality of U.S. and global commerce by exempting interaffiliate swaps, or those swap transactions used internally by companies in all our districts, from clearing, margin, and execution requirements. But H.R. 2779 also preserves the all-important reforms of the over-the-counter swap markets enacted as part of Dodd-Frank while providing swap end users that exemption that is responsive to their legitimate business needs for flexibility, risk management, and price stability.

Now, in Congress, 4 years is an eternity; but I have not forgotten the 2008 financial crisis and the human hardship that it caused and continues to cause in Milwaukee and all across America. The work continues, and this bill is a part of that.

I can tell you, Mr. Speaker, I was proud to be part of the effort that produced Dodd-Frank, legislation that will improve accountability and transparency in the financial markets, including the pre-Dodd-Frank unregulated over-the-counter derivatives markets which played a central role in the crisis. However, I did not vote for Dodd-Frank as retribution against Wall Street or for any punitive means. I voted for Dodd-Frank to enhance the function and transparency of markets and to promote prosperity for Americans going forward. For that reason, I am happy to support H.R. 2779.

A little bit of background about the critical need the bill addresses and how bipartisan collaboration produced the final bill.

Now, swaps are versatile financial tools that have become instrumental for the management of risk and for al-

lowing companies to more efficiently transact in global markets. Swaps aid companies to hedge and to mitigate things like interest rate and currency exposure, but also more exotic risks associated with unique markets and businesses. H.R. 2779 clarifies that end users, not investors, have the ability to hedge risk for legitimate business purposes.

Now, the flip side of swaps are that they may also be used to acquire risk by investors. In that capacity, swaps allocate risk to parties that want to and are able to bear the risk. However, in the unregulated pre-Dodd-Frank world, over-the-counter swaps and derivatives lacked transparency and allowed risk to pool and gather in ways that would eventually help drive the financial crisis and create systemic risk.

Dodd-Frank duly addressed the lessons of the financial crisis by pushing as many product types as possible to be centrally cleared and traded on electronic exchanges or other trading facilities, subjecting these swap dealers and major market participants to capital and to margin requirements, and requiring the public reporting of transaction and pricing data of both cleared and uncleared swaps.

H.R. 2779 does not disturb any of those important reforms accomplished in Dodd-Frank. Interaffiliate swaps are simply transactions within a single group of affiliated entities, in other words, meaning entities that prepare financial statements on a consolidated basis. Therefore, interaffiliated swaps do not add or subtract from overall systemic risk. Therefore, H.R. 2779 simply builds on my original intent of voting for Dodd-Frank—the promotion of U.S. prosperity going forward.

Through the process of drafting the bill, a number of revisions were adopted, thanks to the thoughtful input of many of our colleagues. The definition of “control,” which is central to the issues of a legitimate interaffiliate transaction, was clarified. Anti-evasion measures were added so that the exemption would not lead to abuse. Language was adopted that made sure Fed authority over interaffiliate banks was preserved as was language that clearly and explicitly states that the bill does nothing to disturb the existing regulatory regime for insurance companies.

This is a good bill, Mr. Speaker. It has the backing of Republicans, Democrats, and industry end users of derivatives. I urge all of my colleagues to back this legislation, and I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, at this point, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman from New Jersey for yielding time.

Mr. Speaker, I rise today to express my strong support for H.R. 2779.

The interaffiliate swaps, those swaps occurring between entities within a

single corporate structure, are an important tool for companies and to manage their risk.

As a member of the House Agriculture Committee and the chair of the General Farm Commodities and Risk Management Subcommittee, I want to commend Mr. STIVERS and Ms. FUDGE for putting together a commonsense bill that will offer our businesses and agriculture firms certainty about a small but important aspect of the overall Dodd-Frank rulemaking.

Centralizing a large organization's risk mitigation efforts can yield substantial economic benefits and reduce a firm's overall credit risk. In addition to creating operating savings through economies of scale, these companies can also reduce the number of external-facing transactions altogether.

By looking at a firm's entire risk portfolio, it's possible to find places where risks overlap and offset one another, reducing the need for entering the market. Fewer swaps mean less money tied up in margin, clearing, and execution and more money being spent on hiring Americans, buying supplies, and funding innovation.

Unfortunately, ambiguity in the Dodd-Frank law could undo this innovative risk management strategy. If interaffiliate swaps are treated the same as other swaps, end users could wind up posting margin for the same swap twice: once for the public trade and once for the internal trade that assigns the swap to the appropriate business unit. Needless to say, posting margin for the same transaction twice means that companies are likely to abandon the use of interaffiliate swaps altogether and, with it, the efficiencies that made the strategy attractive in the first place, thereby driving up their business costs and overall risks.

It's important to note that this legislation simply clarifies the intent of Congress. It does not repeal any of the market protections in Dodd-Frank. These internal swaps do not create risk and do not pose a systemic threat to financial markets. Instead, it protects an important tool American companies use to unlock the value of their unlimited resources.

I want to thank both Mr. STIVERS and Ms. FUDGE for bringing forward this legislation, and Chairman LUCAS and Chairman BACHUS for shepherding it through both committees in a timely fashion.

Ms. FUDGE. I continue to reserve, Mr. Speaker. I have no further speakers.

Mr. GARRETT. Mr. Speaker, I was hoping the gentlelady had one more speaker. I was going to reserve, as we had one other speaker on the way, but let me just check.

Without seeing him here, Mr. Speaker, I yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, I just, again, want to thank everyone in-

involved in this bill and ask my colleagues to please support it.

I yield back the balance of my time.

□ 1520

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, H.R. 2779, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GARRETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

BUSINESS RISK MITIGATION AND PRICE STABILIZATION ACT OF 2012

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2682) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Risk Mitigation and Price Stabilization Act of 2012".

SEC. 2. MARGIN REQUIREMENTS.

(a) COMMODITY EXCHANGE ACT AMENDMENT.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

"(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A) or satisfies the criteria in section 2(h)(7)(D)."

(b) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)), as added by section 764(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

"(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4)."

SEC. 3. IMPLEMENTATION.

The amendments made by this Act to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. GARRETT) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add any extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GARRETT. I yield myself 3 minutes.

Mr. Speaker, this bipartisan bill would do what? It would provide a clear exemption from margin requirements, margin requirements imposed by the Dodd-Frank Act on where? On swap transactions for so-called end-users who use derivatives to hedge their business risks and whose swap transactions really do not pose a systemic risk to the financial system.

Following the really late night of the Dodd-Frank conference committee deliberations, numerous assurances were made that margin would not be required on end-users' transactions. Now, these assurances were subsequently followed up by formal letters and colloquies by the very same architects of the bill themselves. Everyone was told that Congress clearly intended for the language to exempt end-users from the bill's margin requirements.

Unfortunately, the regulators have interpreted it a different way, and they have interpreted Dodd-Frank's somewhat rushed language as not providing a clear exemption for these end-users.

Representative GRIMM's bill here today finally provides American businesses with the certainty that they need to use derivatives to hedge against business risk. End-users, you know, were not the cause of the financial crisis; and by any measure whatsoever, end-users are not systemically significant.

Who are these end-users that we're talking about here? Well, they are the Main Street businesses from all over the country that represent all types of industries that rely on the use of derivatives to responsibly hedge their own business risk, and so they should not be and were not ever considered under the same umbrella, if you will, of regulations as banks are that are subject to posting margins on their swap transactions.

In requiring end-users to be subject to a mandatory margin requirement, what it basically does is force commercial entities to act like banks. So, without a margin exemption, the cost of hedging for these would rise dramatically, and that would needlessly tie up working capital that otherwise could and should be used to expand business investments, build factories, or create jobs.

So I conclude on this. It is critical that we provide U.S. Main Street businesses across this country with this important certainty, with this clarity. I urge my colleagues on both sides of the aisle to support this bipartisan bill.

I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I would like to note that I will be yielding 10 minutes of time to my colleague from the Ag Committee, Mr. OWENS.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control 10 minutes.

There was no objection.

Mr. AL GREEN of Texas. I yield myself such time as I may consume.

Mr. Speaker, I do want to concur with those who've announced that bipartisanship is alive and well at the committee level and on the floor of this House today. I'd like to thank my colleagues on the other side, Mr. GARRETT and Mr. GRIMM, for their cooperation and our ability to work together.

I'd also like to especially thank the staff of the full committee and the staff of each congressional office for the outstanding work the staff members have done. It is very difficult to get legislation to this point without the benefit of staff having had a helping hand, and we thank the staff.

Mr. Speaker, the passage of the Wall Street Reform and Consumer Protection Act of 2010 established a system for regulating the over-the-counter—that's the OTC—derivatives market. Authority is provided to the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the banking regulators, which have been proposing the regulation that will eventually govern the OTC derivatives market.

Previously, banks and other financial companies were able to amass considerable risk using OTC derivatives without reporting to the regulator or to the public. The Wall Street Reform Act requires that most derivative transactions, primarily those between dealers, now be centrally cleared and exchange traded whenever possible and that all transaction data be collected and publicly reported at clearinghouses or swap-data repositories.

The new rules are intended to allow regulators and the public to better analyze the derivative risk-taking activities of banks and other financial companies. The new rules are not intended to hold in place onerous requirements

on companies that use derivatives only as a means to hedge the risk of the company.

H.R. 2682 clarifies Congress' intent when passing the Wall Street Reform legislation by more clearly exempting end-users that are only using swaps to hedge or to mitigate commercial risk.

H.R. 2682 is also consistent with a colloquy between Representatives FRANK and PETERSON, as well as a letter from Senators Lincoln and Dodd, which noted that the reform legislation provided the regulators with sufficient authority to exempt end-users from the margin requirements.

This bill passed favorably out of both the House Financial Services Committee and House Agriculture Committee with strong bipartisan support. In no way should H.R. 2682 undo any of the important protections of reform legislation. Its purpose is to recognize the end-users' responsibility to use swaps as a part of their businesses.

I congratulate Mr. GRIMM and Mr. PETERS, and I encourage you to support this bill.

I reserve the balance of my time.

Mr. GARRETT. At this time, I yield 5 minutes to the gentleman from New York (Mr. GRIMM), the author of the underlying legislation and also someone who has been instrumental in making sure that we could work in a bipartisan manner to get it to the floor today.

Mr. GRIMM. I would like to thank Chairman GARRETT.

I rise today in support of my legislation, H.R. 2682, the Business Risk Mitigation and Price Stabilization Act of 2012. H.R. 2682, I'm very proud to say, is truly a bipartisan bill; and I would like to thank my colleagues on the other side of the aisle, especially Mr. PETERS of Michigan, Mr. AUSTIN SCOTT of Georgia, and Mr. OWENS of New York, for working with me on this extremely important issue.

H.R. 2682 will clarify Congress' intent under the Dodd-Frank Act and provide an explicit exemption from having to post margin for true commercial end-users of over-the-counter derivatives. Despite clear legislative history to the contrary, regulators continue to misinterpret the Dodd-Frank Act, giving them authority to impose margin requirements on end-users.

This bill will ensure once and for all that true end-users are not subjected to margin requirements that Congress never intended to be applied and make sure that regulators do not attempt to exercise authorities they were never granted by Congress in ways that will certainly do harm to the economy, specifically, by diverting working capital away from investment and expansion, which fuels economic growth and certainly job creation.

True end-users are firms and companies that use derivatives to manage their various financial risks. For exam-

ple, firms use these products to lock in the costs of raw materials that they're going to need in the future, which ultimately protects American consumers and creates jobs here in America. If true end-users were required to post margin, their hedging costs may become so high that they could abandon the practice, leading to great price variations for raw materials and, ultimately, an increase in consumer prices for a whole host of products from food to energy.

□ 1530

At a time when constituents on Staten Island and in Brooklyn are struggling with sky-high tolls, rising gas prices, they simply can't afford to pay more for items they rely on every day. Furthermore, this legislation will not only help to keep consumers' prices stable, but it will also protect U.S. jobs. The cost savings end users will realize by not being required to post margin will free up capital for business expansion and job creation.

In fact, it has been shown that imposing a 3 percent margin on over-the-counter derivatives held by S&P 500 companies could cut capital spending by \$5.1 to \$6.7 billion. That could lead to 100,000 to 130,000 job losses. At a time when unemployment is 8.3 percent, this cannot be overlooked or overstated.

Finally, without this clear exemption provided in this legislation, I believe that U.S.-based commercial end users may attempt to continue hedging and avoid posting margins by moving their derivatives products overseas. That would put U.S.-based financial institutions at a major disadvantage and, as a consequence, drive even more U.S. jobs overseas. In addition, this could also encourage regulatory arbitrage and actually increase systemic risk to a worldwide financial system.

In closing, I ask that my colleagues support this commonsense, bipartisan pro-jobs legislation.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 2682.

I would like to thank Chairman LUCAS and Ranking Member PETERSON for their leadership on this important issue, as well as Mr. SCOTT from the Agriculture Committee, and our colleagues on Financial Services, Mr. PETERS, Mr. GREEN and, of course, Mr. GRIMM.

As a cosponsor of H.R. 2682 and as one of the authors of this legislation, I believe that the definition of an "end user" needs to be very specific to ensure that the CFTC implements the intent of Congress in exempting true end users from certain derivatives regulations.

My district in upstate New York includes a number of entities that would be inappropriately captured as swap dealers under the proposed CFTC rules, including agricultural cooperatives,

farm credit institutions, community banks, and electric cooperatives. Clearly, none of these entities were intended by Congress to be covered by these regulations.

While each of them uses derivatives to meet their business needs, they are not engaging in derivatives transactions as their primary businesses. If forced to comply with the increased margin and clearing requirements, it could make the services currently offered by end users cost prohibitive and impede their ability to conduct business, likely resulting in higher prices for my constituents and diverting capital that could otherwise be invested and used to help create jobs. These are all negative consequences that our economy can ill afford at this time.

These financial instruments are particularly important for dairy farmers in my district who depend on their cooperatives to offer them tools to manage price risks and to lock in margins. A local cooperative must have the ability to enter into swaps with its members and have affordable access to the market with other commercial counterparties to offset the risk of providing these swaps and forward contracts. Under the CFTC's proposed rules, the cooperatives would be regulated as a swap dealer even though they are using derivative contracts to hedge commercial risk and to support the viability of their members.

There is no doubt in my mind that the derivatives market needs to be regulated and that certain participants need to post margin to cover their trades in order to mitigate systemic risk throughout the financial system. However, this legislation will codify Congress' intent and ensure that commercial end users can continue to hedge against risk.

I urge my colleagues on both sides of the aisle to support this important bipartisan legislation, and I yield back the balance of my time.

Mr. GARRETT. Once again, Mr. Speaker, I would like to yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Thank you to Mr. GARRETT of New Jersey.

Mr. Speaker, I rise today in full support of H.R. 2682, the Business Risk Mitigation and Stabilization Act.

As chairman of the General Farm Commodities and Risk Management Subcommittee, I am pleased to see this bill brought to the floor today. The Business Risk Mitigation and Stabilization Act will offer legislative clarification for one of the most important points that underlies Dodd-Frank, which is that nonfinancial end users should not be required to post margin.

In hearings and letters, Congress could not have been clearer in its intent to exempt nonfinancial end users from being required to post margins for their risk mitigation transactions. Yet,

despite our clear intent, regulators have proposed rules that could result in margin requirements for these end users.

Every dollar that a business has tied up in a margin account is a dollar it cannot spend on job creation or other productive business purposes. The Chamber of Commerce has recently estimated the costs of requiring these end users to post margins could reach billions of dollars and cost over 100,000 jobs, all over the clear and concise objections of Congress.

This legislation simply affirms the original position of Congress that nonfinancial end users do not need to tie up scarce resources to participate in the swaps markets. Much like H.R. 2779, which we debated earlier, the Business Risk Mitigation and Stabilization Act would not undermine the established goals of Dodd-Frank. Nonfinancial end users represent less than 10 percent of the swaps market and have never posed a systemic risk to the broader financial markets.

As we in Congress continue to advance legislation to put America back to work, we should prevent unnecessary regulatory burdens on businesses. I am pleased to support H.R. 2682 because it will do just that.

I want to thank Mr. GRIMM, Mr. PETERS, Mr. SCOTT, and Mr. OWENS for sponsoring this important legislation. I am pleased to note that it is a bipartisan effort and is supported overwhelmingly by both committees.

I also want to thank my chairman, Mr. LUCAS, and Chairman BACHUS, for their work in clarifying Congress' intent for regulators with respect to end users. This legislation will protect jobs and businesses struggling to meet the multitude of mandates coming out of Washington.

Mr. AL GREEN of Texas. Mr. Speaker, I would simply close by indicating that I concur with my colleagues. This legislation does enjoy the bipartisan support that we believe will help us get a message to our Members that it is a good piece of legislation that should be totally supported by the membership. So, I would ask my colleagues and Members of the Congress to please support this legislation.

I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, I think we have one more speaker. I yield 2 minutes to the gentleman from Georgia (Mr. AUSTIN SCOTT).

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today in support of H.R. 2682, the Business Risk Mitigation and Price Stabilization Act of 2012.

This bill provides a clear exemption for nonfinancial end users that qualify for the clearing exemption under title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Across the country, consumers and businesses alike are confronted with risks that are associated with their

day-to-day operations. To manage this risk, businesses use over-the-counter derivatives to provide price certainty and stability in many other conditions which may arise or may otherwise be less specific. Consumers, in turn, benefit from these business prudent risk management practices through lower volatility in the day-to-day prices of the products that they purchase.

Due to the importance of protecting the consumer while providing a pro-growth environment for business, Congress provided an exemption from clearing and margin requirements for businesses and individuals who are not financial institutions. By providing this exemption, less than 10 percent of the capital involved in the derivatives market is relieved of the burdensome regulations and can be kept in the U.S. economy. To further the initial goal, H.R. 2682 clarifies Congress' intent of keeping much needed capital in the U.S. markets, which plays an important role in the country's economic growth.

For this reason, I ask my colleagues to support H.R. 2682 so businesses and individuals can manage their risks of day-to-day operations while not being constrained with the burdensome capital requirements.

Mr. GARRETT. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUIZENGA of Michigan). The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, H.R. 2682, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GARRETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1540

HOMES FOR HEROES ACT OF 2011

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3298) to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homes for Heroes Act of 2011".

SEC. 2. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533)

is amended by adding at the end the following new subsection:

“(g) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

“(1) ESTABLISHMENT.—There shall be in the Department a Special Assistant for Veterans Affairs, who shall be a special assistant to the Secretary and shall report directly to the Secretary.

“(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

“(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

“(A) ensuring veterans have fair access to housing and homeless assistance under each program of the Department providing either such assistance;

“(B) coordinating all programs and activities of the Department relating to veterans;

“(C) serving as a liaison for the Department with the Department of Veterans Affairs, including establishing and maintaining relationships with the Secretary of Veterans Affairs;

“(D) serving as a liaison for the Department, and establishing and maintaining relationships with the United States Interagency Council on Homelessness and officials of State, local, regional, and nongovernmental organizations concerned with veterans;

“(E) providing information and advice regarding—

“(i) sponsoring housing projects for veterans assisted under programs administered by the Department; or

“(ii) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department;

“(F) coordinating with the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs in carrying out section 3 of the Homes for Heroes Act of 2011; and

“(G) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law.”

SEC. 3. ANNUAL SUPPLEMENTAL REPORT ON VETERANS HOMELESSNESS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development and the Secretary of Veterans Affairs, in coordination with the United States Interagency Council on Homelessness, shall submit annually to the Committees of the Congress specified in subsection (b), together with the annual reports required by such Secretaries under section 203(c)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11313(c)(1)), a supplemental report that includes the following information with respect to the preceding year:

(1) The same information, for such preceding year, that was included with respect to 2010 in the report by the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs entitled “Veterans Homelessness: A Supplemental Report to the 2010 Annual Homeless Assessment Report to Congress”.

(2) Information regarding the activities of the Department of Housing and Urban Development relating to veterans during such preceding year, as follows:

(A) The number of veterans provided assistance under the housing choice voucher program for Veterans Affairs supported housing (VASH) under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)), the socioeconomic characteris-

tics of such homeless veterans, and the number, types, and locations of entities contracted under such section to administer the vouchers.

(B) A summary description of the special considerations made for veterans under public housing agency plans submitted pursuant to section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) and under comprehensive housing affordability strategies submitted pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705).

(C) A description of the activities of the Special Assistant for Veterans Affairs of the Department of Housing and Urban Development.

(D) A description of the efforts of the Department of Housing and Urban Development and the other members of the United States Interagency Council on Homelessness to coordinate the delivery of housing and services to veterans.

(E) The cost to the Department of Housing and Urban Development of administering the programs and activities relating to veterans.

(F) Any other information that the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs consider relevant in assessing the programs and activities of the Department of Housing and Urban Development relating to veterans.

(b) COMMITTEES.—The Committees of the Congress specified in this subsection are as follows:

(1) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) The Committee on Veterans’ Affairs of the Senate.

(3) The Committee on Appropriations of the Senate.

(4) The Committee on Financial Services of the House of Representatives.

(5) The Committee on Veterans’ Affairs of the House of Representatives.

(6) The Committee on Appropriations of the House of Representatives.

The SPEAKER pro tempore (Mr. GRIMM). Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of H.R. 3298, the Homes for Heroes Act of 2011.

Sadly, approximately one-fifth of our country’s homeless population consists of veterans. In part, that’s because re-adapting to civilian life is not always easy even for some of our country’s true heroes. But research shows that with a stable living situation, our veterans are far more likely to overcome other challenges. These are men and women who braved bullets and basic training to protect our country and our freedom. They have the will and the

strength to overcome any obstacle, but it is our job to give them the tools.

That is why it’s essential that HUD and the VA work hand in hand to help our veterans get the housing assistance they have earned.

The Homes for Heroes Act of 2011, of which I’m a cosponsor and which was introduced by my colleague from Texas (Mr. AL GREEN) and my colleague from New York (Mr. GRIMM), establishes the position of Special Assistant for Veterans Affairs within HUD to effectively coordinate services among veterans and to serve as HUD’s liaison to the Department of Veterans Affairs’ U.S. Interagency Council on Homelessness, State and local officials, and nonprofit service organizations.

The bill also requires HUD to submit a comprehensive annual report to Congress on the housing needs of homeless veterans and the steps undertaken by HUD to meet those needs, and H.R. 3298 takes these steps within existing budgetary constraints at no additional cost to taxpayers.

Similar to H.R. 403 and H.R. 3329, which are the Homes for Heroes Acts of 2008 and 2009, both of which passed this House, H.R. 3298 has strong bipartisan support. Once enacted, this legislation will help us better understand the needs of homeless veterans while fostering a better working relationship between HUD and the VA. The result will be better services for our heroes; and while we can never repay our veterans for the selfless sacrifices they’ve made, we can work to ensure that they have a place to call home when they come home.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague, Mrs. BIGGERT, for her support of this legislation as well as many other pieces of legislation that we’ve had the privilege of working together on.

Mr. Speaker, I’d like to thank you, as well, for your cosponsorship of the legislation. It means a lot to have bipartisan support for our warriors, those who are willing to go to distant places and risk their lives such that we may have better lives.

Many of them do not return home as they left. Many of them find themselves living on the streets of life. As a result, we believe it’s necessary for us to do all that we can to help them secure the kind of homes, the kind of housing, the kinds of services that they need so that they can reintegrate themselves into American life. This bill, the Homes for Heroes bill, will help to some degree with our goals and ambitions of helping them to have a place to call home.

The bill does place a person in HUD whose sole responsibility it will be to

monitor homelessness among our veterans. This person is to file an annual report with Congress on the status of homelessness among the veterans in this country and to give us some insight as to how we are progressing in eliminating and abolishing homelessness among our veterans. It's not going to do everything that we need to do, but it is a step in the right direction.

If I may say so, I would like to commend HUD for what has been done thus far, because there is a person who does this sort of thing with HUD currently. But what we're trying to do now is institutionalize the position such that administrations may come and go, but the position will still be there, and our veterans will receive the kind of help that they merit and deserve.

Mr. Speaker, in our country in 2009, approximately 136,334 people who self-identified themselves as veterans spent at least one night in an emergency shelter or a transitional-housing program. That speaks volumes about the amount of work that we have to do.

While 136,000 may not seem like a lot to some people, I contend, if we have but one veteran who is finding himself or herself in transitional housing or sleeping in a shelter or sleeping on the streets of life, I think we have work to do. This bill will help us with our veterans who are doing this, who are sleeping in this transitional housing.

I would also add that our veterans compose about 16 percent of the homeless adults while they are 8 percent of the American population. They are 8 percent of the population, but of those who are homeless, they are 16 percent.

This, of course, is something that we cannot continue to tolerate. So I'm going to beg all of my colleagues: please, give serious consideration to this piece of legislation. It will not break the bank. It may not do all that we'd like to have done, but it's a step in the right direction, and somebody will be helped as a result of what we do today. I beg to my colleagues, please support this legislation.

I thank Mrs. BIGGERT for the outstanding work that she has done. I again especially thank staffers who worked with us on this piece of legislation. And I can say candidly, Mr. Speaker, that but for the assistance of our staffers, we might not be standing here today. They do make a difference. And I would have the veterans know that behind every Member, we have staffers who are working to help them return to our homeland and reintegrate them into our society.

I reserve the balance of my time.

Mrs. BIGGERT. We have no further speakers on this side of the aisle if the gentleman would like to close.

Mr. AL GREEN of Texas. I would simply close by saying this: Mr. Speaker, thank you again for your support of this legislation. I would hope that my colleagues will give it the kind of con-

sideration that our warriors are giving us when they decide that they're willing to go to distant places and make great sacrifices for us. Please give it consideration.

I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I would like to commend the gentleman from Texas (Mr. AL GREEN) for all of his hard work on this issue.

It is really nice to have these bills that are bipartisan in nature, and certainly homelessness is something that we all hear about and would like to find a way to end. There are different categories in that, and I think the veterans certainly are very important.

With that, I have no further requests for time, and I yield back the balance of my time.

Mr. GRIMM. Mr. Speaker, I rise today to speak in support of H.R. 3298, "The Homes for Heroes Act of 2011."

As a Marine combat veteran, I am strongly committed to assisting our young men and women as they return home from protecting our freedom overseas.

I am honored to have been able to work with my colleague and friend Mr. GREEN of Texas on this legislation. Our veterans have no greater friend in Congress than Mr. GREEN and I am honored to have had this opportunity to join him in fighting for our heroes.

Veteran's homelessness is a serious issue and, sadly, one that gets overlooked far too often. Currently veterans make up approximately 8 percent of the U.S. population, however they are 17 percent of the homeless population.

Clearly something is wrong with our ability to transition these brave men and women from military service to civilian life.

Recent circumstances have only served to exacerbate these problems. Our new veterans are returning home from Iraq and Afghanistan to find an economy with very limited employment opportunities. While these economic problems are affecting all Americans, veterans looking to move from military service to civilian life are finding themselves competing with an already over-supplied labor market.

Furthermore, the extraordinarily long deployments that our service members have been facing place an enormous mental strain on our new veterans. This burden has made it difficult for many to easily transition back into normal civilian life.

In order to combat veteran's homelessness this bill would create a Special Assistant for Veterans Affairs within the Department of Housing and Urban Development to co-ordinate homeless veteran's benefits with the VA. In addition, this bill will require HUD to prepare a report to Congress on the progress that has been made in ending homelessness amongst our veterans.

Again, it has been an honor to work on such an important piece of legislation and I urge my colleagues to join me in supporting its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 3298.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BIGGERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1550

FDIA AMENDMENTS REGARDING DISCLOSURES TO THE BUREAU OF CONSUMER FINANCIAL PROTECTION

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4014) to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FDIA AMENDMENTS REGARDING DISCLOSURES TO THE BUREAU OF CONSUMER FINANCIAL PROTECTION.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 11(t)(2)(A) (12 U.S.C. 1821(t)(2)(A)), by inserting after clause (v) the following:

“(vi) The Bureau of Consumer Financial Protection.”; and

(2) in section 18(x) (12 U.S.C. 1828(x))—

(A) by inserting “the Bureau of Consumer Financial Protection,” before “any Federal banking agency” each place such term appears; and

(B) by striking “such agency” each place such term appears and inserting “such Bureau, agency”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, at this time, I would like to yield such time as he may consume to the gentleman from Michigan (Mr. HUIZENGA), the sponsor of this bill.

Mr. HUIZENGA of Michigan. Mr. Speaker, the Consumer Financial Protection Bureau, a massive new branch

of government created under the Dodd-Frank Act, fails to safeguard proprietary information given to the Bureau by regulated entities. I rise today in support of my bill, H.R. 4014, which will create more peace of mind for financial institutions while offering more oversight and consumer protections to hardworking taxpayers.

If you remember one thing, remember this: we all agree on stringent consumer protections. This bill is a commonsense measure that adds necessary oversight to the Bureau. Specifically, H.R. 4014 would immediately close a loophole in the law that was created during the creation of the CFPB. Currently, information collected by the CFPB from financial institutions is not protected by the same confidentiality provisions that other financial regulators are required to provide. Additionally, we must ensure parity between State bank supervisors and other State regulatory agencies that oversee nonbanks at the State level and make sure they are afforded the same protections. We need a real solution to ensure that privileged information will not be intentionally disclosed to any third party. H.R. 4014 would protect that data that depository and non-depository institutions provide during an oversight exam, therefore, enhancing the Bureau's supervision process and giving financial institutions the much-needed certainty that the information will be kept private.

Unlike current statutes regarding other Federal agencies assessing relevant information, the Dodd-Frank Act failed to provide such protections despite the CFPB's claim that they won't or wouldn't share such information. The simple truth is that if we don't pass H.R. 4014, the CFPB could legally share privileged information with third parties. Absent this specific congressional legislation, the courts have permitted this practice of sharing in the cases of other Federal agencies. Although the Bureau has said that they are prepared to take all reasonable and appropriate steps to protect proprietary information, we cannot be sure. Therefore, we must pass this bill to restrict them from doing so.

Even President Barack Obama's appointed director of the CFPB, Richard Cordray, recently testified that this was an "oversight" and that he would be "supportive" of a legislative solution to ensure privileged information is not leaked to third parties through the CFPB. My bill is that real legislative solution. This is a commonsense fix that will put an end to the needless uncertainty and legal costs to both the CFPB and to financial institutions.

Mr. Speaker, while I believe this issue must and will eventually be addressed in the Dodd-Frank Act, this is a very important step. I urge the swift adoption of this important legislation to restore genuine accountability to

the CFPB and to deliver a more efficient and effective government for America's hardworking taxpayers.

I look forward to working with my Senate colleagues to see that this omission in the Dodd-Frank Act is quickly rectified and sent to the President for his signature.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4014 is a good piece of legislation, and it is designed to protect proprietary information, which is exceedingly important in the business world. This bill ensures that when an institution submits confidential information to the CFPB, the information will remain confidential. This bill is in line with existing law for other financial regulators.

We have confirmed that the CFPB believes this fix to be acceptable. The bill is identical to legislation introduced by Senate Banking Committee Chairman JOHNSON and Ranking Member SHELBY. This legislation will give financial institutions legal certainty when turning over data to the CFPB.

Mr. Speaker, current law states that a bank does not waive confidentiality and, thereby, should not have to risk its disclosure of information to other parties. These parties are sometimes engaged in litigation against each other. This piece of legislation will assure a party that its information given to the CFPB will not end up in the hands of another party that may be engaged in litigation. This is but one example. This bill is designed to protect proprietary information.

I want to thank my colleague for the outstanding job that he has done in presenting this piece of legislation. I thank Mrs. BIGGERT for, again, showing the bipartisanship that has helped us to bring this legislation to the floor.

At this time, I will reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4014, a bill to ensure that confidential, private information collected by the Consumer Financial Protection Bureau, or CFPB, remains confidential.

Introduced by my colleague from Michigan (Mr. HUIZENGA), this legislation addresses a crucial oversight within the Dodd-Frank Act. Under current law, many supervised institutions have expressed concern that supplying privileged information to the CFPB at the government's request could void attorney-client and work product privileges against third parties. Even the new CFPB director, Richard Cordray, as was talked about, has acknowledged constitutional concerns and indicated that he would be supportive of a legislative solution. H.R. 4014 is that solution.

Mr. HUIZENGA's bill makes it explicitly clear that providing privileged ma-

terial to the CFPB does not waive attorney-client or work product privileges with respect to third parties. It also guarantees that any privileged matter that the CFPB shares with other Federal agencies will remain privileged.

This bill has earned nearly universal support from Republicans, Democrats, regulated institutions, the regulator, Senators, and Members of the House. On February 16, our House Financial Services Committee passed this bill by voice vote.

Mr. Speaker, this bill should be on the President's desk in a matter of weeks and not months. Chairman JOHNSON and Ranking Member SHELBY of the Senate Banking Committee have introduced an identical measure, S. 2099, which also awaits consideration. Passing this legislation today marks an important milestone. It is the first time that both House and Senate Members on both sides of the aisle are acknowledging and correcting a serious flaw in the Dodd-Frank Act.

With that, I urge my colleagues to support H.R. 4014, and I commend Mr. HUIZENGA for his hard work on this issue. I have no further requests for time, if the gentleman would like to close.

Mr. AL GREEN of Texas. Mr. Speaker, I have no further requests for time, and I will simply encourage my colleagues to support the legislation.

I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, with that, I would, again, commend the sponsor of this bill, Mr. HUIZENGA. And I thank Mr. GREEN for managing this bill.

With that, I yield back the balance of my time.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 4014 to clarify that privileged information that the Consumer Financial Protection Bureau receives remains privileged throughout the supervision process.

I would like to commend my colleague from Michigan, Mr. HUIZENGA for bringing this bill forward. This issue has come up now in several congressional hearings, in the Oversight Committee, in the Senate Banking Committee and also in the Financial Institutions Subcommittee on which I sit.

Many institutions have expressed concern that there is no statutory protection of the attorney-client privilege for sensitive material that they turn over to the CFPB during the supervision process.

Director Cordray has testified that he would support a statutory extension of the attorney-client privilege to documents that the CFPB receives. This is standard for all of the banking regulators and it should be true for the CFPB as well.

It is critical that the process be an open exchange between the bureau and the entities it regulates. And that can only happen if the entities can trust that they aren't inadvertently waiving the privilege simply by turning documents over.

I would note that the CFPB office of the General Counsel has indicated in a recent

memo that it would ensure that the privilege was not waived, but I know that the entities involved in the CFPB's regulator process would prefer that to be codified, and I would agree.

As it is currently drafted, the bill is identical to a bill introduced on a bipartisan basis in the other body. Both bills ensure that privilege is not waived when the CFPB receives sensitive information and when it shares that information with other agencies.

I support this bill and urge my colleagues to support it as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4014.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HARTZLER) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: H.R. 2779, by the yeas and nays; H.R. 2682, by the yeas and nays; and agreeing to the Speaker's approval of the Journal, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

TREATMENT OF AFFILIATE TRANSACTIONS UNDER THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2779) to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 357, nays 36, not voting 38, as follows:

[Roll No. 127]

YEAS—357

Ackerman	Culberson	Issa
Adams	Cummings	Jenkins
Aderholt	Davis (CA)	Johnson (OH)
Alexander	Davis (KY)	Johnson, E. B.
Altmiere	DeGette	Johnson, Sam
Amash	Denham	Jones
Amodei	Dent	Jordan
Andrews	DesJarlais	Keating
Austria	Diaz-Balart	Kind
Baca	Dold	King (IA)
Bachmann	Dreier	King (NY)
Bachus	Duffy	Kingston
Baldwin	Duncan (SC)	Kinzinger (IL)
Barletta	Duncan (TN)	Kline
Barrow	Edwards	Labrador
Bartlett	Ellison	Lamborn
Barton (TX)	Ellmers	Lance
Bass (CA)	Emerson	Lankford
Bass (NH)	Engel	Larsen (WA)
Benish	Eshoo	Latham
Berg	Farenthold	LaTourette
Berkley	Farr	Latta
Biggert	Fattah	Levin
Bilbray	Fincher	Lewis (CA)
Bilirakis	Fitzpatrick	Lewis (GA)
Bishop (GA)	Flake	Lipinski
Bishop (NY)	Fleischmann	LoBiondo
Black	Fleming	Loeb
Blackburn	Fortenberry	Lofgren, Zoe
Blumenauer	Fox	Long
Bonner	Frank (MA)	Lowey
Bono Mack	Franks (AZ)	Lucas
Boren	Frelinghuysen	Luetkemeyer
Boswell	Fudge	Lujan
Boustany	Gallegly	Lummis
Brady (PA)	Gardner	Lunnen, Daniel
Brady (TX)	Garrett	E.
Braley (IA)	Gerlach	Lynch
Brooks	Gibbs	Maloney
Broun (GA)	Gibson	Manzullo
Buchanan	Gingrey (GA)	Marino
Bucshon	Gohmert	Matheson
Burgess	Gonzalez	Matsui
Burton (IN)	Goodlatte	McCarthy (CA)
Butterfield	Gowdy	McCaul
Calvert	Granger	McClintock
Camp	Graves (GA)	McCollum
Canseco	Graves (MO)	McCotter
Cantor	Green, Al	McGovern
Capito	Green, Gene	McHenry
Capps	Griffin (AR)	McKeon
Capuano	Griffith (VA)	McKinley
Cardoza	Grimm	McMorris
Carnahan	Guinta	Rodgers
Carney	Guthrie	McNerney
Carson (IN)	Hahn	Meeks
Carter	Hall	Mica
Cassidy	Hanabusa	Michaud
Castor (FL)	Hanna	Miller (FL)
Chabot	Harper	Miller (MI)
Chaffetz	Harris	Miller, Gary
Chandler	Hartzler	Miller, George
Chu	Hastings (FL)	Moore
Cicilline	Hastings (WA)	Moran
Clarke (MI)	Hayworth	Mulvaney
Clarke (NY)	Heck	Murphy (CT)
Clay	Hensarling	Murphy (PA)
Cleaver	Herger	Myrick
Clyburn	Herrera Beutler	Napolitano
Coble	Higgins	Neugebauer
Coffman (CO)	Himes	Noem
Cole	Hinojosa	Nunes
Conaway	Hochul	Nunnelee
Connolly (VA)	Holden	Olson
Cooper	Honda	Olver
Costello	Hoyer	Owens
Cravack	Huelskamp	Palazzo
Crawford	Huizenga (MI)	Pallone
Crenshaw	Hultgren	Pastor (AZ)
Critz	Hunter	Paulsen
Crowley	Hurt	Pearce
Cuellar	Israel	Pelosi

Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Renacci
Ribble
Richardson
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger

Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry

Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—36

Becerra
Berman
Bonamici
Cohen
Conyers
Courtney
Davis (IL)
DeFazio
DeLauro
Deutch
Dingell
Doggett

Filner
Garamendi
Grijalva
Hinchey
Hirono
Holt
Kaptur
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)

Markey
McDermott
Miller (NC)
Nadler
Pingree (ME)
Sarbanes
Schakowsky
Scott (VA)
Serrano
Tierney
Velázquez
Welch

NOT VOTING—38

Akin
Bishop (UT)
Brown (FL)
Buerkle
Campbell
Costa
Dicks
Donnelly (IN)
Doyle
Flores
Forbes
Gosar
Gutierrez

Heinrich
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Kelly
Kissell
Landry
Mack
Marchant
McCarthy (NY)
McIntyre

Meehan
Neal
Nugent
Pascarella
Paul
Rangel
Reichert
Reyes
Rivera
Rohrabacher
Rush
Thompson (MS)
Towns

□ 1856

Messrs. MARKEY, LANGEVIN, LARSON of Connecticut, McDERMOTT, DeFAZIO, DOGGETT, KILDEE, COHEN, WELCH, and Ms. LEE of California changed their vote from "yea" to "nay."

Mr. OLIVER, Ms. WILSON of Florida, Ms. CLARKE of New York, and Mr. WAXMAN changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BUSINESS RISK MITIGATION AND PRICE STABILIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2682) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 24, not voting 37, as follows:

[Roll No. 128]

YEAS—370

Ackerman	Clarke (MI)	Gohmert
Adams	Clarke (NY)	Gonzalez
Aderholt	Clay	Goodlatte
Alexander	Cleaver	Gosar
Altmire	Clyburn	Gowdy
Amash	Coble	Granger
Amodei	Coffman (CO)	Graves (GA)
Andrews	Cole	Graves (MO)
Austria	Conaway	Green, Al
Baca	Connolly (VA)	Green, Gene
Bachmann	Cooper	Griffin (AR)
Bachus	Costello	Griffith (VA)
Baldwin	Courtney	Grimm
Barletta	Cravaack	Guinta
Barrow	Crawford	Guthrie
Bartlett	Crenshaw	Hahn
Barton (TX)	Critz	Hall
Bass (CA)	Crowley	Hanabusa
Bass (NH)	Cuellar	Hanna
Becerra	Culberson	Harper
Benishek	Cummings	Harris
Berg	Davis (CA)	Hartzler
Berkley	Davis (IL)	Hastings (FL)
Biggert	Davis (KY)	Hastings (WA)
Bilbray	DeFazio	Hayworth
Bilirakis	DeGette	Heck
Bishop (GA)	DeLauro	Hensarling
Bishop (NY)	Denham	Herger
Black	Dent	Herrera Beutler
Blackburn	DesJarlais	Higgins
Blumenauer	Diaz-Balart	Himes
Bonamici	Doggett	Hinojosa
Bonner	Dold	Hochul
Bono Mack	Dreier	Holden
Boren	Duffy	Holt
Boswell	Duncan (SC)	Honda
Boustany	Duncan (TN)	Hoyer
Brady (PA)	Edwards	Huelskamp
Brady (TX)	Ellison	Huizenga (MI)
Braley (IA)	Ellmers	Hultgren
Brooks	Emerson	Hunter
Broun (GA)	Engel	Hurt
Buchanan	Eshoo	Israel
Bucshon	Farenthold	Issa
Burgess	Farr	Jenkins
Burton (IN)	Fattah	Johnson (OH)
Butterfield	Fincher	Johnson, E. B.
Calvert	Fitzpatrick	Johnson, Sam
Camp	Flake	Jordan
Canseco	Fleischmann	Keating
Cantor	Fleming	Kind
Capito	Fortenberry	King (IA)
Capps	Fox	King (NY)
Capuano	Frank (MA)	Kingston
Cardoza	Franks (AZ)	Kinzinger (IL)
Carnahan	Frelinghuysen	Kline
Carney	Fudge	Labrador
Carson (IN)	Gallegly	Lamborn
Carter	Garamendi	Lance
Cassidy	Gardner	Lankford
Castor (FL)	Garrett	Larsen (WA)
Chabot	Gerlach	Larson (CT)
Chaffetz	Gibbs	Latham
Chandler	Gibson	LaTourette
Chu	Gingrey (GA)	Latta

Levin	Pence	Sessions
Lewis (CA)	Perlmutter	Sewell
Lewis (GA)	Peters	Sherman
Lipinski	Peterson	Shimkus
LoBiondo	Petri	Shuler
Loeback	Pingree (ME)	Shuster
Lofgren, Zoe	Pitts	Simpson
Long	Platts	Sires
Lowey	Poe (TX)	Slaughter
Lucas	Polis	Smith (NE)
Luetkemeyer	Pompeo	Smith (NJ)
Lujan	Posey	Smith (TX)
Lummis	Price (GA)	Smith (WA)
Lungren, Daniel E.	Price (NC)	Southerland
Lynch	Quayle	Speier
Maloney	Rahall	Stearns
Manzullo	Reed	Stivers
Marino	Rehberg	Stutzman
Matheson	Renacci	Sullivan
Matsui	Ribble	Sutton
McCarthy (CA)	Richardson	Terry
McCaul	Richmond	Thompson (CA)
McClintock	Rigell	Thompson (PA)
McCollum	Roby	Thornberry
McCotter	Roe (TN)	Tiberi
McDermott	Rogers (AL)	Tipton
McHenry	Rogers (KY)	Tonko
McKeon	Rogers (MI)	Tsongas
McKinley	Rokita	Turner (NY)
McMorris	Rooney	Turner (OH)
Rodgers	Ros-Lehtinen	Upton
McNerney	Roskam	Van Hollen
Meehan	Ross (AR)	Visclosky
Meeks	Ross (FL)	Walberg
Mica	Rothman (NJ)	Walden
Michaud	Roybal-Allard	Walsh (IL)
Miller (FL)	Royce	Walz (MN)
Miller (MI)	Runyan	Wasserman
Miller, Gary	Ruppersberger	Schultz
Moore	Ryan (OH)	Waters
Moran	Ryan (WI)	Watt
Mulvaney	Sanchez, Linda T.	Waxman
Murphy (CT)	Sanchez, Loretta	Webster
Murphy (PA)	Sarbanes	Welch
Myrick	Scalise	West
Napolitano	Schakowsky	Westmoreland
Neugebauer	Schiff	Whitfield
Noem	Schilling	Wilson (FL)
Nunes	Schmidt	Wilson (SC)
Nunnelee	Schock	Wittman
Olson	Schrader	Wolf
Olver	Schwartz	Womack
Owens	Schweikert	Woodall
Palazzo	Scott (SC)	Woolsey
Pallone	Scott (VA)	Yarmuth
Pastor (AZ)	Scott, Austin	Yoder
Paulsen	Scott, David	Young (AK)
Pearce	Scott, David	Young (FL)
Pelosi	Sensenbrenner	Young (IN)

NAYS—24

Berman	Hinchey	McGovern
Cicilline	Hirono	Miller (NC)
Cohen	Kaptur	Miller, George
Conyers	Kildee	Nadler
Deutch	Kucinich	Serrano
Dingell	Langevin	Stark
Filner	Lee (CA)	Tierney
Grijalva	Markey	Velazquez

NOT VOTING—37

Akin	Jackson (IL)	Neal
Bishop (UT)	Jackson Lee	Nugent
Brown (FL)	(TX)	Pascarell
Buerkle	Johnson (GA)	Paul
Campbell	Johnson (IL)	Rangel
Costa	Jones	Reichert
Dicks	Kelly	Reyes
Donnelly (IN)	Kissell	Rivera
Doyle	Landry	Rohrabacher
Flores	Mack	Rush
Forbes	Marchant	Thompson (MS)
Gutierrez	McCarthy (NY)	Towns
Heinrich	McIntyre	

□ 1903

Mr. CICILLINE changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Madam Speaker, on rollcall Nos. 127 and 128, I would have voted “yes.”

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, on Monday, March 26, 2012, I had a previously scheduled meeting with small business owners in Champaign, Illinois. As a result, I am unable to attend to attend votes this evening. Had I been present, I would have voted “aye” on H.R. 2779—To exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act; “aye” on H.R. 2682, the Business Risk Mitigation and Price Stabilization Act of 2011.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GARAMENDI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 310, noes 80, answered “present” 4, not voting 37, as follows:

[Roll No. 129]

AYES—310

Ackerman	Butterfield	Davis (KY)
Aderholt	Calvert	DeGette
Alexander	Camp	DeLauro
Altmire	Canseco	Denham
Amodel	Cantor	Dent
Austria	Capito	DesJarlais
Baca	Capps	Deutsch
Bachmann	Cardoza	Diaz-Balart
Bachus	Carnahan	Dingell
Barletta	Carney	Doggett
Barrow	Carson (IN)	Dreier
Bartlett	Carter	Duffy
Barton (TX)	Cassidy	Duncan (SC)
Bass (CA)	Chabot	Duncan (TN)
Bass (NH)	Chaffetz	Edwards
Becerra	Chandler	Ellison
Berg	Cicilline	Ellmers
Berkley	Clarke (MI)	Emerson
Berman	Clarke (NY)	Engel
Biggert	Clay	Eshoo
Bilbray	Cleaver	Farenthold
Bilirakis	Clyburn	Farr
Bishop (GA)	Coble	Flake
Black	Cohen	Fleischmann
Blackburn	Cole	Fleming
Blumenauer	Connolly (VA)	Fortenberry
Bonamici	Cooper	Frank (MA)
Bonner	Costa	Franks (AZ)
Bono Mack	Courtney	Frelinghuysen
Boren	Crawford	Fudge
Boustany	Crenshaw	Gallegly
Brady (TX)	Critz	Garamendi
Braley (IA)	Crowley	Gerlach
Brooks	Cuellar	Gingrey (GA)
Broun (GA)	Culberson	Gonzalez
Buchanan	Cummings	Goodlatte
Bucshon	Davis (CA)	Gosar
Burton (IN)	Davis (IL)	Gowdy

Granger
Graves (GA)
Graves (MO)
Green, Al
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Huelskamp
Hultgren
Hurt
Issa
Jenkins
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Maloney

NOES—80

Adams
Andrews
Baldwin
Benishke
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capuano
Castor (FL)
Chu
Coffman (CO)
Conaway
Costello
Cravaack
DeFazio
Dold
Fattah
Filner
Fincher
Fitzpatrick
Foxy
Gardner
Garrett
Gibson
Green, Gene

Marino
Matheson
Matsui
McCarthy (CA)
McClintock
McCollum
McDermott
McHenry
McKeon
McKinley
McMorris
Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nunes
Nunnelee
Olson
Palazzo
Pallone
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rehberg
Richardson
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce

Runyan
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

Walden
Walsh (IL)
Amash
Conyers

Waters
Woodall
Yoder
Young (AK)
Gohmert
Owens

ANSWERED "PRESENT"—4

NOT VOTING—37

Akin
Bishop (UT)
Brown (FL)
Buerkle
Campbell
Dicks
Donnelly (IN)
Doyle
Flores
Forbes
Gibbs
Gutierrez
Heinrich
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Kelly
Kissell
Landry
Mack
Marchant
McCarthy (NY)
McCauley
McIntyre
Neal
Nugent
Pascarella
Paul
Rangel
Reichert
Reyes
Rivera
Rohrabacher
Rush
Thompson (MS)
Towns

□ 1911

Messrs. HANNA and HOYER changed their vote from "aye" to "no."

Mr. TONKO changed his vote from "no" to "aye."

So the Journal was approved.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3309, FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-422) on the resolution (H. Res. 595) providing for consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, which was referred to the House Calendar and ordered to be printed.

THE CHOICE: LIMITED GOVERNMENT V. UNLIMITED GOVERNMENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the Founders purposely defined the role of government in the U.S. Constitution to protect "We the people" from the chains of government.

Today, the United States Supreme Court began 3 days of oral arguments on the nationalized health care law. The issue: whether or not the Federal Government has the constitutional authority to force citizens to buy government-approved insurance.

But much more than that is at stake. Mr. Speaker, if this law stands, it is the end of limited government as we know it and the beginning of unlimited government forced upon the people.

Citizens are frightened.

Our ancestors were forced to pay a tax on tea, so they threw the British tea in the sea. This nationalized health care law should be thrown into the sea of government oppression.

If the Supreme Court upholds this law, we will be on a path of return to the philosophy of the British Crown, where Americans were mere subjects of omnipotent, unlimited government. Then the constitutional days of limited government will drown in the abyss of the sea.

And that's just the way it is.

TRAYVON MARTIN

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WILSON of Florida. Mr. Speaker, today I rise to continue my calls for justice in the murder of Trayvon Martin.

It has been 30 days since his death, exactly 1 month since the Sanford police actually talked to the killer as he hunted and pursued young Trayvon with a loaded gun in his pocket. From every indication and every piece of evidence we have, George Zimmerman was the aggressor in this case.

This is a classic case of racial profiling. He pursued Trayvon as he walked down the sidewalk. The police dispatcher said, Stand down. Leave the boy alone. And Trayvon ended up dead, a small 17-year-old from Miami whom we all love.

This is not a victim we will forget. We will fight. We know who his killer is. We will not be quiet. I demand justice for Trayvon. I demand justice for Trayvon's family, and I demand justice for all of America's murdered children.

HIGH GAS PRICES

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, everywhere I go, Americans are feeling the pinch of high gas prices. In response, the President has begun to claim he supports the Republicans' all-of-the-above energy policy. Although the words sound inclusive, a glance at the record suggests that President Obama really means none of the below.

The policy is none of the below on Federal lands. On average, the Bush and Clinton administrations leased more than 3 million acres for oil and gas development per year. The Obama administration has leased less than 2 million acres per year. On Federal lands, oil and gas production was down in the last year. There are now fewer offshore production facilities in Federal waters than have been for more than 50 years.

Do the President's policies matter for gas prices? The Washington Post argues that global oil prices are being driven up by a decline in global supply relative to the demand of about a million barrels of oil a day. That's a lot of

oil. But let's keep that in perspective. It's less oil than the Keystone XL pipeline President Obama blocked could carry each day to U.S. refineries.

PROVIDENCE ACADEMY WINS AA HOOPS TITLE

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, the phrase "it has never been done before" has often been used as a deterrent for many of the world's firsts. But thanks to teamwork, discipline, and avid determination, the Providence Academy Lions girls' basketball team won the very first State championship in their school's history. So I want to congratulate Providence and recognize their hard-fought road to victory.

In an incredible game, the Lions erased a second half, seven-point deficit to take the win in the Minnesota AA girls' basketball State championship game, proving that it's not over until the final whistle blows.

When asked about the game, it was team member Mary Ann Healy who remarked: "We all went out there as hard as we could."

Mr. Speaker, these young student athletes truly extol the hard work and poise of champions. On behalf of all Minnesotans, I would like to congratulate the team, congratulate Coach Finley, the parents of these athletes, and the entire school as you celebrate your win.

TRAYVON MARTIN

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. I yield to my colleague from Florida.

Ms. WILSON of Florida. Mr. Speaker, this is Trayvon Martin.

Trayvon Martin's murderer is still at large. It's been 1 month, 30 days with no arrest. I want America to see this sweet, young boy, who was hunted down like a dog, shot in the street, and his killer is still at large.

Not one person has been arrested in Trayvon's murder. I want to make sure that America knows that in Sanford, Florida, there was a young boy murdered. He's buried in Miami, Florida, and not one person has been arrested even though we all know who the murderer is.

This was a standard case of racial profiling. No more, no more. We will stand for justice for Trayvon Martin.

□ 1920

CONGRESSIONAL BLACK CAUCUS ALTERNATIVE 2013 BUDGET

The SPEAKER pro tempore (Mr. HARRIS). Under the Speaker's an-

nounced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I would like to ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add any extraneous material on the subject matter of the Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, soon we will be called upon to vote on a budget for 2013. Budgets are supposed to be a statement of our values and our vision, and this is the case with the Congressional Black Caucus budget. The values that we support in our budget are American values. As it says in the title, it restores America's promise and invests in our future.

And at this time, I would like to yield to the person who leads us in developing the Congressional Black Caucus budget and who has done so for several years, one of the senior members on the Budget Committee, Congressman BOBBY SCOTT of Virginia.

Mr. SCOTT of Virginia. I thank the gentlelady for yielding.

Mr. Speaker, we have difficult choices to make when it comes to addressing our budget deficit, but the Republican budget makes the wrong choices by deeply cutting vital programs like Medicare, Medicaid, education, job training, and transportation to pay for massive tax cuts that primarily benefit the wealthiest Americans.

Our Nation's communities of color have been hardest hit by the effects of the Great Recession, and the Republican budget does little to address the priorities of these communities. Even as our Nation's economy has created nearly 3.9 million private sector jobs since February 2010, communities of color still are experiencing disproportionately higher rates of unemployment, home foreclosure, educational disadvantages, and economic hardship. As a result, vulnerable communities are increasingly relying on public programs to meet their basic needs.

With the passage of the fiscal year 2011 continuing resolution, then the Budget Control Act of 2011 and the fiscal year 2012 Consolidated Appropriations Act, these same vital programs have been slashed and targeted with even deeper cuts in the House Republican budget even as tax cuts for the wealthiest Americans are extended without problems.

The Congressional Black Caucus has a long history of submitting fiscally sound and morally responsible alternatives to budgets proposed by both

Democrat and Republican Presidents. The CBC alternative budget for fiscal year 2013 continues that long tradition, putting forth a plan that reduces the deficit over the next decade. It alleviates some of the harm inflicted by the Budget Control Act, and increases economic opportunities and job creation by ensuring sustained investments in education, job training, transportation, infrastructure, and advanced research and development. The Congressional Black Caucus budget proposes significant increases in these functions of the budget for fiscal year 2013 to further accelerate our economic recovery and ensure a recovery is felt in every corner of our Nation. At the same time, the CBC budget protects and enhances the social safety net that saved millions of families from poverty during the Great Recession.

Unlike the proposed Republican budget, the CBC budget does not significantly reduce Medicaid or cut food assistance or force seniors to contribute more of their hard-earned money towards their health care expenses by dismantling Medicare and other vital support services. The CBC budget achieves all of this by making tough but responsible decisions to pay for tax cut extensions by making our tax system fairer, closing corporate loopholes and preferences that have contributed to the loss of American jobs.

Deficit reduction and the path of fiscal responsibility must not be on the backs of our Nation's most vulnerable citizens. We cannot win the future by leaving our most vulnerable behind. Our success as a Nation is interwoven in the success of every community, and this goal is reflected in the Congressional Black Caucus alternative budget for fiscal year 2013.

Now let me go through some of the details of the budget, because many of the budgets that have been presented in the past have missing numbers or unspecified cuts or things that you know aren't going to happen. These are our recommendations for a budget and where we are on the bottom line.

The CBC budget assumes as its baseline all of the President's spending and revenue assumptions. The CBC budget then not only extends certain tax cuts but also pays for all of the tax cuts for hardworking, middle-class Americans, and then it enacts tax reform measures to pay for the extension, raising nearly \$4 trillion in new revenue over the next decade.

We do that by:

Reining in Wall Street speculation with a financial speculation tax that will raise approximately \$840.9 billion over 10 years;

Ensuring Wall Street bankers pay the same tax rates as working Americans by taxing carried interest, dividends, and capital gains as ordinary income, which will raise almost \$1 trillion over 10 years;

Enacting the Buffett Rule and adding a millionaire surcharge similar to the legislation that was in the House version of the Affordable Care Act. That will raise approximately \$600 billion over 10 years;

Closing certain tax loopholes and preferences. There are so many of them that, by closing those loopholes and deductions, we can raise \$1.3 trillion over 10 years; and

Ending the mortgage interest deduction for vacation homes and yachts, which will add a few billion dollars over 10 years.

The bill also protects Social Security, Medicare, Medicaid, food assistance, welfare under TANF, unemployment insurance, and other vital safety net programs that are hit hard by the Republican budget.

We restore important funding for programs that were cut under the Budget Control Act, cancel the sequester for security and nonsecurity programs, match the Democratic alternative budget on defense, and invest another \$153 billion over the next decade in vital programs that will accelerate our economy and support hard-working American families.

We do that by increasing the maximum Pell Grant by \$1,000, to a total of \$6,500. We invest an additional \$25 billion above the President's budget in education and job training in 2013 alone. We also continue unemployment benefits and provide benefits for those who, through no fault of their own, have been unemployed for more than 99 weeks. We invest an additional \$50 billion in job creating transportation and infrastructure programs in 2013, alone, and \$155 billion above the President's budget over the next decade. We match the independent budget for Veterans Affairs, as recommended by a coalition of veterans' groups. We invest \$12 billion more in advanced research and development programs like NASA, the Department of Energy, and the National Science Foundation, which will create jobs now and in the future. We have additional funding for housing, foreclosure assistance, and other important programs and community development. We provide an additional \$10 billion in vital health care programs, such as community health centers. And we create a public health insurance option under the Affordable Care Act, giving American people a real choice when the exchanges come into effect by allowing them to pick, as one of their choices, a public option. Adopting a public option has been scored as a \$100 billion savings over 10 years because those programs will cost less.

When the dust settles, the CBC budget will reduce the deficit by an additional \$769 billion as compared to the Republican budget over the next decade. Let me say that again. We will reduce the deficit by an additional \$769

billion compared to the Republican budget over the next decade. It is more fiscally responsible. It addresses the needs of our public, and, therefore, I would hope that we would adopt the Congressional Black Caucus budget and not the Republican budget that will be presented on the floor.

And I yield back to the gentlelady from the Virgin Islands.

Mrs. CHRISTENSEN. Thank you, Congressman SCOTT. Thank you for your leadership over all of these years in developing such a responsible budget. The CBC is proud to offer that as an alternative again this year.

Now I would like to yield to Congresswoman MARCIA FUDGE of Ohio, who is a member of the Education and the Workforce Committee. She is a strong advocate for education and closing the achievement gap and for many of the safety net programs that we protect in this budget.

Ms. FUDGE. I would like to thank my colleague, Representative CHRISTENSEN, for her work and continuing to anchor this CBC hour. I think it is very, very important. She is very special because she is determined to make sure that the United States knows that we, the CBC, are fighting for them every day. And I thank you.

Mr. Speaker, I rise to address the devastating impacts that the Republican budget would have on the middle class and American workers, as well as students, seniors, and the poor.

A budget, Mr. Speaker, is a reflection of priorities. It exemplifies objectives and goals. The Republicans' priorities are clear: cut taxes for the most wealthy Americans while achieving deficit reduction through drastic spending cuts to Medicare, Medicaid, SNAP, and other important programs. The Republican budget would abandon the economic recovery we are in and implement policies that ship American jobs overseas.

□ 1930

It would assume deep cuts in transportation spending next year, ignore job creation, and reject sensible proposals for economic growth and future competitiveness.

The Congressional Black Caucus will present a budget this week—thank you to my colleague, Mr. SCOTT—that would protect seniors who rely on Medicare, the disabled who need Medicaid, and the unemployed who would go hungry without SNAP. It would support our economy through investment in transportation and infrastructure and would encourage American innovation. The Republican budget would reject investments in innovation by cutting funding for research and development. It would ignore the benefits of these investments on future generations.

Should the Republican budget go into effect, we would miss a great oppor-

tunity to support American innovation and to develop emerging technologies that create the jobs of the future. In addition, the Republican budget would fail our students by proposing drastic cuts that would devastate education funding and increase costs for college students. It would allow higher interest rates on student loans starting this year and eliminate the income-based repayment plans that help graduates manage their loans.

In contrast to the Republican budget, the CBC budget would increase the maximum Pell Grant by nearly \$1,000 and invest an additional \$25 billion above the President's budget in education and job training in fiscal year 2013, alleviating State and local education budget cuts and protecting jobs for teachers.

Even the middle class is not spared from the Republican cuts. The Republican budget would outsource jobs through tax policies. It would actually encourage multinational companies to ship thousands of jobs overseas while costing the American economy billions of dollars.

By contrast, the CBC budget would ensure that Wall Street bankers pay the same tax rates as working Americans by taxing carried interest, dividends, and capital gains as ordinary income. The CBC budget would close corporate tax loopholes, adding approximately \$1.3 trillion in revenue over 10 years.

Just like last year, the Republican budget would end the Medicare guarantee and shift costs to seniors. Rather than having the guaranteed coverage of benefits, seniors would receive a voucher. Yet the voucher will not grow as quickly as health care costs—simply shift costs on to seniors. As the AARP pointed out:

The premium support method described in the Republican proposal would likely "price out" traditional Medicare as a viable option, thus rendering the choice of traditional Medicare as a false promise.

The CBC budget would support our seniors, working Americans, and the middle class. And the CBC budget will reduce the deficit by an additional \$3.4 trillion as compared to the President's budget over the next decade.

The Republican budget would repeat last year's attempts to drastically reduce SNAP, formerly known as food stamps, for struggling families. It would slash SNAP funding by roughly \$130 billion over 10 years and completely eliminate categorical eligibility. SNAP is currently serving 47 million people, nearly three-quarters of whom are families with children. Throwing people off the rolls would make it practically impossible for people to afford a nutritionally sound diet.

For 2 years in a row, we've seen Republican priorities in the Republican vision for the Nation. Mr. Speaker, the Republican budget is the wrong plan

for American workers; it is the wrong plan for families trying to put food on the table; it is the wrong plan for unemployed Americans; the wrong plan for students; and the wrong plan for seniors.

I urge my colleagues to support the budget presented by the Congressional Black Caucus and to vote “no” on the proposed Republican budget.

Mrs. CHRISTENSEN. Thank you, Congresswoman FUDGE, and thank you for your strong defense of programs for children, for our seniors, and for families across this country.

I would now like to yield such time as he might consume to Congressman DANNY DAVIS, a strong fighter for health equity, for justice in our criminal justice system. He is a valued member of the Ways and Means Committee.

Mr. DAVIS of Illinois. First of all, I want to thank the gentlelady from the Virgin Islands for her leadership in convening and anchoring these sessions that we hold each week. I also want to commend and pay tribute to Representative BOBBY SCOTT for the tremendous leadership and work that he provides each year in helping the Congressional Black Caucus analyze, synthesize, and look seriously at how we move forward as we prepare a budget.

As has already been indicated, budgets are indications of priorities—what is it that you’re really hoping to do; what do you really hope to accomplish. And so this budget I view as a tremendously positive alternative to any of our budgets that I have seen at this time. So I rise in strong support of the Congressional Black Caucus’ FY 2013 alternative budget.

February’s job report reveals 3 months of strong jobs growth in America. And while there is a sigh of relief for millions of consumers and the unemployed moving from the sidelines in search of work with hopes that their prospects will improve, there is little change for the 5.4 million long-term unemployed, 8.1 million involuntary part-time workers, and marginally attached individuals no longer in the labor force who wanted and were available for work and who looked for a job at some point during the last 12 months.

And so it becomes obvious that any budget should have at its core job-creation opportunities so that people can experience this opportunity, or this commodity, that we call work.

Appearances of an economy poised for growth does little for underserved minorities residing in disinvested communities blighted with high rates of joblessness, poor-performing schools, poverty, and crime. Indeed, the promise of a new day and new hopes are few and far between for poor and low-income workers, generally, and returning citizens with barriers to employment in particular.

Indeed, over the past decade, the poor in America have gotten poorer. And, of

course, the wealthy have gotten wealthier. Those called “middle class” have been squeezed to the point where they’re teetering and certainly could go in either direction, that is, up with the right kinds of opportunities and down with the wrong kinds of opportunities.

I don’t believe that we can afford in good conscience to continue to turn a blind eye to census figures and monthly data reports of the economic injustices and suffering being imposed upon a growing number of people. Moreover, we cannot continue to hold a great Nation hostage for the sake of a few while millions suffer. If we’re truly going to address the crisis in America and put all Americans back to work and reduce poverty, we must create a mixture of universal and targeted programs capable of weathering political obstacles.

The Congressional Black Caucus alternative budget is a means to this end. Indeed, the CBC budget safeguards investment in public education, Pell Grants, and transportation vital to equipping minority youth and adults with skill sets so that they can obtain and maintain access to gainful sustainable employment in our ever-changing global economy; and also by renovating and building new schools and investing an additional \$50 billion in transportation and infrastructure in 2013 and \$155 billion above the President’s budget over the next decade, repairing and building bridges across lakes, rivers, and streams, but also bridges to opportunity.

□ 1940

The Congressional Black Caucus budget protects the health care safety net programs that have been developed. It also protects Second Chance funding while restoring funding to Department of Justice programs for citizens who are returning home from jail and prison with serious barriers to employment.

We hold these truths to be self-evident that if America is to become the America that it has never been but the America that all of us hope for and know that it can be, then we would take the principles encased in the Congressional Black Caucus budget and comply those to whatever budgets are ultimately passed.

So, again, I want to commend Mr. SCOTT, and I want to thank Delegate CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Congressman DAVIS.

I’d like to just say a few words about the Congressional Black Caucus budget. I’m in strong support of this budget. As I said, it’s a responsible budget that is a statement of our values and priorities; and as the title says, it restores America’s promise to invest in our future.

Our budget, as Congressman SCOTT said, builds upon the President’s bud-

et, and it would ensure that our children, our veterans, and seniors are protected and adequately taken care of. We invest in education and health care as well as in research and innovation. Our budget provides revenue by enacting tax measures that are fair, that close loopholes, and that protect tax cuts for hardworking, middle class families while protecting vital safety nets that help the poor, and it provides them with stepping stones out of poverty.

Those safety nets that we protect are, for example, Social Security; Medicare; Medicaid—a critical program; the Supplemental Nutrition Assistance Program, SNAP; Temporary Assistance for Needy Families, TANF; and many, many others. It does all of that while reducing the deficit by an additional \$3.4 trillion compared to the President’s budget.

Our budget stands as a direct contrast to the Republican Ryan budget. The Ryan budget begins at the outset by breaking the hard-fought agreement on caps set in the Budget Control Act in 2011. If they can’t keep their word on something that they forced an agreement on, then what will they keep their word on? So the Republican budget begins across-the-board cuts at 5.4 percent in 2013. They do not cut any defense spending, as agreed to in the Budget Control Act; but in 2014, they would reduce those caps 19 percent below the agreed-to cap in non-defense spending over 10 years. And I guess they know that the Supreme Court arguments made by those 26 States that began today against the Affordable Care Act are not going to win the day, that the Court will uphold the constitutionality of the law, and so the Republican budget would repeal the Affordable Care Act.

Just take a look at what Republicans take out of health care. They would cut funding for the Indian Health Service by 19 percent beginning in 2014. That would greatly diminish access to health care for the American Indians who already suffer disproportionately from many diseases and, as a result, who have a very low life expectancy compared to the white population.

In the Republican budget, there are cuts to funding for the Centers for Medicare and Medicaid Services which would make it very difficult for that agency to meet its responsibilities in overseeing these critical programs. There are also cuts to the Food and Drug Administration, which would reverse what Democrats were able to do to strengthen protections in food and medicines, and cutting back on those programs would put the American public at an increased risk.

While in this difficult economic climate the President’s budget managed to fund NIH at its current level, the Republican Ryan budget would jeopardize new research by cutting that

budget; and that research that would lead to innovations in medicine and improve lives would be jeopardized. In addition, they cut WIC and turn SNAP into a block grant, which weakens their ability to help those who increasingly find themselves food insecure as the gap between the rich and poor has widened and incomes have plummeted. And it cuts the Republicans' favorite target, the EPA, which would reduce our investments in public health and harm our ability to protect our public from air and water pollution and land contamination.

On the other hand, our budget, the CBC budget, which is always a very responsible budget—responsible to the American people and fiscally responsible while providing more deficit reduction than the Republican Ryan budget—still makes important investments that are critical to a strong future, including in health care.

First of all, our budget upholds the Affordable Care Act and fully funds it, but it takes it one step further by creating a public health insurance option that by itself saves almost \$103 billion in health care costs over the next decade. It adds \$10 billion to health care funding in the 2013 budget, and that \$10 billion more robustly funds the following important programs, such as the AIDS drug assistance programs, which have been underfunded for years, causing States to drop persons from their rosters with HIV and AIDS or reducing the coverage, reducing the benefits, and causing increasingly long waiting lists. It also increases funding for Ryan White, the Minority AIDS Initiative, and prevention activities for HIV, for STDs, for TB, and hepatitis.

Our budget funds the Office of Minority Health, which was expanded and strengthened under the Affordable Care Act to improve health equity. We expand and pay for oral health programs, for health care facilities improvements and construction. We increase funding for the maternal and child health in the Preventive Health Block Grant. We fund the Physician-Scientist Training program, which brings underrepresented minorities into health care careers both in the practice of medicine, as providers, and in research. We provide additional funding for substance abuse and mental health services administration.

And we finally provide adequate funding for the National Institute on Minority Health and Health Disparities at NIH. We also restore funding for the REACH program, a very important program that assists racial and ethnic minority communities to develop programs and unique approaches to health care just uniquely for those communities.

We fund many, many other health-related programs and services. And still, with all of that, we reduce that deficit by \$3.4 trillion over the next 10 years.

Those health provisions, as well as those in education, in research and innovation, and in the protection of the safety net programs and tax fairness, those in the CBC budget make it one that is clearly a statement of our values and priorities, a statement of America's values, values that everyone in this body should support.

At this time, I would like to yield again to our leader on the budget in the CBC, Congressman BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentlelady from the Virgin Islands for her very strong statement.

Mr. Speaker, we have tough choices to make; and when we start the discussion with how much people will get in tax cuts, you know the rest of the discussion will not be serious. We have decided if you're going to have tax cuts, if you're going to extend them, they have to be paid for. That is the historic contrast between the CBC budget and the Republican budget.

Now, Mr. Speaker, when people say we have to cut Medicare, they should look at the Republican budget because the only reason you have to cut Medicare is to fund the tax cuts. If you do not extend the tax cuts, you don't have to cut Medicare. When the same budget includes massive tax cuts and cuts in Medicare, people ought to notice that if you don't have the tax cuts, you don't have to cut Medicare.

Now, the Republican budget has virtually dismantled Medicare. It provides a voucher, but I think they like to call it—what?—a premium support something or other. Basically, you dismantle your right to Medicare, and you get some money to go see if you can buy some insurance in the private market. It turns out that the amount of money you're given—I'll call it a voucher—will be about \$6,000 short of what you need to get the equivalent of Medicare coverage. That's where the savings is. You don't reduce the cost of health care; you just shift it over to the seniors.

□ 1950

Now, one of the ways they try to convince people to go along with it is they tell people who are paying attention, those over 55, they say, well, it's not going to apply to you. We will continue to plan for about 10 years, and then we'll inflict this scheme on everybody else.

Some people over 55 say, well, that's good, I don't have to worry about it. Well, actually, people over 55 do have to worry about it because the people making the promise that you will be able to have a Cadillac Medicare program when people coming behind have a little motor scooter for their health care, and you think people are going to pay taxes, when they're going to get a motor scooter, for your Cadillac plan—I think the idea that they're going to continue paying those taxes are remote.

You have to notice that 10 years from now, when the decision gets made to start to inflict this scheme on the younger people, the people who will be keeping the promise for those over 55 aren't the ones that made the promise. They will be new representatives who don't have any commitment to keeping that promise. In fact, election after election, some of the younger people may ask, well, are you going to continue taxing me to support a Medicare program when all I'm going to get is a voucher? I want to know which one of the candidates will either cancel the Medicare for everybody and have everybody get this little voucher thing, or continue the Medicare program for everybody. I want to know if anybody up there is going to tax me for a Medicare program that I'm not going to get. And after five election cycles, the people that survive that will be the ones dealing with the promise that others made.

I doubt if any of them will be able to sustain that kind of pressure. When the time comes, either everybody will get this little voucher thing or everybody will get a Medicare card. The idea that some will get a nice, big Medicare package and everybody else coming behind get a little piece of voucher and think that's going to be sustained for any length of time, I think they've got another thought coming.

So people ought to recognize that even those over 55 have to protect Medicare. And the reason it's being cut is so that millionaires can get their tax cuts. You let those millionaires' tax cuts expire, you don't have to cut Medicare.

Now, as the gentlelady from the Virgin Islands said, we have a responsible budget. We name the cuts that are made. We name the taxes that will be affected. And you can see exactly what we're doing. Unfortunately, in the Republican budget, you get these unspecified cuts, 19 percent on average. Well, you know it's not going to be on average. It's not going to be across the board because some programs won't be cut. You're not going to cut the FBI by 19 percent. You're not going to cut Federal prisons by 19 percent. So all those that you don't cut you end up having to double up to meet your number, you've got to double up on the next one.

So we have no idea what's going to happen, other than all of these kind of unspecified cuts. And hopefully everybody's thinking, well, that's not going to be my program, that's not the one I depend on, when in fact it might not only be 19 percent, it might be 20, 30, 40 percent cuts in those programs.

The fact is that the Congressional Black Caucus budget is a responsible budget, and it comes in almost \$800 billion better on the bottom line than the Republican budget that will be the alternative. We have shown that you can

be responsible, you can be compassionate, and you can be fiscally responsible. That's the Congressional Black Caucus budget.

Mrs. CHRISTENSEN. Thank you for summarizing that for us and for pointing out the very important point that, in order to keep those tax cuts for the millionaires, those programs that so many people in this country, the poor and the middle class, depend on will be cut. That's a tradeoff that this country should not be taking and we do not support.

So we are very pleased to present our budget. As I said, and as Congressman SCOTT said, this is a very responsible budget that not only invests in the future and keeps America's promise to its people, but it saves money, \$3.4 trillion over 10 years to reduce the deficit.

With that, we ask for the support of our colleagues, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of the Congressional Black Caucus (CBC) alternative budget.

The CBC Budget proposes an additional \$10 billion in funding for general Science, Space and Technology activities. Specifically, this funding will apply towards agencies I oversee as Ranking Member of the Committee, such as NASA; the National Science Foundation and NIST; and to many programs we specifically authorized in the America COMPETES Act and the America COMPETES Reauthorization Act, including Noyce Scholarships; the ADVANCE program for women faculty; Graduate Research Fellowships; and many other important research and STEM education related programs.

The CBC Budget also invests an additional \$2 billion towards Energy providing additional funding for the Advanced Research Projects Agency at the Department of Energy which also falls under my Committee's jurisdiction.

We all know that our nation's future strength is directly dependent upon our commitment to a robust science agenda. As members of the Congressional Black Caucus, we urge support for programs that broaden participation in science, technology, engineering and mathematics, also called STEM.

As we call for increased funding for programs which broaden participation for STEM, we are concerned that the Administration's FY2013 budget holds funding for these critical programs flat even as other STEM programs grow and new ones are created. We remain concerned that we still have not actually moved the needle much in terms of participation in STEM by underrepresented groups nationwide.

Given the low participation by these groups in most STEM disciplines, the changing demographics of this country are going to catch up with us very soon with respect to having a STEM-skilled workforce for 21st Century jobs. In some industries we are already seeing a troubling skills gap that will only become worse if we don't broaden participation in STEM by minorities, and women for that matter.

As the first African American and first female Ranking Member of the Committee on

Science, Space, and Technology, broadening participation in STEM remains a top priority of mine. Broadening participation is not a minority issue or a gender issue, it is a national competitiveness issue we all must work to address for our country's benefit.

The under-representation of women and minority groups in STEM fields is a severe impediment to the formation of an adequate American STEM workforce. The increased education and participation of this segment of the workforce is essential to supplying the American economy with the STEM expertise the country needs to innovate and remain competitive.

In 2008, the US Census Bureau recorded African-Americans, Hispanics, and Native Americans as making up 28.2 percent of the US population, and yet, these groups only represent a mere 10 percent of the science and technology workforce. By the year 2050, minorities are predicted to represent 55 percent of the college population.

As a Caucus we support funding increases in programs which broaden participation in the sciences. Low-income and minority communities bear a disproportionate share of the national shortfall of highly qualified STEM teachers. Schools in these areas often lack adequate facilities such as science laboratories and other college preparatory tools that cultivate a hands-on, interactive learning environment.

Of great importance to us are funding and programmatic focus on high-need areas, low-income populations, and underrepresented groups wherever possible. We are pleased and supportive of the many provisions within the America COMPETES Act Reauthorization of 2010 which will result in improving the effectiveness and impact of activities to broaden participation across the entire \$6 billion in research grants at the National Science Foundation. However, in order to expand participation of minorities in the sciences we still have some work to do.

We need to strengthen the capacity of community colleges in which many of our students are enrolled. We need to award more grants directly to Historically Black Colleges and Universities (HBCU's) involved in research collaborations, enabling these institutions to build their research capacity in ways that serve their own faculty and students best. We should provide more scholarships and other avenues to decrease the financial burden many African American students disproportionately face. Finally, we need to support programs which will lead to more African American teachers and mentors.

Mr. Speaker, as you know my commitment to priorities of the Congressional Black Caucus remains strong and as Ranking Member of the Committee on Science, Space and Technology I look forward to continuing to work with the Administration to identify solutions to new, or persistent issues that threaten to set our nation back even as we continue to look forward to our future.

FRESHMAN CLASS ON OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New

York (Mr. REED) is recognized for 60 minutes as the designee of the majority leader.

Mr. REED. Mr. Speaker, I rise tonight and am joined down here by many of my colleagues as freshman Members of the U.S. House of Representatives to have an open and honest conversation with you, Mr. Speaker, and with all of America to talk about an issue that I believe is timely, with the court case that is now pending in the United States Supreme Court dealing with the Affordable Care Act, otherwise known as "ObamaCare," otherwise known as many other items, but tonight we'll be referring to it as ObamaCare or the Affordable Care Act.

To me, Mr. Speaker, it is clear that ObamaCare is a legislative act that overpromises, overspends, and underperforms, all at the expense of hard-working taxpayers. The law does little to get to the root cause of the problem in health care, and that is escalating cost increases across America. To me, the law is more focused on health insurance reform and does not do much in regards to curbing the increasing health care costs in America down.

Now, in the House of Representatives, we have voted repeatedly to repeal this atrocious law. I believe that is the best course of action for many reasons, and I'm sure we're going to get into those reasons tonight. But tonight we are joined by many freshman colleagues. What I'd like to do at this point in time is yield to my good friend from Georgia (Mr. SCOTT), a great Member of the freshman class and president of the freshman class, to offer some comments in regards to the same.

Mr. AUSTIN SCOTT of Georgia. Thank you very much.

Mr. Speaker, as you know, this week, the United States Supreme Court began hearing testimony on the constitutionality of the President's health care law, a law that, according to a USA Today poll, 72 percent of Americans believe is unconstitutional.

Mr. Speaker, the key question is: If the Federal Government can mandate its citizens buy health insurance, then what can they not mandate from Washington, D.C., that the American citizens must buy?

Mr. Speaker, the consequences of this mandate are severe. If the Supreme Court does not overturn it, what will the Federal Government allow themselves to mandate next? Life insurance? Just one word difference, health insurance versus life insurance. Bank accounts? A red car instead of a blue one? Organic apples instead of grapes? President Obama has put America on a very steep and slippery slope, and House Republicans are here to stop him.

During his takeover of one-sixth of the economy—and that's what it's about, Mr. Speaker, it's about the fact

that this is one-sixth of the economy—President Obama stated that if you liked your plan, you can keep it. It was a promise, a pledge he made to the American citizens. However, Americans soon found out, as we know today, exactly what he meant.

Under President Obama's health care law, you technically have a choice: You can keep your current plan as he promised, the health insurance plan that you chose. And yes, as long as the President, by his commission of unelected bureaucrats, approves your purchase, then you can keep the plan without paying a penalty. However, if his bureaucrats don't approve your plan, you'll pay a penalty. Mr. Speaker, the American people know that's not a choice.

Two years after this bill was signed into law, our worst suspicions are now being confirmed. Thanks to President Obama and the Democrats who used their control of Congress, Americans will have higher costs and a reduced level of care.

The nonpartisan CBO estimates that non-employer-sponsored health insurance premiums will be 13 percent higher than if this legislation had not been signed into law, Mr. Speaker. Over 90 percent of seniors will lose their retiree prescription drug coverage they currently enjoy, and also be hit with double-digit premium increases. The CBO has also noted that the health care law "may" hinder job creation.

Now, Mr. Speaker, I believe there's no doubt this bill kills jobs. In fact, when you get right down to it, a small business owner who has more than 50 employees is actually going to be encouraged to terminate the number of employees that they have above 50. Otherwise, they will be penalized if they do not comply with the law. Now, think about that, Mr. Speaker: Not only does this law hinder job creation, but it forces employers to get to under the 50-employee threshold so that they will not have to deal with the job-killing bureaucracy that this bill forces upon them.

Since coming to Congress last January, the House Republican Conference has voted to repeal not only this health care bill in its entirety but the 1099 provision, which the President agreed with us on; the CLASS Act, which the President agreed with us on; and, most recently, the IPAB rules.

□ 2000

It's time for the Senate and President Obama to wake up and realize what the majority of Americans already know: The Not So Affordable Care Act is simply bad economic policy, bad health care policy, and a violation of our constitutional rights as American citizens.

Mr. REED. I thank the gentleman from Georgia for joining us this evening.

On the point about small businesses, I would refer to a McKenzie Group report that found that more than one-half of employers with high awareness of the impact of ObamaCare said in the poll and in that report that they will stop offering health coverage when this becomes fully implemented as a result of their concern as to the bureaucratic pressure and the cost that this law is going to put on small business America.

To me, that's unacceptable. I know it is unacceptable to my colleague from Georgia, and I so appreciate you entertaining some time with us tonight.

With that, I would like to yield to my good friend from South Carolina, a great member of the freshman class, Mr. JEFF DUNCAN.

Mr. DUNCAN of South Carolina. I want to thank the gentleman from New York for his leadership on this issue.

I just got a text message a minute ago from my wife that said my youngest son, he's 11, hit an in-the-park home run, and I wasn't there. I wasn't there because we're here serving in the United States Congress to try to make America better for my 11-year-old and for children of this generation and future generations.

I believe that this particular legislation that was passed by the last Congress should be ruled unconstitutional—for a lot of different reasons. And I think my good friend from Florida (Mr. WEST) is going to talk momentarily about an article that he wrote, a great op-ed, in a Washington newspaper today. I thought it was spot-on, so I don't want to steal his thunder on that.

He talks in there about the Independent Payment Advisory Board, this committee of 15 members that Congress basically divested some of its power, gave some of its power over to a 15-member panel.

Now, America needs to realize that this 15-member panel will be making decisions, health care decisions for you and your family. If you're on Medicare, this 15-member panel, IPAB, will be making decisions on what they'll pay for, what treatment you can get, how long you can stay in a nursing facility for rehab, a lot of different things. We're divesting responsibility and decision-making to a panel.

This Congress just last week passed the repeal of that Independent Payment Advisory Board, IPAB, as it's known. We sent it to the abyss known as the United States Senate, because under that Democrat leadership under HARRY REID, they fail to take good, commonsense legislation up in the Senate for a vote.

But you know what? The last Congress that passed what's now known as ObamaCare, the Affordable Care Act, they gave some of their power away to this board, and anything that board does becomes law. And the only way Congress can overturn that law is with

a majority vote or a supermajority vote in the United States Senate. That's 60 Members that have to vote against something that IPAB does.

When I read the United States Constitution, article I, section 1, it's at the very beginning, right after the preamble, this is what it says:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

I don't see in there an Independent Payment Advisory Board at all. I see a United States Congress made up of a House and a Senate. That's what the United States Supreme Court ought to rule automatically unconstitutional in this bill.

We can talk about a lot of other things, but that bill was wrong for America. It's going to cost small businesses, it's going to stymie the economy, and we may never recover from what's coming with the full implementation of ObamaCare.

Mr. REED. I thank the gentleman for his comments so much because the Independent Payment Advisory Board is a classic example of what is wrong with ObamaCare. What they did in ObamaCare in the last congressional session was delegate its authority to 15 unelected bureaucrats. You're absolutely right.

And the worst thing about it, to my colleagues and Mr. Speaker, is that 15-member board is not subject to any open law requirements. They don't have to conduct their hearings in public. They don't have to conduct their deliberations with public input. It's 15 unelected bureaucrats that are making fundamental health care decisions that should be patient-centered relationships between a patient and a doctor.

But yet, under ObamaCare and the Affordable Care Act, what this Congress did in the 111th Congress was delegate its authority to 15 bureaucrats to make those life-and-death decisions.

Mr. DUNCAN of South Carolina. Will the gentleman yield?

Mr. REED. I yield to the gentleman.

Mr. DUNCAN of South Carolina. That's an interesting point, because I'm on the Natural Resources Committee. We deal with the EPA and a number of other, what used to be known as the MMS, and now BOEMRE, that makes regulations regarding offshore drilling, and they can't do anything without some public comment period. They can't promulgate a regulation that isn't subject to a public comment period and an appeal process.

But from what I hear you saying is this 15-member board can pass something in the dark of the night, in the back room, without transparency, without public input, without public comment period, and it will have the force of law.

Mr. REED. I so appreciate that comment.

With that, at this point in time, I'd like to yield to a great colleague, Mr. TREY GOWDY from South Carolina. Mr. GOWDY has joined us this evening, and I'm interested in hearing your thoughts on this topic.

Mr. GOWDY. I thank the gentleman from New York, and I thank my colleague and friend from South Carolina, Mr. DUNCAN, my colleague and friend from Georgia, Mr. SCOTT, my colleague and friend from the great State of Florida, Colonel WEST, all of whom are experts, Mr. Speaker, on the policy of ObamaCare.

I want to talk to you about something other than policy. I want to talk to you about the law. But I'm going to concede up front, Mr. Speaker, that having health insurance is a wise idea. Having health insurance is a really, really good idea.

Walking over from the Longworth office building just a few minutes ago, Mr. Speaker, I passed two dozen people who were out jogging or otherwise exercising, and I can't help but conclude exercising is a wise idea. But Congress has not mandated exercise, not yet at least. The week's not over with yet. But so far we have not mandated exercise, despite the fact that it is a good policy.

Mr. Speaker, I couldn't help, in talking to my wife tonight, to be reminded that remembering our spouses' birthdays is also a wise idea. So far, although the week is not over with yet, Congress has not mandated that we remember our spouses' anniversaries.

So, up front, let's acknowledge there's a difference between being a good idea and being a constitutional idea, because, Mr. Speaker, what my question is for Colonel WEST from Florida that I will ask initially rhetorically, and then I'd like him to answer it, is: Can Congress make you eat beets? Because beets are good for you, Mr. Speaker. You know that. You're a physician. What you eat matters. Can Congress make you eat okra? Can it make you eat cabbage? And if not, why not?

If all we're here to talk about is whether or not something is a good idea and there are no constitutional limits to what Congress can do, then my question is: Why not? Why can't we just debate this on the basis of public policy?

And the answer, Mr. Speaker, is this: Because we have a Constitution which is the supreme law of the land, and the Constitution has specific enumerated powers of what Congress can and, by absence, cannot do. And the Commerce Clause says that Congress can regulate commerce among the several States. And that's what this administration will be arguing this week, that that one phrase, that Congress can regulate commerce among the several States, gives this body the power to force everyone to purchase a private product, that being health insurance.

So my question to you, Mr. Speaker, is this: If health insurance is a good idea, how about life insurance? Because heaven knows we don't need any more generational debt in this country, Mr. Speaker. It is not fair to pass on debt to subsequent generations. So, before this week is done, why don't we mandate life insurance?

And I've seen study after study after study that good oral health is tantamount to good overall health. So why don't we, before the week is over with, Mr. Speaker, mandate that everyone must purchase dental insurance? If not, why not?

Mr. Speaker, as you know, I was a prosecutor in a former life, so I took great note of two Supreme Court cases, *Lopez* and *Morrison*. In *Lopez*, this body passed the Gun Free School Zone Act, saying we don't want guns on junior high and high school campuses. And the Supreme Court of the United States said, that may be a laudatory public policy position, but Congress has no business regulating the campus of high schools and junior high schools.

Mr. Speaker, Congress also—and this issue is very near and dear to my heart because I come from a State that has struggled mightily with the issue of domestic violence.

□ 2010

We have struggled mightily with that.

So Congress passed a federalized Violence Against Women Act. In the *United States v. Morrison*, the Supreme Court said that is a very laudable public policy. But the Commerce Clause of the Constitution does not give you the power to tell the several States how to handle domestic violence, and they struck it down.

So we've got to, in this country, somehow find a way to separate what is good public policy from what is the law of the land, because, Mr. Speaker, I will tell you this: if the Supreme Court says that Congress can make you purchase a private product like health insurance, then I beg someone to tell me what are the limits to what we can tell people to do.

Can we make them exercise? We all know that's good for you. If I've got to subsidize the health of people who are obese or have hypertension, why can't I make them exercise? Because this is America, and Congress can't make you exercise. They can encourage you to do it, but they can't make you do it.

Congress can't make you buy dental insurance, and Congress can't make you buy life insurance, and Congress can't make you exercise or get out of the rain when there's lightning. There are lots of things that we ought to do that Congress can't make us do.

If the Supreme Court says that Congress can make you purchase health insurance, Mr. Speaker, that is the end of federalism in this country. There are

no limits to what this body can make its citizens do if this law were upheld.

I thank the gentleman from New York, and I thank my other colleagues.

Mr. REED. I thank the gentleman for coming tonight and sharing the passion of what we're talking about when we're talking about ObamaCare and the constitutionality and the concepts of federalism. It reminds me, Mr. Speaker, of over 200 years ago our Founding Fathers had the brilliance, the vision, to recognize that the Federal Government is a limited Federal Government. The power of our government rests in the people, not in the Federal Government. The power of our government represents in the local and State entities that are closest to the people.

I firmly believe in the 10th Amendment and believe that the governments that are closest to the people are the best to be in the position to regulate and govern those people; and we should respect the U.S. Constitution and the limited powers that are enumerated in here, and recognize—and I hope that the United States Supreme Court joins me in that position in recognizing that there are limits to the Federal Government. The interstate commerce clause has limits, and it's not open-ended in order to force us to purchase health insurance for the sake of forcing us to engage in commerce in order to more effectively regulate interstate commerce.

I so agree with the gentleman from South Carolina. If that is the holding of the Court, then the Federal Government has no bounds. The Federal Government will control every ounce, every corner of our lives on a day-to-day basis.

With that, I would like to yield to the gentleman from Florida (Mr. WEST), whom I so enjoy being a colleague of here as a freshman Member of the U.S. House of Representatives.

Mr. WEST. I want to thank my colleague from New York (Mr. REED), and I want to thank my colleague from South Carolina (Mr. GOWDY) and the previous colleague, Mr. DUNCAN, my freshman class president, my brother from Georgia, and also my colleague from the great State of Arkansas (Mr. GRIFFIN).

Mr. Speaker, very simply, the Supreme Court has begun to consider the legality of the Patient Protection and Affordable Care Act, also referred to as ObamaCare. The High Court will pore over article I, section 8 of the Constitution to determine the meaning behind the words:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defense and general welfare of the United States, to regulate commerce with foreign nations and among the several States and with Indian tribes.

The 2012 Supreme Court must now determine whether the Founders had

any intention of mandating the behavior of private enterprises and American citizens. To me, Mr. Speaker, the answer is obvious—absolutely not.

Our Nation was founded on the Declaration of Independence. Freedom of choice and a free market are at the core of our Nation's soul. A governmental mandate for the behavior of individuals and private enterprises is anathema to what our Founders intended. The prospect of having an unelected panel of bureaucrats determining fundamental decisions about our individual health is perhaps the most personal and intimate intrusion into our lives.

This concept is absolutely absurd and dangerous law, which surely ranks with the grievances laid down 236 years ago in the Declaration of Independence. Grievances such as:

He has forbidden his governors to pass laws of immediate and pressing importance unless suspended in their operation until his assent should be obtained, and when so suspended he has utterly neglected to attend to them.

He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation; for imposing taxes on us without our consent; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments.

That's why, Mr. Speaker, each and every day I carry this Declaration of Independence and Constitution right here next to my heart. Because in January of 2011, Florida Federal District Judge C. Roger Vinson ruled the individual mandate unconstitutional, stating "never before has Congress required that everyone buy a product from a private company essentially for life just for being alive and residing in the United States."

If the government has the power to compel an otherwise passive individual into a transaction, it is not hyperbolic to suggest that Congress could do almost anything it wanted, just as my colleague from South Carolina articulated so well.

Today, this prediction is being attempted before our very eyes. With ObamaCare, insurance companies will be forced even to provide contraceptive products free of charge.

But, Mr. Speaker, why just contraception? Will the government next force insurance companies to provide surgical procedures free of charge? Where does it end? Perhaps supermarkets will be compelled to offer apples and carrots free of charge to ensure children have access to healthy food.

Beyond exerting oppressive control over individuals and private enterprises, ObamaCare circumvents the foundation of our own legislative structure.

At the heart of the Affordable Care Act is the Independent Payment Advisory Board, made up of 15 unelected officials appointed by the President to one simple purpose: to reduce Medicare spending. The IPAB will be tasked with and given the authority to reduce costs to the government by, among other things, limiting reimbursements to doctors. It doesn't take a brain surgeon, Mr. Speaker, to recognize that this will lead to more physicians leaving the Medicare system, reducing access to care for our seniors, and limiting available treatments.

But this isn't the most frightening part. Any recommendations that the IPAB automatically brings forth becomes law. The only way around this unprecedented amount of power for Washington bureaucrats is an act of Congress with a three-fifths supermajority in the Senate. In other words, the unelected IPAB, appointed by the President, essentially becomes its own shadow legislative body.

The fundamental structure of our government with three co-equal branches and a careful system of checks and balances is being usurped. Our freedoms and liberties are being chipped away bit by bit. Our country is being transformed step by step, incrementally, into a centrally planned, stringently controlled, bureaucratic nanny State.

What I find most frightening is that a portion of our populace willingly dons these shackles and like lemmings will march this great constitutional Republic off to its own demise.

Perhaps some Americans are simply unaware of the exorbitant monetary cost of this governmental behemoth. But numbers don't lie, Mr. Speaker, and they are dangerous: \$1.76 trillion from the American taxpayers to pay for ObamaCare over 10 years, nearly double the \$940 billion that was forecast when the bill was signed into law. As a previous Speaker said, "We have to pass the bill in order to find out what is in it."

Fifty-two billion in new taxes on businesses as employers are forced to provide health insurance, \$47 billion in new taxes on drug companies and medical device-makers, costs that will surely be passed down to patients, particularly our senior citizens.

□ 2020

Families earning more than \$250,000 a year will see more taxes as ObamaCare adds a new tax to investment income, including capital gains, dividends, rental income, and royalties; 16,000 new IRS agents; 159 new government agencies and bureaucracies; \$575 billion in cuts to Medicare.

Insurance premiums are expected to increase 1.9 percent to 2.3 percent in 2014 and up to 3.7 percent by 2023 because ObamaCare adds a premium tax on health insurers offering full coverage.

The Patient Protection and Affordable Care Act is unworkable and destined to fail. One need only look back a few years ago to the last Big Government program with the word "affordable" in it. Our colleague from the other side, BARNEY FRANK, brought forth the National Affordable Housing Act, and it, in less than a decade, managed to demolish the housing market, weaken financial institutions, and wipe out the net worth of millions of Americans.

What makes anyone, Mr. Speaker, think government intervention in health care will be successful?

ObamaCare is unconstitutional. As a matter of fact, Mr. Speaker, it is anti-constitutional. It violates those great, inalienable rights that Thomas Jefferson said do not come from man, they come from our Creator—of life, liberty, and the pursuit of happiness. It violates our individual sovereignty. And most certainly it is probably one of the most awful pieces of American policy.

Mr. Speaker, I pray that after next week's Supreme Court decision—or whenever it comes—that this Patient Protection and Affordable Care Act becomes the most short-lived piece of legislation in American history.

Mr. REED. I thank my colleague from Florida.

Mr. AUSTIN SCOTT of Georgia. Will the gentleman yield?

Mr. REED. I yield to the gentleman from Georgia.

Mr. AUSTIN SCOTT of Georgia. After listening to my colleague from Florida, I'm going to tell you it just drives home the point that power corrupts and absolute power corrupts absolutely.

You're talking about a panel that will have control of roughly one-sixth of the United States economy. That means more power in Washington.

I'm going to tell you, ladies and gentlemen, whether you're a Republican or a Democrat or an independent, the more power that rests in this House, the less liberty you have in your house. We're here standing up for your personal freedom and your individual liberties. We're working to make sure that you get a health care system that will continue to support you and your children.

We have over 300 children and grandchildren that we're the parents and grandparents of in the freshmen class, and that generation is more important than the next election.

Mr. REED. I thank the gentleman, the president of the freshman class, for that input.

What I would like to say in follow-up to the gentleman from Florida, quoting the numbers—and the numbers are real. Just recently, the CBO, the Congressional Budget Office, the independent bean counter of Washington, D.C., said that the real price tag under ObamaCare will be upwards of \$1.76

trillion over 10 years added to our spending in Washington, DC.

We're at \$15.6 trillion in the hole, and we're going to add another \$1.76 trillion to that pricetag, to that debt? It's not sustainable. We have to do better.

We in the House of Representatives on the Republican side do have proposals and solutions that will replace ObamaCare and go a long way to turning that cost curve and our ever-increasing cost of health care in America.

What I would like to do is go beyond the numbers. I can tell you from firsthand experience—and I know a lot of my colleagues believe in this just as I do. When I go back to my district in upstate New York, I go out and I talk to people on the front line. Just recently in the last month and a half, I went to a business just north of Cornell, New York, a small electronics company that's been struggling day after day, just trying to make ends meet.

It has about 48 employees in his operation. As I'm meeting in his office, as I'm talking to him about the future of his business, he stated to me that because of this law, the Affordable Care Act and its 50-employee threshold for the additional bureaucracy and requirements and taxes and penalties that Washington, DC, is putting on that business if he goes over that 50-employee threshold, he told me to my face that he will keep his employee rolls at 48 and not venture down the path of hiring two more individuals. Those are two more families that won't be getting a paycheck and putting food on their table and having the private capital to put their kids through college because of legislation coming out of Washington, D.C.

Mr. Speaker, we can do better. We will do better.

November 2010, with my freshmen colleagues, was the start of that better governance for all of America, and I'm proud to be a part of this freshman class.

At this point in time, I would love to yield to a fellow colleague of the freshman class, Mr. GRIFFIN from Arkansas.

Mr. GRIFFIN of Arkansas. Thank you. I appreciate it. I appreciate you putting this together. I'm happy to come over here to the floor of the House to talk about the unconstitutionality of ObamaCare.

Before I talk about the Constitution and ObamaCare, I want to make really clear to folks who may be joining us tonight that all of us here believe that we need serious health care reform in the United States. We know that we need health care reform. There are many parts of our health care system that we need to reform so that it is more efficient and so that we can deal with the rising costs. We get that.

What we don't need is the health care reform that we got. We are not against

health care reform. We are against the type of health care reform that we were given with ObamaCare, a government-centered, costly, bureaucratic health care law.

What I favor, and I think a lot of my colleagues favor, is a patient-centered health care reform that focuses on innovation and reducing costs, allowing more competition across State lines for insurance companies so that they can drive the costs down. We are looking for ways to provide quality care, to continue to provide quality care to Americans while reducing costs. I just want to make that really clear. We understand the need for health care reform.

We also understand the need to reform Medicare. We know that we must reform it to save it. The President's health care law, as we've heard some others refer to tonight, doesn't save Medicare. It makes changes. It takes \$500 billion out of Medicare. He also set up an independent board, as we've heard, that will decide where cuts should be made.

Instead of reforming, instead of looking for ways to innovate, it just cuts. Ultimately, it rations Medicare. That's what the President's plan does.

We have a better alternative, a patient-centered alternative.

We're here tonight to talk about the law that we have, the law that I and many of my colleagues voted to repeal, and that is what some call ObamaCare, the President's health care law.

We first have to start out—we're talking about the Constitution—and recognize that this Constitution sets limits on the power of government. If it does not set limits on the power of government, then what good is it? It's not worth the paper it's written on if it doesn't set limits on government. That's exactly what it does. That's why we have a Constitution in the first place.

The Founders, the people that started this great country, they knew what government overreach could do. They knew what government power out of control could do. The Founders were very specific in providing limitations on government in this document.

When enumerating the powers of Congress, the Constitution clearly presents the power to regulate as separate and distinct from the power to raise and create.

Let me tell you a little more about what I'm talking about here. The issue of whether ObamaCare is constitutional or not boils down to the Commerce Clause. The Commerce Clause of the Constitution gives the Federal Government the ability to regulate commerce. When setting out the powers, the Constitution clearly talks about the power to regulate as separate and distinct from the power to raise and create.

□ 2030

Congress, for example, was given the power to create money and then regulate it. Congress was given the power to raise an Army and then the power to regulate it. But that's not the case with commerce. That's not the case with doing business. Congress was only given the power to regulate commerce, not raise it or create it. The power to raise or create it is not there. For money in the military, the power to regulate does not include the power to raise; rather, it follows it.

So the bottom line here is, there's no power to create commerce, create business transactions where they don't exist. As one of the gentlemen that was here earlier said, Where does it end? If the Federal Government can make you buy insurance, health insurance, can they make you eat your broccoli? Can they make my 2-year-old and 4-year-old eat their broccoli?

I happen to love potato chips. They're probably not the best thing for me. Can you stop me from eating them? If I eat too many during a Razorback game, does the Congress of the United States have the power to pay say, We've got to cut down on the number of chips people are eating? I say no, Congress does not have the power to do that. But you know what? A lot of folks would say yes, using the same reasoning that they believe they can make you buy health insurance.

And that's ultimately what this debate is about. Yes, it's about health care. It's about the unconstitutionality of ObamaCare, but, more broadly, it's about the Federal Government reaching into your life and telling you how to live it because the Federal Government thinks that it knows best. The Federal Government thinks it knows what you should eat, when you should eat it, what kind of insurance you ought to buy.

Now, I can't speak for the Founders, but I've got to believe, having read this document and many others that were written around the time of the founding of this country, I've got to believe that they would be outraged, outraged if they knew what was going on in their name, if they knew that the Federal Government was claiming to have the power to do the things that it claims it has the power to do.

Mr. Speaker, this is a critical week in our history because of the arguments that are going on at the Supreme Court, and the decision that comes out of the Supreme Court on this issue will be monumental. I would say, for me and the people that I represent in Arkansas that I talk with when I go home, that we believe that this Constitution establishes a limited government, and that no matter how you interpret it, you have to agree that it sets limits, and the Federal Government cannot force you to do whatever it wants you to do.

Mr. REED. I thank the gentleman from Arkansas.

At this point in time, I yield to the gentleman from Georgia.

Mr. AUSTIN SCOTT of Georgia. I think the gentleman from Arkansas made a wonderful point, that maybe we haven't made enough and should have made more. And that's the difference between a recommendation and a decision.

Oftentimes, we put together many panels of experts to make recommendations to Congress, and then Congress can decide to take action on the recommendation or not to take action. This bill flips that on its head in that a panel of unelected people is going to be convened that are actually going to make the decision. They are taking away the right of the American citizen to make the decision for themselves, completely contrary to what has been done in most cases in the past.

This isn't a recommendation, ladies and gentlemen. This is a decision that is going to be made for you by bureaucrats in Washington, D.C. And I'm going to tell you now that, just like a lot of Americans—both Republicans and Democrats and certainly the Independents—I feel that the people in Washington need to mind their own business and leave Americans alone. And that's the bottom line. People are fed up with it. More power in this House means less personal freedom and individual liberty in your house.

Mr. REED. I thank the gentleman from Georgia.

Mr. GRIFFIN of Arkansas. Will the gentleman yield?

Mr. REED. I yield to the gentleman from Arkansas.

Mr. GRIFFIN of Arkansas. I just wanted to comment on something you said there.

It might be a different debate if this Federal Government operated efficiently and ran everything perfectly, but we don't have a track record to brag on when it comes to managing this sort of thing.

What makes folks think that all the answers are in Washington? Where's the evidence of that? I don't think you can point to it. I think the record shows that when you let States do what is good for them, in particular, and experiment and innovate, try new things, serve as laboratories to learn the best way forward, that's what succeeds. The idea that one size fits all from up here, that's not patient-centered; that's government-centered.

Mr. REED. Reclaiming my time, I so agree with the gentleman from Arkansas, because you are absolutely right.

As you were expressing yourself to the Speaker and to this Chamber and to this floor, you made a comment, that since when does the Federal Government know best? And there are repeated provisions in the 3,000 pages of

ObamaCare that clearly show that when the 111th Congress passed this legislation, they truly believed that the Federal Government, Washington, D.C., knew what was best for every individual in America coast to coast, north to south, east to west. You only have to look to the provision that deals with Medicaid, because we're talking a lot tonight about Medicare and IPAB and the provisions of ObamaCare that deal with that.

But look at the provisions dealing with Medicaid and the maintenance of efforts provisions in the law. And what that says, Madam Speaker, is that on the day of the effective date of ObamaCare, the States have to maintain the same level of service under its Medicaid program as was in effect on the date of the effective date of ObamaCare.

What does that mean, Madam Speaker? What does that mean to the State of New York? Well, the State of New York offers what all of my constituents in my district know as the Cadillac plan of Medicaid services. We offer every authorized program that the Federal Government allows under Medicaid. And actually, it's so well known that we're getting influxes of people coming to New York State because of the Medicaid medical services that we provide.

And what is that doing to New York State? Well, let me tell you. In the eight counties that I represent, over 100 percent of our real property tax levy—because we split the Medicaid share 25 percent/25 percent between the State and the local government. So our county tax property bill is equivalent to 100 percent that goes to cover those Medicaid services for our constituents in those eight counties. That means that every county tax bill that goes out, every dollar of that tax levy goes to cover the New York State 25 percent local share of Medicaid costs.

And what does ObamaCare do? It tells our elected officials in New York State, in Albany, You're handcuffed. You cannot change the level of services under Medicaid.

And what is it doing to other States, such as Texas that doesn't authorize all of the authorized programs at the Federal level for Medicaid services? It forces them to raise up and maintain their level of services under Medicaid.

□ 2040

I've talked with representatives from Texas and they point to New York State and they say New York State should be the example for which Texas should not follow. We should allow the States and the elected officials duly elected to represent the local citizens in those States the ability and discretion to tailor what is best for their States' citizens, not have a one-size-fits-all requirement coming from Washington, D.C., like the mainte-

nance-of-efforts provisions under ObamaCare dictating across the country that what's good in New York is good for what's in California and Texas and everywhere else. Each State is unique.

And that is the wisdom and the vision that our Founding Fathers articulated when they recognized the 10th Amendment in the United States Constitution and have the Federal Government be a limited Federal Government, that its rights are only those enumerated in the Constitution. And if it isn't so enumerated in the Constitution, those powers are retained by the States and by the people in those States, not the Federal Government.

I again yield to my colleague from Georgia.

Mr. AUSTIN SCOTT of Georgia. As I listen to you talk about the individual States out there—the 50 individual States—and I'm from Georgia. The Second Amendment is extremely important to us in Georgia: the right to keep and bear arms. We haven't passed a law on the House floor and passed by the Senate and signed by the President that says every American must own a gun, or a firearm, if you want to be proper about it.

Again, it's those constitutional rights that we as Americans have. It's not for the government. It's for us as individuals. That Constitution guarantees me as a citizen that nobody in Washington can take those things from me. Our Forefathers understood, again, that power corrupts and absolute power corrupts absolutely. They gave us the Constitution. They knew that with the House and the Senate being political bodies and with the President being a political body that eventually something like this would happen in this country. And so they gave us a Court. They gave us a Court with one duty—and that duty is to protect the constitutional rights of the United States citizens. And let's just hope and pray that the Court does its job and upholds our constitutional rights.

With that, I will yield the remainder of any time I have left to my colleague from New York. Thank you so much for having us here tonight.

Mr. REED. I thank the gentleman from Georgia and for the gentleman's time in joining us on the floor of the House on this critical issue that we face in the U.S. House of Representatives.

What I would like to say in closing, Madam Speaker, is that there are many problems with the Affordable Care Act—there are many problems with ObamaCare—not the least of which is the constitutionality of that law. And let us hope that the United States Supreme Court renders its verdict, and that verdict is just and recognizes that this is an overreach of Federal power and strikes down this law.

But make no mistake about it, Madam Speaker, we in the House of

Representatives recognize that there is a problem with health care in America, and those ever-increasing costs that burden Americans across the Nation need to be dealt with. But the solutions—and I know we'll have this conversation on another night, Madam Speaker—but the solutions that we come up with must be based from the patient's point of view, from the individual's point of view, from the patient and the doctor's relationship, not from the perspective of Washington bureaucrats, not from the perspective of a hospital administrator, but from the private relationship between patients and doctors. And I believe if we wholeheartedly agree to that principle, we will solve this problem. But in the end, ObamaCare—the Affordable Care Act—does not accomplish the mission and needs to be repealed. And we'll stand for the repeal today and tomorrow.

With that, Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BROWN of Florida (at the request of Ms. PELOSI) for today on account of an event in the district.

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today and the balance of the week.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on March 22, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 473. To provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

Karen L. Haas, Clerk of the House, further reported that on March 23, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 886. To require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

ADJOURNMENT

MR. REED. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 27, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5397. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Federal Housing Administration (FHA): Suspension of Section 238(c) Single-Family Mortgage Insurance in Military Impacted Areas [Docket No.: FR-5461-F-02] (RIN: 2502-AJ01) received March 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5398. A letter from the Associate General Counsel for Legislation and Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Project—Center on Knowledge Translation for Disability and Rehabilitation Research Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A-13 received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5399. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — YouthBuild Program (RIN: 1205-AB49) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5400. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Extension of Temporary Place of Five Synthetic Cannabinoids Into Schedule I of the Controlled Substances Act [Docket No.: DEA-345] received March 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5401. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform — Mobility Fund [WC Docket No.: 10-90; GN Docket No.: 09-51; WC Docket No.: 07-135; WC Docket No.: 05-337; CC Docket No.: 01-92; CC Docket No.: 96-45; WC Docket No.: 03-109; WT Docket No.: 10-208] received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5402. A letter from the Associate Bureau Chief, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures; Waiver of Section 1.2110(b)(3)(iv)(A) of the Commission's Rules For the Upper 700 MHz Band D Block License [WT Docket No.: 05-211] received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5403. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Haiti (RIN: 1400-AD08) re-

ceived February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5404. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Removal of Oman from the Restricted Destination List [NRC-2011-0264] (RIN: 3150-AJ06) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5405. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-57; Small Entity Compliance Guide [Docket: FAR 2012-0081, Sequence 2] received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5406. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-56; Introduction [Docket FAR 2012-0080, Sequence 1] received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5407. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-56; Small Entity Compliance Guide [Docket FAR 2011-0081, Sequence 1] received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5408. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Operating as Catcher/Processors Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA956) received March 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5409. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Final Listing Determinations for Two Distinct Populations Segments of Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) in the Southeast [Docket No.: 090219208-1762-02] (RIN: 0648-XN50) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5410. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Threatened and Endangered Status for Distinct Population Segments of Atlantic Sturgeon in the Northeast Region [Docket No.: 100903414-1762-02] (RIN: 0648-XJ00) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5411. A letter from the Acting Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 32 [Docket No.: 100217095-2081-04] (RIN: 0648-AY56) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA987) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5413. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-2] (RIN: 0648-XA922) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5414. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Fisheries; 2012 Annual Catch Limits and Accountability Measures [Docket No.: 110826540-2069-02] (RIN: 0648-XA674) received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5415. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2008-0415; Directorate Identifier 2007-NM-256-AD; Amendment 39-16904; AD 2011-27-03] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5416. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCAT Airplanes [Docket No.: FAA-2011-1139; Directorate Identifier 2011-CE-021-AD; Amendment 39-16911; AD 2011-27-09] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5417. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders [Docket No.: FAA-2011-1155; Directorate Identifier 2011-CE-032-AD; Amendment 39-16913; AD 2012-01-02] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5418. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BRP-POWERTRAIN GMBH & CO KG Rotax Reciprocating Engines [Docket No.: FAA-2011-1022; Directorate Identifier 2011-NE-20-AD; Amendment 39-16919; AD 2012-01-07] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5419. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada Turbo-prop Engines [Docket No.: FAA-2011-1298; Directorate Identifier 2011-NE-39-AD; Amendment 39-16888; AD 2011-25-12] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5420. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0037; Directorate Identifier 2012-NM-003-AD; Amendment 39-16935; AD 2012-02-12] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5421. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2012-0005; Directorate Identifier 2010-SW-091-AD; Amendment 39-16914; AD 2012-01-03] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5422. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2012-0086; Directorate Identifier 2011-SW-045-AD; Amendment 39-16936; AD 2012-02-13] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5423. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Due Date of Initial Application Requirements for State Home Construction Grants (RIN: 2900-AN77) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5424. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Drug and Drug-Related Supply Promotion by Pharmaceutical Company Representatives at VA Facilities (RIN: 2900-AN24) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5425. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Public Inspection of Material Relating to Tax-Exempt Organizations [TD 9581] (RIN: 1545-BG60) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5426. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Annual price inflation adjustments for passenger automobiles first placed in service or leased in 2012 (Rev. Proc. 2012-23) received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on March 23, 2012]

Mr. RYAN of Wisconsin: Committee on the Budget. House Concurrent Resolution 112. Resolution establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022 (Rept. 112-421). Referred to the Committee of the Whole House on the state of the Union.

[Submitted March 26, 2012]

Mr. WEBSTER: Committee on Rules. House Resolution 595. Resolution providing for consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission (Rept. 112-422). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MULVANEY (for himself, Mr. SCHWEIKERT, Mr. JONES, Mr. QUAYLE, Mrs. MYRICK, Mr. COFFMAN of Colorado, Mr. GARDNER, Mr. PENCE, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mr. ROSS of Arkansas, Mr. BURTON of Indiana, Mr. GOWDY, Mr. WILSON of South Carolina, Mr. CAMPBELL, Mr. LATTI, Mr. AMODEI, Mr. BERG, Mr. RIBBLE, Mr. KELLY, Mr. HARRIS, Mr. LONG, Mr. CARTER, Mr. PAUL, Mr. POSEY, Mr. FLAKE, and Mr. LAMBORN):

H.R. 4256. A bill to direct the Attorney General to revise certain rules under titles II and III of the Americans with Disabilities Act of 1990 relating to accessible means of entry to pools; to the Committee on the Judiciary.

By Mr. ISSA (for himself and Mr. CUMMINGS):

H.R. 4257. A bill to amend chapter 35 of title 44, United States Code, to revise requirements relating to Federal information security, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. McDERMOTT:

H.R. 4258. A bill to ensure free, fair, and competitive elections in the Republic of Georgia; to the Committee on Foreign Affairs.

By Mr. LANKFORD (for himself, Mr. ISSA, Mr. CUMMINGS, Mr. CONNOLLY of Virginia, and Mr. SMITH of New Jersey):

H.R. 4259. A bill to prevent human trafficking in government contracting; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York:

H.R. 4260. A bill to amend the Internal Revenue Code of 1986 to allow an income disparity tax credit; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4261. A bill to direct the Secretary of Labor to establish a competitive grant program for community colleges to train veterans for local jobs; to the Committee on Veterans' Affairs.

By Mr. PALLONE (for himself and Mr. DINGELL):

H.R. 4262. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of cosmetics; to the Committee on Energy and Commerce.

By Mr. FRANKS of Arizona (for himself and Mr. COSTA):

H.J. Res. 106. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. GARRETT:

H. Con. Res. 113. Concurrent resolution establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal year 2012 and fiscal years 2014 through 2022; to the Committee on the Budget.

By Mr. McCAUL (for himself and Mr. LANGEVIN):

H. Con. Res. 114. Concurrent resolution expressing the sense of Congress that the United States should preserve, enhance, and increase access to an open, global Internet; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MULVANEY:

H.R. 4256.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18. "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Article I, Section 8, Clause 3. "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

The 14th Amendment to the Constitution. "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws . . . The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

By Mr. ISSA:

H.R. 4257.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in Government of the United States or in any Department or Officer thereof.

By Mr. McDERMOTT:

H.R. 4258.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. LANKFORD:

H.R. 4259.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Ms. CLARKE of New York:

H.R. 4260.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution

By Mr. ISRAEL:

H.R. 4261.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. PALLONE:

H.R. 4262.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. FRANKS of Arizona:

H.J. Res. 106.

Congress has the power to enact this legislation pursuant to the following:

The Victims' Rights Amendment is introduced pursuant to Article V: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . ."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mrs. MYRICK, Mr. AKIN, Ms. GRANGER, Mr. RIVERA, Mr. GALLEGLY, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. MICA, Mrs. NOEM, Mr. AUSTRIA, Mr. CANSECO, and Mr. WALDEN.

H.R. 14: Mr. HIMES, Mr. DEUTCH, Ms. ESHOO, Ms. BONAMICI, Mrs. MCCARTHY of New York, Ms. FUDGE, Mr. McDERMOTT, Ms. BASS of California, and Mr. HINCHEY.

H.R. 178: Mr. AL GREEN of Texas, Mr. AUSTRIA, and Ms. KAPTUR.

H.R. 186: Mr. RIGELL.

H.R. 190: Ms. HAHN.

H.R. 205: Ms. BALDWIN.

H.R. 300: Ms. CHU.

H.R. 361: Mr. GOSAR.

H.R. 365: Mr. AL GREEN of Texas.

H.R. 458: Mr. BLUMENAUER, Mr. HINOJOSA, and Mr. HONDA.

H.R. 459: Mr. STIVERS.

H.R. 494: Mr. HASTINGS of Florida and Mr. SCOTT of Virginia.

H.R. 575: Mrs. McMORRIS RODGERS.

H.R. 870: Ms. CLARKE of New York.

H.R. 964: Mr. NADLER, Mr. ISRAEL, and Mr. OWENS.

H.R. 973: Mr. BUCHANAN.

H.R. 1004: Mr. SAM JOHNSON of Texas.

H.R. 1005: Mr. ROSS of Arkansas.

H.R. 1195: Mr. GRIFFITH of Virginia.

H.R. 1219: Mr. REYES.

H.R. 1244: Mr. CHABOT.

H.R. 1332: Ms. BASS of California.

H.R. 1356: Mr. GALLEGLY.

H.R. 1370: Mr. COLE.

H.R. 1523: Ms. NORTON.

H.R. 1561: Mr. MICHAUD.

H.R. 1612: Mr. JONES.

H.R. 1639: Mr. BONNER.

H.R. 1711: Mr. FILNER.

H.R. 1738: Mr. DEFazio.

H.R. 1755: Mr. REICHERT.

H.R. 1873: Mr. BACA.

H.R. 1895: Mr. NEAL, Mr. KEATING, and Mr. MCGOVERN.

H.R. 1960: Mr. COSTA.

H.R. 1971: Mr. DOGETT.

H.R. 2106: Mr. PIERLUISI and Mr. LARSEN of Washington.

H.R. 2139: Mr. WALDEN, Mr. BRALEY of Iowa, Mr. ROSS of Florida, and Mr. BROOKS.

H.R. 2179: Mr. LATTI.

H.R. 2245: Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Mr. DEUTCH, Ms. SPEIER, and Ms. DELAUNO.

H.R. 2299: Mr. QUAYLE, Mr. ROSS of Florida, Mr. MURPHY of Pennsylvania, Mr. CRAVAACK, and Mr. POE of Texas.

H.R. 2310: Mr. SMITH of Washington.

H.R. 2346: Mr. CARNAHAN.

H.R. 2529: Mr. GOSAR.

H.R. 2569: Mr. CROWLEY and Mr. CLARKE of Michigan.

H.R. 2607: Mr. MORAN and Mr. ELLISON.

H.R. 2679: Mr. DINGELL and Mr. THOMPSON of California.

H.R. 2696: Ms. BONAMICI.

H.R. 2721: Mr. RICHMOND, Mr. LEWIS of Georgia, Ms. LEE of California, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, Ms. RICHARDSON, Mr. RUSH, Ms. HIRONO, Mr. STARK, Ms. NORTON, Mr. JACKSON of Illinois, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS, Mr. CUMMINGS, Mr. TIERNEY, Mr. SHERMAN, Mr. CONNOLLY of Virginia, Ms. FUDGE, Mr. GARAMENDI, Ms. WATERS, Ms. DEGETTE, Ms. MOORE, Mr. CLARKE of Michigan, Mr. MEEKS, Ms. CHU, Mr. DOYLE, Mr. COHEN, and Ms. SEWELL.

H.R. 2733: Mr. BRALEY of Iowa and Mr. LATHAM.

H.R. 2755: Mr. DEUTCH.

H.R. 2795: Mr. GRIJALVA.

H.R. 2827: Mr. AMODEI, Mr. BOREN, Mr. LANCE, and Mr. WALSH of Illinois.

H.R. 2866: Mr. RUNYAN and Mr. SMITH of New Jersey.

H.R. 3001: Mr. RYAN of Ohio, Mr. GIBSON, Mr. FINCHER, Mr. CRENSHAW, Mr. BILBRAY, Mr. COLE, Mr. BACHUS, Mr. BUCHANAN, Mr. HARPER, Mr. AUSTRIA, Mr. WITTMAN, Mr. MARCHANT, Mrs. BLACKBURN, Mr. FLEMING, Mrs. HARTZLER, Mr. QUAYLE, Mr. MCHENRY, Mr. TURNER of New York, Mr. KING of New York, Mr. FALBOMAYAGA, Ms. BUERKLE, Mr. LANGEVIN, Ms. NORTON, Mr. LANCE, Ms. MCCOLLUM, Mr. SHIMKUS, and Mr. JOHNSON of Illinois.

H.R. 3059: Mr. HARPER.

H.R. 3065: Mr. FORBES and Mr. JOHNSON of Ohio.

H.R. 3066: Mr. BARROW.

H.R. 3151: Mr. MORAN.

H.R. 3187: Mr. FARR, Mr. WOMACK, Mr. CLAY, Mr. KISSELL, and Ms. CLARKE of New York.

H.R. 3238: Mr. MARKEY, Mr. LARSON of Connecticut, and Mr. CAPUANO.

H.R. 3286: Ms. ESHOO.

H.R. 3298: Ms. BORDALLO, Ms. BROWN of Florida, Mr. GENE GREEN of Texas, and Ms. HIRONO.

H.R. 3307: Ms. PINGREE of Maine.

H.R. 3364: Mr. ISRAEL, Mr. SARBANES, and Ms. RICHARDSON.

H.R. 3395: Mrs. BLACKBURN.

H.R. 3461: Ms. WASSERMAN SCHULTZ, Mr. WALSH of Illinois, Mr. GIBBS, Mr. FARENTHOLD, Mr. LANCE, Mr. BOUSTANY, Mr. BOSWELL, and Mrs. ADAMS.

H.R. 3587: Ms. WOOLSEY.

H.R. 3590: Mr. FILNER.

H.R. 3596: Mr. MCNERNEY, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. PETERSON, and Mr. CLARKE of Michigan.

H.R. 3612: Mr. GRIJALVA and Mr. DOYLE.

H.R. 3654: Mr. COURTNEY.

H.R. 3667: Mr. BOREN.

H.R. 3767: Mr. CRENSHAW, Mrs. McMORRIS RODGERS, Mrs. HARTZLER, Mrs. ELLMERS, Mr. LATTI, and Mrs. SCHMIDT.

H.R. 3803: Mr. ROKITA.

H.R. 3826: Mrs. DAVIS of California, Ms. ZOE LOFGREN of California, Mr. CONYERS, and Mr. GENE GREEN of Texas.

H.R. 3839: Mr. ACKERMAN.
 H.R. 3849: Mrs. BLACKBURN, Mr. PALAZZO, Mr. MANZULLO, Mr. RAHALL, Mr. NUNNELEE, and Mr. BOSWELL.
 H.R. 3860: Mr. BACA and Mr. FILNER.
 H.R. 3895: Mr. RIGELL and Mr. ROSS of Florida.
 H.R. 3904: Mr. CUELLAR.
 H.R. 3987: Mr. TIPTON.
 H.R. 3993: Mr. GERLACH, Mr. RANGEL, and Ms. PINGREE of Maine.
 H.R. 4045: Mr. BRALEY of Iowa, Mr. ELLISON, Mr. HUNTER, Mr. SABLAN, Mr. POE of Texas, and Mr. LATTA.
 H.R. 4070: Mr. FILNER.
 H.R. 4077: Mr. PITTS and Mr. ISRAEL.
 H.R. 4089: Mr. HUNTER.
 H.R. 4095: Mr. BOREN.
 H.R. 4122: Mr. CONNOLLY of Virginia, Mr. GRIJALVA, and Mr. MORAN.
 H.R. 4124: Mr. STARK and Mr. ROSS of Arkansas.
 H.R. 4134: Mr. COLE, Mr. YODER, Mr. JONES, Mr. SULLIVAN, and Mr. BOSWELL.
 H.R. 4136: Mr. BERG.
 H.R. 4160: Mr. PENCE.
 H.R. 4169: Mr. SCHOCK, Mr. ISRAEL, and Mr. CICILLINE.
 H.R. 4170: Ms. SCHAKOWSKY.
 H.R. 4173: Mr. BLUMENAUER and Mr. FARR.
 H.R. 4176: Mr. WALBERG and Mr. PENCE.
 H.R. 4197: Mrs. LOWEY.
 H.R. 4199: Mr. SCOTT of Virginia.
 H.R. 4202: Mr. GEORGE MILLER of California.
 H.R. 4203: Mr. TIPTON.
 H.R. 4210: Mr. DINGELL.
 H.R. 4215: Mr. DOGGETT.
 H.R. 4232: Mr. JOHNSON of Ohio.
 H.R. 4251: Mr. RIGELL.
 H. Res. 134: Mr. SCHOCK.
 H. Res. 460: Mr. QUIGLEY, Mr. VAN HOLLEN, Ms. BONAMICI, and Mr. PASCRELL.
 H. Res. 506: Mr. POE of Texas.
 H. Res. 560: Ms. BROWN of Florida.
 H. Res. 568: Mr. YOUNG of Indiana, Mr. DENHAM, Mr. RENACCI, Mr. ROGERS of Alabama, Mr. CLARKE of Michigan, Ms. LORETTA SANCHEZ of California, Mr. REHBERG, Mrs. BIGGERT, Mr. COURTNEY, Mr. PALAZZO, Mr. GERLACH, Mr. DANIEL E. LUNGREN of California, Mr. GARRETT, Mr. SESSIONS, Mr. WOLF, Mr. DOYLE, Ms. CASTOR of Florida, Mr. PALLONE, Mr. GRIFFIN of Arkansas, Mr. AUSTRIA, Mr. LATOURETTE, Mr. MACK, Mr. GOSAR, Ms. SEWELL, Mr. FILNER, Mr. GRIMM, Mr. SARBANES, Ms. SLAUGHTER, Mr. POSEY, Mr. GRAVES of Missouri, Ms. BUEKLE, Mr. BARTLETT, Mr. WOMACK, Mr. HARPER, Ms. MATSUI, Mr. GRAVES of Georgia, Mr. RIBBLE, and Mr. SMITH of Nebraska.
 H. Res. 573: Mr. ROTHMAN of New Jersey.
 H. Res. 583: Mr. MCCAUL, Mr. CALVERT, Mr. BACHUS, Mr. WOLF, Mr. COLE, and Mr. GALLAGLY.
 H. Res. 584: Ms. BORDALLO.
 H. Res. 592: Mr. SCOTT of South Carolina, Mr. RIGELL, Mr. DICKS, Mr. MCCAUL, Mrs. DAVIS of California, Mr. ROSS of Florida, Mr. PASCRELL, and Mr. RUPPERSBERGER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. Con. Res. 112

OFFERED BY: Mr. HONDA

AMENDMENT No. 1: Strike all after the resolving clause and insert the following:

SECTION 1. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: \$2,197,368,000.
 Fiscal year 2014: \$2,612,409,000.
 Fiscal year 2015: \$2,881,422,000.
 Fiscal year 2016: \$3,106,522,000.
 Fiscal year 2017: \$3,301,143,000.
 Fiscal year 2018: \$3,452,783,000.
 Fiscal year 2019: \$3,660,783,000.
 Fiscal year 2020: \$3,855,297,000.
 Fiscal year 2021: \$4,043,898,000.
 Fiscal year 2022: \$4,236,911,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: —\$74,614,000,000.
 Fiscal year 2014: \$115,212,000,000.
 Fiscal year 2015: \$156,357,000,000.
 Fiscal year 2016: \$220,790,000,000.
 Fiscal year 2017: \$279,347,000,000.
 Fiscal year 2018: \$291,219,000,000.
 Fiscal year 2019: \$342,648,000,000.
 Fiscal year 2020: \$356,393,000,000.
 Fiscal year 2021: \$353,732,000,000.
 Fiscal year 2022: \$345,788,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013: \$3,309,878,000,000.
 Fiscal year 2014: \$3,255,223,000,000.
 Fiscal year 2015: \$3,353,099,000,000.
 Fiscal year 2016: \$3,524,427,000,000.
 Fiscal year 2017: \$3,677,543,000,000.
 Fiscal year 2018: \$3,829,402,000,000.
 Fiscal year 2019: \$4,044,242,000,000.
 Fiscal year 2020: \$4,257,245,000,000.
 Fiscal year 2021: \$4,444,546,000,000.
 Fiscal year 2022: \$4,698,785,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: \$3,287,716,000,000.
 Fiscal year 2014: \$3,261,796,000,000.
 Fiscal year 2015: \$3,352,964,000,000.
 Fiscal year 2016: \$3,532,436,000,000.
 Fiscal year 2017: \$3,649,001,000,000.
 Fiscal year 2018: \$3,783,230,000,000.
 Fiscal year 2019: \$3,998,222,000,000.
 Fiscal year 2020: \$4,194,577,000,000.
 Fiscal year 2021: \$4,395,373,000,000.
 Fiscal year 2022: \$4,657,085,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2013: —\$1,090,348,000,000.
 Fiscal year 2014: —\$649,387,000.
 Fiscal year 2015: —\$471,542,000.
 Fiscal year 2016: —\$425,914,000.
 Fiscal year 2017: —\$347,858,000.
 Fiscal year 2018: —\$330,447,000.
 Fiscal year 2019: —\$337,439,000.
 Fiscal year 2020: —\$339,280,000.
 Fiscal year 2021: —\$351,475,000.
 Fiscal year 2022: —\$420,174,000.

(5) DEBT SUBJECT TO LIMIT.—The appropriate levels of the public debt are as follows:

Fiscal year 2013: \$17,467,000,000,000.
 Fiscal year 2014: \$18,240,000,000,000.
 Fiscal year 2015: \$18,804,000,000,000.
 Fiscal year 2016: \$19,308,000,000,000.
 Fiscal year 2017: \$19,733,000,000,000.
 Fiscal year 2018: \$20,129,000,000,000.
 Fiscal year 2019: \$20,506,000,000,000.
 Fiscal year 2020: \$20,867,000,000,000.
 Fiscal year 2021: \$21,223,000,000,000.
 Fiscal year 2022: \$21,621,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: \$12,655,000,000,000.
 Fiscal year 2014: \$13,331,000,000,000.
 Fiscal year 2015: \$13,787,000,000,000.
 Fiscal year 2016: \$14,152,000,000,000.
 Fiscal year 2017: \$14,390,000,000,000.
 Fiscal year 2018: \$14,577,000,000,000.
 Fiscal year 2019: \$14,755,000,000,000.
 Fiscal year 2020: \$14,927,000,000,000.
 Fiscal year 2021: \$15,107,000,000,000.
 Fiscal year 2022: \$15,357,000,000,000.

SEC. 2. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2013 through 2022 for each major functional category are:

(1) National Defense (050):

Fiscal year 2013:
 (A) New budget authority, \$659,719,000,000.
 (B) Outlays, \$669,687,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$532,574,000,000.
 (B) Outlays, \$585,818,000,000.

Fiscal year 2015:
 (A) New budget authority, \$526,836,000,000.
 (B) Outlays, \$546,976,000,000.

Fiscal year 2016:
 (A) New budget authority, \$528,581,000,000.
 (B) Outlays, \$539,638,000,000.

Fiscal year 2017:
 (A) New budget authority, \$539,841,000,000.
 (B) Outlays, \$536,425,000,000.

Fiscal year 2018:
 (A) New budget authority, \$551,797,000,000.
 (B) Outlays, \$537,397,000,000.

Fiscal year 2019:
 (A) New budget authority, \$560,862,000,000.
 (B) Outlays, \$551,693,000,000.

Fiscal year 2020:
 (A) New budget authority, \$571,661,000,000.
 (B) Outlays, \$561,905,000,000.

Fiscal year 2021:
 (A) New budget authority, \$586,462,000,000.
 (B) Outlays, \$574,908,000,000.

Fiscal year 2022:
 (A) New budget authority, \$601,815,000,000.
 (B) Outlays, \$595,149,000,000.

(2) International Affairs (150):

Fiscal year 2013:
 (A) New budget authority, \$73,837,000,000.
 (B) Outlays, \$64,498,000,000.

Fiscal year 2014:
 (A) New budget authority, \$66,309,000,000.
 (B) Outlays, \$66,844,000,000.

Fiscal year 2015:
 (A) New budget authority, \$62,079,000,000.
 (B) Outlays, \$65,518,000,000.

Fiscal year 2016:
 (A) New budget authority, \$59,507,000,000.
 (B) Outlays, \$64,501,000,000.

Fiscal year 2017:
 (A) New budget authority, \$62,004,000,000.
 (B) Outlays, \$64,334,000,000.

Fiscal year 2018:
 (A) New budget authority, \$64,068,000,000.
 (B) Outlays, \$64,237,000,000.

Fiscal year 2019:
 (A) New budget authority, \$65,148,000,000.
 (B) Outlays, \$63,132,000,000.

Fiscal year 2020:
 (A) New budget authority, \$66,977,000,000.
 (B) Outlays, \$63,515,000,000.

Fiscal year 2021:
 (A) New budget authority, \$68,872,000,000.
 (B) Outlays, \$65,132,000,000.

Fiscal year 2022:
 (A) New budget authority, \$71,074,000,000.
 (B) Outlays, \$67,005,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2013:
 (A) New budget authority, \$37,106,000,000.
 (B) Outlays, \$35,204,000,000.

Fiscal year 2014:
 (A) New budget authority, \$40,096,000,000.

(B) Outlays, \$38,135,000,000.
Fiscal year 2015:
(A) New budget authority, \$39,366,000,000.
(B) Outlays, \$38,957,000,000.
Fiscal year 2016:
(A) New budget authority, \$38,701,000,000.
(B) Outlays, \$38,875,000,000.
Fiscal year 2017:
(A) New budget authority, \$39,331,000,000.
(B) Outlays, \$39,142,000,000.
Fiscal year 2018:
(A) New budget authority, \$40,034,000,000.
(B) Outlays, \$39,687,000,000.
Fiscal year 2019:
(A) New budget authority, \$40,742,000,000.
(B) Outlays, \$40,260,000,000.
Fiscal year 2020:
(A) New budget authority, \$41,821,000,000.
(B) Outlays, \$41,127,000,000.
Fiscal year 2021:
(A) New budget authority, \$42,936,000,000.
(B) Outlays, \$42,068,000,000.
Fiscal year 2022:
(A) New budget authority, \$44,073,000,000.
(B) Outlays, \$43,163,000,000.
(4) Energy (270):
Fiscal year 2013:
(A) New budget authority, \$22,101,000,000.
(B) Outlays, \$21,223,000,000.
Fiscal year 2014:
(A) New budget authority, \$25,537,000,000.
(B) Outlays, \$22,344,000,000.
Fiscal year 2015:
(A) New budget authority, \$22,580,000,000.
(B) Outlays, \$22,315,000,000.
Fiscal year 2016:
(A) New budget authority, \$20,022,000,000.
(B) Outlays, \$21,198,000,000.
Fiscal year 2017:
(A) New budget authority, \$19,741,000,000.
(B) Outlays, \$20,124,000,000.
Fiscal year 2018:
(A) New budget authority, \$19,586,000,000.
(B) Outlays, \$19,336,000,000.
Fiscal year 2019:
(A) New budget authority, \$19,523,000,000.
(B) Outlays, \$19,308,000,000.
Fiscal year 2020:
(A) New budget authority, \$20,223,000,000.
(B) Outlays, \$19,476,000,000.
Fiscal year 2021:
(A) New budget authority, \$20,896,000,000.
(B) Outlays, \$19,984,000,000.
Fiscal year 2022:
(A) New budget authority, \$21,716,000,000.
(B) Outlays, \$20,693,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2013:
(A) New budget authority, \$46,024,000,000.
(B) Outlays, \$46,772,000,000.
Fiscal year 2014:
(A) New budget authority, \$48,969,000,000.
(B) Outlays, \$49,207,000,000.
Fiscal year 2015:
(A) New budget authority, \$48,398,000,000.
(B) Outlays, \$49,941,000,000.
Fiscal year 2016:
(A) New budget authority, \$48,221,000,000.
(B) Outlays, \$49,503,000,000.
Fiscal year 2017:
(A) New budget authority, \$49,558,000,000.
(B) Outlays, \$50,232,000,000.
Fiscal year 2018:
(A) New budget authority, \$51,348,000,000.
(B) Outlays, \$50,517,000,000.
Fiscal year 2019:
(A) New budget authority, \$52,593,000,000.
(B) Outlays, \$51,636,000,000.
Fiscal year 2020:
(A) New budget authority, \$54,599,000,000.
(B) Outlays, \$53,234,000,000.
Fiscal year 2021:
(A) New budget authority, \$55,593,000,000.

(B) Outlays, \$54,455,000,000.
Fiscal year 2022:
(A) New budget authority, \$57,150,000,000.
(B) Outlays, \$55,777,000,000.
(6) Agriculture (350):
Fiscal year 2013:
(A) New budget authority, \$21,228,000,000.
(B) Outlays, \$24,125,000,000.
Fiscal year 2014:
(A) New budget authority, \$17,892,000,000.
(B) Outlays, \$17,723,000,000.
Fiscal year 2015:
(A) New budget authority, \$18,721,000,000.
(B) Outlays, \$18,214,000,000.
Fiscal year 2016:
(A) New budget authority, \$19,944,000,000.
(B) Outlays, \$19,494,000,000.
Fiscal year 2017:
(A) New budget authority, \$19,796,000,000.
(B) Outlays, \$19,733,000,000.
Fiscal year 2018:
(A) New budget authority, \$18,887,000,000.
(B) Outlays, \$18,362,000,000.
Fiscal year 2019:
(A) New budget authority, \$17,823,000,000.
(B) Outlays, \$17,343,000,000.
Fiscal year 2020:
(A) New budget authority, \$18,066,000,000.
(B) Outlays, \$17,617,000,000.
Fiscal year 2021:
(A) New budget authority, \$18,592,000,000.
(B) Outlays, \$18,131,000,000.
Fiscal year 2022:
(A) New budget authority, \$18,947,000,000.
(B) Outlays, \$18,495,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2013:
(A) New budget authority, \$10,502,000,000.
(B) Outlays, \$11,855,000,000.
Fiscal year 2014:
(A) New budget authority, \$19,282,000,000.
(B) Outlays, \$6,586,000,000.
Fiscal year 2015:
(A) New budget authority, \$18,044,000,000.
(B) Outlays, \$5,505,000,000.
Fiscal year 2016:
(A) New budget authority, \$17,529,000,000.
(B) Outlays, \$3,152,000,000.
Fiscal year 2017:
(A) New budget authority, \$19,060,000,000.
(B) Outlays, \$2,846,000,000.
Fiscal year 2018:
(A) New budget authority, \$20,636,000,000.
(B) Outlays, \$3,592,000,000.
Fiscal year 2019:
(A) New budget authority, \$22,134,000,000.
(B) Outlays, —\$853,000,000.
Fiscal year 2020:
(A) New budget authority, \$24,229,000,000.
(B) Outlays, \$362,000,000.
Fiscal year 2021:
(A) New budget authority, \$25,554,000,000.
(B) Outlays, \$8,580,000,000.
Fiscal year 2022:
(A) New budget authority, \$30,812,000,000.
(B) Outlays, \$12,616,000,000.
(8) Transportation (400):
Fiscal year 2013:
(A) New budget authority, \$105,774,000,000.
(B) Outlays, \$105,474,000,000.
Fiscal year 2014:
(A) New budget authority, \$112,473,000,000.
(B) Outlays, \$108,565,000,000.
Fiscal year 2015:
(A) New budget authority, \$119,935,000,000.
(B) Outlays, \$113,853,000,000.
Fiscal year 2016:
(A) New budget authority, \$126,924,000,000.
(B) Outlays, \$119,215,000,000.
Fiscal year 2017:
(A) New budget authority, \$133,899,000,000.
(B) Outlays, \$124,357,000,000.
Fiscal year 2018:
(A) New budget authority, \$130,944,000,000.

(B) Outlays, \$127,535,000,000.
Fiscal year 2019:
(A) New budget authority, \$132,922,000,000.
(B) Outlays, \$130,484,000,000.
Fiscal year 2020:
(A) New budget authority, \$134,989,000,000.
(B) Outlays, \$132,385,000,000.
Fiscal year 2021:
(A) New budget authority, \$137,095,000,000.
(B) Outlays, \$133,770,000,000.
Fiscal year 2022:
(A) New budget authority, \$139,283,000,000.
(B) Outlays, \$136,230,000,000.
(9) Community and Regional Development (450):
Fiscal year 2013:
(A) New budget authority, \$26,408,000,000.
(B) Outlays, \$29,335,000,000.
Fiscal year 2014:
(A) New budget authority, \$29,083,000,000.
(B) Outlays, \$30,381,000,000.
Fiscal year 2015:
(A) New budget authority, \$28,155,000,000.
(B) Outlays, \$30,848,000,000.
Fiscal year 2016:
(A) New budget authority, \$27,273,000,000.
(B) Outlays, \$28,966,000,000.
Fiscal year 2017:
(A) New budget authority, \$27,679,000,000.
(B) Outlays, \$27,929,000,000.
Fiscal year 2018:
(A) New budget authority, \$28,124,000,000.
(B) Outlays, \$27,607,000,000.
Fiscal year 2019:
(A) New budget authority, \$28,575,000,000.
(B) Outlays, \$27,684,000,000.
Fiscal year 2020:
(A) New budget authority, \$29,381,000,000.
(B) Outlays, \$28,194,000,000.
Fiscal year 2021:
(A) New budget authority, \$30,215,000,000.
(B) Outlays, \$28,943,000,000.
Fiscal year 2022:
(A) New budget authority, \$31,072,000,000.
(B) Outlays, \$29,813,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2013:
(A) New budget authority, \$215,477,000,000.
(B) Outlays, \$216,894,000,000.
Fiscal year 2014:
(A) New budget authority, \$133,185,000,000.
(B) Outlays, \$134,848,000,000.
Fiscal year 2015:
(A) New budget authority, \$108,627,000,000.
(B) Outlays, \$108,401,000,000.
Fiscal year 2016:
(A) New budget authority, \$113,637,000,000.
(B) Outlays, \$113,530,000,000.
Fiscal year 2017:
(A) New budget authority, \$124,002,000,000.
(B) Outlays, \$120,819,000,000.
Fiscal year 2018:
(A) New budget authority, \$128,980,000,000.
(B) Outlays, \$127,822,000,000.
Fiscal year 2019:
(A) New budget authority, \$133,164,000,000.
(B) Outlays, \$131,731,000,000.
Fiscal year 2020:
(A) New budget authority, \$135,479,000,000.
(B) Outlays, \$134,698,000,000.
Fiscal year 2021:
(A) New budget authority, \$138,104,000,000.
(B) Outlays, \$137,088,000,000.
Fiscal year 2022:
(A) New budget authority, \$141,118,000,000.
(B) Outlays, \$139,748,000,000.
(11) Health (550):
Fiscal year 2013:
(A) New budget authority, \$392,643,000,000.
(B) Outlays, \$383,806,000,000.
Fiscal year 2014:
(A) New budget authority, \$490,114,000,000.
(B) Outlays, \$475,603,000,000.

Fiscal year 2015:

- (A) New budget authority, \$558,189,000,000.
- (B) Outlays, \$552,620,000,000.

Fiscal year 2016:

- (A) New budget authority, \$605,699,000,000.
- (B) Outlays, \$609,918,000,000.

Fiscal year 2017:

- (A) New budget authority, \$649,911,000,000.
- (B) Outlays, \$652,349,000,000.

Fiscal year 2018:

- (A) New budget authority, \$687,213,000,000.
- (B) Outlays, \$685,849,000,000.

Fiscal year 2019:

- (A) New budget authority, \$729,703,000,000.
- (B) Outlays, \$728,299,000,000.

Fiscal year 2020:

- (A) New budget authority, \$784,569,000,000.
- (B) Outlays, \$772,420,000,000.

Fiscal year 2021:

- (A) New budget authority, \$825,999,000,000.
- (B) Outlays, \$823,927,000,000.

Fiscal year 2022:

- (A) New budget authority, \$882,501,000,000.
- (B) Outlays, \$879,975,000,000.

(12) Medicare (570):

Fiscal year 2013:

- (A) New budget authority, \$528,399,000,000.
- (B) Outlays, \$528,311,000,000.

Fiscal year 2014:

- (A) New budget authority, \$553,553,000,000.
- (B) Outlays, \$552,856,000,000.

Fiscal year 2015:

- (A) New budget authority, \$579,388,000,000.
- (B) Outlays, \$578,948,000,000.

Fiscal year 2016:

- (A) New budget authority, \$629,995,000,000.
- (B) Outlays, \$629,761,000,000.

Fiscal year 2017:

- (A) New budget authority, \$648,217,000,000.
- (B) Outlays, \$647,496,000,000.

Fiscal year 2018:

- (A) New budget authority, \$670,465,000,000.
- (B) Outlays, \$670,015,000,000.

Fiscal year 2019:

- (A) New budget authority, \$733,652,000,000.
- (B) Outlays, \$733,400,000,000.

Fiscal year 2020:

- (A) New budget authority, \$786,074,000,000.
- (B) Outlays, \$785,321,000,000.

Fiscal year 2021:

- (A) New budget authority, \$837,885,000,000.
- (B) Outlays, \$837,396,000,000.

Fiscal year 2022:

- (A) New budget authority, \$917,799,000,000.
- (B) Outlays, \$917,656,000,000.

(13) Income Security (600):

Fiscal year 2013:

- (A) New budget authority, \$600,167,000,000.
- (B) Outlays, \$589,067,000,000.

Fiscal year 2014:

- (A) New budget authority, \$622,434,000,000.
- (B) Outlays, \$611,955,000,000.

Fiscal year 2015:

- (A) New budget authority, \$620,983,000,000.
- (B) Outlays, \$617,542,000,000.

Fiscal year 2016:

- (A) New budget authority, \$611,032,000,000.
- (B) Outlays, \$614,698,000,000.

Fiscal year 2017:

- (A) New budget authority, \$604,154,000,000.
- (B) Outlays, \$602,171,000,000.

Fiscal year 2018:

- (A) New budget authority, \$607,469,000,000.
- (B) Outlays, \$600,968,000,000.

Fiscal year 2019:

- (A) New budget authority, \$625,364,000,000.
- (B) Outlays, \$623,236,000,000.

Fiscal year 2020:

- (A) New budget authority, \$640,917,000,000.
- (B) Outlays, \$638,419,000,000.

Fiscal year 2021:

- (A) New budget authority, \$658,585,000,000.
- (B) Outlays, \$655,964,000,000.

Fiscal year 2022:

- (A) New budget authority, \$681,071,000,000.

- (B) Outlays, \$683,338,000,000.

(14) Social Security (650):

Fiscal year 2013:

- (A) New budget authority, \$53,216,000,000.
- (B) Outlays, \$53,296,000,000.

Fiscal year 2014:

- (A) New budget authority, \$31,892,000,000.
- (B) Outlays, \$32,002,000,000.

Fiscal year 2015:

- (A) New budget authority, \$35,135,000,000.
- (B) Outlays, \$35,210,000,000.

Fiscal year 2016:

- (A) New budget authority, \$38,953,000,000.
- (B) Outlays, \$38,991,000,000.

Fiscal year 2017:

- (A) New budget authority, \$43,140,000,000.
- (B) Outlays, \$43,140,000,000.

Fiscal year 2018:

- (A) New budget authority, \$47,590,000,000.
- (B) Outlays, \$47,590,000,000.

Fiscal year 2019:

- (A) New budget authority, \$52,429,000,000.
- (B) Outlays, \$52,429,000,000.

Fiscal year 2020:

- (A) New budget authority, \$57,425,000,000.
- (B) Outlays, \$57,425,000,000.

Fiscal year 2021:

- (A) New budget authority, \$62,604,000,000.
- (B) Outlays, \$62,604,000,000.

Fiscal year 2022:

- (A) New budget authority, \$68,079,000,000.
- (B) Outlays, \$68,079,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2013:

- (A) New budget authority, \$149,224,000,000.
- (B) Outlays, \$145,567,000,000.

Fiscal year 2014:

- (A) New budget authority, \$156,328,000,000.
- (B) Outlays, \$152,548,000,000.

Fiscal year 2015:

- (A) New budget authority, \$157,222,000,000.
- (B) Outlays, \$156,643,000,000.

Fiscal year 2016:

- (A) New budget authority, \$163,556,000,000.
- (B) Outlays, \$163,960,000,000.

Fiscal year 2017:

- (A) New budget authority, \$162,499,000,000.
- (B) Outlays, \$162,122,000,000.

Fiscal year 2018:

- (A) New budget authority, \$161,341,000,000.
- (B) Outlays, \$160,695,000,000.

Fiscal year 2019:

- (A) New budget authority, \$171,034,000,000.
- (B) Outlays, \$170,211,000,000.

Fiscal year 2020:

- (A) New budget authority, \$176,196,000,000.
- (B) Outlays, \$174,995,000,000.

Fiscal year 2021:

- (A) New budget authority, \$181,451,000,000.
- (B) Outlays, \$180,089,000,000.

Fiscal year 2022:

- (A) New budget authority, \$192,540,000,000.
- (B) Outlays, \$191,089,000,000.

(16) Administration of Justice (750):

Fiscal year 2013:

- (A) New budget authority, \$71,906,000,000.
- (B) Outlays, \$64,625,000,000.

Fiscal year 2014:

- (A) New budget authority, \$66,516,000,000.
- (B) Outlays, \$66,844,000,000.

Fiscal year 2015:

- (A) New budget authority, \$66,602,000,000.
- (B) Outlays, \$68,316,000,000.

Fiscal year 2016:

- (A) New budget authority, \$68,761,000,000.
- (B) Outlays, \$70,667,000,000.

Fiscal year 2017:

- (A) New budget authority, \$68,641,000,000.
- (B) Outlays, \$70,168,000,000.

Fiscal year 2018:

- (A) New budget authority, \$70,425,000,000.
- (B) Outlays, \$71,745,000,000.

Fiscal year 2019:

- (A) New budget authority, \$72,400,000,000.

- (B) Outlays, \$72,514,000,000.

Fiscal year 2020:

- (A) New budget authority, \$74,692,000,000.
- (B) Outlays, \$73,924,000,000.

Fiscal year 2021:

- (A) New budget authority, \$77,213,000,000.
- (B) Outlays, \$76,341,000,000.

Fiscal year 2022:

- (A) New budget authority, \$83,484,000,000.
- (B) Outlays, \$82,533,000,000.

(17) General Government (800):

Fiscal year 2013:

- (A) New budget authority, \$24,636,000,000.
- (B) Outlays, \$26,466,000,000.

Fiscal year 2014:

- (A) New budget authority, \$25,311,000,000.
- (B) Outlays, \$25,862,000,000.

Fiscal year 2015:

- (A) New budget authority, \$25,950,000,000.
- (B) Outlays, \$26,268,000,000.

Fiscal year 2016:

- (A) New budget authority, \$26,692,000,000.
- (B) Outlays, \$26,969,000,000.

Fiscal year 2017:

- (A) New budget authority, \$27,287,000,000.
- (B) Outlays, \$27,231,000,000.

Fiscal year 2018:

- (A) New budget authority, \$28,186,000,000.
- (B) Outlays, \$27,967,000,000.

Fiscal year 2019:

- (A) New budget authority, \$29,097,000,000.
- (B) Outlays, \$28,638,000,000.

Fiscal year 2020:

- (A) New budget authority, \$29,877,000,000.
- (B) Outlays, \$29,490,000,000.

Fiscal year 2021:

- (A) New budget authority, \$30,771,000,000.
- (B) Outlays, \$30,274,000,000.

Fiscal year 2022:

- (A) New budget authority, \$31,715,000,000.
- (B) Outlays, \$31,190,000,000.

(18) Net Interest (900):

Fiscal year 2013:

- (A) New budget authority, \$347,247,000,000.
- (B) Outlays, \$347,247,000,000.

Fiscal year 2014:

- (A) New budget authority, \$361,372,000,000.
- (B) Outlays, \$361,372,000,000.

Fiscal year 2015:

- (A) New budget authority, \$400,420,000,000.
- (B) Outlays, \$400,420,000,000.

Fiscal year 2016:

- (A) New budget authority, \$464,626,000,000.
- (B) Outlays, \$464,626,000,000.

Fiscal year 2017:

- (A) New budget authority, \$532,290,000,000.
- (B) Outlays, \$532,290,000,000.

Fiscal year 2018:

- (A) New budget authority, \$599,375,000,000.
- (B) Outlays, \$599,375,000,000.

Fiscal year 2019:

- (A) New budget authority, \$660,922,000,000.
- (B) Outlays, \$660,922,000,000.

Fiscal year 2020:

- (A) New budget authority, \$712,948,000,000.
- (B) Outlays, \$712,948,000,000.

Fiscal year 2021:

- (A) New budget authority, \$752,887,000,000.
- (B) Outlays, \$752,887,000,000.

Fiscal year 2022:

- (A) New budget authority, \$794,191,000,000.
- (B) Outlays, \$794,191,000,000.

(19) Allowances (920):

Fiscal year 2013:

- (A) New budget authority, \$0.00
- (B) Outlays, \$0.00

Fiscal year 2014:

- (A) New budget authority, \$0.00
- (B) Outlays, \$0.00

Fiscal year 2015:

- (A) New budget authority, \$0.00
- (B) Outlays, \$0.00

Fiscal year 2016:

(A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2017:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2018:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2019:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2020:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2021:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2022:
 (A) New budget authority, \$0.00

(B) Outlays, \$0.00
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2013:
 (A) New budget authority, —\$75,736,000,000.
 (B) Outlays, —\$75,736,000,000.
 Fiscal year 2014:
 (A) New budget authority, —\$77,697,000,000.
 (B) Outlays, —\$77,697,000,000.
 Fiscal year 2015:
 (A) New budget authority, —\$83,531,000,000.
 (B) Outlays, —\$83,531,000,000.
 Fiscal year 2016:
 (A) New budget authority, —\$85,226,000,000.
 (B) Outlays, —\$85,226,000,000.
 Fiscal year 2017:
 (A) New budget authority, —\$93,507,000,000.
 (B) Outlays, —\$93,507,000,000.
 Fiscal year 2018:
 (A) New budget authority, —\$97,066,000,000.

(B) Outlays, —\$97,066,000,000.
 Fiscal year 2019:
 (A) New budget authority,
 —\$103,845,000,000.
 (B) Outlays, —\$103,845,000,000.
 Fiscal year 2020:
 (A) New budget authority,
 —\$102,878,000,000.
 (B) Outlays, —\$102,878,000,000.
 Fiscal year 2021:
 (A) New budget authority,
 —\$107,168,000,000.
 (B) Outlays, —\$107,168,000,000.
 Fiscal year 2022:
 (A) New budget authority,
 —\$109,655,000,000.
 (B) Outlays, —\$109,655,000,000.

EXTENSIONS OF REMARKS

HONORING FARMINGDALE STATE
COLLEGE'S 100TH ANNIVERSARY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. ISRAEL. Mr. Speaker, I rise today to honor Farmingdale State College's 100th year anniversary.

Based in Farmingdale on Long Island and part of the world-class State University of New York system, Farmingdale State College has served an integral role on Long Island since its opening in 1912. Beginning as a school of applied agriculture, it has always been committed to providing students with the skills needed to succeed in the economy of the time paired with a solid academic education.

In fact, I was supportive of Farmingdale State College's successful effort to create a Green Building Institute to make Long Island a hub of innovation, job creation, and manufacturing, and its work to deploy buildings that reduce or eliminate those structures' impact on the environment. The program is just one of the initiatives putting Farmingdale State at the forefront of developing technology and practices to reduce America's dependence on foreign oil. As co-founder and co-chair of the Sustainable Energy and Environment Coalition (SEEC), I work to advance policies that promote clean energy innovation and domestic manufacturing, and I am proud that Farmingdale State is working to advance those priorities as well. I look forward to seeing what students and professors at the college will develop next.

Farmingdale State College is a highly ranked and affordable public institution and will continue to play a pivotal role in Long Island's higher education and economy for years to come. Applicants and enrollees grow every year and include returning veterans, and I am honored to have such a distinguished institution in my district cultivating tomorrow's leaders and problem solvers. I am excited to see what successes will come in the next 100 years.

CASTLE HILLS' PROCLAMATION
FOR "GENOCIDE AWARENESS
AND PREVENTION" MONTH

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. SMITH of Texas. Mr. Speaker, I would like to recognize the City of Castle Hills, Texas and mayor Bruce Smiley-Kaliff for proclaiming April as "Genocide Awareness and Prevention" month. The City of Castle Hills supports the Texas Holocaust and Genocide Commis-

sion and its dedication to ensure that individuals and communities have access to information about the history of genocide. The City of Castle Hills joins with the Texas State Legislature in emphasizing the need to heighten public awareness of genocide and to honor victims and those touched by genocide as a reminder to practice vigilance in protecting human rights. Mayor Smiley-Kaliff signed this proclamation on March 13, 2012.

WOODLAWN CHAMPIONS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the Woodlawn High School Cardinals boys' basketball team, winners of the 2012 IHSA Class 1A State Championship.

After a successful 27-5 season, the Cardinals entered this year's tournament, where they defeated the Winnetka Raiders to advance to the championship game against the Carrollton Hawks. In a closely fought match, the Cardinals came from behind in the fourth quarter to defeat the Hawks by a margin of 48-45 and earn their school the first state basketball championship in its history.

My congratulations go to Head Coach Shane Witzel and Assistant Coach Scott Owens and the dedicated players of the 2012 State Champion Woodlawn Cardinals team: Ty Coleman, Jayson Hapeman, Kris Harlow, Christian Hollenkamp, Logan Issac, Matt Kennedy, Gabe Owens, Brendan Petersen, Chase Phelps, Ryan Richardson, Jake Robinson, Bryson Sanders, A.J. Webb, and Logan Wollerman.

These student-athletes have made their community proud and have represented Woodlawn honorably. I congratulate them on their championship and wish them the best of luck next season.

RECOGNIZING PROFESSOR
KENNETH C. FUGELSANG

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. COSTA. Mr. Speaker, I rise to recognize Professor Kenneth C. Fugelsang on the occasion of his retirement from California State University, Fresno. Professor Fugelsang served the university as an Enology professor for 40 years and as University Winemaker for the award-winning Fresno State Winery. The Viticulture and Enology Department at Fresno State is a one-of-a-kind, world renowned program, which serves approximately 200 students every year.

A proud product of the California State University system, Professor Fugelsang earned his bachelor's and master's degrees from Fresno State. He then furthered his education at the University of California, Davis where he was a visiting research scholar.

Since 1971, Professor Fugelsang has served the university in a number of capacities. In every one of his endeavors, he has been instrumental in ensuring the success of Fresno State students, as well as the grape and wine industry.

His impact on the grape and wine industry has been paramount. He is recognized as one of the world's leading experts on Brettanomyces—spoilage yeast that grows on grapes and in wineries. Recognizing his expertise, his colleagues have trusted him to coordinate and present at a number of regional, national, and international conferences.

Professor Fugelsang's guidance has continually been an asset to his students, many of whom have gone on to win acclaim in their own right. In 1997, he helped establish the commercial winery at Fresno State. The winery has the distinction of being the first bonded winery on a university campus in the United States. Operated by students, the Fresno State Winery produces almost 10,000 cases a year, including wine cultivated from the university campus farm. His students consistently received real-world, hands-on experience, which led them to be job-ready upon graduation. Professor Fugelsang has always worked to provide the best for his students throughout his career. He secured donations exceeding \$2 million in facilities, equipment, supplies, grapes, and technical services that have helped students directly.

In 2011, Professor Fugelsang was conferred professor emeritus status. During his impressive career, he published more than 150 technical papers, 18 books, and made editorial contributions to domestic and international journals. Additionally, he was the recipient of nearly 50 research grants, amounting to approximately \$5 million.

Mr. Speaker, I ask my colleagues to join me in recognizing Professor Kenneth C. Fugelsang for his meaningful contributions to our Valley and Fresno State students. His legacy will live on for years to come, through the success of his students, tomorrow's winemakers.

PERSONAL EXPLANATION

HON. ROBERT L. TURNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. TURNER of New York. Mr. Speaker, on rollcall No. 111, I was returning to Washington, DC, from my district in New York. As I was in transit at the time of the rollcall, I was

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

unable to vote. Had I been present, I would have voted "yea."

HONORING THE LIFE AND LEGACY OF MURRAY LENDER

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Ms. DeLAURO. Mr. Speaker, it is with the heaviest of hearts that I rise today to pay tribute to the life and legacy of one of our community's most outstanding entrepreneurs and my dear friend, Murray Lender, who we lost on March 21st at the age of eighty-one. A bagel baker, food executive and philanthropist, who helped bring the bagel to kitchens across the nation, Murray was a close friend and I was deeply saddened to learn of his passing. Murray never forgot his roots and humble beginnings in New Haven while he worked to foster good will and humanitarianism. He was a special person and leader, part of a special family that takes care of each other, bringing jobs to networks of friends and serving the larger community.

Along with his two brothers, Marvin and Sam, Murray turned the dream of "bagelizing" America into a reality through the process of freezing the bagel, which the family pioneered in the early 1960s. Murray, who began counting bagels in the family's backyard bakery before he was eleven, became a food marketing innovator. He took what was formerly only an ethnic product and made it a national staple, available to all. In 1963, Lender's introduced a branded retail pack of frozen bagels. Murray saw frozen foods, which was a new category of products, as an opportunity for greater distribution and expanding the market to new users.

Free publicity was also a key to their success. Murray could be seen presenting a life-sized bagel on the Tonight Show to Johnny Carson, or on Capitol Hill presenting Tip O'Neill with a giant green bagel on St. Patrick's Day. Whether in animated form, or live, lying on the bread shelf in the supermarket, there wasn't much that Murray wouldn't do to sell his product. Lender's Bagels was sold to Kraft food in 1985, but Murray remained with the company to continue his work as spokesman.

Murray was forever passionate about the concept of frozen foods and became involved in all associations directed at strengthening its image. He was Chairman of the National Frozen Food Association, NFFA, as well as the chairman of the 50th Anniversary of Frozen Foods, a national promotion staged in 1980. He pioneered and co-chaired the first National Frozen Food Month in March of 1984, an industry wide month of promotional retail and foodservice activity among frozen food manufacturers. Murray would never go a day dressed without a penguin—the frozen food marketing symbol—whether it be a tie, a pin, socks or a hat. He was recognized by this industry with numerous awards throughout his lifetime.

In more recent years, Murray directed his focus toward philanthropic work. His energy

and creative thinking had a major impact on anything he undertook, particularly in his hometown of New Haven. Active in both the local Jewish community, as well as his Alma Mater, Quinnipiac University, Murray's influence can be seen throughout the city, which has recognized him with a school playground in his name, the ADL Torch of Liberty Award, and an honorary Doctor of Humane Letters from Quinnipiac University, to name a few.

Murray Lender was an extraordinary human being and I consider myself fortunate to have called him my friend. He leaves such a legacy that we celebrate, even as we mourn his passing. I extend my deepest sympathies to his wife, Gillie; his children, daughter Haris and her husband, Evan, and sons Carl and Jay as well as his brother Marvin and his wife Helaine. We can see the unfailing smile in the face of adversity and all his work that carries on. He lit up the world. We will miss him.

HONORING ROD BLONIE

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. DENHAM. Mr. Speaker, I rise today with a heavy heart after the passing of Rod Blonien.

Rodney J. Blonien was born July 20, 1946 in Wisconsin Rapids, Wisconsin, to Janet and Clayton Blonien. He was the oldest of four. He attended the University of San Francisco and Santa Clara Law School, and achieved the rank of captain in the Army National Guard.

Mr. Blonien was a Capitol fixture for years having served as Assistant Legal Affairs Secretary to California Gov. Ronald Reagan, Senior Assistant to Attorney General George Deukmejian then Legislative Secretary to California Gov. Deukmejian, and Under Secretary of the Youth and Adult Correctional Agency.

While working for the California Department of Corrections, Mr. Blonien reduced prison construction time from 5 to 2 years. Today, his program serves as a national model. He worked to enact stringent sentences for criminal offenders, and implemented Driving Under the Influence (D.U.I.) checkpoints.

He is survived by his wife of 45 years, Noreen, and four children—Ryan, Jessica, Molly and Jarhett—and 11 grandchildren.

EDWARDSVILLE INTELLIGENCER 150TH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the Edwardsville Intelligencer, a local newspaper serving Madison County, Illinois, on its 150th anniversary.

First called the Madison Intelligencer, the first weekly issue was published on November 13, 1862. It has been in continuous operation since, and it can proudly call itself Edwardsville's oldest business. In the last cen-

tury and a half, the Edwardsville Intelligencer has expanded to daily publication and has covered all the pivotal moments in our nation's history. It has withstood the inventions of radio, television, and the internet and has recently expanded to include an e-Edition, which complements the print edition's continued success.

During its long history, the Intelligencer has been an easily accessible source of information and culture in the region. It has a constant presence in the community. For decades it has participated in local charities and community events, and it even distributes newspapers to local schools at no charge. It is truly a vital resource for the greater Edwardsville area.

I am pleased to congratulate the Edwardsville Intelligencer on its 150th anniversary, and I thank them for their contributions to the community. I wish them continued success in the years to come.

IN HONOR OF ST. LOUIS FIRE CHIEF NEIL J. SVETANICS

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize Lemay Fire Protection District Chief Neil J. Svetanics, who is marking his 50th year of fire service in 2012.

Neil Svetanics was born in 1940 in the Water Tower area of North St. Louis. He left high school early to enlist in the United States Marine Corps, from which he was honorably discharged in 1960. Mr. Svetanics became a member of the St. Louis Fire Department in 1962, where he quickly rose through the ranks. He was named chief in 1986, becoming the youngest chief in the department's history and the first to hold a college degree.

Mr. Svetanics held the position of chief for over 13 years, becoming the third longest serving fire chief in the St. Louis Fire Department's storied history. Under his leadership, the Department established a City/County Mutual Aid Policy, promoted a record number of minorities to leadership positions, and hired the department's first women members.

Mr. Svetanics was selected by the International Association of Fire Chiefs as their 1998 "Fire Chief of the Year," and he retired from his post the following year. Chief Svetanics also received the 2001 Lifetime Contribution to the St. Louis Fire Department Award. In 2002, Mr. Svetanics became the Chief of the Lemay Fire Protection District, a position which he still holds today. To date, Mr. Svetanics has dedicated over 50 years of service to fire departments in and around St. Louis, the majority in positions of great responsibility.

Mr. Svetanics has dedicated much of his life to serving the St. Louis community, and has been deservedly awarded numerous honors from various organizations ranging from the public, the not-for-profit, and private sectors.

Mr. Svetanics is the President of the St. Louis Firefighters Memorial Statue Fund, the Founder and past President of the Baden

Neighborhood Improvement Association, former Chairman of the United Way of Greater St. Louis Government Division, President of the St. Louis Florian Society, a former member of the Board of Directors at the American Red Cross, and a member of the board of the St. Louis Backstoppers, the Mathews-Dickey Boys' Club, the Salvation Army, and the American Red Cross.

Mr. Svetanics is celebrating another anniversary this year along with his wife, Judy Spreng. The couple celebrated their 50th anniversary in January with their wonderful family—children Maureen, Katie, Amy, and Lisa, four sons-in-law, and eight grandchildren.

I thank Chief Svetanics for his service to his family, community, nation, and to his beloved firefighters all over the St. Louis Metropolitan Area.

COMMISSIONERS COURT OF EL
PASO COUNTY, TEXAS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. REYES. Mr. Speaker, I rise today in recognition of the El Paso County's Commissioners Court who signed the following resolution.

Whereas, a "Super-Committee" was formed and tasked to reduce \$1.2 Trillion from our Nation's budget over the next 10 years, but failed at their mission; and,

Whereas, the Department of Defense could endure budget cuts of \$487 Billion throughout the next 10 years; and,

Whereas, due to the failure of the "Super-Committee" there is an additional \$600 Billion in potential budget cuts for deficit-reduction measures targeted towards the Department of Defense; and,

Whereas, future budget reductions of this nature can potentially affect all branches of Defense with reduction of employment and could decrease the benefits that our troops and past veterans receive; and,

Whereas, future reductions should raise concerns of National Security and the ability to defend our Country from future extremities; and,

Whereas, the United States of America has fought for freedom since its creation and knows that freedom does not come easy and it definitely does not come without a price tag; and,

Whereas, our Military's men and women are to be held at the upmost respect and honor for the service they provide to our Country and they should feel assured that they are a priority and the American people are behind them; and,

Whereas, policies of this type have the ability to create an internal decrease in morale and the capability to deter future enlistments to our volunteer military; and,

Whereas, recent developments of Russia and China vetoing a United Nations resolution aimed at ending Syria's violence should raise concerns that the United States should keep its military in full force and maintain their combat readiness for these potential adversaries and other; and, now, therefore, be it

Resolved, that the El Paso County Judge and Commissioners Court hereby disagree with any future budget cuts that can affect

National Security and Benefits provided to our Veterans that have defended our Nation from opposing threats and to all of our soldiers that continue to protect our Country's future and our children's future by placing their own lives in harm's way.

Signed, this 13th day of February 2012.

Commissioner Anna Perez Pct. 1

Commissioner Sergio Lewis Pct. 2

Commissioner Willie Gandara Pct. 3

Commissioner Daniel R. Haggerty Pct. 4

County Judge Veronica Escobar

HONORING CHAIRMAN RICHARD M.
MILANOVICH OF THE AGUA
CALIENTE BAND OF CAHUILLA
INDIANS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. DENHAM. Mr. Speaker, I rise today with a heavy heart after the passing of Chairman Richard M. Milanovich of the Agua Caliente Band of Cahuilla Indians.

Chairman Milanovich grew up on the reservation in Section 14 in Southern California, where poverty was rampant. Currently, the Agua Caliente Band of Cahuilla Indians is a federally-recognized Indian Tribe located in Palm Springs, California with 32,000 acres of reservation lands that spread across Palm Springs, Cathedral City, Rancho Mirage, and into the Santa Rosa and San Jacinto mountains.

Mr. Milanovich has always been dedicated to serving his tribal nation and his country, where he served in the United States Army from 1960 to 1963 and was stationed in Munich, Germany, during the Cold War. He later returned to school to fulfill a lifelong ambition to secure his college degree and received a Bachelor of Science in Business and Management from the University of Redlands in 1996.

Mr. Milanovich returned to the Agua Caliente reservation and started as a member of the tribal council in 1978. He then quickly ascended through the ranks to serve as secretary from 1982 to 1984, before he was elected chairman.

The Chairman's connection to his tribe's history was never lost in his efforts to reinforce tribal sovereignty for Indians across the country. He was a strong practitioner and supporter of the ancient traditions, ceremonies and practices that are important to Indian people. But he was also a very strong leader in 21st-century Indian America.

Through Chairman Milanovich's leadership, he helped craft mutual land-use agreements with Cathedral City in 1984 and with Rancho Mirage and Riverside County about five years later, modeled on an agreement struck with Palm Springs in the late 1970s. The intergovernmental agreements were among the first of their kind and served as a model for tribes throughout the rest of the country.

His first major undertaking was the purchase of the Spa Hotel in Palm Springs in 1992. Since then, his 28-year role as a leader of Agua Caliente has allowed the tribe to develop self-sufficiency through education, cultural preservation, housing, and health care programs.

Aside from raising his own tribal membership out of poverty and into self-sufficiency, Chairman Milanovich has contributed his time and wisdom to many advisory committees, charities, and other efforts to better Indian Country and the lives of people across the country. He served as the chairman of the Advisory Committee to the Office of Special Trustee for the U.S. Department of the Interior, which oversees the federal government's fiduciary responsibilities to manage tribal trust funds. In 2004, he was appointed to the Native American Stewardship Committee for the prestigious Autry National Center. Chairman Milanovich also served as a member of the Bureau of Land Management's California Desert Advisory Council, and the Native American Heritage Commission. The tribal leader served as an advocate for HIV prevention with the Desert AIDS Project for more than 10 years. As well as having the Agua Caliente tribe partner with the City of Hope's "Hike 4 Hope" each year at the Indian Canyons trail. The hiking event supports women's cancer programs at the foundation.

Indian Country has lost a true leader and staple of the ideals of sovereignty and self-sufficiency. His leadership will not be forgotten and his efforts will be the foundation of the future for Indian tribes throughout the United States.

BREESE CENTRAL CHAMPIONS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. SHIMKUS. Mr. Speaker, I rise today to congratulate the Breese Central High School Cougars upon winning the 2012 IHSA Class 2A Boys' State Basketball Championship.

This victory is the perfect end to a remarkable season, in which the Cougars recorded 32 wins and only one loss. The Cougars beat the South Holland Sting to advance to the championship game, where they defeated the Normal Pioneers 53-47 and earned their first state championship.

I would like to recognize Head Coach Stan Eagleson, Assistant Coaches David Thomas, Kurt Peters, Jeremy Shubert, Donny Petterson, and Ryan Meyer, Trainer Marty Stewart, and the players themselves: Justin Becker, Brandon Book, Nick Grapperhaus, Tanner Imming, Luke Jackson, Greg Meyer, Luis Perez, Austin Rickhoff, Kyler Scheer, Andrew Schulte, Noah Stockmann, Gavin Thomas, and Jacob Timmermann.

Congratulations to the Breese Central Cougars for their championship and their incredible season. I look forward to next season, and I wish them all the best in their future endeavors.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. VAN HOLLEN. Mr. Speaker, on Tuesday, March 20, 2012, I was unavoidably detained and missed rollcall votes.

Following are the votes I missed and how I would have voted:

On rollcall No. 112, had I been present, I would have voted "no."

On rollcall No. 113, had I been present, I would have voted "no."

On rollcall No. 114, had I been present, I would have voted "yes."

RECOGNIZING GREEK
INDEPENDENCE DAY ON MARCH 25

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to recognize the 191st anniversary of the independence of Greece. As a member of the Congressional Caucus on Hellenic Issues, it gives me great pride to draw attention to our nation's strong Hellenic heritage and celebrate Greece's declaration of independence from the Ottoman Empire.

Following 400 years of Ottoman rule, in March 1821 Bishop Germanos of Patras raised the traditional Greek flag at the monastery of Agia Lavras, inciting his countrymen to rise against the Ottoman army. Against overwhelmingly difficult odds, the Greeks arose victorious. The following year, the Treaty of Constantinople established full independence for Greece.

The United States and Greece have enjoyed a long history of friendship since the early days of Greek independence. Today, we are close partners and allies. We share democratic ideals and common values, many of which were inspired by ancient Greek civilization. In fact, our republic is based on ideas about self-government set forth and practiced in Athens over 2,500 years ago.

Over time, many Greek citizens chose to bring their families to the United States, often to New York and surrounding areas, including Connecticut. They became proud American citizens, but preserved their history and culture to pass on to future generations.

I am proud to represent the thousands of Greek-Americans who live in northwest Connecticut. Their vibrant culture and important contributions have enriched our towns and cities throughout the state. I count many Greek-Americans as friends, and am pleased to join them in celebrating this important day. Zeto E Eleftheria!

HONORING MAJOR NENG LO

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life and service of the late Major Neng Lo. Major Lo's life was dedicated to his service in the United States Secret Army during the Vietnam War.

Neng Lo was born April 1, 1946, in Ban Houi Kinning, located in the Houi Kinning District of Muang Khoun in the Xieng Khouang Province of the Kingdom of Laos. He attended Muang Khoun Elementary School. While in the fifth grade, he was recruited to train and serve in the United States Secret Army. After completion of training, Neng Lo was incorporated into the Auto Defense Community stationed at Lima Site 15.

In 1964, at the age of 18, he was selected to transfer to the 2nd Company Infantry, 203rd Battalion, Special Guerrilla Units. This unit was a mobile unit that moved around the Plains of Jars to ambush and counter attack North Vietnamese Army, NVA, troops that occupied the areas. In 1966, he was promoted to Second Lieutenant and became the Commander of the 3rd Company, 203rd Battalion. In January 1967, Neng Lo's unit was sent to Na Khang at Lima Site 36 in the Sam Neua Province. His assignment on this mission was to capture Muang Heim, which had been invaded by the North Vietnamese.

In late March of 1968, Neng Lo was promoted to Lieutenant and joined Group Mobiles 21 counter attack on Phou Pha Thi, the mountain where United States radar systems were installed to guide U.S. airstrikes over North Vietnam. Phou Pha Thi had been captured by the NVA. During several unsuccessful attempts to recapture the site, Neng Lo's unit lost most of its members.

In December 1969, Neng Lo was promoted to Captain and was appointed Commander of the 203rd Battalion, Special Guerilla Units of the 21st Mobile Group of the United States Secret Army. During this assignment, La's Unit was ordered to control the Long Matt Ridge located south of the Plains of Jars. This was a springboard mission to capture the Plains of Jars from the NVA. His mission was to attack the North Vietnamese front line directly so other units could penetrate the NVA line to attack its reinforcement units and supplies.

In November 1970, Captain Lo heliported to Khang Kai Lima Site 4 to capture a strategic position. In December 1970, the NVA attacked Khang Kai with Russian armored tanks and 130 mm mortars, capturing the site. Lo was killed in action. In February 1971, the 201st Battalion recaptured Khan Kai Lima Site 4, but Captain Lo's body was never found.

After his death, Neng Lo was promoted to the rank of Major. Major Lo was married to Mrs. Pang Thao. The couple has two daughters: Mee Lo and Mao Lo. Neng Lo's family resides in Fresno, California.

Mr. Speaker, please join me in posthumously honoring Major Neng Lo for his heroic service to the United States of America, and extending deepest condolences to his family. His legacy serves as an example of ex-

cellence, and his contributions to our country will not be forgotten.

A TRIBUTE TO THE LIFE OF
RODNEY A. ANDERSON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. COSTA. Mr. Speaker, I rise to honor the life of Dr. Rodney A. Anderson, a noted professor at California State University, Fresno (Fresno State) who passed away on March 7, 2012. Dr. Anderson served as a political science professor and mentor for hundreds of students. He characterized the best of what our nation's education system has to offer—he was wise, kind, and worked tirelessly to ensure that his students were successful.

Dr. Anderson grew up on his family's farm where he learned the value of hard work. Dr. Anderson attended Geneva High School, where he was an active member of the Future Farmers of America and excelled in extemporaneous speaking competitions. Upon graduating from high school in 1984, Dr. Anderson pursued a bachelor's degree at the University of Nebraska at Lincoln. After graduating with high honors, he earned his master's and doctoral degrees in political science at the Ohio State University.

In 1996, Dr. Anderson joined the Fresno State Political Science Department and worked there until his passing. Throughout his career, he taught 200 students in five classes every semester. American politics, statistics, political behavior, and comparative politics were among the subjects Dr. Anderson taught.

Many of Dr. Anderson's students have gone on to graduate school or rewarding careers as attorneys, teachers, staff members for the California State Legislature and the United States Congress, or consultants. Henry Adams famously said, "A teacher affects eternity; he can never tell where his influence stops." As an alumnus of the Political Science Department at Fresno State, I know firsthand the importance of a dedicated teacher who serves as an academic guide, moral paradigm, and mentor.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the life and service of Dr. Rodney A. Anderson, a principled man and treasured member of the Fresno State community. Dr. Anderson's life was not only filled with personal milestones, but his dedication to his work and students was admirable.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,585,576,040,333.70. We've added \$4,958,698,991,420.62 to our debt in 3

years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

INTRODUCING THE REPUBLIC OF GEORGIA DEMOCRACY ACT OF 2012

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. McDERMOTT. Mr. Speaker, I rise to introduce the Republic of Georgia Democracy Act of 2012. This bill sheds light into the deteriorating political situation in the Republic of Georgia and makes clear to the Georgian Government that maintaining democratic institutions and regular free, fair and competitive elections are key priorities for a strong relationship between our two countries.

This bill will help to reverse the suppression that has been intensifying by showing the Georgian President Mikheil Saakashvili the cost of these anti-democratic actions. I know Members of Congress on both sides of the aisle share my growing concern over the violent suppression of parties, nongovernmental organizations and workers in Georgia. I urge my colleagues to support this bill and stand up for democracy in Georgia.

SAINTE MARIE 175TH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the village of Sainte Marie, Illinois, upon its 175th anniversary.

Sainte Marie was founded in 1837 by immigrants from eastern France. They were a group of several related families, who, fearful of outside influences on the Church, decided to establish a colony in America, where they might practice their religion as they saw fit. To this end, they elected to send one of their children, Joseph Picquet, to find a suitable place for their settlement. At the time, Picquet was only 19 years old, but he was wise beyond his years.

After arriving in America in 1835, Picquet lived briefly in Philadelphia, learning the language and local customs. He then spent most of 1836 exploring America and her vast wilderness. After extensive travel, he settled on a location for the colony in southern Illinois on the Embarras River, not far from Vincennes, Indiana. He chose the site for its untapped resources and the strong French presence in the area.

Having found the site for the colony, Picquet then returned home to collect his family, and in June of 1837, Picquet and 24 of his relatives arrived in what would become the village of Sainte Marie. While preparing their settlement, they stayed on a nearby farm, and their construction efforts were blessed by Father Stephen Theodore Badin, the first priest to be ordained in the United States.

On October 28, 1837, Picquet and the other settlers took possession of the land, which

they dedicated to the Virgin Mary. They called it a Colonie des Frères, since they were all related by either blood or marriage. Largely due to Picquet's efforts, the colony quickly grew and became a cultural center for the region. It soon had such facilities as a saw mill, a post office, a church, a free school, and even a railroad station. The settlement was renamed Sainte Marie, retaining the spelling of their French heritage, and in 1865 Sainte Marie was officially chartered by the State of Illinois.

Today Sainte Marie remains a charming rural community which teaches strong morals and family values. Its citizens are proud of their town and its history, as well as the many businessmen and professionals it has produced. This summer the people of Sainte Marie will honor the town's history and its citizens with its Quartoseptcentennial Celebration. In recognition of this momentous occasion, I ask my fellow members of this House to join with me as I wish them success in their upcoming festivities and in the years to come.

100TH ANNIVERSARY OF THE GIRL SCOUTS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. DENHAM. Mr. Speaker, I rise today, during Women's History Month, to commemorate the 100th anniversary of the Girl Scouts of the United States of America.

Girls Scouts of America was founded in 1912 in Savannah, Georgia. Savannah native Juliette "Daisy" Gordon Low started a regular meeting for local girls to provide them with the opportunity to achieve great physical, intellectual, and spiritual success.

For 100 years, Girl Scout chapters across the United States have helped millions of girls grow into women of courage, confidence, and character. Girl Scouts of America has several award-winning programs that encourage girls to discover themselves and their values, connect with their communities, and take action to make the world a better place. Traditions such as the Girl Scout Gold Award challenge girls to make a measurable and sustainable difference in their community by assessing needs, designing solutions, and organizing resources to sustain the project.

The impact of Girl Scouts of America programs is not limited to our local communities. Specialized learning programs centered on science, technology, engineering, and math increase the education of young women in these important fields. The Girl Scout Research Institute performs research that provides significant insight into the lives of today's girls and young women.

Today, more than 50 million American women are Girl Scout alumnae, and 3.3 million girls and volunteers are active members in Girl Scouts of America. In the Central Valley of California, over 12,000 girls ranging in age from kindergarten to high school are Girl Scouts.

Mr. Speaker, please join me in applauding the Girl Scouts of the United States of America for 100 years of leadership in the lives of

girls and young women and congratulating the organization on its centennial celebration.

PERSONAL EXPLANATION

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. JACKSON of Illinois. Mr. Speaker, on Monday, March 19, Tuesday, March 20, Wednesday, March 21, and Thursday, March 22, 2012, I was unavoidably detained for personal reasons, and missed a series of recorded votes. The votes included, H.R. 3992, to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel; H.R. 2087, to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; H.R. 5, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, among others.

If present, I would have recorded my votes as follows: on March 19, "yea" on rollcall vote 111; on Tuesday, March 20, "nay" on rollcall vote 112, "nay" on rollcall vote 113, "yea" on rollcall vote 114, "yea" on rollcall vote 115, "yea" on rollcall vote 116, and "nay" on rollcall vote 117; on Wednesday, March 22, "nay" on rollcall vote 118, "nay" on rollcall vote 119, "yea" on rollcall vote 120, "nay" on rollcall vote 121; on Thursday, March 22, "nay" on rollcall vote 122, "yea" on rollcall vote 123, "nay" on rollcall vote 124, "yea" on roll vote 125, and "nay" on rollcall vote 126.

HONORING THE 40TH ANNIVERSARY OF THE MARIANAS VARIETY NEWS & VIEWS

HON. GREGORIO KILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. SABLAN. Mr. Speaker, forty years ago, on March 16, 1972, a local couple in the Northern Mariana Islands, Abed E. Younis and Maria Paz Castro Younis, wrote, edited, printed, and distributed the first issue of the Marianas Variety News & Views. So began the life of what is now the oldest local newspaper in our islands—on a table-top printer in a small commercial space they called Younis Art Studio.

The Variety, as the paper is now more succinctly known, still provides its readers with extensive local news and views. It also carries reports of the region, the United States and the world, as well as interesting and in-depth feature stories. The Variety includes a thought-provoking opinion section, where the public can air its views, and where the Variety itself regularly takes an editorial stand on the issues of current political, social, and economic import in the islands. Always, though, the Variety is a publication independent at

heart without ties to business or political interests. The mission it serves is to deliver the latest news to our community in a fair and even-handed manner.

These days, the "community" served by the Variety has expanded beyond the shores of the Northern Marianas. The paper is published and circulated each Monday through Friday in the Northern Mariana Islands, Guam, Palau, and the Federated States of Micronesia. There are print subscribers far and wide: in the South Pacific, the Philippines, Hawaii, Japan, and the mainland U.S. And the Variety's widely-viewed website, www.mvariety.com, reaches an even more extensive audience and allows its readers to content with comments about the published stories and issues of concern and to interact with one another and share ideas in a forum that is constantly expanding.

The Variety is a member of the Associated Press, Reuters, and the Pacific Island News Association and has received a number of notable awards including "Best Newspaper," "Best Editorial Writing," and "Best News Photography" from the Society of Professional Journalists—NMI Chapter, an NMI Humanities Award for Outstanding Contributions to Journalism, Best Online Edition of a Pacific Island Newspaper, and an Environmental Achievement Award from the U.S. Environmental Protection Agency.

Over the years, the Variety has been a strong community partner, donating to and assisting numerous non-profit organizations, events, and activities, as well as creating community projects such as its own School Newspaper Program, through which elementary and high school students learn about the news trade by publishing their own school newspapers. The Variety also offers great on-the-job training opportunities, including annual internships for individuals interested in journalism, graphic arts, marketing and sales, web press technique, and other aspects of publishing.

As the newspaper has expanded physically and geographically, so too has the Younis family's involvement in day-to-day operations. All six of Abed and Paz's children—Banny, Laila, Farah, Amier, Suaad, and Salam—grew up around and matured with the Variety. Today, three of those children have followed their parents' footsteps into the newspaper business. Laila Younis Boyer is now the president of the local corporation, while her brother Amier serves as the publisher of the newspaper's sister edition on Guam and their brother Salam is the operations manager of the Saipan office.

Please join me in congratulating Abed and Paz Younis, their family, and all of their past and current employees and colleagues at the Marianas Variety News & Views for the newspaper's forty years as an important provider of local, regional, and international news, a strong community partner, and a successful member of the business community in the Northern Mariana Islands.

HONORING CAROLYN HEBENSTREICH

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Ms. Carolyn Hebenstreich, Stanislaus County Veterans Services Office Manager, who will be retiring on March 31, 2012, after more than 22 years of outstanding service to our veterans.

Carolyn Hebenstreich began working for the VA Medical Center in Livermore as a student helper in Housekeeping during the summer of 1968. In 1976, Carolyn was hired by the VA Medical Center, VAMC, Livermore as a File Clerk and worked her way up to Chief of Office Operations.

In 1979, Carolyn took a hiatus and worked in the private sector for about 8 months. She then worked at the Tracy Defense Logistic Depot for a short time before transferring back to VAMC Livermore. In 1985, she transferred to VA New Orleans as the Chief of Ambulatory Care. Her desire to return to California prompted her transfer back to VAMC Livermore in February 1986, where she worked for 3 more years.

Stanislaus County hired Carolyn in June 1989, as Veterans Representative 1 for the Veterans Services Office, VSO. When the Department Head, Bud Lahr, retired in 1993, the VSO merged with the Area Agency on Aging to become the Stanislaus County Department of Aging and Veterans Services.

Carolyn was appointed to be the lead person for the VSO. She served in this capacity from 1993 until 2001, when she was promoted to Manager of the VSO.

Ms. Hebenstreich is accredited by the following organizations: American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, California Department of Veteran Affairs, and the National Association of County Veterans Services Officers.

In addition, Carolyn has served on various committees over the years for the California Association of County Veterans Services Officers and served on the Executive Committee for 2 years. She has helped organize the Annual Veterans Day Parades and Veterans Award Ceremonies since 1994, and has worked with the local veterans organizations on an ongoing basis.

Mr. Speaker, please join me in honoring and commending Carolyn Hebenstreich, Stanislaus County Veterans Services Office Manager, for her numerous years of selfless service to the betterment of our community.

ON THE PASSING OF MS. ADA SHARPTON

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Ms. BROWN of Florida. Mr. Speaker, on behalf of the citizens of the Third Congressional

District of Florida, I want to express my condolences on the passing of Ms. Ada Sharpton on Thursday, March 23, 2012, in Dothan, Alabama. My thoughts and prayers go out to the family and friends of this loving and devoted mother.

With great reverence, I add my voice to the chorus of praises and sincere appreciation for the lifetime works and experience of this extremely passionate and loving soul, inspiration, and friend to all. Few people have the opportunity to influence so many in their life. All who came into contact with Ada were especially blessed. Her intensity was born of love, her insistence was driven by her determination to ensure we have the tools to succeed; her style was to embrace our souls, hearts, and even squeeze a little harder, just to get our attention.

As we join with her loving family, we see in their eyes this boundless love and the meaning of her life, so richly captured by their individual and collective accomplishments, and for whom she served as the driving force. From a very young age, she encouraged her son Al to preach the word of God and to stand up for the rights of those who have no voice.

As Ms. Ada Sharpton transitions home again, we say thank you Ada and we thank God for you, always and forever.

IN RECOGNITION OF THE SACRAMENTO AFRICAN-AMERICAN ART COLLECTIVE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Sacramento African-American Art Collective (SAAAC), which serves to enhance cultural and artistic experiences in the Sacramento area community. SAAAC came together in 2010, and offers great opportunities for African-American artists to showcase their work in collaboration with local businesses. I ask all my colleagues to join me in honoring the artists, organizers, and businesses involved in this valuable cultural resource.

SAAAC was founded as a means to increase the exposure of African-American artists to the Sacramento community, and likewise to allow the Sacramento community to enjoy the unique messages and perspectives offered by African-American artists. Since its inaugural 1st Saturday Art Tour in February, 2011, SAAAC has become an integral part of the monthly art experience in Sacramento. Local businesses continue to volunteer their time and space to exhibit the work of these artists, all of whom are locally-based.

In honor of Black History Month, and in collaboration with the California Governor's office, SAAAC exhibited several works in the Governor's Annex at the California State Capitol. The collection, co-sponsored by the California Legislative Black Caucus, was titled "Family: Those We Love!", and was available to enjoy from February 20th, to March 2nd, 2012. This

was the first such exhibit in the Governor's Office to acknowledge the contribution of African-American artists to the distinct cultural milieu that makes Sacramento great. The collection is now on display at the Kuumba Collective Art Gallery in Sacramento.

Among the artists and community leaders I'd like to recognize are Gerry GOS" Simpson, Frank Blackwell, Milton Bowens, Warren Spirling, Lawrence Sullivan, Daphne Burgess, Shonna McDaniel, Gene Howell, Mallory Knight, Lumumba, Marichal Brown, David Alexander, James and Renee Sweeney, John King, Kanika Marshall, Constance King, Marshall Bailey, Frankie Edwards-Lee, Cynthia Brooks, Janis Wade, and Daneshia Johnson. I would also like to recognize the dozens of businesses and sponsors that have collaborated with SAAAC, including the Sacramento Central Labor Council, AFL-CIO, The Brickhouse Gallery, Crave The Spotlight, Pacific Housing Inc., and many others.

Mr. Speaker, I am honored to recognize these community members and their priceless contributions to the rich and diverse cultural experience that Sacramento offers. As artists, friends, and community leaders gather at the Kuumba Gallery, I ask my colleagues to join me in honoring the Sacramento African-American Art Collective and its partners for helping to enrich our lives.

RECOGNIZING PAUL ALLEN'S PERSONAL DONATION OF \$300 MILLION FOR BRAIN RESEARCH

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today in my role as co-chair of the bipartisan Congressional Neuroscience Caucus. The caucus works on a bipartisan basis to share the latest developments in neuroscience so that we might unlock new insights and new cures.

Yesterday was a historic day in the neuroscience research community. That's because yesterday, Paul Allen made a personal donation of \$300 million to help better understand the human brain.

This is one of the largest donations ever for brain research. But it is not the first. Mr. Allen—best known as the co-founder of Microsoft—made a \$100 million donation nine years ago when he launched the Allen Institute for Brain Science. In fact, he now has contributed some \$500 million to this great quest.

I would like to recognize Mr. Allen and wish his amazing team of scientists success, because all of society stands to benefit.

IN RECOGNITION OF THE HAMPTON HIGH SCHOOL BASKETBALL TEAM

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2012

Mr. SCOTT of Virginia. Mr. Speaker, I am honored to rise, on behalf of Congressman

SCOTT RIGELL and myself, to call attention to a group of young students from Hampton, Virginia, who have distinguished themselves, their school, their community and the Commonwealth of Virginia.

The Hampton High School Crabbers basketball team had a remarkable season. On March 11, Coach Walter Brower and the Crabbers won their first Virginia state basketball championship since 1997, their fifth overall, by defeating Petersburg High School of Petersburg, 64–51, at the VCU Siegel Center in Richmond, Virginia.

After not making it to last year's Eastern Region Tournament, the Crabbers came into this season as unlikely to win the state championship. However, as a result of tireless work on the part of both Hampton's players and coaches, the team was able to rise to a level that, given their performance last year, few would have thought achievable.

After three straight close games to begin the Virginia High School League tournament, including a near loss to the Bayside Marlins from Virginia Beach, the Crabbers never trailed their opponents in their final two games.

Although very accomplished in basketball, Hampton High's legacy of excellence is not limited to the field of athletics. Under the direction of Principal Myra Chambers, the Hampton faculty seeks to inspire all students to strive for excellence and achievement in the classroom, in their extracurricular activities and in their communities.

As a direct descendent of the Syms-Eaton School, the first free school in America established in the American colonies, Hampton High has continued to uphold a tradition rooted in excellent public education. Affectionately known as the "little Pentagon," Hampton has been selected in the past as one of the best schools in the United States when it received the national Award of Academic Excellence from the Department of Education. Hampton's commendation for this award read in part: Hampton High has seen "the glory of a maturing nation and the pain of depression and warfare. Yet through it all, the school has always respected and upheld the traditional values of educational achievement and pride in one's community. . . ."

So, on this occasion, we would like to extend our enthusiastic congratulations to Coach Walter Brower, his coaching staff, the players on the Hampton High School Crabbers and to all Hampton High School students, families, friends and fans, for their continued dedication to excellence in winning the Group AAA Virginia High School League state basketball championship of 2012.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose

of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 27, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 28

9:30 a.m.

Armed Services

SeaPower Subcommittee

To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SVC-217

9:45 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

10 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine Department of Defense health programs.

SD-192

Foreign Relations

To hold hearings to examine United States policy on Iran.

SD-419

Judiciary

To hold hearings to examine the Special Counsel's report on the prosecution of Senator Ted Stevens.

SD-226

Appropriations

Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Institutes of Health.

SD-124

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Navy and the Department of the Air Force.

SD-138

10:30 a.m.

Inaugural Ceremonies—2012

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules and procedure for the 112th Congress.

S-216, Capitol

2 p.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2013 for

- the National Aeronautics and Space Administration.
SD-124
- 2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the science and standards of forensics.
SR-253
- Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine retirement, focusing on examining the retirement savings deficit.
SD-538
- Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Army Corps of Engineers and Bureau of Reclamation.
SD-192
- Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine assessing efforts to combat waste and fraud in Federal programs.
SD-342
- Appropriations
Financial Service and General Government Subcommittee
To hold hearings to examine enhancing economic growth, focusing on the Department of the Treasury's responses to the foreclosure crisis and mounting student loan debt.
SD-138
- Judiciary
To hold hearings to examine certain nominations.
SD-226
- Armed Services
Strategic Forces Subcommittee
To hold hearings to examine Department of Defense nuclear forces and policies in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC 217 following the open session.
SR-222
- MARCH 29
- 9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Frank Kendall III, of Virginia, to be Under Secretary for Acquisition, Technology, and Logistics, James N. Miller, Jr., of Virginia, to be Under Secretary for Policy, Erin C. Conaton, of the District of Columbia, to be Under Secretary for Personnel and Readiness, Jessica Lynn Wright, of Pennsylvania, and Katharina G. McFarland, of Virginia, both to be an Assistant Secretary, and Heidi Shyu, of California, to be an Assistant Secretary of the Army, all of the Department of Defense.
SD-G50
- Energy and Natural Resources
To hold hearings to examine current and near-term future price expectations and trends for motor gasoline and other refined petroleum fuels.
SD-366
- Judiciary
Business meeting to consider S. 2159, to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017, and the nominations of Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit, William J. Kayatta, Jr., of Maine, to be United States Circuit Judge for the First Circuit, Robin S. Rosenbaum, to be United States District Judge for the Southern District of Florida, Gershwin A. Drain, to be United States District Judge for the Eastern District of Michigan, John Thomas Fowlkes, Jr., to be United States District Judge for the Western District of Tennessee, Kevin McNulty, and Michael A. Shipp, both to be a United States District Judge for the District of New Jersey, Stephanie Marie Rose, to be United States District Judge for the Southern District of Iowa, and Gregory K. Davis, to be United States Attorney for the Southern District of Mississippi, Department of Justice.
SD-226
- 10 a.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine contractors, focusing on how much they are costing the government.
SD-342
- Banking, Housing, and Urban Affairs
Business meeting to consider the nominations of Jerome H. Powell, of Maryland, and Jeremy C. Stein, of Massachusetts, both to be a Member of the Board of Governors of the Federal Reserve System, Jeremiah O'Hear Norton, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation, and Richard B. Berner, of Massachusetts, to be Director, Office of Financial Research, and Christy L. Romero, of Virginia, to be Special Inspector General for the Troubled Asset Relief Program, both of the Department of the Treasury; to be immediately followed by a hearing to examine developing the framework for safe and efficient mobile payments.
SD-538
- Health, Education, Labor, and Pensions
To hold hearings to examine Food and Drug Administration (FDA) user fee agreements, focusing on strengthening FDA and the medical products industry for the benefit of patients.
SH-216
- Rules and Administration
To hold hearings to examine S. 2219, to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities.
SR-301
- Small Business and Entrepreneurship
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Small Business Administration.
SR-428A
- 2 p.m.
Appropriations
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Agriculture.
SD-192
- 2:15 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine Nigeria, focusing on security, governance, and trade.
SD-419
- 2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219
- APRIL 18
- 2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine financial management and business transformation at the Department of Defense.
SD-G50
- APRIL 25
- 2 p.m.
Armed Services
Personnel Subcommittee
To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SD-106
- POSTPONEMENTS
- MARCH 28
- 10 a.m.
Homeland Security and Governmental Affairs
Business meeting to consider pending calendar business.
SD-342

HOUSE OF REPRESENTATIVES—Tuesday, March 27, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PAULSEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 27, 2012.

I hereby appoint the Honorable ERIK PAULSEN to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

RUSSIA AND THE JACKSON-VANIK AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, there are a lot of issues with which we have to contend around here. Obviously there are dramatic increases in gasoline prices. We are going to be dealing with the budget this week. FCC reform is on the agenda for today. But one issue that hasn't gotten a great deal of attention that we are going to be addressing in the coming weeks and months is whether or not we deal with the issue of so-called "Jackson-Vanik legislation" and allow us to proceed with extending permanent normal trade relations for us to be able to trade with Russia.

Mr. Speaker, as we look at this issue, there are a number of factors that need to be addressed: first and foremost, what impact is this going to have on our Nation's job creators, those who are trying to grow our economy; and equally, if not more, important is the impact on human rights, the development of the rule of law, and the building of democratic institutions in Russia.

Now, we all heard the statement that was made by the President just yesterday in his off-microphone discussion with President Medvedev about how things are going to go and the flexibility he'll have in his second term. Well, Mr. Speaker, it seems to me that one thing that is very important for us to recognize is, there is action that we can take today that will allow us to deal not only with the notion of our creating jobs here in the United States of America but also tackling the very important human rights issue.

Let's also realize that Russia is going to be a member of the World Trade Organization. All that's necessary now is for the Duma, the Russian Parliament, to ratify their accession. The question is, will U.S. workers have access to the Russian market? And that's very important. But also, as we look at the challenges of getting our economy growing, we recognize that that is a priority. But as I said, Mr. Speaker, it's also very, very, very critical for us to do everything that we can to ensure the development of those democratic institutions in Russia, the development of the rule of law, which we all know has been lacking based on what we've seen in the last election, and also to ensure the kinds of human rights and women's rights that have been ignored.

Mr. Speaker, I would like to share with my colleagues a little bit of a letter that was just put forward by a half-dozen of the lead human rights activists in Russia. These are not my words. These are the words of these human rights activists. They say:

Those who defend the argument that Jackson-Vanik provisions should still apply to Russia in order to punish Putin's antidemocratic regime only darken Russia's political future, hamper its economic development, and frustrate its democratic aspirations.

They go on to say:

Jackson-Vanik is also a very useful tool for Mr. Putin's anti-American propaganda machine. It helps him to depict the United States as hostile to Russia, using outdated Cold War tools to undermine Russia's international competitiveness. We, leading figures of the Russian political opposition, strongly stand behind efforts to remove Russia from the provisions of the Jackson-Vanik amendment. Jackson-Vanik is not helpful in any way, neither for the promotion of human rights and democracy in Russia nor for the economic interests of its people.

Mr. Speaker, it's high time that we tackle this issue to ensure that we can promote human rights, the rule of law, and the development of democratic institutions in Russia and ensure that we, for the American worker, can create job opportunities right here in the United States.

HONORING ARA PARSEGHIAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 5 minutes.

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to honor an American hero, Ara Parseghian, who has led a life dedicated to coaching and teaching others, serving others, and a life that has given hope to families all across the world. Many Americans know about Ara Parseghian through his legendary football career. Before that, though, he proudly served our Nation in the United States Navy during World War II. He went to college at Miami of Ohio and was lucky enough to marry Kathy Davis.

He was a leader and role model as the head football coach at Miami of Ohio, Northwestern, and the University of Notre Dame, which is located in the congressional district that I'm honored to represent. Mr. Parseghian's impressive record at Notre Dame included two consensus national championships and three bowl victories, accomplishments that resulted in his induction into the College Football Hall of Fame in 1980 as a recognition of his tremendous achievements. More important, though, was his personal leadership and example, and the character he instilled in the players that he coached. To Ara Parseghian, it was a lot more important that his players be good citizens than good football players, although he made sure they were very good football players as well.

What many Americans may not know is that Mr. Parseghian's most important work began after his football career, when he devoted his life to finding a cure for Niemann-Pick type C disease and multiple sclerosis. In 1994, the Parseghian family learned that three of Ara and Katie's youngest grandchildren were diagnosed with Niemann-Pick type C. This tragic disease is a degenerative neurological disorder afflicting thousands of children and is ultimately fatal.

Rather than be overwhelmed by their grief, Mr. Parseghian and his family began a fight to find a cure for this disease. Together, they founded the Ara Parseghian Medical Research Foundation in 1994. It was devoted to funding research and finding a cure for Niemann-Pick type C. In 1997, scientists funded by the Parseghian Foundation were able to isolate the gene responsible for causing Niemann-Pick type C and have since made tremendous strides towards finding a cure.

The Parseghian family lost Michael, Christa, and Maria to this terrible disease, but the family and Katie and Ara have never lost hope. Their efforts will end Niemann-Pick type C and help families all across the world.

Mr. Parseghian's commitment to medical research did not stop with the disease that took the lives of his grandchildren. Ara, whose sister, brother-in-law, and daughter have been diagnosed with multiple sclerosis, has fought nonstop against the scourge of MS, which took away his beloved daughter Karen just last month.

While Ara Parseghian has accomplished much as a coach on the football field, his devotion to others will truly define the era of Ara. When I talk to my son about what it means to be a man and what it means to live a good life, I tell him about Coach Parseghian. He and Katie have epitomized devotion to family, faith, and country. May God bless Ara Parseghian, and may He keep the entire Parseghian family in the palm of His hand.

□ 1010

EVE OF THE BUDGET DEBATE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. The House is about to consider a budget in a dangerous hour in the life of our country. Last year, we barreled past several urgent warning signals—the loss of our Nation's AAA credit rating; the size of the national debt surpassing our entire economy; and a record third straight year of trillion-dollar-plus annual deficits. I believe this is one of the last opportunities to avert a financial crisis unprecedented in our Nation's experience and on a magnitude far greater than that which is now destroying Greece.

The blueprint passed by the House Budget Committee last week is a disappointment to those who believe that the budget can and should be balanced much sooner, and I certainly don't entirely disassociate myself from those sentiments. But the immediate issue before us, as Lincoln put it, "is not 'can any of us imagine better?' but, 'can we all do better?'"

The approaching financial crisis demands first and foremost that we turn this country away from the fiscal precipice and place it back on a course to solvency. This budget does so. Indeed, it improves upon last year's House budget that died in the Senate, which, according to Standard & Poor's, would have preserved the AAA credit rating of the United States Government. This budget, I believe, will restore it.

It is, of course, a long road back, balancing by the late 2030s and ultimately paying off the entire debt by the mid

2050s. But even relying on the static scoring of the CBO which presents a worst-case scenario, it still means that my children, who are now in college, will be able to retire into a prosperous and entirely debt-free America.

True, there's a great deal in it for conservatives not to like, but that is not the issue. The issue is will this Congress and, ultimately, this government change its fiscal trajectory enough to avert the sovereign debt crisis that fiscal experts across the spectrum warn us is just a few years dead ahead.

This is not some moonless night on the Atlantic. We can see this danger right ahead of us, and we can see that it is big enough to sink this great ship of state. We have precious little time remaining to avert it. This budget will turn us just enough to avoid that calamity—and I fear we won't have many more opportunities to do so.

The alternative is unthinkable. The President's budget would subject our Nation to one of the biggest tax increases in its history, striking especially hard at the small businesses that we're depending upon to create two-thirds of the new jobs that Americans desperately need. And even so, by its own numbers, it never balances and, thus, courts the fiscal collapse of our Nation.

Hemingway asked, "How do you go bankrupt?"

"Two ways," he said. "Gradually, then suddenly."

For the last decade, this Nation has been going bankrupt gradually. History warns us that if we don't change course very soon, we will cease going bankrupt gradually and start going bankrupt quite suddenly. It may happen through a chain reaction set off by a seemingly minor international incident. It may happen one day when a routine bond auction sours. Interest rates will start rising rapidly. Financial panics will begin. The government will have to respond by increasingly frantic efforts to maintain a stream of capital, either through massive policy dislocations or catastrophic inflation.

The approach of great cataclysms that are so obvious to historians in retrospect are often unheeded by contemporaries at the time. Just 30 days before the outbreak of World War II, Neville Chamberlain recessed Parliament to go on extended holiday. Let that not be how history remembers this Congress. This budget is not perfect, but it is adequate to spare our country from the convulsions of Greece.

I wholeheartedly support this budget for that reason, and I expect that we'll have the overwhelming support of this House. I can only hope that the Senate this time will put aside its own differences and heed Lincoln's plea that:

The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must

rise—with the occasion. We must disenthral ourselves, and then we will save our country.

CYCLING: A COMPREHENSIVE APPROACH TO TRANSPORTATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Often, here on Capitol Hill, issues large and small get sort of lost in the fog, but it was a pleasure last week to watch some moments of clarity as hundreds of bicycle advocates flooded Capitol Hill delivering a simple, concise, powerful message that makes a difference in terms of how people live in their communities large and small. They were delivering a message that Congress ought to deal meaningfully, in a comprehensive fashion, with the transportation legislation that has been stalled. They were delivering a message of: Don't attack cycling. Embrace it as part of a comprehensive approach to transportation. It is, after all, the most efficient form of urban transportation ever designed.

Burning calories instead of fossil fuel doesn't just save you money and make you feel better, it's good for our communities. It's the cheapest, fastest way to reduce congestion and air pollution. A very simple illustration is you can park eight to 10 bicycles where one automobile resides.

It's good for the economy. Over \$6 billion a year is involved with the cycling industry, employing over a million people. They brought very specific examples. A study from Wisconsin, \$1.5 billion of economic impact and 13,200 jobs in an industry that too often does not get its attention. In my community of Portland, Oregon, a medium-sized city, it's \$100 million a year in our economy and well over 1,000 jobs.

Cycling is also very good for our children and our families. Being able to walk or bike safely to school helps kids actually perform better. Parents are less stressed. It could save some of the 6.5 billion trips a year of over 30 billion miles just shuttling kids back and forth to school.

People, frankly, were outraged that my Republican friends had targeted, in their transportation bill, elimination of the Safe Routes to School program. Other than them, I haven't met anybody in America who is against this program, that empowers our children and helps our families.

Now is a golden opportunity as the transportation bill collapsed and we're back at the drawing board to look at how we leverage that \$8 billion that we have invested in Federal money over the last 20 years that has touched every State and hundreds of communities. Now is the time to celebrate that progress. Now is the time to commit ourselves to a comprehensive transportation bill that makes it safer

to cycle and walk. Now is the time to have a transportation bill that will make every one of our communities more livable and our families safer, healthier, and more economically secure.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Last week, in the Armed Services Committee, we had General Allen, who oversees our military effort in Afghanistan. I have the utmost respect for General Allen. In fact, General Allen's former boss in the Marine Corps had some very kind words to say about General Allen, which I read before I got into my questions.

□ 1020

I would today like to quote the former boss of General Allen, who's been my adviser on Afghanistan for 3 years, and I actually read these comments to General Allen before I got to my question:

Attempting to find a true military and political answer to the problems in Afghanistan would take decades, not years, and drain our Nation of precious resources, with the most precious being our sons and daughters. Simply put, the United States cannot solve the Afghan problem, no matter how brave and determined our troops are.

Mr. Speaker, I keep hearing the term, well, we're going to probably be out sometime around 2014. Well, it's kind of like what many of us, including myself, are guilty of, and that is putting it down the road, putting it down the road, we'll deal with it in some time. But the problem is our young men and women are dying, getting killed and severely wounded by IEDs. I hope that Congress, when we get into May of this year and we start debating the Department of Defense bill, will bring up some amendments dealing with Afghanistan.

History has proven time and time again that no one, no nation will ever change Afghanistan. And it was kind of ironic that last week I just happened to be on the floor Thursday when Mr. HOYER was asking Mr. CANTOR, on our side, what is going to be the schedule this week, meaning today. And then Mr. HOYER said to Mr. CANTOR, well, why don't we bring up the Senate transportation bill? And I was just taken aback by Mr. CANTOR's response. He said, "We're just out of money." We're just out of money? And we're spending \$10 billion a month in Afghanistan?

I don't understand the mathematics around here. We can't bring up a transportation bill, a 2-year bill, because we're just out of money. But, yet, Mr. Karzai, you can get your \$10 billion a month and you can negotiate with the

Taliban and take the \$10 billion that we're borrowing from the Chinese to give to Karzai so they can buy weapons to kill the American soldiers and marines. It just does not make any sense.

Mr. Speaker, I have put together a resolution that I have asked the speaker of the North Carolina House of Representatives, Thom Tillis, who is a great gentleman, to introduce in the May session of the North Carolina House asking the Congress to bring our troops home out of Afghanistan before the 2014 deadline. And I'm pleased to say that the Tea Party in my district, who doesn't agree with me on everything, does agree with me on Afghanistan. They have passed this resolution at their meeting a month ago. We need to start bringing our troops home now, not later.

Mr. Speaker, I've got beside me today—and I'm going to close in just a minute—a reminder of the cost of war—all the families who have cried with pain and all the children who have cried because their moms or their dad-dies are not coming home. So I have about 14 of these posters when I do these little 5-minute speeches I bring to the floor. This is the latest one. I saw it in the newspaper. It's very profound. It is time for the American people to say to the United States Congress, if you have no money and you can't fix the roads, then you have no money to send to Afghanistan to waste on a corrupt leader.

With that, Mr. Speaker, I would like to close the way I normally do:

God, please bless our men and women in uniform; please bless the families of our men and women in uniform; please, God, bless the House and Senate that we will do what's right in the eyes of God for His people. I ask God to please bless the President of the United States, that he will do what is right in the eyes of God for His people. And I'll close three times by asking, God, please, God, please, God, please continue to bless America.

END RACIAL PROFILING

The SPEAKER pro tempore (Mr. CRAVAACK). The Chair recognizes the gentlewoman from Florida (Ms. WILSON) for 5 minutes.

Ms. WILSON of Florida. Twenty years ago, while serving as a school principal, I founded the 5,000 Role Models of Excellence project in Miami, Florida—a million dollar, nationally recognized and honored foundation that specifically addresses the trials and tribulations of young black boys and sends them to college. It serves almost 20,000 boys throughout Florida.

In spite of that, this sign stands outside the door of my congressional office, and I change the number every day. It speaks loudly. Trayvon Martin's murderer is still at large. Thirty-one days with no arrest. Trayvon died because of racial profiling 31 days ago.

If you walk into any inner city high school in the African American community, Mr. Speaker, and ask the students, "Have you ever been racially profiled," trust me, every one of them will raise their hands, boys and girls. You might say to me, "Congresswoman, what does that mean? Who is profiled? And who is doing the profiling?" I will tell you:

Boys by police officers.

Boys by vigilante wannabe-police officers.

Boys who get into an elevator and then everyone else gets off.

Boys who walk down the sidewalk and everyone crosses the street.

Boys who watch people lock their car doors when they approach a car.

Boys who see women clutch their purse as they walk towards them.

Boys who will try to catch a cab but not one who will stop.

Boys who are followed around in stores while they shop.

Boys who wear hoodies.

Boys who wear dreads.

Boys who wear gold teeth.

Boys who sag their pants.

And boys who are walking while black, talking while black, shopping while black, eating while black, studying while black, and playing while black, and just being black.

How would you feel if you were treated with such disdain and such isolation? How do you think these little boys feel? It is a sociological problem that dates back to the days of slavery. These boys begin to see themselves not as real men, but as caricatures of real men whom people fear and despise.

Racial profiling for black boys is real, Mr. Speaker. It is not perceived. It is real, and it is happening as I speak all over America today. Boys and girls, whom some would call a menace to society, will one day grow up to be good men in society. Those very same boys cry themselves to sleep at night because they don't know how to deal with the pressures and with the pain. You have to walk in their shoes to understand.

I call upon this Congress today and upon this Nation today:

Don't profile them.

Don't fear them.

Don't despise them.

Don't fill our prisons with them.

And please don't hunt them down like dogs and kill them.

Love them and educate them. They could be your son. They are all somebody's son. And they, too, are God's children.

Thirty-one days and still no justice. Shame, shame, shame. And today, I again demand justice for Trayvon. I demand justice for all murdered children. Power to the people and power to the children.

NATIONAL DEVELOPMENTAL DISABILITY AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from

West Virginia (Mr. MCKINLEY) for 5 minutes.

Mr. MCKINLEY. Mr. Speaker, March is National Developmental Disability Awareness month. This is a time that we can all take a moment to bring attention and understanding to both the needs and the potentials of people with developmental disabilities.

This awareness month was first declared by President Ronald Reagan in 1987 to recognize the bright future that these American citizens have in front of them. Thanks in part to proclamations like this, the perceptions of young people and adults with developmental disabilities has changed.

On a personal note, as an individual with a significant hearing disability and a grandfather of a child with special needs, I am very familiar with the hardships of overcoming the obstacles of disabilities. My grandson, Maxwell, has CHARGE syndrome and deals every day with intense developmental and medical challenges. He is a true inspiration to his mother and our entire family.

□ 1030

During Developmental Disabilities Awareness Month, I encourage everyone to engage with people in our communities who have developmental disabilities and recognize their talents and abilities that will make this a better Nation.

REVEREND AL SHARPTON AND TRAYVON MARTIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, I would like to say to all who are within the sound of my voice or may be viewing what is said that I am exceedingly grateful and I thank God for Reverend Al Sharpton.

Reverend Sharpton has been involved in the Trayvon Martin circumstance for some time now. That is not unusual. What may be considered unusual is that he is involved at a time when he has lost his mother, and he is acting under some courageous circumstances that require courage, I might say, under these circumstances. I admire what he does, but I especially admire the fact that he is doing it under these circumstances, and today he is funeralizing his mother.

So to Reverend Al Sharpton, I want to express my gratitude; and I would like to just take a very short brief moment of silence and express my sympathies silently to Reverend Sharpton and his family.

Thank you.

Mr. Speaker, I want to thank all of my colleagues who have supported what the Justice Department is doing. It is exceedingly important that people understand that this is a bipartisan ef-

fort across the length and breadth of this country. This transcends the lines that can divide us. This is not about being a conservative. It's not about being a liberal. It's about justice for Trayvon Martin. I believe that people of goodwill come in all stripes, they are affiliated with all parties, and people of goodwill want to see justice done.

My colleague before me expressed that it has been 31 days and there has not been an arrest. We are now hearing more about what may have happened. I say "may have happened" because we have not had an eyewitness to come forward and give statements. It's important to note that what we're hearing is not coming by way of eyewitness testimony. Someone has had someone say something that they are repeating.

My hope is that there will be a thorough investigation. There should be an investigation. My hope is that we will have the opportunity to produce evidence by and through the constabulary to show what actually happened to the extent that the standard that is commonly used to make an arrest is applied to this case. That standard is probable cause. It is not guilt beyond a reasonable doubt, not clear and convincing evidence, but, rather, probable cause. It is whether there is probable cause to make an arrest.

We have many laws that are coming into play, and I want to thank Chairman JOHN CONYERS. I call him chairman. He is now the ranking member of the Judiciary Committee. I want to thank him because he is taking the lead today on a forum that will take place. In fact, he's making it possible for us to have this forum today. At this forum today, there will be some clarity brought to how the Federal Government is involved in these kinds of circumstances.

In '09, there was a hate crimes law that was passed. There will be some considerable talk about this hate crimes law that was passed. Federal jurisdiction has been expanded under the '09 law, pursuant to the 14th Amendment and the equal protection provided thereunder. There will be talk about how the Justice Department has a role in these processes from time to time. There will be talk about how financial support can be accorded the local constabulary under certain circumstances. There will be talk about how Federal charges can be promulgated and enforced under certain circumstances. So I will be honored to have an opportunity to be at this forum today so that we can talk more about the Federal role.

In the final analysis, here's what we're dealing with. We're dealing with a circumstance wherein there are at least two people who deserve a fair trial. Trayvon Martin is one of the two people, at least, who deserves a fair trial. He deserves a fair hearing on what happened that day. He cannot

speak for himself, but there is evidence that speaks volumes about what happened on this occasion. That evidence has to be considered such that some impartial body can make a determination as to whether or not there should be an arrest.

If there is an arrest—and I believe that the evidence exists such that there is probable cause—if there is an arrest, then there can be a trial and then there can be the transparency that the United States of America produces whenever we have trials, because there will be an opportunity for all sides to present their evidence in a court of law before a jury if a jury is desired. This is the way we do things in the United States of America.

Regardless of his color, he deserves a fair trial. Regardless of what he had on, he deserves a fair trial. And to those who say that hoodies make you a criminal, I say: Be careful, because you're getting dangerously close to saying women can cause themselves to become victims. You're dangerously close, so be careful.

LETTING THE ENTREPRENEURIAL SPIRIT TAKE HOLD

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MCHENRY) for 5 minutes.

Mr. MCHENRY. Mr. Speaker, today I want to talk about something that is very important, a great opportunity for this Congress to lift the red tape from Washington and allow the entrepreneurial spirit of America to take hold.

We know that, 3 years into an economic recovery, America's labor and capital markets continue with unprecedented challenges. Entrepreneurship is at a 17-year low. Deeply troubling, as we know, is that 40 million jobs since 1980 have been created by small businesses or start-ups. What is interesting about this is that those are the folks that are likely to fail when you create a small business. But still, we have netted 40 million new jobs out of this one sector over the last 30 years.

Fixing this mess that we've seen in this recent downturn won't happen overnight, and there is no silver bullet for fixing it; but we have to recognize that America has seen the world catch up, catch up to what once was the most vibrant capital market on the planet here in the United States. The world has caught up because they see what that does in terms of job creation. They have caught up in terms of regulation, and they allow capital to flow more easily in other jurisdictions around the world.

We also know, according to the World Bank, that the Doing Business report found that the U.S. fell from third to 13th in the ease of starting new businesses. It's fallen that quickly just in

the last 5 years. And because of Dodd-Frank, credit is less available and more costly than it was before. We have restricted the opportunity for businesses to get the lending that they need.

At the same time, we haven't updated our securities regulations in the United States in 80 years. There has been no significant rewrite since the Securities Act of 1933 and the Securities and Exchange Act of 1934. They put in place restrictions that were right at the time. You had this new technology called the telephone. You had folks hawking securities on street corners in New York, and so they wrote regulations at the time that were applicable to the time.

We know that the Internet is a fully mature ecosystem now. We know that billions of dollars are transacted just on eBay alone. People have an online reputation with social networks that they can utilize. We want to take that power and actually allow businesses to use that power of the Internet and social networks. That's why I filed, and this House passed, the Entrepreneur Access to Capital Act that provides those updates, so you can actually have crowdfunding.

What is crowdfunding? Crowdfunding is the best of microfinancing and crowdsourcing. You use a wide network of individuals and you can raise capital for your new business, your start-up, or your small business. We passed that and sent it to the Senate.

The Senate didn't do anything, they didn't act, so we repackaged the bill and put it within the JOBS Act. This House passed it with an overwhelming majority of nearly 400 votes. We sent it to the Senate and the Senate changed a few small provisions and is sending it back this week. We hope to pass that bill this week and send it to the President's desk.

What the legislation for crowdfunding does is remove that restriction on communicating, which the Securities Act of 1933 puts in place, and lifts the cap on investors that the Securities Exchange Act of 1934 provides for.

□ 1040

So, crowdfunding is a great opportunity for small businesses to raise equity. Unfortunately, the Senate decided to amend a few small provisions within this crowdfunding act that we were able to pass here in the House. I believe a few misguided, ill-informed provisions: one, expanding liability provisions for issuances of crowdfunding securities, and, number 2, banning general solicitation, which means that a company can't put up on their Facebook or post on their Twitter account, they can't tweet the fact that they're trying to raise capital. I think those restrictions are flawed and misguided, and I would ask the Senate to come around to fixing these provisions.

I think it's very important the House pass the JOBS Act this week so we can

make capital formation more democratic, more in touch with the market as it is today. And so I ask my colleagues to vote for the JOBS Act, and I ask the President to sign this bill so that we can help capital formation in the United States and get people working again.

NUCLEAR WASTE REPOSITORIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it's been a couple of weeks since I've been able to come down to the floor and talk about high-level nuclear waste. As you know, through the past year, I've been coming to the floor. I am chairman of the Environment and the Economy Subcommittee. We have jurisdiction over a lot of different types of waste. One of those is nuclear waste.

I also have come to the floor to just give a short history lesson on where we're at, where we should be, and the problems that stand in our way. In 1982, the national government passed the Nuclear Waste Policy Act. In 1987 amendments were then offered that said we need to have a long-term geological repository and that repository should be Yucca Mountain.

So I've been going around the country and looking at the different places where we have high-level nuclear waste, whether it's on the west coast, the State of Florida, Massachusetts, in the central part. Today I go to the State of Colorado, which has nuclear waste in the State, and I want to compare it to where it should be.

As a review, Yucca Mountain is, by law, defined as the place where we should put high-level nuclear waste. Currently, there's no nuclear waste on-site. The waste would be stored a thousand feet underground. The waste would be a thousand feet above the water table because it's in a desert. And the waste is 100 miles from the Colorado River.

Now, compare that to the nuclear waste that is at a location called Fort St. Vrain. Currently, there are 30 million tons of uranium, of spent fuel, on-site. The waste is stored above-ground in vaults. The waste is less than 25 feet above the groundwater, and the waste is 1 mile from the South Platte River. A mile from the South Platte River, 100 miles from the Colorado River.

So part of this debate is, why haven't we moved and complied with Federal law? Well, we all know that. It's the Senator from the State of Nevada, who's made it his personal crusade to block our ability to proceed and has blocked funding for the final scientific study.

This whole debate has moved into the political arena, not the arena of law, and in the U.S. Senate you really need 60 votes to move public policy. So I've

been coming down to the floor and looking at Senators from States that surround Colorado and see where they have either declared their position or cast votes on the national repository, Yucca Mountain.

As you see, from Texas, you've got Senator CORNYN, who's a yes; Senator HUTCHISON is a yes. Oklahoma, Senator COBURN's a yes; Senator INHOFE's a yes. New Mexico, Senator BINGAMAN has voted no. Senator BENNET from Colorado is new, hasn't really stated a position. We'd like to see him get on the record.

My two friends, the UDALL cousins, both TOM and MARK, we will check the record, but I believe that they've cast a vote in the Senate, and if not, they haven't stated a recent position.

Why is that important? Because we've been tallying where the Senators are, and right now we really need 60 votes to come to conclusion. We've already spent \$15 billion, and we have no nuclear waste on-site. Right now, based upon our calculations, we have 45 Senators that would support moving of high-level nuclear waste to Yucca Mountain. We have 17 who we don't know their position, and we have 16 who have stated or they have voted in the past as no. So our challenge here is to get these Senators on record and show the collective will.

Now, we've done it in the House. We've had votes in the House in which we had about 300 Members of this Chamber, a bipartisan vote, in support of moving forward on the funding, the scientific funding to finally finish a single repository at Yucca Mountain.

It's very important for our national security. It's very important for all the locations around. We already have 104 nuclear power plants in this country; all have nuclear waste on-site.

We also have nuclear waste that's involved with our defense industry back at Fort St. Vrain. That waste was supposed to be transported to Idaho, but litigation has kept it there. If we don't move that waste, then by 2035 the Federal Government will have to pay the State of Colorado \$15,000 a day until we take the responsibility that we have committed to as a national government.

I appreciate this time, Mr. Speaker, to come down. We'll continue to get through all the U.S. Senators and attempt to try to get to the magic number of 60.

COMMEMORATING GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS) for 5 minutes.

Mr. BILIRAKIS. Today, I rise to honor and commemorate Greek Independence Day.

On March 25, 1821, Archbishop Germanos of Patras raised the flag of

revolution over the Monastery of Agia Lavra in the Peloponnese, and “Eleftheria i Thanatos,” which means “Liberty or Death,” Mr. Speaker, became the battle cry. This day to start the Greek War of Independence was not chosen by chance because it coincides with the Greek Orthodox Church’s celebration of the Annunciation to the Mother of God. Again, this was not a coincidence because to the Greeks of 1821, Mr. Speaker, the Mother of God was their champion and their protector.

As we all know, the price of liberty can be very high. Socrates, Plato, Pericles, and many other great minds throughout history warned that we must maintain democracy only at great cost. Our Greek brothers earned their liberty with blood, as did our American forefathers. The freedom we enjoy today is due to the sacrifices made by men and women in the past.

Like the American revolutionaries who fought for independence and established this great Republic, Greek freedom fighters began an arduous struggle to win independence for Greece and her people. After four centuries of Ottoman oppression, they faced what appeared to be insurmountable odds. This was the 19th century David versus Goliath.

The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. It proved to the world that a united people, through sheer will and perseverance, can prevail against tyranny.

The lessons the Greeks taught us then continue to provide strength to victims of persecution throughout the world today. By honoring the Greek struggle for independence, we reaffirm the values and ideas that make our Nation great.

I take great pride in both my Greek and American heritage, and each time I perform my constitutional duties, I am doing so in the legacy of the ancient Greeks and early Americans.

□ 1050

As Thomas Jefferson once said:

To the ancient Greeks, we are all indebted for the light which led ourselves, American colonists, out of gothic darkness.

Throughout American history, Greece and her people have stood as a staunch and unrelenting ally of the United States. In 1917, Greece entered World War I on the side of the Allies, as well as when they were invaded in 1940 during World War II. The enemy was then forced to divert troops to Greece to protect its southern flank in 1941. Alongside the American and Allied Forces, Greece played an integral role in defeating the enemies.

I would be remiss if I stood on the floor today and did not also pay homage to the American and Greek soldiers who fought side by side during the Korean War and, most notably, at Out-

post Harry. As many of you know, each night the outpost was defended by only a single company of American or Greek soldiers. The Chinese had anticipated an easy capture; however, they did not anticipate the resolve of our soldiers to hold Harry at all costs and, therefore, making withdrawal not an option. Due to Harry’s defense, the enemy ultimately called off their attacks due to the heavy losses suffered. This, ladies and gentlemen, was heroic.

For the first time in United States military history, five rifle companies together—four American and one Greek—would receive the prestigious Distinguished Unit Citation for the outstanding performance of their shared mission.

In expressing his sympathies with Greece revolting its Ottoman rulers, Thomas Jefferson said:

No people sympathize more feelingly than ours with the sufferings of your countrymen, none offer more sincere and ardent prayers to heaven for their success. Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries, and to none more than yours, which, the first of civilized nations, presented examples of what man should be.

I stand here before you today to commemorate the Greeks who fought against oppression. I stand here before you today to celebrate that day, March 25, 1821. By doing so, we reaffirm the common democratic heritage we share. And as Americans, we must continue to pursue this spirit of freedom and liberty that characterizes both of these great nations.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o’clock and 54 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and gracious God, we give You thanks for giving us another day.

Help us this day to draw closer to You so that, with Your Spirit, and aware of Your presence among us, we may all face the tasks of this day.

Bless the Members of the people’s House. Help them to think clearly, speak confidently, and act courageously in the belief that all noble service is based upon patience, truth, and love.

May these decisive days through which we are living make them genuine enough to maintain their integrity, great enough to be humble, and good enough to keep their faith, always regarding public office as a sacred trust. Give them the wisdom and the courage to fail not their fellow citizens, nor You.

And may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. McHENRY) come forward and lead the House in the Pledge of Allegiance.

Mr. McHENRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that the Senate concurs in the amendment of the House of Representatives to the bill (S. 2038), “An Act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.”;

The message also announced that pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, and Public Law 112-75, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individual to the United States Commission on International Religious Freedom:

Katrina Lantos Swett of New Hampshire, vice Dr. Don H. Argue.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

LOWER THE PRICE OF GASOLINE AT THE PUMP

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, my constituents in western North Carolina and my neighbors and I are really upset about what's happening at the price of gasoline at the pumps.

What we see out of this administration and what we see out of some extreme environmentalists is an unwillingness to tap our natural resources to relieve the price at the pumps today. We've seen out of this administration Solyndra. We've seen scandal after scandal with this green energy policy lending coming out of the stimulus from a couple of years ago and out of liberal policies in Washington.

What my constituents want to see is real exploration so that we can lower the price at the pumps. That's what we deserve, and that's an action that I ask this administration to take.

REPUBLICAN PLAN TO END MEDICARE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, here we go again. This week, the House will vote on yet another Republican plan to end Medicare as we know it.

America's seniors have given a lifetime of service to our Nation. They deserve better than to be left out in the cold.

If it becomes law, the Republican budget will end the Medicare guarantee of secure health coverage for our seniors and replace Medicare with a voucher system that would, instead, give our seniors a premium support payment.

Even worse, the Republican budget gives new tax breaks to millionaires, billionaires, and Big Oil companies. Economists agree the Republican budget plan would destroy 4.1 million American jobs by the end of 2014.

Last year the American people weren't fooled by the dangerous and unfair House Republican budget. If it didn't work the first time, it's not going to work this time.

Let us work together on a bipartisan budget that does not favor the super-rich over seniors and the middle class.

REPUBLICAN BUDGET

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, I rise today to discuss the budget, contrasting the Republican plan, which would actually strengthen and extend Medicare, and the Presi-

dent's plan that would actually maybe allow Medicare to go bankrupt only 2 years later than it would otherwise.

One particular provision in the President's budget, a cut in reimbursement to critical access hospitals, would endanger access to nearby hospital care for millions of seniors, including those served by the 48 critical access facilities in Nebraska's Third District.

However, the Republican budget provides an alternative which ensures access to care without relying on arbitrary cuts. Our plan would also focus future Federal support on the sick and poor, while ensuring no change for those at or near retirement.

Madam Speaker, inaction now will only guarantee Medicare is more problematic in future years. We must act now to ensure it remains solvent for those who depend on it most.

POSTAL SERVICE FACILITY CLOSURE PROCESS

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, I rise to express my deep concerns about the postal service's facility closure process.

Testimony at a recent Postal Regulatory Commission hearing brought to light details of a study kept secret because it projected billions of dollars in losses, despite facility closures. It also revealed mail volume would take a huge hit due to service standard changes.

Yet the postal service has no plans to change its course, further proof that the postal service is operating under an ill-conceived "decide now, justify later" strategy.

The Buffalo Mail Processing Facility recently developed a training session for postal employees that is now the template for a national model. Surprisingly, this facility is scheduled for closing. It doesn't make any sense.

My colleague GERRY CONNOLLY is asking the postal service to release the full results from the study, and I agree. We should not—and cannot—stand by and watch these facilities close without taking all facts into account.

THE JOB-KILLING EPA MUST BE STOPPED

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Madam Speaker, President Obama's job-killing EPA is at it again. Last year, the EPA proposed a rule on manganese alloy production that would close down the last two manganese alloy production facilities in America, costing over 500 direct American jobs and thousands of indirect jobs. One of the facilities is in my hometown of Marietta, Ohio.

These manganese alloys are vital raw components to the steel industry and are used in a wide variety of industries, including defense and the automotive industry, just to name two.

The proposed EPA rule would require scientifically unproven and costly process controls to be installed on the two facilities, and the EPA has ignored the warnings that if the proposed rule is finalized it will not be economically feasible for these plants to continue to operate.

Furthermore, if this rule is finalized, American steel companies will be forced to import this vital raw material from China or other foreign sources.

Today I will begin work with my House colleagues to ensure the EPA does not go forward with this job-killing rule.

STAND BEHIND OUR VETERANS

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Madam Speaker, I rise today to bring an important concern to my colleagues. Every one of us here has a sacred commitment to care for those warriors who are willing to serve us overseas, and one of our major concerns is making sure they're employed when they return back home.

What's alarming is the Department of Defense recently issued a change in their policy that will undermine our ability to do that. I'm referring to the Department of Defense Post-Deployment Mobilization Respite Account. This important policy is designed to give our brave warriors sufficient time to transition back into the private sector. PDMRA, as it's called, is an important tool that gives them that opportunity.

The change by the DOD reduces the number of paid transition days that were promised to our men and women after they deploy to the war zone. Halfway through, for many of them, their third or fourth deployment, DOD is now taking that back when their plans were set this spring when they returned home. While they're in Iraq and Afghanistan, that is certainly not the right thing to do.

Every single one of us wants to balance the budget and must focus us on that, simply not on the backs of veterans and warriors serving this Nation.

I ask my colleagues to join me in asking the Department of Defense to reverse course on this policy, hire our veterans, and keep our moral commitment to them.

□ 1210

HONORING DR. JEROL SWAIM FOR 48 YEARS OF SERVICE TO WILLIAMS BAPTIST COLLEGE

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, I rise today to recognize Dr. Jerol Swaim, president of Williams Baptist College in Walnut Ridge, Arkansas.

After 48 years of service to Williams Baptist, Dr. Swaim has announced his retirement. Although he will no longer be on the campus every day, his influence will certainly be felt there for years to come.

Dr. Swaim started his career at Williams Baptist as a professor of history, government and economics. In 1973, he became academic dean of the college and has also held the titles of vice president for academic affairs and executive vice president. In 1995, he agreed to become the fifth president of Williams Baptist, a role he has filled since that time.

Dr. Swaim is stepping down after presiding over a transformation of the Williams campus. Since the late 1990s, nearly every building on the campus has either been newly constructed or extensively renovated.

Under Dr. Swaim, Williams Baptist has expanded its academic offerings as well as its academic reputation. It broke into the top tier of U.S. News & World Report college rankings in 2010 and climbed in the rankings again this year.

Madam Speaker, today we honor Dr. Jerol Swaim for his 48 years of service to Williams Baptist College and the countless lives he has changed.

RYAN BUDGET IS SHAMEFUL

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, the Republican budget cuts at least \$3.3 trillion from low-income programs over the next 10 years while it increases the defense budget. It reduces taxes to a level that will wreak havoc on the Federal Treasury.

The rate of poverty is at its highest level in nearly 30 years. The Republican budget would increase poverty and exponentially raise the misery index for hardworking American families.

The Ryan budget also wreaks havoc on seniors. The American people must know that this Republican budget—which has been endorsed by all three Republican Presidential candidates—will end Medicare as we know it. Their plan is to get the Federal Government out of the Medicare program. Republicans simply want to provide seniors a small voucher to purchase Medicare insurance on the private market. Most

seniors will not have the money to do that.

The Ryan budget shows Medicaid cuts of \$810 billion. They want to get the Federal Government out of the medical assistance program to low-income families and place that burden on States with an underfunded mandate.

Madam Speaker, the Ryan budget is absolutely shameful and misleading. House Democrats will fight it to the end.

REPUBLICAN BUDGET: ASSAULT ON MEDICARE AND MIDDLE CLASS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, once again, Republicans in the House have put forward a budget that ends Medicare as we know it. This is an all-out Republican assault on Medicare and our Nation's middle class.

Who benefits from this Republican budget? Millionaires certainly do. Think Wall Street Bonus Boys. This Republican budget would give them an additional tax cut of \$187,000—that's for starters—yet lower and middle class Americans, people making \$20,000 to \$30,000 a year, they get no tax cut at all.

This Republican budget also gives away \$3 trillion in tax cuts and benefits to corporations. Republicans' real priorities: cutting the safety net, giving the superrich a handout, and ignoring the damage to the deficit.

The Republicans would end the promise of Medicare for both current and future beneficiaries by shifting the program to private insurance financed by vouchers. The nonpartisan Congressional Budget Office says that the Republican budget would reduce benefits to seniors and force many to spend much more than they do today.

Why are the Republicans so intent on making seniors sacrifice first? Why not claw back Wall Street's bonuses?

I urge my colleagues to vote against the Republican budget. Support the Democratic alternative. Protect seniors and our middle class.

MOURNING THE LOSS OF POPE SHENOUDA III

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, on March 17, the world lost a great spiritual leader, His Holiness Pope Shenouda III. I rise today to join the millions of Coptic Christians in mourning his death.

This past Sunday, St. Mary Coptic Church in East Brunswick, New Jersey, held a very moving memorial service for the Pope. An estimated 1,000 mourners gathered in the cathedral while a thousand more listened to the service in nearby rooms.

There was an outpouring of grief from people of all faiths. Leaders from many religions and sects were in attendance to pay homage to the Pope, including His Grace Bishop David, the Bishop of the Archdiocese of North America.

As we mourn the loss of a great leader and purveyor of faith and religious tolerance, we remember and embrace all that the Pope has done for the Coptic community in Egypt and around the world. The beloved leader of the Coptic Christian church has provided immeasurable contributions to further promote tolerance and interfaith dialogue in Egypt and serves as an example of how communities of different faiths can live in harmony.

As Egypt continues its transition, Egyptian leaders must work together to uphold the rights of all religious communities in Egypt and end all discrimination.

OBAMA CARES

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, I read my local paper this morning and read a reference by Richard Borreca, a reporter who said that the Affordable Care Act is known as ObamaCare. At first I cringed because that's the way Republicans refer to it. But then I thought about it, and you know what? You're absolutely right; Obama cares. That's why we have that law.

Think about what he looked at in 2008 and 2009. There were 50 million people who were uninsured at a cost of \$116 billion a year. That could bankrupt any family. But with the Affordable Care Act, think about what you have: women no longer have to be worried about being discriminated against as a preexisting condition; seniors don't have to worry, they can have preventative care and the doughnut hole will close; youth can be covered under their parents' plan to the age of 26; and small business can avail themselves of a tax credit.

Yes, Madam Speaker, Obama cares, as do the Democrats.

PUTTING AMERICANS BACK TO WORK

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Madam Speaker, I rise today to again encourage my colleagues to support pro-growth economic policies that can help put Americans back to work.

With over 8 percent unemployment and slow economic growth, many Americans are struggling to pay their bills and provide for their families. Unfortunately, many of the policies coming out of Washington over the past

few years have prolonged this economic stagnation and damaged our recovery.

With small businesses creating two out of every three jobs in this country, we need to support policies that keep business taxes down, eliminate costly regulations, and open up new avenues for access to capital. That's why I'm happy to support the JOBS Act. This bipartisan legislation will help new business formation, open up access to capital, and help new businesses create jobs.

Madam Speaker, let's work together in bipartisan fashion on the JOBS Act and other legislation, and let's help put Americans back to work.

REPUBLICAN BUDGET TO END MEDICARE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in strong opposition to the Ryan Republican budget that will end Medicare as we know it.

Reminiscent of last year, the Republican budget provides tax breaks for the millionaires and billionaires while ending the Medicare guarantees for our seniors, sticking them with the bill for rising health care costs.

The proposals in the Republican budget lack balance and jeopardize the health and economic security of our Nation's seniors. The 300,000 Texas seniors, who have saved almost \$200 million on prescription drug costs since the Affordable Care Act was signed into law, will be forced back into the prescription drug doughnut hole.

I urge my Republican colleagues to end this attack on our seniors, as they have already been through enough, and we have given the rich too much leeway while the middle class and the poor pay the bills.

REPUBLICAN BUDGET

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, as I reflect on where this country has been in the last 10 years, I see two wars fought at the cost of thousands of lives and \$2 to \$3 trillion; tax cuts during a time of war—something unprecedented in this country's history—and now we're seeing more of the same: a Republican budget that would increase spending on defense, despite the fact that we spend more than every other country combined on defense, and would provide tax cuts to the very wealthiest in this country. The Office of Management and Budget estimates that millionaires will see \$150,000 in tax cuts with this budget.

So who pays? Anybody who relies on medical research for a cure or to stay

healthy will pay. Our education will pay. Pell Grants and Head Start for poor children to get educated will be gutted. Medicare will pay. Medicaid will pay. In my district where highways and railways are critical, investment in those things will be gutted. We all pay if this budget becomes law. I urge—implore—my colleagues to reject the Republican budget.

□ 1220

ALL FOR ONE AND THE ONE GETS ALL

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, a recent analysis of American tax revenues revealed that in 2010, as our country was recovering from the Great Recession, 93 percent of new income went to the top 1 percent of earners. That's \$288 billion more exclusively for the 1 percent. I am sure my friends across the aisle were outraged that 7 percent could go to waste on the other 99 percent of American families.

Their solution: the Republican 1 percent budget—a gift basket for millionaires and billionaires. Inside is a permanent extension of the Bush tax cuts, which have created an income gap in this country on par with Cameroon and Rwanda. But the Republicans' 1 percent budget doesn't stop there. It gives an additional tax break of \$150,000 to people earning more than \$1 million a year while dismantling Medicare, slashing education, transportation, and the social safety net to pay for it.

I urge my colleagues to oppose this “all for one and the one percent gets all” budget and to support a plan that reflects our Nation's values of fairness and shared responsibility.

COMMENDING PRESIDENT OBAMA'S COMMITMENT TO DOMESTIC OIL PRODUCTION

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, rising gas prices are hitting families hard, adding to what is already a tough economic situation for our citizens across the Nation.

That is why I commend President Obama for his all-of-the-above energy strategy, which includes a strong commitment to domestic oil production. Oil and gas development has increased in every year of the Obama administration, and domestic oil production is now at an 8-year high. Furthermore, our foreign dependence on oil is at a 16-year low. Last year, we cut net oil and petroleum imports by 1 million barrels a day.

President Obama has also offered millions of acres of land for lease and

has improved safety measures to prevent future spills. The President has also proposed opening up more undiscovered offshore oil and gas resources for development in the Gulf of Mexico.

I thank President Obama for his leadership in increasing oil production so that our Nation, our country, will depend less on imported foreign oil.

REJECT THE REPUBLICAN BUDGET

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. You hear a lot about the Ryan budget. I've chosen not to call it the “Ryan budget”—it's just my personal thing—because it becomes personal. So, when I criticize it, it seems like I'm criticizing a person when I'm not. I'm criticizing the Republican Budget Committee from which it came, and I'm criticizing it because 62 percent of all the cuts in that budget will be aimed at low-income individuals and seniors. The Medicare program is going to be threatened, and the AARP sent out a notice to all of its members explaining what would happen to Medicare if it is voucherized.

We are the only Nation in the history of planet Earth to give tax cuts as we enter and then are in the middle of a war—2003, 2005—giving tax cuts in the middle of a war. Last year, the 22 largest hedge fund managers earned \$22 billion, and they paid only 15 percent on the tax of the capital dividends. The people who are watching this pay 27 to 30 percent.

It's not right. We've got to reject this budget.

THE BUDGET AND MEDICARE

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Madam Speaker, as my constituents remind me frequently, seniors have paid into the Medicare system their whole working lives. Seniors have done so with the understanding that, if they work hard and play by the rules, this country will provide for their health care needs during retirement. That is why I am committed to working with my colleagues and the administration to ensure the survival of Medicare, and that is why I strongly oppose the Republican budget.

The Republican budget would end Medicare by transforming it into a voucher program, and it would slash over \$1 trillion in benefits over the next decade. So, with far less money in hand, our seniors would become dependent on insurance companies to decide the fate of their health care—insurance companies that could price our seniors out of the market or cut benefits at will. Also, while the Republican

budget takes from seniors to cut costs, it gives millionaires an average tax cut of at least—at least and I've seen large numbers—\$150,000 in 2014.

Our seniors deserve better. I look forward to a real bipartisan effort to preserve the promise of Medicare for future generations.

REPUBLICAN BUDGET ENDS MEDICARE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, again this year, the Republican budget would end Medicare's guarantee to our seniors. The Republican budget takes aim at the very heart of our moral obligation to our seniors.

Medicare has been both a blessing and a lifeline for our seniors and the disabled. Our seniors have worked a lifetime to make our country great, and we will not break our promise that Medicare will be there for them in their retirements. Medicare is at the core of our social compact. It is at the heart of what has made our Nation strong. We must not turn Medicare into a voucher program. We will not—we must not—balance our budget on the backs of our seniors.

JOBS AND THE TRANSPORTATION BILL

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Madam Speaker, I rise today in support of the bipartisan, Senate-passed highway transportation reauthorization bill, or MAP-21.

We all know, in this global economy in which we now live, in order to truly be competitive we need to have a 21st century infrastructure to match a 21st century economy, but we're not there. Our Nation right now, of course, is facing a fragile economic recovery. Nowhere is that more apparent than in my home State of Rhode Island, which currently has an unemployment rate of 11 percent.

MAP-21 will help rebuild America's economy on a stronger, more sustainable foundation. It will provide the financing for critical highway and transit projects, and it will support almost 2 million jobs—9,000 of them right in my home State of Rhode Island. The failure to pass a long-term transportation bill could result in additional job losses, threatening our economic recovery and countless families who are barely getting by as it is.

The Senate has done its job. Now it is time for the House to do the same. Let's bring MAP-21 to a vote and move forward on the path to rebuilding our

roads, our communities, and our economy.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 27, 2012 at 9:15 a.m.:

That the Senate agreed to without amendment H. Con. Res. 108.

Appointments:
United States Commission on International Religious Freedom.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. BACHUS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike title III and insert the following:

TITLE III—CROWDFUNDING

SEC. 301. SHORT TITLE.

This title may be cited as the "Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012" or the "CROWDFUND Act".

SEC. 302. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

"(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

"(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

"(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

"(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

"(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

"(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

"(D) the issuer complies with the requirements of section 4A(b)."

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

"SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

"(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

"(1) register with the Commission as—

"(A) a broker; or

"(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

"(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

"(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

"(4) ensure that each investor—

"(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

"(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

"(C) answers questions demonstrating—

"(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

"(ii) an understanding of the risk of illiquidity; and

"(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

"(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

"(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

"(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all

investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

“(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

“(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

“(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

“(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

“(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

“(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

“(A) the name, legal status, physical address, and website address of the issuer;

“(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

“(C) a description of the business of the issuer and the anticipated business plan of the issuer;

“(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer under section 4(6) within the preceding 12-month period, have, in the aggregate, target offering amounts of—

“(i) \$100,000 or less—

“(I) the income tax returns filed by the issuer for the most recently completed year (if any); and

“(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;

“(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and

“(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;

“(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

“(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

“(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;

“(H) a description of the ownership and capital structure of the issuer, including—

“(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between

such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;

“(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

“(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;

“(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

“(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

“(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

“(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;

“(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;

“(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and

“(5) comply with such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

“(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—

“(1) ACTIONS AUTHORIZED.—

“(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.

“(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).

“(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—

“(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

“(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of

reasonable care could not have known, of such untruth or omission.

“(3) DEFINITION.—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

“(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.

“(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—

“(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—

“(A) to the issuer of the securities;

“(B) to an accredited investor;

“(C) as part of an offering registered with the Commission; or

“(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and

“(2) shall be subject to such other limitations as the Commission shall, by rule, establish.

“(f) APPLICABILITY.—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—

“(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;

“(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;

“(3) is an investment company, as defined in section 3 of the Investment Company Act of 1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

“(4) the Commission, by rule or regulation, determines appropriate.

“(g) RULE OF CONSTRUCTION.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).

“(h) CERTAIN CALCULATIONS.—

“(1) DOLLAR AMOUNTS.—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(2) INCOME AND NET WORTH.—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”.

(c) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this

title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.

(d) **DISQUALIFICATION.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—

(A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and

(B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).

(2) **INCLUSIONS.**—Disqualification provisions required by this subsection shall—

(A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and

(B) disqualify any offering or sale of securities by a person that—

(i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(I) bars the person from—

(aa) association with an entity regulated by such commission, authority, agency, or officer;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; or

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.

(a) **EXEMPTION.**—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) **EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.**—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”

(b) **RULEMAKING.**—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) **EXEMPTION.**—

(1) **IN GENERAL.**—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) **LIMITED EXEMPTION FOR FUNDING PORTALS.**—

“(1) **IN GENERAL.**—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) **NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.**—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”

(2) **RULEMAKING.**—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) **DEFINITION.**—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(80) **FUNDING PORTAL.**—The term ‘funding portal’ means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”

SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) **IN GENERAL.**—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”

(b) **CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) **CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.**—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”

(c) **NOTICE FILINGS PERMITTED.**—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) **FEES NOT PERMITTED ON CROWDFUNDED SECURITIES.**—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”

(d) **FUNDING PORTALS.**—

(1) **STATE EXEMPTIONS AND OVERSIGHT.**—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) **FUNDING PORTALS.**—

“(A) **LIMITATION ON STATE LAWS.**—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) **EXAMINATION AND ENFORCEMENT AUTHORITY.**—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) **DEFINITION.**—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”

(2) **STATE FRAUD AUTHORITY.**—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Connecticut (Mr. HIMES) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. BACHUS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add any extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

□ 1230

Mr. BACHUS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of the JOBS Act and urge the House to approve this bill today so that we can send it to the President for his immediate signature. The President has indicated that he strongly supports the legislation.

The JOBS Act is a victory for unemployed Americans who are literally

crying out for more jobs. It is a victory for small companies and for entrepreneurs who want Washington to reduce the red tape that stifles innovation, economic growth, and job creation. The JOBS Act will do exactly what its title says, jump-start our economy by creating new job opportunities for America's start-up companies and small businesses. And I would like to introduce into the RECORD some statistics on the number of jobs created by new companies.

As chairman of the Financial Services Committee, I am proud that the JOBS Act is comprised of six pieces of legislation that originated in our committee and received overwhelming bipartisan support. In fact, managing this bill for the minority is the gentleman from Connecticut, who was the sponsor of one of those six bills; and I commend Mr. HIMES for his work on all of these bills. The JOBS Act is proof that Republicans and Democrats can come together to find common ground, work together, and offer legislation that will help small businesses. Small businesses are the growth engine of our economy.

A study between 1985 and 2005 found that 96 percent of the jobs created at new companies are created within 5 years of an IPO, and this will give those companies who want to offer an IPO the opportunity to do so at a much reduced cost.

Nearly 65 percent of new jobs traditionally are created by small businesses. Now, that's not the case in this economic recovery. Almost all the job growth has come from large corporations, which is really the opposite of what you normally see. Small businesses have not been created and have not been growing as they should, and there are two reasons for that: one is regulation. These regulations are costly; they're time consuming; and they're simply inhibiting the growth of small businesses. The second reason is a lack of capital.

Now, there are two ways traditionally to raise capital. One is to go to a bank, a lending institution, and ask for a loan. Well, because of tighter lending standards, these new companies don't have a track record, so they don't have a record of generating profits. Many of them are offering new services, new products that have not really found a market or have a small market. And there is a risk involved. So when banks turn those companies down, the other path is for someone to invest in those companies; and that is exactly what that bill does. It offers those companies an opportunity to receive investments, capital investments from individuals who want to participate not only in the risk but in the reward.

With the JOBS Act, start-up companies—like those at the Innovation Depot in Birmingham, Alabama, where there are several start-up companies

with new products, new services—the JOBS Act will allow those companies and companies throughout the United States, people with new ideas, new services, new products, like a Google of the future or an eBay or an Amazon. Take those companies, they didn't exist 20 years ago. Now they're the fastest-growing companies in America. There are other Googles, there are other eBays, there are other Amazons, there are other Costcos, there are other Chick-fil-A's that are just waiting to come to market.

And for that reason, I want to commend the Senate, and I want to thank the sponsors of this legislation. Finally, I want to salute this House for coming together when it counted to address the lack of growth in jobs in our small businesses.

There are some signs that hiring is coming back at larger companies, but not at our small businesses and startup companies. There are 2 main reasons for that. The first is regulation—which has a bigger impact on small companies than large companies. The second is capital—it is harder for business startups to get traditional bank financing so they have to rely more on investors and capital markets for financing. The JOBS Act will make it easier for them to access capital, locate investors and go public.

This bill is designed specially to help the type of small business startups and emerging growth companies that you find at places like the Innovation Depot.

We know that small business is the growth engine of our economy. Nearly 65 percent of all new jobs created over the last 15 years were created by small businesses. Yet today, many small companies find it hard to obtain the investments and the financing they need to expand their operations and create jobs. That's why Congress must cut the red tape that prevent many startup companies from raising capital and going public. The JOBS Act removes some of the unnecessary and outdated government barriers to capital formation—so entrepreneurs have more freedom to access capital, hire workers and grow their businesses.

We need to do everything we can to ensure that America remains a country of opportunity, where jobs are created and small businesses flourish without being stifled by costly and unnecessary red tape. The JOBS Act will help foster an environment that allows our small businesses, startups and entrepreneurs to raise the capital needed to get job creation going again.

I'm proud that all 6 bills that make up the JOBS Act originated in the Financial Services Committee and that all 6 received overwhelming, strong bipartisan support. It shows that Republicans and Democrats CAN find common ground and work together when it comes to helping America's small businesses.

Companies obtain capital through either borrowing, from places like community banks, or through equity financing.

Equity financing, in which investors purchase ownership stakes in a company in exchange for a share of the company's future profit, allows companies to obtain funds with-

out having to repay specific amounts at particular times.

The tightening of credit has made equity financing all the more important as a means of providing small companies with the capital they need to grow and create jobs.

The JOBS Act will make it easier for small companies to access capital through both the public and private markets, which will facilitate economic growth and job creation. For example:

Title 3 of the bill will allow what is known as "crowdfunding"—which will allow groups of investors to pool money, typically comprised of very small individual contributions, to support an effort such as growing a new company like those that are found at the Innovation Depot. Investments would be limited to an amount equal to or less than the lesser of \$10,000 or 10 percent of the investor's annual income. Before the JOBS Act, the SEC had outdated regulations that prohibited this type of investment.

Title 1 of the JOBS Act will provide smaller to mid-sized private companies with temporary exemptions from several government regulations, who could go public and raise capital needed to expand their business but for the expense associated with complying with them. These companies will have up to a five year timeframe to be on an "On Ramp" to comply with certain regulatory requirements (Section 404(b) of Sarbanes-Oxley or 953(b) of the Dodd-Frank Act). This "On-Ramp" status is designed to be temporary and transitional, encouraging small companies to go public but ensuring they transition to full compliance over time or as they grow large enough to have the resources to sustain the type of compliance infrastructure associated with more mature enterprises. A task force put together to study how to help smaller companies found that from 1980 to 2005, firms less than 5 years old accounted for all net U.S. job growth. On average, 92 percent of a company's job growth occurs after an "initial public offering" (IPO). Since 2006, companies have reported an average of 86 percent job growth since IPO.

Titles 5 and 6 of the JOBS Act would allow private companies and community banks to increase the number of shareholders they have before they are forced to register with the SEC. This will save these companies regulatory compliance costs from regulations that are generally intended for large companies and instead give small companies and banks more readily available capital to hire new employees and lend to local businesses to expand.

I reserve the balance of my time.

Mr. HIMES. Madam Speaker, I now yield myself such time as I may consume.

Madam Speaker, I am thrilled to be participating in the management of this debate today and want to start by thanking Chairman BACHUS and thanking my friends on the other side of the aisle for the bipartisan and collaborative spirit with which we moved this legislation.

This is important legislation, but the process by which it moved, I think, is something that we should celebrate. This is a time, of course, when the

American people are none too happy with us; but this bill was done collaboratively with the support of the President of the United States, the majority and the minority in the House; and it will be good for our economy. So I thank the chairman for his leadership on this, the ranking member, and all who participated in the creation of this important legislation.

As the chairman said, this is good stuff. It has received the support of entrepreneurs, of industry associations, and of people on both sides of the aisle because it does something very, very important, which is acknowledge that regulation is always a balance. It's not always good; it's not always bad. And one of the duties of legislators and regulators is to make sure that our regulation is finely calibrated to protect us, to protect us from fraud, to protect us from mortgages that blow up, to keep our air clean, to keep our water clean. But if it's done in too ham-handed a fashion, it can compromise the vibrancy that provides so much economic opportunity in this country. Every day this institution should be focused on finding that balance, and that's what this bill is about.

It's been criticized here and there by people who I think are of the mindset that any retreat, any revisiting, any amendment to our current regulatory structure is a bad idea. That can't be the right way to think about this stuff. Regulation, like anything else, has to adapt to change with the times. And what we're doing here is particularly important because we are talking about the regulation of small banks which, let's face it, have a tough time competing against the big banks.

And it's about our start-up and emerging-growth companies that may not have the free cash flow in their first couple of years of existence to completely adopt all of the regulation, the disclosure that we might expect of a multibillion-dollar corporation. We have provided an onramp for entrepreneurs as they gain currency, as they increase their revenues, as they become more of a presence—and frankly, therefore, affect the lives of more people—to gradually work into the full regulatory structures of Sarbanes-Oxley and other regulation. And that's a good thing to do.

Today in Palo Alto, there are companies that might not have made it but for this legislation. In Connecticut and Massachusetts, there are start-up companies for which this legislation is going to make the difference between thriving, as the chairman said—maybe being the next Microsoft or the next Google—and actually not making it. So I'm very happy that we have, in a bipartisan fashion, put forward this legislation which will be good for economic vibrancy and opportunity in this country. Again, I thank the chairman for his collaborative and thoughtful work on this bill.

With that, I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT), the chairman of the subcommittee.

Mrs. BIGGERT. I thank the chairman for yielding.

Madam Speaker, the American economy has the capacity and the resilience to overcome almost any obstacle. We've seen it time and time again. In the face of foreign crises, natural disaster, or fiscal adversity, American entrepreneurs and job creators never stop innovating. But to harness that power and the jobs that come with it, we need to clear a path for the start-ups and fledgling businesses that bring new goods and ideas into the marketplace. That's the purpose of H.R. 3606, the Jumpstart Our Business Startups, or JOBS, Act.

□ 1240

This legislation package includes six bipartisan proposals, many of which I cosponsored, to streamline or eliminate the regulatory and legal barriers that prevent emerging businesses from reaching out to investors, accessing capital, and selling shares on the public market. This legislation will make it possible for promising new businesses to go public and access financial opportunities that currently are limited to large corporations, and it eliminates needless costs and delays imposed by the SEC and other regulators.

Madam Speaker, for tens of millions of Americans, including families from my suburban Chicago district, there is no priority more important or urgent than job creation. Over the last few months, unemployment has slowly receded to 8.3 percent nationally and 9.1 percent in Illinois, but Washington must pick up the pace. And that means unleashing the drive and ingenuity of hardworking Americans.

I urge my colleagues to support the JOBS Act and empower American businesses to do what they do best.

Mr. HIMES. I continue to reserve the balance of my time.

Mr. BACHUS. I would like to inquire, Madam Speaker, as to how much time remains on our side.

The SPEAKER pro tempore. The gentleman from Alabama has 13½ minutes remaining, and the gentleman from Connecticut has 16½ minutes remaining.

Mr. BACHUS. At this time, Madam Speaker, I yield 2 minutes to another Illinois Congressman, Mr. DOLD.

Mr. DOLD. I certainly want to thank the chairman for yielding. I think it's important, and I'm delighted to be able to speak here on this bipartisan piece of legislation.

Madam Speaker, as part of any jobs agenda, I believe that increased access to capital for small businesses is absolutely critical. That's why I'm a sup-

porter of this bipartisan JOBS Act. When we empower small businesses to grow and expand, we enable them to create jobs and get people back to work.

As a member of the Financial Services Committee, I cosponsored several of the bills that are in this package because they allow small businesses to increase capital formation, spur the growth of small businesses, and pave the way for our small businesses and entrepreneurs to create new jobs.

Two-thirds of all net new jobs, Madam Speaker, are created by small business. We have 29 million small businesses in our Nation. If we can create an environment here in Washington, D.C., that enables half of those businesses to create a single job, think about where we'd be then.

Finding new ways to spur the economy is not a Republican idea or a Democratic priority, but it certainly should be an American priority. As a small business owner, I know that we have to start putting people before politics and progress before partisanship and remain focused on finding solutions for the barriers that stand in the way of entrepreneurs and job creators. I want to encourage my colleagues to support this bipartisan piece of legislation.

Madam Speaker, pieces of this legislation, aspects of this bill passed this House with over 400 votes. We hear a lot about the gridlock that's going on in Washington, D.C. When we can get legislation that passes this body with over 400 votes, that is wildly bipartisan, things that I believe that the American public are asking for us to do: come up with solutions to the problems that they face; to try to stem the 8.3 percent unemployment, which we know is much larger if we count the underemployed and those that have left the workforce.

We certainly need the Senate to act. It's absolutely critical. And I ask my colleagues to support this legislation, find common ground, and move our country forward.

Mr. HIMES. I continue to reserve the balance of my time.

Mr. BACHUS. At this time, I yield 2 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), a member of the committee, who sponsored and worked on these bills.

Mr. SCHWEIKERT. I thank the gentleman.

Madam Speaker, I rise in support of the JOBS Act.

Think about this. We literally started over a year ago putting together the pieces of legislation that moved forward with us today. Many of them were bipartisan. Many of them had to go through subcommittee and committee and then back through more hearings and more testimony. A couple of these bills have actually been to this floor multiple times. It's been well vetted.

And I hold a great appreciation, because I've only been here 15 months and this is my first opportunity to actually have a piece of legislation with multiple bills I've sponsored heading on their way to the President, hopefully, after the votes today and tomorrow. And I owe a great thank you to Chairman GARRETT and Committee Chairman SPENCER BACHUS.

But I also want to share a bit of a concern.

Congressman MCHENRY has a really neat portion of this bill. We call it crowdfunding. The Senate has amended that in such a way that I believe it does great damage to the goal of a much more egalitarian, technologically advanced, using-the-Internet way for people to invest, for being able to reach out and gain that capital for very small companies. And I'm hoping I can reach out to my friends and say, Let's fix what the Senate did.

We still should be voting for this bill. This is wonderful. We're making progress. But there are things we have to do to fix this for the future.

Mr. HIMES. I yield myself such time as I may consume.

I thank my friend, Mr. SCHWEIKERT, with whom I've enjoyed working on this legislation and in a spirit of bipartisanship; ultimately a bill that was designed to make it easier for small banks, which Congressman SCHWEIKERT and I worked together.

I would also like to highlight the work of Congressman STEVE WOMACK of Arkansas on that bill. It found its way into this legislation under another Congressman's name, but it is important and good legislation, and I continue to support it and am thrilled that it's part of this.

Madam Speaker, I would just take issue with one thing that my good friend from Arizona said. The crowdfunding provisions in this legislation should be subject to scrutiny and to careful regulatory oversight. When you combine the concept of the Internet and retail investors into one piece of legislation, be careful.

The Senate amendment to the House crowdfunding provisions in fact adds more protection to small investors who might be subject to being fooled by an Internet predator. And I would just say we should be careful.

We should be careful when we are talking about retail investors, the classic widows and orphans out there that are not necessarily financially sophisticated. They are not the big financial players who get labeled accredited investors or institutional investors and who, frankly, have the capability to take care of themselves. Retail investors who might be subject to the temptations of a deal that in fact is too good to be true offered on the Internet ought to be a cause of concern both for this body and for the regulators who ultimately will write the rules around crowdfunding.

With that, I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 1 minute to the chairman of the Subcommittee on Financial Institutions, the gentlelady from West Virginia (Mrs. CAPITO), who also worked very hard on this legislation.

Mrs. CAPITO. I want to thank the chairman. I really want to thank the whole Financial Services Committee for working together on this bill, the JOBS bill, Jumpstart Our Business Startups.

Our unemployment in this country is over 8 percent. We've got to find and make every means available to create jobs and to give those great ideas to be able to grow from small businesses to large businesses. We want to make sure that our entrepreneurs are able to find the funding to be able to grow those seeds of a business that then could flourish and grow.

When we talk about some of the things that have started in this country as start-ups most recently, we might look at something like AOL or something like Apple or even FedEx when Fred Smith wrote that famous paper in business school that I think didn't get a very good grade but now has resulted in our FedEx. If they hadn't been able to find the funding to begin, many of them I think today would say that because of the regulatory structure, because of the inability to find funding, that they wouldn't even be able to get started today and grow to the thousands of jobs that they have.

This has great potential. It's bipartisan. I support the JOBS Act.

Mr. HIMES. I continue to reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I would like to again inquire as to the amount of time remaining on our side.

The SPEAKER pro tempore. The gentleman from Alabama has 9 minutes remaining. The gentleman from Connecticut has 14½ minutes remaining.

Mr. BACHUS. I yield 3 minutes to an outstanding freshman on our committee, the gentleman from Tennessee (Mr. FINCHER).

Everyone speaking on our side has worked very hard on these bills or spent a lot of time, as have many of our Democratic colleagues.

□ 1250

Mr. FINCHER. Madam Speaker, I thank the chairman for his leadership and patience in working with us freshmen the last year, year and a half. I'm pleased to be the lead cosponsor of H.R. 3606, the Jumpstart Our Business Startups Act with Congressman JOHN CARNEY from Delaware. This bill has been a bipartisan effort from the beginning, and I want to thank the gentleman from Delaware and his staff, Sam Hodas, for working with us on this bill. I also want to thank the Financial

Services Committee staff, Kevin Edgar, Jason Goggins, Walton Liles and Chris Russell, for their efforts on this legislation as well.

Small businesses and entrepreneurs are the backbone of our Nation and our economy. This bill puts the focus on the private sector, capitalism, and the free market, providing the jump-start our Nation's entrepreneurs and small businesses need to grow and create jobs. This is about certainty and removing government bureaucratic red-tape. Our Nation has seen a decline in small business start-ups over the last few years, which means fewer jobs created for American workers. The best thing our government can do right now to get our economy moving in the right direction is to help create an environment where new ideas and start-up companies have a chance to grow and succeed.

Title I of this bill is legislation I introduced with Congressman CARNEY called the Reopening American Capital Markets to Emerging Growth Companies Act. During the last 15 years, fewer and fewer start-up companies have pursued initial public offerings because of burdensome costs created by a series of one-size-fits-all laws and regulations. This bill would help more small and mid-size companies go public by creating a new category of issuers called "emerging-growth companies" that have less than \$1 billion in annual revenues when they register with the SEC and less than \$700 million in public float after the IPO.

Emerging-growth companies will have as many as 5 years, depending on revenue size, to transition to full compliance with a variety of new regulations that are expensive and burdensome to new companies. This "onramp" status will allow small and mid-size companies the opportunity to save on expensive compliance costs and create the cash needed to successfully grow their businesses and create American jobs.

In addition, this bill would only require emerging-growth companies to provide audited financial statements for the 2 years prior to registration rather than 3 years, saving many companies millions of dollars. It will also make it easier for potential investors to get access to research and company information in advance of an IPO in order to make informed decisions about investing. This is critical for small and medium-size companies trying to raise capital that have less visibility in the marketplace.

I urge my colleagues to support this bill again, send it to the President to sign, and give our small businesses and entrepreneurs the opportunity to create jobs for Americans.

Mr. HIMES. Madam Speaker, I yield myself such time as I may consume and thank my friend from Tennessee for his hard work on this bill of which,

as I said in my previous statement, I'm very supportive.

I do want to take the opportunity, though, having heard from the gentleman from Tennessee phrases that we hear all too often—phrases like “one-size-fits-all regulation” and “bound up in redtape”—I do want to take this opportunity to remind the American people that those are phrases that sound scary: “regulation,” “redtape,” and “one size fits all.” But what we're talking about here is protection for the American people.

In my previous statement, I made the point that we have to get the balance right; but like everybody else in this Chamber, I woke up a couple of years ago to learn that 11 men were dead on a deep-sea drilling platform in the Gulf of Mexico and an ocean was poisoned, devastating the economy of the gulf. We've all seen what happens when you sell exploding mortgages to people who can't possibly repay them, even though the people who sold those mortgages know that. I come from a district which actually has some of the poorest air quality in the country.

Why do I enumerate these things? Because they are all a failure to regulate to provide a safe and good environment in which we can thrive. Nobody wants to see 11 men die on a deep-sea drilling platform. Nobody wants to see a return to the notion that anybody should buy an interest-only, reverse-amortizing mortgage that the bankers don't understand.

So I said it before, I'll say it again: the balance is key. And I will oppose those who say that more regulation is always the right idea, but I will also stand up, as I have now, and say there is a balance. And the other side needs to recognize that that balance does not come from opposing and labeling “red-tape” and “obstructionism” and “one size fits all.”

Mr. BACHUS. Would the gentleman yield?

Mr. HIMES. I yield to my friend from Alabama.

Mr. BACHUS. Let me say this. The gentleman from Connecticut mentioned crowdfunding, and I think that was what gave us more concern than anything else, some of the things he said about the Internet people making an investment being subject to fraud. That is a concern, and the Senate addressed those concerns. I'd like to stress what they amended was a very small part of this bill that dealt with crowdfunding. It is also important to know that all the antifraud protection, we didn't take any of that away. But I think we're getting there. The Senate and the House deliberated with the White House, and we will continue to look at crowdfunding. We'll see how this goes.

With any investment, particularly a new company, a new venture, there is a certain amount of risk. You can't take

the risk out. If you take the risk out, you take the reward. But what the gentleman says I fully appreciate, and I think that's where our committee has come together, and we tried to get it right for the good of the Americans in creating these new jobs. So I appreciate the opportunity and thank you for yielding.

Mr. HIMES. Thank you, Mr. Chairman. I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 4 minutes to the gentleman from North Carolina (Mr. MCHENRY). Again, this is a bill that several Members worked very hard on, and he is very knowledgeable on these bills.

Mr. MCHENRY. I thank the chairman, and I appreciate the opportunity to address the crowdfunding section of this bill.

One year ago, Oversight Chairman DARRELL ISSA sent a letter with 33 questions to the Securities and Exchange Commission asking them to justify outdated securities laws that restrict capital formation and stunted job growth. It was a letter that really challenged the Commission's complacency and asked them about these 80-year-old regulations that were modern at the time where the new invention was the telephone and asked them if they had ways to update them.

One question specifically asked Chairman Schapiro if she had considered creating an exemption to enable everyday investors to invest, with reasonable limitations, in unregistered securities issued by start-ups. This is known as “crowdfunding.”

At the time, I was only familiar with crowdfunding—which is a hybrid of microfinance and crowdsourcing—as a charitable method. It's done around the world, with billions of dollars of moneys raised. For example, a local brewery in my home State of North Carolina was able to raise \$44,000 on a platform called Kickstarter. Now, that's done on the charitable side; but with crowdfunding, the success we see on the charitable side can be brought over on the investor side, on the equity side, of capital raising. We recognized the consequences of Dodd-Frank that limit the ability to get lending through traditional means and as a way to promote small business capital formation. Crowdfunding relieves part of that pressure.

In September of last year, after countless meetings, conferences, congressional hearings, and bipartisan negotiation, I introduced the Entrepreneur Access to Capital Act. The bill was simple and direct. It offered a means of capital formation that would forgo costly SEC and State registration if issuers and investors operated within reasonable limitations. Most importantly, the foundation of the legislation upheld investor protections by empowering regulators to prosecute those who participated in securities fraud or deceit. That is preserved.

In the Entrepreneur Access to Capital Act, our focus was on market innovation and investor protection to attract both political parties and well-known market participants to the table. As a result of that bipartisan bill, we had over 400 Members on this floor vote for that bill, the President said he would sign that bill, and we sent it over to the Senate with thousands of market participants saying it was good.

This year, that same language was included as a provision within this legislation, the JOBS Act. Regrettably, just before the House-passed version of the JOBS Act received an up-or-down vote on the Senate floor, a handful of Senators misunderstood the spirit and the promise of crowdfunding, resulting in last-minute changes to the bill.

Our essential framework is preserved for crowdfunding. Rather than recognizing that crowdfunding could create new markets and opportunities for small businesses and start-ups, these misguided Senators simply saw crowdfunding as unregulated activities. This misperception caused them to design a crowdfunding title that is riddled with burdens on issuers, investors, and intermediaries and limits general solicitation and enhances SEC rule-making authority.

□ 1300

But, fortunately, as I said, the basic architecture of the Entrepreneur Access to Capital Act, crowdfunding, that bipartisan measure that we took through committee markup and House floor action, is preserved. Although I'm disappointed by the ill-conceived and burdensome changes within the crowdfunding title of this bill, I stand committed to working across the aisle to make sure that we fix this after the President signs it. That's what we intend to do.

I urge my colleagues to vote for this bill and move forward.

Mr. HIMES. Madam Speaker, I yield myself 1 minute.

I salute Mr. MCHENRY, my friend from North Carolina, for his work on this bill.

I think it's probably worth talking a bit more about crowdfunding. I appreciate the chairman's point of view, but let's be clear here that we are talking about marketing done at retail investors, up to \$10,000 more.

Mr. MCHENRY called the Senate activity ill-conceived and burdensome. We are at the nexus here of potentially unsophisticated investors and people who see an opportunity.

I would remind Mr. MCHENRY in citing a charitable background for this bill, when you give to a charity, you know you're not getting your money back. When you invest in a company, you hope you're getting your money back. And we should be vigilant that that, in fact, occurs.

With that, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, we have the right to close. So I would ask the gentleman from Connecticut to proceed. Could I inquire as to time.

The SPEAKER pro tempore. The gentleman from Alabama has 2 minutes remaining, and the gentleman from Connecticut has 10 minutes remaining.

Mr. HIMES. Madam Speaker, in closing, let me again reiterate my thanks to Chairman BACHUS and to all of the members of the Financial Services Committee who worked hard on this bill.

I think we've had a lot of good debate around very real and important issues. Unusual for this institution is that we've actually managed to keep the ideology and the barbs out of it. I'm very appreciative of that, and I know that the American people are as well.

I appreciate coming, as I do, from a district and a State that will rise or fall on our ability to innovate, to grow small businesses into real world leaders, and to have a financial services sector which is vibrant and innovative, but safe.

I very much appreciate the intent of this legislation. We had good support from both sides of the aisle. The President is supportive. We heard from industry associations that this was a good thing.

With that, I encourage all of the Members of this body to support this legislation.

I thank again the chairman and the ranking member of the committee and yield back the balance of my time.

Mr. BACHUS. Madam Speaker, I yield myself such time as I may consume.

Let me say this: during this debate, we focused on crowdfunding, but I think we're all in agreement that this bill is a great improvement, and we will revisit that. That shouldn't distract from the fact that this is a major piece of legislation that will cause, I think, a great deal of new competition, innovation of new products and services.

In my revised remarks, which I intend to submit in the next week, I will highlight biomedical research, which we think has the potential to address some diseases that are rare diseases or degenerative conditions which would really receive a boost from this.

So I commend all of our Members. We've come together here, and we've accomplished great things, along with the Senate, the House, and the administration.

I yield to the gentlelady from Illinois.

Mrs. BIGGERT. Madam Speaker, the proposals contained in the JOBS Act are not political or partisan, as has been mentioned. It comes from the small business community in districts like mine where I meet regularly with

local employers who tell me that accessing capital is the hardest part of enduring the current recession.

Many of these changes in this bill have bipartisan backing and have been endorsed by members of the President's Council on Jobs and Economic Competitiveness.

Today's legislation will enable America's start-up companies—the job engines of our economy—to access the equity markets, not just the debt market. This is a bill that will give investors and emerging growing companies—perhaps a future Google, Apple, or Home Depot—the opportunity to reach investors, cut through the red tape, and overcome the financial barriers to success.

I ask my colleagues on both sides of the aisle to support the bill.

Mr. BACHUS. Madam Speaker, I yield back the balance of my time.

Mr. NADLER. Madam Speaker, I rise in opposition to the Motion to Concur with the Senate Amendment to H.R. 3606, the Jumpstart Our Business Startups, JOBS, Act.

Many of us agree with the general principle that we should modernize the financial system to help small businesses raise capital, attract investors, and contribute to our economic recovery. However, this must be done in a balanced way that also protects those investors and the public interest. I had hoped that the Senate would have an opportunity to bolster the bill with key consumer- and investor-rights provisions—provisions that had no chance of passage in this House. While the Senate certainly strengthened the proposal, the Senate Amendment to H.R. 3606 does not go far enough to ensure that investors will be protected from unscrupulous actors.

Since the bill was introduced, numerous experts and organizations, including the current and former chairmen of the Securities and Exchange Commission, Americans for Financial Reform, AARP, and the Consumer Federation of America, have raised significant concerns about this legislation. According to the New York Times, many fear the bill will allow companies to raise money without having to follow rules on disclosure, accounting, auditing and other regulatory mainstays. The deregulation measures in this bill could actually raise the cost of capital by harming investors and impairing markets, making it harder for legitimate companies to thrive. In addition, the bill will allow certain companies to ignore, for the first five years that they are public, certain regulations, such as the requirement to hire an independent outside auditor to attest to a company's internal financial controls. Also, recent experience clearly shows that arguments that the market will have sufficient incentive to police itself have led to disaster in the recent past and cannot be relied upon in the future. We should have all learned a lesson when it comes to hasty deregulation of financial markets. Even if there is a short term gain to be had, the long term consequences can be quite costly.

In light of the fact that the Senate has not been able to add adequate consumer and investor protections, and the growing information about the potential long-term harm of these provisions, I must vote "No."

Mr. VAN HOLLEN. Madam Speaker, the Senate amendment to the Jumpstart Our Business Startups, JOBS, Act represents an improvement over the original House-passed version of this legislation, and I will support it today.

Specifically, today's legislation strengthens the crowdfunding provisions of the JOBS Act by adding important investor protections. Under the revised bill, crowdfunding issuances will have to be offered through either an SEC-registered broker or an SEC-registered funding portal, which will further protect investors by improving accountability and enhancing regulatory oversight. Additionally, the maximum amount permitted to be raised in any one crowdfunding issuance has been reduced from \$2 million to \$1 million, and the maximum amount a non-accredited investor can invest has been limited to \$2000 or 5 percent of income for those earning less than \$100,000, and the lesser of \$10,000 or 10 percent of income for those earning more than \$100,000.

Madam Speaker, innovation and entrepreneurship in markets governed by clear and fair rules of the road has always been the key to our economic success. While I believe that there are stronger job creation measures we can and should be considering today, and that this legislation will itself merit continued oversight to ensure it is in fact striking an appropriate regulatory balance, I will support it today for the benefit it may provide.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3606.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACHUS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REQUESTING RETURN OF OFFICIAL PAPERS ON H.R. 5

Mr. WEBSTER. Madam Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 596

Resolved, That the Clerk of the House of Representatives request the Senate to return to the House the bill (H.R. 5) entitled "An Act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system."

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3309, FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

Mr. WEBSTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 595

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period from March 29, 2012, through April 16, 2012, as though under clause 8(a) of rule I.

□ 1310

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. WEBSTER. For the purpose of debate only, I yield the customary 30 minutes to my good friend and col-

league from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WEBSTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEBSTER. Madam Speaker, I rise today in support of this rule and the underlying bill. House Resolution 595 provides for a structured rule for consideration of H.R. 3309, the Federal Communications Commission Process Reform Act of 2012.

The rule makes 10 of the 11 amendments submitted to the committee in order. Of these, eight are Democrat-sponsored amendments and two are Republican-sponsored amendments.

As noted by the subcommittee ranking member, Ms. ESHOO, during the Rules Committee meeting on this last night, H.R. 3309 has come to the floor under regular order. The Energy and Commerce Subcommittee on Communications and Technology held an oversight hearing and subsequently a legislative hearing on Federal Communications Commission process reform.

The subcommittee then circulated a discussion draft before holding an open markup and favorably reporting the bill to the full committee on November 16, 2011. On March 6, 2012, the full committee ordered the bill favorably reported to the House.

In 2010, the communications and technology industry invested \$66 billion to deploy broadband infrastructure, \$3 billion more than in 2009. New products and services are innovated by this sector on an almost daily basis. With the innovation come high-quality jobs and marked improvements for every American's quality of life.

As a result, all efforts should be made to avoid stalling this important economic engine. The FCC should strive to be the most open and transparent agency in the Federal Government, and any intervention into the marketplace should be the result of rigorous analysis demonstrating the need for government regulation.

The Federal Communications Commission Process Reform Act would change the process the FCC must follow in issuing regulations and limit the agency's ability to set conditions on transactions relating to corporate mergers and acquisitions.

The legislation would require the FCC to be more transparent and methodical in determining whether to intervene in the communications marketplace in dealing with customers and regulated parties, and in reviewing transactions.

Customers, small businesses, and outside-the-beltway stakeholders, in particular, do not have the regulatory lawyers needed for rush review of proceedings. The only way to get their input is to give them time to provide feedback on well-delineated proposals.

Before it starts intervening, the FCC should make sure it has a full understanding of the state of competition and current technologies. By requiring the FCC to be more transparent, to find a market failure before proposing regulations, and to conduct cost-benefit analyses before adopting rules, H.R. 3309 helps promote jobs, investment, and innovation in one of the few sectors still firing on all cylinders in this economy.

In particular, the bill prohibits the FCC from coercing parties to accept concessions, such as network neutrality obligations, as a condition of approving their mergers. Such conditions are typically unrelated to the specifics of the transaction and involve requirements the FCC otherwise lacks the policy justification or legal authority to impose. They also chill transactions that might otherwise advance the economy, and impose unnecessary costs on businesses.

The bill requires the FCC to survey the marketplace through a notice of inquiry before proposing new rules that would increase costs for customers and businesses; to establish the specific text of proposed rules before their consideration so the public and industry know what is being considered and have adequate information to provide input, much as House leadership has adopted in the layover requirement for the bills that we now hear on the floor; to identify a market failure or customer harm and conduct a cost-effective analysis before adopting economically significant rules that cost more than \$100 million; to set the shot clock and schedules for issuing decisions and to report to Congress on how well it is abiding by them so the public and industry know when issues will be resolved; and to create performance measures to evaluate the effectiveness or ineffectiveness of a program that costs more than \$100 million.

These proposed process reforms are not radical, nor are they an attempt to cripple the FCC, as some opponents of the legislation have claimed. Instead, this legislation seeks to pull back the curtain on bureaucratic regulation of a sector of our economy that has provided high-tech innovation and investment, and the high-quality jobs that come with it, despite the economic downturn.

So, once again, Madam Speaker, I rise in support of the rule and the underlying legislation. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I thank my good friend from

Florida for yielding the time to me, and I yield myself such time as I may consume.

Madam Speaker, this rule provides for consideration of H.R. 3309, the Federal Communications Commission Process Reform Act. There may be beneficial provisions in the underlying legislation to make the FCC's processes more transparent and more efficient.

I do suggest that the FCC has made great strides in this regard under the leadership of Chairman Genachowski, and certainly more can be done. But the fact remains that my friends on the other side of the aisle have squandered important opportunities in this process to walk the walk and talk the talk.

Now, last night an amendment was offered by my good friend and colleague, Congresswoman ANNA ESHOO, to require FCC disclosure of spending on political advertisements, which was opposed in committee but made in order to go forward today.

Recent Supreme Court rulings, especially the *Citizens United* case, have opened the door for unlimited spending by wealthy entities aiming to influence the electoral process. These individuals, organizations, and corporations have the financial resources to reach millions of Americans through cable, broadcast television, the radio, and other media.

Unfortunately, Americans do not yet have the right to know who is paying for these efforts. Under current law, Americans have no way of knowing whether an advertisement urging them to vote for a certain candidate or support certain legislation is being done at the behest of someone who stands to make a lot of money from that candidate or the bill.

That's no way to run a country. That's no way to hold an election. And that's no way to run a government.

Since *Citizens United*, our government is less like a democracy and more like a mystery. I firmly support the Eshoo amendment and ask all of our colleagues to do so. It aims to provide some clues by requiring the disclosure of any individual or corporation that contributes \$10,000 or more for the purpose of airing political programming in an election cycle.

□ 1320

This amendment is modeled after the DISCLOSE Act, sponsored by my friend and colleague, Congressman CHRIS VAN HOLLEN, of which I am a proud cosponsor. Both these measures educate voters by disclosing who is donating money to influence the electoral process. It is as simple as that: transparency, accountability, and democracy.

Yet some of my Republican colleague friends continue to be baffled as to why the American people will want to know who is trying to influence them. Last night in the Rules Committee, my good

friend from Georgia (Mr. WOODALL) was indicating his motions regarding this; and I said to him what I say to all of our colleagues and to all Americans, that the day somebody shows up with \$500, you would be interested to know, if they are opposed to you, who they are.

So the question remains: Why do some Republicans oppose these efforts now?

Madam Speaker, we know full well about some of the biases that some Republicans have in favor of the wealthiest Americans. When they're not trying to eviscerate social safety net programs—as I suggested in the Rules Committee, and in 40 minutes we will be taking up the proposed budget that does just that—to make room for tax cuts for the well off in our society, it appears that Republicans are eager to allow the richest Americans to hijack the electoral process. Because that is what is about to happen, and it is and will be a hijacking.

When vast sums of money are used to influence the democratic process, the voices of those who do not have such resources get drowned out. When that influence is allowed to remain in the shadows, suddenly we find that the wealthiest interests in this country are the ones driving the bus, the train, the plane, and the rest of us do not know where the stops are.

This amendment, along with the DISCLOSE Act and similar efforts, aims to provide Americans with the basics of who is spending how much on what. It does not impose any new obligations on broadcasters or providers; it does not hold broadcasters or providers liable for inaccurate information; and it does not take action with respect to posting this information online. This is a simple disclosure requirement. It benefits all Americans. It is good for our democracy.

Quite frankly, I think that a commendable thing occurs when many of the amendments are made in order. In this particular instance, I'm especially pleased that my colleagues made the Eshoo amendment in order.

I reserve the balance of my time.

Mr. WEBSTER. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I'm very pleased to yield 2 minutes to my good friend, the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

I rise to urge Members to vote against the previous question.

Now, why would we do that?

Because we need to invest in America's crumbling infrastructure, and the Republicans are totally incapable of producing a transportation bill.

Here's a little bit of review of history.

February 8, 2011, Chairman MICA: We will have a bill by August.

Then we skip forward a little bit, August, Chairman MICA: I will agree to one additional highway program extension—meaning they didn't get the bill done by August.

Then we fast-forward to November, Speaker BOEHNER: House to pass highway bill this year.

That was, of course, November 2011. It's 2012. Now the Republicans are saying they need another 90 days to get agreement in their own caucus. They're never going to get agreement. There are 80 Members of the Republican caucus who believe that there is no Federal interest—get this—no Federal interest in the national transportation system. It should devolve to the 50 States, back to the good ol' days when Kansas built the turnpike and Oklahoma didn't, and the cars were launched off the end of the turnpike into a farmer's field for another 5 years until Kansas finally got around to it. Let's go back to those good old days.

They also say they don't want to create jobs. This won't create jobs, the Speaker has said. Well, guess what? Transportation investment is the best way to create made-in-America jobs: transit equipment made in America, steel made in America, construction jobs by Americans for Americans for our future. They can't get it done. No more 90-day extensions or whatever they're dithering around now. They've got the throttle on the floor and they're spinning doughnuts, but they've run out of gas.

So it's time to act. What we need to do is defeat the previous question, bring up the bipartisan, Senate-passed transportation bill, which half of the Republican Senators—some of the members of the Flat Earth Society even voted for. Bring that bill up here—we can get the votes on this side of the aisle—and pass it and put Americans back to work.

Mr. WEBSTER. Madam Speaker, I'd like to inquire if the gentleman from Florida has any more speakers because I am prepared to close.

Mr. HASTINGS of Florida. I appreciate my colleague for asking. I was hoping that Mr. BISHOP from New York would be here, but in light of the fact that he is not, I'm prepared to close.

Madam Speaker, I yield myself such time as I may consume. If Mr. BISHOP does arrive, then perhaps I would use some of my time to yield to him.

We all know that this legislation is never going to pass the Senate, and so this exercise remains just that, an exercise.

Republicans claim to be in favor of reducing the size of government, but this bill will require the FCC to hire 20 additional staff at a cost of \$26 million over 5 years just to handle all the additional work created.

Rather than focus on stimulating the economy, funding infrastructure investments, and improving our democracy, my friends on the other side insist on devoting time and energy in a

pursuit that is never going to go beyond this Chamber.

Rather than support transparency and our democratic process, my friends on the other side want to shield the best off in our society and corporations from having to disclose their financial influence on the political process. And rather than work with Democrats to craft comprehensive, bipartisan legislation that can pass the House and Senate, Republicans would rather see their partisan bills die than allow a compromise measure to live. I would say that I'm appalled, Madam Speaker, but this kind of thing seems to happen all the time around here.

Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that, immediately after the House adopts this rule, it will bring up H.R. 14, the House companion to the bipartisan Senate transportation bill and to discuss our proposal, but before that, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank Mr. HASTINGS for yielding, and I apologize for my tardy arrival on the floor.

As Yogi Berra once said, it's déjà vu all over again. Here we are a week later and we still have not addressed the imminent expiration of our highway programs.

As we witnessed with the implosion of H.R. 7 six weeks ago, we once again saw last night the inevitable result of the Republican mantra: My way or the highway. Last night, House Republicans were forced to remove from floor consideration their short-term extension bill, in part because they absolutely refused to reach out to their Democratic colleagues to get anything done. Meanwhile, I have sponsored the Senate bill, MAP-21—now called H.R. 14 here in the House—a bipartisan path forward that makes meaningful reforms and provides certainty to States.

I'm proud to be offering this bipartisan legislation to refocus the discussion on jobs and economic opportunities rather than the Republican message this week of tearing down Medicare and protecting the 1 percent at the expense of middle class families.

□ 1330

As of today, House Republicans have yet to put forward a credible highway reauthorization that puts Americans back to work. Their only attempt, H.R. 7, which is the Boehner-Mica authorization, was called the worst highway bill ever by United States Department of Transportation Secretary LaHood, who is a former Republican Member of this body. It was drafted in the dark of night without Democratic input. It removed transit, the transit guarantee, from the highway trust fund, and it couldn't attract a single Democratic vote nor even a majority of Republican votes.

MAP-21 passed overwhelmingly in the Senate with a bipartisan majority, a vote of 74-22, and it is fully paid for—something House Republicans seem unable to come close to. MAP-21 pay-fors are less controversial than the House Republican bill. The Senate has estimated that MAP-21 will save 1.8 million jobs and will create up to 1 million more jobs. During a weak economic recovery that's looking for a jump-start, this is the kind of bill we need to be passing and passing as quickly as we possibly can.

Is MAP-21 the silver bullet to our surface transportation needs? No, but there is no silver bullet when it comes to our infrastructure needs.

We all would prefer a 5-year bill, but we need to get a bill passed. MAP-21, H.R. 14, is the path forward. I would urge my Republican colleagues to bring that bill to the floor so that we can vote for it in a bipartisan fashion and send it to the President.

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I urge my colleagues to vote "no" and to defeat the previous question. I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. WEBSTER. I yield myself the balance of my time, and will get back to the issue at hand.

This is not necessarily a highway bill, but it does talk about a highway, one which is much faster than the ones we drive on. It is hard to imagine a world without a high-speed wireless Internet service. It is hard to imagine staffers walking down the hallways without some sort of wireless devices that they're communicating with others on, and usually their hands are glued to them.

Communications and technology innovations over the past several years have made us a more connected world. In some instances, the new global connectedness has brought us even closer together, allowing us to share in similarities and differences between our peers in distant cultures. It has given us a chance to marvel at the world's best athletes on the grandest stages, and in some cases it has exposed the atrocities of war, intolerance, and disregard for human life. We want our innovations to continue and our inventors to keep inventing. In the communications and technology fields they have, and they continue to amaze us with new breakthroughs every day.

This bill simply pulls back the curtain on the FCC, the agency charged

with regulating the communications sector. It asks them to institute commonsense reforms to better keep the public informed on their actions. It requires the Commission to rigorously examine the marketplace before intervening; to give increased time for public input and comment; and to increase transparency while approving new rules and amendments. These process reforms are simply good government, and they should be embraced in a non-partisan fashion.

I ask my colleagues to join me today in voting in favor of this rule and the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 595 OFFERED BY
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text of the bill (H.R. 14) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on

the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WEBSTER. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 595, if ordered; suspension of the rules with regard to H.R. 3606; and suspension of the rules with regard to H.R. 3298, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 13, as follows:

[Roll No. 130]

YEAS—236

Adams	Gibson	Myrick
Aderholt	Gingrey (GA)	Neugebauer
Alexander	Gohmert	Noem
Amash	Goodlatte	Nugent
Amden	Gosar	Nunes
Austria	Gowdy	Nunnelee
Bachmann	Granger	Olson
Bachus	Graves (GA)	Palazzo
Barletta	Graves (MO)	Paul
Bartlett	Griffin (AR)	Paulsen
Barton (TX)	Griffith (VA)	Pearce
Bass (NH)	Grimm	Pence
Benishek	Guinta	Petri
Berg	Guthrie	Pitts
Biggart	Hall	Platts
Billray	Hanna	Poe (TX)
Bilirakis	Harper	Pompeo
Bishop (UT)	Harris	Posey
Black	Hartzler	Price (GA)
Blackburn	Hastings (WA)	Quayle
Bonner	Hayworth	Reed
Bono Mack	Heck	Rehberg
Boustany	Hensarling	Reichert
Brady (TX)	Herger	Renacci
Brooks	Herrera Beutler	Ribble
Brown (GA)	Huelskamp	Rigell
Buchanan	Huizenga (MI)	Rivera
Bucshon	Hultgren	Roby
Buerkle	Hunter	Roe (TN)
Burgess	Hurt	Rogers (AL)
Burton (IN)	Issa	Rogers (KY)
Calvert	Jenkins	Rogers (MI)
Camp	Johnson (IL)	Rohrabacher
Campbell	Johnson (OH)	Rokita
Canseco	Johnson, Sam	Rooney
Cantor	Jones	Ros-Lehtinen
Capito	Jordan	Roskam
Carter	Kelly	Ross (FL)
Cassidy	King (IA)	Royce
Chabot	King (NY)	Runyan
Chaffetz	Kingston	Ryan (WI)
Coble	Kinzing (IL)	Scalise
Coffman (CO)	Kline	Schilling
Cole	Labrador	Schmidt
Conaway	Lamborn	Schock
Cravaack	Lance	Schweikert
Crawford	Lankford	Scott (SC)
Crenshaw	Latham	Scott, Austin
Culberson	LaTourette	Sensenbrenner
Davis (KY)	Latta	Sessions
Denham	Lewis (CA)	Shimkus
Dent	LoBiondo	Shuster
DesJarlais	Long	Simpson
Diaz-Balart	Lucas	Smith (NE)
Dold	Luetkemeyer	Smith (NJ)
Dreier	Lummis	Smith (TX)
Duffy	Lungren, Daniel E.	Southerland
Duncan (SC)	Manzullo	Stearns
Duncan (TN)	Marino	Stivers
Elmiers	Matheson	Stutzman
Emerson	McCarthy (CA)	Sullivan
Farenthold	McCauley	Terry
Fincher	McClintock	Thompson (PA)
Fitzpatrick	McCotter	Thornberry
Flake	McHenry	Tiberi
Fleischmann	McKeon	Tipton
Fleming	McKinley	Turner (NY)
Forbes	McMorris	Turner (OH)
Fortenberry	Rodgers	Upton
Fox	Meehan	Walberg
Franks (AZ)	Mica	Walden
Frelinghuysen	Miller (FL)	Walsh (LL)
Gallegly	Miller (MI)	Webster
Gardner	Miller, Gary	West
Garrett	Mulvaney	Westmoreland
Gerlach	Murphy (PA)	Whitfield
Gibbs		Wilson (SC)

Wittman	Yoder
Wolf	Young (AK)
Womack	Young (FL)

NAYS—182

Ackerman	Filner	Napolitano
Altmire	Frank (MA)	Oliver
Andrews	Fudge	Owens
Baca	Garamendi	Pallone
Baldwin	Gonzalez	Pascarell
Barrow	Green, Al	Pastor (AZ)
Bass (CA)	Green, Gene	Pelosi
Becerra	Grijalva	Perlmutter
Berkley	Gutierrez	Peters
Berman	Hahn	Peterson
Bishop (GA)	Hanabusa	Pingree (ME)
Bishop (NY)	Hastings (FL)	Polis
Blumenauer	Heinrich	Price (NC)
Bonamici	Higgins	Quigley
Boren	Himes	Rahall
Boswell	Hinchey	Reyes
Brady (PA)	Hinojosa	Richardson
Braley (IA)	Hirono	Richmond
Brown (FL)	Hochul	Ross (AR)
Butterfield	Holden	Rothman (NJ)
Capps	Holt	Roybal-Allard
Capuano	Honda	Ruppersberger
Cardoza	Hoyer	Rush
Carnahan	Israel	Ryan (OH)
Carney	Jackson Lee	Sánchez, Linda T.
Carson (IN)	(TX)	Sanchez, Loretta
Castor (FL)	Johnson (GA)	Sarbanes
Chandler	Johnson, E. B.	Schakowsky
Chu	Kaptur	Schiff
Ciicilline	Keating	Schrader
Clarke (MI)	Kildee	Schwartz
Clarke (NY)	Kind	Scott (VA)
Clay	Kissell	Scott, David
Cleaver	Kucinich	Serrano
Clyburn	Langevin	Sewell
Cohen	Larsen (WA)	Sherman
Connolly (VA)	Larson (CT)	Shuler
Conyers	Lee (CA)	Levin
Cooper	Levin	Sires
Costa	Lipinski	Slaughter
Costello	Loebach	Smith (WA)
Courtney	Lofgren, Zoe	Speier
Critz	Lowe	Stark
Crowley	Lujan	Sutton
Cuellar	Lynch	Thompson (CA)
Cummings	Maloney	Thompson (MS)
Davis (CA)	Markey	Tierney
Davis (IL)	Matsui	Tonko
DeFazio	McCarthy (NY)	Towns
DeGette	McCollum	Tsongas
DeLauro	McDermott	Van Hollen
Deutch	McGovern	Velázquez
Dicks	McIntyre	Vislosky
Dingell	McNerney	Walz (MN)
Doggett	Meeks	Wasserman
Donnelly (IN)	Michaud	Schultz
Doyle	Miller (NC)	Waters
Edwards	Miller, George	Waxman
Ellison	Moore	Welch
Eshoo	Moran	Woolsey
Farr	Murphy (CT)	Yarmuth
Fattah	Nadler	

NOT VOTING—13

Akin	Lewis (GA)	Watt
Engel	Mack	Wilson (FL)
Flores	Marchant	Woodall
Jackson (IL)	Neal	
Landry	Rangel	

□ 1401

Messrs. SCHRADER, SARBANES, SIRE, CHANDLER, Ms. LORETTA SANCHEZ of California, Messrs. BLUMENAUER, HONDA, and KEATING changed their vote from “yea” to “nay.”

Mr. POSEY changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Ms. WILSON of Florida. Madam Speaker, on rollcall No. 130, had I been present, I would have voted “nay.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore (Mr. COFFMAN of Colorado). The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

PROVIDING FOR CONSIDERATION OF H.R. 3309, FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 177, not voting 12, as follows:

[Roll No. 131]

AYES—242

Adams	Chabot	Gingrey (GA)
Aderholt	Chaffetz	Goodlatte
Alexander	Coble	Gosar
Amash	Coffman (CO)	Gowdy
Amodei	Cole	Granger
Austria	Conaway	Graves (GA)
Bachmann	Cravaack	Graves (MO)
Bachus	Crawford	Griffin (AR)
Barletta	Crenshaw	Griffith (VA)
Bartlett	Culberson	Grimm
Barton (TX)	Davis (KY)	Guinta
Bass (NH)	Denham	Guthrie
Benishek	Dent	Hall
Berg	DesJarlais	Hanna
Biggert	Diaz-Balart	Harper
Bilbray	Dold	Harris
Bilirakis	Donnelly (IN)	Hartzler
Bishop (UT)	Dreier	Hastings (WA)
Black	Duffy	Hayworth
Blackburn	Duncan (SC)	Heck
Bonner	Duncan (TN)	Hensarling
Bono Mack	Ellmers	Herger
Boren	Emerson	Herrera Beutler
Boustany	Farenthold	Huelskamp
Brady (TX)	Fincher	Huizenga (MI)
Brooks	Fitzpatrick	Hultgren
Broun (GA)	Flake	Hunter
Buchanan	Fleischmann	Hurt
Bucshon	Fleming	Issa
Buerkle	Forbes	Jenkins
Burgess	Fortenberry	Johnson (IL)
Burton (IN)	Fox	Johnson (OH)
Calvert	Franks (AZ)	Johnson, Sam
Camp	Frelinghuysen	Jones
Campbell	Gallegly	Jordan
Canseco	Gardner	Kelly
Cantor	Garrett	King (IA)
Capito	Gerlach	King (NY)
Carter	Gibbs	Kingston
Cassidy	Gibson	Kinzinger (IL)

Kissell	Nunnelee	Scott (SC)
Kline	Olson	Scott, Austin
Labrador	Palazzo	Sensenbrenner
Lamborn	Paul	Sessions
Lance	Paulsen	Shimkus
Lankford	Pearce	Shuler
Latham	Pence	Shuster
LaTourette	Petri	Simpson
Latta	Pitts	Smith (NE)
Lewis (CA)	Platts	Smith (NJ)
LoBiondo	Poe (TX)	Smith (TX)
Long	Pompeo	Southerland
Lucas	Posey	Stearns
Luetkemeyer	Price (GA)	Stivers
Lummis	Quayle	Stutzman
Lungren, Daniel E.	Reed	Sullivan
Manzullo	Rehberg	Terry
Marino	Reichert	Thompson (PA)
Matheson	Renacci	Thornberry
McCarthy (CA)	Ribble	Tiberi
McCaul	Rigell	Tipton
McClintock	Rivera	Turner (NY)
McCotter	Roby	Turner (OH)
McHenry	Roe (TN)	Upton
McKeon	Rogers (AL)	Rogers (KY)
McKinley	Rogers (MI)	Walberg
McMorris	Rohrabacher	Walden
Rodgers	Rokita	Walsh (IL)
Meehan	Rooney	Webster
Mica	Ros-Lehtinen	West
Miller (FL)	Roskam	Westmoreland
Miller (MI)	Ross (AR)	Whitfield
Miller, Gary	Ross (FL)	Wilson (SC)
Mulvaney	Royce	Wittman
Murphy (CT)	Runyan	Wolf
Murphy (PA)	Ryan (WI)	Womack
Myrick	Scalise	Woodall
Neugebauer	Schilling	Yoder
Noem	Schmidt	Young (AK)
Nugent	Schock	Young (FL)
Nunes	Schweikert	Young (IN)

NOES—177

Ackerman	Dingell	Lynch
Altmire	Doggett	Maloney
Andrews	Doyle	Markey
Baca	Edwards	Matsui
Baldwin	Ellison	McCarthy (NY)
Barrow	Eshoo	McCollum
Bass (CA)	Farr	McDermott
Becerra	Fattah	McGovern
Berkley	Filner	McIntyre
Berman	Frank (MA)	McNerney
Bishop (GA)	Fudge	Meeks
Bishop (NY)	Garamendi	Michaud
Bonamici	Gonzalez	Miller (NC)
Boswell	Green, Al	Miller, George
Brady (PA)	Green, Gene	Moore
Braley (IA)	Grijalva	Moran
Brown (FL)	Gutierrez	Nadler
Butterfield	Hahn	Napolitano
Capps	Hanabusa	Oliver
Capuano	Hastings (FL)	Owens
Cardoza	Heinrich	Pallone
Carnahan	Higgins	Pascarell
Carney	Himes	Pastor (AZ)
Carson (IN)	Hinchey	Pelosi
Castor (FL)	Hinojosa	Perlmutter
Chandler	Hirono	Peters
Chu	Hochul	Peterson
Cicilline	Holden	Pingree (ME)
Clarke (MI)	Holt	Polis
Clarke (NY)	Honda	Price (NC)
Clay	Hoyer	Quigley
Cleaver	Israel	Rahall
Clyburn	Jackson Lee	Reyes
Cohen	(TX)	Richardson
Connolly (VA)	Johnson (GA)	Richmond
Conyers	Johnson, E. B.	Rothman (NJ)
Cooper	Kaptur	Roybal-Allard
Costa	Keating	Ruppersberger
Costello	Kildee	Rush
Courtney	Kind	Ryan (OH)
Critz	Kucinich	Sánchez, Linda T.
Crowley	Langvin	Sanchez, Loretta
Cuellar	Larsen (WA)	Sarbanes
Cummings	Larson (CT)	Schakowsky
Davis (CA)	Lee (CA)	Schiff
Davis (IL)	Levin	Schrader
DeFazio	Lipinski	Schwartz
DeGette	Loeb sack	Scott (VA)
DeLauro	Loftgren, Zoe	Scott, David
Deutch	Lowe	Serrano
Dicks	Luján	

Sewell	Thompson (MS)	Wasserman
Sherman	Tierney	Schultz
Sires	Tonko	Waters
Slaughter	Towns	Watt
Smith (WA)	Tsongas	Waxman
Speier	Van Hollen	Welch
Stark	Velázquez	Wilson (FL)
Sutton	Visclosky	Woolsey
Thompson (CA)	Walz (MN)	Yarmuth

NOT VOTING—12

Akin	Gohmert	Mack
Blumenauer	Jackson (IL)	Marchant
Engel	Landry	Neal
Flores	Lewis (GA)	Rangel

□ 1410

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JUMPSTART OUR BUSINESS STARTUPS ACT

The SPEAKER pro tempore (Mr. CHAFFETZ). The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 41, not voting 12, as follows:

[Roll No. 132]

YEAS—380

Ackerman	Boustany	Cole
Adams	Brady (TX)	Conaway
Aderholt	Braley (IA)	Connolly (VA)
Alexander	Brooks	Conyers
Altmire	Broun (GA)	Cooper
Amash	Brown (FL)	Costa
Amodei	Buchanan	Costello
Andrews	Bucshon	Courtney
Austria	Buerkle	Cravaack
Baca	Burgess	Crawford
Bachmann	Burton (IN)	Crenshaw
Bachus	Butterfield	Critz
Baldwin	Calvert	Crowley
Barletta	Camp	Cuellar
Barrow	Campbell	Culberson
Bartlett	Canseco	Davis (CA)
Barton (TX)	Cantor	Davis (IL)
Bass (CA)	Capito	Davis (KY)
Bass (NH)	Capps	DeFazio
Benishek	Cardoza	DeGette
Berg	Carnahan	DeLauro
Berkley	Carney	Denham
Biggert	Carson (IN)	Dent
Bilbray	Carter	DesJarlais
Bilirakis	Cassidy	Dicks
Bishop (GA)	Castor (FL)	Doggett
Bishop (NY)	Chabot	Dold
Bishop (UT)	Chaffetz	Donnelly (IN)
Black	Chandler	Dreier
Blackburn	Chu	Duffy
Bonner	Cicilline	Duncan (SC)
Bono Mack	Clarke (MI)	Duncan (TN)
Boren	Cleaver	Ellison
Boswell	Coffman (CO)	Ellmers

Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette

Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shulker
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

Becerra
Berman
Brady (PA)
Capuano
Clarke (NY)
Clay
Cohen
Cummings
Deutch
Dingell
Doyle
Edwards
Filner
Fudge
Akin
Diaz-Balart
Engel
Flores

NAYS—41

Green, Gene
Grijalva
Hinchey
Holden
Holt
Johnson (GA)
Johnson, E. B.
Kildee
Kucinich
Lee (CA)
Markey
McCollum
McDermott
Miller, George
Nadler
Napolitano
Oliver
Pastor (AZ)
Pingree (ME)
Sarbanes
Schakowsky
Scott (VA)
Stark
Tierney
Visclosky
Waxman
Woolsey

NOT VOTING—10

Jackson (IL)
Landry
Mack
Marchant
Neal
Rangel

□ 1417

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MILLER of North Carolina. Mr. Speaker, on rollcall No. 132 for H.R. 3606, I inadvertently voted "yea" but my intention was to vote "nay."

HOMES FOR HEROES ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3298) to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. AL GREEN of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 5, not voting 12, as follows:

[Roll No. 133]

AYES—414

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishke
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)

Buchanan
Buoshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis

Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)

Roybal-Allard	Shuler	Upton
Royce	Shuster	Van Hollen
Runyan	Simpson	Velázquez
Ruppersberger	Sires	Visclosky
Rush	Slaughter	Walberg
Ryan (OH)	Smith (NE)	Walden
Ryan (WI)	Smith (NJ)	Walsh (IL)
Sánchez, Linda T.	Smith (TX)	Walz (MN)
	Smith (WA)	Wasserman
Sanchez, Loretta	Southerland	Schultz
Sarbanes	Speier	Waters
Scalise	Stark	Watt
Schakowsky	Stearns	Waxman
Schiff	Stivers	Webster
Schilling	Stutzman	Welch
Schmidt	Sullivan	West
Schock	Sutton	Westmoreland
Schrader	Terry	Whitfield
Schwartz	Thompson (CA)	Wilson (FL)
Schweikert	Thompson (MS)	Wilson (SC)
Scott (SC)	Thompson (PA)	Wittman
Scott (VA)	Thornberry	Wolf
Scott, Austin	Tiberi	Womack
Scott, David	Tierney	Woodall
Sensenbrenner	Tipton	Woolsey
Serrano	Tonko	Yarmuth
Sessions	Towns	Yoder
Sewell	Tsongas	Young (AK)
Sherman	Turner (NY)	Young (FL)
Shimkus	Turner (OH)	Young (IN)

NOES—5

Amash	Flake	Paul
Broun (GA)	Huelskamp	

NOT VOTING—12

Akin	Flores	Mack
Boswell	Huizenga (MI)	Marchant
Dicks	Jackson (IL)	Neal
Engel	Landry	Rangel

□ 1426

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HUIZENG of Michigan. Mr. Speaker, on rollcall No. 133, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 130, 131, 132 and 133, I was delayed and unable to vote. Had I been present I would have voted "aye" on all four.

QUESTION OF PERSONAL PRIVILEGE

Mrs. MALONEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore (Mr. CHAFFETZ). The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentlewoman from New York is recognized for 1 hour.

Mrs. MALONEY. Mr. Speaker, I rise today to address an attack on my integrity and my reputation.

Last week, Representative DARRELL ISSA, the chairman of the Committee on Oversight and Government Reform, on which I have served for many years, gave an interview to a newspaper in San Diego. The story was published on March 21, and it quoted the gentleman as accusing me of lying, knowingly and intentionally, during a hearing that was held before the Oversight Committee on February 16.

That hearing received a significant amount of public attention because it addressed the issue of insurance for reproductive health care, yet included no witness testifying on behalf of the tens of millions of women across this country who seek access to coverage for reproductive health and contraception.

I certainly understand that Members on both sides of the aisle have different viewpoints on this issue, and I'm not here to discuss the underlying policy differences we may have.

Today I ask from Mr. ISSA the same commitment I ask of myself, to always strive to hear from all sides of a debate without resorting to name-calling or attacks on the personal integrity of others. Even when we disagree with what others might say, we have an obligation to listen to them and respect their viewpoints.

I am sure there are some who will accuse me of using these remarks to merely revisit the contraception issue. To the contrary, I am responding to statements published just last week by the gentleman from California, his arguments regarding my actions.

In his recent interview on the hearing, Mr. ISSA said this, to be absolutely clear, and I quote:

Carolyn Maloney then made the famous statement, Where are the women? That was an outright lie, and she knew it when she said it.

First of all, I would like to point out that what I actually offered was an outright question. I asked it as I sat there looking directly at an all-male panel, the panel that you see in this now-famous picture. It is a picture that I believe is worth a thousand words.

And as I look at this picture again, my question is as pertinent and legitimate today as it was back then. Look at this picture and tell me, Where are the women? If you can point to one woman on this first panel, then I will happily withdraw and offer my apologies to Mr. ISSA.

Just to make sure we have my question in context, let me repeat remarks that I made that morning that Mr. ISSA and some found so objectionable. I said, and I quote:

What I want to know is, Where are the women? I look at this panel, and I don't see one single individual representing the tens of millions of women across this country who want and need insurance coverage for basic preventive health care services, including family planning and contraception. Where are the women?

I still maintain, without fear of any contradiction, there is no one on this panel who is a woman, or who represents the tens of millions of women who want and need insurance basic coverage for family planning.

Now, if Mr. ISSA believes or tries to argue that that statement is somehow false because there were two women witnesses who appeared later that day on a second and separate panel, I would draw his attention to the fact that

those witnesses were not there to represent the woman's point of view that is upheld primarily by the Democratic Party on this particular issue.

□ 1430

Those Republican-appointed witnesses were there only to represent the interests of institutions. So even in surveying both panels, I don't see one single individual representing the tens of millions of women across this country who want and need insurance coverage for basic preventive health care services, including family planning.

In conclusion, I would like to say, Mr. Speaker, rising for a point of personal privilege is sometimes accompanied by a call for a personal apology. Earlier today, Mr. ISSA apologized to me, and he sent me this letter just an hour or two ago. I am encouraged by his actions, and I accept his apology.

In the fallout of that unfortunate hearing, women were called far worse than liars. I know what I said that day, and I know it to be true. But I do think the Democratic witness, Sandra Fluke, and the women of America are owed an apology, an apology for denying them a voice, an apology for denying them a seat at the table. It was wrong then, and it is wrong each time that it happens. And it is especially wrong when women's health, women's lives, and women's rights are being discussed. And to cavalierly dismiss or deny that fact does greater damage to the fabric of democracy than words can ever redress.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

SURFACE TRANSPORTATION EXTENSION ACT OF 2012

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4239) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Surface Transportation Extension Act of 2012”.

(b) **RECONCILIATION OF FUNDS.**—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2012 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2011, Part II (title I of Public Law 112-30) for the period beginning on October 1, 2011, and ending on March 31, 2012.

(c) **TABLE OF CONTENTS.**—

Sec. 1. Short title; reconciliation of funds; table of contents.

TITLE I—FEDERAL-AID HIGHWAYS

Sec. 101. Extension of Federal-aid highway programs.

TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Sec. 201. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 202. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 203. Additional programs.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

Sec. 301. Allocation of funds for planning programs.

Sec. 302. Special rule for urbanized area formula grants.

Sec. 303. Allocating amounts for capital investment grants.

Sec. 304. Apportionment of formula grants for other than urbanized areas.

Sec. 305. Apportionment based on fixed guideway factors.

Sec. 306. Authorizations for public transportation.

Sec. 307. Amendments to SAFETEA LU.

TITLE IV—HIGHWAY TRUST FUND EXTENSION

Sec. 401. Extension of trust fund expenditure authority.

Sec. 402. Extension of highway-related taxes.

TITLE I—FEDERAL-AID HIGHWAYS**SEC. 101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.**

(a) **IN GENERAL.**—Section 111 of the Surface Transportation Extension Act of 2011, Part II (Public Law 112-30; 125 Stat. 343) is amended—

(1) by striking “the period beginning on October 1, 2011, and ending on March 31, 2012,” each place it appears and inserting “the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(2) by striking “1/2” each place it appears and inserting “3/4”; and

(3) in subsection (a) by striking “March 31, 2012” and inserting “June 1, 2012”.

(b) **USE OF FUNDS.**—Section 111(c)(3)(B)(ii) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking “\$319,500,000” and inserting “\$426,000,000”.

(c) **EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.**—Section 111(e)(2) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking “the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(d) **ADMINISTRATIVE EXPENSES.**—Section 112(a) of the Surface Transportation Extension

Act of 2011, Part II (125 Stat. 346) is amended by striking “\$196,427,625 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “\$261,903,500 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS**SEC. 201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.**

(a) **CHAPTER 4 HIGHWAY SAFETY PROGRAMS.**—Section 201(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$235,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$235,000,000 for each of fiscal years 2009 through 2011, and \$156,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(b) **HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—Section 201(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$54,122,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$72,162,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(c) **OCCUPANT PROTECTION INCENTIVE GRANTS.**—Section 201(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$25,000,000 for fiscal year 2006” and all that follows through the period at the end and inserting “\$25,000,000 for each of fiscal years 2006 through 2011, and \$16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(d) **SAFETY BELT PERFORMANCE GRANTS.**—Section 201(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$24,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$32,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(e) **STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.**—Section 201(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking “for fiscal year 2006” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2011 and \$23,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(f) **ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.**—Section 201(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$139,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$139,000,000 for each of fiscal years 2009 through 2011, and \$92,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(g) **NATIONAL DRIVER REGISTER.**—Section 201(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$2,058,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$2,744,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(h) **HIGH VISIBILITY ENFORCEMENT PROGRAM.**—Section 201(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “for fiscal year 2006” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2011 and \$19,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(i) **MOTORCYCLIST SAFETY.**—Section 201(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and

\$4,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(j) **CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.**—Section 201(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$4,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(k) **ADMINISTRATIVE EXPENSES.**—Section 201(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$12,664,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$16,885,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

SEC. 202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) **MOTOR CARRIER SAFETY GRANTS.**—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) \$141,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(b) **ADMINISTRATIVE EXPENSES.**—Section 31104(i)(1)(H) of title 49, United States Code, is amended to read as follows:

“(H) \$162,762,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(c) **GRANT PROGRAMS.**—Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking “2011 and \$15,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$20,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(2) in paragraph (2) by striking “2011 and \$16,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$21,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(3) in paragraph (3) by striking “2011 and \$2,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$3,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(4) in paragraph (4) by striking “2011 and \$12,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(5) in paragraph (5) by striking “2011 and \$1,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$2,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(d) **HIGH-PRIORITY ACTIVITIES.**—Section 31104(k)(2) of title 49, United States Code, is amended by striking “2011 and \$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(e) **NEW ENTRANT AUDITS.**—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “and up to \$14,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “and up to \$19,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(f) **OUTREACH AND EDUCATION.**—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended by striking “2011 (and \$500,000 to the Federal Motor Carrier Safety Administration, and \$1,500,000 to the National Highway Traffic Safety Administration, for the

period beginning on October 1, 2011, and ending on March 31, 2012” and inserting “2011 (and \$666,667 to the Federal Motor Carrier Safety Administration, and \$2,000,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 1, 2012)”.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA-LU (119 Stat. 1744) is amended by striking “2011 and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(h) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA-LU (119 Stat. 1748) is amended by striking “March 31, 2012” and inserting “June 1, 2012”.

(i) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA-LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking “March 31, 2012” and inserting “June 1, 2012”.

SEC. 203. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA-LU (119 Stat. 1910) is amended by striking “2011 and \$580,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$773,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(2) in the first sentence of subsection (b)(1)(A) by striking “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012,”.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

SEC. 301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012” and inserting “2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012”.

SEC. 302. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) by striking the paragraph heading and inserting “SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—”; and

(2) in subparagraph (A) by striking “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting “MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—”; and

(B) in the matter preceding clause (i) by striking “2011 and during the period beginning on October 1, 2011, and ending on March 31, 2012” and inserting “2011 and during the

period beginning on October 1, 2011, and ending on June 1, 2012”.

SEC. 303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting “FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—”; and

(B) in the matter preceding subparagraph (A) by striking “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(C) in subparagraph (A)(i) by striking “2011 and \$100,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$133,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(2) in paragraph (6)—

(A) in subparagraph (B) by striking “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$10,000,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(B) in subparagraph (C) by striking “2011 and \$2,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$3,333,333 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “2011 and \$5,000,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$6,666,667 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(ii) in clause (i) by striking “for each fiscal year and \$1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$1,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(iii) in clause (ii) by striking “for each fiscal year and \$1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$1,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(iv) in clause (iii) by striking “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(v) in clause (iv) by striking “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(vi) in clause (v) by striking “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(vii) in clause (vi) by striking “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(viii) in clause (vii) by striking “for each fiscal year and \$325,000 for the period begin-

ning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$433,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(ix) in clause (viii) by striking “for each fiscal year and \$175,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$233,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(B) in subparagraph (B) by striking clause (vii) and inserting the following:

“(vii) \$9,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(C) in subparagraph (C) by striking “and during the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “and during the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(D) in subparagraph (D) by striking “and not less than \$17,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “and not less than \$23,333,333 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(E) in subparagraph (E) by striking “and \$1,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “and \$2,000,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

SEC. 304. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1)(G) of title 49, United States Code, is amended to read as follows:

“(G) \$10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

SEC. 305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337(g) of title 49, United States Code, is amended to read as follows:

“(g) SPECIAL RULE FOR OCTOBER 1, 2011, THROUGH JUNE 1, 2012.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning on October 1, 2011, and ending on June 1, 2012, in accordance with subsection (a), except that the Secretary shall apportion 67 percent of each dollar amount specified in subsection (a).”.

SEC. 306. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (G) and inserting the following:

“(G) \$5,573,710,028 for the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “\$113,500,000 for each of fiscal years 2009 and 2010, \$113,500,000 for fiscal year 2011, and \$56,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “\$113,500,000 for each of fiscal years 2009 through 2011, and \$75,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(B) in subparagraph (B) by striking “\$4,160,365,000 for each of fiscal years 2009 and 2010, \$4,160,365,000 for fiscal year 2011, and \$2,080,182,500 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “\$4,160,365,000 for each of fiscal years 2009 through 2011, and \$2,773,576,681 for the period beginning on October 1, 2011, and ending on June 1, 2012,”; and

(C) in subparagraph (C) by striking “\$51,500,000 for each of fiscal years 2009 and 2010, \$51,500,000 for fiscal year 2011, and

\$25,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$51,500,000 for each of fiscal years 2009 through 2011, and \$34,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(D) in subparagraph (D) by striking "\$1,666,500,000 for each of fiscal years 2009 and 2010, \$1,666,500,000 for fiscal year 2011, and \$833,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$1,666,500,000 for each of fiscal years 2009 through 2011, and \$1,111,000,006 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(E) in subparagraph (E) by striking "\$984,000,000 for each of fiscal years 2009 and 2010, \$133,500,000 for fiscal year 2011, and \$492,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$984,000,000 for each of fiscal years 2009 through 2011, and \$656,000,003 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(F) in subparagraph (F) by striking "\$133,500,000 for each of fiscal years 2009 and 2010, \$133,500,000 for fiscal year 2011, and \$66,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$133,500,000 for each of fiscal years 2009 through 2011, and \$89,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(G) in subparagraph (G) by striking "\$465,000,000 for each of fiscal years 2009 and 2010, \$465,000,000 for fiscal year 2011, and \$232,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$465,000,000 for each of fiscal years 2009 through 2011, and \$310,000,002 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(H) in subparagraph (H) by striking "\$164,500,000 for each of fiscal years 2009 and 2010, \$164,500,000 for fiscal year 2011, and \$82,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$164,500,000 for each of fiscal years 2009 through 2011, and \$109,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(I) in subparagraph (I) by striking "\$92,500,000 for each of fiscal years 2009 and 2010, \$92,500,000 for fiscal year 2011, and \$46,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$92,500,000 for each of fiscal years 2009 through 2011, and \$61,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(J) in subparagraph (J) by striking "\$26,900,000 for each of fiscal years 2009 and 2010, \$26,900,000 for fiscal year 2011, and \$13,450,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$26,900,000 for each of fiscal years 2009 through 2011, and \$17,933,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(K) in subparagraph (K) by striking "in fiscal year 2006" and all that follows through "March 31, 2012," and inserting "for each of fiscal years 2006 through 2011 and \$2,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(L) in subparagraph (L) by striking "in fiscal year 2006" and all that follows through "March 31, 2012," and inserting "for each of fiscal years 2006 through 2011 and \$16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(M) in subparagraph (M) by striking "\$465,000,000 for each of fiscal years 2009 and 2010, \$465,000,000 for fiscal year 2011, and

\$232,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$465,000,000 for each of fiscal years 2009 through 2011, and \$310,000,002 for the period beginning on October 1, 2011, and ending on June 1, 2012,"; and

(N) in subparagraph (N) by striking "\$8,800,000 for each of fiscal years 2009 and 2010, \$8,800,000 for fiscal year 2011, and \$4,400,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$8,800,000 for each of fiscal years 2009 through 2011, and \$5,866,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,".

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(7) of title 49, United States Code, is amended to read as follows:

"(7) \$1,303,333,340 for the period beginning on October 1, 2011, and ending on June 1, 2012."

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "and 2010, \$69,750,000 for fiscal year 2011, and \$29,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "through 2011, and \$29,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,"; and

(2) by striking paragraph (3) and inserting the following:

"(3) ADDITIONAL AUTHORIZATIONS.—

"(A) RESEARCH.—Of amounts authorized to be appropriated under paragraph (1) for the period beginning on October 1, 2011, and ending on June 1, 2012, the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 42 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

"(B) UNIVERSITY CENTERS PROGRAM.—

"(i) OCTOBER 1, 2011, THROUGH JUNE 1, 2012.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning on October 1, 2011, and ending on June 1, 2012, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 42 percent of the amount allocated for fiscal year 2009 under each such clause.

"(ii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2011, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) for the project or activity for fiscal year 2012 or any subsequent fiscal year."

(d) ADMINISTRATION.—Section 5338(e)(7) of title 49, United States Code, is amended to read as follows:

"(7) \$65,808,667 for the period beginning on October 1, 2011, and ending on June 1, 2012."

SEC. 307. AMENDMENTS TO SAFETEA-LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA-LU (119 Stat. 1572) is amended by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,".

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA-LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012" and inserting

"2011 and the period beginning on October 1, 2011, and ending on June 1, 2012"; and

(2) in the second sentence of subsection (d) by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,".

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA-LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking "March 31, 2012" and inserting "June 1, 2012".

(d) OBLIGATION CEILING.—Section 3040(8) of SAFETEA-LU (119 Stat. 1639) is amended to read as follows:

"(8) \$6,972,185,368 for the period beginning on October 1, 2011, and ending on June 1, 2012, of which not more than \$5,573,710,028 shall be from the Mass Transit Account."

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA-LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,"; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,".

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046(c)(2) of SAFETEA-LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended to read as follows:

"(2) for the period beginning on October 1, 2011, and ending on June 1, 2012, in amounts equal to 42 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a)."

TITLE IV—HIGHWAY TRUST FUND EXTENSION

SEC. 401. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2012" in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting "June 2, 2012"; and

(2) by striking "Surface Transportation Extension Act of 2011, Part II" in subsections (c)(1) and (e)(3) and inserting "Surface Transportation Extension Act of 2012".

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking "Surface Transportation Extension Act of 2011, Part II" each place it appears in subsection (b)(2) and inserting "Surface Transportation Extension Act of 2012"; and

(2) by striking "April 1, 2012" in subsection (d)(2) and inserting "June 2, 2012".

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of such Code is amended by striking "April 1, 2012" and inserting "June 2, 2012".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2012.

SEC. 402. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by

striking "March 31, 2012" and inserting "June 1, 2012":

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking "April 1, 2012" and inserting "June 2, 2012":

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of such Code is amended by striking "2012" and inserting "2013":

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code is amended—

(1) by striking "April 1, 2012" each place it appears and inserting "June 2, 2012";

(2) by striking "September 30, 2012" each place it appears and inserting "December 31, 2012"; and

(3) by striking "July 1, 2012" and inserting "October 1, 2012".

(d) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of such Code are each amended by striking "April 1, 2012" and inserting "June 2, 2012".

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of such Code is amended—

(A) in subsection (b)—

(i) by striking "April 1, 2012" each place it appears in paragraphs (1) and (2) and inserting "June 2, 2012";

(ii) by striking "APRIL 1, 2012" in the heading of paragraph (2) and inserting "JUNE 2, 2012";

(iii) by striking "March 31, 2012" in paragraph (2) and inserting "June 1, 2012"; and

(iv) by striking "January 1, 2013" in paragraph (2) and inserting "April 1, 2013"; and

(B) in subsection (c)(2), by striking "January 1, 2013" and inserting "April 1, 2013".

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking "April 1, 2012" and inserting "June 2, 2012".

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11(b)) is amended—

(i) by striking "April 1, 2013" each place it appears and inserting "June 2, 2013"; and

(ii) by striking "April 1, 2012" and inserting "June 2, 2012".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 4239, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

My colleagues and Mr. Speaker, this is a 60-day extension that has been agreed to by our leadership and negotiated with the other side of the aisle. I believe it will ensure the surface transportation programs at the Department of Transportation will continue to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, again, needing some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 26, 2012.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 4239, the "Surface Transportation Extension Act of 2012," which is scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Title IV of this bill amends the Internal Revenue Code of 1986 by extending the current Highway Trust Fund expenditure authority and the associated Federal excise taxes to June 1, 2012. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4239, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 26, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4239, the "Surface Transportation Extension Act of 2012." The Committee on Transportation and Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 4239, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 4239 in the Congressional Record during floor consider-

ation of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership's "my way or the highway" approach to legislating. There was no consultation with anyone on this side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. With tens of millions more seeking a better life, it is far past the time to stop the brinksmanship.

As we approach the start of construction season, we need to come together to pass a highway bill that will improve our infrastructure and, most importantly, create jobs. Instead, Republicans in the House continue their "my way or the highway" approach that is now leading to a kick-the-can-down-the-road extension.

The other body has shown us the way. They passed an overwhelmingly bipartisan bill called MAP-21 with a vote of 74-22, with Senators BOXER and INHOFE leading the way across the ideological spectrum. The simple solution would be to take up that bill and pass it now. The President is prepared to sign it into law.

Yet, instead, we have before us another extension premised on the perverse notion that the Republican leadership will, over the next 60 days, garner enough votes on their side of the aisle to pass H.R. 7, the 5-year bill reported by the Transportation and Infrastructure Committee. That committee reported H.R. 7 on February 13. The Rules Committee approved a rule governing its consideration on the floor on February 15. That was almost 6 weeks ago. During that time, the Republican leadership has failed to find the votes among its Members to pass that bill. They do not have 218 votes, and they know it.

So the question is: What difference do they hope to achieve over the next 8 weeks that they were unable to achieve over the past 6 weeks? Not much, in my view, because the right wing of their party is holding H.R. 7 hostage to their ideological jihad that the Federal Government has no business in supporting a national transportation system.

On February 22, 1955, President Dwight Eisenhower stated:

Our unity as a Nation is sustained by free communication of thought and by easy transportation of people and goods. The ceaseless flow of information throughout the Republic is matched by individual and commercial movement over a vast system of interconnected highways, crisscrossing the country and joining at our national borders with friendly neighbors to the north and south.

□ 1440

Promoted by a Republican President and passed by a Democratic-controlled Congress, America sought greatness as it embarked on the construction of the Interstate Highway System of 1956; and America achieved it, creating a transportation system that was once the envy of the world.

Yet H.R. 7 represents a full-scale retreat from that dynamic vision set forth 56 years ago. It mortgages America's future at subprime rates. It bankrupts the highway trust fund and endangers the future long-term integrity of transportation programs. It destroys American jobs at a time when legions of Americans are desperately seeking work and are trying to make ends meet. It is the wrong direction for America.

This day should be a day of glory. It should be a day when this body displays the courage and conviction necessary to address the pressing transportation needs of this Nation. Instead, it is a day of shame. It is a day when we are about to turn back the clock nearly half a century on America's greatness and on the incredible work we have done to grow our Nation, to build a thriving economy, and to lead the global market.

Unlike the House bill, which slashes funding and destroys 550,000 jobs, the other body's bill continues current funding levels, sustaining approximately 1.9 million jobs. Under the Senate bill, the States will receive \$3.8 billion more in highway construction funding than the House bill over the course of 2 years.

The Senate bill eliminates many of the gaping loopholes in current law "Buy America" requirements—loopholes that are being exploited by foreign competitors, like China, who are stealing American jobs. MAP-21—that's the Senate bill—includes critical elements of my Buy America bill and the Invest in American Jobs Act, and it eliminates these loopholes in order to give American workers a fair shot. The Senate bill also does not contain poison pills like the House bill does, such as provisions to strip OSHA protections for hazmat workers and efforts to finance highway construction on the backs of middle class workers.

The Senate bill is not the bill I would have written, but it is a fair bipartisan compromise—a word some in this body don't like to hear, especially on the other side, but it is a word that is necessary for legislating. The bill will pro-

vide the certainty that States need to invest and proceed with their plans long on the books.

So, again, I call upon the Republican leadership to schedule that bill for consideration by this body now. Yet in the spirit of compromise—again, a word that's necessary in this body—I would remind the Republicans that it is a word in the dictionary, that it is a word that Americans use daily, and that I might consider supporting such a shorter extension than what is being proposed today, not this lavish 60-day, 8-week extension, but rather one that keeps our noses to the grindstone and that instills the sense of urgency that this matter deserves.

I reserve the balance of my time.

Mr. MICA. I yield myself such time as I may consume.

Mr. Speaker and my colleagues, let's deal with just a few facts.

First of all, the fact is that this would be the ninth extension. The fact is that the Democrats, who are on the other side of the aisle, when they controlled the entire House of Representatives and the United States Senate—the other body—in a huge majority and the White House, they did six extensions. That's the first fact.

The second fact is that the folks from the other side of the aisle, when they controlled it, they weren't even able to get a bill out from subcommittee to full committee. We passed it in committee, and we've gotten it this far to the floor with huge majorities. They did not pass it.

Let's just deal with the facts. The facts are, on June 17, 2009, after my co-operating with the previous chair on the other side of the aisle to go forward with a long-term bill, it was President Obama who sent then-Secretary Ray LaHood to tell us that they were going to kill a 6-year bill that we had agreed on to move forward, which they couldn't even get out of committee, to an 18-month extension.

These are the facts. The fact is that they had 6,300 earmarks in the last bill, and they were open to earmarks in the bill that they were about to propose. This bill is being brought forward without tax increases. It is responsibly funded with dramatic reforms and, again, devolves to the States and local governments, which actually build these projects, the streamlining and other financial opportunities that they can take advantage of.

As for the part about bankrupting the trust fund, let's deal again with facts. The facts are that the bill that is proposed by the other body is a 2-year bill, and the trust fund money expires in 18 months. That's not responsible. The bill we brought out has a pay-for.

With regard to the comments that we're slashing, we are continuing at current levels. It's \$52 billion for 5 years. Do the math. It's 260. The Senate bill is \$109 billion. It's 54.9. We are

increasing spending at a time when we shouldn't be increasing spending, but we're maintaining the current level. They count no increase as a cut. That's the kind of math that's going on here.

So I came to the floor because there was a bipartisan agreement between the leadership of the House and the Senate to move forward because we have to get people to work. This is my third extension. I have had the honor and privilege of chairing the committee for—what?—14 months now. I have cooperated with the other side, including holding extensive hearings in the district of the first gentleman who spoke, Mr. RAHALL—in Beckley, West Virginia—all the way to the west coast. I've held dozens of hearings out in the field and here in Washington to try to develop legislation that could get the job done and so that we could do more with even the same amount of money and put people to work at this time in our country's history. So those are the facts.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 15 minutes remaining.

Mr. MICA. I yield 5 minutes to the gentleman from Tennessee (Mr. DUNCAN), the chair of the Highway Subcommittee.

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding me this time, and I thank him for his leadership of the Transportation and Infrastructure Committee.

H.R. 4239 extends the surface transportation programs through May 31, 2012, at funding levels consistent with the fiscal year 2012 transportation appropriations bill passed last November. This extension is clean and does not add any policy provisions. Without this extension, Mr. Speaker, these programs are set to expire this Saturday. This legislation will allow the highway and transit programs to continue to operate as the spring construction season kicks off.

During this 2-month extension, we fully expect the House to pass H.R. 7, the American Energy and Infrastructure Jobs Act of 2012, and conference this bill with the Senate's 18-month reauthorization bill. H.R. 7, as Chairman MICA just noted, is a 5-year reauthorization bill that provides the long-term funding at current levels. It provides the predictability that States and localities need and have requested in order to plan major transportation projects and critical improvements to their transportation systems. Additionally, H.R. 7 eliminates, or would eliminate, wasteful Federal programs and put important decisionmaking power back in the hands of the States. There is no reason to have a bureaucrat in Washington dictating which projects should be funded in my home State of Tennessee or in other States.

Federal aid transportation projects around the Nation are sitting idle because of inefficient and unnecessary project review requirements. H.R. 7 goes the extra mile by streamlining the project review process and by eliminating scores of unnecessary Federal requirements. My constituents in the Second District of Tennessee and those throughout this Nation want a more efficient and smarter process for investing our Federal transportation dollars, and H.R. 7 would accomplish this by doing more with less.

□ 1450

We need to speed up these highway projects. The last two studies by the Federal highway officials have estimated that it takes 13 years—one said 13 years; one said 15 years—from conception to completion. All these other developed nations around the world are doing these projects in a half or a third of the time that we are. We've got to speed things up to become more globally competitive.

When Congress sends H.R. 7 to the President, it will be considered the signature jobs bill that Americans have been waiting for Congress to pass. Just this week, *Time* magazine has a cover which describes our recovery as "wimpy." Yesterday, the chairman of the Federal Reserve Board, Chairman Bernanke, said that the job market continues to remain weak.

This bill, H.R. 7, if we can pass it, will create millions of jobs for hard-working Americans right here in the United States—not in China or India—and will leave a lasting impact with tangible improvements to our transportation infrastructure. By passing the long-term reauthorization bill that the business community and State and local officials across this country want, Americans will be able to see their tax dollars working to rebuild and strengthen our Nation's highways, bridges, and transit systems. In addition, people all over this country want us to stop rebuilding other countries and start doing what we need, rebuilding our own country and putting our own citizens first once again.

I urge my colleagues to pass this brief 2-month extension so that the House can continue its work and then pass H.R. 7, the long-term reauthorization reform bill that this country needs.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon, the ranking member on our Subcommittee on Highways and Transit.

Mr. DEFAZIO. I thank the gentleman.

Well, the Republicans have got the wheel hard over, pedal to the metal. They are spinning doughnuts. And they want another 90 days or 60 days—it was 90 days yesterday; 60 days today—to spin doughnuts until they run out of fuel on their side of the aisle.

Look, the Senate, which previous to this leadership was the most dysfunctional legislative body in the land, has passed a 2-year bill with reforms and streamlining with half of the Republican Senators, including some members of the Flat Earth Caucus, voting for it. It received 74 votes in the Senate. Nothing gets 74 votes in the Senate. But you're refusing to bring that bill up because—we might get something done around here. So how about another 60 days to spin our wheels?

Well, let's have a little bit of history here: February 8, 2011, Chairman MICA: "We'll have a surface transportation bill by the August recess." That was, what, 2011. Oops. Well, then in August of 2011, Chairman MICA: "I will agree to one additional highway program extension." Oops. He's asking for yet another and another and today yet another.

Well, then, spin forward quickly to November of 2011, Speaker BOEHNER: "House will pass a highway bill this year." That was last year. Then we go forward to February 1, 2012. Here's the problem: they've got a bunch of people on their side who hate government so much that they're willing to destroy the national transportation program to kill it. We are not making the claim, Speaker BOEHNER, that spending taxpayer money on transportation projects creates jobs, are we, huh?

They hate government so much, they will say that investment by the government in building a national transportation system and maintaining it and rebuilding it with "Made in America" requirements does not create jobs. Why would he say that? Because they've got 80 people on their side of the aisle who do not believe we should have a national transportation plan or policy. They're willing to let our roads, bridges, and highways crumble.

This is the pre-Dwight David Eisenhower—a Republican President—National Highway System program. This is the brand-spiffy-new Kansas Turnpike that ended in this farmer's field on the Oklahoma border. This went on for years because Oklahoma didn't deliver its section. They want to go back to those good old days. No Federal mandates. No Federal transportation system. Oh, okay. So the Port of Los Angeles and the people of southern California should pay for everything that relates to getting freight in and out of L.A. It doesn't affect the rest of the United States of America. Or the Port of Portland or the Port of Seattle or the ports on the east coast.

Our competitor nations get it. They're spending. They're investing. Even countries with austerity programs, like Britain, they're putting people back to work. Despite what the Speaker had to say to the Flat Earth Caucus over there, it does create jobs and investments. We need to move forward.

Now they're saying, Oh, no problem, just another temporary delay while we get our act together on our side of the aisle. Well, again, we already heard the statement, no more, only one more temporary extension. That was about 9 months ago. And we're finding now that actually the delays are costing jobs, uncertainty costs jobs. States can't make commitments for major projects and investments if they don't know if there is going to be Federal money there in 90 days. Ninety days? Oh, 60 days. I forgot. In 60 days. They're going to plan a long-term project that can last 60 days? No, I don't think so.

So in North Carolina, the Secretary of Transportation says: The delays have cost 41,000 jobs. That seems a little high to me. But Nevada, 4,000 jobs. Maryland, 4,000 jobs. Michigan, 3,500 jobs. Adding it up across the country, even if we use the low numbers, we're talking tens of thousands of job opportunities lost because they can't get their act together.

Just let us vote on the Senate bill. That's all we're asking. I mean, I think there might be a few people on your side of the aisle who would agree with their Republican colleagues in the Senate and support it. And I can guarantee we would get almost every Democrat on this side of the aisle to vote for it.

You can't even get your own people to vote for your own bill. You are wrapped around the axle on your own caucus day after day. You have to pretend it won't create jobs. Well, that's not enough for them.

PAUL RYAN has now proposed in the budget, which we're going to vote on next, that we should decrease funding in transportation by 35 percent. But you're saying over there that you want to continue the current levels. Well, you'd better get it together because if you're going to support the Ryan budget, then you've just voted to cut transportation beginning October 1 by 35 percent. That's about 500,000 jobs. But what the heck.

You guys hate government so much, you hate America so much that you won't do what's necessary to put this country back together, to rebuild the infrastructure that was given to us by Democrats and Republicans alike for more than half a century, never in a partisan way. This is the first experiment, the first attempt to pass a totally partisan bill, and you're failing on your own side of the aisle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. MICA. Mr. Speaker, I am pleased at this time to yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), the chair of our Rail Subcommittee.

Mr. SHUSTER. I thank the chairman.

Listening to the last speaker, I believe that the other side of the aisle has got a case of amnesia because I was here in 2007 and 2011 when they had the majority in the House, the majority in the Senate, and the Presidency, and they did nothing. Well, that's not true. In fact, the last speaker, the gentleman from Oregon, he was the chair of the Highway Subcommittee; and we passed a bill by voice vote out of the subcommittee, a Democratic version. Voice vote. That means it came out of subcommittee in a bipartisan way.

Now, there was a lot in that bill I didn't like. But it was probably what the gentleman from Oregon, the last speaker, and the majority party wanted to do was to expand government control of the highway system, expand the decision-making process to the bureaucrats in Washington instead of allowing the people in the States to make more of those decisions.

So it's startling to me to hear the criticism and insults hurled at our side of the aisle. I do take offense to the fact that he said we hate America. We love America. We love the American people and the wisdom of the American people and the wisdom of those in State government to make decisions, also.

I believe there is a national role in the transportation system in this country. It is a national policy. It's based on our founding. It's our history. We've always been part of this national system. So I want to pass a bill, a 5-year bill. I don't believe my colleagues have gone home and listened to their DOT directors and the people that build roads and sell equipment and the business people. They want a 5-year bill. They do not want a 2-year bill because they won't make decisions on expanding their businesses, buying equipment, hiring people on an 18-month bill.

□ 1500

And oh, by, the way, by the time we pass—if we pass—the Senate bill, it will be a 16-month bill. It's just another extension. It doesn't have reforms in it. Our bill does reform. It will allow that \$260 billion to be spent faster. And anybody that's been in business and had to deal with the day in and day out knows that time is money. If it takes 14 to 15 years to build a highway versus 7 or 8, that's going to cost us a lot more money. That's common sense. That's why this 5-year bill is a commonsense bill and we need to pass it.

But I've come here on the floor today to debate not the 5-year bill because I believe it's the best way to go; I've come here to support the bipartisan agreement—I thought it was a bipartisan agreement; I guess we'll find out shortly—a bipartisan agreement for a 60-day clean extension that will give us the time to move forward and put a commonsense bill on the floor that will encourage growth in America. It will

encourage people to hire and invest in their businesses when they're building roads and bridges in this country.

Failing to pass this extension is really not an option, so I hope that my friends will get behind this extension and pass it so that we can work to pass a bill that makes a lot of sense—and that is H.R. 7—and that will help to create jobs.

Again, I would remind my colleagues if they're watching this or colleagues in the Chamber, from 2007 to 2011 our Democratic colleagues that controlled both branches of government, both Houses of Congress, did not pass a highway bill. They passed a stimulus bill that didn't work. Only 8 percent of it went to highway and infrastructure projects. We as Republicans offered an alternative: half of the amount of money that the Democrats passed, and half of that money going to rebuilding our infrastructure.

If they truly cared about rebuilding the infrastructure of this country, they would have passed a highway bill from 2007 to 2011, but they failed to do it; and now they've come to the floor to criticize our side. And we've worked very, very hard. Chairman MICA has put together a bill that really does do significant reform. And I don't know why the other side resists reform when we can spend money quicker and we can get that money out there and rebuild the roads and bridges we need today.

Mr. RAHALL. May I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 8½ minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. RAHALL. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Florida, the distinguished ranking member of our Subcommittee on Railroads.

Ms. BROWN of Florida. Thank you, Mr. RAHALL, for your leadership on this transportation bill.

You can fool some of the people some of the time, but you can't fool all of the people all of the time.

When President Barack Obama came to the floor, he mentioned to the House that Republicans used to like to build some roads. Well, it is a sad state of affairs in this House of Representatives and a sad day as far as the committee is concerned because we used to have a process that was bipartisan. We worked together.

We can't pass a transportation bill. The only thing we passed was a new bridge for Minnesota. We had to transfer 30 acres of land in one individual congressional district. But the leadership of the Transportation Committee of this House of Representatives can't find floor time to debate a piece of legislation that would create and maintain millions of good-paying jobs for hardworking Americans. Republicans

refuse to work with Democrats in crafting a transportation reauthorization bill that has caused us the opportunity to deliver much-needed relief to the States and to the traveling public.

Certainly, at a time when our Nation's unemployment rate remains at 9 percent, an adequately funded 6-year surface transportation reauthorization bill is critical. What our country needs is a surface transportation bill. But let me be clear: we don't need a 5-year bill with 2-year money.

Transportation and infrastructure funding is absolutely critical to our Nation. We know for every billion dollars we spend, it generates 44,000 permanent jobs. We need and deserve a long-term transportation bill, but the Tea Party members won't be happy until we are riding horses on dirt roads again.

We need to pass the Senate transportation reauthorization bill and add some sanity to this process and send a bill to the President that actually helps the traveling public and puts the American people back to work.

Mr. MICA. Mr. Speaker, may I inquire as to the balance of time on each side?

The SPEAKER pro tempore. The gentleman from Florida has 7 minutes remaining, and the gentleman from West Virginia has 6 minutes remaining.

Mr. MICA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from New York (Mr. BISHOP), who has introduced the other body's bill in this House. It's labeled H.R. 14 and is twice as good as H.R. 7.

Mr. BISHOP of New York. I thank Mr. RAHALL for yielding.

I rise in opposition to H.R. 4239, the Republican 60-day highway bill extension.

As prime construction season begins, thousands of construction workers and their families will continue to struggle because our Republican colleagues would rather engage in hyperpartisan politics than put Americans back to work. Today's highway extension is yet another example of the failed leadership and absent policies of the Republican Party.

Unlike the successful bipartisan efforts of SAFETEA-LU, TEA-21, and ISTEA that put millions of Americans to work and made our highways and transit systems the envy of the world, today's Republican extension merely allows the Nation to limp forward, impeding our ability to rejuvenate our economy.

Let me be clear. This extension does nothing to create jobs or provide certainty to States. It does nothing to rebuild our crumbling infrastructure, and it does nothing to improve safety on our roadways and bridges.

It's been 6 weeks since the Rules Committee approved the rule for H.R.

7, the Republican highway reauthorization that was drafted in the dark of night and was passed out of the Transportation and Infrastructure Committee without a single person other than Chairman MICA having read the bill. When our Republican colleagues finally did read the bill, they, too, were struck by the overwhelmingly negative consequences for many of their States. The bill has been in limbo ever since.

If the priority of the Republican caucus was to create jobs, they would immediately take up and pass H.R. 14, the bipartisan Senate highway bill that will save 1.8 million jobs and create up to another million jobs, supporting over 113,000 jobs in my State of New York alone.

If the priority of the Republican caucus was to reduce the deficit, they would take up and pass H.R. 14, the only proposal in town that is fully paid for.

If the priority of the Republican caucus was to provide certainty to the markets and the States, then we would take up H.R. 14, the 2-year Senate bill, and not the 60-day extension the House Republicans now propose.

H.R. 14 not only passed by an overwhelming bipartisan majority in the Senate—74–22—the bill enjoys 114 co-sponsors in the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of New York. As House Republicans continue to isolate themselves from the mainstream, Americans continue to wait for much-needed infrastructure jobs and the thousands of businesses they support.

I urge my colleagues to reject this shortsighted extension of our Nation's transportation programs and pass H.R. 14, the bipartisan Senate bill.

Mr. MICA. I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am honored to yield the customary 1 minute to our distinguished Democratic leader, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I couldn't resist the opportunity to come to the floor to speak on the situation that we have before us.

I thank the gentleman from West Virginia for his ongoing leadership in terms of bipartisanship and constructive legislation to rebuild America, which is so important to us. It has been the tradition—Mr. MICA will admit—that this has always been a bipartisan effort. That is the history. That is the tradition. That has served the country well.

□ 1510

For the first time, however, the Republicans have chosen to do a strictly Republican bill which our very re-

spected Secretary of Transportation who served in this House as a Republican, served as a Member of Congress as well as served the minority leader, Mr. MICA, as a staff person, so he has a long history of knowledge of legislation in the Congress, said this was the worst transportation bill he had seen in his 35 years of public service—and, again, this is a field in which he is an expert.

He said the bill loses jobs, the bill Republicans want to put forth, H.R. 7, and it also diminishes safety. That is not a formula for a good transportation bill—less safety, fewer jobs, losing jobs. And so, we have an opportunity to support a bipartisan bill that has come from the Senate, three-quarters of the Senate in a bipartisan way passed it out. March 31 is the deadline when all of this will expire unless Congress acts, and Congress is not acting because the Republican majority does not have its act together. Their “our way or the highway” attitude means no highway bill that creates jobs and promotes public safety.

It's really so sad because in the tradition of our country, from the start, from the very start, Thomas Jefferson understood the need for building the infrastructure of America. He tasked his Secretary of the Treasury, Gallatin, to come up with a project that would expand into America, the Louisiana Purchase, and the Lewis and Clark expeditions. And out of that initiative came the Cumberland Road, the Erie Canal, and other things like that over time, and in that tradition, the Transcontinental Railroad and the rest that would come later.

Then in our century, a Republican President, President Eisenhower, at a time of bad economic times, bad economic times, he went forward and took the initiative for the interstate highway initiative, which was so important to our country. It was a security issue to unite America. It was a jobs initiative to build that interstate highway system. And it was about promoting commerce, connecting people, and improving the quality of life. It was a great initiative, and it, too, was a bipartisan initiative. In fact, in the Senate, our friend, Senator Gore, Vice President Gore, his father took the lead on that legislation, the distinguished gentleman from Tennessee, as we heard earlier from the gentlemen from Tennessee.

So this has all been a bipartisan initiative. It's about rebuilding America, which is part of our reigniting the American Dream to build ladders of opportunities so people who work hard, play by the rules, and take responsibility can have a ladder of success to climb and then put down for others to do. And part of that is A, Make It In America so that people can make it in America; and B, and I get to this point, build America, build America, build

the infrastructure of America. And that means everything from the highways with mass transit, rapid transit, high-speed rail, and all kinds of technological infrastructure that we need with broadband and the rest.

It doesn't have any political or partisan cast to it at all. It never has—until now. And until now, for reasons that are very hard to explain to the American people, while we have a solution, we have a challenge. The authorization expires March 31. We have a bill that can be sent to the President in a matter of hours from this House of Representatives this day. And instead of smoothing the way, the road to jobs, we have the Republicans putting up, yet again, another obstacle because they have not been able to get unity in their caucus on a bill that promotes commerce, builds America, promotes safety, and creates jobs, jobs, jobs, jobs.

So what are we doing wasting the public's time with a 60-day extension? I support the leadership of our ranking member, Mr. RAHALL, when he talks about why we have to do something better, something more important, something more worthy of the concerns of the American people than a parliamentary maneuver that isn't going to produce anything. It doesn't even have anything attached to it that says, let's do this now so that we can do something better later. It has a bill that they cannot even pass on the House floor, their own H.R. 7. If they could pass that, they would. Their own caucus doesn't support what they're putting forth. So they expect the rest of us to cover for them.

Well, that is a real disservice to the American people. It is a real disservice to the hundreds of thousands of construction workers who are out of work. This job in its totality, and the jobs it would save and the jobs it would create, over 2 million jobs, and yet instead of doing that, we have a tactical maneuver for God knows what reason.

Everything we do is about time. It's about time, shortening the time in which people have to wait for jobs, shortening the times in which people get to and from their jobs. And it's about time that we put the American people back to work by passing the biggest jobs bill that Congress can ever pass, and that is a transportation bill. We have it right at our disposal. Mr. BISHOP introduced it as H.R. 14, we brought it up earlier today, and the Republicans resoundingly voted against the Senate bill. And I understand it was a procedural vote.

Now in a substantive vote, why don't you bring that bill to the floor? Why don't you bring that bill to the floor? And I ask the question again to my Republican colleagues: Why don't you bring the bill to the floor that three-quarters of the United States Senate in a bipartisan way passed out? We all

want a longer bill. This is the bill they can pass. This is the bill we should pass so that the President can sign it into law. Anything else is just a conversation. Taking action, taking the votes, that is what the American people expect us to do. So we can talk all we want. What the American people want us to do is to act. And so I reject 60 days when we can do something much better for the American people.

Mr. MICA. I yield 2 minutes to Mr. SHUSTER, the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman from Florida, and I appreciate the opportunity to be able to ask my Democratic colleagues, following up on the distinguished leader's question but with a little twist to it, why didn't your side, when you had control of both Houses of Congress and the Presidency, why didn't you pass a bill, a highway bill? You had the votes. You could have done anything you wanted to.

In fact, the former distinguished Speaker that just spoke said that this is going to be the biggest jobs bill we pass. I thought your stimulus was supposed to be the biggest jobs bill we ever passed. It's amazing to me to come down here on the floor—and I have so much respect for my colleagues on the other side of the aisle—but to hear this argument going round and round, and as I said earlier, there's amnesia on the other side of the aisle. You had control of Congress. The bill expired in 2009. You still had control of both Houses and the Presidency. You didn't pass a bill.

I also would like to make note, if you look back in the history of the highway bill, we've never been in the financial situation that we are today. We've never faced the kind of debt that we face today. And what this bill does is it lives within our means. But it does more than just that, living within our means, which we should do, and I would add, Thomas Jefferson would be appalled if he saw the kind of debt we've racked up today. He would be appalled by that.

So we're living within our means, and we're streamlining the process. We are saying we can do more with less if we change the process. The Senate bill doesn't have the kind of reforms. What the Senate bill does is it bankrupts the highway trust fund. It bankrupts the highway trust fund. And then we even have a bigger problem 2 years down the road, actually maybe 18 months, maybe 17 months, probably 16 months by the time we get it passed. The Senate bill requires States to incorporate livability and smart growth policies, as if the States aren't smart enough to do it themselves? As if the States and cities in this country can't figure out how they want to improve the livability of their cities? No. The Federal Government has to do it. The Federal Government has to insist that they do that.

Look, I think that Members of Congress ought to have the ability to direct where some of these funds go, but the Senate bill, what it allows are the bureaucrats.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman from Pennsylvania an additional 30 seconds.

Mr. SHUSTER. The bureaucrats in Washington will decide how the money is spent, not even the folks back in the States. The Senate fails to streamline the project delivery process which we do. That will allow us to build roads faster, and time is money. Anybody that's been in business knows time is money. And that is extremely important to this. The Senate bill discourages private sector investment, and it increases the regulation. Like I said, this bill is a good bill, it's a solid bill, it's one that the people out there want to see, a 5-year bill, not a 17- or 16-month extension.

□ 1520

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are advised to refrain from referring to one another in the second person.

Mr. RAHALL. Can you give us the time remaining, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 2½ minutes remaining, and the gentleman from Florida has 4½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts, a member of the House Appropriations Committee, Mr. OLIVER.

Mr. OLIVER. I thank the gentleman for yielding.

Mr. Speaker, America's whole economy depends upon the efficient movement of people and goods. A modern, well-maintained transportation network is absolutely necessary for our economy to grow and the country to prosper, and its influence on the economy is staggering.

Our auto manufacturing industry and its enormous parts-supplier base, the national network of gas stations and its complex distribution system, and the oil industry itself all thrive because we have an efficient highway system that people need to use.

The physical construction of roads and railroads requires aggregate materials processed locally, steel trusses and rebar made by American companies and crews manned by American workers.

Our transit system supports the domestic manufacturing of buses, streetcars, and trains, while providing businesses with cost-effective access to the labor pool.

Furthermore, every good product produced or consumed in the U.S. must

be transported via our network of roads, rails, and ports. As a result, the efficiency with which our system operates determines whether American goods can compete in the global marketplace.

Unfortunately, the 60-day extension Republicans offer on the floor today keeps our transportation system bogged down in a state of uncertainty. It slows down ongoing projects by only providing partial funding; it jeopardizes a major part of this construction season in northern States by hindering and delaying their ability to determine how many projects can be funded; and it shuts down the planning and design pipeline for future projects because they don't know what resources will be available.

Consequently, this being the ninth extension since 2009, State transportation programs are being forced to move forward only with projects that meet the lowest common denominator.

Mr. Speaker, if the Republican goal is to slow economic growth and keep unemployment high into the fall, this 60-day extension will accomplish that spectacularly.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 15 more seconds.

Mr. OLIVER. I can think of nothing that would be more effective at slowing economic growth and keeping unemployment high.

Mr. Speaker, there is a better option. Bring it to the floor and let us vote on the Senate's multiyear bipartisan bill that was passed by a vote of 74-22, with majority support from both parties.

Mr. MICA. I have no further speakers, and I would reserve my time to close.

Mr. RAHALL. I yield myself the balance of my time.

Mr. Speaker, to respond to the other side of the aisle about which party was in control when nothing was done or vice versa, whatever, as that side of the aisle knows, it takes so much to get the other body to agree on anything these days, to get the 60 votes necessary. It doesn't matter which party controls the other body; to get them to agree on something is difficult.

So I conclude by saying vote against these delays and pass the Senate bill.

I yield back the balance of my time.

Mr. MICA. I yield myself the balance of my time.

Unfortunately, this has turned into, I guess, sort of a political "gotcha" game. If this was a sporting event right now, the umpire would probably come out, throw down the flag, and say a foul has been committed.

It's kind of sad that bipartisanship has become a one-way street. No one has worked harder than I have to try to accommodate the other side of the aisle.

Mr. Speaker, one of the former speakers said we had refused to work

with the Democrats. That's not true. We took 60 percent of their recommendations. And one reason we took longer than I had hoped was to make certain that everybody had a fair and open opportunity. The process was completely open by going to the ranking member's district for the first hearing and all the way to the west coast.

In the amendment process, I told Members that everyone would be heard and everyone would have an opportunity to offer an amendment. Yes, we sat for 18 hours. We took over 100 amendments from the other side of the aisle, and each of them was considered with the respect and dignity that every Member of this body should have before everybody.

This is not true. Again, I just don't think it's fair.

Mr. Speaker, the gentleman from New York (Mr. BISHOP) came to the floor and said that I was the only one that had a copy of the bill. In fact, the irony of it is that Mr. BISHOP and his staff, everyone—in fact, all the Members were given a copy beforehand, which is twice the period of time in the past; and copies of the bill were distributed from his office, which he also admitted to in committee long before the bill came to the committee.

The Secretary said this is the worst bill he has seen, and it is for bureaucrats and for people in those tall buildings in Washington, because we're consolidating programs. We went from six core programs to 130. We have offices that we don't need, duplicate programs. Someone is trying to actually do reform.

Yes, we do substantial reform. They throw money at problems. We, at least, keep it level and we responsibly pay for it. But even when they threw money at things, like the stimulus that Mr. SHUSTER brought forward, 35 percent of the money and 2½ years later, that money was still sitting in the Federal Treasury because shovel-ready became a national joke; and it is a national joke because of the red tape, the bureaucracy, all by those people who may lose their jobs in those glass buildings right here in our Nation's Capital.

Again, I don't think it's fair. I'm disappointed. We tried to do a 90-day bill. The House and the Senate are going to be out for 2 weeks for Easter. Then they come back, and one body is out and the other body is out and nobody is here. They weren't happy with 90 days, and we tried to accommodate the 60 days.

This is a political game of "gotcha," and it's unfortunate because there are many Americans who are counting on us for jobs and many people who have lost their home, particularly in the construction industry. They don't want rhetoric. They want action from this Congress. If we just had a cooperative effort on this, and true bipartisanship, we could get so much done for the American people.

I'm saddened in a way, but I tell you I've done everything I can to move this forward. For some of those people I've talked to that don't have a job, that have lost their homes and their life savings, we need to put a few of them to work. And we can if people would stop the nonsense and move forward in a responsible fashion.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4239, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1530

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous materials on H.R. 3309.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 595 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3309.

The Chair appoints the gentleman from Illinois (Mr. KINZINGER) to preside over the Committee of the Whole.

□ 1533

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, with Mr. KINZINGER of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Oregon (Mr. WALDEN) and the gentlewoman from California (Ms. ESHOO) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, ladies and gentlemen of the Assembly, the communications and technology sector is one of the most competitive, innovative, and open sectors of our economy. From fiber optics to 4G wireless service, from the smartphone to the tablet, to the connected TV, this sector has been creating new services and new devices and high quality jobs that come with high-tech innovation and investment.

Now, despite a lackluster economy, wire line, wireless, and cable providers invested \$66 billion in broadband infrastructure in 2010. The U.S. is now leading in the cutting-edge wireless technologies. If we want this to continue, though, we need to avoid needless bureaucratic red tape and fix broken processes at the FCC.

Communications and technology companies and the public deserve a more transparent and responsive government agency, and that's exactly what the legislation before us now would accomplish, bringing transparency, bringing accountability to the Federal Communications Commission.

The bill is the fruit of the Energy and Commerce's own open and transparent process. Last May we invited the commissioners of the FCC to testify about improving their processes, and we heard from them about the process problems that have occurred at the agency when it's been headed by chairs from both parties. This is not about this commission. It may be about a prior commission, but it's about a systemic problem.

In June, staff released a discussion draft, and we held a legislative hearing with a diverse panel of experts representing industry, think-tanks, consumer groups, academia, and the States. We listened to what they had to say about the various ideas that were on the table, and we began to work to modify those ideas into something that was workable.

In response to the views presented at the hearings, as well as additional input from stakeholders and colleagues on both sides of the aisle, we refined the draft legislation.

Then, in November, the Subcommittee on Communications and Technology held an open markup of the bill at the subcommittee level. The text is there. Everybody had a chance to see it, everybody had a chance to work on it and amend it.

Earlier this month, the committee marked up the bill, the full committee did, with several bipartisan amendments that continued to improve the FCC processes. So, in large part, the FCC Process Reform Act asked the FCC to go through a process similar to what we just went through in the committee, on the Energy and Commerce Committee, to actually craft this reform legislation. And then we asked

the FCC to implement the kinds of reforms that we implemented in this very House to avoid abuses that had taken place in the past.

Now, the FCC regularly issues final decisions without giving the public an opportunity to even review the text that they're considering. I want you to think about that for a moment. They actually issue final decisions without giving the public an opportunity to review the text.

We don't operate that way in the House, at least not anymore. The transition team that Speaker BOEHNER asked me to chair after the last election adopted a requirement that people have time to read the bill. A 3-day lay-over provision's in place in this House now so that the public has a chance to read the bills, we have a chance to read the bills, the press corps in the gallery behind us has a chance to read the bills.

What's wrong with asking a Federal agency that writes regulations that affect one of the most dynamic industry in our Nation—what's wrong with asking them to make their text available? We do that in this legislation.

Let me tell you part of the problem here. Last October, the agency introduced more than 100 new documents into the record of its universal service proceeding in the last few days of public comment. Giving the public as few as 2 days to comment on thousands of pages of new data isn't right. These are some of the drafts of documents right here behind me in these binders. Can you imagine, in 2 days, you're supposed to evaluate everything there?

As the president and CEO of the Wireless Association said, there are other elements of H.R. 3309, such as the provision aimed at preventing data dumps—this we would call a data dump—right before an item goes on sunshine, that would represent significant improvement in the regulatory process. Sensible regulatory policies can contribute to the wireless industry's ability to continue serving as a catalyst for innovation, economic growth, and job creation.

So we're trying to get the commission not to do data dumps, to be more transparent. The bill would require the FCC to provide the public a minimum amount of time to review filings and comment on proposed rules. It is your business, after all. The agency ought to let you have a chance to participate.

Now, unlike executive agencies, these are the ones under the direct command and control of the President of the United States. The FCC never assesses the costs and benefits of regulations. Not required to, so they don't do it always. They can, but they don't.

Now, President Obama issued an Executive order that required executive agencies to actually assess costs and benefits of every single regulation they issue. That's from the President of the

United States. And his Executive order requires a more stringent test for major rules. These are the ones affecting the economy in the area of, like, \$100 million.

The FCC is not one of those executive agencies. It does not have to follow what the President of the United States tells the other agencies to do because it's an independent agency. So everything the President's asking all the other agencies to do, in this legislation we're saying, FCC, you should do it as well.

Now, President Obama appointed a jobs council. How do we make America more competitive? How do we improve the processes that really drive economic growth?

That jobs council called on this Congress last year to require independent agencies like the Federal Communications Commission to actually conduct a cost-benefit analysis before putting more red tape on industry. Go find out what it's going to cost to do what you propose to do.

Now, I want to make it clear. We didn't require the FCC to do the more onerous test that the President requires. The bill is less onerous than his own Executive order because it takes a lighter touch regulation applied to all regulations and applies it to the FCC's major rules. So we ratchet it down.

We're not trying to overburden this agency, but if every other agency of the government can do a cost-benefit analysis and even do a higher, more sophisticated level, what's wrong with asking the Federal Communications Commission to do a light-touch review of costs and benefits?

And you'll hear arguments that this is all brand new stuff, that it's never been done before, can't be done. By golly, we're going to litigate for 15 years. The whole world's going to end.

Look, this uses language right out of President Obama's order. The bill requires for major rules "a reasoned determination that the benefits of the adopted rule, or the amendment of an existing rule, justify its costs, recognizing that some benefits and costs are difficult to quantify." That's in our language. It's also in the President's language, taking into account alternative forms of regulation and the need to tailor regulation to impose the least burden on society, consistent with obtaining regulatory objectives.

□ 1540

Virtually all of that language I just read to you is what the President of the United States has put as a requirement on the Agencies over which he has direct control. We're saying the FCC is under our control as an independent Agency. We're sort of the mother ship for the FCC as the Congress. It's up to us to carry out these provisions. They're good public-policy changes.

The FCC has a substantial backlog that affects small businesses and consumers—4,984 petitions, 3,950 applications that are more than 2 years old. All across the country people have been asking the FCC to take actions, to solve things, to come to decisions. They do it in a clouded, behind-the-curtain sort of way. And you sit on the outside as the public trying to grow jobs, invest and innovate, and you wait. You wait.

Two years is a lifetime for an entrepreneur in the communications marketplace. My wife and I were small business owners for 22 years. We were broadcasters. We've been before the FCC. We're not in that business anymore, been out of it since December of '07. So this isn't about me, except I've witnessed what you have to deal with so I'm trying to fix it here. 1,083 consumer complaints are more than 2 years old. The FCC has done nothing on them.

The bill requires the FCC, therefore, to set shot clocks for decisions so the public will know when to expect an answer. We don't tell them the length of those shot clocks or how they should be done. We're just saying look at your workload and give the public a gauge of when you will reach a decision. You decide the decision. You decide how long those shot clocks will be because you know better in terms of the management flow of your workload what's appropriate, but set some timelines.

In recent years, the FCC has leveraged its authority to review transactions to accomplish unrelated policy goals and insulate its rulemakings from judicial review. Now, what does that mean? It does so through last-minute side deals with applicants that are often not disclosed until just a few days or even hours before the FCC approves a deal. One problem with these voluntary commitments is they're not voluntary.

If you're trying to get the FCC to approve your transfer of license, the FCC, in recent years, has used that approval authority to go way beyond any statutory authority they have to issue rules in an area and they hold you hostage. Outside of the portals, we'd call it extortion, probably. Because what they do is say, look, we only have authority here to decide on transferring your license, that's true. Yeah, we're looking at that. But we want you to go off here and agree to do all these other things—over which we have no authority to mandate that you do them. We could not do a rulemaking if we wanted to because we don't have the authority under the statute to do it. But, by the way—wink, nod, twist your arm—if you don't, and you don't call it voluntary, then you can probably kiss this merger good-bye.

I don't think that's an appropriate role for the Federal Government. Nobody in this Chamber should support

that kind of activity; and yet if you oppose this bill, in effect you're supporting that activity.

Now, I know there are some companies out there who aren't real wild about this because they see this as an ability to affect their competitors. Because they say, oh, that's great, we'll twist them at the FCC and we'll force them to do things the FCC couldn't force them to do on their own absent a merger or condition outside of their regulatory and legal authorities, and we'll get a little edge in the market, we'll put our finger on the scale. That's what happens. That should stop.

Some argue we should not treat the FCC differently from other Agencies. Well, in effect, that's what's happening today. Every other Agency is being directed by the President of the United States to do these things we're directing it to do through this legislation. But because it is different, it is an independent Agency, none of what the President is suggesting can be applied to the independent Agency.

Now, they say, well, we're going to do this on our own. Well, they may. And, frankly, the chairman of the FCC right now, Julius Genachowski—I've spent a lot of time talking to him—he has done some really excellent reforms. But the day he leaves and a new chairman comes in, all those could be wiped out. I think this needs to be in statute so we have good processes and procedures going forward, regardless of who controls what around the FCC in the future.

The FCC does act differently. Now, the Federal Energy Regulatory Commission, known as FERC, is a similar independent Agency, but it doesn't operate this way. It actually puts the text of its proposed rules out for the public to see before it votes on it. It actually builds its case before it makes its decision.

We have an issue going on right now where I've asked the FCC to give me the document they actually voted on as part of this effort on the Universal Service Fund rewrite versus what came out the back end when they were finished weeks later: 751 pages of regulations. They won't give me documents. You see, it changed behind the curtain. They circulate it around in private. They edit it. They've issued their press release and said, here's what we're doing, and then they change it. And then you wait. So the public doesn't have a chance to see what they're actually considering until it's too late and it's final. I think that's wrong.

Both sides of the aisle are for institutional reform at the FCC. Former White House adviser Philip Weiser said that the agency "is in dire need of institutional reform." State commissioners have been calling for the reform of the FCC rulemaking process for years. In fact, the National Association of Regulatory Utility Commissioners—

these are the people who are looking out for the ratepayers and the consumers; that is their job—endorses several provisions of this bill, including the actual language of the proposed rule be published for comment; specify a 60-day comment cycle; mandate that all commissioners have adequate time to review any draft decision before voting on it; and on and on. This is good, solid government reform legislation.

It does not protect the status quo. It does not say to the FCC, keep doing what you're doing, you're doing it great. Because some of us came here to change how the Federal Government operates in Washington to open up the process and make it more accountable and transparent. That's what this legislation does.

With that, I reserve the balance of my time.

Ms. ESHOO. Mr. Chairman, I rise in opposition to H.R. 3309.

Essentially, this bill guts the Federal Communications Commission, the FCC, by requiring new onerous process requirements which will result in an Agency that's less effective, less agile, and less transparent, the opposite direction, I think, of where we all want to go.

As ranking member of the Subcommittee on Communications and Technology, I want to thank the chairman for the work that he has done with us. He has always been very respectful, and the process I think has been a good one.

Democrats support modernizing the FCC because we want to enable the Agency to operate with increased openness and transparency, as I said. But, unfortunately, the bill doesn't accomplish these goals. Over the past year, our subcommittee has heard from countless industry representatives, administrative law experts, and public interest advocates; but there aren't any public interest advocates that support this bill, which I think in and of itself is instructive.

□ 1550

Amongst those experts the chairman mentioned is Phil Weiser, dean of the University of Colorado Law School, who is often cited and who has implied that adopting some of his proposed reforms is the way to go; but Dean Weiser tells us "passing this law would be a grave mistake."

Yet, despite the feedback of a bipartisan group of administrative law experts who suggested that this legislation could tie up the FCC in 15 years of litigation—that's a real job creator for lawyers—the House is going to vote today on this, on a bill which requires unique statutory mandates that apply only to the FCC, thus altering the way in which the FCC reviews transactions and exposing the Agency to new litigation risks.

H.R. 3309 mandates that the FCC undertake a cost-benefit analysis of any

rule with "economically significant impact." This requirement ignores the fact that the FCC already takes into account the impact of its rules on small businesses. Then to add insult to injury, the CBO estimates that, if enacted, H.R. 3309 would cost \$26 million and require the agency to hire an additional 20 employees to handle the new rulemaking, reporting, and analysis activities required under the bill.

The chairman has said, well, it's a fee-driven agency. Fees from businesses? Fees from anywhere. It's still going to cost \$26 million more and will add more to the bureaucracy that I think the majority really doesn't have much affection for. For nearly 80 years, the FCC has operated as an independent agency, responsible for regulating interstate and international communications by radio, television, wire, satellite, and cable. By most accounts, the FCC continues to innovate and implement reforms. The chairman was very gracious to outline what Chairman Genachowski has done under his leadership, including removing 120 obsolete regulations, drastically reducing the number of pending applications, and taking steps to increase transparency and stakeholder participation.

So, for all of these reasons, Mr. Chairman, I don't believe that H.R. 3309 is the solution, and that's why I am urging my colleagues to oppose this legislation even though there are some parts of it that I support. We need to ensure that the FCC's ability remains to protect consumers and to ensure a competitive marketplace in the years to come.

With that, I reserve the balance of my time.

Mr. WALDEN. Mr. Chairman, I now yield 2 minutes to the gentleman from Illinois, the original cosponsor of this legislation, Mr. KINZINGER.

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman, and thank you for the time to speak on this very important piece of legislation.

Having the opportunity to help lead the effort in committee and now on the House floor to get FCC process reform passed is something I am passionate about because I feel that this legislation will make great strides towards improving the predictability, efficiency, and transparency of the FCC and its operations.

A common theme I've witnessed throughout my time here in Congress is that of bureaucrats coming up with solutions in search of problems. In terms of the FCC in particular, I feel that they sometimes do so without following a standard set of procedures, statutory law, or regulatory guidelines. I believe this can be seen in some of the recent mergers in which certain concessions have been extracted from the concerned parties in order to push the will of those at the Commission.

This is not the way to run what should be an open and transparent rulemaking process.

Government transparency is a major key to gaining the trust of the public, and this legislation will put into place some really commonsense reforms. Key among those is telling the FCC that they must publish the specific text of the proposed rules for all to see before the adoption of those rules. They must also allow enough time for the public to comment on those proposed rules so that their voices can also be heard.

I have seen that Chairman Genachowski has made some very good progress in implementing much of what is in this legislation, but the fact of the matter is that many of those efforts are done at his discretion and are no longer in place when he leaves. Statutory and regulatory authority should be what moves the decision-making process of the FCC, and I believe the efforts of this bill will put the FCC in line with the intent of Congress.

Ms. ESHOO. At this time, I yield 5 minutes to the ranking member of the full committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman and my colleagues, today the House is taking up H.R. 3309, which the Republicans say is a modest proposal to make the Agency operate more efficiently. I could not disagree more strongly. This bill would not reform the FCC. It would disable it.

The bill erects procedural hurdles that make it more difficult for the FCC to protect consumers. It strips the FCC of its power to ensure that mergers between telecommunications companies are in the public interest. If this bill is enacted, it would stymie the ability of the Agency to do much of anything except to produce reports for Congress. Although I have many problems with the bill, I have three major concerns I want to highlight.

First, it creates a new set of procedures for the FCC. For more than 65 years, the Administrative Procedure Act has governed administrative agencies across the Federal Government. This bill creates a special procedural set of rules for the FCC alone. Let me give you an example.

The bill requires the FCC to include in every notice of proposed rulemaking the specific language of the proposed rule. Although this should be a best practice—and the Genachowski FCC does it 86 percent of the time—it makes no sense to strip the Agency of flexibility and require it to do it in every instance.

Just last week, the FCC adopted unanimously a notice of proposed rulemaking on interoperability requirements in the 700 megahertz spectrum. It did this without including the specific language of proposed rules. As Republican Commissioner Robert McDowell stated, it made sense to re-

frain from including draft rules because “putting forth proposed rules at this delicate stage may only distort the private sector’s creative process.” He added that the open-ended nature of the notice allows the Commission to “elicit greater insight regarding the costs and technical feasibility of potential implementation.”

Administrative law experts have ridiculed the provisions of this bill. One said: “Why would anyone want to tie the Agency up in knots like this and subject it to endless challenges?” Another told us that industry lawyers would have a “field day” in challenging and in delaying FCC actions. Other experts told us it could take 15 years of litigation for the courts to clarify the meaning of the new requirements in the bill.

Even the Congressional Budget Office agrees that this bill would wrap the FCC up in red tape. According to CBO, the Agency “would require 20 additional staff positions to handle the new rulemaking, reporting, and analysis activities required under the bill.”

Secondly, this legislation alters fundamentally the way in which the FCC reviews transactions to ensure that they are in the public interest. Under current law, the FCC is directed to protect the public interest when reviewing proposed mergers. This bill would curtail this authority significantly. The bill strips the FCC of its authority to require merger conditions that promote broadband adoption, require minimum broadband speeds, require the repatriation of jobs from overseas, or ensure broadband coverage in rural or low-income areas. Conditions to protect smaller companies from harm could also fall by the wayside.

This is not process reform but is a fundamental assault on the FCC’s authority to protect the public interest.

Finally, H.R. 3309 gives telephone, cable, or wireless companies vast new tools to tie the Agency up in litigation for years if they don’t like what the Agency is doing. It does this by making all the regulatory analyses that accompany a regulation subject to judicial review.

□ 1600

Well, if it’s AT&T or Verizon or some other company that’s subject to a regulation, they could sue the Agency on the grounds that the cost-benefit analysis was deficient or the analysis of the market failure was inadequate or the Agency failed to consider alternatives to regulation. These lawsuits, which no other Agency in government would face, could effectively paralyze the FCC.

The Acting CHAIR (Mr. SCHOCK). The time of the gentleman has expired.

Ms. ESHOO. I yield the gentleman an additional 15 seconds.

Mr. WAXMAN. Democrats want to work with House Republicans to de-

velop bipartisan Federal communications policies to help our economy and the American public and to make sure the FCC is doing its job. But we can’t do this when the only proposals that are brought to the House floor would turn the FCC watchdog into a lapdog for industry. We should stop wasting time on ideological fights and start cooperating together. Otherwise, this will be another House-passed bill that will not go anywhere in the other body, will not become law; and it is for good reason that it shouldn’t.

Mr. WALDEN. Before I yield to the vice chairman of the subcommittee, I just want to make a couple of corrections here to at least explain things.

The Federal Communications Commission would still have the public interest standard that it has today to deny a transfer if it’s not in the public interest. We don’t take that away. We don’t take that away.

And on interoperability, the ranking member talked about this interoperability standard the Commission is now taking up. Ironically, that actually was first raised as part of a request by some to include in the AT&T-Qualcomm merger. Instead, the Commission actually did the right thing. It, in effect, is doing a notice of inquiry. It says, Before we do draft rules, let’s go out and survey the marketplace and find out what the issues are. Then the next logical step is to come back with a notice of proposed rulemaking, i.e., the draft rules. This is what we are suggesting occur as regular practice as a result of this legislation.

Now I would yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), the distinguished vice chair of the subcommittee.

Mr. TERRY. I thank the chairman.

Mr. Chairman, may I submit that my friend, who just spoke on the other side, maybe was a victim of some poor staff work that took some liberties to revise and extend the real bill that we are debating here today because, frankly, the reforms here are fairly practical and necessary.

What this really does is puts into the process of developing rules some simple changes that we think are reasonably necessary, keeping in mind that transparency is the key. So, for example, let’s take the recent USF reform rule that came out. I have been active in USF, Mr. Chairman, for several years trying to get some of these reforms done through Congress. It was taken up through the FCC process. I was anxious to see the proposed rule and was very disappointed when it was basically a rough outline of what turned out to be then passed. Then several days later, or weeks later, the full order came out, 750 pages.

Now, don’t you think that if you are going to vote on a proposed rule that you would know what the rule says before you vote on it? It seems rather

simple, and I would expect that people that are watching this debate would think that a bureaucracy issuing a proposed rule, that there would actually be a transcript of the rule. So we're just asking for simple things like that.

And last, during this proposed rule, there's a time for comment. And at the end of the comment period this last time—and this is why a shot clock is really necessary—the FCC then dumped volumes of documents that it said it was going to use as evidence in this process, giving people 48 hours.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WALDEN. I yield the gentleman an additional 15 seconds.

Mr. TERRY. The only ones that are least disadvantaged by that are the biggest entities that have a houseful of lawyers that could go over it and read it. Rural Nebraska doesn't have the opportunity to do that and reply. So giving them sufficient time to review that just makes common sense.

Ms. ESHOO. Mr. Chairman, earlier the chairman of the subcommittee said that the bill doesn't change the public interest standard for reviewing mergers. That simply is not the case. The bill does change it. It alters the ability of the FCC to impose conditions for the public interest, which is a very serious issue.

I would now like to yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman emeritus of the Energy and Commerce Committee and dean of the House of Representatives.

Mr. DINGELL. Mr. Chairman, I will begin by praising my good friend, the chairman of the subcommittee. It is just that he has brought us a bad piece of legislation. It should be rejected instantly by the House of Representatives because it does nothing to help anything. I refer to the Federal Communications Commission Process Reform Act, which it is not.

Time and time again, we Democrats accuse our Republican colleagues of passing bills that are in search of problems. I would like to say that this is the same. But worse than that, I can say that we have before us a bill that is a prime example of trying to cure the disease and kill the patient at the same time.

In point of fact, H.R. 3309 would take the FCC entirely out of the Administrative Procedure Act and make it subject to a unique set of procedural requirements totally understood by no one. And there will have to be a bunch of lawyers hired, as the gentleman from Nebraska has pointed out, because they're sure going to need them to understand what has been done.

Everybody in this Chamber should have real fears about turning over 60 years of solid administrative jurisprudence and standing it on its head and how that will bring about disastrous results not only to the Commission but

to all of the entities regulated by that body, because nobody is going to understand what this has done.

Mr. Chairman, Charles James Fox wrote something called the "India Resolution" in 1783. It goes as follows: "Resolved, that we have seen your work, and it will not do." H.R. 3309 evokes the same sorry sentiment.

My friends on the other side of the aisle like reminding me that no Democrat has been a bigger critic of the FCC than I have. They're right. But that doesn't necessarily mean that I agree with what they've proposed to do in H.R. 3309. Instead of passing a bad bill which they don't understand, on which no adequate hearings have been held, and on which the industry is scared to death, we should get down to the business of having decent proceedings in which we would go into this matter thoroughly as a matter of oversight, to compel the Commission to come forward to address the question of their accountability, of their transparency, and of their regulatory consistency.

This Commerce Committee has skinned many cats in my days with that authority, and by the great horn spoon, we could do it again. But we shouldn't come on the floor waving a silly bill like this around which is going to do nothing to benefit society and which the committee doesn't understand and cannot explain.

Now, if I have got any time left, I will yield to my friend from Oregon.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WALDEN. If the gentleman would yield, the only comment I would make is, we did have hearings on this legislation.

Mr. DINGELL. Of course, but they didn't relate to the matters that you have brought before the House at this time. You can't explain what's in this bill, and nobody here knows what it does.

□ 1610

Mr. WALDEN. We can easily explain the bill. We know what's in it. We've had a lot of work on it. We've done public hearings. We've listened to people. We've modified it to accommodate some of the great suggestions we have. We have bipartisan pieces in this bill. And the Commission still has the authority to deny transfers of broadcast license. They just can't go outside of their statutory authority to promulgate rules and kind of grab other issues and force people to do things that they couldn't do under their statutory authority.

I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I rise in strong support of H.R. 3309, the FCC Process Reform Act, and I would like to take a moment to commend Communications and Technology Subcommittee Chairman GREG WALDEN

for his leadership on this legislation and his diligent work in moving it through regular order.

Among the many reasons that it is necessary to make statutory reforms at the FCC, I would like to speak to one particular aspect of this legislation that I think is critically important to improving the way in which the FCC operates.

H.R. 3309 will require the FCC to establish shot clocks to set timelines to compel the Commission to act. Under current law, where shot clocks are not compulsory, inconsistencies at the FCC continue to plague the telecommunications industry and have placed unnecessary burdens on our job creators. For example, there's an Atlanta-based company by the name of Cbeyond that specializes in providing IT and communications services to small businesses across the country. They employ, Mr. Chairman, approximately 1,600 people, and like many employers within the industry, they're forced to wait on the whims of the FCC. Unfortunately, many case proceedings linger for years with no resolution, and this stifles growth for companies within the telecommunications industry.

Just over 2 years ago, I, along with our former colleague and now Governor of Georgia, Nathan Deal, sent a letter to the FCC asking that they look closely at broadband infrastructure initiatives that would bolster one of our greatest assets for economic recovery—small businesses. In that letter we referenced a petition filed in November of 2009 that is now part of an FCC proceeding commonly referred to as the Business Broadband Docket, which is a proceeding focused on broadband infrastructure used to serve small businesses. Mr. Chairman, both the petition and the Business Broadband Docket remain pending at the FCC—not only with no resolution, but also no movement toward any conclusion.

This behavior by the FCC is unacceptable and has occurred under both Democrats and Republicans. This anecdote highlights the need for a shot clock placed on the FCC. Not only do these shot clocks need to be established, but they also need to be honored. This alone will make the FCC work in a more efficient manner by creating more regulatory certainty in the telecommunications industry.

I urge all of my colleagues to support establishing a shot clock at the FCC and support H.R. 3309.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 16, 2010.

JULIUS GENACHOWSKI,
Federal Communications Commission,
12th Street, SW., Washington, DC.

DEAR CHAIRMAN GENACHOWSKI, As you know, the American Recovery and Reinvestment Act requires the FCC to develop a national plan to ensure that all Americans have access to broadband and the FCC must deliver its plan to Congress by March 17, 2010. The plan also must provide a strategy

for achieving maximum utilization of broadband infrastructure and greater affordability of the service for all Americans.

As our country grapples with the worst unemployment numbers we have faced in decades, it is critical that we do all we can to assist small businesses, the driving force of our economy. Yet continuing to add to the deficit is not the solution. The proposal Mr. Geiger outlines in the attached Opinion Editorial would not require any additional federal spending, and incumbent local exchange carriers would be permitted to provide access to competitors at retail rate.

This proposal would allow telecom innovators to gain access to the bandwidth necessary to push efficiency-enhancing, cloud-based applications to small businesses, applications such as virtualized desktops, hosted digital image and file management, high-resolution video conferencing, broadcast/live video streaming, robust data protection, cloud-based backup, and sophisticated video security systems. These advanced applications would lower start-up costs for small businesses and enable them to implement their business plans, innovate and create jobs. At the same time, the incumbent local exchange carriers would sell more bandwidth at the same prices as they sell to any other customer.

The National Broadband Plan presents an opportunity for the FCC to bolster one of our nation's greatest assets for economic recovery—small business. As members of the House Energy and Commerce Committee which has jurisdiction over this issue, we are hopeful that the FCC's National Broadband Plan will include broadband initiatives which will specifically address the broadband needs of our small business community.

Sincerely,

NATHAN DEAL,
Member of Congress.
PHIL GINGREY,
Member of Congress.

[From the Atlanta Journal-Constitution,
Dec. 20, 2009]

OPINION: A CASHLESS STIMULUS FOR SMALL
BUSINESS

(By Jim Geiger)

With the unemployment rate hovering around 10 percent and our economy still mired in recession, we need our small business innovators and job creators now more than ever. Yet another round of fiscal stimulus shouldn't be the only option, particularly when recent polls indicate many Americans are growing increasingly wary of adding more to the deficit and our national debt.

So what else can the Obama administration do to help small businesses? Simple: the government can quickly adopt a few sensible rule changes that will unlock the job-creating potential of broadband businesses and drive market-based investment in innovative technology. Call it a "cashless stimulus."

The problem is that small businesses lack access to the most effective telecommunications applications—those used routinely used by larger firms. Why? The existing regulatory structure allows the big phone companies to preserve market share by denying competitors access to fairly priced bandwidth. The result is that the companies best able to build the innovative applications small businesses need to grow and compete are unable to access the bandwidth necessary to deliver those applications.

I should know: my company, Cbeyond, provides broadband applications exclusively to small businesses. Back in 1996, Congress en-

acted far-sighted legislation that promoted competition in the telecom markets, and that action drove years of investment, innovation and growth across our industry. New competitors introduced small businesses to innovative technologies that the Bell providers had deliberately delayed deploying for fear of undermining the monopoly profits they made from slower, older technologies.

But the age of innovation and investment in broadband technology ended several years ago. The Bush administration adopted rules that had the perverse effect of locking small businesses into the broadband status quo of six years ago, undercutting the normal business cycle of innovation and denying small businesses benefits they should have received as broadband technology improved. These rules leave the rollout of the best broadband technologies almost exclusively to the large enterprise customers; telecom competitors—the companies that were once the catalysts of innovation—are left trying to serve small businesses, the jobs engine of our economy, with antiquated technology.

For example, because the Bells hoard the bandwidth they control, small businesses cannot hope to match large enterprises in the emerging field of cloud computing. Nor do current FCC rules allow small businesses the efficiencies and cost-savings of high-resolution video conferencing, highly secure data protection and sophisticated video security systems.

Broadband applications like these don't get delivered to small businesses because the most innovative competitors are denied access to the bandwidth necessary to support them. Small businesses have no choice but to try to use 20th century business tools to create new jobs in a 21st century global marketplace.

This is not a minor issue. Small businesses inject almost a trillion dollars into the economy each year. They have created more than 93 percent of all new jobs over the last twenty years and employ more than half of the U.S. workforce. They also employ 41 percent of the nation's high-tech workers who generate about thirteen times more patents per employee than do workers at large firms.

Hence the opportunity for the administration to adopt a "cashless stimulus": the FCC can fix this problem simply and almost without cost. The FCC should require the Bell monopolies to sell—at retail prices—the bandwidth necessary for competitors like Cbeyond to provide next generation broadband applications to small businesses.

With new broadband rules in place, services like cloud computing could replace high-end desktop computers. Small businesses could look to carriers for affordable, offsite data security instead of paying more for on-site services. Reliance on expensive and inefficient travel for in-person meetings would give way to high-resolution video conferencing. Start-up costs for small businesses would fall as the hardware necessary for running their operations moved off the business premise and into the cloud. The list goes on and on.

It's time we took advantage of the one approach to economic recovery that doesn't come with a long-term economic cost.

Ms. ESHOO. Mr. Chairman, I would like to inquire how much time we have remaining.

The Acting CHAIR (Mr. YODER). The gentlewoman from California has 17½ minutes remaining. The gentleman from Oregon has 9½ minutes remaining.

Ms. ESHOO. Thank you.

At this time, I yield 4 minutes to a very distinguished and valued member of the subcommittee, Mr. DOYLE of Pennsylvania.

Mr. DOYLE. Thank you to my colleague and friend, ANNA ESHOO, the ranking member of the Communications and Technology Subcommittee, for yielding.

Mr. Chairman, I rise today in opposition to H.R. 3309, the FCC Process Reform Act. This legislation would place severe procedural burdens on the FCC at a time when telecommunications is such a major part of the lives of my constituents and the American public. H.R. 3309 would create harmful restrictions on the FCC's ability to enact consumer protections, and it could also limit the Agency's ability to respond to communications-related emergencies and cybersecurity threats.

One of the restrictions imposed by H.R. 3309 is a requirement that the FCC issue a Notice of Inquiry before the Agency begins work on an actual rulemaking unless the FCC can demonstrate that a Notice of Inquiry is not necessary. A Notice of Inquiry, Mr. Chairman, is basically an information-gathering exercise that lets the public know about the FCC's intention to examine an issue and collects initial comments from stakeholders. While in many cases a Notice of Inquiry is a very important part of the FCC's rulemaking process, a congressional mandate to conduct a Notice of Inquiry in every FCC proceeding would be an enormous procedural burden for the Agency.

Mr. Chairman, I'm concerned that the potential impacts of this legislation have not been fully considered.

If I could, I would like to share just one example of the harmful potential consequences this legislation would have, even for bipartisan goals.

Last year, Congress enacted a bill that I authored to create more community-run radio stations around the country. This bill was broadly supported by both sides of the aisle because so many of our constituents will benefit from more news reporting on local issues and emergency responses. The FCC is currently implementing that law and expects to open a window for radio station licensing sometime next year. But provisions in H.R. 3309, such as the requirement for a Notice of Inquiry, could slow down the implementation of this law and many other rulemakings by several years by adding procedural hurdles for the Agency to jump through before it can implement rules.

In the case of my legislation, the FCC would have to delay its licensing window because of an unnecessary Notice of Inquiry, forcing communities to wait longer to get their new radio stations. I think most people would find this kind of delay very frustrating. And

this is just one example, Mr. Chairman. In the case of more contentious policy issues, this bill would create years, maybe decades of deadlock at the FCC.

Mr. Chairman, we don't have to look very far this week to witness that our Nation's laws and regulations are already been extensively litigated in the court. This legislation would open up the FCC's process to even further litigation, and it would severely limit the FCC's ability to protect consumers and create new rules.

I urge my colleagues to oppose this bill.

Mr. WALDEN. Mr. Chairman, before I yield to my colleague from New Hampshire, I just want to point out that we're not quite understanding the bill here on the other side because we do allow the FCC to maintain flexibility where necessary. The bill only requires the Notice of Inquiry on new rulemakings. The requirement does not apply to deregulatory rulemakings. And the FCC may waive the Notice of Inquiry in emergencies or where conducting both a Notice of Inquiry and a Notice of Proposed Rulemaking would be unfeasible.

So we tried to put some balance in here. But what's wrong with having the FCC, even in that case as raised by Mr. DOYLE, take 60 days? They can decide how long this is and go out survey the market and say what effect and what are the issues and then come back and then they write their rules. It's like us having a hearing. This isn't a burdensome requirement.

I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. Mr. Chairman, I thank the gentleman from Oregon for yielding to me. He's a co-sponsor of this legislation. I'm pleased that the House is considering it. It's important to reform procedures at the FCC.

H.R. 3309 will improve the transparency, fairness, and consistency of this regulatory agency with oversight over telecommunications and technology and will provide certainty to these markets that are so critical to our Nation's economic recovery and growth. Indeed, over the past 8 years, landline, wireless, and cable providers have vested more than half a trillion dollars in broadband infrastructure. This investment has created countless jobs for our Nation and has positively affected our economy many times over.

H.R. 3309 contains the commonsense and nonpartisan thrust of ensuring transparency and accountability of unelected bureaucrats by applying the regulatory reform principles endorsed by the President's own January, 2011 Executive order.

Establishing clear timeframes for requiring the FCC to perform a cost benefit analysis before implementing new regulations will provide our Nation's small businesses and innovators with

the regulatory certainty necessary to invest and create new jobs.

I urge passage of this important legislation.

Ms. ESHOO. At this time, I yield 3 minutes to the man that I call Mr. Telecommunications, the real expert in the House of Representatives, the gentleman from Massachusetts (Mr. MARKEY).

□ 1620

Mr. MARKEY. I thank the gentlelady so much.

I think all of us on the Democratic side would agree that if there were a way to streamline and strengthen the FCC's procedures, and if we could find a way to improve the way in which it carries out its duties, well, we would support that. However, the aim of the Republican legislation is not to streamline the Federal Communications Commission; it is to straitjacket the Federal Communications Commission. This is a bill which would severely restrict the Commission's ability to operate effectively.

If this bill becomes law, then the "FCC" would stand for "Fully Constrained Commission"; and that, ladies and gentlemen, is the goal of the Republicans in this legislation. It would establish a separate administrative process to govern the FCC's internal operations that would be different from and more cumbersome than any other Agency's in the entire Federal Government, without producing any policy benefits.

Now, we know who supports the bill. AT&T, big companies, they support this legislation. We also know who opposes this legislation. Every consumer group and every public interest group in the country says this is a particularly bad bill from a public interest perspective. But if you're AT&T, if you're a big company, you'll love this. This is going to tie the Commission in knots. You can continue to do whatever you feel like doing indefinitely because the Republicans have decided to create the most cumbersome—the most cumbersome—regulatory process of any Agency in this country.

They're a model. They're pioneers here, the Republicans out here on the floor. They want to create the most modern "redtape, tie them in knots" agency possible with the hopes that other Federal Agencies would wind up emulating them. And it's going to be the first jobs bill that the Republicans have passed so far in this Congress because this bill is going to create so many jobs for lobbyists, so many jobs for lawyers, and so many jobs for all of the people who are now going to be put to work trying to untangle and untie this mess of a bill of a regulatory Agency that is going to be created by this process.

So, ladies and gentlemen, this bill takes the public interest standard, the

public benefits that have always been the test of whether or not the Agency can, in fact, make a decision that ensures that the interests of all Americans are being protected, and turns it into something which is going to wind up with a harmful, drastic departure from current law.

This bill is a wolf in sheep's clothing. Vote "no."

Mr. WALDEN. Mr. Chairman, I've never heard a finer defense of a broken bureaucratic process than I've just heard.

Let me point out that the National Association of Regulatory Utility Commissioners—now, these are the folks who stand up for consumers and ratepayers—again, support many of the proposals in this bill. Specifically, they point out that the minimum 60-day comment cycle is good, the mandate that all commissioners have adequate time to review any draft decision before voting on it is good, and to require the actual language of a proposed rule to be published for comment is a good idea.

Again, the President's own Executive orders ask for these things in many cases to be done to the other Agencies, but he can't do it to this one. It's our job to do it here and to fix, reform, and drive for accountability and transparency against those who defend the bureaucracy as broken as it is.

I now yield 3 minutes to the gentlewoman from Tennessee, an extraordinary member of our subcommittee, Mrs. BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman for yielding.

I find it so interesting, as we are here debating this bill, that this is only a 21-page bill. And I don't find, Mr. Chairman, in this bill, I don't find the words "constrained" and "straitjacket" anywhere. It does not exist in this bill. And as I've heard my colleagues talk about this bill, I think that they have not read the bill. So, unlike the 2,300-page bill that is being debated at the Supreme Court across the street, I would encourage them to pick up this little 21-page bill and give it a read.

I've also found it very interesting: the White House and this administration like to say transparency is the cornerstone of their administration, but I have seen them going to just extreme lengths, it seems, the White House and the Senate, to block bringing this process reform bill forward.

Yesterday, the White House released its Statement of Administration Policy, saying, and I'm quoting: "It is generally recognized that the FCC has improved its practices and procedures to make it more effective."

But the truth is, in the last 50 years, what we have seen is that their rules and regulations, their impact, their footprint, has grown 800 percent—not doubled, not a little bit a year, 800 percent. That is why we need this bill, and

I commend the chairman for bringing the bill forward.

Let me tell you a few things that this bill does. I think that they are common sense. It would do a few things like allowing more time for public comments.

Well, my constituents want more time to weigh in on these issues. As they find out about these issues, more time is a very good thing. Measuring the Agency's performance with scorecards, our children have report cards. Knowing where you are and what you're doing and what kind of goal you're trying to reach, that is very healthy. That is a good thing.

Making sure the Agency doesn't attach extraneous regulations and conditions on business transactions, we're talking about jobs and the effect of regulation on jobs. It is such a positive thing to pull back regulation and free up free enterprise. That is what we should be about is making certain that we can move forward on these issues.

Requiring the Agency to do cost-benefit analysis for rules that cost more than \$100 million, well, how about that? Cost-benefit analysis. Is a rule going to be worth the cost? Is it going to be worth the effort, or is it going to be too expensive to afford?

My goodness, we've had all sorts of things that they're too big to fail and too expensive to afford, so let's certainly make sure that we are evaluating these rules before they get put onto the books and before they have force of law. Let's make certain that we pass this reform bill.

Ms. ESHOO. At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. This is a bad bill. H.R. 3309 would create a special set of very vague and unique procedural hurdles for the FCC that apply to no other Agency. It will result in decades of litigation.

We have to have simplicity, and we have to have clarity. This legislation will open up the floodgates of confusion.

It significantly reduces the FCC's ability to take the public into account, and that is the fundamental interest that should be on the minds of this Congress.

It provides endless routes for potentially misguided litigation making every single one of the FCC's regulatory analyses in support of a new rule, not just the rule itself, subject to judicial review. There's going to be regulation or not regulation. This legislation means there's endless litigation.

These requirements would also amend the Communications Act to mandate how the Agency should operate internally, with detailed requirements for the most basic regulatory actions such as specific timelines associated with notice-and-comment rule-

making procedures. This is Congress micromanaging.

Mr. Chairman, I urge the Congress to defeat this legislation.

Mr. WALDEN. May I inquire as to the time remaining on each side?

The Acting CHAIR. The gentleman from Oregon has 3¼ minutes remaining, and the gentlewoman from California has 9½ minutes remaining.

Mr. WALDEN. I yield 2 minutes to the gentleman from Texas, the distinguished former chairman of the committee, my friend, Mr. BARTON.

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

Texas Congressmen don't often quote Shakespeare, but I'm going to attempt it. There's a line in Hamlet that goes something to the effect: Methinks the lady doth protest too much.

□ 1630

And my friends on the Democratic side of the aisle seem to be protesting too much. It's a very modest bill, 20-something pages in length. It's basically a good government bill.

The bill basically says that the FCC, before they issue a rule, they've got to actually put it out for public comment for at least 30 days. Then once they formalize it, they have to let people have another 30 days to comment on what they actually are proposing.

Subcommittee Chairman WALDEN circulated a draft bill. To my knowledge, he circulated it to the entire committee and to the industry and the stakeholders. I know in my case I had a few modest suggestions that were incorporated in the bill. Then when it went to subcommittee, I offered an amendment that was accepted.

He did the same process at full committee.

It came to the Rules Committee. I'm told that there were 10 amendments that had been made in order, with eight of those by my friends on the Democratic side of the aisle. We'll have that debate and the vote on those later today or tomorrow.

So here you have a very modest bill with good government transparency reporting that brings the FCC into the 21st century on how to do business, and you would think that we're going back to the dark ages. Nothing could be further from the truth.

I'm in very strong support of the process, which is important, and also the policy and the legislation that has resulted from it. I would hope that on a bipartisan basis, at the appropriate time, we vote in the affirmative on H.R. 3309.

It's a good piece of legislation. It can pass the Senate. It can be signed by the President, and it should be.

Ms. ESHOO. Mr. Chairman, I would like to use some of our remaining time on this side to respond to several points that have been raised by my colleagues on the other side of the aisle.

First, while the majority argues that H.R. 3309 is only a "light touch" in making sure that the FCC follows the Obama Executive order on cost-benefit analysis, they failed to mention that such cost-benefit review is not judicially reviewable. That's a very important fact here.

The Executive order states that it's "not intended to and does not create any right or benefit, substantive or procedural, enforceable, at law, or in equity by any party against the United States."

H.R. 3309, therefore, would create another avenue for appeal and litigation by corporate interests that oppose the FCC's efforts to take actions in the public interest, and no other Federal Agency would be subjected to such challenges. That's number one. That speaks to, I think, the public interest which, I think, is at the heart of what the FCC's responsibilities are.

Second, Mr. GINGREY mentioned the shot clocks. There are 73 types of proceedings the FCC must consider, and each item can be, as we all know and anyone that is tuned in and listening to this knows, can be very complex. No wonder CBO estimated that H.R. 3309 would require the hiring of 20 additional employees.

Thirdly, as the majority placed in the RECORD those that support the bill—even Mr. MARKEY spoke of some of the large telecommunication companies—I think it's important to set down for the record who opposes the bill and what they have to say about it.

Bruce Gottlieb in the National Journal:

Layering new procedural requirements on top of existing ones would effectively halt the creation of nearly any contentious new FCC rules—in other words, achieve a result more or less like what Texas Governor Rick Perry had in mind for the Commerce and Education Departments.

Susan Crawford in Wired Magazine:

Although the bill's proponents say they aim to make things work more quickly at the FCC, the legislation will have the opposite effect: it will make it very difficult for the FCC to deal with any of the real-time telecom problems the country faces. What the Republicans seem to want, at bottom, is to grant the giant companies that sell us basic communications capacity—an essential utility for the 21st century—the ability to throw sand in the works at every opportunity.

From Philip Weiser, the dean at the University of Colorado Law School:

I am against passing this bill, which would give rise to unfortunate and unintended consequences that would undermine the FCC's future effectiveness without providing any real benefits.

From the Consumers Union:

The bill would require the FCC to adopt rules as long as they do not impose an additional burden on industry. The bill limits the FCC's ability to consider the public interest and protect consumers when considering mergers.

Mr. Chairman, this is no small item.

Then the Public Interest Groups Coalition letter of February 9 of this year:

These bills would severely hinder the FCC's ability to carry out its congressional mandate to promote competition, innovation, and the availability of communication services.

With that, Mr. Chairman, I would like to inquire how much time we have left on our side.

The Acting CHAIR. The gentlewoman from California has 5½ minutes remaining.

Ms. ESHOO. I will reserve that time.

Mr. WALDEN. Given the limited amount of time we have, I will reserve as well.

Ms. ESHOO. I yield back the balance of my time, Mr. Chairman, as I don't have any more speakers on the legislation.

Mr. WALDEN. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from Oregon is recognized for 1¾ minutes.

Mr. WALDEN. I thank the Chairman.

I appreciate the debate we've had today. I think it's been helpful. It hasn't always been enlightening, but it's been helpful.

Again, I would point out that the National Association of Regulatory Utility Commissioners praises what we're doing in this bill and the points of requiring actual language to be available for people to see.

All we're doing here is telling the FCC to operate like these other Agencies have been asked to operate by the President's jobs council and by the President's Executive order, but do so in a public and transparent way so that those who have business before the Commission know what the Commission is going to vote on before it votes or rewrites it and then puts it out later. Go out and survey the marketplace, decide if there's a harm, do a notice of inquiry, and get input like we do in hearings here, Mr. Chairman, and then propose rules and put those texts out there of those rules and let the public see.

The great defenders of the bureaucracy, my friends, some of them on the other side of the aisle, say, Oh, you can't change anything in Washington.

That's what we've heard for 40 years. Some of us came here to change Washington for the better. We did it when we changed the rules of the House at the beginning of this session to make our procedures more open and transparent.

My friends on the other side of the aisle were part of the effort that crammed a 2,000-page bill through here with no amendments allowed on the floor, one of which is being argued today across the street at the Supreme Court. The Republicans were denied the opportunity to offer a single amendment on the health care takeover bill on the House floor. They were

denied every single amendment when these bills would come to the floor at thousands of pages. We've changed how the House operates so that can't happen again.

This bill is here under a modified open rule. The minority has 10 amendments on the floor. We had open mark-ups in subcommittee and full committee.

What we're saying is we are here as Republicans to change Washington for the better. This bill does that. I urge your support.

I yield back the balance of my time. Mr. GENE GREEN of Texas. Mr. Chair, I rise in opposition to this bill. That is not to say that I am pleased with how this FCC has conducted its business.

It has been slow and evasive when responding to inquiries from myself and my colleagues on important matters pending before the Commission.

It has taken an activist approach to regulating, as we saw with their network neutrality proceeding.

It wrongly squelched a merger that stopped an American company from acquiring a foreign owned competitor and then released proprietary and confidential information in what appeared to be an effort to salt the earth for any future attempts at a similar deal and influence the proceeding at the DOJ. This has set a troubling precedent.

Not everything that this FCC has done is bad. While I opposed the Comcast/NBC merger, I am appreciative that the FCC had the latitude to impose conditions. For instance, my constituents will benefit from the conditions aimed to preserve localism and diversity. It included an additional 1,000 hours annually of locally produced news and information to be aired by NBC's and Telemundo's owned and operated stations, as well as quarterly reports from Comcast-NBCU detailing the number, nature, and duration of these additional local news and information programs. This condition would not be possible under H.R. 3309.

I believe the FCC plays an important role; it is a necessary agency and can foster innovation and economic growth. But we have seen again and again a pattern of overreach, of regulatory strong arming, and aggressive actions aimed at achieving an agenda, rather than implementing the laws passed by Congress.

The FCC process is in need of reform, but the Republican proposal before us today is not the answer.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 3309, the FCC Process Reform Act. Although the bill's proponents say the legislation is drafted to make the FCC operate more quickly and efficiently, I believe the bill will have the opposite effect.

On the surface H.R. 3309 appears innocuous—directing the FCC to do what it already does: analyze the potential harm its rulemaking might have on markets, public institutions and consumers. The problem is that under this bill, FCC procedure would change to require it to formally file its analysis before issuing its ruling. That analysis would be subject to unending litigation and the additional level of procedure will significantly impair the

FCC's flexibility to respond in real-time to challenges and expose the FCC to unnecessarily burdensome litigation. This change would hurt companies and consumers alike.

If this bill becomes law, all of the FCC's rulemaking will be subjected to judicial review. Corporations seeking to avoid oversight would have new grounds to sue the FCC just because they disagree with the agency's reasoning. The FCC could be tied up in litigation for years debating whether a cost-benefit analysis they did was thorough enough or whether sufficient regard was paid to the potential impact of a rule on company's share of the marketplace. One expert said that it could take 15 years just for the courts to clarify the meaning of the provisions in the bill.

Additionally, the bill impedes the FCC's ability to accept publicly beneficial commitments made by transacting parties during a merger. For example, if two large internet service providers wanted to merge and promised to provide increased access to low-income consumers in order to address FCC concerns about under-served areas, under the bill, the FCC could not accept that commitment.

Mr. Chair, I oppose this bill because by introducing new and unnecessary procedures into the FCC's process, the legislation will limit the FCC's ability to exercise its statutory duty to safeguard the public interest. And, if this bill becomes law, the FCC would be reduced to little more than a reporting agency for Congress.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Communications Commission Process Reform Act of 2012".

SEC. 2. FCC PROCESS REFORM.

(a) *IN GENERAL.*—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 12 the following new section:

"SEC. 13. TRANSPARENCY AND EFFICIENCY.

"(a) RULEMAKING REQUIREMENTS.—

"(1) REQUIREMENTS FOR NOTICES OF PROPOSED RULEMAKING.—The Commission may not issue a notice of proposed rulemaking unless the Commission provides for a period of not less than 30 days for the submission of comments and an additional period of not less than 30 days for the submission of reply comments on such notice and the Commission includes in such notice the following:

"(A) Either—

"(i) an identification of—

"(I) a notice of inquiry, a prior notice of proposed rulemaking, or a notice on a petition for rulemaking issued by the Commission during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and of which such notice is a logical outgrowth; or

“(II) an order of a court reviewing action by the Commission or otherwise directing the Commission to act that was issued by the court during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and in response to which such notice is being issued; or

“(ii) a finding (together with a brief statement of reasons therefor)—

“(I) that the proposed rule or the proposed amendment of an existing rule will not impose additional burdens on industry or consumers; or

“(II) for good cause, that a notice of inquiry is impracticable, unnecessary, or contrary to the public interest.

“(B) The specific language of the proposed rule or the proposed amendment of an existing rule.

“(C) In the case of a proposal to create a program activity, proposed performance measures for evaluating the effectiveness of the program activity.

“(D) In the case of a proposal to substantially change a program activity—

“(i) proposed performance measures for evaluating the effectiveness of the program activity as proposed to be changed; or

“(ii) a proposed finding that existing performance measures will effectively evaluate the program activity as proposed to be changed.

“(2) REQUIREMENTS FOR RULES.—Except as provided in the 3rd sentence of section 553(b) of title 5, United States Code, the Commission may not adopt or amend a rule unless—

“(A) the specific language of the adopted rule or the amendment of an existing rule is a logical outgrowth of the specific language of a proposed rule or a proposed amendment of an existing rule included in a notice of proposed rulemaking, as described in subparagraph (B) of paragraph (1);

“(B) such notice of proposed rulemaking—

“(i) was issued in compliance with such paragraph and during the 3-year period preceding the adoption of the rule or the amendment of an existing rule; and

“(ii) is identified in the order making the adoption or amendment;

“(C) in the case of the adoption of a rule or the amendment of an existing rule that may have an economically significant impact, the order contains—

“(i) an identification and analysis of the specific market failure, actual consumer harm, burden of existing regulation, or failure of public institutions that warrants the adoption or amendment; and

“(ii) a reasoned determination that the benefits of the adopted rule or the amendment of an existing rule justify its costs (recognizing that some benefits and costs are difficult to quantify), taking into account alternative forms of regulation and the need to tailor regulation to impose the least burden on society, consistent with obtaining regulatory objectives;

“(D) in the case of the adoption of a rule or the amendment of an existing rule that creates a program activity, the order contains performance measures for evaluating the effectiveness of the program activity; and

“(E) in the case of the adoption of a rule or the amendment of an existing rule that substantially changes a program activity, the order contains—

“(i) performance measures for evaluating the effectiveness of the program activity as changed; or

“(ii) a finding that existing performance measures will effectively evaluate the program activity as changed.

“(3) DATA FOR PERFORMANCE MEASURES.—The Commission shall develop a performance measure or proposed performance measure required by this subsection to rely, where possible, on data already collected by the Commission.

“(b) ADEQUATE DELIBERATION BY COMMISSIONERS.—The Commission shall by rule establish procedures for—

“(1) informing all Commissioners of a reasonable number of options available to the Commission for resolving a petition, complaint, application, rulemaking, or other proceeding;

“(2) ensuring that all Commissioners have adequate time, prior to being required to decide a petition, complaint, application, rulemaking, or other proceeding (including at a meeting held pursuant to section 5(d)), to review the proposed Commission decision document, including the specific language of any proposed rule or any proposed amendment of an existing rule; and

“(3) publishing the text of agenda items to be voted on at an open meeting in advance of such meeting so that the public has the opportunity to read the text before a vote is taken.

“(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a bipartisan majority of Commissioners may hold a meeting that is closed to the public to discuss official business if—

“(A) a vote or any other agency action is not taken at such meeting;

“(B) each person present at such meeting is a Commissioner, an employee of the Commission, a member of a joint board established under section 410, or a person on the staff of such a joint board; and

“(C) an attorney from the Office of General Counsel of the Commission is present at such meeting.

“(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Not later than 2 business days after the conclusion of a meeting held under paragraph (1), the Commission shall publish a disclosure of such meeting, including—

“(A) a list of the persons who attended such meeting; and

“(B) a summary of the matters discussed at such meeting, except for such matters as the Commission determines may be withheld under section 552b(c) of title 5, United States Code.

“(3) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection shall limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of Commissioners other than that described in paragraph (1).

“(d) INITIATION OF ITEMS BY BIPARTISAN MAJORITY.—The Commission shall by rule establish procedures for allowing a bipartisan majority of Commissioners to—

“(1) direct Commission staff to draft an order, decision, report, or action for review by the Commission;

“(2) require Commission approval of an order, decision, report, or action with respect to a function of the Commission delegated under section 5(c)(1); and

“(3) place an order, decision, report, or action on the agenda of an open meeting.

“(e) PUBLIC REVIEW OF CERTAIN REPORTS AND EX PARTE COMMUNICATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not rely, in any order, decision, report, or action, on—

“(A) a statistical report or report to Congress, unless the Commission has published and made such report available for comment for not less than a 30-day period prior to the adoption of such order, decision, report, or action; or

“(B) an ex parte communication or any filing with the Commission, unless the public has been afforded adequate notice of and opportunity to respond to such communication or filing, in accordance with procedures to be established by the Commission by rule.

“(2) EXCEPTION.—Paragraph (1) does not apply when the Commission for good cause finds

(and incorporates the finding and a brief statement of reasons therefor in the order, decision, report, or action) that publication or availability of a report under subparagraph (A) of such paragraph or notice of and opportunity to respond to an ex parte communication under subparagraph (B) of such paragraph are impracticable, unnecessary, or contrary to the public interest.

“(f) PUBLICATION OF STATUS OF CERTAIN PROCEEDINGS AND ITEMS.—The Commission shall by rule establish procedures for publishing the status of all open rulemaking proceedings and all proposed orders, decisions, reports, or actions on circulation for review by the Commissioners, including which Commissioners have not cast a vote on an order, decision, report, or action that has been on circulation for more than 60 days.

“(g) DEADLINES FOR ACTION.—The Commission shall by rule establish deadlines for any Commission order, decision, report, or action for each of the various categories of petitions, applications, complaints, and other filings seeking Commission action, including filings seeking action through authority delegated under section 5(c)(1).

“(h) PROMPT RELEASE OF CERTAIN REPORTS AND DECISION DOCUMENTS.—

“(1) STATISTICAL REPORTS AND REPORTS TO CONGRESS.—

“(A) RELEASE SCHEDULE.—Not later than January 15th of each year, the Commission shall identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released by the Commission and will be released during such year.

“(B) PUBLICATION DEADLINES.—The Commission shall publish each report identified in a schedule published under subparagraph (A) not later than the date indicated in such schedule for the anticipated release of such report.

“(2) DECISION DOCUMENTS.—The Commission shall publish each order, decision, report, or action not later than 7 days after the date of the adoption of such order, decision, report, or action.

“(3) EFFECT IF DEADLINES NOT MET.—

“(A) NOTIFICATION OF CONGRESS.—If the Commission fails to publish an order, decision, report, or action by a deadline described in paragraph (1)(B) or (2), the Commission shall, not later than 7 days after such deadline and every 14 days thereafter until the publication of the order, decision, report, or action, notify by letter the chairpersons and ranking members of the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Such letter shall identify such order, decision, report, or action, specify the deadline, and describe the reason for the delay. The Commission shall publish such letter.

“(B) NO IMPACT ON EFFECTIVENESS.—The failure of the Commission to publish an order, decision, report, or action by a deadline described in paragraph (1)(B) or (2) shall not render such order, decision, report, or action ineffective when published.

“(i) BIENNIAL SCORECARD REPORTS.—

“(1) IN GENERAL.—For the 6-month period beginning on January 1st of each year and the 6-month period beginning on July 1st of each year, the Commission shall prepare a report on the performance of the Commission in conducting its proceedings and meeting the deadlines established under subsections (g), (h)(1)(B), and (h)(2).

“(2) CONTENTS.—Each report required by paragraph (1) shall contain detailed statistics on such performance, including, with respect to each Bureau of the Commission—

“(A) in the case of performance in meeting the deadlines established under subsection (g), with

respect to each category established under such subsection—

“(i) the number of petitions, applications, complaints, and other filings seeking Commission action that were pending on the last day of the period covered by such report;

“(ii) the number of filings described in clause (i) that were not resolved by the deadlines established under such subsection and the average length of time such filings have been pending; and

“(iii) for petitions, applications, complaints, and other filings seeking Commission action that were resolved during such period, the average time between initiation and resolution and the percentage resolved by the deadlines established under such subsection;

“(B) in the case of proceedings before an administrative law judge—

“(i) the number of such proceedings completed during such period; and

“(ii) the number of such proceedings pending on the last day of such period; and

“(C) the number of independent studies or analyses published by the Commission during such period.

“(3) PUBLICATION AND SUBMISSION.—The Commission shall publish and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate each report required by paragraph (1) not later than the date that is 30 days after the last day of the period covered by such report.

“(j) TRANSACTION REVIEW STANDARDS.—

“(1) IN GENERAL.—The Commission shall condition its approval of a transfer of lines, a transfer of licenses, or any other transaction under section 214, 309, or 310 or any other provision of this Act only if—

“(A) the imposed condition is narrowly tailored to remedy a harm that arises as a direct result of the specific transfer or specific transaction that this Act empowers the Commission to review; and

“(B) the Commission could impose a similar requirement under the authority of a specific provision of law other than a provision empowering the Commission to review a transfer of lines, a transfer of licenses, or other transaction.

“(2) EXCLUSIONS.—In reviewing a transfer of lines, a transfer of licenses, or any other transaction under section 214, 309, or 310 or any other provision of this Act, the Commission may not consider a voluntary commitment of a party to such transfer or transaction unless the Commission could adopt that voluntary commitment as a condition under paragraph (1).

“(k) ACCESS TO CERTAIN INFORMATION ON COMMISSION'S WEBSITE.—The Commission shall provide direct access from the homepage of its website to—

“(1) detailed information regarding—

“(A) the budget of the Commission for the current fiscal year;

“(B) the appropriations for the Commission for such fiscal year; and

“(C) the total number of full-time equivalent employees of the Commission; and

“(2) the performance plan most recently made available by the Commission under section 1115(b) of title 31, United States Code.

“(l) FEDERAL REGISTER PUBLICATION.—

“(1) IN GENERAL.—In the case of any document adopted by the Commission that the Commission is required, under any provision of law, to publish in the Federal Register, the Commission shall, not later than the date described in paragraph (2), complete all Commission actions necessary for such document to be so published.

“(2) DATE DESCRIBED.—The date described in this paragraph is the earlier of—

“(A) the day that is 45 days after the date of the release of the document; or

“(B) the day by which such actions must be completed to comply with any deadline under any other provision of law.

“(3) NO EFFECT ON DEADLINES FOR PUBLICATION IN OTHER FORM.—In the case of a deadline that does not specify that the form of publication is publication in the Federal Register, the Commission may comply with such deadline by publishing the document in another form. Such other form of publication does not relieve the Commission of any Federal Register publication requirement applicable to such document, including the requirement of paragraph (1).

“(m) CONSUMER COMPLAINT DATABASE.—

“(1) IN GENERAL.—In evaluating and processing consumer complaints, the Commission shall present information about such complaints in a publicly available, searchable database on its website that—

“(A) facilitates easy use by consumers; and

“(B) to the extent practicable, is sortable and accessible by—

“(i) the date of the filing of the complaint;

“(ii) the topic of the complaint;

“(iii) the party complained of; and

“(iv) other elements that the Commission considers in the public interest.

“(2) DUPLICATIVE COMPLAINTS.—In the case of multiple complaints arising from the same alleged misconduct, the Commission shall be required to include only information concerning one such complaint in the database described in paragraph (1).

“(n) FORM OF PUBLICATION.—

“(1) IN GENERAL.—In complying with a requirement of this section to publish a document, the Commission shall publish such document on its website, in addition to publishing such document in any other form that the Commission is required to use or is permitted to and chooses to use.

“(2) EXCEPTION.—The Commission shall by rule establish procedures for redacting documents required to be published by this section so that the published versions of such documents do not contain—

“(A) information the publication of which would be detrimental to national security, homeland security, law enforcement, or public safety; or

“(B) information that is proprietary or confidential.

“(o) DEFINITIONS.—In this section:

“(1) AMENDMENT.—The term ‘amendment’ includes, when used with respect to an existing rule, the deletion of such rule.

“(2) BIPARTISAN MAJORITY.—The term ‘bipartisan majority’ means, when used with respect to a group of Commissioners, that such group—

“(A) is a group of 3 or more Commissioners; and

“(B) includes, for each political party of which any Commissioner is a member, at least 1 Commissioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least 1 unaffiliated Commissioner.

“(3) ECONOMICALLY SIGNIFICANT IMPACT.—The term ‘economically significant impact’ means an effect on the economy of \$100,000,000 or more annually or a material adverse effect on the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

“(4) PERFORMANCE MEASURE.—The term ‘performance measure’ means an objective and quantifiable outcome measure or output measure (as such terms are defined in section 1115 of title 31, United States Code).

“(5) PROGRAM ACTIVITY.—The term ‘program activity’ has the meaning given such term in section 1115 of title 31, United States Code, except that such term also includes any annual

collection or distribution or related series of collections or distributions by the Commission of an amount that is greater than or equal to \$100,000,000.

“(6) OTHER DEFINITIONS.—The terms ‘agency action’, ‘ex parte communication’, and ‘rule’ have the meanings given such terms in section 551 of title 5, United States Code.”.

(b) EFFECTIVE DATE AND IMPLEMENTING RULES.—

(1) EFFECTIVE DATE.—

(A) IN GENERAL.—The requirements of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the date that is 6 months after the date of the enactment of this Act.

(B) PRIOR NOTICES OF PROPOSED RULEMAKING.—If the Federal Communications Commission identifies under paragraph (2)(B)(ii) of subsection (a) of such section 13 a notice of proposed rulemaking issued prior to the date of the enactment of this Act—

(i) such notice shall be deemed to have complied with paragraph (1) of such subsection; and

(ii) if such notice did not contain the specific language of a proposed rule or a proposed amendment of an existing rule, paragraph (2)(A) of such subsection shall be satisfied if the adopted rule or the amendment of an existing rule is a logical outgrowth of such notice.

(C) SCHEDULES AND REPORTS.—Notwithstanding subparagraph (A), subsections (h)(1) and (i) of such section shall apply with respect to 2013 and any year thereafter.

(2) RULES.—The Federal Communications Commission shall promulgate the rules necessary to carry out such section not later than 1 year after the date of the enactment of this Act.

(3) PROCEDURES FOR ADOPTING RULES.—Notwithstanding paragraph (1)(A), in promulgating rules to carry out such section, the Federal Communications Commission shall comply with the requirements of subsections (a) and (h)(2) of such section.

SEC. 3. CATEGORIZATION OF TCPA INQUIRIES AND COMPLAINTS IN QUARTERLY REPORT.

In compiling its quarterly report with respect to informal consumer inquiries and complaints, the Federal Communications Commission may not categorize an inquiry or complaint with respect to section 227 of the Communications Act of 1934 (47 U.S.C. 227) as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively.

SEC. 4. EFFECT ON OTHER LAWS.

Nothing in this Act or the amendment made by this Act shall relieve the Federal Communications Commission from any obligations under title 5, United States Code, except where otherwise expressly provided.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112-422. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CROWLEY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-422.

Mr. CROWLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 5, strike “and”.

Page 7, line 15, strike the period and insert “; and”.

Page 7, after line 15, insert the following:

“(F) in the case of the adoption of a rule or the amendment of an existing rule relating to baby monitors, such rule as adopted or amended requires the packaging of an analog baby monitor to display a warning label stating that sounds or images captured by the baby monitor may be easily viewed or heard by potential intruders outside a consumer’s home.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1640

Mr. CROWLEY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of this amendment to H.R. 3309.

Mr. Chairman, my amendment addresses a problem that has come to light over the past 2 years. It’s a problem that’s a concern for parents, a problem that is a concern for families. It’s a problem that’s a concern for law enforcement. And I believe that my amendment will help to address this problem.

Here’s what we have learned. Many families do not know that the baby monitors that they purchase to help them take care of their infants and their children can be easily accessed by potential intruders. It’s possible for someone, anyone at all, to purchase a normal baby monitor at the store and use that monitor to see and hear inside a family’s home, quite literally making it possible to monitor other people’s children and their lives.

In fact, recent investigative news stories by NBC in New York and throughout the Nation found that one can even drive down the street with a baby monitor receiver and monitor every child on that street whose family uses an analog baby monitor. Outsiders waiting hundreds of feet from a home or canvassing a neighborhood can quickly and easily see an image of a young child or an entire room, the same image seen by parents inside their home.

The concerns don’t end there. Potential intruders could also identify whether the parents or children are home at all, helping create conditions for burglary. And a potential kidnapper or abuser could easily identify the location of a child within a home, as well as the easiest point of entry to abduct or cause harm to that child.

This is a situation that is deeply concerning to many parents who know of the problem. But equally as alarming is the fact that so many others don’t even know about the problem to begin with.

This amendment would direct the FCC, when ruling on baby monitors, to require companies producing analog baby monitors to include warning labels on packages so that parents can make fully informed decisions about the potential risk of their purchases.

Parents have no greater concern than the well-being of their children and their families, and they deserve full information about the products they are purchasing. It comes down to making sure that parents are aware of any potential dangers. A clear warning on the monitors will help arm parents with the information they need to make the best decision for their family.

I have written to the FCC about this issue, as well as the Federal Trade Commission and the Consumer Product Safety Commission. There is, indeed, an interest in addressing this problem, and I hope passage of this amendment will send a clear message to the agencies with jurisdiction over these products that we need to find a way to move forward and get this matter addressed.

I ask for support for this amendment.

I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. I share the gentleman’s concerns that he raised. A lot of people do not understand that, especially in the area of unlicensed spectrum, you don’t have a right to a protective communication. And certainly, in the analog world, you can listen in. We all know that from CB radios and things of that nature and family networks—you hear other people talking. This is an issue of concern, certainly, because all of us want to protect our families, those of us who have children. Mine now much older than that at nearly 22.

But this is certainly an issue, and I appreciate the gentleman raising it. I know he has legislation, although I would say this is the wrong vehicle for that because this is an FCC process reform bill, not a labeling bill, and the FCC does not use the phrase “baby monitor” in any of its rules, so, in effect, this labeling requirement may never take effect anyway.

And if the labeling requirement does take effect, it may cause some consumer confusion because you’d treat all analog monitors, perhaps, as unsafe and digital monitors as safe, even if that’s not true for a particular brand of baby monitor.

So I oppose this amendment, and would encourage my colleagues to do likewise.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CROWLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in House Report 112-422.

It is now in order to consider amendment No. 4 printed in House Report 112-422.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-422.

Ms. ESHOO. Mr. Chairman, I seek to offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, after line 21, insert the following (and redesignate subsequent provisions accordingly):

“(n) CERTIFICATIONS REGARDING IDENTITY OF DONORS FOR PUBLIC INSPECTION FILES.—

“(1) IN GENERAL.—The Commission shall revise its rules to require the public inspection file of a broadcast licensee, cable operator, or provider of direct broadcast satellite service to include, from each entity sponsoring political programming, a certification that identifies any donors that have contributed a total of \$10,000 or more to such entity in an election reporting cycle.

“(2) ACCURACY OF INFORMATION.—A broadcast licensee, cable operator, or provider of direct broadcast satellite service may not be held responsible for an inaccuracy in a certification filed under this subsection, unless such licensee, operator, or provider had actual knowledge, at the time such certification was filed, that such certification was false or fraudulent.

“(3) DEFINITIONS.—In this subsection:

“(A) CABLE OPERATOR.—The term ‘cable operator’ has the meaning given such term in section 602.

“(B) DBS ORIGINATION PROGRAMMING.—The term ‘DBS origination programming’ has the meaning given such term in section 25.701 of title 47, Code of Federal Regulations.

“(C) ELECTION REPORTING CYCLE.—The term ‘election reporting cycle’ means, with respect to a request to purchase time by an entity sponsoring political programming, the 2-year period that begins on the date of the most recent general election for Federal office preceding such request.

“(D) GENERAL ELECTION.—The term ‘general election’ means an election occurring on the first Tuesday after the first Monday in November of an even-numbered year.

“(E) ORIGINATION CABLECASTING.—The term ‘origination cablecasting’ has the meaning given such term in section 76.5 of title 47, Code of Federal Regulations.

“(F) POLITICAL PROGRAMMING.—The term ‘political programming’ means programming

that communicates a message relating to any political matter of national importance, including a legally qualified candidate for public office, any election to Federal office, or a national legislative issue of public importance.

“(G) PROGRAMMING.—The term ‘programming’ means—

“(I) with respect to a broadcast licensee, broadcast programming;

“(ii) with respect to a cable operator, origination cablecasting; and

“(iii) with respect to a provider of direct broadcast satellite service, DBS origination programming.

“(H) PROVIDER OF DIRECT BROADCAST SATELLITE SERVICE.—The term ‘provider of direct broadcast satellite service’ has the meaning given such term in section 335.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Mr. Chairman, I come to the floor this afternoon to offer an amendment to this bill that probably, for most people, as they were tuned in and listening to the discussion and the debate of the bill, may not have gotten too excited about it because it deals with the innards of an agency. But this amendment, I think, is probably one of the most important parts of the bill, and I'm very pleased that the Rules Committee found it in order.

This amendment goes to the heart of our democracy, and it's all about disclosure. We have the opportunity today to secure disclosure in political reporting for the voting public.

There's something very sick about our system today. People across the country are deeply and profoundly upset about the undisclosed sums of money that are being poured over and through our political system. And when that happens, it goes right to the heart of democracy.

Why? Because it's undisclosed. We do not know who is contributing. We don't know how much they're contributing. We don't even know if foreign countries are involved in this.

So this is really a very simple amendment. It's an amendment that adheres to the same principles that many of my colleagues, Democrats and Republicans, have supported before, and it works like this: If an organization buys political advertising time on broadcast television, on radio, on cable, or on satellite, they would be required to disclose their large donors, those who give \$10,000 or more to air the ad.

□ 1650

There is today, in statute, section 315 of the Communications Act—and it's been in place since 2002—that covers national legislative issues of public importance. It also covers legally qualified candidates, or any election to Federal office. So there's something al-

ready in place. The only thing that's being added to this is that if you're going to buy time, \$10,000 or more, that you are required to disclose and name who the donors are, who's contributing that money.

I think that this is very important. We are a democracy. We're not a plutocracy. What I hear over and over and over and over again from my constituents is the damage that Citizens United, the case that the Supreme Court rendered the decision—I think a disastrous one—2 years ago. We have the jurisdiction at the Energy and Commerce Committee and this subcommittee; it is within our jurisdiction to take this up in this bill.

Now, there is something else. Some people have said that this is burdensome—burdensome for broadcasters, burdensome for those that broadcast television, burdensome to radio, burdensome to cable, burdensome to satellite. They're not the ones that have to disclose, only those that buy the time.

And the files exist today. There is one file, one file only—now, there are other files for other responsibilities, but there's only one for political ads. Is America and our democracy not worth requiring those that want to buy the political ads to disclose who they are above \$10,000? And that's it. So the law is already in place since 2002. The file is already there. There is no burden to the broadcasters, radio, TV, satellite, cable, as I said, but simply to report.

Now, there are those that say that that would be burdensome, that that would be burdensome as well. My question is, How heavy a burden is it? How heavy of a burden, how heavy of a lift is it to report and disclose to the American people? The American people have a right to know; and once they know disclosure is a disinfectant, they will make up their own minds.

With that, I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. I don't rise in opposition to disclosure. I think it's a good thing if it's done in the proper venue in the proper way. And that's not on this particular bill.

A similar amendment was brought before the full committee and rejected by the full committee. It has since been rewritten. It's better than what came before the full committee, and I commend my friend from California for that. But the way that this is written, I believe that it has lots of unintended consequences that can be difficult and doesn't accomplish what she's trying to accomplish in an effective way.

For example, my colleagues in the Chamber, you all would have to disclose, when you go to inquire about the

purchase of time now in radio, TV, or satellite, your \$10,000 donors. So any PAC that gave you \$10,000 in the last 2 years would have to be listed. Now, my colleague from California, that would be like Abbott Labs and Google that gave you 10, and I've got some that gave me 10. You'd have to do that and disclose. You wouldn't have to do money you got from others.

But here's the deal, because I looked this up last night about one in the morning. I couldn't sleep, I was on west coast time, and so I went to the site where this stuff is disclosed—for us, that's the Federal Election Commission site. So I could easily find all the documentation for my dear friend—I just happened to go to her contribution history for last year. And only \$30,000 of the \$296,817 that she got from PACs would be disclosed as a result of this, which is about 10 percent. But she was able to have another \$400,000, or thereabouts, from individuals. So you're really down to only seeing a tiny little window of about 5 percent, or less, that would be disclosed in the public file of a broadcast, satellite, or cable operator, or radio, which, by the way, is all on paper, at least for now, and not online. I was able to ferret out this information online last night, one in the morning, or thereabouts.

The other thing it does, I think it draws in every candidate in America the way this is listed. Because when you read the actual language of the amendment, it talks about political programming. And it defines it as meaning “programming that communicates a message relating to any political matter of national importance.”

So I'm thinking about a city that's having a fight with the Federal Government over some new Federal regulation. That would be an issue of national importance; or if in a local community they were fighting about something, again, that, I don't know, Second Amendment rights, First Amendment rights. That would be an issue of national importance. Further, the language talks about a legally qualified candidate for public office. So that would seem to be any candidate for public office at any level.

So then you have public broadcasting that could be pulled into this because they have people that underwrite programming that deals with issues of national importance. So could that be that every public broadcaster would have to disclose somehow everybody that's paying for that programming?

Then you have the creative minds of the people who try to hide from disclosure. This would be real simple under this amendment because it says the look-back period is back to the last Federal general election. Whatever donors you've had at \$10,000 would have to be reported before you could inquire about buying time and purchasing time. Well, it's not a reach to think

that these clever little rascals out there would simply create a new committee every time they wanted to buy time. That's easy to do. They've got lots of money; they've got lots of attorneys. They just create the committee to attack ANNA ESHOO, 2012. And it has no prior donors from the 2 years, so they escape this. And who among us here thinks that they won't do that?

So I don't think the amendment is written to accomplish the goal, and the goal is best achieved and accomplished through the Federal Election Commission, not the Federal Communications Commission. So we're about two letters off. I think it really raises a host of issues that are unintended consequences and should be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chair, I urge support for the amendment offered by Representative ESHOO.

This is a straightforward amendment that will encourage transparency by requiring entities sponsoring political advertising to disclose the identity of any donors that have contributed \$10,000 or more to such entity over a 2-year election reporting period.

Notably, this amendment applies equally to broadcasters, cable providers, and satellite providers, and it does nothing more than update what is required to be placed in the political file.

Based on concerns raised by members of the committee at markup, Ms. ESHOO modified the amendment to make it explicit that broadcasters as well as cable and satellite providers will not be held liable for any inaccuracies in the information provided under this amendment.

Today, FCC rules require broadcasters, cable providers, and satellite providers to maintain and make available for public inspection requests to purchase airtime related to political advertising.

There is no requirement, however, to disclose who actually pays for such advertisements. Rather, the file simply needs to contain the name of the person or entity requesting such airtime.

As a result, it is easy to see how viewers might be confused about who is actually financing the advertisements they see and hear every day. Mild sounding names like "Taxpayers Against Something" can hide the fact that the advertisement is actually being funded by a corporation or a limited group of wealthy individuals.

Political ads can have a great impact on the outcome of an election because the broadcast medium has the ability to reach vast numbers of citizens. This amendment simply recognizes the incredible impact such advertising can have on the outcome of an election.

I think we can all agree that \$10,000 indicates a significant commitment of resources, and the public should be made aware of who is paying such sums and for what.

Mr. Chair, this amendment has broad support from numerous organizations that advocate on transparency issues like this, including the Campaign Legal Center, Citizens for Responsibility and Ethics in Government, Common Cause, Democracy 21, the League of

Women Voters, Public Citizen, and the Sunlight Foundation.

I urge a yes vote on the this important amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. ESHOO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. WALDEN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-422.

Mr. WALDEN. Mr. Chairman, on behalf of Mr. DIAZ-BALART, I have an amendment I am going to offer.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, after line 13, insert the following (and redesignate subsequent provisions accordingly):

"(o) TRANSPARENCY RELATING TO PERFORMANCE IN MEETING FOIA REQUIREMENTS.—The Commission shall take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), including by doing the following:

"(1) Publishing on the Commission's website the Commission's logs for tracking, responding to, and managing requests submitted under such section, including the Commission's fee estimates, fee categories, and fee request determinations.

"(2) Releasing to the public all decisions made by the Commission (including decisions made by the Commission's Bureaus and Offices) granting or denying requests filed under such section, including any such decisions pertaining to the estimate and application of fees assessed under such section.

"(3) Publishing on the Commission's website electronic copies of documents released under such section.

"(4) Presenting information about the Commission's handling of requests under such section in the Commission's annual budget estimates submitted to Congress and the Commission's annual performance and financial reports. Such information shall include the number of requests under such section the Commission received in the most recent fiscal year, the number of such requests granted and denied, a comparison of the Commission's processing of such requests over at least the previous 3 fiscal years, and a comparison of the Commission's results with the most recent average for the United States Government as published on www.foia.gov.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Oregon (Mr. WALDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN. Mr. Chairman, throughout the course of the debate today on the floor we'll have amendments offered by Republicans and Democrats, a total of potentially 10. This is one offered by my colleague from Florida (Mr. DIAZ-BALART), which we will be supportive of. There will be at least one amendment on the other side we will be supportive of as well.

This one will require the FCC to make additional disclosures on its Web site and in its annual budget regarding its processing of Freedom of Information Act requests. I think this does fall in the category of reforming how the FCC operates in a positive way. It would increase the Agency's transparency with regard to how it complies with Freedom of Information Act requests. Additional disclosure and transparency is a good thing, and the burdens on the FCC are clearly modest, completely.

So I would urge passage of this amendment, and I yield back the balance of my time.

Ms. ESHOO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, obviously, my colleagues know that I'm a strong proponent of openness and transparency rules in government. I'm concerned about this amendment because it seems as if it would apply special Freedom of Information Act, FOIA, requirements on one agency alone.

□ 1700

As with the underlying bill, I am concerned that this would create confusion and inconsistency.

Most frankly, I also question what the problem is that we're addressing here. Just 2 weeks ago, Chairman ISSA, the chairman of the committee with jurisdiction over FOIA matters, issued a report in which he gave an A grade for FOIA compliance relative to the FCC. It is also my understanding that the FCC is already publishing on its Web site logs for tracking, for responding to, and for managing FOIA requests. So it's a little confusing given the grade that Chairman ISSA issued relative to the FCC and FOIA requests and relative to the issues that I raised.

So I think, perhaps, that the amendment may be redundant or simply not needed at all. Those are my observations, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. WALDEN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. OWENS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-422.

Mr. OWENS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. BROADBAND ACCESS IN RURAL AREAS.

Nothing in this Act (including the amendment made by section 2 of this Act) shall impede the Federal Communications Commission from implementing rules to ensure broadband access in rural areas.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from New York (Mr. OWENS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. OWENS. Mr. Chairman, I rise in support of my amendment to H.R. 3309, the Federal Communications Commission Process Reform Act.

I agree that cost-benefit analysis is an important factor that independent agencies should consider before issuing new rules and regulations. To that end, I have supported bipartisan legislation that would require other agencies, like the CFTC and the SBA, to conduct similar analyses.

Mr. Chairman, in our efforts to change the rulemaking process at the FCC, it is important that we consider unintended consequences. My amendment is very simple and limited in scope. It simply expresses that nothing in this act shall impede the FCC from implementing rules to ensure broadband access in rural areas. I would like to clarify that this amendment is not intended to influence the current debate concerning the FCC's reforms to the Universal Service Fund.

Last year, I introduced legislation that would direct the Department of Agriculture to craft a comprehensive plan to expand broadband access to rural America. If such a plan were enacted under the bill we are considering today, the FCC would likely be required to conduct additional market surveys and analysis that could delay its implementation.

New York's 23rd Congressional District is 14,000 square miles and encompasses a large portion of the State's rural communities. My amendment would simply ensure that the development of much-needed broadband in rural areas, like in my congressional district in upstate New York, is not held up by the increased requirements imposed by the FCC under this bill.

Whether it is a small business in Massena, Watertown, Oswego or in Plattsburgh, New York, that wants to market its products to customers in Canada or to a hospital that is able to save a life by accessing patient records, access to broadband is critical to creating jobs and growing the economy in rural New York and in rural regions across the country. In many of these

areas, there is simply insufficient demand for private industry to justify the cost of building out their networks.

Congress must be prepared to help develop this infrastructure to ensure our economy remains competitive in the global marketplace. I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. This amendment would exempt from procedural reforms any FCC actions with regard to broadband access in rural areas. Now, I know the gentleman talked about representing a large rural district. My district in eastern Oregon is larger than his State of New York. It is 70,000 square miles. In fact, it's bigger than any State this side of the Mississippi River, I'm told.

This is my bill. I am an advocate for it because, in many respects, it's bad process at the FCC that harms those least able to afford big high-rise towers of lawyers to come and oversee the FCC. That's why we need a more open and transparent process. This would exempt the FCC from using good process when reforming the Universal Service Fund, for example.

I know the gentleman is fairly new here, but he may not have caught the part about the FCC doing a data dump in the final hours before they promulgated their rule on the Universal Service Fund, which meant it was very difficult, if not impossible, for anybody who really cared deeply about the build-out of broadband or of the future of the USF to go through literally thousands of pages. I used these earlier today in the debate on the underlying bill. We have binders and binders and binders of the actual documents that they dumped at the last minute. It's just not the way to do the public's business.

So I understand what the gentleman is saying. Mr. TERRY, who is the sponsor of this bill, is a long-time advocate of rural broadband build-out, as am I, which is part of what we are hoping to accomplish in other legislation as well that has become law. The National Telecommunications Cooperative Association, the voice of rural carriers—the very people you're trying to help and genuinely so with your amendment—actually supports the underlying bill. Surely they don't think it will slow down rural broadband deployment.

So I appreciate the gentleman's commitment to rural broadband build-out. I think his amendment actually goes in the wrong direction in that it reduces transparency, accountability, and access for the very people we're trying to help.

Therefore, Mr. Chairman, I will oppose the amendment. I yield back the balance of my time.

Mr. OWENS. Mr. Chairman, may I reclaim my unused time?

The Acting CHAIR. The gentleman seeks unanimous consent to reclaim the remaining part of his time.

Without objection, the gentleman from New York is recognized for 2½ minutes.

There was no objection.

Mr. OWENS. I just want to point out two items.

First, this bill is not intended to influence in any way the current debate concerning the FCC's reforms to the Universal Service Fund. We are not in any way attempting to impact that. In addition, what we're really asking is that the FCC take into account in its rulemaking process the rural broadband needs. We are not exempting it from the process but are simply asking that that be taken into account as they go through the process. There is no exemption intended here.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. OWENS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-422.

Mr. AL GREEN of Texas. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. PROVISION OF EMERGENCY WEATHER INFORMATION.

Nothing in subsection (a) of section 13 of the Communications Act of 1934, as added by section 2 of this Act, shall be construed to impede the Federal Communications Commission from acting in times of emergency to ensure the availability of efficient and effective communications systems to alert the public to imminent dangerous weather conditions.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I will be very brief because I understand that time is of the essence.

I've had an opportunity to work with my colleagues across the aisle, and our staffs have worked together. Mr. Chairman, this amendment would simply make it clear that the FCC will not be impeded in any way as it relates to notifying the public about dangerous conditions. We all know about the hurricanes that hit the gulf coast and that we have tornadoes in other areas of the country. This is a very simple, commonsense amendment. I believe my colleague will agree with me, and I don't believe there will be a need for a vote.

Mr. WALDEN. Will the gentleman yield?

Mr. AL GREEN of Texas. I yield to the gentleman from Oregon.

□ 1710

Mr. WALDEN. I thank the gentleman for yielding, and I thank him for working with this side of the aisle. You have been terrific and so have your staff as we worked through this.

This wasn't a surprise amendment by any means. We were able to sit down and work through it. We share your concern fully, and we are fully supportive of your amendment. And I thank you for raising this issue.

As a former radio broadcaster, having been involved in some emergencies—not hurricanes, clearly, in Oregon—but this is important. So we do support it. And again, I thank you for working with us in a bipartisan spirit.

Mr. AL GREEN of Texas. Thank you. And reclaiming my time, I am grateful for my colleague and the staff members that worked with us.

And with that said, Mr. Chairman, I don't believe there will be a request for a vote if the amendment is accepted.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. SPEIER

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-422.

Ms. SPEIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. IMPACT ON COMPETITION AND INNOVATION.

This Act (including the amendment made by section 2 of this Act) shall not take effect until the Federal Communications Commission submits to Congress a report on the impact of this Act (and amendment) on the mandate of the Commission to promote competition and innovation.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. SPEIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Mr. Chairman, who among us is not for competition and innovation? This amendment speaks directly to that issue. And I want to read you the amendment:

This act shall not take effect until the Federal Communications Commission submits to Congress a report on the impact of this act on the mandate of the commission to promote competition and innovation.

Again, who isn't for competition and innovation? Among the important mandates of the FCC are the following: promoting competition, innovation, and investment in broadband services and facilities; supporting the Nation's economy by ensuring an appropriate competitive framework for the unfolding of the communications revolution; encouraging the highest and best use of spectrum domestically and internationally; revising media regulations so that new technologies flourish alongside diversity and localism; providing leadership; and strengthening the defense of the Nation's communications infrastructure.

The provisions of this bill could potentially disable the agency and stymie the commission's ability to fulfill its most basic mission: to promote innovation while protecting the public interest. The U.S. has led the world in developing policies to unleash spectrum for mobile investment and innovation. The FCC was the first agency to develop spectrum auctions and also the first to free up so-called junk bands for unlicensed use, such as Bluetooth, cordless phones, and Wi-Fi, all things we take for granted today.

The economic benefit created by unlicensed spectrum alone is estimated at \$37 billion a year. In 2011, the U.S. tech sector grew three times faster than the overall economy. This is success, and we should do nothing to stymie that success.

The U.S. has regained global leadership in mobile innovation. We are ahead of the world in deploying 4G mobile broadband, and those next-generation networks are projected to add more than \$150 billion in GDP growth over the next 4 years. Internet startups attracted \$7 billion in venture capital last year, almost double the 2009 level. The apps economy alone has generated more than 500,000 jobs, and many of those are right smack-dab in my district. You know them: Google, YouTube, and Facebook.

Rest assured, the innovation is continuing. For example, JellyRadio is a small technology company with about 15 employees, and it's located right across the street from my district office. It's already received \$2 million in angel and venture capital. It allows crowdsourcing of radio playlists. You vote for what you want to hear, and the band or subject with the most votes gets played. They just received a

local business award for small technology company of the year.

Another is Storm8, the creator of the number one role-playing games on iPhone, iPad, iPod touch, and Android devices and parent company of the number one mobile social game developer, TeamLava. Started in 2009, Storm8 quickly shot to the top of the mobile gaming industry, celebrating its first million-dollar day in June of last year.

These are examples of what we must protect in our FCC operation. We must ensure that innovators like these have the opportunity to grow and thrive. The FCC has a critical role to play in moving us forward technologically and with the jobs that it brings. Broadband has unlocked new opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a \$68 billion global industry that is growing 17 percent annually. In fact, my son is now working for one of those companies. That's why we need to make sure that the FCC has the ability to make sure there continues to be innovation and competitiveness. The FCC Process Reform Act undermines standard administrative law practices, undoing over 60 years of Federal court precedent under the Administrative Procedures Act, creating uncertainty and confusion for the FCC and innovative businesses that interact with the agency. It also severely undermines the FCC's ability to develop sensible conditions to protect consumers and ensure competition.

I am a strong component of congressional oversight over agencies within our jurisdiction. That's part of our job. But we have to make sure that the FCC has the tools to do its job as well. So before we risk millions of jobs affected by the important work of the FCC, let's be sure we know how this bill will affect our innovative economy. I urge support of this amendment, and I yield back the balance of my time.

Mr. KINZINGER of Illinois. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KINZINGER of Illinois. Mr. Chairman, I appreciate the gentlewoman bringing the amendment forward.

I rise in opposition to it today because in essence what it does is implements a study on the idea of these reforms. These reforms, again, are very basic. This just says, hey, a lot of these are already in place. It opens up the process to the American public. We believe in an open transparent government, an open and transparent system.

This puts a study on the bill that simply has no timeline to it. Let me give you a quick example. The FCC is already behind on completing its reports. It didn't finish its satellite competition report for 2008 until 2011 and

still hasn't finished the 2010 report on media ownership. So let's just be very honest with this. This is an attempt to kill this bill. This is an attempt to put a study on it that has no time line and simply allows the FCC to indefinitely delay the reforms that I think, frankly, the American people are demanding of Congress, demanding of Washington, which is to just open up government, let us know what's going on, be transparent. That's basic. That's what we stand for.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER).

The amendment was rejected.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. KINZINGER of Illinois) assumed the chair.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The SPEAKER pro tempore. The Committee will resume its sitting.

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

The Committee resumed its sitting.

□ 1720

AMENDMENT NO. 10, AS MODIFIED, OFFERED BY
MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-422.

Ms. ESHOO. Mr. Chairman, I rise to offer an amendment that is actually Ms. CLARKE's of New York that I am offering on her behalf.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.

Nothing in this Act (including the amendment made by section 2 of this Act) shall impede the Federal Communications Commission from ensuring the availability of efficient and effective communications systems for State and local first responders.

Ms. ESHOO. Mr. Chairman, I ask unanimous consent to offer a revised version.

The Acting CHAIR. Does the gentlewoman ask unanimous consent to modify the amendment?

Ms. ESHOO. I do, Mr. Chairman.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 10 offered by Ms. ESHOO:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.

Nothing in subsection (a) of section 13 of the Communications Act of 1934, as added by section 2 of this Act, shall be construed to impede the Federal Communications Commission from acting in times of emergency to ensure the availability of efficient and effective communications systems for State and local first responders.

The Acting CHAIR. Is there objection to the modification?

Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Mr. Chairman, I simply present this amendment on behalf of Ms. CLARKE, and I hope that the majority will accept it.

With that, I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I appreciate the work we've done with the people involved in this, and we agree to it, and we accept the amendment as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. ESHOO).

The amendment, as modified, was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-422 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. CROWLEY of New York.

Amendment No. 5 by Ms. ESHOO of California.

Amendment No. 7 by Mr. OWENS of New York.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. CROWLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. CROWLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 219, not voting 16, as follows:

[Roll No. 134]

AYES—196

Ackerman	Farr	Miller, George
Altmire	Fattah	Moore
Amodei	Filner	Moran
Andrews	Fitzpatrick	Murphy (CT)
Baca	Fortenberry	Nadler
Baldwin	Frank (MA)	Napolitano
Barrow	Fudge	Neal
Bartlett	Garamendi	Oliver
Bass (CA)	Gibson	Owens
Becerra	Gonzalez	Pallone
Berkley	Green, Al	Pascarell
Berman	Green, Gene	Pastor (AZ)
Bishop (GA)	Griffith (VA)	Paulsen
Bishop (NY)	Grijalva	Pelosi
Blumenauer	Gutierrez	Perlmutter
Bonamici	Hahn	Peters
Boren	Hanabusa	Peterson
Boswell	Hastings (FL)	Pingree (ME)
Brady (PA)	Heck	Quigley
Braley (IA)	Heinrich	Rahall
Brown (FL)	Higgins	Reyes
Burgess	Himes	Richmond
Butterfield	Hinchey	Ross (AR)
Capps	Hinojosa	Rothman (NJ)
Capuano	Hirono	Roybal-Allard
Cardoza	Hochul	Runyan
Carnahan	Holden	Ryan (OH)
Carney	Holt	Sánchez, Linda
Carson (IN)	Honda	T.
Castor (FL)	Hoyer	Sanchez, Loretta
Chandler	Israel	Sarbanes
Chu	Johnson (GA)	Schakowsky
Cicilline	Johnson, E. B.	Schiff
Clarke (MI)	Jones	Schrader
Clarke (NY)	Kaptur	Schwartz
Clay	Keating	Scott (VA)
Cleaver	Kildee	Scott, David
Clyburn	Kind	Serrano
Cohen	King (NY)	Sewell
Connolly (VA)	Kissell	Sherman
Conyers	Kucinich	Shuler
Cooper	Langevin	Sires
Costa	Larsen (WA)	Slaughter
Costello	Larson (CT)	Smith (NJ)
Courtney	Latham	Smith (WA)
Critz	Lee (CA)	Speier
Crowley	Levin	Stark
Cuellar	Lewis (GA)	Sutton
Cummings	Lipinski	Thompson (CA)
Davis (CA)	LoBiondo	Thompson (MS)
Davis (IL)	Loebach	Tierney
DeFazio	Lofgren, Zoe	Tonko
DeGette	Lowey	Towns
DeLauro	Lujan	Tsongas
Dent	Lynch	Van Hollen
Deutch	Markey	Velázquez
Dicks	Matheson	Visclosky
Dingell	Matsui	Walz (MN)
Doggett	McCarthy (NY)	Wasserman
Dold	McCollum	Schultz
Donnelly (IN)	McDermott	Waters
Doyle	McGovern	Watt
Edwards	McIntyre	Waxman
Ellison	McNerney	Wittman
Engel	Meeks	Woolsey
Eshoo	Miller (NC)	Yarmuth

NOES—219

Adams	Bishop (UT)	Campbell
Aderholt	Black	Canseco
Alexander	Blackburn	Cantor
Amash	Bonner	Capito
Austria	Bono Mack	Carter
Bachmann	Boustany	Cassidy
Bachus	Brady (TX)	Chabot
Barletta	Brooks	Chaffetz
Barton (TX)	Broun (GA)	Coble
Bass (NH)	Buchanan	Coffman (CO)
Benishek	Bucshon	Cole
Berg	Buerkle	Conaway
Biggert	Burton (IN)	Cravaack
Bilbray	Calvert	Crawford
Bilirakis	Camp	Crenshaw

Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)

Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Maloney
Manzullo
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci

Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Bradley (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner

NOT VOTING—16

Akin
Diaz-Balart
Flores
Jackson (IL)
Jackson Lee
(TX)

Lamborn
Mack
Marchant
Paul
Price (NC)
Rangel

Richardson
Ruppersberger
Rush
Welch
Wilson (FL)

□ 1754

Mr. WEBSTER changed his vote from “aye” to “no.”

Mr. BUTTERFIELD, Ms. TSONGAS, Messrs. SMITH of Washington, KING of New York, Ms. WASSERMAN SCHULTZ, and Mr. BURGESS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ESHOO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 238, not voting 14, as follows:

[Roll No. 135]

AYES—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Manzullo
Markley
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano

Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Manzullo
Markley
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano

Neal
Oliver
Owens
Pallone
Pascarelli
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townsend
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—238

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishke
Berg
Biggart

Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle

Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)

Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt

Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed

Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—14

Akin
Diaz-Balart
Flores
Hinojosa
Jackson (IL)

Jackson Lee
(TX)
Larson (CT)
Mack
Marchant

Paul
Price (NC)
Rangel
Ruppersberger
Welch

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1758

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON of Connecticut. Mr. Chair, on Tuesday, March 27, 2012 I was not present for rollcall vote No. 135. If I had been present I would have voted “aye.”

Mr. HINOJOSA. Mr. Chair, on rollcall No. 135, had I been present, I would have voted “aye.”

AMENDMENT NO. 7 OFFERED BY MR. OWENS

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from New York (Mr. OWENS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 222, not voting 15, as follows:

[Roll No. 136]

AYES—194

Ackerman	Fattah	Nadler
Alexander	Filner	Napolitano
Altmire	Fudge	Neal
Andrews	Garamendi	Olver
Baca	Gerlach	Owens
Baldwin	Gibson	Pallone
Barrow	Gohmert	Pascarell
Bass (CA)	Gonzalez	Pastor (AZ)
Becerra	Green, Al	Pelosi
Berkley	Green, Gene	Perlmutter
Berman	Grijalva	Peters
Bishop (GA)	Guinta	Peterson
Bishop (NY)	Gutierrez	Pingree (ME)
Blumenauer	Hahn	Polis
Bonamici	Hanabusa	Quigley
Boren	Hanna	Rahall
Boswell	Hastings (FL)	Reyes
Brady (PA)	Heinrich	Ribble
Braley (IA)	Higgins	Richardson
Brown (FL)	Himes	Richmond
Butterfield	Hinchee	Ross (AR)
Capps	Hinojosa	Rothman (NJ)
Capuano	Hirono	Roybal-Allard
Cardoza	Hochul	Rush
Carnahan	Holden	Ryan (OH)
Carney	Holt	Sánchez, Linda
Carson (IN)	Honda	T.
Castor (FL)	Hoyer	Sanchez, Loretta
Chandler	Israel	Sarbanes
Chu	Johnson (GA)	Schakowsky
Ciilline	Johnson, E. B.	Schiff
Clarke (MI)	Jones	Schrader
Clarke (NY)	Keating	Schwartz
Clay	Kildee	Scott (VA)
Cleaver	Kind	Scott, David
Clyburn	Kissell	Serrano
Coffman (CO)	Kucinich	Sewell
Cohen	Langevin	Sherman
Connolly (VA)	Larsen (WA)	Shuler
Conyers	Larson (CT)	Sires
Cooper	Lee (CA)	Slaughter
Costa	Levin	Smith (WA)
Costello	Lewis (GA)	Speier
Courtney	Lipinski	Stark
Critz	LoBiondo	Sutton
Crowley	Loebach	Thompson (CA)
Cuellar	Lofgren, Zoe	Thompson (MS)
Cummings	Lowey	Tierney
Davis (CA)	Lujan	Tonko
Davis (IL)	Lynch	Towns
DeFazio	Maloney	Tsongas
DeGette	Markey	Van Hollen
DeLauro	Matsui	Velázquez
Dent	McCarthy (NY)	Vislosky
Deutch	McCollum	Walz (MN)
Dicks	McDermott	Wasserman
Dingell	McGovern	Schultz
Doggett	McIntyre	Waters
Dold	McNerney	Watt
Donnelly (IN)	Meeks	Waxman
Doyle	Michaud	Wilson (FL)
Edwards	Miller (NC)	Wittman
Ellison	Miller, George	Woolsey
Engel	Moore	Yarmuth
Eshoo	Moran	
Farr	Murphy (CT)	

NOES—222

Adams	Granger	Palazzo
Aderholt	Graves (GA)	Paulsen
Amash	Graves (MO)	Pearce
Amodei	Griffin (AR)	Pence
Austria	Griffith (VA)	Petri
Bachmann	Grimm	Pitts
Bachus	Guthrie	Platts
Barletta	Hall	Poe (TX)
Bartlett	Harper	Pompeo
Barton (TX)	Harris	Posey
Bass (NH)	Hartzler	Price (GA)
Benishke	Hastings (WA)	Quayle
Berg	Hayworth	Reed
Biggert	Heck	Rehberg
Bilbray	Hensarling	Reichert
Bilirakis	Herger	Renacci
Bishop (UT)	Herrera Beutler	Rigell
Black	Huelskamp	Rivera
Blackburn	Huizenga (MI)	Roby
Bonner	Hultgren	Roe (TN)
Bono Mack	Hunter	Rogers (AL)
Boustany	Hurt	Rogers (KY)
Brady (TX)	Issa	Rogers (MI)
Brooks	Jenkins	Rokita
Broun (GA)	Johnson (IL)	Rooney
Buchanan	Johnson (OH)	Ros-Lehtinen
Bucshon	Johnson, Sam	Roskam
Buerkle	Jordan	Ross (FL)
Burgess	Kelly	Royce
Burton (IN)	King (IA)	Runyan
Calvert	King (NY)	Ryan (WI)
Camp	Kingston	Scalise
Campbell	Kinzing (IL)	Schilling
Canseco	Kline	Schmidt
Cantor	Labrador	Schock
Capito	Lamborn	Schweikert
Carter	Lance	Scott (SC)
Cassidy	Landry	Scott, Austin
Chabot	Lankford	Sensenbrenner
Chaffetz	Latham	Sessions
Coble	LaTourette	Shimkus
Cole	Latta	Shuster
Conaway	Lewis (CA)	Simpson
Cravaack	Long	Smith (NE)
Crawford	Lucas	Smith (NJ)
Crenshaw	Luetkemeyer	Smith (TX)
Culberson	Lummis	Southerland
Davis (KY)	Lungren, Daniel	Stearns
Denham	E.	Stivers
DesJarlais	Manzullo	Stutzman
Dreier	Marino	Sullivan
Duffy	Matheson	Terry
Duncan (SC)	McCarthy (CA)	Thompson (PA)
Duncan (TN)	McCaul	Thornberry
Ellmers	McClintock	Tiberi
Emerson	McCotter	Tipton
Farenthold	McHenry	Turner (NY)
Fincher	McKeon	Turner (OH)
Fitzpatrick	McKinley	Upton
Flake	McMorris	Walberg
Fleischmann	Rodgers	Walden
Fleming	Meehan	Walsh (IL)
Forbes	Mica	Webster
Fortenberry	Miller (FL)	West
Fox	Miller (MI)	Westmoreland
Frank (MA)	Miller, Gary	Whitfield
Franks (AZ)	Mulvaney	Wilson (SC)
Galleghy	Murphy (PA)	Wolf
Gardner	Myrick	Womack
Garrett	Neugebauer	Woodall
Gibbs	Noem	Yoder
Gingrey (GA)	Nugent	Young (AK)
Goodlatte	Nunes	Young (FL)
Gosar	Nunnelee	Young (IN)
Gowdy	Olson	

NOT VOTING—15

Akin	Jackson Lee
Diaz-Balart	(TX)
Flores	Kaptur
Frelinghuysen	Mack
Jackson (IL)	Marchant
	Paul

□ 1802

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chair, on rollcall No. 134, 135, and 136, I was delayed and unable to

vote. Had I been present, I would have voted "no" on all three.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOLD) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, and, pursuant to House Resolution 595, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. PERLMUTTER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PERLMUTTER. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Perlmutter moves to recommit the bill, H.R. 3309, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 23, after line 5, insert the following:

SEC. 5. PROTECTING THE PASSWORDS OF ONLINE USERS.

Nothing in this Act or any amendment made by this Act shall be construed to limit or restrict the ability of the Federal Communications Commission to adopt a rule or to amend an existing rule to protect online privacy, including requirements in such rule that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking web sites.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. Mr. Speaker, what I'd like to do is to read again this

amendment, because once I've read it, I imagine that everyone in this House of Representatives will embrace this amendment, this final amendment to the bill, and will vote in favor of this amendment. It says:

Nothing in this act or any amendment made by this act shall be construed to limit or restrict the ability of the Federal Communications Commission to adopt a rule or to amend an existing rule to protect online privacy, including requirements in such rule that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking Web sites.

What this amendment does is it says you cannot demand, as a condition of employment, that somebody reveal a confidential password to their Facebook, to their Flickr, to their Twitter, to whatever their account may be. It only makes sense because those that are using these kinds of social media have an expectation of privacy. They have an expectation that their right to free speech or their right to free religion will be respected when they use these social media outlets.

Now, if an employer wants to pose as or impersonate the individual who's had to turn over their confidential password, that employer I think will be able to reach into personal private information of the user, of the Facebook user, for instance, or the Facebook member, or of the person who is communicating with them, the friend of the Facebook user. So there are two sides to this, both the user of the Facebook as well as those people who correspond with them, that have an expectation of privacy.

Now, these kinds of communications are going to be very personal. Facebook, itself, in an original post dated March 23, 2012, says:

In recent months, we've seen a distressing increase in reports of employers or others seeking to gain inappropriate access to people's Facebook profiles or private information. This practice undermines the privacy expectations and the security of both the user and the user's friends. It also potentially exposes the employer who seeks this access to unanticipated legal liability.

They continue:

The most alarming of these practices is the reported incidences of employers asking prospective or actual employees to reveal their passwords. If you are a Facebook user, you should never have to share your password, let anyone access your account, or do anything that might jeopardize the security of your account or violate the privacy of your friends.

This is a very simple, straightforward amendment. It is one that everybody ought to embrace.

Now, some people might say, well, shouldn't an employer have this right? Well, employers can always do what they've done for years, which is to check references, to do background checks, but to do it as themselves, not as an imposter. They can do it directly. So if my reference is being checked,

somebody knows that they're dealing with my employer, not some imposter. It is just that simple. People have an expectation of privacy, both the user and their friend.

There is clearly the potential for liability to an employer or somebody who comes in and misuses the confidential password. There is already plenty available to employers to do their background checks that they may need without posing and using the confidential password.

□ 1810

This amendment is simple. It is straightforward. I urge its passage. It is the final amendment that we will present to this bill.

Mr. MCHENRY. Will the gentleman yield?

Mr. PERLMUTTER. I yield to my friend, the gentleman from North Carolina.

Mr. MCHENRY. I appreciate it.

I've been working on legislation similar to this. If the gentleman would withdraw, I would be happy to work with him to find legislative language that could be acceptable to all sides, including to national security interests.

Mr. PERLMUTTER. In reclaiming my time from my friend from North Carolina, I would love to work with you, but this is the amendment we are proposing to this bill at this time. I am asking for a vote on this bill at this time.

Mr. Speaker, again, this is a straightforward amendment. It's one everybody should vote for.

With that, I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. I thank the gentleman, and I would just like to draw your attention to several points.

First of all, we had a very open process with hearings in the Energy and Commerce Communications and Technology Subcommittee, and this issue didn't come up. We had a markup in the subcommittee, and there were no amendments offered of this nature. We had a markup in the full committee, and there were no amendments offered. We had an opportunity for all Members to offer amendments on the floor, where they could be thoughtfully debated, and this amendment was not put in this context. Now it suddenly appears before us at the last minute of this day. So it would have been helpful to have been able to have had this discussion because many of us share the concern that the gentleman is talking about.

I think it's awful that employers think they can demand our passwords and can go snooping around. There is

no disagreement with that. Here is the flaw: Your amendment doesn't protect them. It doesn't do that. Actually, what this amendment does is say that all of the reforms that we are trying to put in place at the Federal Communications Commission, in order to have them have an open and transparent process where they are required to publish their rules in advance so that you can see what they're proposing, would basically be shoved aside. They could do whatever they wanted on privacy if they wanted to, and you wouldn't know it until they published their text afterward. There is no protection here. There is nothing there to enforce.

What this motion to recommit does here at the last minute—and if we could have had time to work this out ahead of time, we might have figured out something we could have both agreed on.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. WALDEN. No, I won't.

What we have here is a problem that you exempt from the process. You don't protect the consumer. There are many of us who, after this debate concludes and we move on, would be happy to work with you on legislation because I think this is a real issue that we all share, and that is protecting privacy. This doesn't do that. In fact, you could open the door where they could allow employers and licensees to go after your stuff, and you wouldn't know it until they published the rule.

So I urge a "no" vote on this motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PERLMUTTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 184, noes 236, not voting 11, as follows:

[Roll No. 137]

AYES—184

Ackerman	Blumenauer	Carnahan
Altmire	Bonamici	Carney
Andrews	Boren	Carson (IN)
Baca	Boswell	Castor (FL)
Baldwin	Brady (PA)	Chandler
Barrow	Braley (IA)	Chu
Bass (CA)	Brown (FL)	Ciциlline
Becerra	Butterfield	Clarke (MI)
Berman	Capps	Clarke (NY)
Bishop (GA)	Capuano	Clay
Bishop (NY)	Cardoza	Cleaver

Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Riggell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrbacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Lungren, Daniel
E.
Manzullo
Marino
Matheson

Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren

Lungren, Daniel
E.
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri

Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Convers

Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards

Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kington
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford

Ellison	Lee (CA)	Rothman (NJ)
Engel	Levin	Roybal-Allard
Eshoo	Lewis (GA)	Rush
Farr	Lipinski	Ryan (OH)
Fattah	Loeb	Sánchez, Linda
Filner	Lofgren, Zoe	T.
Frank (MA)	Lowey	Sanchez, Loretta
Fudge	Luján	Sarbanes
Garamendi	Lynch	Schakowsky
Gonzalez	Maloney	Schiff
Green, Al	Markey	Schwartz
Green, Gene	Matsui	Scott (VA)
Grijalva	McCarthy (NY)	Scott, David
Gutierrez	McCollum	Serrano
Hahn	McDermott	Sewell
Hanabusa	McGovern	Sherman
Hastings (FL)	McNerney	Sires
Heinrich	Michaud	Slaughter
Higgins	Miller (NC)	Smith (WA)
Himes	Miller, George	Speier
Hinchey	Moore	Stark
Hinojosa	Moran	Sutton
Hirono	Murphy (CT)	Thompson (CA)
Holden	Nadler	Thompson (MS)
Holt	Napolitano	Tierney
Honda	Neal	Tonko
Hoyer	Olver	Towns
Israel	Pallone	Tsongas
Jackson Lee	Pascarell	Van Hollen
(TX)	Pastor (AZ)	Velázquez
Johnson (GA)	Pelosi	Visclosky
Johnson, E. B.	Perlmutter	Walz (MN)
Kaptur	Peters	Wasserman
Keating	Pingree (ME)	Schultz
Kildee	Polis	Waters
Kind	Price (NC)	Watt
Kissell	Quigley	Waxman
Kucinich	Rahall	Welch
Langevin	Reyes	Wilson (FL)
Larsen (WA)	Richardson	Woolsey
Larson (CT)	Richmond	Yarmuth

NOT VOTING—10

Akin	Mack	Rangel
Diaz-Balart	Marchant	Ruppersberger
Flores	Meeks	
Jackson (IL)	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1837

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall No. 137 and 138, I was delayed and unable to vote. Had I been present, I would have voted "no" on rollcall No. 137 and "aye" on rollcall No. 138.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 112, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-423) on the resolution (H. Res. 597) providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3596

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent to remove the name of Mr. PITTS of Pennsylvania as a cosponsor of H.R. 3596.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, today I was unavoidably detained on the following votes:

On rollcall 134, the Crowley amendment, I would have voted "aye." On rollcall vote 135, the Eshoo amendment, I would have voted "aye." On rollcall vote No. 136, the Owens amendment, I would have voted "aye."

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, I was unavoidably detained yesterday evening on business.

On H.R. 2779, rollcall vote No. 127, I would have voted "yea"; H.R. 2682, rollcall vote No. 128, I would have voted "yea"; and rollcall vote No. 129, I would have voted "no."

□ 1840

FALLEN HEROES TRAVELING MEMORIAL WALL

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, I rise today to commend the phenomenal efforts of the Illinois Patriot Guard and Gold Star families who joined together to launch a traveling tribute to honor our State's fallen heroes. I had the opportunity to view the Illinois Patriot Guard Fallen Heroes Traveling Memorial Wall during its stop at the Kendall VFW Post Number 3873 in Naperville, Illinois, this past week.

It was moving beyond words to see the photos of the 272 brave men and women from Illinois who made the ultimate sacrifice for our country during Operations Enduring Freedom and Iraqi Freedom. To date, this memorial wall has traveled more than 30,000 miles through at least 60 communities throughout the State of Illinois. It paints a powerful portrait of the sacrifices made by our troops.

As our 30th President, Calvin Coolidge, said, "A nation which forgets its defenders will itself be forgotten." Our fallen soldiers will be remembered forever. And thanks to the families and veterans who put this traveling memorial together, communities across our State have a very special opportunity to gather together in tribute to these heroes.

PUT NEVADA'S MIDDLE CLASS FAMILIES AND SENIORS FIRST

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, this week, Washington Republicans are showing Nevada families exactly who their priority is. Unfortunately, it's not Nevada's middle class families. This week, Republicans are reiterating their support for taxpayer giveaways for Big Oil, despite the fact that gas prices are soaring—and the oil industry made \$137 billion in profits last year.

Nevadans are hurting every time they go to the pump. The Republicans' answer to higher gas prices is more government handouts for Big Oil. This is the wrong priority. But, wait, there's more. On Thursday, they'll bring up the new—but not improved—Ryan budget that once again kills Medicare by turning it over to private insurance companies. The plan is bad. Instead of improving care for Nevada's seniors, seniors would be forced to pay thousands more out of pocket for their health care.

Nevada is suffering with the highest unemployment rate and highest foreclosure rate in the Nation. Republicans, get your priorities straight. We must put Nevada's middle class families and seniors first—not Big Oil and profit-hungry insurance companies.

TAKE YOUR CRIMINAL OUTLAWS BACK

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, Vietnamese citizen Binh Thai Luc was convicted of armed robbery of a Chinese restaurant in California in 1996. He received 10 years in prison. He was also ordered by an immigration judge to be deported back to Vietnam. But Vietnam has never taken back the lawfully deported criminal. U.S. law does not allow indefinite incarceration, so after an additional 180 days, Luc was released on American streets. Last week-end, Luc struck again. This time, he murdered five people in San Francisco.

Mr. Speaker, there should be consequences for countries like Vietnam who fail to take back their lawfully deported criminals. There are several thousand criminals ordered deported back to their native lands where their nations just don't ever get around to taking them back. So I have introduced the Deport Foreign Convicted Criminals Act to prohibit the issuance of diplomatic visas to nations who do not take back their outlaws in a timely matter.

The blood of those five murdered victims is not only the fault of Luc, but it's also on the hands of the Vietnamese Government.

And that's just the way it is.

U.S. POSTAL SERVICE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, today a number of postmasters from the United States Postal Service were in my office, and they had a very good idea about how important the U.S. Postal Service is, the jobs that it creates, and how we should find solutions.

In my own community, heavily occupied by seniors, they cried out when post offices were closed that were close to their community, where they were able to walk and secure their checks. Some of them like to come directly to handle their business. We are better than closing down post offices in rural and urban America, and we're better than not finding a solution to employ hardworking Americans in an efficient and effective manner.

I look forward to working with our postal family, those hardworking Americans all across America who have been the good Samaritans to determine whether our seniors were in need of bringing medicine to homebound patients, bringing information and helping small businesses.

We can work to solve this problem efficiently and effectively.

HONORING THE SERVICE OF JOHN V. SULLIVAN, HOUSE PARLIAMENTARIAN, UPON HIS RETIREMENT

The SPEAKER pro tempore (Mr. GARDNER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the majority leader.

The Chair understands that all time yielded by Mr. DINGELL will be yielded through Mr. LATOURETTE.

Mr. LATOURETTE. I thank the Speaker very much, and I understand that I can't ask unanimous consent to give half to the dean of the House, but we're going to work it out, and since we're talking about the Parliamentarian, hopefully we'll get a favorable ruling from the Parliamentarian on the distribution of time. I'm going to be joined on the Democratic side in this rare burst of bipartisanship by the dean of the House, Mr. DINGELL of Michigan, and a number of Members on both sides of the aisle are going to come talk about what to some of us was kind of a shock, and that is the announced retirement of our Parliamentarian, John Sullivan.

Because I'm going to be here for the full hour along with Mr. DINGELL, I'm going to yield to Members who have other time commitments, but I want to make sure that they have the oppor-

tunity to say what it is they feel they need to express about Mr. Sullivan's service to the House.

With that, Mr. Speaker, I am pleased to yield to Mr. THORNBERRY of Texas.

Mr. THORNBERRY. I thank the gentleman from Ohio for yielding.

Mr. Speaker, every person elected to the House believes that we're here to do important work on behalf of our district. Of course, the House is bigger than any one issue or any one person. Yet, there are a relatively small number of persons who are central to the functioning of this House. Too often, I'm afraid, Members get so wrapped up in what we're trying to do that maybe we take for granted the institution of the House. But it is the institution that is established in the Constitution. It's the institution that provides the continuity of government as political majorities come and go, and it's the institution that provides the legitimacy and the respect for what we do here.

I say all that to make the point that I think, in many ways, the Parliamentarian is the central figure for the institution of the House. Since 1927, there have only been four of them, and in my time here, we have been incredibly privileged to have had two outstanding public servants, Charles Johnson and John Sullivan, serve in that position.

It is with some regret, but even more with respect and gratitude, that we honor the service, but I'd say just as much the character and the intellectual integrity, of John Sullivan as he leaves the House to begin a new chapter in his life.

As one of those who has benefited from John's steady guidance while I was in the chair, I can testify to his even temper. He guides our proceedings with intellect and logic, based on the Constitution, the rules of the House, and our precedent. But at the same time, he is able to factor in the human dimension, taking into account the personality of the person in the chair as well as that of the persons at the microphone. And that means it's as much art as it is science to keep the House running smoothly.

Much of the work he does, of course, is done off the House floor, advising Members and staff as to how they can accomplish their goals within the rules and precedents of the House. I have tremendous respect, though, for John's abilities and for his professionalism. But I have even greater appreciation for his commitment to and his love for this institution, for that portion of his heart that he has given to the House for the past 25 years.

He has elevated each of us who have worked with him, but more importantly, he has elevated the institution of the House of Representatives through which government by the people's representatives is possible. He is among our best and brightest, and all

of us here, and the institution, will miss him greatly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and to extend their remarks and to include extraneous material on the matter of this Special Order, referring very specifically to our dear friend, the Parliamentarian, Mr. Sullivan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. I want to thank the Chair for the kindness that you have shown me, and I want to express my particular thanks and good wishes to my dear friend, Mr. LATOURETTE, before this matter, and now, through the distinguished gentleman from Ohio, I yield to the distinguished minority leader, my friend, Mr. HOYER, the gentleman from Maryland.

□ 1850

Mr. HOYER. I thank the gentleman for yielding. I want to thank the gentleman from Michigan, but certainly also my friend from Ohio, both of whom have served here for a long period of time and who love this institution and know how critical the functions are of the Parliamentarian. I want to thank them both.

Mr. DINGELL has had the privilege of serving alongside all four of the men who have been the modern Parliamentarians in this House. I've had the privilege of serving with three of them.

When the Framers of the Constitution wrote article I, section 5, clause 2, they probably had little idea of the volume of precedents that would accumulate in the 224 years since the House convened and adopted its first rules.

Today, the job of the Parliamentarian is probably one of the most difficult in Washington. A thorough understanding of the rules of precedents is a prerequisite to be an accomplished Parliamentarian. John Sullivan has that. One must also, however, have the respect of every Member of this House. John Sullivan has that.

That is what John Sullivan achieved over the course of his 17 years in the Parliamentarian's Office. As our Parliamentarian for the last 8 of those years, John has sat beside the Speaker's rostrum through some of the most heated floor debates I've ever seen, indeed perhaps in which I've participated.

Throughout, he preserved the impartiality of and the high regard for his office in the eyes of both Democrats and Republicans—when Democrats were in charge and when Republicans were in charge—and he demonstrated his keen and incisive command of precedent issuing his rulings.

Hearing of John's decision to retire, I was among the many Members who felt that they were losing a respected colleague and friend. Because after his tenure here, John Sullivan has left his mark on the House no less than any of us who were elected to serve here by our constituents. He, no less than ourselves, has served the American people well.

As we wish him the best in retirement, we also welcome as our new Parliamentarian a man who is eminently qualified to succeed him in office. Tom Wickham has been at John's side throughout his tenure in the Parliamentarian's Office, and I know John is leaving us in very capable hands.

Mr. Speaker, I join you and my colleagues and everyone else who has come to the floor this evening celebrating John's service to this House and to our Nation.

I wish him well and thank him for all he has done to preserve the order—and with it the honor—of the people's House.

John, you have been a great public servant in the best traditions of that term. You have been someone, as I said earlier, who has been respected by every leader of both parties, an individual who has listened intently, who has judged fairly, and whose judgments have made this House better.

John Sullivan, well done, the House's good and faithful servant. Well done as a friend and colleague and adviser.

Many of us are better Members of this House because of John's counsel through the years, and this House is certainly a better place for his service. I congratulate him and wish him God-speed.

And I thank the gentleman from Michigan and the gentleman from Ohio for leading this Special Order to praise and give testimony to the outstanding service of our friend, John Sullivan.

Mr. LATOURETTE. Mr. Speaker, I want to thank the distinguished minority whip for those observations.

It is now my pleasure to yield to the distinguished chairman of the Rules Committee, Mr. DREIER of California, who, sadly, like Mr. Sullivan, has decided to move into retirement. And like Mr. Sullivan, he will be greatly missed for his institutional knowledge in the House of Representatives.

Mr. DREIER. I thank my friend for yielding.

I want to join the distinguished gentleman from Maryland in expressing appreciation to my friends, Messrs. DINGELL and LATOURETTE, for taking time out to talk about John Sullivan. It is true that I decided to follow the Sullivan lead, and I too will be leaving the Congress. I'm going to stay a little longer than John has. I'm going to stay until January, but I will tell you that this place is a much better institution for the service of John Sullivan.

Mr. Speaker, I would like to begin by associating myself with the remarks of

my friend from Maryland, with one very important correction. We scurried around over here when my friend said 17 years. It, in fact, is 27 years that John Sullivan has served in the Parliamentarian's Office. So I offer that one minor, but very important, correction to my friend from Maryland.

I take to the well to do something that I don't often do and that is to read. The reason I'm doing it is I'm trying to show off the Rules Committee. We're very proud of the fact that the House Committee on Rules—I'd say to my friend from Michigan and my friend from Ohio, however eloquent you all will be in talking about John Sullivan, you have not done what the Rules Committee did last night, and that is pass out a resolution, an enrolled resolution commemorating the great service of John Sullivan. So I would like to share that with our colleagues, if I might.

It says:

Whereas the Honorable John V. Sullivan has been a committed government servant for over 40 years and worked in the House of Representatives for 27 years;

Whereas Mr. Sullivan was appointed to the Office of the Parliamentarian in 1987 and, over the ensuing 25 years has served under six successive Speakers, the past eight years as Parliamentarian of the House of Representatives under the appointments of three successive Speakers;

Whereas Mr. Sullivan has displayed extraordinary rigor in the application of pertinent precedent to every parliamentary question and provided sage counsel and advice in matters critical to the institution;

Whereas the Committee on Rules constantly relies on the advice, counsel, and expertise of Mr. Sullivan to meet the Committee's obligations to the House;

Whereas Mr. Sullivan has cultivated and led a team of dedicated and nonpartisan deputies, assistants, and clerks committed to ensuring that the decisions of the Chair and the operation of the rostrum are regarded by all as fair, accurate, and professional;

Whereas Mr. Sullivan has served the House during a period of ongoing transition with shifting majorities, and has done so to the same standard of nonpartisan excellence expected from the Parliamentarian;

Whereas Mr. Sullivan participated in numerous programs of the House Democracy Partnership, providing advice and counsel to legislators from new and reemerging democracies around the globe as they work to strengthen their legislative institutions, reform their rules of procedure, and amend their constitutions;

Whereas Mr. Sullivan has endeavored to update the practices and procedures of the House to reflect developments in technology while remaining faithful to the institution's Constitutional underpinnings; and

Whereas Mr. Sullivan has informed the Speaker that he will be beginning a well-deserved retirement on the last day of March, two thousand and twelve: Now, therefore, be it

Resolved, That—

(1) the Committee on Rules, on behalf of the Committee and the House, expresses its profound gratitude to the Honorable John V. Sullivan for his exemplary record of service and his steady, impartial advice and guidance as the Parliamentarian of the House of Representatives; and

(2) the Clerk of the Committee is hereby directed to prepare this resolution in a manner suitable for presentation to Mr. Sullivan.

I signed this, as did the ranking member, my good friend from Rochester, Ms. SLAUGHTER.

This is suitable for framing. We will have one for framing, and Mr. Sullivan will be able to have this. I would like to, Mr. Speaker, just take a moment, if I might, since everyone will be talking about John's work here—I mentioned the work up in the Rules Committee and we did have one whereas clause where we talked about the House Democracy Partnership. I would like to share with our colleagues the work of the House Democracy Partnership, because not everyone is aware of the projects that the House Democracy Partnership has taken on.

It is an extraordinarily bipartisan organization that in the post-September 11 world was designed to focus on strengthening the legislative branches. I see my good friend from Texas (Mr. CONAWAY) here who is a member of our partnership. It is designed to strengthen the legislative branches in new and reemerging democracies around the world.

□ 1900

My colleague from North Carolina (Mr. PRICE) and I serve as cochairs of this effort, and we just established our 17th partner in central Asia, the country of Kyrgyzstan; and, in fact, we're going to be, at the end of this week, continuing our mission. We're going to be going to two of our partner countries, Kosovo and Macedonia; and we'll be in Libya and Egypt as well, where we're going to be talking about the importance of strong, vibrant parliaments.

Well, I've got to say that the House Democracy Partnership and these countries have been the great beneficiaries of John Sullivan's expertise, specifically in Kenya.

We had an opportunity to visit Liberia and Kenya, two of our partner countries. We were in Mali, as well, on this one particular trip. Following the very, very tragic aftermath of the '07 elections in Kenya, there was a huge change that took place—lots of disruption, to put it mildly. And Kenya has just gone through a whole constitution reform process.

When we were in Kenya, John Sullivan spent time looking at the proposed constitution, meeting with the staff members and members of Parliament in Kenya, and he was virtually immediately able to cite a number of discrepancies that took place in the constitution. And so his very, very shrewd skill and expertise has not only been utilized to the benefit of the United States House of Representatives, but, in Kenya and in other countries that we have visited, John Sullivan has been able to use his expertise

for the expansion of democracies around the world. He's met with a number of our incoming delegations, and it has been, again, extraordinarily important work.

So, Mr. Speaker, I'd like to express my appreciation to John for his work and to express best wishes. We all know that Wick has big shoes to fill, but he's going to do a stellar job in this very, very important position as Parliamentarian.

And I have to say that I hope very much that, as John Sullivan goes into retirement, he will continue, as his predecessor Charlie Johnson has, to focus on this institution and also on the imperative of doing what we can to expand self-determination, political pluralism, and the development of democratic institutions around the world as well.

So I say congratulations. I'm now going to present this to our friend, Mr. Sullivan, Mr. Speaker, and I thank my friends for yielding.

Mr. DINGELL. Mr. Speaker, at this time I yield to my dear friend from California (Mr. SCHIFF), through my distinguished friend from Ohio.

Mr. SCHIFF. I thank the gentleman for yielding, and I rise to thank our House Parliamentarian, John Sullivan, for his years of service to his Nation and to the House of Representatives. John has been a trusted adviser and an honest broker of the rules of the House. He has served at a time when partisan rancor has, unfortunately, been prevalent in this body, but his integrity and impartiality have remained beyond question and beyond reproach.

John joined the Office of the Parliamentarian 25 years ago, rising to his current role in 2004 when he was appointed by Speaker Hastert. Before joining the Office of the Parliamentarian, he had a distinguished career as an active duty member of the U.S. Air Force. He also served as respected counsel on the House Armed Services Committee.

As Parliamentarian, John's keen legal mind and passion for the Constitution has always been apparent. I remember with great fondness working with the Parliamentarian on some very difficult issues involving the Armenian genocide, one of the most challenging parliamentary issues I think we've faced in terms of how to navigate questions of germaneness. Through that process, and every other that I have come to work with the Parliamentarian, I respected his insights, his intellect, his integrity, and his dedication to his job.

He has been a phenomenal asset to this institution, and I know that his successor, Tom Wickham, who currently serves as Deputy Parliamentarian, will continue in John's legacy of professionalism.

John, I want to thank you for your service to this body, and I know that

my colleagues join me in wishing you the best of luck in future endeavors.

Mr. LATOURETTE. Mr. Speaker, its now my pleasure to yield—and you'll notice a theme here. There's nothing greater than the honor of being asked by the Speaker, either Mr. BOEHNER or Ms. PELOSI or Mr. Hastert, to be the Speaker pro tem and preside over the House, and you'll see a theme of Members from both sides who have had the privilege of doing that and have had the benefit of the counsel of Mr. Sullivan.

One of our best presiding officers, the gentlelady from Illinois (Mrs. BIGGERT), I am pleased to yield to her.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, it's not every day we get to speak on the House floor about friends and colleagues that are not constituents or other Members of Congress, and tonight we have the distinct privilege to recognize a friend and fixture of Congress behind the scenes, Mr. John Sullivan.

Most of you will probably remember that John was appointed Parliamentarian by our former colleague, Speaker Dennis Hastert, in 2004 and did serve for 25 years. Those that have worked with him will tell you he's an excellent Parliamentarian, an institutionalist, and a man of integrity that truly cares about the House of Representatives. He would never bend the rules to pursue a certain outcome. And how you play the game is more important to him than whether you win or lose.

I just wanted to tell a couple of things.

When I first came to Congress, at that time, freshmen always had a week to chair the floor at night. And so I guess because I had a "B" for a last name, BIGGERT, that I got to do it first. Now, the only problem with that was that it was the training was the next week. So I went to the floor and I stood up there and I had this microphone sitting there, and I looked out and I said, What am I doing here? And I think I was kind of frozen, and John said, This is what you do. And so I proceeded on.

Another time, I was in the chair and suddenly there was a lapse of decorum by two of our Members, one on each side of the aisle. I won't name the names. But suddenly they started moving towards each other, and I said, What do I do? And he said, Bang the gavel hard and multiple times. So suddenly they stopped in their tracks and they did retreat back to the desk to continue after we got things under control.

So I really appreciate that we have had this opportunity. It is really an honor to stand and chair this floor, and I think that the Parliamentarian, John Sullivan, made it easy.

I have a few other things that you may not know about John: that he went to the Air Force Academy, and as

a graduate of Indiana University's law school, he is a huge Hoosier fan. And I can only imagine how proud he was of the Indiana Elite Eight basketball performance against Kentucky last Friday. The only thing wrong was that Kentucky beat Indiana by 1 point, 73–72, so that kind of ended Indiana in the March Madness.

Another part of the behind-the-scenes function of the House that John's strategic wisdom and advice was critical to the continuity of the House function was in the days and weeks following the tragic events of September 11, 2001, and he performed there admirably.

John has led the Parliamentarian's Office in a collegial and a very professional manner to the benefit of the Office, the Members and the House. We are fortunate for his service and wish him well in retirement. We will miss him.

Mr. DINGELL. Mr. Speaker, at this time I yield to, through my good friend from Ohio, to the distinguished gentleman from Virginia, Mr. MEL WATT.

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding. Of course I'm not from Virginia, I'm from North Carolina, but that happens to me and BOBBY SCOTT all the time. We get confused with each other, States and personalities, because we sit beside each other in Judiciary and we're good friends. So I'm never insulted when anybody does that to me.

I dare say that if folks are watching this proceeding on C-SPAN or at home they're wondering, Who in the world is John Sullivan? And I think that's probably the highest commendation that we can give to John Sullivan as a Parliamentarian, because if he had been involved in any kind of controversy or one side or the other in this institution had accused him of misinterpreting rules, then people would know that there's a Parliamentarian that's basically the referee in this institution that both sides have to respect in order for the institution to work effectively.

□ 1910

There has been no controversy—I mean, that the people outside know about. We know inside our institution that the Parliamentarians are dealing with controversial rulings, close rulings, trying to figure out what the precedents are for what we can do and cannot do, what has been done this way in the past and, therefore, represents a precedent for us to be able to do it in the future. But outside, nobody has ever heard of John Sullivan because there has been no controversy, and that's a great thing to have said about him.

He has been absolutely even-handed. You've heard the word "nonpartisan" because this is a position that you cannot be or take the Republican side or the Democratic side. You've got to call

the rules as you see them. There's nothing worse than at the end of March Madness, at the end of the game, one team saying that the referees influenced the outcome of the game. So that's a high mark for John Sullivan.

When he replaced the prior Parliamentarian, Mr. Johnson, I thought surely we would go into some level of chaos; but the only difference I've ever been able to distinguish between him and Mr. Johnson is that he can't throw a baseball like our prior Parliamentarian did. If he can, he hadn't told me about it.

I just wanted to take this moment to express our gratitude. He's been a tremendous mentor—well, you can't call him a mentor—teacher of those of us who have been in this institution, who have tried to abide by the rules and go to the edge and not violate the rule, but knowing full well that we'll get absolutely nonpartisan advice and counsel from the Parliamentarian about how to do things when we don't know how to bring them to the floor, and about how to maintain the decorum and respect of every single Member in this House.

I thank him for his friendship and the role that he has played in making our institution a much, much better place to live and work.

Mr. LATOURETTE. I thank the gentleman from North Carolina for those remarks.

I'm glad that Mrs. BIGGERT talked about her experiences in the chair because I think all of us have memories of that, going back a number of years, or a few years.

Just before I yield to my next colleague, I just want to say, in the very first speech I gave on the floor, I had brought in the American humorist, Dave Barry, to be my guest press secretary. Some folks in my party said I should have my head examined, and I'm sorry to report that isn't the first or the last time that that's happened to me over the last 18 years. But he wrote my speech, and it was all about the warning labels that need to be on stepladders. Mr. Johnson was the Parliamentarian, but John was his deputy at the time. And Dave Barry wrote in my speech: "Now, I'm not saying that all lawyers are scum-sucking toads." And we had to go to the Parliamentarian's Office to get it checked out to see if I could call lawyers "scum-sucking toads." I'm pleased to report to the House 18 years later that that's not a violation of the rules, so I intend to use it in future speeches.

It is now my pleasure to yield to someone who, during his championing of eliminating pork and earmarks, wore a path out between where he was seated and the Parliamentarian's desk, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, it's a bittersweet honor to take the podium during this altogether appropriate recognition of House Parliamentarian John Sullivan upon his retirement. I recognize it as bittersweet because it's truly sad for me—and all of us—to see him go, but I'm sure he will enjoy the break from all of us.

I'm certain that tonight we'll hear—and we have already heard—his praises sung, particularly for his esteemed career that spanned some two-and-a-half decades. We saw him rise from counsel to assistant, to deputy, to finally the full-fledged Parliamentarian of this special institution.

I venture to say that few Members or offices outside the Office of the Rules Committee are able to sing his praises having had quite as much experience as my office has had with him. According to a cursory review, it would appear that during Mr. Sullivan's tenure heading up the left side of the Speaker's dais, I've brought to the floor somewhere in the neighborhood of a couple hundred amendments and privileged resolutions and have filed countless more with the Rules Committee. So it is with some experience that I say that both I and my staff have found the Office of the Parliamentarian, under Mr. Sullivan's leadership, to be fair and open, responsive, deliberative, and consistent. In fact, we've come to rely on it.

I would be remiss if I didn't mention that what I most admire about John is his irrepressible respect for the House of Representatives as an institution. Partisan politics, heated rhetoric, games of gotcha, finger-pointing and -wagging are as common around here as, well, as common as Flake amendments.

Whether vetting germaneness issues with a provision or two, or being given a few pointers about surviving on a desert island somewhere, I have darkened the door of John's office more than a few times. I can tell you this: when you spend time with John Sullivan, it's easy for your thoughts to turn to the genius of the Framers of the Constitution, and the beacon of freedom and democracy that the Congress represents. The veneration of this institution just rubs off when you spend any time with John Sullivan.

As James Madison noted in the *Federalist Papers*: "Stability in government is essential to national character." I can think of no higher compliment to pay John than to say his stable influence in this Chamber has been a credit to our national character.

As a Member of Congress, I thank him both for his service and for ensuring that the House will be more than ably served by those who assume the same responsibility. As a friend, I wish him the best in his next adventure. May it involve a deserted island somewhere in the South Pacific.

Mr. DINGELL. Mr. Speaker, I yield, through my good friend from Ohio, to the distinguished gentleman from Arizona.

Mr. PASTOR of Arizona. I thank the gentleman from Michigan and the gentleman from Ohio.

In the 110th Congress, as well as the 111th Congress, I had the opportunity to preside frequently. I was given that honor by Speaker PELOSI, and several of those years I clocked over 100 hours in the chair. So I had an opportunity to be with John and see John's work as the Parliamentarian, and I associate myself with all the remarks given by the previous speakers.

John is very knowledgeable and well read about the rules of the House. As my colleague, JEFF FLAKE, said, John was fair and John was respected—and is respected—by the leadership of the House on both sides, as well as his staff.

I have to tell you that his staff was always well prepared. They anticipated, especially in debates that we had controversial bills, they anticipated probably some of the areas that would hit some rocky roads, and they were always prepared.

□ 1920

His staff was prepared, and they were always kind and caring to the person who was up in the chair, and many times they assisted me to make sure that I read the paper right or gave the right response. So I have to tell you that, John, as Parliamentarian, did bring stability and respect; and I thank him for that.

During some of the debate that was pretty boring or during votes, we had a chance to talk to each other about more social things. We talked about vacations he took, when his daughter Margaret was in town, restaurants, movies that we had seen. So during those times, I had the opportunity to know John as a person, and I found him in those conversations to be a caring husband to his wife, Nancy, because he talked about some of the trips they went on and some of the things they did over the weekends, and obviously he was a caring father to his three children.

So, for me, it was a great joy to be presiding over the debate here at the House and to know that the people who were going to be assisting me as Parliamentarians were well prepared and were fair and that they respected the House. More than that, I knew that I was dealing with a person, John V. Sullivan, who truly loves this House and who wanted to make sure that this House was able to function well and that there would be order.

JEFF FLAKE is correct: when JEFF sometimes would get up, John would say, Oh, no, here comes another Flake amendment. But we got through them. In each case, we did the best we could,

and I know that his professionalism will always stand out.

I congratulate Tom for succeeding him. Yet, to my friend John Sullivan, I wish you the best. May you have a great retirement and continue to care for this House as you care for your family. Best wishes.

Mr. LATOURETTE. Mr. Speaker, I am a little bit surprised that the gentleman from Arizona (Mr. PASTOR), who was a great presiding officer during what we called on our side of the aisle the “troubled years,” those of the Pelosi speakership, thinks that our debates are boring and that they’re not riveting, seat-of-the-pants, edge-of-the-seat type things.

Another wonderful presiding officer on our side, whose stern countenance keeps the House in order, is the distinguished gentleman from Alabama (Mr. BONNER), and I would yield to him.

Mr. BONNER. I thank the gentleman, and I join in the comments that have already been made in expressing our deep gratitude to a young man who, by many standards, is still a young man and who obviously has a very bright future in front of him, but who has decided to embark on a new chapter in his already storied career.

Tonight, Democrat and Republican, North and South, the dean of Congress—someone who has been here longer than many of us have been alive—and others who are coming tonight who are expressing their gratitude to a man named John Sullivan are all here to really offer our heartfelt thanks for the example you have set, for the inspiration you have provided, and for the legacy that you are leaving behind.

Many a young lawyer in this country—and John is an attorney as has already been noted—when asked who inspired them to go into law, into that profession, cited a fictional character, someone of whom I am proud. The author of “To Kill a Mocking Bird” is from my home in Monroeville, Alabama, and the story is of Atticus Finch and of the example that he set in a very difficult time in our Nation’s history. One of my favorite lines out of “To Kill a Mocking Bird” that Atticus said is: The one thing that doesn’t abide by majority rule is a person’s conscience.

I believe that we can all agree that, while we have rules in this House and that no one more than the Parliamentarian helps us abide by those rules and to follow the spirit of them, John Sullivan has set the example of being an outstanding Parliamentarian by using the rule but also by using his heart and his conscience.

His rulings have sometimes been questioned, but never disputed in a real sense because his rulings and the rulings of the men and women who work with him have been seen as the gold standard by those of us who have been

given the privilege of serving as Members of Congress. It truly is the Good Housekeeping Seal of Approval. If a ruling were appealed to the chair and if the chair turned to the Parliamentarian, as is often the case, we knew that the answer was as good as gold. He is truly the unbiased umpire who calls the balls “balls,” the strikes “strikes,” and who oftentimes has to tell us what we don’t want to hear but what we need to know.

I am so honored to stand here tonight, along with my colleagues, to say thank you to someone who represents an army of professionals, of men and women over the years and throughout the decades whose names have never been on the ballot but who have made a lasting mark of love and support for this Institution. Some, like myself, have served on personal staffs. Others have served on committees, on committee staffs, and still a few others have had the privilege of wearing the title of Sergeant at Arms or Chaplain or, in this case, Parliamentarian.

He is a man whom we truly respect, someone who has truly made this place a better place. As Mr. WATT said earlier tonight, if the people back home who are watching this discussion tonight are hearing this debate, there is no debate. John Sullivan may not be a household name in some parts of America, but John Sullivan has made the House of Representatives a better place by his service and by his example.

Mr. LATOURETTE. I appreciate you and Mr. DINGELL for hosting this Special Order for 1 hour in order for all of us to have a chance to say thank you for a job well done.

May God continue to bless you, your wife, and your family.

Mr. DINGELL. With thanks to my good friend for his kind comments, I yield to the distinguished gentlewoman from Maryland through the distinguished gentleman from Ohio.

Ms. EDWARDS. Thank you.

Mr. Speaker, I rise to pay tribute to our Parliamentarian, our friend John Sullivan, for his service to this Nation and to the United States House of Representatives. His departure as Parliamentarian of the House comes as a sad note to many of us who have come to know John and who have come to depend on his wise counsel and expertise, as I have since I first entered this Chamber in 2008 and as many others have through the years. I am happy that John is leaving on his own terms, and I wish him every happiness as he moves on to the next phase of his life.

As has been said, John was born in Chicago, Illinois. He graduated from the Air Force Academy, received a law degree from the Indiana School of Law, and served honorably in the United States Air Force.

John has dedicated his life to the noble calling of public service. Whether as an officer in the Air Force, as coun-

sel of the House Armed Services Committee, or as a member of the Parliamentarian’s Office for the past quarter century, he has ably served this House for 27 years. Some of my colleagues say 28 years. Others say 25 years. It has been a long time. He served the people of this country, the Nation, for nearly 40 years.

The job of the House Parliamentarian is an exceedingly difficult one. We Members would, no doubt, be a rather unruly lot without our Parl. One must have a scholarly grasp of our Constitution and of the rules and legislative procedures governing this Institution, the integrity to be an honest and fair arbiter at all times, and possess the ability to work with both sides of the aisle at sometimes contentious moments. Throughout my time in the House, I’ve seen John Sullivan exhibit these qualities time and time again.

□ 1930

It’s a testament as to why he is so well respected by both Republicans and Democrats, which speaks volumes as to how successfully he’s handled this job.

I thoroughly enjoyed getting to know John, learning from him the importance of the rules and precedent in this institution that he so clearly loves and respects and how to serve fairly and effectively as Speaker pro tempore. Indeed, I tried mightily to imitate his calm and tempered demeanor. I spent quite a bit of time in the 111th Congress doing just that, and it helped me during one of my most proud moments as I presided under John’s wisdom and guidance during passage of the Patient Protection and Affordable Care Act.

I remember well John’s skilled mastery of our House rules when I presided during a blizzard, and our Parliamentarian called to our attention a never-before-used rule to enable us to remain in session without disrupting a lot of winter holiday plans.

I also learned that John likes to use sports analogies to describe his work almost as much as I do. He stressed to me and to other Members the importance that when serving as Speaker pro tempore, we become umpires and have to make rulings irrespective of partisan considerations.

As important as it is to celebrate and honor John’s professionalism, we honor him also as a person. Since John is an avid basketball fan, I wonder if it’s a mere coincidence or if there is some deeper meaning in his resignation taking effect this Saturday, March 31, the date of the Final Four of the 2012 NCAA men’s college basketball tournament.

Though I’m not certain for whom John is cheering in this year’s tournament, I do know that he has closely followed former Indiana and Texas Tech Coach Bobby Knight’s career since Coach Knight was at West Point decades ago. They have met on numerous occasions, and John has a couple of

basketballs signed by Coach Knight. So I wish him an uninterrupted time through the finals. And here, John, through the Speaker, I would just say that it's okay to choose sides.

As we say good-bye to John, I would also like to take this opportunity to welcome his respected successor Tom Wickham, the Deputy Parliamentarian, whom John has mentored. And I know Tom and the rest of their team will continue to guard the principles and rules that keep our democracy, our Republic, and this Chamber functioning with the level of dedication and integrity we witnessed from his predecessor.

My first 4 years in Congress, the House of Representatives, and our country are better off thanks to John Sullivan's public service. I wish you, John, your wife, Nancy Sands Sullivan, and your children, Michael, Margaret, and Matthew, continued success.

John Sullivan has made me a better Member, more willing to heed the gavel, more respectful of the Chair, more able to value this institution, as he does, and more confident as a Member of Congress.

I wish you much happiness. I know that your family has been a tremendous support to you and your service in this House and to our Nation. And to John Sullivan, you leave behind a legacy of service that others can and should aspire to, and I thank you.

Mr. LATOURETTE. I want to thank the gentlelady from Maryland for her remarks.

It is now my pleasure to yield to the gentleman from Texas (Mr. CONAWAY), another frequent presiding officer and accountant by training and trade prior to his service in the House of Representatives.

Mr. CONAWAY. I thank the gentleman for yielding, and I will certainly not attempt the eloquence of all the previous speakers. I just simply want to say thanks to John Sullivan. He is the only Parliamentarian that I've served under. His service as Parliamentarian began just before I got here in January of '05. So it's been my privilege to serve with John.

He has been even-handed throughout, from my perspective, serving both 4 years in the minority and now back in the majority. You can't tell from John's conduct which side you belong to because he really does call them even-handedly.

When you love the institution the way I do and the way other Members do, it's easy to recognize that love of institution. There is no one that I know of whose love for this institution is evidenced greater than what is demonstrated by John Sullivan. The precedents of the House, all of the things that are a part of this institution that make it one of the most valuable legacies of our Founding Fathers, John has upheld those traditions and those precedents in a very admirable way.

So, John, thank you for the many chapters of your life that you have spent in service to the House of Representatives. Thank you for that. And Godspeed in the many chapters of your life to follow this one. This institution is better for your long service. I'm a better Member of Congress for your service. Thank you, John.

Mr. DINGELL. Mr. Speaker, again, through the kindness of my good friend from Ohio, I yield to the distinguished gentleman from Massachusetts.

Mr. LYNCH. I thank the gentleman from Michigan and the gentleman from Ohio for the opportunity to praise our departing House Parliamentarian, John Sullivan, as he prepares to leave the House of Representatives after 27 years of distinguished service.

I represent the Ninth District of Massachusetts, where, in my new district, I have 727,514 people, most of them named Sullivan. So this seems like an Irish wake here, but it is certainly not.

As we all know, John has served in the Office of the House Parliamentarian for most of his distinguished career, and the last 8 years as House Parliamentarian. Serving as Parliamentarian in this body takes a fair amount of skill and an enormous amount of patience. It is, at times, challenging, and it is that skill and ability and patience that John provides us as Members that we rely on to also allow the House to function in an orderly manner. I think all the Members here today know that the advice we receive and guidance we receive from John Sullivan, as our Parliamentarian, is given in an analytical, unbiased, and nonpartisan manner.

Following in the footsteps of his mentor, former House Parliamentarian Charlie Johnson, John has served as the Parliamentarian in both Democratic and Republican Houses. And I think it is a tribute to John's integrity and trustworthiness that he was appointed by three Speakers of the House: Speaker Dennis Hastert, a Republican; Speaker NANCY PELOSI, a Democrat; and now Speaker JOHN BOEHNER, again a Republican.

In a time period when we can just about agree on nothing between us, we agree on the great service of John Sullivan. And he has received the support and admiration from both sides of the aisle, and that is on display in the House tonight, as both Republican and Democratic Members pay tribute to a true man of the House. And while, as Members, we are allowed to publicly pay tribute to John, I know that John's fellow coworkers and former coworkers also wish him the best as he prepares for his next challenge.

John has not let us know what his future professional plans will be, but we, as a body, know it will not be golf. We have seen John golf, and John Sullivan and the sport of golf are nongermane. But we all do know that he is enormously dedicated and devoted to his

wife, Nancy, and their three kids, Michael, Margaret, and Matthew. And we wish him the best as he leaves his professional family and begins to enjoy his true family.

In closing, Mr. Speaker, I want to personally thank John for his friendship and guidance to me during my time in Congress.

John, you know that on many occasions, the passions of this House have threatened to overtake proper decorum. I think it's been your integrity and your ability to reason and your reputation for nonpartisanship that has pulled us back from the brink on many occasions. You have certainly raised the bar in terms of dedicated service to this institution.

I thank you, and I wish you and your family Godspeed and good luck. God bless you. And thank you for your service to this House of Representatives.

Mr. LATOURETTE. I thank the gentleman from Massachusetts for his observations. And I would simply say that if you and Mr. DINGELL and Mr. VISCLOSKEY were in charge, we would get a lot more done around here.

With that, every sport needs to have an anchorman. If you want a tug-of-war, you've got to have an anchorman. If you are in baseball, you need to have a closer. And when trouble is a-brewing on the House floor, our side turns to our next speaker, the distinguished gentleman from Utah (Mr. BISHOP), and I would like to yield to him.

□ 1940

Mr. BISHOP of Utah. I think I thank the gentleman from Ohio for that introduction.

Since 1857, if I count correctly, John Sullivan is the 19th Parliamentarian we have had in the House of Representatives, even though the term actually wasn't used officially until 1927. But of those Parliamentarians in the 20th century, Lewis Deschler served for 46 years as Parliamentarian, and I believe his replacement, William Brown, served for 20 years.

So John, in all sincerity, serving only 8 years as the Parliamentarian here makes you a Parliamentarian slacker. I think a couple more years would be appropriate if you'd like to reconsider and stay with us.

But through those almost 8 years as the Parliamentarian, 20-plus years working in that office, your ability to help the majority meet its goals while at the same time respecting the minority is not an easy task. But John Sullivan did do it with aplomb.

Former Senator Eugene McCarthy once said, The Senate has rules, but none of them over there care about it. In the House, the House rules are too complex. Don't learn them; just ask the Parliamentarian. I think for all of us, we do that.

I do know from my time in the chair, Parliamentarians do not like ad

libbing. There is one time I simply turned to John and said, Why don't we just Mike you, and I will move my lips. I still think that would be far more appropriate, but I don't think anyone in his office found that funny.

George Will once wrote that the only thing he remembers about his wedding day was the Cubs lost a doubleheader. I say that because John's grandfather pitched for the 1919 Chicago Black Sox, and John is still a fan of the White Sox and closely associated with that franchise. His replacement, Tom Wickham, who will come in, is a fan of the Cardinals. For a Cubs devotee like myself, there is just no hope in this world.

But I do want to know, even though both of you are on the wrong side of the baseball sphere, I want you to know that I thank you so very much, Mr. Sullivan, for your personal friendship. I also thank you for your two-plus decades of loyal service to this House. I also thank you for your lifetime of service and dedication to this country. We wish you well. We are a better place for having worked with you here.

Mr. DINGELL. Mr. Speaker, at this time I yield through my good friend from Ohio to my friend from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. DINGELL, I appreciate your yielding. I want to thank both you and my good friend from Ohio for reserving this time, and the Chair's indulgence.

Mr. Speaker, it is with fond admiration and profound respect that I take this time to recognize a very dear friend and one of Indiana's most distinguished citizens, the Honorable John Vincent Sullivan, whom I will always claim as a resident of the First Congressional District, having graduated from Munster High School in Munster, Indiana.

It has been mentioned that he has served this country in the United States Air Force for 20 years—9 years active service, 11 years in the Reserve, and retiring with the designation of lieutenant colonel.

What has not been mentioned, I don't think, this evening is that for some inexplicable reason John also wanted to jump out of airplanes, and became a qualified paratrooper. Ultimately, he found himself at Indiana University Law School, as has been mentioned by Mrs. BIGGERT, but which was qualified by the gentlewoman from Maryland, who indicated that in fact I don't think that John is so much an IU fan as he is a rabid Bobby Knight fan.

But I do think that the mark of the man is the recognition of his legal acumen, his grace under pressure, and his scrupulous fairness when a Democratic Speaker, Tip O'Neill, requested that he join the Parliamentarian's office in 1987. And that 17 years later, his leadership skills and his ability to make nimble and wise decisions in very stressful and momentous situations was recog-

nized by Republican Speaker Dennis Hastert, who asked that he become Parliamentarian of the House.

Mr. Speaker, John comes from a strong family of nine children, and his siblings love him deeply and know him better than any of us. I am happy to share some of their thoughts with my colleagues.

Margaret mentions:

As a teacher, I know about the incredible power of a good model. John has provided the best model of a good brother, husband, public servant, son, and man throughout my life, and I adore him.

His sister Anne said:

As a little sister, I chose John as my role model for integrity. Later, I chose him as my role model for word choice, too.

Patty remarks that:

My heart is so full, I do not know where to start. You know how I feel about my magnificent big brother.

Gary, for himself and for Mary Fran, John's sister whom he has lost, said:

I speak for Mary Fran and myself in sending love and thanks to John for his service to our country.

His brother Matt said:

I would like to add my voice to my siblings' in expressing my love and appreciation of our brother John.

Michael noted:

John and I played together, ate together, fought together, got in trouble together, slept together, walked to school together, and talked to each other about everything. That is really where I learned all the important things about life. That is where I learned what it took to be a good man. John was my big brother, but he has always been my confidant and mentor. He is my number one phone call when I need advice. He has the discipline and fairness that I lack. So it is good to have him to lean on. I love you, John, and I look forward to enjoying a piece of your retirement with you.

Jerry observed that:

John went to take his physical qualification test for the Air Force Academy and came back and told Dad he didn't seem to do as well as he had expected. He did plenty well enough, passed, and graduated the Academy. Turned out there was a reason for his feeling a bit less than full strength during the test. He had a case of mononucleosis that had not yet been diagnosed. He plowed through the tough test in typical fashion for John. Only he, as his own toughest critic, got any sense that something was not quite right. The rest of the world did nothing but approve of his skill, dedication, and durability, which have always added up to make him the best sort of guy.

His brother Jim noted—and I would like to state for the record that John looks a lot older than Jim:

I am 4 years older than John but have looked up to him since I can remember. He is simply the finest man I know. He is as tough as they come, and he is as gentle as a lamb with the innocent and those less strong than he. He is fearless, and I have seen him risk much to speak for the right, regardless of the risk to himself. I have seen him operate, in the right, with all the advantages, and yet let the vanquished foe up and off the hook, time and again. He embodies the idea of fol-

lowing the harder right rather than the easier wrong, and of being humble and gentle in victory, stern and unyielding in defeat. His goodness and strength are clear from the moment you meet him.

Mr. Speaker, I would add that I will miss the opportunity that John provided every time I had young people in the gallery since 1987 for the opportunity to point him out with pride as being from "back home," and emphasizing that he was someone they could emulate; that by studying hard, by using the talents God had given them, they, too, could achieve a position of great responsibility and great opportunity to be of service to others and to their country.

We will all miss you, John—a man who has dedicated and devoted his life to serving his country. This institution and each of us have become more effective and judicious stewards of the public trust because of John Sullivan's example, his wisdom, and yes, his good humor.

So I would conclude by saying, Mr. Speaker, that despite all of the disparaging remarks John has made over these many years about the quality of the football team in South Bend, Indiana, called Notre Dame, I do sincerely wish him, his wife Nancy, and their family every blessing and happiness life has to offer.

□ 1950

Mr. LATOURETTE. I thank the gentleman from Indiana.

Mr. DINGELL. We have no further requests for time, but I would like to say a couple of words.

Mr. LATOURETTE. As do I. The gentleman is the dean of the House. You go first.

Mr. DINGELL. This, I will tell the gentleman, is his time. He has led in the matter. I am prepared to accede to his leadership.

Mr. LATOURETTE. I think we need to hear from you, Mr. DINGELL.

Mr. DINGELL. I begin then by thanking my good friend from Ohio for his leadership in this matter and express to him my great personal respect and high esteem. I am particularly pleased that we have been able to have these brief remarks from his friends, colleagues, and coworkers about our good friend, Mr. Sullivan, our coworker and Parliamentarian of the House. I have known all the Parliamentarians during their sitting back to Mr. Deschler, Mr. Brown, Mr. Charlie Johnson and now, of course, our good friend, Mr. Sullivan. And before them, I had the privilege of knowing the distinguished gentleman from Missouri, a Member of this body and also a prior Parliamentarian of this body.

I'm sure that this has been an evening that has been somewhat painful to our friend, the Parliamentarian, because he has heard all kinds of nice things about him at a time when that is rather an unaccustomed practice.

But I would like to tell him how proud we are that we have had such dedicated public servants to work for and on behalf of the House of Representatives and on behalf of all of us.

As he retires at the end of this week as the Parliamentarian of the House, I hope he knows that his work would be approved, and enthusiastically so, by all the gentlemen that I have mentioned earlier. I would also hope that he understands that he has seen the greatest respect and affection from his colleagues here in the House for his fairness, impartiality, for his decency, for his integrity, and for the fair and nonpartisan—he would note I did not say “bipartisan,” I said “nonpartisan”—way he has conducted his responsibilities as the Parliamentarian of the House.

Each and every one of us could count on Mr. Sullivan to take our calls on even the smallest questions about motions and procedures. And all of us, without any question or any doubt, knew that the advice we were getting was completely honest. We also knew that he would help us work out our problems so that we could be functioning and effective Members of this body. And we also knew that he would take a firm stand for the protection of the traditions and the institutional values of this body and would ensure that the rules were always interpreted properly.

He was a true institutionalist. He loved and revered the House of Representatives, and he knew something that was very important that many of us had not yet learned, and that is that this body, as an institution, is more important to all of us and to this Nation than is any single issue or aggregation or congregation of issues or any individual or any group of individuals, because without the trust, the affection, and the respect of the American people, this institution cannot function, cannot lead, cannot govern, and cannot carry out the trusts that we have been given back to the days of the Founders of the country.

I want Mr. Sullivan to know that he will always be missed; but we know that he has left us in capable hands because he has built a fine office, and Tom Wickham, like Mr. Sullivan, has already proven to be dependable, discreet and well versed in the rules and procedures of the House; and we know that he will serve the House with the same dedication, decency, integrity and honesty that his predecessor, Mr. Sullivan, has characterized his work with.

All of us are going to miss him. He has been a distinguished public servant in the highest sense of the term; and all of us will wish him well as he goes off to do his business, whatever it may be, and we will hope that he has tremendous success, long life, great happiness, and a chance to come back here

from time to time to see his old friends and to join in talking about the memories that we share together, the great things that we've done, the small things that we've done, and all the wonderful stories that we have to tell and share about the privilege of serving in this, the greatest legislative body in the world.

I am going to express to him the wish that he will have happiness in his retirement. I know that that wish is shared and honored by all of his colleagues and all of our colleagues, and I know that the very fine group of Parliamentarians who are here to show their appreciation to him for his wonderful leadership share in the thoughts that you have heard.

This has been an extraordinary bipartisan expression of the affection and respect that we have for our Parliamentarian, which he has earned. We have not praised him; we have simply told the truth about him. And that is something that he can be proud of that we are able to do and willing to do. I would note that there are some who might live in mortal and desperate fear of having others telling the truth about them.

So, in any event, we express to him our thanks and our admiration, and also that of the entire membership of the House of Representatives who have been honored by your service, your guidance, your friendship, your dignity, and your great appreciation of this body and the responsibilities we have.

Now I thank my good friend from Ohio for being so generous and for his leadership in this matter.

Mr. LATOURETTE. Mr. Speaker, I want to thank you for your indulgence, and I also want to thank the dean of the House for organizing this Special Order.

The House of Representatives is a building. It's a nice place, but it's really the people. And JOHN DINGELL is the House of Representatives, as his father was before him. PETE VISCLOSKEY is the House of Representatives. When I got here, Charlie Johnson was the Parliamentarian, he was the House of Representatives, and John Sullivan has replaced him; and he is, in fact, an institution with the House. I don't want to break the mood here, but in my opinion, the jury is still out on Wickham. We'll see how he does, but I think things have the opportunity to be okay.

I just want to tell two quick stories that for me told the measure of the man. The first was a number of years ago when we had a Member who was going to be expelled from the House of Representatives. It was only the third time in modern history that that occurred. The last one was in the 1970s. Nobody had really had a chance to study the precedents and things of that nature, and I was kind of surprised that

that process only took an hour of floor time—an hour to basically end somebody's political life.

So I went to John, and he gave me advice, and then he told me to file something to postpone it to a date certain, which I had never heard of, and I bet most Members never heard of, but that gave Members of the House an additional hour to discuss the case. And I think at the end of that, because of John's stewardship and knowledge of the rules, the House, as a body, felt better at the conclusion of that 2-hour debate.

It happened to be a Member of Ohio; and we are celebrating in Ohio that Ohio State is in the Final Four; our guy, JOHN BOEHNER, is the Speaker of the House; and it also marks the first time in 8 years we haven't had a member of our delegation in prison. So we're pretty pleased about that as well. But I will tell you that it was John's counsel that got us through that.

The second one was more recently. A couple of years ago, August, on our side, we call it the day of the stolen vote. I think the distinguished minority whip, Mr. HOYER, called it a procedural hiccup. But regardless, if you were here that night, it was wild. People were screaming, yelling, and crying.

And I had the opportunity to watch the videotape about 300 times because we then had a special committee to look into it. And always in all of the frames, there was one rock like the Rock of Gibraltar standing there above the fray saying, We need to be calm. It reminded me a little bit—I don't know if you saw Kevin Bacon in *Animal House*, where he says, stay calm, stay calm, and the crowd runs him over, and he's nothing but a uniform in the end. That's what was going on around John.

The place could have devolved into a very serious problem. It looked messy, and it was messy, but the measure of John's stewardship of the rules of the House—I would say that there was pressure on him and the rest of the Parliamentarian staff to do what one side or the other wanted him to do or for his opinion to come out one way or the other. The Republicans, we wanted him to say, hey, they stole the vote. It was 215-213, the gavel came down, you hoodwinked us. And from the Democratic side, the pressure was, these things happen, stuff happens; that no rules were broken, no harm, no foul.

□ 2000

John, as he has throughout his service, both as Deputy and now as Parliamentarian, didn't pick sides. He called the game right down the line. He told us what he thought based upon the rules, the precedents of the House. And I will tell you you knew it was a good decision, because neither of us liked it. The Republicans didn't like what he had to say and the Democrats didn't

like what he had to say. That to me is the mark of a fair ruling, because he called it as he saw it.

There's one last thing that I want to say about his service. I got here in 1995, and 1995 was the first time the Republicans were in the majority for 40 years in the House of Representatives.

I remember going to my first conference meeting and all these guys—Charlie Johnson was the Parliamentarian at the time. Speakers would get up and say to Mr. Gingrich: We're not going to keep the Democrats' Parliamentarian, are we? I didn't know what the heck they were talking about. Of course, Mr. Johnson, in fact, stayed. I imagine there were some discussions about that in the Democratic Caucus when things changed in 2007, and I imagine I know there were discussions about that when it changed again in 2011.

The fact of the matter is John is the embodiment of the Parliamentarian's Office. He's not the Democratic Parliamentarian. He's not the Republican Parliamentarian. He's the Parliamentarian for the House of Representatives, and that's what makes his service unique and unique to all of our Parliamentarians.

In closing, I don't know what John is going to do; but, Mr. Speaker, if John writes a book and I have to pay \$147 to get it on Amazon.com, I'm really going to be honked off.

I hope, John, if you do write your memoirs or some tome with the Speaker of the House over in Great Britain that you let it come out in paperback so that all of us can enjoy it. And, please, make it a good read and not so dry.

To John and your family, I really appreciate your friendship and your service. You have gotten me out of a lot of messes and not into too many. For your friendship and for your guidance in this House over your career, I'm very grateful. And I thank you and I wish you well in whatever you decide to do.

Mr. Speaker, thank you for your patience, and I would yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, there is no greater honor or privilege than to serve the American people. As Members of Congress, every day we work to remain worthy of the tremendous trust bestowed upon us by our constituents. While the spotlight is often focused on us, there are people who serve this great body and the American people without fanfare and recognition. In many ways, they are the backbone of this institution—without them, we could not do the People's work. One of the finest examples of this selfless commitment and tireless service can be found in our House Parliamentarian John V. Sullivan.

Following his graduation from the United States Air Force Academy and the Indiana University School of Law, John served 10 years on active military duty. His service in the House began almost 28 years ago when he

became Counsel for the Committee on Armed Services. In 1987, he began what would become a distinguished career in the Office of the Parliamentarian, serving as an Assistant Parliamentarian and Deputy Parliamentarian. In 2004, he was appointed to the position of Parliamentarian of the House.

The Office of the Parliamentarian is commonly known as the nonpartisan umpire for the House. Continuing this tradition throughout his tenure, John has been a shining example of integrity and fairness. John has served under six successive Speakers, both Democratic and Republican. He has truly been an innovator in the House—being the first to incorporate computer technology into the Office of the Parliamentarian. His ability to offer procedural guidance on the workings of this Chamber has earned him the respect and admiration of Members across both sides of the aisle. During my tenure as Chair of the House Rules Committee, John and his Office were invaluable resources to the Rules Committee and me.

John Sullivan has served the House with distinction during some of the most important debates of recent history. His unparalleled knowledge of parliamentary procedure helped guide us through the debates on the Affordable Care Act which ensured quality, affordable healthcare for millions of Americans, the American Recovery and Reinvestment Act which is helping to create new jobs and encourage investment in our economy, and the Emergency Stabilization Act which has been credited for preventing the collapse of our financial system.

While I join the chorus of voices in offering my best wishes to John on his well deserved retirement from the House, I will certainly miss his warmth, his sense of humor and his humility in this Chamber. Those are attributes that are far too rare these days.

Fortunately, John is leaving the Parliamentarian position in the able hands of Tom Wickham, who I am confident will do a wonderful job. However, I am sure even Tom will agree that he has some rather large shoes to fill. On behalf of a grateful chamber, I'd like to wish John the best of luck, as he starts the latest chapter of his distinguished life.

Ms. MATSUI. Mr. Speaker, I rise today to recognize the extraordinary 25 year career of retiring Parliamentarian of the House of Representatives, John V. Sullivan.

A graduate of the United States Air Force Academy and former Air Force Judge Advocate, John exemplifies public service. He began his career in the House of Representatives by serving as counsel to the Committee on Armed Services, and soon transitioned to the Office of the Parliamentarian. John took on the role of Parliamentarian in 2004, after seventeen years in the Office of the Parliamentarian.

Serving as only the fourth Parliamentarian in modern history, John has consistently conducted himself in the most professional, nonpartisan manner. He has been a constant through multiple Congresses, and under Speakers of both parties. John's knowledge of House procedure and traditions is unparalleled, and he was a model of decorum and even temperament. His service will be missed.

Mr. Speaker, I have enjoyed calling John a colleague throughout my time in the House,

and ask my colleagues to join me in wishing him all the best in his retirement.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to honor John Sullivan the House Parliamentarian, who is retiring after serving 28 years. John has dedicated his career to public service. Prior to arriving on Capitol Hill, John served our nation for 10 years in the Air Force.

I have known John for nearly two decades. In that time, I have often been impressed by his in-depth knowledge of House Floor procedure and the legislative process.

John has a calm, knowledgeable, and warm demeanor. It is no small feat to be well-liked by Members of both parties. Debate on the House Floor can be contentious at times; however, it is a positive reflection on John's expertise that he been able to consistently offer his assistance to Members in a manner that balances the rights of Members from both sides of the aisle. John, I hope you enjoy your retirement.

Mr. PRICE of North Carolina. Mr. Speaker thanks to Mr. DREIER, Mr. LATOURETTE and Mr. DINGELL for organizing this special order in recognition of John Sullivan, the House's Parliamentarian since 2004, and Deputy or Assistant Parliamentarian since 1987.

For these 25 years, John has been a familiar face on the floor of the House of Representatives, helping presiding officers maintain order and the flow of business. He has done his work with reassuring steadiness and competence, impartiality and fairness, even when tempers were flaring and ingenious, sometimes disingenuous, arguments were flying all around him.

John and the parliamentary staff he oversees have also been invaluable sources of advice and counsel for this institution's members, officers, and committees. Their institutional memory—both in their personal capacity and in the reference and retrieval system they have developed—is beyond compare. John perfected his own skills under illustrious predecessors—Charles Johnson and Bill Brown—and has administered and advanced the office superbly. This institution is currently facing serious strains and challenges. But in the area of parliamentary experience and control, we are operating from a position of great strength, thanks to the work of John and his colleagues.

John Sullivan's work is enhanced by his historical and comparative parliamentary knowledge, and I want especially to commend him for his willingness to share that knowledge with our colleagues in parliaments with which we cooperate around the world. I particularly remember his participation with the House Democracy Partnership in a mission to two partner legislatures, Liberia and Kenya, in 2010. He engaged enthusiastically and helpfully with these parliaments as they developed their own parliamentary rules and standards under trying conditions. John has done this repeatedly, meeting countless times with visiting parliamentary and staff delegations and generously extending his counsel and encouragement.

In short, John Sullivan has been an exemplary public servant and an invaluable resource for this institution and our sister institutions around the world. I am happy to join with colleagues in thanking him for his service and wishing him well in retirement.

Mr. PENCE. Mr. Speaker, I rise to honor a man I have come to know and respect during my service in the Congress, the House Parliamentarian John V. Sullivan, on the occasion of his retirement.

John Sullivan has served the House for 25 years, starting at the House Armed Services Committee and then moving to the Office of the Parliamentarian. The last eight years he has held the position of House Parliamentarian.

Prior to his work in the House, Sullivan served in the Air Force. I would be remiss, Mr. Speaker, if I did not also mention that Sullivan is a Hoosier. He grew up in Northwest Indiana, graduating from Munster High School and after attending the Air Force Academy, returning home to earn his law degree from the Indiana University School of Law.

Indiana can take justifiable pride in John Sullivan and his service to the Congress and our nation.

The job of the House Parliamentarian requires integrity, intellect, good judgment and the ability to think quickly on your feet. The House Chamber can be a pressure-cooker at times, especially during votes on major pieces of legislation or at times of heated partisan rancor.

One of those times was the night of August 2, 2007, when a vote on the Republican motion to recommit the Agriculture Appropriations bill went awry. John Sullivan was on the House floor that night advising the Speaker pro tem, and he exhibited the type of courage and professionalism that the rest of us can only aspire to in such a difficult situation.

After that night, a select committee was appointed to investigate what happened during the vote, and I was appointed ranking member for the investigation. I got to know Sullivan very well during the course of the investigation, and I appreciated his honesty, candor and full participation in the investigation. From our many conversations and what we learned as a committee, it was clear to me that Sullivan could not be more dedicated to the House as an institution or his job as a non-partisan provider of carefully considered analysis and advice. The House was fortunate to have his professional judgment on that night and all of the many other days and nights he has spent on the rostrum advising Speakers pro tem and Members of Congress.

Mr. Speaker, the House will miss John Sullivan. We wish him the best in his retirement and trust that he will enjoy spending more time with his wife, Nancy Sands Sullivan, and three children Michael, Margaret and Matthew. We thank them for sharing Sullivan with the House these many years, and again, Mr. Speaker, we thank John Sullivan for his service and wish him well in his retirement.

Mr. KILDEE. Mr. Speaker, I rise today to congratulate House Parliamentarian John V. Sullivan on his retirement from the U.S. House of Representatives. John, who was appointed House Parliamentarian by former Speaker Dennis Hastert on May 31, 2004, will retire at the end of this month after serving 25 years in the parliamentarian's office. John became only the fourth parliamentarian to serve in the House since the office was established in 1928.

John Sullivan is one of the most exceptional parliamentarians I have had the pleasure to

serve with during my 35 years in Congress. John has always handled himself with the utmost professionalism and has always held himself to the highest standard. There is no sharper mind or greater expert on parliamentary procedure than John Sullivan. Members on both sides of the aisle have relied on his expertise and extensive knowledge of the legislative process. I echo the Speaker and Minority Leader's comments that his retirement is "a loss for the people's House."

Over the years, I have seen a steady and disturbing decline in the civility and comity in the House of Representatives. There have been more heated exchanges and political bickering on the House floor in recent years than I care to remember. However, through it all, John has been able to navigate the House through some difficult times and has reminded all of us that we should respect our colleagues and the rules of this great institution. His steady leadership, intellect and nonpartisan decision making has made it possible for this body to continue to function despite the political rancor.

Throughout my life, I've tried to emulate those for whom I have great respect. John Sullivan is one of those people that I will always admire and respect. Not only am I a better legislator, but I am also a better person for having known John Sullivan. I wish John the best in his retirement and thank him for his years of service to this great body and to our Nation.

Ms. BALDWIN. Mr. Speaker, I rise to pay tribute to John Sullivan on his retirement from the post of Parliamentarian of the House.

John has served the House for 28 years, beginning as Counsel for the House Committee on Armed Services. In 1987, he joined the office of Parliamentarian where he rose from an Assistant Parliamentarian to Deputy Parliamentarian in 1994. He was named Parliamentarian by Speaker Dennis Hastert in 2004. He has served this body with dignity and professionalism.

I feel privileged to have worked with John, whom I consider a friend and a mentor. During the years when Democrats were in the majority, I enjoyed serving as Chair of the Committee of the Whole or as Speaker pro tem. When in the Chair I looked to John for wise guidance. He was a great teacher and I was eager to learn. He has a great command of and respect for the institutional history of the House, and its rules and precedents. John Sullivan was very supportive of Members who sought to learn more.

John is a kind man with a great intellect. We are all grateful for his service to the House and to the nation. I will miss him and wish him all of the very best in his future endeavors.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize parliamentarian John V. Sullivan for his long and distinguished service to the House of Representatives. Tomorrow, after 25 years of service to the House, John is retiring.

John is one of only four Parliamentarians who have served the House of Representatives. In this rare company, John stands out. In many ways, the Parliamentarian is the keeper of order in a House increasing lacking in civility. That John is equally respected on both sides of the aisle is testament to his fair hand and steady demeanor.

Before coming to Congress, John served in the United States Air Force as a Judge Advocate General (JAG). In this capacity, John had to represent, in a legal capacity, many odd and unruly individuals: an experience that prepared him well for his current position.

I will miss John's steady presence as Parliamentarian. However, I know the House will be well served by the excellent staff John assembled during his tenure.

John, thank you for your lifetime of public service, and good luck in your future endeavors.

WE NEED TO TELL THE TRUTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Arizona (Mr. SCHWEIKERT) for 30 minutes.

Mr. SCHWEIKERT. Mr. Speaker, this is something we try to do out of my office every few months, where we try to update a number of the budget numbers we're seeing coming from particularly the President and try to put them in some perspective. I thought this would be one of those opportunities—because we're about to work on the budget for the rest of this week—to stand here and help everyone understand some really scary things that are out there in the numbers and some things we've been talking about for the last year and the fact that they're getting worse.

Mr. Speaker, you also, being my friend from Arizona, you've actually heard me tell this story.

A year ago, we stood here and did this presentation. When I got back to the office, my phone was ringing. I reached down and picked it up, and it was a gentleman from my district who was nice enough but kept telling me over and over that he didn't believe me, that the numbers didn't feel right. After about a half an hour of discussing it with him, I probably was a little too harsh. I said: I don't know where the feelings key is on my calculator. I think at that point he hung up on me.

Look, the numbers are real. It doesn't feel warm and fuzzy, but it's real.

I'm actually going to break one of the congressional rules in communication where we're often supposed to talk at a 30,000-foot level. I'm going to drive down into some of the weeds here, but it's important. This is the future of our country. This is our destiny, unless we make some substantial changes.

The first slide up here—and all of these are going to be up on our Web site within the next week, the congressional Web site—is just trying to demonstrate how unrealistic many of these numbers coming from the White House are.

The year 2008 was the peak of revenues into the Federal Government. We'll give you an idea. The President is saying in 5 years that revenues are

going to be up 50 percent from that peak in 2008. So we're going to have this dramatic rise in revenues over the next 5 years, and that's where their deficit projections are coming from.

Guess what? On the slides I'm going to show you, we still use the President's numbers. What I want you to understand is that they are based on, I think, substantial fantasy when you start to understand the White House's use of what they are predicting as revenues and GDP growth.

As we go through these—and I'm going to throw a lot of slides here. The next two slides are the easiest to understand and hopefully tell the greatest part of the story.

This is 2011. Sixty-three percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans benefits. We'll call those the mandatory spending. Many people call them the entitlements.

This year, 37 percent of our spending is what we'll call discretionary, military, and the line of alphabet agencies that we all think of. It's foreign aid, veterans, all discretionary over here. It's 37 percent of the spending. This is this year. Do you see, 63, 37? What happens a year from now?

In 2017, basically 5 budget years from now, you notice a little difference. We went from 63 percent to 75 percent which is now in Medicare, Medicaid, Social Security, interest on the debt, and veterans benefits. Five years from now, 75 percent of our budget is in mandatory entitlement spending, and the discretionary keeps getting smaller and smaller in real dollars.

I'm going to show you some slides in a little bit that are going to demonstrate that even the military goes down in real dollars. No more of this discussion of, well, you guys are just slowing down the growth. No, it actually goes down in real dollars. This is our future.

Understand, the mandatory and entitlement side is growing so fast that in about 10 or 11 years, if you held everything even, it would consume every dollar of the budget. There's no more military; there's no more discretionary. Everything is Medicare, Medicaid, Social Security, interest on the debt, and veterans benefits.

This is our future. We need to tell the truth.

Look, Washington, D.C., has had a bad habit of avoiding a lot of these hard decisions that are ahead of us, and it's almost like they forgot there were going to be baby boomers. We knew people were going to turn 65 for how many years? Sixty-five years.

We're now into year one of the baby boomers retiring at the end of the next 17 years. At the end of the 18-year cycle of baby boomers, about 36 percent, 37 percent of our population will be on Social Security. You have to understand that's about 76, 78 million of our

friends and neighbors who will be over 65.

This should have been decades of planning for that retirement, for that baby boom, and Washington, D.C., did not do it. Now Members of this House—and I'm one of the freshmen here; I've been here 15 months—need to step up and tell the truth to the American people that this is our future. If we don't deal with it today, we're going to deal with devastating consequences a couple of years from now.

In the next couple of slides, I'm going to try to demonstrate the numbers and how they break down.

□ 2010

And I'm sorry. I know I'm throwing lots of slides, but one more time, this is important. This is our future.

This is 2011. Everything you see in the blue is the mandatory spending we were just talking about. So you get some sort of sense of what it is. Here's Social Security. Here's what we'll call the welfare programs. Medicare, Medicaid, interest on the debt.

We are one of the luckiest people to ever live, when you think about this year. We expect to spend only about \$229 billion on interest on our debt. Well, understand, our debt now is what, \$15.5 trillion. About \$11 trillion plus of that is what we call publicly-held debt.

This is important to understand. A big chunk of our debt we borrow internally. We reach into Social Security, into the Medicare part A trust fund, and other places. But the \$11 trillion-plus that we have to go out on open markets and sell, that's our great risk because we are beholden to what interest rate the market's willing to buy our debt for.

This year, with these incredibly low interest rates, I mean, what, a 10-year bond today is what, 2.25? We're only going to spend about \$229 billion this year is our projection for that \$11 trillion of publicly-held debt.

But what happens when we go to normal interest rates? And at the same time, just like this last year where we borrowed what, another \$1.4 trillion, you've got to understand, here it becomes one of our Achilles' heels.

We go from, in 2011, that \$229 billion in interest, to in 2017, we expect interest to be \$565 billion. Understand, that's basically, in 2017, what defense is. Our interest on the debt will equal what defense is.

And as we walk through these numbers, please understand, it's Medicare, Medicaid, Social Security, interest on the debt, veterans benefits that are exploding because of the demographic issues. It's math. And this is our future.

And you'll notice, as we were showing in the previous chart, discretionary now is down to 25 percent of all spending; 75 percent is those mandatory—what we like to call entitlements. And this is our future.

As I was just trying to share, and this is important because I got this question at a town hall this last Saturday. Well, when you say that defense is going to be taking all sorts of cuts, you mean just cuts in the growth.

No, I mean in real dollars. We expect, the way the budgets are being laid out right now, the way the President's numbers are, by 2017, actual, real dollars, not adjusted for inflation, not the projection or a portion of growth, real dollars are going to be substantially less than they are today. Our projected 2012 budget about \$709 billion. In 2017, \$582 billion.

What are the Federal Government's constitutional obligations? Protection of the country? Defense? And you'll notice, in real dollars, it's going down. So what will even be the purchasing power of that money 5 years from now?

And you'll start to understand the reality of what's going on. And please understand, it's being driven, why? Because the mandatory spending, the entitlements are continuing to explode, so everything else in government will shrink and be crushed.

We thought we would try to find even a little more detail. These are brand new slides for us, and these will all be up on our Web site hopefully some time this week, and sort of helping put percentages on the numbers.

You saw the big graph of, hey, in 5 years, 75 percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans benefits. But we thought we'd show—here are the current percentages so you can see what's going on there.

This is 2011. Defense is 18.8. In 5 years defense will be 12.4 percent of the budget.

Department of Health and Human Services, which is substantially Medicare and Medicaid, this year is 24.7 percent of the spending. In 5 years, it's 26.8.

But where else is the explosion?

Department of the Treasury, which is substantially debt, paying interest on our debt, will go from 14.9 percent of the total budget in 5 years to 20.5 percent.

What I'm trying to demonstrate here is we're being consumed by our own interest, having to finance our own debt. We're being consumed by the basic demographics of our Nation because Washington, D.C., did not tell us the truth, did not set aside the resources that were absolutely necessary to deal with the baby boomer population, and we're going to have 76 million of our brothers and sisters in this baby boom cycle over this 18 years. Remember, when it's done, it's 36, 37 percent of the population on Social Security.

I'm fearful, unless we step up and make the policy changes that are absolutely necessary—and thank heaven for PAUL RYAN and many of the hard-working Budget members here in the

House that are laying out the truth. They're laying out what is absolutely necessary to keep this Republic operating and to tell the truth about the budget and the numbers.

So one of the things we got this last weekend back home, I had a couple come up to me pointing their finger saying, well, if you would just do things like the Buffett Rule, if you would do things like that, you would solve the problems.

One of the things we love to do in our office is, how do you make big numbers understandable, because, let's face it, when I stand here and talk about \$15.5 trillion in debt, or talk about this, talk about that, it often is overwhelming numberwise. So we came up with this idea of a clock, and we've done this for a number of different things.

Now, here's the good news and the bad news. We're borrowing a lot less money right now than we were borrowing a year ago. That's the good news. The bad news is we're still borrowing \$3.5 billion every single day, and we project for the next 365 days \$3.5 billion every single day.

But when you hear the President, when you hear many of my friends on the left say, well, if we just had something like the Buffett Rule, where these rich people have to pay all these extra taxes because they're escaping, what does it actually pay? What does it actually mean?

If you use the President's own model and don't pretend that there is going to be certain tax avoidance and smart lawyers finding ways around it, and that it doesn't slow down the economy and doesn't change people's behaviors and all the other things that happen when you raise a tax and live in math fantasy, so every dime comes into the Federal Government, what does it actually buy us?

Well, we did the math on it, and we figured out it would pay for 3 minutes and 30 seconds of that daily borrowing. So when you see Members walk up to these microphones and talk about things like well, if we just had the Buffett Rule, we would be fine, they're not telling you the truth.

Or it's back to that story before—they found a feelings button on their calculator, and it makes them feel better, but it's not real math.

The entire Buffett Rule would pay for 3 minutes and 30 seconds of borrowing a day, at the current rate of borrowing, which is \$3.5 billion a day.

Mr. Speaker, I know this is a lot of math. I know these are a lot of numbers to throw out, but it's our future. When you see what's happened in Europe, when you realize people in Greece and so many other countries lived in a fantasy, and a lot of it was perpetuated by their own governments not telling them the truth—well, I'm telling you the truth, and I'm using the President's own numbers to get there. It's

why the decisions that are going to be made here this week, as we start to set out our budget documents, it's why we desperately need the Senate to step up and tell the truth to the American people, that if you want to save this Republic, we've got to deal with the reality of our math, because our math is the single most dangerous thing to this Republic right now.

Mr. Speaker, I yield back the balance of time.

ADJOURNMENT

Mr. SCHWEIKERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 28, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5427. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Wooden Handicrafts From China [Docket No.: APHS-2007-0117] (RIN: 0597-AC90) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5428. A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final rule — Community Forest and Open Space Conservation Program (RIN: 0596-AC84) received March 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5429. A letter from the Director of Operational Test and Evaluation, Department of Defense, transmitting FY 2011 Annual Report, pursuant to 10 U.S.C. 114; to the Committee on Armed Services.

5430. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2012-0003] [Internal Agency Docket No. FEMA-B-1244] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5431. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-B-8221] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5432. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act (RIN: 3046-AA76) received March 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5433. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule —

Energy Conservation Program: Test Procedures for Residential Clothes Washers [Docket No.: EERE-2010-BT-TP-0021] (RIN: 1904-AC08) received March 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5434. A letter from the Secretary, Department of Health and Human Services, transmitting fiscal year 2011 Performance Report to Congress for the Animal Generic Drug User Fee Act; to the Committee on Energy and Commerce.

5435. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Establishment, Maintenance, and Availability of Records: Amendment to Record Availability Requirements [Docket No.: FDA-2002-N-0153] (Formerly Docket No.: 2002N-0277) (RIN: 0910-AG73) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5436. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Approval Tests and Standards for Closed-Circuit Escape Respirators [Docket: NIOSH-005] (RIN: 0920-AA10) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program [EPA-HQ-OAR-2011-0542; FRL-9642-3] (RIN: 2060-AR07) received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5438. A letter from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training [WC Docket No.: 11-42; WC Docket No.: 03-109; CC Docket No.: 96-45; WC Docket No.: 12-23] received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5439. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100, Revision 8 [NRC-2011-0221] (RIN: 3150-AJ05) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5440. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 2-12 informing of an intent to sign the Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

5441. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5442. A letter from the Director, Department of the Interior, transmitting Report to Congress on the Recovery on Threatened and Endangered Species for Fiscal Years 2009-2010; to the Committee on Natural Resources.

5443. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 2 for the South Atlantic Region; Correction [Docket No.: 110831547-1736-02] (RIN: 0648-BB26) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5444. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection [Docket No.: 110207103-2041-02] (RIN: 0648-BA80) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5445. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-2] (RIN: 0648-XA988) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5446. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine Winter Flounder Catch Limit Revisions [Docket No.: 120131078-2207-01] (RIN: 0648-XA913) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5447. A letter from the Attorney General, Office of the Attorney General, transmitting the Office's decision not to appeal the decision of the district court in the case of the United States v. William L. Cassidy, No. 8:11-91 (D. Md. Dec. 15, 2011); to the Committee on the Judiciary.

5448. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — International Anti-Fouling System Certificate [Docket No.: USCG-2011-0745] (RIN: 1625-AB79) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5449. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mooney Aviation Company, Inc. (Mooney) Airplanes [Docket No.: FAA-2012-0182; Directorate Identifier 2012-CE-005-AD; Amendment 39-16958; AD 2012-03-52] (RIN: 2120-AA64) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5450. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class D and Class E Airspace; Hawthorne, CA [Docket No.: FAA-2011-0610; Airspace Docket No. 11-AWP-10] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5451. A letter from the Deputy General Counsel, Small Business Administration,

transmitting the Administration's final rule — Women-Owned Small Business Federal Contract Program (RIN: 3245-AG34) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5452. A letter from the Director of Regulation Policy and Management Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Exempting In-Home Video Telehealth from Copayments (RIN: 2900-AO26) received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5453. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Evaluation of the Mentoring Children of Prisoners Program"; to the Committee on Ways and Means.

5454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Repeal of Section 163(f)(2)(B) [Notice 2012-20] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Consent to change to the methods of accounting provided in the tangible property temporary regulations (T.D. 9564) (Rev. Procs. 2012-19 & 2012-20) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5456. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Safeguards [CMS-6036-F2] (RIN: 0938-AQ57) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 597. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, and providing for consideration of motions to suspend the rules (Rept. 112-423). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. BONO MACK (for herself and Mrs. BLACKBURN):

H.R. 4263. A bill to improve information security, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Oversight and Government Reform, the Judiciary, Armed Services, and Intelligence (Permanent Select), for a period to be subse-

quently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 4264. A bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. CRAWFORD:

H.R. 4265. A bill to amend the Internal Revenue Code of 1986 to impose a 5 percent tax on so much of adjusted gross income of any individual as exceeds \$1,000,000, and to provide incentive for Congress to pass a balanced budget amendment, or spending limit amendment, to the Constitution; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 4266. A bill to amend the Safe Drinking Water Act to protect the health of vulnerable individuals, including pregnant women, infants, and children, by requiring a health advisory and drinking water standard for hexavalent chromium; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 4267. A bill to designate certain National Forest System land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, as wilderness, to facilitate a land exchange involving certain land in such National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. AMASH (for himself and Mr. FLAKE):

H.R. 4268. A bill to abolish the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. GRIFFITH of Virginia (for himself, Mr. OWENS, and Mr. POE of Texas):

H.R. 4269. A bill to amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition; to the Committee on the Judiciary.

By Ms. HOCHUL (for herself, Mr. GRIFFITH of Virginia, and Mrs. NOEM):

H.R. 4270. A bill to amend title 39, United States Code, to suspend bonus authority with respect to the Postmaster General and certain other postal officials in any year in which a postal retail facility or mail processing facility is closed, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MOORE (for herself, Ms. DEGETTE, Ms. NORTON, Ms. BALDWIN, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM, Ms. HAHN, Ms. HIRONO, Ms. BERKLEY, Mrs. CAPPS, Ms. SLAUGHTER, Ms. EDWARDS, Ms. PINGREE of Maine, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Ms. FUDGE, and Ms. MATSUI):

H.R. 4271. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Financial Services, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 4272. A bill to authorize the Secretary of Transportation to make capital grants for certain freight rail economic development projects; to the Committee on Transportation and Infrastructure.

By Mr. WEBSTER:

H. Res. 596. A resolution requesting return of official papers on H.R. 5; considered and agreed to.

By Mr. DOYLE (for himself and Mr. GINGREY of Georgia):

H. Res. 598. A resolution supporting the designation of National Robotics Week as an annual event; to the Committee on Science, Space, and Technology, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H. Res. 599. A resolution honoring Byung Wook Yoon, Ph.D for his outstanding service on behalf of the Korean American community; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. BONO MACK:

H.R. 4263.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. BIGGERT:

H.R. 4264.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States); and Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CRAWFORD:

H.R. 4265.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in The 16th Article of Amendment to the Constitution.

By Mr. SCHIFF:

H.R. 4266.

Congress has the power to enact this legislation pursuant to the following:

The Protecting Pregnant Women and Children From Hexavalent Chromium Act is constitutional under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The bill constitutional authorized under the under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. MATHESON:

H.R. 4267.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the United States Constitution

By Mr. AMASH:

H.R. 4268.

Congress has the power to enact this legislation pursuant to the following:

The Export-Import Bank is purported to be authorized under the congressional power "To regulate Commerce with foreign Nations" in Article I, Section 8, Clause 3 of the

Constitution. Congress has the implied power to repeal laws that exceed its constitutional authority as well as laws within its constitutional authority.

By Mr. GRIFFITH of Virginia:

H.R. 4269.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Ms. HOCHUL:

H.R. 4270.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Ms. MOORE:

H.R. 4271.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. NADLER:

H.R. 4272.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution, clause 3 of section 8 of article I of the Constitution, and clause 18 of section 8 of article I of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. HARPER, Mr. ROSS of Florida, Mrs. BLACK, Mr. SMITH of Texas, and Mr. HASTINGS of Washington.

H.R. 11: Mr. RUPPERSBERGER, Mr. HINOJOSA, Mr. LARSEN of Washington, Ms. NORTON, and Mr. FILNER.

H.R. 14: Mr. PASCRELL, Mr. PALLONE, and Mr. PERLMUTTER.

H.R. 104: Ms. BONAMICI and Mr. ROONEY.

H.R. 184: Mr. BACHUS.

H.R. 273: Mr. LOBIONDO.

H.R. 324: Mr. PASCRELL.

H.R. 329: Mr. ISRAEL.

H.R. 333: Ms. DELAURO and Mr. RIGELL.

H.R. 365: Mr. PASCRELL.

H.R. 529: Mr. POLIS.

H.R. 544: Mr. RIGELL.

H.R. 668: Mr. BROOKS.

H.R. 683: Mr. FILNER.

H.R. 719: Mr. FORBES and Mr. VAN HOLLEN.

H.R. 733: Mrs. McMORRIS RODGERS.

H.R. 807: Mr. BOSWELL.

H.R. 812: Mr. BARROW.

H.R. 865: Mr. RIGELL.

H.R. 890: Ms. KAPTUR and Mr. KIND.

H.R. 941: Mr. FILNER.

H.R. 1006: Mr. CRAVAACK.

H.R. 1142: Mr. WITTMAN.

H.R. 1179: Mr. CAMP and Ms. HAYWORTH.

H.R. 1265: Mr. GINGREY of Georgia.

H.R. 1342: Mr. PALLONE.

H.R. 1381: Mr. CLARKE of Michigan.

H.R. 1385: Mr. WALSH of Illinois.

H.R. 1418: Mr. YARMUTH.

H.R. 1505: Mr. McKEON.

H.R. 1511: Mr. FARENTHOLD.

H.R. 1549: Mr. HUIZENGA of Michigan and Mr. WITTMAN.

H.R. 1674: Mr. JACKSON of Illinois.

H.R. 1675: Mr. PASCRELL, Mr. KILDEE, Mr. HIGGINS, Mr. CARDOZA, Mr. SHIMKUS, and Mr. BURTON of Indiana.

H.R. 1697: Mr. FLEMING.

H.R. 1739: Mr. WALSH of Illinois.

H.R. 1802: Mr. BISHOP of New York and Mr. SCHIFF.

H.R. 1867: Mr. HOLT.

H.R. 1895: Mr. MICHAUD, Ms. CASTOR of Florida, Ms. TSONGAS, and Mr. LYNCH.

H.R. 1960: Mr. DOLD.

H.R. 2020: Ms. TSONGAS.

H.R. 2033: Mr. ROSS of Florida.

H.R. 2051: Mr. RIGELL, Mrs. ELLMERS, Mr. COLE, and Mr. PETRI.

H.R. 2077: Mr. WESTMORELAND.

H.R. 2083: Ms. MCCOLLUM and Mr. JACKSON of Illinois.

H.R. 2085: Ms. HANABUSA.

H.R. 2131: Mr. RIGELL.

H.R. 2159: Mr. ANDREWS.

H.R. 2284: Ms. SPEIER.

H.R. 2299: Mr. POMPEO and Mr. KELLY.

H.R. 2335: Mr. GOSAR.

H.R. 2359: Mr. ELLISON.

H.R. 2410: Mr. CONYERS.

H.R. 2446: Mr. GARY G. MILLER of California.

H.R. 2478: Mr. JACKSON of Illinois.

H.R. 2529: Mr. BENISHEK.

H.R. 2595: Mr. PRICE of North Carolina and Mr. JACKSON of Illinois.

H.R. 2697: Mr. GIBBS and Mrs. ELLMERS.

H.R. 2717: Mr. CARNEY, Mrs. LOWEY, Mr. COURTNEY, Ms. LINDA T. SANCHEZ of California, Mr. AL GREEN of Texas, Mr. MURPHY of Pennsylvania, Mr. GENE GREEN of Texas, Mr. SERRANO, Mrs. DAVIS of California, Mr. WALZ of Minnesota, Mr. GARAMENDI, Mr. DEUTCH, Mr. BISHOP of New York, Ms. SPEIER, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. DOYLE, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. PASCRELL, Mr. CLARKE of Michigan, Mr. MEEKS, Ms. LORETTA SANCHEZ of California, and Mr. CARDOZA.

H.R. 2833: Mr. POE of Texas.

H.R. 2866: Mr. HIGGINS.

H.R. 2969: Mr. MCGOVERN.

H.R. 2972: Mr. SABLAN.

H.R. 2980: Mr. MICHAUD.

H.R. 2985: Mr. WEST, Mr. COURTNEY, Mr. GRIFFITH of Virginia, Mr. LARSEN of Washington, Mr. FRANK of Massachusetts, Mr. RUSH, Ms. SLAUGHTER, and Mr. VAN HOLLEN.

H.R. 3064: Mr. COLE.

H.R. 3086: Mr. JACKSON of Illinois and Mr. DUNCAN of Tennessee.

H.R. 3087: Mr. BARTON of Texas.

H.R. 3187: Mr. SCHIFF, Mr. OLVER, Mr. LEWIS of Georgia, and Mr. FARENTHOLD.

H.R. 3199: Mr. CANSECO and Mr. HALL.

H.R. 3242: Mr. JACKSON of Illinois and Mr. DAVIS of Illinois.

H.R. 3264: Mr. POMPEO and Mr. JONES.

H.R. 3283: Mr. BACA.

H.R. 3286: Mr. JACKSON of Illinois.

H.R. 3337: Mr. RIGELL.

H.R. 3393: Mr. HARRIS.

H.R. 3405: Mr. OWENS.

H.R. 3423: Mr. CAPUANO, Mr. BARROW, Mr. GOODLATTE, Mr. DOYLE, and Mr. COHEN.

H.R. 3425: Ms. ZOE LOFGREN of California.

H.R. 3506: Mr. LATOURETTE.

H.R. 3533: Mr. CICILLINE.

H.R. 3586: Mr. BILIRAKIS and Mr. McKEON.

H.R. 3587: Mr. FILNER.

H.R. 3624: Ms. PINGREE of Maine and Mr. PRICE of North Carolina.

H.R. 3627: Mr. GOSAR and Mrs. BLACKBURN.

H.R. 3634: Mr. FRANKS of Arizona.

H.R. 3640: Mr. COLE.

H.R. 3658: Ms. SLAUGHTER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. TOWNS, and Mr. JACKSON of Illinois.

H.R. 3661: Mr. SCHIFF.

H.R. 3713: Mr. DANIEL E. LUNGREN of California.

H.R. 3805: Mr. CULBERSON.

H.R. 3821: Ms. NORTON.

H.R. 3824: Mr. SMITH of Washington and Mrs. DAVIS of California.

H.R. 3826: Mr. CARDOZA, Ms. MATSUI, Ms. PINGREE of Maine, Ms. HOCHUL, and Mr. QUIGLEY.

H.R. 3831: Mr. KILDEE.
 H.R. 3895: Ms. HAYWORTH.
 H.R. 3915: Mr. REED.
 H.R. 4000: Mr. POSEY.
 H.R. 4031: Mr. BOREN.
 H.R. 4070: Mr. CONYERS.
 H.R. 4077: Mr. ENGEL.
 H.R. 4124: Mr. WITTMAN.
 H.R. 4133: Mr. WOLF, Mr. ROSS of Florida, Mr. FORBES, Mr. KING of New York, Mr. YODER, Mr. RENACCI, Ms. CASTOR of Florida, Mr. CICILLINE, Mr. CRITZ, Mr. JOHNSON of Georgia, Mr. LEVIN, Mr. OWENS, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. SMITH of Washington, Mr. VISCLOSKY, Mr. WAXMAN, Ms. HANABUSA, Mr. ROE of Tennessee, Mr. MACK, Mr. CLARKE of Michigan, Mr. UPTON, Mr. RIBBLE, Mr. CALVERT, Mr. DIAZ-BALART, Mr. GRIMM, Mr. FRANK of Massachusetts, Mr. HIMES, Ms. RICHARDSON, Mr. MARKEY, and Mr. STEARNS.
 H.R. 4134: Mr. KINZINGER of Illinois, Mr. REHBERG, Mr. BARROW, and Mr. NUNES.
 H.R. 4154: Mr. GRIJALVA.
 H.R. 4157: Mr. CAMP, Mr. BOSWELL, Mr. CARTER, Mr. JOHNSON of Illinois, Mr. GUTHRIE, Mr. GOSAR, Mr. THORNBERRY, Mr. JONES, Mr. MCINTYRE, Mr. SIMPSON, Mrs. ELLMERS, Mr. AMODEI, Mr. LATTA, Mr. CANSECO, Mrs. BLACKBURN, and Mr. UPTON.
 H.R. 4158: Ms. ZOE LOFGREN of California.

H.R. 4164: Mr. BRALEY of Iowa, Mr. BOSWELL, Ms. BORDALLO, and Mr. LATHAM.
 H.R. 4168: Mr. RIGELL.
 H.R. 4169: Mr. TIERNEY and Mr. TOWNS.
 H.R. 4170: Ms. PINGREE of Maine.
 H.R. 4173: Mr. RUSH, Ms. PINGREE of Maine, Mr. LEWIS of Georgia, Ms. MCCOLLUM, Ms. EDWARDS, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, Mr. HINCHEY, Mr. DAVIS of Illinois.
 H.R. 4178: Mr. COFFMAN of Colorado.
 H.R. 4188: Mr. LATHAM.
 H.R. 4196: Ms. LORETTA SANCHEZ of California, Mr. SCHOCK, Mr. HERGER, Mr. REICHERT, and Mrs. MCMORRIS RODGERS.
 H.R. 4200: Mr. JONES and Mr. COFFMAN of Colorado.
 H.R. 4222: Mr. COLE.
 H.R. 4227: Mr. CONYERS, Mr. DEFazio, Mr. GRIJALVA, Mr. HOLT, Mr. KILDEE, Mr. LOEBSACK, Mr. NADLER, Ms. NORTON, Mr. REYES, and Ms. RICHARDSON.
 H.R. 4228: Mr. YOUNG of Indiana and Mr. ROHRBACHER.
 H.R. 4229: Mr. ROTHMAN of New Jersey, Mr. GRIMM, Ms. BERKLEY, Mr. ENGEL, Mr. DEUTCH, Mr. WAXMAN, Ms. BROWN of Florida, Mr. PETERS, Mrs. LOWEY, Mr. TURNER of New York, Mr. KEATING, Ms. SCHWARTZ, Mr. HULTGREN, Mr. McDERMOTT, Mr. GENE GREEN of Texas, Mr. RANGEL, Mr. ISRAEL, Mr. ANDREWS, Mr. MURPHY of Pennsylvania, Mr.

SCHOCK, Mr. NADLER, Mr. CONNOLLY of Virginia, Mrs. MCCARTHY of New York, and Mr. HASTINGS of Florida.
 H.R. 4232: Mr. GOSAR.
 H.R. 4251: Mr. THOMPSON of Mississippi and Ms. JACKSON LEE of Texas.
 H.J. Res. 103: Mr. POE of Texas, Mr. SMITH of Texas, and Mr. GRIFFITH of Virginia.
 H.J. Res. 104: Mr. GRIFFIN of Arkansas.
 H. Con. Res. 110: Mr. NUNNELEE, Mrs. BLACKBURN, Mr. BARTLETT, Ms. JENKINS, Mr. GRIFFITH of Virginia, Mr. GOWDY, Mr. JONES, Mrs. MYRICK, Mr. CHAFFETZ, and Mr. KINGSTON.
 H. Con. Res. 113: Mr. JORDAN, Mr. MULVANEY, Mr. MCCINTOCK, and Mr. HUELSKAMP.
 H. Res. 111: Mr. HUELSKAMP and Mr. STEARNS.
 H. Res. 560: Mr. FILNER.
 H. Res. 583: Mr. MICHAUD and Mr. FARR.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3596: Mr. PITTS.

SENATE—Tuesday, March 27, 2012

The Senate met at 10 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, who changes not, thank You for Your mercies ever changing, ever new. Teach us to be thankful for the changing faces of nature and the blessings every season brings. As we are grateful for the warmth of spring, so may we be joyful when winter comes and the harvest is past. Through days of warmth or chill, through hours of happiness or adversity, may we walk with You as with a friend known of old. Today, use the Members of this body for Your glory. Purge them of all that makes for discord, that in unity they may be prepared for Your service.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 27, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business for an hour. The Republicans will control the first half, the majority the final half. Following that morning business, the Senate will resume consideration of the motion to proceed to the repeal of Big Oil tax subsidies legislation. This will be postcloture.

At 12:30 p.m. today, the Senate will recess to accommodate the weekly caucus meetings. Senators are reminded that the official photograph of the 112th Congress will take place at 2:15 p.m. today in the Chamber.

MEASURE PLACED ON THE CALENDAR—S. 2237

Mr. REID. Mr. President, I understand S. 2237 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2237) to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this piece of legislation at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

OIL AND GAS SUBSIDIES

Mr. REID. Mr. President, the Senate yesterday took the first step toward repealing wasteful taxpayer subsidies to oil and gas companies. I was pleased my Republican colleagues joined Senate Democrats to move this debate forward.

The country deserves to hear the truth about double dipping—double dipping—by oil companies. They take taxpayer money with one hand and raise gas prices with the other hand. There has never been a more perfect illustration of this than what has happened recently. The country deserves to hear the truth about these oil companies.

But do not be fooled by last night's bipartisan vote. Senate Republicans

would never, ever side with American taxpayers against Big Oil. It is against their nature. It is against their political philosophy, as indicated by the numerous votes they have taken against this. They proved it yesterday with rhetoric. They proved exactly what I have said. They proved it last year with nearly a party-line vote against legislation to hold back handouts to oil companies that were making record profits then.

The records have been broken. There is a handful of those oil companies—one handful—that last year made \$137 billion.

Despite this rhetoric of the Republicans, Americans understand it will take more than a bumper-sticker slogan to stop the pain at the pump. We have to reduce the Nation's reliance on foreign oil. But we cannot drill our way to energy independence. We are doing better. We have done so well during the Obama years. Every year he has been President, production has gone up and the use of oil has gone down.

We must continue looking for responsible new domestic oil sources. But we must also invest in the clean energy technologies of tomorrow to create good jobs for today.

Repealing almost \$24 billion in wasteful subsidies to oil companies would pay for these clean energy investments—with money left over to do something about the deficit.

America has less than 2 percent of the oil reserves in the world but consumes more than 20 percent of the world's oil supply each year. So drilling on American soil alone will not solve our reliance on foreign oil.

Last year America used a lower percentage of foreign oil than at any time in almost two decades, thanks to President Obama's policies. Domestic oil production, I repeat, has increased every year during the Obama administration. Meanwhile, American dependence on foreign oil has decreased each year. Yet prices at the pump have continued to rise.

Here is why. For every penny the price at the pump goes up, the major oil companies—there are five of them—make an additional \$200 million in profits each quarter. So let's say that again. For every penny you pay extra at the gas pump, these five oil companies make \$200 million.

Well, it does not take a lot of math to understand that gas prices have risen 62 cents this year, so take \$200 million times 62 and you have a huge amount of billions of dollars. Every time a penny is added to your purchase of a gallon of gas, oil companies make

\$200 million. So—62 cents—they have made billions this year.

Last year they raked in \$137 billion in profits, and they are on pace for another record-breaking year of astronomical profits. So it is beyond ridiculous when Republicans argue oil companies need billions in taxpayer subsidies each year.

Middle-class families are struggling. Oil companies that last year raked in \$261,000 a minute, 24 hours a day, 365 days of the year, are not struggling.

Mr. President, listen to this again. Oil companies last year raked in \$261,000 a minute, 24 hours a day, no weekends off, no holidays. They did it 365 days of the year. They are not struggling at all and that, of course, is a gross understatement. That is why this matter is now before the Senate.

IRAN SANCTIONS

Mr. REID. On another topic that is extremely important, Mr. President, I have talked about how obvious it is America needs to reduce its reliance on foreign oil. But if anyone needs another reason, just look at the regimes that benefit from the global addiction to oil.

For example, Iran. Iran uses profits from global oil sales to support its terrorism around the world, its nuclear weapons program. So it is critical the Senate act now—and act quickly—to further tighten sanctions against Iran. These sanctions are a key tool as we work to stop them from obtaining nuclear weapons, threatening Israel, and ultimately jeopardizing U.S. national security.

This country is so fortunate to have the person who is leading the Central Intelligence Agency: GEN David Petraeus. I had the good fortune yesterday to spend an hour with him. He is a good man. He understands what is going on in the world.

We must be vigilant, as we are, about what is going on in Iran. I repeat, we must act now—and act quickly—to further tighten sanctions against Iran. These sanctions are a key tool as we work to stop them from obtaining nuclear weapons, threatening Israel and further terrorizing other parts of the world.

The only way to get sanctions in place now is to take up a bipartisan bill that passed unanimously out of the Senate Banking Committee. I would like and I am going to move to this. My staff has alerted the Republican leader I am going to ask consent soon to move forward on this unanimously reported bill out of the Banking Committee.

Unfortunately, I have been told my Republican colleagues will object to moving forward with these new sanctions because they want to offer additional amendments. I have Democrats who want to offer additional amend-

ments also, but we do not have the time to slow down passage of this legislation.

Let's move to the next step. When we put this away, we are not going to be finished with Iran. There are a number of Democrats, I repeat, who also wish to offer amendments to this bill, but in an effort to get sanctions in place now, Democrats have agreed to streamline the process and refrain from offering their amendments.

We cannot afford to slow down the process. Passing this bill now will help prevent Iran from acquiring a nuclear weapon. And that is a goal on which we should all agree.

RESERVATION OF LEADER TIME

Mr. REID. Mr. President, would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RACIAL PROFILING

Mr. CARDIN. Mr. President, I rise today to discuss the tragic death of Trayvon Martin and the larger issue of racial profiling. On Monday I spoke about this issue at the Center for Urban Families in Baltimore. Joining me were representatives from various faith and civil rights groups in Baltimore, as well as graduates from the center's program.

This weekend we saw numerous rallies take place across the United States, including rallies called Million Hoodie Marches where individuals wore hoodies in solidarity with Trayvon Martin.

I was touched by what President Obama said on Friday about this case. He said:

If I had a son, he'd look like Trayvon. And I think every parent in America should be

able to understand why it is absolutely imperative that we investigate every aspect of this. I think all of us have to do some soul searching to figure out how something like this happened.

That is why I am so pleased that the Justice Department, under the supervision of Attorney General Eric Holder, has announced an investigation into the avoidable shooting death of Trayvon Martin on February 26, 2012. As we all know from the news, an unarmed Martin, 17, was shot in Sanford, FL, on his way home from a convenience store by a neighborhood watch volunteer.

I am pleased that the Civil Rights Division of the Justice Department will join the Federal Bureau of Investigation in investigating the tragic, avoidable shooting death of Trayvon Martin. In particular, I also support the Justice Department's decision to send the Community Relations Service to Sanford to help defuse tensions while the investigation is being conducted.

I join all Americans in wanting a full and complete investigation into the shooting death of Trayvon Martin to ensure that justice is served. There are many questions we need the Justice Department to answer. One is whether Trayvon was the victim of a hate crime by Zimmerman. One is whether Trayvon was a victim of racial profiling by the police. In other words, was Trayvon targeted by Mr. Zimmerman because he was Black? Was Trayvon treated differently by local law enforcement in their shooting investigation because he was Black and the aggressor was White? Would the police have acted differently with a White victim and a Black aggressor?

The Department of Justice has the authority to investigate the potential hate crime as well as whether this is a pattern or practice of misconduct by local law enforcement in terms of applying the law equally to all citizens and not discriminating on the basis of race. Tom Perez is the Assistant Attorney General of the Civil Rights Division of the Department of Justice. I want to make sure we have both Federal and State investigations that ultimately prosecute offenders to the fullest extent of the law as well as make any needed policy changes, particularly to local police practices and procedures.

Trayvon's tragic death also leads to a discussion of the broader issue of racial profiling. I have called for putting an end to racial profiling, a practice that singles out individuals based on race or other protected categories. In October of last year, I introduced legislation—the End Racial Profiling Act, S. 1670—that would protect minority communities by prohibiting the use of racial profiling by law enforcement officials.

The bill would prohibit State and local law enforcement officials from using race as a factor in criminal investigations, including in “deciding

upon the scope and substance of law enforcement activity following the initial investigatory procedure.”

The bill would mandate training and provide grants on racial-profiling issues and data collection by local and State law enforcement.

Finally, the bill would condition the receipt of Federal funds by State and local law enforcement on two grounds. First, under this bill, State and local law enforcement would have to “maintain adequate policies and procedures designed to eliminate racial profiling.” Second, they must “eliminate any existing practices that permit or encourage racial profiling.”

The legislation I introduced is supported by the NAACP, the ACLU, the Rights Working Group, the Leadership Conference on Civil and Human Rights, and numerous other organizations. I look forward to the April 18 advocacy day these civil rights groups are planning on Capitol Hill to lobby on racial-profiling issues and raise awareness about this issue and the legislation I have introduced.

Racial profiling is bad policy. Given the state of our budgets, it also diverts scarce resources from real law enforcement. Law enforcement officials nationwide already have tight budgets. The more resources spent on investigating individuals solely because of their race or religion, the fewer resources we have to actually deal with illegal behavior.

Racial profiling has no place in modern law enforcement. The vast majority of our law enforcement officers who put their lives on the line every day handle their job with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can and should still take steps to prohibit racial profiling and finally root out its use.

The 14th amendment to the U.S. Constitution guarantees equal protection of the law to all Americans. Racial profiling is important to that principle and should be ended once and for all. As the late Senator Kennedy often said, “Civil rights is the great unfinished business of America.” Let’s continue to fight here to make sure we truly have equal justice under law and equal protection of law as guaranteed by our Constitution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

HEALTH CARE

Mr. CORKER. Mr. President, today I rise to speak about the subject our Nation is focused on as the Supreme Court takes up some of the constitutional provisions of the health care law that was passed a couple of years ago in this body.

Obviously, the courts will decide whether the law that was passed is con-

stitutional. There are a number of challenges. That will take place by the end of June, according to what we hear.

Secondly, there is an election process underway where the candidates running for the Republican nomination have talked about the things they will do in the event they are elected as it relates to the health care bill.

I want to talk about the fact that regardless of the Supreme Court and regardless of what may happen in the electoral process, I have yet to meet a person on either side of the aisle—and maybe today will be the first time—who believes this bill can work as it was passed. What that leads me to say is that regardless of what happens, I think most of us are aware that the financial data that was used to put together this bill is flawed, and the fact that it is flawed, it will not work over the longer haul.

For the same reasons I railed against the highway bill for breaking the Budget Control Act we just put in place last August, I voted against this bill—the fact that we used 10 years’ worth of revenues and 6 years’ worth of costs, which greatly exacerbates the problem in the outyears; the fact that we took \$529 billion in savings from Medicare to create this problem and yet left behind the issue we deal with in this body almost every year and a half, which is the sustainable growth rate that we deal with with physicians; and then, thirdly, the fact that we placed an unfunded mandate on States.

The State of Tennessee has actually been highly progressive as it relates to health care. In the State of Tennessee, dealing with citizens who are in need, we created a program called TennCare. It went through lots of problems but over the last several years has been functioning in a stable way. But what this bill did was mandate to the State of Tennessee that in order to keep the Medicaid funding that funds TennCare, the State has to, on its own accord, match Federal grants with over \$1.1 billion in costs. So from 2014 to 2019, what this bill does is mandate that the State of Tennessee use \$1.1 billion of its own resources to expand the Medicaid Program to meet the needs this bill has put in place.

This is the point of my being on the floor here today. Again, I do not know of anybody here who believes this bill will cost only what was laid out as we debated. As a matter of fact, we have had so many people—the McKenzie Group and others—who have laid out how many private companies in our country will basically get rid of their health care and put people out on the public exchange. And the cost of that is going to be tremendous.

Our own former Governor, a Democrat, who has spent a lot of his lifetime in health care on health care issues, projected that the State of Tennessee,

if it decided that it wanted to put its own employees out on the public exchange, could save \$160 million—by putting its employees away from its own health care plan and out on the exchanges. Obviously, I doubt that is something States are going to do. But his point is this: In a free market system, people are going to respond based on what is best for their company and what is best for their employees.

If you look at the subsidy levels that this bill lays out—up to 400 percent of poverty—they are massive subsidies. We are talking about people who are earning over \$78,000 a year. So when you look at the subsidies this bill has put in place, what employers are going to quickly find, especially because we put a subsidy in place on the one hand and on the other hand, because this bill lays out the type of coverage companies have to have in place—there are attributes that cause those costs to rise, and we have already seen that happening throughout our private sector; I think that is undeniable—what is going to happen is the companies are going to say: We would be better off paying the \$2,000 penalty. Our employees get these massive subsidies, by the way, that are paid for by all taxpayers in America.

What that means is that there are going to be far more people on these public exchanges than ever were anticipated when this bill was being put in place.

My point is that the bill, when it was being constructed, used 10 years’ worth of revenues and 6 years’ worth of cost, and that made it neutral. Anybody can see that in the outyears that is obviously going to create a tremendous problem, a fiscal problem for this government, for our country. But the problem is that when it was laid out, the amount of people who were then thought would go on the plan was much lower than is actually going to be the case.

Again, I think what you are going to see throughout our Nation, if this bill stays in place as it is, is a massive exodus by private employers from the health care business. What that is going to do is put them on these public exchanges with the subsidies, and, in fact, what it is going to do is drive up the cost even more than people ever anticipated.

So this is my point. There is going to be a Supreme Court judgment this June. None of us knows what it is going to be. We have pundits on the left who say they are confident the bill is going to stay in place. We have pundits on the right who say they are confident, constitutionally, it is going to be overturned. We will have an election in November that may change the course of history as it relates to this bill.

Even if those two events have no effect on this bill, I wish to come back to

my base premise, which is that there is no possible way this bill is going to work as it was laid out during the debate. There is no way the projections that were laid out as to what the cost of this bill is going to be are going to be what the actual costs are.

What I say is, regardless, this body is going to be pressed with replacing this legislation with something that makes common sense. There was actually a lot of bipartisanship, prior to us passing this piece of legislation, about what those commonsense measures should be. We ended up instead with something that was far more sweeping, something most Americans find offensive, something that, no question, will cause this Nation tremendous fiscal distress.

My point is, yes, we are going to be watching this June as the Supreme Court rules. Yes, we are going to pay attention to the elections in November. Regardless of those outcomes, it is my belief this body will have to come together and put into place a different piece of health care legislation that actually fits the times and the American people and allows the freedom of choice the people are accustomed to and is built on premises that will cause our country to be fiscally sound. I stand ready to work with people on both sides of the aisle when that time comes to make that happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the harsh realities of the health care reform law are coming home to roost.

My State is bracing for the impact of the so-called affordable care act.

Under the health care reform law, enrollment under an expanded Medicaid Program is projected to increase in my State of Mississippi by as much as 44 percent in 2014. Thousands of people will be forced onto the Medicaid rolls. The legislature in my state is wrestling with serious budget pressures from the cost of the Medicaid Program.

Mississippi has the highest Federal matching assistance percentage in the country at approximately 75 percent. But over the course of the next 10 years, our State match requirement will increase by \$127 million each year for a total of \$1.3 billion by the year 2020. Our State's budget can't handle that burden. Other States are facing similar constraints.

The affordable care act is essentially taking aim at State governments. The maintenance-of-effort requirements for the Medicaid Program are particularly restrictive. They inhibit a State's ability to spend taxpayer money wisely, and they ignore the inherent problems within the Medicaid Program. Mississippi faces the prospect of expending all of its resources keeping up with an unfunded mandate that increases its

dependency on the Federal Government, while being forced to cut other important services, such as education.

In addition, physician services cannot keep up with the demands of an expanded Medicaid population. This law does nothing to address the decreasing physician participation rates and quality-of-care issues that are rampant in the Medicaid Program.

Another charge to States in these difficult fiscal times is the creation of health insurance exchanges. My State's efforts to develop an exchange began well before the affordable care act was enacted, and the State is on track to set up a health insurance exchange by the January 2014 deadline. We are committed to creating an exchange that can serve Mississippians well, but the state needs flexibility in order to do that. The Mississippi Department of Insurance is working to avoid defaulting to a federally-run exchange, but bureaucratic red tape threatens to hinder their progress. I am concerned that the deadlines put forth in the affordable care act are unrealistic due to the amount of time and resources that are required for such a large project.

These are just a few of the problems the affordable care act poses for my State and others as well. It is proving to be an increasingly expensive statute that is making health care more costly for individuals, businesses, and State governments. It is my hope that relief can be found at the Supreme Court to avoid the potentially devastating impact of this law.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for up to, or perhaps 1 or 2 minutes over, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. ROCKEFELLER. Mr. President, this week there is plenty of drama unfolding at the Supreme Court, the stately building across the street from where we now stand. The Justices are deliberating inside the building. There is a lot of shouting and clamoring outside. That is to be expected. But I am here today to encourage all of us to pause for a minute and to step back from the hype and think about what the broader health care reform means to so many Americans, not just the citizens the Presiding Officer and I represent but Americans across this country.

I do think, because I believe strongly that the rhetoric surrounding the issues has become so polarizing, many people routinely overlook the profound ways the law has already made life better to so many Americans. Let's remember why we started down this path of health reform at all.

Let me say for the record this is a path that has been well trodden over the years by both Democrats and Republicans—in fact, over the last century—but we had never managed to enact meaningful reform in our system. Yes, we added on some extraordinary things such as Medicare, Social Security, and Medicaid, but reform of the system we had not done. So we rejoiced in what happened in the mid-1960s, but that doesn't help us in terms of the overall disposition of the system.

When we renewed this debate about how to fairly make sure everyone in the country could get the health care they needed, we actually, at the time as we started, had 46 million uninsured Americans. To be uninsured is not pleasant; it is a fearful condition. Employers had been dropping coverage for a decade due to skyrocketing health care costs. People were losing their jobs and with them their coverage. Even those who had coverage were being saddled with horrendous bills, and they were thrust into bankruptcy even though many of them thought they had coverage that was protecting them financially. They did not, but they thought they did.

Some of those with preexisting conditions could not get back into the system at any cost whatsoever. Preexisting conditions are something people have—tens and tens of millions of Americans have those.

Americans thought our system was broken and unfair, and they thought it was time to finally achieve our shared goal of access to care and a more affordable system. That was sensible.

Let's start by looking at part of the law that protects those with preexisting conditions. As I just mentioned, there are about 133 million Americans, individual Americans, who live every day with chronic illnesses—or they fail to live—because of chronic illnesses.

What happens to them when insurance companies refuse to cover their illnesses even while the insurance companies are collecting premiums from them? That is called rescission. It is a dirty trick the insurance companies have been doing to us in America for years. This law stops that.

Before health reform, millions of Americans, including children, could be denied the health care they needed due to a preexisting condition. They might have had asthma. I had asthma until I was 12 years old. I wasn't worried about insurance, I gather, or maybe I didn't get sick, but anyway I

couldn't have gotten insurance in those days because I had a preexisting condition.

If a woman has a C-section, she has a preexisting condition. If someone has acne, that person can have a preexisting condition. If people have almost anything, they can have a preexisting condition if the insurance company says they do, so they just cut them off. It is called rescission. They cut them off even though they are paying premiums. That is unfair.

I want to talk about what this has meant to real people every day. It means people have lived in fear of losing their employer-sponsored coverage or even leaving a job to start their own business for fear that they could not get coverage. It meant if somebody did get coverage, the insurance company could just carve out their condition. In other words, they could just get rid of them, dump them.

What is the practical implication of this insurance company abuse? Consider this: People could get coverage if they had cancer, but the cancer would not be covered. Not good. And the preexisting condition doesn't have to be as complex as cancer. Insurance companies could deny coverage for something as simple as allergies.

Before health reform, insurance companies could even deny coverage to a woman if she was a victim of domestic violence and had to be treated. That is unimaginably cruel, but it was a fact.

That is no more. Under the health reform law preexisting conditions will no longer be a barrier to quality affordable health care. That is over. They cannot do it. It is against the law—the law which so many are trying to repeal.

Is there anyone here who would like to go back to the old days, those good old days when individuals, including millions of children, were punished for things they couldn't possibly control? They were subject to devastating medical costs without the benefit of insurance—or their families were. I don't think people would want to go back there, but, of course, that is what will happen if we abandon all of this.

Let's talk now about another piece of this great effort that also is often overlooked, and it is the coverage of young adults under the age of 26. I know that is a particular matter the Presiding Officer likes about this bill.

In the past, many young adults in my State and everywhere have gone without health insurance as they made their way into the world after graduation. That is a ticklish time. Most of these young adults are not slackers, as they have sometimes been called. Many simply start out in low-wage or part-time jobs that typically do not offer health coverage. Because they were over the age of 18, and therefore technically adults, they were not able to maintain coverage under their parents' health insurance plan.

This meant many young adults would forfeit basic things such as checkups or put off seeing a doctor when they had health problems in the hope it would go away. But that is no way to live, particularly not when 15 percent of young Americans suffer from a chronic health condition such as depression or diabetes—yes, that young—and not when a staggering 76 percent of uninsured adults report not getting needed care because of cost.

Before health reform young adults represented one-third of our Nation's uninsured population. People always think of young people as healthy. Not so. They take risks. They end up in the emergency room often. Think about how many young adults and their families are so much in a better position. Why is that? That is because the law now allows young adults, with no coverage of their own, to pay premiums and to stay on their parents' health insurance policy up to their 26th birthday. This applies even if they no longer live at home, if they are no longer a student or they are no longer dependents on their parents' tax returns. In other words, they have coverage up to the age of 26.

As a result, over 2.5 million young adults gained coverage they did not have before—that is a fact today—including more than 16,000 young adults in West Virginia. Those families have the peace of mind that their families will be financially protected should an injury or an illness occur.

It is important to know that young people suffer a lot of mental health conditions, maybe a little bit more than the rest of the population. We don't think about that because they are young and therefore always ebullient. No, they are young and often troubled, trying to figure out what life holds for them. These conditions cause them problems, they need insurance, and they can get it.

So right off the bat, parents such as Sam Hickman from West Virginia are able to get young adult coverage. Isn't our country a better place—it would seem to me—when people have the security of knowing they are covered in case of illness or injury. To me, it just makes sense; maybe more important, to the people it brings peace of mind.

It is not all. The law provides access to free preventive health services and easier primary care, as well as increased financial assistance for students through new scholarships and loan repayment programs to build a stronger health care workforce. That is a major part of this bill.

In West Virginia, as the Presiding Officer knows, and all across the country, particularly in rural areas, we have a shortage of various kinds of necessary physicians and health care providers. In fact, one of my favorite parts of this law is the significant new financial incentives it creates to encourage young

adults to go into primary care—dentistry, pediatrics, nursing, and mental health—to precisely address those shortages. It is in the bill.

Doesn't it make sense, given the shortage of skilled health care professionals in this country, to make it easier for young people to get into those well-paying stable jobs?

Health care job growth continues to be a major stabilizing factor in our economy. Creating additional jobs in our local communities is something many in this body have fought for in all kinds of ways—tax credits and plans and all kinds of things—but in the meantime, health reform tackles that problem too, just inexorably. Health care jobs continue to grow year after year, most of them private, obviously.

Just look at the numbers from the month of February of this year. The health care sector once again led the Nation's job growth last month, adding about 49,000 jobs, which was about the same as the month before. Health care is the economic engine—in fact, it kind of undergirds our economy. It is silent, it is relentless, and it will not stop because health care is something people cannot walk away from—the receiving of or the providing for.

Another important group helped by health care reform is our Nation's seniors, starting with lowering the cost of their Medicare prescription drug coverage. That is very important in West Virginia, as the Presiding Officer knows. Thanks to the new health care law almost 40,000 people with Medicare in West Virginia received a \$250 rebate—they have already got it—to help cover the cost of their prescription drugs when they hit that famous doughnut hole in 2010. I will not bother to explain that.

In 2011, more than 36,000 West Virginians with Medicare received a 50-percent discount on their covered brand-name prescription drugs when they hit the doughnut hole. That is called very good news. Then we go on to close the doughnut hole entirely.

This discount I am talking of resulted in an average savings of \$653 per person and a total savings of over \$23.5 million in our State of West Virginia. By 2020, the law will close the doughnut hole completely, and I think that is rather sensational news for seniors.

Closing the doughnut hole is not all this law does for seniors. Under the new law, seniors can receive recommended preventive services. We talk about that all the time, and we always think it is not in a bill. Preventive services such as flu shots, diabetes screening, as well as new annual wellness visits—all things seniors should do but often decline to do because of lack of access or thinking they have to pay for it and they don't have the money. So now they can get all of these screenings for diabetes and flu shots and all kinds of other things for

free. So far, more than 32.5 million seniors nationwide have already received one or more free preventive services, including the new, as I indicated, annual wellness visit, which is a very good idea for any person.

In 2011 more than 230,000 people with Medicare in West Virginia received free preventive services such as mammograms, colonoscopies, or a free annual wellness visit with a doctor, and 54 million Americans with private health insurance gained preventive service coverage with no cost sharing, including 300,000 people in the State of West Virginia.

The new law also provides new grants and incentives to improve health care coordination and quality, as well as a new office, the Federal Coordinated Health Care Office. We have to have that. I kind of wish we didn't have to, but we do because it is a new science. This is trying to get away from the health care system as usual, so we do have that one little addition, sort of managing care for seniors and managing care for individuals with disabilities and, importantly, eligible for both Medicare and Medicaid. Those, obviously, are known as our dual-eligibles: those who are poor enough to be on Medicaid and old enough to be on Medicare, so they can't afford life, so to speak. They need help and they need health care, and under this bill they get that. There are about 8, 9, 10, 11 million of them in this country.

Many doctors, many hospitals, and many other providers are taking advantage of the new options to help them work better as teams to provide the highest quality care possible. That is called coordinated care. It is new, it is important, and it is going to be really helpful. That is good news because many chronic illnesses can be prevented or managed better through this coordinated care. It means doctors actually talk to each other.

The way it is now, when a patient gets an x ray taken by a dentist or by somebody else, the patient has to carry the x ray with them—if they can manage to get their hands on it—to go see another doctor, as opposed to a system, such as telemedicine, which has the technology to shoot the information over the Internet so the next doctor already has it, so he or some of his people are thinking about what they are going to do next. It is so important to talk to each other, but we don't. Doctors and hospitals often operate as if in a vacuum, sort of taking it on a case-by-case basis. That is bad for patients.

The health care law also helps stop fraud with tougher screening procedures and stronger penalties and new technology. New technology can catch all kinds of things. Thanks in part to these efforts, we recovered \$4.1 billion in taxpayer dollars in 2011. That was last year. The second year's recovery hit this recordbreaking level also. West

Virginia tax dollars should not go to pay for criminals who are defrauding the system, and the administration is cracking down on this. Believe it or not, it is.

And I am not done. In just over 18 months, a new competitive health insurance marketplace called an exchange—which has everybody nervous for no reason at all; it is great news—will be up and running in West Virginia and all across the country where individuals and small businesses can shop for coverage in the private health insurance market. This is not government; it is all private. An estimated 180,000 West Virginians will be eligible for \$687 million in premium tax credits to help cover the cost of private health insurance in the year 2014 when the exchanges start.

Families all over the country will finally have more power when it comes to buying health insurance that works for them—having more power is a big deal if you are trying to shop for health insurance—thanks to a clear, transparent summary of benefits. Yes, you actually get to see the choices from which you can pick. You have a list of all the services they are going to provide. It is required by law. They can't cheat. They can't just say: Oh, we will take care of you. Sign up with us. We are a big insurance company.

So they get the transparent summary of benefits and coverage that will let them compare benefits on an apples-to-apples basis, which will come standard with every single private insurance plan, which will be what makes up the exchanges. They will go through that, and they will pick out what best suits them.

In fact, it is quite telling that this little-known provision I have just talked about is the single most popular one in the entire law. I didn't know that. Eighty-four percent of Americans think that is really good. They like the idea of being able to choose what they are going to get in health care coverage. The insurance companies, of course, hate it and have been fighting with everything they have, but we have been beating it back, Mr. President, as you would expect me to do.

What that tells me is that people are frustrated and fed up with the confusing information they have been getting from their health insurance companies, and they are tired of guessing games about what is actually covered. They have a right to know, and now they can. So I look forward to September of this year when every insurance company finally has to come clean about what benefits are actually covered and the products they are selling. It will be there in black and white. They can read it, and families will obviously have much more purchasing power in their hands.

What is wrong with that?

While opponents have gotten used to talking about how the law costs too

much, in fact, it has great provisions that will not only improve the quality of care but also save hundreds of billions of dollars—yes, that is true—for example, the average \$2,500 discount thousands of West Virginia small businesses received last December as a result of the medical loss ratio rule. That was what followed the public option. Everybody so loved the public option. They thought it was wonderful. The only problem is that it could not get votes from the Finance Committee, so it could not come down here and we could not do anything about it, so we invented the medical loss ratio. It is totally understandable, right? The question is, How does it work? Does it help people? And it does because it says that health insurance companies are required to spend at least 80 percent of small businesses' and 85 percent of large businesses' health insurance premium dollars on actual medical care—not on administration, not on marble pillars, not on CEO salaries and all of that. They have 20 percent or 15 percent to do all of that. But if they fail to do that, they have to rebate to the consumer, to the patient who has been paying the premiums, the fact that they have not been abiding by this 80 percent or 85 percent law, and that is probably going to be several billions of dollars—at the very least, hundreds and hundreds of millions, and that is kind of like billions—and it starts this year. I am delighted.

Now, the Independent Payment Advisory Board, or IPAB, is another example. IPAB is not well understood and therefore not well received. What is not understood is generally not well received. That doesn't mean it is not good. IPAB will be made up of smart doctors, nurses, and other health care experts who will figure out ways to improve the quality of Medicare services and make sure the Medicare trust fund stays strong. And IPAB is legally forbidden in this law—which the folks across the street are now considering—from recommending cuts to Medicare benefits or in any way increasing cost sharing on the part of Medicare recipients. That is in the law—cannot cut benefits, no cost sharing.

Yet the House just last week rallied behind an effort to repeal IPAB. They didn't know what it was or they had really bad dreams about what it was, so they repealed it and felt better. The House vote is a good example of what happens when special interest wins and seniors lose.

The Independent Payment Advisory Board was created to protect Medicare for seniors by improving the quality of Medicare services and by extending the life of Medicare for years to come. Instead of making Medicare better, House Republicans want to decimate the program and force seniors to pay much more and give private health insurance companies and other special

interests the authority to raid the Medicare trust fund, which they will do in order to pad their bottom line, which they would love to do. This would take us exactly in the wrong direction. Every single senior in America should be outraged.

You can even get simple things like better information about private health insurance by just going to the Web site healthcare.gov. The information is out there to help people shop for better coverage today.

There is so much more that has already happened and more to come, such as the nearly \$70 million in grants West Virginia has already received for things like community health centers. We put aside \$10 billion in the bill for maybe up to 1,000 new rural health care clinics across America. As the Presiding Officer knows, in places such as Lincoln County in West Virginia, people don't want to go to hospitals, but they will go to clinics happily because they are on the first floor, tend to be in buildings that used to be stores or whatever, and they get good medical care right there.

In closing, why would we want to throw this law out the window knowing just these facts? Think about it. The reforms here are the most significant reforms in health care in several generations. It is an effort that 50 years from now history will record the same way we do Social Security or Medicare Programs—as an essential part of the implicit promise to care for its citizens, to allow people to age with dignity, and to find ways to make our society a better place.

So as we mark the 2-year anniversary of the health care reform law becoming the law of the land—and the folks across the street will decide if that stands up or not, but I think they will—I, for one, am proud of my role in its passage and grateful that Congress came together on such a historic issue.

I thank the Presiding Officer.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX SUBSIDIES REPEAL

Mr. KYL. Mr. President, I will address the bill that will be before us later today.

The title of the bill is “Repeal Big Oil Tax Subsidies Act.” I think that

title begs the question: What is a tax subsidy? Most Americans would define a tax subsidy as a payment of cash, such as through a tax credit, from the government to a particular industry. Does this bill address subsidies? The answer is, absolutely. But instead of repealing tax subsidies, it actually creates more of them.

Under this bill, the government would subsidize particular industries or activities through a host of tax credits. These subsidies range from tax credits for energy-efficient homes, alternative fuel vehicles, plug-in electric vehicles, cellulosic biofuels, wind energy production, biodiesel and renewable diesel, and the list goes on and on. In other words, the Tax Code would be providing special tax breaks for specific industries, and the one thing that is common to all these is that they are the so-called green energies. They are the ones that would receive the special tax treatment, to the tune of \$12 billion. There are even direct cash grants from the Treasury Department for industries that invest in green energy so companies don't have to worry about whether they have a tax liability to take advantage—direct cash grants. These are clearly subsidies aimed at particular industries, the very thing the President himself has said we should avoid if we want a simpler Tax Code with lower rates that doesn't pick winners and losers.

So, yes, this bill deals with tax subsidies. It creates a bunch of them, and they are in a very specific area—\$12 billion worth.

What about oil and gas? It turns out there are no special tax provisions for oil and gas. There is no special oil and gas loophole or giveaway, as somebody called it. Oil and gas companies use the same IRS Code other kinds of companies use. They pay taxes under those provisions. They get deductions or credits under some other of those provisions but nothing that doesn't apply to other industries the same way. In fact, what this bill does is to take away the rights of oil and gas companies under some of these provisions and leave those provisions intact for others. In other words, it discriminates against specific companies within a specific industry.

There are four particular areas. The first is section 199 of the Tax Code. This is the basic code under which all producers—people who manufacture things, who produce things—are allowed to take what is called a manufacturing deduction of 9 percent, except we have already discriminated against the oil companies. They can only take a deduction of 6 percent, but it is the same for the other industries; otherwise, it is 9 percent. But this bill would eliminate that deduction altogether for the larger oil and gas companies—the so-called integrated companies—but not for other domestic producers. So it

is discriminatory twice over. Remarkably, therefore, companies such as the Venezuelan company, CITGO—a large oil and gas producer—could continue to take the deduction, but U.S.-based companies could not.

How is that for double discrimination. First, all other companies in the country get to deduct 9 percent, big oil companies only get to deduct 6 percent, and this bill would eliminate that deduction for some of the American oil producers.

How about intangible drilling costs. This is part of the so-called R&D—or research and development—tax treatment. Research and development is something many businesses do, and when they do it, they get to deduct those costs as against their tax liability. For the oil and gas industry, the research and development is called intangible drilling costs. Those are part of the R&D exploration for energy.

Again, the oil companies are actually already discriminated against; whereas, other businesses can expense 100 percent of these R&D costs; large oil and gas companies, as I have said, can only expense 70 percent. So they are already being discriminated against, to some extent. This bill would further discriminate against them by eliminating the expensing altogether. In other words, whereas most companies can expense 100 percent and smaller oil and gas companies could still expense 100 percent, these larger companies could no longer expense any of it. Their current-year deduction would be gone.

The third area is for businesses that have operations abroad that pay both taxes and royalties. They are called dual capacity companies. There are a lot of dual capacity kinds of businesses. Oil and gas is one of them because they pay both taxes and royalties; casino operators are another, to give another example. In order to prevent double taxation for American companies that pay both foreign taxes and American taxes—and obviously they are competing against companies that only pay taxes once—in order to mitigate that, every American company, whether it is an oil company or any other kind of company, is allowed to take a foreign tax credit for foreign taxes paid. So whatever their American tax liability is, they get to take a credit against that for what they have already paid to another country in tax liability there.

If they owe \$100 in taxes and they have already paid Great Britain \$70 in taxes, then they get to take a credit of that \$70 against the \$100 American liability. That is the way it works for all businesses abroad, including the dual capacity taxpayers.

This bill would eliminate part of the foreign tax credit for the large integrated oil and gas companies; therefore, putting our companies at a severe disadvantage with other oil and gas

companies doing business around the world. Of course, oil and gas business is all around the world. They go where the oil or the gas is and extract it and then ship it to the user. Why would we deliberately give foreign competitors an even greater advantage in foreign markets than they already enjoy? As I said, this bill singles out oil and gas companies and would not extend the same discriminatory treatment to other dual capacity taxpayers such as, as I mentioned before, casinos. Again, it is a double discrimination against oil and gas companies.

Finally, we have what is called percentage depletion. Every company, including oil and gas companies, that extracts minerals from the Earth or other substances from the Earth is allowed to use the percentage depletion method for calculating their taxes. But, again, for the last 30 years, the large integrated oil and gas companies can't do it. So they are already prohibited from using this method. This bill repeals it again, so we are going to repeal something that has already been repealed. I guess that is OK. It is not necessary. I guess it is a way to further kick somebody in the rear end if we don't like them.

The question is, therefore, why should we be doing this to oil and gas companies? The Wall Street Journal pointed out in a recent editorial—by the way, the title is “Big Oil, Bigger Taxes”—that the oil and gas industry is subsidizing the government, not the other way around. Because of the amount of taxes oil companies pay—far more than other companies—they are actually subsidizing the U.S. Government. Oil and gas companies paid almost \$36 billion in taxes in 2009 alone. That is just one industry—the oil and gas companies—\$36 billion. According to American Petroleum Institute figures, oil and gas companies had an average effective tax rate of 41 percent in 2010 and paid more in total taxes than any other industry.

For those folks who somehow suggest oil and gas is getting some big break, that they are not paying their fair share in taxes, this evidence clearly refutes that. We will remember the President's Buffet rule: Everybody should pay at least 30 percent in taxes. Oil and gas companies already pay at the rate of 41 percent, so it is not as if they are getting off with some kind of special break.

Generally, our Tax Code allows companies to recover their expenses. It allows businesses, including oil and gas businesses, to recover their costs of doing business. As I said before, the oil and gas industry is already discriminated against. They can't recover all their costs. Under section 199, for example, other companies get to deduct 9 percent; they can only deduct 6 percent. This bill would also remove provisions that allow them to expense. So

the code which already treats them the same or worse than other industries would now treat them substantially worse.

Yes, of course, oil and gas companies have profits and, in some cases, they are large profits. But they are large in scale—their businesses are large in scale—because they have to be in order to compete. It costs billions of dollars just to invest in one oil rig out in the Gulf of Mexico, for example. According to industry estimates, it costs between \$1.3 billion and \$5.7 billion to produce oil in one deepwater platform in the Gulf of Mexico. Think about it: If someone is making \$200 a year, obviously, they can't do that. It takes companies that make an enormous amount of money to spend \$5 billion on one oil platform to try to find oil and gas. Don't we want companies such as that to find oil and gas so we can get more of it on the market so we don't have to pay as much when we try to fill our car at the pump?

What would happen if we used the Tax Code to further penalize oil and gas companies with these massive tax increases? Does anybody think the costs aren't going to be passed on?

According to the Congressional Research Service, tax increases such as the ones in the bill “would make oil and natural gas more expensive for U.S. consumers and likely increase foreign dependence.”

Everybody talks about reducing the price of gas at the pump and reducing U.S. dependence. What these tax increases would do is to further that dependence and increase the prices at the pump. This isn't like shooting ourselves in the foot; it is like shooting ourselves in the head. Why would we do this? We would have less domestic energy production. Obviously, taxing an activity more means we will get less of it.

How about jobs? The oil and gas industry supports more than 9 million American jobs. The American Petroleum Institute estimates that 1 million new jobs could be created in the next 7 years if punitive new tax increases and unnecessary new regulations are avoided. We desperately need to create jobs. These are good American jobs. Why would we want to destroy jobs by imposing an unfair tax on an industry which is producing something we desperately need?

Foreign oil companies, such as those based in Russia and China and Venezuela, would have an even greater competitive advantage over American companies in these overseas markets if we impose these taxes on American companies.

Finally, we would hurt tens of millions of Americans who invest in these companies through pension funds, retirement accounts, and mutual funds. In other words, this bill would eliminate tax provisions that are not give-

aways or subsidies to producers in the United States in order to pay for tax subsidies that would be given to specially chosen industries—so-called green industries. In the process, we would get higher fuel prices for consumers, less domestic oil and gas production, more dependence on foreign oil, fewer jobs, less American competitiveness, and less retirement saving. This does not sound like a deal worth making.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, here we go again. Once again, Washington is doing its old familiar song and dance: pushing another measure that is big on talking points but very light on solutions.

The truth is, the measure we are debating will not help anyone struggling with rising gas prices. It is past time for Congress to get to work on solving our Nation's most pressing issues.

Nevadans have already been hit hard by this economic downturn. Gas prices are only making a tough situation worse. Congress should do everything within its power to provide relief to Americans who are already struggling to make ends meet.

In Las Vegas, the average price of gas is \$3.93 a gallon. Up north in Reno, gas prices are already more than \$4 a gallon. In the rural town of Elko, the local newspaper recently reported that gas prices have increased by 48 cents in the last month.

I received a text message recently from a prominent businessman in my State. He wrote:

Regular gas at \$4.56 per gallon in southern California—beginning to really affect our businesses.

This is an issue Congress has ignored for far too long. Instead of addressing gas prices, my colleagues on the other side of the aisle are retreating to failed policy in hopes of distracting Americans from the dramatic price and rise of prices at the pump. They are merely following the lead of this administration, whose own Secretary of Energy statements before Congress indicated that their overall energy goal is not to lower gas prices.

Unfortunately, my colleagues fail to understand what the American people have understood all along; that is, to have a healthy economy, we need affordable energy. Developing domestic energy resources and building the infrastructure to get it to market will not only create jobs, but it will bring more energy resources to market.

Nevada still has the unfortunate distinction of leading the Nation in both unemployment and foreclosures. Whether you live in the vast expanse of rural Nevada or in urban Las Vegas, high gasoline prices disproportionately impact my home State.

The current state of our economy and the rising gas prices represent an

extreme blow to many sectors of Nevada's economy, tourism in particular. Tourism and the jobs dependent on that industry will be further devastated as gas prices increase at a time when Nevadans are hurting most.

Additionally, Nevada is roughly 110,000 square miles. High gas prices mean more vacant hotel rooms. It means more empty restaurants. It means more closed small businesses. Many of my constituents must travel great distances to work or for basic goods and services. At a time when middle-class families across Nevada have already been forced to tighten their belts, the last thing they need is to feel the squeeze of higher gas prices.

In Nevada we need jobs, not policies that make job creation more difficult. I believe continuing to develop renewable and alternative sources is important to Nevada for the clean energy and job creation it brings. The development of renewable energy is something I have long advocated. However, our Nation must have a diverse energy strategy.

A truly comprehensive approach to our domestic energy security will create jobs and improve our economy. We must develop all of our resources, and I would argue that the positive impact increased domestic production would have on our economy in terms of jobs and revenue would actually facilitate the development of the technologies of the future.

There is no doubt alternative sources of energy are our future. While we work to develop and perfect those technologies, we need to secure our economy now by having an energy policy that respects the cause of the problem; that is, supply and demand.

What concerns me is we are not debating a bill that today provides solutions. Today's debate is about a bill that is merely two failed policies repackaged as a political stunt. Congress should not double down on failed stimulus programs that have put Nevadans out of work and have done little to salvage our economy. Americans do not want more political gimmicks. They want solutions. What Congress needs to focus on are policies that will lower gas prices for Americans and fuel job creation.

For this reason, I have authored an amendment to this legislation that is truly a compromise containing solutions to the issues we are facing today. My amendment, the Gas Price Relief Act, would relieve gas prices at the pump, increase domestic energy production, and close tax loopholes.

Under the Gas Price Relief Act, every American who drives a car will reap the benefit of tax relief. My legislation closes tax loopholes for the major integrated oil companies and cuts the gas tax while ensuring revenue is still being delivered to the highway trust fund.

My amendment also provides for domestic energy production and infrastructure, which will create jobs and at the same time increase supply. It is truly a commonsense "all of the above" strategy to provide for the development of our domestic energy resources in order to meet our energy needs.

It is imperative Washington takes on our Nation's most pressing issues, not simply instigate partisan fights. Washington should not continue to play politics with America's paychecks. The longer Congress delays making tough decisions the more people in Nevada and across our Nation suffer.

In my home State of Nevada, gas prices have more than doubled since 2009. Higher energy costs impact every aspect of life: from the cost of food and clothing to virtually every good and service on which we rely.

Expanding domestic energy production, improving our energy infrastructure, and passing savings along to the American people are the right objectives to meet our Nation's immediate and future energy needs.

Let's move beyond the partisan fights of today and start producing the results Nevadans and all Americans are asking for.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PAUL. Mr. President, I rise today to discuss gas prices. Gas prices have doubled under this President, so today this body will consider new legislation which the other side, I assume, thinks will make the situation better. But their solution is to raise taxes on oil companies—raise taxes by \$25 billion.

Any of you who have a business know when we raise taxes on a business, it simply is a cost to doing business. When your costs increase for making your product, what do you do? You charge your consumer more.

So I am not sure what person is advising the other side, but I do not quite understand how raising \$25 billion worth of cost on the oil industry is going to help gas prices. In fact, I think it is going to send gas prices even higher.

Some on the other side say: Oh, this is a matter of fairness; everybody needs to pay their fair share. Well, oil companies actually pay \$86 million a day in taxes. In the last 10 years the oil companies have paid over \$100 billion in taxes. And the people who say, well, we must punish them; they are making too much money; let's punish them,

well, the oil companies employ 9.2 million people. They are 8 percent of our GDP. Do we want to punish the people who are creating jobs, the people who are trying to make us energy independent in our country? It makes absolutely no sense.

Some will argue, well, we need to make the Tax Code fair, and the oil companies have special exemptions. Well, guess what. These exemptions and business deductions apply to other businesses. But they just want to take them away from one of our successful industries. It seems to me, if an industry is successful and creates 9.2 million jobs, instead of punishing them we should want to encourage them. I would think we would want to say to the oil companies: What obstacles are there to you making more money and hiring more people? Instead they say: No, we must punish them. We must tax them more to make things fair.

This whole debate about fairness is so misguided and it has gotten out of hand. The rich in our society do pay the vast majority of our taxes. Do not let them tell you otherwise. Those who make over \$200,000 a year pay 70 percent of the income tax. Those who make more than \$70,000 a year pay about 96 percent of the income tax. And 47 percent of our public do not pay an income tax. So those who are saying the rich are not paying their fair share are trying to use envy and class warfare to get people stirred up. But it makes absolutely no sense.

We as a society need to glorify those who make a profit and those who employ people. We need to encourage more business in this country. The oil companies employ 9.2 million people. We do not need to heap punishment on them. We need to give them encouragement to employ more people.

I will have two amendments to this bill that I think would actually make it better. While the President talks about people not paying their fair share, he is actually giving more than their fair share to his friends. I do not think the government should be used as a loan agency to give money to contributors. This is unseemly. I think the conflict of interest is undeniable.

We have companies such as Solyndra. This is a company that received \$500 million of your money and went bankrupt. It just so happened that the owner of the company is the 20th richest man in the United States and a big donor of the President. It just so happens that this company, Solyndra, the person who approved their loan was related, was the husband, of a woman who worked for Solyndra.

Another company, a company called BrightSource out of Massachusetts, is owned by a member of the Kennedy family. They got \$1.8 billion. Guess who approved their loan. A guy who used to work for the Kennedys who is now in President Obama's administration. It does not pass the smell test.

What we have is crony capitalism or crony governmentality where the government is picking out their friends and giving money to their friends.

So we come here today to raise taxes on Big Oil. Meanwhile, we are giving money to millionaires and billionaires, and it does not seem right that your tax dollars should be sent to companies simply because they were big contributors.

Another company, Fisker Karma, got \$500 million supposedly to make an electric car in the United States. Guess where they are making it. In Finland. We sent money to Solyndra through international banks, through the Ex-Im Bank. We sent money to First Solar through the Ex-Im Bank. Do you know what their money was for? Their money was given to them so they could buy their own products. The company bought a subsidiary in Canada. We gave money to the company in the United States and let them buy their own products with your money. It makes absolutely no sense. So I have two proposals.

One amendment to this bill would say. Look, if you think some companies are getting unfair deductions, let's get rid of all deductions. Let's just have a flat tax. Let's make the corporate income tax 17 percent. Currently it is 35 percent.

So if we want to encourage business, if we want to encourage employment, lower taxes; do not raise taxes. Canada has an income tax for their corporations of 17 percent. Most of Europe is in the low 20s, and we are at 35 percent. We wonder why we cannot get business started in this country. We wonder why there is billions, even trillions of dollars, left overseas that will not come home because we want to charge them a 35-percent tax when it comes home.

Our bill would also say: If you have already paid taxes overseas once, you do not have to pay again when you come home. So a 17-percent flat tax. We would see a boom in this country like we have not seen in a generation. We would see millions of jobs being created if we would just learn the basic facts of economics. If we punish a company, we will have less jobs. If we encourage a company by giving them more tax breaks, we will have more jobs. Taxes are a cost.

If this bill passes, not only will our gas prices continue to rise—they have already doubled—but we will see our gas prices going through the roof. But then again there are people in this administration who do not even drive a car. They do not understand the price of gas because they do not have to drive a car. Someone picks them up in a limousine. The thing is, they need to go to the pump. They need to see how much we are spending on gas. They need to see what they are doing to this country and what they are doing to the job market.

I have a second amendment to this bill that would take all of this money, all of these loans they are giving to their buddies—the Solyndra loans, the Fisker Karma loans, the First Solar loan—all of this money that is being dispensed to people who are large contributors of the President, we would take that loan program and eliminate it. When we eliminate that loan program, we would save nearly \$30 billion. The GAO has said as much as \$6 billion is at risk for loss now. If we were to eliminate that money, we could put half toward the debt and then put half toward rebuilding our infrastructure.

The President says he wants to rebuild our bridges. He came to my State. I stood on a bridge with him and said I would help. But the way to help is by not passing out dollars to friends that are being lost by the billions of dollars. We cannot simply create the money; let's find the money.

So I propose to end the Department of Energy loans and take that money, put half of it against the debt, and put half of that into repairing or replacing our bridges. This is how government should work. We should pick priorities. There is not an unlimited amount of money. So let's take it from an area where it is prone to corruption and where it is prone to a conflict of interest—these alternative energy loans that seem to be going mostly to the President's friends and political campaign contributors, let's take that money and use it to repair the bridges and to pay down the debt. This is what responsible government should do. But what we are doing in this body, what will happen in the next 24 hours as we discuss this bill is—and everybody in America needs to be very clear about this—when they go to the gas pump and pay more every day for gasoline, they need to realize where the responsibility lies.

The responsibility lies with those who are running up the debt, and as we pay for the debt we print new money. So gas prices rising means the value of the dollar is shrinking. That is why prices are rising. We need to realize who is to blame for the gas prices. It is those who are running up the debt. But we also have to realize it is even worse than that. It is not just the running up of the debt, we have to realize these people today now want to add \$25 billion to the gas prices. That is what happens.

When we raise the taxes on the oil companies we will add \$25 billion in taxes, but we will increase their cost by \$25 billion. Any business that sells products simply passes that on to the consumer.

So what we are here about—and they should retitle their bill—since they are willing to, by this legislation, increase gas prices, it should be called “the bill to raise your gas prices.”

So what I would ask this body to do is to consider two amendments that

would actually lower the debt and take money away from crony capitalism and another one that would reform the Tax Code to eliminate deductions and discrepancies within the Tax Code, but to do it by lowering the tax rate, flattening the tax rate, and allowing businesses to succeed in our country.

It gets down to whom do you want to represent you in Washington, DC? Do you want a party that basically wants to punish business, those who are creating jobs, or do you want a party that wants to encourage business?

We are in the midst of a great recession. Until we understand this fundamental fact, we are not going to recover as a nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the chair.

The Senate, at 12:43 p.m., recessed until 2:43 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REPEAL BIG OIL TAX SUBSIDIES ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2204, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Mr. REID. Mr. President, I ask unanimous consent the time until 3:30 today be equally divided between the two leaders or their designees; that at 3:30 p.m. today the Senate adopt the motion to proceed to S. 2204, and then the Senate vote on the motion to invoke cloture on the motion to proceed to Calendar No. 296, S. 1789.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under “Morning Business.”)

Mr. NELSON of Florida.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, what we are seeing in the Senate this week is exhibit A in what the American people just don't like about Congress. Gas prices have more than doubled under President Obama and the Democratic control of the Senate. This is an issue that affects every single American and drives up the cost of everything from commuting to groceries.

What is the Democratic response? Well, it is legislation that even they admit won't do a thing to lower the price of gas at the pump. We have seven Democratic Senators on record saying this bill doesn't do a thing to lower gas prices. One of them has actually called it laughable. Yet that is what they are proposing here this week at a time when gas prices are at a national average of nearly \$4 a gallon. This is what passes for a response to high gas prices for Washington Democrats—a bill that does nothing about it. I cannot think of a better way to illustrate how totally out of touch and irresponsible the Democratic majority has become.

Look, Democrats know they have to say something about this issue, so what they are doing is taking a page out of the President's playbook and blaming somebody else. That is what this entire exercise is about—blaming somebody else—and, frankly, the American people are tired of it.

If Democrats don't want to do anything to lower gas prices, just go ahead and admit it. If Senate Democrats don't have any interest in lowering gas prices, then just say so, but don't waste the public's time by using the Senate floor to talk up a piece of legislation the only purpose of which is to convince people that you do. If the President doesn't want the Keystone Pipeline, why doesn't he just admit it? But don't insult the public by showing up for a ribbon cutting—for one part of it that you had nothing to do with while lobbying against the most important part at the same time.

Americans are tired of the political games and double-talk on this issue. They are tired of the constant campaign. They sent us here to actually fix problems, not to avoid them, and on this issue there is a lot we could be doing to make things a whole lot better. So Republicans are happy to use this opportunity to talk about some of those things. Who knows. Maybe more Democrats will decide it is long past time they joined us in actually supporting and approving some of these proposals. But we are never going to solve the problems we face if Democrats insist on using the Senate to make some political point instead of actually making a difference in the lives of working Americans at a mo-

ment of urgency like this. And we are certainly not going to make a difference if we keep sort of flitting from one issue to another.

We are now hearing that the Democrats want to move off this tax-hike legislation—maybe it didn't make the intended political point as forcefully as they wanted—to move on to postal reform. Evidently, the Senate schedule is driven not by the needs of the public but by the Democrats' perceived political needs, which seem to change from minute to minute around here.

I would suggest that the Democrats learn to prioritize. Let's stick with one thing and actually do something. As I said, there is much we could do to address gas prices. Why don't we stick with that? This is something that matters to every American. Postal reform is important, but we all know nothing is going to get done on it until after we return from the Easter recess anyway. Let's make that the pending business when we return and put first things first.

We were sent here to solve problems, not avoid them, and the refusal to come together on commonsense solutions such as the ones we are proposing on gas prices is precisely the kind of thing people detest about Washington, and they are perfectly right to do so. So I would suggest that our friends on the other side rethink this strategy of theirs and join us. Why don't we just try doing the right thing.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I be allowed to speak for 2 minutes, Senator BOXER for 8 minutes, and then Senator MURKOWSKI for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Ms. KLOBUCHAR. Mr. President, I rise today to stress the critical infrastructure needs across our Nation and urge the House of Representatives to act quickly and pass the surface transportation reauthorization bill that we passed in the Senate with an overwhelming bipartisan vote. The fact is that we have neglected the roads, bridges, and mass transit that millions of Americans rely on for far too long. I know that. A bridge collapsed just a few blocks from my house. It wasn't just a bridge, it was an 8-lane highway, and 13 people died and dozens of cars were submerged in the river. A bridge just doesn't fall down in America—well, it did that day—and I am committed to passing this highway bill. This bill is important for jobs, and it is important for drivers who sit in congestion. Americans spend a collective 4.2 billion hours a year stuck in traffic at a cost to the economy of \$78.2 billion.

So what is the solution? Pass this highway bill. It reduces the number of highway programs from over 100 down to around 30, defines clear national goals for our transportation policy, and it streamlines environmental permitting.

I spoke to 75 highway contractors today, and they are ready to go. They want this bill to pass. Companies such as Caterpillar, which employs 750 people at its road-paving equipment facility in Minnesota—I visited that company in August. Caterpillars' employees are the kinds of people who are out there on the front lines of American industry. They want to build these roads and are the ones who are building the products when we talk about "Made in America."

With the short construction season for winter States such as Minnesota—my friend from California may not quite have the same situation—we cannot delay, delay, delay on this highway bill. We cannot stop these construction projects in their tracks.

It is time to pass the Senate highway bill. It has bipartisan support, with 74 out of 100 Senators voting for this bill. I ask that the House of Representatives quickly pass this bill and get this done without delay. It means jobs, it means safety, and it means a future for America.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to thank my friend from Minnesota. Her leadership when she was on the Environment and Public Works Commission was amazing. We miss her leadership there. She is working so hard on other committees, but she still carries in her heart the great understanding that if anything is bipartisan around here, it is the highway bill and the transportation programs. We proved it here. So I thank the Senator.

I wish to talk a little bit about Big Oil and this crying about Big Oil by my Republican friends here, and then I am going to segue to the battle to pass a transportation bill and the 3 million jobs that hang in the balance.

First, I have to say that I listened very hard to the Republican leader, Senator MCCONNELL, talk about what a useless thing it is to try to say to Big Oil, which has had these big subsidies for so long, decade after decade, starting when they were young companies—what a terrible thing it would be to take away those subsidies, billions of dollars, when they are making multi-billion dollars and they are robbing us at the pump, pocketing the profit. We would like to see that money be used for alternative fuels, for energy-efficient cars so that we don't have to worry so much if the price of gas goes up a penny. If we are getting 50 to 60 miles to a gallon—I drive a hybrid car,

and I don't visit the gas station that often because we get about 50 miles to the gallon, so the shocks that come with the increase in gas are a little bit muted.

But here is the story. Americans have made sacrifices. They are paying more at the pump. They are told by Big Oil: We are so sorry that Americans have to pay more at the pump because there is instability in the world. Americans have to pay more at the pump because our refineries are down, and we are really sorry.

What they don't say is that they are exporting the oil they find in America to other countries. What they don't tell us is that they are pocketing the profits we are paying for. They are pocketing the profits. In 2010 the five biggest oil companies made \$80 billion among them. In 2011 they made \$140 billion among them. So no one can stand here—not even the esteemed Republican leader—and tell me that Big Oil is making sacrifices just like ordinary Americans. The people who are running away with our money that we are paying at the pump are Big Oil and the speculators on Wall Street who are playing around with the instability in the Middle East on commodity futures trading.

So if you want to do something, let's take away those subsidies from these big oil companies that are making life miserable for the American people. But, no, our friends on the other side put up a fight, and they cite a couple of folks on our side who agree with them because they come from big oil States. I understand that. Let's stand up for the American people.

Another way we can stand up for the American people is to speak with one voice and ask the House to take up the Senate bipartisan Transportation bill that passed this Senate overwhelmingly. The clock is ticking toward a shutdown, and extensions are dangerous. So my story on the Transportation bill is a beautiful story of compromise, working together here in the Senate, and a very ugly story about what the House is doing, which is dithering around, playing with fire. And I am telling everyone that extensions are death by a thousand cuts. They think they can just send over an extension and feel they have done their job.

Well, let me say that what we found out today from the American Association of State Highway and Transportation Officials, AASHTO—these are folks who are on the ground in our States. Today I spoke to the departments of transportation from North Carolina, Nevada, Maryland, and Michigan. I think most people know I represent California, and I will be back with all of the details. Senator FEINSTEIN is talking to the transportation officials today. But the reason I am talking about these four States is be-

cause they have already calculated the job losses that have already begun because the House is dithering and will not pass our bipartisan Transportation bill.

North Carolina, which is not a blue State—I spoke to Gene Conti, the secretary of the North Carolina Department of Transportation today, and what he said was that he has delayed the remaining 2012 project awards, which total \$1.2 billion in projects and employ 41,000 people.

The House is right down the hall. I had the honor of serving there. I hope they are hearing this while they debate an extension. An extension of this program is not benign. An extension of this program is damaging. An extension of this program means job losses—41,000 in North Carolina.

I spoke with Scott Rawlins today, who is the deputy director and chief engineer of the Nevada Department of Transportation. He said he is holding up advertising for federally funded projects until there is a reauthorization bill committing Federal funds. He is required to slow down the development of future projects. He will not execute consultant agreements without reauthorization. And right now, today, AASHTO, the American Association of State Highway and Transportation Officials, tells me that 4,000 jobs are at risk in Nevada.

What the Nevada people tell me is that in the good old days when they were in a boom, the State could come forward and take these extensions in stride. They had the funding to front-load their projects and not worry about the Federal reimbursement. They thought that reimbursement would come. A, they are very worried about reimbursement, and B, because of the recession that has hit some of our States very hard because of the construction slowdown in housing, they do not have the funds to fast-forward any of these projects.

So North Carolina has 41,000 jobs at risk, and Nevada has 4,000 jobs at risk.

I spoke to Caitlin Rayman in Maryland. She talked about the uncertainty, and she went into four or five different things she is trying to do now that she cannot do. It is because the House is dithering and they won't take up the bipartisan Senate bill and pass it. So 4,000 jobs are at risk in Maryland because projects are being delayed.

I spoke to the director in Michigan, Kirk Steudle. He said several large construction projects have to be delayed.

The PRESIDING OFFICER. The Senator has consumed 8 minutes.

Mrs. BOXER. I ask unanimous consent for 30 more seconds, and then I will turn it over to my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So in Michigan it is the same story: 3,500 jobs.

So I am saying to the House today—and I encourage my colleagues to—and

I know the Senator from New Hampshire is here and she is going to speak a little bit later about this—come to the floor with stories about their States.

These extensions are dangerous and they will lose jobs. Tell the House to pass the bipartisan Senate bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Thank you, Mr. President. This is a good discussion on the floor today. I join with my colleague from California in urging that the House move to the Transportation bill. But that is not why I rise this afternoon.

I wish to speak on the legislation that is before us. This is the Menendez proposal to raise taxes—raise taxes on American energy companies and I think inevitably prices to American consumers. It has been described as something else, but I suggest to my colleagues any effort to increase taxes on the energy companies that are providing a resource to us is nothing more than a tax on our energy companies. As we tax those energy companies, it is sure not going to make them produce things that are more affordable, more abundant. In fact, it will have the resultant effect: to impact prices to American consumers negatively.

This legislation before us is not a new idea. This is something we have seen before. I think the numerous times we have rejected it leads me to the conclusion that it still remains a bad idea. It is a messaging bill that has failed over and over, and I think it deserves to see that same fate again.

This very Congress, just a little less than a year ago, rejected this same tax hike. Anybody who is curious to see what it is we did back then just needs to look up vote No. 72, which was back in May of last year, just to see how all 100 Members of the Senate voted.

Some have accused Republicans of using this opportunity, when gas prices are high, to push our cause, if you will, for increased supply and that somehow we welcome the aspect of higher gasoline prices. It was actually the President himself who said some see a political opportunity to call for greater domestic energy production.

With oil sitting at over \$100 a barrel, I think we all recognize there is impact out there. But I can tell my colleagues for a fact that my constituents don't view this as a political opportunity.

I get a weekly summary of what is happening with gas prices around my State. Right now the average price of a gallon of unleaded in the United States is just a little shy of \$4. Well, in my hometown of Anchorage, we are paying \$4.14. In Juneau, which is our State capital, we are paying \$4.24. In Barrow, the top of the world, they are at \$5.75. Bethel is paying \$6.33. They long for the day they could be paying closer to

\$4. We are so far beyond the national average, they don't view higher gasoline prices as any kind of a political opportunity. What they are asking for is that they do more. In fact, there is an imperative that we in Congress do more to address prices.

I believe there is no question—there is no question—that we can bring additional resources on line, that we can bring several million additional barrels of American resources to market. There is no question but what it would do. It is going to help to create jobs. We know that for a fact. It will absolutely generate revenues. It will better insulate our Nation from the instability we have with the global price markets. We know that is what is happening right now. Every time Iran is mentioned, everything gets a little shaky out there.

We know so much of this is due, in effect, to the fact that there is little spare capacity in the global markets. So let's look closer to home. What do we have closer to home?

The President has suggested time and time again we only have 2 percent of the world's reserves. Well, in fact, this myth about the U.S. oil scarcity is just exactly that. We talk about proven reserves. In fact, it is a much smaller piece of the pie: 20.6 billion barrels of proved reserves. But what needs to be understood and, unfortunately, doesn't make a good bumper sticker is that we have, as a nation, demonstrated incredible national reserves: 5.6 billion barrels of technically recoverable resources. We don't even count the 800-plus billion barrels of oil shale that are out there.

So one asks the question: Why are we not going after the rest of the pyramid, the part in blue. So much of what we are facing is that so much of this is put off-limits. It is not accessible, and it is not accessible because of our government policies.

I recognize there is more to it when it comes to an energy policy than just drilling, just increased domestic production. But it must be part of the solution, and it must be a significant part of the solution if we are going to talk about true North American energy independence. We must do more when it comes to conservation and efficiency. We need to build out toward the renewable energy sources of the future. If we want to have a bumper sticker, it is, "Find More, Use Less." It is pretty simple.

The chart lets us know we truly can find more here. But what we are facing with the Menendez bill that is in front of us takes us in a completely different direction. What the President and the Democratic leadership are proposing cannot by its own definition reduce our gas prices. If anything, we are just going to see them pushed higher, and my constituents back home just can't afford to see them pushed higher when

they are paying above \$5, above \$6 per gallon at the pump.

We know pretty basic economic principles are at play. Taxing something does not make it cheaper and more abundant. We know from past experience. Due to a failed experiment with the windfall profits tax that harmed domestic fuel production and collected far fewer revenues than what was expected, we know this is taking us in the wrong direction.

Again, our problem is high fuel prices and their effect on average Americans. I have yet to hear anyone explain to me how raising taxes is going to lower prices. Even when we look at the subsidies that are extended in the Menendez bill, not even half of these are related to the transportation fuels.

The first section in his bill is extension of credit for energy-efficient existing homes. Well, I am all for that, but tell me how this ties in somehow to our Transportation bills. In terms of costs, it is even more unbalanced. So I am left at a loss to understand how permanent tax increases for oil and gas producers, in exchange for another year of subsidies for efficiency and renewable energy, is going to make any kind of a meaningful difference. It kind of says to the American people: Well, that \$4 you are paying at the pump, too bad about that. But how about a government-subsidized dishwasher? That just doesn't work.

Some will also come here to argue that increasing taxes will have no effect on production. In response to that, I ask unanimous consent to have printed in the RECORD at this point two news stories from last week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Oilgram News, Mar. 22, 2012]

UK OFFERS NEW TAX BREAKS FOR REMOTE FIELDS

(By Robert Perkins, Jillian Ambrose, and Nathan Richardson)

LONDON.—The UK government March 21 pledged new tax breaks to boost the development of some remote, deepwater fields and remove doubts over offshore decommissioning costs as part of a package of measures to support the country's declining oil and gas industry.

Presenting his 2012 budget to Parliament, UK Finance Minister George Osborne said the government would create new tax breaks worth GBP3 billion (\$4.75 billion) to cover large and deepwater fields off the west of the remote Shetland Islands in the Atlantic margin.

"We are introducing new allowances . . . for large and deep fields to open up West of Shetland, the last area of the basin left to be developed. A huge boost for investment in the North Sea," Osborne told Parliament.

The area to the west of the Shetland Islands is still largely underdeveloped and could contain up to 20% of the UK's remaining gas reserves, according to the government.

The government said it also plans to increase existing tax breaks for developing

small fields and promised support for investment in existing fields and infrastructure.

As expected, Osborne also said the government plans to enter into contracts with oil companies over future decommissioning tax relief, helping to end the uncertainty over the massive costs of decommissioning old oil and gas production infrastructure in the North Sea.

UK oil producers applauded the decommissioning move, estimating it could spur an extra GBP40 billion of new investment in UK waters and result in the recovery of an additional 1.7 billion barrels of oil and gas equivalent "over time."

"We see today's action by the Treasury as a turning point for the UK's oil and gas industry—toward a more stable future fostered by constructive collaboration between the government and industry to ensure that the recovery of the country's oil and gas resource is maximized," UK offshore operators association Oil & Gas UK head Malcolm Webb said in a statement.

The new tax moves could result in further investment of over GBP10 billion and the production of "hundreds of millions of barrels" of oil and gas, the association said.

The tax measures, which were widely anticipated, extend an olive branch to an industry that has placed some of the blame for last year's record 18% decline in UK oil and gas output on a tax hike in the governments 2011 budget.

Last year, the UK government unveiled a surprise tax increase on offshore producers in a bid to tap the higher earnings of oil companies due to rising oil prices.

UK offshore operators said the move, which took an extra \$3.2 billion out of oil companies' pockets last year, would damage confidence in the UK oil industry and hamper investment plans.

Under the decommissioning initiative, the government said it plans to introduce legislation in 2013 giving it the authority to sign contracts with oil companies operating in the UK to provide assurance on the relief they will receive when decommissioning assets.

The government said it would consult further on the details of the new contracts in the coming months.

"Confirmation that the government intends to enter into contractual agreements on tax relief for decommissioning costs improves the fiscal stability of the UK Continental Shelf, while the targeted incentives for particular types of fields will go some way in increasing the attractiveness of areas currently starved of investment," Derek Leith, the head of oil and gas taxation at Ernst & Young, said in a statement.

The UK oil industry has been lobbying the government over the need for greater certainty around future decommissioning costs for some years.

In 2010, UK industry body Decom North Sea estimated the total cost of decommissioning the UK's oil and gas production assets had risen to around \$46 billion.

Under the contractual arrangement, every North Sea participant would sign a contract with the government guaranteeing that, if decommissioning tax relief falls below 50% in the future, the government would pay back the difference.

Currently, new North Sea entrants might have to post security of as much as 150% of its share of the expected decommissioning costs.

If the industry were confident that the 50% tax relief on costs now available would continue into the future, the new entrant could

post a lower security, effectively only 75% of the expected costs.

However, the industry has not yet been prepared to accept securities at the lower rate because there is uncertainty over whether tax relief would continue in future governments.

In steps to mitigate the tax hike impact on North Sea operators last year, the UK government said it would consider introducing a new category of oil or gas field which would qualify for field tax allowances.

It said, however, tax relief for decommissioning spending will be restricted to the existing 20% rate to avoid accelerated decommissioning.

In addition to decommissioning costs, UK oil and gas players also have been talking to the government on allowances to boost specific projects, or categories, where investment is marginal.

In 2009, the UK introduced a new field allowance for small fields and challenging HPHT—or high-pressure, high-temperature—and heavy oil fields, providing them an allowance to offset against tax, reducing the rate of tax paid once in production.

In January 2010, the allowance was extended to remote, deepwater gas fields to the west of Shetland.

Osborne said the government also plans to increase the allowance for small fields to GBP150 million, introduce legislation this year to support investment in existing “brown fields” and continue to look at further allowances for HPHT fields.

In documents supporting its 2012 budget, the finance ministry said it expects its tax revenues from the oil and gas industry to slip by 14% in the 2012–13 tax year as declining production levels in the North Sea offset higher expected oil prices.

Oil prices are expected to average \$118/b in the coming tax year, up from \$111/b in the 2011–12 period, the ministry said without saying if the estimate is based on Brent or WTI crude futures.

Including a record 20% slump in gas production in 2011 due to weak demand and a warmer than average winter, total oil and gas output slumped 18% on the year. Over the previous five years, the UK's mature North Sea fields had seen decline rates average 6%.

UK oil production peaked at about 2.6 million b/d in 1999 and gas output peaked in 2000. The UK became a net importer of both commodities in 2006 and 2004 respectively.

[From the Wall Street Journal, Mar. 21, 2012]

U.K. PLANS OIL SECTOR TAX RELIEF

(By Alexis Flynn)

LONDON.—Oil and gas firms operating in the U.K. North Sea will be guaranteed tax relief for the costs of retiring old rigs and platform and be given fresh tax allowances totaling \$3.5 billion (\$5.55 billion) for harder-to-access deep water fields.

The move comes as the U.K. seeks to spur renewed investment in its energy sector, Chancellor of the Exchequer George Osborne said Wednesday in his annual budget speech to lawmakers.

The measure ends months of uncertainty among the region's oil producers and comes after intense talks between government and industry over possible measures to aid investment in the North Sea.

The move extends an olive branch to the industry, which was incensed by a surprise hike in the windfall tax on oil and gas profits last year. A record 18% decline in oil and gas production in 2011 was blamed in part on the tax increase.

Mr. Osborne said Wednesday the government will sign contracts with companies such as Premier Oil and Apache Corp. guaranteeing tax relief for the lifetime of a project. The ironclad government assurance on decommissioning could pave the way for at least \$17 billion of new investment over the life of the North Sea basin, said Mr. Osborne.

In addition, it will provide tax allowances for companies investing in fields located in the deeper waters west of the Shetland Islands that are much harder to reach and require greater amounts of capital investment.

Mr. Osborne said the fresh allowances for this harder-to-reach exploration and production would total some \$3.5 billion.

Under current rules, the government covers between half and three-quarters of the costs of dismantling old fields by making them tax deductible, but there are fears among many companies—and the banks that lend to them—that these rules could change.

An entire production facility needs to be removed once a reservoir has been exhausted, with its wells plugged and the site returned to as natural a state as possible. The process is expensive and complicated, and poses a number of environmental and safety challenges.

Decom North Sea, a nonprofit organization jointly funded by the industry and the government, expects the cost of decommissioning efforts to reach about \$30 billion by 2040.

The issue is particularly acute for the smaller independent firms that are leading much of the next wave of investment in the North Sea, wringing out the last drops of oil from many of the older fields that were sold off by majors like Exxon Mobil Corp. and BP PLC.

These companies have been hamstrung by the legal requirement to provide security, usually letters of credit or large cash deposits, against future decommissioning costs. A tougher economic environment means these companies are finding their access to capital restricted and lenders less willing to issue letters of credit against a backdrop of fiscal uncertainty and declining North Sea production.

Ms. MURKOWSKI. Mr. President, these are news stories, not editorials. One is from Platts Energy; the other is from the Wall Street Journal. Both detail an announcement from the British Government that it is going to reverse its own taxes on the oil companies.

Last year, England decided to do essentially what is being proposed with the Menendez bill. They were responding to high oil prices, and so they moved to increase taxes on the industry. Well, the result is not going to come as a surprise. When the government made it less economical to produce oil by hiking their tax rates, companies stopped producing and they were making their investments elsewhere.

In the years since Great Britain imposed its tax hikes, its production decline has tripled from 6 percent to 18 percent. Let me repeat that. In the year since Great Britain imposed tax increases on oil producers, production decline accelerated from 6 percent a year to 18 percent a year. Now Britain is in the process of doing an absolute about face. They are likely going to

offer \$5.5 billion in tax relief to the oil companies to try to bring the production back.

I am sure some here would refer to that tax cut as a subsidy and ignore the inconvenient fact that higher tax levels lead to lower production. They don't lead to cheaper fuel; they lead to lower production. Yet even in the face of high fuel prices and compelling empirical evidence, the proposal in front of us is going to take us down the exact same path that Great Britain went down last year. It would make the clear mistake of driving production away when I think we need it most. The outcome in England just helps prove this is a seriously defective idea and a dangerous one. So we just need to look at what has happened across the pond.

If the Senate were really serious about addressing gasoline prices, we would be taking long-overdue steps.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Ms. MURKOWSKI. Mr. President, I don't see anyone in the queue, if I may have another minute to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. If we are really serious in the Senate about what we are doing in terms of increasing our long-overdue requirement to up our oil resources, our oil production and supply, we know how. We have opportunities from our neighbors to the north in Canada with the Keystone Pipeline. We clearly have opportunities in Alaska from the Outer Continental Shelf, from the Rocky Mountain West. We still import about half of our oil supply and about half of that is from OPEC.

One last chart, if I may. Right now, about 47 percent is OPEC; non-OPEC is 53 percent. If we were to add to our mix in this country what we could get from Keystone, which is the middle pie, but look where we would be as a nation. If we were to plus up our activity with domestic production, bring on Keystone, and with our existing resources, our imports from OPEC are reduced to a minimal amount. We talk about North American energy independence, and we truly could be in that position where we are not vulnerable—not vulnerable to the volatility of the markets, not vulnerable to the volatility that comes from OPEC setting the prices as they do, not in a situation where we are spending millions and billions of dollars to import a resource we need but that we have as a nation.

I can't fathom why the Congress would want to drain our economy by raising taxes on the very businesses that help minimize our foreign dependence, help create good-paying jobs for our families, and truly help to make a difference to Americans around the country in the long run.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to yield in just 2 minutes because I know Senator SANDERS is here. I really feel I need to respond because it is very important to note that under the leadership of President Obama—for decades we did not drill as much as we have drilled now. We have more wells pumping than at any time in recent memory. I think it is an important point.

Of course, we are not going to drill off the coast of some of our precious areas because we have to support the fishing industry, we have to support the recreation industry, the tourism industry. But all this argument about drill, baby, drill and we will solve everything does not work because we threaten jobs when we go to certain areas that are pristine and very important sources of economic income for our States. Plus, if you ask my colleagues on the other side, they will not support keeping the oil in America—they will not—and we are exporting more oil than we ever have before.

So this thing gets very interesting when we look at it. Still, in all, the big oil companies—as we all make our sacrifices at the pump—are bringing in record, record, record profits. They ask us to make sacrifices because there is instability in the world, but they are pocketing those increases. Yet our Republican friends cry bitter tears because we want to suggest that subsidies they got decades ago—kept on undisturbed billions of dollars—we would like to see those funds go into making it easier for America's families to be able to buy more fuel-efficient cars, to be able to find alternative fuels, et cetera, et cetera.

When I come back to the floor after this discussion on the postal reform, I am going to talk more about the highway bill. The House is about to vote on a 60-day extension. Let me tell you, that is dangerous. I hope colleagues over there will not do that because, I have to tell you, every day we extend the highway trust fund for a short period of time, we lose jobs, and we need certainty.

I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Vermont.

POSTAL SERVICE REFORM

Mr. SANDERS. Mr. President, later this afternoon—actually, in a fairly short while—we are going to be voting on whether to proceed with the Postal Service reform bill, and I hope we vote yes. I hope we have a strong bipartisan vote to go forward. I will tell you why.

About 9 or 10 months ago, the Postmaster General came up with a proposal for the Postal Service. In my view, that proposal from the Postmaster General is an unmitigated disaster for our country and especially for rural America.

This is what his original proposal outlined: What he proposed was the

shutting down of more than 3,600 mostly rural post offices. If one lives in a rural State such as mine, one knows how important rural post offices are, and their function is beyond being just a post office. In many small communities throughout this country, post offices are the center of the town. It is where people come together. It is what develops a sense of community. In some cases, it is what that small rural town is all about. If we shut down that rural post office, in some instances we are literally shutting down that town.

We should also understand, in the midst of the serious financial problems facing the Postal Service, shutting down 3,600 mostly rural post offices would save the Postal Service one-quarter of 1 percent of their budget. So the original plan—which has since been modified—was to shut down 3,600 rural post offices, and I would suggest whether one is a conservative Republican or a progressive Independent, that is not good for their State, not good for America.

In addition, the Postmaster General's original proposal talked about shutting down some 220 mail processing facilities all over this country. That is approximately one-half of the mail processing plants. If he did that, that would end overnight delivery standards for first-class mail.

At a time when the Postal Service is facing extreme competition from e-mail and the Internet, in my view, the last thing we would want to do is to slow down mail service. I think I speak for many Members of the Senate who say, if we move in that direction, making mail delivery slower, we are beginning the death spiral for the Postal Service. Many businesses, many consumers will be saying: Sorry, I am going to look elsewhere to get my packages, get my mail delivered.

Furthermore, the original proposal from the Postmaster General was to shut down Saturday mail delivery and, in the process, reduce the workforce of the Postal Service—in the midst of the worst recession since the Great Depression—by over 200,000 jobs.

Senators LIEBERMAN and CARPER, Senators COLLINS and SCOTT BROWN, the ranking members of the committees, came together and put together a bill which was significantly better than what the Postmaster General had proposed, no question about it.

Some of us felt the Lieberman-Carper-Collins-Brown bill did not go far enough, and we have been working with the chairmen of the committees to try to improve that bill, and I think we have made some success. I think if we look at the managers' amendment, we will see stronger guarantees to make sure we are not shutting down rural post offices all over America; that if we shut down processing plants, it will be a significantly smaller number than was originally proposed, and

that also we would maintain strong mail delivery standards—if not as strong as I would like, at least stronger than what the Postmaster General originally proposed.

Here is my fear: The Postmaster General is raring to go. If he perceives and the board of postal commissioners perceive the Congress cannot act, they are going to go forward and bring forth a proposal which will not be as strong in protecting post offices and workers and the American people as we can do. So what we managed to do back in December was get a 5-month moratorium to prevent the shutting down of rural post offices and processing plants. That expires on May 15.

I think it is terribly important we begin the process, we vote to proceed within the next hour, we bring that bill to the floor, there is an open process by which people, including myself, will bring forth amendments to make the bill even stronger than it is right now.

I would point out to my colleagues, in terms of the financial problems facing the Postal Service, clearly, they have to deal with the serious problem, the very real problem that first-class mail has gone down very significantly, being replaced by e-mail. There is no question that is a real, legitimate problem.

But what is not a legitimate problem is that the Postal Service uniquely in America—not in local governments, State governments, Federal agencies or the private sector—the Postal Service alone is being asked to put \$5.5 billion every single year into their future retiree health benefits program. According to the inspector general of the U.S. Postal Service, given the fact there is some \$44 billion in that fund already, with interest rates accruing, we do not need to put more money into that fund. There is widespread agreement the Postal Service has overpaid into the Federal Employees Retirement System some \$10 billion or \$11 billion; into the Civil Service Retirement System, at least a couple billion dollars and perhaps a lot more.

The bottom line is this: If we are serious about protecting rural America, if we are serious about protecting 3,600 rural post offices, if we believe the post office must continue being an important part of what America is about—so important to our economy and to small businesses—and we do not want to delay mail service, slow down mail service, we do not want to shut down half of the mail processing plants in this country, I think it is important we begin that debate and vote for cloture.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to urge our colleagues to vote for cloture to proceed to the Postal Service bill. I will speak very briefly.

This is a great American institution, right there from the founding of our

country. In fact, it is in the Constitution to provide post offices. It is an institution that is today in trouble. Last year, it lost almost \$10 billion. Why? Part of it is the economic recession, but the real explanation is that mail volume has dropped 21 percent in the last 5 years, and mostly that is because people are using the Internet and e-mail instead of traditional mail. Yet the Postal Service not only itself provides a great service, but it facilitates various sectors of our economy that employ 7 million people—mailers, mail order catalogs, and the like.

Our committee, when confronted with this crisis—and the statement from Postmaster General Donahoe that if nothing was done, he would have to begin curtailing operations sometime this year because he would essentially run out of enough money to operate the Postal Service as it is—tried to get together and work on a balanced program. We reported out a bipartisan bill. Some people said it was too much; some people said it was too little. We think it was just about right.

There has been a lot of dialog with Senator SANDERS and others, people on both sides of the aisle. When we take this up—and I sure hope it is “when” and not “if” because I do not know how we could just turn away from this problem and essentially say to the Postmaster: We are not going to provide you any help; you are going to have to handle this. What he is going to do is close a lot of post offices, in my opinion, close a lot of mail processing facilities, raise prices to the extent he can under existing law.

This is a balanced program. It creates some protections for small and rural post offices before they can be closed. It creates new standards in the delivery of mail so the Postmaster will, in his wisdom, be able to thin out employment at some of the mail processing facilities, perhaps close some of them but nowhere near what he wanted to do earlier.

The Postmaster asked us for authority to go from 6 days of delivery of mail to 5 days of delivery of most mail, and we essentially said: You may have to do that, Mr. Postmaster, but do not do it for 2 years. See if the other things we are authorizing you to do enable you to get the Postal Service back in fiscal balance. But if not, after the 2 years, with the process we ordained, they will have to go to 5 days of delivery.

Here is the bottom line: We are trying everything we can to save this great institution. It is not a relic. It is a fundamental part of the modern economy, and it has some great resources. First is its presence all over the country. One of the things we are doing—we worked on this with Senator SANDERS and others—in the substitute, we will create an advisory commission, a new commission which will be

charged with the responsibility of not only reviewing the operations of the Postal Service to make sure it is being managed and run most efficiently but for looking for a new business model, for new ways to use the great assets of the Postal Service—one, that it is all over the country in the post offices; and, two, that no one else can cover the last mile of delivery to everybody's house or business in the country regardless of where you live, including the iconic burros that help deliver the mail in the Grand Canyon and the mailmen on snowshoes who deliver it in rural parts of Alaska. Right now, FedEx, UPS, and others use that service of the last mile to complete their delivery to their customers.

We want to see if we can figure out how the Postal Service can make more money so it can stay alive. This is a great American institution which I believe has a great future, but it is not going to have it unless we help.

So here we are challenged again. Are we going to fall into ideological rigidity or partisan conflict and let this great institution slide and fall into a deep crisis or are we going to work together, as I believe our committee has, to present a bipartisan solution which will guarantee, in a very different time in American history, that the post office—the U.S. Postal Service—can play as vital a role as it has throughout all the rest of our history.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the motion to proceed to S. 2204 is agreed to.

UNANIMOUS CONSENT REQUEST— S. 2204

Mr. REID. Mr. President, I ask unanimous consent that if cloture is invoked on the motion to proceed to S. 1789, which is the postal reform bill, and the motion to proceed is later adopted, the Senate resume consideration of S. 2204, which is the Repeal Big Oil Subsidies Act, at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. McCONNELL. Mr. President, reserving the right to object, I share the majority leader's view that we ought to turn to the postal reform bill. What I intend to do is to ask that we modify the consent that the majority leader just offered—modify his request so that

on Monday, April 16, we proceed to the consideration of S. 1769, the postal reform bill.

That would give us an opportunity to further debate and discuss the Menendez proposal, which we just invoked cloture on yesterday, for the remainder of the week. So I object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, reserving the right to object, I think most people know I worked here as a police officer for most of the time I was going to law school. I also worked for a period of time in the post office. I am not an expert on the post office, but I know the importance of post offices.

I know what is going to happen in the State of Nevada if we do not make some arrangement to help the Postal Service survive. Scores of small post offices in Nevada will go out of business. There will be distribution centers that may not exist after a few months. So I wish to get to the postal bill as much as anyone in this Chamber, having worked for the Postal Service, through the House Post Office.

I wish to move to the postal bill. But I am not going to be forced into doing it at a time that may not work out just right for our schedule; that is, the Senate. So I will move to that shortly after the recess as quickly as I can, but I am not going to agree to a specific time.

I object to the modification.

The PRESIDING OFFICER. The request of the initial modification is objected to.

Mr. McCONNELL. Mr. President, I object to the initial request.

The PRESIDING OFFICER. Objection is heard to the initial request.

21ST CENTURY POSTAL SERVICE ACT OF 2011

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 296, S. 1789, the 21st Century Postal Service Act.

Harry Reid, Thomas R. Carper, Sherrod Brown, Mark Begich, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Patty Murray, Charles E. Schumer, Mark L. Pryor.

POSTAL REFORM

Mr. DURBIN. Mr. President, there is no question the Postal Service faces serious challenges, and it needs to work

with Congress and the American people to address them.

There are some who say that the Postal Service can cut its way out of its financial hole.

The plan put forth by the Postmaster General would do just that. It would have a heavy impact on my State, with at least 8 processing facility closures and perhaps more than 250 post office closures. Under that plan, mail from Springfield—the State capital—would be shipped all the way to St. Louis, just to come back to Springfield once again.

And these facilities are key hubs of commerce throughout the State.

Take Quincy, IL, for example. The Postal Service had already studied Quincy for consolidation in 2009. At that time, the Postal Service found that the facility in Quincy was efficient and closing it would not create new efficiencies. Despite that finding, the Postmaster General decided to press ahead with the closure of the Quincy facility this year. The facts are in Quincy's favor, but it seems that the Postal Service only wants to cut its way to death.

This bill is about jobs too. The Postal Service employs more than 30,000 people in my State, from clerks, to drivers, to postmasters, to letter carriers, and so many more. These are not high-paying jobs, they are not glamorous. These are middle-class jobs that support the world's best postal delivery network. Nationwide, the Postal Service employs more than half a million people. Millions more in this country are employed in businesses that depend on the Postal Service.

Given the wide-reaching impact of the Postal Service, it is clear to me that cutting to the bone is the wrong approach. It will lead to a death spiral and the eventual end of the Postal Service as we know it.

The Postal Service must grow and reform its way into 21st century competitiveness. This bill is a first step toward achieving that goal. Brought to the floor under the leadership of Senators LIEBERMAN and COLLINS, this bill begins the process of addressing some of the serious challenges facing the Postal Service. This will help USPS reduce long-term costs, increase efficiency, and grow into a 21st century service provider. I think these steps can be taken while maintaining a world-class level of service.

There is no question there will be some short-term and long-term pain associated with reforming the Postal Service. Without tough choices, I can assure you there will be bankruptcy and the demise of the Postal Service.

I believe that measured steps now, though painful, are worthwhile to preserve and improve the Postal Service for generations to come.

I urge my colleagues to join me in voting for cloture on the motion to

proceed to this important legislation. And I look forward to an open and honest debate and to working with my colleagues to strengthen the bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hoeven	Pryor
Blumenthal	Inouye	Reed
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Cooms	Lieberman	Warner
Durbin	McCaskill	Webb
Feinstein	Menendez	Whitehouse
Franken	Moran	Wyden

NAYS—46

Alexander	Enzi	Mikulski
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Baucus	Heller	Portman
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Burr	Isakson	Roberts
Cardin	Johanns	Rockefeller
Chambliss	Johnson (WI)	Rubio
Coats	Kyl	Shelby
Coburn	Lee	Thune
Cochran	Lugar	Toomey
Corker	Manchin	Vitter
Cornyn	McCain	Wicker
Crapo	McConnell	
DeMint	Merkley	

NOT VOTING—3

Hatch	Kirk	Sessions
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The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, I enter a motion to reconsider the vote on which cloture was not invoked on the motion to proceed to Calendar No. 296, S. 1789.

The PRESIDING OFFICER. The motion is entered.

REPEAL BIG OIL TAX SUBSIDIES ACT

Mr. REID. Would the Chair be kind enough to announce the pending business?

The PRESIDING OFFICER. S. 2204 is the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2204) to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1968

Mr. REID. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1968.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1969 TO AMENDMENT NO. 1968

Mr. REID. I have a second-degree amendment that has also been filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1969 to amendment No. 1968.

The amendment is as follows:

In the amendment, strike "1 day" and insert "2 days".

MOTION TO COMMIT WITH AMENDMENT NO. 1970

Mr. REID. I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Finance with instructions to report back forthwith with an amendment numbered 1970.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1971

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1971 to the instructions on the motion to commit S. 2204 to the Committee on Finance.

The amendment is as follows:

In the amendment, strike "3 days" and insert "4 days".

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1972 TO AMENDMENT NO. 1971

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment No. 1972 to amendment No. 1971.

The amendment is as follows:

In the amendment, strike "4 days" and insert "5 days".

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Benjamin L. Cardin, Jeff Merkley, Patrick J. Leahy, Michael F. Bennet, John F. Kerry, Al Franken, Tom Udall, Jeanne Shaheen, Bill Nelson, Daniel K. Akaka, Claire McCaskill, Christopher A. Coons, Jack Reed, Richard Blumenthal.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSING A MINIMUM EFFECTIVE TAX RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 339, the Paying a Fair Share Act, which is S. 2230.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to Proceed to S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mr. COONS. Madam President, I rise today to address a simple but important issue about what our path forward is to building a stronger and safer America. I was deeply frustrated to hear earlier today that the Transportation bill, which was passed by an overwhelming bipartisan consensus in this Chamber, has gone over to the House and they cannot find a way forward to respond to this bill from us or find any clarity or certainty about whether to simply take up, debate, amend, or consider and enact, hopefully, our bill from the Senate or ask for short-term extensions of 30, 60, or 90 days.

Madam President, as you know as a former Governor and as I know as a former county executive, when investing in work as important as bridges and highways and roads that make infrastructure, transportation, and a reliable and predictable future for our economy possible, nothing is more important than certainty. Financing major highway projects, buying major pieces of equipment, and hiring the crews to do the work are exactly the sorts of things where certainty is critical.

I have a simple question to our friends in the other Chamber, which is when will they take up this bill that passed this Chamber by such an overwhelming margin and when will they take seriously the broad bipartisan input from every imaginable group in support of this.

I was active in my previous elected role as county executive with the National Association of Counties, the U.S. Conference of Mayors, the U.S. Chamber of Commerce, and the AFL-CIO. All have weighed in. In fact, if I remember correctly, the U.S. Chamber of Commerce wrote every single office at the Senate in support of this legislation, calling for specific action that both the Congress and administration could take right now to support job growth and economic productivity without adding to the deficit.

This bill came out of the committee after remarkable work by Senator BOXER of California and Senator INHOFE of Oklahoma, two Senators who are widely viewed as being at the oppo-

site ends of our political spectrum here in this Chamber.

When I go home to Delaware, I hear folks say over and over again: Why can't you work together? Why can't you iron out your differences and put America on a clearer, straighter track toward a stronger recovery?

Well, this is exactly the sort of bill that will accomplish that end. A 2-year reauthorization, a \$109 billion bill that in my small State of Delaware would create 6,700 jobs now hangs in the balance. It will expire at the end of this month. Rather than take up and consider and hopefully pass this bill, folks in the other Chamber—and frankly, sadly, largely folks on the other side of the partisan aisle here—are refusing to do so and will instead take a short-term chip shot of an extension.

I simply wanted to say, if I might, that certainty is something I respect from my years in the private sector. Certainty is something I hear from the other side of the aisle in the other Chamber all the time. And this is a moment when certainty can be served by the House taking up and passing the Senate-passed bill.

Mr. BEGICH. Will my friend from Delaware yield for a question?

Mr. COONS. Absolutely. I yield to the Senator from Alaska.

Mr. BEGICH. The Senator was a county executive; I was a mayor of a community. We had to deal with the real-life aftermath of what happens around here, especially when it comes to these extensions. I know in my city, when I saw these extensions from that end of the table, we always had to stop projects, slow them down, didn't have the money to finish them, winter shut-down. All it did was add costs, decrease the capacity of roads, and literally take projects off the list.

In his community, the Senator had to deal with this probably like I had to. Did the Senator have the same kind of impact where you had to tell contractors: I am sorry, we don't have the money because the Federal Government has not done their job that they said they would do 20-some times before and never completed it? Is that a similar situation?

Mr. COONS. Madam President, the Senator from Alaska is absolutely right. In my county, we didn't do roads, our State does the roads, but we did sewers, and heavy capital investments in infrastructure would cost our little county tens of millions of dollars. We would be on a project, off a project, on a project, off a project. We were fortunate that our county in good times had enough money in reserve that we could go ahead and authorize the bond issue and authorize the project. But as the economy turned and as our balance sheet got tougher, we had to wait, we had to put things on hold, and we had to put off key projects.

I know the good Senator from Alaska, as a former mayor of Anchorage, also saw that happen in transportation. Is that not the case, that certainty was an enormous challenge when the Senator was relying on a Federal partner who was unreliable?

Mr. BEGICH. Absolutely, I say to the Senator from Delaware. In Alaska, I chaired the Metropolitan Planning Organization, the MPO, which had this money that would come from this legislation. It would come to us, and if they delayed it here or they had these crazy continuations because for some reason they could not get their work done—and now we are seeing that on the House side. They have had months to work on this. I think they actually banked that we would not work together here, Democrats and Republicans, and get something done. We actually did, and a pretty significant piece of legislation about transportation infrastructure that is crumbling in this country got 74 votes, bipartisan, from all spectra of political persuasions. I think they banked that we would fail, but we didn't. There were five weeks of work and a lot of compromise because we know what the impacts are on the street if we don't do this.

Back home, if the House doesn't take action on a very reasonable bill, a bipartisan bill, what will happen in Alaska is that some of these projects will de-obligate, or not obligate the funds, which means they will delay them. That means the contractors who expected to do work this summer will not. And in Alaska, because we are a winter climate—a lot of Northern States have a similar situation—the plant that provides the asphalt closes usually the first part of October. So you have a window that shrinks very rapidly. If you are not careful, the net result is that you have no projects and you pay more, which means that the delay the House side is doing is going to cost taxpayers more money and there will be less jobs. In Alaska we have 18,000 jobs at risk. And at the end of the day, again, you get less product, fewer roads.

I can only assume the experience I have here matches the Senator's State government that worked with the county when he was county executive; it is the same thing they had to go through, as the Senator explained on his water and sewer projects. But, as he said, times are different. You can't supplement it with local money, the way it used to be, because we don't have it.

The economy is struggling and starting to come back. But here we are at a moment when the economy is moving in the right direction, and what are we doing? The House over there is just waiting. I think that is not the example we are looking for but what we are doing and what we are suffering through.

Mr. COONS. What strikes me most about this, Madam President, and to the good Senator from Alaska, is that of all the sectors in the entire American economy—at least in my home State—that have suffered since the financial collapse of 2008, construction was hit the hardest. We already knew that we were far behind in investment. We have tens of thousands of bridges that are out of compliance with basic engineering standards. Half of our roads are below the standards we would expect from a modern economy. This is money that can and should be invested in putting people to work in construction, which has suffered from the highest unemployment. It has the support from the Chamber of Commerce to the AFL-CIO, where we wrestled through the tough processes here over several weeks, and we have a strongly bipartisan bill sitting and ready to go.

There are other things we debate in this Chamber that will maybe create jobs, maybe won't. There is no question—even those who have the strongest concerns about the Federal role in our economy cannot disagree that Federal highway projects put people to work, strengthen our economy, and make us more competitive. This bill is ready to go. Why you would not take it up and enact it today, I cannot imagine.

To the good Senator from Alaska, I might say Alaska may have a shorter summer season than we do, but if you have 18,000 jobs at risk, I can only imagine the kinds of calls the Senator is getting from his home State, as I am getting from my State, urging that the House of Representatives take up this strong and bipartisan bill and pass it so we can all move forward and create some real jobs.

Mr. BEGICH. The Senator and I have the same situation he has described: Yes, we are getting those calls and they are not just—people say this is a union thing. No, it is union, nonunion, chamber, environmentalists, neighborhoods, community councils. It is everybody you can imagine because these are real jobs, about real people, about real communities.

Over there I think they think it is some theory that if they delay it, nothing will happen. They are wrong because the Senator and I have lived on that other side and had to live with the consequences of inaction. This is one of those bills where there is bipartisan support, all the groups out there from all walks of life support it, and every-day people understand it.

When I was back in Anchorage getting some gas at the gas station, someone came up and they asked me, because why? We are about to start our season in the bidding process because you have to take 30, 60, 90 days to get the bids out and then you actually have to construct. I think sometimes in the House they think it is some fan-

tasy land that whatever they do has no effect. This does. I think the Senator said it very clearly, and I appreciate being allowed to ask a few questions and comment here. But it seems the most ridiculous thing to have Alaskans telling me every day to work together, create bipartisan legislation, whatever it might be. Here is one we have done successfully and now we are ready. But over there they are playing politics. They have now tried twice to do something this week and they still cannot get it moving.

I would encourage those on the other side to move forward on the bipartisan bill that the Senate has passed when I know they were banking we would not pass it. We did it; we did our work. The American people are waiting for these jobs, the contractor community is ready, and the communities are ready. It is time to move forward.

I thank the Senator and the Presiding Officer for allowing me to ask a few questions and give a little commentary.

Mr. COONS. I thank the Senator from Alaska. As we both know from our former roles, when you have a short-term extension, there are costs. It means that folks getting mobilized, getting organized, getting ready—you have to pull them back. When the State coffers, the county coffers, the municipal coffers don't have the ability to float and put in place the Federal funds they are waiting for, it means projects get canceled, people lose their jobs, opportunity and optimism that were moving forward get pulled back.

We have folks in this Chamber and the other, former Governors, former mayors, former county executives, former business leaders, who know the importance of a strong and reliable Federal partnership in strengthening infrastructure in this country.

I congratulate Senator BOXER and Senator INHOFE for working together so well to craft a tough, strong, capable bipartisan bill, and it is my plea that the Members of the other Chamber will promptly take it up, consider it, and pass it so we can get America back to work.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before they leave the floor, I thank Senator COONS and Senator BEGICH and Senator SHAHEEN for the very important words they gave today on behalf of the House taking up and passing the bipartisan Senate Transportation bill. It is interesting to know we also have the senior Senator from Alaska, Senator MURKOWSKI, speaking out in favor of the House picking up and passing the Senate bipartisan bill. I also served as a county supervisor a long time ago, but I think we all understand that what we do here makes a difference.

This is one Nation under God, indivisible. There cannot be a circumstance where one State puts their own funding from their State into highways but the State next door does nothing. They cannot have commerce. That is why I thought Dwight Eisenhower, when he was a Republican President in the 1950s, said it well. He was a logistics expert. He is the one who started the National Highway System. He knew from his experience in war that you have to move goods and people. He also knew, in his role as President, that in order to have a strong economy, we have to do the same thing here at home.

For me to see this House dither as they are doing—they are dithering on a bill. All they have to do is take up the bipartisan bill. For goodness sake, they have three-quarters of the Senate to support it, and all we need is 218 votes. When I served in the House for 10 years, what did I learn? You needed 218 votes. Tip O'Neill never cared where he got his votes, he just got the votes for the American people. So I have written letters to Speaker BOEHNER and Leader CANTOR, and I have begged them to please work with us on this bill, and all we get back are statements from their staff, saying: Well, we are going to do it our way. As Congresswoman PELOSI, the Democratic leader, said today: When you say my way or the highway about the highway bill, you don't get much done.

I also wanted to thank Senator KLOBUCHAR. She also held office at the State level. She was a district attorney, and she understands what happens when the Federal Government, State government, local government, all work together for jobs, and that is what this bill is about.

So I am going to call today on the House to immediately take up and pass the bipartisan Boxer-Inhofe bill. I am going to ask them to abandon their goal of a series of extensions.

When someone goes to buy a house, they need a mortgage. Maybe it will be a 10-year mortgage, 15-, 20-, or a 30-year mortgage. If the banker looked at them and said, We can only give you a mortgage for 30 or 60 days, it would be very difficult, to put it mildly. It is disruptive. You don't know how to plan, you don't know what it is going to cost, you don't know if you are ever going to get the money for the house. So the House, by taking up these extensions, has to understand the impact.

Today I called a press conference to let the press know what the impact is of these extensions. The extension means job losses. We started to put together a list that is coming to us from the States of job losses already happening in the field because of the lack of action by the House. I spoke to the Secretary of Transportation in North Carolina today. He has delayed the remaining 2012 projects totaling \$1.2 bil-

lion that would employ 41,000 people. So 41,000 people do not have work, as we speak today, because the House is dithering and not passing the bipartisan Senate Transportation bill.

I spoke to the officials in Nevada. As we speak, thousands of jobs have been lost there because the House is considering an extension instead of passing a bill such as our bill.

I spoke to the officials in Maryland. Same thing, thousands of jobs. I spoke to the officials in Michigan. Same thing. Right now we are putting together a list from all across the country of job losses in all of our States as a result of the House failing to take up and pass the bipartisan Senate bill. What more bipartisanship do they need than to have 75 Senators support the bill? One of them was absent due to a funeral. So we have 74 votes for it and 22 against it. What more do they want?

Anyone watching the Senate today sees how paralyzed we are. We have not been able to do a thing. There are filibusters on fixing the post offices. There are filibusters on making sure that Big Oil doesn't keep ripping off consumers at the pump. Filibuster, filibuster, filibuster, filibuster. But we were able to get over all of that and pass a transportation bill. Why wouldn't the House be thrilled about that? Why wouldn't the House embrace what we did? Why would the House instead stand up again today and say, We are going to have a 60-day extension. Guess what. They pulled it. They are not having a vote on that today because of the uproar it is creating in the States and on the House floor. The House has not delivered on its promise for a bill. All the leadership does is complain about our bill.

Today—I couldn't believe it—Chairman MICA said this bill is not paid for. Senator BAUCUS, Senator THUNE, and others worked across party lines to pay for our bill. It is 100 percent paid for. And guess what it does. It protects 1.9 million jobs and creates another million. That is what our bill does. So they are pulling this vote. They are pulling this vote today. Good. I am glad they are pulling this vote because they ought to instead pass the bipartisan Senate Transportation bill.

I want to tell you a story about what is actually happening out there in the economy. If we do nothing, 1.9 million jobs are gone on March 31. If we do an extension, then you have death by a thousand cuts, a proportion of these jobs is lost, and it keeps getting worse with every extension. So it is the end of these jobs, a slow torturous end of these jobs.

I want to show how many unemployed construction workers there are—1.4 million. Why is that? When the unemployment rate is 8.3 percent, the unemployment rate among construction workers is 17.1 percent. Why is that? Because we were having a very

tough housing crisis, and we are not out of it yet. So all of these workers who were building houses now were hoping to be able to build highways, build freeways, and fix bridges. And our bill does that. Our bill will take these people and put them to work. We could get this unemployment rate down to 400,000 because we will take a million off this with the expansion of the TIFIA Program, which stands for Transportation Infrastructure Finance and Innovation Act, which gives the money upfront for cities and States and gets projects built faster.

I want to show you what it would look like if you put every unemployed construction worker into a football stadium. This is a Super Bowl stadium, and it is filled. Imagine each and every one of these seats is filled by an unemployed construction worker, and then close your eyes and imagine 13 more stadiums for a total of 14 stadiums. Fourteen stadiums full of unemployed construction workers, that is what we are facing. Yet, the House will not take up and pass the bipartisan Transportation bill. They are flirting with extensions, which is the end of these jobs, but slower and more excruciating.

We talked about jobs, but we have to talk about businesses. These jobs are private sector jobs, and these businesses—over 11,000 of them—are construction companies that would be adversely impacted.

I met with business owners. One man was teary eyed. He said, Senator, I have had to lay off 1,000 people because of the indecision here, because of the constant extensions we have had on the highway bill. We need your bill now. I said I understood. He said, I cannot look at another worker. He said, Extensions are like living hand to mouth. It doesn't work.

If you know, again, that all you are going to get is 90 days' worth of Federal funding, how can you let a contract for a year? No one is going to go out and let a contract for 90 days for a big program that lasts for a year or a year-and-a-half of construction. So we just have to remember we are not just talking about workers; we are talking about the businesses that support those workers.

I am going to show my colleagues a series of editorials. They have run in red States. They have run in blue States. They have run in purple States.

I am going to make a statement, and I am going to stand by it: Everyone in America gets this except the House of Representatives. Everyone in America gets this except the Republicans in the House of Representatives, save a few of them who are courageous. Four of them have broken off—one of them from the Presiding Officer's home State, two of them from Illinois, and one of them from North Carolina. They said: We stand with those who say take up and pass the Senate bipartisan bill.

Good for them for showing that kind of courage.

I say to my colleagues now, it is a quarter to 5 in the evening. If any of them are tuning in to this discussion, listen to what these newspapers are saying: "House should pass transportation bill."

The No. 1 priority for the House of Representatives should be passing a bipartisan transportation bill—as the Senate already has done on a 74-22 vote. . . .

The Senate has done its job. . . . House Speaker Boehner should drop the notion of passing an extreme Republican-only House bill and do as the Senate did—craft a bipartisan bill that can pass both Houses.

This is in the Fresno Bee. It is in the reddest part of California. Trust me when I say that. I know. It is the reddest part of California, and they are asking the House to pass the Senate bill.

Then we have, in Michigan, the Detroit News: "Congressional Waffling Hurts State Roads."

The U.S. Senate . . . has approved a bipartisan plan. While imperfect, it's better than another reprise of an outmoded transportation act that already has been extended eight times. . . . The disarray hardly gives States the kind of revenue certainty they need to get from a Federal plan, but if Boehner and House Members can't agree on their own plan, they would probably be wise to take what is politically possible and pass it. Pass the Senate bill.

Newspapers all over the country—look at this one: "Road to Compromise." One would think the House would embrace this. What are the American people telling us? We are viewed—we in the Congress—as fighting constantly. Our approval rating is 10 percent. I don't know who represents that 10 percent, but it is probably the Presiding Officer's family, my family, and the family of my colleague from Missouri.

Why is that? We can't work together. We proved today on two bills that we can't get together. But we proved a couple of weeks ago, after 5 weeks of debate, we could do it on the Transportation bill.

When Senator INHOFE and I agree, my goodness, that is a day. We don't agree on so many things, believe me. We are struggling over anything that has the word "environment" in it. He is fighting to overturn the EPA clean air rules, and I am fighting him to keep them. He doesn't want that much oversight on nuclear accidents; I want more oversight. He says I don't do enough oversight on things he wants oversight on. Listen, we argue. We respect each other. We like each other. We disagree with each other. But on this we came together. What more does BOEHNER want? What more does CANTOR want?

Speaker BOEHNER is putting at risk 55,000 jobs in Ohio, and Leader CANTOR is putting at risk 40,000 jobs in Virginia. Don't they care about the businesses and the workers there?

This headline says the "Road to Compromise." This is the Ohio Akron Beacon, from the heartland:

On Wednesday, 74 Senators, Republicans and Democrats, joined together in a real accomplishment. They approved a two-year bill. . . . The timing couldn't be better. . . . What will the House do? It should take the cue of the Senate and quickly approve the legislation that won bipartisan support.

It couldn't be more clear. That is Ohio.

I will tell my colleagues I have never seen such an array of newspapers from all over the country.

This one is the Chicago Sun-Times: "For a Better Commute, Pass Transportation Bill."

The Senate just delivered a gift to the House: A bipartisan transportation bill at a time when America really could use a lift. Here's hoping the House Republicans don't mess it up. . . .

Well, hope against hope. So far, I feel very worried—very, very worried. The whole program expires on Friday and all they can come up with is extensions, and then they don't even have the votes for that. How bad would it be for them to give me a call, give Senator INHOFE a call, and say: We are going to come over and sit down and bring the bipartisan leadership of the committee—there are four of them—bring the bipartisan leadership of the Senate, and let's hammer out something.

What is happening over there? Speaker BOEHNER is the Speaker of the House not Speaker of the Republicans. He needs to work with the Democrats. I don't expect they will love each other, my goodness. We don't expect miracles, but we should expect them to work together.

I remember fondly my days in the House with Tip O'Neill and Bob Michel. Couldn't have better friends. Did they agree on everything? No. Did they work on everything? Yes. I remember those days. I was a whip at a certain point in the House, and they used to call us together and we would come back and say: There are 25 Democrats who can't vote for this Democratic bill. You know what Tip O'Neill would do? He would say: Fine, I will call Bob Michel and see if he has 25 votes for me. They saw that they might have had 20 and they didn't have 25 and they had to compromise the bill. And they did it. That is why I decided I loved legislating.

I loved working on this bill with my friend Senator INHOFE. I loved working with my staff and his staff. Our staffs became almost like family. I would encourage Speaker BOEHNER to take a page out of this book.

I see the Senator from Louisiana on the Senate floor. He and I go at it on a number of issues. We work together. We even put on this bill the Restore Act—a bipartisan piece of legislation that is going to make sure the gulf can rebuild and get paid back for the suf-

fering that went on there. Did California get a lot out of that? No. But the country will get a lot out of that because the gulf is a region we care about. It is where we get a lot of our energy. It is where we get a lot of our seafood. We need to work together.

So Senator VITTER and I don't agree on a lot of subjects, and we go at it pretty hard in the committee. But on this we agreed.

So let's look at a few others, and then I will yield the floor after we go through the rest of these.

"Highway Bill Would Boost Stability." This is Mississippi. This is one of the reddest States in the Union. I beg Speaker BOEHNER to open his ears and hear me:

A two-year, \$109 billion highway bill that passed the U.S. Senate this week buoys the hope of interest groups like roadbuilders and the travel industry that the House can be prodded by the Senators' action to pass its own bill before a March 31 expiration date. . . .

This bill has no earmarks. . . .

Mississippi could derive major benefits.

I am just saying, when we have editorials from Mississippi for a bill, we know it is a bipartisan bill.

Let's take a look at some others: "A Solid Transportation Bill." This comes from Oregon, the Register Guard, an editorial:

By an impressive bipartisan vote of 74 to 22, the Senate on Wednesday passed a two-year blueprint for transportation. The House should move quickly to approve the Senate measure. If a transportation bill is not approved and signed into law by April 1, the government will lose its ability to pay for Federal transportation projects.

So now we have Mississippi, Oregon, Illinois, and Ohio. I don't remember all that I read.

"Bipartisanship in Senate Moves Transportation Bill." This is Oklahoma, another deeply red State:

With rare bipartisanship, the U.S. Senate on Wednesday passed a much-needed and much-delayed national transportation bill that could create jobs and fund road projects. . . .

The country's infrastructure has been ignored for too long and is in dire straits. This is an important and necessary extension of the transportation bill. It will make needed improvements to our infrastructure, and it is a real job-creator. . . .

I am telling my colleagues that I am buoyed by these editorials because these editorials from Republican papers and Democratic papers are non-partisan. They are all urging us to act.

"Transportation Funding Held Hostage in the House." Fort Worth Star-Telegram, Texas—another red State:

What an exciting thing to see the Senate pass a surface transportation bill last week on a 74 to 22 vote. Such bipartisan support for maintaining and improving this crucial part of the national infrastructure makes it almost seem like the good old days in Washington. . . .

At one point, [House Speaker Boehner] said he would put the Senate bill before the House. Earlier, he said House Republicans

might go for an 18-month extension. . . . It's beginning to look like Boehner doesn't have a clue what the House will do. . . .

Does this sound familiar? Does it remind you of the congressional follies of last summer, the reality-TV drama and brinksmanship of the debate over raising the federal debt limit.

I can't reach Speaker BOEHNER. He doesn't answer my letters. CANTOR doesn't answer my letters. They just have spokespeople who put something out there. What is wrong with talking to each other? What happened to those days?

Now, it goes on, and I am going to go through these: "Pass This Transit Bill." This one is the Miami Herald:

In an all too rare display of bipartisanship, the Senate, by a vote of 74 to 22 last week, passed a transportation bill of vital interest to South Florida and the rest of the country. . . .

This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their job-killing intransigence and accept the bipartisan Senate version before funding runs out.

So here is the thing—I will wrap up—there is a clear path to success, and it is not painful. It is not painful. Speaker BOEHNER and Leader CANTOR should abandon their idea of these endless extensions. We have proven today through the State organizations and by talking to State officials in all of our States that jobs are already being lost because of the uncertainty, the dithering—that is my word—and the fact that they are talking about extensions. Extensions are no good. Extensions mean job losses—41,000 jobs already lost today as of now in North Carolina and thousands in other States because States do not have the ability to up-front the Federal share. They are counting on us.

Our bill is fully paid for in a bipartisan way. Our bill has not one earmark. Our bill takes 90 programs down to 30. It is streamlined. It is made efficient.

We have, in a bipartisan way, added the Restore Act. We added ways to fund rural districts for their schools by the timber receipts. This is a good bill, and this is a bill that is truly a work product of everyone in this Chamber. Even those who ended up voting no had something to do with it and helped us get it through.

So there is a clear path. They pulled their 60-day extension off the floor of the House, and that is a good thing. Now they should put the Senate bill on the floor and both sides should embrace it and pass it.

Let me tell my colleagues a signal it will send to our people at home: It will send a signal of job growth in the future, a signal that we are working together, a signal that we are going to get out of this recession, a signal that we put aside politics for the good of these hard-hat workers and the compa-

nies that employ them. They deserve it. They got hurt by Wall Street. Everybody in the country did. But for these construction workers, because of all this messing around with these mortgage-backed securities, it killed the construction industry and housing.

We have a chance to help some of the hardest working people in our Nation. I call on the House leadership to take a page out of our bipartisan book here and pass the Senate bill.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Missouri.

GAS PRICES

Mr. BLUNT. Mr. President, this week the majority brought a bill to the floor to talk about gas prices and energy-producing companies. That was yesterday. Today the majority brought another bill and tried to move away from that bill. We ought to be talking about gas prices. We should be talking about what impacts so many families and so many businesses and so many individuals.

I talked to somebody on the phone just yesterday, a friend of mine from St. Charles, MO, where gasoline is about \$3.50 a gallon. That is a little lower than it is maybe in other places where it is \$3.90, the national average, though I am sure we can find a place in St. Charles where the gas is \$3.90. But my friend talked about gas prices, how it affects his business, the restaurant business.

I have said on this floor before, when American families stand before that gas pump and the cost goes from \$40 to \$50 to \$60 to \$70, almost every family in America watches those numbers and thinks of something they were going to do that week or that weekend that they are not going to do. Certainly, if you are in the restaurant business, as my friend is, you know that.

But he said: I was at the gas station just yesterday, and there was a woman there in a car with a child. She said: Could you just give me \$5? I don't think I can get home with the gas I have. I don't have any money. I need to put a little more than a gallon of gas in the car just to know I can get home. Could you put \$5 of gas in the car for me?

He said: I put \$20 of gas in the car. And \$20, at \$3.90 a gallon—the national average—does not last very long.

People who are putting \$5 or \$10 in their gas tanks are not doing it because they love to go to the gas station. They are doing it because they cannot afford to put the gas they need in the car to do the things they need to do.

The national average hit \$3.90 just a day or two ago, and it is on the way up now. It is more than double what it was in January 2009 when gasoline was about \$1.90 or \$1.91 a gallon.

People feel this. I cannot think of a meeting I have had in the last 2 weeks

with any group who did not have some story about how energy and gas costs were impacting them.

Now, why we would have a bill on the Senate floor that would raise gasoline prices I have no idea. But that is the bill that is on the floor. I think the idea is that the majority is wanting to blame somebody else rather than the President's energy policies. The American people do not accept that.

I asked people in Missouri to talk to me about some of the challenges they are having with these skyrocketing fuel prices. Remember, the President, in the fall of 2008, said at the San Francisco Chronicle, under his energy policies, energy costs would "necessarily skyrocket." So I guess he has to believe his policies are doing exactly what he thought they would do. But here is what they are doing to people all over America.

Trent Drake, a farmer in southwest Missouri, who raises soybeans, corn, wheat, and cattle, told me—of course, like every farm—he is heavily dependent on fuel, in his case diesel fuel. His fuel bill went up 125 percent over last year. That is more than twice the fuel bill he had last year.

Roger Lang, who owns a company, Byron L. Lang Inc., in Jackson, MO, told me a majority of all the profits they are making are now going back into paying the fuel costs, which, of course, means they cannot look at profits they made and think: What can we do for better benefits or better wages or to hire more employees? They have to think: How much higher is this gasoline bill going to go? How much higher is my energy bill going to go under the energy policies we are working under now?

According to Roger Lang, if something is not done, he believes this one issue will end his business. A business his family has been operating since 1947 would be ended because we have energy policies that do not make sense.

Linda Yaeger, who is the executive director of the Older Adults Transportation Service—I do not know what it is called everywhere else; it is called the OATS system in Missouri—provides transportation for seniors and people with disabilities in 87 of our 115 counties.

For every penny gas goes up, Linda said it costs her program \$15,250. For every penny that gas goes up in 87 counties all over Missouri—essentially, for vans and buses that take seniors and handicapped people where they need to go—for every penny gas goes up, it costs \$15,250. And for every penny that is a loss of the equivalent of 10,000 one-way trips for the people they serve. Multiply that \$15,250 by the 200 pennies gasoline has gone up in the last 3 years and suddenly we have a budget that does not do what we would hope it could do for the people they serve.

The Ozarks Food Harvest in Springfield, MO, where I live is a regional

food bank that serves one-third of the State of Missouri, delivering about 1 million pounds of food a month. Bart Brown, who runs the Ozarks Food Harvest, cannot, obviously, predict—as none of us can—these gas prices. But they did just have to raise their delivery costs from 4 cents a pound to 6 cents a pound. So there is a 50-percent increase in the delivery costs to the Food Harvest in getting food to people's homes.

The charities of America are incredible in their ability to make money last, to stretch a dollar, to do everything they can to make their contributions have real impact. The Food Harvest—I have been to a lot of these food banks, and they benefit from getting food from people who are food producers, the processors who have an overrun or they have a damaged box or they have whatever is still perfectly good, but they are willing to make it available to somebody else because it does not quite fit the way they do business.

But when they have to increase their delivery costs by 50 percent just because gas has gone up—gas has gone up 100 percent. So if they increase their delivery costs by 50 percent, I guess they are still trying to make the most of the situation in which they find themselves. It is not the only part of the cost, but it is a big part of the cost. That is going to have a big impact on all the people in one-third of the counties in Missouri that get food from the Ozarks Food Harvest.

Meanwhile, a lot of my colleagues on the other side have already admitted this tax hike on American energy producers would do nothing to lower gas prices. This clearly is a messaging bill. But why, if they were trying to divert attention away from the President's energy policies, they bring this bill to the floor is a surprise to me.

In May 2011—a year ago—the bill's sponsor, Senator MENENDEZ, acknowledged:

Nobody has made the claim that this bill is about reducing gas prices.

Well, why would they be talking about it if they could be spending the same time doing things that would reduce gas prices. The American people believe the government could have an impact on gas prices. I believe the government could have an impact on gas prices. This bill we are talking about is not even designed, according to the sponsor, to reduce gas prices.

Senator BEGICH said the proposed tax hikes “won’t decrease prices at the pump for our families and small businesses.” He may or may not be for the bill, but he certainly has figured out what the bill would do.

Senator BAUCUS noted “this is not going to change the price at the gasoline pump. That’s not the issue.”

Well, what is the issue? Maybe we ought to figure out what the issue is.

Families think it is the issue. Families think, when they see that sign go up three different times maybe in a week—that the price goes up—that there is some issue we ought to be dealing with. Senator SCHUMER admitted this bill “was never intended to talk about lowering prices.”

Probably this bill was never even intended to be on the Senate floor. I assume the majority brought this bill to the floor thinking Republicans would not want to talk about this topic of whatever tax policies are designed to encourage more American production. But why wouldn’t we want to talk about that? Why wouldn’t we want to have more American energy of all kinds?

Senator LANDRIEU told Americans this bill “will not reduce gasoline prices by one penny.” She is absolutely right.

Even the majority leader, who brought the bill to the floor, said this bill “is not a question of gas prices.”

So, really, this bill maybe is not a question of anything we ought to be talking about, so let’s talk about what we should be talking about. We ought to be talking about what increases American energy. The shortest path to more American jobs is more American energy—the jobs that produce energy and the jobs that benefit from competitive energy prices.

We are not some little European country. I know in the fall of 2008, before the President chose him, the Secretary of Energy said our problem was that our gasoline prices were not as high as the gasoline prices in Europe, where at that moment they were \$8 or \$10 a gallon.

I do not think that is our problem at all. In fact, we are not a European country. We are the United States of America. We are a big country. Our transportation needs are different. Our energy needs are different. We generally do not walk to work or we generally do not only benefit from food products and other products that come from 5 or 10 miles away. That is not who we are. That is not who we are going to be. We need to have energy policies that work for us.

Congressional Republicans in the House and the Senate have long supported a plan that uses all American energy. In fact, at the State of the Union Message, one of the few smiles on the Republican side of the aisle that night was when the President said he was for an “all-of-the-above” energy strategy because that is what we have been for for a long time, and mean it. That can include wind and solar, renewable, biomass, shale gas, shale oil, coal, nuclear—all of the above.

It seems to me the message has not gotten through to the regulators and the legislators that we need to be doing all we can to find more American energy—all of these things, every one I

mentioned: Nuclear, big and small; natural gas. We now think we have more natural gas than anybody in the world. Let’s go after it. Let’s use that resource to the advantage of our economy.

They all have bipartisan support, and I think there is bipartisan support for investing in the future. Let’s figure out what comes next in the energy world, but it will not come quickly, and our economy could not afford for it to come quickly. If we decide: OK, tomorrow we are not going to drive cars powered by gasoline, that would be a huge mistake. It would be an equally huge mistake if we decided 10 years from tomorrow none of us will be driving cars powered by gasoline. We do not even know what the next power source will be. We are going to use these fossil fuels for a while, and we should use them to our benefit.

Instead, my colleagues on the other side of the aisle want to talk about raising taxes on domestic energy and domestic energy manufacturers—tax hikes that absolutely will be passed along to consumers. Some of these things in the Tax Code are to encourage American energy production. There is energy all over the world. Why wouldn’t we want to encourage the energy production jobs to be here rather than somewhere else?

I know the President said we are going to give money to Brazil, and we want them to drill in the deep water, and we will be glad to buy some of their oil and gas when they produce it. But why would that be our alternative when we could, in fact, do things that encourage American energy production or, if it is not from the United States of America, what about our neighbors? The Keystone Pipeline—80,000 barrels of oil a day is going to go somewhere because they are going to use that resource to their benefit, and it is either that the pipeline is going to come south to our refineries or it is going to go west and be sold to Asia.

Why we would not want the 20,000 jobs to build that pipeline—not taxpayer-paid jobs but jobs for people who pay taxes, working for companies that pay taxes—why we would not want those jobs to be right here in the United States rather than in Canada, sending that pipeline west to eventually have that same oil sold to Asia, is a mystery to me.

If the President wants to support an “all-of-the-above” energy strategy, he should stop blocking all this energy. The President should work to enable all sources of energy we have in the United States. The best place for us to meet our own energy needs is right here. The next best place is our best trading partner, our biggest trading partner, our closest neighbor, Canada. Then even the Mexican energy appears to be on a rebound in a positive way that could benefit us.

Let's be as independent as we can be on energy and the energy that relates most directly to American jobs.

The responsible development of more domestic energy will help create jobs, bring down prices at the pump, and position our country to have greater energy security. The shortest path to more American jobs is more American energy. Let's get on that path instead of this path that is discouraging the very thing that can help us the most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too come to the floor to talk about the most pressing issue facing so many millions of Louisiana and American families; that is, the price at the pump. Sometimes we seem to get ourselves in a cocoon in Washington, DC, divorced from the real world.

We need to reconnect to the real world. Back in Louisiana, Pennsylvania, and every State across the country, middle-class, lower middle-class families are struggling with this ever-increasing price at the pump. When President Obama was sworn into office a little over 3 years ago, that price was about \$1.84 a gallon. Today, it is over double that, \$3.80 and beyond.

That is a big hit to American families. That hits folks where it counts and where it hurts—in the wallet, in the pocketbook, in the family budget. All around Louisiana families are huddled around the kitchen table trying to figure out how to make it work because gasoline, transportation, driving is not a luxury. Sure, they can cut back a little bit, but for the most part it is a real necessity; it is going to work; it is getting the kids to school; it is doing absolute necessities.

This is a big hit to middle-class, lower middle-class families' budgets and wallets and pocketbooks. So let me suggest the obvious; that we focus on what truly matters to American families, that we focus on that in the Senate, here in Washington, and we do something about that.

That is why I favored moving to the Menendez bill on the Senate floor. That is why I voted against moving off the bill today, not because I agree with that solution—it is not a solution—but at least we can talk about the topic, at least we can offer amendments on what is to millions of Louisiana and American families the biggest day-to-day challenge they face; that is, that ever-increasing price at the pump.

The Menendez "solution," the Democratic plan, will not help bring down the price at the pump. In fact, it will do the opposite. I think the American people with good old-fashioned American common sense get it. Look, we can love the oil companies, we can hate the oil companies, but the Menendez bill increases taxes on U.S. energy companies and on U.S. energy production.

It increases taxes on those folks and on that activity. What do we think is going to be the result of that in terms of the price at the pump. The American people know. The American people get it. It is obvious. It is going to increase the price at the pump. It is certainly not going to leave it alone or decrease it. Why? It is economics 101. When we give business a new additional cost, almost all the time that is going to be passed on to the consumer.

The American people get that. They see that. They feel it. They deal with it every day. Also, when we increase taxes on something, we produce less of it in the market. In this case, the Menendez bill is increasing taxes on energy production, in particular, ironically, U.S. energy production, which I thought we wanted to increase and maximize.

So when we tax something more, we get less of it. Supply goes down. Guess what happens when supply goes down and demand is the same. Price goes up. So I not only agree with, but I go further than some of the Democrats who were quoted by the previous speaker saying this bill is not about reducing the price at the pump. It is not only about not reducing the price at the pump, it will have the impact of increasing the price at the pump.

Conservatives have a different suggestion that will decrease the price at the pump; that is, to use the resources we have in this country, to open our ability to use those energy resources, to produce more good U.S. American energy for ourselves, to increase supply, and to thereby lower the price at the pump. We can do that and we should do that.

A lot of Americans do not realize the United States is actually the most energy-rich country in the world, bar none. When we look at total energy resources, when we compare countries in terms of their total energy resources, the United States is the richest in energy, bar none. This chart shows that. The United States is top. Russia comes second. Saudi Arabia is third. But look at Saudi Arabia and all Middle Eastern countries—way below our total U.S. energy resources. We are very rich in terms of energy.

This map shows just how rich we are in terms of U.S. resources. We have enormous recoverable natural gas, particularly with new technology and horizontal drilling that has been developed. That is these green circles. That represents, conservative estimate, 88 years of natural gas using just that for U.S. use.

We have enormous recoverable oil—again, very conservative estimates. But in the gulf, where we do produce, also on the east and west coast and Alaska, there is lots of oil, and we have enormous recoverable oil from shale, particularly out West. That is being blocked now. It is off-limits. But we have these resources.

The problem is—and I said we are the single most energy-rich country in the world, bar none. We are. The problem is we are the only country in the world that puts well over 90 percent of our resources off-limits. We are the only country that does that. East coast production, no, absolutely not; west coast production, no—big red no; ANWR, Alaska National Wildlife Refuge, where we could access millions of acres of lands from a very select footprint, smaller than an area the size of Dulles Airport in suburban Virginia, no; western shale production, where we saw so much of the resource potential on the previous map, no; even production in the eastern Gulf of Mexico, no. Under Federal law, because of this administration, because of this Senate, we keep saying no, no, no to our U.S. resources.

A good example of that is President Obama's 5-year lease plan for offshore production. Under Federal law, every President has to develop and issue a 5-year plan about leasing the Outer Continental Shelf offshore. President Obama's 5-year plan is half of the previous plan. We have very little we are able to touch as it is, and President Obama has backed us up from this, has turned us around, moved us in the wrong direction from there. His plan is literally half the previous plan. So we are moving there in absolutely the wrong direction.

This map shows that. This map is what was available for potential drilling under the previous plan. We were finally moving forward on the east coast, on the west coast, offshore Alaska. We have been in the gulf. But under President Obama's very different lease plan, we are back to saying no, no, no, no, no, no—backing up, moving in the wrong direction.

We are moving in the wrong direction in other areas too under this administration. In the Gulf of Mexico near where I live, traditionally, the area where we produce the most U.S. energy, even in the Gulf of Mexico we are moving in the wrong direction. Production is down 17 percent in 2011. It is projected to go down more in 2012. Permitting is down over 40 percent compared to the pre-BP levels of permitting. I know with the BP disaster there had to be a quick pause. We had to change some rules. But it is still down over 40 percent. Production is down 17 percent in one of the few areas we allow activity. We cannot afford that. We need to produce more good U.S. energy.

Oil production on Federal property, again, is down on all Federal property, down 14 percent. Federal offshore is down 17 percent in the last couple years. We need to do better.

Of course, perhaps the clearest example of this approach to energy by President Obama is his recent veto of the Keystone Pipeline, a true shovel-ready

project, truly ready to go. It is not U.S. energy, but it is the next best thing, from our biggest trading partner, a very good friend and reliable trading partner, Canada. The President has vetoed it and with it the 20,000 jobs it would have created—no; 700,000 barrels a day of oil from Canada, no; \$7 billion of economic investment when we are trying to come out of this horribly weak economy, no; help to lower prices at the pump, no—again, No, no, no, no, no, no.

We can do better. We can do better as a country. We certainly can do better in Washington and say yes. We can do better by accessing more domestic energy resources. Again, we are the most energy-rich country in the world, bar none. But we are the only country that puts over 90 percent of that off-limits. We need to change that. We can create more great U.S. jobs. Let us say yes to that. By the way, those are jobs which by definition cannot be outsourced to China or India or anywhere else.

If we are creating energy in the United States, that job has to stay in the United States. We can build greater energy independence. Let us say yes to that. We can dramatically increase revenue to the Federal Government and thereby reduce deficits and debt. After the Federal income tax, the second biggest source of revenue the Federal Government has is revenue on domestic energy production, those royalties, second only to the Federal income tax.

Let's say yes to that new revenue, deficit and debt reduction, and we can help lower the price at the pump because supply does matter. Increasing supply does matter. It will lower prices.

Again, I disagree with the Menendez approach. The Menendez approach will increase the price at the pump and increase taxes on an industry and that is going to be passed on to the consumer. Taxing something more produces less of it. Less oil means the price goes up. But we can have an American solution. We can open access to our own resources and thereby gain control of our own future. We do not have to beg Saudi Arabian princes. We can regain control of our own destiny and our own future. Let's do it. The American people want us to do it. Common sense dictates that we do it. Let's move forward together and do it for the good of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

SURFACE TRANSPORTATION ACT

Mrs. SHAHEEN. Mr. President, I come to the floor this evening to join my colleagues who were here earlier to talk about the bipartisan Senate-passed Transportation bill. I give credit to Senator BARBARA BOXER, Chair of the Environment and Public Works Committee, and Senator INHOFE from

Oklahoma, the ranking member, for all of their good work on this legislation. They joined three other committees that also passed their portions of the bill with strong bipartisan support.

I think we could all agree that transportation is one of the Federal Government's core responsibilities. It has been far too long since Congress updated and reformed Federal transportation programs. Every committee that worked on the Senate's long-term Transportation bill passed it with a strong bipartisan vote. When the bill came to the floor, 74 Senators from both parties voted in favor of the Transportation bill.

Now I urge the House of Representatives to follow our lead in the Senate and act on a long-term bipartisan transportation bill. I think they ought to take up the Senate bill. The Senate's Transportation bill is about strong bridges, good jobs, and dependable roads that businesses count on to move goods and reach customers.

The Senate bill reauthorizes transportation programs for 2 years, it maintains current funding levels, and it does not increase gas taxes. Repeating that, it doesn't increase gas taxes, and it is fully funded. Cutting funding for transportation right now would be a very dangerous choice.

We are seeing emerging economies, such as China and India, spending roughly 9 percent of their gross domestic product per year on roads, bridges, public transportation, and infrastructure. At the same time, in the United States, we are spending about 2 percent. That is half of what we were spending in the sixties. At this rate, we will not be able to stay competitive with the rest of the world. That is a macro reason why we need to pass the Transportation bill. The bill is fully paid for, it doesn't increase the deficit, and most of the funding comes, as usual, from the gas tax.

To make up the gap in funding, we came up with bipartisan ways, including stiffer penalties on tax delinquents and by shifting unused funds designated to clean up underground storage tanks.

The Senate's Transportation bill is about making our investments more efficient so that we spend less on overhead and more on roads and bridges. I think several people have talked about the fact that this is a good time for States to be able to borrow. There are low interest rates. We can get a lot for our money. That is what I heard in New Hampshire when I talked to our transportation officials, that interest rates are very low right now.

This bipartisan bill streamlines the number of Federal transportation programs from over 90 to 30. For the first time it requires States to collect data so we can measure what kind of bang we are getting for our buck. Not only is it a reform bill that is more efficient,

but it is more accountable. I think that is why groups from the AFL-CIO to the U.S. Chamber of Commerce support this bill. They have come together to support a bill that is truly bipartisan and that would support nearly 2 million jobs nationwide and, in my State of New Hampshire, about 6,600.

There have been a lot of reports about the difficulties facing the House in finding an agreement on a transportation bill. I think the Senate has provided a very good model that maintains current funding levels and avoids an increase in both the deficit and gas taxes.

What we need now is for the House to join the Senate and produce a reasonable, bipartisan, long-term transportation bill that can give local governments and businesses some certainty before the height of the construction season. State and local transportation projects budget and plan based on the idea that the Federal Government will provide a consistent level of long-term funding. When you are planning a multimillion dollar project that employs hundreds of people, it is critical to know what your budget is going to be more than just a couple months in advance. We would not run a business that way, and we should not expect the government to run that way.

If the House doesn't pass a bipartisan, long-term, transportation bill, States and towns won't have the certainty they need from us in Washington to plan their projects and improve their systems.

According to numerous studies, deteriorating infrastructure costs businesses more than \$100 billion a year in lost productivity. This is no time to stall programs that encourage economic growth and create the climate that our businesses need to succeed.

In New Hampshire, we have seen firsthand the real-world consequences of uncertainty in Federal transportation funding. Our Interstate 93 corridor runs from the capital in Concord down to the Massachusetts border. It runs pretty much the length of the State. Right now we have a project underway that would spur economic development in the southern half of that highway. It has been underway for several years, but the pace of the project has lagged because there has been no certainty around our highway bill.

It has been impossible for businesses and developers around the I 93 corridor to predict the future of the project. At a time when the number of people working in the construction industry in New Hampshire is the lowest in a decade, it is unacceptable that we cannot provide certainty for this project. We know highway projects like Interstate 93 produce good jobs. New Hampshire's Department of Transportation has said that just one section of Interstate 93, between exits 2 and 3 close to the Massachusetts border, created 369 construction jobs.

All around the country, there are projects just like Interstate 93 that are stalled while we wait for the House to pass a bipartisan long-term transportation bill. We need to come together and make the Federal investments that are necessary to get these projects moving and get people back to work. Investing in transportation creates jobs and the conditions that our companies need to succeed. It is, as the U.S. Chamber of Commerce says, a core function of government. It should not be an issue for politics or partisanship.

I urge the House to take up the Senate bill. Congress needs to work together to pass a transportation reauthorization bill before the March 31 deadline.

THE PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST—S 2191

Mr. DEMINT. Mr. President, I rise today to talk about the new Federal regulation that many may or may not be aware of. According to the Department of Justice, every swimming pool of “public accommodation,” meaning any pool at a hotel, motel, lodging establishment, recreation center, YMCA, apartment complex, condominium complex, school, or community pool, is to install a large, expensive permanent pool lift for the disabled, or else face steep fines from the Department of Justice and the threat of lawsuits.

We must make sure that we have accommodations for the disabled in every public place. This is happening around the country. But to do this with very little thought of the implications and the cost and the actual service to the disabled is a huge problem.

As we have seen time and time again, one-size-fits-all mandates from Washington don't work. We want public pools to have the flexibility to work with people with disabilities to ensure success.

On January 31 of this year, 2012, the U.S. Department of Justice Civil Rights Division published revised requirements for swimming pools and their means of entry and exit. This was 2 months ago.

The DOJ has now put forth new requirements for all facilities “of public accommodation” that go beyond those contained in the final rule issued in 2010 giving hotels and other residential communities insufficient time to comply with this burdensome new rule.

We need to think about it for a minute, because their lack of planning here is pretty evident by the fact that they are suggesting that this already be in place in less than 2 months, when the equipment is not even available in the country to do it. So it is clear that they have not thought through how to best serve the disabled, how to make sure that these services are available, and to do it in a way that does not put an undue burden on businesses that want to provide this service.

Senator GRAHAM and I have a bill that nullifies the requirement and stops the Attorney General from enforcing this requirement or any “guidance” associated with it. It also prevents against any third party using this rule or guidance in any manner.

To be clear, our bill will allow public pools to work directly with people with disabilities to meet their specific needs. Hotels, motels, and other public pools already have financial incentives to meet the needs of people with disabilities that use their facilities. They have been working diligently to do that. Our bill simply says the DOJ should not impose a national mandate for a one-size-fits-all solution that may not be appropriate for every facility.

This new burdensome rule seriously changes the obligations of public facilities around the country. There are an estimated 309,000 public spas and pools in the United States. The number of businesses—and not just the large hotels and resorts—that will have to comply is staggering.

The rule requires a permanent pool lift be installed for every pool or spa. So if a hotel, resort, or community association has more than one pool, they will have to get multiple lifts, instead of what is being done now, which is using a portable lift that can be moved around the facilities as needed.

A pool lift can run from \$4,000 to \$10,000, and the installation could run \$5,000 to \$10,000, depending on how much work needs to be done. So we are talking about billions of dollars being spent on something that could perhaps help the disabled but also become an obstacle and danger to others using the pool if this is not thought out and done in a careful manner.

The last thing we need to do right now is to add burdensome rules and requirements on businesses across the country. Hotel owners want to work in good faith to make sure pools are accessible to everybody, but we have to make sure that here at the Federal level we are not killing off more businesses by imposing mandates.

Mandates such as these are burdensome on businesses, and we all know these costs will be passed on to consumers—including the disabled—in the form of higher hotel costs for rooms and services.

The Department of Justice has left many questions from the hotel industry and others unanswered on issues such as compliance ability, timeframe, and economic cost, as well as rising insurance premiums.

It is clear that the deadline for compliance should be extended to allow hotels and other places of public accommodation flexibility in providing access to guests with disabilities. We should start over. They have given a 60-day relief period, but that is not enough time for this to be planned or for the equipment to be manufactured.

The companies cannot comply in this period of time.

We need to guarantee that services are available to the disabled, but the quickest way to do the wrong thing is the way the Justice Department is doing it now. So instead of us letting this go into effect and letting large fines be put on businesses all around the country, even community pools and YMCAs, let's set this judgment aside by unanimous consent today, and if we want to debate and work with the Department of Justice to come up with a rule that works for the disabled and works for America, we can do that. But I have a unanimous consent request here that I wish to read.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 336, S. 2191, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

THE PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I object.

THE PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, as one of the Senators who wrote the Americans With Disabilities Act and whose name appears as the lead sponsor of that bill that was passed 22 years ago, I oppose Senator DEMINT's effort to bypass the regular order and to amend the ADA to remove the ability of the Justice Department to regulate the accessibility of swimming pools. Twenty-two years have passed and periodically things such as this come up, but I believe the ADA has withstood the test of time.

We look around at an America that has been transformed, not just for the disabled but for everyone. Everyone utilizes universal design now in the fact that things are easily accessible for everyone. When we initially started putting in ramps, we thought only people using wheelchairs would use those ramps. I ask anyone here, go out and watch who uses those ramps. It is not just people in wheelchairs. The elderly use it, mothers with baby carriages use those ramps. You would be amazed how many people find those ramps a lot easier than climbing up and down stairs. That is one example. But I want to be clear about what is at stake here.

The Americans With Disabilities Act is a civil rights law that guarantees equal rights and equal opportunities for individuals with disabilities. Senator DEMINT's legislation attempts to interfere with the Justice Department's ability to enforce the statute, a civil rights statute. Again, it would be a dangerous precedent for the Senate to set, and that is why I object to his bill. Let me get to the point here on the swimming pools.

In September of 2010, the Justice Department published final regulations

implementing title II and title III of the ADA. These new regulations addressed a number of issues that have arisen over the past 22 years, one of those being access to swimming pools and other recreational facilities. The requirement that has prompted Senator DEMINT's bill has to do with swimming pool accessibility.

Under the new regulations, newly constructed or altered pools covered by the ADA are required to provide at least one accessible means of entry into the water for people with disabilities, which must either be a sloped entry into the water or a pool lift that is capable of being independently operated by a person with a disability. Larger pools—pools larger than 300 feet in length, which is a big pool, Olympic size—are required to provide a second accessible means of entry. Again, these were promulgated in September of 2010, so it has been almost 1½ years. These requirements apply in the case of a newly constructed pool or one that has been significantly altered as a part of a renovation. Again, new pools or pools undergoing significant renovation.

In addition, since the ADA requires that public accommodations remove architectural barriers where it is readily achievable to do so, some existing public accommodations may be required to also increase access to pools for people with disabilities under title III's readily achievable standard. Let me repeat: readily achievable standard. The readily achievable standard is not one-size-fits-all. I heard my friend from South Carolina saying this is a one-size-fits-all. That is not so. It is a very flexible standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. It is very flexible. It means “without much difficulty or expense.” That is the law.

So what constitutes readily achievable in a particular case is an individualized analysis based on a number of factors, such as what the cost would be, the resources of the entity involved. In short, it is what a business can afford to do. So readily achievable for a Fairmont Hotel would be a lot different than readily achievable for a mom-and-pop motel that has a small swimming pool—much different. It is what the business can afford to do.

I know the American Hotel and Lodging Association has been upset about the application of this readily achievable standard and what their members may be required to do. But again, keep in mind, the pool requirements from September of 2010 were required to go into effect by March 15 of this year, 1½ years later. But there were some mis-

understandings, and so the Department of Justice has extended the deadline to May 21. Again, I understand that the Justice Department has issued a notice of proposed rulemaking asking for comments about extending the deadline an additional 4 months, until September 17 of this year. The deadline for those written comments is April 4. Again, the process is working just as it has worked for the last 22 years.

When we were working on the ADA back in the 1980s, we heard from a number of industries that requiring accessibility for entities such as restaurants, retail stores, theaters was going to create serious problems for small businesses. I remember having numerous hearings in my subcommittee about that. So in an effort to address this concern and to help small businesses comply with the ADA, we created a disabled access tax credit. We heard Senator DEMINT talk about the costs, but we instituted a tax credit in the IRS Code.

The two sides: For businesses with 30 or fewer full-time employees or with total revenues of \$1 million or less per year, they get a tax credit. It can be used for adaptations to existing facilities. The amount of credit is 50 percent of eligible access expenditures. It is up to \$5,000 a year. I don't know what a lift might cost. I think the figures my friend used were a little high, but let's say it costs \$10,000. You get a tax credit of up to 5,000 for that, so it really only costs you up to \$5,000. You get a 50-percent tax credit for that.

In addition, section 190 of the IRS Code provides a tax deduction. For businesses of all sizes for costs incurred in removing barriers to meet the requirements of the ADA, the maximum deduction is \$15,000 per year that they can deduct. So these two tax incentives certainly help the hotel industry offset any expenses associated with installing access to swimming pools.

Again, I want to say the rule does not require a permanent pool lift, as my friend from South Carolina said. That is not so. It is a flexible standard under readily achievable. If it is not readily achievable for existing pools, it is not required. So if you had a mom-and-pop motel with a very small swimming pool, if a permanent lift is not readily achievable under the outlines I have just stated, then it is not required.

Again, we have had 22 years, a lot of court cases. Some went to the Supreme Court. Then in 2008, this body unanimously—without one dissenting vote, this body and the House passed the ADA Act amendments to overcome three rulings by the Supreme Court. We passed it unanimously. The second President Bush signed it into law. And, again, we moved the ball forward in making this country more accessible for everyone, including people with disabilities. So as I say, it has stood the test of time. There is no reason to cur-

tail the Department of Justice enforcement authority. There is no reason to bypass the regular process and to do what Senator DEMINT is trying to address.

Let's remember how popular the accessible improvements that the ADA required turned out to be for all Americans. I mentioned earlier the curb cuts, elevators, captioning on television screens, all of the things that seem to be commonplace today that we take for granted.

I am confident that the improvements in swimming pool access that these new regulations will require will turn out to be popular. Actually, they may turn out to be very popular with hotel guests who don't have disabilities. But think about it in terms of families who are traveling—it may be an adult, may even be a child with a disability, and they want to use the hotel pool, yet there is not a lift or there is not a ramp. So one person from that family is barred from using those facilities.

As I said, keep in mind, it is readily achievable. If it is not readily achievable, they don't have to do it. That is why I objected to Senator DEMINT's request to bypass the regular process. I hope the Justice Department will continue. I don't have a view one way or the other on the extension to September. If the Justice Department feels that is okay and most of the comments that have come in ask for that extension, I see nothing wrong with extending it another 5 or 6 months. But at some point the law must take hold, and we have to meet our obligations to remove the barriers to accessibility in our country. We have come a long way since the ADA. Let's continue the wonderful progress we have made in the last 22 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA ACT OF 2012

Mr. DURBIN. Mr. President, my colleagues Senator BOOZMAN and Senator COONS and I are on the floor to speak to an issue relative to Africa. It is my understanding the majority leader is coming to the floor to make a unanimous consent request. With the understanding of my colleagues that we will interrupt our presentation for his request, I think we can proceed, if it meets with the approval of my colleagues. Since I was the last to arrive, I want to defer to Senator COONS and Senator BOOZMAN to start the conversation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent to engage in a colloquy with Senator DURBIN and Senator BOOZMAN for up to 30 minutes. And, as Senator DURBIN indicated, we will suspend when Leader REID arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. I want to briefly lay the groundwork for the conversation we are going to have in this colloquy about the Increasing American Jobs Through Greater Exports to Africa Act of 2012, of which Senator DURBIN is the lead sponsor and Senator BOOZMAN and I have joined him as original sponsors.

The core question is, what is it about the rapid growth in Africa and the economic opportunity in Africa that should concern Americans, that should concern our constituents at home, and that should occupy our time and attention.

Back on November 1 of last year, the African Affairs Subcommittee of the Foreign Relations Committee delved into this. Senator DURBIN, Senator ISAKSON, and I looked hard at the ongoing developments in Africa. As this first chart suggests, there has been a dramatic change in the amount of exports from China to Africa relative to the exports from the United States to Africa. In fact, since 2000, Chinese exports to Africa have outgrown U.S. exports to Africa by a more than 3-to-1 ratio.

Why does that matter? Why does it matter if American workers and American companies are losing out on a continent that I think many Americans view as having relatively modest opportunity? Frankly, Africa is a continent of enormous opportunity. In fact, out of the 10 fastest growing economies in the last decade, 6 of them were in Sub-Saharan Africa. That is not a widely known fact. So part of why I lay this groundwork to start this colloquy is to help folks who are watching at home and to help our colleagues understand why Senator DURBIN has taken the lead in making sure that we focus America's efforts on strengthening our exports to Africa, a continent of enormous opportunity.

Senator DURBIN.

Mr. DURBIN. I say to my colleague from Delaware that the Commerce Department estimates we can create jobs here in America capitalizing on the opportunities in Africa, and that is a good starting point in the midst of a recession, to know that in Delaware, Arkansas, Pennsylvania, and Illinois there are jobs to be created, good-paying jobs right here at home, taking advantage of these export markets.

The chart Senator COONS has brought to the floor at this point indicates the dramatic growth that is occurring right now in Africa, and I think it would surprise a lot of people, as he said, who believe this is still a continent which is struggling with age-old problems.

In the past 10 years, 6 of the world's 10 fastest growing economies were located in Sub-Saharan Africa, and in the next 5 years it is expected that 7 of the world's 10 fastest growing economies will be in Sub-Saharan Africa.

The bill which we are bringing here is an effort to focus America's export market on this great continent and this great opportunity, creating jobs at home and a better working relationship with the countries and leaders of Africa.

I went to Ethiopia last year and met with the Prime Minister of Ethiopia. As I have done in the times when I have traveled to other countries, I asked: What has been the impact of China on your country? We stayed and spoke for another 30 minutes as he explained to me the dramatic changes taking place in Ethiopia because of China.

The numbers tell the story. When we look at what China offers to Ethiopia and the continent of Africa, they are offering concessional loans. What it means is, if it is a \$100 million project that you need to start in Africa, the Chinese will give you \$100 million and say "but you only have to pay back \$70 million." What a great deal that is, a 30-percent discount—with a few conditions: that you use Chinese engineers and Chinese construction companies and half the workers will be coming over to your country from China.

They are building a base of economic support within Africa. Between 2008 and 2010, China provided more to the developing world than the World Bank, loans totaling more than \$110 billion. What we are suggesting is that as this is a growing opportunity for exports, we need to grow with it.

I would like to yield to my colleague from Arkansas who has been kind enough to join us in this effort.

Mr. BOOZMAN. I thank the Senator from Illinois for doing that. It is a pleasure being with him and the Senator from Delaware. I think this is a good example of working together. The name of the game now is jobs, jobs, jobs, and exports mean jobs. The other people being so very helpful to our colleagues—in the House, Congressman CHRIS SMITH, and also BOBBY RUSH from Illinois. These guys have been very helpful. Then, Don Payne, who is my former ranking member and chairman who recently passed away, I know he would be very pleased with this effort.

I have had the opportunity to travel to Africa on many occasions, being on the House Foreign Affairs Committee and now being in the Senate. It is interesting. You go to these places—the Senator mentioned this—you go to these places and all they want to do is talk about trade. They like American products. They want American products. I was part of the first delegation to visit South Sudan. Here they are, this small, struggling country and again all they want to do is talk about trade.

Mr. COONS. Mr. President, I ask unanimous consent to suspend our colloquy.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, I hope I am not interrupting anything that cannot be restarted in a short time.

UNANIMOUS CONSENT REQUEST— H.R. 1905

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and the Senate proceed to its consideration; that all after the enacting clause be stricken and a substitute amendment which is at the desk, which is the text of Calendar No. 320, S. 2101, the Iran Sanctions Accountability and Human Rights Act as reported by the Banking Committee, be inserted in lieu thereof; that the bill as amended be read a third time and passed and the motions to reconsider be laid upon the table, there being no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, I am amazed the majority party objects to an amendment that simply restates the Constitution. Our Founding Fathers feared granting power to declare war to the Executive. They were quite concerned that the Executive can become like a King. Many in this body could not get boots on the ground fast enough in a variety of places, from Syria to Libya to Iran. We don't just send boots to war; we send our young Americans to war. Our young men and women, our soldiers, deserve thoughtful debate. Before sending our young men and women into combat, we should have a mature and thoughtful debate over the ramifications of war, over the advisability of war, and over the objectives of the war. James Madison wrote:

... that the Constitution supposes what history demonstrates, that the Executive is a branch most interested in war, and most prone to it. Therefore, the Constitution, with studied care, vested that power in the legislature.

My amendment is one sentence long. It states that nothing in this act is to be construed as a declaration of war or as an authorization of the use of military force in Iran or Syria.

I urge that we not begin a new war without a full debate, without a vote, without careful consideration of the ramifications of a third or even a fourth war in this past decade. I, therefore, respectfully, object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am terribly disappointed. There is nothing in the resolution that talks about war; in fact, it is quite to the contrary. It is unfortunate. I know, I read the Constitution a few times. My friend says

he wants to restate the Constitution. That is a strange version he just stated. I don't see that anyplace in the Constitution. So I am deeply disappointed the Senate was not able to enact additional critical sanctions against the Republic of Iran.

The sanctions that came out of the Banking Committee unanimously are a key to our work to stop Iran from obtaining nuclear weapons and threatening Israel and jeopardizing the U.S. national security. It is a bipartisan bill which passed unanimously out of the Senate Banking Committee. It would have had much needed new sanctions put in place right now, as we speak. We could pass this legislation this minute if the minority would drop their opposition. We can't afford to delay these sanctions or slow down this process in any way. I am willing to move this bill without amendment also at any time.

I say to my friend, whom I respect, I say to my friend, if there are additional things that should be done—I was told this morning that Republicans want to offer amendments to this unanimous consent request. I said, no, because Democrats want to also. But we are satisfied with where we are. This is a wonderful piece of legislation, done on a bipartisan basis in the Banking Committee. If people, such as my friend, the junior Senator from Kentucky, want to do more, as do my friends from this side and the Republican side, let's come up with something else. But I think not to do this is unfortunate.

We are slowing down these sanctions. This is not a declaration of war or even anywhere within the neighborhood of that. We are slowing down these sanctions. That I believe is the way to avoid war. I am willing to move this bill without amendments, at any time, I repeat. I am hopeful my Republican colleagues will see the light and realize how important it is to advance this measure and prevent Iran from obtaining nuclear weapons.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent we can resume the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. At this point, I yield to the Senator from Arkansas, if he would like to conclude his remarks.

Mr. BOOZMAN. I thank the Senator from Illinois. Again, I was making the point that as we go to these African countries that want American products, whether it is the newest country in Africa, South Sudan, or the older countries, and we need to have the ability to supply them. Both Senators have mentioned China. China is certainly lurking out there. Again, it is not only China; it is India and a number of other countries. The Senator might want to comment on that. Senator COONS.

Mr. COONS. Senator BOOZMAN is right. There is a real challenge to the United States in Africa, and it is not just a economic challenge. We face competition from China, from Russia, from Brazil, from India, from other rapidly growing countries.

But there is also a values change because, frankly, in countries I visited—and I know both Senators, in their service to the public in the House and Senate, have visited more countries on the continent than I have—but I am concerned that China's agenda in Africa is sometimes different from ours. It is not a values agenda. They are not there to promote democracy, tolerance, transparency, protection of intellectual property from piracy, from counterfeiting. There are lots of different things we advance in partnership with trade opportunities that are not part of their issues and are not part of what they try to advance. I am impressed Senator DURBIN has pulled together an all-of-government strategy for dealing with this opportunity, and I would be interested in hearing more about how the mechanics of this bill would actually work to deploy all the great resources of the American Government.

Mr. DURBIN. This bill develops a comprehensive strategy to coordinate the agencies of our Government in helping U.S. businesses export to Africa. Currently, the U.S. export promotion and financing regime is a patchwork of overlapping, loosely coordinated, and maybe in some cases wasteful efforts that are difficult for U.S. businesses to navigate and too often unresponsive to the real needs of real businesses.

This bill creates a special Africa export strategy coordinator to ensure this is no longer the case. He will work with the existing export agencies and make sure they are on the same page. The bill establishes a minimum number of commercial Foreign Service officers to be stationed at U.S. embassies in Africa and the multilateral investment banks. These are the men and women who are contacted by American businesses, wanting to do business. They can navigate them through local government requirements as well as some of the other cultural challenges they might face. The bill formalizes and standardizes the training received by economic and commercial officers. It also incrementally increases the amount of money Ex-Im can loan over the next 10 years and creates a standard of accountability for those loans. Remember, this is only an increase in the lending limit, and these loans actually make money for the U.S. Treasury.

Lastly, the legislation gives the Export-Import Bank greater incentive to aggressively counter concessional loans, below-market loans such as the one I mentioned earlier in the case of

Ethiopia and China, that countries such as China often use to undercut our bidding in the process.

After the Prime Minister of Ethiopia explained to me how the Chinese were offering these concessional loans, he then said: But, of course, then we turned around with the telecommunications contract and the Chinese won that too. He said they are winning everything. That is not good news for us. We have the capacity to produce goods and provide services competitive with any nation in the world. But once they have basically become a part of the local economy and once they are part of the local culture, it is difficult for our companies to compete. That, I think, is the real challenge we face.

That is what this bill basically does. I think it not only creates an opportunity to create jobs here, but as has been mentioned by Senator BOOZMAN and Senator COONS, these are developing nations which are reaching a level of economic maturity. We want to be not only good trading partners but partners with them in the future, developing not only good markets but good values that are consistent with our view of democracy and the participation of people who live in each of these countries.

I would like to yield at this point to Senator BOOZMAN.

Mr. BOOZMAN. I agree with the Senator from Illinois. We trade not only goods and services, but we trade ideas. That is so important as we go on. Certainly, Africa is developing a very healthy middle class. This is certainly something new that they have not seen before. Again, they are hungry for American products.

I appreciate the way the legislation was crafted in the sense it is revenue neutral so there is no cost to the taxpayer. What we are trying to do is get a plan together to make it such, particularly our small businesses, so they can compete in this huge continent that has so much going for it. Again, it could be such a great help to a State such as mine. In Arkansas, we are talking about we already export \$5.6 billion in merchandise. I think one of the ways we are going to climb out of the economic doldrums we are in and create jobs is going to be through exports, and certainly this gives us an opportunity.

We are almost—we could almost say, using the statistics from the Senator from Illinois; he talked about 7 of the 10 top emerging economies coming out of Africa—we are almost doing a disservice to our small businesses by not going forward with this legislation.

Mr. COONS. That is right. I am grateful Senator BOOZMAN has been an active participant in helping pull together on this bill what has been a bipartisan consensus in this body and in the House on the importance of improving the access to the export opportunities of Africa for businesses large and small in the United States.

Both of our States are well known for poultry exports. All three of our States also have manufacturing exports, across all the different sectors of our economy. We can't help but do better if we increase our exports to Africa.

Fifty years ago, 70 percent of all U.S. funds that flowed toward Africa were development or relief assistance from U.S. Government sources. Today that is inverted. Today more than 80 percent of all resources that go to Africa are direct investment by the private sector. So Senator DURBIN has led the effort to create a wise and smart bill that uses that leverage, that makes, as Senator BOOZMAN said, the rapidly growing markets of Africa accessible to our home State businesses, large and small, but also makes a more efficient, more focused use of the dramatic resources of our Federal Government and makes it more accessible.

What is next and where do we go from here?

Mr. DURBIN. I can tell the Senator from Delaware and the Senator from Arkansas if you ask the average American to give you their image of Africa, it will be an old image. The image of new Africa is a continent that is changing dramatically as those numbers show. Listen to these numbers: In the year 2000, 7 percent of the population of Africa had access to the Internet. In 2009, the number was up to 27 percent. That is almost a fourfold increase in access to the Internet.

There was also a revolution when it comes to mobile telephones. In 1998, there were fewer than 4 million phones on the entire continent. Today there are 500 million. From 4 million to 500 million phones. Most people have this image of a dusty little village in Africa where people live under pretty primitive circumstances, and that is true in many parts of Africa. But 78 percent of Africa's rural population has access to clean water. Seventy-eight percent has access to clean water. Access to information and the global market are the pillars of building a middle class. In Africa this means a middle class hungry for goods and services, and the United States can use that to our advantage.

I am openminded about this. I want us to be able to import from Africa as well because that is the nature of a good trade relationship. It cannot be all one-sided. Of course, our first priority is American jobs in Arkansas, Delaware, Illinois, and Colorado. But let's understand as the middle class grows, their productivity will grow too and what they can provide us can make a big difference.

The world banks said recently in a report that Africa could be on the brink of an economic takeoff much like China was 30 years ago and India 20 years ago. So this bill, promoting our trade into Africa, could not come at a better moment.

I wish to yield to Senator BOOZMAN at this point.

Mr. BOOZMAN. Well, I agree with the Senator from Illinois and the Senator from Delaware. The bottom line is there is a tremendous opportunity for our country. I think that our country, as we do start the trade process, trading ideas along with goods, that, again, we are givers. We can be very proud of the work we have done in Africa. Nobody has done more when we are talking about food. I was one of the co-chairs of the malaria caucus. We can be very proud of the work the Congress has done in the last several years. These are things that the Western world can get together and eliminate.

As the continent settles down and develops a middle class, 60 percent of the businesses that do exports are small businesses and certainly we need to get in there. This bill challenges us to increase that by 200 percent and gives us the incentive and a template for how we do that so we can stop this erosion by the Chinese where they are outdoing us by about 3 to 1.

The Senator from Delaware.

Mr. COONS. Senator BOOZMAN is absolutely right. The significant investments that have been made by the last administration and the current administration, by Congresses controlled by both parties, in relief of the very broad health challenges throughout sub-Saharan Africa have produced dramatic results. It has been both positive results in terms of relieving human misery but also positive results in terms of the view that most Africans have of the United States. This is the continent on the Earth where we are most positively viewed. We need to take that platform and use the tools Senator DURBIN is trying to craft through this legislation we support to make sure that businesses large and small all across the United States see this continent clearly as a continent of opportunity, as a continent where we have strong potential partners, and get us back in the race.

Frankly, right now we have a wakeup call. When those of us who have been to Africa repeatedly see it as a continent of great opportunity perceive that we are allowing other countries to rapidly move past us, with Senator DURBIN's leadership with this bill, we can take that opportunity, refocus our resources and make this the decade where the United States and Africa, working in partnership, build and sustain tremendous growth in imports, exports, and trade.

Mr. DURBIN. I hope we can change a few things in Washington as we look at Africa. I hope the U.S. Commerce Secretary will travel to Africa. That has not happened in years. I would encourage our Secretary to discover the opportunities on this continent for the good of our economy here in the United States.

It is hard to imagine, as well, the Commerce Department is actually cut-

ting its staff in Africa at this point, and the Export-Import Bank doesn't have an African staff at this point. This can change. The tremendous growth of the African economy and its middle class makes lack of engagement inexcusable. We can reverse it, and this bill is a step in the direction to reverse it.

As Senator BOOZMAN said, it is modest, commonsense, and doesn't add to the deficit. It thinks of ways to use current resources more effectively. It moves us in that direction with low-cost steps that will actually earn U.S. money while creating U.S. jobs.

I will yield on this issue and allow my colleagues to close if they have closing remarks.

Mr. BOOZMAN. I thank the Senator. We appreciate his leadership. Perhaps the three of us, and maybe others, can write a note to the Secretary of Commerce and ask him to make a much-needed trip to Africa, to look at this bill and not only do this, but use other ways as a strategy to implement so we can get our small businesses trading more with the continent, again, keeping up with the likes of China, India, and all of the places we mentioned.

I think once it is all over, we will be very proud of our efforts, just as I am very proud, as was mentioned, of the efforts we have made in feeding the hungry, helping those with HIV, those with malaria, and diseases such as that. It is interesting that it is the place in the world where we have the highest acceptability. The people are very pleased with what the Americans have done there. Our State Department is doing a great job. We are teaching people how to fish rather than feeding them, and that has been very successful.

I appreciate everybody's efforts and hopefully we can get our colleagues together and get this thing passed.

Mr. COONS. I thank Senator Boozman and Senator DURBIN for the opportunity to join together in this colloquy.

As Senator BOOZMAN referenced, this is another example of how when America leads with its values, America will find success for our workers, our families, our communities at home in terms of increased export opportunities, but also in terms of higher regard for our values, for our priorities throughout the world. When we are willing to take on the challenge of combating terrible diseases such as HIV-AIDS, tuberculosis, and malaria in partnership with research universities, in partnership with African universities, and doctors and health care professionals, we can achieve remarkable results.

When we pull together with Senator DURBIN's leadership on this bill and we pull together all of our government, OPEC, Ex-Im, the Trade Development Administration, the Department of Commerce, the Department of State,

and we deploy the strength and the capabilities of America's entrepreneurs and small businesses, the sky is the limit in terms of the difference we can make for the people of Africa and the people of the United States.

I wish to thank Senator DURBIN for his leadership on this important bill. I am grateful for the chance to join him and Senator BOOZMAN in the colloquy today.

Mr. DURBIN. I thank my colleagues Senator BOOZMAN and Senator COONS.

Mr. President, I ask that this colloquy be brought to an end, and I be recognized individually in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT LOAN DEBT

Mr. DURBIN. Mr. President, I held a hearing last week in the Judiciary Committee on an issue that most Americans are aware of, but not aware of the severity of the challenge we face. The issue relates to student loan debt.

Last month the National Association of Consumer Bankruptcy Attorneys issued an eye-opening report entitled "The Student Loan Debt Bomb." The report pointed out that American student borrowing exceeded \$100 billion in 2010, and the total outstanding student loans exceeded \$1 trillion last year. There is now more student loan debt in this country than credit card debt.

Of course, when used prudently, student loans can be valuable. I am living proof of that. I borrowed money to go to college and law school. I paid it back and felt it was money well invested. I stand here today because of it. A lot of students have gone through the same experience. Unfortunately, too many students today are being steered into loans that they will never be able to repay.

According to an analysis by the Federal Reserve Bank of New York, 37 million Americans hold outstanding student loan debt with an average balance of \$23,300. However, only 39 percent of those student loan borrowers were actually paying down the balance. More than half of the student loan borrowers in the United States are not paying down their loan.

The New York Fed's study found that 14 percent of student loan borrowers—that is 5.4 million Americans—were delinquent while the remaining 47 percent of borrowers were either in forbearance, which means a delay in payment as the actual cost of the loan increases, or still in school and adding to their debt.

Last month Standard & Poor's issued a report saying that "student loan debt has ballooned and may turn into a bubble." Moody's Analytics recently said that "the long-run outlook for student lending and borrowers remains worrisome."

The overall growth in student indebtedness is troubling. The most pressing and worrisome parts of it are private student loans. What are these loans? These are loans given to individual students, not by the Federal Government or through a Federal agency, but rather through a private entity.

According to the Project on Student Debt, the most recent national data shows that 33 percent of bachelors degree recipients graduated with private loans—one out of three—at an average loan amount of \$12,550. The difference between private and federal student loans is significant. Private loans to students in school are far riskier to pay. Federal student loans, through the government, have fixed, affordable interest rates at 3.4 percent. They also have a variety of consumer protections, such as forbearance in times of economic hardship, and they offer manageable repayment options such as income-based repayment plans.

On the other hand, private student loans often have high variable interest rates. While interest is at 3.4 percent for a government loan, it can be as high as 18 percent for the student loans from a private source. We found that in our committee. That dramatic interest rate increase means that many students, unless they land a great job and can pay it back quickly, will find the principal not being reduced and the interest building up over the years.

Once a student takes out a private loan, that student is at the mercy of the lender. I have invited students from across the United States to share their stories about private loans and what has happened to them. I want to tell you one of those stories this evening. A young lady came to testify before my committee. Her name is Danielle Jokela. Danielle is a constituent of mine who lives in Illinois and appeared at our hearing on the looming student debt crisis.

The odds were against Danielle. Both of her parents were high school dropouts, but because of the personal value education has for her, Danielle was determined to go to college. Not unlike a lot of young people these days, her family couldn't help her. She had to do it on her own. In the year 2004, she moved from Minnesota to Chicago to attend the Harrington College of Design, a for-profit institution owned by Career Education Corporation.

Before I go any further, let me tell you the story of the Career Education Corporation. November 1 of last year the CEO of Career Education Corporation resigned after it was disclosed that this for-profit school had reported incorrect information to its accreditor about the number of students who were getting jobs after they graduated. It was such an embarrassment to the corporation that he was forced to resign. The parting gift for this embarrassing situation was a \$4 million parachute to

the CEO as he left the Career Education Corporation. He failed in his job and got rewarded for it.

Now let's go back to Danielle's story. She didn't fail. She kept going to school. She fully trusted the staff at Harrington to help her with financial aid. They helped her fill out all the financial aid paperwork for her loans and made phone calls on her behalf. There was no discussion about interest rates and what the actual debt load would be by the time she finished. School employees never talked about monthly payments once she graduated nor did they tell her about the kind of salary she could expect to earn upon graduation or the percentage of graduates coming out of the Harrington School of Design who actually found a design job.

In 2007 Danielle graduated with a bachelor of fine arts in interior design. You can imagine how proud she was coming from a family where her parents had not finished high school. After graduation, she started to pay back the following amounts that she had to borrow to graduate: \$37,625 in Federal loans and \$40,925 in private loans. Danielle owed \$79,000 when she got her bachelor's degree in interior design. Today, 5 years after graduation, she still hasn't found a job in that field and she now doesn't owe \$79,000, she owes more than \$98,000. Those loans just continue to grow. She makes one combined payment each month of approximately \$830. Nearly 28 percent of her current income goes to student loan debt. Twenty-five years from now—25 years in the future—if the interest rates hold where they are, she will have paid nearly \$56,000 for her Federal loan, which started off at \$37,000, and nearly \$155,000 for the \$41,000 private loan. That is approximately \$211,000 she will have paid 25 years from now on her \$79,000 debt. That is a staggering 264 percent.

Do we believe any college student could even understand when they are signing these loan forms what they are getting into? They assume that if the Federal Government loans money to the school, it must be a good school. Not true.

Many of these schools, such as Career Education Corporation, have what they call national accreditation. I met with a national accrediting agency. It accredits a lot of schools, some of which the Presiding Officer is very familiar with in his State. It turns out that the for-profit schools have a peer-reviewed accrediting operation. They look to one another to decide whether they are competent to hold themselves out as schools offering higher education, and the Department of Education accepts it. So what is the student to think? I am going to an accredited school, a nationally accredited school. The Federal Government is offering loans, maybe even Pell grants. The student would assume that this must be a good school.

Secondly, of course, the situation with the cost of these for-profit schools is dramatically higher, the amount of indebtedness of the students is dramatically higher than public education and even private not-for-profit schools. The amount of the indebtedness of the students is dramatically higher, and more and more of these for-profit private schools are dragging the kids, the young students, into debt with private loans with absolutely explosive terms to them.

There is one thing I haven't mentioned that bears saying. Under the current law, no student loan is dischargeable in bankruptcy except under the most severe and extreme circumstances. It hardly ever happens. It means that the loan papers you sign at the age of 21 are going to be with you for a lifetime. And if you aren't one of the lucky ones—landing a good job, making enough money—you will watch what happens as that student debt increases. Danielle's debt went from \$79,000 in 5 years to over \$98,000, and it continues to grow.

I asked her about her lifestyle—32 years old, married. She is trying to do the best she can. She can't go back to school—impossible. She can't borrow more money to do that. She is looking for a job and trying her best. She said: It looks like I am going to lose my home over this. It is just a little house my husband and I were working on paying for. We just can't do it anymore.

Age 32, virtually in debtors' prison for these private loans and Federal loans—for what? For making the mistake of going to college? I don't happen to think that is a mistake. For most of us, it was a ticket to a future. She thought it was a ticket to a future for her. It turned out to be a ticket to a life of debt.

What are we going to do about this? Are we just going to shrug our shoulders and say that these students ought to think twice about signing up or their parents who cosigned should have asked harder questions or are we going to be more honest about this? The current situation has to be examined in honest terms.

How many private loans are now not dischargeable in bankruptcy? What other private loans would not be dischargeable in bankruptcy? The answer is none. The only things nondischargeable in bankruptcy are things like Federal student loans, taxes you owe the government, child support, and alimony. These private loans from schools were added a few years ago. We gave them the sweetest deal of any creditor in America. No other private unsecured creditor gets that protection in bankruptcy, other than those issuing private student loans, like for-profit schools.

So you say to yourself, Congress, why did you do that? Why did you offer that

kind of a benefit to one tiny sector of the economy? And the answer is, there wasn't a lot of debate about it and there wasn't a lot of talk about it. It was in the bankruptcy reform bill, which I voted against, and the provision was stuck in there that gave them this sweetheart arrangement, this sweetheart deal.

Well, it may have been a sweet deal for the schools and the private lenders; it sure isn't for Danielle. I don't know what to tell this young woman. There is no place for her to turn. At age 32, that is her plight in life now. It is happening more and more.

What I read earlier about this looming student debt crisis and the fact that we could be dealing with a bubble is something we ought to take seriously. It is a serious problem. While the volume of private student loans is down from its peak in 2007 when it accounted for 26 percent of all student loans, we know that private lending is still being aggressively promoted by the for-profit college industry.

I always put these numbers on the record so people can put it into perspective. Ten percent of the postsecondary students in America attend for-profit colleges—10 percent. The for-profit colleges receive 25 percent of all Federal aid to education—10 percent of the students but 25 percent of the Federal aid to education.

We had to put a statutory limit on the Federal subsidy of these schools at 90 percent. They can receive no more than 90 percent of their money—a for-profit school—in money directly from the Federal Government—loans, Pell grants. The GI bill is excluded, so it can go up even higher. These are the closest things to government agencies with multimillion-dollar parachutes for their CEOs that I have ever seen. Yet we turn our backs and say that is the way it works.

The Project on Student Debt reports that 42 percent of for-profit college students had private loans in 2008, up from 12 percent. For-profit college students also graduate with more debt than their peers. And the last statistic: 10 percent of the students, 25 percent of the Federal aid to education, 44 percent of the student loan defaults through for-profit schools.

The answer is obvious: They string these kids out, bury them in debt, they end up graduating, and they can't find a job to pay off their debt. And we sit here and say: Gosh, I wish there was something we could do about it.

There are a lot of things we can do about it. We need to take action. I have introduced legislation—the Fairness For Struggling Students Act—that restores the pre-2005 bankruptcy treatment for private student loans. If those for-profit schools and those creditors making private student loans knew they were dischargeable in bankruptcy, would they ask harder questions about

the payback? Would they be more concerned about whether the students actually could end up with a job? You bet they would. There is no reason private student loans should get treated differently than any other private debt in bankruptcy, and it is especially egregious that these private loans are nondischargeable where a student was steered into a loan while the student still had eligibility for the much lower costing Federal student loan. Think about that. Here is a student who is eligible for a 3.4-percent Federal student loan being lured into a private loan at 18 percent. As long as they have eligibility for the Federal student loan, the private loan certainly should not be nondischargeable in bankruptcy.

I am encouraging my colleagues to take a hard look at this issue. I bet a nickel that if my colleagues went to a town meeting in any town in America—in Illinois or any other State—and asked folks there, does anybody have any concerns about student loans, watch the hands go up. People are worried about it.

The last example I will use is one of the people who work in my Federal office who is a wonderful lady who cleans the building and we have gotten to know her. She is an immigrant to this country with a limited command of English, but she is a hard-working person. Her daughter graduated from high school with a GED, and she was so elated when her daughter finally made it through high school. She came in one day and said: I have great news. My daughter was accepted to college.

It turned out she was accepted at Westwood College. Westwood College accepted her and offered her a degree in law enforcement. We asked her mother what it is going to cost. Well, it is the \$5,500 Pell grant plus \$17,000 more for 1 year. This college, unfortunately, has become notorious. It is under investigation by the Illinois attorney general for its loans. Students who watch all these crime programs on TV can't wait to become part of law enforcement. Here is the bad news: Westwood College's law enforcement degree is not accepted by any law enforcement agency in Illinois. It is not a legitimate college degree.

Well, we called Westwood because we have been through this with them before many times and said: If you don't tear up those papers right now and allow her mom and her to walk away from this, there will be a press conference out in front of your building tomorrow morning. They tore up the papers. But, sadly, many college students who went to Westwood didn't have that good result. The worst one I know of is a young lady living in the basement of her parents' home now, a graduate of Westwood with a law enforcement degree and \$90,000 of debt and nowhere to turn. She is in her late twenties and

has nowhere to turn. That is the reality of what is happening out there in the real world.

We have a responsibility here, a responsibility to these students, these leaders of tomorrow, a responsibility when it comes to the reputation of education in our country to step in and police the for-profit schools that are not doing a good job, that are taking advantage of students and leaving them deeply in debt with worthless diplomas. It is not an issue where people jump up and say: Let's get down to the floor and join DURBIN on this one. It is just not that interesting to a lot of folks yet. I am afraid it will be. If this looming student debt crisis grows, there will be more and more tragic stories like the one I put in the RECORD today about Danielle Jokela.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

ENERGY POLICY

Mr. BARRASSO. Mr. President, I rise to speak on the issue that is before us today on the floor of the Senate; that is, the issue of high gas prices.

I was at home in Wyoming and filled up again this weekend, as I do most weekends, and today the average price of gasoline, regular unleaded gasoline nationwide, is \$3.91 a gallon. That is about 20 cents more than it was a month ago.

People at home in Wyoming see the prices continue to go up week after week. High gasoline prices are causing hardships—hardships for American families and American businesses. When families pay more at the pump, they can't spend money on other goods and services. For families dealing with kids and a mortgage and bills, they know the specific impact as they fill their car or truck and see that price rise to the point where it is most, if not more, than \$100 to fill the tank. Also, when companies pay more for gasoline, they have less money to expand their businesses. That hurts job creation in this country.

Wyoming families and Wyoming businesses know this all too well because in Wyoming we drive longer distances than most Americans. The President also knows this, and that is why he continues to give speeches on energy. It is clear that the President is defensive on this issue. I have heard the speeches, and I say: Pay less attention to what he says and pay more attention to what he does.

The average price of a gallon of gasoline, regular unleaded gasoline, is over 100 percent higher than it was when President Obama took office. I will say that again. The price of gasoline is over 100 percent higher than it was when President Obama took office. It is clear that the President's policies are contributing to higher gas prices, but

instead of changing course President Obama and Democrats in Congress are doubling down on bad policies and desperate schemes.

Here is an example. One Senate Democrat—someone across the aisle from me—said: Let's ask Saudi Arabia to produce more oil. That is exactly what he said. He said his solution is to ask the Secretary of State to ask Saudi Arabia to produce more oil. Now President Obama and Senate Democrats want to raise taxes on American oil production. So we are going to ask Saudi Arabia to produce more and yet raise taxes on those who are producing American oil. So the President and the Democrats want more oil from Saudi Arabia, and they also want to make it more expensive to produce American energy.

The legislation on the floor doesn't make sense, and the American people recognize that it doesn't make sense. Americans know that if you want less of something, you tax it more. They also know that if you want to increase the cost of something, you tax it more. Raising taxes increases the cost for consumers, and that is, in effect, what President Obama and Senate Democrats are doing with this legislation. They are proposing increasing gas prices by increasing taxes. Even the author of this legislation has said that "nobody has made the claim that this bill is about reducing gas prices."

So, then, why would President Obama want to increase gas prices 7 months before a Presidential election? Well, it appears to me it is because his political base fiercely opposes fossil fuels. Now that should not surprise anyone. We have seen this before. Of course, I am referring to the President's rejection recently of the Keystone XL Pipeline, bringing energy from Canada into the United States. The Keystone XL Pipeline would have created thousands of good-paying jobs for Americans. The President said no. The Keystone XL Pipeline would have facilitated oil production in Montana and in North Dakota. The President said no. The Keystone XL Pipeline would have increased supplies of oil from Canada. The President said no—to the point that the Prime Minister of Canada actually went to China to ask if they would buy the energy from Canada if the United States is not interested.

So why would the President reject it? Well, because his political base has fiercely opposed the pipeline. Now the President wants to have it both ways. He would like to please his political base as well as the American public. That is why the administration wants to go hat in hand and ask Saudi Arabia to produce more oil. It is also why the President is considering plans to tap the Strategic Petroleum Reserve.

This will be the second time President Obama tapped the Strategic Pe-

troleum Reserve. Last June, if you will recall, the President released 30 million barrels of oil from the Reserve. Prior to that, it had only been tapped twice for emergencies since 1975. So between 1975 and June of 2011, the Strategic Petroleum Reserve had only been tapped twice for emergencies. It was tapped in 1991 upon the outbreak of the Persian Gulf war, and it was tapped following Hurricane Katrina. In both instances those were real disruptions of the supply of oil to the United States.

But when President Obama tapped the Strategic Reserve last year, there was no substantial prospect of a supply disruption. His decision at the time was based on politics, as would be his decision to tap it now. That is why Jay Leno recently called the Strategic Petroleum Reserve President Obama's "Strategic Re-Election Reserve."

Well, my Republican colleagues and I think there are other ways to address high gas prices. The other thing is, when they tapped the Strategic Reserve last year and took out the 30 million barrels, they did not actually refill it, so that the Strategic Petroleum Reserve is not filled up right now. It is lower. Just to fill it back to where it should be, its baseline level, would cost actually almost \$1 billion more than they got when they sold the oil last year.

I believe there are things we should be doing and can do that will enhance, not jeopardize, our Nation's security and specifically our Nation's energy security. We understand the Strategic Petroleum Reserve is for emergencies, not political disasters; and we understand if we want more of something or if we want to lower the cost of something, we do not raise taxes on it. What we do is make it easier to produce the product. That is why my Republican colleagues and I support making it easier to produce American energy, and it is why we are asking the President to make it easier to produce American energy—not harder, not more expensive but easier.

A few weeks ago, we learned oil and gas production on Federal lands and waters is down. Specifically, we learned there was a 14-percent decrease in oil production on Federal public lands and waters from 2010 to 2011 and an 11-percent decrease in gas production from 2010 to 2011.

Again, the President has not made it easier, but he must make it easier to produce American energy. The President can begin by increasing the number of permits issued for exploration in the Gulf of Mexico. It is my understanding there are only 25 deepwater rigs active in the gulf right now. I understand 34 deepwater rigs were active in the gulf at this time in 2010. The administration needs to approve more permits and to do it immediately.

The President should also increase access to other offshore areas. He

should provide access to offshore areas in the Atlantic and the Pacific Oceans. In November, the President proposed an offshore oil and gas leasing plan that amazingly excluded the Atlantic Ocean and the Pacific Ocean. He excluded areas off the coast of Virginia, even though both of the Senators from Virginia who are Democrats, as well as the Governor of Virginia who is a Republican, all support such exploration.

The President should also increase access to onshore areas. The President should open areas of Alaska, and we should support proposals to open ANWR. Both Senators—a Democrat and a Republican—and the Governor of Alaska strongly support opening ANWR for energy exploration. The President should too.

The President should also take steps to facilitate onshore production in the West. Specifically, the President should scrap new regulations requiring "Master Leasing and Development Plans." These regulations were put into place over 2 years ago by the Secretary of the Interior. It is unclear to me why the Secretary issued these regulations. They add more redtape, they cause more bureaucratic delay, and they slow down American energy production.

Of course, there are other regulations that are driving up the cost of American energy—specifically, the EPA's forthcoming tier 3 regulations that will affect America's refineries. A recent study shows this rule could increase the cost of manufacturing gasoline by 6 to 9 cents a gallon. This rule could also raise annual compliance costs for refineries by billions of dollars. And it will almost certainly increase the pain at the pump that is being felt by American families. To me this is unacceptable. The President should at the very least delay the issuance of this rule.

In addition to providing more access to Federal lands and waters and eliminating burdensome regulations, the President should address delivery bottlenecks. Specifically, he should address all the bottlenecks the Keystone XL Pipeline would relieve. Here, of course, I am referring to the 100,000 barrels of oil each day that Keystone would ship from Montana and North Dakota. That is right—homegrown American energy from Montana and North Dakota.

Right now there is not sufficient pipeline capacity out of North Dakota and Montana. Do you know how they are getting the oil out of there? Well, they are shipping it on trucks and in trains, and that is a lot more expensive than shipping it by pipeline.

The Keystone XL Pipeline would reduce the cost of shipping American oil. In addition, the pipeline would ship about 700,000 barrels of oil a day from Canada. The Canadian oil would replace oil imports from OPEC and thus increase our Nation's energy security.

Approving the Keystone XL Pipeline is an easy decision, and the President should make that decision immediately.

Again, the President must abandon his support for policies such as this legislation that is ahead of us today, which will only increase the pain at the pump. He must also abandon plans which will put our Nation's security further at risk. Instead, the President must make it easier to produce American energy. He should increase access to Federal public lands and waters, eliminate costly regulations, and approve the Keystone XL Pipeline.

It is my hope the President will take all of these steps and do so immediately so the American public does not continue to suffer the significant pain at the pump that continues to affect our country today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ORDER OF PROCEDURE

Mr. BEGICH. Mr. President, I would like to enter into a colloquy with my colleague from Louisiana.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

ENERGY PLANNING

Mr. BEGICH. Mr. President, just as I expected, we have been in this back-and-forth show-and-tell on oil and gas issues instead of spending the time and working on a real energy plan, one that is important for not only my State, my colleague's State, but for the whole Nation. So we go back and forth, and it is politics as usual in this Chamber. We just heard a nice presentation by my colleague from Wyoming about how it is all the President's fault the prices are going up and all these other issues.

Let me just say this—and I know my friend from Louisiana knows this—in Alaska, there is a clear indication what we believe when it comes to energy prices. We have communities that pay \$9, \$10 a gallon for heating fuel. We understand when costs go up what happens to our economies in our rural communities.

We also are a producer of oil and gas, and we understand the potential and job opportunities. But this last week, when we started on this bill, I know my colleague and I were just two of four people who said, no; we are not moving on this bill because we expected exactly what is going on now. We are just doing a little show-and-tell, having a little argument back and forth, and in another 24 hours or maybe 30 hours we will be off this bill and we will not have an energy plan.

When I go back home for our break, when I am talking to Alaskans—and I know the Senator will be talking to

folks in Louisiana—they will complain about gas prices and heating costs and how much it costs to fill their cars or their RVs if they are trying to go somewhere on the weekends, and we have not done anything to make a dramatic change.

Of course, this idea of eliminating these incentives for the oil and gas industry I have opposed from day one, for a variety of reasons. One, if we are going to do real tax reform, then we should do a broader sweep, and no industry should be left off the table. Everyone should be part of the equation.

I have heard this from the industry—I know my colleague has heard this from the industry—that they are willing to be part of the bigger picture, but do not single them out because poll numbers say they are a demon of some sort or people do not like them. Let's talk about real tax reform. That is one debate.

The other debate is, if we really want an energy plan, then let's really do one. Let's focus on opportunities, and let's quit putting out pieces that one side puts down because it sounds good for their brochure, and then the other side puts one down. Let's really focus on something that will make a huge difference to this economy.

As I mentioned, in Alaska fuel is expensive in our rural communities for heating, and communities in Fairbanks, which is a very urban area, can pay upwards in the winter of \$1,000 or maybe more per month in heating costs, making their ability to survive very difficult.

As we work on these energy projects and what is important, let me put another thing in perspective from Alaska. People think in Alaska all we care about is oil and gas. Well, we do. It adds a lot of jobs. But we also care about renewable energy. I know I have been on the floor of the Senate talking about that. My colleague has been on the floor talking about renewable, alternative energy. It is all part of the equation, how to ensure we develop a plan. We diversify our energy resources, and then we deliver it for the betterment of this country and economically in order for us to survive.

In Alaska, for example, as we work on our oil and gas development, we are also moving forward on renewable energy. In our State, just about 25 percent of our energy production for use in the State is renewable energy, with the goal to be at 50 percent by 2025. We have a plan because we understand the value of it.

I want to show a chart I have in the Chamber, and then I know my colleague has comments, and we will probably go back and forth a little bit. But I want to show you this one chart.

When I came into office—and my colleague over here talked about ANWR. I support ANWR. I am aggressive about it beyond belief. My colleague has

been. Before I got here, she was pounding away on this issue also. It is important.

We have four regions in Alaska that are of high value. When we talk about oil and gas in Alaska, at least from our office, we talk about everything that is possible. We talk about ANWR. We talk about the National Petroleum Reserve which—let me make that point—is designed for petroleum production. We have the Chukchi Sea over here, and the Beaufort Sea over there. These four regions have huge value to the oil production of this country.

When we talk about this, where are we today? What can it do? What can it replace? It can replace countries such as Libya and Nigeria and Saudi Arabia, where we get oil from. We could actually produce it here, and the good news is we are on the path to do that.

Now, has it been long and tedious? Yes, it has. But are we moving in the right direction? Yes. We have seen for the first time in 30 years the opportunity to develop in the Arctic that we have not seen before. We are seeing for the first time—this summer, Shell is moving their ships up to the Chukchi Sea because the potential between the Chukchi Sea and the Beaufort Sea alone is 24 billion barrels of oil.

Let me repeat that. I know we deal with these numbers in our two States: billions, billions. When we look at the Chukchi Sea, 15.4 billion barrels of oil; plus a little side product, gas, and we love gas because it is clean burning, 77 trillion cubic feet; the Beaufort Sea, 8.2 billion barrels of oil—this is what we know best today in our estimates—where they are doing exploration now, so we are going to find out more opportunities—gas, 28 trillion cubic feet.

NPR-A, the National Petroleum Reserve-Alaska, 1 billion barrels of oil is what we know of, and they are in production this year.

ConocoPhillips will be developing in what they call CD5.

ANWR is still a struggle, but 10.4 billion barrels of oil. It is still an important piece, where a small, little component of this would be developed, 2,000 acres out of 19 million acres. That would be the footprint we would utilize.

But the point I am trying to make is, if we want to get on to a real energy plan, then let's do that. I know the folks on our side did their vote. It was amazing. It shocked me, actually, that they voted to move forward. They had not done that ever since I had been here on that bill. It is because they wanted to do show-and-tell for a week, get some press, and beat up the President because of Presidential politics.

I have my differences with the President. We fought him a lot on these issues. But what I am interested in, what I came here for—and I know the Senator came years ago for—is to do a real energy plan that involves our

country being more self-sufficient on our own energy resources, and let's do it the right way.

Let's have the real debate that will make the difference for consumers. So when I go home, and my colleague goes home, and someone says thank you because we have set in motion a trend that will lower or stabilize gas prices for our homes, for our cars, for our businesses, for transportation in general, that is what we should be doing. But instead we are going to burn up a few days here and make a lot of speeches, and then we will move on.

Well, I will tell you, and I think my colleague will agree with me on this, that the two of us are not going to stop. We are going to talk about an energy plan because that is what we need in this country if we want to grow this economy and make ourselves more self-sufficient and more secure nationally.

What is happening in the Middle East? The price is going up. It is not anything we are doing. But we have some good news. Even though it is predominately private land that has been the growth factor of oil and gas, we are seeing more domestic production for the first time in 10 years. I do not know, but to the Senator from Louisiana, I think that is a good thing; right?

Ms. LANDRIEU. It is a good thing. The Senator from Alaska is right on as usual on this subject and in the main stream of what most Americans, I believe, are thinking about.

I wanted to ask the Senator from Alaska, following his comments—I mean, why does my colleague think our friends on the Republican side want to spend this week beating up on the President as opposed to doing something that might help energy policy advance in the country? I do not know if they do not realize that people are very frightened and anxious and upset about these prices or what does the Senator think is driving this sort of theater on the Senate floor?

Mr. BEGICH. Well, I think the Senator said it in the question in a way. It is a lot of Presidential politics. I think what I hear when I go home is—and the Senator probably hears it too—that people are frustrated with that activity.

Think about this: Just a couple of weeks ago, we passed a bipartisan transportation bill. Unbelievable. People say we cannot do things together. Seventy-four votes moved a bill, with very diverse views, as we all know. But we worked it out. We spent 5 weeks doing it after all the committees' months and months of work. And what did we end up with? A great product that went over to the House, that now sits there languishing and not having anything happen to it.

What is interesting, if we do not do a good energy plan, here is what hap-

pens: asphalt, which is a petroleum-based product which builds those roads, only goes up. When that goes up, that means now the roads we want to build become less. It is not complicated.

Why are they not doing this—I think even some of their own Members were surprised that they had to be told by their leadership to change their votes and do a certain type of vote. Now we are in this no-end product. In other words, we are not going to end up with anything. I do not get it. I know they will go home just like the Senator and I, and they will hear the same thing: jobs, gas prices, and construction and the housing market, what is happening? These are things we hear about. I am surprised.

Ms. LANDRIEU. I am surprised myself. I hope when we do go home constituents in all of our States will say: Stop the bumper sticker politics on the floor of the Senate and get down to passing an energy bill. I think we most certainly, if we stop electioneering and start legislating, could actually do that.

Now the Senator from Alaska and I—and I have been here a few years longer than the Senator, but he has been a most welcome addition to this issue because he is knowledgeable. He comes from a State that is larger than almost half of the lower 48. His State is rich in resources. I have had the great pleasure to go to Alaska. I am looking forward to traveling there again this summer and actually going to the North Slope because in Louisiana we build many of the ships that actually operate in Alaska for their exploration activities.

Mr. BEGICH. If I can make a comment that the Senator just christened one of our new ships coming up. It has Icebreaker capacity to work for Shell to do what? Go right here.

Ms. LANDRIEU. That ship was just christened this weekend in Louisiana. So the relationship between Louisiana and Alaska goes back a long way. I am very happy to have the Senator here advocating for a smart and effective energy policy.

This debate some people are having—I do not believe I am included in that because we are having our own colloquy about serious issues. But this so-called debate that everybody else is having is going to result in nothing, just a lot of sound bites. There will be no energy policy that comes out of this because the fact is—and everyone knows this that follows this—both parties are guilty for not having the right kind of energy policy, Democrats and Republicans alike.

Democrats, from my perspective, do not appreciate the way they should the need for more domestic drilling. So they resist sometimes the need for more domestic drilling. I think Senator BEGICH and I have pointed out there are some places where there are

people—Governors and Senators, Democratic Senators—who are open to drilling. We could go to those places and do a better job of developing onshore and offshore.

But Republicans are not good at all when it comes to conservation. They resist helping the auto industry, for instance, to retool itself, which we know has had an absolute direct bottom line on less petroleum products being used for gasoline.

Many of the new automobiles coming out of domestic manufacturers, because of what Democrats and President Obama, who led this effort—which he never gets enough credit for on the other side—have done to retool Detroit so that just this week in the newspaper, I believe it was the Washington Post—I wanted to ask the Senator from Alaska if he saw this article. The most amazing thing that has happened over the last 10 years is that our imports of foreign oil have decreased for 2 reasons: One, we are producing more oil and gas at home, although there have been some setbacks with this administration which we are not happy about, the two of us, but also because of the conservation we have done in this country.

Mass transit is a part of that, which many Republicans reject. Conservation initiatives are a major part of that, which Republicans reject. Helping the domestic auto industry, which they—even Mitt Romney, their leader on the Republican side, said that was a mistake to help Detroit, Ohio, et cetera, Michigan and places in Ohio.

So I am coming to the floor to say this blame game is not going to work because both parties are almost equally at fault. Senator BEGICH and I would like to believe that we represent a little bit of the Democratic side, a little bit of the Republican side, coming from States—both of us being Democrats but from States that know something about drilling.

I want to put up my map of Louisiana so people believe when I say that we know something about drilling.

This is what my State looks like. Some people might not like this picture. This is the oil and gas infrastructure in Louisiana. To someone who is a purist and does not like pipelines and does not like oil wells and does not like leases, they may recoil at this. But people in Louisiana like this because this is about money, and it is about domestic energy self-sufficiency and independence.

These are pipelines. There are 9,000 miles of pipelines under south Louisiana. We have been drilling onshore and offshore for the last 50 years. Until the Macondo Well blew up in spectacular fashion and killed 11 people, which is very unfortunate and the fault of BP and some of the contractors who were not doing their jobs correctly, it has been mostly successful. We have drilled 40,000 wells—40,000.

So when the Senator from Alaska says we know something about oil and gas drilling, trust me; it would be like asking the Senators from Michigan: Do you know something about building cars? We know about that. We have been fracking. We have been using horizontal drilling. We know there is a lot of oil and gas still to be found, and the Senator talked about some of his reserves.

I know the Senator is aware that Louisiana—just off the coast of Louisiana—produces just about as much oil as we import from Saudi Arabia every year. I do not know if the Senator knows that.

How are the reserves looking in Alaska?

Mr. BEGICH. Well, absolutely. As a matter of fact, as we know, this line—this is the pipeline that brings resources from here down to Valdez and ships it throughout the country and the world. It is about 10 percent of the oil for our country that comes from Prudhoe Bay up here.

What is amazing about this development is, as it moves forward, it will obviously provide even more. Also, as the Senator said, with the map there, it is about jobs. I mean, when we think about this development, this could be upwards of 54,000-plus jobs estimated by an independent research arm. Plus these jobs pay very well: on an average, \$117,000 a year. I do not know about you; I think that is a good-paying job.

Ms. LANDRIEU. It is a very good paying job. This is a very good point because I have tried to remind everyone here that this oil and gas industry that exists in Louisiana and Alaska does not just support the people of our States. Think about it. There are only 500,000 people in Alaska. If that is going to create 50,000 jobs, that would be 1 for every 10 people. But people fly in and fly out. They will work for 2 weeks or a month and fly back. We have people working on our rigs that are from Maine or from Colorado or from New Mexico or from New York.

Most of the people who work offshore are from the Gulf Coast States, I might say. You can tell this when you drive through the parking lots and see the license plates which are easy to spot. But I can tell you there are people from all over the country who work in this industry.

If I showed you a supplier line, you would see supplies coming from all over the United States to fund the operations like, for instance, the boat that is going to be operating in Alaska was built by people from Louisiana. Some of those boats are built in Mississippi, and some of that may even come from the east coast. I do not know if the Senator is familiar with that.

Mr. BEGICH. Some of those ships will be refurbished and some of the work that is being done is out of the

Port of Seattle and Tacoma and that region. It is a nationwide aspect. Think about this. In 2011, the oil and gas industry produced 9 percent of the new jobs in this country.

Let me repeat that: Nine percent of all of the new jobs in this country came from the oil and gas industry. It is the fastest growing industry at producing jobs.

Ms. LANDRIEU. It is also producing great wealth. I do not think people understand because a lot of the land in the West is public land. So we hear this debate about public land, et cetera. But most of the land in my State is private land. In fact, the Federal Government owns less than 2.5 percent.

Now, we are at polar ends of this debate. We are at opposite ends because in Alaska the Federal Government owns 90 percent of that State. It only owns 2.5 percent of my State, and the farther east you go it is less and less and less.

So when there is more drilling, like in Louisiana, it is private land owners who are getting wealthy. In many of these instances, such as in the Haynesville shale, which is up along this area in Louisiana, northwest Louisiana, farmers whose land was virtually worthless or who were growing crops but not really making it very well, now the gas has been discovered on their land, so they are getting royalty checks for \$10,000 a month, \$20,000 a month. That is more money that people have made or ever dreamed about making. I have heard of royalty checks of \$50,000 a month that people are getting. So they take that \$50,000, they are not even drilling for oil and gas; they have just leased their property. They go out and start a business in their hometown or they go out and buy two new automobiles for their family or a new pickup truck for their operations.

I know the Senator understands the indirect impact. It is not just the direct jobs for the industry, but the wealth that is created personally, and the U.S. Government collects quite a bit of taxes from this industry as well.

Mr. BEGICH. If I could add, in this Chukchi/Beaufort, for example, it is estimated that the cumulative state, local, Federal value over the next 50 years in terms of revenue stream is upwards of \$100 billion. If we then talk about the payroll over the next 50 years for the same two areas, it is \$150 billion.

What happens to that \$150 billion that people get paid? Exactly. They buy a house. They maybe put their kids through college or they are vacationing or they are improving their lifestyle. They are moving up, and that kind of money is significant.

It has a multiplier effect that is hard to measure, but it is real. Anybody seeing somebody making \$117,000, they are spending that money in the economy. That is why we see the job growth we

see here. Again, to the principal debate we are having tonight—and we are the minority of the minority in a way—we need to get back to the basic issue of what do we want in this country in a diversified, well-delivered energy plan. We can get there. For example, we had a bill, and the other side threw down the same old talking points a few weeks ago—to drill everywhere one could imagine. It is about drilling but doing it responsibly, in the right areas, with the right design. They had Bristol Bay, the fish basket of the country, where 40 percent of the fish are caught. They want to drill there. I cannot vote for that. It is a balanced approach that we need.

Ms. LANDRIEU. We don't have to drill everywhere. The resources are so spectacularly promising. I have to get back to this blaming President Obama. I don't know if my friends on the other side remember who the President was when the Governor of Florida, Jeb Bush, a Republican, opposed drilling off the eastern gulf. The President at the time, his brother, George Bush, honored that no drilling pledge. I remind my friends on the other side that their party is not blameless in this debate. They could do a lot better for the country if they would stop trying to throw President Obama under the bus every minute—although I don't agree with all his energy policies; I didn't agree with the moratorium in the gulf and other things. I think they made some strong points. But this should not be about hurting anybody; it should be about helping our country. We do that by using a balanced approach, such as the Senator from Alaska said. It is how we came together on the Transportation bill. It was balanced, a compromise, and it was a little of this and a little of that. We put a jobs bill together that will help our Nation.

We could put an energy bill together if we have both parties stop beating up on people. One beats up on the companies and the other beats up on the President and the poor people are the ones who suffer.

I wish to show you something about oil and gas taxes. People say: There goes LANDRIEU again; she is defending the oil and gas industry. Frankly, some of them, and the industry itself, should be defended because it is an honorable, good industry. It has provided jobs. It provided the oil we needed to win World War II. How do you think the allied troops got across Europe? They didn't do it on a wish and a prayer. That oil came out of the Permian Basin in Texas. We have a long patriotic history in that industry. We get our dander up when people beat up on the industry.

People say the oil industry gets these subsidies. I wish to put two things into the RECORD. It says that according to the Energy Information Administration—which is our administration, not

a third-party spinmeister group. It says in the study published in 2008 that oil and natural gas received only 13 percent of the subsidy but produced 60 percent of the energy needed to power our country. I will repeat that. The oil and gas industry receives only 13 percent of all the subsidies, but we produce 60 percent of the energy that keeps the lights on in this building and powers everything in the country. We spend about \$16.6 billion on U.S. energy subsidies over the course of 1 year on everything, and renewables, refined coal, nuclear, and others accounted for more than 85 percent of the subsidies.

So the oil and gas industry got less than 13 percent of the subsidies, but they continue to be the bogeyman in all this. In addition to receiving only 13 percent of the subsidies—and my friend from Alaska will know this as well—look what tax rate they pay. ConocoPhillips paid 46 percent. This was the effective tax rate from 2006 to 2010. Chevron paid 43 percent. They made a lot of money. They are absolutely making a lot of money. These are public companies, and their executives are paid well. I think they are probably paid a little more than I would pay, but that is what they are paid. These are public companies, and the shareholders are making money as well. But they are paying this very high rate in taxes.

Look down here on the chart. Walmart only paid 33 percent. Philip Morris only paid 27 percent. PepsiCo—a very good company—only paid 24 percent. These are effective tax rates. My favorite—although I like them very much, but GE only paid a 9-percent effective tax rate.

When the Senator says we need tax reform, we most certainly do. If you came to me and said in a major bill we are going to have an energy bill and have some tax reforms to balance this out, I would be for that. But in good conscience, I cannot take away the subsidy from oil and gas when they only represent 13 percent of the overall subsidies but produce 60 percent of the energy. I certainly don't want to raise taxes on an industry now with prices at the pump being so high. If we do, we are just going to drive them up, which is the last thing we want to do, particularly when this is the truth about the tax rates. The Senator from Alaska is again absolutely correct. This debate we are not having but everyone else is having is not getting us very far.

Mr. BEGICH. If I can, I will add one more point before we finish. If these incentives are so bad, then why are we at a 10-year high in production? Why do we see in Alaska more independence than ever before? Probably in the Senator's State I venture to guess—I remember Anadarko, a very small company, which is now a very big one. We can look at these different companies and part of the incentives are utilized

to take hard-to-get areas and make them more profitable so they can produce them. The result is that we now have more gas, for example, than we have ever had, and the price dropped so far that people are excited about it, which happens—if we talk to the petrochemical industry, they love these low prices because they are producing more opportunities in this country to produce products we used to produce overseas. So there is a ripple effect. People say these are bad incentives. Actually, we are producing more. They are paying one of the highest tax rates, as the Senator said. So we are getting money back on our investment. They are high prices because we don't have a comprehensive energy plan to have diversified energy portfolio and make sure we deliver it everywhere we can. It is not complicated.

Ms. LANDRIEU. The Senator is right. I am glad he mentioned this as well because I happen to also represent a State that has a tremendous petrochemical industry. Of course, that is because the Mississippi River is there, as well as the great finds in the 1950s and 1960s for gas. So when big companies—particularly petrochemicals but big manufacturers—look around in the world to where they go, one thing they look at is the tax rate. But that is not the most important thing. The other thing is to make sure they can find the skilled labor they need. They need cheap energy costs because they cannot produce steel competitively, for instance, if we don't have cheap energy.

So a lot of these companies came to Louisiana in the 1960s because we had cheap energy. That changed, and a lot of them left. Maybe we did other things to drive them offshore. You know what is happening today. Because of this \$2 gas, they are all coming home. You should see the building we have going on. That is why the Texas unemployment rate is the lowest in the Nation. I know the Governor would like to take all the credit for this. My Governor likes to take all the credit for this too. They are two outstanding Republican Governors, and they may be pretty good, but it is the low price of energy that is driving this. That could happen in Colorado, it can happen in Illinois, if we just support the oil and gas industry in a balanced way, instead of choking it off.

Not only does that money go to them, it helps undergird this entire industry which employs millions more people, and it helps us to compete better with China, with India, and I know the Senator understands that. He doesn't have as much heavy construction or refining in Alaska because of a little bit of the isolation. But I think he can appreciate what happens in New Jersey and Louisiana and Illinois, as an example.

Mr. BEGICH. Absolutely. I will tell the Senator we have been exporting for

40 years. We have been doing that because of our ability to do so and being able to get to the Pacific Asian market. Overall, the State here—through all its natural resources, we are a net positive in our export trade. We help lower the trade deficit for a variety of reasons—our fish, minerals, gas, and natural resources. So we are a huge contributor to this economy in a lot of ways.

I have been here only 3 years, and I still wake every day being hopeful. I am hopeful that at some point we will debate and have a real energy plan discussion. When we do that, the net result is that Americans will win, consumers will win, and national security will win. Everything wins if we have a good dependable energy policy that looks not only at today but down the road.

I think my friend from Louisiana made a very good point about conservation, about those issues. Thinking about the automobile industry, we came to their rescue and we got a lot of criticism—all of us, the President included—but what is the result? Those folks paid back their loans, and they are more innovative than ever before. But they are also producing more fuel-efficient cars, which saves fuel, and it saves on the long-term dependency on foreign products.

Some people say that is not conservation; that was a bailout. It is a combo. It is multifaceted. For whatever reason, the other side sees that as just another government thing. I cannot remember, but it was a pretty good interest rate we got on that money and they paid it back and now they are being more innovative. Most recently, our automobile industry is building more natural gas fuel vehicles. They want to move forward in that area. I don't know if that will be successful, but they are moving forward because the price is lower. We have a lot of it, and that is an industry that is stronger than ever before.

As we sit talking about the importance of energy and how we have to develop our plan and have a diversified plan of action from all sources, as the Senator went through the list of the subsidies, we do it in every arena. We are trying to create a diversified energy portfolio for economic security, and it also creates innovation. We cannot depend on one type of fuel source. It is all part of it. People who say it can just be oil and gas are in another world. We have to have a multifaceted approach and then we have to do it and deliver it for the benefit of the American people. There is a way to do that.

Again, I struggled tonight because of the vote I took yesterday—one of four—that said we are not moving forward because I saw what was going to happen. By this weekend, I will be home talking to Alaskans and sharing their concerns about high energy costs

in small villages and urban areas, and they will be asking the question: What are we doing? I wish I could say here is the answer and the price will go down. For the 3 years I have been here—and the Senator from Louisiana has been here longer—we have had a debate with no real substantive beef. People have put something out on the table, and the other side votes against it, instead of having a meaningful, real comprehensive energy bill. We have tax incentives here and there but not something that says this is what are going to do, so 20 years from now, all of us, including my colleague from Louisiana and my colleague from Colorado, can look at our kids and grandkids and say we did the right thing because we are stronger because we diversified our energy resources.

That is the fundamental issue we will not get to. We are in our own debate because we are a group of four. Two of them are out tonight. The rest are in a different debate.

Ms. LANDRIEU. Yes. I wish to reemphasize too the importance of getting back to the basics on energy policy. I have been privileged to be here long enough where I have helped to pass comprehensive energy bills. I remain hopeful when I wake too. I am a person with the glass half full and not half empty, and I try to remain optimistic in the face of evidence to the contrary. I remain hopeful we can continue on the path of more energy independence for our country. That is why that article, written this week, which I will put in the RECORD, was very telling to me, because I have been saying, similar to the Senator from Alaska, are we making any progress? I believe if we cannot manage, we cannot measure. What is the measurement? One of the measurements is, are we importing more or less oil from dangerous places in the world. And when I saw that had dropped by 15 percent, I was very encouraged.

And the article pointed out two reasons, not one—not drill, baby, drill or conserve and conserve only but both, because America has been doing a better job. Despite the setback of the moratorium, despite the setback with the Deepwater Horizon, despite some of the President's slow policies on drilling, and despite the Republican resistance to conservation, we have been doing something right, because we have reduced our dependence on foreign oil, which is good.

We don't want to be dependent on Venezuela, and we don't want to be dependent on the Mideast, particularly Saudi Arabia. They have been somewhat of an ally, but they do not share all our values, let's be honest. Women just got the right to drive this year—no, actually, to vote this year. I don't think they have the right to drive yet officially. So do we share those values? No.

So why don't we kind of get back to the basics here of drilling more at

home, promoting and expanding our nuclear industry safely. And I mean drilling where it is safe and not everywhere, as some Republicans suggest—let's drill everywhere. We don't have to drill everywhere; we just have to be smart and strategic about where we drill, compromise some about the places that are really opposed to it. We can drill more, have revenue sharing, which makes sense with the coastal States of Alaska, Louisiana, Virginia, Mississippi, and Alabama because that builds a strong partnership and stakeholders between the local, State, and Federal governments.

I think we could do more on building efficiency. We can do more on natural gas vehicles. Wouldn't it be wonderful to have the kinds of vehicles that run on electricity or on—and I don't know if this is possible yet, but we could experiment on electricity, on natural gas or on petroleum fuels or on diesel or bio so that if the price of natural gas was low, you would just sort of power yourself on natural gas. If your electric bill is low because you are on nuclear and the nuclear price is low and you are getting your electricity from your nuclear powerplant, you just plug in your automobile and you pay very little.

Why can't we break this dependency by producing more of everything at home and transforming our auto industry, which is the big pull on fuel. You know, our industries run on coal or natural gas or some oil, but the real pull on this oil is our automobiles.

So that is why Republicans are wrong. They do not want to fund this transformation, but we have to fund the transformation to help America move from an old-fashioned petrochemical, where we just fill up at the pump because we only have one thing to get—and that is petroleum—to where we can fill up with several other things. This isn't pie in the sky, this is happening right now. But with a little more government investment, it could happen more, and wouldn't that be a relief?

The Senator from Alaska will know this, and I don't want to misquote here because I could get in trouble, so I will be careful, but if we had a system like that and the price of gasoline was \$10, no one would care. Do you know why? Because they wouldn't have to use it. Think about that. You wouldn't have to buy it. You wouldn't need it for your airplanes, you wouldn't need it for your trucks or your cars because we would have created a system of choice. And choice is power for the consumer—really good choice. They could fill up their car with natural gas or they could fill it up with another source. That is where we need to go. Then we will break it. We will break the dependency because it could be \$10 or \$100 a gallon and who would care, because no one would have to buy it.

So that is where we need to go. We can get there. We are sort of creeping there. That is what this article also said—inch by inch we are getting there, but we could accelerate it—no pun intended—if we get off this ridiculous “blame the person in the White House so you can win the next election and then get back to doing nothing.”

So I will turn the conclusion over to the Senator from Alaska by saying that the debate with sound bites for elections coming up and bumper stickers to put on cars will not help, but I am ready for a real debate.

We have introduced several pieces of legislation. I have been a cosponsor of every piece of legislation since I have been here on any kind of major Energy bill, but it has to have a conservation component, it has to have an environmental safety component, it has to have more drilling, revenue sharing, and then I think an expansion of nuclear power would be very important and the right subsidy mix for the kinds of energy we would like to produce in this Nation. That would make our Nation much stronger when it comes to energy, but it would make us so economically powerful and it would make us militarily more powerful because we would negotiate treaties differently if we didn't have to get on our hands and knees and ask countries that don't even share our values to pump a little more gas for us when we could pump it ourselves.

I yield to the Senator from Alaska.

Mr. BEGICH. I thank my friend from Louisiana, and I will conclude by saying again that her point about being smart and strategic is what we are saying. No one is saying either/or, that it has to be this or that. It is a combination of things. Some will be more expensive today but maybe less later.

Think about the technology around the cell phone the first time it came out, which used to be a box about this big, and you plugged it in your car and the big receiver would be in your trunk. It cost several thousand dollars to buy that technology, if you remember, and people were saying: No one is ever going to do that. Now you can go to the 7-Eleven—or in my State it would be the Holiday store—and buy throwaway phones. It is amazing what can happen when you allow some expansion of this knowledge and technology.

Oil and gas bring new technology. The Senator mentioned directional drilling, for example, which is new technology being developed in our State and her State to bring opportunities that Shell gas is now doing—all kinds of opportunities.

When you think of the security level, I know the Senator from Colorado, our Presiding Officer here, has been in the Armed Services Committee, where we talk about this all the time. How do we get the biggest consumer—the mili-

tary—to find new alternatives? And they are experimenting.

But what is amazing—and we heard it last week and the week before—is that our friends on the other side are wondering why the military is looking at alternative fuels. They actually asked, what gives you the authority to do that? Well, actually, when it costs you almost \$400 a gallon for diesel fuel on the front lines of Afghanistan, I think that is a good reason. They should be looking at what kinds of alternatives they can use.

I have seen what they are doing. They are doing some amazing things with solar panels and small devices. And what is important about that for the military is they can move more rapidly through areas so they won't have to worry about where is the diesel truck for energy. But for rural Alaska, it is important in our rural villages where it is \$10 or \$11 a gallon for heating fuel, and now there is technology that, instead of taking up a whole room, is portable, and they can move it, they can use it, and it saves consumers.

So there are all kinds of things we should be doing.

I know the other side will say: Those things cost too much; these things cost too much. When you are at the R&D stage, things always cost too much because you have to move slowly to develop and create the markets. But the military is a huge driver of a market, so I am excited that they are in these areas. And I oppose the idea of some Republican Senators and House Members who are saying they shouldn't be doing anything experimental. Absolutely, they should. They are a consumer of the product. Let's have them give us some innovation.

People may forget that the same people who were doing the energy development in the early 1960s are the ones who started the Internet, from which we all now benefit. Imagine in the 1960s if we had said to the military: Oh, we don't want you testing whatever they were calling that Internet system. That is bad. You get out of that business. Where would we be today? Now, as the parent of a 9-year-old, I might have a different view on this. I may not want my son on the Internet. But it made a difference in our economy and everything else that is going on.

To conclude, I would say we have a chance to develop, to diversify, and to deliver a real energy plan if we focus on it. That is what we should be doing. So I thank my colleague from Louisiana, and I thank the Senator from Colorado, who is our Presiding Officer tonight, for allowing us to have a little rant time here in our own world. But I think the world we talk about is the same world almost everyone in America is living in, with high gas prices and wanting real solutions.

Anyone who says there is a magic bullet and the price will go down—that

isn't happening. I support the Keystone Pipeline, and I know my colleague from Louisiana supports that, but that won't lower prices tomorrow. I support, for a variety of reasons, a long-term plan—jobs and other things—but it won't lower prices tomorrow. Drilling in Chukchi and Beaufort is important to me. I think in the long term it will create jobs and it will lower gas prices but not tomorrow. But these are the kinds of things we should be doing.

Will our investing in conservation to ensure that our commercial buildings and houses are more efficient turn a dollar right away? A little bit. But over the long haul—I am doing an energy retrofit to my house in Anchorage. I am going to save some money. It will go in and go out because I have to put some money aside for my son's education. But I will have more money. So it pays over time. Nothing happens overnight. It drives me crazy when I hear the other side say that this is like magic and tomorrow things will change. I wish that were the case. We all do. But we have to have a plan to get there.

I thank the Senator from Louisiana for joining me tonight. I thank her for standing tall when we took our vote yesterday. I think we made our point, and now we need to move forward, and hopefully we can get other people to follow our lead and do a comprehensive plan.

Ms. LANDRIEU. I thank the Senator.

SURFACE TRANSPORTATION ACT

Ms. LANDRIEU. Mr. President, while I am on the floor, I would like to speak for a few more minutes, if I might, on another subject but one that is equally important. The Senator from Alaska and I just spent some time talking about a balanced approach to energy production and the fact that if we could get there, we could create jobs. The Senator was saying that no matter what we do, it won't create jobs overnight, and he is right again. It will take a long time, it won't lower the price overnight, and it will create jobs.

But there is a bill that actually will create millions of jobs overnight that is pending, hanging around this Capitol, that if we could get passed would mean a great deal immediately—tomorrow, literally the day after the bill is signed by the President—and that, Mr. President, is the Federal highway transportation bill which last week was passed and compromised by one of the most liberal and progressive Members of this body and one of the most conservative Members of this body, Senator BOXER of California and Senator INHOFE of Oklahoma, who worked for over a year and a half to put a transportation bill together, a 2-year transportation bill. Many of us would have liked it to be 5 years or 6 years, but 2 years is what they could negotiate. And you know what, it is a lot

better than the short-term 3-month, 6-month, 2-month, or 3-month temporary measures we have been under for the last several years. That gives no consistency—none—for our States and our counties and our cities.

If you talk about uncertainty, the business community, real estate developers, planners, community planners, transit planners—these entities do not know what it is going to look like 6 months from now or even next year. This bill would give at least 2 years of certainty, and then we could come back, hopefully, and pass a long-term extension of 5 years or 6 years. But 2 years is much better than 30 days or 60 days or 90 days, which is what the House is contemplating.

I am proud the Democrats and some Republicans are standing up in the House and saying no short-term extension. We have a bill. We have the Senate bill that got over 74 votes of Republicans and Democrats, compromised again between a more progressive and a more conservative Member for the benefit of our country.

There are 1.9 million jobs at stake. For the gulf coast Senators, there is an extra bonus. Besides funding our rail, our highways, and our transit, the gulf coast Senators and House Members from the States of Texas, Louisiana, Mississippi, Alabama, and Florida got a very significant amendment to fund coastal restoration and flood control protection and economic development in the gulf coast, directing the fine money that is going to be levied against BP sometime in the next few weeks or months. Instead of that money coming to the Federal Treasury to be spent on a variety of different things, it will stay where the injury occurred, along the gulf coast, and 80 percent of that money will stay in those coastal areas and those coastal States, helping our economies to revive ourselves and to save our coastlines.

So gulf coast House Members, I am speaking and hoping some of them will hear this message. Gulf coast House Members of either party, Democrats or Republicans, should stand tall and say: Yes, let's pass the Senate Transportation bill for the benefits that will come to our State and our Nation, creating or securing literally almost overnight 1.9 million jobs for the country, helping our recovery. But tucked into the Transportation bill is a bill that could bring billions of dollars to the gulf coast to help with coastal restoration and beach erosion.

I have seen the clips every day since we passed RESTORE, from Tampa, FL, to Mobile, AL, to Jackson, MS, to Gulfport, MS, to the Times Picayune in New Orleans, to the Houston Chronicle, and as faraway newspapers as the New York Times which have editorialized on: Pass the RESTORE Act now; bring jobs and economic relief to the gulf coast, an area and environment that

has been hard hit by the 5 million barrels of oil that were spilled in the gulf. Next month, it will be the 2-year anniversary.

I don't know what the House of Representatives is thinking. They have a real jobs bill over there right now, voted on by Republicans and Democrats here, not just a few Republicans. I think more than half the Republicans in the Senate joined with us to pass this bill. In addition, it has the RESTORE Act in it. As the Presiding Officer knows, he had a great hand in supporting the part of that effort to fund the Land and Water Conservation Fund which will provide money to all the States for park restoration and maintenance and for land purchase with willing sellers.

So I am on the floor to support BARBARA BOXER, to support JIM INHOFE, to say to the House: Take the Senate Transportation bill. Take it now. It is good for all your States and for the gulf coast House Members particularly. The RESTORE Act is very bipartisan and bicameral. Theirs is a RESTORE Act very similar to ours. Please, let's join together, stop procrastinating, and pass this bill.

We have had many supporters of this bill. The chamber of commerce has put out messages to everyone today:

The Chamber strongly supports this important legislation . . . Passing surface transportation reauthorization legislation is a specific action Congress and the Administration can take right now to support job growth and economic productivity without adding to the deficit.

I wish to say one word about this extension. Extensions are not benign. As Senator BOXER told us today, extensions in some States aren't worth the paper this extension will be written on because we know that most of these projects are funded by approximately 75 percent Federal money, 25 percent local. In the old days when States were flush with cash and people were running surpluses, when we messed up in Congress as we are messing up now and not giving them the Transportation bill on time, some of our States could just dip into their local money, keep their projects going, waiting for us to do our job.

Those days are over. Do you know any State in the Union running a massive surplus right now? Do you know any State anywhere? I don't. Because States have drawn down their reserves. They are running on very tight budgets because they are all coming out of this recession. Even our State that has a very low unemployment rate relative to everybody else, that never experienced the recession as everyone else did, is still running pretty sizeable deficits at the State level. I can tell you, my State doesn't have any extra cash to front the Federal Government.

When these projects run out and don't get reauthorized, a lot of these

transportation projects will come to a halt. States will stop buying right-of-way. They will cancel or put on hold what is under contract until the money comes forward. So I am going to be in touch specifically with the State of Louisiana on how this is going to work in our State, but we were told today that there are a handful of States that have already started to put out notices to their contractors: There will be no more paychecks associated with this road project or this bridge project or this mass transit project.

Let me show everyone what I do know about our State. These are the grades we get from the Civil Engineering Association. I am not proud of these grades. But the reason I am not too embarrassed is because just about every State has these same grades because, overall, America's infrastructure generally is graded at a D. We are the most advanced country in the world but get a D rating when it comes to our infrastructure, surface transportation, water infrastructure, dams, levees, et cetera.

Our airports in Louisiana are C. Our levees, despite the huge investment the Federal Government has made recently, but because of the longstanding overall long-term disinvestment or lower investment over time, we still have a C. We have more bridge surface than almost any State in America—I think we are third—and we have a D-minus. We have more ports; in fact, Mississippi's southern port from Plaquemine to Baton Rouge is one of the largest in the world, definitely the largest in the country, a C-minus, and our roads are D.

Senator BOXER has been on the floor now all week, and I am joining her and helping her tell the House of Representatives they are playing with fire. They are playing with dynamite. We have to get this Transportation bill out. I am sure other States can benefit from this bill. If we don't, this will be the ninth short-term extension since 2009.

People at home must think we have lost our minds. The clearest thing to people at home—they may not understand, and sometimes it is hard for us to understand, all the intricacies of every issue. But everyone in America, even our children understand that to build roads we need a road crew, to build bridges we need a bridge crew, to build mass transit we have to have people actually constructing. We need jobs in America right now, yesterday, today, immediately.

Why is the House of Representatives sitting on a bill that is paid for—contrary to some comments from House Members, paid for—that will go for 2 years? It is as long as I would like. It is not 4 years, it is not 5 years, but it is 2 years. It is longer than the 60-day, 90-day extensions we have been living under since 2009. It is 2012. Let's get a transportation bill.

My final point: For the gulf coast this is critical. We have a major piece of legislation tucked inside this bill. With the Transportation bill that the Senate passes, the RESTORE Act passes with it. We create an oceans trust fund, land and water conservation with willing seller provisions, and we invest billions of dollars in the gulf coast. It is a real jobs bill, not a pretend jobs bill. It is a real jobs bill. It means everything to our States. Whether one has a Republican or a Democratic Governor, they are waiting on us to pass this bill so they can get their people to work. I know mayors I have spoken to, police in our State, county commissioners are waiting for this money as well so they can get plans and put people to work.

So I most certainly hope that in the next 24 hours, before we leave on Friday, the House of Representatives will pass the Senate Transportation bill, send it over to us, and let's put our people to work. It is only going to last 2 years. We can argue about the differences, about how the money should go directly to the States. We could argue about mass transit. We can debate that for the next 2 years. Let's pass the bill. Let's get it done.

I yield the floor.

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mr. NELSON of Florida. Mr. President, with all of the very well deserved statements that have been made about our colleague Senator BARBARA MIKULSKI, I wanted to raise my voice in support of the milestone she recently achieved as the longest-serving woman in congressional history.

A personal word I want to add about Senator MIKULSKI is that she has been so supportive and such a leader of our Nation's space program. As the Chairman of the Senate Appropriations Subcommittee on Commerce, Justice, and Science, she has to be intimately familiar with the details and the appropriate way to allocate funds that are vital for our civilian program to go forward in the visionary and frontier breaking manner that it always has and I am grateful for her leadership. I wanted to add this to the accolades that she so well deserves and has already heard from so many of our colleagues.

Senator MIKULSKI began her tenure in Congress in 1977 as a member of the House of Representatives. She represented Maryland's Third District for ten years before moving to the Senate in 1986.

During her time in the Senate, Senator MIKULSKI has been a champion for many of the issues that are particularly important to my fellow Floridians and me. She is a strong supporter of veterans' and seniors' issues.

Senator MIKULSKI has also worked to protect our oceans by supporting the

National Oceanic and Atmospheric Administration, especially during one of the worst environmental disasters we've seen. In 2010 she conducted a subcommittee hearing to explore the use of dispersants in response to the Deepwater Horizon spill in the Gulf, helping us to better understand the long-term consequences of that environmental tragedy.

Senator MIKULSKI also serves as Chairman for the Health, Education, Labor, and Pensions Subcommittee on Children and Families. In December, she chaired a hearing on child abuse, casting light on this issue and urging her colleagues to take greater steps to combat it.

I am honored to have served with Senator MIKULSKI for the past decade, and I look forward to continuing to work with her on matters of great importance to Maryland, Florida, and the rest of the country.

Ms. STABENOW. Mr. President, I join my colleagues in honoring the service of the Senator from Maryland, BARBARA MIKULSKI, on becoming the longest-serving woman in the history of Congress. She is an inspiration, a mentor, and a friend, and I congratulate her on achieving this historic milestone.

The story of BARBARA MIKULSKI is the story of the American Dream. The daughter of a grocer in Baltimore, she learned what it meant to do a hard day's work. She got good grades, went to college, and eventually got her Master's Degree in Social Work.

When she was in her 20's, she got involved in a fight to stop a highway proposal that would have cut through a working-class neighborhood. She stopped that highway and saved the homes of the families who lived there.

Those families saw something that day that all of us would recognize today: a woman of passion, hard work, and determination.

Throughout her years of service, she has reflected these values day in and day out as she has fought for America's working families. She understands that our country needs to make things and grow things if we are going to have a middle class and an American Dream. She understands the dignity of work, and how important that is to families who want to create a better future for their children, just as BARBARA's family did for her.

And in her many years of leadership and service, she has been fighting every day to create a better future for every little girl and boy in Maryland. She did not come here for the power; she came here to serve. And I think that is why the people of Maryland have chosen her, time and time again, to be their champion in the U.S. Senate.

In the whole history of the United States, 1,931 people have served in the U.S. Senate. Of those, 39 were women. And of those, 17 are serving right now.

And of those, only one—Senator BARBARA MIKULSKI—is our Dean and our mentor.

I want to thank my friend, Senator MIKULSKI, for all she has done for me and for all the women who will follow in her footsteps in the years to come.

Mr. WEBB. Mr. President, the Senate is in the midst of recognizing a very important milestone in our history. I would like to join my Senate colleagues in congratulating Senator BARBARA MIKULSKI as the longest serving female Member of Congress.

As we all know, Senator MIKULSKI has dedicated her life to public service. Before running for public office, Senator MIKULSKI worked as a social worker helping at-risk children and educating seniors on Medicare. In 1971, she successfully ran for her first public office and was elected to serve in the Baltimore City Council, where she served for 5 years.

Senator MIKULSKI first ran for Congress in 1976, seeking to represent Maryland's Third District. She won that race and went on to hold the seat for a decade. In 1986 she decided to run for the U.S. Senate, and she has been serving here ever since. The Senate was a very different place when she first arrived as one of two women Senators. She not only had to learn how the Senate functioned but had a quick lesson in bipartisanship—as the other woman, Nancy Kassebaum-Baker, was a Republican from Kansas. Today, we have 17 women in the Senate and 76 women serving in the House of Representatives.

Senator MIKULSKI has been an outspoken advocate for working people everywhere. Due in large part to her leadership and strong advocacy on behalf of women, our daughters and granddaughters will have opportunities that were not available to many women in the past. She is a wonderful role model through her dedication to public service, as she fights passionately every day for the people of Maryland that she is here to represent.

And so I want to add my voice to those praising Senator MIKULSKI as she reaches this important milestone. She is a true pioneer, a strong example of a smart legislator, and an outspoken voice for working people. I have great respect for the journey she has taken, and I am proud to serve alongside her.

JOBS ACT

Mrs. HUTCHISON. Mr. President, I rise today to speak on H.R. 3606, the JOBS Act, which we passed in the Senate last Thursday, March 22, 2012 by a vote of 73-26. I am very pleased that this legislation passed with such strong bipartisan support, particularly because it includes a measure which I authored to update the shareholder threshold before which banks must register their securities with the Securities and Exchange Commission.

Title VI of the JOBS Act is based off of S. 1941, which I introduced on December 5, 2011 with Senator MARK PRYOR. Section 601 of this title increases the registration threshold for banks and bank holding companies to 2,000 persons and the deregistration threshold to 1,200 person.

As the author of Title VI of the JOBS Act, I welcome today's consideration of H.R. 3606 in the House of Representatives and the endorsement that President Obama has given this job-creating legislation in a Statement of Administration Policy. The new thresholds for registration and deregistration are effective upon the President's signature since no rulemaking is necessary. It is the intent of Congress that this new law should apply immediately to banks and bank holding companies so that they can raise additional capital to increase lending in their communities.

WOMEN'S HISTORY MONTH

Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize the dedication of women service members and women veterans in celebration of Women's History Month.

Women have played an important role in our Nation's military from the time of our Founding Fathers. Today, women make up 15 percent of the Active-Duty military and 18 percent of Guard and Reserve forces. Our women soldiers, sailors, airmen, marines, and coastguardsmen have served courageously in Iraq and Afghanistan. They have played a variety of roles ranging from convoy leaders to fighter pilots to field medics. I am inspired by their bravery and their dedication to our country.

Already women make up nearly 10 percent of the veteran population, a proportion that Department of Veterans Affairs, VA, expects to grow over the next decade. VA has already come a long way in addressing the unique health needs and challenges that women face. A generation ago, VA would have been the last place that we would associate with women's health, but just this past January, VA marked an important milestone in caring for women veterans. In Salt Lake City, UT, a woman veteran not only received all of her prenatal care from VA but also delivered a beautiful baby girl under the care of her VA obstetrician. Yet, for all of its recent progress, VA still must do more to ensure that women veterans are receiving the care that they need and deserve. As they return from the battlefield, the VA system must be equipped to help women veterans step back into their lives as mothers, wives, and citizens.

I am incredibly proud of the women who have served or are serving our Nation in uniform, and I strongly believe we must do all we can to honor them.

That is why I led the effort to pass into law the Women Veterans Health Care Improvement Act. This bill, which was included as part of the Caregivers and Veterans Omnibus Health Services Act of 2010, helped to transform the way that VA addresses the needs of women veterans. This act authorized the VA to provide neonatal care, train mental health professionals to provide mental health services for sexual trauma, develop a childcare pilot program, and staff each VA medical center with a full-time women veterans program manager. VA has an obligation to provide women veterans with quality care, and we have an obligation to make sure VA does so.

Our commitment to women veterans does not end with passing legislation like the Women Veterans Health Care Improvement Act. We must actively monitor the implementation and effect of these bills to make sure that no woman falls through the cracks. In December of 2010, a VA Office of Inspector General report found that the Veterans Benefit Association had not fully assessed available military sexual trauma-related claims data and had no clear understanding of how consistently these claims were being adjudicated. While both men and women service members carry the devastating wounds of military sexual trauma, the GAO found in 2002 that 22 percent of screened women service members reported military sexual trauma compared to 1 percent of screened men. With this shocking statistic in mind, Senator TESTER and I pressed VBA to improve the accuracy and consistency of their military sexual trauma-related disability claims process. I am happy to say that VA agreed with our assessment and has since worked to overhaul the way it processes military sexual trauma disability claims.

Mr. President, the committee's experience with military sexual trauma disability claims is symbolic of the kind of work that remains to be done for women veterans. I recognize the challenges that women veterans face over the coming years and remain determined to work on their behalf. The promise that we make to our veterans is sacred and knows no gender. To honor our veterans, we must honor this promise for each and every one of them.

EYE DONOR AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, March 2012 marks the 29th annual National Eye Donor Month—a month devoted to honoring eye donors and corneal recipients, and increasing awareness of the need for eye donations.

Since President Ronald Reagan declared the first National Eye Donor Month in 1983, the Eye Bank Association of America, EBAA, and its 97-member eyebanks have used National

Eye Donor Month to educate the general public about the donors and their families who provide life-changing corneal transplants for over 50,000 people annually.

Of the EBAA's 97-member eyebanks, four are located in Ohio, and they possess a deep-rooted commitment to restoring sight by providing corneas for sight-saving transplant procedures. In 2010, charitable eye donations made by Ohio residents allowed our State eyebanks to provide more than 1,000 corneas to help their friends and neighbors regain sight, and an additional 1,000 eyes and corneas for additional surgical procedures, as well as for research and educational purposes.

These selfless efforts have not gone unnoticed, changing the lives of thousands of Ohioans through the selfless gifts of donors and their families.

The Central Ohio Lions Eye Bank in Columbus, serving 45 counties, has made possible over 12,000 corneal transplants since 1973.

In the past 10 years, the Cincinnati Eye Bank for Sight Restoration, located in the southern part of our State, gave the gift of sight to nearly 6,300 individuals through transplantation.

In northern Ohio, the Cleveland Eye Bank has provided corneas for over 20,000 cornea transplants since its founding in 1958.

Lions Eye Bank of West Central Ohio, LEBWCO, in Dayton has provided high-quality ocular tissue to surgeons and patients since 1982 and serves more than 1 million people in nine counties. LEBWCO is dedicated to making the gift of sight a reality for the Dayton community and all Ohioans.

Since the EBAA's inception in 1961, corneal transplants have changed the lives of over 1,000,000 people. However, much remains to be done to offer more people the opportunity to receive life-changing corneal transplants.

I encourage all Americans to register to become eye donors. Inform your family of your wishes; designate yourself as a donor on your driver's license; and register as an eye donor through your State donor registry.

I urge my colleagues to work with their local eyebanks and the EBAA to promote the importance of eye donation and its life-enhancing effects on corneal recipients.

During March 2012, let us commemorate the lives of the donors who make corneal transplants possible, celebrate the sight restored by these transplants, and work to widen the path for additional advancements in corneal transplantation.

TRIBUTE TO RAYMOND J. PRICE III

Mr. BROWN of Ohio. Mr. President. I rise today to honor Raymond J. Price III upon his retirement from the International Union of Painters and Allied

Trades, IUPAT. For more than 30 years, Ray Price has represented his fellow workers in Ohio and across the country with distinction and dignity.

In September 1978, he started as an apprentice painter at IUPAT Painters Local 867 in Cleveland. He honed his craft to become a journey worker just 3 years later. As he rose through the ranks he earned the trust and admiration of his fellow brothers and sisters progressing as a business representative, business manager, and, by 1995, as manager and secretary-treasurer of IUPAT District Council 6, which covers all of Ohio and central Kentucky.

He would become heavily involved with the Cleveland Building Trades Council and served as vice president of the Cleveland AFL-CIO Federation of Labor. What IUPAT members in Ohio understood about his loyalty and toughness, soon members from across the country would also recognize. In 1999 he joined the International Union staff as a representative of the general president and, later, as general vice-president at large. With each new challenge and responsibility, Ray showed how a progressive labor movement is critical to our country and to our middle class.

Thank you, Ray, for your counsel and friendship. As you spend time at your cottage on the Sandusky River, I wish you a happy retirement with your wife Mary Ann, your children, and extended family by your side. You have left a legacy that shows how one can make a career fighting for working men and women—and making a community and country more just and fairer for all.

TRIBUTE TO MIKE DAVIES

Mr. BLUMENTHAL. Mr. President, today I honor New Haven open chief executive officer Mike Davies, who was named a 2012 inductee of the International Tennis Hall of Fame and Museum, a nonprofit organization founded in 1954. The official induction ceremony will take place this summer, and so, very appropriately, the outdoor tennis season provides an opportunity to honor a man who has significantly influenced the game of tennis. He is truly an athlete and sportsman for all seasons.

Other 2012 inductees include U.S. Gold medalist Jennifer Capriati, Brazilian top athlete Gustavo Kuerten, Russian star Yevgeny Kafelnikov, and three-time Paralympic medalist Thomas “Randy” Snow, all recognized in the Recent Player Category. Snow, who passed away in 2009, was a tireless leader for the disabled, inspiring many as a champion of wheelchair tennis. Spanish superstar Manuel Orantes and Australian champion Thelma Coyne-Long will be inducted in the Master Player Category. Nick Bollettieri, legendary coach and entrepreneur, and Eiichi Kawatei, a strong promoter of tennis in

Asia, will join Mr. Davies in the Contributor Category.

I was not surprised when I read that Mr. Davies taught himself how to play tennis and has used the same self-invented grip to swing his racket for the past 65 years. This anecdote is a perfect metaphor for how he, as an innovator, has transformed a game that so many Americans cherish.

Although we remember him as a great player battling to the top as No. 1 in Britain today, I recognize his perhaps lesser known contributions to tennis. He dedicated many years to leading our world's major tennis organizations, including the World Championship Tennis, WCT, serving as its executive director for 13 years, the Association of Tennis Professionals, and the International Tennis Federation, where he made the Davis Cup a tournament worth watching. In these capacities, he changed parts of the game that we take for granted and made playing and watching tennis more enjoyable, competitive, and exciting. Mr. Davies developed and implemented tiebreakers, allowed players to wear color, changed the ball from green to yellow for the benefit of television viewers, added time between points and games, and suggested the use of chairs during breaks in play.

Remarkably, Mr. Davies is responsible for the first public broadcasting of a tennis match, facilitating the airing of the 1972 WCT final match between Rod Laver and Ken Rosewall on NBC. In addition, while at WCT, Mr. Davies implemented the first, multi-million world tour. These two big ideas made the sport more accessible to all Americans. As showcased by these accomplishments and many others, Mr. Davies has been a tireless advocate for diversifying tennis and supporting all players, regardless of class or race, who had the potential to rise through the ranks.

Most recently, Mr. Davies has dedicated his talents to the incredibly successful New Haven Open tournament at Yale University. He has brought big-time tournament tennis competition to the city of New Haven and helped to create an arena where athletes of all ages can be inspired to be strong, fight hard, and work to their full potential. In their own backyards, they can experience the incredible energy of skilled players who are only a few games away from the U.S. Open.

I congratulate Mr. Davies for this remarkable honor and would like to recognize the International Tennis Hall of Fame and Museum for its outstanding work in preserving the legacies of these cultural icons and motivating new generations of young athletes and entrepreneurs to strive for greatness every day.

RECOGNIZING THE NEW HAVEN LIONS CLUB

Mr. BLUMENTHAL. Mr. President, today I wish to recognize the New Haven Lions Club as they celebrate their 90th anniversary and nearly a century of community service, civic involvement, and charitable contributions to the city of New Haven, the State of Connecticut, and the increasingly interconnected international community.

Lions Club members are connected to the heart and soul of their local cities and towns, following the proactive philosophy: “community is what we make it.” Through their extraordinary service and generosity including weekly meetings, annual volunteer events, and fundraising the 46,000 Lions Clubs and their 1.35 million members change the world around them. Following their historic practice of activism and participation, they touch countless lives.

Founded in 1922, the New Haven Lions Club is the second oldest Lions Club in Connecticut. The members—or Lions, as they aptly call themselves—come together four times a month at the New Haven Long Wharf to plan the community outings that have become well known and anticipated events. Their impact is felt when they hand out free hot cider at the New Haven tree lighting or deliver food donations to the Connecticut Food Bank. Since its start, the club has raised more than \$717,000 in charitable contributions.

Responding to a call to action by Helen Keller in 1925, one of the hallmark services offered by Lions Clubs around the world is assisting the often-marginalized blind and visually impaired communities. In 1975, the One to One Program was created in New Haven, where partnerships are formed between a blind and a seeing person. Together, these pairs attend events together throughout the year. In addition, free eye screenings have been offered on the New Haven Green since 1998, serving as a practical resource as well as symbolic gesture that the Lions Club of New Haven is dedicated to inspiring the vision of New Haven residents, helping them to see better lives for themselves.

The Lions of New Haven also offer valuable opportunities for children and young adults in New Haven, understanding their specific needs and then aiming to fill the void, whether providing recreational fun, mentorship, or the teaching of life skills. They have partnered with local schools in New Haven throughout the years, most recently with Nathan Hale School, to sponsor Leo Clubs, which lead students to spend time volunteering and giving back to their communities. Last July, the Lions Club of New Haven offered \$2,500 in scholarship funds for graduating Leos.

The New Haven Lions Club is also known for Camp Cedarcrest, 42 acres of

grounds in Orange, CT, enjoyed each summer by thousands of Connecticut residents. Together, the New Haven Lions, along with four other service organizations and the New Haven Department of Parks, Recreation and Trees, provide this spot for the community to enjoy.

Even though the New Haven Lions Club has held and participated in many newsworthy events such as hosting a Benny Goodman concert in 1958 and volunteering over 150 hours during the 1995 Special Olympics World Games held in New Haven—what makes this service club special is its members' dedication to each other, their community, and their legacy. Since its birth, then only the second of its kind in New England, the Lions Club of New Haven has evolved and adapted while always keeping the tradition of service, companionship, and civic duty as the foundation of every step together.

I wish the Lions of New Haven all the best as they continue to listen to the pulse of the city of New Haven and represent Connecticut in the many Lions Club happenings around the world. I have the greatest confidence that steadfast progress, tender human connections, and far-reaching impact will be made by this invaluable organization over the next 90 years and more.

AMERICAN STUDIO GLASS MOVEMENT

Mr. PORTMAN. Mr. President, today I wish to recognize the American Studio Glass Movement. The movement is celebrating its 50th anniversary this year. The American Studio Glass Movement began in Toledo, OH, as a small group of passionate artists and has grown into an international movement of artists creating one-of-a-kind art glass. I would like to congratulate the American Studio Glass Movement on 50 years of encouraging and supporting sculpture glass.

In 1962, the American Studio Glass Movement began with two glass-blowing workshops at the Toledo Art Museum. These workshops were highlighted by the inaugural implementation of the personal glass furnace. This invention made it possible for individual artists in personal studios to engage in creative glass design.

The American Studio Glass Movement has introduced the beauty and creativity of studio glass to millions of people. From June 13–16, the Glass Art Society will hold its annual conference in Toledo, OH, allowing artists, collectors, and enthusiasts from across the world to gather at the birthplace of glass art to celebrate 50 years of studio glass. Further, over 160 art museums, including nine Ohio art museums will hold exhibitions honoring the 50th anniversary of the American Studio Glass Movement.

I would like to join with the movement's thousands of supporters and as-

sociated museums in congratulating the American Studio Glass Movement on 50 years of success.

ADDITIONAL STATEMENTS

BEALE AIR FORCE BASE CHILD DEVELOPMENT CENTER

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the April 2, 2012, opening of the new Child Development Center, CDC, at Beale Air Force Base in Yuba County, CA.

I am so pleased that this facility has at long last become a reality for the families stationed at Beale, and I was proud to have fought to secure the funding required to build it.

When I visited Beale in 2004, I saw firsthand the critical need for a new CDC on base. The old CDC built in 1967 was in dire need of replacement. The aging facility was too small to accommodate eligible children and was found to contain safety hazards including asbestos and lead. The men and women serving our Nation at Beale deserve to know that their children are being cared for in a safe and nurturing environment. The new CDC will provide this peace of mind.

The Silver-LEED-Certified 37,566-square-foot facility will increase the number of children served from 175 to 280, relieving the burden on many military families who currently rely on childcare located 20 miles off base. It will have a total of 21 classrooms for children ranging from infants to preschool age and employ 70 staff members. The new CDC is also centrally located and easily accessible from anywhere on the installation. This new CDC will go a long way to ensure we are meeting the needs of the families stationed at Beale.

As cochair of the Senate Military Family Caucus, I know that when a servicemember wears a uniform, the entire family serves. That is why we must do everything we can to lessen their burden and provide for their needs. The new CDC at Beale symbolizes America's commitment to our incredible military families and is one more way we can show our gratitude for their service. •

TRIBUTE TO LEE ANDERSON

• Mr. CORKER. Mr. President, today I wish to honor an exceptional Tennessean and fellow Chattanooga for his outstanding career as a newsman and his many contributions to our city and country.

Lee Stratton Anderson was born in Trenton, KY in 1925 to Mr. and Mrs. Herbert L. Anderson. At the age of 5, he moved to Chattanooga, TN, where he still resides today. In 1942, as a high school junior, Lee was hired as a re-

porter at the Chattanooga News-Free Press, and on April 18th of this year, he will retire from that same newspaper 70 years to the day his storied career began.

It was clear from an early age that Lee Anderson was an exceptional person dedicated to serving others and his country. In addition to becoming a journalist at 16 years old, Lee earned the distinction of Eagle Scout and was the winner of two Sons of the American Revolution Good Citizenship Awards. After high school, he enrolled in the University of Chattanooga and volunteered for the Air Force aviation cadet program, serving 21 months on Active Duty in World War II before returning to school and to the paper. He maintained a busy schedule as a college student, arriving at 6:00 a.m. to the paper each day before heading to class until 9:30 p.m. Remarkably, he graduated in 3 years while still finding time to be a leader on campus. He was president of Sigma Chi fraternity, the Blue Key Honor Society, and the Interfraternity Council, and chairman of the Honor Council Indoctrination Committee, all while holding a full-time job.

At the Chattanooga News-Free Press, Lee covered politics and the State legislature before being named associate editor in 1948 and then editor in 1958. It was as an associate editor that Lee began to write the editorials that would become his signature. Over 40 years later, when Walter Hussman bought and merged the News-Free Press with then-rival the Chattanooga Times, Lee was named associate publisher and editor of the combined paper. The Chattanooga Times Free Press remains the only U.S. newspaper to offer two editorial perspectives, and, at age 87, Lee continues to plan three or four editorials for the Free Press section of the editorial page each day. His editorials have been reprinted in publications throughout the country, garnering him numerous awards, including the Freedoms Foundation's national award for editorials in 1979.

In addition to his 70-year career in the newsroom, Lee Anderson's contributions to his community, State and country have been just as impressive and valuable. He is a retired major in the U.S. Army Reserve and has served on a number of committees focused on educating the public about the Civil War. In 1957, he cofounded Confederama, now known as the Battles for Chattanooga Museum, an educational tourist attraction re-creating local battles and highlighting Chattanooga's role during the Civil War. He has delivered more than 2,000 speeches on a variety of topics, including religion, history, and politics, and authored two books: "Valley of the Shadow: the Battles of Chickamauga and Chattanooga, 1863" and "Israel: I looked over Jordan."

Lee has held leadership positions in numerous civic causes and organizations, including the Chattanooga Downtown Rotary, the Chattanooga Convention and Visitors Bureau, and the local chapter of the American Red Cross, to name a few. This past year, Lee was named the public face of United Way's annual campaign after almost 80 years of continuous participation with the charity, making his first contribution as a first grader. He also served Tennesseans for 4 years under my good friend, then-Governor LAMAR ALEXANDER, on the Tennessee Industrial and Agricultural Development Commission.

Lee Anderson's many achievements in life are too numerous to list here, but if you were to ask him, he would tell you after his wife, Betsy, of 62 years, two children and two grandchildren, one of his greatest accomplishments has been teaching Sunday school for over 40 years at First Presbyterian Church in Chattanooga.

Mr. President, I have known Lee Anderson for my entire adult life and have seen firsthand his love for our community and witnessed his contributions to making it a great place for our citizens to live and do business. Over his long career, Lee's views have always reflected his strongly held beliefs and deep devotion to the city and country he loves. It is an honor and a privilege to serve in the Senate on behalf of Tennesseans like Lee Anderson. I congratulate him for his remarkable dedication to the newspapers of record in Chattanooga and join with so many others in thanking him for the lasting impact he has made, which will extend for many years to come.●

FROZEN FOOD MONTH

● Mrs. MURRAY. Mr. President, today I wish to acknowledge Frozen Food Month and to recognize the frozen food industry's significant efforts to ensure that families and schoolchildren across the United States have access to healthy, affordable foods such as fruits and vegetables.

In our all too often hectic lives, frozen foods give Americans the flexibility to quickly prepare meals that are both nourishing and affordable.

School lunch planners also rely on frozen foods as they seek to serve healthy, child-friendly meals while stretching limited budgets. For instance, frozen fruits and vegetables are readily available and offer outstanding nutritional value to schoolchildren year-round.

Even during these tough economic times, the frozen food industry continues to provide much needed American jobs, with almost 100,000 employees working in nearly 700 facilities nationwide.

I would like to take this opportunity to honor one of my home State's own

frozen food companies, National Frozen Food Corporation. Headquartered in Seattle, WA, National is currently celebrating its 100th year as a leader in the frozen foods industry.

National began its impressive history when a man named William McCaffray, Sr., started selling frozen strawberries in 1912. With a \$5,000 loan from a friend, Mr. McCaffray built his small business from the ground up, and in the 1930s expanded to selling frozen vegetables as well as fruit. From Mr. McCaffray's humble beginnings, National has grown to be one of our country's premiere private-label frozen vegetable producers and employs 670 people throughout the year. Today, National Frozen Foods is committed to continued improvement through innovation within its own walls and at the industry level.

I am proud to acknowledge the part that National Frozen Foods Corporation has played in our economy in Washington State, as well as the positive impact that the frozen foods industry as a whole continues to have on the United States. In celebration of Frozen Foods Month, I applaud the employees and management of National Frozen Foods Corporation, and of the entire frozen food industry, for their hard work and contributions to our country.●

TRIBUTE TO DR. ANN COYNE

● Mr. NELSON of Nebraska. Mr. President, today I wish to honor Dr. Ann Coyne of Lincoln, NE, who has recently been awarded the National Association of Social Workers' Lifetime Achievement Award.

Dr. Coyne's accomplishments are many, and she is most deserving of this prestigious award. First and foremost, she is a loving wife and mother. Dr. Coyne was married to her husband, Dermot, for nearly 45 years before his death in 2002; and they were blessed with six children: P.J., Brian, Tom, James, Cathy and Gerry. She has been a "mom" to many more by providing a safe and loving home to many Nebraska foster children and by assisting many special needs children with international adoptions.

In addition to being a mother, Dr. Coyne has maintained a strong commitment to children throughout her professional career. She is a consultant for the Nebraska Foster Care Review Board and was a board member for Adoption Links Worldwide. She developed the dual degree between social work and public administration at the University of Nebraska-Omaha, UNO; was instrumental in renaming UNO's School of Social work in honor of another prestigious social worker from Nebraska, Grace Abbott; and continues to teach both undergraduate and graduate coursework to countless students in our State.

Perhaps the greatest of Dr. Coyne's achievements is her work in Nicaragua.

She fosters an ongoing relationship between UNO's Grace Abbott School of Social Work and the University of Nicaragua at Leon, UNAN, which has assisted 75 Nicaraguans in earning degrees in social work. She worked with the Omaha Suburban Rotary Club to found Las Chavalitos Maternal and Child Health Clinic in Managua. Additionally, Dr. Coyne partnered with a former student to develop the Association de Maestras y Padres de Niños Sordos, which now operates La Escuela de Niños Sordos, a primary day school for deaf children.

I, and all Nebraskans, have benefitted from Dr. Ann Coyne's accomplishments as a teacher, educator, and advocate for children. We are proud that the National Association of Social Workers has bestowed upon her its Lifetime Achievement Award. And we are also proud that the enormous impacts of Dr. Coyne's life and work have benefitted, and are continuing to benefit, the children of Nebraska, the United States of America, and the world.●

TRIBUTE TO CÉSAR ESTRADA CHÁVEZ

● Mr. UDALL of Colorado. Mr. President, today I wish to recognize César Estrada Chávez, a man whose leadership and nonviolent crusade for justice changed millions of lives throughout America. César Chávez helped give all of us a chance at a better future.

On March 31, 2012, we will celebrate César Chávez Day to commemorate his life and his legacy. We will also pause to remember that the actions of one person can empower an entire community to fight for equal treatment and civil rights.

César Estrada Chávez was born on March 31, 1927, near Yuma, AZ, to a family of farm workers. When his father was unable to work, Chávez joined the millions of people who worked in the fields to provide for their families and was inspired to do something to help his community. Daily, he saw and felt the farm workers' suffering. Working conditions on the farms were extremely dangerous and compensation was poor. Chávez taught migrant farm workers across the West that the life they deserved was very different from the one they had been living. He knew the farm workers' struggles intimately and used that knowledge as motivation to help the entire community find the tools it needed to overcome those struggles. Change initially took root in California, swiftly spreading to the rest of the Western United States. Colorado's heritage is richer because of his influence and his legacy.

Chávez's message reached Colorado's Hispanic community during the days of the civil rights movement. Chávez led advocacy efforts to empower people across Colorado, bringing about improved living and working conditions

for Colorado's farm workers. Additionally, his teachings inspired many Coloradans to join him in teaching farm workers, students, and veterans the importance of equality, justice, and empowerment. A Coloradan who became one of these leaders was Rodolfo "Corky" Gonzales, who would become a voice for the voiceless and a masterful poet and teacher in Colorado's Hispanic community.

César Chávez's and Rodolfo Gonzalez's selflessness, patience, and commitment mobilized Latinos and non-Latinos in Colorado and across America to fight for equality, justice, and civil rights. Chávez is especially remarkable because he truly embodied his own teachings. Throughout his life, he turned down many prestigious job offers and opportunities, choosing to work long hours in the fields side by side with migrant workers. Chávez gave a human face to agriculture. He taught many across the country that the grapes, onions, tomatoes, or other foods they purchased at the grocery store were part of a much larger story. Moreover, he believed that the world's real wealth lies in the act of helping others. It is this belief that sustained him in the face of long odds.

In a speech inspired by the non-violent messages of Dr. Martin Luther King, Jr., and Mahatma Gandhi, César Chávez said, "You cannot uneducate the person who has learned to read. You cannot humiliate the person who feels pride. And you cannot oppress the people who are not afraid anymore." Chávez's life and legacy has taught millions of people far more than just pride and bravery. He inspires all of us to fight for a better future for the world, for ourselves and for our neighbors. César Chávez is a role model for Coloradans and for all Americans.

On March 31, Coloradans across the State will come together to give back to their communities. I am proud to speak on behalf of them and on behalf of all Americans fighting to give their children and the people in their communities a better life, regardless of their background or color of skin. Together, we honor those who are continuing César Chávez's fight for justice and celebrate the remarkable influence of his vision.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2682. An act to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

H.R. 2779. An act to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

ENROLLED BILL SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2038. An act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 3:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

ENROLLED BILL SIGNED

At 5:25 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2237. A bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2682. An act to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

H.R. 2779. An act to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5475. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2012 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5476. A communication from the Chief Information Officer, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Modifications of Interlibrary Loan Fee Schedule" (RIN0518-AA04) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5477. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Loan Program" (RIN0560-AI04) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5478. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John C. Koziol, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5479. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Frank G. Helmick, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5480. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change by the Air Force Reserve to the Fiscal Year 2010 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC-5481. A communication from the Public Information Manager, Office of Privacy, Records, and Disclosure, Special Inspector General for Afghanistan Reconstruction,

transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act and Privacy Act Procedures" (RIN3460-AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Armed Services.

EC-5482. A communication from the Public Information Manager, Office of Privacy, Records, and Disclosure, Special Inspector General for Afghanistan Reconstruction, transmitting, pursuant to law, the report of a rule entitled "Requests for Testimony or the Production of Records in a Court or Other Proceedings in Which the United States is not a Party" (RIN3460-AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Armed Services.

EC-5483. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California Air Resources Board—In-Use Heavy-Duty Diesel-Fueled Truck and Bus Regulation, and Drayage Truck Regulation" (FRL No. 9633-3) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC-5484. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; Commonwealth of Puerto Rico; Administrative Changes" (FRL No. 9645-8) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC-5485. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Emission Control Measures for Chicago and Metro-East St. Louis Ozone Nonattainment Areas" (FRL No. 9633-4) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC-5486. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Nevada; Regional Haze State Implementation Plan" (FRL No. 9612-7) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC-5487. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regional Haze State Implementation Plan" (FRL No. 9651-7) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC-5488. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware,

Maryland, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 8-Hour Ozone Standard for the Philadelphia-Wilmington-Atlantic City Moderate Non-attainment Area" (FRL No. 9652-6) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC-5489. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emergency Planning and Notification; Emergency Planning and List of Extremely Hazardous Substances and Threshold Planning Quantities" (FRL No. 9651-1) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC-5490. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Eligibility Changes under the Affordable Care Act of 2010" (RIN0938-AQ62) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC-5491. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Student Health Insurance Coverage" (RIN0938-AQ95) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC-5492. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—Correction to Rev. Rul. 2012-9" (Rev. Rul. 2012-12) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Finance.

EC-5493. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2012" (Rev. Rul. 2012-11) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC-5494. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Report to the Congress: Medicare Payment Policy"; to the Committee on Finance.

EC-5495. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0028—2012-0034); to the Committee on Foreign Relations.

EC-5496. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Patient Protection and Affordable Care Act; Standards Related to Reinsurance, Risk Corridors and Risk Adjustment" (RIN0938-AR07) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5497. A communication from the District of Columbia Auditor, transmitting, pur-

suant to law, a report entitled, "District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for the 1st, 2nd, and 3rd Quarters of Fiscal Year 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-5498. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC-5499. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Nevada Advisory Committee; to the Committee on the Judiciary.

EC-5500. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States" for the September 2011 session; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Gina K. Abercrombie-Winstanley, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Gina Abercrombie-Winstanley.

Post: Malta.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$0.
2. Spouse: Gerard Winstanley, \$200, 2008, Obama Presidential campaign.
3. Daughter: Kara Winstanley, none.
4. Son: Adam Winstanley, none.
5. Parents: both deceased.
6. Grandparents: both deceased.
7. Brother: Craig Stevens, None.
8. Brother: John Brent, None.
9. Sister: Lynne Hicks, none.
10. Brother in law: Larry Hicks, None.

*Julissa Reynoso, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: Julissa Reynoso.

Post: Montevideo, Uruguay.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Julissa Reynoso: \$500, 12/5/2008, PODER Political Action Committee; \$300, 9/26/2008, Perriello for Congress; \$2,300, 8/28/2008, Friends of Hillary; \$1,000, 8/25/2008, Obama Victory Fund; \$1,000 8/31/2008, Obama for America.; (via Obama Victory Fund); \$250, 8/22/2008, Friends of Tracy Brooks; \$250, 8/22/2008, Act Blue; \$400, 6/30/2007, Hillary for

President (general); \$2,300, 1/26/2007, Hillary Clinton for President (primary); \$1,900, 1/26/2007, Hillary Clinton for President (general).

2. Spouse: n/a.
3. Children and Spouses: n/a.
4. Parents: Rosario Pantaleon: none; Julio Reynoso: none.
5. Grandparents: Juan Pantaleon: none; Bienvenida Pantaleon: deceased; Nay Reynoso: deceased; Maricusa Vargas: none.
6. Brothers and Spouses: Julio Cesar Reynoso: (single), none.
7. Sisters and Spouses: Jessica Adelina Reynoso: (single) none; Osmaris Valerio: (single) none.

*William E. Todd, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Nominee: William E. Todd.
Post: Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

- Contributions, amount, date, and donee:
1. Self: William Todd, none.
 2. Spouse: Patricia Buckingham, none.
 3. Children and Spouses: William Todd II, none; Christopher Todd, none; John Todd, none; Caitlyn Todd, none.
 4. Parents: John and Marie Todd, none.
 5. Grandparents: Deceased.
 6. Brothers and Spouses: John Todd, \$1000, 2004, Republican Party; \$2000, 2000, George Allen; Doug Todd, none.
 7. Sisters and Spouses: Jean Todd, none.

*Jacob Walles, of Delaware, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Tunisian Republic.

Nominee: Jacob Walles.
Post: Tunis.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

- Contributions, amount, date, and donee:
1. Self: \$1750, 2008, Obama.
 2. Spouse: N/A.
 3. Children and Spouses: N/A.
 4. Parents: N/A.
 5. Grandparents: N/A.
 6. Brothers and Spouses: N/A.
 7. Sisters and Spouses: None.

*Pamela A. White, of Maine, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Nominee: Pamela A. White.
Post: Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

- Contributions, amount, date, and donee:
1. Self: \$150.00, Oct. 2011, Obama; \$200.00, May 2010, Obama; \$400.00, Jan & Jun 2008, Obama.

2. Spouse: Steve Cowper, None.
3. Children and Spouses: Kristopher White, None; Patrick White, None.
4. Parents: Muriel and Richard Murphy, None.
5. Grandparents: Deceased
6. Brothers and Spouses:
7. Sisters and Spouses: Sandra Nadeau, None.

*John Christopher Stevens, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Libya.

Nominee: John C. Stevens.
Post: Tripoli.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

- Contributions, amount, date, and donee:
1. Self: None.
 2. Spouse: N/A.
 3. Children and Spouses: N/A.
 4. Parents: Jan Stevens, \$150, 2008, Obama Cmpgn. Carole Cory Stevens, None; Mary Commanday, None; Robert Commanday, None.
 5. Grandparents: N/A.
 6. Brothers and Spouses: Thomas Stevens, None; Dana Lung, None.
 7. Sisters and Spouses: Anne Stevens, \$800, 2008, Emily's List. Peter Sullivan, None; Hilary Stevens, None.

*Tracey Ann Jacobson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Nominee: Tracey Ann Jacobson.
Post: Republic of Kosovo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

- Contributions, amount, date, and donee:
1. Self: None.
 2. Spouse: N/A.
 3. Children and Spouses: N/A.
 4. Parents: None.
 5. Grandparents: None.
 6. Brothers and Spouses: None.
 7. Sisters and Spouses: None.

*Kenneth Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Nominee: Kenneth H. Merteno.
Post: Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

- Contributions, amount, date, and donee:
1. Self: None.
 2. Spouse: None.
 3. Children and Spouses: Caryl Merten & Elisabeth Merten: None.
 4. Parents: Edryne Merten: None.

5. Grandparents: N/A: None.
6. Brothers and Spouses: N/A: None.
7. Sisters and Spouses: N/A: None.

*Mark A. Pekala, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

Nominee: Mark A. Pekala.
Post: U.S. Ambassador to Latvia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

- Contributions, amount, date, and donee:
1. Self: None.
 2. Spouse: Maria R. Pekala: None.
 3. Children and Spouses: Julia C. Pekala: None; Nora M. Pekala: None.
 4. Parents: Anne J. Pekala—deceased, Henry S. Pekala—deceased.
 5. Grandparents: John (Jan) Pekala—deceased; Mary (Maria) Pekala—deceased; Michael Virbicki—deceased; Aleksandra Virbicki—deceased.
 6. Brothers and Spouses: Michael A. Pekala: None; Lori Pekala (spouse): None.
 7. Sisters and Spouses: Karen Pekala: \$500.00, 9/18/2008, Barack Obama via "Obama for America"; Judeth Hawkins: None; David Hawkins (spouse): None; Lisbeth O'Malley: None.

*Richard B. Norland, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

Nominee: Richard B. Norland.
Post: Ambassador to Georgia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

- Contributions, amount, date, and donee:
1. Self: None.
 2. Spouse: Mary E. Hartnett, \$250, 9/9/2008, Obama for America; \$500, 10/28/2008, Obama for America.
 3. Children and Spouses: Daniel Norland (son) and Jennifer Barkley (spouse): \$200, 2008, Obama for America; Kathleen Norland (daughter): None.
 4. Parents: Donald R. Norland—deceased; Patricia B. Norland: None.
 5. Grandparents: E. Norman Norland—deceased; Aletta Norland—deceased; August Bamman—deceased; Emily Bamman—deceased.

6. Brothers and Spouses: David Norland (brother): \$1,000, 04/01/11, Pawlenty for President Exploratory Committee; \$500, 10/29/10, Republican National Committee; \$250, 01/13/10, Scott Brown for U.S. Senate; \$250, 10/13/09, McDonnell for Governor; \$2,300, 09/09/08, McCain Victory 2008, \$1,300, 01/07/08, Romney for President, Inc.; \$1,000, 06/14/07, Romney for President, Inc; Susan Norland (spouse): None.
7. Sisters and Spouses: Patricia D. Norland: None.

*Jeffrey D. Levine, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Republic of Estonia.

Nominee: Jeffrey D. Levine.

Post: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$200, 2008, Obama for President Campaign.
2. Spouse: Janie L. Keeler (joint contribution with myself as listed above*).
3. Children and Spouses: Nikolai David Levine (minor child—None).
4. Parents: Evelyn Bender: None.
5. Grandparents: deceased.
6. Brothers and Spouses: Glenn Levine, None.
7. Sisters and Spouses: None.

*Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations).

*Frederick D. Barton, of Maine, to be Coordinator for Reconstruction and Stabilization.

*Linda Thomas-Greenfield, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service.

*Carlos Pascual, of the District of Columbia, to be an Assistant Secretary of State (Energy Resources).

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Olga Ford and ending with Margaret Shu Teasdale, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2012.

Foreign Service nominations beginning with Terry L. Murphree and ending with Andrew J. Wylie, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2012.

Foreign Service nominations beginning with Morgan D. Haas and ending with Stephen L. Wixom, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2238. A bill to amend the Commodity Exchange Act to require a regulation to limit the aggregate positions of nontraditional bona fide hedgers in petroleum and related products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. BLUMENTHAL, and Ms. KLOBUCHAR):

S. 2239. A bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself, Mr. BLUNT, Mr. BROWN of Ohio, and Mr. ROBERTS):

S. 2240. A bill to amend the Internal Revenue Code of 1986 to extend the allowance for bonus depreciation for certain business assets; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Ohio, Mr. ROCKEFELLER, Mr. COONS, Mr. HARKIN, Mr. INOUE, Mr. LEAHY, and Mr. WHITEHOUSE):

S. 2241. A bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. ROBERTS):

S. Res. 407. A resolution expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing; considered and agreed to.

ADDITIONAL COSPONSORS

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Missouri (Mrs. McCASKILL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 798

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Reg-

istration and Transfer Record, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1629

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1755

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1755, a bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for

travel for certain special disabilities rehabilitation, and for other purposes.

S. 1774

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1774, a bill to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes.

S. 1945

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. 2051

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2113

At the request of Mrs. HAGAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2113, a bill to empower the Food and Drug Administration to ensure a clear and effective pathway that will encourage innovative products to benefit patients and improve public health.

S. 2120

At the request of Ms. MURKOWSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2120, a bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2139

At the request of Mrs. McCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor

of S. 2139, a bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes.

S. 2140

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2140, a bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2204

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2213

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 2221

At the request of Mr. THUNE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2221, a bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.

S. 2222

At the request of Mr. SANDERS, the names of the Senator from Montana

(Mr. TESTER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Alaska (Mr. BEGICH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

S. 2226

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2226, a bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity carried out outside the United States, including the territories and possessions of the United States.

S. 2232

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2232, a bill to decrease the deficit by realigning, consolidating, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

S. 2233

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2233, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S.J. RES. 38

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 38, a joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment.

S. RES. 344

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 344, a resolution supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua.

S. RES. 356

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

S. RES. 395

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 395, a resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in

Chicago, Illinois from May 20 through 21, 2012.

S. RES. 397

At the request of Mr. COONS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 397, a resolution promoting peace and stability in Sudan, and for other purposes.

S. RES. 402

At the request of Mr. COONS, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nevada (Mr. HELLER) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

AMENDMENT NO. 1952

At the request of Mr. SANDERS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1952 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Ohio, Mr. ROCKEFELLER, Mr. COONS, Mr. HARKIN, Mr. INOUE, Mr. LEAHY, and Mr. WHITEHOUSE):

S. 2241. A bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the GI Bill Consumer Awareness Act of 2012.

My colleagues, including my fellow Veterans' Affairs Committee Members Senators AKAKA, BEGICH, BROWN of Ohio and ROCKEFELLER, and my Senate colleagues Senators COONS, HARKIN, INOUE, LEAHY, and WHITEHOUSE, join me in introducing this important legislation. I appreciate their continued support of our Nation's veterans.

With the end of the war in Iraq and the drawdown in Afghanistan, more servicemembers are separating from the military to start their civilian careers. When my father came home from war, the GI Bill helped him go to college. He used that education to get a job, one that gave him pride. That's

the opportunity we must provide those returning from today's wars.

America's investment in its newest generation of veterans is tremendous.

In 2012, over 590,000 servicemembers, veterans, and other beneficiaries are expected to enroll in educational institutions using the Post-9/11 GI Bill. VA is expected to spend over \$9 billion dollars in 2012 on Post-9/11 GI Bill payments and over \$2 billion for the nearly 400,000 beneficiaries of the VA's other education programs. Despite this level of support, those returning from today's wars are unable to use VA educational benefits to their full potential. Today, that ends.

At its heart, the GI Bill Consumer Awareness Act would take significant steps to make certain that GI Bill beneficiaries have access to information to help them make informed decisions about the educational institutions they attend, so they get the most out of this tremendous benefit. This bill would also require VA and DoD to develop a joint policy to curb aggressive recruiting and misleading marketing aimed at servicemembers and veterans so they can make a decision on a school without bad actors exerting unfair influence on them.

Many servicemembers and veterans attend educational institutions that do not suit their intended goals. This shouldn't be the case. Servicemembers and veterans should enroll in educational institutions which put them on the path to a successful career, or allow them to access more post-secondary education opportunities. For many years we have provided VA educational beneficiaries with billions of dollars in educational assistance, but have given them little to no assistance in deciding where to use these benefits. This bill would put an end to that.

The GI Bill Consumer Awareness Act calls for disclosure of, among other data, statistics related to student loan debt, transferability of credits earned, veteran enrollment, program preparation for licensing and certification, and job placement rates, heard from many veterans that this type of information would be very useful to them as they make decisions about where to enroll.

My bill would also require VA to provide educational beneficiaries with easy-to-understand information about schools that are approved for GI Bill benefit use. Collecting data for data's sake is not the goal here. I want VA to use this information to develop a report card of sorts that allows veterans to see how one school compares against another to help them decide which school is right for them.

We must acknowledge the differences between student veterans and their civilian classmates. Unlike their classmates, servicemembers and veterans need to know what services institutions provide to ease their difficult transition to civilian life. Some edu-

cational institutions provide more support than others.

The University of Washington, one of the oldest public universities in my home state, serves as an example of what all universities should be doing. Through its Veterans Center, the University of Washington offers its student veterans a place to connect with other veterans, access university resources, and receive referrals to campus and community resources that help to balance academic and personal demands. The University of Washington is helping to ease the transition from the battlefield to the classroom, and these types of services should be replicated across the country.

Despite this bright spot, I have heard from servicemembers and veterans who don't think their schools are in touch with the assistance that VA and other Agencies can provide to them. The GI Bill Consumer Awareness Act would require educational institutions to have at least one employee who is knowledgeable about benefits available to servicemembers and veterans.

My bill would further require that academic advising, tutoring, career and placement counseling services, and referrals to Vet Centers are available and that faculty members are trained on matters that are relevant to servicemembers and veterans. I want to make sure that each educational institution that is approved for GI Bill education benefits has the support services that student veterans need in order to make the most of their educational experience. No veteran should step on a college campus in this country and feel unsupported.

I am concerned about what I am seeing and hearing about groups who mislead our servicemembers and veterans—just to boost enrollment of students with a very lucrative benefit. The GI Bill Consumer Awareness Act would require VA and DoD to develop a joint policy on aggressive recruiting and misleading marketing aimed at servicemembers, veterans, and other beneficiaries.

When servicemembers and veterans make a decision about a school—it should be done with their own best interests at heart, and in consultation with their families and those Agencies with a mandate to help them. The GI Bill Consumer Awareness Act would make educational counseling available to more beneficiaries. As long as a beneficiary has educational entitlement—counseling from VA would be available. I really want VA to be proactive in its efforts to get these servicemembers and veterans in for counseling. This is an important step in choosing a school and career path and one that I hope that more student veterans take advantage of.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's servicemembers after they leave military service. I also ask our colleagues for their continued support for the Nation's veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "GI Bill Consumer Awareness Act of 2012".

SEC. 2. PUBLICATION BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE OF INFORMATION ABOUT EDUCATIONAL INSTITUTIONS.

(a) PUBLICATION BY SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3697B. Publication of information about educational institutions

"(a) PUBLICATION OF INFORMATION.—The Secretary shall, on an ongoing basis, make available to veterans, members of the Armed Forces, and other individuals eligible to receive or receiving assistance under this chapter or any of chapters 30 through 35 of this title or chapters 106A or 1606 of title 10 the information described in subsection (d) in language that can be easily understood by such veterans, members, and other individuals.

"(b) COLLECTION OF INFORMATION.—(1) In order to make the information described in subsection (d) available as required by subsection (a), the Secretary shall take such actions as may be necessary to obtain such information.

"(2) If the Secretary requires, for purposes of this section, information that has been reported by an educational institution to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section or section 3679A of this title, the Secretary shall obtain such information from such Secretary or head rather than the educational institution.

"(3) Making information available under subsection (a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

"(c) PARTNERSHIP WITH SECRETARY OF EDUCATION AND SECRETARY OF DEFENSE.—(1) The Secretary shall carry out subsections (a) and (b) in consultation and cooperation with the Secretary of Education and the Secretary of Defense.

"(2) If the Secretary of Education or the Secretary of Defense incur any costs in consulting or cooperating with the Secretary of Veterans Affairs under paragraph (1), the Secretary of Veterans Affairs shall reimburse the Secretary concerned, from amounts appropriated to the Secretary of Veterans Affairs, for such costs.

"(d) INFORMATION.—The information described in this subsection is as follows:

"(1) An explanation of the different types of accreditation available to educational institutions and programs of education.

"(2) A general overview of Federal student aid programs, the implications of incurring student loan debt, and discussion of how receipt of educational assistance under this chapter or any of chapters 30 through 35 of this title may enable students to complete programs of education without incurring significant educational debt.

"(3) For each educational institution at which an individual is enrolled in a program of education for which the individual receives assistance under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10 and for the most recent academic year for which information is available, the following:

"(A) The percentage of students who enroll in the first term of a program of education of the educational institution who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

"(B) The percentage of students enrolled in a program of education offered by the educational institution who complete the program of education within the normal time for completion of such program and the percentage of students enrolled in a program of education offered by the educational institution who complete the program of education within 150 percent of such period, disaggregated by students who receive and don't receive assistance for pursuit of the program of education under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10.

"(C) The number of degrees and certificates awarded by the educational institution and the number of students enrolled in programs of education at the educational institution that lead to a degree or a certificate.

"(D) The number of students enrolled in a program of education of the educational institution.

"(E) The rates of job placement of students who complete a program of education offered by the educational institution that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

"(F) The mean of the wages the students described in subparagraph (E) receive from their first positions of employment obtained after completing a program of education offered by the educational institution.

"(G) A description of the accreditation of the educational institution, if any, and the names of any national or regional accrediting agencies that have accredited the educational institution.

"(H) For each program of education offered by the educational institution, the following:

"(i) The percentage of students who enroll in the first term of the program of education who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

"(ii) The percentage of students enrolled in the program of education who complete the program of education within the normal time for completion of such program and the percentage of students enrolled in the program of education who complete the program of education within 150 percent of such period, disaggregated by students who receive and don't receive assistance for pursuit of the program of education under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10.

"(iii) The number of degrees or certificates awarded by the educational institution to individuals who enrolled in the program of education.

"(iv) The number of students enrolled in the program of education.

"(v) If the program of education is designed to prepare a student for a particular occupation, whether such occupation generally requires licensing or certification in the State in which the educational institution is located and if so, whether successfully completing such program of education generally qualifies an individual—

"(I) to obtain such licensing or certification;

"(II) to take an examination that is generally required to obtain such licensing or certification; or

"(III) to meet such other preconditions as may be necessary for employment in such occupation in such State.

"(vi) If the program of education is designed to prepare a student for a particular occupation that generally requires licensing or certification in the State in which the educational institution is located, the percentage of students who completed such program of education who obtained such licensing or certification.

"(vii) The rates of job placement of students who complete the program of education for programs of education that prepare students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

"(viii) The mean of the wages the students described in clause (vii) receive from their first positions of employment obtained after completing the program of education.

"(ix) A description of the accreditation of the program of education, if any, and the names of any national or regional accrediting agencies that have accredited the program of education.

"(I) An explanation of the following:

"(i) Whether academic credits awarded by the educational institution are transferable to public educational institutions in the State in which the educational institution is located.

"(ii) Any articulation agreements the educational institution may have with any other educational institutions.

"(iii) How the educational institution may or may not accept academic credit awarded by another educational institution, including whether the educational institution accepts the transfer of academic credits from the following:

"(I) The Army/American Council on Education Registry Transcript System.

"(II) The Sailor-Marine American Council on Education Registry Transcript.

"(III) The Community College of the Air Force.

"(IV) The United States Coast Guard Institute.

"(J) The average tuition and fees for all programs of education at the educational institution leading to a baccalaureate degree or lesser degree, license, or certificate and the average tuition and fees charged by public educational institutions for similar programs of education, disaggregated by State.

"(K) The median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and to the degree practicable, private student loans, held upon completion of a program of education by an individual who received assistance under chapter 30, 32, 33, or 34 of this title for pursuit of such program of education at the educational institution.

“(L) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

“(M) With respect to the information reported under subparagraphs (K) and (L), indicators of how the educational institution compares with all public educational institutions offering comparable programs of education.

“(N) Whether the educational institution is a public, private nonprofit, or private for-profit institution.

“(O) The number of veterans enrolled in programs of education at the educational institution who are receiving assistance under this chapter and chapters 30 through 35 of this title and chapters 106A and 1606 of title 10 for pursuit of such programs of education.

“(P) A description of the benefits and assistance veterans described in subparagraph (K) may be entitled to under the laws of the State or States in which the veterans receive instruction from the educational institution.

“(Q) A description of the educational institution's participation, if any, in the Yellow Ribbon G.I. Education Enhancement Program established under section 3317(a) of this title.

“(R) If the educational institution charges a lower rate of tuition for students who reside in the same State as the educational institution—

“(i) identification of the requirements for students to obtain in-State status for such lower rate of tuition; and

“(ii) a list of educational institutions located or incorporated in the same State as the educational institution that waive such requirements for veterans.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

“3697B. Publication of information about educational institutions.”.

(3) EFFECTIVE DATE.—Section 3697B of title 38, United States Code, as added by paragraph (1), shall take effect on the date that is 180 days after the date of the enactment of this Act and not later than such date, the Secretary of Veterans Affairs shall begin making information available as described in subsection (a) of such section.

(b) TRAINING FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS EDUCATION CALL CENTERS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that appropriate employees of each of the education call centers of the Department of Veterans Affairs receive appropriate training regarding the information made available under section 3697B of title 38, United States Code, as added by subsection (a)(1).

(c) PUBLICATION BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—The Secretary of Defense shall, on an ongoing basis, make available to individuals eligible to receive or receiving assistance under the Military Spouse Career Advancement Account (MyCAA) program of the Department of Defense the information described in paragraph (4) in language that can be easily understood by such individuals.

(2) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—In order to make the information described in paragraph (4) available as required by paragraph (1), the Secretary shall take such actions as may be necessary to obtain such information, including by requiring educational institutions to provide, as a condition of participating in such

program, such information as the Secretary considers necessary to carry out this subsection.

(B) COLLECTION FROM OTHER FEDERAL AGENCIES.—If the Secretary of Defense requires, for purposes of this section, information that has been reported by an educational institution to the Secretary of Education, the Secretary of Veterans Affairs, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this subsection, the Secretary of Defense shall obtain such information from such Secretary or head rather than the educational institution.

(C) PRIVACY.—Making information available under paragraph (1) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(3) PARTNERSHIP WITH SECRETARY OF EDUCATION.—The Secretary of Defense shall carry out paragraphs (1) and (2) in consultation and cooperation with the Secretary of Education.

(4) INFORMATION.—The information described in this paragraph is as follows:

(A) An explanation of the different types of accreditation available to educational institutions and programs of education.

(B) A general overview of Federal student aid programs and the implications of incurring student loan debt.

(C) For each educational institution at which an individual is enrolled in a program of education and receives assistance under the Military Spouse Career Advancement Account (MyCAA) program of the Department of Defense for pursuit of such program of education, the following:

(i) The percentage of students who enroll in the first term of a program of education of the educational institution who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

(ii) The percentage of students who transfer from one program of education offered by the educational institution to another program of education offered by the educational institution.

(iii) The rates of job placement of students who complete a program of education offered by the educational institution that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

(iv) The mean of the wages the students described in clause (iii) receive from their first positions of employment obtained after completing a program of education offered by the educational institution.

(v) A description of the accreditation of the educational institution, if any, and the names of any national or regional accrediting agencies that have accredited the educational institution.

(vi) For each program of education offered by the educational institution, the following:

(I) If the program of education is designed to prepare a student for a particular occupation, whether such occupation generally requires licensing or certification in the State in which the educational institution is located and if so, whether successfully completing such program of education generally qualifies an individual—

(aa) to obtain such licensing or certification;

(bb) to take an examination that is generally required to obtain such licensing or certification; or

(cc) to meet such other preconditions as may be necessary for employment in such occupation in such State.

(II) If the program of education is designed to prepare a student for a particular occupation that generally requires licensing or certification in the State in which the educational institution is located, the percentage of students who completed such program of education who obtained such licensing or certification.

(III) The rates of job placement of students who complete the program of education for programs of education that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

(IV) The mean of the wages the students described in subclause (III) receive from their first positions of employment obtained after completing the program of education.

(vii) An explanation of the following:

(I) Whether academic credits awarded by the educational institution are transferable to public educational institutions in the State in which the educational institution is located.

(II) Any articulation agreements the educational institution may have with any other educational institutions.

(III) How the educational institution may or may not accept academic credit awarded by another educational institution

(viii) Whether the educational institution is a public, private nonprofit, or private for-profit institution.

(ix) If the educational institution is accredited, whether the educational institution has received disciplinary complaints from the accrediting agency that awarded such accreditation and the adjudication status of such complaints.

SEC. 3. ADDITIONAL REQUIREMENTS OF EDUCATIONAL INSTITUTIONS FOR SUPPORT OF VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL REQUIREMENTS UNDER TITLE 38.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 3679A. Additional requirements

“(a) AFFIRMATIVE REQUIREMENTS.—A course of education of an educational institution may not be approved under this chapter unless the educational institution carries out the following:

“(1) Compiling and disclosing to the Secretary such information as the Secretary may require to carry out section 3697B of this title to the extent that such information is available to the educational institution.

“(2) If more than 10 veterans or members of the Armed Forces are enrolled in a course of education at the educational institution, ensuring that at least one full-time equivalent employee of the educational institution is knowledgeable about benefits and assistance available to veterans and members of the Armed Forces under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense.

“(3) Ensuring that appropriate employees of the educational institution are trained and qualified to handle assistance provided under this chapter, chapters 30 through 35 of this title, and chapters 106A and 1606 of title 10.

“(4) If more than 10 veterans or members of the Armed Forces are enrolled in a course of education at the educational institution, providing academic advising and support services to veterans, including remediation,

tutoring, career and placement counseling services, and referrals to centers for readjustment counseling and related mental health services for veterans under section 1712A of this title (known as ‘vet centers’).

“(5) Offering training for members of the faculty of the educational institution on matters that are relevant to veterans and members of the Armed Forces who are enrolled in courses of education at the educational institution.

“(6) Agreeing to abide by the policies developed under section 3696(b) of this title.

“(7) Establishing a point of contact for veterans enrolled in courses of education at the educational institution who can—

“(A) assist such veterans in adjusting to student life at the educational institution; or

“(B) provide referrals to groups or organizations that provide such assistance.

“(b) PROHIBITIONS.—A course of education of an educational institution may not be approved under this chapter if the educational institution—

“(1) requires a student enrolled in the course of education to waive the student’s right to legal recourse under any otherwise applicable provision of Federal or State law; or

“(2) requires a student enrolled in the course of education to submit to arbitration or imposes onerous legal notice provisions in the case of a dispute with the educational institution.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3679 the following new item:

“3679A. Additional requirements.”.

(3) CONFORMING AMENDMENT.—Section 3672(b)(2)(A) of such title is amended by striking “and 3696” and inserting “3696, and 3697B”.

(4) EFFECTIVE DATE.—Section 3679A of such title, as added by paragraph (1), shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) MEMORANDUMS OF UNDERSTANDING BETWEEN DEPARTMENT OF DEFENSE AND EDUCATIONAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter 106A of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2149A. Memorandums of understanding with educational institutions

“(a) IN GENERAL.—The Secretary shall seek to enter into a memorandum of understanding, not later than one year after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, with each educational institution at which an individual is enrolled in a program of education for which the individual receives assistance under this chapter.

“(b) ELEMENTS.—Each memorandum of understanding entered into under subsection (a) shall require the educational institution with which the Secretary enters into the understanding to carry out paragraphs (2) through (7) of section 3679A(a) of title 38.

“(c) BAN ON RECRUITING ON MILITARY INSTALLATIONS.—No individual who represents an educational institution described in subsection (a) may enter a military facility of the United States for purposes of recruiting students for the educational institution if the educational institution has not entered into a memorandum of understanding with the Secretary under such subsection.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 106A of

such title is amended by adding at the end the following new item:

“22149A. Memorandums of understanding with educational institutions.”.

SEC. 4. PROTECTIONS FOR VETERANS AND MEMBERS OF THE ARMED FORCES ATTENDING EDUCATIONAL INSTITUTIONS.

(a) POLICIES TO CURB AGGRESSIVE RECRUITING.—Section 3696 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “, including utilizing third-party lead generators that gather names of prospective students through the use of deceptive or misleading acts or practices” before the period at the end; and

(B) by inserting “(1)” before “The Secretary”;

(2) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively;

(3) in paragraph (3), as redesignated by paragraph (2), by striking “under subsection (a)” each place it appears and inserting “under paragraph (1)”;

(4) by striking “this section” each place it appears and inserting “this subsection”; and

(5) by adding at the end the following new subsection (b):

“(b) Not later than 90 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly develop policies to curb aggressive recruiting of veterans and members of the Armed Forces by educational institutions.”.

(b) PROHIBITION ON INDUCEMENTS.—Such section is further amended by adding at the end the following new subsection:

“(c) The Secretary shall not approve a course offered by an educational institution if the educational institution uses inducements or provides any gratuity, favor, discount, entertainment, hospitality loan, transportation, lodging, meals, or other item having a monetary value of more than a de minimis amount to any individual or entity (other than salaries paid to employees or fees paid to contractors in conformity with all applicable provisions of law) for the purpose of securing enrollments.”.

(c) WORKING GROUP.—

(1) IN GENERAL.—Chapter 36 of such title is amended by inserting after section 3692 the following new section:

“§ 3692A. Working group

“(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly, in consultation with the Secretary of Education, establish a working group—

“(1) to coordinate consumer protection efforts of the Department of Veterans Affairs and the Department of Defense with respect to educational assistance provided under this chapter, chapters 30 through 35 of this title, and chapters 106A and 1606 of title 10; and

“(2) to develop policies related to postsecondary education marketing and recruitment of veterans and members of the Armed Forces.

“(b) DUTIES.—In coordinating efforts and developing policies under subsection (a), the working group shall—

“(1) survey veterans and members of the Armed Forces who have received educational assistance described in subsection (a)(1) to obtain feedback on the educational assistance received and on the program of education for which such assistance was received;

“(2) review marketing and recruitment practices carried out by educational institutions to determine whether the advertising practices of such institutions might be detrimental to veterans and members of the Armed Forces, including a review of Internet websites used for marketing and advertising campaigns targeted towards veterans and members of the Armed Forces; and

“(3) monitor the overall postsecondary education market for developments that affect veterans and members of the Armed Forces.

“(c) CONSULTATION.—In carrying out its duties under this section, the working group shall consult with appropriate Federal agencies (including the Department of Education and the Consumer Federal Protection Bureau), consumer protection groups, veterans service organizations, military service organizations, representatives of educational institutions, and representatives of such other groups or organizations as the Secretaries consider appropriate.

“(d) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under subsection (a).

“(e) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ‘veterans service organization’ means any organization recognized by the Secretary for the representation of veterans under section 5902 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3692 the following new item:

“3692A. Working group.”.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the working group established under section 3692A of such title, as added by paragraph (1), shall submit to Congress a report on the activities of the working group under such section, including the following:

(A) The findings of the working group.

(B) The actions taken by the working group.

(C) The policies developed by the working group.

(D) Recommendations for such legislative and regulatory action as may be necessary to coordinate as described in paragraph (1) of section 3692A(a) of such title and develop policies as described in paragraph (2) of such section.

(d) POLICIES ON CONFLICTS OF INTEREST BETWEEN EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS, DEPARTMENT OF DEFENSE, AND EDUCATIONAL INSTITUTIONS.—Section 3683 of such title is amended by adding at the end the following new subsection:

“(e) The Secretary of Veterans Affairs and the Secretary of Defense shall develop policies for employees of the Department of Veterans Affairs and the Department of Defense, respectively, regarding conflicts of interest between employees of such departments and educational institutions.”.

SEC. 5. ASSESSMENT OF QUALITY AND DELIVERY OF CAREER INFORMATION AND COUNSELING TO MEMBERS OF ARMED FORCES AND VETERANS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor and the Secretary of Education, assess the quality and delivery of career information and counseling provided to members of the Armed Forces and veterans enrolled in (or planning

to enroll in) programs of education with assistance under chapter 106A or 1606 of title 10, United States Code, or any of chapters 30 through 36 of title 38, United States Code. Such assessment shall address, at minimum, the following:

(1) Whether such information and counseling is relevant to the labor-markets in which such members or veterans plan to relocate, if applicable.

(2) Whether such information and counseling identifies careers that are available in in-demand occupations and industries in such labor-markets.

(3) Whether such information and counseling identifies the education and credentials required for such careers.

(4) Whether assessments provided to such members and veterans as part of such counseling of the skills and credentials of such members and veterans match such skills and credentials with the skills and credentials required for jobs in the civilian workforce.

(5) Whether the assessments described in paragraph (4) identify the additional skills or credentials members and veterans described in such paragraph may need for employment in jobs in the civilian workforce.

(6) Whether such information identifies the education and training programs that provide the skills necessary for such careers in such labor-markets.

(7) Whether such information is provided in a timely manner.

(b) **COLLABORATION WITH THE ONE-STOP DELIVERY SYSTEM AND TRANSITION ASSISTANCE PROGRAMS.**—In carrying out subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, determine how programs that provide education and career counseling services to members of the Armed Forces and veterans under laws administered by the Secretary of Defense and the Secretary of Veterans Affairs should—

(1) collaborate and improve information sharing with one-stop delivery systems established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), including collaboration through electronic means, to provide the information described in subsection (a) to the members of the Armed Forces before such members transition from service in the Armed Forces to civilian life; and

(2) coordinate with—

(A) each other;

(B) the Transition Assistance Program (TAP) of the Department of Defense;

(C) the services provided under sections 1142, 1143, and 1144 of title 10, United States Code;

(D) the programs established under section 235(b) of the VOW to Hire Heroes Act of 2011 (Public Law 112-56; 38 U.S.C. 4214 note); and

(E) the demonstration project established under section 4114 of title 38, United States Code.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the assessment completed under subsection (a), including recommendations for such legislative, regulatory, and administrative action as the Secretaries consider necessary to improve the provision of career information relevant to programs of education pursued by members of the Armed Forces and veterans to such members and veterans.

(2) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Education and the Workforce of the House of Representatives.

SEC. 6. EXPANSION OF ELIGIBILITY FOR EDUCATIONAL AND VOCATIONAL COUNSELING.

Section 3697A(b) of title 38, United States Code, is amended—

(1) by striking paragraphs (2) and (3);

(2) in paragraph (1), by adding “or” at the end; and

(3) by adding at the end the following new paragraph (2):

“(2) is serving on active duty in any State with the Armed Forces and has served in the Armed Forces on active duty for not fewer than 180 days.”.

SEC. 7. SUBMITTAL OF COMPLAINTS REGARDING PROGRAMS OF EDUCATION AND EDUCATIONAL ASSISTANCE.

(a) **IN GENERAL.**—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section:

“§ 3693A. Complaint process

“(a) **SUBMITTAL OF COMPLAINTS.**—The Secretary shall establish procedures for submittal to the Secretary of complaints by a students who are pursuing programs of education with assistance under this chapter, any of chapters 30 through 35 of this title, or chapters 106A or 1606 of title 10 regarding such programs of education or such assistance.

“(b) **DATABASE.**—The Secretary shall establish a database to store complaints submitted under subsection (a) to enable the Secretary—

“(1) to improve the provision of assistance under this chapter and chapters 30 through 35 of this title;

“(2) to improve the provision of educational and vocational counseling under section 3697A of this title; and

“(3) to identify problems with the programs of education or assistance described in subsection (a) that warrant further investigation by the Secretary.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 36 of this title is amended by inserting after the item relating to section 3693 the following new item:

“3693A. Complaint process.”.

SEC. 8. COLLECTION AND DISSEMINATION OF BEST PRACTICES FOR PROVISION BY EDUCATIONAL INSTITUTIONS OF ASSISTANCE TO STUDENTS WHO ARE VETERANS OR MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act and two and four years thereafter, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Education and the Secretary of Defense, collect and disseminate information about best practices for the provision by educational institutions of assistance to students who are veterans and students who are members of the Armed Forces to help them successfully enter, persist in, and complete programs of education.

(b) **CONSULTATION WITH VETERANS SERVICE ORGANIZATIONS.**—In carrying out subsection (a), the Secretary of Veterans Affairs shall consult with veterans service organizations and educational institutions.

SEC. 9. REPEAL OF LIMITATION ON PAYMENTS FOR CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING.

Section 3697 of title 38, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “(a) Subject to subsection (b) of this section, educational” and inserting “Educational”.

SEC. 10. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.

Section 3684 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) Not later than 90 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary shall ensure that the Department employs personnel dedicated to assisting personnel of educational institutions who are charged with submitting reports or certifications to the Secretary under this section.”.

SEC. 11. REPORT ON NUMBER OF RECIPIENTS OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the receipt of educational assistance under laws administered by the Secretary of Veterans Affairs during the last academic year ending before the submittal of the report.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following, for the period covered by the report:

(1) A list of all educational institutions at which an individual is enrolled in a program of education for which the individual receives assistance under a law administered by the Secretary of Veterans Affairs.

(2) For each educational institution listed under paragraph (1), the number of individuals who receive assistance under a law administered by the Secretary to pursue a program of education at the educational institution.

(3) For each educational institution listed under paragraph (1), the total amount of assistance paid under laws administered by the Secretary to individuals enrolled in programs of education at the educational institution for pursuit of such programs and paid to the educational institution for the education of individuals.

SEC. 12. PERFORMANCE METRICS FOR DEPARTMENT OF DEFENSE EDUCATION AND WORKFORCE TRAINING PROGRAMS.

(a) **ESTABLISHMENT OF METRICS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education and the Secretary of Labor, establish metrics for tracking the successful completion of education and workforce training programs carried out under laws administered by the Secretary of Defense.

(b) **REPORT ON METRICS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the metrics establish under subsection (a), including a description of each such metric.

(c) **ANNUAL ASSESSMENT.**—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress an assessment of the education and workforce training programs

described in subsection (a) using the metrics established under such subsection.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of representatives.

SEC. 13. PRIVACY.

Nothing in this title or any of the amendments made by this title shall be construed to authorize the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Education, or the Secretary of Labor to release to the public information about an individual that is otherwise prohibited by a provision of law.

SEC. 14. DEFINITIONS.

In this Act:

(1) EDUCATIONAL INSTITUTION AND PROGRAM OF EDUCATION.—The terms “educational institution” and “program of education” have the meanings given such terms in section 3501 of title 38, United States Code.

(2) VETERANS SERVICE ORGANIZATION.—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of such title.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—EXPRESSING THE SENSE OF THE SENATE THAT EXECUTIVES OF THE BANKRUPT FIRM MF GLOBAL SHOULD NOT BE REWARDED WITH BONUSES WHILE CUSTOMER MONEY IS STILL MISSING

Ms. STABENOW (for herself and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 407

Whereas on October 31, 2011, MF Global Holdings, Ltd., filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as \$900,000,000 in customer money had gone missing;

Whereas MF Global Holdings, Ltd. is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

Whereas following the bankruptcy filing, Judge Louis Freeh, the court-appointed trustee for the liquidation of MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and other individuals, in order to assist the liquidation process;

Whereas on March 8, 2012, the Wall Street Journal reported that Mr. Freeh may ask the bankruptcy court judge to approve performance-related bonuses for the chief operating officer, chief financial officer, the general counsel, and the other employees;

Whereas according to the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act

of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as \$1,600,000,000;

Whereas on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him not to reward senior executives of the bankrupt MF Global entities with performance-related bonuses while customer money is still missing;

Whereas on March 16, 2012, Mr. Freeh responded to the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate, stating that he has not made any decisions regarding the payment of bonuses to former senior executives of the firm;

Whereas the Commodity Futures Trading Commission, the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading up to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

Whereas as of the date of agreement to this resolution, none of the investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, be it

Resolved, That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers' segregated account funds are repaid in full and investigations by Federal authorities have revealed both the cause of, and parties responsible for, the loss of millions of dollars of customer money.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1957. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the

bill S. 2204, supra; which was ordered to lie on the table.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1964. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1965. Mr. VITTER (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 proposed by Mr. REID to the bill S. 2204, supra.

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

SA 1976. Ms. MURKOWSKI (for herself, Mr. VITTER, Mr. BEGICH, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. BAN ON EXPORTING CRUDE OIL PRODUCED ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PETROLEUM PRODUCT.—The term “petroleum product” means any of the following:

(A) Finished reformulated or conventional motor gasoline.

- (B) Finished aviation gasoline.
- (C) Kerosene-type jet fuel.
- (D) Kerosene.
- (E) Distillate fuel oil.
- (F) Residual fuel oil.
- (G) Lubricants.
- (H) Waxes.
- (I) Petroleum coke.
- (J) Asphalt and road oil.

(2) **PUBLIC LAND.**—The term “public land” means any land and interest in land owned by the United States within the several States and administered by the Secretary concerned, without regard to how the United States acquired ownership.

(3) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(b) **BAN.**—Notwithstanding any other provision of law, petroleum extracted from public land in the United States (including land located on the outer Continental Shelf), or a petroleum product produced from the petroleum, may not be exported from the United States.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES

SEC. 301. SHORT TITLE.

This title may be cited as the “Use It or Lose It Act of 2012”.

SEC. 302. DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES.

(a) **CLARIFICATION OF EXISTING LAW.**—Each lease that authorizes the exploration for or production of oil or natural gas under a provision of law described in subsection (b) shall be diligently developed by the person holding the lease in order to ensure timely production from the lease.

(b) **COVERED PROVISIONS.**—Subsection (a) shall apply to—

(1) section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(2) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 303. NONPRODUCING LEASE FEE.

(a) **ONSHORE OIL AND GAS LEASES.**—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

“(q) **NONPRODUCING LEASE FEE.**—In the case of any lease for oil or gas issued on or after the date of enactment of this subsection, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of \$4 per acre on the acres covered by the lease if production is not occurring.”.

(b) **OUTER CONTINENTAL SHELF OIL AND GAS LEASES.**—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(d)) is amended—

(1) by striking “(d) No bid” and inserting the following:

“(d) **DUE DILIGENCE.**—

“(1) **IN GENERAL.**—No bid”; and

(2) by adding at the end the following:

“(2) **NONPRODUCING LEASE FEE.**—In the case of any lease for oil or gas issued on or after the date of enactment of this paragraph, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of \$4 per acre on the acres covered by the lease if production is not occurring.”.

SEC. 304. REGULATIONS.

In the case of leases covered by this title and the amendments made by this title, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue regulations that—

(1) set forth requirements and benchmarks for oil and gas development that will ensure that leaseholders—

(A) diligently develop each lease; and

(B) to the maximum extent practicable, produce oil and gas from each lease during the primary term of the lease;

(2) require each leaseholder to submit to the Secretary a diligent development plan describing how the lessee will meet the benchmarks;

(3) in establishing requirements under paragraphs (1) and (2), take into account the differences in development conditions and circumstances in the areas to be developed; and

(4) implement the fee requirements established by the amendments made by section 303.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2012.

(a) **SHORT TITLE.**—This section may be cited as the “No Oil Producing and Exporting Cartels Act of 2012” or “NOPEC”.

(b) **SHERMAN ACT.**—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

“SEC. 7A. OIL PRODUCING CARTELS.

“(a) **IN GENERAL.**—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(b) **SOVEREIGN IMMUNITY.**—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction

or judgments of the courts of the United States in any action brought to enforce this section.

“(c) **INAPPLICABILITY OF ACT OF STATE DOCTRINE.**—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(d) **ENFORCEMENT.**—

“(1) **IN GENERAL.**—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the anti-trust laws.

“(2) **NO PRIVATE RIGHT OF ACTION.**—No private right of action is authorized under this section.”.

(c) **SOVEREIGN IMMUNITY.**—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 7A of the Sherman Act.”.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IV—WESTERN ENERGY DEVELOPMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “American Energy and Western Jobs Act”.

SEC. 402. RESCISSION OF CERTAIN INSTRUCTION MEMORANDA.

The following are rescinded and shall have no force or effect:

(1) The Bureau of Land Management Instruction Memorandum entitled “Oil and Gas Leasing Reform—Land Use Planning and Lease Parcel Reviews”, numbered 2010-117, and dated May 17, 2010.

(2) The Bureau of Land Management Instruction Memorandum entitled “Energy Policy Act Section 390 Categorical Exclusion Policy Revision”, numbered 2010-118, and dated May 17, 2010.

(3) Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

SEC. 403. AMENDMENTS TO THE MINERAL LEASING ACT.

(a) **ONSHORE OIL AND GAS LEASE ISSUANCE IMPROVEMENT.**—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended in the seventh sentence, by striking “Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year” and inserting “The Secretary of the Interior shall automatically issue a lease 60 days after the date of the payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year, unless the Secretary of the Interior is able to issue the lease before that date. The filing of any protest to the sale or issuance of a lease shall not extend the date by which the lease is to be issued”.

(b) **JUDICIAL REVIEW.**—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

“(q) **JUDICIAL REVIEW.**—Any action seeking judicial review of the adequacy of any program or site-specific environmental impact

statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing for onshore Federal land shall be barred unless the action is brought in the appropriate district court of the United States by the date that is 60 days after the date on which there is published in the Federal Register the notice of the availability of the environmental impact statement.”

(C) DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.—The Mineral Leasing Act is amended by inserting after section 37 (30 U.S.C. 193) the following:

“SEC. 38. DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.

“(a) DEFINITIONS.—In this section:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of the Interior.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) DUTY OF SECRETARY.—

“(1) IN GENERAL.—Before the modification and implementation of any onshore oil or natural gas preleasing or leasing and development policy (as in effect as of January 1, 2010) or a policy relating to protecting the wilderness characteristics of public land, the Secretary shall—

“(A) complete an economic impact assessment in accordance with paragraph (2); and

“(B) issue a determination that the proposed policy modification would have the effects described in paragraph (2)(A).

“(2) REQUIREMENTS.—In carrying out an assessment to determine the impact of a proposed policy modification described in paragraph (1), the Secretary shall—

“(A) in consultation with the appropriate officials of each State (including political subdivisions of the State) in which 1 or more parcels of land subject to oil and natural gas leasing are located and any other appropriate individuals or entities, as determined by the Secretary—

“(i) carry out an economic analysis of the impact of the policy modification on oil and natural gas-related employment opportunities and domestic reliance on foreign imports of petroleum resources; and

“(ii) certify that the policy modification would not result in a detrimental impact on employment opportunities relating to oil and natural gas-related development or contribute to an increase in the domestic use of imported petroleum resources; and

“(i) carry out a policy assessment to determine the manner by which the policy modification would impact—

“(I) revenues from oil and natural gas receipts to the general fund of the Treasury, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

“(II) revenues to the treasury of each affected State that shares oil and natural gas receipts with the Federal Government, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

“(B) provide notice to the public of, and an opportunity to comment on, the policy modification in a manner consistent with subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).”

SEC. 404. ANNUAL REPORT ON REVENUES GENERATED FROM MULTIPLE USE OF PUBLIC LAND.

(a) ANNUAL REPORT.—As part of the annual agency budget, the Secretary of the Interior

(acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall submit an annual report detailing, for each field office, the revenues generated by each use of public land.

(b) INCLUSIONS.—The report shall include—

(1) a line item for each use of public land, including use for—

(A) grazing;

(B) recreation;

(C) timber;

(D) leasable minerals, including a distinct accounting for each of oil, natural gas, coal, and geothermal development;

(E) locatable minerals;

(F) renewable energy sources, including a distinct accounting for each of wind and solar energy;

(G) the sale of land; and

(H) transmission; and

(2) identification of the total acres designated as wilderness, wilderness study areas, and wild lands.

(c) AVAILABILITY.—The Secretary of the Interior and the Secretary of Agriculture shall make the report prepared under this section publicly available on the applicable agency website.

SEC. 405. FEDERAL ONSHORE OIL AND NATURAL GAS PRODUCTION GOAL.

(a) IN GENERAL.—The Secretary of the Interior shall establish a domestic strategic production goal for the development of oil and natural gas managed by the Federal Government.

(b) REQUIREMENTS.—In establishing the goal under subsection (a), the Secretary shall—

(1) ensure that the United States maintains or increases production of Federal onshore oil and natural gas;

(2) ensure that the 10-year production outlook for Federal onshore oil and natural gas be provided annually;

(3) examine steps to streamline the permitting process to meet the goal;

(4) include the goal in each resource management plan; and

(5) analyze each proposed policy of the Department of the Interior for the potential impact of the policy on achieving the goal before implementation of the policy.

SEC. 406. OIL SHALE.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall hold a lease sale in which the Secretary of the Interior shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases described in the notice entitled “Potential for Oil Shale Development; Call for Nominations—Oil Shale Research, Development, and Demonstration (R, D, and D) Program” (74 Fed. Reg. 2611).

(b) APPLICATION OF REGULATIONS.—The final rule entitled “Oil Shale Management—General” (73 Fed. Reg. 69414), shall apply to all commercial leasing for the management of federally owned oil shale and any associated minerals located on Federal land.

SA 1957. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(2) CIRCULATE.—The term “circulate” means to distribute an environmental impact statement to another agency for the consideration of that agency.

(3) COOPERATING AGENCY.—The term “cooperating agency” means any agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.

(4) ENVIRONMENTAL ASSESSMENT.—The term “environmental assessment” has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

(5) ENVIRONMENTAL DOCUMENT.—The term “environmental document” means an environmental impact statement or an environmental assessment.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” has the meaning given the term in section 1508.11 of title 40, Code of Federal Regulations (or a successor regulation).

(7) FINDING OF NO SIGNIFICANT IMPACT.—The term “finding of no significant impact” has the meaning given the term in section 1508.13 of title 40, Code of Federal Regulations (or a successor regulation).

(8) HUMAN ENVIRONMENT.—The term “human environment” has the meaning given the term in section 1508.14 of title 40, Code of Federal Regulations (or a successor regulation).

(9) LEAD AGENCY.—The term “lead agency” has the meaning given the term in section 1508.16 of title 40, Code of Federal Regulations (or a successor regulation).

(10) MAJOR FEDERAL ACTION.—The term “major Federal action” has the meaning given the term in section 1508.18 of title 40, Code of Federal Regulations (or a successor regulation).

(11) NOTICE OF INTENT.—The term “notice of intent” has the meaning given the term in section 1508.22 of title 40, Code of Federal Regulations (or a successor regulation).

(b) ADOPTION OF EXISTING ENVIRONMENTAL ASSESSMENTS.—If an agency determines that an environmental assessment should be prepared for a proposed action relating to oil and gas development on Federal public land or water, the agency shall adopt, in whole or in part, an existing Federal draft or final environmental assessment if—

(1) the existing assessment meets the standards for an adequate assessment under the regulations promulgated by the agency and the Council on Environmental Quality;

(2) the action covered by the existing assessment and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(c) PUBLICATION OF FINDINGS OF NO SIGNIFICANT IMPACT AND NOTICES OF INTENT.—

(1) FINDING OF NO SIGNIFICANT IMPACT.—If a proposed action is determined not to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment

under subsection (b) shall publish for public review a finding of no significant impact in accordance with the regulations of the agency.

(2) NOTICE OF INTENT.—If a proposed action is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a notice of intent in accordance with the regulations of the agency.

(d) ADOPTION OF EXISTING ENVIRONMENTAL IMPACT STATEMENTS.—If a proposed action of an agency relating to oil and gas development on Federal public land or water is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the agency shall adopt, in whole or in part, an existing Federal draft or final environmental impact statement if—

(1) the existing statement meets the standards for an adequate statement under the regulations promulgated by the Council on Environmental Quality;

(2) the action covered by the existing statement and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(e) RECIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS.—

(1) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting as final the environmental impact statement of another agency may recirculate the statement as a final statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall not recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(f) FINALITY OF ADOPTED DOCUMENT.—An agency may not adopt as final an environmental document prepared by another agency if, at the time of the proposed adoption—

(1) the existing document was not final within the agency that prepared the environmental document;

(2) the adequacy of the existing document is the subject of a pending judicial action; or

(3) in the case of an environmental impact statement, the action the existing statement assesses is the subject of a referral under part 1504 of title 40, Code of Federal Regulations (commonly known as “Predecision referrals to the Council of proposed Federal actions determined to be environmentally unsatisfactory”) (or a successor regulation).

(g) JUDICIAL REVIEW.—The decision of an agency to adopt, in whole or in part, an existing environmental assessment or environmental impact statement shall not be subject to judicial review.

(h) REGULATIONS.—Notwithstanding any other provision of this section, an agency shall not adopt, in whole or in part, an existing environmental impact statement when issuing a proposed or final rule.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Gas Price Relief Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSUMER GAS PRICE RELIEF

Sec. 101. Reduction of fuel taxes on highway motor fuels.

TITLE II—INCREASING DOMESTIC TRANSPORTATION FUEL PRODUCTION

Subtitle A—Outer Continental Shelf Leasing

Sec. 201. Leasing program considered approved.

Sec. 202. Lease sales.

Sec. 203. Coastal Impact assistance program amendments.

Sec. 204. Seaward boundaries of States.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 211. Definitions.

Sec. 212. Leasing program for land within the Coastal Plain.

Sec. 213. Lease sales.

Sec. 214. Grant of leases by the Secretary.

Sec. 215. Lease terms and conditions.

Sec. 216. Coastal plain environmental protection.

Sec. 217. Expedited judicial review.

Sec. 218. Federal and State distribution of revenues.

Sec. 219. Rights-of-way across the Coastal plain.

Sec. 220. Conveyance.

Sec. 221. Local government impact aid and community service assistance.

Subtitle C—Approval of Keystone XL Pipeline Project

Sec. 231. Approval of Keystone XL pipeline project.

TITLE III—CLOSING LOOPHOLES TO FUND CONSUMER RELIEF AT THE PUMP

Sec. 301. Modifications of foreign tax credit rules applicable to major integrated oil companies which are dual capacity taxpayers.

Sec. 302. Limitation on section 199 deduction attributable to oil, natural gas, or primary products thereof.

Sec. 303. Limitation on deduction for intangible drilling and development costs.

Sec. 304. Transfer of revenues to Highway Trust Fund.

TITLE I—CONSUMER GAS PRICE RELIEF

SEC. 101. REDUCTION OF FUEL TAXES ON HIGHWAY MOTOR FUELS.

(a) TAXABLE FUELS.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking “18.3 cents” in clause (i) and inserting “17.3 cents”;

(B) by striking “and” at the end of clause (ii), and

(C) by striking clause (iii) and inserting the following new clauses:

“(iii) in the case of aviation-grade kerosene, 24.3 cents per gallon, and

“(iv) in the case of diesel fuel or kerosene not described in clause (iii), 23.3 cents per gallon”.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 4081(a)(2) of such Code is amended by striking “subparagraph (A)(iii) shall be applied by substituting ‘19.7 cents’ for ‘24.3 cents’ ” and inserting “subparagraph (A)(iv) shall be applied by substituting ‘17.7 cents’ for ‘23.3 cents’ ”.

(3) FLOOR STOCK REFUNDS.—

(A) IN GENERAL.—If—

(i) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any highway motor fuel, and

(ii) on such date such fuel is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the “taxpayer”) an amount equal to the excess of the tax paid by the taxpayer over the tax which would be imposed on such fuel had the taxable event occurred on such date.

(B) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(i) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date based on a request submitted to the taxpayer before the date which is 3 months after the tax date by the dealer who held the highway motor fuel on such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(C) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any highway motor fuel in retail stocks held at the place where intended to be sold at retail.

(D) DEFINITIONS.—For purposes of this subsection—

(i) TAX REDUCTION DATE.—The term “tax reduction date” means the date of enactment of this Act.

(ii) OTHER TERMS.—The terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code.

(E) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(b) RETAIL TAX ON SPECIAL FUELS.—

(1) SCHOOL BUSES.—Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 is amended by striking “7.3 cents” and inserting “6.3 cents”.

(2) CERTAIN ALTERNATIVE FUELS.—Clause (ii) of section 4041(a)(2)(B) of such Code is amended by striking “24.3 cents” and inserting “23.3 cents”.

(3) COMPRESSED NATURAL GAS.—Subparagraph (A) of section 4041(a)(3) of such Code is amended by striking “18.3 cents” and inserting “17.3 cents”.

(4) CERTAIN ALCOHOL FUELS.—Subparagraph (A) of section 4041(m) of such Code is amended—

(A) by striking “9.15 cents” in clause (i) and inserting “8.15 cents”, and

(B) by striking “11.3 cents” in clause (ii) and inserting “10.3 cents”.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

(d) SENSE OF THE SENATE REGARDING CONSUMER RELIEF.—It is the sense of the Senate that the reduction in tax rates under the amendments made by this section is for the purpose of lowering consumer gas prices.

TITLE II—INCREASING DOMESTIC TRANSPORTATION FUEL PRODUCTION

Subtitle A—Outer Continental Shelf Leasing SEC. 201. LEASING PROGRAM CONSIDERED APPROVED.

(a) IN GENERAL.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010 2015 issued by the Secretary of the Interior (referred to in this section as the “Secretary”) under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is considered to have been approved by the Secretary as a final oil and gas leasing program under that section.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Notwithstanding subsections (a) and (b), lease sales 214, 232, and 239 shall not be included in the final leasing program for 2013-2018.

SEC. 202. LEASE SALES.

(a) OUTER CONTINENTAL SHELF.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act and every 270 days thereafter, the Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(2) SUBSEQUENT DETERMINATIONS AND SALES.—If the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this subsection, not later than 2 years after the date of enactment of the determination and every 2 years thereafter, the Secretary shall—

(A) determine whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(B) if the Secretary determines that there is a commercial interest described in subparagraph (A), conduct a lease sale in the planning area.

(b) RENEWABLE ENERGY AND MARICULTURE.—The Secretary may conduct commercial lease sales of resources owned by United States—

(1) to produce renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))); or

(2) to cultivate marine organisms in the natural habitat of the organisms.

SEC. 203. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (c), by adding at the end the following:

“(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

“(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are

being carried out under the plan) to receive the payments; and

“(B) be immediately eligible to receive payments under this section.”; and

(2) by adding at the end the following:

“(e) FUNDING.—

“(1) STREAMLINING.—

“(A) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this subsection as the “Secretary”) shall develop a plan that addresses streamlining the process by which payments are made under this section, including recommendations for—

“(i) decreasing the time required to approve plans submitted under subsection (c)(1);

“(ii) ensuring that allocations to producing States under subsection (b) are adequately funded; and

“(iii) any modifications to the authorized uses for payments under subsection (d).

“(B) CLEAN WATER.—Not later than 180 days after the date of enactment of this subsection, the Secretary and the Administrator of the Environmental Protection Agency shall jointly develop procedures for streamlining the permit process required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and State laws for restoration projects that are included in an approved plan under subsection (c).

“(C) ENVIRONMENTAL REQUIREMENTS.—A project funded under this section that does not involve wetlands shall not be subject to environmental review requirements under Federal law.

“(2) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs that support coastal wetland protection and restoration.

“(3) EXPEDITED FUNDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop a procedure to provide expedited funding to projects under this section based on estimated revenues to ensure that the projects may—

“(A) secure additional funds from other sources; and

“(B) use the amounts made available under this section on receipt.”.

SEC. 204. SEAWARD BOUNDARIES OF STATES.

(a) SEAWARD BOUNDARIES.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended by striking “three geographical miles” each place it appears and inserting “12 nautical miles”.

(b) CONFORMING AMENDMENTS.—Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subsection (a)(2), by striking “three geographical miles” and inserting “12 nautical miles”; and

(2) in subsection (b)—

(A) by striking “three geographical miles” and inserting “12 nautical miles”; and

(B) by striking “three marine leagues” and inserting “12 nautical miles”.

(c) EFFECT OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the amendments made by this section shall not effect Federal oil and gas mineral rights.

(2) SUBMERGED LAND.—Submerged land within the seaward boundaries of States shall be—

(A) subject to Federal oil and gas mineral rights to the extent provided by law;

(B) considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(C) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

(3) EXISTING LEASES.—The amendments made by this section shall not affect any Federal oil and gas lease in effect on the date of enactment of this Act.

(4) TAXATION.—

(A) IN GENERAL.—Subject to subparagraph (B), a State may exercise all of the sovereign powers of taxation of the State within the entire extent of the seaward boundaries of the State (as extended by the amendments made by this section).

(B) LIMITATION.—Nothing in this paragraph affects the authority of a State to tax any Federal oil and gas lease in effect on the date of enactment of this Act.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 211. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term “Coastal Plain” means that area identified as the “1002 Coastal Plain Area” on the map.

(2) FEDERAL AGREEMENT.—The term “Federal Agreement” means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term “Final Statement” means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term “map” means the map entitled “Arctic National Wildlife Refuge”, dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service.

SEC. 212. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair

market value by the public for the mineral resources to be leased.

(b) **REPEAL.**—

(1) **REPEAL.**—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) **CONFORMING AMENDMENT.**—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(3) **COMPLIANCE WITH NEPA FOR OTHER ACTIONS.**—

(A) **IN GENERAL.**—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) **IDENTIFICATION AND ANALYSIS.**—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) **IDENTIFICATION OF PREFERRED ACTION.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) **PUBLIC COMMENTS.**—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) **EFFECT OF COMPLIANCE.**—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(C) **RELATIONSHIP TO STATE AND LOCAL AUTHORITY.**—Nothing in this subtitle expands or limits any State or local regulatory authority.

(d) **SPECIAL AREAS.**—

(1) **DESIGNATION.**—

(A) **IN GENERAL.**—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) **SADLEROCHIT SPRING AREA.**—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) **MANAGEMENT.**—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) **EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.**—

(A) **IN GENERAL.**—The Secretary may exclude any special area designated under this subsection from leasing.

(B) **NO SURFACE OCCUPANCY.**—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occu-

pancy of the land comprising the special area.

(4) **DIRECTIONAL DRILLING.**—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(e) **LIMITATION ON CLOSED AREAS.**—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(f) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 15 months after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, subsistence resources, and environment of the Coastal Plain.

(2) **REVISION OF REGULATIONS.**—The Secretary shall periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant biological, environmental, scientific or engineering data that come to the attention of the Secretary.

SEC. 213. LEASE SALES.

(a) **IN GENERAL.**—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) **PROCEDURES.**—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALE BIDS.**—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) **ACREAGE MINIMUM IN FIRST SALE.**—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) **TIMING OF LEASE SALES.**—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than 90 days after the date of the completion of the sale, evaluate the bids in the sale and issue leases resulting from the sale; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 214. GRANT OF LEASES BY THE SECRETARY.

(a) **IN GENERAL.**—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 213 a lease for any land on the Coastal Plain.

(b) **SUBSEQUENT TRANSFERS.**—

(1) **IN GENERAL.**—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) **CONDITION FOR APPROVAL.**—Before granting any approval described in para-

graph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 215. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) on application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 212(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and the regulations promulgated under this subtitle.

SEC. 216. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—In accordance with section 212, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of

pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) **SITE-SPECIFIC ASSESSMENT AND MITIGATION.**—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the 1 or more agencies having jurisdiction over matters mitigated by the plan.

(c) **REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.**—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) **COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.**—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements.

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary determines to be necessary.

(e) **CONSIDERATIONS.**—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) **FACILITY CONSOLIDATION PLANNING.**—

(1) **IN GENERAL.**—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) **OBJECTIVES.**—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) **ACCESS TO PUBLIC LAND.**—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 217. EXPEDITED JUDICIAL REVIEW.

(a) **FILING OF COMPLAINTS.**—

(1) **DEADLINE.**—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) **VENUE.**—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) **SCOPE.**—

(A) **IN GENERAL.**—Judicial review of a decision of the Secretary relating to a lease sale under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) **PRESUMPTIONS.**—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) **LIMITATION ON OTHER REVIEW.**—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 218. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle for each fiscal year—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 221(d), the balance shall be deposited in the Treasury and used for Federal budget deficit reduction.

(b) **PAYMENTS TO ALASKA.**—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 219. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) **IN GENERAL.**—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170, 3171).

(b) **TERMS AND CONDITIONS.**—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) **REGULATIONS.**—The Secretary shall include in regulations under section 212(f) provisions granting rights-of-way and easements described in subsection (a).

SEC. 220. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 221. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) **FINANCIAL ASSISTANCE AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2).

(2) **ELIGIBLE ENTITIES.**—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) **USE OF ASSISTANCE.**—Financial assistance under this section may be used only—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community; (2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services; and

(3) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(A) to coordinate with and advise developers on local conditions and the history of areas affected by development; and

(B) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) **NORTH SLOPE BOROUGH COMMUNITIES.**—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) **APPLICATION ASSISTANCE.**—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) **ESTABLISHMENT OF FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this section as the “Fund”).

(2) **USE.**—Amounts in the Fund may be used only for providing financial assistance under this section.

(3) **DEPOSITS.**—Subject to paragraph (4), there shall be deposited into the Fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtitle.

(4) **LIMITATION ON DEPOSITS.**—The total amount in the Fund may not exceed \$11,000,000.

(5) **INVESTMENT OF BALANCES.**—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing government securities.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary from the Fund to provide financial assistance under this section \$5,000,000 for each fiscal year.

Subtitle C—Approval of Keystone XL Pipeline Project

SEC. 231. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) **APPROVAL OF CROSS-BORDER FACILITIES.**—

(1) **IN GENERAL.**—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), Trans-

Canada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) **PERMIT.**—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) **CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.**—

(1) **IN GENERAL.**—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) **PERMITS.**—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) **CONDITIONS.**—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

TITLE III—CLOSING LOOPHOLES TO FUND CONSUMER RELIEF AT THE PUMP

SEC. 301. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)) to a foreign country or possession of the United States shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHOLD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 302. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (as defined in section 167(h)(5)(B)) for the taxable year, the term ‘domestic production gross receipts’ shall not include gross receipts from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 303. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 304. TRANSFER OF REVENUES TO HIGHWAY TRUST FUND.

Subsection (b) of section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) TRANSFERS OF CERTAIN REVENUES.—There are hereby appropriated the Highway Trust Fund amounts equivalent to the amounts received in the Treasury that are attributable to the amendments made by sections 301, 302, and 303 of the Gas Price Relief Act of 2012.”.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. HIGHWAY BRIDGE PROGRAM AND DEFICIT REDUCTION.

(a) IN GENERAL.—Of the amounts made available as a result of the repeal under subsection (b) for each fiscal year—

(1) 50 percent shall be transferred to the Secretary of Transportation and used to carry out the highway bridge program under section 144 of title 23, United States Code; and

(2) 50 percent shall be transferred to the general fund of the Treasury and used for deficit reduction.

(b) REPEAL.—Title XVII of the Energy Policy Act of 2005 (22 U.S.C. 16511 et seq.) is repealed.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. TAX ON BUSINESS ACTIVITIES.

(a) IN GENERAL.—Section 11 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

“(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity a tax equal to 17 percent of the business taxable income of such person.

“(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

“(c) BUSINESS TAXABLE INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘business taxable income’ means gross active income reduced by the deductions specified in subsection (d).

“(2) GROSS ACTIVE INCOME.—

“(A) IN GENERAL.—For purposes of paragraph (1), the term ‘gross active income’ means gross receipts from—

“(i) the sale or exchange of property or services in the United States by any person in connection with a business activity, and

“(ii) the export of property or services from the United States in connection with a business activity.

“(B) EXCHANGES.—For purposes of this section, the amount treated as gross receipts from the exchange of property or services is the fair market value of the property or services received, plus any money received.

“(C) COORDINATION WITH SPECIAL RULES FOR FINANCIAL SERVICES, ETC.—Except as provided in subsection (e)—

“(i) the term ‘property’ does not include money or any financial instrument, and

“(ii) the term ‘services’ does not include financial services.

“(3) EXEMPTION FROM TAX FOR ACTIVITIES OF GOVERNMENTAL ENTITIES AND TAX-EXEMPT ORGANIZATIONS.—For purposes of this section, the term ‘business activity’ does not include any activity of a governmental entity or of any other organization which is exempt from tax under this chapter.

“(d) DEDUCTIONS.—

“(1) IN GENERAL.—The deductions specified in this subsection are—

“(A) the cost of business inputs for the business activity,

“(B) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash for services performed in the United States as an employee, and

“(C) retirement contributions to or under any plan or arrangement which makes retirement distributions for the benefit of such employees to the extent such contributions are allowed as a deduction under section 404.

“(2) BUSINESS INPUTS.—

“(A) IN GENERAL.—For purposes of paragraph (1), the term ‘cost of business inputs’ means—

“(i) the amount paid for property sold or used in connection with a business activity,

“(ii) the amount paid for services (other than for the services of employees, including fringe benefits paid by reason of such services) in connection with a business activity, and

“(iii) any excise tax, sales tax, customs duty, or other separately stated levy imposed by a Federal, State, or local government on the purchase of property or services which are for use in connection with a business activity.

Such term shall not include any tax imposed by chapter 2 or 21.

“(B) EXCEPTIONS.—Such term shall not include—

“(i) items described in subparagraphs (B) and (C) of paragraph (1), and

“(ii) items for personal use not in connection with any business activity.

“(C) EXCHANGES.—For purposes of this section, the amount treated as paid in connection with the exchange of property or services is the fair market value of the property or services exchanged, plus any money paid.

“(3) RETIREMENT DISTRIBUTIONS.—For purposes of paragraph (1)(C), the term ‘retirement distribution’ means any distribution from—

“(A) a plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

“(B) an annuity plan described in section 403(a),

“(C) an annuity contract described in section 403(b),

“(D) an individual retirement account described in section 408(a),

“(E) an individual retirement annuity described in section 408(b),

“(F) an eligible deferred compensation plan (as defined in section 457),

“(G) a governmental plan (as defined in section 414(d)), or

“(H) a trust described in section 501(c)(18). Such term includes any plan, contract, account, annuity, or trust which, at any time, has been determined by the Secretary to be such a plan, contract, account, annuity, or trust.

“(e) SPECIAL RULES FOR FINANCIAL INTERMEDIATION SERVICE ACTIVITIES.—In the case of the business activity of providing financial intermediation services, the taxable income from such activity shall be equal to the value of the intermediation services provided in such activity.

“(f) EXCEPTION FOR SERVICES PERFORMED AS EMPLOYEE.—For purposes of this section, the term ‘business activity’ does not include the performance of services by an employee for the employee’s employer.

“(g) CARRYOVER OF CREDIT-EQUIVALENT OF EXCESS DEDUCTIONS.—

“(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the credit-equivalent of such excess shall be allowed as a credit against the tax imposed by this section for the following taxable year.

“(2) CREDIT-EQUIVALENT OF EXCESS DEDUCTIONS.—For purposes of paragraph (1), the credit-equivalent of the excess described in paragraph (1) for any taxable year is an amount equal to—

“(A) the sum of—

“(i) such excess, plus

“(ii) the product of such excess and the 3-month Treasury rate for the last month of such taxable year, multiplied by

“(B) the rate of the tax imposed by subsection (a) for such taxable year.

“(3) CARRYOVER OF UNUSED CREDIT.—If the credit allowable for any taxable year by reason of this subsection exceeds the tax imposed by this section for such year, then (in lieu of treating such excess as an overpayment) the sum of—

“(A) such excess, plus

“(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year,

shall be allowed as a credit against the tax imposed by this section for the following taxable year.

“(4) 3-MONTH TREASURY RATE.—For purposes of this subsection, the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the

United States with remaining periods to maturity of 3 months or less.”

(b) TAX ON TAX-EXEMPT ENTITIES PROVIDING NONCASH COMPENSATION TO EMPLOYEES.—Section 4977 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 4977. TAX ON NONCASH COMPENSATION PROVIDED TO EMPLOYEES NOT ENGAGED IN BUSINESS ACTIVITY.

“(a) IMPOSITION OF TAX.—There is hereby imposed a tax equal to 17 percent of the value of excludable compensation provided during the calendar year by an employer for the benefit of employees to whom this section applies.

“(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the employer.

“(c) EXCLUDABLE COMPENSATION.—For purposes of subsection (a), the term ‘excludable compensation’ means any remuneration for services performed as an employee other than—

“(1) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash,

“(2) remuneration for services performed outside the United States, and

“(3) retirement contributions to or under any plan or arrangement which makes retirement distributions (as defined in section 11(d)(3)).

“(d) EMPLOYEES TO WHOM SECTION APPLIES.—This section shall apply to an employee who is employed in any activity by—

“(1) any organization which is exempt from taxation under this chapter, or

“(2) any agency or instrumentality of the United States, any State or political subdivision of a State, or the District of Columbia.”

(c) EFFECTIVE DATE.—The amendments made by this title shall apply to taxable years beginning after December 31, 2012.

SEC. 2. REPEAL OF ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

(a) IN GENERAL.—Subsection (a) of section 55 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence:

“No tax shall be imposed by this section on any corporation for any taxable year beginning after December 31, 2012, and the tentative minimum tax of any corporation for any such taxable year shall be zero for purposes of this title.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 3. REPEAL OF BUSINESS RELATED CREDITS.

Subparts D, E, F, G, H, I, and J of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 are repealed with respect to taxable years beginning after December 31, 2012.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary’s delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. 5. SUPERMAJORITY REQUIRED TO CONSIDER BUSINESS REVENUE MEASURE.

A bill, joint resolution, amendment to a bill or joint resolution, or conference report that—

(1) includes an increase in the rate of tax specified in section 11(a) of the Internal Revenue Code of 1986 (as amended by this Act), or

(2) reduces the deductions specified in section 11(d) of such Code (as so amended), may not be considered as passed or agreed to by the House of Representatives or the Senate unless so determined by a vote of not less than two-thirds of the Members of the House of Representatives or the Senate (as the case may be) voting, a quorum being present.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. POSITION LIMITS FOR PETROLEUM AND RELATED PRODUCTS.

Section 4a(a)(6) of the Commodity Exchange Act (7 U.S.C. 6a(a)(6)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking “The Commission shall” and inserting the following:

“(A) IN GENERAL.—The Commission shall”; and

(3) by adding at the end the following:

“(B) PETROLEUM AND RELATED PRODUCTS.—The Commission shall, by regulation, establish limits on the aggregate number or amount of positions in contracts for petroleum or related products that may be held by any person, including any group or class of traders, for each month across contracts described in clauses (i) through (iii) of subparagraph (A), so that—

“(i) the short position for traditional bona fide hedgers in the aggregate is not less than 50 percent; and

“(ii) the long position for traditional bona fide hedgers in the aggregate is not less than 50 percent.”.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. QUADRENNIAL ENERGY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the President’s Council of Advisors on Science and Technology recommends that the United States develop a Government wide Federal energy policy and update the policy regularly with strategic Quadrennial Energy Reviews similar to the reviews conducted by the Department of Defense;

(2) as the lead agency in support of energy science and technology innovation, the Department of Energy has conducted a Quadrennial Technology Review of the energy technology policies and programs of the Department;

(3) the Quadrennial Technology Review of the Department of Energy serves as the basis for coordination with other agencies and on other programs for which the Department has a key role;

(4) a Quadrennial Energy Review would—

(A) establish integrated, Government wide national energy objectives in the context of economic, environmental, and security priorities;

(B) coordinate actions across Federal agencies;

(C) identify the resources needed for the invention, adoption, and diffusion of energy technologies; and

(D) provide a strong analytical base for Federal energy policy decisions;

(5) the development of an energy policy resulting from a Quadrennial Energy Review would—

(A) enhance the energy security of the United States;

(B) create jobs; and

(C) mitigate environmental harm; and

(6) while a Quadrennial Energy Review will be a product of the executive branch, the review will have substantial input from—

(A) Congress;

(B) the energy industry;

(C) academia;

(D) nongovernmental organizations; and

(E) the public.

(b) QUADRENNIAL ENERGY REVIEW.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

“SEC. 801. QUADRENNIAL ENERGY REVIEW.

“(a) DEFINITIONS.—In this section:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Science and Technology Policy within the Executive Office of the President.

“(2) FEDERAL LABORATORY.—

“(A) IN GENERAL.—The term ‘Federal Laboratory’ has the meaning given the term ‘laboratory’ in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

“(B) INCLUSION.—The term ‘Federal Laboratory’ includes a federally funded research and development center sponsored by a Federal agency.

“(3) INTERAGENCY ENERGY COORDINATION COUNCIL.—The term ‘interagency energy coordination council’ means a council established under subsection (b)(1).

“(4) QUADRENNIAL ENERGY REVIEW.—The term ‘Quadrennial Energy Review’ means a comprehensive multiyear review, coordinated across the Federal agencies, that—

“(A) covers all energy programs and technologies of the Federal Government;

“(B) establishes energy objectives across the Federal Government; and

“(C) covers each of the areas described in subsection (d)(2).

“(b) INTERAGENCY ENERGY COORDINATION COUNCIL.—

“(1) ESTABLISHMENT.—Beginning on February 1, 2013, and every 4 years thereafter, the President shall establish an interagency energy coordination council to coordinate the Quadrennial Energy Review.

“(2) CO-CHAIRPERSONS.—The Secretary and the Director shall be co-chairpersons of the interagency energy coordination council.

“(3) MEMBERSHIP.—The interagency energy coordination council shall be comprised of representatives at level I or II of the Executive Schedule of—

“(A) the Department of Commerce;

“(B) the Department of Defense;

“(C) the Department of State;

“(D) the Department of the Interior;

“(E) the Department of Agriculture;

“(F) the Department of the Treasury;

“(G) the Department of Transportation;

“(H) the Office of Management and Budget;

“(I) the National Science Foundation;

“(J) the Environmental Protection Agency; and

“(K) such other Federal organizations, departments, and agencies that the President considers to be appropriate.

“(c) CONDUCT OF REVIEW.—Each Quadrennial Energy Review shall be conducted to provide an integrated view of national energy objectives and Federal energy policy, including (to the maximum extent practicable) alignment of research programs, incentives, regulations, and partnerships.

“(d) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

“(1) IN GENERAL.—Not later than February 1, 2015, and every 4 years thereafter, the Secretary, in cooperation with the Director, shall publish and submit to Congress a report on the Quadrennial Energy Review.

“(2) INCLUSIONS.—The report described in paragraph (1) shall include, at a minimum—

“(A) an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

“(B) anticipated Federal actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

“(i) to achieve the objectives described in subparagraph (A); and

“(ii) to be coordinated across multiple agencies;

“(C) an analysis of the prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

“(i) an analysis, by energy use sector, including—

“(I) commercial and residential buildings;

“(II) the industrial sector;

“(III) transportation; and

“(IV) electric power;

“(ii) requirements for invention, adoption, development, and diffusion of energy technologies that are mapped onto each of the energy use sectors; and

“(iii) other research that inform strategies to incentivize desired actions;

“(D) an assessment of policy options to increase domestic energy supplies;

“(E) an evaluation of energy storage, transmission, and distribution requirements, including requirements for renewable energy;

“(F) an integrated plan for the involvement of the Federal Laboratories in energy programs;

“(G) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy programs;

“(H) a mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

“(I) an identification of, and projections for, demonstration projects, including timeframes, milestones, sources of funding, and management;

“(J) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

“(K) an assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

“(L) an identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

“(i) Federal tax policies; and

“(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

“(M) an analysis of—

“(i) points of maximum leverage for policy intervention to achieve outcomes; and

“(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

“(N) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

“(e) EXECUTIVE SECRETARIAT.—

“(1) IN GENERAL.—The Secretary shall provide the Executive Secretariat with the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section.

“(2) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.”.

(c) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—GASOLINE REGULATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the “Gasoline Regulations Act of 2012”.

SEC. 302. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term “Commission” means the Transportation Fuels Regulatory Commission established by section 303(a).

(3) COVERED ACTION.—The term “covered action” means any action, to the extent the action affects facilities involved in the production, transportation, or distribution of gasoline or diesel fuel, taken—

(A) on or after January 1, 2009, by the Administrator, a State, a local government, or a permitting agency; and

(B) to conform with part C of title I or title V of the Clean Air Act (42 U.S.C. 7401 et seq.) regarding an air pollutant identified as a greenhouse gas in the final rule entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (74 Fed. Reg. 66496 (December 15, 2009)).

(4) COVERED RULE.—The term “covered rule” means the following rules (and includes any successor or substantially similar rules):

(A) “Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards”, as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86.

(B) “National Ambient Air Quality Standards for Ozone” (73 Fed. Reg. 16436 (March 27, 2008)).

(C) “Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards”, as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AP98.

(D) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) applicable to petroleum refineries.

(E) Any rule proposed after March 15, 2012, to implement any portion of the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(F) Any rule proposed after March 15, 2012, revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 303. TRANSPORTATION FUELS REGULATORY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Transportation Fuels Regulatory Commission”.

(b) MEMBERS.—The Commission shall be composed of the following officials (or designees of the officials):

(1) The Secretary of Energy, who shall serve as the Chair of the Commission.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy.

(6) The Administrator.

(7) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(8) The Administrator of the Energy Information Administration.

(c) DUTIES OF THE COMMISSION.—The Commission shall analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline and diesel fuel prices, in accordance with sections 304 and 305.

(d) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Commission, the Chair shall consult with the other members of the Commission.

(e) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under section 305(c).

SEC. 304. ANALYSES.

(a) SCOPE.—The Commission shall conduct analyses, for each of the calendar years 2016 and 2020, of the cumulative impact of all covered rules and covered actions.

(b) CONTENTS.—In conducting each analysis under this section, the Commission shall include the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with respect to—

(A) any resulting change in the national, State, or regional price of gasoline or diesel fuel;

(B) required capital investments and projected costs for the operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach; and

(E) national, State, and regional employment, including impacts associated with increased gasoline or diesel fuel prices and facility closures.

(2) Discussion of key uncertainties and assumptions associated with each estimate under paragraph (1).

(3) A sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline or diesel fuel.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health;

(G) local and industry-specific labor markets; and

(H) any uncertainties associated with each topic listed in subparagraphs (A) through (G).

(c) METHODS.—In conducting an analysis under this section, the Commission shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A-4.

(d) DATA.—In conducting an analysis under this section, the Commission shall not be required to create data or to use data that are not readily accessible.

SEC. 305. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Commission shall make public and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a preliminary report containing the results of the analyses conducted under section 304.

(b) PUBLIC COMMENT PERIOD.—The Commission shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Commission shall submit to Congress a final report containing the analyses conducted under section 304, including—

(1) any revisions to the analyses made as a result of public comments; and

(2) a response to the public comments.

SEC. 306. NO FINAL ACTION ON CERTAIN RULES.

The Administrator shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the day on which the Commission submits the final report under section 305(c):

(1) “Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards”, as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for

ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 307. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator shall consider the feasibility and cost of the revision or supplement.

SA 1964. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 2, between lines 20 and 21, insert the following:

SEC. 103. CREDIT FOR HYBRID CONVERSION.

(a) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

“(j) HYBRID CONVERSION CREDIT.—

“(1) CREDIT ALLOWED.—

“(A) IN GENERAL.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

“If gross vehicle weight (prior to conversion) is:	The applicable amount is:
Not more than 8,500 pounds	\$3,000
More than 8,500 pounds but not more than 14,000 pounds	\$4,000
More than 14,000 pounds but not more than 26,000 pounds	\$6,000
More than 26,000 pounds	\$8,000.

“(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term ‘qualified hybrid motor vehicle’ means any new qualified hybrid motor vehicle (as defined in subsection (d)(3), determined without regard to whether such vehicle is made by a manufacturer or whether the original use of such vehicle commences with the taxpayer) which—

“(A) is used or leased by the taxpayer and is not for resale, and

“(B) achieves the minimum required reduction in fuel consumption determined under the following table, relative to the fuel consumption of an uncovered vehicle of the same make and model under the Urban Dynamometer Driving Schedule (UDDS) test procedure issued by the Environmental Protection Agency (40 CFR 86.115 and Appendix I to 40 CFR Part 86):

“If vehicle (prior to conversion) is:	The minimum required reduction is:
A passenger vehicle with a gross vehicle weight of not more than 8,500 pounds	19 percent
A light truck with a gross vehicle weight of not more than 8,500 pounds	15 percent
A diesel vehicle with a gross vehicle weight of more than 8,500 pounds but not more than 14,000 pounds	17 percent

“If vehicle (prior to conversion) is: The minimum required reduction is:

A gasoline vehicle with a gross vehicle weight of more than 8,500 pounds but not more than 14,000 pounds	12 percent
A vehicle with a gross vehicle weight of more than 14,000 pounds	10 percent.

“(3) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection and subsection (i)) in any preceding taxable year. No credit shall be allowed under this subsection with respect to a motor vehicle if the credit under subsection (i) is allowed with respect to such motor vehicle in any taxable year.

“(4) LIMITATION ON NUMBER OF HYBRID CONVERSIONS ELIGIBLE FOR CREDIT.—This subsection shall not apply to the conversion of any motor vehicle after the last day of the calendar quarter which includes the first date on which the total number of conversions with respect to which a credit under this subsection has been allowed for all taxable years is at least equal to the applicable number determined under the following table:

“If gross vehicle weight (prior to conversion) is:	The applicable number is:
Not more than 8,500 pounds	100,000
More than 8,500 pounds but not more than 14,000 pounds	70,000
More than 14,000 pounds but not more than 26,000 pounds	20,000
More than 26,000 pounds	10,000.

“(5) TERMINATION.—This subsection shall not apply to conversions made after the date which is 5 years after the date of the enactment of the RETRO Act.”.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Subsection (a) of section 30B of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting “, and”, and

(3) by adding at the end the following new paragraph:

“(6) the hybrid conversion credit determined under subsection (j).”.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (8) of section 30B(h) of the Internal Revenue Code of 1986 is amended by striking “a vehicle)” and all that follows and inserting “a vehicle), except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle or a qualified hybrid motor vehicle.”.

(d) DENIAL OF DOUBLE BENEFIT.—Paragraph (3) of section 30B(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “No credit shall be allowed under this subsection with respect to a motor vehicle if the credit under subsection (j) is allowed with respect to such motor vehicle in any taxable year.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(f) RESCISSION OF UNOBLIGATED FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unob-

ligated funds, appropriated discretionary funds are hereby rescinded in such amounts as determined by the Director of the Office of Management and Budget such that the aggregate amount of such rescission equals the reduction in revenues to the Treasury by reason of the amendments made by this section.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Veterans Affairs, the Department of Defense, or any funds appropriated for disaster relief.

SA 1965. Mr. VITTER (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—Subject to subsection (c), the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the “Secretary”) under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Lease Sales 214, 232, and 239 shall not be included in the final oil and gas leasing program for the period of fiscal years 2013 through 2018.

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

“(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

“(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production

goal for the development of oil and natural gas under the program that is—

“(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

“(B) focused on—

“(i) meeting the demand for oil and natural gas in the United States; and

“(ii) reducing the dependence of the United States on foreign energy sources; and

“(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

“(2) 2012-2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

“(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

“(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

“(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

“(A) any projections for production under the program; and

“(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.”.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. SHORT TITLE.

This title may be cited as the “Energy Tax Prevention Act of 2011”.

SEC. 302. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) IN GENERAL.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

“(a) DEFINITION.—In this section, the term ‘greenhouse gas’ means any of the following:

“(1) Water vapor.

“(2) Carbon dioxide.

“(3) Methane.

“(4) Nitrous oxide.

“(5) Sulfur hexafluoride.

“(6) Hydrofluorocarbons.

“(7) Perfluorocarbons.

“(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

“(b) LIMITATION ON AGENCY ACTION.—

“(1) LIMITATION.—

“(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

“(B) AIR POLLUTANT DEFINITION.—The definition of the term ‘air pollutant’ in section

302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

“(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

“(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled ‘Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards’ (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled ‘Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles’ published at 75 Fed. Reg. 74152 (November 30, 2010).

“(B) Implementation and enforcement of section 211(o).

“(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

“(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

“(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101-549 (commonly referred to as the ‘Clean Air Act Amendments of 1990’).

“(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

“(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

“(A) ‘Mandatory Reporting of Greenhouse Gases’, published at 74 Fed. Reg. 56260 (October 30, 2009).

“(B) ‘Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act’ published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

“(C) ‘Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs’ published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning ‘EPA’s Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program’ (Dec. 18, 2008).

“(D) ‘Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 31514 (June 3, 2010).

“(E) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call’, published at 75 Fed. Reg. 77698 (December 13, 2010).

“(F) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases’, published at 75 Fed. Reg. 81874 (December 29, 2010).

“(G) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant

Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan’, published at 75 Fed. Reg. 82246 (December 30, 2010).

“(H) ‘Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 82254 (December 30, 2010).

“(I) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program’, published at 75 Fed. Reg. 82430 (December 30, 2010).

“(J) ‘Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule’, published at 75 Fed. Reg. 82536 (December 30, 2010).

“(K) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule’, published at 75 Fed. Reg. 82365 (December 30, 2010).

“(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

“(5) STATE ACTION.—

“(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

“(B) EXCEPTION.—

“(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

“(I) is not federally enforceable;

“(II) is not deemed to be a part of Federal law; and

“(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

“(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term ‘provision’ means any provision that—

“(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

“(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

“(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).”.

SEC. 303. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

“(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive application of subsection (a); and

“(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).”.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike "1 day" and insert "2 days".

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike "3 days" and insert "4 days".

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike "4 days" and insert "5 days".

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. PROHIBITION ON EXPORT OF CRUDE OIL TRANSPORTED BY KEYSTONE XL PIPELINE.

(a) DEFINITION OF KEYSTONE XL PIPELINE.—In this section, the term "Keystone XL pipeline" means the pipeline for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(b) PROHIBITION ON EXPORTS.—Subject to subsection (c), no crude oil transported by the Keystone XL pipeline, or petroleum products derived from the crude oil, may be exported from the United States.

(c) WAIVERS.—The President may grant a waiver from the application of subsection (b) if the President—

(1) determines that the waiver is necessary as the result of—

(A) national security; or

(B) a natural or manmade disaster; or

(2) makes an express finding that the exports described in subsection (b)—

(A) will not diminish the total quantity or quality of petroleum available in the United States; and

(B) are in the national interest of the United States.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Jobs and Domestic Energy Production Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OUTER CONTINENTAL SHELF

Sec. 101. Definitions.

Sec. 102. Outer Continental Shelf leasing program.

Sec. 103. Domestic oil and natural gas production goal.

Sec. 104. Requirement to conduct proposed oil and gas Lease Sale 216 in the Central Gulf of Mexico.

Sec. 105. Requirement to conduct proposed oil and gas Lease Sale 220 on the Outer Continental Shelf off-shore Virginia.

Sec. 106. Requirement to conduct proposed oil and gas Lease Sale 222 in the Central Gulf of Mexico.

Sec. 107. Additional leases.

TITLE II—COASTAL PLAIN ENERGY DEVELOPMENT

Sec. 201. Definitions.

Sec. 202. Leasing program for land within the Coastal Plain.

Sec. 203. Lease sales.

Sec. 204. Grant of leases by the Secretary.

Sec. 205. Lease terms and conditions.

Sec. 206. Coastal Plain environmental protection.

Sec. 207. Expedited judicial review.

Sec. 208. Rights-of-way and easements across Coastal Plain.

Sec. 209. Conveyance.

Sec. 210. Prohibition on exports.

Sec. 211. Allocation of revenues.

TITLE III—OIL SHALE

Sec. 301. Findings.

Sec. 302. Definition of Secretary.

Sec. 303. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decisions.

Sec. 304. Lease sales.

TITLE IV—ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS

Sec. 401. Energy development at military installations.

TITLE V—HYDRAULIC FRACTURING

Sec. 501. Findings.

Sec. 502. Definition of Federal land.

Sec. 503. State authority.

TITLE I—OUTER CONTINENTAL SHELF

SEC. 101. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007–2012 5-YEAR OUTER CONTINENTAL SHELF

PLAN.—The term "Environmental Impact Statement for the 2007–2012 5-Year Outer Continental Shelf Plan" means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012 (April 2007) prepared by the Secretary.

(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term "Multisale Environmental Impact Statement" means the Environmental Impact Statement for Proposed Western Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and Proposed Central Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 102. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

"(5) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

"(A) at least 75 percent of the available acreage within each outer Continental Shelf planning area that is—

"(i) not under lease at the time of a proposed lease sale and has not otherwise been made unavailable for leasing by law; and

"(ii) considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based on the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

"(B) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

"(6) In the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning area that the Secretary determines, based on the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'—

"(A) is estimated to contain more than 2,500,000,000 barrels of oil; or

"(B) is estimated to contain more than 7,500,000,000 cubic feet of natural gas."

SEC. 103. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

"(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

"(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—

"(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

"(B) focused on—

"(i) meeting the demand for oil and natural gas in the United States;

"(ii) reducing the dependence of the United States on foreign energy sources; and

"(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

“(2) 2012-2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

“(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

“(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

“(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

“(A) any projections for production under the program; and

“(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.”.

SEC. 104. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 4 months, after the date of enactment of this Act.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007-2012 5-Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 105. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 through 2017 5 Year Outer Continental Shelf Oil and Gas Leasing Program, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which the exploration, development, or production is conducted.

SEC. 106. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable after the date of enactment of this Act, but not later than September 1, 2012.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental

Impact Statement for the 2007-2012 5-Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 107. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

“(1) ADDITIONAL LEASE SALES.—In addition to lease sales conducted in accordance with a leasing program under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential for new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.”.

TITLE II—COASTAL PLAIN ENERGY DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term “Coastal Plain” means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) FINAL STATEMENT.—The term “Final Statement” means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) PEER REVIEWED.—The term “peer reviewed” means a peer review conducted—

(A) by individuals chosen by the National Academy of Sciences that have no contractual relationship with or an application for a grant or other funding pending with a Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior (or a designee of the Secretary of the Interior), acting through the Director of the Bureau of Land Management (or any successor organization) in consultation with the Director of the United States Fish and Wildlife Service (or any successor organization).

SEC. 202. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant permanent and irreversible adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) ADMINISTRATION.—None of the provisions of this title (including regulations, terms, conditions, restrictions, prohibitions, stipulations, and other provisions determined by the Secretary to be necessary under this title) shall limit the ability of a lessee—

(1) to create jobs; or

(2) to conduct, to the maximum extent practicable, any of the activities required to fully and completely explore, develop, and produce oil and gas resources under a lease.

(c) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(d) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this title that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this title; and

(ii) only analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 10 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(e) **RELATIONSHIP TO STATE AND LOCAL AUTHORITY.**—Nothing in this title expands or limits any State or local regulatory authority.

(f) **SPECIAL AREAS.**—

(1) **DESIGNATION.**—

(A) **IN GENERAL.**—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area is of such unique character and interest as to require special management and regulatory protection.

(B) **SADLEROCHIT SPRING AREA.**—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) **MANAGEMENT.**—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) **EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.**—

(A) **IN GENERAL.**—The Secretary may exclude any special area designated under this subsection from leasing.

(B) **NO SURFACE OCCUPANCY.**—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) **DIRECTIONAL DRILLING.**—Notwithstanding any other provision of this subsection, the Secretary shall lease any portion of a special area for which there is commercial demand for oil and gas exploration, development, and production (as determined under section 203) under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(g) **LIMITATION ON CLOSED AREAS.**—The sole authority of the Secretary to close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production shall be the authority provided under this title.

(h) **REGULATIONS.**—

(1) **IN GENERAL.**—Subject to subsection (b), not later than 15 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) **REVISION OF REGULATIONS.**—The Secretary may, through a rulemaking conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under paragraph (1) to reflect a preponderance of the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 203. LEASE SALES.

(a) **IN GENERAL.**—Land may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) **PROCEDURES.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by regulation, establish procedures for—

(1) the quarterly receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALE BIDS.**—Lease sales under this title may be conducted through an Internet leasing program, if the Secretary determines that the program will result in—

(1) savings to the taxpayer;

(2) an increase in the number of bidders participating; and

(3) higher returns than oral bidding or a sealed bidding system.

(d) **ACREAGE MINIMUM IN FIRST SALE.**—For the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) **TIMING OF LEASE SALES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall—

(A) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this title;

(B) offer for lease under this title not less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following the first lease sale conducted under subparagraph (A);

(C) conduct additional sales at appropriate intervals, that are not less frequent than quarterly, if sufficient interest in exploration or development exists to warrant the conduct of the additional sales; and

(D) evaluate bids for each sale and issue leases resulting from the sales, not later than 60 days after the date of the completion of the sale.

(2) **ADMINISTRATION.**—Nothing in paragraph (1) shall prevent the Secretary from issuing a lease during the 60-day period beginning on the date of the completion of a lease sale.

SEC. 204. GRANT OF LEASES BY THE SECRETARY.

(a) **IN GENERAL.**—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary shall grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 203 a lease for any land on the Coastal Plain.

(b) **SUBSEQUENT TRANSFERS.**—

(1) **IN GENERAL.**—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) **APPROVAL OR DENIAL.**—

(A) **IN GENERAL.**—Not later 30 days after the date a lessee requests approval for a transfer under paragraph (1), the Secretary shall—

(i) approve or deny the request; and

(ii) announce the decision.

(B) **CONSTRUCTIVE APPROVAL.**—If the Secretary does not announce the approval or denial of a request for a transfer in accordance with subparagraph (A), the request shall be considered approved.

(3) **CONDITION FOR APPROVAL.**—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 205. LEASE TERMS AND CONDITIONS.

(a) **IN GENERAL.**—Subject to section 202(b) and subsection (b), an oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12 ½ percent of the amount or

value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, for a period of not more than 60 days, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this title shall be, to the extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 202(a); and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this title and regulations issued under this title.

(b) **APPROVAL OR DENIAL.**—

(1) **IN GENERAL.**—Not later 30 days after the date a lessee requests approval for a delegation or conveyance under subsection (a)(4), the Secretary shall—

(A) approve or deny the request; and

(B) announce the decision.

(2) **CONSTRUCTIVE APPROVAL.**—If the Secretary does not announce the approval or denial of a request for a delegation or conveyance in accordance with paragraph (1), the request shall be considered approved.

SEC. 206. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—In accordance with section 202, the Secretary shall administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant permanent and irreversible adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing

program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) **SITE-SPECIFIC ASSESSMENT AND MITIGATION.**—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant permanent and irreversible adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with each agency having jurisdiction over matters mitigated by the plan.

(c) **REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.**—Not later than 180 days after the date of enactment of this Act, subject to section 202(b), the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) **COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.**—Subject to section 202(b), the proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant permanent and irreversible adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, significant permanent and irreversible adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this title for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on

completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) reasonable measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant permanent and irreversible adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping by subsistence users;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, determines to be necessary.

(e) **CONSIDERATIONS.**—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve—Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve—

Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) **FACILITY CONSOLIDATION PLANNING.**—

(1) **IN GENERAL.**—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) **OBJECTIVES.**—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) **ACCESS TO PUBLIC LAND.**—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 207. EXPEDITED JUDICIAL REVIEW.

(a) **FILING OF COMPLAINTS.**—

(1) **DEADLINE.**—A complaint seeking judicial review—

(A) of a provision of this title shall be filed by not later than 1 year after the date of enactment of this Act; or

(B) of any action of the Secretary under this title shall be filed—

(i) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(ii) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) **VENUE.**—A complaint seeking judicial review of a provision of this title or an action of the Secretary under this title shall be filed in the United States Court of Appeals for the District of Columbia.

(3) **SCOPE.**—

(A) **IN GENERAL.**—Judicial review of a decision of the Secretary under this title (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this title; and

(ii) based on the administrative record of the decision.

(B) **PRESUMPTIONS.**—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects,

under this title shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) **LIMITATION ON OTHER REVIEW.**—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) **LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.**—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for attorneys' fees and other court costs under any provision of law, including under any amendment made by the Equal Access to Justice Act (5 U.S.C. 504 note; Public Law 96-481).

SEC. 208. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 209. CONVEYANCE.

In order to maximize revenue to the Federal Government, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 210. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this title shall prohibit the exportation of oil or gas produced under the lease.

SEC. 211. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this title:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) 50 percent shall be disbursed to the State of Alaska.

TITLE III—OIL SHALE

SEC. 301. FINDINGS.

Congress finds that—

(1) the Office of Naval Petroleum and Oil Shale Reserves at the Department of Energy has estimated that oil shale resources located on Federal land hold approximately 2,000,000,000,000 recoverable barrels of oil;

(2) oil shale is a strategically important domestic resource that should be developed to reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(3) the development of oil shale for research and commercial development should be conducted—

(A) in an environmentally sound manner;

(B) using practices that minimize the impacts of the development;

(C) with an emphasis on sustainability; and

(D) in a manner that benefits the United States while taking into account affected States and communities;

(4) oil shale is 1 of the best resources available for advancing technology and creating jobs in the United States; and

(5) oil shale will be a critically important component of the transportation fuel sector by providing a secure domestic source of aviation fuel for commercial and military uses.

SEC. 302. DEFINITION OF SECRETARY.

In this title, the term "Secretary" means the Secretary of the Interior.

SEC. 303. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISIONS.

(a) **REGULATIONS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the final rule entitled "Oil Shale Management—General" (73 Fed. Reg. 69414 (November 18, 2008)) shall be considered to satisfy all legal and procedural requirements of applicable law, including—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(D) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) and amendments made by that Act.

(2) **IMPLEMENTATION.**—The Secretary shall implement the regulations described in paragraph (1) (including the oil shale and oil sands leasing program authorized by the regulations) without regard to any other administrative requirements.

(b) **RESOURCE MANAGEMENT PLAN AND RECORD OF DECISION.**—

(1) **DEFINITION OF COVERED OIL SHALE AND LEASING PROGRAM.**—In this subsection, the term "covered oil shale and leasing program" means the oil shale and leasing program established by—

(A) the programmatic environmental impact statement for commercial leasing for oil and tar sand development in Colorado, Utah, and Wyoming issued by the Bureau of Land Management during September 2008; and

(B) the Record of Decision that adopted the proposed land use amendments issued by the Bureau of Land Management on November 17, 2008.

(2) **REQUIREMENTS.**—Notwithstanding any other provision of law, the covered oil shale and leasing program shall be considered to satisfy all legal and procedural requirements of applicable law, including the provisions of law described in subsection (a)(1).

(3) **IMPLEMENTATION.**—The Secretary shall implement the covered oil shale and leasing program without regard to any other administrative requirements.

SEC. 304. LEASE SALES.

(a) **ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall hold a lease sale in which the Secretary shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases published on January 15, 2009 (74 Fed. Reg. 2611).

(b) **COMMERCIAL LEASE SALES.**—

(1) **IN GENERAL.**—Not later than January 1, 2016, the Secretary shall hold not less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or oil sands development, as determined by the Secretary, in areas nominated through public comment.

(2) **ADMINISTRATION.**—Each lease sale shall be—

(A) for an area of not less than 25,000 acres; and

(B) in multiple lease blocs.

(c) **REDUCED PAYMENTS TO ENSURE PRODUCTION.**—If the Secretary determines that the royalties, fees, rentals, bonus bids, or other payments for leases of Federal land for the development and production of oil shale resources authorized by Federal law are hindering production of the oil shale resources, the Secretary may temporarily reduce the royalties, fees, rentals, bonus bids, or other payments to provide incentives for, and encourage the development of, the oil shale resources.

TITLE IV—ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS

SEC. 401. ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking "All money received" and inserting "Subject to subsection (d), all money received"; and

(2) by adding at the end the following:

"(d) **CERTAIN SALES, BONUSES, AND ROYALTIES.**—

"(1) **IN GENERAL.**—Of the amounts received under subsection (a), the Secretary of the Treasury shall transfer to the Secretary of Defense for each military installation that holds title to or occupies land on which oil and gas production is carried out, an amount equal to the total amount received from sales, bonuses, rentals, or royalties (including interest charges) from the production or leasing of shale gas on the land.

"(2) **USE OF FUNDS.**—Any amounts received by the Secretary of Defense under paragraph (1) shall be used to offset costs of military installations for—

"(A) administrative operations; and

"(B) the maintenance and repair of facilities and infrastructure of military installations."

TITLE V—HYDRAULIC FRACTURING

SEC. 501. FINDINGS.

Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report finding that the "current State regulation of oil and gas activities is environmentally proactive and preventive";

(3) that report also concluded that "[a]ll oil and gas producing States have regulations which are designed to provide protection for water resources";

(4) a 2004 study by the Environmental Protection Agency, entitled "Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs", found no evidence of drinking water wells contaminated by fracture fluid from the fracked formation;

(5) a 2009 report by the Ground Water Protection Council, entitled "State Oil and Natural Gas Regulations Designed to Protect Water Resources", found a "lack of evidence" that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stated "The states, who regulated production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing.";

(7) on May 24, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was "not aware of any proven case where the fracking process itself has affected water";

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, "We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology.";

(9)(A) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.); but

(B) Congress has continually elected not to include the hydraulic fracturing process in the underground injection control program under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(10) in 2011, the Secretary of the Interior announced the intention to promulgate new Federal regulations governing hydraulic fracturing on Federal land; and

(11) a February 2012 study by the Energy Institute at the University of Texas at Austin entitled "Fact-Based Regulation for Environmental Protection in Shale Gas Development" found that "[n]o evidence of chemicals from hydraulic fracturing fluid has been found in aquifers as a result of fracturing operations."

SEC. 502. DEFINITION OF FEDERAL LAND.

In this title, the term "Federal land" means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation;

(4) land under the jurisdiction of the Corps of Engineers; and

(5) Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302)).

SEC. 503. STATE AUTHORITY.

(a) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any component of that process, relating to oil, gas, or geothermal production activities on or under any land within the boundaries of the State.

(b) FEDERAL LAND.—The underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any

components of that process, relating to oil, gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service which was ordered to lie on the table; as follows:

At the end of section 204, add the following:

(d) LIMITATION ON CLOSING OF POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

"(7)(A) Notwithstanding any other provision of this subsection, in making any determination under subsection (a)(3) as to the necessity for the closing or consolidation of any post office, the Postal Service may not close any post office if the closing would—

"(i) result in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; or

"(ii) require a postal customer to travel more than 10 miles to reach a post office that is inaccessible by road.

"(B) Nothing in this paragraph may be construed to encourage the Postal Service to close a post office not described in subparagraph (A)."

SA 1976. Ms. MURKOWSKI (for herself, Mr. VITTER, Mr. BEGICH, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COASTAL PLAIN.—The term "Coastal Plain" means the area identified as the "1002 Coastal Plain Area" on the map.

(2) FINAL STATEMENT.—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to—

(A) section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142); and

(B) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) MAP.—The term "map" means the map entitled "Arctic National Wildlife Refuge", dated September 2005, and prepared by the United States Geological Survey.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

(5) WESTERN COASTAL PLAIN.—The term "Western Coastal Plain" means that area of the Coastal Plain—

(A) that borders the land of the State of Alaska to the west and State of Alaska offshore waters of the Beaufort Sea on the north; and

(B) from which the Secretary, in the sole discretion of the Secretary, finds oil and gas can be produced through the use of horizontal drilling or other subsurface technology from sites outside or underneath the surface of the Coastal Plain.

SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE WESTERN COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized the exploration, leasing, development, and production of oil and gas from the Western Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this Act, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Western Coastal Plain; and

(B) to administer this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Western Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(ii) prohibit surface occupancy of the Western Coastal Plain during oil and gas development and production; and

(iii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this Act in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas leasing program and activities authorized by this section in the Western Coastal Plain shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF DOI LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the conduct of the first lease sale.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this Act expands or limits any State or local regulatory authority.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations

promulgated under paragraph (1) to reflect any significant biological, environmental, or engineering data that come to the attention of the Secretary.

SEC. 4. LEASE SALES.

(a) QUALIFIED LESSEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), land may be leased under this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) EXCLUSION.—Land may not be leased under this Act to any person prohibited from participation in a lease sale under section 1002(e)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(e)(2)(C)).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Western Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process described in paragraph (1); and

(3) public notice of, and comment on, designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, conduct the first lease sale under this Act;

(2) not later than 2 years after the first lease sale, conduct a second lease sale under this Act; and

(3) conduct additional sales at appropriate intervals if, as determined by the Secretary, sufficient interest in development exists to warrant the conduct of the additional sales.

SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Western Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval under paragraph (1), the Secretary shall consult with, and give due consideration to the opinion of, the Attorney General.

SEC. 6. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the quantity or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Western Coastal Plain shall be fully responsible and liable for the reclamation of land within the Western Coastal Plain and any other Federal land that is adversely affected in connection with exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability described in paragraph (3) to another person without the express written approval of the Secretary;

(5) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(6) provide that each lessee, and each agent and contractor of a lessee, shall use the best efforts of the lessee to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this Act, including regulations promulgated under this Act.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this Act, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this Act negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this Act (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this Act; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this Act shall be presumed to be cor-

rect unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary shall establish in the Treasury a fund to be known as the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this section as the “Fund”) to offset any planning, land use-related, or service-related impacts of offshore development caused by this Act.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund, \$15,000,000 each year from the amount available under section 9(1).

(b) ASSISTANCE.—The Governor of Alaska, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to the North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on or near the Coastal Plain under this Act, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose land lies along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, rescue, and other medical services;

(3) to compensate residents of the Coastal Plain or nearby waters for significant damage to environmental, social, cultural, recreation, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity—

(i) to monitor development in or near the Coastal Plain; and

(ii) to provide information and recommendations based on traditional knowledge; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine mammals, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

SEC. 9. ALLOCATION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid semiannually to the State of Alaska; and

(2) 50 percent shall be allocated in accordance with subsection (b).

(b) ALLOCATION OF FEDERAL FUNDS.—Any amounts made available under subsection (a)(2), plus an appropriated amount equal to the amount of Federal income tax attributable to sales of oil and gas produced from operations described in subsection (a), shall be deposited in an account in the Treasury which shall be available, without further appropriation or fiscal year limitation, each fiscal year as follows:

(1) \$15,000,000 shall be deposited by the Secretary of the Treasury into the Fund created under section 8(a)(1).

(2) The remainder shall be available as follows:

(A) Twenty-five percent shall be available to the Department of Energy to carry out alternative energy programs established under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.), or an amendment made by either of those Acts, as determined by the Secretary of Energy.

(B) Ten percent shall be available to the Department of Health and Human Services to provide low-income home energy assistance under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(C) Ten percent shall be available to the Department of Energy to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(D) Ten percent shall be available to the Department of the Interior for award to wildlife habitat and fish and game programs authorized by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (commonly known as the "Wallop-Breaux Act") (16 U.S.C. 777 et seq.).

(E) The balance shall be deposited into the Treasury as miscellaneous receipts.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, March 29, 2012, at 10 a.m., to hear testimony on "S. 2219, the "De-

mocracy Is Strengthened by Casting Light on Spending in Elections Act of 2012 (DISCLOSE Act of 2012)."

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 27, 2012, at 2:45 p.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Renewable Energy Tax Incentives: How have the recent and pending expirations of key incentives affected the renewable energy industry in the United States?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 27, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs'

Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on March 27, 2012, at 10:30 a.m., to conduct a hearing entitled "The Choice Neighborhoods Initiative: A New Community Development Model."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on March 27, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Economic Imperative for Promoting International Travel to the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY AND THE SUBCOMMITTEE ON OVERSIGHT OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy and the Subcommittee on Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in Dirksen 406 to conduct a joint hearing entitled, "Oversight Hearing on EPA's Work With Other Federal Entities to Reduce Pollution and Improve Environmental Performance."

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that on Wednesday, March 28, at 5 p.m., the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 464 and 497; that there be 60 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 464 and 497 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING MF GLOBAL BONUS AWARDS

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed

to consideration of S. Res. 407, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 407) expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 407) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 407

Whereas on October 31, 2011, MF Global Holdings, Ltd., filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as \$900,000,000 in customer money had gone missing;

Whereas MF Global Holdings, Ltd. is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

Whereas following the bankruptcy filing, Judge Louis Freeh, the court-appointed trustee for the liquidation of MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and other individuals, in order to assist the liquidation process;

Whereas on March 8, 2012, the Wall Street Journal reported that Mr. Freeh may ask the bankruptcy court judge to approve performance-related bonuses for the chief operating officer, chief financial officer, the general counsel, and the other employees;

Whereas according to the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as \$1,600,000,000;

Whereas on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him not to reward senior executives of the bankrupt MF Global entities with performance-related bonuses while customer money is still missing;

Whereas on March 16, 2012, Mr. Freeh responded to the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate, stating that he has not made any decisions regarding the payment of bonuses to former senior executives of the firm;

Whereas the Commodity Futures Trading Commission, the court-appointed trustee for

the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading up to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

Whereas as of the date of agreement to this resolution, none of the investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, be it

Resolved, That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers' segregated account funds are repaid in full and investigations by Federal authorities have revealed both the cause of, and parties responsible for, the loss of millions of dollars of customer money.

MEASURES READ THE FIRST TIME—H.R. 2682, H.R. 2779, AND H.R. 4014 EN BLOC

Ms. LANDRIEU. Mr. President, I understand there are three bills at the desk. I ask for their reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title en bloc for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2682) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

A bill (H.R. 2779) to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

A bill (H.R. 4014) to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

Ms. LANDRIEU. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—H.R. 5

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate agree to the House request to return the papers on H.R. 5, the HEALTH Act, and authorize the Secretary of the Senate to return the papers on H.R. 5 to the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 28, 2012

Ms. LANDRIEU. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until Wednesday, March 28, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 2230, the Paying A Fair Share Act, with the first hour equally divided and controlled between the two leaders or their designees, with Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; and that at 5 p.m., the Senate proceed to executive session under the previous order; further, that the filing deadline for the first-degree amendments to S. 2204, the Repeal Big Oil Tax Subsidies Act, be 11 a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. LANDRIEU. There will be two votes around 6 p.m. tomorrow on judicial nominations. Additionally, cloture was filed today on the Repeal Big Oil Tax Subsidies Act. If no agreement is reached, that vote will occur on Thursday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. LANDRIEU. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 8:01 p.m., adjourned until Wednesday, March 28, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE J. RANDOLPH BABBITT.

DEPARTMENT OF STATE

BRETT H. MCGURK, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

UNITED STATES POSTAL SERVICE

JAMES C. MILLER, III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2017. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO MS. PAULINE OLIVEROS ON THE OCCASION OF HER 80TH BIRTHDAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. HINCHEY. Mr. Speaker, I rise today to honor the lifetime achievements of my friend and constituent, Pauline Oliveros on the occasion of her 80th birthday. Ms. Oliveros is an internationally recognized visionary composer, performer, professor and humanitarian. She is also the Founder and Executive Director of the Deep Listening Institute in the City of Kingston, NY. Her career spans more than five decades of revolutionary music-making and her lifetime contribution to the arts has influenced the way in which we understand music and the many facets of sound. I am proud to honor Ms. Oliveros for her 50 years of inspiring dedication to musical innovation.

Ms. Oliveros began her career in the 1950s where she was part of a circle of iconoclastic composers, artists and poets gathered together in San Francisco. She represented the United States at the 1970 World's Fair in Osaka, Japan and was honored in 1985 with a retrospective at the Kennedy Center for Performing Arts in Washington, D.C. She is also a Distinguished Research Professor of Music at Rensselaer Polytechnic Institute and a Darius Milhaud Composer-in-Residence at Mills College in Oakland, California. Ms. Oliveros relocated to Ulster County in the early 1980s in order to become an independent composer, performer and consultant. She has written several books, formulated new theories of music and investigated new ways to focus attention on music including her concepts of "Deep Listening" and "Sonic Awareness." Since the 1960s, Ms. Oliveros has deeply influenced American music through her work with improvisation, meditation, and electronic music.

Most notably, Ms. Oliveros is the founder of the Deep Listening Institute, aimed at fostering a unique approach to music, literature, art, and meditation. The Institute promotes innovation among artists and audiences in creating, performing, recording and educating with a global perspective. The Deep Listening Institute has received several grants to bring the innovative Adaptive Use Musical Instruments program to children with disabilities in Ulster County. The Adaptive Use Musical Instruments program is a software application allowing people with limited mobility to create music.

In addition to these notable endeavors, Ms. Oliveros was awarded the prestigious John Cage award from the Foundation of Contemporary Arts for her outstanding achievement in the arts. Mr. Speaker, it is with great pleasure that I join the Foundation of Contemporary

Arts in honoring and celebrating Pauline Oliveros on the occasion of her 80th birthday and formally recognizing her profound lifetime contribution to American music and the power of sound.

RECOGNIZING THE OUTSTANDING SERVICE OF COLONEL NICHOLAS F. MARANO ON THE OCCASION OF HIS RETIREMENT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. ISSA. Mr. Speaker, I rise today to recognize the military service of Colonel Nicholas F. Marano on the occasion of his retirement from the United States Marine Corps. I commend Colonel Marano's career and offer my sincerest thanks for his 32 years of dedicated service in protecting our nation.

Colonel Marano enlisted in the Marine Corps Reserve in March of 1980 and served as a rifleman in the 2nd Battalion, the 25th Marines prior to graduation from St. Joseph's University. In January 1985, he was commissioned a Second Lieutenant and designated an infantry officer assigned to 3d Battalion, 9th Marines on board Camp Pendleton, California. There he served as a Platoon Commander, Company Executive Officer, and Company Commander. In September 1988, he transferred to 1st Reconnaissance (Recon) Battalion where he served as a Reconnaissance Marine and graduated as an Officer Honor Graduate at the U.S. Army Ranger School (Class 10-89). Throughout his career he has been deployed to Germany, Republic of Georgia, Kosovo, Albania, Italy, and several times to Iraq in support of combat operations.

Colonel Marano retires from his post of Commanding Officer of Marine Corps Base (MCB) Camp Pendleton California. As Commanding Officer of MCB CampPen, Colonel Marano was in charge of overseeing the operational and logistical responsibility of supporting more than 72,067 scheduled training events in the mobilization and deployment of numerous Camp Pendleton based operating force units to include the 1st Marine Division, the 1st Marine Logistics Group, and the 3rd Marine Air Wing occupying over 125,000 acres of land. Colonel Marano's hard work and dedication aided the Corps in providing continuous, uninterrupted support, in a time of war, to Marines and Sailors of the First Marine Expeditionary Force (I MEF).

The legacy that Colonel Marano has left behind is a true testament to his commitment to the United States Marine Corps and to our country and will have lasting impact on MCB CampPen.

I offer Colonel Marano my warmest congratulations and hope that he enjoys a rich

and rewarding retirement knowing that his years of service will not be forgotten by those he led.

RECOGNIZING APRIL AS PARKINSON'S AWARENESS MONTH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. KING of New York. Mr. Speaker, I rise today in recognition of April as Parkinson's Awareness Month. It is essential to take this time to promote awareness, share information on the disease, and continue to work towards a cure.

Parkinson's disease is the second most common neurodegenerative disease in the United States. It is a chronic, progressive neurological disease for which there is no therapy or drug to halt its progression, let alone a cure.

According to the National Institutes of Health, the four primary symptoms of Parkinson's are tremor or trembling, rigidity of the limbs and trunk, slowness of movement, and impaired balance and coordination. As these symptoms become more pronounced, it may become more difficult for one to walk, talk or perform other tasks. Parkinson's disease usually affects people over the age of 50 and symptoms may progress more rapidly in some cases than in others. Diagnosis is generally based on medical history and a neurological examination.

It is estimated that there are between 500,000–1,500,000 Americans living with Parkinson's. Furthermore, the aging baby boomer population will likely increase that number. Although significant research advancements have been made, additional research is required to understand the underlying causes and to discover improved treatments.

As a co-chair of the Congressional Caucus on Parkinson's disease, it is my privilege to work with the tireless advocates in the Parkinson's community. I thank them for their hard work and dedication to understanding and eradicating this disease.

RECOGNIZING RUTH GURUSAMY ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION'S WOMEN IN BUSINESS CHAMPION OF THE YEAR FOR 2012

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Ms. Ruth Gurusamy for receiving

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the U.S. Small Business Administration's 2012 Women in Business Champion of the Year award. Ruth is the owner of Gurusamy, Inc., or Health Services of the Pacific (HSP), and has many years of outstanding business leadership and community involvement on Guam.

With more than 20 years of experience working as a nurse, Ruth founded HSP in 2004 to provide home healthcare services to patients on Guam. HSP quickly earned accreditation from the Joint Commission on the Accreditation of Healthcare Organizations. HSP also received Medicare's home healthcare certification and became a certified Hospice Agency in 2007. With her leadership, HSP has expanded the amount of critically-needed services it provides and has grown its staff to more than 80 employees. Further, as a former faculty member of the University of Guam School of Nursing, Ruth formed a partnership with the University to help train nursing students in various projects with HSP.

Ruth is also actively involved in a variety of community organizations on Guam. She has participated in numerous health conferences and workshops, and has sponsored events with the Guam Department of Public Health and Social Services. Ruth has held leadership roles on various committees and boards, including the Guam Legal Counsel for the Elderly advisory board, the UOG Union Board, the Guam Community College Nursing Advisory Board for the Licensed Practical Nurse program, and the Guam Hospital Healthcare Development Foundation board. In addition, she was part of the transition team for Governor Calvo, serving as board member for his Taskforce on Healthcare.

I commend Ms. Ruth Gurusamy for her work in improving the delivery of healthcare services on Guam, and for being named the SBA's Women in Business Champion of the Year for 2012. I join the people of Guam in thanking her for her many contributions, and I wish her continued success.

HONORING JIM SCHUG OF STILLWATER, MINNESOTA FOR HIS SERVICE TO THE WASHINGTON COUNTY GOVERNMENT

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mrs. BACHMANN. Mr. Speaker, I rise today to honor a great public servant on his retirement. Jim Schug of Stillwater, Minnesota, has served more than 25 years in Washington County Government and spent 17 years as the County Administrator.

Jim leaves a legacy of dedicated service to his employees and county residents. He faithfully worked as the Chief Administrator to the five member County Board to keep county services running in light of growing demands and dwindling resources. The same County Board, named January 26 as "Jim R. Schug Day" as a way to honor and remember his contributions. Of course, Jim would have never asked for this honor, but accepted it with grace and humility.

Jim's work with county employees was focused and dedicated. He earned a reputation

as a kind man with a personal touch. Personally, I consider Jim a steadfast public servant who will remain a fixture in the community. Even though he hails from the western suburbs, he will always have a home in Washington County.

Mr. Speaker, I ask this body to recognize Jim Schug's 25 years of service to Washington County and congratulate him upon his retirement. Jim has set a new standard in county services and administration; we can all look forward to the bright future he has entrusted to the Board and staff of Washington County.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent on March 26, 2012. If I were present, I would have voted on the following:

H.R. 2779—To exempt inter-affiliate swaps from certain regulatory requirements put in place by Dodd-Frank Wall Street Reform and Consumer Protection Act, rollcall No. 127: "yea."

H.R. 2682—Business Risk mitigation and Price Stabilization Act of 2011, rollcall No. 128: "yea."

On Approving the Journal, rollcall No. 129: "aye."

RECOGNIZING RICHARD K. LAI ON RECEIVING THE U.S. SMALL BUSINESS ADMINISTRATION 2012 SMALL BUSINESS PERSON OF THE YEAR AWARD

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to commend and congratulate Mr. Richard K. Lai for receiving the U.S. Small Business Administration 2012 Small Business Person of the Year Award. Richard is the Chief Executive Officer of Wing On Corporation, a family-owned company operating five restaurants in Guam and the Commonwealth of the Northern Mariana Islands.

Richard migrated to Guam from Hong Kong at the age of 16. He received his Bachelor of Science degree in Mechanical Engineering from the University of Washington, where he graduated with honors. In 1987, Richard returned to Guam to help his mother, Shirley Lai, run her coffee shop in Guam's capital of Hagatna. As the Chief Executive Officer of Wing On Corporation, Richard oversaw the expansion of Shirley's Coffee Shop from a single 28-seat coffee shop with four employees to a franchise with 212 employees operating four restaurants in Guam and one in the CNMI. He also opened Samurai Teppenyaki Japanese Restaurant in 2006 to expand Wing On Corporation's product offerings. Samurai

offers Japanese-fusion cuisine to many residents and tourists in the heart of Guam's tourism center, and currently has a staff of 62 employees.

Richard is also an active member of our community, and he contributes to many charitable organizations. As an advocate of sports on Guam, Richard serves as the president of the Guam Football Association (GFA). Under his leadership, the organization has expanded significantly to become the largest sports development organization on Guam. Richard's leadership has substantially raised the bar for athletes, from amateurs to professionals, to harness their talents and love for sports. In the last 10 years, his tireless efforts have garnered international recognition of Guam athletes for competitive titles, and this momentum grows each year.

Richard is a proven business leader in our community, and he continues to set the example for the next generation of small business leaders on Guam. On behalf of the people of Guam, I congratulate Richard Lai and his family on receiving this national recognition as the 2012 Small Business Person of the Year. I wish him many years of continued success.

IN RECOGNITION OF THE LOUISVILLE METRO HUMAN RELATIONS COMMISSION'S 50TH ANNIVERSARY

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. YARMUTH. Mr. Speaker, I rise today in honor of the Louisville Metro Human Relations Commission, which celebrates its 50th anniversary today.

More than two years before the passage of the Civil Rights Act of 1964, the city of Louisville asserted itself as a voice of compassion and reason in the face of hate, building on a recent history of social progress by passing an ordinance to formally condemn racial and religious discrimination.

The ordinance referred to elements that are "contrary to public policy and detrimental to the peace, progress, and welfare of the city," and in doing so created a city agency to monitor and adjudicate discrimination in public accommodations at a time when Louisville—and much of the country—was working to fully integrate schools, housing, neighborhoods, and public employment.

Over the past 50 years, the Commission has helped preserve and advance that history of progress, serving as a conscience for our community and protecting our citizens from discrimination because of race, color, religion, national origin, familial status, age, disability, sex, gender identity, or sexual orientation.

It has been a primary force in building a safe and supportive community where diversity is not only accepted, but embraced.

Mr. Speaker, I congratulate the Louisville Metro Human Relations Commission on 50 years of important work, and I look forward to another 50.

RECOGNIZING THE NATIONAL
CHERRY BLOSSOM FESTIVAL
AND THE CENTENNIAL CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing the National Cherry Blossom Festival and the Centennial Celebration, commemorating the 100-year anniversary of the gift of trees and the enduring friendship between the United States and Japan.

Each year, the National Cherry Blossom Festival heralds the coming of spring and produces diverse and creative programming promoting traditional and contemporary arts and culture, natural beauty, and community spirit, showcasing the best of Washington, DC to the world.

More than one hundred years ago, the combined vision of unlikely partners led to the world-renowned majestic cherry trees that line the Tidal Basin in our nation's capital. Eliza Scidmore, the National Geographic Society's first female board member, Dr. David Fairchild of the U.S. Department of Agriculture, First Lady Helen Herron Taft, Mayor Yukio Ozaki of Tokyo, and Dr. Jokichi Takamine, goodwill ambassador, world-famous chemist, and the founder of Sankyo Co., Ltd. (today known as Daiichi Sankyo), all worked together to bestow Washington, DC with more than 3,000 cherry trees in 1912. This gesture of goodwill was honored in a simple ceremony on March 27, 1912, when First Lady Taft and Viscountess Chinda, wife of the Japanese ambassador, planted the first two trees at the Tidal Basin. Today, the trees are a national treasure enjoyed by millions, and, as First Lady Taft envisioned, a wonderful backdrop for cultural and community events of all kinds.

Today, the National Cherry Blossom Festival unites the region for over one million visitors each spring, who look forward to signature events like the National Cherry Blossom Festival Parade, world-class entertainment, cultural performances and more, primarily free and open to the public. Our Nation's greatest cultural institutions participate, including the National Gallery of Art, The Kennedy Center, and Smithsonian, with over 50 area organizations participating in total.

The National Cherry Blossom Festival greatly benefits the nation's capital. The Festival generates over \$126 million annually for Washington, DC, and has received many accolades and international recognition.

Among the many special commemorative initiatives to mark the historic Centennial Celebration, the Government of Japan has designated the Centennial Celebration an official anniversary event. The United States Postal Service has issued Cherry Blossom Centennial Forever stamps, and the American Bus Association has named the Centennial Celebration the top event for group travel in 2012. Millions of people have enjoyed the National Cherry Blossom Festival, and millions will continue to create cherished memories here in the years to come.

Mr. Speaker, I ask the House of Representatives to join me in recognizing the work of the National Cherry Blossom Festival and the message of peace, friendship, and international understanding it carries on each year during the Nation's greatest springtime celebration.

RECOGNIZING THE IMPORTANCE
OF NATIONAL PRESCRIPTION
DRUG AWARENESS MONTH

HON. JERRY MCNERNEY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. MCNERNEY. Mr. Speaker, I ask my colleagues to join me in recognizing the importance of National Prescription Drug Awareness Month.

Throughout California, March is recognized as National Prescription Drug Awareness Month. The purpose of this initiative is to increase community awareness about the dangers that many medications may pose if not used properly.

Recently, the Centers for Disease Control and Prevention declared prescription drug abuse to be a national epidemic. In 2008, approximately 20,000 people died from prescription drug overdoses. In 2009, 1.2 million emergency department visits were related to misuse or abuse of pharmaceuticals. These numbers are tragic and unacceptable, and we must make every effort to address the issue.

Fortunately, the National Coalition Against Prescription Drug Abuse, NCPDA, is leading the effort to combat this epidemic. NCPDA is hosting a variety of events in California this month to help raise awareness and public engagement in the battle against prescription drug abuse. Education plays a critical role helping children, young adults, and their parents to avoid prescription drug abuse, and education serves an important first step to combating this serious problem.

I ask my colleagues to join me in recognizing the important work of the NCPDA and the role National Prescription Drug Awareness Month can play in preventing the loss of loved ones across the country.

HONORING JEFFERY L. KLEIN CEO
OF THE JEWISH FEDERATION OF
PALM BEACH COUNTY

HON. THEODORE E. DEUTCH

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in celebration of Jeffrey L. Klein, on the occasion of his 25th Anniversary as CEO of the Jewish Federation of Palm Beach County. His years of dedicated service have been instrumental in building a vibrant, diverse Jewish community in Palm Beach County and throughout South Florida. It is truly an honor to represent him in the United States Congress.

The Jewish Federation of Palm Beach County would not be what it is today without

Mr. Klein's visionary leadership. During his tenure, the organization grew dramatically to include two state-of-the-art campuses in West Palm Beach and in Boynton Beach. In addition, the Federation was able to unveil many new programs to promote leadership, assist seniors, and educate teens about their Jewish heritage. Perhaps most importantly, Mr. Klein's efforts have led to the creation of programs that go beyond South Florida to strengthen ties to the global Jewish community in Israel, Ethiopia, and the former Soviet Union.

It is a privilege to represent an individual who has done so much to promote the welfare of the Jewish community across the world. I applaud his efforts, and I look forward to his and the Federation's good work for years to come.

Congratulations to Jeffrey Klein, together with his wife Carla, his children, and his grandchildren, as they celebrate this well deserved honor.

RECOGNIZING ELVIN YU-LING
DUNCAN CHIANG ON BEING
NAMED THE 2012 U.S. SMALL
BUSINESS ADMINISTRATION'S FI-
NANCIAL SERVICES CHAMPION
OF THE YEAR

HON. MADELEINE Z. BORDALLO

OF GUAM
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Elvin Yu-Ling Duncan Chiang for his years of outstanding business leadership and community involvement on Guam. Mr. Chiang is the senior advisor and immediate past country managing partner of Ernst & Young LLP, Guam and Micronesia. He was recently named the Guam Financial Services Champion of the Year for 2012 by the U.S. Small Business Administration.

Mr. Chiang graduated from Sophia University in Tokyo, Japan in 1977 with a Bachelor of Science degree in Economics and Business Administration. While attending college in Japan, he served as the controller and director of Shintoyo Enterprises, Ltd's Tokyo, Japan and Guam offices. In 1978, he enrolled at the University of Puget Sound in Puget Sound, Washington, and received his Bachelor of Applied Science degree in Account in 1980. He went on to receive a Masters of Business Administration with an emphasis in Business Administration in 1982.

Following graduation, Mr. Chiang relocated to Guam and joined KPMG as an auditor until 1984. From 1985 to 1987, he taught at the University of Guam as an assistant professor of accounting. He served as the chief financial officer of Sigallo Pac. Ltd., Guam from 1987 to 1989. He then went on to work for Ernst & Young, LLP where he currently serves as the Senior Advisor and immediate past Country Managing Partner for Guam and Micronesia.

In addition to his extensive business career, Mr. Chiang is actively involved in numerous community organizations on Guam. He has served as President of the Rotary Club of Guam, Vice President and Treasurer of the Chinese Chamber of Commerce of Guam, and

Chairman and member of the Advisory Council of the University of Guam School of Business and Public Administration. Further, he has been a member of the Advisory Council of the Guam Community College, a member and former Treasurer of the Board of Trustees for St. John's School, and has been a board member of the Chinese School Foundation.

I congratulate Elvin Yu-Ling Duncan Chiang on being named the 2012 U.S. Small Business Administration's Financial Services Champion of the Year for Guam. I join the people of Guam in commending him on this award and his many contributions to our community.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. AKIN. Mr. Speaker, on rollcall No. 127, 128 and 129, I was delayed and unable to vote. Had I been present I would have voted "aye" on all three.

RECOGNIZING COMMUNITY POWERED REVITALIZATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize 6 Stones Mission Network and the cities of Hurst, Euless and Bedford for their philanthropic project, Community Powered Revitalization (CPR).

In the midst of celebrating its 100th anniversary, First Baptist Church of Euless found itself on the brink of insolvency and without a leader. The massive debt and red ink on day-to-day expenses left little hope for repayment. Instead of closing its doors, the church began reverently praying for a miracle.

Within 27 months, six million dollars of debt was paid off and all other IOUs fulfilled—a miracle indeed. Overcoming this significant internal trial shifted the church's financial perspective towards helping others. Their newfound surplus of resources allowed the church to readily respond when the City of Euless needed assistance with a home revitalization project in 2008. After finishing their first home renovation, the church gained vision for a new non-profit, 6 Stones Mission Network. Launched in January 2009, 6 Stones is a coalition of cities, local churches and businesses collaborating to meet the needs of those throughout Tarrant County.

CPR actually began in 2008 when Gary McKamie, City Manager of Euless, presented two churches the opportunity to help two families that required substantial assistance in maintaining their homes. They both were in great need, but just did not have the resources, expertise or wherewithal to keep the homes up to code. The City of Euless had established a Leadership Team of employees representing every department of the city to

not just lead, but to create and develop the program. This was done in partnership with area churches, businesses and other organizations that wanted to impact the community. That program was called Euless Revitalization. The First Baptist Church of Euless, realizing the many other growing needs in the community, launched a non-profit called 6 Stones Mission Network. Its purpose was to renovate homes, as well as try to help meet needs throughout Hurst, Euless and Bedford.

Then in the summer of 2010, the invitation was extended to Bedford and Hurst to partner with 6 Stones and the City of Euless, to help homeowners in their cities as well. That was the birth of CPR.

The CPR project uses effective partnerships with the cities of Euless, Bedford and Hurst to help struggling homeowners with costly, necessary improvements. In the spring of 2011, the project surpassed the benchmark of assisting 100 homeowners in despair. While their services are offered year-round, two CPR "Blitz" events take place annually, which involve a large volunteer base working together to impact several homes within two days. The product of one community's victory over financial woes is now breathing life into struggling communities across the 24th Congressional District of Texas.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in thanking 6 Stones Mission Network and the cities of Hurst, Euless, and Bedford for their selfless service to our communities. I am honored to represent these great cities and to share their story with my colleagues in Congress.

RECOGNIZING PETER R. SGRO ON RECEIVING THE 2012 U.S. SMALL BUSINESS ADMINISTRATION'S ENTREPRENEURIAL SUCCESS AWARD FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to commend and congratulate Mr. Peter R. Sgro on being awarded the 2012 U.S. Small Business Administration's Entrepreneurial Success Award for Guam. Mr. Sgro is the President and Chairman of the Board of International Group, Inc., the President and Chairman of the Board of Pacific Rim Brokers, Inc., and the Principal Broker of International Realty.

As the President and Chairman of the Board of International Group, Inc., a consulting firm that provides business development services for clients in the financial services, real estate, energy, and information technology industries, Mr. Sgro has built important relationships between Guam businesses and organizations throughout the United States and the Philippines. Under his leadership, International Group has assisted clients in securing more than \$20 million in business development loans.

Mr. Sgro also serves as the President and Chairman of the Board for Pacific Rim Bro-

kers, Inc., a wholesale food distribution company that provides more than 200 product lines to local businesses on Guam. Since his election to this position in January of 2011, Pacific Rim Brokers has increased sales by 12 percent and hired 35 percent more employees, despite difficult economic environments.

In 2006, Peter Sgro established the Guam Hospital Development Forum, which was comprised of cross-section of local experts and stakeholders, to develop a business plan to construct a privately owned and managed hospital on Guam. One year later, in 2007, Mr. Sgro and his wife Kathy, founded the Guam Healthcare and Development Foundation to implement this business plan. As the Foundation's President and Chairman, Mr. Sgro has secured full funding from national and international investors, and a ground breaking ceremony on this private hospital was held in February of 2012. This new, state of the art facility will provide more than 300 hospital beds for local patients and is expected to open in 2014.

Mr. Sgro is also an active member in our community. He has served on the University of Guam Board of Regents, the Guam Chamber of Commerce Board of Directors, and the Guam Visitors Bureau Board of Directors. During his tenure as the Chairman of the Guam Chamber of Commerce Board of Directors, Mr. Sgro established the Guam Business Hall of Fame to recognize local business leaders who have made outstanding contributions to their profession and to Guam's community. This recognition ceremony continues to be an annual tradition of the Chamber of Commerce.

Mr. Sgro is married to Katherine Calvo Sgro and they have four children: Christopher, Matthew, Katarina, and Maria. He is a 1981 graduate of the University of Portland, where he received a Bachelor of Business Administration degree in management and marketing. In 1984, Mr. Sgro received his Juris Doctorate degree from the University of Notre Dame. He is also a licensed real estate broker on Guam.

I congratulate Peter R. Sgro, Jr. on receiving the 2012 U.S. Small Business Administration's Entrepreneurial Success Award for Guam. I join the people of Guam in commending him for his award and thanking him for his contributions to our community.

13TH DISTRICT CONGRESSIONAL LAW ENFORCEMENT AWARDS (CLEA)

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BUCHANAN. Mr. Speaker, I rise today to pay tribute to law enforcement men and women who have provided distinctive service to the people of Florida's 13th Congressional District.

Law enforcement is a demanding profession that requires sacrifice, courage and a dedication to serve others. Every day, brave men and women put themselves in harm's way to enforce the laws of our society and protect public safety. They deserve our gratitude and respect.

This year, I established the 13th District Congressional Law Enforcement Awards, CLEA, to give special recognition to law enforcement officers, departments, or units for exceptional achievement.

On behalf of the people of Florida's 13th District, I congratulate the following winners chosen by an independent panel comprised of current and retired law enforcement personnel representing a cross-section of the district's law enforcement community.

Patrolman 1st Class Justin Wyatt of the Wauchula, Florida Police Department received the Above and Beyond the Call of Duty and the Congressional Law Enforcement Officer of the Year Awards.

Deputy Steve Ahrens of the Hardee County Sheriff's Office received the Above and Beyond the Call of Duty and the Congressional Law Enforcement Officer of the Year Awards.

Detective Salvatore Levita of the Manatee County Sheriff's Office received the Above and Beyond the Call of Duty Award.

Trooper John B. McGrede of the Florida Highway Patrol received the Above and Beyond the Call of Duty Award.

Detective Michael A. Dumer of the Sarasota County Sheriff's Office received the Dedication and Professionalism Award.

Detective Michael Page of the Bradenton Police Department received the Dedication and Professionalism Award.

Special Agent Steve Lieberman of the Florida Department of Law Enforcement received the Dedication and Professionalism Award.

Special Agent Jim Vogt of the Florida Department of Law Enforcement received the Career Service Award.

The Venice Florida Police Department received the Unit Citation Award.

Government Analyst Kelly Andriano of the Florida Department of Law Enforcement received the Associate Service Award.

I offer my sincere appreciation for the service and dedication of these outstanding law enforcement officers. I appreciate the law enforcement agencies that made such outstanding nominations and panel that judged them.

I believe these awards are a fitting tribute to our officers and a reminder of the important role they play in our communities.

HONORING THE POLICE UNITY TOUR'S FIFTEENTH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Police Unity Tour and its riders as they mark their Fifteenth Anniversary.

In May of 1997, the Police Unity Tour was organized to raise awareness of law enforcement officers who have died in the line of duty and to honor their sacrifices. The Tour, the inspiration of Florham Park, New Jersey Police Officer Patrick P. Montuore, currently Florham Park Police Chief, has grown significantly since its first year. New chapters have formed in many states, including New York, Florida, Delaware and California.

During National Police Week, participants in the Police Unity Tour travel 300 miles by bicycle from New Jersey to the National Law Enforcement Officer's Memorial in Washington DC. The tour culminates in a candlelight vigil held in Washington DC at the Memorial where the names of newly added officers are read aloud and officially dedicated on the monument. This ceremony reminds the participants that their important work is never done.

To honor fallen officers who have fallen in the line of duty, the ride helps raise funds for the National Law Enforcement Officer's Memorial Fund. Since 1997, the Police Unity Tour has raised \$10 million for the Fund, going towards the task of adding officers' names to the Memorial's Hall of Remembrance and providing for renovations to the facility.

From 18 participants raising \$18,000 for the Fund in its first year, the Police Unity Tour has grown to over 1,200 riders who raised \$1.325 million in 2011 alone. Inspired by its motto, "We Ride for Those Who Died", participants come from over 40 states as well as a number of countries such as Australia, Israel and India. However different the backgrounds of these officers may be, they all share in the common purpose of honoring and remembering their fellow fallen officers.

The National Law Enforcement Officer's Memorial contains the names of 19,000 officers who have sacrificed their lives to keep our communities safe and the contributions of the Police Unity Tour have helped preserve their memory. In 2006, The Police Unity Tour pledged to raise \$5 million to restore the Memorial and in 2009 the restoration was completed, ensuring that the names and legacies of these officers will never be forgotten.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Police Unity Tour and the law enforcement officers who participate in it, as they mark 15 years of devotion to the law enforcement community.

RECOGNIZING MARK ZHAO ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION'S MINORITY SMALL BUSINESS CHAMPION OF YEAR FOR 2012

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Mark M. Y. Zhao for receiving the U.S. Small Business Administration's 2012 Minority Small Business Champion of the Year Award. Mark is the Executive Director of the Westpac Institute of Management on Guam, and has a strong background in banking and finance.

Mark graduated from the University of Guam in 1986 and soon became a banking officer for the Bank of Hawaii. In this capacity, he worked hard to develop and grow Guam's access to the Chinese market. Mark worked to meet the needs of small business owners by eliminating language and cultural barriers that existed between the bank and its customers of Chinese descent. These efforts earned him the position of Vice President for Corporate

Lending at the Bank of Hawaii, which he held until 2001.

Following his banking career, Mark used his financial and entrepreneurial expertise to establish the Westpac Institute on Guam. This institute has helped hundreds of entrepreneurs in the local community, especially the minority segments on Guam, by providing them with the education and resources needed to develop their skills.

Further, Mark is an active member of the Chinese Chamber of Commerce on Guam, where he serves as the Chairman of the Real Estate and Education Committees. He also uses his expertise to promote programs that support the education of our young people and the development of Guam's economy. Additionally, Mark is a member of the Governor's Council of Economic Advisers and a Life Member of the Navy League of the United States.

I commend Mr. Mark M. Y. Zhao for his work in addressing the needs of Guam's small business community, and for being named the SBA's Minority Small Business Champion of the Year for 2012. I join our island in thanking him for his contributions to our community, and I wish him continued success with the Westpac Institute.

PAYING TRIBUTE TO COMMAND SERGEANT MAJOR RICKY YATES

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Command Sergeant Major Ricky Yates. His service to our Nation is the standard by which all U.S. Army Aviation Command Sergeant Major careers are measured. His ability to develop solutions to complex and inter-related problems coupled with his unequalled leadership, technical expertise and devotion to duty set him apart from his peers. From his time as a helicopter repairman in an Aviation Battalion serving in peacetime and in combat, to his capstone assignment as the Command Sergeant Major of the U.S. Army Aviation and Missile Command, Command Sergeant Major Yates was recognized with the same superlative by every Commander—the best maintenance Non-Commissioned Officer with whom they have ever served.

Command Sergeant Major Yates served our Nation for over 3 decades, at all levels of leadership which allowed him to capitalize on his talents and abilities to serve Soldiers, his unit, the Army and his country at every opportunity. He is truly a selfless servant, caring only about the welfare of others and never seeking accolades for himself. He demonstrated the capacity to be a transformative leader in an organization even when he was new to the unit and the mission. In the execution of his duties, he was recognized for his unequalled ability to diagnose maintenance problems and determine repair requirements.

Command Sergeant Major Yates first demonstrated his ability to lead an organization in combat while assigned as First Sergeant in

Task Force 118, a ground-breaking special operations aviation unit, during Operation Prime Chance. Operation Prime Chance was a United States Special Operations Command operation intended to protect U.S. flagged oil tankers from Iranian attack during the Iran-Iraq War. This operation pioneered the first use of OH58D Helicopters in ship board based combat operations.

During his Divisional assignments, he was noted by all levels within his chain of command as the single best Aviation Maintenance NCO with whom they had ever worked and as the "epitome of commitment to maintenance excellence." One outstanding feature of CSM Yates' career is his constant service in the toughest units in the Army. During his career, CSM Yates served in the 1st Armored Division, 1st Cavalry Division, 24th Infantry Division, 25th Infantry Division, and the 82d Airborne Division. He served for 21 total years at Fort Bragg, earning Jumpmaster Wings and the Combat Action Badge while deploying in support of Operations Prime Chance, Desert Shield & Desert Storm, Enduring Freedom, and Iraqi Freedom.

Because of his proven record in solving strategic level problems and his unparalleled expertise in Aviation Maintenance, Command Sergeant Major Yates was selected by the Commanding General of the U.S. Army Aviation and Missile Command (AMCOM) to be the AMCOM Command Sergeant Major, the senior Aviation Maintenance NCO in the Army. He immediately became an invaluable member of the AMCOM team, and his leadership in Aviation Maintenance was crucial in the organization's support to Operation Iraqi Freedom, Operation Enduring Freedom, and Operations over the Horizon (OTH).

During his tenure as AMCOM CSM, he personally worked multiple initiatives that proved crucial to supporting Warfighters. When AMCOM was tasked to assume the supply and maintenance management mission at Fort Rucker, CSM Yates assisted in identifying the necessary green suit structure needed to properly supervise the large force of contractor personnel. Stated simply, if any portion of AMCOM required senior leadership attention, CSM Yates provided it, and always provided sound, timely, and well researched advice to the three Commanding Generals he served.

In support to the Global War on Terrorism, Command Sergeant Major Yates made multiple visits to the CENTCOM Area of Operations to assist the Combat Aviation Brigades and the Aviation Logistics hubs. He spent months in Iraq and Afghanistan, operating independently and by his own initiative to provide direct support from AMCOM to the Aviation Brigades. He was the eyes and ears of the commander to the field, gathering information on how best AMCOM could support units in the fight. Likewise, he was the voice of the Commanding General, ensuring standardization to maintenance and logistics practices across the Army, focused on the areas that most significantly affected the Aviation Soldier.

From the individual Soldier to the highest echelons of Army Aviation, Command Sergeant Major Ricky Yates demonstrated a technical prowess, unyielding devotion to the Army's mission, transformational leadership, and unwavering support to the Soldier. He

reached the pinnacle of his profession, and was truly the best Command Sergeant Major to have ever done his job.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring Command Sergeant Major Ricky Yates' exceptional service, dedication and devotion to duty, leadership, and professional competency. He exemplifies the fine tradition of military service and reflects great credit upon himself, the Department of the Army, and the United States of America. May he know that his Nation is greatly appreciative of his dedication, and wishes him the best in all his future endeavors.

90TH ANNIVERSARY OF THE MODESTO LIONS CLUB

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DENHAM. Mr. Speaker, I rise today to recognize and applaud the Modesto Lions Club on their 90th Anniversary. This dedicated service club should be commended for their leadership.

In the early 1920's, there were few community service clubs; however, 43 prominent business owners in Modesto joined to establish the first Lions Club in Stanislaus County on March 29, 1922. This core of movers & shakers became the 'Booster Club' of their fair city, Modesto.

This hardy band supported the Salvation Army, the Red Cross, the Boy Scouts and the YMCA in a way never before accomplished. The club's membership dwindled during WWII, but the Modesto Lions Club maintained its stature and continued its good deeds for the community.

The economic growth of the post-war period allowed the Modesto Lions Club to grow and facilitate bigger projects, such as the Modesto High School Swimming Pool and the Mancini Bowl Band Shell.

In 1987, the Modesto Lions Club broke social barriers by welcoming female members, and a new era dawned as many ladies joined the ranks.

Recently, the Modesto Lions Club completed the Modesto Lions Junction Park along the Virginia Trail providing shade for all who use the trail.

Mr. Speaker, please join me in praising and congratulating the Modesto Lions for 90 years of community service and success.

RECOGNIZING JOSEPH ROBERTO ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION'S JEFFREY BUTLAND FAMILY-OWNED SMALL BUSINESS OF YEAR FOR 2012

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Joseph Roberto for receiving

the U.S. Small Business Administration's 2012 Jeffrey Butland Family-Owned Small Business of the Year award for Guam. Joe is a founder and manager of the family-owned East Island Tinting, and has many years of leadership in our island community.

In 1990, Joe and his brothers founded Island Tinting to provide the people of Guam with low-cost services for tinting vehicles as well as residential and commercial properties. This company served Guam for almost 20 years, and became the basis for the family's new venture, East Island Tinting, which was established in 2008. Over the years, the company has increased their service to their customers by providing more staffing and a convenient location to serve them. East Island Tinting has expanded to two locations and its services have grown from one line of automotive tint film to an array of films that cater to a diverse customer base on Guam. The company also recently opened its newly renovated facility in East Agana, Guam, which includes custom detailing services. Further, in 2010, the company was recognized by the Guam Small Business Development Center for their continued success as a small business.

Joe is also an active member in our island's community. He has served as a volunteer soccer coach for the Shipyard Wolverines soccer club, and has helped develop hundreds of players over the years. He also served as Chairman of the Small Business Committee in the Guam Contractors Association, and has volunteered in several parent-teacher organizations on Guam.

I commend Mr. Joseph Roberto for his efforts in growing and expanding his family's business, and for receiving the SBA's 2012 Jeffrey Butland Family-Owned Business of the Year award. I join the people of Guam in thanking him for his many contributions to our community, and I wish him continued success.

PERSONAL EXPLANATION

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. MCINTYRE. Mr. Speaker, I was unexpectedly unable to make votes on March 26, 2012. Had I been present, I would have voted "yes" on rollcall Vote Numbers 127, 128, 129.

HONORING THE HEROES OF THE FORT KENT FIRE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor the people of Fort Kent, and the surrounding communities, who responded so admirably to the massive fire in downtown Fort Kent.

In the early morning of March 25, 2012, a massive fire erupted in Fort Kent, Maine destroying several downtown buildings and damaging local businesses. Although these buildings contained numerous apartments, there

was mercifully no loss of life. That is because of the heroic efforts of eight local fire departments, the Fort Kent Police, and a town employee who first spotted the flames.

Tenants living on the second floor of the Nadeau's House of Furniture building were evacuated with only minutes to spare as the fire quickly spread. The heat was strong enough to damage businesses located across the street and melt nearby street signs. Moreover, it took thousands of gallons of water, pumped from the St. John River, to finally quell the flames.

The heroism of the Fort Kent Volunteer Fire Department and fire crews from St. Agatha, Frenchville, Madawaska, North Lakes, Eagle Lake, St. Francois, New Brunswick and Clair, New Brunswick cannot be overstated. Neither can the bravery of Matt Bard who first alerted authorities, Tony Enerva and Richard Martin of the Fort Kent Police Department who were among the first on the scene, the Fort Kent Ambulance Service, or the scores of others who helped avert an even greater tragedy.

I am grateful to the Pine Tree Chapter of the American Red Cross and the Salvation Army for providing such immediate relief to the displaced families. I am also extremely heartened by the outpouring of support that has come from the Fort Kent community. Local business leaders have already launched a fundraising campaign to further assist those who lost their belongings in the fire. I know that their combined strength will bring the town through this difficult time.

Mr. Speaker, please join me in honoring all the heroes who responded to the Fort Kent fire.

RECOGNIZING BENJAMIN C. PABLO ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION'S VETERAN SMALL BUSINESS CHAMPION OF THE YEAR FOR 2012

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Benjamin C. Pablo for receiving the U.S. Small Business Administration's 2012 Veteran Small Business Champion of the Year Award. Ben is a United States Army veteran who served for 22 years, and is currently the Vice President and Community Development Officer at the Bank of Guam, where he is fondly referred to as its "veteran ambassador."

Ben has worked to create educational opportunities for veterans and servicemembers interested in simplifying their finances or opening up a small business. Most notably, in 2010, he helped establish the Guam Veterans Business Outreach Center, which provides resources and training workshops to veterans. Through the outreach center, Ben consults with local veterans on credit and lending criteria and also shares his expertise in creating and developing a successful business plan. Further, Ben helped secure the Bank of Guam's ability to administer SBA Patriot Ex-

press Loans to assist veteran clients and members of the military community in creating or expanding their small business.

Additionally, Ben devotes his time to participating in community service activities and civic organizations. He played an instrumental role in helping the Vietnam Veterans of Guam Chapter 668 in obtaining donations from the bank and other organizations to construct the Vietnam Veterans Memorial Walls, to memorialize the servicemembers from Guam killed during the Vietnam War. He also serves as the treasurer for Catholic Social Services (CSS) on Guam, and has been a board member for seven years. CSS is a nonprofit organization that provides numerous services to Guam's most vulnerable residents, including many veterans.

I commend Mr. Benjamin C. Pablo for working to improve veterans' business opportunities on Guam and for being SBA's Veteran Small Business Champion of the Year for 2012. I join our island in thanking him for his service to our country, and for his dedication to sharing his financial expertise with our veteran community on Guam.

RECOGNITION FOR THE PUBLIC SERVICE OF WILLIAM F. BUNTING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor a remarkable individual, admired for his public service and expert contributions to meteorology and weather forecasting, Mr. William F. Bunting.

Mr. Bunting is an esteemed veteran of his field. His more than 25 years of experience has taken him across this land—from New York City to Lansing, MI to Norman, OK, to Kansas City, MO, and for the last decade to Fort Worth, TX. He has painstakingly forecast and monitored a number of major weather events during his time in the weather service, including the chain of 59 tornadoes in Oklahoma and Kansas in 1990, the Kansas City flash flood in the fall of 1998, and the urban tornado in downtown Fort Worth in 2000. Mr. Bunting's judgment and decision-making in weather forecasting and storm damage assessment has been of tremendous value in service to the public.

Mr. Bunting has made significant contributions to research and public understanding of severe storms. He has assembled an extensive website of data to upper air soundings, surface analyses, and weather prediction satellite imagery. He has authored many papers on severe storms and climatic weather, lectured at more than a dozen weather warning workshops and conducted more than 500 presentations to spotter and emergency management groups, civic organizations, businesses and schools. There is no question that Bill Bunting has invested his knowledge and concerns to enhance the safety of hundreds of thousands of people.

As Meteorologist in Charge at the National Weather Service's forecast office in Fort Worth, Mr. Bunting has supervised a staff of

more than 25 forecasters, technicians and support personnel and been responsible for all forecasts, weather advisories, watches and warnings for 46 North Texas counties. Now, after 10 years in Fort Worth, Mr. Bunting is called to serve as Operations Branch Chief at the Storm Prediction Center in Oklahoma beginning in early April. We wish him well in this new position.

It is my great privilege to recognize Mr. Bill Bunting, Meteorologist-in-Charge at the National Weather Service, for his commitment to people's safety, his dedication to the study and understanding of meteorology and for his service to the many citizens whose lives have been saved by being forewarned by his forecasts.

HONORING MS. PHILLIS OETERS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women's History month I rise today to honor Ms. Phillis Oeters, an outstanding individual who has continuously supported the South Florida community.

Ms. Oeters currently serves as the Corporate Vice President of Government and Community Relations for Baptist Health South Florida, the largest not-for-profit healthcare organization in the region. As Corporate Vice President, Ms. Oeters is responsible for strategic planning of government and community relations, developing a state and federal legislative agenda consisting of health-care funding, insurance regulation, and general health policy development.

Additionally, Ms. Oeters serves on many community boards including the Greater Miami Chamber of Commerce, where she will assume the position of Chairman in June 2012. She also serves on the boards of Beacon Council, United Way, Nat Moore Foundation, Orange Bowl, among many others. From 2003 to 2008, she was Chairman of the Board of the Neurologically Injured Compensation Fund for the State of Florida, a billion dollar fund responsible for caring for children injured at birth. Ms. Oeters is a founding member and former Chairman of the President's Council of 100 for Florida International University.

Ms. Oeters has been a long-time supporter of the American Red Cross and was Chairman of the Board for Greater Miami and the Keys Chapter for three years. Amongst her countless duties she has chaired the Spectrum Awards for Women since 1997. She was recently recognized for her community service by receiving "The Champion of Fundraising Award" and "Building our Community Humanitarian of the Year Award" from the March of Dimes. The American Cancer Society awarded her the "Inner Circle of 12 Distinction," which honors 12 outstanding women for their leadership, volunteerism, community involvement and dedication to the ACS mission. In addition to her admirable accomplishments, Ms. Oeters finds the time to be an adventure traveler, avid sailor, and equestrian. In 1988, she was the first woman to win the J/30 North

America Sail Championship presented by the American Yacht Club.

Mr. Speaker, I am honored to pay tribute to Ms. Phillis Oeters for her continued service to the South Florida community and I ask my colleagues to join me in recognizing this extraordinary individual.

12TH ANNUAL CONGRESSIONAL
CIVIL RIGHTS PILGRIMAGE

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. HAHN. Mr. Speaker. I rise today in honor of the Faith & Politics Institute's 12th Annual Congressional Civil Rights Pilgrimage to Birmingham, Selma and Montgomery, Alabama, which I had the great privilege of joining.

This pilgrimage was about coming together—not as Democrats and Republicans—but as Americans, as men and women who believe somehow and some way that we have a can find a way to create the American community. The non-violent and peaceful Americans who risked so much simply to have the government honor their rights under our Constitution reminds me of what it means to be a patriot. In the face of brutal beatings, fire hoses, cattle prods, trampling by horses and in some cases death, these heroes forced America to face its past and present, and change the way it treated its own citizens.

Our pilgrimage included visits to many historic places in Alabama that changed the course of history for all Americans. In Montgomery, we visited Dexter Avenue King Memorial Baptist Church where Dr. Martin Luther King, Jr. began his ministry and the parsonage where he and his family lived through two bombings. Other visits in Montgomery included First Baptist Church where the Rev. Dr. Ralph Abernathy served as pastor, the Southern Poverty Law Center, the Rosa Parks Museum and the Capitol—the building from which Governor George Wallace declared he would uphold segregation laws and on whose steps the Voting Rights March culminated.

My father, Kenny Hahn, took an enormous risk early in his public career to welcome Martin Luther King Jr. to Los Angeles. He did it because it was the right thing to do. This trip reminded me how important it was to stand up for what you believe, like my father did in 1961, and throughout his career. We must live up to the example set for us by leaders of the Civil Rights era by continuing the fight for social justice and for the rights of all Americans. I would hope that every member of Congress would take this pilgrimage during their career and that each American learns more about a group of men and women who stood up for and changed our nation.

CONVOY OF HOPE: A REAL
"COMMUNITY ORGANIZER"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. PAUL. Mr. Speaker, one of the great economic fallacies of our time is that if government doesn't do something, no one will. This disastrous fallacy underlies much of our national debate concerning health care, education, poverty, housing, and disaster relief, to name just a few issues.

But today I rise to applaud an organization that stands in stark refutation of that fallacy. Convoy of Hope, a private charity in Springfield, Missouri, does so much to help so many communities that the term "charity" doesn't begin to describe it. In fact, Convoy of Hope is equal parts grocer, clothier, health care provider, first responder, educator, and logistics expert. It works with communities in America and around the world bringing together local charities, businesses, churches, and government agencies to alleviate poverty and help people in the wake of disasters.

In other words, it is a real community organizer! The tremendous scope of its activities serves as a reminder that government is neither the sole nor the best provider of goods and services to people in need.

Mr. Speaker, I recently had the privilege of touring Convoy of Hope's headquarters and distribution center. It was a humbling but deeply encouraging experience, as I learned the full extent of its charitable outreach. Frankly I've never seen an organization so focused, efficient, and poised to do tremendous good for so many people.

First, some background: Convoy of Hope was founded by Hal and David Donaldson in 1994, who as young boys suffered the death of their father and subsequent poverty. But both men were struck by the outpouring of support their family received during that time; local churches and the community provided food and shelter. As a result, the two brothers both developed a deep sense of responsibility to help others in need.

In the years since, Convoy of Hope has helped more than 50 million individuals in more than 100 countries—giving away nearly \$300 million worth of food and supplies in the process.

Today, Convoy of Hope describes its mission as a global movement focused on four keys:

Children's feeding initiatives: the organization's overriding goal is to alleviate child hunger worldwide, providing food and clean water while also teaching agricultural techniques.

Community outreach: Convoy of Hope coordinates dozens of community events annually with thousands of volunteers and guests. These events involve free groceries; job and health fairs; and activities for children. As always, this outreach is available to all, without regard to age, race, physical appearance, or religion.

Disaster response: from an earthquake in Haiti to a tsunami in Indonesia to tornadoes in the American south, Convoy of Hope is a proven first responder. With its fleet of tractor

trailers, 300,000 square foot warehouse, and high-tech mobile command center, it efficiently leverages relationships with private industry to help victims of worldwide disasters.

Partner resourcing: Convoy of Hope supports hundreds of like-minded organizations throughout the world, providing them with the food and supplies needed to help their communities. In this way Convoy of Hope consistently promotes local control, results, and accountability—while demonstrating humility and a willingness to let others shine and take credit in local communities.

Unlike government bureaucracies and many top-heavy private charities, Convoy of Hope applies a uniquely results-oriented approach to serving people. You won't find bloated salaries or patronage jobs at Convoy of Hope, nor will you find tony offices in New York or Los Angeles like so many nonprofits. In fact, the organization regularly spends only about 10 percent of its budget on overhead (a very low ratio in the nonprofit world), while employing a small staff of approximately 85. Watchdog group Charity Navigator consistently gives Convoy of Hope high marks for both its financial acumen and transparency.

Convoy of Hope also stretches its resources by developing strategic partnerships with private sector corporations, many of which provide in-kind donations of goods or services. This allows Convoy of Hope to offer a win-win proposition to prospective corporate donors: companies benefit from donating needed goods or services already in their inventory or area of expertise, while Convoy of Hope benefits from receiving the supplies and services it needs without paying retail prices. Its corporate donors—including Coca Cola; Nestle; Procter & Gamble; Nestle; Georgia Pacific; Cargill; Del Monte; and FedEx—donate everything from building supplies to bottled water to toiletries. These partnerships with successful private companies demonstrate an entrepreneurial mindset that enables Convoy of Hope to help more people with less overhead.

Its massive distribution center and headquarters are located strategically in Missouri, where its fleet of trucks can dispatch quickly anywhere in America. It also operates six international distribution centers for logistical efficiency. By contrast, many government agencies purposely locate offices and facilities in different states at the clear expense of efficiency, solely to curry funding support from as many members of Congress and Senators as possible.

The next step for Convoy of Hope is an audacious one: a 50 state tour beginning in May designed to address poverty across the United States. The "Convoy of Hope Tour" will provide an average of \$1 million in goods and services to a community in a single day. Convoy of Hope's fleet of 18 wheel trucks will roll through every state, providing a wide variety of goods and practical services to those in need, including: groceries, job counseling, clothing, dental care, breast cancer screenings, haircuts, family portraits, children's activities, prayer and connections with local churches.

Finally, while Convoy of Hope is a Christian-based organization, it is nondenominational and strongly non-political in its approach, helping those in need without imposing their faith.

Convoy of Hope employees simply believe their faith compels them to help their fellow man. This commonsense dictum guides in-fuses everything that Convoy of Hope does.

Mr. Speaker, in conclusion let me state unequivocally that Convoy of Hope is doing tremendous work on behalf of mankind. I wish everyone at Convoy of Hope (and their donors) best wishes for great success with their upcoming Tour. It's hard to imagine a government agency operating as efficiently, as nimbly, or even as cheerfully as Convoy of Hope. I truly believe it should serve as a model for private, nongovernmental solutions to poverty and its attendant ills.

HONORING KALEB CANALES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to honor and recognize Mr. Kaleb Canales who was named the interim head coach for the Portland Trail Blazers of the National Basketball Association, NBA, on March 15, 2012. Mr. Canales is the youngest active head coach in the NBA and the first Mexican-American to hold this position in the league's history.

Mr. Canales was born on July 7, 1978, in Laredo, Texas, and graduated from Alexander High School in 1996. He then went on to earn his bachelor's degree in Kinesiology from the University of Texas at Arlington and his master's degree in Sports Leadership from Virginia Commonwealth University. Upon completing his education, Mr. Canales moved back to Laredo and coached at Martin High School from 2001 through 2002 and United High School from 2002 through 2003.

Mr. Canales moved on to join the men's basketball coaching staff at the University of Texas at Arlington. He worked on the UT-Arlington staff for a year before moving on to become an unpaid intern for the Portland Trail Blazers from 2004 through 2005. Mr. Canales' career with the Trail Blazers started in 2005 when he was designated as the team's video coordinator, a position he held until 2008. After serving as the video coordinator, Mr. Canales was promoted to assistant coach and held that title until the 15th of this month when he was named interim head coach.

His story is one of passion and persistence; one that is truly admirable that sets an example for our youth today. Mr. Canales has demonstrated that with hard work and goals, accomplishments will follow. This young Laredoan has made us all very proud and we look forward to his work in the NBA.

Mr. Speaker, I am honored to have had the opportunity to recognize Mr. Canales' great background and accomplishments. His hard work and determination has truly had a positive impact on the Laredo and Hispanic community.

HONORING MS. MARY FINLAN

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women's History month, I rise today to honor Ms. Mary Finlan, an exceptional individual who has served South Florida for decades.

Ms. Finlan began her work at the Greater Homestead/Florida City Chamber of Commerce in 1998, and was promoted to Executive Director a year later. Throughout her career, she has worked tirelessly for the community, earning the respect and trust of many in South Florida. After Hurricane Andrew, she worked for four years with Habitat for Humanity, Lutheran Disaster Response, and ICARE to rebuild homes and clean up the disaster. During this time, she also worked to gather volunteers and raise funds nationwide.

From 1987 to 1992, Ms. Finlan served as Executive Director of the USO of Dade and Monroe Counties headquartered on Homestead Air Force Base before Hurricane Andrew. The agency provided services to the U.S. and allied military personnel and dependents from Opa-Locka to Key West. During that time she was a member of the Military Affairs Committees of the Greater Homestead/Florida City Chamber of Commerce, the South Dade Chamber of Commerce (now Chamber South) and the Greater Miami Chamber of Commerce.

Ms. Finlan is a charter member of the Miami-Dade Defense Alliance, and works diligently on behalf of Homestead Air Reserve Base and the other military installations to protect them from closure. She currently serves as Chairman of the board of the Everglades Community Association for migrant housing. She also sits on numerous advisory councils including the Miami-Dade Farm Worker Jobs and Education Program, the board of Rural Neighborhoods, Inc., and the Industry Advisory Council of the Homestead Job Corps Center.

Mr. Speaker, I am honored to pay tribute to Ms. Mary Finlan for her continued service to the South Florida community and I ask my colleagues to join me in recognizing a remarkable individual.

HONORING JAMES KIMO CAMPBELL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my friend James Kimo Campbell, who passed away on February 16, 2012. Kimo, as he was known locally, has been recognized for decades as a principled leader on environmental issues, education, and social justice. I admired the values he stood for and appreciated the opportunity to work with him over the years. He was a man of conscience, and his work has benefitted not only Marin County, but the entire Pacific coast.

Campbell was born in 1947 in Los Angeles. He was raised in Ewa Beach, Oahu by his grandmother, Alice Kamokila Campbell, part of a prominent Irish-Hawaiian landowning family. After studying at the venerable Punahou School in Honolulu, Campbell came to northern California in 1966 for a journalism program at College of Marin.

It was at College of Marin that Campbell first earned recognition for his intelligence and insight, winning journalism awards and becoming editor of the college student newspaper by 1968. It was also at College of Marin that Campbell became involved in the earliest activities of the antiwar and environmental movements of the late 1960s. Campbell was an active reporter and demonstrator in Vietnam war events across the San Francisco Bay area, and he served as a public voice for peace and civil liberties on the national stage.

As his work progressed, Campbell was especially effective in translating advocacy and protest into political power and substantive change. He ran four times for a seat on the College of Marin Board of Trustees before finally winning his first, narrow election at the age of 27. From then on, he worked tirelessly to defend the interests of the students, staff, and institution he represented, and to effectively manage College of Marin through a period of modernization.

Campbell brought the same focus to a range of environmental priorities. He served on the Boards of the California League of Conservation Voters, Earthjustice, the Trust for Public Land, and other organizations. He also had a particular interest in projects supporting Hawaiian culture, including the Pohaku Fund and his home-based publishing operation, Pueo Press.

Campbell is survived by his wife, Kerry Tepperman Campbell, and his two children, Mahealani and Kawika Campbell.

Mr. Speaker, I ask you to join me in recognizing a man whose leadership has set an example for all of us—a man whose tireless advocacy and positive spirit teach us all a lesson in the value of 'ohana.

OUR UNCONSCIONABLE NATIONAL DEBT CAPS

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,586,074,570,040.79. We've added \$4,959,197,521,227.71 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN REMEMBRANCE OF MRS.
CECILIA ARLEEN MCINTYRE
HARBISON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a beloved educator, inspiring role model and gracious woman of faith, Mrs. Cecilia Arleen McIntyre Harbison. Sadly, Mrs. Harbison passed away on Wednesday, March 21, 2012. On Wednesday, March 28, 2012, Mrs. Harbison's funeral will be held in Columbus, Georgia, where her family, friends and colleagues will honor her life and legacy of good deeds.

Mrs. Harbison was born on February 21, 1950, to Jesse and Emma McIntyre in Thomsville, Georgia. Following her birth, the family moved to Montgomery, Alabama, where she attended Booker T. Washington High School and was voted "Miss Sweetheart" of her senior class. After she obtained her high school diploma she enrolled in Alabama State University in the fall of 1968.

On December 20, 1970, she married Ed Harbison at the historic Dexter Avenue Baptist Church in Montgomery, Alabama where Dr. Martin Luther King, Jr. served as a pastor from 1954 to 1960 and organized the Montgomery Bus Boycott in 1955.

In 1973, Mrs. Harbison and her husband moved to Columbus, Georgia, where she continued her college education and later graduated with a degree in early childhood education from Columbus State University. She would go on to also earn her master's degree in counseling from Troy University. In addition to her undergraduate and graduate degrees, Mrs. Harbison also earned leadership certifications from the Georgia School Counselors Association in Crisis Intervention, Cultural Diversity, Drug and Alcohol Intervention/Prevention, and Family Counseling.

Dr. Maya Angelou once said that: "I've learned that you shouldn't go through life with a catcher's mitt on both hands; you need to be able to throw something back." Cecilia used her life and educational skills to throw something back to her community. She served as an educator/counselor in the Muscogee County School System; public relations official in the Gwinnett County School System; and as job developer for the Georgia Department of Technical and Adult Education. She was involved in many organizations that were dedicated to helping people to reach their full potential.

Cecilia loved her family and she loved her God. She knew that these were two loves that would put you on the path to greatness. Her special relationship with God began as a young teen at Bethany Seventh Day Adventist Church in Montgomery and continued when she moved to Columbus and became affiliated with the Sheppard Drive Seventh Day Adventist Church. In her later years, she continued her relationship with God as a member of Kingdom Metropolitan Worship Center. She was a special woman who supported her husband and children in all of their endeavors.

Cecilia was a fighter. Throughout her illness, she never gave up and kept on fighting the

good fight. The Apostle Paul as he neared the end of this life penned the following words: "For I am ready to be offered and the time of my departure is at hand. I have fought the good fight, I have finished my course, and I have kept the faith: Henceforth, there is laid up for me a crown of righteousness." Cecilia fought the good fight, finished her course and always kept the faith. And by the grace of God she has now claimed her crown.

Mr. Speaker, my wife Vivian and I, along with the almost 700,000 people in the Second Congressional District of Georgia, would like to extend our deepest sympathies to her husband, State Senator Ed Harbison, Cecilia's children, and other family members during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

**HONORING COMMISSIONER
REBECA SOSA**

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women's History month I rise today to honor Commissioner Rebeca Sosa, an admirable individual who has served South Florida with distinction.

Commissioner Sosa was first elected to the Miami-Dade Board of County Commissioners in June 2001 to represent the residents of District 6. She has since been re-elected three times, most recently in 2010 without opposition. Prior to joining Miami-Dade County, Commissioner Sosa served as mayor of the City of West Miami for seven years. During her tenure, the city recovered from a 52 percent budget deficit, thus removing it from the State Governor's Emergency list. She was essential in securing more than \$5 million in grants for capital improvement projects for the city, as well as improving its drainage and parks system.

Commissioner Sosa currently serves as Chair of the Miami-Dade County Economic Development and Social Services Committee. As Chair, she is responsible for providing oversight and guidance to several departments and agencies responsible for the economic development and revitalization of the community, by creating an atmosphere that promotes public and private partnerships. She is also a member of the South Florida Regional Planning Council, whose mission is to identify the long-term challenges and opportunities facing Southeast Florida. She also assists the region's leaders in developing and implementing creative strategies that promote a more prosperous and equitable community, a healthier and cleaner environment, and a more vibrant economy.

She devotes her free time to civic activities, which include serving as the first Vice President of the Miami-Dade League of Cities, Chair of the West Miami Financial and Budget Committee, the West Miami Hurricane Preparedness Committee, among many others. Commissioner Sosa has been consistently recognized throughout her career and was

recently awarded the "Government & Law" award during the 21st Annual "In the Company of Women" Award Ceremony. The award is a testament to her leadership, creativity, and vision in addressing community issues in Miami-Dade County.

Mr. Speaker, I am honored to pay tribute to Commissioner Rebeca Sosa for her continued service to the South Florida community. I ask my colleagues to join me in recognizing a dear friend and remarkable individual. I wish her continued success in her future endeavors.

RECOGNIZING THE ACCOMPLISHMENTS OF UNIVERSITY LABORATORY HIGH SCHOOL AT THE TOSHIBA/NATIONAL SCIENCE TEACHERS ASSOCIATION EXPLORAVISION PROGRAM

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise to congratulate four exceptional 10th grade students from University Laboratory High School in Urbana, Illinois.

Max Li, Gloria Ha, Roberto Chapa, and Ananth Nandakishore have exemplified amazing success with their project "MIRROR" (Minimally-Invasive Robotic Orofacial Repair Technology). This is a prenatal technology that would utilize an in-womb robotic technology to repair diagnosed cleft lip or palate defects in the third trimester, effectively eliminating the scarring defect and consequently and future needs for operations or rehabilitation.

These young men and woman were selected as Regional Winning Finalists in the 20th annual Toshiba/National Science Teachers Association ExploraVision Program, the world's largest K-12 student science and technology competition. They were selected from a group of 4,807 entries, representing 14,602 students from the U.S. and Canada.

I want to also thank their teacher, David Stone, for his dedication to encourage the pursuit of excellence in every student at University Laboratory High School. These outstanding students represent the best of this nation's youth and I wish them continued success in their high school careers and beyond.

RECOGNIZING THOM HAUBERT

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. STIVERS. Mr. Speaker, today I rise to recognize Mr. Thom Haubert for his distinguished work and accomplishments as Battelle Memorial Institute's Inventor of the Year.

The American innovator has been a cornerstone of this country's culture and a key to our success. It is through these new ideas that our country has been able to prosper in the past, and how our country will work its way out of these challenging economic times. That is why

I am happy to recognize Mr. Haubert for this great accomplishment. Thom joined Battelle, the world's largest independent research and development organization, in 1988, and has contributed to and led important research projects. Thom's significant impact on the world, its body of science and engineering, has resulted in numerous real world applications to help people. One of his recent and significant discoveries is in helping to detect and track cancer.

Thom is one of Battelle's "go-to" mechanical engineers for ideation aspects of many health and life sciences programs. Over the years, he has been able to quickly identify creative, inventive, practical, and unique solutions to difficult problems. As a result of the ingenuity of his thinking and tenacity of his work, Thom has 20 issued patents, 21 patent applications pending, and is a Battelle Distinguished Inventor. Five of his patents are for an early screening cancer detection system where rare cancerous cells can be identified through simple blood tests. This simple blood test can also be used for tracking post cancer and remission. Thom's research in this area will hopefully lead to earlier cancer detection and eventually to tests for other diseases.

I extend my heartfelt congratulations to Thom Haubert for his work that has saved lives and made a difference to so many people. He stands as an example to young engineers across the country, and I am very pleased to thank him for all that he has done for Ohio and our country.

IN HONOR OF NEW JERSEY RESTAURANT ASSOCIATION PRESIDENT DEBORAH DOWDELL

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. LANCE. Mr. Speaker, I rise with great sadness to honor long-time president of the New Jersey Restaurant Association Deborah Dowdell. Deborah Dowdell died March 2nd following a long and courageous battle with cancer.

Deborah's passing is a tremendous loss for New Jersey's small business community and most especially, her family, who loved her dearly.

For those who knew Deborah, she was a strong and influential leader and mentor in Trenton. Deborah Dowdell was an influential policy-maker, an expert on issues important to New Jersey's restaurant and hospitality community. But most important Deborah Dowdell was a great friend and loving daughter and wife.

My wife Heidi and I send our thoughts and prayers to Deborah's entire family during these very trying and difficult times.

RECOGNIZING GREEK INDEPENDENCE DAY

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in recognition of Greek Independence Day, the celebration of Greek freedom from the Ottoman Empire in May of 1832. March 25 is recognized as the official celebration day of this monumental occasion.

From early Greek architecture, theatre and art, to the great philosophers, scientists, and mathematicians of their time, it is impossible to overlook the influence and the impact of Greek history, culture and tradition on the entire world.

Here in the United States, we hold a special place of honor for Greek history. Serving as one of the oldest examples of a successful democratic government, our Nation's Founding Fathers looked to ancient Athenian democracy to lay the foundation for the Constitution of the United States, without which our great Nation would not be what it is today.

With a strong Greek-American community in the Chicago area, the people of the 2nd Congressional district continue to celebrate the historic and cultural heritage of Greek Americans in Chicagoland and across the Nation, in addition to the new, unique, and ever changing ways they contribute to America.

I am honored to recognize and congratulate Greece on 191 years of independence and thank the Greek people for the substantial impact they have made not only in America, but throughout the global community.

Happy Independence Day.

CELEBRATING THE LIFE AND LEGACY OF LOU POULOS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. PASTOR of Arizona. Mr. Speaker, I ask my colleagues to join me in recognizing the life and achievements of Mr. Lou Poulos, who recently passed away. As a husband and father, as a friend and businessman, as a community trade association and church leader, Lou was an extraordinary man who cared deeply for his country, state and city and the industry that he was instrumental in shaping for half a century.

The sixth of nine children to Greek immigrants, Lou contracted polio at the age of 2. Although he received treatment as a child, Lou never regained full use of his legs and walked with crutches or used a wheelchair for the remainder of his life. Lou's condition did not detract from his steadfast determination to live a life on his terms, not on the terms of the disease that damaged his legs. In 1929, his father and a partner started the wholesale Farmers Produce Company. Later at the end of Prohibition in 1933, the elder Poulos acquired one of the first wholesale liquor licenses in Arizona. Lou got his first taste of the business by

helping his father in the Miami, Arizona office by taking orders for liquor over the phone.

Lou was widely recognized and respected in the liquor industry and the Arizona community as a whole from the time he was a young man. But he really came into his own when he developed a chain of drive-through liquor stores, which were launched from his father's business. Farmers Liquors was the first retail liquor chain in the state, with some 15 locations through the Valley of the Sun. Under Lou's management, Farmers Liquors prospered. While he was building his own business, he was mindful of the importance of all the tiers of the industry and the impact of political legislation and the people who made those decisions.

Early on, Lou became active in the Arizona Licensed Beverage Association (ALBA), founded in 1936 to protect liquor licenses against unfair legislation. He was largely responsible for putting teeth into ALBA and working to fulfill the mission of the organization. Serving on the Board of Directors and Executive Committee for decades, Lou was also the association's longest serving treasurer—45 years.

Lou Poulos was a very generous man, not only in financial terms, but also in lending his time, wisdom and expertise to individuals and worthy causes that sought his assistance. Lou was not one to make his contributions known publicly. According to Georgia, his wife of 57 years, Lou was especially supportive of organizations that were involved in helping those afflicted with infantile paralysis (polio), the disease he contracted at age two. He was a lifetime contributor to his church in Phoenix, Holy Trinity Greek Orthodox Cathedral and its affiliated organizations, and an active volunteer during the annual Greek Festival, which observed its 51st year in 2011. Lou also donated financially to associations dedicated to cancer and heart disease research, as well as the Wounded Warrior Project, among other veteran's organizations. In every respect, Lou Poulos was a good man and a good citizen who, without seeking fanfare or plaudits, quietly enriched the fabric of our great and unique nation.

In considering all of these achievements, I ask that you join me in recognizing Mr. Lou Poulos for his courageous overcoming of adversity, his many contributions to the progress and growth of Arizona and his prominent and positive influence on the state's liquor industry.

HONORING MRS. JUANITA ADELE FRANKLIN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. LEE of California. Mr. Speaker, I rise today with my colleague, the Hon. ED PASTOR, to honor the extraordinary life of my aunt, Mrs. Juanita Franklin. Those who knew her as wife, sister, aunt, great-aunt, great-great aunt, friend and neighbor affectionately called her "Auntie Nita" or "Sister." As a loving partner, a second mother to many generations of nieces and nephews, and as a dedicated community

member, Mrs. Franklin was known for her strong personal values and her simple approach to life. With Juanita's passing on March 18, 2012, we are reminded of her life's journey over the last century, and the joyful legacy she inspired.

Mrs. Juanita Adele Franklin was born to Mr. William Calhoun Parish and Mrs. Willie Edith Parish, in El Paso, Texas on July 8, 1911. She was one of three daughters, and enjoyed growing up with her two sisters, Lois Murell and Mildred Massey. Raised in El Paso, where she attended Douglass Elementary and High School, Mrs. Franklin went on to Huston Tillotson College in Austin, Texas, where she received a bachelor's degree in Liberal Arts.

It was there that Mrs. Franklin met the love of her life, the late Albert Franklin. The couple exchanged vows in 1935 in San Antonio, Texas, and were married for over 50 years. Although she never had children of her own, Juanita adored her nieces and nephews and served as a generous mentor and confidant. Throughout her long life, she took great joy in watching her great and great-great nieces and nephews grow and thrive.

Over their five decades of marriage, Mr. and Mrs. Franklin resided in El Paso, TX, Portsmouth, VA, Los Angeles, Pacoima, and Oakland, CA, and Sun City, AZ. Upon the death of her husband, she went to live with her youngest sister, Mildred, and spent the last eight years of her life at The Right Choice Adult Care Home in Glendale, AZ. There she received excellent care, established close friendships, and kept up on current events as an avid reader until her final days.

Mrs. Franklin will always be remembered for her pleasant disposition, her warm smile and her welcoming spirit. A great lover of good food and rich sweets—especially chocolate candy and donuts—Mrs. Franklin attributed her impressive longevity to following the Golden Rule, having personal integrity and eating right (without sacrificing dessert). She stressed the importance of treating everyone with respect, and some of her favorite pastimes included lively discussions with family and friends about the state of the world, as well as scenic car rides.

One of the great milestones of her life was her 100th birthday, which she celebrated last year surrounded by friends and family—along with special recognition and well wishes from President Barack Obama and First Lady Michelle Obama. Upon her homegoing, we continue the celebration of this incredible woman, who touched others' lives in countless ways.

Today, the 9th Congressional District of California and the 4th Congressional District of Arizona salute and honor an outstanding human being, Mrs. Juanita Adele Franklin. The contributions she made throughout her life are now part of an enduring legacy. She is survived by sisters Lois Murell and Mildred Massey; nieces BARBARA LEE, Mildred Whitfield (Calvin), and Beverly Hardy (Martin); a host of great nieces and nephews, great-great nieces and nephews, and friends. Her loved ones will continue to draw strength and comfort from the memory of her dignity, her decency, and her infinite kindness. May her soul rest in peace.

ILLINOIS WESLEYAN UNIVERSITY WOMEN'S BASKETBALL ARE NCAA DIVISION III NATIONAL CHAMPIONS

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor Coach Mia Smith and Illinois Wesleyan University's women's basketball team for winning the NCAA Division III national title. The Titans capped their 28–5 season by winning the school's sixth overall national championship and the first in women's basketball.

The Titans were led by tournament MVP Olivia Lett, and Melissa Gardner, who set an IWU single-season record with 94 3-pointers this year.

"There wasn't a moment in the ballgame where I felt we wouldn't be the national champion when the buzzer sounded," Titans coach Mia Smith said. "Even when we were down four, down five, there was not a drop of fear on the bench. That's been that way all season. It's reminiscent of every time we stepped on that floor."

I'd like to also note that Coach Smith was named the 2012 Schelde North America/Women's DIII News "Coach of the Year". She's compiled a 282–108 record at IWU, including a 145–51 record in the CCIW (College Conference of Illinois and Wisconsin), six league championships and seven NCAA Tournament appearances.

I would like to congratulate Mia Smith and the Illinois Wesleyan University Women's Basketball National Champs. Their accomplishments are celebrated by their families, fans, and the entire Titan community.

TRIBUTE TO LOUISE COLLINS JOHNSON ON HER 100TH BIRTHDAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Louise Collins Johnson a former missionary and devoted servant of the Lord who turns 100 on March 30, 2012.

The year 1912 was a noteworthy one in history. It witnessed the first expeditions to discover the South Pole and the tragedy of the sinking of the HMS *Titanic*. It was also the year that Louise Collins entered the world to begin her long journey in the service of Christ.

Born in Chilton County, Alabama, Ms. Collins answered the calling of the Lord at the young age of 18 when she began teaching Sunday school. Nine years later she married Roy Johnson, and together they raised one daughter, Ann Johnson Tyrus, and shared 11 wonderful grandchildren.

Louise Johnson followed her faith to lead a life that would take her across Alabama and literally around the world. A devoted Baptist, her career included working for the Alabama Baptist Association before joining the staff of

the State Assembly at Shocco Springs, Alabama, as well as working with the Southwide Assemblies at Ridgecrest, North Carolina, and Glorieta, New Mexico.

This was just the beginning, however, of her long journey in the service of the Lord. Soon after, she was called to serve needy Baptist churches in Oregon and Washington states. Her dedication to helping others also led her to serve two terms as a relief missionary in Hawaii. Her world travels then took her to mission points in Hong Kong, Tokyo, Japan, and Manila, Philippines.

In 1968, following the death of her husband, Louise Johnson moved to Gulf Shores, Alabama to live with her sister, Hazel Scruggs. For so many who have traveled to Baldwin County over the last 40 years, Hazel's restaurant in Gulf Shores is a well-known landmark.

During her time in Gulf Shores, Louise Johnson served as secretary of the First Baptist Church for eight years and Sunday school teacher of the Ladies IV Class at First Baptist for 36 years. She eventually moved to Prattville, Alabama where she now lives with her daughter, Ann. Even today, as she prepares to celebrate a century on this good earth, she continues to work and express her faith.

Louise Johnson has been and continues to be a dynamic, dedicated Christian spending her life teaching others about Jesus. On behalf of the people of Alabama, I wish to congratulate Ms. Johnson on her 100th birthday and wish for her many more years of happiness.

CONGRATULATING THE INDIANA BLOOD CENTER ON ITS 60TH AN- NIVERSARY

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. CARSON of Indiana. Mr. Speaker, on its sixtieth anniversary, I am proud to honor an organization that has helped save hundreds of thousands of lives through volunteer blood donations and blood component distribution to more than 60 hospitals across the state.

Indiana Blood Center was founded in 1952 and is headquartered in my district in Indianapolis. This esteemed non-profit community service organization delivers more than 700 components of blood each day and provides other vital assistance to modern medicine through specialized blood typing for organ transplants, viral marker testing, transfusion recipients, and the National Marrow Donor Program. The Center also serves as a vital link in the state's life science and healthcare infrastructure in the areas of prostate cancer treatment, pharmaceutical research, stem cell and bone marrow donation. It is the largest independent blood center in the state and ranks among the top 20 nationally. Indiana Blood Center is a member of America's Blood Centers, North America's largest network of community-based, independent and non-profit blood centers—which, coincidentally, is celebrating its 50th anniversary this year.

Every two seconds, someone, somewhere will need a transfusion and one out of every seven patients entering a hospital will need blood. Indiana Blood Center depends on the good people of Indiana and the nearly 4,000 organizations that host blood drives annually to meet the constant demand to serve the citizens of Indiana. I would like to recognize this valuable contribution to our community and congratulate Indiana Blood Center for its 60 years of faithful and dedicated stewardship of Indiana's blood supply.

IN HONOR OF WILLIAM H.
SCHNEIDER

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize William H. Schneider, a World War II veteran and devoted family man.

Born on August 9, 1919 in St. Louis, Missouri, he lived in North St. Louis for his first 50 years until moving to Florissant, MO where he spent the next 30 years of his life.

The son of military parents, Mr. Schneider honorably served our country during World War II. While in the U.S. Army during WWII, Mr. Schneider was in the Philippines on a Navy ship that was present at the Japanese surrender. At the end of his service, he was honorably discharged.

He took his work ethic to Complete Auto Transit, which was later part of Ryder trucking, where he worked for almost 45 years. He worked a variety of jobs over the course of his career, oftentimes working overtime to provide for his family.

And it is his family that will be his greatest legacy. He is known as a devoted and loving husband to his widow, Helen, and his current wife, Nita. His five children, twelve grandchildren, and five great-grandchildren have each known him as a caring and dedicated family man.

It is with great pride that I get to honor the life and legacy of Mr. Schneider today.

A TRIBUTE TO WOODY SMECK, SUPERINTENDENT OF THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Mr. Woody Smek for his extraordinary service as Superintendent of the Santa Monica Mountains National Recreation Area. After 21 years of service in the park, Mr. Smek will depart from his position in order to become the Deputy Superintendent at Yosemite National Park.

The Santa Monica Mountains National Recreation Area, the nation's largest urban national park, consists of 153,750 acres of mixed public open space and private lands

surrounded by a metropolitan region of more than 19 million people. Annual visitation to local, state and federal parklands within the national recreation area exceeds 33 million visitors, making it one of the most visited recreation destinations in the country. More than 70 agencies and organizations are involved in partnership efforts to preserve open space resources and provide outdoor recreation opportunities. This level of partnership has served as a national model for other parklands and attracted the attention of key government and non-profit leaders looking to replicate the success of the Santa Monica Mountains National Recreation Area.

As Superintendent, Mr. Smek serves on a variety of commissions and boards in Los Angeles and Ventura counties dealing with conservation of protected areas and connecting people to nature and places of historical significance. During his tenure as Superintendent, Mr. Smek has overseen some of the largest and most significant parkland acquisitions, the development of an interagency visitor center, and the completion of the 65-mile Backbone Trail. His steadfast leadership and advocacy has increased the visibility of the Santa Monica Mountains National Recreation Area. Mr. Smek has also hosted visits from Presidents, cabinet secretaries, Members of Congress, governors, international governments, blue ribbon commissions and environmental leaders.

Mr. Speaker, I wish to extend my heartfelt gratitude to Mr. Woody Smek for his extraordinary service as Superintendent of the Santa Monica Mountains National Recreation Area. Under his leadership, the National Park Service has helped to promote conservation, protect thousands of acres of parkland, and enhance recreational opportunities for millions of people that visit the Santa Monica Mountains and its renowned beaches.

PAYING TRIBUTE TO MRS. REBA ROGERS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Mrs. Reba Rogers who has been an Army spouse for over 26 years. She was an integral partner in her spouse's successful career which included commanding formations from the company level to Army Service Component. Throughout her spouse's service, she remained steadfastly dedicated to serving soldiers and their families in many capacities, particularly as a volunteer leading Family Readiness Groups (FRG), the Army Officer Wife's Clubs and at community thrift shops. During times of peace and conflict, she was a source of strength and inspiration to those whom she served.

Reba's caring spirit, genuine concern and constant willingness to assist soldiers and their families no matter how small or great the need, at all hours of the day and night contributed greatly to the combat readiness and mission focus of each unit she served with. Sol-

diers always knew the needs of their families would be met.

Reba has actively volunteered thousands of hours to the military community through her invaluable work at community gift and thrift shops. Of special note, she was the chairperson of the Redstone Arsenal thrift shop sponsored by the Redstone Arsenal's Women's Club where soldiers and their families benefit from a variety of needed items. Furthermore, she also held a special seat with Huntsville, Alabama's Crestwood Hospital helping to serve the local community as well as a key member of the Huntsville Botanical Gardens.

Over 26 years of devoted service to soldiers and families, Reba Rogers' substantial contributions greatly enhanced the preparedness and readiness of every unit she served. Reba's dedication and spirit of volunteerism are in keeping with the highest tradition of selfless service and reflect great credit upon herself, the Army Materiel Command, and the Department of the Army.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring Mrs. Reba Rogers for her dedicated service of 26 years. She serves as an inspiration to many and a guiding light to all. Mrs. Rogers' dedication and spirit of volunteerism are in keeping with the highest tradition of selfless service and reflect great credit upon herself, the Department of the Army and the United States of America. May she know that her nation is greatly appreciative of her dedication, and wishes her the best in all her future endeavors.

HONORING ANNETTE GUMM'S
SERVICE TO THE SOUTH FLORIDA
COMMUNITY

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in celebration of Annette Gumm, who has dedicated herself to improving the welfare of the people of south Florida. It is truly an honor to represent Annette in the United States Congress, and it is a privilege to call her my friend.

Annette has a rich history of extraordinary service to our community. After moving to south Florida with her husband Emmett, she began to search for projects where she could help those in need. As a mother of three, Annette was inspired to volunteer at Plumosa Elementary School, as well as the Delray Community Hospital. But she still wanted to do more to serve her community and become civically engaged. In the spring of 1992 she was given the opportunity to join the campaign of Burt Aaronson, and soon became the commissioner's administrative assistant, a position that she held for many years.

But Annette's involvement didn't stop there—she soon became a member of the Atlantic Democratic Club, where her energetic contributions to the community did not go unnoticed. She worked her way up the ranks, becoming treasurer, and then executive vice president of the United South County Democratic Club, an organization that strives to get

south Floridians more involved with local, State, and national politics. Finally in 2006, Annette became the first woman to serve as president of the organization, and helped elect many individuals who shared her desire to help the south Florida community.

As Americans, one of our greatest responsibilities is to participate in civic life. Annette has dedicated the last 25 years to that very cause, and is truly an inspiration to all those who wish to become community leaders. I applaud her efforts, and I look forward to her continued good work.

HONORING FROZEN FOOD MONTH

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. HERRERA BEUTLER. Mr. Speaker, today I stand in acknowledgement of Frozen Food Month, and to recognize an industry's significant efforts to ensure families and schoolchildren across America have access to healthy, affordable foods.

Few other foods offer consumers the benefits and flexibility of frozen foods. Frozen fruits,

vegetables and entrees help busy moms and dads easily prepare quality meals at home, allowing for more family time spent around the dinner table. In school cafeterias, lunch planners rely on frozen foods to help stretch limited budgets and serve healthy meals kids enjoy eating. And frozen fruits and vegetables, with their year-round availability and outstanding nutritional value, make it easy for everyone to eat more fruits and vegetables at home, at school and on the go.

Consumer appreciation for the value frozen foods offer has catapulted sales in this rapidly-growing industry to over \$60 billion. With nearly 700 frozen food facilities employing nearly 100,000 Americans nationwide, its economic footprint is significant. Forty of those frozen food operations are located in my home state of Washington.

In recognition of Frozen Food Month, I take this opportunity to honor one of Washington state's very own, National Frozen Foods Corporation, headquartered in Seattle. National Frozen Foods is celebrating an impressive 100 years as a leader in the frozen food industry this year.

National's history began in 1912 when William McCaffray, Sr. began a small strawberry-freezing operation on a \$5,000 loan from a friend. Recognizing the advantages of frozen

food production and building on his early success, the company began freezing vegetables in the 1930s. Today, National Frozen Foods has grown to be one of the nation's premiere private-label frozen vegetable producers, employing some 670 workers throughout the year. Their Chehalis, Washington, facility is in the heart of the district I represent.

National's commitment to continuing improvement through innovation—not only at a company level, but as an industry leader—is clear. National Frozen Foods President and CEO Richard H. Grader is a former chairman and longtime member of the board of directors of the American Frozen Food Institute. In his current role as chairman of the Frozen Food Foundation, Mr. Grader guides the foundation's efforts to better educate consumers and the general public about the considerable nutritional and food safety attributes offered by frozen foods.

The impact that National Frozen Foods Corporation has had on the industry and on the economy of Southwest Washington, Washington state, and the positive impact that the industry continues to have on this nation are immeasurable. I applaud the frozen food industry and the management and employees of National Frozen Foods Corporation for your hard work and your contribution to America.

SENATE—Wednesday, March 28, 2012

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the Prince of Peace, give our Senators this day the grace to move away from divisions. Take from them all cynicism and resentment and anything else that may hinder them from experiencing harmony. May the bonds of patriotism, truth, peace, faith, and love provide the glue that will enable them to glorify You with their oneness. Grant in their hearts the love of Your Name, as You nourish them with all goodness and mercy. May they find in You a faithful guide.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, if any, the Sen-

ate will resume consideration of the motion to proceed to S. 2230; that is, the Paying a Fair Share Act. The Republicans will control the first 30 minutes and the majority will control the next 30 minutes.

ORDER OF PROCEDURE

I now ask unanimous consent that following the first hour, the time until 5 p.m. today be equally divided and controlled between the two leaders or their designees, and that the time from 2 p.m. to 3 p.m. be under the control of the majority, and the time from 3 p.m. to 4 p.m. be under the control of the Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Thank you, Madam President.

At 5 p.m. this evening, the Senate will proceed to executive session to consider the Du and Morgan nominations—prospective judges from Nevada and Louisiana. At 6 p.m. there will be two votes on confirmation of those nominations.

MEASURES PLACED ON THE CALENDAR—H.R. 2682, H.R. 2779, AND H.R. 4014 EN BLOC

Mr. REID. Madam President, there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title en bloc for a second time.

The legislative clerk read as follows:

A bill (H.R. 2682) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

A bill (H.R. 2779) to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

A bill (H.R. 4014) to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

Mr. REID. Madam President, I object to any further action at this time with respect to H.R. 2682, H.R. 2779, and H.R. 4014.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

NOMINATION OF MIRANDA DU

Mr. REID. Madam President, today the Senate will consider the nomination of a woman by the name of Miranda Du to be a U.S. district judge for the District Court of Nevada. I was very pleased to recommend this woman

because she is such an experienced litigator and very proud Nevadan.

Ms. Du has enormous love for the State and this country and a tremendous dedication to public service. Her story is about as inspiring as it gets, and it proves without any question the American dream is alive and well.

Nevada's Asian Pacific population is less than 10 percent. But if confirmed, Ms. Du will be the first Asian American Federal judge in the history of the State of Nevada.

Miranda Du left Vietnam when she was 8 years old with her family in a boat. She was one of the boat people. She was born in Vietnam. She and her family survived the war, and they left. They left voluntarily because they could not get out any other way. I said they left voluntarily—they sneaked out and got on a boat and took off. They wound up in Malaysia. She spent more than 2 years in a refugee camp in Malaysia—this little girl. She was then, with her family, taken to Alabama: Vietnam, Malaysia, Alabama.

When she got there, she enrolled in an American school for the first time. She did not know how to speak English, and that is an understatement. But as a third grader, everyone recognized how smart she was. She picked up the language very quickly. Miranda Du speaks—it does not matter if she had an accent, but she has none—today as well as you or I.

Her family, after living in Alabama—where her father worked on a dairy farm—eventually worked their way to California. She continued to be pointed out as always one of the smartest in any class. She was able to go to college. She got a degree in history and economics from the University of California at Davis and a law degree from one of the finest law schools in the world, the University of California, Berkeley—the famous Boalt Hall. She did well wherever she went to school.

After law school, she moved to Nevada. She joined at that time a law firm McDonald Carano Wilson, which is a very respected law firm. Bob McDonald, the founder of that firm, was a protégé of the famous Nevada Senator Pat McCarran, and he was involved in politics. He was a very prominent lawyer until he died a couple years ago. Don Carano is also a very well known, famous man in Nevada, a lawyer, and he has done extremely well. He owns major hotels and casinos. He is one of the biggest producers of wine in the State of California. Spike Wilson was a long-time Nevada State senator. They are just a very fine group of people, these three men who started this law firm.

She was made a partner of the law firm in 2002. Her specialty is litigation. She is a trial lawyer and a very good one. She specializes in complex civil litigation and also employment law. She has appeared before the State and Federal courts in all phases of litigation—trial lawyer, an appellate lawyer before the Nevada Supreme Court, and the Ninth Circuit Court of Appeals.

She has the support of a bipartisan coalition of Nevada officials, including the Governor. By the way, the Governor was one of my appointments to the Federal bench. He was a Federal judge, Brian Sandoval, and a good Federal judge. He resigned that position and ran for Governor against my son, and he won. He is a fine man. He is my friend, and he has come out vocally and very publicly that this woman is a great lawyer and should be on the bench—something he should know a little bit about.

She has received vocal support from the Lieutenant Governor, also a Republican; the mayor of Reno, also a Republican. In fact, Governor Sandoval wrote to the Judiciary Committee to say, Du “has exhibited great character and is well respected in the legal community.” He has given her his unqualified support.

Republican Lt. Gov. Brian Krolicki called Ms. Du “intelligent, inquisitive, reliable and dedicated.” The Republican mayor of Reno—with whom, by the way, we had a visit yesterday—Bob Cashell said Du “will be a great addition to our federal bench.”

In addition to being an experienced litigator, she is also an outstanding citizen. She is involved in the northern Nevada community. There are many things she has done, but she served on the Nevada Commission on Economic Development. She has also served as a court-appointed special advocate representing abused and neglected children. She now, and has in the past for a number of years, mentored high school students in Reno, NV. She is a fine example to those students.

I have had the good fortune to be able to forward to Presidents about 10 names, and I have never been more proud of one than Miranda Du. I repeat, if there were ever a success story, it is this woman who was born in Vietnam, took a boat and wound up in Malaysia, came from Malaysia to America, to Alabama, to California, and is now one of the most respected lawyers we have in the State of Nevada. This is what America is all about.

Mr. MCCAIN. Madam President, will the Senator from Nevada yield just for a comment?

Mr. REID. I sure will.

Mr. MCCAIN. I thank him for honoring those who came to this country who fled reeducation camps and execution in a most horrible, brutal regime period. The enormous contribution those individuals and their children

now have made to our Nation, our economy, our political scene, is remarkable and one of which all of us should be extremely proud. I thank the Senator from Nevada for recognizing those individuals' contribution.

Mr. REID. Madam President, this is coming from a person who was held for 7 years in a prisoner-of-war camp in that country. So I think anyone hearing this—and there are lots of people watching this—should understand what JOHN MCCAIN just said. JOHN MCCAIN and I have battled on a number of substantive issues over the years, but I do not think there is anyone—at least I speak from my perspective—for whom I have more admiration and respect than JOHN MCCAIN, who has done so much for his country.

Mr. MCCAIN. Madam President, I thank the leader for his generous and kind remarks. As he said, he and I have done battle on the honorable field of combat, but I think the feeling of respect and appreciation and admiration is mutual. I thank the leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LEGAL IMMIGRATION

Mr. MCCONNELL. Madam President, if I may just add, the colloquy between the majority leader and my good friend from Arizona certainly underscores once again the extraordinary contribution legal immigration has made to our country for over 200 years. I think of, as an example, my own wife, who came here at age 8, not speaking a word of English. The majority leader was just pointing out an immigrant from Vietnam who has done well. Senator MCCAIN has said the same thing that all three of us have said on numerous occasions. So it is indeed something to celebrate.

HIGH GAS PRICES

Mr. MCCONNELL. Madam President, yesterday afternoon I came to the floor to suggest that what has been happening in the Senate this week is precisely the kind of thing the American people do not like about Washington.

Gas prices have more than doubled under President Obama and the Democratic-controlled Senate. This is a problem that affects every single American, that drives up the cost of everything from commuting to groceries. Yet the Democratic response is to propose legislation that even they admit does not do a thing to lower the price of gas.

We have seven Democrats, in fact, on record saying the bill does not do a

thing to lower gas prices. One of them has called it laughable. But this is apparently the best our friends on the other side can do. It is the most, apparently, they are willing to do. At a time when gas prices are at a national average of nearly \$4 a gallon, this is what passes for a response to high gas prices for Washington Democrats: a bill that simply does nothing about it.

But it even gets worse than that because not only is the Democratic solution to high gas prices a bill that even they admit does nothing to lower gas prices, they will not even allow Republicans to offer any amendments that would help. Not only are they pushing a bill that will not lower gas prices, they are blocking any measure that would actually make a difference.

So at a moment when working Americans are struggling with high gas prices, the message Democrats in Washington are sending this week is simple: Get used to it. Get used to it because they have nothing—nothing—but a phony proposal aimed at distracting people from the fact that they have nothing to offer.

Maybe the reason they voted yesterday to get off their own bill is they realized the American people were on to them. Maybe they realized they did not have the political issue they thought they did. Well, my point is that they should be more concerned about helping Americans than helping their own campaigns.

So if Democrats will not allow us to offer any proposals to address this crisis, we are still going to talk about them anyway because Americans need to know there are some things we could do about this issue. We could actually have an impact on high gas prices right here in Congress. They need to hear us debate these ideas, and they need to know Democratic leaders in the Senate will not even allow a vote on any of these ideas.

This whole episode is completely unacceptable. Hopefully, at some point, a number of Democrats will recognize this—will recognize that this should be about more than political games. We ought to actually try to accomplish something.

This issue affects real people. For them, it is an urgent matter. Democrats should summon the same urgency in dealing with it. We were sent here to solve problems, not to hide from them.

KENTUCKY BASKETBALL

Mr. MCCONNELL. Madam President, something very special in the world of sports is happening in the Commonwealth of Kentucky.

Kentucky is well known as the home of the Kentucky Derby, often called the greatest 2 minutes in sports. But this coming Saturday, March 31, we will witness one of the greatest moments in Kentucky sports history. Two

of the most storied and winningest programs in all of college basketball, the University of Louisville and the University of Kentucky, will meet this Saturday in the 2012 NCAA Tournament Final Four. The two teams will face off in a semifinals game in New Orleans, and the winner of that game will contest for the national championship next Monday night.

In my State of Kentucky, the rivalry between UofL and UK is indeed a passionate one. From birth, it seems, Kentuckians are raised to root for one of these two teams; you either wear red for the Louisville Cardinals or blue for the Kentucky Wildcats. The two teams boast two legendary coaches, Rick Pitino and John Calipari. The teams have met every year since 1983, and they have met in the NCAA tournament four times in the past—most recently in the Midwest Regionals way back in 1984. Between them, they have 24 visits to the Final Four. But never have these two teams faced each other in the Final Four with the stakes so high. If the excitement and frenzy and turbulence that has been stirred up in Kentucky could be harnessed, we could solve our energy crisis. Basketball fans from Kentucky have been waiting their whole lives for this game.

On Saturday, we will prove that these two schools have the best rivalry in all of college basketball and that the Commonwealth of Kentucky is the best college basketball State in the Nation.

Let me say that again so my friends in North Carolina can hear it. UofL and UK have the best rivalry in all of college basketball, and the Commonwealth of Kentucky is the best college basketball State in the Nation.

But only one team can win on Saturday.

I am actually an alumnus of both schools. I attended the University of Louisville as an undergraduate, and I went to law school at the University of Kentucky.

I don't know who will win Saturday's game, but whoever the winner is will go on to defeat either Kansas or Ohio State and bring the national championship back home to Kentucky where it belongs. So count me in with my fellow Kentuckians and college basketball fans everywhere as we tune in this Saturday to see history in the making. It is going to be really exciting to watch.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

IMPOSING A MINIMUM EFFECTIVE TAX RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of the motion to proceed to S. 2230, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 339 (S. 2230) a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5 p.m. will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes, the majority controlling the second 30 minutes, the majority controlling the time from 2 p.m. to 3 p.m., and the time from 3 p.m. to 4 p.m. to be controlled by the Republicans.

The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent to engage in colloquy with a number of my colleagues for the next 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. BARRASSO. Madam President, I come to the floor today, as I have over the last 2 years since the health care law was passed, with a doctor's second opinion. I do that as someone who has practiced medicine and taken care of families across the country—primarily in Wyoming—for a quarter of a century, listening to them, trying to care for them, and knowing that what the American people want is the care they need, a doctor they want, at a price they can afford.

During the last 2 years since the health care law was passed, the American public has found out that now that it has passed, they get to know what is in it, they don't like what they are seeing. Instead of providing patients with the care they need from the doctor they want and at a cost they can afford, they are seeing time and time again a significant change and the promises the President has made broken.

I am here with my colleagues to talk about some of these concerns. I see the Senator from Arizona, who has heard the promises made. I know that when he goes to townhall meetings and talks to people, they have found out that the costs they were promised would go down have gone up instead. The opportunity of patients to keep the care they want and the doctor they want—they are not able to do that. Is that what the Senator from Arizona has been finding?

Mr. MCCAIN. Madam President, I thank my colleague for his continued leadership on this issue and his eminent qualifications to address it and help educate the American people about what is at stake.

I think this colloquy we are having has to be considered in the context of the arguments before the U.S. Supreme

Court. I think my colleague from South Carolina, Senator GRAHAM, will mention that we should not draw too many conclusions from the questions that are asked by the Justices of the Supreme Court.

One of the things I find when I watch the talk shows—and I ask the Senator from Wyoming this—the first thing they say is that the most important thing about ObamaCare is that parents can keep their children on their health insurance plan until they reach age 26. Well, you know, I think all four of us right now would be glad to put that into law as an amendment in a New York minute. If they want to keep their children home living in the basement until they are 30, that is fine. But for that to be the centerpiece, saying that this is why we have to preserve ObamaCare, is, of course, a bad joke.

What we are arguing about here is the thousands of pages—I guess the Senator from Wyoming knows—is it 100,000 pages of regulations that have been already issued to try to implement this plan?

Mr. BARRASSO. Yes.

Mr. MCCAIN. Also, we have promised to repeal and replace ObamaCare, depending on not only the Supreme Court decision but the will of the people as expressed, perhaps, next November.

Of the areas that I think we have not focused enough attention on, one is the unsavory process that resulted in passage of this legislation—behind closed doors and everybody at Blair House bludgeoning the AMA and the pharmaceuticals and the deals that were cut here.

Another area was a promise made by the President that he would consider—it wasn't committed to, I will admit—medical malpractice reform. And here we are talking about 20 to 30 percent of the health care costs in America which, in the view of some, can be attributed to the unnecessary tests that are being administered and prescribed by physicians and health care providers because of their fear of ending up in court. Yet, in all of this bill, there is not one mention that I know of that has a meaningful approach to medical malpractice reform.

Since the Senator from South Carolina not only is an expert on the Supreme Court, but also he is one of the trial lawyers' Republican favorites, maybe he could address that aspect of medical care as well.

Would the Senator from Wyoming comment on that?

Mr. BARRASSO. I agree with my colleague from Arizona that there are a number of things that continue to drive up the cost of health care. One of the things I believe should have been included in the health care law—I would think we could actually lower the cost of care, lower unnecessary testing, and part of that—all of the studies show—is doing away with these

junk lawsuits that result in significant numbers of additional expensive tests being done. It seems to me that we spend more time trying to protect the doctors than trying to help the patients.

Even in a rural State such as Wyoming—and I see my colleague from South Dakota on the floor—this is a national concern and should have been included in any health care law that was supposed to target lowering the cost. That is what the President promised in the beginning, that families would see their health care premiums go down by \$2,500 per year. Instead, the premiums have gone up by about \$2,100 year.

My colleague from South Carolina has cosponsored legislation to try to give States the opportunities to opt out of a number of provisions of the health care law because they are onerous as to the costs and what is happening in the States and for people at home. If you look at the President's proposals, I would think that any national health care law ought to look at certain components of things that actually bring down the cost of care. With this one-size-fits-all approach and the demand that everyone buy government-sponsored or government-approved health care insurance, the rates are going up instead.

I turn to my friend from South Carolina and ask him about that, plus the unfunded mandates that are forced on the States with Medicaid, which is a significant part of what is being discussed today in the Supreme Court.

Mr. GRAHAM. I will be glad to discuss that. I have enjoyed the opportunity to create legislation that would allow States to opt out of Medicaid's expansion under this bill. About 30 percent of the people in South Carolina will be eligible for Medicaid by 2014 when this law is fully implemented. It is the second largest expense in South Carolina. With the matching requirement, we get three Federal dollars for every State dollar you put on the table dealing with Medicaid. That sounds like a good deal until Medicaid explodes in costs and becomes the No. 1 driver of the budget in South Carolina, Wyoming, South Dakota, and Arizona. Under this bill, the problem we have today with Medicaid becomes Medicaid on steroids.

I am confident that there are plenty of Democrats who have Governors who are Democrats who will say: Wait a minute, before you expand Medicaid and put additional burden on my State's budget, see if we can find more creative ways of dealing with it and give people the ability to opt out of that. That would be good policy.

I want to comment about this. One rule of thumb is that any bill passed on Christmas Eve on a party-line vote is probably no good to the country. And that is what happened.

As Senator MCCAIN would say, this was a party-line vote, 60 to 40, on something dealing with one-sixth of the economy.

This was supposed to happen on C-SPAN. President Obama said: I am coming and we are going to change the way Washington works.

If I had to offer exhibit A of what is wrong with Washington, it would be the ObamaCare process. Everything that people hate about Washington resulted in this bill being passed. There was absolutely no bipartisanship; there were behind-closed-door negotiations, beating people over the head to get their support; there was buying votes based on special interest deals for their States. That is not exactly what the American people had in mind. Is it any surprise that something that came out of that process is going over like a lead balloon?

One of the problems with health care is getting doctors to take Medicare and Medicaid patients. What did we do with Medicare? We took \$500 billion out of a system that is \$33 trillion underfunded to help the uninsured. We have an uninsured problem, but we have a Medicare problem that will be an absolute nightmare.

What I wanted to do on malpractice is to tell a doctor: If you will take a Medicare or Medicaid patient, doing the country a service, and you get sued, we will go to arbitration—require arbitration—and let the panel render their judgment. And if you want to go to court, you can.

That is fair. I want people to have their chance to litigate differences on alleged malpractice. I also want doctors to feel there is an incentive to serve Medicare and Medicaid patients.

What was promised in this bill—the remedies to our health care system—none of them have come true. What you see 2 years later are our worst fears being realized at a faster pace.

The President promised: If you like your health care, you will be able to keep it. What is going on in this country is that employers are dropping health care for their employees because it is cheaper to pay the fine. What is happening in this country is that the idea of being able to expand Medicaid without bankrupting the budgets of this country at the State level, when you look at the consequences, is a nightmare in the making.

We were promised this bill would reduce the deficit. Well, to me, health care includes doctors, and in the bill itself we never dealt with the problem that doctors face of having their budgets, their reimbursements cut. That was not even addressed in ObamaCare. That is a couple hundred billion dollar liability. So the idea this thing has been paid for, as promised, no longer exists. It is adding to the deficit. It was projected to be \$900 billion in cost; now

it is about \$1.7 trillion. So the basic promises around what this bill would do for our budget, what it would do for our choices in health care, have not come true.

I am here to say to our Democratic friends, fix this before it is too late. You will find people on our side willing to meet you in the middle when it comes to reforming health care because it needs to be reformed. But the model you have created—centralized health care—that is going to damage State budgets beyond belief, that will drive private sector insurance out of the market, and it is going to have a budget consequence on top of what we already have is not the right model.

I say to my colleagues here today, I will work with you to do two things: Educate the public about what awaits us if we don't change this bill quickly, and work with our Democratic friends to find a better alternative. I think that is what America wants. When 67 percent of the people, 2 years later, feel this is not the way to go, responsible leadership would say let's alter course.

The Supreme Court may strike down the mandate. They may say Medicaid expansion is a violation of the tenth amendment. I hope they do. But I can say one thing with certainty: Because nine judges, five of whom say it is legal to do something, doesn't make it smart to do something. What is smart is to fix health care in a sustainable way. And what is smart is for Republicans and Democrats to work together in a transparent, open fashion. We haven't done anything smart about health care yet, and I hope that changes.

Mr. MCCAIN. Could I ask my colleagues if they remember the Cornhusker kickback? Another Democratic holdout took credit for \$10 billion in new funding for community health centers, an exemption for non-profit insurance in their States; and Vermont and Massachusetts were given additional Medicaid funding; a \$300 million increase for Medicaid in Louisiana, and the list goes on and on. This was the process they went through, culminating, as the Senator from South Carolina mentioned, on Christmas Eve—a process that, obviously, most Americans find unsavory.

It is interesting, and I would ask my two colleagues to comment on the fact that the same people, the same organizations—the AMA, the hospitals, the pharmaceuticals, and others, that all signed up and were bludgeoned into supporting ObamaCare—and by the way, that negotiating that took place, since the President promised there would not be lobbyists in the White House, that they would not play a major role, it was done in Blair House—these same people, these same organizations, have come to our offices asking for relief from ObamaCare. Isn't that fascinating. I mean, time after time, the same members of the same

organizations that supported ObamaCare come and say, look, we can't live with this provision, we can't do this, it is impossible for us to comply with that provision. It is a fascinating commentary on trying to do the Lord's work in the city of Satan, is it not, I ask my colleagues?

Mr. THUNE. Well, I would say to my colleague from Arizona, he always has a way with words when it comes to describing the strange meanderings of the process here in Washington, but it is.

Unfortunately, all those groups that had access to the process in the end all got sort of kowtowed into going along with it and now they are all being hit with this huge tax bill, because everybody is getting taxed to pay for this. All of it is being passed on, I might add, to businesses in this country, driving up their costs.

But the one thing everyone here this morning has mentioned is who didn't have a seat at the table, and that is the States. Think about the States and what this means for them. Of course, in the first 3 years, the Federal Government said it was going to pay 100 percent of the new population to be covered under Medicaid. But if you look at what happens after that, the States then are starting to have to share or bear more of the burden and be forced to pay at least another \$118 billion, according to one congressional report, through the year 2023, which crowds out priorities such as education, law enforcement, and all the things we expect our States to do.

So the States get all these mandates shoved down their throats, making it more difficult for them to bear the responsibilities they have to the people in their individual States because the Federal Government has not only said they are going to have to pay for this, but they have also become very prescriptive about what they can and cannot do. So States are no longer going to have—and frankly, even in the past, haven't had—a lot of flexibility when it comes to setting eligibility standards and determining who can and cannot be covered by Medicaid in their individual States. They just get the costs shoved down their throats, with very little input into how to implement this program, so much so that Governors all over the country are reacting to this, and that is why we have 26 Governors who are part of the litigation that is going on right now at the Supreme Court to challenge the mandate on Medicaid, which will be heard today by the Court.

But listen to what some of the Governors around the country have said—and these are Democratic Governors. This is the Democratic Governor of Kentucky:

I have no idea how we're going to pay for it.

And, of course, he is referring to these new mandates, regulations.

The former Governor of Tennessee said:

I can't think of a worse time for this bill to be coming. Nobody is going to put their State in bankruptcy or their education system in the tank for it.

The Governor of Montana said:

I'm going to have to double my patient load and run the risk of bankrupting Montana.

Those are Democratic Governors reacting to this new mandate that is being shoved down their throat because of the changes that were made to Medicaid in the health care bill. So I think the States, unfortunately, did not have a seat at the table. If they did, they certainly didn't get their voices heard because they are going to be forced now, and people, individuals in these States, to come up with the billions and billions of additional dollars to pay to finance the new mandates in the legislation.

I want to make one other point, because there has been a lot said here on the floor of the Senate, and by people in general in Congress, about the importance of focusing like a laser on jobs and the economy. Frankly, I think there are some things that actually have been done around here. Last week, we finally passed a jobs bill, a private sector jobs bill, that would create jobs, and hopefully make it easier for our small businesses to access capital to grow their businesses and create jobs. But the health care bill, clearly, is going to have the opposite effect.

Interestingly enough, when it passed, there were lots of statements made at the time about how many jobs it was going to create. In fact, if you go back, the former Speaker of the House said it would create 4 million jobs—400,000 jobs almost immediately. That was former Speaker NANCY PELOSI. Interestingly enough, that contradicts what the Congressional Budget Office Director said. He testified the new law would actually reduce employment over the next decade by 800,000 jobs. And analysts at UBS stated the law is “arguably the biggest impediment to hiring, particularly hiring of less skilled workers.”

So what we are seeing again is a promise made about creating jobs and the very opposite is what we are going to see.

There was a Gallup poll recently that found 48 percent of small businesses in this country are not hiring because of the potential cost of health insurance under the health care law; 46 percent are not hiring because of concerns over other government regulations. But if you look at the impact this legislation is having on hiring in America today, what we are hearing from the people who hire—the job creators out there and the small businesses—this is a huge impediment to hiring.

The device manufacturer Stryker announced they are shedding 5 percent of

their workforce over concerns about the impending 2.3 percent medical device tax which was included in the health care law. There is another employer here, somebody who owns a restaurant chain, who stated bluntly, “This law will cost my company more than we make.”

Another employer in this country said this: “The new health care law has wrecked our plans to grow our business and create jobs.”

That is exactly the thing many of us predicted would happen, notwithstanding the assertions made by the proponents of this legislation—that it was going to create jobs. We see the very opposite happening. We see our small businesses pulling back, not hiring, not growing their businesses because of the concerns about the costs and the penalties that would be imposed and the taxes that are included in the health care law.

I know my colleague from Wyoming represents a lot of small businesses, as I do. South Dakota and Wyoming are similar in terms of the size of the States and the way people make their living. We have a lot of small businesses and entrepreneurs, and we look to them to grow the economy in our States. Obviously, it becomes much more difficult when you continue to drive and shove these mandates, these requirements, down the throats of our small businesses, these new taxes they are going to have to bear. And the list of new taxes that are going to imposed under this is pretty amazing. It adds up to—and this is just over the cost of the first decade—\$552 billion; when it is fully implemented, \$1 trillion of tax increases, all of which get passed on in the form of higher costs of health insurance and other costs around the economy.

My point is simply that if we are sincere in being focused on creating jobs in this country, perhaps the biggest impediment, the biggest barrier to that now is the ObamaCare law that is currently being heard by the Supreme Court.

I guess I would ask my colleague from Wyoming to comment on his view with regard to some of these promises that were made regarding this legislation and how actually the bill is now playing out, as we get to know more about it. That is what the former Speaker of the House also said: We have to get this bill passed to find out what is in it. The American people are finding out what is in it and are becoming increasingly convinced this was the wrong direction to go. I assume that is a view shared by the majority of people in Wyoming.

Mr. BARRASSO. Well, it is. And as neighboring States, South Dakota and Wyoming work closely together and are very similar. The experiences we are having in Wyoming—we now have a Republican Governor but previously

had a Democratic Governor—as my colleague talked about, with the Medicaid mandates, which were called by one Governor the “mother of all unfunded mandates,” is that the money that has to be used for that is crowding out other things, so that is money that can’t be used specifically for education. One of the worst things that is happening for education across our country is the health care law, because for every penny the State now has to add to pay for this Medicaid expansion—this unfunded mandate—and I heard the numbers from my colleague from South Dakota, and these are astronomically large numbers—those are dollars that are not going to go to the universities and the institutions of higher education, as well as our additional schools throughout the State. So all of a sudden, if you have a student in college and you see the tuition has gone up much more than you thought it should have—when you likely think it shouldn’t go up at all—and you say, why is that, well, it is President Obama’s health care law. That is what is happening by mandating money be spent for Medicaid. That unfunded mandate is taking dollars away from education.

This month, in March 2012, a report came out entitled “The 2011 Actuarial Report on the Financial Outlook for Medicaid.” The figures are astonishing on this health spending law called “ObamaCare” or the so-called “Affordable Care Act.” And by the way, just because you call it that doesn’t mean it is affordable, as we see from this report. It drives up Federal Medicaid costs by hundreds and hundreds of billions of dollars through 2020. It forces many more people onto the Medicaid rolls.

The President has talked so much and used interchangeably the words “coverage and care.” What we know is that across the country, if somebody has a Medicaid card, that does not equate necessarily to receiving care. My colleague from South Dakota talked about reimbursement rates for physicians. Medicaid, in many ways, underpays sometimes even the cost of seeing a patient, so it is harder for those patients to get seen. So I think the President has used two words interchangeably which are in no way interchangeable. Someone can have a Medicaid card but not be able to get care.

The concern is now, as my colleague from South Dakota said, \$500 billion of Medicare taken out of Medicare, not to strengthen Medicare, not to increase the security for people on Medicare, not to help improve Medicare but to start a whole new government program for other people. The Medicare patients are having a harder and harder time finding a physician to care for them.

I would say the President of the United States, by using those two words interchangeably—coverage and

care—has, unfortunately, misled people to think coverage equals care, and we know it does not. That is one of the concerns with the health care law, as we talked about the broken promises and the unfunded mandates sent to the States.

As I stand with my colleague from South Dakota, I assume when he goes home on weekends—and he does almost every weekend—he hears the same things I hear. When I have a townhall meeting and I ask the question: How many of you believe that under the health care law—remember, the one the President promised your insurance rates would go down \$2,500 a year—how many believe that actually, because of the law, your rates are going up faster than if there hadn’t been a law at all, all the hands go up. I ask: How many of you believe the quality and availability of your care is going to get worse because of this law? Again, the hands go up.

For a second, I thought maybe that was just something we saw in Wyoming and in South Dakota. But in a national poll yesterday—in the New York Times, of all places—on page A15 of yesterday’s New York Times, in terms of the health care law: How will this health law affect you personally? Will this help you? Less than one in five Americans said this will help them. Twice as many said it will actually hurt them. When they asked: Will this decrease your costs, one in six said it would decrease their costs. More than half said it would increase their costs. When it asked, How about the quality of your care, only one in six said they actually expected better quality of care. Many more expected worse quality of care. So it is not just Wyoming, it is not just South Dakota. It is the entire country which is seeing this same impact.

I would ask my colleague from South Dakota, as he travels around, is this what he is seeing everywhere as well?

Mr. THUNE. It certainly is. As the Senator from Wyoming mentioned, the huge majority of businesses around this country—and especially small businesses such as those he and I represent in Wyoming and South Dakota—are enormously concerned about what this is going to do to their ability to create jobs, to maintain coverage for their employees. There are so many huge impacts from this, much of which, frankly, we predicted. But again, the idea or the notion that somehow imposing over \$½ trillion in new taxes on businesses in this country, on health insurance plans, was somehow going to lead to lower costs for people to get coverage in this country is beyond me.

I am at a loss to explain how anybody could make the argument this was going to create jobs. Former Speaker PELOSI predicted 4 million new jobs. The Congressional Budget Office had said it would cost us 800,000 jobs. I

suspect that is a conservative estimate, based on what I hear from employers in my State and elsewhere around the country.

But I do wish to point out too that in so many ways, because of the new mandates, because of the new taxes, because of the new costs, this is just going to make everybody’s lives more complicated and more difficult, including our States. We represent States where our Governors, our legislators work hard to balance our budgets and to live within their means, not to spend money they don’t have. Yet here they are being forced by the Federal Government to swallow these additional costs that are coming because of this new health care plan.

Basically, what the Obama administration has done is put shackles on the States when it comes to making decisions about the eligibility needs in their States. They are going to have lower spending on Medicaid providers. In some cases, our States are trying innovative approaches to care and delivery. They are trying to come up with new ways of doing this and to do it more effectively. Yet the Federal Government is going to make that much more difficult.

The bottom line is the combined effect of the ObamaCare’s policies has taken power from the States, given more of it to Washington. It has forced unrealistic new spending mandates on the States that are going to crowd out those local priorities the Senator from Wyoming mentioned, such as education, such as law enforcement, the things I think constituents in our individual States expect their Governors and their State legislators to deal with.

Again, I would come back to what these Governors have said, and I am not talking about the conservative Republican Governors in this country. Look at what the Democratic Governors have said. The Governor of Kentucky: “I have no idea how to pay for this.” The Governor of Montana basically saying that increasing the patient load under this bill will cause bankruptcy or force him to bankrupt his State.

The ACTING PRESIDENT pro tempore. The Senator’s time has expired.

Mr. THUNE. Then, of course, there is even the Governor of a State such as California, which I will submit for the RECORD.

But the point is, there are lots of promises made that haven’t been kept with this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

BIG OIL SUBSIDIES

Mr. MENENDEZ. Madam President, I come to the floor to talk about what is the pending business before the floor, which is my legislation to end Big Oil subsidies in this country.

Middle-class families are hurting, struggling to make ends meet. Yet today we are on the floor of the Senate fighting an uphill battle against those on the other side of the aisle who, with one hand, would continue handing out \$24 billion in wasteful subsidies to five of the biggest, most profitable oil companies in the country and, with the other hand, take away vital programs from our Nation's veterans, its seniors, disabled children, just to name a few.

We hear our Republican friends talk about balanced budgets and we hear them talk about austerity. We hear them saying we all have to tighten our belts, we all have to make hard choices on Medicare and veterans and veterans' benefits and student loans, just to name a few. Yet they will not, in that austerity or shared sacrifice, say we will end unnecessary tax breaks to Big Oil. They will continue to ask the same things they have asked a thousand times before, which is that the American taxpayers subsidize the richest five companies in the world, while we cut programs for our wounded soldiers, for our seniors, and for our students.

Some people think of budgets just as boring documents with lots of bewildering numbers. In reality, they are statements about our priorities. This debate draws the brightest lines between our priorities and theirs. The Romney-Ryan budget, for example, cuts \$2.2 billion in education for children with disabilities. What do they say to these parents? I guess they justify it by saying we can't afford it.

Why is it we cannot afford it when five companies that collectively made \$137 billion in profits last year alone are getting \$24 billion in subsidies over the next 10 years? So we tell these children on the Romney-Ryan budget they cannot be helped to fulfill their God-given potential because we can't afford it, but we can afford to give these five companies that made \$137 billion in profits—not proceeds, profits—that we should give them an additional \$24 billion of our taxpayers money? I don't think so.

Here is another example. Republicans are proposing cutting \$13 billion per year from the SNAP program—that was formerly called the food stamp program—for families who do not know where their next meal will come from. So laid-off workers may not be able to feed their families, but our Republican colleagues will ensure that big oil companies continue to stuff their face at the taxpayer trough and they make sure no subsidies are cut that will hurt the bonuses of the big five oil companies' CEOs.

Here is one of them, Rex Tillerson, the CEO of ExxonMobil. He made nearly \$29 million in 2010. How is it we can afford to protect Mr. Tillerson's pay but not a program designed to help hungry children? Why is it we need to protect those who need it the least but

take it from those who need it the most?

Another issue we keep hearing from the other side is that cutting these subsidies will somehow raise gas prices. The notion that gas prices will go up is only in Washington. Anyplace else in this country, they get it. But only in Washington are we hearing from the other side that cutting subsidies will somehow raise gas prices. The notion that gas prices will go up if we end subsidies to Big Oil is nothing more than Republican snake oil, and the American people aren't buying it.

Let me put it plainly. We are subsidizing these companies to the tune of over \$2 billion per year. Collectively, just these five companies—not talking about other sized producers. Just these five companies made \$137 billion last year. Can anybody, with a straight face, tell the American people that they could not live with \$135 billion in profits, that they could not give up their \$2 billion; and, therefore, if they could only live with \$135 billion, they wouldn't need to raise gas prices a dime—unless they are so greedy that \$135 billion is not enough in profits that they need, out of each and every taxpayer's pocket in this country, another \$2 billion to add to their profits.

Yesterday morning I heard one of my colleagues on the floor ask why are we picking on the poor oil companies when everyone gets the same tax deductions. So I took out my 1040 tax form to look for myself, and I was looking, let's see, for intangible drilling costs. No, I don't see it in my 1040 form. Tertiary injectants, I don't see it in my 1040 form. So I guess not everyone gets the special tax deductions for drilling.

There is a tax deduction Big Oil gets called domestic manufacturing deduction. When Congress was contemplating that provision, Big Oil, through their legion of lobbyists, managed to convince many on the other side of the aisle that drilling for oil was somehow manufacturing. When we think of manufacturing, we think about creating a product. I don't know about you, but being able to call drilling for oil manufacturing seems like a real special tax break to me.

As I said yesterday in this Chamber, it is time to get back to reality, the type of reality middle-class families face in this country, the type of reality middle-class families face as they go to the pump, as they have to get to work, take their children to school, to doctor appointments, the type of reality small businesses face when they are trying to send their sales force across a State and have them traveling in a car to do so. It is time to tell middle-class families struggling to make ends meet that fairness means everyone pays their fair share when it comes to reducing the deficit and that it also means it is time to stop wasting taxpayer moneys on oil subsidies and use this money to invest

in clean energy, in jobs, in lowering the deficit. It is time for us to repeal the Big Oil tax breaks. It is time for our colleagues on the other side to join us to end this corporate welfare for big oil companies, to create competition to help lower gas prices and to reduce the deficit rather than continue to sell snake oil to the American people to protect Big Oil profits.

I have listened to some of the debate. I don't get it. I have seen average Americans who are struggling, and they say: Wait a minute, \$24 billion of our money is going to the big five oil companies and they are making \$137 billion? As a matter of fact, that is just 1 year. The \$24 billion we want to eliminate and put into renewable energy fuels would create competition, will ultimately help drive down gas prices, to reduce the deficit significantly, instead of calling upon cuts to children, whether in their nutrition or cuts to children who are disabled. I only talked about \$137 billion in 1 year. We want to cut \$24 billion over the course of 10 years. Guess what they will make in 10 years—over \$1 trillion in profits. I find it hard to fall for the crocodile tears that taking \$24 billion over 10 years, a little over \$2 billion a year, when they are going to make \$1 trillion over a decade is somehow not enough, that leaves them with not enough profits—\$24 billion from \$1 trillion—and that because we take that \$24 billion, gas prices are going to go up.

All these subsidies have not made gas prices go down. As a matter of fact, as I pointed out yesterday, at a time when they were making \$137 billion in profits, they were producing 4 percent less oil. Come on. It is time to give working families in this country a break. We can do that as we vote to end Big Oil subsidies.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, we continue the discussion about the impact of high energy prices, high gasoline prices at the pump, what they mean to families from Alaska to New York—the very reality we face as a nation that is struggling still, coming out of a recession. We are worried about jobs. We are clearly worried about the high price of energy and what can be done. I think it is important to note this is something to which there are no clear and easy answers. There are no short-term, quick, flip-the-switch fixes we can do. But there are a lot of things we can help to make happen by either

affirmative action or, in many cases, getting the government out of the way.

In doing so, I think it is important we speak honestly about the situation before us, about what the potential solutions are and how they translate. In the past day or so, I have heard some comments from some of my colleagues that I think deserve a fair and honest rebuttal so this conversation, the dialog, can continue and be better understood in terms of what we are talking about with these oil and gas tax increases—because that is exactly what the Menendez proposal would do. It would increase the taxes on an industry that is providing not only much needed resources for this country but much needed jobs.

The first point I have heard is that American taxpayers are, somehow or other, subsidizing the oil companies. Again, it is important to put this in context. This argument I think rather bizarrely labels basic tax deductions, somehow or other, as a subsidy, as though the Federal Government allowing businesses to retain more of their earned dollars—because that is what is happening with the situation of the oil companies; they have earned the dollars and they are basically keeping more of the dollars they have earned—that, somehow or other, that action is the equivalent to handing them a check from the government; whether it is what we see, for instance, with the situation at Solyndra, where they got a check from the government. It is important to put in context that when some say we need to end subsidies for oil companies, I think what that translates into is raising taxes on oil production.

I think it important to note and understand this is an industry that does pay substantial taxes to the Treasury. Their taxes are already higher than we see in most other industries. The four largest companies have an effective tax rate that is over 40 percent. In 2010, they paid \$55 billion in income taxes to Federal, State, local, and foreign governments. That is a huge sum. It probably increased, along with the oil prices, back in 2011. These numbers are from 2010. But when people say we all need to pay our fair share, I think it is important to ask the question: How much does the industry have to pay before it is sufficiently considered to be doing its part?

One of the other points of contention that has been raised by my colleagues on the other side of the aisle is that raising taxes on oil companies will not increase gas prices. Well, it is certainly not going to lower them. I think we can probably agree on that.

If we raise taxes on oil production, we are going to get less oil production, and it is a question that I think we need to ask. Think of any situation where if we tax it more, we will have more of it, and it will be more affordable. It just doesn't make sense here.

Both the President and the sponsor of the legislation before us have publicly stated that more production can help lower prices. Loss of oil production due to punitive taxes—I think we have seen this play out time and time again. Back in the Carter administration they advanced a failed windfall profits tax.

I mentioned yesterday on the Senate floor the example that we are seeing play out in Great Britain right now. One year ago the United Kingdom decided to do essentially what is being proposed here. They reacted to high oil prices by raising taxes on the industry, and the net result was companies produced less, and they diverted their investment elsewhere.

In the year since the UK imposed its tax hikes, the production decline has tripled from 6 percent to 18 percent. They are now looking at reversing that decision and have announced new oil tax breaks to try to bring back that production.

Another point that has been raised is that somehow or other oil companies are getting special treatment, and I just mentioned this a little bit. Again, the four largest oil companies have an effective tax rate that is over 40 percent. What that means in terms of where they stack up with other industries—this is a higher effective rate than in most other industries that we would see there.

Another point that has been raised is that oil companies are not investing their profits in more oil production. The President seems to disagree with this statement, arguing that the United States is producing the most oil it has seen in years. But the reality is, efforts to produce oil here in this country have been blocked or slowed by the Federal Government seemingly at every turn. Again, I think it is important to put this in context in terms of where we are seeing increased production because that part of the discussion is true. We are seeing increased production but not necessarily on our Federal lands.

On this map of the lower 48, the Federal lands are all these areas in yellow. The red dots are Federal shale well operations on Federal land. The blue is the shale well private land operations. So we have a situation where 96 percent of all production increases have occurred on our States and on our private lands. This comes from the administration's own EIA that we have seen production on the Federal side drop under this administration. The fact that exists is that America's largest untapped oilfields—whether they are in the offshore areas, the mountain west, Alaska, which is not even on this map—are still off-limits under Federal law. None of these resources are counted when people say the United States only has 2 percent of the world's reserves.

I showed a chart yesterday that indicated we are not even allowed to count these areas that have not been truly proven. It is because of the lands being off-limits or the permitting delays that we see that the United States is not a larger producer of oil. If the Federal Government wanted to, it could allow us to become the world's top oil producer and be virtually independent of OPEC sources.

A fifth point that deserves some comment: Yesterday, the majority leader said for every 1 cent increase per gallon of gas, Big Oil profits rise by \$200 million. Presuming this figure is true in the general sense that it has been alleged, I think my Democratic colleague appears to prefer that perhaps those profits should go to OPEC rather than to U.S. companies or to the pension holders. At least in the United States those dollars are taxable. They support jobs—including 9.2 million jobs within the oil and gas industry—and help us with the balance of trade issues. So, again, that is a contention that needs to be directed, some commentary.

Another point is that America is now a major or net exporter of oil. This was raised yesterday by the Senator from California when I was on the Senate floor. She said: We are now a major or net exporter of oil. That statement is absolutely false and needs to be corrected. Under 15 CFR 754.2, it is illegal to export crude oil from the United States without a rare and very special waiver. Therefore, 99 percent of the oil that is produced here stays here. Ninety-nine percent of the oil produced in this country stays in this country. Only 1 percent of U.S. oil is exported.

The very small, very insignificant exports of crude that do occur require a very extensive review process. It is typically sent to Canada or Mexico for refining purposes. Ultimately, that fuel is returned for use in the United States.

In terms of exporting refined products, if that is the concern, Secretary Chu came before the Senate Energy and Water Appropriations Subcommittee and stated that the only refined product exports from the United States consist of certain types of diesel fuel and products we don't use in the United States. So that is a big difference between refined product and crude.

But it is important to correct the record and demonstrate that we are not in a situation where, as a country, we are exporting our crude oil. It is totally inaccurate to say the United States is running a surplus or acting as some major exporter of any of the fuels which Americans need and use to fill up their vehicles or heat their homes. As a result, almost 90 percent of refined products stay in this country. Pretty much the only products that are exported are those products we don't use.

The last and final point I would like to make is about a statement that was, again, made yesterday that somehow or other Republicans only want to drill, and they are not interested in renewable energy. Again, I think that statement is a false one and needs to be corrected.

I come from an oil-producing State and certainly believe very strongly that we need to also focus our efforts on renewable energy. Republicans are simply proposing that we pay for renewable energy research and development without raising taxes on employers and consumers.

I have been pushing for years to allow for revenues from the development of ANWR to help us build out that next generation of energy source for our country. ANWR revenues alone could provide as much as \$300 billion in Federal revenues for renewables—depending on what the price of oil is—if Democrats would simply allow access to it. Instead, they propose to raise taxes on whatever production is taking place and hand out loan guarantees, unfortunately, to many unstable companies.

I would also point out that allowing the Keystone Pipeline has nothing to do with drilling. Neither does pressing the EPA to settle down with its regulations that are making refineries so expensive to operate and in some cases actually shutting them down. I think most Republicans also support the new CAFE standards and many of the other renewable provisions that were in the energy law passed in 2007. This Congress has passed multiple efficiency and renewable bills out of the Energy Committee. Unfortunately, none of them have been allowed a vote on the floor of the Senate.

So I think it is wrong to suggest that Republicans are not willing to talk about anything but drilling. We just want it included in part of that discussion when we are talking about “all of the above.” I think we absolutely need to mean all of the above, and that includes increased domestic production and it includes a strong future for renewables. It must focus on conservation and efficiency. This is how we will get to a true level of energy independence and reduce our energy vulnerability on our insecurity.

With that, I know my time has expired. I would ask unanimous consent that the time during all quorum calls be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

I yield the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I would ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, a week or so ago I came to the floor to talk about the general issues of gasoline prices and domestic energy production. I believe it is important for us to use accurate facts as we are talking about our energy challenges and we work on energy policy issues. Only by using actual facts can we identify policies that will hopefully bring down the price of gasoline at the pump.

So I would like to focus on a particular aspect of our domestic production; that is, production on federally owned land. This is something which has been the subject of a lot of political discussion, both out on the Presidential campaign trail and to some extent in the Senate.

Let me first comment with respect to the price of gasoline and the impact of domestic production on the price of gasoline. This chart, which I put up before, “U.S. oil production and gasoline prices during the period 1990 through 2011,” I think, makes the point very well. That point is that the price of oil is set on the world market. What we produce domestically does not have a significant effect on that market. So the red line on the chart represents increases and decreases in domestic production of oil and the blue line represents the price of gasoline. Clearly, there is not a lot of correlation between those two. It is worth looking again at this chart because I think it makes the point that as U.S. production has increased from 2009 to the present, oil prices have also increased. So increased production has not resulted in lower prices, and it cannot, because the price of oil is set on the world market and the price of gas is, in effect, pegged to the price of oil.

Increased domestic production, while important for our country—and it is important for many reasons—does not bring us lower gas prices. Our policy approach must be to find ways to use less oil and be less dependent on the volatility we see in the world oil markets. We know how to do that. We know how to decrease our vulnerability to those world oil markets and we have made some, in my view, enlightened policy steps to accomplish that. We got a good start in the 2007 Energy bill. It was a bipartisan bill, and that bill requires the use of more biofuels; that is, homegrown energy which is not traded on a world market. We require the use of those biofuels in transportation. We require that vehicles of all sizes be more fuel efficient. We have seen dramatic results from that, and we have hopes for even greater results in the future.

This next chart shows the real progress we have made in reducing our reliance on imported oil. It was about 60 percent in 2005; it is now down closer

to 45 percent in 2011. The Energy Information Administration projects that this progress will continue and their projection is that under current law, if we do nothing else, imports should drop to around 38 percent of our oil consumption by 2020. I, for one, hope we are able to do some other things and bring that dependency on foreign oil down even more.

One way to continue that improvement is to support the expansion of our renewable fuels industry and support efficient vehicle production. In the context of our debate about energy tax policy, we must use some of our limited taxpayer resources to encourage a diverse supply of both energy and fuel. Promoting homegrown advanced biofuels and highly efficient alternative vehicles needs to remain a priority for our country.

Yesterday we had a hearing in the Finance Committee's Subcommittee on Energy, Natural Resources, and Infrastructure, the purpose of which was to explore how the exploration of a number of tax incentives directed at advanced biofuels and at energy efficiency and at renewable energy has affected those industries. I hope very much that we can find a way to work together to keep those incentives in place and continue to make progress in developing these alternative ways to meet our energy needs.

Unfortunately, there are those involved in these discussions who persist in focusing almost entirely on how to increase domestic production instead of on any other policy that could help us to use less oil. While we know domestic production will not significantly impact gasoline prices, at the very least when we discuss domestic production, I think it is important to get the facts right.

There is an ongoing misunderstanding or misstatement of the facts about the production of oil on federally owned land. Let me address that for a bit. One of the Republican candidates stated last week in the context of gasoline prices that “[p]roduction on government lands has gone down under Obama.” Indeed, he went on to suggest—without any basis I could determine—that increasing domestic production of oil would reduce the price of oil by \$1.13 a gallon. How he came up with that number I have no idea, but it is important that we all work from the same facts.

Here are the facts: It is undisputed that overall domestic production of oil has increased, not decreased, over the last 3 years. We are showing a chart that makes that point. This chart shows that during the 3 years of 2006, 2007, and 2008—the last 3 years of the Bush administration—we produced 1.78 billion barrels of oil. During the first 3 years of the Obama administration—2009, 2010, and 2011—we produced 2 billion barrels of oil. One of the witnesses

we had in a recent hearing in the Energy Committee was James Burkhard, a managing director of IHS/Cambridge Energy Research Associates, and he described our situation in this country as the “great revival” of U.S. oil production.

Over the last 3 years, the U.S. increase in oil production was far greater than that in any other country in the world. The United States is now the third largest oil producer in the world after Russia and Saudi Arabia. This trend is also true for the subset of domestic oil production which we would define as federally owned resources; that is, oil production on Federal land. This chart I think illustrates that very well. Production on federally owned land is higher in every year of the Obama administration than it was in the previous administration.

Between 2006 and 2008, as I said before, we had a total of 1.78 billion barrels of oil produced on Federal land. Between 2009 and 2011, the total is over 2 billion barrels being produced on Federal land.

Secretary Salazar testified to the Energy Committee recently that oil production from the Federal Outer Continental Shelf increased by 30 percent between 2008 and 2010. Offshore production decreased somewhat between 2010 and 2011 because of the BP disaster in the gulf, but it still remained higher than it was in 2008, and that production, of course, is increasing substantially again in 2012.

The Energy Information Administration suggests that clearly the decrease experienced in 2011 in offshore production was due to the Deepwater Horizon disaster. It projects that domestic oil production will increase over the next 10 years, in part due to ongoing development in the Gulf of Mexico. The projection is that it will increase by over 1 million barrels per day as compared to 2010. Annual oil production onshore on Federal lands has increased by over 8 million barrels between 2008 and 2011 and is now over 111 million barrels.

Oil production has always fluctuated a bit from year to year on Federal lands and on private lands. There is no doubt that will continue to be the case. The important point here is that we need to put to rest once and for all the claim that the Obama administration is causing a reduction in production of federally owned resources. That simply is not the fact.

We should also be aware that the industry has access to a great deal of productive Federal acreage that it has not yet developed. This chart is instructive. This shows total federally owned acres leased for oil and gas development as of 2011. We can see there are 74 million acres that are currently under lease. This is Federal land currently under lease, both onshore and offshore. The striking thing about this chart is that roughly 25 percent of this

is actually being produced—producing oil and gas at this time. There are many reasons for that. I am not accusing anyone of not diligently pursuing this; I am just saying there is a lot of land under lease, a lot of area under lease that is available for production, and I assume the companies that have leased it are aggressively pursuing that production.

This final chart I wish to share with my colleagues covers the number of acres offered to industry for lease on the Outer Continental Shelf, all of which were in the resource-rich central and western Gulf of Mexico and the number of those acres actually leased. As we can see from this chart, the blue area is the area that was offered for lease but not purchased and the red is the area that was actually leased. The administration, of course, has announced they will have another lease sale in the Gulf of Mexico—in the central and western gulf—and this will cover 38 million initial acres. So there is a very substantial amount of land being offered for release.

It is useful to keep in mind that federally owned oil production today is about 37 percent of our total domestic production. Many of our oil resources are located on private lands or State lands and resources from all of these areas are important in meeting our energy needs.

We need to produce domestic oil and produce it responsibly. There are a lot of good national security and economic reasons for that. I have always supported doing that. But to suggest that some change in policy regarding domestic production is going to change the price of gasoline at the pump is disingenuous. In order to move toward policies that will work to moderate the impact of gasoline prices in the future, I think it is important we be honest with our constituents and ourselves about what the factors are that influence that price.

We enacted some policies in 2007 that have been helpful. I hope we can build on that work at a time and on an issue of such great importance to the future of our country. I hope we can work together and stick to the same facts. If we do that, I believe we can develop and enact policies that can provide real help in the long run to our constituents who are suffering from high gas prices.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent to be recognized for up to 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

Madam President, I voted against the motion to proceed to the Menendez bill on Monday because, quite frankly, it is just a bill to continue raising gas prices. I talked for quite some time yesterday on the Senate floor about this; that by raising taxes on the oil and gas industry it sounds good to a lot of people because people do not like the oil and gas industry. They have been vilified, so everybody thinks we ought to get the oil and gas industry.

What they do not understand is—I think they understand it, but they will not admit it—that is the way to increase prices at the pump. Somebody has to pay for all that stuff. So even Senator MENENDEZ and several Democrats have said this bill is not going to lower gas prices. It would raise gas prices. I do not think anyone who looks at it logically could come to any other conclusion.

As I discussed Monday on the Senate floor, the Democrats’ plan goes against everything we know about basic economics—higher taxes limits supply. Whenever we limit supply, the price goes up. I do not think there is a person out there right now who does not remember, back in their elementary school days, the basic concept of supply and demand. We have this huge supply out there. But if we cut the supply, then the demand is going to be greater, and the prices are going to go up.

The bottom line is, President Obama and his allies do not have an answer to high gas prices. That is because high gas prices—higher prices for all the energy we use—are exactly what they want. This administration remains committed to a cap-and-trade, green agenda. It is a plan that severely restricts domestic development and drives up the price of gas and electricity.

Let me put it another way. Their policies are designed to make recoverable traditional energy more expensive so their desired green energy can compete. There is no question that is what the Obama administration has wanted.

You all remember—and we have quoted so many times on this Senate floor—that Steven Chu, the Secretary of Energy, told the Wall Street Journal: “Somehow we have to figure out”—speaking on behalf of President Obama and the Obama administration; not so much the Democrats in the House and the Senate, but this is the Obama administration—he said: “Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.” Well, the levels in Europe were ranging, at that time, when he made the statement, around \$8. Well, we are getting up there. He is getting his way. This is something that is happening now.

We all know the infamous quote from President Obama in 2008 when he said under his cap-and-trade plan—this is a quote now—“electricity prices would necessarily skyrocket.” Notice the word “necessarily.” It is going to happen. The President had it right. The point of the cap-and-trade regulations is to make us pay more on our utility bills.

A lot of times people do not draw the connection. Energy is energy. If we raise the price of energy on utilities, on utility bills, or gas prices at the pump, it all relates to the rest. If we somehow put coal out of business so we have to use more natural gas and more gas, then that raises the price because that makes more demand for that particular product. I think most people understand that. That is very basic.

If we are serious about lowering prices at the pump, then we need to open the vast oil and gas reserves we have at home to develop. After all, CRS recently reported—this is kind of interesting because it was a CRS report; so far, I have not heard anyone counter this report—we have more recoverable reserves of oil, gas, and coal than any country in the world—more than Saudi Arabia, more than China, more than Canada, all of them combined.

In fact, with more than 160 billion barrels of recoverable oil, we have enough to maintain America's current rate of production and replace all of our imports from the Persian Gulf for 50 years. That is just domestically what we could do. It is out there.

A lot of them try to say: Oh, no, we only have 2 percent of the reserves. I have said this so many times, and yet the other side just keeps repeating it over and over: We only have 2 percent of the reserves, and we are using some 25 percent when, in fact, they are talking about proven reserves. Proven reserves are reserves where we have drilled and proved there is oil there. Recoverable are the areas where we have not drilled yet because we have not had an opportunity.

So if we have a policy, as this administration has, not to allow us to drill for oil, then we cannot prove anything. So the 2 percent means absolutely nothing. It is totally false. The thing is they know it. The key is “recoverable.” We have more recoverable reserves in fossil fuels; that is, oil, gas, and coal, than any other country in the world.

But today we have awful government regulations that prevent us from accessing it, and we are the only Nation that does this. I defy anyone to tell me the name of another country that does not develop its own resources. They all do it, and we have this President saying, well, we encourage them down in Brazil and Venezuela to drill but not here.

Well, anyway, we have these reserves that we need to start doing something

with. That is why I have submitted three amendments that will address President Obama's war on affordable energy. I am going to talk about them.

First of all, amendment No. 1974 is the American Jobs and Domestic Energy Production Act. In order to increase the development of our wealth of resources, I have submitted a substitute amendment to this bill that will open literally billions of barrels of oil and gas for commercial development. It is something that will actually bring down the prices, directly bring down the price of oil, of gasoline at the pump.

First, the bill opens significant portions of the Outer Continental Shelf for development. Right now, the entire east coast and west coast and much of the Gulf of Mexico are completely off-limits. For the most part, the only offshore development allowed is in the western portion of the gulf and in certain areas offshore of Alaska. But we have to keep in mind, to do this, we have to get the permits, and that is where they have dragged their feet.

My amendment would require the rest of the OCS to be leased over time. According to a recent study, these areas have at least 63 billion barrels of recoverable oil and up to 186 trillion cubic feet of natural gas. Once brought fully online, this will create tens of thousands of new jobs and ultimately may bring in an additional \$1.4 trillion in additional tax revenue for the government.

My amendment would also require the administration to move forward with three lease sales that were conducted by the Bush administration but were subsequently pulled by the Obama administration after taking office.

Additionally, my amendment allows ANWR on the Northern Slope of Alaska to be developed. Experts believe this area contains 16.4 billion barrels of oil and 18.2 trillion cubic feet of natural gas.

I have been up there. People talk about ANWR and all this, and it is a beautiful area. They have systems now where we cannot even tell where they are developing it. I have seen polls ranging from 70 to 85 percent—and I can actually identify these polls—of the people in Alaska, they want to do it. Why are we, in our infinite wisdom in Washington, DC, telling them in Alaska they cannot go after their own oil and gas?

I think it is ludicrous. Anyway, this amendment will correct that situation.

My amendment removes also the statutory moratorium on the development of this resource, and it requires the Secretary of the Interior to begin an oil and gas leasing program in that area.

Today, oil shale—particularly that in Western States—represents some of our greatest energy potential. Just a few years ago we didn't know this. We didn't have any idea of the size of this.

Some experts believe the Western States hold as much as 1.8 trillion barrels of oil shale, of which 800 billion barrels is presently recoverable. This is simply an astonishing amount of oil, and it would do a lot to help lower the price at the pump. That is what we are talking about. Everything we have talked about on the floor in opposition to the Menendez bill is something that will lower prices of gasoline at the pump.

My bill forces the administration to release 10 research and development leases that were approved by the Bush administration but then canceled by the Obama administration.

Thereafter, the Obama administration would be forced to conduct additional oil shale leases on Federal lands. We have 93 percent of the Federal lands that are off-limits. That needs to be corrected.

Lastly, my bill reserves the right of regulating hydraulic fracturing to the States. I know a little bit about this because the first hydraulic fracturing that took place in this country was in my State of Oklahoma in 1949. Since 1949, there has not been one documented case of groundwater contamination. It has worked beautifully, I think most people agree, now that it is better regulated by the States. The States differ in the depth of their resources, what they have to do to achieve it. It has worked. The old saying is “if it ain't broke, don't fix it.” We have to look behind the motive of the Federal Government. This administration, if they can stop hydraulic fracturing, can stop the production of oil and gas. I believe that is their motivation. It is a State process that is successfully regulated by the States, and in 60 years there has not been one documented case of groundwater contamination.

Because States have done such a good job regulating fracking, I think they ought to continue having that exclusive right. My bill does this. It takes away the temptation of the power grab by the Federal Government to regulate this thing that doesn't need to be regulated at the Federal level, particularly when their motivation is to do away with hydraulic fracturing. If we do that and we talk about when they are trying to go after these types of formations, they cannot extract 1 foot of natural gas without using hydraulic fracturing.

That is what the bill does. It would be a big win for energy production because we all know the administration's regulations would likely prevent anybody from ever using hydraulic fracturing again. I can remember when the President was giving his speech to the Nation at the joint session. All of a sudden, people caught on that he has had this war on fossil fuels. He started saying complimentary things about good, clean natural gas. I agree. But

what we didn't hear him say—because he said it so fast toward the end of his remarks—is we have to do something about hydraulic fracturing. If we kill hydraulic fracturing, we cannot get the natural gas we are talking about.

All told, by tapping into our domestic supply of oil and gas, we could increase our economic output by trillions of dollars over the next several decades. It could increase government tax revenues by \$2 trillion, and it would create hundreds and thousands of new well-paying jobs.

We have the energy resources we need, and if we develop them, it will significantly improve our economy and, there again, lower the price at the pump.

By raising taxes, as the Menendez bill would, it would only make the problem worse. I urge adoption of that amendment.

The next amendment I introduced is the Gas Regulations Act of 2012. To hold the Obama administration accountable for their role in gas prices, I am also introducing the Gas Regulations Act of 2012 as an amendment. We actually have this, and we are going to try to introduce it as a bill. This amendment would require an interagency committee to conduct a cumulative analysis on certain EPA rules and actions that impact the price of gasoline and diesel fuels.

My amendment is the companion amendment to a bill introduced last week by House Energy and Power Subcommittee Chairman ED WHITFIELD. This amendment will help us to obtain a better understanding of the costs of all these levels of regulation. I have often talked about the regulation and what the cost is. It is kind of masquerading. I will read the cost of these regulations that this administration is accountable for and that directly relate to the increased price of gas at the pump. Tier 3 motor vehicle emissions and fuel standards—that would levy a \$12 billion gas tax on refiners. Who will pay for it? You will and my wife will at the pump. New source performance standards for petroleum refiners could result in billions of additional environmental and compliance costs. Again, that will be passed on to the consumer. The RFS2 standards too would force Americans to consume 21 billion gallons of expensive biofuels, such as the one the Navy procured for \$26 a gallon last year, instead of paying \$3.50 a gallon.

Ozone standards would result in a \$676.8 billion loss in GDP. Again, these standards increase directly the price of gas at the pump. There is greenhouse gas PSD and title V permitting actions—again, another regulation. This regulation slows down the permitting process and would prevent upgrading refining capacity from coming online quickly. Again, this causes an increase in the gas price. People know pretty

much the supply-and-demand argument, but they don't know what the regulations do. Anyway, this amendment No. 1963 is designed to do that.

The next one I introduced is amendment No. 1967. This is kind of called the Inhofe-Upton Energy Tax Prevention Act. FRED UPTON, a Congressman, actually passed this. I have introduced this now for 3 years. We have been trying to do this.

Just yesterday, we found out President Obama fully intends to make good on his campaign promise that under his plan of a cap-and-trade system, electricity prices would “necessarily skyrocket.” That is what we are talking about with this amendment, cap and trade. People remember that. A lot of Republicans were concerned about this issue after Kyoto, and they said let's do something about this; this idea that somehow we are going to have to reduce and regulate greenhouse gases in order to do this. They are introducing cap-and-trade bills. It goes back to the Kyoto convention in 1993, when the famous meeting was held, and Al Gore went down to try to put it together in Rio de Janeiro 20 years ago. He was going to put this together to come up with an international convention called Kyoto, and they tried to, of course, get us to pass it. We saw it would cost the American people between \$300 billion and \$400 billion a year, and it would treat developing countries differently, so we didn't do it.

The interesting thing about the Kyoto treaty is that the President—then President Clinton—never submitted it for ratification in this body. After that didn't work out, they went ahead and did a second effort to do it through cap-and-trade legislation. We beat all the cap-and-trade regulations. The main reason is because it became evident the science was cooked—all put together by the United Nations. It started back in 1992. They developed something called the IPCC, which is the Intergovernment Panel on Climate Change, which was designed in order to, I believe, cook the science and make people believe we are going to have to do something and that CO₂ and anthropogenic gases were causing global warming.

We know what happened since that time, and with climategate, which showed they cooked the science. Consequently, we introduced this legislation. This legislation merely does one thing. It will take away the jurisdiction of the EPA to regulate greenhouse gases. My concern is this: We were able to stop all these bills from passing that would have imposed a tax increase on the American people.

To give an idea how much that \$300 billion or \$400 billion would mean, in Oklahoma, I keep track of the number of families who file tax returns, and I do the math. If we do the math with

what it would cost for cap and trade and do the legislation they were talking about passing, which we defeated on the Senate floor, it would cost each taxpayer in Oklahoma over \$3,000 a year. What would they get for that? This is interesting. Even those people out there who think I am way off base and wrong, in terms of CO₂ and anthropogenic gases—keep in mind we asked the question to President Obama's Administrator of the EPA: “If we were to pass cap and trade, would this reduce CO₂ emissions worldwide?” She said: “No, logically, it would not.”

This isn't where the problem is. The problem is in China and in India. Those are the places where they would have to be regulated. But they don't regulate it to the degree we would here. We can carry that one step further. If we pass cap and trade, it would have the effect of increasing anthropogenic gases worldwide, because as our manufacturing base leaves the United States and seeks energy in those areas where there are less controls, that would have the effect of not reducing but increasing emissions.

What we would attempt to do is to take away that jurisdiction. Here is the reason we want to do that. It is bad enough—when I talked about \$300 billion to \$400 billion it would cost to do cap and trade through legislation, if we do it through regulation, it will be a lot more for this reason: Most of the bills that were introduced, starting back in 2003, ending up with the Waxman-Markey bill, which was a couple years ago, these were bills that would regulate emitters that emitted over 100,000 tons a year. However, if we do it through regulation, it has to be under the Clean Air Act, and the Clean Air Act specifically says not those that emit 100,000 tons a year but those who emit 250 tons or more. That would be every church, every school, and every hospital in America. We cannot even approximate that cost. That is what doing cap and trade by regulation would do.

Simply put, my third and last amendment would be to do here what they have already done in the House of Representatives, which is to take away the jurisdiction from the EPA. It directly relates to the price of gas at the pump. Take these three amendments, and if the Menendez bill should get through, with these amendments we can totally stop the increase of gas at the pump because that is what we will be faced with if we adopt the Obama-Menendez amendment.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Tennessee.

TRIBUTE TO FORMER SENATE MAJORITY LEADERS

Mr. ALEXANDER. Mr. President, last Wednesday, I had the privilege, as did many in this body, of attending a tribute to two former majority leaders

of the Senate, Howard Baker and Bob Dole. It was a great evening. President Clinton sent a video and the Vice President attended, as did the Secretary of Defense, the Secretary of Health and Human Services, and all former majority leaders of the Senate, except one. It was a long evening but a good one. Along with Senator Baker was his wife former Senator Nancy Kassebaum Baker, and along with Senator Dole was his wife former Senator Elizabeth Dole. It was sponsored by the Bipartisan Policy Center. It was a reminder that while in this body we have differences, in fact, this body was created to resolve differences. People sometimes say to me: You Senators argue. That is what we are supposed to do. When they kick over to us issues that cannot be resolved other places, with respect for each other's points of view, we try to resolve them, and we often do. Well, Bob Dole and Howard Baker were among the best at working across party lines and getting results, and it was for that skill as much as for any other skill that they were honored.

I was asked to introduce a short film about Senator Baker, and I did. Senator ROBERTS of Kansas was asked to introduce a short film about Senator Dole, and he did. I ask unanimous consent to have printed in the RECORD my remarks about Howard Baker as I introduced the film.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Good evening. My job tonight is to introduce a short film about Howard Baker, but I want to do that the way he would do it with a story. I was thinking that—I believe the very last time I appeared anywhere with both Senator Baker and Senator Dole was almost exactly 16 years ago. It was just before the Tennessee Republican primary. Bob had run me clean out of the presidential race. I was trying to do the only graceful thing, which was to support him.

And so Howard held a press conference at the Knoxville Airport, and I did what I thought was a good thing to do. I presented Bob Dole with one of my red and black plaid shirts and my endorsement, whereupon Howard Baker said loud enough for everybody in the news media to hear him: I hope that's Lamar's last red and black plaid shirt.

Howard Baker loves a good story. He especially loves a story about his maiden address. He spoke a little too long. His father-in-law, the late Senator Dirksen, walked over to congratulate him. And Howard said, well, Senator Dirksen, how did I do? And Senator Dirksen looked down and said, Howard, perhaps you should learn to occasionally be guilty of an unexpressed thought.

From that he learned eloquent listening.

My favorite story of his was when he suddenly found himself the majority leader after the Reagan sweep in 1980, and no one was more surprised than him except Bob Byrd, who suddenly found himself the minority leader.

So Howard went to see Bob Byrd, and he said, Senator Byrd, I'll never learn the rules of the Senate as well as you know them. So I'll make a deal with you. I won't surprise you if you won't surprise me.

Senator Byrd said, let me think about it. But he called him the next morning and said yes, and they worked beautifully together for four years, effectively, with the Senate.

Senator Baker, when he was the chief of staff to President Reagan, every single morning—so he tells me—would begin his day with the president sitting down, just the two of them, each of them telling the other one a little story. That got to be a lot of stories. But it always made me feel a lot better about our country to know we had a president and his chief of staff who were so secure in their own skin that they could sit down at the beginning of each day and tell each other a little story. That was one of Howard Baker's secret weapons.

His other secret weapon is that he remembers Roy Blunt's advice: People start getting into trouble when they stop sounding like where they grew up.

Howard Baker has never stopped sounding like where he grew up, because he never stopped living where he grew up, the little town of Huntsville, Tennessee.

Earlier this week a student asked me, what's the best way for me to get into politics?

And I said, I can tell you exactly how to do it. Pick out the person you admire the most, volunteer to go to work for them without any pay, carry their bag, drive them wherever they want to go, baby-sit their children, write their speeches for them, even if they don't give your speeches. I know that works, because that's what I did. I did it for the very best. And 45 years ago, I went to work in the United States Senate for Howard Baker, in the very same office that I occupy today.

So I agree with Senator Dan Quayle, who once said, there's Howard Baker, and then there are the rest of us senators.

Mr. ALEXANDER. Mr. President, Senator Baker, recalling the story of his maiden speech, asked that his remarks be put into the CONGRESSIONAL RECORD. The story was this, which I told that night:

Senator Baker was here in 1967 and made his maiden speech at a time when his father-in-law, Everett Dirksen, was the Republican leader. I was here then, as Senator Baker's young legislative assistant, right out of law school. Senator Dirksen walked over to Senator Baker and sat down next to him after what had been a fairly long speech—maybe 45 minutes. Senator Baker looked at his father-in-law and said: Senator Dirksen, how did I do? And Senator Dirksen said to his son-in-law Howard: Maybe occasionally you should enjoy the luxury of an unexpressed thought.

So Senator Baker, recalling that advice, I assume, asked that his remarks to be delivered that night at the end of a long ceremony be placed in the CONGRESSIONAL RECORD, and so I ask unanimous consent to have printed in the RECORD Senator Baker's remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIPARTISAN POLICY CENTER
A CENTURY OF SERVICE HONORING
HOWARD BAKER AND BOB DOLE
THE MELLON AUDITORIUM
WASHINGTON, D.C.

WEDNESDAY, MARCH 21, 2012

REMARKS BY HOWARD H. BAKER, JR.

When I first arrived in Washington as a newly-elected Senator in 1967, the Vietnam War was at its height, with no end in sight and with anti-war protests growing increasingly violent.

Race riots were burning down American cities.

A president of the United States had been assassinated just over three years earlier, and there were more assassinations to come.

It was a dangerous time in America, and many of us feared the center would not hold.

We came to Washington as the last of the World War II generation to seek public office. We had been, in President Kennedy's words, "tempered by war, disciplined by a hard and bitter peace," and we sought positions of leadership to help heal the Nation we had sworn to defend as very young men and women.

Bob Dole, a genuine hero of the Second World War, had already come to Washington six years earlier as a Congressman from Kansas, and he would join me in the Senate two years later.

George Bush the elder, another young hero of the war, was elected to the House the same day I was elected to the Senate.

The overwhelming majority of members of the House and Senate in those days had served their country in uniform, most of us in war.

We had a perspective on political conflict that today's leaders cannot have.

We knew what it was like to be a nation totally at war.

Most of us were old enough to have suffered through the gloom of the Great Depression that had gripped our economy for more than a decade.

And now our country was being torn apart by an unpopular war, by racism, by extremism, by violence.

We were no less committed to the success of our political parties and the supremacy of our policy objectives than the leaders of today.

Indeed, we understood profoundly that the vigorous contest of political ideologies and policy ideas lay at the very heart of a successful democracy.

We knew that it was through those contending interests, passionately but peacefully pursued, that the full range of the American people's demands and dissents could be properly addressed, and sound public policy could emerge from this constitutional crucible.

But we also knew that none of us had a monopoly on truth, or wisdom, or the best interests of our countrymen.

We had—and we kept throughout our Washington careers—a decent respect for differing points of view.

Without this respect, democracy cannot work. With such respect, with good will toward our adversaries even when political passion is most intense, democracy cannot fail.

The abundant harvest of this philosophy is plain to see.

In our time of testing, we replaced race riots with racial justice.

We won the Cold War.

We saved Social Security from bankruptcy and created a social safety net that rescued millions from poverty and desperation.

We created economic policies that led to the most sustained and widely shared prosperity in the history of the world.

In much worse times than these, President Lincoln told his deeply divided countrymen, "We are not enemies but friends. We must not be enemies."

This is the credo of the Bipartisan Policy Center, which does great honor to Bob Dole and me tonight.

This is the secret of America's success.

This is the foundation of America's democracy.

And this is my fondest wish for the country I love.

Thank you, and God bless us all.

Mr. ALEXANDER. Mr. President, I would like to make a few remarks on the subject we are debating here, which is energy.

Last week the majority leader said he was disappointed that we were not moving to the Ex-Im Bank and to postal reform and to cybersecurity, all of which he said are urgent national issues the citizens of the United States expect our Senate to deal with. The Republican leader said that, on our side, we are ready to deal with all three, and the Republican leader offered to join the majority leader in dealing with the Ex-Im Bank, with a few relevant amendments. That might be a pretty good way to begin our process of getting the Senate back to doing what the Senate is supposed to do, which is to bring up important pieces of legislation, allow Senators on both sides to offer their amendments, speak on them, and then vote on them. It is easier to do if the amendments are relevant to the legislation that is being offered.

So we were looking forward this week to dealing with a postal reform bill, which needs to be dealt with. We have a several-billion-dollar debt for the post office, which has been a part of our lives ever since our country was founded, and we have competing pieces of legislation on the issue, with very good Senators on both sides of the aisle ready to discuss it. Yet, suddenly the majority leader changed his mind, which he has a right to do, and instead, he brought up legislation repealing six tax provisions for five oil companies—provisions that, for the most part, are tax provisions that are similar to those available to most other companies in America.

Why would the majority leader do that? Well, in the Senate it is not considered to be good form to inquire into the motivation of other Senators, and I won't do that, but I will read a paragraph or two from *The National Journal* this week that speculated on what might have happened this past Monday evening. I quote:

The Senate holds a procedural vote this evening on legislation sponsored by Senator Menendez of New Jersey that would repeal tax incentives for the country's biggest oil companies. It won't pass, but it will create a platform for Democrats to try to reclaim the debate on gas prices. Indeed, a memo cir-

culated over the weekend by John Podesta, president of the liberal Center for American Progress, and Democratic pollster Geoff Garin, notes that the vote "offers a huge opportunity for progressives to frame energy policy through the gas price debate." Democrats will use familiar tactics of linking high gas prices to Big Oil, and Big Oil to Republicans, with the aim of attacking GOP presidential candidates and of putting three vulnerable Republican Senators up for reelection—Scott Brown of Massachusetts, Richard Lugar of Indiana and Dean Heller of Nevada—in tough spots.

That is the end of the speculation from the *National Journal*.

Now, maybe that was the reason the majority leader decided to bring this up, but clearly we are spending a whole week on a political exercise. If this is true—that it is being brought up to frame an issue to put Republican Senators who may be running for reelection in a difficult spot—well, then the Republicans must not think so because we all voted to bring it up. So instead of doing cybersecurity or postal reform, we are spending a whole week on something we all know is not going to pass and is a misuse of the time of the Senate. It would be much better if we were using the time on those other issues.

But as long as we are discussing lowering gasoline and fuel prices, I have a suggestion to make. Here is a plan to lower fuel prices: Double energy research. And here is a way to pay for it without adding to the Federal debt: Stop wasteful, long-term subsidies that are exclusively or mostly for both Big Oil and Big Wind.

Look at shale gas. The Senator from Oklahoma was talking about shale gas, which is being produced thanks to new technology found through energy research. This is a remarkable development in our country. But, as Daniel Yergin, the leading expert on energy, reports in his new book "The Quest," the innovation on this began over 20 years ago, some of it from the private sector, some from government funding. Basically we found a way to find natural gas and oil through a process called hydraulic fracking. It is possible all around the world. I was in Australia in January, and they are doing it and selling it to China. The remarkable difference for the United States is not just that we suddenly have a lot more natural gas but that it is cheap gasoline. Instead of being \$15 a unit, which it was when we passed the last Energy bill in 2005, it is \$2 a unit or \$3 a unit.

More than that, while Australians are selling their gas to China and paying the world price at home for their own natural gas, in the United States it appears likely we will be able to buy our gas at a U.S. price rather than a world price. What does that mean? That means that natural gas in Europe and in Asia is going to be worth four to five times what natural gas is here. So chemical companies that were think-

ing about moving overseas 5 years ago in order to be able to buy cheap natural gas for their feedstock, their raw materials, are staying here, expanding here, thinking about moving back. Older people who need to heat and cool their homes can use natural gas at a cheaper price. Manufacturing companies that are adding up the costs to make a decision on whether to put a plant in Mexico or some other place in the United States can put cheap energy in there with the natural gas. For the foreseeable future, it appears that natural gas in Europe and Asia is going to be four or five times what it is in the United States, giving us a tremendous advantage.

So energy research, both in the government and in the private sector, has given the United States the advantage that, if truth be told, has been our advantage ever since World War II. The principal reason we have produced 25 percent of all the money in the world is because of the innovation, technology, and research that have come since World War II, and it is hard to think of an important advance in biological or physical sciences without support from government research. So shale gas is one example of that.

So shale gas is one example of that. Here is another example: I drive an all-electric Nissan LEAF and pay about \$3 for the electricity to travel 100 miles—better than spending an equivalent \$20 on gasoline. Researchers at battery maker Envia have invented a way to double the density of lithium ion batteries, hastening the arrival of the \$20,000 electric cars that travel 300 miles per charge. That research is permitting us, in the case of shale gas, to find more American energy and in the case of electric batteries, to use less of it.

That is why I argue that the United States should launch a series of mini Manhattan Projects with the same focus and determination of the original World War II Manhattan Project, this time with the goal of finding more energy and finding ways to use less of it.

The United States has a resource no other country has—dozens of major research universities and 17 national laboratories that can advance research on cheaper solar, better batteries, recapturing carbon from coal plants, biofuels from crops we don't eat, better ways to dispose of nuclear fuel, offshore winds, green buildings, and even fusion. To pay for doubling the \$5 billion the United States now spends on energy research, Congress should end current tax breaks that are exclusively or mostly for both Big Oil and Big Wind and of every \$3 saved, use \$1 for more research and \$2 to reduce the Federal debt.

For all we hear about Big Oil—and we hear a lot about it—you may be surprised to learn that special tax breaks for Big Wind are even greater. During

the 5 years between 2009 and 2013, Federal taxpayer subsidies for wind power developers equaled \$14 billion, according to the Joint Committee on Taxation and the U.S. Department of Treasury.

Here, I am only counting the production tax credit and the cash grants that the 2009 stimulus law offered to wind developers in lieu of the tax credit. An analysis of that stimulus cash grant program, which this legislation offered here would extend, found that 64 percent of the 50 highest dollar grants awarded—or about \$2.7 billion in subsidies—went to projects that had begun construction before the stimulus measures started. Steve Ellis, vice president of Taxpayers for Common Sense, told Greenwire:

It's essentially funding economic activity that would have occurred. So it's just a pure subsidy.

It sounds like, in the President's budget, Big Oil receives multiple tax subsidies that are exclusively for Big Oil. Doing away with them, they say, would save about \$4.7 billion next year or about \$22 billion to \$24 billion over 5 years. So far, it sounds as though Big Oil with \$22 billion is bigger with its subsidies than Big Wind with only \$14 billion. But here is the catch: Many of these subsidies the President is attacking oil companies for receiving are regular tax provisions that are the same or similar to tax provisions that are available to hundreds, even thousands of companies in America. For example, Xerox, Microsoft, and Caterpillar all benefit from tax provisions such as the manufacturing tax credit, amortization or depreciation of used equipment that the President is counting as Big Oil subsidies. And of course wind energy companies also benefit from many of these same provisions, but the production tax credit that benefits mostly wind is in addition to the regular Tax Code provisions that benefit many companies. So the only way to make a fair comparison is to look at subsidies that mostly benefit only oil or mostly benefit only wind, and by that measure, Big Wind gets more tax breaks than Big Oil.

So the bill proposed by the Senator from New Jersey that is limited to just five big oil companies is limited to them even though many of the tax breaks they receive are the same or similar to tax breaks many other companies receive. This bill also extends many tax breaks, including the wind production tax credit and the 1603 grant program for renewable energy, which mostly benefits wind.

Two weeks ago, during the debate on the Transportation bill, the Senate wisely refused to extend the 20-year-old temporary production tax credit which mostly benefits wind. That was the correct decision. We should allow this tax provision to expire. Congress made a much more difficult decision last

year to allow the ethanol tax credit to expire, and we should hold our ground and do the same thing for the wind production tax credit.

There are three reasons Big Wind subsidies should go the way of the \$5 billion annual ethanol subsidy. First, we can't afford it. The Federal Government borrows 40 cents of every dollar we spend.

It can't justify such a subsidy, especially for what the U.S. Energy Secretary calls a mature technology. According to a 2008 Energy Information Agency report, Big Wind received in subsidies 25 times as much per megawatt hour as all other forms of electricity production combined.

Second, wind turbines produce a relatively puny amount of unreliable, expensive energy. Wind produces about 2.3 percent of all of our electricity. A better alternative is clean natural gas. An even better alternative is cleaner nuclear power. Nuclear power reactors power our Navy and produce 70 percent of our pollution-free electricity. Using windmills to power a country that uses one-fourth of the world's electricity would be the energy equivalent of going to war in sailboats.

The Tennessee Valley Authority has erected 18 massive wind turbines on 3,300-foot Buffalo Mountain outside Knoxville. Other than deface the landscape and waste ratepayer dollars, the turbines have done little. The wind there blows 19 percent of the time, usually at night when we don't need it, and its unused electricity production cannot be stored.

Finally, there is the question of whether, in the name of saving the environment, wind turbines are destroying the environment. These are not your grandma's windmills. They are taller than the Statue of Liberty. Their blades are as long as a football field, and their blinking lights can be seen for 20 miles. In Nashville, Vanderbilt and the Metro water system is about to erect a small wind turbine as tall as the Parthenon replica we have in Nashville. It would take 1.1 million of these eyesores to equal the production of TVA's new Watts Bar 2 nuclear reactor. Building that many turbines would cost 15 times the cost of the nuclear reactor, and you would still need the nuclear plant for when the wind doesn't blow.

When wind advocate T. Boone Pickens was asked whether he would put turbines on his Texas ranch, he answered, "No. They're ugly."

Birds must think of turbines as Cuisinarts in the sky. Eagle killing has become so commonplace that the U.S. Department of the Interior has set up a process to grant licenses for eagle takings, sort of a hunting license. A new documentary, "Windfall," chronicles the despair of upstate New York residents debating whether to build giant turbines in their town.

So I ask the question: If wind has all these drawbacks, is a mature technology, and receives subsidies greater than any other form of energy per unit of actual energy produced, why are we subsidizing it with billions of dollars and why are we not including it in this debate? Why are we talking about Big Oil subsidies and not Big Wind subsidies?

Our energy policies should be, first, to double the \$5 billion Federal energy research budget we now have and focus it on new forms of cheap, clean, reliable energy. I am talking about the 500-mile battery for electric cars; commercial uses of carbon captured from coal plants; solar power installed at less than \$1 per watt; or offshore wind turbines. That would be research.

Second, we should strictly limit a handful of jumpstart research and development projects to take new technologies from the R&D phase to the commercial phase. I am thinking here of projects such as ARPA-E, modeled after the defense department's DARPA agency that led to the Internet, to the stealth, and to other remarkable technologies; or the 5-year program for small modular nuclear reactors; or incentives for the first 200,000 electric vehicles purchased in America. These are a strictly limited number of jumpstart R&D projects.

Third, we should end wasteful, long-term, special tax breaks, such as those for Big Oil and those for Big Wind. I am talking about the tax breaks that are exclusively mostly for Big Oil and Big Wind and not similar to what other industries receive. These savings from those subsidies should be used to double clean energy research and to reduce our Federal debt.

But that is not what this bill does. This bill ends subsidies for five companies that many other companies receive, and it extends subsidies for a few companies that other industries don't get.

This debate isn't even about an energy plan, which is what we should be debating when gas is around \$4 a gallon right now.

Here is a very specific plan: Increase energy research—double it—to find more American oil and more American natural gas and more American alternative forms of energy, and increase energy research to find ways to use less of that energy. I have highlighted the best ways to use less, and I have highlighted a way to pay for it.

I thank the President and I yield the floor.

THE PRESIDING OFFICER (Mr. DURBIN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, a couple weeks ago, and just now my colleague, the Senator from Tennessee, has been speaking on the Senate floor in opposition to the wind energy production tax credit.

Obviously, I have great respect for Senator ALEXANDER. A person who has

been in the Cabinet, a person who has been Governor of their State, a person who has been president of a university, and probably a lot of other important positions, can't help but be respected as a very important Senator and a very knowledgeable Senator. While I differ with him greatly on this issue, I will continue to respect him.

The greatness of this body allows for debate and disagreeing points of view to be heard. I disagree strongly with my colleague. It might be natural for me to do that because I have championed the wind energy tax credit as a way to provide a level playing field for a very clean renewable resource.

As a result, wind energy has become more efficient and cost effective. The cost of wind energy has declined by 90 percent since the 1980s. Wind has accounted for 35 percent of all new American electric generation in the last 5 years. Wind already provides 20 percent of the electric generation in my State of Iowa. It supports as many as 5,000 good-paying jobs in our State.

As a result of the tax incentive, the wind energy has actually created new manufacturing jobs in the United States. Today, 60 percent of the wind turbines' value is now produced in the United States, compared with 25 percent 6 years ago. There are now 400 facilities building wind components in 43 States. That is why a bill in the House of Representatives to extend the wind energy production tax credit has 80 cosponsors, including 18 Republicans.

If we fail to extend the incentive, thousands of jobs will be lost in the wind manufacturing industry. Unemployment remains high at 8.3 percent. Why would Congress exacerbate the unemployment in our country by failing to extend this successful incentive?

The Senator from Tennessee has criticized wind turbines because he believes they are ugly and they kill birds. Well, I happen to find them majestic and awe-inspiring on the landscape.

With regard to bill-kill accusations, the Senator's claims were evaluated by Politifact, a fact-checking organization. They concluded that the estimates of birds killed by wind turbines vary widely and that there is no consensus. They do point out that the 400,000-bird estimate used by Senator ALEXANDER is the conclusion of just one person. It is not an official U.S. Fish and Wildlife estimate. In fact, the U.S. Fish and Wildlife cites figures that are, at most, half that, if not less by much.

By comparison, 976 million birds die annually from collisions with buildings. Collisions with high-tension lines kill between 130 million and 1 billion birds. Cars kill 80 million birds each year.

The Senator from Tennessee referred many times to the wind project built in his State by the Tennessee Valley Authority. They constructed a 29-mega-

watt wind farm at Buffalo Mountain at a cost of \$60 million. But it only generates 6 megawatts, because it generates electricity only 19 percent of the time. The Senator criticized it as being inefficient, wasteful, and ill-advised. The TVA apparently characterizes it as a failed experiment. He blames the Federal incentive for this failed wind project. The blame is totally misplaced. I think the blame should go to the taxpayer-subsidized TVA which put windmills where there was very little wind.

We do agree that the modification made to the renewable energy incentives in the stimulus bill of 2009, specifically the creation of the 1603 cash grant program, is in fact bad policy and should not be extended. However, the production tax credit, which I first authored in 1992, provides the incentive only for electricity that is actually produced. Under the production tax credit, there is no tax benefit simply for placing the turbine in the ground. Electricity must be produced in order to get the credit.

The Senator from Tennessee went on to say that the tax incentive has encouraged developers to build wind projects in places with insufficient wind resources. The TVA project is the only one I am aware of that was built with no prospects of generating electricity. For-profit utilities have to look out for the bottom line. They are not going to make an investment if it doesn't make economic sense. A non-profit such as TVA can fritter away money, which is what they apparently did in this wind energy project.

The Senator from Tennessee might spend a bit of time criticizing the leaders of the TVA over their poor decision to build this wind project in the first place. I am not aware of a policy forcing them to develop wind. There is no mandate that they build a wind farm there in the State of Tennessee.

Most intelligent businesses determine whether an investment makes common sense. The Tennessee Valley Authority obviously failed in that regard in relationship to this wind project. The Senator from Tennessee might use his time getting to the bottom of this leadership failure and squandered resources by the Tennessee Valley Authority.

I am also glad that he raised the issue of the Tennessee Valley Authority. Much of the criticism aimed at the wind production tax credit is that it is costly, was meant to be temporary, and that it provides a small benefit at great cost. Those same accusations could clearly be aimed at the Tennessee Valley Authority. Regardless of one's opinion of the TVA, there is no doubt—it is a big government program subsidized by all Americans that benefits just a few.

The TVA was created in 1933 to provide flood control, navigation services,

and electrical power in the Tennessee Valley region. For more than 60 years, Congress appropriated funds to cover losses by the Tennessee Valley Authority.

A 2009 article published by Jim Powell of the Cato Institute noted that a study estimated the annual cost of capital subsidies exceeded \$1.2 billion, including taxes that the Tennessee Valley Authority was able to avoid.

In 1997, the Heritage Foundation issued a report entitled "Five Good Reasons to Force the TVA into Mandatory Retirement." This report stated:

Throughout its history, the TVA has benefited from generous subsidies, tax breaks, and regulatory exemptions that allow it to keep its power rates lower than the national averages. Yet, despite its protected geographic monopoly, substantial indirect subsidies totalling roughly \$1.2 billion each year, sweeping, across-the-board regulatory exemptions, the TVA has managed to amass a debt of well over \$27 billion and a disturbing record of waste, mismanagement, and chronic cost overruns.

The private nonprofit group Citizens Against Government Waste has suggested selling the TVA's electric power assets and privatizing its nonpower functions. In their 2011 list of "Prime Cuts," they argued this move would save taxpayers \$16.2 billion over 5 years.

Even the Congressional Budget Office listed the TVA in its March 2011 report on spending and revenue options to reduce the national debt and the annual deficit. When the Federal Government is borrowing 40 cents of every dollar we spend, perhaps the time has come to review an entity that benefits 3 percent of the population at a cost of over \$1.2 billion annually. And I use that 40 cents the Federal Government is borrowing of every dollar we spend just as the Senator from Tennessee a few minutes ago used that very same figure as a rationale for eliminating certain expenditures. In this particular case, I apply it to the Congressional Budget Office recommendation of selling TVA.

Rather than blaming the tax incentives for an ill-conceived wind project, I think a review of the management and taxpayer subsidy of TVA would be more appropriate. On many occasions, the Senator from Tennessee has argued that the incentives should be repealed and the savings used to double the Federal energy research budget and to support development of new nuclear.

First, I support research efforts to develop clean energy, but I do not support imposing a tax hike on one energy industry so we can spend billions through our Federal bureaucracy. This idea is nothing more than a tax increase to pay for further Washington spending. It is this kind of activity that helped create the fiscal mess our country is in right now.

Second, I strongly support nuclear energy. In fact, I believe there are four critical elements to a comprehensive

energy policy. They are drilling for domestic oil and gas, promoting renewable and alternative energy, supporting conservation and, of course, fourth, nuclear energy.

Nuclear is an emission-free resource. It certainly should play a key role in providing our Nation and economy with renewable emission-free energy. However, this discussion of wind energy versus nuclear energy should be an intellectually honest debate. The fact is, nuclear energy in the United States would not exist today—would not even be here today—without significant government support over 60 years, and development of new nuclear energy in the United States is unlikely to happen without even greater government intervention and subsidies.

An analysis done by the Christian Science Monitor concluded that the nuclear power industry in the United States receives about \$9 billion annually in subsidies. They state that the subsidies stem from things such as Federal decommissioning, waste management policy, and research and development in the Nation's National Laboratories.

The Union of Concerned Scientists published a document in February of last year entitled "Nuclear Power: Still Not Viable without Subsidies." They contend that the 50-year-old nuclear industry has benefited from 30 subsidies. The Price-Anderson insurance liability policy was enacted in 1957 as a temporary measure for an infant industry. It was recently extended until the year 2025.

The Cato Institute published an article, June 2003, entitled "No Corporate Welfare for Nuclear Power."

That report states:

Despite extensive and continued government assistance—including more than \$66 billion in research and development alone—no nuclear powerplant has been ordered and built in the United States since 1973.

But it goes further.

The decline of nuclear power is the result of several factors: the Three Mile Island disaster heightened public safety fears and citizen opposition to the siting of plants in their neighborhood grew. But nuclear power was ultimately rejected by investors because it simply does not make economic sense. In truth, nuclear power has never made economic sense and exists purely as a creature of government.

A more recent piece by the Cato Institute cites an economist who believes existing nuclear power subsidies are equal to one-third or more of the value of the power produced, and that they face a negative 49-percent tax rate.

There are only two new nuclear plants on the drawing board in the United States today. Both are recipients of loan guaranties provided by the Department of Energy. One is an \$8.3 billion loan guaranty, and the other is \$2 billion. When the Loan Guaranty Program was first created by Congress, the Congressional Budget Office esti-

mated that "the risk of default on such loan guaranties to be very high—well above 50 percent." This is the same program that backed Solyndra.

Congress originally set aside \$18.5 billion for loan guaranties for nuclear. President Obama has requested tripling that amount to \$54.5 billion. It is estimated that this \$54 billion would help construct 12 new nuclear plants. That is about \$4.5 billion each.

Congress created a production tax credit for new nuclear in the year 2005. Now the nuclear industry is advocating a 30-percent investment tax credit for these new nuclear constructions.

They are also advocating that the production tax credit be extended to the year 2025—that is right; they are seeking to extend for another 13 years a temporary tax incentive.

Taxpayers for Common Sense, in an article published just last week, concluded:

The U.S. cannot afford to shoulder the high price tag and long term fiscal risk. If the industry cannot figure out a way to manage its long term risks, the taxpayer should not step in. This is especially true when the nation is staring into a \$15 trillion chasm of debt. After more than 50 years of subsidies and support, it's well past time for the nuclear industry to stand on its own two feet.

I do not raise these points to undermine our nuclear industry. I am not urging my colleagues to end the entire big nuclear gravy train at this time. I support that form of energy as one component of a comprehensive energy program. I support a real, "all-of-the-above" approach to energy security. But a fair comparison of Federal support for wind and nuclear needs to be made. That is the point of my remarks at this time.

I say to the Senator from Tennessee, as he just spoke and as he spoke a couple of weeks ago, it is intellectually dishonest to criticize wind incentives while at the same time ignoring those subsidies for nuclear energy. The Senator from Tennessee referred to a Wall Street Journal editorial that criticized the wind energy incentive. It called into question whether wind energy could survive a market-based system.

I will eagerly await an editorial in the Wall Street Journal—which, by the way, will never appear—calling for the gravy train for big nuclear to end after nearly 60 years of Federal subsidies with no market-based timetable on the horizon.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to executive session at 4:30 p.m. today and that all other provisions of the previous consent remain in effect, and that the previous order regarding the division of time on the motion to proceed to S. 2230 be modified to reflect this consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. For the information of Senators, the two votes originally scheduled to begin at 6 p.m. will now begin at 5:30 p.m.

Mr. DURBIN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, right outside this Chamber, across the street, is a huge gathering. It is the third day in succession that people from all across America have gathered before the Supreme Court. They have different points of view. They express those points of view in various ways—with signs, chants, music, a variety of others—costumes that are worn to express their points of view.

Let me first salute the fact that it is part of America. It is protected, and no one is going to be arrested for expressing themselves, whether they are for or against health care reform. We take it for granted, and we should not because in some countries around the world it is an exception rather than a rule. In America, it is who we are. We should celebrate even when we disagree.

But let me say a word about what is going on inside the building across the street. They are considering the health care reform bill that was passed by the Congress and signed by President Obama. Some have tried to characterize it as ObamaCare. For the longest time that was the biggest applause line at Republican Presidential rallies, after candidate after candidate stood up and said: I will repeal ObamaCare.

Let me speak to the issue which I think is guiding the discussion across the street and give perhaps a perspective on it that is not often stated on this floor. Earlier this morning several of my colleagues on the Republican side who voted against health care reform came to the Senate floor to express their opposition to the notion of a mandate. Here is what the mandate is about.

Currently, in America, there are millions of people who have no health insurance. Some of them by choice—young people think they are invincible; they will not buy it. Some people cannot afford it. But the fact is, even these uninsured people get sick.

When they get sick or are the victims of trauma—automobile accidents, diagnosed with a disease—they don't stay at home and wait for death, they go to

a hospital. When they arrive at that hospital they are treated—emergency rooms, regular treatment—and then the bills are sent their way. Without health insurance many of them cannot pay the bills.

A little over a year and a half ago I went in for one night, overnight surgery in Chicago—the first time I was ever in a hospital since I was born. Everything worked perfectly. The ending was great. I couldn't ask for a better result. The total bill, start to finish, was \$100,000.

Lucky for me, I am a Senator. I have the Federal Employees Health Benefits Program. It paid for almost everything. What if I had no insurance? They would have sent me the bill. Perhaps I could have come up with the money to pay for it, but some people cannot. What happens then?

The hospitals and doctors then take these bills and say: Well, so-and-so didn't pay their bill. We are going to charge someone else who is paying more. Mr. President, 63 percent of the medical care given to uninsured people in America is not paid for, 63 percent. It is shifted, that financial responsibility is shifted to those who do pay, those who are under government insurance programs and private insurance programs. What it means is for those of us in private insurance programs, we pay \$1,000 more a year—\$80-plus a month—to pay off the bills of those who are uninsured. That is the subsidy which insured people pay to cover the unpaid medical expenses of the uninsured. That is the starting point.

Until we reach the point where everyone is under the tent of insurance, this will continue. Uninsured people will get sick, and those who buy insurance will pay for them. That is cost shifting. It happens every single day in America.

The health care reform bill said we have to have health insurance. It is a mandate. But we know some people cannot afford it. If someone is poor, in the lower income category, we will enroll them in Medicaid so they will have at least Medicaid insurance to pay their medical bills.

At Memorial Medical Center in my hometown of Springfield, IL, Ed Curtis, who runs that hospital, said to me: Senator, if you just did that alone, if we could just get Medicaid payment for everyone who walked through the door, we would be fine. What hurts us are those who pay nothing because they can't. That is a problem. The bill we passed went on to say that if you are working, you will never have to pay more than 8 percent of your income for health insurance premiums. People would rather pay nothing, but 8 percent is a lot more manageable than people who are facing 10, 20, 30 percent of their pay going to health insurance premiums. So we basically have created a requirement to have health in-

surance but with a helping hand to reach that goal.

So what about the people who already have health insurance? They are untouched by this mandate. They just continue on and let life continue. You have made your choice; you have health insurance; it doesn't affect you.

What I find interesting are so many Senators—primarily from the other side of the aisle—who come to this floor condemning government-administered health insurance. "Get the government out of health insurance." You hear that speech over and over. What they don't tell you is their own health insurance policies are administered by the Federal Government.

Mr. President, as Members of the Senate, you and I are eligible—so too are Members of the House—to be part of the Federal Employees Health Benefits Program. This was created decades ago to provide health insurance for people working for the Federal Government. Eight million people—employees and their families—are covered by this plan. What you have learned as a new Senator is that they come to us once a year and say: DURBIN, you and your wife are eligible for the Federal Employees Health Benefits Program, and here are the private insurance plans you can choose from that are enrolled in our program.

We have nine choices in Illinois, so Loretta and I looked through and picked the plan we liked. We pay part of my income as premium, and the government pays the remainder. It is a government-administered plan, and each year we have an open enrollment to change if we wish. This has been wildly successful and popular. Private insurance companies fight to enroll in it so they can cover Federal employees, and we have good, reliable, affordable insurance, insurance that we can change if we don't like it.

A few years back, one of my employees needed a specific foot surgery. It turned out her health insurance didn't cover it, but she knew the open enrollment period was coming. She waited and enrolled in a plan that covered it. What a luxury. People across America would applaud if they thought they could get that treatment, government-administered health care for Members of Congress.

I have waited patiently now throughout this entire debate for the first Republican Senator who condemns government-administered health care to come to the well of the Senate and announce they are dropping their own health insurance as a matter of principle. No way.

I think people across America are entitled to health insurance that is at least as good as the health insurance Members of Congress have today. I don't think that is a radical idea, and, in fact, the health care reform bill we passed said that Members of Congress

will be part of the same insurance exchanges we are creating all across America. That is only fair. I am hoping it offers the same plans as the Federal Employees Health Benefits Program, but I am sure it will offer me a choice, and with that choice I am sure my family will get good coverage.

When I hear the debates across the street suggesting that the notion of requiring people to buy health insurance is somehow un-American or unconstitutional, I struggle with that concept. We know what we are trying to do—reduce the overall cost of health care for America. We also know that the requirement of having health insurance is not that much different from the requirement of paying into Social Security if you go to work in America. If you want another parallel, in my State you have to have insurance to drive an automobile. They don't want you getting involved in an accident without insurance. For one thing, it is not fair to the other driver, let alone the person who might be injured in the car. These are mandates under the law relative to insurance—one for retirement, the other for liability—that are built into the law, and we don't have people marching in the streets over them.

We have to come to a point in this country where we reach a balance, and the balance suggests personal responsibility. It means that the millions of Americans who should have and could have health insurance with the help of a tax break, perhaps with the help of Medicaid, should have that insurance so that the burden of their medical bills does not fall on every other family and every other insured person. Those who are screaming for freedom ought to stop and think a second. Those who are accepting the personal responsibility of having health insurance are exercising their right to protect their family, and they should have the peace of mind of knowing that their neighbor who didn't accept his personal responsibility will not pass his medical bills on to them. I think that is the basis of what we are debating across the street.

I would like to raise a point, if I can, about a bill that was pending this week. It was offered by Senator MENENDEZ of New Jersey to end Federal subsidies to oil companies.

Last Sunday in Chicago, I went by a BP gas station on the Congress Expressway, and I saw it for the first time—more than \$5 a gallon for gas, \$5.03 a gallon for ultimate gasoline at the BP station. For reasons I cannot explain, Illinois has the highest gasoline prices in America. We have refineries all over our State. I don't get it. But I know it is a recurring problem and a recurring theme. Every spring we go through it. The runup to Easter is the time for every politician in America to dust off the press release expressing outrage at our oil companies.

They do it to us every year. They come up with convenient excuses: You

know, it is all about uncertainty in the Middle East. How long have they been playing that card. No, it is about the change of seasons. You see, when we go from winter to spring, we just are not ready for it. Really? You weren't ready for the change of seasons? There was a refinery accident in some town in the Midwest 400 miles away, and it has really disrupted everything. Well, I don't buy it, and I haven't over the years.

What they are doing is what they can do: they run up the price of this commodity because we have no choice. Until we have a choice in the vehicles we drive or in the sources of energy we use, we are kind of stuck with oil companies. But we are not stuck with paying a \$4 billion annual subsidy to these oil companies. That is what the tax break we give to oil companies comes to. Senator MENENDEZ of New Jersey has said: Stop it. Take the \$4 billion and invest it in renewable, sustainable energy research, and take the rest and reduce the deficit. The five biggest oil companies had profits of over \$137 billion last year. They won't miss \$4 billion. And we should be ashamed that we continue to shove subsidies at them when they are so profitable.

What is happening when it comes to oil exploration? It is a legitimate question. We are now at an 8-year high in terms of the oil production in America. Starting under President Bush and continuing under President Obama, we have more oil and gas rigs in place working today in the United States than in the rest of the world combined. So those who say that if we just drilled a little more, gasoline prices would come down, you have to look at that. We are increasing the supply, and yet the prices go up.

Secondly, we also understand that when it comes to these gasoline prices, even when the supply goes up, the prices are going up. It defies the law of physics. Demand is down because of the recession, supply is up, and prices are going up. That violates principles of economics 101 that I studied in college.

What Senator MENENDEZ is suggesting is a move in the right direction, not just because we cannot justify the subsidies to oil companies anymore but because we should be investing in new ideas that will move us forward in the right direction.

This morning we had a meeting that I think the Presiding Officer attended, and the CEO of Chrysler Corporation was there. He is an interesting and curious man, Sergio Marchionne. I don't think he owns a suit and tie. He never wears one. He is the CEO of a major corporation, and he wears kind of a black-knit sweater. I see him all the time. But you have to give him credit; he took Chrysler Corporation when it was on the ropes struggling and near extinction and turned it around completely. They are looking forward to

more than doubling the automobiles they are going to sell. Those who thought that the automobile bailout, as they called it, was a bad idea should listen to this man.

I can tell him the story of Belvidere, IL, northern Illinois, Boone county. We have a Chrysler production facility that Marchionne said to me is one of our best. They have gone on to a second shift, and he said that by the end of the year, they will go to a third shift in producing cars for America. He gets it. And when you talk to him about fuel efficiency and fuel economy in cars, they are moving in that direction. They are committed to it.

The President brokered an agreement with the major auto companies that they would make more fuel-efficient vehicles. That is good news for consumers. We need to be subsidizing research into better, more efficient forms of energy instead of subsidizing oil companies with recordbreaking profits.

Mr. BROWN of Ohio. Would the Senator yield for a moment?

Mr. DURBIN. Yes.

Mr. BROWN of Ohio. I thank the assistant majority leader. I heard his comments about Chrysler and what happened with the CEO when he was in town today talking to some of our colleagues. And one of the untold stories of the auto rescue is not just that in my State 800,000 people work directly or indirectly for the auto industry. Most of those are part of the supply chain that makes products and sells those products—a large number of them—that are assembled in Lordstown or Toledo or different places around Ohio. But one of the untold stories is that not only were these jobs and these companies saved from going bankrupt—and who knows what would have happened to a State such as mine where much of the State is pretty dependent on the auto industry—but in the case of the Toledo Jeep plant, prior to the auto rescue only 50 percent of the components that went into the Jeep Wrangler were made in the United States. After the President and Vice President negotiated with the auto industry and the auto task force and the House and Senate weighed in, now 75 percent of the components that go into the Jeep Wrangler are made in the United States. So we are not just seeing the 5,000 jobs in Lordstown making the Chevy Cruze or the jobs at the Honda assembly plants in Marysville, OH, or Toledo, or Ford, we are also seeing that a lot more of the components are made in the United States. And these are often union jobs, often not union jobs, but they are almost all good-paying jobs that give people a ticket to the middle-class. It helps them to buy a house, send their son or daughter to school, or buy a car. Without it, my State would probably be in a depression.

Mr. DURBIN. I say to the Senator from Ohio, that is a good point and one

we ought to make over and over because there is no question that the downturn in the recession forced the management of these auto companies and the workers to step back and take a look at the challenges they faced.

Mr. Marchionne, the CEO of Chrysler, said this morning: We are where we are today because our UAW workers—union workers—sat down at the table and said, we have to agree on a future together or we are sunk. They agreed on that future, and he said: Now my workforce is excited and productive.

The Senator just made the point—more businesses are coming back from overseas. It is a great success story.

Mr. BROWN of Ohio. I have been to the plant where they make the engine for the Chevy Cruze, I have been to the plant where they make the bumper for some of these cars, and I have been to the assembly plants, and the workers are excited. And the workers sacrificed a lot, as the auto industry—all kinds of people took a hit with the managed bankruptcy of those two companies. But we have seen not just the auto industry, but for 12 years, from 1997 to 2009, in my State and I assume in Illinois too and all over the country we lost manufacturing jobs. Almost every month for the last 2 years we have gained manufacturing jobs.

The auto rescue is not the only reason we have seen things turn around. We also have a productive workforce and we are training workers better. I have 55 college presidents I just met with whom I bring to Washington for a conference—it is the fifth year in a row. Senator PORTMAN, Congresswoman SUTTON, and others have met with them. They are more focused than ever on manufacturing, working to train those people so they can go into manufacturing. The students they are educating are in a whole lot of fields, but one of them is focusing on how to train people to do this high-end, much more technical, complicated manufacturing than a generation ago, and it is starting to work.

Mr. DURBIN. It is not lost on the American people. There was a different point of view when President Obama said: I never wanted to own an automobile company; that is not why I ran for President. But he realized we faced an economic crisis. If he had not stepped in for Chrysler and General Motors at the moment he did, they might not exist today.

Mr. BROWN of Ohio. Mr. President, if my colleague would yield one more time, it wouldn't have just been Chrysler and General Motors that would have faltered. Honda—a foreign-owned company that has made a huge and positive presence in the Columbus area, in northwest Columbus and in Marysville—and Ford, obviously one of the Big Three but one that didn't ask for the rescue—both those companies wanted us to do the rescue because

they knew if we didn't, their whole supply chain would begin to fall apart too. So this mattered not just for Chrysler and GM, saving them, and now that they are putting tens of thousands of people all over the country back to work, it mattered for the entire industry, including the foreign companies that have invested and hired a lot of American workers.

I thank the Senator from Illinois.

Mr. DURBIN. Mr. President, I would just add—and this is not lost on most Americans—there are some political figures who said publicly they should have just gone bankrupt and gone out of business. I think the President made the right decision. Today, Mr. Marchionne made it clear Chrysler has paid back everything. They have paid it all back. So now, he said, if we need to borrow money, we are not going to come knock on the door of Secretary Geithner of the Treasury Department; we can go to banks. We are a thriving corporation. We are doing well. He said: I have nothing but good news for you, which is great to hear in a recovering economy.

It was a bet made by the President on behalf of hundreds of thousands of workers and companies and it paid off. What it says is that if we stand behind the basic pillars of the American economy—and manufacturing is one of those; maybe the largest pillar that holds up this great economy—we can prosper and succeed. Jobs being brought back from Mexico and overseas into the United States, I am glad I have lived to see it because I can remember when they were headed in the other direction.

Companies that were almost given up on by some politicians turned out, such as GM and Chrysler, to be prosperous today, building new cars and thinking about the new demands of our economy and our future, tells me we can put this together.

So when we hear those who say what we need to continue to do is to shovel subsidies at oil companies that earn \$137 billion a year in profits, let's take that money—we do have a deficit—take that money, invest it in something that will create jobs and take the balance and reduce the deficit. I don't think that is a bad outcome. There are lots of good things we can invest in. The Department of Energy is talking about battery technology. That is still going to be our challenge for the future—finding ways to create power and save power for when it is needed. I think we need to incentivize that kind of research in the future as well.

At this point, I will yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, right now there is an issue on the mind of every Hoosier and most Americans, if not every American, and that issue is the high price of gas. Over the past few months, gas prices have risen higher and higher each week. Currently, across the Nation, the average price is \$3.90. In Indiana, it is even higher. It is close to \$4, and in many parts of our State it is well over \$4 per gallon.

These prices obviously have a significant economic impact on our country. It causes budgets to get tighter, planned vacations to either be canceled or shortened; families, farmers, and businesses across the State of Indiana are having to rethink their budgets for the year and make tough financial decisions. This is all at a time when unemployment continues to remain high. Americans are struggling to make ends meet. Rising gas and energy costs only further weaken an already struggling economy.

It is true supply and demand of gasoline and oil prices are subject to global considerations. There are concerns that the supply is not meeting the demand. That triggers some clear increase in prices of crude oil. There is also the concern that conflict in the Middle East could potentially shut down lanes of commerce that bring oil out of the Middle East to the rest of the world. So we need to acknowledge there are these spikes.

However, this is a trend that has been going up and up and up. We have seen gas prices more than double in the last 3 years and, clearly, now \$3.50, \$3.75 is not something that looks like a spike; it is starting to look like the normal average and that certainly has real serious economic implications for this country.

There is some good news. The good news is, Americans are increasingly understanding and learning we can be a major player in producing energy. We are discovering abundant amounts of energy in this country we didn't think we had. A lot of that is right in our backyard. That is the good news. The bad news is, we have had an administration that for 3 years has been promoting policies that work against the goal of achieving more energy independence. That is the problem with the bill we are currently discussing because that bill raises gasoline prices by raising taxes on oil production. Why in the world would we want to raise prices on gasoline at a time when America's economy is struggling to come out of recession? At a time when gasoline prices are rising through the supply-and-demand issues we have had, why in the world would we want to do anything that would further increase the cost of gas at the pump?

The current Tax Code provides a number of targeted tax incentives for the energy sector. It is important to note the vast majority of those subsidies go to the so-called new wave of energy production, the renewables, and only a small minority of those subsidies and credits go to producing the oil and gas that drives this economy. So eliminating only those benefits that go to the production of needed oil and gas that benefits our economy while at the same time extending the subsidies and credits and support for renewables is not the direction we need to go. This is not about producing more energy; it is about targeting just one sector of our energy industry, which is oil—a fossil fuel energy source that is absolutely essential to our economy. If we want to eliminate oil and gas subsidies, we ought to put all subsidies for energy on the table.

Senator WYDEN and I have coauthored a comprehensive tax reform bill, and in that bill we look at the idea proposed and suggested not only by the Bowles-Simpson Commission but by others who have looked at this and who have said we need to get on a level playing field. We are willing to make adjustments even in our own bill, if it is necessary, so we can lower tax rates on American companies and on the American people by getting to a more level playing field.

We have all heard the President say we are doing all of the above or we need to do all of the above in terms of an energy approach, and unblock American resources and put us back in the driver's seat of energy production. The reality is, the administration's policies over the last 3 years have been directed at only subsidizing a certain portion of the "all of the above."

Let me give a couple examples. President Obama has reduced the number of new offshore leases in half over the next 5 years. In terms of current exploration and production, 97 percent of offshore areas are out of bounds, cannot drill, cannot explore.

Most recently, the President rejected the Keystone XL Pipeline, a privately—privately, not publicly—funded project that would create 20,000 jobs and deliver more than 800,000 barrels of oil per day from Canada.

Then, just last week, the President says we are going to improve the pipeline from Cushing, Oklahoma down to Port Arthur, Texas but rejected doing anything to bring the pipeline from the source of the oil down to the point in Oklahoma where it would continue on. That is essentially akin to saying: We have goods we need to move. They are essential. They are essential to the running of this country and the economy and we need to ship those from Chicago to New Orleans, but we are only going to build the road from Little Rock to New Orleans, and we will not have any other way of transporting

it to get it to that particular point. So it makes no sense whatsoever.

We cannot have it both ways. We cannot tell the American people we support an “all of the above” energy plan and then undercut attempts to produce domestic energy sources. We cannot say we want to reduce America’s dependence on foreign oil and then block major parts of the Keystone Pipeline or tell political leaders in Brazil we want the United States to be one of their best customers. We cannot tell Americans we are focused on job creation and then impose one unrealistic regulation after another that increase energy costs, jeopardize jobs, and shut down plants across the country. But that is exactly what this administration is doing.

The Obama energy plan is to pay lip service to American energy production at the same time while enacting policies that limit our ability to tap into domestic resources.

Our country faces an energy crisis. We have high unemployment. We have troops putting themselves on the front-line to protect oil in the Middle East. But we can change that. We can unlock American energy resources. We can put Americans back to work in doing so. We can protect our troops and reduce our dependence on Middle East oil. We have the ability, we have the innovation, and we have now, we know, the resources to lead the world in energy production. It is time for the President to support American energy production. That is the real “all of the above” energy plan.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I wish to discuss what everybody else is discussing these days—I say discussing or maybe even cussing—and that is gas prices and, more to the point, some unfortunate finger-pointing that I think is going on in regards to our energy policies and why we see the increase we are seeing at the gas pump and the role of speculation in regards to the futures market and the energy environment we are now living in that is so challenging.

I have the privilege of being the ranking member of the Agriculture Committee, which has jurisdiction over the Commodity Futures Trading Commission, and I feel it is very important

to address some of the claims being made by a number of my friends—some across the aisle—this week with regard to speculation in the commodities market.

From the rural farmer to the urban commuter, Americans everywhere are, obviously, deeply impacted by high gas prices. That is the biggest and most often negative sign we see when we drive anywhere: Whoops, we see all of a sudden that the gas price has shot up 10 cents. Unfortunately, I do not think posturing or finger-pointing does anything to minimize the pain felt at the pumps.

Similar to the annual planting and harvesting seasons in Kansas, a yearly occurrence happens in Washington, DC, for certain Members of Congress to blame the commodity markets every time a particular commodity reaches an uncomfortable price level. If we see a big price jump, we, obviously, want to blame the commodity markets. It is easy to do. We saw it in the 1970s when we had gas lines during the Carter administration, the 1980s, the 1990s. It is the same old talking points. We could have the speech in the file. Just pull out the file, cross out the date, and start making these points.

But let me talk about some economic facts, if I might. The populist rhetoric fails to acknowledge that everyone’s money is the same color in the futures market. For every buyer, there is a seller and for every seller there is a buyer.

The historical problem for futures markets and the hedgers who use them is, oftentimes, particularly in the deferred month contracts, there is not the liquidity or an adequate number of market participants to take the other side of a trade to allow the hedgers to manage their deferred price risk.

Market participants who actually provide this liquidity provide a valuable tool that allows producers and consumers of products to lock in their inventories well in advance, which can lead to lower costs to producers and certainly better prices for consumers.

If long speculation and the liquidity it provides is artificially driven from the market, the potential short-term advantage of lower prices could lead to shortages in production, higher demand, and even higher prices for both energy and agricultural commodities.

My point in this dissertation on futures markets 101 is to emphasize that speculation is not manipulation. Speculation is trading to make a profit from anticipated price changes—either higher or lower. Manipulation, on the other hand, is intentionally acting to cause artificial price changes.

As explained by the Commodity Futures Trading Commission, the independent regulatory arbiter of excessive speculation, speculation is excessive when it causes any sudden or unreasonable fluctuations or unwarranted changes in the price of a commodity.

In fact, the CFTC currently has the authority to regulate against price manipulation. So if we want to go to the people who are in charge to make sure there is not any manipulation, we already have the regulatory body and they are doing exactly that and it has had this authority since its creation by Congress in 1974.

Furthermore, we have experts at the clearinghouses, at the National Futures Association, and at the CFTC whose job it is to watch these markets minute by minute, hour by hour, day by day, to assure everybody that the discovery of prices between buyers and sellers is occurring openly and transparently.

Yet when prices just so happen to move above what somebody in this body might think is reasonable or an uncomfortable level, we have a tendency to blame the participants in the market rather than the multitude of factors and economic variables these market participants react to each minute the market is trading.

Let’s examine some of these real factors that are affecting our energy prices.

First off, there is tremendous increased demand outside the United States; particularly, in Asia, China. It has caused the price of oil to rise rather dramatically. Even with the increased production in Canada, the United States, and Brazil, declines in the North Sea, Mexico, Sudan, and Libya have impacted the global supply.

Second, our U.S. refining capacity has decreased as a result of stricter environmental regulations, where they get their crude from. Both have lowered the supply of gasoline enough to prop up prices. We see reports in the press every day about one refinery making it big and other refineries are having a lot of difficulty.

Third, restricted domestic energy development on Federal lands has disrupted our futures projections.

Fourth, fear over Iran’s nuclear weapons ambitions is leading to increased demand for gasoline, as people try to stock up in anticipation of any supply disruption that would be based on the possibility of a conflict in the Middle East.

Lastly, I would simply point out that blaming speculators ignores the inflationary aspects of the monetary policies of several central banks around the globe. It does not take a speculator to know that when the U.S. Treasury prints more money, it drives down the value of the dollar and drives up the price of raw materials and commodities, such as oil, priced in dollars. Yet despite these facts, we have too many who keep seeking a solution for a problem that simply isn’t there.

What have the regulatory bodies found in their investigations as we look for somebody to blame? There

have already been studies and investigations into whether excessive speculation is manipulation and they are manipulating prices. Let's take a look at what they found.

Last year, a Federal Trade Commission report on manipulation of gas prices determined that none of the complaints investigated violated any FTC rules.

A similar study by the CFTC stated that its preliminary analysis "does not support the proposition that speculative activity has systematically driven changes in oil prices."

Last but not least, the administration's own Financial Fraud Enforcement Task Force set out to investigate illegal speculation in the energy markets. To date, it has found none.

The effects of high gas prices on our economic growth and on each individual business and family are certainly well understood. We should be finding effective solutions to fix a failed Federal energy policy rather than trying to place the blame where it does not exist.

These solutions do not stop at increased domestic oil and gas production. They include implementation of workable environmental regulations. Unfortunately, the multitude of regulations under this administration is anything but workable.

They are like a Katrina flooding virtually every part of the economic sector. That is all I hear about when I go home to Kansas. There are a lot of things that are on people's minds, but regulation is No. 1, and I don't care what sector of the economy we are talking about. There is a very real fear in my State that the new clean air regulations we are hearing about targeting coal-fired powerplants could disrupt our power grid. In a State that relies on coal for 75 percent of our power, this is simply unacceptable.

Yes, let's continue moving toward cleaner forms of energy—certainly we want to do that—but in a way that will not compromise the ability for Kansans or any citizen of any State to access affordable energy. This includes impending Federal regulations on hydraulic fracturing, which will continue to play a huge role in my State's energy economy.

In closing, on a larger topic of domestic energy companies, I think it is unfortunate for elected officials to come to the floor—or for that matter make a speech anywhere—and single out specific industries or private U.S. citizens, for that matter, that employ millions of Americans and blame them for our energy woes. I think we are better than that.

Let's remember that attacking their profits is an easy target. It is not going to hurt the few top-level executives at these companies, but it will hurt middle-income Americans and retirees who make up over 90 percent of the owner-

ship of so-called Big Oil or so-called big anything, and rely on their IRAs, pension funds, and mutual funds for their very livelihood. These are not privately held companies, so let's remember who actually owns the companies. It is our constituents, that is who it is.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the time under the control of the majority be divided as follows: Mr. SCHUMER for 10 minutes, Mr. CARDIN for 10 minutes, Mr. SANDERS for 10 minutes, Mr. LEVIN for 10 minutes, Mr. REED of Rhode Island for 10 minutes, and Mr. MERKLEY for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mr. SCHUMER. Mr. President, I rise today in support of the legislation authored by my good friend from New Jersey, Senator MENENDEZ. But before I do, I want to call attention to the highway bill and its holdup by our colleagues in the House.

Once again, we are facing the specter of an unnecessary shutdown caused by intransigence in the House Republican caucus, and time is ticking away. Should we reach the March 31 deadline without passing a bill, States' contract authority for construction projects will cease, and 2.9 million jobs will be put at grave risk.

It doesn't have to be this way. Speaker BOEHNER has once again been painted into a corner by the extreme wing of his caucus, which is committed to blocking a responsible highway bill at every turn. It has become clear Speaker BOEHNER has run out of options. He has tried to pass a highly partisan House-drafted highway bill, and that failed. He has tried to pass a 90-day extension on Monday, and that failed. He then tried to pass a 60-day extension on Tuesday, and that failed as well. Now we have learned the House will not vote on any type of extension today either.

Time is running out. Speaker BOEHNER simply cannot pass a transportation bill of any length without Democratic votes, and it is time he accepts that.

Fortunately, Mr. President, there is an easy way out that already has a stamp of approval from some of the most conservative Republicans in Congress. The House could pass the Senate bill. If Speaker BOEHNER put the Senate bill on the floor, there is virtually no question it would pass by a large majority.

You know, this is beginning to look a bit like a replay of the payroll tax cut episode. Just like then, the Senate passed a bipartisan bill by an overwhelming majority. Just like then, the Speaker originally said he would act based on the Senate compromise, but then went back on what he said. Just like then, with the deadline looming, the Speaker is unable to pass an alternative measure and is resorting to asking the Senate for a conference.

We all know how the payroll tax cut saga ended. Republicans started turning on the Speaker and asking him to pass the Senate bill. Now that is happening here too. Earlier this week, three House Republicans from mainstream Republican districts—Congress Members DOLD, BIGGERT, and BASS—joined the growing calls for Speaker BOEHNER to put the Senate's 2-year highway bill on the floor. These are major cracks in the dam, and we believe it is the start of a trend.

Earlier today my friend from New York, PETE KING, also said he would support the Senate bill if the Speaker put it to a vote. Now, that doesn't come as a surprise, as Congressman KING is a strong fighter of New York's transportation needs, including mass transit, which are protected in the Senate bill.

The Senate bill is about two dozen publicly declared Republicans away from having the votes to pass. We believe we have those two dozen Republicans in the House and more. They may not be publicly declared, but they are there. The Senate's 2-year bill can be a lifeboat for Speaker BOEHNER. He should take it before it is too late.

As we speak about the highway bill over in the House, in the Senate Democrats are hard at work taking on Senator MENENDEZ's fine legislation. He was prescient to focus on this idea years ago, and I am glad this bill has come to the floor. I look forward to a debate on the issue.

In the last election, voters gave those of us who have the privilege of serving in this Chamber two distinct mandates. They told us to do two things at once: First, and perhaps foremost, make the economy grow. Create good-paying jobs. Make sure the American dream burns brightly—the dream that says to the average middle-class family: The odds are pretty good if you work hard you will be doing better 10 years from now than you are doing today, and the odds are very good your kids will do better than you.

For that dream, which has burned so brightly in this country for hundreds of years, the candle began to flicker a little in this decade. Median income actually went down even before the recession, which meant even if people had a job—and we know there are millions out of work despite the fact they look hard for jobs—their income was declining. Buying power was declining for the

average person. That is difficult. Even people who do have work have a difficult time when they sit down at that dinner table Friday night after dinner trying to figure out how they are going to pay the bills. The costs and needs keep going up, and even when they have a job the income doesn't seem to keep up.

So we first think of the people we have met who are struggling because they don't have jobs, and then we look at the people lucky enough to have jobs who are still having a difficult time making ends meet. We know this Congress must focus like a laser on jobs, the economy, and the middle class. So this is one obligation voters sent to us, and it is a justified one. Secondly, they said, in no uncertain terms, to rein in that Federal deficit—rein it in. They are right.

So that brings us to today, where we are fighting to grow the economy through projects such as those in the highway bill, which will bring good-paying jobs to communities across the country, and we try to rein in this out-of-control deficit by passing the Big Oil Tax Subsidies Act. It would be hard enough to accomplish one of these goals, but we are trying to do both.

We can do it because this choice is simple. It is obvious that at this time, when there are so many needs, that giving oil companies the kind of tax breaks we do makes no sense at all. Getting rid of these corporate subsidies to Big Oil is a no-brainer. At the time these subsidies were passed decades ago, oil was \$17 a barrel and there was a worry there wouldn't be enough production. Maybe it made sense in those days to give oil companies an incentive to explore and produce. But with oil hovering at \$100 a barrel, and Big Oil reaping record profits, this outdated subsidy makes no sense. Yet it remains on the books, amazingly enough.

It defies logic for this government to spend billions of dollars in tax giveaways to Big Oil; for taxpayers to give dollars out of their pockets every year when they are struggling and Big Oil is making record profits. Believe me, the free market gives the oil companies enough of an incentive to produce. When oil is \$100 a barrel, they do not need an extra subsidy from the government to produce. They are going to produce every bit of oil they can. They make huge profits, so they do not need a financial nudge from Washington. At the same time, middle-class Americans get hit with a double whammy. They are paying \$70 or more to fill up their gas tanks and then some of their hard-earned dollars are being used to line Big Oil's pockets.

Economists estimate the typical family will pay almost \$1,000 more on gasoline this year than last year. But families in my home State of New York and across the country are still struggling to make ends meet. As the econ-

omy slowly recovers, they cannot afford to get gouged at the pump.

With billions of dollars worth of tax subsidies, and gas prices at near record highs, it is no wonder the top five oil companies are on track for another record-breaking year. These companies are not only the most profitable businesses in the United States, they are among the most profitable in the world. In the past decade, they took home \$1 trillion—not \$1 billion, \$1 trillion—in profits.

Now, there is nothing wrong with profits in and of themselves. In America, we celebrate success. We want the private sector to survive and thrive. But at a time when the government is looking to tighten its belt, and we are grappling with painful cuts because we have the dual goal of growing the middle class and also reducing the deficit, it boggles the mind that we would continue to subsidize such a lavish industry.

I have watched my colleagues on the other side of the aisle stand idly by while the type of funding that helps our middle class is threatened. Now they are going to choose these subsidies to Big Oil over money to help kids pay for college, over cancer research, over helping our veterans, over keeping our highways and transit systems reliable. Hardly any American would agree with that. Hardly any American—Democrat, Republican, Liberal, Moderate, Conservative—from the Northeast, South, or West would agree.

Try to wrap your head around that. Big Oil is reporting record profits, gas prices are at an all-time high, and we, the American taxpayers, are still subsidizing the oil industry. We don't need the imagination of Lewis Carroll to come up with a more ridiculous scenario. That is why I strongly support and am proud to cosponsor Senator MENENDEZ's Repeal Big Oil Tax Subsidies Act.

If our Republican colleagues are serious about deficit reduction, the Menendez bill is the chance to show it. There is no good reason not to support this sensible legislation.

In fact, Speaker BOEHNER himself has said as much. Let's not forget, he was in favor of repealing oil subsidies before he was against it.

So the bottom line is this: At a time of sky-high oil prices, it is unfathomable to continue to pad the profits of oil companies with taxpayer-funded subsidies. The time to repeal these giveaways is now.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I want to concur with Senator SCHUMER about his comments on the passage of Senator MENENDEZ's legislation, S. 2204. This legislation is very important for America's energy needs, and I urge my colleagues to allow us to take up this legislation and let's act on it and let's move it to the other body.

There is one commodity just about everyone knows the price of: a gallon of gasoline. People will have a rough idea what a gallon of milk or a dozens eggs or a loaf of bread costs, but they will know to the penny what a gallon of gasoline costs. The price is rising, and people are understandably upset. They are upset because it costs more to fill up at the pump. But they are also upset because crude oil and gasoline price increases affect the price of every other commodity—including milk, eggs, and bread—that has to be transported from where it is produced to where it is consumed. Petroleum is a feedstock used in the production, not just transportation, of so many critical products, including fertilizer.

According to the U.S. Energy Information Administration, EIA, the retail price of a gallon of regular unleaded gasoline was 27 cents higher for the week ending March 5, 2012 than it was a year ago. EIA reports that vehicle fueling costs for the average U.S. household will be about \$238 higher in 2012 than 2011.

According to EIA, the price of gasoline has increased dramatically every year—in 2011, higher than 2010, and 2012 is projected to be higher than 2011. This price increase is occurring despite the fact that the United States has stepped up its crude oil production considerably over the past 4 years by 1.3 million barrels per day. Production is at an 8-year high. The United States is the third largest producer of oil, behind the Saudis and Russia, and domestic oil consumption is at a 15-year low. Americans are driving 35 billion fewer miles today than they did in 2010.

If we were producing more and consuming less, then why are prices going up? Supply and demand would tell us that they should be going down. The answer is straightforward: Crude oil and all of the products derived from it, including gasoline, are fungible commodities traded on world markets. Increasing global demand for these commodities is putting a relentless upward pressure on prices.

Growing demand for oil in developing countries has reshaped the global market. Developing nations now consume 47 percent of the world's oil. In 1970, it was 25 percent. The number of cars in the world exceeded 1 billion for the first time in 2010, with one-half of the global growth occurring in China. Beijing adds 1,500 new cars every day.

Another reason for price increases is market uncertainty over crude oil supplies. Much of the world's crude oil is

produced in the Middle East and North Africa, regions plagued with turmoil. Right now, the United States accounts for about 9 to 11 percent of the world's crude oil production. This is despite the fact that we have less than 2 percent of the world's total proven oil reserves. We have 2 percent of the world's reserves and we are producing 9 to 11 percent. We are, in fact, drilling here and drilling now, with more oil rigs in operation than the rest of the world combined, according to the Baker-Hughes rig count.

According to economist Steve Baker at the Center for Economic and Policy Research, even if U.S. production could be increased by one-third overnight, that would increase world supply by 3 percent which would lower the price of oil by 7 to 8 percent. As Baker notes:

This is not trivial, but it is not the difference between \$2 a gallon gas and \$4 a gallon gas.

T. Boone Pickens said it best:

I've been an oil man all my life, but this is one emergency we can't drill our way out of.

A recent Associated Press fact check analysis found that there is no correlation between domestic oil production and the price at the pump. I am for reasonable oil production. We need as much as we can get in a reasonable manner. As reported in the Washington Post of March 28:

A statistical analysis of 36 years of monthly, inflation-adjusted gasoline prices and U.S. domestic oil production by The Associated Press shows no statistical correlation between how much oil comes out of U.S. wells and the price at the pump . . . More oil production in the United States does not mean consistently lower prices at the pump . . . U.S. oil production is back to the same level it was on March 2003, when gas cost \$2.10 a gallon when adjusted for inflation. But that's not what prices are now. That's because oil is a global commodity and U.S. production has only a tiny influence on supply . . . Factors far beyond the control of a nation or a president dictate the price of gasoline.

The United States is incapable of having a significant impact on world crude oil and gasoline prices from the supply side of the equation, but domestic oil production does play an important role in bolstering our energy and economic security. We should produce where we can, in a safe and environmentally sensitive manner.

While increasing domestic production and decreasing domestic demand may not be lowering world prices, it does have a significant effect on imports. Our dependence on foreign oil is at its lowest level in 16 years. As a share of total consumption, oil imports declined from nearly 60 percent in 2005 to 45 percent last year, the lowest level since 1995. And nearly one-half of our imports come from the Western Hemisphere nations such as Canada and Mexico, while the Persian Gulf countries account for only 18 percent of our net imports.

The biggest impact the United States could have on oil and gasoline prices is not on the supply side, it is on the demand side. We account for close to 25 percent of the world's petroleum consumption, even though we account for less than 5 percent of the world's population. The best way to continue reducing our demand for crude oil and gasoline would be to: Promote fuel efficiency with higher CAFE standards. We have made progress. We are doing better. We know we can do better than our current standards; Replace conventional fleet fuels with alternative fuels such as propane, natural gas, and biofuels. That will help us consume less oil; Electrify transportation, focusing on hybrid and plug-in electric technologies. Here you get jobs in the United States helping our economy as well as helping our energy security; Boosting transit ridership by increasing funding for the Federal Transit Administration. People don't like to be stuck in traffic jams. Let's have a modern transit system that can help move our people;

Eliminating the tax expenditures that benefit Big Oil could generate over \$20 billion over the next 10 years. This is the bill we are talking about, S. 2204, the Menendez bill. It takes the revenues we are giving to the oil industry and uses them to help pay for these green energy measures. This makes a lot of sense. It will hardly be noticed by the big five oil companies—BP, Chevron, ConocoPhillips, ExxonMobil, or Shell. They made record profits in 2011, \$137 billion. I talked about \$20 billion over 10 years. They made \$137 billion in 1 year. That was up 75 percent from 2010. From 2001 through the last year, Big Oil has made more than \$1 trillion in profits. Every penny increase in the pump increases their profit by another \$200 million. So as we are suffering with prices going up, the big oil companies are making more and we are still giving them the subsidies, where we could be using those subsidies to help America develop alternative energy sources.

Big Oil has been getting big subsidies for 100 years. It is time to use that money for developing alternatives to oil. That is the best and most sustainable way to address the high cost of gasoline at the pump. S. 2204 will help us bring down the cost at the pump. It is good for our economy, good for our environment, and good for our national security.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Vermont is recognized for 10 minutes.

Mr. SANDERS. Mr. President, the skyrocketing price of gasoline is clearly causing tremendous hardship to American families all across this country, to small businesses to truckers to airlines and, in fact, to the entire economy. We are trying to claw our way

out of this horrendous recession and the high price of oil and gas is not helping us.

I come from a rural State, and it is a State where people often drive 30, 40, 50 miles to work and back home again. Many of these workers make \$10, \$12, \$14 an hour and when the price of gas goes up to \$4 a gallon, this is money that is coming right out of their paychecks and it is money they can ill afford to pay. Many of them have seen stagnation in wages, and these high gas prices are doing their families severe harm.

Further, I think the American people understand that our good friends at the oil companies continue to do phenomenally well in terms of the profits they are making. In the last decade, the major oil companies in this country have earned \$1 trillion in profits while gas prices have soared.

The Repeal Big Oil Tax Subsidies Act we are debating today is a step in the right direction. This legislation would repeal more than \$20 billion in tax breaks to the big five oil companies, and use roughly half of this money to extend renewable energy tax credits and use the other half for deficit reduction. Over the past decades, our friends at ExxonMobil, among others, have seen more profits in ExxonMobil in a given year than any other corporation in the history of the world. Meanwhile, many of the largest oil companies over the years have paid little or no Federal income taxes. Let me give you an example.

In 2009, ExxonMobil—again, which has made more profit on a given year than any corporation in history. In 2009, ExxonMobil made \$19 billion in profits while receiving a \$156 million refund check from the IRS. How is that? A pretty good deal? It made \$19 billion in profits, did not pay any Federal income taxes, and yet received a \$156 million refund check from the IRS. Chevron received a \$19 million refund from the IRS after it made \$10 billion in profits in 2009. Not a bad deal. In 2009, Valero Energy, the 25th largest company in America, with \$68 billion in sales, received a \$157 million tax refund from the IRS. ConocoPhillips, the fifth largest oil company in the United States, made \$16 billion in profits from 2007 to 2009 but received \$451 million in tax breaks through the oil and gas manufacturing deduction.

At a time when the American people are getting ripped off at the gas pump, the last thing we need to be doing is giving big oil companies massive tax breaks which only add to our deficit and national debt crisis.

In my view, we have to do more than simply end these outrageous tax breaks that Big Oil has enjoyed. In my view, we must also end excessive oil speculation on the oil futures market. There has been a major debate over the last several years as to whether spikes in

oil prices were caused entirely by the fundamentals of supply and demand or whether excessive speculation in the oil futures market is playing a major role.

That debate is over. That debate should be put to rest. Let's simply look at the facts. When we were in elementary school and in high school we learned what supply and demand is all about. When supply is high and demand is low, prices go down. When demand is high and supply is low, prices go up. The reality is, today the supply of oil and gasoline is higher right now than it was 3 years ago when the national average price for a gallon of gas was just \$1.96 a gallon—more supply than 3 years ago when gas was \$1.96 a gallon.

In terms of demand, the demand for oil in the United States today is at its lowest level since 1997. Internationally, during the last quarter of 2011, world oil supply exceeded demand by nearly 2 to 1, while at the same time crude oil prices increased by over 12 percent.

Let me recapitulate: Supply is high, demand is low. Yet oil prices are going through the roof. What is happening? There is a growing consensus within the business community, among economists, among people who study this issue, that the reason oil prices are soaring is excessive speculation on the oil futures market. That is the cause.

ExxonMobil, Goldman Sachs, the IMF, the St. Louis Federal Reserve, the Saudi Arabian Government, the American Trucking Association, Delta Airlines, the Petroleum Marketers Association of America, the Consumer Federation of America—all of these groups are involved in one way or another in studying oil prices. That is what they do because many of them are affected by high oil prices. Others of them are consumer groups studying the impact of high oil prices. All of them have agreed that excessive oil speculation significantly increases oil and gas prices. That is the conclusion more and more observers are making.

Interestingly enough, Goldman Sachs, perhaps the largest Wall Street speculator on the oil futures market, recently came out with a report indicating that excessive oil speculation is costing Americans 56 cents a gallon at the pump. This is the conclusion of Goldman Sachs, perhaps the largest speculator on the oil futures market.

I personally believe and many others believe that number is low, but it is important to understand we now have a major speculator telling us what excessive speculation is doing, in terms of gas prices.

Last year the CEO of ExxonMobil—not one of my best friends, not a company I particularly trust—ExxonMobil's President last year testified at a Senate hearing that excessive speculation on the oil futures market contributed as much as 40 percent to the cost of a barrel of oil. In fact,

Bloomberg News reported on March 26, 2012, that:

According to Commodity Futures Trading Commission data, bets on rising gasoline prices advanced for 11 weeks through March 6 to the highest level in records dating back to 2006.

Gary Gensler, the chairman of the CFTC, has stated publicly that oil speculators now control over 80 percent of the energy futures market, a figure that has more than doubled over the last decade. In other words, the vast majority of oil on the oil futures market is not controlled by people who actually use the product. It is not controlled by airlines or trucking companies or fuel dealers—people who actually use the product. But over 80 percent of the oil futures market is controlled by speculators whose only function in life is to make as much profit as they can by buying and selling oil futures.

Let me list a few of the oil speculators and how much oil they were trading on June 30, 2008, when the price of oil was over \$140 a barrel and gas prices were over \$4 a gallon. On that day, Goldman Sachs bought and sold over 863 million barrels of oil. Morgan Stanley bought and sold over 632 million barrels of oil. Bank of America bought and sold over 100 million barrels of oil. The only reason these companies were on the oil futures market was to make as much profit as possible. They do not use the end product.

We have to make sure the price of oil and gas is based on the fundamentals of supply and demand and not Wall Street greed. To correct this problem I have introduced S. 2222 with Senators BLUMENTHAL, FEINSTEIN, TESTER, MCCASKILL, KLOBUCHAR, LEVIN, FRANKEN, SHERROD BROWN, CARDIN, MIKULSKI, CASEY, BILL NELSON, BEGICH, and PRYOR.

This legislation—which I have also filed as an amendment to this bill—requires the CFTC to use all of its authority, including its emergency powers, to eliminate excessive oil speculation.

I should point out this emergency directive in our bill is identical—I want my Republican colleagues to hear this—is identical to bipartisan legislation that overwhelmingly passed the House of Representatives in 2008 by a vote of 402 to 19, with significant large-scale Republican support.

The Dodd-Frank financial reform bill stipulated very clearly that the CFTC needed to eliminate, prevent, or diminish excessive oil speculation by January 17, 2011, 14 months ago. They have not done it. The CFTC has not obeyed the law, and it is time for Congress to tell them their breaking the law is not acceptable and what they have to do is, in fact, to defend the consumers of this country.

In my view, what this legislation would accomplish is immediately curb-

ing the role of excessive speculation in any contract market within the jurisdiction and control of the Commodities Future Trading Commission on or through which energy futures are trading—that is what this amendment does. It also eliminates excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

The bottom line is Congress has to tell the CFTC to obey the law. They have to use their emergency powers to end excessive oil speculation. When we do that, I believe we will see oil prices go down.

I ask for bipartisan support of my legislation and thank all the cosponsors who are already on the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank Senator SANDERS for his leadership in this area of excessive speculation. I am going to have a word to say about that in a few minutes. Before he leaves the floor, let me say he has taken a major role in trying to get the CFTC to carry out what the law requires that they do, which is to consider excessive speculation and to put a lid on it. They are authorized to do it without any doubt. That was our intention, and they should get about it.

The bill we are considering would end an egregious example of corporate welfare. Hopefully, we are going to be allowed to be on this bill and be able to defeat a filibuster and vote for cloture sometime, I understand, tomorrow.

At a time when some argue the Federal debt is so out of whack that we need to cut funding for programs to provide food to hungry children or health care to our seniors, surely we ought to be able to agree the most profitable corporations in the country no longer need these enormous subsidies, but here we are. Those oil and gas subsidies have not reduced the price of oil or gas; that is obvious.

The price of gas is complex. I have said many times before, and I will say it again now, the huge increase in speculation plays an important role in the price, the high price of gas. The Permanent Subcommittee on Investigations, which I chair, has spent years examining these issues, and the evidence is compelling and overwhelming that financial speculators have played a huge role in driving up gas prices at the same time supply and demand has not significantly changed.

To the extent supply and demand has changed, supply is up and demand is down. So if market forces were really in control, the price of gas would be going down, not up. Some estimate

that as much as 50 cents on the price of every gallon of gas is the result of excessive speculation, and another huge portion of the price is simply the wide profit margin for the oil and gas companies.

I agree with my colleagues that we must do what we can to ensure that gas prices do not swing wildly and that they do not pull precious resources out of the all-too-tight budgets of American families. But I think we have to focus on some of the true causes for the rapid rise and the swings in gas prices and not hide behind unfounded assertions that taking away corporate welfare from an already incredibly profitable handful of companies will somehow or other drive up gas prices.

Study after study and expert after expert have told us that removing these subsidies will have no impact on those prices. For instance, Severin Borenstein, codirector of the University of California Berkeley's Center for the Study of Energy Markets, has said "the incremental change in production that might result from changing oil subsidies will have no impact on . . . gasoline prices."

The nonpartisan Congressional Research Service has concluded that removing these subsidies would not impact gas prices because "prices are well in excess of costs and a small increase in taxes would be unlikely to reduce oil output."

No, ending these subsidies is not going to impact the price of gas, but maintaining these subsidies does impact taxpayers. These subsidies take money from the vast majority of taxpayers to simply add to the already astronomical corporate profits of oil and gas companies. Just five companies last year reported a profit of \$137 billion. Over the past 10 years, the profits of just these five companies have totaled nearly \$1 trillion. That is trillion with a "t." These astronomical numbers can only be thought of in connection with the only other number of that size, which is similar, and that is the Federal budget. Congress will soon enact deficit reduction of at least \$1.2 trillion or our Nation and our economy will be facing sequestration, facing the slashing of programs that impact nearly every American. That \$1.2 trillion in deficit reduction over the next decade is about the same amount as the expected profits for just five oil and gas companies. These companies, which are reporting record profits while paying record-low rates of taxes, should be paying their fair share to help get and keep our economy strong.

While some complain that the United States has such an egregiously high corporate tax rate that companies fail to invest here, the facts show just the opposite. Just a short time ago, the Congressional Budget Office released a report that corporations paid an effective tax rate of just 12.1 percent last

year, which was the lowest percentage in decades. Corporations pay extremely low taxes in the United States, and those rates have been steadily declining. Corporate taxes now make up a record-low percentage of all Federal revenues.

The oil and gas subsidies should be cut, and the savings should be used to pay for our Nation's other priorities. That is why I introduced an amendment last year that would have cut just one of these oil and gas subsidies. By eliminating these unnecessary oil and gas incentives and adopting the bill before us, we would be able to preserve or reauthorize a series of other energy tax incentives and grant programs, some of which have expired and others are in danger of expiring, all of which would help promote American energy efficiency and self-sufficiency. Extending these provisions will help lower energy costs for businesses and families, would help diversify our energy strategy beyond oil, and would reduce the dependence on imported oil that undermines our economy and threatens our national security.

Among these important tax provisions is section 45, the production tax credit for electricity produced by wind and other renewable sources; the section 1603 program to encourage the installation of energy equipment; the section 48C advanced energy manufacturing credit that promotes American production of the items used in renewable energy production, such as wind turbines and advanced batteries; the cellulosic ethanol credit to encourage production of fuel through renewable feedstocks; and the tax credit for refueling infrastructure that helps to encourage installation of alternative-fuel infrastructure and electric charging stations in homes and in businesses.

These and other energy provisions, which are in our bill, are vital tools in our battle to reduce our dependence on foreign oil, to substitute alternatives for fossil fuel, and to promote and sustain domestic manufacturing. Energy is a huge cost for businesses in nearly every field. If we can improve energy efficiency, we can lower costs and increase competitiveness. Rest assured that our competitors around the globe are doing that, and we need to do the same or risk falling behind.

Energy efficiency is also vital to national security since our dependence on foreign oil from volatile regions of the globe is an enormous complication to our foreign policy. It leaves our economy vulnerable to actions by unfriendly nations such as Iran. The more we can loosen the grip imported fossil fuels have on our economy, the more prosperous and secure we will be.

Rarely is the choice as stark as it is before us. We can continue corporate welfare for the oil and gas industry, which does nothing but add to those companies' corporate profits and the

Nation's deficit, or we can end these subsidies and push for the priorities that will help ensure our energy future and reduce our deficits.

I thank the Presiding Officer.

I yield the floor.

Mr. REED. Mr. President, I rise to join many of my colleagues in support of the efforts to stop wasting taxpayer money subsidizing oil executives' huge profits. We need to end these wasteful handouts, reduce the deficit, and develop clean energy solutions.

While the oil industry is thriving, making \$137 billion—that is billion with a "b"—in profits last year, Rhode Islanders are paying nearly \$3.90 per gallon at the pump. Working families are being forced to cut back because of high gas prices. In turn, big oil companies should have their wasteful tax subsidies eliminated. We should be working to fuel the U.S. economy, not the oil cartels and big oil companies. That is why I am a proud cosponsor of the Repeal Big Oil Tax Subsidies Act, which would put a stop to these wasteful tax breaks and use the savings to invest in clean energy technologies that will create jobs, save money for middle-class families, and increase America's competitiveness in the global clean energy economy.

Addressing gas prices and reducing our dependence on oil requires a smart, balanced, and responsible national energy policy. There are no silver bullets, but there are both short-term and long-term steps we should take.

In the near term, we have to be ready to respond to geopolitical events by making it clear that we are prepared to release oil from the Strategic Petroleum Reserve if such a measure is necessary because of geopolitical developments.

We need to continue efforts to prevent excessive speculation and speculators from manipulating the market and needlessly inflating energy prices. And I have asked the Commodity Futures Trading Commission—effectively our cop on the beat—to do that and have sought to provide them with the tools and funding to achieve this objective.

We also need to continue investments in smart growth policies to promote mass transit in next-generation vehicles and alternative energy. That is why I have fought for things such as better fuel mileage for cars and smart investments in mass transit. Improved energy efficiency and developing clean energy technologies will help cut our oil addiction.

Working with President Obama, we successfully persuaded automakers to double the fuel efficiency of cars and light trucks. After staying the same for over 20 years, under the Obama administration the average fuel economy of vehicles will be 35.5 miles per gallon by 2016. And the administration has proposed to further increase the standards to 54.5 miles per gallon by 2025.

Combined, by the year 2025, these standards would save 2.2 million barrels of oil a day and save consumers at the pump an estimated \$8,000 over the lifetime of a vehicle. These new standards will reduce the impact of future price hikes by weaning us off oil.

In addition to protecting their unnecessary subsidies, the oil industry continues to push increased drilling as a solution to reducing gas prices. I support safe and responsible oil production, and the administration's efforts to decrease our reliance on foreign oil. U.S. domestic oil production has reached its highest level since 2003. The number of oil rigs in the United States has more than quadrupled in the last 3 years, and U.S. dependence on foreign oil is at its lowest level in 16 years. Indeed, net imports as a share of total consumption declined from nearly 60 percent in 2005 to 45 percent in 2011.

When oil companies tap into resources on Federal property, the taxpayers must be fairly compensated and assured it is done safely and responsibly. Therefore, the oil companies should pay their fair share of drilling royalties and inspection fees to make sure what they do is done right. As chairman of the Interior and Environment Subcommittee of the Appropriations Committee, I worked to secure an increase in the inspection fees for offshore drilling last year, and will push for the same for onshore drilling this year.

For all the sloganeering about domestic drilling, we know we can't drill our way out of this problem. Even the oil companies admit that the biggest factor in the price of gasoline is the cost of crude oil, which is set in the world market. It is not pegged to U.S. production. In fact, an Associated Press analysis of 36 years of Energy Information Administration data shows "no statistical correlation"—their words—between domestic oil production and gas prices.

Again, we need a balanced, well-thought-out national energy policy, one that will help reduce our dependence on oil and the amount paid at the pump. What we should not be doing is continuing to give away billions in corporate welfare to Big Oil while middle-class families see their gas prices rise. It simply is not fair. The oil companies that soak up these subsidies are effectively charging taxpayers twice for the same gallon of gasoline.

Mr. President, middle-class families are struggling. Oil companies are not.

I urge my colleagues to repeal these oil subsidies, make clean energy investments in America, and take commonsense steps to get our fiscal house in order. I urge passage of this very important piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak for about 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, this is a tough time for Americans. We all know families are sitting around at their kitchen tables struggling to figure out how to make ends meet, but those tough times have not extended to the boardrooms of the five big oil companies.

In 2011 alone, those companies saw more than \$100 billion in profits—a sum that is difficult to get your hands around. It is difficult to understand what \$1 billion is, let alone \$100 billion, not in revenue but in profits. Exxon is sitting on \$8 billion that it has not reinvested. Shell is sitting on \$13 billion cash in hand. The five largest companies together—BP, Exxon, Chevron, ConocoPhillips, and Shell—have cash resources of \$59 billion and have made nearly \$1 trillion in profits over the last decade.

Meanwhile, the American taxpayers are not only being forced to hand over larger and larger portions of their paychecks at the pump, they are also being asked to have a share of their taxes go to additional subsidies to these large companies. Let me restate that. When you go to the pump and pay \$4 or more, the oil companies make a tremendous profit. There is nothing wrong with making a profit in America, but what seems wrong is that these same companies are then coming to these hallowed Halls and saying: We want a handout from the general fund.

Those companies know there are many other pressing needs in America. Indeed, there are many folks who are hungry across our Nation. There are many families who are hoping but cannot save enough money to send their kids to college. Many families who are pressed by the loss of our manufacturing jobs, our middle-class, living-wage jobs, who are providing for their families on service jobs are having a tough time meeting the mortgage.

Families are struggling, and certainly they would like to see this body say that we understand the challenges so many face. We understand that the cost of tuition for their children is way outpacing inflation, and they are worried about the possibility of their children not having the full opportunities that should be available within our society. They are worried about keeping their homes. They are worried about finding that next job if their current job goes away. But they are wondering why we aren't helping with those problems with these funds instead of giving these funds away to the oil companies. The only explanation they can come up with is that the oil companies are very powerful; they can come here and talk to this Chamber and say: You know, we

just want more. It is more important for us to add to the billions we have in the bank than it is to have basic nutrition programs expanded in this country. It is more important for taxpayers to give us money to add to the money we have in the bank than to address the desperate infrastructure funds that are needed around our Nation. It is more important that they give us a handout rather than give a hand up to struggling families in this Nation.

Well, I disagree. I think it is more important to help our families. I think it is more important to help our children. I think it is more important to build our fiscal infrastructure for the economy and for the future. I think it is more important to build the infrastructure through education, the intellectual infrastructure of our Nation that provides both opportunities to individuals and opportunities and strength to our economy as a whole.

There are some who say these giveaways reduce the price of oil at the pump and reduce the price of gasoline. Nothing could be further from the truth. We all know what is driving the price of gasoline. Demand is down because people don't have enough to spend, supply is up, so it is certainly not supply and demand. But what we do have is a big increase in speculators. Speculators are going to the Commodity Futures Trading Commission, and they are making bets that because of the crisis in the Middle East, because of the issues with Iran, because of the concern about oil flowing out through the Strait of Hormuz, that others will also buy oil futures, so they will buy them, too, and they will make money on the way up, and the result is, for all of us, a higher price at the pump. So if we want to do something about oil prices, we take on the speculators. That is why in Dodd-Frank we gave the CFTC the ability to exclude speculators from that marketplace, to say they have to have positions, they have to have an end use for oil. But they haven't used that power. Maybe we need to pass a stronger bill to suppress the speculation, since the CFTC is not doing its job.

What we know for certain is that giving powerful oil companies the people's money to add to the money they are keeping in the bank, the billions they are sitting on, will not do one thing to drop the price of oil. Let's help American families and not the most powerful who have no need for these funds.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. MERKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, we continue to watch fuel costs skyrocket—shockingly so in the last 3 months—as the average price of a gallon of gasoline breaks records again and again for this time of year. Today, the national average, when I last checked, was \$3.91 per gallon.

When President Obama took office, Americans paid \$1.85 for a gallon of regular gasoline. Now they are paying more than twice that price, with analysts projecting even higher spikes on the horizon. Some are speculating gasoline prices could top \$5 per gallon by summer. Now Senate Democrats propose raising taxes on gasoline production.

We hear a lot about an all-of-the-above energy approach, and that needs to be put into practice. This should include expanding access to America's critical resources. Instead, the President insists on flawed energy strategies such as using taxpayer money for high-risk projects such as Solyndra, while delaying drilling in the gulf.

The President has slowed the permitting process, he has blocked leases, and he has supported higher energy taxes and more regulations. His actions have come at the expense of valuable opportunities for greater domestic energy. The gains our energy producers have made are in spite of the President's policies, not because of them.

The de facto moratorium on drilling in the Gulf of Mexico made it clear that strengthening the country's energy security was not a White House priority. The plan the President proposed for offshore oil and gas leasing for the next 5 years would open less than 3 percent of offshore areas for production.

Then there was the rejection by the President of the Keystone XL Pipeline—the subject of an extensive environmental vetting process and a project which would guarantee nearby available oil from our largest trading partner. The President may talk about the need for oil and gas pipelines and even try to take credit for the lower part of the pipeline that did not need his approval, but there is no denying his administration is responsible for roadblocks standing in the way of a better national energy policy.

The 830,000 barrels per day the Keystone Pipeline would transport offers a 7-percent increase to current imports. Vetoing it keeps Americans vulnerable to spiking gas prices and the dangerous whims of energy providers from volatile regions of the world.

High fuel prices can have far-reaching economic effects. According to the Oil Price Information Service, Americans spent more on gasoline in 2011 than in any other year in the past three decades—some \$481 billion. For the average household, about 8.4 per-

cent of the family budget or \$4,155 went toward filling up at the pump last year. Of course, it is more this year. This means consumers have less money to spend and invest in their local communities, ultimately hurting the economic growth we desperately need.

In 2008, then-Senator Obama said he would have preferred a gradual adjustment of gas prices. That same year, Energy Secretary-to-be Steven Chu told the Wall Street Journal: "Somehow we have to figure out how to boost the price of gasoline to the levels of Europe." This is the President's choice for Energy Secretary, someone who wants our gasoline prices to be at the \$8-per-gallon level they are experiencing in Europe. This mentality has not changed since 2008. Earlier this month, President Obama said the only solution was to start using less. That lowers the demand and prices come down, according to the President. He later asserted that "how much oil we produce at home" is "not going to set the price of gas worldwide." Somehow, using less will lower the prices, according to the President, but producing more will not lower the prices. In other words, the President believes in only half the principle of supply and demand.

Indeed, basic economics tells us otherwise. It tells us that alleviating demand can lower prices but having a greater supply does that too. The argument the President is trying to make that domestic production is inconsequential does not add up. Not expanding production forces American wealth to go overseas because we have to buy our oil from overseas. As Charles Krauthammer recently wrote in the Washington Post:

Drill here and you stanch the hemorrhage. You keep those dollars within the United States economy.

That is exactly what we need to do in these troubling times.

According to the Institute for Energy Research, we have enough oil within our borders to supply our own fuel needs for 250 years. That is not Senator WICKER talking; that is not a Presidential candidate talking; that is the Institute for Energy Research—250 years we have in the United States. Yet they are being kept off-limits by the administration.

Now the administration wants an \$85 billion energy tax hike. This new tax will not translate into cheaper gasoline, a fact my Democratic colleagues have, in fact, acknowledged. It will make it more expensive to produce, drive up imports, and hamper economic investment.

According to a study by the Congressional Research Service, higher energy taxes will increase gas prices and likely increase foreign dependence—exactly what we don't want to do. This would ultimately hurt average Americans who depend on affordable gas

prices to get to work every day and businesses—small businesses—that need fuel to transport their goods and services. We have seen how the administration likes to use taxpayer money on high-risk bets such as Solyndra and algae. Instead of gambling on unproven ideas, we should be ensuring economic growth with policies that strengthen our energy capacity. We are blessed to live in a country with plentiful resources and we are far from maximizing America's energy potential.

I have filed amendment No. 1966 to this bill. The amendment would establish a production goal for the Obama administration's 5-year offshore oil and gas leasing plan. It calls for 3 million barrels of oil per day and 10 billion cubic feet of natural gas per day by the year 2027. Compared to today's levels, this increase in production would triple America's current offshore production and reduce foreign imports by nearly one-third. By setting these benchmarks for the output of oil and natural gas, we can make measurable progress toward energy independence.

So I would propound this parliamentary inquiry, Mr. President: If we were on the bill at this point, would it be in order for me to offer such an amendment, No. 1966, at this time?

The PRESIDING OFFICER. If the pending question was S. 2204, it would take unanimous consent to offer an amendment to that measure because there is not an available amendment slot at this time.

Mr. WICKER. I regret that. I hope we can negotiate on both sides of the aisle so amendments such as this can be offered.

To set benchmarks, we could use an additional 3 million barrels of oil per day and 10 billion additional cubic feet of natural gas per day to help us attack this very serious energy problem.

I would simply conclude by saying today's high gasoline prices confirm the urgency of pursuing better energy strategies as demand for oil continues to increase across the globe. Taking steps now is essential to meeting future needs and bringing relief at the pump.

Seeing no one who is seeking to speak—does the Senator seek to speak? If so, I yield the floor.

Mr. HOEVEN. I do.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I request an opportunity to speak for up to 10 minutes on the pending energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEYSTONE XL PIPELINE

Mr. HOEVEN. Mr. President, I am here to offer a substitute amendment to the Menendez act, which is currently under consideration on the Senate floor. That is S. 2204. The substitute amendment I would like to

offer is legislation I have authored along with Senator LUGAR and also Senator VITTER. It is legislation that would approve construction of the Keystone XL Pipeline and authorize that that construction proceed. That authority is provided to Congress under the commerce clause of the Constitution. With gas prices now close to \$4—and going higher—Congress needs to act.

President Obama has turned down the pipeline. He continues to block the Keystone XL Pipeline, and it is time for Congress to act on behalf of the American consumer. Every single American, every hard-working American, is feeling this pain at the pump.

The Keystone XL Pipeline would help us produce more energy supply for our country to help reduce the price of gasoline at the pump. It will help us create more jobs in this country. Close to 13 million Americans are now unemployed. It would help put more of those Americans back to work. Of course, it would help reduce our reliance on oil from the Middle East.

The first chart I have in the Chamber shows what is happening with gasoline prices in the United States. This is over the last 3-year period. This shows the price of gasoline was about \$1.87 a gallon when President Obama took office 3 years ago. Today, the national average, I believe stated by AAA, is on the order of \$3.91. So the price of gasoline during the Obama administration's tenure has more than doubled. It has more than doubled.

I think there is something like 8 or 9 States now where the average price of a gallon of gasoline is over \$4. In places such as Chicago—the President's hometown—I believe the average price is on the order of \$4.68. If we go right down to the corner here, right near the Capitol, I filled my car the other day. It cost me more than \$100 to fill the tank, and I think the price was \$4.39 a gallon.

So what is the solution offered in the Menendez legislation? What is the solution proposed by the Obama administration? What is the solution proposed in this bill we are considering right now on the Senate floor?

What that bill would do is raise taxes on energy companies. It would raise taxes on energy companies. Let's think about this. We are going to raise taxes on these energy companies, so we are going to increase their costs. When we add taxes, that means it not only raises their costs, which will create even higher costs at the pump for American consumers, but it also tends to restrict supply. If we want less of something, and if we want it to cost more, what do we do? We tax it. So this legislation does exactly the opposite of what will help the American consumers with the price of gasoline at the pump.

Instead, we need to increase supply. By providing more supply, we help create downward pressure on gasoline

prices. That helps our hard-working Americans not only today but tomorrow as well. Let's talk about that.

Why are gas prices high? It is supply and demand. This is economics. This is about supply and demand. If we increase supply, we put downward pressure on prices. If we increase demand, we put upward pressure on prices. Global demand for oil is growing. We know that. Global demand is growing. So we need to increase the supply; otherwise, that growing demand continues to push gasoline prices higher.

As shown on this chart, here is the amount of crude oil we produce in the United States, along with our good friends in Canada today. That is shown in the first bar on this chart. We can see, it is just below 10 million barrels a day. That is where we are now. With the current policies the administration has in place, we will actually produce less supply in the future—less supply in the future.

Think about that. If gasoline prices are a function of supply and demand, it is not only the supply and demand of today, it is what people anticipate the supply and demand will be in the future. If we have growing global demand—which we know we have—and we have an administration that is restricting supply, then not only do we have an issue in terms of present supply and demand, but we have people going: Look, there is going to be less supply. We know there is going to be growing demand. That puts upward pressure on prices.

So the actions of the administration have a direct impact, a direct correlation with the price of gasoline at the pump. As I showed on the previous chart, under this administration, gas prices have more than doubled. So what we need to do is, we need to produce “all of the above.” We need to produce “all of the above.”

Note that I said “produce” it. I do not mean talk about it. I do not mean block it when it comes to building needed infrastructure such as the Keystone XL Pipeline or preventing us from drilling offshore or preventing us from drilling onshore or having the redtape that prevents us from getting permits and the regulatory burden that prevents us from producing more energy. I mean actually doing it—not blocking it, doing it.

This third bar on the chart shows that if we just worked to produce more oil and gas in the United States and Canada, we can produce more than we consume within 15 years. That is just oil and gas. That is not even “all of the above.” That does not count producing all the natural gas we have in this country and in Canada or biofuels or other sources. That is just oil and gas if we start working to produce it rather than have the administration continue to block it.

Of course, that is what I am talking about with the Keystone XL Pipeline.

The President has studied the Keystone Pipeline, the administration has studied it, the State Department has studied it, the EPA has studied it for 3½ years. Now the Department of Energy has come out and said—they did a study in June of last year—in their study, they said: We need the crude in the United States. We will use the crude in the United States, and it will lower gas prices on the east coast, on the gulf coast, and in the Midwest. That is Secretary Chu, the Secretary of Energy—his Department of Energy produced the report, and that is what it said.

After 3½ years, the President says: That is not long enough. We need more time. The administration needs more time to make a decision. After his own State Department said they would have a decision done before the end of the year—before the end of the year—the President says: No, we need more time, maybe sometime after the election—maybe. We need more time to make the decision.

So Congress said: OK. We will help out. You have expressed concern about the routing of the pipeline through Nebraska. We will pass legislation to kind of give you support and encouragement that says they can go ahead and build the pipeline, and we will give them whatever time they need to reroute Nebraska so there is no issue because that is what you have identified as the problem.

We passed that legislation as part of the payroll tax cut extension. The President denied it, turned it down, blocked it, and he continues to block the Keystone XL Pipeline today.

A couple weeks ago, bipartisan legislation—the very same legislation I am offering in this substitute amendment—was brought to the Senate floor. Bipartisan legislation. We had 11 Democrats who voted with us. Fifty-six votes, well over a majority—56 votes. The reason we did not get 60 votes on the legislation is because that day the President was calling Members of this body, this Senate body, to get them to vote no. So we got 56 votes instead of the 60 we needed.

The very next week—after calling Members of the Senate to get them to vote down this legislation that would authorize moving forward so we could actually bring oil in from Canada, bring more oil from my home State of North Dakota to refineries to help out Americans at the pump—the very next week, after blocking the pipeline, after calling Members of the Senate to get them to vote against it, the President goes to Cushing, OK, and takes credit for this small portion, the southern leg of the pipeline project, saying that somehow he is expediting it.

Interestingly enough, that is the only portion of the pipeline that does not require his approval. But after blocking it, he goes down and takes

credit for somehow expediting the portion that was going to be built anyway, while he continues to block the two-thirds that actually brings us more oil.

So go back to what I said just a minute ago. We need more supply. If the policy of this country is to say all of the above, but then go about blocking our ability to produce more supply, guess what happens. Prices go up. Because what counts are the actions.

So the market takes that into account and says: Look, if supply is going to be constrained, then we anticipate higher prices in the future with growing global demand. That is what we see: prices rising at the pump.

Look, we can have energy security in this country. We need to increase our oil production in this country and work with our neighbor to the north, Canada, rather than have them send their oil to China, which is what will happen if we cannot build these pipelines. We need to increase our use of natural gas. We need to do "all of the above," increase renewable fuels, with a market-based approach—a market-based approach—and we need to use technology to drive energy production in this country, and working with Canada, with better environmental stewardship.

What I mean by that, in Canada, oil is produced in the oil sands with in situ, which is the new technique. It is similar to drilling, rather than the old methods—more energy, better environmental stewardship.

Look, we can create a more secure energy future for our country, we can create jobs in America, and we can reduce the price of gasoline at the pump for hard-working Americans. But we need to take commonsense steps, and we need to take them now to produce more oil and gas, to produce more energy of all kinds in this country. We are asking for the President to work with us to do just that.

Mr. President, at this point, I have a parliamentary inquiry: When the Senate resumes consideration of the pending energy tax bill, would it be in order for me to offer my amendment, a substitute amendment, which would approve the Keystone XL Pipeline to help Americans at the pump with the price of gasoline?

The PRESIDING OFFICER. If the pending question was S. 2204, it would take unanimous consent to offer an amendment to that measure because there is not an available amendment slot at this time.

Mr. HOEVEN. So no amendments will be allowed?

Mr. President, I think that is unfortunate. It is time, it is well past time, to take action on behalf of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I follow my friend and colleague from

North Dakota who has been a real leader in these Chambers trying to educate not only those in these Chambers but people across the country as to the value and importance of the Keystone XL Pipeline and what it means to this country, not only in terms of a resource we need but also in terms of jobs and not only construction jobs but what it means to fill a pipeline and provide for a product that goes down to our refineries.

Again, when we are talking about an economic boom, where better to look than to our neighbors to the north, and I thank Senator HOEVEN for his leadership on this issue.

I too wish to talk about our opportunity as a nation to do more when it comes to increasing supply within our own country. As has been mentioned on this floor numerous times today, numerous times yesterday, we are in a position as a nation to be doing more to access our own resources, to make us less dependent on countries that do not like us, to make us more energy secure, less energy vulnerable. At a time when the geopolitical scene is so shaky, every step we can take to make us more secure from a national security perspective and an energy security perspective is clearly important.

I have a substitute amendment that I have filed, which I think is important to this debate. I think it is important when we are talking about our access to supply.

What I will discuss in my 10 minutes is not new. Members have heard me talk over and over about the prolific oil resources that reside in Alaska. According to the Energy Department, we have over 40 billion barrels of oil that could be produced up North, providing not only the energy but the energy security, the jobs, and new revenues. We have a pipeline that is built already. We don't need to deal with the permitting issues there. It is there waiting to carry oil. We have overwhelming support from Alaskans.

What we don't have is what is perhaps most important, which is permission from the Federal Government to actually develop our huge oilfields. The biggest on the continent is in the northwest corner of ANWR. For years, we have sought to develop a total of 2,000 acres in what is known as the 1002 area, which Congress set aside back in 1980 to access for energy exploration. They knew then that this area had great potential. The 1002 area is projected to contain more than 10 billion barrels of oil. If you were to put it into context this way, it would be 1 billion barrels a day coming down that pipeline to us from ANWR. That is enough to replace Venezuela or Saudi imports for about 30 years. To think that we could get off of Venezuela and we would not need to go to Saudi Arabia with tin cup in hand because we are producing ourselves here—think about

what that means to us. For those who bring about the speculation and argument of what that does to prices, think how this would mess up speculators if you add a million barrels a day online. Instead of embracing this as an opportunity, every excuse in the book has been thrown at us against development. You hear that the environment will be degraded, wildlife will be disturbed, and that despite a better environmental record than just about anywhere else in the world at Prudhoe Bay, we cannot do it. They don't trust us to do it. But for 20 years we have been hearing: Don't go toward ANWR; don't develop ANWR because it will take you 10 years to get that online; therefore, it is not even worth considering.

Even the late-night TV shows talk about it. Jay Leno joked about that and said, "Democrats said it would take 10 years 10 years ago." If you don't get started, it is never going to happen. We are going to keep that money in the ground indefinitely if we don't get moving on it. I don't accept the arguments that have been tossed out, but they have not accepted the facts that we have presented.

I have an amendment that has changed a little bit. It is designed to address this debate. It would prohibit surface development entirely. Yet, it still allows for a very substantial portion of the oil to be accessed from our State lands, with drills reaching beneath the Coastal Plain. We do this by allowing only subsurface occupancy. We use extended horizontal drilling production. Right now, it can reach about 8 miles underground in all directions. As the technology advances, more and more of that refuge's oil could be tapped. Again, we are not going to be occupying the surface. There is no surface occupancy in this legislation. All land-based structures would be located on adjacent State lands. You would not see permanent roads, wells, buildings, and pipelines constructed on the surface of the refuge.

If you were to put together a slide show of development, the surface would be unchanged before, during, and after production. This is a photo of ANWR, and this is probably in the spring because you have tufts of grass coming up through the melting snow. This is what it would look like before, during, and after because we are underneath through the technology.

The amendment I am offering gives the Senate a chance to put reason ahead of rhetoric, policy above politics, when it comes to oil production in this State. It is a chance to end this decades-old dispute about whether development can proceed safely.

We have not just met the opposition halfway here on ANWR; we have met them 90 percent of the way. We have written into the amendment more

stringent environmental safeguards than on any other Federal lands. We sacrifice 90 percent of the revenues, which Alaska is entitled to under our statehood agreement. We proposed a 50-50 Federal split. It seems that we are now begging to access a small fraction of the reserves from miles away.

It defies logic to think that, again, an idea, a concept like this would be kept off the table. I realize many are dug in on this issue. I have attempted to change the debate, change the conversation. I would ask the Senate to take a moment to consider how far we have compromised on this amendment and understand why it is different. I hope we can get a vote on it.

I ask, as a point of parliamentary inquiry, when the Senate resumes consideration of the pending energy tax bill, would it be in order for me to offer my amendment No. 1976 at that time?

THE PRESIDING OFFICER. If the pending question were asked regarding S. 2204, it would take unanimous consent to offer an amendment to that measure because there is no available amendment slot at this time.

Ms. MURKOWSKI. The Chair is saying that the amendment slots have been filled by the majority leader, is that right?

THE PRESIDING OFFICER. That is correct.

Ms. MURKOWSKI. Mr. President, I have another issue I wish to bring up today in the remainder of my time. I have two other amendments I would like the body to consider. I understand what the Chair has just said.

One of the things that I think we recognize is much of our country's production can lag due to an accumulation of redtape due to permitting issues. We know the Federal Government cannot necessarily set global commodity prices, but it can create a situation where capital that might be invested in American mineral production is stranded for long periods of time. That is what we see happening, and it is unacceptable.

What we should not do, particularly in the case of energy and minerals development, is subject a project to an unnecessarily long permitting process. I have an amendment that would begin to remedy this situation, and it would do so by using the very language the President used last week with his executive order, which he signed March 22. My amendment incorporates provisions that had pretty broad bipartisan support on the highway bill considered by this body. These provisions will work. According to the September 2010 report by the Federal Highway Administration, these reforms have cut the time required to complete environmental reviews and have mitigated the delays caused by last-minute legal challenges. What they do, more specifically, is take the President's executive order and put some teeth to it, if you will.

The President simply asked the agencies to consider making certain improvements. What I have done through my legislation is ask for a process for States to nominate items that might be subject to NEPA, allow for a shortening of review periods, and the designation of a single lead Federal agency. It is a situation that I do think rests on a good premise. The President has suggested that this is an approach that needs to be considered when, again, making such improvements.

I suggest that if it is good enough for the President and for our transportation needs, as we have seen demonstrated in the highway bill, then it is good enough for energy, mineral, and infrastructure needs as well.

I ask unanimous consent to call up amendment No. 1985, which includes all of the provisions I have described.

THE PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, we have the bill before us relative to the tax subsidies given to major oil companies—it gives \$4 billion a year to companies that registered \$137 billion in profit last year. It is such a popular measure that moving to it attracted a 92-to-4 vote in the Senate. We are trying to bring that to closure and get a vote on it. I know the Senator has an amendment she feels is valuable. I don't know the merits of it. I wasn't on the floor to hear the entire explanation. We have just gone through a transportation bill on which for more than a week we entertained an amendment on contraception on that side of the aisle.

We wish to, if we can, limit amendments to relevant issues, and limit them in number and try to actually pass a bill in the Senate, which would be almost historic. I hope we can do it in a bipartisan way. I invite the Senator from Alaska to join us in a conversation about that. Until we can reach agreement on that, I am afraid I have to object.

THE PRESIDING OFFICER. Objection is heard.

Ms. MURKOWSKI. Mr. President, I am disappointed we won't have an opportunity to offer the amendments. Several of my colleagues will be coming down to offer their amendments. We have been told that the tree has been filled. The amendment I am proposing—I actually have two. One, as I have described, is probably broader in scope, but I have a second amendment that literally takes the President's executive order and provides instructions to the agencies to do a rulemaking to implement them within 1 year. This is not something that the Senator from Alaska has designed; this is the President's executive order. I think it is designed to get us to an expedited permitting process so we don't have the lag times, whether it is on transportation infrastructure or energy issues.

I think it is a good measure, and I ask my colleague from Illinois, in the effort to work together, which I appreciate, to take a look at this amendment. I apparently will not be able to introduce or call up amendment No. 1986. But again, what that bill would do is pretty simple. It is to codify portions of the President's executive order. The title is "Improving Performance of Federal Permitting." He suggested it, and I thought it made sense. Now we are urging the agencies to provide for an implementation.

Again, I think this debate we are having on the floor this week is an important one. We are focused on the issues that people in this country are talking about. Folks back home are very concerned. I just met with a group of students. One young man is a high schooler from Yakutat, probably driving his first car, and they are paying in excess of \$5.50 a gallon at the pump. When you are a 16- or 17-year-old boy, that is pretty high. Even when you are a person our age, that is high. He wanted to know what we are doing as a Congress to help address these issues.

I cannot overstate my disappointment, as we are dealing with these difficult issues in what we all know to be a great deliberative body, that we cannot move to a process where we can allow for fair and germane amendments that I think would help address some of the energy challenges we face, recognizing where we are today.

I see my colleague from Louisiana has joined us on the floor. My time has expired.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I come to the floor to offer amendments to this bill. Let me assure our colleague from Illinois that they are not amendments about contraception or any other unrelated issue. They are energy amendments, which go directly to one of the greatest challenges all of our constituents, fellow citizens, face, which is the ever-rising price at the pump.

I am glad we are on this Menendez bill, because at least it puts us on that major challenge that faces Louisiana's lower to middle-class families, and those families in Illinois, and all around the country. I bring amendments that are directly relevant to that.

The first amendment has to do with supply. First of all, let me say why I oppose the Menendez bill. It is because when we tax something at a higher level, when we increase the tax on it, we get less of it. So it will produce less energy, in particular less U.S. domestic energy. When we lower supply, we increase the price. It is not only not going to have a positive impact on the price at the pump, it will increase the price and have a negative impact.

I take the opposite approach. We need to increase supply, starting with activity and supply right here at home in the United States. So my amendment, offered along with Senator MURKOWSKI of Alaska, No. 1965, would do that. It would replace President Obama's current 5-year plan for Outer Continental Shelf leasing with basically the plan that existed previously, which is double President Obama's plan.

So President Obama's plan, which he put in place after coming into office, is about half of the previous plan. It backs us up and turns us around, moving us in the wrong direction. Amendment No. 1965 would turn us back, move us in the right direction, and adopt pretty much that previous plan—to expand our access to our own U.S. energy resources offshore.

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So, Mr. President, with that said, I ask unanimous consent that when the Senate returns to consideration of S. 2204, the pending energy tax bill, it be in order for me to offer amendment No. 1965, which I have authored along with Senator MURKOWSKI.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. The Senator from Louisiana and I can get into a debate about whether taking \$4 billion in subsidies away from five oil companies that reported \$137 billion in profit last year is going to change the production of oil, but we will save that for another day.

This amendment, like others, needs to go through the Senator's leader, and with some understanding as to whether we are going to stay in the energy field or go far afield, as we have in previous bills. I am afraid I am constrained, until that conversation takes place between the leaders, to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. VITTER. Mr. President, that is unfortunate. It is particularly unfortunate because everyone knows our leader and everyone on our side has absolutely agreed to offer energy amendments and give the other side an equal number of energy amendments. We are perfectly agreeable to that, and everybody knows that.

It is in that context that I bring up another energy amendment, our amendment No. 1997. This has to do with another huge opportunity we have in the United States right here at home; that is, enormous oil resources we can get from western shale. Quoting the Institute for Energy Research:

USGS estimates that unconventional U.S. oil shale resources hold 2.6 trillion barrels of oil, with about 1 trillion barrels that are considered recoverable under current eco-

nomical and technological conditions. These 1 trillion barrels are nearly four times the amount of oil reserves as Saudi Arabia's proven oil reserves.

That is the potential we have right here in this country—enormous reserves, available now, recoverable now. So what is the problem? Well, one big problem is the Obama administration has canceled all leases to access this oil shale. There was movement to properly, responsibly access that 1 trillion barrels, but that has been canceled under the Obama administration.

My amendment, No. 1997—again, obviously, an energy amendment that can affect prices at the pump—would expedite movement toward that important resource and would get us moving again in the right direction, accessing that U.S. energy resource.

With that said, Mr. President, I ask unanimous consent that when the Senate returns to consideration of S. 2204, the pending energy tax bill, it be in order for me to offer that amendment No. 1997.

The PRESIDING OFFICER. Is there objection?

The Senator from Illinois.

Mr. DURBIN. For the reasons stated earlier, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, if I can wrap up, again, I think this is unfortunate. Everybody knows Republicans are perfectly willing to limit ourselves to relevant energy amendments. That is what we are doing. That is what we are bringing to the floor. Leader MCCONNELL has offered that. He has offered to have a like number of energy amendments from the Democratic side. What is happening is we are being completely shut down and shut out.

The main issue is not that I am aggrieved, the main issue is the American people are being shut out. The folks I represent—the folks all of us represent—are being shut out from offering good, sensible ideas to at least debate and vote on which would access more American energy, more U.S. energy, to help solve the pressing problem of the price at the pump in that way. Let's control our own destiny in that way.

This is a sensible solution. It is a major solution. It will move us in the right direction.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am glad to see the Senator from Illinois on the Senator floor to object to my next proposal.

Mr. President, throughout our history, from time to time we have passed legislation that long after it has served its purpose, if it ever did, still remains on the books. I think one of the great and outstanding examples of that is a law called the Jones Act.

The Jones Act, I am sure, may have had some rationale behind it back in 1920 when it was enacted. I am also sure there is perhaps only 1 American in 1,000 who has ever heard of the Jones Act. But the Jones Act has a direct impact on oil supplies, on the cost of oil, and the cost of other products.

The Jones Act says, incredibly, any product shipped between two U.S. ports—whether it is Honolulu, HI, and San Francisco or one of the gulf coast ports to the northeast or anyplace between two U.S. ports—can only be transported by U.S.-owned, U.S.-built, and U.S.-crewed vessels. Talk about protectionism. There is probably no greater example than this.

The Jones Act, enacted in 1920, has cost consumers—especially in places such as Hawaii where the transportation of goods is long distance—enormous amounts of money. In other words, citing the February 2012 Energy Information Administration Report, there are only 56 tankers that meet the Jones Act requirements, which accounts for less than 1 percent of both the total number and the total deadweight tonnages of tankers in the world. So less than 1 percent of the tankers in the world are able, by law, to operate between two U.S. ports.

So what does this do? Obviously, when we are talking about supply and capacity, it drives up the cost of petroleum. In fact, sometimes it is two or three times the rate of a foreign flag-ship—again, according to the Energy Information Administration. Not only that, the Jones Act tankers—those 56—aren't always readily available, so the costs can be even higher than we are talking about.

Let me give another example of the harm the Jones Act does to American consumers. In 1999, the U.S. International Trade Commission—not a Republican or Democrat or Liberal or Conservative organization—said a repeal of the Jones Act would lower shipping costs by approximately 22 percent. A 2002 economic study from that same commission found repealing the Jones Act would have an annual positive welfare effect of \$665 million on the overall U.S. economy. Given the price of oil, that is probably now close to \$1 billion.

The Jones Act adds real direct costs to consumers, as I mentioned, particularly to Hawaii and Alaska. I notice the Senator from Alaska is on the Senate floor. A 1988 GAO report found the Jones Act was costing Alaskan families between \$1,921 and \$4,820 annually for increased prices paid on goods that were shipped from the mainland. In 1997, a Hawaii Government official asserted that "Hawaii residents pay an additional \$1 billion per year in higher prices because of the Jones Act. This amounts to approximately \$3,000 for every household in Hawaii." Again, those figures are from 1988 to 1997. Obviously, they are higher today.

Everybody says there is nothing that can be done immediately about the price of oil. My friends, if we repeal the Jones Act, we would have an immediate effect on the price of oil because when we are transporting oil from the gulf coast to the Northeast, and it costs two or three times more if that supply is restricted to being transported only by these 56 tankers, then, obviously—according to figures that are accurate that it costs two to three times more than if we allowed other foreign-flagged ships to move these goods and services, but particularly oil tankers—we could cut the cost of oil, of gasoline, immediately.

So the next time you hear the President of the United States or my friends on the other side of the aisle say there is nothing that can be done now about reducing the price of a gallon of gasoline, understand that we can do so by repealing the Jones Act immediately.

If there was ever a law that has long ago outlived its utility or usefulness, if it ever had any, it is this law passed in 1920. Only American built? We can't even buy another one—a tanker or a ship—that is built in another country and not have it fall under the Jones Act, even if it is American owned and with an American crew. Amazing.

What I am leading to, obviously, is that we should repeal the Jones Act. If not repeal it, then waive the Jones Act. If not fully waive it, then waive it just for the transport of oil, for oil and gas tankers. If that is not enough, let's just waive it for 6 months. Couldn't we just do that for 6 months?

I know what the response of the Senator from Illinois is going to be. That is his duty on the Senate floor, and I respect that. But, my friends, the price of a gallon of gasoline is now, this March, according to media reports, the highest it has been in history. Depending on what happens in a lot of different areas of the world—particularly the Middle East and what happens in Iran and other things that are going on in this very dangerous world we are living in today—it could go considerably higher.

So why don't we take a commonsense approach and at least for 6 months waive the requirements of the Jones Act for only oil and gasoline tankers—for just 6 months. It seems to me that would make a great deal of sense.

I know all four of my unanimous consent requests on these amendments are going to be denied. But, first of all, I think the Jones Act should be repealed completely. If it isn't to be repealed, couldn't we at least waive the Jones Act restrictions on coastwise trade for oil and gas tankers? If we can't waive it permanently for that, can't we waive those restrictions for 6 months? We are discussing energy and the price of oil. Can't we waive the Jones Act restrictions on coastwise trade for oil and gasoline for 6 months.

So with the indulgence of my friend from Illinois, I ask unanimous consent that when the Senate returns to consideration of S. 2204, the pending energy tax bill, it be in order for me to offer—I want to offer them all—my amendment No. 1948, which is, as I described, an amendment that would waive the Jones Act restrictions. In other words, it would allow a foreign-flagged tanker to move oil and gas—a waiver for 6 months to move just oil and gas—so that we can immediately reduce the cost of transportation, which would then translate itself at the pump at every gas station in America.

The PRESIDING OFFICER. Is there an objection? The Senator from Illinois.

Mr. DURBIN. Mr. President, reserving the right to object, I believe the shipbuilding industry in Arizona is about the same size as it is in Illinois, so I don't come to this issue with any particular hometown or home State view, and I am open to the Senator's suggestion. But I would say at this moment we are clearly focused on doing one thing; that is, eliminating the \$4 billion annual subsidy to the five big oil companies that registered \$137 billion in profits last year. Moving to this measure was voted favorably by 92 Senators, and we are trying to move this to a vote. Perhaps we can move to another issue—the ones the Senator is proposing—at another time, but at this point, I have no other alternative but to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I always enjoy a little dialog between myself and the Senator from Illinois. I hope he would have the same passion concerning all subsidies, including the outrageous and disgraceful subsidies that—and there is a lot of solar in the State of Arizona—a lot of solar. I will stop here, but if we are going to repeal the gas and oil subsidies, let's repeal them all. Let's repeal them all.

I am not sure—again, the logic that says that if we are able to immediately reduce the cost of oil by repealing the Jones Act, which then would reduce the cost of transportation, would then reduce the cost of gasoline—why should we out of hand reject such a motion or an effort to do so?

But I understand what the position of the majority and the distinguished Democratic leader is, and I know others are waiting, so I thank the Senator and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. No time remains.

Mr. BARRASSO. I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, President Obama often boasts about oil production he really had nothing to do with. My amendments I am bringing forth today would allow him to be proud of his own record instead of his predecessors, and that is why I ask unanimous consent that when the Senate returns to consideration of S. 2204, the pending energy tax bill, that it be in order for me to offer amendments Nos. 1956 and 1957. Amendment No. 1956 would accelerate permitting of oil and gas exploration on our Federal public lands, and amendment No. 1957 would require Federal agencies to use existing environmental review documents for oil and gas permitting.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Illinois. Objection is heard.

Mr. BARRASSO. Mr. President, the reason I come to the floor today is to speak on behalf of these two amendments I have filed to S. 2204.

A few weeks ago, we learned that oil and gas production on Federal public lands and waters is down. Specifically, we learned there was a 14-percent decrease in oil production on Federal public lands and waters from 2010 to 2011 and an 11-percent decrease in gas production from 2010 to 2011.

On March 14, Bob Abbey, the Director of the Bureau of Land Management, testified about this before the Appropriations Committee. He explained that there had been “a shift [in the oil and gas production] to private lands to the east and to the south where there is a lesser amount of Federal mineral estate.”

That is why amendment No. 1956 would accelerate permitting for oil and gas exploration on our Federal public lands, and that is why I just offered that. I took a look at the amendments and the discussion on the bill on the floor, and that is why specifically I offered an amendment that would rescind the administration's rules requiring what are called master leasing and development plans. These regulations were put into place over 2 years ago by the Secretary of the Interior. It is unclear why the Secretary issued these regulations. They add more redtape, they cause more bureaucratic delay, and they slow down American energy production. This amendment would also require the administration to set goals for oil and gas production on Federal public lands. It would ensure that the United States maintains or increases onshore oil and gas production.

I have also filed a second amendment, No. 1957, which would require Federal agencies to use existing environmental review documents for oil and gas permitting. When we take a look at this amendment, this would expedite the time it takes to prepare environmental analyses under the National Environmental Policy Act, often

known as NEPA. Too often, NEPA delays onshore and offshore exploration. My amendment provides a commonsense solution. It requires agencies to use, in whole or in part, an existing environmental review document if the existing document was completed for a permit that is substantially the same as the permit under consideration. This amendment doesn't exempt agencies from complying with NEPA, and it does not provide for categorical exclusions. It simply requires agencies to use their previous work so they don't have to reinvent the wheel.

I am disappointed that the majority continues to prevent the Senate from doing its job and that we heard an objection to these amendments. High gasoline prices are causing hardships for American families and American businesses.

My Republican colleagues and I filed a number of amendments to S. 2204. We would like to have votes on these amendments. We would like to take steps to increase American oil production. Instead, as we just saw, the majority says no. "No" to more American energy, they say; "no," they say to jobs; and "no," they say to strengthening our energy security. We can do better, and it is my hope that we will.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I ask unanimous consent to speak for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, I wish to thank my colleagues who have come down to the floor this afternoon for their efforts to offer what I believe are very substantive, very meaningful amendments to the legislation that is before us. I think we can condense the message you have heard here this afternoon pretty easily.

The fact is that the bill before us is highly misleading, and I don't believe it will work. The legislation that has been introduced, S. 2204, is not going to put an end to Federal subsidies for oil and gas producers because there are none. There are no subsidies here. The oil and gas industry actually sends money to the Federal Government to the tune of tens of billions of dollars each year, and it is not the other way around. Basic tax deductions that allow businesses to retain more of their earned dollars is not the equivalent of handing them a check. So I think that is the first thing we need to get out on the table and make very clear.

The second point I want to reinforce is that S. 2204 is simply not going to work. By definition, increasing costs will not lower prices. There is nothing I can think of that, if we tax it more, it will make it more affordable and more abundant. It just doesn't work

that way. And judging from both history and some recent international examples, it is virtually certain that S. 2204 would have damaging effects on this country.

Back in 1980 the Carter administration imposed a windfall profits tax. We remember that. This was a tax that was imposed on domestic crude oil. According to the Congressional Research Service, that tax reduced domestic oil production, it increased our dependence on foreign nations, and it collected far less in revenue than was expected.

The example that is more current on the international scene is one I spoke to yesterday, and that is the example in Great Britain. A year after raising its oil tax rates, production declines in Great Britain have increased from 6 percent per year to 18 percent per year. As a result, Great Britain is reversing that course. They are now planning to offer new incentives to encourage producers to return to the North Sea.

So all we need to do is look at a real-time example of what one country did in an effort to deal with high gas prices. They increase the taxes, and investment and production goes overseas. Now they are turning the corner on this, and they are working to reduce their taxes.

I think there is clearly a better way. The other side of the aisle has refused to even consider amendments that will increase Federal oil and gas production, create good jobs in this country, generate billions of dollars of Federal revenues at a time that we desperately need them, restrain if not reduce gasoline prices, and increase our domestic energy security.

We believe very strongly that the solution to these many problems should be a reasonable combination of increased domestic production, for which we have huge world-class untapped resources that are still locked up by our Federal Government—America could be the world's largest oil producer, and we could be independent of OPEC. That is real. That is achievable. But we have to set our mind to it, we have to make that happen, and we have to have the Federal Government get out of the way or help us with the right incentives to do so.

The hundreds of billions of dollars in Federal revenues from increased production could, and should, help support the research and the development of our renewable resources, our alternative energy, as well as efficiency and conservation. We know that building out the energy of the future—renewables, alternatives—is expensive. How are we going to fund it? Well, many of us believe that resources that come from expanded production could help us with that. Yet what we are presented with today is a bill that does nothing more than raise taxes—raise taxes on an industry that has created

good jobs, is providing us with the resource that we need, and we are not even allowed to offer a single amendment to produce one additional drop of American oil. I think that is unfortunate. I wish it were otherwise.

But I do think the debate, the discussion we have had on this floor in the past couple of days has been good and helpful in helping to educate the American public in terms of what we truly have as a nation in terms of our capacity and our capability to produce if given the opportunity.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. What is the parliamentary situation at this time?

The PRESIDING OFFICER. The majority retains 16 minutes in time.

Mrs. BOXER. I am confused a little bit because didn't the minority get extra time? Did they not get extra time?

The PRESIDING OFFICER. The Senator asked consent and no one objected.

Mrs. BOXER. Well, I would ask consent that I have an additional 5 minutes on the 16.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. So, Madam President, I think it is very important that we understand what we are trying to do here.

The Senator from Alaska said it has been a good debate. Yes, it has been a good debate, but let me tell you what is not good. What is not good is that Big Oil is getting corporate welfare. Big Oil is ripping us off at the pump. They never had greater profits. We are being asked to sacrifice and pay more at the pump because of instability in the world, because of problems with the refineries, even though we have never drilled as much as we are drilling now. Big Oil exports our oil now. We have never had as many exports as we have now.

Big Oil gets billions of dollars of subsidies, so big that I would tell you, \$2 billion a year in U.S. tax breaks. Let me tell you, to explain how that compares to something we do that is very near and dear to my heart and to every mother and father, grandma, grandpa, or aunt and uncle, we put about \$1 billion a year into afterschool programs, and we have millions of children waiting—\$1 billion a year on afterschool programs while we give away \$2 billion a year to the most, shall we say, successful companies in America.

I want to show you what I am talking about because I don't want people to think this is rhetoric. These are the facts. When my Republican colleagues come on the floor and defend these profits, let's talk about what they are.

Now, remember, we have been in a deep recession for several years now. Remember that President Obama and

we had to confront the loss of 800,000 jobs a month. Now, thank goodness, he has turned it around—we have turned it around. It is still not good enough but we were in the worst situation. During that time, small businesses went out of business. People lost their homes. If it were not for the leadership of the President, we would have lost the auto industry in America. Thank you, Mr. President, for saving the auto industry in America. Thank you for that. I was proud to vote for that even though I had a lot of problems with the auto industry not moving quickly enough to fuel efficient cars. Now they are doing a great job with it.

During that time when Americans were suffering, we were bleeding all these jobs and even now, just getting back on our feet, what has happened to Big Oil while they have raised our prices at the pump? In 2009, all the five oil companies made \$64 billion. In 2010, Big Oil made \$76 billion, and in 2011 they made a whopping \$137 billion. So they went from \$64 billion in 2009 to \$137 billion in 2011, and my Republican colleagues are crying bitter tears for them. Oh, let's keep giving them that \$2 billion a year.

Why would we do that when we are sacrificing and our constituents are paying more at the pump and Big Oil is profiting from it? There is no reason for this kind of increase at the pump. There is no reason for it. Look at what is going on here. If they made the normal profits, we could have some relief at the pump. But, oh, no. So now the Republicans are going to reward them by allowing them to keep these subsidies.

That started a long time ago. That started in the 1980s, most of it, because we wanted to help them get moving. How much more do they have to earn before we say they can get off corporate welfare? You talk about welfare queens, here it is. And my Republican friends defend giving these people, who have ripped us off at the pump, billions of dollars of subsidies.

They are exporting the oil they recover here. They will not keep it in the country. We had a proposal for the XL Pipeline to keep the oil in the country. My friends on the other side of the aisle voted against it. They don't care, they just want these companies to have their way, to do with it what they want.

If they want to send our oil to China, fine, that is what they want. But they also want to keep their subsidies. It is not right. I want to see these subsidies done with and I want to see us invest in alternatives to these big oil companies that hold us by the throat. I want to have alternatives.

I have been all over this country looking at the alternatives we are developing now. We know, for example, in Brazil they use sugar cane to create their gasoline and they are completely

free from imported oil. That is the kind of thing we need to do. I am fortunate that I drive a hybrid vehicle and I get 50 miles to the gallon, so I don't go in for gas that often. But when you go in there, it is a shock. We want to have cars—let them be big cars. If people need that for their families, I understand it. I have grandkids. I know what it is to put your grandkids in a small car. It is hard. We need to have larger cars. They need to be fuel efficient. We are going to get there. We are getting there already.

Isn't it better to take that money away from people who are ripping us off at the pump, away from the corporate welfare queens here, and put it into alternatives so our people are no longer victims to their prices? That is the fight we are having. That is the debate we are having.

On the other side they say drill, baby, drill. You know what, I am for drilling where it makes sense. Do you know how many acres the oil companies are holding now that they have not drilled upon? It is pretty amazing. My friends say open the Arctic to drilling—a precious environment, God-given, placed in a refuge by I believe it was Dwight Eisenhower. They want to go in there and ravage it. Why don't they drill on their nonproducing acres? It looks like 75 million nonproducing acres, onshore and offshore, on which they hold leases.

Oh, no, that is not good enough for them. They are only drilling on 25 percent of the leases they hold, of the acreage they hold in those leases. How about "use it or lose it," instead of "drill, baby, drill"? Drill, baby, drill in here. Don't go into the coast of California where they want to go, or Washington, or Oregon, where we have fishing, tourism, recreation.

There are so many people here to whom I listen who make the arguments for the oil companies. I am so tired of it. How about speaking up for the American people who are getting brutalized at the pump? How about speaking up for the people who make their living off of a beautiful, pristine environment?

Oh, by the way, many jobs in my State, over 400,000 jobs, are related to a pristine coastline, and they don't care about that on the other side. They want to open it, push these people out of the way and create a few jobs—because there are far fewer jobs created from drilling. As President Obama has said many times, and the other side gets rankled: We only have 2 percent of the world's proven oil reserves and we use about 20 percent of the energy. You do the math, as the President said. You could drill in your grandmother's bathtub, you could drill in the Great Lakes, you could drill anywhere you want—you are not going to find enough oil.

So let's get off foreign oil, let's tell the oil companies to drill, baby, drill

where they have the acres and let's look at these prices and let's understand—we will look at it again—the profits of Big Oil. They are crying all the way to the bank, as my dad used to say.

Look at this. In the height of the recession they are making record profits and crying to keep their subsidies and my Republican friends are crying right along: Oh, here, have a tissue. We are so sorry for you, even though we have to turn away millions of children from afterschool programs because we do not have more than \$1 billion to spend on it. They are giving away \$2 billion a year. That is just one example.

I hope we vote for the Menendez bill. I hope we vote tomorrow on that, to stop the filibuster, to vote it up or down. What a message of hope it will send to the American people, that we are willing to stand up to the biggest powers that be, that we are willing to fight for the average American, that we are not in the pockets of Big Oil. You don't need to give American taxpayer dollars to Big Oil. It is absolutely ridiculous. We don't have to allow them to drill in pristine areas when they will not even drill in areas that they have had under lease for years. And let's stop them from exporting the oil. We need it. Let's keep it here.

By the way, if they keep on ripping us off like this and getting rewarded for it from my Republican friends, let's release oil from the Strategic Petroleum Reserve, and let's increase the supply and let's see prices go down.

Let's look at the CEOs of Big Oil for a minute, these poor guys who are fighting for the subsidies. Let's look at them. CEOs for the big five made more than \$14.5 million in total compensation in 2010. This is it, average compensation. That is 307 times the average salary of a firefighter; that is 273 times the average salary of a teacher; that is 263 times the average salary of a policeman; that is 218 times the average salary of a nurse. But they need subsidies for their companies and they need to rip us off at the pump so they can make a little more money—\$14.5 million isn't enough for a poor oil company executive. Give me a break. And stop giving them a break because they don't need this break.

We have an opportunity to stand for what is right and I hope we take it. Right now we want alternatives to Big Oil. We want competition for Big Oil. We want to be able to become energy independent. So let's stop these taxpayer handouts. The oil companies do not need them. Let's start investing in America's energy future which, by the way, that kind of investment creates many jobs at a time that we need to do that.

HEALTH CARE

I want to switch topics here for the remainder of my time and talk a

minute about health care and then close with a little bit about the highway bill over in the House and the struggle over there to get their work done.

I ask how many minutes I have left.

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mrs. BOXER. Will the Chair advise me when I have 2 minutes remaining.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mrs. BOXER. Madam President, we all are watching what the Supreme Court is going to do in terms of the health care bill they have before them. What I want to do today is completely stay away from that argument and talk about what the health care bill is doing now, right now as we speak, because people tend to get involved in mandates, and if it is constitutional, and how does it work and so on. I want to talk about what the Obama health care plan is doing for my people at home, your people back home, and the people of this country right now.

As we stand here today, over 5 million seniors have saved more than \$3 billion on their prescription drugs. The way it worked before this bill was passed, you would use up a certain amount of money and then you would fall into this coverage gap that they call a doughnut hole, and just when you are at your sickest point, you get no help. A lot of our seniors were not taking their medicines at that critical point because they could not afford the full cost; they were cutting the pills in half and praying. It was a sad situation. Because of health care reform, we have these seniors being able to keep their medications flowing. Last year in my State, 300,000 seniors were able to save \$171 million in their costs.

Let's look at that again. As a result of Obama health care, which I proudly supported, already 5 million senior citizens are able to afford their prescription drugs—your mother, your father, your grandma, your grandpa. That is important. What is going to happen to these people if this whole thing gets overturned? They will get sick and they will not have those medications.

In addition, what else is happening—2.5 million young Americans are now covered because they can stay on their parents' health plan until they turn 26. Without this law, when you graduated from college you were out of luck, and you had to find your own health care. The Obama plan said you should be able to stay on your parents' health plan until you turn 26. I cannot tell you how many people have written to me to thank me for that.

So over there in the Supreme Court they are talking about legalese, and I appreciate that. They are talking about severability, and they are talking about a lot of interesting things. One thing I want to talk about is what

is going to happen to 5 million senior citizens who are able to stay on their medication as a result of the Obama health plan.

What is going to happen to the 2.5 million Americans who are young who can stay on their parents' plan until they are 26 if something happens over there across the street in terms of this legal case? In California 335,000 Californians have benefited from that young person being able to stay on their parents' insurance provision.

What is going to happen to 54 million Americans who now have access to free preventive care, such as screenings for colon cancer, mammograms, and flu shots? This is new, folks. Before we didn't get free prevention. We had to pay a copayment. I have to tell you, as I lived my life and I have seen the tragedy of cancer, I have learned very clearly that if you take care of yourself and have mammograms and colon cancer screenings, your life can be saved.

What is going to happen to 54 million Americans who have that preventive care now if the Supreme Court strikes it down? Out of that 54 million, 6 million Californians have gotten these screenings and vaccinations. I will close with health care on this story.

I don't know how many people realize this, but before the Obama health care plan there were caps on insurance policies. Maybe they were a million-dollar cap or a half-million-dollar cap. Before I had different insurance, I had a cap on my husband's policy. What happened at that time is, if you used up enough health care, you were finished at a certain point.

I want to tell you the story of Julie Walters of Nevada, CA. She wrote to me last year about her 3-year-old daughter Violet who suffers from a severe form of epilepsy. She wrote that Violet could hit her lifetime limit in 5 years. So here is a little baby who is reaching her lifetime limit, and her mom wrote:

A lifetime limit on insurance is a limit on Violet's lifetime, and that is immoral.

Because of health care reform, there is no longer a lifetime limit. So I wanted to point this out and so many other things that are totally essential to our people that are at stake across the street.

SURFACE TRANSPORTATION ACT

In closing, before we reach our full time, I want to call on the House to take up and pass the Senate Transportation bill. There are 3 million jobs at risk. They cannot get their act together. Allow a vote on the bipartisan Transportation bill and then leave for your vacation. But don't just give us these extensions which are, frankly, death by 1,000 cuts. We already know of six or seven States—including those in the Northeast—that are laying people off because they don't have certainty with the Transportation bill.

So I thank you very much. I thank the chairman of the Judiciary Committee for allowing me to finish.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF MIRANDA DU TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

SUSIE MORGAN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, and Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided and controlled in the usual form.

Mr. LEAHY. Madam President, I would ask unanimous consent that the time be divided equally but am I correct if we did the full 60 minutes, we would start the first vote at 5:35 p.m.?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Madam President, I ask unanimous consent that we divide the time equally between now and 5:30 and the vote be at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, today the Senate will finally vote on the nominations of Miranda Du to fill a judicial emergency vacancy in the U.S. District Court for the District of Nevada and Susie Morgan to fill a judicial vacancy in the U.S. District Court for the Eastern District of Louisiana. Both nominations have the bipartisan support of their home state Senators, and were reported by the Judiciary Committee over 4 months ago. The Senate is still only considering judicial nominations that could and should have been confirmed last year. The judicial vacancy rate remains nearly twice what it was at this point in the first term of President George W. Bush.

Last week, I noted an article about the "crushing caseload" that the Federal courts in Arizona currently face. In that article, the Chief Judge of Arizona's Federal trial court noted that they are in "dire circumstances" and that they are "under water" from all the cases on their docket. Like the district court in Arizona, the one in Nevada is also in desperate need of judges,

as evidenced by its designation as a judicial emergency. As that same article noted, an insufficiency of judges “lessens the quality of justice for all parties involved.” This is why it is so crucial that we confirm these nominees as soon as possible.

Delay is harmful for everyone. An editorial from the Tuscaloosa News last week stated that “[D]elays are objectionable in themselves: They deprive the courts of needed personnel, slow the administration of justice and deter well-qualified candidates from agreeing to be considered for the bench.” I ask unanimous consent to include a copy of the article, entitled “Congress needs to stop judicial partisan games,” in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. The needless 4-month delay in the consideration of these nominations is another example of the delays that have been caused by Senate Republicans’ unwillingness to agree to schedule these nominations for votes last year. As the editorial from the Tuscaloosa News noted: “[T]he determination of Senate Republicans to delay President Barack Obama’s judicial nominees—even those who have won bipartisan support from the Judiciary Committee—is emblematic of the polarization that also has sabotaged efforts of the two parties to work together on numerous other fronts.” The editorial concludes by urging that there be “no more partisan games.”

A recent memorandum from the Congressional Research Service confirms what we have long known: The delay and obstruction from Senate Republicans have resulted in President Obama’s judicial nominees waiting much longer for a floor vote than judicial nominees under the past four Presidents. These tactics, of course, have resulted in a much lower number and percentage of confirmed judicial nominees under President Obama—despite the fact that President Obama’s judicial nominees have by and large been consensus nominees.

The consequences of these months of delays are borne by the more than 150 million Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans agree to up or down votes on the 17 judicial nominations currently before the Senate. Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small busi-

ness owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

Today, we can finally end the needless delays on these two qualified nominees. Miranda Du was born in Vietnam. She left the country with her family by boat in 1978 and immigrated to the United States after spending a year in refugee camps in Malaysia. If confirmed, she will become the first Asian Pacific American appointed to the Federal bench in Nevada. Both of Nevada’s Senators, the Majority Leader and Republican Senator DEAN HELLER, support Ms. Du’s nomination. Senator HELLER has said that Ms. Du will “make an outstanding district court judge.” She also has the support of the Republican Governor of Nevada, Brian Sandoval; the Republican Lieutenant Governor of Nevada, Brian Krolicki; and the Republican Mayor of Reno, Robert Cashell; each of whom has personally worked with Ms. Du. I ask unanimous consent to have printed in the RECORD a copy of the letters of support from these individuals at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. Governor Sandoval fully supports Ms. Du’s nomination. In his recommendation letter, he wrote that when Ms. Du appeared before him when he was a judge, she “was always well prepared and represented her clients with integrity and distinction.” He further stated that she had his “full support” for confirmation as a Federal district judge. Ironically, he was the judge in the one case on which Republicans rely to criticize the nominee. As the judge, he had overlooked the jurisdictional argument when initially deciding against dismissing the case. The Magistrate Judge on the case issued sanctions, but Governor Sandoval ultimately struck the motion for sanctions as moot when Ms. Du and her legal team resolved the dispute with the third-party. In addition, Ms. Du testified candidly about the incident during her Committee hearing and in her response to the Questions for the Record, acknowledged that she had “learned a great deal from this experience.” Incidents like this have never held up a nomination before in the past, and it should certainly not hold up Ms. Du’s nomination. President Obama’s nominees should not be held to a different or new standard.

She has spent her 17-year legal career in private practice as a partner at a law firm in Reno, Nevada. She currently serves as chair of the firm’s Employment & Labor Law Group. Ms. Du’s story is compelling. She was selected by Super Lawyers as a 2009 “Mountain States Rising Star” and was named as one of the “Top 20 Under 40” Young Professionals in the Reno-Tahoe Area in 2008. That she is being opposed be-

cause she and her legal team filed a third-party complaint on behalf of a client in one case is to hold her to a new standard than Senate Republicans have utilized with other nominees and other Presidents in the past.

The other nominee we consider today is Susie Morgan. She has worked in private practice for 30 years. Her nomination has the bipartisan support of Louisiana’s Senators, Democratic Senator MARY LANDRIEU and Republican Senator DAVID VITTER. Following her law school graduation, Ms. Morgan clerked for Chief Judge Henry A. Politz of the U.S. Court of Appeals for the Fifth Circuit. She was unanimously rated as qualified by the American Bar Association’s Standing Committee on the Federal Judiciary to serve as a Federal judge in the Eastern District of Louisiana. Her nomination was approved unanimously by the Judiciary Committee last November.

The Senate needs to make real progress, which means going beyond the nominations included in the agreement between Senate leaders to include the 17 judicial nominations currently before the Senate for a final vote and the eight judicial nominees who have had hearings and are working their way through the Committee process. There are another 11 nominations on which the Committee should be holding additional hearings during the next several weeks.

EXHIBIT 1

[From Tuscaloosaneews.com, Mar. 22, 2012]

EDITORIAL: CONGRESS NEEDS TO STOP JUDICIAL PARTISAN GAMES

Delays in the confirmation of federal judges aren’t uppermost in Americans’ minds when they complain about partisan dysfunction in Congress. But the determination of Senate Republicans to delay President Barack Obama’s judicial nominees—even those who have won bipartisan support from the Judiciary Committee—is emblematic of the polarization that also has sabotaged efforts of the two parties to work together on numerous other fronts. And the delays are objectionable in themselves: They deprive the courts of needed personnel, slow the administration of justice and deter well-qualified candidates from agreeing to be considered for the bench.

So it’s a hopeful sign that Republicans have agreed to vote on 14 judicial nominations by May 7. It would be heartening to report that the Republicans agreed to the votes because they repented of the obstructionism of some of their members, but in fact their agreement followed a power play by Senate Majority Leader Harry Reid, D-Nev., who filed cloture motions to try to force votes on 17 nominations.

Rather irrelevantly, Republicans had complained that Reid hadn’t made judicial confirmations a priority. Now he has. Republicans also have faulted the Obama administration for being slow to fill vacancies on district and appeals courts. That is a fair criticism. There are 81 vacancies but only 39 pending nominees (including two for future vacancies). But it is Republicans who have withheld the unanimous consent necessary for nominations already approved by the Judiciary Committee to move forward expeditiously and without prolonged debate. The

latest pretext for delay was the desire to protest Obama's recess appointments to federal agencies, but Republicans have been reluctant to allow Democrats to score a political point by promptly confirming Obama's judicial nominees.

When Reid first proposed swift action on the nominations, Senate Minority Leader Mitch McConnell, R-Ky., complained: "This is just a very transparent attempt to try to slam dunk the minority and make them look like they are obstructing things they aren't obstructing." But then McConnell added that "this is going to, of course, be greeted with resistance." In other words, if you accuse us of being obstructionist, we'll make you pay by being obstructionist. This is partisanship at its pettiest.

The White House complains that the Senate has taken four to five times as long to confirm Obama's nominees as it did to approve George W. Bush's. Nevertheless, several of Bush's nominations were delayed or derailed by Senate Democrats, including eminently qualified appeals court nominees whom they feared might be potential Republican appointees to the Supreme Court.

Controversial or not, every judicial nominee deserves serious consideration by the Senate and an expeditious up-or-down vote—and no more partisan games.

EXHIBIT 2

OFFICE OF THE GOVERNOR,
Las Vegas, NV, August 22, 2011.

Re Recommendation of Miranda Du

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: It is with great pleasure that I recommend Miranda Du for the United States District Court Judge, District of Nevada.

As long as I have known Miranda, she has exhibited great character and is well respected in the legal community. During my tenure as a U.S. District Judge, each time Miranda appeared before me, she was always well prepared and represented her clients with integrity and distinction.

Miranda Du will make a fine U.S. District Judge and therefore has my full support. Please feel free to contact me if you have any questions. Thank you for your consideration.

Sincere regards,

BRIAN SANDOVAL,
Governor.

OFFICE OF THE LIEUTENANT GOVERNOR,
Carson City, NV, August 23, 2011.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I am writing in enthusiastic support of Miranda Du's nomination to the United States District Court for the District of Nevada.

As Nevada's Lieutenant Governor, I have the privilege of serving as Chairman of the Nevada Commission on Economic Development (NCED), whose mission is to promote a robust diversified and prosperous economy for Nevada. In this capacity, I have served with Ms. Du since she was appointed to the Commission in July 2008.

As a NCED commissioner, Ms. Du has demonstrated many qualities that will make her an ideal Federal District Court Judge. She is intelligent, inquisitive, reliable and dedicated. She is an active and involved commissioner, always prepared and informed, and she

is not afraid to ask tough questions. She conducts herself in a professional and dignified manner. I think that both Nevada and the United States will benefit from Ms. Du's appointment to the Federal Bench and I strongly encourage the Senate to confirm Ms. Du.

Best regards,

BRIAN K. KROLICKI,
Nevada Lieutenant Governor.

CITY OF RENO,
Reno, NV, August 12, 2011.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. CHUCK GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS LEAHY AND GRASSLEY: I am writing in support of the nomination of Nevada Attorney Miranda Du to the United States District Court for the District of Nevada.

I have known Ms. Du for quite some time. For the last eight years, I have had the opportunity to observe her legal skills and temperament primarily in my role as a member of the Board of Directors of the Truckee Meadows Water Authority ("TMWA"), which is partly owned by the City of Reno. Ms. Du has represented TMWA on several matters, and she has been both effective and professional in that representation. Ms. Du is intelligent, articulate and even-tempered. She is direct and always seems prepared in responding to questions from the TMWA Board. I believe she will be a great addition to our federal bench. I strongly recommend her for confirmation.

Sincerely,

ROBERT A. CASHELL, Sr.,
Mayor.

Mr. LEAHY. Madam President, continuing the time that has been allotted to me, I ask unanimous consent that the following statement appear as though in morning business, but I will utilize the time now allotted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. Madam President, I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. GRASSLEY. I want to ask, Mr. President, if it is appropriate for me to speak on the judges who will be up for a vote?

The PRESIDING OFFICER. It is.

Mr. GRASSLEY. Mr. President, again, we are moving forward under the regular order and procedures of the Senate. This year, we have been in session for about 35 days, including today.

During that time we will have confirmed 14 judges. That is an average of better than one confirmation for every 3 days. With the confirmations today, the Senate will have confirmed nearly 75 percent of President Obama's article III judicial nominations.

Despite the progress we are making, we still hear complaints about the judicial vacancy rate. We are filling those vacancies. But again, I would remind my colleagues that of the 81 current vacancies, 47 have no nominee. That is 58 percent of vacancies with no nominee.

So I am growing a bit weary of the vacancy rate being blamed on Senate Republicans.

I have spoken on numerous occasions about the seriousness with which I undertake the advice and consent function of the Senate, as I know we all do. Our inquiry of the qualifications of nominees must be more than intelligence, a pleasant personality, an inspirational life story, or a prestigious clerkship.

When I became ranking member on the Senate Judiciary Committee, I articulated my standards for judicial nominees. I want to ensure that the men and women who are appointed to a lifetime position in the Federal judiciary are qualified to serve. Factors I consider important include intellectual ability, respect for the Constitution, fidelity to the law, personal integrity, appropriate judicial temperament, and professional competence.

In applying these standards, I have demonstrated good faith in ensuring fair consideration of judicial nominees. I have worked with the majority to confirm consensus nominees.

In fact, of the 138 judges confirmed so far, I have voted in favor of over 90 percent of President Obama's judicial nominees. This includes supporting 100 of the 108 district judges we have confirmed during President Obama's term of office.

However, today on the agenda is a nominee that in my judgment does not measure up to the criteria I have outlined. Ms. Miranda Du was nominated to be a U.S. district judge for the District of Nevada on August 2, 2011.

We have heard Ms. Du's life story—leaving Vietnam following the war; living in refugee camps with her family; coming to America at a young age; obtaining an education and establishing herself in a respectable career. She has risen above disadvantages that most of us can't imagine. This is a great success story, and we congratulate her for these notable accomplishments.

However, this is not sufficient for confirmation to a lifetime appointment as a Federal judge. We all can think of similar success stories. Miguel Estrada immigrated to America at a young age, graduated from Harvard, clerked at the Supreme Court, and had a prestigious legal career. His confirmation to the

Federal court was defeated by a Democratic filibuster.

Justice Thomas grew up in humble circumstances, rose above his disadvantaged background to graduate from Yale Law School, faced discrimination in legal hiring, but went on to an illustrious public service career. He was barely confirmed to the Supreme Court.

Janice Rogers Brown, an African-American female, was the daughter of sharecroppers. Overcoming these circumstances, she graduated from UCLA School of Law working her own way through while being a single mother. She served in California State government and on the California Supreme Court. Her Federal judicial nomination faced a Democratic filibuster before she was finally confirmed by a vote of 56 to 43.

I bring up these examples to point out that many individuals we consider for judicial positions have overcome difficult circumstances in life. Most are examples of the American dream. Some are confirmed, others are not. But in each case, the gender or race of the individual, or the particular life story was not part of the consideration of whether or not to confirm to a lifetime appointment. So while I think Ms. Du's accomplishments are admirable, they are not the basis for evaluating her qualifications to serve as a Federal district judge.

The relevant factors for me are her ability and professional competence. In those areas, she does not meet the standards I would consider necessary for a Federal judge.

I would note that the ABA has rated Ms. Du with a partial "not qualified" rating. She states she was "involved in" four jury trials and has limited criminal law experience. As I have stated before, this is no place for on-the-job training.

A mere 16 legislative days after her nomination, Ms. Du appeared at her nominations hearing. At that hearing, she was asked about a case in which she was lead counsel. Ms. Du was the partner in charge of handling the case of *Woods v. Truckee Meadows Water Authority*.

In that case, she filed a motion to dismiss the original complaint. But she failed to raise the lack of subject matter jurisdiction as a reason to dismiss the case. The court, therefore, denied her motion. Ms. Du then filed a third-party complaint against the local union. But the union's counsel recognized that there was no subject matter jurisdiction. Therefore, they advised Ms. Du, in a six-page letter, that the court lacked subject matter jurisdiction. The union, therefore, warned Ms. Du that they would seek sanctions if Ms. Du did not withdraw her complaint. Rather than recognizing her mistake and filing a second motion to dismiss, Ms. Du went forward with the

third-party complaint. In response, the union proceeded exactly as they said they would: They filed a motion to dismiss and filed for sanctions.

The district court agreed there was no subject matter jurisdiction and dismissed the action. In addressing the sanctions issue, the court stated:

Having reviewed the record and considered arguments of counsel at the hearing on this motion, the court finds that . . . TMWA's counsel acted recklessly. . . .

Let me remind you, TMWA's counsel was the nominee, Ms. Du. The court said she acted recklessly. The court went on to state that TMWA—referring to Ms. Du's client—"has not advanced a legitimate, good faith reason for bringing the Union into this litigation." Accordingly, the court concluded sanctions were warranted.

At her hearing, Senator LEE asked her if she agreed with the court's assessment that her conduct was reckless. She stated that she did not believe that she was reckless.

In written follow-up questions, I asked her again about the court finding her reckless, and she responded that she disagreed with the magistrate judge's finding. Let me be clear: The finding of reckless action on her part was not a mere observation of the court, but a legal finding. That finding allowed the court to award sanctions pursuant to 28 U.S.C. 1927.

I was troubled that she would fail to acknowledge the finding of the court that she was reckless. I think this demonstrates a lack of humility, which is an essential element of being a Federal judge. I understand attorneys may make mistakes or have differing views on litigation strategy. However, this is not the case in this situation. Ms. Du was put on notice of her flawed motion, was warned of the consequences of proceeding, but went forward anyway. That is why the court found her to be "reckless." Her subsequent attempt to downplay this serious matter goes against the standards for judicial nominees which I previously discussed.

There is another substantive legal element that concerns me as well. That is her apparent lack of knowledge or disregard for the law regarding subject matter jurisdiction. Senator LEE's questions at the hearing on this issue I think demonstrate a lack of ability or professional competence.

Her written responses to questions for the record failed to adequately explain her legal reasoning or to clarify the issues raised at her hearing.

Accordingly, Senate Republicans on the Senate Judiciary Committee unanimously opposed reporting her nomination to the Senate.

I would note that more than 2 months after her hearing, and more than one month after she was listed on the Executive Calendar, Ms. Du sent a letter addressed to me and Senator LEE. In that letter, she apologized for

her earlier unclear explanations and for her misstatements. While I appreciated her response to me, the doubts I have about her ability and competence remain. Therefore, I cannot support this nomination and urge a "no" vote on this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know Senator INHOFE was on the floor, and if I could ask unanimous consent that after I speak, he would be next to speak, and then the good Senator, Mr. LEE, from Utah.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President.

It is my distinct privilege to come to the floor this afternoon to voice my full support for Susie Morgan's confirmation as an article III judge on the U.S. Eastern District Court of Louisiana.

I have known Susie for many years. She is a good friend and, more importantly, she is an excellent and outstanding attorney.

Ms. Morgan comes to this position equipped with decades of litigation experience in Federal court as an advocate for both plaintiffs and defendants. She brings a thorough understanding of Federal law and an unquestionably fair and evenhanded temperament.

It is unfortunate that such a talented individual such as Susie Morgan has been waiting nearly a year since President Obama nominated her in July of 2011, and almost 5 months since she was voted out of committee unanimously.

Despite what the good Senator from Iowa—my good friend and wonderful partner in so many important issues here—has said, the fact is there are 17 judicial nominees on this calendar. There are 19 judicial nominees in committee. The facts are that the nominees for President Obama have taken nearly five times longer to receive a vote on this floor.

We know there are some vacancies that have not yet received nominations. But there is no reason to deny these 17 who are still on the calendar their day on this floor. Ms. Morgan has waited more than her turn, and I apologize for that. She understands this has been caught up in bigger politics. It has nothing to do with her nomination specifically or her outstanding qualifications. But I do think we have to be honest about these delays and see what we can do to move people who are qualified, such as this nominee, so much more quickly because the courts need their help.

Ms. Morgan earned an advanced degree from the University of Louisiana at Monroe. She graduated from there, earning both her undergraduate and master's degrees. Then she earned a

law degree on top of that, graduating in the top 5 percent of her class at Louisiana State University's Paul Hebert Law Center.

Immediately after earning her JD, Susie served as a law clerk for one of Louisiana's most respected legal minds, Judge Henry Politz of the U.S. Fifth Circuit Court of Appeals.

At the conclusion of that Federal clerkship, she began practicing in Shreveport, LA, for one of our most respected firms, Wiener, Weiss & Madison.

For the next 25 years, she honed her skills. She was one of the most capable civil defense attorneys in both Federal and State court.

After years of successful practice in Shreveport, Susie was recruited by one of the most prestigious law firms in Louisiana, Phelps Dunbar, and has since served as a partner for the firm where she specializes in commercial litigation.

She served in a variety of posts, as many of our wonderful nominees have—serving without much fanfare but with great impact on many committees of the Louisiana bar, the Federal bar, et cetera. One of the most important that I want to mention here is that for 14 years she chaired a rules committee. It is not the sexiest kind of committee, not something known to the public, but it is so important to the practice of law for the thousands of attorneys who practice in Louisiana. She spent years behind the scenes improving Louisiana's State court proceedings. For almost 14 years, as I said, she chaired the rules committee and Louisiana Bar Association. Thanks to her leadership, the Louisiana Supreme Court agreed to replace an old and antiquated system where each judicial district in Louisiana adhered to its own set of idiosyncratic set rules, and now we have a uniform set of rules for the entire State. I think that is a special tribute to her tenacity, to her willingness to serve and do the hard work behind the scenes without a lot of public credit.

I am also impressed with the legal protection services she has offered to the homeless at St. Joseph's, the Harry Thompson Center in New Orleans, and the multiple community works she has done pre- and post-Katrina in our community. She has had a career that has demonstrated her willingness to work hard and to stay at the job, get the job done, to be fair, curious, and respectful and, of course, she is most knowledgeable of the law, which she has so well served. I am so proud to support her nomination. I am proud that President Obama accepted my suggestion and nominated her. I am very pleased. She should receive a full and strong vote in the Senate. She has the support of myself and the other Senator, my partner from Louisiana, Senator VITTER. I am very pleased to speak on her behalf today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise to express serious concerns that I have with the nomination of Miranda Du to serve as a judge on the U.S. District Court for the District of Nevada.

In 2007, the very same court to which Ms. Du has been nominated imposed sanctions on Ms. Du for "multiplying the proceedings . . . unreasonably and vexatiously." (28 U.S.C. section 1927.) The basis of this sanctions order was Ms. Du's prior refusal to dismiss a complaint she had filed on behalf of her client, even after the party her client was suing informed her—and she did not dispute—that the Federal District Court lacked subject matter jurisdiction. In imposing these sanctions on Ms. Du, the district court stated that she "acted recklessly in failing to consider seriously the basic issue of lack of subject matter jurisdiction when the [opposing party] brought it to [her] attention."

Ms. Du's errors were egregious, particularly because they involved Federal subject matter jurisdiction—the very basis of the limited jurisdictional reach of the Federal court system for which she has been nominated to be a judge. Ms. Du has not provided a satisfactory explanation for her conduct, but instead has repeatedly attempted to minimize the significance of her errors.

When asked at her Judiciary Committee hearing why, in addition to dismissing her complaint against the third-party defendant, she did not have the case against her client dismissed for lack of subject matter jurisdiction, Ms. Du responded that she did "not realize this was a matter [she] could raise," and that she in fact did raise subject matter jurisdiction but on other grounds "that the district court disagreed with." However, as pointed out in a letter members of the Judiciary Committee sent to Ms. Du following her hearing, court filings show that she did not raise the issue of subject matter jurisdiction.

In response to that letter, Ms. Du stated that she "misspoke" at her Judiciary Committee hearing and that she in fact had not raised the basic issue of subject matter jurisdiction. Troublingly, Ms. Du's belated candor was marred by an additional misleading attempt to minimize these same errors.

In her letter, Ms. Du stated that the "motion for sanctions was later dismissed as moot and no sanctions were ultimately imposed." By going out of her way to make this misrepresentation, Ms. Du attempted to suggest that her sanctions were somehow not upheld or not imposed. To the contrary, after the court was burdened with a number of additional filings and motions regarding how much Ms. Du should pay

in sanctions for her reckless conduct, the parties settled the issue out of court. The only matter that was mooted was the dispute over how much Ms. Du should pay, not whether she should pay. It is misleading for Ms. Du to affirmatively assert to members of the Judiciary Committee that "no sanctions were imposed" when the district court found that her behavior was reckless and plainly required and imposed such sanctions.

In light of the gravity of Ms. Du's errors and the importance to our Federal judiciary of the issue of subject matter jurisdiction, as well as Ms. Du's repeated attempts to minimize her errors, I must express serious concerns with her nomination and encourage my colleagues to vote against her nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted: "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 61 Ex.]

YEAS—59

Akaka	Graham	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Heller	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCain	Warner
Durbin	McCaskill	Webb
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—39

Ayotte	DeMint	Moran
Barrasso	Enzi	Paul
Blunt	Grassley	Portman
Boozman	Hoeven	Risch
Brown (MA)	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Snowe
Cochran	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	McConnell	Wicker

NOT VOTING—2

Hatch	Kirk
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The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana?

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted: "yea."

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 62 Ex.]

YEAS—96

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden

NAYS—1

DeMint

NOT VOTING—3

Hatch	Kirk	Lee
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, any related statements will be printed in the RECORD, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. COBURN. Mr. President, I ask unanimous consent I be allowed to speak for 30 minutes and following that the Senator from Rhode Island be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

UTILIZING U.S. RESOURCES

Mr. COBURN. Mr. President, there have been a lot of comments made about energy, and I have to admit I come from an energy State. One-third of our economy is connected to energy in one way or another. I think the political games we are playing are just that.

I have a vision that I can see 50 years of prosperity for America on the basis of one thing; that is, actually using the wonderful resources that are in our country for our citizens and extend an opportunity for our kids, in spite of our budget deficits, in spite of our debt, that would enable them to have the same kind of opportunities we have had. The way we do that is to utilize the resources.

If we look around the world and we look at the most stable countries, we look at Canada, what is happening? Canada is living within their means. They have fairly low tax rates. They are utilizing their resources. They have trade surpluses.

If we look at Australia, they have a stable currency. Their currency has markedly appreciated compared to the dollar. The Canadian currency has markedly appreciated compared to the dollar. They are utilizing their resources to advance their country and their wealth and their opportunity. We hear all of these statements made by lots of people, but most of them are half truths. Let me explain what I mean.

There is nobody who disagrees that it is going to take us at least 25 to 30 years to wean ourselves from carbon fuels, if in fact we should do that. But let's say we should. What is the difference between burning a carbon atom that is coming from the Middle East or Venezuela versus a carbon atom that we produce here? We are going to do that. Right now 30 percent of our oil comes from either the Middle East or Venezuela, not necessarily areas of the world that are akin to being kind to us as a nation.

Here is the difference: If we burn our carbon atoms, we add between 2 million and 4 million jobs over the next 10 years. Maybe even more than that. If we burn our carbon atoms—which we are going to burn carbon for at least 25 years—we decrease our trade deficit by at least \$200 billion a year. That is \$200 billion of wealth that does not leave our Nation, and actually it is more than that because if we get \$200 billion worth of American oil and American energy, that creates another \$50 billion to \$60 billion worth of economic multipliers.

We are the only Nation in the world where we have the natural resources to make ourselves energy independent, and yet our government will not allow us to have access to that energy. So my challenge to my colleagues, given the fact that we will burn carbon—we don't even have to have a discussion about global warming or climate change because even the best estimate is it is going to take us 25 years to 30 years to get off carbon. So during that 25 to 30 years, should we not utilize and should we not create a way in which we actually consume our own resources rather than send money and wealth out of this country to be able to utilize the resources of someone else?

I am for conservation. I am for increased mileage. I am for doing everything we can to wean ourselves from a dependency on a foreign source for our energy.

Other than our debt, the greatest risk this country faces is our dependency and reliance on somebody else for our energy needs. If we take our friends in Mexico and Canada and we take what we are producing, we are able to attain 70 percent. That is a tremendous change over the last few years, and that doesn't have anything to do with the present administration.

As a matter of fact, oil production, natural gas production, both onshore and offshore, is down in double digits under this administration. Permitting—not new lands that have been opened—existing lands that are open has dropped to 40 percent in terms of the permitting process. In our Nation we have over 1.2 trillion barrels of oil equivalent that we can access if, in fact, we would. That is more than any other nation in the world.

So what is it that the big political fight is about? Do we want to send wealth out of this country? Do we not want to take advantage of what is available to us simply because of our location as a nation that will actually create tremendous opportunities for our children, that will create a new vision of America that is energy independent as we transition off of carbon-based fuel?

Why would we not want to do that when there is no difference in burning an imported carbon atom versus burning a carbon atom produced here? The benefits are obvious.

We have a bill we are considering that, to me, is mindless. It is about the politics of division, and it is not about any truth. The fact is the major oil companies that reside in our country pay the highest tax rate of anybody in the world. They pay over 41.5 percent of every dollar of revenue they make straight to the Federal Government. There are not any other businesses that compare to that. Google doesn't compare to that; Facebook doesn't compare to that; Apple doesn't compare to it. They are all half that rate.

So we are already taxing the oil companies to the tune of almost \$36 billion, which went to the Treasury from the major oil companies in this country. The bill we have on the floor will not improve the revenue \$1, and that is a fact. There will not be an increase of \$1 over a 10-year period that will come to the Federal Government if we pass this bill.

Why is that? Most people don't know but my background is as an accountant. That was my first training, my first field. Accelerated depreciation just delays the time at which the Federal Government gets the tax dollars it is going to collect. It doesn't change the total amount of tax dollars, it just delays it so we match revenues with expenses, which is one of the things you are trained to do in accounting and in business.

By the way, oil depletion allowance is not allowed for the large oil companies. It is not allowed for them. It has been gone for over 20 years. So we set up accelerated depreciation on what is called intangible drilling costs. It would not have any major effect on the big companies, but it will literally kill the smaller capitalized companies because their capital needs are recaptured over a long period of time if we eliminate intangible drilling costs. So what does that mean? That means we will have less exploration in our country. We will actually harm the exploration for the middle and small oil companies.

Some will say: Well, we don't want to do that for them. We don't want to affect the small oil companies. We just want to affect the big oil companies.

The big oil companies will pay no increase change in their net taxes over a period of 10 years. So the only thing we can actually claim with this bill is the time value of money over that period of time, and the time value of money right now is less than 2 percent a year.

So what are we talking about? We are talking about a political game, and we are not talking about energy security. We are not talking about creating 2 million to 4 million jobs. We are not talking about substance. We are talking about politics, and the shame is that nobody out there is talking about a vision where America doesn't send \$200 billion of its wealth out of the country. There is no reason for us to do

that, and we have had every excuse except a legitimate one for why we should not burn our own oil and our own natural gas liquids.

What we have seen in this country in the last 5 to 7 years on private lands—that doesn't have anything to do with the Federal Government—is a renaissance in energy independence, moving us from importing over 55 percent to 60 percent of our oil from both the Middle East and Venezuela to 30 percent. That is a big change. Why is it that North Dakota, Montana, Oklahoma, Kansas, Texas, Louisiana, areas of Pennsylvania, and now West Virginia, are seeing declines in their unemployment rate? It is all because they are producing energy that we are going to burn no matter where it comes from, and we should be burning our own assets.

The other thing that we don't think about is the fact that these energy companies have made a marked difference in the cost of everyday goods for every American in this country. Go into the kitchen and look at all the products in the kitchen. Go into the bathroom and look at all the products in the bathroom. The fact is, natural gas at \$2.13—1 million Btus today—has enabled us to now become competitive worldwide in fertilizer, polyethylene, all of the raw materials for packaging for synthetic goods from clothing to vinyls to housing materials.

What has happened is a renewal in manufacturing in this country on the basis of this large expansion of available natural gas. If we do that with oil as well, what we are going to do is set up our country to beat everybody in the world in terms of petrochemical byproducts. Why would we not want to do that? Why would we put anything as a roadblock to that?

We have heard all the debate. The best part I know that seems the oddest to me is to think that doing this is not going to have an impact on prices. We all talk about the fact that oil is a global commodity, and at the same time we are saying American speculation on oil is why the price is higher.

Well, there is not just American speculation on oil, we can trade all over the world today in the commodities. Why is there a \$15 to \$20 premium right now? Because of the situation in the Middle East with Iran. Would the prices come down if that political situation were gone? Yes. Would the prices come down if we eliminated every American's ability to speculate or hedge a bet against the price of oil? Absolutely not. Because the price of oil is set on the world market, not on the American market, and it is traded by everybody around the world.

So the best way to lower the price of oil is to solve the problems in the Middle East but produce more. Prices go down when production goes up.

So the fact is, we have an administration that has taken credit for some-

thing they obviously are not responsible for, which is exploration on private lands, and has denied the fact that they have limited the ability of those people who actually have leases but no permits on public lands to explore for oil.

One of the answers we hear from the Secretary of the Interior is, nobody wants to permit new natural gas. No, they don't, not at \$2.13. But they all want to permit in the areas where there is oil or natural gas liquids except the permitting has been slowed down. The new plan is to cut the permits in half on lands that have already been opened for exploration.

I would invite all of the critics to come to Oklahoma to see where we drilled for oil. More oil rigs are run in this country by Oklahoma companies than anybody else in the country combined. They do it well. They do it in an environmentally sound way. They do it with the smallest footprint we can imagine, and they are held to accountability by every corporation commission throughout the country.

I know in the Presiding Officer's State their corporation commission is right on top of it. We have 60 years of experience in Oklahoma with fracking. We have never had one contamination of any water zone in 60 years in the State—second to Texas and Louisiana—that has drilled more holes in the ground than any other State in the country. So what we hear is all the reasons why we shouldn't create an opportunity through our natural resources for our kids rather than why we should, and it is time we should.

There is one other thing affecting the price of oil that people don't talk about very often, and that happens to be the value of the dollar. When the dollar declines in value, when we have deficit spending and big debt, the price of oil goes up. Why is that? Because the price of oil is traded in dollars. So when the world sees us not addressing our deficit issue, our debt issue, the value of the dollar declines. Ten years ago the value of the euro versus the dollar was 96 cents. It is \$1.32 today. So we can buy only two-thirds as much as we could 10 years ago in terms of products from Europe. That has an impact on the price of oil. If the dollar were strong, if we managed our budget well, if we didn't have deficits, oil would go down.

So the next time we are angry about paying \$4-plus for a gallon of gas, the only place we have to look is the U.S. Congress because if we weren't running deficits, if we were making the tough decisions, the value of the dollar would be much stronger, the purchasing power of that dollar would be stronger, and the value of oil would be less. People don't talk about that. They just assume it is just the world market. It is not. It is that what we do here matters. The fact is, we don't address in any significant way the problems in front of

us from a fiscal standpoint, which has created a lack of confidence in the value of the dollar. It has declined; therefore, the price of oil has gone up.

So we have a way. This is one of the easy problems for America to solve. It is one of the ways to create a great opportunity for our kids and our grandkids; that is, utilizing the resources we have. We can do that in an environmentally clean way that will not change our goal to become clean in terms of our energy utilization.

As we look at it, we subsidize solar to the tune of \$692 a megawatt hour. We subsidize—if we call it subsidization—natural gas at 64 cents per megawatt hour. Oil is at 69 cents, and coal is somewhere slightly above that. For wind, it is over \$100 per megawatt hour. So the money we are paying in taxes we are sending out to inefficiently compete with what is known to be there because the technology isn't there yet. That is why it is going to take us 25 to 30 years to ever develop the technology to wean ourselves from carbon-based fuels.

One more thought. There is new technology in terms of thorium nuclear reactors. A lot of people are worried about nuclear reactors, and they are concerned. We are very safe in this country in terms of how we have operated them, and we have a very good Nuclear Regulatory Commission that oversees that. The new technology eliminates nuclear waste and eliminates any threat of a meltdown. So think about it. Here we have a new technology in nuclear that significantly eliminates 99 percent of the waste. There is absolutely no threat of a nuclear explosion or nuclear meltdown. How many dollars did the Department of Energy put into that research last year? Zero dollars.

We have the President talking about algae. ExxonMobil has already spent almost \$1 billion on algae. Why should we take your taxpayer dollars to invest in something in which the biggest oil company in the world is already investing? Can we do it better? Probably not. Is more money the answer? No. Technology and scientific breakthrough is the answer, and that takes time.

As we hear the debate on raising the taxes on oil companies, just remember that we are not really going to raise any taxes because the amount of revenue that actually comes to the Federal Government isn't going to change. It sounds good. It is good for politics. It is good for the election cycle. It is good to make somebody angry about the price of oil. But the problem with the price of oil has nothing to do with that. It has to do with supply, it has to do with the decreased value of the dollar, and it has to do with factors that are outside the control of this country in terms of market price for oil based on significant geopolitical considerations. So I hope my colleagues will

think a little bit longer term rather than the next election about our energy needs.

The one thing we have never done and the one thing I have already heard on the floor this week is that it will take us 10 years to become energy independent. I was in this body 7½ years ago. I heard the same thing: Had we started 7½ years ago, we wouldn't be importing one drop of oil from the Middle East today—not one—and the price of our gasoline wouldn't be above \$4. So we can't use that as a reason not to do it. The fact is, we can do it better, we can do it smarter, we can markedly increase the revenues of the Federal Government by increased resource utilization, and we are going to be burning carbon for at least 25 more years. I want us to burn our carbon, not somebody else's carbon. With that comes the future for our children.

Thank you, Mr. President. I yield the floor.

ENERGY PRICES

Ms. COLLINS. Mr. President, high energy prices are hurting individuals and families and businesses, particularly during these difficult economic times. While I support the measure before the Senate this week that would eliminate certain subsidies for the largest integrated oil companies and extend several clean energy tax incentives, the fact that we are not debating a bill to establish a long overdue national energy policy is a missed opportunity.

To better protect American consumers against fluctuating and escalating prices, we need a thoughtful and comprehensive energy policy for the 21st century that promotes greater efficiency, the development of viable alternative fuels, and the production of domestic energy sources, including oil and natural gas, wind, solar, biomass and others.

The rising costs of energy are burdensome to Maine families, truck drivers, farmers, fishermen, schools, small businesses, mills, and factories. Nearly 80 percent of the homes in our State rely on heating oil, leaving Maine families extremely vulnerable to rising crude oil prices. It is clear that we need a dramatic change in our energy policy to protect ourselves from rapid increases in oil prices without sacrificing our environment. We must rally around a national effort to achieve energy independence for our economic, environmental, and national security.

In the nearly 40 years since the 1973 oil embargo, numerous approaches aimed at lowering energy prices have been discussed, such as expediting the review of offshore drilling permits, opening new areas to oil and gas leasing, releasing oil from the Strategic Petroleum Reserve, and promoting the development of domestic energy alter-

natives. The serious will to tackle a comprehensive policy, however, has been lacking.

If the United States is to become less susceptible to volatile global market situations that drive up the cost of heating and transportation fuel, we must decrease our dependence on foreign oil. To accomplish this goal, we must promote energy efficiency and develop viable and affordable domestic energy sources. I have worked to advance these goals by supporting legislation that would promote clean energy initiatives, such as accelerating research of plug-in hybrid technologies for heavy duty trucks, providing incentives for producing alternative fuels from biomass, improving the energy efficiency of cars and appliances, the deployment of deepwater offshore wind power, and expanding domestic production of oil and natural gas in areas approved for exploration.

We must seize every opportunity to use oil more efficiently. For example, the provisions I was able to include in the last Transportation Funding Bill to allow heavy trucks to use Maine's interstate highways instead of being forced on secondary roads and downtown streets will shorten travel distances significantly. The owner-operator of a logging business in Penobscot County told me this change will save him at least 118 gallons of fuel each week. At today's diesel prices, that's more than \$500.

The current political turmoil in the Middle East and our reliance on oil from countries with which we have strained relations, such as Venezuela, remind us that decreasing our dependence on foreign oil and relying on domestic energy sources must be the cornerstone of our Nation's energy policy. For this reason, I have supported efforts to increase the responsible domestic production of oil and gas.

Our efforts to increase American production should first be focused on regions that are already open to gas and oil production. The many lessons learned from last year's oil spill disaster in the Gulf will help to ensure stricter safety regulations. I continue to believe, however, that we must also continue to avoid our most sensitive coastal areas and areas that are essential to our fishing industry, such as Georges Bank. Pursuing domestic oil and gas leasing and transport is an important component in reaching this goal, and I remain disappointed in the President's decision to deny the permit for the proposed Keystone XL pipeline. Canada is our Nation's largest trading partner, and construction of the pipeline would create thousands of jobs in our two nations and reduce our reliance on oil from overseas.

Finally, we must also continue to support important safety net programs, including providing adequate resources for the Low Income Home

Energy Assistance Program to help low-income Mainers and senior citizens afford to heat their home. The Weatherization Assistance Program, which helps Mainers improve the efficiency of their homes and substantially reduce heating bills for the long-term, is another very important program.

I remain committed to working with my Senate colleagues to advance effective and commonsense energy legislation that increases America's supply of energy and decreases our demand for foreign oil. This will help us to achieve energy independence and stabilize gas and oil prices.

Mr. LEAHY. Mr. President, it is long past time to close the wasteful tax loopholes for Big Oil. Over the past 10 years, the five biggest private sector oil companies—BP, ExxonMobil, Chevron, Shell, and ConocoPhillips—have amassed combined profits of almost \$1 trillion. Last year was no different. Due to skyrocketing prices for oil, these same five corporations raked in a record-breaking \$137 billion in profits. Despite this massive windfall, Big Oil continued to receive billions of dollars in taxpayer subsidies that are unnecessary and, in my opinion, unconscionable. The Repeal Big Oil Tax Subsidies Act will eliminate these harmful subsidies and level the playing field for all Americans.

Big Oil does not need these big tax breaks, and the prices they set for consumers at the pump suggest that they don't appreciate them. As of March 22, the national average price of regular gasoline is over \$3.88 per gallon—up almost \$0.34 from a year ago. I need look no further than the prices at the pump in Vermont, where the average price for a gallon of gasoline is \$3.85—up approximately \$0.30 from the average price in March 2011. This price increase is especially burdensome in rural states such as Vermont, where people must often rely on cars to get around, and heating fuel is a life-or-death necessity in the winter. For every penny the price of gasoline increases, big oil companies make an additional \$200 million per quarter.

In spite of their ever-increasing profits and unneeded subsidies, the five major oil companies have done absolutely nothing to bring down prices for average consumers. Instead, they have padded their own pockets, using the vast majority of their net profits to pay exorbitant dividends, repurchase stock, lobby government officials, and buy radio and newspaper advertising to fight this bill. These actions benefit elite oil company executives and the companies' largest stockholders but do nothing whatsoever to ease the pain of hardworking Americans who trying to commute to their jobs every day or heat their homes during the long winter months.

This bill will halt the transfer of money from hard-working middle class

families to oil company fat cats by ending more than \$2 billion in annual tax breaks. It is a watershed moment for both energy policy and deficit reduction, and I support it wholeheartedly. Eliminating these wasteful tax breaks that benefit a few undeserving companies will allow us to reinvest in clean energy technologies that will benefit everyone. These investments will improve our national security by making the U.S. less dependent on foreign oil. They will also strengthen our economy and create new green jobs for the large number of Americans who are currently out of work and facing hard times.

Specifically, the Repeal Big Oil Tax Subsidies Act would renew incentives for clean energy technologies and put America on the path to energy independence. In order to break free from our unhealthy addiction to oil, we must choose the President's all-of-the-above energy strategy which will grow clean energy industries, including alternative fuel vehicles, advanced manufacturing, biofuels, and solar, to name just a few. Savings from repealing these tax subsidies for Big Oil will help continue important incentives for alternatives to oil and usher in a bright new future of energy independence.

In addition to the benefits we will receive from investing in clean energy technology, the remaining savings from this bill will be dedicated to reducing the national deficit, a goal shared by both Democrats and, supposedly, Republicans. Time and again we have heard seemingly impassioned rhetoric from Republicans about the need to balance the budget and rein in spending. And yet, when given the chance to end more than \$2 billion per year in unnecessary tax breaks, Republicans have stood with Big Oil. Instead of standing with Big Oil, we need to stand up to Big Oil.

For years, Republicans have opposed efforts to end taxpayer subsidies to the major oil companies. However, lavishing these giant corporations with incentives they do not need merely deepens our deficit and takes money out of the pockets of hard-working families, money which could be spent growing the economy and hastening our recovery. The Repeal Big Oil Tax Subsidies Act is precisely the action we should take to ensure that oil companies pay their fair share to help lower the deficit, just as working class taxpayers do.

It is important to note that cutting these subsidies will not result in less oil production or an increase in prices. Expert analysis has revealed that it costs the big five oil companies only about \$11.00 to produce a single barrel of oil. This amount is dwarfed by the current price of a barrel of oil, which has consistently hovered around \$110 per barrel. At today's prices, oil companies regularly earn \$100 in pure profit

from each barrel of oil that they sell. In fact, the former chief executive officer of Shell Oil Company, John Hofmeister, has admitted that, in his point of view, high oil prices made subsidies unnecessary. Therefore, it is highly improbable that a small change in tax subsidies would reduce their output. Furthermore, because oil is a global commodity, any incremental change in production that might result from changing oil subsidies in the United States will likely have no impact on world oil prices and, therefore, no impact on the price of oil.

The Senate should also go one step further and once again pass the No Oil Producing and Exporting Cartels Act (NOPEC), which I have filed as an amendment to today's bill, along with Senator KOHL and others. We must do everything we can to ensure that oil prices are not artificially inflated, driving up gas prices at the pump. Our NOPEC amendment will hold accountable those who engage in collusive behavior that artificially reduces supply and increases the price of fuel by allowing the Justice Department to crack down on illegal price manipulation by oil cartels. This illegal manipulation affects us all. As long as OPEC's actions remain sheltered from antitrust enforcement, OPEC's member-governments will continue to have the ability to wreak havoc on the American economy and their destructive power will remain unchecked.

The benefits of the Repeal Big Oil Tax Subsidies Act should be obvious to all Senators. An overwhelming majority of the Americans, 66 percent, have said that repealing tax subsidies for Big Oil is an acceptable way to help reduce the deficit. I would go further. Not only is this an acceptable way to reduce the deficit, but in these lean times when so many are struggling to make ends meet, it is an essential way to bring the budget back in line. It is time to end Big Oil's free ride at the expense of taxpayers.

Going forward, our focus should be on 21st Century clean energy that powers a jobs boom and fuels our economy. If these tax breaks were ever justified, that day has long passed. The Repeal Big Oil Tax Subsidies Act will end the unjustified Federal subsidies for the biggest oil companies that are enjoying record profits at the expense of working families. It will propel us into the future by investing the savings in clean energy technologies and reducing the Federal deficit.

Senators must make a choice: stand with the American people and stand up to Big Oil or continue business as usual. I think the choice is clear, and strongly support this bill.

SURFACE TRANSPORTATION ACT

Mr. WHITEHOUSE. Mr. President, I come to the floor of the Senate this evening to urge Speaker BOEHNER and the House of Representatives to pass

the bipartisan Senate highway jobs bill now. This is an important bill that would save or create nearly 3 million jobs with really a stroke of the President's pen.

From Washington in the Northwest, 33,700 jobs, to Rhode Island in the Northeast, 9,000 jobs in our small State, to Florida in the South, 81,700 jobs, this is the jobs bill on which we need to act.

Rhode Island would receive \$227 million a year for highways, roads, and bridges from this bill, and that would hold us steady at funding this year's funding levels.

Rhode Island would also receive an additional \$30.5 million each year for transit projects, which would be a 10-percent increase over this year's Federal aid.

Importantly, this bipartisan Senate bill that will be so good for jobs across this country includes language authorizing the Projects of National and Regional Significance Program. That will help fund critical infrastructure projects such as the Providence Viaduct. Where I-95, the main northeast highway corridor, comes through Rhode Island, it goes through our capital city, Providence, next to the Providence Place Mall, and it proceeds through Providence as a bridge. It is a big, long land bridge. Its condition is so poor that when you go underneath it, as you do to drive down and enter the back parking entrance of the mall, and you look up, you see that between the I-beams that support the highway have been laid planks. The planks are there to keep the highway that is falling in from landing on the cars that pass underneath the highway below.

If you look just to the side where Amtrak, the main rail corridor for the Northeast passes under the Viaduct, you see the same thing: Planks across the I-beams so the road that is falling in does not land on the trains as they pass or block the tracks.

It takes a program like the Projects of National and Regional Significance Program to address repairs of this magnitude, particularly in a small State like mine, which simply does not have the resources to repair a facility like that built in 1964.

The Senate bill would send significant funds to States to build badly needed projects like these. All of those projects not only repair crumbling, broken, and deteriorating infrastructure, but they put Americans back to work at a time when we still urgently need these jobs.

So we passed this bill in the Senate. We passed it with 74 votes, and another Senator making it 75, expressing that had he not been required to be at a funeral in his home State, he would have voted for it. So we have 75 votes on a bipartisan bill that spent, if I remember correctly, 5 weeks on the floor of this body getting amendments, bipar-

tisan amendments, amendments of all kinds being worked on and improved to the point where it could pass out of this body with that kind of a majority—even in the contentious and partisan atmosphere that often prevails in Washington.

It is a good bill, it is a bipartisan bill, it is a highway bill, it is a jobs bill, and the House should move on it.

What have they done instead?

Well, the House Republicans initially proposed funding transportation programs with a 30-percent cut in existing transportation funding. That, obviously, would have been a disaster. It would have resulted in the loss of an estimated 600,000 jobs across the country. So, of course, it was overwhelmingly opposed by transportation advocates and by business groups.

The House Republicans then tried to introduce something called the American Energy and Infrastructure Jobs Act back at the end of January. This bill was so extreme and so flawed that it was even opposed by many House Republicans. It removed dedicated funding for transit programs and went after things like offshore drilling.

Transportation Secretary LaHood was a Republican Member of the House of Representatives himself for many years. He said about that House bill that it was "the worst transportation bill I have ever seen" and that it would "take us back to the horse and buggy era."

So with bipartisan opposition to this extreme, the worst bill that Secretary LaHood had ever seen, Speaker BOEHNER was forced to pull it, and that was that for that effort.

Then they spent months going after budget proposals that would reduce spending on our highways and on our bridges. Ultimately, they have thrown in the towel. They have no transportation bill in the House. They cannot get one up for a vote. So they have fallen back on trying to pass short-term extensions.

Well, first of all, that is not a great outcome for jobs and for the economy. According to the Rhode Island Department of Transportation, short-term extensions have had significant detrimental effects. These include delaying \$80 million worth of projects, which equates to the loss of 1,000 job-years of work; delaying planning for needed safety and structural improvements of a \$300 million to \$400 million interchange that is in deplorable condition; delaying the advertising and awarding of the entire 2012 formula-funded construction program, which may cause the State to miss an entire construction season, putting the entire road construction industry out of work for that season; making long-range planning and the development of a sound State Transportation Improvement Program nearly impossible; and, last, jeopardizing the State's plans to design

and construct the replacement of the Providence Viaduct I spoke about.

So the idea that an extension just carries on the status quo, it is more or less OK, it will not create harm, and it will not cost jobs is just plain dead wrong. There is job loss and there is economic loss associated with these extensions.

So how have they done on the extensions? Well, they have not even managed to pull themselves together to deal with the extensions. The House leadership has proposed 60-day extensions and 90-day extensions to the Federal transportation programs. Twice they have placed these proposals over on their calendar, but both times they have had to pull the proposals down because they do not have the votes.

So what do they have over there? They have no bill they can vote for. The bill they did put up was called one of the worst and most extreme transportation bills in history by a former Republican Congressman. They cannot get their act together to pass an extension. Even assuming it is not a bad idea to pass an extension for our economy, they still cannot do it, even as bad of an idea as that is. So they have nothing, and we are coming up on a deadline. On March 31, the authority to draw funds from the Highway Trust Fund runs out. So we are up against a pretty serious time constraint. As we whittle away to those last days, and as they get ready to leave the House and head home without having done their work on transportation, it is becoming more and more urgent that they take some action. If they cannot do a bill of their own, if they cannot pass a 90-day extension, if they cannot pass a 60-day extension, there is one obvious solution that is standing there as big as the proverbial rhinoceros in the living room; that is, pass the Senate highway transportation bill.

It is right there. It is ready to go. It could be on the President's desk in just days. It is bipartisan, with 75 votes in the Senate. It preserves these important programs and saves or creates nearly 3 million jobs in this country. The people of America understand that our highways, our roads, and bridges are important. They want us to go forward on this bill. This is not controversial. This should be easy.

So the House needs to take a look at where they are and make a hard decision.

They should not go home without addressing this problem and let us hit the deadline wall—particularly not with a good, solid, bipartisan Senate highway bill waiting to be taken up, waiting to be voted on, and waiting to be signed. All of the indications are that if the Senate highway bill were taken up by the House, it would pass overwhelmingly. Who would vote against a bill that creates 2.9 million jobs? Who would vote against a bill that maintains our highways, our roads, and our

bridges? Who doesn't get it that in this country, our highway, bridge, and road infrastructure is in terrible shape? We understand this. The Nation's civil engineers have given our infrastructure near-failing grades in these areas. Other countries spend 5, 6, 7, 8, 9 percent of their gross domestic product on infrastructure, keeping it right, knowing it helps grow their economy. We are down below that.

It is very unfortunate that the House at this point cannot sort itself out to come up with its own transportation bill, cannot sort itself out to pass an extension—they cannot even do that. A deadline is coming at them that is non-negotiable. Ideology, partisanship, rhetoric—all of those things don't matter against the hard deadline they are driving this country toward. I hope and urge that they take up the Senate Transportation bill, put it to a vote, let's get going, let's put 2.9 million people to work rebuilding our roads and highways, and let's get America moving and working again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MR. BILL SWOPE

Mr. MCCONNELL. Mr. President, today I rise to commemorate my very dear friend, Mr. Bill Swope of Elizabethtown, KY, for his many successes in business and in life. Mr. Swope has made many contributions to philanthropy and his local community, and has affirmed a commitment to public service on behalf of the Commonwealth while setting an example for his family and others of what it means to be a distinguished citizen.

I have been very closely acquainted with Bill Swope, his brother Sam, and the rest of their family for quite some time. Bill was born in 1922 in Cleveland, Ohio. He graduated from Miami University in Oxford, OH, with a degree in business administration. Bill served in the U.S. Army during World War II as a sergeant specializing in artillery. He recently received the French Legion of Honor in 2009, and is now considered a knight of the French Republic.

His wife Betty was a lieutenant, junior grade, in the Navy WAVES before she married Bill on July 26, 1945. According to Bill, the couple's long-lasting relationship is because Bill has always remembered who holds the higher rank—and it isn't him.

The first business venture of Mr. Swope was established in 1952 in Winchester, KY; it was called Swope Motor Company Plymouth-Dodge. There were many doubts about the future of the young company in its beginnings, but the Swope family business survived and thrives. This year marks the 60th year of the family business. Bill is now retired has left the running of the business to his three sons Carl, Bob, and Dick.

The first generation of Swope laid the foundation of the business. The second generation is now in charge and makes sure the business runs smoothly. One thing both generations can agree on is that the company needs to remain a local, family-run enterprise. Bill is excited about the next 60 years in the automotive industry, and he is the first to tell you how proud he is of the three generations of Swope's leadership.

Mr. Swope has been involved in a tremendous amount of volunteer activities, charities, and leadership roles throughout the years. He has been an active member of the Lion's Club since 1952, a deacon, elder and trustee of First Presbyterian Church in Elizabethtown, KY, and the past president of the Fort Knox Chapter, Association of the United States Army in Fort Knox, KY. As a former member of the Elizabethtown City Council, he holds his community very dear to his heart. He has made sure to give back to the place he calls home in just about every way possible.

If you ever have the chance to sit down and talk with Bill Swope, you would quickly learn his passion for cars. Starting a company that has sold over 500,000 automobiles is just the beginning of his immersion in the industry. Bill likes to collect and restore antique and classic cars. Over the years he has become so good at this that in 1999, he opened Swope's Cars of Yesterday Museum in Elizabethtown, KY. The museum is open Monday through Saturday, and admission is free. The attraction houses every type of classic car you could imagine, and people from around the world have made a trip to the Commonwealth just to take a look.

Bill is very proud of his accomplishments in the business world, not because of the success he himself acquired, but for the opportunities he has helped to provide for so many other Kentuckians. Bill is a sensitive and thoughtful individual, and a natural-born leader. And he is first and foremost a loyal family man, a husband, father, foster-father, grandfather, and great-grandfather.

Bill is a joy to be around, he has a great sense of humor, and he always knows how to make you smile. He is an instrumental part of the economy of Hardin County, he is a vital part of the success of the State of Kentucky, and I am proud to say he is my good friend. I extend to him my heartiest congratulations on his lifetime of accomplishments, and I look forward to his future endeavors, wherever they may lie.

I would like to ask my U.S. Senate colleagues to join me in paying tribute to all Bill Swope has achieved for the Commonwealth of Kentucky.

An article was recently published in Hardin County's local newspaper, the News-Enterprise, which highlights the life of Mr. Bill Swope, and also follows Bill as he looks back on over 60 years of success in the private sector. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the article was ordered to appear in the RECORD as follows:

[From the News-Enterprise, Jan. 29, 2012]

SWOPES CELEBRATE 60 YEARS IN BUSINESS

(By Sarah Bennet)

Nearly 60 years ago in March of 1952, Swope Dodge-Plymouth was celebrating its grand opening at the corner of College and Mulberry streets. The dealership already had been open for a couple months, but people crammed into the one-car showroom for the event.

As Bill Swope remembers, two competitors, Buick and Pontiac dealers, were there that day and were overheard to make the following exchange: "I'll give them six months," one dealer said about Bill Swope and his brother Sam.

The other replied, "I think you're being pretty generous."

This year marks 60 years in business for Elizabethtown's Swope Family of Dealerships and Louisville's Sam Swope Auto Group.

Combined, the two Swope businesses have sold more than 500,000 automobiles, Bill said.

"We're kind of proud of that," the 89-year-old said during a phone interview.

"We think the 60 years have given us pretty good practice, and we're pretty well set for the next 60 years," he said.

Today, Bill is retired and his sons are managing the family business. Bob, 64, is president of Bob Swope Ford, while Carl, 54, is president and CEO of Swope Family of Dealerships. Their brother, Dick, is CEO of Sam Swope Auto Group.

As the second generation closes out the family's first 60 years, Carl said the "dynamic third generation" is getting involved with the business, which will continue to be a local, family-owned company.

"As the successive generations get involved, there's more of them," Carl Swope said. "There's certainly an increased capacity to do things. We're very excited about the next 60 years and think that the growth of the family business will be even more fantastic than what we've seen."

"I think that's very important," Bill added about keeping the Swope Family of Dealerships both local and family-owned. "We're very proud of our family. Our family seems to be well-adapted to the automobile industry. We're very proud of the products that

we're selling and certainly of the people that we have, our associates, that help make our business successful."

But as the Swope men point out, the 60 years in business hasn't been a cake walk. The automobile industry has had its ups and downs throughout the years, and in January 1966, the Swope's second location at the corner of St. John Road and U.S. 31W burned down.

The building was a total loss, and the Elizabethtown Swope dealership was without a home for nearly 12 months.

"We ran an ad in the paper at the time—a picture of the building totally destroyed," Bill said. "Here it is, winter time. I'm standing in the rubble of the building and there's still smoke billowing up from the ashes. We ran a full-page ad and the headline of that ad was, Low overhead? We have no overhead."

But, somehow, with help from some competitors and their hard-working employees, the Swope family stayed in business, he said, and they began building where the Swope Chrysler-Dodge-Jeep-Ram building is today.

"January to December 1966, we were kind of operating out of the backseat of our cars and out of briefcases and various stalls that were loaned to our technicians," Bill said. "We moved out to what was then out in the country, and we dubbed that part of Dixie 'The Miracle Mile.' It wasn't much of a miracle at the time, but we thought it would be. Certainly it has turned out that way."

Asked about the recent downturn in the automobile industry, the Swope stay optimistic.

Americans love their automobiles and will always need a way to travel from Point A to Point B, they say. That fact always will remain true regardless of how cars evolve in the future.

"Over that 60 years, we've seen a number of ups and downs in our industry," Bob Swope said, "and we certainly learned to make adjustments that were necessary for getting through those slow periods. It seems like each time we've experienced slow periods, the industry then comes back very robust."

The recent downturn was difficult for the entire industry, Carl said, but the Swope family made it through without making any layoffs.

"I would give a lot of credit to our associates for how they responded to (the downturn)," he said. "Our people rose to the occasion. They became more efficient and effective in what they do."

Bob said over the years the Swope Family of Dealerships has developed a culture in its stores that values its associates and makes them part of the family, a business practice that has contributed to the company's longevity.

"One of the things that we learned very early on was to make sure our associates were also very happy with their working experience," he said. "So we work very hard to try to make sure that they feel like they're just an extended part of the family."

In 2011, the Swope's were up 20 percent compared to the previous year, Carl said, partially because of activity at Fort Knox. The Hardin County locations sold 4,538 retail vehicles, which was "a pretty steady mix" of both used and new cars.

Combined, the Elizabethtown and Louisville locations sold more than 22,000 vehicles in 2011, he said.

As they celebrate 60 years in business, the Swope family is expanding. Later this year, the business will hold grand openings for a new Nissan dealership as well as the expan-

sion of its museum, which is one of Bill's projects.

Bill referred to it as a tribute to the Hardin County community and the customers who have supported the Swope family over the years. Open each Monday through Saturday, admission is free.

Reminiscing about the early years in the business, Bill recalled one of the first business deals he and Sam made in January 1952, not long after they opened the Swope Dodge-Plymouth doors for the first time. An Elizabethtown cab company, Dixie Cab, wanted to increase its fleet.

"So one of the first orders we got was a big order," he said. "They increased their fleet from two cabs to three, which is 50 percent. That was one of our first sales, and it was a Plymouth Cranbrook for Dixie Cab."

Bill recently located a 1952 Plymouth Cranbrook with some 15,000 miles on it which he plans to detail.

"You don't see many of those anymore," he said. "You will see that car parked out in front of the museum when it is completed."

TRIBUTE TO FRANCE CORDOVA

Mr. LUGAR. Mr. President, today I wish to recognize Dr. France A. Córdova, Purdue University's 11th president and the first woman to head that institution.

Dr. Córdova became president of Purdue on July 16, 2007, and has overseen a strategic plan that emphasizes student success, research deliverables and global engagement. During her presidency, she has led Purdue to record levels of research funding, reputational rankings, and student retention rates; championed diversity among students, staff and university leadership; and promoted student success, faculty excellence, education affordability and programmatic innovation. Under her leadership, Purdue has expanded its role as a top research institution on the global stage and raised more than \$1 billion through private philanthropy.

President Córdova will retire from Purdue at the end of her 5-year term, July 2012. She leaves a legacy of excellence at Purdue and in the field of higher education. Among the numerous national boards she serves, she is currently the chair of the Smithsonian Board of Regents, a three-year term which began in January 2012.

That Purdue is the cradle of astronauts—with 23 astronaut alumni—is significant to Dr. Córdova, who first dreamed of exploring space as she watched Neil Armstrong take the first human footsteps on the moon in 1969. She has served Purdue University honorably and with a great commitment to students, research innovation and global outreach.

It is my honor to recognize Dr. France A. Córdova as an outstanding scientist, educator and administrator, who has given so much to Purdue University and the State of Indiana, and I wish her every continuing success in her future endeavors.

AFFORDABLE CARE ACT

Mr. LEAHY. Mr. President, earlier today, the Supreme Court concluded three days of oral arguments about the affordable care act, the law Congress passed 2 years ago to provide millions of Americans with access to affordable health care while bringing the spiraling costs in this area under control.

I was fortunate to be able to attend yesterday's argument about the constitutionality of the provision requiring individuals to take personal responsibility for paying for their health care, and to watch in person and in real time. Hundreds of thousands of Vermonters and millions of Americans across the country who benefit from the affordable care act did not have that access. The Supreme Court's decision in this landmark case will affect every American. I think every American should have had a chance to see it and the Supreme Court should open its proceedings to television and radio.

Americans are already beginning to see some of the benefits of insurance reform. Seniors on Medicare who have high-cost prescriptions are starting to receive help when trapped within a coverage gap known as the "doughnut hole." The affordable care act completely closes the coverage gap by 2020, and the new law makes it easier for seniors to afford prescription drugs in the meantime. In 2010, more than 7,000 Vermonters received a \$250 rebate to help cover the cost of their prescription drugs when they hit the doughnut hole. Last year, nearly 6,800 Vermonters with Medicare received a 50-percent discount on their covered brandname prescriptions, resulting in an average savings of \$714 per person. Since the affordable care act was signed into law, more than 4,000 young adults in Vermont have gained health insurance coverage under these reforms, which allow young adults to stay on their parents' plans until their 26th birthdays. The improvements we are seeing in Vermont go on and on: 81,649 Vermonters on Medicare and more than 100,000 Vermonters with private insurance gained access to and received preventative screening coverage with no deductible or copay. These are just a few of the dozens of consumer protections included in the law that are benefiting Vermonters and all Americans every day.

Now that the law is in effect, many of the essential antidiscrimination and consumer protections of the affordable care act are being implemented, allowing consumers to take control of their own health care decisions. Going forward, insurance plans can no longer deny children coverage because of a preexisting health condition; insurance plans are barred from dropping beneficiaries from coverage simply because of an illness; dozens of preventative care services must be covered at no cost and with no copay; and Americans

will have access to an easier appeals process for private medical claims that are denied.

I attended Tuesday's argument with Senator GRASSLEY, the ranking member of the Judiciary Committee. He and I disagreed about the affordable care act when we debated it extensively in the Senate and passed it 2 years ago. But we both respect the important role the Court plays in our constitutional system. I hope that as the Supreme Court considers its decision in the coming weeks, it respects the important role of Congress, the elected representatives of the American people.

For years, we have heard Republican and Democratic Senators rightfully say that judges should not make law from the bench. For the sake of the health and security of our nation, the Supreme Court should not cast aside this landmark law and Congress' time-honored ability to protect the American people.

After watching the arguments and following the debate closely, it is as clear to me now as it was when Congress debated and passed the law more than 2 years ago. The Supreme Court should uphold the affordable care act. Looking at Article I of the Constitution and a long line of Supreme Court precedents dating back to the Nation's earliest days, there is no question Congress acted well within its time-honored ability to protect the American people.

Every Member of Congress takes an oath of office to "support and defend the Constitution of the United States." We take this oath seriously. As Justice Scalia said at a Judiciary Committee hearing last year, we take the same oath that the Justices take.

During the course of Congress' extensive consideration of the affordable care act, we considered untold numbers of amendments in committees and before the Senate. That is what Congress is supposed to do. We consider legislation, debate it, vote on it, and act in our best judgment to promote the general welfare. Some Senators agreed and some disagreed, but this was a matter decided by the democratically elected Congress.

Among the arguments expressly considered and rejected by Congress before passing the affordable care act were arguments that the law was not constitutional. We considered and rejected arguments that the part of the law now being challenged in the Court—the individual mandate—is not constitutional. In fact, those arguments were considered on the Senate floor when Senator HATCH raised and the Senate formally rejected a constitutional point of order claiming that the individual responsibility requirement was unconstitutional. During the Senate debate on the affordable care act, I responded, publicly and on the record, to arguments about the constitutionality

of this requirement. No Justice could say Congress did not consider the constitutionality of the affordable care act.

The individual mandate is about personal responsibility. Throwing out this requirement that Americans be responsible for their necessary health care costs will result in tossing aside the provision that bans insurance companies from denying Americans coverage based on pre-existing conditions. The personal responsibility requirement is necessary to ensure that Americans who do have health insurance are not stuck with paying the \$43 billion in health care costs incurred by millions of Americans who do not buy health insurance, instead relying on expensive emergency health care when inevitably faced with medical problems. Congress concluded this after extensive study and debate.

I joined with congressional leaders in filing an amicus brief defending the affordable care act in the case now being considered by the Court because I am convinced that Congress acted well within the limits of the Constitution in acting to secure affordable health care for all Americans. I believe we must defend the enumerated powers given to Congress by the Constitution so that our ability to help protect hardworking American workers, families and consumers is not wrongly curtailed by the courts.

Partisan opponents of the affordable care act want judges to override these legislative decisions properly made by Congress, the elected representatives of the American people. They want to challenge the wisdom understood by generations of Supreme Court justices from the great Chief Justice John Marshall in upholding the constitutionality of the national bank nearly 200 years ago to Justice Cardozo in finding Social Security constitutional early in the last century.

The difference between the role of Congress and of the courts is not a partisan one or a controversial one. In his opinion upholding the affordable care act, Jeffrey Sutton, a conservative, President George W. Bush's appointee to the Sixth Circuit, understood the importance of courts not substituting their policy preferences for those of Congress. He wrote: "Time assuredly will bring to light the policy strengths and weaknesses of using the individual mandate as part of this national legislation, allowing the peoples' political representatives, rather than their judges, to have the primary say over its utility."

Professor Charles Fried, who was Solicitor General under President Reagan, testified at a Senate Judiciary Committee hearing a year ago on the constitutionality of the affordable care act. When Senator GRASSLEY asked him if there needs to be changes to the part of the law requiring that individ-

uals purchase health insurance to make it constitutional, Professor Fried answered: "I see no need for it because it seems so clearly constitutional." I agree with him and I do not think it is a close call.

The provisions of the affordable care act are firmly rooted in what previous Congresses enacted over the last century to protect hard-working Americans. Working Americans have long been required to pay for Social Security and Medicare by the deduction of taxes reflected on their paychecks every month. It is not novel for Congress to pass laws affecting a health care market that makes up one-sixth of the U.S. economy, the key to satisfying the test for constitutionality under the Commerce Clause.

What is telling about the partisan nature of these challenges is that many of those who now claim that the requirement that Americans have health insurance or face a tax penalty is unconstitutional are the very ones who proposed it. Republican Senators such as ORRIN HATCH, the former chairman of the Judiciary Committee, and JOHN MCCAIN proposed and supported a health insurance requirement when President Clinton was trying to increase access to health care. They proposed the individual mandate as an alternative when they opposed President Clinton's plan. This requirement was also a part of health care reform in Massachusetts supported by former Governor Mitt Romney and by SCOTT BROWN, now a Republican Senator from Massachusetts.

All of these opponents were for ensuring personal responsibility with an individual mandate until President Obama was for it, and now they are against it. Their views may have changed, but the Constitution has not.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a March 24 column in The Washington Post by Ezra Klein, "Why RYANCARE and OBAMACARE look so similar," questioning Republican opposition to the individual mandate they once championed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. When I hear partisan critics attacking the affordable care act, I wonder what law they are looking at. The affordable care act will protect some of our most vulnerable citizens. The law eliminates discriminatory practices by health insurers, ensuring that a patient's gender is no longer a pre-existing condition, reduces the cost of prescription drugs for our Nation's senior citizens, and helps parents continue to cover their kids on their health insurance until they are 26. The law also provides necessary resources to help law enforcement recover millions of taxpayer dollars lost to fraud and abuse in the health care system.

If the Supreme Court overturns the affordable care act now, it will be devastating to kids, families, and senior citizens. I hope the Court does not undo the progress we have made. Doing so depends on legal theories so extreme they would turn back the clock even farther to the hardships of the Great Depression and strike down principles that have helped us build the social safety net over the last century with Social Security, Medicare, and Medicaid.

The affordable care act builds on some of the cornerstones of American economic security built over the last century. I believed when it passed, and still believe today, that Congress acted within its constitutional authority to enact laws to help protect all Americans, I hope the Court does not overstep the judiciary's role by substituting its own policy preferences and denying a century of progress.

EXHIBIT 1

[From the Washington Post, Mar. 24, 2012]

WHY RYANCARE AND OBAMACARE LOOK SO SIMILAR

(By Ezra Klein)

Let's play a game. I'll describe a health-care bill to you. Then you tell me if I'm describing President Obama's Affordable Care Act or the budget released this week by Rep. Paul Ryan (R-Wis.).

The bill works like this: The federal government subsidizes Americans to participate in health insurance markets known as "exchanges." Inside these exchanges, insurers can't discriminate based on pre-existing conditions. Individuals can choose to go without insurance, but if they do so, they pay a penalty. To keep premium costs down, the government ties the size of the subsidy to the second-least-expensive plan in the market—a process known as "competitive bidding," which encourages consumers to choose cheaper plans.

This is, of course, a trick question. That paragraph describes both the Affordable Care Act and Ryan's proposed Medicare reforms. The insurance markets in both plans are essentially identical. And for good reason.

The Affordable Care Act was based on two decades of Republican thinking about health care. The basic structure was first proposed by the conservative Heritage Foundation in 1989, first written into a bill by Senate Republicans in 1993, and first passed into law by a Republican governor by the name of Mitt Romney in 2005.

About 2008, Democrats decided they could live with a system based on private health insurers, federal subsidies and an individual mandate as long as it produced universal coverage. A year later, Republicans decided they couldn't live with such a system, at least not if a Democratic president was proposing it.

The problem for the Republicans, however, is that they don't have a better—or even alternative—idea. Since the passage of the Affordable Care Act, "repeal and replace" has been a reliable applause line at tea party rallies and an oft-uttered incantation on the floor of the House of Representatives. But while Republicans have united around "repeal" of health-care reform, they haven't managed to come up with a policy for "replace."

Instead, they've opted to apply their old policy framework—the one the Democrats

stole—to Medicare. That has left the two parties in a somewhat odd position: Democrats support the Republicans' old idea for the under-65 set but oppose it for the over-65 set. Republicans support the Democrats' new idea for the over-65 set but oppose it for the under-65 set.

This isn't quite as incoherent as it seems. Democrats say they would prefer Medicare-for-All for the under-65 set, but they'll take whatever steps toward universal health insurance they can get. Republicans say they would prefer a more free-market approach for the over-65 set but that a seniors' version of "Obamacare" is nevertheless a step in the right direction. For both parties, it's the direction of the policy, rather than the policy itself, that matters.

There's an added complication for Republicans. They have assumed huge savings from applying the exchange-and-subsidies model to Medicare. But they don't assume—in fact they vehemently deny—that those same savings would result from the identical policy mechanism in the Affordable Care Act. The Democrats haven't assumed significant savings from the exchange-and-subsidies model in either case.

If the concept works as well as Ryan says it will, then the Affordable Care Act will cost far, far less than is currently projected. There's no compelling reason to believe competitive bidding will cut costs for seniors but fail among younger, healthier consumers who, if anything, are in a better position to change plans every few years and therefore pressure insurers to cut costs.

The discrepancy highlights another difference between Republicans and Democrats right now. Republicans have put all their eggs in the competitive-bidding basket. If that doesn't work to control costs—and versions of it have failed in the past—they're sunk.

Democrats, on the other hand, are promoting a slew of delivery-system reforms in the Affordable Care Act. They're hoping competitive bidding works, but they're also trying comparative-effectiveness review, pay-for-quality, accountable-care organizations, electronic health records, penalties for excessive readmissions and medical errors, and a host of other experiments to determine which treatments and processes actually work and how to reward the doctors and hospitals that adopt them.

It's unlikely that the model in the Republican budget will prove sustainable. That legislation would repeal the Affordable Care Act, cut Medicaid by a third and adopt competitive bidding for Medicare. The likely result? The nation's uninsured population would soar. In the long run, and quite possibly in the short run, that will increase the pressure for a universal system. Because Republicans don't really have an idea for creating one, Democrats will step into the void.

As a result, Republicans' long-term interests are probably best served by Democratic success. If the Affordable Care Act is repealed by the next president or rejected by the Supreme Court, Democrats will probably retrench, pursuing a strategy to expand Medicare and Medicaid on the way toward a single-payer system. That approach has, for them, two advantages that will loom quite large after the experience of the Affordable Care Act: It can be passed with 51 votes in the Senate through the budget reconciliation process, and it's indisputably constitutional.

Conversely, if the Affordable Care Act not only survives but also succeeds, then Republicans have a good chance of exporting its private-insurers-and-exchanges model to

Medicare and Medicaid, which would entrench the private health-insurance system in America.

That's not the strategy Republicans are pursuing. Instead, they're stuck fighting a war against a plan that they helped to conceive and, on a philosophical level, still believe in. No one has been more confounded by this turn of events than Alice Rivlin, the former White House budget director who supports the Affordable Care Act and helped Ryan design an early version of his Medicare premium-support proposal.

"I could never understand why Ryan didn't support the exchanges in the Affordable Care Act," Rivlin says. "In fact, I think he does, and he just doesn't want to say so."

GOVERNMENT INTRUSION

Mr. ROBERTS. Mr. President, last Friday was the second anniversary of the new health care law. This week we have been reminding the American public to take a hard look at what is in it, and, more importantly, why I don't want to observe this anniversary again.

Examples such as the Medicare reimbursement formula that allows Massachusetts to set Statewide hospital reimbursement rates for providers equal to the cushy wages paid to providers at a 15-bed hospital on the island of Nantucket that caters to the East coast elite.

This robs 19 other States of money for their reimbursements because it all comes from the same pot. In short, there aren't enough clams at this bake to go around, certainly not to Kansas after Massachusetts is finished.

Or the Health and Human Services' rule that required qualified health plans to offer contraception benefits. As my colleagues know, religious institutions that hold moral objections to specific services expressed widespread concern with the rule.

In response, Senator BLUNT offered, and I cosponsored, S. 1467, the Respect for Rights of Conscience Act. This act would allow a health plan to decline coverage of specific items and services that are contrary to the religious beliefs of the sponsor, issuer, or other entity offering the plan without penalty and remain in compliance with the requirements under the new Health Care Law.

And what about the regulations that have caused insurance plans in 39 States to stop offering child-only plans, and parents in at least 17 States that are no longer able to purchase ANY child-only plans? Keep in mind, there are no private insurance alternatives for these families until the new health care law is fully implemented in 2014.

There is also the prohibition on what can be reimbursed from a Health Savings Account or HSA. I joined Congresswoman LYNN JENKINS in introducing a bipartisan bill to repeal this provision to restore the choice and flexibility people had in managing their health care expenses by buying over-the-counter medications.

Even more alarming is the act of granting waivers to more than 1,700 labor unions and others from participating in the new law. At issue are the mandates involving annual coverage forcing many employers not to offer coverage at all. So instead labor unions and others are getting waivers. Where is your waiver? Why can't all Kansans get a waiver??

At the time, Speaker PELOSI famously said we had to pass the bill to find out what is in it. Well, we have read it, and my concerns which I voiced throughout the very limited debate remain the same: the health care reform law is bad for Americans.

The health care reform law. Regulates every Americans' health coverage, by penalizing anyone without a Government-approved health plan.

The law penalizes American businesses that do not provide Government-approved health plans.

It forces more Americans into Medicaid—a broken, bankrupt Government entitlement program.

It puts the Federal Government in charge of your health insurance.

By one count, the law creates over 159 new boards, offices, and panels in the Federal Government to make decisions about your health care.

The law gives the Obama administration Secretary of Health and Human Services more than 1,700 new or expanded powers—to exert control over the lives and personal health care decisions of Americans; creates an unworkable new long-term insurance program that will go broke, leading to skyrocketing premiums or a taxpayer bailout; levies more than \$550 billion dollars of taxes, fees, and penalties related to health care on American families and employers; and spends tens of billions of taxpayer dollars just to implement the massive new law.

The law micromanages how patients can spend their own tax-free health care dollars.

As of March 12, 2012, the total number of pages of regulations the administration has released related to the health spending law is 12,307, which is an increase of over 4,700 pages in the last year.

In addition to the formal regulations, the administration is also issuing hundreds of pages of subregulatory guidance in the form of "bulletins" to avoid having to describe how much these regulations will cost.

A significant portion of the regulations issued thus far have been interim final rules, which give the regulations the force of law prior to any public comment.

I have listed a number of these regulations in a letter I sent to President Obama. I did get a reply from Secretary Sebelius a few months later, but it never did address the concerns I had tried to bring to their attention. She did, however, note that they listen to

all stakeholders before implementing new rules. Unfortunately, that isn't what I've been hearing.

While I travel around Kansas I try to talk to as many of our Kansas patients, providers and advocates as possible. Without fail, regulations and their effect on our health care system, how they affect health care costs, and the result they have on job loss come up.

I held a stakeholder roundtable in Topeka to get feedback from patients and providers on their thoughts related to health care reform. I was not surprised to hear that every representative at that meeting had a concern with regulations, but the sheer volume was truly extraordinary.

I was surprised to hear every representative at this stakeholder meeting discuss the impacts of health care reform and, more importantly, their concerns with regulations, some of which are buried in the volumes of regulations being put out every day and many that defy comprehension.

When discussing the health care reform and regulations with my constituents and those representing the patient and provider community, the No. 1 concern that I heard was a fear of what else is coming down the road? What will the impact of future regulations be?

The current burden of regulations pales in comparison to the uncertainty of future regulations. Future regulations from implementing the Patient Protection and Affordable Care Act, PPACA, will have an even greater impact on jobs and the economy. This is like the second health care reform earthquake. If you are a health care provider, hang on.

Additionally, the combination of the regulations being issued to implement the PPACA statute has resulted in an increase in premiums for individuals and businesses, which, as you know, results in increased costs and tough choices.

Providers feel that the significant costs associated with implementing the health reform law are either inaccurate or not taken into consideration. In fact, I often hear that patients and providers feel that they do not have a voice in the regulatory process.

More specifically, a number of regulations are currently being issued through a shortened process. This shortened process allows limited or no input from those most affected by the regulations, prior to their implementation, and result in an even greater confusion. And from confusion we get higher costs.

It is my understanding that 20 of the 51 rules issued to implement the health reform law have been issued as interim final rules and therefore with limited input. While there may have been instances in which a shortened process was necessary or appropriate, this lengthy list is absurd.

In my letter to the President, I listed some 34 regulations that my Kansas constituents noted had the most significant impact. I encouraged the administration to limit the use of this regulatory process and take every available opportunity to get feedback from those who would be most affected by these regulations and allow for ample time to review and consider that feedback prior to implementing future regulatory priorities.

Time and time again, I have heard no more regulations will be issued in the shortened process, and yet the interim rules continued to be issued. I have heard that stakeholder comments will be thoroughly reviewed and considered, but the actions by the administration don't seem to prove this. I have heard that economic impacts will be carefully considered, and yet the studies indicate otherwise.

If history truly does repeat itself, I don't have much hope of that.

TRIBUTES TO SENATOR BARBARA MIKULSKI

Mr. CONRAD. Mr. President, I wish to add my voice to those of my colleagues paying tribute to the senior Senator from Maryland, who recently became the longest-serving female Member of Congress in American history.

Senator BARBARA MIKULSKI and I were first elected to the Senate at the same time. Over the past 26 years she has been a colleague, a legislative partner, and a friend. Courageous, determined, and honorable are only a few of the words I use when describing Senator MIKULSKI.

Senator MIKULSKI has devoted her life to public service. She began her career as a social worker in Baltimore, where she worked with high-risk children and educated seniors about Medicare. In 1971, she transitioned into politics by attaining a seat on the Baltimore City Council. As a council member, she continued to advocate for those in need. In 1976, she was elected to the U.S. House of Representatives, where she became the first woman ever to sit on the influential Energy and Commerce Committee. As a member of the House, she worked on a variety of important legislation, including funding for shelters for battered spouses.

Issues concerning women have always been a passion of Senator MIKULSKI's. From sponsoring the Lilly Ledbetter Fair Pay Act to being a leader in women's health issues, she has been a champion for women's rights.

Senator MIKULSKI was particularly helpful to me during the Grand Forks flooding in 1997. When our third largest city was devastated by flooding and fire, Senator MIKULSKI stood with Grand Forks residents every step of the way as we fought for Community Development Block Grant funding to recover and rebuild. Her support was

critical. More recently, Senator MIKULSKI joined me in pushing for comparative effectiveness research as part of health reform, so that patients and doctors can have better information on which treatments and medical interventions are most effective and which amount to wasteful spending.

Senator MIKULSKI is a fierce advocate for her constituents—and for working men and women everywhere. She will never back down from a cause she believes in, and she has compiled an impressive record of results. I congratulate her on being the longest-serving female Member of Congress.

Mr. JOHNSON of South Dakota. Mr. President, I rise today to honor a true trailblazer, my colleague Senator BARBARA MIKULSKI. Earlier this month, she crossed a major milestone by becoming the longest serving woman in Congress.

Before she set her sights on Congress, Senator MIKULSKI worked as a community activist, social worker, and a member of the Baltimore City Council. In 1977, she was elected to the U.S. House of Representatives from Maryland's Third Congressional District. At that time, she was one of only 21 women serving in Congress.

She never let any misguided stereotypes or long odds slow her down. Ten years later, she won her first race for the U.S. Senate and in the process became the first Democratic woman elected to this Chamber from the State of Maryland. She immediately lent her voice to issues like education, health care, and national service.

Along the way, she has given a voice not only to families and the middle class but also sent a powerful message to women all across this Nation. If there were ever any doubt, they now know for sure that they deserve a seat at the table in Congress. And her message is being heard. Since Senator MIKULSKI first was elected to the House of Representatives, the number of women serving in Congress today has increased to 92.

I have gotten to know BARBARA well, especially through our work on the Senate Appropriations Committee. I know she would rather we focus on her accomplishments regardless of her gender, but Senator MIKULSKI has blazed an important path. Along the way, she has never forgotten the value of hard work that was instilled in her from an early age. She has also built the kind of working relationships you need to get things done.

There is a reason the people of Maryland have sent BARBARA MIKULSKI back to the Congress time and again. She is telling their story and making sure that every voice has a chance to be heard. I want to congratulate her on this milestone. It is an important one for her and her family, and I believe it is symbolic of the gains we have seen our Nation make since she first was elected to Congress more than 35 years ago.

Mr. SANDERS. Mr. President, in 1977, Jimmy Carter became our Nation's President, Elvis Presley died, and "Rocky" won the Oscar as best picture.

It was also the year my colleague, BARBARA MIKULSKI, came to Congress. She has served since then, for 10 years in the House and since 1987 in the Senate, with exemplary dedication to our Nation and its working families. Those of us who have had the pleasure to serve with her in the Senate and all the citizens of Maryland who have elected her to represent them celebrate this moment, for Senator MIKULSKI has become the longest serving female Member of Congress in our Nation's history.

BARBARA MIKULSKI is the first female Democrat to have served in both the House and the Senate, as well as being the first Democratic woman to be elected to the Senate without succeeding a spouse or father. She is, among all of us, truly a path breaker.

When she entered the Senate, there was only one other female Member of this body. Today, there are 17. BARBARA MIKULSKI has served as an inspiration, a leader, and a mentor to generations of women seeking to secure their rightful place as members of our Nation's highest legislative bodies.

Throughout her time in both the House and the Senate, she has worked tirelessly on behalf of the elderly, veterans, the poor, hard-pressed families, and our Nation's children. Daughter of a grocer, her roots are in Baltimore. She may have come a long way to play her important role here in Washington, but what makes her such a vital voice in Congress is that she has never lost touch with the values and needs of the blue-collar neighborhood of Highlandtown where she grew up.

BARBARA MIKULSKI entered politics as an activist and a populist, and she has remained true to that initial motivation. BARBARA MIKULSKI genuinely cares about the people of our Nation about all the people, not just the wealthy or the famous or the influential.

She understands the difficulties faced by working families as their incomes have been stagnant, as unions have declined, as disparities in wealth and income have widened dramatically. She is passionately committed to the importance of education for our young people, just as she respects and fights for our nation's elderly and their security as they negotiate the later years of life.

We serve together on the HELP Committee, on which she has long been a leader. No one, no one, better exemplifies the values of caring for those who are all too easy to forget working families, the elderly, the poor, the children than BARBARA MIKULSKI. Having worked with them both, I know how completely she has taken on the mantle of her friend Ted Kennedy and kept

our committee focused on those whose needs are greatest.

As we celebrate the inspiration BARBARA MIKULSKI has been for the women of the Senate, Maryland, and the country, let's not forget that she has also been an inspiration to all of us. She has shown us how to fight for the powerless and how to cast votes based on ethical values and a deep commitment to our fellow men and women, not based on political expediency.

For that leadership, both as a great female legislator and as an accomplished legislator with a lifelong commitment to improving the lives of all Americans, we honor her.

Mr. BEGICH. Mr. President, today I wish to pay tribute to my esteemed colleague, Senator BARBARA MIKULSKI from the great State of Maryland. I am honored to recognize the historic achievements of my fellow Senator. On Saturday she became the longest-serving woman in congressional history after serving more than 35 years in both the House and Senate. Originally a social worker and community organizer in Baltimore, Senator MIKULSKI's congressional legacy began in 1976 when she was elected to the U.S. House of Representatives. Ten years later with her election into the U.S. Senate she became the first female Senator from Maryland as well as the first woman to be elected to both the House and Senate. Senator MIKULSKI deserves great honor and reverence for her dedication to the people of Maryland, the United States, and to the institution of the Senate.

Three years ago I entered these chambers as a freshman from a far-away State. Senator MIKULSKI was already known as a legend, to me and so many of my constituents. Since then, she has been an inspiration—and, to no one's surprise, a straight shooter and passionate advocate of her issues. More than once, when I have not yet signed onto one of her bills—usually something near and dear to her, like child abuse prevention—she has cornered me. And in a tough stance, all 4 feet 5 inches of her, she'll tell me why it is my duty to sign the bill. She is always right, and I am happy to follow her lead on such issues.

Throughout her time in Congress Senator MIKULSKI has been a champion for civil rights, fighting to end discrimination of all kinds. As the chairwoman of the Committee on Health, Education, Labor, and Pensions she has continually fought to end discrimination in the workplace. In 2011 she was a sponsor of the Paycheck Fairness Act, which ensures equal pay, regardless of gender.

She has also defended our Nation's teachers and students by fighting for more affordable and accessible education and supporting the needs of rural school districts. Just this year she introduced legislation that would

ensure veterans who receive educational assistance from the Department of Veterans Affairs also receive adequate counseling when considering their educational options.

Senator MIKULSKI's accomplishments are numerous and diverse, from the day-to-day needs of workers, business owners, and students to the strengthening of scientific innovation and research. Senator MIKULSKI deserves great honor and esteem for her dedication to fighting for the good of the people of Maryland and the Nation.

I am honored to serve alongside such a devoted advocate, and I look forward to her continued service in the U.S. Senate. She began her tenure in 1977 as one of 21 women serving in the House and today is one of 17 women in the Senate. She has helped paved the way for future generations. Yet she likely would not agree that women have come a long way over those years; instead she will say there is a long way to go.

Today I congratulate and pay homage to Senator BARBARA MIKULSKI. She is a friend, a mentor, and—so very often—the good conscience of the United States Senate.

Mr. UDALL of Colorado. Mr. President, I come to the floor today to speak in honor of Senator BARBARA MIKULSKI. I join my colleagues in recognizing her for becoming the longest serving female Member of Congress in our Nation's history.

I know Senator MIKULSKI is more interested in results than milestones, but this is an appropriate moment to congratulate her for all that she has accomplished. She is both a tenacious fighter and gracious colleague.

The true measure of a society is how we treat people in the dawn and twilight years of their lives. By that standard, Senator MIKULSKI's career has been extraordinary.

From the start of her career in public service as a Baltimore social worker helping at-risk kids and seniors to today, she has been a champion for children and the elderly. She has been a champion for education, research, and veterans, and she has been an unflinching champion for Maryland.

Senator MIKULSKI has also been a friend since my first days in the Senate. Early on she reached out to me to explain the appropriations process in the Senate. My father, who spent his entire career in the U.S. House of Representatives, was always suspicious of the Senate. So to a freshman Senator making the transition from the House, hers was a welcome and reassuring gesture, kind of like the folksy gesture of calling me "cowboy," which always brings a smile to my face.

Senator MIKULSKI's style is a powerful counter to the old Washington joke that there are actually three political parties: Democrats, Republicans, and appropriators. She always values the input of other Senators and strives to

balance the many competing priorities of all the Members of this body. For example, we have worked together on the Joint Polar Satellite System. This program is over budget and behind schedule, but it is also indispensable to public safety and our economy. As an appropriator, she has the unenviable challenge of striving to continually put this program on firm financial footing. In the process, she has repeatedly asked for my perspective and welcomed me into the process. This is above and beyond the call of duty but is so typical of BARBARA MIKULSKI.

Many have compared Senator MIKULSKI's streak to another famous Marylander's—Cal Ripken, Jr. I think Cal would agree with Barbara when she said, "It's not only how long I serve, but how well I serve."

She has undoubtedly served this institution, this country, and Maryland very well.

I commend Senator BARBARA MIKULSKI for her 35 years of service in Congress and look forward to her future successes.

ADDITIONAL STATEMENTS

PORTLAND'S FIRST AME ZION CHURCH

• Mr. MERKLEY. Mr. President, it is with great pride that I congratulate the First African Methodist Episcopal Zion Church in Portland, OR, on its 150 years of devotion to God and the Portland community.

In 1862, the A.M.E. Zion Church convened as the first of its kind in Portland, just 3 years after Oregon became a State. First Church's humble beginnings started in the home of Mrs. Mary Carr on A Street, now Ankeny Street, under the leadership of Rev. J.O. Lodge. Since then, the congregation has grown substantially and has weathered four relocations. It now has settled at its current home on North Vancouver and North Skidmore Avenue.

First Church has impacted countless lives over the course of its 150 years. It has provided shelter and clothing for the homeless, food for the hungry, and scholarships to young students chasing their dreams to college. Today, they continue their good work keeping youth off the streets and reducing gang violence. The church is a strong, positive force in the Portland community.

To Pastor Robert Nelson Probasco, Sr., and the First African Methodist Episcopal Zion Church of Portland: Thank you for your dedication, conviction, and faithful service to the people of Portland.●

ARGO MARKETING GROUP

• Ms. SNOWE. Mr. President, as the American economy becomes increasingly global, small businesses special-

izing in telecommunications and direct-response marketing provide essential services to businesses throughout the world. Today, I rise to commend and recognize Argo Marketing Group, located in Lewiston, ME, for being among the best in this expanding industry.

Jason Levesque founded Argo in 2003 to provide consulting and direct-response marketing services to companies in Maine and throughout the world. Since that time, this small firm has continued to expand despite the turbulent economy, adding numerous jobs throughout the State. In 2011, Argo Marketing moved from Auburn to Lewiston to allow for a company expansion, which included the doubling of employees from 25 to 51. Moreover, the firm recently added 25 additional employees in January of this year to its new location in Pittsfield. This remarkable expansion provides high-quality jobs for Mainers, which is especially vital after the closing of Global Contract Services in Pittsfield, leaving 65 employees without jobs.

With cutting-edge technology, Argo is a leader in call center service and support. The company prides itself on having the best integrated system in the industry that is customized to handle a vast array of clients. Moreover, Argo has always firmly believed that having dedicated professionals as part of the Argo family helps direct the path of any given project. There is a pervading philosophy in the telecommunications, marketing, and customer service industry that retaining a current customer is easier than finding a new one. Indeed, customer care is a top priority, especially for small businesses competing with larger companies with more resources and cheaper products. This quality investment in customer service has been a key component in Argo's success.

Further, Jason understands the importance of an engaged staff and giving back to the local community. He consistently works to increase company morale and provide an atmosphere where people enjoy coming into work every day with a positive attitude. As a dedicated part of the Lewistown-Auburn community, this company also donated to Sand Castle Pre-School in Lewistown which assists disadvantaged youths.

Small businesses drive the American economy by consistently creating jobs in the private sector while spurring investment in their local community. Argo's success and expansion is a glowing example of why these firms are so critical to America's economy. It is innovative entrepreneurs like Jason Levesque who are going to lead us out of our economic morass by creating jobs and opportunity all across our Nation. Despite these difficult economic times, he has clearly fostered a winning strategy, and I congratulate him

and everyone at Argo Marketing for their dedication to excellence and for maintaining an impressive record of job creation in central Maine. I offer my best wishes for their future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were placed on the Executive Calendar under Privileged Nominations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:41 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3298. An act to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes.

H.R. 3309. An act to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3298. An act to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3309. An act to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2682. An act to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

H.R. 2779. An act to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to informa-

tion provided to the Bureau of Consumer Financial Protection.

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, March 28, 2012, she had presented to the President of the United States the following enrolled bill:

S. 2038. An act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5501. A communication from the Vice President of Government Affairs and Corporate Communications, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, a report relative to Amtrak's Executive Level 1 salary for 2011; to the Committee on Commerce, Science, and Transportation.

EC-5502. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XB014) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5503. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XB028) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5504. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XB010) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5505. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure" (RIN0648-XA989) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5506. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United

States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 2" (RIN0648-XB001) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5507. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1B" (RIN0648-XA971) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5508. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to 2012 Annual Catch Limits" (RIN0648-BB50) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5509. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 11; Correction" (RIN0648-AX05) received in the Office of the President of the Senate on March 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5510. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic" (RIN0648-XB031) received in the Office of the President of the Senate on March 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5511. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE 150, Quarterly Survey of Cross-Border Credit, Debit, and Charge Card Transactions" (RIN0691-AA79) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5512. A communication from the Associate Administrator, Human Exploration and Operations Mission Directorate, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Revision to the Tracking and Data Relay Satellite System (TDRSS) Rates for Non-U.S. Government Customers" (RIN2700-AD72) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5513. A communication from the Deputy General Counsel, Office of the General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Claims for Patent and Copyright Infringement" (RIN2700-AD63) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5514. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled "Report to Congress: Export and Reexport License Requirements to Temporarily Control Items that Provide at Least a Significant Military or Intelligence Advantage to the United States or for Foreign Policy Reasons"; to the Committee on Commerce, Science, and Transportation.

EC-5515. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XB004) received in the Office of the President of the Senate on March 27, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 80. A resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 344. A resolution supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 356. A resolution expressing support for the people of Tibet.

S. Res. 391. A resolution condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria.

S. Res. 395. A resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012.

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 397. A resolution promoting peace and stability in Sudan, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. RUBIO, Mr. BOOZMAN, Mr. LUGAR, Mr. VITTER, Mr. ISAKSON, Mr. KYL, Mr. HELLER, Mr. MORAN, Mr. ROBERTS, Mr. INHOFE, Mr. ENZI, Mr. GRASSLEY, Mr. LEE, Mr. PAUL, Mr. BLUNT, Mr. MCCAIN, Mr. BARRASSO, Mr. CORNYN, Mr. MCCONNELL, Mr. CRAPO, Mr. HOEVEN, Mr. KIRK, Mr. WICKER, Mrs.

HUTCHISON, Mr. COCHRAN, Mr. BURR, Mr. SESSIONS, Mr. TOOMEY, Ms. AYOTTE, Mr. RISCH, Mr. COBURN, Mr. JOHANNIS, Mr. DEMINT, and Mr. COATS):

S. 2242. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. PORTMAN):

S. 2243. A bill to establish a program to provide incentive payments to participating Medicare beneficiaries who voluntarily establish and maintain better health; to the Committee on Finance.

By Mr. PORTMAN (for himself and Mr. BEGICH):

S. 2244. A bill to direct the Secretary of Veterans Affairs to assist in the identification of unclaimed and abandoned human remains to determine if any such remains are eligible for burial in a national cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARRASSO (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. HELLER, Mr. VITTER, Mr. BOOZMAN, Mr. CRAPO, Mr. MCCONNELL, Mr. ROBERTS, Mr. WICKER, Mr. RISCH, Mr. GRASSLEY, Mr. CORNYN, Mr. COBURN, Mr. THUNE, Mr. LUGAR, Mr. BLUNT, Mr. RUBIO, Mr. ENZI, Mr. KYL, Mr. TOOMEY, Mr. COATS, Mr. PAUL, Mr. JOHANNIS, Mr. CHAMBLISS, Mr. HOEVEN, Mr. MORAN, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, and Mr. COCHRAN):

S. 2245. A bill to preserve existing rights and responsibilities with respect to waters of the United States; to the Committee on Environment and Public Works.

By Mr. BOOZMAN (for himself, Mr. BEGICH, and Mr. RUBIO):

S. 2246. A bill to direct the Secretary of Labor to provide off-base transition training, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEE:

S. 2247. A bill to amend the Federal Reserve Act to improve the functioning and transparency of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself, Mr. MURKOWSKI, Mr. VITTER, Mr. SESSIONS, Mr. CORNYN, Mr. RISCH, Mr. HOEVEN, and Mr. LEE):

S. 2248. A bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 2249. A bill to provide for the reform of the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself, Mr. LANDRIEU, Mrs. HUTCHISON, and Mrs. HAGAN):

S. Res. 408. A resolution supporting the goals and ideals of Take Our Daughters and Sons To Work Day; considered and agreed to.

By Mr. AKAKA (for himself, Mr. ENZI, Mr. BAUCUS, Mr. BLUNT, Mr. CARDIN, Mr. CARPER, Mr. COCHRAN, Mr. COONS, Mr. CRAPO, Mr. DURBIN, Mrs. HAGAN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, Mr. WICKER, and Mr. BROWN of Ohio):

S. Res. 409. A resolution designating April 2012 as "Financial Literacy Month"; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. AKAKA, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. LEAHY, Mr. BROWN of Ohio, Mrs. BOXER, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. UDALL of Colorado, and Mr. SCHUMER):

S. Res. 410. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 202

At the request of Mr. PAUL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 606

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 700

At the request of Mr. KLOBUCHAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5 year property for purposes of depreciation.

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1147

At the request of Mr. BLUMENTHAL, the name of the Senator from New

York (Mr. SCHUMER) was added as a cosponsor of S. 1147, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and service to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S. 1174

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1506

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1506, a bill to prevent the Secretary of the Treasury from expanding United States bank reporting requirements with respect to interest on deposits paid to nonresident aliens.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1880

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

S. 2112

At the request of Mr. BEGICH, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Illinois (Mr. DURBIN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2160

At the request of Mr. MORAN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2168

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2168, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 2197

At the request of Ms. MURKOWSKI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2197, a bill to require the attorney for the Government to disclose favorable information to the defendant in criminal prosecutions brought by the United States, and for other purposes.

S. 2213

At the request of Mr. THUNE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 2213, *supra*.

S. 2219

At the request of Mr. WHITEHOUSE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2219, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 2221

At the request of Mr. THUNE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2221, a bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.

S. 2222

At the request of Mr. SANDERS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

S. 2233

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2233, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Hawaii (Mr. INOUE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

AMENDMENT NO. 1952

At the request of Mr. SANDERS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 1952 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1953

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 1953 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1955

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1955 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1965

At the request of Mr. VITTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1965 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Ms. MURKOWSKI, Mr. VITTER, Mr. SESSIONS, Mr. CORNYN, Mr. RISCH, Mr. HOEVEN, and Mr. LEE):

S. 2248. A bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, I rise to introduce S. 2248, a bill that would clarify the States' sole authority to regulate the process of hydraulic fracturing at the State level as opposed to the Federal level.

I am pleased to be joined by Senators MURKOWSKI, VITTER, SESSIONS, CORNYN, RISCH, HOEVEN, and LEE as cosponsors.

The reason for this bill is the State jurisdiction of a process called hydraulic fracturing, which has taken place since 1949. In 1949, the first hydraulic fracturing well took place in Duncan, OK. It is interesting that there has not been one documented case, in over a million wells using this process—in 60 years—of groundwater contamination.

As a matter of fact, numerous studies, including reports by the Groundwater Protection Council, the EPA, and recently the Energy Institute at the University of Texas at Austin, have found no evidence of hydraulic fracturing posing a risk to water wells or groundwater. A lot of people believe—and I am among them—that the reason to take it over at the Federal level is to do away with hydraulic fracturing. It is interesting that, recently, with some of the shale deposits and discoveries that have been made in the United States, we have been able to get in there, using this process, and come up with huge reserves and start producing these reserves.

In every case, without exception—in fact, I will go so far as to say you cannot get one cubic foot of natural gas out of a type formation without using hydraulic fracturing. The process is and will continue to be a safe process. Despite the evidence, in President Obama's recent campaign rhetoric, this administration continues to wage an all-out war on domestic oil and gas development. During the State of the Union Message—it was interesting because, apparently, now because of the high price of gas at the pump, the President is feeling political pressure,

so he is coming out and saying: No, I am not against all fossil fuels, even though he has been for 4 years. And he started talking about clean, plentiful, cheap natural gas. I agreed with that; that is what it is. However, at the same time, if he could have that rhetoric and be able to make the case that the Federal Government needs to take over the process of hydraulic fracturing to be under his control and he can stop that process, he can cut off almost all production altogether.

According to the nonpartisan Congressional Research Service—and this is one that came out this month—since 2007, “about 96 percent of the [oil production] increase took place on non-federal lands.”

A recent study also found that 93 percent of shale oil and gas wells are on private and State lands. The Department of Interior is in the process of issuing rules which will further discourage production on Federal lands and federally regulate disclosure of fracking fluids, well integrity, and waste water. According to Secretary of Interior Ken Salazar, these are rules which they hope will serve as a model for future regulation of State lands.

The Obama EPA alone is looking to regulate hydraulic fracturing through its offices of Water, Air, and Toxics.

What does this legislation do? It is simple. It makes clear that the States have the sole authority to regulate hydraulic fracturing on any land within their borders. This would include Federal lands within the borders of a State.

It also requires hydraulic fracturing on Federal lands to comply with the State laws of which the Federal lands are located.

Activities related to hydraulic fracturing are already regulated at the Federal level under a variety of environmental statutes, including portions of the Clean Water Act, Safe Drinking Water Act, and the Clean Air Act.

States better understand their unique geologies and interests. I happen to be from Oklahoma, which is an oil State, and it varies from State to State. Louisiana deposits are found at a different level than ours in Oklahoma. Recently, people think of all these deposits being located in the West. However, the Marcellus discoveries that have been made are actually in New York State and Pennsylvania, so their local regulations are much more applicable than it would be if you did it at the Federal level.

I invite cosponsors. Here we are in the United States with more recoverable reserves in oil, gas, and coal than any other country in the world. We can be completely self-sufficient from the Mid Eastern oil if we get politics out of the way and use our own resources. We are the only country in the world that doesn't develop its own resources. This is the answer to the problem—the an-

swer to the price of gas at the pump. It is one more option. We need to get out of the way of this process called hydraulic fracturing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fracturing Regulations are Effective in State Hands Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report entitled “State Oil and Natural Gas Regulations Designed to Protect Water Resources” and dated May 2009 finding that the “current State regulation of oil and gas activities is environmentally proactive and preventive”;

(3) that report also concluded that “[a]ll oil and gas producing States have regulations which are designed to provide protection for water resources”;

(4) a 2004 study by the Environmental Protection Agency, entitled “Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs”, found no evidence of drinking water wells contaminated by fracture fluid from the fracked formation;

(5) a 2009 report by the Ground Water Protection Council, entitled “State Oil and Natural Gas Regulations Designed to Protect Water Resources”, found a “lack of evidence” that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stated “The states, who regulate production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing.”;

(7) on May 24, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was “not aware of any proven case where the fracking process itself has affected water”;

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, “We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology.”;

(9)(A) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.); but

(B) Congress has continually elected not to include the hydraulic fracturing process in the underground injection control program under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(10) in 2011, the Secretary of the Interior announced the intention to promulgate new Federal regulations governing hydraulic fracturing on Federal land; and

(11) a February 2012 study by the Energy Institute at the University of Texas at Austin, entitled “Fact-Based Regulation for Environmental Protection in Shale Gas Development”, found that “[n]o evidence of chemicals from hydraulic fracturing fluid has been found in aquifers as a result of fracturing operations”.

SEC. 3. DEFINITION OF FEDERAL LAND.

In this Act, the term “Federal land” means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation; and

(4) land under the jurisdiction of the Corps of Engineers.

SEC. 4. STATE AUTHORITY.

(a) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any component of that process, relating to oil, gas, or geothermal production activities on or under any land within the boundaries of the State.

(b) FEDERAL LAND.—The underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any components of that process, relating to oil, gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

By Mr. AKAKA:

S. 2249. A bill to provide for the reform of the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing the Senior Executive Service Reform Act of 2012, a bill to strengthen the Federal Government's senior leadership corps.

In this time of fiscal constraint, agencies and Federal employees are being asked to do more with less, and they are rising to meet this challenge. Leading the way in efforts to cut costs without compromising agency missions are members of the Senior Executive Service, SES, who are responsible for driving management priorities and promoting efficiency within agencies and across the Government.

Each year, Presidential Rank Awards are given to outstanding Senior Executives in recognition of their innovation and management expertise that save taxpayers billions of dollars. This is no small feat in an era of shrinking budgets and limited resources. I am proud that such talented people have chosen to join the Federal Government, and believe that America has benefitted as a result of their commitment to public service.

Last year, I chaired a hearing entitled, “Strengthening the Senior Executive Service: A Review of Challenges Facing the Government's Leadership Corps.” Witnesses testified about shortcomings in Senior Executive Service candidate development, diversity, and training. Testimony also focused on disincentives for applying to the SES, including increased workload and responsibilities compared to General Schedule, GS, positions with little additional compensation and fewer workers' rights. This bill addresses many of the challenges my hearing brought to light.

A recent report from the Congressional Budget Office concluded that Federal employees with professional degrees are paid 23 percent less than their counterparts in the private sector. The Senior Executive Service is made up of these highly-educated professionals who often find themselves not only making less than those in the private sector, but also other Federal workers. In 2004, Congress enacted reforms linking SES pay to Congressional pay, which has not kept pace with the GS. As a result, the GS pay scale overlaps substantially with the lower end of the SES. This means that a Senior Executive may be paid less than employees he or she supervises. This bill would mitigate the overlap—often referred to as pay compression—by having Senior Executive pay more closely pace the pay of those they supervise.

Performance-based pay is an integral part of the Senior Executive Service. The legislation would strengthen SES performance management and further address disincentives for joining the SES by including performance awards as base pay for the purpose of retirement calculations. Additionally, it would increase transparency in SES performance ratings by requiring an explanation for why a rating is lowered from an initial recommendation. Quotas in performance pay adjustments also would be prohibited.

Restoration of career leadership and career development are important components of this legislation. A Senior Executive Service Resource Office would be established to collect data on the SES and oversee candidate development, management, and training.

Finally, the bill would encourage diversity in the SES by requiring agencies to include ethnic minorities, women, and those with disabilities as part of the SES hiring process whenever practicable. This language closely mirrors the Senior Executive Service Diversity Assurance Act, which I introduced with Congressman Danny Davis of Illinois in the 110 and 111 Congresses.

The time has come to reframe the discussion surrounding our Nation's civil servants. We must invest in our Government's senior leaders and recognize the critical role they play in mak-

ing our agencies and the Federal Government more efficient and effective.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Senior Executive Service Reform Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—RESTORATION OF CAREER LEADERSHIP

Sec. 101. Senior Executive Service agency appointments.

Sec. 102. Career reserved position designation for certain administrative or management positions.

TITLE II—SENIOR EXECUTIVE SERVICE PAY AND PERFORMANCE MANAGEMENT IMPROVEMENT

Sec. 201. Annual adjustment for senior executives and other senior employees at the fully successful level or higher.

Sec. 202. Inclusion of executive performance awards and bonuses in basic pay for retirement annuities.

Sec. 203. Certification of agency performance appraisal systems.

Sec. 204. Transparency of ratings for performance appraisals and rating reductions of senior executives.

Sec. 205. Transparency of Senior Executive Service rankings and pay.

Sec. 206. Effective dates.

TITLE III—SENIOR EXECUTIVE SERVICE CAREER DEVELOPMENT

Sec. 301. Senior Executive Service Resource Office.

Sec. 302. Senior Executive Service executive development plans.

Sec. 303. Senior executive onboarding programs.

Sec. 304. Senior Executive Service rotation programs.

Sec. 305. Effective date.

TITLE IV—SENIOR EXECUTIVE SERVICE DIVERSITY ASSURANCE

Sec. 401. Career appointments.

Sec. 402. Encouraging a more diverse Senior Executive Service.

TITLE I—RESTORATION OF CAREER LEADERSHIP

SEC. 101. SENIOR EXECUTIVE SERVICE AGENCY APPOINTMENTS.

Section 3134 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “(1)” after “(b)”;

(B) by adding at the end the following:

“(2) The total number of Senior Executive Service positions used to determine the 10-percent limitation under paragraph (1) for available positions for noncareer appointees shall be based on filled Senior Executive Service positions at the start of each fiscal year, not total authorized positions.”;

(2) in subsection (d)(1), by striking “25 percent” and inserting “15 percent”;

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

“(e)(1) The total number of Senior Executive Service positions used to determine the 15-percent limitation under subsection(d)(1) for available positions for noncareer appointees shall be based on filled Senior Executive Service positions at the start of each fiscal year, not total authorized positions.”.

SEC. 102. CAREER RESERVED POSITION DESIGNATION FOR CERTAIN ADMINISTRATIVE OR MANAGEMENT POSITIONS.

(a) IN GENERAL.—Chapter 14 of title 5, United States Code, is amended by adding at the end the following:

“§ 1403. Career reserved position designation for certain administrative or management positions

“(a)(1) The head of each agency referred to under paragraphs (1) and (2) of section 901(b) of title 31 shall establish a position which is, or is comparable to, an assistant secretary for administration or management.

“(2) Each agency assistant secretary for administration or management, or incumbent of a comparable position shall—

“(A) be appointed in accordance with the law, or if no law provides for that appointment, by the head of the agency;

“(B) be a member of the career Senior Executive Service;

“(C) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management of, and knowledge of, and extensive practical experience in areas such as procurement, human capital, information technology, and related matters; and

“(D) perform such duties as the head of the agency shall prescribe.

“(b) If the individual serving in any position of assistant secretary or in any comparable position in an agency described under subsection (a) is not a career appointee as defined under section 3132(a)(4), the head of that agency shall appoint a career appointee to the position of the principal deputy to that assistant secretary or the officer in that comparable position.

“(c) The head of each agency shall appoint a career appointee to the positions which entail direct responsibility for agency-wide programs or functions in the following occupational disciplines:

“(1) Acquisition.

“(2) Information Technology.

“(3) Human Resources.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 14 of title 5, United States Code, is amended by inserting after the item relating to section 1402 the following:

“Sec. 1403. Career reserved position designation for certain administrative or management positions.”.

(c) REGULATIONS.—The Office of Personnel Management shall prescribe regulations to carry out this section.

TITLE II—SENIOR EXECUTIVE SERVICE PAY AND PERFORMANCE MANAGEMENT IMPROVEMENT

SEC. 201. ANNUAL ADJUSTMENT FOR SENIOR EXECUTIVES AND OTHER SENIOR EMPLOYEES AT THE FULLY SUCCESSFUL LEVEL OR HIGHER.

(a) PROHIBITION ON QUOTAS AND FORCED DISTRIBUTIONS.—Section 4314 of title 5, United States Code, is amended by adding at the end the following:

“(d) Any determination under this section shall be made without the use of quotas or forced distribution of ratings.”.

(b) PAY FOR CERTAIN SENIOR-LEVEL POSITIONS.—Section 5376(b) of title 5, United

States Code, is amended by striking paragraph (2) and inserting the following:

“(2)(A) Subject to paragraph (1), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of pay under the General Schedule, each rate of pay established under this section for positions within an agency shall be adjusted, in the case of an employee in such a position whose most recent performance appraisal rating is the equivalent of fully successful or higher, by the total average adjustment in rates of pay authorized by section 5303 and 5304.

“(B) Subject to paragraph (1), subparagraph (A) of this paragraph shall not limit the authorization of an annual adjustment based on performance or contribution to agency mission that is greater than the amount provided for in this section.”.

(c) SETTING SENIOR EXECUTIVE PAY.—Section 5383 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

“(c)(1) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 and 5304 in the rates of pay under the General Schedule, each rate of pay established under this section for positions within an agency shall be adjusted, in the case of an employee in such a position whose most recent performance appraisal rating is the equivalent of fully successful or higher, by the total average adjustment in rates of pay authorized by section 5303 and 5304.

“(2) Subject to paragraph (1) this subsection shall not limit the authorization of an annual adjustment based on performance or contribution to agency mission that is greater than the amount provided for in this section.

“(3) This subsection shall comply with any requirement established under section 5382.

“(4) Except as provided under paragraph (3), this subsection shall not limit the head of an agency from authorizing an annual adjustment that is greater than the amount provided for in this section.”.

(d) SETTING INDIVIDUAL SENIOR-LEVEL PAY.—Section 5383(e) of title 5, United States Code, is amended by adding at the end the following:

“(3)(A) In this paragraph the term ‘covered appointee’ means—

“(i) an appointee to a senior level position described under section 5376(a)(1) or (2); or

“(ii) an appointee to the FBI-DEA Senior Executive Service established under section 3151.

“(B) Paragraphs (1) and (2) shall apply to covered appointees—

“(i) by substituting ‘covered appointee’ for ‘career appointee’; and

“(ii) by substituting ‘a career position as a covered appointee’ for ‘a career reserved position in the Senior Executive Service’.”.

SEC. 202. INCLUSION OF EXECUTIVE PERFORMANCE AWARDS AND BONUSES IN BASIC PAY FOR RETIREMENT ANNUITIES.

(a) DEFINITION OF BASIC PAY.—Section 8331(3) of title 5, United States Code, is amended—

(1) in subparagraph (G), by striking “and” after the semicolon;

(2) in the matter following subparagraph (H), by striking “subparagraphs (B) through (H)” and inserting “subparagraphs (B) through (J)”; and

(3) by inserting after subparagraph (H) the following:

“(I) with respect to a member of the Senior Executive Service, performance awards under section 5384; and

“(J) with respect to a senior executive as defined under section 3132(a)(3), a member of the FBI-DEA Senior Executive Service established under section 3151, and senior level positions compensated under section 5376—

“(i) agency awards under section 4503;

“(ii) performance awards under section 4505a;

“(iii) bonuses under section 5754; and

“(iv) bonuses under section 5753.”.

(b) APPLICATION.—The amendments made by this section only apply to bonuses and awards granted to an employee after the date of enactment of this Act.

SEC. 203. CERTIFICATION OF AGENCY PERFORMANCE APPRAISAL SYSTEMS.

Section 5307(d)(3) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking “and the Office of Management and Budget jointly”;

(2) in subparagraph (B), by striking “not to exceed 24 months” and inserting “of 36 months”;

(3) in subparagraph (C), by striking “, with the concurrence of the Office of Management and Budget,”; and

(4) by adding at the end the following:

“(D)(i) The Office of Personnel Management may annually review the information provided by agencies under section 4314(c)(6) to determine whether the agency meets minimum certification requirements.

“(ii) At the discretion of the Office, the Office may review the certification of an agency and request the agency to submit information to support certification at any time during the certification period.

“(E)(i) An agency that has received certification from the Office of Personnel Management shall not make changes to that agency’s performance appraisal system without approval from the Office of Personnel Management.

“(ii) The Office of Personnel Management shall review annual performance plans to ensure agency compliance and implementation.

“(F) The termination of certification during the certification period shall be preceded by—

“(i) notification from the Office of Personnel Management to an agency about what the agency is required to do to continue its certification; and

“(ii) a reasonable period of time following the notification referred to under clause (i) to take corrective action.”.

SEC. 204. TRANSPARENCY OF RATINGS FOR PERFORMANCE APPRAISALS AND RATING REDUCTIONS OF SENIOR EXECUTIVES.

Section 4314(c) of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting “(A)” after “(1)”; and

(B) by adding at the end the following:

“(B) When recommending a lower rating than was assigned in the initial appraisal of a senior executive’s performance, a written explanation providing reasons for the lower rating shall be provided to the senior executive by the board not later than the date the recommendation is made.”;

(2) in paragraph (3), by inserting “Not later than 30 days after an appraisal and rating is made for a senior executive, the agency shall provide the senior executive with notification of that appraisal and rating, including, as applicable, a written explanation of reasons why a lower rating is assigned than is recommended by the board.” after the period; and

(3) by adding at the end the following:

“(6)(A)(i) Each agency, having 10 or more career appointees, shall annually publish on the agency website the overall number of ratings awarded to members of the Senior Executive Service at each performance rating level, including—

“(I) the average overall salary adjustment at each level;

“(II) the minimum and maximum adjustment at each level;

“(III) the percentage of senior executives at each rating level who received the minimum and maximum salary adjustment; and

“(IV) the number of senior executives who received performance awards under section 5384 and the average amount of those awards.

“(ii) Rating levels and salary adjustment information under clause (i) shall be provided separately for career and noncareer senior executives in agencies having 10 or more noncareer senior executives.

“(B) Each agency shall annually publish on the agency website an internal plan which describes a system for determining Senior Executive Service salary and bonus amounts.”.

SEC. 205. TRANSPARENCY OF SENIOR EXECUTIVE SERVICE RANKINGS AND PAY.

(a) IN GENERAL.—Chapter 43 of title 5, United States Code, is amended—

(1) by redesignating section 4315 as section 4316;

(2) in section 4312(c)(3), by striking “4315” and inserting “4316”; and

(3) by inserting after section 4314 the following:

“§ 4315. Survey on the transparency of Senior Executive Service performance management and pay

“In consultation with the organization representing the largest number of senior executives, the Merit Systems Protection Board shall every 2 years conduct and publish the results of a survey of career appointees relating to—

“(1) the level of transparency and availability of agency performance appraisal systems and compensation policies to career appointees;

“(2) the use or perceived use of quotas or forced distribution in the application of the agency performance appraisal system;

“(3) any actual or perceived irregularities with the administration of the Senior Executive Service performance appraisal system; and

“(4) such other factors as the Merit Systems Protection Board shall determine are necessary and appropriate.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 43 of title 5, United States Code, is amended by striking the item relating to section 4315 and inserting the following:

“Sec. 4315. Survey on the transparency of Senior Executive Service performance management and pay.

“Sec. 4316. Regulations.”.

SEC. 206. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided under subsection (b), this title shall take effect 180 days after the date of enactment of this Act.

(b) CERTIFICATION OF AGENCY PERFORMANCE APPRAISAL SYSTEMS.—Section 203 shall take effect on the date of enactment of this Act.

TITLE III—SENIOR EXECUTIVE SERVICE CAREER DEVELOPMENT

SEC. 301. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.

(a) DEFINITIONS.—In this section—

(1) the term “Director” means the Director of the Office of Personnel Management;

(2) the term “Senior Executive Service” has the meaning given under section 2101a of title 5, United States Code;

(3) the terms “agency” and “career reserved position” have the meanings given under section 3132 of title 5, United States Code; and

(4) the term “SES Resource Office” means the Senior Executive Service Resource Office established under subsection (b).

(b) ESTABLISHMENT.—The Director shall establish within the Office of Personnel Management an office to be known as the Senior Executive Service Resource Office.

(c) MISSION.—The mission of the SES Resource Office shall be to—

(1) improve the efficiency, effectiveness, and productivity of the Senior Executive Service through policy formulation and oversight;

(2) advance the professionalism of the Senior Executive Service; and

(3) seek to achieve a Senior Executive Service reflective of the Nation’s diversity.

(d) FUNCTIONS.—

(1) IN GENERAL.—The functions of the SES Resource Office are to—

(A) make recommendations to the Director with respect to regulations; and

(B) provide guidance to agencies, concerning the structure, management, and diverse composition of the Senior Executive Service.

(2) SPECIFIC FUNCTIONS.—In order to carry out the purposes of this section, the SES Resource Office shall—

(A) take such actions as the SES Resource Office considers necessary to manage and promote an efficient, elite, and diverse corps of senior executives by providing oversight of the onboarding, performance, structure, composition, and candidate development of the Senior Executive Service, including the Senior Executive Service Federal Candidate Development Program;

(B) be responsible for coordinating, promoting, and monitoring programs for the advancement and training of senior executives, including mentoring programs;

(C) be responsible for the policy development, management, and oversight of the Senior Executive Service pay and performance management system;

(D) develop standards for certification of each agency’s Senior Executive Service performance management system and evaluate all agency applications for certification;

(E) provide oversight of, and guidance to, agency executive resources boards;

(F) be responsible for the administration of the qualifications review board;

(G) establish and maintain annual statistics (in a form that renders such statistics useful to appointing authorities and candidates) on—

(i) the total number of career reserved positions at each agency;

(ii) the total number of vacant career reserved positions at each agency;

(iii) the amount of time it takes to hire a candidate into a career reserved position;

(iv) the number of individuals who have been certified in accordance with section 3393(c) of title 5, United States Code, and the composition of that group of individuals with regard to race, ethnicity, sex, age, and individuals with disabilities;

(v) the composition of the Senior Executive Service with regard to race, ethnicity, sex, age, and individuals with disabilities;

(vi) the composition of executive resources boards with regard to race, ethnicity, sex, and individuals with disabilities; and

(vii) the composition of qualifications review boards with regard to race, ethnicity, sex, and individuals with disabilities;

(H) make available to the public through the official public Internet site of the Office of Personnel Management, the data collected under subparagraph (G);

(I) conduct a continuing program for the recruitment of women, members of racial and ethnic minority groups, and individuals with disabilities for Senior Executive Service positions, with special efforts directed at recruiting from educational institutions, professional associations, and other sources;

(J) advise agencies on the best practices for an agency in utilizing or consulting with an agency’s equal employment or diversity office or official (if the agency has such an office or official) with regard to the agency’s Senior Executive Service appointments process; and

(K) administer an online survey to all individuals leaving a position in the Senior Executive Service to better understand the reasons for the departure—

(i) which shall—

(I) at a minimum request information regarding—

(aa) the reason for departure;

(bb) plans for subsequent employment; and

(cc) suggestions for improving the effectiveness of senior executives within the agency in which the individual serves and the Federal Government; and

(II) be incorporated into strategic planning by agencies, in coordination with the Office of Personnel Management; and

(ii) the results of which shall be made available to the public on a semi-annual basis through the official public Internet site of the Office of Personnel Management.

(e) PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION.—For purposes of subparagraphs (H) and (K)(ii) of subsection (d)(2), the SES Resource Office shall combine data for any agency that is not named in section 901(b) of chapter 31, United States Code, to protect individually identifiable information.

(f) COOPERATION OF AGENCIES.—The head of each agency shall provide the Office of Personnel Management with such information as the SES Resource Office may require in order to carry out subsection (d)(2)(G).

SEC. 302. SENIOR EXECUTIVE SERVICE EXECUTIVE DEVELOPMENT PLANS.

(a) EXECUTIVE DEVELOPMENT PLANS.—Section 3396 of title 5, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c)(1) Upon appointment into the Senior Executive Service, each senior executive shall create an executive development plan that includes continuing development, training, and mentoring goals. The plan shall be submitted to the head of the agency for approval. Each senior executive shall update their executive development plan on a regular basis.

“(2) The Office shall establish standards for multi-year executive development plans.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3151(a)(7) of title 5, United States Code, is amended by striking “section 3396(c)” and inserting “section 3396(d)”.

SEC. 303. SENIOR EXECUTIVE ONBOARDING PROGRAMS.

Section 3396 of title 5, United States Code, (as amended by section 302) is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

“(d)(1) In consultation with the Office of Personnel Management, the head of each agency shall oversee the establishment of an onboarding program for newly appointed career appointees and noncareer appointees.

“(2)(A) Except as provided in subparagraph (B), not later than 180 days after the date of an initial appointment, each career appointee or noncareer appointee shall be required to successfully complete an onboarding program established under this subsection.

“(B)(i) A position described under section 5312 or 5313 may be exempt from the requirement under subparagraph (A).

“(ii) In addition to positions described in clause (i), the head of an agency may exempt appointees in very senior positions at the agency from the requirement under subparagraph (A).

“(C) The Office of Personnel Management shall establish criteria for determining which positions are very senior for purposes of this paragraph.

“(3) Each agency onboarding program shall include—

“(A) an overview of the mission, priorities, and strategic plan of the agency;

“(B) the role and responsibilities for each new appointee;

“(C) a review of individual performance objectives and goal setting;

“(D) goals for mentoring candidates for the Senior Executive Service;

“(E) an overview of the rules and regulations governing the Senior Executive Service; and

“(F) other components the head of the agency or the Office determines necessary.”.

SEC. 304. SENIOR EXECUTIVE SERVICE ROTATION PROGRAMS.

Section 3396 of title 5, United States Code, (as amended by sections 301 and 302) is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (d) the following:

“(e)(1)(A) In consultation with the Office of Personnel Management, an agency may establish a program to provide for inter-agency, inter-governmental, and inter-sector rotation programs for career appointees and potential career appointees in the Senior Executive Service, senior positions, and managers showing leadership potential. The rotation programs established under this section shall adhere to the principles of the Senior Executive Service by strengthening collaboration and building interagency relationships.

“(B)(i) In consultation with the Chief Privacy Officer of the Office of Personnel Management, the Office shall establish a centralized database for agencies establishing rotation programs under subparagraph (A) that—

“(I) contains information on each senior executive as defined under section 3132, including information on education, experience, training, and professional development interests; and

“(II) shall serve as a profile registry to be used by agencies and senior executives in making rotation decisions.

“(ii) The Office shall prescribe regulations to carry out this subparagraph, including regulations to establish the database and provide for oversight, management, and administration of the database.

“(C) Each agency shall allow a senior executive the right of return from a temporary rotation detail or assignment that is not a

reassignment or transfer without a loss of status and seniority.

“(2) Senior Executive Service rotations may be accomplished through the use of—

“(A) extended details;

“(B) task force assignments and inter-agency projects;

“(C) sabbaticals to the private sector in accordance with subsection (c);

“(D) programs established under the Inter-governmental Personnel Act of 1970 (42 U.S.C. 4701 note);

“(E) the Information Technology Exchange Program; or

“(F) other exchange programs as established by agencies.

“(3) Any career appointee in an agency may be granted a detail or sabbatical under this subsection if the appointee agrees, as a condition of accepting the detail or sabbatical, to serve in the civil service upon the completion of the detail or sabbatical for a period equal to the period of the detail or sabbatical.

“(4) The Office shall publish guidelines for specific objectives and desired results that should be obtained by a senior executive who receives a rotation assignment.

“(5)(A) Except as provided under subparagraph (B), an agency may not require participation in a rotation program as a precondition for an appointment to a career reserved position as defined under section 3132.

“(B) Subparagraph (A) shall not apply if the agency, under regulations prescribed by the Office—

“(i) provides adequate notice of a requirement to participate in a rotation program to candidates within the agency;

“(ii) makes opportunities under a rotation program available to those candidates; and

“(iii) provides a phase-in period for candidates to meet the rotation requirement.

“(C) The Office shall prescribe regulations to carry out this paragraph.”.

SEC. 305. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE IV—SENIOR EXECUTIVE SERVICE DIVERSITY ASSURANCE

SEC. 401. CAREER APPOINTMENTS.

(a) PROMOTING DIVERSITY IN THE CAREER APPOINTMENTS PROCESS.—Section 3393(b) of title 5, United States Code, is amended by inserting after the first sentence the following:

“In establishing an executive resources board, the head of the agency shall, to the extent practicable, ensure diversity of the board and of any subgroup thereof or other evaluation panel related to the merit staffing process for career appointees, by including members of racial and ethnic minority groups, women, and individuals with disabilities.”.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Director shall promulgate regulations to implement subsection (a).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report evaluating agency efforts to improve diversity in executive resources boards based on the information collected by the SES Resource Office under section 301(d)(2)(G)(vi) and (vii).

SEC. 402. ENCOURAGING A MORE DIVERSE SENIOR EXECUTIVE SERVICE.

(a) SENIOR EXECUTIVE SERVICE DIVERSITY PLANS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each agency, in consultation with the Office of Personnel Management and the Chief Human Capital Officers Council, shall submit to the Office of Personnel Management a plan to enhance and maximize opportunities for the advancement and appointment of minorities, women, and individuals with disabilities in the agency to the Senior Executive Service. Agency plans shall be reflected in the strategic human capital plan.

(2) CONTENTS.—Agency plans shall address how the agency is identifying and eliminating barriers that impair the ability of minorities, women, and individuals with disabilities to obtain appointments to the Senior Executive Service and any actions the agency is taking to provide advancement opportunities, including—

(A) conducting outreach to minorities, women, and individuals within the agency and outside the agency;

(B) establishing and maintaining training and education programs to foster leadership development;

(C) identifying career enhancing opportunities for agency employees;

(D) assessing internal availability of candidates for Senior Executive Service positions; and

(E) conducting an inventory of employee skills and addressing current and potential gaps in skills and the distribution of skills.

(3) UPDATE OF AGENCY PLANS.—Agency plans shall be updated at least every 2 years during the 10 years following enactment of this Act. An agency plan shall be reviewed by the Office of Personnel Management and, if determined to provide sufficient assurances, procedures, and commitments to provide adequate opportunities for the advancement and appointment of minorities, women, and individuals with disabilities to the Senior Executive Service, shall be approved by such Office. An agency may, in updating its plan, submit to the Office of Personnel Management an assessment of the impacts of the plan.

(b) SUMMARY AND EVALUATION.—Not later than 180 days after the deadline for the submission of any report or update under subsection (a), the Director shall transmit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing and evaluating the agency plans or updates (as the case may be) so submitted.

(c) COORDINATION.—The Office of Personnel Management shall, in carrying out subsection (a), evaluate existing requirements under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and determine how agency reporting can be performed so as to be consistent with, but not duplicative of, such sections and any other similar requirements.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 408—SUPPORTING THE GOALS AND IDEALS OF TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. BURR (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 408

Whereas the Take Our Daughters To Work Day program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to "Take Our Daughters and Sons To Work Day" so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, to develop "innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential", now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a nonprofit organization, has grown to become one of the largest public awareness campaigns, with more than 37,000,000 participants annually in more than 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to future generations;

Whereas every year, mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the Take Our Daughters and Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas 2012 marks the 20th anniversary of the Take Our Daughters and Sons To Work program;

Whereas Take Our Daughters and Sons To Work Day will be observed on Thursday, April 26, 2012; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

SENATE RESOLUTION 409—DESIGNATING APRIL 2012 AS "FINANCIAL LITERACY MONTH"

Mr. AKAKA (for himself, Mr. ENZI, Mr. BAUCUS, Mr. BLUNT, Mr. CARDIN, Mr. CARPER, Mr. COCHRAN, Mr. COONS, Mr. CRAPO, Mr. DURBIN, Mrs. HAGAN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, Mr. WICKER, and Mr. BROWN of Ohio) submitted the following resolution; which was considered and agreed to:

S. RES. 409

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent

of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2011 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 41 percent of adults in the United States, or more than 77,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,500,000 in 2010, the highest number since 2005, and in 2011, the percentage of total consumer filings increased from 2010;

Whereas the 2011 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 13 percent of workers were "very confident" about having enough money for a comfortable retirement, a sharp decline in worker confidence from the 27 percent of workers who were "very confident" in 2007;

Whereas according to the 2011 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, less than half of workers (42 percent) in the United States have tried to calculate how much they need to save for retirement;

Whereas according to a 2011 "Flow of Funds" report by the Board of Governors of the Federal Reserve System, household debt stood at \$13,200,000,000,000 at the end of the third quarter of 2010;

Whereas according to the 2011 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 28 percent, or nearly 64,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2011 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, only 43 percent of adults keep close track of their spending, and more than 128,400,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas according to the 2011 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 1 in 3 adults in the United States, or more than 75,600,000 individuals, report that they have no savings, and only 22 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the seventh Council for Economic Education biennial Survey of the States 2011: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 22 States require students to take an economics course as a high school graduation requirement, and only 16 States require the testing of student knowledge in economics;

Whereas according to the seventh Council for Economic Education biennial Survey of the States 2011: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 12 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now,

only 57 percent believe that their parents are saving money for the future;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), establishing the Financial Literacy and Education Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2012 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 410—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. AKAKA, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. LEAHY, Mr. BROWN of Ohio, Mrs. BOXER, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. UDALL of Colorado, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 410

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona;

Whereas César Estrada Chávez spent his early years on a family farm;

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest after a bank foreclosure resulted in the loss of the family farm;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an eighth grade education, left school to work full-time as a farm worker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and served the United States with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he had met while working in the vineyards of central California;

Whereas César Estrada Chávez and Helen Fabela had 8 children;

Whereas, as early as 1949, César Estrada Chávez was committed to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, livable housing, and the outlawing of child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization—

(1) to coordinate voter registration drives; and

(2) to conduct campaigns against discrimination in East Los Angeles;

Whereas César Estrada Chávez served as the national director of the Community Service Organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of non-violence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively used peaceful tactics that included fasting for 25 days in 1968, 25 days in 1972, and 38 days in 1988, to call attention to the terrible working and living conditions of farm workers in the United States;

Whereas, under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas, through his commitment to non-violence, César Estrada Chávez—

(1) brought dignity and respect to the organized farm workers; and

(2) became an inspiration to and a resource for individuals engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working—

(1) to better human rights;

(2) to empower workers; and

(3) to advance the American Dream that includes all inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, at the age of 66 in San Luis, Arizona, only miles from his birthplace;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California;

Whereas César Estrada Chávez was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas, since the death of César Estrada Chávez, schools, parks, streets, libraries, and other public facilities, as well as awards and scholarships, have been named in his honor;

Whereas 10 States and dozens of communities across the United States honor the life and legacy of César Estrada Chávez on March 31 of each year;

Whereas, during his lifetime, César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize;

Whereas, on August 8, 1994, César Estrada Chávez was posthumously awarded the Presidential Medal of Freedom;

Whereas President Barack Obama honored the life of service of César Estrada Chávez by proclaiming March 31, 2011, to be “César Chávez Day”; and

Whereas the United States should continue the efforts of César Estrada Chávez to ensure

equality, justice, and dignity for all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments and example of a great hero of the United States, César Estrada Chávez;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry, “¡Sí, se puede!”, which is Spanish for “Yes we can!”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1977. Mr. GRAHAM (for himself, Mr. DEMINT, Mr. JOHNSON of Wisconsin, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

SA 1978. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1979. Mr. CARPER (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1980. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1981. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1982. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1983. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1984. Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1985. Ms. MURKOWSKI (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1986. Ms. MURKOWSKI (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1987. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1988. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1989. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1990. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1991. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1992. Mr. LIEBERMAN submitted an amendment intended to be proposed by him

to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1993. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1994. Mr. SESSIONS (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1995. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1996. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1997. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1977. Mr. GRAHAM (for himself, Mr. DEMINT, Mr. JOHNSON of Wisconsin, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—NUCLEAR WASTE FUND RELIEF AND REBATES

SECTION 301. SHORT TITLE.

This Act may be cited as the “Nuclear Waste Fund Relief and Rebate Act”.

SEC. 302. CERTIFICATION OF COMMITMENT TO YUCCA MOUNTAIN.

(a) IN GENERAL.—Subtitle E of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10172 et seq.) is amended by adding at the end the following:

“SEC. 162. CERTIFICATION OF COMMITMENT TO YUCCA MOUNTAIN SITE.

“(a) DEFINITION OF DEFENSE WASTE.—In this section, the term ‘defense waste’ means—

- “(1) transuranic waste;
- “(2) high-level radioactive waste;
- “(3) spent nuclear fuel;
- “(4) special nuclear materials;
- “(5) greater-than-class C, low-level radioactive waste; and
- “(6) any other waste arising from the production, storage, or maintenance of nuclear weapons (including components of nuclear weapons).

“(b) CERTIFICATION OF COMMITMENT.—Not later than 30 days after the date of enactment of this section, the President shall publish in the Federal Register a notice that the President certifies that the Yucca Mountain site is the selected site for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, in accordance with section 160.

“(c) FAILURE TO PUBLISH CERTIFICATION; REVOCATION OF CERTIFICATION.—If the President fails to publish the certification of the President in accordance with subsection (b), or if the President revokes the certification of the President after the date described in that subsection, not later than 1 year after the date described in subsection (b), or the date of revocation, as appropriate, and in accordance with subsection (d)—

“(1) each entity that is required under section 302 to make a payment to the Secretary shall not be required to make any additional payment; and

“(2) each entity that has made a payment under section 302 shall receive from the Secretary of the Treasury, from amounts available in the Nuclear Waste Fund, an amount equal to the aggregate amount of the payments made by the entity (including interest on the aggregate amount of the payments) to the Secretary for deposit in the Nuclear Waste Fund.

“(d) USE OF RETURNED PAYMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), of the aggregate amount of payments returned to an entity described in subsection (c)(2)—

“(A) 75 percent shall be used by the entity to provide rebates to ratepayers of the entity; and

“(B) 25 percent shall be used by the entity to carry out upgrades to nuclear power facilities of the entity to enhance the storage and security of materials used to generate nuclear power.

“(2) DEFENSE WASTE.—In the case of a payment required to be paid to an entity for the storage of defense waste, the Secretary shall use the amount required to be paid to the entity to meet the penalty payment obligation of the Secretary under subsection (e)(2) to the State in which the entity is located.

“(e) DISPOSITION OF DEFENSE WASTE.—

“(1) IN GENERAL.—Not later than January 1, 2017, the Secretary shall initiate the transportation of defense waste from each State in which defense waste is located to the Yucca Mountain site.

“(2) PENALTY.—

“(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary fails to initiate the transportation of defense waste in accordance with paragraph (1), the Secretary shall pay to each State in which defense waste is located \$1,000,000 for each day that the defense waste is located in the State until the date on which the Secretary initiates the transportation of the defense waste under paragraph (1).

“(B) MAXIMUM AMOUNT.—Subject to subsection (c)(2), for each calendar year, the Secretary shall not pay to any State described in subparagraph (A) an amount greater than \$100,000,000.

“(C) REQUIRED USE OF PAYMENTS.—A State that receives amounts through a payment from the Secretary under this paragraph shall use the amounts—

“(i) to help offset the loss in community investments that results from the continued storage of defense waste in the State; and

“(ii) to help mitigate the public health risks that result from the continued storage of defense waste in the State.

“(f) DETERMINATION BY COMMISSION TO GRANT OR AMEND LICENSES.—In determining whether to grant or amend any license to operate any civilian nuclear power reactor, or high-level radioactive waste or spent fuel storage or treatment facility, under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the responsibilities of the President and the Secretary described in this subtitle shall be considered to be sufficient and independent grounds for the Commission to determine the existence of reasonable assurances that spent nuclear fuel and high-level radioactive waste would be disposed of safely and in a timely manner by the entity that is the subject of the determination.

“(g) EFFECTS.—

“(1) TERMINATION OF PAYMENT REQUIREMENT; ACCEPTANCE OF RETURNED PAYMENTS.—

With respect to an entity that receives a benefit under paragraph (1) or (2) of subsection (c)—

“(A) the entity shall not be considered by the Commission to be in violation under section 302(b); and

“(B) the Commission shall not refuse to take any action with respect to a current or prospective license of the entity on the grounds that the entity has cancelled or rescinded a contract to which the entity is a party as the result of—

“(i) the failure by the entity to make a payment to the Secretary under section 302; or

“(ii) the acceptance by the entity of amounts described in subsection (c)(2).

“(2) DISPOSITION OF WASTE.—Nothing in this section affects the responsibility of the Federal Government under any Act (including regulations) with respect to the ultimate disposition of high-level radioactive waste and spent nuclear fuel.”

(b) CONFORMING AMENDMENT.—The table of contents of the Nuclear Waste Policy Act of 1982 (42 U.S.C. prec. 10101) is amended by adding at the end of the items relating to subtitle E of title I the following:

“Sec. 162. Certification of commitment to Yucca Mountain site.”.

SA 1978. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

Subtitle C—Miscellaneous

SEC. 221. EXEMPTION OF SAND DUNE LIZARD FROM ENDANGERED SPECIES ACT OF 1973.

Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended by adding at the end the following:

“(j) EXEMPTION OF SAND DUNE LIZARD.—This Act shall not apply to the sand dune lizard.”.

SA 1979. Mr. CARPER (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 119. QUALIFYING OFFSHORE WIND FACILITY CREDIT.

(a) IN GENERAL.—Section 46 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (5), by striking the period at the end of paragraph (6), and by adding at the end the following new paragraph:

“(7) the qualifying offshore wind facility credit.”.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

“SEC. 48E. CREDIT FOR OFFSHORE WIND FACILITIES.

“(a) IN GENERAL.—For purposes of section 46, the qualifying offshore wind facility credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying offshore wind facility of the taxpayer.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying offshore wind facility.

“(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING OFFSHORE WIND FACILITY.—

“(A) IN GENERAL.—The term ‘qualifying offshore wind facility’ means an offshore facility using wind to produce electricity the megawatt capacity of which does not exceed the capacity certified by the Secretary as eligible for the credit under this section.

“(B) OFFSHORE FACILITY.—The term ‘offshore facility’ means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of United States, and the outer Continental Shelf of the United States.

“(2) ELIGIBLE PROPERTY.—The term ‘eligible property’ means any property—

“(A) which is—

“(i) tangible personal property, or

“(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualifying offshore wind facility, and

“(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

“(d) QUALIFYING CREDIT FOR OFFSHORE WIND FACILITIES PROGRAM.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy and the Secretary of the Interior, shall establish a qualifying credit for offshore wind facilities program to consider and award certifications for qualified investments eligible for credits under this section to qualifying offshore wind facility sponsors.

“(B) LIMITATION.—The total amount of megawatt capacity for offshore facilities with respect to which credits may be allocated under the program shall not exceed 3,000 megawatts.

“(2) CERTIFICATION.—

“(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require beginning on the date the Secretary establishes the program under paragraph (1).

“(B) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the facility in service and if such facility is not placed in service by that time period, then the certification shall no longer be valid.

“(3) SELECTION CRITERIA.—In determining which qualifying offshore wind facilities to certify under this section, the Secretary shall—

“(A) take into consideration which facilities will be placed in service at the earliest date, and

“(B) take into account the technology of the facility that may lead to reduced industry and consumer costs or expand access to offshore wind.

“(4) REVIEW, ADDITIONAL ALLOCATIONS, AND REALLOCATIONS.—

“(A) REVIEW.—Periodically, but not later than 4 years after the date of the enactment of this section, the Secretary shall review the credits allocated under this section as of the date of such review.

“(B) ADDITIONAL ALLOCATIONS AND REALLOCATIONS.—The Secretary may make additional allocations and reallocations of credits under this section if the Secretary determines that—

“(i) the limitation under paragraph (1)(B) has not been attained at the time of the review, or

“(ii) scheduled placed-in-service dates of previously certified facilities have been significantly delayed and the Secretary determines the applicant will not meet the timeline pursuant to paragraph (2)(B).

“(C) ADDITIONAL PROGRAM FOR ALLOCATIONS AND REALLOCATIONS.—If the Secretary determines that credits under this section are available for further allocation or reallocation, but there is an insufficient quantity of qualifying applications for certification pending at the time of the review, the Secretary is authorized to conduct an additional program for applications for certification.

“(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

“(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section with respect to any facility if—

“(1) a credit has been allowed to such facility under section 45 for such taxable year or any prior taxable year,

“(2) a credit has been allowed with respect to such facility under section 46 by reason of section 48(a) or 48C(a) for such taxable or any preceding taxable year, or

“(3) a grant has been made with respect to such facility under section 1603 of the American Recovery and Reinvestment Act of 2009.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking “and” at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting “, and”, and

(C) by adding after clause (vi) the following new clause:

“(vi) the basis of any property which is part of a qualifying offshore wind facility under section 48E.”.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48D the following new item:

“48E. Credit for offshore wind facilities.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 1980. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conserva-

tion; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **PROHIBITING TAXPAYER DOLLARS FROM SUPPORTING HIGH-RISK RESEARCH AND DEVELOPMENT PROJECTS BY COMPANIES THAT EMPLOY 1,000 INDIVIDUALS OR MORE.**

Notwithstanding any other provision of law, the Secretary of Energy shall put in place limitations on funding awards at the Advanced Research Projects Agency—Energy that prevent companies that employ 1,000 or more individuals from receiving funding awards.

SA 1981. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle C—Energy Subsidies for Millionaires

SEC. 221. NO RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 25D(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(9) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—No credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than \$1,000,000 for such taxable year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SA 1982. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING ENERGY PROGRAMS.**

Notwithstanding any other provision of law and not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the Secretary of the Department of Energy and the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government energy-related programs and agencies with duplicative and overlapping missions identified in the—

(A) March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO 11 318SP) regarding federal fleet energy goals and ethanol production; and

(B) February 2012 Government Accountability Office report to Congress entitled “2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO 12 342SP) regarding Department of Energy contractor support costs, nu-

clear proliferation, diesel emissions, and green building initiatives;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government energy-related programs and agencies with duplicative and overlapping missions identified in the—

(A) March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO 11 318SP); and

(B) February 2012 Government Accountability Office report to Congress entitled “2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO 12 342SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts and apply the savings towards deficit reduction the amount greater of—

(A) \$2,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

SA 1983. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used by the Office of Fossil Energy to carry out any energy research relating to fossil fuels, except that nothing in this section affects the responsibilities of the Secretary of Energy relating to national petroleum reserves.

SA 1984. Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline,

L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

SA 1985. Ms. MURKOWSKI (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED FEDERAL PERMITTING AND REVIEW DECISIONS FOR ENERGY, NATURAL RESOURCE, AND INFRASTRUCTURE PROJECTS.

(a) FINDINGS.—Congress finds that—

(1) it is imperative to significantly reduce the aggregate time required to make deci-

sions by the Federal Government on the permitting and review of energy, natural resource, and energy infrastructure projects, while improving environmental and community outcomes;

(2) investing in the energy infrastructure of the United States provides immediate and long-term economic benefits for local communities and the United States as a whole;

(3) Federal permitting and review processes, including planning, approval, and consultation processes, have a substantive impact on the economy of the United States;

(4) it is critical that Executive agencies take all steps, within the authority and resources of the Executive agencies, to execute Federal permitting and review processes with maximum efficiency and effectiveness, while ensuring the health, safety, and security of communities, the environment, and vital economic growth;

(5) Federal permitting and review processes should—

(A) provide a transparent, consistent, and predictable path for project sponsors and affected communities;

(B) ensure that Executive agencies—

(i) establish and adhere to timelines and schedules for completion of reviews;

(ii) establish clear permitting performance goals; and

(iii) track progress against those goals;

(C) encourage early collaboration among Executive agencies, State, local, and tribal governments, project sponsors, and affected stakeholders to incorporate and address affected interests and minimize delays;

(D) provide for transparency and accountability by using cost-effective information technology to collect and disseminate information concerning individual projects and Executive agency performance;

(E) rely on early and active consultation with State, local, and tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent rather than sequential reviews;

(F) recognize the critical role project sponsors play in ensuring the timely and cost-effective review of projects by providing complete information and analysis and by supporting, as appropriate, the costs associated with review; and

(G) enable Executive agencies—

(i) to share priorities;

(ii) to work collaboratively and concurrently to advance reviews and permitting decisions; and

(iii) to facilitate the resolution of disputes at all levels of Executive agency organization;

(6) each of the actions described in paragraph (5) should be incorporated into routine Executive agency practice to provide demonstrable improvements in the performance of Federal infrastructure permitting and review processes, including lower costs, more timely decisions, and a healthier and cleaner environment; and

(7) it is imperative to institutionalize best practices—

(A) to enhance Federal, State, local, and tribal government coordination on permitting and review processes (such as conducting reviews concurrently rather than sequentially to the maximum extent practicable);

(B) to avoid duplicative reviews;

(C) to engage stakeholders early in the permitting process; and

(D) to develop mechanisms to better communicate priorities and resolve disputes among Executive agencies at the national and regional levels.

(b) DEFINITIONS.—In this section:

(1) COVERED REGULATIONS.—The term “covered regulations” means regulations issued to carry out permitting processes for—

(A) any energy or natural resource development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 105 of title 5, United States Code.

(3) PROJECT.—The term “project” means—

(A) any energy or mineral development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(c) COVERED REGULATIONS.—Not later than 1 year after the date of enactment of this Act, each Executive agency shall amend the covered regulations of the Executive agency—

(1) to reduce, to the maximum extent practicable, the time required to make permitting and review decisions on projects and to execute Federal permitting and review processes with maximum efficiency and effectiveness, while ensuring the health, safety, and security of communities, the environment, and vital economic growth; and

(2) to incorporate specific and measurable actions to carry out paragraph (1), including actions such as—

(A) performance metrics, including timelines or schedules for review;

(B) technological improvements, such as institutionalized use of Dashboard and other information technology systems; and

(C) improved preapplication procedures;

(D) early collaboration with other Executive agencies, project sponsors, and affected stakeholders; and

(E) coordination with State, local, and tribal governments.

SEC. 2. ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(2) CIRCULATE.—The term “circulate” means to distribute an environmental impact statement to another agency for the consideration of that agency.

(3) COOPERATING AGENCY.—The term “cooperating agency” means any agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.

(4) ENVIRONMENTAL ASSESSMENT.—The term “environmental assessment” has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

(5) ENVIRONMENTAL DOCUMENT.—The term “environmental document” means an environmental impact statement or an environmental assessment.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” has the meaning given the term in section 1508.11 of title 40, Code of Federal Regulations (or a successor regulation).

(7) FINDING OF NO SIGNIFICANT IMPACT.—The term “finding of no significant impact” has the meaning given the term in section 1508.13 of title 40, Code of Federal Regulations (or a successor regulation).

(8) HUMAN ENVIRONMENT.—The term “human environment” has the meaning given the term in section 1508.14 of title 40, Code of Federal Regulations (or a successor regulation).

(9) LEAD AGENCY.—The term “lead agency” has the meaning given the term in section 1508.16 of title 40, Code of Federal Regulations (or a successor regulation).

(10) MAJOR FEDERAL ACTION.—The term “major Federal action” has the meaning given the term in section 1508.18 of title 40, Code of Federal Regulations (or a successor regulation).

(11) NOTICE OF INTENT.—The term “notice of intent” has the meaning given the term in section 1508.22 of title 40, Code of Federal Regulations (or a successor regulation).

(b) ADOPTION OF EXISTING ENVIRONMENTAL ASSESSMENTS.—If an agency determines that an environmental assessment should be prepared for a proposed action relating to oil and gas development on Federal public land or water, the agency shall adopt, in whole or in part, an existing Federal draft or final environmental assessment if—

(1) the existing assessment meets the standards for an adequate assessment under the regulations promulgated by the agency and the Council on Environmental Quality;

(2) the action covered by the existing assessment and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(c) PUBLICATION OF FINDINGS OF NO SIGNIFICANT IMPACT AND NOTICES OF INTENT.—

(1) FINDING OF NO SIGNIFICANT IMPACT.—If a proposed action is determined not to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a finding of no significant impact in accordance with the regulations of the agency.

(2) NOTICE OF INTENT.—If a proposed action is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a notice of intent in accordance with the regulations of the agency.

(d) ADOPTION OF EXISTING ENVIRONMENTAL IMPACT STATEMENTS.—If a proposed action of an agency relating to oil and gas development on Federal public land or water is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the agency shall adopt, in whole or in part, an existing Federal draft or final environmental impact statement if—

(1) the existing statement meets the standards for an adequate statement under the regulations promulgated by the Council on Environmental Quality;

(2) the action covered by the existing statement and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the

quality of the human environment affected by the proposed action.

(e) RECIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS.—

(1) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting the final environmental impact statement of another agency shall recirculate the statement as a final statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall not recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(f) FINALITY OF ADOPTED DOCUMENT.—An agency may not adopt as final an environmental document prepared by another agency if, at the time of the proposed adoption—

(1) the existing document was not final within the agency that prepared the environmental document;

(2) the adequacy of the existing document is the subject of a pending judicial action; or

(3) in the case of an environmental impact statement, the action the existing statement assesses is the subject of a referral under part 1504 of title 40, Code of Federal Regulations (commonly known as “Predecision referrals to the Council of proposed Federal actions determined to be environmentally unsatisfactory”) (or a successor regulation).

(g) JUDICIAL REVIEW.—The decision of an agency to adopt, in whole or in part, an existing environmental assessment or environmental impact statement shall not be subject to judicial review.

(h) REGULATIONS.—Notwithstanding any other provision of this section, an agency shall not adopt, in whole or in part, an existing environmental impact statement when issuing a proposed or final rule.

SEC. 3. STATE COOPERATION.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall—

(1) survey the use by the Secretary of categorical exclusions in the issuance of permits since fiscal year 2005;

(2) publish a review of the survey that includes a description of—

(A) the types of actions categorically excluded; and

(B) any requests previously received by the Secretary for new categorical exclusions; and

(3) solicit requests from State natural resources permitting agencies or other State, local, and tribal government agencies for new categorical exclusions.

(b) NEW CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall publish a notice of proposed rulemaking that proposes new categorical exclusions, taking into account the survey under subsection (a), subject to the condition that the new categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40 Code of Federal Regulations (as in effect on the date of on which the notice of proposed rulemaking is issued).

(c) CATEGORICAL EXCLUSIONS PROVIDED BY LAW.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture

shall each issue final rules implementing section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

(d) PROGRAMMATIC AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall seek opportunities to enter into programmatic agreements with States that establish efficient administrative procedures for carrying out environmental and other required project reviews.

(2) INCLUSIONS.—

(A) IN GENERAL.—Programmatic agreements authorized under paragraph (1) may include agreements that allow a State to determine on behalf of the relevant Department whether a project is categorically excluded from the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) DETERMINATIONS.—A programmatic agreement described in subparagraph (A) may include determinations by the Secretary of the types of projects categorically excluded (consistent with section 1508.4 of title 40, Code of Federal Regulations or successor regulations) in the State in addition to the types of projects described in section 390 of the Energy Policy Act of 2005 (42 U.S.C. 14942).

SEC. 4. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

(2) CHAIRMAN.—The term “Chairman” means the chairman of the Federal Energy Regulatory Commission.

(3) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” means the detailed statement of environmental impacts required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term “environmental review process” means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document for a project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) INCLUSIONS.—The term “environmental review process” includes the process and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) LEAD AGENCY.—The term “lead agency” means—

(A) in the case of energy or mineral development on Federal land, the Department of the Interior;

(B) in the case of interstate energy transmission or transportation through electrical lines or pipelines, the Federal Energy Regulatory Commission; and

(C) any State or local governmental entity serving as a joint lead agency pursuant to this section.

(6) PROJECT.—The term “project” means—

(A) any energy or mineral development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) APPLICABILITY.—

(1) IN GENERAL.—The project development procedures under this section—

(A) shall apply to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) may be applied, as determined by the Secretary or Chairman, to projects for which an environmental document is prepared pursuant to that Act.

(2) FLEXIBILITY.—Any authority granted to the Secretary or Chairman under this section may be exercised for a project, class of projects, or program of projects.

(c) LEAD AGENCIES.—

(1) FEDERAL LEAD AGENCY.—The Department of the Interior or the Federal Energy Regulatory Commission, as applicable, shall be the Federal lead agency in the environmental review process for a project.

(2) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from acting as a joint lead agency in accordance with regulations issued under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) ENSURING COMPLIANCE.—The Secretary or Chairman, as applicable, shall ensure that the project complies with all design and mitigation commitments made in any environmental document prepared in accordance with this section and that the environmental document is appropriately supplemented if project modifications become necessary.

(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this section may be adopted or used by any Federal agency making any approval to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency.

(5) ROLE AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have the authority and responsibility—

(A) to carry out any actions that are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

(B) to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

(d) PARTICIPATING AGENCIES.—

(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

(2) INVITATION.—

(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite those agencies to become participating agencies in the environmental review process for the project.

(B) DEADLINE.—The invitation shall state a deadline by which responses shall be submitted to the lead agency, which may be extended by the lead agency for good cause.

(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the

lead agency, in writing, by the deadline specified in the invitation that the invited agency—

(A) has no jurisdiction or authority with respect to the project;

(B) has no expertise or information relevant to the project; and

(C) does not intend to submit comments on the project.

(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

(A) supports a proposed project;

(B) has any jurisdiction over the project; or

(C) has special expertise with respect to the evaluation of the project.

(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a cooperating agency under part 1500 of title 40, Code of Federal Regulations (or successor regulations).

(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary or Chairman, as applicable, may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

(7) CONCURRENT REVIEWS.—Each Federal agency shall, to the maximum extent practicable—

(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(e) PROJECT INITIATION.—The project sponsor shall notify the Secretary or Chairman, as applicable, of the type and general location of the proposed project, together with a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Secretary or Chairman that the environmental review process should be initiated.

(f) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for participating agencies and the public to participate in defining the purpose and need for a project.

(2) SCOPE AND OBJECTIVES.—

(A) IN GENERAL.—After providing an opportunity for participation under paragraph (1), the lead agency shall prepare a statement of purpose and need for any document that the lead agency is responsible for preparing for the project.

(B) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

(i) increasing energy and mineral security; and

(ii) reducing energy, mineral, and natural resource costs to consumers.

(3) ALTERNATIVE ANALYSIS.—

(A) IN GENERAL.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for participating agencies and the public to participate in determining the range of alternatives to be considered for a project.

(B) RANGE OF ALTERNATIVES.—After providing an opportunity for participation

under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document that the lead agency is responsible for preparing for the project.

(C) **METHODOLOGIES.**—The lead agency, in collaboration with the participating agencies, shall determine, at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

(D) **PREFERRED ALTERNATIVE.**—At the discretion of the lead agency, the lead agency may—

(i) identify a preferred alternative for a project; and

(ii) develop a more detailed analysis for that alternative than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws, subject to the condition that the lead agency determines that the development of the more detailed analysis will not prevent the lead agency from making an impartial decision as to whether to accept another alternative under consideration.

(g) **COORDINATION AND SCHEDULING.**—

(1) **COORDINATION PLAN.**—

(A) **IN GENERAL.**—The lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects, which may be incorporated in a memorandum of understanding.

(B) **SCHEDULE.**—

(i) **IN GENERAL.**—The lead agency may establish as part of the coordination plan, after consultation with each participating agency for the project and with each State in which the project is located, a schedule for completion of the environmental review process for the project.

(ii) **FACTORS FOR CONSIDERATION.**—In establishing the schedule, the lead agency shall consider factors such as—

(I) the responsibilities of participating agencies under applicable laws;

(II) the resources available to the participating agencies;

(III) the overall size and complexity of the project;

(IV) the overall schedule for and cost of the project; and

(V) the sensitivity of the natural and historic resources that could be affected by the project.

(C) **ADMINISTRATION.**—A schedule under subparagraph (B) shall be consistent with any other relevant schedule required under Federal law.

(D) **MODIFICATIONS.**—The lead agency may—

(i) extend a schedule established under subparagraph (B) for good cause; and

(ii) reduce a schedule established under subparagraph (B) only with the concurrence of the affected participating agencies.

(E) **DISSEMINATION.**—A copy of a schedule under subparagraph (B), including any modifications to the schedule, shall be—

(i) provided to all participating agencies and to the relevant agencies of each State in which the project is located; and

(ii) made available to the public.

(2) **COMMENT DEADLINES.**—The lead agency shall establish comment deadlines for agencies and the public such that—

(A) the comment period on draft environmental impact statements shall last for a period of not more than 60 days after the date on which the notice of the date of public availability of the document is published in the Federal Register, unless—

(i) a different deadline is established by agreement of the lead agency and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause;

(B) the comment period on the environmental review process shall last for a period of not more than 30 days after the date on which the materials on which comment is requested are available, unless—

(i) a different deadline is established by agreement of the lead agency and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(3) **DEADLINES FOR DECISIONS UNDER OTHER LAWS.**—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by a date that is not later than the date that is 180 days after the date on which the Secretary or Chairman, as applicable, has made all final decisions of the lead agency with respect to the project, or not later than 180 days after the date on which an application was submitted for the permit or license, the Secretary or Chairman, as applicable, shall submit to the Committees on Environment and Public Works and Energy and Natural Resources of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives—

(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

(4) **PUBLIC PARTICIPATION.**—Nothing in this subsection reduces any time period under existing Federal law, including regulations, for which public comment is provided in the environmental review process.

(h) **ISSUE IDENTIFICATION AND RESOLUTION.**—

(1) **IN GENERAL.**—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in denial of any approvals required for the project under applicable laws.

(2) **LEAD AGENCY RESPONSIBILITIES.**—

(A) **IN GENERAL.**—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) **BASIS OF INFORMATION.**—The information described in subparagraph (A) may be based on existing data sources, including geographical information systems mapping.

(3) **PARTICIPATING AGENCY RESPONSIBILITIES.**—

(A) **IN GENERAL.**—Based on any information received from the lead agency under paragraph (2), each participating agency shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project.

(B) **INCLUSIONS.**—For purposes of this paragraph, issues of concern include any issues that could substantially delay or prevent an

agency from granting a permit or other approval that is needed for the project.

(4) **ISSUE RESOLUTION.**—

(A) **IN GENERAL.**—At any time, at the request of the Governor of a State in which the project is located, the lead agency shall promptly convene a meeting with the relevant participating agencies and the Governor to resolve issues that could delay completion of the environmental review process or result in denial of any approvals required for the project under applicable laws.

(B) **NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.**—If a resolution cannot be achieved by a date that is not later than 30 days after the date on which the meeting under subparagraph (A) occurs and the lead agency determines that all information necessary to resolve the issue has been obtained, the lead agency shall—

(i) notify the heads of all participating agencies, the Governor, the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Council on Environmental Quality; and

(ii) publish the notification in the Federal Register.

(i) **PERFORMANCE MEASUREMENT.**—The Secretary shall establish a program to measure and report on any progress made toward improving and expediting the planning and environmental review process.

(j) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Except as provided in subsection (k), nothing in this section affects the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(2) **NO EFFECT ON OTHER LAW.**—Nothing in this section—

(A) supersedes, amends, or modifies the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute;

(B) affects the responsibility of any Federal officer to comply with or enforce any such statute; or

(C) preempts or interferes with—

(i) any practice of seeking, considering, or responding to public comment;

(ii) any power, jurisdiction, responsibility, or authority that a Federal, State, local government agency, or Indian tribe has with respect to carrying out a project; or

(iii) any other provision of law applicable to a project.

(k) **LIMITATIONS ON CLAIMS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a project shall be barred unless the claim is filed by not later than 180 days after the date of publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

(2) **NO RIGHT TO REVIEW OR LIMIT ON CLAIM.**—Nothing in this subsection—

(A) establishes any right to judicial review; or

(B) places any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(3) **NEW INFORMATION.**—

(A) **IN GENERAL.**—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement

under section 1502.9(c) of title 40, Code of Federal Regulations (or a successor regulation).

(B) PREPARATION OF NEW STATEMENT.—With respect to the preparation of a supplemental environmental impact statement, when required—

(i) the preparation of such a statement shall be considered to be a separate final agency action; and

(ii) the deadline for filing a claim for judicial review of that action shall be 180 days after the date of publication of a notice in the Federal Register announcing the action.

(I) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—When preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency makes changes in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant further agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, on the condition that the errata sheets—

(A) cite the sources, authorities, or reasons that support the position of the agency; and

(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

(2) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision unless—

(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

(B) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.

SA 1986. Ms. MURKOWSKI (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED FEDERAL PERMITTING AND REVIEW DECISIONS FOR ENERGY, NATURAL RESOURCE, AND INFRASTRUCTURE PROJECTS.

(a) FINDINGS.—Congress finds that—

(1) it is imperative to significantly reduce the aggregate time required to make decisions by the Federal Government on the permitting and review of energy, natural resource, and energy infrastructure projects, while improving environmental and community outcomes;

(2) investing in the energy infrastructure of the United States provides immediate and long-term economic benefits for local communities and the United States as a whole;

(3) Federal permitting and review processes, including planning, approval, and consultation processes, have a substantive impact on the economy of the United States;

(4) it is critical that Executive agencies take all steps, within the authority and resources of the Executive agencies, to execute Federal permitting and review processes with maximum efficiency and effectiveness,

while ensuring the health, safety, and security of communities, the environment, and vital economic growth;

(5) Federal permitting and review processes should—

(A) provide a transparent, consistent, and predictable path for project sponsors and affected communities;

(B) ensure that Executive agencies—

(i) establish and adhere to timelines and schedules for completion of reviews;

(ii) establish clear permitting performance goals; and

(iii) track progress against those goals;

(C) encourage early collaboration among Executive agencies, State, local, and tribal governments, project sponsors, and affected stakeholders to incorporate and address affected interests and minimize delays;

(D) provide for transparency and accountability by using cost-effective information technology to collect and disseminate information concerning individual projects and Executive agency performance;

(E) rely on early and active consultation with State, local, and tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent rather than sequential reviews;

(F) recognize the critical role project sponsors play in ensuring the timely and cost-effective review of projects by providing complete information and analysis and by supporting, as appropriate, the costs associated with review; and

(G) enable Executive agencies—

(i) to share priorities;

(ii) to work collaboratively and concurrently to advance reviews and permitting decisions; and

(iii) to facilitate the resolution of disputes at all levels of Executive agency organization;

(6) each of the actions described in paragraph (5) should be incorporated into routine Executive agency practice to provide demonstrable improvements in the performance of Federal infrastructure permitting and review processes, including lower costs, more timely decisions, and a healthier and cleaner environment; and

(7) it is imperative to institutionalize best practices—

(A) to enhance Federal, State, local, and tribal government coordination on permitting and review processes (such as conducting reviews concurrently rather than sequentially to the maximum extent practicable);

(B) to avoid duplicative reviews;

(C) to engage stakeholders early in the permitting process; and

(D) to develop mechanisms to better communicate priorities and resolve disputes among Executive agencies at the national and regional levels.

(b) DEFINITIONS.—In this section:

(1) COVERED REGULATIONS.—The term “covered regulations” means regulations issued to carry out permitting processes for—

(A) any energy or natural resource development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 105 of title 5, United States Code.

(3) PROJECT.—The term “project” means—

(A) any energy or mineral development project on Federal land that requires the approval of the Federal Government; or

(B) any interstate energy transmission or transportation infrastructure project through electrical lines or pipelines that requires the approval of the Federal Government.

(c) COVERED REGULATIONS.—Not later than 1 year after the date of enactment of this Act, each Executive agency shall amend the covered regulations of the Executive agency—

(1) to reduce, to the maximum extent practicable, the time required to make permitting and review decisions on projects and to execute Federal permitting and review processes with maximum efficiency and effectiveness, while ensuring the health, safety, and security of communities, the environment, and vital economic growth; and

(2) to incorporate specific and measurable actions to carry out paragraph (1), including actions such as—

(A) performance metrics, including timelines or schedules for review;

(B) technological improvements, such as institutionalized use of Dashboard and other information technology systems; and

(C) improved preapplication procedures;

(D) early collaboration with other Executive agencies, project sponsors, and affected stakeholders; and

(E) coordination with State, local, and tribal governments.

SA 1987. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 9, strike lines 9 through 12, and insert the following:

(b) WIND FACILITIES.—

(1) IN GENERAL.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2015”.

(2) REDUCED CREDIT RATE FOR WIND FACILITIES FOR 2013 AND 2014 AND TERMINATION AFTER 2014.—Subparagraph (A) of section 45(b)(4) of the Internal Revenue Code of 1986 is amended—

(A) by striking “In the case of” and inserting:

“(i) IN GENERAL.—In the case of”, and

(B) by adding at the end the following new clause:

“(ii) WIND FACILITIES.—In the case of electricity produced and sold in any calendar year after 2012 at any qualified facility described in subsection (d)(1), the amount in effect under subsection (a)(1) for such calendar year (determined before the application of the last sentence of paragraph (2) of this subsection) shall be—

“(I) reduced by one-third in calendar year 2013,

“(II) reduced by two-thirds in calendar year 2014, and

“(III) zero after calendar year 2014.”.

(3) NO EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.—The amendments made by subsection (d) of this section and section 116 of this Act are hereby deemed null, void, and of no effect.

SA 1988. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike section 115 and insert the following:
SEC. 115. EXTENSION AND MODIFICATION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) EXTENSION.—

(1) EXCISE TAX CREDITS.—Sections 6426(d)(5) and 6426(e)(3) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2011 (September 30, 2014, in the case of any sale or use involving liquified hydrogen)” and inserting “December 31, 2015”.

(2) PAYMENTS.—Section 6427(e)(6) of such Code is amended by inserting “and” at the end of subparagraph (B) and by striking subparagraphs (C) and (D) and inserting the following:

“(C) any alternative fuel or alternative fuel mixture (as defined in subsection (d)(2) or (e)(3) of section 6426) sold or used after December 31, 2015.”.

(b) APPLICATION OF CREDIT TO USE IN TRAINS.—Paragraph (1) of section 6426(d) of such Code is amended by striking “in a motor vehicle or motorboat” and inserting “in a motor vehicle, motorboat, or vehicle on rail”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SA 1989. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ CLEAN VEHICLE CORRIDORS PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Traditional transportation refueling networks are well-established, but market uncertainties continue to hamper the full use of cleaner-burning domestic energy resources.

(2) Despite considerable investor interest, higher capital costs and an uncertain consumer base has limited expansion of cleaner-burning alternative refueling options and its customer base.

(3) Reduced emissions and energy independence are important factors at a national level, but they are not a sufficient inducement to create large-scale changes.

(4) While American-made fuels provide many energy security and environmental benefits, a significant portion of imported oil continues to be consumed as diesel fuel in on-road motor vehicles.

(5) Motor vehicles fueled by domestically-generated, cleaner-burning transportation fuels, such as compressed natural gas, liquified natural gas, propane, electricity, and biofuels, can pay for themselves over time, but sales of such vehicles, other than return-to-base vehicles, have been hampered because of insufficient refueling infrastructure.

(6) Simultaneous facilitation of infrastructure development and a robust customer base is needed to avoid penalizing current users or early adopters.

(7) Facilitating focused infrastructure development along designated routes will foster an expansion of alternative fuel vehicles and increase the likelihood for commercial success.

(8) Eliminating the logistical barriers that are delaying infrastructure development along clean vehicle corridors will—

(A) provide alternative refueling stations with a larger customer base;

(B) attract more buyers to the purchase of clean vehicles; and

(C) provide new market outlets for clean fuel providers.

(b) PURPOSES.—The purposes of this section are—

(1) to provide market certainty to drive private and commercial capital investment in clean transportation options;

(2) to promote clean transportation technologies that will—

(A) lead to increased diversity and dissemination of alternative fuel options; and

(B) enable the United States to bridge the gap from foreign energy imports to secure, domestically produced energy; and

(3) to facilitate clean transportation incentives that will—

(A) attract a critical mass of clean transportation vehicles that will give alternative fueling stations an assured customer base and market certitude;

(B) provide for ongoing increases in energy demands;

(C) support the growth of jobs and businesses in the United States; and

(D) reduce petroleum use and emissions by vehicles.

(c) CLEAN VEHICLE CORRIDORS PROGRAM.—

(1) CORRIDOR DESIGNATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy (referred to in this section as the “Secretary”) shall designate 10 “Clean Vehicle Corridors” along Federal highways or other contiguous highways.

(B) CONSULTATION.—In making designations under paragraph (1), the Secretary shall—

(i) consult with the Secretary of Transportation; and

(ii) gather information from Federal, State, and local governments, nongovernmental organizations, and individuals to help determine which highways should be included in the corridors designated under subparagraph (A).

(2) INFRASTRUCTURE DEVELOPMENT.—

(A) CLEANER-BURNING FUELS.—

(i) IN GENERAL.—The Secretary shall encourage the addition of alternative fueling options and other supporting infrastructure along Clean Vehicle Corridors. These refueling stations should provide 2 or more cleaner-burning fuels and allow any motor vehicle that operates on such fuels to refuel at distances comfortably within 1 tank range without the need for prior arrangement. Existing and private facilities should be encouraged to be included in the Clean Vehicle Corridors network.

(B) DEFINITIONS.—In this paragraph:

(i) CLEANER-BURNING FUELS.—The term “cleaner-burning fuels” includes—

(I) rapid-fueling compressed natural gas;

(II) liquefied natural gas;

(III) liquefied petroleum gas (also known as propane);

(IV) plug-in electric;

(V) biofuel;

(VI) hydrogen; and

(VII) other clean fuels designated by the Secretary.

(ii) SUPPORTING INFRASTRUCTURE.—The term “supporting infrastructure” includes fueling stations, rest stops, travel plazas, and other service areas on Federal or private property that are found to be most practically located along a Clean Vehicle Corridor.

(3) INFORMATION AND RESOURCES ON CLEAN VEHICLE CORRIDORS.—

(A) WEBSITE.—The Secretary shall maintain a website containing information and resources for Clean Vehicle Corridors.

(B) INTERSTATE COMPACTS.—

(i) ESTABLISHMENT.—Two or more contiguous States may enter into an interstate compact to establish clean vehicle corridor partnerships to facilitate planning for and siting of necessary facilities within those States.

(ii) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy, may provide technical assistance to interstate compact partnerships established pursuant to clause (i).

SA 1990. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ NATURAL GAS ENERGY AND ALTERNATIVES REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term “alternative fuel” means natural gas, liquid petroleum gas, hydrogen, electric, or fuel cell.

(2) ALTERNATIVELY FUELED BUS.—The term “alternatively fueled bus” means—

(A) a school bus (as defined in section 390.5 of title 49, Code of Federal Regulations) that operates on alternative fuel;

(B) a multifunction school activity bus (as defined in section 571.3 of title 49, Code of Federal Regulations) that operates on alternative fuel; or

(C) a motor vehicle that—

(i) provides public transportation (as defined in section 5302(a)(10) of title 49, United States Code); and

(ii) operates on alternative fuel.

(3) ELIGIBLE ENTITY.—The term eligible entity means—

(A) a public or private entity providing transportation exclusively for school students, personnel, and equipment; or

(B) a public entity providing mass transit services to the public.

(b) REBATE PROGRAM.—

(1) IN GENERAL.—The Secretary of Transportation shall establish the Natural Gas Energy and Alternatives Rebates Program (referred to in this section as the “NGEAR Program”) to subsidize the purchase of alternatively fueled buses by eligible entities.

(2) AMOUNTS.—An eligible entity that purchases an alternatively fueled bus during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, is eligible to receive a rebate from the Department of Transportation under this subsection in an amount equal to the lesser of—

(A) 30 percent of the purchase price of the alternatively fueled bus; or

(B) \$15,000.

(3) APPLICATION.—Eligible entities desiring a rebate under the NGEAR Program shall submit an application to the Secretary of Transportation that contains copies of relevant sales invoices and any additional information that the Secretary of Transportation may require.

SA 1991. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote

renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. CLEAN ENERGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means an entity described in subsection (c).

(2) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) ESTABLISHMENT.—There is established in the Department of Energy a program to provide grants to eligible entities, on a competitive basis, to develop and carry out clean energy and carbon reduction measures, such as—

- (1) renewable electricity standards;
- (2) regional or statewide climate action plans;
- (3) the use of hybrid, electric, compressed natural gas, or fuel cell vehicles in State or local fleets;
- (4) measures to increase the percentage of public buildings of the eligible entity that are certified with respect to standards for energy efficiency;
- (5) participation in a regional greenhouse gas reduction program;
- (6) facilitation of on-bill financing for energy efficiency improvements for residences and business served by rural coops;
- (7) provision of State tax incentives for the manufacture or installation of clean energy components or energy efficiency upgrades;
- (8) provision of innovative financing mechanisms to private sector entities to encourage the deployment of clean energy technologies;
- (9) implementation of best management practices for the public utility commission of an eligible entity;
- (10) improvement and updating of grid technology; and
- (11) implementation of carbon efficiency standards.

(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, a State or unit of local government, or a regional consortium comprised of States or units of local governments, in partnership with private sector and nongovernmental organization partners, shall—

- (1) meet any requirements established by the Secretary under subsection (f); and
- (2) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(d) AWARD.—The Secretary shall determine which eligible entities shall receive grants and the amount of the grants provided based on—

- (1) the information provided in an application submitted under subsection (c)(2); and
- (2) any criteria for reviewing and ranking applications developed by the Secretary by regulation under subsection (f).

(e) USE OF FUNDS.—Grant funds provided under this section shall only be used for eligible uses specified by the Secretary by regulation under subsection (f).

(f) REGULATIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall issue regulations that establish criteria for grants under this section, including specifying the types of measures that are eligible for grants, establishing application criteria, and developing a point system to assist the Secretary in reviewing and ranking grant applications.

(2) CONSIDERATIONS.—In developing the regulations under paragraph (1), the Secretary shall take into account—

(A) regional disparities in the ways in which energy is produced and used; and

(B) the clean energy resource potential of the measures.

(g) EXPLANATION.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register an explanation of the manner by which grants awarded under subsection (d) would ensure an objective evaluation based on the criteria regulations promulgated under subsection (f)(1).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for fiscal year 2011 to carry out this section \$5,000,000,000, to remain available until expended.

SA 1992. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ____ . SAVINGS OFFSET.

OMB shall reduce the total amount of deficit reduction required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2013 by an amount equal to the increase in revenues for fiscal year 2013 resulting from the enactment of this Act.

SA 1993. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Regulatory Relief to Reduce Energy Prices Act of 2012”.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) Americans are suffering through record levels of job losses, slow economic growth, high gasoline prices, and increasing energy costs, and unemployment in the United States is currently more than 8 percent;

(2) the President wrote in an August 2011 letter to the Speaker of the House of Representatives that “it is extremely important to minimize regulatory burdens and to avoid unjustified regulatory costs, particularly in this difficult economic period” and, in that letter, the President identified at least 7 proposed regulations that would each impose billions of dollars in new costs on the private sector and, with respect to at least 1 of those rules, the President ultimately directed the Federal agency to not proceed with promulgation;

(3) the President stated in Executive Order 13563 that our Nation’s regulatory system should “protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation”;

(4) since the issuance of Executive Order 13563, additional significant Federal rules have been issued that increase energy costs and hinder economic growth;

(5) many existing Federal laws do not expressly authorize the President or the Fed-

eral agencies to delay or terminate the rule-making process for new regulations based on adverse economic impacts, unemployment, energy prices and electric reliability, and other related considerations; and

(6) it is necessary for job creation, until the unemployment rate improves, to authorize the President to delay or disapprove any major rule due to concerns related to significant economic impacts.

SEC. 3. PURPOSE.

The purpose of this Act—

(1) is to facilitate economic growth, affordable energy, and job creation by providing the President with authority to delay or disapprove the adoption, finalization, promulgation, issuance, or implementation of any major rule due to concerns related to significant economic impacts; and

(2) is not to authorize the President to delay or terminate rules that—

(A) facilitate economic recovery or job creation; or

(B) reduce the overall Federal regulatory burden.

SEC. 4. DEFINITIONS.

In this Act—

(1) the term “major rule” has the meaning given that term under section 804(2) of title 5, United States Code; and

(2) the term “significant economic impacts” includes impacts on energy costs and electric reliability, gasoline prices, employment, gross domestic product, and related considerations.

SEC. 5. APPROVAL OF MAJOR RULES BY THE PRESIDENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, any major rule (as determined by the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget in accordance with chapter 8 of title 5, United States Code) shall not become final and effective until the President issues an executive order of approval under subsection (b).

(b) EXECUTIVE ORDERS.—

(1) IN GENERAL.—After review of any major rule and consideration of significant economic impacts, the President may issue an executive order to—

(A) approve the major rule to become final and effective notwithstanding significant economic impacts;

(B) delay consideration of, or action upon, the major rule due to concerns related to significant economic impacts; or

(C) disapprove and terminate the major rule due to concerns related to significant economic impacts.

(2) CONTENTS.—Any executive order issued under paragraph (1) shall describe the basis for the finding of significant economic impacts and the rationale for the decision to approve, delay, or disapprove and terminate the major rule.

(c) EXEMPTION FOR NATIONAL SECURITY OR NATIONAL EMERGENCY.—A major rule is exempt from this Act if the exemption is necessary in the interest of national security or in response to a national emergency.

SA 1994. Mr. SESSIONS (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Truth in Energy Policy Act”.

SEC. 2. TRANSPARENCY IN DOMESTIC OIL AND NATURAL GAS PRODUCTION.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

“(i) **TRANSPARENCY IN DOMESTIC OIL AND NATURAL GAS PRODUCTION.**—The Secretary shall establish, and maintain with up-to-date data, a publicly available website listing the following:

“(1) The domestic strategic production goal for the development of oil and natural gas.

“(2) The current demand for oil and natural gas in the United States.

“(3) Oil production from Federal property on an annual basis since 2000.

“(4) Oil production from non-Federal property on an annual basis since 2000.

“(5) The percent reduction or increase, measured on an annual basis, in oil and gas production from Federal property.

“(6) The number of Federal oil and gas leases issued annually since 2000.

“(7) A map showing Federal areas accessible to oil and gas production.

“(8) The total areas comprising the outer Continental Shelf and, of that acreage, the percentage that—

“(A) is actually leased for oil and gas production; and

“(B) would have been leased if the 2010 2015 offshore lease plan was fully implemented as proposed in 2008.

“(9) Total estimated United States oil resources.”.

SA 1995. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS**SEC. 301. DELAY OF IMPLEMENTATION OF RULE REGARDING STANDARDS OF PERFORMANCE FOR GREENHOUSE GAS EMISSIONS.**

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not promulgate or implement any final version of the proposed rule entitled “Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units” (EPA-HQ-OAR-2011-0660; FRL-RIN 2060 Aq91 (March 27, 2012)) until such time as the standards proposed in that rule are implemented by Russia, China, and India.

SA 1996. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS**SEC. 301. EFFECT OF NEPA ON CERTAIN FEDERAL AGENCIES.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall assess and produce

a report on how the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) affects—

- (1) the Department of Defense;
- (2) the Department of Energy;
- (3) the Department of the Interior;
- (4) the Department of Transportation;
- (5) the Environmental Protection Agency;
- (6) the Corps of Engineers; and
- (7) the Forest Service.

(b) **CONTENTS.**—For each Federal agency described in subsection (a), the report shall include an assessment of—

(1) the cost of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the quantity of man hours spent on complying with that Act;

(3) the quantity of litigation the Federal agency engages in as a result of that Act, including the quantity of time and the cost that litigation adds to a project; and

(4) the economic costs associated with the delay in onshore and offshore oil and gas production as a result of that Act.

TITLE IV—BUDGETARY EFFECTS**SEC. 401. DEFICIT REDUCTION.**

SA 1997. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Domestic Energy Advancement and Leasing Act”.

SEC. 2. COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Subsection (e) of the Oil Shale, Tar Sands, and Other Strategic Unconventional Fuels Act of 2005 (42 U.S.C. 15927(e)) is amended—

(1) in the first sentence, by striking “Not later” and inserting the following:

“(1) **IN GENERAL.**—Not later”;

(2) in the second sentence—

(A) by striking “If the Secretary” and inserting the following:

“(2) **LEASE SALES.**—

“(A) **IN GENERAL.**—If the Secretary”; and

(B) by striking “may” and inserting “shall”;

(3) in the last sentence, by striking “Evidence of interest” and inserting the following:

“(B) **EVIDENCE OF INTEREST.**—Evidence of interest”; and

(4) by adding at the end the following:

“(C) **SUBSEQUENT LEASE SALES.**—During any period for which the Secretary determines that there is sufficient support and interest in a State in the development of tar sands and oil shale resources, the Secretary shall—

“(i) at least annually, consult with the persons described in paragraph (1) to expedite the commercial leasing program for oil shale resources on public land in the State; and

“(ii) at least once every 270 days, conduct a lease sale in the State under the commercial leasing program regulations.”.

SEC. 3. JURISDICTION OVER COVERED ENERGY PROJECTS.

(a) **DEFINITION OF COVERED ENERGY PROJECT.**—In this section, the term “covered energy project” means any action or decision by a Federal official regarding—

(1) the leasing of Federal land (including submerged land) for the exploration, devel-

opment, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(2) any action under such a lease, except that this section and Act shall not apply to a dispute between the parties to a lease entered into a provision of law authorizing the lease regarding obligations under the lease or the alleged breach of the lease.

(b) **EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.**—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this section or any other Act that arise from any covered energy project.

(c) **TIME FOR FILING COMPLAINT.**—

(1) **IN GENERAL.**—Each case or claim described in subsection (b) shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

(2) **PROHIBITION.**—Any cause or claim described in subsection (b) that is not filed within the time period described in paragraph (1) shall be barred.

(d) **DISTRICT COURT FOR THE DISTRICT OF COLUMBIA DEADLINE.**—

(1) **IN GENERAL.**—Each proceeding that is subject to subsection (b) shall—

(A) be resolved as expeditiously as practicable and in any event not more than 180 days after the cause or claim is filed; and

(B) take precedence over all other pending matters before the district court.

(2) **FAILURE TO COMPLY WITH DEADLINE.**—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline required under this section, the cause or claim shall be dismissed with prejudice and all rights relating to the cause or claim shall be terminated.

(e) **ABILITY TO SEEK APPELLATE REVIEW.**—An interlocutory or final judgment, decree, or order of the district court under this section may be reviewed by no other court except the Supreme Court.

(f) **DEADLINE FOR APPEAL TO THE SUPREME COURT.**—If a writ of certiorari has been granted by the Supreme Court pursuant to subsection (e), the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event not more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued.

SEC. 4. ENVIRONMENTAL IMPACT STATEMENTS.

Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end the following:

“SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS.

“(a) **COMPLETION.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, each review carried out under section 102(2)(C) with respect to any action taken under any provision of law, or for which funds are made available under any provision of law, shall be completed not later than the date that is 270 days after the commencement of the review.

“(2) **FAILURE TO COMPLETE REVIEW.**—If a review described in paragraph (1) has not been completed for an action subject to section 102(2)(C) by the date specified in paragraph (1)—

“(A) the action shall be considered to have no significant impact described in section 102(2)(C); and

“(B) that classification shall be considered to be a final agency action.

“(3) UNEMPLOYMENT RATE.—If the national unemployment rate is 5 percent or more, the lead agency conducting a review of an action under this section shall use the most expeditious means authorized under this title to conduct the review.

“(b) LEAD AGENCY.—The lead agency for a review of an action under this section shall be the Federal agency to which funds are made available for the action.

“(c) REVIEW.—

“(1) ADMINISTRATIVE APPEALS.—There shall be a single administrative appeal for each review carried out pursuant to section 102(2)(C).

“(2) JUDICIAL REVIEW.—

“(A) IN GENERAL.—On resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

“(B) ADMINISTRATIVE RECORD.—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.

“(C) PENDENCY OF JUDICIAL REVIEW.—After an agency has made a final decision with respect to a review carried out under this subsection, the decision shall be effective during the course of any subsequent appeal to a court described in subparagraph (A).

“(3) CIVIL ACTION.—Each civil action covered by this section shall be considered to arise under the laws of the United States.”.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the first day after the date of enactment of this Act on which occurs any sale from the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 28, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “The Science and Standards of Forensics.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 28, 2012, at 10 a.m., to hold a hearing entitled, “High Stakes and Hard Choices: U.S. Policy on Iran.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 28, 2012, at 10 a.m., in

room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Hearing on the Special Counsel’s Report on the Prosecution of Senator Ted Stevens.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 28, 2012, at 3 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on March 28, 2012, in room 418 of the Senate Russell Office Building, beginning at 9:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Economic Policy be authorized to meet during the session of the Senate on March 28, 2012, at 2:30 p.m., to conduct a hearing entitled “Retirement (In) Security: Examining the Retirement Savings Deficit.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 28, 2012, at 2:30 p.m., to conduct a hearing entitled, “Assessing Efforts to Combat Waste and Fraud in Federal Programs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on March 28, 2012, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWERS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on March 28, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 28, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Melissa Laine and Michael Johnson, fellows in my office, be granted the privilege of the floor for the remainder of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2012 first quarter Mass Mailing report is Wednesday, April 25, 2012. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 408, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 408) supporting the goals and ideals of Take Our Daughters and Sons To Work Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 408) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 408

Whereas the Take Our Daughters To Work Day program was created in New York City

as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to "Take Our Daughters and Sons To Work Day" so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, to develop "innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential", now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a nonprofit organization, has grown to become one of the largest public awareness campaigns, with more than 37,000,000 participants annually in more than 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to future generations;

Whereas every year, mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the Take Our Daughters and Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas 2012 marks the 20th anniversary of the Take Our Daughters and Sons To Work program;

Whereas Take Our Daughters and Sons To Work Day will be observed on Thursday, April 26, 2012; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

FINANCIAL LITERACY MONTH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 409, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 409) designating April 2012 as "Financial Literacy Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 409) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 409

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2011 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 41 percent of adults in the United States, or more than 77,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,500,000 in 2010, the highest number since 2005, and in 2011, the percentage of total consumer filings increased from 2010;

Whereas the 2011 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 13 percent of workers were "very confident" about having enough money for a comfortable retirement, a sharp decline in worker confidence from the 27 percent of workers who were "very confident" in 2007;

Whereas according to the 2011 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, less than half of workers (42 percent) in the United States have tried to calculate how much they need to save for retirement;

Whereas according to a 2011 "Flow of Funds" report by the Board of Governors of the Federal Reserve System, household debt stood at \$13,200,000,000,000 at the end of the third quarter of 2010;

Whereas according to the 2011 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 28 percent, or nearly 64,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2011 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, only 43 percent of adults keep close track of their spending, and more than 128,400,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas according to the 2011 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 1 in 3 adults in the United States, or more than 75,600,000 individuals, report that they have no savings, and only 22 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the seventh Council for Economic Education biennial Survey of the States 2011: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 22 States require students to take an economics course as a high school graduation requirement, and only 16 States require the testing of student knowledge in economics;

Whereas according to the seventh Council for Economic Education biennial Survey of

the States 2011: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 12 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now, only 57 percent believe that their parents are saving money for the future;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), establishing the Financial Literacy and Education Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2012 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

ORDERS FOR THURSDAY, MARCH 29, 2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Thursday, March 29, at 9:30 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 2230, the Paying A Fair Share Act, with the time until 11:30 a.m. equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; further, that the filing deadline for second-degree amendments to S. 2204, the Repeal Big Oil Tax Subsidies Act, be 10:30 a.m. on Thursday;

and that at 11:30 a.m., the Senate proceed to a vote on the motion to invoke cloture on S. 2204.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, I am informed that the first vote tomorrow will be at approximately 11:30 in the morning on the motion to invoke cloture on the Repeal Big Oil Tax Subsidies Act. The Transportation bill expires at the end of the month. That will also have to be addressed before we leave this week.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Thursday, March 29, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

LEGAL SERVICES CORPORATION

ROBERT JAMES GREY, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)
JOHN GERSON LEVI, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES

CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

LAURIE I. MIKVA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2013. (REAPPOINTMENT)

MARTHA L. MINOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

GLORIA VALENCIA—WEBER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 28, 2012:

THE JUDICIARY

MIRANDA DU, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.
SUSIE MORGAN, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

HOUSE OF REPRESENTATIVES—Wednesday, March 28, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HARPER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 28, 2012.

I hereby appoint the Honorable GREGG HARPER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE TIME TO REBUILD AMERICA IS NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. HIGGINS) for 5 minutes.

Mr. HIGGINS. Mr. Speaker, as our Nation winds down from its military engagements overseas, it's time for America to do some nation-building here at home.

A \$1.2 trillion investment in rebuilding American roads, bridges, transit, and water systems would create 27 million jobs over 5 years. In the first year alone, the economy would add 5.2 million new jobs and grow by over \$400 billion. In the second year, unemployment would be reduced to 5.6 percent. These are among the findings of the New America Foundation report, "The Way Forward."

Nearly every expert agrees that America's infrastructure is broken and is in need of immediate repair and replacement. The American Society of Civil Engineers gave America a D grade for infrastructure quality. It is estimated that \$2.2 trillion is needed to bring our Nation's infrastructure to good repair. The World Economic Forum ranks the United States 23rd in

infrastructure quality. Transportation for America reports that there are 69,000 structurally deficient bridges nationwide, including 2,000 in New York and 99 in western New York alone.

In fact, every second of every day, seven cars drive on a bridge that is structurally deficient. Dangerous road conditions were a significant factor in one-third of all traffic fatalities last year, and Americans spent 4.2 billion hours stuck in traffic due to congestion, costing \$78 billion, or \$710 for every American motorist.

The 1987 collapse of the Schoharie Creek Bridge in New York killing 10 people and the 2007 collapse of the Minneapolis bridge killing 13 people are tragic reminders of the human costs associated with deteriorating infrastructure.

The economic costs are staggering, too. The United States Chamber of Commerce says that the Nation will lose \$336 billion in economic growth in the next 5 years due to inadequate infrastructure. One local example: in January, the New York State Department of Transportation closed a crucial bridge in Springville, New York, due to concerns about its safety, and the weeks-long closure was devastating to local businesses.

The time to rebuild America is now. Actually, it's right now. The cost of borrowing money is at a historic low rate. The interest rates on 5-year debt is less than 1 percent. The Treasury Department is considering negative interest rates, meaning that investors will actually pay the Federal Government to buy United States debt.

The question is not whether to undertake this work. Public infrastructure is a public responsibility. The question is when to undertake this work. The cost acceleration of delaying road and bridge repair increases by 500 percent after only 2 years. Put simply, a \$1 million road repair project today not undertaken will cost \$5 million in 2014; a \$5 million bridge repair project will cost \$25 million in 2014. What's more, a 5-year \$1.2 trillion program would create such robust economic activity that it would generate an additional \$600 billion in Federal tax revenues, that is to say that our country would be purchasing \$1.2 trillion in investment for infrastructure for nearly half off.

The United States has spent \$76 billion rebuilding the infrastructure of Afghanistan, a population of 30 million people, and \$63 billion rebuilding Iraq, a population of 27 million people. Both

of these nation-building efforts were deficit financed. And as they took money out of the American economy, they actually undermined American economic growth and employment.

And for America, a population of over 300 million, the House is considering a 5-year \$260 billion transportation bill, or \$52 billion each year for the next 5 years, on average. That's less in any given year than we spent in both Afghanistan and Iraq.

Rebuilding our Nation's roads and bridges will support private sector American businesses. Construction trade jobs average approximately \$70,000 a year, and these jobs can't be outsourced to China or Mexico.

HELMETS TO HARDHATS

Mr. HIGGINS. I began this morning by talking about the wars in Iraq and Afghanistan. Let me now say something about our returning veterans.

The unemployment rate for returning veterans under the age of 24 is an unacceptably high rate of 38 percent. A good and grateful Nation owes it to these veterans to ensure that they return home to economic opportunity.

The Department of Defense sponsored a program back in 2002 called Helmets to Hardhats to accelerate apprenticeship training and job placement for these returning veterans. Helmets to Hardhats is now a nonprofit organization working with 15 construction trades and over 80,000 American businesses.

Mr. Speaker, it is the right time to make a robust investment to repair our outdated and failing infrastructure. There's a lot of work to be done, and a lot of Americans need to be put to work.

BULLYING

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Mr. Speaker, last Saturday evening, I was watching the weekly Fox television program entitled "Huckabee." Bullying was the featured issue.

Mr. Speaker, bullying has become a severely significant issue in some schools across our country.

Bullies, with limited exception, select their targets or victims in this manner: the victims are smaller in physical stature than are the bullies and are usually younger in years.

The victims of bullying become depressed and embarrassed, resulting in

physical and emotional damage. One young lad became so distraught that he died by his own hand. Yes, he took his own life because of the damage that bullying had inflicted upon him.

The "Huckabee" program, in addition to having interviewed a bullying victim and his family, featured as well the director of the recently released movie entitled "Bully." I urge you all to see this movie.

Mr. Speaker, I want to insist that bullies are punished at their schools by their parents and are prosecuted as juveniles if they are still minors.

We should cut no slack to bullies. They deserve no slack. If exposure could link the bullies to the aforementioned suicide, perhaps that should be pursued as well.

Mr. Speaker, this bullying plague must be resolved, but it will be resolved only when the bullies receive the punishment they deserve.

PUERTO RICO SNAP RESTORATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, today I'm introducing the Puerto Rico SNAP Restoration Act.

In 1971, Congress enacted legislation to partially include Puerto Rico in what is today called the Supplemental Nutrition Assistance Program, or SNAP, and what was then called the Food Stamp program.

□ 1010

Implementation of the Food Stamp program in Puerto Rico began in 1974. In 1977, Congress amended Federal law to fully include Puerto Rico in the Food Stamp program so that rules governing eligibility and benefits applied no differently on the island than they did in the 50 States. Four years later, however, Congress exercised its authority under the Territory Clause and removed Puerto Rico from the Food Stamp program, electing to provide the island government with an annual block grant instead. Since 1982, Puerto Rico has used this block grant to administer its Nutrition Assistance Program, which differs from SNAP in a number of material respects.

The bill I'm introducing today, which I will seek to include in the 2012 farm bill, would reinstate the SNAP program in Puerto Rico in place of the block grant.

If this bill is enacted into law, Puerto Rico would join the 50 States, the District of Columbia and two U.S. territories—Guam and the U.S. Virgin Islands—as jurisdictions fully participating in SNAP. My decision to file legislation converting Puerto Rico back to SNAP was made after carefully weighing the benefits and costs associ-

ated with this conversion. I relied primarily upon an in-depth study prepared by the USDA which evaluated the feasibility and impact of reinstating SNAP in Puerto Rico. On this subject, as with other important issues that I'm tackling, I have adhered to the principle that it is essential to build a strong evidentiary record prior to taking legislative action.

The USDA report is comprehensive and raises a number of important policy questions, but its bottom-line message for Puerto Rico is crystal clear, namely, while there are some trade-offs associated with the conversion to SNAP, the benefits of conversion far outweigh the costs.

Let me be more specific. Applying certain assumptions, the USDA study found that conversion would increase the number of households that receive nutrition assistance in Puerto Rico by over 15 percent. An additional 85,000 households would become eligible for assistance under SNAP. Moreover, restoring SNAP would raise the average monthly benefit by participating households by nearly 10 percent. And instituting equal treatment for Puerto Rico under SNAP would mean an additional \$457 million in Federal spending for the island each year, over 90 percent of which would take the form of additional benefits.

These numbers reveal a fundamental truth: because Congress removed Puerto Rico from SNAP 20 years ago, hundreds of thousands of needy children, families, and seniors on the island have received no nutrition assistance at all or have received far fewer benefits than they would have received if they lived in the 50 States or even in the neighboring Virgin Islands.

Accordingly, Puerto Rico's exclusion from this program serves as yet another example of how the American citizens I represent, especially my most vulnerable constituents, are treated unequally because of the island's territory status.

Whether I'm fighting to convert Puerto Rico back to SNAP or to increase the island's annual block grant, I strongly believe this is a fight worth making. By ensuring that the neediest of my constituents can afford a healthy diet, we enable them to lead a dignified and independent life, which in the long run helps reduce health care costs and takes pressure off other safety net programs.

THE RYAN BUDGET AND THE INDIVIDUAL MANDATE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. NUNNELEE) for 5 minutes.

Mr. NUNNELEE. Mr. Speaker, this is an important week for the future of our Republic. In this Capitol, we are debating and voting on budgets, laying

out our visions for how we should handle the spending, taxing, and debt issues facing America in the coming years. Across the street at the Supreme Court, they're debating what, if any, limits can be placed on the Federal Government's power to regulate under the Commerce Clause of our Constitution.

But, really, we're talking about the same thing: Do we still live under a Federal Government of limited and enumerated powers? Do we believe that the source of our government begins in "We the people"? Do we believe in liberty? Do we trust people to make their own decisions about their own lives without reliance on, or subservience to, an all-knowing and all-powerful central government in Washington? Are there limits on what Washington can demand of the citizens that it's supposed to be serving? Republicans believe that the answer to these questions is a resounding "yes."

The budget put forth by Chairman RYAN and the Budget Committee shows that it is possible for this Congress to offer solutions to the challenges of the modern world that are rooted in limited government, individual freedom, and the Constitution. It is our responsibility to govern and to offer the people an alternative to the do-nothing attitude of the Senate Democrat leadership or the business-as-usual, tax-spend-and-borrow budget offered by the President.

The arguments being made by the plaintiffs against the individual mandate are that the Constitution is not dead, that at least one party in Washington and a majority of the country still believe that the Constitution means what it says, and that there are limits on the power of Congress and of the executive branch.

I'm energized and hopeful for the future of this great Republic as I see these events unfold this week, and I'm reminded of the observation of President Reagan:

I hope we once again have reminded people that man is not free unless government is limited. There's a clear cause and effect here that is as neat and predictable as a law of physics: as government expands, liberty contracts.

THE HOUSE REPUBLICAN BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, today the clock is ticking here in Congress and especially on the floor of the House where people around the country would like to be preparing for the next construction season. Indeed, the most important action for the economy, for job creation, and for strengthening the livability of our communities might well be enacting the Surface Transportation Act. Sadly, so far, the news has not been good.

Later today, we debate the House Republican budget, which would slash infrastructure funding to a level less than is required simply to meet obligations for contracts that we've already entered into with people that are building roads, bridges, and transit systems. And we have an obligation to them. They're down that path and the budget sadly would not even allow the Federal Government to meet its partnership obligation.

There's more bad news as we see the Republican leadership can't come to grips with what would be required to move the transportation authorization bill forward. Last month, they offered up what has been characterized as the worst transportation bill in history. It was partisan, and it was unbalanced. It would have overturned two decades of transportation reform, undercut transit and the vital enhancement programs that communities have used to improve the quality of life and stretch their transportation resources. It even attacked bike and pedestrian programs, eliminating Safe Routes to School for our children.

Well, luckily, it collapsed under its own weight. They were afraid to even have a hearing on it before it came to the floor, and then they found out that there wasn't an opportunity to pass it. The support wasn't there in the face of united opposition around the country from people who care about transportation. At the same time, the Senate has given us a balanced and bipartisan bill. Seventy-four Members of the other body voted for it and passed it over to us.

I would hope that there is time for us to stop playing partisan ideological games with this vital transportation bill. The headlines that the Republican maneuvering has done is an embarrassment to Speaker BOEHNER and to Chairman MICA. But not just to the Republican leadership; it's an embarrassment to the House.

□ 1020

I'm sorry that my Republican friends and colleagues can't seem to agree amongst themselves about a path forward. They cannot get 218 Republican votes for any bill, even the Speaker's proposal. The good news is they don't have to. There are 435 Members of the House. If they would work in a bipartisan basis, as we have done in the past, we can stop this short-term roulette; we can give the construction industry, local government, and people in the private and public sector the certainty they need for not just this construction cycle, but the next construction cycle. We can put tens of thousands of people to work, bolster the economy, and do what Congress needs to do, what Congress has done always until this point.

I hope the Republican leadership, before we leave this week, will at least

allow the bipartisan Senate bill to come to the floor to be voted on. I'm confident that a majority will support it, and we'll meet our obligations to keep America moving and the economy growing.

ALL-OF-THE-ABOVE ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, all-of-the-above energy. It's a plan first introduced by House Republicans when gas prices spiked during the summer of 2008. For the 2 years prior, congressional Democrats were following a green energy plan only, doing their best to completely eliminate the traditional forms of energy like petroleum, natural gas, and coal that account for 83 percent of our energy consumption.

When President Obama took office in 2009, he took up their flag and began pushing for his controversial cap-and-trade law that even he admitted would mean electricity rates would necessarily skyrocket. He appointed an Energy Secretary that admitted on national TV that he wanted our gas prices at European levels. Well, they're both on their way. Since then, energy costs have doubled, gas prices have skyrocketed, and we are in a crisis in this country when it comes to our energy use.

Just as we saw in the summer of 2008, when these gasoline prices spiked and our energy costs rose, the price of everything else is soon to follow. When his cap-and-trade bill failed to get enough support in a Democratic-controlled Congress, he set out to have the EPA basically regulate the bill into law.

Over the last 3 years, the EPA has issued some of the most costly regulations on power plants in their history. By 2016, the Utility MACT regulation is expected to cost \$9.6 billion annually in direct costs, and some analysts estimate its total indirect costs closer to \$100 billion. The Cross-State Air Pollution Rule is expected to impact over 1,000 power plants across the country, and, by the EPA's own estimates, it's estimated to cost \$2.8 billion annually.

With no business experience in this administration, I don't think they realize that when the cost of doing business goes up, business prices go up; and that affects every hardworking American taxpayer at the pump. When he turns on a light at home, when he buys a loaf of bread, when he goes to buy a U.S.-manufactured product, it costs.

According to the President's own Commerce Department, the Boiler MACT regulation in itself is expected to cost between 40,000 and 60,000 jobs. The impact of these regulations is already being felt. Last month, two utility companies announced the closing of

10 of their power plants as a direct result of some of the strict new regulations—another move that will raise the price of electricity for consumers.

Yet it seemed as though the President had finally come around when he said in his State of the Union speech earlier this year, right here in this room: This country needs an all-out all-of-the-above energy strategy that develops every available resource of American energy.

It's not often that I agree with the President, but at that point I did.

Unfortunately, the President hasn't stayed true to his words. In fact, just yesterday the EPA announced their latest set of regulations that will effectively ban the building of any new coal-fired power plants by dramatically decreasing carbon dioxide emissions.

Whether the President and environmentalists like it or not, coal currently accounts for almost half of the electricity generated in this country. Effectively eliminating coal-fired power plants is only going to increase the cost of electricity to American families.

We can no longer allow the White House to say one thing and do another when it comes to energy. If the President truly supports the Republican all-of-the-above energy strategy as he claimed he did, then he needs to follow through.

It's time we start to take advantage of all of the God-given natural resources this country has and to have American-made energy, American-made power that will power this Nation.

U.S.-AFGHANISTAN POLICY IN SHAMBLES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the situation in Afghanistan is as bleak as I can remember at any point in the last 10½ years that we've been at war.

In recent months, we've seen the burning of the Koran by American troops, a video of soldiers urinating on bodies of dead Afghans, spontaneous riots in the Afghan streets protesting the continued U.S. occupation, as well as deadly attacks by Afghan soldiers on the U.S. and NATO forces that are there to help and to train them.

And now, in the most grotesque tragedy imaginable, 2 weeks ago a U.S. staff sergeant left his base, walked more than a mile to an Afghan village outside Kandahar, going door-to-door and systematically gunning down 17 civilians.

The New York Times reported that one Afghan farmer was visiting a nearby town for the day and returned home to find that his wife, four sons, and four daughters had all been murdered

in the attack. And here's the irony: According to the Times' account, because the Taliban still lingered in the area, the farmer had been concerned about moving his family back to this part of southern Afghanistan last year, but he was reassured by the very fact that he would be near an American military base.

With these latest atrocities, how can we expect President Karzai, a reluctant ally under the best of circumstances, to continue to cooperate? How do we expect to convince the Taliban to come to the negotiating table for a peace and reconciliation settlement? And most importantly, after this incident, how do we convince the people of Afghanistan that we are their friends, that our presence in their country is a force for good?

Staff Sergeant Robert Bales will be tried for these unspeakable crimes, but I also think any responsibility analysis would conclude that he is also a victim of the war. He was on his fourth deployment. He clearly suffered from posttraumatic stress disorder, or even worse, mental health affliction. He clearly had no business being on active duty.

Mr. Speaker, more than a decade of war is weakening and wreaking havoc with the bodies and minds of our servicemembers. Staff Sergeant Bales will be held to account. But what about the cruel and unforgiving war machine that absolutely has to bear some responsibility? When are we going to finally set warfare aside and embrace a SMART Security approach?

Yesterday, 80 retired top military leaders took out an ad in Politico calling for robust investment in development, diplomacy, and other civilian efforts that will do a lot more than military force to keep America safe. And yet the Republican budget we'll debate later today cuts that very foreign aid in humanitarian programs.

□ 1030

When will we learn, Mr. Speaker? How bad does it have to get?

Our Afghanistan policy is an absolute shambles, and the American people know it. The latest polling shows more than two-thirds, 69 percent, believe we shouldn't be waging this war.

This is the moment we must realize that this mission has no hope of succeeding, that the only humane and responsible course is to end the war at once. This is the moment, finally, after all the tragedy and mayhem, to bring our troops home.

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise again to highlight the epidemic of sexual assault and rape in the military.

Next week will mark the 1-year anniversary of my first floor speech on this issue. That day, I told the story of Technical Sergeant Mary Gallagher, who was raped by a coworker while deployed in Iraq. The week leading up to the rape, Sergeant Gallagher's assailant harassed her, stalked her, and attempted to break into her room.

Though she twice reported the assailant's threatening behavior, her command did nothing about it. They called it a "he said-she said" scenario. Justice was not served.

I've told the story of Army Specialist Blake Stephens, who was consistently assaulted and sexually harassed by the men in his unit. He reported the harassment to command, but no action was taken. Fellow servicemembers later sodomized him with a bottle; and the only punishment his assailants received was extra pushups. Justice was not served.

Last week, I told the story of Marine Lieutenant Elle Helmer, who reported repeated sexual harassment by superiors, to no avail. The Marine Corps did absolutely nothing in response to the harassment. Lieutenant Helmer was later raped by another superior whose behavior went unpunished.

Her command ultimately told her, "You're tough. You need to pick yourself up and dust yourself off. I can't babysit you all of the time. No justice was served."

Mary, Blake and Elle, like so many victims I've heard from, paint a picture of a military culture that treats sexual harassment and assault with silent acceptance, a culture that punishes victims for reporting the crimes committed against them.

The military refutes this; yet evidence suggests just the reverse. The "Hurt Feelings Report" that stands beside me is a repugnant example of how rape and sexual assault has been trivialized, and how a victim was mocked in the military.

It was supposed to be satire. The "report" was posted on the Facebook page of a female captain in charge of the Marine Barracks Protocol Office just a few months ago. It mocks fellow marines who file sexual assault complaints with a list of "Reasons for filing this report," which include options such as:

"I'm a little b——."

"I'm a little p——."

"I'm a cry baby."

And "I want my mommy."

And what did the head of protocol do when she saw this document? Did she report or punish the people who made it? Did she tell them there is zero tolerance for this behavior?

No, she didn't do anything of the sort. In fact, the head of protocol wrote this caption to the image on her Facebook page: "My marines crack me up."

It's no wonder that only 13 percent of victims of rape and assault are brave

enough to report the crimes committed against them. The "Hurt Feelings Report" and the Facebook response convey a toxic culture when it comes to sexual harassment, assault, stalking and rape. Victims have been told to "get over it," or told that they were "asking for it" based on the way they dress.

One year ago, I promised to tell the stories of servicemembers who survived rape and sexual assault while in the military. I said then, and I promise you now, that I will tell their stories until meaningful action is taken to eliminate the chasm between the number of estimated sexual assaults and the number of prosecuted sexual assaults.

I urge survivors to email me at stopmilitaryrape@mail.house.gov if they want to speak up.

THE DEATH OF TRAYVON MARTIN IS AN AMERICAN TRAGEDY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. RUSH) for 5 minutes.

Mr. RUSH. Mr. Speaker, the death of Trayvon Martin is, indeed, an American tragedy. Too often this violent act that resulted in the murder of Trayvon Martin is repeated in the streets of our Nation.

I applaud the young people all across the land who are making a statement about hoodies, about the real hoodlums in this Nation, particularly those who tread on our laws wearing official or quasi-official clothes.

Racial profiling has to stop, Mr. Speaker. Just because someone wears a hoodie does not make them a hoodlum.

The Bible teaches us, Mr. Speaker, in the book of Micah 6:68—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. RUSH. These words:

He has shown you, O man—

The SPEAKER pro tempore. The gentleman will suspend. The Chair must remind Members of clause 5 of rule XVII. The gentleman is out of order.

Mr. RUSH. What is good. What does the Lord require of you? To do justly and to love mercy and to walk humbly with your God.

In the New Testament, Luke 4:18 20 teaches us these words:

The Spirit of the Lord is upon me because He has anointed me to proclaim the good news to the poor. He has sent me to proclaim freedom for the prisoners—

The SPEAKER pro tempore. The gentleman is not in order.

Mr. RUSH. And to recover sight to the blind, to set the oppressed free.

I urge all who hear these words to heed these lessons.

The SPEAKER pro tempore. The gentleman is no longer recognized.

* * *

The SPEAKER pro tempore. The Chair will ask the Sergeant at Arms to

enforce the prohibition on breaches of decorum.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that clause 5 of rule XVII prohibits the wearing of hats in the Chamber when the House is in session. The Chair finds that the donning of a hood is not consistent with this rule. Members need to remove their hoods or leave the floor.

HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LEWIS) for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, America has the best health care system in the world.

Long before coming to Congress, I spent my energy in the life and health insurance field. In selling individual contracts, I found that questions of preexisting conditions and portability were a major concern for people buying individual health insurance contracts.

Over the years, I became convinced that these two major challenges could be solved by breaking down the walls between the individual States. This would provide a much larger pool of applicants, thus allowing for a much more reasonable base to underwrite the cost of covering those preexisting conditions and allowing for more effective portability.

□ 1040

When we debated how to solve the problems affecting our health care system 2 years ago, many were warned that government would go too far and must not be the solution. Our former Speaker said, "We have to pass the bill so that you can find out what is in it." Well, now we know what is in it, and it's time to speak up.

Mr. and Mrs. America, do not allow a federally mandated program to undermine the best health care system in the world. Do not allow a Federal mandate to get between you and your physician. Do not allow government to undermine your right to choose between the great variety of protection available in the marketplace. Do not allow a politically appointed board to ration health care in the name of reducing costs. Do not allow the Federal Government to take us down the pathway to socialized medicine. Do not allow us to be dominated by those who would have America look more and more like Europe.

So, Mr. and Mrs. America, it's time for all of us to come together. We can solve the problems of our existing health care system without allowing a bunch of unelected bureaucrats getting between you and great health care.

You need to tell Congress to do their job—solve the problems without de-

stroying the best health care system in the world.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Dennis Culbreth, First Baptist Church, Jasper, Alabama, offered the following prayer:

Our Heavenly Father, I want to thank You so much for the privilege we have to pray to You today. You are the Creator of all. It is through You that we can have hope and we can have grace.

Father, You have blessed our country as no other country has been blessed. I pray, Lord, that You will never let this body forget Your goodness and Your mercy to us all. Guide these legislators in such a way that Your will is promoted throughout the world.

Continue to use our country as a beacon on the hill. It is because of Your mercy our country is a light of hope shining in a lost and a dark world.

Dear Lord, please let us never take this freedom for granted. As these representatives gather from across the Nation, we ask for Your guidance and for Your wisdom as these men and women seek to make decisions that affect the lives of every American here at home and across the world.

And this I pray in Jesus' name, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. COHEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COHEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. REYES) come forward and lead the House in the Pledge of Allegiance.

Mr. REYES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agree to the request of the House of Representatives that the Senate return to the House the bill (H.R. 5) "An Act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system."

WELCOMING REVEREND DENNIS CULBRETH

THE SPEAKER. Without objection, the gentleman from Alabama is recognized for 1 minute.

There was no objection.

Mr. ADERHOLT. Mr. Speaker, it's my honor and my privilege this afternoon to welcome our guest chaplain, Dennis Culbreth, who gave today's opening prayer.

Dr. Culbreth, as senior pastor, serves a congregation of 2,400 at First Baptist Church in Jasper, Alabama. Prior to his tenure at First Baptist Church in Jasper, he served congregations across Alabama, Virginia, and Georgia.

In addition to his service within his congregation, Dr. Culbreth has also been an active member of the senior executive leadership team for the North American Mission Board and the Virginia Baptist Convention.

Dr. Culbreth earned his bachelor of arts at Samford University, his master's in divinity at the Southwestern Baptist Theological Seminary, and his doctorate at the Southern Baptist Theological Seminary.

He is a native of Evergreen, Alabama, and enjoys spending time with his family—his wife, Marybeth, and children Andrew, Matthew, and Grace—as well as playing an occasional round of golf.

Dr. Culbreth is a devoted and inspired leader in our community, and it's a privilege to have him here today to be with us and to give our opening prayer.

It's my honor to serve him, his family, and his congregation in the Fourth Congressional District of Alabama.

Again, I welcome Dr. Culbreth to the United States House of Representatives this afternoon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). The Chair will now entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

CONVICTED RAPIST COLLECTS MONEY FROM VICTIM

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the white ribbon campaign's theme is "No Excuse for Abuse."

Crystal Harris was raped by her abusive husband, and it was not the first time he hurt her, abused her, or even threatened her. But this particular crime and rape was caught on tape. So, Shawn Harris was convicted and sent to prison for 6 years. It sounds like justice prevailed. The outlaw was put away. But that's not the rest of the story.

A judge ordered that once the sex offender husband gets out of jail for rape, the victim must pay him \$1,000 a month in spousal support and, get this, she has to pay the legal bills for the divorce—his legal bills.

The victim has to pay the rapist. It should be the other way around. The criminal should be paying Crystal restitution because rape is never the fault of the victim, and a victim never owes the perpetrator anything.

No judge, no law should force victims to financially support convicted rapists because there is no excuse for abuse.

And that's just the way it is.

AFFORDABLE CARE ACT

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, the chaplain of the day asked God to look over this Congress. I ask God and think the preacher should have asked for direction a little bit further, to look over the Supreme Court, because the Supreme Court has in its hands the Affordable Care Act.

A report was just issued yesterday that said in my home city of Memphis, African American women are twice as likely to die of breast cancer than Caucasian women. That's unacceptable.

Part of that is because they don't get the health care they need. The Affordable Care Act will see to it that everybody gets access to affordable health care, that there won't be a disparity of twice as much for the cost of insurance for women than men, and that mammograms will be offered to people, ladies, without a co-pay.

If the Affordable Care Act passes, that disparity in health between white women and black women in my city and in America will end. That is wrong.

Part of what's happened in my city is a vestige of Jim Crow, and even though those laws have been repealed, we still suffer from them, and there is a lot in the Affordable Care Act that will end those. I hope the Supreme Court rules on the side of life.

RESTORE THE FREEDOM OF INFORMATION ACT

(Mr. TURNER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER of Ohio. Mr. Speaker, 1 week ago today, I introduced H.R. 4232 with my colleague from Ohio, Congressman TIM RYAN.

The Restore the Freedom of Information Act is a commonsense, bipartisan bill that would make it easier for American taxpayers seeking information from the Federal Government's multibillion-dollar bailout programs.

When the executive branch ceases to function as an arm of the government and begins taking ownership of private enterprise, they should not be able to hide behind the Freedom of Information Act restrictions and keep secret their dealings and the use of taxpayers' dollars.

In the auto bailout, the administration actively took away the pensions of Delphi's salaried retirees and now refuses to release documents to tell the taxpayers how this happened.

Mr. Speaker, whether it's the auto industry, the financial sector, or even a future bailout, taxpayers deserve access to this information, and H.R. 4232 will do just that. The Restore the Freedom of Information Act will ensure that the administration can not continue to hide its decisions from public scrutiny and deny American taxpayers the access they deserve.

□ 1210

BUDGETS ARE ABOUT VALUES

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, budgets are about values. The budget we are about to debate today, the Republican budget, does not reflect American values. It is a budget for the survival of the fittest. It cuts the highest tax bracket from 35 percent to 25 percent. That's going to add \$5 trillion to the debt. In order to compensate for that, this budget cuts \$5.7 trillion in domestic discretionary spending.

If this budget were ever to become law, it would push back all the progress we've made over generations in terms of malnutrition, in terms of poverty rates, in terms of protecting our seniors. It is a budget that would make Charles Darwin blush. It is a

budget not worthy of this House, and it is a budget I hope will be resoundingly rejected because of the values that do not reflect America at its best.

CONGRATULATIONS TO THE MAMMOTH SPRING HIGH SCHOOL BOYS' BASKETBALL TEAM

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. I rise today to recognize the achievements of the Mammoth Spring High School boys' basketball team.

This season, the Bears went 36 and 7 and claimed Arkansas' Class 1A State Championship trophy after defeating the Sacred Heart Rebels by a score of 42-39. This is the first ever State championship victory for the boys' basketball team, and it is a great source of pride for the Mammoth Spring community.

I would like to commend Head Coach Jeremy Cude for leading his team to a State championship. Additionally, I would like to recognize players Mason Brown, Seth Brown, Joby Busch, Wayne Coffey, Houston Cooper, Craig Hoover, J.D. Major, Tyler Mullins, Josh Parker, Ryan Roberson, Cortley Rutledge, Dylan Skaggs, A.J. Smith, Matt Turnbough, and Garrett Wooldridge for the leadership they have shown.

Great accomplishments like a State championship don't happen without a great deal of dedication. The Mammoth Spring Bears and their head coach have put Mammoth Spring on the map and have brought a great deal of pride to their community. Now that the boys' basketball team has brought a State championship trophy home to Mammoth Spring, I have no doubt that the players will set new, even higher goals to achieve.

Congratulations once again to the Bears and to the entire Mammoth Spring community for their State championship victory.

CESAR E. CHAVEZ

(Mr. REYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYES. Today, I proudly stand and join with millions of Americans in remembering the life and legacy of one of our greatest civil rights pioneers in our Latino community, Cesar Chavez.

An advocate for social justice, Cesar Chavez dedicated his life to giving voice to those who couldn't speak for themselves. Cesar Chavez advocated for strong health care for communities. He advocated for good-paying jobs from which people could lead the kinds of lives that our country cherishes and honors.

Cesar Chavez was a Navy veteran who, perhaps, during World War II was

disappointed in the way that segregation existed in the armed services; but it gave him the passion to go out and do the kind of work that today we celebrate: a legacy that was adopted by President Obama from the words of Cesar Chavez, who always thought, "Si, se puede." Yes, we can.

So, today, I proudly stand here and remind us that we have so much to be grateful for from those who have advocated in our respective communities—Cesar Chavez, Martin Luther King, and so many others.

OBAMACARE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. President Obama's ObamaCare plan not only raises many constitutional questions, but it is creating an environment where younger Americans, like my little nephew, Preston James Hunter, who was born last night, will be forced to live in a world with less choice and higher health care costs.

As the cost of health care rises, we are seeing that taxpayers are on the hook for even more money. We all know that this bill pulled \$500 billion out of Medicare, and now we're learning that over the next few years the States are going to have to pay another \$620 billion for Medicaid expenditures. Yes, \$620 billion for Medicaid expenditures. In Tennessee, my home State, TennCare estimates that the health care law will increase TennCare enrollment by 242,291 people. That is at an extra cost of \$225 million a year. Those are just the estimates.

While the President and Democrats in Washington are raiding Medicare, Republicans in the House are fighting back and are working to protect Medicare for our seniors. As for the job-killing aspect of ObamaCare, we now find 20 new and increased taxes that are in this bill, taxes that are affecting American families and employers.

We simply cannot afford a forced health care plan that doesn't work, that raises taxes, and that many Americans believe is unconstitutional.

CESAR E. CHAVEZ

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, today I rise in recognition of a great civil activist, Cesar E. Chavez. This week, we celebrate the life of a man who symbolizes dignity and respect and who would have turned 85 years old on March 31.

He was a farm laborer, a leader, a co-founder of the United Farm Workers, and a veteran. He brought social justice to migrant workers and communities, which included better pay, im-

proving housing, outlawing the child labor law, and human dignity. He achieved all of this through the use of nonviolence.

For over 10 years, I have worked to create a national holiday to commemorate Cesar Chavez. Please join me in celebrating the life of a great American hero by supporting my legislation, House Resolution 130, which designates the fourth Friday of every March as Cesar E. Chavez Day.

Martin Luther King, Jr., once telegraphed Cesar Chavez with a message: "Our separate struggles are really one—a struggle for freedom, for dignity, and for humanity."

The legacy of Cesar Chavez will continue to inspire not only Latinos but people across our Nation who believe in the American Dream. "Si, se puede"—yes, we can.

INVESTING IN DOMESTIC ENERGY

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, this week, the Chicagoland region hit a record—a record high for gas prices. Gas is \$4.51 a gallon in the 10th District of Illinois and is about \$4.67 in the city of Chicago. At a time when family budgets are stretched to their limits, rising gas prices are contributing to many things, including that of rising food prices and skyrocketing bills at the pump.

My energy plan includes investing in domestic energy and in implementing an all-of-the-above approach because these are bipartisan ideas that we can and should support. Not only will this help reduce our dependence on foreign oil, but it will help create jobs right here at home and lower the cost of energy for small businesses and families across the country.

We must continue to explore environmentally friendly forms of energy while utilizing the resources we have here at home. Let's come together on this important issue so that hard-working taxpayers and hardworking families can be assured that we are listening and are putting their concerns above political rhetoric.

COMMENDING PRESIDENT OBAMA'S COMMITMENT TO MIDDLE CLASS SECURITY

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, over the past 3 years, President Obama has passed legislation, has introduced crucial programs, and has offered important tax incentives to restore economic security to middle class families across our Nation.

Immediately after assuming office, President Obama created a middle

class task force that is targeted at raising middle class living standards and at giving the middle class a voice in the White House. President Obama also expanded small business loan programs in order to give small business owners access to credit and in order to boost job creation. He also extended the 2010 payroll tax cut through 2012 to give the average working family \$1,000 a year and to give increased Federal student aid to low-income college students.

Mr. Speaker, I commend President Obama's bold leadership and vision, and I commend him for his commitment to restoring economic security for our middle class families across America.

FISCAL SOLVENCY UNDER THE REPUBLICAN HOUSE BUDGET

(Mr. KINZINGER of Illinois asked and was given permission to address the House for 1 minute.)

Mr. KINZINGER of Illinois. Our Nation is currently standing at a critical crossroads. Should Washington weigh deeper into the red or should we continue cutting spending and get our Nation on the track towards fiscal solvency under the House Republican budget, which cuts more than \$5 trillion while preventing the President's tax increases?

In addition to paving the way for our Nation to get back on track towards economic security and prosperity, the Republican budget also puts forward bipartisan solutions to save and strengthen Medicare for current seniors and for our children and grandchildren.

Under our current trajectory, Medicare will be bankrupt in just a decade. This plan preserves current Medicare plans for those in and nearing retirement while offering guaranteed coverage options for future seniors, including those with preexisting conditions or tough health histories. It is financed by a premium support payment which would provide more assistance to low-income and less healthy seniors. The Medicare plans will compete against one another, which ultimately will create lower costs and a better quality of care.

The budget refuels our economy to create an environment for businesses to grow jobs with fundamental tax reform, protects the security of health and retirement plans, and begins to reduce our deficit now to leave our children with a country free from debt.

□ 1220

REJECT THE REPUBLICAN BUDGET PROPOSAL

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today in strong opposition to the Republican budget proposal offered by Mr. RYAN of Wisconsin. My home State of Rhode Island has one of the highest unemployment rates in the country. My constituents need commonsense solutions that will create jobs and get our country back on the right track, not another extreme proposal from the House Republican leadership.

Unfortunately, this budget proposal would give the wealthiest Americans an average tax cut of \$150,000 while slashing important support for middle class families and investments that we need to grow our economy. And once again, House Republicans are proposing to end the Medicare guarantee for our seniors; in this case, by replacing it with a voucher program that would not be guaranteed to keep pace with rising health care costs, which could result in higher costs for our seniors and less quality of care.

I urge my colleagues to reject this proposal.

WHITE RIBBON CAMPAIGN

(Ms. BUERKLE asked and was given permission to address the House for 1 minute.)

Ms. BUERKLE. Mr. Speaker, I rise today to speak out about an important issue that faces our society: domestic violence and sexual abuse. Our country has a moral obligation to stand up against those who exploit power to commit violence against men, women, and children.

In an effort to raise awareness about domestic violence and sexual abuse, my district kicked off the White Ribbon Campaign last week. The White Ribbon Campaign is led by men and encourages all members of the community—men and women, young and old—to join in their efforts. This male leadership helps to acknowledge the important contributions men have made towards this effort and invites others to take a role.

From March 23 to April 1, thousands of my constituents in central New York will be wearing a white ribbon or a white wristband to raise awareness about domestic violence and sexual violence. I encourage my House colleagues to join me in wearing a white ribbon to put a spotlight on this very important issue. Wearing the white ribbon demonstrates a personal pledge never to commit, condone, or remain silent about violence against men, women, or children.

FAMILY HEALTH INSURANCE

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, I rise today because the health of women and their families is threatened. It's threatened

not only by a Supreme Court case across the street but by the Republican budget right here in the House.

The Affordable Care Act law protects women from being charged more for health insurance for simply being a woman, and it allows women to get health coverage and not be denied because giving birth may be considered a preexisting condition. And it helps families—mothers and fathers—have a little bit of peace of mind in raising their children.

Last Friday in my district, I met with Kathy Estrada and her son Nick. Kathy and her husband have worked hard and are doing the best they can to raise their son. But as a young man in his twenties, Nick is building a life, and it's incredibly expensive to buy health care insurance. He is a skateboarder, and she used to lay awake at night worrying that something might happen to him out on the streets and she wouldn't be able to take care of him because he couldn't be on her insurance. But because of the affordable care law, Kathy can rest easier because Nick can be covered on her insurance policy. The affordable care law is today helping women and families of all ages across the country, and that's the way it should continue.

MEDICARE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, imagine you come to a fork in the road. You look on your GPS, and you see that the path to the left leads to an old bridge that is falling into the river. The path on the right leads to a brand-new bridge that is guaranteed to get your car over the river. Obviously, everyone would go over the new bridge.

Mr. Speaker, when it comes to Medicare, we have a GPS provided to us by the Medicare trustees. They clearly say that if we stay on the same road, Medicare will be broke by 2024. Republicans want to provide a new bridge that protects and preserves the program for current and future retirees, a program that gives future seniors the option to stay in traditional Medicare or to choose a new plan that best fits their needs.

Unlike current Medicare, the Republican plan provides greater benefits for low-income and sick seniors and requires more from wealthy seniors. The Medicare trustees have put up a bright orange sign saying: "Bridge Out Ahead." We can either heed their warnings and turn down a new path or plow right through and end up in the river.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise today to urge my colleagues here in the House to take action and create jobs by bringing Moving Ahead for Progress in the 21st Century, or MAP-21, to the House floor for a vote.

Yesterday, for the second time this week, the Republican leadership pulled a short-term highway extension bill. Time is running out, and the ninth extension will be expiring this Saturday, March 31. If Congress does not act by Saturday, millions of construction jobs will be at risk. Gas taxes will not be collected, which can add up to over \$90 million a day.

Two weeks ago, MAP-21 successfully passed the Senate with a bipartisan vote of 74-22. While it is not a perfect bill, MAP-21 is fully paid for and is estimated to save 1.8 million jobs and create up to 1 million more jobs. While I would prefer a 5-year transportation bill, MAP-21 is legislation that both Republicans and Democrats can support. A transportation bill will not only improve our infrastructure but will provide jobs.

Mr. Speaker, I urge my colleagues to bring to the floor MAP-21 for a vote.

WE HAVE ONE MORE OPPORTUNITY TO SAVE MEDICARE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, yesterday I had the opportunity over at the Supreme Court to witness the oral arguments on the individual mandate. I believe I could tell from the faces of the Justices that there was significant skepticism about this provision of the Affordable Care Act. You know, if we were smart, that skepticism could open the way for thoughtful alternatives by this Congress.

Mr. Speaker, I want to preserve and protect Medicare. Speaker PELOSI last year cut \$500 billion from Medicare, and the President has placed his bet on a bureaucratic control board, the Independent Payment Advisory Board.

A trustees' report from a year ago suggested that the Medicare trust fund will be exhausted in less than a decade. That doesn't seem like a viable way forward. We've got a budget resolution up this week to preserve and protect Medicare. The Republican action ensures access to care in the future. This House has voted to repeal the Independent Payment Advisory Board, and maybe the Senate should take up the same action.

We have to reduce the spending that diverts thought and effort from patient care and free up resources to focus on

these patients. We are committed to protecting our seniors and Medicare, lowering the deficit, and creating a workable system that allows for good doctors to help more patients.

REMEMBERING ANTHONY DEJUAN BOATWRIGHT

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, it's with sadness that I rise to honor the life of Anthony Dejuan Boatwright, who passed away at the age of 11 Sunday night. Juan was 14 months old when he was left alone at his day care center, fell into a bucket of water and bleach, and suffered irreversible brain damage. At that time, there was no law requiring Georgia licensed day care centers to carry insurance or even let parents know that they didn't carry insurance. That meant that despite being awarded a \$30 million jury verdict, Juan's family couldn't collect the money needed to care for Juan's life over the past 11 years.

Juan's mother, Jackie, has led a courageous effort to correct this injustice. And in 2004, Georgia enacted a law requiring that day care centers disclose their insurance status. Last Congress, Juan and Jackie's fight led the House to pass the Anthony Dejuan Boatwright Act so that families across America would never again experience the same tragedy.

During the last 11 years, Juan inspired a movement to protect the safety of children everywhere. Juan, your mother and I thank you for your life. You will be missed, but your legacy lives on.

AMERICAN-MADE ENERGY TO POWER THIS NATION

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, it looks like the President's road to "Regulation Nation" is truly never ending. Just yesterday, the EPA announced their latest set of regulations which will effectively ban the building of any new coal-fired power plants. This regulation comes on the heels of some of the most costly regulations in the history of the EPA, including the Utility MACT and Boiler MACT rules. He promised that his energy policies would mean "electricity rates would necessarily skyrocket," one promise the President has kept.

Coal is one of our most plentiful resources. Over 50 percent of our energy is provided by coal. We can no longer allow the White House to regulate this country into an energy crisis. It's time we start to take advantage of all the

God-given natural resources this country has and have American-made energy power this Nation.

□ 1230

OPPOSE THE REPUBLICAN BUDGET

(Ms. BONAMICI asked and was given permission to address the House for 1 minute.)

Ms. BONAMICI. Mr. Speaker, I'm troubled by the Republican budget's effect on health care, specifically the provisions that would eliminate the Affordable Care Act. Passing the Republican budget would be detrimental to the health of citizens across the United States, but it's particularly harmful to women.

As we mark the anniversary of the Affordable Care Act, we can measure its successes by the benefits that women have already realized: preventive care is guaranteed, gender rating will soon be gone, and access to contraceptives has expanded. This expansion is important for all women, not just those women who use contraceptives for birth control.

My colleagues will share stories of women who have been put at risk by this budget. I would like to share the story of Julie, an Oregonian whose contraceptives are important to her health on a daily basis to treat endometriosis. Without contraceptives, Julie would suffer from extreme pain and the risk of infertility. Under the Republican budget, her access to this medication could be in jeopardy.

It is unconscionable to deny women access to treatments that can improve the quality of their lives, and I urge my colleagues to stand up for women and oppose the Republican budget.

THE EPA IS OVERSTEPPING ITS BOUNDS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute.)

Mrs. CAPITO. I rise today to bring attention once again to this administration's assault on our domestic energy production.

For the past 3 years, I've been saying many times from this very podium that the EPA is overstepping its bounds and regulating where it cannot legislate and costing us American jobs.

Last Friday evening, the U.S. District Court for the District of Columbia overruled the EPA's veto of the Spruce Mine's Clean Water Act permit. The decision stated—and this is a quote from the judge—that the EPA's veto was "unprecedented" and it had acted in a manner that was "arbitrary, capricious, and not in accordance with the law." Could there be a clearer sign that we've been subjected to an overreach of Executive power?

This decision is a win for West Virginia, but we have a long way to go be-

cause the administration's so-called energy policies have led to higher gas prices and higher heating prices.

We're blessed to have abundant natural resources in this country, particularly in my State of West Virginia, but this becomes irrelevant if this administration continues to hold these domestic resources hostage. All-of-the-above means following the law.

MEDICARE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, many people are smiling about the argument in the Supreme Court on the Affordable Care Act, ObamaCare, but I will tell you those children born with sickle cell and asthma are praying that ObamaCare survives. Those elderly persons who fall into the doughnut hole with Medicare part D are praying for ObamaCare to survive. I am as well, Mr. Speaker, because I believe in a humanitarian approach in service to our Nation: Help those who cannot help themselves.

As we look forward to a vigorous debate on this Republican budget, I hope that we stand together against ending Medicare, destroying jobs, and moving forward on the lopsided help that we give to the wealthy over the poor.

VICTIMIZING THE VICTIM

I also want to say that Trayvon Martin's parents were here yesterday, and I want to stand against victimizing the victim. We say to them in a forceful way that it is important for justice to be done, that justice is to assure the arrest of Mr. Zimmerman, who will not be alleged guilty but will be innocent until proven guilty.

Now is the time to heal this Nation and to recognize that this case must move forward with justice for a little boy.

MEDICARE

(Mr. GRIFFIN of Arkansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIFFIN of Arkansas. Mr. Speaker, Senator LIEBERMAN, an Independent from Connecticut, said: "The truth is we cannot save Medicare as we know it. We can save Medicare only if we change it."

I agree with Senator LIEBERMAN.

My mother is on Medicare, and I want to ensure care for our senior citizens by maintaining this program for those currently on Medicare and preserving it for future generations.

Our budget, which we will vote on tomorrow, saves Medicare for current and future generations with no disruptions for those in and near retirement.

Our reforms are not partisan. In fact, they are based on a bipartisan proposal

by Chairman RYAN and Senator RON WYDEN, a Democrat of Oregon.

I urge my colleagues to support the GOP budget tomorrow because failure to take action to save this program today poses the greatest threat to the health and retirement security of America's seniors.

WOMEN'S HEALTH

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, for too long, women have faced discrimination at the hands of insurance companies who label pregnancy as a pre-existing condition and then deny coverage or charge more for it.

Erin from Chicago writes:

When I found out I was pregnant, I had full insurance coverage. I was told, however, that I did not have a pregnancy rider and therefore my pregnancy would not be covered. How can I pay for health insurance that will not cover a vital part of a woman's life? I was asked if I wanted to purchase the rider that would not take effect for over 365 days.

Thanks to ObamaCare, insurers will no longer be able to get away with this. Beginning in 2014, insurers cannot deny or charge more for any preexisting condition, and that would include pregnancy.

A DEJA VU BUDGET

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, here we go again. It's deja vu all over again.

Simply put, the Ryan-Romney Republican budget ends Medicare. AARP said: "The proposal lacks balance and jeopardizes the health and economic security of older Americans."

The budget we will consider this week fails the test of balance, fairness, and shared responsibility. It showers the few Americans that are the very wealthy with an average tax cut of at least \$150,000, while preserving giveaways to Big Oil companies and Wall Street CEOs.

What's worse is that all these tax breaks would be paid for by ending Medicare and cutting education, basic research, and new sources of energy.

Obviously, this budget rejects all of our American values.

This is not the first time the other side has tried to end Medicare. They tried it last year, too. The American people rejected the Ryan proposal then and they will reject this latest attack on our middle class now.

THE 2013 BUDGET AND MEDICARE

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Budgets are about priorities. I think it should be about helping people climb the ladder of opportunity so they can live a good middle class life, the American Dream.

But the Republican budget hurts the middle class. It provides billions in tax breaks for the wealthiest Americans, Big Oil, and special interests. Millionaires get an extra \$150,000 in their pockets in tax cuts.

How do the Republicans pay for this? This is how:

They take some by slashing education and leaving 10 million students with less money for college. They steal some from our future economy, gutting investments in science and technology. But Republicans do the most damage to seniors. They end the Medicare guarantee. They shift medical costs to seniors. They basically let Medicare wither on the vine.

These aren't my priorities or those of the American people. That's why I oppose the Republican budget.

□ 1240

JUSTICE FOR TRAYVON MARTIN

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, this afternoon, I rise to thank those Members and witnesses who joined together yesterday to discuss the tragic shooting of Trayvon Martin: Representatives CONYERS, JACKSON LEE, BROWN, BARBARA LEE, RICHMOND, NADLER, JOHNSON, GREEN, QUIGLEY, RUSH, DEUTCH, YVETTE CLARKE, DANNY DAVIS, CARSON, MEEKS, SEWELL, RICHARDSON, WATERS, CHU, and COHEN.

I cannot tell you how comforting it was, Mr. Speaker, to his parents and to everyone there to see such sharp, very strong support from this body. Together, we can continue to apply pressure in this case of Trayvon Martin, a little boy from my district, District 17, Miami-Dade County, Florida; and together we can make a difference. Thirty-two days and still no justice.

HOURLY MEETING ON TOMORROW

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the

yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

OFFICIAL RECOGNITION OF SALEM, MASSACHUSETTS, AS THE BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES

Mr. PLATTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1339) to amend title 32, United States Code, the body of laws of the United States dealing with the National Guard, to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICIAL DESIGNATION OF SALEM, MASSACHUSETTS, AS THE BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1629, Captain John Endicott organized the first militia in the Massachusetts Bay Colony in Salem.

(2) The colonists had adopted the English militia system, which required all males between the ages of 16 and 60 to possess arms and participate in the defense of the community.

(3) In 1636, the Massachusetts General Court ordered the organization of three militia regiments, designated as the North, South, and East regiments.

(4) These regiments drilled once a week and provided guard details each evening to sound the alarm in case of attack.

(5) The East Regiment, the predecessor of the 101st Engineer Battalion, assembled as a regiment for the first time in 1637 on the Salem Common, marking the beginning of the Massachusetts National Guard and the National Guard of the United States.

(6) Since 1785, Salem's own Second Corps of Cadets (101st and 102nd Field Artillery) has celebrated the anniversary of that first muster.

(7) As the policy contained in section 102 of title 32, United States Code, clearly expresses, the National Guard continues its historic mission of providing units for the first line defense of the United States and current missions throughout the world.

(8) The designation of the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States will contribute positively to tourism and economic development in the city, create jobs, and instill pride in both the local and State communities.

(b) DESIGNATION OF SALEM, MASSACHUSETTS, AS NATIONAL GUARD BIRTHPLACE.—In light of the findings made in subsection (a), the City of Salem, Massachusetts, is hereby designated as the Birthplace of the National Guard of the United States.

(c) RESPONSIBILITIES.—

(1) MILITARY CEREMONIAL SUPPORT.—The Chief of the National Guard Bureau, in conjunction with the Secretary of the Army, the

Secretary of the Air Force, the Council of Governors, and the Adjutant General of the State of Massachusetts, shall provide military ceremonial support at the dedication of any monument, plaque, or other form of official recognition placed in Salem, Massachusetts, celebrating the designation of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

(2) FUNDING SOURCE.—Federal funds may not be used to design, procure, prepare, install, or maintain any monument, plaque, or other form of official recognition placed in Salem, Massachusetts, celebrating the designation of Salem, Massachusetts, as the Birthplace of the National Guard of the United States, but the Adjutant General of the State of Massachusetts may accept and expend contributions of non-Federal funds for this purpose.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentlewoman from Massachusetts (Ms. TSONGAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1339, recognizing the city of Salem, Massachusetts, as the Birthplace of the National Guard of the United States. I would like to thank my colleague from Massachusetts, the Honorable JOHN TIERNEY, for bringing this measure before the House, and I'm honored to be a cosponsor of this legislation with him.

It was in 1629 that Captain John Endicott organized the first militia in the Massachusetts Bay Colony in Salem and that all males between the ages of 16 and 60 participated in the defense of that community. Each week, this first regiment diligently practiced drill and provided guard detail to protect the colony throughout each night. This militia, and those that followed, would come to play a significant role in the Revolutionary War and all conflicts that have followed.

Today, the National Guard continues its proud mission of providing units for the first line in defense of our great Nation at home and throughout the world. By designating the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States, we hope to see positive tourism and economic developments in the city, a city already recognized throughout the world as one of immense historical significance.

But most importantly, Mr. Speaker, this resolution will instill pride in both

the local and State communities in their rich patriotic heritage and properly recognizes the critically important role that the National Guard has played in defense of our Nation and its citizens since the earliest days of our Nation.

As the oldest component of the Armed Forces of the United States, the services our National Guard has provided our country are innumerable and immense. I'm honored to be here today to be part of the history in the formal recognition of this, the National Guard's birthplace. I encourage my colleagues to join me in support of this bill, and I reserve the balance of my time.

Ms. TSONGAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'd like to offer my support for H.R. 1339, recognizing the great city of Salem, Massachusetts, as the Birthplace of the National Guard of the United States. I'd like to thank my colleague from Massachusetts (Mr. TIERNEY) for bringing this important measure, of which I am an original cosponsor, before the House.

The National Guard has provided over 370 years of dedicated service to our country. Beginning in 1629, when the first militia was organized in the Massachusetts Bay Colony in Salem by Captain John Endicott, the National Guard has played a key role in protecting the Nation and responding to contingencies around the globe. The National Guard is the oldest component of the Armed Forces of the United States.

The patriots who founded our Nation followed English military tradition and organized their able-bodied male citizens into militias. All males between the ages of 16 and 60 were expected to maintain arms and participate in the defense of the community. The colonial militias protected their countrymen from foreign invaders and helped to win the Revolutionary War. Following the war, our Forefathers empowered Congress to "provide for organizing, arming and disciplining the militia." However, recognizing the militia's State role, the Founding Fathers reserved the appointment of officers and training of the militia to the States. Today's National Guard still remains a dual State-Federal force.

The service of our Guard is just as vital today as it was in the days of our Forefathers. The Guard deployed more than 50,000 troops in support of the gulf States following Hurricane Katrina in 2005. Tens of thousands of Guard members have served in harm's way in Iraq and Afghanistan. Today, the National Guard continues its historic dual mission, responding to State and local emergencies while ably and courageously serving our Nation overseas in times of war alongside their Active Duty and Reserve counterparts.

So I am proud to stand here today to recognize Salem, Massachusetts, as a

city of great historical significance in the birthplace of our National Guard. I urge my colleagues to stand with me in support of this resolution.

I reserve the balance of my time.

Mr. PLATTS. I continue to reserve the balance of my time.

Ms. TSONGAS. Mr. Speaker, at this time, I yield as much time as he may consume to the gentleman from Massachusetts (Mr. TIERNEY), the author of the underlying legislation.

Mr. TIERNEY. I thank my colleague from Massachusetts for yielding, as well as for taking the time to help manage this bill and for being an original cosponsor; and I thank my colleague from Pennsylvania, as well, for cosponsoring this bill and for his kind words in discussion of what it is and how meaningful it is not just to Salem, Massachusetts, but to the country as well.

I rise in support of this bill to officially recognize Salem, Massachusetts, as the Birthplace of the National Guard. Salem was the site where our country's first military regiment mustered. This militia was the foundation of what would eventually become the National Guard.

Last year, I offered a version of this legislation as an amendment to the Defense authorization bill, and it was approved by a voice vote. Unfortunately, my amendment was not included as part of the final conference report. So for the past several months, we've been working together to bring this bill to the floor.

Next month is the 375th anniversary of that first muster on Salem Common, and it's being commemorated; so I'm particularly pleased that the House is considering this bill at this time. I want to be clear: consideration of this bill today is made possible because of bipartisan support; and just like my two colleagues here, there are a number of people, over 116 cosponsors from both parties, who participated in bringing this bill. I want to thank the majority leader, as well as the leadership on both sides, for his courtesy given to the staff as well as to me. I also want to thank the House Armed Services Committee chairman, BUCK McKEON, as well as the ranking member, ADAM SMITH, and their staffs; and I want to note the 116 colleagues, Republicans and Democrats, all the Democrats on the Armed Service Committee and a substantial number of Republicans on that committee for their support.

This kind of consideration is just the way this House should behave and should act, and I'm glad that we were able to do it on this bill.

So today is an important day for the City of Salem and for the National Guard and for local residents like Larry Conway and many others who have been advocating for this designation for years. Designating Salem as the Birthplace of the National Guard

will pay tribute to those who first organized to defend our country almost 375 years ago, and it will also honor those men and women who continue to serve in the National Guard today.

We are working closely with our Senate counterparts to ensure that that Chamber acts quickly in time for the 375th anniversary next month. I won't recount all of the details my colleagues here were so kind to enumerate, but I do note that the bill itself sets forth all the important benchmarks and the progress that we've made.

Again, I want to thank my colleagues, and I urge all the colleagues to support this bipartisan bill.

□ 1250

Mr. PLATTS. I continue to reserve the balance of my time.

Ms. TSONGAS. Mr. Speaker, I yield back the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to add, again, my words of thanks and commendation to the gentleman from Massachusetts for sponsoring this resolution. Because, as was reflected, in honoring the birthplace of the National Guard, we honor all who have served throughout our Nation's history.

During my statehouse days, as well as now in Congress, I've had the remarkable privilege to interact with both my Air and Army National Guard in Pennsylvania, as well as National Guard troops from around the country in my many visits to Iraq and Afghanistan and elsewhere. These are remarkable, remarkable men and women, citizen soldiers through and through, who, when called upon, respond to the call of their Nation and their fellow citizens, serve us so courageously.

So, again, I'm honored to be a sponsor of this resolution, and I commend the gentleman for introducing it.

I urge a "yes" vote in support of its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PLATTS) that the House suspend the rules and pass the bill, H.R. 1339, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. TSONGAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 28, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Superior Court for the State of California, North Valley District in connection with a civil case currently pending before that court.

After consultation with the Office of General Counsel, I have determined that because the subpoena is not "material and relevant," compliance with the subpoena is inconsistent with the privileges and precedents of the House.

Sincerely,

KAREN L. HAAS,
Clerk of the House.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 112, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 597 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 597

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours of general debate confined to the congressional budget equally divided and controlled by the chair and ranking minority member of the Committee on the Budget and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Brady of Texas and Representative Hinchey of New York or their respective designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. All points of order against such amendments are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment and a final

period of general debate, which shall not exceed 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to adoption without intervening motion except amendments offered by the chair of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. It shall be in order at any time on the legislative day of March 29, 2012, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to a measure extending expiring surface transportation authority.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, it's budget day. It's budget day, and we get to begin that in the Rules Committee.

Now, I have the great pleasure in this body, as a freshman, of serving on both the Rules Committee and the Budget Committee, so you can imagine the sincerity with which I bring my enthusiasm to the floor today.

Coming here as a freshman who believes in an open process, who believes that we ought to have the opportunity to bring all ideas before the American people and let the 435 Members of the people's House express their opinion, I'm proud to tell you that the rule that is before us today allows for not one budget to be debated, not two budgets to be debated, not three, not four, not five, and not six, Mr. Speaker; but the rule that we bring today allows for seven different visions of the United States budget to be brought before this institution and debated. That is every single budget that was introduced, offered yesterday, Mr. Speaker, in front of the Rules Committee.

Candidly, had more Members submitted budgets, had we had 11, had we had 12, we would have made those in order, too, because this debate that we will have over these next 2 days, Mr. Speaker, is a debate about the vision that we have in this body for this country. I am so proud of the vision that

was voted, reported out of the Budget Committee, and that will be made in order by this rule.

The options we'll have before us, Mr. Speaker, as made in order by this rule, include the President's budget. You may remember last year, Mr. Speaker, the President submitted his budget to Congress and not a single Member of the House offered that budget on the floor. It was offered in the Senate. It didn't get any votes. It was defeated 97-0, but it was offered there. This year, we're going to be able to look at the President's budget and debate that here on the floor of the House for the first time in my term.

We're going to have a budget offered by the Congressional Black Caucus today that lays out a vision for America, that talks about taxation, that talks about revenues and spending and where we should prioritize. We have a bipartisan budget that's been introduced, Mr. Speaker, that will come before the floor of this House, again, to be debated in its entirety. We have the Progressive Caucus budget that's coming. We have the Republican Study Committee budget that is coming. And, Mr. Speaker, we have the Democratic Caucus substitute that is coming, all to compete with, in this grand arena of ideas, the budget that we reported out of the Budget Committee.

I see my colleague from Wisconsin, with whom I have the great pleasure of serving on the Budget Committee. We went through amendment after amendment—some 30 amendments offered and considered, debated, some with bipartisan support, some with bipartisan opposition—to create this one budget that will be the foundation for the budget debate, Mr. Speaker, if this rule is enacted.

I don't know how we could have done it any better in the Rules Committee. I hope that's what we'll hear from my friend from New York.

Again, every single budget that was offered—and that was the invitation put out by the Speaker, just to be clear. The openness and the invitation was, Mr. Speaker: Come one, come all. If you have a competing vision, send it to the Rules Committee. We'll make it in order on the floor so that we can have the kind of open debate that's going to make America proud.

□ 1300

This is the beginning of that, right here, Mr. Speaker, right now.

I reserve the balance of my time.

Ms. SLAUGHTER. I thank the gentleman for his kindness yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the Rules Committee did fine. It was open, and it allowed all the budgets, as he said, to be brought to the floor. It's what we have to work with that is concerning to me because the budget's a reflection of our values

and, through that prism, the Ryan budget that we're considering today is morally bankrupt.

The budget that the majority proposes today puts corporations and the wealthiest Americans above the needs of working and middle class families. It increases military spending while slashing the safety net for the middle class and protects tax loopholes for corporations that ship jobs overseas.

In short, this extreme, partisan proposal takes a hatchet to the notion of shared responsibility and places the financial burdens of a generation upon the shoulders of seniors, the poor, and the middle class.

Under this budget, the millionaires will receive multiple tax cuts totaling at least \$300,000, and not a single corporate tax loophole will be closed.

Under this budget, we would see the end of Medicare as we know it. In its place, seniors would be offered the option of a fixed price voucher with which they may go into the market to find their own insurance, with no guarantee that the voucher you receive will come even close to covering the cost of the health care.

Meanwhile, the landmark Affordable Care Act, which is the first law to start addressing the soaring cost of health care, would be repealed. Repeal of the law would mean that children under 26 could no longer be insured by their parents, and millions of Americans suffering from chronic diseases could once again be denied care.

I don't think many Americans—certainly, I didn't know it—understand—I learned this during the Clinton health care debate—that most policies have a yearly and a lifetime limit. As a matter of fact, at that time, when we were debating the Clinton health care plan, that limit was about \$1 million, which means that an emergency like head trauma from a car accident, a bike accident, or just a workplace error on a construction site, could lead you to reaching your limit, and you would no longer be eligible for health insurance.

Let me say that in another way. Once you reach that limit with your pre-existing condition, you would be uninsurable in the United States for the rest of your life. The health care bill that everybody's talking about now does away with that, both yearly limits and lifetime limits.

Right now, most individuals still face this danger, but thanks to the Affordable Care Act, lifetime and yearly limits will be phased out in 2014. That's a very important part of this bill.

People who want to repeal health care have said absolutely nothing about what they expect to replace it with. We would assume that people with preexisting conditions could no longer get coverage.

Under the Republican budget, those protections would be taken away, and the vulnerable Americans would be left

to figure out how to survive on their own.

We talk about the mandate to buy insurance. Right now, under the present law, we are all paying for people who are uninsured. Those people who choose not to buy insurance, who have to go to the hospital for emergencies, or any other reason, are paid for, they are treated, by the law, but we pay the cost. It is estimated in some areas that we spend \$1,000 a year more, those of us who are insured, simply to cover the uninsured.

Now, you can continue doing that and paying everybody else's health care costs, or we can keep this health care bill which is so important to us.

The Republican budget not only takes from the poor and gives to the rich, it even fails to fulfill the promise of a balanced budget.

Just this morning, Politico published an article entitled, "Ryan plan puts GOP in long-term budget bind." In the article, the author writes:

It is a bold, even bellicose election-year challenge. But the strict revenue limits could postpone for a generation the conserve promise of a balanced budget.

Even the majority themselves admit this plan will add \$3.11 trillion to our deficit between 2013 and 2022.

Under the majority's plan, the non-partisan Congressional Budget Office estimates that all government spending, except for Social Security and paying down the debt, will have to be cut by one-third in order to balance the budget by 2040.

This draconian approach means that seniors and the poor will receive worse health care, our children will continue to learn in crumbling schools, and we will all travel, as usual, on a failing transportation network with bridges that are substandard and roads that are cracking, that is inefficient and totally out of date.

This vision does not reflect the ideals of a better America nor the hopes for a brighter future. It is neither a reflection of the values that I hold dear nor the values of the people that whom I represent.

I join many of my colleagues in supporting the Democrat alternative being offered by Mr. VAN HOLLEN. The Democrat alternative budget supports the creation of jobs in the high-tech and construction fields. It invests in our future by prioritizing education, as we must, also prioritizing health and the economy, and reduces the deficit through responsible spending cuts, with revenue raised by having everyone pay their fair share and by closing corporate tax loopholes.

The Democrat alternative is a thoughtful, balanced approach, one that does not place the entire burden of sacrifice on the backs of seniors, the poor, and the middle class.

I urge my colleagues to oppose the misguided and dangerous proposal before us and, instead, consider one of the

numerous alternatives that protect the middle class while reducing our deficit in a responsible way.

I reserve the balance of my time.

[From POLITICO.com, Mar. 27, 2012]

RYAN PLAN PUTS GOP IN LONG-TERM BIND
(By David Rogers)

Call it the 19 percent solution.

As House debate begins Wednesday, that's the bottom line of the new Republican budget blueprint, which breaks with the August debt accords and substitutes a vision of capping revenue at 19 percent of gross domestic product and scaling back government to fit into that suit.

It's a bold, even bellicose election-year challenge. But the strict revenue limits could postpone for a generation the conservative promise of a balanced budget. At the same time, deep cuts to health care and education most likely will make it harder for GOP frontrunner Mitt Romney to appeal to independents and women voters in the presidential campaign.

Indeed, it's a tight box that Republicans have put themselves in and one that literally requires a transformation of government to escape.

Just an upward adjustment of revenue to 20.25 percent of GDP would bring Washington into balance by 2023 under the same House plan. But the party's anti-tax stance precludes that, and it is not until 17 years later that an extended forecast by the Congressional Budget Office shows a modest surplus in 2040.

By that date, all government spending—except Social Security and payments on the debt—would have had to have been cut by more than a third to reach this goal. Even in the wake of the wars in Iraq and Afghanistan, the budget tilts heavily toward defense spending at the expense of domestic appropriations.

In a show of unity, Romney endorsed the House plan last week, but his campaign ducked questions from POLITICO this week. If elected president, he would face almost immediate pressure to cut nondefense appropriations by 20 percent in his first budget, rolling back spending to a level that predates George W. Bush's administration.

"It's not the budget I would have written," Rep. Mike Simpson told POLITICO. And the Idaho Republican—and former speaker of his state Legislature—represents an increasingly restless element in the party going forward.

It was Simpson's vote that allowed Budget Committee Chairman Paul Ryan (R-Wis.) to get the resolution out of his committee last week—and Simpson will stand again with the leadership on the floor. But there's no hiding the fact that he and many Republicans on the House Appropriations Committee are furious with the course taken in this budget and more willing to lend support to those who feel revenue must also be part of the equation.

"This is going to be the most partisan debate of the year and it will set up the election for the year," Simpson said. "But I don't think it's the balanced plan to get us out of the hole we are in. Ultimately, the only thing that is going to solve this problem is not a Republican plan, not a Democratic plan, but a bipartisan plan that has buy-in from both sides. That's when we stop going out and shooting one another."

An early test in this week's floor debate could be the fate of a new entry sponsored by Reps. Jim Cooper (D-Tenn.) and Steve LaTourette (R-Ohio), also a member of the Appropriations panel.

Their proposal would present an updated version of the 2010 presidential debt commission's recommendations, a combination of entitlement savings and \$1.2 trillion in revenue over 10 years. And having shied away in the past, Cooper told POLITICO that he was now encouraged enough by the reception to proceed—the first real time the ideas have been put to a floor vote.

"My view is this is where they are going to wind up at the end of the year anyway, so we might as well start talking about it," LaTourette said. "Anybody who thinks you are not going to have to have a pot of revenue and pot of cuts is thinking funny."

Matched against this fragile center will be more traditional warring alternatives on the right and left.

The Republican Study Committee Tuesday announced its menu of still deeper appropriations cuts and Medicaid savings—all in the hopes of reaching balance in five years. At the same time, the Congressional Black Caucus weighed in with a deficit-reduction package that also exceeds Ryan's plan but is heavily dependent on what appears to be \$3.9 trillion in additional revenue—including a novel financial speculation tax—not in the White House's own budget.

Republicans hope to embarrass President Barack Obama by having one of their own call up the White House's February budget submission—for certain defeat. And the House Rules Committee late Tuesday made in order such a proposal to be offered by Rep. Mick Mulvaney (R-S.C.), who already is backing both Ryan and the more severe RSC alternative.

Democrats will have their own alternative claiming greater war savings than Obama's—it would end all overseas contingency operations funding after 2014, for example. But the 10-year deficits are still almost double those in the Ryan plan, and Republicans jumped on the fact that the resolution cancels the \$1.2 trillion sequester mechanism under the Budget Control Act—without spelling out a clear substitute.

By contrast, the Ryan resolution would also tamper with the first round of automatic cuts due in January but seeks to offset most of these reductions, about half of which would come from defense appropriations.

Six House committees would be ordered to come up with prescribed savings by the end of next month for floor action in May. Armed Services is exempted, frustrating the design of the Budget Control Act, and there is the risk of splitting even traditionally bipartisan panels, like the House Agriculture Committee.

Ryan's budget demands savings of more than \$8 billion in 2013 from Agriculture—an effort to target food stamps. And the challenge for Chairman Frank Lucas (R-Okla.) is to navigate these waters without jeopardizing the partnership he wants with the minority in writing a farm bill later this year.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say that I think the gentlelady from New York is right on target. I mean, these budgets are moral documents. They talk about our priorities as a people.

I tell folks back home, Mr. Speaker, and we don't have any young people on the floor with us today, but for all those young folks who are entrepreneurs, Mr. Speaker, who want to go out, and they don't want to work for the Man, they want to go out and hang

out their own shingle, run their own business; you know, if they lost, at their small business, beginning on the day Jesus Christ was born, \$1 million a day, and they lost \$1 million a day at that small business every single day from the day Jesus was born, 7 days a week, through today, Mr. Speaker, they would have to continue to lose \$1 million a day every day, 7 days a week for another 700 years to lose their first trillion dollars. Their first trillion.

And the budgets that have been passed by this House and by the United States Senate and signed by Presidents of both parties have saddled our young people today in America with more than \$15 trillion—not \$1 trillion, Mr. Speaker—\$15 trillion and climbing, soon to be 16.

So when we talk about the morality of our budgets, we've got to talk about the morality of continuing to run budgets that are unbalanced. We've got to talk about the morality of continuing to pay for our priorities today with IOUs from our children in the future. We've got to talk about the prosperity that we experience today that we're trading away the prosperity of the future to have.

Health care, Mr. Speaker. It's going on right across the street. The longest line in Washington, D.C., today is right out there at the Supreme Court, folks who want to get in and find out what's going to happen.

Well, the budget that makes up the foundation of this debate that we'll have assumes the President's health care bill is going to go away. It assumes the Supreme Court Justices will accurately conclude that this mandate is unconstitutional, that the whole house of cards unfolds beyond that, and we'll start again.

And you know what's interesting?

Again, I'm so proud to be a member of this Budget Committee that I do think is doing it better than we have done it in the past under both parties. You know, had the President's health care bill come to the floor of this House five pages at the time, 10 pages at the time, 20 pages at the time, I would wager that this House would have passed the majority of it. In fact, I would wager that the American people would have approved and been enthusiastic about the majority of it.

But what has happened in this House too often, Mr. Speaker, is that we take those policies that we can all agree on, and for some reason unbeknownst to me, we decide that it would be bad if we all agreed on good policy, and so we begin to stuff things in there that we know are going to create controversy.

□ 1310

We just manufacture an argument that we don't have to have, and that's what happened to the President's health care bill. There was this nugget of the individual mandate, that theft of

freedom, a new definition about what it means to be an American. We knew that the body wouldn't support that so we began to add on sweetener after sweetener after sweetener. We could have just voted on those sweeteners.

This rule doesn't put up with that, Mr. Speaker. This rule says we're not going to try to buy anybody's vote on the floor, we're not going to try to hide the ball in these budgets. Every single Member of Congress who has a vision of America, who has a vision of the morality that my colleague from New York discussed, who has a vision of what we could be as a people if only we had the political will to implement it right here. Each and every Member of Congress was invited to put that vision forward.

There are at least two visions that we'll have today, Mr. Speaker, and tomorrow that I plan to support, visions that I think outline that correct vision of how we can retain America's economic prosperity, how we can continue to be a leader in the free world.

But I support bringing to the floor those budgets that I do not believe in because just because those folks in north metro Atlanta, Mr. Speaker, just because those folks in the Seventh District of Georgia that I represent don't approve of every budget doesn't mean that those budgets don't deserve a vote, and that is a fundamental difference between the leadership that this Speaker has brought to this Institution and the leadership that we have had from both parties in years past.

What we've said is every single idea is worthy of consideration—win or lose. Win or lose, bring those ideas to the floor for debate, and let's see where the votes fall.

Mr. Speaker, again, as a member of both the Budget Committee and the Rules Committee, I am strongly supportive of the underlying budget bill but particularly proud of this rule that makes every other budget option in order as well.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 2 minutes to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from New York for yielding.

Mr. Speaker, I rise today in strong opposition to the majority's misguided budget.

Forty-seven years ago when seniors were the most uninsured group in our Nation, we made a promise that their health care would be guaranteed; and because of that promise, millions of older Americans today have quality, affordable health care, and they and their families have peace of mind. But the majority's budget seems to break that promise by ending Medicare as we know it.

Instead of a guarantee, seniors would get a hope and a prayer, otherwise known as a voucher. This voucher,

fixed in price, would be worth less and less each year, and health care costs incurred by individual seniors would increase by at least \$6,000 a year.

Their plan would raise Medicare's eligibility age, delaying the promise of a sound retirement for millions of working Americans, and the bill would whack away at Medicaid which provides long-term care for low-income seniors and the disabled and pass the buck to cash-strapped States where its future would be uncertain in tough budgetary times like today.

Mr. Speaker, those promoting this plan to end Medicare argue that we have no choice if we want to bring down our deficits, but their plan doesn't bring down health care costs. It just shifts those costs onto the backs of our Nation's seniors.

Today's seniors will lose important benefits that they currently enjoy today, like access to free preventive screenings and reduced prescription drug costs through the closing of the doughnut hole under ObamaCare, a term I am proud to use. The plan would weaken Medicare itself. As the voucher program draws off healthier, younger seniors, it leaves behind the oldest and sickest, those the private insurance market won't cover.

This plan will cause untold harm to our Nation's seniors and their families who today rely upon Medicare for the promise of quality, affordable health care.

You know, 47 years ago we did make a promise, a promise that is working for millions of American seniors and their families. We cannot break that promise. I urge my colleagues to oppose the majority's budget, the Ryan budget.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the comments of my colleague from California, and I know her concern for America's seniors is heartfelt, and it's one that I share as well; and I hope that she will support this rule that allows for a series of votes on many different Medicare solutions. Some solutions are better than others; but even if she opposes the underlying budget, I do hope we'll have her support on the rule, because we do lay out the opportunity for folks to choose among seven different visions for solving the Medicare challenge.

I don't have the charts with me down here on the floor. I know my colleagues on the Budget Committee will bring them during the main debate; but I can tell you, Mr. Speaker, and I can picture the charts in my mind, if you charted Medicare spending going out from 2020 to 2050, that two-generation horizon heading out there, and you charted the President's commitment to spend dollars on Medicare, and you charted the Budget Committee's commitment to spend dollars on Medicare, you'd find that the dollar value commitment is

about dollar-for-dollar going out over that 30-year window.

So the question then, Mr. Speaker, is not about how much money is this Congress committing, the question is to what priorities is this Congress committing that money.

Now, the President's budget, which we'll have an opportunity to debate and vote here on the floor of the House, turns those Medicare financing decisions, those decisions about how to save money in the system, over to what we've all come to know as IPAB, the Independent Payment Advisory Board, to make recommendations and suggestions about how to clamp down on costs.

Now, generally, that means clamping down on reimbursements to doctors.

What the Budget Committee budget does, Mr. Speaker, is give those dollars to individuals so the individuals can enter the marketplace—not a free-for-all marketplace—but a regulated and guaranteed marketplace where policies are guaranteed to these seniors so that individuals can then control those dollars and make their own choices about health care decisions.

So just to be clear, we're not arguing about dollars and cents in Medicare. The President's vision and the Budget Committee's vision is virtually identical.

What we are talking about, though, is who controls those dollars. Are they controlled by a one-size-fits-all 1965 Blue Cross/Blue Shield plan, soon to be revised by the IPAB board, or are they controlled by my mother and my father and your mother and your father and our neighbors, our aunts and uncles, individuals, Americans who will make those health care decisions for themselves.

Again, for me that choice is clear. Individual freedom will always be my choice over government control.

But getting back to the actual rule, Mr. Speaker, that's what's so wonderful about the way this Rules Committee has operated and this resolution that we have before us today. You're not restricted to just voting on my vision of solutions for this country. We're offering six other visions as well. In fact, we're offering every single vision that has come out of this U.S. House of Representatives so that we can have a free, open, and honest debate and let the American people know what their true choices for freedom are.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I was just saying to the previous speaker that I have a 98-year-old mother. Let's hand her a voucher and say, Go figure it out. That's precisely what you want to do. Go figure it out on Medicare. Unbelievable. She could really figure it out.

Chairman RYAN and the House majority have put together a lopsided budget, tries to break the middle class, gouges deeply into our commonsense national priorities and ends the Medicare guarantee.

According to estimates, more than 4 million Americans would lose their jobs because of this budget, but they provide a \$150,000 tax cut to the richest 1 percent of people in this Nation.

The Republican budget would slash the social safety net cutting the food stamp program by over 17 percent, or \$133.5 billion. That's more than the amount of food stamp funds going to 29 States and territories. Over 8 million men, women, and children would go hungry. If their plan to turn food stamps into an underfunded block grant goes through, even more damage is done. Coming out of the deepest recession since the Great Depression, food stamps help to feed 46 million Americans, 21 million children. Seventy-five percent of the program participants are families with children.

This is Robin Hood in reverse. It takes from the middle class, gives to the rich. I urge my colleagues to oppose this disastrous budget.

□ 1320

Mr. WOODALL. I yield myself such time as I may consume.

I would like to say to my friend from Connecticut, because I can see her passion—again, I know it comes from the heart—your mother will be in no way affected by the budget that we're voting on today, and I would like to make that clear if anybody else is concerned about their mothers. For folks who are aged 55 or older, there is not one word in the Republican budget plan that changes the commitment that we've made to folks over the past three or four decades. That commitment since 1965 remains as solid today and tomorrow under the Budget Committee budget as it has ever been.

The alternative, Mr. Speaker, is to take our 98-year-old mothers and turn them over to IPAB. Now, again, there are choices here. The Republican budget, which has become the House Budget Committee budget, allows everyone in the current Medicare system and those 55 years of age or older to experience no changes whatsoever to that program guaranteed from 1965. Because the dollars still have to be regulated and because we still have to protect this program from bankruptcy, which is a program important to so many of us, the alternative is to turn it over to this government board and to let them cut costs where they can.

Let me tell you a story, Mr. Speaker, if I can just take a moment of personal privilege.

I was talking with a physician from back home in Gwinnett County, my hometown. He is a neurologist, Mr. Speaker. He has been practicing neu-

rology for 17 years, and he is the youngest neurologist in the county. This is one of the largest counties in the State of Georgia, which is one of the largest States in the Nation, and we haven't had one new neurologist coming into our area in 17 years. This doc says he's thinking about getting out. He has got an uncle who is a primary care physician in south Georgia, a primary care physician who is the only one to accept Medicaid, Mr. Speaker, in a five-county radius.

Folks say that there is this guarantee of health care. Let me tell you, if you can't find a doctor who will take you, your insurance card isn't worth much.

What we have to do, Mr. Speaker, is to restore the promise of America's health care system. What is it about the American health care system that's driving our doctors into retirement? Is it that we're not clamping down enough and that if only we had the IPAB board clamp down even more that it's going to increase access to care? I tell you that it's not, Mr. Speaker.

There are lots of different ways to prepare budgets, and I didn't know what to expect when I got on the Budget Committee, Mr. Speaker. I'll be honest. It could easily degenerate into a political exercise. I've seen it happen. It could become all about the right talking points and about all the right focus group conversations and have nothing to do with how we should actually lead this country forward—but not so on the Chairman PAUL RYAN Budget Committee. In meeting after meeting, in conversation after conversation, in argument after argument, this Budget Committee chairman said there is one way to do a budget, and that is to do a budget with honest numbers and honest priorities that lay out in plain vision, for all to see, our vision of America's future—and he did it. He did it. He did it with the help of a very competent Budget Committee.

Again, as I look to my friend from Wisconsin with whom I share the bottom dais there on the Budget Committee, he did it with lots of input and lots of conversation; but he did it in a way so that no one would say they're just gaming the numbers, so that no one would say this is all about politics, and so that everyone who comes to the floor of this House can vote for this House Budget Committee reported budget with the pride of knowing it was put together with integrity about a vision for a better future. Again, we are going to have six other competing visions, Mr. Speaker. I can only hope that those numbers, those charts, those graphs were put together with the same care and integrity that Chairman RYAN used in the Budget Committee.

For folks who are trying to make up their minds about where they're going to cast their votes today, again I urge

the strong support of this open rule that allows for the complete debate over all of these alternatives; but I also encourage my colleagues to give a look at that work product that we created on the House Budget Committee, a work product that I believe, Mr. Speaker, is crafted in a way that can make every Member of this body proud.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that, immediately after the House adopts the rule, it will bring up H.R. 4271, a bill to reauthorize the Violence Against Women Act, or VAWA.

This is a vital law that I coauthored with Pat Schroeder in 1994 and of which I have been an original cosponsor each time it has been reauthorized. Since VAWA's enactment in 1994, the cases of domestic violence have fallen, and over 1 million women have used the justice system to obtain protective orders against their batterers.

To discuss this proposal, I am pleased to yield 5 minutes to the sponsor of the bill, the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE. Thank you, Representative SLAUGHTER.

I urge my colleagues to vote "no" on the previous question in order to allow us to consider the Violence Against Women Act. It is pathetic and it is disappointing that it has come to this—that we have to use procedural shenanigans to talk about an initiative that has been a bipartisan initiative since 1994.

Violence against women in this country is not levied against just Democrats but Republicans as well; not blacks or whites or Hispanics but against Native American people as well; not just Christians or Muslims but Jews and nonreligious people—atheists—as well; not just rich people or poor people but middle class people as well; and not just against heterosexual women but homosexual couples as well. It knows no gender. It knows no ethnicity. It knows nothing.

I'll tell you that violence against women is as American as apple pie. I know not only as a legislator but from my own personal experience that domestic violence has been a thread throughout my personal life, from being a child who was repeatedly sexually assaulted up to and including being an adult who has been raped. I just don't have enough time to share all of those experiences with you.

Yet I can tell you, when this bill came out of the Senate Judiciary Committee with all of the Republican Senators—all of the guys—voting no, it really brought up some terrible memories for me of having boys sit in a locker room and sort of bet that I, the A kid, couldn't be had and then having the appointed boy, when he saw that I

wasn't going to be so willing, complete a date rape and then take my underwear to display it to the rest of the boys. I mean, this is what American women are facing.

I am so proud to be an author of this amendment because it has been, in the past, a bipartisan bill. This bill will strengthen the core programs and support law enforcement, prosecutions, and judicial staff training. It will include new initiatives aimed at preventing domestic violence-related homicides that occur every single day in this country. It will extend the authority to protect Native American victims on tribal lands. It will ensure a strong response to the insufficient reporting and services for victims of sexual assault. It will increase the numbers of U visas for undocumented women who, because they're in the shadows, are particularly vulnerable to domestic violence. This bill will also expand services for those in underserved communities, who, due to their religion or gender or sexual orientation, have not been served.

This is not a partisan issue, and it would be very, very devastating to women of all colors, creeds, and sexual orientations for us not to address this.

Mr. WOODALL. I yield myself such time as I may consume to say to my colleague from Wisconsin that her words are always among some of the most powerful that we have on the Budget Committee, and I don't believe I've ever heard her speak from a place that was not of conviction. I want to say I appreciate those words, and you have my support on the Rules Committee. If we can get that bill reported out of Judiciary, I would love to see that in the Rules Committee and would love to see us report that to the House floor for that same kind of free and open debate that we are having today on the Budget Committee, and I appreciate the words that you shared.

I must say, though, Mr. Speaker, I have a tough time connecting the Violence Against Women Act with these budgets. I will disagree with my colleague from Wisconsin and will encourage folks to support the previous question so that we can have this budget debate. Should we have the debate that my colleague is discussing? I believe we absolutely should. Again, I know the committees of jurisdiction are working on that, and my hope is that they will report that and send that to the Rules Committee.

□ 1330

But today, Mr. Speaker, we have an opportunity. It's not an unprecedented opportunity, but it's one of the rarest of opportunities that we have here in the House, which is to have a debate on the floor that includes every single idea that any of our 435 Members have offered as a vision of how to govern this land, of how to set our fiscal prior-

ities, of this morality that is deciding how to spend taxpayer dollars. We must seize that opportunity today. It's one that comes but once a year, Mr. Speaker; an opportunity but once a year to set these priorities. And again, the Rules Committee has provided time not just today but tomorrow as well to make sure we can thoroughly flesh out each and every one of these ideas and make sure that no one's voice on the floor of this House is silenced.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Let me take about 30 seconds just to say that I appreciate what my colleague from Georgia is saying. However, we are not giving a choice whether we are going to do the budget or violence against women, but we're going to have an attempt to do both on the rule.

What we can do in the vote for the budget—when we vote for the rule, we would like to have the previous question be defeated so that we can add VAWA to it. That's all we are trying to do here today.

The bill is about to expire. It would be a dreadful thing to think that women and children and the other spouse would be growing up with violence because we have failed to provide the resources to stop that, after it has been so successful since 1994.

Now I would like to yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I want to thank the gentlelady from New York for the consistent leadership she has given to this important legislation since it was passed. It took us a number of years to get it passed in the first place, and it's never been off her radar screen.

I especially want to thank my good friend from Wisconsin, who has come forward in a very compelling way to ask that we vote "no" on the previous question so that we can consider the Violence Against Women Act, which may well expire, making it—I fear—a real target for the Appropriations Committee because the law will not have been reauthorized.

Mr. Speaker, I visited a safe house last week in my district because I wanted to hear why a woman would make the decision to stay at home with an abuser rather than leave. I'm not sure I understood in my heart why she would assume the risk rather than leave. I'm glad I went. There were eight women there, different ages. Some had children. For the first time, when I heard the stories of these women, I understood in the most poignant and practical way what a "hotline" actually means, what a "rape crisis center" means. After that experience, the notion that when this legislation expires, the Appropriations Committee would have before it unauthorized appropriations, which become

a target in and of itself, was just too much to bear. Yet the reauthorization bill has gone nowhere here. At least in the other body, the bill has been passed out of committee. It is a bipartisan bill, with several Republicans as well as Democrats on it.

Ms. MOORE's amendment essentially does no more than incorporate the Senate bill, which is tailor-made for our consideration, because in keeping with the way in which reductions are taking place—20 percent is very painful—but there is a 20 percent reduction in the reauthorized act, even though with any reauthorization you would expect an increase. Yet even with that reduction, we cannot get the bill on this floor. So we must do what we're doing this afternoon.

If you want to talk about a bill that is worth the money, there are very few bills where we can show the kind of cause-and-effect that we can show here. There has been a 50 percent drop annually in domestic violence. And the reason for that is there's been over a 50 percent increase in reporting. Women are not afraid to come out because they know that if they report it, go to the police station, the police will tell them where there is a safe house.

Don't leave women out on the streets. Don't leave their children with no place to go. Vote "no" on the previous question in order to allow the House to reauthorize the Violence Against Women Act, which I think would receive bipartisan support if it were heard this afternoon.

Mr. WOODALL. I reserve the balance of my time, Mr. Speaker.

Ms. SLAUGHTER. I was expecting one additional speaker, but I believe she is not here. So I am prepared to close.

Let me say, Mr. WOODALL is a generous and kind man, and I know he understands what we are talking about here today.

My speaker is here, so let me yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentlelady.

In 21st century America, three women die every day at the hands of their husbands, boyfriends, or former partners. Domestic violence causes 2 million injuries a year. Sadly, it is something that one out of every four women will experience in their lifetimes.

This is particularly a difficult problem for young women today. Women between the ages of 16 and 24 have the highest rates of relationship violence, and one in every five women will be sexually assaulted while they are in college. Even more worrisome, we know that when couples are experiencing economic difficulties, domestic violence is three times as likely to occur.

Victim service providers have seen an increase in demand since the recession

began while also seeing their funding cut. More than 70 percent of shelters credited “financial issues” for increases in abuse that they have seen in communities across the country.

In 1994, our now-Vice President JOE BIDEN wrote and championed the Violence Against Women Act. In 17 years it has cut the rate of domestic violence in our country by over half. It is past time to reauthorize the Violence Against Women Act again, and my colleague’s amendment would allow us to act now. This bill reauthorizes the programs that have been proven to work to stem domestic violence and to help law enforcement and prosecutors do their jobs.

This reauthorization enjoys bipartisan support in the United States Senate, with 59 cosponsors. In addition, over 200 national organizations and 500 State and local organizations have urged us to pass this bill, including the National Association of Attorneys General, National District Attorneys Association, National Sheriffs’ Association, and the Federal Law Enforcement Officers Association. Why do they want us to do this? Because it helps to make their jobs easier, and it gives women the tools to be able to protect themselves.

Everyone, everyone in this Chamber wants to see an America where no woman ever has to endure the scourge of domestic violence. The Violence Against Women Act is helping us realize this vision. We must reauthorize the law so it can continue to help our constituents.

And I am also proud to tell you that the Affordable Care Act, the health care reform legislation, now says that if a woman is a victim of domestic violence, her insurance company can no longer say that that is a preexisting condition, and she can get the kind of health care coverage that she needs. That’s the value of reauthorizing this legislation and the value of the Affordable Care Act.

I urge you to support this amendment so we can act now. Let’s move forward. Reauthorize the Violence Against Women Act once again.

Mr. WOODALL. I will continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, Ms. DeLauro has just reminded me that when we began the debate on health care, that eight States in the United States and the District of Columbia considered violence against women to be a preexisting condition, and a woman who had been beaten to a pulp could not be insured because she would be apt to have that happen to her again. And we changed that in that bill.

□ 1340

I think all of us, too, are familiar with the phrase “rule of thumb,” but I’m not sure a lot of us understand

what it means. The rule of thumb was the size of a man’s thumb and the stick with which he could legally beat his wife. So every time you use that, I want you to remember what that means.

Since VAWA’s enactment, we’ve all seen that domestic violence has fallen over half. Policemen have been trained and the courts have been trained to understand it better.

There was a time in the United States when it was simply considered a private matter and police would not always take away the offending partner, leaving a person again to be beaten one more time.

I don’t think anybody in the House of Representatives wants this to expire. I’m sure they don’t. Everybody has mothers, sisters, daughters, and nieces that they want to protect.

This is such a simple thing. It doesn’t hurt the budget at all. We have tried our best to get this bill brought up in the House; and we’re terrified, frankly, those of us who have spent a good bit of our time in Congress trying to deal with this act, that it will expire. As I’ve pointed out many times, I’ve been at this since 1994.

It’s such a serious thing, that shelters for battered women are never revealed as to their location because of fear that the offending spouse will find them and make them come home or other things.

This past 5 or 6 years, we’ve seen a number of spouses being killed; and we always look at what goes on in those houses, and nobody ever realized before what was happening there. More women obviously need to know that there is someplace that they can go and someplace that they can get help.

Let me give you a figure because we’re pretty much concerned here about the deficit, the budget, and costs.

In studies recently released, they have shown that just a 2-minute screening of domestic violence victims in a yearly checkup can save nearly \$6 billion in chronic health care costs every year. The screenings are provided for in the Violence Against Women Act, which trains health care professionals to recognize and address the signs of domestic violence, because obviously most women who are trying to cover it up simply attempt to live with it and are not going to bring it up themselves.

Approximately 2 million women are physically or sexually assaulted or stalked by an intimate partner every single year; one out of every six women has experienced an attempted or completed rape at some point in her lifetime; one in four women in the U.S. will experience domestic violence in her lifetime. This is terrible.

The Congress has a responsibility to ensure that rape prevention programs are fully funded, that law enforcement

has the resources, that battered women’s shelters are open, and that victim advocates have the training to stop the violence against women.

With all this authorization expiring before this year’s end, we’re in danger of letting these responsibilities go unfulfilled.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to please vote “no” on the previous question for all of those women who live in fear and for all those children who witness that violence. Violence against women changes people’s lives forever, mentally and physically. They will never, ever be the same. For heaven’s sake, let’s reauthorize this bill. It does so much for them.

I urge everyone in the House to please vote “no” and defeat the previous question so we continue to provide support to the millions of women who are victims of domestic violence and sexual assault.

I urge a “no” vote on the rule, and I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the comments of my friend from New York. We serve together on the Rules Committee, Mr. Speaker, and we grapple with tough issues on the Rules Committee every single time we meet. There’s no easy day on the Rules Committee. Every bill is a challenge because of the different ideas that folks have to make it better. But what I’ve learned in that time, Mr. Speaker, is that I’m not the smartest guy in the room, I’m not the smartest guy in this Congress, and I’m not the smartest guy in my district.

There’s a reason we have regular order here in the U.S. House of Representatives, so that even a good idea we can make better.

I have some folks come to me in my district and they say, ROB, why is it that you put that hospital funding that we need in the transportation bill? Those things don’t have anything to do with one another. Why do you combine those two things? If it’s a good idea to pass the transportation bill, let’s pass the transportation bill; and if it’s a good idea to pass the hospital bill, let’s pass the hospital bill. But why do you put these disconnected things together? Why do you try to fund a new military procurement program in the environmental and National Park funding? Why do you stick those things together, ROB? They don’t have anything to do with one another.

I actually campaigned on that issue, Mr. Speaker, because I think they’re

right. I think that the American people deserve an up-or-down vote on one issue at a time. I think my colleague from New York, my colleague from Connecticut, my colleague from the District of Columbia, and my colleague from Wisconsin make extremely compelling cases for why we should see the Violence Against Women Act come through regular order.

But my understanding is—and I would be happy to be corrected if I'm mistaken—my understanding is the bill was just introduced yesterday, that it hasn't had an opportunity to go through those committees where folks know so much more about these issues than we do in the Rules Committee or in the Budget Committee; that it has not had an opportunity to be amended and improved, to have the opportunity for those Members for whom this is a heartfelt and compelling issue to put in their two cents to make it even better.

I think it should have that opportunity, Mr. Speaker. I encourage folks to vote "yes" on the previous question so that we can move forward to debate these budgets today, and then I urge my colleagues—let me say it, Mr. Speaker, because I know folks are watching this on the screens back in their rooms—the bill number of the Violence Against Women Act is H.R. 4271, Mr. Speaker. There's no question—because this is a House where folks believe in regular order—that the more cosponsors a bill accumulates and the faster it accumulates them, the more likely it is to end up on this floor in haste, rapidly, immediately in order to have a hearing.

I would encourage my colleagues to go and look at that bill again just dropped yesterday, but certainly something that I know this House and the Judiciary Committee and others are going to want to consider.

The opportunity we have today, though, Mr. Speaker, with this rule, is to define our national vision. I don't mean our vision for just the Nation, our land, Mr. Speaker. I mean a vision for us as a people. Who are we as a people, Mr. Speaker?

I heard one of the Presidential candidates speak the other day and he said, This year we don't need politicians that we can believe in; we need politicians who believe in us.

I thought that was pretty profound. I don't need somebody I can believe in. I need somebody who believes in me. That's true, Mr. Speaker.

We lay out all of these different competing budget visions here, the summaries of which I hold in my hand. My question to my colleagues is: Which of these visions do you believe believes in you? Which of these visions lays out that future of America that is best for you and your family, that is best for your constituents and their families, that is best for your State, that is best for our Nation?

The visions are starkly different, Mr. Speaker. Again, the base bill is the bill that we reported out of the Budget Committee. That is the base text. These are substitutes for that.

For example, we have a bipartisan substitute—Republican and Democratic Members of the House—that raises taxes by \$2 trillion more. To be perfectly accurate, it's \$1.8 trillion more than the Republican budget that the committee passed. It spends \$3.1 trillion more. It focuses on different priorities. The debt increases by about \$1.4 trillion. That's the cost of those priorities. Again, some priorities may be worth that cost. We'll have that debate on the floor.

The ranking member on the Budget Committee, Mr. Speaker, the gentleman from Maryland, his budget substitute also raises taxes by \$1.8 trillion over the next 10 years more than the House Budget Committee budget does and spends \$4.7 trillion more than the House Budget Committee budget does and thus adds \$2.9 trillion more to the backs of our children.

As I said, Mr. Speaker, about \$15.5 trillion today, soon to be \$16 trillion, that we've borrowed and spent, that we've impoverished our children with so that we can live today at the standard of living that we have, Mr. Speaker. The gentleman from Maryland's substitute increases that by \$3 trillion more than does the House Budget Committee report.

Do the priorities that he spends on merit that kind of increase? Do the priorities that he focuses on merit that kind of debt increase? Perhaps they do. We're going to have that debate on the floor of the House, Mr. Speaker.

□ 1350

The Congressional Black Caucus substitute raises taxes by \$6 trillion over 10 years, more than the House budget bill does, and it spends \$5.3 trillion more, which means the Congressional Black Caucus substitute actually reduces the national debt more than the House Budget Committee does. Now, it does so by raising taxes \$6 trillion, and it only reduces the debt by under \$1 trillion, but that's one of those priorities that folks have had the courage to lay out here on the floor of the House that we're going to make in order.

My colleague from New York, the chairman from California, this Budget Committee of men and women, Mr. Speaker, has made every single option available.

The Congressional Progressive Caucus, Mr. Speaker, their proposal is to raise taxes by \$6.8 trillion more than the Republican Budget Committee budget, the budget that was passed out of the entire Budget Committee. It increases spending by about \$6.6 trillion, one of the highest spending of the bunch, again, focusing on priorities that all 435 Members of this House de-

serve an opportunity to hear and an opportunity to consider.

We have an opportunity in this House, Mr. Speaker, to do great things. We have an opportunity in this House to stand up for the priorities that are the priorities of our constituents back home. And we don't have to vote on 100 different ideas in one bill, Mr. Speaker. In the 15 months I've been here, Mr. Speaker, all but about five of the bills have been short enough for me to read; I don't have to staff it out, and I don't have to have a team of speed readers out there working through it. All but about five have been short enough for me to read.

That's a source of great pride for me on the Rules Committee, because I've told folks back home and folks believe it back home that we ought to have time to carefully deliberate each and every thing. Folks are tired of 1,500-page bills. Folks are tired of 2,500-page bills. Folks are tired of the defense bill being merged with the transportation bill which is merged with the health care bill which is merged with the national parks bill which also funds the White House. That's crazy, and it doesn't have to be that way. There's not one rule of this House that requires that nonsense to go on. In fact, the opposite is true. The rules of the House were actually created to prevent that from going on, and we have to work really hard to pervert the process in a way that makes that possible.

This Speaker has made an effort unlike any I've ever seen to try to have one idea at a time down here on the floor of the House, one idea at a time so that the American people's voice can be heard. If we bring a bill to the floor, Mr. Speaker, that supports dogcatchers on the one hand and hospital funding on the other and somebody votes "no," what are they voting "no" on? Are they voting "no" on the dogcatchers or are they voting "no" on the hospital? You can't tell. And that's what happens. Have you seen that?

Have you ever wondered why it is, Mr. Speaker, that in our appropriations process the food stamp language and the agricultural subsidy language is in the same appropriations bill? I always wondered. I started thinking about it as I watched the votes going on the board, and what I figured out is that we don't have enough farmers in this country for everybody to vote to increase farm spending, and we don't have enough folks with high food stamp populations in their district to support having high food stamp spending, but when you combine those two groups together, guess what? You get 51 percent of this House and you can make things happen.

Well, I guess I support the ingenuity of folks who find ways to cobble a multitude of ideas together and find 51 percent, but I ask my colleagues, is that really what our constituents sent us

here to do? Is cobbling together multiple ideas and just trying to game the system enough to find your 51 percent, Mr. Speaker, is that really what our Framers intended? Or, alternatively, should we commit ourselves to not just having an open process, Mr. Speaker, but an open process on a single idea?

Do you know what I found on the Rules Committee? And it was a surprise to me—and if you haven't had a chance to serve on the Rules Committee, it might not be intuitive to you—but when you bring a small bill to the Rules Committee, when you focus on one single idea, when you find one priority that you want to make the law of the land and you send that to the Rules Committee, Mr. Speaker, then the amendment process is only open to amendments that are germane to that underlying idea. If you bring a bill about hospital funding to the Rules Committee, well, then, the only germane amendments that will be considered are amendments that have to do with hospital funding.

So the shorter we make these bills and the more single-minded we make these bills, the more open we can have the process here on the House floor. Mr. Speaker, this freshman class is full of a bunch of CEOs from the private sector, folks who ran for Congress because they're worried about the direction of this country, and they said, Dadgumit, I've got to step up; I've got to run, and I've got to be a part of the solution. And they get here thinking that they were going to be able to do it all overnight. It turns out there are 435 of us, and we all have the same voting card. It's harder. Nobody is king of the world in here. It's one man, one woman, one vote, and there are 435 of us. You've got to find that agreement.

Well, it turns out there really is a lot of agreement, not just agreement on the Republican side of the aisle, not just agreement on the Democratic side of the aisle, but agreement across this whole House when we open up the process and allow the House to work its will.

Mr. Speaker, that is what we have here today. We have a rule that opens up the process, that flings open the doors of democracy and lets every single idea be considered.

Mr. Speaker, I encourage an affirmative vote on the rule.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 597 OFFERED BY
MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4271) to reauthorize the Violence Against Women Act of 1994. The first reading of the bill shall be dispensed with. All points of order against consid-

ation of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the pur-

pose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 597, if ordered; suspending the rules with regard to H.R. 1339; and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 235, nays 183, not voting 13, as follows:

[Roll No. 139] YEAS—235

Adams	Broun (GA)	Denham
Aderholt	Buchanan	Dent
Akin	Bucshon	DesJarlais
Alexander	Buerkle	Diaz-Balart
Amash	Burgess	Dold
Amodel	Burton (IN)	Dreier
Austria	Calvert	Duffy
Bachmann	Camp	Duncan (SC)
Bachus	Campbell	Duncan (TN)
Barletta	Canseco	Ellmers
Bartlett	Cantor	Emerson
Barton (TX)	Capito	Farenthold
Bass (NH)	Carter	Fincher
Berg	Cassidy	Fitzpatrick
Biggart	Chabot	Flake
Billray	Chaffetz	Fleischmann
Bilirakis	Coble	Fleming
Bishop (UT)	Coffman (CO)	Flores
Black	Cole	Forbes
Blackburn	Conaway	Fortenberry
Bonner	Cravaack	Fox
Bono Mack	Crawford	Franks (AZ)
Boustany	Crenshaw	Frelinghuysen
Brady (TX)	Culberson	Gallegly
Brooks	Davis (KY)	Gardner

Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)

LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Rahquay
Rahall
Reyes

Benishak
Filner
Gonzalez
Goodlatte
Jackson (IL)

Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter

NOT VOTING—13

Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

□ 1426

Messrs. ALTMIRE, DAVID SCOTT of Georgia, DOGGETT, Mrs. LOWEY, Messrs. OLIVER and CARNAHAN changed their vote from “yea” to “nay.”

Mrs. BLACK and Mrs. MYRICK changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 139, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. STEARNS. Mr. Speaker, on rollcall No. 139, I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 139, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

ON THE RETIREMENT OF HOUSE PARLIAMENTARIAN JOHN V. SULLIVAN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. It's my privilege today to pay tribute to John Sullivan, who will retire this week after 8 years of service as our Parliamentarian and 25 years of service to this House.

John leaves his post with much to be proud of, starting with a first-rate team of parliamentarians who will do a fine job carrying on his legacy.

The parls are the people who are here first every morning, and they're also the last ones to leave at night. They review every piece of legislation. They keep us tethered to the rules and traditions that are the House's foundation. In this way, the parliamentarians are really the glue that holds this House together.

The leader of that team is John Sullivan, whose devotion to the House is

as total as his commitment to Indiana basketball. Now, Coach Bobby Knight once defined “discipline” as “doing what you have to do, doing it as well as you possibly can, and doing it that way all the time.” By this definition, John truly is one of the most disciplined people to have ever served in this House.

He consistently has shown grace under pressure in what well may be one of the biggest pressure cookers on Earth. He has strengthened and modernized the Office of the Parliamentarian to meet the needs of a more open and transparent Congress.

John, who was here on 9/11, determined how the House should go forward, and has spent every day preparing for the unexpected. In a body where anything can happen, he's always thinking two steps ahead, like any good coach.

So, of course, John's a modest man. He would just say it was just him doing his job. Like I said, discipline. But make no mistake: for the House and the people that we serve, he's gone above and beyond the call of duty.

John, we're sorry to see you go, but we want to wish you and your family the best. On behalf of the whole House, we want to thank you for your service.

□ 1430

Mr. Speaker, I am pleased to yield to the Democratic leader, Ms. PELOSI.

Ms. PELOSI. I thank the Speaker for yielding. I am proud to join him to honor the long and distinguished service of the House Parliamentarian, John Sullivan.

For 25 years, as has been said, he has served the House with distinction and dignity, integrity and intellect. He has used his keen mind, excellent legal training, and a commitment to public service to make nonpartisan, objective decisions. Always first in his mind was the Constitution and, therefore, his undying respect for the institution of Congress. Indeed, through his service and his example, John Sullivan has become an institution himself, a source of wise counsel and parliamentary leadership, and though his name rarely makes headlines and though his hard work is seldom noticed in the public eye, the American people have benefited greatly from his extraordinary career.

A proud son of northwest Indiana, John Sullivan was a lawyer by training, a graduate of the Air Force Academy, and served our Nation in the Judge Advocate General's Office of the Air Force. He went on to advise the House Armed Services Committee before joining the Parliamentarian's office. He would ultimately hold the title of Parliamentarian of the House of Representatives, a post occupied by only three others in the past 75 years. He has been a fair and independent voice, a professional of the highest caliber, a careful steward of the rules of the House, a true public servant.

NAYS—183

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper

Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DeLuca
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa

Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney

Mr. Speaker, as a point of personal pride, on June 2, 1987, I was sworn in as a result of a special election, and I was the first Member of Congress to take the oath of office during John's tenure. For many reasons, he will hold a long place of honor in the history of the House, and in my personal history as well.

In a recent story on his career, John Sullivan summed up the key characteristics of his success. In his own words, he said, "You have to be very attentive to every syllable being uttered and able to think on your feet," as the Speaker said.

Attention to detail, quick thinking, staying attuned to the letter of the law, these were the hallmarks of John Sullivan's service. He has left a lasting legacy, and I am confident that his deputy and replacement, Tom Wickham, will continue in the same fine tradition.

We owe a debt of gratitude to all of our Parliamentarians. We owe a special debt of gratitude and our heartfelt thanks on this day to our Parliamentarian, John Sullivan. He has earned the respect and the admiration of Members of Congress, and he will be missed. We wish him and his wife, Nancy, and his children our best wishes for their future endeavors.

Congratulations and thank you, John Sullivan.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 112, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012

The SPEAKER pro tempore (Mr. KLINE). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 184, not voting 6, as follows:

[Roll No. 140]

YEAS—241

Adams	Biggart	Buerkle
Aderholt	Bilbray	Burgess
Akin	Bilirakis	Burton (IN)
Alexander	Bishop (UT)	Calvert
Amash	Black	Camp
Amodei	Blackburn	Campbell
Austria	Bonner	Canseco
Bachmann	Bono Mack	Cantor
Bachus	Boustany	Capito
Barletta	Brady (TX)	Carter
Bartlett	Brooks	Cassidy
Barton (TX)	Broun (GA)	Chabot
Benishkek	Buchanan	Chaffetz
Berg	Bucshon	Chandler

Coble	Hurt	Price (GA)
Coffman (CO)	Issa	Quayle
Cole	Jenkins	Reed
Conaway	Johnson (IL)	Rehberg
Cooper	Johnson (OH)	Reichert
Cravaack	Johnson, Sam	Renacci
Crawford	Jones	Ribble
Crenshaw	Jordan	Rigell
Culberson	Kelly	Rivera
Davis (KY)	King (IA)	Roby
Denham	King (NY)	Roe (TN)
Dent	Kingston	Rogers (AL)
DesJarlais	Kinzinger (IL)	Rogers (KY)
Diaz-Balart	Kissell	Rogers (MI)
Dold	Kline	Rohrabacher
Dreier	Labrador	Rokita
Duffy	Lamborn	Rooney
Duncan (SC)	Lance	Ros-Lehtinen
Duncan (TN)	Landry	Roskam
Ellmers	Lankford	Ross (FL)
Emerson	Latham	Royce
Farenthold	Latta	Runyan
Fincher	Lewis (CA)	Ryan (WI)
Fitzpatrick	LoBiondo	Scalise
Flake	Long	Schilling
Fleischmann	Lucas	Schmidt
Fleming	Luetkemeyer	Schock
Flores	Lummis	Schweikert
Forbes	Lungren, Daniel E.	Scott (SC)
Fortenberry	Manzullo	Scott, Austin
Fox	Marchant	Sensenbrenner
Franks (AZ)	Marino	Sessions
Frelinghuysen	Matheson	Shimkus
Gallegly	McCarthy (CA)	Shuler
Gardner	McCaul	Shuster
Garrett	McClintock	Smith (NE)
Gerlach	McCotter	Smith (NJ)
Gibbs	McHenry	Smith (TX)
Gibson	McKeon	Southerland
Gingrey (GA)	McKinley	Stearns
Gohmert	McMorris	Stivers
Goodlatte	Rodgers	Stutzman
Gosar	Meehan	Sullivan
Govdy	Mica	Terry
Granger	Miller (FL)	Thompson (PA)
Graves (GA)	Miller (MI)	Thornberry
Graves (MO)	Miller, Gary	Tiberi
Griffin (AR)	Mulvaney	Tipton
Griffith (VA)	Murphy (PA)	Turner (NY)
Grimm	Myrick	Turner (OH)
Guinta	Neugebauer	Upton
Guthrie	Noem	Walberg
Hall	Nugent	Walden
Hanna	Nunes	Walsh (IL)
Harper	Nunnelee	Webster
Harris	Olson	West
Hartzler	Palazzo	Westmoreland
Hastings (WA)	Paulsen	Whitfield
Hayworth	Pearce	Wilson (SC)
Heck	Pence	Wittman
Hensarling	Petri	Wolf
Herger	Pitts	Womack
Herrera Beutler	Platts	Woodall
Huelskamp	Poe (TX)	Yoder
Huizenga (MI)	Pompeo	Young (AK)
Hultgren	Posey	Young (FL)
Hunter		Young (IN)

NAYS—184

Ackerman	Carson (IN)	Dingell
Altmire	Castor (FL)	Doggett
Andrews	Chu	Donnelly (IN)
Baca	Cicilline	Doyle
Baldwin	Clarke (MI)	Edwards
Barrow	Clarke (NY)	Ellison
Bass (CA)	Clay	Engel
Bass (NH)	Cleaver	Eshoo
Becerra	Clyburn	Farr
Berkley	Cohen	Fattah
Berman	Connolly (VA)	Frank (MA)
Bishop (GA)	Conyers	Fudge
Bishop (NY)	Costa	Garamendi
Blumenauer	Costello	Gonzalez
Bonamici	Courtney	Green, Al
Boren	Critz	Green, Gene
Boswell	Crowley	Grijalva
Brady (PA)	Cuellar	Gutierrez
Braley (IA)	Cummings	Hahn
Brown (FL)	Davis (CA)	Hanabusa
Butterfield	Davis (IL)	Hastings (FL)
Capps	DeFazio	Heinrich
Capuano	DeGette	Higgins
Chabot	DeLauro	Himes
Carnahan	Deutch	Hinchey
Carney	Dicks	Hinojosa

Hirono	McNerney	Schakowsky
Hochul	Michaud	Schiff
Holden	Miller (NC)	Schrader
Holt	Miller, George	Schwartz
Honda	Moore	Scott (VA)
Hoyer	Moran	Scott, David
Israel	Murphy (CT)	Serrano
Jackson Lee	Nadler	Sewell
(TX)	Napolitano	Sherman
Johnson (GA)	Neal	Simpson
Johnson, E. B.	Olver	Sires
Kaptur	Owens	Slaughter
Keating	Pallone	Smith (WA)
Kildee	Pascarella	Speier
Kind	Pastor (AZ)	Stark
Kucinich	Pelosi	Sutton
Langevin	Perlmuter	Thompson (CA)
Larsen (WA)	Peters	Thompson (MS)
Larson (CT)	Peterson	
LaTourette	Pingree (ME)	
Lee (CA)	Polis	
Levin	Price (NC)	
Lewis (GA)	Quigley	
Lipinski	Rahall	
Loeb	Reyes	
Loefgren, Zoe	Richardson	
Lowey	Richmond	
Lujan	Ross (AR)	
Lynch	Rothman (NJ)	
Maloney	Roybal-Allard	
Markey	Ruppersberger	
Matsui	Rush	
McCarthy (NY)	Ryan (OH)	
McCollum	Sánchez, Linda T.	
McDermott	Sanchez, Loretta	
McGovern	Sarbanes	
McIntyre		

NOT VOTING—6

Filner	Mack	Paul
Jackson (IL)	Meeks	Rangel

□ 1441

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 140, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

OFFICIAL RECOGNITION OF SALEM, MASSACHUSETTS, AS THE BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1339) to amend title 32, United States Code, the body of laws of the United States dealing with the National Guard, to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PLATTS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 6, answered "present" 4, not voting 8, as follows:

[Roll No. 141]
YEAS—413

Ackerman	Davis (CA)	Hunter
Adams	Davis (IL)	Israel
Aderholt	Davis (KY)	Issa
Akin	DeFazio	Jackson Lee
Alexander	DeGette	(TX)
Altmire	DeLauro	Jenkins
Amodei	Denham	Johnson (GA)
Andrews	Dent	Johnson (IL)
Austria	DesJarlais	Johnson (OH)
Baca	Deutch	Johnson, E. B.
Bachmann	Diaz-Balart	Johnson, Sam
Bachus	Dicks	Jones
Baldwin	Dingell	Jordan
Barletta	Doggett	Kaptur
Barrow	Dold	Keating
Bartlett	Donnelly (IN)	Kelly
Barton (TX)	Doyle	Kildee
Bass (CA)	Dreier	Kind
Bass (NH)	Duffy	King (IA)
Becerra	Duncan (SC)	King (NY)
Berg	Duncan (TN)	Kingston
Berkley	Edwards	Kinzinger (IL)
Berman	Ellison	Kissell
Biggert	Ellmers	Kline
Bilbray	Emerson	Kucinich
Bilirakis	Engel	Labrador
Bishop (GA)	Eshoo	Lamborn
Bishop (NY)	Farenthold	Lance
Bishop (UT)	Farr	Landry
Black	Fattah	Langevin
Blackburn	Fincher	Lankford
Blumenauer	Fitzpatrick	Larsen (WA)
Bonamici	Flake	Larson (CT)
Bonner	Fleischmann	Latham
Bono Mack	Fleming	LaTourette
Boren	Flores	Latta
Boswell	Fortenberry	Lee (CA)
Boustany	Fox	Levin
Brady (PA)	Frank (MA)	Lewis (CA)
Brady (TX)	Franks (AZ)	Lewis (GA)
Braley (IA)	Frelinghuysen	Lipinski
Brooks	Fudge	LoBiondo
Broun (GA)	Gallegly	Loeb
Brown (FL)	Garamendi	Lofgren, Zoe
Buchanan	Gardner	Long
Buchson	Garrett	Lowe
Buerkle	Gerlach	Lucas
Burgess	Gibbs	Luetkemeyer
Burton (IN)	Gibson	Lujan
Butterfield	Gingrey (GA)	Lummis
Calvert	Gohmert	Lungren, Daniel
Camp	Gonzalez	E.
Campbell	Gosar	Lynch
Canseco	Gowdy	Maloney
Capito	Granger	Manzullo
Capps	Graves (GA)	Marchant
Capuano	Graves (MO)	Marino
Cardoza	Green, Al	Markey
Carnahan	Green, Gene	Matheson
Carney	Griffin (AR)	Matsui
Carson (IN)	Grijalva	McCarthy (CA)
Carter	Grimm	McCarthy (NY)
Cassidy	Guinta	McCaul
Castor (FL)	Guthrie	McClintock
Chabot	Gutierrez	McCollum
Chaffetz	Hahn	McCotter
Chandler	Hall	McDermott
Chu	Hanabusa	McGovern
Cicilline	Hanna	McHenry
Clarke (MI)	Harper	McIntyre
Clarke (NY)	Harris	McKeon
Clay	Hartzler	McMorris
Cleaver	Hastings (FL)	Rodgers
Clyburn	Hastings (WA)	McNerney
Coble	Hayworth	Meehan
Coffman (CO)	Heck	Mica
Cohen	Heinrich	Michaud
Cole	Hensarling	Miller (FL)
Conaway	Herger	Miller (MI)
Connolly (VA)	Herrera Beutler	Miller (NC)
Conyers	Higgins	Miller, Gary
Cooper	Himes	Miller, George
Costa	Hinche	Moore
Costello	Hinojosa	Moran
Courtney	Hirono	Mulvaney
Cravaack	Hochul	Murphy (CT)
Crawford	Holden	Murphy (PA)
Crenshaw	Holt	Myrick
Critz	Honda	Nadler
Crowley	Hoyer	Napolitano
Cuellar	Huelskamp	Neal
Culberson	Huizenga (MI)	Neugebauer
Cummings	Hultgren	Noem

Nugent	Ros-Lehtinen
Nunes	Roskam
Nunnelee	Ross (AR)
Olson	Ross (FL)
Oliver	Rothman (NJ)
Owens	Roybal-Allard
Palazzo	Royce
Pallone	Runyan
Pascarella	Ruppersberger
Pastor (AZ)	Rush
Paulsen	Ryan (OH)
Pearce	Ryan (WI)
Pelosi	Sánchez, Linda
Pence	T.
Perlmutter	Sanchez, Loretta
Peters	Sarbanes
Peterson	Scalise
Petri	Schakowsky
Pingree (ME)	Schiff
Pitts	Schilling
Platts	Schmidt
Poe (TX)	Schock
Polis	Schrader
Pompeo	Schwartz
Posey	Schweikert
Price (GA)	Scott (SC)
Price (NC)	Scott (VA)
Quayle	Scott, Austin
Quigley	Scott, David
Rahall	Sensenbrenner
Reed	Serrano
Rehberg	Sessions
Reichert	Sewell
Renacci	Sherman
Reyes	Shimkus
Ribble	Shuler
Richardson	Shuster
Richmond	Simpson
Rigell	Sires
Rivera	Slaughter
Roby	Smith (NE)
Roe (TN)	Smith (NJ)
Rogers (AL)	Smith (TX)
Rogers (KY)	Smith (WA)
Rogers (MI)	Southerland
Rohrabacher	Speier
Rokita	Stark

NAYS—6

Amash	Griffith (VA)	McKinley
Goodlatte	Hurt	Wolf

ANSWERED “PRESENT”—4

Benishak	Rooney
Forbes	Wittman

NOT VOTING—8

Cantor	Mack	Rangel
Filner	Meeks	Sullivan
Jackson (IL)	Paul	

□ 1449

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to designate the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.”

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 141, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 300, nays 111, answered “present” 4, not voting 16, as follows:

[Roll No. 142]

YEAS—300

Ackerman	Deutch	Langevin
Aderholt	Diaz-Balart	Lankford
Akin	Dicks	Larsen (WA)
Alexander	Dingell	Larson (CT)
Altmire	Doyle	LaTourette
Amodei	Duncan (SC)	Latta
Austria	Duncan (TN)	Levin
Baca	Edwards	Lewis (CA)
Bachmann	Ellison	Lipinski
Bachus	Ellmers	LoBiondo
Barletta	Emerson	Lofgren, Zoe
Barrow	Engel	Long
Bartlett	Eshoo	Lowe
Barton (TX)	Farenthold	Lucas
Bass (NH)	Farr	Luetkemeyer
Becerra	Fincher	Lujan
Berg	Flake	Lummis
Berkley	Fleischmann	Lungren, Daniel
Berman	Fleming	E.
Biggert	Flores	Maloney
Bilbray	Fortenberry	Marchant
Bilirakis	Frank (MA)	Marino
Bishop (GA)	Franks (AZ)	Matsui
Bishop (UT)	Frelinghuysen	McCarthy (CA)
Black	Fudge	McCarthy (NY)
Blackburn	Gallegly	McCaul
Blumenauer	Garamendi	McClintock
Bonamici	Gibbs	McCollum
Bonner	Gonzalez	McHenry
Bono Mack	Goodlatte	McIntyre
Boren	Gosar	McKeon
Boustany	Gowdy	McMorris
Brady (TX)	Granger	Rodgers
Braley (IA)	Graves (GA)	McNerney
Brooks	Green, Al	Meehan
Broun (GA)	Griffith (VA)	Mica
Brown (FL)	Grimm	Michaud
Buchanan	Guinta	Miller (MI)
Buchson	Guthrie	Miller (NC)
Burton (IN)	Hahn	Miller, Gary
Butterfield	Hall	Moran
Calvert	Hanabusa	Mulvaney
Camp	Harper	Murphy (CT)
Campbell	Hastings (WA)	Murphy (PA)
Canseco	Hayworth	Myrick
Cantor	Heinrich	Nadler
Capps	Hensarling	Napolitano
Carnahan	Herger	Neugebauer
Carney	Higgins	Noem
Carson (IN)	Hinche	Nunes
Carter	Hinojosa	Nunnelee
Cassidy	Hirono	Olson
Chabot	Hochul	Palazzo
Chaffetz	Holden	Pascarella
Cicilline	Holt	Pastor (AZ)
Clarke (MI)	Hultgren	Pearce
Clarke (NY)	Hurt	Pelosi
Clay	Issa	Pence
Coble	Jenkins	Perlmutter
Cohen	Johnson (GA)	Petri
Cole	Johnson (IL)	Pingree (ME)
Connolly (VA)	Johnson, E. B.	Pitts
Conyers	Johnson, Sam	Platts
Cooper	Jones	Polis
Courtney	Jordan	Pompeo
Crawford	Kaptur	Posey
Crenshaw	Keating	Price (GA)
Critz	Kelly	Price (NC)
Crowley	Kildee	Quigley
Cuellar	King (IA)	Rehberg
Culberson	King (NY)	Reichert
Davis (CA)	Kingston	Richardson
Davis (IL)	Kissell	Rigell
DeGette	Kline	Rivera
DeLauro	Labrador	Roby
Denham	Lamborn	Rogers (AL)
DesJarlais	Lance	Rogers (KY)

Rogers (MI)	Sensenbrenner	Towns
Rohrabacher	Serrano	Tsongas
Rokita	Sessions	Upton
Ros-Lehtinen	Sewell	Walberg
Roskam	Sherman	Walden
Ross (AR)	Shimkus	Walz (MN)
Ross (FL)	Shuster	Wasserman
Rothman (NJ)	Simpson	Schultz
Roybal-Allard	Sires	Waters
Royce	Smith (NE)	Watt
Runyan	Smith (NJ)	Waxman
Ruppersberger	Smith (TX)	Webster
Ryan (WI)	Smith (WA)	Welch
Scalise	Southerland	West
Schiff	Speler	Whitfield
Schmidt	Stearns	Wilson (FL)
Schock	Stutzman	Wilson (SC)
Schrader	Sullivan	Wittman
Schwartz	Sutton	Wolf
Schweikert	Thompson (PA)	Womack
Scott (SC)	Thornberry	Woolsey
Scott (VA)	Tiberi	Yarmuth
Scott, Austin	Tierney	Young (FL)
Scott, David	Tonko	Young (IN)

NAYS—111

Adams	Hanna	Paulsen
Andrews	Harris	Peters
Baldwin	Hartzler	Peterson
Benishke	Heck	Poe (TX)
Bishop (NY)	Herrera Beutler	Quayle
Boswell	Himes	Rahall
Brady (PA)	Honda	Reed
Buerkle	Hoyer	Renacci
Burgess	Huelskamp	Reyes
Capuano	Huizenga (MI)	Ribble
Castor (FL)	Hunter	Richmond
Chandler	Israel	Roe (TN)
Chu	Jackson Lee	Rooney
Clyburn	(TX)	Rush
Coffman (CO)	Johnson (OH)	Ryan (OH)
Conaway	Kind	Sanchez, Loretta
Costa	Kinzinger (IL)	Sarbanes
Costello	Kucinich	Schakowsky
Cravaack	Landry	Schilling
Cummings	Latham	Shuler
DeFazio	Lee (CA)	Slaughter
Dent	Lewis (GA)	Stark
Doggett	Loebsock	Stivers
Dold	Lynch	Terry
Donnelly (IN)	Manzullo	Thompson (CA)
Duffy	Markey	Thompson (MS)
Fitzpatrick	Matheson	Tipton
Forbes	McCotter	Turner (NY)
Fox	McDermott	Turner (OH)
Gardner	McGovern	Velázquez
Garrett	McKinley	Visclosky
Gerlach	Miller (FL)	Walsh (IL)
Gibson	Miller, George	Westmoreland
Graves (MO)	Moore	Woodall
Green, Gene	Neal	Yoder
Griffin (AR)	Nugent	Young (AK)
Grijalva	Oliver	
Gutierrez	Pallone	

ANSWERED "PRESENT"—4

Amash	Gingrey (GA)
Cardoza	Owens

NOT VOTING—16

Bass (CA)	Filner	Paul
Capito	Gohmert	Rangel
Cleaver	Hastings (FL)	Sánchez, Linda
Davis (KY)	Jackson (IL)	T.
Dreier	Mack	Van Hollen
Fattah	Meeks	

□ 1456

Mrs. MALONEY changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 142, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Con. Res. 112.

The SPEAKER pro tempore (Mr. DENHAM). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 597 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution, H. Con. Res. 112.

The Chair appoints the gentleman from Minnesota (Mr. KLINE) to preside over the Committee of the Whole.

□ 1456

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, with Mr. KLINE in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIR. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall not exceed 4 hours, with 3 hours confined to the congressional budget, equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from Texas (Mr. BRADY) and the gentleman from New York (Mr. HINCHAY) or their designees.

The gentleman from Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 90 minutes of debate on the congressional budget.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

I look forward to working with my friend, the gentleman from Maryland, the ranking member, on what's going to be a long day and a great debate. Let me start this debate, first off, by saying this is what our constituents sent us here to do: to lead, to make decisions, to budget.

I want to start off by saying to the gentleman from Maryland how much I appreciate the adherence to the long-

standing protocol in the Budget Committee on how, while we clearly disagree on a lot of the big fundamental issues, we've been able to conduct this debate in a civil manner. And I'm pleased that that tradition from the Budget Committee is continuing to this day, and I want to simply say how grateful I am for that.

Last year, Mr. Chairman, we passed the boldest budget in recent history, a comprehensive plan to lift the debt and free the Nation from the constraints of an ever-expanding Federal Government. We changed the debate in Washington. Suddenly we're having a debate about how much spending we should cut instead of how much more to spend, how to create jobs the right way, by getting the Federal Government off our backs, by eliminating the debt, and by reforming the Tax Code so that American families and small businesses can create a true economic recovery.

This week, we're prepared to be right here on the floor to take it one step further. We're bringing a 2013 budget, which we call the Path to Prosperity, which does this: it cuts \$5.3 trillion in spending from the President's budget. It clears the roadblock of the partisan health care law that is now being debated in the Supreme Court because we believe that this partisan health care law is a roadblock to bipartisan reform. It puts our budget on the path to balance and a path to completely pay off our debt.

By contrast, look at what other leaders are doing today. The President sent us a budget last month, the fourth budget in a row, which proposes to do nothing to pay off the debt, let alone ever get the budget in balance. The President gave us a budget with the fourth trillion-dollar deficit in a row, ignoring the drivers of our debt, doing what his budget says, "advancing the deterioration of our fiscal situation."

The President's Treasury Secretary came to the Budget Committee and said:

We are not saying we have a solution to the long-term problem. We're just saying that we don't like yours.

Well, I couldn't have said it better myself.

□ 1500

Mr. Chairman, by offering empty promises instead of real solutions, the President and his party leaders have made their choice clear. They're choosing the next election over the next generation. Our government, in both political parties, have made decades of empty promises to Americans, and soon those empty promises are going to become broken promises unless we reform government. We're borrowing 40 cents of every dollar we spend. It can't keep continuing.

We're offering Americans a better choice. We're offering Americans solutions. And let me just quickly walk

you through just the kind of situation America faces today. This is what the Congressional Budget Office tells us we're looking at—a crushing burden of debt that is not only going to affect our children's generation by denying them a better standard of living, a prosperous future, but it's going to put our own economy into a tailspin. All the experts came to the Budget Committee and told us we don't have much time left to avert this tidal wave of debt.

Now, what's the rush? Why do we need to move so quickly? Because, Mr. Chairman, every year we don't do something to fix this debt crisis, we go that much deeper into the hole. That many more trillions of dollars of empty promises are being made to the American people.

Back in 2009, we asked the General Accountability Office how many empty promises is our government making to today's Americans? In 2009 they said, \$62.9 trillion. Then we said in 2010, how many empty promises now? Now it's \$76.4 trillion. Today, just 1 year later, they're now saying last year's stack of empty promises to Americans was \$99.6 trillion. It's impossible to get your mind around these numbers.

What does that mean? That means if we want our government to keep all of the promises it is now making to current Americans—my mom's generation, my generation, and my children's generation—we have to, all of a sudden, invent, create and come up with about \$100 trillion today and invest it at Treasury rates just so we could have the money to keep these promises government is making. That's impossible. It can't be done. We know that.

So it's time to stop lying to the American people. It's time to be honest about the situation we're in and then start fixing the problem because every year we go over \$10 trillion deeper in the hole. Every year we go that much closer toward a debt crisis where government reneges on its promise to Americans. The people who need government the most—the poor, the sick and the elderly—they're the ones who get hurt first and the worst in a debt crisis.

What is the primary driver of this crisis? Spending. What the Congressional Budget Office tells us is spending is on course to double by the time my kids are my age and then double again over the course of this century. Revenues are going back to where they historically have been, but spending is on an unsustainable trajectory. And when you have to borrow that much money, when you have to borrow 40 cents on the dollar, just look at where it's coming from. This is not the 1970s where our debt was relatively pretty small and we borrowed about 5 cents on the dollar from foreign countries; and it's not the 1990s where our debt was getting big, and we borrowed at 19 cents from foreign governments.

Today, in 2012, 46 percent of our borrowing in this country—borrowing that's bigger than our economy now—comes from other nations, China being number one. We can't keep relying on other governments to cash flow our government. We are ceding our sovereignty and our ability to control our own destiny as a country when we have to hope that other countries will lend us money. We've got to get this under control.

Lastly, Mr. Chairman, here's what this budget does in a nutshell. It says, Let's get ahead of this problem. Let's preempt a debt crisis, and let's do it in a way so we can do it in a gradual way. Let's do it in a way so that we can preempt and prevent a debt crisis on our own terms as Americans. Let's not wait until we have a crisis. Let's not wait until interest rates go up and we're in sort of a European meltdown mode. Let's do it right, and do it now, because then we can keep the promises that government has made to people who need it the most—people who are already retired, people who are about to retire, the people who rely on government. You have to reform government to do that.

Instead of this mountain of debt, the Path to Prosperity budget puts our deficit and our debt on a downward slope and pays off the debt entirely over time. That takes time, that takes will, and it begins now. In short, Mr. Chairman, if we don't tackle these fiscal problems soon, they're going to tackle us as a country.

The best way to do it is put the kinds of ideas and reforms in place that grow the economy, create jobs, and get us back on a path to prosperity. We believe in the Founders' vision of the American idea. Your rights come from God and nature, not from government; and we believe in the freedom to pursue happiness. That means we want prosperity, we want upward mobility, and we want freedom and opportunity. Freedom and opportunity are gone if we have a debt crisis.

So what we're saying is let's do everything we can to get this economy growing, to get people back to work and back on their feet, and let's get our spending under control. Let's get our borrowing under control, and let's reform those government programs that are the primary drivers of our debt so that we can fulfill that great legacy that all of our parents told us about when we were growing up in this country, and that is this: each generation in America makes the next generation better off.

We know without a shred of doubt, it's irrefutable, that we're in the midst of giving the next generation a worse-off country, a lower standard of living and a diminished future. We have a moral and a legal obligation to stop that from happening, to pass a budget, to prevent that, to get us back on pros-

perity and get our debt paid off; and that's precisely what this budget does.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

Let me start by thanking the chairman of the Budget Committee for the way he's conducted the proceedings in the committee, and I look forward to a debate on the floor because as the chairman said, we have very deep differences. We do not have a difference on the question of whether or not we should reduce the deficits and the debt. Of course we do. We have a difference over how to do that.

In that regard, Mr. Chairman, I rise in strong opposition to this Republican plan and in support of the Democratic alternative. The Republican budget on the floor of the House today is simply the sequel to last year's plan—more of the same. It abandons the economic recovery and ends the Medicare guarantee for individuals whose median income is under \$21,000 while providing a whopping average tax break of almost \$400,000 for people making over \$1 million a year. These tax breaks for the very wealthy and the tax breaks for special interests come at the expense of middle-income taxpayers, at the expense of seniors, and at the expense of essential investments to keep America strong.

This Republican plan will weaken economic growth and, according to independent analysts, result in over 2 million jobs lost over the next 2 years. It rewards corporations that ship American jobs overseas while slashing investments in education, in scientific research and infrastructure that help America grow our economy right here at home. In short, it is a path to greater prosperity if you are already wealthy, while leaving seniors, working Americans, and future generations behind.

Mr. Chairman, we gather here at a very important time for our country. As a result of the extraordinary actions taken over the last 4 years and the tenacity of the American people and small businesses, America avoided a second Great Depression, and the economy is slowly recovering. Still, millions of Americans remain out of work through no fault of their own. We must push forward with the recovery, not fall back; and we certainly should not return to the failed economic policies that got America into this economic mess to begin with.

And yet that is exactly what this Republican budget does.

□ 1510

It is a recipe for national stagnation and decline. It retreats from our national goal of out-educating, out-building and out-competing the rest of the world. And it will weaken the economic

recovery by slashing investments to important economic growth and expanding those tax breaks that reward corporations that ship American jobs overseas. Even when we have 17 percent unemployment in the construction industry, it cuts critical investments in our transportation systems, including a 46 percent cut in transportation starting next year.

As I mentioned earlier, nonpartisan analysts looked at this and concluded it would lose 2 million jobs over 2 years. So, rather than putting the economy into reverse, we need to move forward. We need to adopt the remainder of the President's jobs plan, a plan that's been sitting here in the House since September.

It's also clear that putting America back to work is the fastest and most effective way to reduce deficits in the short term. In fact, the Congressional Budget Office estimates that our weak economy and underemployment is the single major contributing factor to the deficit this year, accounting for over one-third of the projected 2012 deficit. So we need to come up with a credible plan.

The issue, as I said, is not whether but how. Every bipartisan group that has looked at ways to reduce the deficit in a credible way has recommended a balanced approach, meaning a combination of spending cuts and cuts to tax breaks for the wealthy, and the elimination of special interest corporate tax loopholes.

The Democratic alternative provides that balanced approach, while the Republican plan, unfortunately, fails that test. Instead, their plan would again rig the rules in favor of the very wealthy and special interests. That may not be a surprise, since virtually every House Republican has signed a pledge—a pledge—to Grover Norquist saying they will not close a single special interest tax loophole, not eliminate a single oil subsidy for the purpose of deficit reduction, not one penny.

I agree with the gentleman from Wisconsin that we face a real deficit and debt problem. Apparently, the problem is not big enough to ask folks at the very high end of the income scale to contribute one penny toward deficit reduction.

In addition to locking in those parts of the Bush tax cuts that disproportionately benefit the very wealthy, they now have a new round of tax cuts that will provide, on average, a \$400,000 tax cut for people making over \$1 million a year. That's according to the nonpartisan Tax Policy Center.

So, here's the key: because our Republican colleagues refuse to ask millionaires to contribute 1 cent to deficit reduction, they hit everyone and everything else.

Let's take a look at Medicare recipients. They immediately increase costs

to seniors for Medicare preventive services and terminate a new service, the wellness programs, that were part of the Affordable Care Act. They immediately reduce support to seniors in the prescription drug plan by reopening the doughnut hole. That decision will cost seniors with high drug costs an average of \$10,000 over the next 10 years.

Once again, this Republican budget does not reform Medicare; it deforms it. It proposes to end the Medicare guarantee, shifting rising costs onto seniors and disabled individuals. It gives you the equivalent of a voucher, but if your voucher amount is not sufficient to pay for the rising cost of health care, too bad. Too bad. It simply rations your health care and choice of doctor by income and leaves seniors to the whims of the insurance industry.

Despite claims that market competition is going to bring down those rising costs, the plan creates that artificial cap on the voucher support. Our Republican colleagues say they're using the part D prescription drug plan as a model, but that has no artificial cap. They say it's the same kind of plan offered to Members of Congress under the Federal Employee Health Benefit Plan, but that has no cap on support from their plans. So, unlike Members of Congress, seniors in Medicare will get vouchers with declining purchasing power relative to rising health care costs.

In fact, if you look at this chart, Mr. Chairman, you will see what the current Medicare plan would provide in terms of the amount of support provided by the plan to the individual on health care. That's the blue line. This is the green line, Federal Employee Health Benefit Plan, the plan that Members of Congress are on. As you can see, the amount of the premium support keeps pace with rising health care costs. This red line is the Republican voucher plan that caps the amount an individual can receive and goes steadily downward, giving seniors on Medicare a worse deal than Members of Congress would give to themselves.

Now, Mr. Chairman, this budget also rips apart the safety net for seniors in nursing homes and assisted living facilities, as well as low-income kids and individuals with disabilities who rely on Medicaid. Remember, two-thirds of Medicaid funding goes to seniors in nursing homes and disabled individuals, yet that is one of the biggest areas of the Republican budget cuts. It takes a hatchet to Medicaid, slashing over \$800 billion and cutting Medicaid by one-third by the year 2022. This is done under the Orwellian title in their plan of "repairing" the social safety net. That's like throwing an anchor to a drowning person.

Mr. Chairman, to govern is to choose, and that's what this debate is all about. The choices in this Republican

budget are simply wrong for America. It is not bold to provide tax breaks to millionaires while ending the Medicare guarantee for seniors and sticking them with the bill for rising health care costs. It's not courageous to protect tax giveaways to Big Oil companies and other special interests while slashing investments in our kids' education, scientific research, and critical infrastructure. It is not visionary to reward corporations that ship American jobs overseas while terminating affordable health care for tens of millions of Americans. It is certainly not brave to cut support for seniors in nursing homes, individuals with disabilities, and poor kids. And it is not fair to raise taxes on middle-income Americans financed by another round of tax breaks for the very wealthy. Yet those are the choices made in this Republican budget.

Where is the shared responsibility?

Mr. Chairman, we can and we must do better. Let's reject this budget and adopt the Democratic alternative which provides a balanced approach to accomplishing the goal of reducing our deficits while at the same time strengthening our economy and doing it in a way that calls for shared responsibility.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK), a member of the Budget Committee.

Mr. MCCLINTOCK. I thank the gentleman for yielding. I thank him for his vision and courage. It has truly been an honor to serve on the committee under his leadership.

Mr. Chairman, a year ago, the House passed a budget that would have put our Nation back on the path to fiscal solvency and ultimately paid off the entire national debt. It would have saved Medicare and Medicaid from collapse and put them back on a solid and secure foundation. According to Standard & Poor's, it would have preserved the AAA credit rating of the United States Government. That plan was killed in the Senate, which has not passed a budget in 3 years.

The Senate majority leader complained that it threatened the Cowboy Poetry Festival in Elko, Nevada. An allied group ran a smear campaign depicting Congressman RYAN as a monster willing to throw his grandmother off a cliff. Sadly, that's what passes for reasoned discourse from today's left.

The result is that today our country is another year older and more than \$1 trillion deeper in debt. We've lost our AAA credit rating. We've watched our Nation's debt exceed our entire economy, putting us in the same league as the worst-run European governments.

Mr. Chairman, this is not a perfect budget, no budget ever is, but it will

save our country from the calamity that is now destroying Greece. That should be reason enough for adopting it with a resounding and, dare I hope, bipartisan vote.

A year ago, a panel of experts from left to right warned us that we were, at best, 5 years from a sovereign debt crisis. I wonder how many more years we've got. How many more chances will we have to set things right before events overtake us and we enter the inexorable downward spiral of bankrupt nations?

Let's not find out the answer to that question. Let us act now to redeem our Nation's finances and restore our Nation's freedom while there is still time. That is our generation's responsibility. That is our generation's destiny.

□ 1520

Mr. VAN HOLLEN. I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank Ranking Member VAN HOLLEN for yielding the time and stand to say that jobs need to be America's number one priority. The Republican budget shows, once again, that Republicans don't have a jobs agenda. You balance family and national budgets by creating jobs and putting people back to work.

We still have over 12 million Americans looking for work, and that doesn't even include those who have fallen off benefits or are looking for work but can't find full-time employment.

I said when we marked up this bill in committee, and I will say it again, this Republican budget completely ignores the President's jobs agenda. Instead, Republicans, incredibly, criticized Democrats for taking the steps that helped save the U.S. auto industry and millions of related high-paying manufacturing jobs.

Republicans opposed the payroll tax extension for middle class Americans, which will help keep demand up so that businesses can hire more workers. Republicans are pushing for irresponsible cuts that economists have warned will hurt the economy and job creation, and Republicans proposed a partisan transportation bill that would bankrupt the highway trust fund and destroy thousands of jobs.

In committee, we couldn't even get the Republicans to support a modest Veterans Jobs Corps to create 20,000 jobs for our vets returning from Iraq and Afghanistan. I raised this situation with President Obama during one of his Ohio visits and shared with him H.R. 494, a bill I've drafted, and the President saw a need to create jobs, and his administration asked Congress to do this for our returning vets.

The Republican majority has said no to our veterans as thousands and thousands of them return and remain unemployed.

I ask my colleagues to reject the Republican budget, support the Demo-

cratic alternative, and put our economy first. Job creation for all Americans must be our top priority and is the first step in beginning to balance our budget which requires a growth economy.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the chairman of the Committee on Transportation and Infrastructure, Mr. MICA, for the purposes of a colloquy.

Mr. MICA. I thank the chair of the Budget Committee. And first, let me commend Chairman RYAN and the Budget Committee for bringing this resolution to the floor today.

I'm pleased with the cooperative working relationship between our two committees, particularly as we seek to move a multiyear surface transportation reauthorization to the floor in the near future.

As you know, H.R. 7 is the most significant transportation reform bill since the Interstate Highway System was created some 50 years ago. The bill will reduce the Federal bureaucracy by consolidating or eliminating more than 70 programs and allows States to set their own transportation priorities, not bureaucrats here in Washington.

H.R. 7 provides the stable and predictable funding stream that is necessary for States and construction companies to take on major construction projects that span several years. The bill accomplishes more with less through significant reforms, including cutting in half the time it takes to complete major transportation infrastructure projects.

H.R. 7 also establishes a blueprint for job creation, is responsibly paid for, and includes no earmarks, no tax increases or deficit spending.

As everyone here knows, our surface transportation programs expire on Saturday, and we need to pass an extension in the next few days in order to ensure that these programs will not disrupt the folks who may be furloughed and construction workers who would be sent home.

I hope our colleagues on the other side of the aisle will act responsibly and put politics aside and join us in passing a short-term extension so we can work on a longer-term solution.

Mr. Chairman, H.R. 7 meets two criteria of the deficit-neutral reserve fund outlined in this budget. First, it will maintain the solvency of the highway trust fund, and second, it will not increase the deficit over the period of fiscal year 2013 through fiscal 2022.

The resolution before us also assumes a new potential funding stream for the trust fund in the form of oil and gas revenues, and ensures that any future funding transfers will be fully offset.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. MICA. Both of which are included in H.R. 7.

I would like to confirm with the gentleman from Wisconsin that my understanding of these provisions is correct, and that H.R. 7 is in compliance with the budget resolution.

Mr. RYAN of Wisconsin. The gentleman from Florida is correct in his observations that H.R. 7, as considered by the House, is in compliance with the fiscal year 2013 budget resolution before us today. And we look forward to the final, long-term reauthorization bill.

Mr. MICA. I thank the chairman for his diligence and ongoing efforts to bring much-needed fiscal discipline to Federal spending.

Mr. VAN HOLLEN. Mr. Chairman, that was an interesting colloquy, especially given the fact that the Senate has passed a bipartisan transportation bill; again, a bill that has very broad support that, if we took it up today in the House, we could get it passed right now, and it would be good for the economy and good for the fact that we have 17 percent unemployment in the construction industry.

As I remarked earlier, the Republican budget that we're considering would actually cut transportation funding spending outlays by 46 percent next year. That is not good for the economy, and I hope this body will overturn that.

With that, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, over the past several months, in hearing after hearing in the Budget Committee, we have heard one recurring theme from our expert witnesses. Chairman Bernanke said it, Director Elmendorf said it, Acting Director Zients said it, and Secretary Geithner reaffirmed that the draconian, reckless cuts proposed by the Republican majority, and made evident in their budget proposal that we are considering on the House floor today, will create an enormous headwind for our economy. Yet, here we are again.

Yes, here we are considering the same Republican budget plan as last year, hearing the same arguments from Chairman RYAN and the Republican leadership.

As I said last week in committee, I feel like it's "Groundhog Day" all over again, but Bill Murray is nowhere in sight, and this is no comedy.

In all seriousness, the harmful spending cuts incorporated into this budget proposal go further than simply damaging a fragile recovery. These cuts pull the rug out from under our most vulnerable: our seniors, our children, and those with serious illness.

Democrats reject the idea that the way to deal with rising health care costs is to give seniors a voucher to purchase private insurance and then tell them to figure out how to keep their own costs down.

Democrats believe that we cannot solve our budget challenges simply by shifting health costs and risks onto people who are least able to bear them: seniors, disabled individuals, and poor families.

Last week I offered an amendment in the Budget Committee that no one in this body should ever have to offer. My amendment would have prevented reckless and shameful Medicaid cuts to seniors in nursing homes. Like all of the other amendments offered by my Democratic colleagues, this amendment was rejected on a party-line vote. This is simply unconscionable.

As a Member of Congress representing a large number of seniors in south Florida, I can tell you that the House Republican budget would be devastating for seniors and older Americans. This Republican "path to poverty" would pass like a tornado through America's nursing homes, where millions of America's seniors receive long-term and end-of-life care.

Sixty percent of Americans in nursing homes are on Medicaid, so cuts to Medicaid would have a dramatically negative impact on our seniors. The Federal Government made a commitment to each and every one of us that when we got older we wouldn't need to live in poverty or force our children into poverty in order to care for us.

The CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional 30 seconds.

Ms. WASSERMAN SCHULTZ. For decades we have looked to Medicare and Medicaid with the expectation that the Federal Government would honor its commitment. Now, under this budget plan, Republicans are trying to back out of our commitment to seniors. We cannot go back on our promise to the Greatest Generation. There is a better way forward.

I ask my colleagues to think about our seniors and our most vulnerable and reject the Republican budget plan.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 2 minutes just to respond to a few of the things that have been said.

First off, it's not the budget that lowers the highway funding next year by 46 percent. It's the current law that governs the highway trust fund that does that anyway.

Let's remember, Mr. Chairman, the highway trust fund is going insolvent. That's under current law. So our budget simply reflects that current law. But we say, let's go get new sources of revenue from oil and gas exploration to go to the highway trust fund, and let's have a reserve fund so that we can go out and find savings to fix this highway trust fund.

But since those bipartisan negotiations are just beginning to take place, since that conference is beginning to take place, we can't include it in this

budget. Therefore, we had the reserve fund to be held in order to accommodate that compromise once it arrives.

□ 1530

Medicare. The growth rate of Medicare under this budget is the same one the President proposes in his budget. So for the chart my friend from Maryland used saying this is what the Republican budget does to growing Medicare out in the future, it's the same one President Obama proposes.

Here's the difference: President Obama, in his law, the one being debated over at the Supreme Court, says 15 unelected, unaccountable bureaucrats will be in charge of putting price controls and cuts to Medicare to accommodate that growth rate versus our plan to put 50 million seniors in charge of choosing what health care plan is best for them. More for the poor, more for the sick, less for the wealthy; and it makes Medicare solvent.

Here's the catch: we don't change the benefit for current seniors. This system applies to younger people. Unlike the current law that the President passed, that my friend voted for, 15 bureaucrats are in charge of putting price controls on current seniors' medical care which leads to denied care for them.

So if we're talking about who's saving and strengthening Medicare, it is this budget as opposed to the status quo which raids it, rations it, and still allows the program to go bankrupt.

With that, I'd like to yield 2 minutes to the gentleman from New Hampshire, a member of this Budget Committee, Mr. GUINTA.

Mr. GUINTA. Mr. Chairman, I rise today to add my voice to those calling for the passage of the Path to Prosperity.

Mr. Chairman, we are in a debt crisis in this Nation. We have a spending crisis in this Nation. This Congress was sent here just a year ago to fix and solve these problems; and we have, for the second year in a row, offered solutions. We have offered ideas, and we will continue to work with the other side of the aisle to try to find what we all believe is a more prosperous Nation.

For too long, job creators in my home State of New Hampshire have paced on the sidelines. They tell me over and over that we want to expand our payrolls, we want to see stability and predictability from Washington first. But that hasn't happened.

Mr. Chairman, it's not asking too much for our Nation to see what good, sound fiscal policy looks like, and we ought to provide that opportunity. We ought to pass this piece of legislation.

The Path to Prosperity gives job creators the confidence to resume doing what they do best: innovate, operate, and expand their businesses and their job opportunities for the rest of us.

It does so by reducing spending \$5.3 trillion over the next decade. We slowly bring the deficit below 3 percent of GDP as quickly as 2015, and we have a path to balance this Nation's budget.

We also do this by reforming our Tax Code. Consolidating six tax brackets down to two, 25 and 10 percent, and on the corporate side reducing the rate from 35 to 25, going to a territorial system, allowing the opportunity for our economy to once again be thriving.

The best way to sustain a lasting economic recovery is to remove the hurdles and the barriers that are holding back job creators; and this budget, Mr. Chairman, does just that.

I urge my colleagues to pass the Path to Prosperity, and I call on the Senate to approve it as well.

Mr. VAN HOLLEN. Mr. Chairman, a couple of points.

The bipartisan bill that came over from the Senate would provide funding fully paid for, offset for 18 months. So you could avoid the big 46 percent cut next year that's in the Republican budget and make sure folks out there who are looking for jobs in the construction industry could get to work.

Secondly, with respect to Medicare, you have two fundamentally different approaches. The approach we had in the Affordable Care Act was to say we need to modernize the Medicare system by changing incentives. So we reward and incentivize the quality of care, the value of care, not the volume of care which drove up costs.

What we do not do is offload the risk of those rising health care costs onto seniors.

Now the board, the IPAB the gentleman referred to, is specifically prohibited, and I have the language right here, from including any recommendations to ration health care, raise revenue or Medicare beneficiary premiums, whereas the Republican plan expressly works by offloading those risks and those costs onto seniors. A very different approach.

With that, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman. In Akron, Ohio, Summa Health Care is already implementing some of these accountable care organization methods, the medical home, and saving millions and millions of dollars because of the health care reform bill. I love this idea of we can't have a board that's rationing care.

What are the insurance companies doing today, Mr. Chairman? We act like we're living in a society where the insurance industry is okaying every procedure that needs to get done. They're rationing care right now. We have 40 or 50 million Americans who can't afford health care.

So we're going to throw our seniors now into the insurance market, and we're going to give them a premium support or a voucher—and our friend

says it's not a voucher, it's premium support—to help them go out into the free market and buy insurance. But that voucher is only going to go up 3 or 4 percent a year while health care costs are going to go up 5, 10—who knows—15 percent a year. So that voucher every single year goes down and becomes worth less. That's the concern that we have on our side, and that's why we think the reform we put into place was a positive thing.

Then the Medicaid cuts, which people in Ohio use to make sure they can get into a nursing home when they're seniors, get a cut by one-third.

So we're cutting Medicaid by a third, we're basically privatizing the Medicare system into a voucher system, sending our seniors to swim with the sharks in the insurance market, hope that the insurance companies grant them coverage for what they may need. Oh, by the way, you can't really make money off insuring senior citizens. This is the kind of philosophy. This is why this debate about the budget is really a positive one because I think it articulates the two different sides.

Lastly, let me just say this is about balance. The deep, deep cuts in the Republican budget are because they can't ask Warren Buffett to pay a little bit more in taxes. All during the committee process this year and last year, we had our friends on the other side of the aisle who honor Ronald Reagan—light candles, burn incense, put his picture up.

The CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional 30 seconds.

Mr. RYAN of Ohio. Ronald Reagan raised taxes 11 times: Tax Equity and Fiscal Responsibility Act of 1982; Highway Revenue Act of 1982; Social Security amendments of 1983; Railroad Retirement Revenue Act, tax increase of 1983; Deficit Reduction Act of 1984; Consolidated Omnibus Budget Reconciliation Act of 1985; Omnibus Budget Reconciliation Act of 1985; Superfund Amendments and Reauthorization Act of 1986; continuing resolution in '87, and a continuing resolution in '88.

The responsible thing to do is to ask Warren Buffett and his friends to help us make sure that these cuts aren't that deep in Medicare and Medicaid and Pell Grants and the other investments that we need to make in this country.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to a member of the committee, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Mr. Chairman, as a member of the Budget Committee, I'm pleased to have not only helped author this budget but to stand here in strong support of it. It's a fair budget. It's an honest budget.

The gentleman from New Hampshire said this is the second year in a row

that we are telling the truth to the American people. You know, the old adage was "never touch that third rail of politics." Never touch Medicare, never touch Medicaid, never talk about Social Security. Touch it and you will die. We are debunking that myth because that's exactly what it is.

We give credit to the American people by telling them the truth. We have that respect for them. Sixty-five percent of our spending year over year comes out of this House on programs that don't work well and that are bankrupt. They won't be around for our children, and that's these programs right here.

This is what drives our debt: 65 percent of our current spending.

You know what's unfair? It's unfair that in a few decades these programs, as this chart shows, will take 100 percent, will take up all of the revenue that we bring in, the taxes that we bring in as a Federal Government.

Now, some will say, Hey, wait a minute, I paid into those programs; I deserve to take out. Well, that's kind of true as well.

Let's take Medicare for example. On average, we pay in 30 percent of what we're going to take out; and that 70 percent difference comes from the children of tomorrow who don't exist yet, who have no voice in this debate.

□ 1540

It's unfair that no one speaks for them. We do.

We speak for the people in the here and now, and we speak for the people of tomorrow. Immigrants didn't come to this country for wealth redistribution. They didn't come to this country to practice intergenerational theft. They want their kids and they want their grandchildren to have a better life than they did. Our budget does that.

Mr. VAN HOLLEN. The gentleman is absolutely right about the need to look out for future generations and the issue of the deficit. What I always find staggering is the refusal to close one single loophole—just one penny—for the purposes of reducing the deficit so that we can address that issue of the deficits in future generations.

With that, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), who has been a great member of the Budget Committee.

Ms. SCHWARTZ. I thank the ranking member.

The Federal budget is a statement of our priorities and our values as a Nation. The budget needs to be fiscally responsible and reduce the deficit, meet our obligations to our seniors and our families and our future, and make targeted investments to grow our economy.

The Republican budget fails to meet all three challenges. It fails our Nation's seniors and our middle class. It fails to ensure that we can compete

from a position of strength in a global economy, and it fails to offer a balanced approach to deficit reduction. The Republican budget relies solely on spending cuts. It chooses tax reductions for millionaires at the expense of the middle class, and it chooses tax breaks for the biggest corporations over small business and new jobs.

The most direct assault on our values as Americans is the Republicans' plan to dismantle Medicare as we know it. Rather than protecting the promise of Medicare for seniors now and into the future, the Republicans break that promise. Rather than reducing costs through payment and delivery system reforms, the Republicans do nothing to contain costs, and they simply shift the cost burden onto our seniors. Rather than guaranteed benefits, the Republicans leave seniors on their own to buy what benefits they can afford with a voucher of limited value. This means seniors are subjected to the uncertainty of the insurance industry, meaning possible discrimination based on age, illness, and income. Their budget even cuts health coverage for our sickest and frailest seniors, threatening their access to vital nursing home care.

For decades, Medicare has provided both financial and health security for America's seniors, with access to quality, affordable, guaranteed health benefits. Medicare is a promise to our seniors, and it is a promise that this Republican budget breaks. America's seniors deserve better. Instead, we need a balanced approach to reduce the deficit, to meet our commitments in our Nation, particularly to our seniors, and to create an environment that grows our economy now and into the future.

Reject this Republican budget and choose the Democratic budget alternative, which meets our Nation's challenges in a way that is balanced, fair, and responsible.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 1 minute to simply say that I keep hearing this word, "voucher." I'm told it polls well if your goal is to try and scare senior citizens. What we're talking about in here is to build upon the bipartisan reforms that have been advocated in the nineties, in the early part of this decade, and most recently on how best to save and strengthen the Medicare guarantee.

First, no changes for anybody in or near retirement in Medicare.

Second, when people 54 or below become Medicare eligible, they'll get a list of guaranteed coverage options from Medicare from which to choose, just like we do as Members of Congress, including, in this case, the traditional Medicare program. Medicare will subsidize their premiums from the plans they choose. If you're low-income or sick, you'll get much more. You'll get total coverage—no out of pocket—for a low-income person; and we say, if you're a wealthy person, you can probably afford more out of pocket, so

you're not going to get as much of a subsidy.

That premium grows. We competitively bid. The plans must offer the basic benefit so it protects against health inflation; and as a backstop, it grows no faster than what the President proposes in his.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. In yielding myself 30 additional seconds, Mr. Chairman, here is the difference:

The President's is different. He allows Medicare to go bankrupt. Yet, even with that, he takes a half a trillion dollars from Medicare to spend on his new health care program for other people, and he puts a board of 15 unelected, unaccountable bureaucrats in charge of denying care by denying prices. It says you can go and cut reimbursement rates to providers and that you can do a values-based benefit design, which is what they propose—whatever that means—to affect current seniors.

We reject the idea that Medicare should be run by 15 unelected bureaucrats. Instead, we want to preserve it for the current generation.

With that, Mr. Chairman, I yield 5 minutes to the chairman of the House Republican Conference, a former member of the Budget Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the chairman for yielding, and I especially thank him for his national leadership on this pressing issue of the national debt.

Mr. Chairman, last week, Secretary Geithner came up to Capitol Hill to warn of the threat to the American economy of the European debt crisis. Now, Mr. Chairman, the American people know that the greater threat to the American economy is the American debt crisis. We face the absolute worst debt crisis in America's history, and yet it has been almost 3 years since both House and Senate Democrats have submitted a budget—almost 3 full years.

Now, to his credit, the President has submitted a budget. To his shame, it adds \$11 trillion to our national debt on top of the \$5 trillion that he has already imposed of additional national debt. Mr. Chairman, everyone knows that the spending trajectory of the Federal Government is unsustainable. And what does our President do in his budget? He takes an unsustainable spending trajectory and doubles down. He makes it more unsustainable, which makes it unconscionable. Perhaps worst of all, Mr. Chairman, even though he knows what the drivers of our national insolvency are, he refuses to deal with them.

But don't take my word for it. Listen to the editorial pages of major U.S. newspapers, many of which are pretty liberal in their orientations.

The Boston Herald writes:

President Barack Obama has apparently decided that he is not going to be part of the solution to the Nation's enormous deficit, which would make him, yes, part of the problem.

The LA Times:

It's past time for the administration to lay out a credible plan for bringing the deficit and debt under control. Sadly, Obama's budget proposal shows that he would rather wait until after the election to have that reckoning.

USA Today:

The best test of a budget proposal these days is whether it reins in the national debt. The election year budget President Obama sent to Congress on Monday fails that test.

It's pretty clear the President's policies have failed and are hampering our economic recovery. Because they have failed, regrettably, our President has resorted to the politics of division and envy, which is fairly evident in his budget. He has not appealed to the better angels of our disposition and not to the noblest aspirations of our fellow citizens. Instead, he appeals to their basic instincts.

The Nation is truly, truly at a crossroads between two very, very different paths. The President's path is one of crushing, unsustainable debt; a massive tax increase on struggling families and small business; and, most troubling, a diminished future for our children and grandchildren. In short, it is the road to becoming a European-style social democracy of the 21st century.

Mr. Chairman, it is past time to quit spending money we don't have. It is past time to quit borrowing almost 40 cents on the dollar, much of it from the Chinese, so we can just turn around and send the bill to our children and our grandchildren.

Where the President and other Democrats have failed to lead, House Republicans, under the leadership of our Budget chairman, PAUL RYAN, have acted. We have a vastly different path for America's future. It is a path of opportunity. It is a path for economic growth. It is the path to prosperity, and it is the path of fiscal sustainability that, over time, not just reduces the national debt but will pay it off.

□ 1550

Number one, let's look at the differences. Our budget would absolutely prevent the President's single largest tax increase in American history, \$1.9 trillion of new taxes to be imposed upon our job creators and other hard-working Americans. And you know what's ironic, Mr. Chairman? Even if you gave the President every single job-hampering tax increase he's asked for, it's about 16, maybe 17 percent of the \$11 trillion he wants to add to the national debt. You can't tax your way out of this problem, Mr. Chairman.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman from Texas an additional 3 minutes.

Mr. HENSARLING. So we know it's the middle-income who will end up paying this.

Second point: we repealed the President's failed health care program, the one that we now understand is going to cost almost \$2 trillion, the one that now the Congressional Budget Office tells us will cost almost 2 million jobs, and the one that creates the Independent Payment Advisory Board, as the chairman has said, that includes 15 unelected, unaccountable bureaucrats who will begin making health care decisions for our seniors, like my 79-year-old mother, my 83-year-old father. You know, if one of them needs a hip replacement, if one of them needs a heart bypass, I want that decision to be made between them and their doctor, not the 15 unelected, unaccountable bureaucrats who have one, and only one, purpose, and that is to impose price controls and ration the quality and access to health care for our seniors.

You know, I hear the buzz line, but it seems to me that ends Medicare as we know it. Looting \$500 billion out of Medicare to pay for the President's health care, that seems to end Medicare as we know it. Putting a global price cap, that seems to end Medicare as we know it. And most of all—since we've heard from the trustees of the Medicare and Social Security trust fund that it's going broke—allowing it to go broke, which our friends on the other side of the aisle do, seems to me to be ending Medicare as we know it.

Our budget will end the road to bankruptcy by controlling spending. Under the President's budget, spending has gone from its traditional 20 percent of our economy to 24 percent, and it's on its way to 40 percent over the course of the next generation. Our budget will control spending and limit government so we can have unlimited opportunity.

What is this debate truly about, Mr. Chairman? Here's what I think it's about. And I have shared this correspondence with my colleagues before. I heard from the Calhoun family in Winnsboro, Texas, about this debt. And he wrote me:

Congressman, I have never felt so embarrassed and ashamed about anything I have done in my life as I do about leaving this mess in the laps of Tyler and Caitlynn, my precious grandkids. I have written both of them a heartfelt apology for them to read when they get old enough to understand what I allowed our country's governing authority to do to them.

Mr. Chairman, we have no greater moral responsibility than to preserve the blessings of liberty and opportunity for this gentleman's grandchildren and the next generation. It's what we do. We are Americans. We're not just operating on borrowed money. We're operating on borrowed time.

The CHAIR. The time of the gentleman has again expired.

Mr. RYAN of Wisconsin. I yield the gentleman from Texas an additional 1 minute.

Mr. HENSARLING. Two paths. Two choices. One duty. I hope history records that we acted worthy of ourselves, that we acted worthy of our forefathers, that we acted worthy of this great Republic for which so many have sacrificed over the years.

No more borrowed time. No more borrowed money. Let's seize the moment in history. Let's adopt the Republican Path to Prosperity budget.

Mr. VAN HOLLEN. Mr. Chairman, the difference between the President's plan and the Republican budget, the difference between the Democratic alternative and the Republican budget, is that we take a balanced approach. I think everybody understands that spending cuts have to be part of the solution. This Congress acted last summer, cut \$1 trillion out of the budget. But the President and the Democratic alternative also understand what bipartisan groups all understand, which is that the only credible way to reduce our deficits is through a combination of spending cuts and cutting some of the tax breaks to special interests and asking millionaires to pay more.

I keep hearing our Republican colleagues come to the floor lamenting the large deficits and debt which we all agree we need to get under control and then refusing to cut one special interest loophole for the purpose of reducing the deficit, asking a millionaire to contribute one more penny for the purpose of reducing the deficit.

Now with respect to the issue of Medicare, the reason it's not premium support is, it doesn't provide constant support to the senior on Medicare. Over time, seniors' purchasing power of this voucher will become less and less while the costs go up and up.

I would point out, again, that Members of Congress have for themselves a plan, this green line, where the purchasing power of their health plan stays constant, even as health prices increase. But this red line here is what they would do to seniors on Medicare.

Now I've heard it said a couple of times now that the President allows Medicare to go bankrupt. Mr. Chairman, here is a chart that the chairman of the Budget Committee, Mr. RYAN, presented in the Budget Committee. The black line here is the trajectory that they claim for their plan in terms of cost containment. The blue line is what they acknowledge the President calls for.

As you can see, the tracks are very different. This red line is projected cost increase by the Congressional Budget Office. The difference between the approaches is that the Republican plan puts the risk of being wrong here on the senior, whereas the plan we put forward says we need to change the incentive structures, to change the incen-

tives in a way so that providers provide more cost-efficient care rather than putting that risk on the senior. That is the fundamental difference. And AARP, the largest organization of seniors in the country, agrees with what I have just said. They say in their letter:

The premium support method described in the proposal, unlike private plan options that currently exist in Medicare, would likely "price out" traditional Medicare as a viable option, thus rendering the choice of traditional Medicare as a false promise.

They go on to say that the purchasing power of this voucher will not keep pace with health care costs. Let's not put that risk on seniors.

And with that, I yield 2 minutes to the gentlelady from Florida (Ms. CASTOR) who has been just tenacious in making sure that we deal with these issues in a fair and balanced way.

Ms. CASTOR of Florida. I thank the ranking member very much.

The Republican budget makes something very clear, and that is, Democrats and Republicans have very different visions for our great country. The Republican vision is harsh, and independent commentators have said a few things about their proposed budget. They've called it reverse Robin Hood. They've called it disturbing. And they've called it extreme. And I think one of the primary reasons is that the Republican budget breaks the promise that this country has made to generations of Americans that is Medicare.

The fundamental promise of Medicare is if you work hard and you play by the rules and you pay into Medicare every year, as you are working, that it will be there for you in retirement, and you can live your retirement years in dignity. Even in the face of a diagnosis of Alzheimer's or cancer, you will not go bankrupt, and your children will not go bankrupt.

Medicare makes America great. But unfortunately, through this budget, the Republicans say they don't share that view. Specifically, the Republican budget ends guaranteed coverage that our parents and grandparents have paid for, cuts Medicare benefits. It increases premiums and co-pays, and it scraps all of those important democratic cost saving reforms that strengthen Medicare.

I offered an amendment in the Budget Committee that would retain closing of the doughnut hole, the annual wellness visit, and other benefits, but unfortunately, it was voted down.

□ 1600

It ends Medicare as we know it and forces the average senior to pay twice as much for half the benefit.

Americans need to ask why. Why do they want to cut Medicare while at the same time protecting corporate tax subsidies and loopholes like the ones for Big Oil? Why do they want to cut Medicare while at the same time increasing tax breaks for millionaires?

The Republican budget proposes a harsh vision indeed, a vision that is contrary to our values for American families.

Mr. RYAN of Wisconsin. To catch up on time, does the gentleman from Maryland want to yield to another Member?

Mr. VAN HOLLEN. Madam Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), who has been fighting for jobs as part of this budget.

Mr. PASCRELL. When I was introduced to this budget, the chairman of the Budget Committee stated that his reason for turning Robin Hood on his head was to stop an "insidious moral tipping point."

Madam Chair, I can only assume April Fools came early and this budget resolution is a joke.

We're going to steal from the middle class and working poor because we need to stiffen their upper lips and improve their moral fiber.

Let's talk about moral fiber. Where were the morals of the bankers on Wall Street who drove this economy off the cliff? They're doing just fine today. They're not doing time. But the middle class is still struggling and millions of Americans are unemployed.

You don't have to look far to see what the real intentions of this budget are. It's a 30-year pathway to poverty and shrinking the middle class even further.

Don't take my word for it. When asked if his tax plan would hurt the middle class, the chairman of the Budget Committee responded with: I don't know. There's no way to know that. Are you playing Russian roulette with a shrinking middle class?

Madam Chair, let's try and help the chairman figure this out. The \$4.6 trillion tax giveaway to the very wealthy in this budget means that the middle class homeowners lose their mortgage interest deduction and property tax deduction, students lose the deduction for interest on student loans, small businesses lose tax credits for buying insurance, and future seniors will have Medicare turn into a voucher program that will make them pay \$6,000 more out of pocket by 2022, because this Republican budget cuts \$800 billion from Medicare.

The Acting CHAIR (Mrs. MYRICK). The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. Premium support doesn't reduce costs. It simply shifts them to seniors without the guarantee of Medicare benefits.

Seniors like Medicare. Take it from me, they like the security it provides them, and it controls costs better than any private sector plan, and it costs less than any private sector plan. This is not a plan to strengthen Medicare. This is a plan to slowly drown it.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. VAN HOLLEN. I yield the gentleman another 10 seconds.

Mr. PASCRELL. And leaving no working family's stone unturned, this budget takes 62 percent of its \$5.3 trillion in nondefense budget cuts from programs that protect the most vulnerable in this society, which includes food stamps, Head Start, and the Women, Infants, and Children Nutrition Program.

This is a joke.

Thank you for presenting it to us. We'll present our own.

Mr. RYAN of Wisconsin. Madam Chair, the hyperbole knows no bounds these days.

I yield 3 minutes to the gentleman from Oklahoma, a member of the Budget Committee, Mr. LANKFORD.

Mr. LANKFORD. Thank you, Mr. Chairman.

Just about 2 months ago, I went with my daughter, parked in a church parking lot, and let her take the wheel.

She's 15 years old, and we're in that process of her learning how to drive. I do that because I'm her dad, and I know the dangers that she's about to face. I quite frankly know the dangers to our neighbors around us and their trash cans and their garage if I don't spend time teaching her how to drive. That's my responsibility to do that because I'm the adult and I'm to step up and take the lead when it's there so as to avoid the danger that is coming.

That is where we are right now as a Nation. We can continue to pretend that this is not serious and that we can continue to spend more money; and if we only just spent a little more and if we only tax a little more, we'll tax our way out of this, we'll spend our way out of this. I promise it will get better. I know that we're at \$15.6 trillion in debt; but if we only got it to \$18 trillion, if we only got it to \$20 trillion, then our economy will finally catch up and stabilize.

What the people back in my district say is the same thing that I know: The problem is bigger than that.

If we were 20 years ago saying let's tweak the Tax Code a little bit, let's do a couple of things, we could get a simple fix. It is not like that today. Just this year, we had \$1.3 trillion in deficit spending. This President has racked up in 3 years and 3 months more debt than the previous administration did in 8 years.

It is time to make some hard choices, but they are the right choices; and that's what I hear from people back home. They say: Balance the budget. It's not right to take away money from the next generation so we can try to just continue to stir up more programs for us.

It is not right to just create a never-ending list of new options and to say if we just give more money to this group

and to this group and to this group, it will fix it. It's not right that we don't protect defense. We have to do that.

People are frustrated. They are talking about the Tax Code. Just tax this person, just do this little bit, just add a few more pages to it. They want us to fix the Tax Code, not just tweak it.

Year after year I hear people saying to me, fix Medicare. Senior adults look at me and they get it. There's a problem. They want us to fix it. They want us to stabilize it. Considering all the things that were said last year, I'm amazed that PolitiFact said that the ending Medicare as we know it was the biggest lie of the year in politics, and it looks like it's in a race to win in 2012 again.

We are not ending Medicare as we know it. We are protecting it for the future because it is unstable. It is going insolvent. It is time for us to repair it and protect it and put it on a path that can be sustained for the days to come.

All the people in my district want is a reasonable, right plan that actually deals with the drivers of our debt, that actually deals with the tough issues and says stop playing with us, we're adults, let's fix this and let's get on with it.

Mr. VAN HOLLEN. Madam Chair, somebody who has said let's fix this in an adult way, a balanced way, the way other bipartisan groups have done is Ms. MCCOLLUM from Minnesota.

I yield the gentlelady 2 minutes.

Ms. MCCOLLUM. Madam Chair, this Republican budget is a political document. It's the House Republicans' platform for November.

The GOP platform puts our economy and millions of jobs at risk. They gut protections for seniors and families in need. They abandon local communities at a time when Washington should be a partner for opportunity and economic growth. The Republican platform cuts student loans and grants for higher education by \$166 billion. The Republican budget forces seniors to pay out of pocket an average of \$600 additional every year for medications they need because the GOP reopens and throws seniors back into the Medicare part D doughnut hole.

This budget drives Americans into an enormous GOP pothole, gutting Federal transportation investments by 25 percent, abandoning communities and businesses that need improved infrastructure to remain competitive.

This Republican budget cuts regular folks and then protects and showers benefits on the wealthiest and most privileged millionaires and billionaires.

The Republican platform should really be called Millionaires' Manifesto, because it will borrow billions of dollars from Communist China to guarantee every millionaire a tax cut worth nearly \$400,000, according to the Center on Budget and Policy Priorities. And all that is added to our national debt.

The Republican budget gives oil companies \$21 billion in taxpayer subsidies, while they are gouging Americans who are working hard when they fill up their tank at the gas pump and the oil companies continue to make record profits.

The GOP budget sounds extreme. Well, it's only because it reflects the core values of the Tea Party House Republicans: protect the rich, cut off the poor, and walk away from the middle class.

□ 1610

Democrats have a budget that prioritizes deficit reduction and invests in the middle class. Democrats strengthen our American competitiveness by investing in education, basic research, modern infrastructure and green energy: investments that will create jobs. I urge support for the Democratic proposal.

Mr. RYAN of Wisconsin. Madam Chair, I yield myself 1 minute to make a statement. I'm pleased my friend from Maryland brought our chart down to the floor with his yellow background.

Mr. VAN HOLLEN. If the gentleman will yield, let the record show that in a moment of genuine bipartisanship, I gave the chairman's chart back to him for his own use.

Mr. RYAN of Wisconsin. That's right. I thank the gentleman.

The cap on Medicare that is in law under the President's budget applies to current seniors. That doesn't occur for current seniors in our budget. We don't put this cap because we don't want the 15 bureaucrats putting price controls on care to current seniors. For future seniors 54 and below, Medicare grows at the same rate that the President's budget proposes it grows at. The difference is we don't want the bureaucrats rationing care.

On the purposes of taxes, I love this issue about tax fairness. The President is proposing higher tax rates and more loopholes. Here's the point I'm trying to make.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. Yielding myself an additional 30 seconds, I'll say this. If you look at the current code, the top 1 percent of taxpayers get almost all the tax shelters, all the loopholes.

So here's the novel idea that we have come up with, and it's a bipartisan one. Get rid of the tax shelters so you can lower everybody's tax rates. And so a person who is parking their money through an average of about \$300,000 in tax shelters, for every dollar in that tax shelter that's taxed at zero, we're saying get rid of the tax shelter and subject all of their money to taxation so we can lower everybody's tax rates.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. RYAN of Wisconsin. I yield myself an extra 30 seconds to simply say when eight out of 10 businesses in America file their taxes as individuals, raising these tax rates hits job creators. Sixty-five percent of net new jobs come from small businesses. Half of Americans work in these kinds of small businesses, and my friends on the other side of the aisle are saying it's not enough that they pay more taxes than their foreign competitors; we need to make them pay a 45 percent tax rate in January.

Well, I've got news for you. Countries around the world are lowering their taxes on their job creators, and the President is proposing to raise it. That is a job-killer.

With that, I yield 2 minutes to the gentlelady from the First Congressional District of Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. I want to applaud House Republicans for putting this budget forward. And here's why we're trying to save Medicare. Do you see this little green line? That's our Medicare revenue. Now, do you see this huge Medicare green line? This is how much we're spending on Medicare. Now, that's just in the last year. So if you extend that forward, you can see why Medicare as it exists is going broke. So that's why I'm so proud of the House Budget Committee.

What they've chosen to do is come up with a plan that will save Medicare in this way: if you want to keep Medicare, you can keep it. But if you want something like we Members of Congress have, you can elect to have that too. Now, here's what I have as a Member of Congress. When I came in as a Member of Congress, I had a preexisting condition, but the Federal Government couldn't turn me down because of that preexisting condition to acquire insurance. That's the way it would be under Medicare.

Further, I have a choice between about 10 plans. I chose a standard Blue Cross Blue Shield plan, and I knew I could get it filled anywhere in the country, including my rural State of Wyoming. I pay 28 percent of my premium. The Federal Government, the taxpayers, pay 72 percent of my premium. That's basically what they're proposing. You'd have a choice among plans. And you would pay part of the premium, and the government would pay part of the premium. If you're healthy or wealthy, you'd pay more of your premium. If you're unhealthy or unwealthy, you'd pay less of your premium.

Now, you could either choose that, if that was something you've become accustomed to, or if you wanted to choose to be on Medicare as you know it today, that would also be a choice. It seems to me, Madam Chairman, that's a great choice. I support the Republican budget.

Mr. VAN HOLLEN. Madam Chairman, the gentlelady who just spoke is correct that under the Federal Employees Health Benefits Plan that Members of Congress are on that there is a 72 percent for the premium. That's exactly what that steady green line is. And as health care costs go up, the gentlelady will continue through the congressional plan to get a steady amount of support under the Federal health plan that Members of Congress have. Under the Republican budget plan, in fact, that support drops steadily and deeply, which is why it is not premium support.

With that, I yield 2 minutes to the gentleman from Oregon, a distinguished member of the Budget Committee, Mr. BLUMENAUER.

Mr. BLUMENAUER. I appreciate the opportunity to speak, but I'm sad that we are speaking here today on what is an artful dodge on the part of my Republican friends to provide a political document instead of a meaningful budget.

First, as my good friend from Maryland just pointed out, they will slowly, surely, and steadily shift the burden to senior citizens by freezing the amounts the Federal Government will give. And it's interesting that Republicans save, they keep and then spend the money from reforming Medicare that is already ensconced in Federal law now.

This budget sets back an important opportunity to reform our tax program. Their \$10 billion of tax cuts over the next 10 years will be somehow offset by closing loopholes, and they have steadily refused to identify what loopholes they can possibly close without hammering average Americans.

You cannot do it. Every independent analyst agrees that this is going to be a massive shift in tax unfairness, and it's going to put a greater burden on most Americans while it gives more assistance to those who need help the least.

As far as closing loopholes, I just spent 4 hours in the Ways and Means Committee where they provided another big tax benefit that they're going to work to try to make permanent in the future. They're trying to have it both ways without being specific.

But I will tell you the area that is of greatest disappointment to me is not just the assault on the most vulnerable. Has anybody talked to the providers in your district about the cuts to Medicare, the frail, the elderly, the poor, the most vulnerable—

The Acting CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman 1 additional minute.

Mr. BLUMENAUER. But look at what is happening in transportation. This is an area, until this crew came to town, that used to be bipartisan. We used to be able to bring transportation bills to the floor and pass them in a co-

operative basis. We just had a Republican bill blow up because they didn't even have a hearing. It was absolutely a partisan effort, the worst transportation bill in history. Now we're on the verge of losing the construction cycle for this summer because they will not allow the bipartisan Senate bill to come to the floor that would provide stability not just for this construction cycle but for the next construction cycle.

What are the transportation elements of this budget? Look at them carefully. They would not even provide enough money to meet the contractual obligations that States, transit districts, and cities are already involved with. Contractors are at work on projects—

The Acting CHAIR. The time of the gentleman has again expired.

Mr. VAN HOLLEN. I yield the gentleman 15 seconds.

Mr. BLUMENAUER. Contractors are already at work, and their budget would not provide enough money to meet the obligations that we have right now, let alone build for the future. It is unfortunate, it isn't worthy of your support, and I hope you will vote "no."

Mr. RYAN of Wisconsin. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RIBBLE).

Mr. RIBBLE. Madam Chairman, I rise today to express my support for the fiscal 2013 budget resolution. There has been some fiery rhetoric that the House budget will end Medicare, but this simply is not the case. Both Republicans and Democrats have worked on plans that will strengthen seniors' health care accessibility and security.

If our country remains on its current path, in 10 short years Medicare will go bankrupt. The Congressional Budget Office warns that in 2022, the Medicare trust fund will run out of money and default on its obligations to current seniors.

□ 1620

As representatives of the American people, we here in Congress have the responsibility to address this growing crisis so that millions of seniors now and in the future will not be left without the vital care that they've earned and deserve. As a father and grandfather, I cannot, in good conscience, pass that burden on to my children and grandchildren—or, for that matter, anyone else's.

The House budget will not only protect Medicare benefits for seniors today but will also ensure its solvency for future generations. It guarantees coverage for current and future beneficiaries, regardless of preexisting conditions.

Premium support programs have had a proud history of bipartisan support and would also give more assistance to lower-income and ailing individuals

while reducing assistance to millionaires and billionaires.

Under our proposed fixes to preserve the Medicare program, beneficiaries will also be able to choose from Medicare health plans competing for their business just like seniors currently enjoy with the very popular Medicare part D prescription drug coverage. This will drive down costs, improve value, and increase choice.

And speaking of choice, instead of 15 unelected bureaucrats choosing, we will see 50 million seniors with the freedom to choose for themselves.

With this proposal, those who are at or near retirement—meaning any individual 55 years or older—will see no change whatsoever to their current benefits. Because there has been a lot of misinformation out there, I want to stress that point: no one 55 and older will see any change to their Medicare under this plan.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. RIBBLE. Simply put, the House budget will improve Medicare. It will inject financial life into this critical but threatened program.

The Path to Prosperity budget does exactly what the name suggests: it will decrease costs while improving health care quality and coverage for millions of seniors today and millions more tomorrow.

Mr. VAN HOLLEN. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), who has been fighting for education, among other things.

Mr. DOGGETT. This budget is based on the false belief that if we ask those who have the least in America to take a little less and we ask those who have the most to thicken their cushion just a little bit, that everybody will be a winner and America will grow. No matter how many times that mythology fails—most recently with the Bush-Cheney tax cuts that didn't grow the economy effectively but did grow the deficit to record levels. No matter how many times it fails, they insist on having a little more of it.

Our contrasting view on tax policy was demonstrated in the committee consideration of this bill. I suggested that we extend the higher education tax credit that I authored so that a mechanic and a nurse with a young person who's gotten their high school diploma in San Antonio, Texas, can walk over to St. Philip's or San Antonio College and have their tuition, up to \$2,500—which will cover tuition and textbooks there—that they get that right off their taxes, a tax cut. They rejected that tax cut because they said it would be better if we gave a tax break to billionaires and those at the top of the economic ladder, and eventually that mechanic and that nurse and that

young person would see the benefit. I don't think they do. I think they'd like to be able to choose for themselves with a higher education tax credit opportunity for the future.

And the little brother and the little sister there, or in Lockhart or in San Marcos, that want an opportunity to be prepared for school with Head Start and early education, our budget provides for them. It provides opportunity and hope for them. But Republicans insist that they ought to sacrifice a little bit more.

As for our seniors and our veterans, we suggested for veterans that we wanted to provide more job opportunities.

The Acting CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional 15 seconds.

Mr. DOGGETT. And as for our seniors, we suggested that getting a certificate to go fish for insurance is no substitute for Medicare.

This is about values, about dignity for those in retirement, and opportunity for our young people.

This Republican budget is not a Path to Prosperity. It's an expressway of retread ideas, an expressway to mediocrity.

Mr. RYAN of Wisconsin. Madam Chair, I yield 2 minutes to the gentleman from the Budget Committee, the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Madam Chairman, I rise today to participate in a debate that Americans deserve but, unfortunately, Democrats want to avoid.

Madam Chairman, the Senate has refused to pass a budget in over 1,000 days; but as Washington races down the road of debt and decline, hard-working taxpayers deserve an honest debate and a real choice. That's why we've come to the floor today.

This budget, the Path to Prosperity, gives the American people a choice between two futures: a future of deficit spending and taxes; or they can choose to set priorities, cut government spending, and keep Medicare solvent for future generations.

Madam Chairman, as I sit here on the floor today and listen to debate, I hear a lot of talk about a balanced approach, about shared sacrifice. Well, Madam Chairman, I believe what Americans are looking for is leadership. They're looking for people who they can trust.

I want to say thank you to the chairman of the Budget Committee, Mr. PAUL RYAN, for leading the Budget Committee in a team effort to bring forward a pathway that shows real solutions to the problems that we face.

Americans are asking themselves who can they trust in Washington. Well, the solution we always hear from the other side of the aisle is let's just raise tax taxes, raise taxes on the rich,

let's eliminate loopholes. Well, you know what? I agree. We should eliminate the loopholes, get rid of the credits, the incentives, and make a fairer, flatter Tax Code. But until Washington is truly determined to fix the spending problems that we have, to save Medicare, to make sure that Social Security is around for future generations, I don't think we should seriously look at any tax increases.

We can talk about tax reform, but Americans want us to address what we can control, and that is spending. We can talk about raising taxes or we can talk about tax restructuring. I believe tax restructuring would be a solution where we could find bipartisanship.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 15 seconds.

Mr. STUTZMAN. I believe that we can deal with the problems that we face in spending without raising taxes, and that we can truly address tax reform in a bipartisan fashion.

I ask that this body seriously consider the Path to Prosperity and support it.

Mr. VAN HOLLEN. Madam Chairman, I think we should engage in tax reform, but I don't think we need to wait for tax reform to get rid of some of the subsidies to the Big Oil companies or to get rid of the subsidies for corporate jets. We can do that now as part of a balanced approach.

With that, I yield 2 minutes to the newest member of the Budget Committee—we're pleased to have her on the committee—the gentlelady from Oregon (Ms. BONAMICI).

Ms. BONAMICI. I thank my colleague for yielding.

We have a real choice to make here, a choice between a Republican budget that hurts the middle class and those who are struggling to get out of poverty, and a Democratic alternative that presents a balanced approach to reinvest in our economy.

It's critical for the communities and employers in my district and around this great country that we continue to support, not cut, research and workforce development, that we renew our commitment to, not cut, public education. These are key areas in which we must invest in order to maintain and accelerate our much-needed economic recovery.

We've seen the private sector dividends paid by the research facilitated by the NIH, the NSF, and the Department of Energy. It's undeniable that emerging solar, wind, and even wave energy technologies will all have critical roles to play on our road to energy independence.

As these technologies continue to develop, we must improve upon, not cut, workforce development initiatives; and community colleges will play an important role in achieving this goal. In

Oregon, we've seen exciting partnerships develop between green energy technology manufacturers and community colleges.

Of course, access to a quality education must start well before our children reach college age. Our public schools are the cornerstones of our communities. We have an obligation to ensure that we provide the funding necessary, not cut important quality education that will enhance all of our children's future.

When our children do reach college age, it's important that the option of higher education is available and affordable. Instead of cutting Pell Grants and raising student loan interest rates in order to provide tax breaks for millionaires, let's work to protect our financial aid investments. Continued access to these programs will help prepare our future workers.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. VAN HOLLEN. I yield the gentlewoman another 15 seconds.

□ 1630

Ms. BONAMICI. These programs will help prepare our future workers for their careers in the next-generation technologies.

There's a stark contrast between the Republicans' budget and what my Democratic colleagues and I are proposing. We're at a fork in the road, and I urge my colleagues to avoid the path to poverty by rejecting the Republican budget and coming together to support the balanced approach.

Mr. RYAN of Wisconsin. Madam Chair, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. America is on the economic road to Greece. Our national debt is 100 percent of our gross domestic product. And I want you to think about that 1 minute. Did you ever think you would hear that on the floor of Congress, that our national debt is 100 percent of our gross domestic product?

It's just mind-boggling if you just take a step back and think, for every dollar we spend, 42 cents is borrowed. What would a business do, what would a family do, what would you do with your own individual finances? Obviously, you would change your ways.

Today we have that opportunity. That's what the Ryan Republican budget is all about. Number one, it reduces spending. It reduces spending by over \$5 trillion, more than the President.

Number two, it eliminates loopholes in the tax system so that the Tax Code would be fair, competitive, and balanced.

Number three, it reduces the deficit and the debt by over \$3 trillion.

And number four, it reduces the size of government from being 24 percent of

the economy down to 20 percent. Hopefully, we could even reduce it more than that, and it reduces the size of government without endangering us from a national security point of view, or without pulling out the safety net that's so important to our seniors and our most vulnerable members of society. It does this through commonsense reforms, through elimination of waste, through reduction and duplications.

You know there are 44 different Federal job training programs? If one of them works, why would you need the other 43?

The GAO says there are 19 duplications of effort and procurement at the Pentagon. Let's get rid of them.

Over at the USDA—I happen to know, I'm on this committee—the Federal feeding programs are unbelievable. If you're Bob, and you're 3 years old, Bob is eligible for 12 Federal feeding programs. At 10 years old Bob is eligible for nine. At 35 years old Bob is eligible for seven.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman 30 seconds.

Mr. KINGSTON. At 65, Bob is eligible for six Federal feeding programs. That doesn't mention what's going on on a State or local level. These are duplications that Democrats and Republicans alike should agree with, let's eliminate. This is the low fruit.

That's what the Ryan budget does, commonsense reform, elimination of waste and getting rid of the duplications, and putting America on a road to prosperity, so that my children, Ann, Betsy, John and Jim, can live in an economy that's growing where there's opportunities for them. And I urge my colleagues to support the Ryan budget.

BOB'S FOOD ASSISTANCE PROGRAMS

At age 3, Bob is eligible for 12 programs:

1. Child and Adult Care Food Program (CACFP)
2. Commodity Supplemental Food Program (CSFP)
3. Fresh Fruit & Vegetable Program (FFVP)
4. School Lunch Program (SBP)
5. National School Lunch Program (NSLP)
6. Special Milk Program (SMP) [Can receive if not on any other program]
7. Summer Food Service Program (SFSF)
8. Supplemental Nutrition Assistance Program (SNAP)
9. Temporary Assistance for Needy Families (TANF)
10. The Emergency Food Assistance Program (TEFAP)
11. Women, Infants & Children (WIC)
12. WIC's Farmers Market Nutritional Program (FMNP)

At age 10, Bob is eligible for 9 programs:

1. Child and Adult Care Food Program (CACFP)
2. Fresh Fruit & Vegetable Program (FFVP)
3. School Lunch Program (SBP)
4. National School Lunch Program (NSLP)
5. Special Milk Program (SMP)
6. Summer Food Service Program (SFSF)

7. Supplemental Nutrition Assistance Program (SNAP)

8. Temporary Assistance for Needy Families (TANF)

9. The Emergency Food Assistance Program (TEFAP)

At age 35, Bob is eligible for 7 programs:

1. Child and Adult Care Food Program (CACFP)
2. Commodity Supplemental Food Program (CSFP)
3. Supplemental Nutrition Assistance Program (SNAP)
4. Temporary Assistance for Needy Families (TANF)
5. The Emergency Food Assistance Program (TEFAP)
6. Women, Infants & Children (WIC)
7. WIC's Farmers Market Nutritional Program (FMNP)

At age 65, Bob is eligible for 6 programs:

1. Child and Adult Care Food Program (CACFP)
2. Commodity Supplemental Food Program (CSFP)
3. Sr. Farmers Market Nutrition Program (SFMNP)
4. Supplemental Nutrition Assistance Program (SNAP)
5. Temporary Assistance for Needy Families (TANF)
6. The Emergency Food Assistance Program (TEFAP)

At all ages, Bob can receive:

1. Food Distribution Program on Indian Reservation (FDPIR) if living on Indian Reservation & not receiving SNAP
2. Disaster Assistance Program (D-SNAP) if family experiences natural disaster
3. Nutrition Assistance Block Grant (NABG) if family lives in U.S. Territory

Mr. VAN HOLLEN. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK), the distinguished ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. I was interested to hear the gentleman from Georgia, a member of the Appropriations Committee, complain about this duplication. Apparently, during the 6 years when the Republican Party controlled the White House, the House, and the Senate, they didn't find any of them. They're late to see them, but better late than never.

The other concern I had was, he talked about duplication at the Defense Department in procurement. But this budget protects the Pentagon and, in fact, increases its spending.

Now, we have been told we should not be talking about cutting Medicare because that's not what's happening. So let me cite The Wall Street Journal, rarely accused of distorting the Republicans' position. In fact, they are defending the chairman of the Budget Committee against the right wing.

And here's what The Wall Street Journal says, because we're talking here not about cutting spending but shifting it. The Wall Street Journal editorial yesterday:

"Mr. Ryan's budget would cancel the additional defense cuts of \$55 billion a year"—out of \$700 billion—"under the sequester and replace them with savings in the entitlements. His Medicare

and Medicaid reforms would generate future savings many times greater than would be gained from gutting the defense budget.”

Now, some of us don't think that pulling out of Afghanistan, with the corruption there, quicker than is now planned would be gutting the defense budget. I know my Republican colleagues like to be critical of welfare in some cases, but they continue to support the greatest welfare program in the history of the world, the American taxpayer subsidy of the defense budgets of the wealthy nations of Western Europe.

But let me again read what The Wall Street Journal says. Here's how they characterize the Ryan budget:

Mr. Ryan's budget would cancel the additional defense cuts of \$55 billion a year and replace them with savings in the entitlements.

Social Security and Medicare.

So in this respect, at least, we're not talking about cutting spending, but shifting it from the military into the Defense Department. And that's why the AARP has written so persuasively that his plan would, in fact, destroy Medicare.

Mr. RYAN of Wisconsin. Madam Chair, I yield 2 minutes to the gentleman from California (Mr. CALVERT), a member of the Budget Committee.

Mr. CALVERT. Madam Chairman, since defense was brought up, I'm happy to defend our national defense.

I rise in strong support of the FY 13 Republican budget. It's a responsible budget that recognizes that we cannot continue on our current fiscal trajectory. It also acknowledges the importance of a strong defense.

Let's not forget: we're still a Nation at war. We have 90,000 combat forces deployed in Afghanistan as we're sitting here, and while we have no intention of staying there indefinitely, we must ensure that our troops have the equipment and support they need to accomplish the mission. We must also ensure that promises made to our veterans are kept.

We have emerging threats and turmoil across the globe. Joint Chiefs of Staff Chairman General Dempsey told us during a hearing on the defense budget that this is the most dangerous time that he has experienced in his long, decorated career, which is 38 years.

This is not a time for further cuts, which can fundamentally destabilize and increase the risk to our forces and the ability to secure the homeland. The President's budget provides the bare minimum for our forces for FY 2013, and would devastate them in latter years, with a planned \$487 billion in cuts over 10 years.

The GOP budget ensures that Congress fulfills the constitutional requirement for a strong national defense. It also recognizes the fiscal re-

ality that we face by incorporating the recommended efficiencies provided by former Secretary Gates and current Secretary Panetta.

The GOP budget also addresses the devastating impacts that sequestration, both the method and the amounts, would have on our ability to protect our vital national interests around the globe.

Make no mistake. Sequestration would decimate our military and signal to the world that we are ceding American military superiority. This is an unacceptable choice, and the GOP budget rejects sequestration as a means of addressing our fiscal challenges.

Instead, the GOP budget tackles sequestration head-on by thoughtfully and responsibly dealing with the real drivers of our national debt: mandatory spending programs.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. CALVERT. The choice is clear. We can either continue to bury our collective heads in the sand, as the President's budget does, or we can be honest with the American people and make the hard choices now that will ensure America continues to be the beacon of opportunity and success.

I urge my colleagues to vote for the FY 13 Republican budget.

Mr. VAN HOLLEN. I yield myself such time as I may consume.

Madam Chairman, the President's budget and the Democratic alternative also get rid of the sequester, but we replace that with \$1.2 trillion in deficit reduction through a balanced way because we think it's more important to protect that defense spending than it is to protect a lot of the special interest loopholes.

Here's the statement from General Martin Dempsey, the current Chairman of the Joint Chiefs of Staff. And he says, with respect to what this budget will do:

It's a force that's prepared to secure global access and respond to global contingencies. It's a military that can win any conflict anywhere.

Chairman of the Joint Chiefs of Staff, not talking about the Republican budget, talking about the President's budget.

With that, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the distinguished ranking member of the Small Business Committee.

□ 1640

Ms. VELÁZQUEZ. I thank the gentleman for yielding.

Madam Chair, I rise in strong opposition to the Ryan budget.

Our seniors and working families in New York struggle with rising rent, food, and health care costs. Now is not

the time to squeeze working families in order to provide tax giveaways to the most fortunate among us.

This budget will mean big cuts to the supplemental nutritional assistance program which provides food assistance to 1.8 million New Yorkers. For students looking to secure an education, this budget will mean drastic cuts to higher education funding, meaning higher costs for students. New York's small businesses and, to that effect, small businesses across this country will see Federal programs they rely on for access to credit and technical assistance reduced by \$80 million—exactly the wrong direction to go as we seek to hasten our economic recovery.

Nowhere does this budget fail our Nation more than in the area of health care. Medicaid will be slashed by \$810 billion, meaning disabled people, the working poor, and low-income children.

For our seniors who have worked hard their entire life, this budget will mean turning our back on the Medicare guarantee for the first time, pushing the 74,000 Medicare recipients in New York's 12th District into an untested, unreliable voucher system.

Let's be clear: if you vote for this budget, you're voting to end Medicare as we know it.

Madam Chair, the Ryan budget repeatedly chooses millionaires and billionaires over working families. Those are not American values. They are not New York values. We should reject them. Vote “no.”

Mr. RYAN of Wisconsin. Madam Chair, in 2011 PolitiFact labeled the line “this ends Medicare as we know it” as the lie of the year in 2011.

With that, I yield 2 minutes to the gentleman from Oklahoma, a member of the Budget Committee and also, I think, a member of the Appropriations Committee, Mr. COLE.

Mr. COLE. Madam Chair, I rise to support the Republican budget, and, frankly, I do so with a great deal of pride.

It's the only serious plan that either party has put forward that deals with the looming debt crisis that we face. It cuts \$5.35 trillion out of projected spending over the next decade. It reforms Medicare and Medicaid, something everybody in this House knows needs to happen. It actually lays out the blueprint for tax reform. It deals with the sequester in a responsible way. It forces the authorizing committees to finally begin to deal with the entitlement crisis that we face. And it adds \$200 billion back to defense spending over the next decade, something, as my colleague, Mr. CALVERT, pointed out, that is very much in our national interest.

This budget is politically viable. It passed the House last year; it will pass the House this year; and, frankly, it got more votes in the United States Senate last year—42—than any budget

presented by anybody. Let's contrast that with our friends on the other side.

The President's budget last year got zero votes in the United States Senate, a body that his party controls. Our Democratic friends in the Senate haven't produced a budget in 3 consecutive years, and our friends on the other side didn't do so when they were in the majority, didn't do so last year. I'm delighted, actually, that they will do so this year. I think that's a step in the right direction. But that budget is largely silent on entitlement reform.

My main criticism of all the Democratic budgets is not that they can't pass; it is that they're simply not serious. They don't deal with the problems that the country is facing.

In my experience, Madam Chairman, a plan beats no plan. Our friends on the other side have no plan. We do. It's a plan we should embrace enthusiastically to avert the crisis that faces our country, so I urge its passage.

Mr. VAN HOLLEN. I yield 1 minute to the gentleman from Virginia (Mr. CONNOLLY), a former member of the Budget Committee.

Mr. CONNOLLY of Virginia. Madam Chair, as the House votes on the budget this week, I remind my colleagues that a budget represents our values. Sadly, tragically, this Republican budget seems to value only cruel Darwinism debasing the American society as we know it to survival of the fittest.

If you value relieving traffic congestion, this disinvestment in transportation throws you to the wolves. If you value job creation efforts like Make It In America, the Republican budget leaves you out in the cold, unemployed. If you value the American innovative spirit, the Republican attack on education leaves nothing but scraps. If you value retirees and those that spent a lifetime making America what it is today, Republicans end the Medicare commitment to you and picks seniors' pockets.

Madam Chairman, the Republican budget disinvests in America. In fact, the only thing Republicans claim to value, fiscal responsibility, rings hollow in the face of a \$5 trillion of transfer of wealth to the already wealthy in America by cutting the highest tax bracket from 35 to 25 percent.

Simply put, this Republican budget attacks the America that I and my constituents value.

Mr. RYAN of Wisconsin. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank the chairman of the Budget Committee for this opportunity to speak here tonight.

Madam Chairman, next to me are photos of my daughter, Kate, and my son, Grant. On behalf of my two children and all of the children and grandchildren in America who will be left to pay our debt for the reckless spending that we've done here in Washington

that threatens their path to prosperity, I rise in strong support of the House Republican budget for 2013, H. Con. Res. 112.

This budget cuts spending to protect hardworking American taxpayers and tackles the drivers of our debts by reducing government size and reforming our tax system.

The Democrat-controlled Senate has not passed a budget in over 1,000 days, the entire time I've been a Member of this body. The President still refuses to offer credible solutions to the most predictable economic crisis in our history. Empty promises from our President and the Senate won't pay our bills, strengthen our health and retirement programs, fix our economy, or create jobs.

Madam Chairman, today we have a choice, a choice of two paths: a path of mediocrity or a path to prosperity. I urge my colleagues to support the path to prosperity. Vote for H. Con. Res. 112, the House Republican budget for 2013.

Mr. VAN HOLLEN. Madam Chairman, there is no doubt that we have to reduce the deficit and debt for the good of all of our children and grandchildren. The debate today is about how we do it and whether we do it in a balanced way. I would point out the Congressional Budget Office has told us that \$2 trillion of the debt over the last 10 years is attributed to the tax cuts in 2001 and 2003.

We keep hearing today about the need, which we all agree, to reduce the deficit, but we still have not heard a single one of our Republican colleagues say that we should reduce one tax loophole for the purpose of reducing the deficit so we can deal with this in a balanced manner.

With that, I yield 2 minutes to the gentleman from Massachusetts, the distinguished ranking member of the Natural Resources Committee, Mr. MARKEY.

Mr. MARKEY. Madam Chairman, millions of Americans around the country are focused on March Madness and the basketball Final Four showdown this weekend. But for our Nation's seniors and the middle class, the real March madness is happening right here on the House floor with the Republican budget. This is the GOP's burden of March madness with its own final four:

First, end Medicare guarantee for millions of seniors so that they're out of luck now in Medicare;

Then you move on and you force Grandma and Grandpa to pay more for all of their coverage or forego it in its entirety;

Next, what you do is you put billionaires first. You protect their tax breaks. You put them right up there on the top of the list of the most important people that need help in America today;

Then, fourth, you subsidize Big Oil by keeping the \$4 billion for tax sub-

sidies in the budget while cutting, by 85 percent in the Ryan budget, the subsidies, the funding for wind and solar and renewable energy. Tax breaks for Big Oil; cut the programs for clean energy.

□ 1650

So here is the completed bracket for the Republicans: ending the Medicare guarantee; abandoning Grandma and Grandpa; subsidizing Big Oil; and putting billionaires first. That is the Republican Final Four, and it's also the final answer for America.

Yet, unlike the NCAA tournament, the Republican budget doesn't pit these priorities against each other—they're all winners in the eyes of the GOP. The GOP used to stand for Grand Old Party, but now it stands for the Gas and Oil Party. It stands for Grandma is out of prescriptions. It now stands for greed over principle. This is the real March madness—the Republican budget that makes winners out of Big Oil and billionaires while running out the clock for seniors and hardworking families who are left to fend for themselves.

Vote "no" on this Republican budget.

Mr. RYAN of Wisconsin. By that, I am very amused, Madam Chairman.

With that, I yield 2 minutes to the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. Thank you, Chairman RYAN.

The American people have been asking for real and long-term solutions to the very real problems we face as a Nation. For the second year in a row, House Republicans, under the leadership of Chairman RYAN, are doing just that.

I come before you today to echo what many of my colleagues have said time and again: that the budgets that have been presented before Congress and before the American people represent a tale of two futures. I'm referring to the President's budget, which leads us down a path to despair, and I'm referring to the House Budget Committee's own Path to Prosperity.

One keeps us on an out-of-control spending spree, ignores the real challenges facing Medicare, and actually takes money away from seniors and allows sequestration to strip away vital defense spending. The other makes responsible choices that address the drivers of our disastrous debt and deficits, enables us to make good on our promises to seniors, and lives up to our greatest obligation under the U.S. Constitution: providing for the common defense.

I stand before you today as a marine veteran, the only NCO in Congress also actively serving in the National Guard, and as a member of the House Armed Services Committee. To borrow from a recent article in *The Weekly Standard*, I say to you today that the Ryan plan is more than just a path to prosperity;

it is truly a path to security. It is the only plan to come before this body that even begins to address the very real and scary cuts looming over our Nation's military.

I also agreed with the former Chairman of the Joint Chiefs of Staff, Mike Mullen, when he said that our national debt is our biggest national security threat. That's why I'm standing before you today in support of a plan, the only plan that makes both responsible cuts to our debt and that takes the necessary steps to protect our economic and national security.

I urge my colleagues to support the Ryan budget.

Mr. VAN HOLLEN. Madam Chairman, I yield 2 minutes to the distinguished ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank my friend from Maryland.

Ladies and gentlemen of the House, perhaps my colleagues on the other side, my conservative friends, either don't realize what they're doing in this budget or they're trying to make sure that nobody else knows what they're doing in this budget because this budget ends the Medicare guarantees and shifts the costs to seniors. Now, this is a simple statement of fact that it either does or it doesn't.

Number two: Those making over \$1 million a year in this country will reap an average tax cut of \$394,000, while it preserves tax breaks for Big Oil. True or false? It either does or it doesn't.

Number three: It destroys over 4 million American jobs in the next couple of years. True or false? Well, the Economic Policy Institute tells us that it's true.

The last point I would like to get a true or false response from: It raises Medicare eligibility from the age of 65 to 67. True or false?

I would yield to anybody on the other side who would like to elucidate, or clarify, any of the statements that I have made. I hear no response.

Mr. RYAN of Wisconsin. Madam Chair, what the gentleman refers to as simple facts was rated the lie of the year by PolitiFact in 2011.

With that, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

When you're hearing this discussion, you think: When are we actually going to tackle this problem? When are all of us going to concede that not one party is responsible for this debt but that we all are? We were headed toward this fiscal cliff long before the current President took the wheel. Let's face that. I think we have on this side. Yet leadership requires fessing up to it and actually doing something to change it.

This plan doesn't end the Medicare guarantee—arithmetic does. Unless we change something, unless we put it on

solvent footing, the guarantee is gone. Medicare will be bankrupt under the current trajectory. So what this plan does is recognize that and say, if you're currently in the plan, if you're currently drawing benefits, the plan shouldn't change for you; but those who are younger than 55 will need a plan that is solvent, that does work over time. So we're not ending that guarantee. The current system ends that guarantee. We're trying to fix it here.

I commend the gentleman for putting so much time into this. I commend the House Republicans for actually coming up and fessing up to the truth that not one party got us into this but that we're in this situation. This is the only budget being presented, along with one other later, the RSC budget, that actually treats this problem seriously, that treats it with the seriousness it deserves, and that actually has a plan to get out of it. So I commend the House Republicans for putting it forward, and I plan to support it.

Mr. VAN HOLLEN. Madam Chairman, I would point out again, just in response to my friend Mr. FLAKE, that this is the chart that was used by the chairman of the Budget Committee, Mr. RYAN, showing the President's plan on Medicare and the Republican plan on Medicare, both of which have cost containment over the next coming decades. The difference is how you achieve that cost difference.

The difference is that the Republican plan offloads all the risks of what they project to be increasing health care costs on to seniors because, unlike the plan that Members of Congress have, which, as I explained, provides a constant 42 percent premium support share, the Republican plan has the contribution for Medicare rapidly declining relative to the costs of health care, which puts all that risk on seniors.

With that, I yield 5 minutes to the distinguished Democratic whip, my friend from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Before I start my formal presentation, let me say the gentleman from Arizona is correct. We do need to take responsibility on both sides of the aisle. Very frankly, I will tell my friend we had an opportunity to take responsibility when the Bowles-Simpson Commission voted. There was a vote in the Senate. It was divided somewhat, but mostly they voted for it in the Senate. We had one of our people from the House vote for it, a Democrat. None of our representatives voted for Bowles-Simpson, I guess, because it wasn't perfect. That was a missed opportunity—it was a doggone shame—because that would have made 14 votes, and we would have had that on the floor in the Senate and in the House. I think this is a missed opportunity because I don't think this is a real document.

Now, frankly, I also think that we had a deal. We had a deal as to what the discretionary number was going to be, or as we call it in the jargon of the House, the 302(a) allocation, which the gentleman as a member of the Appropriations Committee knows about. We had a higher number and you had a lower number, and we made a deal in between. We haven't kept that deal. We haven't kept that deal because you couldn't get the votes in your committee, in the Budget Committee, for that deal.

□ 1700

So here we are, Madam Speaker. The chairman of the Budget Committee has spoken of a choice between two futures. He is correct in framing it this way. The budget he proposes would end Medicare's guarantee, cut taxes for the wealthiest, and place our economic recovery at risk.

Robert Greenstein, head of the Center on Budget and Policy Priorities, described the Republican budget this way, and I quote:

It would likely produce the largest redistribution of income from the bottom to the top in modern U.S. history and likely increase poverty and inequality more than any other budget in recent times.

Now, that is not a budget on which we proceed where you have a Senate that is chaired by the Democratic Party, majority leader, and a Democratic President. You're not going to get consensus on that kind of a budget.

So this is essentially a statement of purpose and vision by one party, not a document that anybody thinks is going to pass. However, that is a future we simply cannot afford.

In fact, the Republican proposal is not a realistic budget at all, I would suggest to you. Nobody believes in its premises that we, as a Nation, are suddenly going to decide to savage our domestic programs and leave the most vulnerable out in the cold. That's not America. That's not the values that we share as a country.

This disastrous budget ends the Medicare guarantee, increasing costs for seniors. It cuts Medicaid by a third. That's the most vulnerable in America, the poor in America.

My faith doesn't teach me that's the kind of policy I am going to support. I don't think anybody's faith teaches that. We want to take care of those who need the most help.

It will jeopardize access to affordable health and nursing home care for seniors, the disabled, and low-income families who depend upon it.

Furthermore, it repeals the critical patient protection and cost containment policies of the Affordable Care Act. That will cost us dollars.

Their budget slashes funding for programs that help the vulnerable, enable our children to afford college, and provide health coverage to those with

long-term disabilities; and it puts millions of jobs and our economic recovery at risk as a result of drastic spending cuts.

At the same time, the budget extends the Bush tax cuts, including \$1 trillion in tax cuts for the wealthiest among us, and cuts an additional \$4.6 trillion in taxes on top of that. In fact, you can get tax cuts up to \$10 trillion with the Bush extension and the reduction from 35 to 25.

And, oh, yes, we're going to eliminate preference items. We won't tell you what those preference items are. We don't know when we'll eliminate them, but we're going to eliminate them.

I happen to agree we need to look at preference items. I agree with Mr. RYAN on that proposition. I'm just not very confident that, given what happened in Bowles-Simpson, that anybody has the courage to do so.

It does all that without saying how it will be paid for; but presumably, as I said, by eliminating the deductions that middle class families rely on to send their kids to college and afford their homes.

Let me say this: I have said in the past and I will say it again today, we must have a big, bold, balanced deal. That will affect entitlements, it will affect revenues, and it will affect expenditures.

The Acting CHAIR (Mr. BISHOP of Utah). The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman from Maryland an additional 1 minute.

Mr. HOYER. I will tell my friend of my deep disappointment, because I think the chairman of the Budget Committee certainly is one of the individuals in America who could be a part of the solution but is not being part of the solution, is proposing something that is clearly unacceptable to this side of the aisle, to the President. We need to come together and come to an agreement.

Democrats have proposed a different future: one where we invest in a strong economy and ask everyone to contribute their fair share; a future where the Medicare guarantee is preserved and seniors' health security is protected; a future where students who work hard, take responsibility for themselves, and get accepted to college won't have to worry about whether they can afford to go; a future where we help businesses create millions of jobs here at home that won't be shipped overseas; a future, ladies and gentlemen, where the deficit is reduced in a balanced way—that's the key, we all know it's the key—with everyone pitching in.

Any of the Democratic alternatives, in my opinion, will be better than this Republican budget. And I don't agree with everything in each one of those budgets, clearly.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. VAN HOLLEN. I yield the gentleman from Maryland an additional 1 minute.

Mr. HOYER. We have a choice today, tonight, tomorrow of two futures, and that choice couldn't be clearer.

Ladies and gentlemen of this House, I urge you to stand together in defeating this budget and passing one that will bring our middle class and working families not a grim future but a bright future.

And in conclusion, let me say this:

Whatever happens to this budget, any of these budgets on the floor, is not going to be the final word. It perhaps will not even be the beginning word. We need to solve this issue, and we need to do it not by pointing fingers at one another, not by pretending that it's going to be simple, not by pretending that we're going to be able to make happy all of our supporters. We won't be. The hole we've dug is way too deep. The decisions we will make are way too tough. And the only way we will make them is to join hands and look the American public in the eye and say, We have to have a balanced deal. We have to do all that is necessary to put this Nation on a fiscally sustainable path for the chairman's children, for the ranking member's children, for my children, my grandchildren, and, yes, my two great-grandchildren.

Mr. RYAN of Wisconsin. I yield myself 2 minutes to first say, the gentleman doesn't look a day over a great-great-grandfather.

Mr. HOYER. I thank the gentleman.

Mr. RYAN of Wisconsin. First off, Mr. Chairman, I appreciate the sincerity of the minority whip's sentiment, and he is a man who means that. I know that.

I would say, though, that this process of fixing our country's fiscal path would have been made much better had the President proposed a solution. The President just gave us his fourth budget, and for the fourth time, it doesn't do anything to get this debt under control.

Mr. HOYER. Will my friend yield?

Mr. RYAN of Wisconsin. I apologize. I won't because I am under tight time constraints.

And more to the point, Mr. Chairman, the United States Senate, controlled by the gentleman's own party, they didn't pass a budget in 2010; they didn't pass a budget in 2011; and now they've announced courageously that they're not going to pass a budget in 2012 either.

How do you preempt and prevent the most predictable economic crisis in the history of our country, a debt crisis, if the President doesn't propose to do anything about it and the Senate won't even pass a budget?

We're leading; we're passing; we're proposing a solution. We understand

the other side would love to just wait for us to offer our solutions to then attack. We don't care about that. We're going to offer solutions. And when we hear the word "balance," watch your checkbook; hold your wallet. It means tax increases. Mr. Chairman, it's math. You literally cannot tax your way out of this problem. The problem we have here is a spending problem. That is why we propose to cut spending.

And with that, I yield 3 minutes to the gentleman from Utah (Mr. CHAFFETZ), a distinguished member of the Budget Committee.

Mr. CHAFFETZ. I first want to commend Chairman RYAN of the Budget Committee for actually doing the job that we were elected to do.

As Chairman RYAN pointed out, it has been more than 1,050 days since the United States Senate has actually decided to even address the budget. And yet I look at what they're doing. I can't figure out what they're doing. We are actually doing the job that we are supposed to be doing and doing it ahead of schedule, per the statute, per what this country should be doing, and I am proud of the fact that we are here debating a budget.

I am also terribly disappointed in the President's budget.

You know, it is interesting. As I routinely hear, Mr. Chairman, the Democrats talk about a balanced approach, the problem is the President has never, ever introduced a balanced budget, a budget that even over the course of time, at some point in time, would actually balance. It never balances.

So for 4 years in a row, we're going to have a \$1 trillion-plus deficit. Understand what that means for you and your kids.

When I was first elected in 2008, this Nation was roughly in the \$9 trillion debt range. Now we're going to be close to \$16 trillion by the end of the year.

Now keep in mind: How much is \$1 trillion? That number is so large, it's hard to get your arms around it. If you spent \$1 million a day every day, it would take you nearly 3,000 years to get to 1 trillion.

□ 1710

We deficit-spend as a Nation \$4 billion a day. My State of Utah, their entire budget, everything we do in our entire State is about \$13 billion for the year. This Nation deficit-spends roughly \$4 billion a day. We pay more than \$600 million a day in interest on our debt, and yet the President proposes a budget that over the course of time will get to \$26 trillion in debt in the next 10 years where we will see daily debt payments to service our debt. Those interest payments are going to be in a range closing in on \$2 billion a day. We can't do this, ladies and gentlemen. There is a proper role of government. We're taking a responsible approach, but we have to cut spending.

The reason I rise in support of this House budget is that over the course of time, we take that spending as a percentage of our gross domestic product and bring it down less than 20 percent.

Under the President's vision, he is fine with spending in excess of 24 percent of GDP. What does that mean? Think of all the transactions, all of the financial transactions in this country, and he is comfortable spending 24 cents of every dollar that is spent in this Nation. That is fundamentally and morally wrong.

But there is a choice. We have put together a plan. We are doing the heavy lifting. We're putting together a budget that's responsible.

I wish we could balance the budget overnight. You can't. We've got to put ourselves on a glide path. There is a proper goal of government. We have to achieve that. I believe that the House Republican budget is bold and realistic.

Mr. Chair, I thank the chairman for his great work.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

The debate we're having here is not whether to reduce the deficit and the debt. We have to do that. The issue is the choices we make in the process.

The President does have a budget; it does take a balanced approach. My colleagues say: Watch out. Well, watch out for the bipartisan Commissions, all of whom have recommended taking an approach that is balanced.

Yes, we have to deal with the spending part. We've cut a trillion dollars. There are additional cuts in these budgets, but we should also end the special-interest tax breaks, and we should ask folks at the very top to take a little bit more responsibility.

Here are the choices that are made in the Republican budget. Here is a very simple one. This is the continuation of the Bush tax cuts for the top 2 percent, \$261 billion. Meanwhile, they cut \$810 billion from Medicaid. Again, two-thirds of Medicaid spending goes to seniors and individuals with disabilities.

That wasn't enough. They apparently are doubling down on tax breaks that benefit the folks at the very top. This is the amount of tax break millionaires will get from continuing the Bush tax cuts. They've added over \$260,000 in additional average tax breaks for people making over a million dollars. They say they're going to make that up somehow. I'll tell you how they're going to make it up: by increasing the tax burden on middle-income Americans.

With that, I yield 2 minutes to the distinguished assistant Democratic leader, who has been looking out for average working Americans his entire career, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I thank my friend for yielding me this time.

I rise in opposition to this misguided Republican budget because it fails the moral test. The Federal budget should reflect the values of the American people, and this Republican proposal does damage to those values because it is fundamentally unfair to the middle-income, to the hardworking people of America, and the most vulnerable among us.

This Republican budget would end the Medicare guarantee that working people depend upon after a lifetime of hard work. The Republican budget creates new tax breaks of up to \$394,000 for the wealthiest few. This Republican budget destroys 4.1 million jobs. The Republican budget breaks faith with the agreement their leaders made in last year's Budget Control Act to maintain funding for essential services. And this Republican budget protects all Pentagon funds while putting schools, roads, and job creation on the chopping block.

The American people have spoken loud and clear in opposition to these misguided priorities. I urge the House to pass fair and balanced legislation to reduce our deficits in a responsible and surgical manner and invest in important priorities to build a strong middle class.

Growing up in a church parsonage in South Carolina, I learned to put faith into action through firmly held values and high moral standards. This Republican budget fails the moral test, and I urge my colleagues to join me in defeating it.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I yield 5 minutes to a member of the Budget Committee, the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank my chairman for yielding.

As a freshman, I have the privilege of serving on the Budget Committee. And in years past, the Budget Committee has been all about producing a political document, a document that may make for great sound bites, may make for great television, but doesn't make for great governance. As my friend from Arizona said earlier, the challenge, the \$15.5 trillion in debt that has been placed on the backs of every child, every man and woman, every family in this country, has been the path that both parties have chosen.

My friend from Maryland, the ranking member of the Budget Committee, says there is no disagreement that we have to get the debt under control. Yet the President, who, to his credit, has submitted a budget, submitted a budget that raised taxes by \$2 trillion on the American people, but so increased spending as well that the debt continued to climb even faster under the President's budget than it does under the broken system we have today.

Take a look at this. You can't see this, Mr. Chairman, but it's the drivers

of our debt. If you look here at the blue line, it is Social Security; and Social Security is a situation that we know is facing peril, but it's facing peril in a predictable way that we'll be able to solve and control.

We see here the green line. It's Medicaid and other health saving in this country, and yet it is growing rapidly. We know how we can begin to curb that spending.

Look at this red line. This is Medicare spending growing out of control. We know it. We know it's true. That's the question folks ask me back home. In this budget conversation, they say: Rob, why does it sound like it's a big Medicare discussion?

The reason is because Medicare is the driver. Medicare spending, the spending that is done through a government mandate where individuals don't have control over their own health care, is driving this debt train.

Going back to my pride at being a freshman member of the Budget Committee, Mr. Chairman, this is a headline from MSNBC. And you know MSNBC is not one of the biggest fans of this freshman class, not one of the biggest fans of this Republican Congress. But this is what they said in a headline from March 15: "In risky election-year move, Republicans offer Medicare alternatives."

That's right. That is why 100 new freshmen came to this body last year. They didn't come to recycle old ideas. They came to offer solutions.

Yes, I know it's an election year, but dadgummit, Mr. Chairman, an election year ought to bring out the best in this body as folks work even harder to fulfill the hopes and dreams of the American people. That's what Chairman RYAN and this Budget Committee have done.

Could they have punted on this, Mr. Chairman? Could they have said, You know what, this is just too hard. We know it's coming, we know it threatens every senior in this country, but let's just punt until after the election.

We've heard some folks who have adopted exactly that attitude, but not this chairman, not PAUL RYAN and the Budget Committee, not this U.S. House of Representatives. It may be risky, but they do it because it's the right thing to do.

□ 1720

And I tell you, Republicans and Democrats alike who were elected in this freshman class in 2010 came to do the right thing for the right reasons, not to follow election-year politics; and I'm just so proud of this chairman for giving us this opportunity.

So what is it that this Budget Committee solution is? Well, what it doesn't do, Mr. Chairman, is change anything for seniors on Medicare today, not one. No changes for today's seniors, whereas the President's proposal makes dramatic changes by empowering this 15-member IPAB board.

We preserve and protect Medicare in this budget by providing for seniors—my parents, your parents and your grandparents—providing an opportunity for them to have some say in their health care decisions. We tried that with Medicare Advantage. It's been dramatically successful, and we expand that to give families more choices about their health care decisions. Preserving and protecting the Medicare mandate for future generations, this is the alternative.

Just to be clear, you can't read this, Mr. Chairman, it's the small print, it's all of the small print, that indicates the IPAB board. And it takes a lot of small print to create it because folks were scared to death when this thing was created. There's all sorts of language in this small print, Mr. Speaker, about how rationing will not happen with this board. Why? Because when you put a government board in charge of people's health care, the first thing you think is rationing.

Well, what this board can do is clamp down on what we pay providers. Now, I want you to think about the doctors in your life. I want you to think about those folks.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman from Georgia an additional 1 minute.

Mr. WOODALL. In your church, in your Sunday school class, at the CVS and at the Walgreen's is where you see those family practice docs. Do you really think those folks are the health care problem in this country? Do you really think that clamping down on more of your neighbors who provide the care to our community is the answer? Because that's the only thing this IPAB board can do: clamp down on those docs, denying care to every senior in this country.

We offer an alternative. It may be a risky election-year move, but it's the right thing to do. And I want to thank the chairman. All the naysayers in this country who said you couldn't, you did. All the folks who said you shouldn't, you did. And you did it because it was the right thing to do. This is a document that can govern our Nation, and it's one that we can be proud of, and I've been proud to be a part of it.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments of the member of the Budget Committee, Mr. WOODALL from Georgia, but I don't think the choice the Republicans make in this budget is the right thing to do. I don't think the American people are going to think it's the right thing to do. I don't think the choice to provide another round of tax cuts for people making more than \$1 million a year while ending the Medicare guarantee for seniors who have median income

under \$23,000 a year is the right choice; and I don't think it's the courageous choice.

Now, I heard Mr. WOODALL say that it doesn't change one thing, not one thing in Medicare. That's just not true. This immediately reopens the prescription drug doughnut hole. The Republican plan takes some of the savings we achieved under the Affordable Care Act for Medicare, but instead of using it like we did to help strengthen the prescription drug plan, it reopens it. It does it immediately. That is an additional \$10,000 over 10 years for seniors who have high prescription drug costs.

Do you know what else it does immediately? It immediately ends the preventive care services we provided under Medicare. Because we want to encourage seniors to get that early care, so we eliminated the copays. Now they've got to pay that too, immediately.

Now, the gentleman said the President doesn't have a plan on Medicare. I keep having to remind my colleagues that this chart was presented by the chairman of the Budget Committee, Mr. RYAN. And the black line is the Republican plan, and the blue line is the President's plan. The red line is projected health care costs. And the difference between the two plans is that the Republican plan puts all the risk of those rising health care costs on the seniors. And you can see that when you look at this chart. This is current Medicare. It provides constant support for the health care services received by seniors. That's the blue line.

Here's the green line. This is what Members of Congress and Federal employees get. They get a real premium support. As health care prices go up, their premium support stays constant. This red line, that's what happens when you cap the support for seniors, as the Republican plan did. That red line going straight down is the same as that red line going straight up.

The difference between the approaches is we say, Let's modernize Medicare to put greater focus and incentives on the value of care, not so much on the volume of care, which drives up cost. The Republican plan puts all those risks of rising health care costs on seniors.

With that, I yield 1 minute to the distinguished Democratic leader, someone who has been fighting for jobs, for fairness, and for protecting the Medicare guarantee, Ms. PELOSI.

Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member of the Budget Committee for yielding to tell him how proud he makes us all for his important work in constructing a Democratic alternative to the Republican budget, that is, Mr. VAN HOLLEN's budget proposal that is a statement of our national values that says to the American people what is important to you about the education, health and well-being of our children, the eco-

nomic security of their families, and the health security of our seniors, those are important values to us; and those values are reflected in the Democratic alternative.

The Republican Ryan bill, on the other hand, I do not believe is a statement of our national values as to what is important to the American people as reflected in their budget priorities. But you be the judge. Would it be a statement of your values if you had a budget that said to seniors we're going to end the Medicare guarantee and you're going to pay \$6,000 or more while you get less in terms of benefits, while at the same time, we're going to give an over \$300 billion tax break to the wealthiest people in our country? Would that be a statement of your values, this \$6,000 more for seniors with fewer benefits, \$300,000 or more to the richest people in our country?

Would it be a statement of your values for you, my colleagues and the American people you represent, if you had a budget that said to Big Oil, we're going to continue to subsidize you to the tune of tens of billions of dollars, but at the same time, we're going to freeze Pell Grants, we're going to eliminate them for 400,000 young people and make them less available to over 9 million young people? Lower the benefits for some, eliminate it for others, and use the money to give tax subsidies to Big Oil, Big Oil which is making tens of billions of dollars in record profits each year?

Would it be a statement of your values if you said in your budget that all of those young people who are now children who have a preexisting medical condition—asthma, diabetes, birth defect—any of those preexisting medical conditions, under present law, under the Affordable Care Act, they may not be discriminated against in obtaining health insurance? But the Republican budget says they should be because we're going to eliminate that.

To the 2.5 million young people who are now on their parents' policies until they're 26 years old, this budget says "no" to you too. We're eliminating that. We're too busy giving tax breaks to the richest people in America. And while we're at it, with young people just graduating from college, some of them may have student loans, and in the House budget—thank you, Mr. VAN HOLLEN—in the House budget, we have a provision that says that come July 1, the interest on those loans will not double. We have taken care of that. Under the circumstances, the path we're on, the interest rates would go from 3.4 percent to 6.8 percent. The House Democratic budget says "no" to that doubling of interest. The Republican budget keeps it the same.

□ 1730

That's just to name a few things that I think may not be a statement of the

values of the American people, whether it's interest paid on student loans, availability of Pell Grants to young people, ending the Medicare guarantee, and as the distinguished ranking member said, right now today, overturning the resources that were put in the Affordable Care Act to reduce, to narrow the doughnut hole. Maybe 5 million seniors have benefited to the tune of \$3.2 billion already in the bill. Also, there are preventative services; there are annual wellness visits without a copay.

So we're talking about kitchen table items for people where people are trying to make ends meet, where people wonder about if their children will be able to go to college, and if they do, will they be able to have health insurance so that when they look for a job, they can reach their aspirations without having their choices only narrowed by whether they have health insurance or not until the bill comes into full effect.

So there are just a couple of things that I would want people to know about this bill. They are: ends the Medicare guarantee; ends the Medicare guarantee while making seniors pay more for less, while giving over \$300 billion in tax breaks to the wealthiest people in our country. And by the way, did I mention it? It's a job loser.

So I urge my colleagues to enthusiastically support the House Democratic proposal, which is a statement of our values and which our distinguished colleague will present—I don't know if it's tonight or tomorrow morning. I understand that it keeps changing.

The House Democratic alternative invests in America's priorities, creates jobs, protects our seniors and our students, strengthens the middle class. Democrats protect Medicare; Republicans dismantle Medicare. The Democratic plan asks the wealthiest to pay their fair share and put our fiscal house in order; the Republican plan gives them more than the tax break they've had, they almost double their tax break.

Our Democratic plan reflects the most enduring theme in America, the American Dream. Democrats want to reignite the American Dream, to build ladders of opportunity for all who want to work hard, play by the rules, and take responsibility. It does this by investing in small businesses and entrepreneurialism in our country, by strengthening the middle class. In that regard, we believe that our budget is a statement of our values.

We call upon our Republican colleagues to work with us on a budget that reflects our values. We must work together to protect and strengthen Medicare. We must put people back to work and build a broadly shaped prosperity for all Americans. We must make it in America to stop the erosion

of our manufacturing base. We must rebuild America, putting people back to work. We must do this with community involvement. And all of these things strengthen the middle class, which is exactly what our Democratic alternative achieves.

For the sake of our seniors, for our families, for our children, for our workers, I urge my colleagues to vote "no" on the Republican plan, which ends the Medicare guarantee and makes seniors pay \$6,000 or more for fewer benefits while it gives \$300,000 in tax breaks to the wealthiest people in the United States. And it costs us jobs to do so and doesn't reduce the deficit until nearly 2040. It's not a good deal for the American people. The Democratic budget is.

I urge a "yes" on the Van Hollen budget, a "no" on the Ryan Republican budget.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 1 minute to simply say, yesterday they said we're cutting taxes on millionaires by \$150,000, today it's \$300,000—it's probably going to be \$1 million tomorrow.

What I would simply say is, this line that says we're ending the Medicare guarantee, let me remind you, Chairman, that this was rated the "lie of the year" of 2011 by the nonpartisan PolitiFact.

We don't want a rationing board running Medicare. We want seniors in charge of Medicare. We don't want to take more from successful small businesses that create our jobs and make them uncompetitive in the global economy. We want to take special interest loopholes out of the Tax Code to lower everybody's tax rates, but especially those of small businesses that create our jobs. And more importantly, we want to balance the budget, pay off the debt. Ours is the only budget that does that. The so-called "balanced" approach by our friends on the other side of the aisle doesn't even pretend to get the debt paid off, let alone under control.

With that, I yield 2 minutes to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the chairman.

Mr. Chairman, when President Obama released his nearly \$4 trillion budget proposal in February, he called for more spending, more borrowing, and more taxes. Despite a national debt that's grown to more than \$15.5 trillion, the President elected to double down on the same old failed agenda.

The Senate has failed to pass a budget for more than 1,000 days—the IPAB wasn't on the margin when they had a budget the last time in the Senate—while House Republicans are actively working to address the economic crisis facing our country.

Americans deserve better than empty promises from a broken government, and the Path to Prosperity budget of-

fers a tangible way forward. This budget cuts spending in a meaningful way, lowers tax rates while simplifying the Tax Code, and strengthens the social safety net.

I ask the Senate and House Democrats, what's your plan? There is no greater contrast between the President's budget and our Republican budget than on Medicare—something I know something about having practiced medicine for 30 years. The President and congressional Democrats cut \$500-plus billion from Medicare to fund a new entitlement, and then their cost controls were a 15-member board, a bureaucratic board—basically a denial-of-care board.

No one argues that Medicare goes bankrupt in the near future, so doing nothing is not an option. Republicans propose to strengthen Medicare for current seniors by making no changes for those 55 and older, and giving future retirees the ability to choose their own health plan—what a novel idea that is—including a traditional Medicare choice, the same thing they have today. By implementing these commonsense reforms, we can ensure Medicare will be available to current and future generations.

I am very proud of my colleagues on the House Budget Committee who have worked tirelessly to draft a blueprint that sets our Nation on a path to balancing the budget and paying off the debt. This proposal protects the country, saves Medicare, and puts America on the path to prosperity.

Mr. VAN HOLLEN. Mr. Chairman, I would point out that the chairman of the Budget Committee has mentioned a number of times this PolitiFact. I want to read from what PolitiFact said with respect to this. He said that it's true that the term "terminate" Medicare, which some had used, was an overstatement. No doubt about it. Just like, apparently, a couple of years ago they've said—what I've heard from a lot of my colleagues that the Affordable Care Act was a "government takeover of health care." I've heard that a lot from my colleagues on the other side of the aisle. That was the big PolitiFact so-called "lie of the year" a couple of years ago. So let's just be clear.

But this is the important part. It says: If Democrats had just slightly tweaked their statements, they would be accurate. They go on to point out that, for example, when people said the plan last year would privatize Medicare, that was true. And that President Obama was also more precise with his words saying that the Medicare proposal "would voucherize the program and you potentially have senior citizens paying 10,000 or more." They didn't say that was false.

What we have said, what I have said very carefully all along is that it ends the Medicare guarantee. And I firmly believe it ends the Medicare guarantee

for this reason, for this reason right here: this is the current Medicare plan support for seniors in terms of the percent that they have to pay, that blue line, steady support. Green line demonstrates steady support that Members of Congress get from the Federal Employees Health Benefit Plan. Red line is what happens when you put seniors into the private health care market but you don't allow their premium support to rise with the projected rise in health care costs. Red line, down. I think that does end the Medicare guarantee.

With that, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

□ 1740

Mr. ANDREWS. Mr. Chairman, there's been an understanding in our country for a very long time that if you work as hard as you can your whole life and you follow the rules, that one of the things that you'll get as part of this American Dream is a secure retirement; that you ought to be able to spend the years after you work loving your grandchildren, pursuing your hobbies, doing the things in life that you love and enjoy.

Essential to that part of the American Dream is the Medicare guarantee, because here's what it really says. If you get sick and you need help, you get the help that you need as determined by you and your doctor and your family, and you pay your fair share in premiums and copays, but there's no insurance bureaucracy to run through. There's no approval you've got to get. If your cardiologist says you need a certain procedure and you think that you want to do it, you do it, and Medicare pays the bill.

This is a guarantee, and the reason it's needed is that you can't make a whole lot of profit off of insuring older and sicker people. So since 1965, this Medicare guarantee has been a part of the promise that we've made to American seniors.

This budget violates that promise because what it says is a substantial number of people, beginning with those under 55, will not be in Medicare. They'll be in a system run by the insurance companies of this country, and the decision will shift from people and their doctors to insurance companies.

Now, the other side will say, Well, it's going to be voluntary. Well, here's what, in all likelihood, is going to happen. The wealthier, healthier people will sign up for the voluntary system, and the poorer, older, sicker people will stay in regular Medicare. The resources will diminish, the care will dwindle, and Medicare will wither and die on the vine.

The Acting CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. This obviously is a good faith and legitimate philosophical difference. But when it comes to the termination of the Medicare guarantee, when it comes to jeopardizing and violating this covenant with the people who built this country, we think that's the wrong thing to do. And it's especially wrong when the savings—so-called savings—from this approach will finance yet another tax break for the wealthiest and most prosperous people in our country.

These are priorities we'll debate on this floor in good faith. We think they're the wrong priorities. We urge a "no" vote.

Mr. RYAN of Wisconsin. Mr. Chairman, let me yield myself 2 minutes to say, you know what ends the Medicare guarantee? The Medicare status quo.

We had the chief actuary of Medicare in the other day. He said it is \$37 trillion in the hole. That's the unfunded liability for Medicare.

Look at the driver of our debt. Medicare is growing at such a rate that it goes into bankruptcy, the part A trust fund goes bankrupt in 2021, according to CBO.

Now, what does the President's law, the current law in law, do?

It says we need to slow the growth of Medicare spending by putting a cap over Medicare. That's in law today. And then it says, in order to enforce this cap, we're going to have 15 political appointees that the President will appoint for 6-year terms. They make the decisions. They decide what health care providers can do or cannot do and what they get paid.

The Medicare chief actuary came and told us the other day, they'll start off by paying Medicare providers 80 cents on the dollar to provide Medicare benefits and then go down to 30 cents on the dollar.

You think your doctor's going to do what you need if he gets paid 30 cents on the dollar?

He said that 40 percent of Medicare providers are either going to go out of business or just stop taking Medicare patients altogether. That's the current law. That ends the guarantee.

Here's what we say:

Get rid of the rationing board. Stop the bureaucrats from getting between the doctor and her patients. And don't change Medicare for people 55 and above so that you can keep the promise the government's made to them. But for those younger generations, because the program is going bankrupt, you must reform it in order to keep the promise to current seniors.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself an additional 1 minute to say this:

And the way we keep the Medicare guarantee is to save this. You get a list of guaranteed coverage options from Medicare, and among those choices are

comprehensive private plans and the traditional Medicare option, and Medicare will subsidize your premiums.

Those subsidies go up every year. If you're low-income, all of your out-of-pocket costs are covered. As you get sick, more and more coverage to prevent you from having sticker shock. And if you're wealthy, yes, more will be paid out of pocket because we think you can afford it.

That saves Medicare. That makes it solvent. And the competitive bidding that is done to make those providers compete against each other for our business, using choice and competition, is what the Medicare actuary tells us is the best way to preserve and save the Medicare guarantee.

You see, premium support with competitive bidding ensures guaranteed affordability. This is an idea that has had bipartisan support going back to the nineties. Yet our friends on the other side of the aisle would rather have politics than to really work to save the Medicare guarantee.

I yield 3 minutes to the doctor from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Chairman, I thank the chairman of the Budget Committee for yielding to me.

We've heard our Democratic friends talk about IPAB, of which Chairman RYAN was just discussing. These 15 bureaucrats are nothing but a backstop, a backstop there to cut lower Medicare spending.

In baseball parlance, Mr. Chairman, backstop is sometimes synonymous with the catcher, a catcher who literally will throw every senior out at second base.

I like my colleagues on the other side of the aisle, Mr. VAN HOLLEN, my classmate, Mr. ANDREWS, who just spoke, but we're a country of laws and not of men, and I don't like anything about their budget.

Our budget incorporates the Ryan-Wyden plan to save Medicare from bankruptcy and health care rationing. Therefore, it's with deep concern for seniors that I've listened to my Democratic colleagues suggest that the bipartisan Ryan-Wyden plan will end Medicare as we know it.

Mr. Chairman, I cannot stress this point enough: Medicare, as the chairman just said, Medicare will be bankrupt as early as 2016 because ObamaCare already ended Medicare as we know it. It stole \$575 billion from Medicare in order to pay for ObamaCare.

I offered a simple amendment during ObamaCare that said any Medicare saving must go back into Medicare to save Medicare. Who could disagree with that? Well, the Democrats in the House did. Twice they defeated my amendment. Republican efforts to save Medicare from bankruptcy were thwarted by House Democrats because President Obama needed a piggy bank to pay for ObamaCare.

Today we have a bipartisan plan to save Medicare, created by House Republicans and Senate Democrats who put partisanship aside because our seniors need us to save Medicare from bankruptcy and save them from ObamaCare. If the Democrats vote against this plan to save Medicare, will they put forward their own plan to save Medicare? They're going to have an opportunity, indeed, even to vote for the Obama budget recommendation as well as their own.

Mr. Chairman, we've heard a great deal of rhetoric from my colleagues on the other side of the aisle, yet the silence on my question today has been deafening because they don't have a plan. And I hope they will stand up now and prove me wrong by telling me what is their plan.

Mr. Chairman, not only does this budget responsibly reform and save Medicare, this budget also charts the path to fiscal discipline that is long overdue in this city. H. Con. Res. 112 lowers spending by \$1.1 trillion below even what the House passed last year. This budget proposes \$5.33 trillion below what President Obama proposed in his own budget.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. GINGREY of Georgia. Furthermore, Mr. Chairman, this budget makes broad tax reforms that will prevent a \$2 trillion tax increase from taking effect January 1, 2013, will spur economic growth by lowering taxes to individuals and job creators, and it proposes a 25 percent—25 percent—corporate tax rate to promote domestic economic growth.

Mr. Chairman, it's time that we think of the next generation and not the next election. This Path to Prosperity charts a responsible course for the fiscal health of our country, and I urge all of my colleagues, support H. Con. Res. 112.

□ 1750

Mr. VAN HOLLEN. Mr. Chairman, I keep hearing my Republican colleagues say that their plan will provide seniors with affordable premiums for their health care services. I just keep asking myself why it is that their plan gives seniors on Medicare a much worse deal and a lot less support than the plan Members of Congress have under the Federal Employees Health Benefits Plan. That is a real premium support plan. That is a plan where the premium support keeps pace with rising health care costs.

So if you're talking about how to deal with Medicare, it seems to me that you should take the approach that we have taken, that the President has taken, where you modernize the system, you change the incentives to put focus on the value of care, on the qual-

ity of care rather than the quantity of care.

We're already starting up accountable care organizations. We're already starting up different methods of delivering care and different payment systems. That's a very different approach than putting the burden on seniors and putting the risk on seniors.

With that, I yield 2 minutes to the gentlelady who represents the Nation's capital so well, ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Chairman, I want to thank Mr. VAN HOLLEN for his brilliant and balanced work on the budget.

Shakespeare's sonnet says, "Let me count the ways." I am finding it difficult to count the reasons to oppose the Republicans' unbalanced, no-growth budget that threatens to send us back into a recession.

But when the tightest fist in the Federal Government, the OMB, says that the Republican budget would, and here I'm quoting, make it "extraordinarily difficult for the Federal Government to do its basic business," I listen.

The Federal Government, Mr. Chairman, is labor intensive. When the OMB says that there will be 4,500 fewer Federal agents on the border, working criminal cases and performing national security, I listen.

When the OMB says we won't be able to meet basic standards for food safety, I am listening.

We simply cannot keep freezing pay for Federal employees, which amounts to deep cuts or replace every three with only one employee and expect to continue protecting the American people at the same time.

The Republican budget kicks Federal employees while they are down and kicks their vital work right along with them. It guarantees the growth of the unaccountable contractor sector, which remains untouched in the Republican budget.

So much for the phantom savings at the expense of Federal employees.

Mr. RYAN of Wisconsin. I yield 3 minutes to the gentleman from Maryland, Dr. HARRIS.

Mr. HARRIS. Mr. Chairman, I want to thank Chairman RYAN for yielding 3 minutes to talk about such an important subject as the health care of our seniors.

You know, the other side of the aisle wants to play pretend. Let's pretend that we have a program sustainable for all future generations. Let's pretend that all our seniors right now have access to all the medical care and physicians that they want. Let's pretend that the Medicare program that the President's health care reform bill establishes for our seniors allows seniors and their doctors to choose what care is best for them.

But, Mr. Chairman, we would have to be playing pretend because, in fact, we know that the program is not sustain-

able for all generations. This graph here is not from the Republican conference. This is from the Congressional Budget Office. This is what happens, the red. It's no accident that it's in red. This is what happens to Medicare spending under the President's proposals.

We are right here in the middle. This is when my children reach their middle age. This is when they retire. This is when my grandchildren reach their retirement. It's not sustainable. Anyone looking at that graph knows it's not sustainable. We can't play pretend.

We would have to play pretend that all seniors have access to physicians. Go into my district in rural areas where seniors tell you they don't have access to primary care already because the Medicare program currently squeezes the payments, the providers to where providers no longer choose to take on as many Medicare patients as they can. The President's plan makes it even worse.

Finally, we would be pretending that patients get to choose and their physicians get to choose their care because under the President's plan, there are 15 unelected bureaucrats who decide, that President's rationing board, who decide what care my mother now will get, what care I'm going to get in 10 years, what care my son is going to get in 39 years when he reaches retirement age. Fifteen unelected bureaucrats, Mr. Chairman, by law only a minority of that board can ever have practiced health care. The majority are bureaucrats never having taken care of a patient. That's the plan that we have now.

Mr. Chairman, it will break if we don't take care of it.

I applaud the chairman of the Budget Committee for the bravery; and, Mr. Chairman, you know what the ads are going to be. You can see it now. You can hear all the talking points. America knows health care in America needs repair. They know the Medicare program needs repair if we're going to preserve it for future generations.

I urge my colleagues to choose this as the repair for our future generations.

Mr. VAN HOLLEN. Mr. Chairman, my colleague, the gentleman from Maryland, put up a chart with the red showing the rising costs of Medicare and said the President has no plan. Well, I wish the gentleman had looked at the chart of the chairman of the Budget Committee. We've seen it a couple of times today. It shows the black line being the House Republican trajectory, the blue line being the President's plan to contain costs. The difference again being that the Republican proposal puts all the risks of rising health care costs onto seniors, whereas the President's plan talks about changing the delivery system in a way to encourage the value of care,

focus on the value of care, rather than the volume of care.

I would only point out that we keep hearing about the IPAB. The reality is that anything they would propose, number one, by law cannot ration care. But number two is subject to review and a vote by Members of Congress, the people in this body.

With that, I yield 2 minutes to the ranking member of the Ways and Means Committee, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I've been listening to this debate; and you know, the Republicans' claim that they're saving Medicare is political mythology.

Essentially, what they're doing is shifting coverage to the private sector. They have a cap more stringent than that in the Affordable Care Act. So over time, more and more there is the erosion and the end of Medicare.

I want to say just a few words about the tax provisions in the Republican budget.

On Sunday, this is what was said: I don't know. That's what the Republican budget chairman said on Sunday when asked whether the middle class would suffer under his tax proposal.

□ 1800

It's important for the American public to know the facts. The Republican budget would cut taxes for the very wealthy. The top tax rate would be reduced by such a significant extent that, according to the nonpartisan Tax Policy Center, the average millionaire would receive \$265,000 in tax cuts. To pay for this tax cut, the Republicans would have to put on the chopping block provisions in the Tax Code relating to health, education, the home mortgage interest deduction, and pensions.

Mr. RYAN, you call these loopholes. No, these are policies. For example, four-fifths of the benefit of the health care exclusion goes to households earning less than \$200,000. Half goes to those earning less than \$100,000. Then 70 percent of the benefit provided through the home mortgage interest deduction goes to families who earn less than \$200,000.

The Acting CHAIR (Mr. HARRIS). The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional 30 seconds.

Mr. LEVIN. Yet the provisions that, in fact, disproportionately benefit the wealthy, including the reduction for capital gains and dividends, the Republicans would protect from any changes.

The Republican priorities could not be clearer when it comes to Medicare: end it. As to their tax provisions: help the very wealthy.

Mr. RYAN of Wisconsin. At this time, I yield 5 minutes to a senior member of the Budget Committee and also a member of the Ways and Means Committee, the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I want to commend Mr. RYAN for standing up for the future of our country and for his dedication to fundamental American principles.

Mr. Chairman, the Chairman of the Joint Chiefs of Staff, Michael Mullen, said last year that the greatest threat to our national security—the greatest threat to our national security—was our debt. Now, there are clear differences—you've heard them here today—about how we should address that debt. Americans have a choice to make, and it is a choice that will determine the future of our great country. By ignoring the drivers of our debt, by ignoring Medicare and Medicaid and Social Security, the President's most recent budget proposal ensures a future of ever-increasing debt and doubt and decline. In fact, before the Budget Committee, Mr. Chairman, we had earlier this spring Treasury Secretary Timothy Geithner, who admitted of the administration that they don't "have a definitive solution to our long-term problem. What we do know is we don't like yours."

Now there is real leadership.

The President's health care law, the current law of the land, cuts Medicare by more than \$500 billion for more government programs. The President's health care law ends the Medicare guarantee and puts us on this red path over here, Mr. Chairman, increasing the amount of debt that gives the Chairman of the Joint Chiefs of Staff pause to say that the greatest threat is our debt.

The President's health care law empowers the Independent Payment Advisory Board to effectively deny care to seniors. You've heard about it—15 unelected bureaucrats. None of them—none of them—can be actively practicing physicians. As a physician, I can tell you that gives me great pause.

You heard the gentleman from New Jersey down here, saying that, in their program, if a doctor says that you need cardiac surgery, you get it. Well, on the contrary, Mr. Chairman. In fact, if a doctor says you need cardiac surgery and if the board of unelected bureaucrats says you don't get it, guess what? You don't get it.

Then my friend from Maryland says, Oh, no. You can bring it to the floor of the House. You can bring it to Congress. You could have a review and vote on the floor of the House for your cardiac surgery.

Hardly, Mr. Chairman. It just isn't going to happen. The fact of the matter is this unelected board is charged with finding \$500 billion in reductions in payments to Medicare physicians. Consequently, what will happen is that it will essentially deny care to seniors.

As a physician, I believe that the President's health care law threatens all of the principles that we hold dear: accessibility, affordability, quality, re-

sponsiveness, innovation, choices. Every single principle of health care is violated by the President's health care law. It destroys the doctor-patient relationship. Yet it's not just devastating to the future of our health. It's also devastating to the future of our economy, which is, again, what drives the chart. Where is the middle class, Mr. Chairman, on this chart? In the red. Where are the American Dreams of our kids and grandkids? In the red.

So we are committed to the full repeal of the President's health care law, and today we advance bipartisan solutions to improve and to strengthen Medicare. Where the President and Democrats fail to act here in Washington, we will lead.

Our plan has no changes for those in or near retirement. It allows choices, including the Medicare option, so that patients control their health decisions, not bureaucrats. When bureaucrats choose, patients lose. In the future, Americans, through a guaranteed system—read the bill, Mr. Chairman—will be able to select the health coverage that is right for them, not what Washington says they must have. Our solution is guaranteed, it's voluntary, and it's bipartisan—something our friends on the other side of the aisle simply cannot say.

Our plan also includes commonsense tax reform—closing loopholes, lowering rates, broadening the base, helping job creators. It's a system that is more fair and more simple and that allows us to compete in the world because a vibrant and robust, growing economy is necessary to get us back on the right track, and the right track is the green path here, Mr. Chairman, that gets us to a balanced budget and paying off our debt.

Now, we know that the Senate won't adopt our budget. Remember, they haven't done one in over 3 years. So the solution to the Senate and to the Presidential gridlock is with the American people. It's the people of this great country who will decide the direction that we take, not Washington. It's the people who will decide. We offer a positive budget, a positive plan, for both our health care and our economy. It's a path to prosperity, and I urge my colleagues to support it.

Mr. VAN HOLLEN. I would just urge my friend Mr. PRICE to again look at the chart presented by the chairman of the Budget Committee, Mr. RYAN, which makes it clear that we have different paths, different approaches, with respect to containing costs. Yet, at the end of the day, the trajectories are the same.

I'll say again that if Republicans think the notion of the premium support plan—the voucher plan, whatever you want to call it—which doesn't rise with health care costs, is such a good deal for seniors, why are they giving

themselves a different deal in the health care plan for Members of Congress?

I now yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, we all recognize that we are facing difficult fiscal challenges and that we absolutely have to get our fiscal house in order. Obviously, that means that we have to make smart budgetary decisions and invest our dollars wisely in those things that will yield the greatest benefit. However, it doesn't mean that we just cut for the sake of cutting.

I rise today in opposition to the Republican budget, which eliminates the Medicare guarantee as we know it. Particularly, it eliminates the Medicare guarantee for my constituents in Rhode Island, our seniors. It also cuts programs that keep my constituents' homes heated, that help families afford college, and that ensure proper access to health care.

I rise in opposition to slashing infrastructure spending that literally prevents our bridges from falling down, as well as gutting investments in education, medical research, and emerging technologies, which provide key areas for job creation.

Finally, I rise in the strongest opposition to cutting these vital programs and economic investments while at the same time maintaining tax breaks for millionaires, Big Oil, and Wall Street.

Mr. Chairman, our budget reflects our values and our priorities, and the Republican budget prioritizes the wealthiest Americans at the expense of everyone else. I urge my colleagues to reject this measure and to support the Democratic alternative, which keeps our promises to our seniors, preserves our social safety net, invests in education for our children, invests in creating a 21st century infrastructure for a 21st century economy, and that asks all Americans to pay their fair share toward reducing our deficit.

□ 1810

Mr. RYAN of Wisconsin. I just have one more request for time, and then I will reserve the right to close. And I understand the gentleman has a number of other requests, so perhaps he would like to continue with his speakers?

Mr. VAN HOLLEN. Mr. Chairman, I now yield 1½ minutes to the gentlelady from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding and for his tremendous leadership.

I rise in very strong opposition to the Republican budget, which really is a path to more prosperity for the 1 percent.

Once again, the Republicans are proposing a budget that pays for tax cuts

for the very wealthy at the expense of senior citizens and the most vulnerable Americans. At a time when America faces the greatest—mind you, the greatest—income inequality since the Great Depression, this Republican budget would continue the largest wealth transfer in history to the top 1 percent. It would recklessly deny support services to the poor and the hungry, end the Medicare guarantee, and destroy American jobs, while preserving tax breaks for millionaires, special interests, and Big Oil.

That's not all. While the Republican budget crushes the American Dream for those striving to become part of the middle class—of course, that's the poor and the working poor—it would increase spending for an already bloated Pentagon budget and continue the war in Afghanistan at a time when seven out of 10 Americans believe the war should come to an end.

We cannot do this to America's struggling families and our seniors or low-income individuals. I urge all Members to reject this Republican budget and, instead, support the budget proposals put forth by Congressman VAN HOLLEN and the Democrats, the Congressional Progressive Caucus, and the Congressional Black Caucus.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. VAN HOLLEN. I yield 30 seconds to the gentlelady from California.

Ms. LEE of California. A budget is a moral document that shows our Nation's priorities and our values.

How can we allow this Medicare guarantee that our seniors have contributed to throughout their lives to be turned into a privatized voucher plan? Where is our sense of morality? Allowing our seniors to really just begin to fall through the cracks, that is just wrong.

We need a budget that puts Americans back to work, that invests in our future, that protects the safety net, including Medicare, and works to reignite the American Dream for all and not crush it for all but the wealthiest 1 percent.

Mr. VAN HOLLEN. Mr. Chairman, I am pleased to yield 2 minutes to the ranking member of the Education Committee, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

And just like last year, some Members of Congress and beltway talking heads are declaring the Republican budget proposal as bold and courageous. But just like last year's Republican budget, this budget proposal is neither bold nor is it courageous.

It's not bold to balance your budget on the backs of working families, low-income families, and the children of this Nation. This Republican budget, in fact, mortgages an entire generation of children's education and young people's education. It mortgages their edu-

cational opportunities by making cuts at the very earliest of early childhood education, at the elementary level of education, the secondary level of education; and it's going to allow the doubling of interest rates on student loans that families have taken out to provide for the higher education that these young people need to get jobs in this economy, to get the skills that they need to be able to go to work in this economy. Yet that is going to be slashed with their cuts, with their increased costs to those individuals.

It also sacrifices the health care benefits of a generation, of these same people, because under their proposal they envision the Affordable Care Act somehow going away, that they can repeal it, they can get rid of it. And that means that young people will not be able to stay on their families' policies as they finish their education or they seek out their first job, their first beginning of a career.

It also ends the Medicare guarantee. It follows the path that George Bush followed when he wanted to privatize it and then again in last year's budget, when they sought to end the guarantee. They're back again to end that guarantee to our senior citizens. It's not bold. It's just plain wrong.

The Affordable Care Act, in fact, strengthened Medicare. It made it more sustainable for seniors and sustainable for the taxpayers. It extended the Medicare trust fund.

But that's not what the Republican budget's about. It's about extending the deficits out until sometime in 2014, while at the same time not looking at the impact of military spending or continuing the war in Afghanistan, as they accept it in their budget.

And what it says is, therefore, we will shift the entire cuts to the young, to the old, to middle class families. But that cannot be allowed. The Republican budget must be rejected by this House.

Mr. RYAN of Wisconsin. Mr. Chairman, with that, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding and for his good work on this budget.

Thomas Jefferson once wrote:

To preserve the independence of the people, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

In this choice of two futures, unfortunately, Congress has all too often chosen the latter path of out-of-control spending and expansion of government power. There is a spending addiction in Washington, D.C., and it has proven to be an addiction that Congress has not controlled on its own.

The Nation has gone, in a few short years, from a Federal deficit of billions of dollars to a deficit of trillions of dollars. The government is printing

money at an unprecedented pace, which presents significant risks of inflation. Our debt is currently an unfathomable \$15.5 trillion and mounting rapidly, as is the waste associated with paying the interest on that debt. Yet Congress has done little to address this crisis.

Families all across our Nation understand what it means to make tough decisions each day about what they can and cannot afford. Yet far too often, this fundamental principle has been lost on a Congress that is too busy spending to pay attention to the bottom line. Americans must exercise restraint with their own funds, then government officials must be required to exercise an even higher standard when spending other people's hard-earned money.

While I believe that the House budget we are considering today is a good budget and I support it, it is dependent on fiscally minded Congresses being elected for the next 28 years who will be committed to upholding this budget, as well as a President who will sign fiscally responsible appropriations measures into law. That is why I am also a supporter of the Republican Study Committee budget. While this RSC budget is bold and some say drastic, these measures are needed to solve our Nation's fiscal crisis.

Mr. Chairman, unless each Congress—regardless of party affiliation—is forced to make the decisions necessary to actually set a budget—unlike the U.S. Senate—and create a balanced budget, the temptation will always be there for Congress to spend more than it receives in revenues. And that is the advantage of a constitutional balanced budget amendment which would ensure that the principle of fiscal responsibility is forced upon all future Congresses.

The balanced budget amendment is a commonsense approach to ensure that Congress is bound by the same fiscal principles that America's families face each day. I am pleased that the Republican Study Committee proposal seeks to balance the budget in 5 years and puts us on a path to save Medicare.

Finally, I urge this Congress to demonstrate leadership and make the tough but bold decision to stop the government spending spree. We cannot continue to saddle our children and grandchildren with debt that is not their own.

I support the Republican Study Committee budget. I support fiscal responsibility.

Mr. VAN HOLLEN. Mr. Chairman, I now yield 1½ minutes to Mr. WELCH of Vermont, a gentleman who has been focused on fiscal responsibility.

Mr. WELCH. Mr. Chairman, the budget challenge we face requires two things: first, it requires the confidence to invest in the future and rebuild the middle class; second, it requires the

discipline to bring down our debt with a plan that recognizes what is obvious to all Americans, that any plan with any prospect of success must include spending cuts and revenues.

This budget, instead, makes things worse and delivers a body blow to the middle class. It doubles down on tax cuts, adding \$150,000 in cuts to the wealthiest Americans. It increases Pentagon spending, fencing it off from it being required to make any contribution to reducing our debt. And that body blow to the middle class, it's delivered by cutting Pell Grants, kicking kids off of work study, by taking away things that the middle class needs, a functional Food and Drug Administration, FAA, cuts in national science. It is really bad for the middle class.

Americans know that a budget is much more than line items on a spreadsheet. It's about who we are and what we aspire to be. And the question is this:

This budget believes in austerity. It leads to prosperity; no evidence for that. This budget believes that tax cuts for the wealthy will create jobs; no evidence for that.

In our budget, we believe something very simple:

We're all better off when we're all better off, and that requires a budget that reflects what has always made America great: investment in a middle class that's strong and that's enduring. Our hope in passing any budget has to be that the middle class will be strengthened and that parents will have some confidence that their kids will be better off than they were.

□ 1820

Mr. RYAN of Wisconsin. I am the last speaker. I reserve the right to close. So I will let the gentleman from Maryland use up all his time.

Mr. VAN HOLLEN. Mr. Chair, I yield 2 minutes to the distinguished vice chairman of the Democratic Caucus, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

Mr. Chair, I stand in strong opposition to the Republican budget that we are considering here today.

How easy it is for some to forget that when President Bush took office, we had surpluses as far as the eye could see, and when President Bush left office, we were left with a deep pool of red ink.

My friends on the other side of the aisle talk about the urgency of reducing our deficits, but where were my deficit-concerned colleagues when Congress passed tax cuts for the wealthiest Americans, adding trillions to the deficit? Where were my deficit-concerned colleagues when President Bush took us into two wars without paying for either?

I find it hard to believe that after voting time and again to add trillions to the deficit, that the only solution they offer to create economic growth in this country is to end Medicare and to hand out more tax cuts to the wealthiest among us.

The Republican vision in this budget doesn't reflect the America that I grew up in, and their vision of an America that can't is not the country that I want my children to inherit.

Budgets are about choices, and this Republican budget chooses billionaires over seniors and oil subsidies over college dreams for our middle class.

The same Republican budget that replaces the Medicare guarantee and gives us "coupon care" that immediately and dramatically increases seniors' health care costs and that cuts college aid for over 9 million students and slashes investments in our K 12 schools, turns around and showers hundreds of thousands of dollars on millionaires and billionaires. You can't make this stuff up.

What's most astonishing to me about this budget is the absence of any talk about real Americans, those fighting to hold on to their jobs and their homes.

America has always been the land of opportunity, where those who work hard and play by the rules have a chance to succeed and to achieve the American Dream.

Instead of turning America into a can't-do country where you begin by dismantling Medicare and Medicaid and dismantling our programs to help our children trying to go to college and all of those institutions that we rely on, the Institutes of Health and all of those that do all the science research for us, we should recognize that this is still a great country.

We need to come together in this debate with the conviction that America's best days are yet to come.

I urge my colleagues to vote against this can't-do Republican budget and for the Democratic alternative.

Mr. VAN HOLLEN. Mr. Chairman, at this time I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong opposition to the Republican budget.

Once again, the Republicans move a slash-and-burn budget that would turn Medicare into a private voucher system and force seniors to spend more than \$6,000 out of pocket every additional year. It would gut Medicaid, education programs, medical research, and transportation among other things. You name it, they devastate it.

First, the Republican budget calls for a staggering \$10 trillion in tax cuts for the wealthy and large corporations over 10 years. It would pay for it by closing unspecified tax loopholes, but this is a fraud. For loophole closing of this magnitude, the Republicans would have to get rid of all the tax breaks the

middle class depends on, loopholes like the mortgage interest deduction, the tax exclusion for employer-sponsored health insurance, and charitable donations. This won't happen, which is why the Republicans won't name any of their loophole closings.

The Republican budget then proposes \$5.3 trillion in non-defense discretionary spending cuts, beyond what was agreed to in last year's debt ceiling, \$1.2 trillion beyond. It would slash \$860 billion from Medicare and all to pay for tax cuts because it wouldn't balance the budget until 2040, because these cuts are to pay for the tax cuts for the wealthy.

For shame.

Mr. Chair, I rise in strong opposition to the Republican budget for FY13 as offered by Mr. RYAN.

Last year, the Republicans moved a slash-and-burn budget proposal that would have eliminated Medicare and substituted for it a private voucher system, and would have implemented devastating cuts to Medicaid, education programs, medical research, and transportation, among other things. You name it, they wanted to devastate it.

Now we turn to this year's Republican budget proposal and, as one famous New Yorker would say: It's déjà vu all over again.

First, the Republican budget calls for a staggering \$10 trillion in tax cuts for the wealthy and large corporations over ten years. They claim to pay for this giveaway by closing unspecified tax loopholes. But this is a fraud. For loophole closing of this magnitude, the Republicans would have to get rid of all the tax breaks the middle class depends on—"loopholes" like the mortgage interest deduction, tax exclusions for employer-sponsored health insurance, and charitable donations. This won't happen—which is why the Republicans won't name any of their "loophole-closings."

So this would make the budget deficit \$10 trillion larger—which is why they do not anticipate balancing the budget until 2040. But they make devastating spending cuts—not to balance the budget, but to pay for their tax cuts for the wealthy. What priorities!

The Republican budget seeks even deeper spending cuts than last year's proposal. It proposes \$5.3 trillion in non-defense discretionary spending cuts—\$1.2 trillion (22 percent) beyond the cuts agreed to in last year's Debt Ceiling deal. More than 60 percent of these cuts would come on the backs of middle- and low-income families.

For example, the Republican budget would slash \$860 billion (34 percent) from the Medicaid program while turning it into an unguaranteed block grant. These severe cuts would shift the cost burden to the states, who would have to decide between investing even more of their own money, cutting benefits, shifting the cost onto beneficiaries, doctors, and hospitals, throwing people out of the program, or all of these. The Urban Institute estimated that the Republican plan would result in between 14 and 27 million people being dropped from Medicaid by 2021.

Additionally, the Ryan budget would reduce food stamps by \$134 billion, knocking 8 to 10 million people from the program and leaving

them to go hungry. WIC, which provides nutritional assistance to women and children, would also be cut, taking food out of the mouths of 700,000 pregnant women, new moms and their kids. Over the next decade, nearly two million women and children would be left without access to critical food. What kind of cruel and heartless country do the Republicans want us to live in?

Seniors on Medicare don't fare much better. First, Republicans would raise the eligibility age to 67, leaving seniors aged 65 and 66 out in the cold. They would force seniors to go it alone in negotiating with private insurance companies for coverage. Seniors would receive vouchers to offset the cost of private insurance—vouchers whose value would increase much more slowly than the cost of buying medical insurance. CBO estimates that within ten years seniors would have to pay \$6,000 more out of pocket for medical care annually. All this, mind you, while promising to do away with all of the provisions in the Affordable Care Act, like medical ratio requirements, which actually help to stem the cost of private insurance.

Don't look to the Republican plan for investments in infrastructure, medical research, or education—primary or collegiate, for students or for teachers—because they are not there.

And the Republican budget would greatly increase unemployment. According to the Economic Policy Institute, Republican spending cuts would result in the loss of 1.3 million jobs next year and an additional 2.8 million jobs the year after that. That's 4.1 million jobs lost in just two years, thereby eviscerating all the jobs added to the economy in the last 23 months and then some.

Mr. Chair, the sheer gravity of the cuts proposed by the Republican budget is staggering and disastrous. While no budget is perfect, any of the Democratic proposals under consideration today is head and shoulders better for America, and for Americans, than the Ryan Budget Against America: Part Two.

While we may disagree on how to continue to support and grow our economy, let's stop using the working poor, the middle-class, women, kids, and seniors as pawns. I urge my colleagues to vote no on the Ryan budget.

Mr. VAN HOLLEN. Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Maryland has 2 minutes remaining.

Mr. VAN HOLLEN. Thank you, Mr. Chairman. I yield myself the remaining time.

The debate we've had this afternoon is not whether we should reduce the deficit, whether we should reduce the debt, but how we do it, the choices that we make in reaching that goal.

We support what has been described as a balanced approach, the same approach taken by every bipartisan group that has looked at this challenge. That approach says, yes, we need to make cuts. But we should also cut special interest tax loopholes for the purpose of reducing the deficit. We should also ask folks at the very high end of the income ladder to go back to the same

tax rates they were paying during the Clinton administration.

Our colleagues reject that balanced approach. I have not heard one of our Republican colleagues say that they're prepared to take one penny from closing a tax loophole, one penny from getting rid of an oil subsidy for the purpose of deficit reduction. When you do that, when you say we're not going to ask the wealthiest to share a greater responsibility, you have to take your budget cuts out on everyone and everything else. That's why they slashed the transportation funding next year by 46 percent, kicking the economy when it's down. That's why they end the Medicare guarantee for seniors. That's why they reopen the prescription-drug doughnut hole. That's why their budget cuts Medicaid by a third, by the year 2022, in the name of repairing the social safety net. That's not repairing the social safety net. That's blowing a hole in protections for the most vulnerable Americans.

That is not a choice the American people want to make. The American people would choose a balanced approach. They would not choose another round of tax breaks for the wealthiest Americans at the expense of seniors, at the expense of middle-income Americans, at the expense of important investments. They would reject that approach.

I urge my colleagues to reject that approach and adopt the balanced Democratic alternative.

I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the balance of my time.

When we confronted the 2008 economic crisis, which launched us into the worst recession since the Great Depression, which threw millions of people out of work, which lost trillions of dollars in wealth in retirement savings for millions of Americans, that crisis caught us by surprise. We didn't see it coming. Out of that came very ugly legislation that lots of us supported.

Mr. Chair, this one is the most predictable economic crises we've ever had, and we have a Senate that has chosen for 3 years in a row to just do nothing. We have a President who, for the fourth budget in a row, proposes to do nothing to fix it. In fact, he makes it worse.

Here is what we're trying to do. We're trying to go to the country and offer them a solution. We don't think the country is headed in the right direction right now because a debt crisis is coming. So we feel morally bound and actually legally bound because the Budget Act requires that we pass a budget to offer a solution and an alternative: fundamental tax reform to get job creators creating jobs; take away the special interest loopholes and tax shelters and treat everybody fairly; stop raising the tax rate on successful

small businesses to 45 percent, like is going to happen in January, and instead keep their tax rates low so they can create jobs; control spending; reform our welfare system.

We believe the American idea is essentially an opportunity to decide if the safety net—and we believe in a safety net that is there to help people who cannot help themselves, and to be there to help people who are down on their luck get back on their feet. But we do not want to convert this safety net into a hammock that lulls able-bodied people into lives of dependency and complacency which drains them of their will and their intentions to make the most of their lives.

□ 1830

We believe in a system of upward mobility and opportunity. We believe when we see Medicare and Medicaid going bankrupt that we should fix that. Let's let the States innovate, create, and have good solutions that meet the needs of their populations by giving them more control over Medicaid. They run it already right now. They just have all these government rules and regulations from Washington.

Stop the rationing board from denying care to current seniors. Get rid of that, and replace it with a guarantee that current seniors get the promise made to them and future seniors actually have a program that's solvent. So instead of having 15 bureaucratic elites price-control their program, allow 50 million seniors in the future to choose which one they want the best. One-quarter of seniors already today pick among the private plans that meet their needs. We want to keep giving them the choices.

At the end of the day, it's about a choice of two futures: Do we want this path of debt, doubt, and decline where we have a debt crisis, where the people that get hurt first and the worst are those who need government the most—the poor, the people in the safety net, and the elderly who depend on Medicare—or are we going to get this debt under control and pay it off and give our children a better future?

At the end of the day, it's a philosophy. What the other side is doing and what the President is proposing is that elites in the bureaucracy who are unelected, they make the decisions. In my judgment, Mr. Chairman, that is paternalistic, it's arrogant, and it's condescending.

So the question really is: Who do you want to be in charge of your life, you or these cronies in government?

Do we want to keep taking money from job creators and from families and sending it to Washington so they can distribute it to their cronies, so they can distribute it to whoever has the clout, and so they can make all these decisions in our lives on health care, financial services, education, the

environment, and energy? If we keep surrendering our liberties and our freedom and our dollars, we won't have the right to pursue happiness as we see happiness in our own lives.

The idea of this country is that our rights come from nature and God to us automatically before government. Our rights don't come from government. But the idea that's being perpetrated, the path the President is putting us on, is one where he and his elites in Washington know better. They define our rights for us. They regulate, ration, and redistribute them for us. Whatever you call that, Mr. Chairman, that is not the American idea.

We have a profound responsibility to look our children in the eye, like our parents did to us, and fix this country's problems so they can have a more prosperous future. We know, without a shadow of a doubt—it's irrefutable—the next generation is going to be worse off. We know that if we allow this debt crisis to continue, if we allow it to kick in—and the experts tell us it could be as little as 2 years away—everybody is going to get hurt and the economy is going to go down.

We have a moral obligation to do something about that. What we're saying is do it now, do it on our own terms, do it in a way where people can see the reforms that are necessary so they are gradual, and do it in a way so that we can keep the promises the government has made to people who have already retired who count on government the most.

At the end of the day, Mr. Chairman, this is about choices. And we are going to give the country a choice of two futures so they can decide whether or not we want to maintain the American idea in this country.

I yield back the balance of my time.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman from Texas (Mr. BRADY) and the gentlewoman from New York (Mrs. MALONEY) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I yield myself such time as I may consume.

At the end of the day, the Republican budget developed by our Budget chairman, PAUL RYAN, is a jobs bill. We know America faces an unemployment crisis today greater than at any time during the Depression. We know roughly 23 million Americans can't even find a full-time job. We know that while government spending has rebounded and how other factors have rebounded in this economy, what we know is that jobs haven't rebounded. In fact, there are fewer jobs in America today than when this President took his oath of office.

So we're going to talk about this budget and its impact on America's economy. The truth of the matter is, if

you like the way our economy is going, if you think this is the best we can do, stick with the President's budget and stick with the Democrats' budget. It stays the course. But if you think we can do better for American hard-working taxpayers and jobseekers, there is a choice of two futures.

Mr. Chairman, it's a privilege to serve as the vice chairman of the Joint Economic Committee, the lead Republican for the House and Senate. I'd like to acknowledge the contributions that my fellow House Republicans, such as Dr. BURGESS, Mr. CAMPBELL, Mr. DUFFY, Mr. AMASH, and Mr. MULVANEY make as members of the Joint Economic Committee.

We are here as a matter of law. Established in 1946 as the congressional counterpart to the President's Council of Economic Advisers, the Joint Economic Committee has provided timely insight on economic issues to the Congress for more than half a century. We helped lay the intellectual groundwork for the Kennedy tax cut in 1964, and its 1980 report plugging in the supply side established the credibility of supply-side economics and paved the way for the Reagan tax cuts in 1981. The Joint Economic Committee examines economic developments and evaluates economic ramifications of policies being considered by the Congress, such as this budget, and work by the JEC Republicans received national attention during the debate over President Obama's plan to nationalize health care in the 111th Congress.

Since the Humphrey-Hawkins Full Employment and Balanced Growth Act of 1978, the Joint Economic Committee has performed an important function in this, the annual budget process. Advising Members of Congress on the potential economic impact of the policies set forth in the President's budget and the budget resolution we consider today, it's for this purpose we come to the House floor this evening.

Well, let's begin our assessment of the House budget by discussing some very key economic principles.

Real growth in the economy, which is the foundation for creating jobs along Main Street for hardworking Americans, comes from the private sector and not from government. The Joint Economic Committee examined for the last 40 years the relationship between changes in government spending and jobs along Main Street and private payroll employment. And what's clear is that there is not a tight relationship; there's an inverse relationship.

As Federal Government spending grows, jobs along Main Street shrink. Likewise, when the Federal Government takes a smaller share of resources from Main Street, more hard-working taxpayers find jobs as payroll employment increases. And this chart shows—the blue being Federal Government spending and the red being jobs

along Main Street—every time Washington grows, Main Street shrinks.

My colleagues across the aisle argue that Federal spending should increase when private job growth plummets, but even during periods of sustained increases in Federal spending and investments, jobs along Main Street have remained low or negative. And put simply, Federal spending doesn't create jobs. Only when Federal spending subsidizes do jobs grow.

Next, there's a very close economic relationship, though, between what we call private nonresidential fixed investment growth. What that means is, when businesses invest in building and software equipment technology, jobs along Main Street grow. This chart shows, again, since 1971, in blue the private investment, businesses software, equipment, and building; in red, job growth along Main Street. And it shows almost a nearly identical correlation.

So, in the end, growing jobs in America depends upon more investment in America, not Federal Government spending, more investment that creates those jobs. In spite of that evidence, 40 years of proven evidence, the White House, President Obama, and Congressional Democrats have only pushed us deeper and deeper into debt.

□ 1840

We have to remind ourselves that both the debt we hold to the public and our gross Federal debt are reaching new post-war levels. They've never been this high since World War II.

Publicly held Federal debt roughly doubled to nearly 70 percent of the size of our economy in just the 4 years leading up to 2011. The same can be said of the gross Federal debt, again, reaching 100 percent of our economy—dangerous levels: dangerous levels to the economy, dangerous levels to our credit rating, dangerous levels to our investment. According to the President's latest budget estimates, this gross debt isn't expected to go under 100 percent for years and years. In fact, he proposes a budget that never balances. The President proposes a budget that takes us deeper and deeper and deeper into debt and hangs an anchor around America's economy.

There is a better solution, and the model is right in front of us. All you have to do is compare President Obama's spending-driven approach to the economy and look at the last serious recession, that which President Reagan had to tackle. Despite bailouts and Cash for Clunkers and auto bailouts and stimulus and deficit-spending in the trillions of dollars, you can tell this recovery continues to struggle. A good comparison is the Reagan recovery because that recovery was fueled by Main Street, by private investment and free enterprise, just the opposite of President Obama and congressional Democrats.

The White House's current focus on massive increases in Federal spending, expanding government beyond imaginable levels to encourage growth has been a failure. Meanwhile, the smaller government, free-market approach utilized by the Reagan administration proved to be much more successful.

Looking at the comparisons between the two, at this same point in the recession, President Reagan's increase in jobs was up almost 10 percent; President Obama's is less than a third of that. The unemployment rate had dropped 3.5 percent at this point in the recovery under President Reagan. It's less than half of that under President Obama.

In average growth, how did the economy grow under the free-market, less-spending approach of President Reagan? It grew by 6 percent. President Obama's record is about a third of that.

These policies by this President and this Democrat Congress of the past 2 years, prior to Republican control, has failed. The point of the matter is government needs to get out of the way. We need to cut government spending. We need to hold the line and reform our terrible tax system. We need to free our small businesses from the oppressive level of regulation coming out of Washington.

Mr. Chairman, in a moment I'm going to talk about the tax reality. We're going to talk about how the current budget that we've living with today inflates our prices and damages real business. But at this time, I have a number of key speakers from the Joint Economic Committee in our conference that I want to get to.

So at this point I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

I am afraid that our colleagues have made a slight mistake in naming their plan. This budget should be called the "Road to Austerity" because it is a plan that is most noteworthy for the rather harsh austerity it demands of the many and the lavish benefits it extends to the few.

It clearly envisions a rising tide of selective tax cuts that would lift all yachts, but leave most dinghies. Our Republican friends like to talk about making the hard choices. What they propose here would indeed make things much harder for millions of Americans, but it will also make things much easier for a fortunate few—millionaires and billionaires. That's their plan.

But before we get to the specifics of the plan tonight, it's important to examine where we are before we decide where we want to go.

Because of President Obama's economic policies, there are continuing signs of economic progress and recovery. For example, in the fourth quarter

of 2011 and through the beginning of this year, there is fresh new data showing that the recovery is gaining strength. The economy has added more than 200,000 jobs for 3 straight months. As you can see from this chart, private sector employment has increased for 24 consecutive months; And during these past 24 months, the economy has added almost 4 million private sector jobs.

On this chart, the red bars are the Bush administration. It shows that in the closing days, the closing months, this country was losing over 700,000 jobs per month. The blue bars are the Obama administration. And you can see the steady, slow gains and the 24 months of gains of jobs in the private sector.

This chart is similar to one that was presented by Chairman Bernanke in his testimony before the Financial Services Committee in the Humphrey-Hawkins hearings. This is from his report. It shows the low, deep area we were in when President Obama took office, losing so many jobs, and because of his policies, the steady gain and the continuing gain we hope to see.

Actions taken by the President and Congress, including passage of the Recovery Act and recent legislation to continue Federal Unemployment Insurance and extend the payroll tax cut through 2012, have played an important role in driving this economic recovery and private job gain.

Few would disagree, however, that to reach this point has taken longer than we would have liked. It has required fiscal interventions to sustain and strengthen the economy and to support those harmed by the Great Recession. And it has required a variety of creative and effective approaches from the Federal Reserve to ease monetary policy and boost growth.

I would also like to show the chart on unemployment. It shows that the unemployment rate has fallen significantly, from 9.1 percent last August to 8.3 percent in February, which is well below the peak of 10 percent reached in October 2009. So, again, these are positive signs under the Obama administration.

Still, there are far too many Americans hurting. The reality is that we have a long way to go to regain the ground that we lost during the Great Recession: 12.8 million Americans remain unemployed, and more than four out of 10 unemployed have been jobless for more than 6 months. The share of those unemployed and out of work for more than 6 months has been greater than 40 percent since December of 2009, a period of time that has been unprecedented.

Clearly, cutting further into the unemployment rate and bringing down the rate of long-term unemployed must be continuing priorities of this Congress. I can say that Democrats will not be satisfied until every American

who wants a job can get a job. So while we have made some economic progress, there are many challenges ahead.

While GDP has grown for 10 straight quarters, GDP growth in the first quarter of 2012 is projected to slow to an annual rate of just 1.9 percent. This is far from robust economic growth. The European community's economic weakness may present new headwinds in the months ahead. And the recent spike in U.S. oil and gas prices leaves consumers with fewer dollars in their wallets for other purchases, putting new pressure on the recovery.

Clearly, we need Congress to stay vigilant on the fiscal side. Part of this fiscal vigilance is rejecting austerity plans and short-sighted budget cuts that will jeopardize the recovery while harming the most vulnerable among us, including low-income Americans and senior citizens.

□ 1850

The reality is that the majority's Ryan budget harms those who need help and doles out tax breaks and benefits to those who don't. Let me be as clear as I possibly can. The Ryan budget, if it were passed by this House, would risk our recovery.

The majority's budget resolution for 2013, the Ryan budget, abandons the economic recovery, contains policies that ship American jobs overseas, and harms our Nation's economic competitiveness. And by slashing programs that low-income and elderly Americans count on, while cutting taxes for corporations and the wealthiest individuals, the Ryan budget provides the latest, clearest example of Republican economic priorities.

Just like last year, the Ryan budget ends the Medicare guarantee, shifts the burden of rising health care costs onto seniors, and shreds our Nation's social safety net. These are bad choices for America.

The Ryan budget extends the Bush tax cuts and lowers the current top tax rate from 35 percent to 25 percent, giving millionaires and billionaires a 10 percentage-point tax cut.

Instead of asking the wealthiest Americans to do what they can to help restore fiscal responsibility and preserve vital services, Republicans would choose to slash support for tuition assistance and other services in order to pay for tax cuts that provide a huge benefit to millionaires and hurt America's working middle class.

The Ryan budget includes the latest attempt to end Medicare as we know it. Instead of strengthening Medicare, Ryan's plan would replace Medicare's guaranteed benefits with a voucher for Medicare or private insurance, creating higher costs for seniors and unraveling the traditional Medicare program.

Initial analysis shows that the plan would cut future spending by \$5,900 per senior, shifting costs to seniors and di-

minishing their access to quality care. Republicans continue to propose ideas to end Medicare, even though 70 percent of Americans support keeping the program as it is.

The Ryan budget would strip away health care benefits for millions of American families. By repealing the Affordable Care Act, Chairman RYAN's plan would eliminate benefits that are providing stable and secure care for millions of Americans and go back to the days when insurance companies would deny coverage or jack-up prices, or just refuse coverage because of pre-existing conditions whenever, and however, they pleased.

The Republican budget would get rid of benefits Americans are already receiving, such as the following:

Free preventive health services for 32 million seniors; \$3.2 billion in prescription drug savings for 5.1 million seniors by reopening the doughnut hole; reducing drug coverage; preventive services like mammograms, cervical cancer screening, and contraception for over 20 million women; coverage for 2.5 million young Americans who have already gained coverage on their parents' insurance plans; protections from insurance companies canceling coverage when people get sick; and denying coverage to children with preexisting conditions.

And the Ryan budget also eliminates benefits slated to help Americans in the coming 2 years, such as access to stable and secure care for 32 million Americans; protections against being discriminated against due to gender or preexisting conditions; or facing limits on coverage for over 105 million Americans.

Chairman RYAN's budget does something else. It breaks the agreement made last year to reduce the deficit, backing out of the bipartisan deal Republicans and Democrats made on government spending. Many will recall last year, in order to avert an unprecedented national default, Democrats and Republicans passed the Budget Control Act.

The Ryan budget breaks that agreement, that bipartisan agreement, by slashing government services by \$19 billion more than was agreed to in the Budget Control Act. Republicans would break their word on spending and reduce services and investments, all while slashing tax rates for millionaires and billionaires.

The Ryan budget block-grants Medicaid, slashing \$810 billion from the program, jeopardizing nursing home care for seniors, and shifting costs to States.

Chairman RYAN's plan reaffirms the Republican call to end Medicaid as a safety net, jeopardizing vital services that seniors depend on, like nursing home care and home health care aides, and shifts the burden of rising health care costs to cash-strapped States.

According to the nonpartisan Congressional Budget Office, these dramatic reductions in spending "might involve reduced eligibility coverage of fewer services, lower payments to providers, or increased cost-sharing by beneficiaries, all of which would reduce access to care."

The Ryan budget increases the burden on low-income Americans. The Republican budget block-grants and slashes funding for the Supplemental Nutrition Assistance Program by almost \$123 billion over 10 years, jeopardizing economic security for millions of Americans.

The Ryan budget would also just pull the plug on America's clean-energy industries. Instead of moving toward a clean economy and reducing dependence on fossil fuels, Chairman RYAN's plan pulls the plug on support for clean-energy technology and simply calls for opening more land to drilling, even though American oil production is at its highest level since 2003, and the oil and gas industry is using less than one-third of the 75 million acres of land offered for development. And it continues the subsidies to the oil industry.

This plan would pull Americans out of the race to create well-paying new jobs and dominate the growing global market for clean-energy technology.

The alternative, of course, is the Democratic plan, which takes a totally different approach, a balanced approach of shared sacrifice that meets the Nation's need to invest in the future, keeps our country strong, and preserves Medicare and our social safety net, while continuing tax relief for working families.

For me, the choice is easy, not hard. I urge you to join me in supporting the Democratic plan, supporting Medicare, supporting working families, supporting the middle class, and supporting the firm belief that the American Dream is alive and well.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Wisconsin (Mr. DUFFY), one of the key new members of the Joint Economic Committee who understands you can't tax your way back to a strong economy or to a balanced budget.

Mr. DUFFY. To be clear, we owe over \$15 trillion in national debt. This year we're going to borrow \$1.3 trillion and a couple of years before that. Every year we've borrowed \$1 trillion.

And I hear my friends across the aisle talk about a balanced approach. I believe the American people want a balanced budget. I think we need to be clear on what the Democrat proposals are. If you look at what my friends across the aisle have proposed in regard to a budget, it never balances. There are deficits and debt as far as the eye can see.

The President's budget, there are debts and deficits as far as the eye can see. It never balances.

Then we look at the Democrat-controlled Senate. For 3 years they haven't passed a budget.

And so I think the American people want honesty. They want to make sure that the Democrats are honest with regard to how much debt we're going to pass off to our next generation.

□ 1700

They want us to be honest with regard to how much debt the Democrats want the Chinese to buy from America. I think they want us to be honest in regard to tax rates that, as of April 1, America is going to have the highest tax rate in the industrialized world. My Democrat friends across the aisle, they want to raise taxes even further. So when a business is looking at where it's going to invest, is it going to be in America or somewhere else? Or if you're looking at investing in America or somewhere else, they look at tax rates.

When we talk about shipping jobs overseas, it's these tax policies from my friends across the aisle that ship my jobs in Wisconsin overseas.

They talk about fairness and wanting to balance the budget on a fair playing field. Let's take a look at this chart. Today, the two top tax rates are 33 and 35 percent. If you want to get the deficit down to 3 percent of the economy, you have to raise those top tax rates to 72 and 77 percent. If you want to get it down to 2 percent of debt to the size of our economy, you have to raise the top tax rate to 86 and 91 percent.

The bottom line is, if you wanted to pay off the debt with the current spending agenda of the Democrats, you could never do it by taxing. You could take all of the wealth, all of the income of those top tax earners, and you would never balance the budget.

Americans want you to be honest in regard to the fallacy that you can tax your way out of these debts and deficits.

I think America wants you to be honest in regard to your plan for Medicare, the plan that says you want to take a half a trillion dollars out of Medicare and use it for some other group. Taking seniors' money that they have invested in that plan for a lifetime, take a half a trillion out and use it for another group of people; that's unconscionable.

But moreover, you want to set up a board of 15 unelected bureaucrats who are going to ration our seniors' care, a board that's going to systematically reduce reimbursements to doctors, hospitals, and clinics, and, in essence, will impact the access and quality of care, not of some future generations of seniors, but of today's seniors.

So when we talk about taking care of our seniors, let's have a plan that truly takes care of our seniors, which is the House plan.

I hear about a guaranteed benefit that the Democrats talk about for our

seniors. There is no guaranteed benefit for our seniors. They're rationing it down to nothing.

I think it's important we talk about a bold plan, bold leadership that's going to resolve the problems that we face in this country; a plan that is going to put us on a path of sustainability, that will balance our budget, that will pay off our debt; a plan that implements pro-growth policies so our economy can expand.

The Acting CHAIR (Mr. WOMACK). The time of the gentleman has expired.

Mr. BRADY of Texas. I yield the gentleman an additional 30 seconds.

Mr. DUFFY. A plan that will put us on a pro-growth path, but also a plan that will preserve and protect Medicare and save it for future generations.

I would ask my friends across the aisle to stop pandering but to join us in bold leadership, and I would submit that their children and grandchildren, some not yet born, would applaud their bold leadership to save our country from this massive debt that will be their future if we don't act.

Mrs. MALONEY. Mr. Chairman, I yield 4 minutes to the gentlelady from Pennsylvania, a member of the Budget Committee, ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Mr. Chairman, I just wanted to add a few words. Some of these kinds of issues have been talked about all day or all afternoon, but I felt compelled to rise again to talk about what really is at stake here, and what is truly a sharp contrast between the Republican budget and the Democratic budget alternative.

Our budgets as a Federal budget should reflect our priorities and values as a Nation. Our Democratic budget moves America forward by building for the future, by investing in innovation, in education, in energy with confidence and expectation about the opportunities that are available to us in this country.

But it also ensures that we keep our promises to America's seniors by protecting and strengthening Medicare.

The Republican plan for America moves our Nation backward and harms our economic competitiveness now and into the future by choosing sustained tax cuts for millionaires over small businesses and jobs for the middle class, by choosing tax breaks for our biggest companies rather than investments in our future economic growth.

Their vision is one in which college becomes more expensive for millions of Americans, where investments in innovation and research are slashed and we stop being the leaders in the world on bioscience and energy. It abandons seniors in their most vulnerable years.

Rather than balancing the budget by shifting costs to Medicare beneficiaries, the Democratic budget reduces the rate of growth in health care spending through initiatives that will increase our value and efficiency in our

health care system. It will contain costs for Medicare and for all Americans.

Millions of seniors rely on Medicare every day for their life-saving medications, treatments, and doctor visits. We cannot abandon our obligation to our seniors, and the Democratic budget does not.

The Democratic budget takes a balanced approach to meeting our Nation's fiscal challenges. It makes targeted investments needed to spur economic growth, and, yes, it preserves the Medicare guarantee and protects tax relief for middle class families—a high priority for us, one that is much less, if a priority at all, for the Republican budget.

Our budget tackles the Federal deficit by reducing the Federal deficit as a share of GDP by more than 8 percent so that it is 2.7 percent of GDP within 10 years. We make some hard choices about how we cut spending, but our budget is a commitment to cut spending by over \$2 trillion.

So it reduces the deficit responsibly and fairly. It protects our seniors and our middle class, and it does not ask either our seniors or the middle class to shoulder our fiscal challenges alone.

We have a choice to make, and we will be making it this evening and tomorrow as we decide which budget is better for the America that we dream about, that we expect, and that we work for.

I urge my colleagues to stand up for a responsible budget that, yes, makes spending cuts and also makes smart investments; that grows our economy, but also meets our obligations; that respects our values and who we are as Americans. It creates opportunities, and it is fair to America.

I suggest that we vote "yes" for the Democratic budget that protects America and our values and grows our economy.

Mr. BRADY of Texas. Mr. Chairman, I'm pleased to yield 3 minutes to the gentlelady from North Carolina (Mrs. ELLMERS), who serves on an important Small Business Committee and who is a nurse and understands our health care challenges in America.

Mrs. ELLMERS. I thank the chairman for allowing me to be here tonight to help in this effort.

Mr. Chairman, the President's economic agenda has failed the American people. The President's economic agenda has failed our job creators, our seniors, and future generations.

The President's policies have failed and are making the economy worse. The President's budget calls for more failed attempts to tax, spend, borrow, and bail out our way to job creation.

I'd like to read a quote from a third party that addresses this issue. Bernie Marcus, former chairman and CEO of Home Depot:

If we don't lower spending, and if we don't deal with paying down the debt, we are going

to have to raise taxes. Even brain-dead economists understand that when you raise taxes, you cost jobs.

□ 1910

Because the President cannot stand on his record, he has regrettably turned to the politics of envy and division. There is nothing fair about making our children and our grandchildren pay the bills for what the President's own fiscal commission cochaIRS called "the most predictable economic crisis in our history."

I have a couple of more quotes, and these aren't from conservative publications, mind you.

USA Today: "Obama's budget plan leaves debt bomb ticking."

The Boston Herald:

President Barack Obama has apparently decided that he is not going to be part of the solution to the Nation's enormous deficit, which would make him, yes, part of the problem.

Mr. Chairman, our friends across the aisle continuously discuss the issue of Medicare, which we know is one of the growing problems when we're dealing with the debt. Our Democrat friends continue to say that Republicans are cutting Medicare and are changing it as we know it. Yet, in ObamaCare, they cut a half a trillion dollars out of Medicare.

I have a quote from the Congressional Budget Office as well, and my friend across the aisle had one a few moments ago. This quote is from 12/19/09, and reads that the government takeover of health care "could reduce access to care or diminish the quality of care."

I also have a quote from the Government Accountability Office: "Medicare remains on a path that is fiscally unsustainable over the long term."

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. BRADY of Texas. I yield the gentlelady an additional 30 seconds.

Mrs. ELLMERS. Mr. Chairman, House Republicans are going to pass a jobs bill. We are going to pass a budget. This budget includes fundamental pro-growth tax reform and eliminating corporate loopholes and subsidies in order to help create jobs. It addresses the real drivers of our debt, saving our social safety net programs from going bankrupt, and it calls for the repeal of the government takeover of health care and other job-destroying spending.

I urge my colleagues on both sides of the aisle to vote for the House budget bill.

Mrs. MALONEY. I inquire of the Chair as to how much time remains.

The Acting CHAIR. The gentlewoman from New York has 10½ minutes remaining.

Mrs. MALONEY. I yield 3 minutes to the gentleman from Tennessee, Congressman COOPER.

Mr. COOPER. I thank the gentlelady for yielding.

Unfortunately, this is one of the most partisan weeks in Washington as each side presents its own budget. I urge Members to weigh these budgets very carefully. Unfortunately, we have very little time to do so. The entire debate for the Republican and Democrat budgets is some 4 hours. There will be many alternative budgets presented.

The one that I am most interested in, the Simpson-Bowles-endorsed budget, will come up later tonight, which is a big schedule change since it hadn't been expected until tomorrow. We will have a total of 10 minutes to explain the only bipartisan budget that will be offered. There are six or seven budgets being offered, but there is only one that is bipartisan. There are many excellent features in the Democratic budget and in the Republican budget, but there is only one that has the support of folks on both sides of the aisle.

I hope that Members choose carefully even in this, the most partisan of weeks, because it's almost a David versus Goliath situation when you have 10 minutes versus 4 hours. I hope that Members will look at the details of these budgets and will realize that hidden in the details are lots of massive changes to lots of massive programs. Yet, if we don't let ideology control, if we look at the basics and realize that America does have a deficit and debt problem, as the White House acknowledges and as our Republican friends acknowledge, if we respect each other and understand that we have to have real revenues and entitlement reform, there is still really only one plan that offers both. I did not originate it, but I'm thankful that Simpson and Bowles, with their report of a year and a half ago, introduced such a plan. Tonight, later in the debate, in an hour or two, Members will have the first opportunity in either the House or the Senate to consider that.

So these are very important issues that we're facing. I wish it were not a David and Goliath sort of situation. It's almost like David versus two Goliaths, because the institutional infrastructure in Washington supporting either the Republican budget or the Democratic budget is massive.

I think that once you look at the fundamentals, you see that there has got to be a way in which Americans can work together. The folks I hear from back home—and I assume it's true in every State—want us to stop the partisan bickering and want to us work together. I am thankful that our Republican friends allowed the Simpson-Bowles bipartisan budget to be considered, but for Members to only have 10 minutes of debate to consider it is going to be very difficult.

So I'm hopeful that Members, as they're sitting in their offices tonight, as they're interrupting their dinners, as they're contemplating these issues, will focus not only on the important

Joint Economic Committee issues that have been raised by both sides this evening but that they will also focus on the details of the budgets they're about to vote on.

We had anticipated that the vote on the Simpson-Bowles alternative would be tomorrow morning, which is what we had been told, but an hour or so ago, they suddenly had a change of plans. We feel that we're gaining momentum, and I think that's evidenced by the fact that most folks of the interest groups in Washington are gearing up to either support us or to oppose us, so I think that Members should weigh their decisions tonight very carefully.

Mr. BRADY of Texas. Mr. Chairman, I am pleased to yield 3 minutes to a key member of the Joint Economic Committee and of the Energy and Commerce Committee, one of the most knowledgeable on health care, a physician who has delivered more than 3,000 babies, the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the chairman for yielding.

A lot of people have asked, if you're going to do a Republican budget, why do you even involve yourself in the President's new health care law? They've asked, Why is it necessary for the Republican budget to repeal the President's health care law and advance bipartisan solutions that take power away from the government and give it back to the people?

The Joint Economic Committee prepared a chart dealing with the Affordable Care Act some 2 years ago, and it's an involved chart. You look at it and—it needs to be right side up, of course. But do you know what? It doesn't really matter. It makes just as much sense upside down. The only reason I wanted to turn it over is because, when you look at this thing, instead of the patient being at the center of all of this, the patient is way down here at the bottom. This chart was prepared, again, 2 years ago by the committee staff of the Joint Economic Committee, and this is precisely the reason why the Affordable Care Act has to be pulled up by the roots in order for us to get any semblance of economic sanity in this country.

Ignore the fact for a moment that this thing busts the bank. Ignore the fact that this is a drain on the Federal Treasury unlike anything we've ever seen before. The bottom line is that this just does not work.

Now, I spent yesterday at the Supreme Court, and I got to hear the oral arguments before the Supreme Court. It was astonishing to hear the arguments put forward as to why we had to take over one-sixth of the economy and why we had to expand government power in a way that's really going to fundamentally redefine the relationship of the government with the American people.

The reason was, well, the uninsured cost us so much money. I've got to tell you something—that's nonsense. The uninsured, yes, may cost a little bit at the margin of the total health care system, but what's the real cost driver of health care in this country? What's the real reason that health insurance is going inexorably up and up and up? It is because the Federal Government does not pay its freight for Medicare, Medicaid, and SCHIP, and it is the cross-subsidization from the private sector to fill that hole by the public sector that causes the cost of insurance to go up so much.

I was astounded that this argument was not made before the Supreme Court. I was concerned that they might be arguing from false premises. Regardless, what is the solution then to fixing this problem of the health care costs going up? We're going to put a subsidy out there for the middle class in the exchanges. Well, that will help.

Then the worst part is we're going to double Medicaid. Medicaid is the problem. Medicaid is the reason this cost is going up inexorably year over year over year. What was the President's solution? What was Speaker PELOSI's solution? Let's double Medicaid in this country, and see if that won't fix the problem. Will it fix the problem? I submit it will not.

You ask yourself, How could the law be so convoluted as shown on this graph? The reason is, if you look at the language that wrote that graph, this is not two copies of the law; this is one copy of the law in two volumes. How was it so badly done? You need do nothing more than to look at the title page of H.R. 3590 from December 24, 2009, in the Senate of the United States.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield the gentleman an additional 30 seconds.

□ 1920

Mr. BURGESS. Christmas Eve, December 24, 2009, Resolved, that the bill from the House of Representatives H.R. 3590 entitled, An act to amend the Internal Revenue Code of 1986 to modify the first-time home buyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Well, wait a minute. That doesn't sound like a health care law. How did it become a health care law? It's called an amendment. An amendment to strike out all after the enacting clause and insert the remaining 2,700 pages.

I submit to you, this thing was flawed from start to finish. It must be struck out by the roots; otherwise, fiscal sanity cannot be restored to this country.

Mrs. MALONEY. I yield 3 minutes to the gentleman from Pennsylvania, Congressman FATTAH.

Mr. FATTAH. I thank the gentlelady, and I applaud her work on the Joint Economic Committee.

I come this evening to suggest that it would, indeed, be cheaper for our country if we want to subordinate this great Nation to other nations in this world. If we want to educate less of our children, if we want to invest less in innovation, if we want to do less in terms of providing for the well-being of our country, we could try to operate on the cheap.

I don't think it's worthy of our House to consider a budget that would cut off America's global leadership position. As we see China, India, other countries, the European Union rising to become more and more economic competitors to the United States, this debate between Democrats and Republicans is much too small for this body. We need to be thinking about our country, thinking about the future of our country and its position in the world.

No one can intellectually argue that somehow it would be better for our Nation to educate less of our children, to have less scientists or engineers or to invest less in manufacturing and innovation. So I would ask the majority this evening, after we get finished with this part of the process, that we try to come together, to think about not our party but positioning our country for future greatness.

We have a grand legacy as a Nation, and for us to come here and to say, well, the way we're going to solve this problem is we're just going to cut, cut, and cut—this is a budget that cuts trillions but doesn't get the budget in balance for the next 30 years. Really, they are using the fiscal circumstances of the country to go after programs that they never supported anyway.

This is not a worthy proposition for our House. I am prepared to support the Democratic budget. I am prepared to support Simpson-Bowles. I'm prepared to support raising additional revenue. The majority of our country believes that we should have a balanced approach, that is, we should cut programs we don't need and we should raise the revenues we do need.

We're at a 60-year low in tax rates, and the young lady who spoke on the other side said earlier that any economist will tell you that by raising taxes you will lose jobs. Well, let me tell you what the facts are:

When, under the Clinton administration we raised taxes, we invested in education, we invested in clean energy, we created close to 23 million new jobs in this country, and every sector of our society improved. Yes, the rich got richer, but every other group of Americans also did better. Those are the facts. Facts are stubborn things.

I hope that, as a Congress, we can rise to meet the needs of this great Nation.

Mr. BRADY of Texas. I am pleased to yield 3 minutes to the gentleman from

South Carolina (Mr. MULVANEY), again, another key freshman member of the Joint Economic Committee and also a member of the Budget Committee who understands, again, what it takes to get this terribly sluggish economy back on track.

Mr. MULVANEY. I thank my colleague from Texas (Mr. BRADY) for the opportunity.

There is so much we could talk about here tonight, and it is unfortunate we only have a few minutes to talk about each of these budgets. But one of the things that I heard the gentlelady from New York mention earlier in her presentation was that the budget that we've offered as the Republican Party is noteworthy mostly for its austerity. I would disagree with that. I think it's noteworthy mostly for the fact that it balances. It balances. It does something the President's budget does not do. It does something that I would expect the Democrat offering later on this evening does not do. It balances.

It's a word that our colleagues across the aisle, Mr. Chairman, like to use from time to time. They want an approach that balances. I used to think that the word "balance" would actually mean that the budget would balance. They would have us believe that what it really means is they want to maybe sort of raise taxes and sort of cut spending.

The truth of the matter is, though, that every single budget that they've offered has only increased taxes and increased spending. That's true of the President's budget, which we'll be taking up later this evening. I imagine it's true of Mr. VAN HOLLEN's budget, which we will be taking up later this evening.

And I think it's important to look at what would actually work. We're not the first country to go through this situation. In fact, if you look at other countries that have had debt crises like we are facing now, which you can see that some of them have managed to get out of it, and they have managed to get out of it mostly by cutting spending. In fact, a ratio of roughly seven-to-one on spending cuts versus tax increases is what actually works. And you can do better than this. You can point to other countries that have managed to save themselves without raising taxes by a single penny. You cannot point to a single country that has done it by raising taxes on even a one-to-one basis, as we'll take up tonight with Simpson-Bowles.

But again, the President's budget, the Democrat budget doesn't even come close to this. We couldn't even put it on the graph because it both increases taxes and increases spending, not even coming close to what has worked in every other developed nation that has tried to do exactly what we are trying to do with our budget tonight.

Look, I spend a lot of time back home, and I know that folks back home might be willing, under certain circumstances, to pay more taxes. They might do that, for example, if they could trust us not to waste the money. They might be willing to do that if they could trust us to actually put the money towards the debt and deficits. But we don't do that. What have we always given them, mostly from my colleagues across the aisle but also from my party in past years? New spending now and new waste now in exchange for a promise of spending reductions someplace down the road that never come.

I think it's time for us to acknowledge that our colleagues are trying to sell us a definition of the word "balance" that doesn't make any sense. It's time for us to reclaim the definition of that word and say, look, we are the ones offering a balanced budget. We are the ones who are offering a balanced approach. We are the ones that are offering a way to pay off the debt.

I think it's a fair question to ask: The money that we borrowed yesterday, do we ever really intend to pay it back?

The Ryan budget allows us a way to do that. The GOP budget allows us a way to do that. The President's budget never moves to surplus.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield the gentleman from South Carolina an additional 30 seconds.

Mr. MULVANEY. The President's budget never goes to surplus. There is no plan offered by the Democrats to actually pay back the money that we are borrowing.

It's time to change the word back to what it really means, which is spending less than we take in. And it's the Republican budget that offers that this evening.

Mrs. MALONEY. I yield myself as much time as I may consume.

I would like to respond to my colleague from the other side of the aisle who objected to my calling the Republican plan, which is called the Road to Prosperity—when I said that it actually should be called the Road to Austerity. On the negative side of the Republican plan, the Economic Policy Institute estimates that the Republican austerity plan will destroy 4.1 million jobs through 2014. But at the same time, the Republican budget makes tax cuts for the most fortunate few permanent, while those making over \$1 million per year will get an average tax cut of at least \$150,000, and tax breaks for Big Oil will be preserved. That's their plan.

The alternative, of course, is the Democratic budget plan, which takes a totally different approach, a balanced approach that meets the Nation's need to invest in the future while preserving Medicare and our social safety nets and

supporting the firm belief that the American Dream is alive and well by investing in the future of our children and our Nation.

I yield the balance of my time to the gentleman from Maryland, Congressman VAN HOLLEN, the ranking member of the Budget Committee.

Mr. VAN HOLLEN. I thank the gentlelady for her leadership tonight.

Mr. Chairman, may I inquire as to how much time remains?

The Acting CHAIR. The gentleman from Maryland has 3 minutes remaining.

Mr. VAN HOLLEN. I thank the Chairman.

I want to close where the gentlelady began, which is on the economy and on jobs.

As this chart shows, when President Obama was sworn in, we were losing over 800,000 jobs a month. But because of actions taken by the President and the Congress and because of the tenacity of the American people and small businesses, we were able to stop the free fall and begin to climb out of that hole.

□ 1930

We are now at 24 consecutive months of positive private sector job growth. There were close to 4 million jobs created in that period. We need to sustain that recovery, not put the brakes on it.

The Republican proposal unfortunately puts the brakes on it. I'll give you just one example. Next year they would cut our investment in transportation in their budget by 46 percent when we have about 17 percent unemployment in the construction industry. That's putting the brakes on.

We hear from our colleagues that the only way to deal with the budget deficits is to cut, cut, cut. We propose a balanced approach. We do ask that we close some of those tax loopholes. We do ask that folks making a million dollars a year go back to paying the rates that they were in the Clinton administration.

Let's see what happened in the economy back then. What this shows is during the Clinton years, 20.8 million jobs were created. After President Bush took office, they lowered the tax rates. There was a net of 653,000 jobs lost. By the way, in 2001, just before the tax cuts that disproportionately benefited the wealthy, that was the last time we balanced the budget. We balanced the budget, and we had great job growth. That's why we propose a balanced approach.

The issue here is not whether we reduce the deficit, not whether we reduce the debt. It's how. Yes, we have to make spending cuts. I hear colleagues on the Republican side coming down here and saying you can't do this all on the revenue side. We get that. But you know what? If you do it without asking the folks at the very top to pay a

penny, by closing loopholes and getting rid of tax breaks, what does it mean? It means everybody else pays the consequences.

Those decisions to support the wealthy and not ask for shared responsibility come at the expense of our seniors and you end the Medicare guarantee and slash Medicaid by \$800 billion. It comes at the expense of middle-income taxpayers, because not only are you locking in the Bush tax cuts for the folks at the top, you're dropping the top rate from 35 percent to 25 percent. That's another over-\$200,000 tax break to people making a million dollars a year.

You say you're going to pay for it. You know how it's going to happen? It's going to happen by increasing taxes on middle-income Americans. That's how you're going to finance it. I've not seen a proposal. Show me a piece of paper that says it won't be taken out on middle-income taxpayers.

Mr. Chairman, there's a better approach than the Republican approach. It's the balanced approach. It's the approach supported by bipartisan groups, and it's the approach that we will propose in our amendment.

I again thank the gentlelady and thank the Chairman.

Mr. BRADY of Texas. Mr. Chair, I yield myself the balance of my time.

President Obama made two key promises to the American public. The first was that he would reduce the deficit by half in his first term of office. The second is that he would fix this broken economy in 3 years.

Let's take a close look at those promises, looking first at the economy. This is hard to believe—and I hope those at home are sitting down—but after all of the bailouts, after all the stimulus, after all the Cash for Clunkers, the deficit spending, the housing bailout, everything the President wished for and got in increased spending, we have fewer Americans working today than when this President took office. Think about it; there are fewer Americans working after all the President's economic policies have gone full bore. It's failed the American public in such a way that there are fewer people working today than when this President took the oath of office.

Look at the stimulus. This chart shows he promised the American public if you'll just borrow and spend nearly a trillion dollars of interest, our economy will recover. In fact, he promised right now our unemployment rate would be around 6 percent. It's far above that at nearly 8½ percent. But that doesn't tell the whole picture because so many Americans have given up hope and so many Americans don't even look for a job anymore. They've just dropped out. We have the fewest people in the workforce in almost three decades. They've just given up that much. Our unemployment rate is really

nearly 16 percent. It's a little above it, as a matter of fact.

This is an unemployment crisis. The President's policies—no question, he inherited a poor economy, to say the least. His policies have failed. He's made it worse for about 23 million Americans who can't even find a full-time job these days.

If you want more of the same, stick with the President's budget, stick with the Democrats' budget. They deliver more of the same in an economy that is struggling like it hasn't since the Depression, and millions of Americans just can't find work no matter how hard they try.

The President promised he would reduce the deficit and cut it in half in his first term. He should have been able to do that. Instead, he has increased it by almost half. This is the fourth trillion-dollar deficit in a row.

He proposes to spend so that we're the largest government in American history, larger even than World War II when they dropped everything to win the war. He wants a government bigger than that and deficits that go as far as the eye can see.

Republicans believe we ought to have a choice of futures. When you look at the debt that's being piled on America in the future, let me put that in real terms. We have two young boys, and one is in third grade and one is in seventh. They make our family a joy. I think about what all this means to them, and you may be thinking about it for your kids or your grandkids. All that red ink this President has piled up and the future of America with this debt, today a baby born in America, their fair share of the debt is about \$47,000. A baby born today owes Uncle Sam a new Lexus.

If we don't change our ways by the time they're 13, they'll owe Uncle Sam a second Lexus. By the time they're 22 when they've finished college and they're getting ready to start their life, they'll owe Uncle Sam a third Lexus.

The good news is young people don't actually buy luxury sedans for the Federal Government, but they pay the price another way. For all that debt, they pay the price in a sluggish economy, in higher taxes, in higher interest rates. So that young person starting their life after all that schooling and pursuing their dreams in America, they'll have a harder time finding jobs—there will be fewer of them—and they'll keep less in their paycheck as a result of this. That's the future if we stay the course with this President and Democrats in Congress.

Republicans believe there is a better future for America. The Republican budget does just that. It restores a healthy economy for America in a commonsense way. It gets our financial house in order. It starts limiting this out-of-control spending. It starts to

take away all the waste and abuse, sunset obsolete Agencies, stopping this wasteful spending from stem to stern in the Federal budget. It starts to tighten the Federal Government's belt and budget.

In addition to putting our financial house in order, it shrinks the size of government. It makes it affordable again for America. Not only do we balance the budget; the goal of the Republican budget is to pay off our debt.

Think about it: our goal is not to just break even again. It's to start to whittle down and pay off those huge amounts of debt that we owe to so many in this world. It tackles important issues like Social Security, Medicare, and Medicaid. It preserves them for every generation once and for all.

Last year, America had to borrow \$142 billion from China and other foreign investors just to pay Social Security for our seniors. We know Medicare goes bankrupt in 12 years unless we act. If we don't act today, Medicare ends itself as we know it. It ends itself.

Republicans have a commonsense proposal to preserve those important programs, to make them sustainable for every generation; and we do it without raising taxes.

We know you can't take more from people and hope to grow the economy. We know that Washington ought to tighten its belt before we ask hard-working taxpayers to tighten theirs. We know that taxing professionals and small businesses, taxing our local energy companies who manufacture here in the United States, we know that taxing companies that are creating jobs in America is the wrong way to go.

□ 1940

We're going to offer, and are offering, not just a choice of two futures; we're offering some hope to a country that despairs it will ever see a balanced budget again. We're offering hope to a country that right now has a second-rate economy and that some parts of the world make fun of, frankly. We're going to offer hope to businesses who want to compete again both in their community and around the world because today what they tell us is they're not adding jobs. With this debt hanging over us, with all the talk of new taxes and new regulation, they're not adding those jobs. Why would they?

The Republican budget makes sure that we don't balance our budget on the backs of America's small businesses. We know the problem isn't that government doesn't take more of what you earn; the problem is that the Federal Government spends too much. We offer a Path to Prosperity to America. It's the only responsible budget that will be offered to this debate. I wish I could say the Senate will take it up; but for 3 years, they've refused to give a budget to the American people.

We're going to change the trajectory of America, we're going to change the

future of America, and we're going to give hope back by passing the Republican budget.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chair, I rise in opposition to the Republican budget. This budget makes the wrong choices. We must enact a plan to steadily reduce our deficits and debts, but we must do so in a responsible way.

This Republican budget is irresponsible. It provides tax breaks to millionaires, while ending the Medicare guarantee and shifting more costs to seniors. It slashes health insurance for the working disabled, gutting the program that provides the care they need to stay working. It shifts hundreds of billions in costs on to the States—the same States that are struggling to balance their budgets.

It transfers tens of billions in health care costs on to the backs of the frail elderly in nursing homes and parents with children. And it takes away the guarantee of affordable health coverage—a right that everyone should enjoy—and leaves millions more uninsured.

My Republican colleagues fail to understand that simply cutting the Federal commitment to health care, as they propose, doesn't make the need go away—it just shifts the problem somewhere else. Rather than responsibly address the issue of rising health care costs as the Democrats did in the Affordable Care Act—House Republicans would repeal that bill and leave American families without any protections from insurance company abuses.

The Republican budget doesn't fix our health care problems. To pay for tax breaks for millionaires, it cuts hundreds of billions of dollars from Medicare and Medicaid and shifts costs to seniors . . . to people with disabilities . . . and to families with children.

Under the Republican budget, the Medicaid program would be gutted. Their budget cuts more than \$1.7 trillion out of the program over the next ten years and turns it into a block grant.

This is deeply misguided. Medicaid serves the poorest children, pregnant women, elderly in nursing homes, and those needing services to live in the community and more. By 2050, when the baby boom generation will be retired and in need of long term care, Medicaid would be cut 75 percent according to the Congressional Budget Office. It's a great talking point if you want to appeal to the Tea Party, but a horrible policy if you really care about America's health.

And of course, every Federal dollar cut from Medicaid means almost \$2 cut from the State economy. As a result, the Republican plan would ultimately sap nearly \$3.4 trillion in health care spending out of state and local economies, causing a significant loss in health care jobs and investments.

The Republican budget makes severe cuts to Medicare, ending the program as we know it. For nearly five decades, Medicare has provided a lifeline for tens of millions of seniors and people with disabilities. Seniors rely on Medicare's affordability, and they depend on its guaranteed benefits. They cherish their ability to pick their own doctors, and they know that their doctors will treat them without interference from insurance bureaucrats. But the Republican plan would undo these protections. They would turn Medicare into a voucher that is virtually guaranteed to not keep pace

with rising health care costs—leaving seniors holding the bag.

The adverse impacts on seniors would be immediate. The Republican plan would repeal access to free preventive services, increase prices for prescription drugs in the donut hole, and undo the other improvements to Medicare that were part of the Affordable Care Act.

The proposed cuts wouldn't just hurt Medicare, Medicaid, and CHIP. This budget slashes the level of discretionary spending for many critical health programs, including prevention and wellness, health professions training, community health centers, biomedical research, and oversight of food, drugs and medical devices.

These programs—and many others—would face severe cuts if the limit for appropriated programs is reduced below the level agreed to—on a bipartisan basis—less than a year ago.

I want to be clear. This isn't a proposal that would affect people years from now. It will have very real effects immediately. This budget would irreparably harm the basic fabric of our Nation's health care system. It is bad medicine. There is a better way to rein in our deficit. I urge my colleagues to reject the Republican plan.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today to oppose the Republican Budget. This budget is another giveaway to the wealthy, balanced on the backs of middle class families, the elderly, and the poor.

The Republican's budget would reduce spending to support Medicare program management by \$207 million in 2013. These cuts hinder the ability to keep pace with growing Medicare and Medicaid enrollment. These cuts would restrict patient access to care and delay payments to providers.

Under the GOP budget, 9.6 million students would see their Pell Grants cut in 2012. Their budget would also result in \$430 million in cuts to the Head Start program, with 60,000 low-income children losing access to early childhood education.

The GOP budget would also cut \$350 million from nutritional assistance for Women, Infants, and Children (WIC). This would cut off funding for 700,000 women and children from receiving food necessary for healthy child development.

This ill-conceived budget would cut funds for Social Security by 5.4 percent in 2013 and 19 percent in future years, reducing vital services for our Nation's seniors. This budget ends the Medicare guarantee and increases costs for seniors—replacing Medicare's guarantee of health security with a voucher that shifts higher and higher costs onto seniors and the disabled over time. It cuts Medicaid by a third, while turning it into a block grant.

These are the priorities of the Republican majority in the House, Mr. Chair. The Republicans' FY2013 Budget favors tax cuts for the wealthy over the needs of children and seniors. The corporate tax cuts alone would cost \$1 trillion in lost Federal revenue over the next decade. The Republican leadership's budget is a giveaway to the wealthiest Americans, who would receive an average tax cut of at least \$150,000, while inevitably forcing drastic cuts on those most in need.

Mr. BISHOP of New York. Mr. Chair, I rise in strong opposition to the Republican Fiscal

Year 2013 Budget. Budgets are statements of priorities. Unfortunately, this budget does not reflect the priorities of my constituents and the American people: bolstering a strong middle class, investing in job creation, and ensuring a secure retirement.

The American middle class is the bedrock of our society. But the Republican Budget fails to recognize this. It gives the bulk of its \$4.6 trillion in tax cuts to wealthy Americans. It cuts \$166 billion from Pell Grants and federal student loans, effectively telling students to think twice about a college education. And it puts job creation on hold by cutting \$31 billion from transportation and infrastructure investment in the next fiscal year.

The Republican Budget also cuts \$11 billion from science and medical research by 2014. The two largest employers in my district are Stony Brook University and Brookhaven National Lab. When you factor in the additional \$1 trillion in unspecified non-defense discretionary cuts over 10 years, reductions like these jeopardize the economic recovery and stifle the advances that can make the United States a competitive force in a global economy. And yet, the Republican Budget does not ask those who have benefited from investments of this type made in the past to shoulder any responsibility in resolving our fiscal issues.

After decades of hard work and sacrifice by our Nation's seniors, the Republican Budget replaces Medicare's health coverage guarantee with a voucher to purchase traditional Medicare coverage or a private insurance plan. If one scrutinizes this proposal, they will discover the voucher will very likely fail to keep pace with medical inflation, thereby threatening seniors' financial security by forcing them to bear the bulk of their medical costs and even leaving some retirees without health insurance as the Medicare eligibility age is raised.

The Republican Budget also makes drastic cuts to Medicaid, jeopardizing the ability of seniors to access nursing home care and threatening the health coverage Americans with meager incomes rely on.

Mr. Chair, it is important that this Congress refocus our efforts on bolstering the middle class, investing in job creation, and ensuring a secure retirement. That is how we will build an economy to last and make a better future in America for our children. The Republican Budget fails at this, and I urge my colleagues to vote against the resolution.

Mrs. CAPPS. Mr. Chair, I rise today in strong opposition to the Majority's misguided budget.

Forty-seven years ago, when seniors were the most uninsured group in our nation, we made a promise that their health care would be guaranteed.

Because of that promise, tens of millions of older Americans have been assured of quality, affordable health care and a life of dignity.

Because of that promise, tens of millions of Americans have avoided bankruptcy and up-ended lives trying to find a way to ensure they or their aging parents receive the medical care they need and deserve.

But the Majority's budget seeks to break that promise by ending Medicare as we know it.

There are a host of problems with this proposal:

Instead of a guarantee of health care seniors would get a fixed amount voucher to help them partially pay for an insurance policy, assuming they can find one.

And given that the Majority also seeks to repeal the law that outlaws preexisting condition exclusions, as well as annual and lifetime coverage limits, there is no guarantee a senior would be able to find a plan, much less an affordable one.

This voucher would be for a fixed amount, meaning it would be worth less and less with each passing year.

In California, this would mean seniors' out of pocket costs would rise by at least \$6,000 each year.

The bill would also raise Medicare's eligibility age, delaying the promise of a sound retirement for millions of working Americans.

This would mean over 5 million Californians would face the struggle of finding and paying for health care for 2 more years before they even qualify for the limited promise of care of the Majority's voucher program.

In addition to ending Medicare, the Ryan budget would whack away at the Medicaid program, which provides long term care for indigent seniors and the disabled.

Medicaid funding would drop and the responsibilities would be pushed onto the states, where seniors and persons with disabilities would have no assurances of coverage.

Anyone who has seen what has happened to state budgets across the country over the last few years should be under no illusions that hard pressed states won't cut Medicaid funding in tough times—they are doing it today!

Mr. Chair, my colleagues promoting this plan to end Medicare and slash Medicaid have argued that it's really the only choice we have.

They will argue that health care costs are bankrupting our nation and we simply have to make these changes in order to bring down our deficit to manageable levels.

And they will argue that these changes don't affect seniors today, only those off in some distant future.

None of those arguments hold water.

First, we do need to address our deficit and that means getting health care costs under control.

But their plan doesn't bring down health care costs—it just shifts those costs onto the backs of our nation's seniors.

Second, it is stunning that their plan again puts the onus for deficit reduction completely on seniors and working Americans, while providing huge tax breaks for the wealthy and big corporations.

Under this budget, no sacrifice is too large to ask of our nation's seniors and any sacrifice is too much to ask of our nation's most well off.

Third, this plan will affect today's seniors.

For example, it repeals important benefits—like access to free preventive screenings and annual wellness physicals—that seniors are already enjoying under Obamacare.

These benefits would be taken away from almost 60,000 seniors in my district.

The Ryan plan would also reopen the infamous "donut hole," immediately increasing annual prescription drug costs for millions of seniors.

This would affect over 6,000 seniors in my district immediately and cost them hundreds, if not thousands, of dollars each and every year.

And finally, the Ryan plan would weaken Medicare as the voucher program draws off healthier seniors and leaves behind the oldest and sickest, thereby undercutting the financial stability of the program.

I can already hear the calls that would come saying we just can't afford traditional Medicare.

Adopting this plan will cause untold harm to our nations' seniors and to the millions and millions of American families who today rely on Medicare for the promise of quality, affordable health care.

We made a promise—a promise that is working for millions of American seniors and their families.

We cannot break that promise.

I urge my colleagues to oppose this legislation.

Mr. HASTINGS of Washington. Mr. Chair, I rise today in strong support of H. Con. Res. 112, the budget resolution offered by my colleague Mr. RYAN of Wisconsin, which cuts federal spending, faces our nation's debt crisis head on, and spurs economic recovery and job creation.

When President Obama was running for President four years ago, he promised to cut the deficit in half by the end of his term. Instead, his spending policies have left the American people with our nation's first, second, third and fourth year of trillion-plus dollar deficits—contributing more to the national debt than the 40 previous Presidents combined.

Unfortunately, the budget request that President Obama submitted to Congress last month is more of the same failed policies. It calls for spending increases to record levels, tax hikes on families and small businesses and still it adds more to our nation's debt for future generations to pay off.

President Obama's plan passes this compounding debt on to our children and grandchildren instead of making the difficult decisions necessary to protect our country's future. But at least he has a plan. The Senate has failed to even pass a budget in three years.

Chairman RYAN's proposal offers a real alternative to these failed policies. H. Res. 112 cuts federal spending by \$5 trillion dollars. It takes on the true drivers of our debt—entitlement spending that takes up more than 60 percent of the federal budget—while strengthening Medicare and Medicaid so that these programs will continue to be available for future generations.

It reduces the size of the federal government to the historic average of 20 percent of the economy by 2015—allowing the private sector to grow and create jobs.

It reforms our broken tax code to spur job creation and economic opportunity by lowering tax rates, closing loopholes, and putting hard-working taxpayers ahead of special interests.

And it places our country on a path to pay off our national debt in as few as seven years. Americans need real jobs, real solutions, and real results—not more budget tricks or accounting gimmicks.

I strongly urge my colleagues to join me creating an efficient, effective government that

spends less and serves better, by supporting the Ryan budget resolution.

Mr. HOLT. Mr. Chair, as I have said before, the federal budget is a moral document. It reflects, in dollars and cents, our national priorities. My priorities as a member of this body are supporting middle class families, helping to foster job creation, and promoting education, research and innovation that will help our economy grow over the long-term.

Unfortunately, for the second year in a row, the Republican budget resolution before us today fails to meet these goals and moves us in the wrong direction. At a time when economic inequality has risen to its highest level in decades, according to the Census Bureau, and after more than a decade of stagnant wages for middle-class Americans, we need a budget that strengthens our middle class, not weakens it.

And, once again, for the second year in a row, Republicans want to end the promise of Medicare to our seniors. Instead, seniors would receive a voucher to buy either private insurance or traditional Medicare—but what's so egregious about this proposal is that the voucher will fail to keep pace with projected health care costs over time. This budget puts insurance companies in charge of seniors' health. Our seniors would be forced to pay thousands more out of their own pockets on premiums for a plan that provides the same benefits seniors on Medicare are currently receiving. What if they don't have those extra thousands? In my home State of New Jersey, for example, the Republican budget will increase seniors' out of pocket expenses by nearly \$6,000. Moreover, this plan reopens the "donut hole" for seniors' prescription drug costs, by \$2.2 billion this year and \$44 billion by the end of the decade. More than 1 million New Jersey seniors will be forced to pay more for preventive services this year if this plan is enacted—services that are currently covered by Medicare, including mammograms, colonoscopies, and annual physicals.

This budget plan abandons investments in research and innovation—exactly the kind of investment we need to grow and sustain our economy over the long-term. This budget plan is a direct assault on Medicaid—it slashes \$810 billion over 10 years. It turns Medicaid into a block grant and leaves it to already cash-strapped States to decide what to do next.

This budget plan cuts education funding on all levels—from pre-K through college—by \$166 billion over the next decade. My home State of New Jersey, for example, will lose \$8.4 million this year for Head Start—this will eliminate more than 1,000 enrollment slots for underserved children. Another 3,100 slots would be eliminated in Fiscal Year 2014. More than 20,000 New Jersey students would be negatively impacted by cuts to Title I. And for college-bound students, this plan freezes the maximum Pell Grant level and takes no action to prevent a doubling of interest rates on student loans starting this summer. We should be investing in education, not gutting it.

This budget cuts highway funding by 25 percent, weakening our ability to support our economic recovery and putting thousands of jobs at risk. This budget slashes food stamps by \$133.5 billion over 10 years during a time

when millions of Americans are still struggling to make ends meet.

While this budget all but dissolves the safety net, it maintains the costly tax breaks for corporations and the wealthy. How can we justify billions of dollars in tax breaks to the "Big 5" oil companies—which made more than \$1 trillion in profits over the past decade—while tens of millions of Americans are still looking for work?

Despite all of these cuts, this budget resolution still fails to balance the budget over the next decade.

Getting our Nation's fiscal house in order is a task my colleagues and I take seriously. Of course, we always should be looking to remove wasteful spending and ineffective programs. I have supported, and will continue to support, thoughtful budget cuts that reduce the deficit by eliminating unnecessary spending and costly tax giveaways to industries reaping enormous profits. At the same time, though, we must also preserve investments in infrastructure, science, and education, along with safety net programs that assist the most vulnerable among us in obtaining housing, health care, and food. The budget before us today fails to strike this essential balance.

There are better ways, and I will be supporting alternative approaches that take a more balanced approach to our Nation's fiscal challenges. They protect the most vulnerable members of our society while making the investments in research, education, and innovation that are absolutely critical to sustaining our economic recovery. These alternatives invest \$50 billion to fund jobs that address our urgent transportation needs. They include \$5 billion to help keep cops on the beat and firefighters on the job. They protect Social Security from privatization and promote tax relief for working families. They invest in research and development and science education. And, at the end of the day, these alternatives achieve a balanced budget in 10 years.

I urge my colleagues to vote against this budget resolution and support one of these viable alternatives.

Mr. BLUMENAUER. Mr. Chair, the Republican budget is yet another missed opportunity to confront America's challenges in a balanced and responsible way. A budget is a statement of values. This budget makes it crystal clear that Republicans value tax cuts for the wealthy and special interests, even at the expense of America's middle class, our children, the elderly, and even our economic recovery. The values supported by several other budgets—the Democratic budget, the Progressive budget, and the Black Caucus budget—would restore fairness to our broken tax system, invest in rebuilding and renewing America, and maintain America's commitment to providing for our most vulnerable citizens. The bipartisan budget offered by Reps. COOPER and LATOURETTE fell short of the balanced approach required to address America's challenges that was contained in the Simpson-Bowles proposal.

The Republican budget cuts taxes by an additional \$4.6 trillion over the next decade and extends the Bush tax cuts, totaling \$10 trillion, the vast majority of which benefits the top one percent of Americans. Republicans are not serious about deficit reduction in their call to pay for this tax cut by eliminating tax expenditures

and loopholes that they refuse to identify. Would they eliminate the mortgage interest deduction for middle class families? Or the employer-provided health care deduction? Independent analysts have determined it is necessary to cut the mortgage interest deduction, the health care deduction, and most other expenditures in order to pay for their \$10 trillion tax cut.

Instead of making hard choices, Republicans choose to shift the burden even further onto low and middle-income families, seniors, and the next generation.

The Republican budget would cut Medicaid services for disabled individuals, children, and low-income families and seniors by \$810 billion over the next decade. It would also cut \$122.5 billion from the Supplemental Nutrition Assistance Program, SNAP, that lifted 3.9 million Americans, including 1.7 million children, out of poverty in 2010. This would mean 1,771 fewer jobs and 189 million fewer meals for hungry families in Oregon alone.

For decades, Medicare has guaranteed quality and affordable health care to seniors. The Republican budget ends the Medicare guarantee and would force seniors to choose to either pay thousands more dollars for their existing Medicare plan, or to buy plans with meager benefits that will ultimately put their health at risk.

Independent analyses show that infrastructure investment is one of the best ways to put people to work and to strengthen the economy, while giving families transportation options and making our communities more livable. The Republican budget would cut transportation funding by a staggering 46 percent, including for projects that have already begun, putting thousands of people out of work and stifling the fragile economic recovery. This budget is another missed opportunity to put people to work, to strengthen the economy, and to rebuild and rebuild America.

In contrast, the budgets offered by Democrats, the Progressive Caucus, and the Black Caucus take a responsible and balanced approach to putting America's finances back on a sustainable path. These budgets address the infrastructure deficit and expand access to education and job training to build a stronger America and to prepare the next generation to be the innovators that will lead us through the 21st century. These budgets restore tax fairness by asking the most well off to pay a little more. Recognizing the need to bring our troops home, eliminate wasteful weapons programs, and right-size our military, these budgets will help reduce the defense budget in a responsible way that maintains the world's strongest military and supports our troops without threatening our economic security.

I am saddened that Republicans produced a political document that continues their belief that massive tax cuts for those who need them the least will move America forward, even while they slash funding for transportation and infrastructure investment, nutrition assistance, Pell grants, and health care. The American people have rejected this unbalanced and unfair approach and so do I.

Mr. CUMMINGS. Mr. Chair, I rise in strong opposition to the Republican Budget proposal.

More tax breaks for the wealthy and ending the Medicare guarantee for our nation's sen-

iors are the wrong policies for America, particularly as millions are still suffering the effects of our worst financial crisis since the Great Depression and as we are struggling to restore economic growth.

As Ranking Member of the Committee on Oversight and Government Reform, I also want to highlight the effect this budget would have on our Federal workers—the backbone of our government.

They support our troops in the battlefield and provide care to our veterans. They protect our borders, safeguard our food supply, and ensure that our seniors get their Social Security checks.

In return, the majority has rewarded these middle-class Americans with an unprecedented assault on their compensation and benefits, including proposals to extend their current two-year pay freeze, to arbitrarily eliminate positions, and to slash their retirement benefits.

Federal workers have already done more than their share to help address our nation's fiscal woes.

They have contributed \$60 billion to deficit reduction as a result of the existing two-year pay freeze, and they are contributing an additional \$15 billion in higher pension contributions to help fund the unemployment insurance extension.

But House Republicans aren't finished.

The Republican budget directs the Oversight Committee to take an additional \$80 billion out of the pockets of these middle-class workers in the form of additional cuts to their pay and pensions.

That would more than double what they have already given to date.

These continued efforts to end Medicare, to cut our social safety net, and to slash the pay and benefits of middle-class federal workers are simply shameful, especially when this budget would use these savings to give unprecedented tax breaks to the millionaires and billionaires.

I oppose the Ryan budget and will oppose all bills that would take money out of the pockets of middle-class Americans before asking the wealthiest among us to contribute their fair share.

Ms. SCHAKOWSKY. Mr. Chair, next week is Passover, when the youngest child at the Seder table asks four questions, the answers to which explain the meaning of the holiday.

In keeping with the tradition of asking questions to understand the importance of key events, I'd like to suggest four questions to ask Republicans so that they can explain the reasoning behind their budget resolution.

Why does your budget resolution protect and indeed increase the wealth of the already-wealthy at the expense of everyone else? The Bible says, "He who oppresses the poor to increase his wealth and he who gives gifts to the rich—both come to poverty." (Proverbs 22:16). Income disparity is at near-historic levels in our Nation. Why then, does the Republican budget provide an average additional tax break of \$150,000 for millionaires and refuse to eliminate subsidies to highly profitable Big Oil companies, while asking seniors, children, the poor and middle-class families to sacrifice more and more?

Why does your budget resolution take away the Medicare guarantee? The Bible tells us,

"You shall give due honor and respect to the elderly." (Leviticus 19:32). The average senior lives on \$19,000, one in three retirees depends on Social Security for 90 percent or more of their income, and 1 in 3 seniors will need help paying for long-term care. Why, then, does the Republican budget double already high out-of-pocket spending for seniors, threaten Social Security, and cut Medicaid by \$810 billion over the next decade?

Why does your budget resolution increase defense spending while cutting investments in our children and families? The Bible tells us, "A just balance and scales are the Lord's." (Proverbs 16:11). The U.S. defense budget is higher than the next 17 nations in the world combined and has increased in real terms for each of the past 13 years. Why, then, does the Republican budget renege on a balanced approach to deficit reduction—increasing defense spending and asking education, job training and creation, medical research and other domestic programs to bear the entire burden?

Why does your budget resolution take away food from the poor? The Bible tells us, "If anyone has material possessions and sees his brother in need but has no pity on him, how can the love of God be in him? Dear children, let us not love with words or tongue but with actions and in truth." (1 John 3:17–18). Nearly 50 million Americans lack adequate food and 22 percent of America's children live in poverty. Why, then, does the Republican budget cut and cap the food assistance needed so that children, families and seniors can't get enough to eat?

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the concurrent resolution is considered read.

The text of the concurrent resolution is as follows:

H. CON. RES. 112

Resolved by the House of Representatives (the Senate concurring).

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013.

(a) DECLARATION.—The Congress determines and declares that this concurrent resolution establishes the budget for fiscal year 2013 and sets forth appropriate budgetary levels for fiscal years 2014 through 2022.

(b) TABLE OF CONTENTS.—The table of contents for this resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2013.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND DIRECTIVE TO THE COMMITTEE ON THE BUDGET

Sec. 201. Reconciliation in the House of Representatives.

Sec. 202. Directive to the Committee on the Budget of the House of Representatives to replace the sequester established by the Budget Control Act of 2011.

TITLE III—RECOMMENDED LEVELS AND AMOUNTS FOR FISCAL YEARS 2030, 2040, AND 2050

Sec. 301. Policy statement on long-term budgeting.

TITLE IV—RESERVE FUNDS

Sec. 401. Reserve fund for the repeal of the 2010 health care laws.

- Sec. 402. Deficit-neutral reserve fund for the sustainable growth rate of the Medicare program.
- Sec. 403. Deficit-neutral reserve fund for revenue measures.
- Sec. 404. Deficit-neutral reserve fund for rural counties and schools.
- Sec. 405. Deficit-neutral reserve fund for transportation.

TITLE V—BUDGET ENFORCEMENT

- Sec. 501. Limitation on advance appropriations.
- Sec. 502. Concepts and definitions.
- Sec. 503. Adjustments of aggregates and allocations for legislation.
- Sec. 504. Limitation on long-term spending.
- Sec. 505. Budgetary treatment of certain transactions.
- Sec. 506. Application and effect of changes in allocations and aggregates.
- Sec. 507. Congressional Budget Office estimates.
- Sec. 508. Budget rule relating to transfers from the general fund of the treasury to the highway trust fund that increase public indebtedness.
- Sec. 509. Separate allocation for overseas contingency operations/global war on terrorism.
- Sec. 510. Exercise of rulemaking powers.

TITLE VI—POLICY

- Sec. 601. Policy Statement on Medicare.
- Sec. 602. Policy Statement on Social Security.
- Sec. 603. Policy statement on deficit reduction through the cancellation of unobligated balances.
- Sec. 604. Recommendations for the elimination of waste, fraud, and abuse in Federal programs.

TITLE VII—SENSE OF THE HOUSE PROVISIONS

- Sec. 701. Sense of the House regarding the importance of child support enforcement.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: \$2,058,604,000,000.
 Fiscal year 2014: \$2,248,773,000,000.
 Fiscal year 2015: \$2,459,718,000,000.
 Fiscal year 2016: \$2,627,541,000,000.
 Fiscal year 2017: \$2,770,342,000,000.
 Fiscal year 2018: \$2,891,985,000,000.
 Fiscal year 2019: \$3,021,132,000,000.
 Fiscal year 2020: \$3,173,642,000,000.
 Fiscal year 2021: \$3,332,602,000,000.
 Fiscal year 2022: \$3,498,448,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: -\$234,735,000,000.
 Fiscal year 2014: -\$302,411,000,000.
 Fiscal year 2015: -\$356,566,000,000.
 Fiscal year 2016: -\$388,565,000,000.
 Fiscal year 2017: -\$423,997,000,000.
 Fiscal year 2018: -\$460,304,000,000.
 Fiscal year 2019: -\$497,440,000,000.
 Fiscal year 2020: -\$534,378,000,000.
 Fiscal year 2021: -\$574,350,000,000.
 Fiscal year 2022: -\$617,033,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the ap-

propriate levels of total new budget authority are as follows:

Fiscal year 2013: \$2,793,848,000,000.
 Fiscal year 2014: \$2,681,566,000,000.
 Fiscal year 2015: \$2,756,471,000,000.
 Fiscal year 2016: \$2,888,570,000,000.
 Fiscal year 2017: \$2,998,681,000,000.
 Fiscal year 2018: \$3,117,133,000,000.
 Fiscal year 2019: \$3,290,908,000,000.
 Fiscal year 2020: \$3,455,514,000,000.
 Fiscal year 2021: \$3,570,712,000,000.
 Fiscal year 2022: \$3,780,807,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: \$2,891,589,000,000.
 Fiscal year 2014: \$2,769,702,000,000.
 Fiscal year 2015: \$2,784,233,000,000.
 Fiscal year 2016: \$2,892,523,000,000.
 Fiscal year 2017: \$2,977,372,000,000.
 Fiscal year 2018: \$3,080,794,000,000.
 Fiscal year 2019: \$3,248,524,000,000.
 Fiscal year 2020: \$3,398,470,000,000.
 Fiscal year 2021: \$3,531,790,000,000.
 Fiscal year 2022: \$3,748,801,000,000.

(4) **DEFICITS (ON-BUDGET).**—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2013: -\$832,985,000,000.
 Fiscal year 2014: -\$520,930,000,000.
 Fiscal year 2015: -\$324,515,000,000.
 Fiscal year 2016: -\$264,982,000,000.
 Fiscal year 2017: -\$207,030,000,000.
 Fiscal year 2018: -\$188,810,000,000.
 Fiscal year 2019: -\$227,392,000,000.
 Fiscal year 2020: -\$224,828,000,000.
 Fiscal year 2021: -\$199,189,000,000.
 Fiscal year 2022: -\$250,353,000,000.

(5) **DEBT SUBJECT TO LIMIT.**—The appropriate levels of the public debt are as follows:

Fiscal year 2013: \$17,072,810,000,000.
 Fiscal year 2014: \$17,769,762,000,000.
 Fiscal year 2015: \$18,277,348,000,000.
 Fiscal year 2016: \$18,752,806,000,000.
 Fiscal year 2017: \$19,216,661,000,000.
 Fiscal year 2018: \$19,676,545,000,000.
 Fiscal year 2019: \$20,168,534,000,000.
 Fiscal year 2020: \$20,657,588,000,000.
 Fiscal year 2021: \$21,121,620,000,000.
 Fiscal year 2022: \$21,627,396,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: \$12,261,337,000,000.
 Fiscal year 2014: \$12,860,706,000,000.
 Fiscal year 2015: \$13,260,430,000,000.
 Fiscal year 2016: \$13,597,083,000,000.
 Fiscal year 2017: \$13,874,203,000,000.
 Fiscal year 2018: \$14,125,515,000,000.
 Fiscal year 2019: \$14,417,373,000,000.
 Fiscal year 2020: \$14,717,285,000,000.
 Fiscal year 2021: \$15,005,091,000,000.
 Fiscal year 2022: \$15,363,610,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2013 through 2022 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2013:
 (A) New budget authority, \$562,166,000,000.
 (B) Outlays, \$621,469,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$574,807,000,000.
 (B) Outlays, \$589,720,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$588,501,000,000.
 (B) Outlays, \$586,446,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$602,958,000,000.
 (B) Outlays, \$599,658,000,000.

Fiscal year 2017:

(A) New budget authority, \$618,519,000,000.
 (B) Outlays, \$607,874,000,000.

Fiscal year 2018:

(A) New budget authority, \$635,241,000,000.
 (B) Outlays, \$617,648,000,000.

Fiscal year 2019:

(A) New budget authority, \$653,094,000,000.
 (B) Outlays, \$639,165,000,000.

Fiscal year 2020:

(A) New budget authority, \$671,528,000,000.
 (B) Outlays, \$656,950,000,000.

Fiscal year 2021:

(A) New budget authority, \$690,261,000,000.
 (B) Outlays, \$675,190,000,000.

Fiscal year 2022:

(A) New budget authority, \$709,450,000,000.
 (B) Outlays, \$699,316,000,000.

(2) **International Affairs (150):**

Fiscal year 2013:

(A) New budget authority, \$43,128,000,000.
 (B) Outlays, \$46,999,000,000.

Fiscal year 2014:

(A) New budget authority, \$40,113,000,000.
 (B) Outlays, \$44,758,000,000.

Fiscal year 2015:

(A) New budget authority, \$38,271,000,000.
 (B) Outlays, \$45,707,000,000.

Fiscal year 2016:

(A) New budget authority, \$38,082,000,000.
 (B) Outlays, \$46,041,000,000.

Fiscal year 2017:

(A) New budget authority, \$40,446,000,000.
 (B) Outlays, \$46,529,000,000.

Fiscal year 2018:

(A) New budget authority, \$42,366,000,000.
 (B) Outlays, \$46,777,000,000.

Fiscal year 2019:

(A) New budget authority, \$43,303,000,000.
 (B) Outlays, \$45,780,000,000.

Fiscal year 2020:

(A) New budget authority, \$44,294,000,000.
 (B) Outlays, \$45,774,000,000.

Fiscal year 2021:

(A) New budget authority, \$45,329,000,000.
 (B) Outlays, \$46,737,000,000.

Fiscal year 2022:

(A) New budget authority, \$46,649,000,000.
 (B) Outlays, \$47,872,000,000.

(3) **General Science, Space, and Technology (250):**

Fiscal year 2013:

(A) New budget authority, \$28,001,000,000.
 (B) Outlays, \$29,204,000,000.

Fiscal year 2014:

(A) New budget authority, \$28,154,000,000.
 (B) Outlays, \$28,535,000,000.

Fiscal year 2015:

(A) New budget authority, \$28,633,000,000.
 (B) Outlays, \$28,591,000,000.

Fiscal year 2016:

(A) New budget authority, \$29,176,000,000.
 (B) Outlays, \$29,006,000,000.

Fiscal year 2017:

(A) New budget authority, \$29,759,000,000.
 (B) Outlays, \$29,526,000,000.

Fiscal year 2018:

(A) New budget authority, \$30,412,000,000.
 (B) Outlays, \$30,127,000,000.

Fiscal year 2019:

(A) New budget authority, \$31,066,000,000.
 (B) Outlays, \$30,719,000,000.

Fiscal year 2020:

(A) New budget authority, \$31,747,000,000.
 (B) Outlays, \$31,377,000,000.

Fiscal year 2021:

(A) New budget authority, \$32,454,000,000.
 (B) Outlays, \$31,973,000,000.

Fiscal year 2022:

(A) New budget authority, \$33,173,000,000.
 (B) Outlays, \$32,680,000,000.

(4) **Energy (270):**

Fiscal year 2013:

(A) New budget authority, -\$3,025,000,000.

- (B) Outlays, \$9,407,000,000.
Fiscal year 2014:
(A) New budget authority, \$1,670,000,000.
(B) Outlays, \$4,220,000,000.
Fiscal year 2015:
(A) New budget authority, \$952,000,000.
(B) Outlays, \$2,375,000,000.
Fiscal year 2016:
(A) New budget authority, \$990,000,000.
(B) Outlays, \$2,128,000,000.
Fiscal year 2017:
(A) New budget authority, \$960,000,000.
(B) Outlays, \$1,832,000,000.
Fiscal year 2018:
(A) New budget authority, \$960,000,000.
(B) Outlays, \$1,903,000,000.
Fiscal year 2019:
(A) New budget authority, \$1,017,000,000.
(B) Outlays, \$2,103,000,000.
Fiscal year 2020:
(A) New budget authority, \$975,000,000.
(B) Outlays, \$2,110,000,000.
Fiscal year 2021:
(A) New budget authority, \$863,000,000.
(B) Outlays, \$2,130,000,000.
Fiscal year 2022:
(A) New budget authority, \$900,000,000.
(B) Outlays, \$2,221,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2013:
(A) New budget authority, \$33,274,000,000.
(B) Outlays, \$37,882,000,000.
Fiscal year 2014:
(A) New budget authority, \$31,554,000,000.
(B) Outlays, \$36,144,000,000.
Fiscal year 2015:
(A) New budget authority, \$30,181,000,000.
(B) Outlays, \$35,058,000,000.
Fiscal year 2016:
(A) New budget authority, \$30,868,000,000.
(B) Outlays, \$33,832,000,000.
Fiscal year 2017:
(A) New budget authority, \$31,848,000,000.
(B) Outlays, \$33,756,000,000.
Fiscal year 2018:
(A) New budget authority, \$33,140,000,000.
(B) Outlays, \$33,245,000,000.
Fiscal year 2019:
(A) New budget authority, \$33,981,000,000.
(B) Outlays, \$33,845,000,000.
Fiscal year 2020:
(A) New budget authority, \$35,132,000,000.
(B) Outlays, \$34,707,000,000.
Fiscal year 2021:
(A) New budget authority, \$35,338,000,000.
(B) Outlays, \$35,178,000,000.
Fiscal year 2022:
(A) New budget authority, \$36,046,000,000.
(B) Outlays, \$35,666,000,000.
(6) Agriculture (350):
Fiscal year 2013:
(A) New budget authority, \$21,691,000,000.
(B) Outlays, \$24,611,000,000.
Fiscal year 2014:
(A) New budget authority, \$18,145,000,000.
(B) Outlays, \$19,113,000,000.
Fiscal year 2015:
(A) New budget authority, \$19,395,000,000.
(B) Outlays, \$19,107,000,000.
Fiscal year 2016:
(A) New budget authority, \$19,142,000,000.
(B) Outlays, \$18,761,000,000.
Fiscal year 2017:
(A) New budget authority, \$18,962,000,000.
(B) Outlays, \$18,571,000,000.
Fiscal year 2018:
(A) New budget authority, \$19,291,000,000.
(B) Outlays, \$18,849,000,000.
Fiscal year 2019:
(A) New budget authority, \$19,556,000,000.
(B) Outlays, \$19,152,000,000.
Fiscal year 2020:
(A) New budget authority, \$20,045,000,000.
(B) Outlays, \$19,667,000,000.
Fiscal year 2021:
(A) New budget authority, \$20,543,000,000.
(B) Outlays, \$20,154,000,000.
Fiscal year 2022:
(A) New budget authority, \$20,571,000,000.
(B) Outlays, \$20,187,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2013:
(A) New budget authority, -\$7,095,000,000.
(B) Outlays, -\$3,151,000,000.
Fiscal year 2014:
(A) New budget authority, -\$1,455,000,000.
(B) Outlays, -\$12,070,000,000.
Fiscal year 2015:
(A) New budget authority, \$711,000,000.
(B) Outlays, -\$11,591,000,000.
Fiscal year 2016:
(A) New budget authority, \$2,675,000,000.
(B) Outlays, -\$12,166,000,000.
Fiscal year 2017:
(A) New budget authority, \$5,135,000,000.
(B) Outlays, -\$11,195,000,000.
Fiscal year 2018:
(A) New budget authority, \$6,515,000,000.
(B) Outlays, -\$10,525,000,000.
Fiscal year 2019:
(A) New budget authority, \$7,778,000,000.
(B) Outlays, -\$15,134,000,000.
Fiscal year 2020:
(A) New budget authority, \$9,491,000,000.
(B) Outlays, -\$14,115,000,000.
Fiscal year 2021:
(A) New budget authority, \$10,206,000,000.
(B) Outlays, -\$6,446,000,000.
Fiscal year 2022:
(A) New budget authority, \$11,311,000,000.
(B) Outlays, -\$6,533,000,000.
(8) Transportation (400):
Fiscal year 2013:
(A) New budget authority, \$57,139,000,000.
(B) Outlays, \$49,729,000,000.
Fiscal year 2014:
(A) New budget authority, \$80,829,000,000.
(B) Outlays, \$84,541,000,000.
Fiscal year 2015:
(A) New budget authority, \$74,602,000,000.
(B) Outlays, \$77,294,000,000.
Fiscal year 2016:
(A) New budget authority, \$76,512,000,000.
(B) Outlays, \$79,831,000,000.
Fiscal year 2017:
(A) New budget authority, \$77,561,000,000.
(B) Outlays, \$80,358,000,000.
Fiscal year 2018:
(A) New budget authority, \$80,640,000,000.
(B) Outlays, \$81,412,000,000.
Fiscal year 2019:
(A) New budget authority, \$81,636,000,000.
(B) Outlays, \$81,348,000,000.
Fiscal year 2020:
(A) New budget authority, \$85,165,000,000.
(B) Outlays, \$84,201,000,000.
Fiscal year 2021:
(A) New budget authority, \$80,486,000,000.
(B) Outlays, \$79,090,000,000.
Fiscal year 2022:
(A) New budget authority, \$93,104,000,000.
(B) Outlays, \$91,180,000,000.
(9) Community and Regional Development (450):
Fiscal year 2013:
(A) New budget authority, \$11,047,000,000.
(B) Outlays, \$21,732,000,000.
Fiscal year 2014:
(A) New budget authority, \$7,307,000,000.
(B) Outlays, \$16,886,000,000.
Fiscal year 2015:
(A) New budget authority, \$7,389,000,000.
(B) Outlays, \$13,927,000,000.
Fiscal year 2016:
(A) New budget authority, \$7,415,000,000.
(B) Outlays, \$10,647,000,000.
Fiscal year 2017:
(A) New budget authority, \$7,427,000,000.
(B) Outlays, \$8,848,000,000.
Fiscal year 2018:
(A) New budget authority, \$7,435,000,000.
(B) Outlays, \$8,044,000,000.
Fiscal year 2019:
(A) New budget authority, \$7,410,000,000.
(B) Outlays, \$7,673,000,000.
Fiscal year 2020:
(A) New budget authority, \$7,501,000,000.
(B) Outlays, \$7,691,000,000.
Fiscal year 2021:
(A) New budget authority, \$7,604,000,000.
(B) Outlays, \$7,805,000,000.
Fiscal year 2022:
(A) New budget authority, \$7,726,000,000.
(B) Outlays, \$7,997,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2013:
(A) New budget authority, \$57,626,000,000.
(B) Outlays, \$78,335,000,000.
Fiscal year 2014:
(A) New budget authority, \$56,151,000,000.
(B) Outlays, \$60,269,000,000.
Fiscal year 2015:
(A) New budget authority, \$63,904,000,000.
(B) Outlays, \$64,931,000,000.
Fiscal year 2016:
(A) New budget authority, \$71,626,000,000.
(B) Outlays, \$71,719,000,000.
Fiscal year 2017:
(A) New budget authority, \$79,630,000,000.
(B) Outlays, \$78,652,000,000.
Fiscal year 2018:
(A) New budget authority, \$84,076,000,000.
(B) Outlays, \$84,121,000,000.
Fiscal year 2019:
(A) New budget authority, \$87,738,000,000.
(B) Outlays, \$87,647,000,000.
Fiscal year 2020:
(A) New budget authority, \$89,329,000,000.
(B) Outlays, \$89,911,000,000.
Fiscal year 2021:
(A) New budget authority, \$90,305,000,000.
(B) Outlays, \$91,272,000,000.
Fiscal year 2022:
(A) New budget authority, \$91,458,000,000.
(B) Outlays, \$92,408,000,000.
(11) Health (550):
Fiscal year 2013:
(A) New budget authority, \$363,596,000,000.
(B) Outlays, \$365,614,000,000.
Fiscal year 2014:
(A) New budget authority, \$358,322,000,000.
(B) Outlays, \$362,556,000,000.
Fiscal year 2015:
(A) New budget authority, \$365,058,000,000.
(B) Outlays, \$369,455,000,000.
Fiscal year 2016:
(A) New budget authority, \$376,993,000,000.
(B) Outlays, \$376,408,000,000.
Fiscal year 2017:
(A) New budget authority, \$393,219,000,000.
(B) Outlays, \$394,754,000,000.
Fiscal year 2018:
(A) New budget authority, \$404,124,000,000.
(B) Outlays, \$406,143,000,000.
Fiscal year 2019:
(A) New budget authority, \$419,428,000,000.
(B) Outlays, \$417,557,000,000.
Fiscal year 2020:
(A) New budget authority, \$446,427,000,000.
(B) Outlays, \$433,169,000,000.
Fiscal year 2021:
(A) New budget authority, \$449,759,000,000.
(B) Outlays, \$446,710,000,000.
Fiscal year 2022:
(A) New budget authority, \$471,657,000,000.
(B) Outlays, \$468,212,000,000.
(12) Medicare (570):
Fiscal year 2013:
(A) New budget authority, \$510,144,000,000.
(B) Outlays, \$510,056,000,000.

Fiscal year 2014:

(A) New budget authority, \$532,701,000,000.
(B) Outlays, \$532,004,000,000.

Fiscal year 2015:

(A) New budget authority, \$554,995,000,000.
(B) Outlays, \$554,555,000,000.

Fiscal year 2016:

(A) New budget authority, \$601,515,000,000.
(B) Outlays, \$601,281,000,000.

Fiscal year 2017:

(A) New budget authority, \$615,386,000,000.
(B) Outlays, \$614,665,000,000.

Fiscal year 2018:

(A) New budget authority, \$634,539,000,000.
(B) Outlays, \$634,089,000,000.

Fiscal year 2019:

(A) New budget authority, \$692,173,000,000.
(B) Outlays, \$691,921,000,000.

Fiscal year 2020:

(A) New budget authority, \$737,284,000,000.
(B) Outlays, \$736,531,000,000.

Fiscal year 2021:

(A) New budget authority, \$784,647,000,000.
(B) Outlays, \$784,158,000,000.

Fiscal year 2022:

(A) New budget authority, \$866,591,000,000.
(B) Outlays, \$866,448,000,000.

(13) Income Security (600):

Fiscal year 2013:

(A) New budget authority, \$517,076,000,000.
(B) Outlays, \$516,848,000,000.

Fiscal year 2014:

(A) New budget authority, \$475,714,000,000.
(B) Outlays, \$474,603,000,000.

Fiscal year 2015:

(A) New budget authority, \$472,820,000,000.
(B) Outlays, \$471,200,000,000.

Fiscal year 2016:

(A) New budget authority, \$453,169,000,000.
(B) Outlays, \$455,843,000,000.

Fiscal year 2017:

(A) New budget authority, \$450,453,000,000.
(B) Outlays, \$448,404,000,000.

Fiscal year 2018:

(A) New budget authority, \$453,608,000,000.
(B) Outlays, \$447,336,000,000.

Fiscal year 2019:

(A) New budget authority, \$469,525,000,000.
(B) Outlays, \$467,922,000,000.

Fiscal year 2020:

(A) New budget authority, \$481,660,000,000.
(B) Outlays, \$480,331,000,000.

Fiscal year 2021:

(A) New budget authority, \$494,347,000,000.
(B) Outlays, \$493,341,000,000.

Fiscal year 2022:

(A) New budget authority, \$511,458,000,000.
(B) Outlays, \$515,356,000,000.

(14) Social Security (650):

Fiscal year 2013:

(A) New budget authority, \$53,216,000,000.
(B) Outlays, \$53,296,000,000.

Fiscal year 2014:

(A) New budget authority, \$31,892,000,000.
(B) Outlays, \$32,002,000,000.

Fiscal year 2015:

(A) New budget authority, \$35,135,000,000.
(B) Outlays, \$35,210,000,000.

Fiscal year 2016:

(A) New budget authority, \$38,953,000,000.
(B) Outlays, \$38,991,000,000.

Fiscal year 2017:

(A) New budget authority, \$43,140,000,000.
(B) Outlays, \$43,140,000,000.

Fiscal year 2018:

(A) New budget authority, \$47,590,000,000.
(B) Outlays, \$47,590,000,000.

Fiscal year 2019:

(A) New budget authority, \$52,429,000,000.
(B) Outlays, \$52,429,000,000.

Fiscal year 2020:

(A) New budget authority, \$57,425,000,000.
(B) Outlays, \$57,425,000,000.

Fiscal year 2021:

(A) New budget authority, \$62,604,000,000.
(B) Outlays, \$62,604,000,000.

Fiscal year 2022:

(A) New budget authority, \$68,079,000,000.
(B) Outlays, \$68,079,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2013:

(A) New budget authority, \$134,635,000,000.
(B) Outlays, \$135,222,000,000.

Fiscal year 2014:

(A) New budget authority, \$137,004,000,000.
(B) Outlays, \$137,230,000,000.

Fiscal year 2015:

(A) New budget authority, \$139,862,000,000.
(B) Outlays, \$139,774,000,000.

Fiscal year 2016:

(A) New budget authority, \$148,556,000,000.
(B) Outlays, \$148,044,000,000.

Fiscal year 2017:

(A) New budget authority, \$147,499,000,000.
(B) Outlays, \$146,846,000,000.

Fiscal year 2018:

(A) New budget authority, \$146,341,000,000.
(B) Outlays, \$145,634,000,000.

Fiscal year 2019:

(A) New budget authority, \$156,034,000,000.
(B) Outlays, \$155,291,000,000.

Fiscal year 2020:

(A) New budget authority, \$160,511,000,000.
(B) Outlays, \$159,760,000,000.

Fiscal year 2021:

(A) New budget authority, \$165,065,000,000.
(B) Outlays, \$164,272,000,000.

Fiscal year 2022:

(A) New budget authority, \$175,431,000,000.
(B) Outlays, \$174,607,000,000.

(16) Administration of Justice (750):

Fiscal year 2013:

(A) New budget authority, \$54,277,000,000.
(B) Outlays, \$57,623,000,000.

Fiscal year 2014:

(A) New budget authority, \$51,201,000,000.
(B) Outlays, \$54,168,000,000.

Fiscal year 2015:

(A) New budget authority, \$52,499,000,000.
(B) Outlays, \$54,276,000,000.

Fiscal year 2016:

(A) New budget authority, \$55,868,000,000.
(B) Outlays, \$56,929,000,000.

Fiscal year 2017:

(A) New budget authority, \$55,704,000,000.
(B) Outlays, \$56,547,000,000.

Fiscal year 2018:

(A) New budget authority, \$57,407,000,000.
(B) Outlays, \$60,053,000,000.

Fiscal year 2019:

(A) New budget authority, \$59,263,000,000.
(B) Outlays, \$60,828,000,000.

Fiscal year 2020:

(A) New budget authority, \$61,091,000,000.
(B) Outlays, \$62,003,000,000.

Fiscal year 2021:

(A) New budget authority, \$63,137,000,000.
(B) Outlays, \$64,045,000,000.

Fiscal year 2022:

(A) New budget authority, \$68,922,000,000.
(B) Outlays, \$69,817,000,000.

(17) General Government (800):

Fiscal year 2013:

(A) New budget authority, \$23,155,000,000.
(B) Outlays, \$25,051,000,000.

Fiscal year 2014:

(A) New budget authority, 23,415,000,000.
(B) Outlays, \$24,042,000,000.

Fiscal year 2015:

(A) New budget authority, \$23,067,000,000.
(B) Outlays, \$23,435,000,000.

Fiscal year 2016:

(A) New budget authority, \$22,814,000,000.
(B) Outlays, \$22,961,000,000.

Fiscal year 2017:

(A) New budget authority, \$23,149,000,000.
(B) Outlays, \$23,170,000,000.

Fiscal year 2018:

(A) New budget authority, \$23,734,000,000.
(B) Outlays, \$23,699,000,000.

Fiscal year 2019:

(A) New budget authority, \$24,304,000,000.
(B) Outlays, \$23,897,000,000.

Fiscal year 2020:

(A) New budget authority, \$24,751,000,000.
(B) Outlays, \$24,365,000,000.

Fiscal year 2021:

(A) New budget authority, \$25,358,000,000.
(B) Outlays, \$24,896,000,000.

Fiscal year 2022:

(A) New budget authority, \$25,881,000,000.
(B) Outlays, \$25,449,000,000.

(18) Net Interest (900):

Fiscal year 2013:

(A) New budget authority, \$344,415,000,000.
(B) Outlays, \$344,415,000,000.

Fiscal year 2014:

(A) New budget authority, \$356,352,000,000.
(B) Outlays, \$356,352,000,000.

Fiscal year 2015:

(A) New budget authority, \$391,014,000,000.
(B) Outlays, \$391,014,000,000.

Fiscal year 2016:

(A) New budget authority, \$447,356,000,000.
(B) Outlays, \$447,356,000,000.

Fiscal year 2017:

(A) New budget authority, \$506,642,000,000.
(B) Outlays, \$506,642,000,000.

Fiscal year 2018:

(A) New budget authority, \$565,014,000,000.
(B) Outlays, \$565,014,000,000.

Fiscal year 2019:

(A) New budget authority, \$618,628,000,000.
(B) Outlays, \$618,628,000,000.

Fiscal year 2020:

(A) New budget authority, \$664,102,000,000.
(B) Outlays, \$664,102,000,000.

Fiscal year 2021:

(A) New budget authority, \$696,908,000,000.
(B) Outlays, \$696,908,000,000.

Fiscal year 2022:

(A) New budget authority, \$730,179,000,000.
(B) Outlays, \$730,179,000,000.

(19) Allowances (920):

Fiscal year 2013:

(A) New budget authority, -\$22,607,000,000.
(B) Outlays, \$859,000,000.

Fiscal year 2014:

(A) New budget authority, -\$87,771,000,000.
(B) Outlays, -\$50,682,000,000.

Fiscal year 2015:

(A) New budget authority, -\$90,146,000,000.
(B) Outlays, -\$80,035,000,000.

Fiscal year 2016:

(A) New budget authority, -\$94,030,000,000.
(B) Outlays, -\$93,943,000,000.

Fiscal year 2017:

(A) New budget authority, -\$96,411,000,000.
(B) Outlays, -\$101,325,000,000.

Fiscal year 2018:

(A) New budget authority, -\$101,394,000,000.
(B) Outlays, -\$106,211,000,000.

Fiscal year 2019:

(A) New budget authority, -\$106,767,000,000.
(B) Outlays, -\$111,171,000,000.

Fiscal year 2020:

(A) New budget authority, -\$113,223,000,000.
(B) Outlays, -\$117,350,000,000.

Fiscal year 2021:

(A) New budget authority, -\$120,493,000,000.
(B) Outlays, -\$123,784,000,000.

Fiscal year 2022:

(A) New budget authority, -\$121,281,000,000.
(B) Outlays, -\$125,413,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2013:

(A) New budget authority, -\$84,736,000,000.
(B) Outlays, -\$84,736,000,000.

Fiscal year 2014:

(A) New budget authority, -\$78,697,000,000.
(B) Outlays, -\$78,697,000,000.

Fiscal year 2015:

(A) New budget authority, -\$84,531,000,000.

(B) Outlays, -\$84,531,000,000.

Fiscal year 2016:

(A) New budget authority, -\$86,226,000,000.

(B) Outlays, -\$86,226,000,000.

Fiscal year 2017:

(A) New budget authority, -\$94,507,000,000.

(B) Outlays, -\$94,507,000,000.

Fiscal year 2018:

(A) New budget authority, -\$98,066,000,000.

(B) Outlays, -\$98,066,000,000.

Fiscal year 2019:

(A) New budget authority, -\$104,845,000,000.

(B) Outlays, -\$104,845,000,000.

Fiscal year 2020:

(A) New budget authority, -\$103,878,000,000.

(B) Outlays, -\$103,878,000,000.

Fiscal year 2021:

(A) New budget authority, -\$108,168,000,000.

(B) Outlays, -\$108,168,000,000.

Fiscal year 2022:

(A) New budget authority, -\$110,655,000,000.

(B) Outlays, -\$110,655,000,000.

(21) Overseas Contingency Operations/Global War on Terrorism:

Fiscal year 2013:

(A) New budget authority, \$96,725,000,000.

(B) Outlays, \$51,125,000,000.

Fiscal year 2014:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$54,010,000,000.

Fiscal year 2015:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$48,034,000,000.

Fiscal year 2016:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$45,422,000,000.

Fiscal year 2017:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$44,284,000,000.

Fiscal year 2018:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$43,912,000,000.

Fiscal year 2019:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$43,770,000,000.

Fiscal year 2020:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$43,741,000,000.

Fiscal year 2021:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$43,727,000,000.

Fiscal year 2022:

(A) New budget authority, \$44,159,000,000.

(B) Outlays, \$43,727,000,000.

TITLE II—RECONCILIATION AND DIRECTIVE TO THE COMMITTEE ON THE BUDGET

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS OF SPENDING REDUCTION.—Not later than April 27, 2012, the House committees named in subsection (b) shall submit recommendations to the Committee on the Budget of the House of Representatives. After receiving those recommendations, such committee shall report to the House a reconciliation bill carrying out all such recommendations without substantive revision.

(b) INSTRUCTIONS.—

(1) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture shall submit changes in laws within its jurisdiction sufficient to reduce the deficit by \$8,200,000,000 for the period of fiscal years 2012 and 2013; by \$19,700,000,000 for the period of fiscal years 2012 through 2017; and by \$33,200,000,000 for the period of fiscal years 2012 through 2022.

(2) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce shall submit changes in laws within its jurisdiction sufficient to reduce the deficit by \$3,750,000,000 for the period of fiscal years 2012 and 2013; by \$28,430,000,000 for the period

of fiscal years 2012 through 2017; and by \$96,760,000,000 for the period of fiscal years 2012 through 2022.

(3) COMMITTEE ON FINANCIAL SERVICES.—The Committee on Financial Services shall submit changes in laws within its jurisdiction sufficient to reduce the deficit by \$3,000,000,000 for the period of fiscal years 2012 and 2013; by \$16,700,000,000 for the period of fiscal years 2012 through 2017; and by \$29,800,000,000 for the period of fiscal years 2012 through 2022.

(4) COMMITTEE ON THE JUDICIARY.—The Committee on the Judiciary shall submit changes in laws within its jurisdiction sufficient to reduce the deficit by \$100,000,000 for the period of fiscal years 2012 and 2013; by \$11,200,000,000 for the period of fiscal years 2012 through 2017; and by \$39,700,000,000 for the period of fiscal years 2012 through 2022.

(5) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—The Committee on Oversight and Government Reform shall submit changes in laws within its jurisdiction sufficient to reduce the deficit by \$2,200,000,000 for the period of fiscal years 2012 and 2013; by \$30,100,000,000 for the period of fiscal years 2012 through 2017; and by \$78,900,000,000 for the period of fiscal years 2012 through 2022.

(6) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means shall submit changes in laws within its jurisdiction sufficient to reduce the deficit by \$1,200,000,000 for the period of fiscal years 2012 and 2013; by \$23,000,000,000 for the period of fiscal years 2012 through 2017; and by \$53,000,000,000 for the period of fiscal years 2012 through 2022.

SEC. 202. DIRECTIVE TO THE COMMITTEE ON THE BUDGET OF THE HOUSE OF REPRESENTATIVES TO REPLACE THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.

(a) SUBMISSION.—In the House, the Committee on the Budget shall report to the House a bill carrying out the directions set forth in subsection (b).

(b) DIRECTIONS.—The bill referred to in subsection (a) shall include the following provisions:

(1) REPLACING THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.—The language shall amend section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester established under that section consistent with this concurrent resolution.

(2) APPLICATION OF PROVISIONS.—The bill referred to in subsection (a) shall include language making its application contingent upon the enactment of the reconciliation bill referred to in section 201.

TITLE III—RECOMMENDED LEVELS AND AMOUNTS FOR FISCAL YEARS 2030, 2040, AND 2050

SEC. 301. POLICY STATEMENT ON LONG-TERM BUDGETING.

The following are the recommended budget levels for each of fiscal years 2030, 2040, and 2050 as a percent of the gross domestic product of the United States:

(1) FEDERAL REVENUES.—The appropriate levels of Federal revenues are as follows:

Fiscal year 2030: 19 percent.

Fiscal year 2040: 19 percent.

Fiscal year 2050: 19 percent.

(2) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 2030: 20.25 percent.

Fiscal year 2040: 18.75 percent.

Fiscal year 2050: 16 percent.

(3) DEFICITS.—The appropriate amounts of deficits are as follows:

Fiscal year 2030: 1.25 percent.

Fiscal year 2040: -.25 percent.

Fiscal year 2050: -3 percent.

(4) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2030: 53 percent.

Fiscal year 2040: 38 percent.

Fiscal year 2050: 10 percent.

TITLE IV—RESERVE FUNDS

SEC. 401. RESERVE FUND FOR THE REPEAL OF THE 2010 HEALTH CARE LAWS.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that repeals the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010.

SEC. 402. DEFICIT-NEUTRAL RESERVE FUND FOR THE SUSTAINABLE GROWTH RATE OF THE MEDICARE PROGRAM.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that includes provisions amending or superseding the system for updating payments under section 1848 of the Social Security Act, if such measure would not increase the deficit in the period of fiscal years 2013 through 2022.

SEC. 403. DEFICIT-NEUTRAL RESERVE FUND FOR REVENUE MEASURES.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for the budgetary effects of any bill reported by the Committee on Ways and Means, or any amendment thereto or conference report thereon, that decreases revenue, but only if such measure would not increase the deficit over the period of fiscal years 2013 through 2022.

SEC. 404. DEFICIT-NEUTRAL RESERVE FUND FOR RURAL COUNTIES AND SCHOOLS.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565) or makes changes to or provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393) by the amounts provided by that legislation for those purposes, if such legislation would not increase the deficit or direct spending for fiscal year 2013, the period of fiscal years 2013 through 2017, or the period of fiscal years 2013 through 2022.

SEC. 405. DEFICIT-NEUTRAL RESERVE FUND FOR TRANSPORTATION.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill or joint resolution, or amendment thereto or conference report thereon, if such measure maintains the solvency of the Highway Trust Fund, but only if such measure would not increase the deficit over the period of fiscal years 2013 through 2022.

TITLE V—BUDGET ENFORCEMENT

SEC. 501. LIMITATION ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), any bill or joint

resolution, or an amendment thereto or conference report thereon, making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) **EXCEPTIONS.**—An advance appropriation may be provided for programs, projects, activities, or accounts referred to in subsection (c)(1) or identified in the report to accompany this resolution or the joint explanatory statement of managers to accompany this resolution under the heading “Accounts Identified for Advance Appropriations”.

(c) **LIMITATIONS.**—For fiscal year 2014, the aggregate amount of advance appropriation shall not exceed—

(1) \$54,462,000,000 for the following programs in the Department of Veterans Affairs—

(A) Medical Services;
(B) Medical Support and Compliance; and
(C) Medical Facilities accounts of the Veterans Health Administration; and

(2) \$28,852,000,000 in new budget authority for all other programs.

(d) **DEFINITION.**—In this section, the term “advance appropriation” means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2014.

SEC. 502. CONCEPTS AND DEFINITIONS.

Upon the enactment of any bill or joint resolution providing for a change in budgetary concepts or definitions, the chair of the Committee on the Budget may adjust any appropriate levels and allocations in this resolution accordingly.

SEC. 503. ADJUSTMENTS OF AGGREGATES AND ALLOCATIONS FOR LEGISLATION.

(a) **ENFORCEMENT.**—For purposes of enforcing this resolution, the revenue levels shall be those set forth in the March 2012 Congressional Budget Office baseline. The total amount of adjustments made under subsection (b) may not cause revenue levels to be below the levels set forth in paragraph (1)(A) of section 101 for fiscal year 2013 and for the period of fiscal years 2013 through 2022.

(b) **ADJUSTMENTS.**—(1) The chair of the Committee on the Budget may adjust the allocations and aggregates of this concurrent resolution for—

(A) the budgetary effects of measures extending the Economic Growth and Tax Relief Reconciliation Act of 2001;

(B) the budgetary effects of measures extending the Jobs and Growth Tax Relief Reconciliation Act of 2003;

(C) the budgetary effects of measures that adjust the Alternative Minimum Tax exemption amounts to prevent a larger number of taxpayers as compared with tax year 2008 from being subject to the Alternative Minimum Tax or of allowing the use of non-refundable personal credits against the Alternative Minimum Tax;

(D) the budgetary effects of extending the estate, gift, and generation-skipping transfer tax provisions of title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010;

(E) the budgetary effects of measures providing a 20 percent deduction in income to small businesses;

(F) the budgetary effects of measures implementing trade agreements;

(G) the budgetary effects of provisions repealing the tax increases set forth in the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010;

(H) the budgetary effects of provisions reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010; and

(I) the budgetary effects of measures reforming the tax code and lowering tax rates.

(2) A measure does not qualify for adjustments under paragraph (1)(H) if it—

(A) increases the deficit over the period of fiscal years 2013 through 2022; or

(B) increases revenues over the period of fiscal years 2013 through 2022, other than by—

(i) repealing or modifying the individual mandate (codified as section 5000A of the Internal Revenue Code of 1986); or

(ii) modifying the subsidies to purchase health insurance (codified as section 36B of the Internal Revenue Code of 1986).

(c) **OTHER ADJUSTMENTS.**—If a committee (other than the Committee on Appropriations) reports a bill or joint resolution, or an amendment thereto or a conference report thereon, providing for a decrease in direct spending (budget authority and outlays flowing therefrom) for any fiscal year and also provides for an authorization of appropriations for the same purpose, upon the enactment of such measure, the chair of the Committee on the Budget may decrease the allocation to such committee and increase the allocation of discretionary spending (budget authority and outlays flowing therefrom) to the Committee on Appropriations for fiscal year 2013 by an amount equal to the new budget authority (and outlays flowing therefrom) provided for in a bill or joint resolution making appropriations for the same purpose.

(d) **DETERMINATIONS.**—For the purpose of enforcing this concurrent resolution on the budget in the House, the allocations and aggregate levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for fiscal year 2013 and the period of fiscal years 2013 through fiscal year 2022 shall be determined on the basis of estimates made by the chair of the Committee on the Budget and such chair may adjust the applicable levels of this resolution.

SEC. 504. LIMITATION ON LONG-TERM SPENDING.

(a) **IN GENERAL.**—In the House, it shall not be in order to consider a bill or joint resolution reported by a committee (other than the Committee on Appropriations), or an amendment thereto or a conference report thereon, if the provisions of such measure have the net effect of increasing direct spending in excess of \$5,000,000,000 for any period described in subsection (b).

(b) **TIME PERIODS.**—The applicable periods for purposes of this section are any of the first four consecutive ten fiscal-year periods beginning with fiscal year 2023.

SEC. 505. BUDGETARY TREATMENT OF CERTAIN TRANSACTIONS.

(a) **IN GENERAL.**—Notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(b) **SPECIAL RULE.**—For purposes of applying sections 302(f) and 311 of the Congress-

sional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

(c) **ADJUSTMENTS.**—The chair of the Committee on the Budget may adjust allocations and aggregates for legislation reported by the Committee on Oversight and Government Reform that reforms the Federal retirement system, but does not cause a net increase in the deficit for fiscal year 2013 and the period of fiscal years 2013 to 2022.

SEC. 506. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates included in this resolution.

(c) **EXEMPTIONS.**—Any legislation for which the chair of the Committee on the Budget makes adjustments in the allocations or aggregates of this concurrent resolution shall not be subject to the points of order set forth in clause 10 of rule XXI of the Rules of the House of Representatives or section 504.

SEC. 507. CONGRESSIONAL BUDGET OFFICE ESTIMATES.

(a) **FAIR VALUE ESTIMATES.**—

(1) **REQUEST FOR SUPPLEMENTAL ESTIMATES.**—Upon the request of the chair or ranking member of the Committee on the Budget, any estimate prepared for a measure under the terms of title V of the Congressional Budget Act of 1974, “credit reform”, as a supplement to such estimate of the Congressional Budget Office shall, to the extent practicable, also provide an estimate of the current actual or estimated market values representing the “fair value” of assets and liabilities affected by such measure.

(2) **ENFORCEMENT.**—If the Congressional Budget Office provides an estimate pursuant to subsection (a), the chair of the Committee on the Budget may use such estimate to determine compliance with the Congressional Budget Act of 1974 and other budgetary enforcement controls.

(b) **BUDGETARY EFFECTS OF THE NATIONAL FLOOD INSURANCE PROGRAM.**—The Congressional Budget Office shall estimate the change in net income to the National Flood Insurance Program by this Act if such income is included in a reconciliation bill provided for in section 201, as if such income were deposited in the general fund of the Treasury.

SEC. 508. BUDGET RULE RELATING TO TRANSFERS FROM THE GENERAL FUND OF THE TREASURY TO THE HIGHWAY TRUST FUND THAT INCREASE PUBLIC INDEBTEDNESS.

For purposes of the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, or the Rules of the House of Representatives, a bill or joint resolution, or an amendment thereto or conference report thereon, or any Act that transfers funds from the general fund of the Treasury to the Highway Trust Fund shall be counted as new budget authority and outlays equal to the amount of the transfer in the fiscal year the transfer occurs.

SEC. 509. SEPARATE ALLOCATION FOR OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM.

(a) **ALLOCATION.**—In the House, there shall be a separate allocation to the Committee on Appropriations for overseas contingency operations and the global war on terrorism. For purposes of enforcing such separate allocation under section 302(f) of the Congressional Budget Act of 1974, the “first fiscal year” and the “total of fiscal years” shall be deemed to refer to fiscal year 2013. Such separate allocation shall be the exclusive allocation for overseas contingency operations and the global war on terrorism under section 302(a) of such Act. Section 302(c) of such Act does not apply to such separate allocation. The Committee on Appropriations may provide suballocations of such separate allocation under section 302(b) of such Act. Spending that counts toward the allocation established by this section shall be designated pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) **ADJUSTMENT.**—In the House, for purposes of subsection (a) for fiscal year 2013, no adjustment shall be made under section 314(a) of the Congressional Budget Act of 1974 if any adjustment would be made under section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 510. EXERCISE OF RULEMAKING POWERS.

(a) **IN GENERAL.**—The House adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules of the House of Representatives, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of the House of Representatives to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(b) **LIMITATION ON APPLICATION.**—The following provisions of H. Res. 5 (112th Congress) shall no longer have force or effect:

(1) Section 3(e) relating to advance appropriations.

(2) Section 3(f) relating to the treatment of off-budget administrative expenses.

TITLE VI—POLICY

SEC. 601. POLICY STATEMENT ON MEDICARE.

(a) **FINDINGS.**—The House finds the following:

(1) More than 50 million Americans depend on Medicare for their health security.

(2) The Medicare Trustees Report has repeatedly recommended that Medicare’s long-term financial challenges be addressed soon. Each year without reform, the financial condition of Medicare becomes more precarious and the threat to those in and near retirement becomes more pronounced. According to the Congressional Budget Office—

(A) the Hospital Insurance Trust Fund will be exhausted in 2022 and unable to pay scheduled benefits; and

(B) Medicare spending is growing faster than the economy and Medicare outlays are currently rising at a rate of 6.3 percent per year, and under the Congressional Budget Office’s alternative fiscal scenario, direct spending on Medicare is projected to reach 7 percent of GDP by 2035 and 14 percent of GDP by 2085.

(3) Failing to address this problem will leave millions of American seniors without adequate health security and younger generations burdened with enormous debt to pay for spending levels that cannot be sustained.

(b) **POLICY ON MEDICARE REFORM.**—It is the policy of this resolution to protect those in and near retirement from any disruptions to their Medicare benefits and offer future beneficiaries the same health care options available to Members of Congress.

(c) **ASSUMPTIONS.**—This resolution assumes reform of the Medicare program such that:

(1) Current Medicare benefits are preserved for those in and near retirement, without changes.

(2) For future generations, when they reach eligibility, Medicare is reformed to provide a premium support payment and a selection of guaranteed health coverage options from which recipients can choose a plan that best suits their needs.

(3) Medicare will provide additional assistance for lower-income beneficiaries and those with greater health risks.

(4) Medicare spending is put on a sustainable path and the Medicare program becomes solvent over the long-term.

SEC. 602. POLICY STATEMENT ON SOCIAL SECURITY.

(a) **FINDINGS.**—The House finds the following:

(1) More than 55 million retirees, individuals with disabilities, and survivors depend on Social Security. Since enactment, Social Security has served as a vital leg on the “three-legged stool” of retirement security, which includes employer provided pensions as well as personal savings.

(2) The Social Security Trustees report has repeatedly recommended that Social Security’s long-term financial challenges be addressed soon. Each year without reform, the financial condition of Social Security becomes more precarious and the threat to seniors and those receiving Social Security disability benefits becomes more pronounced:

(A) In 2016, according to the Congressional Budget Office, the Federal Disability Insurance Trust Fund will be exhausted and will be unable to pay scheduled benefits.

(B) In 2036, according to the Social Security Trustees Report the combined Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund will be exhausted, and will be unable to pay scheduled benefits.

(C) With the exhaustion of the trust funds in 2036, benefits will be cut 23 percent across the board, devastating those currently in or near retirement and those who rely on Social Security the most.

(3) The current recession has exacerbated the crisis to Social Security. The Congressional Budget Office continues to project permanent cash deficits.

(4) Lower-income Americans rely on Social Security for a larger proportion of their retirement income. Therefore, reforms should take into consideration the need to protect lower-income Americans’ retirement security.

(5) Americans deserve action by their elected officials on Social Security reform. It is critical that the Congress and the administration work together in a bipartisan fashion to address the looming insolvency of Social Security. In this spirit, this resolution creates a bipartisan opportunity to find solutions by requiring policymakers to ensure that Social Security remains a critical part of the safety net.

(b) **POLICY ON SOCIAL SECURITY.**—It is the policy of this resolution that Congress should work on a bipartisan basis to make Social Security permanently solvent. This resolution assumes reform of a current law trigger, such that—

(1)(A) if in any year the Board of Trustees of the Federal Old-Age and Survivors Insur-

ance Trust Fund and the Federal Disability Insurance Trust Fund in its annual Trustees’ Report determines that the 75-year actuarial balance of the Social Security Trust Funds is in deficit, and the annual balance of the Social Security Trust Funds in the 75th year is in deficit, the Board of Trustees should, not later than September 30 of the same calendar year, submit to the President recommendations for statutory reforms necessary to achieve a positive 75-year actuarial balance and a positive annual balance in the 75th year; and

(B) such recommendations provided to the President should be agreed upon by both Public Trustees of the Board of Trustees;

(2)(A) not later than December 1 of the same calendar year in which the Board of Trustees submits its recommendations, the President shall promptly submit implementing legislation to both Houses of Congress, including recommendations necessary to achieve a positive 75-year actuarial balance and a positive annual balance in the 75th year; and

(B) the Majority Leader of the Senate and the Majority Leader of the House should introduce such legislation upon receipt;

(3) within 60 days of the President submitting legislation, the committees of jurisdiction to which the legislation has been referred should report such legislation, which should be considered by the full House or Senate under expedited procedures; and

(4) legislation submitted by the President should—

(A) protect those in and near retirement;

(B) preserve the safety net for those who rely on Social Security, including survivors and those with disabilities;

(C) improve fairness for participants; and

(D) reduce the burden on, and provide certainty for, future generations.

SEC. 603. POLICY STATEMENT ON DEFICIT REDUCTION THROUGH THE CANCELLATION OF UNOBLIGATED BALANCES.

(a) **FINDINGS.**—The House finds the following:

(1) According to the Office of Management and Budget, Federal agencies will hold \$698 billion in unobligated balances at the close of fiscal year 2013.

(2) These funds represent direct and discretionary spending made available by Congress that remain available for expenditure beyond the fiscal year for which they are provided.

(3) In some cases, agencies are granted funding and it remains available for obligation indefinitely.

(4) The Congressional Budget and Impoundment Control Act of 1974 requires the Office of Management and Budget to make funds available to agencies for obligation and prohibits the Administration from withholding or cancelling unobligated funds unless approved by an act of Congress.

(5) Greater congressional oversight is required to review and identify potential savings from unneeded balances of funds.

(b) **POLICY ON DEFICIT REDUCTION THROUGH THE CANCELLATION OF UNOBLIGATED BALANCES.**—Congressional committees shall through their oversight activities identify and achieve savings through the cancellation or rescission of unobligated balances that neither abrogate contractual obligations of the Federal Government nor reduce or disrupt Federal commitments under programs such as Social Security, veterans’ affairs, national security, and Treasury authority to finance the national debt.

(c) **DEFICIT REDUCTION.**—Congress, with the assistance of the Government Accountability

Office, the Inspectors General, and other appropriate agencies should make it a high priority to review unobligated balances and identify savings for deficit reduction.

SEC. 604. RECOMMENDATIONS FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN FEDERAL PROGRAMS.

(a) **FINDINGS.**—The House finds the following:

(1) The Government Accountability Office is required by law to identify examples of waste, duplication, and overlap in Federal programs, and has so identified dozens of such examples.

(2) In testimony before the Committee on Oversight and Government Reform, the Comptroller General has stated that addressing the identified waste, duplication, and overlap in Federal programs “could potentially save tens of billions of dollars”.

(3) The Rules of the House of Representatives require each standing committee to hold at least one hearing every four months on waste, fraud, abuse, or mismanagement in Government programs.

(4) The findings resulting from congressional oversight of Federal Government programs should result in programmatic changes in both authorizing statutes and program funding levels.

(b) **POLICY ON DEFICIT REDUCTION THROUGH THE REDUCTION OF UNNECESSARY AND WASTEFUL SPENDING.**—Each authorizing committee annually shall include in its Views and Estimates letter required under section 301(d) of the Congressional Budget Act of 1974 recommendations to the Committee on the Budget of programs within the jurisdiction of such committee whose funding should be reduced or eliminated. Such recommendations shall be made publicly available.

TITLE VII—SENSE OF THE HOUSE PROVISIONS

SEC. 701. SENSE OF THE HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the House that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

The Acting CHAIR. No amendment shall be in order except those printed in House Report 112-423.

Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. The adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment.

After conclusion of consideration of the concurrent resolution for amendment, there shall be a final period of general debate which shall not exceed 20 minutes, equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MULVANEY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-423.

Mr. MULVANEY. I rise to claim time in support of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: \$2,065,796,000,000.
Fiscal year 2014: \$2,373,500,000,000.
Fiscal year 2015: \$2,640,705,000,000.
Fiscal year 2016: \$2,835,767,000,000.
Fiscal year 2017: \$2,996,291,000,000.
Fiscal year 2018: \$3,123,888,000,000.
Fiscal year 2019: \$3,262,770,000,000.
Fiscal year 2020: \$3,434,833,000,000.
Fiscal year 2021: \$3,606,140,000,000.
Fiscal year 2022: \$3,782,963,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: -\$227,543,000,000.
Fiscal year 2014: -\$177,683,000,000.
Fiscal year 2015: -\$175,579,000,000.
Fiscal year 2016: -\$180,339,000,000.
Fiscal year 2017: -\$198,048,000,000.
Fiscal year 2018: -\$228,401,000,000.
Fiscal year 2019: -\$255,802,000,000.
Fiscal year 2020: -\$273,187,000,000.
Fiscal year 2021: -\$300,812,000,000.
Fiscal year 2022: -\$332,518,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013: \$2,981,518,000,000.
Fiscal year 2014: \$3,036,509,000,000.
Fiscal year 2015: \$3,183,712,000,000.
Fiscal year 2016: \$3,388,753,000,000.
Fiscal year 2017: \$3,545,013,000,000.
Fiscal year 2018: \$3,713,179,000,000.
Fiscal year 2019: \$3,903,527,000,000.
Fiscal year 2020: \$4,116,158,000,000.
Fiscal year 2021: \$4,299,370,000,000.
Fiscal year 2022: \$4,504,615,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: \$3,078,221,000,000.
Fiscal year 2014: \$3,098,134,000,000.
Fiscal year 2015: \$3,197,095,000,000.
Fiscal year 2016: \$3,385,620,000,000.
Fiscal year 2017: \$3,506,849,000,000.
Fiscal year 2018: \$3,653,640,000,000.
Fiscal year 2019: \$3,875,989,000,000.
Fiscal year 2020: \$4,070,744,000,000.
Fiscal year 2021: \$4,264,323,000,000.
Fiscal year 2022: \$4,472,110,000,000.

(4) **DEFICITS (ON-BUDGET).**—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2013: -\$1,012,425,000,000.
Fiscal year 2014: -\$724,634,000,000.
Fiscal year 2015: -\$556,390,000,000.
Fiscal year 2016: -\$549,853,000,000.
Fiscal year 2017: -\$510,558,000,000.
Fiscal year 2018: -\$529,752,000,000.

Fiscal year 2019: -\$613,219,000,000.
Fiscal year 2020: -\$635,911,000,000.
Fiscal year 2021: -\$658,183,000,000.
Fiscal year 2022: -\$689,147,000,000.

(5) **DEBT SUBJECT TO LIMIT.**—The appropriate levels of the public debt are as follows:

Fiscal year 2013: \$17,314,780,000,000.
Fiscal year 2014: \$18,251,238,000,000.
Fiscal year 2015: \$19,050,579,000,000.
Fiscal year 2016: \$19,855,892,000,000.
Fiscal year 2017: \$20,624,430,000,000.
Fiscal year 2018: \$21,419,275,000,000.
Fiscal year 2019: \$22,288,175,000,000.
Fiscal year 2020: \$23,197,859,000,000.
Fiscal year 2021: \$24,143,484,000,000.
Fiscal year 2022: \$25,123,397,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: \$12,517,072,000,000.
Fiscal year 2014: \$13,330,583,000,000.
Fiscal year 2015: \$13,981,546,000,000.
Fiscal year 2016: \$14,618,296,000,000.
Fiscal year 2017: \$15,215,406,000,000.
Fiscal year 2018: \$15,824,696,000,000.
Fiscal year 2019: \$16,518,942,000,000.
Fiscal year 2020: \$17,245,767,000,000.
Fiscal year 2021: \$18,007,496,000,000.
Fiscal year 2022: \$18,818,701,000,000.

SEC. 2. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2013 through 2022 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2013:
(A) New budget authority, \$559,695,000,000.
(B) Outlays, \$623,942,000,000.
Fiscal year 2014:
(A) New budget authority, \$566,879,000,000.
(B) Outlays, \$583,766,000,000.
Fiscal year 2015:
(A) New budget authority, \$579,817,000,000.
(B) Outlays, \$573,914,000,000.
Fiscal year 2016:
(A) New budget authority, \$590,329,000,000.
(B) Outlays, \$583,897,000,000.
Fiscal year 2017:
(A) New budget authority, \$602,399,000,000.
(B) Outlays, \$589,346,000,000.
Fiscal year 2018:
(A) New budget authority, \$615,052,000,000.
(B) Outlays, \$596,095,000,000.
Fiscal year 2019:
(A) New budget authority, \$628,979,000,000.
(B) Outlays, \$613,977,000,000.
Fiscal year 2020:
(A) New budget authority, \$642,907,000,000.
(B) Outlays, \$628,324,000,000.
Fiscal year 2021:
(A) New budget authority, \$656,291,000,000.
(B) Outlays, \$641,663,000,000.
Fiscal year 2022:
(A) New budget authority, \$673,651,000,000.
(B) Outlays, \$662,113,000,000.

(2) **International Affairs (150):**

Fiscal year 2013:
(A) New budget authority, \$50,338,000,000.
(B) Outlays, \$52,377,000,000.
Fiscal year 2014:
(A) New budget authority, \$49,241,000,000.
(B) Outlays, \$51,977,000,000.
Fiscal year 2015:
(A) New budget authority, \$47,643,000,000.
(B) Outlays, \$50,994,000,000.
Fiscal year 2016:
(A) New budget authority, \$47,666,000,000.
(B) Outlays, \$51,503,000,000.
Fiscal year 2017:
(A) New budget authority, \$50,315,000,000.
(B) Outlays, \$52,115,000,000.
Fiscal year 2018:
(A) New budget authority, \$52,464,000,000.

- (B) Outlays, \$52,434,000,000.
Fiscal year 2019:
(A) New budget authority, \$53,679,000,000.
(B) Outlays, \$51,545,000,000.
Fiscal year 2020:
(A) New budget authority, \$54,906,000,000.
(B) Outlays, \$51,701,000,000.
Fiscal year 2021:
(A) New budget authority, \$56,141,000,000.
(B) Outlays, \$52,805,000,000.
Fiscal year 2022:
(A) New budget authority, \$57,909,000,000.
(B) Outlays, \$54,168,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2013:
(A) New budget authority, \$29,556,000,000.
(B) Outlays, \$29,840,000,000.
Fiscal year 2014:
(A) New budget authority, \$30,091,000,000.
(B) Outlays, \$29,964,000,000.
Fiscal year 2015:
(A) New budget authority, \$30,654,000,000.
(B) Outlays, \$30,335,000,000.
Fiscal year 2016:
(A) New budget authority, \$31,244,000,000.
(B) Outlays, \$30,890,000,000.
Fiscal year 2017:
(A) New budget authority, \$31,920,000,000.
(B) Outlays, \$31,523,000,000.
Fiscal year 2018:
(A) New budget authority, \$32,623,000,000.
(B) Outlays, \$32,200,000,000.
Fiscal year 2019:
(A) New budget authority, \$33,357,000,000.
(B) Outlays, \$32,859,000,000.
Fiscal year 2020:
(A) New budget authority, \$34,089,000,000.
(B) Outlays, \$33,576,000,000.
Fiscal year 2021:
(A) New budget authority, \$34,824,000,000.
(B) Outlays, \$34,212,000,000.
Fiscal year 2022:
(A) New budget authority, \$35,667,000,000.
(B) Outlays, \$34,996,000,000.
(4) Energy (270):
Fiscal year 2013:
(A) New budget authority, \$15,925,000,000.
(B) Outlays, \$13,042,000,000.
Fiscal year 2014:
(A) New budget authority, \$6,434,000,000.
(B) Outlays, \$9,079,000,000.
Fiscal year 2015:
(A) New budget authority, \$5,072,000,000.
(B) Outlays, \$7,335,000,000.
Fiscal year 2016:
(A) New budget authority, \$4,929,000,000.
(B) Outlays, \$6,200,000,000.
Fiscal year 2017:
(A) New budget authority, \$4,653,000,000.
(B) Outlays, \$5,244,000,000.
Fiscal year 2018:
(A) New budget authority, \$4,594,000,000.
(B) Outlays, \$4,215,000,000.
Fiscal year 2019:
(A) New budget authority, \$4,534,000,000.
(B) Outlays, \$4,348,000,000.
Fiscal year 2020:
(A) New budget authority, \$4,545,000,000.
(B) Outlays, \$4,207,000,000.
Fiscal year 2021:
(A) New budget authority, \$4,507,000,000.
(B) Outlays, \$4,133,000,000.
Fiscal year 2022:
(A) New budget authority, \$4,618,000,000.
(B) Outlays, \$4,174,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2013:
(A) New budget authority, \$35,430,000,000.
(B) Outlays, \$40,460,000,000.
Fiscal year 2014:
(A) New budget authority, \$36,447,000,000.
(B) Outlays, \$38,559,000,000.
Fiscal year 2015:
(A) New budget authority, \$36,804,000,000.
(B) Outlays, \$38,130,000,000.
Fiscal year 2016:
(A) New budget authority, \$37,608,000,000.
(B) Outlays, \$38,030,000,000.
Fiscal year 2017:
(A) New budget authority, \$38,727,000,000.
(B) Outlays, \$38,879,000,000.
Fiscal year 2018:
(A) New budget authority, \$40,121,000,000.
(B) Outlays, \$39,015,000,000.
Fiscal year 2019:
(A) New budget authority, \$41,011,000,000.
(B) Outlays, \$39,972,000,000.
Fiscal year 2020:
(A) New budget authority, \$42,307,000,000.
(B) Outlays, \$41,148,000,000.
Fiscal year 2021:
(A) New budget authority, \$42,558,000,000.
(B) Outlays, \$41,715,000,000.
Fiscal year 2022:
(A) New budget authority, \$43,419,000,000.
(B) Outlays, \$42,362,000,000.
(6) Agriculture (350):
Fiscal year 2013:
(A) New budget authority, \$21,834,000,000.
(B) Outlays, \$24,722,000,000.
Fiscal year 2014:
(A) New budget authority, \$16,804,000,000.
(B) Outlays, \$17,373,000,000.
Fiscal year 2015:
(A) New budget authority, \$21,079,000,000.
(B) Outlays, \$20,842,000,000.
Fiscal year 2016:
(A) New budget authority, \$20,488,000,000.
(B) Outlays, \$20,059,000,000.
Fiscal year 2017:
(A) New budget authority, \$20,025,000,000.
(B) Outlays, \$19,578,000,000.
Fiscal year 2018:
(A) New budget authority, \$20,448,000,000.
(B) Outlays, \$19,945,000,000.
Fiscal year 2019:
(A) New budget authority, \$20,112,000,000.
(B) Outlays, \$19,656,000,000.
Fiscal year 2020:
(A) New budget authority, \$19,524,000,000.
(B) Outlays, \$19,098,000,000.
Fiscal year 2021:
(A) New budget authority, \$20,155,000,000.
(B) Outlays, \$19,718,000,000.
Fiscal year 2022:
(A) New budget authority, \$19,965,000,000.
(B) Outlays, \$19,538,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2013:
(A) New budget authority, \$2,968,000,000.
(B) Outlays, \$5,769,000,000.
Fiscal year 2014:
(A) New budget authority, \$8,357,000,000.
(B) Outlays, -\$2,293,000,000.
Fiscal year 2015:
(A) New budget authority, \$7,366,000,000.
(B) Outlays, -\$4,783,000,000.
Fiscal year 2016:
(A) New budget authority, \$8,145,000,000.
(B) Outlays, -\$6,537,000,000.
Fiscal year 2017:
(A) New budget authority, \$9,758,000,000.
(B) Outlays, -\$6,533,000,000.
Fiscal year 2018:
(A) New budget authority, \$12,253,000,000.
(B) Outlays, -\$4,945,000,000.
Fiscal year 2019:
(A) New budget authority, \$14,773,000,000.
(B) Outlays, -\$8,348,000,000.
Fiscal year 2020:
(A) New budget authority, \$22,613,000,000.
(B) Outlays, -\$2,240,000,000.
Fiscal year 2021:
(A) New budget authority, \$15,563,000,000.
(B) Outlays, \$474,000,000.
Fiscal year 2022:
(A) New budget authority, \$20,101,000,000.
(B) Outlays, \$2,275,000,000.
(8) Transportation (400):
Fiscal year 2013:
(A) New budget authority, \$88,386,000,000.
(B) Outlays, \$102,364,000,000.
Fiscal year 2014:
(A) New budget authority, \$101,243,000,000.
(B) Outlays, \$105,524,000,000.
Fiscal year 2015:
(A) New budget authority, \$107,661,000,000.
(B) Outlays, \$104,782,000,000.
Fiscal year 2016:
(A) New budget authority, \$114,471,000,000.
(B) Outlays, \$107,766,000,000.
Fiscal year 2017:
(A) New budget authority, \$120,819,000,000.
(B) Outlays, \$112,009,000,000.
Fiscal year 2018:
(A) New budget authority, \$127,262,000,000.
(B) Outlays, \$115,782,000,000.
Fiscal year 2019:
(A) New budget authority, \$92,354,000,000.
(B) Outlays, \$113,424,000,000.
Fiscal year 2020:
(A) New budget authority, \$94,123,000,000.
(B) Outlays, \$107,580,000,000.
Fiscal year 2021:
(A) New budget authority, \$95,934,000,000.
(B) Outlays, \$105,310,000,000.
Fiscal year 2022:
(A) New budget authority, \$97,877,000,000.
(B) Outlays, \$104,566,000,000.
(9) Community and Regional Development (450):
Fiscal year 2013:
(A) New budget authority, \$17,509,000,000.
(B) Outlays, \$24,695,000,000.
Fiscal year 2014:
(A) New budget authority, \$12,125,000,000.
(B) Outlays, \$26,292,000,000.
Fiscal year 2015:
(A) New budget authority, \$12,339,000,000.
(B) Outlays, \$25,812,000,000.
Fiscal year 2016:
(A) New budget authority, \$12,573,000,000.
(B) Outlays, \$20,110,000,000.
Fiscal year 2017:
(A) New budget authority, \$12,843,000,000.
(B) Outlays, \$16,523,000,000.
Fiscal year 2018:
(A) New budget authority, \$13,121,000,000.
(B) Outlays, \$14,301,000,000.
Fiscal year 2019:
(A) New budget authority, \$13,410,000,000.
(B) Outlays, \$13,848,000,000.
Fiscal year 2020:
(A) New budget authority, \$13,705,000,000.
(B) Outlays, \$14,046,000,000.
Fiscal year 2021:
(A) New budget authority, \$13,999,000,000.
(B) Outlays, \$14,583,000,000.
Fiscal year 2022:
(A) New budget authority, \$14,343,000,000.
(B) Outlays, \$14,958,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2013:
(A) New budget authority, \$82,028,000,000.
(B) Outlays, \$122,483,000,000.
Fiscal year 2014:
(A) New budget authority, \$87,194,000,000.
(B) Outlays, \$107,191,000,000.
Fiscal year 2015:
(A) New budget authority, \$85,938,000,000.
(B) Outlays, \$101,331,000,000.
Fiscal year 2016:
(A) New budget authority, \$85,960,000,000.
(B) Outlays, \$92,781,000,000.
Fiscal year 2017:
(A) New budget authority, \$95,143,000,000.
(B) Outlays, \$92,808,000,000.
Fiscal year 2018:
(A) New budget authority, \$99,647,000,000.

(B) Outlays, \$98,392,000,000.
Fiscal year 2019:
(A) New budget authority, \$103,464,000,000.
(B) Outlays, \$102,181,000,000.
Fiscal year 2020:
(A) New budget authority, \$104,120,000,000.
(B) Outlays, \$104,073,000,000.
Fiscal year 2021:
(A) New budget authority, \$105,157,000,000.
(B) Outlays, \$105,085,000,000.
Fiscal year 2022:
(A) New budget authority, \$106,690,000,000.
(B) Outlays, \$106,209,000,000.
(11) Health (550):
Fiscal year 2013:
(A) New budget authority, \$372,835,000,000.
(B) Outlays, \$375,955,000,000.
Fiscal year 2014:
(A) New budget authority, \$473,879,000,000.
(B) Outlays, \$464,352,000,000.
Fiscal year 2015:
(A) New budget authority, \$542,160,000,000.
(B) Outlays, \$538,003,000,000.
Fiscal year 2016:
(A) New budget authority, \$590,904,000,000.
(B) Outlays, \$594,729,000,000.
Fiscal year 2017:
(A) New budget authority, \$626,658,000,000.
(B) Outlays, \$629,150,000,000.
Fiscal year 2018:
(A) New budget authority, \$664,032,000,000.
(B) Outlays, \$662,930,000,000.
Fiscal year 2019:
(A) New budget authority, \$707,099,000,000.
(B) Outlays, \$706,061,000,000.
Fiscal year 2020:
(A) New budget authority, \$761,258,000,000.
(B) Outlays, \$749,868,000,000.
Fiscal year 2021:
(A) New budget authority, \$800,618,000,000.
(B) Outlays, \$799,481,000,000.
Fiscal year 2022:
(A) New budget authority, \$851,615,000,000.
(B) Outlays, \$849,973,000,000.
(12) Medicare (570):
Fiscal year 2013:
(A) New budget authority, \$525,876,000,000.
(B) Outlays, \$525,716,000,000.
Fiscal year 2014:
(A) New budget authority, \$553,675,000,000.
(B) Outlays, \$552,981,000,000.
Fiscal year 2015:
(A) New budget authority, \$570,815,000,000.
(B) Outlays, \$570,407,000,000.
Fiscal year 2016:
(A) New budget authority, \$617,954,000,000.
(B) Outlays, \$617,756,000,000.
Fiscal year 2017:
(A) New budget authority, \$633,488,000,000.
(B) Outlays, \$632,808,000,000.
Fiscal year 2018:
(A) New budget authority, \$653,683,000,000.
(B) Outlays, \$653,276,000,000.
Fiscal year 2019:
(A) New budget authority, \$715,518,000,000.
(B) Outlays, \$715,315,000,000.
Fiscal year 2020:
(A) New budget authority, \$763,016,000,000.
(B) Outlays, \$762,316,000,000.
Fiscal year 2021:
(A) New budget authority, \$810,664,000,000.
(B) Outlays, \$810,230,000,000.
Fiscal year 2022:
(A) New budget authority, \$885,513,000,000.
(B) Outlays, \$885,426,000,000.
(13) Income Security (600):
Fiscal year 2013:
(A) New budget authority, \$545,622,000,000.
(B) Outlays, \$542,562,000,000.
Fiscal year 2014:
(A) New budget authority, \$537,970,000,000.
(B) Outlays, \$534,946,000,000.
Fiscal year 2015:
(A) New budget authority, \$538,691,000,000.
(B) Outlays, \$533,883,000,000.
Fiscal year 2016:
(A) New budget authority, \$546,156,000,000.
(B) Outlays, \$545,811,000,000.
Fiscal year 2017:
(A) New budget authority, \$544,282,000,000.
(B) Outlays, \$539,685,000,000.
Fiscal year 2018:
(A) New budget authority, \$546,446,000,000.
(B) Outlays, \$538,021,000,000.
Fiscal year 2019:
(A) New budget authority, \$561,786,000,000.
(B) Outlays, \$558,295,000,000.
Fiscal year 2020:
(A) New budget authority, \$573,480,000,000.
(B) Outlays, \$570,338,000,000.
Fiscal year 2021:
(A) New budget authority, \$586,855,000,000.
(B) Outlays, \$583,571,000,000.
Fiscal year 2022:
(A) New budget authority, \$604,517,000,000.
(B) Outlays, \$605,786,000,000.
(14) Social Security (650):
Fiscal year 2013:
(A) New budget authority, \$53,416,000,000.
(B) Outlays, \$53,496,000,000.
Fiscal year 2014:
(A) New budget authority, \$31,892,000,000.
(B) Outlays, \$32,002,000,000.
Fiscal year 2015:
(A) New budget authority, \$35,135,000,000.
(B) Outlays, \$35,210,000,000.
Fiscal year 2016:
(A) New budget authority, \$38,953,000,000.
(B) Outlays, \$38,991,000,000.
Fiscal year 2017:
(A) New budget authority, \$43,140,000,000.
(B) Outlays, \$43,140,000,000.
Fiscal year 2018:
(A) New budget authority, \$47,590,000,000.
(B) Outlays, \$47,590,000,000.
Fiscal year 2019:
(A) New budget authority, \$52,429,000,000.
(B) Outlays, \$52,429,000,000.
Fiscal year 2020:
(A) New budget authority, \$57,425,000,000.
(B) Outlays, \$57,425,000,000.
Fiscal year 2021:
(A) New budget authority, \$62,604,000,000.
(B) Outlays, \$62,604,000,000.
Fiscal year 2022:
(A) New budget authority, \$68,079,000,000.
(B) Outlays, \$68,079,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2013:
(A) New budget authority, \$135,651,000,000.
(B) Outlays, \$135,289,000,000.
Fiscal year 2014:
(A) New budget authority, \$136,996,000,000.
(B) Outlays, \$137,447,000,000.
Fiscal year 2015:
(A) New budget authority, \$139,827,000,000.
(B) Outlays, \$139,964,000,000.
Fiscal year 2016:
(A) New budget authority, \$148,005,000,000.
(B) Outlays, \$147,807,000,000.
Fiscal year 2017:
(A) New budget authority, \$146,445,000,000.
(B) Outlays, \$146,074,000,000.
Fiscal year 2018:
(A) New budget authority, \$144,620,000,000.
(B) Outlays, \$143,993,000,000.
Fiscal year 2019:
(A) New budget authority, \$153,568,000,000.
(B) Outlays, \$152,909,000,000.
Fiscal year 2020:
(A) New budget authority, \$157,302,000,000.
(B) Outlays, \$156,643,000,000.
Fiscal year 2021:
(A) New budget authority, \$161,056,000,000.
(B) Outlays, \$160,370,000,000.
Fiscal year 2022:
(A) New budget authority, \$170,839,000,000.
(B) Outlays, \$170,088,000,000.
(16) Administration of Justice (750):
Fiscal year 2013:
(A) New budget authority, \$53,772,000,000.
(B) Outlays, \$58,831,000,000.
Fiscal year 2014:
(A) New budget authority, \$55,029,000,000.
(B) Outlays, \$57,404,000,000.
Fiscal year 2015:
(A) New budget authority, \$55,792,000,000.
(B) Outlays, \$56,371,000,000.
Fiscal year 2016:
(A) New budget authority, \$58,542,000,000.
(B) Outlays, \$58,214,000,000.
Fiscal year 2017:
(A) New budget authority, \$57,889,000,000.
(B) Outlays, \$57,538,000,000.
Fiscal year 2018:
(A) New budget authority, \$58,992,000,000.
(B) Outlays, \$60,408,000,000.
Fiscal year 2019:
(A) New budget authority, \$60,204,000,000.
(B) Outlays, \$60,504,000,000.
Fiscal year 2020:
(A) New budget authority, \$61,406,000,000.
(B) Outlays, \$61,011,000,000.
Fiscal year 2021:
(A) New budget authority, \$62,772,000,000.
(B) Outlays, \$62,348,000,000.
Fiscal year 2022:
(A) New budget authority, \$67,988,000,000.
(B) Outlays, \$67,496,000,000.
(17) General Government (800):
Fiscal year 2013:
(A) New budget authority, \$25,808,000,000.
(B) Outlays, \$27,408,000,000.
Fiscal year 2014:
(A) New budget authority, \$27,256,000,000.
(B) Outlays, \$27,706,000,000.
Fiscal year 2015:
(A) New budget authority, \$29,196,000,000.
(B) Outlays, \$29,376,000,000.
Fiscal year 2016:
(A) New budget authority, \$31,275,000,000.
(B) Outlays, \$31,459,000,000.
Fiscal year 2017:
(A) New budget authority, \$33,433,000,000.
(B) Outlays, \$33,300,000,000.
Fiscal year 2018:
(A) New budget authority, \$35,613,000,000.
(B) Outlays, \$35,417,000,000.
Fiscal year 2019:
(A) New budget authority, \$37,969,000,000.
(B) Outlays, \$37,513,000,000.
Fiscal year 2020:
(A) New budget authority, \$40,338,000,000.
(B) Outlays, \$39,900,000,000.
Fiscal year 2021:
(A) New budget authority, \$42,762,000,000.
(B) Outlays, \$42,226,000,000.
Fiscal year 2022:
(A) New budget authority, \$45,219,000,000.
(B) Outlays, \$44,669,000,000.
(18) Net Interest (900):
Fiscal year 2013:
(A) New budget authority, \$347,234,000,000.
(B) Outlays, \$347,234,000,000.
Fiscal year 2014:
(A) New budget authority, \$360,341,000,000.
(B) Outlays, \$360,341,000,000.
Fiscal year 2015:
(A) New budget authority, \$400,112,000,000.
(B) Outlays, \$400,112,000,000.
Fiscal year 2016:
(A) New budget authority, \$466,938,000,000.
(B) Outlays, \$466,938,000,000.
Fiscal year 2017:
(A) New budget authority, \$539,743,000,000.
(B) Outlays, \$539,743,000,000.
Fiscal year 2018:
(A) New budget authority, \$614,473,000,000.
(B) Outlays, \$614,473,000,000.
Fiscal year 2019:
(A) New budget authority, \$686,716,000,000.
(B) Outlays, \$686,716,000,000.

Fiscal year 2020:
 (A) New budget authority, \$751,343,000,000.
 (B) Outlays, \$751,343,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$804,643,000,000.
 (B) Outlays, \$804,643,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$858,474,000,000.
 (B) Outlays, \$848,474,000,000.
 (19) Allowances (920):
 Fiscal year 2013:
 (A) New budget authority, \$0.
 (B) Outlays, \$0.
 Fiscal year 2014:
 (A) New budget authority, -\$19,353,000,000.
 (B) Outlays, -\$10,338,000,000.
 Fiscal year 2015:
 (A) New budget authority, -\$20,761,000,000.
 (B) Outlays, -\$17,171,000,000.
 Fiscal year 2016:
 (A) New budget authority, -\$20,286,000,000.
 (B) Outlays, -\$18,947,000,000.
 Fiscal year 2017:
 (A) New budget authority, -\$19,802,000,000.
 (B) Outlays, -\$19,342,000,000.
 Fiscal year 2018:
 (A) New budget authority, -\$19,873,000,000.
 (B) Outlays, -\$19,674,000,000.
 Fiscal year 2019:
 (A) New budget authority, -\$20,905,000,000.
 (B) Outlays, -\$20,297,000,000.
 Fiscal year 2020:
 (A) New budget authority, -\$26,857,000,000.
 (B) Outlays, -\$23,804,000,000.
 Fiscal year 2021:
 (A) New budget authority, -\$18,232,000,000.
 (B) Outlays, -\$20,916,000,000.
 Fiscal year 2022:
 (A) New budget authority, -\$60,069,000,000.
 (B) Outlays, -\$61,008,000,000.
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2013:
 (A) New budget authority, -\$79,096,000,000.
 (B) Outlays, -\$79,095,000,000.
 Fiscal year 2014:
 (A) New budget authority, -\$80,150,000,000.
 (B) Outlays, -\$80,149,000,000.
 Fiscal year 2015:
 (A) New budget authority, -\$85,787,000,000.
 (B) Outlays, -\$85,786,000,000.
 Fiscal year 2016:
 (A) New budget authority, -\$87,260,000,000.
 (B) Outlays, -\$87,259,000,000.
 Fiscal year 2017:
 (A) New budget authority, -\$91,024,000,000.
 (B) Outlays, -\$91,023,000,000.
 Fiscal year 2018:
 (A) New budget authority, -\$94,141,000,000.
 (B) Outlays, -\$94,140,000,000.
 Fiscal year 2019:
 (A) New budget authority, -\$100,689,000,000.
 (B) Outlays, -\$100,688,000,000.
 Fiscal year 2020:
 (A) New budget authority, -\$99,551,000,000.
 (B) Outlays, -\$99,550,000,000.
 Fiscal year 2021:
 (A) New budget authority, -\$103,660,000,000.
 (B) Outlays, -\$103,659,000,000.
 Fiscal year 2022:
 (A) New budget authority, -\$105,959,000,000.
 (B) Outlays, -\$105,959,000,000.
 (21) Overseas Contingency Operations/Global War on Terrorism:
 Fiscal year 2013:
 (A) New budget authority, \$96,725,000,000.
 (B) Outlays, \$51,125,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$44,159,000,000.
 (B) Outlays, \$54,010,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$44,159,000,000.
 (B) Outlays, \$48,034,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$44,159,000,000.

(B) Outlays, \$45,422,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$44,159,000,000.
 (B) Outlays, \$44,284,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$44,159,000,000.
 (B) Outlays, \$43,912,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$44,159,000,000.
 (B) Outlays, \$43,770,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$44,159,000,000.
 (B) Outlays, \$43,741,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$44,159,000,000.
 (B) Outlays, \$43,727,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$44,159,000,000.
 (B) Outlays, \$43,727,000,000.

The Acting CHAIR. Pursuant to House Resolution 597, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it occurred to me during the budget debate that something was missing from the debate. As my colleagues across the aisle offered their various amendments through the course of the day and into the evening, it occurred to me that the President's budget had not been offered as an amendment by the Democrat Members of the House Budget Committee, and that as we were getting information about which amendments were being offered here today on the floor as amendments to the overall GOP budget, it occurred to me that, again, that same oversight had taken place.

Clearly, it must be an oversight. Clearly, my colleagues meant to offer the President's budget as an amendment and simply failed to do so. And so in a pique of bipartisanship, I thought I would help my colleagues across the aisle out a little bit and offer the President's budget, which is exactly what this amendment is.

This amendment is the President's budget as analyzed, not scored, but analyzed by the CBO, nothing more and nothing less. It has a lot in here that I imagine my colleagues would like. It has, for example, \$1.9 trillion in new taxes. It has new taxes on income, new taxes on the giving of gifts, new taxes on gasoline, and even new taxes on dying.

It has \$1.5 trillion in new spending, spending on welfare, spending on unemployment, and spending on green energy. The term "Solyndra" comes to mind, I would imagine. In fact, it has so many new taxes and new spending, it seems to be bringing the phrase "tax-and-spend liberal" back into fashion here in Washington, D.C. So, clearly, it must simply be an oversight that has not been offered by my colleagues.

But that's not all. The budget that the President offered and that is con-

tained in this amendment never balances—never balances. It is a balanced approach to reach a never-balancing budget. It also fails to deal completely with our entitlement problems.

So, again, I say, Mr. Chairman, I think there's a lot here for my colleagues to like. I look forward to their defense of the President's budget. And in many ways, I would suppose this is a landmark document for the Democrats as we go into this election year.

With that, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I seek recognition to speak on this important issue.

The Acting CHAIR. Is the gentleman opposed to the amendment?

Mr. VAN HOLLEN. I am opposed.

The Acting CHAIR. The gentleman from Maryland is recognized for 10 minutes.

Mr. VAN HOLLEN. And I'm opposed for a simple reason. This document filed by Mr. MULVANEY is not the President's budget. And it's being portrayed as a very misleading—it was a very misleading presentation of the President's budget.

This is the President's budget.

If you look at all the other budgets presented today, you'll find numbers and you'll find policy statements that describe the policies behind the budget. The thing Mr. MULVANEY filed—no policy. In fact, he just said the President's policy raises gas taxes, I believe? That's just a false statement.

The other issue is why you have a number for revenue in the President's budget. You mentioned that there was a revenue number. The President never pretended otherwise. The President's budget takes a balanced approach to deficit reduction. It makes cuts, and it raises revenue.

Let's talk about how he raises revenue. He raises revenue, in part, by getting rid of subsidies on the big oil companies. We think at a time of record profits, we don't need to have taxpayer subsidies for big oil companies. Our Republican colleagues, almost every one of them, have signed this pledge to Grover Norquist saying they won't get rid of one oil subsidy or one tax loophole for the purpose of deficit reduction. Well, the President thinks we need a balanced approach to deficit reduction.

Now, you wouldn't know from reading Mr. MULVANEY's document, what he puts in place as the President's budget, that that's how the President raises revenue. You wouldn't know from Mr. MULVANEY's document that the President also asks the very top 2 percent of taxpayers to go back to paying the same top rate they were during the Clinton administration, a time when the economy was booming, because the President thinks we need to take a balanced approach, again, a combination of revenues and spending cuts, because

the President believes, and I agree, that if you do it the way the Republicans do it, without asking the folks at the very top to share some responsibility, it means you deal with the budget at the expense of everybody else, at the expense of seniors, at the expense of middle-income Americans, and at the expense of important investments in our economy like investments in transportation.

Their budget cuts transportation next year by 46 percent at a time when we have 17 percent unemployment in the construction industry. Their budget puts the brakes on the budding economic growth.

So, Mr. Chairman, let's end this charade. The gentleman said he wanted to get beyond politics. This is politics at its absolute worst, presenting something as the President's budget without the policy detail, without the explanation to the American people about what's in the President's budget. As a result, he presents a very misleading version of what the President has asked us to do.

In fact, the Democratic alternative that we will propose later adopts the general framework of the President's budget. We don't adopt every single proposal he makes in here, but we take the general framework. The difference is we have those policy statements, and we make it clear that we want to get rid of the subsidies for the big oil companies at a time they're making record profits. We make it clear that we want millionaires, people making a million dollars a year, to go back to paying what they were during the Clinton administration. We make that clear in our alternative.

So let's not play this political charade. We're going to have the Democratic alternative that, as I said, takes the framework of the President's proposal. Our Republican colleagues will have an opportunity to vote against that. But this is not the President's budget, and let's not pretend it is.

I reserve the balance of my time.

Mr. MULVANEY. Mr. Chairman, I yield 3 minutes to my good friend from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Mr. Chairman, we really find ourselves in an interesting spot here. The ranking member of Budget finds himself in a very difficult position, standing in opposition of the President's budget. And he says, well, this isn't the President's budget. And for a moment, let's assume it's not. Where is it? Where is it? If it was such a good document, why didn't they present it? We don't understand it.

I was in a committee meeting today, and the Secretary of the Treasury was just going on about how good the President's budget was, how it had this balanced approach, and it had this glide path to reducing the deficit. I asked him, well, who from your party

is going to present that? He said, I don't know. You would think with such an awesome document that puts us on this great path of a future for our Nation that surely the Democrats would present their own budget. But they have yet to do that.

□ 1950

In fact, their side is empty right now. You'd think it would be full with them lining up to speak in favor of the President's budget, but they have yet to do that. In fact, there's much of an exodus here.

But let's talk about what the budget really is, because it's more than the framework or the document; it is a vision. It's a vision for where we think we're going to take our Nation. What the President's budget is is a vision of debt and dependency. Maybe that's why they didn't present it. But yet we're presenting a much different approach, one of opportunity and prosperity.

As we conclude these debates—and they may call it a gimmick. And if they want to call the President's budget a gimmick, let them call that a gimmick. But as we conclude this debate, we're all going to be making a decision. We've been empowered with the opportunity to vote for our constituents. They've given us that voting card, and we're going to have a decision to make. We're going to be choosing between a balanced approach that raises taxes, increases the size of government, increases our debt—it's debt and dependency—or we can choose the balanced budget approach. The Republican budget lowers taxes, has an energy plan, puts us on that path to a balanced budget. That is the choice that will be before us.

So I hope that my colleagues, as they debate the President's budget, will reject that debt and dependency and choose that path of the balanced budget.

Mr. VAN HOLLEN. Mr. Chairman, I guess we're going to spend the next I don't know how many minutes talking about something that's not the President's budget. It's an attempt to be misleading about what the President's budget does because it leaves out all the content, leaves out the substance.

You look at the Republican budget, they've got a lot of sections on policy. You look at the other alternatives that are being presented, they have alternatives and policy statements. This is a bunch of numbers without the explanation.

Now, do the Democrats, for example, think that the President invested enough in his budget in LIHEAP, the low-income energy program for low-income individuals. We actually have a majority in our caucus that thinks the President should have put a little more into that. But that's only the kind of detail you would know if you went

through the President's budget, not this thing that Mr. MULVANEY claims is the President's budget, which it's just not. So just to be clear: This is not the President's budget, and therefore it obviously is a political gimmick.

I reserve the balance of my time.

Mr. MULVANEY. Mr. Chairman, at this time I would like to yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I appreciate the gentleman from South Carolina for bringing up this debate.

And this is the President's budget we're discussing. When you look at this resolution, this contains the same kind of language as any resolution that's brought to the floor contains. But let's talk about what it seems like some Members of the Democratic Party on the other side are so afraid to talk about, and that is what the President's budget really does.

The President's budget never even comes close to balancing, first of all. So this President, who campaigned 4 years ago on reducing the deficit, on trying to bring fiscal responsibility to Washington, goes the opposite way, adding trillions more dollars of debt, mountains of debt on the backs of our children and grandchildren.

What's worse, if you look at the policies, \$1.9 trillion of job-killing tax increases. What does that mean to families? Hardworking families out there are looking at this, and they're knowing just what this is going to do to jobs in this country when you add another \$1.9 trillion.

Just look at one part. They love bragging about all the taxes they're raising on American oil. In fact, their budget, President Obama's budget that we're talking about right now, President Obama's budget adds \$40 billion a year in new taxes on American energy. The irony is the President's tax increase on American energy doesn't apply to OPEC nations, so OPEC countries are now incentivized to send more oil here. But if you make it in America—it's in the President's budget, go look at it—\$40 billion of new tax increases if you make it in America. What is that going to do to gas prices that are already skyrocketing under President Obama's policies?

American families out there know what that means. If you add \$40 billion a year in new taxes on American-made energy, that will only increase the price that is already too high. What's worse is that it kills American jobs because it says—and President Obama said this; in his budget President Obama says, if you're OPEC and you're sending us oil, we're not going to raise your taxes in the President's budget. But if you make energy in America, he'll raise taxes \$40 billion a year.

This is the most warped policy I've ever seen. I hope we reject it, and then take up the budget that we're going to

present that actually puts us in balance and has good, sound policy to create jobs.

Mr. VAN HOLLEN. Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Maryland has 5 minutes remaining, and the gentleman from South Carolina has 4 minutes remaining.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself 2 minutes.

Let's talk a little bit about energy policy. One of the things you wouldn't know from the document that Mr. MULVANEY put forward claiming it's the President's budget is that the President actually provides the resources to the Commodity Futures Trading Commission to help police speculators in the oil market. Because what we're seeing today is that, because of conditions around the world, a lot of those are being taken advantage of by people who are engaged in excessive speculation on the oil market, driving it up. But the Republican budget doesn't want the cop on the beat. The Republican budget doesn't want to police the speculators because, you know what, they're just doing fine. But again, Mr. MULVANEY's budget—what he pretends is the President's budget—you wouldn't know that. But if you looked in the President's real budget, you would know that kind of thing. That's why this exercise is such a farce.

Mr. Chairman, I reserve the balance of my time.

Mr. MULVANEY. Mr. Chairman, I yield 90 seconds to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Thank you to my good friend.

We actually did this on the floor last night. Part of it was an attempt to sort of help folks through some of the absurdity of the rhetoric compared to the reality of math.

One of the fun slides we brought on is using the current budget numbers and the fact that we're borrowing about \$3.5 billion a day. We actually have this one board—and we're putting it up on our Web site—that actually shows a clock. On that clock it has some of the President's budget policies. And one in there is one we've already sort of heard talked about or alluded to, and people like to call it the "Buffet Rule." Well, do you realize that all of the rhetoric around something like the Buffet Rule and those new taxes and those needs for those folks to pay more would pay for—I think we came up with 3 minutes and 30 seconds. It would cover 3 minutes and 30 seconds of borrowing a day.

We did some slides earlier that talked about not just taxing Big Oil, but if you taxed all fossil fuels. And what we're talking about is getting rid of their depletion allowance and actually going after their depreciation tables. That came out to about 2 minutes

and 30 seconds of covering borrowing a day.

The reason I stand behind this microphone right now is the political theater of—it's great rhetoric. I'm sure it's nice and poll tested. But it doesn't solve any of the problems. That's why this is a joyous moment to see the other side stand up and embrace the President's budget with such enthusiasm.

Mr. VAN HOLLEN. Mr. Chairman, if the gentleman from South Carolina is prepared to close, I will continue to reserve the balance of my time.

Mr. MULVANEY. I yield myself the balance of my time.

Mr. Chairman, I hear my good friend from Maryland. I understand he thinks it's a charade. I got the same press release that he got from the White House. They called it a gimmick, he calls it a charade. And they go on to talk about how they lack any details.

I've got the same stack that my colleague from Maryland has. I have the President's budget here. But we also have what we used to formulate the amendment, which is the analysis of the President's 2013 budget from the Congressional Budget Office. In there, if you take the time to review it, you'll find a summary of the way the President treats the 2001–2003 tax reductions, the alternative minimum tax, limiting deductions and exclusions, modifying estate and gift taxes, other revenue proposals, more tax provisions, OCO, the automatic procedures in the Budget Control Act, the President's cap on deductions and exclusions, deals with initiatives that will widen the deficit, transportation, Medicare, Medicaid, the Build America Bonds Program. The President's budget does not include reductions, and increases mandatory outlays.

It goes on to talk about overseas contingency, disaster relief, \$2 billion for a program, integrity initiatives. The details are here. The details are here. Let's make no mistake about what we're voting on. This is the President's budget.

Again, I got the White House memo and it says, you know, we encourage Democrats to vote against our own budget—that's what the President said today—because what could be in this amendment is raising taxes on the middle class.

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It could be in here, Mr. Chairman, but only if it's in here. They go on to say that this amendment could include severe cuts to important programs, and I guess, in theory, it could, but only if it's in here.

Let's make one thing and one thing extraordinarily clear. This is the President's budget. This is the CBO, the nonpartisan analysis of what the President gave us of what I guess, several millions of dollars, of tax dollars, were

spent in preparing. We spent an entire day debating this and examining this in the Budget Committee.

It's not a charade. It's not a gimmick unless what the President sent us is the same.

We are voting on the President's budget. I would encourage my Democrats to embrace this landmark Democrat document and support it. Personally, I'll be voting against it.

With that, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, my friend from South Carolina wants to play make-believe today, but the reality is that this is not the President's budget, and we've already shown you the President's budget.

I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, let me just say one thing. You know, you can fool some of the people some of the time, but you can't fool all of the people all of the time; and I can tell you, the Republican budget is not fooling anybody.

I just want to talk about one aspect of the President's budget on transportation. We know for every billion dollars that we spend, it generates 44,000 jobs. However, the Republicans refuse to pass a budget.

The Transportation Committee, throughout the history, has been bipartisan. We have worked together. The Republicans and the Democrats over in the Senate have passed a bill. The Republicans refuse to take up the bill on transportation because, for once, you don't want to put the American people back to work.

I say again, you can fool some of the people some of the time, but you can't fool all of the people all of the time.

Mr. VAN HOLLEN. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman has 2 $\frac{3}{4}$ minutes remaining.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself the balance of the time.

Again, we can stand here all we want and play let's pretend. The reality is that the budget that's before us is not the President's budget.

As I indicated earlier, the Democratic alternative later takes the framework of the President's budget and adopts some of the policies of the President's budget. We don't accept every single spending proposal or spending cut which is laid out in great detail here. But that presents a framework.

And I should say to my colleagues that one of the things you would not know from reading this Republican version of the President's proposal is that, unlike the Republican budget, the President's plan does not end the Medicare guarantee. It does not extend tax breaks for the highest income Americans. It doesn't provide another wind-fall tax cut for those Americans financed by increasing taxes on middle-

income Americans. It doesn't cut the transportation budget by 46 percent next year, at a time when we have high unemployment in the construction industry. The President's budget doesn't do that. The Republican budget does do that.

We will later present that balanced approach that says, in order to tackle our deficits, we have to make some cuts, some tough cuts. Congress has already made \$1 trillion in cuts. We have more cuts. But we should also close some of those special interest tax loopholes for the purpose of reducing the deficit, because if we don't do that, it means that we're providing—essentially asking nothing of the very wealthy, and that means we have to reduce the deficit at the expense of everybody else in America.

So let's end the charade. Let's end this game of make-believe. This is not the President's budget, and unless there's some of our colleagues who want to play fantasyland, I suggest we get down to reality, and that's why we're opposing this document, the Mulvaney amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MULVANEY. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CLEAVER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-423.

Mr. CLEAVER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: \$2,335,291,000,000.
Fiscal year 2014: \$2,680,700,000,000.
Fiscal year 2015: \$3,004,405,000,000.
Fiscal year 2016: \$3,219,867,000,000.
Fiscal year 2017: \$3,399,791,000,000.
Fiscal year 2018: \$3,545,388,000,000.
Fiscal year 2019: \$3,701,670,000,000.
Fiscal year 2020: \$3,890,233,000,000.
Fiscal year 2021: \$4,078,241,000,000.

Fiscal year 2022: \$4,272,162,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: \$41,776,000,000.
Fiscal year 2014: \$129,432,000,000.
Fiscal year 2015: \$187,945,000,000.
Fiscal year 2016: \$203,234,000,000.
Fiscal year 2017: \$204,691,000,000.
Fiscal year 2018: \$192,105,000,000.
Fiscal year 2019: \$181,937,000,000.
Fiscal year 2020: \$180,911,000,000.
Fiscal year 2021: \$169,741,000,000.
Fiscal year 2022: \$154,993,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013: \$3,128,317,000,000.
Fiscal year 2014: \$3,111,395,000,000.
Fiscal year 2015: \$3,189,733,000,000.
Fiscal year 2016: \$3,395,345,000,000.
Fiscal year 2017: \$3,546,170,000,000.
Fiscal year 2018: \$3,698,240,000,000.
Fiscal year 2019: \$3,867,601,000,000.
Fiscal year 2020: \$4,063,783,000,000.
Fiscal year 2021: \$4,230,729,000,000.
Fiscal year 2022: \$4,423,309,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: \$3,169,119,000,000.
Fiscal year 2014: \$3,176,782,000,000.
Fiscal year 2015: \$3,237,481,000,000.
Fiscal year 2016: \$3,397,122,000,000.
Fiscal year 2017: \$3,511,256,000,000.
Fiscal year 2018: \$3,639,385,000,000.
Fiscal year 2019: \$3,840,278,000,000.
Fiscal year 2020: \$4,018,250,000,000.
Fiscal year 2021: \$4,195,261,000,000.
Fiscal year 2022: \$4,390,772,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2013: -\$833,825,000,000.
Fiscal year 2014: -\$496,081,000,000.
Fiscal year 2015: -\$233,078,000,000.
Fiscal year 2016: -\$177,254,000,000.
Fiscal year 2017: -\$111,464,000,000.
Fiscal year 2018: -\$93,996,000,000.
Fiscal year 2019: -\$138,607,000,000.
Fiscal year 2020: -\$128,017,000,000.
Fiscal year 2021: -\$117,020,000,000.
Fiscal year 2022: -\$118,609,000,000.

(5) DEBT SUBJECT TO LIMIT.—The appropriate levels of the public debt are as follows:

Fiscal year 2013: \$17,147,000,000,000.
Fiscal year 2014: \$17,822,000,000,000.
Fiscal year 2015: \$18,241,000,000,000.
Fiscal year 2016: \$18,632,000,000,000.
Fiscal year 2017: \$19,003,000,000,000.
Fiscal year 2018: \$19,371,000,000,000.
Fiscal year 2019: \$19,777,000,000,000.
Fiscal year 2020: \$20,172,000,000,000.
Fiscal year 2021: \$20,556,000,000,000.
Fiscal year 2022: \$20,932,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: \$12,336,000,000,000.
Fiscal year 2014: \$12,913,000,000,000.
Fiscal year 2015: \$13,224,000,000,000.
Fiscal year 2016: \$13,476,000,000,000.
Fiscal year 2017: \$13,661,000,000,000.
Fiscal year 2018: \$13,820,000,000,000.
Fiscal year 2019: \$14,026,000,000,000.
Fiscal year 2020: \$14,231,000,000,000.
Fiscal year 2021: \$14,439,000,000,000.
Fiscal year 2022: \$14,668,000,000,000.

SEC. 2. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget author-

ity and outlays for fiscal years 2013 through 2022 for each major functional category are:

(1) National Defense (050):

Fiscal year 2013:

(A) New budget authority, \$553,925,000,000.
(B) Outlays, \$585,924,000,000.

Fiscal year 2014:

(A) New budget authority, \$564,074,000,000.
(B) Outlays, \$568,196,000,000.

Fiscal year 2015:

(A) New budget authority, \$574,336,000,000.
(B) Outlays, \$565,518,000,000.

Fiscal year 2016:

(A) New budget authority, \$585,581,000,000.
(B) Outlays, \$578,055,000,000.

Fiscal year 2017:

(A) New budget authority, \$598,841,000,000.
(B) Outlays, \$585,091,000,000.

Fiscal year 2018:

(A) New budget authority, \$612,097,000,000.
(B) Outlays, \$592,763,000,000.

Fiscal year 2019:

(A) New budget authority, \$625,362,000,000.
(B) Outlays, \$610,522,000,000.

Fiscal year 2020:

(A) New budget authority, \$639,661,000,000.
(B) Outlays, \$625,015,000,000.

Fiscal year 2021:

(A) New budget authority, \$653,962,000,000.
(B) Outlays, \$638,965,000,000.

Fiscal year 2022:

(A) New budget authority, \$671,019,000,000.
(B) Outlays, \$659,506,000,000.

(2) International Affairs (150):

Fiscal year 2013:

(A) New budget authority, \$56,338,000,000.
(B) Outlays, \$52,222,000,000.

Fiscal year 2014:

(A) New budget authority, \$51,241,000,000.
(B) Outlays, \$52,512,000,000.

Fiscal year 2015:

(A) New budget authority, \$48,643,000,000.
(B) Outlays, \$51,706,000,000.

Fiscal year 2016:

(A) New budget authority, \$48,666,000,000.
(B) Outlays, \$52,352,000,000.

Fiscal year 2017:

(A) New budget authority, \$51,315,000,000.
(B) Outlays, \$53,085,000,000.

Fiscal year 2018:

(A) New budget authority, \$53,464,000,000.
(B) Outlays, \$53,391,000,000.

Fiscal year 2019:

(A) New budget authority, \$54,679,000,000.
(B) Outlays, \$52,494,000,000.

Fiscal year 2020:

(A) New budget authority, \$55,906,000,000.
(B) Outlays, \$52,664,000,000.

Fiscal year 2021:

(A) New budget authority, \$57,141,000,000.
(B) Outlays, \$53,768,000,000.

Fiscal year 2022:

(A) New budget authority, \$58,909,000,000.
(B) Outlays, \$55,145,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2013:

(A) New budget authority, \$39,556,000,000.
(B) Outlays, \$35,268,000,000.

Fiscal year 2014:

(A) New budget authority, \$32,091,000,000.
(B) Outlays, \$33,988,000,000.

Fiscal year 2015:

(A) New budget authority, \$32,654,000,000.
(B) Outlays, \$32,987,000,000.

Fiscal year 2016:

(A) New budget authority, \$33,244,000,000.
(B) Outlays, \$33,095,000,000.

Fiscal year 2017:

(A) New budget authority, \$33,920,000,000.
(B) Outlays, \$33,687,000,000.

Fiscal year 2018:

(A) New budget authority, \$34,623,000,000.
(B) Outlays, \$34,182,000,000.

- Fiscal year 2019:
 (A) New budget authority, \$35,357,000,000.
 (B) Outlays, \$34,841,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$36,089,000,000.
 (B) Outlays, \$35,558,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$36,824,000,000.
 (B) Outlays, \$36,194,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$37,667,000,000.
 (B) Outlays, \$36,978,000,000.
- (4) Energy (270):
 Fiscal year 2013:
 (A) New budget authority, \$17,925,000,000.
 (B) Outlays, \$14,128,000,000.
- Fiscal year 2014:
 (A) New budget authority, \$7,434,000,000.
 (B) Outlays, \$10,209,000,000.
- Fiscal year 2015:
 (A) New budget authority, \$6,072,000,000.
 (B) Outlays, \$8,367,000,000.
- Fiscal year 2016:
 (A) New budget authority, \$5,929,000,000.
 (B) Outlays, \$7,202,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$5,653,000,000.
 (B) Outlays, \$6,258,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$5,594,000,000.
 (B) Outlays, \$5,206,000,000.
- Fiscal year 2019:
 (A) New budget authority, \$5,534,000,000.
 (B) Outlays, \$5,339,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$5,545,000,000.
 (B) Outlays, \$5,198,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$5,507,000,000.
 (B) Outlays, \$5,124,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$5,618,000,000.
 (B) Outlays, \$5,165,000,000.
- (5) Natural Resources and Environment (300):
 Fiscal year 2013:
 (A) New budget authority, \$36,430,000,000.
 (B) Outlays, \$41,003,000,000.
- Fiscal year 2014:
 (A) New budget authority, \$36,947,000,000.
 (B) Outlays, \$39,124,000,000.
- Fiscal year 2015:
 (A) New budget authority, \$37,304,000,000.
 (B) Outlays, \$38,646,000,000.
- Fiscal year 2016:
 (A) New budget authority, \$38,108,000,000.
 (B) Outlays, \$38,531,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$39,227,000,000.
 (B) Outlays, \$39,386,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$40,621,000,000.
 (B) Outlays, \$39,510,000,000.
- Fiscal year 2019:
 (A) New budget authority, \$41,511,000,000.
 (B) Outlays, \$40,467,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$42,807,000,000.
 (B) Outlays, \$41,643,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$43,058,000,000.
 (B) Outlays, \$42,210,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$43,919,000,000.
 (B) Outlays, \$42,857,000,000.
- (6) Agriculture (350):
 Fiscal year 2013:
 (A) New budget authority, \$23,334,000,000.
 (B) Outlays, \$25,536,000,000.
- Fiscal year 2014:
 (A) New budget authority, \$17,304,000,000.
 (B) Outlays, \$18,085,000,000.
- Fiscal year 2015:
 (A) New budget authority, \$21,579,000,000.
 (B) Outlays, \$21,407,000,000.
- Fiscal year 2016:
 (A) New budget authority, \$20,988,000,000.
 (B) Outlays, \$20,577,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$20,525,000,000.
 (B) Outlays, \$20,096,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$20,948,000,000.
 (B) Outlays, \$20,440,000,000.
- Fiscal year 2019:
 (A) New budget authority, \$20,612,000,000.
 (B) Outlays, \$20,151,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$20,024,000,000.
 (B) Outlays, \$19,593,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$20,655,000,000.
 (B) Outlays, \$20,213,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$20,465,000,000.
 (B) Outlays, \$20,003,000,000.
- (7) Commerce and Housing Credit (370):
 Fiscal year 2013:
 (A) New budget authority, \$2,968,000,000.
 (B) Outlays, \$5,769,000,000.
- Fiscal year 2014:
 (A) New budget authority, \$8,357,000,000.
 (B) Outlays, -\$2,293,000,000.
- Fiscal year 2015:
 (A) New budget authority, \$7,366,000,000.
 (B) Outlays, -\$4,783,000,000.
- Fiscal year 2016:
 (A) New budget authority, \$8,145,000,000.
 (B) Outlays, -\$6,537,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$9,758,000,000.
 (B) Outlays, -\$6,533,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$12,253,000,000.
 (B) Outlays, -\$4,945,000,000.
- Fiscal year 2019:
 (A) New budget authority, \$14,773,000,000.
 (B) Outlays, -\$8,348,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$22,613,000,000.
 (B) Outlays, -\$2,240,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$15,563,000,000.
 (B) Outlays, \$474,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$20,101,000,000.
 (B) Outlays, \$2,275,000,000.
- (8) Transportation (400):
 Fiscal year 2013:
 (A) New budget authority, \$138,386,000,000.
 (B) Outlays, \$129,503,000,000.
- Fiscal year 2014:
 (A) New budget authority, \$126,243,000,000.
 (B) Outlays, \$133,784,000,000.
- Fiscal year 2015:
 (A) New budget authority, \$117,661,000,000.
 (B) Outlays, \$122,449,000,000.
- Fiscal year 2016:
 (A) New budget authority, \$124,471,000,000.
 (B) Outlays, \$120,261,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$130,819,000,000.
 (B) Outlays, \$123,333,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$137,262,000,000.
 (B) Outlays, \$126,032,000,000.
- Fiscal year 2019:
 (A) New budget authority, \$102,354,000,000.
 (B) Outlays, \$123,333,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$104,123,000,000.
 (B) Outlays, \$117,489,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$105,934,000,000.
 (B) Outlays, \$115,219,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$107,877,000,000.
 (B) Outlays, \$114,475,000,000.
- (9) Community and Regional Development (450):
 Fiscal year 2013:
 (A) New budget authority, \$22,509,000,000.
 (B) Outlays, \$27,409,000,000.
- Fiscal year 2014:
 (A) New budget authority, \$13,125,000,000.
 (B) Outlays, \$28,304,000,000.
- Fiscal year 2015:
 (A) New budget authority, \$13,339,000,000.
 (B) Outlays, \$27,138,000,000.
- Fiscal year 2016:
 (A) New budget authority, \$13,573,000,000.
 (B) Outlays, \$21,213,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$13,843,000,000.
 (B) Outlays, \$17,605,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$14,121,000,000.
 (B) Outlays, \$15,292,000,000.
- Fiscal year 2019:
 (A) New budget authority, \$14,410,000,000.
 (B) Outlays, \$14,839,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$14,705,000,000.
 (B) Outlays, \$15,037,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$14,999,000,000.
 (B) Outlays, \$15,574,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$15,343,000,000.
 (B) Outlays, \$15,949,000,000.
- (10) Education, Training, Employment, and Social Services (500):
 Fiscal year 2013:
 (A) New budget authority, \$107,028,000,000.
 (B) Outlays, \$136,053,000,000.
- Fiscal year 2014:
 (A) New budget authority, \$102,194,000,000.
 (B) Outlays, \$122,678,000,000.
- Fiscal year 2015:
 (A) New budget authority, \$96,301,000,000.
 (B) Outlays, \$113,711,000,000.
- Fiscal year 2016:
 (A) New budget authority, \$104,104,000,000.
 (B) Outlays, \$105,916,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$114,347,000,000.
 (B) Outlays, \$111,578,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$118,943,000,000.
 (B) Outlays, \$117,633,000,000.
- Fiscal year 2019:
 (A) New budget authority, \$122,868,000,000.
 (B) Outlays, \$121,414,000,000.
- Fiscal year 2020:
 (A) New budget authority, \$123,647,000,000.
 (B) Outlays, \$123,418,000,000.
- Fiscal year 2021:
 (A) New budget authority, \$124,802,000,000.
 (B) Outlays, \$124,551,000,000.
- Fiscal year 2022:
 (A) New budget authority, \$126,461,000,000.
 (B) Outlays, \$125,796,000,000.
- (11) Health (550):
 Fiscal year 2013:
 (A) New budget authority, \$382,159,000,000.
 (B) Outlays, \$380,707,000,000.
- Fiscal year 2014:
 (A) New budget authority, \$482,752,000,000.
 (B) Outlays, \$471,591,000,000.
- Fiscal year 2015:
 (A) New budget authority, \$546,803,000,000.
 (B) Outlays, \$545,420,000,000.
- Fiscal year 2016:
 (A) New budget authority, \$596,809,000,000.
 (B) Outlays, \$601,541,000,000.
- Fiscal year 2017:
 (A) New budget authority, \$638,350,000,000.
 (B) Outlays, \$641,242,000,000.
- Fiscal year 2018:
 (A) New budget authority, \$676,122,000,000.
 (B) Outlays, \$675,168,000,000.
- Fiscal year 2019:

(A) New budget authority, \$719,320,000,000.
(B) Outlays, \$718,259,000,000.
Fiscal year 2020:
(A) New budget authority, \$773,097,000,000.
(B) Outlays, \$761,684,000,000.
Fiscal year 2021:
(A) New budget authority, \$813,176,000,000.
(B) Outlays, \$812,016,000,000.
Fiscal year 2022:
(A) New budget authority, \$869,043,000,000.
(B) Outlays, \$867,378,000,000.
(12) Medicare (570):
Fiscal year 2013:
(A) New budget authority, \$526,636,000,000.
(B) Outlays, \$526,476,000,000.
Fiscal year 2014:
(A) New budget authority, \$562,063,000,000.
(B) Outlays, \$561,369,000,000.
Fiscal year 2015:
(A) New budget authority, \$588,473,000,000.
(B) Outlays, \$588,065,000,000.
Fiscal year 2016:
(A) New budget authority, \$639,731,000,000.
(B) Outlays, \$639,533,000,000.
Fiscal year 2017:
(A) New budget authority, \$659,125,000,000.
(B) Outlays, \$658,445,000,000.
Fiscal year 2018:
(A) New budget authority, \$682,905,000,000.
(B) Outlays, \$682,498,000,000.
Fiscal year 2019:
(A) New budget authority, \$747,240,000,000.
(B) Outlays, \$747,037,000,000.
Fiscal year 2020:
(A) New budget authority, \$801,602,000,000.
(B) Outlays, \$800,902,000,000.
Fiscal year 2021:
(A) New budget authority, \$855,814,000,000.
(B) Outlays, \$855,380,000,000.
Fiscal year 2022:
(A) New budget authority, \$938,731,000,000.
(B) Outlays, \$938,644,000,000.
(13) Income Security (600):
Fiscal year 2013:
(A) New budget authority, \$580,622,000,000.
(B) Outlays, \$572,990,000,000.
Fiscal year 2014:
(A) New budget authority, \$547,970,000,000.
(B) Outlays, \$543,312,000,000.
Fiscal year 2015:
(A) New budget authority, \$548,691,000,000.
(B) Outlays, \$543,228,000,000.
Fiscal year 2016:
(A) New budget authority, \$556,156,000,000.
(B) Outlays, \$555,492,000,000.
Fiscal year 2017:
(A) New budget authority, \$554,282,000,000.
(B) Outlays, \$549,594,000,000.
Fiscal year 2018:
(A) New budget authority, \$556,446,000,000.
(B) Outlays, \$547,930,000,000.
Fiscal year 2019:
(A) New budget authority, \$571,786,000,000.
(B) Outlays, \$568,204,000,000.
Fiscal year 2020:
(A) New budget authority, \$583,480,000,000.
(B) Outlays, \$580,247,000,000.
Fiscal year 2021:
(A) New budget authority, \$596,855,000,000.
(B) Outlays, \$593,480,000,000.
Fiscal year 2022:
(A) New budget authority, \$614,517,000,000.
(B) Outlays, \$615,695,000,000.
(14) Social Security (650):
Fiscal year 2013:
(A) New budget authority, \$53,416,000,000.
(B) Outlays, \$53,496,000,000.
Fiscal year 2014:
(A) New budget authority, \$31,892,000,000.
(B) Outlays, \$32,002,000,000.
Fiscal year 2015:
(A) New budget authority, \$35,135,000,000.
(B) Outlays, \$35,210,000,000.
Fiscal year 2016:

(A) New budget authority, \$38,953,000,000.
(B) Outlays, \$38,991,000,000.
Fiscal year 2017:
(A) New budget authority, \$43,140,000,000.
(B) Outlays, \$43,140,000,000.
Fiscal year 2018:
(A) New budget authority, \$47,590,000,000.
(B) Outlays, \$47,590,000,000.
Fiscal year 2019:
(A) New budget authority, \$52,429,000,000.
(B) Outlays, \$52,429,000,000.
Fiscal year 2020:
(A) New budget authority, \$57,425,000,000.
(B) Outlays, \$57,425,000,000.
Fiscal year 2021:
(A) New budget authority, \$62,604,000,000.
(B) Outlays, \$62,604,000,000.
Fiscal year 2022:
(A) New budget authority, \$68,079,000,000.
(B) Outlays, \$68,079,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2013:
(A) New budget authority, \$140,651,000,000.
(B) Outlays, \$138,003,000,000.
Fiscal year 2014:
(A) New budget authority, \$141,996,000,000.
(B) Outlays, \$141,630,000,000.
Fiscal year 2015:
(A) New budget authority, \$144,827,000,000.
(B) Outlays, \$144,636,000,000.
Fiscal year 2016:
(A) New budget authority, \$153,005,000,000.
(B) Outlays, \$152,648,000,000.
Fiscal year 2017:
(A) New budget authority, \$151,445,000,000.
(B) Outlays, \$151,028,000,000.
Fiscal year 2018:
(A) New budget authority, \$149,620,000,000.
(B) Outlays, \$148,947,000,000.
Fiscal year 2019:
(A) New budget authority, \$158,568,000,000.
(B) Outlays, \$157,863,000,000.
Fiscal year 2020:
(A) New budget authority, \$162,302,000,000.
(B) Outlays, \$161,597,000,000.
Fiscal year 2021:
(A) New budget authority, \$166,056,000,000.
(B) Outlays, \$165,324,000,000.
Fiscal year 2022:
(A) New budget authority, \$175,839,000,000.
(B) Outlays, \$175,042,000,000.
(16) Administration of Justice (750):
Fiscal year 2013:
(A) New budget authority, \$55,772,000,000.
(B) Outlays, \$59,917,000,000.
Fiscal year 2014:
(A) New budget authority, \$56,029,000,000.
(B) Outlays, \$58,534,000,000.
Fiscal year 2015:
(A) New budget authority, \$56,792,000,000.
(B) Outlays, \$57,403,000,000.
Fiscal year 2016:
(A) New budget authority, \$59,542,000,000.
(B) Outlays, \$59,216,000,000.
Fiscal year 2017:
(A) New budget authority, \$58,889,000,000.
(B) Outlays, \$58,552,000,000.
Fiscal year 2018:
(A) New budget authority, \$59,992,000,000.
(B) Outlays, \$61,399,000,000.
Fiscal year 2019:
(A) New budget authority, \$61,204,000,000.
(B) Outlays, \$61,495,000,000.
Fiscal year 2020:
(A) New budget authority, \$62,406,000,000.
(B) Outlays, \$62,002,000,000.
Fiscal year 2021:
(A) New budget authority, \$63,772,000,000.
(B) Outlays, \$63,339,000,000.
Fiscal year 2022:
(A) New budget authority, \$68,968,000,000.
(B) Outlays, \$68,487,000,000.
(17) General Government (800):
Fiscal year 2013:

(A) New budget authority, \$25,808,000,000.
(B) Outlays, \$27,408,000,000.
Fiscal year 2014:
(A) New budget authority, \$27,256,000,000.
(B) Outlays, \$27,706,000,000.
Fiscal year 2015:
(A) New budget authority, \$29,196,000,000.
(B) Outlays, \$29,376,000,000.
Fiscal year 2016:
(A) New budget authority, \$31,275,000,000.
(B) Outlays, \$31,459,000,000.
Fiscal year 2017:
(A) New budget authority, \$33,433,000,000.
(B) Outlays, \$33,300,000,000.
Fiscal year 2018:
(A) New budget authority, \$35,613,000,000.
(B) Outlays, \$35,417,000,000.
Fiscal year 2019:
(A) New budget authority, \$37,969,000,000.
(B) Outlays, \$37,513,000,000.
Fiscal year 2020:
(A) New budget authority, \$40,338,000,000.
(B) Outlays, \$39,900,000,000.
Fiscal year 2021:
(A) New budget authority, \$42,762,000,000.
(B) Outlays, \$42,226,000,000.
Fiscal year 2022:
(A) New budget authority, \$45,219,000,000.
(B) Outlays, \$44,669,000,000.
(18) Net Interest (900):
Fiscal year 2013:
(A) New budget authority, \$346,034,000,000.
(B) Outlays, \$346,034,000,000.
Fiscal year 2014:
(A) New budget authority, \$356,872,000,000.
(B) Outlays, \$356,872,000,000.
Fiscal year 2015:
(A) New budget authority, \$390,660,000,000.
(B) Outlays, \$390,660,000,000.
Fiscal year 2016:
(A) New budget authority, \$444,699,000,000.
(B) Outlays, \$444,699,000,000.
Fiscal year 2017:
(A) New budget authority, \$500,673,000,000.
(B) Outlays, \$500,673,000,000.
Fiscal year 2018:
(A) New budget authority, \$555,019,000,000.
(B) Outlays, \$555,019,000,000.
Fiscal year 2019:
(A) New budget authority, \$604,374,000,000.
(B) Outlays, \$604,374,000,000.
Fiscal year 2020:
(A) New budget authority, \$645,680,000,000.
(B) Outlays, \$645,680,000,000.
Fiscal year 2021:
(A) New budget authority, \$674,506,000,000.
(B) Outlays, \$674,506,000,000.
Fiscal year 2022:
(A) New budget authority, \$703,024,000,000.
(B) Outlays, \$703,024,000,000.
(19) Allowances (920):
Fiscal year 2013:
(A) New budget authority, \$1,325,000,000.
(B) Outlays, \$1,272,000,000.
Fiscal year 2014:
(A) New budget authority, -\$18,028,000,000.
(B) Outlays, -\$9,013,000,000.
Fiscal year 2015:
(A) New budget authority, -\$19,436,000,000.
(B) Outlays, -\$15,846,000,000.
Fiscal year 2016:
(A) New budget authority, -\$18,961,000,000.
(B) Outlays, -\$17,622,000,000.
Fiscal year 2017:
(A) New budget authority, -\$18,477,000,000.
(B) Outlays, -\$18,017,000,000.
Fiscal year 2018:
(A) New budget authority, -\$18,548,000,000.
(B) Outlays, -\$18,349,000,000.
Fiscal year 2019:
(A) New budget authority, -\$19,580,000,000.
(B) Outlays, -\$18,972,000,000.
Fiscal year 2020:
(A) New budget authority, -\$25,532,000,000.

(B) Outlays, -\$22,479,000,000.
Fiscal year 2021:
(A) New budget authority, -\$16,907,000,000.
(B) Outlays, -\$19,591,000,000.
Fiscal year 2022:
(A) New budget authority, -\$58,744,000,000.
(B) Outlays, -\$59,683,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2013:
(A) New budget authority, -\$79,230,000,000.
(B) Outlays, -\$79,229,000,000.
Fiscal year 2014:
(A) New budget authority, -\$80,576,000,000.
(B) Outlays, -\$80,575,000,000.
Fiscal year 2015:
(A) New budget authority, -\$86,663,000,000.
(B) Outlays, -\$86,662,000,000.
Fiscal year 2016:
(A) New budget authority, -\$88,673,000,000.
(B) Outlays, -\$88,672,000,000.
Fiscal year 2017:
(A) New budget authority, -\$92,938,000,000.
(B) Outlays, -\$92,937,000,000.
Fiscal year 2018:
(A) New budget authority, -\$96,445,000,000.
(B) Outlays, -\$96,444,000,000.
Fiscal year 2019:
(A) New budget authority, -\$103,169,000,000.
(B) Outlays, -\$103,168,000,000.
Fiscal year 2020:
(A) New budget authority, -\$102,135,000,000.
(B) Outlays, -\$102,134,000,000.
Fiscal year 2021:
(A) New budget authority, -\$106,354,000,000.
(B) Outlays, -\$106,353,000,000.
Fiscal year 2022:
(A) New budget authority, -\$108,766,000,000.
(B) Outlays, -\$108,766,000,000.
(21) Overseas Contingency Operations/Global War on Terrorism:
Fiscal year 2013:
(A) New budget authority, \$96,725,000,000.
(B) Outlays, \$92,230,000,000.
Fiscal year 2014:
(A) New budget authority, \$44,159,000,000.
(B) Outlays, \$68,766,000,000.
Fiscal year 2015:
(A) New budget authority, \$0.
(B) Outlays, \$28,845,000,000.
Fiscal year 2016:
(A) New budget authority, \$0.
(B) Outlays, \$9,173,000,000.
Fiscal year 2017:
(A) New budget authority, \$0.
(B) Outlays, \$2,650,000,000.
Fiscal year 2018:
(A) New budget authority, \$0.
(B) Outlays, \$706,000,000.
Fiscal year 2019:
(A) New budget authority, \$0.
(B) Outlays, \$192,000,000.
Fiscal year 2020:
(A) New budget authority, \$0.
(B) Outlays, \$52,000,000.
Fiscal year 2021:
(A) New budget authority, \$0.
(B) Outlays, \$38,000,000.
Fiscal year 2022:
(A) New budget authority, \$0.
(B) Outlays, \$24,000,000.

The Acting CHAIR. Pursuant to House Resolution 597, the gentleman from Missouri (Mr. CLEAVER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. CLEAVER. Mr. Chair, I first want to acknowledge all 42 members of the Congressional Black Caucus who endorsed this presentation, but especially our Budget, Appropriations, and Taxation Taskforce and the FY13

Budget chairs, Congressman BOBBY SCOTT, Congresswoman GWEN MOORE, and Congresswoman KAREN BASS, who is the emcee at a dinner and cannot be here with us.

This budget, Mr. Chair, itself, is a statement of our beliefs as a Nation. It is the way we choose to run government and help the people we serve. Our FY 2013 alternative Federal budget will address the deficit while protecting important safety net programs needed by our communities.

The CBC's top priorities for the 112th Congress are promoting job creation and economic development, providing lifetime educational opportunities, protecting access to health care, and protecting the right to vote and justice for all Americans. We can only make these priorities a reality by sustaining and strengthening the programs that invest in and protect all Americans, whether it is workforce investment, unemployment insurance, investment in unemployment, Temporary Assistance for Needy Families, or TANF, or with the onslaught of these voter laws across the country, proper funding of the Election Assistance Commission. These programs are vital to national interest because they train our workforce, stabilize our economy, and provide funding for our cities and States throughout the Nation.

I understand that now is the time for us, as Americans, to sacrifice in order to protect our children and our children's children. However, we struggle, as a caucus, to understand how the proposed majority budget helps achieve this goal.

More recently, due to many strategic investments led by the President, the Nation's overall unemployment rate has been lowered; however, the African American unemployment rate remains nearly double the national average. In order to improve this dire situation and to ensure every American's full recovery, we must make smart and targeted investments for all America's vulnerable communities.

Government investment in people, education, infrastructure, and innovation can create jobs. Over time, the jobs created by these strategic investments pay for themselves and then some. Investments allow people to earn, learn, spend, and save. Cutting programs that assist hardworking Americans, help families with their most basic needs, maintain our crumbling infrastructure, and expand access to educational opportunities will only make unemployment statistics worse.

Our success as a Nation is interwoven in the success of all communities. Until we grasp that concept as a Nation, we will never see the full potential of the United States of America; and for that, I am truly concerned.

Mr. Chair, I yield 3 minutes to the chairman of our committee, BOBBY SCOTT of Virginia.

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Mr. SCOTT of Virginia. Mr. Chairman, the Congressional Black Caucus budget is a more credible and responsible alternative than the underlying Republican budget. The CBC budget is a plan that significantly reduces our deficit over the next decade while increasing economic opportunities and promoting job creation in every corner of our society. Deficit reduction is about making tough choices, but the path to fiscal responsibility must not be on the backs of our Nation's most vulnerable communities.

Our budget makes those tough choices, but it doesn't jeopardize Social Security, turn Medicaid into a block grant, or dismantle the Medicare guarantee. The fundamental choice we have to make is a choice between millionaires and Medicare.

The CBC budget extends the Bush-era tax cuts only for hardworking middle class American families but pays for this extension through tax reform by closing corporate loopholes and giveaways, deterring aggressive speculation in the stock market—the speculation that helped create the 2008 fiscal crisis and the recent gas price increase—and we ensure that millionaires who benefited most from income growth, tax cuts, and bailouts in the last decade contribute their fair share.

With additional revenue, the CBC budget restores funding for important programs cut in the Budget Control Act of 2011, we cancel the sequester for security and nonsecurity programs, and we match the Democratic alternative on defense spending. Our budget also makes targeted investments that will create jobs in the short term by funding transportation and infrastructure projects, and our budget will ensure our long-term prosperity by investing in education and job training initiatives, including an increase in the maximum Pell Grant by nearly \$1,000, to \$6,500.

The CBC budget will positively impact every sector of our economy, cement the foundation of a strong economic recovery, and reduce the deficit by \$770 billion more over the next decade than the Republican budget, as this chart shows.

The CBC budget outlines specific recommendations to achieve this goal. The Republican budget, on the other hand, simply instructs the Ways and Means Committee to find \$4 trillion in new revenues and then instructs the Appropriations Committee to find spending cuts in the range of almost a trillion dollars. In light of the fact that the supercommittee failed to find \$1.2 trillion, it is unlikely that anybody will figure out how to fill this \$5 trillion hole in the Republican budget. But even if they do, the CBC budget still has \$770 billion more in deficit reduction than the Republican budget.

Mr. Chairman, there is a clear difference between the Republican budget

and the CBC budget, and that difference is the CBC budget chooses Medicare over millionaires. I urge my colleagues to support the Cleaver amendment to ensure a fairer and more prosperous future for America.

Mr. CHAFFETZ. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Utah is recognized for 15 minutes.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Chairman, I stand in opposition to this budget. I am proud of the fact that we are actually debating a budget; for you see, you look over to the other body, you look to the United States Senate, and you'll see it's been more than 1,050 days, an exceptional amount of time—years, in fact—since the United States Senate has actually discussed a budget.

And here we are debating a budget. There's a contrast in vision. There's a contrast in priorities, but we're debating this. On some issues, there is some common ground; but on other things, there is a divergence in our approach.

This budget that's being presented here as an amendment raises taxes by more than \$6 trillion. Mr. Chairman, let me put in context what \$1 trillion is. If you spent \$1 million a day every day, it would take you almost 3,000 years to get to \$1 trillion.

So what we have to have is a realization of the fiscal woes that we face ourselves. I didn't create this mess, but I am here to help clean it up.

The reality is we cannot face tens of trillions of dollars in debt because there's a consequence of that. The consequence of this massive debt: rising interest rates, devaluation of the dollar. There's so many things. Inflation as you throw more money into the marketplace.

Imagine what this world would be like if we didn't have what will be, at the end of this year, nearly \$16 trillion in debt. Right now we're paying more than \$600 million a day in interest on that debt.

So, while I think there is common ground and appreciation of what needs to happen for our kids and our future and investments that we do need to make, what they would like to do in terms of infrastructure and roads and all of these types of things and our military, we're saddled with a \$16 trillion debt. So we don't have that \$600 million. We really don't get anything for that. We have to pay that as interest on the debt.

That's where you see a contrast. What is being proposed here versus what the Republicans are offering in their budget, which has passed through the Budget Committee, is they would have to spend \$5.3 trillion more over 10 years than what we have proposed.

So I stand in opposition to this. I appreciate the passion and commitment they have to their agenda, but I do

want to recognize, and I hope we can applaud on both sides of the aisle at least here in the House of Representatives, we're actually debating a budget.

With that, I reserve the balance of my time.

Mr. CLEAVER. Mr. Chairman, I would like to yield 3 minutes to the distinguished gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE. I thank you so much, Mr. CLEAVER.

Mr. Chairman, prior to 1994, Congress acted to ensure that Americans had guaranteed support under the Social Security Act. It was a three-legged stool. The American social contract provided retirement security for retirees through Social Security, health coverage for elders with Medicare, dignified care for the infirm and disabled under Medicaid and sustenance for low-income families with children.

Now, in 1994, on a bipartisan basis, this body breached the Social Security Act's contract with the people and "ended welfare as we know it."

Now, this Republican budget says that that is a model for what this budget should do. It recalls that victory, and I quote from the narrative under the Path to Prosperity, a blueprint for American Renewal:

This budget completes the successful work of transforming welfare by reforming other areas of America's safety net to ensure that welfare does not entrap able-bodied citizens into lives of complacency and dependency.

We've heard on this floor that we're going to make sure that the safety net does not become a hammock. So, in other words, Medicare and Medicare recipients are now welfare recipients.

So what this budget does is it ends the guarantee of health care for retirees, turning it into a voucher program, and cuts \$30 billion over the next decade.

The program, Medicaid, it is now a welfare program, and Grandma, who is in the nursing home, is now a welfare recipient who is lying in a hammock instead of living out her life in dignity, and you cut \$810 billion out of that fund over the next decade.

Another entitlement program, food stamps, which served 45 million people during this recession, half of all Americans are now poor. You're going to amend that entitlement program by cutting \$134 billion out over the next decade.

The CBC budget rejects the breach of the Social Security Act and renews that contract with Americans. It rejects the 62 percent of the Republican budget that cuts \$5.3 trillion—62 percent of it taken from those Americans who are most vulnerable—yet it provides deficit reduction of \$3.4 trillion over a 10-year period of time.

Yes, we do have different priorities. We prioritize retirees, elders, the disabled, and infirm over millionaires.

Mr. CLEAVER. Mr. Chairman, may I inquire about the remainder of my time?

The Acting CHAIR. The gentleman has 6 minutes remaining.

Mr. CLEAVER. I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I would like to yield 2 minutes to the gentleman from New York (Mr. HANNA).

Mr. HANNA. Thank you for yielding.

Mr. Chairman, I am speaking on the previous offering by Mr. MULVANEY. I'd like to rise and speak in opposition to the administration's proposed 2013 budget plan. I'd like to speak about one particular issue of concern.

Despite the administration's emphasizing of the importance of cybersecurity and the need to retain our technological edge, this budget presents a stark contradiction to these priorities. Key program areas that are essential to maintaining our Nation's 21st century defense initiatives have been unreasonably slashed in this proposal.

For example, the Air Force's science and technology cyber funding has been cut 17 percent. Over \$1 billion has been cut from the Air Force's total funding level for research, development, testing, and evaluation programs.

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I can personally attest to the innovative accomplishments that are produced by the Air Force Research Labs, such as Rome Lab in Rome, New York. For instance, the Air Force Research Labs were the first to institute computer network attack and exploitation as a formal science and technology discipline.

Secretary Panetta has warned that a cyberattack could very well be the next Pearl Harbor that our Nation confronts. Both our defense enterprises and our commercial economy have become dependent on information technology, which makes it critical that we protect our networks. We can't say one thing and do another when it comes to prioritizing our 21st century cyberdefenses.

I urge my colleagues to support our national security by voting against this budget plan.

Mr. CLEAVER. Mr. Chairman, I yield 1 minute to the gentlewoman from the U.S. Virgin Islands, Dr. DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong and proud support of the Congressional Black Caucus' budget, which builds on the President's and the Democratic budget, is fiscally responsible, and restores America's promise and invests in our future. As a physician and chair of the Health Braintrust, I am particularly pleased with the investment we make in health.

The CBC budget provides an additional \$10 billion in 2013, which protects Medicare and Medicaid, and which fully funds the Affordable Care Act, the Minority AIDS Initiative, and

the AIDS Drug Assistance Program. It supports the Office of Minority Health. Finally, it provides adequate funding for the new institute at NIH.

We provide robust funding for important prevention and public health programs like the block grant, maternal and child health, oral health programs, and community-centric efforts to address the socioeconomic determinants of health. We also increase funding for the Substance Abuse and Mental Health Services Administration, for the training of underrepresented minorities for the health workforce and, for the first time, for health facilities improvements and construction.

Health care is a right. The CBC, through this budget, ensures that all Americans will enjoy that right. We make a strong investment in health and much more, and we still reduce the deficit by \$3.4 trillion over the next 10 years. I urge an "aye" vote.

Mr. CHAFFETZ. Mr. Chairman, I yield myself such time as I may consume.

One of the moral obligations, I think, is not only to the current generation but to the older Americans who have poured their hearts and souls into this contract. They've lived with the assumption that certain things are going to be there. We have to live up to those obligations, but we also have to live up to the obligations that we have for our kids and our grandkids.

One of my goals and objectives is to leave this country better than how I found it. One of the things that the House Republican budget does over the course of time is balance the budget and pay off the debt, which is something we have to do. So the fundamental question becomes, How do you do that?

Now, I think where we have some common ground is that we want to broaden the base. The Republicans are suggesting that we lower the rates. Let people keep their own money and spend their own money. That is fundamentally what the United States of America is all about. The contrast here in what's being proposed is that they want to broaden the base—again, common ground—but they want to raise the rates, and that's where I think we have a fundamental challenge. We talk about what people have to pay, their fair share and whatnot. Yet let's look historically at what has happened in the United States of America.

Historically, we have spent less than 20 percent of our gross domestic product. When the Democrats controlled the House and the Senate and the Presidency, they raised that up over 24 percent. That is more than 24 cents out of every dollar spent by the Federal Government in this country. I think that's immoral. I think that's wrong. We have an obligation—we have a duty—to live within our means and to provide opportunity and liberty for people to thrive.

No matter where they are in life, the United States of America is about freedom, it's about liberty, it's about the opportunity to succeed—and that's the foundation of this country. That's what I'm committed to. That's what a responsible Federal Government does.

The proper role of government is limited in its scope, and the proper role of government is a role of government. To me, that means the Department of Defense and other things to protect our Nation. That's where we should put our priorities, and that's why I think that this budget that the House Republicans have proposed is so responsible. I don't think we're just one good tax increase away from prosperity in this country, and that's, in part, why I stand in opposition to this amendment.

I reserve the balance of my time.

Mr. CLEAVER. Mr. Chairman, I would like to yield 1 minute to the gentlewoman from Florida, Ms. CORRINE BROWN.

Ms. BROWN of Florida. I want to first thank the Congressional Black Caucus for their leadership. The fact is that they are the conscience of this Congress. Thank you so very much.

Let me say that transportation and infrastructure, if adequately funded, will generate thousands of jobs. In fact, for every \$1 billion we invest in transportation it generates 44,000 permanent jobs and \$6.2 billion in economic activity. With the CBC's initial investment of \$50 billion in infrastructure funding, this budget would create over 2 million good-paying jobs. It would also allow us to fix our failing bridges, aging transit systems, and crumbling roads.

In addition, let me mention one thing about the VA. The Republicans often mention, What did the Democrats do when they were in charge? We passed the largest VA budget in the history of the United States of America.

Republicans often talk the talk. Democrats walk the walk.

Mr. CHAFFETZ. Mr. Chairman, I yield myself such time as I may consume.

You have to recognize how much money the Federal Government is spending here. We're going to spend in the range of about \$3.5 trillion to \$3.6 trillion in a 12-month period. Part of my rhetorical question here is: If that's not stimulative to the economy, why isn't it? What are we spending our money on if it's not intended to, in part, stimulate the economy? There are things that we have to do in terms of security and in providing for the FAA and for the Department of Defense, but we have to utilize those resources in a very wise way.

I reserve the balance of my time.

Mr. CLEAVER. Mr. Chairman, I would now like to yield 1 minute to the distinguished gentlelady from California (Ms. LEE).

Ms. LEE of California. Let me first thank chairman EMANUEL CLEAVER for

his tremendous leadership of the Congressional Black Caucus and of many caucuses in this House. I also thank Representative BOBBY SCOTT and Representative GWEN MOORE and all of our CBC colleagues for their tireless efforts on this budget.

At a time when America is facing the greatest income inequality since the Great Depression, we must stand up and put the needs of the most vulnerable over the wants of the most wealthy, the special interests, and Big Oil. The Congressional Black Caucus' budget is a moral document that shows our Nation's priorities and our values.

This budget makes important investments in job creation, transportation, health care, and education. The CBC budget also protects the safety net without cutting Social Security or destroying Medicaid or by ending the Medicare guarantee, as the Republican budget does. We must ensure that those who have borne the brunt of this recession, who have experienced the highest unemployment rates, and the highest rates of poverty—communities of color—have an opportunity to return to the workplace in order to support their families, have access to education and to the American Dream.

These should be the values and priorities of a budget—a budget for everyone in mind, not just for the 1 percent. These are the priorities that will ensure our country and all of its people, not just the 1 percent, recover fully from this devastating recession.

Mr. CHAFFETZ. I continue to reserve the balance of my time.

Mr. CLEAVER. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I just wanted to point out that the gentleman from Utah has suggested the need to reduce the deficit. The Congressional Black Caucus budget beats the Republican budget by \$770 billion. Then he talks about tax increases, but doesn't mention the fine print in the Republican budget that instructs the Ways and Means Committee to find \$4 trillion in tax increases.

So, if fiscal responsibility is the idea, the budget of the Congressional Black Caucus beats the Republican budget by \$770 billion over 10 years.

Mr. CHAFFETZ. Mr. Chairman, may I inquire as to how much time both sides have.

The Acting CHAIR. The gentleman from Utah has 8 minutes remaining, and the gentleman from Missouri has 2½ minutes remaining.

Mr. CHAFFETZ. Mr. Chairman, it is my intention to yield the gentleman some additional time. I know he has a number of speakers who are still left. I am happy to do that. So that is my intention as you allocate the rest of your time.

For now, I reserve the balance of my time.

Mr. CLEAVER. I would like to thank the gentleman from Utah for his generosity and courtesy.

I now yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

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Ms. JACKSON LEE of Texas. I thank the chairman of the Congressional Black Caucus for yielding to me and, again, join my colleagues in thanking him for his leadership, as well as the chairman of our CBC Budget Committee, Mr. SCOTT, the work that Congresswoman MOORE does on this committee, and all the others that have gathered here.

And I thank my good friend for a vigorous debate. I would only say to you that in the course of our debate this evening and today, we've heard of the mountain of debt and the need to cut, cut, cut. It is all right to have a difference of opinion, but what I would argue is that there are documented economists that say that if you invest in human capital, if you invest in people, then you build up the economy, you make things, you make things in America.

I don't want to leave Americans, if you will, on the trash heap of despair. I don't want to leave bodies straddled all along the highways, those who are knocking on doors of colleges, those who are trying to get into primary and secondary education, seniors who are cast out on the streets out of nursing homes. That's where we're going.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. CLEAVER. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. I thank the gentleman.

So I am standing here to try to end the elimination of Medicare and the destruction of jobs and the taking of money from the poor.

The CBC budget is responsible in that it's ending the mortgage interest deductions for vacation homes and yachts. It provides additional tax relief for the middle class. It provides a \$25 billion increase for education and job training; \$50 billion in transportation infrastructure, creating jobs; rolling back the harmful cuts to American Federal employees, recognizing that they provide services that are needed; \$12 billion above the President's budget regarding NASA, with advanced research and development programs—that's the genius of the 21st century, providing more funding for the National Science Foundation.

And, yes, we believe in justice. We support full funding of the Department of Justice, with funding for Cops on the Beat, Second Chance, the civil rights division. I will tell you that the message tonight has to be that we don't want to take food from poor people. We don't want to make it harder for low-income students to get a college de-

gree, squeeze funding for research, education, infrastructure. We want to take people off that trash heap of despair and let them walk into glory. Let's support the CBC budget.

Mr. CLEAVER. Mr. Chairman, let me ask, with the generosity of the gentleman from Utah, how much time do we have?

The Acting CHAIR. The gentleman from Missouri has 30 seconds remaining.

Mr. CHAFFETZ. Mr. Chairman, I would like to yield 2 minutes to the gentleman if he needs it and has additional speakers.

The Acting CHAIR. Without objection, the gentleman from Missouri will control that time.

There was no objection.

Mr. CLEAVER. Mr. Chairman, I would like to yield 1 minute to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Chair, I rise today in strong support of the Congressional Black Caucus' alternative budget for fiscal year 2013. This budget should be considered and made in order by all of our colleagues.

Minority communities took the hardest hit during the economic recession. In my district, we suffer rates of unemployment ranging as high as 25 percent and home foreclosures that are significantly higher than the rest of the country.

The CBC alternative budget deals with these issues, helping us to have a skilled, educated workforce that can tackle the 21st century. It increases the maximum Pell Grant award, which we desperately need; invests an additional \$25 billion of the President's budget in education and job training; invests an additional \$50 billion in job-creating transportation infrastructure projects; and provides an additional \$5 billion for the President's budget to help people in our communities with foreclosures.

Mr. Chair, I stand in support of the CBC budget and urge my colleagues to support it as well.

Mr. CLEAVER. Mr. Chairman, let me close on our side by thanking the gentleman from Utah.

And first of all, let me call attention to one thing, and I think it's important. It may be more important than the discussion of the budget because I think it helps us eventually reach budgets.

Not one speaker on this side called this the Ryan budget. I was in an interview this morning and someone asked me about what I thought about the Ryan budget. And I said, this is the Republican budget. And if I attack the budget, it seems as if I'm attacking the man whose name seems to be attached to it. This Institution is far too important for us to get down into that kind of thing.

We have some real differences in this budget. I believe, and our budget re-

flects, that budget is an x-ray of our inwards. It is a moral document. It tells who we are. And I say, in another position in my life, if you show me your checkbook, I can tell you what you believe in.

Mr. Chairman, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield myself such time as I may consume.

I do appreciate the gentleman's comments, Mr. Chairman, the generosity and the approach that he took that, yes, we should debate the issues, but we don't need to attack the person. I think it is the right attitude, and I appreciate the comments about our chairman, Chairman RYAN.

I remember what Speaker BOEHNER said at the beginning when I started. He said, We may disagree, but we shouldn't be disagreeable. So I appreciate the spirit in which we do this today.

This is a contrast. There is a difference in opinion in the direction that we should go. I fundamentally don't believe that we're just one good tax increase away from prosperity in this country. I think one of the problems and challenges in this Nation is that our government has overreached. It is spending too much money. It is borrowing too much money. And it is regulating too much. Is there a proper role for regulation? Absolutely, absolutely. And where it's a necessity, we need to prioritize it. We need to fix those things that aren't working.

But what we have proposed, as the House Republicans, in our budget is a responsible, bold budget. It's also a realistic budget that, over the course of time, balances the books and pays off the debt. That is the imperative of our Nation. Because, as I cited earlier, we have to leave—we should leave this Nation better than the way we found it; and that means creating opportunity for this Nation to thrive. We need to remember that manufacturing is good in this Nation. We need to remember that, yes, we have to make investments, but to protect our Nation.

I look at the President's budget, and the only thing I see that it cuts is defense; and the only thing it drills is your wallet. I don't believe that that is the direction of our Nation, and that is why we are debating this issue in contrast to the United States Senate which, for more than 1,050 days now, has not even brought a budget to the floor to debate. That is fundamentally and morally wrong. I am proud of the fact that this body is doing this.

I encourage a "no" vote on what has been offered as the substitute, but I do encourage Members to vote for what passed out of the Budget Committee. I think it's responsible. I think it's bold. I think it's the right move for our Nation.

With that, I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chair, I rise today in strong support of the Congressional Black Caucus Alternative Budget for Fiscal Year 2013. The budget plan outlined by the CBC takes a direct and balanced approach to restoring America's promise, achieves fiscal responsibility and sets a priority to invest in our future.

The CBC Alternative Budget protects Social Security, Medicare, Medicaid, SNAP, TANF, Unemployment Insurance and other programs that are vital to the most vulnerable populations, which are in districts throughout this country.

Although our nation's economy is showing positive signs of growth, this Congress must continue to make critical investments in communities to accelerate—not stagger—our recovery.

To that end, the CBC Alternative Budget makes smart investments in education, workforce training, and transportation and infrastructure projects. These investments are necessary to ensure that America has a skilled and educated workforce that is prepared to tackle the challenges of the 21st Century and compete with attempts to take American jobs overseas.

Specifically, the CBC Budget will:
invest an additional \$25 billion above the President's budget in Education and Job Training in FY 2013 alone;

provide an additional \$5 billion above the President's Budget request for housing programs, foreclosure assistance, and other important programs for community development;
invest an additional \$50 billion in job creating transportation and infrastructure projects in FY 2013 alone and provide \$155 billion above the President's budget over the next decade; and

increase the maximum Pell Grant award by nearly \$1,000 over the President's Fiscal Year 2013 budget request.

The CBC Budget acknowledges the deficit and pays for domestic priorities by enacting tax reform measures to raise nearly \$4 trillion in new revenue over the next decade through the Buffet Rule to ensure that millionaires and billionaires pay their fair share in taxes, and closes corporate tax loopholes and preferences for corporations that ship American jobs overseas.

The \$4 trillion in revenue raised from millionaires paying their fair share will allow us to pay for an extension of tax cuts for hard working, middle class Americans—providing them with more money to feed their families, pay their bills, send their kids to school and fill up their gas tanks.

The budget would open an enormous hole in our country's social safety net by largely shifting healthcare costs to seniors on Medicare, while at the same time giving millionaires and billionaires a free pass by giving the rich an average tax cut of \$150,000.

In California alone, 5,252,371 seniors would be forced onto vouchers when they retire—a system that has been shown to be a sub-standard version of Medicare.

The GOP budget will force seniors to pay higher premiums in order to access the same benefits they would receive under the current system. For a typical 67 year-old senior, the Ryan budget could increase out-of-pocket health care costs by \$5,900.

The GOP budget would decimate our primary assistance to the poor by cutting \$3.3 trillion from needed programs like Medicaid and Supplemental Nutrition Assistance Program.

In fact, a report conducted by the Center on Budget and Policy Priorities found that 62 percent of proposed cuts in the Ryan budget plan come from programs that assist low-income individuals. This is the Republican vision: to balance the budget on the backs of the seniors and the poor.

The Ryan budget once again fails the test of balance, fairness, and shared responsibility. It takes a slash and burn approach to the budget, rather than going line by line to carefully examine where cuts and new sources of revenue should be implemented.

The Ryan budget plan would weaken job growth. The Economic Policy Institute found that if we were to follow Chairman RYAN's proposal, 1.3 million jobs would be lost in 2013 and 2.8 million jobs would be lost in 2014.

Mr. Chair, the CBC Alternative Budget has a better way. We understand that our current economic situation calls for a balanced and responsible approach that protects our fragile recovery and invests in our future.

For these reasons, Mr. Chair, I urge my colleagues to join me in voting for the CBC Alternative Budget.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentleman from Missouri (Mr. CLEAVER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CLEAVER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

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AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. COOPER

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-423.

Mr. COOPER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013.

(a) DECLARATION.—The Congress determines and declares that this concurrent resolution establishes the budget for fiscal year 2013 and sets forth appropriate budgetary levels for fiscal years 2014 through 2022.

(b) TABLE OF CONTENTS.—The table of contents for this resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2013.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND DIRECTIVE TO THE COMMITTEE ON THE BUDGET

Sec. 201. Reconciliation in the House of Representatives.

Sec. 202. Directive to the Committee on the Budget of the House of Representatives to replace the sequester established by the Budget Control Act of 2011.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund for the sustainable growth rate of the Medicare program.

Sec. 302. Deficit-neutral reserve fund for revenue measures.

Sec. 303. Deficit-neutral reserve fund for rural counties and schools.

Sec. 304. Deficit-neutral reserve fund for transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Discretionary spending limits.

Sec. 402. Enforcement of discretionary spending limits.

Sec. 403. Current policy estimates for tax reform.

Sec. 404. Limitation on advance appropriations.

Sec. 405. Concepts and definitions.

Sec. 406. Limitation on long-term spending.

Sec. 407. Budgetary treatment of certain transactions.

Sec. 408. Application and effect of changes in allocations and aggregates.

Sec. 409. Congressional Budget Office estimates.

Sec. 410. Budget rule relating to transfers from the general fund of the treasury to the highway trust fund that increase public indebtedness.

Sec. 411. Separate allocation for overseas contingency operations/global war on terrorism.

Sec. 412. Adjustments to discretionary spending limits.

Sec. 413. Exercise of rulemaking powers.

TITLE V—POLICY

Sec. 501. Policy statement on tax reform.

Sec. 502. Policy statement on Medicare.

Sec. 503. Policy Statement on Social Security.

Sec. 504. Policy statement on budget enforcement.

Sec. 505. Policy statement on deficit reduction through the cancellation of unobligated balances.

Sec. 506. Recommendations for the elimination of waste, fraud, and abuse in Federal programs.

TITLE VI—SENSE OF THE HOUSE PROVISIONS

Sec. 601. Sense of the house on a responsible deficit reduction plan.

Sec. 602. Sense of the house regarding low-income programs.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: \$2,078,076,000,000.

Fiscal year 2014: \$2,318,693,000,000.

Fiscal year 2015: \$2,570,303,000,000.

Fiscal year 2016: \$2,761,728,000,000.

Fiscal year 2017: \$2,922,355,000,000.

Fiscal year 2018: \$3,061,602,000,000.
 Fiscal year 2019: \$3,219,541,000,000.
 Fiscal year 2020: \$3,388,521,000,000.
 Fiscal year 2021: \$3,564,364,000,000.
 Fiscal year 2022: \$3,744,062,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: -\$215,263,000,000.
 Fiscal year 2014: -\$232,491,000,000.
 Fiscal year 2015: -\$245,981,000,000.
 Fiscal year 2016: -\$254,378,000,000.
 Fiscal year 2017: -\$271,984,000,000.
 Fiscal year 2018: -\$290,687,000,000.
 Fiscal year 2019: -\$299,031,000,000.
 Fiscal year 2020: -\$319,499,000,000.
 Fiscal year 2021: -\$342,588,000,000.
 Fiscal year 2022: -\$371,419,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013: \$2,870,262,000,000.
 Fiscal year 2014: \$2,946,241,000,000.
 Fiscal year 2015: \$3,054,353,000,000.
 Fiscal year 2016: \$3,233,324,000,000.
 Fiscal year 2017: \$3,363,711,000,000.
 Fiscal year 2018: \$3,497,732,000,000.
 Fiscal year 2019: \$3,688,807,000,000.
 Fiscal year 2020: \$3,870,702,000,000.
 Fiscal year 2021: \$3,994,601,000,000.
 Fiscal year 2022: \$4,162,314,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: \$2,918,761,000,000.
 Fiscal year 2014: \$2,976,823,000,000.
 Fiscal year 2015: \$3,071,338,000,000.
 Fiscal year 2016: \$3,251,164,000,000.
 Fiscal year 2017: \$3,354,859,000,000.
 Fiscal year 2018: \$3,468,791,000,000.
 Fiscal year 2019: \$3,657,676,000,000.
 Fiscal year 2020: \$3,826,568,000,000.
 Fiscal year 2021: \$3,967,541,000,000.
 Fiscal year 2022: \$4,143,424,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2013: -\$840,685,000,000.
 Fiscal year 2014: -\$658,130,000,000.
 Fiscal year 2015: -\$501,035,000,000.
 Fiscal year 2016: -\$489,436,000,000.
 Fiscal year 2017: -\$432,504,000,000.
 Fiscal year 2018: -\$407,189,000,000.
 Fiscal year 2019: -\$438,135,000,000.
 Fiscal year 2020: -\$438,047,000,000.
 Fiscal year 2021: -\$403,177,000,000.
 Fiscal year 2022: -\$399,362,000,000.

(5) DEBT SUBJECT TO LIMIT.—The appropriate levels of the public debt are as follows:

Fiscal year 2013: \$17,078,000,000,000.
 Fiscal year 2014: \$17,904,000,000,000.
 Fiscal year 2015: \$18,574,000,000,000.
 Fiscal year 2016: \$19,253,000,000,000.
 Fiscal year 2017: \$19,916,000,000,000.
 Fiscal year 2018: \$20,560,000,000,000.
 Fiscal year 2019: \$21,222,000,000,000.
 Fiscal year 2020: \$21,873,000,000,000.
 Fiscal year 2021: \$22,459,000,000,000.
 Fiscal year 2022: \$23,015,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: \$12,267,000,000,000.
 Fiscal year 2014: \$12,994,000,000,000.
 Fiscal year 2015: \$13,557,000,000,000.
 Fiscal year 2016: \$14,097,000,000,000.
 Fiscal year 2017: \$14,574,000,000,000.
 Fiscal year 2018: \$15,009,000,000,000.
 Fiscal year 2019: \$15,471,000,000,000.
 Fiscal year 2020: \$15,933,000,000,000.

Fiscal year 2021: \$16,342,000,000,000.
 Fiscal year 2022: \$16,751,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2013 through 2022 for each major functional category are:

(1) National Defense (050):

Fiscal year 2013:

(A) New budget authority, \$551,925,000,000.

(B) Outlays, \$577,486,000,000.

Fiscal year 2014:

(A) New budget authority, \$554,250,000,000.

(B) Outlays, \$562,264,000,000.

Fiscal year 2015:

(A) New budget authority, \$556,697,000,000.

(B) Outlays, \$557,062,000,000.

Fiscal year 2016:

(A) New budget authority, \$560,232,000,000.

(B) Outlays, \$562,378,000,000.

Fiscal year 2017:

(A) New budget authority, \$564,905,000,000.

(B) Outlays, \$560,727,000,000.

Fiscal year 2018:

(A) New budget authority, \$570,166,000,000.

(B) Outlays, \$559,637,000,000.

Fiscal year 2019:

(A) New budget authority, \$576,041,000,000.

(B) Outlays, \$569,660,000,000.

Fiscal year 2020:

(A) New budget authority, \$582,007,000,000.

(B) Outlays, \$575,432,000,000.

Fiscal year 2021:

(A) New budget authority, \$588,032,000,000.

(B) Outlays, \$581,313,000,000.

Fiscal year 2022:

(A) New budget authority, \$594,125,000,000.

(B) Outlays, \$592,693,000,000.

(2) International Affairs (150):

Fiscal year 2013:

(A) New budget authority, \$47,260,000,000.

(B) Outlays, \$46,938,000,000.

Fiscal year 2014:

(A) New budget authority, \$45,573,000,000.

(B) Outlays, \$47,130,000,000.

Fiscal year 2015:

(A) New budget authority, \$43,248,000,000.

(B) Outlays, \$46,555,000,000.

Fiscal year 2016:

(A) New budget authority, \$42,582,000,000.

(B) Outlays, \$46,900,000,000.

Fiscal year 2017:

(A) New budget authority, \$44,500,000,000.

(B) Outlays, \$47,036,000,000.

Fiscal year 2018:

(A) New budget authority, \$45,930,000,000.

(B) Outlays, \$46,771,000,000.

Fiscal year 2019:

(A) New budget authority, \$46,442,000,000.

(B) Outlays, \$45,192,000,000.

Fiscal year 2020:

(A) New budget authority, \$46,955,000,000.

(B) Outlays, \$44,640,000,000.

Fiscal year 2021:

(A) New budget authority, \$47,484,000,000.

(B) Outlays, \$45,019,000,000.

Fiscal year 2022:

(A) New budget authority, \$48,256,000,000.

(B) Outlays, \$45,551,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2013:

(A) New budget authority, \$29,488,000,000.

(B) Outlays, \$29,967,000,000.

Fiscal year 2014:

(A) New budget authority, \$29,606,000,000.

(B) Outlays, \$29,838,000,000.

Fiscal year 2015:

(A) New budget authority, \$29,724,000,000.

(B) Outlays, \$29,775,000,000.

Fiscal year 2016:

(A) New budget authority, \$29,901,000,000.

(B) Outlays, \$29,907,000,000.

Fiscal year 2017:

(A) New budget authority, \$30,140,000,000.

(B) Outlays, \$30,110,000,000.

Fiscal year 2018:

(A) New budget authority, \$30,410,000,000.

(B) Outlays, \$30,353,000,000.

Fiscal year 2019:

(A) New budget authority, \$30,713,000,000.

(B) Outlays, \$30,590,000,000.

Fiscal year 2020:

(A) New budget authority, \$31,019,000,000.

(B) Outlays, \$30,885,000,000.

Fiscal year 2021:

(A) New budget authority, \$31,328,000,000.

(B) Outlays, \$31,100,000,000.

Fiscal year 2022:

(A) New budget authority, \$31,641,000,000.

(B) Outlays, \$31,413,000,000.

(4) Energy (270):

Fiscal year 2013:

(A) New budget authority, \$6,662,000,000.

(B) Outlays, \$10,448,000,000.

Fiscal year 2014:

(A) New budget authority, \$5,012,000,000.

(B) Outlays, \$5,856,000,000.

Fiscal year 2015:

(A) New budget authority, \$4,446,000,000.

(B) Outlays, \$4,631,000,000.

Fiscal year 2016:

(A) New budget authority, \$4,338,000,000.

(B) Outlays, \$4,648,000,000.

Fiscal year 2017:

(A) New budget authority, \$3,998,000,000.

(B) Outlays, \$4,157,000,000.

Fiscal year 2018:

(A) New budget authority, \$3,767,000,000.

(B) Outlays, \$3,512,000,000.

Fiscal year 2019:

(A) New budget authority, \$3,636,000,000.

(B) Outlays, \$3,556,000,000.

Fiscal year 2020:

(A) New budget authority, \$3,575,000,000.

(B) Outlays, \$3,337,000,000.

Fiscal year 2021:

(A) New budget authority, \$3,468,000,000.

(B) Outlays, \$3,187,000,000.

Fiscal year 2022:

(A) New budget authority, \$3,485,000,000.

(B) Outlays, \$3,153,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2013:

(A) New budget authority, \$36,230,000,000.

(B) Outlays, \$40,115,000,000.

Fiscal year 2014:

(A) New budget authority, \$35,704,000,000.

(B) Outlays, \$38,634,000,000.

Fiscal year 2015:

(A) New budget authority, \$35,406,000,000.

(B) Outlays, \$37,839,000,000.

Fiscal year 2016:

(A) New budget authority, \$35,479,000,000.

(B) Outlays, \$36,960,000,000.

Fiscal year 2017:

(A) New budget authority, \$36,133,000,000.

(B) Outlays, \$37,268,000,000.

Fiscal year 2018:

(A) New budget authority, \$37,123,000,000.

(B) Outlays, \$36,867,000,000.

Fiscal year 2019:

(A) New budget authority, \$37,533,000,000.

(B) Outlays, \$37,260,000,000.

Fiscal year 2020:

(A) New budget authority, \$38,379,000,000.

(B) Outlays, \$37,893,000,000.

Fiscal year 2021:

(A) New budget authority, \$38,174,000,000.

(B) Outlays, \$38,000,000,000.

Fiscal year 2022:

(A) New budget authority, \$38,420,000,000.

(B) Outlays, \$38,092,000,000.

(6) Agriculture (350):

Fiscal year 2013:

(A) New budget authority, \$21,837,000,000.

(B) Outlays, \$24,745,000,000.

Fiscal year 2014:

- (A) New budget authority, \$17,645,000,000.
- (B) Outlays, \$17,537,000,000.

Fiscal year 2015:

- (A) New budget authority, \$21,846,000,000.
- (B) Outlays, \$21,420,000,000.

Fiscal year 2016:

- (A) New budget authority, \$21,182,000,000.
- (B) Outlays, \$20,823,000,000.

Fiscal year 2017:

- (A) New budget authority, \$20,640,000,000.
- (B) Outlays, \$20,268,000,000.

Fiscal year 2018:

- (A) New budget authority, \$20,988,000,000.
- (B) Outlays, \$20,562,000,000.

Fiscal year 2019:

- (A) New budget authority, \$20,575,000,000.
- (B) Outlays, \$20,197,000,000.

Fiscal year 2020:

- (A) New budget authority, \$19,909,000,000.
- (B) Outlays, \$19,566,000,000.

Fiscal year 2021:

- (A) New budget authority, \$20,462,000,000.
- (B) Outlays, \$20,113,000,000.

Fiscal year 2022:

- (A) New budget authority, \$20,172,000,000.
- (B) Outlays, \$19,838,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2013:

- (A) New budget authority, \$2,820,000,000.
- (B) Outlays, \$6,488,000,000.

Fiscal year 2014:

- (A) New budget authority, \$8,692,000,000.
- (B) Outlays, -\$1,784,000,000.

Fiscal year 2015:

- (A) New budget authority, \$7,397,000,000.
- (B) Outlays, -\$4,276,000,000.

Fiscal year 2016:

- (A) New budget authority, \$6,640,000,000.
- (B) Outlays, -\$7,260,000,000.

Fiscal year 2017:

- (A) New budget authority, \$8,045,000,000.
- (B) Outlays, -\$7,854,000,000.

Fiscal year 2018:

- (A) New budget authority, \$9,332,000,000.
- (B) Outlays, -\$7,379,000,000.

Fiscal year 2019:

- (A) New budget authority, \$10,297,000,000.
- (B) Outlays, -\$12,237,000,000.

Fiscal year 2020:

- (A) New budget authority, \$11,391,000,000.
- (B) Outlays, -\$11,766,000,000.

Fiscal year 2021:

- (A) New budget authority, \$11,476,000,000.
- (B) Outlays, -\$4,579,000,000.

Fiscal year 2022:

- (A) New budget authority, \$11,119,000,000.
- (B) Outlays, -\$5,902,000,000.

(8) Transportation (400):

Fiscal year 2013:

- (A) New budget authority, \$60,053,000,000.
- (B) Outlays, \$51,979,000,000.

Fiscal year 2014:

- (A) New budget authority, \$83,894,000,000.
- (B) Outlays, \$87,609,000,000.

Fiscal year 2015:

- (A) New budget authority, \$75,899,000,000.
- (B) Outlays, \$79,265,000,000.

Fiscal year 2016:

- (A) New budget authority, \$77,076,000,000.
- (B) Outlays, \$80,930,000,000.

Fiscal year 2017:

- (A) New budget authority, \$78,050,000,000.
- (B) Outlays, \$81,348,000,000.

Fiscal year 2018:

- (A) New budget authority, \$80,070,000,000.
- (B) Outlays, \$81,343,000,000.

Fiscal year 2019:

- (A) New budget authority, \$80,564,000,000.
- (B) Outlays, \$80,784,000,000.

Fiscal year 2020:

- (A) New budget authority, \$83,365,000,000.
- (B) Outlays, \$82,933,000,000.

Fiscal year 2021:

- (A) New budget authority, \$78,427,000,000.

- (B) Outlays, \$77,578,000,000.

Fiscal year 2022:

- (A) New budget authority, \$90,193,000,000.

- (B) Outlays, \$88,853,000,000.

(9) Community and Regional Development (450):

Fiscal year 2013:

- (A) New budget authority, \$11,876,000,000.
- (B) Outlays, \$23,755,000,000.

Fiscal year 2014:

- (A) New budget authority, \$11,761,000,000.
- (B) Outlays, \$20,081,000,000.

Fiscal year 2015:

- (A) New budget authority, \$11,787,000,000.
- (B) Outlays, \$18,000,000,000.

Fiscal year 2016:

- (A) New budget authority, \$11,384,000,000.
- (B) Outlays, \$14,387,000,000.

Fiscal year 2017:

- (A) New budget authority, \$11,554,000,000.
- (B) Outlays, \$12,442,000,000.

Fiscal year 2018:

- (A) New budget authority, \$11,496,000,000.
- (B) Outlays, \$11,426,000,000.

Fiscal year 2019:

- (A) New budget authority, \$11,562,000,000.
- (B) Outlays, \$11,203,000,000.

Fiscal year 2020:

- (A) New budget authority, \$11,610,000,000.
- (B) Outlays, \$11,158,000,000.

Fiscal year 2021:

- (A) New budget authority, \$11,679,000,000.
- (B) Outlays, \$11,225,000,000.

Fiscal year 2022:

- (A) New budget authority, \$11,730,000,000.
- (B) Outlays, \$11,335,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2013:

- (A) New budget authority, \$73,081,000,000.
- (B) Outlays, \$83,403,000,000.

Fiscal year 2014:

- (A) New budget authority, \$66,083,000,000.
- (B) Outlays, \$74,994,000,000.

Fiscal year 2015:

- (A) New budget authority, \$72,234,000,000.
- (B) Outlays, \$74,032,000,000.

Fiscal year 2016:

- (A) New budget authority, \$79,848,000,000.
- (B) Outlays, \$79,869,000,000.

Fiscal year 2017:

- (A) New budget authority, \$89,238,000,000.
- (B) Outlays, \$87,213,000,000.

Fiscal year 2018:

- (A) New budget authority, \$93,216,000,000.
- (B) Outlays, \$93,638,000,000.

Fiscal year 2019:

- (A) New budget authority, \$96,259,000,000.
- (B) Outlays, \$96,624,000,000.

Fiscal year 2020:

- (A) New budget authority, \$95,955,000,000.
- (B) Outlays, \$97,590,000,000.

Fiscal year 2021:

- (A) New budget authority, \$95,776,000,000.
- (B) Outlays, \$97,437,000,000.

Fiscal year 2022:

- (A) New budget authority, \$95,877,000,000.
- (B) Outlays, \$97,325,000,000.

(11) Health (550):

Fiscal year 2013:

- (A) New budget authority, \$372,016,000,000.
- (B) Outlays, \$367,939,000,000.

Fiscal year 2014:

- (A) New budget authority, \$459,021,000,000.
- (B) Outlays, \$448,912,000,000.

Fiscal year 2015:

- (A) New budget authority, \$529,180,000,000.
- (B) Outlays, \$524,554,000,000.

Fiscal year 2016:

- (A) New budget authority, \$557,667,000,000.
- (B) Outlays, \$580,571,000,000.

Fiscal year 2017:

- (A) New budget authority, \$620,385,000,000.

- (B) Outlays, \$623,165,000,000.

Fiscal year 2018:

- (A) New budget authority, \$655,600,000,000.
- (B) Outlays, \$654,839,000,000.

Fiscal year 2019:

- (A) New budget authority, \$696,256,000,000.
- (B) Outlays, \$695,600,000,000.

Fiscal year 2020:

- (A) New budget authority, \$748,320,000,000.
- (B) Outlays, \$737,316,000,000.

Fiscal year 2021:

- (A) New budget authority, \$775,692,000,000.
- (B) Outlays, \$774,927,000,000.

Fiscal year 2022:

- (A) New budget authority, \$825,197,000,000.
- (B) Outlays, \$824,069,000,000.

(12) Medicare (570):

Fiscal year 2013:

- (A) New budget authority, \$504,884,000,000.
- (B) Outlays, \$504,776,000,000.

Fiscal year 2014:

- (A) New budget authority, \$530,189,000,000.
- (B) Outlays, \$529,657,000,000.

Fiscal year 2015:

- (A) New budget authority, \$554,449,000,000.
- (B) Outlays, \$554,255,000,000.

Fiscal year 2016:

- (A) New budget authority, \$605,756,000,000.
- (B) Outlays, \$605,793,000,000.

Fiscal year 2017:

- (A) New budget authority, \$621,150,000,000.
- (B) Outlays, \$620,723,000,000.

Fiscal year 2018:

- (A) New budget authority, \$641,367,000,000.
- (B) Outlays, \$641,237,000,000.

Fiscal year 2019:

- (A) New budget authority, \$699,350,000,000.
- (B) Outlays, \$699,450,000,000.

Fiscal year 2020:

- (A) New budget authority, \$747,812,000,000.
- (B) Outlays, \$747,435,000,000.

Fiscal year 2021:

- (A) New budget authority, \$786,084,000,000.
- (B) Outlays, \$785,993,000,000.

Fiscal year 2022:

- (A) New budget authority, \$858,585,000,000.
- (B) Outlays, \$858,866,000,000.

(13) Income Security (600):

Fiscal year 2013:

- (A) New budget authority, \$536,342,000,000.
- (B) Outlays, \$534,683,000,000.

Fiscal year 2014:

- (A) New budget authority, \$529,771,000,000.
- (B) Outlays, \$527,681,000,000.

Fiscal year 2015:

- (A) New budget authority, \$526,878,000,000.
- (B) Outlays, \$524,573,000,000.

Fiscal year 2016:

- (A) New budget authority, \$530,473,000,000.
- (B) Outlays, \$532,642,000,000.

Fiscal year 2017:

- (A) New budget authority, \$524,849,000,000.
- (B) Outlays, \$522,708,000,000.

Fiscal year 2018:

- (A) New budget authority, \$524,520,000,000.
- (B) Outlays, \$518,512,000,000.

Fiscal year 2019:

- (A) New budget authority, \$537,417,000,000.
- (B) Outlays, \$536,176,000,000.

Fiscal year 2020:

- (A) New budget authority, \$545,520,000,000.
- (B) Outlays, \$544,737,000,000.

Fiscal year 2021:

- (A) New budget authority, \$556,173,000,000.
- (B) Outlays, \$555,576,000,000.

Fiscal year 2022:

- (A) New budget authority, \$571,200,000,000.
- (B) Outlays, \$575,528,000,000.

(14) Social Security (650):

Fiscal year 2013:

- (A) New budget authority, \$53,381,000,000.

- (B) Outlays, \$53,497,000,000.

Fiscal year 2014:

- (A) New budget authority, \$32,053,000,000.

(B) Outlays, \$32,206,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$35,320,000,000.
 (B) Outlays, \$35,462,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$39,003,000,000.
 (B) Outlays, \$39,134,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$43,160,000,000.
 (B) Outlays, \$43,253,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$47,418,000,000.
 (B) Outlays, \$47,529,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$52,051,000,000.
 (B) Outlays, \$52,179,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$56,841,000,000.
 (B) Outlays, \$56,973,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$61,807,000,000.
 (B) Outlays, \$61,944,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$67,097,000,000.
 (B) Outlays, \$67,237,000,000.
 (15) Veterans Benefits and Services (700):
 Fiscal year 2013:
 (A) New budget authority, \$133,980,000,000.
 (B) Outlays, \$135,090,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$134,668,000,000.
 (B) Outlays, \$135,585,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$136,587,000,000.
 (B) Outlays, \$137,357,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$143,925,000,000.
 (B) Outlays, \$144,474,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$141,458,000,000.
 (B) Outlays, \$141,884,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$138,730,000,000.
 (B) Outlays, \$139,184,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$146,811,000,000.
 (B) Outlays, \$147,290,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$149,676,000,000.
 (B) Outlays, \$150,184,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$152,563,000,000.
 (B) Outlays, \$153,082,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$161,158,000,000.
 (B) Outlays, \$161,726,000,000.
 (16) Administration of Justice (750):
 Fiscal year 2013:
 (A) New budget authority, \$64,196,000,000.
 (B) Outlays, \$59,338,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$54,974,000,000.
 (B) Outlays, \$57,953,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$54,934,000,000.
 (B) Outlays, \$57,731,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$56,946,000,000.
 (B) Outlays, \$59,385,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$55,507,000,000.
 (B) Outlays, \$57,905,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$55,821,000,000.
 (B) Outlays, \$58,197,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$56,261,000,000.
 (B) Outlays, \$57,571,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$56,702,000,000.
 (B) Outlays, \$57,341,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$57,305,000,000.
 (B) Outlays, \$57,951,000,000.

Fiscal year 2022:
 (A) New budget authority, \$61,549,000,000.
 (B) Outlays, \$62,220,000,000.
 (17) General Government (800):
 Fiscal year 2013:
 (A) New budget authority, \$23,560,000,000.
 (B) Outlays, \$25,422,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$23,667,000,000.
 (B) Outlays, \$24,467,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$23,756,000,000.
 (B) Outlays, \$24,412,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$23,718,000,000.
 (B) Outlays, \$24,381,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$23,875,000,000.
 (B) Outlays, \$24,208,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$23,995,000,000.
 (B) Outlays, \$24,196,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$24,252,000,000.
 (B) Outlays, \$24,242,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$24,433,000,000.
 (B) Outlays, \$24,503,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$24,699,000,000.
 (B) Outlays, \$24,677,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$24,966,000,000.
 (B) Outlays, \$24,948,000,000.
 (18) Net Interest (900):
 Fiscal year 2013:
 (A) New budget authority, \$344,483,000,000.
 (B) Outlays, \$344,483,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$357,477,000,000.
 (B) Outlays, \$357,477,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$395,203,000,000.
 (B) Outlays, \$395,203,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$458,360,000,000.
 (B) Outlays, \$458,360,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$526,814,000,000.
 (B) Outlays, \$526,814,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$595,670,000,000.
 (B) Outlays, \$595,670,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$659,883,000,000.
 (B) Outlays, \$659,883,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$715,403,000,000.
 (B) Outlays, \$715,403,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$757,921,000,000.
 (B) Outlays, \$757,921,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$799,383,000,000.
 (B) Outlays, \$799,383,000,000.
 (19) Allowances (920):
 Fiscal year 2013:
 (A) New budget authority, -\$13,676,000,000.
 (B) Outlays, -\$7,857,000,000.
 Fiscal year 2014:
 (A) New budget authority, -\$15,386,000,000.
 (B) Outlays, -\$13,295,000,000.
 Fiscal year 2015:
 (A) New budget authority, -\$17,603,000,000.
 (B) Outlays, -\$16,779,000,000.
 Fiscal year 2016:
 (A) New budget authority, -\$20,026,000,000.
 (B) Outlays, -\$19,647,000,000.
 Fiscal year 2017:
 (A) New budget authority, -\$22,371,000,000.
 (B) Outlays, -\$22,297,000,000.
 Fiscal year 2018:
 (A) New budget authority, -\$25,662,000,000.
 (B) Outlays, -\$25,587,000,000.

Fiscal year 2019:
 (A) New budget authority, -\$28,895,000,000.
 (B) Outlays, -\$28,827,000,000.
 Fiscal year 2020:
 (A) New budget authority, -\$31,737,000,000.
 (B) Outlays, -\$31,685,000,000.
 Fiscal year 2021:
 (A) New budget authority, -\$34,029,000,000.
 (B) Outlays, -\$34,012,000,000.
 Fiscal year 2022:
 (A) New budget authority, -\$78,230,000,000.
 (B) Outlays, -\$78,242,000,000.
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2013:
 (A) New budget authority, -\$76,328,000,000.
 (B) Outlays, -\$76,328,000,000.
 Fiscal year 2014:
 (A) New budget authority, -\$79,432,000,000.
 (B) Outlays, -\$79,432,000,000.
 Fiscal year 2015:
 (A) New budget authority, -\$85,712,000,000.
 (B) Outlays, -\$85,712,000,000.
 Fiscal year 2016:
 (A) New budget authority, -\$88,268,000,000.
 (B) Outlays, -\$88,268,000,000.
 Fiscal year 2017:
 (A) New budget authority, -\$96,233,000,000.
 (B) Outlays, -\$96,233,000,000.
 Fiscal year 2018:
 (A) New budget authority, -\$100,032,000,000.
 (B) Outlays, -\$100,032,000,000.
 Fiscal year 2019:
 (A) New budget authority, -\$106,935,000,000.
 (B) Outlays, -\$106,935,000,000.
 Fiscal year 2020:
 (A) New budget authority, -\$106,113,000,000.
 (B) Outlays, -\$106,113,000,000.
 Fiscal year 2021:
 (A) New budget authority, -\$110,573,000,000.
 (B) Outlays, -\$110,573,000,000.
 Fiscal year 2022:
 (A) New budget authority, -\$115,265,000,000.
 (B) Outlays, -\$115,265,000,000.
 (21) Overseas Contingency Operations/Global War on Terrorism:
 Fiscal year 2013:
 (A) New budget authority, \$86,192,000,000.
 (B) Outlays, \$82,394,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$61,019,000,000.
 (B) Outlays, \$73,453,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$42,667,000,000.
 (B) Outlays, \$55,979,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$38,108,000,000.
 (B) Outlays, \$44,797,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$37,914,000,000.
 (B) Outlays, \$40,014,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$37,807,000,000.
 (B) Outlays, \$38,316,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$38,734,000,000.
 (B) Outlays, \$38,218,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$39,680,000,000.
 (B) Outlays, \$38,806,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$40,653,000,000.
 (B) Outlays, \$39,662,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$41,656,000,000.
 (B) Outlays, \$40,603,000,000.

TITLE II—RECONCILIATION AND DIRECTIVE TO THE COMMITTEE ON THE BUDGET

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS OF SPENDING REDUCTION.—Not later than April 27, 2012, the House committees named in subsection (b) shall submit recommendations to the Committee on the

Budget of the House of Representatives. After receiving those recommendations, such committee shall report to the House a reconciliation bill carrying out all such recommendations without substantive revision.

(b) INSTRUCTIONS.—

(1) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture of the House of Representatives shall report changes in laws within its jurisdiction to reduce the deficit by \$148,000,000 for fiscal year 2013 and by \$22,371,000,000 for the period of fiscal years 2013 through 2021.

(2) COMMITTEE ON ARMED SERVICES.—The Committee on Armed Services of the House of Representatives shall report changes in laws within its jurisdiction to reduce the deficit by \$2,400,000,000 for fiscal year 2013 and by \$51,800,000,000 for the period of fiscal years 2013 through 2021.

(3) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The Committee on Education and the Workforce of the House of Representatives shall report changes in laws within its jurisdiction to reduce the deficit by \$4,270,000,000 for fiscal year 2013 and by \$59,490,000,000 for the period of fiscal years 2013 through 2021.

(4) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce of the House of Representatives shall report changes in laws within its jurisdiction to reduce the deficit by \$4,400,000,000 for fiscal year 2013 and by \$70,700,000,000 for the period of fiscal years 2013 through 2021.

(5) COMMITTEE ON NATURAL RESOURCES.—The Committee on Natural Resources of the House of Representatives shall report changes in laws within its jurisdiction to reduce the deficit by \$407,000,000 for fiscal year 2013 and by \$5,157,000,000 for the period of fiscal years 2013 through 2021.

(6) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—The Committee on Oversight and Government Reform of the House of Representatives shall report changes in laws within its jurisdiction to reduce the deficit by \$600,000,000 for fiscal year 2013 and by \$60,400,000,000 for the period of fiscal years 2013 through 2021.

(7) COMMITTEE ON WAYS AND MEANS.—(A)(i) The Committee on Ways and Means of the House of Representatives shall report changes in laws within its jurisdiction sufficient to enact fundamental tax reform that reduce the deficit by \$1 trillion relative to current policy through 2021.

(ii) In determining compliance with the revenue instruction the chair of the Committee on the Budget shall calculate deficit reduction relative to the current policy baseline defined in section 403.

(B) The House Committee on Ways and Means of the House of Representatives shall report changes in direct spending laws within its jurisdiction sufficient to reduce direct spending by \$8,000,000,000 for fiscal year 2013 and by \$100,700,000,000 for the period of fiscal years 2013 through 2021.

SEC. 202. DIRECTIVE TO THE COMMITTEE ON THE BUDGET OF THE HOUSE OF REPRESENTATIVES TO REPLACE THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.

(a) SUBMISSION.—In the House, the Committee on the Budget shall report to the House a bill carrying out the directions set forth in subsection (b).

(b) DIRECTIONS.—The bill referred to in subsection (a) shall include the following provisions:

(1) REPLACING THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.—The language shall amend section 251A of the Balanced Budget and Emergency Deficit Control

Act of 1985 to permanently repeal the sequester established under that section consistent with this concurrent resolution for fiscal year 2013, and each subsequent fiscal year through 2021.

(2) APPLICATION OF PROVISIONS.—The bill referred to in subsection (a) shall include language making its application contingent upon the enactment of the reconciliation bill referred to in section 201.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR THE SUSTAINABLE GROWTH RATE OF THE MEDICARE PROGRAM.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that includes provisions amending or superseding the system for updating payments under section 1848 of the Social Security Act, if such measure would not increase the deficit in the period of fiscal years 2013 through 2022. Areas for savings may include, but are not limited to, reducing Medicare fraud, increasing drug discounts, reforming cost sharing requirements, and accelerating or strengthening payment reforms.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR REVENUE MEASURES.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for the budgetary effects of any bill reported by the Committee on Ways and Means, or any amendment thereto or conference report thereon, that decreases revenue, but only if such measure would not increase the deficit over the period of fiscal years 2013 through 2022.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR RURAL COUNTIES AND SCHOOLS.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565) or makes changes to or provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393) by the amounts provided by that legislation for those purposes, if such legislation would not increase the deficit or direct spending for fiscal year 2013, the period of fiscal years 2013 through 2017, or the period of fiscal years 2013 through 2022.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR TRANSPORTATION.

In the House, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill or joint resolution, or amendment thereto or conference report thereon:

(1) For surface transportation programs by providing new contract authority by the amounts provided in such measure if the total amount of contract authority does not exceed the additional revenue deposited into the Highway Trust Fund and made available over the authorized period.

(2) Such measure maintains the solvency of the Highway Trust Fund, but only if such measure would not increase the deficit over the period of fiscal years 2013 through 2022.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. DISCRETIONARY SPENDING LIMITS.

Spending limits for total discretionary Federal spending are:

(1) with respect to fiscal year 2013—

(A) for the security category, \$684,000,000,000 in new budget authority;

(B) for the nonsecurity category, \$359,000,000,000 in new budget authority; and

(C) for overseas contingency operations (OCO), \$86,192,000,000 in new budget authority;

(2) with respect to fiscal year 2014—

(A) for the security category, \$686,000,000,000 in new budget authority;

(B) for the nonsecurity category, \$361,000,000,000 in new budget authority; and

(C) for overseas contingency operations, \$61,019,000,000 in new budget authority;

(3) with respect to fiscal year 2015—

(A) for the security category, \$689,000,000,000 in new budget authority;

(B) for the nonsecurity category, \$362,000,000,000 in new budget authority; and

(C) for overseas contingency operations, \$42,667,000,000 in new budget authority;

(5) with respect to fiscal year 2016—

(A) for the discretionary category, \$1,057,669,000,000 in new budget authority; and

(B) for overseas contingency operations, \$38,108,000,000 in new budget authority;

(6) with respect to fiscal year 2017—

(A) for the discretionary category, \$1,066,130,000,000 in new budget authority; and

(B) for overseas contingency operations, \$37,914,000,000 in new budget authority;

(7) with respect to fiscal year 2018—

(A) for the discretionary category, \$1,075,725,000,000 in new budget authority; and

(B) for overseas contingency operations, \$37,807,000,000 in new budget authority;

(8) with respect to fiscal year 2019—

(A) for the discretionary category, \$1,086,482,000,000 in new budget authority; and

(B) for overseas contingency operations, \$38,734,000,000 in new budget authority;

(9) with respect to fiscal year 2020—

(A) for the discretionary category, \$1,097,347,000,000 in new budget authority; and

(B) for overseas contingency operations, \$39,680,000,000 in new budget authority; and

(10) with respect to fiscal year 2021—

(A) for the discretionary category, \$1,108,321,000,000 in new budget authority; and

(B) for overseas contingency operations, \$40,653,000,000 in new budget authority.

SEC. 402. ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER AGAINST INCREASING OR REPEALING ANY DISCRETIONARY SPENDING LIMIT.—It shall not be in order in the House of Representatives to consider any bill or joint resolution, or amendment thereto or conference report thereon, that—

(1) increases the amount of any discretionary spending limit for any fiscal year set forth in this concurrent resolution on the budget; or

(2) repeals any discretionary spending limit set forth in this concurrent resolution on the budget.

(b) POINT OF ORDER AGAINST ANY RESOLUTION SETTING 302(a) ALLOCATIONS ASSUMED IN THIS RESOLUTION.—It shall not be in order in the House of Representatives to consider any concurrent resolution on the budget or any resolution deeming any budget allocations or aggregates to be in effect, or any amendment thereto or conference report thereon, that provides for allocations under section

302(a) for any fiscal year that, in the aggregate, would exceed the discretionary spending limit for that fiscal year pursuant to this concurrent resolution on the budget.

(c) POINT OF ORDER AGAINST WAIVER OF SUBSECTIONS (a) OR (b).—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a) or (b).

(d) DISPOSITION OF POINTS OF ORDER.—In the House of Representatives:

(1) As disposition of points of order under subsection (a) or (b), the chair shall put the question of consideration with respect to the proposition that is subject to the points of order.

(2) A question of consideration under this paragraph shall be debatable for ten minutes by each Member initiating a point of order and for ten minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(3) The disposition of the question of consideration under this paragraph with respect to a bill or resolution shall be considered also to determine the question of consideration under this paragraph with respect to an amendment made in order as original text.

SEC. 403. CURRENT POLICY ESTIMATES FOR TAX REFORM.

For the purposes of section 201, the term “current policy baseline” is the baseline, as defined at section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 based on laws in effect as of March 1, 2012, modified to assume—

(1) a permanent extension of the provisions of titles I, II, III, and IV of the Economic Growth and Tax Reconciliation Act of 2001, and any later amendments;

(2) a permanent extension of the provisions of titles I, III, and IV of the Jobs, Growth and Tax Reconciliation Act of 2001, and any later amendments;

(3) a permanent increase in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code of 1986 as in effect in tax year 2011, as provided under section 202 of the Jobs, Growth and Tax Reconciliation Act of 2001, and any later amendments;

(4) a permanent extension of the Estate and Gift Tax provisions from the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, beginning January 1, 2013; and

(5) a permanent extension of relief from the Alternative Minimum Tax, as defined in section 7(e) of the Statutory-Pay-As-You-Go Act of 2010, beginning January 1, 2012.

SEC. 404. LIMITATION ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), any bill or joint resolution, or an amendment thereto or conference report thereon, making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) EXCEPTIONS.—An advance appropriation may be provided for programs, projects, activities, or accounts referred to in subsection (c)(1) or identified in the report to accompany this resolution or the joint explanatory statement of managers to accompany this resolution under the heading “Accounts Identified for Advance Appropriations”.

(c) LIMITATIONS.—For fiscal year 2014, the aggregate amount of advance appropriation shall not exceed—

(1) \$54,462,000,000 for the following programs in the Department of Veterans Affairs—

(A) Medical Services;

(B) Medical Support and Compliance; and

(C) Medical Facilities accounts of the Veterans Health Administration; and

(2) \$28,852,000,000 in new budget authority for all other programs.

(d) DEFINITION.—In this section, the term “advance appropriation” means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2014.

SEC. 405. CONCEPTS AND DEFINITIONS.

Upon the enactment of any bill or joint resolution providing for a change in budgetary concepts or definitions, the chair of the Committee on the Budget may adjust any appropriate levels and allocations in this resolution accordingly.

SEC. 406. LIMITATION ON LONG-TERM SPENDING.

(a) IN GENERAL.—In the House, it shall not be in order to consider a bill or joint resolution reported by a committee (other than the Committee on Appropriations), or an amendment thereto or a conference report thereon, if the provisions of such measure have the net effect of increasing direct spending in excess of \$5,000,000,000 for any period described in subsection (b).

(b) TIME PERIODS.—The applicable periods for purposes of this section are any of the first four consecutive ten fiscal-year periods beginning with fiscal year 2023.

SEC. 407. BUDGETARY TREATMENT OF CERTAIN TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(b) SPECIAL RULE.—For purposes of applying sections 302(f) and 311 of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

(c) ADJUSTMENTS.—The chair of the Committee on the Budget may adjust allocations and aggregates for legislation reported by the Committee on Oversight and Government Reform that reforms the Federal retirement system, but does not cause a net increase in the deficit for fiscal year 2013 and the period of fiscal years 2013 to 2022.

SEC. 408. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates included in this resolution.

(c) EXEMPTIONS.—Any legislation for which the chair of the Committee on the Budget makes adjustments in the allocations or aggregates of this concurrent resolution shall not be subject to the points of order set forth in clause 10 of rule XXI of the Rules of the House of Representatives or section 504.

SEC. 409. CONGRESSIONAL BUDGET OFFICE ESTIMATES.

(a) FAIR VALUE ESTIMATES.—

(1) REQUEST FOR SUPPLEMENTAL ESTIMATES.—Upon the request of the chair or ranking member of the Committee on the Budget, any estimate prepared for a measure under the terms of title V of the Congressional Budget Act of 1974, “credit reform”, as a supplement to such estimate of the Congressional Budget Office shall, to the extent practicable, also provide an estimate of the current actual or estimated market values representing the “fair value” of assets and liabilities affected by such measure.

(2) ENFORCEMENT.—If the Congressional Budget Office provides an estimate pursuant to subsection (a), the chair of the Committee on the Budget may use such estimate to determine compliance with the Congressional Budget Act of 1974 and other budgetary enforcement controls.

(b) BUDGETARY EFFECTS OF THE NATIONAL FLOOD INSURANCE PROGRAM.—The Congressional Budget Office shall estimate the change in net income to the National Flood Insurance Program by this Act if such income is included in a reconciliation bill provided for in section 201, as if such income were deposited in the general fund of the Treasury.

SEC. 410. BUDGET RULE RELATING TO TRANSFERS FROM THE GENERAL FUND OF THE TREASURY TO THE HIGHWAY TRUST FUND THAT INCREASE PUBLIC INDEBTEDNESS.

For purposes of the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, or the Rules of the House of Representatives, a bill or joint resolution, or an amendment thereto or conference report thereon, or any Act that transfers funds from the general fund of the Treasury to the Highway Trust Fund shall be counted as new budget authority and outlays equal to the amount of the transfer in the fiscal year the transfer occurs.

SEC. 411. SEPARATE ALLOCATION FOR OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM.

(a) ALLOCATION.—In the House, there shall be a separate allocation to the Committee on Appropriations for overseas contingency operations and the global war on terrorism. For purposes of enforcing such separate allocation under section 302(f) of the Congressional Budget Act of 1974, the “first fiscal year” and the “total of fiscal years” shall be deemed to refer to fiscal year 2013. Such separate allocation shall be the exclusive allocation for overseas contingency operations and the global war on terrorism under section 302(a) of such Act. Section 302(c) of such Act does not apply to such separate allocation. The Committee on Appropriations may provide suballocations of such separate allocation under section 302(b) of such Act. Spending that counts toward the allocation established by this section shall be designated pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) ADJUSTMENT.—In the House, for purposes of subsection (a) for fiscal year 2013, no adjustment shall be made under section 314(a) of the Congressional Budget Act of 1974

if any adjustment would be made under section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) **LIMITATION ON ADJUSTMENT.**—The amount of the adjustments shall not exceed the amounts specified in section 501, except to the extent the additional increase is offset pursuant to subsection (d) or by the amount not to exceed a request submitted by the President pursuant to subsection (e).

(d) **PERMISSIBLE OFFSETS TO ALLOW INCREASES IN OCO LIMITS.**—The discretionary spending limit for the overseas contingency operation (OCO) category for any fiscal year may be increased—

(1) by the amount of any reduction in the security category, nonsecurity category, or the discretionary category, as applicable, for that fiscal year, if the statute making such reduction sets forth the amount of the reduction in such category that is to be used to increase the overseas contingency operation category; or

(2) by the amount of any reduction in direct spending or increase in revenues if the statute making such reduction in direct spending or increase in revenues sets forth the amount of such reduction or increase that is to be used to increase the overseas contingency operation category.

(e) **REQUEST OF THE PRESIDENT.**—If the President requests revisions for the overseas contingency operation limit set forth in this concurrent resolution on the budget by June 30, 2012 to accompany any supplemental budget request for such operations for fiscal year 2012 through fiscal year 2021 with an explanation of strategy consistent with the proposed adjustments, then such adjustments shall not be subject to the offset requirements in subsection (d).

(f) **LIMITATION ON ADJUSTMENT.**—The adjustment may only be made for spending meeting the definition of overseas contingency operations spending, defined as any operations the funding of which is only used in geographic areas in which combat or direct combat support operations occur, and would be limited to—

(1) operations and maintenance for the transport of personnel, equipment, and supplies to, from, and within the theater of operations; deployment-specific training and preparation for units and personnel to assume their directed mission; and the incremental costs above the funding programmed in the base budget to build and maintain temporary facilities; provide food, fuel, supplies, contracted services, and other support; and cover the operational costs of coalition partners supporting United States military missions;

(2) military personnel spending for incremental special pays and allowances for Service members and civilians deployed to a combat zone; and incremental pay, special pays, and allowances for Reserve Component personnel mobilized to support war missions;

(3) procurement costs to replace losses that have occurred, but only for items not already programmed for replacement in the Future Years Defense Plan;

(4) military construction spending for facilities and infrastructure in the theater of operations in direct support of combat operations; and

(5) research and development projects required for combat operations in these specific theaters that can be delivered in a 12-month period.

SEC. 412. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

(a) **PROGRAM INTEGRITY INITIATIVES.**—

(1) **SOCIAL SECURITY ADMINISTRATION PROGRAM INTEGRITY INITIATIVES.**—In the House,

prior to consideration of any bill or joint resolution, or amendment thereto or conference report thereon, making appropriations for fiscal year 2013 that appropriates \$315,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration and provides an additional appropriation of up to \$751,000,000, and that amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2013.

(2) **INTERNAL REVENUE SERVICE TAX COMPLIANCE.**—In the House, prior to consideration of any bill or joint resolution, or amendment thereto or conference report thereon, making appropriations for fiscal year 2013 that appropriates \$7,979,000,000 for the Internal Revenue Service for enhanced enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to \$3,132,000,000 to the Internal Revenue Service and the amount is designated for enhanced tax enforcement to address the tax gap, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2013.

(3) **HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.**—In the House, prior to consideration of any bill or joint resolution, or amendment thereto or conference report thereon, making appropriations for fiscal year 2013 that appropriates up to \$299,000,000, and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2013.

(4) **UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.**—In the House, prior to consideration of any bill or joint resolution, or amendment thereto or conference report thereon, making appropriations for fiscal year 2013 that appropriates \$60,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to \$10,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2013.

(b) **PROCEDURE FOR ADJUSTMENTS.**—Prior to consideration of any bill or joint resolution, or amendment thereto or conference report thereon, the chair of the Committee on the Budget of the House of Representatives shall make the adjustments set forth in this subsection for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in this section.

SEC. 413. EXERCISE OF RULEMAKING POWERS.

(a) **IN GENERAL.**—The House adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules

of the House of Representatives, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of the House of Representatives to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(b) **LIMITATION ON APPLICATION.**—The following provisions of H. Res. 5 (112th Congress) shall no longer have force or effect:

(1) Section 3(e) relating to advance appropriations.

(2) Section 3(f) relating to the treatment of off-budget administrative expenses.

TITLE V—POLICY

SEC. 501. POLICY STATEMENT ON TAX REFORM.

(a) **FINDINGS.**—The House finds the following:

(1) America's tax code is broken and must be reformed.

(2) The current individual income tax system is confusing and complicated, while the corporate income tax is the highest in the world and hurts America's ability to compete abroad.

(3) Tax expenditures are simply spending through the tax code, and cost taxpayers approximately \$1.3 trillion annually. They increase the deficit and cause tax rates to be higher than they otherwise would be.

(4) Tax reform should lower tax rates, reduce the deficit, simplify the tax code, reduce or eliminate tax expenditures, and help start and expand businesses and create jobs.

(b) **POLICY ON FUNDAMENTAL TAX REFORM.**—It is the policy of this resolution that fundamental income tax reform shall be based on the principles and framework outlined in the bipartisan Simpson-Bowles Moment of Truth report and the bipartisan Rivlin-Domenici Restoring America's Future report including:

(1) lowering individual and corporate income tax rates across-the-board with the top rate reduced to between 23 and 29 percent unless the top rate must be higher than 29 percent to offset preferential treatment for capital gains;

(2) shifting the corporate income tax from a worldwide to a territorial system;

(3) increasing the competitiveness of U.S. businesses;

(4) broadening the tax base by reducing or eliminating tax expenditures;

(5) preserving reformed versions of tax provisions addressing low-income workers and families; mortgage interest for principal residences; employer-provided health insurance; charitable giving; and retirement savings and pensions;

(6) maintaining or improving progressivity of the tax code; and

(7) simplifying the tax code.

SEC. 502. POLICY STATEMENT ON MEDICARE.

(a) **FINDINGS.**—The House finds the following:

(1) More than 50 million Americans depend on Medicare for their health security.

(2) The Medicare Trustees Report has repeatedly recommended that Medicare's long-term financial challenges be addressed soon. The Medicare Trustees continue to stress the importance of developing and implementing further means of reducing health care cost growth in the coming years. According to the Board of Trustees, Federal Hospital Insurance and Federal Supplemental Medicare Insurance Trust Funds, the official source for Medicare financial and actuarial status:

(A) The Hospital Insurance (HI) Trust Fund will remain solvent until 2024, at which

point it would be unable to fully pay all scheduled HI benefits.

(B) Medicare spending is growing faster than the economy. Medicare outlays are currently rising at a rate of 6.3 percent per year, and under alternative fiscal scenario of the Congressional Budget Office, mandatory spending on Medicare is projected to reach 7 percent of GDP by 2035 and 14 percent of GDP by 2085.

(3) Failing to address this problem will leave younger generations burdened with an enormous debt to pay and less health care security in old age, for spending levels that cannot be sustained.

(4) Medicare spending needs to be put on a sustainable path and the Medicare program needs to become solvent over the long-term.

(b) **POLICY OF MEDICARE REFORM.**—It is the policy of this resolution that Congress should work on a bipartisan basis to ensure the future of the Medicare program is preserved. The Medicare changes under this resolution shall reflect the principles and framework outlined in the bipartisan Simpson-Bowles Moment of Truth report including:

(1) reforms achieving savings within the budget window from policies including but not limited to:

(A) permanently reforming or replacing the Medicare sustainable growth rate with a system that encourages coordination of care and moves toward payment based on quality rather than quantity;

(B) reducing Medicare fraud;

(C) reforming cost sharing requirements;

(D) accelerating or strengthening payment and delivery system reforms; and

(E) increasing drug discounts; and

(2) setting targets for the total Federal budgetary commitment to health care and requiring further structural reforms if the policies in this resolution and other reforms are not sufficient to limit the growth of total Federal budgetary commitment to health care, including mandatory programs and provisions of the tax code related to health care to GDP plus 1 percent.

SEC. 503. POLICY STATEMENT ON SOCIAL SECURITY.

(a) **FINDINGS.**—The House finds the following:

(1) More than 55 million retirees, individuals with disabilities, and survivors depend on Social Security. Since enactment, Social Security has served as a vital leg on the “three-legged stool” of retirement security, which includes employer provided pensions as well as personal savings.

(2) The Social Security Trustees report has repeatedly recommended that Social Security’s long-term financial challenges be addressed soon. Each year without reform, the financial condition of Social Security becomes more precarious and the threat to seniors and those receiving Social Security disability benefits becomes more pronounced:

(A) In 2016, according to the Congressional Budget Office, the Federal Disability Insurance Trust Fund will be exhausted and will be unable to pay scheduled benefits.

(B) In 2036, according to the Social Security Trustees Report the combined Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund will be exhausted, and will be unable to pay scheduled benefits.

(C) With the exhaustion of the trust funds in 2036, benefits will be cut 23 percent across the board, devastating those currently in or near retirement and those who rely on Social Security the most.

(3) The current recession has exacerbated the crisis to Social Security. The Congressional Budget Office continues to project

permanent cash deficits.

(4) Lower-income Americans rely on Social Security for a larger proportion of their retirement income. Therefore, reforms should take into consideration the need to protect lower-income Americans’ retirement security.

(5) Americans deserve action by their elected officials on Social Security reform. It is critical that the Congress and the administration work together in a bipartisan fashion to address the looming insolvency of Social Security. In this spirit, this resolution creates a bipartisan opportunity to find solutions by requiring policymakers to ensure that Social Security remains a critical part of the safety net.

(b) **POLICY ON SOCIAL SECURITY.**—It is the policy of this resolution that Congress should work on a bipartisan basis to make Social Security sustainably solvent over 75 years, as certified by the Congressional Budget Office using estimates provided by the Social Security Administration Office of the Chief Actuary. Legislation to ensure sustainable solvency shall reflect the principles and framework outlined in the bipartisan Simpson-Bowles Moment of Truth report and the bipartisan Rivlin-Domenici Restoring America’s Future report, which:

(1) achieve the following objectives:

(A) protect those in and near retirement;

(B) preserve the safety net for those who rely on Social Security, including survivors and those with disabilities;

(C) improve fairness for participants; and

(D) reduce the burden on, and provide certainty for, future generations, and

(2) include, among other proposals:

(A) moving to a more progressive benefit formula;

(B) providing an enhanced minimum benefit for low-wage workers;

(C) increasing benefits for the elderly and long-time disabled, accounting for changes in life expectancy over the next 75 years; and

(D) gradually restoring the maximum wage base that has slowly eroded.

SEC. 504. POLICY STATEMENT ON BUDGET ENFORCEMENT.

(a) **FINDINGS.**—The House finds the following:

(1) The Congressional Budget Office, the Federal Reserve, the Government Accountability Office, the Simpson-Bowles Fiscal Commission, the Rivlin-Domenici Debt Reduction Task Force, and ten former Chairmen of the Council of Economic Advisors all concluded that debt is growing at unsustainable rates and must be brought under control.

(2) According to the Congressional Budget Office, if entitlements are not reformed, entitlement spending on Social Security, Medicare, and Medicaid will exceed the historical average of revenue collections as a share of the economy within forty years.

(3) According to the Congressional Budget Office, under current policies, debt would reach levels that the economy could no longer sustain in 2035 and a fiscal crisis is likely to occur well before that date.

(7) To avoid a fiscal crisis and maintain program solvency, Congress must enact legislation that makes structural reforms to entitlement programs.

(8) Instead of automatic debt increases and automatic spending increases, Congress needs to put limits on spending with automatic reductions if spending limits are not met.

(9) The budget lacks both short- and long-term spending controls. Greater trans-

parency and the use of spending controls, particularly for long-term entitlement spending, are needed to tackle this growing threat of a fiscal crisis.

(b) **POLICY ON DEBT CONTROLS.**—It is the policy of this concurrent resolution on the budget that in order to stabilize the debt and bring it under control, the following statutory spending and debt controls are needed:

(1) Enforceable statutory caps on discretionary spending at levels set forth in this concurrent resolution on the budget for the period of fiscal years 2013 through 2022, that includes:

(A) separate limits on security and non-security spending and firewalls through fiscal year 2015, and limits on Overseas Contingency Operations through 2021;

(B) a point of order; and

(C) an across-the-board sequester to bring spending back in line with statutory caps if the point of order is waived.

At the end of each session of Congress, the Congressional Budget Office shall certify that discretionary spending approved by Congress is within the discretionary spending caps. If the caps are not met, the Office of Management and Budget would be required to implement an across-the-board sequester.

(2) Establish a debt stabilization process to provide a backstop to enforce savings and keep the Federal budget on path to achieve long-term targets that:

(A) Require at the beginning of each year, the Office of Management and Budget to report to the President and the Congressional Budget Office to report to the Congress whether—

(i) the budget is projected to be in primary balance in 2015;

(ii) the debt held by the public as a percentage of GDP is projected to be stable at 2015 levels for the following five years; and

(iii) beginning in fiscal year 2016, whether the actual debt-to-GDP ratio will exceed the prior year’s ratio.

(B) In a year in which the Office of Management and Budget indicates any one of these conditions has not been met, the President’s budget submission shall include legislative recommendations that would restore primary budget balance in 2015 or, after 2015, stabilize the debt-to-GDP ratio.

(C) If the Congressional budget resolution also shows that one of these conditions has not been met, the resolution shall include fast-track procedures for debt stabilization legislation to bring the budget back within the deficit or debt targets.

(D) If Congress cannot agree upon a budget resolution in a timely manner, and the report of the Congressional Budget Office predicts one of these conditions has not been met, then any Member of the House may introduce a debt stabilization bill, and a motion to proceed to that bill shall be considered on the floor.

(E) Congressional action on debt stabilization action would be enforced by a supermajority point of order against any legislation that would provide new mandatory budget authority or reduce revenues until a stabilization bill has been passed in years during which a budget resolution includes a debt stabilization instruction. The debt stabilization process would be suspended if nominal GDP grew by less than one percent in the prior fiscal year. The process could also be suspended by the enactment of a joint resolution stating that stabilization legislation would cause or exacerbate an economic downturn.

SEC. 505. POLICY STATEMENT ON DEFICIT REDUCTION THROUGH THE CANCELLATION OF UNOBLIGATED BALANCES.

(a) FINDINGS.—The House finds the following:

(1) According to the Office of Management and Budget, Federal agencies will hold \$698 billion in unobligated balances at the close of fiscal year 2013.

(2) These funds represent direct and discretionary spending made available by Congress that remain available for expenditure beyond the fiscal year for which they are provided.

(3) In some cases, agencies are granted funding and it remains available for obligation indefinitely.

(4) The Congressional Budget and Impoundment Control Act of 1974 requires the Office of Management and Budget to make funds available to agencies for obligation and prohibits the Administration from withholding or cancelling unobligated funds unless approved by an act of Congress.

(5) Greater congressional oversight is required to review and identify potential savings from unneeded balances of funds.

(b) POLICY ON DEFICIT REDUCTION THROUGH THE CANCELLATION OF UNOBLIGATED BALANCES.—Congressional committees shall through their oversight activities identify and achieve savings through the cancellation or rescission of unobligated balances that neither abrogate contractual obligations of the Federal Government nor reduce or disrupt Federal commitments under programs such as Social Security, veterans' affairs, national security, and Treasury authority to finance the national debt.

(c) DEFICIT REDUCTION.—Congress, with the assistance of the Government Accountability Office, the Inspectors General, and other appropriate agencies should make it a high priority to review unobligated balances and identify savings for deficit reduction.

SEC. 506. RECOMMENDATIONS FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN FEDERAL PROGRAMS.

(a) FINDINGS.—The House finds the following:

(1) The Government Accountability Office is required by law to identify examples of waste, duplication, and overlap in Federal programs, and has so identified dozens of such examples.

(2) In testimony before the Committee on Oversight and Government Reform, the Comptroller General has stated that addressing the identified waste, duplication, and overlap in Federal programs "could potentially save tens of billions of dollars".

(3) The Rules of the House of Representatives require each standing committee to hold at least one hearing every four months on waste, fraud, abuse, or mismanagement in Government programs.

(4) The findings resulting from congressional oversight of Federal Government programs should result in programmatic changes in both authorizing statutes and program funding levels.

(b) POLICY ON DEFICIT REDUCTION THROUGH THE REDUCTION OF UNNECESSARY AND WASTEFUL SPENDING.—Each authorizing committee annually shall include in its Views and Estimates letter required under section 301(d) of the Congressional Budget Act of 1974 recommendations to the Committee on the Budget of programs within the jurisdiction of such committee whose funding should be reduced or eliminated. Such recommendations shall be made publicly available.

TITLE VI—SENSE OF THE HOUSE PROVISIONS

SEC. 601. SENSE OF THE HOUSE ON A RESPONSIBLE DEFICIT REDUCTION PLAN.

It is the sense of the House that—

(1) the Nation's debt is an immense security threat to our country, just as Admiral Mullen, the former Chairman of the Joint Chiefs of Staff, has stated;

(2) the Government Accountability Office has issued reports documenting billions of dollars of waste and duplication at Government agencies;

(3) the bipartisan Simpson-Bowles Fiscal Commission and the bipartisan Rivlin-Domenici Debt Reduction Task Force were correct in concluding that everything, including spending and revenue, should be "on the table" as part of a deficit reduction plan; and

(4) any budget plan to reduce the deficit must follow this precept.

SEC. 602. SENSE OF THE HOUSE REGARDING LOW-INCOME PROGRAMS.

It is the sense of the House that in achieving the deficit reduction targets outlined in section 201, the importance of low-income programs that help those most in need should be taken into consideration.

The Acting CHAIR. Pursuant to House Resolution 597, the gentleman from Tennessee (Mr. COOPER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COOPER. I would like to make a unanimous consent request.

I believe that we've agreed to divide the time in a different way.

I would like to yield to the gentleman, my friend from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I will claim time in opposition, but I will yield half my time, 5 minutes, to the gentleman from Tennessee.

The Acting CHAIR. Without objection, the gentleman from Tennessee will control 15 minutes.

There was no objection.

Mr. COOPER. Mr. Chairman, a further unanimous consent request. I would like to yield half of my time, 7½ minutes, to the gentleman from Ohio (Mr. LATOURETTE).

The Acting CHAIR. Without objection, the gentleman from Ohio will control that time.

There was no objection.

Mr. COOPER. Mr. Chairman, I yield myself such time as I may consume.

I have the honor tonight of representing the budget that is endorsed by Simpson and Bowles. This is the only bipartisan budget that the House of Representatives will be able to consider in this budget cycle. This is the first time that a Simpson-Bowles budget has been allowed on the floor of the House or the Senate. This is a historic night, and I hope that Members will appreciate this opportunity.

This is one of the most partisan weeks in Washington, and this is the only bipartisan way to solve the Nation's problems. This is the only budget that has a chance of getting through both the House and the Senate. I hope

Members will appreciate this opportunity.

Members have expressed interest, but in this partisan week, we've been hammered by forces on both the left and the right, people who do not want America to solve its problems in a sensible and fair manner.

To illustrate what we're doing here, the Wall Street Journal today had a graph of the different budget alternatives.

The top line here is assuming current policies. It is clear trouble for the Nation because we're not reducing the deficit.

The blue line here is the White House budget, which makes considerable progress in solving our problems.

The bottom line here is the GOP plan, which is tough and completely partisan.

There's not a single Democrat in the country that will support that. So it's a budget to nowhere. It's a bridge to nowhere.

In between the White House budget and the GOP plan is the bipartisanship proposal, the Simpson-Bowles-endorsed budget. It's very tough on deficits, it gets the job done, and it gets the job done in a bipartisan fashion.

I hope my colleagues will focus on this budget alternative. We have precious few minutes to debate this, a total of 15 minutes, when the other side had 4 hours. This is a David versus Goliath situation. But I hope not only Members of this body will pay attention, but the public back home, because they want us to solve our problems in a peaceable and fair fashion. They're tired of political bickering. We have the chance in this House tonight to stop the political bickering and pass a good, tough, and fair budget for America.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield myself 2 minutes. I thank Mr. COOPER for his courtesy and his partnership.

I want to begin by saying something nice about PAUL RYAN. PAUL RYAN has got one of the toughest jobs in the country. It's like herding cats to get new guys, old guys, and everybody else to put together the budget that he has for the last 2 years.

However, as Mr. COOPER indicated, his budget is a Republican budget. Mr. VAN HOLLEN's budget is a Democratic budget.

There's an organization called PolitiFact which sort of checks out what public figures say about certain things. This particular chart, Pants on Fire, was awarded for the biggest lie of 2011, and that was those who claimed that Mr. RYAN's last budget ended Medicare as we know it. It got the distinction of being Pants on Fire for all of 2011.

As Mr. COOPER indicated, we have been viciously attacked from the left and the right; and when you know you have a good deal in when the left and the right are pounding the snot out of you. That's what's happening here today.

So I want to give some Pants on Fire to some of the claims that are being made.

The claim that this creates a path for Medicare premium support, if you're making that argument, your pants are on fire.

This slashes benefits for Social Security recipients. False. Your pants are on fire.

This is a \$2 trillion tax hike. False. Your pants are on fire.

Repealing the sequester means \$1 trillion in increased spending. False. Your pants are on fire.

This would decimate the defense budget. False. Your pants are on fire.

This encourages tax avoidance by corporations and will ship jobs overseas. Your pants are on fire.

The recession would worsen under Simpson-Bowles. Your pants are on fire.

GDP+1 requires deep cuts in health care, including Medicare. Your pants are on fire.

The Simpson-Bowles budget would decimate domestic programs and force massive cuts. Your pants are on fire.

Anybody that wants to read about it, come see Mr. COOPER or me and we will put your pants out.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I will yield myself 2½ minutes, and I will just do 2½ minutes to close.

First of all, the reason I wanted to yield these gentleman half our time is I don't know why they weren't yielded the same amount of time as the other substitutes were. I don't know why that happened, but it's wrong that it happened the way it did. That's why I wanted to give them those 5 minutes.

I also want to congratulate them for putting a plan on the table. It's nice to see. We don't see that too often these days.

I served on the Simpson-Bowles Commission, and I voted against it. I want to explain why, and I will use the numbers from this budget to show.

Number one, it keeps ObamaCare in place. It keeps PPACA in place. This budget does, too, because it's current law. So unless you rescind it, the spending of it, you're keeping ObamaCare in place, and I have a problem with that health care law. I think it's a bad one. This budget, Simpson-Bowles, keeps it in place.

Number two, it doesn't address the real drivers of our debt, which are these health care entitlement programs. Simpson-Bowles didn't do it. This one doesn't either. To me, you're really not dealing with the driver of our debt unless you do that.

Number three, revenues. Based on the baseline, it has \$1.8 trillion in higher revenues. It does mean higher taxes. The last year of this particular budget has higher revenues than the Democratic substitute and the President's budget.

The spending cuts, when you look at the baseline compared to the current law baseline, the one we all measure against here, and you take out the war gimmick, it only has \$27 billion in spending cuts over 10 years; by contrast, our budget has \$3.3 trillion. So I'm not a fan of the war gimmick. If you take out that war thing, it only cuts about \$27 billion off the current law baseline.

It claims that this cuts \$4 trillion in deficit reduction. I'm not sure what baseline is being used to do that. But on the current policy baseline, this really only has \$2.5 trillion in deficit reduction; 72 percent of that comes from tax increases and 28 percent comes from spending reductions.

I want to simply say amen for bringing a plan to the table. I have tremendous respect for Erskine Bowles and Alan Simpson and JIM COOPER and STEVE LATOURETTE because they're here being a part of the solution by offering a solution and not being a part of the problem.

I think it goes without saying, but it bears repeating, I just don't like the substance of it. I think it's going to end up pushing people into ObamaCare, whose costs will explode, and I think it's going to be bad for our health care system and it doesn't deal with the primary drivers of our debt. And I don't want to see a big tax increase before you deal with the entitlement programs, because then you're just chasing higher spending with higher revenues.

I reserve the balance of my time.

Mr. COOPER. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I think there's a consensus in America that we have to reduce our deficit. Most of it should be by cutting spending, and some of it should come in revenue contributions from the wealthiest Americans. This proposal does this, so I support it.

I will tell you the other reason I support it. I want our country to have enough resources that a child can get the best education they should. We won't if we don't control the deficit. I want her mother to get a college education and a good job. We won't if we don't control the deficit. I want her grandmother to have Social Security and Medicare. We won't if we don't control the deficit.

If you believe in the progressive things government can do, you must believe and act on reducing the deficit.

This is the best and bipartisan way in front of us. I urge a "yes" vote.

Mr. COOPER. Mr. Chairman, I would now like to yield 1 minute to my friend, the gentleman from Virginia (Mr. WOLF), who actually helped me with the original Cooper-Wolf legislation that helped spawn the Simpson-Bowles Commission.

Mr. LATOURETTE. Mr. Chairman, I would also like to take 1 minute of our time and give it to Mr. WOLF for a grand total of 2 minutes.

The Acting CHAIR. The gentleman from Virginia is recognized for 2 minutes.

□ 2050

Mr. WOLF. Simon & Garfunkel said in the song "The Boxer": "Man hears what he wants to hear and disregards the rest." I tell the gentleman, I'm opposed to ObamaCare. I voted against it 26 times.

America is in trouble. America is facing economic collapse. We have \$15.2 trillion debt, and by the end of this year when you hang your Christmas tree lights up with Christmas tree lights made in China, it will be at \$17 trillion. We're borrowing money from China where there are 25 Catholic bishops under house arrest and hundreds of Protestant pastors under house arrest, and we're doing nothing about it. We're borrowing money from Saudi Arabia that funded the radical madrassas up among the Afghan-Pakistan border that led to 9/11, and that led to where we are, quite frankly, with regard to Afghanistan.

When I go into every high school in my district, I ask the young people, Is the Social Security system sound and will it be there when you retire? In the last 3 years, not one has raised their hand. The seniors in my congressional district know more than this Congress, and they know more than this administration. The President has walked away and has failed, and the Congress—both political parties—have walked away and failed.

I commend my friends, Mr. COOPER and Mr. LATOURETTE, and ask for a "yes" vote on the Simpson-Bowles Commission.

Mr. Chair, nearly six years ago—during the last Republican House majority—I introduced legislation to create an independent, bipartisan commission to address the deficit.

I called it the SAFE Commission, short for Securing America's Future Economy. Everything would be on the table for discussion—entitlements, all other spending programs and tax policy—and like the BRAC process, Congress would be required to vote up or down on the commission's recommendations.

My colleague and good friend JIM COOPER of Tennessee joined me in sponsoring this legislation in 2007 and in subsequent years. It ultimately became the blueprint for the President's National Commission on Fiscal Responsibility and Reform, more commonly referred to as the Simpson-Bowles Commission.

The Simpson-Bowles Commission produced a credible plan that gained the support of a bipartisan majority of the commission's 18 members. Called "The Moment of Truth," the commission's report made clear that eliminating the debt and deficit will not be easy and that any reform must begin with entitlements. Mandatory and discretionary spending also has to be addressed as well other "sacred cows," including tax reform and defense spending.

Had just three more members of the Simpson-Bowles Commission supported the recommendations, this plan likely would have passed the Congress and be law today. I was disappointed that the President, and his administration, walked away from the commission. The President failed the country. Leadership on both sides of the congressional aisle has done no better. This town is dysfunctional. If the plan had advanced, we would already be on our way in getting our nation's fiscal house in order.

Over the past year and a half I have repeatedly said that while there are some changes I would make, I would support a budget proposal similar to or based on Simpson-Bowles if it came to a vote on the House floor. I want to commend Mr. COOPER and Mr. LATOURETTE today for offering this substitute amendment, which was drafted using the bipartisan principals of the Simpson-Bowles Commission.

Simpson-Bowles provides the framework for the most comprehensive and realistic solution to our nation's fiscal problems. I have submitted the preamble of the Simpson-Bowles Commission report for the RECORD, which, I believe, is a worthy read as we debate the Cooper-LaTourette substitute.

Every Member of Congress and the President know the dire economic situation facing our country: a debt load over \$15.5 trillion, annual deficits over \$1 trillion and unfunded obligations and liabilities over \$65 trillion on the books to pay for programs such as Social Security, Medicare and Medicaid.

We're borrowing this money from nations such as China—which is spying on us, where human rights are an afterthought, and Catholic bishops, Protestant ministers and Tibetan monks are jailed for practicing their faith—and oil-exporting countries such as Saudi Arabia—which funded the radical madrasahs on the Afghan-Pakistan border resulting in the rise of the Taliban and al Qaeda.

We always say we want to leave our country better than we found it, and to give our children and grandchildren hope for the future. Just today, noted historian Niall Ferguson testified before my subcommittee and said that, if we do not change course, the debt burden will not only crush our children and grandchildren but also the current generation in the very near future.

According to the Congressional Budget Office's long term estimate, every penny of the federal budget will go to interest on the debt and entitlement spending by 2025. Every penny. That means no money for national defense. No money for homeland security. No money to fix the nation's crumbling bridges and roads. No money for medical research to find a cure for cancer or Alzheimer's or Parkinson's diseases.

We have to find a solution to this debt crisis. Failure is not an option.

Congress and the President must be willing to support a plan that breaks loose from the special interests holding Washington by the throat and return confidence to the country.

Congress and the President also need to be honest with the American people and explain that we cannot solve our nation's financial crisis by just cutting waste, fraud and abuse within discretionary accounts. The real runaway spending is occurring in our out-of-control entitlement costs and the hundreds of billions in annual tax earmarks. Until we reach an agreement that addresses these two drivers of our deficit and debts, we cannot right our fiscal ship of state.

I am—and have been—willing to make the hard choices to ensure a better future for our children and grandchildren. Every two years I take an oath to support and defend the Constitution. I do not sign pledges to lobbyists or special interest groups.

If the Cooper-LaTourette substitute does not pass today, I will vote to support the Ryan budget proposal so that we may move the budget process forward and continue the necessary discussions to address our nation's financial crisis.

But I hope this substitute passes. It is a balanced and ambitious roadmap to address our deficit.

It also is the only truly bipartisan plan that is being offered, and, I believe, the only plan that has the opportunity to be approved by the Senate.

More important, this proposal calls for difficult decisions by finding savings to completely turn off the Budget Control Act's looming sequestration, which could devastate our defense capabilities.

As I mentioned earlier, I do not agree with every recommendation in the Simpson-Bowles plan. Nor do I support every part of the Cooper-LaTourette substitute. For example, I fully support efforts to repeal and replace the Patient Protection and Affordable Care Act, and regret that Cooper-LaTourette is silent on the need to address this issue. I am also concerned about the instructions proposed for the committee of jurisdiction over the federal workforce. This could impact workers including the FBI and CIA agents serving in Afghanistan, CBP agents stopping illegal immigrants coming across our borders, the VA doctors caring for our veterans, and the NIH medical researchers working to develop cures for cancer, diabetes, Alzheimer's and autism.

However, the Cooper-LaTourette substitute is the kind of bipartisan cooperation that we must have. It is the kind of forthright, realistic conversation about our nation's fiscal future in which we must engage across the aisle, across the Capitol and down Pennsylvania Avenue if we are to have any hope of coming up with a credible plan to protect the future for our children and grandchildren.

Every Member should support this substitute.

PREAMBLE

Throughout our nation's history, Americans have found the courage to do right by our children's future. Deep down, every American knows we face a moment of truth once again. We cannot play games or put off hard choices any longer. Without regard to party, we have a patriotic duty to keep the promise of America to give our children and grandchildren a better life.

Our challenge is clear and inescapable: America cannot be great if we go broke. Our businesses will not be able to grow and create jobs, and our workers will not be able to compete successfully for the jobs of the future without a plan to get this crushing debt burden off our backs.

Ever since the economic downturn, families across the country have huddled around kitchen tables, making tough choices about what they hold most dear and what they can learn to live without. They expect and deserve their leaders to do the same. The American people are counting on us to put politics aside, pull together not pull apart, and agree on a plan to live within our means and make America strong for the long haul.

As members of the National Commission on Fiscal Responsibility and Reform, we spent the past eight months studying the same cold, hard facts. Together, we have reached these unavoidable conclusions: The problem is real. The solution will be painful. There is no easy way out. Everything must be on the table. And Washington must lead.

We come from different backgrounds, represent different regions, and belong to different parties, but we share a common belief that America's long-term fiscal gap is unsustainable and, if left unchecked, will see our children and grandchildren living in a poorer, weaker nation. In the words of Senator Tom Coburn, "We keep kicking the can down the road, and splashing the soup all over our grandchildren." Every modest sacrifice we refuse to make today only forces far greater sacrifices of hope and opportunity upon the next generation.

Over the course of our deliberations, the urgency of our mission has become all the more apparent. The contagion of debt that began in Greece and continues to sweep through Europe shows us clearly that no economy will be immune. If the U.S. does not put its house in order, the reckoning will be sure and the devastation severe.

The President and the leaders of both parties in both chambers of Congress asked us to address the nation's fiscal challenges in this decade and beyond. We have worked to offer an aggressive, fair, balanced, and bipartisan proposal—a proposal as serious as the problems we face. None of us likes every element of our plan, and each of us had to tolerate provisions we previously or presently oppose in order to reach a principled compromise. We were willing to put our differences aside to forge a plan because our nation will certainly be lost without one.

We do not pretend to have all the answers. We offer our plan as the starting point for a serious national conversation in which every citizen has an interest and all should have a say. Our leaders have a responsibility to level with Americans about the choices we face, and to enlist the ingenuity and determination of the American people in rising to the challenge.

We believe neither party can fix this problem on its own, and both parties have a responsibility to do their part. The American people are a long way ahead of the political system in recognizing that now is the time to act. We believe that far from penalizing their leaders for making the tough choices, Americans will punish politicians for backing down—and well they should.

In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from shared sacrifice and common purpose. The national interest, not special interests, must prevail. We urge

leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra Rule: Don't shoot down an idea without offering a better idea in its place.

After all the talk about debt and deficits, it is long past time for America's leaders to put up or shut up. The era of debt denial is over, and there can be no turning back. We sign our names to this plan because we love our children, our grandchildren, and our country too much not to act while we still have the chance to secure a better future for all our fellow citizens.

Mr. COOPER. Mr. Chairman, if no one else is seeking time, I would like to yield 1½ minutes to my friend from Oregon (Mr. SCHRADER) who, along with Mr. QUIGLEY, Mr. LIPINSKI, and Mr. COSTA, have been invaluable partners in pushing for the Simpson-Bowles budget.

Mr. SCHRADER. Mr. Chairman, I really commend Mr. COOPER and Mr. LATOURETTE for bringing this bipartisan proposal forward. It's really time, America, to focus on things we agree on, not things that we disagree on. America wants to see us as uniters, not dividers, in this business down here.

This is the only bipartisan proposal that's going to be offered. It is going to be the framework for whatever deal we come to at the end of this year when we're staring the Bush tax cuts going off and when we're staring extreme defense cuts in the face. This is the proposal, in some form, that will be adopted.

This proposal recognizes there's a balance. It's not perfect. There are some groups that are very peeved at the altar, quite frankly. But this is the only proposal that's bipartisan. It actually addresses the two big drivers. Our revenues are at an all-time low, the lowest since World War II. You're not going to have a vibrant economy without revenue to support our schools, our infrastructure, our transportation, and our economic development.

Yes, the entitlements are a problem. The gentleman from Wisconsin, while he's not in favor of some of the aspects of the health care bill, adapts all of the savings that we did in the last Congress because they're good, efficient ways to improve the life and solvency of Medicare. Medicare is not a problem because President Bush was evil or President Obama was evil. It's a problem that we've got more people and the baby boomers are retiring, so there are less workers to support them at the end of the day, and great health care that's being driven. So we need to get our act together and support this proposal.

Mr. LATOURETTE. Mr. Chairman, at this time, it is my pleasure to yield 1½ minutes to my friend and classmate from New Hampshire, a cosponsor of this substitute, CHARLIE BASS.

Mr. BASS of New Hampshire. I thank the gentleman from Ohio for yielding to me.

Mr. Chairman, I rise in support of the pending amendment. The budget presented by my friend from Wisconsin, Congressman RYAN, is a great statement of principle, and I will vote for it. And I suspect that it will pass the House. But it will not be considered by the Senate. The Senate will not accept or pass appropriations at its levels, and there will be no reconciliation this year.

Mr. Chairman, in 9 short months, the Bush-era tax cuts will end, and taxes will go up by \$4.6 trillion, the biggest tax increase in American history. The mindless across-the-board cuts in spending in the sequester will take effect cutting, amongst other programs, defense by over \$400 billion. We'll have a vote to raise this Nation's debt with no accomplishments to justify it. We will have to either renew or repeal the temporary payroll tax holiday, and we'll have to complete our appropriations at higher levels than in this budget, the base budget, or face the specter of continuing resolutions through next year.

The American people have heard the debate on both sides, and they are crying for solutions—not squabbling, not posturing or policy brinksmanship. We all have principles. Compromise is not a capitulation of principle. It never has been. All of the great policy accomplishments of our Nation's history have resulted from the willingness of men and women of principle to attack and resolve crises together through negotiation and, yes, compromise. We have that chance tonight.

Mr. Chairman, I challenge Republicans and Democrats to vote for the LaTourette-Cooper-Simpson-Bowles bipartisan budget tonight and make America proud of us once again.

Mr. COOPER. Mr. Chairman, I yield 1 minute to my friend from Pennsylvania, CHAKA FATTAH.

Mr. FATTAH. I rise in support of this bipartisan budget that's being offered that would approach this in a balanced way, that is, with both cuts and additional revenues. It is the basis under which there is a majority support in our country. We have a responsibility to rise to the occasion, and I would hope tonight that we would have Members of this House that could rise above party and do what's right. Let's move the country in a responsible way so that we can continue to make the investments we need so America can live up to its responsibilities to its citizens and to global leadership.

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to yield an additional 30 seconds to the gentleman from Ohio.

The Acting CHAIR. Does the gentleman seek unanimous consent?

Mr. RYAN of Wisconsin. Yes.

The Acting CHAIR. Without objection, the gentleman from Ohio will control the time.

There was no objection.

Mr. LATOURETTE. And in the spirit of unanimous consents, I would ask unanimous consent that 15 of those precious seconds go to Mr. COOPER and that he be permitted to yield those 15 seconds as ever how he sees fit.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. At this time, it is my pleasure to yield 1 minute to a new Member of the House from the State of Illinois, who has cosponsored this substitute at great political peril, quite frankly; and he deserves to be rewarded by the citizens of Illinois and not punished by the special interest groups of the right or left, BOB DOLD.

Mr. DOLD. I certainly thank the gentleman for yielding and for his leadership on this. I also want to take the opportunity to thank my friend, PAUL RYAN, for his work on the budget which I think is so critical. As we look at budgets right now, there are not so many of them over in the United States Senate, and when I think about running a business or the families across the country that need to put together a budget, I think it's wrong that the United States Government doesn't have one.

Mr. Chairman, my children were on the floor today. They were here in Washington, D.C.; and when I think about why I came to Washington, D.C., it's because of them, about the American Dream for my children, about providing a country that's better off for them.

We've got \$15.5 trillion in debt; we borrow 42 cents of every single dollar. It's time that we put people before politics and progress before partisanship so that we can get something done. It's about providing solutions for our country so that we can come together, have a document that we can use to be able to move the country forward. We need to cut back and rein in spending. We need to be able to provide that certainty for American businesses that are out there.

This is our time. We, Republicans and Democrats alike, have to put the party bickering aside. We have to focus on the solutions that are out there. Am I going to like all of it? The answer is, no, I'm not going to like all of it.

The Acting CHAIR. The time of the gentleman has expired.

Mr. LATOURETTE. I yield the gentleman 15 additional seconds.

Mr. DOLD. Mr. Chairman, I certainly thank Mr. LATOURETTE.

The point is simply this, Mr. Chairman, for my children and yours, for the children of the next generation, the time is now. We have to stand up, we have to put together a budget, we have to do so, and we have to find the common ground and move forward. We have to lower our corporate tax rates

so that we can be more competitive in the global marketplace. This is our time. I'm asking everyone for a "yes" vote on the LaTourette-Cooper amendment.

I thank my colleague from Tennessee for his leadership and my colleague from Ohio, as well.

Mr. COOPER. Mr. Chairman, may I ask how much time remains.

The Acting CHAIR. The gentleman from Tennessee has 1¼ minutes remaining, including his additional 15 seconds; the gentleman from Ohio has 3 minutes remaining; and the gentleman from Wisconsin has 2 minutes remaining.

Mr. COOPER. Do my colleagues have any further speakers, or should I start the process of closing?

Mr. LATOURETTE. Mr. RYAN has the right to close on behalf of the committee, and I am the last speaker on our side. Unless Mr. RYAN wants to give us the rest of his time, we can finish this right now.

Mr. RYAN of Wisconsin. I'll keep what I have.

Mr. COOPER. Mr. Chairman, I yield myself the balance of my time.

On November 2 of last fall, 100 of our colleagues signed a letter, the so-called "go big" letter, urging the supercommittee to do the right thing. And let me quote:

To succeed, all options for mandatory and discretionary spending and revenues must be on the table. In addition, we know from other bipartisan frameworks that a target of some \$4 trillion in deficit reduction is necessary to stabilize our debt as a share of the economy.

□ 2100

This is what the Simpson-Bowles budget does, and only the Simpson-Bowles budget.

For those of my colleagues who are worried about certain features of this, do not confuse the Simpson-Bowles report with a budget. A budget is just a framework. It's an outline. It instructs the committees to come up with certain savings, and the committees have the discretion to come up with those savings in whatever way they choose. It's true that the Simpson-Bowles report is one way of achieving those savings, but this is a guide, a target for the committees of jurisdiction.

That's what we must do tonight and do on a bipartisan basis. We must come together for the good of the country. We must put our Nation first. We must set partisanship aside. This is the only way that we can pass a budget in the House and Senate this year, which we must have.

It's easy to be critical; it's hard to perform. Let's make it happen for America tonight. We have an opportunity within our hands to give the United States a budget. All of the other plans are purely partisan and they don't have a prayer. Let's build a bridge to the future. Let's build a real

budget that can pass both Houses of Congress.

I urge my colleagues to support the Simpson-Bowles-endorsed alternative budget.

Mr. Chairman, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from Ohio is recognized for 3 minutes.

Mr. LATOURETTE. Again, I want to thank my partner, Mr. COOPER. I also want to thank all the brave Republicans and Democrats who are going to vote for this, all the brave Republicans and Democrats who cosponsored it, because this is not an easy vote.

Mr. Chairman, the last three elections have been the wildest elections I have seen in my political life. It has swung between party and party and party, and 2012 is going to be the same thing. But I'll tell you what's different. It's not the Democrats are going to take over or the Republicans are going to take over. The mood in the country is: Throw the bums out. Throw them all out and replace them with new people. Americans are screaming for us to take off our red jerseys on this side, to take off the blue jerseys on that side, and put on the red, white, and blue jerseys of the United States of America.

Our proposal, inspired by the Simpson-Bowles fiscal commission, authorized by the President of the United States, has been viciously attacked from the left and the right. And so I think, COOPER, we're on to something.

I want to make an observation, from a pretty famous American, made just a month ago in the Rose Garden down at the White House. The quote is:

This may be an election year, but the American people have no patience for gridlock and just a reflexive partisanship, and just paying attention to poll numbers and the next election instead of the next generation and what we can do to strengthen opportunity for all Americans. Americans don't have the luxury to put off tough decisions, and neither should we.

President Barack Obama, February 21, 2012.

I have heard a lot of people say that this is hard work, that not now. Well, if not now, when? And if not this, what? Ever?

Mr. Chairman, we're asking that Members tonight stand up, that they stand up to the bloodsuckers in this town that take \$5, \$10, \$15, \$25 from our constituents to pretend to defend causes on their behalf. We're asking people to stand up to pledges they had made 20 years ago when we didn't have a \$15 trillion deficit owed to China. We're asking people to stand up to honor their pledge that they made on the opening day of the 112th Congress to defend the United States of America from all enemies foreign and domestic. We ask that our colleagues stand up to America's biggest domestic threat and enemy, the \$15 trillion—soon to be \$22 trillion—that's staring us in the face.

The time is now. We've got to get it done. This is the only bipartisan approach. And this is the only thing that has the chance to be adopted by both parties and the President of the United States, who authorized Simpson-Bowles.

Mr. Chairman, I yield back the balance of my time.

Mr. RYAN of Wisconsin. I'll close by saying, Mr. Chairman, how I started.

I want to congratulate the gentlemen for just showing a plan and coming together. But I would simply say that the President disavowed this plan already. The Senator majority leader said he's not doing a budget this year, so I don't think anything is passing over there.

I want to reserve the rest of my comments for the substance of this. And I'll reveal the private conversation I had with Simpson and Bowles as to why I was not supporting Simpson and Bowles, as a member of that commission.

This doesn't go big. This doesn't tackle the problem. It doesn't do the big things. You can never get the debt under control if you don't deal with our health care entitlement programs. They're the ones that are the big drivers of our debt.

So, not only in addition to the fact that this keeps ObamaCare in place and it doesn't do Medicare and Medicaid reform—which are essential toward preventing the debt crisis—by repealing the tax exclusion, as Simpson-Bowles plans on doing, purports to do, you're going to cause all of these employers to drop health insurance for their employees and push everybody into the health care law, into ObamaCare, and the costs will explode. So I believe that it will do more harm than good at the end of the day.

I just don't think it's a balanced plan. I mean, if you look at the raw numbers, 72 percent of it is tax increases and 28 percent of it is spending reductions. That, to me, is just not balanced. We don't want to create a new revenue machine for government without getting these entitlements under control. Let's not chase ever-higher spending with ever-higher revenues.

So I appreciate the sincerity and the bipartisanship nature of this, but I just don't think the substance of this bill is right. I think it's going to worsen our fiscal situation by piling people onto the health care law, and it's going to hasten the bankruptcy of Medicare. It's still going to stretch Medicaid, which grows by a third in eligibility, a program that's falling apart by the seams. And I believe these tax rate increases, the revenue increases, will just be used to fuel more spending. That's why I urge a "no" vote on this amendment, on the substance of it.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentleman from Tennessee (Mr. COOPER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COOPER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-423 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MULVANEY of South Carolina.

Amendment No. 2 by Mr. CLEAVER of Missouri.

Amendment No. 3 by Mr. COOPER of Tennessee.

The Chair will reduce to 5 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MULVANEY.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 0, noes 414, not voting 17, as follows:

[Roll No. 143]

NOES—414

Ackerman	Blackburn	Cassidy
Adams	Blumenauer	Castor (FL)
Aderholt	Bonamici	Chabot
Akin	Bonner	Chaffetz
Alexander	Bono Mack	Chandler
Altmire	Boren	Chu
Amash	Boswell	Cicilline
Amodei	Boustany	Clarke (MI)
Andrews	Brady (PA)	Clarke (NY)
Austria	Brady (TX)	Cleaver
Baca	Braley (IA)	Clyburn
Bachmann	Brooks	Coble
Bachus	Broun (GA)	Coffman (CO)
Baldwin	Brown (FL)	Cohen
Barletta	Buchanan	Cole
Barrow	Bucshon	Conaway
Bartlett	Buerkle	Connolly (VA)
Barton (TX)	Burgess	Conyers
Bass (CA)	Burton (IN)	Cooper
Bass (NH)	Butterfield	Costa
Becerra	Calvert	Costello
Benish	Camp	Courtney
Berg	Campbell	Cravaack
Berkley	Canseco	Crawford
Berman	Cantor	Crenshaw
Biggert	Capito	Critz
Bilbray	Capps	Crowley
Bilirakis	Capuano	Cuellar
Bishop (GA)	Carnahan	Culberson
Bishop (NY)	Carney	Cummings
Bishop (UT)	Carson (IN)	Davis (CA)
Black	Carter	Davis (IL)

Davis (KY)	Jackson Lee	Pallone
DeFazio	(TX)	Pascarell
DeGette	Jenkins	Pastor (AZ)
DeLauro	Johnson (GA)	Paulsen
Denham	Johnson (IL)	Pearce
Dent	Johnson (OH)	Pelosi
DesJarlais	Johnson, E. B.	Pence
Diaz-Balart	Johnson, Sam	Perlmutter
Dicks	Jones	Peters
Dingell	Jordan	Peterson
Doggett	Keating	Petri
Dold	Kelly	Pingree (ME)
Donnelly (IN)	Kildee	Pitts
Doyle	Kind	Platts
Dreier	King (IA)	Poe (TX)
Duffy	King (NY)	Polis
Duncan (SC)	Kingston	Pompeo
Duncan (TN)	Kinzinger (IL)	Posey
Edwards	Kissell	Price (GA)
Ellison	Kline	Price (NC)
Ellmers	Kucinich	Quayle
Emerson	Labrador	Quigley
Engel	Lamborn	Rahall
Eshoo	Lance	Reed
Farenthold	Landry	Rehberg
Farr	Langevin	Reichert
Fattah	Lankford	Renacci
Fincher	Larsen (WA)	Reyes
Fitzpatrick	Latham	Ribble
Flake	LaTourette	Richardson
Fleischmann	Latta	Richmond
Fleming	Lee (CA)	Rigell
Flores	Levin	Rivera
Forbes	Lewis (CA)	Roby
Fortenberry	Lewis (GA)	Roe (TN)
Fox	Lipinski	Rogers (AL)
Frank (MA)	LoBiondo	Rogers (KY)
Franks (AZ)	Loeb	Rogers (MI)
Frelinghuysen	Lofgren, Zoe	Rohrabacher
Fudge	Long	Rokita
Gallegly	Lowe	Rooney
Garamendi	Lucas	Ros-Lehtinen
Gardner	Luetkemeyer	Roskam
Garrett	Lujan	Ross (AR)
Gerlach	Lummis	Ross (FL)
Gibbs	Lungren, Daniel E.	Rothman (NJ)
Gibson	Lynch	Roybal-Allard
Gingrey (GA)	Maloney	Royce
Gohmert	Manzullo	Runyan
Gonzalez	Marchant	Ruppersberger
Goodlatte	Marino	Rush
Gosar	Markey	Ryan (WI)
Gowdy	Matheson	Sanchez, Linda T.
Granger	Matsui	Sanchez, Loretta
Graves (GA)	McCarthy (CA)	Sarbanes
Graves (MO)	McCarthy (NY)	Scalise
Green, Al	McCaul	Schakowsky
Green, Gene	McClintock	Schiff
Griffin (AR)	McCollum	Schilling
Griffith (VA)	McCotter	Schmidt
Grimm	McDermott	Schock
Guinta	McGovern	Schrader
Guthrie	McHenry	Schwartz
Gutierrez	McIntyre	Schweikert
Hahn	McKeon	Scott (SC)
Hall	McKinley	Scott (VA)
Hanabusa	McMorris	Scott, Austin
Hanna	Rodgers	Scott, David
Harper	McNerney	Sensenbrenner
Harris	Meehan	Serrano
Hartzer	Mica	Sessions
Hastings (FL)	Michaud	Sherman
Hastings (WA)	Miller (FL)	Shimkus
Hayworth	Miller (MI)	Shuster
Heck	Miller (NC)	Simpson
Heinrich	Miller, Gary	Sires
Hensarling	Miller, George	Slaughter
Hergert	Moore	Smith (NE)
Herrera Beutler	Moran	Smith (NJ)
Higgins	Mulvaney	Smith (TX)
Himes	Murphy (CT)	Smith (WA)
Hinche	Murphy (PA)	Southerland
Hinojosa	Myrick	Speler
Hirono	Nadler	Stark
Hochul	Napolitano	Stearns
Holden	Neal	Stivers
Holt	Neugebauer	Stutzman
Honda	Noem	Sullivan
Hoyer	Nugent	Sutton
Huelskamp	Nunes	Terry
Huizenga (MI)	Nunnelee	Thompson (CA)
Hultgren	Olson	Thompson (MS)
Hunter	Olver	Thompson (PA)
Hurt	Owens	Thornberry
Issa	Palazzo	Tiberi

Tierney	Walsh (IL)	Wilson (FL)
Tipton	Walz (MN)	Wilson (SC)
Tonko	Wasserman	Wittman
Tsongas	Schultz	Wolf
Turner (NY)	Waters	Womack
Turner (OH)	Watt	Woodall
Upton	Waxman	Woolsey
Van Hollen	Webster	Yarmuth
Velázquez	Welch	Yoder
Visclosky	West	Young (AK)
Walberg	Westmoreland	Young (FL)
Walden	Whitfield	Young (IN)

NOT VOTING—17

Cardoza	Jackson (IL)	Rangel
Clay	Kaptur	Ryan (OH)
Deutch	Larson (CT)	Sewell
Filner	Mack	Shuler
Grijalva	Weeks	Towns
Israel	Paul	

□ 2132

Messrs. MANZULLO, DENHAM, CLEAVER, GOWDY, and AUSTRIA changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 143, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Mr. LARSON of Connecticut. Mr. Chair, on rollcall No. 143, had I been present, I would have voted “no.”

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CLEAVER

The Acting CHAIR (Mr. YODER). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. CLEAVER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 107, noes 314, not voting 10, as follows:

[Roll No. 144]

AYES—107

Ackerman	Cummings	Hoyer
Andrews	Davis (IL)	Israel
Baca	DeFazio	Jackson Lee
Bass (CA)	DeLauro	(TX)
Becerra	Doyle	Johnson (GA)
Bishop (GA)	Edwards	Johnson, E. B.
Blumenauer	Ellison	Kaptur
Brady (PA)	Engel	Kildee
Brown (FL)	Farr	Larson (CT)
Butterfield	Fattah	Lee (CA)
Capuano	Frank (MA)	Lewis (GA)
Carnahan	Fudge	Lynch
Carson (IN)	Green, Al	Markey
Castor (FL)	Green, Gene	McCollum
Chu	Grijalva	McDermott
Clarke (MI)	Gutierrez	McGovern
Clarke (NY)	Hahn	Miller (NC)
Cleaver	Hastings (FL)	Moore
Clyburn	Hinche	Moran
Cohen	Hinojosa	Nadler
Connolly (VA)	Hirono	Napolitano
Conyers	Holt	Neal
Crowley	Honda	Olver

Pallone	Sanchez, Loretta	Tonko	Quigley	Schiff	Thompson (PA)	Shuler	Visclosky	Wolf
Pascrell	Sarbanes	Tsongas	Rahall	Schilling	Thornberry	Simpson	Watt	Young (AK)
Pastor (AZ)	Schakowsky	Van Hollen	Reed	Schmidt	Tiberi			
Pelosi	Scott (VA)	Velázquez	Rehberg	Schock	Tipton			
Pingree (ME)	Scott, David	Wasserman	Reichert	Schrader	Turner (NY)			
Price (NC)	Serrano	Schultz	Renacci	Schwartz	Turner (OH)	Ackerman	NOES—382	Johnson (OH)
Richardson	Sewell	Waters	Reyes	Schweikert	Upton	Adams	DesJarlais	Diaz-Balart
Richmond	Sires	Watt	Ribble	Scott (SC)	Visclosky	Aderholt	Dicks	Johnson, E. B.
Rothman (NJ)	Slaughter	Waxman	Rigell	Scott, Austin	Walberg	Akin	Dingell	Johnson, Sam
Roybal-Allard	Smith (WA)	Welch	Rivera	Sensenbrenner	Walden	Alexander	Doggett	Jones
Rush	Stark	Wilson (FL)	Roby	Sessions	Walsh (IL)	Altmire	Donnelly (IN)	Jordan
Ryan (OH)	Sutton	Woolsey	Roe (TN)	Sherman	Walz (MN)	Amash	Doyle	Kaptur
Sánchez, Linda T.	Thompson (MS)	Yarmuth	Rogers (AL)	Shimkus	Webster	Amodei	Dreier	Keating
			Rogers (KY)	Shuler	West	Austria	Duffy	Kelly
			Rogers (MI)	Shuster	Westmoreland	Baca	Duncan (SC)	Kildee
			Rohrabacher	Simpson	Whitfield	Bachmann	Duncan (TN)	King (IA)
			Rokita	Smith (NE)	Wilson (SC)	Bachus	Edwards	King (NY)
			Rooney	Smith (NJ)	Wittman	Baldwin	Ellison	Kingston
			Ros-Lehtinen	Smith (TX)	Wolf	Barletta	Kissell	Kinzing (IL)
			Roskam	Southerland	Womack	Barrow	Emerson	Kline
			Ross (AR)	Speier	Woodall	Bartlett	Engel	Kucinich
			Ross (FL)	Stearns	Yoder	Barton (TX)	Eshoo	Labrador
			Royce	Stivers	Young (AK)	Bass (CA)	Farenthold	Lamborn
			Runyan	Stutzman	Young (FL)	Becerra	Farr	Lance
			Ruppersberger	Sullivan	Young (IN)	Benishek	Fincher	Landry
			Ryan (WI)	Terry		Berg	Fitzpatrick	Langevin
			Scalise	Thompson (CA)		Berkley	Flake	Lankford
						Berman	Fleischmann	Larson (CT)
						Biggart	Fleming	Latham
						Bilbray	Flores	Latta
						Bilirakis	Forbes	Lee (CA)
						Bishop (GA)	Fortenberry	Levin
						Bishop (NY)	Fox	Lewis (CA)
						Bishop (UT)	Frank (MA)	Lewis (GA)
						Black	Franks (AZ)	LoBiondo
						Blackburn	Frelinghuysen	Loebsack
						Blumenauer	Fudge	Lofgren, Zoe
						Bonamici	Gallely	Long
						Bonner	Garamendi	Lowey
						Bono Mack	Gardner	Lucas
						Boustany	Garrett	Luetkemeyer
						Brady (PA)	Gerlach	Lujan
						Brady (TX)	Gibbs	Lungren, Daniel E.
						Braley (IA)	Gingrey (GA)	
						Brooks	Gohmert	Lynch
						Broun (GA)	Gonzalez	Maloney
						Brown (FL)	Goodlatte	Manzullo
						Buchanan	Gosar	Marchant
						Buchshon	Gowdy	Marino
						Burgess	Granger	Markey
						Burton (IN)	Graves (GA)	Matheson
						Butterfield	Graves (MO)	Matsui
						Calvert	Green, Al	McCarthy (CA)
						Camp	Green, Gene	McCarthy (NY)
						Campbell	Griffin (AR)	McCaul
						Canseco	Griffith (VA)	McClintock
						Cantor	Grijalva	McCollum
						Capito	Grimm	McCotter
						Capps	Guinta	McDermott
						Capuano	Guthrie	McGovern
						Carnahan	Gutierrez	McHenry
						Carson (IN)	Hahn	McIntyre
						Carter	Hall	McKeon
						Cassidy	Hanabusa	McKinley
						Castor (FL)	Hanna	McMorris
						Chabot	Harper	Rodgers
						Chaffetz	Harris	McNerney
						Chandler	Hartzler	Mica
						Chu	Hastings (FL)	Michaud
						Ciilline	Hastings (WA)	Miller (FL)
						Clarke (MI)	Hayworth	Miller (MI)
						Clarke (NY)	Heck	Miller (NC)
						Clay	Heinrich	Miller, Gary
						Cleaver	Hensarling	Miller, George
						Coble	Herger	Moore
						Coffman (CO)	Herrera Beutler	Mulvaney
						Cohen	Higgins	Murphy (CT)
						Cole	Hinchey	Murphy (PA)
						Conaway	Hinojosa	Myrick
						Conyers	Hirono	Nadler
						Costello	Hochul	Napolitano
						Courtney	Holden	Neal
						Cravaack	Holt	Neugebauer
						Crawford	Honda	Noem
						Crenshaw	Hoyer	Nugent
						Critz	Huelskamp	Nunes
						Crowley	Huizenga (MI)	Nunnelee
						Culberson	Hultgren	Olson
						Cummings	Hunter	Olver
						Davis (CA)	Hurt	Owens
						Davis (IL)	Israel	Palazzo
						Davis (KY)	Issa	Pallone
						DeFazio	Jackson Lee	Pascarell
						DeGette	(TX)	Pastor (AZ)
						DeLauro	Jenkins	Paulsen
						Denham	Johnson (GA)	Pearce

NOES—314

NOT VOTING—10

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining.

□ 2139

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated for:
Mr. FILNER. Mr. Chair, on rollcall No. 144,
I was away from the Capitol due to prior com-
mitments to my constituents. Had I been
present, I would have voted “aye.”

AMENDMENT NO. 3 IN THE NATURE OF A
SUBSTITUTE OFFERED BY MR. COOPER

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Tennessee (Mr. COO-
PER) on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 38, noes 382,
answered “present” 2, not voting 9, as
follows:

[Roll No. 145]

AYES—38

Andrews	Dold	Perlmutter
Bass (NH)	Fattah	Peterson
Boren	Gibson	Petri
Boswell	Himes	Platts
Buerkle	Johnson (IL)	Polis
Kind	Kind	Quigley
Clyburn	Larsen (WA)	Reed
Cooper	LaTourette	Schrader
Costa	Lipinski	Schwartz
Cuellar	Lummis	Shimkus
Dent	Meehan	

Pelosi	Rush	Terry
Pence	Ryan (OH)	Thompson (CA)
Peters	Ryan (WI)	Thompson (MS)
Pingree (ME)	Sánchez, Linda	Thompson (PA)
Pitts	T.	Thornberry
Poe (TX)	Sanchez, Loretta	Tiberi
Pompeo	Sarbanes	Tierney
Posey	Scalise	Tipton
Price (GA)	Schakowsky	Tonko
Price (NC)	Schiff	Tsongas
Quayle	Schilling	Turner (NY)
Rahall	Schmidt	Turner (OH)
Rehberg	Schock	Upton
Reichert	Schweikert	Van Hollen
Renacci	Scott (SC)	Velázquez
Reyes	Scott (VA)	Walberg
Ribble	Scott, Austin	Walden
Richardson	Scott, David	Walsh (IL)
Richmond	Sensenbrenner	Walz (MN)
Rigell	Serrano	Wasserman
Rivera	Sessions	Schultz
Roby	Sewell	Waters
Roe (TN)	Sherman	Waxman
Rogers (AL)	Shuster	Webster
Rogers (KY)	Sires	Welch
Rogers (MI)	Slaughter	West
Rohrabacher	Smith (NE)	Westmoreland
Rokita	Smith (NJ)	Whitfield
Rooney	Smith (TX)	Wilson (FL)
Ros-Lehtinen	Smith (WA)	Wilson (SC)
Roskam	Southerland	Wittman
Ross (AR)	Speier	Womack
Ross (FL)	Stark	Woodall
Rothman (NJ)	Stearns	Woolsey
Roybal-Allard	Stivers	Yarmuth
Royce	Stutzman	Yoder
Runyan	Sullivan	Young (FL)
Ruppersberger	Sutton	Young (IN)

ANSWERED "PRESENT"—2

Connolly (VA) Moran

NOT VOTING—9

Cardoza	Jackson (IL)	Paul
Deutch	Mack	Rangel
Filner	Meeks	Towns

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 2146

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 145, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Mr. RYAN of Wisconsin. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIBERI) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4281, SURFACE TRANSPORTATION EXTENSION ACT OF 2012

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report

(Rept. No. 112-424) on the resolution (H. Res. 600) providing for consideration of the bill (H.R. 4281) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, which was referred to the House Calendar and ordered to be printed.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013

The SPEAKER pro tempore. Pursuant to House Resolution 597 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution, H. Con. Res. 112.

Will the gentleman from Kansas kindly retake the chair.

□ 2147

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the concurrent resolution.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 3 printed in House Report 112-423 offered by the gentleman from Tennessee (Mr. COOPER) had been disposed of.

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HONDA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-423.

Mr. HONDA. Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013:	\$2,197,368,000.
Fiscal year 2014:	\$2,612,409,000.
Fiscal year 2015:	\$2,881,422,000.
Fiscal year 2016:	\$3,106,522,000.
Fiscal year 2017:	\$3,301,143,000.
Fiscal year 2018:	\$3,452,783,000.

Fiscal year 2019:	\$3,660,783,000.
Fiscal year 2020:	\$3,855,297,000.
Fiscal year 2021:	\$4,043,898,000.
Fiscal year 2022:	\$4,236,911,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013:	-\$74,614,000,000.
Fiscal year 2014:	\$115,212,000,000.
Fiscal year 2015:	\$156,357,000,000.
Fiscal year 2016:	\$220,790,000,000.
Fiscal year 2017:	\$279,347,000,000.
Fiscal year 2018:	\$291,219,000,000.
Fiscal year 2019:	\$342,648,000,000.
Fiscal year 2020:	\$356,393,000,000.
Fiscal year 2021:	\$353,732,000,000.
Fiscal year 2022:	\$345,788,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013:	\$3,309,878,000,000.
Fiscal year 2014:	\$3,255,223,000,000.
Fiscal year 2015:	\$3,353,099,000,000.
Fiscal year 2016:	\$3,524,427,000,000.
Fiscal year 2017:	\$3,677,543,000,000.
Fiscal year 2018:	\$3,829,402,000,000.
Fiscal year 2019:	\$4,044,242,000,000.
Fiscal year 2020:	\$4,257,245,000,000.
Fiscal year 2021:	\$4,444,546,000,000.
Fiscal year 2022:	\$4,698,785,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013:	\$3,287,716,000,000.
Fiscal year 2014:	\$3,261,796,000,000.
Fiscal year 2015:	\$3,352,964,000,000.
Fiscal year 2016:	\$3,532,436,000,000.
Fiscal year 2017:	\$3,649,001,000,000.
Fiscal year 2018:	\$3,783,230,000,000.
Fiscal year 2019:	\$3,998,222,000,000.
Fiscal year 2020:	\$4,194,577,000,000.
Fiscal year 2021:	\$4,395,373,000,000.
Fiscal year 2022:	\$4,657,085,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2013:	-\$1,090,348,000,000.
Fiscal year 2014:	-\$649,387,000.
Fiscal year 2015:	-\$471,542,000.
Fiscal year 2016:	-\$425,914,000.
Fiscal year 2017:	-\$347,858,000.
Fiscal year 2018:	-\$330,447,000.
Fiscal year 2019:	-\$337,439,000.
Fiscal year 2020:	-\$339,280,000.
Fiscal year 2021:	-\$351,475,000.
Fiscal year 2022:	-\$420,174,000.

(5) DEBT SUBJECT TO LIMIT.—The appropriate levels of the public debt are as follows:

Fiscal year 2013:	\$17,467,000,000,000.
Fiscal year 2014:	\$18,240,000,000,000.
Fiscal year 2015:	\$18,804,000,000,000.
Fiscal year 2016:	\$19,308,000,000,000.
Fiscal year 2017:	\$19,733,000,000,000.
Fiscal year 2018:	\$20,129,000,000,000.
Fiscal year 2019:	\$20,506,000,000,000.
Fiscal year 2020:	\$20,867,000,000,000.
Fiscal year 2021:	\$21,223,000,000,000.
Fiscal year 2022:	\$21,621,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013:	\$12,655,000,000,000.
Fiscal year 2014:	\$13,331,000,000,000.
Fiscal year 2015:	\$13,787,000,000,000.
Fiscal year 2016:	\$14,152,000,000,000.
Fiscal year 2017:	\$14,390,000,000,000.
Fiscal year 2018:	\$14,577,000,000,000.
Fiscal year 2019:	\$14,755,000,000,000.
Fiscal year 2020:	\$14,927,000,000,000.
Fiscal year 2021:	\$15,107,000,000,000.

Fiscal year 2022: \$15,357,000,000,000.

SEC. 2. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2013 through 2022 for each major functional category are:

- (1) National Defense (050):
Fiscal year 2013:
(A) New budget authority, \$659,719,000,000.
(B) Outlays, \$669,687,000,000.
Fiscal year 2014:
(A) New budget authority, \$532,574,000,000.
(B) Outlays, \$585,818,000,000.
Fiscal year 2015:
(A) New budget authority, \$526,836,000,000.
(B) Outlays, \$546,976,000,000.
Fiscal year 2016:
(A) New budget authority, \$528,581,000,000.
(B) Outlays, \$539,638,000,000.
Fiscal year 2017:
(A) New budget authority, \$539,841,000,000.
(B) Outlays, \$536,425,000,000.
Fiscal year 2018:
(A) New budget authority, \$551,797,000,000.
(B) Outlays, \$537,397,000,000.
Fiscal year 2019:
(A) New budget authority, \$560,862,000,000.
(B) Outlays, \$551,693,000,000.
Fiscal year 2020:
(A) New budget authority, \$571,661,000,000.
(B) Outlays, \$561,905,000,000.
Fiscal year 2021:
(A) New budget authority, \$586,462,000,000.
(B) Outlays, \$574,908,000,000.
Fiscal year 2022:
(A) New budget authority, \$601,815,000,000.
(B) Outlays, \$595,149,000,000.
(2) International Affairs (150):
Fiscal year 2013:
(A) New budget authority, \$73,837,000,000.
(B) Outlays, \$64,498,000,000.
Fiscal year 2014:
(A) New budget authority, \$66,309,000,000.
(B) Outlays, \$66,844,000,000.
Fiscal year 2015:
(A) New budget authority, \$62,079,000,000.
(B) Outlays, \$65,518,000,000.
Fiscal year 2016:
(A) New budget authority, \$59,507,000,000.
(B) Outlays, \$64,501,000,000.
Fiscal year 2017:
(A) New budget authority, \$62,004,000,000.
(B) Outlays, \$64,334,000,000.
Fiscal year 2018:
(A) New budget authority, \$64,068,000,000.
(B) Outlays, \$64,237,000,000.
Fiscal year 2019:
(A) New budget authority, \$65,148,000,000.
(B) Outlays, \$63,132,000,000.
Fiscal year 2020:
(A) New budget authority, \$66,977,000,000.
(B) Outlays, \$63,515,000,000.
Fiscal year 2021:
(A) New budget authority, \$68,872,000,000.
(B) Outlays, \$65,132,000,000.
Fiscal year 2022:
(A) New budget authority, \$71,074,000,000.
(B) Outlays, \$67,005,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2013:
(A) New budget authority, \$37,106,000,000.
(B) Outlays, \$35,204,000,000.
Fiscal year 2014:
(A) New budget authority, \$40,096,000,000.
(B) Outlays, \$38,135,000,000.
Fiscal year 2015:
(A) New budget authority, \$39,366,000,000.
(B) Outlays, \$38,957,000,000.
Fiscal year 2016:
(A) New budget authority, \$38,701,000,000.
(B) Outlays, \$38,875,000,000.
Fiscal year 2017:
(A) New budget authority, \$39,331,000,000.
(B) Outlays, \$39,142,000,000.
Fiscal year 2018:
(A) New budget authority, \$40,034,000,000.
(B) Outlays, \$39,687,000,000.
Fiscal year 2019:
(A) New budget authority, \$40,742,000,000.
(B) Outlays, \$40,260,000,000.
Fiscal year 2020:
(A) New budget authority, \$41,821,000,000.
(B) Outlays, \$41,127,000,000.
Fiscal year 2021:
(A) New budget authority, \$42,936,000,000.
(B) Outlays, \$42,068,000,000.
Fiscal year 2022:
(A) New budget authority, \$44,073,000,000.
(B) Outlays, \$43,163,000,000.
(4) Energy (270):
Fiscal year 2013:
(A) New budget authority, \$22,101,000,000.
(B) Outlays, \$21,223,000,000.
Fiscal year 2014:
(A) New budget authority, \$25,537,000,000.
(B) Outlays, \$22,344,000,000.
Fiscal year 2015:
(A) New budget authority, \$22,580,000,000.
(B) Outlays, \$22,315,000,000.
Fiscal year 2016:
(A) New budget authority, \$20,022,000,000.
(B) Outlays, \$21,198,000,000.
Fiscal year 2017:
(A) New budget authority, \$19,741,000,000.
(B) Outlays, \$20,124,000,000.
Fiscal year 2018:
(A) New budget authority, \$19,586,000,000.
(B) Outlays, \$19,336,000,000.
Fiscal year 2019:
(A) New budget authority, \$19,523,000,000.
(B) Outlays, \$19,308,000,000.
Fiscal year 2020:
(A) New budget authority, \$20,223,000,000.
(B) Outlays, \$19,476,000,000.
Fiscal year 2021:
(A) New budget authority, \$20,896,000,000.
(B) Outlays, \$19,984,000,000.
Fiscal year 2022:
(A) New budget authority, \$21,716,000,000.
(B) Outlays, \$20,693,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2013:
(A) New budget authority, \$46,024,000,000.
(B) Outlays, \$46,772,000,000.
Fiscal year 2014:
(A) New budget authority, \$48,969,000,000.
(B) Outlays, \$49,207,000,000.
Fiscal year 2015:
(A) New budget authority, \$48,398,000,000.
(B) Outlays, \$49,941,000,000.
Fiscal year 2016:
(A) New budget authority, \$48,221,000,000.
(B) Outlays, \$49,503,000,000.
Fiscal year 2017:
(A) New budget authority, \$49,558,000,000.
(B) Outlays, \$50,232,000,000.
Fiscal year 2018:
(A) New budget authority, \$51,348,000,000.
(B) Outlays, \$50,517,000,000.
Fiscal year 2019:
(A) New budget authority, \$52,593,000,000.
(B) Outlays, \$51,636,000,000.
Fiscal year 2020:
(A) New budget authority, \$54,599,000,000.
(B) Outlays, \$53,234,000,000.
Fiscal year 2021:
(A) New budget authority, \$55,593,000,000.
(B) Outlays, \$54,455,000,000.
Fiscal year 2022:
(A) New budget authority, \$57,150,000,000.
(B) Outlays, \$55,777,000,000.
(6) Agriculture (350):
Fiscal year 2013:
(A) New budget authority, \$21,228,000,000.
(B) Outlays, \$24,125,000,000.
Fiscal year 2014:

- (A) New budget authority, \$17,892,000,000.
(B) Outlays, \$17,723,000,000.
Fiscal year 2015:
(A) New budget authority, \$18,721,000,000.
(B) Outlays, \$18,214,000,000.
Fiscal year 2016:
(A) New budget authority, \$19,944,000,000.
(B) Outlays, \$19,494,000,000.
Fiscal year 2017:
(A) New budget authority, \$19,796,000,000.
(B) Outlays, \$19,333,000,000.
Fiscal year 2018:
(A) New budget authority, \$18,887,000,000.
(B) Outlays, \$18,362,000,000.
Fiscal year 2019:
(A) New budget authority, \$17,823,000,000.
(B) Outlays, \$17,343,000,000.
Fiscal year 2020:
(A) New budget authority, \$18,066,000,000.
(B) Outlays, \$17,617,000,000.
Fiscal year 2021:
(A) New budget authority, \$18,592,000,000.
(B) Outlays, \$18,131,000,000.
Fiscal year 2022:
(A) New budget authority, \$18,947,000,000.
(B) Outlays, \$18,495,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2013:
(A) New budget authority, \$10,502,000,000.
(B) Outlays, \$11,855,000,000.
Fiscal year 2014:
(A) New budget authority, \$19,282,000,000.
(B) Outlays, \$6,586,000,000.
Fiscal year 2015:
(A) New budget authority, \$18,044,000,000.
(B) Outlays, \$5,505,000,000.
Fiscal year 2016:
(A) New budget authority, \$17,529,000,000.
(B) Outlays, \$3,152,000,000.
Fiscal year 2017:
(A) New budget authority, \$19,060,000,000.
(B) Outlays, \$2,846,000,000.
Fiscal year 2018:
(A) New budget authority, \$20,636,000,000.
(B) Outlays, \$3,592,000,000.
Fiscal year 2019:
(A) New budget authority, \$22,134,000,000.
(B) Outlays, -\$853,000,000.
Fiscal year 2020:
(A) New budget authority, \$24,229,000,000.
(B) Outlays, \$362,000,000.
Fiscal year 2021:
(A) New budget authority, \$25,554,000,000.
(B) Outlays, \$8,580,000,000.
Fiscal year 2022:
(A) New budget authority, \$30,812,000,000.
(B) Outlays, \$12,616,000,000.
(8) Transportation (400):
Fiscal year 2013:
(A) New budget authority, \$105,774,000,000.
(B) Outlays, \$105,474,000,000.
Fiscal year 2014:
(A) New budget authority, \$112,473,000,000.
(B) Outlays, \$108,565,000,000.
Fiscal year 2015:
(A) New budget authority, \$119,935,000,000.
(B) Outlays, \$113,853,000,000.
Fiscal year 2016:
(A) New budget authority, \$126,924,000,000.
(B) Outlays, \$119,215,000,000.
Fiscal year 2017:
(A) New budget authority, \$133,899,000,000.
(B) Outlays, \$124,357,000,000.
Fiscal year 2018:
(A) New budget authority, \$130,944,000,000.
(B) Outlays, \$127,535,000,000.
Fiscal year 2019:
(A) New budget authority, \$132,922,000,000.
(B) Outlays, \$130,484,000,000.
Fiscal year 2020:
(A) New budget authority, \$134,989,000,000.
(B) Outlays, \$132,385,000,000.
Fiscal year 2021:
(A) New budget authority, \$137,095,000,000.

(B) Outlays, \$133,770,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$139,283,000,000.
 (B) Outlays, \$136,230,000,000.
 (9) Community and Regional Development (450):
 Fiscal year 2013:
 (A) New budget authority, \$26,408,000,000.
 (B) Outlays, \$29,335,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$29,083,000,000.
 (B) Outlays, \$30,381,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$28,155,000,000.
 (B) Outlays, \$30,848,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$27,273,000,000.
 (B) Outlays, \$28,966,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$27,679,000,000.
 (B) Outlays, \$27,929,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$28,124,000,000.
 (B) Outlays, \$27,607,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$28,575,000,000.
 (B) Outlays, \$27,684,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$29,381,000,000.
 (B) Outlays, \$28,194,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$30,215,000,000.
 (B) Outlays, \$28,943,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$31,072,000,000.
 (B) Outlays, \$29,813,000,000.
 (10) Education, Training, Employment, and Social Services (500):
 Fiscal year 2013:
 (A) New budget authority, \$215,477,000,000.
 (B) Outlays, \$216,894,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$133,185,000,000.
 (B) Outlays, \$134,848,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$108,627,000,000.
 (B) Outlays, \$108,401,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$113,637,000,000.
 (B) Outlays, \$113,530,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$124,002,000,000.
 (B) Outlays, \$120,819,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$128,980,000,000.
 (B) Outlays, \$127,822,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$133,164,000,000.
 (B) Outlays, \$131,731,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$135,479,000,000.
 (B) Outlays, \$134,698,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$138,104,000,000.
 (B) Outlays, \$137,088,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$141,118,000,000.
 (B) Outlays, \$139,748,000,000.
 (11) Health (550):
 Fiscal year 2013:
 (A) New budget authority, \$392,643,000,000.
 (B) Outlays, \$383,806,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$490,114,000,000.
 (B) Outlays, \$475,603,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$558,189,000,000.
 (B) Outlays, \$552,620,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$605,699,000,000.
 (B) Outlays, \$609,918,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$649,911,000,000.
 (B) Outlays, \$652,349,000,000.

Fiscal year 2018:
 (A) New budget authority, \$687,213,000,000.
 (B) Outlays, \$685,849,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$729,703,000,000.
 (B) Outlays, \$728,299,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$784,569,000,000.
 (B) Outlays, \$772,420,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$825,999,000,000.
 (B) Outlays, \$823,927,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$882,501,000,000.
 (B) Outlays, \$879,975,000,000.
 (12) Medicare (570):
 Fiscal year 2013:
 (A) New budget authority, \$528,399,000,000.
 (B) Outlays, \$528,311,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$553,553,000,000.
 (B) Outlays, \$552,856,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$579,388,000,000.
 (B) Outlays, \$578,948,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$629,995,000,000.
 (B) Outlays, \$629,761,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$648,217,000,000.
 (B) Outlays, \$647,496,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$670,465,000,000.
 (B) Outlays, \$670,015,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$733,652,000,000.
 (B) Outlays, \$733,400,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$786,074,000,000.
 (B) Outlays, \$785,321,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$837,885,000,000.
 (B) Outlays, \$837,396,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$917,799,000,000.
 (B) Outlays, \$917,656,000,000.
 (13) Income Security (600):
 Fiscal year 2013:
 (A) New budget authority, \$600,167,000,000.
 (B) Outlays, \$589,067,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$622,434,000,000.
 (B) Outlays, \$611,955,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$620,983,000,000.
 (B) Outlays, \$617,542,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$611,032,000,000.
 (B) Outlays, \$614,698,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$604,154,000,000.
 (B) Outlays, \$602,171,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$607,469,000,000.
 (B) Outlays, \$600,968,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$625,364,000,000.
 (B) Outlays, \$623,236,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$640,917,000,000.
 (B) Outlays, \$638,419,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$658,585,000,000.
 (B) Outlays, \$655,964,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$681,071,000,000.
 (B) Outlays, \$683,338,000,000.
 (14) Social Security (650):
 Fiscal year 2013:
 (A) New budget authority, \$53,216,000,000.
 (B) Outlays, \$53,296,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$31,892,000,000.
 (B) Outlays, \$32,002,000,000.

Fiscal year 2015:
 (A) New budget authority, \$35,135,000,000.
 (B) Outlays, \$35,210,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$38,953,000,000.
 (B) Outlays, \$38,991,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$43,140,000,000.
 (B) Outlays, \$43,140,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$47,590,000,000.
 (B) Outlays, \$47,590,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$52,429,000,000.
 (B) Outlays, \$52,429,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$57,425,000,000.
 (B) Outlays, \$57,425,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$62,604,000,000.
 (B) Outlays, \$62,604,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$68,079,000,000.
 (B) Outlays, \$68,079,000,000.
 (15) Veterans Benefits and Services (700):
 Fiscal year 2013:
 (A) New budget authority, \$149,224,000,000.
 (B) Outlays, \$145,567,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$156,328,000,000.
 (B) Outlays, \$152,548,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$157,222,000,000.
 (B) Outlays, \$156,643,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$163,556,000,000.
 (B) Outlays, \$163,960,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$162,499,000,000.
 (B) Outlays, \$162,122,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$161,341,000,000.
 (B) Outlays, \$160,695,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$171,034,000,000.
 (B) Outlays, \$170,211,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$176,196,000,000.
 (B) Outlays, \$174,995,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$181,451,000,000.
 (B) Outlays, \$180,089,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$192,540,000,000.
 (B) Outlays, \$191,089,000,000.
 (16) Administration of Justice (750):
 Fiscal year 2013:
 (A) New budget authority, \$71,906,000,000.
 (B) Outlays, \$64,625,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$66,516,000,000.
 (B) Outlays, \$66,844,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$66,602,000,000.
 (B) Outlays, \$68,316,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$68,761,000,000.
 (B) Outlays, \$70,667,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$68,641,000,000.
 (B) Outlays, \$70,168,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$70,425,000,000.
 (B) Outlays, \$71,745,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$72,400,000,000.
 (B) Outlays, \$72,514,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$74,692,000,000.
 (B) Outlays, \$73,924,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$77,213,000,000.
 (B) Outlays, \$76,341,000,000.
 Fiscal year 2022:

(A) New budget authority, \$83,484,000,000.
 (B) Outlays, \$82,533,000,000.
 (17) General Government (800):
 Fiscal year 2013:
 (A) New budget authority, \$24,636,000,000.
 (B) Outlays, \$26,466,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$25,311,000,000.
 (B) Outlays, \$25,862,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$25,950,000,000.
 (B) Outlays, \$26,268,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$26,692,000,000.
 (B) Outlays, \$26,969,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$27,287,000,000.
 (B) Outlays, \$27,231,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$28,186,000,000.
 (B) Outlays, \$27,967,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$29,097,000,000.
 (B) Outlays, \$28,638,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$29,877,000,000.
 (B) Outlays, \$29,490,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$30,771,000,000.
 (B) Outlays, \$30,274,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$31,715,000,000.
 (B) Outlays, \$31,190,000,000.
 (18) Net Interest (900):
 Fiscal year 2013:
 (A) New budget authority, \$347,247,000,000.
 (B) Outlays, \$347,247,000,000.
 Fiscal year 2014:
 (A) New budget authority, \$361,372,000,000.
 (B) Outlays, \$361,372,000,000.
 Fiscal year 2015:
 (A) New budget authority, \$400,420,000,000.
 (B) Outlays, \$400,420,000,000.
 Fiscal year 2016:
 (A) New budget authority, \$464,626,000,000.
 (B) Outlays, \$464,626,000,000.
 Fiscal year 2017:
 (A) New budget authority, \$532,290,000,000.
 (B) Outlays, \$532,290,000,000.
 Fiscal year 2018:
 (A) New budget authority, \$599,375,000,000.
 (B) Outlays, \$599,375,000,000.
 Fiscal year 2019:
 (A) New budget authority, \$660,922,000,000.
 (B) Outlays, \$660,922,000,000.
 Fiscal year 2020:
 (A) New budget authority, \$712,948,000,000.
 (B) Outlays, \$712,948,000,000.
 Fiscal year 2021:
 (A) New budget authority, \$752,887,000,000.
 (B) Outlays, \$752,887,000,000.
 Fiscal year 2022:
 (A) New budget authority, \$794,191,000,000.
 (B) Outlays, \$794,191,000,000.
 (19) Allowances (920):
 Fiscal year 2013:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2014:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2015:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2016:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2017:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2018:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2019:

(A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2020:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2021:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 Fiscal year 2022:
 (A) New budget authority, \$0.00
 (B) Outlays, \$0.00
 (20) Undistributed Offsetting Receipts (950):
 Fiscal year 2013:
 (A) New budget authority, -\$75,736,000,000.
 (B) Outlays, -\$75,736,000,000.
 Fiscal year 2014:
 (A) New budget authority, -\$77,697,000,000.
 (B) Outlays, -\$77,697,000,000.
 Fiscal year 2015:
 (A) New budget authority, -\$83,531,000,000.
 (B) Outlays, -\$83,531,000,000.
 Fiscal year 2016:
 (A) New budget authority, -\$85,226,000,000.
 (B) Outlays, -\$85,226,000,000.
 Fiscal year 2017:
 (A) New budget authority, -\$93,507,000,000.
 (B) Outlays, -\$93,507,000,000.
 Fiscal year 2018:
 (A) New budget authority, -\$97,066,000,000.
 (B) Outlays, -\$97,066,000,000.
 Fiscal year 2019:
 (A) New budget authority, -\$103,845,000,000.
 (B) Outlays, -\$103,845,000,000.
 Fiscal year 2020:
 (A) New budget authority, -\$102,878,000,000.
 (B) Outlays, -\$102,878,000,000.
 Fiscal year 2021:
 (A) New budget authority, -\$107,168,000,000.
 (B) Outlays, -\$107,168,000,000.
 Fiscal year 2022:
 (A) New budget authority, -\$109,655,000,000.
 (B) Outlays, -\$109,655,000,000.

The Acting CHAIR. Pursuant to House Resolution 597, the gentleman from California (Mr. HONDA) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California.

□ 2150

Mr. HONDA. Thank you, Mr. Chairman.

Mr. Chairman, this session of Congress represents a unique opportunity in history to accomplish something great. The pending sequester, the overwhelming number of tax provisions set to expire, and the threat of growing debt must force us to make decisions. Inaction is not an option.

The amendment before us today is more than just a set of numbers. It's a pathway forward. It's a solution. The Progressive Caucus developed the solution by listening to what the American people want. They want shared responsibility and prosperity. They want us to protect the social safety network. They want basic fairness. They want fiscal sanity. That is exactly what this plan provides.

First and foremost, we focused our attention where it is needed the most: job creation. This proposal is estimated to create 3.3 million jobs over the next 2 years because it uses every single tool in the Federal Government's arsenal: One, direct and local hire programs; two, targeted tax incentives;

and, three, widespread domestic investments.

Instead, the Republican budget relies on trickle-down voodoo economics that haven't worked before and won't work now. Projections show that the GOP plan would kill 4.1 million jobs in the next 2 years alone.

Americans deserve proven solutions, a growing economy, and financial security for themselves and their loved ones. The Progressive Caucus is listening: We invest in America now and lay the foundation for a globally competitive future.

We need to invest in human capital, education, first-class infrastructure, and cutting edge technologies. This is the kind of thinking that built a successful economy in the past, and it is the real roadmap to prosperity.

Secondly, the Progressive Caucus believes that Medicare, Medicaid, and Social Security are not up for negotiation. The Republican budget treats our seniors and working families like lab rats, subjecting these important programs to grand conservative experiments.

What the Budget for All proves is that we don't need to put these essential programs on the chopping block. Their assumptions are wrong, and we can do better.

As the primary author of the Budget for All, I'm proud of the transparency of what we put before the American people. What we've released to the public and what we put online is very clear about the policies we stand for and those we oppose.

Instead, the Republican budget focuses so much on what they don't like about the President's proposal that we are left with little details about how they feel they achieve their end goals. It is so scarce on details that The Washington Post referred to it as "dangerous and intentionally vague."

It claims lower taxes for all, but there are no real details on how to get there. It claims substantial deficit reduction, but assumes trillions in lost revenue will magically return.

The Republican plan hides the real substance behind their proposals because that is the truly hard part of governing. Being honest with the American people isn't easy, but in these difficult times it's the very least that we can do.

I urge my colleagues to support honest and responsible solutions.

I urge a "yes" vote on this amendment.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from California is recognized for 15 minutes.

Mr. MCCLINTOCK. Mr. Chairman, I yield myself 5 minutes.

I want to congratulate the Progressive Caucus on producing a budget that

actually addresses our crushing deficit, unlike the President's budget. Their budget produces deficit numbers that are right in line with the House Budget Committee's path to prosperity.

The difference between the two is that the Republican plan reduces the deficit by reorganizing our government services in a much more efficient and streamlined structure, saving trillions of dollars, while the Progressive Democrats would radically increase spending, supported by \$6.8 trillion in new taxes over the next decade.

What does that mean in real numbers, \$6.8 trillion? It comes to about \$22,000 of taxes for every, man, woman, and child in America. That's about \$88,000 for a family of four. Don't worry, we're told, we're not taxing working class families, just rich people and corporations.

Let's get a few things straight here. First, it turns out that many of the rich people aren't rich, and they aren't even people. They are small businesses filing under Subchapter S, the very same small businesses that we're depending upon to create two-thirds of the new jobs that Americans desperately need. To whack small businesses with crushing new financial burdens and then expect them to create more jobs is simply absurd.

Second, remember that ultimately businesses do not pay business taxes. Business taxes can only be paid in one of three ways: They're paid by consumers through higher prices; they're paid by employees through lower wages or no wages at all as jobs disappear; or they are paid by investors, mainly pension plans, through lower earnings. That's the only three ways they can possibly be paid.

Let's talk about fairness. In 2008, the top 1 percent of taxpayers, folks earning about \$344,000 per year, earned about 17 percent of all income and paid 37 percent of all income taxes. As a class, they are paying their fair share, but the Progressives are right that some individuals within this class pay less than their fair share because of their disproportionate access to tax loopholes. The Progressives rightly want to get rid of some of these loopholes, and that's a good thing. But at the same time, they want to increase loopholes for others. They don't mind the government picking winners among their friends; they just want to do the picking.

The Republican plan calls for the ultimate elimination of these loopholes while lowering overall tax rates so that no American pays more than a third of their earnings to the government. That is fairness.

The underlying problem that's destroying our Nation's finances can be summed up with three simple numbers: 35, 33, and 76.

Between 2002 and 2012, population and inflation combined grew 35 percent. De-

spite the recession and the recent tax cuts, Federal revenues have grown 33 percent in the same period. Very close.

The third number is what is killing our country. Seventy-six percent is the increase in spending, twice the rate of our revenues, twice the rate of inflation and population growth. By the way, has anybody seen a 76 percent increase in the quality of our roads or our institutions or our law enforcement or our border security? We paid for it, but we're not getting it. That's what's out of control about this administration.

No nation has ever taxed and spent its way to prosperity, but many nations have taxed and spent their way to economic ruin and bankruptcy.

When we're told this is the worst recession since the Depression, I remember a time much more recently when we had not only double-digit unemployment, but double-digit inflation, mile-long lines around gas stations, interest rates at 21½ percent. That was the end of the Carter administration.

Maybe we don't remember those days as vividly. It's because they didn't last very long. We elected Ronald Reagan, whose policies were very different than the current administration. He cut spending as a percentage of GDP. He cut the top marginal income tax rate from 70 percent all the way down to 28 percent. He reduced the regulatory burdens crushing the economy, and he produced one of the most prolonged periods of economic expansion in our Nation's history. This isn't a partisan policy. Warren Harding, Harry Truman, John F. Kennedy, and most recently Bill Clinton all followed similar policies with similar results.

Phil Graham recently estimated that if the economy today had tracked with the Reagan economy, 17 million more Americans would be working right now and income would be \$5,700 higher per person.

We need to choose wisely, Mr. Chairman, here and at the polls in November.

I reserve the balance of my time.

Mr. HONDA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota, Congressman ELLISON.

□ 2200

Mr. ELLISON. Mr. Chairman, allow me to go right to the heart of the matter. We're talking about budgets and how our Nation shall spend money over the course of years. What we're dealing with now is we're dealing with unemployment, and this budget is no decent budget at all unless it deals with jobs. Now, the Budget for All, which is the Progressive Caucus budget, is all about jobs. We make investments in people developing our workforce, developing education and putting Americans back to work.

America has work that needs to be done. We've got about \$2 trillion worth

of crumbling infrastructure which Republicans don't invest in. America has jobs that need to be done. We've got people that need to do them, and we have privileged Americans in corporations who have the money that, if they were to give it in the way of taxes as the dues we pay to live in a civilized society, we could combine these three elements to put America back to work.

Now, I'm proud to stand with the Budget for All because it makes the priority of jobs the key thing, but it also invests in America's future and reduces the deficit. We're serious about that. I'd like to make sure that others are, too, and don't just say so.

We've got to put America back to work. The Budget for All does that. We urge support for the Budget for All.

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield 2 minutes to the Member from Indiana, a member of the Budget Committee, Mr. YOUNG.

Mr. YOUNG of Indiana. Mr. Chairman, as our national recession near its fourth year, unemployment stays above 8 percent and gas prices continue to skyrocket, our brave men and women continue to serve in harm's way overseas, this Nation is in trouble, and I wonder which of the following choices would Americans choose if they had to pick one. Would it be A, an across-the-board income tax increase? Would it be B, a new tax increase on gas, electricity, and natural gas? Would it be C, a cut in funding for our soldiers to levels that the Pentagon warns is dangerous to our national security?

Now, I suspect, Mr. Chairman, that the American people, if given the choice, would prefer to have an option D, none of the above. But, unfortunately, they're not given this choice in the Progressive Caucus budget. It forces, instead, all three unpalatable options on the American public that is already struggling.

It raises taxes in every income tax bracket to the tune of \$4.4 trillion, it raises the price at the pump and on utility bills ever higher by creating a new tax on all fossil fuel-based energy sources, and it makes no attempt to offset the defense spending sequester. And while I do commend my colleagues for making the effort to develop solutions to the Nation's problems and getting specific on those solutions, I think the American people can do better.

We House Republicans have given Americans that none-of-the-above option through our own budget. Our budget responsibly solves our Nation's debt challenges, it responsibly cuts our spending, it avoids a tax increase, and it strengthens programs like Medicare and Medicaid, important to so many Americans. Most importantly, it does so by lightening the burden of government on hardworking American taxpayers, not burdening them with more government.

I respect my colleagues, and urge my colleagues, however, to vote against the Progressive Caucus budget.

Mr. HONDA. Mr. Chairman, I yield 1 minute to our next speaker, who is the founder of the Progressive Caucus, the proud Congresswoman WOOLSEY.

Ms. WOOLSEY. Mr. Chairman, the Budget for All rearranges our national security spending priorities in a way that keeps America safe instead of keeping America bogged down in expensive, immoral wars. By bringing our troops home from Afghanistan, we save over \$1 trillion over 10 years. We reinvest that money in the American people, their education, their health care, their infrastructure, their retirement security, and their hopes and their dreams.

There's money left over to beef up SMART Security priorities—development, diplomacy, foreign and humanitarian aid—the tools that will truly combat terrorism and protect our Nation in the 21st century.

We get rid of ancient, obsolete Cold War weapons systems that are doing nothing to address today's security threats as well. We also take care of our veterans, and we dramatically reduce our nuclear arsenal.

I urge all Members, read this budget and embrace it, because it truly reflects the values and priorities of the American people—the Congressional Progressive Caucus' Budget for All.

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. FLORES).

Mr. FLORES. I thank my colleague, Mr. MCCLINTOCK.

Mr. Chairman, the Progressive Caucus budget amendment creates devastating cuts to our Nation's defense. Our Federal Government's primary responsibility under the Constitution is to provide for the common defense for the security of all Americans. This budget amendment causes the Federal Government to abdicate this important responsibility.

This substitute amendment guts the Defense Department by calling for cuts that are \$900 billion deeper than the nearly half a trillion dollars that the President already proposed to be cut from the defense plan that he proposed just 1 year ago.

This substitute has no specific plan to replace the sequester, which Secretary of Defense Panetta said would have catastrophic consequences and which would devastate our Department of Defense.

This amendment ignores our constitutional responsibility and tells our troops in the field that, regardless of where the mission is and what state it's in, that we're going to cut all funding. This comes despite the fact that U.S. commanders have made it clear that there will be a continued role for the U.S. in Afghanistan even after Afghanistan security forces assume lead responsibility for security.

This budget amendment also ignores the economic impact that deep defense cuts will have on low- and middle-income Americans that work for the Department of Defense or work for suppliers of the Department of Defense.

Our Nation suffers from a growing number of low-income families and high levels of poverty. We also have more people on food stamps than ever before. This is not the time to cut spending on the one Federal Government function that is specifically called for in our Constitution.

The American people, as you hear from the other side, are looking for fairness. Cutting defense funding, as our colleagues are trying to do here, is not fair to the economic and military security of this country.

This proposed budget amendment, as well as the President's budget, which was soundly defeated a few minutes ago, are not fair for America. What is fair is to set forth a budget which approves the atmosphere for job creation and which stimulates economic growth by relying on Main Street American solutions.

If the Progressive Caucus and the Obama budgets are looking for fairness, they should not be looking to cut the Department of Defense. I urge my colleagues to oppose this substitute amendment so that we can ensure the safety and security of the brave men and women serving our country and for the American workers who support them.

In the alternative, I urge my colleagues to support the House Budget Committee's FY 2013 budget. It is the budget that will restore America's promise, prosperity, and security for future generations.

Mr. HONDA. Mr. Chairman, next I yield 1 minute to the gentlelady from California, the gentlelady from where there's a there, Ms. BARBARA LEE.

Ms. LEE of California. Let me first thank Congressman HONDA, Congressmen GRIJALVA and ELLISON, and all of the CPC members for their tireless effort on this budget, Congresswoman WOOLSEY, and all our members who really put so much time and effort into this. I'm proud to be a cosponsor of the Budget for All because the American people must have an honest budget that does not blame the poor for the problems created by the superrich.

The Tea Party Republican budget for the 1 percent does just that. Their budget only cuts programs for our seniors, our children, and our Nation's working poor and vulnerable, while giving away \$4.4 trillion in tax cuts for the superrich. And for all of their heartless cuts that end Medicare, hurt our children, close schools, and fire police officers, they don't even come close to balancing the budget because they can't stop themselves from giving away trillions to the special interest Big Oil and the top 1 percent.

I strongly believe that a budget is a moral document that shows our Nation's priorities and values. Like the Congressional Black Caucus' budget, the Congressional Progressive Caucus budget is a moral budget, one that invests in the future of all Americans and one that believes that our greatest days lie ahead.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. HONDA. I yield the gentlelady 15 additional seconds.

□ 2210

Ms. LEE of California. Let me just mention also, in closing, that our budget also ends the combat operation in Afghanistan. The American people want the war to end. We have decided no more funding for combat operations; there's no military solution. We do provide the funds to protect our troops and contractors and to bring them home safely in an orderly fashion.

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield 1½ minutes to my friend and colleague from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Mr. Chairman, it is good to get a chance to have this debate that is unique on the House floor, to be able to go through this. Obviously, we look forward to the day that the Senate has this same kind of dialog back and forth on what are spending priorities in the budget. It's now well over 1,000 days since the Senate has had any kind of conversation like this. It's terrific to be able to have this.

There are some areas of this budget that I'd take a look at and I would say I would completely concur with. This budget takes on things like the AMT fix, the alternative minimum tax, and tries to resolve that over time. I think that's a terrific idea, and we need to get a chance to move forward on that. But it does some things that I don't think many people in my district would be in favor of.

Many people in my district look at the tax policy and say it's incredibly complicated and complex. This budget moves the tax system from six tiers to 10 tiers and dramatically increases the complexity of our Tax Code.

It also changes the death tax to a 65 percent death tax. It puts Uncle Sam squarely on the end of coffins, and as the grieving family is there, Uncle Sam is standing there saying, I'm waiting for my cut. I think that's the wrong way to go.

There's a large carbon tax that's included with this. With gas prices going up, energy prices on the rise, I don't think this is the time to also increase the price of energy again in that.

It also raises taxes, ironically enough, on McDonalds and on fast-food places, to be able to punish them, I guess, for supplying food to people that are on the run. It increases taxes on that. It also provides public funding for

elections so that people that are running for office, like myself and others, will actually get public funding for that, which many people don't want to be a part of.

It does also provide State flexibility though, but it's State flexibility for a new system of health care oversight. We'd like to see it have flexibility for things like Medicare and Medicaid and such.

So, with that, I would oppose this and would support the House Republican budget.

Mr. HONDA. Mr. Chairman, I yield 1 minute to the gentlewoman from southern California (Ms. CHU).

Ms. CHU. Mr. Chairman, this budget is about fairness, where everyone, not just a special few, can succeed.

While the Republican budget ends the Medicare guarantee, the Budget for All makes no cuts to Medicare, Medicaid, or Social Security.

While their budget slashes Pell Grants, leaving 1 million students struggling, the Budget for All actually increases investments in education.

While their budget destroys 4.1 million jobs in just 2 years, the Budget for All actually puts 2 million more people back to work by investing in infrastructure.

The Republicans do all this to keep tax breaks for Big Oil and provide an extra \$150,000 for millionaires. The Budget for All creates a fairer system by asking those who have benefited most from our economy to pay a sensible share.

The Budget for All ensures everyone can achieve the American Dream if they just work hard and play by the rules.

Mr. McCLINTOCK. Mr. Chairman, we have no more speakers. I will reserve my time until the gentleman has concluded.

Mr. HONDA. Mr. Chairman, I yield 1 minute and 20 seconds to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Mr. Chairman, budgets are about priorities, and the Budget for All sets priorities for the American people. It's about creating jobs and opportunity, investing in education, investing in our infrastructure, investing in our future.

The Budget for All, the Progressive Caucus budget, also makes significant investments in our military that actually prepare our defense forces for the 21st century.

The Budget for All is about priorities. And make no mistake, the Republican budget sets completely different priorities. It says to our seniors, we want you to pay more out of your pocket for Medicare; destroys Medicare as we know it; creates a system that's not fair, where young people who want to go to college won't be able to do that because there won't be Pell Grants available for them.

The Republican budget says to you that if you actually want to work hard

and play by the rules, that you're not going to be treated fairly.

It's time for us to have a budget that reflects the priorities of the American people, that makes investments in the American people. The Budget for All makes those investments.

I urge my colleagues to read the budget, read the Budget for All, and support the Budget for All, the Progressive Caucus budget that makes important investments in the American people and does not destroy Medicare as we know it.

The Acting CHAIR. The gentleman from California (Mr. McCLINTOCK) has 3½ minutes remaining, and the gentleman from California (Mr. HONDA) has 6 minutes remaining.

Mr. HONDA. Mr. Chairman, I yield 1 minute and 20 seconds to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman from California for his leadership, along with Congressmen GRIJALVA and ELLISON.

I rise to support the Congressional Progressive Caucus budget. I announce today that the Republican budget, according to the Economic Policy Institute, is a job killer—1.3 million jobs will be lost in 2013, 2.8 million jobs will be lost in 2014, and 4.1 million jobs will be lost in 2015.

It will also, in essence, defund the Affordable Care Act, which will eliminate access to health care for many women dealing with reproductive health, dealing with essential health benefits, and also coverage of family planning services. It will cut \$1.7 trillion from Medicaid. But the Budget for All will provide a direct opportunity for the School Improvement Corps, the Park Improvement Corps, and Student Job Corps, creating jobs.

It will save TRICARE and personnel. The CBC budget doesn't impact personnel, wages and benefits and pensions for our soldiers, but it ends the wars in Afghanistan and Iraq and saves money in doing so.

It extends the earned income tax credit and the child and dependent care credit. It responsibly and expeditiously ends all of our military presence, but, more importantly, it creates an atmosphere for economic improvement and development by providing jobs to our young people, stopping the taking away of the lifeline of Medicaid.

Support the Budget for All. Support the Congressional Progressive Caucus budget.

Mr. HONDA. Mr. Chairman, I yield 1¼ minutes to the gentlelady from California, the songstress, Congresswoman LAURA RICHARDSON.

Ms. RICHARDSON. Mr. Chairman, I rise today in strong support of the Progressive Caucus alternative budget.

This budget, as a member on the Transportation Committee, would help us to be able to create, once and for all, the infrastructure bank that we des-

perately needed that would allow us to attract private and public partnership. The Progressive budget would also outline a plan to put over 2 million individuals back to work. And my colleague just before me highlighted what some of those would be. Some of them would include the Improvement Corps for public school rehabilitation projects, Park Improvement Corps for young adults, and Student Job Corps, one of which I was able to take advantage of as a young individual.

Mr. Chairman, the CPC budget will assist us to be able to responsibly act to reduce our budget deficit, but to also maintain our domestic priorities.

This budget is the right budget. It will protect our fragile recovery, and it will invest in our future.

Mr. HONDA. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Thank you very much, Mr. HONDA.

Tonight, I want to commend my friends on the other side of the aisle, starting with Mr. TOM McCLINTOCK of California and those who are with him this evening, because what has happened is that we have begun to see that, between the leaders in the Progressive Caucus and those who can't possibly vote for the Progressive Caucus bill, we are still finding things that we can agree on. For example, is there anybody, the leader of the other side of the aisle, whose group does not believe that we should invest in our children's education by increasing education, training, and social services?

□ 2220

We all agree on that.

Is there anybody on the other side of the aisle, Mr. Chairman, who doesn't believe that our budget makes no cuts to Medicare, Medicaid, and Social Security benefits?

These are beginnings of agreements. We all, on both sides, agree that we must responsibly and expeditiously end our military presence in Iraq and Afghanistan. And I congratulate the Member leading the other side.

Mr. HONDA. I yield the balance of my time to our closer, the gentleman from Arizona, the great RÁUL GRIJALVA.

The Acting CHAIR. The gentleman from Arizona is recognized for 2¼ minutes.

Mr. GRIJALVA. Mr. Chairman, let me thank Mr. HONDA for his yeoman work on the budget.

The Republican majority is asking the American people to, once more, accept the premise that a trickle-down theory of economics is the path to solvency, balanced budget, and fiscal responsibility. Well, this trickle-down theory, as promoted, all it has done is create a dry opportunity for the middle class in this country.

Unemployment is up, and it has increased the number of poor and unemployed in this country, and this kind of

insecurity has led us to the situation that we're in.

Our budget, the Progressive budget, Budget for All, reintroduces something fundamental to the American people, its values and its moral imperatives that have made us a great Nation.

Our budget is about fairness in burden and fairness in all. There should be no privileged group that receives that 40 to 50 of the benefit from the tax cuts. That money is needed in this society, and our budget asks for shared burden and shared responsibility.

We create jobs. We front-load jobs in this. We are about fiscal responsibility, reducing the deficit and balancing the budget; and we, more importantly than anything else, invest in the American people. We invest in our people, our greatest resource.

We save and promote Social Security, Medicare and Medicaid from the destructive plan that's being promoted by the Republican majority. This Budget for All by the Progressive Caucus, we are providing the American people and this Congress with a choice and a contrast. Do we repeat the mistakes of the past and pass a budget that's being recommended by the Republicans that takes us down the same destructive economic path that we've been on?

Or do we go in a direction that promotes equity, fairness, fiscal responsibility, and, more importantly, puts the American people back to work and offers their families the opportunities that we all have been able to benefit?

The Progressive Caucus budget is a budget of choice, a budget of fairness and, above all, returns us to our values as America.

Mr. McCLINTOCK. Mr. Chairman, I think the reason these times are so impassioned is because we've arrived at a moment when two very different visions of society are competing for our Nation's future, and they're very much reflected in the budgets put forward by the two parties in this House.

America's prosperity and greatness spring from uniquely American principles of individual freedom, personal responsibility, and constitutionally limited government. America's Founders created a voluntary society where people are free to make their own choices, enjoy the fruits of their own labors, take responsibility for their own decisions, and lead their own lives with a minimum of government interference and intrusion.

When someone needs help, we freely give that help, but we ask in return that they make the effort to support themselves to the extent that they can. Our government views no one person or group as more or less worthy than any other.

We are Americans. We'll be judged on our own merits, and we'll make our own choices, including what kind of car we'll drive, what kind of toilets we'll

have in our homes, how we'll raise our children, what kind of light bulbs we prefer, what we'll have for dinner tonight.

Today, a very different vision competes for our future, that of a compulsory society, where our individual rights are subordinated to the mandates of government bureaucrats, where innocent taxpayers are forced to bail out the bad decisions of others, and where consumers are compelled to purchase the products or underwrite the losses of politically favored companies.

Under this vision, the purpose of government is not to protect individual freedom, but to improve society, however those in power decide it should be improved, to take from those it declares are undeserving to give to those it declares are deserving or, to put it more succinctly, to take from each according to his abilities and to give to each according to his needs. That's what this is all about.

Not more than 100 years from when we debate right now, Thomas Jefferson reviewed the bountiful resources of the Nation and asked:

With all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens, a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government.

This is the Path to Prosperity put forth by the House Budget Committee. And let us be clear: the various Democratic plans, including the one before us now, fundamentally reject these principles and replace them with values alien and antithetical to those that built our Nation.

That is the question that our generation must decide in all of its forms, including the question put to us today by this substitute amendment.

I yield back the balance of my time.

Mr. MARKEY. Mr. Chair, the Republican budget reads like "The Hunger Games"—forcing American families to compete for survival against a plutonium plutocracy. The Republican budget cuts Medicare. It cuts Medicaid. It cuts Pell Grants.

Yet, at the same time, their budget calls for more spending on the weapons of last century's Cold War. More nuclear bomb-making plants. More nuclear missiles. More nuclear subs.

Their budget fails to address the needs of the elderly, the children, the sick, and the most vulnerable. It makes no sense. It is insane.

The CPC budget includes my legislation, the Smarter Approach to Nuclear Expenditures Act—the SANE Act. SANE will save \$100 billion over the next 10 years by reducing nuclear weapons spending. The CPC and the SANE Act puts people ahead of plutonium.

I urge my colleagues to join me and vote for the CPC "Budget for All".

Ms. RICHARDSON. Mr. Chair, I rise today in strong support of the Congressional Progressive Caucus Alternative Budget for Fiscal Year 2013. The budget plan outlined by the CPC takes a calculated and balanced approach to restoring America's promise, and investing in our future.

Unlike the House GOP Budget Resolution, the CPC Alternative Budget protects Social Security, Medicare, Medicaid, SNAP, TANF, Unemployment Insurance and other programs that are vital to the most vulnerable populations in our society.

In my district, we suffer from rates of unemployment and home foreclosure that are significantly higher than the rest of the country. Although our nation's economy is showing positive signs of growth, we must continue to make critical investments in our communities to accelerate our recovery.

To that end, the CPC Alternative Budget makes smart investments in education, job creation measures, and transportation and infrastructure projects. These investments are necessary to ensure that America has a skilled and educated workforce that is prepared to tackle the challenges of the 21st Century. Without these investments, the United States will lose its competitive edge.

A \$556 billion surface transportation bill would help meet the overwhelming need for repair and construction of our roadways and aging infrastructure. Lastly, the Budget for All outlines a plan for nearly \$1.7 trillion in widespread domestic investment, getting badly needed funds to valuable programs that are scheduled for starvation under current law.

This budget outlines a plan to put over 2 million individuals back to work over the next 2 years by hiring them for work in areas critical to our quality of life. This would create the School Improvement Corps for public school rehabilitation projects, the Park Improvement Corps made of youth ages 16 to 25 for restoration on public lands, the Student Jobs Corps of college students for part-time work study positions, among others. Priority hiring is given to the unemployed and veterans.

Domestic investments create jobs and lay the foundation for exceptional American industries competing in the global economy. The creation of an infrastructure bank would attract private investment toward critical infrastructure projects and facilitate private-public partnerships with our states and localities. Some projections estimate that the iBank could mobilize up to \$625 billion in funding for infrastructure.

The revenue raised from tax reform measures in the CPC budget will allow us to pay for an extension of tax cuts for hard working, middle class Americans—providing them with more money to feed their families, pay their bills, and fill up their gas tanks.

Mr. Chair, the CPC Budget will do all of this while managing to be able to reduce the deficit by \$6.8 trillion.

Instead of working to strengthen Medicare, the Ryan budget would end Medicare as we know it, turning the guarantee of retirement security into a voucher that will shift higher and higher costs over time to over 45 million seniors.

In California alone, 5,252,371 seniors would be forced onto vouchers when they retire.

The GOP budget will force seniors to pay higher premiums in order to access the same

benefits they would receive under the current system. For a typical 67 year-old senior, the Ryan budget could increase out-of-pocket health care costs by \$5,900.

The GOP budget would decimate our primary assistance to the poor by cutting \$3.3 trillion from essential programs like Medicaid and SNAP.

In fact, a report conducted by the Center on Budget and Policy Priorities found that 62 percent of proposed cuts in the Ryan budget plan come from programs that assist low-income individuals. This is the Republican vision: to balance the budget on the backs of the seniors and the poor.

The Ryan budget plan would weaken job growth. The Economic Policy Institute found that if we were to follow Chairman Ryan's proposal, 1.3 million jobs would be lost in 2013 and 2.8 million jobs would be lost in 2014.

Mr. Chair, the CPC has a better way. We understand that our current economic situation calls for a balanced approach that protects our fragile recovery and invests in our future.

For these reasons, Mr. Chair, I urge my colleagues to join me in voting for the CPC Alternative Budget.

Mr. STARK. Mr. Chair, the Republican budget proposal, very similar to their draconian proposal from last year, fails the middle class, undermines our Nation's values, and destroys the social safety net. It's been said that this year's Republican budget is "austerity on steroids." I would call that an understatement.

In the name of deficit reduction, Republicans would end the Medicare guarantee, put Social Security on the fast track to benefit cuts, and slash critical job-creating investments in education, infrastructure and basic research. These deep cuts do not even go to reduce the deficit. Instead, they are used to pay for massive tax cuts for the wealthy and to continue our out of control defense spending. The Republican budget will provide an average tax cut of \$394,000 to people making over \$1 million and increases defense spending. This budget is just a grab bag of failed right-wing ideas and it's harmful to America's future.

Senior citizens and people with disabilities in Medicare get a particularly bad deal under the Republican proposal because their plan ends the guarantee of Medicare. Medicare beneficiaries would be given a voucher to try to obtain health care coverage from private insurers—there would be no guaranteed benefits and whether one could afford coverage would depend on what is available in the marketplace. What's more, the Republicans' voucher is designed to diminish in value over time, placing a growing cost burden on senior citizens and people with disabilities in the future. The Republican budget pays lip service to maintaining the traditional Medicare program, but those words amount to nothing. Traditional Medicare would become increasingly expensive as those with high health needs tried to stay there. Eventually, it would go into a death spiral with costs far exceeding the premiums it could realistically charge. Medicare as we know it would be gone—another Republican gift to the private insurance industry.

In contrast, the Congressional Progressive Caucus has offered a balanced budget, enti-

tled the "Budget for All," which strengthens Medicare and Social Security, protects the middle class, makes job-promoting investments for America's future, reins in defense spending, and ensures everyone pays their fair share in taxes. It includes a number of my proposals, including closing tax loopholes that allow lobbyists and lawyers to avoid paying Medicare taxes and putting a price on carbon pollution to prevent catastrophic climate change.

My constituents deserve a budget that addresses our Nation's fiscal challenges, creates jobs, and protects Medicare and Social Security. The Congressional Progressive Caucus does just that. I urge my colleagues to support the Progressive Budget for All and reject the failed ideas in the Republicans' budget for the 1 percent.

Mr. KUCINICH. Mr. Chair, I rise in support of the Budget offered by the Congressional Progressive Caucus. This budget and the others we are considering tonight and tomorrow morning speak volumes about the country we would like to see. The Budget for All is the only budget under consideration that cuts war funding, funding from the bloated Defense budget, and a slew of subsidies for corporations and for the rich.

This bill includes language that mirrors my own efforts in Congress. The first is an example of a corporate subsidy that is rescinded by this budget. It removes the tax deduction for advertising and marketing junk food and fast food to children. We should not be using taxpayer money—about \$2 billion every year—to make the childhood obesity crisis even worse for the sake of boosting the profits of the junk food and fast food industry. If this tax break were to be revoked, it has been estimated that the number of overweight children in the U.S. would be reduced by more than 5–7 percent.

This bill also provides relief for states struggling with financial crises by allowing them to move to a single-payer model of health care. If the residents of a state demand it because they want their businesses to be more competitive, they want higher quality health care, and they want coverage for everyone in the state, the federal government should not stand in their way. This is an issue I have worked on for years now. I was able to win, by a bipartisan vote, an amendment to the health care reform bill in 2009 that would have helped states go to a single payer health care system. Though it was stripped out by the Administration, it was one of the first single-payer Congressional victories in U.S. history and it showed there is an appetite in Congress for moving forward.

Finally, and most importantly, this budget provides for full public financing of elections, mirroring a constitutional amendment I have introduced. Public financing of elections benefits the public. Private financing of elections benefits private interests.

I urge my colleagues to support the FY 2013 Budget for All.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. HONDA. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. MCCLINTOCK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCLINTOCK) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, had come to no resolution thereon.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature on Tuesday, March 27, 2012 to an enrolled bill of the Senate of the following title:

S. 2038—An Act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on March 27, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 3606. To increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

ADJOURNMENT

Mr. YODER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 29, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5457. A letter from the President and Chairman, Export-Import Bank, transmitting a letter of notification to authorize a 90% guarantee on a supply chain finance facility for The Bank of Nova Scotia; to the Committee on Financial Services.

5458. A letter from the President and Chairman, Export-Import Bank, transmitting a letter of notification to authorize a 90% guarantee on a supply chain finance facility for Royal Bank of Scotland; to the Committee on Financial Services.

5459. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-14, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5460. A letter from the Secretary of the Army, Department of Defense, transmitting annual audit of the American Red Cross consolidated financial statements for the year ending June 30, 2011; to the Committee on Foreign Affairs.

5461. A letter from the Secretary, Department of the Treasury, transmitting as required by section 1705(e)(6) of the Cuban Democracy Act of 1992 the semiannual report detailing telecommunications-related payments made to Cuba pursuant to Department of the Treasury licenses; to the Committee on Foreign Affairs.

5462. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Neuse River, New Bern, NC [Docket No.: USCG-2011-0974] (RIN: 1625-AA09) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5463. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Safety Zones; New Year's Eve Fireworks Displays within the Captain of the Port St. Petersburg Zone, FL [Docket No.: USCG-2011-0958] (RIN: 1625-AA00) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5464. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Safety Zone; M/V DAVY CROCKETT, Columbia River [Docket No.: USCG-2010-0939] (RIN: 1625-AA00) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5465. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Safety Zone; 14-Mile Railroad Bridge Replacement, Mobile River, Mobile, AL [Docket No.: USCG-2011-0969] (RIN: 1625-AA00) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5466. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Lake Michigan; Technical Amendment [Docket No.: USCG-2011-0489] (RIN: 1625-AA87) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5467. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD [Docket No.: USCG-2011-0697] (RIN: 1625-AA09) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5468. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Drawbridge operation Regulation; Calcasieu River, Westlake, LA [Docket No.: USCG-2011-1020] received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5469. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Conductor

Certification [Docket No.: FRA-2009-0035, Notice No. 3] (2130-AC36) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5470. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30826; Amdt. No. 3464] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5471. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30827 Amdt. No. 3465] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WEBSTER: Committee on Rules. House Resolution 600. Resolution providing for consideration of the bill (H.R. 4281) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes (Rept. 112-424). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OLSON (for himself, Mr. DOYLE, Mr. TERRY, Mr. GENE GREEN of Texas, Mr. KINZINGER of Illinois, and Mr. GONZALEZ):

H.R. 4273. A bill to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself, Ms. ESHOO, and Mr. MARKEY):

H.R. 4274. A bill to amend title IV of the Public Health Service Act and title V of the Federal Food, Drug, and Cosmetic Act to permanently extend the provisions of the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act of 2003; to the Committee on Energy and Commerce.

By Mr. McDERMOTT:

H.R. 4275. A bill to amend the Civil Rights Act of 1991 with respect to the application of such Act; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. CAMP, and Mr. DUNCAN of Tennessee):

H.R. 4276. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H.R. 4277. A bill to establish the National Full Employment Trust Fund to create employment opportunities for the unemployed; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HURT (for himself and Mr. ALTMIRE):

H.R. 4278. A bill to amend the Federal Water Pollution Control Act with respect to permit requirements for dredged or fill material; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Indiana (for himself, Mr. HULTGREN, and Mr. LATTA):

H.R. 4279. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent early distribution penalty with respect to withdrawals by unemployed veterans from certain retirement accounts; to the Committee on Ways and Means.

By Mr. PIERLUISI (for himself, Mr. SERRANO, Mr. FARR, Mr. BACA, Mr. RANGEL, Mr. TOWNS, Ms. NORTON, Mr. FALBOMAVEGA, Mrs. CHRISTENSEN, Ms. LEE of California, Ms. BORDALLO, and Mr. GRIJALVA):

H.R. 4280. A bill to amend the Food and Nutrition Act of 2008 to provide that Puerto Rico may be treated in the same manner as the several States for the purpose of carrying out the supplemental nutrition assistance program under such Act; to the Committee on Agriculture.

By Mr. MICA (for himself, Mr. CAMP, and Mr. DUNCAN of Tennessee):

H.R. 4281. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERG (for himself, Mr. DOGGETT, Mr. DAVIS of Kentucky, Mr. LEWIS of Georgia, Mr. BOUSTANY, Mr. PRICE of Georgia, Mr. McDERMOTT, Mr. CROWLEY, Mr. PAULSEN, Mrs. BLACK, Mr. REED, and Mr. RANGEL):

H.R. 4282. A bill to amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and

the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 4283. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; to the Committee on Education and the Workforce.

By Mr. BRALEY of Iowa:

H.R. 4284. A bill to amend the Packers and Stockyards Act, 1921 to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture.

By Mr. CAPUANO:

H.R. 4285. A bill to amend title 5, United States Code, to give members of the United States Capitol Police the option to delay mandatory retirement until age 60; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HAHN:

H.R. 4286. A bill to restore and extend the grace period before repayment begins on Federal Direct Stafford loans and Federal Direct Unsubsidized Stafford Loans; to the Committee on Education and the Workforce.

By Ms. HAHN:

H.R. 4287. A bill to amend title 38, United States Code, to expand the definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. HAHN:

H.R. 4288. A bill to direct the Secretary of Veterans Affairs to provide grants to States to assist veterans with who were trained to drive large vehicles while serving in the Armed Forces in obtaining, upon their discharge or release from active duty service, State commercial drivers licenses; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Illinois:

H.R. 4289. A bill to enhance the disclosure of information on official foreign travel of Members and employees of Congress, to impose additional restrictions on such travel, and for other purposes; to the Committee on House Administration.

By Mr. McDERMOTT (for himself, Mr. LARSON of Connecticut, Ms. BERKLEY, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. DOGGETT, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, and Mr. CROWLEY):

H.R. 4290. A bill to amend the Internal Revenue Code of 1986 to extend the income exclusion for discharge of qualified principal residence indebtedness, to provide exclusions from income for certain payments under the National Mortgage Settlement, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4291. A bill to establish the United States Commission on an Open Society with Security; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of

such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky (for himself, Mr. WOLF, and Mr. AUSTRIA):

H.R. 4292. A bill to direct the Attorney General to establish uniform standards for the exchange of controlled substance and prescription information for the purpose of preventing diversion, fraud, and abuse of controlled substances and other prescription drugs; to the Committee on Energy and Commerce.

By Mr. SCHRADER (for himself, Mr. BLUMENAUER, and Mr. DEFazio):

H.R. 4293. A bill to amend the Federal Credit Union Act to exclude loans made to Main Street businesses from the definition of a member business loan, and for other purposes; to the Committee on Financial Services.

By Mr. WEST:

H.R. 4294. A bill to limit the end strength reductions for the regular component of the Army and Marine Corps and to ensure that the Secretary of the Army and the Secretary of the Navy are provided adequate resources in order to meet the National Security Strategy; to the Committee on Armed Services.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. BACA, Ms. BERKLEY, Mr. BILIRAKIS, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOWELL, Mr. BRADY of Pennsylvania, Ms. CHU, Ms. CLARKE of New York, Mr. COHEN, Mr. COURTNEY, Mr. CRITZ, Mr. FALEOMAVAEGA, Mr. FARENTHOLD, Mr. FATTAH, Mr. FILER, Mr. FITZPATRICK, Mr. GRIJALVA, Mr. GRIMM, Mr. LOEBSACK, Mr. LUJÁN, Mr. MCGOVERN, Mr. MICHAUD, Mr. NUGENT, Mr. PEARCE, Mr. RANGEL, Ms. RICHARDSON, Mr. SABLÁN, and Mr. WALZ of Minnesota):

H. Res. 601. A resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day"; to the Committee on Veterans' Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. OLSON:

H.R. 4273.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (Necessary and Proper Regulations to Effectuate Powers)

By Mr. ROGERS of Michigan:

H.R. 4274.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution, which states: "The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes"

Article I, Section 8, Clause 18 of the Constitution, which states "To make all Laws

which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. McDERMOTT:

H.R. 4275.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 18

By Mr. MICA:

H.R. 4276.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Mr. CONYERS:

H.R. 4277.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. HURT:

H.R. 4278.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States)

By Mr. YOUNG of Indiana:

H.R. 4279.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 in which Congress has the explicit power to lay and collect taxes, duties, imposts and excises and Article I, Section 8, Clause 14 to make Rules for the Government and Regulation of land and naval forces.

By Mr. PIERLUISI:

H.R. 4280.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. MICA:

H.R. 4281.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Mr. BERG:

H.R. 4282.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 10, Clause 3 (relating to the power to enter into foreign compacts on behalf of States).

By Mr. BARROW:

H.R. 4283.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3, the Commerce Clause.

By Mr. BRALEY of Iowa:

H.R. 4284.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section

8, Clause 18 of the United States Constitution.

By Mr. CAPUANO:

H.R. 4285.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 5, Clause 2: "Each House may determine the Rules of its Proceedings . . ."

By Ms. HAHN:

H.R. 4286.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. HAHN:

H.R. 4287.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. HAHN:

H.R. 4288.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. JOHNSON of Illinois:

H.R. 4289.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 5, paragraph 2 that "Each House may determine Rules of its proceedings;" further, in Section 8, Congress has the power to "pay the debts and provide for the common defence and general welfare of the United States."

This legislation is within the powers of Congress because it provides transparent accounting of travels by Members of Congress, thereby reducing the debts incurred to pay for said travels. Moreover, this legislation will promote the "general welfare" by promoting the trust in which citizens place in their government to be good stewards of their money.

By Mr. McDERMOTT:

H.R. 4290.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Ms. NORTON:

H.R. 4291.

Congress has the power to enact this legislation pursuant to the following:

section 1 of article I, and clause 18, section 8 of article I of the Constitution.

By Mr. ROGERS of Kentucky:

H.R. 4292.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to clause 3 of section 8 of article I of the Constitution, which states that the Congress shall have the power to regulate interstate and foreign commerce, as well as clause 18 of section 8 of article I of the Constitution, which states that Congress shall make all laws necessary and proper for carrying into execution the foregoing powers vested in the government of the United States.

By Mr. SCHRADER:

H.R. 4293.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section

8, Clause 18 of the United States Constitution.

By Mr. WEST:

H.R. 4294.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress "to provide for the common Defence", "to raise and support Armies", "to provide and maintain a Navy" and "to make Rules for the Government and Regulation of the land and naval Forces" as enumerated in Article I, section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. CRAVAACK, Mr. WITTMAN, Mr.

BACHUS, Mr. POE of Texas, and Mr. SCALISE.

H.R. 14: Mr. FARR and Ms. BALDWIN.

H.R. 140: Mr. GOSAR.

H.R. 157: Mr. STEARNS.

H.R. 192: Mr. KUCINICH, Mr. COHEN, and Ms. NORTON.

H.R. 212: Mr. CANSECO.

H.R. 303: Mr. RIGELL and Mr. TONKO.

H.R. 365: Mr. COSTA and Mr. AUSTRIA.

H.R. 376: Mr. ACKERMAN.

H.R. 459: Mr. BASS of New Hampshire.

H.R. 469: Mr. REYES.

H.R. 547: Mr. CRAVAACK.

H.R. 651: Mr. BLUMENAUER.

H.R. 742: Mr. MCCOTTER.

H.R. 860: Mr. YOUNG of Alaska.

H.R. 876: Ms. LEE of California and Mr. FILER.

H.R. 1004: Mr. BARTLETT.

H.R. 1063: Mr. DEFazio.

H.R. 1086: Mr. COFFMAN of Colorado.

H.R. 1092: Mr. ALTMIRE.

H.R. 1103: Ms. BORDALLO.

H.R. 1130: Mr. JONES.

H.R. 1161: Mr. BERG.

H.R. 1193: Ms. BORDALLO.

H.R. 1296: Mr. JACKSON of Illinois.

H.R. 1356: Mr. FILNER and Mr. TONKO.

H.R. 1370: Mr. CRAVAACK.

H.R. 1385: Mr. BRADY of Pennsylvania.

H.R. 1386: Mr. ANDREWS.

H.R. 1477: Ms. ZOE LOFGREN of California.

H.R. 1515: Ms. HAHN.

H.R. 1517: Ms. SUTTON.

H.R. 1532: Mr. TOWNS.

H.R. 1571: Mr. KISSELL.

H.R. 1575: Mr. TURNER of Ohio.

H.R. 1620: Mrs. BLACKBURN.

H.R. 1653: Mr. BERG.

H.R. 1672: Mr. JOHNSON of Georgia.

H.R. 1733: Mr. JONES and Ms. BORDALLO.

H.R. 1744: Mr. CRAVAACK and Mr. HENSARLING.

H.R. 1895: Mr. CAPUANO and Mr. HALL.

H.R. 1960: Mr. LUETKEMEYER.

H.R. 2033: Mr. LYNCH.

H.R. 2104: Mr. TOWNS, Mr. KINZINGER of Illinois, Mrs. BIGGERT, Mr. SMITH of New Jersey, Mr. LEWIS of Georgia, Mr. FITZPATRICK, Mr. DAVIS of Illinois, and Mr. GRIJALVA.

H.R. 2195: Mr. HINCHEY.

H.R. 2227: Mr. CASSIDY.

H.R. 2234: Mr. FARR, Mr. BERMAN, Mr. MORAN, Mr. HASTINGS of Florida, Mr. OLVER, Mr. CLAY, Ms. CLARKE of New York, and Mr. COHEN.

H.R. 2245: Mr. BARTLETT.

H.R. 2299: Mrs. MYRICK.

H.R. 2353: Mr. ACKERMAN.

H.R. 2479: Mr. FILNER and Mr. GRIMM.

H.R. 2502: Mr. ROSS of Florida.

H.R. 2529: Mr. WITTMAN.

H.R. 2554: Mrs. LOWEY.

H.R. 2787: Mr. THOMPSON of California and Mr. PRICE of North Carolina.

H.R. 2827: Mrs. NOEM, Ms. HANABUSA, and Mr. SCHWEIKERT.

H.R. 2866: Ms. HAHN.

H.R. 2960: Mr. ISRAEL.

H.R. 2967: Mr. SCOTT of Virginia.

H.R. 2978: Mr. NUGENT, Mr. LAMBORN, and Mrs. ADAMS.

H.R. 3001: Mr. LATTA, Mr. GRIFFIN of Arkansas, Ms. ESHOO, Mrs. BACHMANN, Mr. SHULER, Mr. CRAVAACK, Mrs. BLACK, Mr. GUINIA, Mr. HENSARLING, Mr. CULBERSON, Mr. CANSECO, Mr. BOUSTANY, Mr. TIPTON, Mr. KINGSTON, Mr. NUNNELEE, Mr. REED, Mr. STUTZMAN, Mr. DESJARLAIS, Mr. BONNER, Mr. WALSH of Illinois, Mr. LABRADOR, Mr. SOUTHERLAND, Mr. DUNCAN of South Carolina, Mr. POE of Texas, Mr. POSEY, Mr. NUGENT, Mr. WOODALL, Mr. FLEISCHMANN, Mr. WEBSTER, Mr. THOMPSON of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Mr. GOWDY, Mr. SIMPSON, Mr. LATHAM, Mr. LONG, Ms. GRANGER, Mr. COFFMAN of Colorado, Mr. GARDNER, Mr. ROYCE, Mr. BECERRA, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. COSTA, Mrs. DAVIS of California, Mr. DOGGETT, Mr. DOYLE, Mr. FARR, Mr. GRIJALVA, Ms. HAHN, Mr. HIMES, Ms. HOCHUL, Mr. KEATING, Mr. KISSELL, Ms. ZOE LOFGREN of California, Mr. MARKEY, Mr. MCINTYRE, Mr. OLVER, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Mr. SARBANES, Ms. WOOLSEY, Mr. LARSEN of Washington, Ms. BORDALLO, Mr. YARMUTH, Mr. SHUSTER, Mr. MCCLINTOCK, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. YODER, Mr. MULVANEY, Mr. RIBBLE, Mr. CARTER, Mr. OLSON, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. DENT, Mr. REHBERG, Mr. ALEXANDER, Mr. WELCH, Mr. GARAMENDI, Ms. JENKINS, Mr. CAMPBELL, Mr. PITTS, Mr. SESSIONS, and Mr. FITZPATRICK.

H.R. 3032: Mr. JACKSON of Illinois.

H.R. 3057: Mr. ALTMIRE.

H.R. 3091: Mr. GRIFFIN of Arkansas.

H.R. 3145: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. KEATING.

H.R. 3173: Mr. RUPPERSBERGER.

H.R. 3179: Mr. STIVERS.

H.R. 3187: Mr. HECK and Mr. MCNERNEY.

H.R. 3225: Ms. FUDGE.

H.R. 3269: Mr. FITZPATRICK, Ms. TSONGAS, Mr. ISRAEL, Mr. JOHNSON of Ohio, Mr. FLEMING, and Mr. KING of New York.

H.R. 3288: Mr. POSEY.

H.R. 3341: Mr. HULTGREN.

H.R. 3364: Ms. SLAUGHTER and Mr. BENISHEK.

H.R. 3381: Mr. JACKSON of Illinois.

H.R. 3502: Mr. RICHMOND, Ms. KAPTUR, and Ms. HAHN.

H.R. 3506: Mr. BARTLETT and Mr. GUTIERREZ.

H.R. 3526: Mr. ACKERMAN.

H.R. 3585: Mr. JONES.

H.R. 3591: Mrs. DAVIS of California, Mr. MICHAUD, Ms. WOOLSEY, Ms. HANABUSA, Mr. ROTHMAN of New Jersey, Ms. HAHN, and Mr. SIRE.

H.R. 3596: Mr. FALLONE.

H.R. 3612: Ms. PINGREE of Maine and Mr. REED.

H.R. 3635: Mr. JACKSON of Illinois.

H.R. 3653: Mr. CICILLINE, Mr. MORAN, and Mr. AL GREEN of Texas.

H.R. 3670: Mr. BRALEY of Iowa.

H.R. 3705: Ms. WOOLSEY.

H.R. 3769: Mr. MARINO.

H.R. 3770: Mr. JONES.

H.R. 3798: Mr. CONYERS.

H.R. 3826: Ms. FUDGE, Mr. TONKO, Mr. HONDA, Mr. YARMUTH, Mr. OWENS, and Ms. CASTOR of Florida.

- H.R. 3828: Mr. MANZULLO and Mr. FLEMING.
H.R. 3839: Ms. RICHARDSON, Mr. WEBSTER, and Mr. BARTLETT.
H.R. 3855: Mr. JACKSON of Illinois.
H.R. 3877: Mr. McKEON.
H.R. 3884: Mr. McNERNEY, Mr. LOEBSACK, and Ms. BALDWIN.
H.R. 3993: Mr. JONES, Mr. POSEY, Mr. MICHAUD, and Mr. KILDEE.
H.R. 4032: Mr. JACKSON of Illinois.
H.R. 4045: Mrs. BACHMANN.
H.R. 4087: Mr. SMITH of Washington, Mr. CLAY, Mr. ROE of Tennessee, Ms. SPEIER, and Ms. BONAMICI.
H.R. 4095: Mr. BURGESS.
H.R. 4103: Mr. KUCINICH and Mr. MORAN.
H.R. 4112: Mr. SCOTT of Virginia.
H.R. 4114: Mr. LOEBSACK, Mr. COLE, Mr. REYES, Mr. BENISHEK, Mr. LOBIONDO, Mr. RYAN of Ohio, Mr. BILIRAKIS, Mr. McNERNEY, and Ms. BORDALLO.
H.R. 4115: Mr. PETERS and Ms. HAYWORTH.
H.R. 4134: Ms. BUERKLE, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, and Ms. MATSUI.
H.R. 4136: Mr. REHBERG.
H.R. 4142: Mr. BENISHEK, Mr. LOBIONDO, Mr. RYAN of Ohio, and Mr. BILIRAKIS.
H.R. 4156: Mr. BACHUS, Mr. PASTOR of Arizona, Mr. MURPHY of Pennsylvania, Mr. DENT, Mr. PASCRELL, Mrs. MYRICK, and Mr. FLEMING.
H.R. 4157: Mr. LANKFORD, Ms. JENKINS, Mr. KING of Iowa, and Mr. LUCAS.
H.R. 4169: Mr. TURNER of New York, Mr. McDERMOTT, Mr. ROYCE, and Mr. HUELSKAMP.
H.R. 4171: Mr. DUNCAN of South Carolina and Mr. GOHMERT.
H.R. 4173: Mr. DINGELL.
H.R. 4178: Mr. COLE.
H.R. 4199: Ms. BORDALLO.
H.R. 4209: Mr. HARPER.
H.R. 4228: Mr. WESTMORELAND, Mrs. MYRICK, Mr. FRELINGHUYSEN, Mr. HULTGREN, and Mr. HARPER.
H.R. 4229: Ms. KAPTUR, Mr. HIGGINS, Ms. HAHN, Ms. WASSERMAN SCHULTZ, Mr. McKEON, Mr. SMITH of Washington, Mr. CROWLEY, Mr. PEARCE, Mr. COSTA, Mr. PITTS, and Mrs. MALONEY.
H.R. 4232: Mr. JORDAN.
H.R. 4237: Mr. GOHMERT and Mrs. BLACKBURN.
H.R. 4240: Mr. RIVERA, Ms. BERKLEY, and Mr. CONNOLLY of Virginia.
H.R. 4251: Ms. LORETTA SANCHEZ of California and Ms. HAHN.
H.R. 4255: Mr. JONES, Mr. BARTLETT, and Mr. TERRY.
H.R. 4259: Mr. KELLY.
H.R. 4268: Mr. McCLINTOCK.
H.R. 4271: Ms. DELAURO, Mr. LARSEN of Washington, Mr. CONYERS, Mrs. MALONEY, Mr. PASCRELL, Mr. HOLT, Mr. LARSON of Connecticut, Mr. SABLAN, Ms. WATERS, Mr. REYES, Ms. BORDALLO, Ms. LEE of California, Mr. BRALEY of Iowa, Mr. WELCH, Ms. BONAMICI, Mr. MARKEY, and Mr. LEWIS of Georgia.
H.J. Res. 103: Mr. CRAWFORD.
H. Con. Res. 87: Mr. COLE and Mrs. CHRISTENSEN.
H. Con. Res. 107: Mr. McCLINTOCK.
H. Con. Res. 110: Mrs. ELLMERS, Mr. LONG, Mr. GUTHRIE, Mr. LANKFORD, Mr. BILIRAKIS, Mr. MANZULLO, Mr. FRANKS of Arizona, Mr. BOUSTANY, and Mr. SCHWEIKERT.
H. Con. Res. 113: Mr. SCHWEIKERT, Mr. ROKITA, Mr. DUNCAN of South Carolina, Mr. WILSON of South Carolina, Mr. GOSAR, Mr. KINGSTON, Mr. MANZULLO, Mrs. HARTZLER, Mr. GRAVES of Georgia, Mrs. BLACKBURN, Mr. HUIZENGA of Michigan, Mr. POMPEO, and Mrs. BLACK.
H. Res. 111: Mr. JACKSON of Illinois and Mr. COSTA.
H. Res. 137: Ms. BONAMICI.
H. Res. 351: Mr. BACA.
H. Res. 526: Mr. AKIN, Ms. BUERKLE, Mr. WILSON of South Carolina, and Ms. SPEIER.
H. Res. 583: Mr. ROTHMAN of New Jersey.

EXTENSIONS OF REMARKS

TRIBUTE TO GPO ACCESS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, on Friday, March 16, 2012, the U.S. Government Printing Office, GPO, officially retired GPO Access, GPO's online repository of federal government documents since 1994. GPO has completed the transition from GPO Access to its successor, GPO's Federal Digital System, FDSys, which was first launched in 2009 and became GPO's official system of record in December 2010.

GPO Access was established pursuant to Public Law 103-40, Government Printing Office Electronic Information Access Enhancement Act of 1993. In President Clinton's statement upon signing the Act on June 8, 1993, he remarked:

It is with great pleasure that I sign into law S. 564, the "Government Printing Office Electronic Information Access Enhancement Act of 1993," which will enhance electronic access by the public to Federal information. Under this Act, the public will have on-line computer access to two of the major source documents that inform us about the laws and regulations that affect our daily lives: the Congressional Record and the Federal Register . . .

This important step forward in the electronic dissemination of Federal information will provide valuable insights into the most effective means of disseminating all public Government information . . .

Upon its release, GPO Access ushered in an era of unprecedented access to Federal government information. Never before had American citizens from one end of this great country to the other been able to access the CONGRESSIONAL RECORD, Federal Register, bills and resolutions, and a host of other Federal government publications literally hours after their release. GPO Access marked a quiet revolution in government transparency on the same scale as C-SPAN. With hundreds of thousands of Federal government titles posted online and millions of downloads every month, GPO truly embodied the spirit of the Thomas Jefferson quotation: "wherever the people are well informed they can be trusted with their own government" and the James Madison quotation: "A popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power which knowledge gives." However, even our Founding Fathers could never have imagined the era of access to government information which we have come to enjoy since the advent of GPO Access, and the story only gets better.

GPO's FDSys, www.fdsys.gov, provides the American public with free online access to about 50 different collections of authenticated U.S. Government information ranging from public and private laws to U.S. court opinions to the President's annual budget. It allows users to search easily across multiple government publications; perform advanced searches against robust metadata about each publication; construct complex search queries; refine and narrow searches; access metadata in standard XML formats; download content and metadata packaged together as a single ZIP file; and browse alphabetically by collection, by congressional committee, by date, and by government author.

Mr. Speaker, I urge my colleagues to join me in commending the hard-working men and women of GPO on their remarkable achievement with GPO Access. I look forward to GPO's continuing contribution to "Keeping America Informed" through its successor, FDSys.

TRIBUTE TO ELEANOR K. ANDREWS, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our nation's most distinguished women.

Today I pay tribute to Eleanor K. Andrews, an extraordinary woman of California's 29th Congressional District. As a resident of the city of San Gabriel, California, for over 50 years, Eleanor has always strived to make the city a better place.

Earlier in her career, Eleanor served on the Board of Trustees of the San Gabriel School District for 10 years. In addition, she was very active with the San Gabriel Valley YMCA, where she served as Vice President.

Today, Eleanor continues to serve the community she calls home. Currently, Ms. Andrews, who is the San Gabriel City Clerk, tirelessly volunteers in many organizations. Eleanor is the Co-Chair of the Senior Christmas Basket Program, where she dedicates her time to doing all the grocery shopping, and knitting over 60 pairs of slippers to put in all the baskets every year. In addition, she is a member and Past President of the Women's Division of the San Gabriel Chamber of Commerce, member and Treasurer of the San Gabriel Community Coordinating Council, serves on the Executive Committee and as Research Chairwoman of the 2013 San Gabriel Centennial Committee, and serves on the Board of

the San Gabriel Historical Association, where she was the Association's Past President, and now serves as the Recording Secretary.

I ask all Members to join me today in honoring an outstanding woman of my district, Eleanor K. Andrews, for her exceptional service to the community.

NATIONAL CENTER FOR FAMILY LITERACY'S TOYOTA TEACHER OF THE YEAR AWARDED TO SHARI BROWN

HON. PATRICK T. MCHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. MCHENRY. Mr. Speaker, I rise today to congratulate Ms. Shari Brown for receiving the 2012 Toyota Teacher of the Year Award. This award, presented by the National Center for Family Literacy, annually recognizes an educator in a program that has a strong record of increasing meaningful parent engagement and family learning.

Shari is a family literacy coordinator and instructor at Caldwell Community College serving Lenoir and other cities and towns in my congressional district. The program, which serves approximately 50 families each year and has another 30 on the waiting list, has a strong record of success. Children in the program tend to enter school six to eighteen months more advanced than average, and children for whom English is a second language enter kindergarten at the same, if not at a higher level, than their non-ESL peers, requiring no accommodations. Furthermore, adult students have a 94% persistence rate, and numerous ESL students move from the lowest levels of ESL to graduation with a GED and enter college.

Shari will use the \$20,000 grant that comes with the award to create a local community garden project where families will learn to grow, harvest and preserve their own food. Families will also participate in local farmer's markets, preparing nutritious meals utilizing the food they grow, supplemented with surplus commodities. Furthermore, they will study good nutrition and how to combat obesity in their family members. Lastly, families will have the opportunity to learn about culinary and horticultural career choices. Both of these industries have been identified as high-growth employment areas in Caldwell County, North Carolina.

Shari's recognition through this award is to be commended. Ms. Brown works every day to help families become self-sufficient and better able to help their children learn and grow academically in school. Thank you to the National Center for Family Literacy for recognizing one of our great community assets in Caldwell County.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMENDATION OF INDIAN
VILLAGE TENNIS CLUB

HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize the Indian Village Tennis Club's 100th anniversary on April 16, 2012. The Indian Village Tennis Club is a rich part of Detroit's history.

The Indian Village Tennis Club has owned its property since 1894, and began using the tennis courts and clubhouse on April 16, 1912. The Indian Village Tennis Club is located in Detroit's historic Indian Village neighborhood, and is the oldest tennis club in the United States to remain at its original site.

Club members enjoy the clay tennis courts, clubhouse, and perennial garden from May to October. The club has hosted numerous tournaments, lessons with tennis professionals, and social events promoting healthy living and wellness. Club members are active in the community.

It is with honor that I recognize the Indian Village Tennis Club for being a valuable organization in the Metro Detroit community for 100 years.

I am proud to have such a distinguished club in my community and I look forward to its continued success.

RECOGNIZING THE MULTILATERAL
BENEFITS OF GLOBAL HEALTH
RESEARCH AND DEVELOPMENT

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. DAVID SCOTT of Georgia. Mr. Speaker, to ensure our nation's competitiveness in the global arena and spur business development and expansion, it is clearly in our nation's interest to ensure robust federal funding for global health research. We are an innovation economy, and the basic research that federal funding makes possible sows the seeds for the later stage and private sector discoveries that attract philanthropic and venture capital dollars. And global health research is a priority for the American people. According to a May 2011 poll commissioned by Research!America, 74% of Georgians say that global health research is important to the economy.

As we consider federal funding for medical research, it is important to keep in mind that investment in global health research brings a rich return to the United States.

Throughout the United States, investment in global health leads to industry. In my home state of Georgia, successful start-ups like Geovax are breaking new ground in global HIV/AIDS research. Funding from the National Institutes of Health helped Geovax get off the ground, and now it is an employer that contributes to Georgia's economy and to improving global health. With global health powerhouses including the Centers for Disease Control and

Prevention, The Task Force for Global Health, The Carter Center, and CARE all based in Georgia, along with the world class scientists within our university system, Georgia is positioned to become a world leader for global health.

In this age of globalization, when intercontinental travel is a daily occurrence for thousands of people worldwide, treating communicable diseases in other countries is a must for preventing their widespread occurrence here in the United States. We have witnessed several times this past decade how easily diseases travel, as evidenced by the quick spread of SARS, avian flu and pandemic H1N1 flu from other countries to the western world. The spread of multi-drug resistant tuberculosis (MDR TB) is also of great concern, as infected individuals can be asymptomatic for years and still transmit the disease. Currently, infectious diseases cost the U.S. \$120 billion a year. By funding global health research programs dedicated to the prevention and eradication of communicable diseases in emerging economies, the United States is investing in its own immediate and long-term health, and saving on health care costs for treatment.

The landmark government initiative PEPFAR (U.S. President's Emergency Plan for AIDS Relief), is showing strong returns. Publicly funded researchers have identified and designed a multitude of preventive measures that reduce the risk of HIV transmission. Recent clinical trials demonstrated that combination antiretroviral treatments (developed by U.S. based pharmaceutical companies) can reduce the risk of HIV transmission by up to 96%. Deploying preventive measures in some of the highest risk countries around the world will certainly help reduce the spread of HIV. These measures will also help reduce the spread of HIV in the United States, where approximately 40,000 people per year are diagnosed, costing the U.S. a projected \$12.1 billion in lifetime medical expenses.

Investment in global health research and development today will help produce a healthy, competitive and innovative economy tomorrow. At the same time, such research helps to protect Americans, reduce health care costs and meet our nation's foreign policy goals. And investing in global research is a means of saving lives and preventing disability in impoverished nations—it is an immensely powerful form of humanitarianism that can help millions of people throughout the world now and in the future. As we map out strategies for promoting the U.S. economy, we must not falter in our investment in medical research that surely includes research devoted to combating global illnesses. We must capitalize on opportunities for NIH, CDC, FDA, USAID and DOD to support global health research—for the benefit of Americans and the global community of which we are a part.

RECOGNIZING THE 450TH ANNIVERSARY OF FRENCH HUGUENOT CAPTAIN JEAN RIBAUT'S LANDING IN FLORIDA

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. CRENSHAW. Mr. Speaker, I rise today to recognize the Sesquicentennial, or 450th anniversary, of the French expedition commanded by Huguenot Captain Jean Ribault landing in Florida at what is now Jacksonville, my hometown. Seeking the right to worship freely and with the support of the French Crown, Ribault sailed toward the New World and dropped anchor along the North Florida coast. His arrival on April 30, 1562, marked the beginning of French history in Florida.

The next day, May 1, the crew sailed north and came to "a leaping and breking of the water, as a streme falling owt of the lande unto the sea." They had discovered the mouth of a majestic river that Ribault named the River of Maye. We now call that river the St. Johns River, but the Village of Mayport and Naval Station Mayport owe their names to the original River of May.

Greeted by indigenous, Mocama-speaking Timucua Indians, Ribault and his crew entered the river, rowed ashore, and planted a column in honor of their King, Charles IX, claiming the land for France and marking a spot for future settlement. This French landing predates the settling of Jamestown by 45 years and occurred 58 years before the Mayflower arrived in Plymouth.

Two years later on June 22, 1564, a second sailing expedition, under the command of Rene Goulaine de Laudonniere, established the first French colony in the present-day United States of America near the mouth of the river. It was named la Caroline for the French King Charles IX. A fort was built in the colony or land of Charles to protect settlers. While there undoubtedly will be continued debate as to where and who claimed the first celebration of thanksgiving, we do know that the French Huguenots of the la Caroline colony celebrated a day of thanksgiving on June 30, 1564, and shared a meal with the Timucua Indians. Today, this landmark is operated by the United States National Park Service as Fort Caroline National Memorial.

Beginning with this first settlement and continuing until today, France and Florida have built a long-lasting relationship through consular representations, trade, cultural and educational exchanges, and tourism, all of which benefit both the French people and the people of Florida.

Florida has a long, rich maritime history dating back at least 12,000 years, but the documented history of the French coming to this long, flat peninsula is also cause for celebration. Many exciting activities are planned including the rededication of the Ribault Monument at Ft. Caroline National Memorial and the French Navy mooring two goelettes, the Etoile and the Belle Poule, in downtown Jacksonville. Consul General of France in Miami, Gaël de Maisonneuve, and other French and

American dignitaries will be on hand for this historical celebration.

It is my honor to bring this historic commemoration to the attention of the United States Congress and to invite Members to join in the celebration.

ANGELICA PRADO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Angelica Prado for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Angelica Prado is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angelica Prado is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Angelica Prado for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. DIAZ-BALART. Mr. Speaker, due to being unavoidably detained I was unable to cast the following votes. If I had been present, I would have voted as follows: Rollcall vote 132—I would have voted “yes,” rollcall vote 134—I would have voted “no,” rollcall vote 135—I would have voted “no,” rollcall vote 136—I would have voted “no,” rollcall vote 137—I would have voted “no,” rollcall vote 138—I would have voted “yes.”

WELCOME HOME VIETNAM VETERANS

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in strong support of H. Res. XXX, expressing support for “Welcome Home Vietnam Veterans’ Day 2012.”

We do not have to walk far from the doors of this building to be reminded of the bravery that so many of our young men and women have shown in defense of this country over the last 236 years. Statues, monuments, and other symbols of American freedom color our

horizon and tell the stories of the veterans who served, sacrificed, and gave so much for the country they loved.

As a nation, we honor those who defend us with memorials, holidays, and parades. But, as a people, we have not always fulfilled our duty to properly recognize those fellow citizens who put themselves in harm’s way to keep us safe and protect our freedoms.

Unfortunately, we failed in this duty to our Vietnam veterans. They came home to a time of civil unrest and social turmoil—a time when opposition to the war too easily turned into opposition against those young men and women who served in that war.

Too many service members returned from the brutality of war, not recognized for their courage, their honor, and their sacrifice.

The harsh greeting that met too many veterans in addition to the life changing trials of war, made an already difficult transition to civilian life even harder.

The communities that could have supported those who were reeling from the trauma of loss were not always available. When these veterans needed someone to lend an ear, or a helping hand, too many found a cold shoulder.

By encouraging Americans to observe “Welcome Home Vietnam Veterans Day,” my resolution seeks to provide these heroes the welcome home that they always deserved, but too many never received.

“Welcome Home Vietnam Veterans Day” is the culmination of years of effort on the part of my constituent Jose Ramos, himself a Vietnam veteran.

As an Army Combat Medic in Vietnam, Jose Ramos was victim to the indifferent and often hostile public reaction when he returned home. It was his personal experiences, and those of his fellow GIs, that motivated him to work toward establishing a national day of recognition. His work inspired many, including me, to help give Vietnam veterans their long overdue “welcome home.”

While today’s resolution may seem like a small gesture—and when compared to what our soldiers and their families sacrificed, it certainly is—it will serve to remind us of their service to our country.

Although there may be differing opinions on foreign policies and the popularity of certain military actions may vary, all American voices should rise in unison when it comes time to thank those who risk everything for the defense of the American people.

I urge my colleagues, on both sides of the aisle, to join in honoring Vietnam veterans by participating in Welcome Home Vietnam Veterans Day events in their communities next year.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. HEINRICH. Mr. Speaker, on the evening of March 26, 2012, I unfortunately missed rollcall votes 127, 128, and 129.

If I had been present, I would have voted in favor of rollcall vote 127, Representative STIVER’s (OH–15) bill, H.R. 2779.

If I had been present, I would have voted in favor of rollcall vote 128, Representative GRIMM’s (NY–13) H.R. 2682.

If I had been present, I would have voted in favor of rollcall vote 129, approval of the journal.

CANDIDATE VS. PRESIDENT ON OBAMACARE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. WILSON of South Carolina. Mr. Speaker, according to a recent CBS News article, when the President in 2008 was on the campaign trail, he blasted his primary opponent, Hillary Clinton, for supporting an individual mandate. Less than two years later, however, when the President lobbied the liberal-controlled Congress to pass the government healthcare takeover bill, he told legislators the individual mandate “was an essential part” of the takeover.

Almost every poll conducted across this country reveals the same result: an overwhelming number of Americans believe the individual mandate found in ObamaCare is unconstitutional and a chipping away of individual liberty. The Gadsden Flag of South Carolina is correct: Don’t Tread on Me.

The United States government should not require all of its citizens to buy insurance or push any other mandates that will limit freedoms. It is past the time for our nation to support legislation for real healthcare reform as developed by Congressman TOM PRICE that will guarantee these rights every American deserves.

In conclusion, God Bless our troops and we will never forget September 11th in the global war on terrorism.

ANGEL HAZLETT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Angel Hazlett for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Angel Hazlett is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angel Hazlett is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Angel Hazlett for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

A TRIBUTE TO GRETCHEN ROBINETTE, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our nation's most distinguished women.

Today, I pay tribute to Gretchen Robinette, a tireless volunteer, advocate, and remarkable woman of California's 29th Congressional District. Born and raised in South Pasadena, California, Gretchen graduated from South Pasadena High School, attained a B.A. from the University of California, Berkeley, and a Master's degree from the University of California, Los Angeles.

Gretchen served in the Peace Corps as an English language teacher in Malaysian Borneo for two years, along with her husband, Vic Robinette. Ms. Robinette was a teacher and librarian throughout most of her professional career for South Pasadena High School, Rio Hondo College in Whittier, and San Luis Obispo High School. Her commitment to education is also reflected through her willingness to be involved in school issues. She assisted in bringing the South Pasadena High School Library online, contributed her time to help design the school's library when it was constructed, and served in the Academic Senate at Rio Hondo College. Upon her retirement from teaching a decade ago, Gretchen joined her husband's CPA firm, where she holds the position of Office Manager.

Ms. Robinette has also served the community beyond the realm of education; a fact that she attributes to her years of service in the Peace Corps. She serves on the Board of Directors for the South Pasadena Preservation Foundation, chairs the South Pasadena Chamber of Commerce Legislative Affairs Committee, in addition to serving as a Chamber of Commerce Ambassador. A co-founder and former president, she currently serves as a Board Member for Women Involved in South Pasadena Political Action, WISPPA, an organization that works to improve integrity, accountability and transparency in the city government of South Pasadena. Past volunteer activities include serving on the South Pasadena Public Library's Board of Trustees and the Board of South Pasadena Beautiful.

I ask all Members to join me in honoring an outstanding woman of the 29th Congressional District, Gretchen Robinette, for her extraordinary service to the community.

IN RECOGNITION OF WISCONSIN COMMUNITY SERVICES, INC. (WCS) 100 YEARS OF SERVICE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. MOORE. Mr. Speaker, it is with great pleasure that I rise to honor Wisconsin Com-

munity Services, Inc. for 100 years of service in the great State of Wisconsin. Wisconsin Community Services, Inc., or WCS, was founded in 1912 as the "Society for the Friendless" and is the largest and oldest non-profit criminal justice organization in the State of Wisconsin.

WCS' original mission has remained constant from its inception to present day: to assist people who were incarcerated; to assist the families left behind; and "to advocate for justice and community safety by providing innovative opportunities for individuals to overcome adversity." During its 100-year history, WCS has helped to increase public safety and strengthen communities by giving disenfranchised residents the tools and support they need to be healthy, law-abiding, and productive.

I applaud WCS for offering alternatives that have resulted in lower recidivism rates compared to incarceration, thereby providing significant savings to taxpayers. The organization takes every opportunity to provide both innovative and evidence-based programming in a variety of service areas including the following: residential re-entry and workforce development; court services; services to persons with alcohol and other drug abuse (AODA); services to those with mental health or co-occurring disorders; and services for youth. In 2011 alone, WCS has served more than 15,000 individuals.

Mr. Speaker, WCS agency has made a tremendous impact and left its imprint on the historic, cultural, and civic life of the people of Wisconsin. I am proud that WCS is located in the 4th Congressional District providing support services and tools to help people successfully reintegrate into the community. I urge my colleagues to join me in saluting WCS in recognition of 100 years of advocating for justice and community safety by providing innovative opportunities for individuals to overcome adversity.

WOMEN'S HEALTH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. WOOLSEY. Mr. Speaker, women are just over 50 percent of the U.S. population, but we bear much more than half of the Nation's health care costs.

In so many ways, the American health care system has been geared toward men, men's bodies and men's needs. As women we've had to fight and struggle for parity, and finally the Affordable Care Act has given us that level playing field.

So naturally, my friends in the majority want to scrap this law that has helped so many women obtain life-saving preventive care services. They couldn't repeal it through the democratic process, so now they're trying to get the Supreme Court to do it.

We must say no. No, we will not tolerate discrimination in the health care system. No, being woman is not a pre-existing condition.

ANDREA BLANCAS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Andrea Blancas for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Andrea Blancas is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Andrea Blancas is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Andrea Blancas for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. WELCH. Mr. Speaker, on rollcall Nos. 134, 135, 136; had I been present, I would have voted "yea" on all.

TRIBUTE TO ROBERT BILLINGSLEA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a wonderful corporate and community leader upon his retirement. Robert Billingslea is retiring on March 31, 2012 as the Corporate Director of Urban Affairs for the Walt Disney Company. His professional efforts have enhanced the strength and diversity of the Disney Company, and his civic endeavors have made a tremendous impact on the city of Orlando.

Robert Lee Billingslea was born on December 20, 1937, to Faye and Robert Billingslea. He was raised by his grandparents on the south side of Youngstown, Ohio. Growing up he attended local public schools, and found his passion in music. He began playing the drums at age 12, and at 16 he was playing professionally. In 1956 he graduated from South High School, and was voted "most musical" in his class. His love of music spurred him to move to California following graduation to pursue a career as a musician. He studied music at Vallejo Junior College, while performing with several West Coast bands.

In 1958, he returned to his hometown and continued to tour the country playing drums for

various musical groups. Two years later, he enrolled in Kent State University to study sociology. In his senior year, he worked in juvenile court, and upon graduation became a probation officer in Akron, Ohio's juvenile court system. Mr. Billingslea went on to serve as a community organizer for the Office of Economic Opportunity. In 1966, an opportunity to become a wage and salary compensation analyst at Martin Marietta Corporation (now Lockheed Martin) took his life on a new trajectory in Orlando, Florida.

He joined the Walt Disney Company in 1969, and went to work at Disneyland in California as a senior personnel representative. But he quickly returned to Orlando where he was involved in the opening of the new Disney World facility in 1971. He has remained with Disney since that time, climbing the ladder to his current position as Corporate Director of Urban Affairs.

In addition to his position at Disney, Mr. Billingslea has been just as active in his community. When he returned to Orlando, he became chair of the Orlando Human Relations Board. Four governors also appointed him to serve on the Florida State Commission on Human Relations. It was during this time that our paths crossed and we became fast friends.

In 1985, his work at Disney brought him together with the NAACP, which was reviewing the company's employment practices for African Americans. Mr. Billingslea served as Disney's liaison to the NAACP, and a lasting relationship formed. He began working with the NAACP's Youth initiative, Academic, Cultural, Technological and Scientific Olympics (ACT-SO). Through this program, he helped African American youth enhance their academic, artistic and scientific abilities. He served on the ACT-SO Industry Advisory Council, as a Special Contributions Fund Trustee, and on the NAACP Image Awards Committee.

His experiences working with youth in the juvenile court system ignited a lifelong passion. He serves as an ambassador to the Boys & Girls Club of Central Florida, as a trustee for Bethune-Cookman University, and as an advisor to the Central Florida Urban League. He is also a member of the board for the League of Black Women and the Florida Endowment Foundation for Vocational Rehabilitation.

Bob has been honored with numerous awards include the National Service to Youth Award from the Boys & Girls Clubs of America for his 30 years of dedicated service and the Whitney M. Young Award from the Metropolitan Orlando Urban League in recognition of his help in founding and supporting the local Urban League chapter.

Mr. Billingslea and his wife Deidre (DeeDee) live in Orlando, and are the parents of one son. They are also the proud grandparents of two grandchildren.

Mr. Speaker, I ask you and our colleagues to join me today in celebrating the extraordinary contributions of Robert Billingslea. This a man who came from humble beginnings who started out hoping to change the world with his music, but ended up beating a different drum. He has helped shape the Walt Disney Company into the beloved entertain-

ment empire it is today and still found time to help build a better community in Central Florida. I wish him well in his retirement, and know that he will continue to share his time and talents with others.

A TRIBUTE TO DR. KAY MOURADIAN, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our nation's most distinguished women.

I stand today to pay tribute to Kay Mouradian, EdD, of South Pasadena, California, who has provided the Los Angeles Community Colleges with strong leadership and dedication for many years. Attaining a B.S. from Boston University, an M.S. from University of California, Los Angeles, and an Ed.D. from Nova Southeastern University, Dr. Mouradian served the Los Angeles Community Colleges as Professor of Health and Physical Education, and advocated in the California Teachers Association for the importance of physical education in California Community Colleges. In addition to her love of education and advocacy for health, Dr. Mouradian is also a very accomplished author.

Dr. Mouradian researched yoga in India for several months for her dissertation. She has published articles about yoga for magazines, with two much admired articles titled: Increasing Body Awareness through Yoga's Relaxation Technique and Developing a Competency-based Syllabus in Yoga for the Community College Curriculum. Kay's efforts did not stop there, as she also published a guide for yoga instructors who taught at the community colleges. In addition, Dr. Mouradian is planning to write books tailored to help people who want to and are interested in retaining a quality body, primarily during their elder years.

After several health crises, Kay's mother asked her to write about her life. This opened a new chapter for Kay. Kay extensively researched the Armenian Genocide of 1915 by reading numerous books and traveling to Turkey. There, she visited the town where 25,000 Armenians, including her mother and her family, were ordered to leave their homes at the time of the Armenian Genocide. She journeyed through the deportation path, where over 2,000,000 Turkish Armenians had to march for countless miles through the desert. Her findings and experience led her to write *A Gift in the Sunlight, An Armenian Story*.

I ask all Members to join me in honoring a remarkable woman of California's 29th Congressional District, Dr. Kay Mouradian, for her exceptional service to the community.

ANASTASIA LAWRENCE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Anastasia Lawrence for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Anastasia Lawrence is an 11th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Anastasia Lawrence is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Anastasia Lawrence for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

STUDENT LOAN GRACE PERIOD
EXTENSION ACT

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. HAHN. Mr. Speaker, this recession has left virtually no one untouched. Students that are graduating from college are finding not only a hostile job market, but many carry with them an overwhelming amount of debt. If we are going to get our economy back on track, we need to make sure those young people are given a fighting chance.

The unemployment rate for new college graduates in many fields is higher than the national average and they currently have to begin repayment on their loans a short 6 months after they graduate. The class of 2010 faced an unemployment rate for new college graduates of 9.1 percent, the highest in recent years.

That is why I am introducing the "Student Loan Grace Period Extension Act" which will extend the grace period for Federal Subsidized and Federal Unsubsidized Student Loans from 6 months to 12 months after the student graduates. This bill will provide students with a necessary window after graduation where they can conduct their job search without the financial constraint of monthly student loan payments after 6 short months. Given the recent recession and our slow economic recovery, it only makes sense to give those young people just entering the work force a fighting chance to find a job and start earning before they begin repaying their loan obligations.

By passing this bill, we will ensure that our college graduates are not prematurely burdened with student loan payments before many of them may be able to find gainful employment in their field.

HONORING HELEN AGUIRRE
FERRÉ

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. DIAZ-BALART. Mr. Speaker, as we celebrate Women's History Month, I rise to honor one of South Florida's finest award-winning, bilingual journalists, Helen Aguirre Ferré. Having profound experience in journalism, she dominates various media platforms including, TV, radio, and print media.

Having more than two decades of experience, Mrs. Aguirre Ferré currently serves as the Opinion Page Editor for *El Diario Las America*. Her father, Horacio Aguirre, an exceptional leader in South Florida, founded *El Diario*, Florida's oldest independent Spanish-language newspaper. For more than half a century, *El Diario* has maintained a high level of intellect, professionalism, and integrity. Mrs. Aguirre Ferré is also a political guest analyst for Univision, where she frequently appears on "Despierta America" and "Al Punto." She also co-hosts Univision's "Prohibido Callarse," a highly rated daily political talk show, and moderates the weekly public-affairs series *Issues* for WPBT2, a South Florida PBS station.

Her accomplishments go beyond her professional career; Mrs. Aguirre Ferré co-founded Operation Saving Lives, a humanitarian effort responsible for sending money, medicines, food, and clothing to hurricane victims in Central America. She is the first woman to chair Miami Dade College's Board of Trustees and she serves on the Board of Directors of the Association of Governing Boards of Universities and Colleges. Additionally, Mrs. Aguirre Ferré is a member of the International Women's Forum, the Council on Foreign Relations, the Inter-American Institute for Democracy, the New Hampshire Institute of Politics, Mercy Hospital's Angels of Mercy, the Mater Center, and the American Nicaraguan Foundation.

She has received numerous awards from various organizations, including the Cuban American National Council, Barry University, Saint Anselm College, the American Red Cross, the American Cancer Society, the Women's History Coalition, the American Nicaraguan Foundation, the Cuban Women's Club, the Latin Chamber of Commerce of the United States (CAMACOL) and Hispanic Media 100, among many others.

Mrs. Aguirre Ferré has earned the respect and trust of our community in South Florida, and I ask my colleagues to join me in recognizing a dear friend and accomplished individual. I wish her continued success in her future endeavors.

FLYERS KEEP NORTH CAROLINA
BASKETBALL IN THE SPOTLIGHT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. COBLE. Mr. Speaker, North Carolina has a long and distinguished list of college

basketball National Champions. This year, however, there is only one school from the Old North State that will earn the right to hoist a National Championship banner. No, I do not mean the North Carolina State University Wolfpack, nor the Duke University Blue Devils and not even the University of North Carolina Tarheels. Please join me, Mr. Speaker, in congratulating the Sandhills Community College Flyers upon their rise to the 2012 National Junior College Athletic Association Division III Championship.

Their 30–6 season ended with a commanding defeat of Cedar Valley College, from Dallas, Texas, by a score of 101–86. Outstanding play from Guard Daquain Towns, tournament MVP, and the tremendous coaching of Mike Apple led the Flyers, in only their third season, past teams in the play-offs from the Bronx, New York, Brookdale, New Jersey, and Prince George's County, Maryland. On March 17, the Sandhills Flyers became the first team from North Carolina to win a Division III National Championship and our office is proud to represent this fine group of young men. Each member of the Flyers deserves recognition for this outstanding achievement and they are:

Michael Collins, TJ Gill, Raheem Jolliffe, Chris Morrison, Daquain Towns, Dre Huntley, Chris Vinson, Trevor Cole, Mike Dorsey, Raheem Washington, Michael Robinson, TJ Jones, Tramaine Pride, Louis Craft, Kermeriaz Harrington, Erick Ewing, Markell Lotharp, Demontre Jones.

Coach: Mike Apple.

Athletic Director: Aaron Denton.

Congratulations also go out to Dr. John Dempsey and the Sandhills Community College family for putting together an organization that preserves North Carolina's premier basketball tradition while adding a new National Champion to our history books.

ALYSIA MORA-PINA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Alysia Mora-Pina for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Alysia Mora-Pina is an 11th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Alysia Mora-Pina is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Alysia Mora-Pina for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

A TRIBUTE TO EVA ARRIGHI, 29TH
CONGRESSIONAL DISTRICT
WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Woman's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our Nation's most distinguished women.

Today, I stand to laud the tireless efforts of Eva Arrighi, a 22-year resident of Temple City, California, whose zealous approach to community service has benefited many people and organizations. Born in Cologne, Germany in 1931, Eva arrived in the United States in 1955 along with her husband Ivo, son Dan, and daughter Frances. After residing in Pittsburgh, Pennsylvania, Cleveland, Ohio, and Rosemead, California, respectively, Eva and her family moved to Temple City.

Throughout the years, Eva has maintained an active spirit for all her passions in life, and is involved with the community as a member of many organizations as a dedicated volunteer. Ms. Arrighi has been a volunteer and member of the Boy Scouts of America, particularly with Troop 169 Temple City, where her grandson achieved the rank of Eagle Scout. Eva volunteers for church activities at St. Peter's in Los Angeles, St. Anthony Catholic Church in San Gabriel, and St. Luke Catholic Church in Temple City, where she always lends a helping hand to assist at the St. Luke's Fiesta. The School of Fashion & Design in Alhambra has also benefited from Eva's devotion, as she contributes many hours working with physically and developmentally challenged students. Currently, Ms. Arrighi is an Ambassador for the Temple City Chamber of Commerce, where she assists in decorating for Chamber activities and provides food items and gifts for the Chamber's social mixers. She is also a member of organizations such as the Temple City Women's Club, Friends of Foster Children and the Historical Society of Temple City.

Ms. Arrighi is known for her generosity. She spends many hours knitting and crocheting countless items and selflessly gives everything away as gifts. Some of her creations include scarves, hats, baby blankets, slippers and socks. She donates to various fundraisers, community raffles, Chamber employees, Methodist Hospital Foundation and the School of Fashion & Design, to name a few.

I ask all Members to join me in honoring an extraordinary woman of California's 29th Congressional District, Eva Arrighi, for her exceptional service to the community.

HONORING RICHARD LEE
LAWRENCE

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Richard Lee

Lawrence, a devoted servant to the Roanoke Valley and the legal community of western Virginia, who passed away unexpectedly on March 19, 2012.

Born and raised in Roanoke, Richard was an active member of Scout Troop 21, where he attained the rank of Eagle Scout. He was always proud of this achievement. He regularly spoke about how important his scouting skills were to his overall education.

A graduate of Jefferson High School, Roanoke College, and Washington and Lee School of Law, Richard also served in the United States Marine Corps. He was a passionate student of American history, particularly the American Civil War, and also greatly enjoyed immersing himself in the various cultures were to his world.

Above all else, Richard was dedicated to his work. He took great pride in the fact that he worked each day since his first newspaper job as a young boy. Despite being a pillar of the legal bar in the Roanoke Valley, Richard was never too busy to mentor young lawyers, including myself and my wife. As a boy, Richard was unfortunately the target of many bullies. Thankfully, he turned that resentment into a desire to fight for the "little guy." Many contend he will be best remembered for his dedication to the people who did not have an advocate or a voice.

While I knew Richard as a lawyer and friend, I was unaware of his dedication to attending church on Sundays. The priest at Richard's funeral made note that over the last five years he could count the number of times Richard had missed church on one hand. Always open and candid about his shortcomings, Richard's faithful devotion is humbling.

My thoughts and prayers go out to Richard's family and friends. I am honored to pay tribute to his many contributions to the community. His legacy and influence will be long remembered across the Roanoke Valley and throughout Southwest Virginia.

IN RECOGNITION OF THE PUBLIC SERVICE OF GERRY CASHIN

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. BACHUS. Mr. Speaker, in any successful office, there is always one person you need to be able to trust to make sure that things are done in the right way and on time. From the beginning of my service in Congress, that person in my office was my executive assistant, Geraldine "Gerry" Cashin. On the occasion of her retirement, I want to offer my personal thanks to Gerry for the dedicated and loyal service that she has given to me, the people of Alabama, and the citizens of our nation. Gerry was first with me in my law practice in Alabama and when I was elected to the House, I knew that I wanted her to come to Washington to help me with the challenge of setting up a new congressional office. Her organizational skills and personal concern for constituents helped our office to quickly establish a reputation for service and responsive-

ness. Gerry set a high standard with her dedication to her work and her attention to detail, and many of my staffers who have gone on to success in future endeavors have given credit to the lessons they learned from Gerry. Almost every day, the seemingly "impossible" was asked of Gerry and she unfailingly delivered, perfecting along the way such wry and legendary office phrases as "I'm sorry that happened" and "Never give a man something you haven't made a copy of." During the great challenges in Congress during recent years—from 9/11 to the financial crisis—Gerry stood as a rock of stability and a voice of calm and continuity. She has friends all over Capitol Hill and in Birmingham, and my wife Linda and I consider her to be part of our family for her many years of loyal service and heartfelt friendship. While the institutional knowledge that Gerry acquired cannot be replaced, my office's loss is the gain of her daughters Amanda and Diane and her grandsons John and Tom, with whom she will happily be spending much more time, and perhaps a gain for her tennis game as well. It is a pleasure for me to extend this public and well-deserved tribute to a servant of the people and a very dear friend, Gerry Cashin.

ELBRA WEDGEWORTH

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the Honorable Elbra Wedgeworth for receiving the Community Impact Award from Metro Volunteers.

As an East Denver native, Elbra Wedgeworth has been a leader in Denver City Government for the past twenty-six years. In addition to her government service, some of her volunteer activities include Host Committee Member of the 2022 Denver Winter Olympics, 2011 Denver Region Sustainable Communities Executive Committee and founder of the African American Cultural Consortium and several other Boards and Councils.

The Honorable Elbra Wedgeworth is a highly admired individual who deserves recognition from the community for her leadership and the example she sets for others through her selfless service to those in need.

I extend my deepest congratulations to my friend the Honorable Elbra Wedgeworth for this well deserved recognition by Metro Volunteers. Thank you for making our community a better place for all of us.

HONORING JENNIFER L. SMITH

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. RYAN of Wisconsin. Mr. Speaker, my colleague, Mr. VAN HOLLEN, and I want to take a moment to recognize the retirement of Jennifer L. Smith, CBO's Associate General Counsel. Ms. Smith is retiring after more than 32 years of service to the Congress.

She began her career at the Senate in 1979. While working for the Secretary of the Senate, she attended law school at night and became one of the Senate's Assistant Parliamentarians. She served as an Assistant Counsel for the House Budget Committee, the General Counsel for the Senate Budget Committee, and the Deputy General Counsel for CBO. In 2006, she returned to the Senate Parliamentarian's Office as the Senate Precedents Editor, and in 2010 returned to CBO as the Associate General Counsel.

In each of her roles, Ms. Smith worked tirelessly to ensure that the decisions of each office were carefully researched, well reasoned, and fully documented.

As an attorney for CBO, Ms. Smith ensured that CBO's estimates of legislation were based on a solid understanding of the law. Her skills as an attorney have been highlighted in the diverse issues she has worked on while at CBO, ranging from immigration to social security to lease-purchase issues. Her knowledge of appropriations law, copyright law, and the ethics rules of the House of Representatives rivals those of the most acknowledged experts in those fields.

Ms. Smith's excellent work has been recognized throughout her career. In 2005, as CBO's Deputy General Counsel, she received a CBO Director's Award for outstanding performance. And she has received a number of other awards recognizing her outstanding contributions at CBO.

Ms. Smith has exemplified CBO's high standard of professionalism, objectivity, and nonpartisanship. She has been a wise counselor and a frequent mentor. As important as the quality of her work, Ms. Smith's value as a colleague is unmatched. Her unfailing sense of humor, dependability, loyalty and her prowess on the softball field will not be forgotten.

We thank Jennifer Smith and commend her for her many years of dedicated, faithful, and outstanding service to CBO, to Congress, and to the American people. We wish her all the best in her well-deserved retirement.

INTRODUCTION OF THE UNITED STATES COMMISSION ON AN OPEN SOCIETY WITH SECURITY ACT OF 2012

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. NORTON. Mr. Speaker, as the cherry blossom season begins, bringing thousands of Americans here, I rise to reintroduce the United States Commission on an Open Society with Security Act of 2012. The bill expresses an idea I began working on when the first signs of the closing of parts of our open society appeared after the Oklahoma City bombing, well before 9/11. This bill grows more urgent as an increasing variety of security measures proliferate throughout the country without any thought about the effects on common freedoms and ordinary public access, and without any guidance from the government or elsewhere. Take the example of government buildings. Federal building security

has gotten so out of control that a tourist passing by a Federal building cannot even get in to use the restroom or enjoy the many restaurants located in areas otherwise devoid of such amenities. The security for Federal buildings has too long resided only in the hands of non-security experts, who do not take into account actual threats and, as a result, spend lavish amounts of taxpayer dollars on needless security procedures. For example, several years ago, Government Accountability Office investigators carried bomb-making materials into 10 high-security Federal buildings and then assembled them in the bathrooms. This scandal shines a light on the failure to use risk-based assessments in the allocation of resources.

The bill I reintroduce today would begin a systematic investigation that fully takes into account the importance of maintaining our democratic traditions while responding adequately to the real and substantial threat that terrorism poses. To accomplish its difficult mission, the bill authorizes a 21-member commission, with the President designating nine members and the House and Senate each designating six members, to investigate the balance of openness and security. The commission would be composed not only of military and security experts, but, for the first time, they would be at the same table with experts from such fields as business, architecture, technology, law, city planning, art, engineering, philosophy, history, sociology, and psychology. To date, questions of security most often have been left almost exclusively to security and military experts. They are indispensable participants, but these experts cannot alone resolve all the new and unprecedented issues raised by terrorism in an open society. In order to strike the security/access balance required by our democratic traditions, a diverse group of experts needs to be at the same table.

For years, parts of our open society have gradually been closed down because of terrorism and the fear of terrorism, from checkpoints on streets near the Capitol, even when there are no alerts, to applications of technology without regard to their effects on privacy.

Following the unprecedented terrorist attack on our country on 9/11, Americans expected additional and increased security adequate to protect citizens against this frightening threat. However, in our country, people also expect government to be committed and smart enough to undertake this awesome new responsibility without depriving them of their personal liberty. These times will long be remembered for the rise of terrorism in the world and in this country and the unprecedented challenges it has brought. We must provide ever-higher levels of security for our people and public spaces while maintaining a free and open democratic society. Yet this is no ordinary threat that we expect to be over in a matter of years. The end point could be generations from now. The indeterminate nature of the threat adds to the necessity of putting aside ad hoc approaches to security developed in isolation from the goal of maintaining an open society.

When we have faced unprecedented and perplexing issues in the past, we have had the

good sense to investigate them deeply before moving to resolve them. Examples include the National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission), the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (also known as the Silberman-Robb Commission), and the Kerner Commission, which investigated the riots that swept American cities in the 1960s and 1970s. The important difference in this bill is that the Commission seeks to act before a crisis-level erosion of basic freedoms takes hold and becomes entrenched. Because global terrorism is likely to be long lasting, we cannot afford to allow the proliferation of security measures that neither requires nor is subject to advanced civilian oversight, or analysis of alternatives and repercussions on freedom and commerce.

With no vehicles for leadership on issues of security and openness, we have been left to muddle through, using blunt 19th century approaches, such as crude blockades, unsightly barriers around beautiful monuments, and other signals that our society is closing down, all without appropriate exploration of possible alternatives. The threat of terrorism to an open society is too serious to be left to ad hoc problem-solving. Such approaches are often as inadequate as they are menacing.

We can do better, but only if we recognize and come to grips with the complexities associated with maintaining a society of free and open access in a world characterized by unprecedented terrorism. The place to begin is with a high-level commission of experts from a broad array of disciplines to help chart the new course that will be required to protect our people and our precious democratic institutions and traditions.

A TRIBUTE TO ELLEN
SNORTLAND, 29TH CONGRES-
SIONAL DISTRICT WOMAN OF
THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our nation's most distinguished women.

I stand today to pay tribute to Ellen Snortland of Altadena, California, who is an inspiring and extraordinary individual. Ellen has spent her life following a variety of passions ranging from human rights to journalism to self defense. Ms. Snortland received a Bachelor of Arts from the University of California, Irvine in Theater and Film, and later a Juris Doctor, JD, from Loyola Law School, Los Angeles. After graduating, Ellen decided that she could provide the most service to her community as an advocate for women and children, a teacher, performer and media professional.

Ms. Snortland is the author of *Beauty Bites Beast*, which has been translated in Portuguese and Spanish, featured on Dateline NBC, and sold around the world. Ellen has

also performed "Now that She's Gone," a one-woman show, which is a touching piece about family and forgiveness, and in 2008, was nominated for a Pulitzer in Drama. She has performed this show in New York, Los Angeles, Kansas, and France among other cities, states and countries.

She is currently a Board Member and lead female instructor for IMPACT personal safety, and teaches young boys and girls how to defend themselves from predators, both physically and verbally. She provides valuable services to our youth which they can draw from for their entire lives.

Ellen's accomplishments and roles in our community are innumerable. She serves on the Board of 50/50 Leadership and Consumer Watchdog, and is the Past President of the United Nations Association, Pasadena/Foothills Chapter. Ellen attended the U.N. Fourth World Conference on Women in Beijing in 1995, the World Conference Against Racism in Durban, South Africa, in the year of 2001, and the U.N. Commission on the Status of Women for many years as part of the U.N. Press Corps as well as a NGO delegate.

Today, Ms. Snortland is a columnist for the Pasadena Weekly and a blogger for Ms. Magazine and Huffington Post. Ellen's work has been exceptional, and has proven that one woman can truly achieve all she sets her mind to.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Ellen Snortland, for her exceptional service to the community.

ANDREA HILL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Andrea Hill for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Andrea Hill is a 7th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Andrea Hill is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Andrea Hill for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

U.S. COMMISSION ON INTER-
NATIONAL RELIGIOUS FREEDOM**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. WOLF. Mr. Speaker, I rise to thank Nina Shea, Dr. Don Argue, Dr. Richard Land, Dr. Elizabeth H. Prodromou and Felice Gaer for their service on the U.S. Commission on International Religious Freedom (USCIRF). These commissioners have made significant contributions to USCIRF's work on behalf of the cherished right of freedom of religion or belief, including its deeper integration into U.S. foreign policy and national security. Since its inception, the commission has served as a voice for the voiceless, championing the plight of those whose most basic rights are threatened.

I would especially like to recognize the tireless efforts of Nina Shea, who has served on the commission since its creation. As a stalwart advocate, prolific writer and subject matter expert, Nina has played an invaluable role on the commission and her leadership will be sorely missed. She was at the forefront of much of the commission's work on Sudan and she took a prominent role in shining a bright light on extremist Wahhabi ideology coming out of Saudi Arabia. Early on, Nina recognized the precarious plight of religious minorities, notably Christians in the Middle East, and sought to develop policy recommendations that would ensure their continued existence and flourishing in the lands they have inhabited for centuries.

As director of the Center for Religious Freedom and a senior fellow at the Hudson Institute, Nina will undoubtedly continue fighting the good fight on behalf of persecuted people worldwide.

TO HONOR AND CONGRATULATE
LUMBERTON FIRE AND EMS ON
THEIR 50TH ANNIVERSARY**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor and congratulate Lumberton Fire and EMS on their 50th Anniversary.

Now 53 members strong, the proud ranks of the Lumberton Fire and EMS paid full and part-time EMS are preparing to grow again thanks to the leadership of Fire Chief James K. Philp and his team of operational officers and of course, organization President David Grass, Jr.

On Saturday, March 31, 2012, citizens from throughout Hardin County, Texas and Emergency Services District 2 will gather to celebrate the half century of service and safety that these brave first responders have provided for the people of this beautiful Southeast Texas community.

Serving some of the fastest growing communities in Texas like the City of Lumberton and its surrounding region, the Lumberton Fire and EMS serves 25,000 citizens and covers

122 square miles of territory. In 2011 alone, this Department responded to 2,102 calls for service.

Chartered on April 2, 1962 under the name Chance-Loeb Volunteer Fire Department, this department grew into the Lumberton Volunteer Fire Department just six years later.

In 1998, the name changed to Lumberton Fire/Rescue Services and then in 2003, the department began working in tandem with the EMS department in order to better serve the citizens of Lumberton and the surrounding community.

The two groups started the long process of merging both non-profit, tax exempt departments into one stronger, unified organization near the end of 2004.

In February of 2005, Lumberton Volunteer Fire-Rescue and Lumberton Emergency Medical Services were formally merged into the department we honor today—the Lumberton Fire & EMS.

This is a department that has been there throughout wildfires, hurricanes, tropical storms and so much more.

I am honored by their selfless service for these 50 golden years in the golden triangle. This is truly a significant milestone for this community and its dedicated firefighters, volunteers, and citizens who show their commitment every time someone calls 9-1-1 for help.

CDLS FOR VETERANS ACT

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. HAHN. Mr. Speaker, as our men and women return from the wars in Iraq and Afghanistan, we have a duty to honor their sacrifice and service. They are returning to an economy that has not yet fully recovered and, especially for those veterans under 35, they will face a higher rate of unemployment than the national average.

These servicemen and women come home with valuable experience and training, but often find that there is a disconnect between their service and requirements for employment in the civilian world. These men and women should not be forced to start over in their training for good-paying jobs like commercial truck driving.

The men and women who operated heavy machinery and combat vehicles come home with a wealth of knowledge and first hand experience. Our communities cannot afford to let this expertise go unused. Currently, if these professionals want to use their skills to become professional drivers, they need to go through training for a Commercial Driver's License as if they had no experience at all.

That is why I am introducing the "Commercial Drivers Licenses for Veterans Act." This legislation will provide grants to states to provide for the expedited training and licensing of veterans with prior experience operating heavy machinery and combat vehicles.

By passing this bill, we will not only ensure that our communities have the professional drivers they need, but we will show the men and women who have served our country that we value their experience and expertise.

ALICIA CHAVEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Alicia Chavez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Alicia Chavez is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Alicia Chavez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Alicia Chavez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING MS. MARY SCOTT
RUSSELL**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women's History Month I rise today to honor Ms. Mary Scott Russell, a dedicated and committed individual to the community of South Florida.

Ms. Russell, a native to Miami, is currently serving her fifth year as president of the Chamber of Commerce for Greater South Dade. She has served South Florida with distinction and admiration over the past two decades in various capacities. Ms. Russell served as the third female Mayor for the City of South Miami, Vice Mayor, Commissioner, and as chair of the City's Environmental Review and Preservation Board. During her tenure as Mayor, she created the Junior Commission for Women, allowing young women in the community to participate in an advisory group to the Mayor and City Commission on issues that affect their gender and age group.

Additionally, Ms. Russell was appointed President of the Miami Dade League of Cities, the fourth female leader of the organization in 50 years. Her dedication to issues concerning children and the environment is evident through her service on the Board of the Children's trust, and on the Fairchild Palms Board of Directors over the past 7 years.

Amongst her many roles and duties, she has found time to be a member of many organizations including, the General Obligation Bond Citizen Advisory Committee, Miami Dade College Center for Service Excellence Advisory Board, the College of Business and Technology Advisory Board, and the Informed Families South Miami Drug Free Coalition.

Mr. Speaker, I am honored to pay tribute to Ms. Mary Scott Russell. She is not only a

great mother, friend, and servant to the community, but also a leader who dedicates countless hours to making a difference for those around her. I ask my colleagues to join me in recognizing this remarkable individual.

A TRIBUTE TO DEBRA SUH, 29TH
CONGRESSIONAL DISTRICT
WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our nation's most distinguished women.

I stand today to pay tribute to Debra Suh of Glendale, California, an extraordinary woman who selflessly works to strengthen our community and provide valuable resources where they are needed most. Debra worked at the Legal Aid Foundation of Los Angeles as an attorney, where she established the Asian Pacific Islander Legal Unit, geared towards increasing the low-income immigrant community's access to legal representation and services. Debra has continuously pushed to provide this population with opportunities and a voice that might be denied them otherwise.

Since 1999, Debra has been the Executive Director of the Center for the Pacific Asian Family, CPAF, which is nationally renowned for its inspiring work to support immigrant Asian and Pacific Islander survivors of sexual and domestic violence. CPAF offers programs, which are imperative to women and children survivors, such as the 24-Hour Crisis Hotline, Transitional Shelter, Emergency Shelter, and Community Outreach programs. These provide a safe haven to people in need, and allow survivors to feel supported by their community.

Debra is an accomplished leader and dedicated volunteer, and has always found time to volunteer for various vital organizations. She served on the Board of Directors of the California Partnership to End Domestic Violence, and was Board Vice President from 2008 to 2010. She is Past President of the Women's Organization Reaching Koreans and Korean American Bar Association. Ms. Suh's efforts have not gone unrecognized. She has been awarded the Durfee Sabbatical Award and the KCET/Union Bank Local Hero Award. Currently, Debra serves as Co-Chair of the California Emergency Management Agency's Domestic Violence Advisory Council and is a member of the Los Angeles Emergency Food and Shelter Program Board, Blue Shield of California's Foundation's Strong Field Project Advisory Group, the Los Angeles County DPSS Welfare Advisory Council, and the Los Angeles City Mayor's Nonprofit Advisory Group. In addition, Debra is a tireless volunteer at the local public schools where her two children attend; she teaches art, helps raise funds, and helps in the classroom.

Debra and her husband, Robin Toma, have two children, Nina Suh-Toma and Julian Suh-Toma.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Debra Suh, for her outstanding service to our community.

RECOGNIZING THE RICHMOND POLICE
ACTIVITIES LEAGUE ON 30
YEARS OF PUBLIC SERVICE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, it is with great pleasure that I rise today to recognize and congratulate the men and women of the Richmond Police Activities League as they celebrate 30 years of public service.

The Richmond Police Activities League was first established in 1982 to offer positive and proactive activities for local boys and girls between the ages of 5 and 18. Over the past three decades, Richmond PAL's programs have expanded to serve over 3,000 youth annually with excellent recreational, educational, social, and spiritual activities. Basketball, soccer, track, golf, baseball, football, and games like pool and ping-pong are great favorites at the PAL Center. They even have a state of the art recording studio which provides a unique opportunity for members to develop and showcase their talents.

Furthermore, Richmond PAL's after school programs have helped increase the number of Richmond students staying in school, and have encouraged students to strive for academic excellence. With the help of volunteer teachers and tutors, many of these students have dramatically improved their reading and writing skills.

In addition to the programs available at the Center, Richmond's Police Activities League offers field trips to local institutions such as the Lawrence Hall of Science, a ferry boat ride to San Francisco, or a visit to Fresno State University to explore the options of higher education. These field trips have encouraged many students to broaden their imaginations and have motivated them to achieve their goals.

Mr. Speaker, I invite my colleagues to join me in recognizing the Richmond Police Activities League and the dedicated men and women who have made it a success over the past thirty years. These programs have made a difference in the lives of countless children, and PAL continues to be a positive force in our community and a priceless benefit to all residents. I am pleased to congratulate the organization for its accomplishments in public service and wish them well with all their future endeavors.

ALEXANDER GALLEGOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Alexander

Gallegos for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Alexander Gallegos is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Alexander Gallegos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Alexander Gallegos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

SB 1070 AMICUS BRIEF

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. CLARKE of New York. Mr. Speaker, on April 25, 2012, the United States Supreme Court will hear oral arguments in *United States v. Arizona*, a case that could determine whether, through the guise of immigration enforcement, states can once again legally sanction discriminatory practices. Sixty-eight Members of Congress, including myself, have filed a brief to inform the Supreme Court that we believe that Arizona, through SB 1070, has unconstitutionally stepped upon exclusively federal domain. I stand before you today to explain why many of the leading Members of this Chamber have decided to take a stand against this law.

Arizona's SB 1070, like other state laws inspired by SB 1070, opens the gates for legally sanctioned racial profiling. If allowed to go into effect, Arizonans who look or sound "foreign" could be asked for their papers at any given moment—and punished for failing to produce them. We don't want to become a country where an accent or a skin tone could make you a suspect.

Our Framers gave Congress exclusive domain over immigration policy. Immigration policy, like foreign policy, must remain in federal hands. They understood that the United States needed a single immigration policy, because a patchwork of 50 immigration laws would create a logistical nightmare for U.S. citizens and immigrants alike. A family from Brooklyn, for example, shouldn't have to bring passports to visit the Grand Canyon, but that's what would be needed if a law like SB 1070 were allowed to go into effect.

Our Constitution guarantees that all people—no matter where they were born or what color of skin—have the same basic rights. These rights cannot be allowed to be threatened by a law like SB 1070, which, if allowed to go into effect, would undoubtedly lead to irreparable violations of these constitutional rights for anyone who appears to be "foreign." These "show me your papers" laws allow extremist legislators like those in Arizona and Alabama to turn back the clock on some of

our hardest won and most important civil rights.

State-based immigration policy won't fix our federal immigration system. I call upon my colleagues on both sides of the aisle to put aside partisan rhetoric and work together on creating a federal immigration policy that puts our family, economy, and country first. We must create an immigration system that reflects our values and moves us forward together.

It is up to the Supreme Court to ensure that all Americans, no matter their appearance, are treated equally. Failing to preserve these constitutional protections would undermine our values of liberty and justice for all.

A TRIBUTE IN HONOR OF THE LIFE OF JAMES W. JARRETT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the memory of James W. Jarrett, a successful businessman, a true gentleman, and a devoted husband and father. Jim died at the age of 67 on February 22, 2012, on a long planned climb on Mount Kilimanjaro with dear friends. Always an adventurer, he died doing what he loved.

I've known and worked with Jim and his family, and in particular his wonderful daughter Tracey. It was Tracey's Down Syndrome that inspired Jim to become a powerful advocate and prodigious supporter of those with developmental disabilities.

Jim Jarrett spent 28 years working at Intel Corporation. He began as the head of Investor Relations, was the company's first Internal Public Relations Manager, and served as President of Intel China and as Intel's first Vice-President of Global Public Policy. He retired in 2008.

Jim leaves his beloved wife of 43 years, Laurie, who was to join him in Africa at the end of his climb, for further travel in Africa. He also leaves his three daughters to whom he was incredibly devoted. He gave generously of himself to them and they valued the many gifts given to them in the times he spent with them. They were equally devoted to him, and the program from his memorial service listed "60 Reasons We Love Our Dad," from Jim's 60th birthday celebration. Hearing each of his daughters speak at the service convinced every person who heard them that they could have come up with one hundred reasons easily.

Mr. Speaker, I ask my colleagues to join me in extending our deepest and most sincere sympathy to Laurie, Tracey, Alison, Lindsay and her husband Justin, and to the entire Jarrett family. Our community and our country have suffered the loss of a great and good man.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,589,407,415,161.70. We've added \$4,962,530,366,248.62 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

A TRIBUTE TO NANCY E. GUILLEN, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our Nation's most distinguished women.

Today, I pay tribute to Nancy E. Guillen of Burbank, California. Born in Guatemala City, Guatemala, Nancy, who is the youngest of four children, immigrated to the United States in 1968 at the age of six, and became a U.S. citizen in the early 1980s. Upon graduating from John Marshall High School, Nancy attended Glendale Community College.

Ms. Guillen is the CEO of True Integrity Insurance & Payroll Services in Burbank. Prior to this career, Nancy worked in the medical field for over two decades. Aside from being a dedicated career woman, Nancy has always found time to volunteer and contribute many hours of service to a variety of organizations, including Kid's Community Dental Clinic, Glendale Noon Kiwanis, Family Service Agency of Burbank, The Salvation Army of Burbank, Ascencia, and Family Promise of East San Fernando Valley, where she also serves as a Board Member. Currently, Nancy is President of the Glendale Latino Association, and helps raise scholarship funds for Glendale Community College and Glendale High School students.

In addition to volunteering countless hours at homeless shelters, supporting families and children, and volunteering for nonprofit organizations, Nancy is also an avid supporter of breast cancer awareness. As a breast cancer survivor herself, Nancy participates in cancer walks, is involved with the American Cancer Society, Relay for Life in Burbank and Fiesta of the Spanish Horse to help raise funds to cure cancer. Ms. Guillen's commitment to help women who are battling breast cancer is admirable, and she always finds time to speak with them and support them in any possible way she can.

Nancy has two children, Juan and Cindy, and a granddaughter, Natalia, who she says are the greatest blessings in her life.

I ask all Members to join me in honoring a remarkable woman of California's 29th Congressional District, Nancy E. Guillen, for her exceptional service to the community.

HONORING WOMEN'S RIGHTS LEADER ELLIE SMEAL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mrs. MALONEY. Mr. Speaker, it is with great pride that I honor Ellie Smeal, a true global leader for women and a national treasure on the Feminist Majority Foundation's 25th Anniversary. Since its founding in 1987, with Ellie's leadership, the Feminist Majority Foundation has advanced the legal, social and political equality of women, challenged the hostility that women's advancement faces, and recruited and trained countless young feminists to foster future leadership of the feminist movement.

The Feminist Majority Foundation received its name after a Newsweek/Gallup public opinion poll revealed that the majority of women in the United States self-identified as feminists. With the belief that feminist men and women are the majority, the organization has been on the forefront of the women's movement, championing women's equality, reproductive health, and non-violence. The Feminist Majority Foundation has achieved many triumphs that benefit women in the United States at the local, state and federal level and abroad: ballot initiatives to repeal state-wide abortion bans, recruiting an unprecedented number of women to run for elected office, resulting in 1992 being the Year of the Woman, and amending the 1991 Civil Rights Act to award monetary damages to women who win sexual harassment lawsuits in court. The Feminist Majority Foundation is the sole publisher of Ms., a feminist publication dedicated to covering issues impacting women around the world.

For more than two decades, Ellie Smeal, the President and Founder of the Feminist Majority Foundation, has fought for equality for women. She has held pivotal roles in nationwide and state efforts to achieve women's rights legislation and key court cases to advance women's rights. A gifted strategist and organizer, Ellie was the first to identify and highlight the "gender gap" and the differences in the ways men and women vote.

While President of the National Organization for Women, Ellie led the fight to ratify the Equal Rights Amendment through the largest grassroots effort in the modern women's rights movement. She continues to work tirelessly towards ensuring that men and women are granted equal rights by the United States Constitution. Last week, we celebrated the 40th anniversary of Congress's passage of the ERA and Ellie was front and center, staunchly affirming the need for the ERA.

A tireless advocate of women's reproductive rights, she developed a program to train clinic defenders in nonviolent clinic defense and fought a 12 year battle to allow American women access to mifepristone. Her organizing abilities have brought together all segments of

the women's movement, including young feminist leaders. Ellie has been critical in recruiting the next generation of female leaders through her creation of the Choices Campus Leadership Program, which has produced nationwide campus based feminist groups.

Under Ellie, the Feminist Majority has focused on increasing the ranks of feminists running for office and has achieved numerous key legislative victories for women: the Violence Against Women Act, Pregnancy Discrimination Act, Civil Rights Restoration Act and many state and federal campaigns. Through her global advocacy, Ellie and the Feminist Majority called worldwide attention to the Taliban's treatment of women and prevented the United States and the United Nations from officially recognizing the Taliban government.

Having worked with Ellie on the ERA and so many other initiatives, I can personally attest that there is no one more determined and dedicated to advancing women's equality than Ellie Smeal. In Ellie, the women's movement has a tireless advocate and through her leadership of the Feminist Majority, women are closer to achieving political, social and economic equality. We are all fortunate to have witnessed and benefitted from Ellie's passionate commitment and determination. I am proud to have worked with Ellie and to call her my dear friend. In appreciation for her all she has accomplished, I am proud to congratulate her on the 25th Anniversary of the Feminist Majority Foundation and look forward to continuing our work to achieve equality for women.

INTRODUCING THE JUSTICE FOR WARDS COVE WORKERS ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the "Justice for Wards Cove Workers Act" in order to correct a grave injustice against thousands of Asian American workers that took place over a quarter century ago. In the 1970s, workers of Filipino, Samoan, Chinese, Japanese and Native American descent traveled north during the summer to work in the fish canneries in Alaska. Management at the Wards Cove Packing Company treated these migrant workers differently from white workers. They were forced to eat in separate dining halls, sleep in separate bunkhouses, and were unable to rise to top-paying positions in the company.

In 1973, two Seattle Filipino labor activists named Silme Domingo and Gene Viernes led several class-action lawsuits on behalf of these Asian American and Native American cannery workers alleging discrimination in the workplace. In 1989, the Supreme Court ruled against the Wards Cove workers, in *Wards Cove Packing Co. v. Atonio*, which became a major impetus for the civil rights community to reverse the tide against employee rights. The result was the Civil Rights Act of 1991, which became the most comprehensive civil rights legislation signed into law since the Civil Rights Act of 1964.

However, what most civil rights communities forgot was that in the final hours before passage of the Civil Rights Act, a highly unusual and narrow amendment was inserted by two Senators from Alaska that exempted the Wards Cove workers from the expansive protections against workplace discrimination outlined in the Civil Rights Act. They feared that the Civil Rights Act could be applied retroactively to the workers.

The Senators' amendment was inserted in Section 402(b) of the Civil Rights Act, and its sole target was the Wards Cove workers. To date, the Wards Cove workers remain the only people who have been denied the rights promulgated by the Civil Rights Act of 1991.

Mr. Speaker, while my bill cannot retroactively alter the Supreme Court's ruling or grant retroactive rights for the Wards Cove workers, it does remove Section 402(b) of the Civil Rights Act of 1991 as a symbolic measure to right the wrong.

This is a legislative fight that I started in 1991, when I first introduced this bill. Every time I introduced this bill, it received bipartisan support but was never voted on the House floor. In 1993, then-President Bill Clinton wrote a letter of support for my bill, stating, "It is contrary to all of our ideas to exclude any American from the protection of our civil-rights laws."

Too often, the struggles of Asian American and other ethnic minorities do not get the attention they deserve by policymakers and law enforcement officials. The savage beating and murder of Danny Vega, a Filipino-American resident of South Seattle, last November is one of many examples of the discrimination that minorities continue to face.

Mr. Speaker, I ask that my colleagues join me in honoring the Wards Cove workers by supporting this bill.

AARON CORMIER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Aaron Cormier for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Aaron Cormier is a 12th grader at Standley Lake High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Aaron Cormier is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Aaron Cormier for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

SUPPORTING GOVERNOR ED
RENDELL'S REMARKS REGARD-
ING CAMP LIBERTY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. COHEN. Mr. Speaker, I am disturbed by recent press reports attacking former Pennsylvania Governor, Ed Rendell for taking a stand in support of the residents of Camp Ashraf as well as Iran's main opposition movement, the MEK.

Mr. Rendell is not alone, and he is backed by several dozen senior former U.S. Government officials who have taken the same position because they feel that position actually serves the national security interests of our country. Some 21 senior officials from past administrations, whose job it was to keep this country safe, agreed with Mr. Rendell when they filed an amicus brief with the U.S. Court of Appeals-DC Circuit in February in support of delisting the MEK. Among the former officials were a CIA Director, a FBI Director, an Attorney General of the United States, a Chairman of the Joint Chiefs of Staff, a State Department coordinator for counter-terrorism, and a Marine Corps Commandant.

Governor Rendell spoke at an event in the Cannon Caucus Room on February 3, 2012 and eloquently made the case for why the MEK should have been delisted long ago. Governor Rendell's views are in line with almost 100 Members of Congress who co-sponsored H. Res. 60 "Urging the Secretary of State to remove the People's Mojahedin Organization of Iran from the Department of State's list of Foreign Terrorist Organizations." I would like to submit Governor Rendell's comments for the RECORD.

REMARKS OF FORMER GOVERNOR OF PENNSYLVANIA ED RENDELL, U.S. CAPITOL, WASHINGTON, D.C.—FEBRUARY 3, 2012

Good afternoon. I want to start out by saying I have come to many of these things. I have come to too many. It's not that I don't like you. You are a wonderful people. As Alan Dershowitz said, this has a feel of a civil rights movement.

I have been told how much myself and our other officials have helped this cause. But I look at where we are and I'm not sure that all of our speaking out, all of our rallies in front of the White House, Geneva, Paris and Brussels, here in Washington and in the Cannon Building, I'm not sure we have accomplished much.

And it is terribly frustrating to me. I want to stop coming to these meetings. I want to see you all in Teheran someday. (Applause)

We talk about how difficult it is to be at the end of the row speakers. So much has been said that we want to say ourselves. And today it's been said in resoundingly good fashion. Senator D'Amato talked about the fact that what our country has done here is a disgrace. And I echo those sentiments. When I first got involved with this issue and started learning about Ashraf and learning about the fact the United States Government in general, United States's forces contracted with each and every one of the residents of Ashraf, if they relinquished their weapons, we promised them we would protect them.

Have we lived up to our promise? Absolutely not. Maybe until 2009 we did a pretty good job thanks to General Phillips and Colonel Martin, who is not with us today, we did a fine job of protecting them.

But all of a sudden in 2009, when we turned it over to the Iraqis, all responsibility for military action and police action was turned over to the Iraqis we essentially washed our hands on that promise. And yes, Senator D'Amato is right. In 2009 and in 2011, not only did this attack occur with the use of vehicles and weapons that had been given to the Iraqi police by the United States of America, but United States forces in both instances were withdrawn from the immediate area so they could not do anything to stop the carnage.

Is that what the promise was? Of course not. It's diametrically opposed to the promise we made. And that General was speaking for the United States of America and for all 300 million of our citizens.

Subsequent to that have we stood by the residents of Ashraf. Did we take a stand and say, wait. Why can't we do this right here in Ashraf? Why does it have to be a closure of the camp. To what purpose? Iraqi Government, tell me the purpose, legitimate purpose, Iraqi security or anything else that is going to be served by closing down Ashraf. Well, the only excuse we ever heard was the belief that there's intimidation in Ashraf and the individuals could not be free to speak their will about where they wanted to go.

Well, that would have been an easy problem to solve. Just set up, the General can tell me where, set up something outside the gates where individual residents one by one can talk freely right there.

There was no need to close Ashraf in the beginning. And the United States Government should have stood by and residents, stood by our promise and said, no.

And then how are we going to ensure protection of the residents? Well, it's my belief that we should have done one of two things; one, we should have left a small number of United States Marines to protect the residents of Ashraf. (Applause)

We agreed to leave. Well, we agreed to leave South Korea. And, General, am I right, are there still U.S. military personnel in Korea. And how many years has that been? About 40. So we could have easily done that and lived up to our responsibilities. One of my proudest moments was when the President said, we aren't going to let the residents of Benghazi be subject to genocide.

And U.S. military power and NATO power is going to stop that from happening. And we did. We toppled one of the worst dictators. We never contracted with the people in Benghazi. We never promised them anything. But we as America, we believed it was our right to do so and we did. We signed a contract with these residents. They are in a much better position to expect our help and protection than the residents of Benghazi were. One of the things the director will tell you is we get on almost weekly calls with Ambassador Freeh that was handling this for the State Department. It is stunning to me that the United States Government wants to disengage here.

They didn't want to be part of signing of the MOU. They reluctantly agreed to, after pressure from us, to send the U.S. observers into so-called Camp Liberty, although it's not clear when they are coming.

They can't come unannounced. We have disengaged. We wiped our hands of an issue where we gave our word. So, yes, it's time for

the U.S. to stand up. It's time for us to fulfill our responsibility. It's time to not only fulfill our obligation to the resident of Ashraf. It's time to fulfill our obligation to 4,000 plus United States soldiers who died in Iraq.

You have heard me say as Governor of Pennsylvania I was the commander in chief Pennsylvania National Guard. No national guard in the country lost more men and women in Iraq than Pennsylvania did.

I used to comfort the families, try to comfort the families, by telling them their sons or in one case their daughter, had died creating democracy and making Iraq a better place. I don't know what I will say to them now knowing what I know about what is happening here.

So it's time for us to act. What should that action be? First and foremost we should not let Camp Liberty be turned into a prison. We should not. That's Job 1 for the United States. Job 1 for the UN.

Freedom of movement was essential. Everyone says this is a refugee camp. It's meeting the standards of a refugee camp. What is the difference between the normal refugee camp and what is proposed in Camp Liberty?

The difference is the residents of the normal refugee camp can leave. They can go if they have the ability, if there's a park or river down the road, they can go to the river, and bathe, swim, they can go to the park, if they have money, they can go to the local market.

They have freedom of movement. That makes a huge difference when you are talking about what goes on in a camp. Here the Iraqis have made it clear, as long as their position holds, freedom of movement, the people are going to be inside the small area forever. We should insist that, the U.S. should insist there be freedom of movement. We should insist the MOU be enforced. There is not one resident of Ashraf over there yet and the MOU is being put aside. The MOU clearly says the residents can take personal property and vehicles. The Iraqis now say that's not the case.

It is time for us, the United States, to join the UN and be heard loud and clear, whatever the leverage is, I agree with Ambassador Ginsberg, we have got to have leverage, and we should enforce it. It's time to be heard. Time to say no one is going. No one is leaving. (Applause)

And next it is time to de-list. If you have been coming to these regularly, you have heard me say I think we should put de-listing on the back burner. And the most important thing is the safety of the residents.

But I don't believe that anymore. Let me tell you why. I was sent the Forest News Agency release. The Iranian Ambassador, and let me read you a couple of quotes from this release. The Ambassador of the Islamic Republic of Iran and Iraq stress that the representatives in Iraq in meetings they have had repeatedly stressed that the UN considers the MEK a terrorist group and will not support it under any circumstances.

It goes on. Referred to U.S. officials support for the terrorist group. He referred to us and said, the terrorist MEK group in the past few years has been constantly supported by the U.S. and western elements. But it is interesting now that the U.S. Government has announced it's not prepared to accept even one member of this terrorist organization and under no circumstances will allow them onto its soil. It goes further. It said the members of the terrorist group by the Government of Iran will not include and the amnesty will include individuals whose hands are not tainted in blood. Meaning that this

idea that we relocate all the residents of Ashraf to Liberty and there will be no rest. He's given fair warning here.

What was our response? We brought all this up for his response. His response was, oh, the Iranians they exaggerate all the time. They don't really tell the truth. You can't believe anything they say.

That's not engagement. That is not us living up to our responsibility. It is time to de-list just because of these statements. (Applause)

We have sent a message. We think it's time to act. It is time to stand up. If the State Department won't de-list as it should voluntarily, it's time to go back to court. It's time to say to the Court we want you to mandamus. That's a legal term in which the court requires an agency or an individual to do what they are statutorily required to do. The Court gave an order to the State Department to come back and show evidence why the MEK should not be de-listed. The Court can issue a mandamus to say to them come in here within 30 days and show us why the MEK should not be de-listed.

Now some people say, don't issue, don't go seek a mandamus. That means the State Department will say we are not de-listing them. If they say that, then the Court is asked to review the evidence. When they reviewed the evidence in 2008, when the Secretary Rice refused to de-list, they found there wasn't any evidence.

If they review the evidence in 2012—guess what? No evidence. So it's time to stand up and say, this is not a terrorist organization. No evidence to the contrary.

In the last decade no open source terrorist database, and they are all over the internet, has listed one single act by the MEK or any members of terrorism. And the statute says terrorist acts against the United States of America. That hasn't happened. Never going to happen.

So let's de-list. Let's give all the Congressmen who came in here and they have spoken up, they have passed resolutions. Those are all good things. Those are all increased pressure. But it is time—Senator D'Amato was saying there would be a bill along lines of what Ambassador Ginsberg said, the only way to hit them is to hit them where it counts.

No military planes or any other equipment to the Iraqi Government until boom, boom, boom. Don't say we are not a party to this. We were a party to stopping the slaughter in Benghazi. We never promised we would.

We are a party to this because, number one, we promised. And number two, because we are the United States of America.

HONORING KAREN KELLEY-ARIWOOLA FOR HER SERVICE TO THE MINNEAPOLIS FOUNDATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. ELLISON. Mr. Speaker, after 18 years of outstanding service Karen Kelley-Ariwoola is leaving her position as Vice President of Community Philanthropy for The Minneapolis Foundation.

During her tenure, Karen has made a deep and lasting mark on both the Foundation and the metropolitan Minneapolis community. Her leadership in education, early childhood, and

racial equity issues is renowned nationwide and her persistent, collaborative, and compassionate efforts have contributed to many of Minnesota's recent gains in each of these areas.

In the aftermath of the May 22, 2011 tornado that struck Minneapolis, Karen has played a critical role in raising and distributing well over \$1 million dollars in relief. She also has assisted many local agencies in creating a new model for collaboration and a new vision for North Minneapolis. She implemented the same collaborative leadership strategy after the I-35W Bridge collapsed and fell into the Mississippi River just over 4 years ago.

Karen's great work has helped The Minneapolis Foundation maintain its commitment to transforming education, promoting economic vitality, and building social capital. These efforts enable us to create a more equitable community and Minnesota's 5th Congressional District is grateful for her service.

As the U.S. Congressman representing Minnesota's 5th Congressional District, I honor Karen Kelley-Ariwoola for her accomplishments and wish her and her family health, happiness, and prosperity.

IN RECOGNITION OF JOAN AND
ALAN WALNE

HON. PETE SESSIONS
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 28, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing Joan and Alan Walne for their dedicated service to the city of Dallas and Fair Park. On April 3, 2012, the Friends of Fair Park will present the Walnes with the 2012 Spirit of the Centennial Award.

As long time residents of the Lake Highlands neighborhood in Dallas, Texas, the Walnes have worked hard over the years to actively improve their community through numerous civic and nonprofit organizations. Joan, a graduate of Baylor University, has devoted much of her time and effort to improving the local school system. She has served as PTA President, on various Richardson Independent School District committees and local school councils. Additionally, she is active in the Junior League of Dallas, Equest, Children's Medical Center of Dallas and is currently serving as President of the Dallas Park and Recreation Board. Similarly, Alan, a graduate of Texas Tech University, has generously given of his time and spirit to various organizations and charitable causes, including the East Dallas Chamber, the Down Syndrome Guild of Texas, the Lake Highlands YMCA, and the Salesmanship Club of Dallas. His strong belief in service led him to run for Dallas City Council where he faithfully represented District 10 for seven years.

I am proud to count Joan and Alan among my good friends. Their dedication and service to the city of Dallas epitomizes community spirit and selflessness. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Joan and Alan as they receive this year's Spirit of the Centennial Award for their years of service and commitment to Fair Park.

COMMEMORATING ARMENIAN VICTIMS OF POGROMS AND ETHNIC CLEANSING

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to commemorate the victims of pogroms against Armenians in Sumgait (1988), Kirovabad (1988), and Baku (1990), and the ethnic-cleansing of the Armenian population of Azerbaijan.

I hope that by speaking out publicly against these atrocities I will help reaffirm America's commitment to an enduring, peaceful and democratic resolution of the Nagorno Karabakh conflict.

It is sickening that even during modern times, less than 25 years ago, brutal attacks on Armenians occurred in Azerbaijan.

Thomas de Waal, in his book *Black Garden*, described the massacres of Sumgait as:

"Gangs, ranging in size from about a dozen to more than fifty, roamed around, smashing windows, burning cars, but above all looking for Armenians to attack. The roving gangs committed acts of horrific savagery. Several victims were so badly mutilated by axes that their bodies could not be identified. Women were stripped naked and set on fire. Several were raped repeatedly."

But shockingly most of the Azeris who committed these horrific acts and their accomplices in government were not brought to justice.

The Sumgait Massacres are part of a long and disgraceful history of violence against the Armenian people that also includes successive massacres in Kirovabad and Baku.

It is past time for the United States to officially recognize the Armenian genocide and to support the security and self-determination of the independent Republic of Nagorno Karabakh.

This anniversary should serve as a reminder that we can stay silent no more.

Let's take this moment to remember all those who lost their lives at Sumgait, Kirovabad, and Baku and pledge to prevent ethnic cleansing from occurring anywhere in the future.

RESOLUTION HONORING THE ANNIVERSARY OF CÉSAR CHÁVEZ'S 85TH BIRTHDAY

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 28, 2012

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to honor the legacy of civil rights leader and labor organizer César Chávez. On the anniversary of what would have been his 85th birthday, I stand before you to pay tribute to a man who sacrificed and dedicated his life to championing the rights of farm workers and all working families.

A true pioneer and hero, César Chávez inspired a nation by organizing immigrant and minority farm workers to courageously fight for

fair pay, fair benefits and fair working conditions. His legacy serves as a testament that every worker deserves to be treated with dignity and respect.

As a child, I too learned about the significance of the movement he began. When my brothers and sisters begged our mother for grapes, she refused. It was her way of standing in solidarity with Americans across the country who were supporting the grape pickers' strike led by Chávez' United Farm Workers Union.

Almost 50 years after the creation of the United Farm Workers Union, Chávez' contributions to our country live on. Thanks to him, thousands of Latinos and farm workers can now work with the dignity and respect they deserve. He inspired a generation of labor leaders to use non-violent protest to accomplish powerful things.

As a proud union member myself, I am honored to commemorate and celebrate the memory and work of César Chávez.

THE SUPREME COURT OF ISRAEL AGAIN DEMONSTRATES ITS INTEGRITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 28, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important examples Israel gives to the world is how an independent judiciary, committed to the rule of law, can act even in a nation in which security considerations are paramount—as they have had to be in Israel since 1948, when it was attacked at the very moment of its birth.

Earlier this week, the Supreme Court of Israel issued a ruling that Migron, an illegal settlement established in the West Bank, must be dismantled and the occupants removed. While it is clear that some of the areas that are now reserved for Jewish citizens of Israel should remain in place after a two-state peace agreement is signed, these are the areas immediately adjacent to Israel, especially in and around Jerusalem. Those settlements far from that area should never have been allowed to be established, and they should now be removed. Those of us who believe strongly in Israel's right to a continued existence as a secure, democratic, independent state have a particular responsibility to point out that those who create and defend these settlements may undermine the chances of achieving such a result.

There are strong public policy reasons for objecting to these unauthorized, illegal settlements, as we learned when the Obama administration was so successful in blocking a U.N. vote to recognize Palestinian statehood. The defeat of that effort, led by the Obama administration's aggressive diplomacy, was a far better result for Israel in the U.N. than we have seen in many years. And it is clear that it was because President Obama has expressed his disagreement with the existence of many of these settlements that he had the credibility to achieve that diplomatic victory.

But the Supreme Court of Israel is not motivated by these political considerations. Rather

it is committed to the rule of law—a strong distinction between Israel and most of its neighbors. Given the pressures that are brought to bear against the Judiciary in the name of security, a phenomenon we have seen in our own country at various times, the decision by the Israeli Supreme Court to order the dismantlement of an illegal settlement deserves praise and it is important that the Netanyahu administration carry out this court order. It would be a gift to critics of Israel if there were to be any faltering in the Israeli Government's standing behind this decision of its Supreme Court.

Mr. Speaker, the New York Times, in an editorial on March 28, noted this, and because the example of a Supreme Court, in a nation that is engaged in a serious effort to protect itself against external enemies, is standing up for the rule of law in the face of pressures to the contrary is so important, I ask that the editorial from the New York Times, entitled "Israel's Top Court vs. Outposts" be printed here.

[From the New York Times, Mar. 25, 2012]

ISRAEL'S TOP COURT ORDERS SETTLERS TO
LEAVE OUTPOST
(By Ethan Bronner)

JERUSALEM.—Israel's Supreme Court on Sunday ordered a West Bank settlers' outpost built on private Palestinian land to be dismantled by Aug. 1, rejecting a government compromise with the settlers that would have allowed them to stay put for another three years.

The decision was much anticipated, because the panel of three judges who decided the case included the court's conservative new chief justice, Asher Grunis, and because the case involved the politically explosive issue of moving settlers in the face of potentially violent resistance.

Whether the government will remove the 50 families living in the outpost before the deadline will also be closely monitored.

In their ruling, the judges chided the government for having failed to evacuate the outpost in accordance with an earlier high court decision.

"This is a necessary component of the rule of law to which all are subject as part of Israel's values as a Jewish and democratic state," the decision said.

The case concerns Migron, a settler outpost near the West Bank city of Ramallah. Migron is one of the largest of dozens of small enclaves that have a different status under Israeli law than the 120 full-blown settlements in the West Bank.

Although the larger settlements, home to about 330,000 Israeli Jews, are considered in violation of international law by a vast majority of foreign governments, Israel views them as legitimate; not so for the smaller outposts, which Israel views as illegal because they went up without its authorization. Despite that status, most of the outposts have been provided with basic infrastructure by the government.

Nearly a decade ago, Israel promised the United States that it would dismantle a number of the outposts in preparation for a two-state solution to the Israeli-Palestinian conflict. The Palestinians want to build a state on land that is now partly occupied by the settlers. But almost no outposts have actually come down, and Israeli-Palestinian negotiations are frozen.

Meanwhile, Migron stands out among the outposts because its land is not simply part

of a theoretical future state of Palestine but also because it has been shown to belong to private Palestinian owners. The state did not dispute that finding, although the settlers say that no proof of ownership was provided.

Palestinians represented by an Israeli lawyer took the case to the Supreme Court, along with Peace Now, a left-wing Israeli group that opposes the settlements. The case dragged on for years, but last summer the court said the outpost had to be dismantled by the end of March 2012, a deadline the new ruling extends to Aug. 1.

The government of Prime Minister Benjamin Netanyahu, which is a strong defender of the settlers and wanted to avoid a confrontation, suggested a compromise—let the residents of Migron remain until a new authorized community could be built nearby where they could relocate upon its completion in 2015.

The plaintiffs returned to the court last week and told the court that to accept such a deal would be to flout the rule of law.

One of the three justices who heard last week's arguments, Salim Joubran, indicated the court's leanings at the time: "You say the outpost will move in three years, but I know this type of behavior. Three years will inevitably turn into eight."

Right-wing legislators said Sunday that they would introduce legislation to legalize Migron and other outposts. Dani Dayan, a leader of Israel's settler movement, said that the court's ruling would empower the violent extremists in his community who have long argued that there was no point in seeking compromise.

Tzaly Reshef, a founder of Peace Now and a lawyer, said the decision would not change the fact that "supporters of the settlements remain in power." But he called it "very meaningful in terms of the constitutional system in Israel."

Mr. Reshef said that had the case been decided the other way, "it would have been almost the end of the existence of the courts as the protectors of the rule of law in this country, as well as the ultimate victory of the settlers."

He continued, "The government, threatened with violence if it tries to remove settlers, tried to convince the court that it should pull back from its decision, which is based on the basic right of ownership of private property."

The next test, Mr. Reshef said, would be whether the government is "able to change facts on the ground."

Mr. Netanyahu said the government would honor the court's decision and uphold the rule of law.

A TRIBUTE TO JOANNA VARGAS, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our nation's most distinguished women.

Today, I pay tribute to Joanna Vargas of Alhambra, California, an accomplished woman who has brought multi-generations together and joy to the lives of many, through her ex-

traordinary vision for the arts. Born and raised in Alhambra, Joanna is a graduate of Alhambra High School and opened her first dance studio at the age of 26.

Joanna's passion for the arts has been evident throughout her career. She is the creator of an astounding number of projects and has an exhaustive list of accomplishments. Joanna has launched various dance companies for adults and teens, created Alhambra's Monthly Mosaic Art Walk, Jayvee Dance Center, the Annual Maxt Out Dance Competition, "Streetease Fitness and Dance" classes and instructional DVDs, and the Alhambra Hot Spot, which is home to an annual art event that celebrates music, dance, art and fashion. She is also the Chief Executive Officer of Dance for Peace Charity, a non-profit she established two years ago.

In addition to her projects, it is noteworthy to mention Ms. Vargas's unparalleled service to the community. Joanna is a Board Member of the Alhambra Chamber of Commerce, a member of the San Gabriel Chamber of Commerce, charter member of the Rotary International New Generation Club, and President of the City of Alhambra Downtown Business Association.

Joanna is a charitable woman who gives back to her community through her invaluable service. She has awarded scholarships to deserving underserved teens and children, and to people who have the desire to further their dance training.

I ask all Members to join me in honoring a remarkable woman of California's 29th Congressional District, Joanna Vargas, for her exceptional service to the community.

HONORING LIEUTENANT COLONEL
JOHN L. COOMBS

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. CHABOT. Mr. Speaker, today I rise to honor and acknowledge Lieutenant Colonel John L. Coombs who has served this great Nation in the U.S. Army since 1989, most recently as the Acting Director of Operational Contracting Support and Policy with the Office of the Deputy Assistant Secretary of the Army for Procurement.

John L. Coombs enlisted as a Private and began his Army career as a Light Infantryman with the 7th Infantry Division in Fort Ord, California. He was soon recommended for and graduated from the Officer Candidate School where, in 1992, he was commissioned as a Second Lieutenant in the Chemical Corps. As a Chemical Officer, he served as a Battalion and Brigade Chemical Officer in artillery, cavalry, and aviation battalions and brigades for the 1st Armored Division in Germany and the 1st Cavalry Division in Texas. In 1995, he deployed to Bosnia-Herzegovina as the nuclear, biological and chemical reconnaissance platoon leader. There he developed tactics, techniques, and procedures to detect environmental hazards at industrial sites occupied by U.S. forces, leveraging the capabilities of the mobile mass spectrometers installed in the nuclear, biological and chemical reconnaissance vehicles.

In 2001, Captain Coombs was accessed into the Acquisition Corps, attended the Naval Postgraduate School in Monterey, California and in 2002 graduated with a Master of Science in Business with an emphasis on federal contracting. From 2002 to 2005, as the Contracting Division Chief in the Wiesbaden Contracting Center for the U.S. Army Contracting Command, Europe, Captain Coombs supervised more than 30 contracting officers who awarded and administered more than \$400 million in annual contract awards. He deployed to Kosovo for six months as the Chief of a Joint Contracting Center, where he led a joint military staff, U.S. civilians and Kosovar nationals to procure \$5 million in annual contract awards. While in Kosovo, his work helped to improve multi-national relations when he negotiated a complex settlement for damages to a hotel occupied by NATO forces. The following two years, Major Coombs served as the Deputy Chief of Office in the Italy Regional Contracting Office for U.S. Army Contracting Command, Europe. He oversaw high visibility procurements including letter contracts to lease properties supporting the 2006 Winter Olympics security operations in Torino. He was named the Army Europe Contracting Officer of the year in 2005. An Army fellowship at the RAND Arroyo Center in Santa Monica, California brought this Hamilton, Ohio native back to the U.S. There he developed RAND's recommended acquisition strategy for Future Combat Systems to balance cost control for the Army and risk to the contractor. Since 2008, Lieutenant Colonel Coombs has been assigned to Army Headquarters at the Pentagon. He has served as the Executive Officer, Deputy Director and several senior positions in the office of the Deputy Assistant Secretary of the Army for Procurement. His expert knowledge of operational contracting policy for military operations, natural disasters and humanitarian relief has been invaluable.

Mr. Speaker, for more than two decades, Lieutenant Colonel John L. Coombs has faithfully served our Nation as a dedicated steward for American taxpayers. As he enters this next phase of his life with his beloved wife Kellie and their four children; Lyndsay, Adam, Emily and Jesse; I ask my colleagues to join me in congratulating Lieutenant Colonel John Coombs upon his retirement and thank him for his service in the U.S. Army.

CONGRATULATING THE LOUISVILLE BALLET ON THE OCCASION OF ITS 60TH ANNIVERSARY

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. YARMUTH. Mr. Speaker, today I have the distinct privilege of recognizing and celebrating the Louisville Ballet on its 60th anniversary. As Kentucky's official ballet company, the Louisville Ballet has long been a source of pride and distinction for the people of our community and the Commonwealth.

Since its formation in 1952, the Louisville Ballet has transformed from a small, under-

staffed-yet-dedicated company, to one of the Southeast's premier artistic institutions—employing a world-class company of dancers and an equally talented staff of professionals that make each performance come to life.

Today, the company has a repertoire of more than 150 works, has been the recipient of numerous accolades, and maintains the distinction of being the only regional company to perform with the great Mikhail Baryshnikov. It also contributes to the artistic and cultural core of Louisville, which is one of only 11 U.S. cities with all five major arts institutions.

Under the leadership and vision of Artistic Director Bruce Simpson, the past 10 years have been among the Ballet's strongest, with the company commissioning 13 world premieres. Each performance offers the precision and grace witnessed among ballet's elite.

On behalf of the 3rd Congressional District, I wish the Louisville Ballet Company future success and look forward to another 60 years of excellence and awe-inspiring performances.

CELEBRATING THE 191ST ANNIVERSARY OF GREEK INDEPENDENCE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I urge my colleagues to join me in commemorating the 191st anniversary of Greek independence. It is an honor to recognize a nation whose rich and vibrant history not only laid the foundation for democracy, but whose immigrants and descendants have enriched the cultural landscape of our Nation.

The warm friendship that America shares with Greece is rooted in the indelible mark of democracy and self-determination that Hellenic culture has left on our country. We note that the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people. Our Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy.

And just as our founding fathers were guided by these principles in their fight for independence from the British Crown, so too were the founders of modern-day Greece, who declared their independence from the Ottoman Empire on March 25th, 191 years ago.

Since the birth of both Nations, we have shared the desire to uphold the values of freedom, equality, and justice championed by the Ancient Greeks. We have joined together to promote peace and stability in the world. Indeed, Greece is our ally and our partner, having supported the United States in every major international conflict throughout the 20th century. Though rooted in ancient ideals, our strong allegiance continues today through a shared belief that freedom and democracy are the building blocks of peace.

At home, we recognize the contributions of Greeks in the areas in culture, literature and architecture.

I trust that the bonds between our two Nations will remain strong for years to come.

I ask my colleagues to join me in extending warm congratulations and best wishes to the people of Greece as they celebrate the 191st anniversary of their independence.

HONORING CÉSAR ESTRADA CHÁVEZ

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. BECERRA. Mr. Speaker, I rise today to celebrate the legacy of an American icon, César Estrada Chávez, leader of the United Farm Workers, born on March 31, 1927. This Saturday, we celebrate the 85th anniversary of his birth.

César Chávez was born in Yuma, Arizona, to a life filled with early hardships, poverty and racial and social injustice. These experiences were his first lessons in what our nation should not be for millions of Americans.

As a result of his family's losses during the Great Depression, César Chávez's family, like so many others, migrated to California to work in the farm fields picking crops in hopes of economic stability. They eventually settled in San Jose where they lived in a barrio called Sal Si Puedes, "Get Out If You Can."

César Chávez often recalled the early injustices he experienced in school, and later as a farmworker. He vividly remembered throughout his life the prohibition of Spanish in school and being punished for speaking it . . . or even the signs in his community that said "Whites Only."

His experience was universal for many in that era, whether they were Latino, African-American, Asian American or others facing discrimination. My own father encountered signs that read "No dogs and Mexicans Allowed" during this time.

It was on account of this type of blatant discrimination and racism that César Chávez devoted his life to fighting for social and economic justice in our nation. Events around our nation remind us that the need for such a champion is still present today.

In 1962, alongside Dolores Huerta, César Chávez founded the National Farm Workers Association, later to become the United Farm Workers, an organization that came to be known as the driving force of the organized labor movement for farmworkers in the U.S.

This movement, or "La Causa" as it was known in millions of homes including mine, taught us that solidarity, even in the face of brutal adversity can lead to victory. The "No Grapes" campaign and boycott led by César Chávez.

We knew what it meant to not buy grapes and not eat them, to feel proud of being part of something bigger than ourselves, even if it meant going without something we loved, or answering curious questions from friends or classmates. And for me, when victory came, it was sweet—literally and figuratively—and my small sacrifice seemed like the most powerful thing in the world.

On the 85th anniversary of César Chávez's birth, we are reminded that his personal story

is one of transformation and legacy. He transformed his early experiences from *Sal Si Puedes* into "*Si Se Puede*", "Yes, we can."

Those words still ring true today, and serve as a mantra of hope for millions of Americans who seek fairness and equal treatment. Just ask the President of the United States.

Mr. Speaker, today we reflect on César Chávez's lifetime of advocacy in the pursuit of social justice. Let us hope our legacy will be as enduring as that of our beloved leader and brother César Chávez.

A TRIBUTE TO DENISE HOULEMARD JONES, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Every year during the month of March, we pay special tribute to the accomplishments made by our nation's most distinguished women.

Today, I pay tribute to Denise Houlemard Jones of Pasadena, California. A brilliant businesswoman with many years of experience, Denise is a Management Consultant at DMJ Consulting Services, a business she started, where she provides advisory services to companies, colleges, agencies and individuals. She received a B.A. in Sociology and Economics from the University of California, Los Angeles, and a MBA from the University of Southern California.

It is noteworthy to mention Denise's unparalleled volunteer service to the community, which includes an impressive list of accomplishments. She has been a member of the Los Angeles Chapter National Black MBA Association, National Association of Female Executives, Pasadena Talks, Points of View Committee, Women At Work Young African American Women's Conference, Black Women's Forum, City of Pasadena Intergroup Relations Advisory Committee, and the City's Recreation Commission, among others. Ms. Jones has also been involved with the Community Health Alliance of Pasadena, CHAP, serving as a founding member, acting as President several times, and currently serving on the Marketing Committee. Presently, Denise is a member of the National Council of Negro Women, Saint Andrew Catholic Church, YWCA Pasadena—Foothill Valley, American Association of University Women, City of Pasadena Northwest Commission, and the Pasadena Delta Foundation, Inc., where she is a founding member.

Along with being a successful career woman, Ms. Jones has devoted countless hours of her time volunteering for the Alkebulan Cultural Center, American Institute for Cancer Research, Foothill Unity Center Food Pantry, and the Latino History Parade and Jamaica. She is also an annual fiesta volunteer at Saint Andrew Catholic Church.

Some of the honors Ms. Jones has received include the National Merit Award, the William L. Blair Award for Service and Leadership, the

Delta Sigma Theta Sorority Leadership Award, the YWCA Women of Excellence Award, and the Women In Action's "Wind Beneath Wings" Award.

I ask all Members to join me in honoring a remarkable woman of California's 29th Congressional District, Denise Houlemard Jones, for her outstanding service to the community.

THE HOMEOWNERS TAX FAIRNESS ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the Homeowners Tax Fairness Act. In February of this year, the 49 state attorneys general announced that they had completed negotiations with the country's five largest mortgage servicers to settle claims arising from mortgage fraud and wrongful foreclosures. The settlement, which amounts to over \$25 billion is the largest settlement this country has seen since the 1998 Master Tobacco Settlement.

This historic settlement will allow hundreds of thousands of distressed homeowners to stay in their homes through enhanced loan modifications and principal reduction, and it will also provide payments to victims of unfair foreclosure practices. Unfortunately, under current law, those settlement payments would subject the homeowners and servicemembers who receive them to additional tax burdens. For instance, homeowners receiving relief in the form of mortgage debt forgiveness and direct cash payments for wrongful foreclosure could be subject to federal income tax. Moreover, additional tax would be owed on the payments made to servicemembers who were wrongfully foreclosed on while deployed overseas.

To prevent that injustice, the Homeowners Tax Fairness Act would extend the exclusion for debt forgiveness on a primary residence throughout the term of the settlement agreement, and exclude the relief payments from income for homeowners and servicemembers. This bill also considers the particularly egregious actions taken by the five largest banks in violation of the Servicemembers Civil Relief Act. Over the past three years, the five largest servicers violated the law and wrongfully foreclosed or overcharged mortgage interest on servicemembers, many of whom were deployed overseas in combat zones. Accordingly, the Homeowners Tax Fairness Act not only excludes this relief from income to servicemembers, but denies these banks the ability to deduct these payments from their federal income taxes.

The estimated 1.7 million homeowners eligible to benefit from this settlement deserve to receive the full benefit of this relief—relief that was negotiated in good faith by the states, the banks, and the federal government. Collecting federal income tax on relief for struggling homeowners is not only bad policy, but is simply the wrong thing to do.

As we move forward from one of the worst recessions in American history, we must be

vigilant and provide as much help to the American people as possible. This bill will do just that, and will ensure that our homeowners and servicemembers get every bit of relief they deserve.

HONORING ANN KAPLAN'S SERVICE AS A MEMBER OF THE AMERICAN RED CROSS BOARD OF GOVERNORS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mrs. MALONEY. Mr. Speaker, I rise today to salute an admirable public servant and a dear friend.

Ann Kaplan, a celebrated constituent from the great state of New York, has served selflessly and diligently as a member of the American Red Cross Board of Governors since 2003 and next week will complete her third and final term on the Board.

The American Red Cross depends upon experienced leadership that understands the significant operational challenges it faces in delivering a full range of services each and every day. From supporting the armed forces around the world to safely supplying nearly half the Nation's blood supply to directly helping the American public and businesses prepare for and respond to over 70,000 disasters annually, the American Red Cross Board of Governors plays an integral role in developing effective strategy for the organization.

During Ann Kaplan's service on the Board of Governors, the American Red Cross has gone through an unprecedented internal transformation including comprehensive governance reform resulting in bold changes that are a model of corporate governance, and internal restructuring in order to eliminate a significant operating deficit, streamline operations, and improve service delivery.

Ms. Kaplan has made significant contributions to the organization through her service on the Board including leading the Board-directed mandate to address the organization's operational and financial issues and to restructure the oversight of investments. Her service on the Board includes the following leadership positions: Vice Chair, Finance Committee (2005–2006); Chair, Finance Committee (2006–2008); Vice Chair, Compensation and Management Development Committee (2009–2012); Chair, Investment Committee (2010–2012); and Vice Chairman of the Board (2007–2012).

While Red Cross Board members normally serve two terms, Ms. Kaplan served a third term at the unanimous request of the Board during a critical period because of her passionate and able leadership and financial expertise.

Ms. Kaplan has been a generous supporter of the American Red Cross and has served the organization in various other capacities including Co-Chair of the Chairman's Council, which recognizes individuals and families whose cumulative giving to the American Red Cross exceeds one million dollars. She also served as a disaster relief volunteer with the

New York City Chapter, which serves my district.

I rise on behalf of my Congressional colleagues, the Hon. Bonnie McElveen-Hunter, the Chairman of the American Red Cross, and, the entire Board of Governors, Gail J. McGovern, President and CEO and all the staff and volunteers of the Red Cross to thank Ms. Kaplan for her extraordinary service as a member of the Board of Governors.

March might be American Red Cross Month in America. But the first week of April will be a week to honor and celebrate Ann Kaplan's contributions to strengthen the organization as it strives to better serve this great Nation.

HONORING MERCER MIDDLE
SCHOOL'S WINTER FOOD DRIVE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize Mercer Middle School in Aldie, Virginia, which recently finished a winter food drive.

As a result of this, Mercer students were able to donate 600 pounds of food to Loudoun Interfaith Relief, the largest food pantry in Loudoun County. I sincerely appreciate their efforts to address the serious challenge of hunger in our community.

As hard as it may be for some to believe, families are going hungry in Fairfax and Loudoun counties in northern Virginia. I have been meeting with the local food banks and pantries on a regular basis for the past several years and they all tell me demand is at an all-time high. In fact, families who used to regularly donate to some food pantries are now coming to receive food. One local pantry actually closed for several days last fall because its shelves were bare.

On March 23, I attended a wonderful event at Mercer where the students presented the food donations to Loudoun Interfaith Relief. I was impressed by their hard work and their service to their community. This service project could not have been possible without the support of Principal John Duellman and PTA President Karen Goodwin.

I congratulate all the students, teachers and parents who participated in Mercer Middle School's winter food drive.

IN RECOGNITION OF THE PUBLIC
SERVICE OF LARRY LAVENDAR

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. BACHUS. Mr. Speaker, Members of Congress are only as effective as the loyal staff members who serve them. Our staff professionals are public servants every bit as much as those of us who have been elected. Motivated to work for the common good, they perform their jobs without fanfare and frequently stay on the job late nights and weekends to help develop solutions to the chal-

lenges facing our people and country. This House could not function without these highly talented and dedicated individuals, and it has been my privilege to have had one of the best at my side in Larry Lavender. As he departs from my office after many years of loyal service, I want to publicly recognize and thank Larry for his wise counsel, frank advice, and friendship. When Larry agreed to be my Chief of Staff when I was first elected to the House, he brought experience as a businessman and top administrator in the city government of my native Birmingham, Alabama. He shared my ethic that the purpose of our office was to provide the people of Alabama with the highest level of representation. From the start, Larry demonstrated a unique talent to assemble the best staff team to achieve goals. When I was selected to serve as Ranking Member and then Chairman of the House Financial Services Committee, there would be no one better suited to serve as my staff director. Larry's policy, management, and leadership skills helped us to navigate the challenges of the deepest financial crisis to occur in the United States since the Great Depression. During those historic times, his sole intent was to work to find the right answers to solve the unprecedented issues facing our financial sector and nation. Under highly uncertain and stressful conditions, he consistently supplied wise and reasoned counsel. Everyone who has met Larry has been impressed by management ability, policy and political acumen, strong belief in principle, and above all his modesty and integrity. Just as important to Larry, he is a devoted husband, father, and Marine. His children Rachel and Jacob are rightfully proud of him, and we know that his lovely wife Kathryn and young son Harrison Clay have brought a special new joy to his life at home. For being a trusted and valued adviser to both experienced and new House Members, a mentor to countless staffers, and a loyal friend to me, it is with appreciation and gratitude that I take this opportunity to permanently commemorate Larry Lavender's service to the people of Alabama and America.

WOMEN'S HISTORY MONTH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. WILSON of South Carolina. Mr. Speaker, in 1987, Congress declared March to serve as "Women's History Month," in efforts to acknowledge the important role women have played in shaping America. In honor of this occasion, I would like to recognize the leadership of County Councilwoman Joyce Dickerson, my good friend, who has proudly been serving the constituents of the Second District in Richland County, South Carolina, since January 2005. Councilwoman Dickerson is committed to creating economic development opportunities and growing relationships between constituents and elected leaders in South Carolina. As President-elect of the National Foundation for Women Legislators and the incoming Chair, I commend Joyce Dickerson for her efforts to empower elected

women in South Carolina and across this great Nation.

A TRIBUTE TO DIANE GIN, 29TH
CONGRESSIONAL DISTRICT
WOMAN OF THE YEAR—2012

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year during the month of March, we pay special tribute to the accomplishments made by our Nation's most distinguished women.

I stand today to pay tribute to Diane Gin of Monterey Park, California. Not only has Diane raised an incredible and successful extended family, she has also dedicated her life to improving the lives of the families around her. Diane grew up in Los Angeles, and attended California State University, Los Angeles, where she graduated with a Bachelor of Arts in Child Development. Since then, she has amassed an astounding thirty-five years of experience in the classroom, and is currently a 4th grade teacher in the City of South Gate at State Street Elementary School.

Ms. Gin has proven herself to be a leader outside of her own classroom, exemplifying a true dedication to improving the lives of our youth. She has served as President of the Mark Keppel High School PTSA, and President of the Alhambra PTA Council for the Alhambra Unified School District, and continues to serve the PTA Council as chair of the scholarship committee, although she has no children presently attending school. In addition, Diane has served as the parent coordinator for the Orange County Dance Association.

Today, Ms. Gin serves as President of the United Methodist Women at the Monterey Park Shepherd of the Hills United Methodist Church. She has chaired the Staff Parish Relations Committee and educational program, and currently teaches a Friday night youth group and Sunday school. Diane is also the Past President of the United Methodist Women of the Pasadena District, and has served on the Staff Parish Relations Committee for the District Superintendent of the Pasadena District.

Diane continues to reach out to our youth, serving as a Girl Scout troop leader for 25 years, where she currently sits on the Gold Award Review Committee, which interviews applicants for the Gold Award.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Diane Gin, for her exceptional service to the community and to our Nation's children.

TO EXPAND THE DEFINITION OF
HOMELESS FOR VETERANS

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. HAHN. Mr. Speaker, no veteran should ever experience homelessness. I don't have to tell anyone in this body that this, unfortunately, is not the case. According to a point-in-time study, on one January night in 2009 an estimated 75,609 veterans experienced homelessness and veterans are vastly over-represented in the homeless population in America. The Department of Veterans Affairs has developed a number of programs to assist homeless veterans and, while more can be done, it's important to make sure that all homeless veterans can access the programs designed to help them.

In order to qualify for benefits available to homeless veterans through the VA, an individual must meet the definition of "homeless" codified as part of the McKinney-Vento Homeless Assistance Act. In 2009, the HEARTH Act expanded the definition of homeless to reflect our present reality and include individuals in transitional housing, persons living in motels and persons who would imminently lose their housing. A change was also made to the McKinney-Vento Act to expand the definition of homeless to include individuals fleeing a situation of domestic violence or some other life-threatening condition. This change, however, is not currently reflected in the definition of "homeless veteran."

That is why I am introducing this legislation, which will correct and expand the definition of "homeless veteran" to include veterans who are fleeing situations of domestic violence. This small change will allow those veterans who find the courage and the means to leave their abusers the chance to access the benefits that should be available to all homeless veterans.

By passing this bill, we will ensure that this especially vulnerable population of veterans has the chance to access benefits the Department of Veterans Affairs already provides. This bill is one small step to ensuring every homeless veteran can access the benefits they deserve.

HONORING MS. MARIA TRAVIERSO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women's History month I rise today to honor Ms. Maria Traverso, a professional bilingual journalist serving the South Florida community.

Ms. Traverso graduated from the University of Costa Rica with a Bachelor's degree in Journalism and Public Relations. She furthered her education by learning English at Florida National College and Miami-Dade Community College. Ms. Traverso began her journalism career as a reporter for La

Republica newspaper in Costa Rica in 1980. However, her talents were truly recognized when she became Editor-in-Chief of El Diario, a community newspaper based in Miami. Her passion and commitment to journalism is clearly evident, and admirable.

Ms. Traverso most recently served as Senior Editor and Copy Editor of the Sun-Sentinel, a position she held for many years. Her thorough reports on various topics ranging from immigration policy to Hispanic culture have informed countless English and Spanish speaking individuals in South Florida. During her tenure, she received various awards and recognitions including first place in Community Story Writing for the Spanish Language Division in the Florida Society of News Editors 2010 Competition.

Mr. Speaker, I am honored to pay tribute to Ms. Maria Traverso for her continued service to the South Florida community and I ask my colleagues to join me in recognizing this remarkable individual.

IN OPPOSITION TO H.R. 2779 AND
H.R. 2682

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. HIRONO. Mr. Speaker, I'd like to discuss two bills that this Chamber passed earlier this week, H.R. 2779, a bill to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act, and H.R. 2682, the Business Risk Mitigation and Price Stabilization Act.

The stated intent of these bills seems simple enough—to make supposedly necessary exemptions and clarifications to the Dodd-Frank Act. However, Americans for Financial Reform, a coalition of over 250 unions, consumer groups, think-tanks, and others have raised some serious concerns about the negative consequences these changes could have on the implementation of the law, and also question whether these changes are even necessary.

Certainly it is appropriate for Congress to revisit laws that have been passed, and to conduct oversight of the work of regulators. However, Congress has asked the Commodities Futures Trading Commission and Securities and Exchange Commission to do a complicated job monitoring a big and complex market.

How big and how complex? According to The Economist, the world's gross domestic product totals approximately \$65 trillion. The total value of the global trade in derivatives is estimated to be 10 times larger than that—over \$600 billion. Warren Buffett has even stated that derivatives are "financial weapons of mass destruction, carrying dangers that, while now latent, are potentially lethal." Unfortunately, as the spectacular collapse of AIG made clear, we know that he was right.

The Dodd-Frank Act was passed to reign in the abuses that caused the financial crisis, and to establish clear rules of the road to help prevent another crisis from ever happening. I

believe, as Americans for Financial Reform point out, that the law provides regulators with the flexibility to address the issues that H.R. 2779 and H.R. 2682 seek to address without changing the statute. We need to let them get on with the job they've been asked to do.

Therefore, I opposed passage of these measures.

IN RECOGNITION OF THE LEADERSHIP
OF LEWISVILLE FIRE CAPTAIN
TERRY WILCOX

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor a brave and dedicated leader, Lewisville Fire Department Captain Terry Wilcox. Captain Wilcox has spent his entire career of almost 38 years serving in the Lewisville Fire Department, protecting and promoting the safety of the citizens of the City of Lewisville.

Captain Wilcox is a highly respected member of both the community and the Fire Department. A lifelong resident of Lewisville, he graduated high school in May 1974 and joined the Fire Department in September of the same year to give back to the community that raised him. As a testament to his hard work and leadership, on May 1, 1985 he was promoted to Captain, a rank he has held for almost 27 years.

Captain Wilcox is married to Charlotte Wilcox, who also gives back to the community by serving on the Highland Village, Texas City Council. Together they have two children, Tiffany and Travis, as well as two grandchildren. In what little spare time is available, Captain Wilcox is an avid fisherman and hunter, hobbies he enjoys together with his son.

On March 31, 2012, Captain Wilcox will retire from the Lewisville Fire Department as the most senior officer ever in the history of the department. After almost four decades of public service, his leadership, professionalism and dedication will not be forgotten by the City of Lewisville. His devotion to his career, his fellow firefighters and the citizens of Lewisville are absolute and will be deeply missed by all those that he has had the opportunity to assist and influence.

It is my great privilege to recognize Lewisville Fire Department Captain Terry Wilcox for his service, and I am privileged to represent the City of Lewisville in the U.S. House of Representatives.

TRIBUTE TO RIVERSIDE CHAMBER
OF COMMERCE CITIZEN OF THE
YEAR GORDON BOURNS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and

dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Gordon Bourns is one of these individuals. On March 28, 2012, Gordon will receive a prestigious honor when the Riverside Chamber of Commerce names him the 2011 Citizen of the Year at the organization's annual awards and installation dinner.

Gordon Bourns joined Bourns, Inc. in 1973 and has managed various business units and operations within the company since that time. He was elected Chairman of the Board in December 1988 by the company's Board of Directors, and was also elected President in 1990.

Mr. Bourns now serves as the company's Chairman of the Board and Chief Executive Officer. Mr. Bourns heads a worldwide electronics corporation, which manufactures more than 3,000 different products at 12 domestic and international facilities, with over 4,000 employees worldwide. Mr. Bourns is the son of the cofounders of Bourns, Inc., Marian and Rosemary Bourns.

Mr. Bourns represented Bourns, Inc. in 1994 when the Corporation received the prestigious Entrepreneur of the Year Award from Inc[®] Magazine. Mr. Bourns currently focuses much of his attention on strategic planning to accomplish the company's strategic plans, which will double the sales and profits of Bourns over a five-year period. Mr. Bourns has led the Bourns commitment through the Six Sigma and Bourns Production System quality process to assure the company meets or exceeds customer requirements and specifications, while anticipating future needs through the continuous improvement of people, processes, products and services.

Mr. Bourns has been an active participant in community affairs. He is a member of the Board of Directors for the UCR Foundation and is the past chairman of that board. He serves as Chairman of the Board of Advisors for the Marlan and Rosemary Bourns College of Engineering at UC Riverside and as Chairman of the Board of Visitors at California Baptist University. He is also Chief Financial Officer of the School Board for the Woodcrest Christian School System. Mr. Bourns, an Eagle Scout, is a past recipient of the Inland Empire Boy Scouts Distinguished Citizen of the Year Award.

In light of all Gordon Bourns has done for the community of Riverside, the Riverside Chamber of Commerce named Gordon their

Citizen of the Year. Gordon's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

HONORING THIS YEAR'S CREDIT UNION CHERRY BLOSSOM TEN MILE RUN AND 5K WALK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to be one of the many Members of Congress who serve as Honorary Race Chair for this year's Credit Union Cherry Blossom Ten Mile Run and 5K Walk.

I'm even prouder that my daughter, Patricia Lehtinen, will be taking part in the ten mile race, which will be held this Sunday, April 1 at 7:30 a.m.

Beginning and ending at the grounds of the Washington Monument, this race raises awareness for the Children's Miracle Network and has helped millions of children in hospitals who might not otherwise be able to afford treatment.

Children's Miracle Network is a network of 170 affiliate hospitals across the United States, including Miami Children's Hospital in my South Florida community.

Miami Children's is a world leader in pediatric healthcare and South Florida's only free-standing hospital dedicated exclusively to children.

I thank the nearly 200 of my congressional colleagues who are also Honorary Race Chairs for this year's event.

Our congressional community can get involved and make a difference together, without fanfare, or votes, or debate and just do the right thing and help.

I encourage everyone do their part and help in this worthy cause.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4,

1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 29, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 18

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine financial management and business transformation at the Department of Defense.

SD-G50

APRIL 25

2 p.m.

Armed Services

Personnel Subcommittee

To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-106

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine current readiness of U.S. forces in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A